



Village of Arlington Heights
Plan Commission
Board Room, 3rd Floor
Arlington Heights Village Hall, 33 S. Arlington Heights Rd.
October 12, 2022
7:30 PM

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. La Zingara - 2300 E. Rand Rd. - 7/27/22

IV. PUBLIC HEARINGS

- A. Chapter 28 Overlay Zone Amendment - Arlington International Racecourse - PC#22-011

V. OTHER BUSINESS

- A. Public Comment

VI. ADJOURNMENT

Persons with disabilities requiring auxiliary aids or services, such as an American Sign Language interpreter or written materials in accessible formats, should contact Rosangela Maldonado, at 33 S. Arlington Heights Road, Arlington Heights, Illinois 60005, rmaldonado@vah.com or (847)368-5791.



Plan Commission
10/12/2022

Item: La Zingara - 2300 E. Rand Rd. - 7/27/22

Department: Planning & Community Development

ATTACHMENTS:

Description

La Zingara - 7/27/22

Type

Minutes

PLAN

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

COMMISSION

RE: LA ZINGARA - 2300 EAST RAND ROAD - PC #22-006
SUP AMENDMENT FOR EXPANDED RESTAURANT, PARKING VARIATION

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Plan Commission Meeting taken at the Arlington Heights Village
Hall, 33 South Arlington Heights Road, 3rd Floor Board Room, Arlington Heights,
Illinois on the 27th day of July, 2022 at the hour of 7:30 p.m.

MEMBERS PRESENT:

SUSAN DAWSON, Chairperson
MARY JO WARSKOW
JOE LORENZINI
BRUCE GREEN
JOHN SIGALOS
JAY CHERWIN

ALSO PRESENT:

JAKE SCHMIDT, Assistant Planner

CHAIRPERSON DAWSON: We'll get started. The meeting of the Arlington Heights Plan Commission is called to order. Let's do the pledge.

(Pledge of Allegiance recited.)

CHAIRPERSON DAWSON: All right, roll call.

MR. SCHMIDT: Commissioner Cherwin.

COMMISSIONER CHERWIN: Here.

MR. SCHMIDT: Commissioner Drost.

(No response.)

MR. SCHMIDT: Commissioner Ennes.

(No response.)

MR. SCHMIDT: Commissioner Green.

COMMISSIONER GREEN: Yes, here.

MR. SCHMIDT: Commissioner Jensen.

(No response.)

MR. SCHMIDT: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Here.

MR. SCHMIDT: Commissioner Sigalos.

COMMISSIONER SIGALOS: Here.

MR. SCHMIDT: Commissioner Warskow.

COMMISSIONER WARSKOW: Here.

MR. SCHMIDT: Chair Dawson.

CHAIRPERSON DAWSON: Here.

All right, we've got the minutes for the previous meeting which are the Mueller Lot Consolidation and then the St. Anne Shelter for Girls.

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

COMMISSIONER SIGALOS: I'll second.

CHAIRPERSON DAWSON: Any discussion?

(No response.)

CHAIRPERSON DAWSON: All right, voice vote? Okay, all in favor?

(Chorus of ayes.)

COMMISSIONER LORENZINI: I'm going to abstain; I wasn't there for that meeting.

CHAIRPERSON DAWSON: All right, so the first item on our agenda is the La Zingara amendment for expanded restaurant. The Petitioner is obviously here.

MR. MOKHTARIAN: Yes.

CHAIRPERSON DAWSON: Who will be presenting today? Just one?

MR. MOKHTARIAN: I'm the owner of the plaza. I'm making sure to present the --

CHAIRPERSON DAWSON: Sure, do you want to come on up?

MR. MOKHTARIAN: Sure.

CHAIRPERSON DAWSON: All right, so I need to swear you in. Anybody else testifying or just you?

MR. MOKHTARIAN: Just me.

CHAIRPERSON DAWSON: That's fine. No, that's perfect.

(Witness sworn.)

CHAIRPERSON DAWSON: Terrific. All right, go ahead with your

presentation.

MR. MOKHTARIAN: My name is Sam Mokhtarian, I'm the owner of the Brandenberry Plaza on Rand Road. We have a very good tenant, La Zingara Restaurant, Mr. Jesus Aguirre and his wife, they've been operating this Italian restaurant --

(Short pause to turn on the microphones.)

