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

COMMISSION

RE: KENSINGTON SCHOOL - 840 EAST KENSINGTON ROAD - PC# 16-007
SPECIAL USE FOR DAYCARE, AMENDMENT TO PUD ORDINANCE

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 24th day of August, 2016 at the hour of 9:22 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: The next item on the agenda is the public hearing for Kensington School, PC# 16-007. Sam, have all the proper notices been given?

MR. HUBBARD: They have.

CHAIRMAN LORENZINI: Is the Petitioner here?

MR. MARLAS: We are.

CHAIRMAN LORENZINI: Anybody else going to testify?

MR. MARLAS: Yes.

CHAIRMAN LORENZINI: Please come forward, raise your right hand, and we'll swear you in.

(Witnesses sworn.)

CHAIRMAN LORENZINI: You want to give us your name please and spell it?

MR. MARLAS: Sure. My name is Charles Marlas, M-a-r-l-a-s. I'm one of the owners of Kensington School. This evening, I am joined by my mother, Barbara Marlas, the founder of Kensington School; my architect, John Hague; my civil engineer from SPACECO, Jim Kapustiak; and my traffic consultant from KLOA, Javier Millan.

CHAIRMAN LORENZINI: Have you, the Petitioner, read all the conditions and do you agree with them?

MR. MARLAS: No, we'd like to discuss further items one, five and six.

CHAIRMAN LORENZINI: You want to give your presentation and go into the exceptions?

MR. MARLAS: Sure. My mother will start with a few words and then, following up Barbara, my architect John Hague will be going through the slides a little bit, and then we can answer the questions.

CHAIRMAN LORENZINI: Okay, all right. Please state your name and spell it.

MRS. MARLAS: Good evening. My name is Barbara Marlas, M-a-r-l-a-s. It's a pleasure to be with you this evening. Kensington School opened its doors in 1969 and has since then grown into a group of nine schools in La Grange, La Grange Park, Elmhurst, Wheaton, St. Charles, Geneva, Naperville, and South Naperville.

We are very proud of our concept. It's one that's been worked on for many years. We have a home office in Burr Ridge in which nine different departments continually improve and coordinate a wonderful program that is very well received by the communities in which we serve. We currently serve 2,500 children and their families. So, it has been well received.

We are very proud to be bringing it to your wonderful village. We think that the demographics really work beautifully, and I think it will be extremely well received. In our last two schools, Elmhurst and Wheaton which opened in the last three years, they opened to full waiting lists by communities that were really very desirous of our coming to town.

We strive very hard to provide a program that serves children three months through five years, Kindergarten if the community wishes. It is a program that has proven to set the stage for all future school experiences and is a wonderful beginning for young children. I invite your questions as well, thank you.

CHAIRMAN LORENZINI: Thank you.

MR. HAGUE: Hi, I'm John Hague, architect, H-a-g-u-e. I'll just walk you through our project.

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So, we've got a 15,000 square-foot, single story masonry and frame construction building that fronts Kensington Road. Our parking is out in front. This is our landscape plan. Obviously we've got, you know, a variety of different materials, plants, everything is worked out.

I will back up one second. This property as well was vacant for ten years, and I believe the use was originally a retail use. We feel that I think we've all vetted this through with Staff and the Design Commission about the use of the project and the architecture itself.

I'll kind of flip through a little bit of our, we've got our civil plans here with our driveways because I think we want to discuss a few of the issues of our grading plan and our utility plan. There is also, if you notice, there is a shaded area on the front there. That's an existing underground detention which prohibited us from rotating the building on Dryden which, you know, reinforces the reason that our building fronts Kensington.

These are some elevations with the traditional looking architecture with our brick and our framed entries and dormers and windows. That kind of reinforces what the school brings forward and Barbara kind of mentioned that, the values that they bring in. It's a, you know, it's quite a refined project at this point in time. They've spent lots of years refining it and getting it to this design and complexity.

Now, these are just some photos of the existing, the last one that was built in Elmhurst.

So, I think, Chuck, do you want to talk about our, so we want to come talk through, I don't know if this is the thing to bring up, the one, five and, you know, the trash, or should we just open up to questions at this point?

MR. HUBBARD: I think Staff can give our report and then you can certainly address those items after Staff gives our perspective.

