

PLAN

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

COMMISSION

RE: GOLF VX - 622, 626 & 644 EAST RAND ROAD - PC #23-013
SPECIAL USE PERMIT FOR AMUSEMENT FACILITY, LARGE, AND RESTAURANT,
VARIATION

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Plan Commission Meeting taken at the Arlington Heights Village
Hall, 33 South Arlington Heights Road, 3rd Floor Board Room, Arlington Heights,
Illinois on the 8th day of November, 2023 at the hour of 7:30 p.m.

MEMBERS PRESENT:

GEORGE DROST, Acting Chairperson
LYNN JENSEN
JOE LORENZINI
BRUCE GREEN
TERRY ENNES
JOHN SIGALOS
JAY CHERWIN

ALSO PRESENT:

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

start. ACTING CHAIRPERSON DROST: I'll call this meeting to gather and to

join? We can do the Pledge of Allegiance to the Flag, so if you would all

(Pledge of Allegiance recited.)

ACTING CHAIRPERSON DROST: Thank you.

All right, roll call, Sam.

MR. HUBBARD: Sure. Before I call the roll, I will note that the Chair and the Vice Chair are absent today, so Commissioner Drost has graciously accepted my offer to be an Interim Chair for the night. So, we can do a quick roll voice vote on that.

ACTING CHAIRPERSON DROST: It's subject to term limits because I've served in that capacity before. So, thank you, Sam.

MR. HUBBARD: Yes.

All right, we can do roll call.

Commissioner Cherwin.

COMMISSIONER CHERWIN: Here.

MR. HUBBARD: Commissioner Ennes.

COMMISSIONER ENNES: Here.

MR. HUBBARD: Commissioner Green.

COMMISSIONER GREEN: Here.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: Here.

MR. HUBBARD: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Here.

MR. HUBBARD: Commissioner Sigalos.

COMMISSIONER SIGALOS: Here.

MR. HUBBARD: Commissioner Warskow.

(No response.)

MR. HUBBARD: Chair Dawson.

(No response.)

MR. HUBBARD: And Acting Chair Drost.

ACTING CHAIRPERSON DROST: Here.

All right, thank you, Sam.

I'll call for an approval of the minutes. Last session, we had the Eastman Development.

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

ACTING CHAIRPERSON DROST: Second?

COMMISSIONER SIGALOS: I'll second.

ACTING CHAIRPERSON DROST: I'll call for a vote.

Those in favor?

(Chorus of ayes.)

ACTING CHAIRPERSON DROST: Any opposed, same sign?

(No response.)

ACTING CHAIRPERSON DROST: Hearing none, it's passed. Good.

All right, we have some public hearings, two. The first one on the list is Golf VX. It's on Rand Road, a special use permit, an amusement facility seeking a variation. Is

the Petitioner here?

MS. CHOI: Yes.

ACTING CHAIRPERSON DROST: Great, and will you be accompanied by any other individuals?

MS. CHOI: Yes.

ACTING CHAIRPERSON DROST: Then we're going to swear you in, all right? So, if you'd stand and raise your right hand?

(Witnesses sworn.)

ACTING CHAIRPERSON DROST: Okay, thank you. All right, introduce yourself, state your name, and maybe a brief summary of your petition, and spelling, helpful for our court reporter.

MS. CHOI: My name is Gina Choi, G-i-n-a C-h-o-i. Can I start the projection? Okay.

Okay, we are thrilled to introduce Golf VX, a golf simulator facility that promises an exceptional golfing experience while also offering an enticing range of food and beverage options. In this proposal, we will outline the numerous positive impacts Golf VX will bring to Arlington Heights, showcasing how we want to enrich the lives of residents.

Positive impact of Golf VX to Arlington Heights. Golf VX is dedicated to fostering inclusivity within the community. We will provide access to golf for all residents and non-residents regardless of their experience, level or ability. Chicago's climate can often limit traditional golfing opportunities within an average of 133 days, about 4.5 months per year of rain in addition to a long winter. Nevertheless, Golf VX provides a year-round golfing experience that remains immune to all weather conditions, offering residents the freedom to enjoy their beloved sport in their leisure.

