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

COMMISSION

RE: SOUTHPOINT OUTLOT 711-715 EAST RAND ROAD - PC #21-018  
AMENDMENT TO PUD ORDINANCE #90-014 TO ALLOW CHANGES TO THE  
SOUTHPOINT PUD DEVELOPMENT PLAN; SPECIAL USE PERMIT FOR  
RESTAURANT WITH A DRIVE-THROUGH; CONCEPTUAL APPROVAL FOR A  
RESTAURANT WITH A DRIVE-THROUGH; VARIATIONS

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 12th day of January, 2022 at the hour of 7:30 p.m.

MEMBERS PRESENT:

SUSAN DAWSON, Chairperson  
LYNN JENSEN  
MARY JO WARSKOW  
JOE LORENZINI  
BRUCE GREEN  
GEORGE DROST  
TERRY ENNES  
JOHN SIGALOS

ALSO PRESENT:

SAM HUBBARD, Development Planner  
JAKE SCHMIDT, Assistant Planner

CHAIRPERSON DAWSON: Call to order. I don't know what I'm doing, start with pledge? Let's start with the Pledge of Allegiance please.

(Pledge of Allegiance recited.)

CHAIRPERSON DAWSON: All right, welcome, everybody. Let's go. Who's taking roll call?

MR. HUBBARD: I can take roll call.

Commissioner Cherwin.

(No response.)

MR. HUBBARD: Commissioner Drost.

COMMISSIONER DROST: Here.

MR. HUBBARD: Commissioner Ennes.

COMMISSIONER ENNES: 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.

(No response.)

MR. HUBBARD: Chair Dawson.

CHAIRPERSON DAWSON: Here.

All right, I need a minute. Okay, so let's see, approval of minutes.

Thank you, George, I appreciate it.

We have the minutes for Shelter, the Shelter, Inc. meeting. Do I have a motion?

COMMISSIONER GREEN: I'd like to make a motion to approve.

CHAIRPERSON DAWSON: Thank you.

COMMISSIONER DROST: And I'll second.

CHAIRPERSON DAWSON: Any discussion?

(No response.)

CHAIRPERSON DAWSON: All in favor?

(Chorus of ayes.)

CHAIRPERSON DAWSON: All right. Okay, so with that, our first item on the agenda is the Southpoint Outlot. Is our Petitioner here? And have all public notices been given?

MR. HUBBARD: They have.

CHAIRPERSON DAWSON: Petitioner, can you come forward? Anybody who's going to be testifying tonight, please come up so I can swear you in. Please let the record show Commissioner Warskow is here now.

(Witnesses sworn.)

CHAIRPERSON DAWSON: All right, great. Please begin.

MR. SILVERMAN: Hello, my name is Richard Silverman. I'm here on behalf of MJK Real Estate Holding Company. We're a development company out of Northfield, Illinois. We are the property owner for the 1.23 acre parcel, outlot to Floor and Decor at

Southpoint Shopping Center. I am also a property owner at Southpoint Shopping Center of the Dogtopia building, the former Caldwell Banker building, as well as the parking lot in front of the former Bif building that we are proposing an outlot building you guys will hear, the Commission will hear in a couple of weeks.

Tonight, we're here to discuss our freestanding Chipotle, 2,385 square-foot freestanding building. It comes equipped with a new pick-up window for mobile ordering only, no drive-through ordering, no menu board, just app ordering on your phone. Chipotle has been in Arlington Heights for 25 plus years just north of this property. They have done extremely well in Arlington Heights, they want to stay committed to the community, but they would like to re-brand their store. They'd like to upgrade for the COVID factor of the new business with the pick-up window.

We're here today to request approval to build a 2,300 square-foot freestanding building. I can answer any questions or concerns you may have.

CHAIRPERSON DAWSON: Okay, great. So, let's see, do we have conditions for approval? Have you read the Staff report and do you agree with the conditions of approval?

MR. SILVERMAN: I do.

CHAIRPERSON DAWSON: Okay, terrific.

All right, Staff report please.

MR. HUBBARD: Sure, let me close out. You're concluded with your presentation?

MR. SILVERMAN: I can, I figured you would have questions.

CHAIRPERSON DAWSON: Oh, I'm sorry, I thought he was finished. That sounded like finished to me. Are you not finished?

MR. SILVERMAN: I have a presentation. I figured the Committee would have questions.

CHAIRPERSON DAWSON: Sorry, no, we will be asking questions later. When you said any questions, it sounded to me like that was it.

MR. SILVERMAN: I apologize. We just have a short presentation to kind of give you a configuration of where we are.

CHAIRPERSON DAWSON: Sure, yes, go for it. That's what we're here for.

MR. SILVERMAN: The 1.23 acre parcel that we are proposing improving is an outlot to Floor and Decor. It is just west of Floor and Decor. It has frontage on Palatine Road. You will find it just east of Olive Garden. There are seven outlot owners at Southpoint Shopping Center.