MR. HAGUE: Okay.

CHAIRMAN LORENZINI: Are you done with your presentation then?

MR. HAGUE: Yes.

CHAIRMAN LORENZINI: Okay, Sam?

MR. HUBBARD: Thank you, Chairman Lorenzini. I'd like to start by giving a little background on the subject property which is zoned B-2 and part of the Arlington Market PUD which was approved in 2006. The 2006 approval authorized an approximately 23,000 square-foot multi-tenant commercial shopping center which was to have an anchor tenant being a grocery store. As part of that development, a 25-foot wide pedestrian access easement was to be constructed along the western edge of the property which would act as a link between the commercial developments on the southern side of the PUD and the residential areas to the north. The pedestrian easement area was to contain a small plaza and landscaping and it was going to act as an outdoor seating area for customers within the commercial developments on the south side. For various reasons, the 23,000 square-foot retail commercial development was never realized. So, therefore, the Petitioner is appearing before you and requesting several approvals needed for the Kensington School.

The first one is an amendment to the Arlington Market PUD which is needed because they're completely revising the site plan for this property. Their site plan would contain a daycare. The second is a special use permit which is required for any daycares within the B-2 Zoning District. Third, there are four variations requested, and I'll provide further details on those in a little bit, relative to the use of the property as a daycare, an amendment to the PUD

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to allow a change from multi-tenant commercial development to a single service use.

The Plat and Subdivision Committee asked Staff to reach out to some real estate brokers to understand the viability of the site as a 23,000 square-foot multi-tenant commercial development. Subsequently, we did reach out to brokers. We got two opinions. The first one opined that the site was, given the market, the asking price was cost prohibitive for this development, and further opined that the site was maybe more suitable for about 12,000 square feet as opposed to 23,000 square feet. The second opinion was that potentially 23,000 square feet could be viable in this location, but that it would likely have to be built on spec. Given the financial requirements, the lending requirements, it's pretty tough to build a spec building, so they thought that we as a Village may be holding out for a long shot case.

Therefore, in light of this, Staff is supportive of the proposed use as a daycare which will also help generate TIF increment so that TIF gets established in this area. We believe the necessary standards for approval have been met.

Regarding the aforementioned variations, the Petitioner has requested three. One is for a four-foot tall fence which would enclose the outdoor play area where code requires a three-foot tall fence. Given the use of the site and DCFS requirements to close the outdoor play area for children, Staff is supportive of this variation.

Second is a variation request to allow a landscape island without a shade tree. As you saw earlier in the presentation, there's a large underground stormwater detention vault. This particular parking lot island is located on top of that vault. Therefore, planting a tree there would be impractical. Again, we support this variation.

Third, accessory structures are required to be located in the rear yard. The proposed facility has an accessory play area located in the front yard along Dryden. Again, given the use of the site as a daycare, we think that this is appropriate and are supportive of this variation.

Similarly, a dumpster enclosure is also proposed to be located in the front yard along Dryden. Staff is not supportive of this variation. We are recommending that the dumpster enclosure be moved, as shown in your Staff report in Exhibit C, to an area that is attached to the building. This will remove it a little bit outside of that prominent location along Dryden, and this location is shown on Exhibit C. I will mention that the Design Commission did discuss this and they were comfortable with the dumpster enclosure location as proposed. However, site element locations are under the purview of the Plan Commission, so it is up to your discretion as to the location of the dumpster enclosure.

Relative to site design, I would also like to highlight some items. The Petitioner has incorporated the aforementioned pedestrian connection within their development albeit a little bit smaller. The previous pedestrian connection was a 25-foot wide area that was to have a plaza. The Petitioner's proposal is for a 20 foot-wide area with I think a six-foot wide sidewalk/walking path that would be landscaped.

So, this is, from Staff perspective, this is an acceptable change as the original pedestrian area with the plaza as a larger easement was more meant for the retail and commercial users which will be replaced with the daycare, so it's no longer necessary. However, they have altered the location a little bit and changed the size, so that's going to require an amendment to the easement which is a condition of approval.

