

PLAN

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

COMMISSION

RE: LA ZINGARA - 2300 EAST RAND ROAD - PC #22-006
SUP AMENDMENT FOR EXPANDED RESTAURANT, PARKING VARIATION

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 27th day of July, 2022 at the hour of 7:30 p.m.

MEMBERS PRESENT:

SUSAN DAWSON, Chairperson
MARY JO WARSKOW
JOE LORENZINI
BRUCE GREEN
JOHN SIGALOS
JAY CHERWIN

ALSO PRESENT:

JAKE SCHMIDT, Assistant Planner

CHAIRPERSON DAWSON: We'll get started. The meeting of the Arlington Heights Plan Commission is called to order. Let's do the pledge.

(Pledge of Allegiance recited.)

CHAIRPERSON DAWSON: All right, roll call.

MR. SCHMIDT: Commissioner Cherwin.

COMMISSIONER CHERWIN: Here.

MR. SCHMIDT: Commissioner Drost.

(No response.)

MR. SCHMIDT: Commissioner Ennes.

(No response.)

MR. SCHMIDT: Commissioner Green.

COMMISSIONER GREEN: Yes, here.

MR. SCHMIDT: Commissioner Jensen.

(No response.)

MR. SCHMIDT: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Here.

MR. SCHMIDT: Commissioner Sigalos.

COMMISSIONER SIGALOS: Here.

MR. SCHMIDT: Commissioner Warskow.

COMMISSIONER WARSKOW: Here.

MR. SCHMIDT: Chair Dawson.

CHAIRPERSON DAWSON: Here.

All right, we've got the minutes for the previous meeting which are the Mueller Lot Consolidation and then the St. Anne Shelter for Girls.

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

COMMISSIONER SIGALOS: I'll second.

CHAIRPERSON DAWSON: Any discussion?

(No response.)

CHAIRPERSON DAWSON: All right, voice vote? Okay, all in favor?

(Chorus of ayes.)

COMMISSIONER LORENZINI: I'm going to abstain; I wasn't there for that meeting.

CHAIRPERSON DAWSON: All right, so the first item on our agenda is the La Zingara amendment for expanded restaurant. The Petitioner is obviously here.

MR. MOKHTARIAN: Yes.

CHAIRPERSON DAWSON: Who will be presenting today? Just one?

MR. MOKHTARIAN: I'm the owner of the plaza. I'm making sure to present the --

CHAIRPERSON DAWSON: Sure, do you want to come on up?

MR. MOKHTARIAN: Sure.

CHAIRPERSON DAWSON: All right, so I need to swear you in. Anybody else testifying or just you?

MR. MOKHTARIAN: Just me.

CHAIRPERSON DAWSON: That's fine. No, that's perfect.

(Witness sworn.)

CHAIRPERSON DAWSON: Terrific. All right, go ahead with your

presentation.

MR. MOKHTARIAN: My name is Sam Mokhtarian, I'm the owner of the Brandenberry Plaza on Rand Road. We have a very good tenant, La Zingara Restaurant, Mr. Jesus Aguirre and his wife, they've been operating this Italian restaurant --

(Short pause to turn on the microphones.)

CHAIRPERSON DAWSON: All right, here we go. Keep going.

MR. MOKHTARIAN: So, as I was saying, we have these small strips in there on Rand Road, Brandenberry Plaza. They approached us about a year ago because of the COVID and the difficulty in the restaurant business. A good tenant asked us if we can accommodate them with a small party room about 900 square-foot. They thought since they're having difficulty with their main restaurant, maybe a party room, a gathering room will help them. So, we approached the tenant next door, Big & Tall, which at that time they also had difficulty with, you know, their finances and they were accommodating. They accepted to take a small portion of their space at that time, and since then, unfortunately, Big & Tall's owner died and that space is vacant.

So, we went through a great deal of expense and work and pulled the permit, the drawings, the architect, and we took about 900 square-foot of space. We separated the electrical from Big & Tall, the heating, the air conditioning, and we made really a nice little party room to accommodate our good tenant and also help the Big & Tall. As owners, we try to do everything we can to really help our tenants every which way to survive and be a viable business.

So, we pulled the permit, we did the construction, the build-out. We passed all the inspections. We followed all the Village requirements as far as the restaurant expansion. They were ready to open and we found out that the special use was overlooked and we have to go through the process of special use.

So, with the help of our good friend here, Jake, we went through the special use. One of the concerns that they showed was the parking. Really, the parking, as the landlord, one of our highest priorities is to have more parking, that cars park in the parking lot. We did a study per the request, a two-week study. The maximum number of cars at the peak of any time was 35 cars where there's 113 spaces available there. So, really, the parking is not any concern whatsoever at all. As a matter of fact, like I said, I wish we could have more cars parked to show more activity and more viability.

