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PLAN

REPORT OF THE PROCEEDINGS OF A REGULAR MEETING
BEFORE THE VILLAGE OF ARLINGTON HEIGHTS
PLAN COMMISSION

COMMISSION

PARKVIEW APARTMENTS - 212 N. DUNTON AVE. - PC#14-013
FINAL PUD

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 28th day of January, 2015, at the hour of 7:30 o'clock p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

LATIKA BHIDE, Development Planner

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CHAIRMAN LORENZINI: Let's call this meeting to order please. Would you all please stand and recite the pledge of allegiance?

(Pledge of allegiance.)

CHAIRMAN LORENZINI: Latika, roll call please.

MS. BHIDE: Commissioner Drost.

(No response.)

MS. BHIDE: Commissioner Dawson.

(No response.)

MS. BHIDE: Commissioner Cherwin.

COMMISSIONER CHERWIN: Here.

MS. BHIDE: Commissioner Ennes.

COMMISSIONER ENNES: Here.

MS. BHIDE: Commissioner Green.

COMMISSIONER GREEN: Here.

MS. BHIDE: Commissioner Jensen.

COMMISSIONER JENSEN: Here.

MS. BHIDE: Commissioner Sigalos.

COMMISSIONER SIGALOS: Here.

MS. BHIDE: Commissioner Warskow.

COMMISSIONER WARSKOW: Here.

MS. BHIDE: Chairman Lorenzini.

CHAIRMAN LORENZINI: Here. Okay, the next item on the agenda is approval of meeting minutes from the Comprehensive Plan of January 14, 2015. Any comments on the minutes?

COMMISSIONER JENSEN: So moved approval.

CHAIRMAN LORENZINI: Okay.

COMMISSIONER GREEN: Second.

CHAIRMAN LORENZINI: Second. All in favor?

(Chorus of ayes.)

CHAIRMAN LORENZINI: Opposed?

(No response.)

CHAIRMAN LORENZINI: Very good. All right. The next item on the agenda is public hearing and there is really no public hearing scheduled for tonight. Other business, this brings us to Parkview Apartments, 212 North Dunton, PC #14-013. And Latika, we don't have any notices required for this, do we or don't we?

MS. BHIDE: That's correct, no notices.

CHAIRMAN LORENZINI: Let it be shown Commissioner Dawson is now here.

Okay. So, where do we go next with the, Petitioner is here? Come forward please, state your name, spell it and give your address please.

MR. EZGUR: Good evening, Mr. Commissioner and members of the Commission. Michael Ezgur, E-z-g-u-r, attorney for the Petitioner,

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Parkview Dunton, LLC. And my address is 1030 West Chicago Avenue in Chicago, Illinois.

And I'm here before you to respectfully request your final PUD approval for our project in Dunton. The --

CHAIRMAN LORENZINI: I'm not sure if this is, if we need to, but let me swear you in. Raise your right hand?

(Witness sworn.)

CHAIRMAN LORENZINI: Thank you. Okay, go ahead.

MR. EZGUR: You will recall that in August 13th, we received approval for a preliminary PUD based on the project which is a seven-story apartment building, 45 units, 60 parking spots. We have complied with the Village requirements of the affordable with committing to seven in perpetuity. We have 1,254 square feet of retail. And once again, we have also secured some offsite parking with working with Staff at the south Vail garage, 15 spots overnight at our cost, the Petitioner's cost, and then additional parking during the day on the North Garage as available for retail to the extent as necessary.

We have, since August, been working with Staff to respond to all the comments that were required and I think we've done so adequately. And so, we are here to respectfully request your approval. And remain available for any questions.

CHAIRMAN LORENZINI: Okay, thank you. Latika?

MS. BHIDE: The Petitioner is here this evening seeking a final planned unit development for a seven-story building, 45 residential rental apartment, 1,314 square feet of commercial spaces, and 60 interior parking spaces. As you can see, this is the plan for the site, and the site is about 0.4 --

CHAIRMAN LORENZINI: Latika, could you get a little closer to the mic please? Thank you.

MS. BHIDE: Is this better?

