



Village of Arlington Heights
Plan Commission
Board Room
Arlington Heights Village Hall
33 S. Arlington Heights Road
Arlington Heights, IL 60005
January 10, 2018
7:30 PM

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. St. James Parish - 12/13/17

IV. PUBLIC HEARINGS

- A. Chapter 28 Text Amendments - Phase 2 - PC#17-005

V. OTHER BUSINESS

- A. Annual Review of Comprehensive Plan

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: St. James Parish - 12/13/17

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
St. James Parish - 12/13/17	Minutes

PLAN

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

COMMISSION

RE: ST. JAMES PARISH - 831 NORTH ARLINGTON HEIGHTS ROAD - PC#17-012

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 13th day of December, 2017 at the hour of 7:30 p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

SAM HUBBARD, Development Planner

CHAIRMAN ENNES: I'd like to call this meeting of the Arlington Heights Plan Commission to order. If I could ask you all to please rise and say the pledge of allegiance with us?

(Pledge of allegiance recited.)

CHAIRMAN ENNES: Please be seated. Sam, would you take the roll?

MR. HUBBARD: Commissioner Cherwin.

COMMISSIONER CHERWIN: Here.

MR. HUBBARD: Commissioner Dawson.

(No response.)

MR. HUBBARD: Commissioner Drost.

COMMISSIONER DROST: Here.

MR. HUBBARD: Commissioner Green.

COMMISSIONER GREEN: Here.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: Here.

MR. HUBBARD: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Here.

MR. HUBBARD: Commissioner Sigalos.

COMMISSIONER SIGALOS: Here.

MR. HUBBARD: Commissioner Warskow.

COMMISSIONER WARSKOW: Here.

MR. HUBBARD: Chairman Ennes.

CHAIRMAN ENNES: Here. We have, first business item, we have minutes from our last meeting on November 8th for the Hey Nonny project. Can I have a motion to approve that?

COMMISSIONER GREEN: I'll make that motion.

CHAIRMAN ENNES: Is there a second?

COMMISSIONER JENSEN: Second.

CHAIRMAN ENNES: All in favor?

(Chorus of ayes.)

CHAIRMAN ENNES: Anybody opposed?

(No response.)

CHAIRMAN ENNES: Does anyone need to abstain that was not here?

COMMISSIONER DROST: Yes, I do.

CHAIRMAN ENNES: Sam, just a note that Commission Dawson arrived. Okay, our first Petitioner, or the only Petitioner this evening, if I could ask whoever is going to give comments to please come forward? Will there be anybody else speaking with you?

MR. HICHENS: No, just the two of us.

CHAIRMAN ENNES: Just the two of you, okay. I would like to swear both of you in.

(Witnesses sworn.)

CHAIRMAN ENNES: So, who's going to start?

REVEREND FOLEY: I will start.

CHAIRMAN ENNES: If you would please come forward to the microphone, tell us your name and please spell it for the court reporter?

REVEREND FOLEY: Reverend Matt Foley, M-a-t-t F-o-l-e-y, Master at St. James.

CHAIRMAN ENNES: Would you tell us about your project?

REVEREND FOLEY: Sir, thank you so much for this time, and thank you to the Village of Arlington Heights. When we chose Newman Architecture for our program, you met with us two and a half years ago. We're very grateful for the guidance for the plan. The project is basically to address two primary issues. One is handicap accessibility to our church, our worship space, and the second is to add additional parking, nearly 50 slots on that parking lot adjacent to our church.

MR. HUBBARD: I'm going to see if I can dim the lights because it's washed out on the screen.

CHAIRMAN ENNES: Okay. If you would give us your name and spell it please?

MR. HICHENS: Good evening. My name is Matthew Hichens, H-i-c-h-e-n-s. I am one of the principals of Newman Architecture. I'm a licensed architect in the state of Illinois.

So, I want to go through the project. We're very excited to share the project with you folks tonight. There's a lot of great things happening in this project including, you know, maintaining the stormwater, added parking, a great new addition for St. James Parish. So, excited to share the details with it, and we have a lot of representatives here. We have a representative with the civil engineer, traffic study engineer, my associate architect, the general contractor is also here. So, if there are questions that pertain to any part of the project, we'd be happy to answer them the best that we can. I'll take a few minutes to go through the project, and then certainly we'll hear Staff's comments and welcome the public comments as well.

So, first, starting about the site development, as you know, St. James Parish is kind of bisected in an east and a west campus by Arlington Heights Road. On the west side of the campus, they have the school and the parish center and its associated parking. As part of this project, there is no work happening on that part of the site. On the east side existing, we have the rectory up at the north corner of the existing church and its footprint, the old elementary school which is currently vacant, and then over the years the parish has acquired some additional property to the south which we are utilizing for additional off-street parking and for some of the stormwater detention.

Another little close-up of the site plan, this is more of the architectural site plan. Again, here you can see the outline of the existing church. In the dark gray, you can see the outline of the proposed addition. As Father Matt had said, the key reason for the project, the reason the project started was for accessibility to this older structure. It's a half level above grade, it's the main level of the nave, the basement level is half below grade, there is no elevator and there's a number of stairs. So, the real crux of the project and the reason it started was providing handicap accessibility to the building which are going to be an elevator and a new entry foyer. We're also providing a handicap accessible toilet room. So, it's a real great upgrade for the building, a great upgrade for the parish and the community.

As we talk about to the south side of the site, this is the approximate location of the existing elementary school that is being demolished. Again, right now it's a vacant building, so it's a very nice site improvement to have that leaving or being taken away from the site. Some of this is the property that's been acquired to the south which allows us to

add 50 additional off-street parking spots as a part of this addition, which again is a great benefit and a great add to the parish and the community.

Also along this southern perimeter here, we have a landscape plan if anybody is interested, we're putting a six-foot high board-on-batten fence with a large amount of landscaping. We want to be sensitive to the neighbors to our south and provide additional screening between their residences and the site.

As I think was in the report, we did have a neighborhood meeting a number of weeks ago, presented the project to the same radius of people that were invited tonight and tried to, you know, hear their comments and incorporate as many of those comments as we could. We think it was a very positive meeting.

Quick description of the floor plans. In here you can see the existing outline and size of the existing church and nave. Just kind of flowing in there is the, in the black walls is the additional spaces that are being added to the south and to the east side of the existing church. This is going to become the new main entry which faces the additional parking onto the south. The lobby level is at grade, and at that level we have an elevator that connects all of the levels of the building for handicap accessibility. There's stairs up to a new gathering area which has the new handicap toilets here. You can get into the original narthex from this location. There is also going to be a new door here, and a nice new access to see the new font and then the main access headed towards the sanctuary to the east. There are some additional seating, we have new pews in these areas. So, round numbers again, that existing building kind of ends here, and then this is a part of the addition to the east.

This is the lower level. Sorry, I thought I had made some, let me go back one. All right. So, the lower level, and again just to kind of get us acclimated, this is the perimeter right here of the existing church. Again, we're building the same footprint that we saw above to the south and the east. Here we're adding some meeting spaces, some additional storage spaces, additional mechanical and electrical spaces.

One of the things that we're most excited about on this level again is we have the elevator accessibility from the grade level above. Their lower level right now doesn't have the best egress, and so we now have a kind of perimeter corridor with multiple egress points. So, we're making it a much safer environment on the lower level.

From an elevation and 3D perspective, as an architect, our main goal on this job is to make it look like it was this way from day one. It's a great colonial looking red brick building. Obviously, the size and the scale changes a bit. We want to get a great brick match, we want to match the stone quoins that are present on the corners so we have some of that detailing. These windows are the same size and shape as the stained glass windows which are immediately to the north of these. You can see here a skylight for natural light for the new gathering area, again the main entrance that faces south and the additional parking, an overhang for people to kind of spill and gather before and after mass so that we enter at grade level here, and then the additional spaces into the back on the east side.

One of the keys again from the roofline is we're just continuing the roofline as it is. We're not making anything higher. We're going to match the shingles. As a matter of fact, I think we're going to do an entire new shingle tear-off so we have an all new roof. Again, the sensitivity here is just to match the stone quoins, the brick. We had a very positive meeting and discussion with the Design Committee, and they have approved us to move forward with some minor conditions which we're taking care of. So, again, certainly not trying to make an

edifice to myself. We want to make sure that it's something that fits really well with the campus and the community.

Here's another view looking to the northwest. This rose window is kind of an interesting point, the rose window that exists here is being taken out and moved to the back. The Design Committee asked for a couple of additional columns and quoins here to kind of support that back nave look which we're incorporating into the design already. Again, you can see the overhang in the main entry down at the grade level.

Then finally, a kind of straight view, perspective view. We do have a main kind of north-south sidewalk that gets people from that larger south parking area to the main entrance. So, there's kind of one controlled crossing point to the main entrance.

Just a couple of items I have before I turn it over. Here's a quick glance at the landscape plan. This is where we're including that six-foot tall board-on-batten fence with a number of trees and landscaping materials here to provide a real nice block and concealment to our neighbors to the south. Again, you can see the small detention basin we have off to the south, and then new off-street extended parking spaces.

The utility plan, if we have to get to it, there are some questions that talk about some of the underground storage utility that we have.

The next couple of exhibits I just want to spend a couple of minutes on. There is one item in the Staff comments that we have been working diligently with Staff that we feel is a bit of a challenge for us. The question was can we use the existing traffic signal that's there to ingress and egress on to the new east part of our site? As you can see here, this is kind of the extent of the northbound and southbound curb cuts on the west side of the property. If we extend that light and that ingress/egress out, right in here we create quite a pinch point. So, the northern edge of that extended driveway is only about nine feet away from where the proposed addition is, and it eliminates the overhang and eliminates the large spill area for people coming in and leaving mass.

So, for us, this exhibits is challenging, plus it adds traffic on that northern driveway, so most of the people that are trying to get to church now are having to cross a fairly extensive driveway to get into church. It also eliminates the handicap parking spots that we had in this area, so now all the handicap parking spots have to be south of that driveway. So, again working together with our civil engineer and our traffic engineer, we felt this was a bit of a challenge, and we'd ask for Plan Commission to approve as drawn with the right-in and right-out that happens more at the south side of the site.

One last exhibit that goes with that is we did look at, I call them offset driveways. So, the curb cuts still aligned with the north and south curb cuts on the west side of the property, but here you can see the attempt was to try to get back to a point where that driveway was in this position so that we can maintain a nicer spill space and the overhang for the church on rough weather days. So, again this area is really just not efficient, not effective. It's, quite frankly, it's just not very good design.

So, again, we would ask the Plan Commission to approve the plan as submitted even though I think Staff is recommending a continuance on this issue. We feel like we have done some due diligence in terms of it just not being feasible, not to mention some of the other disadvantages. The additional costs are very significant for the parish to include that into the project.

The last bit, there was another item that was discussed. Staff had

asked if the parish could take over ownership and maintenance of the traffic signal itself. That traffic signal was moved I believe back in 2006. There was a letter from IDOT that had the Village of Arlington Heights responsible for the ownership and maintenance of that signal. That came up in some of the Staff discussion which the parish said they would consider.

Pastor Matt and Dev, the parish manager, did some due diligence with the archdiocese of Chicago. They talked to their real estate department, their legal department, and that's not something that those departments of the archdiocese who are the owners of the buildings and the property here are pretty much comfortable with. It's not something they've done in the past and it would be a very big precedent for them.

So, I would ask that Plan Commission approve our plans tonight with the exceptions of item one and item 11 that are on page 11 of 14 on the Staff document. Again, we feel we've done some due diligence on these items, and hopefully you agree. At the end of the day, the most important part is that this is a really wonderful project in terms of added off-street parking, in terms of additional landscape. The ingress and the right-in/right-out, it reduces the amount of traffic that goes into the neighborhood streets. The storm collection underground and the storm detention above grade, there are some very, very significant improvements on this property and we're excited to be a part of it. So, again, thank you for your attention. I'd be happy to answer any questions.

CHAIRMAN ENNES: Thank you, Mr. Hichens. Can I ask Reverend Foley to just come up? I have one quick question. When I opened, I should have asked you if you're familiar with the four conditions that are laid out regarding this application, and the fact that that has been amended. Sam, do we have a copy of the amended list of changes? I saw this online but I don't see that we have a copy. There's like 12 or 14 changes, and I think that's what, 15? There are 15.

MR. HUBBARD: There were 15 conditions of approval that Staff recommended if this application were to move forward this evening. I can certainly provide those in the motion sheet for the Plan Commission.

CHAIRMAN ENNES: If you could for the Commissioners. Do any of, do you not have a copy of it? So, are you aware of the two different lists of conditions?

REVEREND FOLEY: Yes, I am.

CHAIRMAN ENNES: Okay, thank you, that's all. It appears we have a number of people from the audience. Can I see a show of hands and approximately how many of you intend to come forward to speak after we get the hearing started? So, a number, okay.

Then, let me explain just where we're going from here. We're going to ask Staff to provide us with their report, and I'm going to ask, Sam, if you could provide Staff's basis for recommending the conditions involved in the detail of the alignment of the streets from the Staff's point of view so we have kind of an understanding on that. Once that is done, the Commissioners will have an opportunity to ask questions of both the Petitioner and Staff. Then we will have a period of time for members of the audience to come forward and make comments. Once all of those comments have been made, the public portion of the meeting will be closed, and it will come back to the Commissioners to make their final determination.

So, Sam, if I can ask you, were all the public notices made for the hearing?

MR. HUBBARD: They were, yes.

CHAIRMAN ENNES: Would you please provide us with your report?

MR. HUBBARD: Yes. Thank you, Chairman Ennes, and good evening to the Plan Commission.

As you've heard, the Petitioner is proposing the demolition of the existing school building, some improvements to the parking lot and underground utility infrastructure, as well as some addition to the existing church building located on the east campus. The changes are meant to provide additional parking options for parishioners, to expand the seating size of the church to accommodate for the masses that currently take place on the western campus at 10:00 a.m. and 11:30 a.m., and also make the church more accessible for individuals with disabilities.

The subject property includes both the east and west campuses and is subject to an existing special use permit that was approved in 1963. That special use permit was amended several times over the years, most recently in 2007, to allow the addition to the west campus and large scale improvements there that allowed the subject property to consolidate all school activities into the western campus.

So, one of the actions that the Plan Commission will be deliberating on this evening would be an amendment to the existing special use permit, and that's going to allow the site modifications that are proposed this evening to the east campus.

The second action would be an amendment to the Comprehensive Plan. This is due to the fact that the church has picked up two additional properties on the southern end, specifically 811 North Arlington Heights Road, and 810 North Pine Avenue. Those properties are currently designated as Single Family Detached, and because they're going to be incorporated into the church site and part of the detention area, the Comprehensive Plan designation needs to be amended from Residential to Institutional.

The third action requested is a planned unit development. Because the east and west campuses exist all as kind of one unified site despite being bisected by Arlington Heights Road in the center, a planned unit development is required. They do share parking between the two sites, and there are multiple buildings on the entire zoning lot which is considered both east and west campus which kicks in the PUD requirement.

Finally, as part of this process, a plat of subdivision to consolidate the east campus is required. I think the east campus consists of multiple lots of record, maybe upwards of 16 lots. So, the Petitioner is required to consolidate those lots into one to accommodate for the overall development.

Additionally, a number of variations are required, and I'll go into detail throughout this presentation. But the one I want to highlight is just fairly simple, it's the last variation there, to allow for the double frontage lot. I'll just kind of expand on that a little bit.

As the Petitioner is required to consolidate everything shown here into one lot, it creates one large lot that is defined by our code as a double frontage lot, meaning it has frontage on two streets that are not intersecting, that being Arlington Heights Road and Pine Avenue. Our subdivision code requires that any double frontage lot be restricted from access onto a major arterial. The Petitioner has proposed a right-in/right-out access onto Arlington Heights Road which is classified as a major arterial. So, technically, that access is not allowed by the subdivision code, so a variation is needed.

Staff is supportive of that variation. We believe that access onto Arlington Heights Road will actually be a benefit for this development. This restriction generally is more applicable to just like a single family residential lot that would have a frontage on a

neighborhood street on the front side and frontage on a majority arterial on the back side, and on a situation like that, this regulation makes complete sense because you wouldn't want multiple single family lots having access on a major arterial. But in this case, we don't believe it's practical and we're in support of that variation.