So, really this expansion is helping them and it doesn't affect anybody, none of the neighbors, you know, in any shape or form affect the neighbors or the tenants or the condos behind. So, we followed the entire procedure for the special use and we hope we get a positive result.

CHAIRPERSON DAWSON: All right, well, thank you very much for that presentation. There are some conditions here and there was a Staff report. Have you read the Staff report?

MR. MOKHTARIAN: Yes.

CHAIRPERSON DAWSON: And do you agree with the conditions of approval?

MR. MOKHTARIAN: Yes, we do.

CHAIRPERSON DAWSON: Okay, All right, Jake, Staff presentation, please?

MR. SCHMIDT: Certainly. The address of the subject property is 2300 East

Rand Road, and the proposed use is a restaurant which is existing and expanding. The property is zoned B-2 General Business District and is designated as commercial in the Comprehensive Plan. The requested action specifically is an amendment to Special Use Permit Ordinances #78-063 and #08-029 to allow the addition of a 909 square-foot dining room with a seating area of 858 square feet.

Two variations are required as part of this petition, the first being a variation from Chapter 28, Section 10.4, the Schedule of Parking Requirements, to allow 113 parking spaces where 167 are required. The second is a variation from Chapter 28, Section 6.13-3b, Fence Height, to allow an eight-foot tall fence in the rear yard where a six-foot tall fence is permitted.

La Zingara is a casual, sit-down and carryout Italian American restaurant. They did expand recently, and a permit was applied for and issued by the Village for this expansion. At the time, the requirement for an amendment to the special use permit was not identified. A revised permit showing seating was not routed to Planning for review, so this issue was not identified until liquor license renewal was taking place.

The expanded restaurant has a total of 127 seats, 106 of which are interior. 70 interior seats are allowed by the underlying SUP and, therefore, an amendment is required. No changes to the site or building are proposed aside from the already completed interior build-out.

The restaurant operates from 4:00 to 10:00 p.m. Monday through Thursday, 4:00 to 10:30 on Friday and Saturday, and 4:00 p.m. to 9:00 p.m. Sunday. There are eight staff members on this site at peak times.

The restaurant is located on the western portion of the shopping center, Brandenberry Plaza, which borders Waterman Avenue to the west, Rand Road to the south, and Oakton Street to the southeast.

The expansion of the restaurant is shown here on the floor plan on the south side circled in yellow. This was formerly an adjacent tenant space which was built out for a party room and dining area as part of the previously approved permit.

As this is a special use permit request, the Petitioner did provide a written response to the special use permit justification criteria. With respect to the first criterion, the Petitioner has noted that the special use permit is necessary as it will grant more space to offer parties and serve more clients. With respect to the second criterion, the Petitioner has indicated that they will not under any circumstances be detrimental to the health, safety, or general welfare of persons in the vicinity, and that they will have a favorable effect on the general welfare of everyone on the premises. With respect to the third criterion, the Petitioner has noted they will be abiding by all rules and regulations as stipulated by any approval granted by the Village Board. Staff believes that these responses are satisfactory and that the special use permit request is justified.

With respect to traffic and parking, as noted a parking variation is required with a total of 167 spaces needed and only 113 provided for a deficit of 54. No parking and traffic study was required by code as part of this petition, but a parking survey was requested by Staff and provided by the Petitioner. The survey was conducted over a two-week period, four days each week including at least one Friday, Saturday and Sunday during the hours the restaurant operates.

A peak number of 35 vehicles was observed accessing the site which is approximately 31 percent of parking lot capacity. This occurred at 7:00 p.m. on Thursday, June

9th, and Saturday, June 11th. Staff has no concerns related to parking availability per the survey data. It should also be noted that should the currently vacant units become tenanted with retail uses, it can be anticipated that 11 additional vehicles, which is the code-required parking for retail uses, could access the site for an extrapolated total of 46 vehicles or 41 percent of parking lot capacity.

Two bicycle parking spaces are required as part of this petition as it results in an increase in required vehicle parking. A rack shall be installed within 60 days of approval of this petition in order to meet this requirement.

With respect to landscaping and screening, during the Plan Commission process, Staff evaluated the site landscaping and screening. It was found that two parking lot island trees are missing on the drive aisle accessing Rand Road. Additionally, it was found that there was no code-required three-foot tall screen adjacent to Rand Road. Staff recommends an installation deadline of September 30th, 2023, the Petitioner requested a little bit of deferred installation timing for that, and we are comfortable with that deadline of September 30th.