The building also encroaches on the drainage and utility easement, and the Applicant is currently working with the utility companies that have rights to that easement

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to ensure that they will sign off on this encroachment. But prior to bringing this before the Village Board, we're recommending that Petitioner provide some sort of assurance from all parties who benefit from the easement that states that this encroachment is acceptable. Otherwise, a substantial revision to the site plan would be required to keep the building out of the easement. With regards to the drainage easement, we've reviewed it with the Engineering Department and the encroachment is acceptable. But the Engineering Department has asked that the easement be revised prior to the issuance of a building permit.

Relative to the drive aisles and green space, Staff has also identified an area where the width of the drive aisle is 11 feet wider than the minimum required width from code which is 24 feet. Specifically, there is an approximately 35-foot wide drive aisle on the east side of the site. Staff is recommending the reduction of this drive aisle to anywhere between 24 and 28 feet to provide more green space. We're not clear as to the necessity for such a large drive aisle. There is a condition of approval to address this subject to compliance with all fire truck turning radius requirements.

When it comes to parking, the code requires about 34 parking spaces. The site has proposed 49 spaces, 48 of those would be in the Kensington School parking lot with the 49th space currently existing on the northwest corner of the site. If the drive aisle is reduced in width, it may eliminate one space which would mean that the site would provide a total of 48 spaces, still code compliant.

There is a shared parking agreement between this property and the property to the west which is the commercial development that contains the bank, Subway, and the Eros Restaurant. Staff studied the existing parking at the neighboring shopping center to ensure that it wasn't at capacity and could provide overflow parking for the Kensington School site if needed. We found it was almost at capacity but not quite, so there is some ability to share parking there. The maximum capacity we saw was during the lunch rush which is not a typical peak for parking in a daycare site.

Given the reverse, we wanted to see and make sure that the Kensington School site could provide parking to the commercial center if needed. We would note again that the times of the peaks in traffic at the Kensington School are in the morning, early morning and late afternoon, which don't coincide with the peaks in parking usage at the commercial center to the west. So, we don't believe that a shared parking is going to be any issue between the two uses. Furthermore, the Kensington School is not open on Saturdays and Sundays for regular business, so their parking will be available during those days completely for the neighboring shopping center.

Regarding traffic, the Petitioner submitted a traffic analysis, and Staff has evaluated this analysis. The traffic study did not identify any improvements needed to the neighboring intersections or drive aisles and access points into the development, which means the existing street network has the capacity to handle any increase in traffic from the proposed Kensington School. Furthermore, there was no decrease to the level of service at any of the intersections studied in the traffic analysis when factoring in the projected traffic from the Kensington School. So, Staff is confident that the existing road network can handle this increased traffic.

That kind of sums up Staff's perspective, I'm happy to answer any questions.

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

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COMMISSIONER WARSKOW: I'll make such motion.

CHAIRMAN LORENZINI: Second?

COMMISSIONER GREEN: Second.

CHAIRMAN LORENZINI: All in favor?

(Chorus of ayes.)

CHAIRMAN LORENZINI: Let's start with questions from the Plan Commissioners. Commissioner Cherwin, why don't you start?

COMMISSIONER CHERWIN: Sure. My comment, you know, I had seen this proposal in Plat and Sub. You know, I thought conceptually it was a little bit out of what the Village had originally planned for this area, you know, but the retail environment is what it is and this site is difficult. I think overall it's a good project and I was supportive of it then, still support of it generally.

I would ask Sam, if you could talk a little bit more, I read and you spoke about the Design Commission and sort of the recommendations and what our role is real quick. If you could just clarify that one more time, what you're asking on that point?

MR. HUBBARD: So, just the issue of the dumpster enclosure was identified when it went to the Design Commission. So, Staff had commented on it. The Design Commission did opine and actually made a requirement in their motion that the dumpster enclosure location remain as proposed. But they overstepped their bounds a little bit. I mean that's really not their purview, so that condition doesn't really apply in their approval. It's really the consideration of the Plan Commission, so it's now where we're at.

COMMISSIONER CHERWIN: Okay, and there was some discussion in the report as well about the design of the building being different from the retail and the type of roof and everything else. Is that, I mean how does that break down between us and Design Commission as well? Is that similar?

MR. HUBBARD: So, those other elements, we are asking for a condition of approval that would require conformance to all of those items that the Design Commission requires such as, they didn't have a problem with the asphalt roof, I think they added some conditions relative to some landscaping, some of the lighting fixtures to be more complementary to the commercial nature of the area. But those would be incorporated in one of the conditions as recommended in the Staff report to comply with all conditions of the Design Commission.

