



Village of Arlington Heights
Plan Commission
Board Room
Arlington Heights Village Hall
33 S. Arlington Heights Road
Arlington Heights, IL 60005
June 25, 2014
7:30 PM

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. Toscana Restaurant Minutes - 5/14/14
- B. Chapter 28 Text Amendment Minutes - 5/14/14
- C. Regular Meeting Minutes - 5/14/14

IV. PUBLIC HEARINGS

- A. Kondilis Subdivision - PC#14-008
1534 S. Douglas Ave.
Plat of Easement & Vacation Amending Lot 2
- B. Holy Family Ministries Resale Store - PC#14-011
1101 E. Rand Rd.
Land Use Variation for Resale Shop in B-1
- C. Quinlan & Fabish Music - PC#14-012
59 W. Seegers Rd.
Land Use Variation for Retail Sales

V. OTHER BUSINESS

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 David Robb, Disability Services Coordinator, at 33 S. Arlington Heights Road, Arlington Heights, Illinois 60005, (847)368-5793 (Voice), (847)368-5980 (Fax) or drobb@vah.com.



Item: Toscana Restaurant - 5/14/14

Department: Planning & Community Development

Approval of Toscana Restaurant Minutes 5/14/14

ATTACHMENTS:

Description	Type
PC Minutes 5/14/14 - Toscana Restaurant	Minutes

DRAFT

PLAN

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

COMMISSION

RE: TOSCANA RESTAURANT; PC #14-004

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
14th day of May, 2014, at the hour of 7:30 o'clock p.m.

MEMBERS PRESENT:

JOE LORENZINI, Chair
LYNN JENSEN
TERRY ENNES
BRUCE GREEN
GEORGE DROST
SUSAN DAWSON
JOHN SIGALOS

ALSO PRESENT:

BILL ENRIGHT, Deputy Director

DRAFT

CHAIRMAN LORENZINI: Let's call this meeting to order.
Would everybody please rise and say the pledge of allegiance?

(Pledge of allegiance.)

CHAIRMAN LORENZINI: Bill, would you like to take the
roll please?

MR. ENRIGHT: Commissioner Jensen.

COMMISSIONER JENSEN: Here.

MR. ENRIGHT: Commissioner Ennes.

COMMISSIONER ENNES: Present.

MR. ENRIGHT: Commissioner Green.

COMMISSIONER GREEN: Here.

MR. ENRIGHT: Commissioner Dawson.

COMMISSIONER DAWSON: Here.

MR. ENRIGHT: Commissioner Sigalos.

COMMISSIONER SIGALOS: Here.

MR. ENRIGHT: And Chairman Lorenzini.

CHAIRMAN LORENZINI: Here. Thank you. The first item
on the agenda is Toscana Restaurant, PC #14-004. Is the Petitioner
here? Have all the proper notices been given, Bill?

MR. ENRIGHT: Yes.

CHAIRMAN LORENZINI: Okay. Who is ever going to
testify, would you come up and we'll swear you in? You might as well
come up, too. You don't have to talk if you don't want to.

MR. MURATI: Yes. Murat Murati.

CHAIRMAN LORENZINI: Raise your right hand.

(Witness sworn.)

CHAIRMAN LORENZINI: Okay. Could you please state your
name, spell it for the court reporter and give your address?

MR. MURATI: Murat Murati, 1859 West Central, Arlington
Heights.

CHAIRMAN LORENZINI: Could you spell the name, too,
please?

MR. MURATI: Toscana Restaurant.

CHAIRMAN LORENZINI: Spell your last name.

MR. MURATI: M-u-r-a-t-i.

CHAIRMAN LORENZINI: Okay. And sir, you, too?

MR. TURI: I am Jim Turi, it's T-u-r-i. I'm with
Clearbrook, 1835 West Central Road, Arlington Heights. And I'm here
just representing the owner. I'm the operations manager of Clearbrook.

CHAIRMAN LORENZINI: Okay, thank you. Let it be shown
that Commission Drost is here. Okay. Would you like to give a brief
overview of your project and what you would like to do?

MR. MURATI: Yes. I will present everything, he's just
here if you need anything about the property.

CHAIRMAN LORENZINI: Okay, thank you.

MR. MURATI: Toscana has been open almost six years. We did expand a couple of years ago. And now recently, we just got a little more back room. The tenants will be the same, nothing will be moving. The reason we're doing this, we ran into some problems. When people come in, we have to move chairs around from this table to the other table. A lot of time it's not very safe to walk around the chairs. A lot of people come for, and most of them come from two, then we have to dig in those tables, those chairs to move them around.

By code, as we go, we just expand the Clearbrook back parking lot, so we got a lot of parking now. And I'm just asking for some, in the front dining room for like 20 seats, back room for like 13, and if it's possible, outside for another 10 so we don't have to move chairs around. It doesn't mean like everybody is going to sit all at first, it's just better to have it than moving around the chairs.

Business is picking up so we're doing pretty good.

CHAIRMAN LORENZINI: Okay. Anything else you want to say?

MR. TURI: No, sir.

CHAIRMAN LORENZINI: Okay. Bill, would you like to give us the Staff report please?

MR. ENRIGHT: Certainly. The Petitioner is seeking an amendment to their special use to increase the seating from 114 to 157. Currently, the special use ordinance that was previously amended to expand the restaurant from its original size put a restriction of 102 interior seats and 12 exterior. They're looking to increase interior seating from 102 to 135, and the exterior from 12 to 22, again for an increase of 114 to 157, which is about a 38 percent increase.

The Petitioner, in the packet, and I've put it up on the board, did counts in April of the, did a very nice job here demarking the front and rear of Clearbrook as well as the front and rear of the Senior Center. Of course the Village owns the eastern end of the property, Clearbrook owns the western end. And you know, Clearbrook recently added, pursuant to the last special use that went through amendment, parking in the rear to allow more employees to park back there. Clearbrook has, I believe, roughly 70 employees, and obviously the other businesses as well. So, there is allocation of parking in the back for employees and that's been drawn up here on the graphics.

Based on these counts though, there apparently weren't any other activities going on, and that's kind of where the problem lies with this center unfortunately is that, of course Staff is very supportive of the business, as I know the ownership is, too. However, there are parking problems at times, usually during the lunch

hours, when there is or are events either with Clearbrook or the Senior Center or both. Now, that's not everyday of the year, but there are times when it can get very, very crowded. And although these parking numbers look good, there weren't events going on.

There were also parking counts done in January that didn't break out the front and the back, but they do give us some data as well. So, therein lies kind of the issue from Staff's perspective. We've had concerns and complaints raised by other tenants. We've, you know, over the years had discussions with ownership, both with the Senior Center being the Village and Clearbrook, that at times it gets really crowded there.

Staff has actually come up with a couple of concepts to provide additional parking in the front along Central Road and along Old Wilke Road to the north and then to the west. And that could add about 29 spaces. There is also a smaller concept that would add about 24 spaces that would still require pretty extensive improvements. I know that Clearbrook and Mr. Murati have looked into it, and I believe based on what Mr. Murati has told me today that the cost to make these improvements, and I'm not sure which plan it was, option 1 or option 2, was somewhere in the \$80,000 to \$90,000 range. And it would be incumbent upon the restaurant to do that if there was additional parking.

So, at this point, Staff doesn't feel like we have all the information that we need. We've got good parking counts, but those counts were done when there weren't other things going on. And we do know from prior conversations from both ownership and tenants in there that that parking lot can get really crowded at certain times.

So, we think before the next step can be taken to enlarge the seating area for this restaurant from what it currently has which again was an increase from the original restaurant, that there really needs to be a much more thorough analysis done of the peak demands here because we don't believe that the counts that we have are reflective of that. And again, you know, we're supportive of the business, they do a great job there, they're, you know, very highly regarded. I mean you hear more and more good things about Toscana's, but we do have this parking concern.

And Staff is recommending a continuance at this point until further studies could be done. Obviously the Plan Commission can deliberate that and determine otherwise if you choose, but that's the position at this point. And that concludes Staff's report.

CHAIRMAN LORENZINI: Okay, Bill, thank you. Do we have a motion to approve the Staff report?

COMMISSIONER DROST: I'll make that motion.

CHAIRMAN LORENZINI: And second?

COMMISSIONER SIGALOS: I'll second.

CHAIRMAN LORENZINI: All in favor?

(Chorus of ayes.)

CHAIRMAN LORENZINI: Any opposed?

(No response.)

CHAIRMAN LORENZINI: Thank you. All right. We'll go to the Commissioners now for comments. Bruce, would you like to start?

COMMISSIONER GREEN: Yes, I just, I think having been part of the previous discussions from the other tenants of the shopping center that are complaining about the parking and remembering all that, I think that maybe getting a little better count would just save a lot of trouble in the future. So, I would be in support of continuing this to the next possible hearing, not trying to stall you out but just to take some of the fire out of what could be brewing.

MR. MURATI: Can I speak for a second?

COMMISSIONER GREEN: Sure, sure.

MR. MURATI: According to the map here, we actually have 54 extra parking that can be used, this one. There's only one person who complains and we all know who it is. And besides that, I said I'll pinch in, if we really need more parking, I'll pinch in for my side but other tenants should pinch in, too. It's not very fair just for me to pay out of my \$80,000, it's not really fair because everybody else are tenants, too.

COMMISSIONER GREEN: No, and I hear what you're saying. I'm not trying to stall you out just so you know.

MR. MURATI: Yes. Jimmy is here, he can, do you have any problem in parking?

COMMISSIONER GREEN: And maybe you, maybe Clearbrook could, if you could maybe help with the situation? I'm not in favor of stalling this thing out so this man can't proceed with his business, that's not my intention.

MR. TURI: Understood.

MR. MURATI: Do we have a problem in parking at this point when we extend it?

CHAIRMAN LORENZINI: Well, would you, you've got to speak into --

COMMISSIONER GREEN: Please come forward.

CHAIRMAN LORENZINI: Speak into the microphone please so the court reporter can hear you.

MR. TURI: He asked me if we had a problem with parking. I've seen, since winter has ended with the piles of snow and with the improvement we made in the back lot, there doesn't seem to have been any parking problems since all the snow has melted. I look out there almost everyday just around lunch time just to see, and there's been like one or two days where the Senior has something going

or we have something. I talked with Sam's Restaurant yesterday, they had two 40 people groups come in, so I took a, and we had a large training event going on, so I took a walk outside and there seemed to be extra parking. I think the back lot improvement has made a big difference.

COMMISSIONER GREEN: Well, that is interesting information and --

MR. MURATI: Just because three times --

COMMISSIONER GREEN: No, no, hang on, hang on, hang on. I'm just, we'll see what everybody else has to say, but that little bit of information might be very helpful.

CHAIRMAN LORENZINI: Okay, anything else?

COMMISSIONER GREEN: No, not at this point.

CHAIRMAN LORENZINI: Terry?

COMMISSIONER ENNES: Bill, is the Village recommending that they do a parking study?

MR. ENRIGHT: Yes, a more thorough comprehensive parking study. We would suggest that they hire a firm to do that. And regarding the recent comment by Mr. Turi, this is news to Staff. But this is the type of thing that we need to document. When there are specific events, what are the numbers? Because, you know, there may not have been, since the snow melt, any problems, but that hasn't really been the history. But Mr. Turi is right, they've added, Clearbrook has added 41 spaces in the back so that certainly helped the situation, no question about that. But we just believe the information we have is just not quite comprehensive enough at this point.

COMMISSIONER ENNES: And I think the last time you discussed this matter in talking about the addition of parking in the rear, that's limited or restricted, the restaurant can't use that for its customers to come in or can they?

MR. ENRIGHT: It's my understanding that everybody can use it. I think they've assigned a certain number of spaces to the different businesses. Is that correct?

MR. TURI: We have assigned, I've got a map here, we've assigned parking to our employees, Toscana's employees, and Sam's Restaurant employees. We try to keep a couple open in case there is overflow in front. The public is welcome to park back there, but pretty much we tell employees go in the back, let the public have the front.

COMMISSIONER ENNES: Is there --

CHAIRMAN LORENZINI: Terry, you want to use your microphone?

COMMISSIONER ENNES: Oh, I'm sorry. I don't have the loudest voice. Is there a cross, a parking agreement between the two ownerships? Between the Village and Clearbrook?

MR. TURI: Yes, sir, I have a copy with me.

COMMISSIONER ENNES: Okay. Is there, one thing I notice and I use the Wood Shop in the Senior Center from time to time, and you really can't park back there because there isn't a, unless you want to walk all the way around the building. That's something that could possibly improve, if the Senior Center utilized some of the parking behind its property.

MR. ENRIGHT: To that end, the Senior Center has been working on getting their employees to utilize that, as well as parking across at the golf course. However, that parking lot is so far removed it's probably not a viable option. But I'll certainly follow up with Senior Center.

COMMISSIONER ENNES: Just as a thought. Okay. I know it can be tight but I always find parking. You might have to walk but there is parking there.

MR. MURATI: Three times a week we have event.

COMMISSIONER ENNES: Yes. That's kind of a sign, and the Senior Center very rarely ever has evening projects. But you're saying the biggest problem has been lunch time?

MR. ENRIGHT: Lunch time, Monday to Friday.

COMMISSIONER ENNES: Okay. Yes, I'd rather than postpone it but if there is some kind of perceived problem in the daytime, it's something we should understand. That's all I have at this point. Let's hear what the rest of the Commissioners and the audience has to say.

CHAIRMAN LORENZINI: Okay. Commissioner Jensen, please.

COMMISSIONER JENSEN: Yes. Just some questions. First of all, I'm having a little trouble justifying in my mind postponing this because I think we already, somebody already knows all the stuff we need to know to make a judgment. And I'm not sure what a consultant or a study will do for you. So, first of all, I'm going to ask a couple of questions of Staff. What kind of number of complaints are we talking about in what time frame? Are we talking about one complaint a year or one a month or one a week? What kind of, what's the level of complaints?

MR. ENRIGHT: Well, it's primarily one tenant, quite often, I don't know the number. I know there is a call --

COMMISSIONER JENSEN: Quite often or --

MR. ENRIGHT: Quite often, I don't have a number though.

COMMISSIONER JENSEN: Okay. Has he complained since we built the new parking spots?

MR. ENRIGHT: Yes.

COMMISSIONER JENSEN: He's had a problem. And of

course that was during the period where we had snow probably taking up a third of the parking lot I would guess?

MR. ENRIGHT: Right. But you know, these are observations, too, from the Senior Center management, too, at times when the, you know, when the Senior Center, I mean that's part of the issue, too, obviously. And as Mr. Turi alluded to, there is a cross parking agreement, but I mean, you know, a lot of this is, you know, you just have a very successful business here in front of us.

COMMISSIONER JENSEN: Sure.

MR. ENRIGHT: And that's a very good thing and we would, you know, we want to accommodate them obviously. It's a very popular restaurant, that's a great thing. And we don't want to be overly burdensome but we do believe, our position at this point is we need more data like was presented tonight by Mr. Turi, you know. And then this goes back to Plat & Sub, in the Plat & Sub report Staff asked for, you know, a comprehensive study of parking as well as events that were going on. Unfortunately, the parking studies that were done, there were no events going on.

COMMISSIONER JENSEN: Well, that leads me to the next area. History is going to be your best guide here. Can we go back and ask whoever is holding the events, do we even know who is holding the events, what happened over the last year in terms of the number of events and the size of the group? Because that's what consultants have come in and do is try to figure out from the past what happened. And you can almost do that, you know, yourself or they can do that. So, who generates these events? Is it the restaurants or is it the Senior Center or who?

MR. ENRIGHT: Well, Clearbrook has events and the Senior Center has events. I don't know if the restaurants have any special things like, I think you mentioned Sam's had something going on the other day. But largely, Mr. Turi can testify to that, what Clearbrook's activities are and then training seminars that he alluded to. And then the Senior Center has various events throughout the year, which we can certainly get a listing of. But that doesn't give us the actual parking counts. That can tell us when we have them but --

COMMISSIONER JENSEN: Well, your consultants can't get you that either. They can only look at the past and interview people and try to collect, you know, assemble the data of what happened in the past. Unless we want to have them sit around until events unfold and count cars, which I don't think we want to do because that could take a year. So, what I'm trying to say is I think we already have the data that we're going to have. And I can't see what a consultant will bring to this quite frankly.

So, I have a lot of trouble asking these folks to wait when I can't see an easy way that a consultant can untie this

Gordian knot, unless I'm totally misunderstanding things. Because we either have to interview the folks who are throwing or having these events and figure out from history what they've done, at least the size of the group that comes to their meetings, and then try to infer from it some level of parking, you know, one or two people to a car. I mean that's what a consultant will do for you because they can't tell you about the future. So, I guess I'm a little perplexed, and I think we really don't know, since we've added 41 spaces, whether we truly have a problem or not. So, that would be sort of an observation at this point.

Would the person who is complaining consider that some of the, you know, the extra demand for parking is probably coming from his place and he'd like to bear some of the burden of paying for the parking? Have we approached, has anybody approached him on that? Have you approached him on that?

MR. TURI: We have not approached him. I was asked by Mr. Perkins to get a price on the two options that were just presented, one along Wilke Road and one along the Central Road. The Central Road one turned out to be way too expensive because there are islands that have to be moved, interior light poles that have to be moved. So, the Wilke Road improvement alone was \$82,000. I shared that with Murat, I have not shared it with Sam's Restaurant or the hair salon just to let him know that this is what the cost would be. Our president, Mr. La Mell, has said, and we had a meeting with Murat and so he knows this, since Clearbrook paid 100 percent for the improvements in the back parking lot, we're kind of out of funding, so any improvements to the front parking lot would be the Petitioner's. And as Murat just said, he would approach Sam's Restaurant to help participate with that.

So, to answer your question, no, Murat is the only one we've told.

MR. MURATI: I'm willing to pinch in and divide it with everybody because it's not just me using the parking. Besides, those extra chairs, it doesn't mean like everybody is going to come for lunch. I mean I can put more chairs as you want, it's not because everything is going to come in and occupy the parking. I really think we don't have any problem with parking. Only one person complained, we all know who it is. And instead of going forward, people are going backwards. Even if they don't get a lot of chairs, it's a shopping center. If there's an event going on by the Senior Center, of course it's going to be tight parking for a couple of hours, then it's going to empty. Every shopping center is like that.

CHAIRMAN LORENZINI: Commissioner Jensen, anything else?

COMMISSIONER JENSEN: Well, I just would ask Staff one last question. Unless somebody comes before us as a petitioner, we

probably don't have any grounds for going to somebody who already has a going business and say you need to chip in on some of the parking I would guess. Is that correct?

MR. ENRIGHT: You are correct.

CHAIRMAN LORENZINI: Okay. So, basically, he's got to bear the entire cost if we hold out and feel that he's got to add extra parking, that whole burden has to fall on sort of the last business in at this point, which would be Toscana?

COMMISSIONER ENNES: Well, or the landlord, but they're saying that they're tapped out.

MR. MURATI: They're saying they can't --

COMMISSIONER ENNES: Can I ask what the cost of the improvement to the parking lot in the rear was?

MR. MURATI: \$80,000, right?

MR. TURI: The back lot or this lot?

COMMISSIONER ENNES: Yes, the back lot.

MR. TURI: About \$42,000.

COMMISSIONER ENNES: 42 is what you've already done.

MR. TURI: Yes.

COMMISSIONER ENNES: Okay.

COMMISSIONER JENSEN: Yes, at this point, I don't have, I may have some thing later but that's all I have at this point.

JOE: Commissioner Drost?

COMMISSIONER DROST: I follow the train of thought of Commissioner Jensen, you know, from the standpoint of the horse is out of the barn, you know, we've got the data, we can perhaps deal with it. The snow issue to me is one that is seasonal and I wouldn't dismiss that totally, you know, from the standpoint of doing the parking lot counts. But the other question that I've got is the nature of these complaints. They're repetitious. What do we do from an enforcement standpoint?

MR. ENRIGHT: Well, there's nothing to enforce other than life safety issues. If there's parking on a fire lane, for instance, things like that, or parking on a public street, but that has not happened. And so, you know, there isn't an enforcement issue here.

COMMISSIONER DROST: Just complaint there is not enough space, is that --

MR. ENRIGHT: Other than enforcing the special use for Toscana's which has a maximum number of seats at 102 interior and 12 exterior. So, that's an enforcement issue that we have to enforce if there are, you know, if seating exceeds that.

COMMISSIONER DROST: And sometimes you look at motivation to why the complaint is, oh, you know, you broke the ordinance but, you know, there's no harm no foul type of issue here. You know, you might be technically violating a, if you are, but what's

the motivation for the complaint? I mean do you think they're ones of competition or --

MR. MURATI: It's basically, I mean this is sometimes during an event and the more the guys next door goes, he gets freaked out and he complains, that's it. Then I get some --

COMMISSIONER DROST: So, is it like convenience? I mean I'm still kind of struggling usually get a closer spot to the door, now they have to go to the back 40?

MR. MURATI: That's pretty much it.

COMMISSIONER DROST: But there is some space and maybe it's the nature, composition of the clientele that's there that doesn't like to walk far? You know, I'm just kind of perplexed by the --

MR. MURATI: Pretty much you got that.

COMMISSIONER DROST: That's sort of the sense that we're getting.

MR. MURATI: That's right. I mean as Jim said, he's the manager, we haven't had any problem. You can look any time and park.

COMMISSIONER DROST: So, the other point is, too, as far as Clearbrook events, Mr. Turi, how are you? And if we can identify some of the specifics as far as congestion or anticipated overload of the parking spaces, can you adjust your meeting events to avoid, you know, the --

MR. TURI: We have attempted to, and the answer to that is yes.

COMMISSIONER DROST: Okay. And I mean there is some control that you do over the scheduling.

MR. TURI: Yes, we do. Our biggest thing is training, we have a large training room. We've attempted to stay away from the lunch hour, like training up to 11:30 and then come back at like 2:00.

MR. MURATI: And it's been pretty good.

MR. TURI: There are days, however, where the training must be continual right through, probably a once or twice a month event.

COMMISSIONER DROST: Yes, and you can --

MR. TURI: Other than that, one or two days a month, we can control the schedule.

COMMISSIONER DROST: Yes. But I'm sort of a, I am of the same opinion as Commissioner Jensen. You know, it's out there, you know, we should just deal with it as it is right here, maybe trying to get some of the sum and substance of some of the complaints and how in fact serious are they. And is it just something that is, you know, not generated by an actual problem but by just the fact that one of the tenants is more successful? And I know you can't pick the babies, you

know, from the litter here but that's Mr. Turi's comment to him. But that's, you know, how genuine are those complaints?

MR. ENRIGHT: Is that a question?

COMMISSIONER DROST: Well, yes. And it's a question, it's sort of rhetorical one, maybe, you know, when you go out to investigate, you know, is there a problem?

MR. ENRIGHT: Well, you know, I don't think the Senior Center has any, you know, anything to gain on this. And we hear from the Senior Center that there are times when, you know, if there is an event going on or multiple events between the Senior Center and Clearbrook, the parking lot is packed. And they have no motivation to say otherwise. Mr. Turi has said in the past, maybe things have changed and I think it probably has helped in the back, but Clearbrook has expressed concerns about parking in the past. So, it's, but those aren't complaints, we're not getting complaints. So, I think that some concerns being raised about parking are genuine, yes, they are. And I don't think, you know, I can't tell you what somebody's motivation is, that's not my --

COMMISSIONER DROST: No, but --

MR. ENRIGHT: I can't get in somebody's mind.

COMMISSIONER DROST: You know, the repetition pattern.

MR. ENRIGHT: But we believe that the parking can get very packed here at times. It's not every day of the year, but there are events that go on at the Senior Center and at Clearbrook where it increases the parking demand significantly. And then it becomes an issue on those days. And we don't have the data counts for those days.

MR. TURI: She sends us e-mails once a week with things. She sent us one recently saying they're going to repave the parking lot, and I'm kind of like, ah, what are we going to do? I instantly sent an e-mail out then to George from Sam's to keep them posted on it.

CHAIRMAN LORENZINI: Okay. Anything else?

COMMISSIONER DROST: No.

CHAIRMAN LORENZINI: All right. Go ahead, Commissioner Dawson.

COMMISSIONER DAWSON: I don't know that I'm entirely not in favor of new counts. I get to the same point where I think you are getting to. However, I don't know that we just, I just don't feel that we need to hire a consultant to do it. But I'm, I have to say, a little disappointed if back in Plat & Sub you were specifically asked to provide a list of activities and that was back in December along with your counts, and it was not provided. So, that does disappoint me, that the information was requested, you were given multiple months to provide that information and I don't believe it was provided.

So, I do think that, as opposed to what you were

saying, it wouldn't take a year for there to be events. There's events there frequently is my understanding. I would think potentially between now and Village Board, you'd be able to identify I'm sure a couple of events and have new counts ready that you do yourself as opposed to hiring a consultant, along with a list of activities as was requested five months ago, to present to the Village Board. I mean I would be in favor of supporting it contingent upon you having more information for them because I don't think feel that it should be the last man standing's fault.

It's within code, the number of seats. There's no other problems with the space. You should be allowed to expand your space. It shouldn't be your fault that you're the last one trying to get this permission when the parking is tight.

But I do think that all of the information that was requested should have been provided. So, I would be in favor of continuing this forward so you're not delayed, but requesting that you comply with the original request which was made back in December of providing a list of activities along with your counts so that the Village Board would have more information at that time. I don't really have a question there. It's just kind of where I'm coming from.

MR. MURATI: Back then I don't think there was anything going on when I counted the parking. It was winter.

COMMISSIONER DAWSON: But between December and May, there has been an event. There has been. I don't know that because I don't frequent your shopping center often, but given the nature of Clearbrook and given the nature of the Senior Center, and you told, you just said yesterday there were two big parties at your neighbor, an event has occurred. So, you could have contacted Clearbrook, provide me with a list of events that potentially could cause parking issues in the parking lot, those are the days I'm going to do counts to get ready for my meeting. But that wasn't done and that was what was asked to be done and it could have been accomplished within the last five months quite easily. So, I do think it's fair to ask that you comply with that request.

MR. MURATI: Maybe it was a misunderstanding, yes, you're right.

COMMISSIONER DAWSON: Okay.

COMMISSIONER ENNES: Commissioner Dawson, are you asking the landlord to provide that or the Petitioner?

COMMISSIONER DAWSON: No, the Petitioner. Actually, I don't care who provides it. I just think it should be provided. It was requested and I think it's fair that we get the information that was requested. I think it was a fair request, so I think it should be complied with.

CHAIRMAN LORENZINI: Anything else?

COMMISSIONER DAWSON: No.

CHAIRMAN LORENZINI: Commissioner Sigalos?

COMMISSIONER SIGALOS: At this point, I kind of agree with a little bit of what everybody has said here along the line. I don't like to see it delayed any further. I understand what Susan is saying, that this should have been provided.

I had one question. The number of parking spaces required by each of the tenants is based on square footage, not on seating capacity or the number of seats in each space, is that correct?

MR. ENRIGHT: You're correct.

COMMISSIONER SIGALOS: So, by code, I don't see where he would have to provide additional spaces at his expense.

