

PLAN

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

COMMISSION

RE: NORTHWEST CROSSINGS - 1421 & 1501 W. SHURE DR. - PC# 15-019

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
16th day of September, 2015, at the hour of 9:55 p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

LATIKA BHIDE, Development Planner

CHAIRMAN LORENZINI: Okay. That brings us to the second public hearing, Northwest Crossings, PC# 15-019. Have all the proper notices been given?

MS. BHIDE: They have.

CHAIRMAN LORENZINI: Is the Petitioner here?

MR. BAUER: We are.

CHAIRMAN LORENZINI: Okay, let's give them a few minutes to clear the room.

(Pause.)

CHAIRMAN LORENZINI: Anybody else going to testify besides yourself?

MR. BAUER: I don't believe that's so, but I will introduce the other parties in the room.

CHAIRMAN LORENZINI: Okay. Why don't you raise your right hand?

(Witness sworn.)

CHAIRMAN LORENZINI: Thank you. Would you state your name, spell it, and give your address?

MR. BAUER: Absolutely. Good evening, Mr. Chairman and members of the Commission. My name is Steve Bauer. I'm an attorney with the law firm of Meltzer, Purtill & Stelle. I'm here this evening on behalf of the Applicant, Torburn North Campus, LLC. My address is 300 South Wacker Drive, Suite 2300, Chicago, Illinois.

CHAIRMAN LORENZINI: Thank you. Would you give us a brief description of your program or project?

MR. BAUER: Certainly. As I alluded to, I'm joined this evening by a couple of the Applicant representatives, specifically Bob Horne and Adam Keldermans from Torburn Partners, as well as Travis Bridges from OKW Architects, the project architect.

As a matter of housekeeping, just very quickly, I just want to make sure that our entire petition, inclusive of our letter of request, our responses to standards of justification, as well as the plans and renderings that we've submitted to date relative to this petition be introduced and be made a part of the record.

CHAIRMAN LORENZINI: Okay. Have you read the conditions by the Planning Department and do you agree with them?

MR. BAUER: We have read them and we agree with them generally, but we do have some minor comments that we would like to discuss with the Commission which we've shared with the Planning Staff already.

CHAIRMAN LORENZINI: Okay, all right.

MR. BAUER: So, I had a very detailed presentation that I was going to give you tonight, but I think given the hour, I'll break from script and truncate that and provide you with at least just the fundamentals. Latika, can you go to the next slide please?

As you may recall, we were before you in May of

this year, and we received at that time, you were favorable, a unanimous recommendation of approval for what was then a PUD amendment, similar in nature to the one that we are now before you tonight. Then subsequently, on June 1st of this year, the Village Board also unanimously recommended, or excuse me, unanimously approved that request. So, we are now before you, as I had suggested, for a very similar type of request.

Just to go quickly through the slides that we have here as a sort of refresher, the subject property is depicted in shade in green there. It's generally located south of Dundee Road, or more specifically, south of Shure Drive, east of Wilke, and west of Kennicott.

Again, just a little background context, as we had explained to you back in May, Torburn acquired the entire former Nokia Motorola campus in 2013, so then the southern portion of that campus being the portion of the property south of Cellular Drive, and then retains ownership as I present to you now of the north campus. The north campus is composed of two properties being 1421 Shure and 1501 Shure from east to west.

The petition that was previously before you pertained to certain modifications to the site which we don't necessarily need to get into now unless you would like me to do so, but specifically pertaining to some modifications regarding demolition of certain portions of the site that were not previously demolished back in early 2014 when Torburn demolished the 1441 building which is depicted on the top site plan there as being the white footprint that is no longer there today. That area is now grass. The southern, or excuse me, the site plan there to the south or to the bottom is a depiction of what was approved and specifically depicts, among other things, the modification of that area south of the 1421 building to include a parking lot expansion as well as a new drop-off and pickup location for the new building lobby, et cetera.

With the significant tenant recently secured for the 1421 building identify on the slide as HSBC, Torburn is now looking at further modifications to the site necessary to repurpose, reposition, and retrofit the site in the manner necessary to allow to accommodate, instead of a single tenant/single use that it historically has served, but instead a multi-tenant/multi-use that it's now intended to serve from this point and well into the future.

So, just generally speaking, the PUD amendment consists of two primary requests. The first are site plan modifications, the second are variations. The site plan modifications involve specifically the addition of a sports court on the north side of the 1421 building. You can see it there depicted in green on the bottom site plan, north of the 1421 building. Then to the west, it's a partial demolition of the 1501 building to the tune of approximately

120,000 square feet. I should explain very briefly at least that the proposed demolition is in part due to market demand and in part due to Torburn's very specific efforts in, I should say calculated efforts after a lot of due diligence and analysis given the extreme measures that are proposed, to modify that building to a footprint that is more acceptable for the market and ultimately make it more flexible for office or manufacturing uses alike.