Additionally, it was found that an 86-foot long portion of the fencing along the north property line was eight feet tall. Code only permits a maximum height of six feet and a variation is required in order to allow this. The Petitioner did provide an adequate written response to the zoning code variation criteria which was included in the agenda packet. The Building Department has determined that a fence permit will be required in order to allow this eight-foot tall fencing. So, should a variation be granted, the Petitioner shall submit for a fence permit by September 1st, 2022, noting the height of eight feet for this fence.

The Staff Development Committee recommends approval of the application subject to three conditions: the first being that missing code-required landscaping consisting of two landscape island trees along the Rand Road access aisle and three-foot tall landscape screening along Rand Road shall be installed no later than September 30th, 2023; the second being that two bicycle parking spaces shall be installed no later than 60 days after the approval of this project; and the third being that if the Building Department determines a new revised permit is necessary, which they have determined it is necessary, the Petitioner shall submit for a fence permit no later than September 1st of 2022.

This concludes my presentation. If there are any questions, I'm happy to answer.

CHAIRPERSON DAWSON: Great, thank you very much.

Commissioners, do I have a motion to include the Staff report into the public record?

COMMISSIONER WARSKOW: I'll make such a motion.

COMMISSIONER GREEN: I'll second it.

CHAIRPERSON DAWSON: All right, all in favor?

(Chorus of ayes.)

CHAIRPERSON DAWSON: Any opposed?

(No response.)

CHAIRPERSON DAWSON: All right, great.

Okay, so Commissioners, any initial questions? I don't know that we have much public commentary.

COMMISSIONER LORENZINI: One quick question. Jake, the landscaping, was that missed the first time around when this permit was issued or when they came before us?

MR. SCHMIDT: The permit I referenced was a building permit. Site landscaping isn't evaluated as part of building permits. It's typically only evaluated based on complaints, if Staff notices a deficiency or if there is a larger review project such as this that's going before us.

COMMISSIONER LORENZINI: Okay, thank you.

CHAIRPERSON DAWSON: Any other questions? No?

(No response.)

CHAIRPERSON DAWSON: Seeing none, all right, I'm going to see if there's public commentary. I'll open up for public commentary.

So, is there anybody in the audience who wishes to speak?

(No response.)

CHAIRPERSON DAWSON: All right, I'm going to close public commentary.

Any other questions or comments, or do I have a motion?

COMMISSIONER WARSKOW: I'll make a motion.

A motion to recommend to the Village Board of Trustees approval of PC #22-006, an Amendment to Special Use Permit Ordinances #78-063 and #08-029 to allow the addition of a 909 square-foot dining room with a seating area of 858 square feet, and the following variations:

1. **Variation from Chapter 28, Section 10.4, *Schedule of Parking Requirements*, to allow the provision of 113 parking spaces where 167 spaces are required by code.**
2. **Variation from Chapter 28, Section 6.13-3B, *Fence Height*, to allow an eight-foot tall fence in the rear yard where a six-foot tall fence is permitted.**

This recommendation is subject to the following:

1. **Missing code-required landscaping consisting of two landscape island trees along the Rand Road access aisle and a three-foot tall landscaping screening along Rand Road shall be installed no later than September 30, 2023.**
2. **Two bicycle parking spaces shall be installed no later than 60 days of approval of this project.**
3. **If the Building Department determines a new or revised permit is necessary, the Petitioner shall submit for a fence permit no later than September 1, 2022.**

COMMISSIONER GREEN: I'll second that.

CHAIRPERSON DAWSON: Great. Jake, roll call?

MR. SCHMIDT: Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes.

MR. SCHMIDT: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

MR. SCHMIDT: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Yes.

MR. SCHMIDT: Commissioner Warskow.

COMMISSIONER WARSKOW: Yes.

MR. SCHMIDT: Commissioner Green.

COMMISSIONER GREEN: Yes.

MR. SCHMIDT: Chair Dawson.

CHAIRPERSON DAWSON: Yes.

MR. MOKHTARIAN: Thank you very much.

CHAIRPERSON DAWSON: All right, you know we're only a recommending body.

MR. MOKHTARIAN: Yes.

CHAIRPERSON DAWSON: Jake will keep you updated with the next steps and when the Village Board meeting is.

MR. MOKHTARIAN: Thank you very much.

CHAIRPERSON DAWSON: All right, congratulations.

All right, now for the exciting part of the night, our budget. Who is excited?

COMMISSIONER LORENZINI: We have one?

CHAIRPERSON DAWSON: You know what's sad is George isn't here. George loves budget night.

COMMISSIONER WARSKOW: Yes.

CHAIRPERSON DAWSON: George asks for a raise every time. He's not here.

COMMISSIONER CHERWIN: Lynn usually has some good commentary also.

CHAIRPERSON DAWSON: That's true.