MR. ENRIGHT: It's code compliant, you're correct.

COMMISSIONER SIGALOS: So, I don't know if there is something that can be worked out with code, because again if he is providing, if they're suggesting that an additional 30 or 40 spaces, they're not all going to be used by Toscana Restaurant, they're going to be used by everybody. And to me, that seems unfair to this gentleman to make him pay for this where he's already in compliance with the code.

MR. ENRIGHT: Well, the Village has never told anybody who has to pay for anything.

COMMISSIONER SIGALOS: Right.

MR. ENRIGHT: We just suggested additional parking.

COMMISSIONER SIGALOS: No, I understand that. I guess I'm talking to Clearbrook and whatever. So, but I'm happy to see that he wants to, that business is good and he needs additional seating. Yet when I look at these counts, it doesn't make sense that he would have to pay for it. But again, I know that's not a Village issue. So, I really don't have anything else to say.

CHAIRMAN LORENZINI: All right, thank you.

COMMISSIONER ENNES: Chairman, I have a comment.

CHAIRMAN LORENZINI: Sure.

COMMISSIONER ENNES: If we look at the location of the tenants, we have the biggest restaurant that is complaining at the end of the shopping center. And I think what they're experiencing, and from testimony we heard at a prior meeting from the tenant, a lot of his customers are older. And we have another restaurant there that is more centrally located and their customers can park in front and on either side. So, I think what he's experiencing, being at the end, is that his customers are having to walk a little farther and that's just a matter of location.

I am of the opinion that we really shouldn't hold up the tenant. I agree with Commissioner Dawson, that he shouldn't be the one that's bearing the cost of it. He's half the size of the

complaining tenant. But I also believe that prior to the Village Board meeting, some statistics should be provided to them. If there are events prior to that meeting, would you let them know how many spaces are used, what the events are and go along that line?

CHAIRMAN LORENZINI: Okay, thank you. Well, let me just get my points across. The additional, the \$80,000 is to provide additional parking where?

MR. ENRIGHT: They did that estimate, I'm not sure what option it is.

MR. TURI: It's the option on --

CHAIRMAN LORENZINI: Oh, I see. On the perimeter you're providing additional parking, okay, understood. And why --

MR. TURI: It's alongside Old Wilke Road.

CHAIRMAN LORENZINI: And why do you need those additional, what's driving these additional spaces?

MR. TURI: Perkins suggested that we consider looking at that.

CHAIRMAN LORENZINI: Who?

MR. TURI: Charles Perkins.

CHAIRMAN LORENZINI: Oh, okay.

MR. ENRIGHT: Staff suggested the possibility of expanding the parking based on --

CHAIRMAN LORENZINI: But we don't know that the parking lot is undersized as it is for sure. We don't know that, do we? It's over code.

MR. ENRIGHT: We don't because we don't have counts that take into consideration events.

CHAIRMAN LORENZINI: But based on square footage, does the parking lot meet code?

MR. ENRIGHT: Absolutely, yes.

CHAIRMAN LORENZINI: Okay. So, let me ask Mr. Murati a question. Is your busiest time during the day or evening?

MR. MURATI: Evening.

CHAIRMAN LORENZINI: Okay. I mean to me, speaking practically, I've been there many a times in the evening, and there is no problem finding parking spots. So, if he's increasing the number of seats, that it's per code anyways, and if by some chance it does bring more traffic in and that's going to be at night and there's plenty of parking, I don't know why we're denying any of it. And it just doesn't make common sense to me.

I know what you're saying about the parking during the day. But him adding more tables, or adding more seats, he's keeping the same amount of tables, he's adding more seats, but those additional people, should they come, are going to be at night, at least in my perception that's not a problem. Why are we, the two aren't

linked. If it's overcrowded during the day, and Terry is absolutely right, the tenant complaining tends to have maybe a crowd that has a little more trouble walking a distance. No matter what you do, he's probably going to, there's probably going to be some complaints. I just don't see the need to delay this.

Okay. Yes, George?

COMMISSIONER DROST: Yes, the only comment I had, and that was to sort of add to what Commissioner Ennes said, was if the tenant was so, and the first question is has the tenant received notice of this hearing?

MR. MURATI: Yes. Everybody received it.

MR. ENRIGHT: No. The notice requirements, I don't know, you know, if he sent extra notices out, but as required by law, the Petitioner has to notify the adjacent property owners within 250 feet exclusive of right of ways, and also place signs on the property frontages, in this case Old Wilke and Central. But an actual notice, unless he did it at his own volition, would not be required.

COMMISSIONER DROST: So, the only notice would have been the signage?

MR. ENRIGHT: You would have to ask the Petitioner, but what's required by law --

MR. MURATI: I sent the letter plus there's two signs. To get in, you have to see the signs there.

COMMISSIONER DROST: To the complaining individual or just to the owner? Did you get the --

MR. TURI: We got the letter, yes.

COMMISSIONER DROST: Yes, you got it. But did the tenant get it?

MR. MURATI: Everybody's got it.

MR. TURI: He told me yes, he did.

COMMISSIONER DROST: All right. And so, if they had notice and if there's some complaints, they should have appeared or had a representative. That's the only point. I'm just saying, you know, rather than having to argue for, have an actual or somebody providing testimony about the problem. And I don't see any audience out there.

CHAIRMAN LORENZINI: I guess we can skip the next part of the meeting, the public comment.

COMMISSIONER DROST: Okay. Well, that's the point.

CHAIRMAN LORENZINI: Any other further comments or a motion?

COMMISSIONER JENSEN: You know, I think that actually Commissioner Dawson did give us a good way to go forward. But I don't know how much time we're going to have between now and when it goes to the Board and whether that will occur. I guess my own view is definitely that we should not be holding this up. And if there is a

possibility of having an event, that we can actually do some count on the cars, that would be wonderful.

I don't put a, Commissioner Drost, I don't put a lot of stock in this particular complaint from one individual. I have gone to things at the Senior Center, they always have a parking problem, you know, it's hard to park there, there's just no question, at the other end of the complex. So, if anyone has a problem, it's over there I think.

So, I can't see holding this up, and I'd try to collect what you can. I don't think you're going to get a great deal and I don't think it's going to shed much light on it. So, I would be strongly in favor of going forward with this and not continuing it.

COMMISSIONER DAWSON: Just to clarify so the Petitioner understands, even if you had come tonight with parking counts showing that there was a parking issue when there are events, I'd still be in support of you because I don't think that you should be one, I agree with what Commissioner Lorenzini said, you're bringing in at night, there's other people causing the problem, you're last man in. All I was saying is that if a request was made for information for us to review, we should have it. It's a reasonable request, I agree with the request. But I still may, even if I had it here, I still may have been in support of your petition. So, I don't want you to be concerned about providing that information.

MR. MURATI: I will provide, be more than happy to. This became, because this gentleman told me to do it this way, I was not told to break it down very well, and maybe there was misunderstanding obviously.

COMMISSIONER DAWSON: Okay. No, no, and that's fine. I just want you to understand that that's where I'm coming from I guess. Wait, does anyone --

COMMISSIONER GREEN: I would like to make another comment if I could since I started this whole thing. If the parking lot was, if the counts show that they're lacking parking at certain times, it is still code compliant with the parking that's there. So, any additional parking would be maybe a nice idea, but it's not really something that would make it all of a sudden be code. So, whether it's a nice idea or not, I don't think that this gentleman here should be responsible for fixing a situation just to make it a little nicer for other people.

So, after hearing everything that's here, I would be in total agreement with presenting this as is. And if you can come up with a parking study to show that you're still fine between now and the meeting with the Trustees, that would be great. But at this point, it is code compliant, then I don't see why we should hold them up.

MR. MURATI: I totally agree because I have 54 extra

when you apply the code.

COMMISSIONER GREEN: I know, no, we hear, yes. It just takes a little while to understand totally what's going on.

MR. MURATI: I mean I'm not asking for anything extra.

CHAIRMAN LORENZINI: Does somebody want to make a motion or amend the motion before us?

COMMISSIONER DAWSON: Which one are we at? Oh, we don't have a full motion.

CHAIRMAN LORENZINI: How would we, if we wanted to proceed --

COMMISSIONER ENNES: Mr. Enright, are there conditions that you would have included?

MR. ENRIGHT: Just with restaurants, the number of seats and the seating area which, in this case, the Petitioner is seeking seating area of 1,595 square feet which is on page 1 of the Staff report, and increasing the seats from 114 to 157. So, if you make a recommendation to approve, I would just put those numbers in, the seating area shall not exceed 1,595 square feet, and the number of seats shall not exceed 135 interior and 22 exterior. That's the request of the Petitioner, and that's normally how you would recommend, you know, a motion.

And as far as any, you know, conditions beyond that, just the standard, you know, compliance with all Village codes and policies.

COMMISSIONER JENSEN: Since Staff understands what needs to be in this thing, I'm going to say I'd like to so move. And he can write the actual text. So, I would move what you just said.

A motion to recommend to the Village Board of Trustees approval of P.C. #14-004, an amendment to Special Use Ordinances 10-035 and 08-041 to allow an increase to the total seating area from 1,168 to 1,595 square feet, and seats from 114 to 157.

This approval is contingent upon compliance with the recommendation of the Plan Commission, and the following recommendations detailed in the Staff Development report dated May 8, 2014:

- 1. The total seating area shall not exceed 1,595 square feet, and the total seating capacity shall not exceed 135 interior and 22 exterior seats.**
- 2. The Petitioner shall provide a list of events with coordinating parking counts that occur between now and before the Village Board meeting if at all possible.**
- 3. The Petitioner shall comply with all applicable federal, state and Village codes, regulations and policies.**

COMMISSIONER DROST: And I'll second it.

COMMISSIONER DAWSON: That work?

CHAIRMAN LORENZINI: Okay. So, we have a motion and a second. Bill, roll call please.

MR. ENRIGHT: Certainly. Commissioner, just --

COMMISSIONER ENNES: Do we want to add the provision about --

COMMISSIONER DAWSON: Making additional counts, yes. I mean I think --

COMMISSIONER JENSEN: Yes, I don't have any problem with that.

COMMISSIONER ENNES: I think that's reasonable.

CHAIRMAN LORENZINI: An additional count for any event that occurs between now and the Board of Trustees maybe?

COMMISSIONER DAWSON: Well, providing a list, doing an additional count, trying to coordinate that with events going on and providing a list of events if possible.

COMMISSIONER GREEN: Between now and --

COMMISSIONER DAWSON: Between now and the Board.

COMMISSIONER GREEN: The Trustee meeting, okay.

CHAIRMAN LORENZINI: So, with that, Bill --

COMMISSIONER JENSEN: Sounds good.

COMMISSIONER GREEN: Mr. Murati, would you agree with that? Those points?

MR. MURATI: Yes. Whatever you guys want, I'm here.

CHAIRMAN LORENZINI: Okay. Roll call please, Bill?

MR. ENRIGHT: Commissioner Dawson.

COMMISSIONER DAWSON: Yes.

MR. ENRIGHT: Commissioner Drost.

COMMISSIONER DROST: Aye.

MR. ENRIGHT: Commissioner Ennes.

COMMISSIONER ENNES: Yes.

MR. ENRIGHT: Commissioner Green.

COMMISSIONER GREEN: Yes.

MR. ENRIGHT: Commissioner Jensen.

COMMISSIONER JENSEN: Yes.

MR. ENRIGHT: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

MR. ENRIGHT: And Chairman Lorenzini.

CHAIRMAN LORENZINI: Yes. Okay, you've got our unanimous approval to proceed. Any date with the Board of Trustees?

MR. ENRIGHT: Just looking at my phone here, the calendar, the first meeting in June would be the 2nd.

CHAIRMAN LORENZINI: Okay. So, hopefully we'll get an

event and a count before June 2nd. Okay, thank you.

MR. MURATI: Thank you.

MR. TURI: Thank you.

MR. MURATI: Thank you so very much. Thank you.

MR. TURI: Thank you for your time everyone.

CHAIRMAN LORENZINI: All right, thank you.

(Whereupon, the public hearing on the above-mentioned case was adjourned at 8:15 p.m.)



Item: Chapter 28 Text Amendment - 5/14/14

Department: Planning & Community Development

Approval of Chapter 28 Text Amendment Minutes - 5/14/14

ATTACHMENTS:

Description

PC Minutes 5/14/14 - Chapter 28 Text
Amendments

Type

[Minutes](#)

DRAFT

PLAN

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

COMMISSION

RE: CHAPTER 28 TEXT AMENDMENT; PC #14-009

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
14th day of May, 2014, at the hour of 7:30 o'clock p.m.

MEMBERS PRESENT:

JOE LORENZINI, Chair
LYNN JENSEN
TERRY ENNES
BRUCE GREEN
GEORGE DROST
SUSAN DAWSON
JOHN SIGALOS

ALSO PRESENT:

BILL ENRIGHT, Deputy Director

DRAFT

CHAIRMAN LORENZINI: Okay. The next item on the agenda is PC #14-009, Foot Massage & Acupuncture. Bill, you want to brief us on this?

MR. ENRIGHT: Absolutely. Thank you, Chairman Lorenzini. This was discussed by the Ordinance Review Committee and recommended for approval back on April 23rd. Right now, there is no separate definition for foot massage and there is no separate definition for acupuncture. Therefore, they both fall within the current definition that we have in code for massage/acupressure. Now, acupressure is actually not acupuncture but it's similar, so that's the way it's been interpreted. However, we've had a lot of requests for foot massage establishments, some requests for acupuncture.

We do allow foot massage and acupuncture just as an ancillary use to something else, usually a doctor's office in the case of an acupuncturist or a chiropractor's office. A foot massage, not so much. They're usually, you know, they could be part of a salon though, you know, that sometimes is ancillary. But when you have a purely foot massage establishment or an acupuncturist, that that's their primary use and it's not an ancillary use, the code technically doesn't allow it because there's no definitions for those and they fit most closely under the definition of massage/acupressure which is not permitted.

So, Staff is recommending, and the Ordinance Review Committee has recommended and concurred with the suggestion that we create a definition for acupuncture and a definition for a foot massage establishment. Acupuncture would then fall within medical uses, so it would be permitted in multiple zoning districts such as Institutional, Office-Transitional, and our B Districts, as well as the M-1 District. We're also suggesting with adding the foot massage establishment definition so that differentiates foot massage from full body massages which we're not dealing with in this text amendment which would still be prohibited as a primary use. But with a foot massage establishment, we would then allow that in all of our B Districts.

So, that would conclude Staff's report. Again, the Ordinance Review Committee concurred with the recommendation and to forward it on to the Plan Commission tonight for deliberation.

CHAIRMAN LORENZINI: Okay. Do we need a motion to approve the Staff report?

COMMISSIONER GREEN: I'll make that motion.

CHAIRMAN LORENZINI: Second?

COMMISSIONER DAWSON: Second.

CHAIRMAN LORENZINI: All in favor?

(Chorus of ayes.)

CHAIRMAN LORENZINI: Opposed?

(No response.)

CHAIRMAN LORENZINI: Okay. Commissioners' comments? Commissioner Drost, you want to start?

COMMISSIONER DROST: Yes. I'm just astounded by the detail that we're going into to define all of these new alternative health procedures. What has been the demand for foot massages and acupuncture in our community?

MR. ENRIGHT: Well, you know, we've had several foot massage establishments seeking to open in the Village.

COMMISSIONER DROST: Yes, but how many --

MR. ENRIGHT: Acupuncture, usually they're, you know, ancillary to something else like a chiropractor's office. So, that is less prominent, but we do have someone in the downtown that just opened a business that they can't do the acupuncture part of it which is a significant part of their business because they'd have to seek a land use variation to do that. If this code amendment goes through, they'd be permitted.

COMMISSIONER DROST: So, this is going to help stimulate the acupuncture combination foot massage business then?

MR. ENRIGHT: Well, it simplifies and makes them permitted uses.

COMMISSIONER DROST: We had one in the Dunton Court Center. Has that one ever opened up?

MR. ENRIGHT: Right now you mean?

COMMISSIONER DAWSON: Foot massage establishment?

COMMISSIONER DROST: Yes, foot massage. It's dark.

COMMISSIONER GREEN: Not yet.

MR. ENRIGHT: I don't think they --

COMMISSIONER DROST: Is it proceeding?

MR. ENRIGHT: I would have to check on that for the permit.

COMMISSIONER DROST: Yes, because I just get the sense that, you know, we have another one in the Metropolis facility, you're probably aware of that.

MR. ENRIGHT: Yes.

COMMISSIONER DROST: How are they doing? How are they doing?

MR. ENRIGHT: I do not know.

COMMISSIONER DROST: It doesn't seem like it's very active. But the point was, you know, sort of the economics here, that what we're doing is, is this going to open the floodgates now and help some of these businesses that are there, that they can expand their business?

MR. ENRIGHT: The intent of this ordinance is to make it easier for certain businesses to open in town, yes.

COMMISSIONER DROST: Okay. Yes, I just had those comments. Good to know.

COMMISSIONER JENSEN: Haven't some of these establishments already opened up? I mean I thought there were, my wife tells me there are three or four of them in the downtown area and some of them are open. It looks like that would be hard to do until we pass this ordinance.

COMMISSIONER DAWSON: A foot massage place?

COMMISSIONER JENSEN: Yes.

COMMISSIONER DAWSON: I think there's one downtown.

COMMISSIONER JENSEN: Reflexology or something like that is near Metropolis, isn't it?

COMMISSIONER DAWSON: Yes.

COMMISSIONER JENSEN: There's a couple of others that got lights on, I don't know if anybody is in there. But, so, I have the sense that these establishments are open. That should not have happened I guess without this getting passed.

MR. ENRIGHT: Well, there have been land use variations for certain things, but yes, if they open, there may have been a different interpretation. We're just trying to make it very clear, and this is the best way to do it is to add these definitions in there so there is no ambiguity.

CHAIRMAN LORENZINI: Commissioner Dawson?

COMMISSIONER DAWSON: I just had a couple of questions about where the definitions came from. Where did we get the definition of acupuncture? I would find that so hard to define, and it provides a local anesthesia? Is that part of like a medical, is that sort of like a medical definition of acupuncture?

MR. ENRIGHT: Yes. I mean it was, yes, I mean I found it online.

COMMISSIONER DAWSON: Okay. I was just curious. I've had acupuncture. I never considered it local anesthesia, but I don't have a problem with it. I was just curious where that came from.

MR. ENRIGHT: Well, it's not anesthesia. I think the intent here is that it provides, you know, similarities to that. Not actual anesthetics.

COMMISSIONER DAWSON: Yes, I don't have a problem with it. I was just asking where it came from, I was just curious. But on the foot massage establishment, you state that the massage is foot, ankle and lower leg, below the knee only, which is not actually what they do. They do full body massages.

MR. ENRIGHT: Not under this definition.

COMMISSIONER DAWSON: I know, but that's what I'm telling you. I haven't been to the one in Metropolis, but I am familiar with the foot massage model because I've been to other ones.

And like hands down they're fabulous, I love them. But it's a full body massage, you're fully clothed and in an open room with other people. But you're fully rubbed.

So, I don't know if we want to, I don't know what you want to do about that, but this definition, if it's limited to below the knee only, isn't going to be opening up floodgates for them to come in because that's not what they're doing.

MR. ENRIGHT: We're not trying to open any floodgates. We're just --

COMMISSIONER DAWSON: The only part of you that is exposed is your feet. I mean I would walk in like this and sit down, and you would get a head-to-toe massage, but your feet is, you know, the primary. But the one that I've been to is in Deer Park, but I believe most of them have that same model where it's not just your feet and your legs being rubbed.

MR. ENRIGHT: Well, that won't be the model in Arlington Heights if this definition gets approved as is. And there is concern with massage in the Village historically, and obviously the Plan Commission can alter things as you see fit, but the intention of this code modification is to not allow for full body massage as of right in the Village.

COMMISSIONER DAWSON: True. So, but the concern, I don't know how far you want to get into this, but the concern with the massage parlors is the private rooms and what's going on back there. If you are focusing on the open space and you're expanding the definition so that everything is happening in open space with other, it kind of eliminates that concern unless we're having mass orgies in the middle of these buildings. So, you know what I mean? So, you know, I do think there is a way around the wording. I think that if we're not going to fully allow them to do what it is that they're doing, then there is no point in having the amendment and that they should just come to us on a case-by-case basis in that situation.

But I would talk to the one in the Metropolis, and if there, I don't think, if there are others, and maybe I'm wrong, maybe they are coming in, but the Metropolis one, I'm pretty sure they did a full body massage, too.

MR. ENRIGHT: There was a business that came to us asking about it and they said only do from the knee down depending when these businesses open. Sometimes things change.

COMMISSIONER DAWSON: Right.

MR. ENRIGHT: You know, they tell us one thing and then, you know, something else goes on. So, we have the understanding that there are businesses that will do, at least that's what they're purporting, just from the knee down. But the Staff administration is not prepared to recommend allowing full body massage at this point.

COMMISSIONER DAWSON: I mean if you go to get a pedicure which I'm sure you're, I don't know how familiar you are with that process.

MR. ENRIGHT: I know what one is, I haven't gotten one in a while.

COMMISSIONER DAWSON: But if you, if I were to go to get a pedicure, it's almost common that you get a foot rub with it, and then in many places you go sit down and you also get a head and back rub while you're waiting for your feet to dry. Is that a violation of code? Do you know what I mean? Like this is what goes on in these places and there's nothing wrong with it, and I thoroughly enjoy it. I love getting massages, I love to get pedicures.

And I understand the concern, I absolutely understand the concern and it is a valid concern. I just think that we could do better with the definition if we're trying to improve, if that's our goal. That's all.

COMMISSIONER DROST: How about body waxing?

CHAIRMAN LORENZINI: Thank you. Commissioner Sigalos?

COMMISSIONER DAWSON: Really? You want more information, George?

CHAIRMAN LORENZINI: Commissioner Sigalos please.

COMMISSIONER DROST: You're doing a good summary of sort of the --

COMMISSIONER SIGALOS: I don't have anything else at this point, Joe.

CHAIRMAN LORENZINI: Okay.

COMMISSIONER JENSEN: I guess it's a little perplexing because you can go to Faj which is a beauty parlor and you can get a full body massage there. It's hard, and you can go to, because I've done that, and you can go to the Wellness Center and they do feet massages, they do pedicures, they do full massages and they're in private rooms. And I understand your point about ancillary, and I can kind of see the one in the Wellness Center is ancillary. I'm not sure what the direct connection between a beauty parlor and this full body massage that you can get at Faj. I mean to me that's closer to what you're trying to avoid here I think.

So, like Commissioner Dawson, I'm a little bit, I realize I even voted to bring this forward to the Plan Commission, but even at the time it's a little confusing as to what we're trying to do here, and the definitions as you say don't really fit the practice very well. So, are we doing anything by approving these and including them in code? I guess it's more of a comment than a question.

CHAIRMAN LORENZINI: Thank you. Commissioner Ennes?

COMMISSIONER ENNES: I have a comment with a question, and that's if we're going to make this amendment and we know that there

are, or we suspect that there are several of these type businesses existing in the business, shouldn't we go to them and say this is the text amendment that's being proposed, do you comply with this? And let them know so that they can be here to comment on it?

MR. ENRIGHT: Well, if they don't comply with it, they don't comply with it now either because it doesn't exist. So, I mean if they're not in compliance with something like this, then they're not, you know, they're not in compliance with the current code. But as far as I know, I mean I'd have to check. I'm not aware of any, you know, believe it or not we don't know everything going on in the Village in every single business and, you know, house and yard.

COMMISSIONER DAWSON: You don't?

COMMISSIONER GREEN: And we appreciate that.

MR. ENRIGHT: So, there's a lot of things that go on that don't meet code and, you know, businesses say they purport to do a certain thing on their business license and then it morphs into something else, you know, irrespective of massage, I'm just talking in general. But the idea is that if, you know, we've had a foot massage establishment seek to come in and that's all they did and they purported to us that it was from the knee down, and they couldn't go in without seeking land use variation, and we didn't think that that was, we think that that's too onerous on a business.

I hear what you're saying about, you know, what maybe these businesses really do do. But the administration is not prepared to recommend principal use being a full body massage.

COMMISSIONER ENNES: I'm just saying that if we are talking about specifically stating what is allowed and there are some businesses doing it, we should make them aware of it so they're not in violation or that they can comment on it. At least giving them that voice to be heard because they're not.

MR. ENRIGHT: Well, I'm not aware of any violations at this point in time. I will certainly look into those businesses and see.

COMMISSIONER JENSEN: If this were done at the federal level, what you're calling for would be called a notice of proposed rule making and you'd send it out to all interested parties and you'd get their comments. And really, I think, as I rethink this, it seems to be a problem to approve language that we really don't know whether it fits the practice at all.

MR. ENRIGHT: We're actually liberalizing the Village code, so why would we need to notify establishments --

COMMISSIONER JENSEN: The practice may exceed --

MR. ENRIGHT: -- of something that's making, you know, these particular practices legal without seeking a land use variation?

COMMISSIONER JENSEN: You may be liberalizing the

language and the code, but if the practice is so far out of line with this and it's actually happening in your Village, it is a problem to have people who are so outliers because it doesn't sound like, it sounds like you've got a very weak enforcement mechanism. And so, if this doesn't actually capture practice that is going on, we really haven't done anything to codify something sensible.

CHAIRMAN LORENZINI: Commissioner Ennes, anything else?

COMMISSIONER ENNES: No.

CHAIRMAN LORENZINI: Commissioner Green?

COMMISSIONER GREEN: I don't want to get beyond what we're looking at here. A specific person came in and asked for this specific use as a foot massage. I know that it's a cultural thing. I've had family members over in other countries and they are very, very big into foot only massages. So, for whatever it's worth, I think we should move forward with this and the definition is fine. If you fit this requirement, you can have a foot massage establishment.

CHAIRMAN LORENZINI: Thank you. I pretty much agree with Commissioner Green. What Commissioner Dawson and Jensen have said is true, there are full body massages in the Village, but we're just dealing with foot massages here so I think we, my personal opinion is we should just move forward with this as is. And if there's other things that need to be changed in the future to cover other issues, we can deal with it then.

COMMISSIONER DAWSON: Can I just ask, the foot massage that came in in Metropolis was approved with full body massage, so is Staff discouraging people who come and want to do the full body but an open area, fully clothed concept?

MR. ENRIGHT: You're not allowed to do full body massage unless it's ancillary to another use that is permitted. So, given this information tonight, I will have to check into that business to see if they're in violation of their business license.

COMMISSIONER DAWSON: Okay. But they came here and that was all part of it, I mean they came to us and fully disclosed, from what I recall. Maybe I'm recalling incorrectly, I mean check into it but --

MR. ENRIGHT: I will have to check and see.

COMMISSIONER DAWSON: I guess what I'm saying is if that's the case, if it's ancillary to another practice or whatever, then approving this would actually do something because it would allow them to say ancillary to the foot massage establishment we also are going to provide these other services. Is that correct?