Golf VX utilizes cutting edge simulator technology to faithfully recreate the landscape of prestigious golf courses from around the world. These cutting edge features ensure the unparalleled golfing experience that closely mirrors the challenges and dynamics of playing on an outdoor golf course. At Golf VX, we not only focus on the golf but also to culinary excellence. Our restaurant offers a wide variety of delicious dishes that can be enjoyed both inside the bay and in the common area, making dining a delighting experience whether you're playing golf or you're spending time with your loved ones.

Our diverse menu is designed to satisfy your taste buds, and we offer unique beverage pairings from Arlington Heights' first ever robotic bartender, the Makr Shkr. This innovative bartender can handle an impressive selection of 158 variety of choices elegantly displayed from the ceiling above the bar, making this a perfect blend of technology, innovation and craftsmanship.

Before we proceed, allow me to introduce our exceptional team: Kyu Choi, CEO; Michael Perkins, Business Development Manager; Billy Nienstedt, Business Development; and Jong Pil Park, our Architect.

ACTING CHAIRPERSON DROST: Why is he hiding?

MS. CHOI: He's the shy one. And my name is Gina Choi, and I'm the Project Manager.

Okay, so Arlington Heights of Illinois GVX, LLC doing business as Golf VX is requesting for a special use permit to allow an approximately 11,938 square-foot large amusement facility and restaurant with food and liquor service, and a variation to Chapter 28 of the Municipal Code, Section 6.12-1, to waive the requirement of a traffic and parking study.

I would like to present an overview of our floor plan and interior remodel, and again these drawings are in progress.

You will be able to enjoy our facility on Sunday, 10:00 a.m. to 8:00 p.m., Monday through Thursday, 10:00 a.m. to 10:00 p.m., and Friday and Saturday, 10:00 a.m. to 12:00 a.m.

Now, let me show you the two videos that will summarize our presentation today. The first video will be the video of our VX simulator.

(Whereupon, the first video was played.)

MS. CHOI: And our next one will be the video of our Makr Shagr.

(Whereupon, the second video was played.)

MS. CHOI: Thank you.

ACTING CHAIRPERSON DROST: Yes, we should applaud. You know, I feel like I'm on Shark Tank.

So, for now your presentation is complete?

MR. CHOI: Yes.

MS. CHOI: Yes.

ACTING CHAIRPERSON DROST: It's very good, thank you.

MR. CHOI: Thank you.

ACTING CHAIRPERSON DROST: I just want to clarify a couple of things. One is, and to the Staff, we have Ms. Nicholas, I think that you're going to do the presentation for the Staff report, have all the notices been provided and given for this project?

MS. NICHOLAS: Yes, they have.

ACTING CHAIRPERSON DROST: And the Petitioner, have you seen the blue sheet that we have here?

MS. CHOI: Yes.

ACTING CHAIRPERSON DROST: Which lists the conditions that you would be subject to if you are successful in getting the approval of the Plan Commission?

MS. CHOI: Yes. I have.

ACTING CHAIRPERSON DROST: Good, thank you.

All right, Ms. Nicholas, fire away.

MS. NICHOLAS: All right, I'll start with a brief overview of the project, although the Petitioner did a very --

AUDIENCE MEMBER: Can you speak up please, or turn the volume up?

MS. NICHOLAS: Hello, does this work?

ACTING CHAIRPERSON DROST: Yes.

MS. NICHOLAS: Okay, good. Okay, sorry about that.

So, the subject property is located at 622, 626 and 644 East Rand Road. The zoning of the property is in the B-3 District, it's located in the Southpoint Shopping Center. The Comprehensive Plan designates this land as commercial land use.

There are two requested actions. First, for a special use permit for a large amusement facility, and the second is a special use permit for a restaurant, both in the B-3 District. The Petitioner is also requesting a variation from the requirement to submit a traffic and parking study from a qualified engineer.

