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PLAN

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

COMMISSION

RE: ARLINGTON DOWNS PLAT AMENDMENT
3400 WEST STONEGATE BOULEVARD - PC #23-009
PLAT OF RESUBDIVISION, 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 27th day of September, 2023 at the hour of 7:30 p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

SAM HUBBARD, Development Planner

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CHAIRPERSON DAWSON: Let's start with the Pledge of Allegiance,
please.

(Pledge of Allegiance recited.)

CHAIRPERSON DAWSON: Okay, roll call.

MR. HUBBARD: Commissioner Cherwin.

COMMISSIONER CHERWIN: Here.

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.

(No response.)

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.

Okay, the next item on the agenda is approval of minutes.

COMMISSIONER GREEN: I make a motion to approve the minutes from
the Patton School Gym Addition.

CHAIRPERSON DAWSON: Is there a second?

COMMISSIONER ENNES: I'll second.

CHAIRPERSON DAWSON: Great. All in favor?

(Chorus of ayes.)

CHAIRPERSON DAWSON: Any opposed?

COMMISSIONER CHERWIN: No, but I'll abstain. I was not here.

CHAIRPERSON DAWSON: Any other abstentions?

COMMISSIONER ENNES: Same here.

COMMISSIONER DROST: Same for Commissioner Drost.

CHAIRPERSON DAWSON: Okay, and let the record reflect Commissioner
Warskow is here.

All right, so we have our first petition on the agenda which is the
public hearing for the Arlington Downs Plat Amendment.

Is the Petitioner here?

MR. FIRSEL: Yes, Petitioner is present.

CHAIRPERSON DAWSON: Great.

Have all public notices been given?

MR. HUBBARD: They have, yes.

CHAIRPERSON DAWSON: Terrific. You're the only one speaking this
evening?

MR. FIRSEL: Mr. Cavanaugh, I'm sure will be speaking as well.

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CHAIRPERSON DAWSON: Okay, great. If you could stand up; I'll swear you both in at the same time. Raise your hand.

(Witnesses sworn.)

CHAIRPERSON DAWSON: Terrific, thank you. Then just state your name and spell your last name for the record. Thank you.

MR. FIRSEL: Sure. My name is Michael Firsell, F-i-r-s-e-l. I'm counsel for Arlington Downs. Good to see you all.

This is kind of an anniversary on this issue. Ten years ago, the original declaration was recorded. Since that time, a tremendous number of changes have taken place within Arlington Downs. The simple matter before you is the separation of the internal road from what we call Lot, formerly Lot 1 which is the residential tower which was the former hotel and water park. The current apartment building has 214 units and is doing very well.

When we came in 10 years ago, there was no other development going on and there was a concern about who was going to maintain and take care of the roadway. So, at that time, we agreed that the owner of the only parcel under development, which was the apartment tower, would be responsible and include the roadway in its property lines, and we did not create a separate lot for the roadways.

Fast forward several years and many iterations, many parking studies, many users later, development is truly happening at Arlington Downs albeit a long time coming. As you all know, Payton Place Apartments has been constructed and is operating. The First Ascent climbing facility occupies the space of the former Coconut Key, whatever it was, water park. In addition to that, an apartment project is in planning right now for the northwesternmost portion along Rohlwing Road, and that will be before you hopefully in not too long of a period of time, and the retail portion which has been divided into a hotel parcel and a retail parcel. The retail parcel which is most of the retail area, they have also been before you, they now own their own property and will be presenting a development plan. I know nothing about the plan, can't comment good or bad.

But our singular purpose of presenting our petition was to allow the Lot 1-A owner to convey the roadway to a Master Association which will operate the roadway, and all the different lot owners within Arlington Downs will pay their pro rata share of the cost of maintaining the upkeep in the road as opposed to reimbursing the Lot 1 owner who has been taking care of it for the last 10 years. When we came to the Village with our petition, it was coupled with an amended declaration of covenants, easements and restrictions for this property. Now, when Arlington Downs II came in which separated, which redid Lots 1, 2 and 4 into Lots 1-A, 2-A and 4-A, a condition was that the declaration would be amended, and that never happened. When Lots 4-B and C were created out of Lot 4, and former Lots 5 and 3 were reconfigured to be Lot 3-A and 5-A, that ordinance also required an amendment to the declaration which was never done.

So, we now come in and all of a sudden it's imperative that the declaration be amended. We have worked very, very hard with the tremendous cooperation of Staff, as always, to amend the declaration to the satisfaction of the Village Staff. I do not believe there are any issues whatsoever with regard to the re-plat of the roadway as a separate parcel and conveyance of that roadway to the association. We would have conveyed the roadway to the association long ago, but it would have violated what is known as the Illinois Plat Act, and Commissioner Drost can explain that if necessary, but we just couldn't do it without creating separate lots, and that is the purpose of this petition.

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So, we received many comments from the Staff, and the plat itself was approved or recommended approval in short order. Over the past several weeks, we have been negotiating the contents of the amended declaration. Just for your information, the original declaration mentions Lots 1, 2, 3, 4 and 5; none of them exist as of today and they haven't existed for about seven or eight years. So, the declaration as recorded today does not properly reflect the ownership or configuration of the property, and so we're just trying to record an amended declaration.

You saw before you several comments from Staff, or not comments, conditions of approval, and we have worked tirelessly with Staff. I would say tirelessly, I don't know how Sam feels, but we certainly feel it. With one I would say not too major exception which we would like to put some words on the record to cover, we are in agreement with Staff's comments. We'll amend the declaration prior to presenting it to the Village Board with the recommended modifications that Staff has suggested.

However, I would like to take maybe five minutes or so, since Rick Cavanaugh who is the President of Stoneleigh Companies who has been operating this property for the last 10 years, has never gone anywhere, has never shied away from dealing with issues related to this property, he's prepared a short PowerPoint. It's only a few slides to take you through exactly what I've just spoken about.

So, Rick, if you don't mind?

CHAIRPERSON DAWSON: Again, just state your name and spell your last name for us.

MR. CAVENAUGH: Sure. Rick Cavanaugh, C-a-v-e-n-a-u-g-h, President of Stoneleigh Companies. We're the owner of the One Arlington apartment building, Arlington Downs Residential which I think is the Petitioner of the plat of subdivision.

So, what I thought I'd do today, and Mike eloquently covered most of the issues, so I'll breeze through these and we'll add Sam's comments and we can answer any questions here. But this is what the original plat in 2013 looked like. Those were the five lots all owned by one owner. They came in originally for the plan and the master site plan which has evolved over time.

As you can see, the green lot in the middle is Lot 1 which was us. When we came in and proposed the redevelopment of the Sheraton Tower or whatever the hotel was at the tail end, you know, we controlled that so that we could build the roads, build the garage, build the, you know, renovate tower, and kind of sit in the middle so we could get done what we needed to do to operate the building while the rest of the lots figured out what they wanted to do. We also did at one time own Lot 3 and Lot 5 along with the minority partner which was soon subdivided, but we sold them that land and they ended up building Payton Place.

So, the next slide that you see here kind of shows you where the current ownership is between the different parcels. The tower we show as Lot 1-A, you can see is still in the middle, still has the roads, the road that goes from Rohlwing down to Euclid and also the offshoot lane which I think is called Payton Place goes over to Salt Creek Lane. ADR II on here is Payton Place, that was the building that was built for the 263-unit apartments. ADR III is the remaining 180 units that were left from the original zoning that was kind of in the density plan.

