

PLAN

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

COMMISSION

RE: CHAPTER 28 TEXT AMENDMENTS - PC #21-017

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 25th day of August, 2021 at the hour of 7:30 p.m.

MEMBERS PRESENT:

SUSAN DAWSON, Chairperson
LYNN JENSEN
MARY JO WARSKOW
TERRY ENNES
JOHN SIGALOS
JAY CHERWIN

ALSO PRESENT:

SAM HUBBARD, Development Planner
BILL ENRIGHT, Deputy Director of Planning and Community Development

CHAIRPERSON DAWSON: Hello, everybody. Before we get started, should I call to order first or say, you want me to --

MR. HUBBARD: You call to order.

CHAIRPERSON DAWSON: Call to order? Okay, I'm going to call the meeting to order. Before we move on to the pledge, I want to let everybody know that due to recent increase in COVID infections throughout Cook County, the Village is following guidance from the CDC and the Illinois Department of Public Health which has recommended that all individuals wear a mask in public settings regardless of their vaccination requirements. Accordingly, all individuals tonight are required to wear a mask while in the building regardless of whether they are fully vaccinated or not, and the Plan Commission thanks you very much for your cooperation.

So, with that, let's say the pledge.

(Pledge of Allegiance recited.)

CHAIRPERSON DAWSON: All right, roll call.

MR. HUBBARD: Commissioner Cherwin.

COMMISSIONER CHERWIN: Here.

MR. HUBBARD: Commissioner Drost.

(No response.)

MR. HUBBARD: Commissioner Ennes.

COMMISSIONER ENNES: Here.

MR. HUBBARD: Commissioner Green.

(No response.)

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: Here.

MR. HUBBARD: Commissioner Lorenzini.

(No response.)

MR. HUBBARD: Commissioner Sigalos.

COMMISSIONER SIGALOS: Here.

MR. HUBBARD: Commissioner Warskow.

COMMISSIONER WARSKOW: Here.

MR. HUBBARD: Chairwoman Dawson.

CHAIRPERSON DAWSON: Here.

Okay, the first order of business is approval of the minutes. We have Midwest Tattoo, Hickory Kensington Apartments, and Budget.

All in favor? Any comments, questions?

Oh, motion, sorry, motion to approve?

COMMISSIONER ENNES: I'll move.

CHAIRPERSON DAWSON: I went right to calling for a vote. I need a second.

COMMISSIONER WARSKOW: Second.

CHAIRPERSON DAWSON: All right, now all in favor?

(Chorus of ayes.)

CHAIRPERSON DAWSON: Any opposed? Any abstains?

(No response.)

CHAIRPERSON DAWSON: All right, motion carries.

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Okay, so, first item on our agenda is the Chapter 28 Text Amendments.

MR. ENRIGHT: Thank you, Chairman Dawson.

In 2018, the Plan Commission recommended, and the Village Board approved, numerous amendments to the Chapter 28 zoning regulations. However, when the ordinance was drafted by Staff for review by the Board, the ordinance mistakenly merged the minimum lot size standard within each of the residential zoning districts with the minimum lot width standards.

So, in the exhibits I showed you, and Exhibit A is an example of what was done with the 2018, or that's Exhibit B. Exhibit A is how it was read prior to 2018, and then Exhibit B is after the amendments and how it's currently written. So, the new amendment is included in your packet for Chapter 28 and on Novus as well.

So, basically, the ordinance corrects the errors from 2018. We still had a minimum lot size standard, it's not like it disappeared in total, which is 8,750 for the R-3 Districts. However, it didn't separate the corner lots. So, fortunately, this mistake didn't come back to bite us, so to speak, because we haven't had any subdivisions that have gone through the process where this became an issue.

We also, there are a couple of subsections in 5.1-3.1(a) and (b). These two subsections are from other R Districts other than the R-3 District. It should not have been added in 2018 to the R-3 District. The reason for that is in the R-3 District, these two sections aren't in there because we do allow for smaller lot sizes in the R-3 District as long as the majority of the lots on your block are smaller than the 70-foot standard.