CHAIRPERSON DAWSON: All right, here we go. Keep going.

MR. MOKHTARIAN: So, as I was saying, we have these small strips in there on Rand Road, Brandenberry Plaza. They approached us about a year ago because of the COVID and the difficulty in the restaurant business. A good tenant asked us if we can accommodate them with a small party room about 900 square-foot. They thought since they're having difficulty with their main restaurant, maybe a party room, a gathering room will help them. So, we approached the tenant next door, Big & Tall, which at that time they also had difficulty with, you know, their finances and they were accommodating. They accepted to take a small portion of their space at that time, and since then, unfortunately, Big & Tall's owner died and that space is vacant.

So, we went through a great deal of expense and work and pulled the permit, the drawings, the architect, and we took about 900 square-foot of space. We separated the electrical from Big & Tall, the heating, the air conditioning, and we made really a nice little party room to accommodate our good tenant and also help the Big & Tall. As owners, we try to do everything we can to really help our tenants every which way to survive and be a viable business.

So, we pulled the permit, we did the construction, the build-out. We passed all the inspections. We followed all the Village requirements as far as the restaurant expansion. They were ready to open and we found out that the special use was overlooked and we have to go through the process of special use.

So, with the help of our good friend here, Jake, we went through the special use. One of the concerns that they showed was the parking. Really, the parking, as the landlord, one of our highest priorities is to have more parking, that cars park in the parking lot. We did a study per the request, a two-week study. The maximum number of cars at the peak of any time was 35 cars where there's 113 spaces available there. So, really, the parking is not any concern whatsoever at all. As a matter of fact, like I said, I wish we could have more cars parked to show more activity and more viability.

So, really this expansion is helping them and it doesn't affect anybody, none of the neighbors, you know, in any shape or form affect the neighbors or the tenants or the condos behind. So, we followed the entire procedure for the special use and we hope we get a positive result.

CHAIRPERSON DAWSON: All right, well, thank you very much for that presentation. There are some conditions here and there was a Staff report. Have you read the Staff report?

MR. MOKHTARIAN: Yes.

CHAIRPERSON DAWSON: And do you agree with the conditions of approval?

MR. MOKHTARIAN: Yes, we do.

CHAIRPERSON DAWSON: Okay, All right, Jake, Staff presentation, please?

MR. SCHMIDT: Certainly. The address of the subject property is 2300 East

Rand Road, and the proposed use is a restaurant which is existing and expanding. The property is zoned B-2 General Business District and is designated as commercial in the Comprehensive Plan. The requested action specifically is an amendment to Special Use Permit Ordinances #78-063 and #08-029 to allow the addition of a 909 square-foot dining room with a seating area of 858 square feet.

Two variations are required as part of this petition, the first being a variation from Chapter 28, Section 10.4, the Schedule of Parking Requirements, to allow 113 parking spaces where 167 are required. The second is a variation from Chapter 28, Section 6.13-3b, Fence Height, to allow an eight-foot tall fence in the rear yard where a six-foot tall fence is permitted.

La Zingara is a casual, sit-down and carryout Italian American restaurant. They did expand recently, and a permit was applied for and issued by the Village for this expansion. At the time, the requirement for an amendment to the special use permit was not identified. A revised permit came in that was showing seating was not routed to Planning for review, so this issue was not identified until liquor license renewal was taking place.

The expanded restaurant has a total of 127 seats, 106 of which are interior. 70 interior seats are allowed by the underlying SUP and, therefore, an amendment is required. No changes to the site or building are proposed aside from the already completed interior build-out.

The restaurant operates from 4:00 to 10:00 p.m. Monday through Thursday, 4:00 to 10:30 on Friday and Saturday, and 4:00 p.m. to 9:00 p.m. Sunday. There are eight staff members on this site at peak times.

The restaurant is located on the eastern portion of the shopping center, Brandenberry Plaza, which borders Waterman Avenue to the west, Rand Road to the south, and Oakton Street to the southeast.

The expansion of the restaurant is shown here on the floor plan on the south side circled in yellow. This was formerly an adjacent tenant space and was built out for a party room and dining area as part of the previously approved permit.

