

REPORT OF THE PROCEEDINGS OF
The ORDINANCE REVIEW COMMITTEE
OF THE VILLAGE OF ARLINGTON HEIGHTS PLAN COMMISSION
HELD AT VILLAGE HALL ON:

May 26, 2021

Project Title: Arlington International Racecourse Overlay Zone
Amendments to Chapter 28 establishing an Overlay Zoning District and
Chapter 29 Subdivision Regulations

Petitioner: Village of Arlington Heights
33 S. Arlington Heights Road
Arlington Heights, IL

Requested Action:

Chapter 28 Text Amendment: Overlay Zoning District Arlington International Racecourse
Chapter 29 Subdivision Regulations Text Amendment

Attendees: Susan Dawson, Plan Commissioner
Bruce Green, Plan Commissioner
Lynn Jensen, Plan Commissioner
Terry Ennes, Plan Commissioner
Bill Enright, Assistant Director Planning and Community Development
Charles Witherington Perkins, Director of Planning and Community
Development

Background

On May 3, 2021 the Village Board adopted Resolution R2021—016, directing the Plan Commission to conduct a public hearing to consider recommendations to the Board relating to an overlay zoning district for the 326 acre Arlington International Racecourse. The first step in the process to consider text amendments is a meeting of the Ordinance Review Committee.

Meeting Discussion:

B. Enright called the Roll Call: Commissioner Green: yes; Commissioner Jensen: yes; Commissioner Ennes: yes; Commissioner Dawson: yes. Commissioner Drost was not present. 4 of 5 members of the Committee are present so we have a quorum.

Commissioner Green read the covid statement/disclosure into the record.

B. Enright indicated that Commissioner Drost was in the past the Chair of this committee, but it's time to appoint a new chair. Is there a motion to appoint?

Commissioner Green made the motion to appoint Commissioner Jensen as Chairperson; Commissioner Ennes seconded the motion.

Roll Call: Commissioner Green: yes; Commissioner Jensen: yes; Commissioner Dawson: yes; Commissioner Ennes: yes. The motion passed 4-0.

B. Enright indicated that there are no minutes to approve nor old business items, and one new business item. Commissioner Jensen asked staff to present the staff's report.

B. Enright stated that the Ordinance Review Committee is a subcommittee of the Plan Commission and consists of 5 members, 4 tonight, of the 9 Plan Commissioners. The ORC purpose is to consider amendments to Chapter 28 zoning and Chapter 29 Subdivision regulations. Tonight specifically the proposed amendments relate to Arlington International Racecourse.

On May 3rd the Village Board acted in response to the announced sale of the racecourse by adopting Resolution 2021-016 directing the Plan Commission to hold a public hearing to consider an overlay zoning district and amendments to the subdivision regulations related to the Arlington International Racecourse property. The first step in this process is a public meeting of the ORC, who would make a recommendation to the full Plan Commission, who would hold a public hearing. The public hearing of the Plan Commission is scheduled for June 9, at 7.30pm. the Plan Commission would then make a recommendation to the Village Board, who have final authority on approving the amendments.

The overall purpose of the overlay zone is to ensure that the whole racetrack site is developed as part of a comprehensive master plan rather than subdivided and developed piecemeal. In addition, the overlay zone expressly prohibits certain uses the Village sees as not conducive to good, high quality development that we want to see at this important site. The current B-3 zoning allows for auto related uses and is not conducive to promoting mixed use development. A second phase would expand on the overlay to include setting development bulk standards for height, density, setbacks among others, taking into consideration potential future uses and development concepts. It is important to note the this overlay zone does not preclude the racetrack from continuing to operate under current or new ownership.

There are several components of the proposed overlay:

- a) requiring that the site develop subject to a Planned Unit Development to ensure that the property develops in a comprehensive manner and would also require a public hearing process to consider any development to be approved by the Village Board;
- b) that certain uses allowed in the B-3 zone are not permitted at this site; said uses are listed in the staff memo;
- c) that developer's preserve natural site features such as Salt Creek, and that transit oriented mixed use development is desired within 1,300 lineal feet of the Metra train station;
- d) the requirement that the division of land shall only be permitted as part of a master planned development;
- e) that impact fees and land dedication for public services will be required as part of the planned unit development;

f) a requirement that sustainable development features are provided such as energy efficient buildings, electric vehicle chargers, bike access among others.

Regarding item 'c' the Village would like to encourage that the area within 1,300 lineal feet of the Metra station develop for Transit Oriented Development including a mix of uses such as residential and commercial. The standard for TOD development is $\frac{1}{4}$ to $\frac{1}{2}$ mile from a transit station, and 1,300 feet represents $\frac{1}{4}$ mile, which is very similar to downtown Arlington Heights.

B. Enright presented a graphic depicting the boundaries of the proposed overlay zone which indicates that all 326 acres of the racetrack property is included in the overlay.

Exhibit B depicts the proposed text amendment to Chapter 29 Subdivision Regulations and the proposed amendment would add a subsection 'd' to Section 29-104. The new section recommended reads as follows: "d. Arlington International Racecourse Property: The division of any of the 326 acre Arlington International Racecourse property shall only be permitted as part of approval of a master planned unit development for the entire property. Exempt subdivisions per 29-104c are prohibited."

