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PLAN

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

COMMISSION

RE: 116-120 WEST EASTMAN STREET DEVELOPMENT - PC #23-002
PLANNED UNIT DEVELOPMENT, LAND USE VARIATION FOR MULTI-FAMILY
IN B-5, DENSITY VARIATION, TANDEM PARKING SPACE VARIATION,
CONCEPTUAL SPECIAL USE PERMIT TO ALLOW A RESTAURANT

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 24th day of May, 2023 at the hour of 7:30 p.m.

MEMBERS PRESENT:

BRUCE GREEN, Acting Chairman
LYNN JENSEN
JOE LORENZINI
TERRY ENNES
JOHN SIGALOS
JAY CHERWIN

ALSO PRESENT:

SAM HUBBARD, Development Planner
MICHAEL LYSICATOS, Assistant Director of Planning and Community Development

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ACTING CHAIRMAN GREEN: Okay, I'm going to call this Plan Commission to order. Our first agenda item is please rise and join me in the Pledge of Allegiance.

(Pledge of Allegiance recited.)

ACTING CHAIRMAN GREEN: Thank you. Here comes Joe.

Roll call.

MR. HUBBARD: I'll go slow so Commissioner Lorenzini can reach his chair.

Commissioner Cherwin.

COMMISSIONER CHERWIN: Here.

MR. HUBBARD: Commissioner Ennes.

COMMISSIONER ENNES: Here.

MR. HUBBARD: Commissioner Drost.

(No response.)

MR. HUBBARD: Commissioner Green.

ACTING CHAIRMAN GREEN: Here.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: Here.

MR. HUBBARD: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Here.

MR. HUBBARD: Commissioner Sigalos.

COMMISSIONER SIGALOS: Here.

MR. HUBBARD: Commissioner Warskow.

(No response.)

MR. HUBBARD: Chair Dawson.

(No response.)

MR. HUBBARD: So, without our Chair here this evening, we have to nominate an Acting Chair. Bruce does such a great job, I reached out to him. Unless anyone on the panel and Commission objects and wants to volunteer instead, I'll ask someone to make a motion.

COMMISSIONER ENNES: I'll make a motion.

COMMISSIONER SIGALOS: I second.

COMMISSIONER CHERWIN: I'd like to second.

MR. HUBBARD: All right, all in favor?

(Chorus of ayes.)

MR. HUBBARD: Hearing no nays, you're our Acting Chair for the evening.

ACTING CHAIRMAN GREEN: Okay, I could do it, thank you.

Our first agenda item will be approval of minutes. This is the Metropolis PUD Amendment No. 2. Is there a motion?

COMMISSIONER CHERWIN: I move to approve.

ACTING CHAIRMAN GREEN: Is there a second to that?

COMMISSIONER SIGALOS: I'll second.

ACTING CHAIRMAN GREEN: Okay, we have a second. All those in favor, say aye?

(Chorus of ayes.)

ACTING CHAIRMAN GREEN: All those opposed?

COMMISSIONER ENNES: I abstain.

ACTING CHAIRMAN GREEN: Okay, motion carries.

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Our first hearing tonight is the Eastman Street Redevelopment. Sam, before we get started with that and I ask everybody to come up that's going to speak here tonight, have all the public notices been given?

MR. HUBBARD: Yes, they have.

ACTING CHAIRMAN GREEN: Okay, whoever is going to present this, could you come up and we'll swear you in?

Raise your right hand.

(Witnesses sworn.)

ACTING CHAIRMAN GREEN: You're sworn in. Whoever is going to make the presentation, stay there, give us your name, spell your last name for the court reporter and tell us about your project.

MR. TAYLOR: Sure. My name is Joe Taylor. I'm the principal of Compasspoint Development. This project is 116-120 Eastman. I'm the current owner of the property as well.

The project is 150 units of multi-family rentals with around 2,500 square feet of ground floor retail that's already slated to be a restaurant. There's various amounts of amenities and parking within the building. As we go through the presentation, I'll have my architect, Katie Lambert from OKW come up here and kind of run through the plans. Since we last saw you, we've made numerous changes to the building plans after various meetings with commissions and the public, and so we've got a much more tailored, refined project to present to you tonight.

So, without further ado, I'd like to introduce Katie Lambert from OKW. She's a principal there. Thank you.

ACTING CHAIRMAN GREEN: Thank you, Joe.

MS. LAMBERT: Thanks, Joe. Hi, once again, Katie Lambert.

ACTING CHAIRMAN GREEN: Spell your last name for the court reporter, please.

MS. LAMBERT: L-a-m-b-e-r-t, and I am a partner and Design Director at OKW Architects. I'm really excited to be here with Joe and our super team tonight. We think that this project could be a really great asset for the community. So, we're looking forward to walking through it.

So, I think probably most of you are very familiar with where this site is, but essentially, we are the corner of Eastman and Highland, just south of St. James Street. So, we've created this slide to show in red exactly where the project sits. It's up in the north edge of the B-5 Downtown District and, you know, we've really focused a lot of our attention on making sure that we are contextual with what's happening around us in a Downtown District and sensitive to the neighbors to the north.

So, looking at the existing site today, you can see the existing buildings that are on site. We have an aerial on that upper left that shows the configuration of the existing buildings along Highland. Highland is kind of an unusual sort of private drive that lives within the property line that you can see on that lower left, lower right image. But basically, you know, I think that these buildings are generally thought to be pretty under-utilized and the site feels a little bit cold and austere. So, I think it was a really big focus for our project team to find a way to create a warmer architect throughout.

In this slide, we just wanted to create kind of a list that identifies some of the items that Joe was just referring to, which are things that we've been changing during the

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course of this project as we've been working with the community. So, you know, this list touches on things that have changed based on feedback that we got early on from Sam and the rest of the Staff, changes based on interaction with Commissioners, especially on the Design Commission, and also interaction with residents.

So, we wanted to note, you know, a 20-foot setback of the residential levels on the north has been incorporated. This is not a zoning requirement, but it was really a design request out of sensitivity to the lower scale developments to the north and St. James. We've relocated the parking garage entrance to be farther from the neighbors as well and started to incorporate some enhanced screening to the parking garage so that people aren't necessarily able to see into the garage and really have that visual of the lighting from their properties. We've increased the parking supply to exceed the zoning requirement. We've reduced the unit count and we've increased the affordable unit count on site to be 10.

There again, this is really where the project itself sits. We are looking at a slide where north is to your left, so you can see on the left is St. James, Highland on the plan south, and then you can also see basically where Eastman intersects us. So, you know, the building is essentially a lot line building, zero setbacks on those kind of prime frontages, but that is as of right within the existing B-5 zoning.

Here is a plan that begins to show that configuration a little bit more closely up. You can also see really how the plan itself starts to work out. From a rooftop level, we're looking at essentially a U-shaped building with an amenity deck in the middle, and then you can see that 20-foot offset on the left, on the north side, so that we're lowering the scale of the building relative to the neighbors.

Development summary. So, again, we're looking at 150 units in this building, two levels of enclosed parking, 201 spaces within that enclosed parking deck with five levels of residential units and amenities up above, a total of just over kind of 2,000 square feet commercial space, and then we have a unit matrix off to the right that shows the split between studios, one-bedroom, one-bedroom/dens, and twos. So, we have a pretty substantial amount of each of those unit types, but definitely I'd say particularly a lot of that one-bedroom and one-bedroom plus den.

So, first floor plan, I'll try and kind of walk everybody through it, but essentially you see Eastman on the left side of the screen. There are really two major pedestrian entrances into the building. So, the first one is, I don't know if this laser pointer works, but basically kind of plan north, a little bit farther east on Eastman is really the primary residential entrance into the building from the street. Folks who are walking into that entrance would be able to see through basically to the restaurant itself which is colored there in yellow. So, really the idea of this space is that you have a lot of visibility between the residential lobby lounge and between the restaurant. Similar to what you would experience if you were walking into a high-end hotel, there's a sense of kind of hospitality and it really produces a high design, welcoming environment.

The other primary pedestrian entrance is off of that corner of Highland and Eastman. So, again, that's that door that would lead you into that yellow space and that would be for folks who are visiting the restaurant. So, again, the restaurant would be fully open to the public. It is, you know, truly public commercial space. It will be expected, you know, to have pretty extensive hours that would include lunchtime into dinner and drinks.

Looking at the garage itself, so again, the entrance to the garage is off of Highland. Thank you, that's helpful. Based on conversation with residents and the Design

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Commission, we really felt like it made a lot of sense to shift that entrance farther south to this location. It had been a couple bays farther to the north and, therefore, closer to the residents, and I think there was a lot of concern which we thought was legitimate about potentially the noise and the traffic coming from that.

MR. HUBBARD: The laser pointer does work in case you want. Just keep in mind that Commissioners can't see it, but the audience can.

MS. LAMBERT: Oh, good.

MR. HUBBARD: It's the red button on the top.

MS. LAMBERT: Perfect, thank you.

MR. HUBBARD: Not working? All right.

MS. LAMBERT: I can't see it at all.

MR. HUBBARD: Sorry about that.

MS. LAMBERT: No, that's okay. There we go, thank you.

So, I think the other thing that's important to note is that you can see right here that there would be parking spaces that would really be dedicated towards that commercial use that are essentially up against the building. Then our property also has access, easement access to nine of the spaces on the west side of Highland which would be used also as commercial parking for the restaurant. So, the expectation is that the parking inside the deck primarily residential, parking outside the deck primarily commercial.

The parking deck itself is two-and-a-half levels. There's both a first floor, a second floor, as well as a partial basement to that. This plan shows that basement level, so again, you can see the parking that slopes down to this level. Then we are also taking advantage of that excavation to create some amenity space for the residential, and so currently we're showing a combination of a lounge and what could be really more of a co-working space as well as fitness along this basement.

This is looking at the second floor. So, you can see again the second level of the parking deck. These are mirror tandem spaces on the plan south which, let's hope this works. Thank you, that's helpful. Those tandem spaces essentially would overhang what's happening on the ground floor, and we are expecting that they would be primarily used by residents that are renting two-bedroom units and want to have two cars in this garage. This second floor also has units on it and that's what you see on the right side of the page.

Level three, this is really the primary amenity level. So, not only do you start to see really what the full typical floor of units would look like, but also that amenity deck which is plan south. So, there's a really generous pool expected as well as pool deck, as well as an interior clubroom that would basically open out on to that exterior space.

On the left side of the page is that 20-foot setback, and so each of those units that front that area would have small, individual, private terraces, and then there would be a substantial green space along the edge of the building itself to prevent people from really getting to the building edge. It gives us, you know, even further buffer I think from the neighbors to the north.

Then this is really the typical unit plan, levels four through six. So, again, a lot of one-beds, one-bed plus den, but also some studios and two-bedrooms that's been called throughout. Then moving up to level seven, we're expecting to have another amenity space and essentially a small roof terrace. So, those would be for resident use.

So, this is an aerial view essentially looking towards the downtown that shows a rendering of our building in the foreground. It really, you know, we like this view

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because we think it really demonstrates how appropriate the height of the building is with the rest of that B-5 District. You can also start to see in this view something that we show a little bit later on in the ground floor perspective which is really the setback, the 20-foot setback of those residential levels on the St. James facade.

So, our team went ahead and produced a handful of sun studies. So, it's hard to, you know, replicate every single possible scenario, but essentially, we picked three different representative times of the year and decided to take a look at what the sun would look like in the morning and afternoon. So, this angle here, December 21st, obviously kind of shows the most dramatic shadow that you would potentially get. So, I think that, you know, you can see on the left in the morning view that there is a little bit of shadow that does end up being cast on the first couple of residences first thing in the morning. Once you get to the afternoon, the shadow is, you know, being cast basically to the northeast and is not impacting the residents.

March 20th, so again, this represents sun kind of, you know, mid-year, it would be similar expectation in September. So, morning and afternoon at March 20th are not particularly impactful to the residential neighbors. June 21st, so this is kind of generally the most favorable condition because the sun tends to be really high. So, again, we're really expecting shadows to be primarily, you know, cast on the immediately surrounding property.

So, here's a rendering from the southwest. So, this is basically standing at Northwest Highway looking northeast at the proposed building. So, I think, you know, a few things that we were really trying to think about as we began to understand and compose this facade, one thing, you know, that was really important to this team was to call out the importance of that dramatic public space at the corner that's going to serve as the restaurant on the ground floor. So, really the glass element that we're showing would feature columns, serves as kind of a beacon for the project itself.

The rest of the project, the multi-family, is designed to be really a series of overlapping forms, overlapping rectangular volumes, if you can imagine that. So, they're designed to basically have different materials that engage with each other in interesting ways. At the ground floor, we primarily have a composition of brick. It's a sand color brick so it's probably a little bit difficult to read that in this particular view.

The upper level is what you're seeing that looks like wood. It would be a wood look panel, it'd be a fiber cement panel. But, you know, we really felt like the warmth was really engaging in this particular site and yet had kind of a, I think there was a modern articulation that we were really interested in incorporating. Throughout that element, you can see I think these dancing vertical fins and we've used that to create a little bit more sense of, you know, playfulness across the facade. The other material that you see in the background is really more of a fiber cement panel, and that would be wrapping two sides of the interior courtyard as well as what you can see on this seventh floor here.

Here's the view from the north. Essentially, that parking garage that you see along St. James would be that sand-colored brick as the primary material. Again, you can see the wood-look cladding up above on that volume. The dark material in the foreground cladding that second floor of the parking garage overhang would be a dark fiber cement.

One of the things that was really important when we were meeting with the Design Commission was incorporating vertical fins into the openings into the garage. So, what you can see is that those openings, we'd originally started with a perforated metal and everybody felt that it was very important to really be blocking the view of the lights that you would see in the garage, and so these fins would be designed to allow for that.

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Here we are in the elevations. So, again, we kind of covered the materials. Overall building height to the absolute highest point of the elevator overrun is at 85 feet which is below the allowable threshold for the B-5 District.

Then this is the Highland elevation. So, again, you can see the materials that we talked about. In the middle there where that shadow is cast, that would be where that amenity courtyard is occurring. So, there's actually a pretty substantial plane difference between these planes that you see in this elevation.

Then this is the elevation on St. James.

Landscape plans, we've included these. I think, you know, our landscape team put quite a bit of thought into that right-of-way on the St. James side because we knew that it was really important to warm up that facade through a series of foundation plantings and trees as well. Those trees are maple trees, beautiful red in the fall, provide lots of foliage a lot of the rest of the year. Similarly, a lot of care went into the Eastman side where we've incorporated decorative pavement per the downtown standards as well as some additional ornamental planting.

Then moving up to the third floor, there are a handful of planters that are really incorporated throughout that level as you could see in the renderings, and the landscape team has really gone ahead and already detailed these out. This page is intended to show what some of the variety of plant material would be throughout the site. So, you know, we're really trying to incorporate things that would provide seasonal interest so that you don't have things only blooming in May but that you would have, you know, throughout kind of the season a lot of different things happening.

I'll turn it over to Steve.

MR. CORCORAN: Thank you, Katie.

Good evening, my name is Steve Corcoran, C-o-r-c-o-r-a-n. I'm Director of Traffic Engineering at Eriksson Engineering Associates and prepared the traffic and parking study in your packet today.

We started out, we'll start with the traffic study. It's our typical traffic study. We went out and counted the cars at the intersections in and around the site. We had estimated how much traffic was going to be generated by the proposed use, basically added those two things together to see how traffic changes and patterns and do some analysis and develop some recommendations.

Up here we have two tables. The first table is basically the trip generation. We actually did the traffic study for 154 units, later on it got changed to 150, so we didn't change our analysis but this reflects a slight difference in total trip generation. But we're basically looking at about, a little less than a car a minute in the morning and then a little over a car a minute in the afternoon going to and from the site. Again, apartments are not a high trip traffic generators, and then the restaurant is more of an evening/weekend type of use.

On the site is two office buildings. We compared what our developments can generate versus what those offices used to generate, and basically we're going to regenerate a little less traffic than those two office buildings did in the morning and a little more in the afternoon.

We then looked at the traffic distribution where the cars are going to and from. Obviously there's three major roadways near the site, Northwest Highway to the south and west and southeast, we have Arlington Heights Road to the east, and we have Euclid to the north which then runs east-west. Northwest Highway is going to be the prime route serving this.

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People head south either on Highland or they can take advantage of the traffic signal on Vail to get access to Northwest Highway or cross the tracks to downtown. Folks using Arlington Heights Road or Euclid to the east are generally going northeast, whether it's up Vail, across the easement, there's a couple of different routes they can take.

To go west or northwest, we expect most of them are going to go down to Northwest Highway because it's easy just to make the right on Northwest Highway, go to the signal at Euclid, and if they want to go further west on Euclid they can turn there under the protection of a signal or continue on Northwest Highway. We don't expect many but there may be a couple of cars that go west on St. James, it may be what their destination to go west on Euclid. But that's a more difficult movement because you either make an unsignalized left turn on Euclid which is not easy, or there's a signal there and you end up going through two signals instead of one via Northwest Highway. So, we don't expect much traffic there.

We assigned it to the road system. Again, just to and from the west on St. James, we're looking at maybe three or four cars during the rush hour going toward the neighborhood.

We did intersection capacity analysis, and due to the little amount of traffic, I'm not going to go through this table. There's very little change in the level of service or delay at any of the intersections we looked at in and around the intersection.

Oh, I did want to mention one thing. So, the other thing, one of our recommendations is currently Highland is one-way northbound through the site, it's actually being used, from our traffic counts we saw it's actually being used as two-way. It's too narrow for two-way but due to the little amount of traffic on it right now, it's actually being used as two-way. So, obviously one thing we did as part of this is we're widening Highland and making it a two-way road. We're going to put a stop sign at St. James for the people going northbound, and then it will have a southbound lane for the traffic to flow. That's based on, you know, discussions with Staff and the Fire Department. There was some discussion about potentially closing that access, but the Fire Department did not want, it wants that to remain open, so we kept it that way.

We looked at parking. First, as we always do, we looked at the Zoning Code and we meet your Zoning Code. It's simple enough, we need 161 spaces and we're providing the 224. So, that's the easy part.

We did do some additional analyses because of some concerns about parking, and I'm not going to go through them. But we looked at census data, we looked at national requirements, we looked at apartment complexes from the Arlington 425 site. We looked at those a little differently than they looked at them a few years ago, and we also looked at some other apartment buildings in the area.

The one thing we found is, you know, a lot of those developments generated anywhere from like 1.2, 1.3, 1.5 vehicles per unit, but when you convert it to bedrooms, it's one or less vehicles per bedroom. So, our development doesn't have as many bedrooms as many of those other comparable developments, and that's why we feel we're providing more than enough parking. The table on the lower left is kind of a summary of all our different sources. You can see our parking supply for just the residential at 201 has the most spaces per unit and spaces per bedroom than all these other sources. So, we're definitely providing more than enough parking.