There is the outlot, thank you for the aerial. This is a view, street view of it if you are driving eastbound on Palatine Road. That is, it's currently a vacant parking lot that is being used as overflow employee parking for Olive Garden and Chili's.

Here is an aerial of our site plan. Our improvements extend beyond our boundaries of our property line. They extend just south of our parcel. Currently, there is a triangular grass parcel we are improving with additional parking for the shopping center with the focus of employee parking that I had just mentioned from overflow of Olive Garden and Chili's at this point.

Here is a zoom-in of the site plan. The buildings will be orientated with a northern-facing view, parking in front, employee parking in the rear, and parking to the east. Southpoint Shopping Center is cross parking, cross access, which means we all share in

the parking counts together.

The landscaping plan is up to city code, and here is the front view of the building. The northern view is on the top. We're proposing Nichiha panels, glass and EFIS as a building, as recommended at Design Committee that we were at a few weeks ago. This is the southern view of the building and the eastern view of the building.

That concludes my presentation, and I'm happy to answer any questions you have.

CHAIRPERSON DAWSON: All right, thank you.

So, we do Staff presentation, then we'll have questions.

MR. SILVERMAN: No problem, thank you.

CHAIRPERSON DAWSON: Okay, all right, thank you.

All right, Staff presentation please.

MR. HUBBARD: Yes. Good evening, Chairman Dawson and members of the Plan Commission. So, we're meeting tonight to discuss a public hearing on a proposed outlot development. It would include two buildings, one of those including a Chipotle. The property is located at 711-715 East Rand Road. It's within the Southpoint Shopping Center as you've heard. It's zoned B-3 which is a General Service Wholesale and Motor Vehicles District, and it's designated as commercial on our Comprehensive Plan.

When Southpoint was developed as a harmonious shopping center in the early 90's, late 80's, it was developed under a PUD, as a PUD. So, there's a PUD that governs the entire Southpoint Shopping Center. So, in order to make changes to that plan and add two new buildings, they need to modify the previously approved PUD. Additionally, one of the buildings is a 2,300 square-foot Chipotle Restaurant with a drive-through. All restaurants with drive-throughs in the Village of Arlington Heights requires special use permit approval. So, again, the Petitioner is before you this evening for a request for a special use permit.

Additionally, the plan shows a second future Phase II building, about 4,500 square feet in size, and that would be for a future restaurant to include a drive-through. It's just a placeholder at this time and it's I guess the desire of the owner to develop it as such, but they're still looking for tenants. So, the final Phase II has not yet been determined although the conceptual plan shown on the PUD documents would be approved if it is approved by the Village and it would receive PUD approval; however, if and when it does develop as a restaurant in the future, it would need formal special use permit approval or a special use permit waiver.

Additionally, there is one variation requested by the developer. It's for waiving a parking lot landscape island and tree, and I'll get into that in a little bit more detail later.

So, the Petitioner has undergone several actions to get them to the point they're at this evening. In mid 2018 and into early 2019, the Petitioner subdivided the Floor and Decor lot to create the actual platted lot that this development will go on. The Plan Commission may recall it going through the process back in 2018 for that subdivision, and the concept was always to develop it with a commercial development including a drive-through. The previous concept that was floated at that time was for a 10,000 multi-tenant commercial building. The present proposal is for two buildings totaling about 7,000 square feet of commercial floor area, so approximately a 3,000 square-foot reduction in floor area from what was originally contemplated when the subdivision occurred back in 2019.

On May 8th of 2019, they also went to the Conceptual Plan Review Committee for review of this outlot concept. At that time, it was still showing the 10,000 square-foot building, single building, multi-tenant. At that time, the building was oriented with its rear

and drive-through facing North and Palatine Road and its front facing south, and that was a topic of discussion at the Conceptual Plan Review Committee. There were some people that felt it would have a negative appearance with that drive-through and rear of the building facing Palatine Road. Others felt that it could be mitigated for through landscaping. But in any event, the Conceptual Plan Review Committee was supportive of the concept and encouraged the Petitioner to move forward.

The Design Commission met twice in September and in October, sorry, once in September, once in October, to discuss the project. It was continued in September to give the Petitioner an opportunity to make some enhancements to the architecture of the building that would a little more depth and character. When they came back on October 12th, they received approval subject to one condition to alter the location of some of the exterior building materials that the Design Commission felt would enhance the design.

So, here is the site, this is kind of the neighborhood aerial. You can see the Southpoint Shopping Center is outlined in red. The subject property is shaded in red as well. To the north is Palatine Road, and across Palatine Road are single-family residential homes. To the west are the Olive Garden and Chili's restaurants. To the east is the Floor and Decor site and the parking lot. To the south is, immediately to the south is a small, is a fairly large landscaped area and then an inline retail building as well.