So, this shows an aerial view of the subject property. As previously mentioned, it's within the Southpoint Shopping Center. It is a planned unit development at the intersection of Palatine and Rand Road.

As shown in these pictures, the condition of the current facade is not ideal. Staff is recommending a couple of conditions of approval for this project. One of the conditions is that the Petitioner will collaborate with the property owner on exterior enhancements to the facade to create an enhanced gateway to this portion of the shopping center. Additionally, Staff is also recommending a condition of approval in regard to the parking lot repairs. As shown in the picture to the right, the parking lot currently has numerous potholes and the striping of the parking spots has faded. So, in anticipation of the increased parking demand created by Golf VX, Staff is recommending a condition of approval for the Petitioner and property owner to provide a paving and striping plan for the parking lot adjacent to the unit.

This image is the floor plan that Golf VX also shared with us. As previously mentioned, they plan to have 12 golf simulator bays and a bar and dining area. The gray area on the floor plan shows the neighboring tenant space which is a dog boarding facility, Dogtopia. Another condition of approval for this project that has been recommended by Staff is that the Petitioner install sound attenuation during their interior remodel of the space in order to offset any noise that may permeate through the walls from the neighboring tenant. Dog barking can be heard from outside the building, so it is expected that this may be an issue at Golf VX if appropriate sound attenuation is not installed.

A parking study was submitted as part of this application. They surveyed two parking areas. Parking Lot 2A is the area adjacent to the unit in which there were no parked vehicles observed by the Petitioner. Parking Lot 1 is adjacent to At Home and Dogtopia, and the peak parking demand is highlighted at 36 cars on a Saturday evening. Staff does not anticipate there being parking issues as the shopping center is well served by multiple parking lots that are shared among all the tenants.

This image shows the two parking lots that were surveyed by the Petitioner. In addition, this image also shows the proposed bicycle parking location as bicycle parking is required for this project. Staff is generally supportive of this location but is also recommending a condition of approval that ensures that the location of the bicycle rack will not obstruct the pedestrian sidewalk or ADA ramp adjacent to the proposed location.

The Petitioner provided responses to the special use and variation approval criteria as part of their application. Staff found their responses to be sufficient. Overall, the Staff Development Committee is recommending approval subject to the number of conditions that were discussed throughout the presentation, and this concludes Staff's presentation.

ACTING CHAIRPERSON DROST: Yes, thank you. Well done.

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

COMMISSIONER JENSEN: So moved.

COMMISSIONER CHERWIN: I'll second.

ACTING CHAIRPERSON DROST: Okay, all in favor?

(Chorus of ayes.)

ACTING CHAIRPERSON DROST: Any opposed, same sign?

(No response.)

ACTING CHAIRPERSON DROST: Hearing none, Staff report is included into the record. We'll start the hearing off with comments from the Commissioners and I will start with Commissioner Jensen.

Do you have any comments?

AUDIENCE MEMBER: Speak up please or turn the volume up on the master control?

ACTING CHAIRPERSON DROST: Yes, I think we're -- how is your hearing? Is that better?

AUDIENCE MEMBER: Thank you.

ACTING CHAIRPERSON DROST: Okay, so we'll start, Jensen?

COMMISSIONER JENSEN: Yes, I think I'm going to wait.

ACTING CHAIRPERSON DROST: Speak up.

COMMISSIONER JENSEN: I'm going to hear what the public has to say before I ask any questions, so I'll pass at this point.

ACTING CHAIRPERSON DROST: Okay, Commissioner Lorenzini?

COMMISSIONER LORENZINI: Nothing at this time.

ACTING CHAIRPERSON DROST: Commissioner Green?

COMMISSIONER GREEN: Nothing at this time.

ACTING CHAIRPERSON DROST: Commissioner Ennes?

COMMISSIONER ENNES: I don't have anything at this time. My hearing aid is working fine.