We also looked at the on-street parking in and around the area, basically on Eastman, on both sides of Eastman, north and south, between Vail and Highland. There are 17 parallel on-street spots, they're two hours. We went out, I went out there and did

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some counts in the evening and on the weekend and basically found one car. It's essentially empty for most of the time out there, and part of that reason is all of the neighbors have their own parking lots. The bank to the west has their own parking lot, AT&T has a small parking lot, the commercial development to the south of the retail store has a parking lot and they're closed I think at 4:00 anyhow, and then obviously the gas station doesn't even face us, but they have their own parking. So, unlike south of the tracks, the on-street parking here is highly under-utilized at this time. Then we also, you know, so those are available if someone wants to come and use the restaurant if they so desire.

Then, oh, I'm sorry, and then I forgot to mention there's two public spaces on Highland, the right-of-way, and Highland goes slightly north of Eastman, so two of the parallel spaces are actually public. Then we have nine north of that. Then of course we're right across the street from Public Lot S, 176 spaces, pretty full during the day for commuter parking and pretty empty in the evening to weekends except for use primarily by library patrons. So, there's always some evening parking available there if the need were ever to come. Thank you.

MR. CITRON: Thank you. My name is Bernard Citron, I'm with the law firm of Thompson Coburn. I'm going to stand up here momentarily and talk about a little of why we believe we meet all the standards under the ordinance that were both for the variations and for the planned unit development.

First, one bit of housekeeping. Marie Mulligan, our civil engineer, is present with us today if there's any questions. I'm not putting her up as a witness. All of her plans have been reviewed and approved by Staff. There are some changes that will ultimately be made at the time we come in for a building permit, but they've decided that we meet all the necessary standards for detention and utilities and made major changes with this project to do that. So, if there is any question, I'm happy to bring her up there.

When we look at this project, and Staff pointed this out in their Staff report which they're going to talk about I believe after I'm done here so I'll try to be real brief on this, is we have a planned unit development. Now, that's a basic requirement if you're going to do either a mixed-use or a residential project in the B-5 District. We have a variation to allow for tandem parking and we're asking for a density bonus for 10 units. So, I'll try to, oh, and we're also asking for, no, I said the tandem.

So, let me start with the planned unit development. When you look at the standards for planned unit developments, one of the things they look at is do you meet the underlying zoning, the B-5 District. That's one of the first things we want to look at, and the answer is yes, except for the need for that density bonus for 10 units. We're below the maximum height that's allowed in the B-5 District, and in fact as an argument to say that we fit in with the community, we didn't ask for an additional height bonus which a lot of buildings in your downtown area have asked for. So, we're underneath the maximum height of this building.

We have designed the building to have the least impact on the neighbors. Now, when you look at impact, you look at externalities. You look at what this building does to a community if anything at all. So, for instance, we have the additional setback along St. James, so that puts our taller portion of the building at the minimum 110 feet from any of the residences across the street. That's the minimum distance. So, we've added that additional 20-foot setback so that we can have as least impact as possible.

An externality would be a shadow, and you saw from the shadow studies that were done by Ms. Lambert that we have a very insignificant effect a couple of times during the year. Most of the year we have no impact on the neighbors across the street. Now, I

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will tell you without getting too deep into the woods in terms of, I can't help myself, I'm a lawyer, so I look at case law, I look at all those things. I'm not going to argue case law here but there are some very famous cases which say that you can't really look at shadows and things like that, but nonetheless, the point is by setting this building back that 20 feet, we mitigated that issue.

We took other steps to mitigate any negative effects of this project. What did we do? We put the loading berth, okay, which is where garbage is picked up, which is where move-ins will come, we put it as far away from that Residential District and the houses across the street as it could conceivably and possibly go. It is at the far corner of our site on Eastman. We did that on purpose. We actually had another loading berth that originally was closer to that neighborhood to the west of us, and that was removed. So, we have the one loading berth and it's at the far back end of the building. So, again, we did that to mitigate any negative effects.

Finally, we moved the garage entrance. That was a suggestion by both Staff and the DRC, and we did that because, again, while we don't believe there is much traffic as evidenced, it's not a matter that we believe, there isn't that much traffic as indicated by the study that was done by Mr. Corcoran's firm and approved by the Village's own traffic consultant. We still wanted to keep any of those effects as far away from the residential as possible.

So, what you have here is a project that fits into the community. Number one, we meet the underlying zoning. Number two, it matches the concept plan for the downtown area. Now, we weren't in the study area as was pointed out by Mr. Hubbard in his report, but it's still within the downtown area and we meet what was called for which was a mixed-use development. That's what's called for here and that's what we are, except for that variation we're asking for in terms of how much commercial should be there, and I'll address that in one moment.

We have no negative impacts. Now, I'm sure we're going to hear that there's people who are going to be unhappy with this project, but the fact of the matter is we meet the underlying B-5 except for a couple of factors. So, I'm going to move on into a little more specific issues.

We're asking for a density bonus of 10 units. The site in and of itself would allow for 140 units. Why are we asking for that 10-unit density bonus? So that we can put 10 units of affordable housing on site. That's what your code asked for. That's the intent of the Inclusionary Housing Ordinance is to have the units on site. So, that's why we're asking for that.

Now, could we have put those units on site without the 150 units? No. The economics are such that we need those additional 10 units. Now, if we weren't granted those additional 10 units, would the project have changed significantly. Well, other than the fact that I've just told you that we couldn't build it, we couldn't afford to build it especially as this is a highly amenitized building that all of the tenants, the market rate tenants and the affordable tenants, will all have the benefits of those amenities, the building would still be what the building is. It would still be this height, it wouldn't really change.

So, the variation we've asked for meets the standard. It's the minimum variation that we could ask for, those additional 10 units. The 10 units don't put this building out of character with the neighborhood, again, within the B-5 District because the B-5 District allows for 140 units on this site. So, we're again meeting the standards that are here.

Very briefly, we can talk about the tandem parking spaces. Now, my understanding is this Commission and ultimately the Village Board has approved in at least two

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other circumstances these tandem spaces, but we have to ask for the variation, we're asking for the variation. It's kind of like proving a negative. We're adding parking, we're not asking for a variation to give you less parking. We're asking for a variation to give you, or not give you but give the neighborhood and the Village more parking. We can do that because of the way the site lays out, because of the way the setbacks work on the site and we can add those spaces as tandem spaces, and because we have two-bedroom units in the property, it is valuable to have those additional spaces. Because our study shows, and the conditions that have been proposed by Staff is who can rent those spaces, and the fact is studio apartments can't rent two parking spaces, we're keeping those spaces for basically the two-bedroom units or the one-bedroom and den.

So, is that the minimum variation? The answer is yes, because we're adding parking. We could eliminate those spaces and all we'd have is empty space within that building, or on those floors. So, that's why we're asking for that variation to allow for the tandem parking spaces.

Now, that is one thing, I apologize, I didn't answer in addressing the PUD. But as Mr. Corcoran indicated, another externality is traffic, is what is the traffic going to do to the neighborhood? This property is located, and the studies have shown that we're going to have a de minimis additional traffic on St. James, and all the other traffic is going to go elsewhere. Now, whether we hear that that's true, not true, whatever, those studies have been approved including the traffic distribution by the Village's own traffic consultant. So, we're going to have a de minimis effect on traffic in the community, number one.

Number two, we've guaranteed that there is not going to be parking in the neighborhood across the street from us, because we have 201, well, actually we have more than 201 parking spaces, but we have 201 parking spaces for our tenants in the building. We went so far as to increase that significantly at expense to create more parking in the basement level. Plus, we have the parking spaces for the commercial use within Highland, and then there's also other parking, that none of it will affect the community to the north. So, that's another reason why we fit into this community, why we're not having a negative effect on this community because we have added this additional parking. That was the subject of much discussions with your Staff and with their consultants as to how much parking is needed here. Personally, I believe we'll end up having more parking spaces than we need, but nonetheless we can't come back, we can't change it, we're building 201 spaces in this building.

The last, I guess you would call it technically variation is the fact that the code requires, if you are building a residential building in the B-5 District, that I believe it's 50 percent of the ground floor? I'm looking at you, Sam, just to confirm if it's 50 percent or some --

MR. HUBBARD: There's no strict code requirement.

MR. CITRON: Okay, I apologize. But generally, it would be more than the approximately 3,000 feet that we're showing as commercial on the ground floor. So, we're asking for that. Again, it's hard to ask for a variation when there isn't a strict code requirement, but clearly Staff felt that this truly wasn't what you saw in other mixed-use developments in the downtown area.

The reason we're asking to only, there's a couple of reasons we're asking to only supply the 3,000 on the ground floor level, one of which is they have no negative impacts on the neighborhood across the street, because you wouldn't want to put necessarily commercial uses on St. James. You want to keep that as low intensity as possible. So, what do you see on St. James? You see a shielded parking lot at the lower level, and again, this is not a

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parking lot like you'd see in the old days downtown where cars are coming and going and coming and going. You'd maybe see cars going in the morning and at night and that's about it. Then you have residential, so you're not having any negative impact by what we're designing there versus if you had commercial along St. James to make up an additional amount of commercial, it wouldn't fit into the neighborhood. It would be opposite to that standard, just entirely opposite.

We also have a situation, and I'm not telling you anything that anybody who walks downtown or in other areas, no, is commercial is being very challenging these days to lease up tenants. It's unfortunate. You're going to, unfortunately, we're all going to see various changes as to how we deal with that. So, we didn't really believe it was commercially feasible nor even that feasible for the community to even require us to put more commercial on that ground floor. You already have commercial spaces that should be leased that are located on major streets, major intersections and things like that. Plus, it would have affected our parking ratio. We would have needed to provide more parking or it would have taken up other parking that's there.

So, again, we believe that we've met the standards because it is part of the community, it is the least variation that we could ask for because we're still putting in this restaurant. On the other hand, the restaurant again, is about as far as it can be located on the site from the residential to the north.

So, in summation, and again, Mr. Hubbard's report when he does give it does support I think everything that I have put forward here now, we meet the standards for the PUD. We meet the standards for the tandem parking spaces. We meet the standards for the "commercial" or the less amount of commercial on the ground floor, and we meet the standards for the number of units in this building.

With that, our team is ready to answer any questions that the Commission may have. Thank you very much.

ACTING CHAIRMAN GREEN: Thank you. Before we move on, I have to ask, you've seen all the conditions that are laid out on this sheet. Do you agree with them?

MR. CITRON: Absolutely. A lot of those conditions initially came from our, for instance, the parking conditions started with the report that we gave to Staff as to how we would operate the parking lot. They took the report and added some, made some changes to that, added some conditions, and we agree with every one of those conditions that are there.

The same thing with the pool deck area. One, we located that buried behind that front portion of the building so there would be the least amount of impact across the street, and there were some conditions having to do with no music, no speakers, after a certain time. Guys, we're renting all the apartments around this. I mean, it sounds obvious, but if there was a lot of noise there, that would cause us a problem. So, it is to our best interest, our better interest to keep that area a little more low key.

That was a long way of getting to what should have been just a one word answer. Yes, we agree to all the conditions.

ACTING CHAIRMAN GREEN: It works, thank you.

MR. CITRON: Thank you.

ACTING CHAIRMAN GREEN: Sam, would you like to give the Staff report please?

MR. HUBBARD: Sure, absolutely. Good evening to the Plan Commission.

As you've heard, the subject property is at 116-120 West Eastman Street. That is within the B-5 Downtown Zoning District. It's classified on our Comprehensive

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Plan as suitable for mixed-uses as it develops in the future.

The Petitioner is before you this evening for several issues. One, as you heard, they're requesting a PUD. All development within the B-5 District is required to develop as a PUD, so that is the reason a PUD is required and they have requested the appropriate PUD for a 150-unit multi-family residential development.

Additionally, as you've heard, they are requesting a land use variation for a primarily multi-family Residential District in the B-5. Sorry, a primarily multi-family residential development in the B-5 District, and I'll talk a little bit more about that later on in the report. Also, a conceptual special use permit approval is required for the restaurant proposed on the ground floor, and they are requesting two variations relative to density and to the tandem parking stalls as you've heard, and I'll talk briefly a little bit about both of those later on in this presentation.

The Petitioner has undertaken several actions to get them to the point they are at this evening. First, they had a meeting with the Conceptual Plan Review Committee back in July of last year. Generally, I would categorize the Conceptual Plan Review Committee as favorable. There were some discussion and questions about how the development would integrate on the east lot line being that it was proposed abutting the east lot line directly against the building to the east. There was a recommendation for a neighborhood meeting made by the Conceptual Plan Review Committee.

So, on August 23rd of last year, the Petitioner sent out, or held a neighborhood meeting. They sent out invitations to all neighboring property owners within 250 feet and held a neighborhood meeting to introduce the development to the surrounding property owners. According to the Petitioner, some of the key issues raised that evening were relative to traffic, the garage entrances, and the building height. So, based on that meeting, the Petitioner made some tweaks to their development plan, finalized their application to the Plan Commission and Design Commission, and submitted.

Subsequently, on March 13th of this year, they appeared before the Design Commission. The project was continued at that meeting to allow the Petitioner to address some additional design-related items. Then on April 12th of this year, the Design Commission recommended approval by a vote of four to zero subject to two recommendations for changes to the renderings and one requirement to tilt the direction of the louvers on the garage which you've heard about which the Petitioner has done to reduce the potential for headlight glare on the properties to the north and northwest.

Finally, on April 19th, the Petitioner appeared in front of the Housing Commission. They received a five to zero recommendation of approval. According to the Inclusionary Housing regulations, they are required to provide 7.5 percent of units as on-site affordable units. However, they do have the option of providing no less than five percent of those units as on-site affordable units, and then the remaining 2.5 percent would be accommodated as a fee in lieu of required on-site affordable units that aren't on site. The result of the Housing Commission meeting is that the Petitioner will be doing 10 on-site affordable units and will be providing a fee for the remainder. That 10 affordable units is slightly above that minimum five percent, so they will be doing the balance and difference as a fee in lieu of.

So, here's an aerial of the subject property. You can see it bounded in red. In analyzing the appropriateness of any PUD, we typically looked to several primary areas of consideration. We'll consider not only the proposed development in the context of the overall zoning regulations, Chapter 28 of the Municipal Code, but we also consider it in relation to the specific zoning regulations of the district in which that development is located. In this case, that's

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the B-5 District, and we analyze how that development complies with the regulations of that district. We also consider the Comprehensive Plan and we consider any neighborhood or area-specific plans such as, in this instance, the Downtown Master Plan. Then of course we'll also consider the unique characteristics of the development site and the surrounding properties and how those are zoned as well.

So, relative to the surrounding properties on the north side of the development, you have some single-family homes and a small amount of two-family residences within the R-6 District to the north. Then also, you have the parking lot for the library, and then the library in the P-L District which is the Public Lands District. Farther to the north, you have some single-family R-3 Districts and some P-L Public Lands Districts. Immediately abutting the site to the east is the B-5 Downtown District. Farther east of that is some R-7 Multi-Family Residential and B-2 General Business District. To the southeast is a B-5 District that's a multi-family development of about eight stories in height. To the south is B-5, to the west is B-5, and then a little bit farther west of that is R-7 Multi-Family Residential.

So, the site is bounded on three sides by the B-5 Downtown District. It is bounded to the north by single-family homes that are in the R-6 District, multi-family District, as well as a parking lot in the P-L District. Again, this site is on the fringe of the downtown area but we consider this to be part of the downtown, that is in the B-5 Downtown Zoning District, and we expect that the neighboring properties in the B-5 District will redevelop at some point in the future compatible with that B-5 designation and what's shown on the Comprehensive Plan.

So, again, we take into consideration the designations on the Comprehensive Plan. That's the vision for future development of the Village. The site is designated as appropriate for mixed-use. You've heard a bit about the requirement in the B-5 District to have mixed-use developments. A residential development only is not allowed in the B-5 District, but we are comfortable with this predominantly multi-family use with the small bit of commercial on the ground floor.

To the north is moderate density multi-family and government classifications. Farther north, single-family and parks. To the east immediately abutting, mixed-use; farther east, institutional mixed-use; south, mixed-use; west, mixed-use; and then a little bit of high density multi-family farther to the west.

So, we did take this into consideration relative to the Comprehensive Plan designations and we found the project consistent with what's shown on the Comprehensive Plan. Again, this location is a fringe location but is part of downtown, is part of the mixed-use District, is part of the B-5 zoning regulations and district.

We also analyzed the development in the context of the Downtown Master Plan that was put together in 2007. It has a wide range of recommendations for developments within the downtown area. The plan does not specifically include the subject property if you see the graphic on this screen. The study area was bounded by the blue line in that graphic below for the Downtown Master Plan, the subject property is the red bounded site just on the outside of the study area. So, while the subject property was not included within the Downtown Master Plan, it does further several of the goals of that plan such as promoting the diversity and concentration of uses in the downtown core, creating a quality pedestrian environment, and strengthening the downtown's residential base by encouraging additional residential development.

Additionally, while not specifically part of the Downtown Master Plan study area, because these sites on the northwest side are the only sites in the B-5 District that are

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outside of the study area of the Downtown Master Plan, the plan did include some recommendations for these fringe areas relative to height and recommended height be allowed between 70 feet and up to 100 feet with density, I'm sorry, with height bonuses. The Village never ended up adopting code changes to require that, so that stands as just a recommendation of this plan. But we do believe that given those recommendations, the proposed development is compatible with the Downtown Master Plan.

There were five key areas that we chose and looked at this proposal under the perspective of. Those related to the proposed use and there was a land use variation required, building height, density, traffic, and the adequacy of the parking supply.

So, relative to the use, you've heard the, and I touched on it briefly, the B-5 District requires mixed-use developments, only allows residential uses when they're on top of ground floor commercial. At only about six percent of the overall ground floor area, the Planning Department did not feel like the ground floor restaurant was substantial enough to qualify this as a mixed-use development. So, it does require a land use variation to allow for predominantly multi-family residential development in the B-5 District.

We are supportive of this land use variation for many of the reasons that you've already heard. It keeps the commercial on the southern end and away from the northern end of the site which is in closer proximity to those single-family homes to the north. The site is somewhat unique in that it's two outdated office buildings. Office occupancy is not in demand at this time. Vacancies are a trend in the office market. So, we do feel like the unique situation on the site with the outdated office buildings is a unique situation, and we don't find that multi-family uses will represent a threat to the public health, safety, or morals or the general welfare of the people working in the vicinity.

So, we are supportive of the land use variation for that predominantly multi-family building and recommending approval. Additionally, it's worth mentioning that a special use permit will be required for the restaurant in the future or a special use permit waiver. So, that will give the Village a little bit of oversight prior to allowing occupancy of any restaurant in that space.