CHAIRMAN LORENZINI: Yes.

MS. BHIDE: The site is approximately 0.4 acres in area. The ground units would be located on floors 3 to 7, and there would be about 1,314 square feet of retail commercial space on the first floor. A total of 60 parking spaces are located on the first and second floors. So, you can see, the first floor plan here with the commercial space in that corner, the northwest corner there, and two levels of parking spaces. The access to the garage will be provided in two locations, one on Dunton and one on Eastman, as you can see here.

And on September 2nd, 2014, the Village Board adopted an ordinance approving the preliminary planned unit development. There were a few variations along with that, and those were for the minimum yards for the combined side yard and the rear setback for the residential units. There was the variation to waive the required loading berth, and then a variation for proposed drive aisles.

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The Petitioner is now seeking a final planned unit development, which is in substantial compliance with the preliminary PUD ordinance. There were two conditions that were required, in the preliminary ordinance that were required to be completed before the final PUD. And one was that a fee in lieu of onsite detention be paid; that amount was established as \$6,273. The developer has requested to delay that payment until building permit, that they will note that they have secured financing, and the Engineering Division has agreed that this fee can be paid after they have provided a staging plan as well as a construction schedule.

That being said, I just have a couple of slides for the north elevation and the east elevation. This is a perspective view from the Dunton-Eastman intersection. And then the conditions of approval, so these are in addition to the preliminary PUD conditions, these are additional conditions of approval. That a fee in lieu of detention should be paid prior to issuance of a building permit. The Petitioner will be required to complete an indemnification agreement to hold the Village harmless for the balconies on the north and the east facade prior to building permit.

The Housing Commission motion is included here, that seven units be maintained as affordable in perpetuity under the Village's guidelines. The affordable requirements of the low income housing tax credit program that is secured for the project, they are consistent with the Village's affordable rental guidelines but they may be followed with respect to those seven units for the period of the, compliance period of financing. Any additional affordable units beyond the seven shall comply with the affordability requirements associated with the project financing. There are some reporting requirements, and the bedroom ratios were specified in the Housing Commission motion.

And then there is an addition that exhaust venting be designed in a manner that it doesn't impact either the residents of the new building or any potential new development. And the Petitioner has indicated that they will, this was an issue that was brought up at Village Board and they have indicated that they will comply with that at building permit. And then any federal, state and Village codes. So, that's all I have.

CHAIRMAN LORENZINI: Okay. This is not a public hearing but I guess we should have a motion to include the Staff report in the public record.

COMMISSIONER ENNES: So moved.

CHAIRMAN LORENZINI: Second?

COMMISSIONER GREEN: Second.

CHAIRMAN LORENZINI: All in favor?

(Chorus of ayes.)

CHAIRMAN LORENZINI: Opposed?

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(No response.)

CHAIRMAN LORENZINI: Thank you. Okay. Let's go to the questions. Lynn, would you like to start?

COMMISSIONER JENSEN: I think this is a good project. I am supportive of it. I do have questions of Staff actually. When we have an established neighborhood such as this, do we ever take a look at the parking requirements for the area and not just piecemeal as we have a project coming before us? Does anyone really assess how we're doing overall? Because you've got a lot of restaurants, you've got a lot of activity there, and it always strikes me, the insufficient parking. Does Staff ever take a broader view than just looking at the thing coming before the Commission?

MS. BHIDE: So, the code requirement for the project is established on a per project basis. So, for this development when they came in, 54 was established as the code requirement parking. Staff does continually look at the area. I know that Staff is looking at the allocation of parking spaces in that garage right now to see if it would be more effective if, you know, if the distribution could be better. So, yes, we do take a broader look. But for the project, it's established based on that project code requirement.

COMMISSIONER JENSEN: Okay. Well, you know, I really don't have any objection to the project in any way. I do have a concern and I'll talk about it, maybe after we pass the motion I may make a comment, really just striking the right balance between parking and retail when you're north of the railroad tracks. I still have a concern that we haven't really struck the right balance, but that's for the Village Board to ultimately decide. So, I'll pass at this point to the next Commissioner.