What's depicted here is a rendering of what would be the demolished portion of the 1501 building. Again, that's the approximately 120,000 square feet of space that would be removed from the 1501 building.

CHAIRMAN LORENZINI: Which one are you looking in this view?

MR. BAUER: That would be looking generally southeast. So, to your left would be Shure Drive, and then you'd be looking, you know, sort of diagonally, you know, toward southeast from Kennicott.

But as this depicts the footprint, the removed footprint of the 1501 building would become a grassed, you know, turfed surface with some sort of related landscaping at the time that the final improvements are made to the 1501 building. The 1501 facade on the north wall there would be a CMU or concrete manufactured unit material that would be an interim solution between the time that the 120,000 square feet of space is demolished and the time that Torburn secures a new tenant or a tenant to occupy the entire building.

The intention here is to demolish this portion of the building within this current calendar year, close it up in time for the cold winter months so that the building can be, you know, heated as necessary to allow it to be maintained, you know, with respect to HVAC, water and things of that nature. Then as soon as the cold weather breaks and Torburn has secured a tenant for this space, be in a position to begin modifying that north facade to whatever extent necessary dependent upon the tenant requirements as well as the type of user, be it manufacturing or office, then ultimately put in a final cladding type material on it to give it the finished appearance that you would expect and are accustomed to seeing.

Then at the same time, and I can discuss this to some extent when we get to the conditions of approval, the intention would be to landscape the area accordingly, but of course only after that final finished cladding is added to the building. Otherwise, it would obviously be destroyed as a consequence of the construction activities which this site would be, you know, at least until, you know, April or May of next year, until, you know, construction activities can resume after the cold winter months.

Then what's depicted here is a rendering of the area sort of southwesterly from Shure Drive, across the back of the 1421 building. There's depicted there the patio area which was

approved previously as part of the PUD amendment considered back in May by the Plan Commission and approved in June, and then the now proposed sports court which is immediately adjacent to the patio area. The sports court is proposed to be enclosed or enveloped along with the patio area with a six-foot tall fence. At this time, we've identified that fence as being of a material either wood, metal or a stone type precast concrete, really it's just sort of driven by the tenant requirements; and then for the sports court, an eight-foot tall mesh or net type material similar to what you've seen like for example in like a batting cage, that is really intended equally for both safety and security. Naturally, Torburn doesn't want a ball bouncing out of the sports court and onto the public right of way, you know, to cause some sort of traffic issue, any more than it wants unauthorized personnel to be entering the sports court, you know, during or after business hours.

Then this again is just really a further depiction of the same area that you were seeing. So, for example, on the left side of the screen you've got a portion of the 1421 building footprint. You can see there the proposed sports court, and then in the sort of the speckled area if you will, the patio that was previously proposed and approved, and then some renderings on the right side of the screen that depict both the sports court and the patio.

With respect to the conditions of approval, as I mentioned, I did present those suggested modifications to Staff. I have a copy of them for you this evening which I would be happy to distribute. But essentially, the proposed modifications are really intended to do two things. One, it's to address the question if you will that's raised by the Staff-prepared conditions of approval, and two, it's to provide the flexibility necessary to prepare and provide a landscape plan in conjunction with the finishing process for that north facade 1501 building. So, it really just pertains to the first two conditions. The other two, items 2 and 3, excuse me, 3 and 4, don't change at all.

CHAIRMAN LORENZINI: Is that it? Thank you. Latika, Staff report?

MS. BHIDE: Sure. So, the Petitioner is seeking an amendment to prior PUD Ordinances 88-060, 14-002 and 15-016 which was the latest PUD amendment. They are also seeking three variations. One is the requirement, to waive the requirement for a traffic study and parking analysis; to allow a sports/basketball court and pole at 1421 West Shure Drive within the side yard along Shure Drive; and then the height of the fence at 14 feet, six feet fence plus eight feet tall mesh, in conjunction with that court.

So, as you know, that site is approximately 40 acres in area. As indicated by the Petitioner, it was previously purchased by Torburn in 2013. The last PUD amendment was to subdivide the property into two lots, the 1421 and the 1501 as two separate lots.

Now they are seeking a PUD amendment to demolish a portion of the 1501 building and the addition of the sports court.

So, the 1421 building, the Petitioner has executed a lease with the HSBC and under the parameters of that lease they are required to demolish, about 118,000 square-foot of that 1501 building. They will be left with about 200,000 square-foot leasable tenant space on that building.