So, here you can see the aerial. Both portions of the subject property are outlined in red. On the right-hand side is the east campus consisting of the church, and on the west side which is the left side of the screen is the west campus which is composed of the school.

So, there have been several actions to date which have let us to this point this evening. On August 23rd, the Petitioner appeared before the Conceptual Plan Review Committee to present the concept. I think it was favorably reviewed by the Conceptual Plan Review Committee. Concerns at that time centered around possible parking constraint, some of the landscaping improvements that were needed, and the Conceptual Plan Review Committee encouraged a neighborhood meeting which the Petitioner did host on September 24th. A summary of that meeting as prepared by the Petitioner was provided to the Plan Commission. It's part of the public record on our website.

Finally, on October 24th, the Petitioner appeared before the Design Commission that did end in a favorable motion for approval contingent on several conditions. The first element this evening most notably I think was, you know, one of the conditions that would require a small bump-out and architectural detailing on the east rear of the building, or some small architectural changes requested on the southwest corner of the building as well. As the Petitioner has stated, they thought it was a favorable meeting, they are amenable to these conditions. If and when this application is ultimately to move forward to the Village Board, compliance with these Design Commission conditions would be required.

So, I'd just like to go through some of the particular variations that are requested. First of all, there was a variation requested to reduce the drive aisle width from 24 feet required to 22 feet. Specifically, the drive aisle width in question is shown here in red, it's originally proposed at 22 feet. Based on discussions with the Petitioner, the Petitioner has agreed to shorten, I'm sorry, to increase in width the segment on the north side here and the segment on the south side here to 24 feet. So, they have reduced the extent of the variation requested. I think on the north side they are able to do that because there's additional room here and here. So, we've kind of pushed these islands over to create that 24-foot width.

On the south side, they are able to accomplish this by possibly reducing the depth of the spaces from 19 feet to 16.5 and possible reduction there as well. Or alternatively, they can reduce in width the pedestrian connection here. But ultimately, they have agreed to do this where it is feasible. However, there is a small section here in the center that cannot be reduced in width and a variation is needed.

Staff is supportive of that variation for several reasons, one of which is if they were to increase the width of the drive aisle on the west side, they would be decreasing the green space which is proposed for some plantings along the church. Furthermore, the Design Commission does require a small bump-out in this area here, so it will make any decrease in green space very tight for landscaping. If they were to increase the width on this side, it would impact some of the preliminary planting for the parking lot that they are proposing along the eastern edge of the site. So, we feel that it's a sensible variation. We verified that emergency access won't be affected and we are supportive of the reduction in drive aisle width.

Another of the variations requested is relative to one landscape island. All parking rows are required to terminate with a landscape island and a single width to support a shade tree. So, at the very north of the site, you can see here there's really not enough room for that landscaping island to support a shade tree, and so a variation would be needed for that. In conversations with the Petitioner, they propose an alternative which would be to take this median landscape island and bump it up to the north which would eliminate that last parking space which is probably not a desirable space due to potential conflicts with inbound and outbound traffic, take that space and make it a landscape island.

But of course that is going to result in this parking row which I believe has 29 spaces without having a median aisle. So, our code requires that any stretch of 20 or more spaces have a median landscape aisle in the center. As that island would be pushed to the end, it requires a variation. Again, Staff is also supportive of this variation.

I do want to talk about some of the landscape improvements that are proposed by the church. This is the existing site, and you can see on the parking lot, there is no perimeter landscaping, a lot of parking lot on the north and east sides, and the south really, the parking lot doesn't have any landscape islands either. There's very little perimeter landscaping down here. Most of these large trees are actually located on the properties here which are also owned by the church. But there is not much perimeter landscaping for the existing church site.

So, here is the landscaping plan that they have proposed. Again, this is with the north, following that red arrow to the left of the screen would be north. You can see here, they are incorporating the code-required landscape islands. In addition, they incorporated the code-required perimeter landscaping along the edge of the site to the east and to the north.

As mentioned by the Petitioner and as requested by Staff, they have added extensive landscaping to the south of the site, on the southern side of the proposed detention basin. This is above and beyond code requirements. We only require a screen and that screen could be through landscaping or through a fence or a berm. They have not only provided a six-foot tall wooden fence, but they have also provided extensive landscaping on the southern side of the detention basin. Again, if this petition is to move forward, if and when it does, Staff has recommended a small change, and that would be to swap out these three trees which are proposed as crabapple trees and be substituted with evergreen trees which would provide a better, year-round screen.

I also want to talk about detention a little bit. Currently, the site basically just sheet drains to the southeast. So, all rainfall kind of follows this path. Some of it will end up in the small green space area that's currently located here, but most of it is just going to sheet drain off of Pine Avenue and flow down the street or be collected in the existing storm sewer that runs along the west side of that street. The Petitioner has proposed a detention basin which is shown here in red. The detention, this is an underground detention vault, and it would ultimately connect it to the Village storm sewer here and drain down Pine Avenue.

Additionally, there is the aboveground detention area here which would connect to the detention vault and then ultimately drain out into the Village storm sewers. There are some historical flooding issues along Pine Avenue, mostly to the south. As I mentioned, a lot of the existing runoff just drains right onto Pine Avenue and can go south. Some ponding can occur. The proposed improvements including the underground stormwater vault and the aboveground detention area should have a positive impact on this flooding, as

most of the runoff would be captured now on site and slowly released into the Village system as opposed to just sheet draining straight off the site and collecting and exacerbating the existing problems there. So, we view that as a positive improvement.

One of the last things I want to touch on is the parking variation. When you look at it on a typical basis, we have to consider both the east and west campus including in the overall parking count, required parking count. So, the variation request is to allow a reduction in the minimum number of required parking stalls from 974 to 337. This, you know, from a strictly number standpoint, it look like a pretty excessive variation, but when we look at it from a practical standpoint, we're including the west campus in that calculation. You can see on the table here, the west campus is responsible for 673 spaces of that 974 space requirement. So, the vast majority of that variation is generated by the west campus. That was already deliberated and approved when the west campus went through the approval process in 2007. But because we're making changes to the east campus, we have to factor in the overall variation.. So, again, it's from 974 spaces to 337.

When you consider just what's on the east campus requirement, it's 301 spaces and they would provide 188 spaces on site. So, in order to determine if that was sufficient, the Petitioner provided a parking and traffic study that surveyed parking at the church on Sundays to determine what that peak parking demand would be . Based on these surveys which included all of the parishioners parking on the east lot, all of the parishioners parking on the west lot, the parishioners parking on Arlington Heights Road, Pine Avenue, Frederick Street, Marshall Street, and Evergreen, they determined that the maximum parking demand was 359 spaces. That occurs as a result of the 10:00 a.m. mass that happens on the west campus.

Based on the improvements and the addition to the parking, there would be 334 total spaces. So, if we were willing to accept the typical Sunday parking demand, it would be 359 spaces, the 334 spaces provided leaves us with a 25-space deficit. So, if and when this project moves forward, we are recommending that the current parking allowance for parking along Arlington Heights Road, both east and west side, be eliminated because we feel that it's no longer necessary to accommodate for the peak parking demand. Furthermore, we've seen, based on simple research with the Police Department, that parking along Arlington Heights Road is somewhat of a hazard. There have been a record of accidents over the past several years that can be attributed to this parking. So, based on the demand and the fact that it's hazardous, we think it should be eliminated, that parking allowance on Arlington Heights Road.

Furthermore, if we're looking at this 25-space parking deficit that's going to overflow, we would want to know especially given the elimination of parking along Arlington Heights Road where that overflow would occur. So, if you take into consideration the stretch of Pine Avenue which could accommodate 40 cars, and the stretch of Frederick Street which could accommodate at least five cars, we believe there is enough space to accommodate for this overflow in the immediate vicinity. Furthermore, we can see the parishioners parking here, possibly parking on the north side of Frederick here, and then maybe along Marshall there.

This, you know, in order for the parking overflow to be limited, all of the church parking spaces and school's parking spaces need to be utilized prior to parishioners seeking parking on the residential streets. So, we communicated this to the Petitioner, and they have said that they would adopt kind of a policy where they would make it known through their weekly bulletins, through their Facebook social media, and through announcements during service that parishioners are strongly encouraged to park in these existing facilities rather than

seeking parking on surface streets.

So, that being said, we know that sometimes people will just park where it's convenient. So, if parking becomes a problem, we would strongly recommend the condition that requires the church to provide additional either onsite or off-site parking spaces to help ameliorate the overflow that's becoming a nuisance to the surrounding neighborhood. One of those areas could be, or one of these options could be if the church was to upsize the underground detention vault that they're putting in here, that would mean that the parking area could be expanded to the south here and where they're proposing the aboveground detention area. So, that's one of the options, something to consider.

This kind of brings me to my closing tonight. We also looked at traffic that would be generated as a result of the consolidation of services on the east campus. Currently, if you want access to the east campus, you're going to have to drive on Frederick, come down on Pine and enter the site here, or come up from Pine Avenue if you're coming from the east. This right-in/right-out, you know, would allow this northbound ingress to the site. But egress from the site after the services let out, the only option would be northbound on Arlington Heights Road from the site. Otherwise, you're going to have to come on the residential streets, come up Pine, on to Frederick, take a turn to head southbound. Or alternatively, if you head out of the site, if you want to reach a signal, you can go southbound and eventually reach Euclid and make that southbound movement through the traffic signal on Arlington Heights and Euclid.

We asked the church to consider, as you've heard, the ingress/egress point here that would align with the signal. That would provide for signalized access and southbound egress from the site, potentially even southbound ingress to the site from Arlington Heights Road. We know that the church has come up with some rationale as to why they think that's not feasible, but we didn't receive detailed information on this until this week. So, Staff just doesn't feel like we've had the opportunity to vet whether or not this is a viable alternative.

It may be that ultimately we agree with the Petitioner and think that it's not something that would make sense for their site. But you know, we understand that there is going to be a, you know, potential parking overflow and we'd like to vet every possibility that we can to minimize any traffic overflow onto the neighboring residential areas. One way to do that would be if, you know, if alignment is allowed and whether or not, you know, that can provide southbound egress from the site. That will certainly help alleviate some of the traffic that would come out on Pine and then head to Frederick or come down Pine.

So, ultimately, you know, we'd like to have the opportunity to discuss this further with the Petitioner. We'd also like to meet with IDOT to discuss it to see what their approach is. But to date, we really feel like we haven't had the opportunity to fully vet if that's a viable alternative. As such, we would like to, we are recommending continuance of this application until the January 24th meeting in order to give the Petitioner and Staff and IDOT the opportunity to fully review that aligned access point.

So, that concludes my presentation and I'm happy to answer any questions.

CHAIRMAN ENNES: Sam, thank you for your report. Can we have a motion?

COMMISSIONER DROST: I'll make the motion to accept the report.

COMMISSIONER DAWSON: Second.

CHAIRMAN ENNES: All in favor?

(Chorus of ayes.)

CHAIRMAN ENNES: Any opposed?

(No response.)

CHAIRMAN ENNES: Thank you. Commissioner Cherwin, do you have any questions?

COMMISSIONER CHERWIN: I think, you know, I looked at this plan quite a bit in the, I keep forgetting the name, yes, the Conceptual, sorry, Committee level, and so you know, I took a look at really most of the details then. I think the newest issue is the one that was brought up on the light and I think, you know, notwithstanding the Staff's report in terms of their concerns, I think the Petitioner raised a few valid points about the challenges that accommodating the connection of the light would pose to their plan. I think that's probably the issue that I'm looking at right now. It's sort of a new issue that I don't have all the information on, but I'd like to hear the public I think before I ask further questions.

CHAIRMAN ENNES: Commissioner Sigalos?

COMMISSIONER SIGALOS: Yes, I was also at the Conceptual Plan Review, and so I do understand the project. I do understand Staff's desire to align drives with that light. At this point in time, I'd like to hear comments from the audience and further discuss this driveway alignment.

CHAIRMAN ENNES: Commissioner Dawson?

COMMISSIONER DAWSON: Could you speak to the light issue, Sam, about hearing from the Petitioner that they cannot get approval from the archdiocese which is something the Village is insisting on?

MR. HUBBARD: It is one of our recommended conditions of approval. It's not a common situation. You know, the way that the Engineering Department has analyzed the signal, it's really a private benefit signal. It doesn't really serve anyone beyond the church and school, and it is really only there because of the church and school. So, there are a few other instances where we require that. Again, it's not a common thing but it's something that, when we have a private benefit signal like this, that's something that we feel is fair for the church to pay because they're the only one that really benefits from it.

COMMISSIONER DAWSON: So, we have other areas in Arlington Heights where there's a private benefit signal and we're requiring the owners to pay for the signal?

MR. HUBBARD: And we bill those maintenance and electric costs to those parties that benefit from them.

COMMISSIONER DAWSON: Do you have any estimates for what that generally costs, what that is?

MR. HUBBARD: I don't. Unfortunately, the Engineering Department is still gathering that information.

COMMISSIONER DAWSON: Okay. These other locations, was it since we put this light in place? You know, like this is a, we put this light in place and the Village agreed to pay for the maintenance. The others, was this after we did this for St. James? Do you have any idea?

MR. HUBBARD: I don't know.

COMMISSIONER DAWSON: In Petitioner's comment, he stated that IDOT is the one that required the Village to maintain responsibility for this. Could you speak to that?

MR. HUBBARD: Yes. So, when the signal study was done back in 2007 to kind of reorient the site and signal system there, IDOT specifically required the Village to maintain the signal which is not unique. I mean I think the Village almost always does, and that's kind of a standard thing that IDOT is going to require. I don't think IDOT ever really puts that maintenance cost on, you know, an individual property owner. Why it wasn't required back then, we don't know, that is, why the maintenance responsibilities weren't pushed to the church back then, we don't know.

COMMISSIONER DAWSON: Can I ask the Petitioner a question? Sir?

MR. HICHENS: Me?

COMMISSIONER DAWSON: Well, no, the church.

MR. HICHENS: Okay, it's all right.

CHAIRMAN ENNES: Reverend Foley?

COMMISSIONER DAWSON: Reverend Foley, sorry. I apologize. If we were to insist that this condition stay in, would that prevent the entire project from going forward?

REVEREND FOLEY: At this time, I'm unable to respond to that because I'd have to talk to the people that own the property which is necessary, the archdiocese of Chicago. I can't speak on their behalf. I'm there as their servant and their pastor, but I'm not available to give that answer at this point.

COMMISSIONER DAWSON: I understand. But you stated that you had already spoken to the legal department and the real estate department, and they had stated that it's not something the church is willing to do. So, I know you certainly can come back to them and talk to them, I'm not asking, but at this moment in time it appears to me that you do not have authority to proceed with this project if this condition remains, is that correct?

REVEREND FOLEY: That's correct, ma'am.

COMMISSIONER DAWSON: So, to the light issue, I feel like I need more information about the cost. You know, I certainly agree with the Village's position on that but, I mean it's always been that way. We had an opportunity when it was put in to put the cost on to them. They're improving the property. I don't know, but I would want to know the cost.

On the continuance issue, you are recommending continuance, but then we also have a potential motion to allow this to go forward in the prior to Village Board consideration that some of these issues addressed. Could you speak to, Sam, if we were to not continue this, what is the Board missing out on in the decision making? You know, what is it that, on this, you know, the egress situation, I generally rely on people here that have more construction and engineering and traffic experience than I do anyway for those kind of comments. So, if I were to want to speak to this or hear more, what would I be missing?

MR. HUBBARD: You mean why couldn't a decision be resolved prior to appearing at the Village Board with a motion for approval this evening?

COMMISSIONER DAWSON: Right. I mean, I guess what I'm asking is I am not going to, it's just a matter of whether or not there is going to be a light and how that's going to impact, I mean it sounds like it makes a lot of sense to me, but I don't know anything about traffic patterns other than from my experience up here. What would you be asking the Commission to be speaking to that Staff and Village Board couldn't do? Because Petitioner wants this to move forward, I'm trying to weigh whether or not I should put the burden on the Petitioner to wait until January 24th which is a significant delay of the project, versus allowing it to go forward and having the Village make this decision.

MR. HUBBARD: I mean we think it could have a substantial impact on the site. It could have a substantial impact on the traffic generation, a positive impact on the traffic generation we believe. So, we're just not able to support this until we know what the actual effect is going to be. We feel that's important not only for Staff to understand but for the Plan Commission as well.