Originally, Lot 4-C and 4-B were all called Zone D or Lot 4 or 4-A. When the hotel was moving around the different parts over the years, it ended up in Lot 4-B, and a group bought that land to eventually develop the hotel. They're still around but they're not ready to build the hotel yet. Lot 4-C was owned by the same people who owned Lot 3-A and Lot 16 and

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2-A, but they sold it in March of this year to CIMA Developers which I believe is going to be coming back in front, I think they've been in front of the CPRC and they'll be coming back with a plan sometime in the near future for the development of their seven acres.

Lot 2-A1 is First Ascent that took over the old water park which was then going to be a water park and a Funtopia, and then it turned into the climbing wall facility which I think is a really great addition to the Village. It's, you know, it's there today, it's busy, there's people there during the day. It's been a great project and they have been good to work with over the time.

The way that, Lot 16 out to the northwest and Lot 2-A are owned by what's called SB ADR IV, and that's related to, CA Residential owns the land. They're under contract to sell that to a company which has also been in front of Staff with a potential plan for 360-plus apartments on that parcel. They have to re-plot their parcel at some point because Lot 16, while being part of the PUD, is not really, that plat hasn't been platted. So, eventually, the purple and the south half of the green is currently known as Lot 2-A; that will have to be subdivided into probably 2-B and 2-C, that is probably the naming given the historical convention here. But we're showing it as Lot 16 and Lot 2-A which is what exists today in our declaration and the way we've dealt with this.

So, you can see that things have gotten a little more complicated. We've got a few more parties to deal with. The original concept for the overall plan is consistent while having evolved over time, over 10 years to become what it is. We've been the gang in the middle the whole time because we're the first movers and we've been there and we've been operating the tower. Now, One Arlington is doing very well and has, you know, proven to be a great building, we did it right, and seven years after or eight years after building it, it still operates and is functioning and has really caused no issues safety-wise, waterproofing, traffic-wise or anything. I think it's been a great addition to the Village. Next slide.

So, before we go off that one, Sam, so currently there are seven owners. Once we deed out the roadways to the association, there will be eight owners because Arlington Downs Residential which is us which owns the tower will then cede over to Arlington Downs Master Association. That association is, the director is myself and one of our other employees and currently the owner of the Lot 4-B hotel, but that's probably going to change to be the owner of Lot 4-C, CIMA Developers, over time.

So, here, this kind of gives you an idea real quickly of what we're looking for, what is left after this re-plot. The green is the tower and our parking lot back off the side there. It includes the access road that goes behind First Ascent and also includes the garage underneath what is the roadway. When we built the building originally, if anyone remembers, there was a big banquet facility underground, we tore that out, we decided to build the garage there since the hole was already dug instead of building an above-grade parking garage. So, it's got 312 cars underground. So, what we did is we basically took the roadway, the top six inches, and gave it to the association as our intent, and below that is the garage which will be owned by the apartment tower.

The apartment tower, we refinanced the building in June with Freddie Mac, and one of the pre-approvals we got was to do this declaration and re-plot. That expires in the near future, so I have to get this done or else I have to go back to square one with Freddie Mac. They only have 90-day windows that they deal in which is an odd thing but it is what it is.

So, when we talk about what's going to be left, Lot 1-B is the building and the garage area that you can see in the crosshatched area on there, that will remain part of

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the tower. I think in the Staff report it said that that was going to be subdivided; it's not, it's actually, if you think about it, you've got the tower and they have the garage underneath, and then the road goes over the top.

So, that's kind of the evolution of where we are. The importance of the declaration on which we worked hard with Sam and Mike over the last two months to get correct is to make sure that all the obligations and the responsibilities that the Village wants to see for the execution of the PUD line up with what we have as a control feature for the site. The original declaration with those five lots has no continuity with the current owners, the current lots or anything. So, we need to restate that, and I think it's, you know, we should have done it three or four years ago. There were some issues that in working through when they came in for their adjustments to their plats, that didn't happen. This has been on our, Mike's and my table for five years and we're in version 29 of this document so I'm kind of tired of it. At the end of the day, I think with Sam's and the Staff's comments, it's been helpful to get it narrowed down.

I think there's only one issue tonight in Sam's report on the recommendations that I guess I wanted to clarify it in the public record so that we were, at least we were clear on what our intent is. I think we've kind of reached an agreement on how it will work but not knowing what's going to be in the future, and that deals with the right-hand turn lane that was there originally when this was a much denser development. Steve Corcoran is here from EEA and he can talk to traffic if we need him to do that. But the density of the original development with the theater and the water park and the hotel and the other retail uses being twice as dense as they are now created more traffic and pushed the traffic to a level that might have changed the level of service on Rohlwing Road going into Euclid Avenue.

So, when they rebuilt Rohlwing about four or five years ago, when Rolling Meadows came in and redid that, we offered to pay for that right-hand turn lane and incorporate it. They said no, we don't want to do that, we'll do that in the future. So, at the time, they removed all the utilities and the bikeway and all the other things and it kind of made it a little more difficult practically speaking as the developer's standpoint to go and add that right turn lane. But at some point, it's probably going to need it, not because of the traffic on our site; I think the traffic on our site from Steve's latest report is that our traffic is about half of what it was proposed in 2012.

So, the density and the level of service changes that would happen when ADR IV happens, when the retail happens, when the hotel happens, is that with the traffic movements that are there, that we might warrant a right-hand turn lane. My only point is, at least in the wording we have today, is I just want to make sure we get on the record that if something else happens around us, you know, something to the north of us and to the east of us, if the Arlington Park property ever gets redeveloped and creates major traffic changes to the area, on Euclid or Rohlwing or Northwest Highway or whatever, I don't think that it's right that Arlington Downs with its imposed traffic from the full development would necessarily pay for the improvements at Rohlwing and Euclid. If there is a different traffic demand that comes because of the stadium to the north of us and things have to be improved with I-53 and everything else, right now at least I want to be cautious that we're not committing to improve the intersection when we're not the ones causing the traffic to do that. If they come in with a petition, that they be dealt with and say if you have traffic improvements that affect the area, a much larger impact on the area, that we be treated fairly and that we will pay our proportionate share as it happens for the association for all the properties.

But I don't think we should be paying a 100 percent of the share of

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the cost to Rohlwing Road improvements because we don't cause that intersection to even begin to change the level of service or the traffic flow that's on there today. I think, Sam and I have communicated today, and I think we've reached a kind of consensus on that, how we get that worded up in the declaration. Then final approvals is, I think we can work that out, but I just wanted to make sure that we were on the record saying that that is something that I think, if someone else comes in and adds 20,000-30,000 cars to that intersection, that it shouldn't be solely Arlington Downs that has the responsibility for that.

So, we're happy to answer any further questions. I had a couple of other slides but it kind of regurgitates what Mike said, so we're happy to answer after Sam's presentation if there's any questions that come up out of that. Thank you.

CHAIRPERSON DAWSON: Okay, before you sit down, so you've read the presentation, and other than it appears to be Section B of the conditions; do you agree with the conditions?

MR. CAVENAUGH: Yes.

CHAIRPERSON DAWSON: Now, do you have the document that we have that shows proposed changes to B?

