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PLAN

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

COMMISSION

RE: HEART'S PLACE - 120-122 EAST BOEGER DRIVE - PC#17-004
REZONING, AMENDMENT TO COMP PLAN, PRELIMINARY PUD,
PRELIMINARY PLAT OF RESUBDIVISION

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 26th day of April, 2017 at the hour of 8:55 p.m.

MEMBERS PRESENT:

JOE LORENZINI, Chairman
LYNN JENSEN
MARY JO WARSKOW
TERRY ENNES
BRUCE GREEN
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 public hearing Heart's Place, 120-122 East Boeger Drive, PC#17-004. Have all the proper notices been given, Sam?

MR. HUBBARD: Yes, they have.

CHAIRMAN LORENZINI: Is the Petitioner here?

MR. KOENIG: Yes, I am.

CHAIRMAN LORENZINI: Are you the only one who's going to be testifying?

MR. KOENIG: Yes, I am.

CHAIRMAN LORENZINI: Would you please raise your right hand?

(Witness sworn.)

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

MR. KOENIG: Yes, my name is Richard Koenig, spelled K-o-e-n-i-g.

CHAIRMAN LORENZINI: Have you read all the conditions in the Staff report and do you agree with them?

MR. KOENIG: Yes, I have.

CHAIRMAN LORENZINI: Give us a brief presentation of your project.

MR. KOENIG: Again, my name is Richard Koenig. I'm the executive director of Housing Opportunity Development Corporation. We're a non-profit organization dedicated to creating affordable housing throughout Chicago's northern suburbs.

My organization has been around for over 30 years and our mission is to create housing opportunities for people that otherwise wouldn't have an opportunity to live in these areas. The organization has, we've created over 300 affordable units in over 21 developments throughout the area. In addition to doing development, we also do property management. We currently operate over 300 apartments that are affordable for lower income households. We develop property in partnership with other organizations as well as on our own in order to create housing opportunities for a variety of people who have lower incomes including families who live and work in the area, seniors who've grown up in the area that want to stay, they have raised their families in the area and want to continue to live where they have connections, and as well as for people with disabilities who are provided services in the area, who access, have families in the area but otherwise wouldn't be able to live near the amenities they're used to living with.

In order to further our housing mission, we link up with existing social service agencies in the area to make sure that people have access to the additional supports that they need. Not always but sometimes because of lower incomes, people have additional assistance if needed, and so we're able to link them up. So, we're able to be more than just a landlord. We do more than just collect the rent. We do more than just go in and sign the lease. In addition to doing the development, when we have a property that's up and running, we build relationships with our tenants and make sure they are able to access the services they need as well as be able to continue to thrive and be productive members of the community.

The team that we've put together for his proposal includes not only our organization but we are also talking with other existing organizations. We have been working with a task force who is interested in providing houses for people with disabilities and supporting that mission. We are working with existing social service agencies in the area including the Wings

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Program, Alexian Brothers Hospital, Northwest Compass, and other organizations that link up with folks and we have a reciprocal relationship with them. We're providing the housing piece and they're providing services to the tenants, but then the tenants that need an affordable place to live also have access to housing that otherwise wouldn't be able to have access to.

So, we're really creating a community and we've been able to do that throughout the northern suburbs. The organization was founded in Wilmette and we have expanded out from there into areas in Evanston and Skokie, Morton Grove, Highland Park and Deerfield. We're looking at proposals all the way out as far as Crystal Lake. We have projects that we're looking for in Palatine. So, we're really a regional group that's trying to do work in the suburbs to try and provide housing opportunities for people.

The proposal that we're looking at today, we're requesting to build a 16-unit apartment building. The property is at 120-122 Boeger and we're asking to have this existing lot that's currently zoned Commercial rezoned to a residential lot to allow us to build housing. It's essentially an apartment building, 16 units, all two-bedrooms. But what makes the housing unique and not just a typical apartment building is that we're going to make it affordable.

We're going to target folks who have lower incomes, who otherwise wouldn't be able to afford market rate rents in the area. In addition to serving folks that have lower incomes, we are also going to specifically target people with disabilities. It can be any range of types of disabilities in order to live here. Therefore, there is a term that you may see in the materials called supportive housing. That term of art, that term, what it really means is that we're proactively trying to link up people with anything that they need to help them with their lives, be independent, or to help them continue to be productive members of the society. So, rather than just putting people in housing, getting them an apartment, walking away and saying that's it, that's good, just pay your rent every month and be a good resident to your neighbors, the supportive housing component adds a piece of that where we're proactively making sure that people are getting help that they need and making sure they're getting access to any services that they otherwise, they may already be getting access to that but they may not be. But it's really proactively trying to create a place that's affordable, decent, and a community.

There are two lots, we're looking at putting those two lots together to create a two-story apartment building. As you can see in the site, there will be a parking lot to the east which will have 33 spaces. The building would be sort of in the center of the lot. We're asking to put in a gazebo to have an outside space to allow people to get outside their units, to have a nice space to be outside.

The building itself on the interior, again all two-bedroom units. We would have a community room that people could have activities, get together in groups, we can do presentations, we can get together with folks. There will also be two office spaces available, one specifically for a property manager, but in addition also a space would be available to service providers in case people needed to have services directly provided, some are able to come out and meet with someone, to have a space to go to to privately be able to assist so they can get out of the apartment, to get away from the roommate or to get away from their family and sort of be able to sit down in an office, a kind of quiet setting where they can have space to be available to do that.

The building will be fully handicap accessible. There will be an elevator in the building. All units would be visitable so you can get around to the entire building, both downstairs and upstairs. So, there's plenty of space to be able to fully get around and

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access the entire building.

We're especially excited about this site because it's so close to so many amenities. I think anybody would be excited to live here. We included just a quick amenity map. I think just saying Spunky Dunkers, what more could you possibly need, living close to that? But in addition, there are grocery stores, there are other restaurants available. There are other shopping available, bus lines that run up and down Dundee Road. I would love to live close to the Harbor Freight Tools although I'd pretty quickly run out of whatever cash I have left over shopping over there.

So, the site location to us is really exceptional. There are residential neighborhoods around there. Obviously it's a busy street along there and being zoned commercial. But there's a residential facility just across the street to the east as well as residential to the south, residential throughout the area. Again, access to services was what's really important so people can get around the community and get access to the things that they're looking for.

Why are we requesting this project and what benefits is it really providing? First of all, there is a tremendous demand for housing that's affordable in the community. Arlington Heights has a long history of providing affordable housing and being able to help folks live in the community. In fact, my history of working with Arlington Heights actually goes back 25 years. If you're familiar with the Village's single-family rehab project where people who live in their homes are able to fix them up in order to stay in their homes and either do the roofs or do windows or other types of rehab, if you look in the original records, they go all the way back to 1994. I was the loan officer that signed that first loan document to get the Village working with the Village's housing planner to help the city be able to access those funds. They've clearly gone way beyond whatever I envisioned that many years ago and continued to really help hundreds of homeowners in the Village be able to stay in their homes.

In addition, I worked with what was formerly CEDA Northwest, now Northwest Compass, to do a project in town. I was the loan officer on that project that helped provide affordable housing for folks on the east side of town. So, I have been doing this for a while and sort of know the history, that the Village has really been able to provide this. So, this provides yet another opportunity.

There is tremendous demand for units that would be affordable for people with disabilities of all types. The market study that we prepared has over 3,000 folks who would qualify to live in the units. It's only 16 units, obviously we're not going to help everyone, so there is tremendous demand and we would be able to fill up the building very quickly.

The two-bedrooms allow a huge variety of composition of types of households, whether it's a family with children, whether it's two friends living together, whether it's someone who needs another care provider to live there. It just provides a lot of options and availability to us.

We will commit to keeping this affordable for the long term. There's a minimum requirement in our loan documents when we are able to project financed of at least 30 years. But we're going to be around for a lot longer than 30 years, and in fact in accordance with the Village's requirement, to keep it affordable as long as we legally, physically can. It's our mission to make sure that it stays affordable. It's not going to be up and running and then turned around. We really have very, very long-term commitments to be able to do that.

The Village housing plan has a commitment to affordable housing and

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housing that helps people that otherwise wouldn't be able to live in it especially those with disabilities, and this helps further that mission. There is a state rule that says communities need to try and have enough affordable housing in town which the Village does meet that requirement, and this helps ensure that the next time that census comes around and they're counting how many homes meet that requirement, this will definitely help keep in compliance with that.

In addition, what's exciting about this project is really the ability to create a vibrant neighborhood, to have a community of folks living together in a place that has access to all the services that they need, that they can get in the building, to access the things they need as well as outside in the community, in the neighborhood, to be able to get around.

So, Sam has put together a great memo of what we're looking for, as we're looking for a couple of variances. We need to be able to do the consolidation of the lots. We have met all the requirements on the setbacks. So, we're asking for a small requirement on how far the building is from the parking lot. We want to have the gazebo outside in the side yard within the backyard. The backyard is Popeye's, although I'd love to sit there across from Popeye's and sit outside, but the side yard is a lot better location for being able to do that. So, some of those variances will really allow us I think to really create this building and have it fit well within the neighborhood. That's the presentation.

CHAIRMAN LORENZINI: Thank you, Mr. Koenig. Sam, Staff report please. You can have a seat if you'd like.

MR. HUBBARD: Once again, thank you, Chairman Lorenzini.

So, there are four primary zoning actions that are being presented before you this evening. The first is a rezoning from B-1 and B-2 which are commercial designations into the I District. The second action is a preliminary planned unit development to allow a 16-unit permanent supportive housing facility with several variations that have been outlined in your Staff report and I'll go through briefly towards the end of my presentation this evening. The third action is an amendment to the Comprehensive Plan to change the underlying land use designation from Commercial to Industrial, I'm sorry, Institutional. The fourth is a preliminary plat of subdivision to consolidate two existing lots of record into one property.

So, here you see the aerial of the property. It currently consists of two parcels, and in the aerial you can see a red border outlining each of the two parcels. Each parcel is approximately 20,000 square feet in size for a total combined area of just under one acre. The western part of the property currently has a single story utility building that used to serve a former antenna structure that has since been relocated to the south. The Eastern lot is currently vacant and mostly grass and open space.

As part of Staff's analysis to determine whether or not this is an appropriate development for this location, we evaluated the long-term suitability of commercial for the site, the appropriateness of multifamily residential, the relationship of that multifamily residential to the surrounding commercial properties, and the compatibility with the Village's consolidated plan which is a comprehensive five-year planning document that identifies the overall housing and community development needs of the Village and outlines various programs, resources and strategies needed to achieve those goals.

After reviewing these elements, we have determined that the proposed development complies with the Village's consolidated plan which identifies a need for housing for non-homeless individuals with disabilities and victims of domestic violence. Number two, the request is consistent with the Village's multifamily affordable housing policy in that it will

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provide 100 percent of the units as affordable. Three, the request is consistent with several goals and policies of the Village's Comprehensive Plan which I have outlined in my report on page four.

When we were looking at the long-term suitability of the site for commercial, we looked at the makeup of the surrounding neighborhood and the context of the overall neighborhood. Along Dundee Road, you have several properties that are very motor vehicle intensive including a Marathon service station at the corner, a Dunkin' Donuts, Pizza Hut, Popeye's, McDonald's, and Oberweis. Then immediately to the west, there is a daycare and a tire facility, and of course Spunky Dunkers. When you look at the properties to the east, there's an animal hospital which is currently located in the village of Buffalo Grove as well as the vacant portion of that site which is to the south and immediately abutting the subject property on the eastern side. Beyond that, you have several one-story buildings, the Timber Court development, and several multifamily/office and light industrial flexible office space as well to the south. Directly across the street, there is a multi-tenant building with a landscape contractor and various professional offices as well as an antenna tower.

So, given the multiplicity of owners within this area, we're of the opinion that it's unlikely to develop in a unified manner. The businesses that I identified are well established and economically viable. Several of them have recently invested in upgrades. McDonald's was reconstructed about two years ago. Popeye's is undergoing a major facade improvement program. So, these are well established businesses.

Given some of these site attributes, we're of the opinion that the subject property is marginal at best for commercial. It's on a local street, it doesn't front a major arterial. It lacks visibility from Arlington Heights Road and Dundee Road. If it does develop in a non-residential manner, we would expect some destination type use, perhaps an office, probably most likely it would be an office. At this time, the office vacancy in this area of Arlington Heights is close to 18 percent. The office vacancy in the northwest suburban area is around 21 percent, so not the greatest.

With respect to residential suitability, the site is adequate for an affordable residential development in Staff's opinion. Even though many of the uses I previously identify are motor vehicle oriented and commercial in nature, you can successfully develop residential adjacent to commercial properties and the Village has in multiple instances successfully sited residential properties abutting commercial properties. I would point out that not a lot of these properties are open past 11:00; in fact, most close at around 10:00 p.m. In addition, the site is within a short walking distance to a major commercial node at the intersection of Dundee and Arlington Heights Road. That node includes all of these businesses, such as an affordable grocery store, Walgreen's, several restaurants, and other general merchandise stores.

It's important to note that the land use relationship is not unique. Again, we do have multiple commercial developments that straddle residential properties and, through transitional screening and buffers, there is appropriate co-mingling of these two uses.

Relative to the proposed site, the building sits kind of in the center of the property in order to maximize the open spaces between these commercial portions. There's going to be a proposed fence along the west, north and east property lines which would further provide screening from those commercial uses.

Relative to access and public transportation, the graphic before you illustrates the Pace bus routes in the vicinity of the subject property. So, you will see towards the top, there is the 604 bus route and the subject property is indicated in red. The 604 has a stop at

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the corner of Arlington Heights and Dundee Road, and this bus would get you, if you're heading I guess westbound or southbound, it would take you eventually on to Route 53 running express all the way down to Woodfield Mall and the Northwest Transportation Center which has links to at least eight other bus routes. Heading to the east, you'd be able to link up with the 234 which as transportation to four Metra stops and eventual access to Downtown Chicago.

So, the 604 runs Monday through Saturday, about 5:00 a.m. to 9:00 p.m. on weekdays, and then on Saturdays, 8:00 a.m. to 9:30 p.m. The 234 runs only on Monday through Friday at about the same hours. If those aren't options, the Wheeling Township Dial-A-Ride service does provide transportation to seniors and individuals with disabilities, and so that would also be a viable transportation option for these future residents. It is only, again, Monday through Friday, 9:00 a.m. to 3:30.

Staff does believe that the existing public transportation network in the vicinity provides for adequate public transportation. Additionally, the proximity to the commercial node of Dundee and Arlington Heights Road allows for walkability to grocery stores, drugstores, food options, and potential employment at all those places as well.

With respect to other compatibility issues and public safety, the perceived public safety issues, we did ask our Police Department to reach out to a comparable facility in Mount Prospect to determine the effect of crime and the number of service calls in that facility. That's the Myers Place facility in Mount Prospect, it's a 39-unit rental housing, affordable rental housing development for individuals with disabilities. I did personally visit that site, I would say that it is very clean, well-maintained, and has attractive landscaping. Additionally, our Police Department found that there was not an abnormally high number of service calls to that location, and they mentioned that the operator there was very cooperative and easy to work with and responsive to any contact. Crime statistics and number of service calls in that facility have steadily decreased and are now currently at a record low for that facility which opened in 2014. I would mention that UP Development also is the property manager of that facility and I believe the developer as well.

Second, I would like to mention that Staff recommended a condition of approval that would require the Petitioner to provide a draft of their tenant selection plan and resident manual prior to consideration by the Village Board. This would be for Village review and approval. I think we're just trying to understand the tenancy rules here and tenant screening process, just to make sure that, you know, the proper procedures are in place to ensure that the development is successful. Finally, I would add that due to the subject property location, child sex offenders would be outright prohibited because the property is less than 500 feet from Buffalo Grove High School, and there is currently a daycare immediately to the west.

Relative to zoning, the subject property complies with all of the required setbacks, floor area ratio, lot coverage, building coverage, height, parking, density, and minimum dwelling unit size restrictions. There are some areas where variations are required, and they pertain to the minimum area and location for an institutional district, the location of the gazebo, the provision of a traffic study, the provision of a loading space, and the building pavement separation.

With respect to the first two variations relative to the size of the district and the requirement that the institutional district be located along a collector street, the Staff Development Committee supports these variations. The size of the property is sufficient to accommodate the building, and that's proven by compliance with all of the setbacks, the lot

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coverage, the FAR, building height standards, all of these things that regulate mass and bulk. In conjunction with that, there is sufficient green space around the building given the size of the building setbacks.

Next, we have the building pavement separation. This is a requirement that's only within the I District and unique to the I District. It basically requires a separation between the building and the paved areas on site which includes the parking lot. The proposal has in some places a minimum of 15 feet separation where code requires a 25-foot separation, so most notably that's going to be along the east side of the building here and down here. So, there's only three units on the first floor that are located along this eastern elevation. In some cases, the setback where the building recesses in is closer to 19 feet, but we don't believe that this variation will conflict with parking. It won't obstruct pedestrian access around the building. We don't believe it will become a nuisance to the residents.

Relative to the gazebo located on the west side of the site, that's an accessory structure so it's technically required to be in the rear yard which would be everything behind the building back here. I think it would be difficult to fit this towards the rear of the site. There are several utility infrastructure elements that are going to be added in. There is going to be a storm sewer line with inlets running this way. You've already got some of the air conditioning units in the rear as well. To push it back into the corner of the site over here would put it abutting the child outdoor play area for the daycare to the west. So, given the viable open spaces on the site, Staff agrees that the most practical location is where it's currently located and we are supportive of that variation as well.

