

# APPROVED

MINUTES OF  
THE VILLAGE OF ARLINGTON HEIGHTS  
DESIGN COMMISSION MEETING  
HELD AT THE ARLINGTON HEIGHTS MUNICIPAL BUILDING  
33 S. ARLINGTON HEIGHTS RD.  
JANUARY 23, 2018

Chair Fitzgerald called the meeting to order at 6:30 p.m.

Members Present: John Fitzgerald, Chair  
Aaron Coon  
Ted Eckhardt  
Kirsten Kingsley  
Jonathan Kubow

Members Absent: None

Also Present: Michael Porto, CA Ventures for *Sigwalt Apartments*  
Mark Hopkins, HKM Architects for *Sigwalt Apartments*  
Joe Labelle, Rize Properties for *221 S. Evergreen Ave. & 411 N. Pine Ave.*  
Kevin Davis, Fairfield Homes for *412 W. Campbell St.*  
Robin Ward, In-House Counsel for Village of Arlington Heights  
Steve Hautzinger, Staff Liaison

## REVIEW OF MEETING MINUTES FROM JANUARY 9, 2018

A MOTION WAS MADE BY COMMISSIONER ECKHARDT, SECONDED BY COMMISSIONER KUBOW, TO APPROVE THE MEETING MINUTES OF JANUARY 9, 2018. ALL WERE IN FAVOR. MOTION CARRIED.

ITEM 1. MOTION TO RECONSIDER

A MOTION WAS MADE BY CHAIR FITZGERALD, SECONDED BY COMMISSIONER ECKHARDT, TO RECONSIDER THE MOTION MADE ON JANUARY 9, 2018 FOR THE SIGWALT APARTMENTS PROJECT AT 45 S. CHESTNUT AVENUE, DC#17-156.

COON, AYE; KINGSLEY, AYE; KUBOW, AYE; ECKHARDT, AYE; FITZGERALD, AYE.  
ALL WERE IN FAVOR. MOTION CARRIED.

ITEM 2. OLD BUSINESSDC#17-156 – Sigwalt Apartments – 45 S. Chestnut Ave.

**Michael Porto**, representing *CA Ventures*, **Mark Hopkins**, representing *HKM Architects*, and **Mike Firsell**, the attorney for the project, were present on behalf of the project.

**Ms. Ward** explained that as Staff reviewed the minutes from the meeting on January 9, 2018, it was noted that the motion that passed, exceeded the scope of the Design Commission's authority. Per the Village Code, the authority of the Design Commission for cases that are going to the Plan Commission or the Zoning Board of Appeals, is limited to building and signage only. The Plan Commission reviews zoning, variations, parking, setbacks, and overall compatibility, they do not look at the aesthetics of a building; that is solely within the authority of the Design Commission. The first part of the Design Commission motion addressed the aesthetics of the building; however, the second part of the motion exceeded the authority of the Design Commission in this particular case. Conversation, opinion and public comment on the pieces pertaining to zoning, setbacks and overall compatibility are encouraged, but should be made in the correct forum, which is the Plan Commission public hearing. **Ms. Ward** was happy to answer any questions at this time.

PUBLIC COMMENT

Kari Dwyer, 30 S. Chestnut Avenue. She appreciated the explanation and said that her concern is how a Board can approve the aesthetics of a property that does not fit the parcel it is on. She felt the process was broken, which concerns the neighbors, who are here tonight to express where they stand. There are flaws in the process and very limited to what is actually being reviewed.

**Ms. Ward** said that it could be looked at in two parts: the Design Commission has one part and the Plan Commission has the second part. She reiterated that comments about a project are important, but they should be presented at the Plan Commission hearing, who has the authority of those pieces. This Design Commission process is limited in scope because it is limited to the aesthetics of the building. Opinions about whether the building is ugly or beautiful are separate from whether or not the variations, setbacks, and height are appropriate; they are two separate issues that make up the entire process.

