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

COMMISSION

RE: SIGWALT APARTMENTS/CA VENTURE - 45 S. CHESTNUT AVE. - PC#17-016  
PUD, PRELIMINARY & FINAL PLAT OF SUBDIVISION, REZONING, VARIATIONS

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 28th day of February, 2018 at the hour of 7:00 p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

SAM HUBBARD, Community Development Planner  
BILL ENRIGHT, Community Development Deputy Director

CHAIRMAN ENNES: Okay, we're going to move on to our second petition. Seeing as the rest of you didn't talk, I think we're going to have a lot of public comment. But is the Petitioner here?

MR. FIRSEL: Yes.

CHAIRMAN ENNES: Would you please come forward?

MR. FIRSEL: Sure.

CHAIRMAN ENNES: State your name and spell it for our court reporter.

MR. FIRSEL: Good evening. My name is Mike Firsell, law firm of Firsell Ross, F-i-r-s-e-l, the spelling of my last name.

CHAIRMAN ENNES: Mr. Firsell, I'm going to swear you in.

MR. FIRSEL: Sure.

(Witness sworn.)

CHAIRMAN ENNES: Please tell us about your project.

MR. FIRSEL: Thank you. As I'm sure you are aware, this matter has been before you in the past. I was not representing the Petitioner at that time. As you, I am sure, also are aware, the Village Board did not recommend approval of this project as presented, notwithstanding the approval of the close vote of the Plan Commission. So, in playing catch-up over the last few months, I have been able to read all of the transcripts, I appreciate the Village making them available, and we have gone back to the drawing board on several very important matters related to the process.

When you do a project of this nature, having done zoning both on your side of the table and on this side, we start with what the Village ordinance is saying in this particular case and what the Downtown Master Plan calls for. The Downtown Master Plan specifically points out this particular Block 425, and very specifically states that the plan for this block and this corridor of this block is a recommendation for R-7 zoning. That plan also recommends that the remainder of this block be B-5 zoning. In addition, the 1802 building to the east is under a B-5 zoning district. Between Arlington Heights Road and Chestnut on the north side of Sigwalt, this is the only parcel that is not zoned B-5, for a good reason. It is a transitional location, and so those who worked on and approved the master plan felt that the amount of density, height, and other allowances contained in the B-5 district, and specifically retail on the first floor required in the B-5 zoning district would not be appropriate at this location directly across the street from residences.

So, we started with what the Village was looking for on this site, and of course it recommended four to six-story building within the R-7 zoning district. To build a four to six-story building on this site and not request a variance, any variances for this property, is virtually impossible to do, because in the R-7 district, it covers many different types of locations and there are other examples which are set forth in your Staff reports. But there were some very important comments made both at the Plan Commission level and at the Village Board which I believe, and happen to agree, caused controversy and issues, having been a resident of the Village for 25 years. There is a parking problem in Downtown Arlington Heights, I don't think it's something to be hidden, and we needed 1.5 to one parking for this project.

The prior petition wanted to use 22 spaces in an already crowded parking deck. The plan before you tonight complies with the 1.5 to one. How does it do that? Not only did we increase the parking spaces, we decreased the number of units that were previously approved by the Plan Commission from 88 to 80 units. We are now providing 120

parking spaces. Of those 120 parking spaces, 30 of them are what we call tandem spaces. Tandem, as you are certainly aware, one car parks in front of the other, therefore, blocking the car that may be up against the wall. Why do we feel tandem spaces would be able to be used? Well, 30 tandem spaces in our belief translates to 15 units. We strongly believe that at least 15 of the 80 apartments we are proposing will have two cars. In fact, in discussing the matter with other downtown property managers, many people in downtown apartment buildings have two cars. Maybe that's part of the parking problem, people not needing two cars but they have them. So, parking, in the discussions regarding parking in my view should be off the table because we comply.

Number two, the height. In this district, 60 feet is the height limitation. Now, it took a lot of convincing and it took a lot of hard work and the expertise of our incredible architects who have worked in this Village for many, many years, that relates to Mark Hopkins, we now are, there is no seeking of any height variation on this building. It's 60 feet at its highest point, and directly across from the residences it is somewhere around 57.5 to 58 feet, not 60.

So, one question is the boxiness of the building and the units, where did we take the units from. We took the units, as you can tell by the packet I'm sure you've all reviewed, we reduced the unit count on the fifth floor by eight units, thereby setting back the top floor and putting fewer units on that floor. There are depictions from the ground level, and Mark Hopkins, our architect, will be going through our specific plans with you, but we believe that this is a major, major upgrade to this property.

One of the other major items happen to be deliveries. They were taking two spaces on Highland, and what the plan in front of you shows in generalities is we have spaces on Sigwalt now where there will be delivery parking. Most of the deliveries, FedEx, UPS, and now all the restaurants who deliver food now, there will be parking not on the street. There will not be any lockage of Sigwalt Street by these delivery vehicles because we have moved the area in front of the building, which Mark will go into greater detail, farther back or farther to the north to accommodate several parking places for parking as well as deliveries along Sigwalt Street.

I do want to touch on what I know is going to be an issue, and these are some of the variances. In the prior plan, there was a request for 15 variances. The request today has been reduced from 15 to 11, not 12, because we since, over the last two or three weeks, were able to reduce the height. So, we are not asking for a height variation. So, what is the nature of the variations? Well, you've seen them all.

In the B-5 district where this building built is zoned as a B-5, many of these variations would not be necessary, because in the B-5 district you have higher densities and you have less ground coverage, more FAR, et cetera. So, it would be physically, almost physically impossible to build a four to six-story unit and satisfy the coverage requirement or the pervious or impervious surface requirement of this building. It's just not physically possible to do. So, were we to propose something other than what's called for in the master plan would then be criticized for not following the master plan. So, we're between a rock and a hard place as far as that is concerned. So, what we had attempted to do is minimize and improve the requested variances, and when I say improve, make them less.

Last time, not last time but when we started looking at this project, we were unaware that there is an additional eight-foot dedication on both, or setback in both

Chestnut and Highland. Those eight-foot setbacks that are in addition to the existing, were those not present, the variances we are requesting for setbacks would be very, very minimal. To not have a setback on the north side, to have a large setback on the north side of this property when it's going to abut B-5 development really makes no practical sense. So, what we have done is we have shifted the building to I believe four or five feet to the east, so the setback along Chestnut is bigger. As you will see on some of the slides that Mark goes through, the front of the building or the south side of this building, I shouldn't say that because there are two fronts neither of which is on Sigwalt, but the front of the building, we call the front building or the main entrance to the building, it's not a flat wall at all. There's a lot of design features and the like all the way around this building.

Finally, I wanted to point out that there's been a lot of talk about the nature of the, and a lot of goings on in the Village internally regarding how do you approve design, if the Design Commission without going to the Plan Commission first? Or do you go to the Plan Commission first and then go to Design Commission? To us, what we want to do is build the best possible project that fits in with the Village. Hence, you will see, just for informational purposes, a new design of the exterior of this building. When we present this to the Village Board, we will present it either with the newer design or with the option of doing either, because to us we want to do, we can still adjust, we want to do what fits in best with this Village.

With that said, I want to point out that I believe and have always believed that the process in this Village works. The process of when we came to you with a plan you will the progression of how this building has morphed from a five-story square building with dark colors on the top to what you have in front of you and what was presented tonight. Without the input of Staff, without the input of the neighbors, without the input of the Plan Commission as well as the Village Board, we wouldn't be where we are. So, we are happy to work within the process, continue to work within the process, and we believe that what you have been presented tonight without me going through each and every item simply is the best.

My last comment relates to why can't we make this a three or a four-story building? Why does it have to be as large as it is? This goes to the very essence of what is required on an economic basis to justify variances, that's part of your code as we know. There are a few attributes to this building that other buildings in downtown don't have. One of them is that this building will have its own self-contained underground water storage, or storm sewage system. That is a very costly item. In addition to that, other buildings downtown other than the newest one that was approved and is now under construction were not required to pay low income housing money in lieu of providing use.

One might think that if you build fewer units, that there will be a pro rata reduction in the cost of building that building, therefore, if you build fewer units your cost goes down commensurately. Well, that is simply not the case. You still have to buy the land and the land is the same price whether you build 40, 50 or 80 units. We still have to put in the underground storage system. We still have to build a roof. We still have to do the same landscape. We still have to do the same improvements off site and onsite for this project regardless. The bottom line is that I've gone through the numbers with the client, I've seen people say that, you know, it's going to affect the housing prices with, I've seen no evidence of that. But these are very, very expensive units.

The rental in these units is going to be, hopefully, somewhere at

least \$2.50 a foot. So, if you have a one-bedroom apartment that's 750 square feet, you're well over \$1,500, \$1,800 for a one-bedroom per month. If we were to reduce the number of units, the cost of building this building could not go down commensurately. Therefore, we have reached a threshold of 80 units, pushing as hard as we could to satisfy the economic requirements of a reasonable, certainly not huge, return for this project by probably the currently most prolific developer in the Chicagoland area, CA Ventures. They're just knocking the cover off the ball wherever they go. So, you've got a phenomenal developer who has the wherewithal to build this building, and you have a phenomenal building. We comply with the requirements of your master plan, and I believe the variances which are very well covered in the report of the Staff and in the letter submitted by my client, we go variance by variance, more than justify the requirements for the granting of the variance we have this evening.

With that, I'd like to call on Mark Hopkins, more affectionately known as Hoppy, who I'm sure if you don't know him I'd be shocked, but he's going to run through this with you. Since you have seen this many times, we're not going to reinvent the wheel, we're going to stick with the modifications to what you've seen before.

CHAIRMAN ENNES: Mr. Firsell, before you leave the podium?

MR. FIRSEL: Sure.

CHAIRMAN ENNES: Do you expect anyone else from your group to be testifying?

MR. FIRSEL: Not unless questions are asked that Mark nor I are able to answer. But if you want to swear in the --

CHAIRMAN ENNES: If there's anybody else that might testify, I would like to swear them in at this time.

MR. FIRSEL: No, it's just the dynamic duo.

CHAIRMAN ENNES: So, we go on to your architect. I would ask for you to please spell your name.

MR. HOPKINS: H-o-p-k-i-n-s, Mark. Our address is 43 South Vail.

CHAIRMAN ENNES: Can I swear you in?

(Witness sworn.)

CHAIRMAN ENNES: Thank you.

MR. HOPKINS: I think Mike was very nice and he said keep it short. So, what I'm going to do is I'm going to focus on the major adjustments that have been made according to the comments that we've made in all the different rounds of interactions that we had with the appointed and elected bodies, with Staff, and with the neighborhood. I think it all points to the importance of this position in the downtown and how important it is to the Village as a whole, how important it is to the neighborhood, and I think all of this iteration has made the project the beneficiary. So, it has improved, at least in my eyes, over the course of this even though it's been quite a process.

