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PLAN

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

COMMISSION

RE: CHAPTER 28 OVERLAY ZONE AMENDMENT - ARLINGTON INTERNATIONAL
RACECOURSE - PC# 22-011

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 October, 2022 at the hour of 7:30 p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

BILL ENRIGHT, Planning Department Deputy Director
CHARLES WITHERINGTON-PERKINS, Planning Department Director
HART PASSMAN, Village Counsel

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CHAIRPERSON DAWSON: All right, let's call it to order.

(Pledge of Allegiance recited.)

CHAIRPERSON DAWSON: All right, let's do roll call.

MR. ENRIGHT: Commissioner Cherwin.

COMMISSIONER CHERWIN: Here.

MR. ENRIGHT: Commissioner Ennes.

COMMISSIONER ENNES: Here.

MR. ENRIGHT: Commissioner Green.

COMMISSIONER GREEN: Here.

MR. ENRIGHT: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Here.

MR. ENRIGHT: Commissioner Sigalos.

COMMISSIONER SIGALOS: Here.

MR. ENRIGHT: Commissioner Warskow.

COMMISSIONER WARSKOW: Here.

MR. ENRIGHT: Chair Dawson.

CHAIRPERSON DAWSON: Here.

MR. ENRIGHT: For the record, George Drost and Lynn Jensen are not

present.

CHAIRPERSON DAWSON: All right, let's do our approval of the minutes

please.

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

from La Zingara.

COMMISSIONER CHERWIN: I'll second.

MR. ENRIGHT: A voice vote is fine.

CHAIRPERSON DAWSON: Call the vote, all those in favor?

(Chorus of ayes.)

COMMISSIONER ENNES: I abstain; I was not here.

CHAIRPERSON DAWSON: All right, so I think we have an affirmative vote.

Any opposed?

(No response.)

CHAIRPERSON DAWSON: All right, so the first petition on the agenda is the motion to recommend to the Village of Trustees the proposed ordinance. I'm sorry, my computer is not with me tonight which is when I usually have it. Have all public notices been given?

MR. ENRIGHT: Yes, they have.

CHAIRPERSON DAWSON: Great. So, do we have the Petitioner here to give us a presentation?

MR. ENRIGHT: The Village of Arlington Heights is the Petitioner, so I will be presenting.

CHAIRPERSON DAWSON: Okay.

MR. ENRIGHT: Thank you. Tonight's petition is a text amendment to Chapter 28, an ordinance amending the Arlington International Racecourse Overlay Zoning District. In July of 2021, you'll recall the Village Board adopted Ordinance 21-024 establishing the

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Arlington International Racecourse Overlay Zoning District. The overlay established additional zoning and subdivision regulations for redevelopment of the former racecourse site, including a requirement that any development shall be part of an approved Planned Unit Development. In addition, the overlay encourages Transit Oriented Development near the Metra Rail Station.

The Chicago Bears Football Club have indicated that they intend to include a Sports Wagering Facility as part of their master plan for the property. Currently, a Sports Wagering Facility is not a permitted or a special use in the B-3 district, which is the underlying zoning for the racetrack property, nor the Overlay Zone that was established in 2021. At this time, the Village is proposing adding to the Overlay Zone as a special use a Sports Wagering Facility. The proposed ordinance, which would add as a special use a Sports Wagering Facility, is attached in your packet and was on the Village's website for review.

This ordinance includes a definition of a Sports Wagering Facility and a section adding this use as a special use. The ordinance would require that the Sports Wagering Facility is part of an approved development that includes a professional sports stadium. Therefore, consideration and approval of a special use for a Sports Wagering Facility would have to be concurrent with, or thereafter, approval of a special use for a professional sports stadium.

Now, what is a special use? Obviously, the Plan Commissioners have dealt with a lot of special uses over the years, but for the public's edification, the principal objective of the Zoning Code is to provide for an orderly arrangement of compatible building and land uses, and for the proper location of all types of uses required in the social and economic welfare of the Village. To accomplish this objective, each type and kind of use is classified as permitted in one or more of the various districts established by Chapter 28 zoning. However, in addition to those uses specifically classified and permitted in each district, there are certain additional uses which it may be necessary to allow because of their unusual characteristics or the service they provide the public. These "special uses" require particular consideration as to their proper location in relation to adjacent established or intended uses, or to the planned development of the community. The conditions controlling the location and operation of special uses are established by the provisions outlined in Section 8 of Chapter 28, which are the factors for evaluating a special use.

It's important to note that the proposed amendment before you tonight does not approve a Sports Wagering Facility. It merely allows for the Sports Wagering Facility to be considered as a special use, subject to review and approval of the Village Board at a future time.