COMMISSIONER SIGALOS: I think they should at least double our pay.

COMMISSIONER GREEN: I think they should triple it.

COMMISSIONER SIGALOS: But the problem is two times zero is still zero.

COMMISSIONER GREEN: Still zero. I think we're all in agreement.

CHAIRPERSON DAWSON: Then there were those good old days when we got like 25 bucks a meeting.

COMMISSIONER GREEN: \$15.

CHAIRPERSON DAWSON: Was it \$15?

COMMISSIONER WARSKOW: I was going to say.

CHAIRPERSON DAWSON: Okay, it was \$15. Okay, I guess it was \$15. Maybe it was, I was never the Chair during that time. I think the Chair got more.

COMMISSIONER GREEN: The Chair got \$20.

CHAIRPERSON DAWSON: \$20, okay.

COMMISSIONER SIGALOS: That'd barely pay for gas to get here now.

CHAIRPERSON DAWSON: All right, any discussion, comment on the budget? Anyone? Do you need a motion?

MR. SCHMIDT: Yes.

CHAIRPERSON DAWSON: Need a motion to approve the budget please.

COMMISSIONER GREEN: I'll make a motion to approve the budget.

CHAIRPERSON DAWSON: Is there a second?

COMMISSIONER SIGALOS: I'll second.

CHAIRPERSON DAWSON: Do we need a roll call?

MR. SCHMIDT: Yes.

Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes.
 MR. SCHMIDT: Commissioner Warskow.
 COMMISSIONER WARSKOW: Yes.
 MR. SCHMIDT: Commissioner Lorenzini.
 COMMISSIONER LORENZINI: Yes.
 MR. SCHMIDT: Chair Dawson.
 CHAIRPERSON DAWSON: Yes.
 MR. SCHMIDT: Commissioner Sigalos.
 COMMISSIONER SIGALOS: Yes.
 MR. SCHMIDT: Commissioner Green.
 COMMISSIONER GREEN: Yes.

CHAIRPERSON DAWSON: You threw me for a loop there, putting my name right in the middle. You're just seeing if I was awake, weren't you, Jake?

MR. SCHMIDT: Yes.

CHAIRPERSON DAWSON: All right, if there's nothing else on the agenda?

MR. SCHMIDT: There is public comment.

CHAIRPERSON DAWSON: Oh, I forgot about this new agenda item.

COMMISSIONER WARSKOW: Okay, did that get worked out, that we now have a public comment?

COMMISSIONER GREEN: Another public comment at the end of public comment?

COMMISSIONER WARSKOW: Yes.

MR. SCHMIDT: Related to anything in general.

COMMISSIONER WARSKOW: Yes, not specific to the petitions.

CHAIRPERSON DAWSON: Sure. Do we have, we open it up for public comment. Do we have anyone? Sure.

GENERAL PUBLIC COMMENT

MS. CAYER: Melissa Cayer speaking. May I suggest a Tour the TIF Districts or a Progressive Dinner a la TIF Districts?

CHAIRPERSON DAWSON: Sure.

COMMISSIONER GREEN: Thank you.

CHAIRPERSON DAWSON: Thank you. Come on up.

MR. RUHN: Thank you, Chairman Dawson. My name is Keith Ruhn; I'm a resident of Arlington Heights. I'm just, I'm a little bit concerned about the Conceptual Plan Review Committee in that I think, unintentionally, but they are unilaterally I think discouraging business at that level. Over the last year or so, I've seen three petitioners not come or not file for Plan Commission and just kind of decided down there, kind of subjectively and unilaterally, rather than getting them applied in here in front of this body to make a full vote.

So, I would ask that either the Conceptual Plan Review Committee file a report at the end of their meeting on the formal votes they made so we can read them ahead of time before, you know, that petitioner disappears or does show up here, or discharge the committee, because other than that it doesn't seem like they're really solving problems there but more possibly discouraging businesses from moving forward for a full vote. I'm not standing up for petitioners. I want to see them full voted here.

I would also ask that they also encourage public comment at the meetings, even though it's on the agenda. Thank you, Chairman Dawson.

CHAIRPERSON DAWSON: All right, thank you.

All right, seeing no one else in the public, we'll close public comment.

Now do I have a motion to adjourn?

COMMISSIONER GREEN: Motion to adjourn.

COMMISSIONER SIGALOS: I'll second.

CHAIRPERSON DAWSON: All in favor?

(Chorus of ayes.)

CHAIRPERSON DAWSON: No opposed, right?

(No response.)

CHAIRPERSON DAWSON: So, all right. Oh, sorry, he wants the gavel.

(Whereupon, at 7:52 p.m., the public hearing on the above-mentioned petition was adjourned.)

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