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PLAN

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

COMMISSION

RE: SWAMINARAYAN GURUKAL-USA-402 S. ARLINGTON HEIGHTS ROAD;
PC# 16-009; LAND USE 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 June, 2016, at the hour of 7:30 p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

SAM HUBBARD, Development Planner

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CHAIRMAN LORENZINI: I would like to call to order the meeting of the Plan Commission. Would you please all rise and say the pledge of allegiance with us?

(Pledge of allegiance.)

CHAIRMAN LORENZINI: It sounds like we have a full house. Okay, roll call please.

MR. HUBBARD: Commissioner Cherwin.

COMMISSIONER CHERWIN: Here.

MR. HUBBARD: Commissioner Dawson.

COMMISSIONER DAWSON: Here.

MR. HUBBARD: Commissioner Drost.

COMMISSIONER DROST: 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 Sigalos.

COMMISSIONER SIGALOS: Here.

MR. HUBBARD: Commissioner Warskow.

COMMISSIONER WARSKOW: Here.

MR. HUBBARD: Chairman Lorenzini.

CHAIRMAN LORENZINI: Here. The next item on the agenda is approval of minutes. We have three meeting minutes to be approved from May 25th, 2016. Any comments or recommendations?

COMMISSIONER GREEN: I'll make the recommendation.

CHAIRMAN LORENZINI: Second?

COMMISSIONER CHERWIN: Second.

CHAIRMAN LORENZINI: All in favor?

(Chorus of ayes.)

CHAIRMAN LORENZINI: Opposed?

(No response.)

CHAIRMAN LORENZINI: The next item tonight, we have two public hearings. For those of you who haven't been to one before, just to let you know how it goes, the presenter or the Petitioner will give a short presentation. Staff will give a Staff presentation. Each Commissioner will ask questions. We'll open it up to the public for questions, and then we'll come back to the Commissioners for final deliberation and recommendation.

So, the first item, the Swaminarayan Gurukul, PC# 16-009, is the Petitioner here?

MS. RADADIA: Yes.

CHAIRMAN LORENZINI: Yes, would you come forward? Anybody who's going to testify or give a presentation, would you all come forward and we'll swear you in? Please raise your right hand.

(Witness sworn.)

CHAIRMAN LORENZINI: Okay, thank you. Let's see, could you please state your name and spell it?

MS. RADADIA: Sure. My name is Mira Radadia, M-i-r-a, the last name is R-a-d-a-d-i-a.

CHAIRMAN LORENZINI: There are five conditions attached to the approval. Do you agree to all those?

MS. RADADIA: Yes.

CHAIRMAN LORENZINI: Okay, thank you. Then could you give a brief presentation of your project?

MS. RADADIA: Sure. The Swaminarayan Gurukul is a non-profit, religious-based organization that owns its temple property as well as a vacant small office on the same property. The organization would like to rent out this property to a commercial tenant and use the proceeds from the lease towards its mortgage obligations as well as other expenses. Currently, the attached property is zoned as a residential building, and we would like to use it for a commercial purpose.

CHAIRMAN LORENZINI: Okay, thank you. Sam, would you like to give the Staff report?

MR. HUBBARD: Yes. So, as you've heard, the subject property is in the R-3 Zoning District, so it is a residential zoning district. It's located on the southwest corner of Grove and Arlington Heights Road. As office uses are not a permitted use or a special use in the R-3 Zoning District, the land use variation is required in this instance.

The Applicant has asked for kind of an open-ended approval to allow an unspecified office tenant. Normally, Staff may take issue with kind of an open-ended approval like that, but in this instance, given the small size of the building on the site which is approximately 1,000 square feet, the impact is really not going to be anything significant. So, Staff is comfortable with the request.