We did believe that the site was sensitively planned. Again, as you've heard, the garage entrance was shifted several times resulting in its present location farther south away from the some of the single-family homes to the north, the location of the loading zone, the location of the pool deck not centered on the north side and slightly shielded by the building, the active uses of the building concentrated on the southern side of the site. So, we do feel like the Petitioner has done a good job of sensitively designing this development to take into consideration the context and surrounding land uses.

Relative to building height, we evaluated the proposed 82-foot tall structure and we are supportive of that building height for several reasons. First, as I explained, you have to take the building height into account given the context of the Zoning District and the regulations within that district. The B-5 District allows 90-foot building heights by base allowance and up to 140 feet with the height bonuses. At 82 feet, this building did not take advantage of any of those. It's a little bit shorter than the maximum allowable height in the B-5 District, and so we believe the height to be acceptable.

We also took it into consideration relative to some of the other multi-story mixed use buildings in the B-5 District. You can see a list here of some of the heights. At 82 feet in comparison with some of these other buildings, this structure is actually on the shorter side I would say of the other mid-rise mixed-use buildings in Downtown Arlington Heights and in

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the B-5 District. So, we found that the Petitioner took into consideration the surrounding neighborhood in the design of the height. Furthermore, it's consistent with the goals of the Downtown Plan as I already touched on. Additionally, as you've heard, the building is set back from that north property line so only the first two floors are built right at the north property line, and then the remaining seven-story portion of the building is 20-foot set back from that north property line. So, we were comfortable with the proposed building height and we felt it was acceptable given this location.

When it comes to density, a density variation is required based on the lot size. About 140 units could be built on this site compliant with the B-5 regulations. 150 units have been proposed, that's a 10-unit density increase. The Inclusionary Housing regulations of the Village do allow a density bonus and grant, essentially do grant that density increase at a one-to-one ratio. So, for every on-site affordable unit provided, the developer qualifies for a one-unit market rate density bonus. So, the proposed density variation is compliant with this Inclusionary Housing regulation provision for the density bonus.

In comparison to some of the other developments in downtown, the Planning Department acknowledges that this development would be definitely on the denser side of the developments in the downtown area but within the range of what has been approved and constructed in the past. Arlington 425 was originally approved at 131 dwelling units per acre in comparison to the 150 here. Dunton Tower is at 142 dwelling units per acre. So, again, this is within the range of what's acceptable.

Density doesn't necessarily, isn't necessarily a bad thing. In fact, I think it can be really appropriate in certain areas where there are the required infrastructure and it doesn't create a strain on services. The downtown area is built out to accommodate higher density developments and it is one of the areas in the community that can accommodate and is appropriate for high density developments. So, simply, the simple fact that this does include 150 dwelling units and is a high density development isn't necessarily a bad thing. We believe there are services and infrastructure to accommodate for those externalities, and at the same time it also accomplishes the goal of the on-site affordable housing units. So, we are supportive of the requested density variation.

We'll touch on traffic. You heard about the comparison to the estimated traffic if the site was to be occupied entirely under the office buildings that are currently on the site. So, the traffic generation rates are generally comparable. You've heard about the directional distribution and where traffic is mostly going to be coming and going along east and west Northwest Highway.

Intersection and capacity analysis. None of the intersections studied were at a low level of service. The lowest was a level of service C moving in the future, that's the Northwest Highway and Highland Avenue southbound approach. A level C service is really nothing to, is really not a bad level of service. It does provide decent travel movements for a minor leg approaching a major arterial like Northwest Highway. This is a pretty, you know, good level of service so we're not concerned with the traffic generation for the development.

Last, I want to touch on the parking. We looked at parking kind of three different ways. We first analyzed it relative to what code requires, then we looked at it relative to what the Institute of Traffic Engineers (ITE) projects for what a parking demand would be for this type of development, and then we compared the parking supply to the parking supply of similar developments throughout Arlington Heights in the suburban Chicagoland area to make sure that this was in line with what see demand to be locally.

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Relative to code, as you can see by the chart below, there is a significant surplus relative to code requirement, so there wasn't an issue on the code side. Relative to ITE, the traffic consultant projected or used ITE to project the need or demand for about 179 parking spaces for the residential tenants. There will be 201 parking spaces reserved and dedicated within the garage, so that should be sufficient from an ITE perspective to cover the demand of the apartments.

Relative to the restaurant, the ITE predicted demand to be between 21 and 53 parking spaces at peak times. We think the 53 is probably a little bit too high, overly generous. We don't expect there to be a peak demand of 53 parking spaces, but we do acknowledge that there are nine on-street spaces on the west side of Highland that the development can use. There are 14 spaces on the east side of Highland on the subject property that the development will use for commercial parking, and there are about 19 spaces along Eastman and Highland for commercial uses. So, that equates to about 42 spaces to accommodate for peak commercial demand, and we think that that's probably suitable to accommodate expected peak demand.

The last thing we looked at was specifically relative to parking for the residential uses within the building. We asked the Petitioner to analyze data for a bunch of similar multi-family rental developments within the suburban Chicagoland area, specifically in downtown locations, and the Petitioner did. They collected data from several different developments throughout Chicagoland, including Evanston, Des Plaines, Streamwood and other communities. They found that parking for residential uses was provided at about 1.2 parking spaces per unit.

A lot of these comparable examples, Staff felt like, were not in the immediate vicinity, so we asked the developer to further refine that data and hone in on specific developments in Des Plaines and Mount Prospect and Arlington Heights. Based on that, they found that demand to be about 1.3 parking spaces per unit. The Village historically has found demand in the downtown area to be about 1.3 parking spaces per unit, and this is consistent to what the Arlington 425 development was recently approved at in the downtown area. So, this is consistent with what we've been seeing recently and consistent with other projects in the downtown.

We worked with the Petitioner to provide the parking and they were able to get up to a parking ratio of 1.34 parking spaces per residential unit. We feel like this is acceptable to accommodate demand, but we are requiring several conditions because there's those tandem parking stalls. We are asking several conditions to be included to manage the parking just to make sure that they are able to get up to that 1.3 parking spaces per unit while also including the tandem spaces in the development. So, we are supportive of the parking. We do believe that at 1.34 parking spaces per residential unit, this should be accommodating the expected demand.

We are supportive of this project. We are recommending approval of the application. There were 21 conditions outlined within the Staff report. I don't want to go through each and every one of them individually, but I can if the Plan Commission is interested, but we are supportive of the application and recommending approval.

ACTING CHAIRMAN GREEN: Thank you, Sam. That was a most excellent report.

Is there a motion to include the Staff report into the public record?

COMMISSIONER ENNES: I'll make that motion.

COMMISSIONER CHERWIN: I'll second.

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ACTING CHAIRMAN GREEN: All those in favor, say aye?

(Chorus of ayes.)

ACTING CHAIRMAN GREEN: All those opposed?

(No response.)

ACTING CHAIRMAN GREEN: It's in there. We're going to start with any initial questions that you, Commissioners, might have before we open it up to the public. I think that's the way we've been handling it.

Is that acceptable tonight? Any initial questions? Joe?

COMMISSIONER LORENZINI: No.

COMMISSIONER CHERWIN: I would ask Sam one question. You've talked a lot and you've gotten a drink of water. You good?

MR. HUBBARD: A few, yes, thanks.

COMMISSIONER CHERWIN: Special use permit, you guys are saying they need to come back for a restaurant. What are you, I mean, you know, if we're here today and we know a restaurant is going in there, you know, the site is kind of locked into what it is. We're not talking drive-throughs, we're not talking really anything. Why are we not just saying if this thing gets approved, it gets approved for a special use permit with a restaurant now?

MR. HUBBARD: We potentially could have done it, but we would have needed all the details on the restaurant such as, you know, when it's going to be opened, how many employees, what are the hours of operation, you know.

COMMISSIONER CHERWIN: So, you can't like set parameters? Oh, wait, maybe the Petitioner doesn't even care, maybe they don't want to know. I guess it's not a big deal.

MR. HUBBARD: I mean, I would expect that the restaurant is going to qualify for what's called a special use waiver for a restaurant.

COMMISSIONER CHERWIN: Yes.

MR. HUBBARD: So, it's probably not going to have to come to the Plan Commission. The only reason I would imagine it coming to the Plan Commission is if we felt there was some characteristic about the restaurant that was so potentially impactful that it needed review by the Plan Commission. Maybe it's a 24-hour restaurant.

COMMISSIONER CHERWIN: Understood. Okay, that's good, thank you. That's all.

ACTING CHAIRMAN GREEN: Is that it?

COMMISSIONER CHERWIN: Yes.

COMMISSIONER SIGALOS: Sam, I have a question. Of the number of conditions, the sheet I have here is General Conditions 1 through 6(a) and (b), then it jumps to Building Related 16 to 21. Would I be missing conditions 7 through 15?

MR. HUBBARD: Good point. I think that was a typo on the motion sheet. I can pull them up, I mean, they're the same ones that were on the Staff report. They're the same ones that --

COMMISSIONER SIGALOS: Right, I just want to make sure that Petitioner is aware of it.

MR. HUBBARD: Yes. Yes, all 21 conditions are the same ones from the Staff report, yes.

COMMISSIONER SIGALOS: Thank you.

ACTING CHAIRMAN GREEN: Anything else?

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COMMISSIONER SIGALOS: That's all I have, right.

COMMISSIONER ENNES: I have a couple of questions. One for Ms. Lambert.

Ms. Lambert, what is the setback on each side of the property? I'm a little confused about that --

MS. LAMBERT: So, essentially --

COMMISSIONER ENNES: -- from the building edge to the lot line.

MS. LAMBERT: Close to zero on Eastman, St. James, and variable on Highland essentially. The 20 feet that we were noting on St. James which is maybe what was confusing was applicable to the residential floors above the parking garage. So, those are set back 20 feet, but --

COMMISSIONER ENNES: Okay.

MS. LAMBERT: -- the building at the garage is basically a zero-foot setback.

COMMISSIONER ENNES: That's an intense development. I mean, we have three sides with zero lot line. Why are we doing that? We don't allow that.

MR. HUBBARD: Well, the B-5 actually does allow zero lot line developments, yes. It's the only district.

COMMISSIONER ENNES: I mean, it's an intense development. There's 40 parking spaces for the restaurant?

MS. LAMBERT: 42, correct.

COMMISSIONER ENNES: Okay, is there other commercial, what's the other commercial development in the property? Is it just the restaurant?

MS. LAMBERT: Just the restaurant, correct.

COMMISSIONER ENNES: Just the restaurant, okay. Then all of the other parking spaces for the residents are interior spaces?

MS. LAMBERT: Correct. Aside from the 42, the 201 are all garage spaces. So, behind a closed garage door essentially.

COMMISSIONER ENNES: Okay, there was a comment made about the fact that the traffic from this development will not be anywhere near as intense as what was in the office building. I'm wondering from what point in time with the office building. It's been vacant or terribly vacant for a while.

I mean, how many office suites were in those two buildings? Not very many. It's three-story. How many office suites were in the, there's two office buildings that are there.

MR. CORCORAN: I don't know. I just know the total square footage of the two buildings I believe is like 55,000 and change square feet. That's how ITE does their calculations, it's based on square footage for office buildings.

COMMISSIONER ENNES: So, how many cars were you estimating was there for those spaces? I mean, if the 150 units which are going to have one to two cars per unit, how does that compare with what was in the parking lot? I've got to imagine the traffic is going to be heavier with the proposed development than it would from the office building.

MR. CORCORAN: Well, actually it's not going to be one or two cars per unit. It's, like I said, it's going to be like one car per bedroom. So, we're talking about 1.18 vehicles per unit. So, and then remember, some of those units, some of the people are obviously going to take advantage of the location.

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COMMISSIONER ENNES: Sure.

MR. CORCORAN: Leave their car in the parking lot and just literally walk the two blocks to the train station.

COMMISSIONER ENNES: I understand.

Sam, do you know how many parking spaces were on the existing office building property?

MR. HUBBARD: I don't know.

COMMISSIONER ENNES: I mean, I go by there to go to the bank all the time and there aren't very many parking spaces there.

MR. HUBBARD: They may have some interior, I'm not sure.

COMMISSIONER ENNES: No interior, I don't think. Okay, that's all I have for right now. Thank you.

ACTING CHAIRMAN GREEN: Anyone else?

(No response.)

ACTING CHAIRMAN GREEN: Well, I think we're going to open it up to the public would be the procedure here. We're going to start on, let's say this side of the room. We can start in the front. Let's, hold on, hold on, sir. I usually start in the front. Okay, now you're in the front. There you go, why don't you step up?

MR. GAYNOR: That would be a great idea, thank you so much.

ACTING CHAIRMAN GREEN: And give us your name and spell your last name for the court reporter.

PUBLIC COMMENTS FOR PC# 23-002

MR. GAYNOR: Yes, greetings. I'm Tom Gaynor, G-a-y-n-o-r. I live at 208 West Fremont. I'm a 41-year resident of HANA and currently serving as the HANA board president.

MR. HUBBARD: Excuse me, if I could interrupt one second. The HANA Association has a presentation they have prepared. They're willing to go through it person by person a couple of slides, but I just wanted to, is it okay if I bring this up on the screen? I wanted to run it by the Chair and make sure that --

ACTING CHAIRMAN GREEN: Sure. Sure, I think, yes.

Any objection to that?

COMMISSIONER ENNES: No, just tell us what HANA is.

ACTING CHAIRMAN GREEN: What is HANA first?

MR. GAYNOR: So, HANA is the Historic Arlington Neighborhood Association. So, let me see if this works.

So, here is the boundary. So, HANA consists of 625 households and contains most of the historic properties in the Village. I'm currently here today with members of the HANA board and neighbors from the HANA triangle. The HANA triangle is the triangle right north of the proposed project.

So, HANA has enjoyed a long-standing, collaborative relationship with the Village, starting over 40 years ago and continuing with the creation of Festival Park. This self-declared Historic District demonstrates the ongoing collaboration. The Eastman project has the potential to be a welcome improvement over the vacant buildings on the site. A quality development and investment would be beneficial. However, this project could really have a

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detrimental impact on the community. It's important to get this right.

So, we're fortunate in Arlington Heights to have a thoughtful approach to development that looks beyond just zoning and codes. Projects need to address essential character, unique circumstances, alignment with the spirit and intent of the Comprehensive Plan, and minimum variance. With these considerations in mind, the development as proposed has significant opportunities for improvement.

The proposed design is maxed out for a financial return, maxed height, maxed number of units, zero lot line setback on three sides, and substandard design elements. Fortunately, the Village is financially solid and can consider a balanced approach. Let's look at some of the key concerns and opportunities.

The proposed building would tower over the homes in the HANA triangle. This project would be the only high-rise in town that is directly south of a residential neighborhood. At noon on Christmas, this 90-foot building would cast a 198-foot shadow.

The zero setback on St. James, it's not 20 feet, it's zero, does not provide the gradual step-down from the CBD to single-family homes and prohibits any landscaping. The zero setback with the AT&T building creates an awkward situation with nearly touching buildings.

The first two stories are an open parking structure. An enclosed underground garage would solve all of the noise and light pollution issues discussed at length at the Design Commission meeting. The exterior design is not aligned with the brick and natural stone construction used throughout the CBD. This design would be fine if built next to IKEA in Schaumburg, but it is not in keeping with the essential character of our community.

The project should do no harm to the adjacent neighborhood. Thoughtful consideration is needed for traffic, parking, safety, noise and neighborhood character. For example, traffic on Highland should only head south to avoid headlights lighting up the bedrooms and living rooms of our 100-year-old homes. We would like to be able to welcome this development to our neighborhood, but as currently proposed, the HANA community does not support this project. The project is just too much.

A building of four to five stories with increased setback and underground garage would be a much better fit for the Village and our neighborhood. We welcome the opportunity to continue to collaborate to make this project as good as it can be. We urge you to not approve the project as proposed. Thank you for your consideration.

ACTING CHAIRMAN GREEN: Thank you.

MR. GAYNOR: I'll leave that. I like the good neighbor part.

ACTING CHAIRMAN GREEN: Okay, moving right along, I guess we're going to just come up as you want.

MR. GAYNOR: We have a plan.

ACTING CHAIRMAN GREEN: It's fine. Fine with me.

MS. COUGHLIN: Hi, thank you. I'm Elena Coughlin, C-o-u-g-h-l-i-n. I have been an Arlington Heights resident for 32 years, which is my entire life. I'm a local Kindergarten teacher.

First of all, I want to start by saying thank you that we have such a thoughtful Village who has taken so much consideration when planning out our beautiful Village, downtown and surrounding areas. My husband and I invested everything we had in a 100-year-old house on Fremont Street and only did so because of the character of the neighborhood. My neighbors and I are here tonight to ensure that this project aligns with the character of our

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beautiful neighborhood along with the Comprehensive Plan for Arlington Heights.

The Comprehensive Plan states the development should take into consideration the character of the existing neighborhood, site layout, relationship to adjacent homes, bulk and massing and use of materials. When it comes to the vacant building on the residential street in our neighborhood, how you can develop this space and how you should develop this space are two very different things.

The proposed Eastman project directly affects approximately 40 homes in the neighborhood with an estimated collective investment of \$20 million to \$25 million. This project indirectly affects the entire Downtown Village of Arlington Heights, especially the north side of the tracks which we can all agree needs some sprucing up. We are not opposed to sensible urban development but it needs to be in keeping with the already beautiful downtown and surrounding neighborhoods that we have.

A picture is worth a thousand words so I'd like to take you on a quick walk through our neighborhood which we are so proud of, along with the historic landmarks that will forever be impacted by this project. The majority of the residents who live in these houses are here to speak to you tonight or have sent their notes in ahead of time.

This is our Memorial Park which is a tribute to the veterans. Here is the Historical Museum and the grounds. Here is the multi-family housing in the triangle which our neighborhood already supports. Then here is just a sample of the historic single-family homes, and you can see they have been around for a long time.

Okay, here is a picture of the Asa home which is directly across from the Eastman project, looking into the parking structure on the first floors. Granted, architectural beauty is in the eyes of beholder, but anyone with common sense can look at this building next to the Asa home and see that the design is a fish out of water. The contrast in height between this building and the single-story home across the street is absolutely startling.

This project needs to be reworked to physically fit in with the precedent that has been established by our beautiful Village of Arlington Heights, specifically this cherished historical neighborhood. There are many aspects of this project that need to be addressed such as the lack of setback, the aboveground parking structure on a residential street, and the overall height and density. Does this project as currently proposed take into consideration the character of our existing neighborhood? We don't think it does.