MR. HUBBARD: So, yes, the document that you have is a result of discussions with the Petitioner today. I don't know, you have the document that they have. This is the redline changes that we talked about.

MR. CAVENAUGH: Yes.

MR. HUBBARD: I don't know if you still have objections to 1-B or you don't, I guess you're saying you don't like it and you just want your objections on the record, or --

MR. FIRSEL: That is the case. We are in agreement with all of the proposed recommendations. However, if something not contemplated today creates an immense traffic impact, we want to revisit whether or not Arlington Downs would be responsible for paying for that entire right turn lane, but for now, we're accepting the conditions as presented today. So, we have no issues as far as we are concerned.

CHAIRPERSON DAWSON: So, you've seen the language of 1-B that now talks about you having responsibility for your proportionate share?

MR. CAVENAUGH: Yes, but the way that it's worded says that in the future, after the development is fully developed in Arlington Downs, which would suggest that for ADR IV, Lot 4-C, Lot 4-B and Lot 3-A get built, and that traffic which will be assessed every time because all of them have to amend the PUD anyway, so they'll have to come in and clean up the PUD and the Village will have another chance to work through that. But, so I guess my only issue is it may take two years, it may take seven, may take 10 years to build the other four parcels out, if something else happens in the meantime, my read, my simplistic read as an engineer is that it just says that we're responsible for that right turn lane until we're fully built out.

I just want to be clear that if nothing else happens, we're fine with that if we warrant the right-hand turn lane. But if the stadium comes and that causes traffic impacts, I don't think that that's fair for us if we're not built out yet to then say that we have to come in and fix that right-hand turn lane. I think it goes to a little bit of the Rolling Meadows letter, I think they were pretty clear and pretty fair on their comments, but that's kind of an open area that says, you know, when does that trigger happen. If the trigger happens and a larger development happens, across the street could take Arlington Office Center which is in Rolling Meadows and develop three or four towers over there which would be, I don't know if there's a share agreement between the city and the Village to do that, but if he re-densified his site, he could add traffic to that

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intersection that would be way beyond what we see today and what we're agreeing to.

So, I agree given the clarifications that we're okay with that, but I want to make sure on the record that we're saying that it's not just a blanket we'll improve it until whenever all of the four buildings are on if something else comes in and warrants that traffic to change or that intersection to change in the future.

CHAIRPERSON DAWSON: Okay.

MR. FIRSEL: Let me also weigh into that. If something does happen in the interim, we will obviously know about it and we will approach the Staff, and hopefully we will work out the obligations of who's going to pay for what. But as it stands right now, we are willing to accept the condition and we'll put in the declaration what the recommendation is, that until we have completed the development of all the lots in Arlington Downs, that we will improve the right-hand turn lane if the warrants present themselves with enough traffic that the right-hand turn lane is in fact warranted. Also, that right-hand turn lane I don't believe is in Arlington Heights. I think it would be in Rolling Meadows, like we split right down the middle of that street, Sam?

MR. CAVENAUGH: Rolling Meadows owns Rohlwing and the Village has split Euclid. That's how the --

MR. FIRSEL: Right. So, that's even in Rolling Meadows. So, again, we're being made to improve a parcel not even in the Village.

CHAIRPERSON DAWSON: Sure.

MR. FIRSEL: However, we need this declaration amended and recorded. We need the plat, we want the plat recorded, and we are willing to accept the conditions as presented in the report today.

CHAIRPERSON DAWSON: Okay, my guess is that there's going to be a lot more questions about that going on, but let's first move to the Staff report, okay?

MR. FIRSEL: Okay, please. Great, thank you, Madam Chair.

CHAIRPERSON DAWSON: And then we'll be, I'm sure, talking more about everything that you just discussed.

So, Sam?

MR. FIRSEL: Excuse me, one more thing, and I apologize.

CHAIRPERSON DAWSON: Yes, sure, of course.

MR. FIRSEL: If necessary, our traffic consultant, Steve Corcoran, is with us tonight to answer any of the traffic questions as he did prepare a full traffic study, not only with regard to this issue but the parking all together at Arlington Downs.

CHAIRPERSON DAWSON: Terrific.

MR. FIRSEL: Thank you.

CHAIRPERSON DAWSON: I'm sure that someone will be calling him up as we have heard him speak on many other projects, but I'm sure that'll happen, let's get through the Staff report.

MR. FIRSEL: Thank you.

CHAIRPERSON DAWSON: And then you'll have more opportunities, because I'm sure I'm holding people back with questions at the moment.

MR. FIRSEL: Thank you so much.

CHAIRPERSON DAWSON: So, Sam?

MR. HUBBARD: Sure. So, as you've heard, the request this evening is for a subdivision within Arlington Downs PUD. The Petitioner is requesting preliminary and final plat of subdivision to subdivide the property into three lots in order to transfer one of those lots to the

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Master Association.

As part of their request, there is one variation required. Two out of the three lots would not have their full frontage abutting a street. The Staff Development Committee is supportive of this variation. The declarations establish perpetual access to the public right-of-way, so we're satisfied that the appropriate mechanisms are in place to guarantee access without having frontage on a public street.

So, the Arlington Downs is somewhat similar to the Plan Commission, that's because it should be. Over the last 11 years, it's been before the Plan Commission eight times for various approvals. You've heard some of the history this evening. Originally, it was approved in 2012. It's important to remember that that was one developer who controlled all of the property at that time. During the original PUD approvals and some of the subsequent amendments, the Village established several infrastructure obligations, some public, some private, that the master developer was responsible to pay for and implement.

As you've heard, the PUD has been amended several times over the years and, in response to various market conditions and different development concepts, the introduction of new ownership groups have occurred within the development. So, it's become a little messy as far as the timing and then with the new owners who is financially responsible for some of these infrastructure obligations. So, back during the latest amendment in 2018, a condition of approval was established to require that the declarations that govern the site be amended to reflect the new lots and the owners and clarify shared maintenance and access and so forth. So, that kind of brings us to where we are today. We're reviewing the subdivision, but not only that, we're also reviewing the proposed amendments to the declarations to ensure that they are compatible with the underlying PUD approvals.

Mike and Rick kind of did a good job of outlining the PUD, but I just kind of want to go through some of the areas real quickly because some of the infrastructure obligations are linked to when development occurs in different areas and parts of the PUD, so it's important to kind of understand what those areas are. The subject property is shaded in red there. The overall PUD is outlined in blue. On the northwest side, there's existing approvals for ADR IV, that's for a future 360 multifamily units. As you heard, we're currently working with the developer that is interested in proposing a development there. They've gone to CPRC and may be submitting an application in the near future for that site.

There's also Lot 4-B that's in Zone D, and that has entitlements for 116-room hotel. Also in Zone D is Lot 4-C that has entitlements for up to 30,000 square-foot of commercial space dispersed amongst three or four buildings. Here now is what's known as ADR II or Payton Place that was approved as part of the 2018 PUD amendment for 236 multifamily units. As part of the 2018 amendment, entitlements were also granted for ADR III just to the east of ADR II that has entitlements for up to 180 senior living units. Then there is the First Ascent towards the rear of the development.

There's the proposed subdivided lot, one lot would be 1-B containing the One Arlington Tower, and then the other lot would be at Outlot 1-C. Then there is a small third lot that's part of the subdivision. It's this tiny little corner right up here that would also be created. So, this just kind of shows you a visual of the PUD and what's currently entitled there, and then the different zones. This aerial is current. I believe it reflects the current conditions of the site today, so you can kind of see how the site is currently built out.