Loading space, the code requires one loading space for any multifamily or institutional development. Based on the description by the Petitioner, they really don't expect much loading to occur here. I think the code requirements really, in an institutional setting, is relative to a nursing home or a property that's going to, you know, provide food service for multiple individuals and going to have a lot of deliveries. In an apartment setting, it's probably more applicable to larger developments with more units. The units here are fully furnished, so tenants and residents that move in, it's not like they're going to have a large move-in truck. Likely they wouldn't have one because the units are already fully furnished.

So, Staff doesn't believe a loading space is necessary and concurs with the Petitioner in that sense. Finally, I'll point out that, you know, there is quite a bit of parking here to meet code requirements. Residents here, probably not a lot of them would own a vehicle, so there would likely be open parking spaces, to allow those open parking spaces to be used for loading if it was actually needed.

Finally, a traffic study is required for all PUDs. The Petitioner did not submit a traffic study and asked for a variation from this requirement. Staff agrees that a variation is warranted given that the property is only going to be 16 units. Most of the residents will not own cars. The fact that a commercial development on this property, which would be permitted under current zoning, would generate more traffic than the proposed residential use, leads Staff to believe that traffic is not going to be a concern, and staff supports this variation.

So, in sum, we are supportive of the variations and of the proposal and we're recommending approval subject to the conditions here in the Staff report and on the slide here. I can kind of go through some of the more notable ones. It is a preliminary PUD and it has to be approved as a final PUD. Then by code, the developer has up to 24 months to proceed with construction after final PUD has been obtained. If construction does not commence, then all

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of the ordinances approving this development would become null and void and the zoning would revert back to B-1 and B-2, and the Comprehensive Plan designation would revert back to Commercial. So, that's kind of what condition number one is saying. I think we just wanted to add it as a condition to further reinforce that requirement.

Second, all units in the development will be deed restricted so that they remain in perpetuity as an affordable housing development for individuals with disabilities and meeting all HUD defined income levels.

I will point out on condition number four, the Petitioner has clarified with us that they would actually have a shared property manager and a part-time maintenance staff as opposed to full time. They would be there Monday through Friday, 9:00 a.m. to 5:00 p.m. as needed. The condition as drafted in the Staff report referenced a full-time property manager and full-time maintenance staff being there Monday through Friday, 9:00 to 5:00. But it's the Petitioner's intention to only have these part time as needed, and the condition has been adjusted to reflect that.

Most of the other conditions are fairly standard. There was a condition to comply with the Design Commission, and then of course to provide the tenant selection plan and the resident manual prior to consideration by the Village Board as I outlined previously. Then the rest is pretty straightforward.

So, again we're supportive of this development subject to the conditions and that concludes Staff's presentation.

CHAIRMAN LORENZINI: Thank you, Mr. Hubbard. Is there a motion to enter the Staff report into the public record?

COMMISSIONER ENNES: So moved.

CHAIRMAN LORENZINI: Second?

COMMISSIONER CHERWIN: Second.

CHAIRMAN LORENZINI: All in favor?

(Chorus of ayes.)

CHAIRMAN LORENZINI: Opposed?

(No response.)

CHAIRMAN LORENZINI: Okay, thank you. We'll go to the questions from the Commissioners now. Commissioner Cherwin, would you like to start?

COMMISSIONER CHERWIN: Sure, nice. Yes, thanks, and thank you both for the nice perspective here, from the Village's perspective and the Petitioner's. I have a couple of questions I guess for each.

Mr. Koenig, first of all, could you explain the deed restriction a little bit? I mean is that a requirement of your financing? Is that the purpose for putting that in?

MR. KOENIG: Correct. Yes, under the financing, in order to get the financial package, because it's below market financing, in exchange for getting money that's cheaper than you can go to borrow from a bank, there's a restriction placed on the property saying in order to get this money you need to be able to keep it affordable for a long period of time. There's a minimum of 30 years on that restriction.

COMMISSIONER CHERWIN: You had indicated your preference would be to self-impose a deed restriction of a higher duration than 30 years?

MR. KOENIG: The Village's plan suggests that for affordable housing, it should be affordable for in perpetuity which is fine with us.

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COMMISSIONER CHERWIN: I guess the other question then for Mr. Koenig is on the property manager situation. At what point is the break point for you to determine that a full-time property manager is available as opposed to a part time? I mean what is a, how critical is it to have a property manager at all on these properties if it's a 16-unit property?

MR. KOENIG: Yes, for 16 units it's not necessary. It's a small building. Unless a building, once it reaches 50, 60, 70 units, it's more likely to have a property manager full time on site. With a building like this, we're able to have a part-time property manager. We've got several buildings of that size that they're able to go to and they're there to have a presence at the buildings.

COMMISSIONER CHERWIN: The property managers you have on site, the only thing they're providing is the typical property management, facility management type of role. Given the tenant mix or anything, is there any additional, I guess needs or any additional roles that the property manager would have to play?

MR. KOENIG: So, the property manager, they have the basic role of making the people qualify and they fill the paperwork, they get their lease. Our form of management goes beyond that. We do property management plus where we don't just sign the lease and walk away and say if you don't pay the rent too bad. We build a relationship with our residents, and so we're able to go beyond that.

If people have a situation, we know who to call. If someone hasn't paid the rent on time, for example, I had a mom call me up, her son hadn't paid his rent, he got a five-day notice. She called up and started yelling at me, why are you going to evict him? Why would you kick him out, why didn't you call me? I said it's not my job to call mom, he's supposed to pay his rent. Now I know call mom because, you know, she's going to help out and pay the rent. So, we have that additional relationship with our tenants beyond sort of that technical relationship and to see what else do they need. The goal is to keep them in housing, not just collect the rent.

COMMISSIONER CHERWIN: Thank you. Then Mr. Hubbard, just a few questions for you. I know this is a 16-unit building. The affordable guidelines, a 16-unit building would typically, in the published guidelines, the 16 units would be what?

MR. HUBBARD: That would be two units as affordable.

COMMISSIONER CHERWIN: Two units as affordable, okay. This is over and above the typical guidelines that, you know, we'd recommend. I guess my question would be if we're doing that and we're putting in a disproportionate amount of affordable units over and above the published guidelines, is there some kind of offset in other developments that the Village would make available? So, if we have 16 units and the guidelines provide for two, so we're 14 over, is there some sort of offset that would be made available to other developers in the Village?

MR. HUBBARD: No. Currently, there is no provision in the affordable housing policy that provides that.

COMMISSIONER CHERWIN: So, just a clarification on it. The policy, is it truly the guidelines or is it the guidelines supposed to be minimum guidelines and the preferred, I mean is it the Village's position that if two is the number, it would be up to 16 and two is the minimum?

MR. HUBBARD: Two is the minimum, yes. It's the minimum.

COMMISSIONER CHERWIN: So, if the next five developments that come to us are all 100 percent affordable, is there any, would that be considered within the guidelines of

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the Village? I'm trying to understand about the policy on the affordable housing.

MR. HUBBARD: I suppose so. I mean, you know, if there are multiple developments that are coming forth in the Village that provides substantial affordable housing and the Village does not see a need to, you know, have that policy, they can certainly adjust it. But there is no, you know, provision for one development to provide more which allows the next development to provide less. It's just each development, and it's just a guide, it's just a policy. It's not a code requirement.

COMMISSIONER CHERWIN: So, if they don't hit that minimum, then they have to, you know, there's a subsidy that has to be paid by the developer in the development. If they have 16 units and they don't have any, then they have to pay in for the two units that they don't produce.

MR. HUBBARD: Fee in lieu of which we have a number that we ask for.

COMMISSIONER CHERWIN: Right.

MR. HUBBARD: We very rarely get that number, so there's always people that come in with less than I guess what the policy recommends. In this case, it's more, so maybe it balances out.

COMMISSIONER CHERWIN: So, I guess that's what I'm just trying to clarify because when I read the affordable housing guidelines, it doesn't say anything about a minimum, it says as a published guideline. I'm just wondering if as a comprehensive policy, if this guideline starts to get way out of whack because we're treating them as minimum, then I don't know if the guideline has to be revamped or looked at. But again I'm just wondering how that's offset in the developments. So, I'll wait for public -- I'm sorry, go ahead.

MR. HUBBARD: I was going to say it's certainly something that, you know, we could probably discuss at the Housing Commission. They're the ones that I think establish that.

COMMISSIONER CHERWIN: I'll wait for my fellow Commissioners and the public and see if I have any further comments. Thanks.

CHAIRMAN LORENZINI: Commissioner Sigalos?

COMMISSIONER SIGALOS: My question, the first question I have is the definition of supportive housing. I read in here where it's for people with physical, mental and developmental disabilities, victims of domestic abuse. But I'm also hearing affordable housing. So, does that mean, let's say someone, let's say a low income individual without any of these disabilities could occupy this residence?

MR. KOENIG: No. There are certain cutoffs. If someone had a disability and had more income, they wouldn't qualify. So, you have to both be below the income threshold and have a disability. You have to meet both those qualifications.

COMMISSIONER SIGALOS: But again, if you only have the one --

MR. KOENIG: If you only had or the other, you need to have both.

COMMISSIONER SIGALOS: Then I heard, I saw where you say a sex offender cannot live there.

MR. KOENIG: Correct, could not.

COMMISSIONER SIGALOS: But what about anybody with a criminal history?

MR. KOENIG: No. We do, part of our screening process includes background checks, criminal checks, credit checks. If someone has a felony, then they would not

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be eligible. We're not interested in that.

COMMISSIONER SIGALOS: My next question has got to do with the occupancy. I saw you where have 16 units but up to four unrelated adults/individuals could live in each unit. So, that would be a total of 64 residents.

MR. KOENIG: Just like any apartment building in the Village, it would follow that regular code, but any code that any other apartment building would need to follow.

COMMISSIONER SIGALOS: So, the rent rate I saw is \$1,298 per month. That's per unit or per individual?

MR. KOENIG: Correct. Per unit, for the whole unit.

COMMISSIONER SIGALOS: Per unit. So, if there's four individuals, it would be \$325.

MR. KOENIG: But again, their income, they all have to qualify. So, all their incomes added together would be a household, so it would be all the individuals would have to income qualify. So, all four other people, all their incomes added together. Again, you asked about that income threshold, those combined would have to be together, they'd have to qualify.

COMMISSIONER SIGALOS: I understand. I heard your answer to Commissioner Cherwin's question about the onsite manager or maintenance man. I'm more concerned about medical staff. I saw in the letter from Faith & Action Team dated March 27th which was in our packet, they state that disabled residents with mental illness do receive treatment that includes medical and counseling onsite. Then as far as your letter of February 10th, it states management staff, maintenance staff, case managers and service providers will be present at the site during business hours to provide management, maintenance and support social services as required. Yet I also heard you say that they won't be there or be there only as needed. Well, how do you know when something is going to happen if there's nobody there?

MR. KOENIG: Right. Again, so separating the two pieces out of them, the management piece with the property manager and the maintenance folks being onsite, so the manager is there to have a presence in the building, to sign leases and to interact with the tenants and have a relationship with the tenants.

COMMISSIONER SIGALOS: I understand that.

MR. KOENIG: The maintenance person takes care of their piece. On the staffing side, on the supportive services side, that's really an individual person by person, resident by resident basis with their relationship with their individual service provider. Some people, the service provider and the case manager, it doesn't come through my organization, doesn't come through the manager. We link up with those social service agencies and it's up to that person and that agency to determine what those person's needs are to make sure that they're available when that person needs access to those level of services.

COMMISSIONER SIGALOS: I understand. But let's say someone there, one of the residents has a, say some type of a mental breakdown or what have you, you've got no one there onsite to deal with that?

MR. KOENIG: Just like anybody, any apartment building, any homeowner, if someone has an issue, if it comes up, they need to call 911, if they need to call for assistance, they need to call their case-worker. Just like any other person, they would need to get access to that. So, we don't have someone sitting there waiting for that emergency to happen. We have a 24-hour paging system. They can call us or they can call whatever other, access the services they need to make sure they're taken care of by the way.

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COMMISSIONER SIGALOS: Then as far as the residents living on the site, they can come and go any time, they just --

MR. KOENIG: It's just an apartment building, yes.

COMMISSIONER SIGALOS: Just an apartment building. So, it's not --

MR. KOENIG: It's an apartment that's catering to a specific population. Yes, there's no restriction on coming and going, it's just their apartment.

COMMISSIONER SIGALOS: My last question really deals with the, primarily the neighbors in the surrounding area, the daycare center to the west. You know, Arlington Heights is a model of a village of good neighbors and we certainly want to maintain that. I read in a letter from the property owner, Margaret Everding, in which a similar project came before in 2010, the Kinder Care left that site because of the loss of student enrollment or what have you in their daycare center. I'm kind of concerned if that's going to happen again now to the daycare center that's there now. It sounded like this letter from Margaret Everding, it sounded like that's a very strong possibility. That kind of concerns me.

I understand, I'm fully supportive of the need for supportive housing. But when I see it right next to a daycare center, I'm really concerned about that.

MR. KOENIG: So, I have personally met with the executive director of the daycare center. I've talked with her a couple of times. We've sort of reached out to them. I have not spoken with the owner of the current daycare. The concern that the current executive director had was, her issue with the proposal as we told her about it was the issue during construction. She was worried that children having naps between 1:00 and 3:00 would have their naps interrupted during the construction period. So, if it takes nine, 12 months or so to build that building, that was the major concern.

If she had brought up anything else to me, in fact I went back and said do you have any other concerns? They reiterated, and they can speak for themselves and you can ask them, their concern was really it wasn't, they didn't express it to me personally, the long-term operating, anything about the residents who would be there. Their issues were really during construction and making sure that nap time wasn't interrupted. So, I don't know how to go beyond that, I don't know anything about the previous proposal.

COMMISSIONER SIGALOS: That's all I have for right now.

CHAIRMAN LORENZINI: Commissioner Dawson?

COMMISSIONER DAWSON: I was on the board when a similar development came up in 2010. So, I asked all of my questions at that time, this is a very similar project. I'm also, I used to be on the Housing Commission so I'm very familiar with affordable housing policies. So, I'd like to hear from the, I don't really have any questions about the project, I'm glad, so glad to see this coming back, and I would like to hear from the audience.

CHAIRMAN LORENZINI: Commissioner Jensen?

COMMISSIONER JENSEN: I think everything was really taken care of in Plat & Sub, and I'll wait, I'd rather hear from the public as the other Commissioners do.

CHAIRMAN LORENZINI: Commissioner Warskow?

COMMISSIONER WARSKOW: I don't have any questions at this point in time.

CHAIRMAN LORENZINI: Commissioner Ennes?

COMMISSIONER ENNES: I wasn't at Plat & Sub and I do have a couple of questions. Sam, in our package, we had this report, the Furman Center policy brief, the impact of

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supportive housing on, I think the rest of the title was on the property values. Who provided that to us?

MR. HUBBARD: The Petitioner.

COMMISSIONER ENNES: So, Mr. Koenig, this was a study as, I didn't read the whole 33 pages of brief, but as I scanned through it, it was a study on a number of boroughs in New York on the impact of these facilities in their neighborhoods. Why would you provide a report like this from 900 miles away in boroughs that we have no idea how those compare to our neighborhoods or communities.

MR. KOENIG: Sure. In the past, when we have presented affordable housing proposals, supportive housing proposals to villages, one of the issues that pretty typically comes up is the neighbors nearby want to know what the impact is on the property values. They suggest that their property values are going to go down. In order to try and put information out there and help alleviate some of those concerns, we tried to provide studies, we make available studies that sort of exist that address some of the issues.

I still never found the perfect study that fits the exact situation for the exact village I'm going to that's exactly the same structure. So, our goal is to sort of provide that type of information to start to address that issue, how will it impact property values when you put a certain type of affordable development, supportive housing, affordable housing, in a neighborhood that exists and what's happening to property values around that. It's an attempt to try and start to address that issue.

COMMISSIONER ENNES: Thank you. Well, I'm not sure how it relates just because I'm not familiar with any of those areas. You also in the package have a letter from a broker?

MR. KOENIG: So, we have a contract on the property.

COMMISSIONER ENNES: No, you have a, there's a letter from a broker talking about how long the property has been on --

MR. KOENIG: Right, right. It's been vacant for a number of years.

COMMISSIONER ENNES: Is that broker available to talk to us then to answer any questions?

MR. KOENIG: We did not bring them along. I don't know if they attended. We did not intend to have them come up.

COMMISSIONER ENNES: Well, maybe you can answer this if you have personal knowledge. It indicated that there was a 69 percent drop in the value from what they were asking when they originally listed the property.

MR. KOENIG: Yes, I don't know. I don't know that information. That's why we provided the letter from that broker, to show what that information was. I'm sorry, I don't have them available for you, sir.

COMMISSIONER ENNES: Well, they indicated that they were originally asking you \$23 a square foot. I believe, you might know this, what did you pay per square foot for the land? And have you actually bought the land?

MR. KOENIG: No, we have not purchased, we have a contract on the land.

COMMISSIONER ENNES: So, you haven't actually purchased.

MR. KOENIG: Correct.

COMMISSIONER ENNES: Is that, from what I hear, that's about \$7 a square foot?

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MR. KOENIG: Is that about what the number is? That sounds pretty close I think, yes. I don't remember the number off the top of my head but that's pretty close.

COMMISSIONER ENNES: Okay, I do a lot of property valuation work. I've got to think possibly the reason that the property was on the market for so long was because the asking price was so high. This is a much more, for vacant land in the area and what's been going on, that's much more reasonable, \$7 to \$10 a square foot.

So, my question there was really in regards to, as the value really dropped there, is that really what it's worth as to what you're paying? I don't think it's a blighted area, although I don't think office building development in that area right now would be very good. There is a lot of vacancy. However, the surrounding area is full of commercial businesses that have been there a long time.

Let's see. Parking. Sam, you indicated that there wasn't, that they were providing adequate parking at this time?

MR. HUBBARD: Yes. 33 spaces are required, 33 are provided. So, they meet code requirements for parking.