I'd like to start and highlight some of the site plan modifications that you see in the exhibit that's on your screens and in your packet. I won't belabor most of them, but what we have is a net gain of five cars. On the street, currently, there is no parking on this parkway along Sigwalt. These stalls that you see along Sigwalt at the bottom edge of the sheet, those are burrowed into the parkways so that those curbs that you see that kind of embrace those lay-by parking spaces, the southernmost extent of those curbs is the current curb line on Sigwalt. So, we're not imposing onto Sigwalt at all in order to gain those spaces. The ones with

the kind of brown bar between them in the sidewalk, that's a paver mark, and those are parking spaces for vehicles. Then the other space that doesn't have that feature is a lay-by loading for short-term, as Mike said, for the FedEx guy or the UPS guy, or if we get panels right there, it actually fits in there for some move-in and move-out. That's the kind of thing that can happen there so that those vehicles will be not imposing on cross traffic on Sigwalt. Otherwise, we have some knuckle type parallel parking spaces also on Highland, and you can see that the overhead door access there on Highland remains where it was before.

The Staff report shows that the building was shifted a little bit to the east to increase the setback on Chestnut. There are some bumps in the facade that were removed in order to eliminate the variation off of Sigwalt so that we achieve 20 feet there. In the course of getting this building to comply with the 60-foot height requirement, the entire building in the first floor was pressed down in the earth a little bit more. So, if you take a look at the lobby entry, compared to the way it was laid out before, you'll see there's less steps leading up to the first floor lobby there in the center of the south facade, even though technically it fronts around Chestnut and Highland, we're entering the building there in the center where you see the amenity courtyard there portrayed over the lobby.

As I mentioned last time, as you'll see in the civil engineering drawings, there is a three-foot cross slope on the building from the high point at the northwest corner of the site and to the low point on the southeast corner of the site. Obviously that remains the same now. Because we pressed the building down, our average height for approval purposes which is measured on our lower facade, the center of our lower facade at the sidewalk to along Highland is 60 feet. But because the site slopes up towards Chestnut, that number as Mike said is more like 57.5 feet.

The big change on the building, obviously the reduced to 80 units and get the parking to comply in that reorchestration of the building, and parking, internal parking has to do what you see in the diagram which is set back in the fifth floor. You can see that with that darker area, you can see the outline of the four stories there, and a more C-shaped rectangular building in the lighter color roof there is the fifth floor roof. So, we're 10 feet set back on Highland and Chestnut, about 13 feet set back on Sigwalt. I can advance this or do you want to?

MR. HUBBARD: You can if you press the down button.

MR. HOPKINS: The down button. So, this is different than the style of building that we showed you before. It has to do with the input that we're receiving from various quarters. Mike says that we're keeping Illinois in our hip pocket when we're saying these are two different ways to treat that building. The first time we came in here was with a more modern and crisp building, one that was less ornamented. This one has to do with making the connection to the more historic allegory or the historicity of the mercantile architecture of the remainder of downtown. It's a different style, same building, but the big change obviously is what's happening on the fifth floor with the setbacks that I just described. Also, because the building has been pressed down into the site, we have then less need for those retaining walls that Sam mentioned in the Staff report and we have reduced those in the height and reduced them in breadth and instead we've introduced an ornamental metal fence interrupted by these down-on-the-ground -- the corner site walls.

This one is looking from the southwest towards the northeast. You can see Dunton Tower over to the right. This one is looking towards the northwest. The building

is symmetrical. Mike mentioned that over the course of our interaction with the Design Commission, that they had us create these recessed balcony areas so the building has less broad wall surfaces. That remains in this design and is visible when you look at the elevations, the pure elevations that are in your packet. You'll see that those are operating around all four sides of the building. The four sides of the building are all treated as fronts, there is no difference in the quality of materials and the detailing on any of the sides of the building.

This is the entry, and what we've done is we've registered our garden architecture, our pergola there towards the center of the building out towards the street, all in an effort of this, one of the goals of this effort in redesign and the various iterations of the redesign is to make the building softer and make it more of a transitional building to get from the B-5 zoning district to the north and to the east of this building, and then down towards the southwest as we get to the residential neighborhood. So, what you're seeing there is a more traditional treatment on the building. We've got stone surrounds around clusters of windows, spandrel panels treated like some of the other buildings downtown like Metropolis Place, 44 North Vail, all have the same kind of treatments. We've got projecting cornice, traditional cornice in this design with a dental trim. So, this is much more traditional in nature and kind of a softer approach to the architecture.

So, let me just go to the north facade since that's the one that never seems to appear in the perspective renderings, but what you see is that same architecture there. Then the recessed balconies operate this facade up into panels of two or three rooms in width and then the change in material in the superstructure.

With that, I think I should start being quiet. So, where do I go from here, Mr. Chairman?

CHAIRMAN ENNES: You can have a seat after your report.

MR. HOPKINS: Thank you kindly.

CHAIRMAN ENNES: Before we go to the Staff report, if I can ask the attorney for the Petitioner from the topic?

MR. FIRSEL: Sure.

CHAIRMAN ENNES: I'm not sure if I heard you wrong, and I didn't ask you at the beginning of your presentation if you were aware of the, is it eight or nine conditions? Either conditions.

MR. FIRSEL: I'm glad you mentioned that, Mr. Chairman. We agreed and agree to comply with all of the conditions recommended by Staff. My apologies for failing to volunteer that in my presentation.

CHAIRMAN ENNES: No, my mistake. But one of your comments, and I'm not sure if I heard you correctly or not, but the way I understood one of your comments in the presentation was in regards to the low income housing, I thought you said that you're not paying a fee?

MR. FIRSEL: No, I didn't say that. I said we will be paying a fee, that affects our economics of building the building.

CHAIRMAN ENNES: Absolutely, absolutely. That is one of your conditions, so I just wanted to clarify.

MR. FIRSEL: We can try but I've already told and that's not going to work. So, thank you.

CHAIRMAN ENNES: So, Sam, if we can go to the Staff report?

MR. HUBBARD: Absolutely. As I pull up the slide show, I do want to mention that all of the public notice obligations on the Petitioner and Staff side have been met. I will say that we are aware that some residents have indicated they have not received public notice. We checked the list provided by the Petitioner of all the addresses of property owners where public notice need to be sent, and then we checked again, and it did include all of the necessary properties within 250 feet of the subject property as required by code which does not include right of ways. The Petitioner has provided their affidavit certifying that they sent a letter to all the property owners on the list, so they have fulfilled their public notice obligations relative to mailings.

Relative to the signage on the site, Petitioner did put up the signage as required by code. We have been made aware of at least six instances where the sign has either fallen down or been vandalized and knocked down. The Petitioner has promptly reinstalled those signs as soon as they've been made aware of these instances. So, they have made their obligations for public signage as well.

So, as I get into my presentation here, the property is currently zoned R-3. It is at the southwest corner of downtown in what is part of Block 425 bounded by Campbell, Sigwalt, Chestnut and Highland. So, as being zoned R-3, the Petitioner is required to rezone the property into the R-7 district. Additionally, all developments within the R-7 district are required by code to develop as a PUD, so they're requesting PUD approval. Finally, the property exists currently as six lots of record, so in order to accommodate for the development, they will be consolidating the lot into one lot and they need a preliminary and final plat of subdivision approval which they are requesting this evening. They are required to obtain 11 variations and I'll be touching in detail on some of the -- ones in this presentation. The totality of all the variations relative to the criteria of approval was outlined in detail in the Staff report.

So, as you've heard and as you're aware, the proposed development appeared before the Plan Commission in September of 2017 and received a positive recommendation four-three, and went on to the Village Board and was subsequently denied. So, the Petitioner has revised their plans. I'll just, you've heard some of the changes, I'll outline some of them quickly here:

They have recessed the fifth floor so that when viewed from certain angles it will appear as a four-story building. They have reduced the height of the building to conform to the R-7 requirements. They have reduced the density of the development from 88 units to 80 which is closer to a 10 percent reduction. They have increased the amount of onsite parking to comply with parking regulations. They have altered the setbacks pushing the building a little bit to the east to preserve more of an open area to the single-family homes to the west. They have modified the retaining walls in the front which helps to soften the appearance of the building as viewed from the south. They have reduced the overall number of bedrooms and they've changed the bedroom mix. They have increased the size of some of the parking stalls to comply with code requirements, and they've provided additional on-street parking spaces on the north side of Sigwalt. They've shifted the location of the loading zone to Sigwalt Street in an effort to address some of the concerns over deliveries and loading.

So, here you can see the original 15 variations that were requested back in September of 2017. The variations that are stricken through with red have been eliminated based on the revised proposal. That would be the variation to parking, the variation to decrease the parking stall widths, the height variation was also eliminated, and the exterior



side yard variation to the south was eliminated as well. Some of the other variations have reduced in extent, most notably the setback variations and density variation.

They have taken a number of actions that brought them to this point this evening. They have presented their revised concept to the Village Board in December 4th of 2017, and the Village Board did encourage them to move forward with that revision. Originally, they had met with the Housing Commission on August 15th, they are still complying with the motion Housing Commission to provide affordable housing fee in lieu of \$25,000 per unit not provided. Their reduction in density in this revised proposal has reduced the number of required affordable units by one, so they will be making now a \$300,000 donation to comply with the affordable housing regulations.

The Petitioner did hold two neighborhood meetings to discuss the revised proposal. The first one was on December 20th and that was mostly with the single-family neighborhood located to the west and to the south. At that meeting, it was discussed that some of the neighboring condo buildings in the downtown area although just outside of the notice area where they sent letters to invite to the neighborhood meeting were not included in that invitation but were still in close proximity and would be affected by this developer. So, the developer sent out a second invitation for a second neighborhood meeting with just a few of the condo buildings in the downtown and that occurred on January 25th of 2018.

They did appear before the Conceptual Plan Review Committee on January 24th of this year. The Conceptual Plan Review Committee was generally supportive of the changes, and I'll summarize that they thought that the now compliant parking was an enhancement to the plan.

Finally, the Petitioner met with the Design Commission on January 9th which resulted in a recommendation of denial. At that meeting, the Design Commission expressed general support for the design and aesthetic of the building, but they voted for the denial due to their concerns over the compatibility of the development, the variations and compliance to the Comprehensive Plan and codes of the Village. Since that meeting, in-house counsel Robert Moore discussed with the Design Commission what their role was relative to projects that appear both before the Design Commission and the Plan Commission and clarified for them that when a project is appearing before both the Design Commission and the Plan Commission, the Design Commission's role is really to review just the building architecture and the aesthetic of the building. Concerns over compatibility, variations, compliance with the Comprehensive Plan is really more of the purview of the Plan Commission.