So, here is kind of more of a zoomed-in aerial. You can see again the Olive Garden and Chili's, and then there is a landscaped island here. I keep referring to this because this site is currently a parking lot as you heard briefly. It's used mostly as overflow parking for both the Chili's and Olive Garden restaurants. So, when it's developed, most of that overflow parking is going to disappear, and that was something that the Village wanted to mitigate for as part of this process. So, this landscaped area here is proposed to turn into additional parking which would be in close proximity again to the Chili's and in fairly close proximity to the Olive Garden to provide them with some continual overflow parking opportunities because their lot does get to capacity during peak times.

Here is the site plan for the property. It shows the full scope of the changes with exception to some changes to the detention area that will need to occur as part of this development. Again, you can see this is the kind of triangle landscape area that I keep referring to that's being turned into new parking. That's to the south of the development. Again, it's the two-phase development, the second building has the drive-through lane which we can only conceptually approve at this time and would require a formal special use permit approval if and when a restaurant is proposed there.

Here's a zoom-in of the site. It's a fairly well-designed site layout. Again, it does have a strong orientation facing north towards Palatine Road which we feel is a positive thing. It's got good pedestrian connections to the sidewalk network. It's fairly insular, meaning that if there were to be stacking issues with any of these drive-throughs, that stacking wouldn't leach out of the site and onto, you know, other major drive aisles within the shopping center or onto public right-of-way. It's got generous landscape areas especially to the north and along the perimeter, and it does meet code for landscaping with exception to that one shade tree I mentioned.

So, overall, it's a really good site design and the Petitioner has worked extensively with the Village to get it here. I hope they would agree that this is the best state that we've seen this development. They have done several things at the request of the Village. The developer has combined this trash enclosure area to make it so it's one area rather than to have two separate enclosures, one for each business. Again, they reoriented the

building to face north.

They had originally proposed like a one-lane exit only egress point here which the Village had concerns about given adjacency to some of these intersections. So, that was eliminated as well. The Petitioner added decorative crosswalks to some of the areas to make, to again mitigate and make it a more pleasant pedestrian experience for those customers of Chili's and Olive Garden that park here to the east.

However, the Engineering Division did have some concerns with the site design as it relates to the drive-through. Initially, they were concerned about stacking capacity. So, you can see if cars began to stack and got to this point, then they would start to block the drive aisles and the exiting egress from the site. So, they did have that concern. However, as you've heard, this is not your typical drive-through, this is going to be mobile order only. So, you actually order on your app before you get there, you pay for it, and then really you just go through the drive-through to pick it up. You're not sitting in front of a menu board and speaker box and ordering your food and then waiting for them to prepare it in the drive-through lane. It's already preordered before you even get there, or you can pull into the parking lot park, order, and then go through the drive-through lane as well.

However, the Village is recommending a condition of approval that should a future restaurant occupy this site, that it gives the Village the ability to have a little oversight on the drive-through component to make sure that mobile ordering is offered if a new business came in, new restaurant came in and they wanted to utilize the special use permit. Without having mobile ordering, it could create some stacking issues in the drive-through lane, so Staff has recommended a condition of approval that just gives us oversight for Village review if a new restaurant comes in that does not incorporate a mobile ordering component.

One final item to note is that fairly late in the review process, the Petitioner has proposed some changes to the striping along this, what we call the ring road here. Historically, this left-turn lane has extended a little bit farther back. Before we agree to these changes, we'd like a little bit further study to make sure that, you know, this is an improvement and not going to cause any stacking or queuing issues at this intersection.

Relative to landscaping, as I mentioned the site is code compliant. There is one variation needed, and that's for a landscape island and shade tree that was required to be located here. A landscape island with a shade tree is required to be located on both sides of all parking rows. So, as you can see there is one here, there would need to be one here. This is the area they are proposing their outdoor dining in, and so a variation has been requested to waive that requirement because putting a landscape island in here would take away the ideal area for exterior dining.

So, the Petitioner provided a response to the necessary criteria for approval. We believe that the criteria have been met. We think that outdoor dining is something that should be encouraged. It's an amenity especially during these times, so where feasible we want to make sure that we're encouraging it. But we are recommending a condition of approval that should the restaurant leave or a new restaurant occupy the site that does not want outdoor dining, that the property owner will be required to install at the request of the Village a shade tree here within 90 days.

Relative to traffic, the Petitioner hired a traffic consultant to analyze the traffic and parking in the vicinity of this project. The consultant observed traffic movements at all key intersections over several days, two days back in February of 2020 prior to everything shutting down for the pandemic, and then three days in October of 2021. They did find the October 2021 counts to be higher, so that's what they went with for their study. They assigned

the trips that they're estimating to be generating by this development to the neighboring roadways and combined it with the observed traffic volumes that they saw to study the overall traffic impact of this development.