COMMISSIONER CHERWIN: I don't have any other comments. Go ahead.

CHAIRMAN LORENZINI: Before we continue, can we just ask the Petitioner to come forward and explain the three conditions that you object to and why?

MR. MARLAS: Yes. So, briefly --

CHAIRMAN LORENZINI: I'm sorry, your name and spell it please?

MR. MARLAS: Yes, I'm sorry. Charles Marlas, last name is M-a-r-l-a-s. So, really briefly, the first point regarding all the utility easements, we've been working a long time on this project with the city over a year at most and have been really eager to get before this Commission and very eager to get started on our project. The only problem I have with this item number one is rather than have the language say prior to the appearance before the Village Board, I would hope that perhaps we could change that to prior to issuance of a building permit, simply because, you know, we know we have to get these encroachments vacated or whatever but we just found out about this a month ago. To deal with the various utility companies, ComEd, Nicor, all these people, it will take a long time I think. I would like to concurrently, you

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know, get our Village Board approvals, start our building permit process and work out these fine details during that time rather than, you know, start right now with that which could take months.

This is a piece of property that we have not yet purchased. We are contingent, the closing is contingent upon our receiving all our Village approvals. The sellers are getting a little anxious I think and I'd like to try and move forward as quickly as possible.

CHAIRMAN LORENZINI: Number five?

MR. MARLAS: Number five is regarding the enclosure of the dumpster. We have worked pretty hard with Staff with this entire site plan down to the Design Commission types of plans we're using and types of plans we can't use. The Design Commission felt this dumpster enclosure was okay. We really have no place to put this aside from that little location just to the east of the parking lot.

Staff is recommending we put it inside the playground. For a multitude of reasons, that's not a good idea. Simply, reason number one, it's a secured, locked fence with garbage men coming in and collecting trash would be a bad idea. Staff recommended something else which was to start the fence right in front of the garbage enclosure, and that would be unfortunately behind one of the fire exit doors for the classrooms. So, if there were an emergency and children were leaving the building, they wouldn't be leaving the building into the safety of an enclosed playground, they'd be leaving the building into a parking lot.

So, we are hoping that the trash enclosure can stay where it is. We actually hired a landscape architect to design a new landscape surround for that trash enclosure and made of masonry and also put a black iron fence on it with some black paneling behind it to make the aesthetics, you know, as nice as can be given this location. But it really can't be inside the playground.

The last one, if someone could remind me what that was? It's not coming up.

MR. KAPUSTIAK: That's the width of the aisle.

MR. MARLAS: Oh, with the aisle. So, if one of my engineers wants to come, I do believe that is at that width because of our auto turns for fire trucks, but I'll have one of these fellows confirm.

MR. KAPUSTIAK: Yes. Jim Kapustiak, K-a-p-u-s-t-i-a-k, with SPACECO, the civil engineer for the project. That's, Chuck is correct regarding the, as part of Staff's review, they requested that the parking lot geometry be modeled with the Village's ladder truck. As part of that modeling, it was determined that the drive aisles need to be widened in order to accommodate the turning movement of the ladder truck. So, that's what dictated the width of those drive aisles beyond the 24 to 28 feet. So, that's it.

CHAIRMAN LORENZINI: Okay, thank you. Okay, now, I'm sorry, let's go back to Commissioner Sigalos. Questions?

COMMISSIONER SIGALOS: One question I have, is this a daycare center or a preschool?

MR. MARLAS: It's a little bit of both. So, it will serve children ages infant through Kindergarten. But the definition of preschool and daycare are kind of synonymous these days.

COMMISSIONER SIGALOS: Yes, I'm just confused because in the report that we got, it says the school as described by the Petitioner is classified as a daycare, not a preschool. Then it goes on to the third sentence, preschool program offered in two sessions,

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AM and PM, and a full-day program. So, it was kind of a conflict in --

MR. MARLAS: There's no AM/PM. I think that was about a year ago that we were coming in as that, but it's a full-day program.

COMMISSIONER SIGALOS: The last question I have is really more of, you know, I was at the Plat and Sub, and at that time Staff felt pretty strongly that the site was viable for commercial and retail developments. We need to explain what's changed since, any allowance of other realtors or whatever in finding that that's not the case?