Ms. Dwyer understood these comments but felt that perhaps the process was out of order, and the planning of the property should be reviewed prior to the aesthetics. **Ms. Ward** replied that as a general rule, the goal has always been to try and get the Design Commission portion done prior to the Plan Commission hearing, but Staff has been discussing in the last week, the possibility of re-evaluating whether this is the best way to continue the process. She reiterated that the Design Commission review should focus on the aesthetic of the building, understanding that while some may like the design, they can still think it is too big and there are too many variations, but those issues are not for the Design Commission to deal with.

Keith Allen, 46 S. Chestnut Avenue. He was still confused, and referred to the evaluation criteria of the Village Design Guidelines that govern the Design Commission evaluation of a design submittal: #1, Conformance to Ordinances and Comprehensive Plan. **Ms. Ward** said that she would agree, if all of those applied in this instance; however, language in the Village Code specifically limits the powers of the Design Commission in this case. The Design Commission has broad powers as a general rule, but in cases that are going to the Plan Commission, they are limited to building and signage only; this is a specific provision of the Village Code, Chapter 28, Section 14.2-1, which she read out loud for the residents. **Ms. Ward** added that the Plan Commission process is more complex and more involved than the Design Commission process, with additional legal requirements as well.

Tim Meyer, 29 S. Mitchell Avenue. He now understands what was previously unclear, and he thanked Ms. Ward; however, he disagreed and felt that the aesthetics of a building and how it plays off the aesthetics of its surroundings is very much an architectural question and a design question that should be part of the Design Commission's authority. He knows that as architects, the Design Commissioners probably all understand that, and it is unfortunate that the

code is written the way it is because it is really doing a disservice to the entire process in terms of design. He thanked Staff for clarifying things tonight, but he was still disappointed. **Ms. Ward** encouraged the residents to attend the Plan Commission hearing to raise all of these concerns.

Donald Meersman, 202 S. Highland Avenue. He attended the first Design Commission meeting and recalled a wide range of discussion, with the project being approved with caveats about concerns to be brought to the attention of the Plan Commission. He understood the legal process but did not understand how the aesthetics of a building can be reviewed without discussing the shape, size, height, and setbacks of the building; there seems to be a lot of bleed over between the Design Commission and the Plan Commission.

**Ms. Ward** clarified that at the September 12, 2017 meeting, the Design Commission made a motion to approve the project, which included concerns that the Design Commission wanted to be looked at by the Plan Commission and Village Board, which was okay; however, the motion made at the last meeting on January 9, 2018 was different in that it was a motion to deny, with a statement that the aesthetics of the building were fine; when in reality, the aesthetics of the building is the Design Commission's purview. That is what raised the concerns of Staff. Mr. Meersman asked how harmony and compatibility are not aesthetic and **Ms. Ward** replied that harmony and compatibility are part of the whole surrounding area, which is part of the zoning review done by the Plan Commission; it is the aesthetics of the building itself.

John Peck, reiterated the previous resident's point that the aesthetics have to relate to the surrounding areas. He has attended 3 Design Commission meetings for this project and there has been a lot of discussion with respect to the design of this building and how it relates to surrounding Arlington Heights facades and buildings, but when it comes to the compatibility to the neighborhood and its lack of transition, that discussion seems to go by the wayside, especially with this conversation tonight. **Ms. Ward** replied that it does not go by the wayside, it gets discussed at the Plan Commission hearing. The Plan Commission does not talk about the aesthetics of the building itself, but they will talk about how the building as a whole fits into the neighborhood, that is a zoning piece. Mr. Peck said that the motion to approve at the Design Commission meeting of the first proposal, included a contingency that the commissioners did not agree with the compatibility and harmony, which was supposed to then go to the Plan Commission hearing, but it was never reviewed there. **Ms. Ward** explained that the Design Commission is not advisory to the Plan Commission; they are advisory to the Village Board, and motions from the Design Commission are included in the Plan Commission review, but the Plan Commission itself determines what it looks at. She understood the resident's concerns being made about this project and said that Staff could make sure these concerns are identified for the Plan Commission review in their Staff report.