I think the key intersection is probably going to be this intersection here. You can see it's the ring road intersection with Palatine Road. It's a full access, unsignalized intersection. On the other side of the intersection is Eastwood Drive I believe, and that's a residential street, again full access, non-signalized for the entire intersection. The current, this is under current conditions, that intersection on the northbound and southbound approach is classified as a level of service C and F, delay of 23 seconds and about 50 seconds. Upon completion of the development, we're expecting those intersections to have about a 27-second delay and a 53-second delay. So, very minor increases in delay. One of the intersections is already an F, would continue to be so. The northbound approach would be a C going to a D with that four-second increase in delay time.

So, overall, these levels of service are not that bad. They show that the traffic can continue to move through the intersections. There is a signal at Rand Road and Palatine, and a signal at Windsor and Palatine. Those create gaps in the traffic stream that allow these movements to go through. So, in sum, we believe that the projected traffic will be accommodated by all of the surrounding intersections without requiring any significant improvements.

Relative to parking, the site is actually noncompliant relative to code. 68 spaces are required for this outlot, which is actually probably a pretty conservative number. It will probably be less when there is an actual tenant identified for that future restaurant. But with 68 stalls required, 47 are provided on the site, so there is a deficit on the actual outlot site. But again, the Southpoint Shopping Center is governed by an agreement that allows for shared parking across all users. So, the overflow can spill out onto some of the spaces by Floor and Decor or even down here if necessary.

So, from a code standpoint, while the individual site is deficit, overall Southpoint is not. It has a fairly large surplus relative to code requirements. So, from a code standpoint, there is no issue here. We really just want to make sure that there is enough parking and surplus overflow parking for the Chili's and Olive Garden Restaurant.

What the traffic and parking consultant did was they observed parking demand on three areas. The first was the Chili's and Olive Garden Restaurant. Then they observed parking demand here, and then they observed parking demand in the remaining areas of the shopping center to the east. Then based on that demand, they added in the expected demand of parking from the Chili's, I'm sorry, from the proposed Chipotle development, and they determined that while the capacity at Chili's and Olive Garden and times, the capacity here is close to completely full. The development will result in enough surplus parking in these adjacent areas to accommodate for that overflow demand. We don't anticipate a parking problem to occur. If one were to occur, I think it is going to be incumbent on the businesses here to make sure that their customers are parking in the, I'm sorry, their employees are parking in the areas that are farther away from the building and then free up some of the adjacent parking for their customers.

That being said, we are recommending approval of this application subject to six conditions here. I think all of them were referenced in the Staff report, and a few of them were referenced in my presentation this evening. If there are any specific questions, please feel free to ask, and that will conclude my presentation.

CHAIRPERSON DAWSON: Great, thank you, Sam.

Do I have a motion to approve the Staff report?

COMMISSIONER GREEN: So moved.

COMMISSIONER DROST: Second.

CHAIRPERSON DAWSON: All in favor?

(Chorus of ayes.)

CHAIRPERSON DAWSON: All right, do I have any questions for Staff or Petitioner before we open for public commentary?

COMMISSIONER JENSEN: Yes, I just have a couple of clarifying questions. Can you drive across Palatine Road from the mall to the subdivision so you can go all the way through? A lot of places, obviously, we don't allow that to happen. We can cross a major road, but you can at this point, because I know we have a letter from a neighbor who --

MR. HUBBARD: Yes.

COMMISSIONER JENSEN: -- raised that issue. I guess my other question, I guess it's for the Petitioner. Is this mobile ordering going to be the order of the day no matter what the pandemic state is? Is that what you're envisioning happening going forward? You don't envision anybody being able to order off of the board ever in the future, is my understanding correct?

MR. SILVERMAN: Correct. Chipotle is mobile ordering going forward. They were doing it prior to the pandemic, this just absolutely accelerated it.

COMMISSIONER JENSEN: Okay, great. That's all I have. I just wanted to clarify a couple of points.

MR. SILVERMAN: Thank you.

CHAIRPERSON DAWSON: Any other Commissioner comments before we open public commentary? Yes?

COMMISSIONER ENNES: I have a couple of quick questions, one for Staff. Sam, do you know who is paying to convert that landscaped area of parking to a parking lot?

MR. HUBBARD: I would assume --

COMMISSIONER ENNES: You're going to cover the total cost of that?

MR. SILVERMAN: I am covering the total cost of that, that is correct.

COMMISSIONER ENNES: Okay, and I had another question along the line of Lynn's, and that's in regard to that egress to the north. So, there's two egress lanes on the ring road. One is right only on the Palatine or the, what do we call it, the bypass road there, and the other can go straight across or to the left?

MR. SILVERMAN: Yes.

COMMISSIONER ENNES: Okay, that's all I have.

CHAIRPERSON DAWSON: Any other questions before we open it up?

COMMISSIONER LORENZINI: I've got a couple. So, Sam, when that triangular lot is paved, how is that going to affect the drainage?

MR. HUBBARD: So, they will have to make some improvements to the stormwater system to accommodate for that. So, they will be making, I think they're going to be digging out, there is an existing detention basin that serves the entire development. Let's see.

COMMISSIONER LORENZINI: That should be Floor and Decor?