As this is a special use permit request, the Petitioner did provide a written response to the special use permit justification criteria. With respect to the first criterion, the Petitioner has noted that the special use permit is necessary as it will grant more space to offer parties and serve more clients. With respect to the second criterion, the Petitioner has indicated that they will not under any circumstances be detrimental to the health, safety, or general welfare of persons in the vicinity, and that they will be having a favorable effect on the general welfare of everyone on the premises. With respect to the third criterion, the Petitioner has noted they will be abiding by all rules and regulations as stipulated by any approval granted by the Village Board. Staff believes that these responses are satisfactory and that the special use permit request is justified.

With respect to traffic and parking, as noted a parking variation is required with a total of 167 spaces needed and only 113 provided for a deficit of 54. No parking and traffic study was required by code as part of this petition, but a parking survey was requested by Staff and provided by the Petitioner. The survey was conducted over a two-week period, four days each week including at least one Friday, Saturday and Sunday during the hours the restaurant operates.

A peak number of 35 vehicles was observed accessing the site which is approximately 31 percent of parking lot capacity. This occurred at 7:00 p.m. on Thursday, June

9th, and Saturday, June 11th. Staff has no concerns related to parking availability per the survey data. It should also be noted that should the currently vacant units become tenanted with retail uses, it can be anticipated that 11 additional vehicles which is the code-required parking for retail uses could access the site for an extrapolated total of 46 vehicles or 41 percent of parking lot capacity.

Two bicycle parking spaces are required as part of this petition as it results in an increase in required vehicle parking. A rack shall be installed within 60 days of approval of this petition in order to meet this requirement.

Back to landscaping and screening, during the Plan Commission process, Staff evaluated the site landscaping and screening. It was found that two parking lot island trees are missing on the drive aisle accessing Rand Road. Additionally, it was found that there was no code-required three-foot tall screen adjacent to Rand Road. Staff recommends an installation deadline of September 30th, 2023 which the Petitioner requested a little bit of deferred installation timing for that, and we are comfortable with that deadline of September 30th.

Additionally, it was found that an 86-foot long portion of the fencing along the north property line was eight feet tall. Code only permits a maximum height of six feet and a variation is required in order to grant this. Petitioner did provide an adequate written response to the zoning code variation criteria which was included in the agenda packet. The Building Department has determined that a fence permit will be required in order to allow this eight-foot tall fencing. So, should a variation be granted, the Petitioner shall submit for a fence permit by September 1st, 2022, noting the height of eight feet for this fence.

The Staff Development Committee recommends approval of the application subject to three conditions: the first being that missing code-required landscaping consisting of two landscape island trees along the Rand Road access aisle and three-foot tall landscape screening along Rand Road shall be installed no later than September 30th, 2023; the second being that two bicycle parking spaces shall be installed no later than 60 days after the approval of this project; and the third being that if the Building Department determines a new revised permit is necessary, which they have determined it is necessary, the Petitioner shall submit for a fence permit no later than September 1st of 2022.

This concludes my presentation. If there are any questions, I'm happy to answer.

CHAIRPERSON DAWSON: Great, thank you very much.

Commissioners, do I have a motion to include the Staff report into the public record?

COMMISSIONER WARSKOW: I'll make such a motion.

COMMISSIONER GREEN: I'll second it.

CHAIRPERSON DAWSON: All right, all in favor?

(Chorus of ayes.)

CHAIRPERSON DAWSON: Any opposed?

(No response.)

CHAIRPERSON DAWSON: All right, great.

Okay, so Commissioners, any initial questions? I don't know that we have much public commentary.

COMMISSIONER LORENZINI: One quick question. Jake, the landscaping, was that missed the first time around when this permit was issued or when they came before us?

MR. SCHMIDT: The permit I referenced was a building permit. Site

landscaping isn't evaluated as part of building permits. It's typically only evaluated based on complaints, if Staff notices a deficiency or if there is a larger review project such as this that's going before us.

COMMISSIONER LORENZINI: Okay, thank you.

CHAIRPERSON DAWSON: Any other questions? No?

(No response.)

CHAIRPERSON DAWSON: Seeing none, all right, I'm going to see if there's public commentary. I'll open up for public commentary.

So, is there anybody in the audience who wishes to speak?

(No response.)

CHAIRPERSON DAWSON: All right, I'm going to close public commentary.

Any other questions or comments, or do I have a motion?

COMMISSIONER WARSKOW: I'll make a motion.