COMMISSIONER DAWSON: Sure. All right, I understand where you're coming from. No further questions. I'm interested to hear what the audience has to say.

CHAIRMAN ENNES: Commissioner Drost?

COMMISSIONER DROST: Do we have to add, if we go forward, if the Petitioner wants to go forward and not go with a continuance, is there a way that we can draft an additional condition to address the issues of the Village with respect to what you have researched before you are more definitive in the direction of this project?

MR. HUBBARD: If you were to make a motion for approval this night?

COMMISSIONER DROST: Well, if there is, so that the Petitioner can go forward and the Village can do its job in vetting the project, do we add another recommendation?

COMMISSIONER DAWSON: It's here, referenced in number one.

MR. HUBBARD: I believe condition number one addresses that.

COMMISSIONER DAWSON: It's right here. That's what they're anticipating.

MR. HUBBARD: Yes, I believe condition number one addresses that. So, Petitioner would provide a written narrative of the various design options which were considered relative to the alignment of the ingress and egress, and then, you know, additional details, and then would have a meeting with Staff and IDOT prior to appearing before the Village Board.

COMMISSIONER DROST: Yes, well, that's what I wanted to ask, if that was satisfactory for going forward if there is not a continuance, that they can get a date with the Village Trustees, and then you'll have enough time to do it and that covers it, or is there some, because you've asked or we, the Village, is recommending that there is a continuance.

MR. HUBBARD: We believe that the issue is significant enough to warrant a continuance so that the entire Plan Commission can deliberate on what that would mean to acquire that access alignment with the traffic signal. If the Plan Commission feels that, you know, that's not something they're interested in and they would kick that to the Village Board to consider, that's --

COMMISSIONER DROST: Yes, well, that's the point. I mean, so it's clear enough at least, or covered in number one that that satisfies the Village in having enough time for the recommendation, in that recommendation to go forward before the Village Trustees, that basically we don't have to worry about a continuance because number one or some clarification of number one allows for Staff to do some more due diligence and vetting. Is that fair?

MR. HUBBARD: Right. I mean ultimately if you're satisfied, then you're putting it on Staff to figure out the issue.

COMMISSIONER DROST: Correct, exactly. That's the point. So, one works against the other. We can go and approve it subject to one which says figure it out by the time you get to the Board is basically the summary of that point. Would that be correct?

MR. HUBBARD: That's correct, yes.

COMMISSIONER CHERWIN: Can I just clarify? I think the Petitioner also requested though, as far as the conditions go, approval without one, 11 and 14, were those the

numbers?

COMMISSIONER DROST: That's correct, and the point would be whether the Petitioner would reconsider the objections to one, 11 and 14. Just getting through that procedural hurdle is basically --

COMMISSIONER CHERWIN: I think Mr. Hichens --

MR. HICHENS: The Petitioner requests that the Plan Commission make a motion to approve without a continuance with the exceptions of only items number one and 11. I referenced that it's on page 11 of 14.

COMMISSIONER DROST: Oh, I'm sorry.

COMMISSIONER CHERWIN: I apologize.

MR. HICHENS: So, it's just items one and 11.

COMMISSIONER CHERWIN: Thank you.

COMMISSIONER DROST: Thank you for the clarification. I have no further questions.

CHAIRMAN ENNES: Before I go down to Commissioner Jensen, Sam, just a point of clarification. It's my understanding that the Petitioner has provided you with a written narrative addressing the alignment of the ingress and egress to the light on the eastern parcel, you just have not had time to review that yet?

MR. HUBBARD: Right, correct. Yes.

CHAIRMAN ENNES: Commissioner Jensen?

COMMISSIONER JENSEN: Yes, I was in the CPR as well and am generally positively disposed to the project. It seems to me the Village is, too, the Village Staff is generally positive on this project overall. It's a large project, a lot of aspects to it. As I read your Staff recommendation, you generally support it. But you have these two or three issues that need to be resolved. I'm kind of where I think Commissioner Dawson was. I'm not sure what the Plan Commission will add beyond what you, IDOT, and the Petitioner will work out between now and the Village Board. So, I'm really having trouble seeing the value of continuing, but I will wait until I hear from the audience and others before coming to a final decision on that.

I do have a couple of questions for Mr. Hichens though. Do we have a cost associated with doing what they want to do in terms of aligning the signal and the egress and ingress?

MR. HICHENS: Yes. I believe with the traffic study and the civil engineer that we have here, and gentlemen, if I speak with an incorrect number, let me know. Early on in the process, just 60 seconds of history, we did look at trying to utilize that intersection. The civil engineer of record, Kimley-Horn, not only did we have problems with the alignment and how it impacted the proposed addition, the drop-off, where the handicap stops were, some of the things that I referenced, their recent experience with upgrading traffic signals to take that fourth leg is in the area of \$200,000-\$250,000, just to redo the traffic lights. There's old poles, there's old street lights, there's electric wires, overhead wires. It's a very significant cost for a parish which is a not for project.

So, earlier in the design phase, that's when we started to look at the right-in/right-out towards the south to help save and make good economic decisions for the parish. We liked, you know, we like getting some of that; right now there is not an ingress or an egress onto Arlington Heights, so we felt that the right-in/right-out was a nice improvement. It saved them significant money, and it also kept the bulk of the traffic to the south side of the site

in lieu of adding more cars to where the entrance of the church was.

So, just the lights alone we were informed was over \$200,000, and I would estimate we're talking over \$250,000 to make that happen. Again, we're not convinced that the geometries even work.

COMMISSIONER JENSEN: You did have a design issue, too, you might need to refresh my memory, there was something you said. If you did align it, it would create some problems for the main entrance. Is that correct? You wouldn't be able to have the overhang or you'll have a design issue?

MR. HICHENS: So, the design issue is where, you know, we have our proposed addition to the south and to the east. Then from where the new main entrance is, there's roughly a 15 by 15 or 20 by 20 overhang which is a nice spill area for the people that come out of the church. So, if you can imagine 700-750 people coming out of the church, that's a place where they can gather, kind of collect themselves before they cross that driveway to get to their car. If there is a perfect alignment that goes right from where the curb cut is on the west side of the campus straight through, which is the right thing for a traffic signal, right? You don't want to have an offset traffic signal, that can be a safety issue. If you keep it going straight through, the overhang goes away, the spill area and the sidewalk for the main entrances goes away, and that north edge of the driveway would be 9.5 feet away from where the doors are.

So, if you can imagine 700-800 people coming out into a nine-foot sidewalk in the north side of the driveway, again respectfully, we don't even think it should be on the table.

COMMISSIONER JENSEN: Last question, do you have any idea what the cost would be if the ownership of the traffic light were shifted back to you and away from the Village? Do you have any estimates on that?

MR. HICHENS: Javier, do you have a number on that?

MR. MILLAN: No, I unfortunately don't. So, I really couldn't speculate on that one.

MR. HICHENS: Okay.

COMMISSIONER JENSEN: Well, if you don't have a number, that's fine. I would ask Staff on that issue, did I understand you correctly that in the earlier negotiations, IDOT assigned that in essence to the Village, to take over the maintenance and the cost?

COMMISSIONER DROST: Which I think is typical, yes.

COMMISSIONER JENSEN: So, why do we think it would turn out any differently when you have your negotiation with IDOT this next time?

COMMISSIONER DROST: Well, I think they'll still assign it to the Village, we'll just bill the church for that cost.

COMMISSIONER JENSEN: Okay. I should ask you this other question, Mr. Hichens. It seems to me one of the issues that was just raised by Mr. Hubbard was something about traffic generation. It seems to me like your traffic engineers could model what the traffic generation would be under both conditions, with the configuration that the Village wants as well as what you want. They didn't do that as I didn't see it in the report or did I miss it?

MR. HICHENS: There was, the generation was, I would say the generation is the same regardless of either option. The number of cars are the same.

COMMISSIONER JENSEN: Right.

MR. HICHENS: So, I guess the answer is no, there wasn't a different

generation with using the traffic signal versus using the right-in/right-out. But I'm not sure how those variables in number of cars changes.

COMMISSIONER JENSEN: Well, I guess that would be kind of my guess, too, just that there really wouldn't be much change anyway.

MR. HICHENS: Right.

COMMISSIONER JENSEN: I think that's all I have at this point.

MR. HICHENS: Commissioner, if I could just add, one of the other detriments or disadvantages that we saw, we're trying to connect from Pine all the way to the traffic signal. Obviously, I mentioned the number of issues and concerns that we have, but it does also become a potential cut-through for people coming from Arlington Heights, people coming from the neighborhood. With the right-in/right-out at the south side, it's a lot less desirable for people to cut through the parking.

CHAIRMAN ENNES: Thank you. Commissioner Warskow?

COMMISSIONER WARSKOW: I certainly understand the concerns on both sides. I mean I want to acknowledge that there could be residents here who live on Pine and Frederick and other streets that having that, you know, egress right on Arlington Heights Road would alleviate that, and I live on a road that is accessed by a church, so I understand the additional traffic that that creates. So, I do want to point out that there is give and take on both sides there.

It's not going to surprise anybody, I'm going to ask about water. I very much appreciate the above and below ground capture of the water and slow release. I think it's definitely going to be better than what they have now. My only question, it was very much pointed out in the Staff report that there are no native plantings in the detention area. Can I ask if that was a consideration? And if so, why it was decided against native plantings?

MR. HICHENS: So, the short answer is yes, it was considered. There were a couple of, probably two reasons why we kept it a dry detention with a turf basin. Number one is the idea of potentially having that, you know, a usable space in terms of if there's, it's just another green space, another grass area that could be utilized by the parish or the church. The other is just the native plantings are great but there is a maintenance issue associated, I'm sure you understand, with those types of plantings. If not well maintained, they can quickly look terrible. So, we were, you know, again as a parish, they don't have full-time maintenance people and they don't have people that are going to, you know, they're not arborists, they're not taking care of these things like you might on other sites.

So, it was kind of keeping it simple and stupid was the answer to go to turf versus native plantings. Certainly we're very pro native plantings. But for this particular site, it didn't feel like the right choice.

COMMISSIONER WARSKOW: Well, I'm glad it was considered. I'm sorry to hear it's not become part of the plan but I'm glad it was considered. I will wait to hear from the public before I ask any additional questions.

CHAIRMAN ENNES: Thank you, Mary Jo. Commissioner Lorenzini?

COMMISSIONER LORENZINI: Sam, the plantings in the southwest corner, the landscaping, that's not going to block the view of people exiting the parking lot, will it?

MR. HUBBARD: No. They are kept outside of the sight triangle.

COMMISSIONER LORENZINI: So, you mentioned about possibly using some of the detention area for parking if additional parking is needed. But practically, how would

that work? You would do that at day one or after a year or two you'd be reevaluating and then they would be asked to fill that in? Or what were you suggesting here?

MR. HUBBARD: The approach that Staff is taking was to recommend it as a condition of approval that at any point after this project has been completed it's determined that there is significant overflow onto the residential streets, that the Village could require the church to find some means to provide alternative parking. That could either be off-site at some satellite location where people are trucked in or I believe the church may own additional lots in the neighborhood, possibly directly to south of this, or through the expansion of the underground vault which would allow the aboveground detention area to be turned into paving. Alternatively, if the Plan Commission felt that it would be a significant parking nuisance to the surrounding neighborhood, they could require it at this juncture. So, Staff's recommendation was to, you know, have it as a future monitoring kind of situation.

COMMISSIONER LORENZINI: But to me it seemed like the most practical solution would be to start using some of the school parking lot.

MR. HUBBARD: Well, they will be. I mean that's --

COMMISSIONER LORENZINI: Okay, sorry. All right. Then going back to item number one about the traffic study or the in and out being aligned with the light, whatever it is or not, if we were to approve this tonight with that caveat that you have to approve it, so let's say we do approve it tonight and they do satisfy number one and then everybody is happy and we're all done, but what happens if we approve it tonight and you don't like number one? Do we start this process all over again?

MR. HUBBARD: Well, if you approve it under that condition and Staff evaluates what the church provides and Staff's ultimate recommendation is that that alignment be created, then ultimately I think that would go on to the Village Board for their determination and consideration.

COMMISSIONER LORENZINI: If we were to continue it tonight, this would be a question for the parish, if we were to continue it tonight to sometime in January, what does that do to your plans?

MR. HICHENS: It would be a significant event. So, the goal is to try to get the demo going as soon as possible here in say February or March of the vacant school, followed by the submission of drawings and building permit. The hope was to break ground in the spring when weather is favorable. Obviously, that would push back our timeline with Village Board approval. I believe there's a second return when we get the signed IDOT agreement.

Again, selfishly speaking for my client, you know, as these things push back weeks and weeks which becomes maybe months, the construction would be impacted by winter conditions which would be an additional cost to the parish. So, it would be a significant crunch on the deadline.

COMMISSIONER LORENZINI: Have you gotten any feedback from the residents with what may happen with the additional, there probably will be obviously additional traffic on the east side of Arlington Heights Road, has there been any feedback from anybody on those impacts?

MR. HICHENS: If you could ask that again, Commissioner?

COMMISSIONER LORENZINI: Okay, so with all the parking on the east side now, with the expansion of parking on the east side, you're going to have a lot more traffic up and down some of the side streets. Have you gotten any feedback from the neighbors on

that?

MR. HICHENS: So, when we first met and we had the neighborhood meeting, there was representation from Pine and Frederick at the neighborhood meeting, and there were discussions and some concerns about, what we heard at the neighborhood meeting is that there was some parking that was happening on both sides of the street which was Pine particularly which was difficult because now two cars, you know, two-way traffic with two cars on each side. I believe parking is really only allowed on one side of the street based on the signage. What we see is a reduction in the traffic into the neighborhood because we have 50 additional off-street parking spots, and we're providing a right-in/right-out onto Arlington Heights.

So, the right-in/right-out doesn't exist today, so there will be more traffic that can evacuate the site via Arlington Heights, and there is more off-street parking. There's really not more cars, or not more people that are going to church, it's just we're managing the cars better for that site.

COMMISSIONER LORENZINI: Sam, one last question. Getting the meeting with IDOT, especially at time of the year, how long do you think that would take?

MR. HUBBARD: I'm sorry?

COMMISSIONER LORENZINI: Getting the meeting with IDOT at this time of the year, how long do you think that would take? Is this January realistic?

MR. HUBBARD: We felt that we would be able to coordinate that meeting and discuss this with them prior to the January 24th Plan Commission meeting.

COMMISSIONER LORENZINI: All right, that's all I have.

CHAIRMAN ENNES: To follow up on that question, whether we continue or approve it tonight, for this drive to go out onto Arlington Heights Road which currently does not exist, IDOT has got to approve that, right?

MR. HUBBARD: They will have to review and approve the access, the proposed right-in/right-out.

CHAIRMAN ENNES: Commissioner Green?

COMMISSIONER GREEN: The alignment of the traffic light with the parking lot is a very interesting concept. I think it becomes a safety issue. I see the problem that the architect has with how the alignment works. I have sort of a question for anybody who can answer it.

Do these alignments have to be straight east-west onto each other? Or can they be offset? To whoever can answer that, please come forward, because I don't deal with, as an architect myself, I just don't deal with a lot of alignment of streets.

MR. MILLAN: Good evening. My name is Javier Millan, I'm a senior consultant of KLOA, Incorporated.

CHAIRMAN ENNES: Would you spell your name please?

MR. MILLAN: Yes, sorry. J-a-v-i-e-r, last name M-i-l-l-a-n. To answer your question, yes, good planning practice and whenever possible, you should try to avoid having those offset intersections. I believe it was alluded, I don't know if it was Sam or the architect. Any time you have offset intersections, you start creating some overlapping movements which can cause some serious issues with accidents. So, whenever possible, you want it to be lined up. However, that presents some problems that were mentioned.

I'm not trying to rehash everything, but if you certainly take away that, I'm going to call it the landing area, the area that people when they exit --

COMMISSIONER GREEN: Well, no, I agree, when it lines up it becomes problematic with the design. I understand all that. I was just asking --

CHAIRMAN ENNES: Since you didn't come up to be sworn in originally, would you swear to tell the truth about everything you're going, all the information you're going to provide to this Commission?

(Witness sworn.)

CHAIRMAN ENNES: Okay, thank you. Sorry.