So, when we reviewed the amended declarations, we were reviewing them for compliance with the underlying PUD conditions. Generally, they were very compatible

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with exception to the three areas in the north, I'm sorry, with exception to six areas, and there were six areas that the Village was asking for modifications to the amended declarations. I'll highlight kind of these six areas real briefly.

The first is relative to a future traffic signal on Euclid. Some of the original traffic volumes for the development indicated that there may be a need for a future traffic signal, and so that's one of the infrastructure obligations. Additionally, there's two areas of land-banked parking. If a parking shortage is observed, then the PUD would have to install land-banked parking areas.

There is a plaza and pavilion area that's kind of in between the One Arlington Tower and Zone D commercial. It's kind of meant to tie in and create kind of a pedestrian connection between those two areas. The pavilion falls on Outlot 1-C which will be part of the Master Association. The remaining areas of the plaza fall in Zone D Lot 4-C.

There is a Village sign that the master developer is required to install as part of this project. It would be at the corner of Euclid and Rohlwing Road. Then there are streetscape improvements required along Rohlwing Road. There's a sidewalk and additional streetscape improvements required on that east side of Rohlwing between Salt Creek to the north and Euclid to the south.

I would mention that this is in the jurisdiction of the City of Rolling Meadows, so the improvements will have to be coordinated with them. They are in the audience this evening. We did run the proposal by them and they did provide some commentary and they are supportive of the, generally I would say they're supportive of the changes recommended by the Village of Arlington Heights. Then the last area is as you've heard, this right turn lane on Rohlwing Road.

So, in order to review the declarations, we kind of referenced back to some of the existing conditions of approval, and there were six different areas we're asking for modifications. One was relative to the Rohlwing Road streetscape improvements. I think the Petitioner has said that they don't take issue with this condition so I'm not going to spend time on this unless the Plan Commission would like to hear more about it.

Additionally, relative to the Rohlwing Road right turn lane, there was also an existing condition of approval as part of the PUD that states the Petitioner shall install a right-hand turn lane from southbound Rohlwing Road to westbound Euclid as part of Phase II which was the development of the hotel and former water park, or Phase III or IV or V whichever preceded, if any of them precede Phase II. Or it also could occur at a later date if agreed to by the City of Rolling Meadows and the Village of Arlington Heights, or not at all if not warranted.

So, the way the recommended condition is currently drafted is that we are asking the declaration to kind of mirror the language in the existing condition to be compliant with the overall PUD. This would require the Master Association to pay for the full cost of the improvement if it's warranted before the PUD is fully built out. So, let's say, I think there's four undeveloped lots in Arlington Downs, if three of those lots don't develop, or I'm sorry, if three of those lots develop but then the fourth one is undeveloped, and let's say Arlington Park is completely redeveloped before that fourth lot is proposed for development. If the redevelopment of Arlington Park creates a significant amount of traffic that triggers the warrants for the right turn lane, and if those warrants were triggered as part of the proposed redevelopment of Arlington Park, then Arlington Park would be on the hook and may be responsible for some of the improvements to this intersection. This is similar to what happened when Arlington Downs originally came forward and showed that their anticipated traffic would perhaps warrant this traffic

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signal, or I'm sorry, this right turn lane on Rohlwing. So, in the same way, we would look at the two developments similarly.

The only area where the Arlington Downs development would be responsible, a hundred percent responsible for the installation of this right turn lane would be if they tip the warrants before their PUD is completely redeveloped. So, that could happen before or after Arlington Park is redeveloped, or any other development. If they want to take advantage of existing warrants that don't show that the traffic, or I'm sorry, that the right turn lane is warranted, then they should be under construction now. They can't reserve an existing scenario for development and then redevelop 15 years in the future when traffic is different and then think that they're exempted from that requirement. So, that's the way it's worded and that's the condition that the Village is recommending, and I believe it's supported also by the City of Rolling Meadows.

The remaining conditions I won't get into. There were certain modifications proposed to the conditions as outlined in the green bullet text. I can get into those in detail, but generally it sounds like the Petitioner is in agreement to these, so I won't get into detail other than to say we are recommending approval of the application subject to the three conditions of approval and six sub-points on condition number 1 subject to the revised modifications as shown here.

CHAIRPERSON DAWSON: Oh, I'm so sorry. I do apologize. Thank you.

Do I have a motion to approve?

COMMISSIONER DROST: I'll make that motion to approve.

COMMISSIONER CHERWIN: I'll second.

CHAIRPERSON DAWSON: All in favor?

(Chorus of ayes.)

CHAIRPERSON DAWSON: Great, thank you.

Okay, so, any initial questions before we open up for public commentary? I'll start down there, yes.

COMMISSIONER CHERWIN: I'm sorry, I guess, Sam, you lost me a little bit there when you were explaining the warrant issue. Not surprisingly. You said, you know, I think what the Petitioner is saying, and correct me here, is saying, well, if, you know, we've got this time period where we're responsible if the warrants show prior to the closeout of our development that it has to be developed, we're on the hook, but we don't want to be on the hook if we're not solely responsible for driving those warrants to require a right turn, right? If the Bears come in and that's what's driving the warrant, I think the Petitioner is saying, well, we shouldn't be responsible if that's what's triggering it, not us.

MR. HUBBARD: If that's the case, when Arlington Park is proposed for redevelopment and their traffic study shows that they need massive infrastructure improvements including to this intersection, then they would become part of, they would have to contribute to what's required at this intersection.

COMMISSIONER CHERWIN: Yes. So, it would be, you know, so maybe at that point, you're saying the Petitioner isn't off the hook, they just now have a bigger, another party that's going to contribute to that.

MR. HUBBARD: Right, and it could very well be that whatever happens at Arlington Park has to contribute a 100 percent, but we don't know that because we don't know what's being proposed there and how their traffic is going to impact the intersection, but it could be a 100 percent, it could be a proportional share, we don't know.

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COMMISSIONER CHERWIN: Yes, because that's going to be driving a lot of changes I would imagine once that gets developed and, you know, part of me would say, well, you know, maybe we need to do more than just the right hand turn at that point if that's getting developed and we wouldn't want our guys to put it in and then have to redo it all if, you know, there's additional infrastructure that has to be put on to that intersection driven by what's going on. So, I just wanted to clarify, I think I understand that, sorry. Thanks.

CHAIRPERSON DAWSON: Great.

Commissioner Sigalos?

COMMISSIONER SIGALOS: I don't have any questions at this point.

CHAIRPERSON DAWSON: Thank you.

Commissioner Ennes?

COMMISSIONER ENNES: Well, I'd like to drill down on that issue, too, because if, I would look at, the way I understand this right turn issue, if there's a need to make improvements there and there is a causality related to development at Arlington Park for the Bears or whatever gets developed, I would suspect that it's because people would be turning there to go through to your property to get to the Bears. But if Arlington Park gets redeveloped and that brings enough business into the area so that you have and the lots -- could you put the lot drawing back up, Sam, please?

So, we have all these other uses in here, and if the development of the Bears Park brings tenants into motel properties, any restaurants that might be built here, and traffic comes in for that or for the water park or any of that, that would be, you know, the responsibility of the tenants there from that use.