The Ordinance Review Committee, of which several of you sit on, met on September 28th of 2022 and recommended approval of the ordinance amending the Overlay Zone. There was discussion about a "stadium" and whether that was defined or not. After consultation with Village Counsel, we believe that it wasn't necessary to define stadium; however, we did add a couple of words to clarify that this would be a professional sports stadium. So, those two descriptor words were added in front of the word 'stadium' to classify or differentiate it from other types of stadiums that could possibly be built, not necessarily in this location but, you know, somewhere in the Village. Therefore, we didn't recommend adding a specific definition of stadium.

The Ordinance Review Committee as well as Staff would recommend that the Plan Commission review this and recommend approval to the Village Board of this ordinance. At this point, Staff would conclude and answer any questions.

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CHAIRPERSON DAWSON: Thank you.

Can I have a motion to include the Staff report into the public record?

COMMISSIONER ENNES: So moved.

COMMISSIONER SIGALOS: I'll second.

CHAIRPERSON DAWSON: Terrific.

Voice vote, right? All in favor?

(Chorus of ayes.)

CHAIRPERSON DAWSON: Any opposed?

(No response.)

CHAIRPERSON DAWSON: Any abstain?

(No response.)

CHAIRPERSON DAWSON: Terrific, all right, thank you.

Okay, initial questions? I'm going to look at you, Commissioner Ennes. Do you have any questions?

COMMISSIONER ENNES: You know, I sat on the Ordinance Review and I was satisfied with the modifications, but I'd like to hear anything else that comes up from the other Commissioners before deciding if I have any additional comments or questions.

CHAIRPERSON DAWSON: Terrific.

Commissioner Sigalos?

COMMISSIONER SIGALOS: No, I really don't have any other questions. I've read through this all and really at this point I don't have any questions.

COMMISSIONER CHERWIN: No questions. I appreciate the presentation by Mr. Enright, I think as it clarified we're not approving anything other than setting up the process by which the wagering facility would have to be approved. So, that's it, thank you.

CHAIRPERSON DAWSON: Commissioner Green?

COMMISSIONER GREEN: No questions. I was on the Ordinance Review Committee as well.

COMMISSIONER LORENZINI: No, I think it was written up very well. No questions.

COMMISSIONER WARSKOW: Although I wasn't at the Ordinance Review, I think it's pretty straight-forward and I have no questions either.

CHAIRPERSON DAWSON: I have no questions. I was also at Ordinance Review and I'm the one who picked on you guys about putting the definition into place, that I appreciate you explaining why it was decided that it wasn't necessary. So, thank you for that.

All right, so at this time, because this is just an ordinance review, are we opening to public commentary?

MR. ENRIGHT: Yes.

CHAIRPERSON DAWSON: Okay, just confirming.

Okay, I'm going to open up to public commentary then, and we're again, as all public commentary, limited to three minutes. If you've heard somebody else say something, please keep it succinct.

So, I'm assuming, I'm looking over here, Petitioners, am I right? Okay, thank you. In the back?

(No response.)

CHAIRPERSON DAWSON: No, no commentary. Okay, so here we are.

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Yes, come on up please.

PUBLIC COMMENT ON PC# 22-011

MS. CAYER: Melissa Cayer speaking. I'm not interested in betting over there, and I thought the Arlington Park Racetrack wasn't going to sell to another betting facility.

CHAIRPERSON DAWSON: Thank you very much. Thank you.

Any other public commentary from that area?

(No response.)

CHAIRPERSON DAWSON: Okay. All right, with that, we close public commentary and we're open to public until deliberation by the Plan Commissioners.

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

COMMISSIONER ENNES: I would make a motion.

A motion to recommend to the Village Board of Trustees approval of PC# 22-011, a proposed Ordinance amending the Arlington Racecourse Overlay Zoning District to include as a Special Use a Sports Wagering Facility.

COMMISSIONER GREEN: I'll second that.

CHAIRPERSON DAWSON: Can we have roll call?

MR. ENRIGHT: Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes.

MR. ENRIGHT: Commissioner Ennes.

COMMISSIONER ENNES: Yes.

MR. ENRIGHT: Commissioner Green.

COMMISSIONER GREEN: Yes.

MR. ENRIGHT: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Yes.

MR. ENRIGHT: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

MR. ENRIGHT: Commissioner Warskow.

COMMISSIONER WARSKOW: Yes.

MR. ENRIGHT: Chair Dawson.

CHAIRPERSON DAWSON: Yes.

Terrific. So, again, this is just the ordinance approval. This is the first stage, am I correct, in the process. So, unanimous approval, thank you very much. With that this motion passes.

Are there any other items on the agenda?

MR. ENRIGHT: There are not.

CHAIRPERSON DAWSON: Okay.

COMMISSIONER ENNES: I would like to raise a question.

CHAIRPERSON DAWSON: Yes, for sure.

COMMISSIONER ENNES: Totally unrelated to this, but something that's

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been brought to my attention by people in town on a totally different subject. It appears that there has, over the last five-six months or so, there's been a significant increase in, what people believe they are seeing as an increase in panhandlers in town. I believe our zoning regulations, that people who want to collect money on corners have to get a permit, is that under the Plan Commission or Planning Department?