MR. ENRIGHT: I'm not going to answer that that's correct, no. But you know, one thing I think people have to understand is that there's a lot of interpretation in a Village ordinance and it's not all black and white. And you have to be consistent and you have to

apply the code reasonably and rationally, and so there's no, it's not all, you know, black and white, there's gray area. So, it's really a case-by-case basis, you know, looking at each individual case and see where it fits in our definitions.

We try and be as reasonable as we can, but also we have to uphold the Village's ordinances, too. So, we do have to look at it specifically.

COMMISSIONER DAWSON: Okay. I just want to make sure that, because, that we're not discouraging it, that if people can come on a case by case basis and ask for variations, that that is still being allowed.

MR. ENRIGHT: Anybody can seek a variation. We don't ever turn people away because they have due process, you know.

COMMISSIONER DAWSON: But you do strongly discourage people some of the time.

MR. ENRIGHT: We do not discourage people from appearing before the Plan Commission.

COMMISSIONER DAWSON: Okay. All right.

MR. ENRIGHT: In my 25 years in the Village, we have never discouraged people. What we've done is we've given them our opinion at Staff level on a preliminary basis based on information they have given us, and we disclose to them fully what their options are for proceeding forward.

CHAIRMAN LORENZINI: Okay. There is nobody here from the public so we'll close the public comments to this meeting and turn it back to the Commissioners. Any other comments or a motion?

COMMISSIONER GREEN: I would like to make a motion.

A motion to recommend to the Village Board of Trustees approval of PC #14-009, amendments to Chapter 28, Zoning, to add a new definition for acupuncture and for foot massage establishment, and to amend the permitted use table to allow foot massage establishment in B-1, B-2, B-3, B-4 and B-5 Zoning Districts.

CHAIRMAN LORENZINI: Do we have a second?

COMMISSIONER DAWSON: Second. Can I ask a question? Were we supposed, was there supposed to be the word acupuncture before, because it said to amend the permitted use table to allow foot massage establishment, were we also supposed to have acupuncture in there?

MR. ENRIGHT: It's not to allow acupuncture, it's to add --

COMMISSIONER DAWSON: In these zoning districts.

MR. ENRIGHT: Add the two definitions in the code and then also add in foot massage establishments into the five zoning districts.

COMMISSIONER DAWSON: Okay. So, because I thought you had said earlier that one acupuncture facility was not, or one facility wasn't doing acupuncture in the downtown because it wasn't being allowed. But by changing the definition, that allows it?

MR. ENRIGHT: That's right. Yes.

COMMISSIONER DAWSON: Okay, that's all. I wanted to make sure we weren't missing a word there. That's all.

CHAIRMAN LORENZINI: Thank you.

COMMISSIONER DROST: And the other question is on the, in acupuncture, on the medical practice, that's going to be regulated by state regulation as to what's defined as a medical practice?

COMMISSIONER DAWSON: Do you need a license for an acupuncture facility?

COMMISSIONER DROST: I don't know.

MR. ENRIGHT: There are licenses. I'm not sure if acupuncture, I think it does, but certainly medical facilities do for sure.

COMMISSIONER DROST: Yes. So, I mean when you have medical practice, that has a connotation of having some oversight by the State of Illinois and that by definition we don't have to add that particular piece at least in there.

MR. ENRIGHT: That's correct.

COMMISSIONER DROST: This is just an opportunity for people to get their foot in the door.

COMMISSIONER JENSEN: Oh, George.

CHAIRMAN LORENZINI: We have a motion, do we have a second?

MR. ENRIGHT: It was seconded by Commissioner Dawson.

CHAIRMAN LORENZINI: Okay. Roll call please.

MR. ENRIGHT: Commissioner Green.

COMMISSIONER GREEN: Yes.

MR. ENRIGHT: Commissioner Dawson.

COMMISSIONER DAWSON: Yes.

MR. ENRIGHT: Commissioner Drost.

COMMISSIONER DROST: Aye.

MR. ENRIGHT: Commissioner Ennes.

COMMISSIONER ENNES: No, with comment.

MR. ENRIGHT: Commissioner Jensen.

COMMISSIONER JENSEN: Yes.

MR. ENRIGHT: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

MR. ENRIGHT: Chairman Lorenzini.

CHAIRMAN LORENZINI: Yes. Commissioner Ennes, your comment?

COMMISSIONER ENNES: My comment is simply I think if

we're going to be clarifying this text amendment, or clarifying the code with this text amendment, and we suspect from testimony that was given here that there are one or two existing businesses in town that might be impacted by this, that we make them aware of this and get their comment on it beforehand. I mean if they're in violation, they're in violation. But I think they, you know, if this is their livelihood and it could shut them down, then we should at least make them aware of it.

COMMISSIONER DAWSON: This isn't shutting anybody down, is it?

MR. ENRIGHT: No.

COMMISSIONER ENNES: Well, it could if they're in violation and they have to close --

MR. ENRIGHT: Well, if they're in violation, this is not going to make them in violation. They would be in violation of something else.

COMMISSIONER ENNES: Well, if they're doing foot massage that includes something else, we might be shutting them down.

COMMISSIONER DAWSON: I think what he's saying is that regardless of this definition, that might be a violation. So, this definition isn't affecting that.

MR. ENRIGHT: Correct.

COMMISSIONER DAWSON: But I'd be curious about the Metropolis one because I could have sworn that was all disclosed and approved in the process.

MR. ENRIGHT: If that's the case, then they're okay.

COMMISSIONER DAWSON: Yes.

MR. ENRIGHT: I just have to look at what was written.

COMMISSIONER DAWSON: Okay.

(Whereupon, the public hearing on the above-mentioned case was adjourned at 8:37 p.m.)



Item: Regular Meeting - 5/14/14

Department: Planning & Community Development

Approval of Regular Meeting Minutes - 5/14/14

ATTACHMENTS:

Description

PC Minutes

Type

[Minutes](#)

DRAFT

PLAN

REPORT OF THE PROCEEDINGS OF A REGULAR MEETING
BEFORE THE VILLAGE OF ARLINGTON HEIGHTS
PLAN COMMISSION

COMMISSION

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 14th day of May, 2014, at the hour of 8:37 o'clock p.m.

MEMBERS PRESENT:

JOE LORENZINI, Chair
LYNN JENSEN
TERRY ENNES
BRUCE GREEN
GEORGE DROST
SUSAN DAWSON
JOHN SIGALOS

ALSO PRESENT:

BILL ENRIGHT, Deputy Director

DRAFT

CHAIRMAN LORENZINI: The last item on the agenda is approval of the meeting minutes from April 23rd.

COMMISSIONER GREEN: I'll make that motion.

COMMISSIONER JENSEN: Second.

CHAIRMAN LORENZINI: All in favor?

(Chorus of ayes.)

CHAIRMAN LORENZINI: Opposed?

(No response.)

COMMISSIONER DROST: And just for the record, I did not attend the 23rd meeting.

CHAIRMAN LORENZINI: Mr. Enright, any new business?

MR. ENRIGHT: We do not have a Plan Commission hearing for the 28th. We probably will have one or two Plat & Sub cases up.

CHAIRMAN LORENZINI: Okay, thank you.

COMMISSIONER JENSEN: Joe, before you adjourn, I just want to bring up something I don't know that's actually business so much for the Commission, but we did take action on the Japan Auto Sales Company and there was some talk at a previous meeting about it. I live very close to them. I actually took some pictures and sent them to Bill because I don't want to avoid the Open Meeting Act. And they're parking their cars four and five deep. There is no way that any kind of an emergency or fire truck could make any kind of a path through this thing. They are not doing what they represented to us.

So, I don't know what you do in terms of enforcement. I passed it on to you, Bill, and I don't know whether you're the one who just passes it on to someone else to check into enforcing it. But I know we had some kind of a total limit on the number of spaces and it would be nice, just out of curiosity because I believe they have exceeded that, and I don't think they have a safe, their lot is safe at this point because emergency vehicles couldn't go on any path through there.

So, I think it's a problem. I think what the neighbors feared would happen actually is what's happened.

COMMISSIONER ENNES: I agree.

COMMISSIONER DAWSON: I'm glad you brought that up because I've driven past that many times and thought and always said I need to look into this. And I hadn't.

COMMISSIONER ENNES: That's true.

COMMISSIONER GREEN: We had a definite number we allowed, I remember that, and they are parked up on the parkway and things.

COMMISSIONER JENSEN: They're nearly out on the road at this point actually.

COMMISSIONER DAWSON: No, yes, I'm glad you looked into that.

COMMISSIONER GREEN: And it's not good looking.

MR. ENRIGHT: Well, as I wrote the Commissioner tonight, and I don't know if you got a chance to see it, I will be writing the ownership of Japan Auto once I go out to the site to count cars to see if they're in violation of the maximum 21 cars on site. The photographs that were sent to me by Commissioner Jensen certainly appears that they're exceeding the number, but I'll have to go out and actually validate that in terms of numbers because I couldn't actually count them from the pictures. So, if they are in violation of the 21, then they will be sent a letter to that effect. And if there is no response, then there will be a code enforcement action initiated.

CHAIRMAN LORENZINI: Thank you. Anything else? Motion to adjourn?

COMMISSIONER JENSEN: I move that we adjourn.

COMMISSIONER DROST: I'll make that motion.

CHAIRMAN LORENZINI: Second?

COMMISSIONER GREEN: Second.

COMMISSIONER ENNES: Second.

CHAIRMAN LORENZINI: All in favor?

(Chorus of ayes.)

CHAIRMAN LORENZINI: Opposed?

(No response.)

CHAIRMAN LORENZINI: Adjourned.

(Whereupon, the regular meeting was adjourned at 8:41 p.m.)

I, RONALD LeGRAND, JR., depose and say that I am a direct record 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.

RONALD LeGRAND, JR.

SUBSCRIBED AND SWORN TO

BEFORE ME THIS _____ DAY OF _____, A.D. 2014.

NOTARY PUBLIC



Item: Kondilis Subdivision - 1534 S. Douglas Ave. - PC#14-008

Department: Planning & Community Development

BACKGROUND

Plat of Easement and Vacation Amending Lot 2 of the Kondilis Subdivision.

Amendment to Ordinances 00-071; 04-055; 05-042; Resolution 05-013.

RECOMMENDATION

The Staff Development Committee has reviewed the Petitioner's request and recommends approval of the following:

1. A Plat of Easement and Vacation Amending Lot 2 of the Kondilis Subdivision.
2. An amendment to Ordinances 00-071, 04-055, 05-042 and Resolution 05-013 to reduce the 20 foot south building setback line from 20 feet to 10 feet; to reduce the 15 foot public utility easement to 10 feet; and to delete conditions #4 and #5 from Ordinance 05-042.

This recommendation is subject to the following conditions:

1. The building permit plans for 1534 S. Douglas Avenue shall show the exact location of the existing public storm sewer within the southern public easement. If the Village determines that there is inadequate horizontal clearance between the existing storm sewer and the proposed house foundation, the permittee will be required to relocate the storm sewer within the easement to a location acceptable to the Village, or reduce the width of the proposed home.
2. No portion of the house structure will be allowed within the 10 foot easement including window wells, roof eave overhangs, bay windows, chimneys, etc.
3. Compensation for the use of the additional land will be determined by the Village Board.
4. Prior to Village Board consideration of this petition, a fully executed Plat shall be submitted to the Village with all required signatures.

ATTACHMENTS:

Description

Staff Development Report

Public Notice

Petitioner's Request Letter

Park District Letter

Plat & Sub Minutes

Plat of Eastment - Vacation

Department Comments & Petitioner's Response

Type

[Report](#)

[Correspondence](#)

[Correspondence](#)

[Correspondence](#)

[Minutes](#)

[Exhibits](#)

[Correspondence](#)

STAFF DEVELOPMENT COMMITTEE REPORT

To: Plan Commission
Prepared By: Bill Enright, Deputy Director Planning and Community Development
Meeting Date: June 25, 2014
Date Prepared: June 18, 2014
Project Title: Plat of Easement and Vacation Amending Lot 2 of the Kondilis Subdivision
Address: 1534 S. Douglas Avenue

BACKGROUND INFORMATION

Petitioner: Ben Khosravani
Address: 954 S. Walnut St
 Arlington Heights, Illinois 60005

Existing Zoning: R-3, One Family Dwelling

Requested Action:

1. Plat of Easement and Vacation Amending Lot 2 of the Kondilis Subdivision
2. Amendment to Ordinances 00-071; 04-055; 05-042; Resolution 05-013.

Variations Identified:

- None.

**Surrounding Land Uses:**

	Existing Zoning	Existing Use	Comprehensive Plan
North	R-3 One Family Dwelling	Single Family House	Single Family Detached
South	R-1 One Family Dwelling	(Prairie Park)	Parks
East	R-3 One Family Dwelling	Single Family House	Single Family Detached
West	R-1 One Family Dwelling	Single Family House	Single Family Detached

Background

The subject site is located at 1534 S. Douglas Avenue adjacent to Prairie Park and was part of a two lot subdivision approved in 2005. Prior to the subdivision, the owner at the time requested that the Village vacate the 33 foot Foster Avenue right of way (unimproved) that ran along and adjacent to the Park. The reason for the request to vacate was to provide additional land for the property owner in order to have a code compliant two lot subdivision. At the time of the vacation, the Board placed a restriction that no building could be built within the vacated Foster right of way (33 feet width), and the Board required a 20 foot utility easement along the southern 20 feet. No compensation was required for the vacated land. The vacation was approved in Ordinance 00-071.

In 2004, the property owner requested rezoning from R-1 to R-3 and a two lot subdivision (Kondilis Subdivision). The rezoning and Preliminary Plat of Subdivision were approved in Ordinance 04-055 (the approval maintained the restrictions from the vacation Ordinance).

In 2005, the property owner requested an amendment to Ordinance 00-071 (the vacation of Foster) and Ordinance 04-055 (the rezoning and Preliminary Plat). The amendment request was to allow the northern 13 feet of the previously vacated 33 feet, to be developed for the principal structure. The Board approved the request (Ordinance 05-042) but with the following conditions: that the garage location for the lot be restricted to the south side of the lot, and also that the driveway for the lot shall be setback a minimum of 8 feet from the south property line. These restrictions were placed on the property to address concerns raised by the Park District as they have a soccer field in close proximity to the lot with the concern being soccer balls breaking windows, etc. Since no compensation was required when Foster Avenue was vacated (due to the previous restrictions), the Board did require \$6,000 for the use of the northern 13 feet for the principal use (a future house).

The Final Plat was then approved on 2005 via Resolution 05-013, with a condition that the property owner comply with the Ordinance (04-055) which rezoned the property and granted the Preliminary Plat. The 20 foot easement was reduced to 15 feet to accommodate an existing 21 inch storm sewer running along the south property line. Thus the existing Plat of Resubdivision includes a 15 foot utility easement and a 20 foot building setback along the south property line.

Plat and Subdivision Committee

The Plat and Subdivision Committee met on March 26, 2014 and had no issues with the proposal and encouraged the petitioner to move forward.

Current Request

The current property owner, who also owned the property in 2005, has had difficulty selling the lot due to the existing restrictions. The petitioner has submitted a letter dated March 14, 2014 (attached) outlining his request and explaining the reason for the request. At this time the petitioner is asking that the 20 foot building setback be reduced to 0 feet, and that the 15 foot utility easement also be reduced to 10 feet. This will require a Plat of Easement and Vacation Amending Lot 2 of the Kondilis Subdivision, and an amendment to Ords. 00-071, 04-055, 05-042, and Resolution 05-013.

The Administration is supportive of the request given that the Park District has written a letter (attached to the Petitioner's letter) not objecting to the proposal to reduce the setbacks to 10 feet. Also the 21 inch storm sewer only needs a 10 foot easement per Village review, however the actual location of the sewer needs to be verified during permit review for a new home on the site. If the existing sewer is close to the north portion of the 10 foot proposed easement, then it will likely be necessary for the sewer to be relocated to the southern part of the easement. Therefore whomever develops the home on this lot may be required during permit review to relocate the sewer within the easement and away from the home foundation.

It should be noted that no portion of a future home structure, including window wells, roof eave overhangs, bay windows, chimneys, etc. will be allowed in the 10 foot easement.

In addition the petitioner is requesting an amendment to Ordinance 05-042 to delete two conditions:

Ordinance 05-042:

Condition #5: To eliminate this condition which requires that the garage is constructed on the south side of the lot;

Condition #6: To eliminate this condition which requires an 8 foot setback from the south property line for the driveway.

Staff supports amending Ord. 05-042 to delete Conditions #5 and #6 as these requirements are not necessary. If a driveway is constructed in the easement, it shall be the property owners responsibility to replace/repair the driveway if the Village needs to access the storm sewer for repairs which impacts the driveway.

Possible Compensation

Possible compensation for use of additional land previously vacated will be determined by the Village Board. In 2005 per Ordinance 05-042 Section Four, the petitioner was required to compensate the Village \$6,000 for the use of 13 feet of the previously vacated right of way. That equates to \$2.20 per square foot of land. If the same ratio is applied to this request, then the reduction in the setback from 20 feet to 10 feet results in an additional 2,200 square feet of useable land. Thus 2,200 multiplied by \$2.20 equals \$4,840 in compensation.

Recommendation

The Staff Development Committee has reviewed the Petitioner's request and recommends approval of the following:

- 1) A Plat of Easement and Vacation Amending Lot 2 of the Kondilis Subdivision;
- 2) An amendment to Ordinances 00-071; 04-055; 05-042 and Resolution 05-013 to reduce the 20 foot south building setback line from 20 feet to 10 feet; to reduce the 15 foot public utility easement to 10 feet; and to delete conditions #4 and #5 from Ordinance 05-042.

This recommendation is subject to the following conditions:

1. The building permit plans for 1534 S. Douglas Avenue shall show the exact location of the existing public storm sewer within the southern public easement. If the Village determines that there is inadequate horizontal clearance between the existing storm sewer and the proposed house foundation, the permittee will be required to relocate the storm sewer within the easement to a location acceptable to the Village, or reduce the width of the proposed home.
2. No portion of the house structure will be allowed within the 10 foot easement including window wells, roof eave overhangs, bay windows, chimneys, etc.
3. Compensation for the use of the additional land will be determined by the Village Board.
4. Prior to Village Board consideration of this petition, a fully executed Plat shall be submitted to the Village with all required signatures.

_____, 2014
Bill Enright, Deputy Director of Planning and Community Development

C: William C. Dixon, Village Manager
All Department Heads

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE PLAN COMMISSION OF THE VILLAGE OF ARLINGTON HEIGHTS WILL CONDUCT A PUBLIC HEARING ON JUNE 25, 2014 AT 7:30 P.M. in the Municipal Building, 33 South Arlington Heights Road, Arlington Heights, Illinois to consider **Petition No. 14-008**, a Plat of Easement and Vacation Amending Lot 2 of the Kondilis Final Plat of Subdivision. The subject site is located at 1534 S. Douglas Ave., Arlington Heights, IL.

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.

Joe Lorenzini, Chairman
ARLINGTON HEIGHTS PLAN COMMISSION

(To be published in the Arlington Heights Daily Herald on **Tuesday, June 10, 2014**)

March 14, 2014

Dear Mr. Enright,

The purpose of this letter is to request the Village of Arlington Heights to grant me the following changes for my vacant lot, located at 1534 S. Douglas:

1. Delete Ordinance 05-042, condition 5, "the garage location shall be restricted to the south side of the property".
2. Delete Ordinance 05-042, condition 6, "the driveway shall be setback a minimum of eight feet from the south property line".
3. Reduce the building setback from 20 ft to 10 ft.
4. Reduce the storm sewer easement from 15 ft to 10 ft.

The first and third restrictions, shown above, were imposed in order to provide a buffer zone between the soccer field and the future home. On February 11, 2014 the Park Board approved my request to remove these two restrictions (see attached letter from Park Executive Director).

The second and the fourth restrictions, shown above, were imposed in order to provide access for potential repair of the storm sewer which is located approximately 4.5 ft from the south property line and is relatively shallow (less than 2 ft from the ground). Based on my past discussions and your recent meeting with Engineering Dept., they have agreed that the 10 ft of setback/easement is adequate to provide access to the sewer line if needed and presence of the driveway in that 10 ft easement does not hinder the access to the sewer.

The reason for the above request is that the subject lot has been for sale for over 10 years and despite its nice location (on a cul-de-sac next to the Prairie Park) and the fact that I have reduced the cost to 40% of my purchase price, I have not been able to convince anyone to build on the lot due to the four restrictions mentioned above.

Notes:

If Village desires they can add a new condition that the present/future owner of the property shall pay for the repair of the driveway if the Village needs access to the sewer.

Presently, I have a potential buyer with a blueprint showing a 3 car garage on the south side. Although this meets the first restriction, I am not certain he will be the final buyer as he is looking elsewhere.

Thank you for all your help

Best Regards,

Ben Khosravani (resident of 954 S. Walnut, cell 847-308-8344)

Tonia Khosravani (resident of 2 W. Noyes St., cell 847-269-8344)



February 17, 2014

Mr. Bill Enright
Deputy Director
Village of Arlington Heights – Planning & Community Development
33 South Arlington Heights Road
Arlington Heights, IL 60005

RE: 1530 S. Douglas Avenue, Arlington Heights

Dear Mr. Enright:

In 2000, the Village of Arlington Heights approached the Park District to see if the District had any interest in a portion of Foster Street, west of Douglas, just north of Prairie Park. The Village was planning on vacating that section of Foster. The Park District waived the right to purchase the north half of Foster, in exchange for a restrictive covenant on the property. The restrictive covenant provided 33 feet of right of way and buffer space between Prairie Park and the 1530 S. Douglas property. The Village vacated the street, gave it to the adjoining property owner, and created a restrictive covenant (Ordinance 00 071). Between 2000 and 2004, the property was sold. The new property owner, Mr. Ben Khosravani, met with the Park District, requesting an amendment to the restrictive covenant. In early 2005, the Arlington Heights Park District and Village of Arlington Heights both approved an amendment to Village Ordinance 00 071, reducing the 33 foot building setback by 13 feet, creating a 20 foot building setback.

In late 2013, Mr. Khosravani returned to the Park District with an additional request amending the restrictive covenant, changing the existing building setback from 20 feet to 10 feet in addition to waiving restrictions on the property for the location of a garage, allowing the garage to be built on the north or south side of the property, at the builder's discretion.

On February 11, 2014 the Park Board approved Mr. Khosravani's request and directed staff to contact the Village of Arlington Heights stating the Park District has no objection if the Village amended Ordinance 00 071. The Park Board does not object to amending the restrictive covenant, allowing a residential single-family structure, including garage, be built at 1530 S. Douglas Avenue, providing a building setback of 10 feet on the south property line between Prairie Park and 1530 S. Douglas Avenue.

Mr. Khosravani was informed the Park Board approval is only a first step, and this issue is subject to Village protocol. Should you need anything further from the Park District, do not hesitate to contact Alann Petersen, Director of Parks & Planning.

Sincerely,



Steve Scholten
Executive Director

cc: Alann Petersen, Arlington Heights Park District - Director of Parks & Planning
cc: Ben Khosravani
cc: Charles Perkins, Village of Arlington Heights - Director of Planning & Community Development

RECEIVED

FEB 20 2014

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

**REPORT OF THE PROCEEDINGS OF
THE PLAT & SUBDIVISION COMMITTEE
OF THE VILLAGE OF ARLINGTON HEIGHTS PLAN COMMISSION**

HELD AT VILLAGE HALL ON:

March 26, 2014

Project Title: Kondilis Subdivision
Address: 1534 S. Douglas Ave.
Petitioner: Ben Khosravani
954 S. Walnut Ave
Arlington Heights, IL 60005

Requested Action:

1. A Second Plat of Resubdivision
2. Amendment to Ordinances 00-071; 04-055; 05-042; Resolution 05-013

Variations Required:

1. None.

Attendees: Ben Khosravani, Property Owner
Tonia Khosravani, Property Owner
Bruce Green, Plan Commissioner
Terry Ennes, Plan Commissioner
Lynn Jensen, Plan Commissioner
Bill Enright, Deputy Director Planning and Community Development

Project Summary

B. Enright summarized the history of the subject site, which is part of a two lot subdivision approved in 2005. Prior to the subdivision, the owner at the time requested that the Village vacate the 33 foot Foster Avenue right of way (unimproved) that ran along and adjacent to the Park. The reason for the request to vacate was to provide additional land for the property owner in order to have a code compliant two lot subdivision. At the time of the vacation, the Board placed a restriction that no building could be built within the vacated Foster right of way (33 feet width), and the Board required a 20 foot utility easement along the southern 20 feet. No compensation was required for the vacated land. The vacation was approved in Ordinance 00-071.

In 2004, the property owner requested rezoning from R-1 to R-3 and a two lot subdivision (Kondilis Subdivision). The rezoning and Preliminary Plat of Subdivision were approved in Ordinance 04-055 (the approval maintained the restrictions from the vacation Ordinance).

In 2005, the property owner requested an amendment to Ordinance 00-071 (the vacation of Foster) and Ordinance 04-055 (the rezoning and Preliminary Plat). The amendment request was to allow the northern 13 feet of the previously vacated 33 feet, to be developed for the principal structure. The Board approved the request (Ordinance 05-042) but with the following conditions: that the garage location for the lot be restricted to the south side of the lot, and also that the driveway for the lot shall be setback a minimum of 8 feet from the south property line. These restrictions were placed on the property to address concerns raised by the Park District as they have a soccer field in close proximity to the lot with the concern being soccer balls breaking windows, etc. Since no compensation was required when Foster Avenue was vacated (due to the previous restrictions), the Board did require \$6,000 for the use of the northern 13 feet for the principal use (a future house).

The Final Plat was then approved on 2005 via Resolution 05-013, with a condition that the property owner comply with the Ordinance (04-055) which rezoned the property and granted the Preliminary Plat. The 20 foot easement was reduced to 15 feet to accommodate an existing 21 inch storm sewer running along the south property line. Thus the existing Plat of Resubdivision includes a 15 foot utility easement and a 20 foot building setback along the south property line.

Meeting Discussion:

B. Khosravani presented his request to reduce an existing building setback requirement of 20 feet along the south property line to 10 feet and to reduce the 15 foot utility easement from 15 feet to 10 feet. This will allow him to sell to a prospective purchaser. These restrictions on the property make it difficult to market and sell. The Park District Board concurs that the 2 foot setback is not necessary from the Park's perspective. This requirement dates back to the original subdivision and street vacation. At this time the Park District asked for 20 foot setback for a future house so as to provide more setback from the soccer field.

B. Enright indicated that the Village Board will have to determine if compensation is required for the use of additional land.

B. Khosravani indicated that he had to pay about \$9,300 as part of the two lot subdivision.

Commissioner Ennes asked if these were restrictions on lot 2 only?

B. Khosranani indicated that yes this just impacts lots 2 as lot one has a house already built.

Commissioner Green stated that the additional 10 feet of lot width will help with the site for a single family home and is in agreement with the request.

Commissioner Ennes asked how large of house could be built on the lot?