Let's look at a different approach the same company takes when designing a building in Downtown Barrington where Mr. Taylor currently lives. Compasspoint astutely designed a very aesthetically pleasing building, and Mr. Taylor is quoted in the Daily Herald saying we have a cute and quaint downtown. We aim to enhance what is already currently here. The height, design, density and overall feel of this structure would be a much better fit for our neighborhood and our Village in contrast to the inappropriate building that is currently proposed. We are here to ask our thoughtful Plan Commission to work with Compasspoint on a project for the Eastman land that will also aim to enhance what is already currently here in the neighborhood.

We appreciate your time and listening to the concerns that I mentioned, and the more specific concerns that will follow with the neighbors tonight on the Eastman project. Collectively, we are excited for urban development, but we want to make sure that it fits in with the neighborhood that it will be directly placed in. We are looking to protect our greatest investment. We take great pride in our homes, our neighborhood and our Village. Thank you.

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ACTING CHAIRMAN GREEN: Thank you.

Sam, I have just a question that might help some of this. This B-5 Zoning across the street, how long has it been zoned that way?

MR. HUBBARD: The subject property?

ACTING CHAIRMAN GREEN: Yes. I mean, the whole downtown area has had a higher density B-5 type zoning, or I know we've put it for a B-5, but what has this property been and for how long has it been zoned that way?

MR. HUBBARD: I don't know the specific history, but I can say for decades.

ACTING CHAIRMAN GREEN: Decades.

MR. HUBBARD: Yes.

ACTING CHAIRMAN GREEN: Okay, and so I would like to ask the lady that was just up here, when you bought your house, were you aware that the property across the street was a higher density downtown zoning?

MS. COUGHLIN: Yes. Didn't think it was quite that.

ACTING CHAIRMAN GREEN: So, you're just hoping that it wouldn't be developed? Is that, well, the zoning that is going on here now has been on the books for decades.

MR. HUBBARD: If we're going to go back and forth, should we call the Petitioner up maybe?

ACTING CHAIRMAN GREEN: Yes, let's call the Petitioner up, or whoever wants to speak for her, come up to the podium, give us your name and spell it, please.

MR. STAAR: My name is Jacob Staar. My last name is S-t-a-a-r. I live at 208 West St. James.

Our residence on our block, the five houses, is right now apparently R-6 and we're going through a rezoning with the Village because our properties that are all single-family are supposed to be multi-family with R-6. We're going through the current rezoning of that right now with the Village.

ACTING CHAIRMAN GREEN: Correct.

MR. STAAR: So, the current property on Eastman is a 35-foot building, one has been abandoned for about eight years and one has limited offices that are used probably at 25 to 35 percent capacity. It's a dental office, was a dental office and a therapy office.

ACTING CHAIRMAN GREEN: Okay.

MR. STAAR: Actually, no, on therapists, they had been working out of their office since COVID, so for the last three years they have not been there. There's about 20 cars at max per day from that building.

So, I have been in that property for about a decade and there has been very limited use of the south building. The north building has had a couple, but the south building has been vacant. So, yes, it was R-6, or it's a multi-family and it's zoned for that, but when we went to purchase a decade ago, there was no high flow of traffic or dense project and it could be on us as a consumer buying houses in Arlington Heights not looking at the zoning of the neighborhood. But when you see a 35-foot building, you assume it's going to stay around that, the development, not almost triple with the new build that they're going with the zero setback.

ACTING CHAIRMAN GREEN: Okay.

MR. STAAR: As an assumption for when you bought the house.

ACTING CHAIRMAN GREEN: As an assumption, but what I'm saying is things change. You've given me the history of a delinquent property that hasn't had people, no

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use for years now.

MR. STAAR: And that is --

ACTING CHAIRMAN GREEN: I get it, you just wish it would stay that way,

but I'm sorry --

MR. STAAR: I don't wish it would stay that way, I wish it would be

developed.

ACTING CHAIRMAN GREEN: And it is.

MR. STAAR: But to a point that fits our community and our housing.

ACTING CHAIRMAN GREEN: Okay, that's your opinion and everybody has an opinion on this property.

MR. STAAR: So, we're going way out of turn, but I have something I'd like to read.

MR. HUBBARD: If I may, let's get through all public comment before we --

ACTING CHAIRMAN GREEN: Okay.

MR. STAAR: Could I go through what I had prepared since I'm up here?

ACTING CHAIRMAN GREEN: Sure.

MR. STAAR: So, I would like to talk about traffic, okay. My name is Jacob Staar, I live at 208 West St. James with my wife and my two kids. I have a four-year-old and a three-year-old. As you know, these lots are a little bit smaller than your normal lots. My lot is 50 by 132, okay.

My kids like to use our driveway, our front yard. I have a great front porch, about a 36 by 10 front porch. We sit on it, we enjoy it. You'll find me and my wife out there a majority of the nights after a long day at work, having a drink, relaxing, enjoying our neighborhood and saying hi to our neighbors.

My kids like to play in our front yard with our neighbors next door which also has three young boys. They play soccer in the front yard because our backyards aren't big enough. The lots are small so we utilize what we have, okay. So, across on St. James, there are five children under the age of 10. So, that's how we utilize our lots.

So, I've been there for a decade. I've put a ton of money into my house, more than my purchase price, on remodels and upgrades to try to keep up with Arlington Heights because I like it there. In 2018, I decided to add a second floor, a second story dormer on my 100-year-old house. This Village Board made me fireproof my dormer because my setback was only 3.5 feet from our property line on a 100-year-old house instead of the five feet with the condition that my neighbor's house who has a duplex with about 100 feet of yard between my house and their house because their property line, somebody could buy their house, knock it down, build a house and that house could catch fire, I had to fireproof my house for that instance. So, the Village itself set that standard, and that increased my project total about 10 percent.

So, with that increase there, what we're asking in the neighborhood is how are you guys going to guarantee that our children are safe or that all of the flow of traffic doesn't exist on St. James? Because I know how he liked to say it, oh, they'll probably go to Northwest Highway, they'll probably use the train. That's not a guarantee, that's not proven, that's not there. The traffic study that was done was done January of 2022, the peak of Covid.

So, in January there's no Farmer's Market, there's no Al Fresca. The lot was probably at a 10 percent use. There's 172 spots at the end of the block and his 201 spots are used and they're daily used, and then the 42 spots from the restaurant are daily used, and

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they all decide Northwest Highway is too hard, it's easier to cut on St. James to go to Vail, to go to Chestnut. What does the Village do to guarantee that the neighborhood is not going to flowed with traffic? What can they do? What will they do? Because I had to increase my project cost for a hypothetical house being bought, built and burnt down. So, that's where we stand.

ACTING CHAIRMAN GREEN: Okay, so just to answer your question, these are Village codes for the life, safety and welfare of all the citizens. So, you're arguing a Village Building Code requirement and so we're just trying to keep this within the realm of what we're talking about tonight here.

MR. STAAR: I understand.

ACTING CHAIRMAN GREEN: So, I hear your concerns, and we'll go through all the comments and then we'll address them all, I'm sure.

MR. STAAR: On your aspect, you asked me when we bought the house did we know it was zoned for this area and the hopes that we didn't have it redeveloped. Okay, so when my house was built 100 years ago, what was the Village code? Was there a five-foot setback? Did I have to increase my cost on my project because of a Village code a hundred years ago? So, you're asking me --

ACTING CHAIRMAN GREEN: Okay, we're going to have to move on with this because we're talking Village Building Codes here and tonight we're addressing zoning.

MR. STAAR: Okay, zoning. So, for density and all that, I had to change my project because of how my property was built and zoned 100 years ago. You asked earlier, the R-6, or the B-5 is it?

ACTING CHAIRMAN GREEN: B-5.

MR. STAAR: Zoning, so it could be redeveloped decades ago. The building I think was built in 1966. So, was the 1966 B-5 the same height that it is currently today or have you guys changed it since 1966?

ACTING CHAIRMAN GREEN: Well, I haven't changed anything. Sam? A B-5 requirement is still a B-5 requirement.

MR. STAAR: Is it the same that it was in 1966?

ACTING CHAIRMAN GREEN: I'll get you the answer.

MR. HUBBARD: I don't know what the height limitation of the B-5 District was in 1966.

MR. STAAR: Well, that is, because like if we're going to go say you guys should have realized it was zoned, then you need to realize what it was zoned in 1966.

ACTING CHAIRMAN GREEN: Okay, let's get done with the comments because we'll never get through this tonight and we do have a timeframe that we usually put on comments so this doesn't drag on for days. So, if there's anything else? Thank you.

MR. STAAR: Well, I would like my question to be answered.

ACTING CHAIRMAN GREEN: We'll get to them. We're going to take in all the comments, and then we'll get back to your questions specifically.

COMMISSIONER ENNES: Commissioner Green, you asked me the question before. 40 years ago when I started my business, I went into the existing office buildings on that property and they were in horrible shape 40 years ago. So, that property has been rundown for a long time, and if you said it was built in 1966, that's pretty reasonable.

ACTING CHAIRMAN GREEN: I would agree, thank you.

MR. LINDGREN: Hello there. My name is Jay Lindgren, L-i-n-d-g-r-e-n. I'm a 10-year resident of HANA. My wife and I have three boys, the boys that Jacob Staar just

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mentioned. We live next door to Jake and here's the view of my residence as opposed to where the new build would be on the north side.

Among the many issues my fellow neighbors have brought up, I'd like to focus again on traffic concerns. I originally had this estimated at about 150 cars, but new evidence is showing that it's going to be about 200-250 cars joining the block, a block that is already dealing with constantly packed commuter lot, not something that was done in January of 2022, a constantly growing and ever-flowing parking lot which today was overflowing, including the library because of traffic and redoing the upper parking lots just off the track today. So, again, I don't want to focus on stats too much but there's hypotheticals, there's traffic studies, and there's reality, right? We live there, we see the most intense times and I just wanted to bring that to the Committee today.

It's frightening for the safety of my nine, seven and two-year-old, Jakes four and two-year-old, and the other kids who live along St. James, Chestnut, Fremont and all around HANA. These are the same kids that walk to the bus, taking St. James, taking Chestnut, taking Fremont. So, I just want to put this in front of the Committee that I have major concerns, maybe not in your normal non-commute hours but, you know, when there's an event at North Park, when there's an event at the library, when they're doing the Farmer's Market. If you add 240 more parking spots, 400 more residents, you're going to have high traffic. You're going to have safety concerns. So, I want to put that in front of the Committee today to think about.

In addition to these safety concerns, the impact to the neighborhood character comes into play as well. With many more cars, it means a massive uptick in car headlights coming into our neighborhood, especially if they're going to exit on St. James. This is my neighbor's point of view from their front yard, almost the front window. As you can see, if somebody is coming up Highland, they're going to see everybody driving that street every single day, in the winter, having dinner at their table, or us as neighbors sitting on our front porch or eating in our backyards. So, there are concerns to think about, for all of us on St. James of course.

There are many ways to alleviate the concerns I think that HANA has and the homeowners that are here tonight. I would like the Committee to consider limiting these traffic impacts to our neighborhood with an open mind. I want to make clear I am not against the advancement or the development. But as my colleagues and my neighbors have said, it would be best if it was in, you know, the spirit of what's good for the neighborhood, not just what makes the most profit and brings the most money to our town. I think our town had a surplus just last year. So, I'd like you guys to consider what that means in terms of blending in to the neighborhood, especially a historic neighborhood that's been around for many, many, many years.

ACTING CHAIRMAN GREEN: Thank you.

MR. GAVIGAN: Hi there. My name is Ryan Gavigan, G-a-v-i-g-a-n. I'm also a HANA member. My wife and I have a five and two-year-old that live on 407 North Chestnut. It's just around the corner. It's a 104-year-old single-family home.

My family is close with all of our neighbors. My two and five-year-old regularly run and down the streets of St. James and Chestnut, playing with other neighbors, and that's something that we feel we can do safely today.

The traffic study that was performed in January of 2022 was performed during the Omicron outbreak and which caused traffic to be at an all-time low and is not an adequate representation of traffic today or five years from now. For comparison, Metra

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ridership on the Union Pacific Northwest Line was at 15 percent of pre-pandemic ridership in January of 2022. Just from January 2022 to 2023, Metra ridership has tripled on this line, meaning that parking in the St. James and Vail parking lot has also most likely tripled in that timeframe and will continue to rise as more and more offices return to the office setting.

The study was also performed in January which does not include traffic from great events like the Farmer's Market and Arlington Al Fresca. Only a five percent adjustment to this data is not an adequate representation of traffic today or for the future of this area. No justification was provided for the traffic report on why a five-percent adjustment was appropriate for adjusting from pandemic conditions. Furthermore, the increase in traffic and the 224 cars from the parking garage and their guests provides a significant safety risk for the families in the area. St. James and Chestnut are used today as cut-throughs for people avoiding stoplights, and speeds regularly exceed posted speed limits.

Due to the abnormally high density of this project, closing or limiting the access from Highland to St. James seems to be a very low cost solution that would significantly reduce the risk and I hope it's a solution that the Commission will strongly consider. Thank you.

ACTING CHAIRMAN GREEN: Thank you.

MS. DEVINE: My name is Eileen Devine, that's spelled D-e-v-i-n-e. I live at 201 West Euclid, so I could do a traffic study as you all know. I've been a resident of HANA for 37 years. My children were raised and nurtured by my neighbors on Fremont. Our backyards join together, and so also the threads of our community and our neighborhood.

Compasspoint proposes a seven-story residential and commercial building that will loom over our neighborhood of single-family homes, townhouses, two flats, and three-story apartment buildings. We have apartment buildings. 150 units, whoops, I've got to get to my slide, I have it marked right here and I don't want to disappoint you. All right, okay.

150 units, approximately 200 people, 150 cars, and 50 dogs.

Compasspoint and HANA residents are here for the same purpose, to protect our investments. Our brick, clapboard, stone homes have been restored with lots of love, sweat and tears. Our area was built by visionaries, and it's our duty to enhance what's already currently here.

The Village of Arlington Heights recognizes our essential unique character and continually respects the footprint of our area by limiting the heights of buildings close to our neighborhood. Examples of these are Park Place and Euclid Place, three-story brick apartment buildings, and our businesses, Village Bank, Baird & Warner, and AT&T.

Seven stories, 150 units, approximately 200 people, 150 cars, 50 dogs, one pool and a restaurant. Will this add to the charm of St. James, one of the oldest streets in Arlington Heights? Can additional autos and pedestrians navigate safely around Memorial Park, the library, the Historical Society, and the Farmer's Market? How will all of us skillfully and patiently deal with the Vail Street Metra Train, one of the busiest stops in the area?

We will not be able to undo this project. Now, we need to be the visionaries for our historical neighborhood. We have to be the visionaries, all of us in this room.

Compasspoint is currently building an apartment building in Barrington, and I quote them, "We have a very cute and quaint downtown. We aim to enhance what is already currently there." Just like us. Please have the same thoughts and regard designing and building a structure in our neighborhood, across the street from our quaint and historic homes.

I think we need a much smaller building in terms of height, density

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and population, a plan that gives a respectful nod to the past and embraces the future. We are now at the helm, all of us in this room are the visionaries for the future of Arlington Heights and our beautiful neighborhood.

I'm going to end with this quote: "Many of the green places and open spaces that need protecting today are in our own neighborhoods." Thank you.

ACTING CHAIRMAN GREEN: Thank you.

MR. MARKS: Thanks for being here and listening to us, everybody. My name is Chris Marks. I'm a resident at 204 West Fremont Street along with my wife and two kids --

ACTING CHAIRMAN GREEN: Could you spell your last name please?

MR. MARKS: M-a-r-k-s, sorry. For 11 years, and an active member of

HANA.

Compasspoint's Eastman project, although it may fit our zoning guidelines and rules as proposed, is not rational, it's not realistic and it's not reasonable. At the proposed location, this project violates the Village's own development philosophy. It's in an area that sits only feet, we've used that unit of measurement many times, it sits only feet away from single-family residential homes. It will dwarf the businesses and homes around it. It will unreasonably increase the population of this neighborhood. Any new development should adhere to the Village's Comprehensive Plan for development in terms of character, scale and function, and we believe that this development does not do that.

Our neighborhood consists of four blocks of single-family homes, the Arlington Heights Historical Society, and one three-story apartment building adjacent to Memorial Park. Most of the 50 homes with a total of 134 residents are well over a hundred years old, the homes are over a 100 years old. My wife told me that was confusing.

These are some of the oldest homes in Arlington Heights, and many of us have worked to restore them to maintain the historic nature of the neighborhood. We are part of HANA which is consistently referenced by realtors, but because we're bordered by Euclid, Walnut, Vail and Northwest Highway, we're somewhat separate from other HANA homes and more connected to the businesses along the Northwest Highway area. The businesses that currently exist in this area are all in the one to three-story range.

Compasspoint's potential 150 units and a conservative estimate of 250 possible residents would much more than double the population of this historic neighborhood. This is a drastic change that would affect the desirability of the area and its property values. The development seems geared towards younger, more transient renters, with its swimming pool, dog-walking amenities, and the small size and high rents of the units.

The renters and their guests in these apartments will undoubtedly park their cars on our streets. Mr. Citron guarantees they won't, but I can guarantee they will and we would be both correct because you can't make that guarantee. They will do this without a long-term connection or commitment to the area. If this development is to be residential, townhomes or condos would be much more appropriate.

Another problem is the height and design of the project. Admittedly, I'm not an expert, but I believe according to the Village's own Comprehensive Development Plan, there's to be a step-down philosophy in these situations, a philosophy that would not place a seven-story building only feet away from historic single-family homes. This proposal is anything but a step-down. The design of this project does not blend in a historic neighborhood, and as has been noted before, Compasspoint's own project in Barrington is three stories in brick is a better

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example of something that would blend in.

Sam, you mentioned some buildings in Arlington Heights that are tall, well over seven stories. I want to point out that none of those buildings that you brought up were next to residential homes.

The Village of Arlington Heights and this Committee is in a position where it can have a very high standard for any new developments and especially one that is directly adjacent, again, measured in feet, to single-family homes. We would hope that the Plan Commission will keep the interests of the homeowners and the spirit of the Village's Comprehensive Plan above the financial interests of the developer.

We do thank you for your service to the Village and we're asking you to honor the plan and stand up for the Village. Thank you.

ACTING CHAIRMAN GREEN: Thank you.

Sam, if I could just maybe help a little bit as we're going along here. The Comprehensive Plan has the B-5 District where it is there, and across the street was the step-down which was the R-6 Multi-Family zoning. Is that correct? What they're trying to change is the multi-family zoning of their block, the first block there; is that correct?

MR. HUBBARD: Correct. We do have an active application to change that R-6 on the north side to R-3.

ACTING CHAIRMAN GREEN: Okay, so in theory, the step-down was actually the R-6 Zoning District that you want to change; is that correct?