COMMISSIONER GREEN: No, not a problem. The only reason I asked the question was if you offset these intersections, and since these are just turning functions and there is no through traffic, you know, you don't have through problem going on, is it simpler to make it happen, that's all, was my question.

MR. MILLAN: Let me explain it. Let's say that they're offset a little bit to the south so it doesn't affect that area, now you basically have overlapping northbound and southbound left turn lanes that would actually be head on because of the offset. Do you understand what I'm trying to say? Like if you're going southbound, excuse me, on Arlington Heights Road and you're trying to get to the church, you in essence have to almost pass the west lane so that you can do that.

COMMISSIONER GREEN: Yes, I was just wondering if there could be a secret alley such that this stoppage that you have X number of feet is not straight.

MR. MILLAN: I'll say this, it could be. The state tries to avoid that. It's difficult and, you know, for the most part the state wants to keep the flow of traffic north-south. Yes, it could be done but it's very difficult and the state typically shies away from that because of exactly what he mentioned.

COMMISSIONER GREEN: That's what I needed as an answer. Thank you.

COMMISSIONER DAWSON: Sam, could you put that screen up so that we can see what they're talking about?

COMMISSIONER CHERWIN: It would be like a three-step sequence almost.

CHAIRMAN ENNES: What, the aerial, Sue?

COMMISSIONER DAWSON: The proposed, yes, that's right, I couldn't see it.

COMMISSIONER GREEN: In other words, if it lines up, I understand what it does to the building, I get that.

COMMISSIONER DAWSON: Yes, you can't really see it.

COMMISSIONER GREEN: It's just that you can, I know where it is just because I know where it is, and it hits right up at the corner of the building. So, it's a tough --

MR. MILLAN: Yes, some of the other issues, I know they were alluded to. You can see how they have their entrance on the south side on the handicap parking spaces. If it's lined up, the handicap spaces would have to be moved to the south. Now, you have the majority of the people crossing, I don't really know, I'm just saying.

COMMISSIONER GREEN: I'd have to offset it enough to get around.

MR. MILLAN: Yes. Then the other issue, I think this would be very attractive to the residents right now trying to get to Arlington Heights Road. So, you're certainly going to increase in my opinion traffic on Frederick trying to, you know, go down south on Pine

and then just use the signal which makes it attractive. Right now, they have to go probably down south so they can get to the signal on Euclid. Yes, am I right, Euclid?

COMMISSIONER GREEN: Yes.

MR. MILLAN: In trying to make a right and then just go to the signal. So, there's pros and cons to everything, but I think there's a little bit more of an impact to the church as well as to the residents because we're going to see increased traffic on Frederick as well as Pine.

MR. HICHENS: Mr. Commissioner, if I could add, IDOT did review the preliminary site plan for this project and there were multiple conversations with them. They approved the right-in/right-out concept with no exceptions.

COMMISSIONER GREEN: Thank you.

MR. MILLAN: Thank you.

COMMISSIONER GREEN: I think that, you know, we're talking about how number one is incorporated into this, and I think what I just heard, that whether this discussion is with us with a continuance or the discussion is with the Village Board with just this kind of information, the information would get passed along and I think it's, in my estimation, it's problematic to do what they want to do, not only the cost consideration that goes along with that. So, I'd like to hear what other people in the audience have to say.

The other issue is the cost and maintenance of the traffic light. I tend to agree with the Staff here. I think if it's just one user who benefits, I think that you should pay. That's all I have for now, thank you.

CHAIRMAN ENNES: On that same line of questioning in regard to the cost of the light, Sam, are you aware of how that light functions at present?

MR. HUBBARD: Yes.

CHAIRMAN ENNES: What triggers it to go on and off?

MR. HUBBARD: Yes, I believe it's cars that are exiting from the west campus or people who are pressing the buttons to cross the street.

CHAIRMAN ENNES: So, it is just people pushing buttons. If there isn't anyone, a pedestrian isn't there to cross the street or there isn't a car leaving the western lot and coming up to a sensor or something on the sidewalk, the light does not stop traffic?

MR. HUBBARD: I believe that to be the case.

CHAIRMAN ENNES: So, that's why it's being classified as a convenience for the property owner, okay. Mr. Millan, you are the traffic engineer for the project?

MR. MILLAN: Yes.

CHAIRMAN ENNES: I have a question for you. Can we put up an aerial of the current site? My concern also is in regard to item number one. Can we zoom in on that? It would be nice if we have both the east and the west campus. Yes, can you zoom in?

Okay, the way I understand the west lot is that parking lot which is used, when you have services, people park there across the street and go to the church. The exits for that lot on Evergreen, those are closed, aren't they? Those are gated off? Because don't we have traffic leave on the Arlington Heights Road or am I wrong? That is what it is, okay.

Whether or not there is parking on the east campus during the week for the school or not isn't my concern, but the way the lot is presently, there is no exit onto Arlington Heights Road. So, all of the traffic is leaving on the street that's on the north lot, Frederick, and the street that runs to the east, that's correct?

MR. MILLAN: Are you saying that, because right now --

CHAIRMAN ENNES: I'm asking the question, yes, currently.

MR. MILLAN: Right now, they park in both lots. Whether east or, sorry, the east campus or the west campus, they do.

CHAIRMAN ENNES: But on days when you have services and there is heavy use of the lot around the church, the only ingress and egress is on the side streets?

MR. MILLAN: Correct. That's correct.

CHAIRMAN ENNES: So, on those days, Saturdays, Sundays, whenever you have these services, do you have a police officer or someone who controls traffic onto Arlington Heights Road? Or is that just kind of a free-for-all?

MR. MILLAN: To the best of my knowledge, there is no police officer.

CHAIRMAN ENNES: Okay. Now that you're going to have it, right now the proposal is that the two drives are not going to align?

MR. MILLAN: Correct.

CHAIRMAN ENNES: If we have traffic coming out onto Arlington Heights Road on either Saturday service or on Sunday services, will you be having some kind of traffic control there, a police officer or whatever?

MR. MILLAN: We don't expect that. Again, there's a right-in/right-out that will take away some of the weight or load from the residential streets to the east. If they do park also on the west campus and they exit, that will trigger the signal, I think it was mentioned. It's on, actually it was for sensors.

CHAIRMAN ENNES: Okay, but that's people coming out of the west lot. I'm talking about when, if you make this improvement and the traffic coming out onto Arlington Heights Road under your proposal, it's going to --

MR. MILLAN: Just the right-in/right-out, am I correct?

CHAIRMAN ENNES: Correct, correct. But that's going to be uncontrolled, people are just going to come and go. They're going to all be turning right to get out of there going north.

MR. MILLAN: Correct. It would be like any typical right-in/right-out that you see in which the outbound movement is under stop sign control.

CHAIRMAN ENNES: All those people that come from the south side are going to go turn on the side streets and come back around.

MR. MILLAN: All the people that are coming from the south?

CHAIRMAN ENNES: They'll leave the church, they're going to turn right, they're going to go north.

MR. MILLAN: Those are, yes, those are probably --

CHAIRMAN ENNES: They want to go south, they want to go Downtown Arlington Heights or south of there.

MR. MILLAN: Those people --

CHAIRMAN ENNES: Are going to flip around the blocks, so it's not going to be less on Frederick and the street on the east.

MR. MILLAN: It's going to be less by half. If you think about it, you have four movements. Well, you have four movements, you basically have left in, right in, left out, right out. So, we're able to capture the right-in/right-out, two of the four movements which is the right in and the right out.

CHAIRMAN ENNES: Okay, thank you. That's all.

COMMISSIONER CHERWIN: Terry, I think I just had a, you know, there would be some benefit to having the light to the south for interrupting on a northbound red, that would give cushion to the northbound out of the right-in. So, it wouldn't just be cars jetting out from the northbound right-out because you have a sequence where the northbound light would be red and it would allow egress from that side.

CHAIRMAN ENNES: The light to the north of the proposed --

COMMISSIONER CHERWIN: Yes.

CHAIRMAN ENNES: Right, I understand, but that's --

COMMISSIONER CHERWIN: Yes, I know. I think there are some, the traffic flows somewhat to allow some access is my thought.

CHAIRMAN ENNES: Okay, thank you. Thank you, Mr. Millan. I would like to open the public portion of the meeting. Sorry, it's taken long, but this is an important issue to us. Can I see again a show of hands of people who would like to come forward? Would you, let's start with the gentleman in the back, come forward. Please state your name and spell it for the court reporter.

QUESTIONS FROM AUDIENCE

MR. DILIBERTO: Hi, my name is Tony Diliberto, last name D-i-l-i-b-e-r-t-o. I live at 819 Pine, so my driveway faces the south driveway of that east lot. So, the driveway all the way on the east lot. My neighbors right next door, we have driveways that are together.

When there is church and people park on Pine, that's not, I mean that's really a one-way street now. We actually have to pull our car into driveways or like halfway in driveways to be able to let traffic come back and forth. So, really, I was suggesting when we met with them, Pine should be a one-way street at that point. I mean, because if there's people parked on Pine, we can't get through anyways. Okay, especially when you get farther south on the street and people park on both sides of the street, now you only can let one car through on the street because on this southern part of Pine, they can park on both sides of the street.

Also, when there's school, people park on the street and don't let us get through. Even when they let out of school, they actually stop traffic and we can't get into our driveway at all which is a problem.

CHAIRMAN ENNES: So, Tom, really the question, services --

MR. DILIBERTO: Tony.

CHAIRMAN ENNES: I'm sorry. So, services are Saturday afternoon and --

MR. DILIBERTO: Well, Saturday, 5:00 o'clock mass on Saturday is not that bad. But Sunday masses in the morning, there are people parking all the time.

CHAIRMAN ENNES: So, you're saying you want that street to be one way seven days a week, 365 days --

MR. DILIBERTO: It wouldn't bother me. I grew up in the city, I couldn't care less if it's one-way or not because that's what I grew up in. But it would be safer for traffic, especially when people are parking on Pine because that street is not a two-way street at that point. It can hold two cars, 2.5 cars really, so that's about it. Also, our street --

CHAIRMAN ENNES: People are parking on both sides of the street?

MR. DILIBERTO: Even on one side, when you park on one side of the

street, because across the street there's no parking in front of the house, someone parks right on my street, it's hard to get two cars passed it.

Then also, our street because of all the traffic, there's probably in front of my house a six-inch divot about 12 feet long across the street, along the street. Our street is just getting pounded by all the traffic. There's way too much traffic, the street is not getting worked on, and it just doesn't look right. So, you know, I mean, and also another thing I had was how much landscaping are you going to put up? Because now we're looking at, our property values are going down because I'm looking at Arlington Heights Road. Are they putting more landscaping up along Pine so I don't have to see a road that I didn't see before?

CHAIRMAN ENNES: You saw the drawings, right?

MR. DILIBERTO: What's that? Saw the drawing? Yes, but there's not as much landscaping that's going on Pine as they're putting up on the south side of their property. So, that's all I have.

CHAIRMAN ENNES: Thank you. Next person please.

MR. SLOWINSKE: Hello, my name is Mike Slowinske, S-l-o-w-i-n-s-k-e. I live at 815 North Pine, so again I'm facing the parking lot, I'm at the southern driveway adjoining the lot.

First of all, I just want to echo what my neighbor said. Traffic is very difficult, especially because the street is narrow where we are. Sunday morning traffic is heavy, it's hard to get in and out.

I also have another new concern. There wasn't much in the plan detailing the demolition, so I'm not sure if this was in another report. But it's an old building, I was worried about asbestos dust and if there has already been asbestos remediation or if that is part of it. Thank you.

CHAIRMAN ENNES: Thank you. The next person please?

MRS. SLOWINSKE: Hi, my name is Amy Slowinske, S-l-o-w-i-n-s-k-e. I also live at 815 North Pine Avenue. So, my driveway faces the southern entrance/exit to the parking lot.

I just want to reiterate what my neighbor was saying, Tony, about pickup in the afternoon, it's really, really difficult when everybody is parked going southbound on Pine and I'm trying to go north. Two cars cannot, there can't be two-way traffic and cars parked there. When the initial construction happened with the school across the street, we were all told that there will be no parent drop-off/pickup on Pine, that would only be school buses. That really hasn't happened, it's loaded with cars.

I get it, people live on that side of Arlington Heights Road. They want the kids to walk over and take them home, I understand that. But it makes it really difficult for the people who live on the street, when I'm trying to get home in time and they're letting everybody out of the parking lot. There is somebody who physically stops traffic on the street. After the buses go, I get that, they need to be at a place to pick up other students in different schools. But to let parents go, you know, I don't understand.

I pick up my kids from Olive, I go through the parking lot. I have to yield to all the traffic on Olive. I pick up my kids at Thomas. If I'm in the parking lot, I have to yield to all the traffic on Thomas. I don't know why traffic is being stopped and I can't get to my house. This is a through street.

CHAIRMAN ENNES: You're saying people stop in the middle of the street

to pick up their child?

MRS. SLOWINSKE: There's a staff member from the school who gets in the middle of the street and stops traffic on Pine if you're going southbound. So, everybody out of the parking lot, and then everybody is parked along the street to go through, but for the people who are already continuing to go through go through.

MR. SLOWINSKE: It takes 10 minutes. I have a video of it if you want to see it.

MRS. SLOWINSKE: It can be very frustrating at times.

CHAIRMAN ENNES: Thank you.

MRS. SLOWINSKE: So, thank you.

CHAIRMAN ENNES: Is there anyone else? Please come forward.

MR. BALIS: Hi, my name is Ron Balis. I actually live on 813 North Pine. I'm also a parishioner. You know, this project, we're totally in favor of it. You know, Father Matt has done a wonderful job, I think, doing this vision. The church, you know, has I think been a pretty good neighbor. But I feel, living on Pine since 2004 that, you know, the Pine neighbors have been equally good if not more understanding everything that, you know, the church has undertaken, the school, different ministries and all that.

I know when we built the west side school, the church bent over backwards for the residents on Evergreen. Literally, Evergreen and Pine are the same, it's a very narrow street, too. So, I understood some of the concerns, and I attended most of those meetings. It was ridiculous, some of the requests that were given and that the church actually had to act on, designing like a, you know, something that no one has ever even heard of just to acquiesce to every single need. I mean you had neighbors coming in and demanding what type and color fences needed to be put in and where they needed to put their trash.

None of the Pine neighbors, again, ever stood in the way. We actually had to go to battle to get them to actually put in the appropriate amount of landscaping or easement between the parking lot and the street. This was after five years, you know, the previous pastor had promised us and he was going to renege on that promise. So, we actually had to come here and get, you know, the parish to do what they promised that they were going to do five years afterwards.

There is a lot of traffic on Pine, and for everything that these neighbors have had to put up with for a lot of years. I've only been a part of that community since 2004. I would just hate for, you know, I understand, I don't want necessarily the project to be deterred.

You know, the continuance is an interesting issue. They've known about, I'm curious why they didn't submit, you know, the plans to the Village sooner so they can have more time to review it. Perhaps there's reasons for it, but I would hate for, again, for you guys to make a decision about all these important issues especially to the residents on Pine without having all the information, you know, to make a fully informed decision. Again, the parking and the traffic is just something that really needs to be considered and addressed in this project, and I encourage all of you guys to really weigh all those decisions and do right by the residents of Pine who again have been good neighbors, and I think Father Bill would agree. That's all I have to say.

CHAIRMAN ENNES: Thank you.

MR. SAELENS: My name is Frank Saelens, S-a-e-l-e-n-s. I live at 807

North Arlington Heights Road. It's the second oldest house in Arlington Heights.

I am here to ask that you keep it a neighborhood, that you do not allow those two houses to be destroyed next to me. At this point, I am trying to sell my house. The realtors have come to me and said if there is a parking lot or a ditch next to my house, it will cause my house to sell, it would devalue between seven and 11 percent. That's a lot of money for me.

In the past, the church has come to me and asked me to sell my property to them. I have offered my property to them, they have declined to accept. At one time, that property was going to be a parking lot, a continued parking lot along with the house behind me. I'm not sure if they still own that property or not, but it would be a very difficult situation for me if you do allow that to happen.

Also, my understanding is they will put construction trailers next to my property. During the construction, they'll be staging most of it right next to my property, which again the realtors will carry through at least 12 to 18 months before I'll be able to sell my house. It's just too much of a burden on me to allow this happen at this point.