A motion to recommend to the Village Board of Trustees approval of PC #22-006, an Amendment to Special Use Permit Ordinances #78-063 and #08-029 to allow the addition of a 909 square-foot dining room with a seating area of 858 square feet, and the following variations:

1. **Variation from Chapter 28, Section 10.4, *Schedule of Parking Requirements*, to allow the provision of 113 parking spaces where 167 spaces are required by code.**
2. **Variation from Chapter 28, Section 6.13-3B, *Fence Height*, to allow an eight-foot tall fence in the rear yard where a six-foot tall fence is permitted.**

This recommendation is subject to the following:

1. **Missing code-required landscaping consisting of two landscape island trees along the Rand Road access aisle and a three-foot tall landscaping screening along Rand Road shall be installed no later than September 30, 2023.**
2. **Two bicycle parking spaces shall be installed no later than 60 days of approval of this project.**
3. **If the Building Department determines a new or revised permit is necessary, the Petitioner shall submit for a fence permit no later than September 1, 2022.**

COMMISSIONER GREEN: I'll second that.

CHAIRPERSON DAWSON: Great. Jake, roll call?

MR. SCHMIDT: Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes.

MR. SCHMIDT: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

MR. SCHMIDT: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Yes.

MR. SCHMIDT: Commissioner Warskow.

COMMISSIONER WARSKOW: Yes.

MR. SCHMIDT: Commissioner Green.

COMMISSIONER GREEN: Yes.

MR. SCHMIDT: Chair Dawson.

CHAIRPERSON DAWSON: Yes.

MR. MOKHTARIAN: Thank you very much.

CHAIRPERSON DAWSON: All right, you know we're only a recommending body.

MR. MOKHTARIAN: Yes.

CHAIRPERSON DAWSON: Jake will keep you updated with the next steps and when the Village Board meeting is.

MR. MOKHTARIAN: Thank you very much.

CHAIRPERSON DAWSON: All right, congratulations.

(Whereupon, at 7:48 p.m., the public hearing on the above-mentioned petition was adjourned.)



Plan Commission 10/12/2022

Item: Chapter 28 Overlay Zone Amendment - Arlington International Racecourse
- PC#22-011

Department: Planning & Community Development

In July, 2021 the Village Board adopted Ordinance 21-024, establishing the Arlington International Race Course Overlay Zoning District. The overlay zone established additional zoning and subdivision standards for redevelopment of the former race course site including a requirement that any development shall be part of an approved Planned Unit Development. In addition, the Overlay encourages Transit Oriented Development near the Metra Rail Station.

The Chicago Bears Football Club have indicated that they intend to include a Sports Wagering Facility (aka: Sports Book) as part of their master plan for the property. Currently a Sports Wagering Facility is not a permitted use or special use in the B-3 district nor the Overlay Zone. At this time, the Village is proposing adding to the Overlay Zone as a Special Use a Sports Wagering Facility. It is important to note that this Ordinance does not approve a Sports Wagering Facility.

The Ordinance Review Committee met on September 28, 2022 and recommended approval of the Ordinance to the Plan Commission.

Recommendation

It is recommended that the Plan Commission recommend to the Village Board approval of the proposed Ordinance amending the Arlington Race Course Overlay Zoning District to include as a Special Use a Sports Wagering Facility.

ATTACHMENTS:

Description	Type
Staff Memorandum	Memorandum
Legal Notice	Exhibits
ORC Minutes 9/28/22	Minutes
Ordinance amending Zoning Code at Arlington Park Racecourse	Exhibits

Memorandum

To: Chair Dawson and Members of the Plan Commission

From: Bill Enright, Assistant Director Planning and Community Development

Date: October 6, 2022

Subject: Text Amendment to Chapter 28 Zoning -
An Ordinance Amending the Arlington International Race Course
Overlay Zoning District

Meeting Date: Wednesday, October 12, 2022 7:30 pm Board Room

In July, 2021 the Village Board adopted Ordinance 21-024, establishing the Arlington International Race Course Overlay Zoning District. The overlay zone established additional zoning and subdivision standards for redevelopment of the former race course site including a requirement that any development shall be part of an approved Planned Unit Development. In addition, the Overlay encourages Transit Oriented Development near the Metra Rail Station.

The Chicago Bears Football Club have indicated that they intend to include a Sports Wagering Facility (aka: Sports Book) as part of their master plan for the property. Currently a Sports Wagering Facility is not a permitted use or special use in the B-3 district nor the Overlay Zone. At this time, the Village is proposing adding to the Overlay Zone as a Special Use a Sports Wagering Facility. The proposed Ordinance, which would add as a Special Use a Sports Wagering Facility, is attached for consideration.