MR. HUBBARD: Right. From a theoretical standpoint, the R-6 to the north of the B-5 here was kind of that transitional zone between the higher density multi-family or B-5 uses to the south.

ACTING CHAIRMAN GREEN: R-3 farther north.

MR. HUBBARD: And the R-3 farther north, yes.

ACTING CHAIRMAN GREEN: Thank you. If that would just help, possibly. But that's the zoning of your district, that's all. I'm just throwing it out there.

Ma'am, would you like to come up please?

MS. PANOS: Sure. Hi, good evening. My name is Deb Panos, P-a-n-o-s, and I live at 210 West Fremont Street. I've been a member of HANA for almost 20 years now. I will be brief, I don't want to be redundant, but I do want to state that I wholeheartedly agree with all the previous statements made by my neighbors, especially Eileen Devine and Mr. Christopher Marks.

Just to underscore a few points and maybe put a few touches on what they've said, we fully understand and recognize that the builder is planning to make an investment in this community. It's clear, we understand that. Most of us agree, we want to invest in our community. But we are lifelong residents here and we want the Village to consider that we've made a long-term commitment to our investment and to this community. We're not transient, we're not renting for six months, 12 months or 24 months.

I know that the Village of Arlington Heights recognizes our essential and unique character of this historical neighborhood, because whenever we have to make an improvement on the exterior of our homes, we, too, have to come before the Design Commission. I stood here 18 years ago and I was proud to show my plans to this Village. I welcomed that. I was proud to fit the aesthetic into the historical neighborhood. We're just asking that the Commission give the same to what's being proposed here for the design of this build. It just doesn't seem unreasonable, or it doesn't seem reasonable rather than a building being placed in

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our historic neighborhood and one that's so significant in terms of taking up space would not need to be held to the same aesthetic standards.

Finally, I just want to say that I remember when this very building that we're sitting in tonight, when this Village Hall was built, we were all so impressed with what the Village did. It was a classic, it was a modern yet classic design. It begs the question why didn't the Village choose to build a design that was super modern with lots of hardy board and lots of glass? I think we all know the answer why we didn't choose an ultra modern Village Hall design. We wanted something traditional and classic and something fitting with the Arlington Heights Village brand. Bravo, success, we love it, and we strongly want the same treatment for our historical neighborhood. Thank you.

ACTING CHAIRMAN GREEN: Thank you.

MR. PANOS: Hello, I'm Bob Panos. I live at 210 West Fremont. Last name P-a-n-o-s. That was my wife. Great job, honey.

So, I'm speaking today on behalf of our family as well as another family on our block who couldn't make it here this evening. We truly love our neighborhood as our neighbors are fantastic. One of the reasons we love them so much is because of mutual respect which translates to getting along so well.

Two of my major concerns with this new development are parking and density, which have been talked about already, with around 150 units that are proposed and 200 spots in approximately one acre of land. You've heard, you know, the requested variance for those extra 10 spots. We fear that the cars will spill over into our neighborhood. And yes, there's a paid lot across the street from the building, but as we all know, people will avoid pain and they'll park on the street.

An example of that is, you know, we share our neighborhood with the Arlington Heights Historical Society and we already have evidence that people will park on our street, on Fremont Street, as opposed to the parking lot which you have to pay for across the street, okay, especially, you know, during all kinds of events. They'll walk, you know, they'll walk twice as far to not have to park and pay.

So, street parking in our neighborhood is at a premium. Many of us have more than two drivers in the family and we tend to jockey cars around all week long. We have modestly sized homes with skinny driveways that don't easily allow for parking cars side by side. The most convenient place is street parking. If the streets are filled with overflow from the new building, that leaves us no room to park in front of our homes or parking far away from our homes.

So, you know, one of the questions that I would like to ask is, you know, why is it so dense? And why is the ratio of spots to units so low, right? Just too many units in that area, in that one-acre lot. That's why they're asking for that variance of the 10 units.

Another question I'd like to ask is why is such a large density architectural development being planned so close to our neighborhood? The density is extremely out of character with our neighborhood, and much more dense than our nearby multi-family properties, and much more dense than some of the developers' other buildings in similar footprints. We feel that by reducing the density of the building, it would help to alleviate some of these concerns. The fewer people crammed into one acre of land will translate to more spots for residents and retail and less overflow parking to our streets.

In addition, you know, you're going to have people working at that restaurant. Where are they going to park? There is no parking for them inside; they have to park

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outside. We don't even know how many employees will be there. Is it 10, is it 30? We don't know, okay.

So, we absolutely welcome a development that has the same mutual respect for the neighborhood that our current residents do. A welcome sign of respect is that our concerns will hopefully be listened to and addressed.

One thing I want to add real quick is Sam mentioned that this is higher density than a lot of the buildings in that zone. This is outside kind of that downtown zone. It's one of the highest density buildings and it's right next to our single-family home neighborhood. So, I just want you to consider, you know, the ratio and where it's located, and it's outside that box, right in that buffer zone. So, thank you.

ACTING CHAIRMAN GREEN: Thank you.

Next?

MR. KAMMERER: Good evening. My name is Jonathan Kammerer. I live at 215 West Fremont Street. I have lived there for 10 years.

ACTING CHAIRMAN GREEN: Can you spell your last name please?

MR. KAMMERER: Oh, I'm sorry. K-a-m-m-e-r-e-r. I'm here today to echo my neighbors and wanted to be on the record that we fully support and agree with all the points that they've presented today.

As you're well aware at this point, we're a very tight-knit community and we have all chosen this neighborhood largely due to its proximity to downtown and the train and that we're not opposed to development and are bordered closely by businesses and multi-family developments, but they are all size and character that fits the neighborhood.

We were just at the Village Hall a few weeks ago for a variance on our house and we were required to keep our design and the characteristics and aesthetics of the neighborhood which we have gladly done in an effort to preserve the unique historic area of Arlington Heights. That something of the size and design will forever change what we have all worked so hard to build and preserve. Thank you.

ACTING CHAIRMAN GREEN: Thank you.

Next?

MS. LEWIS: Hi, my name is Michelle Lewis, L-e-w-i-s. I live at 406 West Fremont Street.

First, all the concerns you're hearing today, they've been brought up at the neighborhood meeting last year. There has been ample time to address all these. You know, I think that if we felt they were being addressed, we wouldn't be here armed with PowerPoint today.

Second, I concur with the traffic issues that have been brought up previously. If this Commission has any concerns about traffic or parking, please address them now instead of doing a wait and see approach. I live on the west end of Fremont Street next to and across from an apartment complex and a commercial property which have challenges due to poor planning from the past. We get cars parked across our driveway apron so we can't leave. We get cars driving over our lawn to make their own path into the parking lot. We get cars parked under the No Parking signs, cars parked on sidewalks, and the Village does nothing about it. So, once this is built, it's too late.

Also, involving the traffic, it's been brought up before, the traffic study was done in January 2022. The study itself acknowledges that the counts were affected by Covid. They increased the counts by five percent. I'm going to bet it's a lot more than five

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percent if you compare it to, say today, May 2023.

Third, what strikes me the most about this development is its lack of any attempt to conform with the Village standards, be compatible with existing uses of nearby property on the north end. The developer's answer to this is to put an aboveground parking garage on the lot line directly across from single-family homes. This open air, aboveground parking and lack of any setback adjacent to single-family homes is unique to this development. It's not a design typically found in the Village. If you look at the shadow study, you will see there's homes that will never see morning sun in the winter.

This design is inconsistent, inconsiderate and sets a bad precedent. We understand there will be apartments here. We're just trying to get something that will fit in a little bit better. Thank you.

ACTING CHAIRMAN GREEN: Thank you.

MR. LEWIS: Good evening, everyone. John Lewis, L-e-w-i-s, 406 West Fremont. Like my wife, I'm a civil engineer, so I have a couple of technical comments.

But the first thing I guess I'd like to say is, just listening to the comments here, just think about common sense, right? Let me try to find that one slide that showed 112. I mean, Mr. Chairman, I get your point about the zoning and B-5. But you know, in talking with Staff, nobody knows when that came around. So, like if we're going to hang our hat on it, I get it, that's the current regulation that we have for that particular area, but is this common sense? Like is this the best that we can do?

What I would say, too, is that, remember, this is the birthplace of our town. This is where Arlington Heights started. Like somebody else pointed out, there are no buildings like this that abut residential areas anywhere in our town. Why do we feel like we have to do that here? Why is this on the fast track? Why aren't we asking more questions about this? Like does this make sense?

Think about the building behind you, the big building over there, Dunton Tower. 1986, it's got 216 units. This has 70 percent of the units of Dunton Tower. Dunton Tower is 150 feet north of the residents on Sigwalt. This is 75 feet south of the residents on Eastman, or no, what is it, St. James.

The sun study is off. On December 21st, the elevation of the sun in Arlington Heights is 25 degrees. One over the tangent of 25 is 2.1. That means that if I'm six feet tall, I cast a 12-foot shadow. A building that's 90 feet tall will cast 185-195 foot shadow. You can look at it on Google Earth. There's actually a picture from October 30th, 2010 that shows the existing building, the shadow going into the front yard of the Asa residence. I mean, that should be checked, that should be checked.

We also talked about the traffic study. The traffic study was done at an admirable time for traffic. That's also specious. What I will say though is that, look, we just want to ask the Commission here to think about what makes sense. That's all we're asking. Like they're on the right path. We like apartments here. We think that's a good use of the land, but they can do better, and we're counting on you to help them do better.

I get your skepticism about B-5. I completely misread the room. I thought there would be skepticism when their attorney says that there's no negative impact to the neighborhood. Where's the skepticism for that? Where's the help, right?

We like the direction that they're going. We just want them to do a little bit better, and we're counting on you to help them do a little bit better. Thank you.

ACTING CHAIRMAN GREEN: Thank you.

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MS. McCALL: Hi, good evening. My name is Deb McCall, it's M-c-C-a-l-l. I live at 213 West Fremont.

I just want to say I stand with my neighbors. I've lived there for, my son, let's see, he's getting ready to turn 21, so 20 years on that street. When we bought that house, somebody said to me once and it blew my mind, are you going to tear it down? It makes me cry thinking about that. There's no way in heck I would have torn that place down. We put everything we had to save, save, save, so that we could make it a home, and then you know what, 10 years later we redid that home, we renovated that home.

Now, I could have put anything there. I could have put a really big house there. There were some issues with impervious, but I could have found a way to go bigger. But just because I could have didn't mean I needed to and didn't mean it was the right thing for the neighborhood. We didn't need a big, massive master bedroom the first architects tried to sell us because it wasn't the feeling of the neighborhood.

So, I ask you, please, just because you can doesn't mean you should. So, let's work together. We all want the same thing. Thank you for listening to our concerns.

ACTING CHAIRMAN GREEN: You're welcome, thank you.

Next?

MS. EITZ: Good evening, and thank you for having us tonight. My name is Pat Eitz, it's E-i-t-z. I live at 300 West Fremont, on the northwest corner of Chestnut and Fremont, directly across from Memorial Park.

My family moved here 47 years ago and I have been a member of HANA since its inception 42 years ago. We intentionally moved to this neighborhood because of its charm, warmth and accessibility to Downtown Arlington Heights. We have seen this unique neighborhood change as residents who shared a similar appreciation for older and unique homes, move in, restore and update their houses, so that today we are the envy of many neighborhoods in the Village. For that reason, I have been an avid watchdog for our neighborhood because it's been threatened many times since I've lived here, and again, we're facing a challenge. This one is encroaching on a small neighborhood residential street with historic houses directly across from, and sharing the entire triangle neighborhood.

Careful planning is of primary importance to those of us who occupy this neighborhood, because of the nature of our neighborhood, we are proud to boast we are cohesive socially and philosophically. Maybe because we understand that we are vulnerable to encroachment threats because we've had them before, we can boast of being more than a neighborhood. We are truly a community.

We have consistently worked with the Village to enhance the viability of our neighborhood, the residents and the Village. We welcome the Farmer's Market at the end of Fremont Street in spite of the traffic it brings. We welcome guests throughout the year, from visitors to the Historical Society, the library, Memorial Park, and to the Memorial Parade.

I'd like to talk briefly about the centerpiece of our area, Memorial Park. Unlike other parks in the Village that are used for recreation, Memorial Park is what myself and many visitors consider sacred. It is peaceful, quiet, a reverent place for residents to visit and honor those and their families who generously sacrificed so that we all reap the benefits of freedom. A structure that shades Memorial Park, the surrounding triangle neighborhood, and faces the five houses on St. James must be a companion to our homes in design and in structure. Thank you.

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ACTING CHAIRMAN GREEN: Thank you.

Anybody else on that side of the room?

MS. LEBEAU: I'm totally not prepared. I only just found out about this project yesterday. My name is Georgine Lebeau. I live on North Evergreen by North Park, and my home --

ACTING CHAIRMAN GREEN: How do you spell your last name please?

MS. LEBEAU: L-e-b-e-a-u.

ACTING CHAIRMAN GREEN: Thank you.

MS. LEBEAU: My home was built in 1924 and I've lovingly lived there since, well, it will be four years next year. I have a paragraph that I would like Sam to read that I took off of the Village site, and it's about the housing on the property. I'd like you to explain this to me because I don't understand it.

MR. HUBBARD: You know, the way this works is you can make your comment, and then the Commissioners will ask questions of Staff and people afterwards.

MS. LEBEAU: Okay.

MR. HUBBARD: It's not meant as like a back and forth between Staff and the audience.

MS. LEBEAU: Because in this project background, it says that in 1968, the residential component was removed from the property.

MR. HUBBARD: So, you can make your statement and say that this is a question you're hoping the Commission addresses.

MS. LEBEAU: And I don't understand when the zoning changed. Because I live near the property, I worked on the property, I know that it was a business property. It had never been residential. It had been zoned for residential for the building behind 116, but at some point it's residential again. In this statement, it's --

ACTING CHAIRMAN GREEN: I'm a little confused. What piece of property are we talking about here?

MS. LEBEAU: The 116 Eastman piece of property.

MR. HUBBARD: That's zoned B-5 which is a Downtown Zoning District that allows ground floor commercial spaces and residential multi-family units above. That's what the Zoning District is.

MS. LEBEAU: And when was that done? That's what I'm --

MR. HUBBARD: It's been that way for decades. I don't know when it was specifically zoned B-5.

ACTING CHAIRMAN GREEN: And so what are you reading from? What is that?

MS. LEBEAU: Information from the Village. It was on the Village site; I pulled this last night.

MR. HUBBARD: Looks like it's from the Staff report.

ACTING CHAIRMAN GREEN: It's from the Staff report that we have here?

MR. HUBBARD: Yes.

MS. LEBEAU: It's on the project report, and I was just curious because I don't really understand.

ACTING CHAIRMAN GREEN: All right, and what page is that from?

MS. LEBEAU: Page two of seven.

ACTING CHAIRMAN GREEN: Two, okay.

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MS. LEBEAU: It's more of a curiosity point. I'm not really challenging anything. I'm just interested in knowing, you know, how did it go this way and then that way and then back to the other way, and why does it keep changing around? I just don't, because my property is zoned Multi-Dwelling but it's a single-family residence.

MR. HUBBARD: I don't know specifically what you're referring to, so I'm sorry, I can't answer your question, but if --

MS. LEBEAU: Or maybe you could call me or something.

MR. HUBBARD: So, if you want to read the section from the Staff report, and the Chairman is willing to entertain it, then I can help you address that.

COMMISSIONER CHERWIN: Read the section in and then we'll refer to that.

ACTING CHAIRMAN GREEN: Yes, and then we'll answer it, yes. Read whatever you are concerned about.

MS. LEBEAU: In 1968, to eliminate the residential component and construct a second three-story office building in its place, to the west of this site is a multi-tenant office building including a real estate office.

MR. HUBBARD: Sure. So, what that means is in 1968, this property was approved as a PUD. At that time, the PUD was to allow a multi-story building of seven stories and a three-story office building. It was a two-phased development. The office building was built first, and the second phase of the development was a seven-story multi-family residential building. The developer at that time opted to not build the seven-story residential building and built a second office building.

MS. LEBEAU: And the interesting thing is it also says the seven-story apartment building was going to be 65 units.

MR. HUBBARD: Yes, that was what it was approved for back in the 60's.

ACTING CHAIRMAN GREEN: Okay, next?

MS. ASA: My name is Karen Asa, A-s-a. I live at 116 St. James Street, directly across from the proposed 116 Eastman project. I've been a HANA neighbor for 21 years, and my husband and I are the fourth owners of our home. So, we are directly across the street.

The density of this building on a one-acre lot for 150 units puts pressure on this neighborhood for light, privacy, traffic and parking. It will impact overall everyday living and change the character of this neighborhood. It's a seven-story building with a zero setback at the ground level and only 20 feet at the third floor. So, that's going to directly loom over our house and the adjoining houses.

The zoning regulations for the Village provide that its intent and purpose is in part to provide adequate light, air, privacy and convenience of access to property. We're all interested in keeping our properties at their greatest value, but that includes natural light through our windows currently obstructed. The sun shade study which we know might not be completely accurate shows that our house and the house at 200 St. James Street will be completely in shadow in the winter months. Certainly at the point of the study is mid-December at 10:00 a.m., but that means that it will extend later into the day and for the fall and parts of early winter, which is something, you can see the scale to our house, it's just a looming obstruction. It's just a looming building over the entire neighborhood and it doesn't fit in to what has always been there.

We realize that it's been buildings, offices before, but it's been a mixed use area. With the library, there is the First Presbyterian Church which as a daycare and a

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preschool on Vail Street that's used every single day. Traffic, we live next to the parking lot which, you know, so there's a lot of daily, everyday living that will definitely be impacted by having this many residents added to our neighborhood.

Compasspoint has made an investment, but we have also in our homes. The proposed building will just be an imposing block on all of our neighborhood that diminishes the character of the neighborhood and potentially the value of our homes. It's an investment for us as well as for them.

A seven-story building of 150 units, two outdoor roof decks, one with a pool, plus individual patios on the north side means a potential for, you know, just gatherings and associated noise and light. Everyday living means 170 people running errands, having visitors. They're not always going to be parking back in the garage; they will be parking on the street or wherever it's convenient. When friends come over, they'll be parking in the lot next to us and crossing over. It's just a lot, a lot more of an imposition in our neighborhood and more of an impact that anybody from the developer's side has really imagined.

So, it's all in our interest to have new residents come and participate in all that Arlington Heights has to offer. But the building needs to be a companion to our homes and fit in to the step-down that it should be and the transition to our single-family homes. Well-intentioned promises of high income renters not impacting the neighborhood does not address the sheer number of issues that come by way of the great increase in population. Thank you.

ACTING CHAIRMAN GREEN: Thank you.

Anybody else?