So, on January 23rd, the Design Commission made a motion to reconsider the project and ultimately ended with a favorable recommendation of approval four to one, and they did have some minor recommendations on some trims for the architecture. But in their motion, they urged the Plan Commission and Village Board to take into consideration the harmony and compatibility aspect of this development. To clarify, the review of the architecture of the structure is the purview of the Design Commission. You've seen the revised design this evening, but that's really not, you know, for discussion here with the Plan Commission. Ultimately, as you've heard, that may go to the Village Board as an alternative, the Village Board will review that and may think favorably of it and recommend approval of it, they may decide that it needs to go back to the Design Commission, but it's, you know, not for discussion by the Plan Commission, more a Design Commission issue.

So, in our analysis of the proposed rezoning, we considered the

Comprehensive Plan of the Village which was recently updated about three years ago in 2015. So, here you can see the subject property at the bottom left-hand side of the screen outlined in red. The areas above and to the right of the subject property are shaded blue. Those are portions of our downtown that are appropriate for B-5 zoning. The areas to the left and below the subject property are shaded orange and are suitable per our Comprehensive Plan for moderate density multi-family. Then the areas directly southwest are shaded yellow, they are suitable for more single-family uses.

The subject property is dark brown, that's suitable for high density multi-family per our Comprehensive Plan. That correlates directly with R-7 zoning. So, the proposed rezoning to the R-7 district is consistent with the designation of the Comprehensive Plan.

I just want to point out, there is an area here outlined in blue. This is a strip of high density, multi-family designed property along the Sigwalt Street corner. One of the variations needed was for a reduction in the minimum zoning district size. The minimum requirement is two acres, the rezoning would yield an area of land that's 1.39 acres, below the minimum requirement here. So, a variation is needed for the minimum zoning district size. As you can see, once this strip that's outlined in blue is eventually rezoned and if the Comprehensive Plan is eventually realized, the subject property will be just one portion of a larger R-7 zone down here, and at that point it will comply with the minimum zoning district size. So, in light of this, Staff is supportive of this variation.

We also considered the Comprehensive Plan in evaluating the rezoning. As mentioned, this is part of Block 425, so you can kind of see that on the bottom left corner of the screen, the subject property is outlined in red there. The Downtown Master Plan outlines specific recommendations for the redevelopment of Block 425, one of which being that the bottom third which is the subject property is appropriate for a development of a building four to six stories. So, as a five-story development, it is compliant and consistent with the Downtown Master Plan. The plan always kind of envisioned this site as a transition zone between the higher density areas of downtown and the lower density and lower intensity uses to the south and the west. So, again this is a transitional property and it is consistent with the Downtown Master Plan.

So, I'm going to show you an aerial here of the subject property. This kind of shows you how it relates to the downtown area. As you can see, the areas in blue located to the north and to the east of the subject property are suitable for high density, the five downtown zoning district uses. The areas to the south and west of the property are single-family zoned properties or zoned family homes. You can see where the subject property sits in relation to those, it's kind of right in the center and this illustrates the relationship of it being a transitional property from the higher density, higher intensity downtown uses to the north and east to the less intense single-family uses to the south and to the west.

One of the variations requested relates to density, specifically that the request was made to allow an approximately 39,000 square-foot lot where code requires a minimum of 61,500 square-foot in lot size. So, when we analyzed this, we took into account our density regulations and we did some research on average household size in the United States. So, the density regulations for the R-7 zone were last amended in 1972. As you can see on the chart on the left-hand side of the screen, in 1970, the average household size in the United States was about 2.14 persons per household. As time has elapsed, the average household

size in the United States has steadily decreased as you can see in the chart. But we also checked on some of the statistics for Arlington Heights in particular. We wanted to make sure that this trend was also mirrored in our municipality, and again, you can see here that it was. The data isolated just for Arlington Heights was only available in 1990 but you can still see the falling household size within the Village.

I would also note that you'll see the average renter household size is much smaller than the average homeowner household size. This being a rental development, we expect the households to be much smaller than if it was a condo development.

So, given the statistics, we were supportive of a change in density. We think that our density regulations could also be amended as well, they're not as applicable to today's traditional household size. I would further note that the subject property is the only high density property on the north side of Sigwalt within the Sigwalt Street corridor as designated on the Comprehensive Plan. Most of the other R-7 properties along this corridor are on the south side of the street and within the single-family neighborhood. Given that this is the only one on the north side of the street and separated from other developments, other single-family homes by a street, we felt that in combination with the decline in household sizes and the transitional nature of the property, that the density variation wouldn't alter the essential character of the locality, and we are supportive of the proposed density variation.

One of the other crucial variations that we analyzed was relative to the setbacks. So, there are required variations to the east, north and west setbacks. In consideration of these variations, we took into account that in order to conform to adhering standards, the subject property had to dedicate eight feet of land on both the east and west side of the property. So, you'll see that shaded in red there. These dedications reduced the setback of the building from a technical standpoint, but for all intents and purposes, this dedicated land will likely remain as open space certainly for the near future and potentially for the long-term future. So, while they don't count towards the setback distances on paper and are not included in the variation, for all intents and purposes they will function just like part of the yard for the property. Again, this was something we took into consideration in evaluating the setbacks.

We also took into consideration the unique aspect of the lot with frontage on three sides which is not typical for most R-7 properties. It was a factor in determining their required setbacks by code. These streets also provided natural separation between the subject property and the single-family areas to the south and west, and they act as a buffer between the development and those single-family homes. Specifically to the west, the building will be no less than approximately 95 feet from the nearest home; to the southwest, approximately 145 feet; to the south, no less than approximately 93 feet. Then when we consider also the distance of the building to the curb, that provides about 40 feet distance separation, to the south just about 36 feet, and to the east it's about 20 feet. So, given the natural street separation with frontage on three streets, this property is certainly unique.

We also considered and studied similar multi-family residential properties adjacent to the downtown area to evaluate if the proposed setbacks are consistent with the character of the area. Most of the properties south of Sigwalt are immediately abutting single-family homes. I'm sorry, most of the multi-family properties south of Sigwalt are immediately abutting single-family homes. Here you can see two examples. We evaluated the setbacks of these buildings relative to the proposed development. The front yard setback on the west side for the proposed development is 20 feet, and 6.8 feet on the east side where it's

adjacent to B-5 zoning. So, we felt this was consistent relative to the front yard setbacks. Relative to side yard setbacks, it's about five feet to the north but that's just for the ramp bumpout. The remainder of the building is closer to 18 feet which again was consistent with what we're seeing in similar multi-family structures in R-7 district. Again, the exterior side yard setback to the south on the subject property is 20 feet, and again it's somewhat consistent with what we're seeing in the existing neighborhood. So, in comparison to similar multi-family properties in the area, the proposed setbacks were within the general character of the area.

So, here is just the visual of what some of these setbacks and building relationships look like. On the top here are two properties in the R-7 district on the northeast side of downtown. You can see there, they directly abut single-family homes. The two developments on the bottom portion of the slide are on the south side of Sigwalt and immediately abut single-family homes.

In analyzing other R-7 properties around the downtown area, we found the subject property to be atypical in that it was separated from adjacent single-family homes by a street where most properties in the R-7 district around the downtown area directly abut single-family homes. So, again here is the subject property outlined in red, and these shaded areas are other developments within the R-7 district around downtown. These yellow areas are single-family homes that directly abut these R-7 properties. So, most of the R-7 properties directly abut single-family homes. The subject property is unique in that it's separated by streets.

So, in summary, we felt the subject property had a unique layout fronting three streets. We took into consideration the eight-foot right-of-way dedication on both the east and west side. We felt it was similar and compatible to other R-7 developments and that it was a unique R-7 location because it didn't directly abut any single-family residential. To the south, east and west, the property is bounded by streets which provides a further separation and buffer. These reduced setbacks we don't believe are going to adversely impact or impair the flow of air and natural light to neighboring properties. So, we are supportive of the setback variations.

I want to touch briefly on traffic and parking. As you've heard, the Petitioner added additional parking spaces and decreased the number of units to a point where they now comply with code requirements. They're required 120 parking spaces, 1.5 per unit. They provide 120 parking spaces on site.

Relative to traffic, the graphic at the bottom left of the screen shows the estimated distribution of vehicles that would be coming and going from the site during peak a.m. and p.m. times. 80 percent of this traffic will use Sigwalt Street and Campbell Street to arrive at the property and then take Highland in to access the garage. 20 percent will come up from Highland to access the garage. So, when you correlate, or when that distribution for trips is applied to the expected traffic to be generated by this development based on the use, that translates to seven cars during the morning peak, seven additional cars at the morning peak at the South Street and Highland Street intersection and additional nine cars during the evening peak hour.

Given these statistics, we don't believe that the development will have a detrimental impact on traffic within the vicinity. We believe that the existing roadway network is capable of handling the traffic to be generated by the subject property. Therefore, we are recommending approval of this application subject to the conditions as outlined within the

Staff report. I don't want to belabor these conditions. I'd be happy to get into them in detail if the Plan Commission would like. At that point, I will conclude my presentation. I don't know if Bill has anything to add or if the Plan Commission has anything to ask.

CHAIRMAN ENNES: Sam, thank you for a very comprehensive report.

MR. HUBBARD: Sure.

CHAIRMAN ENNES: Can we have a motion to approve?

COMMISSIONER JENSEN: So moved.

COMMISSIONER GREEN: Second.

CHAIRMAN ENNES: Second. Can we have a roll call vote, Sam?

MR. HUBBARD: It would just be a voice vote.

CHAIRMAN ENNES: Voice vote?

MR. HUBBARD: Yes.

CHAIRMAN ENNES: So, all in favor?

(Chorus of ayes.)

CHAIRMAN ENNES: Anybody opposed?

(No response.)

CHAIRMAN ENNES: Commissioners? Let's start again at this end if you have any questions for the Petitioner?

COMMISSIONER CHERWIN: You know, I saw the, obviously we heard the project before and saw the changes or, you know, the revisions in the Conceptual Review Committee. So, I'm kind of comfortable with where it stands. I'll defer to public comments and pass it along.

CHAIRMAN ENNES: Okay, thanks, Jay. John?

COMMISSIONER SIGALOS: My previous concern with the previous proposal was the parking shortage and you've certainly addressed that. The massing of the building, I like this a lot better, that it's set back, and we don't have the flatness in the elevations that you had before. So, I think this is a great improvement on what we saw previously.

CHAIRMAN ENNES: Thank you. Sue?

COMMISSIONER DAWSON: I'll hold questions after public commentary.

CHAIRMAN ENNES: George?

COMMISSIONER DROST: Yes, I just have an initial economic question. Maybe Attorney Firsel could address this. In the marketing study, the average of rental and it's sort of spread out, it sort of --

MR. FIRSEL: Right.

COMMISSIONER DROST: It's \$1.50 basically where the market is right now. This unit, this proposed development is going to go up to the \$2.50 mark, that's about --

MR. FIRSEL: \$2.25 to \$2.50.