CHAIRMAN LORENZINI: Thank you. Mary Jo?

COMMISSIONER WARSKOW: I don't have any questions.

CHAIRMAN LORENZINI: Terry?

COMMISSIONER ENNES: I have one question. In the Staff report, under, there's a couple of conditions. In condition 12 -- oh, wait. In regard to the remediation plan by the Illinois EPA, has that been completed? Have you seen that and I just missed it?

MR. EZGUR: Do you have the --

MS. BHIDE: I know that the NFR letter, no further remediation letter has been issued by the Illinois EPA.

COMMISSIONER ENNES: Okay.

MS. BHIDE: But the preliminary planned unit development ordinance did say that a copy must be provided and that must be done prior to building permit. So, we don't have it yet.

MR. EZGUR: When we undertake construction, we're going to have the environmental people, we have to have the environmental people there to make sure that we are doing things in accordance with the

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proper methods of excavation, cleanup, removal of any, and remediation of the soil. So, that's certainly part of the plan.

COMMISSIONER ENNES: I know there was a question on an unknown, which is part of the reason that the developer did not want to be party down the road. Do we know, is there any containment, at this point is there any containment issue?

MR. EZGUR: We believe that there is and we believe that right now it's encapsulated. And we know when we build our building, there will be even better engineered barriers because we're going to have a big, huge concrete parking structure on top of it. So, there will not, there are no current issues and we do have the NFR letter. And when we dig in and when we develop, we'll be doing it in accordance with their guidelines and there will be a better condition than what exists now because once again we'll have this great, big concrete barrier.

COMMISSIONER ENNES: What was the source of the contamination? Is it from a spill?

MR. EZGUR: Just east of the site was a dry cleaner booth and that was a big issue in acquisition and due diligence.

COMMISSIONER ENNES: And so, based on if they're going to approve this to be encapsulated, they must feel that it's not going to migrate to a drain?

MR. EZGUR: Without question, yes, that is correct.

COMMISSIONER ENNES: That's the only issue. It's a good project to me. I'm looking forward to you being able to get it going.

MR. EZGUR: We'll see, pass that along.

COMMISSIONER GREEN: I think it's overall a good project. But I do have a comment about the lack of commercial space on the first floor. I think that the north end of the tracks here needs to have that space in order for it to compete if nothing else with the south of the tracks. I just would hate to see this as a precedent being set for other developments in the area. I would like to see, still I would like to see more commercial space on the first floor.

CHAIRMAN LORENZINI: Thank you, Bruce. Susan?

COMMISSIONER DAWSON: I don't have any questions.

CHAIRMAN LORENZINI: John?

COMMISSIONER SIGALOS: I just have two questions, just continuing with the containment of soil issue. If I remember, when we previously discussed this at the previous Plan hearing, it seems the area was remediated to a four-foot level and then asphalt was placed over this so that the top four feet is clean, filled, and so any building construction, footings, foundations and so forth for the parking garage, the building itself, would not go into that containment of soil. It would still be above what's in this four-foot clean filled area. Is that correct? I mean I wanted to know that if you see the structural drawings.

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MR. EZGUR: Yes, right. And so, well, I will say that typically what's done is that there is going to be an additional excavation typically that's needed for footings, et cetera. However, that soil has been removed and disposed of specially.

COMMISSIONER SIGALOS: Good.

MR. EZGUR: And so, I'm not sure how deep this is going, but I do assume from just prior from doing this a lot that typically that is, when it is removed, that would be taken to a special offsite facility.

COMMISSIONER SIGALOS: Correct.

MR. EZGUR: It would cost a little bit more to dispose of that soil, as you may know. And then once again though, then it's clean, what's been excavated is now clean and then the concrete barrier of the garage which has become what is technically an engineered barrier is once again better than what it is right now.

COMMISSIONER SIGALOS: And encapsulated.

MR. EZGUR: It's totally encapsulated. So, this is not an issue of migrating gases or fluids. It's just we have this stuff in the soil and that stuff will be encapsulated.