So, just because the Arlington Park development, I wouldn't just say that the development of Arlington Park would eliminate responsibility for covering some of the cost for improvements for the right turn sometime in the future even after you've made changes to handle that turn at present. That's just my thinking on that. I don't know if you have a comment on that.

This Outlot 1-C, you have parking underneath that?

MR. CAVENAUGH: Yes. Where the plaza and where the road goes in front of the tower and the sidewalks, there is a 312 parking garage underneath that road.

COMMISSIONER ENNES: Under the road?

MR. CAVENAUGH: Under the road. So, the road, you kind of see that straight line right where it says Outlot 1-C?

COMMISSIONER ENNES: Right.

MR. CAVENAUGH: That's kind of the definition of the parking garage and it goes right up to the face of the tower.

COMMISSIONER ENNES: Okay, and I believe I read something in the notes that you provided that that's going to be broken into a separate lot?

MR. CAVENAUGH: No.

MR. FIRSEL: Let me comment. Let me give you the --

MR. CAVENAUGH: Yes, give the legal description.

MR. FIRSEL: -- or try to give you. The roadway, if you have the surface to the center of the earth, the roadway only is, the deed to the road in that area will only go down to the top of the garage.

COMMISSIONER ENNES: Okay.

MR. FIRSEL: Okay, so it is a vertical --

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COMMISSIONER ENNES: So, it's the same lot.

MR. FIRSEL: It's the same lot, but in this area it only goes from the surface down to a specific level of 793.5 feet above that, okay.

COMMISSIONER ENNES: I got you.

MR. FIRSEL: The rest of it, there's nothing underneath. So, it goes all the way, all the way down. So, what we have provided --

COMMISSIONER ENNES: That's the parking lot or, the roadway or the parking lot has --

MR. FIRSEL: Well, the parking garage, okay, remains part of the tower. It's the same lot.

COMMISSIONER ENNES: Okay, so it just injects underneath the roadway, and the roadway goes down, is above and below it.

MR. FIRSEL: That is correct.

COMMISSIONER ENNES: Okay, got you.

COMMISSIONER CHERWIN: Could you just clarify that real quick? The legalese, you're saying the six-inch, for tax parcel purposes, the garage is, it's not the same lot in the sense that the garage goes with the building for tax purposes, and then the six inches and above goes with the outlot.

MR. FIRSEL: That's correct. As a matter of fact, I'm glad you brought up that, Commissioner, five years ago, I did a tax division here. The tax division and the tax parcels today reflect exactly what we're doing here, because I didn't violate the Plat Act to do a tax division. So, I did a tax division, so what you see as Outlot C, okay, is because we're in two separate sections or two PIN numbers, the garage is a separate PIN number, the tower is a separate PIN number. That is already done. The recording of this plat may assign new PIN numbers, but it will not change the real estate tax structure which we modified several years ago.

COMMISSIONER CHERWIN: Got you. Thanks for the clarification.

COMMISSIONER ENNES: Okay, so Outlot 1-C is on this pink, but the pink goes into the tower, goes back into this lot and the roadway heading east. What's the parcel, what's the property that, the expenses to maintain are going to be prorated to all the other lot owners within the blue lines?

MR. FIRSEL: That is correct. Now, the area being conveyed to the association is only what is outlined in white. The rest of the pink is part of the tower. So, I think that if I were to have drawn this map, I would have included the whole tower as part of the red, because it's the tower plus the other area in the red not included in the roadway that is Lot 1-B.

COMMISSIONER ENNES: Okay, and all of these lots are going to share in the expense of maintaining, within the PUD are going to share the expense of maintaining the road?

MR. FIRSEL: They're doing that now. Yes, sir, they're doing that now, but --

COMMISSIONER ENNES: Okay.

MR. FIRSEL: -- what's happening is Lot 1-A is sending out the bills.

COMMISSIONER ENNES: Sure.

MR. FIRSEL: To everybody, when it really should be the Master Association sending out the bills and everybody contributes.

COMMISSIONER ENNES: Okay, but in Lot 1-A, the current owner/developer is covering those expenses for Lot 2-A, Lot 4-B, Lot 4-C which aren't developed although, did you say one of those is already owned by somebody else?

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MR. FIRSEL: Yes. All those owners are contributing their pro rata share.

COMMISSIONER ENNES: They all are.

MR. FIRSEL: What is not being, what's happening is one, the owner of Lot 1-A is paying the bills but is billing back the other owners for their pro rata share.

COMMISSIONER ENNES: Okay, I guess I have one other question with regard to that. Is the pro ratio done, I probably can answer this myself but just to verify, is the pro ratio going to be done on the square footage of each lot or based on the frontage?

MR. FIRSEL: It is based on a number of factors. Number one, it's basically based on an agreement of the parties. All of the parties have reviewed and have agreed in the proposed declaration as an exhibit what each lot's pro rata share is, because it could be based on the number of parking spaces, the number of square footage, the density of the use. There are many bases, and so there have been several meetings and discussions of all the lot owners, and it's all agreed to and it's in the declaration.

COMMISSIONER ENNES: Oh, wait, it is all agreed to?

MR. CAVENAUGH: Yes, we've been operating under this regime for about three years. So, we send the bills out to everyone else, and Arlington Downs Residential pays them and then gets the reimbursement from the other parties. So, this formally will create, the association is created but this formally gets the association as the responsible party. Roughly, I would say it wasn't by land area, it was more by the density of the use for each of the parcels. So, for example, ADR IV, which has 360 units when you look at the total units and the total commercial area, has about 23 or 24 percent share because they'll have a high density and provide about that much traffic to the site.

So, when we did this originally, it was based kind of on the traffic allocation because if the road is being used by everybody, that was the fair way to do it. There's a couple of other factors in there that adjust it a little bit, but generally it was based on the density.

COMMISSIONER ENNES: The reason I'm asking this is, in my career, I've seen so many problems with these.

MR. FIRSEL: And as in mine, yes.

COMMISSIONER ENNES: That's why I'm curious as to how you're doing it.

MR. CAVENAUGH: Yes. No, all but one lot owner is current through the third quarter. We'll get them, they said they'd pay next week.

Just one other comment that you had asked on the, you know, on if Arlington Park redevelops, I guess the point I'm just trying to make is, for example, I'll just use rough numbers because I can do them in my head, if there's 1,000 cars added to that intersection because of Arlington Park and we had 100 cars for ADR, you know, for the rest of the development, then roughly speaking I think the proposal says in the future it will be proportional, we would pay for 10 percent of the intersection. But if we're only 10 percent of the cars going into the intersection, I don't see why we should pay for 100 percent of the improvements which I think will go far beyond the right-hand turn lane if that gets approved. I mean, just frankly speaking, it will go way past that.

MR. FIRSEL: But what Commissioner Ennes, what I believe you were pointing out, that if Arlington Downs has enough additional development to create the warrants regardless --

COMMISSIONER ENNES: Then there's additional development with enough additional businesses that are benefiting from all that traffic.

MR. FIRSEL: That is correct. There is no issue on that score.

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COMMISSIONER ENNES: Okay.

MR. CAVENAUGH: Yes, and I think just one more point just to clarify, we're not the developer of the whole parcel. I'm kind of stuck managing the association because I was the first one with the tower, but I know all the owners and I've talked to them ad nauseam. So, we've kind of reached agreement on all these points that, you know, Sam brought up over time, that we all agree that we're going to make these modifications to this declaration.