MR. NIEMIEC: Thank you very much. My name is Todd Niemiec, N-i-e-m-i-e-c. I'm at 204 West St. James. I have been a HANA neighbor for 18 years. I raised my two girls in the house that we live in that is across the street.

So, that's my house and its relationship to the current property. So, I'm a little bit down west of it. I just want to say that, you know, I back what all my neighbors said but I also want to say that I'm, you said something that sort of offended me, you know, with due respect. You insinuated that we were like fools for not knowing the zoning ordinance and applying it and knowing what that could mean to us in the future.

I've lived in Arlington Heights my whole life. I grew up here, went to Olive School, went to Thomas, went to Hersey. I went to college, came back, and I expected the Village to take care of its own. I mean, this is a very unique area of the city. If the zoning ordinance to the letter is the only thing that matters, then why are we here? Why are any of us here? That's all I'm going to say, thank you.

ACTING CHAIRMAN GREEN: Thank you.

Next? Seeing none over there, is there anybody on that side that would like to speak on this subject?

MR. CECCHI: Hi, I'm Eric Cecchi, C-e-c-c-h-i. I live at 200 West St. James Street, and I have the pleasure or lack thereof of looking at my front window at the current buildings that are "somewhat blighted and in need of revitalization" to use the overly kind words of the Staff report. I just want to say I do appreciate all the care and thought that's gone into the design and planning of the Eastman project so far from the Staff and Compasspoint.

I specifically want to talk about zoning. Of the zoning requirements, the setback requirements for B-5, as noted in the Staff report, there is no setback requirement for the B-5 District; however, there is one caveat in the Municipal Code. It states that where the property directly across the street frontage is zoned R-3, a 20-foot setback is required. As we

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know, the St. James single-family homes directly across the street are currently zoned R-6 and being rezoned R-3, thanks to some approval from the Commission, some of the Commissioners so far. We hope that that will go forward.

Mr. Hubbard pointed out in the rezoning discussion from that down-zoning meeting at the Conceptual Plan Committee that the St. James properties, that down-zoning to R-3 would have no impact on the Eastman project. But with due respect, that is up to this Commission to decide if they want to impose any setbacks that are not maybe technically required by the code.

I did want to point out that as people have said, this zoning borderline with the districts is very unique, and there is, from what I can tell, only one-single family home in Arlington Heights that is directly across the street from a B-5 building, and that's Dunton Towers. In Sigwalt and Vail, there is a single-family home directly across the street from that. However, that building does have a ground level setback of at least 20 feet even though the building across the street is zoned R-4, so there would be no setback required for that building. Also, it's north of Sigwalt so it has, you know, less of an impact as far as shade goes.

I'd also like to point out that the land use variation that's been requested to allow a predominantly multi-family residential development in a B-5 District essentially gives a lot of R-7 qualities to the treatment of the property despite not having any of the R-7 restrictions on height and setbacks. R-7 requires front, side and rear yard setbacks and those create a buffer zone from the building so it blends it with the R-4, R-3, whatever might be next to that R-7 building, and it creates a natural transition to those adjacent single-family homes. If we look at some of the R-7 developments that are next to B-5, these are off Sigwalt Street, they all have significant setbacks that allow for extensive, really nice-looking landscaping that helps them blend with single-family homes. These photos were taken from the front yard of a single-family home across the street, and the landscaping helps blend in with the neighborhood much better than what would be allowed by the zero setback that's been proposed. These additional R-7 properties, these are off of Pine and Wing Street, but it's also next to a Business District.

The proposed structure has no setback on the north side while the building has been "recessed" beginning on the third floor. The ground level parking garage has no setback or it's less than one foot. The third floor setback does not provide any green space or landscaping on the ground level and it makes the already narrow St. James Street feel narrower with the garage structure built as close to the street as possible.

So, my request to the Commission would be to impose a setback requirement of at least 20 feet. Although it's not required, it is in the spirit of the borderline between R-3 and B-5 Districts, and it's also consistent with some of the other higher density multi-family bordering structures to single-family homes. Thank you.

ACTING CHAIRMAN GREEN: Thank you.

MRS. CECCHI: I do not know how you do this. It's way past my bedtime. Thank you for your being here.

ACTING CHAIRMAN GREEN: Give us your name please and spell your last name.

MRS. CECCHI: My name is Celeste, last name is Cecchi, C-e-c-c-h-i, and I'm at 200 West St. James. So, my husband, who was just speaking, and I purchased this home, as you see right across from the building.

I was going to come tonight actually and talk about some of the neighborhood impacts, things that you've been hearing, the snow that's been dumped right in our

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front yard from the current existing building, and just problems with traffic and snow and all the things. But as I was preparing tonight, I actually decided to throw my neighbors a curveball and I hope, I'm on the HANA Board. But I decided I wanted to talk about something that could potentially be a really positive thing for our neighborhood with this building besides obviously anything is going to be better than this eyesore.

The thing that I think I'm most excited about aside from aesthetic, a more aesthetically pleasing view, is the opportunity that we have to invite diversity into our neighborhood. I was traveling for work when we had the Housing Commission, and I just wanted to kind of encourage, our language matters a lot. So, I told you my husband and I bought this house nine years ago but 13 years ago was when I moved to Arlington Heights as a single mom on food stamps. Had it not been for our Village's programs and scholarships and even ordinances, like the Inclusionary Housing Ordinance, I would not have had the opportunity to move here and send my son to these topnotch schools, the wonderful Park District programs, the library programs, the things that we so highly value as residents here in Arlington Heights. These Village ordinances have been intentionally voted on and passed by our elected officials to make our Village a richer and fuller community. So, I'm excited about the possibility of that becoming more of a reality in our neighborhood.

It's already been talked about just what the requirements are, the 7.5, and I won't get into all the details. But I did want to point out, as I just said, that language matters. Compasspoint talked about, under Affordable Housing Plan, page two, they talked about just the feasibility of finance of these units and their intent to buy out what they could. They went on to talk about it not being feasible because of the rising real estate taxes, the developers have taken a hit since Covid. They started talking about those hits as far as it pertains to the financial part of the project, but of course these are all hits that we've had as well, that we've had to plan for and make sacrifices for, adjust our own budgets for. Research shows that renters have been disproportionately hit. In fact, in Arlington Heights, according to Rent.com, the increase has been 16.3 percent for rental units while the average salary has only increased four percent.

But the part that most personally like was impactful and painful to me, and like it was reiterated tonight, was the language that was used. It says the inclusionary units will cost the same to construct as the market rate units, and the building's excessive amenities, the pool, the co-working spaces, the lounges will be utilized by those renters. So, the way that we are "other-ing" the renters who are invited to be in those units means that we are, it's not a benevolent thing. Like we get to have a richer, fuller community when we invite people who may not have had the option to be there.

One of the things that I just wanted to say, like when I was in an apartment, like, yes, even I was able to use the pool, even I was able to use the shared spaces, and so it's not like an extra added bonus that the people who are in these units get to use the amenities. So, we're not being extra compassionate by letting people use what is in our law, in our ordinances to be a part of.

So, I understand that the Staff has recommended Compasspoint by themselves out of only the minimum allowance which is 1.25, but tonight, I just wanted to encourage you, our Commissioners, and also Compasspoint staff to realize that buying ourselves out of units, any units, is buying ourselves out of the opportunity for renters like me to be able to call Arlington Heights their home, too. We're buying ourselves out of the privilege of learning from people who might have had a different life experience than we have, and we're buying our neighborhood out of the opportunity to grow in our diversity, which actually is a value that we as a

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Village claim that we hold firmly to.

So, I invite you to see, maybe even be excited about like I am, the potential that this project has to add beauty and diversity to our neighborhood. Thank you.

ACTING CHAIRMAN GREEN: Thank you.

Anybody else on my left, or the right side of the room?

(No response.)

ACTING CHAIRMAN GREEN: Seeing none, I think I'll close the public comment for tonight and we'll get back to questions that the Commissioners may have.

Joe, would you like to start?

COMMISSIONER LORENZINI: Sure. We may need a break before this though.

ACTING CHAIRMAN GREEN: You mean after this.

COMMISSIONER LORENZINI: So, let me start with the developer. The size of the affordable housing units or the affordable units, are they going to be the one-bedrooms, the studios? The 10 affordable units, what size units are those going to be?

MR. CITRON: First of all, the sizes are the same sizes as the other units in the building. So, and we have to have a mix corresponding with the percentages of two-bedrooms, one-bedrooms there in the building. So, if we have a one-bedroom, it's the same size as all the one-bedrooms. I'm trying to be very careful --

COMMISSIONER LORENZINI: No, no, no.

MR. CITRON: It is not benevolent, it's just the --

COMMISSIONER LORENZINI: No, no, no, maybe, you didn't answer my question. It's going to be based on?

MR. CITRON: I'm sorry. It's going to be the same sizes. So, a two-bedroom, they'll be a two-bedroom.

COMMISSIONER LORENZINI: No, that's not my question. It's the mix, it's going to be the same mix?

MR. CITRON: Same mix. Same mix.

COMMISSIONER LORENZINI: That's all I needed to know, thank you. Traffic, the traffic study.

ACTING CHAIRMAN GREEN: Mr. Corcoran.

COMMISSIONER LORENZINI: So, there's been a lot of comments regarding the traffic study, that it was done during the pandemic. That seems to be a reasonable concern, that it doesn't really reflect what's going to happen today or next year. You mentioned or it was mentioned that five percent was added to the study to account for that, but that doesn't seem like much compared to, especially when you talk about the parking lot.

MR. CORCORAN: So, we looked at some pre-Covid counts to come up with that basis for the five percent.

COMMISSIONER LORENZINI: That study was based on pre-Covid?

MR. CORCORAN: We found some traffic studies that were done in the area prior to Covid so we could compare some of those volumes to get a sense of what the change could have been.

COMMISSIONER LORENZINI: All right, and you added five percent to it.

MR. CORCORAN: That's why we came up with that.

COMMISSIONER LORENZINI: So, it wasn't purely done based on during the Covid period?

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MR. CORCORAN: No. Well, the counts were done during the beginning of last year, so they were still in the COVID. Then we raised them up by what we judged to be five percent based on counts that we found from the pre-Covid period in the area.

COMMISSIONER LORENZINI: Right, understood.

MR. CORCORAN: And even --

COMMISSIONER LORENZINI: There's a lot of concerns about density, a lot of good points made. So, you had 40 units originally, and then you added -- I'm sorry, you had 140 units.

MR. CITRON: No, we actually had 154.

COMMISSIONER LORENZINI: I know, hold on, hold on. You had 140 units, and then you added 10 units. But that really didn't cost you anything because you had to meet the affordable or the inclusion code, correct?

MR. CITRON: No, we originally, the original proposal was for 154 units. We dropped four units to bring it to 150, and based on that density and the Inclusionary Housing Ordinance, out of that 150, 10 of those units were required to meet the inclusionary standards.

COMMISSIONER LORENZINI: Okay, all right. Thank you, that's all I have for you. Sam, it always seems like, probably because you do such a good job, I like to ask you questions. One of the variations, could you explain to me, or I'm sorry, the multi-family residential development, why is that a variation?

MR. HUBBARD: Because the ground floor commercial was only six percent of the overall ground floor, so it wasn't substantial enough to qualify it as a true mixed-use building. It's really predominantly a multi-family building, and B-5 requires mixed-use buildings.

COMMISSIONER LORENZINI: Very well, but I guess in today's environment, that's not that important because there's a lot of vacant spots on the first floor anyways.

MR. HUBBARD: No comment.

COMMISSIONER LORENZINI: I, as an engineer, should know this, but what defines tandem parking?

MR. HUBBARD: Tandem would be two stalls where one stall blocks access to the other stall. It's one stall in front of the other as opposed to side to side.

COMMISSIONER LORENZINI: Got you. Got you, okay. A comment was made that this is one of the most dense if not the most dense development. What constitutes the density of a development such as this?

MR. HUBBARD: So, however many dwelling units they provide divided by the size of the land that they're located on. So, dwelling units per acre.

COMMISSIONER LORENZINI: How does that vary if all the units are studios or other units are two-bedrooms?

MR. HUBBARD: It would still be the same density if you have, on the same site, if you had 100 two-bedrooms versus a development that was 100 one-bedrooms. It's the same density because it's based on unit. If you did a density calculation based on bedroom, it would increase. But density is, the code requirements for density are based on the unit.

COMMISSIONER LORENZINI: And generally around the Village, there's been several, it seems like a lot of developments these days are rental. What is the typical, or do we know what the typical occupancy is on these buildings that are rentals?

MR. HUBBARD: I don't know, no. Off the top of my head, no.

COMMISSIONER LORENZINI: Okay, and the discussion of transitional

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property, I remember years ago we talked about there was a development across from the Valley Grocery Store in Golf Road that is now called something else, there was some property right across the street that was going to be developed. But the first piece of property across the street south of Golf Road was transitionally zoned before you stepped into a more dense, higher density businesses. Is that applicable, that type of transitional zoning, applicable in any way in this area?

MR. HUBBARD: The existing zoning, how it's currently zoned, reflects that kind of transitional area. So, the B-5 is this property. To the north are properties that are currently zoned R-6 which is a Multi-Family Residential Zoning District. Those properties happen to be used as single-family homes as you heard from many of the residents this afternoon, but their properties are zoned R-6 to allow for multi-family development. So, that was the theory behind that zoning. My guess would be their properties are zoned R-6 to function as a transition between the B-5 uses to the south of downtown and the majority R-3 single-family uses to the north and northwest.

COMMISSIONER LORENZINI: Okay.

MR. HUBBARD: If you, here, I can pull it up here. So, here you go. So, you can see to the north of the subject property, this is the R-6 District. This is kind of a transition between the higher density developments down in the B-5 and the less intense developments in the R-3.

COMMISSIONER LORENZINI: So, it was meant to be a transition although it's not actually built like that, but --

MR. HUBBARD: Correct.

COMMISSIONER LORENZINI: -- when the B-5 was zoned such as that, we had the single-family buildings across the street, the R-6 were most likely already single-family homes since the areas sold.

MR. HUBBARD: Right, I would guess that the single-family homes were always single-family homes and they were zoned into the R-6 District under the assumption that in the future they may redevelop their aging homes and may redevelop as some sort of multi-family in the future potentially that could serve as the buffer between those R-3 to the north and B-5 to the south.

COMMISSIONER LORENZINI: And several comments were made about there is no other development like this elsewhere in the Village where you have a seven-story building next to residential properties. Is that a correct statement?

MR. HUBBARD: Next to single-family residential? I think there's only two portions of the B-5 District that are directly adjacent to R-3 Districts. One would be this property, and then the property to the west of it, if those properties' R-6 are zoned into the R-3 District. Then on the Arlington 425 site, on the west side there were single-family homes there.

COMMISSIONER LORENZINI: Going back to just one of the comments made by the public that this is the most dense development pretty much, what makes this the most dense development?

MR. HUBBARD: The number of units proposed on the size of land.

COMMISSIONER LORENZINI: All right, thank you.

ACTING CHAIRMAN GREEN: Lynn?

COMMISSIONER JENSEN: Yes. So, let's begin with you, Sam. Taking a look at this, so the R-6 is what the zoning is, but it has nothing to do with what's actually there. Most of it's, are there any multi-family in that R-6?

MR. HUBBARD: There is one multi-family. Just one.

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COMMISSIONER JENSEN: Yes, basically it's really an R-3 area even though it's designated as an R-6.

MR. HUBBARD: Correct, and R-3 uses are allowed within the R-6 District.

COMMISSIONER JENSEN: Right, but I mean, if the idea was this was a step-down, that's really not going to happen unless somebody in the future, 10, 20, 30 years from now decided to make one.

MR. HUBBARD: Right, in the future it could be, yes.

COMMISSIONER JENSEN: I just want to be clear on that because I did view that initially in the presentation, and it was a great presentation, as being a transition, but it apparently isn't in fact one even though it could be theoretically one.

I would like ask Mr. Taylor a question. Could we bring us the, I don't know who has the slide that showed what you have in Barrington?

Very good, and actually it's obviously much shorter than that. They have a quote which several people used, and I guess I'll use that as a jumping off point. Do you think the development that you're proposing for Arlington Heights is consistent with a cute and quaint downtown and you want to enhance it? Does this, what you're proposing here, does it do for Arlington Heights what you wanted to do for the place where you live in Barrington?

MR. TAYLOR: All right, so without misconstruing both projects because they're two different, distinct projects here, this project is located in the highest dense district in Downtown Barrington. It happens to allow a four-story height which is what is being proposed there right now. It's actually not built.

This actual quote was actually a comparison to actually Arlington Heights where I have this other development, right? So, the comments amongst the crowd there was, well, this isn't Arlington Heights, and so I made this comment. So, there's no comparison between the two is pretty much what I'm saying.

COMMISSIONER JENSEN: I'm just asking you, not to make a comparison, but do you think that the project that you're proposing is consistent with what was expressed here even though this may have been a --

MR. TAYLOR: Yes, this doesn't have any relation to what I'm proposing here.

COMMISSIONER JENSEN: I understand, because the whole issue here and the way the Board is going to be, we have a narrow, technical purview. We're going to do the zoning and other issues, but the Board is going to look at other issues.

MR. TAYLOR: Sure.

COMMISSIONER JENSEN: That are way beyond our purview, and character of the neighborhood is going to be one of the big things they take a look at. In the past, this Commission has given a favorable recommendation to the Board because we were looking at the narrow technical issues which we're charged with, but the Board reversed that. They said this is out of keeping with the character of the neighborhood.

I guess I'm trying to get to whether you believe that what you propose here, given the neighborhood, that you've got this historic neighborhood of houses that are 100 years old, is truly in keeping with the neighborhood where you're trying to place that.

MR. TAYLOR: I believe that this, not this proposal, but my proposal for 116-120 Eastman is within the character of the site and the Zoning District that is set forth by the ordinance. So, yes, I do.

COMMISSIONER JENSEN: At this point, I don't really have anything else.

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COMMISSIONER CHERWIN: Lynn, could I just, or Mr. Chairman, could I just --

ACTING CHAIRMAN GREEN: You're next.

COMMISSIONER CHERWIN: Oh, I was?

ACTING CHAIRMAN GREEN: Go ahead. You're next, he's done.

COMMISSIONER CHERWIN: While Mr. Taylor is up here, kind of we talked about this Barrington issue because some of the residents did bring it up. What would be, you know, I guess one point is how many affordable housing units were required by Barrington for this project?

MR. TAYLOR: None.

COMMISSIONER CHERWIN: Do affordable housing units add cost to your development?

MR. TAYLOR: Absolutely.

COMMISSIONER CHERWIN: Is there a differential in the amount of, you know, price per square foot between what we see in Barrington and what we see in Arlington?

MR. TAYLOR: It's almost identical.

COMMISSIONER CHERWIN: In terms of what the rental would come in at, is it identical?

