

**AN ORDINANCE GRANTING PRELIMINARY
APPROVAL OF A PLANNED UNIT DEVELOPMENT
AND CERTAIN VARIATIONS FROM CHAPTER 28
OF THE ARLINGTON HEIGHTS MUNICIPAL CODE**

WHEREAS, the Plan Commission of the Village of Arlington Heights, in Petition Number 15-013, pursuant to notice, has on November 5, 2015, conducted a public hearing on a request for preliminary approval of a planned unit development and variations from certain provisions of Chapter 28 of the Municipal Code for the property located at 13 E. Miner Street, Arlington Heights, Illinois, to allow the construction of a four story residential building with 12 residential dwelling units; and

WHEREAS, the President and Board of Trustees have considered the report and recommendations of the Plan Commission and have determined that authorizing and granting said requests, subject to certain conditions hereinafter described, would be in the best interests of the Village of Arlington Heights,

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS:

SECTION ONE: That preliminary approval is hereby granted for a planned unit development to permit the construction of a four story residential building with 12 residential dwelling units on the property legally described as:

The North 90 feet of the West ½ of Lots 1 and 2 (taken as a tract) in Block 19 in the Town of Dunton, being a subdivision of the West ½ of the Southwest ¼ of Section 29, Township 42 North, Range 11 East of the Third Principal Meridian, in Cook County, Illinois.

P.I.N. 03-29-334-003-0000

commonly known as 13 E. Miner Street, Arlington Heights, Illinois, which property is hereby designated as a Planned Unit Development and the Zoning Map of the Village of Arlington Heights is hereby amended accordingly. Approval is hereby given for development of the Subject Property in substantial compliance with the following plans prepared by Prairietech, Ltd., dated October 22, 2015, except for any portion of the plans that reference the parking garage on the first floor of the proposed development. Approval of the garage on the first floor is expressly not approved:

Easement Site Plan-Balcony/Second Floor Plan-Site Plan, consisting of sheet CS;
Front Elevation, consisting of sheet A1;
Right Elevation, consisting of sheet A2;
Rear Elevation, consisting of sheet A3;
Left Elevation, consisting of sheet A4;
Lower Level Plan, consisting of sheet A5;
Ground Level, except that portion of the plan related to the “garage,” consisting of sheet A6;
Second Floor, consisting of sheet A7;
Third Floor, consisting of sheet A8;
Fourth Floor, consisting of sheet A9;
Roof Top Deck, consisting of sheet A10;

copies of which are on file with the Village Clerk and available for public inspection.

SECTION TWO: That variations from the requirements of certain provisions in Chapter 28 of the Arlington Heights Municipal Code are hereby granted so as to permit development of the Subject Property in accordance with the plans approved in SECTION ONE of this Ordinance, which variations are as follows:

1. A variation from Section 5.1-14.6, Required Minimum Yards, to allow a reduction to the required combined side yard setback from 30 feet to 5.81 feet.
2. A variation from Section 5.1-14.6, Required Minimum Yards, to allow a reduction to the required rear yard setback for residential units above the first floor from 30 feet to 5 feet.
3. A variation from Section 11.7, Schedule of Loading Requirements, waiving the required loading berth for the development.
4. A variation from Section 6.12-1(3) waiving the requirement for a traffic and parking analysis from a certified traffic engineer.
5. A variation from Section 9.5-3.1 extending the time for submission of materials for Final Plan approval from 12 months to 24 months.

SECTION THREE: That the preliminary approval of the Planned Unit Development and variations granted by this Ordinance are subject to the following conditions, to which the Petitioner has agreed:

1. Approval of the Final Planned Unit Development shall be required pursuant to Chapter 28, Section 28-9, of the Arlington Heights Municipal Code. All required documents, such as but not limited to final engineering plans and construction staging plans and timelines, shall be submitted for review and any additional items pursuant to conditions of the Preliminary Planned Unit Development.
2. The first floor garage shall be eliminated and replaced with commercial space

approximately 40 feet in width along the Miner Street frontage and allow for at least 30 feet of depth.

3. The Village shall make available, and the building owner shall purchase, 14 residential parking permits in the North Municipal Parking Garage on a monthly basis at the applicable monthly permit fee.

4. Residential units are approved as rental apartments. Converting residential units to condominiums shall require an amendment to the Planned Unit Development and compliance with the required parking standards.

5. One affordable housing unit shall be required as follows:

- a. one affordable unit shall be maintained as affordable in perpetuity under the Village's affordable rental housing guidelines;
- b. with the approval of the Village, the affordability requirements of another local, state or federal affordable housing program, which are consistent with the requirements of the Village's affordable rental housing guidelines, may be temporarily followed with respect to the unit but at all other times the requirements of the Village's affordable rental housing guidelines shall apply in perpetuity;
- c. 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.

6. Compliance with the conditions of the Design Commission motion dated October 27, 2015.

7. Prior to the approval of the Final Planned Unit Development, the Petitioner shall have signed agreements for relocation of all existing utilities that serve other adjacent buildings that traverse through the 13 East Miner Street site.

8. Prior to the approval of the Final Planned Unit Development, the Petitioner shall submit a signed plat of easement for Commonwealth Edison and any other utility companies requiring an easement.

9. Prior to the approval of the Final Planned Unit Development, the Petitioner shall obtain an executed access easement for ingress and egress to the benefit of the 13 East Miner Street development along the east side of the property located adjacent to the west. This easement shall be in perpetuity and shall be a minimum of five feet wide. In addition, there shall be no obstructions within this easement, including such items as gates, fences and refuse containers.

10. Prior to the approval of the Final Planned Unit Development, the Petitioner shall pay a fee in lieu of onsite detention, pursuant to the standards established by the Village of Arlington Heights.

11. The Petitioner shall provide a decorative swing gate to screen the Miner Street side of the Commonwealth Edison equipment located along the west side of the building.

12. The Petitioner shall work with the Village to develop an acceptable construction schedule including a development phasing plan that includes the location of staging areas throughout the development. Any work within the right-of-way shall be scheduled to minimize disruption to other businesses and patrons of the Downtown. All construction traffic shall be limited to pre-approved lanes and locations, to be determined by the Village.

13. Delivery/loading operations shall be restricted as follows: retail stores: 7:00 a.m. to 3:00 p.m., Monday through Saturday with no deliveries on Sunday; and residential: 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 2:00 p.m. on Saturday with no deliveries on Sunday.

14. Pursuant to Section 29-401 of the Arlington Heights Municipal Code, the developer shall make a cash contribution in lieu of land for school, park and library districts.

15. Future tenants of the commercial space shall procure permits from the Village for employee parking in the public parking garage.

16. The Petitioner shall comply with all Federal, State, and Village codes, regulations and policies.

SECTION FOUR: That the approval of the preliminary Planned Unit Development granted in SECTION ONE of this Ordinance shall be effective for a period of 24 months from the approval of this Ordinance, during which period the Petitioner may submit to the Plan Commission the materials required by the Zoning Ordinance for final approval of the Planned Unit Development.

SECTION FIVE: That this Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law and shall be recorded by the Village Clerk in the Office of the Recorder of Cook County.

AYES:

NAYS:

PASSED AND APPROVED this 21st day of December, 2015.

ATTEST:

Village President

Village Clerk

PUD:13 E. Miner Street