What they are suggesting is to install an interim CMU wall on the north facade of the 1501 building. This will allow them to enclose the building for winter and it will also allow them to remain flexible, so any improvements to that wall will be tenant-driven. They have indicated to us that if it's an industrial user, then they can upgrade the CMU wall with materials like stucco or paint or metal panel. If it's an office tenant, then they would add clear story windows or they'd add curtain walling to that facade. In here you see the view, this is more or less looking from 53 I guess at the 1501 west building.

In the landscape plan that was provided, the area that's proposed to be demolished would be restored with grass and mulch and will tie in to existing turf.

So, I just summarized, you know, the interim wall. After the Petitioner installs that wall, it will allow them to enclose it for the winter. The exterior upgrades will be driven by the tenant once one is identified. So, at this time, they have not provided options for upgrading the wall with time frames. Since then, you know, we've had discussions with the Petitioner and they have agreed, I think within three years of the Village Board adopting the ordinance, to provide updates to the wall and provide options for upgrades irrespective of whether the space is tenanted or not, so whichever comes first.

I just want to talk a little bit about the parking. With the demolition of about 118,000 square feet, the square footage of this building, the 1501 building is coming down to 200,000. So, even if that entire space was occupied by an office, there will be a surplus of 128 parking spaces. So, that's the parking variation or the variation from the traffic study and parking analysis ties in to that. Staff does not have a concern that there would be, you know, a surplus of parking spaces on the site.

The sports court would be, it's a half basketball court. It does need two variations. One would be to have it located within a street side yard, and the second is for the fencing. So, the fencing that would go around the court would be a six-foot tall fence. The Village will only allow a five-foot tall fence, but it's a six-foot fence and an eight-foot mesh and then six-foot around the back area.

That being said, the Staff Development Committee recommends approval of the request. The Petitioner did agree to a

three-year time frame to provide these improvements and Staff thinks that's acceptable. Staff was, one of the conditions was that prior to Village Board consideration they provide us with a landscape plan that consists of shade trees, shrubs and perennials on that north elevation where the demolition is being done in the space, but that's up to the Plan Commission if you want to change that condition to, you know, recommend that those improvements be tied with the upgrade of the CMU wall. Then you know, we were just saying provide details of the sports fence prior to Board consideration, and then comply with all federal, state and Village codes and policies.

CHAIRMAN LORENZINI: Thank you, Latika. Do we have a motion to include the Staff report into the public record?

COMMISSIONER DROST: I'll make that motion.

COMMISSIONER GREEN: Second.

CHAIRMAN LORENZINI: All in favor?

(Chorus of ayes.)

CHAIRMAN LORENZINI: Opposed?

(No response.)

CHAIRMAN LORENZINI: Thank you. Okay, questions?

Bruce, do you want to start?

COMMISSIONER GREEN: I really have no questions on this one.

CHAIRMAN LORENZINI: Terry?

COMMISSIONER ENNES: I don't have any.

CHAIRMAN LORENZINI: Mary Jo?

COMMISSIONER WARSKOW: No. No questions.

CHAIRMAN LORENZINI: George?

COMMISSIONER DROST: I have one question. I'd like to have the representative of Torburn step forward.

CHAIRMAN LORENZINI: Please state your name, spell it, and your address please.

MR. HORNE: My name is Bob Horne, H-o-r-n-e, and we're at 1033 Skokie Boulevard, Northbrook.

COMMISSIONER DROST: Good. The question is with these improvements, does this build some flexibility in your ability to locate a tenant? You don't have a tenant yet, you're negotiating the last series of that, correct?

MR. HORNE: Yes, I think your statement is exactly correct. We think that this square footage building gives us more flexibility for both office and for industrial type uses. The depths of it are so significant in its current condition that it really eliminates the office option. But I think in the new condition, it really does create an office option in addition to the industrial/manufacturing option.

COMMISSIONER DROST: Yes, reading today's paper with the headline news in the Herald --

MR. HORNE: Right, Motorola Solutions.

COMMISSIONER DROST: That Motorola is moving Schaumburg, does that, I mean this obviously will play favorably to the market as you see maybe an increase in vacancies.

MR. HORNE: Sure. I mean we actually, no, we've known about Motorola Solutions for a long time. We were a landlord of theirs in Florida as well, so we intimately know the company well. You know, we really, as you've kind of seen how we've gone about this whole project, I think we've made kind of very good decisions strategically to allow us to attract companies like HSBC. We feel like this move that we're now proposing is in line with that same kind of strategy.

COMMISSIONER DROST: Is that with their London-based office or is it a --

MR. HORNE: So, it's a consolidation of Chicago offices.

COMMISSIONER DROST: Okay. Yes, I just want to make that point for the record.

MR. HORNE: Sure. No, it's a good question. Thank you.