COMMISSIONER ENNES: I thought I noticed something in here that they had asked for a variance for a reduced parking.

MR. HUBBARD: Traffic study. It was a variation for traffic study.

COMMISSIONER ENNES: I thought it was with regard to the parking for the number of --

MR. KOENIG: There was some contemplation about doing some land-banking for the parking, but we have agreed to just put it all in now.

COMMISSIONER ENNES: One of my other questions relates to the location of the building on the property. Why would, given the fact that there is this daycare right next door, why would you put a gazebo where people will gather right adjacent to the daycare's playing ground?

MR. KOENIG: The issue is the engineering. That's the exact same question I asked the architect when I saw the rest of the plans. The way that they explained it to me was the existing infrastructure and the way that there's a, Sam, if you have any input on that, the way that the lot is configured right now, this is the best configuration. It will create a difficult situation with the infrastructure if it was flipped the other way.

COMMISSIONER ENNES: Irrespective of that, considering the adjoining property, I think that's something that just surprised me, that that would be located there.

Let's see. As far as construction, do each of the units have like a sliding door to the outside?

MR. KOENIG: No.

COMMISSIONER ENNES: They don't. I noticed that there was an indication that windows were single-hung. Are single-hung windows, windows that can open?

MR. KOENIG: Yes, they can open.

COMMISSIONER ENNES: Your company, Housing Opportunity, the company that you're the CEO of, you're going to develop and operate this facility?

MR. KOENIG: Correct. So, we're co-developing it. We're in a partnership with a group called UP Development. So, it's co-owned but we are the property management company. So, we're involved in the ownership as well as the long-term property management.

COMMISSIONER ENNES: Are you a for-profit corporation?

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MR. KOENIG: We are a 501(c)(3) non-profit organization.

COMMISSIONER ENNES: So, you'd be looking for an exemption from property taxes on this?

MR. KOENIG: No, we would not. No, so we're not, we don't have complete control. In addition, the way that it's structured, so it's a for-profit entity that owns the land and so we'll pay property taxes. We're not asking for a real estate property tax exemption.

COMMISSIONER ENNES: You'll lease that land from them?

MR. KOENIG: No. No, it's --

COMMISSIONER ENNES: So the corporation owns the land?

MR. KOENIG: So, the partnership that we created will own the land and building, will own the whole property. We're a piece of that ownership entity.

COMMISSIONER ENNES: Sam, to come back to you, if an operation like this is not successful, why would we want the deed restriction to be forever? What if we had to consider an alternate use? How could, that couldn't be changed then?

MR. HUBBARD: Well, two things. I think that there is an extensive wait list for these types of facilities. So, tenancy and occupancy --

COMMISSIONER ENNES: But perpetual means forever, right?

MR. HUBBARD: It does, yes, it does.

COMMISSIONER ENNES: You know, there's been lists for high demand, for all kinds of properties and then three years later --

MR. HUBBARD: Sure.

COMMISSIONER ENNES: Perpetual?

MR. HUBBARD: Well, I think that it meets the goals of the Village. I think that we don't want to provide temporary affordable housing. We want to provide permanent affordable housing to ensure that --

COMMISSIONER ENNES: I understand that. But it would be much more reasonable to me that, you know, uses, it varies, demand varies. We have a perpetual, that never changes.

MR. HUBBARD: Well, they can. They can come back and amend the petition and --

COMMISSIONER ENNES: Who would have to agree to that?

MR. HUBBARD: The Village.

COMMISSIONER ENNES: And the property owner?

MR. HUBBARD: Well, yes, the property owner, right.

COMMISSIONER ENNES: I just, I never realized these were perpetual. Let's see. Loading berths I think you addressed. That's all I have for now.

CHAIRMAN LORENZINI: Commissioner Green?

COMMISSIONER GREEN: Yes, a couple of questions for you, Sam, just on the Staff report. There's 16 two-bedroom units, and there's a limit of four per unit. How are we going to limit that? Is it in the lease agreement that you can only have four people per unit?

MR. HUBBARD: You're asking me?

COMMISSIONER GREEN: Somebody, I want an answer to that. Sam, what's your answer?

MR. HUBBARD: Well, building code, I mean if you're getting at is there any restriction in our recommended conditions that will restrict it to four occupants, there is not. But

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the building code would limit it based on occupancy of a, you know, of a bedroom, two people per each bedroom based on occupancy.

COMMISSIONER GREEN: Occupancy from the building code.

MR. HUBBARD: Per the building code, yes.

COMMISSIONER GREEN: So, the family, the definition has been eliminated I assume from the zoning ordinance?

MR. HUBBARD: The Plan Commission recommended approval of the text amendments that eliminated the definition. It has yet to go to the Village Board for final approval.

COMMISSIONER GREEN: So, it's still in effect is what you're saying?

MR. HUBBARD: So, currently, sure, yes.

COMMISSIONER GREEN: So, why aren't they following the code?

MR. HUBBARD: As in they should be limited to three occupants per unit?

COMMISSIONER GREEN: Three, yes.

MR. HUBBARD: Well, counsel has also advised us that our definition of family is not legally defensible.

COMMISSIONER GREEN: I had this argument in that meeting. Why is it that there's a law in the books that we're not following? To use a very popular term now, are we a sanctuary city that we only enforce what we want?

MR. HUBBARD: I don't know --

COMMISSIONER DAWSON: Not what a sanctuary city means.

MR. HUBBARD: I don't know if we'd be able to legally enforce it. If we were to come in and say you don't meet the definition of family, we'd be opening ourselves up to, you know, potential lawsuits, I would think. That's what it seemed like when we met at the Ordinance Review Committee and Robin recommended that.

COMMISSIONER GREEN: Well, I just, the statement was that we think it's unconstitutional so we're going to get rid of it. But we didn't get rid of it, so we don't know if it's unconstitutional. So, I guess I'm asking why are we always looking past these things?

As an architect, as I explained at the meeting, I follow all zoning ordinances and building codes. I don't get to interpret which ones that I think are good or bad. So, I'm asking the question again because I want it on the record for the Trustees to hear what is the answer to that? Should they or should they not follow that restriction? This is just a minor point but it makes a bigger point I think.

MR. HUBBARD: Probably a larger question that the panel here, the Commission here cannot answer.

COMMISSIONER GREEN: Okay, let's just move on. There's a lot of reference to the 2010 project of which I was very much a part of. There we had 30 one bedroom units. In here we have 16 two-bedroom units. So, there's a lot of talk about the density and all this and all that, but isn't it really kind of the same if you do the math? Two bedrooms times 16 and one bedroom times 30? I mean, aren't we really looking at the same kind of density in the number of people that can be there?

MR. HUBBARD: In some ways, yes, I think it could be similar. However, this meets code requirements.

COMMISSIONER GREEN: Oh, no, I understand. I'm not saying that. I think that the developer this time around has made use of the zoning ordinances in their favor. It makes a lot of sense, when you go from 30 units, you get rid of 30 kitchens, you go down to 16

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kitchens. If it's a cost saving thing, I understand all that. But I don't think there should be so much discussion on what happened in 2010 and what's supposedly not happening in 2017. That's all. There's a lot of reference to 2010.

So, my question for you, Mr. Koenig, is that project in 2010 because it's in this report, if the term disability neutral was available then, would that apply to the people who were using the proposed project in 2010?

MR. KOENIG: I wasn't involved in the 2010 project so I can't answer about that, anything about that project.

COMMISSIONER GREEN: Because Jessica Parker, she was. Can she answer that question?

MR. KOENIG: She is not here this evening. I can answer your question in general about Federal Fair Housing and sort of what has changed in evolution over time if you want me to sort of get into that a little bit.

COMMISSIONER GREEN: I would like to know, I just want to know who could use the project proposed in 2010 compared to who can use the project in 2017. Is it the same group of disabled people?

MR. KOENIG: I don't know the 2010 project, however that was structured. Currently, the definition is disability neutral, so anybody with any type of disability, whether it's a physical disability, whether they're in a wheelchair, they have sight issues, whether they have a mental disability or it's a developmental disability, whatever that range, any type of disability at all would be eligible to live here.

COMMISSIONER GREEN: I would assume that it would be similar, just it's a term probably but in 2010.

COMMISSIONER DAWSON: 2010 was limited purely to mental disabilities. It was not broad, as broad as this one.

COMMISSIONER GREEN: Okay, thank you. I'll have more to say to this after the public comment, but there was a lot of reference to, and just to be clear on the record, the analysis section of this went into how it is a great thing for affordable housing, for low and moderate income family, et cetera, et cetera. I agree with all of that, I really do. I think that we need housing like that.

But as I asked Mr. Koenig in the Plat & Sub meeting, the variations from 2010 were all based on one factor, the fact that the site is too small. So, the density, the parking, the setbacks, and all those variations that were asked for could have been eliminated if you had the proper site. I asked you in Plat & Sub, you're back with fewer variations but there are still variations. Have you looked for a piece of property that's two acres that would eliminate all these variations and, therefore, we wouldn't probably be here tonight at 10:00 o'clock talking about this? Have you looked for a piece of property that's two acres minimum?

MR. KOENIG: So, the two acre-minimum question is regarding the institutional zoning.

COMMISSIONER GREEN: Correct.

MR. KOENIG: My response to the institutional zoning is that I respectfully disagree with Staff's recommendation that we request the institutional zoning. I believe that we should be asking for R-5 zoning in which case the requirement would be one acre and we're at 0.93 acres, so we are within a reasonable amount of being within that one-acre requirement. So, the fact that what we've been looking for is a piece of land that's available to be able to develop a

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property that's much needed in the Village, the fact that it's set up as a specific type of use under the zoning code versus another type of use from the zoning code and sort of pushes it into a different level of requirement, that's why I can't give you a straightforward answer because we have looked, we are looking for types of properties. We have not been looking specifically for a two-acre site to meet an institutional zoning requirement.

We've been looking for a site that we could develop that's able to provide this type of housing on an appropriate area. If it's the R-5, we're having a very different discussion and that's why I think it should have come in as.

COMMISSIONER GREEN: Well, but that's what you think, and so the Village does not agree with you.

MR. KOENIG: Yes. Correct.

COMMISSIONER GREEN: So, in order to meet this requirement, it's institutional and it's a minimum of two acres. Have you looked at any property, have you found any property that would qualify as two acres for this project?

MR. KOENIG: We don't currently have any property like that available to us that I know of.

COMMISSIONER GREEN: Okay, thank you. No more at this time.

CHAIRMAN LORENZINI: Okay, thank you. Sam, could you please put up that aerial which shows the different, yes. So, just immediately to the west, what property is that? That's the --

MR. HUBBARD: The daycare.

CHAIRMAN LORENZINI: To the west of that is the Spunky donuts?

MR. HUBBARD: Spunky Dunkers.

CHAIRMAN LORENZINI: Then immediately to the east, that's an all-forested area?

MR. HUBBARD: Yes. A portion of that property is in Buffalo Grove, and then a portion is vacant.

CHAIRMAN LORENZINI: Immediately to the southwest, what is that building?

MR. HUBBARD: I believe that's an office building.

CHAIRMAN LORENZINI: And west of that office building?

MR. HUBBARD: West of that office building is another office building.

COMMISSIONER ENNES: It's a doctor's office.

CHAIRMAN LORENZINI: To the east of that building is another forested area, south of Boeger Road?

MR. HUBBARD: Yes, with this large antenna, yes, which you can barely see. It's just a shadow in that picture.

CHAIRMAN LORENZINI: Okay, all right.

MR. HUBBARD: To the east of that is the Timber Court.

CHAIRMAN LORENZINI: Now, you mentioned vacancy for offices is about 18 percent. What is the expected standard vacancy rate? The norm, because not everything is always 100 percent.

MR. HUBBARD: For an office? I think if you're in the 10 percent range, you're doing pretty good.

CHAIRMAN LORENZINI: So, 10 percent is more standard. This is a healthy

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rate.

MR. HUBBARD: Healthy, yes.

COMMISSIONER ENNES: In a good economy.

CHAIRMAN LORENZINI: In a good economy, okay. All right, and kind of going to what Commissioner Green was saying, so is the density per code for this property?

MR. HUBBARD: It is, yes. It does meet the density requirements.

CHAIRMAN LORENZINI: Mr. Koenig, it's admirable what you're doing here.

MR. KOENIG: Thank you.

CHAIRMAN LORENZINI: But having said that, so you're not for profit but Optima owns the land and they obviously are a for profit company. Was it Optima did you say?

MR. KOENIG: The owner's name? No, it's not Optima that owns the land.

CHAIRMAN LORENZINI: Oh, I'm sorry, I thought you said --

MR. KOENIG: There's individuals now, individuals that own the land. I can't remember, I don't remember the name of the individuals.

CHAIRMAN LORENZINI: Okay, that's fine.

MR. HORWITZ: I'm sorry.

CHAIRMAN LORENZINI: Excuse me, if you're going to speak, would you please come up and state your name?

MR. HORWITZ: Now?

CHAIRMAN LORENZINI: Yes, please. Just state your name and spell it please.

MR. HORWITZ: Craig Horwitz.

CHAIRMAN LORENZINI: Can you spell it please?

MR. HORWITZ: H-o-r-w-i-t-z.

CHAIRMAN LORENZINI: Okay, and the owner of the land?

MR. HORWITZ: According to the federal lawsuit, Nikolich v. Arlington Heights was the federal lawsuit that happened after the Trustees chose not to approve the project. I have it here. Do you want the spelling?

CHAIRMAN LORENZINI: Of the owner?

MR. HORWITZ: Yes, the owner of the property.

CHAIRMAN LORENZINI: Sure. Sure, you can spell it.

MR. HORWITZ: Here, let him.

MR. HUBBARD: N-i-k-o-l-i-c-h.

MR. HORWITZ: Good, thank you.

CHAIRMAN LORENZINI: Very good. That's all, thank you.

Mr. Koenig, the other buildings that you have, are they also near transportation similar to this? Public transportation?

MR. KOENIG: We try to locate near public transportation as much as possible, sure, whether it's buses or trains or L's, I mean whatever is available. If not, we do try and get people access to riding services.

CHAIRMAN LORENZINI: So, the disabilities, people with disabilities that you're going to have live here, so it's all types of disabilities, not just --

MR. KOENIG: Correct, any type of disability, of any kind at all.

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CHAIRMAN LORENZINI: That falls under the Federal Disabilities Act definition?

MR. KOENIG: Correct.

CHAIRMAN LORENZINI: When you say you're going to have some type of help, there would be some type of help available, what did you mean by that?

MR. KOENIG: So, we try to link up with social service agencies in the area. Some of the tenants who will come to us already have access to services, they're already working with case-workers, they're already working with agencies. If tenants apply to the organization, they want a place to live, if they determine that they would like to have access and help with somebody who, an agency, we try and make those connections, make those linkages.

CHAIRMAN LORENZINI: Then, so if somebody wants to rent an apartment, they have to sign a lease?

MR. KOENIG: Correct, it's a one-year lease.

CHAIRMAN LORENZINI: Okay, what type of income level are we looking at? Minimum?

MR. KOENIG: Sure. It varies by household size. But essentially in rough numbers, I don't, instead of quoting the specific numbers, a single-person household would have to make less than about \$30,000 a year; a two-person household a little bit less than \$35,000 a year; a three-person household under \$40,000 a year. That's the rough ballpark figures.

CHAIRMAN LORENZINI: The rents would vary?

MR. KOENIG: No, the rent is a fixed amount. The rent is a fixed amount, it's at \$1,200.

CHAIRMAN LORENZINI: I see, okay.

MR. KOENIG: It's always the same amount no matter the, once you're income qualified, the total rent amount is that \$1,200.

CHAIRMAN LORENZINI: Now, what type of standards is set for a person who maybe has a disability to be able to rent one of these? They have to be obviously self sufficient in some way, right?

MR. KOENIG: Right, so they have to have a disability but they have to be able to live independently in the unit, get whatever, access whatever services that they need.

CHAIRMAN LORENZINI: How do you determine that?

MR. KOENIG: They need to figure out what it means to be able to live there. They need to be able to sign the lease and get access to whatever services that they need.

CHAIRMAN LORENZINI: Who makes that judgment?

MR. KOENIG: We're not doing a qualification can they stay or not stay. They need to be able to be a good neighbor to the rest of the residents.

CHAIRMAN LORENZINI: But who makes that judgment that they qualify?

MR. KOENIG: So, we do the, in order to qualify someone, we have a waiting list and we pull people off that waiting list. Then we do a background check, credit check, income verification to make a determination that they're able to qualify to live there.

CHAIRMAN LORENZINI: Is there any type of, well, what standard would you hold a tenant to if they weren't living up to the way they should act properly I guess is the word --

MR. KOENIG: Every tenant has to be a good neighbor. According to their lease, they can't be a disturbance to anyone else. That's written in every lease. So, if tenants are

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creating an issue for other residents, if they are not good neighbors, if they don't pay their rent, then under the lease we are allowed to go through eviction proceedings.

CHAIRMAN LORENZINI: You would obviously maintain the common areas --

MR. KOENIG: Sure, that was the maintenance person. The maintenance person will have to take care of this building, they'll take care of all the common areas, the community room, the hallways, the outside, everything will be taken care of and kept up.

CHAIRMAN LORENZINI: Tenants would have to take care of their own units?

MR. KOENIG: Correct, it's just an apartment, it's their apartment, they need to maintain their apartment.

CHAIRMAN LORENZINI: How would you ensure that that's being done?

MR. KOENIG: So, we do a minimum of at least once a year, we do an annual inspection of the interior of the unit. So, typically at about lease time, it's a good time to go out, visit everyone, go in their apartment. We do a physical inspection of their apartment. If they don't have good housekeeping skills, we can give them warning, get them assistance, try to make sure that they are able to keep their apartment up and clean. We do that on an annual basis on every single unit.