ACTING CHAIRPERSON DROST: Good.

Commissioner Sigalos?

COMMISSIONER SIGALOS: I have a question about this bicycle rack. I mean, I was never a golfer and I can't ever picture myself carrying my golf clubs on a bicycle. Is that really required?

MS. NICHOLAS: It is required by code because there's going to be an increase in parking demand, and that's just the code requirement that we have.

COMMISSIONER CHERWIN: You'll have to learn how to ride your bike with your golf clubs behind you.

COMMISSIONER SIGALOS: I don't have anything further at this time.

COMMISSIONER CHERWIN: Nothing from me, thank you.

ACTING CHAIRPERSON DROST: Commissioner Cherwin? Oh, nothing?

COMMISSIONER CHERWIN: No.

ACTING CHAIRPERSON DROST: Yes, we have some issues with bicycle racks. I think Commissioner Jensen puts the sort of reasonable reason for bicycle racks.

All right, we'll defer on further comments from the Commissioners. Can you hear me okay? So, what we'll do, I'll open it up for public comment.

Who is here to talk about the VX golf site? Anybody that wants to come forward? Any comments?

(No response.)

ACTING CHAIRPERSON DROST: All right, if not, then I'll close the public meeting and then take it back to the Commissioners.

COMMISSIONER JENSEN: I really am very supportive of this project. I really don't have any questions. They've answered everything that we discussed in the Conceptual Plan review, so I'll pass at this point.

ACTING CHAIRPERSON DROST: Commissioner Lorenzini?

COMMISSIONER LORENZINI: I have one question for Ms. Choi. Can you come back up to the mic, please?

Do you have other facilities like this or similar somewhere?

MS. CHOI: So, Golf VX will be our first facility in Illinois; however, we do have our golf simulator out in New Jersey, LA, New York, but the facility of the project that we're

doing will be our first facility in Arlington Heights.

COMMISSIONER LORENZINI: Does it have all the same features?

MS. CHOI: The flagship -- I'm sorry?

COMMISSIONER LORENZINI: Does it have all the same features, the bartender, the restaurant?

MS. CHOI: That is something that we want to forgo on in the future as a franchisee in the business plan.

COMMISSIONER LORENZINI: Okay, thank you.

MS. CHOI: Thank you.

ACTING CHAIRPERSON DROST: Commissioner Green?

COMMISSIONER GREEN: I have no questions. I think it's a great project. We went over this in the Plat & Sub, or the Conceptual Plan Review Committee.

ACTING CHAIRPERSON DROST: Commissioner Ennes?

COMMISSIONER ENNES: No, I think the main question I had is how does the robot card people, but I believe that was addressed and answered at Conceptual Plan, that you would have staff who will card people that come. So, are only 21-year-olds allowed in the facility?

MS. CHOI: Maybe I should stay up here. Those drinks, actually there will be staff actually ordering the drinks that need to be ordered. That is, they will be ID'ed and then they will put it in for them. Those drinks are not for the public to be able to operate, it's only for staffing.

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

COMMISSIONER SIGALOS: My only question was again about, you know, the robotic bartender and monitoring, you know, minors from buying drinks, but that's answered, so I have no other questions. I think it's great. I was never a golfer, so it will be great.

MS. CHOI: Maybe you get to start it.

ACTING CHAIRPERSON DROST: Yes.

Commissioner Cherwin?

COMMISSIONER CHERWIN: Yes, I would just follow up on Commissioner Sigalos' comments about the golf clubs on the bike.

Do you anticipate any bike traffic coming to this? Would there be a lot of bikers coming in with the clubs or what?

MS. CHOI: As of now --

COMMISSIONER CHERWIN: Do any of your other facilities have bike racks?

MS. CHOI: No, they don't.

COMMISSIONER CHERWIN: Okay, who is supposed to be paying for the bike rack if you need to put one in?

MS. CHOI: We are.

COMMISSIONER CHERWIN: Okay, well, I don't think that that's really an appropriate, a good use of your funds.