MR. HUBBARD: Yes, given our conversations with the two real estate agents that we spoke with, I think our position on that softened a little bit. I think we, you know, believe that we can hold out for the commercial. I think commercial would be great in this location. I just don't know, it could be several years before that materializes or longer. There is no guarantee that, you know, that would happen within this decade. So, that's, you know, I think our position softened.

COMMISSIONER SIGALOS: I have no other questions.

CHAIRMAN LORENZINI: Commissioner Dawson?

COMMISSIONER DAWSON: Have you done any surveys of the existing daycares in the area to see if they have wait lists or they have issues?

MR. MARLAS: We have. That was in our market study that we submitted. We actually internally had two of our staff members call into the local daycare centers. Many of them were at capacity. Many of them had just a couple of spaces available. So, there is a serious need for more quality childcare in Arlington Heights without a doubt.

COMMISSIONER DAWSON: I would think so. My only, I live in this area and my kids go to Windsor. We're already overcrowded, we're getting an addition. My only concern is that, you know, it's two ways, right? We need more, just like you said, we need more quality daycare and preschool programs. Unfortunately, Arlington Heights still doesn't have a full-day Kindergarten in that program which is a huge, I think, disservice to working parents everywhere.

But I have concern that if you build, that they will come and they will only serve, we're getting our addition this year and it will only serve to cause further potential explosion of population in that school. But I don't, it's really just my, it's really almost irrelevant to my vote.

I think that, do we have the design? Can we see the design? I know it's not really our purview but, okay, there it is. I knew it was up there before. So, it doesn't conflict with the surrounding, there was a comment that it was contradictory to the surrounding area. It doesn't seem to be that contradictory.

MR. HUBBARD: I think it can be kind of a bridge between some of the surrounding residential and then the commercial areas to the east and to the south. I think it was meant to be a commercial development when it was originally planned in 2006, so in terms of that this building doesn't quite match the original approval and design in that regard.

COMMISSIONER DAWSON: I see. Okay, I was confused by that because I thought I saw it go through.

With respect to the trash enclosure, I'm going to leave that to the people up here who know more about construction issues than I do.

Then, if you're saying that it's not viable for commercial, that would be my concern because we're losing significant tax revenue by having this not be commercially based. But we do need more daycare. It's a beautiful facility. It sounds like you have a terrific

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reputation in other communities. Many times, I don't know if this is a negative or not, but many times our daycare facilities seem to be repurposed out of buildings that weren't intended for daycare use. Like for example, across the street, there is a very well respected daycare across the street, but it's a repurposed school. So, I like the idea that you are actually building a building that's intended for its use.

I have very little doubt that you'll fill up and that this will serve a great need. Luckily, my kids will be graduating from Windsor soon so I don't have to worry about the explosion of population that I think it's going to add to. But we'll see. Those things always ebb and flow, right? You had a comment?

MRS. MARLAS: I have a comment. We do offer full-day Kindergarten if the community speaks. If that is a need at this point in time until your school district does perhaps offer that, we do have that in five of our nine schools and it is a wonderful service to the working parent.

COMMISSIONER DAWSON: Thank you. No more questions.

CHAIRMAN LORENZINI: Commissioner Drost?

COMMISSIONER DROST: Yes. The thing that struck me looking at the project, it looked like Autumn Leaves.

COMMISSIONER DAWSON: It does, yes.

COMMISSIONER DROST: Another facility that we have that deal with memory loss. But the communities that you serve, you know, will fit the demographic I think of Arlington Heights. The fact that you do a lot of services in these communities and are experienced operators, I think you're a welcome addition to the community. So, I don't have any comments other than good luck.

MR. MARLAS: Thank you.

CHAIRMAN LORENZINI: Commissioner Jensen?

COMMISSIONER JENSEN: Yes, I was at Plat and Sub. I thought it was a great idea at that point. In fact, to answer Commissioner Sigalos' concern, the place has been vacant, that area has not been able to be sold for a very long time. In Plat and Sub, I did ask Bill Enright how long are we going to be vacant before we realize that the Comprehensive Plan is just an aspirational document and the market has already spoken that it's not suitable for what we would like to see from the Comprehensive Plan. I did recommend they go out there with brokers which they did. I'm thankful and commend Staff for doing it.