COMMISSIONER SIGALOS: I'm going to ask the question, and again I brought this up at the previous Plan Commission hearing, these are all rental apartments, not condominiums. And Latika, if the developer or the property owner was to change this at a future date to condominiums, does he have to come back to the Village to gain approval for that?

MR. EZGUR: We do.

MS. BHIDE: I'm trying to look at the conditions of the preliminary PUD and the ordinance, one of the conditions. Yes. So, one of the conditions was that they were approved as renting apartments and converting it to condominiums would require an amendment to the PUD. So, they would have to come back for the PUD amendment also.

COMMISSIONER SIGALOS: Well, it's unrelated but it is related, that the Timber Courts just went the opposite and they never came back to the Village of Arlington Heights. They started out as condominiums and now they're all rentals. They won't even sell you a unit there. If I wanted to go there and buy one as a condominium, they're strictly rental, and I come to find out that they never came back to the Village for that approval.

MS. BHIDE: Right, and I'd have to, I don't know if that's a condition that was included in their PUD ordinance. But for this one, we specifically have a condition that says if it is converted, it will have to come back for the PUD amendment also.

COMMISSIONER SIGALOS: Okay, that's fine. That's all I have, thank you.

CHAIRMAN LORENZINI: Jay?

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COMMISSIONER CHERWIN: Yes. Not many questions I guess, just real quick. I know in one of the notes there was a note from the Fire Safety planner where he indicated there were significant design changes to the project. Was that a reference just to his part of the project or --

MS. BHIDE: Right, let me clarify that. First, he doesn't really have concern. He just, typically they like to see the architect put together a list of what the changes are.

COMMISSIONER CHERWIN: Okay.

MS. BHIDE: But there were no concerns.

COMMISSIONER CHERWIN: And then the other thing I had thought was are we referencing the NFR or the provisions of the NFR at all in the plan? I didn't see it in there. And I don't know if that's, I can't remember who put the plan together, but would the restriction there contained in the NFR be referenced in the plan? And the other question I have would be similarly for the indemnification, just to see if we have that, a stand-alone agreement with ownership changes and stuff if the Village wanted to make sure that that's tied to the ownership of the property.

MS. BHIDE: Because there is not a --

CHAIRMAN LORENZINI: Latika?

MS. BHIDE: Sorry. Because there is not a plat here, it cannot be a condition of plat. But the indemnification, my understanding is that those agreements are how they've done an indemnification in the past. And then as far as the NFR letter, they are required to provide a copy of the remediation, we have a copy of the NFR letter but they are required to provide a copy of the remediation plan prior to building permit.

COMMISSIONER CHERWIN: No other questions.

CHAIRMAN LORENZINI: Okay. Thank you. Latika, under the recommendations, item 4, the plans should ensure the placement of the exhaust venting is designated in such a manner that it does not impact adjacent residences as well as the new building, how do we make sure that happens?

MS. BHIDE: So, it is a condition in the final PUD ordinance, and so we would check that in the plans coming for permit. So, we go through the preliminary and final PUD ordinances to make sure that all of the conditions in there were complied with.

CHAIRMAN LORENZINI: Okay. And on the, from the Community Services Bureau, they had a comment. Underground parking elevators and stairwells should be visible from the parking area to avoid creating hiding or ambush locations. Emergency telephones should be installed. How do we make sure all this is being done?

MS. BHIDE: We have the same thing. When plans come in for permit, we make sure that these conditions get carried through.

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CHAIRMAN LORENZINI: Okay. And to the Petitioner, you've got a construction schedule in here. As an engineer, I will see this. We rarely see these come before so I compliment you on that. That's all I have.

There is nobody here from the public for questions. It's not a public hearing anyway, so if nobody from the Commission has any other questions, if they want to make a motion?

COMMISSIONER ENNES: I'll make a motion.

A motion to recommend to the Village Board of Trustees approval of PC#14-013, a Final Planned Unit Development to allow the construction of a 7-story mixed use building that has a total of 45 residential rental apartment units, 1,314 square feet of commercial retail space on the first floor, and a total of 60 interior parking spaces.