MS. CHOI: Thank you.

COMMISSIONER CHERWIN: I would suggest that it's waived for this particular development. That would be my preference if it comes before the Board, because I just don't think it's a good use of funds. I wouldn't be able to ride my bike there.

MS. CHOI: Exactly, if you're a golfer you'll know.

COMMISSIONER CHERWIN: With clubs, and I'm pretty nimble, but yes, I mean, I also think the conditions make sense. I mean, on the other hand, you know, the way that the parking lot is right now, you need a 4Runner to get there. So, I think the requirement of the improvements on the facade and everything else seem to make a lot of sense to me. So, I would make a motion.

ACTING CHAIRPERSON DROST: Well, I want to make a comment.

COMMISSIONER CHERWIN: Oh, no.

ACTING CHAIRPERSON DROST: Before I am, I'm going to give you an opportunity.

COMMISSIONER CHERWIN: Oh, okay, go ahead.

ACTING CHAIRPERSON DROST: Yes.

No, like Commissioner Cherwin and what I perceive Commissioner Jensen's remarks would be on the need for bikes in areas that really are quite hazardous for bikers to come in, bicyclists, and we've talked about this before at Commission meetings that, you know, sometimes we've got to apply some practicality to these requirements. So, this is just going into the record so that the Trustees know.

Then as far as the robot, no Basset training, you know, for liquor training? How do you, you know, pre-program that? That's a joke. So, now it's time for you to --

COMMISSIONER ENNES: If I could just, is this property a PUD?

MR. HUBBARD: Yes.

COMMISSIONER ENNES: So, bike racks, and I agree with the issue, we shouldn't have bike racks where they're not needed, but with a PUD, we have other businesses there, right? We have a dog --

ACTING CHAIRPERSON DROST: Dogmania?

COMMISSIONER ENNES: We have a tile store. Do they have employees who might be riding bikes to work?

MR. HUBBARD: Yes.

COMMISSIONER ENNES: So, at least that's something, but if the property doesn't have it, then it should be added at this time at the overall expense of the PUD.

Petitioner, you look like you had a comment?

MS. CHOI: No, I did check on the bike rack. The only place, yes, on that plaza, the only place they have was Chipotle.

COMMISSIONER ENNES: But that's not your parking lot.

MS. CHOI: Yes.

COMMISSIONER ENNES: That wouldn't help.

MR. HUBBARD: Yes, the bike parking requirement is triggered by the use classification, a large amusement facility, that could entail a golf, a virtual golf facility or it could entail a laser tag, you know, facility for children, then they have more bike traffic. So, that's the theory behind the requirement. Additionally, you know, I think it makes perfect sense that the golfers probably aren't going to be biking there with their golf clubs, but some of the employees working here may. You know, this bike rack could serve some of the other businesses in the facility in the PUD as well.

COMMISSIONER JENSEN: A question that I would have there. I agree with Commissioner Drost, this is probably a dangerous area to be riding your bike, whether you're an employee or a customer. So, if they wanted to actually get a dispensation before they go to the Board, what do they need to do?

MR. HUBBARD: Well, the Plan Commission could make a motion to recommend everything except for the variation, or I'm sorry, except for I guess, or in addition to the requested approvals, they could put in a variation, recommendation for a variation to waive the bike parking requirements.

COMMISSIONER JENSEN: Okay, thank you.

So, we could ask that number five be eliminated if we, when we get around to making a motion?

MR. HUBBARD: Yes, that condition would be eliminated and then a variation to waive the bike parking requirements for this particular use would also be necessary.

COMMISSIONER JENSEN: Okay, thank you.

ACTING CHAIRPERSON DROST: Okay, thank you.

Commissioner Cherwin, do you want to make that motion?

COMMISSIONER CHERWIN: I think perhaps somebody in the group would like to say something?

ACTING CHAIRPERSON DROST: Oh, yes, state your name and spell it.