I think this is a wonderful project. The materials that you brought before the Plan Commission, I think they're wonderful. Great market study. I'm very supportive of it.

COMMISSIONER DROST: Yes, Commissioner Jensen, this is the invisible hand working.

COMMISSIONER JENSEN: It is.

COMMISSIONER DROST: He's an economist.

CHAIRMAN LORENZINI: Commissioner Warskow?

COMMISSIONER WARSKOW: Yes. I just want to say I am supportive as well. I'd like to hear from Sam a little bit more what the conflict is with the trash enclosure, because as a parent who used to have kids in daycare, no, I don't want trash where my kids are playing. No, I don't want garbage men coming in and out. No, I don't want kids in an unsafe situation when there is an emergency. So, I'm more for the kids than I am for the trash.

MR. HUBBARD: I think it's just an aesthetic issue, I mean where --

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COMMISSIONER WARSKOW: Okay, I think kids' safety goes above aesthetics. So, that's my only comment.

CHAIRMAN LORENZINI: Commissioner Ennes?

COMMISSIONER ENNES: The width of the street or the drive aisle --

MR. HUBBARD: I'm a little surprised. I'm not sure if I've seen them run the models with the 24 or 28-foot width. Our minimum required drive aisle width is 24 feet because that usually works on every other development. So, I'm not, you know, I'm a little surprised as to why it doesn't work that way.

So, this is showing the drive aisle at 24 feet in the middle?

MR. MILLAN: At 35, you know, where it is --

CHAIRMAN LORENZINI: Excuse me, sir, would you come state your name and spell it?

MR. MILLAN: I'm sorry. Good evening, my name is Javier Millan. I'm a senior consultant of KLOA, Incorporated. What I gave Sam --

CHAIRMAN LORENZINI: Spell your last name please.

MR. MILLAN: M-i-l-l-a-n. What I gave Sam is just the auto turns that they had requested, you know, as to why this drive is getting so wide. It's not because they want to make it wider, it's just we have to accommodate the fire truck. So, otherwise, yes, normally 24 feet, that's what you want to have. But you have to make sure that the fire truck can actually maneuver. Otherwise, it's going to wipe out vehicles.

So, that's the reason why it's so wide. Otherwise, yes, we would go smaller than that. There is no reason to go wider. So, I just gave you that so you could see the reason why.

MR. HUBBARD: Sure, yes, no, I've seen the 34 or 35-foot width. You know, to me it looks like there's maybe a little bit of room to play there.

MR. MILLAN: There could be a little bit of room. My fear is, I like to leave a little bit of elbow room because there is always somebody who might not pull all the way into the parking lot. But I agree, if you, I mean when I saw it, I'm like, you know, maybe we can shave a foot, you know. But I'm always afraid that do I shave the foot and then do I run the risk of somebody who didn't pull all the way into the parking lot, an emergency vehicle comes in and just wipes, you know, wipes out the vehicle.

So, I think it's something that we can work a little bit more, you know, but that's the reason why. This is not just because we want to make it wider.

CHAIRMAN LORENZINI: Commissioner Ennes, any other?

COMMISSIONER ENNES: Then I'd like to hear from our attorneys on the Commission as to their thoughts on the Petitioner's request that he be able to proceed and work on getting these approvals from the utility companies up to the time of the building permit.

COMMISSIONER DROST: I'll opine on that, and that is at the Petitioner's risk. I think just the sense that I got is this will move it along so that the seller doesn't --

COMMISSIONER ENNES: Sell to somebody else?

COMMISSIONER DROST: Yes, and I think why not? You know, that's actually a very large concession to the seller.

COMMISSIONER CHERWIN: I would agree, Terry. I mean from someone who is currently working on these details, that yes, I mean and does on a frequent basis, I mean yes, it is a time issue. I would say as long as the contingency is there, the fact that it's subject to

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the building permit, for me it would be fine. I mean this is a document issue --

MR. MARLAS: In all honesty, we're so far along in the process of design and development that we'd be ready to file for building permit tomorrow. We're actually waiting to get through these hurdles through various city staff meetings and commissions. So, we would be more than, there would be no financial risk for anything at that point. We'd be more than willing to just continue forward. Those easements, there is nothing in them from what we understand. So, it's just a function of paper --

COMMISSIONER DROST: Except that they're required to go straight through the center of the property.