MR. HUBBARD: Yes, you can see it right here. This is an existing detention basin that serves the entire development. So, they will be making some improvements. They're going to be digging it out a little bit deeper. Over the years, it's accumulated a lot of sediment and no longer has the original capacity that it was supposed to



have. So, not only are they going to be restoring the original capacity, but they're going to be adding additional capacity to accommodate for the improvements that are going to happen to the site.

COMMISSIONER LORENZINI: There's no TIF fund being involved with this development?

MR. HUBBARD: No, not that I'm aware of.

COMMISSIONER LORENZINI: Petitioner, how is somebody going to know it's online only if they just happened to see Chipotle and they drive in?

MR. SILVERMAN: I'm sorry, I couldn't hear you.

COMMISSIONER LORENZINI: My mic is not working. How will somebody know it's online ordering only?

MR. SILVERMAN: There is not a menu board and they wouldn't be able to order. They would pull up to the window and the employee would tell them it's mobile ordering only here.

COMMISSIONER WARSKOW: They can walk into the restaurant and order inside the restaurant.

COMMISSIONER LORENZINI: Is there going to be anything stopping the Chili's and Olive Garden people from parking in your lot?

MR. SILVERMAN: We have advised the neighboring property owners of our change in their intention to have employee park there. We will be governing our property and making sure that the employees of the neighboring businesses are parking on the correct lot. My lease with Chipotle, it mandates Chipotle's employees park in the designated employee parking only area already.

COMMISSIONER LORENZINI: Thank you.

COMMISSIONER ENNES: Sam, can they do that under the PUD while the parking lots are shared?

MR. HUBBARD: Yes, right. I mean, right, Chili's and Olive Garden could technically park on this site as well once it's developed because of those shared, you know, parking agreements.

COMMISSIONER ENNES: Okay.

CHAIRPERSON DAWSON: Okay, so with that, we're going to open it up for public commentary if there is any public commentary. If anybody wishes to speak before we begin, make sure you, before you ask your question, you're going to state your first and last name, spell your last name for the court reporter, provide your address if you wish, ask your question, and then when you're done, we'll move on to the next person. Is there anybody in the audience that wishes to speak? Come on up. Okay, again, state your first and last name, and if you're willing to, provide your address please.

MR. OBARA: Sure. My name is Donald Obara, O-b-a-r-a. I'm at 1902 North Burke Drive. Where that puts me is I'm the last house on Burke that hits Palatine Express right across the street from Floor and Decor. I'm not the resident though, there's another resident I think on Eastwood that sent in that online petition, that wasn't me; however, I do have two concerns I wanted to share.

First off, I do want to say I'm in support of this development. I think it's good. I have actually written out the businesses that I would like to see on this development, so I think this is a good thing for the community. So, I'm very happy about that.

The two things that I wanted to bring up for consideration is that pass-through on Eastwood Drive and Palatine. I sincerely hope that this QSR and Chipotle are

very, very busy. You know, with that, it is going to cause some more congestion. Right now, there's cars that stack up in that pass-through right now. The frontage road that I'm off of in Burke, cars speed through there all the time. That's not the fault of this development, that's just what it is. The police use my Burke Road as the parking lot for all the tickets that they give out, which is totally fine, I support all that.

But the reason I bring that up is that it's just going to get more and more congested. I think what it is is a lot of people just don't know what to do in that pass-through. I get it, it's not very common. You know, but maybe if we're adding some more signs in the street so people know that they turn here, this is the way that they're supposed to go, I would love to see a stop sign at the end of that frontage road. I know the other resident brought up that there were some potential T-bone accidents that she's seen there. I see one out in front of my house and that's not even at that intersection, but folks do fly right through there.

So, again, you know, the current situation is not the fault of the developer that's moving in here, but I think that is some consideration that it is going to add more to that, more to that congestion and probably more to the confusion. Again, I hope they're really busy because that's a good thing for the community, but I think it is something to take into consideration.

The other part I want to bring in consideration is kind of the visual look, also kind of garbage. I kind of bring this up because I used to work very similar, not with MJK, I don't think so, I used to work for Panera Bread and Steak and Shake opening up QSR concepts in Mount Prospect, Glenview and Elk Grove. So, I wasn't, some of my peers would come to these meetings, I wouldn't but some of my peers would. So, I think some of the things they've put on there is actually pretty thoughtful, but I was kind of curious about some of the considerations towards the visual that will be facing kind of Ivy Hill. So, I have not seen what some of those signs are.

I can say this, the Floor and Decor sign, to use those as an example, there's a Floor and Decor sign that faces north-south that, you know, kind of lights up our house. If it's for the traffic going east and west, it hits more of the cars going back and forth. I don't know what the plan is for the current signage on the buildings as well as how bright they are. LEDs and neons that are facing towards Ivy Hill will light us up. So, those are things I think that should be in consideration as well as kind of the garbage scenario.