They have also said that because of the ditch or the retaining basin, it might actually come over and flood into my yard, so that there would have to be some kind of understanding of engineering to understand your study to make sure that my house does not flood because of that situation there.

So, I'm asking you guys to not allow those houses to be destroyed. We need low income homes in Arlington Heights. Those are good homes for people to come into starter homes. I've offered the church to buy those homes, I would rehab them and sell them to keep the value of my property up and to keep the neighborhood in tact. Thank you.

CHAIRMAN ENNES: Thank you, Frank. Next please. Is there anybody else? Okay, we're going to close the public portion of this hearing and I'm going to go back to the Commissioners for final deliberation. Do you want to start?

COMMISSIONER CHERWIN: Sure. Just to follow on Mr. Saelens' point on the stormwater, Sam, Staff reviewed engineering and stormwater pertaining to the release and all that stuff. Are you satisfied with the engineering plans?

MR. HUBBARD: Yes, they've provided preliminary detention calculations, and we're confident that it's going to comply with all of the stormwater regulations.

COMMISSIONER CHERWIN: Okay, and you know, I appreciate the comments, you know, from the neighbors. Has there been any discussion about the landscaping along the southern part of the property to give some additional screening to the west from the homes facing what are now currently houses but will be torn down and part of this? Has there been any discussion about maybe just some modest additional screening?

MR. HUBBARD: Yes. I believe we did ask for the additional plantings along the entire detention basin. Our focus was mostly to the south, but we do see that, you know, they've provided a substantial screen to the west as well. So, there are plantings there.

COMMISSIONER CHERWIN: Then, additionally, there was some talk about the current circulation, sort of the school day circulation along Pine. Now, I understand given the operations, that's going to go away, correct? Because that school, that's not going to be the same operation at this point.

MR. HUBBARD: My understanding is the existing school buildings to be demolished is not used for school. If the church wants to correct me, they can. My guess is that

it's just in relation to what's going on on the west campus.

COMMISSIONER CHERWIN: On the west campus.

MR. HUBBARD: It's the same --

COMMISSIONER CHERWIN: Okay. So, you know, as I consider the light issue, too, you know, as I look at the totality here and a few of the items, I think that the Petitioner, there's a handful of very important, as you look at the cost benefit analysis here of moving that light, I think it is nice to have on that light lining up for a number of reasons. However, I think, currently, they do not have any access to Arlington Heights, so the right-in/right-out would be a bit of an enhancement. I think if we were to ask them to move it, and I don't know whether you'd have a cost burden, but I do believe there are safety issues with the circulation of the parking lot as was demonstrated. I think you have issues with the proximity of the structure and also movement of the handicap spaces, and the pedestrians traversing the parking lot. In my opinion, I have enough information, you know, I feel like if IDOT is good with the right-in/right-out, I have enough information here that I'm comfortable with them keeping the plan the way it is and not aligning the light. That's the one issue.

I guess the other issue I have is, if you can clarify for me, and I know Commissioner Dawson brought this up and I apologize if I didn't catch all of it as I was making notes, but on number 11, the condition that we talked about, the costs, are you saying that, so when we have developments like, you say it's North Point or, you know, Lowe's or somewhere like this where we have lights feeding in, that those are taken on by those parties, those are not managed by the Village?

MR. HUBBARD: Generally speaking, yes, there are some instances where private benefit signals haven't been assigned to the parties. But where we have been able to get that, yes, on North Point, South Point.

COMMISSIONER CHERWIN: But it's not universal, this is not the sole outlier that we're talking about?

MR. HUBBARD: Right, this wouldn't be. Right, there are some others.

COMMISSIONER CHERWIN: So, in my opinion, you know, that's kind of water under the bridge at this point. I think that's an issue that's already been addressed by IDOT. I personally would not put that burden on St. James Parish at this time and essentially give them another bunny ear.

I guess the third issue I have is, you know, number nine. I don't know that it's practical to require them to potentially seek alternative off-site locations. I think, you know, the parking we have here as I look at it, we are adding additional spaces. I do think it should be looked at on Pine in terms of, if there's a temporary, you know, one-way, I mean I'm looking at peak load here of several hours a week. To make drastic changes that we think based on the peak load of several hours a week, you know, I see this more that we're going to use force around certain parts, you know, on Saturday morning, very congested along different churches that are in residential neighborhoods, very congested during those peak load times.

You know, I appreciate that, but I don't know that I want to see more asphalt than we're already adding to this site and potentially taking away some of this green space to the south. You know, I feel like there is a, I guess you could say a cost benefit again here on the street parking. If there's a way to mitigate that on Pine, I think we should take those actions. But I wouldn't necessarily put that requirement in.

So, in my opinion, you know, I think conditions one, 11, and also nine

would be conditions that I wouldn't require to approve this.

CHAIRMAN ENNES: Sam, just to clarify a point. Petitioner's architect indicated that they have preliminary approval from IDOT. They do not have approval from IDOT for the final draft of this plan, right, other than the right-in/right-out?

MR. HUBBARD: Correct. The concept of --

CHAIRMAN ENNES: So, IDOT has not approved this location of the drive aisle the way it is.

MR. HUBBARD: Right. Correct.

COMMISSIONER CHERWIN: I'm sorry, my understanding is IDOT is on board with the right-in/right-out, is that right?

CHAIRMAN ENNES: Not the location though.

COMMISSIONER CHERWIN: No. I think the location is, as it is in this plan --

MR. HUBBARD: On a conceptual basis, the right-in/right-out as shown in the plan has been presented to IDOT and they are amenable to that. The Village has not been a part of those conversations, so we don't know to what extent, you know, this alignment option was presented to IDOT.

CCC. Mr. Hichens, could you come up and qualify what your statement was regarding IDOT's tentative approval?

MR. HICHENS: Yes, sir. So, the plan that you see or an earlier version, but it had the right-in/right-out at the same location, was delivered and presented to IDOT. The folks there did a preliminary review of that plan and they authored a letter that was sent out having no exceptions to the right-in and right-out as in its current location. Now, that's just part of their preliminary review process.

CHAIRMAN ENNES: So, but that isn't the final though, right?

MR. HUBBARD: Correct. They still need actual, apply for a permit to IDOT to do that.

CHAIRMAN ENNES: Okay, I don't know if that changed, Jay, anything?

COMMISSIONER CHERWIN: It does not.

CHAIRMAN ENNES: Any other Commissioners have comments?

COMMISSIONER JENSEN: I think we need to get a little clarification from the church because, since it's the archdiocese that owns the property, and we don't know whether they're willing to accept the ownership and the cost related to the light, there is almost a suggestion that this project might not go forward if that cost were shifted to the church. I'd really like to have somebody explain or restate that so I understand either the process you have to go through to get a determination of that or where it leads the project. Does it actually cause the project to be delayed or not done at all?

CHAIRMAN ENNES: If you would please give us your name and spell it? And I would like to swear you in.

MS. COATH: Sure.

(Witness sworn.)

CHAIRMAN ENNES: Thank you. The name and please spell it.

MS. COATH: Celine, C-e-l-i-n-e, last name is Coath, C-o-a-t-h. I'm the construction manager with the facilities and construction department of the archdiocese of Chicago.

In regards to the light, again we had some preliminary conversation with the legal department, so I'm not a lawyer, I'm an architect. In the 352 parishes that we own, we have never owned a traffic light. This would be a problem.

As far as potentially sharing cost and maintenance, we haven't had those conversations and could certainly have those conversations. But I believe that the light would be a liability to the archdiocese.

CHAIRMAN ENNES: I don't think the Village is asking you to own it but rather to pay for the operation and maintenance of it.

MS. COATH: That would need to be, a letter would need to be drafted, we'd have to work out the agreement. We haven't had time to even discuss that.

COMMISSIONER JENSEN: I'm asking Sam now, is there any situation where the Village pays for a traffic light that is really for private benefit only? So, is this the only situation that exists in Arlington Heights where that's the case?

MR. HUBBARD: No, I believe there are other cases where the Village does pay for what we consider private benefit signals. I think negotiations happened on those and ultimately the Village wanted it but it wasn't established.

COMMISSIONER JENSEN: That certainly complicates things a bit.

COMMISSIONER CHERWIN: Could I just follow up with that real quick? When we talk about private, you know, I mean this is, there is a benefit to the public in this, right? Because you're controlling traffic, you know, for instance, if there were no signal, you'd have cars coming out northbound, southbound or whatever. I mean does the Village really consider this exclusive private? I mean there is a true public benefit to having this there whether you're going to church or not. I mean how do we, I guess how do we analyze this as private as opposed to public? What's the tipping point on that?

MR. HUBBARD: I think the Village views this as a signal that would not be necessary if it wasn't for the church there.

COMMISSIONER CHERWIN: Correct. Okay, so, and I guess going back to Lynn's point, it seems to me that there are, if this isn't a sole outlier and we have a mix of those and this has been in existence, I just think it's hard to now in retrospect go back, and the church has been there for a very long time before the signal was there. You know, it's not a new development coming in to where it would generate a new need. So, I guess that's how I'm looking at it. I understand your point there, I guess I'm just thinking in terms of sequencing, you know, a new traffic demand for new construction.

COMMISSIONER DAWSON: I have a question along the lines of the light. There was a mention that new lights, if we were to align, if we were to go with the Village's recommendation of moving the in and out on Arlington Heights Road, that that light would have to be replaced? Did I hear that correctly, and that it would cost \$250,000? What is the current condition of these lights? Are they older? There was also mention of electrical wires or something that made me wonder, oh, are these old lights that have to be replaced anyway?

MR. HUBBARD: I believe they were installed in 2007 when the project was originally approved. I don't know that they meet current IDOT standards but, you know, they're functional. Their lifespan I couldn't comment on.

COMMISSIONER DAWSON: I mean I guess I don't know how frequently lights need to be replaced in the Village of Arlington Heights. I guess where I'm going along those lines is when I was asking my first line of questioning, I was thinking what could possibly

the electrical cost be and why are we arguing over this. But mention was made of \$250,000 to replace those lights. I'm a taxpayer in this Village and I don't use those lights to my benefit at all, and I said to myself, wait a second, I'm going to pay \$250,000 if those lights have to be replaced? I have to believe that there would be other taxpayers in this Village that would have that, it's a significant cost all of a sudden. I understand that you are not for profit, but boy, it never occurred to me as a citizen of this Village that I was going to have to pay \$250,000 for lights that, I disagree, I don't think they have any benefit.

So, I don't know that I can make a decision on the light point. I feel like I can make more of a decision of a continuance on the in and out. But I don't think I can make a recommendation to the Board either way if I don't know what we're talking about here. I don't know what dollars we're talking about, I don't know what the arrangement is.

So, I'm not saying I would make the parish pay for the whole thing. I'm not saying that I would make the Village pay for the whole thing. What I'm saying is I don't have enough information right now to make any type of recommendation to the Board as to whether or not the Village maintain that cost or we should be talking to the parish about picking up the cost because we don't have any of that information. So, that was a big number to me, that was kind of a shocker.

So, I'd want to know what the current condition of the lights is and what is the charge, what is the cost, and what kind of relationship would we be talking about with some sort of shared scenario for those costs before I could make any decision on number 11. I think if the lights have a 30-year lifespan, I'm going to be less concerned, and we're only talking about electrical. But if you're telling me that the lights are going to be replaced in the next five years, we're on a budget crunch right now, that's a concern to the Village I think.

That's it for me on the lights. I have other questions. Anyone else wants to jump on the lights or can I ask other questions?

COMMISSIONER LORENZINI: Just a quick comment on the lights. The \$200,000 cost, I think that includes relocating them with new cable and just to replace it where it's at, I don't think it's going to be --

COMMISSIONER DAWSON: But that's what I don't know, right. So, it's hard for me.

COMMISSIONER CHERWIN: I just don't know where you're drawing the line. I mean there's so many lights in the Village. You could allocate, you know, what's really a benefit to the public, what's the benefit to the private? You know, I feel like then you're going to be opening the door to almost, you know, many of the light systems out there in terms of who allocates the cost, who uses and who doesn't. I would say that I use that light even though I'm never going to St. James because, you know, I'm able to, you know, essentially drive safer through that intersection. I think the same could be said through just about any other light system, and I think it's hard to, I think once we open that door to that, we've got to go back to just about everybody in the Village to evaluate the lights.

COMMISSIONER JENSEN: Well, since the decision had been made in 1990, the Village's decision to go ahead and pick up the cost of the maintenance, you know, I could understand that. But you made it in 2007 which I have no understanding exactly why, there's a bit of time here in the decision, well, maybe we ought to shift that cost back. Why wasn't that a consideration in 2007? This is more rhetorical, I don't think you can answer that, Sam, but this seems like it's quite current. I don't know if that's going to be a new policy that's

going to be going forward that you're going to use to assess the lights that are primarily for the benefit of one group.

MR. HUBBARD: I can partially answer that. From what I've been told, the Village was not included as part of the conversations with IDOT in 2007 when the original permit was applied for for this. So, when IDOT received that permit, reviewed it and gave their ruling which required the Village to maintain it, I don't know if we were really involved in that process. So, that may be why it was never fully addressed in 2007.

COMMISSIONER DAWSON: So, we never had the opportunity potentially to have this negotiation, okay.

COMMISSIONER JENSEN: That makes sense. Now, from the archdiocese's point of view, you said no other parish has this problem. You've got 352 or whatever, why is it a problem? I mean this is Arlington Heights. If Arlington Heights, you know, I'm not sure why that's, you know, why does that pose a problem for the archdiocese? A business decision has to be made by the Village and a decision has to be made by the parish as to whether to go ahead with this project. So, why do you see that as a problem?

MS. COATH: I'm really not in a position to answer that. Like I said, I'm an architect. I work for the facilities and construction, I'm not a lawyer. What I understand is that, what I mentioned earlier is the light fixture, we would not want to own it, you know. It's not on our property, we wouldn't want to have the liability of a light fixture.

COMMISSIONER JENSEN: So, if the Village took the light down, you wouldn't care actually?

MS. COATH: I did not say that. I don't think I said that.

COMMISSIONER JENSEN: I'm trying to understand whether you're interested in this.

MS. COATH: Like I said, that's not my decision to make. That is something that the parish would have to enter into conversations with the legal department. But their initial response was that we do not want to own it. We could potentially have conversations on maintenance, but that has not happened at this point.

COMMISSIONER JENSEN: Okay, thank you. Well, I was originally leaning against a continuance, but there has been so much discussion here even in just the last half hour. I don't see how we could actually go ahead and make some of the decisions about these things tonight. There's too many loose ends that need to be answered in conversations between the parish and archdiocese and the Village and others. So, I'm more in favor of a continuance than I was when we started here.

COMMISSIONER DAWSON: To that end, and not to constantly sound like I'm going back and forth, but I wonder if this is really an appropriate decision for this Commission to make in the first place, and whether or not, I don't know that I need to continue it. I just feel that I can't make that recommendation, and that this is something, whether or not this is a cost for the Village is a Village Board determination. It doesn't fall within our purview here. So, I would rather remove this condition and let Staff introduce that condition at the Village Board hearing because I just can't make a decision on that. So, I just want to clarify kind of my pennies on that issue.

But if we can move off the lights, I do have --

COMMISSIONER GREEN: No, I want to stay on the lights for just a minute. My feeling on this is the logic behind a single user and who is going to maintain that

light, I don't agree with you, Sue, this is a decision we could make. If the Board does not agree with it, they could pull it out and they can change it. So, just based on what's here and the logic behind it, I can leave number 11 in there. If the Board doesn't agree with that, they can take it out because that's what they do. So, that's my feeling on lights.

COMMISSIONER DAWSON: Okay, can I ask about the Pine? I have to say I'm probably more concerned about what I'm hearing from the residents of Pine than the light issue. I used to live in this area but not this close, I lived on Haddow, the 900 block of Haddow which is blocks away, and we had parking all the way up to Haddow. So, I'm familiar though I did not feel the pain that you feel with the parking overflow in the area. But I also, going through the whole Windsor, not to bring that up, parking situation, we have that problem at Windsor School with the drop-off on Windsor Avenue and how that's created a burden on the residents. Not as tight, it doesn't appear to be as tight a street, but we did try to do a temporary one-way and it's a disaster because no one reads the sign. It's more of a hazard and it's been corrected now with the addition, but it was more of a hazard when we put that in place than without it.

To that though, to ask you, Sam, is this street narrower than most streets in Arlington Heights?