The Applicant has submitted a justification for land use variation approval, and Staff does concur that the necessary criteria for approval have been met. However, since there is no off-street parking located on the site, as you can kind of see in this aerial, a variation is needed to reduce the off-street parking from three spaces to zero for this proposed use. Because the neighboring church and parking lot at least can provide for this parking, Staff is comfortable with the variation as proposed. However, we did ask the Petitioner to survey their parking lot to make sure that it did have capacity to accommodate the additional office uses. During a standard workday, we found that there was only a three percent rate of utilization. So, there is significant capacity in the parking lot to accommodate the proposed use.

That being said, we did recommend certain conditions attached to the approval. You know, one, that the church has to provide this parking on their neighboring parking lot. We also asked that employees of the office be required to park in the church parking lot as this would remove the potential for cars parking along Grove Street which can be a tight intersection when going out to Arlington Heights Road. We also recommended that no medical or dental office be allowed here, the reason being that, again, these types of uses have a higher trip generation than a standard business or professional office which would create the potential for more cars parked along Grove Street and further may tighten an already tight intersection there.

Finally, we also recommended that the land use variation be linked to common ownership of the church site and the subject property. This would prevent a situation where for some reason if they come under separate ownership in the future, that if the future owner did not want to honor this shared parking agreement, then the land use variation will become null and void at that point.

So, that pretty much sums up our perspective on this and we're happy to answer any questions.

CHAIRMAN LORENZINI: Okay, can I have a motion to include the Staff report into the public record?

COMMISSIONER DROST: I'll make that motion.

CHAIRMAN LORENZINI: Second?

COMMISSIONER JENSEN: Second.

CHAIRMAN LORENZINI: All in favor?

(Chorus of ayes.)

CHAIRMAN LORENZINI: Opposed?

(No response.)

CHAIRMAN LORENZINI: Thank you. Okay, you can have a seat now. We'll go to the questions from the Commissioners. Jay, would you like to start this one?

COMMISSIONER CHERWIN: Yes. You know, I was actually at the Plat & Sub. The Petitioner answered a lot of our questions there. I'm comfortable at this point and I have no further questions on it. Thank you.

CHAIRMAN LORENZINI: John?

COMMISSIONER SIGALOS: I was also at the Plat & Sub and I listened to the Petitioner's request. I have one question that I saw on the Staff report. Right now, this corner property is currently zoned residential?

MR. HUBBARD: Correct.

COMMISSIONER SIGALOS: But in the Staff report it says that the Village's Comprehensive Plan designates the future use of the subject property as institutional. So, the office use would be allowed in the institutional for future use under the Comprehensive Plan?

MR. HUBBARD: Correct, yes.

COMMISSIONER SIGALOS: Then with this, if you could explain, what would happen if this corner property is sold? That this variation then becomes null and void?

MR. HUBBARD: Yes.

COMMISSIONER SIGALOS: So, as far as the parking agreement and as far as using the church's parking lot both to the west and to the south?

MR. HUBBARD: Correct, yes. If they were to become under separate ownership, yes, we would recommend that that condition be added so that, you know, if there was any conflict between the two uses and new owners, that the land use variation be null and void.

COMMISSIONER SIGALOS: So, the new owner would then have to come back for a variation again?

MR. HUBBARD: Correct.

COMMISSIONER SIGALOS: That's all I have. Thank you.

CHAIRMAN LORENZINI: Susan?

COMMISSIONER DAWSON: My questions are more along the lines, it's

similar, but the building itself, there's no restrictions here if the building were to be added on to or altered in any way? I know that the intent, the proposed intent was in general. But it's a really small building on a much bigger parcel that could be expanded, and there is nothing here that says altering the building would also affect the use.

MR. HUBBARD: Correct. Our code does require that if you're expanding on an existing land use variation or special use permit, that you do have to go back before the Board for approval. So, in that case --

COMMISSIONER DAWSON: Any addition, not just, because I know that usually if you go before commissions, if you're adding on more than 50 percent and there's parameters, but you're saying any addition to the building would require that they come back before us?

MR. HUBBARD: Correct.

COMMISSIONER DAWSON: Okay. No further questions.

CHAIRMAN LORENZINI: George?