MR. TAYLOR: It's probably more here.

COMMISSIONER CHERWIN: More here.

MR. TAYLOR: Yes.

COMMISSIONER CHERWIN: It's going to cost you more. Are these rental units or are these owned units?

MR. TAYLOR: These are rentals.

COMMISSIONER CHERWIN: And there's commercial, obviously it looks like this one there's a difference in commercial on the first floor, is that correct, or am I missing that?

MR. TAYLOR: It's mostly commercial. There's a residential lobby similar to how I have a residential lobby here with an integrated restaurant into the lobby with an open access policy.

COMMISSIONER CHERWIN: How are the sizes of the units here compared to Barrington?

MR. TAYLOR: So, these units are larger family style units, predominantly 60 percent are twos and threes, and 40 percent are one-bedrooms. So, we'd performed market studies in both locations. The market research firm that did the market research for this project is the same one that was done for Arlington Heights. So, we hire people who tell us, who are smarter than we are who tell us what the mix should be.

COMMISSIONER CHERWIN: And the existing zoning in Barrington wouldn't let you go over --

MR. TAYLOR: Four stories. So, and just as a unique perspective, this is a 6.2 acre site and I've got two different projects actually on the site. So, on 1.7 acres, we're building 125 units. Now, this unit is actually bigger in total gross square footage than what I'm proposing here.

COMMISSIONER CHERWIN: And what about traffic-wise?

MR. TAYLOR: We have 409 parking spaces for 13,000 square feet of retail and 125 units.

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COMMISSIONER CHERWIN: So, and traffic-wise, I don't know, I know it doesn't match necessarily one for one, but you figure the traffic flow here, is it generally twice as much?

MR. CORCORAN: Off the top of my head, I can't tell you the proportion but this does generate more traffic because, as he mentioned, the 13,000 square feet of retail and much of that is restaurant which generates a lot more traffic than a typical store. So, yes, this generates more.

COMMISSIONER CHERWIN: So, the point is really these are very different projects. Mr. Citron mentioned in his presentation that there was, the building would not be built if the affordable, and maybe Mr. Citron wants to speak, too, but a 10-unit bonus on the affordable units, you had mentioned the building would not be built if that density enhancement was not available. Is that due to the costs that are spread throughout the project to the affordable units?

MR. CITRON: So, actually Joe would have been the better one to answer that, but yes. That was based on my discussions with Joe on analysis of what it cost to build this. I'm trying to be very careful in what I say here because of the concern that was raised, but the cost to build this building is the same whether it's a market rate unit or the inclusionary unit.

COMMISSIONER CHERWIN: Right.

MR. CITRON: And the amenities in the building, again, it's great. The point is, is it costs us the same to build that, so we need that density. Even though we're not going to recognize the same rent per square foot on the inclusionary units, we need those units to spread this entire cost over. So, those additional 10 units does make the project economically feasible.

COMMISSIONER CHERWIN: Yes. So, I mean, the point being, the reason I bring that up is because we have a lot of people in this Village talking about they want affordable housing but then they don't want density. It's kind of, if you want affordable housing, the only way to get it is density.

MR. CITRON: The Village provided for that in their own ordinance.

COMMISSIONER CHERWIN: I understand, yes. I mean, it's, we can say what we want about the ordinance, we're not here to comment on that ordinance. I mean, we could probably go on for a while about that. But one of the either intended or unintended consequences of requiring that is if a developer is going to deploy capital into our city, our Village, and enhance our Village, the density has got to come with it, or else like a lot of developers I talked to, they don't even want to come to Arlington Heights now because they'd rather deploy their capital elsewhere where they can get the kind of return that, you know, they would otherwise get.

MR. CITRON: And it's interesting, if you look at your ordinance, and I'll be finished in just 30 seconds here, it says we could ask for a density bonus of market rate units, but that's not what we're asking for.

COMMISSIONER CHERWIN: Right.

MR. CITRON: We're actually asking for a density bonus, 10 units of inclusionary units. So, we're not even taking the full advantage of what the ordinance says.

COMMISSIONER CHERWIN: Understood. So, I guess that's just something I wanted to make clear because I know a lot of times argue about density being too much, but the Village has already made a policy decision that they want more density because they want more affordable units and that's the only way to get it. So, I think people have to understand that, there's a cost to that. Whether it's worth it or not, that's up for various people to decide.

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Last question I'll ask, Sam, one of our residents mentioned the possibility of blocking Highland Avenue on the north. Is that feasible to cut down traffic? I guess two questions would be is it feasible from the Village's perspective and from the developer's perspective to help ameliorate some of this potential effects of traffic?

MR. HUBBARD: From emergency services perspective, no, we need that open for circulation around the building.

COMMISSIONER CHERWIN: Wait, you mean can they fit --

ACTING CHAIRMAN GREEN: Fire.

COMMISSIONER CHERWIN: Yes, well, they have a reverse, don't they?

MR. HUBBARD: But it doesn't work.

COMMISSIONER CHERWIN: We've got to get that fixed.

MR. HUBBARD: Well, you're saying can they close off the intersection?

COMMISSIONER CHERWIN: Well, like they were going into what you're saying because it's a dead end and the fire truck, the Fire Department doesn't want to go in reverse, they want to keep going forward?

MR. HUBBARD: Right. Right, yes.

COMMISSIONER CHERWIN: Could there be like an emergency bumper, a gate or something to let them through?

MR. HUBBARD: Potentially, yes. I mean, it's something that we could look at.

COMMISSIONER CHERWIN: I'm just saying one of the big issues here for people is traffic. They have serious concerns about traffic. I mean, let's face it, right, it's right next to downtown. There's going to be traffic, downtown has always been there, I get it. I mean, but we do have to balance the people that are there, that's one of their major concerns. So, anything we can do to help ameliorate that in my opinion we should explore. So, if it's something like a partially gated gateway that, you know, I don't know, that's something maybe to talk about with the developer.

MR. HUBBARD: Yes, it's definitely something we would have to kick around. The whole street is governed by an easement, so you know, the property to the west also has rights for access and I don't know if closing off part of it, I mean, how that would impact that. So, it's complicated.

COMMISSIONER CHERWIN: Okay, well, I think it's something that we should explore because it's a very serious concern of the people.

That's all, Mr. Chairman.

COMMISSIONER ENNES: It's a similar issue to what we had with the hospital when they were expanding and all the side streets, what they did over there.

COMMISSIONER SIGALOS: Yes, I was going along the same train of thought as Jay was as far as can we limit or restrict any northbound traffic out of the parking garage? In other words, they can only go southbound in exiting the parking garage and not go northbound to St. James Street. Anyway, that's not something we could answer here, but that would be among the possibilities of maybe solving some of the traffic problems.

MR. TAYLOR: So, this issue came up at the first community meeting of which we proposed that the north end of Highland be just shut down, so there's a gate, nobody can access St. James from Highland. Through various discussions with Staff, the Police and Fire Department came back and actually said no, you can't close access. Not only can you not close access, you can't even put a temporary barricade that can be driven over. You know how they

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have those plastic ones that are reflective. They didn't even want that, they didn't want to be proposed.

We're all in favor of that, by the way. I think the natural traffic flow from our building is going to be south on Highland to Eastman to either Vail or to Northwest Highway. There's no reason to go north to St. James to go someplace. There's no reason, it's easier to go to Northwest Highway and make a right to go north. We don't police what other people do but we certainly could do it on our own development. If Staff and the various agencies allowed us to partially close off Highland to the north, we would absolutely amend the plans to do that.

So, again, we'll revisit it. That's not an issue. We would be glad to do that.

COMMISSIONER SIGALOS: Okay, thank you. Now, I understand and I'm not going to get into any of the financial aspects of the cost of the construction of your proposed building and so forth. But that's what's driving the density of the number of units that you have that rationalize the cost of the building. Yet you've put in a swimming pool which adds to the cost of the building. I'm not aware of any other residential buildings Downtown Arlington Heights that have a swimming pool on it.

Well, anyhow, that's neither here nor there. I really appreciated hearing all the comments from the residents. I think they were very well pointed. I don't like the fact that you have zero setbacks. That doesn't allow any landscaping to help the building blend in closer to the neighborhood. I think it's too tall. You've got a couple stories of parking garage above grade which could be below grade and reduce the height of the building.

So, those are just the comments I have. Right now, I'm really not too much in favor of the project. That's all I have.

ACTING CHAIRMAN GREEN: Terry?

COMMISSIONER ENNES: John, I know where you're coming from. I agree to a certain extent. It's a very modern building, it's a beautiful building. I don't think it really goes there with the neighborhood. That's not our job.

Does it suit the zoning? It really seems like it does. I don't think it's the best project for the neighborhood even with the step-back. Look at your picture up here. You have a nice step-back with this and I think irrespective of the fact that across the street we have, not irrespective but because of the fact that we have single-family homes, it would be nice if there was a way to step this back on the residential side. Also, I don't like the zero lot lines, whether it's allowable or not.

Sam, I have one question for you. This is the first good-sized apartment building that we've had in this part of town since the Park View which was kind of a debacle for the Village in regard to the Inclusionary Housing. It went from one that was going to have the minimum number of units approved, and before we knew it the whole building has been converted. Is there anything that we can do to limit the number to the number that the developer is proposing at this time without them having to come back and seek additional approval?

I like to hear Mrs., I think it's Cecchi, benefited from the program here in Arlington Heights in the past, but I don't like what I saw with Park View when they came back and totally changed the nature of the property right in Downtown Arlington Heights without even having to come back to the Village.

MR. HUBBARD: Yes, I don't know if that's a restriction the Village Staff would recommend. I think you can ask the developer if, you know, they're interested in doing

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more and what their perspective is if they are thinking of turning this into a 100 percent affordable housing building or not.

COMMISSIONER ENNES: We'd never hear that at the outset.

MR. HUBBARD: I don't know if a restriction on, you know, affordable housing would be a condition that --

COMMISSIONER ENNES: Not restriction, a limitation to what they're telling us they're going to do which will not let them after the fact come and totally change the nature of the building in a neighborhood.

MR. HUBBARD: That might run afoul of certain, you know, affordable housing regulations or housing laws.

COMMISSIONER ENNES: Sure, then we have Cook County coming in and telling us where to put in buildings.

MR. HUBBARD: But your point is heard.

COMMISSIONER ENNES: Yes, okay. That's all I have at this point.

COMMISSIONER LORENZINI: I have one more question for Mr. Taylor. In this picture, where is the parking?

MR. TAYLOR: Parking is under the building. We have a lot of outdoor parking that's associated with it as well.

COMMISSIONER LORENZINI: Thank you.

MR. TAYLOR: And it's in the first floor.

ACTING CHAIRMAN GREEN: I just have a couple of questions, and Joe just hit the one. Was this originally proposed with more parking underground? I mean, lower down underground? I'm sorry.

MR. TAYLOR: No, the first iteration had two levels of parking above grade. We've increased the parking count and put a half a level below grade. I'll tell you that the cost to go underground is a whole lot higher than what we proposed.

ACTING CHAIRMAN GREEN: As an Architect, I know where you're coming from that.

MR. TAYLOR: Right, and as we've gone through this process, we've made a lot of concessions to the design of the building, both from an exterior and interior point of view that has increased the cost of this project. We've, you know, nonetheless, having increased the affordable housing count from eight to 10 at a cost of around \$350,000 per unit on average, those costs really add up.

You know, I think I mentioned this in the Affordable Housing Commission that I have to take into account a lot of factors when developing a project, right? Financial is obviously one of them. If it doesn't make sense financially, I can't attract the capital and I can't build it. So, you know, I try to balance everybody's points of view and, you know, I deal with Staff and I deal with commissions and I have to balance everybody's point of view. I try to do it as best I can.

ACTING CHAIRMAN GREEN: I hear you, Joe. My comment is this, and I appreciate all the public comment that was here tonight, and please excuse me, I think I'm losing my voice here tonight, but just to give it a little history for me, I built my own house in Arlington Heights and I've been here for 37 years. So, I have a lot of care and I do, I love Arlington Heights. I recognize your dilemma that you're in, but I can, I'm just, and don't take this wrong, when I was looking for a piece of property, I checked out everything that there was to check out simply because I could barely afford to buy the land to build a house on. So, I was starting out

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and so I was very, very careful on what I did.

But this property is located, and as you look out your windows, you're seeing the whole Downtown Arlington Heights area, and these are seven, eight, nine, 12, whatever story buildings that you're looking at. This is not out of character for the downtown. We, as a Plan Commission, we went over the Comprehensive Plan, it's something we review every year on a yearly basis. So, the zoning that is here has been talked about and thought about a lot. This is not something that has come up just recently.

So, I personally think that this building fits what's going on here. I appreciate, and that's my opinion. We listened to your opinion, now you're going to listen to mine. So, I appreciate what it is. I'm an architect, I like the way the building looks. I like the amenities. I like the fact that Joe is building on the north side of Northwest Highway. That was a stumbling block that the downtown area has been trying to accomplish for years. And Sam, you know what I'm talking about is that it's hard to get the development to cross the street to the north side.

So, I think this is a welcome project, and I think it's going to enhance the downtown and that's it. I'm sorry, this is the zoning that's there. This is a legal building.

COMMISSIONER CHERWIN: Commissioner Green? Could I just move to continue the meeting? We're at 10:30.

ACTING CHAIRMAN GREEN: Oh, yes.

COMMISSIONER CHERWIN: I believe we need a continuance.

MR. HUBBARD: Extend, yes.

ACTING CHAIRMAN GREEN: How long would you like to do it?

COMMISSIONER CHERWIN: Not very long.

MR. HUBBARD: Do you want to extend it for another half an hour?

COMMISSIONER CHERWIN: Extend it for a maximum of 30 minutes.

ACTING CHAIRMAN GREEN: So, there's a motion to extend for half an hour.

Is there a second?

COMMISSIONER ENNES: I'll second it.

ACTING CHAIRMAN GREEN: All those in favor, say aye?

(Chorus of ayes.)

ACTING CHAIRMAN GREEN: All those opposed?

(No response.)

ACTING CHAIRMAN GREEN: We're on for another half hour, 11:00 o'clock. So, this is my opinion, and I am entitled to my opinion. If the politics of this don't work, take this to the Board. Those are our politicians. We're dealing, as Lynn said, with zoning issues here and we have to limit ourselves to that. We try very hard to stay out of the politics of this and get to just the zoning. So, please don't misunderstand what I'm saying but it's the zoning. So, that's my comment.

Any others? Go ahead, Lynn.

COMMISSIONER JENSEN: Yes, I think that, first of all, I appreciate all the comments from the residents of HANA. I think you made your points very, very well. I think they will resonate with the Board which is the entity that makes the decision. So, I feel the same kind of dilemma that I think others have expressed because I know what we're supposed to do in terms of our charge. But you've raised some issues that go way beyond the charge and I particularly like the way that John Lewis stated things saying why don't we do something that's common sense?

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I think the Board can do that for you. I'm not sure that this Commission, given our zoning requirements, can do that because as the Chair said, this is a legal building that meets the things that we are asked to look at. So, I'm very moved by the points that you made. I think they will resonate with the Board. I'm not sure where that leaves even me in making a vote at this point.

ACTING CHAIRMAN GREEN: Any other comments? Or a motion?

COMMISSIONER CHERWIN: I guess, no, my comment would say, you know, similar to what Lynn has said here. I mean, I personally, I think that this project is a good project overall. I would like to see, you know, I think there may be some more opportunities to accommodate the neighbors. I mentioned the one about traffic flow. There may be some on the buildings, you know, the setbacks maybe not so much, but maybe some tiering or something on the upper floor to give them a little bit more of a transition. I think maybe a little more effort can be made to accommodate.

Granted, I'm fully appreciative of what has to go into this type of project and what costs are being driven by the Village in what they are requiring from you that you don't have as much control over. But that's the policy the Village has made and the consequences are that, you know, it affects the developments. So, that's, it's a difficult decision but, you know, I would probably like to see, before I recommend approval, I would probably like to see a little bit more work to try to accommodate the neighbors.

But overall, I like the project and I think ultimately we should be able to get something through that makes sense that's very similar to what you've presented.

COMMISSIONER JENSEN: I'd like to know what you heard at the neighborhood meeting. Did you hear most of what you heard here? And you did take some steps to address a number of them as you had in your presentation as I understand it. Well, I don't want to --

ACTING CHAIRMAN GREEN: Is there any more discussion?

COMMISSIONER ENNES: I have a question for the Commissioners. Would you be open to putting in a provision to limit the approved number of affordable units?

COMMISSIONER CHERWIN: You're saying to just hold it steady with 10?

COMMISSIONER ENNES: To what they're proposing now.

MR. LYSICATOS: Through the Chair? I don't know that that's, I think that's maybe for the Housing Commission. If that matter is able to be taken up, I think that sits with the Housing Commission. I don't even know that you can control rents at that point. I'm not sure that that falls within that. I think your purview at the moment is probably to approve the density variation.

ACTING CHAIRMAN GREEN: The zoning part. I would stick to the zoning part.

COMMISSIONER CHERWIN: I think that's probably right. Just like the design is the Design Commission, you know, whether we like the building or not, it's kind of, you know, looked upon by the Design Commission. So, I don't think we're here for that.

ACTING CHAIRMAN GREEN: Having all that being said, is there a motion?

COMMISSIONER JENSEN: I'll make the motion.

A motion to recommend to the Village Board of Trustees approval of PC #23-002, a Planned Unit Development to allow a 150-unit multi-family residential development on the subject property, a Land Use Variation to allow a predominantly multi-family residential

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development in the B-5 District, and a Conceptual Special Use Permit approval for a restaurant on the subject property, and the following Variations:

1. A variation from Chapter 28 of the Municipal Code, Section 5.1-14.1, to allow 150 units on a 43,438 square-foot lot where code requires a minimum lot size of 46,500 square feet;
2. A variation from Chapter 28 of the Municipal Code, Section 6.1-5.1, to allow tandem parking spaces.