MR. SILVERMAN: Yes, my name is Richard Silverman, S-i-l-v-e-r-m-a-n. I'm the shopping center owner. Golf VX has signed a lease with me to move forward. We're looking forward to having them. They're a great use for our shopping center. I'm against the bike rack but we could move forward with that if it's necessary.

The thing I wanted to put on the public record was the Staff's requirements for facade improvements to make it look better as a gateway. We fully support that. That is in our plans. We have drawings we plan to submit right away.

The other comment though, that is a requirement that Staff is putting upon Golf VX and myself as the owner to repair the parking lot. I don't own the parking lot. The parking lot is owned by the owner of Floor and Decor. That parking lot is being deferred maintenance, not paid attention to, and it's their responsibility per the operating and easement agreements with the shopping center to maintain it. So, we would implore Staff who has the ability to have code enforcements go out there and make the parking lot improvements be a requirement of the individual that owns the parking lot, not the individuals that are the neighbors of it and being forced to improve someone else's land.

So, that's all I wanted to add to the public record as of yet at this point.

COMMISSIONER CHERWIN: Could I just really quick follow on that? You have the benefit of use of the parking lot?

MR. SILVERMAN: Yes, the entire shopping center is a PUD and has an operating and easement agreement which has cross access and cross parking requirements and rights.

COMMISSIONER CHERWIN: So, are you a party to the operating agreement?

MR. SILVERMAN: Yes, sir.

COMMISSIONER CHERWIN: Okay, is there a maintenance requirement, so you have a right to enforce the rights as a benefited parcel under that agreement, correct?

MR. SILVERMAN: The shopping center manager has the rights to maintain it and the right to go to court with them. I am not that individual. The shopping center manager outside of my control is not taking that necessary step.

COMMISSIONER CHERWIN: But as a benefited parcel, you should have

the right under that agreement to enforce the provisions of it. Are you saying that the terms don't allow for that?

MR. SILVERMAN: The terms require the shopping center manager, the declarant of the shopping center, to enforce the rules and the regulations of the shopping center. Me as a neighbor cannot enforce rules on another neighboring property. Yes, that is what I am saying.

COMMISSIONER ENNES: But you are also the owner of the entire property?

MR. SILVERMAN: I am one of seven owners of Southpoint Shopping Center, and the parking lot that is being talked about that needs to be upgraded is owned by the Floor and Decor owner. I'm also the owner of the Dogtopia building, the Chipotle, AT&T, BIBIBOP, Consumers Credit Union and RE/Max building. I maintain my parking lots if you go out there and take a look, but I can't force a neighbor to only maintain 75 percent of their parking lot and abandon the other 25 percent that happens to be in front of our future tenant.

So, for the public record, we are being forced to maintain the parking lot and go to court if that's what's going to have to happen with the neighbor, right? We would hope that the Village could probably step in and enforce it with code enforcement and other possibilities to make sure that that shopping center maintains their property.

ACTING CHAIRPERSON DROST: If a violation has been served on the site and it's served to Mr. Silverman, does he then pass it off to the responsible party?

MR. HUBBARD: Well, the violation in this case would go to the property owner of the parking lot of which he is not.

ACTING CHAIRPERSON DROST: Right. I mean, I'm just, you know, I don't want to play, you know, courtroom here. Just to the sense that they'll get notice of it and it will go to the proper party?

MR. HUBBARD: Right, yes, it would. It would go to the Floor and Decor owner and they would be responsible for the repairs. The condition as worded just requires that they provide a paving and striping plan so that we can determine where the necessary crosswalk will go. It does not require this property owner to --

ACTING CHAIRPERSON DROST: Yes, that's a subtlety and I think that's an important point. It's just the plan, and then who is responsible for the plan would be the owner.

MR. SILVERMAN: That parking lot needs more than just striping and sealing. It's well aware that it's deteriorated beyond its useful life. Those photos are evident of it and we ask that Staff step in and serve that violation to the shopping center owner and help us enforce.