COMMISSIONER DROST: Good. I have no other comments.

CHAIRMAN LORENZINI: Susan?

COMMISSIONER DAWSON: I have no questions.

CHAIRMAN LORENZINI: John?

COMMISSIONER SIGALOS: I just have a couple. The time frame as I understand it is three years that you would upgrade that north facade, whether it be leased or not, is that correct?

MR. HORNE: Yes. I mean we were asked by Staff if we could make a commitment of a date and that's what we've agreed to.

COMMISSIONER SIGALOS: At that time then, the landscaping would be done. Right now when you demolish the portion of the existing building, you're just going to seed that area?

MR. HORNE: That's our intent, yes, which was what we did with the other demolition as well if you recall. We did demolish another building and just seeded it with grass and maintained it.

COMMISSIONER SIGALOS: Then my last question is you're still intending to do that this fall prior to this winter, to get this building demolished, a new foundation put in and a new whatever, eight-inch or 12-inch CMU wall constructed?

MR. HORNE: That is our intent. So, we are actually, I think we've already submitted demolition plans to the Village.

COMMISSIONER SIGALOS: I was going to ask that.

MR. HORNE: Yes.

COMMISSIONER SIGALOS: I'm a general constructor so this is very --

MR. HORNE: We're on a very fast track as well with the, you know, getting HSBC into their space. So, we've got a lot of

activity going on right now.

COMMISSIONER SIGALOS: All right. Okay, I have no further questions.

CHAIRMAN LORENZINI: Jay?

COMMISSIONER CHERWIN: So, just for clarification, the landscaping, you talk about really just seeding and that's it. That's acceptable to you? Or did you say you were looking for more in the interim?

MS. BHIDE: Right. So, the recommended condition was that they provide us with a plan that shows, you know, more landscaping whether it's foundation plantings or trees and shrubs, you know, before Board consideration. But if the Plan Commission, you know, they have indicated that the landscaping would get overrun during construction and it's something they would like to do with the upgrade of the CMU wall, so you can definitely recommend that that condition be changed.

COMMISSIONER CHERWIN: I personally wouldn't require a landscaping recommendation for the interim period if it would be destroyed. That would be my recommendation to change. Otherwise, I'm good.

CHAIRMAN LORENZINI: Okay. Just a question. On the CMU wall, why not just put up a precast concrete wall? Wouldn't that be -- your name and spell it please.

MR. BAUER: This is Travis Bridges from OKW Architects.

MR. BRIDGES: Travis Bridges, B-r-i-d-g-e-s. The reason why we're not going with a precast wall, the duration to get precast onsite and getting it up right now is a very difficult --

CHAIRMAN LORENZINI: Makes sense, okay, thank you. That's really all I had. Any other questions or motions from anybody?

MR. BAUER: Mr. Chair?

CHAIRMAN LORENZINI: Yes?

MR. BAUER: Just before you go to motion, would the Commission like to see the conditions as we modified them after communicating with the Village Staff?

CHAIRMAN LORENZINI: Sure, yes. Maybe you can just explain real quick what the difference is?

MR. BAUER: Certainly. So, as I referenced earlier in the presentation, the modifications are really just two conditions, 1 and 2, with one minor exception, and so I'll take them in that order.

So, for condition number 1, obviously the Staff recommendation was for the Petitioner to provide a time frame. What we've provided in the revised or proposed the condition on is reflective of the three-year time frame that we referenced earlier as part of the presentation. Then condition number 2 obviously reflects an obligation, a Staff-proposed obligation to provide a landscape plan prior to review by Village Board consideration. What we have proposed is really language that largely mirrors the condition of approval that

was provided as part of the prior ordinance approval for the PUD modifications that were previously approved. As you can see, it specifically but not only includes an obligation to provide a landscaping modification when the final improvements or upgrades are made to that north wall.

CHAIRMAN LORENZINI: Have you seen this before, Latika?

MS. BHIDE: I have, yes.

CHAIRMAN LORENZINI: Are you okay with these?

MS. BHIDE: Yes, I'm fine with the 1. My only question with the 2 is it says building site restoration and landscaping and talks about site restoration after the wall is upgraded. My understanding was the site would be restored with seeding. It's the additional landscaping that's going to happen in three years, you know, or whenever. So, I'm just a little confused.

MR. BAUER: Yes, I mean I think the only distinction really is that the area north of what will become the new north wall of the 1501 building, that will, you know, probably be somewhat of a construction zone, you know, while the modifications are being made to the site where they may be staging the materials and things like that there. Again, only until there is a final material added to the CMU wall that's proposed. So, really what is contemplated is just an opportunity to do all those improvements to the wall and to the landscaping and to the site itself, all in conjunction at the same time, once and done.