**Mr. Firsel**, the attorney for the project, said that he has lived in Arlington Heights for 25 years, he knows the Village and this process extremely well, and he was on the Plan Commission for 8 years. He stated that the Design Commission is a recommending body regarding the aesthetics of the building, the Plan Commission is a recommending body regarding the other items brought up tonight, and the Village Board is where it all comes together. His understanding is that the job of these commissions is to present to the Village Board their observations and recommendations, so the Village Board, who is the only entity that has any decision making authority on these projects, can dissect, absorb, and consider all of the different factors. These independent hearings cannot be done without the other because the entity that is charged with putting it all together and making the ultimate decision is the Village Board. **Mr. Firsel also** said that if a recommendation is made at the Plan Commission public hearing, it then goes to the Village Board, which is another public hearing where the ultimate decision is made on the project. Having two separate recommending bodies that are recommending on two separate things, can be done compatibly by getting the information to the Village Board so they can make their final decision whether or not the aesthetics fits into the neighborhood, or the massing fits into the aesthetics.

Mr. Meyer said that if the aesthetics of how the building fits in with the neighborhood cannot be discussed here, and it will not be discussed by the Plan Commission, then how does the Village Board get that message? **Ms. Ward** reiterated again that the aesthetics of the building are what the Design Commission reviews; everything else, such as how it fits into the neighborhood, whether the setbacks and variations are appropriate, whether the building is the right size for

that location, is all within the Plan Commission's purview. She also reiterated that she will make sure that the concerns about harmony and compatibility are made part of the Plan Commission staff report so these issues can be discussed at the Plan Commission hearing. Mr. Meyer explained that as a lawyer for the Village, Ms. Ward would ensure that the Plan Commission talks about the aesthetics of how the building relates to its neighborhood, and Ms. Ward clarified that she would not refer to it as aesthetics, but instead refer to it as the harmony and compatibility of the whole project. Mr. Meyer felt the aesthetic concerns of the residents will never be discussed then, based on the process described by Ms. Ward. Ms. Dwyer agreed and reiterated her previous comment that the process is broken, and the residents have given so much time as a community to be here, and the only paid people in this room right now are the developers and the two Village Staff, which the residents have all lost trust in. She asked how Staff will ensure that their voice is heard throughout this process, and Ms. Ward reiterated that Staff will make sure that the Staff report that goes to the Plan Commission identifies as a concern, the harmony and compatibility within the neighborhood, and that the liaison to the Plan Commission mentions that as a concern as well. The Village is not trying to silence the neighbors, they are just trying to make sure that the points being made are made in the right place.

A resident asked for clarification about this project being on the agenda for tomorrow night's Conceptual Plan Review Committee meeting. Ms. Ward explained that the Conceptual Plan Review Committee consists of 4 Plan Commissioners that have an informal conversation about projects, sort of like step one before the Plan Commission hearing, and although the public may attend, it is not intended to take a lot of public comment; there are no decisions or recommendations or final actions made by that committee.

Francine Fossler, 44 N. Vail Avenue. She has lived here for 12 years and what drew her to the Downtown building she lives in was the aesthetics, design and footprint, which fit into the overall big plan of what Downtown Arlington Heights was to be. She was on a Village Board in the community where she previously lived and she understands how hard this process is, although her previous community had no Design Commission. She always thought the Village would feather into this vacant lot, feather something that was compatible with what surrounds it, and she referred to Evergreen Avenue, one block south of the Downtown where her daughter lives. This block is a good example of feathering with row homes, town homes, and single-family homes that are adjacent to the Downtown. She assumed this lot would do the same thing; be developed with something that is in harmony with the Vail Avenue building, the Campbell building, Wing Street building, and Metropolis Lofts, not something that sticks out like a sore thumb and does not belong here. Ms. Ward encouraged the resident to bring her comments to the Plan Commission. Ms. Fossler also said that she worries about how this project will affect the value of her property, which is the bottom line that everyone in this room is thinking about, and she also felt that Downtown Arlington Heights did not need any more rentals.