MR. MARLAS: What?

COMMISSIONER DROST: I'm teasing you now.

MR. MARLAS: Oh, okay. I'll talk to my engineers again about that actually. Already paid them quite well.

MR. HUBBARD: I guess Staff's concern is, you know, we don't have any assurance that there is no future need for what could be run through that easement by the utility companies. So, you know, I would like to point out that this was brought up at the end of 2015 in our Plat and Sub Staff report as well as in a meeting with the Petitioner about a month-and-a-half ago, and we're still kind of waiting for this, you know, documentation.

MR. MARLAS: Are you looking for a future, a waiver of future need from the utility companies? Or a waiver of actual presence in those easements?

MR. HUBBARD: Well, the condition in the Staff report is just some sort of communication from them stating that, you know, they are aware of your request and they're, you know, open to it or they're amenable to it. Then if they are, then I think the easements could certainly be abrogated, and if that's the case that could be done before building permit is our intent.

MR. MARLAS: Okay, great. Perfect.

COMMISSIONER ENNES: That's all I had.

CHAIRMAN LORENZINI: Commissioner Green?

COMMISSIONER GREEN: Yes, I would agree with number one, before a building permit would be fine. Item five, I would definitely leave the dumpster where it is and not put it inside the gate or inside the property. I think that's bad. The fact that you've gone masonry on this, you know, just make sure it's high enough to hide the dumpsters. It's a wonderful thing.

MR. MARLAS: Thank you.

COMMISSIONER GREEN: You've got lots of nice landscaping going around and I think it's going to be, you're not even going to see it out there.

MR. MARLAS: Right.

COMMISSIONER GREEN: It's going to be great. Item six, as far as the drive aisles, if you need it for the fire truck, that's it. But as in Plat and Sub, I think this is a great project. I think it's going to, I like the architecture, it's going to be very residential in scale. I think the architects did a great job.

MR. MARLAS: Thank you.

CHAIRMAN LORENZINI: The play area, you've got a fenced-in area all the way around the building, that's the entire play area? It's going to be segregated by age group or it's just all open? Just curious.

MR. MARLAS: No, it's open.

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CHAIRMAN LORENZINI: Okay. Sam, so we're not going to put a shade tree in per code because of the underground storage tanks, but is there some place else we can put a tree? Since they always want one anyway.

MR. HUBBARD: Sure. I mean the intent is to have it in the parking lot for screening. I'm sure there's additional areas on the site that could accommodate a tree.

MR. MARLAS: Could we go back to our landscape plan for a second?

CHAIRMAN LORENZINI: Sure.

MR. MARLAS: I think we have about 50 trees right now, maybe more.

CHAIRMAN LORENZINI: Okay, I'll let the question rest then.

MR. MARLAS: Thanks.

CHAIRMAN LORENZINI: Okay, that's the end of the questions from us at this point. Any comments from the audience, from the public?

MRS. MARLAS: I'd like to make a comment. I'd like to let you know that our first school, in choosing its name, was on Kensington Street. So, I think it's rather providential, we've come full circle. I hope that affects your decision.

CHAIRMAN LORENZINI: Thank you. Yes, sir, would you come forward and please state your name and spell it?

QUESTIONS FROM AUDIENCE

MR. STUTZMAN: Hello, my name is Jason Stutzman, last name is S-t-u-t-z-m-a-n. I'm a homeowner in the Arlington Market just north of this property. We are actually, I can't speak for everyone, we're not an association yet, but we are excited to see a development with this property kind of fill a void that, you know, as we are all recent homeowners that have closed within the last year and a half. It's exciting to see more development in the area and especially something positive. Seeing the plans, I think I can speak for at least a few of the community owners. It's nice that it's going to be architecturally similar to the homes and things like that.

You know, the only thing, you know, now seeing the property and the plans, I guess it's exciting to see. A lot of us use that property to the west to walk over to Mariano's. So, having kind of a permanent walkway over there would be a positive in our eyes.

So, I just want to say it's exciting to see development. I agree with the Commissioner on the end here who was stating like the invisible hand like the market is kind of dictating what's available. We're just excited to see the empty land be used. Thank you.