CHAIRMAN LORENZINI: All right, good, thank you. Why don't you have a seat please?

COMMISSIONER GREEN: Before you go, I have one more question to ask. I missed your answer to how are you going to limit it to four people? Is it just the building code or would you put it in a lease agreement?

MR. KOENIG: So, any person who lives in the unit has to be on the lease, so we will know who is living there and their name has to be on the lease. They have to qualify --

COMMISSIONER GREEN: So, therefore, you know who's there and then you can limit it by who's on the lease?

MR. KOENIG: Correct.

COMMISSIONER GREEN: You said you'd limit it to four?

MR. KOENIG: Correct.

COMMISSIONER GREEN: Thank you.

MR. HUBBARD: Could we have a motion to extend beyond 10:00 p.m.?

COMMISSIONER GREEN: I make a motion to extend beyond 10:00 o'clock.

CHAIRMAN LORENZINI: Is there a second?

COMMISSIONER WARSKOW: Second.

CHAIRMAN LORENZINI: All in favor?

(Chorus of ayes.)

CHAIRMAN LORENZINI: Okay, thank you. With that, we'll have the public hearing portion now. So, I'll start on your right, my left side. Anybody on the left side who would like to come up and make a comment or a question? Yes. So, you raised your hand first, why don't you come forward? I'm sorry, does somebody in the front row want to say something? Yes, we'll try to go row by row, I'm sorry about that.

Would you please state your name and spell it?

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QUESTIONS FROM AUDIENCE

MS. FOX: Sure, Laura Fox, L-a-u-r-a F-o-x. I'm just listening to the questions that are all great questions about such a project. This is an apartment building for people who live, I'm a parent of a person with a disability. When I go, I need to know that they have a place and they have neighbors and that they're supported. They're not like, we don't know who's going to live next door to us in our own home. We don't know if they have diabetes and they're in a wheelchair and need help. We don't know if, the word that no one will say, is mentally ill and they suffer from depression.

Mental illness I think is kind of like a looming thing behind here when I'm hearing about the daycare and all that. Everybody here is super selected, we don't know who any of our next-door neighbors are. We already have all the same community, all this community that would benefit from here are already our neighbors. They are just neighbors who need a little more help.

I don't think that, if you're next-door neighbor in your, you know, lovely home in Arlington Heights, you know, you try to be a good neighbor to everybody and we don't get along the best with everybody. But having a disability for your entire life doesn't mean that you're going to be a bad neighbor or you have to worry about your children. Matter of fact, the opposite, I have seen nursing homes where the seniors, and there's daycare there, and there are disabled people in a nursing home. They have many different kinds of disabilities, all the things we're talking about. They actually go play with the children and they have a loving, wonderful, respectful relationship that help both communities and they become good neighbors to each other, both the seniors and disabled people, mental, physical, and these children, they light up their faces, singing, you know, just doing everyday things.

I don't feel that having a disability is anything for people to be afraid of or that anybody needs to be running. Also, mental disability can run from anything from depression to schizophrenia, somebody who's very ill. Like somebody who has schizophrenia will not fit in here, they cannot take care of themselves most likely. That isn't the type of disability that's going to make it in here. When you're talking about income and disability, you also have to be able to take care of yourself with supports. Somebody who's really seriously ill who would be a danger to anybody is not going to qualify for that. They would be a problem as my next-door neighbor also. I don't get to stem them up.

These people are so, have gone through a lot to be able to earn, to get one of these so few spots, to be able to afford to live in a caring situation where they can get support, a ride to the doctor because they need a ride to the doctor. Those kinds of supports are why we have supportive housing. There is such a huge, huge need. I can't imagine it being vacant. I know perpetual is an awful long word, but there are thousands of people and there are people living in their cars we don't know about and they're disabled. You just can't tell, I'm just saying I don't feel that judgment should be there about being next door to a daycare.

The need is so great because a lot of the people that are going to qualify here, they're going to be older and their parents are aging out and can't take care of them anymore. I think being a good neighbor is being accepting of people with disabilities no matter what they are because I don't ask my next-door neighbor what disability do you have. But I might ask how can I help you. I just wanted to make that point, thank you.

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(Applause.)

CHAIRMAN LORENZINI: Any other ladies in this row? Yes, sir. Sir, you right there, would you like to come up? Please state your name and spell it.

MR. EVERDING: Hi, my name is Mark Everding, spelled E-v-e-r-d-i-n-g, Mark with a k. It's always amazing when I come to these hearings, I admire you so much for sticking it out and fighting it out for Arlington Heights. So, thank you.

I'm here on behalf of my mom and my late dad. They own that daycare center that's right next door. So, I'm just going to share with you my story a little bit. I'm not much of a public speaker, I get a little nervous in front of people. But I'll do the best I can so if you'll bear with me, I'll get through all this.

I care very much about the poor. I work with Habitat For Humanity. I give them a lot of money actually and I work on houses. I care about the mentally ill. I have friends that struggle, I pray for them, my wife works with them. We think we're good neighbors, I think you made a good point. But there is a time and a place to do things properly and I want to talk about that and I want to share with you some of my skepticism about some things that have been said because of what's happened to me.

We have deep roots in Arlington Heights. My dad was a concrete man and he was alive in 2010. He bought that property for his retirement. So, that's what mom and dad lived on. The last time this came up, he'd had a stroke. Every time I went in the rehab center, he'd ask me, what's going on with the, he always called it Children's World because that's what was in there when he first bought that property. So, what's going on with Children's World, Mark? It was very stressful for him. So, we'd talk about it.

Now, my mom is a widow and I don't really, I try to keep her knowledge of what's going on to a minimum frankly. A lot of people said you need to bring her here tonight to put a face on it. I wouldn't do that to my mom, that's not going to happen.

So, we have deep roots here. Dad poured a lot of concrete in Arlington Heights. He actually selected, on Hintz Road, there's a little church Arlington Countryside Chapel, he selected that site for the church. He signed the mortgage because the church couldn't get a loan, with a number of men, not just him signed the mortgage.

My wife, that's where I met my wife, at that church, she grew up across the street there from Hintz Road in a little subdivision and went to Buffalo Grove High School. My oldest son moved to Arlington Heights, that's where he bought his first house. My two grandkids were born in Arlington Heights.

We care about Arlington Heights. The reason dad selected Arlington Heights is because of people like you that sit on the zoning board. The building inspectors were tough in Arlington Heights. If he was off three inches when he was laying a foundation, they made him move it. He did and he respected it. That's why he selected Arlington Heights for his investment. That's what he did.

So, I feel a little bit like a John Wayne movie where the widow is getting run off of the property by some pretty slick people. So, we get the non-profit person who I've never met before who stands up here and says but we don't really own it. There's a profit company that owns it but we have a piece of it. So, we put a nice face on this, but let me tell you how it really works in the real world and what happened to us.

Back in 2010 when that property, when that zoning was proposed to be changed, nobody told us. They came before the board here and they told you that everybody

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liked it. They went and visited the manager of Kinder Care, the manager or site manager, and they said would you care if that was built? She said I wouldn't care, it would not bother me at all. But she didn't have anything in it, she didn't make any of the decisions at Kinder Care. Then I found out about it from a friend who said, you know what, your property, there's a big controversy next door, and I came to the Trustee meeting. Everybody got to have their say, all right, and some of those people came up in front here and spoke for many, many minutes. Then they said Mr. Everding, you can wait at the end of the line and you can have three minutes. At 1:00 a.m. in 2010 I got to have my three minutes.

This is what I said. I said mark my words, Kinder Care is not fighting this for a reason, they're going to walk away. They're just going to walk away. Three months later, they walked away. That property was empty. It's a \$50,000 a year tax bill.

My dad asked me every time I visited him what are we going to do? \$50,000 a year in taxes, no income, what are we going to do? So, my brother who is here with me and I, we scoured around, we looked for, in 2010, we looked for a daycare center that would move in. We found one. Problem was they couldn't afford it. So, we cut the rent, we cut the rent severely. We cut it almost in half. You know what, they couldn't pay it, they got behind. They didn't have enough students. They built that business student by student working very, very, very hard.

I don't know who this gentleman spoke to, but I can tell you we spoke to them this week and they said we are totally against this. We didn't tell them we were against it, we asked them whether they were, they said we're totally against this. That's what they told us.

So, there we are in 2010 with an empty building. We get somebody in there and they can't pay the rent. Then guess what? They can't pay the taxes either. It's triple that lease, they can't pay their part. So, we scramble, we do, we push, we pull, we make it all work, it comes together, we pay my mom's bills, and we get that business up and running. Now, they have critical mass and they can pay their rent.

They paid back all their stuff, all the money that they owed us and they even paid their tax bill that we had to cover for them. So, finally, and this is just in the last six months they've gotten caught up, and then we get notice, we're going to do it again. We're going to do it again. Guess what, they don't mind, okay.

But here is an interesting fact for you. When we're scrambling to build that business, a for-profit company contacted us and said we want to buy that property as if it were empty. We don't want to pay for the building, we want to pay pennies on the dollar and we want to combine it with the property next door so we can put a home there for the disabled. So, they ran us out of business, and then they came to us and they said we want to buy it pennies on the dollar.

That's what happened. That's the fact. So, here we are today. We've got a for-profit company that's unbeknownst to who they are that owns the majority of the project. We've got a non-profit that wants to operate it, and nobody is talking to me. They all have my phone number, they called me when they wanted to buy the property pennies on the dollar. They called me a lot. Nobody showed me that they wanted to put a smoking pavilion next to the playground of a childcare place. They didn't ask me if I had any ideas about how we could make it work.

I care a lot about poor people. I care a lot about the disabled. I lived with my cousin with cerebral palsy, severe cerebral palsy for six months taking care of him. But

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they didn't care to call me. What they did, they did go visit that property under cover as if they were going to put people in the school and found out about it and dug around. That's when they tried to call me and put pennies on the dollar. Guess what, they did it again. They did it just recently, they went back in there under cover poking around. They want to know why I'm skeptical.

The last time they came for us and they said we're going to do disabled, and then they said no, we're going to put mentally ill there. The story kept changing. Then they said, well, we're not going to be high density, we're only going to be able to put 32 bedrooms in there this time. Last time it was 30. I don't know what to believe.

We haven't seen what the acceptance criteria is to move in. I don't know how you could vote on something like that if you can't see the criteria. I think there's a way to work it out. I wish I could trust somebody and they'd come talk to me. But I don't trust them.

So, we're making it work now. They're making their rent, it's still below the rent that we were getting previous. So, I guess the bottom line here is until somebody can sit down with me and cooperate in a trustworthy manner and tell me who owns that property, who owns this situation, what the criteria are that they're actually going to allow people into the unit, and they talk to me about putting some barriers between the properties, they talk to me about not putting a smoking area next to the kids' school, I am going to fight it.

I'm going to fight it, because if I don't they'll put that building up and the lease will move. They will move and I'll have another empty building. Then instead of having an empty lot that you guys don't like, you'll have a full lot that I owe \$50,000 a year on with a building on it with nobody in it. That's just not right.

So, I would strongly oppose the rezoning until somebody can sit down with us and I hope you guys will stick up for the little guy here. Thank you.

CHAIRMAN LORENZINI: Thank you. Yes, the gentleman in the third row. Please state your name and spell your last name.

MR. BURNS: Scott B-u-r-n-s, Burns. I just moved in the building in Wheeling, I don't know if you know about that one. It's low income. I have all the answers, you know, a lot of answers, I won't have everything but, you know, first of all, I had a grandma, I lived with her since I was 15. We lived down the street. I went over there to help her. In '09, she got dementia and she put out, made me put out chips and food for people that weren't there and danced with her. I got some dementia and some other issues. Nowhere to go after that.

I went to a program. They got me not permanent housing but they teach you how to cook, clean, community integration. I finally got, they got me a permanent. So, here I am with them. It's 30 percent of my income. I'm now working for Mariano's. A lot of people there, they have to be on their meds. There is a management company down there. There's a case-worker that comes in. She sat down with me right away. There are some groups going on.

These people are a little more functioning than somebody else. You look at doctor's offices, you see them all up and down the street, you know, little clinics and everything. You know, come on in, see a doctor. Well, this is more, you know, they have doctors, not doctors, case-workers. Let's see, there's, you know, a council that meets. They set up activities. They have a van to take them to groups. Their doctor, some people might have their own doctor; if not, the case-worker will help you get into a program. They come to my apartment, do checkups. Different organizations do it their own way.

Let's see. Institution, you want to know if it's an institution. Well, it's a

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big thing, you've got a nursing home and then you've got an apartment. You want to know why it's not institutional for zoning? Probably because you have doctors there, case-workers. But they're not going to be there, they're there most of the day. I don't know how to explain it but, it's hard to explain, you know, rules and stuff. So, if it was an institution, it would be a nursing home, they would be there all the time.

So, how do you put somebody who's renting an apartment, and then there are case-workers there as needed, so it's sort of both. It's an apartment with a doctor downstairs in some offices. So, that would probably, does that explain it better?

COMMISSIONER GREEN: No, I think you're missing the point. Institutional is a zoning classification. It has nothing to do with anything else except what can go in that area under that classification of zoning. I understand what an institution is.

MR. BURNS: Yes, okay.

COMMISSIONER GREEN: But this is not it. This is not the definition, this is our zoning ordinances.

MR. BURNS: Maybe it's something that's away from medical because, yes, because --

COMMISSIONER GREEN: No, what you're trying to define here is not what we're talking about.

MR. BURNS: Right, okay. Maybe that's it then. I understand totally.

So, that's pretty much, you know, the people there, they know what, they're trying, they're trying. That's all I know. Some of them are battered women, they've got little kids. The bus comes and picks them up, takes them to school and they come right home. Some of them, you know, are blind, there's a couple of blind guys in my building. So, just you know, they're all different people, different disabled, but they are pretty much functioning. You're not going to let somebody in, they do screen you very good. You have to have a diagnosis that you're on meds and, you know, if you're blind, I have migraines, severe migraines also, so I have to have doctor's, you know, so I mean, you know, they make sure. So, that's about everything I know. So, thank you.

CHAIRMAN LORENZINI: Thank you. Anybody else on that side of the room? Yes, sir. Please state your name and spell your last name please.

MR. HELLNER: Of course. Good evening. My name is Mark Hellner, H-e-l-l-n-e-r. I'm here really in three capacities, the least important might be that I'm chairman of the Housing Commission here in the Village of Arlington Heights and I have been for the last three years. So, I guess until maybe next Tuesday I think, I'm chairman through then, that's my last meeting as chair because I age out. I've been on the Housing Commission for a number of years and we obviously support this because it easily meets the criteria with respect to affordable housing. But the more important point is that this is the first and only permanently supportive affordable housing for the entire complex that's come before us the entire time I've been on the Housing Commission.

The affordable ordinance went into effect, or guidelines went into effect I think in 2011 maybe. As was said earlier, this building would only require two affordable units. To make it 100 percent affordable is an opportunity that this Village should not pass up under any circumstance. 100 percent affordable for disability neutral housing is a no brainer from my perspective.

The second hat I'm wearing tonight is that I'm the executive director

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and senior counselor for the Center for Disability and Elder Law. We provide free legal services to essentially 3,000 clients a year here in Cook County. I could fill this building up with current clients so fast that you wouldn't believe it. It would be very easy. All of our clients are either senior citizens or people with disabilities and low income. We don't charge anything for our services. We are a small part of the legal community that serves people with disabilities or low income, but we could easily fill this building up overnight.

Third reason I'm here is that I happen to be the parent of a disabled child. He is low functioning, and for him to have a place to live in a building like this at some point, I mean he's too young to be considering that, but he can live in a building like this with a caretaker which was one of the options that Mr. Koenig talked about. You shouldn't overlook that possibility because what's historically happened in Illinois is people with disabilities have been institutionalized at a rate that exceeds that of any state in the United States. Under consent decrees, the state has been de-institutionalizing people and closing facilities as you probably know.

This would be a tremendous boost to Arlington Heights' reputation for being good neighbors. Good neighbors take care of each other. They accommodate people with differences just as Ms. Fox mentioned earlier. I live the disability world in my work life, I live the disability world in my home life, and I would love to have disability next door to me. I would be happy to see that. I just hope that you think of it from that perspective.

Micro-managing this building and some of the questions that have been posed in my opinion are inappropriate, truly inappropriate. If I were here tonight asking for an approval of a 16-unit apartment building, many of the questions asked about client vetting and about what you're going to do for maintenance, apartment inspections and so on, I'm pretty sure would not have been asked. So, think about why you ask those questions and relate it to two things in my opinion. I don't know which it is, and I'm not trying to criticize you, I just want you to think about it, because I live this world. On a daily basis, I have to deal with people who don't understand the world of low income and disability, let alone the juxtaposition of those two points.

Approximately 47 percent of the disabled population is low income, even though the numbers you typically see are lower than that, that's because they have extra expenses. They have to hire caretakers, they have to hire transportation, they don't drive, they don't have driver's licenses. They have extra medication and extra equipment. All of those things factor into that daily life. Many of us don't have to deal with those issues.

So, just think about whether the questions you ask relate to income or relate to disability and whether you would have asked those questions if we had been saying we simply want to build a 16-unit. When I say we, I'm not part of this project in any way, but if I were here as a developer and I want to build a 16-unit building with two bedrooms per apartment, whether some of those questions would have been posed. If you come to the conclusion as I have that those questions were motivated by issues of disability or issues of low income, then think about whether you should have not asked them at all. I strongly, strongly recommend that you support this really, really impressive proposal. I think it will be a feather in the cap of the Village of Arlington Heights if you do. Thank you.

CHAIRMAN LORENZINI: You did say you're the current chairman of the Housing Commission?

MR. HELLNER: Housing Commission.

CHAIRMAN LORENZINI: For Arlington Heights?