Brian Rybick, 38 S. Mitchell Avenue. He said that Staff is asking the Design Commission to vote on the aesthetics of this building, but what happens if the Plan Commission changes the mass and structure of the building. Ms. Ward explained that the Plan Commission does not change the mass, structure or color of a building; the Plan Commission will review what is being proposed, have a conversation, listen to any public comment, and decide whether to recommend it be approved or denied; they will do the same thing as the Design Commission, but on their pieces of the project. If the Plan Commission does not support any of the pieces they review and they recommend denial, the petitioner has to decide if they want to go forward to the Village Board with this recommendation, or go back to the drawing board, or go away. Mr. Rybick said that if the Design Commission does not feel that a 5-story building wall is appropriate on this site, how can they decide what color that wall should be. If the Design Commission approves the 'design' of the building, then they are also giving their endorsement to the way the building looks as proposed.

Donald Meersman said that the appearance of the building does not exist in a bubble; this building has got to exist, it has got to be there. Ms. Ward repeated that the Design Commission decides if the building looks great, and the Plan Commission decides if the building looks great on this site.

A resident said that the design and aesthetics of a building are completely dependent on its surroundings, it cannot be designed in a bubble and it cannot be discussed in a bubble; it is impossible and does not work. Other residents agreed. Michael Voss asked if and how residents will have access to the Plan Commission Staff report, which Ms. Ward explained will be available on the Village website the Friday before the project goes to the Plan Commission.

Shawn Collins asked for clarification on how it was decided that this matter be brought back to the Design Commission for reconsideration. **Ms. Ward** explained that she was asked by Staff to review the minutes from the last meeting, and after doing so, she determined that the Design Commission exceeded the scope of their authority in this particular instance, per Village Code. The project was then brought back to the Design Commission as an item to reconsider.

Justin Pease said that he felt it was a great looking building and all of the comments thus far have been relative to how it fits in, which **Ms. Ward** explained comes next with the Plan Commission review. He has not heard any neighbors say that they hate the way the building looks in general, and he wanted to hear comments from the Design Commission on the revisions that were made to the building and move on.

Teresa Gurnin said that she felt the proposed building looked like a factory, and she urged the commissioners to reconsider that the aesthetics are okay with a couple of caveats. In her opinion and in a lot of the neighbors' opinion, this is not an attractive building.

**Commissioner Coon** thanked Ms. Ward for speaking to the residents tonight because he was concerned that there would be confusion with all of this. He partly took blame for this whole fiasco, and commented that he just joined this commission last June. He questioned why it was not brought to the commissions' attention last September when the original motion to approve the project was made, that discussions about compatibility and scale should not have happened; was it because the commissioners approved the project then? **Ms. Ward** explained that it was not because the project was approved, it was because that motion included 2 advisory comments that the commissioners specifically called out that they wanted the Plan Commission and Village Board to pay attention to, which was okay. The difference with the motion made on January 9<sup>th</sup> was that it said that the aesthetics were okay, but the project is denied based on things that are not within the scope of the Design Commission.

**Commissioner Coon** said that part of the aggravation from the residents has come from what happened at the last Plan Commission review, where a lot of time was spent talking about the shared parking in the garage, and residents were left feeling that the issues of compatibility, setbacks, variations, etc. were not addressed to the same length and depth as the parking issue. He wanted the Design Commission to meet with the Village Board as a Committee of the Whole so the Design Commission can find a better way to make sure that all of these things get addressed. It is not about him saying that the Plan Commission is not doing their job and leaving parts out, and he is willing to work with the Plan Commission and offer his 22 years of experience to help in evaluating a building with regards to context, which he now clearly understands is not his role as a Design Commissioner. However, those issues need to get addressed in order to be fully vetted for the residents, otherwise they feel like they are not being listened to. **Ms. Ward** stated that Staff can do their best to make sure that issues and concerns are identified in the Staff report; however, like the Design Commission, the Plan Commission controls their own conversations, so it is up to residents to attend those meetings to make sure their concerns are heard and discussed. There is also the option of going to the Village Board when the project is reviewed; there are steps to the process.

**Chair Fitzgerald** felt the legalities of the review process have been successfully completed, and he asked for clarification on how the Design Commission should continue on this matter. **Ms. Ward** said it was up to the commissioners to determine if they felt more time was necessary to discuss the aesthetics of the building, or if there was something new or different to discuss; otherwise a motion should be made at this time. **Chair Fitzgerald** said that he had something new to discuss and he asked for discussion from each commissioner.