This recommendation is subject to the following conditions:

GENERAL

1. The outdoor roof deck area along the Western side of the building shall be restricted from use between the hours of 10:00 p.m. to 10:00 a.m., Sunday through Thursday, and from 11:00 p.m. to 10:00 a.m. on Friday and Saturday. There shall be no building-mounted or permanent speakers/audio system installed on the outdoor pool deck. All personal music and speaker usage on the outdoor deck must end by 9:00 p.m. on any night. Usage of the outdoor deck area must abide by these restrictions and the Applicant must take any action necessary should the Village notify them of complaints of excessive noise emanating from the outdoor deck usage on the subject property. The Village reserves the right to establish additional restrictions on the general usage times and music/sound from said outdoor deck should the occupants of the subject property fail to abide by these restrictions or cause excessive nuisances.
2. All restaurants that desire to operate within the PUD must obtain a special use permit or receive a waiver of the special use permit requirement if deemed acceptable by the Village.
3. At time of application for building permit, the Applicant must provide a detailed final construction schedule and logistics plan that identifies staging areas, material storage, lane closures and construction worker parking for review and approval by the Village. Any work taking place within the right-of-way must be scheduled to minimize disruption to other businesses, residential neighbors, and patrons of the downtown and nearby vicinity. Construction traffic must be limited to pre-approved lanes and locations to be determined by the Village. The Petitioner shall provide a truck parking and truck access plan for review and approval by the Village. Emergency access must be maintained at all times during each phase.
4. Conversion of the building from rental to condominium units will require an amendment to the planned unit development and the provision of sufficient parking for such change as determined necessary by the Village.
5. The Applicant must provide all required impact fees in accordance with the requirements of Chapter 29 of the Village Code.
6. The Applicant is responsible to ensure that the planned development is and remains in full compliance with the requirements of Article XVII of Chapter 7 of the Village Code, being the Village's Inclusionary Housing Ordinance and the Village's Inclusionary Housing Guidelines, including, without limitations, the following:

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- a. Providing, at a minimum, 10 actual on-site units (a minimum of five percent of the total units) in the planned development and fee-in-lieu for 1.25 units (a maximum of 2.5 percent of the total number of units) or a total of 11.25 units (7.5 percent of the total number of units) in compliance with Section 7-1707(b)(3) of the Village Code.
 - b. Satisfying all conditions and requirements necessary for Applicant to obtain development cost offsets pursuant to Section 7-1709 of the Village Code, including, without limitation, obtaining density bonuses pursuant to Section 7-1709(a).
 - c. Ensuring compliance with all other provision of the Inclusionary Housing Ordinance and the Inclusionary Housing Guidelines as applicable.
7. The Applicant must comply with all federal, state, and Village codes, regulations and policies.

Parking Related

8. Parking within the garage shall be operated as per the below:
- a. Residential parking spaces within the garage shall be leased separately from units and must not automatically be included within any residential lease.
 - b. Any tenant desiring two parking spaces within the garage must lease tandem spaces (with first priority going to two-bedroom units) if tandem spaces are available. Only after all tandem spaces are leased may individual/single spaces be leased by tenants desiring two parking spaces.
 - c. No more than 51 tenants shall lease two spaces within the garage.
 - d. No residential unit shall lease more than two parking spaces within the garage.
 - e. Residential guest parking within the garage spaces be made available.
9. At the request of the Village, the Applicant must provide details and data on the operation, management, and usage of the parking within the residential garage and on-street parking space usage. If parking issues arise, the Applicant must work with the Village to modify the parking plan to address any such issues to the satisfaction of the Village. The Applicant must use good faith efforts to implement and enforce the parking conditions and restrictions outlined above.

Loading Conditions

10. Loading operations are restricted to the following:
- a. Commercial/Restaurants: Allowed only between the hours of 7:00 a.m. to 5:00 p.m.
 - b. Residential: Residents moving in/out must schedule their loading dock time in advance. Move-ins/move-outs will take place in the loading dock on Eastman and be allowed between the hours of 7:00

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- a.m. to 7:00 p.m. Loading operations will be prohibited between the hours of 10:00 p.m. to 7:00 a.m.
- c. Trash: All trash must be loaded onto trucks within the loading area.
 - d. All loading/unloading for the commercial space, move-ins/move-outs for the residential tenants, and trash collection shall occur on-site and within the dedicated loading zone. These activities shall be prohibited from occurring on-street.

Traffic/Street Infrastructure Conditions

- 11. If it is determined by the Village that there is unsatisfactory traffic circulation and congestion within and through the subject property, the Applicant must work with the Village to modify the site circulation and access as necessary to mitigate for any such issues.
- 12. The Applicant shall work with the Village to implement improvements to the following intersections:
 - a. St. James/Highland: Stop sign shall be installed at the northbound approach.
 - b. Highland/Eastman/Bank Drive Aisle: Stop signs shall be installed at the eastbound approach and the westbound approach (as feasible) at this intersection.

Site Related

- 13. No later than issuance of a building permit, the Petitioner shall execute a public access/sidewalk easement along the south side of the building, at the discretion of the Village and as necessary to comply with ADA pathway widths.
- 14. Final streetscape along Eastman shall be consistent with downtown standards and certain modifications may be required at time of building permit (additional sidewalk width, revised tree grates, recessed building doors, et cetera) at the discretion of the Village.
- 15. The garage warning system shall be equipped with after-hours technology to reduce or shut off the noise during overnight times.

Building Related

- 16. The Applicant must comply with all of the requirements set forth in the April 12, 2023 motion of the Village's Design Commission concerning approval of the design for the building within the planned unit development.
- 17. All building-mounted and site mechanical equipment (meters, panels, utility connections, Fire Department connections, transformers, utility pedestals, et cetera) must be appropriately sited and screened from public view, as determined by the Village. To the fullest extent possible, these elements must be internalized within sound attenuation structures. Prior to issuance of a building permit, additional information/manufacturers specifications on sound levels and attenuation and capacity for additional sound attenuation around the

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units must be provided for Village review.

18. All utility service times must be underground.
19. The Petitioner shall continue to work with the Village on the design of the proposed Fire Department connection. Said connection shall be a low-profile design, to the satisfaction of the Fire Department, and shall not encroach into the ROW.
20. The location of the northernmost rooftop unit (RTU) shall be shifted further south, as feasible, and screened with additional sound buffering panels as determined necessary by the Village.
21. The Petitioner shall work with the Village on the proposed lights on the northern building elevation to ensure that they are located at low elevations and are angled towards the ground.

ACTING CHAIRMAN GREEN: Is there a second?

COMMISSIONER CHERWIN: Can I ask Staff a question?

ACTING CHAIRMAN GREEN: Sure.

COMMISSIONER CHERWIN: Thank you.

Mr. Hubbard, I would like to consider suggesting a motion to, I know we've been here, I don't know how the other Commissioners feel about maybe allowing some additional time for the Petitioner and see if the Petitioner is up for potentially reviewing the aspects of the project with the neighborhood one more time to see if they can make some more adjustments that would allow the HANA group to feel better about the project.

So, I guess my question would be to Mr. Taylor. Would you, you know, if we vote tonight, it may not result in a positive recommendation. Would you be willing to take some additional time to consult with HANA and potentially continue this meeting to a later date?

MR. TAYLOR: I'd absolutely sit and talk with the members of HANA again. I don't know what fruit that will bear quite honestly, I think. We've done the setback on the third floor. We've moved the parking entrance down Highland. We've added considerable expense to the exterior of the parking structure to limit the amount of light emanating from the thing. We have met with a lot of, you know, challenges and I think I'd prefer a vote knowing that we've gone through these issues with the Architectural Review Commission from an architecture standpoint and they approved it --

COMMISSIONER CHERWIN: Okay.

COMMISSIONER JENSEN: I want to be clear. Just because I proposed this action, it doesn't say how I'm going to vote on it. I just want to get it on the table so we can actually take some action.

COMMISSIONER CHERWIN: Well, I generally like the project, but I think it needs a little bit of work to help the community feel a little bit better about it. At that point, if we've exhausted all resources and we vote on it, you know, I feel like I could support it, but I don't know that I'm there yet, so I can't make a motion to support it.

COMMISSIONER JENSEN: We don't have a second, Bruce.

MR. HUBBARD: We have a motion without a second. We have a motion without a second.

MR. CITRON: If I can, very briefly, because I know we only have now 20 minutes to discuss this, and I'm not making fun of that at all. I recognize the fact that we have

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gotten very late.

If it means that there will be no second here, then we would agree to set this over. I do believe the only thing we can really address without wholesaling changes to the building, which would mean going back to DRC and potentially Inclusionary or the Housing Commission and everything else, is to work with Staff to see if there's some type of barrier to Highland. Because again, as Joe indicated, we agreed, we don't care about the access to Highland. Staff, or particularly the Fire Department and the Police Department do, and there may be some solution that keeps that access that they can get through.

I think that's really the only thing we can talk about without entirely changing the project. You may say, well, you need to entirely change the project. At that point, we'll take our chances at the Plan Commission. But if it means not getting the second means this goes forward without any recommendation, we would agree to a short continuance of this matter and let us work with Staff on some of those issues and then we'll come back.

COMMISSIONER CHERWIN: Mr. Citron, would there be any opening at all to potentially tier some aspect of the north part of the building to soften the --

MR. CITRON: The issue we really have is this, the portion of the first and second floors that are at the property line, if we had to set that back, the parking doesn't work.

COMMISSIONER CHERWIN: Well, let's say we keep the first floor the way it is. I'm talking about some upper floors potentially tiering.

MR. CITRON: Okay, we can look at it definitely at the seventh floor because of the way some of the unit sizes are and whatever. Well, I don't know that we need --

COMMISSIONER CHERWIN: I'm not asking for a commitment right now.

MR. CITRON: Yes, I don't know.

COMMISSIONER CHERWIN: I do think we should explore it.

MR. CITRON: The answer is we could look at that. So, those would be, are probably the only two things that we can look at. The density is the density of the project, what we need to make this work.

COMMISSIONER CHERWIN: I get that.

MR. CITRON: But again, density really translates, my understanding of externalities, the density in truth really just looks at traffic. We've already proven that the traffic is not going to go there. I know no one trusts it, I get it. No one in the audience trusts that. But, so there is a potential solution to that that they would trust, which is to keep our traffic, whatever that is, whether it's five percent or 15 percent, it's not going to go higher than that in reality, just to keep it off of St. James, which again, we're okay with. So, we'd like the opportunity to sit down with the Police Department and with the Fire Department and see if we can work out some compromise to do that.

We can also at the same time look at some setbacks for the remainder of the building, so long as, we're telling you straight out we can't move that garage without losing additional spaces. It just doesn't work.

COMMISSIONER SIGALOS: Can I ask a question? You make that statement, but you're over-parked. You don't need as many parking spaces as you have.

MR. CITRON: We're over-parked according to your code which is where there was some discussion with Staff, but we're parked at what Staff is comfortable with based on other developments in downtown. We would be happy not to build that lower level, okay. We're expending, as Chairman Green indicated, we're expending a lot of money to build those additional parking spaces below grade. If we had to put all of them below grade, there's no

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project here. It truly doesn't work. We stretched to put that additional parking in below grade, but again, our original proposal was for 180 spaces. I'm sorry, go ahead.

MS. LAMBERT: No, it's okay. I think what's also important to understand, the way that the parking garage is configured is that essentially the easternmost half is sloping in order to get to the second level. So, the entire concept basically is predicated upon the length of that garage, because if you start to trim five feet off of it, we actually don't have the length in order to make that work. So, you know, there are other ways to configure the garage, but they would be a way lower efficiency than what we're able to achieve here.

So, unfortunately, it's not as much as, you know, it's not as simple as taking five spaces away. You'd be looking at taking 40 spaces away or whatever it would end up being.

COMMISSIONER LORENZINI: You know, all this discussion is interesting, but I think even if we figured out the way to close the street, I don't think that's really going to address the major concerns the residents have.

COMMISSIONER SIGALOS: No.

COMMISSIONER LORENZINI: So, I think we need to take a vote tonight one way or the other.

COMMISSIONER JENSEN: I didn't get a second.

COMMISSIONER SIGALOS: Yes, I mean, just because this, I mean, in my opinion, just because this fits what's in the zoning, the current zoning, doesn't mean it's the right project for that site. Doesn't mean it.

COMMISSIONER CHERWIN: Well, and to be clear, it doesn't totally fit within the zoning, otherwise we wouldn't be here, right? There are some variations, that's why we're here.

COMMISSIONER SIGALOS: Right, right.

COMMISSIONER CHERWIN: I mean, there are some modest requests.

COMMISSIONER SIGALOS: Yes, but I mean --

COMMISSIONER ENNES: Sam, correct me if I'm wrong, they don't need a positive vote from us to go to the Village Board?

MR. HUBBARD: No, correct.

COMMISSIONER CHERWIN: The consequence of a negative vote, Mr. Hubbard?

MR. HUBBARD: It changes the requirement at the Village Board from a majority to a super majority for the variations.

COMMISSIONER JENSEN: I think you're going to find that the Board, although it's probably bad to project, that they're going to be much more sensitive to the character of the neighborhood argument because I've seen them turn down a fair number of things that actually this Commission passed with a positive recommendation and they didn't get past the Board. I think you're going to run into that problem at the Board. So, if you're going to make this project work, you're probably going to have to make some modifications that take into account all that you heard from the folks who gave you an impassioned assessment of the situation. I think you're going to run into that much more so with the Board than you do with us.

MR. CITRON: I appreciate the comments. Again, we are willing to take another stab at it within the, the things I've said that we can look at, that's where we're at right now with this project. I didn't want to make promises that we couldn't keep. So, if it means continuing this and coming back with you and maybe we have the same results when we come

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back to you, we're willing to do that. Otherwise, we'll take the vote and go to the Board and see what happens at that point in time.

I'm not looking forward to requiring a super majority if in fact that's the way this vote goes down. We have met the standards in your ordinance, and I think the Chairman has pointed that out, that that is the purview. I'm trying not to be too much like a lawyer. Again, I can't help myself having done this for 40 years, but we meet the standards.

The question of are we, you can deal with the issues over adjacency and whether we're in the neighborhood or not in the neighborhood, that's what's driving a lot of these votes. We are in the B-5 District. We are across the street from R-6. We meet the standards.

So, I am asking you if we do go through a vote today, to look at the standards as written in your ordinance, but with that, we are willing to continue this and take another shot at some of these issues. Thank you.

COMMISSIONER JENSEN: Sam, if you don't get a second and it just dies, what happens at this point? It goes to the Board with what?

MR. HUBBARD: Well, somebody else could make a motion.

COMMISSIONER JENSEN: Yes, but assuming we get no motion at all?

MR. HUBBARD: Yes, if no motion passes, then it would move forward without a recommendation.

COMMISSIONER JENSEN: They don't need a super majority or they do?

MR. HUBBARD: No, I think it's the same thing. Without a positive recommendation, then it needs a super majority at the Village Board, I believe, on variations.

COMMISSIONER JENSEN: Which would be how many votes out of?

MR. HUBBARD: Out of the nine members, you would need at least six.

COMMISSIONER LORENZINI: I think we should proceed and finish our job tonight. I'll second the motion.

ACTING CHAIRMAN GREEN: Roll call vote.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: No.

MR. HUBBARD: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Yes. With comment.

MR. HUBBARD: Commissioner Cherwin.

COMMISSIONER CHERWIN: No.

MR. HUBBARD: Commissioner Sigalos.

COMMISSIONER SIGALOS: No.

MR. HUBBARD: Acting, I'm sorry, who did I forget? Did I forget someone?

ACTING CHAIRMAN GREEN: Ennes.

MR. HUBBARD: Commissioner Ennes.

COMMISSIONER ENNES: No, with comment.

MR. HUBBARD: And Acting Chair Green.

ACTING CHAIRMAN GREEN: Yes.

MR. HUBBARD: So, we have comments from Lorenzini and Ennes.

COMMISSIONER LORENZINI: I guess my comment is, even though I voted yes, I think the group here made a very, very strong argument that it doesn't fit in with the character of the area. But the thing that had us most concerned about is the one area across the street that's meant to be transitional, I'm sure that was made transitional well after many years,

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well after that building was built. So, it's kind of, it's meant to be transitional but really it could never be, so we really don't have a transitional area to rely on to transition into this building.

It would be nice if we could make it a little smaller, a little less dense and maybe get some of it underground. I know there's a big expense for that, but it would be nice if we could get this building not quite as big as it is looking now for the residents.

COMMISSIONER CHERWIN: Can I make a comment?

ACTING CHAIRMAN GREEN: Whoever is next.

COMMISSIONER CHERWIN: I like this project, I want to see it work, and I really want to see the neighborhood association understand what's going on here. I mean, the Soviet style KGB outpost that's there now is not a good thing for anybody. Businesses need heads, they need people. If you want a nice, vibrant downtown community, guess what? People have to live there. It's not always going to stay the same, you know. So, if the developer comes, you know, I voted no, my hope is that the developer and you guys can talk, there can be some adjustments made, and by the time it goes to the Board we agree on something that the Board is comfortable with.

But this is not good for anybody if it stays like this and it's not good for Arlington Heights. You're not doing your neighbors any favors by leaving this thing vacant. So, keep that in mind if we all want to be good neighbors. Besides that, the Village of Arlington Heights has made policy decisions that are affecting this developer and what any developer is going to be able to do there, that's outside of any developer's control. So, if you have issues about that, then that's properly addressed at the Board level.

COMMISSIONER ENNES: My comment is I agree, I like the project. I just don't think, I think there are some things that could be done to soften the impact on the neighborhood. I hope you guys can come to terms to it because I agree with Commissioner Cherwin that it would be a vast improvement to what's there.

COMMISSIONER JENSEN: Well, I feel the same way. I think a project that does something here is very important. But I keep coming back to Mr. Lewis who made the remark is this the best you can do, can you do better? I sense that the neighborhood wants to have something there other than those buildings that are there because they've been empty and they look horrible. They're not a nice thing to look at. But you haven't totally sold them on this, and I'd like to see a project go forward here. I think you can do better.

ACTING CHAIRMAN GREEN: So, you've heard our vote and it's been denied. Our recommendation will move to the Trustees, the date being, do you have a date certain?

MR. HUBBARD: We're tentatively targeting June 5th, but we'll be in communications with you to confirm that date.

ACTING CHAIRMAN GREEN: Thank you for coming in.

Sam, should we extend this a little bit further for our second agenda item here tonight?

MR. HUBBARD: If the Commission is so inclined, I would recommend at least another extension until maybe 11:15-11:30.

COMMISSIONER CHERWIN: I move to extend to 11:30.

ACTING CHAIRMAN GREEN: Can somebody second that?

COMMISSIONER JENSEN: Second.

ACTING CHAIRMAN GREEN: Roll call vote?

MR. HUBBARD: Voice vote.

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(Chorus of ayes.)

ACTING CHAIRMAN GREEN: Voice vote, I'm sorry.

COMMISSIONER CHERWIN: I also move to allow Joe to be able to go to the bathroom.

COMMISSIONER ENNES: Yes, I feel you.

COMMISSIONER CHERWIN: Do we have a second?

ACTING CHAIRMAN GREEN: I think we should take a five-minute recess while the room is emptying as they're going home and the next Petitioner is, we'll wake them up and bring them up.

MR. HUBBARD: All right, so do we have a, is this a five-minute recess?

ACTING CHAIRMAN GREEN: Yes, five-minute recess.

(Whereupon, at 10:53 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.

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BEFORE ME THIS _____ DAY OF
_____, A.D. 2023.

NOTARY PUBLIC