ACTING CHAIRPERSON DROST: Yes, but the important thing is to decouple the actual task from serving as a conduit to the owner.

MR. SILVERMAN: Yes, sir. Appreciate that.

MR. LYSICATOS: Yes, we're fully aware of the ownership issue. We are discussing internally whether it becomes a code enforcement issue, we're prepared to make it a code enforcement issue. We know who that would be served to. At this point, the biggest issue or the most important part of the condition is that we understand how much parking would be provided through this. We can't really tell out there right now, it's in such bad shape.

So, understand that since it's a PUD, when we look at the parking availability, it includes the whole site or everything adjacent to the businesses that are coming in, so we need to understand what it will look like through a striping plan. A lot of that is

coordination, so we could massage the condition to talk about that coordination, but you're right, we did decouple it from requiring them to constructing it because we understood that that is not their right, it's something that is negotiated amongst the property owners.

ACTING CHAIRPERSON DROST: Good, thank you. That's a great --

COMMISSIONER JENSEN: To follow-up on that, I would like to ask, is the way number 4 is written, aren't we asking them to do something they probably can't do when one of the things you're asking for is not only the plan but you're asking for a timeline and some other things that are probably outside the scope of what they can do? So, I'm not sure I like the way that number four is written because I didn't think the Petitioner or even Mr. Silverman can actually deliver on that.

COMMISSIONER CHERWIN: Well, Lynn, I mean, if the requirement is in there, it's just subject to them, you know, as long as there's flexibility, you know, you could put the plan together, right, and just --

COMMISSIONER JENSEN: Well, who should be putting the plan together is the question.

MR. SILVERMAN: We're happy to put the plan together. We've put the plan together, the plan is simply putting stripes back on the parking lot where they were previously before they were let deteriorate. It's not redoing the parking lot or redoing the design, but it's taking, backed out of the base corner and putting in new paving on top. The re-striping is very simple, it's repeating what was there previously, and I understand Staff will require us to improve the neighbor's property to put a crosswalk in and an ADA ramp. I understand that, we will sign off on that, but in terms of redoing their parking lot and repaving their parking lot, that's not my right, nor is doing the crosswalk, but I understand --

COMMISSIONER JENSEN: You have no trouble with the plan. You don't have a problem with the way that's written in number four?

MR. SILVERMAN: Oh, I mean, I have an issue with it and that's why I came up here to discuss it.

COMMISSIONER JENSEN: Yes, good for you.

MR. SILVERMAN: But the first paragraph of being able to present the plan, sure, I can present the plan on paper, that is fine. But I cannot be forced to adhere to a timeline to force someone else out of my control to repair that parking lot. And I'm not here to dissect that number four, I simply wanted to go on record requesting and advising that we don't own the parking lot and we're asking for Staff's help to enforce the code. It is a safety hazard out there if it's not.

MR. HUBBARD: I certainly think the encouragement is well received and, you know, we'll, you know, take that under consideration and we're already discussing that. So, we appreciate the comments.

ACTING CHAIRPERSON DROST: Yes, appreciate it.

MR. LYSICATOS: If the Board is willing to entertain it, we could, you know, instead of discussing a hard timeline, maybe they can just document their coordination with the parties that are responsible for it so that we have a clear sense of that through the RCA. So, they can interpret the RCA and present it to the adjacent owner, because that's not our job. We can use that as a tool in how we move forward with requiring that from the responsible party.

ACTING CHAIRPERSON DROST: Yes, and you will want to make the motion making those changes then, Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes.

ACTING CHAIRPERSON DROST: Basically, the responsible individual, open timeline to submit the plan, I think that's okay, and it's just a question of them getting the responsible party to execute on the repairs, the maintenance.

COMMISSIONER CHERWIN: Yes, okay. Mr. Chairman, what would be, for the responsible party, I guess how would you want to set that expectation?

ACTING CHAIRPERSON DROST: I'm going to defer to --

COMMISSIONER CHERWIN: If I could ask Michael, what would it be?