The Ordinance includes a definition of a Sports Wagering Facility and a section adding this use as a Special Use. The Ordinance would require that the Sports Wagering Facility is part of an approved development that includes a professional sports stadium. Therefore, consideration and approval of a Special Use for a Sports Wagering Facility would have to be concurrent with, or thereafter, approval of a Special Use for a professional sports stadium.

Special Uses

As outlined in Chapter 28 Section 8 of the Zoning Regulations, the purpose of Special Uses are described as follows:

The principal objective of the Zoning Code is to provide for an orderly arrangement of compatible building and land uses, and for the proper location of all types of uses required in the social and economic welfare of the Village. To accomplish this objective, each type and kind of use is classified as permitted in one or more of the various districts established by this Chapter (28). However, in addition to those uses specifically classified and permitted in each district, there are certain additional uses which it may be necessary to allow because of their unusual characteristics or the service they provide the public. These "Special Uses" require particular consideration as to their proper location in relation to adjacent established or

intended uses, or to the planned development of the community. The conditions controlling the location and operation of such Special Uses are established by the provisions outlined in Section 8 of Chapter 28.

It is important to note that the proposed amendment does not approve a Sports Wagering Facility, it merely allows for a Sports Wagering Facility to be considered as a Special Use, subject to review and approval of the Village Board.

Ordinance Review Committee

The Ordinance Review Committee met on September 28, 2022 and recommended approval of the Ordinance amending the Overlay Zone. The ORC did request that staff review the language to provide more clarity to the use of the word 'stadium' in the Conditions of Use section. As a result, staff and Village Counsel have added the words 'professional sports' as a descriptor to the word 'stadium' in the last sentence of the code amendment. Staff and Village Counsel do not think it's necessary to add a definition of stadium at this time given the modification suggested so that it's clear stadium means for professional sports.

Recommendation

It is recommended that the Plan Commission recommend to the Village Board approval of the proposed Ordinance amending the Arlington Race Course Overlay Zoning District to include as a Special Use a Sports Wagering Facility.

NOTICE OF
PUBLIC HEARING
NOTICE IS HEREBY
GIVEN THAT THE PLAN
COMMISSION OF THE
VILLAGE OF ARLINGTON
HEIGHTS WILL CONDUCT
A PUBLIC HEARING ON
OCTOBER 12, 2022, AT 7:30
P.M. in the Municipal Building,
33 South Arlington Heights Road,
Arlington Heights, Illinois to consider
Petition No. 22-011, Text
Amendments to Chapter 28 -
Zoning of the Municipal Code,
Sections 3 and 5.1-22.1 concerning
the Arlington International Racecourse
Overlay Zoning District.
All persons desiring to be heard
shall be given the opportunity to be
heard. Should any individual need
auxiliary aid or service, such as a
sign language interpreter or materials
in alternative formats, please contact
the Health Department at 33 South
Arlington Heights Road, Arlington
Heights, Illinois 60005, (847) 368-5760,
TDD# (847) 368-5794.

Susan Dawson, Chair
ARLINGTON HEIGHTS
PLAN COMMISSION
Published in Daily Herald
September 27, 2022 (4588896)

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Paddock Publications, Inc.

Northwest Suburbs Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **Northwest Suburbs DAILY HERALD**. That said **Northwest Suburbs DAILY HERALD** is a secular newspaper, published in Arlington Heights and has been circulated daily in the Village(s) of: Arlington Heights, Barrington, Barrington Hills, Bartlett, Buffalo Grove, Deer Park, Des Plaines, Elk Grove, Franklin Park, Glenview, Hanover Park, Hoffman Estates, Inverness, Melrose Park, Morton Grove, Mt Prospect, Niles, Northbrook, Northfield, Northlake, Palatine, Park Ridge, Prospect Heights, River Grove, Rolling Meadows, Rosemont, Schaumburg, Schiller Park, South Barrington, Streamwood, Wheeling, Wilmette

County(ies) of Cook

and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said Village(s), County(ies) and State.