COMMISSIONER DROST: Yes, it could be up to \$2.50, I think you made mention of that. But it's 50 to 67 percent over the average or mean in the region. What was the consideration to go apartment versus, let's say a condominium based on that rental value and then what your construction costs are and getting a condominium development in that place?

MR. FIRSEL: A couple of responses if I may. First of all, the condominium craze in the suburbs has just simply not come in. Resales are very low. In addition, you've pointed out, Commissioner Drost, that the average is \$1.91. This is not average. This building is going to be what we hope would be the crown jewel of the downtown. Very high quality

amenities, higher quality interior finishes, appliances, and the like.

The consideration of building condos and selling out was a concern about the resale value and whether or not there was a strong enough belief that the owned housing market in suburban downtown areas has come back. Our belief is that, my client's belief is that it has not. I'm not sure that there are too many suburban condominium buildings being built in the northwest suburbs today, although I can't swear to it, I do keep tabs with the other projects not only in Arlington Heights but elsewhere in the northwest suburbs, I don't know why, that's being developed as a condo. Doesn't mean there aren't any, but I've looked at a lot of these higher quality neighborhoods which I would certainly consider Arlington Heights right in.

In addition, the per square foot cost of this unit, or cost of building this unit versus what you could sell this unit at would be way above the market. I wanted to point out as you have pointed out that CA Ventures is a long-term hold. They are not merchant builders. They intend to build this building and hold it. So, they're willing to take a little lower return over a longer period of time than try to build a building, take a big pot when they sell it. That's why they're willing to spend the money, they're willing to build this building at the cost and push the rents where they think they should be.

So, CA Ventures can be your neighbor or in town for a long time.

COMMISSIONER DROST: To your point, there is, and I kind of understand the demographics, you know, you're basically dumbing down the age of the user or occupant, and there is more of a transitory nature to that. But today, just anecdotally, I was listening to one of the major homebuilders on Bloomberg, and she said that there is an increasing demand for individual ownership and that the principal problem is finding the labor to build it. Again, this is Bloomberg, this is national, this isn't specific to Arlington Heights, but you know, basically it's just trying to keep up with the trends, and that was a question. Then the point there is that you build these units and will they fill? Looking at Arlington Downs, what's our latest temperature taking --

MR. ENRIGHT: They're doing great. They're like 96 percent occupied.

COMMISSIONER DROST: How long did that take?

MR. ENRIGHT: I don't know exactly how long it took but, you know, they had some issues with getting the building finished because they were ordering windows and the timing of it was that they couldn't put them in until, you know, over the winter months. That's the way with these things with factors of construction. But other than that, it leased out they had the building done fairly quickly.

COMMISSIONER DROST: Yes, wasn't that our premier building in Arlington Heights?

MR. FIRSEL: Pardon me?

COMMISSIONER DROST: The premier rental building.

MR. FIRSEL: I represent Arlington Downs, that's why I do all their legal work.

COMMISSIONER DROST: No, I'm just asking you, I mean you know. How do you place that against the statement that you made which is that 45 Chestnut is going to be the premier building in Arlington Heights.

MR. FIRSEL: In Downtown Arlington Heights.

COMMISSIONER DROST: Okay, good point. Downtown.

MR. FIRSEL: They're not downtown.

COMMISSIONER DROST: From a marketing standpoint, why didn't you

use the Sigwalt address as opposed to Chestnut address?

MR. FIRSEL: Pardon me?

COMMISSIONER DROST: Why is it called 45 Chestnut?

MR. FIRSEL: That is not going to be the name of the, it's a placeholder for now. Is that correct? Yes. It will be something much more appropriate for the quality of the development. Sigwalt Apartments, although Sigwalt is a nice name, doesn't have much pop to it. So, I'm sure the creative folks at CA will come up with a more creative name for this project.

COMMISSIONER DROST: Now, for disclosure purposes, too, I think I should let you know that I agree with you that Mark Hopkins is the premier downtown real estate architect. No offense to other architects out there. But we are happily at one of his --

MR. FIRSEL: I know a Village Board member that may disagree with you, but okay.

COMMISSIONER DROST: I know, but despite that, I just wanted to put that piece into my comments.

MR. FIRSEL: Thank you, Commissioner. Have I answered your question?

COMMISSIONER DROST: Yes, you have, and I'm like the other Commissioners, we're going to defer to --

MR. FIRSEL: Thank you.

COMMISSIONER DROST: But I'm sort of the economist in the middle, and over there on the other end you're going to get another economist.

MR. FIRSEL: Okay, thank you.

CHAIRMAN ENNES: Well, let's go to other economist. Lynn?

COMMISSIONER JENSEN: Well, I was in the Conceptual Plan Review and you addressed all the issues that I had there. I do want to take a moment to commend the Staff as well as the Petitioner. These are the best set of documents that I've seen done before the Plan Commission. The analysis that Staff did is remarkable. The documents you've prepared and presented to them were top drawer. I think it's a great project. I think you've documented everything exceedingly well.

CHAIRMAN ENNES: Thanks, Lynn. Mary Jo?

COMMISSIONER WARSKOW: I don't have any questions or comments. Just to piggyback on what Commissioner Jensen just said, I'm amazed, Sam, at your ability to speak to all of that without having to refer to notes really often. So, good job.

MR. HUBBARD: Thank you both.

CHAIRMAN ENNES: Joe?

COMMISSIONER LORENZINI: As long as we're speaking of architects, I think we've got a pretty good one on this Commission, too. Sam, I've got several questions. The attorney mentioned that the other building being built is not paying for low cost housing credits?

MR. HUBBARD: You're talking about Park View Apartments?

COMMISSIONER LORENZINI: Yes.

MR. HUBBARD: They are providing those within the building.

COMMISSIONER LORENZINI: Okay, so they are required. So, just curious on the parking, some of it's what I call stack parking, so there's no code or regulations really one way or the other on that I assume?

MR. HUBBARD: No, it is allowed.

COMMISSIONER LORENZINI: Then also as mentioned about the Design Commission, you mentioned the Design Commission comments, but did they ultimately approve the design or no?

MR. HUBBARD: In their last meeting, they did approve it by a four-to-one vote recommendation of approval with some minor.

COMMISSIONER LORENZINI: What was their objection to fitting in? I mean it does meet the Comprehensive Plan, right? But they say it didn't?

MR. HUBBARD: I believe they were specifically referencing that it didn't meet the regulations relative to the number of variations.

COMMISSIONER LORENZINI: Okay, and in the B-5, this neighboring property that's B-5, how tall can the buildings be in those districts? Up to 90 feet?

MR. HUBBARD: 90 feet up to 140 feet.

COMMISSIONER LORENZINI: The density we're talking about is based on the number of units I assume?

MR. HUBBARD: Based on the number of units, correct.

COMMISSIONER LORENZINI: For the Petitioner, really for the architect, I have a question about the parking spots in front of the building. How is that going to be regulated? Is there going to be signs out there, parking for residents only?

MR. HOPKINS: Well, the regular parking spaces. Those ones with the pavers next to them, those are just like all the other street spaces down in town.

COMMISSIONER LORENZINI: So, anybody can use it?

MR. HOPKINS: Right.

COMMISSIONER LORENZINI: Okay, and the storm, it was mentioned that there's going to be drainage under the building?

MR. HOPKINS: Yes, there's a detention basin that wraps to the northwest corner of the building. So, the project is self sufficient in terms of underground detention, it's a vault.

COMMISSIONER LORENZINI: Okay, thank you. Sam, one more question. All the multi-story buildings that you had shown examples of in the area, I assume those all went through some type of variances also --

MR. HUBBARD: I'm sure some of them did, but you know, they were developed at a time when the regulations may not have applied in the same way that they do today. As an example, a PUD was not required in the R-7 until somewhat more recently, and these developments were, you know, occurred before that.

COMMISSIONER LORENZINI: All right, thank you. That's all I have for now.

CHAIRMAN ENNES: Okay, thanks, Joe. The architect please.

COMMISSIONER GREEN: I don't know what the architect is supposed to do here, but I just want to say my concern was parking and, Hoppy, you've figured that one out. Thank you. But I could take either elevation here. I think they're both very well done. The changes to the building, bringing the top floor back is really topnotch. It's a great job and I just wanted to say good job.

CHAIRMAN ENNES: Is that it?

COMMISSIONER GREEN: That is it.

CHAIRMAN ENNES: Okay, we're going to move on to the public comment



section. Can I see a show of hands of how many people are making comments?

I'm going to, we want to hear from everybody that's here that wants to make a comment. I should have made the last hearing a little bit more organized and so we didn't have people popping up all over the place. I'm going to lay out some parameters that I hope will help you just along the way. We'll start back in one of the corners and go row by row and let everybody speak. When it's your turn to speak, please come up to the podium, state your name, and spell it. If you want to give your address, you can. That may be helpful to us but you're not required to.

Testimony should include facts that are pertinent to the hearing here. We have, if you've written a letter or you've commented at one of the public hearings, we have access to that and we're familiar if you want to restate it again. But I think out of courtesy to your neighbors and the rest of the audience here, or if somebody has already made the comment, if you could just indicate that you agree or disagree with that person, that would help move things along. But we do want to hear from everybody that's here, so let's start with that.

In the back row, was there anyone that wanted to speak? Sir, will you come up?

MR. GREIFENSTEIN: Lou Greifenstein, L-o-u G-r-e-i-f-e-n-s-t-e-i-n. I live at 38 South Chestnut with my wife and five daughters, not up with your statistics up there. We've been there for about 13 years and then about seven or eight years ago we acquired the property just north of that, too. So, we have a front row seat to what's happening here.

Out of respect for your comments and the time we have, I'll be just brief, too. But you know, I wanted to thank all of you for your volunteerism and you are our voice to the Village Board as we approach this topic. So, you know, we appreciate you being our voice and we appreciate your time and dedication to what we have to say.

So, this project, I've been at all the meetings, almost all of them, and it's been filled with quite a bit of emotion so I'll keep to the facts as far as we can tell what they are. So, I think most of what we want to speak to is at our time when we put this together, there were 12 variances. One has been adjusted to our knowledge and that was actually the only one that we didn't have a problem with was the height of the building. So, we just want to make sure these were stated and they were reflected in the minutes accordingly, just as residents, what we were most concerned with with this project.

So, as we take through this here, in Chapter 28, Section 5.1-7.3, Minimum Area for Zoning District, the code requires a minimum of two acres for the requested R-7 zoning change. Their site is only 1.39 acres including the shared right-of-way. So, the Petitioner is short the minimum requirements by about 26,500 square feet. They've only met 69 percent of the minimum area for the zoning district. So, as nearby residents, we see that variation request as somewhat excessive, somewhat egregious, and that falls short of the requirements. Granting the request we think would cause irreparable harm to the neighboring property values and establish most importantly maybe a dangerous precedent for future evaluation or future variation requests.