MR. LYSICATOS: Yes, I don't know if we could set that. I don't think we can set the expectation as a part of this because it would be a separate, it's separate of this Board's sort of zoning review in that it's a separate code enforcement issue.

ACTING CHAIRPERSON DROST: Yes.

COMMISSIONER CHERWIN: Yes. Leave it as it is then?

MR. LYSICATOS: I think having the coordination documented before it gets to Village Board is vital. I think just setting the conditions, that's items that should be prepared before Village Board is important in and of itself so that it's understood what's being approved and what is being pursued by the time we get to that step.

COMMISSIONER CHERWIN: Okay.

MR. LYSICATOS: Thank you.

COMMISSIONER CHERWIN: Thanks.

All right, I'll make a motion.

A motion to recommend to the Village Board of Trustees approval of PC #23-013, a Special Use permit to allow an approximately 11,938 square-foot large amusement facility on the subject property, a Special Use permit to allow a restaurant with food and liquor service on the subject property, and the following Variations:

- 1. A Variation from Chapter 28, Section 6.12-1(3), to waive the requirement for a traffic and parking study from a qualified professional engineer.**
- 2. A Variation from the requirement to have a bicycle rack at the facility.**

This recommendation is subject to resolution of the following:

- 1. The Petitioner and property owner shall collaborate on exterior enhancements to the facade including architectural upgrades to the building entry to create an enhanced gateway to this portion of the shopping center, which shall be subject to Village review and approval and will likely require Design Commission approval. A building permit for said enhancements must be obtained no later than occupancy of the site by Golf VX, and shall be completed no later than six months after issuance of an occupancy permit for the subject property.**
- 2. A liquor license application will be submitted prior to the Petitioner's appearance in front of the Village Board.**
- 3. Appropriate sound attenuation, at the discretion of the Village, shall be provided and included in the interior remodel work, to be verified upon review of a building permit application.**
- 4. A paving and striping plan for the parking lot adjacent to the unit will be provided prior to the Petitioner's appearance in front of the Village Board. This should**

include a timeline for when the parking lot will be improved, details on who is responsible for parking lot repairs according to the reciprocal basement agreement for the shopping center, the total number of parking spots, the location and number of ADA parking spots, and installation of an ADA curb ramp that is oriented in-line with ADA parking with a corresponding continental style crosswalk.

5. The Petitioner shall comply with all federal, state, and Village codes, regulations, and policies.

COMMISSIONER CHERWIN: And then just a clarification on 4, that the Petitioner not be held to a specific timeline, but to coordinate with the responsible party as needed.

COMMISSIONER JENSEN: Second.

ACTING CHAIRPERSON DROST: Any further discussion?

(No response.)

ACTING CHAIRPERSON DROST: Hearing none, I'll call for a vote.

MS. NICHOLAS: Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes.

MS. NICHOLAS: Commissioner Jensen.

COMMISSIONER JENSEN: Yes.

MS. NICHOLAS: Commissioner Ennes.

COMMISSIONER ENNES: Yes.

MS. NICHOLAS: Commissioner Green.

COMMISSIONER GREEN: Yes.

MS. NICHOLAS: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Yes.

MS. NICHOLAS: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

MS. NICHOLAS: And Acting Chair Drost?

ACTING CHAIRPERSON DROST: Yes.

Okay, congratulations, you've got the unanimous approval of this body and you're going to be set to go before the Village Trustees.

Do we have a date?

MR. HUBBARD: It will depend on resolution of some of the items here.

ACTING CHAIRPERSON DROST: Okay, so you'll be in touch with our fine Planning Department, so good luck. Thank you, and I think it's going to be a great addition to Arlington Heights. To the Heights, I think, isn't it? All right, thank you.

(Whereupon, at 8:05 p.m., the public hearing on the above-mentioned petition was adjourned.)

STATE OF ILLINOIS)
) SS.
COUNTY OF KANE)

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

RON LeGRAND, SR.

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

NOTARY PUBLIC