CHAIRMAN LORENZINI: Commissioner, is there any --

COMMISSIONER GREEN: Well, this is just for clarification. So, you're going to put the wall and then wait three years to landscape possibly?

MR. BAUER: Well, I don't think the Village Code would actually allow something like that. That's certainly not the intention and certainly not in Torburn's financial best interest to, you know, wait that long.

COMMISSIONER GREEN: Right. I can see where you'd want to put final landscaping. But if you put the black dirt back and put some grass there, if that's the intention --

MR. HORNE: That is the intention.

COMMISSIONER GREEN: Okay.

CHAIRMAN LORENZINI: Speak into the mic.

MR. HORNE: I'm sorry. We would be seeding it. We'll be doing this demolition work, you know, in the winter months. We'll be seeding it in the spring.

COMMISSIONER GREEN: In the spring, clean it up and seed it?

MR. HORNE: Seed it in the spring.

COMMISSIONER GREEN: Get it to grow and see what happens.

MR. HORNE: Exactly, right.

COMMISSIONER GREEN: I don't have a problem with that. I think that would be the way to go.

COMMISSIONER DAWSON: Wait, the only question I have, I know it's late and I'm not understanding, I thought the prior recommendation was just to provide a landscaping plan, not to install landscaping. Yet we're not even going to get a plan?

COMMISSIONER GREEN: Well, I think the problem, if I can just jump in, I think the problem with the plan is you don't know what the facade is going to be. You don't know where doors are going to be, you don't know where windows are going to be. So, if you put a plan together and then you change the facade of the building, then you have to change the landscape plan.

COMMISSIONER DAWSON: But we don't have, I mean is there a code that's going to require certain number of shrubs and certain number of this and that? I mean it's kind of leaving the whole, I mean at least if we had a plan that everyone understood might have to be modified around that, we would have an idea what they're agreeing to install. But otherwise, they can install really nothing because our code doesn't require them to install anything.

MS. BHIDE: Right. I mean if the area that was removed or demolished, if it's converted into a parking area, then those landscaping provisions would kick in. They'd need landscaping islands, they'd need to screen it from right of ways. But if not, they could just seed and sod and leave it like that.

COMMISSIONER DAWSON: And leave it alone. I do feel like there should be some sort of proposed plan even if it's subject to modifications based on locations of windows and doors and such so that we have an understanding of what you're willing to install because, again, our code isn't going to require anything.

MR. BAUER: Sure. Commissioner Dawson, your point is well taken. I guess I have two responses. The first is Commissioner Green's suggestion or assumption is in fact accurate. I mean obviously without knowing exactly where the building's, excuse me, where windows and doorways will be within that building facade, it's difficult to anticipate what the landscaping would look like. So, really in the end any type of a landscape plan that we submit could wind up being entirely useless.

But you know, leaving that point aside, I spoke with the Village's design planners as recently as today, Steve Hautzinger, and you know, as part of that conversation we spoke specifically about landscaping and the design review, the Design Commission review that would be done for the finished facade of this north wall, landscaping is part of the Design Commission's purview. So, you know, presumably any type of Village concern with respect to landscaping would be, you know, concurrently with Design Commission's

review of the proposed finished material for the wall.

COMMISSIONER DAWSON: Okay. I would still prefer that this not just rely, this as written only says that you'll install to code. So, my vote today is based on whether you're going to install landscaping to code and code doesn't require you to do anything. So, I would like some adjustment to the language that you will --

MS. BHIDE: So, one recommendation I have is that, you know, you could change the prior to Village Board consideration portion of that recommendation and mirror condition 1 for it to say when upgrades or concurrent with the upgrades to the CMU wall, the Petitioner shall provide a landscape plan that consists of, and then the rest of that.

COMMISSIONER DAWSON: Right, and I like that with that language because it specifically talks that you're going to be adding more than just meeting code.

COMMISSIONER CHERWIN: I think that makes sense.

COMMISSIONER GREEN: I think that makes sense. I'd go along with that.

COMMISSIONER CHERWIN: The other issue I'd raise is --

MS. BHIDE: What it does is it ties it to the landscaping so it's not just code --

COMMISSIONER CHERWIN: Then the issue, the other one we talked about, within three years providing options, but it doesn't talk about executing any improvements within any time frame.

COMMISSIONER SIGALOS: That's exactly what I was going to bring up.

COMMISSIONER CHERWIN: That would be my only other thing would be if you want to put in, you know, and shall complete all, you know, I don't know if it's another three or four months or it's just showing reasonable efforts to commence improvements upon approval or something.

COMMISSIONER SIGALOS: These are options that would have to go to Design Commission?

MS. BHIDE: That's correction.

COMMISSIONER SIGALOS: Would it have to come back here again or no?