CHAIRMAN LORENZINI: Thank you. Any other comments from the public? If not, we'll close the public portion of this hearing and go back to the Commissioners for final comments or a motion. If we make a motion, make sure we address items one, five and six.

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

A motion to recommend to the Village Board of Trustees approval of PC# 16-007, a Special Use to allow a daycare center in the B-2 District; an amendment to PUD Ordinances #06-043, 07-007, 07-077, 14-015; a Variation to allow a four-foot tall fence in the front yard along Dryden Avenue where three feet is permitted; a Variation to allow accessory structures (playground equipment and dumpster enclosure) within the front yard along Dryden Avenue where accessory structures must be located in the rear yard;

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and a Variation to allow no shade tree in the landscape island located at the western end of the northern parking row where one four-inch shade tree is required.

This approval is subject to the following conditions:

1. Prior to issuance of building permit, the Petitioner must provide written confirmation from all utility companies that have rights to the utility easement, which states they are amenable to either the proposed encroachments within the utility easement or the abrogation or reduction in size of said easement if it is determined that the easement is not necessary. If any amendment or abrogation of the easement is required, this amendment or abrogation must be recorded with the Cook County Recorder of Deeds and proof of this recording must be provided prior to issuance of a building permit.
2. The Petitioner must amend the pedestrian access easement to be a 20-foot wide easement that follows the proposed pedestrian pathway and runs from the northern property line down to the southern property line. This amendment must be recorded with the Cook County Recorder of Deeds, and proof of this recording must be provided prior to issuance of a building permit.
3. The Petitioner must amend the existing cross drainage easement as per the requirements of the engineering Department. This amendment must be recorded with the Cook County Recorder of Deeds and proof of this recording must be provided prior to issuance of a building permit.
4. Prior to issuance of a building permit, the Petitioner must provide the Village with an easement for the portion of public sidewalk that encroaches on the southeast corner of the site. This recording must be provided prior to issuance of a building permit.
5. The Petitioner shall work with the Village to reduce the width of the 35.02 feet drive aisle so as to allow as much green space as possible and still conform to all fire truck turning radius requirements. Such reductions may require the elimination of one parking space.
6. The Petitioner shall comply with all applicable Design Commission requirements.
7. The Petitioner shall comply with all applicable federal, state and Village codes, regulations and policies.

COMMISSIONER GREEN: Number five, we strike it because it would be as per plan. Number six, we'd strike that because that's required.

CHAIRMAN LORENZINI: Well, Sam, are you okay with taking out number six?

MR. HUBBARD: They're more generous.

COMMISSIONER DAWSON: Can we just say for continued discussion with relation to the size?

COMMISSIONER GREEN: Sure.

COMMISSIONER DAWSON: They said that there is room for movement

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there, so let them talk.

COMMISSIONER GREEN: I would say since I'm making the recommendation, sure, let's tweak that to enlarge the landscaping area as much as possible.

COMMISSIONER DROST: Yes, and then renumber seven to six and eight to seven.

COMMISSIONER GREEN: Correct, so that would be items one through six because we struck five.

COMMISSIONER JENSEN: Can you read it again, Bruce, it's a little, I mean how --

COMMISSIONER GREEN: Six is going to be as per plan but we're going to have to change it now to --

COMMISSIONER JENSEN: The old five is out. The old six, how is that going to read?

COMMISSIONER GREEN: It's going to read that we have to revise the plan and --

MR. HUBBARD: The Petitioner will have to work with Staff to revise drive aisles.

COMMISSIONER GREEN: Work with, there you go, with Staff to see if there's any reduction in width.

MR. HUBBARD: For reduction in width.

COMMISSIONER WARSKOW: To allow as much green space as possible.

COMMISSIONER GREEN: All of that. So, now we're going to end up on one through seven.

CHAIRMAN LORENZINI: Is there a second?

COMMISSIONER WARSKOW: Second.

CHAIRMAN LORENZINI: Roll call vote please, Mr. Hubbard.

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, you received a unanimous approval. When is this scheduled in front of the Board of Trustees then?

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MR. HUBBARD: We'll likely be targeting the second meeting towards September through the holiday.

CHAIRMAN LORENZINI: Very good. Congratulations, good luck.

MR. MARLAS: Thanks very much.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 10:13 p.m.)