I am pleased to say that the dumpsters are in the back away from the community, which is really, really good. Realistically, I know there's going to be garbage that's going to come over to the community. I get it, but I would like to see a little bit more of a comprehensive plan that maybe some landscaping that could act as a barrier. As it is right now, the current landscaping by Floor and Decor, very low bushes. I had receipts from Floor and Decor like you would not believe. Me and my son go out there and clean up all the time.

Is it realistic that it's going to block everything? It's not. But I think take into consideration some of the visual appeal that the residents of Ivy Hill are going to see. You know, this is our backyard, so we spend time with our family. We don't want a blaring neon sign in front of us, you know. We don't want, you know, empty garbage cups or receipts, and I get it, it's going to happen. I mean, it happened at Steak and Shake, it happened at Panera. You know, they tried putting up certain barriers for some of the outside dining to try to block it a little bit, but I think those things should also be taken into consideration.

You know, we want, I think the residents in Ivy Hill want to see them successful, you know, and I'd assume that they want to be good business partners for the community. You know, we plan on definitely seeing them, so we just hope that there could be

more consideration towards that point.

CHAIRPERSON DAWSON: Great, thank you very much.

MR. OBARA: Thank you.

CHAIRPERSON DAWSON: Are there any other public commentary? Oh, come on up. So, again, state your name, spell your last name, and if you're willing to do so, please provide your address.

MR. ZELEK: Sounds good. Can you, is this good? My name is David Zelek, last name is spelled Z-e-l-e-k. I'm a neighboring business owner of the proposed property over here.

The only thing that I really wanted to add was also similar, to kind of that little Palatine, that exit over there, oftentimes when people are like U-turning, taking left turns and stuff, it does get a little bit congested already. So, I don't know if like a sign or something would help out there, or you know, something, because I know that it does get congested and then people kind of, you know, just stare and look at each other, don't know what to do. One goes to turn, one goes into the plaza, one is going out. So, that's really the only thing that I wanted to say.

CHAIRPERSON DAWSON: Okay, great. Thank you very much.

MR. ZELEK: Yes.

CHAIRPERSON DAWSON: Any other, anybody else from the public? Once we close it, we're closed.

(No response.)

CHAIRPERSON DAWSON: Okay, so I am going to go ahead and close public commentary.

Sam, can you talk to the roadway and the process for signs? It's not really specific to this but maybe the people in the audience can have an understanding of that, maybe for us even. Show us the problem, can you?

MR. HUBBARD: Yes. So, I think what people are referring to as the pass-through is this little area right here that allows full access from these two streets. So, you can go southbound on Eastwood and take a left to head eastbound on Palatine Road. Similarly, you can take a left and go across traffic and head westbound on Palatine Road. So, that's the intersection that I believe they're referring to.

The Palatine Road right-of-way is under IDOT jurisdiction, so all improvements to the traffic system there would have to be done and coordinated through by IDOT. We've taken, they are aware of this plan, we've forwarded the plan to them, so they are aware of what's going on here. They have specific standards for when traffic improvements are required and warranted. So, for example, if a signal was to be proposed here, it would have to meet their standards. One of those standards being there would have to be a certain level of traffic on these minor legs of the intersection, and the projected traffic thresholds do not get close to what would warrant a signal at this intersection from IDOT standards. Even if a signal was warranted, it's in such close proximity to the existing signal at Rand and Palatine that it wouldn't meet IDOT standards for spacing.

So, you know, a signalized intersection here would not be allowed. Further improvements would need to be coordinated through IDOT. I don't know what their stance would be on like a stop sign at the legs here, if that would meet their standards. You know, we took a look at the number of accidents that occur at this intersection. It's not on the high end of things, I mean, it's kind of at a moderate, to be expected level. It's not a problem area for crashes and accidents.

So, I mean, from our standpoint, the existing system and improvements are able to accommodate for the expected traffic from this development.

CHAIRPERSON DAWSON: But just to clarify, if somebody wanted a sign, more signage, that's an IDOT issue, that's not a Village of Arlington Heights, correct?

MR. HUBBARD: Right. It would be, right, IDOT, yes.

CHAIRPERSON DAWSON: So, it's not within the power of the Village to put up signage, just to make sure everyone in the audience understands. What would someone, what would a resident or a community member who wishes to encourage the Village or IDOT to look into this, do they contact the Village? Is that what they would do?

MR. HUBBARD: Yes, they can certainly send an e-mail to me and I can forward it along to the Engineering Division. I mean, the Engineering Division is already aware of the issue here. We've already reached out to IDOT, provided them with the traffic study. They are aware of it, but if there are specific continued concerns, please make us aware of it and we'll do the best we can to help, you know, facilitate what we can with IDOT.

CHAIRPERSON DAWSON: Great, all right. There was one other element to the public commentary.

Petitioner, could you come up and speak to the signage? Oh, and also the --

MR. SILVERMAN: Garbage?

CHAIRPERSON DAWSON: -- garbage, the potential garbage issue, yes.