One thing I wanted to note, too, just kind of as an aside, you mentioned that the structure won't affect any of the lighting to the nearby homes. If this is built there, we won't have sunlight until noon. Traffic, we won't get into that, that was spoken about for hours at the previous meetings, but our street is dangerous now, the Chestnut residential street. I can't imagine what 80 units is going to do to that street at this point here. I guess the

last comment I'll make which isn't so much for this, but the master plan, it's three years old, it's only three years old but quite a bit has gone on in the last three years on these residential blocks.

Chapter 28, Section 5.1-7.4, Minimum Lot Size, so they're required a minimum of 61,500 square feet, their lot is 39,587. So, they're short of the requirement by a little over almost 22,000 square feet. They've only met 64 percent of the minimum required lot size. So, again, nearby residents perceive the variation request as excessive, it's egregious, and falls short of the requirements, setting a dangerous precedent going forward. That's our concern.

Chapter 28, Section 5.1-7.6, Required Front Yard, at the east side of the building, I know there's been some adjustments to that. But the code requires a minimum front yard setback of 47 feet, they're seeking a variance to allow a setback of 6.7 feet. So, they're short of the required front yard setback of 40 feet, and I know there's a street between there, but 40 feet is a pretty great deal. So, they've only met 14 percent of the requirements for the front yard setback. So, again as residents, we look at that and see potentially, you know, falling short of one of the requirements and then the petition, just again a dangerous precedent going forward in our eyes as residents.

Chapter 28, Section 5.1-7.6 Required Front Yard, west side. This one is a little more personal. So, the code requires a minimum front yard setback of 47 feet, and they want a variance to allow a setback of 20 feet. So, short by 27 feet, they've only met 42 percent of the requirements that are outlined. So, as definitely a nearby resident, you know, we've seen, you know, again here a dangerous precedent being set. They're only meeting 42 percent of what's required.

Chapter 28, Section 5.1-7.6, Required Side Yard. The code requires a minimum side yard of 37 feet. The Petitioner is seeking a variance to allow a setback of five feet. So, they're short the minimum required side yard by 32 feet. The Petitioner only has met 13 percent of the requirements for the minimum side yard setback. So, at this point here, they've only met 13.5 percent of the required setback, extremely excessive at that point, and again we look at that as a dangerous precedent going forward with future variance requests.

Chapter 28, Section 5.1-7.7, Maximum Building Lot Coverage. So, the code allows a maximum building coverage of 45 percent. The Petitioner is seeking a variance to allow a building lot coverage ratio of 72 percent. So, they've exceeded the maximum building lot coverage by 27 percent for that space. So, we see the Petitioner asking for variances far in excess of code requirements, and with the exception of the building height variation, all of their requests have been far outside the scope of the Village Code.

Maximum allowable building height, this is the only one where we look at this and said, well, you know, it calls for 60 feet and they're seeking 62 feet. They have since adjusted by sinking it into the ground. This was really the only one, this is a true variance request that we think is normal at this point. So, this one we're fine with.

Chapter 28, Section 5.1-7.13, Maximum Floor Area Ratio. The code limits the maximum floor area ratio to 200 percent. The Petitioner is requesting a variance to allow a floor area ratio of 242 percent. So, they've exceeded again by 21 percent with this variance request. So, another example of excessive requests and would not be needed if the above setback criteria were met.

Chapter 28, Section 11.7(a), Loading Requirements. The code requires one off-street loading space. Petitioner has requested a variance to completely remove

this requirement from their apartment building plan. I'm not sure through some of the commentary if this one has been addressed. But this one here, you know, we see nothing but trouble with this particular request because they're seeking approval for an 80-unit apartment rental development, so which inherently is going to have a higher rate of turnover. The Petitioner is attempting to use a small 35-foot parking space along Sigwalt to serve as loading and unloading space. That's a pretty crowded space already and there's not even a building there yet. So, you know, this won't even, we look at this here as just, you know, you allow this variance here, you're placing an undue burden on the safety of our neighborhood streets. We've heard lots about that, we won't get into it again today, but the traffic up and down Chestnut and Sigwalt and Campbell over the last few years have become extremely dangerous.

Chapter 28, Section 6.6-5.1, Permitted Obstructions. The code limits obstructions from encroaching into the setback areas. Petitioner is seeking a variance to allow certain of its balconies to encroach 5.3 feet into the setback areas. The balcony is a part of the building structure, the Petitioner is already seeking excessive setback variances, this request would allow the balconies which are part of the building to reduce the setback area by another 5.3 feet. I'm not sure again, I was trying to track it down if that's been adjusted.

Chapter 28, 6.6-5.1, Permitted Obstructions. The code requires all electrical transformers to be located outside all setback areas. The Petitioner is requesting a variance to waive this requirement and allow transformers within the setback area. We view that to be somewhat reasonable.

The last one, Chapter 28, Section 11.2-8, Width of Parking Lot Drive Aisles. The code requires a minimum drive aisle width of 24 feet. Petitioner is requesting certain parking lot drive aisles to be allowed at 20 feet. So, as residents, matters dealing with the interior layout of the building are really of no concern to us, but the request for a 20-foot wide access, granted it's basement parking lot area, places quite a bit of burden on their own customers.

So, in the spirit of what we were talking about mostly here today and what most of our concerns were about is just, you know, not only the number of variances that they're requesting but the egregious nature of all the requests that they've having. You know, the building is far too big, it's too dense, and it's too noncompliant with the code currently and not at all harmonious or compatible with the surrounding neighborhood. So, that's our biggest concern. So, as a resident of the neighborhood immediately surrounding the site, I ask that you deny these variances for the Petitioner for all the reasons we mentioned above.

CHAIRMAN ENNES: Mr. Greifenstein, thank you.

MR. GREIFENSTEIN: Thank you.

CHAIRMAN ENNES: Anyone else in that back row? How about in the row in front? Sir, would you come up?

MR. MEERSMAN: Good evening, my name is Donald Meersman, M-e-e-r-s-m-a-n. I live at 202 South on Highland Avenue. I've lived there for about 30 years. Arlington Heights is a great place to live and one of the reasons for that is because of the public service from people like you. I admire your patience and your stamina.

One of the reasons why Arlington Heights is a great place to live is because we have respect for the rules. This plan as proposed requires massive variances to the building code. The paid representative for the development made a point that it is unreasonable to think that a development of this size can go through without any variances. I don't think

anyone is suggesting that. I believe that there's a huge difference between any variances and 11, not 12, very significant variances.

You do not have to file a Freedom of Information Act request to see what the Village of Arlington Heights building codes are. They are well known, they are not hard to find. By the way, we heard tonight that they may be submitting a new design. If that is correct, then it should have to go back to the Design Commission. The designers of this apartment house seemed to have ignored the building codes in their proposals. I'm asking you to please do not ignore the building codes.

I asked the question what is the hardship on the part of the developers, and what is the urgency on the part of the Village of Arlington Heights. Several times it's been mentioned that the clock is running and the delay costs money to redesign. They said this evening that it's difficult for them to make money. This to me sounds like a man who goes out in the rain with no umbrella and then cries because he's getting wet. If the plan met the building code, they'd have been under construction by now. They chose to ignore the code.

During the Plan Commission preliminary meeting, someone expressed the opinion that all the problems are solved because the parking issue has been addressed. The parking issue is one issue, and to say that the Design Commission approved is to tell half the story. The in-house counsel to the Village of Arlington Heights took an extremely close interest in this matter, gave a convoluted, difficult-to-follow explanation that the Design Commission overstepped their mandate. The Staff came to the rescue of the developers.

I personally question the impartiality of the Staff. The Design Commission is not all wrong. Mr. Eckhardt is a dedicated public servant. He's been there for over 20 years. I assume that they've done this for a long time. The Design Commission is supposed to judge a building only on its appearance as if it existed by itself? I don't know how you can do this. So, it was wrong for them to think of the building where it will be located? It's going to be located over on Sigwalt, not on a fantasy land where buildings hover on clouds.

Okay, it's a good-looking building, but not on this site. It is too big. The density is all wrong. Perhaps the in-house counsel could help the developer look up the building code because the setbacks are not even close. Now the Staff is reinterpreting the density requirements. The Staff seems to be leaning over backwards to justify the variances that are requested. I call to your attention Chicago Tribune, February 18th, they were talking about a similar development in Wilmette, a five-story 75 units, it says and I quote, "It fails to live up to the high standard of architectural quality set by the suburban historic homes." It mentions that high density brings high visibility, and it mentions that sophisticated design quality matters if these buildings are to nestle comfortably into their suburban surroundings.

In this particular development, there were financial pressures to get something done. Investment is currently flowing into Arlington Heights. We have tear-downs, we have new developments, there's construction going on all over the place. I live at George and Highland, there is a new building going in across the street from me. It will probably be a million dollars by the time it's done.

The Village of Arlington Heights is not desperate for development. Please respect the rules that have built our great town. Please continue to do the fine job that you have done and fairly enforce the development plan for downtown. Thank you.

CHAIRMAN ENNES: Thank you, Mr. Meersman. Anyone else on this side? Yes, sir.

MR. ALLEN: Good evening. Keith Allen, A-I-I-e-n. I live at 46 South Chestnut, so I'm directly across the street to the west of this proposal. I'd like to highlight several issues I believe should be paramount in your review and deliberations this evening.

First, the Comprehensive Plan. My hope is that everyone can acknowledge that the plan does not reflect the current situation surrounding this parcel. Yes, this parcel is set as R-7, but the Comprehensive Plan also calls for R-6 surrounding it to provide a buffer to the R-3 neighborhood. That R-6 buffer does not exist, it will not exist in any of our lifetimes. The R-6 is my side of the block to the west. All of our homes have been redeveloped, we've poured amounts of money into them, so they're not ripe for redevelopment. That R-6 buffer does not exist.

So, what are we left with? 100-year-old historic homes directly across from an R-7 project that sits on a site that's just over half the required size with no transition buffer or contextual dialogue with the adjacent neighborhood.

Second, the issuance of variances for a PUD per Section 28, Section 9.5. The code states such variances may be granted as long as it is demonstrated that they will not exercise a detrimental influence on the surrounding neighborhood; but even more importantly, the variations shall be justified when other characteristics of the development exceed the minimum standards of the Municipal Code. In other words, a PUD must go above and beyond the code standards.

Our neighborhood coalition has reviewed this ad nauseam, and it's our opinion that the following reflects the proposal's adherence to the code: meets the code in seven instances; variances requested so it does not meet the code in 11 instances; and most importantly exceeds the code, zero. The Petitioner has not demonstrated in even one instance that any part of the proposal exceeds the minimum standards of the code. Thus, we believe no variation should be granted by application of this section of the code.