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MR. HELLNER: For Arlington Heights.

CHAIRMAN LORENZINI: Thank you.

COMMISSIONER GREEN: Then you're not supposed to be speaking here tonight, you understand that?

MR. HELLNER: I'm here as a citizen. I am a taxpayer, I'm a citizen, I said I came here with three hats.

COMMISSIONER GREEN: You should have left the chairman of the Housing Commission out of it.

MR. HELLNER: Well, I don't think so, sir.

COMMISSIONER GREEN: Because there's ethics thing, we got slapped with it before.

MR. HELLNER: Well, if I owe an apology for violating --

COMMISSIONER GREEN: One commissioner does not go before another commission to do what you did tonight.

MR. HELLNER: What I said, what I said in all due respect was this. We have never seen anyone to come before the Housing Commission in my tenure where 100 percent of the units would be affordable. I didn't speak on behalf of the Commission, I spoke as a factual basis. It's also factual that I'm the chair of the Housing Commission for I guess another week. I think my last meeting is either next Tuesday or perhaps --

COMMISSIONER GREEN: That's fine, Mark. But I'm saying, it's on the record here, we'll let the Trustees decide.

MR. HELLNER: It's on the record. If you want to criticize me --

COMMISSIONER GREEN: They came down on myself years ago for this very thing.

MR. HELLNER: Well, and if I've done something wrong, fine.

COMMISSIONER GREEN: I guess you missed the memo on that.

MR. HELLNER: Okay, fine. But I am not going to withdraw any of my comments. I think they were all appropriate. Thank you for your time.

CHAIRMAN LORENZINI: Thank you. Anybody else on that side of the room? Okay, let's go to this side of the room.

(Applause.)

CHAIRMAN LORENZINI: Come forward, sir, please state your name and spell it.

MR. JOHLER: Robby Johler, R-o-b-b-y J-o-h-l-e-r. I own the building across the street at 125 West Boeger. So, I just have a couple of comments, nothing related to the use of the building, just simply some things to point out for you guys to consider with this development.

COMMISSIONER ENNES: What building do you own?

MR. JOHLER: 125 West Boeger. It's directly to the south, right there, yes.

So, I worked with the Village for about a year to get some parking restrictions put in front of our building due to the accessibility for us to help us out. I've got big semis that have to pull in, so the Village worked with me and they got that done for me and I appreciate that. So, I just don't want that to really change because it's going to affect my business as far as if the parking situation is going to change.

Mr. Sigalos and Mr. Green mentioned about how they're putting four people in each unit, now we're talking about 64 cars. Highly unlikely, right? But you know, I'm just

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saying that street parking is already heavy on that street, very heavy. That was one item.

Also, the infrastructure needs to get looked at I think as far as the storm sewer capabilities for this project. We flood pretty severely under a one-inch rainfall. We get a heavy amount of rain or standing water in the bend on Boeger up to say two-foot of standing water approximately in a one-inch rainfall. So, it seems as though the infrastructure may already be a little burdened on that street. So, one other thing to look at, and I'm just throwing these comments out there for you guys to consider. Those are my comments.

CHAIRMAN LORENZINI: Thank you. Anybody else from the first row? Second row, anybody? Anybody in the third row? Okay, yes, ma'am, in the back. Please state your name and spell it for the court reporter.

MS. TAYLOR: Hi, my name is Laurie Taylor, L-a-u-r-i-e T-a-y-l-o-r. So, one comment, and I'm removing all of the emotion out of this, is there is literally another place that was built and just opened up this year one mile to the east as the crow flies. It is in another town called Wheeling. I'd like to know how that business model is running because they have adequate parking but I read in the newspaper how they were all occupied. Every time I pass by over there, there's not many lights on, so I'm not quite sure. I'd like to know how their business model is running, how the business model as practice in Mount Prospect is running, and how those two places would run over here at Heart's Place I guess it's called or whatever.

I think the Village deserves to be able to see the business case for all those places, plus, you know, there's transportation provided by Wheeling Township. You're absolutely right, Wheeling Township provides transportation also for the other place in Wheeling called Field Haven. I'm also glad to hear that property tax would be paid because it's one of the other things that we're doing research on. Over there in that neighborhood, it is TIFs and everything else, that seemed to be quite abundant in the other suburbs and stuff. So, that's all, I just wanted to know.

CHAIRMAN LORENZINI: Thank you. Anybody else? Yes, sir. Sure, come forward.

MR. HORWITZ: Hello, my name is Craig Horwitz, 883 Stone Bridge. Good evening. I live in the neighborhood near tonight's Heart's Place proposal, and I have been part of numerous public hearings, Plat & Sub, neighborhood meetings, and Trustees votes over the 25 years I have lived in my home.

Seven years ago, on April 28th, 2010, I was part of the process of a project that went before this Village, almost identical to tonight's Heart's Place. It was called Boeger Place. It was supposed to have 30 units, 36 beds by the way according to the notes I have. Tonight's Petitioner is to have 16 units but 32 beds, but then I read up to 64 people. Now, I doubt that that's possible but let's get the numbers straight.

This is the same project to me that was turned down in 2010 to me in every way. Heart's Place is to have a similar mission to Boeger Place according to what I read, subsidized rent with residents that have conditions such as, and if I'm not absolutely correct on this I apologize, I'm just reading, mental disabilities, physical disabilities, developmental disadvantages, victims of domestic violence, and some residents are probably going to go on medication.

That night, the Trustees, you not the Trustees but the Commissioners, voted with the exception of Commissioner Drost. I don't know why he didn't vote. He voted before a different petition that night but he didn't vote on the Boeger Place. Tonight you have six

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of the same Commissioners from then, three new people, and I'm hoping that tonight this Commission doesn't make the same mistake again.

After the Plan Commission voted on April 17th, the Trustees voted to not approve the project. To me they did the right thing. They noted that the variances were too extreme. The other reason, while they would never admit it, because it was raised, that Boeger Place did not fit the neighborhood, and in specific did not benefit its direct neighbor Kinder Care. As some of you know, and you heard Mark Everding comment, shortly after that vote, Kinder Care who was a testifier that night chose not to re-lease.

Now, that night, Kinder Care's attorney Todd Rowley testified. This is what's in the minutes. He said he's a lawyer and he represents the Kinder Care facility that is adjacent to the property. Kinder Care objects to the development for two reasons. First, this is really a zoning mess, this would be spot zoning. It does not conform with the surrounding properties, it does not conform with the Village plan. Also, the hodgepodge of variances that the developers requested establishes just how out of use this suggested use is with the surrounding uses. This was not, there was not effective notice to property owners. We respectfully ask you to deny that petition.

Now, you know the rest of the history. What I was curious about tonight though was when Mr. Koenig kept talking about this as residential. But of course the proposal says institutional, except Mr. Koenig said there won't be any case-workers on site, there won't be any medical staff on site. So, I'm kind of curious why this Village has this noted as institutional. I don't know.

Shortly after the Village Board did not approve Boeger's Place, the landowners filed a lawsuit which in 2012 a federal judge, Milton Shay, ruled that the court found no direct evidence of intentional discrimination. The court ruled that Arlington Heights can maintain their zoning laws even if FHA, ADA or rehabilitation acts are involved. The court supported what this Village did in 2010 and 2012. That's the good news.

What the bad news is you heard Mr. Everding speak, and I didn't know what I was going to say, I wrote this this afternoon, was that after Kinder Care left he had a building empty. Now, I don't know how many people on this Commission own a business or started a business. I own a business, I've started four, and I can tell you how difficult it is to grow anything, especially a business.

The Everdings searched, as you heard, for years for somebody to go into that project. Clearly, the reason they had to find another daycare center is because of the design of the building. It was designed as a school. How often do you see a restaurant turn into an apartment building? You don't. It stays generally what it was designed to be unless you want to put an awful lot of money in it. But clearly if you go into that building today versus what it was years ago, they have invested thousands of dollars, somebody did, in amenities. It's beautiful in there.

Now it's seven years later with the same project, and I wonder. Albert Einstein once said the definition of insanity is doing the same thing over and over and expecting a different result. Ladies and gentlemen, this is not about zoning and variances to me. This is not about parking spaces or height or anything. This is about doing the right thing for the neighborhood and protecting a business that's suffered enough. Arlington Height's tag line is sea of good neighbors. That's terrific. Arlington Heights has 16.6 square miles of space. Somewhere there's got to be a better site, a better neighborhood fit.

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Commissioners, Albert Einstein was right. Making the same mistake twice is insane. I hope for the good of the neighborhood and the evidence, that this Village does the right thing this time. By the way, do you have any questions of me?

CHAIRMAN LORENZINI: You keep referring to a mistake, what mistake?

MR. HORWITZ: That you approve this and then the Trustees, first your recommendation --

CHAIRMAN LORENZINI: Okay, I just want to be clear. All right, thank you.

MR. HORWITZ: Yes. Thank you.

CHAIRMAN LORENZINI: Anybody else have any comments, questions? Yes, please come forward. State your name and spell it please.

MR. DINNERMAN: Sure. Bob Dinnerman, D-i-n-n-e-r-m-a-n. First, I'm a little confused. I've been kind of confused tonight regarding this whole issue about residential versus institutional. I understand that Mr. Koenig pushing for a residential, Mr. Hubbard is representing that it should be institutional. It seems to me there's quite a big difference between the two, and that's something I wasn't aware of until tonight that there is this discrepancy.

Institutional seems to me to be something that's very special, a special purpose; residential, more general. Anyway, in reading Mr. Hubbard's document prepared tonight to the Plan Commission, this one section really struck me, under the compatibility to adjacent properties. Let me just read this one little section here.

Staff's understanding is that child sex offenders would be prohibited from residing within this facility due to its proximity to Buffalo Grove High School and the daycare facility to the west. Then it continues, when a similar PSH development was proposed to this property in 2010, a condition of approval was added that prohibited tenancy from people with criminal/felony background. Per counsel, it is not recommended that a similar condition be added to this development as it may be discriminatory to a protected class. Prohibitions for felony convictions are only acceptable if the housing provider can prove that it's necessary to achieve a substantial, legitimate, nondiscriminatory interest. The Petitioner has stated that they will require all applicants to undergo criminal background checks, and criminal history may render an applicant ineligible for housing.

Well, that's the part that struck me. First, there is a desire to not recommend that criminal felony background or people with a background like that be ineligible because of a discrimination against a protected class. But still this seems to be very vague now, a criminal history may render an application ineligible.

Now, I'm supportive of supportive housing, I am. The location, the site to me is completely inappropriate being near of course the daycare, not to mention the high school within 500 feet. I've lived in this area for 25 years. There are kids walking to and from the school daily all around the area. I am concerned that students will be, I'm looking at the image up there right now, students will be walking around maybe to and from school or hanging around the area in the future if not now, we're talking about years from now, and if this should be constructed and built, the kids may be hanging out the area where residents of this potential facility may interact and that may be fine. But then again, there's a concern of safety.

Some tenants may have conditions or situations where there might be a security or safety issue with the kids, either to the kids or actually from the kids. I mean some kids can be, you know, kind of cruel, they take advantage of some people with some disabilities or whatever, that would be terrible. That would be absolutely terrible.

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Now, I'm just bringing up this because I'm only trying to protect in the future potential problems. It's very close to a high school, a major conglomeration of young people. The daycare center is right up against it, right next to it. Now, that is what I really believe is so inappropriate for this to be near because this property is too small and too confined. I understand institutional really requires two acres and there's a variance that they request to reduce it.

Two acres, how was that established? Was that established because there needed to be space for an institutional type facility? You know, I mean that number came up, but this property is much smaller, it's too small and it's right up against these two facilities that are very, very concerning. So, there were several issues in this document that concerned me but this is the major one. I just wanted to go right to it.

The other main thing in my mind is regarding staff or lack thereof on the facility. Mr. Koenig was talking about two staff members only during normal business hours as needed, I'm not sure what that means, between 9:00 and 5:00. But still we're talking about potentially an institutional facility, an institutional facility in my mind would require I would think 24-7-365 staff of some type, either medical or security or something other than just a manager and maintenance. It's just something that's common sense you would think because of the potential nature of security concerns. Now, I understand that financially it may be just too expensive to hire people to say there 24-7-365, but I'm sorry, in this type of situation I would think that would be necessary.

So, just to summarize, the kids from the high school to and from, the daycare center right next to it, and the lack of staff. I understand the need for supportive housing and I'm all for that. This is simply not the proper site for it. Thank you.

CHAIRMAN LORENZINI: Thank you. Yes, sir? State your name and spell it please.

MR. CRIDER: I'm sorry to keep you so late. My name is Greg, last name is Crider, C-r-i-d-e-r. I'm vice president of Lake Shore Glass & Mirror in Chicago. I understand all the discussions we've had about code violations and variations. I deal with architects all day long, I understand Mr. Green's comments. I've listened to all the people who talked back here. I don't know everything about what they're saying but I do know how to run a business.

We do \$12 or \$18 million a year. In fact, my company did all the glass glazing in this building with Turner Construction and FGM Architects. The point I want to make that I think is very important is when you realize what I'm hearing a lot that's going around right now is that these people that are going to be living in this building are, I'm going to use the word, are nuts or bizarre or weird or something like that. We're not weird, okay. Believe me I know personally because I've suffered from depression and bipolar disease for the last 18 years.

I'm very lucky, I have good insurance. I have a good family. I get help that I need. A lot of these people moving into these buildings, they don't get the help. They don't have second chances. This is it for them. So, this is just not some kind of game, this is like an obligation we have to society. We need to give these people a second chance.

Whether this is the right site, the right conditions, I don't know. You know, that's up for you folks to decide and hopefully this will all work out. But I think the most important thing to realize here is what we're going to do for society. We're not talking about a bunch of people running around, taking down the taxes and lowering the prices of homes.

I live in Palatine, Illinois, I have a big house with high taxes, the whole

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nine yards, and I might be concerned, too, I guess. I understand. But I think we need to keep the issue in mind of what we're doing and why are we doing it. That's all.

CHAIRMAN LORENZINI: Thank you, sir. Anybody else who would like to make a comment? Yes, sir. Please state your name and spell it please.

MR. BRADY: Good evening. My name is Hugh Brady, H-u-g-h, last name Brady, B-r-a-d-y. I'm the co-president of the Housing Task Force which is a community group which is working to increase the supply of housing in our area for people with mental illnesses and other disabilities. I would just like to suggest to you that this is actually a good location.

When we were working on a project in Palatine, which eventually was approved, we met with then state senator Matt Murphy and explained what we were trying to do. He said this is a wonderful project, everybody will be in favor of it until they find out where it is. Any neighborhood where you put a building like this, there will be some neighbors who will come out and complain.

As I said, I think it's a good location next to a daycare center because if there are parents there, working parents, they need to have accessible daycare. What could be more convenient for them than to have a daycare center right next door?

I would also suggest that it is good that it's near a high school. I taught at Cooper Middle School in Buffalo Grove for 38 years and, or 34 years, and I knew the people at the high school because I taught eighth grade and the teachers, or the administrators would come over to handle the eighth grade registration for high school. So, I was talking to Tricia Dean who at that time was the dean and I said some of the people in the neighborhood are concerned about that there might be people with mental illness in these environments. I said but there's kids at Cooper that have had mental illnesses, that every year one or two kids from our team would be missing and I would run to the school nurse because, you know, the kid's got a flu or strep or something. No, he's in the psych ward down in Alexian. The kid would be gone two weeks or maybe three weeks and we'd have a discharge meeting to figure out how to integrate the student back into the school. She said I know we have students at Buffalo Grove High School now that have mental illnesses. Then she said, and I think there's probably faculty members that have mental illnesses, that I know of a couple. Then she said, and heaven knows we have parents with mental illnesses.

So, mental illness is all around. The fact that a building like this would be close to a high school would be very advantageous to the residents. They could go see plays. They could have gone to see the Expressions but I guess they're fading out. They could go see basketball games and football games. So, I hope that when you consider the location that you consider that this is actually a good place. Thank you.

CHAIRMAN LORENZINI: Thank you. Anybody else in the audience? Yes, sir. No, I'm sorry, you already spoke. Yes, thank you. Okay, if there is nothing else, we'll close the public hearing portion and go back to the Commissioners for final questions and deliberations. Commissioner Cherwin, would you like to start again?

COMMISSIONER CHERWIN: I guess the question was raised by a member of the public to Mr. Hubbard about the infrastructure. Well, I guess two issues on infrastructure. One is the potential for flooding and I guess the stormwater, possibly sanitary, and then the other one, the Petitioner addressed infrastructure constraints on the layout of the site. Can you speak to any of those?

MR. HUBBARD: Yes. Let's see if I can pull up their engineering. Yes,

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they're doing a rather large underground storage vault for stormwater, and they're installing two kind of lines to collect that stormwater in inlets that go throughout the site. So, it will comply with all MWRD regulations and actually may have a beneficial effect on stormwater runoff instead of what it currently does, draining off the site, it will be captured and stored underground.

COMMISSIONER CHERWIN: As far as the reverse configuration of the building so that it doesn't butt up against the adjacent property and flip-flopping it, you said there were several constraints in terms of that layout. Could you speak to those at all or why would that be?

MR. HUBBARD: I'm not familiar with --

COMMISSIONER CHERWIN: I believe Mr. Koenig had said, because we had put, with the layout of the building was on the westerly part and the parking was on the right, on the east, and said that putting it on the other side of the property was constrained for some reason. I couldn't understand why it was.

MR. HUBBARD: Yes, maybe he can speak to those. I mean if you see here, they are doing a rather large, I believe it's as sanitary sewer that's going to run down along the side of the property on the west and then the underground storage on the east. Maybe he can clarify what he meant.