COMMISSIONER DROST: For the Petitioner, if you can step up? I have a few questions, just a little bit more background. How did you arrive at this decision to put this into the market or to try to put it into the market? Were you working with some realtors that suggested that it could be used by a particular tenant?

MS. RADADIA: We had received some inquiries from people, asking about renting that for a commercial purpose. But before that, the reason why we sought this land use variation is because the organization faces some level of hardship in paying off its mortgage obligation as well as sustaining the congregation. The organization was started here two years ago and the congregation hasn't been going at the rate that we expect it to, so donations are not enough to sustain the organization as it stands today. So, that was the reason why we decided to look into renting out the property that's right there.

COMMISSIONER DROST: Yes, and it would generate, based on the Plat & Sub, about \$12,000 to \$15,000, \$18,000 a year. What kind of, dealing with realtors or whoever was doing the marketing, what kind of tenants might be interested in the site?

MS. RADADIA: So far, we have received inquiries from a couple of financial planners as well as I think an attorney. So, we are looking to rent this out to somebody who just mostly deals with paperwork, so financial planners, attorneys, real estate agents, accountants, anything like that.

COMMISSIONER DROST: So, it would be more service-oriented as opposed to selling goods?

MS. RADADIA: Right, not retail.

COMMISSIONER DROST: That would generate retail sales on that side.

MS. RADADIA: Correct, service-oriented.

COMMISSIONER DROST: Service-oriented. Inside, take us on a little tour of this 1,000 square-foot facility.

MS. RADADIA: I don't know if I can give you one.

COMMISSIONER DROST: I've never gotten in there. I've passed it a lot of times. But is there, it's just a --

MS. RADADIA: It's pretty small. I haven't been in there in a while, but there is mostly like empty space and a couple of --

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COMMISSIONER DROST: Empty space, reading --
MS. RADADIA: Tables and chairs. Yes, it was a reading room for the church.

COMMISSIONER DROST: I saw the heating and ventilating, it's basically got its own sources of --

MS. RADADIA: Yes. It is a stand-alone building.

COMMISSIONER DROST: Yes, so it's stand-alone and can be self-sufficient. So, there won't be much intrusion is the point to finding a service organization to locate on that.

MS. RADADIA: Right.

COMMISSIONER DROST: That's what I was -- yes?

MR. KHATRI: Do you want me to expand on that?

COMMISSIONER DROST: You can.

CHAIRMAN LORENZINI: Yes, come forward please. I'll have to swear you in. Please raise your right hand.

(Witness sworn.)

CHAIRMAN LORENZINI: Would you please state your name and spell it for the court reporter?

MR. KHATRI: Yes. My name is Malin Khatri, and I'm affiliated with the temple.

CHAIRMAN LORENZINI: Could you spell your last name please?

MR. KHATRI: Last name is Khatri, K-h-a-t-r-i.

CHAIRMAN LORENZINI: Okay, thank you.

MR. KHATRI: For the building there, the building has three rooms.

CHAIRMAN LORENZINI: Would you speak into the mic so we can hear?

MR. KHATRI: Yes. It has three rooms and it has one bathroom. So, before, the church was using it for a reading room.

COMMISSIONER DROST: Yes, right, and I just wanted to get that in the record. Basically, that it was all contained, there's plumbing in there.

MR. KHATRI: Yes.

COMMISSIONER DROST: There's heating and ventilating and air conditioning, and so, basically, whoever moves in there, there would be few intrusions into the neighborhood. It will be seamless.

MR. KHATRI: Yes, correct. It has its own utility with this also.

COMMISSIONER DROST: Okay, thanks. That's all for right now.

CHAIRMAN LORENZINI: Thank you, George. Lynn?

COMMISSIONER JENSEN: Yes. I was at Plat & Sub and they've answered all the questions that we had there. So, I don't have anything further.

CHAIRMAN LORENZINI: Mary Jo?

COMMISSIONER WARSKOW: I don't have anything beyond what's already been asked.