COMMISSIONER ENNES: Okay, good luck.

MR. CAVENAUGH: Okay, thank you.

MR. FIRSEL: Thank you.

COMMISSIONER ENNES: I think it's a good change, the proposal. Sorry, I took so long, guys.

COMMISSIONER DROST: No, that's okay. That helps explain and simplify it what the Petitioner is doing. I don't have any comments at this point.

CHAIRPERSON DAWSON: Any other comments or questions, Commissioner Green?

COMMISSIONER GREEN: I have no comments. I actually understand I think what you're doing, so it makes sense.

COMMISSIONER DROST: It does.

COMMISSIONER LORENZINI: I just have a question. So, there's been I assume several traffic studies were done for this development.

MR. CAVENAUGH: There have been five or six probably since the beginning, and plus we did one as an advance as a courtesy as part of the subdivision to look at the traffic on the tower and First Descent, to understand where they are in parking because that's, you know, it's been brought up, the whole shared parking concept which was originally because the site was more dense. So, we looked at it and said what do our two buildings that are in the middle there, what are they impacting and how does that change? You know, we're assuming and I think Staff report says Lot 3-A will park itself, ADR IV will park itself. My understanding from CIMA is that Lot 4-C will park itself, and the hotel will park itself. So, really the extra spaces we have on the land behind the building, behind First Ascent, we will make available if there needs to be more parking built.

COMMISSIONER LORENZINI: My question is really not the parking lot, it's about the turning lane. So, at what point of this, forget any outside, any other developments, but at what point developing area will a turn lane be needed? When everything is developed or half gets developed built?

MR. FIRSEL: Let Steve answer.

MR. CAVENAUGH: Probably need to get sworn in.

MR. CORCORAN: Yes.

(Witness sworn.)

CHAIRPERSON DAWSON: Okay, and then state your name and spell your last name, please.

MR. CORCORAN: Good evening. I'm Steve Corcoran, C-o-r-c-o-r-a-n, from Eriksson Engineering. I've been working with Mike on the traffic studies since, I think it started in 2011, so, and we've done a number of traffic studies, so one of these days I'll get it right.

So, we're right now updating the traffic study with some of the changes as was discussed for ADR IV. But we've always analyzed that development as fully built

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out, so when we say we currently don't warrant the right turn lane or southbound right turn lane, that's assuming ADR IV is built. That's assuming the hotel is built, that's assuming the retail as it's currently permitted is built, and then the senior housing is built. There may be some changes with the new CIMA plan but, you know, that will come out whether or not it somehow changes traffic enough to cause that right turn lane.

COMMISSIONER LORENZINI: But the entire development would have to be developed, am I right, to need the turn lane?

MR. CORCORAN: Not necessarily, no.

COMMISSIONER LORENZINI: Okay. All right, so the turn lane could go in before they're fully developed?

MR. CORCORAN: That's possible, but based on our projections it doesn't seem likely. Again, as mentioned earlier, when we first started out, we had the theater and we had some more entertainment and more restaurants and uses, we generated about twice as much traffic during the evening peak hour and the Saturday peak hour than we're proposing now that the development has gone mostly residential. So, that's part of the thing that's driving --

COMMISSIONER LORENZINI: But I guess what I'm getting at, at some point during the development, I would think that turn lane should go in before everything is developed and then you have to put the turn lane in. It's a matter of timing.

MR. CORCORAN: Right, I understand the timing, but we might not have reached that time with just the traffic from this development.

COMMISSIONER LORENZINI: So, you're saying if this was fully developed, you may not have enough traffic to warrant that turn lane?

MR. CORCORAN: That is correct.

COMMISSIONER LORENZINI: Okay, now if there is another development in the area, and there has been some significance lately, if that was being built, how would you incorporate the traffic from a major development nearby into your calculations?

MR. CORCORAN: We would need the results for their traffic study, and obviously that's, I'm assuming we don't know when that's going to happen. As Rick mentioned, you know, if they come in and they need lots for permits, they could talk and just possibly do a sharing, but I can imagine they're going to have to do a bunch of stuff to that intersection to help make it work before and after.

COMMISSIONER LORENZINI: Okay, thank you.

CHAIRPERSON DAWSON: Commissioner Warskow?

COMMISSIONER WARSKOW: I'm good, no questions.

CHAIRPERSON DAWSON: So, I do have a question. Where is this Master Association defined?

MR. FIRSEL: Yes, the Master Association is defined in the new declaration. It is specifically referenced, it has been created as an Illinois not-for-profit corporation. It does exist today; however, it doesn't have any property in it and it doesn't yet function. So, it is ready to go and if a deed is prepared and conveyed to the Arlington Downs Master Association, Inc., and that's what we're basically asking today, once that happens, then each lot owner will get a quarterly bill, not from Arlington Downs One, but from the Master Association. That is all it is defined, described and covered in the amended declaration which is before you this evening.

CHAIRPERSON DAWSON: Where are the other parties to the association? How do I know, right now we have somebody who's in charge of paying these bills. How do I know that there are other parties that are going to be --

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MR. FIRSEL: Because they've all agreed, every party has to sign the declaration. It's not just the declaration signed by Rick's entity. The Master Association signs it, Lot 3-A, owner of Lot 5-A, 4-C, 4-B, 2-A2, 16, 2-A and 1-B, they all sign this declaration agreeing to its terms including the payment of their percentage share of the maintenance upkeep of the roadway and all other conditions contained in the declaration. Not only are they signing it, their lenders are signing it.

CHAIRPERSON DAWSON: Sure. I'm just not, Sam, what am I missing? Where does it say here that all this is conditioned upon everyone signing off on the Master Association?

MR. HUBBARD: The subdivision is conditioned on the creation of the --
CHAIRPERSON DAWSON: Where? We've got someone who is on the hook for paying bills. Now we're saying we're going to shift that to somebody else, this Master Association which is a bit mysterious to me. Where does this say that shifting the bills to this Master Association is conditioned upon everyone signing off on the obligation to be a part of the Master Association?

MR. HUBBARD: Well, I think they all sign the Master Association to join in.

CHAIRPERSON DAWSON: I guess I'm just not seeing it here. I'm seeing here that the request is completed and, therefore, the Master Association will be responsible. But nothing here says conditioned upon the Master Association formally being created and signing off on being obligated to pay these bills.

MR. FIRSEL: That is because the Master Association, what the recommendation --

CHAIRPERSON DAWSON: I'm just not seeing it here.

MR. FIRSEL: Yes, I hear you.

CHAIRPERSON DAWSON: So, you're asking for me to shift the responsibility to this Master Association. I don't have a problem with that, I really don't. I'm missing the step in which the Master Association and its members are committing to paying those bills to you, because I can mysteriously shift the obligation to this magical being to create and pay bills that doesn't exist and now I no longer have anyone to pay the bills. So, I'm just wanting to see where in this does it say that all of this is conditioned upon this association being created.

I'll sign off on it all day long if I know that that association is going to be created and be obligated to pay the bills, but if that never happens, then I've just approved a shifting of responsibility to something I can't confirm is going to take that responsibility.

Do you see what I'm saying, Sam?

MR. HUBBARD: Yes, I see what you're saying. I mean, I don't know, I mean, there are several assurances that the parties will sign the revised declarations that establish everything. They're required to revise the declarations as part of this subdivision process as a condition of approval in the PUD.