COMMISSIONER DAWSON: I don't think so. I think just Design Commission.

MS. BHIDE: Yes.

COMMISSIONER SIGALOS: I'm just thinking of the timing it would take. Okay, so just only Design Commission and not Village Board approval either. Okay, yes, I kind of share what Commissioner Cherwin was suggesting, that something should be stated when it should be completed rather than you present options because the options, that could go on for months and months and months. Come back with an option, Design doesn't like it, come back with other options, they

don't like it, I mean it could be delayed until you find the time. That's one way of delaying it.

MR. BAUER: We understand your concern. Obviously it's in no one's best interest, either the Village's nor Torburn's, to allow this wall to be unfinished for an extended period of time.

COMMISSIONER SIGALOS: Well, but if you don't have a tenant, you won't want to put additional expense into something that you may not know the tenant will want. So, that gives you --

MR. BAUER: That's exactly what's --

COMMISSIONER SIGALOS: A way of getting away from making this a finished wall.

COMMISSIONER DAWSON: Well, I think the idea is if you put a deadline here, you can always come back to us and ask for an extension. We're just wanting some sort of deadline so that you have to come back to us and ask for an extension. So, you know, I mean it could be "and completely within a year thereof."

MS. BHIDE: So, you can modify that condition to say shall install within three years from Village adoption or ordinance adoption, like you said, and they can come back and ask for an extension at the end of that period.

MR. HORNE: Say that again?

COMMISSIONER GREEN: The improvement will be made within three years.

MR. HORNE: I think, I mean --

CHAIRMAN LORENZINI: Can you speak into the mic please?

MR. HORNE: Sure, I'm sorry. It was our intent not to have that from the three-year improvement date, it was three years to come back and present a plan to then do it. So, does that mean it's three years and six months to complete? I don't know.

COMMISSIONER SIGALOS: Well, what we're looking at is from the time frame of when it would be completed. If it's three years, it could be four years, it could be five years.

MR. HORNE: Right. Right, right, I understand that point. Honestly, we haven't thought it through. I mean, and I think we're prepared to commit to a date, so I don't know what's reasonable. We felt we wanted to have enough latitude to let the market tell us what this building wants to be. We felt three years was an adequate time frame for us, and if it doesn't happen in three years we'd come back and say, you know, we can tell you exactly why. But our belief is that we'll get something accomplished in the three-year time frame, and as a result we're comfortable with that date.

As it relates to committing to completing the work, I don't know what's a reasonable commitment beyond that three years. Is it six months, is it a year? I mean, something, I mean so I don't want it to be an indefinite period, I agree with that.

COMMISSIONER DROST: Isn't a tenant key to this? I

mean you brought up the point.

MR. HORNE: The tenant is everything about this. So, if it's an office building, it's going to be a window system and there's going to be parking and it's going to be, you know.

COMMISSIONER DROST: Well, that's the whole thing, the market is going to drive it.

MR. HORNE: Yes.

COMMISSIONER DROST: Then certainly the downside is that you get some kind of warehouse type operation, you know, with a bunch of outsourced services and they don't need windows.

MR. HORNE: Right. But we don't know, I mean that might be a great use because it could be a great company that brings jobs.

COMMISSIONER DROST: Right, and you don't get much landscaping.

MR. HORNE: Right. Yes.

COMMISSIONER DAWSON: John, can you, I mean I don't know, I'm not a contractor. So, this wall, if it were to stay out there forever, is that a problem?

COMMISSIONER SIGALOS: It's an ugly wall. I mean you can see it off of 53, you can see it off of Wilke Road, you can see it off Shure.

MR. HORNE: We'd want to finish it.

COMMISSIONER SIGALOS: That wall is a basic ugly wall that you'd never want to see.

COMMISSIONER DAWSON: Okay. So, our objection is that it would be unsightly and at some point we would like something that's much more, you know, a nicer appearance, okay. So, you know, if we're giving you three years for options, I'm happy to say within four years it will be installed. I don't know what anybody else thinks.

COMMISSIONER GREEN: Why don't we just add, John, I'm just going to throw this out there, how about if we have an approved option within three years and at that time submit a completion date for that approved option?

MR. HORNE: I think that's totally reasonable.

COMMISSIONER DAWSON: Sue.

COMMISSIONER GREEN: Latika, what do you think about that?

MS. BHIDE: So, they're not --

COMMISSIONER GREEN: In other words, in three years they've got to know what it's going to be, and so when they submit that approved option within three years, they're going to submit a construction schedule to go along with that option. Then there will be a discussion at that time about, they'll say that it's going to take, you know, 17 months, and we're going to say, no, we want six months.

MS. BHIDE: So, they'd have to come back to Plan

Commission and the Village Board to get that time frame?