**Commissioner Kingsley** said that perhaps she was the reason why we are all here tonight because she made the motion to deny at the last meeting. This is her second time on the Design Commission and this issue has never come up. It is very difficult for her as an architect to just look at the building and its form, and she did not understand how she could say that a building is aesthetically pleasing and not know that the setback was designed specifically for the site; however, knowing what the Design Commission is being asked to do tonight, then that is what they are going to have to do tonight. She added that since she began her second term on this commission, she has brought up at almost every meeting that the Design Guidelines need to be looked at. She said that it did not matter if a motion was made

to approve this project or not because the Design Commission is just advisory, and anything the Design Commission feels strongly about should be put in the motion so it is not put on Staff to communicate to the Plan Commission. In a way, it does not really matter because the commissioners have already made their comments about the aesthetics, but all of the things the commissioners are worried about should be in the motion.

**Commissioner Eckhardt** said that it sounds like this is a 'for the good of the brotherhood' discussion and not what the commission is supposed to be doing. In all the years he has been on this Board, his attitude has always been that his job is to review each building that comes before him, and not redesign a building but critique it. He added that all petitioners have the same rights, whether it is an addition to a single-family home or a small office building, the petitioner is asking this commission to give them their comments about its aesthetics. Height and setbacks are not the purview of this commission, and he admitted to getting caught up in the dedication and emotions of the residents over the past few meetings for this project. Instead of reviewing the building for the petitioner, the commissioners previously nitpicked it, and the petitioner made changes to it that pretty much responded to everything previously commented on by the commissioners. He felt the petitioner accomplished something different than when the building first came before the commission, and he was happy to move forward with a motion at this time, which he previously voted against denying.

**Commissioner Coon** wanted to talk about the 3 building designs that have been presented to the commission. The first building presented had the fifth floor entirely constructed out of a material that is not recommended for use by the Design Guidelines, and the commissioners encouraged the petitioner to look at another solution, something more permanent that fit in with the Downtown. The petitioner came back with a very attractive building; a top was added to the building, a cornice, and he was very enthralled with the job that the petitioner did to address the commissioners' comments, which he felt were major comments and not nitpicky. At that time, the commissioners did express concerns about the massing and compatibility, but ultimately approved the aesthetics of the building. The third time around, the building came back with an entire fifth floor made up of a residential material, the fiber cement lap board siding, which is more common to a Randhurst development or something a little more suburban, as opposed to the urban feel of our Downtown with buildings such as the Wing Street building across from Jewel that has really fine detailing and permanent detailing in the stonework on the cornice. He was excited that the new building had a contemporary feel to it, and he liked that feel, but what he did not like and commented on last time was how much lap siding was being proposed; he felt like there was a bait and switch with the materials and the building has taken a step back to the first initial design. One of the hard things that he has with the building now is the amount of fiber cement board siding, and he referred again to the Design Guidelines on materials that state that weather resistant wood type materials should be limited to trim and limited in its use. He felt the step back was not that effective and he was not going to judge the building based on that, but he wanted to see the material changed back to brick and the wall pulled back out; give us the building we previously approved with the shift on the site. **Mr. Hautzinger** pointed out that this issue was barely mentioned at the last meeting; however, he acknowledged the aesthetic concern by Commissioner Coon. **Commissioner Coon** said that these are his comments relative to reconsidering the motion.

**Commissioner Kubow** said that the Design Commission approved the architecture of the building last September and again on January 9<sup>th</sup>, but did not approve its compatibility. So for the third time, the Design Commission is here to either approve or deny the architecture of the building. He said this whole process has been just ridiculous. He approved the architecture on January 9<sup>th</sup> and he approves the architecture again today, and there is not much more he could say on the matter.

**Chair Fitzgerald** said that he still liked the building and felt the points brought up by Commissioner Coon were valid. He pointed out that the pergola on the second level and the awning were changed to a stone color, which he wanted to see changed back to the previous dark color because he was not in favor of staining wood a stone color that is next to real stone. **Mr. Hopkins** said that he believed that the previous motion said this, and they are in agreement with that. A resident asked that a visual of the building be presented, which was done so by Staff. **Commissioner Coon** said that he made comments at the last meeting specifically about the north elevation, and **Mr. Hautzinger** replied that it was mentioned, but it did not seem like it was the basis for the denial.