MR. KOENIG: According to the engineer who is much, much smarter than I am about this, the way they explained it to me, the way that the current infrastructures built there now, that if we were to flip the building, there would be a problem with where we were to dig the vault that's going to hold the water underneath and be that detention basin, and the need to move a major line which comes sort of through the middle diagonally through the site. It opens up a whole new can of worms, it creates some new problems for redesigning and engineering the infrastructure on the site.

COMMISSIONER CHERWIN: Okay, and I think there was a question also from the public about the ownership of the property and the non-profit or profit nature of it. I think maybe just a quick explanation? I realize if you're getting, you're getting low income housing tax credits for this, correct?

MR. KOENIG: We're going to be applying for that financing source, yes, sir.

COMMISSIONER CHERWIN: So, that would essentially, that would cover, how much of your developing cost would be covered by that subsidy?

MR. KOENIG: So, on the development side, that covers typically around 70 percent or so of the overall development costs. So, we have to put together a few other sources of funds to make the entire development package work together. So, the structure is set, the way that we have the ownership, it's set up in a partnership with this particular development. So, we are in partnership with a for-profit developer. It's a model that we've used on a lot of other developments with other developers, not just this one with UP Development. We have partnered with lots of other developers.

There is a reason that they partner with us. One is that we have community connections. We work with a lot of social service agencies. Two, it's our mission to do this as an organization, so we're really in it for the long haul. Number three, it helps us get access to those particular funding sources. There's a preference if we are involved in the project.

COMMISSIONER CHERWIN: I guess, Sam, one more question then. One of the residents had brought up about a 100 percent facility in Wheeling and I guess the characteristics and the use of that. Is that anything that you're --

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MR. HUBBARD: That was completed I believe towards the end of 2016, so we did look kind of briefly at that. But there wasn't a lot of comparative data because it was just recently opened. I know it's fully leased. I know they did do some parking counts there to verify that, you know, it's fully leased, it still doesn't have a disparate impact on parking. But beyond that, I mean that's kind of what we know.

COMMISSIONER CHERWIN: I'll defer to my colleagues here. Thank you.

CHAIRMAN LORENZINI: Commissioner Sigalos?

COMMISSIONER SIGALOS: I want to just make it perfectly clear that I fully understand and support the need for supportive housing. I don't really see what much has changed with this project from what we had before us in 2010. The site is still the site, it's too small. I'm very concerned about what it does to the neighboring property, to the Everdings, the high school nearby. So, again, I at this time am not supportive. That's all I have.

CHAIRMAN LORENZINI: Commissioner Dawson?

COMMISSIONER DAWSON: Okay, there's a lot of reference to a smoking area. Can you come back up? There was reference to the gazebo as smoking area. Is this a designated smoking area?

MR. KOENIG: Not specifically. It's an outdoor seating area.

COMMISSIONER DAWSON: Can you make it non-smoking?

MR. KOENIG: Outside?

COMMISSIONER DAWSON: It's a good point. You don't want a smoking area next to a child's playground.

MR. KOENIG: I think part of, as I think Sam explained, the reason the gazebo is located where it is relative to the northwest orientation of that site is that it's closer to the building. It's not, if it was farther north on the site, it would actually be directly across from the playground or the outside open areas for the children. So, it was purposely placed by the building so it isn't directly accessing where the children are outside playing.

COMMISSIONER DAWSON: But if there was a smoking problem, you could still restrict smoking in that area?

MR. KOENIG: I think we could if there was a desire to do that, sure.

COMMISSIONER DAWSON: You certainly could --

MR. KOENIG: Sure, I mean there's going to be a fence there, obviously the smoke is going to go to the fence.

COMMISSIONER DAWSON: -- on your property where the smoking area is, right? Okay.

Sam, I'm looking at the institutional classification and I have to agree. I don't understand why this is institutional. They're not under anyone's control. The definition of institutional says that they have to be under supervision and control of the institutional organization. All they have is a property manager on site. No one is controlling these individuals.

So, I don't understand why it's being registered as institutional. So, if it was in fact the R-5 zoning, wouldn't most of these variations not be required?

MR. HUBBARD: Relative to lot size, it would be a smaller variation. Relative to density, I believe they would need density variations in the R-5. If it was R-6, maybe no, I don't think they would need any density variations. But R-5, I believe you can only get maybe 10 or 11 units I would say.

COMMISSIONER DAWSON: Because I'm looking through this and if you

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take that out, the institutional, and you go into a complying residential zoning, the variances that they're asking for are very minor. There is not anything in my opinion that they're asking for that we wouldn't up on this board have less of a concern about. They want a variance for a gazebo, they want to waive traffic study. You know, they're not asking for extreme variances if we weren't putting it into that institutional classification which I have to agree I don't think we're appropriately classifying it.

I also pulled up quickly when someone mentioned the lawsuit and there was a really interesting specific statement stated in the summary of that lawsuit that said, that the court said that had we asked for 16 units, that would have been different than 30. So, I wondered if that was why, part of it I thought, well, that's really interesting because we are asking for 16 units. So, I haven't had time to fully read the case, there was a direct mention that 16 units might be a different story under the judge's opinion.

So, I think we do have to look into the fact that we might be misclassifying it here, that the institutional zoning might not be appropriate, and that should this be, if this was a residential, a different classification, then I have to agree with whoever, the Petitioner or the individual who stood up that said that these questions that I'm hearing up here would actually not be asked in any other type of housing situation.

I stated this in 2010, that we have a family member who suffers from bipolar disorder. He lives in the, well, he used to live in the basement of their home. They moved their home because they wanted him to be able to live on a second story. He works, he lives with his family, and it was a huge burden on our family of what was going to happen when his parents pass away. My children have been around him, my family has been around him. He holds a job, he is a citizen, and the fact that this unit, this development is allowing mentally ill is why most of these questions are being asked. If we were saying no mentally ill was allowed, it would be a senior citizen housing, these questions wouldn't be being asked.

You know, so it's extremely upsetting to me that while people are trying to hide behind nondiscriminatory statements, they're extremely inflammatory and discriminating and personal to me, because this is a situation that's in my family. So, I don't, you know, looking through the zoning classification, looking through the variances, I think to myself that if 16 units were allowed under a different zoning classification and that's what you were coming here to me, in my experience on the eight years I've been on this board, right, 2008-2009, somewhere around when I came aboard, we're not asking for anything here that this board would have had a problem with if we weren't talking about mentally individuals.

We're not only mentally ill housing here, there's other individuals that are going to be staying here. The individual who lives in Wheeling stated that there's children in their building. Exactly. This is, you know, as I said, I don't understand why this is such, people have such a wrong impression of what mentally ill means. You can tell I'm very upset.

In relation to the daycare situation, I do, I have to admit that does make the story different to me. The impact on your business, it does make me, set me on think about it from that perspective. I do think that we're talking about 2010 and I do commercial real estate in my business and I know what the commercial real estate business was like in 2010. So, they vacated, but there may have been other reasons associated with that. It was vacant for years because of the economy. There are many reasons for that.

Now, the petitioner for the current daycare isn't here so I can't, you say they don't want it, you say they don't mind it. I can't make a decision, they're not here. I

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would think if they don't want it, they would be here. It's very surprising to me that they're not here. But regardless, I can't do a he-said-she-said at the moment because they're not here to speak for themselves.

I agree with, my children went to daycare in the Lutheran Home which has seniors disabled which some of them are suffering from dementia and other items. My children and I dealt with these and I chose that facility because they were there. That's why I sent my kids there. So, I have a much different perspective on this than I think many people do.

I'm very concerned about the flooding, that was going to flip me completely because flooding is a problem in Arlington Heights. I mean this is going to add flooding if this is a bad location. But then we've got the underground storm detention, so as we have heard many times up here, sometimes that improves the situation. So, that could be a bonus to the area.

The only other question I did want to touch on was the street parking because that was another issue that was raised, and that would be also concerning if we're going to have overflow parking. We don't have any type of study, parking study, number of cars study in any of the other facilities that you operate to show how many cars to units?

MR. KOENIG: We do.

MR. HUBBARD: Yes.

COMMISSIONER DAWSON: Can you speak to that? Because I think that when you're talking about potentially four individuals per unit, that's including maybe children, you know, who wouldn't be driving.

MR. HUBBARD: So, they did provide parking counts at some of their other facilities. They also included some statistics from 2010. But under Staff's analysis, the number of parking spaces needed, the parking demand so to speak, there's going to be a surplus of parking even though they are meeting code requirements. We're fairly confident that parking is not going to be an issue. I think the Petitioner can likely speak to other developments that they operate that, you know, are similar. That's their experience.

COMMISSIONER DAWSON: The area, given its proximity to public transportation, given its proximity, I wish people that are new to the board could benefit from the numerous individuals that stood here back in 2010 and discussed how much they rely on public transportation, how this location was actually ideal for them because they don't drive. They can walk to McDonald's and they can walk to the bus. They need to be here and not in the middle of a residential community or somewhere else that wouldn't have as much access to public transportation. That's why this is an actually ideal location for this facility.

I understand that people will be concerned about sending their children to a daycare. I don't believe that you stating it here and making those concerns is in any way trying to shed your own belief system. You're just talking about the nature of parents. So, that does give me definite cause because of the existing daycare facility. But other than that issue and other than the flooding issue which seemed to have been resolved to me, I see this as an absolutely ideal location and I think anyone who is raising concerns relating to this, I have concerns about where that's truly stemming from. I don't feel that my vote was a mistake back in 2010.

CHAIRMAN LORENZINI: Lynn?

COMMISSIONER JENSEN: A question and then a couple of comments. Sam, if this were just an apartment, you wouldn't need to reclassify this area as institutional, is that

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correct?

MR. HUBBARD: Right. It would probably be reclassified as moderate density multi-family residential.

COMMISSIONER JENSEN: R-5 or R-6?

MR. HUBBARD: Right, yes.

COMMISSIONER JENSEN: Would it need to have one acre?

MR. HUBBARD: Depending on the zoning district, yes, it would depend. I mean if we're talking multifamily, you know, depending on number of units, it all depends.

COMMISSIONER JENSEN: Okay, well, I tend to agree with nearly everything that Commissioner Dawson said. I think what we've got here, we've got some confused things going on. The Petitioner wants affordable care for disabled people so that they can be self sufficient. There are two objections that I've heard, one is economic. I'm very sympathetic to Mr. Everding's situation, it is unfortunate that his father built a highly specialized building that doesn't have a wide group of people for whom it could be leased. It's unfortunate that it was under an economic downturn. I don't think the situation is quite that bad, but I don't think that society has to, you know, forever make decisions based around a decision that was really kind of limiting. He's got a piece of property that's hard to lease under almost any circumstances as long as he wants to keep it as a school. I feel very sympathetic to his situation but I don't see how it really bears on this petition quite frankly.

The other thing that we've heard is, and I'll say it a little more bluntly than Susan, we are saying people are not only disabled but because they're disabled we think they're dangerous, and we don't want to be around them. Well, I think that is sort of misguided. When I first moved into Arlington Heights almost 35 years ago, my children went to Berkeley School which was main-streaming disabled children. My daughters are now 40 and 43, it's the best thing that happened to them. Quite frankly, they need to see that not everybody is a perfect individual with great mental health and no disabilities. So, I can't be too sympathetic to the arguments against doing this and I'm in support of it.

CHAIRMAN LORENZINI: Mary Jo?

COMMISSIONER WARSKOW: Yes, I pretty reiterate Commissioner Dawson and Commissioner Jensen, I wish there was some forum where you could bring the parents together with people such as the gentleman who talked from the Wheeling location, that they could get a better understanding that these are really neighbors who are currently living right next door to you. I feel for your economic situation, but some way we've got to get over the stigma of when we say mentally ill we immediately jump to the extreme that somebody is going to go over that daycare facility and hurt children. I just don't think that is the case here given your long history in managing properties and owning developments and the people who you've represented and the gentlemen who came to speak here tonight.

So, I agree also that I think we could reconsider the zoning here. I also don't see an apartment building where people occasionally come in to support the residents as institutional. So, I am supportive of this development.

CHAIRMAN LORENZINI: Terry?

COMMISSIONER ENNES: Mr. Koenig, just a couple of quick questions just to clarify one point. This evening, if I understood you correctly, you indicated that, just a couple of minutes ago, you indicated that if a tenant wasn't paying the rent, you would begin eviction proceedings.

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MR. KOENIG: Correct.

COMMISSIONER ENNES: From reading the Plat & Subcommittee notes, I recall a response from you that non-payment of rent was not grounds for eviction nor for the non-continuation of a lease. Those seem to be in direct conflict.

MR. KOENIG: I don't think that's true. I don't know where you saw that and I apologize. I don't know what that's related to, but that's actually not correct if that was written down somewhere inappropriately.

COMMISSIONER ENNES: That's what I recall from my notes. I'm not going to go dig back for it, so. Sam, was there a neighborhood meeting for this proposal at all?

MR. HUBBARD: Yes, there was.

COMMISSIONER ENNES: So, how could the childcare property owner not have been invited to that?

MR. HUBBARD: I guess I would ask the Petitioner. I believe that they sent notice to all properties within 250 feet. So, I don't know if I heard that there was no notice. I thought he said he got a letter and it was happening all again.

MR. KOENIG: Do you want me to respond just real quick to that? So, we used the notice, we got the notification information on who all the owners were and we used that prior to the notice that was sent out for this meeting to do an invitation to that particular community meeting. So, that was sent out to that group. I don't know how it works with ownership versus management of that center. So, I personally went, I mean contacted the management of that center, reached out to them, went in, sat down and talked with them, asked to pass along my contact information and asked to reach out. I didn't know how to reach that owner but I definitely passed that information along and made it available that I was available to respond if he should, you know, make contact with him to get information from them. Before this gentleman leaves this evening, he's going to have my card and we're going to find a way to sit down and talk.

CHAIRMAN LORENZINI: That has happened before where the operator would get the notice and the owner didn't.

COMMISSIONER ENNES: But that may be something that we want to get something done correctly for the future. As far as the zoning issue, I don't think it's quite as simple of an issue as to is this residential or is this institutional. This is a facility that has offices that have a proposal for providing support services to people who live there. It's not just a rental or a residential property.

COMMISSIONER DAWSON: He said they're not providing the support. He said it was support.

MR. KOENIG: We're making space available for that to happen. So, that's what makes it supportive housing is we're proactively making that space available.

COMMISSIONER DAWSON: It's just like having a meeting room --

MR. KOENIG: Yes, there is not a case-worker sitting in that office doing that service. There's space available for that to happen if it's necessary.

COMMISSIONER ENNES: If you weren't providing support services for this, would you be getting any subsidy from the state of Illinois?

MR. KOENIG: If we weren't providing supportive services?

COMMISSIONER ENNES: Support services to these people. These people are people who need, and I totally support the need and satisfying that need in this community, I just don't think this is the right location for it as I did in 2010. But you are providing support

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services for these people, these are people who do, from time to time, require support services. That's the whole purpose of this proposal in this facility.

MR. KOENIG: The idea is to proactively create an environment for people that have disabilities, whether it's a veteran who is disabled and needs a place to stay that's affordable, somebody who is blind, that's sight-impaired that needs a place that physically is able to help that, if someone is hearing-impaired, they can have that ability. If someone is in a wheelchair, they have the ability. So, in addition, whether they have a mental illness or whether they have a developmental disorder, because we tend to focus on certain categories that we have in our mind, the idea is it's available to that range of folks. As they have a particular need to provide those services, it's proactively making sure they get access to them rather than having it be an afterthought, rather than ignoring the fact that someone needs that.

COMMISSIONER ENNES: Which is why it should be institutional because you'll be providing support services for people who need the support services to be able to live independently. You work with them, you've indicated that.

MR. KOENIG: When residents need that, we're going to make sure they get access to it. If they don't need it at the time, we're not going to force them.

COMMISSIONER ENNES: This is not just an apartment.

COMMISSIONER DAWSON: Can you clarify that though? I think he's saying that they connect you to the services, they're making a phone call. I don't think they're providing the services. Or under the control of the existing --

COMMISSIONER GREEN: If somebody wasn't there, who would do that?

COMMISSIONER ENNES: You have employees who are working part time between this and other facilities, right?

MR. KOENIG: I have property managers who work between this and other facilities, not case-workers. That's why I mentioned the fact that we work with the Wings program that work with women with children, they're going to be entrusted, they'll have people working there. Northwest Compass works with, may work with residents who are there. Clearbrook may work with residents who are there. Thresholds may work with residents. Catholic Charities may work with residents. I mean there's Access Living may work with residents who have physical disabilities, that range of disabilities and linking with those organizations, those are the organizations that are providing services to the individuals as they need them.

We're saying proactively they can live in the building but where are they going to get access? They may go to a clubhouse and have services there. They may go to the case manager's office and have services there. We're making space available on site so that they can do that and make it available there if it's needed and that's the best way to do it. It's really being proactive about that.

COMMISSIONER GREEN: You're facilitating the ability to get help, so that's your role. But it's still not a normal --

COMMISSIONER DAWSON: Facilitation isn't supervision or control.

COMMISSIONER GREEN: It's not a regular apartment building because of --

MR. KOENIG: We're trying to go above and beyond that.

COMMISSIONER ENNES: Which is good, it's needed. To imply that, we all have different backgrounds. We all have perceptions become reality. With the case of all of the childcare subscribers to the facility that just up and left in 2010, if people have concerns, they left

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whether they were right or wrong. But we do, we all gather our experience from different backgrounds and values.

We all know people that have mental disabilities. I have a partner whose wife suffered from it for years. I have neighbors who have it. It's something that we need to provide the support service for. But I don't believe this is the right location.