COMMISSIONER DAWSON: No, no. I think Staff can do that.

MS. BHIDE: Just Staff.

COMMISSIONER GREEN: To Staff.

MR. HORNE: I think that's a very reasonable approach which is I'm coming in with a plan and say this is going to be our schedule to do this plan.

COMMISSIONER GREEN: Right.

COMMISSIONER DROST: Does that give build enough flexibility in for you? I mean you would think the market will absorb that --

MR. HORNE: If the market is completely upside down in three years, we'd come to you, we might have a different discussion. We might come to you and say the market is upside down, what do you want us to do.

COMMISSIONER DROST: Attorney Bauer is going to come in again and --

MR. HORNE: I mean that's not our hope. You know, we're trying to be flexible to respond to the market. I can't predict the market necessarily.

COMMISSIONER DROST: Okay. I just, you know, the idea is, you know, we're not, we'd like to forecast and we like to think in terms of, you know, positives.

MR. HORNE: Sure.

COMMISSIONER DROST: But if there are --

MR. HORNE: Our intent is to do exactly what we're saying tonight.

COMMISSIONER GREEN: See, if it comes in three years from now, we're in September again, you're going to be fighting the weather. So, the construction schedule, if it was to start three years from today with an approved plan is going to take, it's going to be a different schedule than if it was in the spring.

COMMISSIONER DAWSON: Sure.

COMMISSIONER GREEN: And they get that whole summer to work on.

COMMISSIONER DAWSON: I think your proposal is a good one. At least they come back with a schedule --

COMMISSIONER GREEN: With a schedule then. You'll have to present it to Latika and she's a tough one.

COMMISSIONER DAWSON: She has a comment.

MS. BHIDE: My only concern is that it leaves Staff in the position of having to negotiate their construction schedule. So, I know that this is not Torburn's intent but if they come back and say, well, it's going to take us four more years to finish it, now we're left to argue the four-year time frame.

COMMISSIONER GREEN: Just call me, Latika.

MS. BHIDE: Okay.

CHAIRMAN LORENZINI: Does somebody want to try to craft a motion here?

COMMISSIONER DAWSON: No. Well, do we have the language for what's happening with number 2?

COMMISSIONER DROST: Well, you'll take number 1 as --

COMMISSIONER GREEN: And we'll mod that.

COMMISSIONER DAWSON: So, number 1 is being modified. Number 1 is gone on the blue sheet and we're doing modification on the white sheet as you stated, right, Bruce?

COMMISSIONER GREEN: Yes.

COMMISSIONER DAWSON: Okay. So, then what's happening with number 2? Is it, no, because we want this language.

COMMISSIONER WARSKOW: Right, meaning the same thing, it's being completely changed and then we're amending the change.

COMMISSIONER DAWSON: So, how? Because to be honest, I'm tired. But you know, I have a brain, I usually read this stuff and I'm looking at this going this number 2 still doesn't make any sense to me. George, do you understand number 2?

COMMISSIONER DROST: No.

COMMISSIONER DAWSON: Thank you, okay. So, I don't know. I'm not understanding the way number 2 is written. It's confusing me so I'm trying to figure out how to revise it.

COMMISSIONER WARSKOW: I thought we decided concurrent with the upgrade to the CMU wall, a landscape plan would be submitted.

COMMISSIONER SIGALOS: Right. So, the original --

COMMISSIONER DAWSON: It's doing more than that, this sentence is doing more than that.

COMMISSIONER SIGALOS: But if you take number 2 --

COMMISSIONER WARSKOW: Well, we're modifying it in a sense.

COMMISSIONER SIGALOS: The original recommendation number 2 and just say concurrent with the approved plan for the upgrade of the north wall, the Petitioner shall provide a landscaping plan that consist of shade trees, shrubs, perennials, et cetera.

COMMISSIONER DAWSON: Okay. There isn't anything else going on in this number 2 written on the white sheet that I'm missing, right? Okay. All right, it just wasn't making any sense to me.

Okay. So, if we just take number 2 on the blue sheet and we just say what you just said, concurrent with the approved plan, the Petitioner shall provide a landscaping plan, then we don't need number 2 on the white sheet. Are you in agreement with me? Yes?

MR. BAUER: Yes, correct.

COMMISSIONER DAWSON: Okay, all right. Okay. Go, Bruce.

COMMISSIONER GREEN: Thank you.