CHAIRPERSON DAWSON: That's what I want to know, is it a condition of approval, because I don't see that language here. So, as long as this said conditioned upon the Master Association signing the PUD and committing to their obligations, I'm A-OK with that. I'm missing that step.

MR. FIRSEL: And let me, if we had -- Sam, you don't have the declaration in your system, do you?

MR. HUBBARD: I mean, I could pull it up.

MR. FIRSEL: Okay, the declaration itself that everybody is signing says,

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because I wrote it --

CHAIRPERSON DAWSON: Everyone is signing, but hasn't signed yet.

MR. FIRSEL: No.

CHAIRPERSON DAWSON: See, the step, the only step --

MR. FIRSEL: They will, well, of course this revised declaration is of no force or effect until everybody signs it, and the Village, the first step is getting everybody's approval of what we submitted to the Village and getting their approval of the conditions of approval.

CHAIRPERSON DAWSON: Sure. All I'm saying is nowhere on this document does it say that, and so if I'm going to vote in favor of something, I just want the language added that says what you just said. That's all I'm saying, but --

MR. FIRSEL: We have no objection to --

CHAIRPERSON DAWSON: -- I'm not disagreeing with the request. I'm saying there is a slight step that's missed in the drafting because I don't see that step, that's all I'm saying.

MR. FIRSEL: And we would be happy to agree to a condition that says that this is conditioned upon the declaration including provisions that the Master Association will be responsible for all of the obligations that are set forth in the revised declaration. We're fine with that, because that is exactly what's --

CHAIRPERSON DAWSON: I'm asking for a condition that's conditioned upon the Master Association being created and committing to the obligations, right. So, that's the step that I'm missing is just that piece, because this Master Association --

MR. FIRSEL: It has been created.

CHAIRPERSON DAWSON: I believe you, I don't think you're misleading me, not in the slightest, right, but you're a lawyer, I'm a lawyer, there's loopholes, right? So, I just want to make sure we're tying the two together, that what I'm approving is conditioned upon this Master Association being put into existence and signing off on these obligations because without that --

MR. FIRSEL: So, we agree, I agree that's not a problem.

MR. HUBBARD: So, maybe we can recommend a fourth condition of approval, that approval of the subdivision is conditional upon the execution and recording of the amended declarations substantially compliant to the draft as submitted as part of this application.

CHAIRPERSON DAWSON: That's great. That's all I'm asking for is just that loose end tied up. That's all I'm asking for.

MR. FIRSEL: It is not a problem whatsoever. Thank you for pointing that out, and we have no issue whatsoever. That's exactly the intent of what we're doing.

CHAIRPERSON DAWSON: Sure, and I had no doubt.

MR. FIRSEL: Thank you.

CHAIRPERSON DAWSON: I just wanted to make sure that was tied up.

MR. FIRSEL: Thank you.

CHAIRPERSON DAWSON: Okay, so with that, I'm going to go ahead and open it up to public commentary. Anyone in the public who wish to come forward and speak? Yes? If you could state your name and spell your last name, and if you're so willing, where your address, state your address but that's up to you.

PUBLIC COMMENTARY FOR PC #23-009

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MS. CHARLTON: Thank you. My name is Jo Ellen Charlton, last name is spelled C-h-a-r-l-t-o-n. I am the Assistant Director of Public Works for the City of Rolling Meadows with the address at 3900 Berdnick, Rolling Meadows, just down the street.

Madam Chair and members of the Commission, thank you very much for hearing me tonight. I want to thank Sam for his help in providing us with the information on this development, as well as the development team who provided some good history on this project. I started with Rolling Meadows in 2019, so this entire history happened before me, so I appreciate the time that you spent bringing me up to speed on that. I really want to find out who told you not to build that right turn lane, whenever that happened, so I'll be looking into that a little bit. Again, Sam was very gracious in sending me the information and the application. We reviewed it, and I reviewed a lot of the old documents as well to try and figure out what Rolling Meadows' interest in this project was as it relates to the Rohlwing Road right-of-way.

So, as was mentioned in the Staff report and discussions so far tonight, there are two issues that we raised in our report and Sam reviewed and made recommendations in his Staff report. Those two items have been discussed pretty much at length tonight, and they include the right-of-way improvements on the east side of Rohlwing which are the pedestrian improvements, so the sidewalk, the lighting and the street trees, which would include either the removal or replacement of street trees as they exist today. It sounds like everybody is in agreement with that so I don't think we need to discuss that but I'm happy to answer any questions on that if there are any.

With regard to the right turn lane, I think we started down this road with the same intent which was that the original planned development for this project did anticipate warrants would be met in the future for a right turn lane. So, we were trying to request or trying to figure out when that trigger would actually be made. Your traffic consultant, you know, testified that additional traffic studies have been done which may or may not kick in a warrant for that turn lane moving forward.

I guess what I would ask the Plan Commission to consider is that traffic studies in addition to looking at traffic generation from existing projects also look at existing traffic conditions. Some of those existing conditions could change. For example, we saw in some of our traffic studies from projects that, as a result of COVID, our existing traffic numbers went down. So, it took a lot more trip generation to get a project to the point where it met warrants. You may be wildly successful in some of the projects that are in here, and so, you know, the attractions that you have might bring more people, so that trip generation could be a little bit higher.

So, I think we're on the right page. Sam, I don't know if you could put that language up, because I think what you're proposing to do is accept the language that was included in green as amended for that. Correct? Is that correct?

MR. HUBBARD: Yes, we would be adding the language in green or removing the language in red.

MS. CHARLTON: And so, I think what you're saying is that we would continue to evaluate traffic each time a new development was proposed potentially to see if it meets warrants as opposed to like right now, it says which request shall be prior to and/or at the time of completion. You're not saying that you're only going to do a traffic study analysis on the last project.

MR. HUBBARD: Any time the PUD is amended, it would require a traffic study at that time. They could potentially request a waiver of that requirement, but any, you

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know, future development in the PUD that requires an amendment to the PUD would certainly require a traffic and parking study. There are specific conditions that ADR IV and ADR III provide those as part of, they have to go through a PUD amendment process when they come forward for redevelopment. Technically, I suppose, the hotel and the commercial could move forward under the existing entitlements without providing the traffic analysis, but we certainly would require it at the end of the development when fully built out. It could be that whatever is proposed on 4-C and 4-B is not substantially compliant to the approved PUD, in that case they would be required to amend the PUD and then provide a traffic and parking study.

MS. CHARLTON: So, the Master shall provide such study upon request from the Village if you had reason to believe that something could be warranted but wasn't an amendment, would that language not apply to a potential requirement? I want to give the Village as much opportunity as possible to review a project if you feel it's warranted even though it might not be an amendment to the planned development, because I don't know how many of those you have in there currently.

MR. HUBBARD: Yes. I mean, I think we're comfortable with the language as it's drafted. While I see your point; I think we have appropriate mechanisms within the PUD to evaluate traffic as it continues to move forward and ultimately once it's finally built out with this amendment to the declarations.

MS. CHARLTON: And I think the point of this, too, is that once the project is built out, you would not then be able to go back to the developer for anything that happens after that.

MR. HUBBARD: Not for the full cost of improvement but only for their proportional share.