So, you can go down as small as 49 feet in the R-3 District. The reason for that historically is that, you know, we have a lot of lots that were platted prior to the 1959 Village Zoning Ordinance adoption which set up a lot of our present day standards. A lot of the lots in the center part of town are smaller because they're older, which is pretty typical for older suburban areas. So, we have a lot of 50-foot lots, 55-foot lots, 60-foot lots in the center part of town versus the standard 70 in the far north and south sides. So, that section inadvertently got into the R-3 section when it shouldn't have been in there.

Then, also, one last thing is the definition of Institutional Residential, we used to have a definition in there, it was taken out, but we do feel in retrospect that we do need it. We made a couple of slight modifications. We kind of actually merged two definitions, Institutional Non-Residential and Institutional Residential into one definition. Basically, what we're recommending is a definition for Institutional Residential, so *a housing facility owned, managed, supervised, or controlled by an organization such as a place of worship, public school, hospital, intermediate care facility, or municipal-owned or operated building. Such housing facility shall be used for dwelling purposes only and be limited to members of, or persons under the supervision or control of the institutional organization, but not limited to elderly, students, clergy, and disabled.*

So, we need that Institutional Residential definition because we do have a line item in the permitted use table for that use. We all know what that means, but we often need to refer to a definition to clarify it for developers or the public. So, we have to add that back in, slightly modified from the previous one to be a little more clear.

So, you know, that's pretty much the extent of it. It's basically kind of undoing an error from 2018. Although we have had something in code, it just wasn't what we

really wanted in terms of the, particularly the corner lots, and also these two subsections that should not have been in the R-3 District. Again, it hasn't come back to haunt us, so to speak. So, you know, we've had a couple of subdivisions in the last three years, but this issue didn't affect those.

CHAIRPERSON DAWSON: Okay, in terms of point of order, do I need to have a motion to bring that into the record? Is that required for this section on it?

MR. ENRIGHT: You can enter the Staff memorandum into the record, sure.

CHAIRPERSON DAWSON: Okay, can I have a motion to enter the Staff memorandum?

COMMISSIONER WARSKOW: I'll make such motion.

COMMISSIONER CHERWIN: I'll second.

CHAIRPERSON DAWSON: All in favor?

(Chorus of ayes.)

CHAIRPERSON DAWSON: Any opposed?

(No response.)

CHAIRPERSON DAWSON: Okay, great. Anybody have any questions regarding the amendment?

Lynn, yes?

COMMISSIONER JENSEN: Minor question. In your memo, you mentioned in 5.1-3.5(f), you said that if the area is one acre or more, the only requirement for lot width is 50 feet. That seems a little out of place when you look at all the lot widths. So, could you elaborate on that?

MR. ENRIGHT: Yes, I'm trying to see where you're referring to here.

COMMISSIONER JENSEN: Two of four, let's see, so on the second page.

MR. ENRIGHT: Yes, I don't, are you talking about the copy from the Municipal Code? Exhibit A?

COMMISSIONER JENSEN: No, I was actually working from your memorandum, I'm sorry.

MR. ENRIGHT: Yes, Exhibit A of the memo.

COMMISSIONER JENSEN: Yes. So, I'm just wondering what the explanation for why a narrower width would be required if the lot is one acre or more. I want to make sure that's accurate and not a mistake or a typo.

MR. ENRIGHT: Yes, I'm just looking to see where you're reading that. Oh, okay, yes.

COMMISSIONER JENSEN: 5.1-3.5.

MR. ENRIGHT: Okay, so, yes.

COMMISSIONER JENSEN: The lot width, go down to the very last --

MR. ENRIGHT: Oh, you know what, I think that's, I'm glad you caught that. That's supposed to be 150.

COMMISSIONER JENSEN: That's kind of what I've been saying.

CHAIRPERSON DAWSON: Good catch.

MR. ENRIGHT: Good eyes.

CHAIRPERSON DAWSON: Way to go, Lynn.

MR. ENRIGHT: We'll make that edit to the, well, this is actually, we don't

actually have to make that edit because this exhibit is the code prior to the changes. So, I'll have to look and see what that says if it's, I'm not sure if that's still incorrect or not.

COMMISSIONER ENNES: In the corrected memo?