MR. HUBBARD: I think it's a typical street width for this, you know, area. It's about 24 feet in width approximately, so when there's a car parked on one side which is approximately about seven feet in width, you're left with about 17 feet for a two-way traffic which is suitable but it's tight. So, if cars aren't parked real close to the curb and drivers aren't comfortable driving close to the car that's parked on the side of the street, then there could be challenges driving by it. But it is viable, but the Village would not permit parking on the street if it rendered it impassable.

COMMISSIONER WARSKOW: Is there parking allowed only on one side of the street? Because I heard discussion --

MR. HUBBARD: Correct.

COMMISSIONER DAWSON: But it didn't say that it continues.

COMMISSIONER WARSKOW: Okay, but they're saying people coming to mass are parking on both sides of the street, one side illegally?

AUDIENCE MEMBER: If you're south on Marshall, you can park on both sides of the street. If you're north on Marshall, you can park on one side.

COMMISSIONER DAWSON: But it seems like it needs, the one side of the street parking needs to continue down because, you know, I live in the old area of town, we have narrow streets where I'm at. I'm thinking, you know, we're in Frontier Days land, so when there's parking on both sides of the street, you couldn't exist with a two-way street, you just couldn't. But during Frontier Days we change that direction, we change it to only one-way to accommodate parking. But on regular days, there's parking on only one side of the street, and yet when I pass it's tight, especially if you're driving big SUVs and such but it's doable.

It sounds to me like the real problem is the one-way doesn't continue far enough down and it needs to continue down farther. Then there needs to be some policing both by the church in reminding their parishioners but also the Police Department in making sure that there is no two-sided parking. That's not a condition, that's more of a condition that I would be concerned about seeing here and feel that that's much more of our purview than the light issue. So, has Staff talked about that at all, continuing down the one side of the street parking?

MR. HUBBARD: I'm not sure that I follow your thinking that it should be continued down.

COMMISSIONER DAWSON: Well, they said that south of Marshall you can park on both sides.

MR. HUBBARD: Right.

COMMISSIONER DAWSON: What they're saying, and I hear them because you said there's 40 spots right here, so it seems like the Village is assuming that parishioners are going to park south of Marshall. What they're saying is, and I agree with them, if the size of their street is the same size as my street which it sounds like it is, you can't have parking on both sides and get through. So, I think the Village should consider making it, and it's very common all over Arlington Heights, that you can only park on one side of the street.

To continue that below Marshall I think would alleviate a lot of the problem, not all of it but a lot of that problem. I would ask the Village, I would make that as part of, conditional kind of on my vote, I would like to see that happen.

MR. HUBBARD: Yes, I see what you're saying, the point that you're making. Yes, the Village has talked that, you know, we'll have to evaluate if additional parking restrictions are needed as a result of this project. For example, parking is allowed on both sides of Frederick Street up here. Now, Frederick Street is about 27 feet wide, so if you have cars parked on both sides of Frederick Street and then you have people, you know, coming in from Arlington Heights Road, it's going to be problematic. So, yes, we have discussed that during this process, there likely will need to be additional restrictions on parking.

COMMISSIONER CHERWIN: Commissioner Dawson, I agree with you wholeheartedly. I wasn't as specific as Commissioner Dawson was, but kind of when I was talking about item nine, that's kind of what I had in mind. I wasn't thinking that something like that is a viable, I don't know how viable requiring off-site parking would be quite frankly, so I wouldn't make that a condition. But I think what Commissioner Dawson is saying is exactly what the Staff and the parish should consider when we think about item nine. I think that's the most, you know, practical type of approach.

COMMISSIONER DAWSON: I promise I'll stop talking, I only have one other comment which was on the school pickup. Mention was made that in the meeting, the original meeting, that it was promised, and I was at that Board meeting, when you said that, it occurred to me it was promised at that meeting that there would not be school pickup on that street, I believe. Does anyone else recall that? There would not be school pickup on that street?

COMMISSIONER GREEN: I seem to recall that as well, that there was not going to be any student parking on the --

COMMISSIONER DAWSON: Right, that was a concern that we had at that time.

COMMISSIONER GREEN: Yes, I actually remember that.

COMMISSIONER DAWSON: So, that's incredibly disturbing to me to hear that that's going on. If that was, I remember having a significant conversation about that now that that's been brought up. So, I think that the parish needs to address that. We need to go back perhaps in the minutes, perhaps I'm recalling incorrectly, luckily we have someone recording every word that is being said. But if that was a significant part of the Plan Commission meeting and part of our recommendation to go forward, then I have to say this needs to be

changed and addressed. Certainly no one in that school should be standing and blocking traffic to that road. That's not within your right to do so, as a private citizen, to stand in the road and block traffic.

MR. HUBBARD: If I could jump in here, I'm looking at the ordinance from 2007. There was a condition of approval that says all parent pickup and drop-off operations shall occur on site and on the west side of campus.

COMMISSIONER DAWSON: Great.

(Applause.)

CHAIRMAN ENNES: We'll have no clapping here.

COMMISSIONER DAWSON: Right. So, that needs to come to an end. But to that point, residents, you didn't call the Village, did you? Don't answer because you can't answer but, you know, residents need to be --

MR. HUBBARD: It sounds like an enforcement issue.

COMMISSIONER DAWSON: It sounds like an enforcement issue, but if the residents aren't communicating to the Village that these things are going on, the Village can't do anything about it. So, you know, just be reminded that it's also your obligation to call and tell people what's going on. That's it, I'll stop talking.

COMMISSIONER LORENZINI: I've got a question for Mr. Millan please. Could you put the site plan back up, Sam? Okay, so looking at this exhibit, so right now, everybody that parks in the parking lot has no access to Arlington Heights Road directly, correct?

MR. MILLAN: Under existing conditions, correct.

COMMISSIONER LORENZINI: Now, under this plan, the new plan, you will have an exit onto Arlington Heights Road but you will also have more parking. So, my question is on this new plan and with this new exit, are you going to have more, less, or equal traffic on Pine Street?

MR. MILLAN: Excuse me. Taking into account that, yes, I mean there's going to be additional parking, 49 or 50 additional parking spaces, you would immediately think there's going to be more because now I have more parking spaces. But by the same token, you're providing an additional access that they don't have today. So, in the end, it becomes "a wash." Is it going to be five or 10 more? It could be. Is it going to be five or 10 less? Yes. So, that's what I'm saying that it's going to be more of a wash.

COMMISSIONER LORENZINI: So, as a traffic engineer, your professional opinion is this is going to be a wash.

MR. MILLAN: Correct.

COMMISSIONER LORENZINI: I heard that a lot of the residents are saying on Pine Street that you have a traffic problem, I'm not arguing with that. But with this project, we're here to discuss this project and it doesn't seem like this project is going to make a difference to the traffic on Pine Street, although we do recognize there are problems there. That's all I have.

COMMISSIONER WARSKOW: It could have alleviated a traffic problem though. If the light worked out, then you would have people making southbound exit off of the property onto Arlington Heights Road, so it could have alleviated some of the traffic situation on there.

MR. MILLAN: Some, some, because of what I said. But I think it's going to attract then some of the people to actually use Pine Street, Frederick and Pine just to use the

signal. So, it's a balanced act. You're right, it would alleviate some, but it would increase traffic in some areas.

COMMISSIONER LORENZINI: One other question I had regarding the gentleman's concern about living next to the detention pond. I ask this question probably for one of our lawyers, we've got three on the board, distinguished ones I might add. Is there any way to determine or is there any liability to the church if this detention pond does cause flooding in the gentleman's basement? Is there any way that could be answered?

COMMISSIONER DAWSON: How would that be proved, that the detention pond would be causing flooding? How could we prove --

COMMISSIONER LORENZINI: That's what his concern was.

COMMISSIONER WARSKOW: That it didn't handle the water from the property itself, but that's difficult to determine because the water could be coming from off of --

COMMISSIONER DAWSON: Right. I don't know how.

COMMISSIONER SIGALOS: Right now, didn't we hear earlier that the water is sheeting off of the parking area there now onto --

COMMISSIONER LORENZINI: Right, but now this could cause a potential concentration of water right next to the property as opposed --

COMMISSIONER DAWSON: Because there's additional, we're losing green space is what you're saying, correct, is what you're referencing?

COMMISSIONER SIGALOS: No, we're not really losing green space.

COMMISSIONER WARSKOW: It's just concentrating that water risk on one or two property owners as opposed to everybody on the block because it's going out onto the street.

COMMISSIONER CHERWIN: Joe, I would say, I mean regardless of a legal opinion on that, I don't know that it's, I mean the only thing we have to look at, at this point, is are they looking for a variance from the ordinance and, you know, that was my question to Sam was that the engineering is there and that they're following the standards for stormwater retention and release. You know, I don't know personally that we can look much past that issue in terms of potential future liability. I just, I don't think that's within our scope.

COMMISSIONER LORENZINI: The other concern, about the asbestos removal. I don't know if asbestos has been removed or not from that school but I'm pretty positive that if there is asbestos, it has to be removed. It would depend on the required, you know, EPA and OSHA requirements, so you shouldn't have to worry about that. That's all I have.

COMMISSIONER DROST: Okay, the other point --

COMMISSIONER SIGALOS: The only thing I was going to add -- go ahead, George.

COMMISSIONER DROST: On Mr. Saelens, is that if there is any way to mitigate some of the nakedness of that property, the experiences we have had here, there's a good example with Lutheran Life communities where they created a parking lot and they were able to satisfy the adjoining residences with berming and with some heavier screening. I don't know if you've had any fallout from that at all as far as any complaints after that parking lot was put in. So, I'm sympathetic both with the detention and with the, you know, the openness of that site for the neighbor that would probably suffer some damage, financial damage because of the demolition of the two homes.

COMMISSIONER SIGALOS: The only comment I was going to make regarding the existing school, the demolition, I heard that if this was continued, I'm not suggesting that it be continued, but I heard it will have a detrimental effect to your overall schedule by pushing this to a January meeting. Given the age of that school, I'm assuming there's a lot of asbestos in that building. Has that been tested? Has there been an asbestos report?

MS. COATH: Again, you know, because I'm in the facilities and construction, we take that very, you know, seriously. We do, we will have the school tested and abated properly per the regulations.

COMMISSIONER SIGALOS: You haven't done that yet?

MS. COATH: We have a report. We have some asbestos. It will be abated but we don't have a, you know, a contract yet to do that. But we're in the process of determining that, the extent of it.

COMMISSIONER SIGALOS: I can just tell you as a general contractor, that takes some time to do that as far as getting permits from the Cook County for the abatement --

MS. COATH: Yes, and --

COMMISSIONER SIGALOS: -- and then getting your clearance test afterwards and so on. So, the idea that you may be wanting to demo this building in January or February I think I heard, I don't think it's realistic.

MS. COATH: I think if we had our bids out, I mean we deal with an asbestos contractor on a regular basis, I can turn around a project within four weeks, get three contractors, three bids, and get all, you know, we have to do the 10-day notification, and we do all that per the regulations. It has not been a problem. I do most of the parishes in the archdiocese, so we do have a pretty efficient process in how to do that, and I don't think that would affect the schedule.

COMMISSIONER SIGALOS: Okay, I just wanted to bring it up. So, you are certainly aware of it then.

MS. COATH: Yes. You know, I was a school architect, so I've removed lots of asbestos. So, thank you.

CHAIRMAN ENNES: Thank you. So, we have three issues, whether we're going to continue it.

COMMISSIONER DROST: Yes, I'd like to just pop in here.

CHAIRMAN ENNES: Okay.

COMMISSIONER DROST: Sort of my initial opening comment was that whether or not within, if we approve this particular set of conditions, that we can pass that on to the Trustees and not have to go through a redundancy here of trying to manage things that maybe we don't know enough about and really belong to the Village Board rather than to the Plan Commission. I think maybe there will be enough time between now and January to resolve many of these questions so that we don't have to go through sort of a circular process here.

CHAIRMAN ENNES: It sounds like we don't have any problem with the variances, but we have our issues with the considerations, with the conditions that Staff has put on this. Commissioner Dawson, I agree with you. I don't know that those are necessarily points that we need to address as opposed to putting those on the Board as Commissioner Drost says.

COMMISSIONER DROST: Hopefully, the Trustees will read the minutes

carefully to lessen the concerns about parking and the one-way and the asbestos remediation, any of the screening that might go on the bordering properties. So, those are multiple number of issues and I think they have been identified and they can be addressed at the Village Board of Trustees meeting.

CHAIRMAN ENNES: Right.

COMMISSIONER DAWSON: Just to clarify because, and I don't think it was intended, Sam, but there was a comment that you made about us kicking it to the Village Board, and I don't think, and I want to make sure that it's clear on the record, I don't feel anyone here is kicking this decision to the Village Board. I think that what we're saying is that we can understand the pros and cons but we rely very heavily on Staff in making these decisions anyway. So, most of my emphasis, at least for myself, would be listening to you and then listening to other people on the board that have this specific experience. I don't know that I would be able to be in a position to analyze that any better than Staff would, and the Village Board, I would feel comfortable with whatever your recommendation is being presented to the Village Board.

I think we've said many times in here we're very much in favor of moving these processes along and not cause a delay. This is a six-week delay for them, and that's significant in the construction schedule. So, if I felt that it wasn't going to, I would certainly want to revisit this myself at this level, but I want to make sure that this project proceeds forward for them. If I don't feel that I can specifically give important input on that point, I don't feel there is any need to delay them further.

COMMISSIONER DROST: No, and the project itself, there is no objection to improving that site.

COMMISSIONER DAWSON: It's a great project.

COMMISSIONER DROST: The net benefit to the community is that it's going to be a better site, it's going to be a safer site, and it will assist and be of benefit to many Arlington Heights residents that are parishioners at St. James.

COMMISSIONER DAWSON: Not only St. James because they added parking.

COMMISSIONER LORENZINI: Sam, I don't really have any problems with the conditions. Just on condition number one, since this was written, they've given you something. Does that satisfy what you're looking for in number one or are you looking for more from them?

MR. HUBBARD: No, number one involves also a meeting with IDOT. They have provided a written narrative of the various design options. Whether or not that narrative answers all the questions we have, I don't know because we haven't had a full chance to review it. They have provided a geometric layout of those options, and based on that geometric layout, they said that, you know, they don't think it's viable. We haven't had a chance to review those geometric layouts. Maybe there are alternatives that wouldn't have the same impacts to the site that they feel are detrimental that we could suggest, but we haven't had the full chance to review that. Traffic operations, they have not provided those to us.

COMMISSIONER LORENZINI: But if we approve this tonight and left this condition in there, they could always work with you between now and the Village Board meeting to work this out, right? And if you're not satisfied with it, you could always report it back to the Board.

MR. HUBBARD: Right, based on what --

COMMISSIONER LORENZINI: The thing about the traffic light cost, I'm still on the fence about that one. But other than that, I really have no problems with the way it's written.

CHAIRMAN ENNES: By then you should have, by the Village Board meeting, you should be able to provide the cost to maintain this light so at least people know that.

COMMISSIONER DAWSON: Do you feel like there's any concern from Staff that if we don't continue this at this point, that there won't be an opportunity for you to communicate with IDOT and get the concerns of the Village prior to the Board meeting?

MR. HUBBARD: Well, I don't think we would schedule that meeting at the Village Board until that's --

COMMISSIONER DAWSON: I wanted to make sure I asked that question because I don't want our --

COMMISSIONER DROST: Well, they can continue it there, too.

COMMISSIONER DAWSON: No, I understand. But I don't want it to, I wanted to make sure that I fully felt vetted that a continuance is not, or that we really don't need to continue.

CHAIRMAN ENNES: Right, that's correct. Is there a motion?

COMMISSIONER DAWSON: I can make a motion. I'm going to make a motion, my motion is going to exclude number 11 just so you know. Everyone can vote the way that they want to vote.