MS. CHARLTON: Okay, okay. So, again, I think with those clarifications, we are, I am comfortable with what Staff has proposed as meeting generally what our concerns were as we expressed them in our report to the Village. So, I don't really have any additional comments. If you have any questions of me, I'm happy to answer them and we're of course looking forward to working with your Staff and the developers as they continue this project. Thank you for the opportunity to speak.

COMMISSIONER DROST: Yes. So, you've got your comments in the record which is number one, and then I think Sam satisfactorily answered the questions for you.

MS. CHARLTON: Correct.

COMMISSIONER DROST: As the development goes forward, there will be a re-evaluation of the parking, or the traffic studies.

MS. CHARLTON: The warrants for the traffic signal, yes.

COMMISSIONER DROST: The warrants, right. Good.

COMMISSIONER ENNES: Good comments on the letter that we saw that you stated in the report. Those were your comments?

MS. CHARLTON: Correct, it was attached to the agenda package was the letter that I sent to Sam. We discussed those comments at length and I think he did incorporate that into the recommendation. The recommendation as presented tonight with some amendments in green appear to meet the intent of what our conversation consisted of. So, we appreciate that, thank you.

CHAIRPERSON DAWSON: Great, thank you.

Anybody else in the audience?

(No response.)

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CHAIRPERSON DAWSON: No? All right, seeing none, we'll go ahead and close public commentary.

I'll start down here, any additional questions, comments?

COMMISSIONER WARSKOW: None here.

(No response.)

CHAIRPERSON DAWSON: Do I have a motion?

COMMISSIONER DROST: I'll make the motion.

A motion to recommend to the Village Board of Trustees approval of PC #23-009, a Preliminary and Final Plat of Subdivision to subdivide the property into three lots, and the following Variation:

- 1. Chapter 29, Section 29-307a.1 to allow Lot 1-B and Lot 1-D without each lot having their full frontage abutting a street.**

This recommendation is subject to the following conditions:

- 1. The amended and restated declarations shall be revised as follows:**
 - A. Rohlwing Road Streetscape Improvements:** The declarations shall be revised to make it clear that whenever development occurs on Lot 2-A2/Lot 16, Lot 4-B, and/or Lot 4-C (whichever lot proceeds with development first), the full streetscape improvements shall be installed from Salt Creek Lane to Euclid Avenue, which shall include a pedestrian signal and crosswalk across Euclid Avenue on the east side of Rohlwing Road. The cost of these improvements shall be proportionately shared between the owners of Lots 4-B, 4-C, and 2-A2/16. At time of permit issuance, the Village could establish a recapture agreement for the cost of the streetscape improvements.
 - B. Rohlwing Road Right Turn Lane:** The declarations shall be revised to require that the Master Association pay for the warrant study for said right turn lane, as well as design, engineer and construct said turn lane if determined to be warranted as outlined in Ordinance #215-049 Condition 3. Furthermore, the Master Association shall provide said study upon the request of the Village, which request shall be prior to and/or at time of completion of the PUD. The Master Association shall be responsible for their proportional share (as based on traffic volumes) of the right turn lane if/when it is warranted in the future.
 - C. Land-Banked Parking:** The declarations shall be revised to clearly state that the owners of Lots 1-B, 2-A1, 4-B and 4-C shall bear the cost of construction of the land-banked parking should it be determined by the Village that there is a parking shortage occurring within the PUD.
 - D. Plaza/Pavilion:** The declarations shall be revised to allow any of the other lot owners the right to construct the pavilion and any elements of the plaza area that fall within the boundaries of Outlot 1-C.
 - E. Euclid/Stonegate Turn Signal:** The declarations shall be revised to require the Master Association be responsible for 100 percent of all costs associated with the traffic signal warrant analysis as well as pay 100 percent of all design, installation, maintenance and energy costs associated with said traffic signal.
 - F. Village Entry Sign:** The declarations shall be revised to clarify that the Village entry sign shall be constructed when development occurs on either Lot 4-B or

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Lot 4-C (whichever comes first).

- 2. Any conflicts between the declaration and PUD approvals shall be determined based upon the PUD zoning approvals and conditions.**
- 3. Approval of the subdivision is conditional upon the execution and recording of the amended declarations by the parties that are affected.**
- 4. The Petitioner shall comply with all federal, state, and Village codes, regulations, and policies.**

COMMISSIONER DROST: Adding the Dawson amendment.

CHAIRPERSON DAWSON: Oh, I have a name.

COMMISSIONER DROST: Yes, well, there's always a compromise, you know.

CHAIRPERSON DAWSON: The Dawson amendment, I like it.

COMMISSIONER DROST: Well, no, to add that with the consent of the Petitioners.

MR. HUBBARD: That approval of the subdivision is conditional upon the execution and recording of the amended declarations.

COMMISSIONER DROST: By the parties that are affected.

COMMISSIONER ENNES: I'll second that.

CHAIRPERSON DAWSON: Any other comments?

(No response.)

CHAIRPERSON DAWSON: All right, roll call.

MR. HUBBARD: Commissioner Drost.

COMMISSIONER DROST: Aye.

MR. HUBBARD: Commissioner Ennes.

COMMISSIONER ENNES: Yes.

MR. HUBBARD: Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes.

MR. HUBBARD: Commissioner Green.

COMMISSIONER GREEN: Yes.

MR. HUBBARD: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Yes.

MR. HUBBARD: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

MR. HUBBARD: Chair Dawson.

CHAIRPERSON DAWSON: Yes.

All right. Oh, wait, we forgot Warskow, she's here.

MR. HUBBARD: Oh, sorry about that. Commissioner Warskow.

COMMISSIONER WARSKOW: Yes.

MR. HUBBARD: Thank you.

CHAIRPERSON DAWSON: So, with that, we have a unanimous approval of the Plan Commission. Again, we're just a recommending body. You'll be going before the Village Trustees with our unanimous recommendation. Sam will be working with you on the dates for that, but congratulations.

MR. FIRSEL: As always, thank all of you very, very much for your time and consideration. Again, thanks, Sam, for his contributions. Again, every time I come in, Sam helps

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make the projects better. So, again, thank you, Sam, and the rest of your Staff.

MR. HUBBARD: Thank you.

CHAIRPERSON DAWSON: All right, so with that, we have other business,
public comment.

Is there anyone in the audience for public commentary? General
public commentary?

(No response.)

CHAIRPERSON DAWSON: All right, seeing none, we're going to close
general public commentary.

Anything else, Sam?

MR. HUBBARD: No.

CHAIRPERSON DAWSON: All right, do I have a motion for adjournment?

COMMISSIONER GREEN: Motion to adjourn.

COMMISSIONER CHERWIN: Second.

CHAIRPERSON DAWSON: All in favor?

(Chorus of ayes.)

CHAIRPERSON DAWSON: Any opposed?

(No response.)

CHAIRPERSON DAWSON: All right, with that, we're adjourned.

(Whereupon, at 8:46 p.m., the public hearing on the above-
mentioned petition was adjourned.)

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STATE OF ILLINOIS)
) SS.
COUNTY OF KANE)

I, RON LeGRAND, SR., depose and say that
I am a digital court reporter doing business in the State of Illinois; that
I reported verbatim the foregoing proceedings and that the foregoing
is a true and correct transcript to the best of my knowledge and ability.

RON LeGRAND, SR.

SUBSCRIBED AND SWORN TO
BEFORE ME THIS _____ DAY OF
_____, A.D. 2023.

NOTARY PUBLIC