A motion to recommend to the Village Board of Trustees approval of PC# 15-019, an amendment to PUD Ordinances 88-060, 14-002, and 15-016; a variation from Chapter 28, Section 6.12, *Traffic Engineering Approval*, to waive the requirement for a traffic study and parking analysis; a variation from Chapter 28, Section 6.5, *Accessory Structures*, to allow a sports/basketball court and associated basketball pole at 1421 West Shure Drive and within the side yard along Shure Drive; and a variation from Chapter 28, Section 6.13-3, *Location of Fences*, to allow a fence 14 feet in height (six-foot fence with an eight-foot tall sports net/mesh constructed thereon) in conjunction with the aforesaid sports/basketball court.

This approval is contingent upon compliance with the recommendations of the Plan Commission and the following recommendations detailed in the Staff Development Committee report dated September 10, 2015:

1. The Petitioner shall, within not more than three years from the date of Village Board approval of the current request for PUD amendment, provide to the Department of Planning and Community Development an approved option for upgrading the exterior proposed interim CMU north wall of the 1501 West Shure Drive building along with the schedule of construction.
2. The Petitioner shall provide a landscaping plan that consists of shade trees, shrubs, and perennials on the north elevation of the 1501 West Shure Drive building, foundation plantings, and it will be submitted concurrent with the design approval referenced in number 1.
3. Prior to Village Board consideration, the Petitioner shall provide details of the proposed sports fence.
4. The Petitioner shall comply with all federal, state, and Village codes, regulations, and policies.

CHAIRMAN LORENZINI: Is there a second?

COMMISSIONER SIGALOS: I'll second.

COMMISSIONER DROST: The discussion is this.

MR. BAUER: Okay, I just have one point of clarification before you vote, sorry to interrupt. With respect to condition number 1, I think I heard Petitioner shall submit an approved plan within three years? I'm just paraphrasing.

COMMISSIONER GREEN: Right, an approved option or plan within three years.

MR. BAUER: Approved by whom though? I'm asking the question because if it's --

COMMISSIONER GREEN: Department of Planning and

Community Development, the Staff.

MR. BAUER: Okay. So, my question is just simply if in the, say 30th month they submit a plan and that results in some dialogue between the Staff and the property owner, and then we get to the 36th month in three years and we don't have a "approved" plan by the Staff, are we then deemed to be in violation of this condition? I just want to make sure that's not an issue.

COMMISSIONER DAWSON: You can come back here and ask for an extension.

COMMISSIONER GREEN: Yes. We're looking for an approved plan within three years.

MR. BAUER: Okay, thank you.

COMMISSIONER DROST: Yes, and the discussion point is this, that if there needs to be some more word-smithing, we've got some time before it goes to the Board of Trustees. If on reflection you can fine tune this or refine it, with the intent --

COMMISSIONER DAWSON: Yes, do that.

CHAIRMAN LORENZINI: Okay, do we have a second?

COMMISSIONER WARSKOW: I second.

COMMISSIONER SIGALOS: I second.

CHAIRMAN LORENZINI: Yes, there was a second. Roll call vote please.

MS. BHIDE: Commissioner Dawson.

COMMISSIONER DAWSON: Yes, with comment.

MS. BHIDE: Commissioner Drost.

COMMISSIONER DROST: Aye.

MS. BHIDE: Commissioner Ennes.

COMMISSIONER ENNES: Yes.

MS. BHIDE: Commissioner Green.

COMMISSIONER GREEN: Yes.

MS. BHIDE: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

MS. BHIDE: Commissioner Warskow.

COMMISSIONER WARSKOW: Yes.

MS. BHIDE: Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes.

MS. BHIDE: Chairman Lorenzini.

CHAIRMAN LORENZINI: Yes. Commissioner Dawson?

COMMISSIONER DAWSON: I just, no one ever said thank you for demolishing and putting more green space in Arlington Heights, so I think it's a great plan. I know we never said that because we're all too tired, so I just wanted to say thank you.

CHAIRMAN LORENZINI: All right, congratulations. You received a unanimous approval. Any date this is going to the Village Board, Latika?

MS. BHIDE: They are in the next schedule, so the plan

is to have them for next Monday.

MR. BAUER: Thanks for your time.

CHAIRMAN LORENZINI: Anything else on the agenda? I'll take a motion to adjourn.

COMMISSIONER DROST: I'll make that motion.

COMMISSIONER GREEN: Second.

CHAIRMAN LORENZINI: All in favor?

(Chorus of ayes.)

CHAIRMAN LORENZINI: Opposed?

(No response.)

CHAIRMAN LORENZINI: Thank you.

(Whereupon, at 10:40 p.m., the meeting was concluded.)

STATE OF ILLINOIS)
) SS.
COUNTY OF K A N E)

I, ROBERT LUTZOW, depose and say that I am a direct record 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.

ROBERT LUTZOW

SUBSCRIBED AND SWORN TO
BEFORE ME THIS _____ DAY OF
_____, A.D. 2015.

NOTARY PUBLIC