B. Enright indicated that the FAR would regulate.

B. Khosravani indicated that a house about 5,000 square feet could be built.

RECOMMENDATION

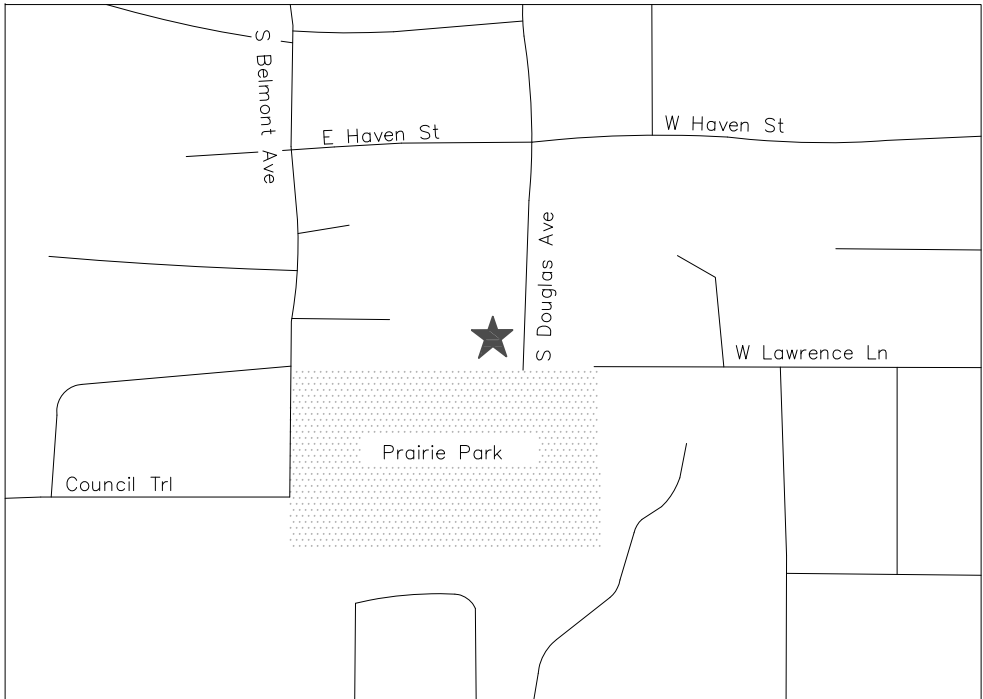
The Plat & Sub Committee did not have objections to the request and agreed that the Petitioner should move forward through the process.

Commissioner Green adjourned the meeting at 7:25 PM.

Bruce Green, Chair
PLAT & SUBDIVISION COMMITTEE
Bill Enright, Recorder

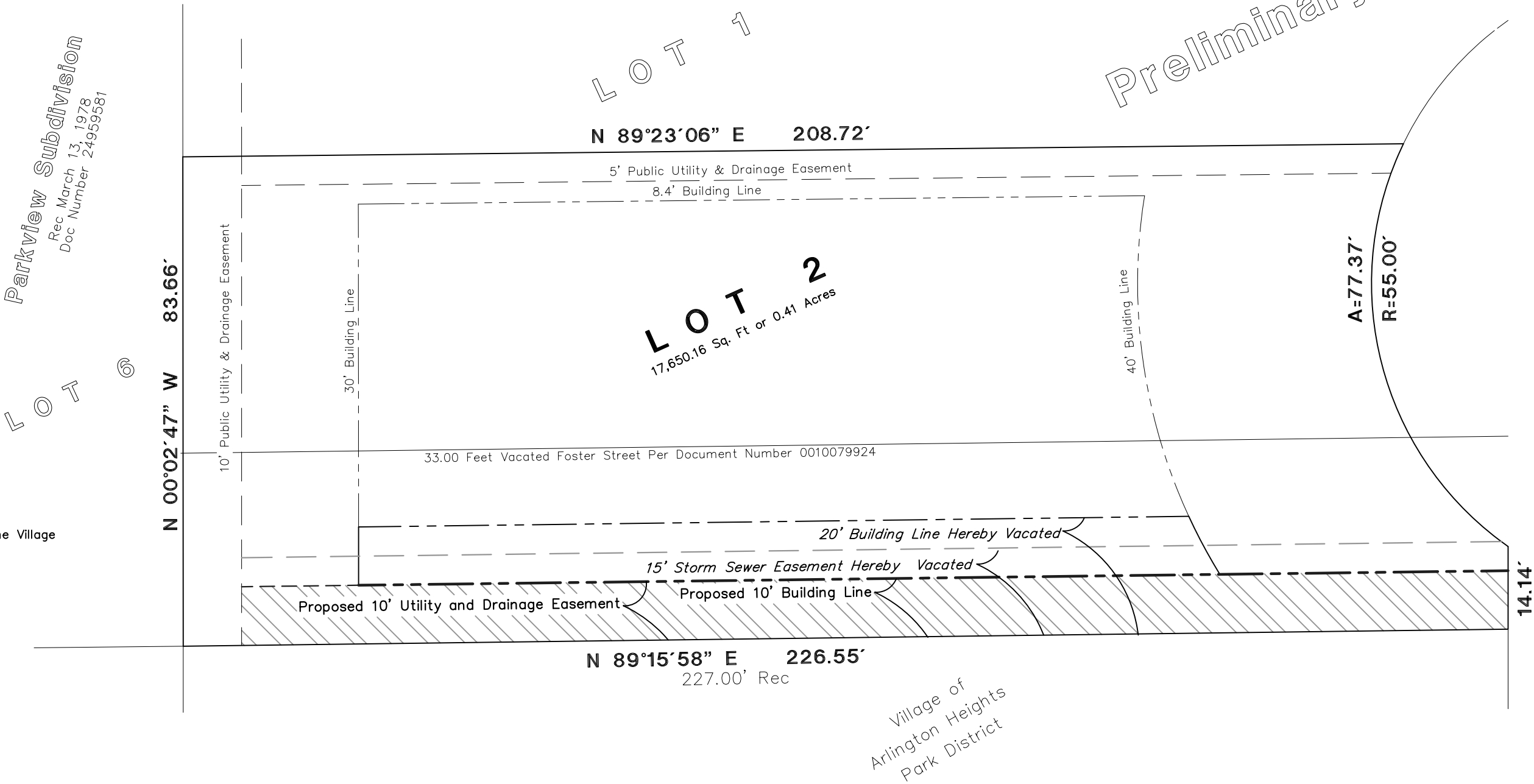


LOCATION MAP



PLAT OF EASEMENT AND VACATION

LOT 2 IN KONDILIS FINAL PLAT OF SUBDIVISION BEING A SUBDIVISION OF LOT 2 AND THAT PART OF VACATED FOSTER STREET LYING SOUTH OF AND ADJACENT TO LOT 2 IN JOHNSON'S SUBDIVISION OF THE WEST 227.00 FEET OF THE EAST 260.00 FEET OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, COOK COUNTY, ILLINOIS.



VILLAGE CERTIFICATE

STATE OF ILLINOIS SS
COUNTY OF COOK

Under the authority provided by 65 ILCS 5/11-12 as amended by the State Legislature of the State of Illinois and Ordinance adoted by the Village Board of the Village of Arlington Heights, Illinois, this plat was given approval by the Village of Arlington Heights AND MUST BE RECORDED WITHIN SIX MONTH OF THE DATE OF APPROVAL BY THE VILLAGE BOARD, OTHERWISE IT IS NULL AND VOID.

APPROVED by the Village Board of Trustees at a meeting held _____, 20____

By: _____
VILLAGE PRESIDENT

Attest: _____
VILLAGE CLERK

APPROVED by the Village Collector on _____, 20____

APPROVED by the Director of Engineering on _____, 20____

OWNER'S CERTIFICATE

STATE OF ILLINOIS SS
COUNTY OF COOK

THIS IS TO CERTIFY THAT THE UNDERSIGNED IS THE LEGAL OWNER OF THE LAND DESCRIBED ON THE ATTACHED PLAT, AND HAS CAUSED THE SAME TO BE SURVEYED AND RESUBDIVIDED AS INDICATED THEREON FOR THE USES AND PURPOSES THEREIN SET FORTH. DATED THIS _____ DAY OF _____, 2014.

OWNER/OWNERS

NOTARY'S CERTIFICATE

STATE OF ILLINOIS SS
COUNTY OF COOK

I HEREBY CERTIFY THAT _____ WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING CERTIFICATE BE KNOW TO ME AS SUCH OWNERS. GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____, 2014.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

COMMONWEALTH EDISON COMPANY

EASEMENT APPROVED AND ACCEPTED

BY: _____ Date: _____, 20____

TITLE: _____

AMERITECH/SBC

EASEMENT APPROVED AND ACCEPTED

BY: _____ Date: _____, 20____

TITLE: _____

PUBLIC UTILITIES AND DRAINAGE EASEMENT PROVISIONS

EASEMENTS ARE HEREBY RESERVED FOR AND GRANTED TO THE VILLAGE OF ARLINGTON HEIGHTS, ILLINOIS AND TO THOSE PUBLIC UTILITY COMPANIES OPERATING UNDER FRANCHISE FROM THE VILLAGE OF ARLINGTON HEIGHTS, INCLUDING, BUT NOT LIMITED TO , AMERITECH, NORTHERN ILLINOIS GAS COMPANY AND THEIR SUCCESSORS AND ASSIGNS, OVER ALL OF THE AREAS MARKED "PUBLIC UTILITIES AND DRAINAGE EASEMENTS" OR "P.U. & D.E." ON THE PLAT FOR THE PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO SURVEY, CONSTRUCT, RECONSTRUCT, REPAIR, INSPECT, MAINTAIN AND OPERATE VARIOUS UTILITY TRANSMISSION AND DISTRIBUTION SYSTEMS, COMMUNITY ANTENNA TELEVISION SYSTEMS AND INCLUDING STORM AND/OR SANITARY SEWERS, TOGETHER WITH ANY AND ALL NECESSARY MANHOLES, CATCH BASINS, CONNECTIONS, APPLIANCES AND OTHER STRUCTURES AND APPURTENANCES AS MAY BE DEEMED NECESSARY BY SAID VILLAGE, OVER, UPON, UNDER AND THROUGH SAID INDICATED EASEMENTS, TOGETHER WITH RIGHT OF ACCESS ACROSS THE GRANTORS PROPERTY FOR NECESSARY MEN AND EQUIPMENT TO DO ANY OF THE ABOVE WORK.

THE RIGHT IS ALSO GRANTED TO TRIM OR REMOVE ANY TREES, SHRUBS OR OTHER PLANTS ON THE EASEMENTS THAT INTERFERE WITH THE OPERATION OF THE SEWERS OR OTHER UTILITIES. NO PERMANENT BUILDINGS SHALL BE PLACED ON SAID EASEMENTS, BUT SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USED OR RIGHTS. WHERE AND EASEMENT IS USED BOTH FOR SEWERS AND OTHER UTILITIES, THE OTHER UTILITY INSTALLATION SHALL BE SUBJECT TO THE ORDINANCES OF THE VILLAGE OF ARLINGTON HEIGHTS.

EASEMENTS ARE HEREBY RESERVED FOR AND GRANTED TO THE VILLAGE OF ARLINGTON HEIGHTS AND OTHER GOVERNMENTAL AUTHORITIES HAVING JURISDICTION OF THE LAND SUBDIVIDED HEREBY, OVER THE ENTIRE EASEMENT AREA FOR INGRESS, EGRESS AND THE PERFORMANCE OF MUNICIPAL AND OTHER GOVERNMENTAL SERVICES, INCLUDING WATER, STORM AND SANITARY SEWER SERVICE AND MAINTENANCE.

NICOR GAS

EASEMENT APPROVED AND ACCEPTED

BY: _____ Date: _____, 20____

TITLE: _____

COMCAST CABLE

EASEMENT APPROVED AND ACCEPTED

BY: _____ Date: _____, 20____

TITLE: _____

WIDE OPEN WEST, LLC

EASEMENT APPROVED AND ACCEPTED

BY: _____ Date: _____, 20____

TITLE: _____

State of Illinois) SS)
County of Cook)

We, Land Surveying Services, Inc. do hereby state that we have surveyed the above described property and that this is the Plat that represents the conditions found at the time of said survey.

Given under my hand and seal this _____ day of _____, A.D. 2014, at the County of Cook, Illinois.

Gloria Jean Koter, an agent for Land Surveying Services, Inc.

Illinois Professional Land Surveyor Number 3323
License Expiration Date 11-30-14

This professional service conforms to the current Illinois minimum standards for a boundary survey.



Drawn:	MPS	Date:	04-03-2014
Revision	Date	Drawn	Checked



Land Surveying Services, Inc.
574 W. Colfax Street Palatine, Illinois 60067
Ph. (847)991-7700 Fax. (847)991-7707
Professional Design Firm License No. 184-003632

Field Work Completed: 04-03-2014 Scale: 1" = 20' Date: 04-03-2014

Site Address:
**Lot 2 in Kondilis Final Plat
Arlington Heights, Illinois**

Job Number
LS140160

Sheet Number
EASEMENT

Sheet Name
**PLAT OF EASEMENT
AND VACATION**

BUILDING DEPARTMENT

1

PETITIONER'S APPLICATION - ARLINGTON HEIGHTS PLAN COMMISSION

Petition #: P.C. <u>14-008</u> Petitioner: <u>Tonia & Behnam (Ben) Khosravani</u> <u>2 W. Noyes St. Arlington Hts, IL 60005</u> <u>847-308-8344</u> Owner: <u>Tonia & Behnam (Ben) Khosravani</u> <u>2 W. Noyes St. Arlington Hts, IL 60005</u> <u>847-308-8344</u> Contact Person: <u>Tonia & Behnam (Ben) Khosravani</u> Address: <u>2 W. Noyes St.</u> <u>Arlington Heights, IL 60005</u> Phone #: <u>847-308-8344</u> Fax #: _____ E-Mail: <u>bymbk@yahoo.com</u>	P.I.N.# <u>08-10-300-145-0000</u> Vol <u>049</u> Location: <u>1534 S. Douglas</u> Rezoning: _____ Current: _____ Proposed: _____ Subdivision: <u>✓</u> # of Lots: <u>1</u> Current: <u>1</u> Proposed: <u>1</u> PUD: _____ For: _____ Special Use: _____ For: _____ Land Use Variation: _____ For: _____ Land Use: _____ Current: <u>Vacant</u> Proposed: _____ Site Gross Area: <u>17650 Sq Ft (0.41 Acres)</u> # of Units Total: <u>1</u> 1BR: _____ 2BR: _____ 3BR: _____ 4BR: _____
---	---

(Petitioner: Please do not write below this line.)

DO EXISTING STRUCTURES, IF ANY, MEET MINIMUM REQUIREMENTS OF THE FOLLOWING:

YES NO

- | | | | |
|----|---------------|---------------|-----------------------|
| 1. | <u> </u> | <u> </u> | VILLAGE BUILDING CODE |
| 2. | <u> </u> | <u> </u> | PRESENT ZONING USE |
| 3. | <u> </u> | <u> </u> | REQUESTED ZONING USE |
| 4. | <u> </u> | <u> </u> | SUBDIVISION REQUIRED |
| 5. | <u> </u> | <u> </u> | SIGN CODE |

6. GENERAL COMMENTS:

NO COMMENTS AT THIS TIME.

RECEIVED

APR 14 2014

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

<u>CHARLEY CRAIG</u>	<u>4-11-14</u>
Director	Date
<u>PLAN REVIEWER</u>	



Arlington Heights Fire Department Plan Review Sheet

P. C. Number P.C. # 14-008

Project Name

Kondilis Plat of Easement and Vacation

Project Location

1534 S. Douglas Ave.

Planning Department Contact Bill Enright

General Comments

No comments at this time.

**NOTE: PLAN IS CONCEPTUAL ONLY
SUBJECT TO DETAILED PLAN REVIEW**

Date April 18, 2014

Reviewed By: LT. Andrew Larson

Arlington Heights Fire Department

PUBLIC WORKS DEPARTMENT

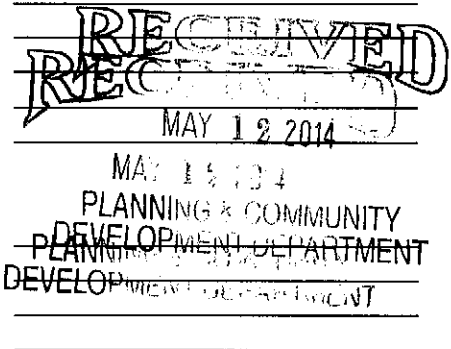
2

PETITIONER'S APPLICATION - ARLINGTON HEIGHTS PLAN COMMISSION

Petition #: P.C. 14-008
 Petitioner: Tonia & Behnam (Ben) Khosravani
2 W. Noyes St. Arlington Hts, IL 60005
847-308-8344
 Owner: Tonia & Behnam (Ben) Khosravani
2 W. Noyes St. Arlington Hts, IL 60005
847-308-8344
 Contact Person: Tonia & Behnam (Ben) Khosravani
 Address: 2 W. Noyes St.
Arlington Heights, IL 60005
 Phone #: 847-308-8344
 Fax #: _____
 E-Mail: bymbk@yahoo.com

P.I.N.# 08-10-300-145-0000 Vol 049
 Location: 1534 S. Douglas
 Rezoning: _____ Current: _____ Proposed: _____
 Subdivision: ✓
 # of Lots: 1 Current: 1 Proposed: 1
 PUD: _____ For: _____
 Special Use: _____ For: _____
 Land Use Variation: _____ For: _____
 Land Use: _____ Current: Vacant
 Proposed: _____
 Site Gross Area: 17650 Sq Ft (0.41 Acres)
 # of Units Total: 1
 1BR: _____ 2BR: _____ 3BR: _____ 4BR: _____

(Petitioner: Please do not write below this line.)

	EXISTING IMPROVEMENT	REQUIRED IMPROVEMENT	COMMENTS
1. UTILITIES:			
Water	_____	_____	
Metering	_____	_____	
Backflow	_____	_____	
Sanitary Sewer	_____	_____	
Storm Sewer	_____	_____	
2. SURFACE:			
Pavement	_____	_____	
Curb & Gutter	_____	_____	
Sidewalks	_____	_____	
Street Lighting	_____	_____	
3. GENERAL COMMENTS:			

see attached memo dated 5/7/14

Scott Shalvey 5/7/14
 Director Date

Memorandum

To: Bill Enright, Deputy Director of Planning & Development
From: Cris Papierniak, Assistant Director of Public Works 
Date: May 7, 2014
Subject: 1534 S. Douglas Avenue, P.C. #14-008

The Public Works Department continues to be concerned about the viability of long term maintenance of the existing 21" storm sewer. This shallow storm sewer is known to surcharge. Any future changes to property can greatly impact our ability to service the utility. With this in mind, we would appreciate the following additional restrictions:

- Trees, fences or other foundation type appurtenances will not be permitted in the easement.
- Determination of exact distance between storm sewer and foundation will be shown on any future plans.
- If a driveway is permitted, the owner of record will take responsibility for surface repairs of hardscape after utility repair is completed.
- The storm sewer's location needs to be provided on any future plans or plats to ensure that everyone is aware of utility.

If you agree with these comments, including them on future plats would be beneficial to ensure proper communication to future owners.

Thank you for the opportunity to comment on this improvement.

tw

PETITIONER'S APPLICATION - ARLINGTON HEIGHTS PLAN COMMISSION

Petition #: P.C. 14-009
 Petitioner: Tonia & Behnam (Ben) Khosravani
2 W. Noyes St. Arlington Hts, IL, 60005
847-308-8344
 Owner: Tonia & Behnam (Ben) Khosravani
2 W. Noyes St. Arlington Hts, IL, 60005
847-308-8344
 Contact Person: Tonia & Behnam (Ben) Khosravani
 Address: 2 W. Noyes St.
Arlington Heights, IL, 60005
 Phone #: 847-308-8344
 Fax #: _____
 E-Mail: bynbk@yahoo.com

P.I.N.# 08-10-300-145-0000 Vol 049
 Location: 1534 S. Douglas
 Rezoning: _____ Current: _____ Proposed: _____
 Subdivision: ✓
 # of Lots: 1 Current: 1 Proposed: 1
 PUD: _____ For: _____
 Special Use: _____ For: _____
 Land Use Variation: _____ For: _____
 Land Use: _____ Current: Vacant
 Proposed: _____
 Site Gross Area: 17650 Sq Ft. (0.41 Acres)
 # of Units Total: 1
 1BR: _____ 2BR: _____ 3BR: _____ 4BR: _____

(Petitioner: Please do not write below this line.)

1. PUBLIC IMPROVEMENTS

REQUIRED: _____ YES NO COMMENTS

a. Underground Utilities

Water _____ X _____

Sanitary Sewer _____ X _____

Storm Sewer _____ X _____

b. Surface Improvement

Pavement _____ X _____

Curb & Gutter _____ X _____

Sidewalks _____ X _____

Street Lighting _____ X _____

c. Easements

Utility & Drainage _____ X _____

Access _____ X _____

2. PERMITS REQUIRED OTHER THAN VILLAGE:

a. MWRDGC _____ b. IDOT _____

c. ARMY CORP _____ d. IEPA _____

e. CCHD _____

YES NO COMMENTS

3. R.O.W. DEDICATIONS? _____

_____ X _____

4. SITE PLAN ACCEPTABLE? _____

_____ N/A _____

5. PRELIMINARY PLAT ACCEPTABLE? _____

_____ X SEE ATTACHED COMMENTS

6. TRAFFIC STUDY ACCEPTABLE? _____

_____ N/A _____

7. STORM WATER DETENTION REQUIRED? _____

_____ X _____

8. CONTRIBUTION ORDINANCE EXISTING? _____

_____ X _____

9. FLOOD PLAIN OR FLOODWAY EXISTING? _____

_____ X _____

10. WETLAND EXISTING? _____

_____ X _____

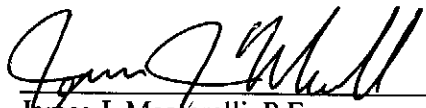
GENERAL COMMENTS ATTACHED

PLAT
~~PLANS~~ PREPARED BY: L.S.S., INC.
 DATE OF PLANS: 4-3-14

Jean F. Whill 4/14/14
 Director Date

PLAN COMMISSION PC #14-008
Lot 2 in Kondilis Subdivision
1534 S. Douglas Ave.
Plat of Easement and Vacation
Round 1

11. The existing 20' Building Line should not have a hatched area associated with it, only the line. The tag should have an arrow pointing to the line. The existing 20' line is shown from west property line to the east property line, when it should stop at the front and rear yard building lines. The front and rear yard existing building lines are shown all the way to the 15' easement. They should terminate at the 20' side line.
12. The proposed 10' Building Line should have a different (bold) line type than the proposed easement and should stop at the front and rear building lines. There should be a separate tag for the "Proposed 10' Building Line" with an arrow pointing to the line. The same bold line type should be used for the extensions of the front and rear building lines to the new 10' side building line.
13. The 15' storm sewer easement to be vacated should not be hatched all the way to the west property line. It should stop at the east line of the rear 10' PU & DE. The 15' easement to be vacated should also be dimensioned.
14. The proposed 10' easement should be labeled as "10' Public Utility and Drainage Easement" to match the easement provision title. The hatching should also stop at the east line of the rear 10' PU & DE. Provide a dimension for the 10' easement.
15. No part of the proposed building, not even the window wells, will be allowed to encroach into the 10' easement.
16. See the attached Plat of Easement Checklist for the required certificates. Include the utility signature blocks.
17. If the property is under a bank mortgage, the bank shall also have a signature block and notary certificate.


James J. Mascarelli, P.E. 4/14/14
Director of Engineering Date

Attachments:

Plat of Easement Checklist (2 pages)
Contacts for Plat Signatures (1 page)

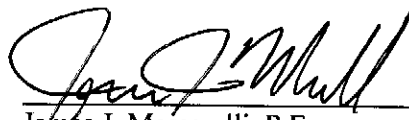
**PLAN COMMISSION PC #14-008
Lot 2 in Kondilis Subdivision
1534 S. Douglas Ave.
Plat of Easement and Vacation
Round 2**

RECEIVED

MAY 19 2014

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

18. The responses made by the petitioner to comments #11-13, 16, are acceptable
19. The response made by the petitioner to comment #14 is noted. The line and hatching for the proposed 10' easement should go all the way to the east property line. Remove the 40' Building line from the 10' easement area.
20. There was no written response made by the petitioner to comment #15. To reiterate, no part of the proposed building, not even the window wells, will be allowed to encroach into the 10' easement.
21. There was no written response made by the petitioner to comment #17. To reiterate, if the property is under a bank mortgage, the bank shall also have a signature block and notary certificate.
22. Lines within the Village Certificate, the Village Engineer Certificate, and the Village Collector Certificate are not in the right order. Check and verify with the check sheet.
23. Due to other locations in the Village with side yard storm sewer easement issues, the petitioner is instructed to provide a to-scale exhibit to the Village from their engineer or surveyor showing the **exact** horizontal and vertical location of the storm sewer as it relates to the easement and property. This document must be submitted for review.

 5/19/14
James J. Massarelli, P.E. Date
Director of Engineering

**PLAN COMMISSION PC #14-008
Lot 2 in Kondilis Subdivision
1534 S. Douglas Ave.
Plat of Easement and Vacation
Round 3**

24. The responses made by the petitioner to comments #18-21 are acceptable
25. The response made by the petitioner to comment #22 is noted. Line within the Village Certificate was out of order. Surveyor was contacted 6-5-14, change made, given the go ahead to procure signatures.
26. The response made by the petitioner to comment #23 is noted. The to-scale exhibit showing the **exact** horizontal and vertical location of the storm sewer as it relates to the easement and property must be provided as part of the house permit review. Petitioner is working with the Planning Department on a signed agreement.


James J. Massarelli, P.E. Date
Director of Engineering

RECEIVED

JUN - 9 2014

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

PETITIONER'S APPLICATION - ARLINGTON HEIGHTS PLAN COMMISSION

Petition #: P.C. 14-008
 Petitioner: Tonia & Behnam (Ben) Khosravani
2 W. Noyes St. Arlington Hts, IL 60005
847-308-8344
 Owner: Tonia & Behnam (Ben) Khosravani
2 W. Noyes St. Arlington Hts, IL 60005
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Arlington Heights, IL 60005
 Phone #: 847-308-8344
 Fax #: _____
 E-Mail: bvnbk@yahoo.com

P.I.N.# 08-10-300-145-0000 Vol 049
 Location: 1534 S. Douglas
 Rezoning: _____ Current: _____ Proposed: _____
 Subdivision: ✓
 # of Lots: 1 Current: 1 Proposed: 1
 PUD: _____ For: _____
 Special Use: _____ For: _____
 Land Use Variation: _____ For: _____
 Land Use: _____ Current: Vacant
 Proposed: _____
 Site Gross Area: 17650 Sq Ft (0.41 Acres)
 # of Units Total: 1
 1BR: _____ 2BR: _____ 3BR: _____ 4BR: _____

(Petitioner: Please do not write below this line.)