CHAIRMAN LORENZINI: Terry?

COMMISSIONER ENNES: Ms. Radadia? I have a couple of questions. I read in the report that the reading room is a requirement of your religion, to have a reading room there. Will you have this at a different part of the facility?

MR. HUBBARD: That was for the previous owner, the Church of Christ, Scientist. That was their requirement.

COMMISSIONER ENNES: Okay. Then another question. Your religious facility, do you have an exemption for property taxes on the facility?

MS. RADADIA: Yes.

COMMISSIONER ENNES: Do you know that if you lease this for commercial use, you will lose the exemption on that part of the property?

MS. RADADIA: Yes.

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

CHAIRMAN LORENZINI: Bruce?

COMMISSIONER GREEN: I was on Plat & Sub and all my questions were answered.

CHAIRMAN LORENZINI: Okay, I don't have any questions at this point. We'll go to the public. What we'll do is start on the north side of the room, go row-by-row, and then come to the south side and we'll go row by row. So, anybody on the north side of the room, the first row, any questions? Next row? Next row? Anybody on this side of the room, questions?

Okay, how about this side of the room, anybody have questions? Yes, sir, would you come forward please? Would you please state your name and spell it for the court reporter? Speak into the microphone.

QUESTIONS FROM AUDIENCE

MR. FARRELL: My name is Chris Farrell, F-a-r-r-e-l-l. I've owned the property on 431 South Evergreen for 35 years. In fact, I was present at the Commission when permission was given to build the property that we're talking about today.

One of the concerns of the folks in the neighborhood is that this would be a buffer zone between commercial and residential property. So, there were certainly some concerns when, you know, the Commission might decide to zone it otherwise. In particular, that it might become kind of a wedge to further commercial development building. So, I just want to express that as a concern of the neighborhood.

We're very, I think I'm speaking for the neighborhood if I say we're very pleased to have the church occupied again after the Christian Scientists left. We would like to see a higher standard of workmanship in the things that are being done on the property. We have seen some things that were poorly built and poorly structured. In some cases, permission wasn't granted to them for some of the things that they did. That's just expressing a concern in the neighborhood. Thank you.

CHAIRMAN LORENZINI: Thank you. As Sam mentioned, the Village has come up with, there's two issues here, the zoning and the improvements. The Village has come up with a master plan. Going back 100 years or 75 years ago, whatever it was, it was in the Comprehensive Plan how the Village should be laid out. The Village has come up with a Comprehensive Plan and it basically designated certain areas to eventually be commercial and then a buffer zone and then residential.

So, as part of the overall Comprehensive Plan, Sam, this property actually should be what?

MR. HUBBARD: It's classified as institutional and within the Institutional District offices are permitted.

CHAIRMAN LORENZINI: So, that's the long-range plan, for this to be consistent and make sense for the way the Village should be laid out. Now, the other thing, as far as improvements to the property, any improvements to the property should receive a permit and approval. So, if things aren't being done properly, that's certainly an enforcement issue and you can certainly call Sam or the Village. If somebody is doing something without a permit, that certainly can be enforced. So, anything else to add, Sam?

MR. HUBBARD: No.

CHAIRMAN LORENZINI: Was there another question? Yes, ma'am. State your name and spell it please.

MS. LEIPPRANDT: Yes, I'm Kate Leipprandt. It's spelled L-e-i-p-p-r-a-n-d-t. I'm a business owner in Arlington Heights, and I actually looked at the property and was interested in leasing in or purchasing. I know purchasing was not an option at the time, and probably not at this point either. But one of my thoughts as you're setting this up is going into the space, my office currently is very nice, wood floors and wonderful techno-building with wonderful windows. Kind of a garden office, very lovely residential office.