A MOTION WAS MADE BY COMMISSIONER ECKHARDT, SECONDED BY COMMISSIONER KUBOW, TO APPROVE THE PETITION FOR *SIGWALT APARTMENTS* TO BE LOCATED AT 45 S. CHESTNUT AVENUE. THIS APPROVAL IS SUBJECT TO COMPLIANCE WITH THE PLANS DATED AND RECEIVED 12/11/17, DESIGN COMMISSION RECOMMENDATIONS, COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE, AND VILLAGE CODES, REGULATIONS, POLICIES, THE ISSUANCE OF ALL REQUIRED PERMITS, AND THE FOLLOWING:

1. IN GENERAL, THE DESIGN COMMISSION IS IN APPROVAL OF THE AESTHETICS OF THE BUILDING WITH THE FOLLOWING COMMENTS:
  - a. THAT THE COLOR OF THE FIBER CEMENT SIDING BE RECONSIDERED.
  - b. THAT ADDITIONAL WINDOWS AT THE TOP FLOOR TO BREAK UP THE AMOUNT OF WALL SIDING BE CONSIDERED.
  - c. THAT THE COLOR OF THE CANOPY AND PERGOLA BE A DARK TONE INSTEAD OF THE STONE COLOR STAIN.
2. DUE TO THE FACT THAT ITEMS 5 & 6 FROM THE DESIGN COMMISSION'S PREVIOUS APPROVAL, WHICH HAD TO DO WITH 'HARMONY AND COMPATIBILITY' AND 'CONFORMANCE TO ORDINANCES AND THE COMPREHENSIVE PLAN', THE DESIGN COMMISSION IS OBLIGED TO DENY THE PETITION.
3. THIS REVIEW DEALS WITH ARCHITECTURAL DESIGN ONLY AND SHOULD NOT BE CONSTRUED TO BE AN APPROVAL OF, OR TO HAVE ANY OTHER IMPACT ON, NOR REPRESENT ANY TACIT APPROVAL OR SUPPORT FOR THE PROPOSED LAND USE OR ANY OTHER ZONING AND/OR LAND USE ISSUES OR DECISIONS THAT STEM FROM ZONING, BUILDING, SIGNAGE OR ANY OTHER REVIEWS. IN ADDITION TO THE NORMAL TECHNICAL REVIEW, PERMIT DRAWINGS WILL BE REVIEWED FOR CONSISTENCY WITH THE DESIGN COMMISSION AND ANY OTHER COMMISSION OR BOARD APPROVAL CONDITIONS. IT IS THE PETITIONER'S RESPONSIBILITY TO INCORPORATE ALL REQUIREMENTS LISTED ON THE CERTIFICATE OF APPROPRIATENESS INTO THE PERMIT DRAWINGS, AND TO ENSURE THAT BUILDING PERMIT PLANS AND SIGN PERMIT PLANS COMPLY WITH ALL ZONING CODE, BUILDING CODE AND SIGN CODE REQUIREMENTS.

Commissioner Kingsley said that in light of the information given tonight by In-House Counsel, Item 2 needed to be changed. Commissioner Eckhardt reviewed Item 2 and made an amendment to the motion.

A MOTION WAS MADE BY COMMISSIONER ECKHARDT, SECONDED BY COMMISSIONER KUBOW, TO AMEND THE MOTION AS FOLLOWS:

2. THE DESIGN COMMISSION ENCOURAGES THE PLAN COMMISSION AND VILLAGE BOARD TO TAKE UNDER CONSIDERATION, THE MATTER OF HARMONY AND COMPATIBILITY.

Commissioner Kingsley questioned whether or not Item 2 should be a stronger statement, and she referred to the variations being requested for the project. Ms. Ward said that the variations are well outside the scope of the Design Commission's authority and she recommended against including it in the motion.

KUBOW, AYE; FITZGERALD, AYE; ECKHARDT, AYE; KINGSLEY, AYE; COON, NAY.  
MOTION CARRIED.

Commissioner Kubow left the meeting at this time due to illness.