This approval is contingent upon compliance with the recommendation of the Plan Commission and the follow recommendations detailed in the Staff report dated January 22, 2015:

RECOMMENDATION

The Staff Development Committee has reviewed the Petitioner's request and recommends approval subject to the following additional conditions:

1. Prior to the issuance of a building permit, the Petitioner shall pay a fee in lieu of onsite detention.
2. Prior to the issuance of a building permit, the Petitioner shall be required to complete an indemnification agreement to indemnify and hold harmless the Village for the balconies on the north and east facades that overhang above the right-of-way.
3. In accordance with the Housing Commission motion at their August 8, 2014 meeting, the following shall be applicable:
 - a. The 7 affordable units shall be maintained as affordable in perpetuity under the Village's affordable rental housing guidelines.
 - b. The affordability requirements of an affordable housing financing program secured for the project (e.g., the low income housing tax credit program), which are consistent with the requirements of the Village's affordable rental housing guidelines, may be temporarily followed with respect to the 7 units during the compliance period of the financing, but at all other times the requirements of the Village's affordable rental housing guidelines shall apply in perpetuity.

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- c. Any additional affordable units in the project, beyond the 7 affordable units required, are recommended for approval and shall comply with the affordability requirements associated with the project financing.
 - d. The owner or the owner's designee shall be responsible for reporting to the Village on a quarterly basis in compliance with the affordable housing requirements utilizing a form prescribed by the Village of Arlington Heights.
 - e. The bedroom mix of the 7 required affordable units shall be provided according to the ratios as proposed by the Petitioner at the July 1, 2014 Housing Commission meeting resulting in 2 one-bedroom units, 4 two-bedroom units, and 1 three-bedroom unit. Any additional affordable units provided shall also comply as much as practical with the bedroom mix ratios proposed by the Petitioner at the July 1, 2014 Housing Commission meeting, those approximate ratios being 20 percent one-bedroom units, 65 percent two-bedroom units, and 15 percent three-bedroom units.
4. The plans should ensure the placement of the exhaust venting is designed in such a manner that it does not impact adjacent residents as well as residents of the new building or potential development to the south.
5. The Petitioner shall comply with all federal, state, and Village codes, regulations and policies.

COMMISSIONER WARSKOW: Second.

CHAIRMAN LORENZINI: Okay. Roll call vote please.

MS. BHIDE: Commissioner Dawson.

COMMISSIONER DAWSON: Yes.

MS. BHIDE: Commissioner Ennes.

COMMISSIONER ENNES: Yes.

MS. BHIDE: Commissioner Green.

COMMISSIONER GREEN: Yes.

MS. BHIDE: Commissioner Jensen.

COMMISSIONER JENSEN: Yes.

MS. BHIDE: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

MS. BHIDE: Commissioner Warskow.

COMMISSIONER WARSKOW: Yes.

MS. BHIDE: Chairman Lorenzini.

CHAIRMAN LORENZINI: Yes.

MS. BHIDE: Oh, sorry, Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes.

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MS. BHIDE: Chairman Lorenzini.

CHAIRMAN LORENZINI: Yes. Okay. It's been a unanimous approval.

MR. EZGUR: Thank you very much.

CHAIRMAN LORENZINI: Thank you, good luck.

MR. EZGUR: Thanks.

CHAIRMAN LORENZINI: All right. There is nothing else in the agenda. Any other business, Latika?

MS. BHIDE: No.

CHAIRMAN LORENZINI: Any Commissioners have anything to say?

COMMISSIONER JENSEN: Our next meeting is when?

MS. BHIDE: In two weeks time.

CHAIRMAN LORENZINI: On the 11th?

MS. BHIDE: The 11th.

COMMISSIONER JENSEN: Okay.

CHAIRMAN LORENZINI: All right. Do we have a motion to adjourn?

COMMISSIONER GREEN: I'd like to make that motion.

CHAIRMAN LORENZINI: Second?

COMMISSIONER SIGALOS: Second.

CHAIRMAN LORENZINI: All in favor?

(Chorus of ayes.)

CHAIRMAN LORENZINI: Thank you.

(Whereupon, the meeting was adjourned
at 7:51 p.m.)