MR. SILVERMAN: I'll start with the garbage, not a problem. I understand garbage is a concern out there. Chipotle is a heavy producer of garbage. Chipotle currently has pickups seven days a week. They have garbage and recycling pickups seven days a week. So, anything that leaves their property is picked up in the morning and removed.

Me as the landlord, as the property owner, I have what is called a sweeping service. An individual comes out with literally a broom and a pail in their hands in the night and picks up garbage left over by customers or, unfortunately, neighboring property owners that don't have sweeping services. So, that is our standard for garbage.

In terms of Chipotle's signage, that is a Chipotle submittal that will come into the Village. Their intention by right is to have a sign on the northern exposure. It will meet all Village code standards with lumination, with light direction to make sure it does not shine directly, I apologize, shine directly into the neighboring village. That is Chipotle's intention, to put a sign on the north end at this point.

CHAIRPERSON DAWSON: And if for some reason they were proposing a non-compliant sign, just for clarification, you would have to come back to the Village for approval which would allow for commentary.

MR. SILVERMAN: Chipotle wouldn't --

CHAIRPERSON DAWSON: That's not the intention, I understand it. I just want to make sure that the public understands the process.

MR. SILVERMAN: You are correct. If there was anything about their sign that was not compliant, a sign permit would not be issued by the Village. If Chipotle did not want to change their sign to conform, they would have to reappear in front of Design Committee, or --

MR. HUBBARD: Design Commission.

CHAIRPERSON DAWSON: Right, so there'd be another opportunity. One of the things that he raised was the idea of some sort of landscaping to create a barrier so that garbage doesn't fall across. Is that anything you've done at any of your other facilities, anything you've considered?

MR. SILVERMAN: I have never done anything of that nature. Our landscaping meets Village code right now. Something about our property, too, is we have the outdoor patio. It is fenced in. So, our garbage from that would catch by the fence. We have garbages outside of our property, Chipotle will have theirs. Me as an owner will have garbages on the property that the sweeping service that I mentioned will empty when they are out at the property.

CHAIRPERSON DAWSON: The problem is people that attend your restaurant don't always use the garbage, right?

MR. SILVERMAN: And people that don't even attend your restaurant don't use the garbage as well.

CHAIRPERSON DAWSON: Right, exactly. Right.

MR. SILVERMAN: So, we have cameras at all of our properties that we continue to own, and we monitor them to see the level of garbage there. Southpoint does produce a good amount of waste from neighboring property owners in receipts and garbage bags. I understand.

CHAIRPERSON DAWSON: Okay, I would assume, but you can clarify that, if the neighborhood across is suddenly getting a large influx of garbage, who would they contact? They would contact you?

MR. SILVERMAN: Talk to the property ownership. That would be me.

CHAIRPERSON DAWSON: You would work with them. They can also notify the Village that it's becoming a nuisance. The Village doesn't have a lot that they can do other than they can work with the Petitioner and encourage them to fix a solution. So, communicate with the Village and with the Petitioner is key, okay?

All right, I think I got all the public commentary questions. So, with that, I'm going to look down here. Anyone have any additional questions? John?

COMMISSIONER SIGALOS: Yes. I had a question regarding this drive-through lane for mobile orders only. If something was to change and you were going to go through a typical drive-through lane, you really can't with this layout. Is that correct?

MR. SILVERMAN: That is correct. Chipotle signed a 15-year lease, and in their lease they are prohibited from changing the nature of their mobile pickup window at that point in time.

COMMISSIONER SIGALOS: Well, the only reason I'm bringing this up is I know for a fact that many of these quick serve restaurants, let's say Portillo's, McDonalds, the Buona Beef and so forth, they generate anywhere from 65 to 75 percent of their business through conventional drive-through. It seems that Chipotle would be maybe losing quite a bit of business without that conventional drive-through ordering and pickup. So, again, I'm not telling you how Chipotles have run their business, but it just seems like they're really limiting themselves from a possibility of a future conventional ordering and drive-through lane.

MR. SILVERMAN: Understood. They see it as an improvement to their current position in Arlington Heights. They are in a neighboring shopping center with back inline position.

COMMISSIONER SIGALOS: I am familiar with that, right.

MR. SILVERMAN: So, this is their prototype going forward with pickup windows that they're building around the country with 400 locations. So, they have no intention of leaving their mobile pickup ordering. They find it to be more efficient as well as they do curbside pickup. They have pull-up spaces.

COMMISSIONER SIGALOS: Personally, I've been involved with a Chipotle

construction, of a new Chipotle building in Lakemoor, and a future one in Batavia. I believe those are conventional ordering drive-through lanes, not just mobile app. So, is this like one of the first ones?

MR. SILVERMAN: No, this is very traditional for them.

COMMISSIONER SIGALOS: Really? Okay.