YES NO

1. X _____ COMPLIES WITH COMPREHENSIVE PLAN?
2. X _____ COMPLIES WITH THOROUGHFARE PLAN?
3. _____ X VARIATIONS NEEDED FROM ZONING REGULATIONS?
 (See below.)
4. _____ X VARIATIONS NEEDED FROM SUBDIVISION REGULATIONS?
 (See below.)
5. _____ X SUBDIVISION REQUIRED?
6. X _____ SCHOOL/PARK DISTRICT CONTRIBUTIONS REQUIRED?
 (See below.)

Comments: See attached

B. M. Light 4-17-14
 Date

Planning Department Comments

Round One

Kondilis Resubdivision: PC #14-008

1. Park, School and Library Fees are required at the time building permits are applied for to build a new home on the lot. This is already a requirement of Village Code.
2. All necessary utility companies must sign the Plat. But first please update the Plat to include the utility companies and address all comments of the Engineering Department. Please then resubmit 5 paper copies of the updated Plat for Staff review. Once Staff reviews and indicates that the Plat is in the final form, you can then bring to the utility companies for signing the mylar Plat.
3. Once the mylar is signed by all utilities, please then submit the mylar to the Village and we can then set the date for the Plan Commission public hearing.

Petitioner's Responses

Petitioners Responses were in the form of updates to the Plat of Easement / Vacation and a series of emails. The petitioner has made all necessary changes to the Plat per Staff's comments.



Item: Holy Family Ministries Resale Store - 1101 E. Rand Rd. - PC#14-011

Department: Planning & Community Development

BACKGROUND

A Land Use Variation to allow a second hand store in a B-1, Business District Limited Retail.

A variation from Chapter 28, Section 6.12, Traffic Engineering Approval, to waive the requirement for a traffic and parking study from a Certified Traffic Engineer.

RECOMMENDATION

The Staff Development Committee reviewed the Petitioner's request and recommends approval of the following:

1. A Land Use Variation for a second hand store in the B-1 district;
2. A variation from Chapter 28, Section 6.12, Traffic Engineering, to waive the requirement for a traffic and parking study from a certified traffic engineer.
3. A variation from Chapter 28, Section 6.15-1.2 Landscaping of Parking Lots, to permit a reduced island with of five feet only for the required island at the rear of the property adjacent to Dryden Road.

This recommendation is subject to the following conditions:

1. Concurrent with the building improvements for HFM, the following site improvements shall be made:
 - a. Install a five foot wide landscaped island with 36 inch tall landscaping at the rear parking row adjacent to Dryden Ave.
 - b. Install the required 36 inch tall landscape screening along Rand Road adjacent to the parking lot.
 - c. Install an ornamental tree in the island adjacent to the driveway accessing Rand Road.
2. The Petitioner shall comply with all Federal, State, and Village codes, regulations, and policies.

ATTACHMENTS:

Description

Legal Notice

PC Staff Report

Plat & Sub Minutes

Department Comments

Petitioner Response

Land Use Variation Response

Type

[Correspondence](#)

[Report](#)

[Minutes](#)

[Correspondence](#)

[Correspondence](#)

[Correspondence](#)

Market Analysis
Parking Analysis
Landscape Plan
Aerial

[Correspondence](#)

[Correspondence](#)

[Exhibits](#)

[Exhibits](#)

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE PLAN COMMISSION OF THE VILLAGE OF ARLINGTON HEIGHTS WILL CONDUCT A PUBLIC HEARING ON JUNE 25, 2014 AT 7:30 P.M. in the Municipal Building, 33 South Arlington Heights Road, Arlington Heights, Illinois to consider Petition No. 14-011, a Land Use Variation to permit a Resale Store in the B-1 District. The subject site generally located at the southwesterly corner of Rand Road and Dryden Ave and is located at 1101 E. Rand Road, Arlington Heights, IL.

As part of said request the petitioner is requesting the following variation from the Municipal Code: Chapter 28, Section 6.12-1(3) to waive the required Traffic and Parking Study.

And other variations as determined necessary by the Plan Commission.

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.

Joe Lorenzini, Chairman
ARLINGTON HEIGHTS PLAN COMMISSION

(To be published in the Arlington Heights Daily Herald on **Tuesday, June 10, 2014**)

STAFF DEVELOPMENT COMMITTEE REPORT

To: Plan Commission
Prepared By: Bill Enright, Deputy Director Planning & Community Development
Meeting Date: June 25, 2014
Date Prepared: June 18, 2014
Project Title: Holy Family Ministries Resale Store
Address: 1101 E. Rand Road

BACKGROUND INFORMATION

Petitioner: Susan Work
Address: 550 W. Frontage Road #2820
 Northfield, IL 60093

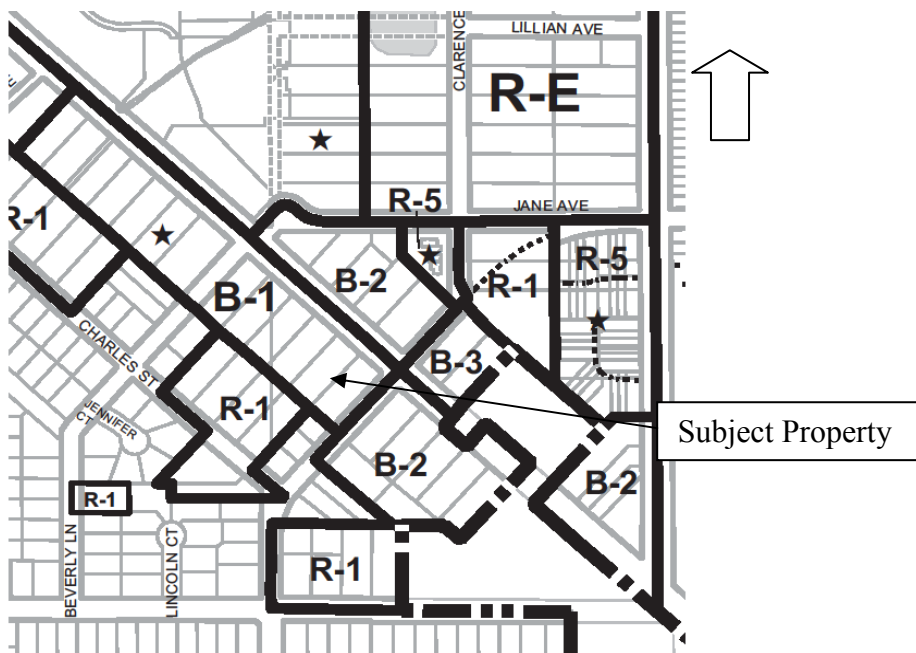
Existing Zoning: B-1, Business District Limited Retail

Requested Action:

- A Land Use Variation to allow a second hand store in a B-1, Business District Limited Retail.

Variations Required:

- A variation from Chapter 28, Section 6.12, *Traffic Engineering Approval*, to waive the requirement for a traffic and parking study from a Certified Traffic Engineer.

**SURROUNDING LAND USES:**

Direction	Zoning	Use	Comprehensive Plan
North	B-2, General Business	Commercial	Commercial & Mixed Use
South	R-1, One Family Dwelling	Single Family Home	Single Family Detached
East	B-2, Business District, Limited Retail	Commercial	Commercial
West	B-1, Business District, Limited Retail	Commercial	Commercial

Background:

The subject site is 75,000 square feet (1.7 acres) and there is a one-story freestanding commercial building that is 28,000 square feet and currently occupied by Crest Furniture and Lee Auto. The vacant space to be leased by HFM is 9,800 square feet. The existing parking lot has a total of 74 parking stalls (43 in front and 31 in back) that are accessible via one driveway along Rand Road and two along Dryden.

The proposed action would allow the HFM to open at this location as a not for profit secondhand retail store that accepts and sells donated items such as clothing, furniture, books among others. A narrative of HFM is attached. The hours of operation are 10:00 am to 7:00 pm M, Tu, W, F, Sa, Su, and open until 8:00 pm Thursdays.

Zoning and Comprehensive Plan

The property is zoned B-1, Business District Limited Retail. A second hand store is allowed within the B-2, B-3, B-4, and B-5 districts, but not B-1 thus requiring a Land Use Variation. As part of the formal review process, a written justification has been provided which addresses the following hardship criteria:

- **The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone; and**
- **The plight of the owner is due to unique circumstances; and**
- **The variation, if granted, will not alter the essential character of the locality.**

It should be noted that the space has been vacant for about three years. Also, the intent of the B-1, Business District Limited Retail is to "...provide for the convenience shopping of persons residing in adjacent residential areas. Limited service and office establishments are permitted in this district provided such establishments will be conducted without noise, odor or any other condition that might be disturbing to adjacent residential areas". Although a second hand shop is not listed as a permitted use within the underlying zoning district, the merchandise HFM sells would otherwise be allowed within the B-1 district if it were in new condition. Generally this site is appropriate for this store subject to adequate parking and no adverse conditions resulting from drops off of donated items.

Lastly, the proposed action is consistent with the Village's Comprehensive Plan, which designates the subject site as Commercial.

Plat and Subdivision Committee

The Plat and Subdivision Committee met on April 23, 2014 to discuss the plans. The Subcommittee agreed with staff that if parking is adequate that they had no issues with the use. They did add that landscaping shall be provided as the site is deficient. Overall the Subcommittee viewed the petition favorably.

Building, Site, and Landscape Related Issues

Other than a pair of new doors and wall signage, which will require a separate review and approval process, the Petitioner is not proposing any exterior modifications therefore Design review is not required.

With respect to landscaping, staff has requested the following with the petitioner/property owners response below:

1. Provide the required 36 inch landscape screening of the parking areas along Rand Road.

Petitioner agreed and landscape plan indicates salt tolerant materials.

2. Provide a tree in both islands which end the row of parking fronting Rand Road.

Petitioner has indicated that due to utility wires they cannot install a tree at the northwesterly end of the parking row. In addition, the southeasterly island already has a tree. Staff does not concur with the petitioner regarding the northwesterly island. The island can be planted with an ornamental tree. The easterly end does have an existing tree which meets the requirement.

3. Provide the required landscaped island in the rear parking area adjacent to the southerly property line and adjacent to Dryden. *The petitioner indicates that they cannot add the island as it would be directly across from the loading dock. In addition*

there are ample trees on the residential property to the rear. Staff would support a reduced island of 5 feet with 36 inch tall landscaped screening in lieu of the full 9 foot wide island and tree. This would require an additional variation to Chapter 28, Section 6.15 -1.2 Landscaping of Parking Lots to allow a five foot wide island.

It should be noted that staff is not requesting that the landscaped islands for the parking area in the front of the stores be installed, but that they remain as non-conforming, given that parking in front is somewhat limited.

Traffic and Parking

Any application for a Land Use Variation that is adjacent to a major arterial street, such as Rand Road, shall provide a Traffic and Parking Study from a Certified Traffic Engineer. The Petitioner however, is seeking approval of the following variation:

- **A variation from Chapter 28, Section 6.12, Traffic Engineering, to waive the requirement for a traffic and parking study from a certified traffic engineer.**

Staff supports not requiring a full traffic analysis as the petitioner has provided a parking analysis of the front and rear parking areas. As demonstrated the lot has adequate parking to accommodate the new retail use. In addition the parking provided exceeds the code requirement (74 provided, 56 required):

	<u>Floor Area</u>	<u>Parking Ratio</u>	<u>Parking Required</u>
Crest Furniture	11,125	1:600	19
Lee Auto Parts	2,131	1:300	7
HFM Resale Store	9,063	1:300	<u>30</u>
			56

RECOMMENDATION

The Staff Development Committee reviewed the Petitioner's request and recommends approval of the following:

1. A Land Use Variation for a second hand store in the B-1 district;
2. A variation from Chapter 28, Section 6.12, Traffic Engineering, to waive the requirement for a traffic and parking study from a certified traffic engineer.
3. A variation from Chapter 28, Section 6.15-1.2 Landscaping of Parking Lots, to permit a reduced island with of five feet only for the required island at the rear of the property adjacent to Dryden Road.

This recommendation is subject to the following conditions:

1. The Land Use Variation shall apply only to Holy Family Ministries.
2. Concurrent with the building improvements for HFM, the following site improvements shall be made:
 - a. Install a five foot wide landscaped island with 36 inch tall landscaping at the rear parking row adjacent to Dryden Ave.
 - b. Install the required 36 inch tall landscape screening along Rand Road adjacent to the parking lot.
 - c. Install an ornamental tree in the island adjacent to the driveway accessing Rand Road.
3. The Petitioner shall comply with all Federal, State, and Village codes, regulations, and policies.

June 18, 2014

Bill Enright, AICP
Deputy Director of Planning and Community Development

C: Bill Dixon, Village Manager
All Department Heads

**REPORT OF THE PROCEEDINGS OF
THE PLAT & SUBDIVISION COMMITTEE
OF THE VILLAGE OF ARLINGTON HEIGHTS PLAN COMMISSION**
HELD AT VILLAGE HALL ON:

April 23, 2014

Project Title: Holy Family Ministries Resale Store
Address: 1101 E. Rand Road
Petitioner: Susan Work
550 W. Frontage Road
Northfield, IL 60093

Requested Action:

1. A Land Use Variation to permit a second hand store in the B-1 District.

Variations Required:

1. A variation from Chapter 28, Section 6.12, Traffic Engineering, to waive the requirement for a traffic and parking study from a certified traffic engineer.

Attendees: Susan Work, Holy Family Ministries
Mark Lipshaw, Property Owner
Josh Czerniak, Architect
Bruce Green, Plan Commissioner
Mary Jo Warskow, Plan Commissioner
Lynn Jensen, Plan Commissioner
John Sigalos, Plan Commissioner
Joe Lorenzini, Plan Commissioner
Bill Enright, Deputy Director Planning and Community Development

Project Summary

The petitioner is proposing to locate a retail second hand store selling clothing items. A Land Use Variation is required as second hand stores are not a permitted use in the B-1 district. The current shopping center includes Crest furniture and Lee Auto Parts, and the petitioner is seeking to occupy the remaining 9,000 square feet of vacant space.

Meeting Discussion:

B. Enright indicated that staff is supportive of the request subject to additional upgrades in landscaping, and demonstrating that the site has adequate parking. The space has been vacant so this resale store is an opportunity to fill a mid size vacant space that occupies about 40% of the center.

S. Work, representing Holy Family Ministries, indicated that HFM has been in operation since 1985 in North Lawndale, Chicago, and they see a need for a resale store in the suburbs as they have received many inquiries. HFM feels this is a very good location and it's beneficial to be located near other thrift stores such as Goodwill and Salvation Army as people like to thrift shop store to store.

Commissioner Sigalos indicated that being close to other thrifts stores makes sense and would be a good fit in the area.

Commissioner Jensen agreed that the nature of thrift stores is to locate near one another to provide options to shop. He asked how long the space has been vacant?

Mr. Lipshaw indicated that the space has been vacant for five years.

Commissioner Jensen asked if the property owner was willing to make the landscaping improvements outlined in the staff report?

Mr. Lipshaw indicated that they do not want to install an island at the rear of the center as that is across from the loading dock and trucks need the room to back out. There had been an island there but it was destroyed over time by the trucks. He also expressed concern with installing the 36 inch screening along Rand Road as the salt had killed any materials they previously installed.

Commissioner Warskow asked where the donation drop off area is to be located? She added that she supports the project.

Mr. Czerniak stated that the drop off in at the back of the center with a door to the retail space.

Mrs. Work added that there will not be a drop off box on the site.

Commissioner Lorenzini felt that the landscaping should be installed as its needed. Also is the resale store open 7 days a week? He expressed support as well for the use.

Mr. Czerniak described the landscape improvement plan which includes salt tolerant 36 inch tall screening of the parking along Rand Road.

Commissioner Sigalos added that the property owner is obligated to maintain the required landscaping as it is a code requirement. Also he asked where the trucks for the resale store will be parked?

Mrs. Work indicated that they likely would be parked on site.

Commissioner Green reiterated that the landscaping needs to be upgraded and maintained.

Commissioner Jensen concurred and stated that the property owner should seek out good plants material that will be salt tolerant.

RECOMMENDATION

The Plat & Sub Committee did not have objections to the request and agreed that the Petitioner should move forward through the process.

Commissioner Green adjourned the meeting at 7:05 PM.

Bruce Green, Chair
PLAT & SUBDIVISION COMMITTEE
Bill Enright, Recorder

PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

7

PETITIONER'S APPLICATION - ARLINGTON HEIGHTS PLAN COMMISSION

Petition #: P.C. 14-011
 Petitioner: Holy Family Ministries
3415 W. Arthington
Chicago, IL 60624
 Owner: Hampton Mercury Investment Company
27750 Stansbury, Ste. 200
Farmington Hills, MI 48334
 Contact Person: Susan M. Work, CEO
 Address: 550 W. Frontage Rd., Ste. 2820
Northfield, IL 60093
 Phone #: 773-273-6013
 Fax #: 773-273-6014
 E-Mail: swork@hfm.org

P.I.N.# 03-20-210-006
 Location: 1101 E. Rand Road
 Rezoning: Current: Proposed:
 Subdivision:
 # of Lots: Current: Proposed:
 PUD: For:
 Special Use: For:
 Land Use Variation: ✓ For: to allow a resale
store in B1 zone
 Land Use: Current:
Proposed:
 Site Gross Area: 75,000 sq. ft. (#1101 is 9600 sq. ft.)
 # of Units Total: 3
 1BR: 2BR: 3BR: 4BR:

(Petitioner: Please do not write below this line.)

YES NO

1. X COMPLIES WITH COMPREHENSIVE PLAN?
2. X COMPLIES WITH THOROUGHFARE PLAN?
3. X VARIATIONS NEEDED FROM ZONING REGULATIONS?
 (See below.)
4. X VARIATIONS NEEDED FROM SUBDIVISION REGULATIONS?
 (See below.)
5. X SUBDIVISION REQUIRED?
6. X SCHOOL/PARK DISTRICT CONTRIBUTIONS REQUIRED?
 (See below.)

Comments:

Please see attached

B. M. E. / 5.14.14

Date

Planning and Community Development Department Comments

Holy Family Ministries Resale Store

PC #14-011

Round 1 Comments

1. Per the Plat and Sub Staff Report, please include a landscaped island at the southeast corner of the parking lot at the rear of the building. The island shall be 9 feet wide by 18 feet long and include one 4 inch caliper shade tree. Also provide a 4 inch caliper shade tree in the tow front islands at each end of the parking row abutting Rand Road.
2. The fence at the rear of the property shall be in good condition and repairs made as needed.
3. How many drops are anticipated in the rear of the store and will there be after hours drops offs allowed/encouraged?
4. This Land Use Variation shall apply only to Holy Family Ministries.

Holy Family Ministries Resale Store
1101 E. Rand Road
PC 14-011
May 21, 2014

Landscape Comment

- 1) Pursuant to Chapter 28, section 6.16, landscape islands equal in area to one parking space shall be located at the ends of all parking rows and include a 4" caliper shade tree. Provide a 4" caliper shade tree in the island adjacent/south of the drive aisle and a tree in the southeast corner along Rand Road. In addition, incorporate a landscape island and a 4" caliper shade tree in the southwest corner at the end of the parking row.

ARLINGTON HEIGHTS POLICE DEPARTMENT

Community Services Bureau

RECEIVED
MAY 30 2014

DEPARTMENT PLAN REVIEW SUMMARY

Holy Family Ministries Resale Store – 1101 E. Rand Rd. Land Use Variation

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

Round 1 Review Comments

05/29/2014

1. Character of use:

The character of use is consistent with the area and is not a concern.

2. Are lighting requirements adequate?

Lighting should be up to Village of Arlington Heights code. Special attention should be given to the alley way along the northwest and the southwest sides of the building, it appears there is insufficient or no lighting present. These areas could be used as a hiding or ambush locations. Without lighting, the alleyway has potential to become an attractive location for criminal activities especially during non-daylight hours. The lighting plan for the parking lot and the front of the store should be reviewed as well.

3. Present traffic problems?

There are no traffic problems.

4. Traffic accidents at particular location?

This is not a problem area in relation to traffic accidents.

5. Traffic problems that may be created by the development.

There may be an increase of traffic in and out of the parking lot. Signage and or a raised median restricting left turns out of the lot onto northwest bound Rand should be considered.

6. General comments:

- Landscaping should be properly maintained and kept within the recommended range of 3-6 feet-pruned down to 3 ft and trimmed up to 6ft. This creates an open area between 3' and 6' which increases natural surveillance and reduces the ability for subjects to hide themselves or belongings.
- The interior of the store should be set-up so employees can maintain visual surveillance of customers. The break room should have an interior window so employees can maintain visual surveillance on the rear exit.
- The location of a fitting room near the new ADA entry is not recommended. There is a potential for merchandise to exit the store. It is recommended to move the men's fitting room to another location within the store.


Brandi Romag, Crime Prevention Officer
Community Services Bureau

Approved by:


Supervisor's Signature

Enright, Bill

From: Butt, Paul
Sent: Thursday, May 29, 2014 10:48 AM
To: Enright, Bill
Subject: 1101 E. Rand Rd - Holy Family Ministries Resale Store

Bill,

I have reviewed the Plan Commission Land Use variation submittal for the project referenced above and have no comment.

Paul Butt

Fire Safety Inspection Supervisor

Village of Arlington Heights

847/368-5594

PLAN COMMISSION PC #14-011
Holy Family Ministries Resale Store
1101 E. Rand Rd.
LUV
Round 1

No comments at this time.


James J. Massarelli, P.E. Date
Director of Engineering

RECEIVED
MAY 23 2014
PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

Memorandum

To: Bill Enright, Deputy Director of Planning & Community Development
From: Cris Papierniak, Assistant Director of Public Works 
Date: June 2, 2014
Subject: 1101 E. Rand P.C. #14-011

The Public Works Department has no comments regarding Land Use Variation for 1101 E. Rand Road.

Thank you for the opportunity to comment on this permit application.

C: file

LF

RECEIVED

JUN - 3 2014

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT



Arlington Heights Fire Department Plan Review Sheet

P. C. Number 14-011

Project Name

Holy Family Ministries Resale

Project Location

1101 E. Rand Rd.

Planning Department Contact Bill Enright

General Comments

The fire department has no comments at this time.

**NOTE: PLAN IS CONCEPTUAL ONLY
SUBJECT TO DETAILED PLAN REVIEW**

Date June 2, 2014 Reviewed By: LT. Andrew Larson

Arlington Heights Fire Department

June 11, 2014

Mr. Bill Enright
Village of Arlington Heights
Planning & Community Development Department
33 South Arlington Heights Road
Arlington Heights, IL 60005

Re: Holy Family Ministries – Resale Shop – 1101 E. Rand Rd.
Village of Arlington Heights - Petition Number 14-011
FGM Project Number 14-1740.01

Dear Mr. Enright:

Please refer to the attached Planning & Community Development Department Review dated May 21 & 29, 2014 and our responses respectively below.

1. Per the Plat and Sub Staff Report, please include a landscaped island at the southeast corner of the parking lot at the rear of the building. The island shall be 9 feet wide by 18 feet long and include one 4 inch caliper shade tree. Also provide a 4 inch caliper shade tree in the two front islands at each end of the parking row abutting Rand Road.

Response: The requested landscaped island at the southeast corner of the parking lot at the rear of the building is directly across from the loading dock for the Crest Furniture store. Given the size of the over the road trucks this area is needed for their ability to maneuver and get into this tight loading dock, as such we do not recommend the landscaped island and tree at this location. The original tree and island located in the southeast corner were destroyed by trucks over the years and that is why the current paved condition exists. There are a number of mature trees in the northeast corner of the adjacent residential property that help screen between the two properties (see Photo 1). Also, we do not recommend installing shade trees in the front islands located in the middle and the northwest corner due to the existing low overhead power lines that run along Rand Road and the sign located in the middle island (see Photo 2). There is an existing tree located in the northeast island of the property near the intersection of Rand Road and North Dryden Avenue. It is clear that this tree has to be constantly trimmed to avoid the power lines (see Photo 3). Refer to the attached revised Landscape Plan which identifies the location of the existing trees on the subject property.

2. The fence at the rear of the property shall be in good condition and repairs made as needed.

Response: **So noted.**

3. How many drops are anticipated in the rear of the store and will there be after hours drops offs allowed/encouraged?

Response: **Donations to the store will be accepted during normal business hours, and received at the back door located in the rear parking area. Holy Family Ministries expects an average of 5 donations per day. After hours drop-offs will not be encouraged. Please refer to the Parking Analysis for more information regarding how donations will be handled.**

4. This Land Use Variation shall apply only to Holy Family Ministries.

Response: **So noted.**

Landscape

1. Pursuant to Chapter 28, section 6.16, landscape islands equal in area to one parking space shall be located at the ends of all parking rows and include a 4" caliper shade tree. Provide a 4" caliper shade tree in the island adjacent/south of the drive aisle and a tree in the southeast corner along Rand Road. In addition, incorporate a landscape island and a 4" caliper shade tree in the southwest corner at the end of the parking row.

Response: **Refer to the response to comment 1 above – we believe the reviewer has their cardinal directions confused in this Landscape review comment. Also, refer to the attached revised Landscape Plan which identifies the location of the existing trees on the subject property.**

Please contact me with any questions, or if you require any additional information.

Sincerely,



Josh L. Czerniak, LEED AP BD+C
Associate

Cc: File 3.1



Photo 1 – view South from East side of property showing end of loading dock and existing mature trees located at Northeast corner of adjacent residential property.



Photo 2 – view East from Northwest corner of property showing overhead power lines and sign in middle island along Rand Rd..



Photo 3 – view East of existing tree in island located at Northeast corner of property, intersection of Rand Rd. and N. Dryden Ave. in background.

April 28, 2014

Mr. Bill Enright, Deputy Director Planning & Community Development
Village of Arlington Heights
33 S. Arlington Heights Road
Arlington Heights, IL 60005

Re: Holy Family Ministries Resale Store – Land Use Variation Justification Letter
Application #14-00000438

Dear Mr. Enright:

As identified in the Staff Development Committee Report dated March 21, 2014, this project requires Plan Commission review and Village Board approval of the following variation. Justification for the variation, based on the hardship criteria outlined in the Village's Zoning Ordinance, is provided below:

- a. A request for a [Land Use Variation in order to permit a second hand store in a B-1 district](#).

- 1) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone.

Response: **The property is in good condition, in a high-traffic location, and is offered at a reasonable rent, and yet it has been vacant for five years. There is an abundant supply of available retail space in the area, along both Rand Road, Palatine Road, and side streets off these main arteries. Competition is keen and the subject property is apparently not as desirable to retailers as are other available locations in the area.**

- 2) The plight of the owner is due to unique circumstances.

Response: **The subject property has been vacant for five years. The previous tenant of this store moved into a larger space in the same property, attesting to the landlord's good management, but in the current economic environment, the landlord has not been able to attract another tenant into the vacated space.**

- 3) The variation will not alter the essential character of the locality.

Response: **The subject property is on the same block—in fact, right next door to—a Salvation Army resale store that recently relocated**

from a shopping center farther north on Rand Road. On the next block south from the subject property (on the other side of Dryden) is a successful Goodwill resale store. Therefore the essential character of the locality will not be negatively affected by the addition of Holy Family's resale store. To the contrary, a desirable resale "hub" will be created by the addition of a smaller, upscale-oriented resale store such as that planned by Holy Family Ministries.

b. A request for a waiver of the requirement of a full [traffic study](#).