B. Enright indicated that the Village Board has reviewed these amendments and directed the Plan Commission to hold a public hearing to consider these amendments. In summary the recommended amendments to chapter 28 and chapter 29 of the Municipal code are initial, important steps in guiding possible future development at Arlington International Racecourse, and would not preclude the track from operating as a horse racing facility in the future. However, if additional development or redevelopment of the 326 acre site is proposed, the Village will be better prepared with these amendments to ensure that the property is developed in a master planned, high quality development benefitting the Village and region.

Two specific recommendations are suggested: a) to amend Chapter 28 to establish an Overlay Zoning district for Arlington International Racecourse; and b) amending Chapter 29 subdivision control regulations relating to future subdivision of Arlington International Racecourse.

B. Enright concluded staff's presentation.

Chairman Jensen then opened the floor to questions from the Commissioners.

Commissioner Ennes asked about the Off Track Betting and restaurant, and the backstretch area and how they would be impacted. Does staff know if any backstretch buildings are leased to businesses?

B. Enright said he was not aware of any backstretch area being leased. Any existing uses could remain with adoption of the overlay zone.

C. Perkins added that the OTB is tied to the racing license and the restaurant is allowed per the special use, so the restaurant could continue.

Commissioner Ennes asked if the overlay would require LEED certification for sustainable development?

B. Enright indicated that the overlay is worded more generally to encourage sustainable development but that it would not require LEED certification.

Commissioner Ennes asked if the Village has taken into consideration the current owner's ability to sell the property and the legal impact of these new restrictions?

B. Enright indicated that a lot of what we are doing is setting up standards to try and ensure good, quality development such as higher density, mixed use transit oriented development. Some uses are listed as prohibited but any developer could seek a variation to allow for a use listed as prohibited if that use makes sense via a variation or amendment process. Staff does not see many of these uses driving development. Warehousing could be considered as part of a master plan on a limited basis.

Commissioner Ennes: I don't see that as highest and best use for that property.

Commissioner Ennes mentioned that with the apparent indication is that there will be no continuation of racing if its sold by the current owners...they don't want it. Obviously, they've got their OTB somewhere else and they would like to move the track somewhere else, so it appears that's their intention. So there isn't going to be a going concern in what the use value would be out there - what he's got is to sell it for alternate development.

B. Enright: I don't know what the future is for the racetrack whether it will continue to be operated as a track. Certainly Churchill Downs has made their intentions clear. It remains to be seen who will bid on the site and put forth proposals so it's premature to even speculate on that.

C. Perkins added that the Village informed Churchill downs and their real estate brokerage firm of the proposed amendments prior to the Village Board discussing May 3rd.

Commissioner Ennes added that it could be a benefit for them.

C. Perkins agreed.

Commissioner Dawson asked if the site was one tax parcel or are there multiple tax parcels?

B. Enright stated he did not have that answer, however tax parcels are certainly separate from subdivided parcels.

Commissioner Dawson asked if they were going to sell off in pieces, it would have to be subdivided, correct?

B. Enright answered not necessarily as the site could be sold off via meets and bounds and then they come back later to subdivide. We can't control how they sell the site but the Village is making

it clear that with the overlay that any redevelopment has to be master planned for the whole 326 acres and subdivision is only allowed as part of a master planned development.

Commissioner Dawson stated that she saw this amendment as not having a big impact and the fact we are saying that it has to be part of a master plan she didn't think that is much of a change as it would be required anyway.

B. Enright indicated that there are exempt subdivisions and its possible that the site could meet the exempt requirement and not require a public approval process through the Village.

Commissioner Dawson asked what if they wanted to sell for a sporting facility such as football or soccer, could those uses be allowed?

B. Enright indicted that a stadium would require a special use from the Village which requires a public hearing of the Plan Commission and Village Board approval.

Commissioner Green stated that his questions had been asked and answered.

Chairman Jensen asked if the list of prohibited uses is definitive or would more be added. Also does recommended section 29-104 say that only one PUD is allowed or could there be multiple PUD's for the site.

B. Enright said the list is definitive and no additional uses are suggested at this time. Variations could be sought in the future to allow any listed use. As for one PUD versus multiple, it would likely be one master PUD for the whole site. It's possible a developer could seek multiple PUD's if coordinated and planned, but not likely.

Chairman Jensen asked if there were questions from the public?

B. Enright indicated that no public attendee had clicked on the raise hand icon, therefore no questions from the public.

Chairman Jensen asked for a motion.

Commissioner Dawson made the following motion: **To recommend to the Plan Commission approval of the following:**

- a) An amendment to Chapter 28 Zoning Regulations creating an Overlay Zoning District for Arlington International Racecourse; and**
- b) An amendment to Chapter 29 Subdivision Control Regulations related to future subdivision of Arlington International Racecourse.**

Commissioner Green seconded the motion.

Roll Call:

Commissioner Dawson: Yes

Commissioner Green: Yes
Commissioner Ennes: Yes
Chairman Jensen: Yes

Motion passed 4-0

Chairman Jensen asked for a motion to adjourn.

Motion to adjourn made by Commissioner Ennes
Seconded by Commissioner Dawson.

Roll Call:
Commissioner Ennes: Yes
Commissioner Dawson: Yes
Commissioner Green: Yes
Chairman Jensen: Yes

Motion to Adjourn passed 4-0.

The meeting adjourned at 6:30pm.

Lynn Jensen, Chairman
Ordinance Review Committee
Bill Enright, Recorder