COMMISSIONER JENSEN: Terry, can I follow-up because I want to clarify a point you've raised? Since I'm the one who raised the question in Plat & Sub and you did answer it as Commissioner Ennes indicated. I asked what would happen if someone who had a job signed a lease and then on the course of the tenancy lost their job and could not find another job. You responded that the point of the development was to provide a permanent supportive housing environment. He, being you, said the leases were renewed on a year-to-year basis and a resident that lost their job could ask for an adjustment of their rent based on their income with no job. You said a resident with no job would not be at risk of not being able to renew their lease once it was up for renewal.

I then asked, well, how could the development financially solvent if multiple tenants lost their jobs and had no income? You responded that the rental voucher amount could change to cover the gap in rental income if the resident had no income. So, I think that Commissioner Ennes did capture the essence of what you said. So, I need to get a little clarification.

MR. KOENIG: Thank you for clarifying that now. I do remember talking about that. I was not answering in your example that you gave. I apologize for not answering on the way that the example was given. If a tenant is just not paying the rent, our policy you're just not paying your rent, you owe \$50, you owe \$800, you owe \$1,200. If you're just not paying the rent, you get an eviction notice, you go to court, you get evicted.

If a tenant loses their job, if they lose that source of income that they have, if they work with us to adjust what their rental amount is, then we'll be willing to work with them. That may be a nuanced answer that I'm giving. But I was answering the question about they're just not going to pay their rent just because they don't want to pay the rent. That's a different case than working with us because they have a situation that changes their amount of income.

COMMISSIONER JENSEN: Thank you for the clarification.

MR. KOENIG: I apologize for making that confusing.

COMMISSIONER JENSEN: It wasn't making much sense, the two disparities. Thank you for clarifying.

COMMISSIONER ENNES: Thanks.

MR. KOENIG: Some of it is intent, the answer related to that.

COMMISSIONER ENNES: That's all I have.

CHAIRMAN LORENZINI: Bruce?

COMMISSIONER GREEN: I think we're missing the point here. I think there seems to be two camps that thinks that if you're not in favor of the project, you're against the supportive housing, and that's not true at all. I think that this supportive housing thing is a good thing in the right location. I don't think that we should accept this housing knowing what happened in 2010 to the immediate property to the west was not good. It's borderline criminal in my mind what happened.

So, it's not like after the Village turned them down that the daycare

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came back. They left, they were gone. Just the threat of them being there was enough to put them out of business.

So, if you're going to have this housing, I said it before, get the housing in the right location, get the right site, and you're going to have a wonderful project. Whatever you think I'm saying here tonight, I am in favor of the neighborhood. We're the city of good neighbors. For almost 20 years on this Commission, we have forced new people on the block coming into a neighborhood to change their plans, to flip the plans, to put 16-foot walls around so the guy who has been there for 20 years won't be disturbed by the new property. So, this is the new guy on the block and he has a track record that gives him an F minus from 2010.

So, why are we doing this again? We should not be doing it to that individual again, I don't care what kind of building he has. If there wasn't a project in 2010, you probably still have Kinder Care there and he'd be making money. This is not difficult to understand.

COMMISSIONER JENSEN: We don't know any of that --

COMMISSIONER GREEN: I know we don't, but you can't assume that it would have gone another way. The whole problem here is people with mental disabilities, like it or not, are perceived by some, mothers and daycare, to be potentially dangerous. Whether that's true or not, you don't know and I'm not going to say. But that's what drove his business into the ground, and it was nothing else but that. That's the only change that's happened in the past seven years.

So, as a city of good neighbors, we should be looking out for the neighbors and that's it. I can't support this even though it's a great idea. I said get the property, get the proper thing. When they hauled me into court to give a deposition in 2012, I said the same thing. I said I'm not against anything, I can have an opinion if I wanted to but I'm not against anything. I'm all in favor of it.

Find the right location and you have a wonderful project. That was the end of my four-hour deposition because what can you say? Find the right property, you got a wonderful project, and there is none of this. If it fits the neighborhood, it's great, you're in, it works. The concepts are there, the money is there, the Village is behind it, the Plan Commission is behind it, everybody is behind it. Not here. That's all I have to say.

CHAIRMAN LORENZINI: Thank you. Mr. Everding, could you come back up please? So, I'm trying to figure out the timing of all this. So, Kinder Care was there, they had a viable, ongoing operation.

MR. EVERDING: Yes, we were told it was one of their most profitable locations.

CHAIRMAN LORENZINI: Then the proposal for the other center came forth and it got rejected.

MR. EVERDING: That's right.

CHAIRMAN LORENZINI: When did Kinder Care close? Before or after the rejection?

MR. EVERDING: After the rejection, but --

CHAIRMAN LORENZINI: How much longer?

MR. EVERDING: A couple of months. But there was a lot of controversy around that and it was very unknown as to whether, they were trying to get another hearing, before they filed the lawsuit they were trying to get another hearing with the Trustees. So, there

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was a lot of controversy around whether that was going to take place or not.

CHAIRMAN LORENZINI: Wait, before what lawsuit? Whose lawsuit?

MR. EVERDING: I was just told there was a lawsuit --

CHAIRMAN LORENZINI: Not Kinder Care, it wasn't Kinder Care?

MR. EVERDING: Exactly, it wasn't Kinder Care. But Kinder Care was trying to determine if they were going to stay or not based on the stability of whether that facility was going to be next to them.

CHAIRMAN LORENZINI: Okay, so even though --

MR. EVERDING: So, with all that swirling controversy, they decided to leave.

CHAIRMAN LORENZINI: Got you. Okay, that clarifies it. So, even though the project was rejected, it was still potentially viable so --

MR. EVERDING: Very much in play still in our minds and in their minds, yes.

CHAIRMAN LORENZINI: Okay, all right. Thank you. So, I'm kind of sorry that Mr. Hellner left. Normally I don't think I have to explain myself, but in this case I will. I asked certain questions because, you ask it more as an informational thing than a prejudicial thing. I myself also have a sibling who suffers both mental and disability issues, and actually I'll be spending Friday taking that person back and forth to the doctor. But actually she's probably got the best mind in the family. She's got a better memory than any of the other siblings in the family. So, I certainly know that just because you have mental issues it doesn't make you dangerous. She is also fortunate enough as the -- said, he has the support and the financial backing to take care of himself, so does my sibling. But other people aren't as fortunate, so there is definitely a need and good part of this project.

On the other hand, you know, a project, one of the other things we look at, when a project shouldn't affect the neighbors. We certainly seemed to have been affecting the daycare business the last time around. So, I'm kind of torn between those two issues.

Sam, the Village eventually fought in court and spent a lot of time and money fighting against it. To me this project seems very similar. I did vote for it last time. But it seems very similar, so why is the Village backing it this time as opposed to, they fought it last time?

MR. HUBBARD: Staff recommended approval last time. The Plan Commission, I think it was a very close vote, five to four vote. You had recommended approval. The Village Board ultimately denied it. I think there was a lawsuit as a result of that.

CHAIRMAN LORENZINI: So, the Village Board denied it. So, we don't know if they're going to approve this or not. I would have thought someone would have run it by them before it went to --

MR. HUBBARD: Well, they did go to early review and the minutes were in the packet. I mean --

CHAIRMAN LORENZINI: So, why is this being zoned institutional rather than residential?

MR. HUBBARD: Staff felt that it met the definition of care facility-intermediate, which is defined as a facility which provides on a regular basis health-related care and services to individuals who do not require the degree of care and treatment that a hospital or a skilled nursing facility is designated to provide but who, because of their mental and physical condition, require care and services which can be made available to them only through

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institutional facilities such as these. So, we felt it met that definition. That definition is only a permitted use in the I district. So, that's why we felt I zoning was appropriate.

CHAIRMAN LORENZINI: Why wouldn't you go residential?

MR. HUBBARD: Because there are services provided here on a regular basis to the residents within.

CHAIRMAN LORENZINI: The services are just recommendations to other agencies, right?

MR. HUBBARD: No, the agencies will come to this facility and they'll provide counseling, they will provide, you know, employment help, they will provide whatever it is that's --

COMMISSIONER JENSEN: But Sam, they're not the Petitioner.

COMMISSIONER DAWSON: Right.

COMMISSIONER JENSEN: They're not the Petitioner. They provide services. What if you were in just a regular apartment and you got 10 people that have bipolar disorder and they have visitations from different providers? The owner of the apartment has nothing to do with that. So, they are not the Petitioner. I'm not even, I don't even --

MR. HUBBARD: When you have a facility that's specifically designed to provide those services, that's what we felt --

COMMISSIONER JENSEN: This isn't designed to provide the services. It's specifically to be a place for people with disabilities to rent.

COMMISSIONER SIGALOS: No, I disagree. I disagree.

MR. HUBBARD: It's an apartment that's a supportive housing, it's --

COMMISSIONER SIGALOS: The letter from UP Development very clearly states in there that they will provide case managers and service providers at the site during business hours. Now he's saying they're not going to.

COMMISSIONER JENSEN: Well, are they the --

MR. HUBBARD: There's two people involved here. There's the --

COMMISSIONER SIGALOS: That's in our packet.

COMMISSIONER JENSEN: I read both of those, but who is the Petitioner?

MR. HUBBARD: There is the Housing Opportunity Development Corporation and that's Mr. Richard Koenig. There's his partner in developing that's Up Development. Then they're going to be coordinating with various service providers to give referrals for these people with disabilities so that they can come in and they have space within the facility. It's a permanent supportive housing development. I mean they provide support.

COMMISSIONER SIGALOS: But that's not what they're saying, Sam. They're saying they're going to have somebody on site during business hours. That's very clear in their February 10th letter. So, now they're saying they're not going to.

MR. HUBBARD: Well, they're going to coordinate with all their --

COMMISSIONER SIGALOS: Where does it say in there?

COMMISSIONER DAWSON: I don't think they meant they're providing case managers. They said case managers will be present as needed.

COMMISSIONER SIGALOS: It doesn't say that, it says during business hours.

COMMISSIONER DAWSON: Right, as needed.

COMMISSIONER SIGALOS: It doesn't say as needed.

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COMMISSIONER DAWSON: It doesn't mean that they're providing them, they're just going to be there.

COMMISSIONER SIGALOS: The words as needed aren't in here.

COMMISSIONER DAWSON: Well, it's in the --

COMMISSIONER SIGALOS: In the Staff report?

COMMISSIONER DAWSON: Yes.

COMMISSIONER SIGALOS: Not in their letter. I'm talking about the letter from the developer.

COMMISSIONER DAWSON: Okay.

COMMISSIONER SIGALOS: So, you're contradicting yourself.

MR. HUBBARD: I mean maybe it was a poorly worded description, I don't know.

COMMISSIONER SIGALOS: I'm just saying that they're contradicting themselves. They're saying one thing in the letter and saying something different tonight.

MR. KOENIG: The issue regarding people receiving case management services, no one is forced to receive case management, no one is required to, and no one is going to sit there 24-7 making sure they need that. No one is going to sit there from 9:00 to 5:00 making sure that people get access to services. It's on an individual, each person determination.

COMMISSIONER SIGALOS: That's not what your letter says. That's not what your letter says. Read your letter.

MR. KOENIG: But that's the typical working hours when people are available, that's when the management would typically be available unless there's emergency hours after that.

COMMISSIONER JENSEN: John, could you tell us where? I'd like to see what section you're referring to.

COMMISSIONER SIGALOS: It was --

COMMISSIONER DAWSON: Which one is it?

COMMISSIONER SIGALOS: It was a letter --

MR. HUBBARD: The project narrative maybe?

COMMISSIONER JENSEN: Well, there's a letter from February 10th.

COMMISSIONER DAWSON: Written justification?

COMMISSIONER SIGALOS: No, it might have been the project narrative correspondence.

COMMISSIONER DAWSON: Project narrative? I think it's in the --

COMMISSIONER SIGALOS: No, no.

COMMISSIONER DAWSON: Oh, no, okay. It's the wrong --

COMMISSIONER SIGALOS: It's dated February 10th.

COMMISSIONER JENSEN: Right, I've got the February 10th.

COMMISSIONER DAWSON: Okay, where is it? Yes, that's it. Isn't it?

(Pause.)

COMMISSIONER GREEN: Here. Here, right here. It's in paragraph three. Yes, management staff, maintenance staff, case managers and service providers will be present at the site during business hours to provide management, maintenance and supportive social services as needed. It's highlighted in yellow on mine.

COMMISSIONER DAWSON: Yes, but in the one above it, it says they're

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going to be coordinating with, I know I saw somewhere that they're going to be coordinating with.

COMMISSIONER GREEN: Okay, then I didn't just read that?

COMMISSIONER DAWSON: No, you did just read it. But that's not how I interpreted it. I interpreted it as they're going to be --

COMMISSIONER GREEN: I just read what's there. I don't have to interpret anything, it's right there in yellow.

COMMISSIONER DAWSON: Yes, I'm reading it, too.

MR. KOENIG: The question asked was about security measures. The question asked wasn't about case management service provision. So, the issue we were trying to address was the issue of security and people being available on site, people being around. We talked about what was there and who wasn't available. The question wasn't how often we provided case management, it was how often case management would be there in response to security. That's how we were addressing the security issues, that there will be people around the building.

COMMISSIONER GREEN: Yes, why is it zoned institutional was the question.

COMMISSIONER JENSEN: I'm with Sue. I don't read it that way. They don't say that they will provide it.

COMMISSIONER DAWSON: I don't read it that way, no. It just says that they are going to be there. I don't think it conflicts at all with what the Staff report was. Perhaps part of my issues because this was the same back in 2010, they were quite clear, there will be no on site services provided. They will have facilitate if someone needs assistance to make a phone call, to work with these other agencies. They're facilitating, they're not controlling, they're not supervising, none of that. The individuals who are living there aren't at that level. They are primarily independent, but they need help from time to time.

CHAIRMAN LORENZINI: Could I ask Mr. Everding to come back up once more? Several times when you were talking, you kept on kind of mentioning, and maybe I was trying to read into it something that's not there. But you kind of mentioned you'd be okay with this if somebody would come talk to you. Come talk to you about what? What were you getting at?

MR. EVERDING: So, I agree with almost everything that's said by everybody on the board. I very much appreciate Ms. Dawson saying that, you know, not painting me with a brush that says, you know, I don't appreciate the difficulties with being mentally ill. I spend a lot of time trying to help people. So, I think that, as been stated by I think everybody on the board, this project is necessary and is a good thing. You've just got to find the right location for it.

So, based on what I know and frankly I've said this very clearly to you earlier, my trust factor in these folks is very, very low.

CHAIRMAN LORENZINI: Why is that?

MR. EVERDING: Because of the way that they've treated us. When they want to find me, they can find me. When they don't want to find me, they'd say they can't find me. They know, they have my phone number. They have my address. When they say, when they come up here and they say, well, you know, we used this one list and you just weren't on that list and that's why you didn't get invited --

CHAIRMAN LORENZINI: But if they had talked to you before this meeting and fully filled you in, would you have changed your attitude or your opinion?

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MR. EVERDING: Well, I have a seven-year history with these people. So, a five-minute meeting isn't going to fix a seven-year history with these people. But I would have liked to, I would like to find a way to make it work. I would like to see, and all the double talk, I mean you guys are doing it right here, you're saying, look, you're saying one thing and you're saying another thing, it makes me very nervous. So, I'd like to see the double talk, the double speak get out of this.

Let's have a real discussion, let's have an honest discussion about it. I'd love to see that happen. But I would like to know what criteria there are of the people. So, someone said on the board, you know what, these people aren't going to be at that level, they're not going to be at that level. How do we know that? I don't know what level these people are going to be at.

CHAIRMAN LORENZINI: Well, but I mean, to be quite honest, there are a lot of very prejudicial people when they hear --

MR. EVERDING: I agree. I was --

CHAIRMAN LORENZINI: All I'm saying is no matter what they tell you, and you may be saying that's fine with it, there's still going to be customers out there that no matter what, they're going to have the same feelings.

MR. EVERDING: Absolutely. Absolutely.

CHAIRMAN LORENZINI: So, I don't know what them explaining to you what the level of acceptance is going to help, how that's going to help your business at all.

MR. EVERDING: Well, I don't know that it would either. But I certainly would want to listen.

COMMISSIONER JENSEN: I'm really confused here because there's a 34-page document that's in our packet that those are the tenant selection plan criteria. It's 34 pages. Now, I don't know why that wasn't made widely available, but it goes through in great detail who and how they select, who they're going to allow in.

MR. EVERDING: But what was presented, the first slide that I think you showed said you'd like to see that.

MR. HUBBARD: They've provided a tenant selection plan, it's just kind of a blank template. They haven't filled it out that has, you know, they haven't clarified, you know, different items within the tenant selection plan. So, it's just a blank copy that, you know, could be filled out at that point.

COMMISSIONER JENSEN: So, then we need to ask Mr. Koenig, do you actually have a tenant selection plan with detail on it that you use when you screen people?

MR. KOENIG: So, the tenant selection plan is a form document provided by our primary funding source. It's got the Illinois Housing Development Authority, that's typically the primary funding source that we use to fund this. It's a form document, we put the name of the project on it, the title of the project and the address, all that information. Then there are a few things that we can select when we go to the waiting list, different ideas, different options that they allow us to select.

So, we provided that standard form as part of our application packet because we haven't gone through that process of filling it out yet because we haven't been approved for that funding source yet. Every project that we have --

COMMISSIONER JENSEN: But you do screening for other facilities that you have.

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MR. KOENIG: Every single building that we have has that tenant selection plan filled out for that specific development with the specific requirements of that building.

COMMISSIONER JENSEN: Is there a huge variation between one facility that's up and running versus another?

MR. KOENIG: They're very similar because of the form of the selection plan. You can only, you only have so many choices.

COMMISSIONER JENSEN: I just didn't want the thought that there is no criteria whatsoever and it's just a mystery to everybody how people get selected. Eventually, my question, that you do have some fairly significant number of criteria that have to be met and I assume you apply that fairly and, you know, appropriately.