MR. WITHERINGTON-PERKINS: That's a solicitor's license. They would need to go to the Building Department --

COMMISSIONER ENNES: Building Department.

MR. WITHERINGTON-PERKINS: -- and file an application and get their approval that way.

COMMISSIONER ENNES: Okay, then I have nothing else to say on this, but that might be the direction that type of an inquiry should be headed, Building Department.

MR. WITHERINGTON-PERKINS: Correct.

COMMISSIONER ENNES: Okay.

MR. WITHERINGTON-PERKINS: There is one other item on the agenda, and that's the public comment section for anyone to make public comment on an item that's not on the agenda.

CHAIRPERSON DAWSON: Thank you for reminding me. Usually I can rely on Commissioner Warskow to remind me of that. Yes, public commentary, thank you.

PUBLIC COMMENT ON OTHER BUSINESS

MS. CAYER: Melissa Cayer speaking. I was wondering if, I noticed around the area a lot of the projects that go to the Conceptual Plan Review Committee don't make it past that committee. I was wondering if the Staff could contact the petitioners and find out why they didn't forward with their projects and periodically report to the Plan Commission why those projects failed to go forward.

CHAIRPERSON DAWSON: Thank you.

So, we'll try to gather that information for you if you can contact Staff for more information.

MR. WITHERINGTON-PERKINS: Well, I can answer that now.

CHAIRPERSON DAWSON: Oh, terrific.

MR. WITHERINGTON-PERKINS: I mean, you know, we have to prioritize our work. So, you know, the Village Manager and the Board direct us on our workload. I can tell you that the petitioners that go to Conceptual Plan Review Committee, many of them have lots of decisions to make as far as spending money on plans, and financing, and the economy, and there could be a variety of reasons. Just because they don't move forward immediately doesn't mean the project isn't going to move forward, and that I can tell you now, but we won't be contacting, you know, petitioners and reporting back. We are in contact with those that are active and we'll continue to do that.

CHAIRPERSON DAWSON: Well, thank you. I understand there's a process, and it's hard for everyone to understand the process and things take time.

So, yes? Oh, public commentary, please.

MR. MOENS: Thank you, Chair Dawson. See, I've got just a request or a comment. It looks like there's lots of projects that might be coming through here in the next

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couple, two or three years. If there was anybody at the Planning Department who could provide information available to the public on what petitioners have pulled applications to go through the process, either have submitted them or pulled them, so we can see, you know, who's trying to apply for the Commission process. One question in particular is the Urban Street Group, have they pulled an application recently after they went through the early review process? Thank you.

MR. WITHERINGTON-PERKINS: No.

CHAIRPERSON DAWSON: Okay, great answer, but I think the expanded answer is when people pull petitions, can we respond to that? I think, you know, it's just a pulling of petition, it's hard, people pull petitions all the time. So, could the Staff respond to the notification if someone has asked for a request?

MR. WITHERINGTON-PERKINS: We can evaluate the request and report back on that item.

CHAIRPERSON DAWSON: All right, okay.

MR. MOENS: In particular, if they submitted a completed application.

CHAIRPERSON DAWSON: Okay, so all right. So, thank you.

MR. ENRIGHT: And certainly anybody can contact the Planning Department and ask if they're interested, and we will tell them.

CHAIRPERSON DAWSON: Sure. Sure, I think that when it comes down to the public notice, it's when they have reached the stage of requesting the review is when the public notice triggers, right? But you're saying any time you have a question, you can contact Staff. But the public notice requirement is triggered when we move forward to the Commission, the approval stage, correct? Am I correct?

MR. WITHERINGTON-PERKINS: That's correct.

CHAIRPERSON DAWSON: Okay, and what's difficult with the public notice is that you can always expand and expand and expand. So, we found this in all the years that many of us have been on the Commission, we have to stick to what the statute says because you can keep expanding that request. But what they're telling you at Staff is call any time, contact them, and they're open to giving you that information. It's just whether or not the official public notice is required that is the question that you triggered.

MR. MOENS: Thank you.

CHAIRPERSON DAWSON: Okay, thank you. I hope you can get that, I mean, I'm sure, we've worked with Staff for years and they'll be open to giving that information. So, with that, I think we've closed public commentary.

Anybody else?

(No response.)

CHAIRPERSON DAWSON: Okay, so we've closed public commentary.

Do I have a motion to adjourn?

COMMISSIONER GREEN: I'll make that motion.

COMMISSIONER CHERWIN: I'll second.

CHAIRPERSON DAWSON: All in favor?

(Chorus of ayes.)

CHAIRPERSON DAWSON: Any opposed?

(No response.)

CHAIRPERSON DAWSON: Any abstain?

(No response.)

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CHAIRPERSON DAWSON: All right, with that we close the meeting.
(Whereupon, at 7:45 p.m., the public hearing on the above-mentioned petition was adjourned.)