Third, if the Commission does choose to review the variances requested, I would ask that you review each on its own merits and apply the criteria from the code that states the following. In its consideration of the standards of practical difficulties or particular hardship, the Plan Commission shall require evidence that:

1. The property in question cannot yield a reasonable return if permitted to be used only under the condition allowed by the regulation of the zoning, i.e., prove a hardship. The only hardships here are self-imposed by the fact that the Petitioner has secured a parcel that's less than half the size required to support an R-7 development. Buy more land, you'll be fine. That's not a hardship, that's poor planning.
2. The plight of the owner is due to unique circumstances. We see there's nothing really unique about this property whatsoever other than the fact that it's too small to support their development.
3. The variation if granted will not alter the essential character of the locality. I think the overwhelming opposition of the residents to this project since last August indicates that we all believe there would be a tremendous detrimental alteration to our neighborhood, and that it may very well include a reduction in our property values. The code then states a variation shall be permitted only if the evidence in the judgment of the Plan Commission sustains each and all of the three conditions enumerated above.

4. As was just spoken about, the application of the harmony and compatibility criteria from the Village design guidelines. I would ask that you have a meaningful discussion of the harmony and compatibility criteria since it has been removed from the Design Commission's purview and placed before this Commission for consideration.

Please ask yourself how this proposal is in any way harmonious, compatible or contextual with the surrounding historic single-family homes. It is not, in terms of height, massing, scale, materials, style, setback, density, et cetera. As the Design Commission has said on several occasions, the design does not meet the design guidelines evaluation criteria for harmony and compatibility, specifically regarding height and setback. I would hope you come to the same conclusion.

Lastly, I would hope that each of you consider your role in adherence to the code and the issuance of variances as seriously as Commissioner Green, as he has said in the past, and I quote, "All properties in Arlington Heights are governed by the Comprehensive Plan and protected by our zoning ordinances. My intent is to maintain the integrity of our zoning ordinances and guard it against extreme variations that would set dangerous precedent and diminish overall property values." I couldn't agree more. This is exactly the type of development that the code should be protecting us from. Thank you.

CHAIRMAN ENNES: Thank you, Mr. Allen. Anyone else?

MR. VOSS: I will be brief. My name is Michael Voss, I live at 105 South Mitchell.

CHAIRMAN ENNES: Can you spell your name please?

MR. VOSS: V as in victor, o-s-s. The Staff brought up a number of points this evening, comparing the R-7 development to single-family homes that were to my knowledge all built prior to the code requirements or the variance requirements that we're looking at today for the new plan. All of these developments are abutting up against single-family homes in a situation that's entirely different that we're looking at with the development on Sigwalt.

This Plan Commission took a look at this proposal a few months ago and voted to approve it and sent it on to the Village Board. The Village Board rejected it out of hand. Why? Because it's inappropriate to the space they're trying to put it on. There is not enough room to put five pounds in a three-pound bag. Take a look at it and I think you'll come to the same conclusion.

CHAIRMAN ENNES: Thank you, Mr. Voss. Anyone else on the right side? Okay, let's move over to the left side. We'll start in the back, anybody in the back row? The next row? Oh, yes, the gentleman in the back.

MR. O'SCHNEIDER: Good evening. My name is Hank O'Schneider on 121 South Vail, Arlington Heights. I just want to --

CHAIRMAN ENNES: Spell your name please.

MR. O'SCHNEIDER: O-s-c-h-n-e-i-d-e-r. We already talked about the density of the project and I'm not going to -- property, but my concern is with the parking and with the traffic on Highland. The parking, I think last time they had less tandem spaces that they have now. They have 15 tandem spots now, is that correct? I don't know how that's going to work. That's like 15 spots less than you really should have.

Then the traffic on Highland, currently with commuters leaving their garage going out on Highland, basically it's a 1.5 lane street now with pedestrians and everything

else. So, I just want to bring that to your attention and see what you think about that. Thank you.

CHAIRMAN ENNES: Okay. Yes, please, at the end of that row.

MS. LICHTER: Hi, I'm Rebecca Lichter, L-i-c-h-t-e-r, at 115 South Highland. I guess I have too many points. A lot of the other speakers have already brought up some of them, so I'll keep my comments brief.

But regarding the variances, again one of the questions that was brought up in a previous meeting, I wanted to bring it up this time as well, is when other residents have had any changes to their houses and done renovations, they've followed the code. So, why would all these variances be granted for these guys? Why can't they follow the code just like any other resident in the area?

Secondly, is this the right place, is this the right commission to deal with traffic control, stop signs, crosswalks? Or is that done with the Board?

CHAIRMAN ENNES: It's addressed here, parts of it.

MS. LICHTER: Okay, so to some of the other comments as well, and even what the Staff had found with the way the traffic flows, I believe you said 80 percent going on Sigwalt and Campbell, as well as 20 percent coming up Highland. I don't have specific facts other than that and the anecdotal examples of when I'm trying to cross the street coming up Highland across Sigwalt to go towards the downtown area, I can't even tell you how many times I've been standing in the crosswalk and traffic does not stop, whether it's just me, me and my family, myself on one side, family is on the other. It's a bad intersection. So, just Tuesday in fact, I was trying to back out of the driveway to go towards the downtown, and two cars came flying up Highland, slammed on the brakes at Sigwalt, flying through the intersection and flying into the parking garage. So, it sort of proves the point that traffic is going to come flying up Highland and it's a dangerous intersection and something needs to be done. So, I'd ask this Board to consider making that a four-way stop and add stop signs on Sigwalt to help control some of that. I think that's it for me. Thank you very much.

CHAIRMAN ENNES: Thank you, Ms. Lichter. Anyone else? Yes, sir.

MR. ERICKSEN: Good evening. My name is Mark Ericksen, E-r-i-c-k-s-e-n. I just bought the property at 133 South Highland. I've lived in Arlington Heights for 34 years. I actually wanted to move to Highland because it's a little more urban. This property here has been sitting there now for about 10-15 years, for the property here and then the one to the north that's owned by another developer. Eventually they're going to be developed.

One of the things that's good about the development is that you're going to add more people to downtown to keep downtown invigorated. I'm sure we all remember what downtown was like 15-20 years ago and it's had all kinds of problems. We were wondering if all the shops were going to stay open or not. So, this is a nice problem to have.

I really can't talk about the variances but I can talk about this being a nicely designed project. I'm very happy that it has 1.5 parking spaces which should help the load on the streets. I think the city should look at, you know, crosswalks like everyone is saying, and then, you know, if it starts becoming more populated, then maybe the city is going to have to start putting some stickers on cars on who can park on what street, you know, for accessibility.

But the way it's designed, the way it's been changed, I'm in support of the project.

CHAIRMAN ENNES: Thank you, sir. Anyone else? Anyone else in the

whole room that still wants to comment? Okay, thank you very much for your comments. We're going to close the public portion and we're going to go back to the Commissioners.

Commissioner Jensen, do you have anything?

COMMISSIONER JENSEN: No, I have nothing further.

CHAIRMAN ENNES: Mary Jo?

COMMISSIONER WARSKOW: Yes. I just want to voice that this is a very difficult decision for me personally. I do recognize that the lot has been empty for a long time and I do want to see something go there, and I am very supportive of a higher density. It is appropriate in a downtown area with access to shopping and restaurants and other amenities. So, I am in support of that.

I have heard you residents. I'm listening to each one of the arguments. In terms of traffic, I know we all don't want more traffic. I think the situation really living in that area is that traffic doesn't obey the rules like we're asking the developer to obey the rules. It's speed, it's not stopping at the stop signs, it's driving erratically, I watch it everyday. So, if everybody obeyed the rules, then this wouldn't be a problem, adding additional people to the street.

I normally harp on stormwater management, but the vault will meet MWRD's requirements. So, I am all, you know, I'm not concerned about stormwater management in this case here.

In terms of variances, we have variances for lots of properties, whether that's residential or whether that's commercial. Variances come up all the time, so we can't say, you know, we don't get variances here.

I do understand, in order for the Village to cover all of the costs, that things like the flooding, the infrastructure to address the flooding, things that we need addressed, we have to have development. We have to bring revenue into the Village. So, I'm trying to balance all of these things in my mind.

The one thing I am going to say is I am a proponent of open space and I do have a problem with the lot ratio and the floor area ratio on this building. I do not have enough information on the economics to know whether it is truly feasible to build something with a lower ratio on this site, but I can say that I am not happy with the coverage on the site. I would like to see some more green space. I don't have a problem with the building the way it is adjacent to residences. I think some things have been compromised there, but I would like to see more open space around the buildings. I do understand that the B-5 immediately to the north is going to have like no open space, so I would just like to see a little balance on that particular area to have some open space. That's my comments.

CHAIRMAN ENNES: Thank you, Commissioner Warskow. Commissioner Lorenzini?

COMMISSIONER LORENZINI: Thank you. Sam, I think it was Mr. Allen who made the comment about the plan ultimately calls for the homes to be a buffer area but he said it's never going to happen. Could you kind of clarify what he's referring to?

MR. ENRIGHT: Let me address that. You know, I met with Mr. Allen and other residents with Charles Perkins a few weeks ago. Actually the west side of Chestnut north of Sigwalt is shown on our Comprehensive Plan for duplex type units which would correspond to the R-4, not the R-6, it's a big difference. R-6 is, you know, at this point 40 feet in height, more density, not as much as R-7 but it's the next level down. But R-4 duplexes is basically two



residences on one lot if you have a big enough lot.

We don't see duplexes. It's just not something that developers are doing anymore because of economics. So, it's not likely that that would ever happen here. So, really the future development to the west or the south on properties that could be up zoned is really in the hands of the homeowners that own those lots. You know, we've heard from several homeowners on the west side of Chestnut that they're planning to be there for a long time and there's, you know, those houses have been there for a long time so they're not likely to change. But if they were to change, the Comprehensive Plan would only allow R-4 rezoning which is a very, very low density, just a little bit higher than single-family.

COMMISSIONER LORENZINI: Okay, thank you. There's been several comments about the variance where this would normally require two acres. So, what would that look like? They would just buy one big lot of land and just put a bigger building on that? Is that basically what would happen?

MR. HUBBARD: Right, the overall size of the zoning district would have to be at least two acres so there would be a larger site to get the rezoning up to at least two acres.

COMMISSIONER LORENZINI: Then theoretically, or practically, they would just put a bigger five-story building on there?

MR. HUBBARD: On a larger site, yes, you can put, you know, a larger building theoretically.

COMMISSIONER LORENZINI: All right. Just some of my feelings, I voted for this last time and I just want to say that generally I go along with the Planning Department. They're very professional and doing this for many years. I find them to do a very good job. The Engineering Department behind them reviews all the calculations, the traffic, the drainage, any structural issues. It's not just, we don't, the Village doesn't just take the developer what the developer gives them and runs with it.