MR. KOENIG: Right. We follow that selection plan that's made. We gave you the generic version because it's a document that's out there and we will fill that out when we need to get that done and get that turned in.

COMMISSIONER JENSEN: Well, if you are taking this before the Board, it might be a good idea to fill that out before even prospectively so that at least people, you would say this is our selection criteria.

MR. HUBBARD: It's a condition of approval this evening that they have a draft format filled out before the Village Board.

CHAIRMAN LORENZINI: Mr. Everding, I've got one more question for you. So, I'll just cut to the chase. You mentioned after all this went down and the property was vacant, they offered you pennies on the dollar.

MR. EVERDING: Yes.

CHAIRMAN LORENZINI: Are you saying that if someone gave you a good offer you would sell out?

MR. EVERDING: It's my mom's property. The purpose of that property is for her to have a retirement and be able to pay her bills. That's the purpose of that property, okay. I don't know what a fair price is, I wouldn't know how to stand here and tell you that. But the purpose of the property is that. So, if we can fulfill that purpose in another way, I would be open to that.

CHAIRMAN LORENZINI: But right now the only way you can really see, sorry to put words in your mouth, but the way you see it is just to have a viable business that has monthly income?

MR. EVERDING: Yes, I don't know how else to do that. I don't know how to have a viable business next to what's been proposed. I just want to say, as I listened to it, the selection criteria, I heard a lot of double speak. I want to see this. It's like, well, we've got this template but we can't really show it to you. Somehow the whole thing continues to be.

CHAIRMAN LORENZINI: Seven years ago, I still remember the night very clearly, no matter what their criteria says, people have certain expectations, it's not going to change.

MR. EVERDING: Agreed, agreed.

CHAIRMAN LORENZINI: Because at that meeting seven years ago, the first people that came forward were all about, well, these crazy people are going to kill our kids.

MR. EVERDING: Yes.

CHAIRMAN LORENZINI: Then they started listening to what they said. Then they come back and said, well, we should protect the people from the kids. So, I mean

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people have certain perceptions, you're not going to change that.

MR. EVERDING: I agree. That's why I was so thankful to Ms. Dawson that she did not classify me in that group. Because I reject that, but our society, that's where we live today. The reality is if that facility goes in there, we're going to have an empty building.

CHAIRMAN LORENZINI: All right, thank you. Any other questions, comments? Recommendations?

COMMISSIONER CHERWIN: I would just comment that, you know, I said before but speakers from the public had mentioned, you know, maybe there were other issues here and not so much just the land use, but I mean I'm looking at it from a land use perspective and I keep drawing comparisons to on Arlington Heights Road, you know, when we were taking such a drastic, when I look at a change, they come to us, you know, for some of these exceptions and when you're going outside the Comprehensive Plan, you're going to change the Comprehensive Plan, you're going to make these major zoning changes, that's why we're here tonight, I keep drawing comparisons to when we were looking at a medical building they wanted to change to, ironically, a daycare facility, so it was going the other way around. I gave a lot of weight to the adjacent property owners because they had, you know, invested in those properties with a certain expectation of the adjacent use. It was such a drastic change in the use that they were very concerned about what would happen to those values and the quality in those houses given this drastic zoning change.

That's why we notify adjacent owners because we do have to give some deference to those owners and the impact it has when we're changing what the expectation would be in an existing state. So, I think that's the comparison I keep drawing. That's why I struggle with this particular use and this particular space given the effect it's obviously had in the market it's already dictated based on previous conduct, that it does have an effect on the adjacent property.

COMMISSIONER JENSEN: If I could, I'd like to ask Commissioner Green to help us here a little bit, it might clarify some things. What would you consider to be the two or three principal things that they should be looking for in the appropriate property?

COMMISSIONER GREEN: I think all the variations would go away if the site was big enough, so there would be no variations at all.

COMMISSIONER JENSEN: So, they have a four-acre piece of property.

COMMISSIONER GREEN: Or two-acre.

COMMISSIONER JENSEN: Or two-acre, whatever, you'd have no problem with this even though it's right next door to a daycare?

COMMISSIONER GREEN: No, that's not what they said. I said if they got rid of the variations on a two-acre piece, there would be no variations, okay, and that piece should not be next to this use of the daycare. It has nothing to do with who they're helping or whether we need it or any of that. It has nothing to do with it.

COMMISSIONER JENSEN: Okay, so it's size and the adjacent property?

COMMISSIONER GREEN: That would take care of the zoning issues. That would clear up all the zoning issues. If they had a two-acre piece in 2010, all those zoning variations would have gone away, or most of them.

COMMISSIONER JENSEN: Okay, that's one criteria.

COMMISSIONER GREEN: That's one criteria. My big problem with this is what's next door and the history of what happened in 2010. I don't know why it wouldn't happen

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again, and I don't think it's right to take the chance that it won't happen again. That's my feeling. So, understand where I'm coming from, these are great projects, and I keep telling you, find the right site. It's a shoo-in.

COMMISSIONER DAWSON: I just don't know that we can absolutely draw the conclusion that this is what caused the vacancy. I know that may sound ridiculous to some, you can stop laughing now, Bruce --

COMMISSIONER GREEN: You just said it might sound ridiculous and I disagree.

COMMISSIONER DAWSON: Well, again I'm just reminding you of what 2010 was. The number of vacancies in 2010 were worse than we had seen in many, many, many years. People were vacating premises right and left. Kinder Care is not here to speak to that. We don't know --

COMMISSIONER GREEN: But they're on record of what they said.

COMMISSIONER DAWSON: No, we're on record that they were bothered, yes, by this facility going in next door. They came to that meeting. But we cannot say that the reason that another tenant couldn't come in there was because of this facility. We cannot say that because we don't know the reason for the vacancy at that period of time.

COMMISSIONER GREEN: That's true, there's a million possibilities.

COMMISSIONER DAWSON: We also don't know because it never let it get that far. We don't know if the daycare would have gone under because of this facility being next door, because Kinder Care made the decision and moved. We don't actually know, none of us know the ramifications of this business in that spot. You're making assumptions. I don't know that they are wild assumptions, I'm not saying that at all. But I am saying that you are making --

COMMISSIONER GREEN: But you see what I'm saying --

COMMISSIONER DAWSON: I'm still speaking by the way, what I'm saying is that you are making assumptions in a facility --

COMMISSIONER GREEN: No, don't say what I'm saying. You speak for yourself, not for me.

COMMISSIONER DAWSON: You are making assumptions in a facility, and what I'm saying is that I cannot make any assumptions at this time because I do not know the impact it will have on this facility.

COMMISSIONER GREEN: Okay, I refuse to make an emotional decision here tonight. I'm making the financial monetary decision.

COMMISSIONER DAWSON: You sound very emotional.

COMMISSIONER GREEN: It is because everybody is putting the emotion into this. In the past, I've used the old K-Mart analogy. Let's pretend this was not a supportive housing project next door. Let's present it's a K-Mart and all these variations that they want, would you want a K-Mart next to your daycare or something? In other words, take the emotion out of it and just deal with what happened to the guy. I believe the man, I do 100 percent. I don't know why he would come here and lie about it.

COMMISSIONER DAWSON: I'm not saying he's lying. I never said he was lying.

COMMISSIONER GREEN: That's what I think, you're not going to change my mind here on this and so I wish we would stop because I want to go home.

COMMISSIONER JENSEN: We're trying to clarify this.

APPROVED

COMMISSIONER DAWSON: Do we have to extend past midnight, Sam?
We're at midnight. Don't we have to do another motion to extend past midnight?

CHAIRMAN LORENZINI: Do we have a motion to extend it?

COMMISSIONER DAWSON: I'll move to extend.

CHAIRMAN LORENZINI: Second?

MR. HORWITZ: Would you like to read the testimony of --

CHAIRMAN LORENZINI: Excuse me, the public hearing is done.

MR. HORWITZ: But your Commissioner seems to not remember.

CHAIRMAN LORENZINI: All in favor?

(Chorus of ayes.)

CHAIRMAN LORENZINI: Why don't we take a five-minute break? I need to
take a break.

(Off the record.)

CHAIRMAN LORENZINI: Why don't we get started again? I think we've had
our five minutes and more. So, let me just say believe it or not, this isn't the hardest part of the job
going to midnight. The hardest part of the job is closing the public portion because there's always
more ideas, there's always more data, there's always more information.

COMMISSIONER DAWSON: Don't we need the Petitioner? The Petitioner
is not back yet.

COMMISSIONER GREEN: Let's vote.

COMMISSIONER WARSKOW: He's outside with --

COMMISSIONER DAWSON: Yes, should we let him know?

(Pause.)

CHAIRMAN LORENZINI: Anyways, as I was saying, the hardest part of
these hearings is closing the public portion because there's always more information, you get
more things to say, more good ideas. But if we don't close it, well, the meeting will never end. It's
only fair because once we close it, it's closed. So, we've done it in all of our other hearings and
we plan to keep the record going here.

So, anyways, any more questions, concerns, deliberations, motions?

COMMISSIONER DAWSON: I just wanted to clarify my comments because
it seems that this is what the individual in the audience is very upset about. What I said was we
know what Kinder Care said. But what we don't know is what would have happened if they had
stayed. What we don't know is what would happen if this facility came in. So, there was an
indication from the audience that I don't know what Kinder Care said. I do, I know that they left,
but I don't know what would have happened if they had stayed and I don't think we should be
making assumptions of what would happen since we have absolutely no actual evidence in front
of us what would actually happen if this facility opened with this place next door. That's all, just to
clarify that comment.

CHAIRMAN LORENZINI: Let me make a suggestion. Why don't we just go
down one by one and not make an argument or recommendation or anything but just give our
current opinion. I'll start.

My opinion is I think this is a wonderful project and I think this does a
lot of great things for the community. On the other hand, anything we do is not supposed to hurt
the neighbors and at least it appears it definitely hurt one of the neighbors last time. That's kind of
where I'm standing right now. Anybody else?

APPROVED

COMMISSIONER SIGALOS: Yes, I'd like to make it very clear. I'm in full support of supportive housing, but again this is not different than it was in 2010 and it's just the wrong location. To have the history of what it did to the neighboring property owner, I don't want to see it repeated again. So, again I'd support it if it was the right location, and this is the wrong location.

CHAIRMAN LORENZINI: Who wants to go next?

COMMISSIONER GREEN: I'll go to just remove any doubt. This supportive housing, 16 units, will affect 16 families and that's a good thing. Those 16 families could be just as happy in another location. The daycare to the west would also be happy at the same time. So, the only way to make two parties happy at the same time is take the one away who's not there yet and put it somewhere else. So, great project, bad location. I am not in favor of it at this location.

COMMISSIONER WARSKOW: I guess I can speak next because I'll just kind of comment on that, that to me this is a NIMBY project. If you're not familiar with that terminology, it's not in my backyard. So, I feel that even if we found somewhere where we didn't need this many variations, somebody else would come up with a reason for why it couldn't be located there.

CHAIRMAN LORENZINI: Next?

COMMISSIONER DAWSON: I'll speak to again I don't feel that we have actual evidence of what would happen if this facility moves in. We know that Kinder Care moved. We also know that the economy was much different then, and we do not know if that was the only reason why Kinder Care moved. We do not know if another facility could not have moved in at that time because vacancies were impossible to fill at that time and they were possible to fill for years. About the time when they found a new tenant was about the time properties started filling again. So, I have a hard time making that conclusion.

I think that other than the concerns that the daycare, which I do understand because parents do act in my opinion unreasonably sometimes in what they would say is in the best interests of their children, and I'm not by my comments trying to say that I don't believe that this will impact the business, I think it very well may impact the business, but I don't think it will put the business out of business and I think that they can recover from maybe an impact. Where was I going with this? Oh, my God, it's late. I think that the location itself is actually perfect for the type of individual that's moving into this facility, being close to public transportation, being close to all of the restaurants, the Aldi. I think it is in fact actually a perfect location for this.

I think it's a great project and I'm very glad that they've come back. I also want to point out that it's been 10 years and to me the same agreement of find a better location, and they've clearly come back, or maybe seven years, it's been a long time and they still haven't been able to find another place, so they went back to this place and looked at it again and thought maybe they can make it work. I think the fact that it's been that long, that parcel of land has been vacant for a very long period of time. It clearly doesn't have much marketability. This is a very viable building for this parcel of land and I am in favor of the project.

CHAIRMAN LORENZINI: Jay, Terry or Lynn, anybody want to go next?

COMMISSIONER CHERWIN: Yes, I mean there are a lot of good aspects to the site for this use. But it's a balance between the immediate effect against the existing uses. I don't know if a reconfiguration of the site would ameliorate those effects to the adjacent property owner, but right now it seems like that's where I'm leaning for the existing use, the incompatibility.

APPROVED

COMMISSIONER JENSEN: These decisions where you've got these competing interests where you really can't make everybody happy are very tough. I guess I'm probably more where Commissioner Dawson is. So, I would probably be in favor.

COMMISSIONER ENNES: I've stated my position, it hasn't changed from this. I think it's an institutional use and I think it's a great project as well. But other than that, it's an inappropriate project for this location.

CHAIRMAN LORENZINI: Any more discussion or anybody want to make a motion?

(Pause.)

COMMISSIONER DAWSON: I would make, I think someone needs to make, clearly by going through the numbers we know where the vote is going to go. So, there's no point in me making the motion because then we'll just have to do it twice. So, could someone else make the motion please?

COMMISSIONER GREEN: Okay. I'll make the motion.

A motion to recommend to the Village Board of Trustees denial of PC#17-004, a Rezoning from B-1 Limited Retail Business District and B-2 General Business District to I Institutional; a Preliminary Planned Unit Development (PUD) to allow the construction of a two-story 16-unit supportive housing development; an Amendment to the Village's Comprehensive Plan to change the underlying land use designation from Commercial to Institutional; a Preliminary Plat of Resubdivision to consolidate the two lots into one lot; a Variation from Chapter 28, Section 5.1-8.3, Minimum Area for Zoning District, to allow a reduction to the minimum district standard size from 2.0 to 0.93 acres; a Variation to Chapter 28, Section 5.1-8.1.A, Location, to waive the requirement that property up to four acres and zoned institutional shall have frontage on a street classified at least as a collector on the Arlington Heights Thoroughfare Plan; a Variation to Chapter 28, Section 5.1-8.14, Minimum Distance from Building Wall to Paved Area, to allow a reduction to the minimum distance from 25 to 15 feet; a Variation to Chapter 28, Section 6.5-2, Accessory Structures, to allow an accessory structure (gazebo) in a side yard; a Variation to Chapter 28, Section 11.7(B), Loading Requirements, to waive the requirement for a loading berth on the subject property; and a Variation to Chapter 28, Section 16.12-1, Traffic Engineering Approval, to waive the requirement for a traffic analysis.

COMMISSIONER JENSEN: I'll second.

CHAIRMAN LORENZINI: Roll call vote please.

MR. HUBBARD: The second was Commissioner?

COMMISSIONER DAWSON: Jensen.

CHAIRMAN LORENZINI: Jensen.

COMMISSIONER GREEN: So, just to be clear, if you vote yes, that's for denial?

COMMISSIONER JENSEN: Yes, that is correct.

COMMISSIONER DAWSON: And if you vote no, you're against denial.

COMMISSIONER GREEN: All right.

MR. HUBBARD: Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes.

APPROVED

MR. HUBBARD: Commissioner Dawson.

COMMISSIONER DAWSON: No.

MR. HUBBARD: Commissioner Ennes.

COMMISSIONER ENNES: Yes.

MR. HUBBARD: Commissioner Green.

COMMISSIONER GREEN: Yes.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: No.

MR. HUBBARD: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

MR. HUBBARD: Commissioner Warskow.

COMMISSIONER WARSKOW: No.

MR. HUBBARD: Chairman Lorenzini.

CHAIRMAN LORENZINI: No. Four and four.

COMMISSIONER DAWSON: Whoa, look at you.

MR. HUBBARD: Four and four, so the motion to deny does not pass.

COMMISSIONER DAWSON: If we do a motion to approve, that won't pass

either.

MR. HUBBARD: Well, typically, when there's a tie vote, if a motion doesn't pass, then the recommendation, the opposite recommendation goes forward.

COMMISSIONER DAWSON: Oh, then awesome.

MR. HUBBARD: I believe, but we'll have to check on counsel on that. Either that would be the option or it would move forward with no recommendation.

COMMISSIONER DAWSON: I think that's probably where you're at.

COMMISSIONER GREEN: It's a no recommendation.

COMMISSIONER DAWSON: It's a no recommendation. But you can move forward, even if we had approved denial, they can still move forward.

COMMISSIONER GREEN: Doesn't make any difference, right.

MR. HUBBARD: Right, it still would move forward.

COMMISSIONER DAWSON: Right.

COMMISSIONER JENSEN: Well, they'll know what the vote was in reading the minutes. So, it is essentially without a recommendation, I agree with that.

COMMISSIONER DAWSON: Yes.

CHAIRMAN LORENZINI: Okay, so I guess we're done with this. So, the next step, Sam, is they go to the Village Trustees?

MR. HUBBARD: To the Village Board. We're tentatively targeting May 15th. It's going to be subject to availability and scheduling. I'm happy to go over that with you already. It may be pushed back. We'll find out the next week or so.

CHAIRMAN LORENZINI: Okay, thank you all for staying this late. Appreciate your attendance. Do we have any other business?

COMMISSIONER DAWSON: I make the motion to adjourn.

CHAIRMAN LORENZINI: Second?

COMMISSIONER GREEN: Second.

CHAIRMAN LORENZINI: All in favor?

(Chorus of ayes.)

APPROVED

CHAIRMAN LORENZINI: Opposed?

(No response.)

CHAIRMAN LORENZINI: Adjourned.

(Whereupon, the public hearing on the above petition was adjourned
at 12:23 p.m.)