Response: **In lieu of a full traffic study, Holy Family Ministries has provided the Village a detailed parking analysis demonstrating that more than enough parking is available on the property. This study was presented to the Village Plan Commission in April.**

Please contact us with any questions, or if you require any additional information.

Sincerely,

Susan M. Work, Ph.D.
Chief Executive Officer

MARKET ANALYSIS: HOLY FAMILY RESALE STORE

1101 E. RAND ROAD, ARLINGTON HEIGHTS, ILLINOIS

May 5, 2014

Economic Indicators

Unlike its effect on the vast majority of businesses, the Great Recession helped the resale industry grow. The industry sells secondhand goods at low prices and thus benefits from periods of weakened consumer purchasing power. During the five years 2007 to 2012, unemployment jumped to a high of 9.6%, while per capita disposable income declined for the first time in two decades. Furthermore, the United States' poverty rate increased from a pre-recessionary level of 13.0% of the population to a high of 15.3% in 2010, and demand for low-priced housewares and apparel jumped up during this time. IBISWorld estimates that the five-year average growth between 2007 and 2012 was 3.5%.

The number of industry participants also climbed during this period. (*IBISWorld Market Research*, April 25, 2012). This trend was also noted by the National Association of Resale & Thrift Shops (NARTS), which reported in 2009 that the opening rate of new resale shops had increased to 7% annually.

Inventory also benefitted during this period from the growing segment of people who donate their goods to these stores instead of simply discarding them. The result was improved selection, which in turn attracted more customers.

Although it could be argued that an improving U.S. economy will cause the demand for resale to abate, other economic factors predict an ongoing demand for resale. Young adults continue to face a not-so-friendly job market. Healthy baby boomers are increasingly postponing retirement. The growing income gap between upper income and lower income families, accompanied by a shrinking middle class, indicates that a growing number of Americans will be attracted by the discounts offered at resale.

Another positive indicator for the resale sector is our country's growing awareness of the need for sustainable living. Re-purposing goods is now recognized as a meaningful way to preserve resources and impact climate change. It's the *ultimate* in recycling!

Sales Data

Resale is a multi-billion dollar a year industry. *First Research* estimates the resale industry in the U.S. to have annual revenues of approximately \$13 billion. Goodwill Industries alone generated \$2.69 billion in retail sales from more than 2,500 nonprofit resale stores across America in 2010. Crossroads Trading Company, based in Berkeley, CA, rang up over \$20 million in sales last year at its 27 stores, with plans to add additional locations. Add to this the many thousands of single-location stores, hundreds of multi-location chains, franchises and not-for-profit stores and you begin to realize the vast scope of this growing industry. (NARTS website, 4-20-14)

Resale shopping attracts consumers from all economic levels. There is no typical resale shopper. No one is immune to the excitement of finding a treasure or a bargain. According to America's Research Group, 16-18% of Americans will shop at a resale

store during a given year. To keep these numbers in perspective, in the same time frame 11.4% of Americans will shop in factory outlet malls and 21.3% in major department stores. Resale has become “destination shopping,” resulting in a recent trend to clustering.

Impact Of a Third Resale Store at Rand & Dryden

Holy Family Ministries’ proposed resale store, called **Lucille**, hopes to occupy a 9600 square foot space at 1101 E Rand Road. This location benefits from high traffic on Rand Road (26,000 vehicles per day) and the fact that Arlington Heights is already a well-established regional shopping area with three busy shopping districts. Access to Lucille is convenient, thanks to the signalized intersection at Rand and Dryden.

Living within a 5-mile radius (Arlington Heights/Mt. Prospect/Palatine) are 329,000 people, a quarter of whom are under 20 years old. The population is comprised primarily of diverse middle-class families: 62% non-Hispanic white, 16% Hispanic, 10% Asian, 2% black, about 10% mixed-race and other. Median household income within the 5-miles radius is \$71,000; average household income is \$86,000.

Lucille is one of three stores in a small strip center that includes an auto parts store and a Crest furniture store. Formerly, the **Lucille** space was a furniture store. Immediately to the north is a large Salvation Army Family Store and less than a block south on the other side of Dryden is a successful, 20,000+ square foot Goodwill store. The presence of these two resale stores bodes well for the success of a third—**Lucille**—offering a distinctly different shopping experience with upgraded décor and display of goods, donations pruned for quality, and volunteers and staff carefully trained for enhanced customer service. Such “clustering” of resale stores was cited by NARTS as a factor leading to the growing strength of the resale sector (see above).

Parking at **Lucille** is ample for the expected customer load. HFM’s parking analysis, conducted over a two-week period at peak shopping hours, revealed no more than 17 parking spaces in use at any time (12 in front + 5 in back). Seventy-Four (74) spaces are available: Front: 39 + 4 disabled; Back: 31. These spaces are shared with the auto parts store and Crest Furniture, neither of which draws heavy traffic. The Salvation Army store has its own parking lot, which does not intersect with the **Lucille** lot.

Conclusion

In summary, the following factors predict success for a third resale store, **Lucille**, located at Rand and Dryden:

- Annual revenues in the resale/thrift sector have been increasing since 2008.
- Today’s economy bodes well for a continuing strong demand in the resale sector.
- Nearly a fifth of all Americans are expected to shop at resale stores this year.
- There is an increasing awareness among Americans that re-purposing our used goods is a sustainable way of living.
- Clustering of resale and thrift stores is a national trend, a result of increasing “destination shopping” in the resale sector.

PARKING ANALYSIS

1101 – 1141 E. RAND ROAD
ARLINGTON HEIGHTS, IL

Conducted by:

HOLY FAMILY MINISTRIES

3415 W. Arthington, Chicago, IL 60624

Business Office: 550 Frontage Road, Northfield, IL 60193

APRIL 2014

Holy Family Ministries proposes to open an upscale resale store at 1101 E. Rand Road in Arlington Heights, IL. This report summarizes the results of a parking analysis for the property located at 1101 – 1141 E. Rand Road. The subject site is 75,000 square feet (1.7 acres) with a one-story freestanding commercial building. Tenants sharing the lot include:

Crest Furniture at 1141 E. Rand Road (12,361 total sq.ft., 11,125 sq.ft. retail floor area)

Lee Auto Parts at 1125 E. Rand Road (7,104 total sq.ft., 2,131 sq.ft. retail floor area)

Proposed Resale Store at 1101 E. Rand Road (9,063 total sq.ft., 7,003 sq.ft. retail floor area).

Table 1
Hours of Operation

	MON	TUES	WED	TH	FRI	SAT	SUN
Crest Furniture	10:30 - 8:00	10:30 - 8:00	10:30 - 6:00	10:30 - 8:00	10:30 - 5:00	10:30 - 5:00	11:30 - 5:00
Lee Auto Parts	8:00 - 6:00	8:00 - 6:00	8:00 - 6:00	8:00 - 6:00	8:00 - 6:00	8:00 - 4:00	closed
Proposed Holy Family Ministries Resale	10:00 - 7:00	10:00 - 7:00	10:00 - 7:00	10:00 - 8:00	10:00 - 7:00	10:00 - 7:00	10:00 - 7:00

Donations:

Donations to the store will be accepted during normal business hours, and received at the back door of the property which has ample room for two-way traffic in addition to parking. Crest Furniture has a recessed loading dock at the back of the building, and donation drop-offs to the store will not interfere with furniture delivery to Crest.

In promotional materials, donors will be instructed to drive up to the store's back door, identified by 4" lettering, and to ring a bell for entry. The back door will open directly into the store's ample receiving/sorting area. This area of the store will be staffed by paid employees and/or volunteers during all hours the store is open. If a donor enters through the front door seeking to drop off more than the bag(s) they are already carrying, s/he will be instructed to drive around to the rear drop-off door and ring the bell for entry.

In addition to receiving in-store donations, Holy Family will schedule special pickup events at partner churches. Additionally, we will offer scheduled home pickups of furniture donations, using a rented U-Haul truck and our own driver. Following these special church/home pickups, our driver will follow the same procedures that donors use to drop-off goods at the store. That is, the truck will arrive during the store's open hours and will unload at the back door into the receiving/sorting area.

PARKING SUPPLY

The existing lot has 70 regular parking stalls (39 in front and 31 in back), plus 4 accessible stalls in front, for a total of 74 parking spaces per the Land Title Survey (dated September 13, 2005) – Access to the front lot is provided by a two-way (in and out) drive on Rand Road, and a two-way (in and out) access drive on Dryden Avenue. The back lot is accessed by a two-way (in and out) access drive on Dryden Avenue, and also by a drive on the Northwest side of the building, ensuring easy traffic circulation.

PARKING OBSERVED

Holy Family Ministries conducted a parking analysis for two consecutive weeks:

- Fridays, March 28th and April 4th
- Saturdays, March 29th and April 5th
- Wednesdays, April 2nd and April 9th

Parking was observed every 30 minutes, and is summarized in Table 2 below. A complete log is included in Exhibit B and photos taken during the observations are included in Exhibit C.

Table 2
Parking Observation Summary

FRIDAYS		FRONT OF STORE		BACK OF STORE	
		<i>39 spaces + 4 handicapped</i>		<i>31 spaces</i>	
		LOW	HIGH	LOW	HIGH
3/28/2014	11:00 - 2:00	5	8	2	3
4/4/2014		5	9	2	3
3/28/2014	5:00 - 7:00	2	5	2	2
4/4/2014		3	6	2	2

SATURDAYS		FRONT OF STORE		BACK OF STORE	
		<i>39 spaces + 4 handicapped</i>		<i>31 spaces</i>	
		LOW	HIGH	LOW	HIGH
3/29/2014	11:00 - 2:00	7	12	4	5
4/5/2014		6	12	4	5
3/29/2014	3:00 - 5:00*	3	6	2	5
5/5/2014		4	7	3	5

* Note: Lee Auto closes at 4:00 and Crest at 5:00 so cars were counted between 3:00 and 5:00

WEDNESDAYS		FRONT OF STORE		BACK OF STORE	
		<i>39 spaces + 4 handicapped</i>		<i>31 spaces</i>	
		LOW	HIGH	LOW	HIGH
4/2/2014	11:00 - 2:00	5	8	2	3
4/9/2014		5	8	2	4
4/2/2014	5:00 - 7:00	6	8	3	3
4/9/2014		7	9	3	4

PARKING DEMAND FOR HOLY FAMILY MINISTRIES' RESALE STORE

Holy Family Ministries anticipates a peak number (occupant load) of 30 customers and 6 employees/volunteers during peak hours. Some of these customers may arrive in the same car. This is the same occupant load that has been used to determine the plumbing fixture count as allowed per the State of Illinois Plumbing Code. While 30 customers for 30 minute durations is a peak number, based on the experience of similar sized upscale resale stores (Palatine, Niles, Schaumburg), we anticipate the average number of customers will typically be 10 – 15 customers for 20 minute durations.

Holy Family Ministries' resale store will have 7,003 sq.ft. of retail floor space. Therefore, we would need 23 parking spaces in order to have one parking space for every 300 square feet of floor area per the Village of Arlington Height's Zoning Ordinance Retail Parking Requirements. The two other stores, Crest Furniture and Lee Auto Parts, require 37 and 7 parking spaces respectively based on their retail floor areas of 11,125 sq. ft. and 2,131 sq. ft.. Per these calculations the property requires a minimum of 67 regular parking spaces and the property currently has 70 regular parking spaces.

CONCLUSION

Based on the six days of parking counts and the parking demand by the current two users, Crest Furniture and Lee Auto Parts, the addition of our proposed Resale Store will not create a parking demand beyond what can be accommodated in the existing parking lot even during peak demand.

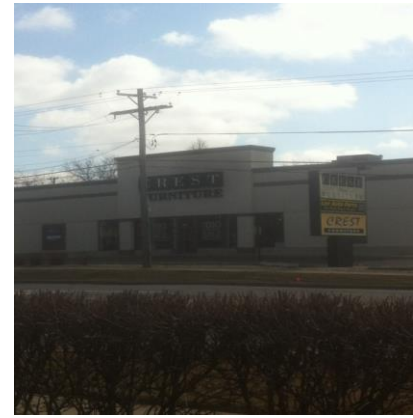
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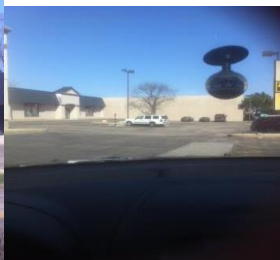
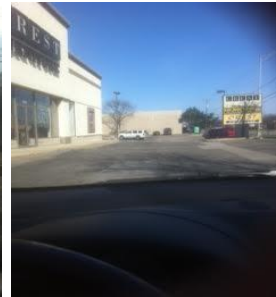
Exhibit B

PARKING OBSERVED												
Number available	Friday		Saturday		Wed		Friday		Saturday		Wed	
	3/28/2014		3/29/2014		4/2/2014		4/4/2014		4/5/2014		4/9/2014	
	Front	Back	Front	Back	Front	Back	Front	Back	Front	Back	Front	Back
	43	31	43	31	43	31	43	31	43	31	43	31
11:00	6	2	7	5	6	3	5	2	6	4	6	4
11:30	5	2	7	5	7	3	6	2	8	5	5	3
12:00	7	3	7	5	8	3	9	3	7	5	8	3
12:30	8	2	10	5	5	2	9	3	10	4	8	3
1:00	6	3	10	4	6	3	7	3	9	5	5	3
1:30	5	2	12	5	6	3	7	3	11	4	6	2
2:00	6	2	8	5	5	2	6	2	12	5	5	4
3:00			3	5					4	5		
3:30			4	5					5	4		
4:00			6	4					7	3		
4:30			5	3					5	3		
5:00			3	2					6	3		
5:00	5	2			6	3	6	2			7	4
5:30	4	2			7	3	3	2			8	4
6:00	2	2			8	3	3	2			9	3
6:30	0	0			0	0	0	0			0	0
7:00	0	0			0	0	0	0			0	0

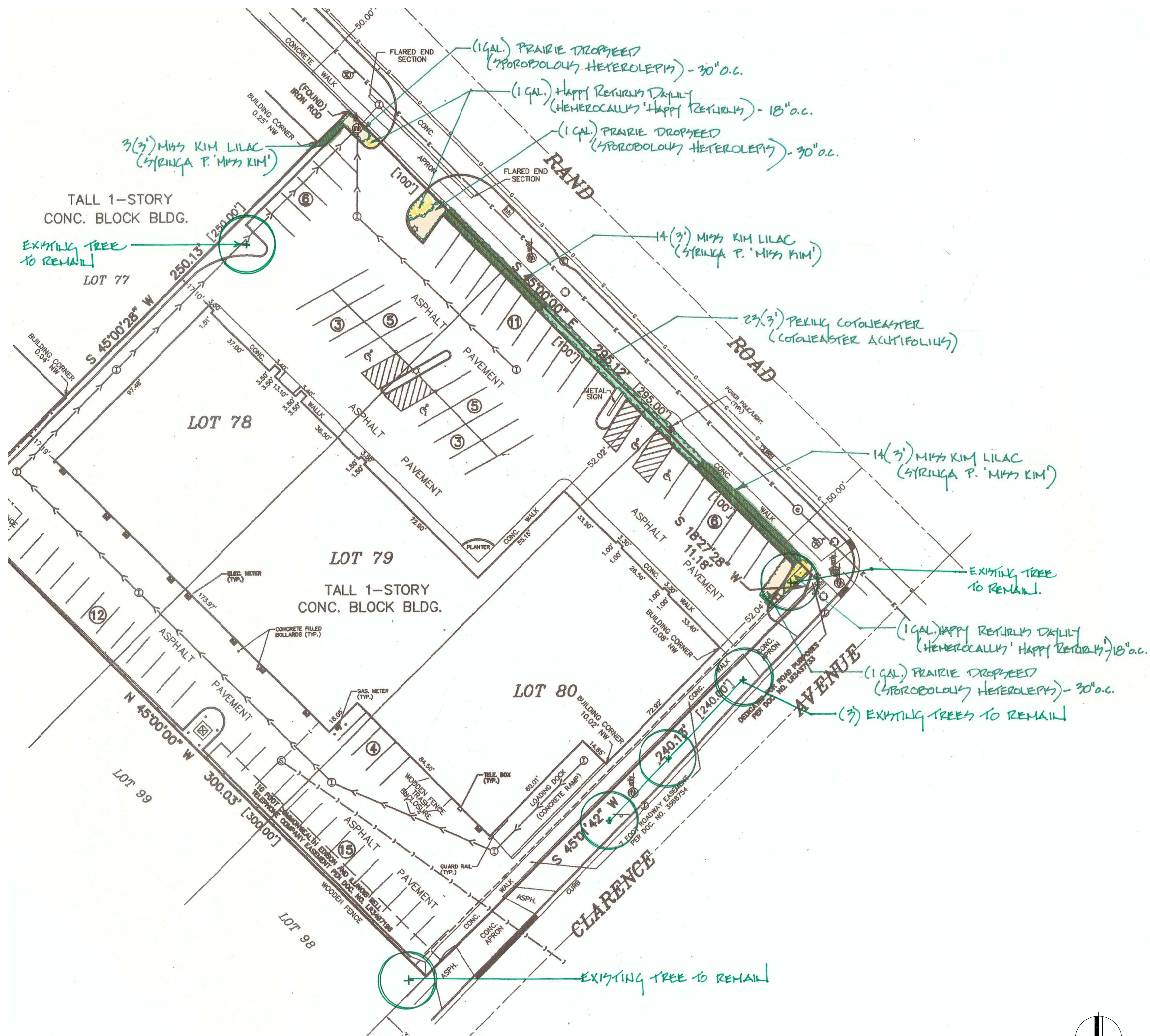
Observed by Gwen Kessler and Janet Werwath

Exhibit C
Sample photos





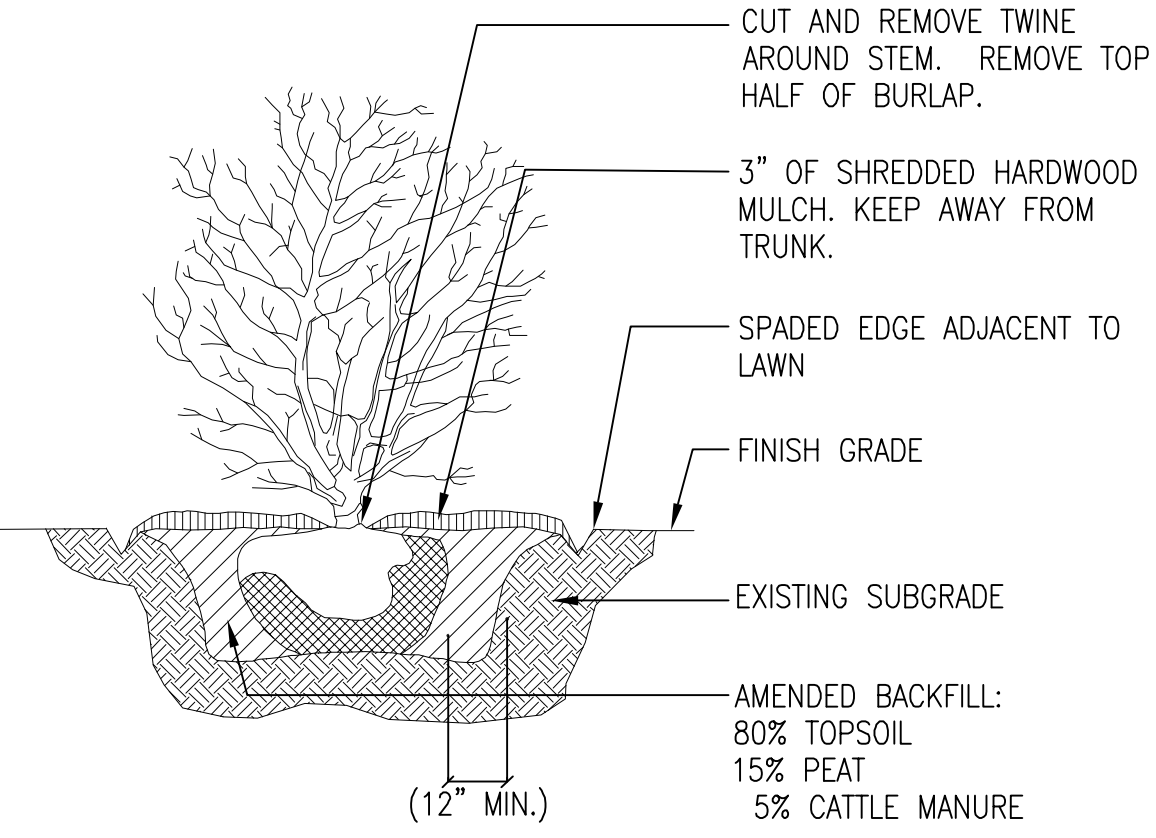
HOLY FAMILY MINISTRIES RESALE SHOP



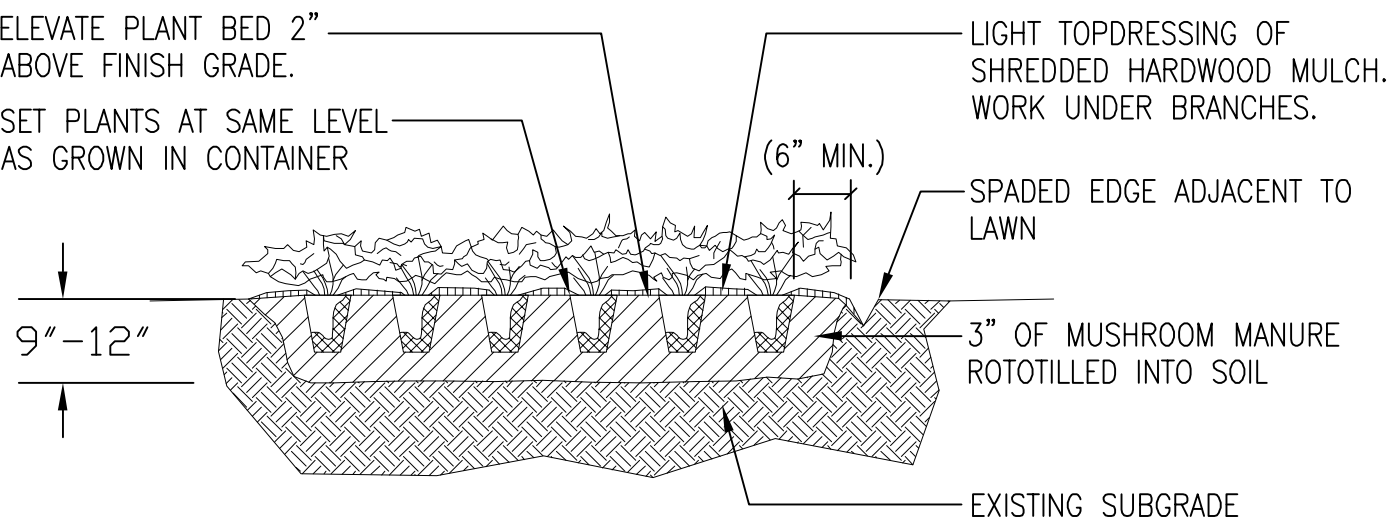
PLANT LIST					
KEY	QUANTITY	BOTANIC NAME	COMMON NAME	SIZE	REMARKS
DECIDUOUS SHRUBS					
-	23	COTONEASTER ACUTIFOLIUS	PEKING COTONEASTER	3'	BB
-	31	SYRINGA P. 'MISS KIM'	MISS KIM LILAC	3'	BB
PERENNIALS & ORNAMENTAL GRASSES					
-	85	HEMEROCALLIS 'HAPPY RETURNS'	HAPPY RETURNS DAYLILY	1 GAL.	18" O.C.
-	50	SPOROBOLUS HETEROLEPIS	PRAIRIE DROPSIED	1 GAL.	30" O.C.

MATERIAL SCHEDULE			
KEY	QUANTITY	MATERIAL	REMARKS
-	10 C.Y.	MULCH	SHREDDED HARDWOOD
-	4 C.Y.	COMPOST	MUSHROOM COMPOST

- GENERAL NOTES
- QUANTITY LISTS ARE SUPPLIED AS A CONVENIENCE. CONTRACTOR SHALL VERIFY ALL QUANTITIES.
 - CONTRACTOR SHALL VERIFY LOCATIONS OF ALL UNDERGROUND UTILITIES PRIOR TO DIGGING. CONTACT "J.U.L.I.E." (JOINT UTILITY LOCATING FOR EXCAVATORS) 1-800-892-0123.
 - PLANTING BEDS SHALL BE ELEVATED SLIGHTLY TO PROVIDE FOR PROPER DRAINAGE. SHOULD THE LANDSCAPE CONTRACTOR ENCOUNTER DRAINAGE PROBLEMS WHICH MAY BE DETRIMENTAL TO THE GROWTH OF THE SPECIFIED PLANT MATERIALS, THE OWNER SHALL BE NOTIFIED ACCORDINGLY, PRIOR TO INSTALLATION.
 - PLANT MATERIAL SHALL BE NURSERY GROWN AND BE EITHER BALL AND BURLAPPED OR CONTAINER GROWN. SIZES INDICATED ON PLANT LIST REPRESENT MINIMUM REQUIREMENTS. THE REQUIREMENTS FOR MEASUREMENT, BRANCHING AND BALL SIZE SHALL CONFORM TO THE "AMERICAN STANDARD FOR NURSERY STOCK" (LATEST EDITION) BY THE AMERICAN NURSERY AND LANDSCAPE ASSOCIATION. PLANT MATERIALS FOR GROUPINGS OR WHERE SYMMETRY IS CRITICAL, SHALL BE MATCHED AS NEARLY AS POSSIBLE.

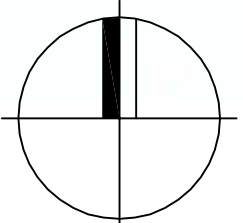


SHRUB INSTALLATION DETAIL
N.T.S.