This, in my opinion, this seems like a good transition between a residential building and a 90-foot tall building that could be on some of the lots next to it. It would look kind of silly to have a residential building and then a 90-foot building next to it. So, I think this is somewhat of a decent transition.

As one gentleman said, there is a lot of development going on in Arlington Heights all over. This is a great town and there is a lot going on, a lot of money being poured over here. But this lot has been empty for 15 years and something has got to happen there. That's all I have.

CHAIRMAN ENNES: Commissioner Green?

COMMISSIONER GREEN: Just to restate, I think the transitional use of this corner is by far better than if you incorporated that into the downtown zone uses. I just wanted to, it would bring commercial use on the bottom and it will bring congestion and people. So, I think this is a very good transition for this corner which could have been like I said a downtown zoning.

CHAIRMAN ENNES: Commissioner Cherwin?

COMMISSIONER CHERWIN: Yes, I agree with, you know, what our fellow Commissioners have said. I think, you know, while there are a number of variations here and that's why a commission like this exists, this is a unique site in a very, I guess I should say critical part of the downtown, so we do have to look at everything on the totality of circumstances here. You know, I was supportive of it last time, and I think the Petitioner has made a very good effort

to enhance it and take in the input from the public. I'm supportive of it, that's all.

CHAIRMAN ENNES: Commissioner Sigalos?

COMMISSIONER SIGALOS: I really don't have too much more to add other than what the fellow Commissioners have added. I certainly understand what some of the residents' concerns have been with the variances and codes we have here. But again, I feel that this building does do a good transition between the 90-foot tall buildings and so forth in the Downtown Arlington Heights and what would be to the north of this. So, I think this is a good mix. I like the elevation and the setback. I think that all looks well with this transition. That's really all I have to say right now.

CHAIRMAN ENNES: Commissioner Dawson?

COMMISSIONER DAWSON: There was a reference made in your initial report and I recall it from last meeting, I was trying to find it in the minutes, about the setbacks are, perhaps there is the unusual situation and so when you really look at the variances that are being requested, if you took into consideration this unusual additional eight-foot setback, could you elaborate, Sam? Do you know what I'm getting at?

MR. HUBBARD: So, you're talking about the right-of-way dedication on the east side and the west side?

COMMISSIONER DAWSON: Right.

MR. HUBBARD: Yes, so --

COMMISSIONER DAWSON: The variation seemed much more excessive because of almost an oddity created on the lot, and I wish you could expand on that a bit more.

MR. HUBBARD: Yes. So, on both the east side and the west side of the property, in order to comply with the minimum width for a street, the developer has to dedicate this, you know, eight-foot section of their property as right-of-way. So, effectively, their property line is here currently; once they dedicate it, it's going to be there. So, obviously that's a corresponding change, that's an eight-foot change to the setback as well because it's measured to the property line and the property line has shifted eight feet in. So, that's, when we referred to the unique circumstance of having to dedicate a right-of-way, that exacerbates the, you know, the variation for the setback on paper. However, the point we were trying to make is that this area, this eight feet is, you know, we don't have any immediate plans to widen the street in this location, so this eight feet is just going to say as open space. Effectively, it's going to function as part of the property, part of the yard, although technically it's not factored in for variation.

COMMISSIONER DAWSON: So, I remember at the last meeting, there was, you know, a lot of discussions with the variation, but they're really just a lot of explanation about why perhaps it appeared that the variations were more excessive than in reality, they may be for this parcel. It really is tough just as has been said. This is a very difficult decision, and perhaps it seems that we're not taking in or not listening, but this parcel, I asked, I went back into the minutes, I asked how long it had been vacant last time. I said it's at least 17 years and it was stated that it's at least 20 years. That was mentioned last time.

AUDIENCE MEMBER: No.

COMMISSIONER DAWSON: It's been vacant for at least 17 years. Since 2000.

AUDIENCE MEMBER: No. That's not accurate.

MR. ENRIGHT: I can approximately address that. The northern portion used to be the Daily Herald. Bruce Adriani bought that and knocked down those buildings pretty

quickly. So, that's been vacant for over 20 years. The southern portion, the subject to this discussion tonight, had four single-family homes, three on Chestnut, let me finish here, three on Chestnut, and then there was a duplex on Highland and one or two houses on Highland. So, there were four or five houses and a duplex. They were very modest small homes, they went into disrepair because they were vacant after a while and eventually torn down by a previous landowner.

COMMISSIONER DAWSON: How long ago was that?

MR. ENRIGHT: I would say that's probably 10 years ago.

COMMISSIONER DAWSON: Okay, I recall when I returned to Arlington Heights, that was now 18 years ago, 17-18 years ago, that parcel was vacant. I remember going to downtown, the north end, it was an open lot. So, that's what I'm thinking of, perhaps not the other end of the lot.

But I guess to my point, the comment that this is not an unusual plight or that this is not an extreme situation, when you have a parcel that's been vacant for that long, through a period of time where townhomes were considered or duplexes were considered in being built, back in early 2000's, those were still being built, so I guess it wasn't vacant at that time. Correct?

MR. ENRIGHT: This property has six lots. There were I believe four or five single-family homes, three on Chestnut and one or two on Highland and one that was a Duplex apartment on Highland right next to where our garage is now.

COMMISSIONER DAWSON: I guess the point I'm trying to make is it doesn't appear to be being received, not that I would expect it to be I guess, but this parcel has been vacant for a long time. No other developer has been able to come to Arlington Heights, which is an area which is attractive for building, to find a building that could fit into this area. So, in my original meeting, that weighed very heavily in my mind.

I do not, as a resident of this town, don't like vacant parcels. I think they attract dangerous issues to the Village. I don't like that in the core of the downtown of Arlington Heights there is this large vacant parcel. I see a development that's coming in. I liked the previous development, though clearly the Village Board didn't agree, because the lower amount of parking, it was attracting residents that didn't have as many cars. So, the Village disagreed with me and that was fine, but that was why I supported that. I thought it was interesting that a developer was going to be forced to attract people into the building that clearly had one parking, and that would not impact. Now we're having more cars and the residents are saying we don't want the danger and the additional cars. Now because the Village Board asked you to go back and put in more parking, now there's more cars which counteracts the reason why I supported it in the first place related to parking and the traffic and amount of cars.

So, it's a very, it's an extremely difficult decision for me personally. I think it's a very attractive building. I know people don't necessarily agree with me but I personally think it's a very attractive building. I think it's a good fit for a vacant parcel that we have not been able to find anything else that would fit into the difficult parameters that are set by the zoning of this parcel.

I struggle now with the additional cars that are going to be, and now there's a three-bedroom that is going to be coming into this building. To me it changed against what I was previously considering attractive to the parking here. So, I don't know where I'm going to fall on this right now.

CHAIRMAN ENNES: Commissioner Drost?

COMMISSIONER DROST: Having had some history of ownership and involvement as an employer and a resident all within very close proximity of this development, I think I never went into expecting that to be green space, that it had to be developed in an urban way. The questions I've kind of, and I'll ask Staff, what's cooking on the north side? Any interest there? Is there any, have you as a Planning Department had any interest from developers?

MR. ENRIGHT: Bruce Adriani was on the site for quite a few years, 20-25 years, somewhere in there.

COMMISSIONER DROST: Yes.

MR. ENRIGHT: Yes, every so often he shows up and has some ideas on what he wants to do with the property. You know, a couple of months ago, we met with him and he had some idea for, you know, three buildings including expanding the Village Garage, it would be an independent garage, but it would basically look like an addition, and then have a building fronting on top of the garage and then one fronting Chestnut, one fronting Campbell Street with, you know, setbacks and so forth. You know, nothing in stone but obviously, you know --

COMMISSIONER DROST: No, but there is some percolation and there's going to be Norwood builders there, apartment builders, condominium builders, and I think you referenced they've had a lot of experience in DesPlaines and I think you referred to them as merchant type buildings.

MR. ENRIGHT: You know, one thing we have talked to Mr. Adriani about is his property is zoned B-5. By code, you can get 140-foot tall building and zero setback on that whole site by code. But we've informed him, and he doesn't want to do that, build up to that maximum in terms of, you know, he doesn't want to put 140 feet all over the block, he doesn't want to put 140 feet anywhere. But you know, we've told him we were following the master plan for six to eight stories with respect to the rest of that block which is less than what code would require in terms of, or potentially allow in terms of height.

COMMISSIONER DROST: Being keenly interested in this site as more than -- as an observer, actually as a stakeholder here, would you consider this development would tone down any subsequent development on the north side? I think I heard you say that.

MR. HUBBARD: Yes, it would be a transition.

COMMISSIONER DROST: So, it's transitional development, and with that and also being a veteran of all the construction downtown, there's going to be a lot of interruption during this period. It's not going to happen in 18 months, it's going to have a longer range of completion date no doubt. Any other developments that are cooking like the AT&T building? Anything between, let's say, I know that right next door is the Citibank --

MR. ENRIGHT: No, there is nothing else in the B-5 district.

COMMISSIONER DROST: That there's a, you know, people are kicking the tires now, and that's to Don Meersman point about it, an active downtown that we have and how it's shifted from 2008 which was a retail model and now it's becoming a service and entertainment model.

MR. ENRIGHT: The only thing in the works quite frankly is a 15-unit building at 13 East Miner which has some issues with utilities. I don't know if that will get built, but it's just four stories.

COMMISSIONER DROST: Yes, I'm just trying to take a bigger, holistic

approach to this, that this will be one building and, you know, then the neighbors will be secure again. But it's going to be ongoing, there's, you know, some economic activity that is really kind of churning at this point. Rightfully so because I think we've got a very good town in Arlington Heights. It does attract people and we want to continue to build that up, that's been my mantra for decades I guess. So, don't kill the golden goose basically.

So, those are the comments, basically getting sort of a holistic approach to this development, that this is one part that will now set a pattern for other developers and may cause them more money to be able to meet standards and the code requirements because of this development. So, that's more of a comment, but again I didn't move into where we were expecting to have green space. So, that's the end.

CHAIRMAN ENNES: Thank you, George. I have a couple of questions. One is kind of a minor issue that hasn't been brought up. But out of my curiosity, I see that we're requiring the developer, the property management company to be responsible for plowing the snow on these additional street parking spaces. Am I correct in that?

MR. HUBBARD: That was a condition of approval, yes.

CHAIRMAN ENNES: Why are we requiring that? Have we done that before with others?

MR. HUBBARD: The rationale being that because they have these two existing utility pedestals right here, they have to have these bump-outs in the parkway. So, I don't know if this stretch is as much an issue but the loading space here and then the small two-parking space here, it's difficult for a plow truck to get in and maneuver at and remove that snow. You know, when there's snow on the ground, they could misread where the curb is and damage some of the public street. So, you know, the Public Works Department has asked that the Petitioner enter into this agreement and we've recommended it as a condition of approval.