A motion to recommend to the Village Board of Trustees approval of PC# 17-012, Amendment to Special Use Ordinances #63-078, #97-078, and #07-012 to allow an addition to the church building and modifications to the east campus parking lot; Amendment to the Comprehensive Plan to change the land use classification from Single Family Detached to Institutional for the properties located at 811 N. Arlington Heights Road and 810 N. Pine Avenue; Planned Unit Development encompassing both the east and west campuses to allow multiple buildings on one zoning lot; Preliminary Plat of Subdivision to consolidate all of the east campus into one lot, and the following variations:

1. A variation from Chapter 29, Section 29-307(F), to allow a double frontage lot with vehicular access from an abutting arterial street.
2. A variation from Chapter 28, Section 11.4, *Schedule of Required Parking*, to allow a reduction to the minimum number of required parking stalls from 974 to 337.
3. A variation from Chapter 28, Section, 11.2-8, to allow a reduction in the required width of a parking row from 24 feet to 22 feet.
4. A variation from Chapter 28, Section 6.15-1.2(B) to waive the requirement for one landscape island with a shade tree at the end of a row of 20 parking stalls.

This approval shall be subject to the following conditions:

Prior to Village Board Consideration

1. The Petitioner shall provide a written narrative of the various design options that were considered relative to aligning the ingress/egress to and from the site with the existing traffic signal on Arlington Heights Road, and the reasons for not pursuing those options. This narrative must include details on the geometric, traffic operation, and traffic signal considerations relative to this alignment. Upon receipt of this information, the Village, the Petitioner, and IDOT shall meet to discuss the proposed access on Arlington Heights Road.
2. The Petitioner shall revise the site plan to relocate the middle parking lot landscape island in the northeast parking row to the northeast terminus of that parking row in the northeast most corner of the site.
3. The Petitioner shall revise the site plan to change the two 22-foot wide drive aisles to 24-foot wide drive aisles as indicated in Exhibit 11.
4. The Petitioner shall substitute the three crabapple trees in the southwest portion of the detention area with evergreen trees for review and approval by the Village.
5. The Petitioner shall provide a new fire truck turning radius exhibit for review and approval by the Village.

General Conditions

6. Final Plat of Subdivision approval shall be required.
7. The allowance for Sunday parking along both the east and west sides of Arlington Heights Road adjacent to St. James Parish shall be eliminated.
8. The Parish will continually encourage parishioners to utilize both the east and west parking lots prior to parking along the street for typical Sunday and Saturday services.
9. The Village and St. James Parish shall continue to monitor parking to determine if parking overflow onto neighboring residential streets is problematic. If parking overflow is determined to be problematic, the Parish shall develop and implement a plan, for Village review and approval, that would provide additional parking either on the subject property or at alternative off-site location(s).
10. If parishioner parking during the course of construction overflows and becomes a problem in the surrounding residential neighborhood, St. James Parish shall provide, to the satisfaction of the Village, a plan for satellite parking at other agreeable locations.
11. IDOT review and approval of the proposed curb cut onto Arlington Heights Road and the Final Plat of Subdivision shall be required.
12. Compliance with the Design Commission motion from October 24, 2017 shall be required.
13. The Parish shall install timers on all site lighting within the east campus so that they automatically turn off no later than 12:00 a.m., with the exception of Christmas Eve and Christmas services.

14. The Petitioner shall comply with all applicable federal, state, and Village codes, regulations and policies.

CHAIRMAN ENNES: Sam, would you take a roll call vote?

MR. HUBBARD: Is there a second?

CHAIRMAN ENNES: Oh, I'm sorry.

COMMISSIONER LORENZINI: I'll second.

CHAIRMAN ENNES: Any discussion?

COMMISSIONER DROST: Yes. On 11, do we modify 11 to --

COMMISSIONER DAWSON: I removed 11.

COMMISSIONER DROST: I know. But as it can stand there, instead of removing it, to put a condition in there to let the, again, the Village Board of Trustees, let there be a negotiation between the Petitioner and the Village to come to some resolution with number 11 based on data or facts that are submitted at the hearing in January.

COMMISSIONER DAWSON: My only concern is that we don't make a recommendation one way or another. We can do so in comments.

COMMISSIONER DROST: Yes, and we're leaving it open.

COMMISSIONER DAWSON: Right, that's what I'm saying. We can do so in comments, but you know --

COMMISSIONER DROST: But taking it out, you know, there's been some work done on that, but basically just keeping it as an open item and let the facts kind of control --

COMMISSIONER CHERWIN: I think with Commissioner Dawson's motion, it being out, doesn't that leave open, I mean it's still in there, it's still on the record.

COMMISSIONER DAWSON: The Village could always put it back in.

COMMISSIONER GREEN: The motion could be denied because you took it out.

CHAIRMAN ENNES: Right.

COMMISSIONER DAWSON: It certainly could be, absolutely. Let's see. I'm just trying to decide how we would modify this so that it addresses my concern. I think you would have to say that, I think it would have to be moved up. That's what, we need to move 11 up to Village Board consideration.

CHAIRMAN ENNES: Number six.

COMMISSIONER DAWSON: Have it become number six in Prior to Village Board Consideration, and instead of the recommendation that it all be borne by St. James, that we are recommending further discussions between Staff and the church regarding the issue of the expenses being borne with respect to the lighting. Does that sound appropriate?

COMMISSIONER DROST: Yes.

COMMISSIONER DAWSON: Do you understand what I'm saying, Sam?

COMMISSIONER SIGALOS: I think that's fine.

MR. HUBBARD: So, are you amending your motion?

COMMISSIONER DAWSON: **So, I would amend my motion**, I'm in agreement with Commissioner Drost, and I would amend it because that modifies my concern, that I'm not making that recommendation at this time. **So, we would make that number six under Prior to Village Board Consideration and have it simply be that there be further discussions regarding who shall bear the cost and whether or not there should be a cost**

share arrangement prior to Village Board consideration. Okay?

COMMISSIONER DROST: That's a very good, I think that works better.

MR. HUBBARD: Is there a second on the amended motion?

COMMISSIONER WARSKOW: I'll make the second.

CHAIRMAN ENNES: We have a second on the amended motion.

COMMISSIONER WARSKOW: Yes.

CHAIRMAN ENNES: Okay, roll call vote.

MR. HUBBARD: Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes, with comment.

MR. HUBBARD: Commissioner Drost.

COMMISSIONER DROST: Aye.

MR. HUBBARD: Commissioner Green.

COMMISSIONER GREEN: Yes.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: Yes.

MR. HUBBARD: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Yes.

MR. HUBBARD: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

MR. HUBBARD: Chairman Ennes.

COMMISSIONER ENNES: Yes.

MR. HUBBARD: Commissioner Warskow.

COMMISSIONER WARSKOW: Yes, with comment.

MR. HUBBARD: Commissioner Dawson.

COMMISSIONER DAWSON: Yes. Oh, with comment, sorry.

CHAIRMAN ENNES: Let's start with Mr. Sigalos this time.

COMMISSIONER WARSKOW: Cherwin.

CHAIRMAN ENNES: Sorry.

COMMISSIONER CHERWIN: It's all right. I appreciate the motion, I want to see the project move forward. My only comment would be I would have removed item one and I would have removed item 11 because I feel like the project is, you know, I think the Petitioner explained the benefit. You know, there could be an ideal state for the Village's perspective as to that alignment of the traffic light, but I think we've seen, in my opinion, there are enough cons to that where I would not make it a requirement of them. As to 11, I would say that if the Village is going to put that burden on this particular church, that it should be prepared to review most or all of the lights existing to determine who is bearing the cost burden of those lights so that it's not singling out St. James Parish for its particular use.

COMMISSIONER GREEN: I would agree with that.

COMMISSIONER CHERWIN: Thank you, Bruce.

CHAIRMAN ENNES: Commissioner Dawson?

COMMISSIONER DAWSON: My comment was just to reemphasize my hope that the Village will consider creating one-way parking patterns throughout that community to alleviate the parking burdens on the residents. But other than that, I think, I really think it's a great project and I'm happy to see, I know it doesn't come across always because we're looking at the minutia, but it really is a great project and I am really glad that the church is coming

forward with increasing parking on site. I think it's going to be a beautiful building.

COMMISSIONER WARSKOW: I just have a final comment. I, too, am supportive and I feel the same way Commissioner Dawson does, that I really want to emphasize that the parking situation on Pine should be studied very deliberately so that these residents do not continue to endure what they have been for so many years.

CHAIRMAN ENNES: Thank you. You have a unanimous approval from the Plan Commission based on the aforementioned conditions. Sam, the next Board meeting?

MR. HUBBARD: It's not clear if there's going to be yet a Board meeting on the first of January which should be the next targeted meeting. So, tentatively, I would say this would be on the second meeting in January which would be January 15th I believe. But that all depends on the Petitioner providing the additional items as required.

CHAIRMAN ENNES: Okay, thank you. Good luck.

MR. HICHENS: Thank you.

MS. COATH: Thank you.

CHAIRMAN ENNES: We have nothing else on our agenda. Do we have a motion to adjourn?

COMMISSIONER DROST: I'll make that motion.

COMMISSIONER GREEN: Second.

COMMISSIONER DAWSON: Do we have a meeting on the 27th?

MR. HUBBARD: We do not.

COMMISSIONER DAWSON: We don't, that's canceled, okay.

CHAIRMAN ENNES: All in favor?

(Chorus of ayes.)

CHAIRMAN ENNES: Thank you.

(Whereupon the above-mentioned petition was concluded at 9:57 p.m.)



Item: Chapter 28 Text Amendments - Phase 2 - PC#17-005

Department: Planning & Community Development

Phase One of the Chapter 28 text amendments included amendments to Planned Unit Developments, the Permitted Use table, Special Use waivers, definitions and several other minor clarifications.

Phase Two includes proposed amendments to various sections of the code, some of which are related to formatting to eliminate repetitive text within Chapter 28 and/or eliminates text which is already covered in other Chapters of the Municipal Code.

In addition, staff is recommending amendments to various code requirements which impact the development standards. The following includes summaries of the significant changes in each section. The attachments reflect the proposed code amendments for each Section of Chapter 28. These amendments were recommended for approval by the Ordinance Review Committee in October, 2017.

ATTACHMENTS:

Description	Type
Staff Memo	Memorandum
ORC Minutes 10-25-17	Minutes
Section 28-3 Definitions Amusement Facility	Exhibits
Section 28-5 Use Districts	Exhibits
Section 28-6 General Provision	Exhibits
Section 28-7 Non Conforming Use Buildings	Exhibits
Section 28-10 Signs & Section 28-11 Parking	Exhibits
Section 28-12 Zoning Board of Appeals	Exhibits
Section 28-13 Plan Commission	Exhibits
Section 28-14 Design Commission	Exhibits
Hardship Criteria	Exhibits
Building Height Data	Exhibits
School Parking Data	Exhibits
Fence Height Data	Exhibits

Zoning Board of Appeals Parking
Variances

Exhibits

Memorandum

TO: Plan Commission

FROM: Bill Enright, Deputy Director of Planning and Community Development

DATE: January 3, 2018

Subject: Chapter 28 Text Amendments - Phase 2; Wednesday, January 10, 2018, 7.30 PM

Phase One of the Chapter 28 text amendments included amendments to Planned Unit Developments, the Permitted Use table, Special Use waivers, definitions and several other minor clarifications. Phase Two includes proposed amendments to various sections of the code, some of which are related to formatting to eliminate repetitive text within Chapter 28 and/or eliminates text which is already covered in other Chapters of the Municipal Code.

In addition, staff is recommending amendments to various code requirements which impact the development standards. The following includes summaries of the significant changes in each section. The attachments reflect the proposed code amendments for each Section of Chapter 28. These amendments were recommended for approval by the Ordinance Review Committee in October, 2017.

Section 28-3 Definitions

Summary: Staff recommends revising an existing definition regarding amusement facilities. The current definition is outdated and does not address new types of amusement businesses.

Section 28-5 Use Districts

*Summary: Various amendments to zoning district standards specifically setback and height standards in the multi family districts. **Staff proposes that the code amendments related to the R-7 District are not acted upon at this time given that CA Ventures is currently going through the approval process in an R-7 District.** Proposed increase to density standards for the Hickory Kensington Overlay Zone. Also propose amending the spacing between multi family buildings to simplify. Delete repetitive sections of code related to Community Residences and Christmas tree sales. Allows for 49 foot wide lots to be buildable versus current 50 foot minimum and allows lots to be buildable if there is already a house on the lot. Deletes lengthy industrial performance standards as those are already in the other sections of the Municipal Code and thus not necessary in Chapter 28.*

Section 28-6 General Provisions

Summary: Proposed amendments to increase fence height from 5 to 6 feet for side and rear yards. This responds to complaints about height limit. Also allows for solid fences. Many prefab fences are solid and decorative. Many homeowners want solid fences. Also changes setback for

exterior side yard fences to five feet to allow more rear yard for corner lots to be enclosed/private.

Section 28-7 Non Conforming Use and Buildings

Summary: Clarifications in language and formatting. No substantive changes.

Section 28-10 Signs

Summary: This one sentence section merely refers to Chapter 30 for signage and is not needed in Chapter 28.

Section 28-11 Off Street Parking and Loading

Summary: Staff will evaluate the Collective Provision requirement for parking but will require more research to determine how to assess parking for multi purpose uses such as places of worship, community centers, etc. It is recommended to add a new 'Substantial Compliance' section to allow for smaller parking deficits to be analyzed by staff without having to apply for a Zoning Board variance. Also staff recommends a new parking ratio for elementary schools to more closely match actual parking needs for these schools. Clarification of verbiage and delete unnecessary / unclear text. Delete parking accessibility table as this is a State Law, however staff will continue to review for compliance.

Section 28-12 Zoning Board of Appeals

Summary: Delete text that is repetitive regarding responsibilities of the ZBA as these standards are included in another section of the Municipal Code (Chapter 6). Also, the Hardship Criteria applies to ZBA as well as the Plan Commission (see below).

Section 28-13 Plan Commission

Summary: Staff has evaluated the hardship criteria for granting variations. The current three standards are difficult to analyze and assess. New standards are recommended and would apply to both the ZBA and Plan Commission. One of the packet attachments "Hardship Criteria" list our current criteria and examples of other communities. Also included are the LaSalle factors from a State of Illinois Supreme Court ruling from the 1950's that set forth factors to consider and base decisions regarding land use variations. Court cases to this day utilize these factors as set forth in this ruling. It does not mean local Ordinances have to follow these factors verbatim, but they should serve as a guide for local Ordinances. Four criteria are recommended and are included later in this packet.

Section 28-14 Design Commission

Summary: Clarifications in language; delete duplicative sections that exist in Chapter 6 of the Municipal Code.

Attachments

Also included as attachments are research data regarding school parking, fences, building height, and examples of hardship criteria from other municipalities.

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

October 25, 2017

Project Title: Chapter 28 Amendments

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

Requested Action:

- Chapter 28 Text Amendments / Zoning: Phase 2

Attendees: Susan Dawson, Plan Commissioner
Lynn Jensen, Plan Commissioner
Robin Ward, In House Counsel
Bill Enright, Deputy Director Planning

In late 2016 the Village Board established strategic priorities for the Village in 2017. Staff from the Planning and Community Development Department and Legal Department have internally discussed updating various aspects of the Zoning code to modernize the code to make it more user friendly and provide clarity. In addition, staff has reviewed areas of the code to streamline the processes for residents and for developers. The end product will be much more inviting visually and better organized. Staff has divided recommended amendments to the code into two phases as follows:

Meeting Discussion:

B. Enright summarized the proposed amendments for phase 2. The code in many respects is outdated, therefore these amendments will both streamline the process, but also modernize the code and make it more user friendly. Amendments to the use districts include eliminating repetition for Christmas tree sales and Community Residences. Each residential zone includes these sections therefore to make the code more concise, these regulations will appear once at the back of the use district section. This will eliminate about 15 pages of text from the code. Regulations for outdoor cafes in the B district will also be condensed into one section therefore reducing repetitive text by 5 pages.

Currently there is language regarding special uses for schools that contradicts practice. Special Uses are granted for specific types of schools, ie elementary versus high school. Current language allows for special uses to transfer even if the school type changes. This should be deleted as a change in school type should typically require an amendment to the Special Use.

Another code change is to allow 49 foot lots to be buildable. Currently the minimum is 50 feet, however there are several areas where platted lots are 49 feet, thus requiring a variation. In addition, if a lot is less than code requirements, unless a majority of lots on the block are also less than code, then a variation is required to be buildable. This code amendment would allow lots to be buildable if there is a house already on the lot.

B. Enright went over the proposed changes to the R-5, R-6 and R-7 district standards for setbacks, heights, Spacing between multi family buildings. These amendments are in line with contemporary construction standards.