I further certify that the Northwest Suburbs DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published September 27, 2022 in said Northwest Suburbs DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICATIONS, Inc., has caused this certificate to be signed by, this authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY Danila Baltz
Designee of the Publisher and Officer of the Daily Herald

Control # 4588896

REPORT OF THE PROCEEDINGS OF
The ORDINANCE REVIEW COMMITTEE
OF THE VILLAGE OF ARLINGTON HEIGHTS PLAN COMMISSION
HELD AT VILLAGE HALL ON:

September 28, 2022

Project Title: Amendments to Chapter 28
Arlington International Race Course Overlay Zoning District

Petitioner: Village of Arlington Heights
33 S. Arlington Heights Road
Arlington Heights, IL

Requested Action:

Chapter 28 Text Amendment: Arlington International Race Course Overlay Zoning District
– to add a Sports Wagering Facility as a Special Use

Attendees: Susan Dawson, Plan Commissioner
Bruce Green, Plan Commissioner
Lynn Jensen, Plan Commissioner
Terry Ennes, Plan Commissioner
Charles Witherington Perkins, Director Planning and Community
Development
Bill Enright, Assistant Director Planning and Community Development
Braeden Lord, Village Counsel

Background

Chairman Green called roll call with Commissioners Green, Jensen and Ennes present.
Commissioner Dawson was present soon after roll call.

B. Enright provided a background on the Arlington International Race Course Overlay Zoning District, which was approved in 2021. The Overlay Zone required that future development at the former race course be developed as part of a Planned Unit Development and that transit oriented development is encouraged near the Metra train station.

The proposed amendment is to add to the Overlay Zone a Sports Wagering Facility as a Special Use. This amendment would not approve a sports wagering facility but merely allow for this use to be considered as part of the Special Use approval process.

Meeting Discussion:

Commissioner Ennes asked about the off track betting facility at the former Ditkas and how was that use approved?

B. Enright answered that in 1969 when the Village annexed the track the Village also approved a Special Use for the track and ancillary to the track includes betting facilities. When the track burned down in 1985, the Village allowed the off track betting to occur at the building as it was not

impacted by the fire. Approved under the laws governing horse racing.

Commissioner Ennes asked if the State law requires community approval for a sports wagering facility?

B. Enright responded that the State approved the sports wagering act in 2019 which set forth certain requirements including that they can be in conjunction with a licensed horse racing facility, casinos, licensed on line betting and sports facilities with over 17,000 seating capacity, or 10,000 within the City of Chicago. The law is silent on zoning so it's up to the local municipality to regulate zoning.

Commissioner Dawson asked that when looking at the conditions of use it talks about only as part of an approved development that includes a stadium- stadium not being capitalized and therefore not defined, is that correct?

B. Enright indicated that the State law requires a license with criteria, one of which is a sports facility with at least 17,000 capacity. In the proposed Ordinance, in order to get approval of a sports wagering facility there would have to be an approval in place for a stadium either concurrent or after a stadium is approved.

Commissioner Dawson indicated that she is in favor of doing this, but wants to be sure that we are specific as to what a stadium is because there are high school stadiums, and then there's the Bears stadium, so if there's no definition of a stadium...

B. Enright added that there is no current definition of a stadium in Village code but the Village will likely be looking at subsequent changes to the zoning ordinance to address redevelopment of the race track. We may want to define a stadium if needed. Having said that the State requires a minimum of 17,000 seating capacity so that would rule out high school stadia. Also I think the term stadium is commonly known as well.

Commissioner Dawson added that this may come up at Plan Commission so maybe say stadium over 17,000 capacity or as defined by future code just in anticipation of this question. And if not just explain why we are leaving stadium as an undefined term.

C. Perkins added that we review that before the PC meeting and report back and make any adjustments. Probably don't want to link to State law as it may change at State level.

Commissioner Ennes thinks maybe we link to the State definition.

Commissioner Green agrees and is supportive of the Ordinance.

Motion by Commissioner Dawson to recommend approval with consideration to the commentary that staff consider defining stadium deferring to staff. Seconded by Commissioner Ennes.

Roll Call vote:

Commissioner Green: Yes
Commissioner Ennes: Yes
Commissioner Jensen: Yes
Commissioner Dawson: Yes

Motion passed 4 to 0.

Public Comment was opened and Melissa Cayer stated that 'Im not in favor of a sports book and as I recall the owner of the race track made a stipulation they would not sell the property for another betting facility. And also the Bears can use the grandstand and don't vote for a TIF District as they cause school district to forgo property tax money for pet projects that may fail.