CHAIRMAN ENNES: If I can ask the attorney to come up? I have one other question, and I appreciate Commissioner Drost's comments on the economics. In reading and reviewing your forecast on the type of tenants that you're looking at, it looks like you're looking for a pretty broad mix from empty nesters to, I don't want to say younger but upwardly mobile people. What's the average income that you think is going to be attracted to this?

MR. FIRSEL: Three times what the annual rental would be is what I'm told, so if it's \$2,500 a month, \$30,000 a year would be \$90,000.

CHAIRMAN ENNES: So, at about the median level for Arlington Heights.

MR. FIRSEL: Yes. To that point, I represent Mr. Adriani. I represent a buyer of the AT&T building. I represent another building that's being relocated under contract by a property and Arlington Downs. So, unfortunately or fortunately, I'm going to see you folks a lot.

COMMISSIONER DROST: So, do you have anything to add to the rest of the --

CHAIRMAN ENNES: About the AT&T building?

COMMISSIONER DROST: Yes, tell us more.

CHAIRMAN ENNES: Let's find out.

COMMISSIONER DROST: We want the scoop.

MR. FIRSEL: You will see a proposal. I am confident you will see, the Staff will see a preliminary proposal within the next, I would guess 60 to 90 days for the northern part of this that's zoned B-5. It's already in the works.

COMMISSIONER DROST: Good, thank you.

CHAIRMAN ENNES: One other question. We've discussed whether it's 15 years or 20 years or 12 years, this property has been vacant for an awful long time. If you come in and develop this, what is your estimate of the property taxes that you'll be contributing back to the community? Is that something you've done? Do you know what that amount is?

MR. FIRSEL: Well, I can tell you that I do property tax reduction work, and I do it for the apartment building in Arlington Downs as a matter of fact. Their taxes are about \$2,800 a unit. The taxes here I believe, based on the cost of construction, the assessed value of this property is going to be higher. So, my guess is you could be \$3,500 a unit in property tax. It's a big number. You know, there was a comment brought up about haven't seen the economics, this is a very difficult standard to satisfy in an open public forum that's being televised, to go through the economics of your project and tell someone how much it costs, how much you're making. I have offered Staff to certainly meet with them. I offer any public official on a confidential basis to discuss the economics. But it's almost impossible to do in an open forum.

CHAIRMAN ENNES: Just to put you at ease, this forum isn't televised.

COMMISSIONER DROST: We do have a court reporter. But the point is, and sort of from the economic standpoint, you might say, well, that's not our job. But from the standpoint of the success of a project, it is. So, that's why we might ask these, you know, the intimate questions.

MR. FIRSEL: Oh, yes, and I answered the question. I have no problem with the questions you've asked so far, none at all. I do know that the developer is a very sustainable developer. This one is not going broke in the middle of construction of this project. That's something I would urge you to take into consideration. Thank you.

COMMISSIONER JENSEN: Mr. Chair, a question of the Staff I guess. As several Commissioners have mentioned this, if the Village were to turn this down, is it possible that these six lots would be kind of part of the B-5 district? Is that a possibility?

MR. ENRIGHT: It would not be something that we would recommend as Staff.

COMMISSIONER JENSEN: So, you might recommend against it but it would not be incorporated, so we wouldn't necessarily expect these tall buildings if they're allowed in the B-5 district to be on this particular property if the Village turns down this petition?

MR. ENRIGHT: No, we would still abide by the Comprehensive Plan which calls for R-7 on this property.

COMMISSIONER JENSEN: Thank you.

CHAIRMAN ENNES: Anyone else?

COMMISSIONER DAWSON: You were asking about the economics. There is some reference to the economics in the Village minutes/

CHAIRMAN ENNES: I saw that, but I also saw the developer has an extensive report commentary.

COMMISSIONER DAWSON: Sure, I just thought it is already public, they're talking about \$280,000 in impact fees going to school districts in the area and some other economics.

CHAIRMAN ENNES: So, would someone want to make a motion?

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

A motion to recommend to the Village Board of Trustees approval of PC#17-016, a Rezoning from R-3 One-Family Dwelling District into the R-7 Multiple-Family Dwelling District; a Planned Unit Development (PUD) to allow the construction of a five-story, 80-unit residential development; and a Preliminary and Final Plat of Resubdivision to consolidate six lots into one lot.

And the following Variations:

1. Chapter 28, Section 5.1-7.3, *Minimum Area for Zoning District*, to allow the R-7 District to be approximately 1.39 acres where code requires a minimum of two acres for the R-7 district.
2. Chapter 28, Section 5.1-7.4, *Minimum Lot Size*, to allow a 39,587 square-foot lot where code requires a minimum of 61,500 square-foot in lot size.
3. Chapter 28, Section 5.1-7.6, *Required Front Yard*, to allow a front yard setback (east side) of 6.8 feet where code requires a 45-foot setback.
4. Chapter 28, Section 5.1-7.6, *Required Front Yard*, to allow a front yard setback (west side) of 20 feet where code requires a 45-foot setback.
5. Chapter 28, Section 5.1-7.6, *Required Side Yard*, to allow a side yard setback of five feet where code requires a 35-foot setback.
6. Chapter 28, Section 5.1-7.7, *Maximum Building Lot Coverage*, to allow 72 percent building lot coverage where code allows a maximum 45 percent building lot coverage.
7. Chapter 28, Section 5.1-7.13, *Maximum Floor Area Ratio*, to allow 242 percent FAR where code limits maximum FAR to 200 percent.
8. Chapter 28, Section 11.7(a), *Loading Requirements*, to waive the requirement for one off-street loading space.
9. Chapter 28, Section 6.6-5.1, *Permitted Obstructions*, to allow certain balconies to project 5.3 feet into the required front and exterior side yards.
10. Chapter 28, Section 6.6-5.1, *Permitted Obstructions*, to allow a transformer within the required front (east) yard setback.
11. Chapter 28, Section 11.2-8, to allow certain drive aisles to be no less than 20 feet where code requires a minimum drive aisle width of 24 feet.

This approval shall be subject to the following conditions:

1. Overhead utilities along Sigwalt Street west of Highland Avenue and east of Chestnut Avenue shall be buried unless Commonwealth Edison and the Village deems that it is not feasible, in which case the overhead utilities will need to be relocated to the south side of Sigwalt Street.
2. Move-in/move-out operations shall be restricted to between 7:00 a.m. to 6:00 p.m. on Monday through Friday, and 9:00 a.m. to 4:00 p.m. on Saturday and Sunday.
3. Residential units are approved as rental apartments, converting residential units to condominiums shall require an amendment to the planned unit development.

4. **The Petitioner shall provide a final construction schedule/phasing plan, including detailed information on street closures at time of building permit for review and approval by Staff.**
5. **The Petitioner shall comply with the August 15, 2017 motion of the Housing Commission to provide a \$300,000 fee in lieu of providing the 12 affordable housing units (\$25,000 for each unit) to be paid at the time of building permit.**
6. **School, park and library contributions shall be required per Village code prior to the issuance of a building permit.**
7. **The Petitioner shall enter into an agreement with the Village that assigns the responsibility of snow removal within the on-street parking spaces and loading spaces (located along the north side of Sigwalt Street east of Chestnut Avenue and west of Highland Street) to the owner of the subject property.**
8. **The Petitioner shall comply with all federal, state, and Village codes, regulations and policies.**

COMMISSIONER CHERWIN: I'll second.

CHAIRMAN ENNES: Roll call vote, Sam.

MR. HUBBARD: Commissioner Dawson.

COMMISSIONER DAWSON: You have to start with me, Sam? I guess I'm going to say, I'm going to go no with comment.

MR. HUBBARD: Commissioner Drost.

COMMISSIONER DROST: I'll go aye with comment.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: Yes, without comment.

MR. HUBBARD: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Yes.

MR. HUBBARD: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

MR. HUBBARD: Commissioner Warskow.

COMMISSIONER WARSKOW: No, with comment.

MR. HUBBARD: Chairman Ennes.

CHAIRMAN ENNES: Yes.

MR. HUBBARD: Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes.

MR. HUBBARD: Commissioner Green.

COMMISSIONER GREEN: Yes.

COMMISSIONER DAWSON: Comment?

CHAIRMAN ENNES: Please.

COMMISSIONER DAWSON: I want to be clear that I actually do think this is a good building and a good use for the space. I think Staff did an excellent job. For me, again I'm going to go back to I liked it before when there was less parking. The increase, I liked the idea that this was attracting tenants that were going to have bicycles, use walking and public transport. To me, the tipping point is hearing about all of the other development that's suddenly



popping up, and I'm terrified of what is going to happen traffic and safety-wise and parking to this area. So, until I know about all these other developments that we're talking about, it's just difficult for me with the increased parking traffic or car traffic on the site. But I don't know what else we would put there and I think it's a beautiful building and it is a good use for this space.

COMMISSIONER DROST: My comment is to reiterate some of the comments I had made before, and that is again taking a more comprehensive or holistic approach to how all of this is going to be developed in such a way that there might be, if construction goes there, it is going to be tough for everybody. So, that's a consideration that Trustees have to make and again deferral to the Trustees but vote on the legislation is probably the end place where these concerns that the residents have had which I found to be very valid and concerning but they- need to also be addressed by the elected officials.

COMMISSIONER WARSKOW: I'm the last with comment. So, I, too, am very supportive. I like the building, I like the use. I am for higher density. I don't want completely open space, I just want more green space around the building. So, I object because of the lot coverage and the FAR percentage.

CHAIRMAN ENNES: Thank you, Commissioners. You have a favorable decision to go on to the Village Board. I want to thank all of the neighbors and all of you for coming and presenting us with your comments.

MR. ENRIGHT: This is potentially going to the Board on March 5th.

CHAIRMAN ENNES: Sam, is there anything else on our docket?

MR. HUBBARD: There's nothing else on the agenda.

COMMISSIONER DROST: I'll make a motion to adjourn.

COMMISSIONER GREEN: I'll second it.

COMMISSIONER WARSKOW: I'll second it.

CHAIRMAN ENNES: All in favor?

(Chorus of ayes.)

CHAIRMAN ENNES: Thanks. Good luck with your project.

(Whereupon, the above-petition was adjourned  
at 9:58 p.m.)

STATE OF ILLINOIS     )  
                                       ) SS.  
 COUNTY OF C O O K     )

I, ROBERT LUTZOW, depose and say  
 that I am a digital court reporter doing business in the State of Illinois;  
 that I reported verbatim the foregoing proceedings and that the foregoing  
 is a true and correct transcript to the best of my knowledge and ability.

\_\_\_\_\_  
 ROBERT LUTZOW

SUBSCRIBED AND SWORN TO  
 BEFORE ME THIS \_\_\_\_\_ DAY OF  
 \_\_\_\_\_, A.D. 2018.

\_\_\_\_\_  
 NOTARY PUBLIC