When I go into the space, my first thought was I'd love to update that. Of course as someone leasing, I wouldn't be able to really do that upgrade. The bathroom is kind of like a commercial gas station bathroom. I wouldn't be able to, I have probably five clients a week, but I wouldn't be able to have them go in there feeling good. Also, my clients are in the older age group, and the door opens up within ten feet of Arlington Heights Road and some of them have walkers. So, my thought was I want to, you know, make the space disability-friendly as well and just beautify, do gardens and things like that.

So, I can't do that, but I just wanted that to be taken into account as, you know, if it doesn't get leased and it does become something where it's wanted to be sold, that it's possible for someone like me who has been a business owner for 28 years here and has beautiful space, would be able to do something with that, that both the community as well as the business owner are very happy with. You know, everyone has always enjoyed being around us, we've always had great neighbors and things. So, that was my only thought, is to not negate the possibility of a future for this place. It's a wonderful gentleman that you're working with. So, thank you.

CHAIRMAN LORENZINI: Thank you for your thoughts. Any other comments or questions? If not, we'll close the public portion of this hearing and we'll go back for final questions, deliberations or recommendation. Jay, anything else?

COMMISSIONER CHERWIN: No.

CHAIRMAN LORENZINI: John?

COMMISSIONER SIGALOS: No, I don't have anything further.

CHAIRMAN LORENZINI: Susan?

COMMISSIONER DAWSON: No.

CHAIRMAN LORENZINI: George?

COMMISSIONER DROST: There's someone --

CHAIRMAN LORENZINI: I'm sorry there, I missed you. My apologies, I only saw two hands go up before. So, we're going to have to reopen the public hearing portion of the meeting. State your name please and spell it.

MS. POPPE: My name is Roberta Poppe, P-o-p-p-e. I live at 435 South Evergreen, Arlington Heights. This facility is very, very small. I like the sound of what the lady had to say that's interested in purchasing it. But there is no way you could get four clients in that room with a new bathroom without increasing the size. So, my question is would this building be allowed to be, if she is given the opportunity, to rehab it? Which I'm sure it would have to be, it's been vacant for three years or five years all together probably. At least two while the church has had it. Would she be allowed to increase the size of the structure or must it stay the same and all she does is remodel the bathroom?

CHAIRMAN LORENZINI: I think we answered that already. Sam?

MS. POPPE: Well, we can't hear very good over here maybe.

MR. HUBBARD: Yes. So, no, if they were to want to expand the space, they would need special permission through the same process that we're going through now to ensure that, you know, it was --

MS. POPPE: Is there enough property there? Because the facility, could she improve it or enhance it? Let's say she purchased it, because it has a sign on, it says for sale. What if it gets purchased? How big could she get on that piece of property?

COMMISSIONER GREEN: Sam, if I could jump in? Maybe I can help answer that question. The property doesn't have any parking on the lot. So, if you were to purchase, if they were to peel off and sell this property, whoever buys it would have to provide onsite parking for whatever sized offices there.

So, the reason we're here tonight is that there is no improvement to the property. They don't want to build a parking lot because they have a parking lot and it's a common owner.

MS. POPPE: Correct, great. We don't want them parking on Grove.

COMMISSIONER GREEN: Yes. What's here tonight is as is with the exception of taking three spots from the church parking lot. But it's their parking lot so that's a working thing.

MS. POPPE: Correct. But my question is if that's approved and then the person goes to purchase it, and then they have to have improvements.

COMMISSIONER GREEN: They need to hire an architect and they'll tell them how big the building would be.

MS. POPPE: I know, I know.

COMMISSIONER GREEN: I am architect, I'm kidding you. Then they would know how many parking spaces are needed.

MS. POPPE: I know. I just want to know how big they would be allowed to make it if it were sold.

CHAIRMAN LORENZINI: Well, I think the point is if they want to add on to the building, they have to come back and go through this process all again. Tonight, we're just approving the use for the building --

MS. POPPE: I know but that's --

COMMISSIONER GREEN: It is zoned institutional, so if they're trying to do something else with the property, you'd have to go through a zoning variation for whatever they would like to do.

MS. POPPE: Hope you're watching it.