MR. SILVERMAN: This is their new development. I built the first one in Illinois, in New Lenox, Illinois, in 2016? In 2016, and they have not changed in the past six years from their mobile pickup window. I'm familiar with the Lakemoor development in front of Woodman's as well.

COMMISSIONER SIGALOS: Okay, thank you. I didn't have anything else.

CHAIRPERSON DAWSON: Commissioner Ennes? Any more questions?

COMMISSIONER DROST: No, I'll go ahead with a motion if you want.

CHAIRPERSON DAWSON: Yes, any questions down here before --

COMMISSIONER WARSKOW: Yes.

CHAIRPERSON DAWSON: Oh, looks like we have some questions.

COMMISSIONER WARSKOW: Yes. So, I am just wondering about the space that is for the future building and what that will look like to prevent people from just driving willy-nilly through that area to avoid lines or what have you?

MR. SILVERMAN: Great question. It is shaded on this plan for a landscape plan. Our intention is still improve it with the curbs around it. So, it will be built up as if there is a building going to be there with a pad and curbs. So, if somebody was to jump on it, they're going over a six-inch curb. That would stop them.

It's my hope that we have somebody shortly for the building. We don't at this point in time, but usually when you start moving some dirt and pushing a certain construction, you get interest. So, we're hoping for a quick reappearance in front of the Commission.

COMMISSIONER WARSKOW: Thank you.

COMMISSIONER JENSEN: Just one other clarifying question. Do we have any information about accidents that happened on this pass-through between the mall and the subdivision?

MR. HUBBARD: Yes. Yes, I do have information on that. Let's see. So, this was provided by IDOT, and it only accounts for accidents that involve over \$1,500 or greater in damage or personal injury, but here are the numbers.

COMMISSIONER JENSEN: Okay, well, thank you. I just wanted to make sure that it didn't have a disastrous situation that we're going to make worse.

COMMISSIONER ENNES: So, that's over a five-year timeframe?

MR. HUBBARD: Correct.

CHAIRPERSON DAWSON: All right, any other questions? I think we're ready for that motion.

COMMISSIONER DROST: I'll make a motion.

**A motion to recommend to the Village Board of Trustees approval of PC #21-018, an amendment to PUD Ordinance #90-014 to modify the approved Southpoint Development Plan and allow construction of two buildings on an outlet approved in 2019; a special use permit for a 2,385 square-foot restaurant with a drive-through; conceptual approval of a 4,419 square-foot future restaurant with a drive-through; and the following variation:**

- 1. A variation to Chapter 28 of the Municipal Code, Section 6.15-1.2B, to waive the**

requirement for a landscape island including a shade tree at the end of one row of parking where code requires landscape islands including a shade tree at the ends of all parking rows.

This recommendation is subject to the following conditions:

1. Should a new restaurant/tenant occupy the Chipotle building, which tenant does not wish to provide outdoor dining, the property owner shall be required to install the missing shade tree within 90 days of a request by the Village.
2. Compliance with the October 12, 2021 Design Commission motion shall be required.
3. Any future restaurant in "Building 2" shall be required to obtain special use permit approval (or a special use permit waiver if applicable) prior to obtaining zoning approval on a building permit for construction of said building.
4. Any future special use permit assumption of the Chipotle special use permit must demonstrate to the satisfaction of the Village that drive-through operations will not create stacking issues if non-mobile ordering is offered.
5. As part of building permit review, additional changes may be required to the striping proposed along the ring road as depicted within the KLOA "Preliminary Proposed Striping" plan dated 12/1/21.
6. The Petitioner shall comply with all federal, state, and Village codes, regulations and policies.

CHAIRPERSON DAWSON: Do I have a second?

COMMISSIONER ENNES: I'll second it.

MR. HUBBARD: Who was the second?

CHAIRPERSON DAWSON: Commissioner Ennes.

MR. HUBBARD: Ennes. All right, Commissioner Drost.

COMMISSIONER DROST: Aye.

MR. HUBBARD: Commissioner Ennes.

COMMISSIONER ENNES: Yes.

MR. HUBBARD: Commissioner Green.

COMMISSIONER GREEN: Yes.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: Yes.

MR. HUBBARD: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Yes.

MR. HUBBARD: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

MR. HUBBARD: Commissioner Warskow.

COMMISSIONER WARSKOW: Yes.

MR. HUBBARD: Chair Dawson.

CHAIRPERSON DAWSON: Yes.

All right, congratulations! Your next step would be to move on to the full Village Board as we're only a recommending body.

Do you have any information on a potential date for that, Sam?

MR. HUBBARD: We don't. It would either be at the first meeting in February or the second meeting in February. We're still working with scheduling on that.

CHAIRPERSON DAWSON: All right, so sometime in February.

MR. SILVERMAN: Thank you very much. We appreciate your time.

CHAIRPERSON DAWSON: All right, thank you.

COMMISSIONER DROST: Good luck!

(Whereupon, at 7:47 p.m., the public hearing on the above-mentioned petition was adjourned.)

DECEMBER