MR. ENRIGHT: In the 2018 amendments. So, if it isn't, then we'll make sure that that's clarified and corrected, but yes, what you're looking at there was the previous code.

COMMISSIONER JENSEN: Ah, okay.

MR. ENRIGHT: That was something that was in there for, it looks like a typo.

CHAIRPERSON DAWSON: Any other comments? Any questions?

COMMISSIONER ENNES: I do.

Director Enright, the corrections went out --

CHAIRPERSON DAWSON: You called him Director.

COMMISSIONER WARSKOW: You gave him a promotion.

COMMISSIONER ENNES: Deputy Director.

CHAIRPERSON DAWSON: You had a promotion. Does Charles know?

COMMISSIONER ENNES: Yes, okay, either way. The corrections went out to the Ordinance Review Committee? They've reviewed all that?

MR. ENRIGHT: Yes, I sent it out as a courtesy to the Ordinance Review Committee asking if anybody wanted to have an Ordinance Review Committee meeting. No one responded that they thought it was necessary given the scope of the amendment.

COMMISSIONER ENNES: Okay, so it's your belief that everybody on the committee has reviewed the corrections and didn't have a problem with them?

MR. ENRIGHT: That's my belief. I can't --

COMMISSIONER ENNES: Okay, we had the opportunity --

MR. ENRIGHT: No one responded at all, so --

COMMISSIONER ENNES: We had the opportunity to bring anything to your attention, okay.

MR. ENRIGHT: Yes, for sure.

COMMISSIONER ENNES: I've got to say, I missed the 50, although I'd have to go back to the amended to see if that was in there also. That's the only thing I have.

CHAIRPERSON DAWSON: Any other questions from the Board?

COMMISSIONER CHERWIN: I just had one thing, I guess. Bill, you had mentioned in the definition of Institutional Residential, that there was a slight change from the prior definition, but I didn't see that on the submitted as a redline from what we used to have.

COMMISSIONER JENSEN: Or that you have nothing currently?

MR. ENRIGHT: Yes, I mean, basically we added the specificity of public place of worship, public school, hospital. That was from the non-residential. So, we just kind of merged it into this definition to make it more clear what it covered.

CHAIRPERSON DAWSON: All right, we will now open it up to public commentary.

Is there anybody in the audience that is here to discuss the amendment?

(No response.)

CHAIRPERSON DAWSON: All right, it doesn't appear that there is, so we'll

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close public commentary.

Any further comments or do I have a motion?

COMMISSIONER JENSEN: I have motion. Move acceptance.

A motion to recommend to the Village Board of Trustees approval of PC #21-017, Text Amendments to Chapter 28, Section 28-3 and Section 28-5, regarding 'Definition' and Minimum Lot Size.'

CHAIRPERSON DAWSON: Do you want to make a comment or just move acceptance? Okay, you don't feel like you need to point out the error?

COMMISSIONER JENSEN: Well, since he says it may not be on the, we're accepting actually the new language and I think it's correct in the new language, but you're going to check that, right, Bill?

MR. ENRIGHT: Right, right. The exhibit that the Commissioner was referring to was the code prior to the changes.

CHAIRPERSON DAWSON: Okay, got it. Okay. All right.

MR. ENRIGHT: So, I just have to verify that the current code is accurate, but I don't have the full code in front of me. If it's not, I'll make sure it gets into the ordinance.

CHAIRPERSON DAWSON: All right.

Any second?

COMMISSIONER CHERWIN: I'll second.

CHAIRPERSON DAWSON: All right, we need a roll call.

MR. ENRIGHT: Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes.

MR. ENRIGHT: Commissioner Ennes.

COMMISSIONER ENNES: Yes.

MR. ENRIGHT: Commissioner Jensen.

COMMISSIONER JENSEN: Yes.

MR. ENRIGHT: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

MR. ENRIGHT: Commissioner Warskow.

COMMISSIONER WARSKOW: Yes.

MR. ENRIGHT: Chairperson Dawson.

CHAIRPERSON DAWSON: Yes.

MR. ENRIGHT: Thank you.

CHAIRPERSON DAWSON: All right, thank you.

(Whereupon, at 7:41 p.m., the public hearing on the above-mentioned petition was adjourned.)