CHAIRMAN LORENZINI: Thank you. Okay, is there anybody else? Yes, sir, come forward.

MR. FARRELL: Could you just clarify the difference between --

CHAIRMAN LORENZINI: Could you raise your --

MR. FARRELL: Could you clarify the distinction between institutional and commercial? Because at the beginning of this hearing we heard commercial use, and then we hear that it's zoned for institutional use. I'd just like to clarify why those are being used synonymously when they are obviously different.

CHAIRMAN LORENZINI: I'll ask the Planning Department.

MR. HUBBARD: So, the property is actually zoned residential. We have a Comprehensive Plan that, you know, is a roadmap for how we see the Village developing in the future. The zoning as a residential is what governs someone doing anything now. If they want to change that or if they want to adjust that, we look towards what the Comprehensive Plan says which in this case is institutional, and any change to what the zoning is or the allowances on the property, we'd like to see that conform to the Comprehensive and institutional designation shown on the plan.

MR. FARRELL: Okay, but what's been discussed doesn't seem to be, I mean lawyers, office, or whatever, doesn't appear to be institutional.

MR. HUBBARD: The institutional classification does allow for minor, less intrusive uses like offices.

MR. FARRELL: Okay, right.

MR. HUBBARD: You know, not like retail sales.

MR. FARRELL: Or Taco Bell?

MR. HUBBARD: Not, yes, Taco Bell, not allowed within an institutional.

MR. FARRELL: Okay, thanks for explaining that.

CHAIRMAN LORENZINI: Okay, anybody else? If not, we'll close the public hearing portion and go back. Lynn, I think you were next?

COMMISSIONER JENSEN: No, I don't have anything.

COMMISSIONER DROST: Yes, no.

COMMISSIONER WARSKOW: No questions.

CHAIRMAN LORENZINI: Terry?

COMMISSIONER ENNES: I would make a motion.

A motion to recommend to the Village Board of Trustees approval of PC #16-009, a Land Use Variation to allow "offices: business and professional" on the subject property and a Variation to reduce the off-street parking requirements of Section 11.4-2 from three parking spaces to zero parking spaces.

This approval is subject to the following conditions:

- 1. The Petitioner shall provide the required parking for the subject property within their south and west parking lots.**
- 2. The Land Use Variation is only valid while the subject property and abutting parking areas to the west and south (as shown on Exhibit 1) are under common ownership. Should the subject property and abutting parking areas**

3. **come under separate ownership, the Land Use Variation is no longer valid. All employees of any office tenant on the subject property must park in the parking lot owned by Swaminarayan Gurukul church located to the south and west of the subject property.**
4. **"Offices: medical & dental clinics" shall not be allowed on the subject property.**
5. **The Petitioner shall comply with all applicable federal, state, and local codes, regulations and policies.**

CHAIRMAN LORENZINI: Is there a second?

COMMISSIONER DROST: I'll second.

CHAIRMAN LORENZINI: Roll call vote please.

MR. HUBBARD: Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes.

MR. HUBBARD: Commissioner Dawson.

COMMISSIONER DAWSON: Yes.

MR. HUBBARD: Commissioner Drost.

COMMISSIONER DROST: Aye.

MR. HUBBARD: Commissioner Ennes.

COMMISSIONER ENNES: Yes.

MR. HUBBARD: Commissioner Green.

COMMISSIONER GREEN: Yes.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: Yes.

MR. HUBBARD: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

MR. HUBBARD: Commissioner Warskow.

COMMISSIONER WARSKOW: Yes.

MR. HUBBARD: Chairman Lorenzini.

CHAIRMAN LORENZINI: Yes. Okay, so this is just advisory. The final decision is with the Board of Trustees. Is there a date this is going to go to the Trustees?

MR. HUBBARD: We're tentatively targeting June 20th but we're working on the scheduling for that meeting. We'll communicate with the Petitioner on that.

CHAIRMAN LORENZINI: Okay. Congratulations, you received a unanimous approval.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:54 p.m.)