Motion to adjourn by Commissioner Jensen seconded by Commissioner Dawson. All in favor motion passed 4 to 0.

Meeting adjourned at 6:50 pm.

Bruce Green, Chairman
Ordinance Review Committee
Bill Enright, Recorder

AN ORDINANCE AMENDING “THE 2002 COMPREHENSIVE AMENDMENT OF THE ZONING ORDINANCE OF THE VILLAGE OF ARLINGTON HEIGHTS,” AS AMENDED, REGARDING THE ARLINGTON INTERNATIONAL RACECOURSE OVERLAY ZONING DISTRICT

WHEREAS, the Village of Arlington Heights is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs; and

WHEREAS, “The 2002 Comprehensive Amendment of the Zoning Ordinance of the Village of Arlington Heights,” as amended (“*Zoning Ordinance*”), establishes, among other things, zoning districts and special and permitted land uses within those zoning districts; and

WHEREAS, on July 6, 2021, the Village Board of Trustees adopted Ordinance No. 2021-024, amending the Zoning Ordinance to create the Arlington International Racecourse Property Overlay Zoning District (“*AIC Overlay Zoning District*”), which consists entirely of the property formerly used as the Arlington International Racecourse (“*Property*”), and set forth regulations governing development in the AIC Overlay Zoning District; and

WHEREAS, pursuant to Section 5.1-22.1 of the Zoning Ordinance, no portion of the AIC Overlay Zoning District may be redeveloped except upon approval by the Village of a master Planned Unit Development for the entire Property; and

WHEREAS, pursuant to Section 5.5 of the Zoning Ordinance, any uses not specifically listed as a permitted or special use in a Village zoning district are deemed prohibited; and

WHEREAS, the Village President and Board of Trustees desire to further amend Sections 3 and 5.1-22.1 of the Zoning Ordinance to allow sports wagering facilities as a special use in the AIC Overlay Zoning District, but only as part of an approved development that includes a stadium (“*Proposed Amendments*”); and

WHEREAS, a public hearing by the Plan Commission to consider the Proposed Amendments to the Zoning Ordinance was duly advertised in the _____ on _____, 2022, and held on _____, 2022, and findings of fact in support of the Proposed Amendments were approved by the Plan Commission on _____, 2022 (Public Hearing No. ____), in accordance with and pursuant to Section 14 of the Zoning Ordinance; and

WHEREAS, the Village President and Board of Trustees have considered the Proposed Amendments and the recommendation of the Plan Commission, and have determined that adoption of the Proposed Amendments, as set forth in this Ordinance, will serve and be in the best interest of the Village and its residents;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS:

SECTION 1. RECITALS. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. DEFINITIONS. Section 28-3, titled “Definitions,” of the Zoning Ordinance is hereby amended further to add the following definitions:

“Section 28-3 Definitions. For the purposes of this Chapter, the following words shall have the meanings set forth in this Section.

* * *

Sports Wagering Facility: A facility at which wagering is conducted with respect to the outcome or portions of a professional sport or athletic event, a collegiate sport or athletic event, a motor race event, or other event or competition of skill, or with respect to the individual performance statistics of athletes in a sports event or combination of sports events, or with respect to any other events upon which wagering is permitted under the Illinois Sports Wagering Act, 230 ILCS 45/25-1 et seq., as it may be amended.

* * *

SECTION 3. REGULATIONS FOR A SPORTS WAGERING FACILITY IN THE AIC OVERLAY ZONING DISTRICT. Section 5.1-22.1 of the Zoning Ordinance is hereby amended further to read as follows:

“Section 5.1-22.1 – Conditions of Use:

* * *

g. In addition to the uses permitted in the underlying B-3 District and not prohibited pursuant to Section 5.1-22.1.c of this Zoning Ordinance, a sports wagering facility is allowed in the Arlington International Racecourse Property Overlay Zoning District, but only upon issuance of a special use permit therefor (which may be approved as part of a planned unit development), and only as part of an approved development that includes a professional sports stadium.

* * *

SECTION 4. SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance are to remain in full force and effect, and are to be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 5. EFFECTIVE DATE. This Ordinance will be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

[SIGNATURE PAGE FOLLOWS]

AYES:

NAYS:

PASSED AND APPROVED THIS ____ day of _____, 2022.

Village President

ATTEST:

Village Clerk