- NOTE:
- INSTALL PLANTS UTILIZING TRIANGULAR SPACING
 - SPECIFIC SPACING DIMENSIONS LISTED ON DRAWING
 - CONSULT PERENNIAL DISTRIBUTOR FOR PRECISE PLANTING DEPTHS

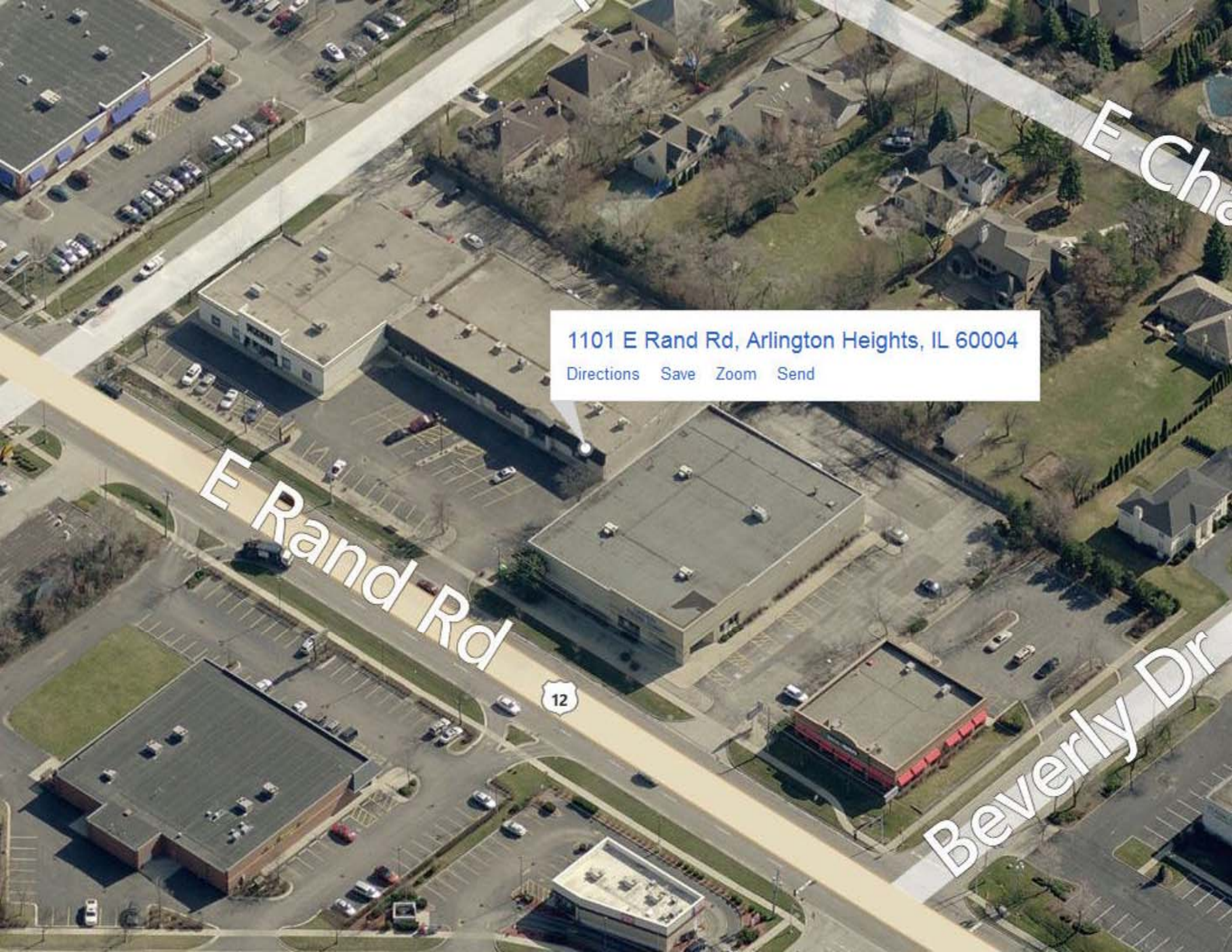
PERENNIAL & ORNAMENTAL GRASS
INSTALLATION DETAIL
N.T.S.



SCALE : 1"=20'

JUNE 11, 2014

JOB #14-1740.01
(© 2014 FGM Architects Inc.)



1101 E Rand Rd, Arlington Heights, IL 60004

[Directions](#) [Save](#) [Zoom](#) [Send](#)

E Rand Rd



Beverly Dr



Item: Quinlan & Fabish Music - PC#14-012

Department: Planning & Community Development

BACKGROUND

A Land Use Variation to allow retail sales of musical instruments.

A variation from Chapter 28, Section 6.12-1(3) to waive the required Traffic and Parking Study.

RECOMMENDATION

The Staff Development Committee recommends approval of a Land Use Variation to permit retail sales in the M-2 district and a variation to Chapter 28, Section 6.12-1(3) to waive the required Traffic and Parking Study.

This approval shall be subject to the following conditions:

1. This Land Use Variation shall apply to Quinlan and Fabish only.
2. The point of sale for retail items shall be from the Arlington Heights location for items sold at this location.
3. The Petitioner shall comply with all Federal, State, and Village codes, regulations, and policies.

ATTACHMENTS:

Description	Type
PC Staff Report	Report
Plat & Sub Minutes	Minutes
Business Narrative	Correspondence
Site Plan & Floor Plan	Exhibits
Department Comments & Petitioner's Response	Correspondence
Petitioner Response to Land Use Variation	Correspondence
Parking Analysis	Correspondence
Aerial	Exhibits

STAFF DEVELOPMENT COMMITTEE REPORT

To: Plan Commission
 Prepared By: Bill Enright, Deputy Director Planning and Community Development
 Meeting Date: June 25, 2014
 Date Prepared: June 18, 2014
 Project Title: Quinlan and Fabish
 Address: 59 W. Seegers Road

BACKGROUND INFORMATION

Petitioner: Quinlan and Fabish
 Address: 6827 High Grove Blvd.
 Burr Ridge, IL 60527

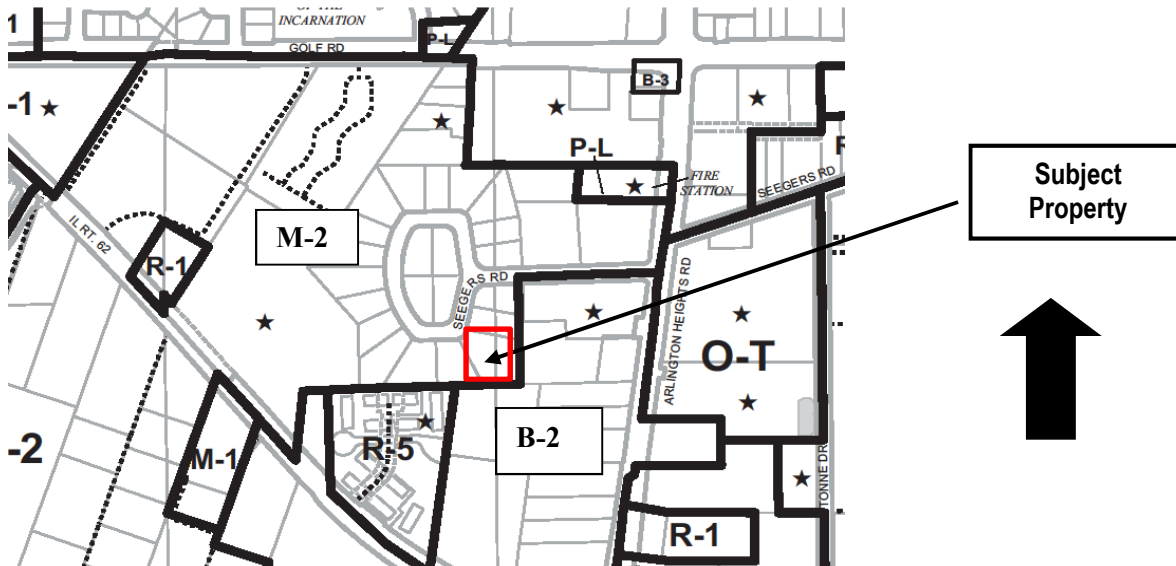
Existing Zoning: M-2 (Limited Heavy Manufacturing District)

Requested Action:

- A Land Use Variation to allow retail sales of musical instruments

Variations Identified:

- Chapter 28, Section 6.12-1(3) to waive the required Traffic and Parking Study



Surrounding Properties

Direction	Existing Zoning	Existing Use	Comprehensive Plan
North	M-2 Limited Heavy Manufacturing	Office	RDMW
South	B-2 General Business	Vacant Land	Commercial
East	B-2 General Business	Office	Commercial
West	M-2 Limited Heavy Manufacturing	The Buddy Foundation	RDMW

Summary

The petitioner, Quinlan and Fabish Music Company, is a music school and retailer of musical instruments. The Commercial School is permitted in the M-2 district, however the retail sales of instruments is not permitted in M-2. Therefore a Land Use Variation is necessary for the retail component. The square footage of the building is 9,913 s.f., and according to the floor plan submitted, about 1,740 sq. ft. or 18% of the floor area is devoted to the showroom for retail sales. The remainder of the floor space consists of the school and areas allocated for offices and warehousing and a small room for repair of instruments. Quinlan and Fabish is looking to relocate from Mt. Prospect to Arlington Heights. They also operate several other locations in the region.

The proposed hours of operation are M-Thr: 10 am – 8 pm; Fri: 10 am – 5 pm, Sat: 9 am – 4 pm, closed Sundays. Staffing includes 12 full time and about 15 part time.

Zoning and Comprehensive Plan

The site is currently zoned M-2 Limited Heavy Manufacturing District. Pursuant to the Village's zoning ordinance, retail is not permitted therefore the petitioner submitted a written justification based on the following hardship criteria:

- **The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone; and**
- **The plight of the owner is due to unique circumstances; and**
- **The variation, if granted, will not alter the essential character of the locality.**

The proposed action is consistent with the Village's Comprehensive Plan, which designates the subject site as Research Development Manufacturing Warehousing, as 82% of the floor space is being utilized for uses permitted in the M-2 district.

Plat and Subdivision Committee

On May 28, 2014, the Plat and Sub Committee met to discuss the project. Discussion centered on the allocation of floor space for each component and how much of the business is retail versus commercial school. The subcommittee was overall supportive of the use.

Building and Site Related Issues

The Petitioner has provided a floor plan which shows the allocation of space. Since this will constitute a change in use of the building, the petitioner's architect was encouraged to meet with the Building Department to ascertain what building code improvements may be necessary such as sprinklers, washroom facilities, access, etc.

Traffic & Parking Related Issues

The following is a breakdown of parking requirements:

			<u>Spaces</u>
Practice Rooms/School:	11 employees	1 per employee	11
	15 students	1 / 2 students	8
Retail:	1,740	1:300 sf	6
Work Area:	5 employees	1 per 2	3
Office Warehouse:	2,149	1:300	<u>7</u>
TOTAL REQUIRED:			35
PROVIDED:			37

A traffic and parking study is required by code for projects seeking a Land Use Variation and not located on a major or secondary arterial. Staff supports a variation to not require a full study as the petitioner provided actual parking counts of their facility in Mt. Prospect. The parking count survey indicated that the maximum autos parked on site was 30 on a Saturday late morning. The typical parking demand was around 20 autos. Given this information, the 37 on site spaces should be more than adequate.

None the less, the following variation is requested:

Chapter 28, Section 6.12-1(3) to waive the required Traffic and Parking Study. Staff supports this variation as the petitioner provide a parking study and the traffic volumes are not expected to be significant.

Recommendation

The Staff Development Committee recommends approval of a Land Use Variation to permit retail sales in the M-2 district and a variation to Chapter 28, Section 6.12-1(3) to waive the required Traffic and Parking Study. This approval shall be subject to the following conditions:

1. This Land Use Variation shall apply to Quinlan and Fabish only.
2. The point of sale for retail items shall be from the Arlington Heights location for items sold at this location.
3. The Petitioner shall comply with all Federal, State, and Village codes, regulations, and policies.

_____, June 19, 2014
Bill Enright, Deputy Director of Planning and Community Development

C: William C. Dixon, Village Manager
All Department Heads

**REPORT OF THE PROCEEDINGS OF
THE PLAT & SUBDIVISION COMMITTEE
OF THE VILLAGE OF ARLINGTON HEIGHTS PLAN COMMISSION**
HELD AT VILLAGE HALL ON:

May 28, 2014

Project Title: Quinlan and Fabish
Address: 59 W. Seegers Road
Petitioner: Cheryl Quinlan
Quinlan Properties
16W241 S. Frontage Rd, Suite 34
Burr Ridge, IL 60527

Requested Action:

1. A Land Use Variation to permit a retail sales in the M-2 District.

Variations Required:

1. A variation from Chapter 28, Section 6.12, Traffic Engineering, to waive the requirement for a traffic and parking study from a certified traffic engineer.

Attendees: Cheryl Quinlan, Petitioner
George Quinlan, Petitioner
Jack Henning, Broker for Petitioner
Jay Cherwin, Plan Commissioner
Lynn Jensen, Plan Commissioner
John Sigalos, Plan Commissioner
Terry Ennes, Plan Commissioner
Bill Enright, Deputy Director Planning and Community Development

Project Summary

The petitioner, Quinlan and Fabish Music Company, is a music school and retailer of musical instruments. The Commercial School is permitted in the M-2 district, however the retail sales of instruments is not permitted in M-2. Therefore a Land Use Variation is necessary for the retail component. The square footage of the building is 9,913 s.f., and according to the floor plan submitted, about 1,740 sq. ft. or 18% of the floor area is devoted to the showroom for retail sales. The remainder of the floor space consists of the school and areas allocated for offices and warehousing and a small room for repair of instruments. Quinlan and Fabish is looking to relocate from Mt. Prospect to Arlington Heights. They also operate several other locations in the region.

Meeting Discussion:

G. Quinlan provide a summary on the background of the business, which is located in several communities in the Chicago area. Their existing store in Mt. Prospect does not meet their needs and they would like to relocate to Arlington Heights. They understand that the retail sales is not permitted in the M-2 district, and thus are seeking a land use variation. About 18% to 25% of the floor area will be for retail sales, with the remainder for a commercial school for musical instruments. The company was founded in 1959 and they do a lot of work with local school districts. This includes support to schools with instruments and teaching. About 90% of their business is off site within the schools that they serve. However they are looking to enhance their on site class room and retail space.

B. Enright indicated that an application was just submitted and we are looking to expedite the project and schedule the public hearing for June 25. Staff is very much in support of the project as it is a good use of the building. Staff would recommend that all sales from this location be booked as originating from the Village so as to capture sales taxes.

G. Quinlan added that they are looking to acquire the building. He confirmed that all retail sales from the Arlington Heights store will be booked as originating in Arlington Heights.

Commissioner Sigalos pointed out that this property abuts B-2 commercial zoning, which allows retail sales. Therefore he supports this request.

Commissioner Jensen mentioned that most of their revenue would seem to come from retail sales. He also asked how long has the property been vacant?

B. Enright indicated that about 18% to 25% of the floor space is devoted to retail and that is how we measure the extent of the use of land, not the revenues.

J. Henning stated that the building became vacant recently as the owner of the building and previous business occupying the building, moved to a larger location. They now need to sell the building. He added that the Mt. Prospect store generates about \$85,000 in annual sales taxes to the Village so that would be expected in Arlington Heights as well.

C. Quinlan added that the lessons are not taxed and about 50% of their sales are tax exempt to the schools. The remainder of sales are taxed.

Commissioner Jensen asked if staff was satisfied that the petitioner has met the land use variation criteria?

B. Enright responded that the petitioners response to the land use variation criteria would be evaluated with the recent petition submitted.

Commissioner Ennes added that he would like to see vacant buildings occupied. He asked if the floor plans, which indicate that about 65% of the floor area are for lessons and 35% for the remainder, if those percentages reflect the percentages of sales and profit? He also added that this was a good location for this business.

G. Quinlan responded that it is the lessons component which drives the need for this large of space and sales are also a significant portion of the business. Most sales actually occur off site at the schools as they have 19 sales reps that visit schools. However all sales which occur at the store in Arlington Heights, would be booked as originating from that location on Seegers Road.

Commissioner Ennes indicated that the subcommittee generally supports the project and to move forward with the formal public hearing process.

RECOMMENDATION

The Plat & Sub Committee did not have objections to the request and agreed that the Petitioner should move forward through the process.

Commissioner Ennes adjourned the meeting at 7:00 PM.

**Terry Ennes, Vice-Chair
PLAT & SUBDIVISION COMMITTEE
Bill Enright, Recorder**



April 18, 2014

Mr. Steve Hautzinger, AIA, LEED AP
Design Planner
Village of Arlington Heights
Dept. of Planning & Community Development
33 S. Arlington Heights Road
Arlington Heights, IL 60005

Dear Mr. Hautzinger,

Thank you for your response to our agent, Jack Henning's request from April 1, 2014. I believe this information below will assist you in making a decision regarding a variance for the property at 59 W. Seegers. An overview of our company might be helpful.

Established in 1959, Q&F is a 2nd generation, family-owned, school music dealer specializing in providing a range of products and services for school bands and orchestras. Currently we operate in eight locations in three states (IL, IN, MI). *Although we are a retailer, we estimate only about 10% of our customers actually ever visit our stores.* We have a team of nineteen dedicated school service representatives who visit schools on a weekly route bringing our range of services to the band/orchestra directors, parents, and students. The vast majority of this work is done in our Burr Ridge headquarters.

While our stores vary in size, the Northwest Suburban location (currently in Mt. Prospect) has always had a component of lessons. Since most of our rental customers utilize our school music service, our lesson customers represent the greatest amount of store traffic. Currently we have about 150 students-mostly during the evenings and Saturday. This proposed new location would have about 10 studios and one large group lesson room. So, at maximum operation at any given time, we would have 10-15 students and 11 teachers at any given time period. They are generally young students and their parents provide transportation.

Our staff would total approximately 12 full-time people plus about 15 (part-time) instructors. Five are repair technicians, Two are school representatives, and Five would constitute our retail & lesson team. Our hours of operation would likely be identical (Mon-Thurs 10AM-8PM, Friday 10AM-5PM, and Saturday 9AM-4PM-closed Sunday). Our traffic count on a typical day (exclusive of lesson families) is only about 25 customers for the entire day. So, as you can see, retail sales are not the primary focus. We anticipate the floor area to be divided as follows: 40% Lessons, 25% Showroom, 15% Repair, 20% Warehouse/Office.

We believe the current parking facilities (37) will accommodate our needs as it is more than we currently have in Mt. Prospect. We have included a preliminary drawing of the building floor plan.

Please let me know if you have further questions or concerns. I am available best by cell phone at 630.333.5359 or by email at GQJR@QANDF.COM

We believe that our customers in District 59 and District 25 will greatly appreciate having our new location in Arlington Heights! Thank you for your consideration.

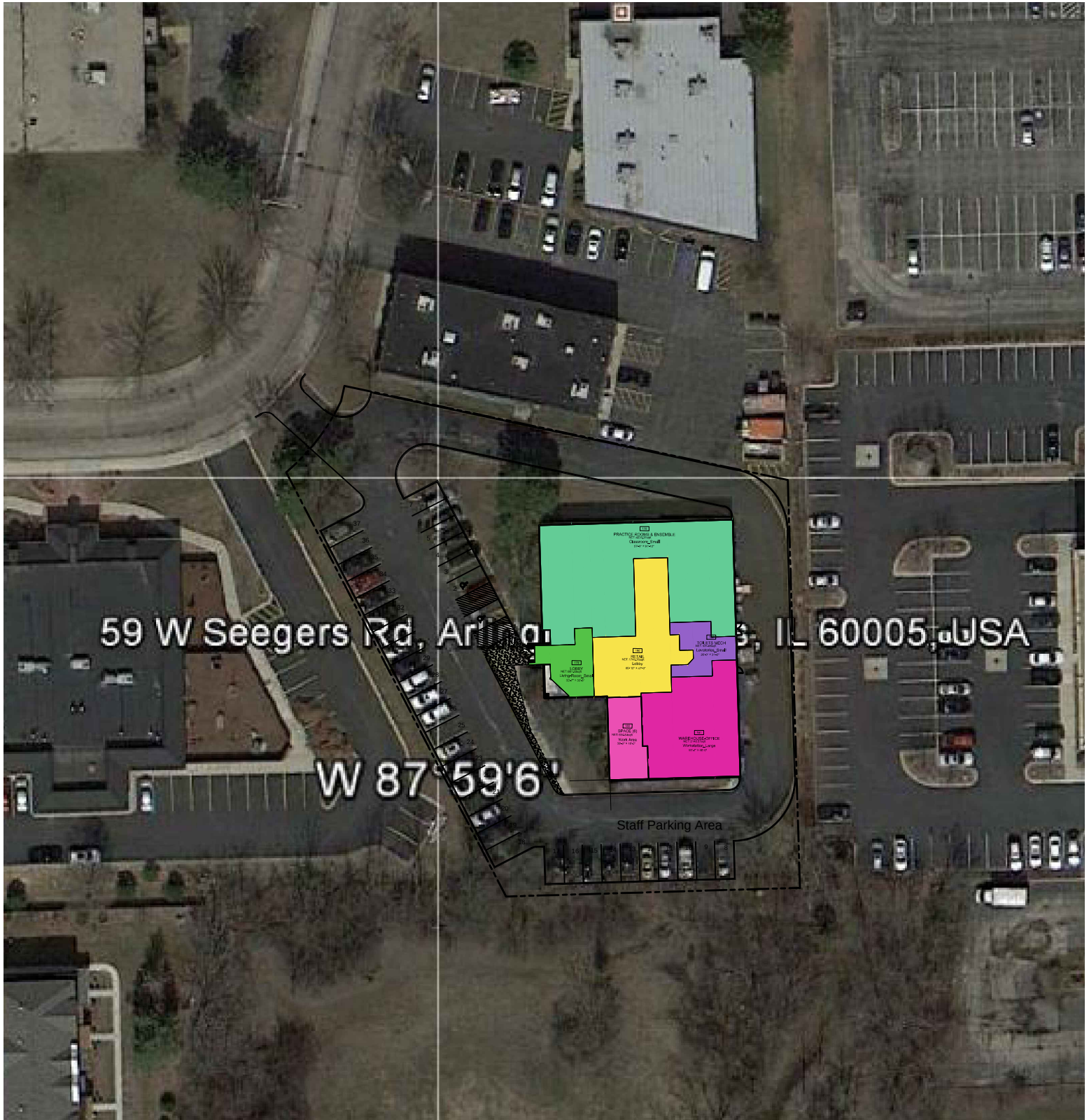
George Quinlan, Jr.

George Quinlan, Jr.
President

6827 High Grove Blvd. Burr Ridge, IL 60527 630.654.4111

Quinlan & Fabish Music Center

59 West Seegers Road
Arlington Heights, IL 60005



SCALE: 1" = 32'

Location Plan

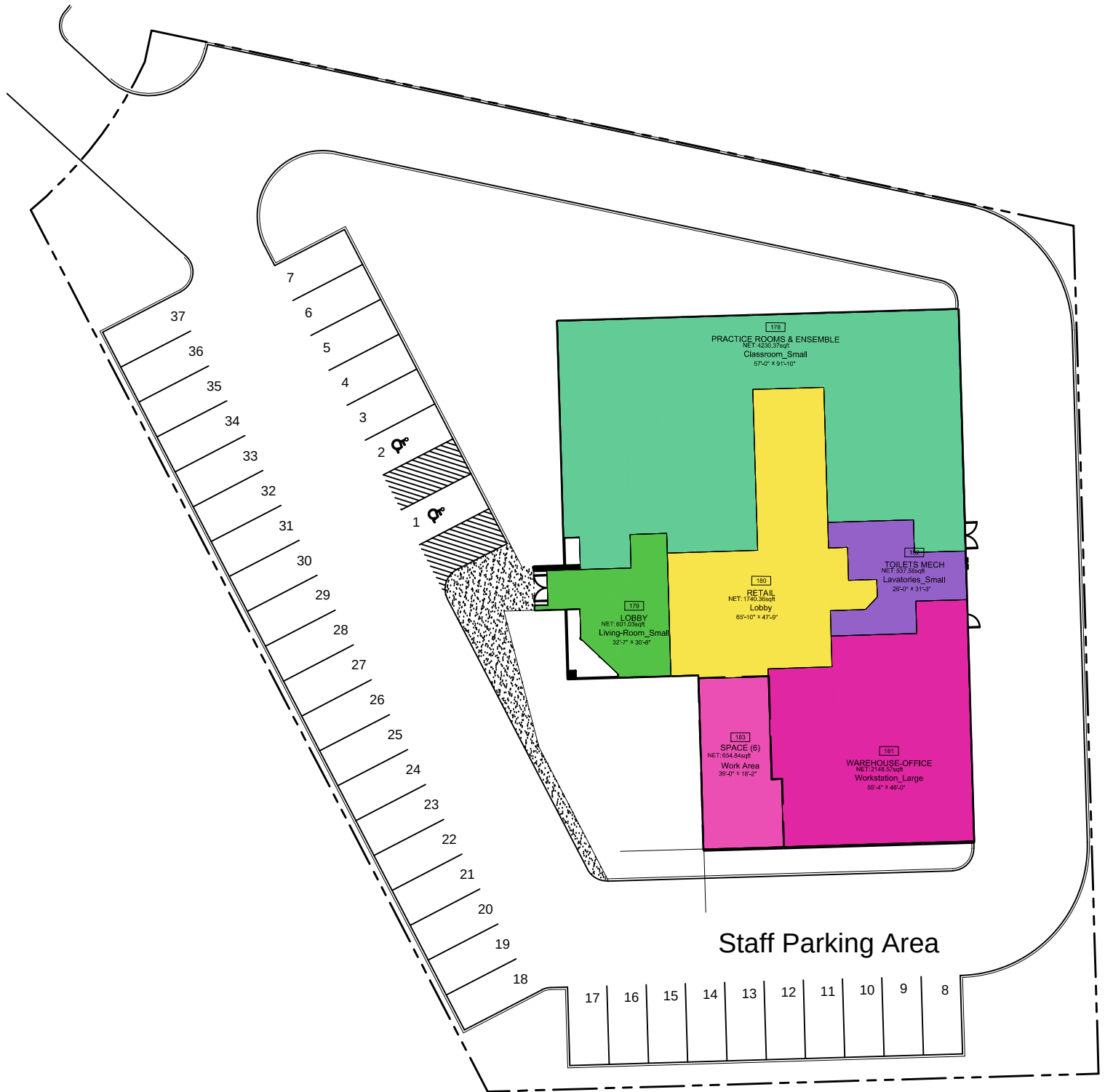
April 22, 2014



CENTERLINE
645 Tollgate Road, Suite 110
Elgin, IL 60123
847.531.4450 v
224.629.4366 f

Quinlan & Fabish Music Center

59 West Seegers Road
Arlington Heights, IL 60005



SCALE: 1" = 32'

Site Plan

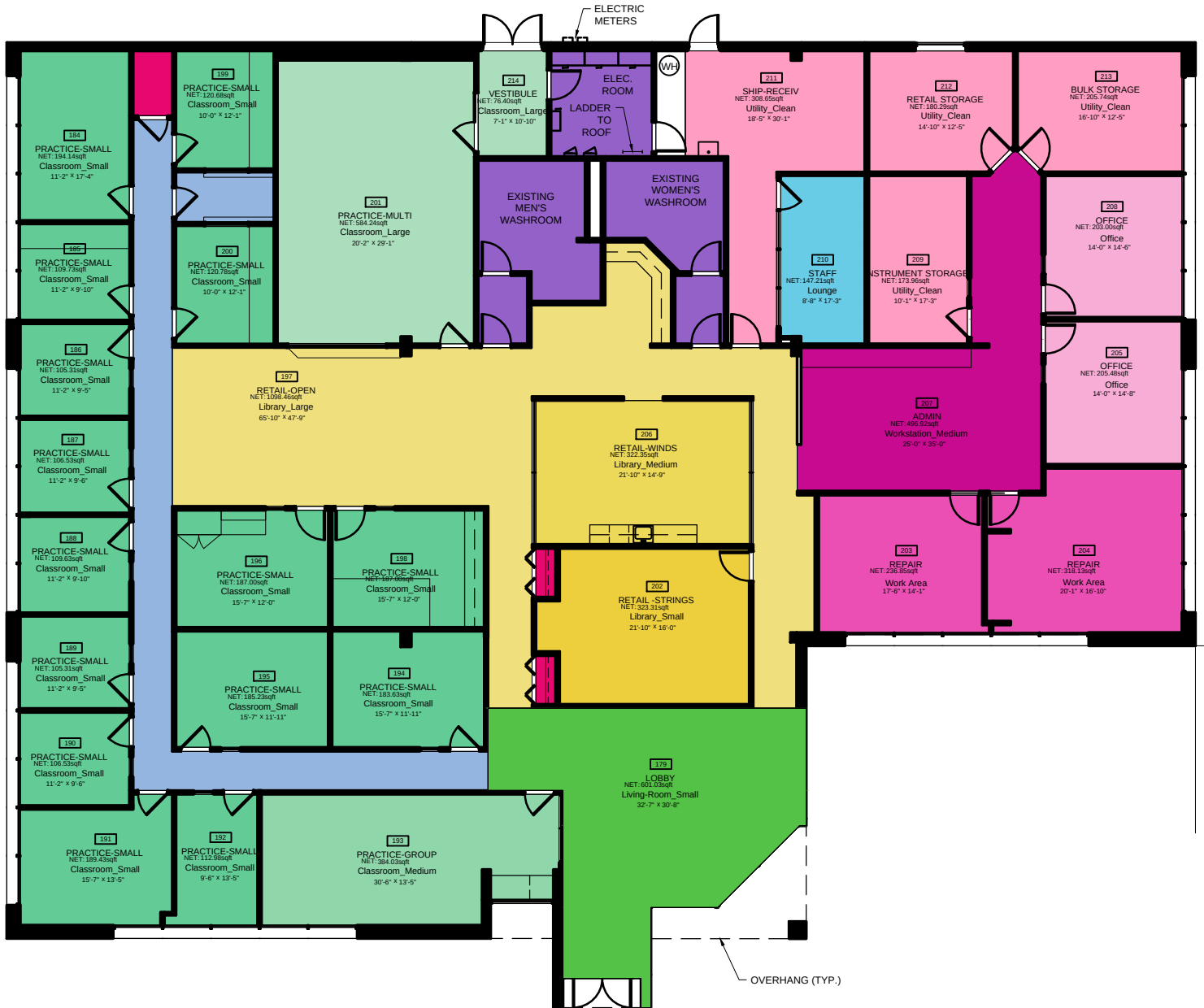
April 22, 2014

CENTERLINE
645 Tollgate Road, Suite 110
Elgin, IL 60123
847.531.4450 v
224.629.4366 f



Quinlan & Fabish Music Center

59 W. Seegers Road
Arlington Heights, IL 60005



SCALE: 1" = 16'



Floor Plan

April 22, 2014

CENTERLINE

645 Tollgate Road, Suite 110
Elgin, IL 60123
847.531.4450 v
224.629.4366 f

BUILDING DEPARTMENT

1

PETITIONER'S APPLICATION - ARLINGTON HEIGHTS PLAN COMMISSION

Petition #: P.C. <u>14-012</u>	P.I.N.# <u>08-16-200-082</u>
Petitioner: <u>Quinlan Properties LLC</u>	Location: <u>59 W Seegers Road</u>
<u>16W241 S Frontage Rd-Suite 34</u>	Rezoning: <u> </u> Current: <u>M-2</u> Proposed: <u>M2</u>
<u>Burr Ridge, IL 60527</u>	Subdivision: <u> </u>
Owner: <u>Seegers Road LLC</u>	# of Lots: <u> </u> Current: <u> </u> Proposed: <u> </u>
<u>1941 Rohlwing Rd # C</u>	PUD: <u> </u> For: <u> </u>
<u>Rolling Meadows, IL 60008-1338</u>	Special Use: <u> </u> For: <u> </u>
Contact Person: <u>Cheryl Quinlan, Quinlan Properties</u>	Land Use Variation: ☒ For: <u>Retail Sales</u>
Address: <u>16W241 S Frontage Rd-Suite 34</u>	Land Use: <u> </u> Current: <u>Office</u>
<u>Burr Ridge, IL 60527</u>	Proposed: <u>See Above</u>
Phone #: <u>630 455-0001</u>	Site Gross Area: <u>42,279 SF (.97 Acres)</u>
Fax #: <u>630 455-0004</u>	# of Units Total: <u> </u>
E-Mail: <u>cquinlan@quinlanpcpa.com</u>	1BR: <u> </u> 2BR: <u> </u> 3BR: <u> </u> 4BR: <u> </u>

(Petitioner: Please do not write below this line.)

DO EXISTING STRUCTURES, IF ANY, MEET MINIMUM REQUIREMENTS OF THE FOLLOWING:

<u>YES</u>	<u>NO</u>
------------	-----------

- | | | | |
|----|---------------|---------------|-----------------------|
| 1. | <u> </u> | <u> </u> | VILLAGE BUILDING CODE |
| 2. | <u> </u> | <u> </u> | PRESENT ZONING USE |
| 3. | <u> </u> | <u> </u> | REQUESTED ZONING USE |
| 4. | <u> </u> | <u> </u> | SUBDIVISION REQUIRED |
| 5. | <u> </u> | <u> </u> | SIGN CODE |

6. GENERAL COMMENTS:

ALL AREAS OF RETAIL AND MUSIC INSTRUCTION
MUST BE ACCESSIBLE. PROVIDE ACCESSIBILITY
DETAILS FROM PARKING, ACCESSIBLE ROUTE, DOORS,
RAMPS/LANDINGS, WASHROOMS AND ETC

CHARLEY CRAIG5-27-14Director

Date

PLAN REVIEWER

BUILDING DEPARTMENT

1A

PETITIONER'S APPLICATION - ARLINGTON HEIGHTS PLAN COMMISSION

Petition #: P.C. <u>14-012</u>	P.I.N.# _____
Petitioner: <u>Quinlan Properties LLC</u>	Location: <u>59 W Seegers Road</u>
<u>16W241 S Frontage Rd-Suite 34</u>	Rezoning: _____ Current: <u>M-2</u> Proposed: <u>M2</u>
<u>Burr Ridge, IL 60527</u>	Subdivision: _____
Owner: <u>Seegers Road LLC</u>	# of Lots: _____ Current: _____ Proposed: _____
<u>1941 Rohlwing Rd # C</u>	PUD: _____ For: _____
<u>Rolling Meadows, IL 60008-1338</u>	Special Use: _____ For: _____
Contact Person: <u>Cheryl Quinlan, Quinlan Properties</u>	Land Use Variation: ☒ For: <u>Retail Sales</u>
Address: <u>16W241 S Frontage Rd-Suite 34</u>	Land Use: _____ Current: <u>Office</u>
<u>Burr Ridge, IL 60527</u>	Proposed: <u>See Above</u>
Phone #: <u>630 455-0001</u>	Site Gross Area: <u>42,279 SF (.97 Acres)</u>
Fax #: <u>630 455-0004</u>	# of Units Total: _____
E-Mail: <u>cquinlan@quinlanpcpa.com</u>	1BR: _____ 2BR: _____ 3BR: _____ 4BR: _____

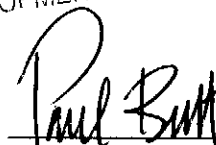
(Petitioner: Please do not write below this line.)

INSPECTIONAL SERVICES

NO COMMENTS

RECEIVED

JUN - 6 2014

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT
Director6/5/2014
Date

PUBLIC WORKS DEPARTMENT

2

PETITIONER'S APPLICATION - ARLINGTON HEIGHTS PLAN COMMISSION

Petition #: P.C. <u>14-012</u>	P.I.N.# _____
Petitioner: <u>Quinlan Properties LLC</u>	Location: <u>59 W Seegers Road</u>
<u>16W241 S Frontage Rd-Suite 34</u>	Rezoning: _____ Current: <u>M-2</u> Proposed: <u>M2</u>
<u>Burr Ridge, IL 60527</u>	Subdivision: _____
Owner: <u>Seegers Road LLC</u>	# of Lots: _____ Current: _____ Proposed: _____
<u>1941 Rohlwing Rd # C</u>	PUD: _____ For: _____
<u>Rolling Meadows, IL 60008-1338</u>	Special Use: _____ For: _____
Contact Person: <u>Cheryl Quinlan, Quinlan Properties</u>	Land Use Variation: ☒ For: <u>Retail Sales</u>
Address: <u>16W241 S Frontage Rd-Suite 34</u>	Land Use: _____ Current: <u>Office</u>
<u>Burr Ridge, IL 60527</u>	Proposed: <u>See Above</u>
Phone #: <u>630 455-0001</u>	Site Gross Area: <u>42,279.SF (.97 Acres)</u>
Fax #: <u>630 455-0004</u>	# of Units Total: _____
E-Mail: <u>cquinlan@quinlanpcpa.com</u>	1BR: _____ 2BR: _____ 3BR: _____ 4BR: _____

(Petitioner: Please do not write below this line.)

	EXISTING IMPROVEMENT	REQUIRED IMPROVEMENT	COMMENTS
1. UTILITIES:			
Water	_____	_____	_____
Metering	_____	_____	_____
Backflow	_____	_____	_____
Sanitary Sewer	_____	_____	_____
Storm Sewer	_____	_____	_____
2. SURFACE:			
Pavement	_____	_____	_____
Curb & Gutter	_____	_____	_____
Sidewalks	_____	_____	_____
Street Lighting	_____	_____	_____
3. GENERAL COMMENTS:			



Asst. Director _____ Date 6-2-14

Memorandum

To: Bill Enright, Deputy Director of Planning & Community Development
From: Cris Papierniak, Assistant Director of Public Works 
Date: June 2, 2014
Subject: 59 W. Seegers #14-012

The Public Works Department has no comments regarding Land Use Variation for 59 W. Seegers Road.

Thank you for the opportunity to comment on this permit application.

C: file

LF

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JUN - 3 2014

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

PETITIONER'S APPLICATION - ARLINGTON HEIGHTS PLAN COMMISSION

Petition #: P.C. 14,012
 Petitioner: Quinlan Properties LLC
16W241 S Frontage Rd-Suite 34
Burr Ridge, IL 60527
 Owner: Seegers Road LLC
1941 Rohlwing Rd # C
Rolling Meadows, IL 60008-1338
 Contact Person: Cheryl Quinlan, Quinlan Properties
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 Phone #: 630 455-0001
 Fax #: 630 455-0004
 E-Mail: cquinlan@quinlanpcpa.com

P.I.N.# _____
 Location: 59 W Seegers Road
 Rezoning: _____ Current: M-2 Proposed: M2
 Subdivision: _____
 # of Lots: _____ Current: _____ Proposed: _____
 PUD: _____ For: _____
 Special Use: _____ For: _____
 Land Use Variation: ☒ For: Retail Sales
 Land Use: _____ Current: Office
 Proposed: See Above
 Site Gross Area: 42,279 SF (.97 Acres)
 # of Units Total: _____
 1BR: _____ 2BR: _____ 3BR: _____ 4BR: _____

(Petitioner: Please do not write below this line.)

1. PUBLIC IMPROVEMENTS

REQUIRED: _____ YES NO COMMENTS

a. Underground Utilities

Water _____ ☒ _____Sanitary Sewer _____ ☒ _____Storm Sewer _____ ☒ _____

b. Surface Improvement

Pavement _____ ☒ _____Curb & Gutter _____ ☒ _____Sidewalks _____ ☒ _____Street Lighting _____ ☒ _____

c. Easements

Utility & Drainage _____ ☒ _____Access _____ ☒ _____

2. PERMITS REQUIRED OTHER THAN VILLAGE:

a. MWRDGC _____ b. IDOT _____

c. ARMY CORP _____ d. IEPA _____

e. CCHD _____

3. R.O.W. DEDICATIONS? _____

4. SITE PLAN ACCEPTABLE? _____

5. PRELIMINARY PLAT ACCEPTABLE? _____

6. TRAFFIC STUDY ACCEPTABLE? _____

7. STORM WATER DETENTION REQUIRED? _____

8. CONTRIBUTION ORDINANCE EXISTING? _____

9. FLOOD PLAIN OR FLOODWAY EXISTING? _____

10. WETLAND EXISTING? _____

YES NO COMMENTS

_____ ☒ __________ ☒ __________ ☒ __________ ☒ __________ ☒ __________ ☒ __________ ☒ __________ ☒ _____~~GENERAL COMMENTS ATTACHED~~ No FURTHER COMMENTS AT THIS TIME.PLANS PREPARED BY: N/ADATE OF PLANS: N/A

Director

Date

RECEIVED
 JUN - 5 2014
 PLANNING & COMMUNITY
 DEVELOPMENT DEPARTMENT

Joan J. Mull 6/5/14
 Director Date

ARLINGTON HEIGHTS POLICE DEPARTMENT

Community Services Bureau

DEPARTMENT PLAN REVIEW SUMMARY

Quinlan and Fabish – 59 W. Seegers Rd.
Land Use Variation

Round 1 Review Comments

06/06/2014

1. Character of use:

The character of use is consistent with the area and is not a concern.

2. Are lighting requirements adequate?

Lighting should be up to Village of Arlington Heights code.

3. Present traffic problems?

There are no traffic problems.

4. Traffic accidents at particular location?

This is not a problem area in relation to traffic accidents.

5. Traffic problems that may be created by the development.

It does not appear this project will create any traffic problems.

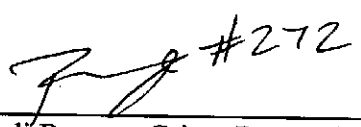
6. General comments:

Special attention should be made for the lighting on the exterior of the building and in the parking lot. As well as existing landscaping along the south edge of the parking lot where there appears to be a wooded area- landscaping should be kept between 2-6 ft- below 2ft and above 6ft- to avoid creating hiding or ambush locations.

RECEIVED

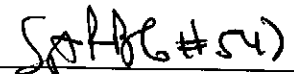
JUN - 9 2014

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

 #272

Brandi Romag, Crime Prevention Officer
Community Services Bureau

Approved by:

 #54

Supervisor's Signature

HEALTH SERVICES DEPARTMENT

6

PETITIONER'S APPLICATION - ARLINGTON HEIGHTS PLAN COMMISSION

Petition #: P.C. <u>14-012</u>	P.I.N.# _____
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Owner: <u>Seegers Road LLC</u>	# of Lots: _____ Current: _____ Proposed: _____
<u>1941 Rohlwing Rd # C</u>	PUD: _____ For: _____
<u>Rolling Meadows, IL 60008-1338</u>	Special Use: _____ For: _____
Contact Person: <u>Cheryl Quinlan, Quinlan Properties</u>	Land Use Variation: ☒ For: <u>Retail Sales</u>
Address: <u>16W241 S Frontage Rd-Suite 34</u>	Land Use: _____ Current: <u>Office</u>
<u>Burr Ridge, IL 60527</u>	Proposed: <u>See Above</u>
Phone #: <u>630 455-0001</u>	Site Gross Area: <u>42,279 SF (97 Acres)</u>
Fax #: <u>630 455-0004</u>	# of Units Total: _____
E-Mail: <u>cquinlan@quinlanpcpa.com</u>	1BR: _____ 2BR: _____ 3BR: _____ 4BR: _____

(Petitioner: Please do not write below this line.)

1. GENERAL COMMENTS:

No comments at this time.

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MAY 29 2014

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

Sean Freres, LEHP

5/28/14

Environmental Health Officer

Date

James McCalister

5/28/14

tor

Direc
Date

PETITIONER'S APPLICATION - ARLINGTON HEIGHTS PLAN COMMISSION

Petition #: P.C. 14-012
 Petitioner: Quinlan Properties LLC
16W241 S Frontage Rd-Suite 34
Burr Ridge, IL 60527
 Owner: Seegers Road LLC
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Rolling Meadows, IL 60008-1338
 Contact Person: Cheryl Quinlan, Quinlan Properties
 Address: 16W241 S Frontage Rd-Suite 34
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 PUD: _____ For: _____
 Special Use: _____ For: _____
 Land Use Variation: ☒ For: Retail Sales
 Land Use: _____ Current: Office
 Proposed: See Above
 Site Gross Area: 42,279 SF (97 Acres)
 # of Units Total: _____
 1BR: _____ 2BR: _____ 3BR: _____ 4BR: _____

(Petitioner: Please do not write below this line.)

YES NO

1. X _____ COMPLIES WITH COMPREHENSIVE PLAN?
2. X _____ COMPLIES WITH THOROUGHFARE PLAN?
3. _____ X VARIATIONS NEEDED FROM ZONING REGULATIONS?
(See below.)
4. _____ X VARIATIONS NEEDED FROM SUBDIVISION REGULATIONS?
(See below.)
5. _____ X SUBDIVISION REQUIRED?
6. _____ X SCHOOL/PARK DISTRICT CONTRIBUTIONS REQUIRED?
(See below.)

Comments:

See attached

B. M. Long 6/5/14
 Date

Planning and Community Development

Staff Comments

Quinlan and Fabish PC#14-012

1. There should be only one response (2B-1) to the Land Use Variation criteria. This should be from the current property owner. Information provided by the petitioner can be merged into the owner's response. The "Reasonable Return" section in the response has a few blanks that have not been filled in. Also please revise the first paragraph on page two of the response by deleting the reference to a variation for Minor Repair as the variation is not needed for minor repair.

2. Staff had requested actual parking counts for the Mt. Prospect store as outlined in the Staff Development Committee report dated May 22, 2014 that was discussed at the Plat and Subdivision meeting May 28, 2014. Specifically cited on page two of the report is the following:

"A traffic and parking study is required by code for projects seeking a Land Use Variation and not located on a major or secondary arterial. Staff supports a variation to not require a full study, but in lieu of would recommend a parking analysis. This analysis should include parking counts of the existing facility in Mt. Prospect over a three day period (2 weekdays and Saturday) during the noon and evening hours. Although the facility meets code for parking, this study is recommended in order to substantiate that on-site parking is sufficient."

3. Please acknowledge that the point of sale for items sold at the Arlington Heights store will be reported out of the Arlington Heights store.

PETITIONER'S APPLICATION - ARLINGTON HEIGHTS PLAN COMMISSION

Petition #: P.C. 14-012
Petitioner: Quinlan Properties LLC
16W241 S Frontage Rd-Suite 34
Burr Ridge, IL 60527
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of Lots: _____ Current: _____ Proposed: _____
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Land Use Variation: ☒ For: Retail Sales
Land Use: _____ Current: Office
Proposed: See Above
Site Gross Area: 42,279 SF (97 Acres)
of Units Total: _____
1BR: _____ 2BR: _____ 3BR: _____ 4BR: _____

(Petitioner: Please do not write below this line.)

LANDSCAPE & TREE PRESERVATION:

1. Complies with Tree Preservation Ordinance
2. Complies with Landscape Plan Ordinance
3. Parkway Tree Fee Required
(See below.)

YES NO

N/A _____

Comments:

NO COMMENTS

[Signature] 6/4/14
Coordinator Date

Petitioners Response

The petitioner has provide parking counts and indicated via the attached email that the point of sales will be Arlington Heights for product sold at the Arlington Heights location.

Enright, Bill

From: Cheryl Quinlan <cquinlan@quinlan CPA.com>
Sent: Friday, June 06, 2014 4:03 PM
To: Enright, Bill
Cc: 'George Quinlan, Jr.'; 'Jack Henning'
Subject: RE: Staff Review and Comments on Petition

Ok Bill thank you. We are in the process of doing the parking counts in for Mt Prospect and will have them for you next week. We have contacted our architect regarding the building code requirements and will make sure that everything that is required will be addressed. Also we will revise the first paragraph and remove any reference to a variation for minor repairs, and finally, this is to confirm that the point of sale for items sold at the Arlington Heights store will be reported out of the Arlington Heights store.

Cheryl Quinlan

From: Enright, Bill [<mailto:benright@vah.com>]
Sent: Friday, June 06, 2014 9:29 AM
To: cquinlan@quinlan CPA.com
Subject: Staff Review and Comments on Petition

Cheryl: Please respond in writing to the few comments by department number. The key comment is the parking counts that were requested by Staff as part of the Staff Report from May 22, 2014. If you can have these counts done next week then forwarded to me by June 16th that would be helpful. If you don't want to address the counts then please provide a reason why. Thank you.

Bill Enright
Deputy Director Planning & Community Development
Village of Arlington Heights
33 S. Arlington Heights Road
Arlington Heights, IL 60005
847-368-5211

LAND USE VARIATION

Owner's Statement

Property: 59 Seeger Road, Arlington Heights, IL

Description: 42,279 SF (.97 Acres) Site Improved With A 9,913 SF Single Level Structure

Owner: Seegers Road LLC

Matthew S. Murphy, Manager

1941 Rohlwing Road # C,

Rolling Meadows, IL 60008-1338

Applicant: Quinlan Properties LLC

Cheryl Quinlan, Managing Partner

16W241 S Frontage Rd-Suite 34

Burr Ridge, IL 60527

Proposed Tenant: Quinlan & Fabish Music Company

Current Property Zoning Classification: Limited Heavy Manufacturing District (M-2)

Land Use Variation: Retail Sales In M-2 District

Quinlan Properties LLC ("Applicant") has entered into a PURCHASE AND SALE AGREEMENT with Seegers Road LLC ("Owner") for property located at 59 Seegers Road ("Subject Property"). Upon closing of the PURCHASE AND SALE AGREEMENT, Applicant has informed Owner that it will enter into a long term lease with Quinlan & Fabish Music Company for the subject property.

Applicant has further informed Owner that its proposed tenant, Quinlan & Fabish Music Company, intends to operate a music school on the property.

The Subject Property is currently zoned Limited Heavy Manufacturing District (M-2) in the Village of Arlington Heights, Illinois. Music schools, offices and major repairs are permitted uses within the M – 2 classification.

Applicant has informed Owner that since approximately eighteen percent (18%) of the building area is intended to be used for Showroom/Retail Sales, and seven percent (7%) for minor repairs, Applicant intends to apply for a Land Use Variation from the Village of Arlington Heights to allow Retail Sales.

REASONABLE RETURN

The Subject Property is currently vacant. As of April 30, 2014, the former occupant of the building, Fusion 92, relocated to larger office space. The Subject Property, which is listed FOR SALE by Daniel Murphy from American Heritage Corporation, has been on the market and actively promoted by Mr. Murphy since September 11, 2012. During Mr. Murphy's marketing campaign, the property was shown to prospects nine times. Applicant was the only reasonable offer to purchase the Subject Property received by the Owner.

PLIGHT OF THE OWNER

The Owner of the Subject Property leased the property to a digital marketing service by the name of FUSION 92. FUSION 92 is owned by Matthew S. Murphy who is also Manager of Seegers Road LLC. As mentioned previously, FUSION 92 required larger space and has vacated the Subject Property.

The Owner has ongoing expenses associated with the property and currently no property income to offset these expenses. In addition, Owner has equity in the Subject Property which it would like to redeploy.

While the NW Suburban Chicago office market continues to gradually improve, a significant amount of generic single office space remains on the market. The Subject Property is improved with a building refurbished in 2010, however, it is unique, almost special purpose, due to the building size, and the fact it is a standalone structure. Typically, a building of this size appeals to a narrow segment of the office user market.

The Owner has reached agreement to sell the Subject Property to a user/purchaser which it believes is appropriate for the property, compatible with neighboring land uses, and will be beneficial to the Village of Arlington Heights, including additional tax revenue with minimal demand for municipal services. Obviously, proceeds from the sale of the Subject Property will benefit Owner as well. The Owner, therefore, encourages the Village of Arlington Heights to process, and approve the Land Use Variation to assure continued optimum use of the Subject Property.

Essential Character of the Locality

Applicant does not contemplate changes to the exterior of the property including landscaping, building exterior elevations, parking lot configuration, and property signage in the foreseeable future.

Applicant has analyzed existing parking and determined that the existing thirty-seven (37) stripped parking spaces are adequate to meet operation needs of the Proposed Tenant.

The Applicant has reached agreement to purchase the subject property for a use which it believes is appropriate for the property, compatible with neighboring businesses, will be beneficial to the Village of Arlington Heights, including additional tax revenue with minimal demand for municipal services, and allow its Proposed Tenant to upgrade and relocate its current Music School in the Village of Mount Prospect. Therefore, the Applicant encourages the Village of Arlington Heights to process and approve the Land Use Variation as expeditiously as possible to order to ensure Applicant complies with the terms of the PURCHASE AND SALE AGREEMENT.

QUINLAN & FABISH MUSIC COMPANY PARKING ALLOCATION STATEMENT

Location:	59 Seegers Road Arlington Heights, IL	621 Main St. Mt Prospect, IL
Lot Size:	42,279 SF/.97 Acres	35,000 SF
Building Size:	9,913 SF	10,000 approx
Parking Spaces:	37 Stripped Spaces	36 Regular, 2 Handicap
Hours of Operation:	M_10:00 A.M. - 8:00 P.M. T_10:00 A.M. - 8:00 P.M. W_10:00 A.M. - 8:00 P.M. T_10:00 A.M. - 8:00 P.M. F_10:00 A.M. - 5:00 P.M. S_9:00 A.M. - 4:00 P.M. S_CLOSED	M_10:00 A.M. - 8:00 P.M. T_10:00 A.M. - 8:00 P.M. W_10:00 A.M. - 8:00 P.M. T_10:00 A.M. - 8:00 P.M. F_10:00 A.M. - 5:00 P.M. S_9:00 A.M. - 4:00 P.M. S_CLOSED

Quinlan & Fabish Music Company ("Q & F") has operated its business in Mt Prospect for almost ten (10) years. During that time, our customers and employees have always enjoyed the convenience of sufficient free parking while visiting, or working at our facility.

During our almost ten (10) year operating history in Mt Prospect, Q & F store management has never been cited by the Village of Mt Prospect regarding parking infractions. In addition, Q & F store management is unaware of customers or employees receiving parking tickets related to illegal off premises parking near the facility.

Q & F is projecting customer traffic counts for the proposed Q & F Arlington Heights facility similar to the existing Mt Prospect facility. We believe the thirty-seven (37) existing stripped parking spaces at the 59 W Seegers Road property will be sufficient to meet the needs of our customers and employees.

P. 1 D

Quinlan & Fabish Music Co
Mt Prospect - Vehicles in Parking Lot

	5-Jun	7-Jun	8-Jun	9-Jun
	Thursday	Saturday	Sunday	Monday
09:00am	closed	17	closed	closed
10:00am	14	17	closed	14
11:00am	11	30	closed	15
12:00pm	9	23	closed	11
1:00pm	11	20	closed	20
2:00pm	12	16	closed	13
3:00pm	15	15	closed	21
4:00pm	13	7	closed	23
5:00pm	18	closed	closed	21
6:00pm	6	closed	closed	17
7:00pm	6	closed	closed	11
8:00pm	7	closed	closed	8

Includes employee vehicles

Quinlan and Fabish



May 21, 2014