Commissioner Jensen asked if in the R-6 district does the suggested 50 foot height work or should it be 55 feet?

B. Enright indicated that 50 feet allows for 4 floors and maybe 5 floors. Also B-5 setbacks are simplified and tied to street frontages where buildings are zero lot line and adjacent to the sidewalk unless across from and R district where setbacks are required.

Also recommended is an amendment to the Hickory Kensington Overlay Zone to allow for an increase in density just the B-2 zoned property as part of the Overlay Zone. Developers will have to build a new street which reduces the land and thus unit counts. The Overlay Zone didn't account for loss of land for the new Campbell Street.

Regarding fences, staff recommends an increase in height from 5 to 6 feet in response to feedback from residents. Other communities surveyed allow 6 feet in height as standard. Also recommended are solid fences to reflect on new fence styles and prefabricated fences.

Robin Ward indicated that the changes to the Non conforming section are for clarification as the language is vague in some areas. This language is more clear but does not change the intent.

B. Enright indicated that staff is still reviewing the parking section related to the collective provision for parking as a separate item after more research is conducted; recommended now are school parking revisions to reflect actual demand as most schools seek large parking variations. The proposed code more accurately reflects the real demand.

Commissioner Jensen stated that the school parking requirement proposal was a great change to code for school parking. Ivy Hill Hotel was an example where the collective provision was not realistic. Our code should not double count space within a building. If a building can be utilized simultaneously for various uses then it makes sense to use the collective provision.

B. Enright indicated that he and Robin are refining the hardship criteria for variations. We provided the LaSalle case factors and examples from other communities.

Commissioner Jensen applauded staff for looking at this as the standards are vague. One example is establishing a reasonable return on the use of property. This is a very difficult provision to demonstrate, especially for non profit entities like schools. He is hopeful that we can write sensible standards to evaluate variations.

B. Enright indicated that one criteria is the length of time property is vacant.

Commissioner Dawson agreed that this is a standard the Plan Commission often reviews as part of a variation. It is a clear standard and easy to evaluate.

R. Ward indicated that the LaSalle factors are pretty clear so we will use those as a guide but simplify.

CHAPTER 28 AMENDMENTS

Commissioner Dawson has concerns with standards regarding impacts on home values. We often hear from homeowners that their values will be impacted. Any standard regarding values need to be clear.

Commissioner Jensen stated that we evaluate the impact of a use on surrounding properties, but the LaSalle case looks at the impact of the Ordinance on the use of land as well.

Commissioner Dawson liked the example from one community where it provided the criteria and then guidance was provided. She found this example to be the most flexible.

The Ordinance Review Committee concurred with the recommendations and agreed that the amendments should move forward to Plan Commission for a public hearing.

The meeting adjourned at 7.25pm.

Ordinance Review Committee
Bill Enright, Recorder

Summary: The current definition is outdated and does not address new types of amusement facilities. A new definition below addresses these uses as either a Special Use (5,000 sf and over) or permitted if less than 5,000 sf.

Section 3.1 Definitions

~~Arcade, Amusement /Internet Computer Facility~~. An establishment devoted to the use of amusement devices or internet computers. An arcade is considered Large is there are more than ten amusement devices or internet computers. An arcade is considered Small is there are ten or less amusement devices or internet computers. A facility that provides indoor activities for kids or adults including video arcades, games, or other recreational type amusements such as play equipment, trampolines, laser tag, etc. Large facilities are 5,000 square feet or larger; Small facilities are less than 5,000 square feet

Section 5.5-1 Permitted Use Table.

	<u>B-2</u>	<u>B-3</u>
Arcade, Amusement /Internet Computer <u>Facility</u> , Large	s	s
Arcade, Amusement /Internet Computer <u>Facility</u> , Small	p	p

Section 28-5 Use Districts

Summary: Currently all 8 residential zoning districts and the Institutional district include regulations for Administrative Occupancy Requirements for Community Residences. Staff recommends condensing this in one section so that these requirements are not listed for each district. Therefore the standards are still in code but only once at the end of Section 5 Use Districts. The consolidated section will include a listing of which zoning districts are applicable.

In addition the sale of Christmas trees are regulated in the 4 single family districts. Again listing these same requirements 4 times in code is repetitive and therefore will be listed once at the end of Section 5.

The commercial B districts each list requirements for outdoor eating cafes. This too will be consolidated into one section at the end of Section 5.

Summary: Staff recommends deleting the following from the 7 residential zoning districts and Institutional district "Permitted Uses: Additional Requirements" section as this section could potentially contradict an approved Special Use for a school. The verbiage below allows for example a high school (or even a middle or elementary school) to convert to a school for adults or a college without amending the Special Use so long as parking requirements are met.

"A special use permit for any type of school shall be restricted to the specific category of school to be established. No change in the type or category of school shall be permitted without granting of an amendment to the special use permit of a new special use in accordance with the procedures set forth in Section 8. Nothing herein contained shall prohibit a school building from being used, for continuing education for adults, university and college courses, staff development programs and unemployed adult training programs provided that its primary function shall be for that category of school designated for special use purposes, and furthermore that the special uses shall not exceed the parking facilities of the institution."

Summary: There are numerous lots that were platted at 49 feet wide and therefore require a variation per the section below. This amendment will allow for lots 49 feet wide to be buildable if the other conditions of this section are met. Also, the new section "b" will allow smaller lots to be buildable if there is an existing principal residence already on the lot. Currently if a lot has a home but does not meet the conditions in "a" then they need a variation to build an addition or a teardown for a new home.

Section 28-5.1-3 One Family Dwelling District (R-3)

5.1-3.4 Minimum Lot Size.

a. In an R-3 District, the Director of Building may issue a building permit for the erection of a single family residence on any parcel of land which does not meet the minimum lot requirements of width or area or both of the district, if such parcel fronts on a street which has a majority of the developed lots that both front on said street and are contained between two adjacent streets which intersect with said street (or in lieu of a second intersecting street, a public park, cemetery, railroad right of way, cul de sac, waterway or a corporate boundary line of the Village) that are either less than the minimum area or width, or both required by the district, provided that no permit shall be issued pursuant hereto for any parcel containing less than 6,250 square feet and a frontage less than ~~50~~ 49 feet.

b. If there is an existing principal residence on a parcel, Section "a" above is not applicable and the parcel shall be buildable and permits may be issued for either a new residence or additions to the existing residence.

Summary: *This district allows attached dwellings such as duplexes and single family as well. The code for side yards should reflect the standard for other single family districts, which is 10% of lot width.*

Section 28-5.1-4 Two Family Dwelling District (R-4)

5.1-4.5 Required Minimum Yard: Side Yard ~~15%~~ 10% of lot width.

Summary: *Increases height from 25 feet to 35 feet to reflect current construction preferences. This zoning district is primarily townhome type development. Also, the code requires various spacing between buildings based on the type of rooms for which there are window openings. This is antiquated and a simple 25 foot spacing standard between buildings is recommended.*

5.1-5 Multiple Family Dwelling District (R-5)

5.1-5.7 Maximum Building Height: ~~25~~ 35 ft. exclusive of stair heads and mechanical equipment facilities ~~with overall height not to exceed 30 ft. above the natural grade.~~

5.1-5.3 Minimum Lot Size (Density);

5.1-5.9 Spacing Between Multi Family Buildings, ~~Including Court Standards. The following standards shall apply for:~~ shall be no less than 25 feet for principal buildings.

~~a. Between the opposing walls of outer and inner courts. Inner courts are not permitted.~~

~~b. When two or more buildings which contain attached dwelling units or multi-family dwelling units are located on the same zoning lot.~~

~~c. When the windows of a living unit in a multi-family or attached single family building are opposite an accessory building.~~

5.1-5.10 Spacing Standards

Conditions _____ Minimum Distance between Opposing Walls

a. ~~If either or both walls contains a living room window~~ _____ ~~50 feet~~

- ~~b. If either or both walls contains a bedroom window — 30 feet~~
- ~~c. Both walls contain windows of other rooms — 24 feet~~
- ~~d. When there are no windows in either of opposing walls 12 feet~~
- ~~e. If either or both walls contains windows of other rooms 15 feet~~

~~5.1-5.11 Additional Court Standards projections in Outer Courts. Projections in outer courts shall not exceed five feet.~~

Summary: *Increases height from 40 feet to 50 feet to reflect current construction preferences. This zoning district is primarily townhome or multi floor type development. Also, the code requires various spacing between buildings based on the type of rooms for which there are window openings. This is antiquated and a simple 25 foot spacing standard between buildings is recommended. New setback standards are recommended as well that establish the setback irregardless of height.*

5.1-6 Multiple Family Dwelling District (R-6)

5.1-6.6 Maximum Building Height: ~~40~~ 50 ft. exclusive of elevators, penthouses, stair heads and mechanical equipment.

5.1-6.3 Minimum Lot Size (Density);

5.1-6.8 Spacing Between Multi Family Buildings, ~~including Court Standards. The following standards shall apply for:~~ shall be no less than 25 feet for principal buildings.

~~a. Between the opposing walls of outer and inner courts. Inner courts are not permitted.~~

~~b. When two or more buildings which contain attached dwelling units or multi family dwelling units are located on the same zoning lot.~~

~~c. When the windows of a living unit in a multi family or attached single family building are opposite an accessory building.~~

5.1-6.9 Spacing Standards

Conditions	Minimum Distance between Opposing Walls
------------	---

- | | |
|--|---------|
| f. If either or both walls contains a living room window | 50 feet |
| g. If either or both walls contains a bedroom window | 30 feet |
| h. Both walls contain windows of other rooms | 24 feet |
| i. When there are no windows in either of opposing walls | 12 feet |
| j. If either or both walls contains windows of other rooms | 15 feet |

~~5.1-6.10 Additional Court Standards projections in Outer Courts. Projections in outer courts shall not exceed five feet.~~

5.1-6.4.1 Required Minimum Yards:

Front Yard: 25 feet ~~plus 1 foot for each foot or fraction thereof by which building height exceeds 25 feet.~~

Side Yard: 10% of lot width ~~plus 1 foot for each foot or fraction thereof which exceeds a building height of 25 feet.~~ Subdivisions created after January 1, 2003 shall provide a minimum side yard of seven feet.

Exterior Side Yard: On corner lots, there shall be maintained a side yard of not less than 20 feet on the side adjacent to the street which intersects the street upon which the building maintains frontage, and in the case of a reversed corner lot, there shall be maintained a setback from the side street of not less than 50% of the front yard required on the lots in the rear of such corner lots, but such yard need not exceed 20 feet. No accessory building on said reversed corner lot shall project beyond the front yard required on the adjacent lot to the rear, nor be located nearer than 5 feet to the side lot line of said adjacent.

Rear Yard: 30 feet ~~plus 1 foot for each foot or fraction thereof which exceeds a building height of 25 feet.~~

***Summary:** Maintains height at 60 feet (however the height requirement needs to be added into the code section as it only appears in section 5.3 Table of Height). This zoning district is primarily multi floor type development. Also, the code requires various spacing between buildings based on the type of rooms for which there are window openings. This is antiquated and a simple 25 foot spacing standard between buildings is recommended. New setback standards are recommended as well that establish the setback irregardless of height. Density will need to be further evaluated in order to determine if any changes are recommended.*

5.1-7 Multiple Family Dwelling District (R-7)

5.1-7.8 Maximum Building Height: 60 ft. exclusive of elevators, penthouses, stair heads and mechanical equipment.

5.1-7.4 Minimum Lot Size (Density):

Multiple Family:

2 bedroom or more: 900 sq ft per dwelling unit

1 bedroom or less: 600 sq ft per dwelling unit

5.1-7.9 Spacing Between Multi Family Buildings, ~~Including Court Standards. The following standards shall apply for:~~ shall be no less than 25 feet for principal buildings.

~~a. Between the opposing walls of outer and inner courts. Inner courts are not permitted.~~

~~b. When two or more buildings which contain attached dwelling units or multi family dwelling units are located on the same zoning lot.~~

~~c. When the windows of a living unit in a multi family or attached single family building are opposite an accessory building.~~

5.1-7.10 Spacing Standards

Conditions	—————	Minimum Distance between Opposing Walls
------------	-------	---

- k. ~~If either or both walls contains a living room window — 50 feet~~
- l. ~~If either or both walls contains a bedroom window — 30 feet~~
- m. ~~Both walls contain windows of other rooms — 24 feet~~
- n. ~~When there are no windows in either of opposing walls 12 feet~~
- o. ~~If either or both walls contains windows of other rooms 15 feet~~

~~5.1-7.11 Additional Court Standards projections in Outer Courts. Projections in outer courts shall not exceed five feet.~~

5.1-7.6 Required Minimum Yards:

Front Yard: 25 feet ~~plus 1 foot for each foot or fraction thereof by which building height exceeds 40 feet.~~

Side Yard: 10% of lot width ~~plus 1 foot for each foot or fraction thereof which exceeds a building height of 40 feet.~~

Exterior Side Yard: On corner lots, there shall be maintained a side yard of not less than 20 feet on the side adjacent to the street which intersects the street upon which the building maintains frontage, and in the case of a reversed corner lot, there shall be maintained a setback from the side street of not less than 50% of the front yard required on the lots in the rear of such corner lots, but such yard need not exceed 20 feet. No accessory building on said reversed corner lot shall project beyond the front yard required on the adjacent lot to the rear, nor be located nearer than 5 ft to side lot line of adjacent lots.

5.1-7.7 Maximum Building Lot Coverage: ~~45%~~ 55% for new construction.

Summary: Clarifies but does not change density. Current code is poorly written.

5.1-8 Institutional District. The Institutional District shall be reserved for institutional non residential and institutional residential uses as ~~described in Definition Section 3.2-111 and 3.2-112 and~~ specified in Permitted Use Table Section 5.45-1. Any development in Institutional "I" District shall be considered in accordance with Planned Unit Development requirements as set forth in Section 9.

5.1-8.4 Minimum Lot Size (Density):

~~Efficiency — 18 units per Dwelling Unit — 2,400 sq ft~~

One Bedroom and less ~~18 units per Dwelling Unit — 2,400 sq ft~~ per dwelling unit

Two Bedroom ~~18 units per Dwelling Unit — 2,400 sq ft~~ per dwelling unit

Three Bedroom ~~16 units per Dwelling Unit — 2,700 sq ft~~ per dwelling unit

~~*3 bedroom dwellings cannot exceed 10% of total number of dwellings.~~

Summary: Amends setbacks for the downtown district to reflect desired building forms. Allows for zero lot line for all street frontages unless that frontage is across from R-3 One Family. Also allows for zero lot line along the sides and rear of buildings except if those lot lines are abutting a residential district such as R-3, R-6, R-7. Thus the building codes will dictate separation requirements along lot lines where buildings

abut. This is often determined by whether or not there are windows. Also each B-5 development is subject to a Planned Unit Development, in which case additional setbacks can be required depending on the parcel and its location.

5.1-14 Downtown (B-5) District

5.1-14.6 Required Minimum Yards

~~Front Yard: None~~

~~Side Yard: For buildings with dwelling units, open space shall be provided as either:~~

- ~~1. One side yard or two side yards;~~
- ~~2. Outer Court;~~
- ~~3. Combination of side yards and court.~~

~~The total width of all open space shall not be less than 30 feet or less than 30% of the average width of the lot whichever is greater.~~

~~In the case of walls having window openings, there shall be a minimum of 25 feet of open space adjacent to a lot line of another building on the same zoning lot. An additional one half foot of open space shall be provided for each foot or fraction thereof for which building height exceeds 90 feet.~~

~~In the case of courts, the area of courts shall not be less than the area which would otherwise be required for the side yards, provided that in no case shall the depth of the court be less than the required width of the court.~~

~~Rear Yard: A rear yard shall be provided for residential uses located above the first floor, such yard shall not be less than 30 feet depth.~~

~~Public Street Frontages: None, except where 50% or more of property directly across the street frontage is zoned R-3, a 20 foot setback is required along that frontage.~~

~~Interior Yards / Lot Lines: 25 feet if abutting residential zoning districts. Additional setbacks may be required subject to the Planned Unit Development and building code requirements.~~

Summary: *The M1, M-2, and PL Public Land Zoning districts all include industrial performance standards which address noise, smoke, odors, vibrations, etc. These standards are also included in Building Codes of the Village. Staff recommends deleting these standards from the zoning code as they are regulated in the Building Code and there is no need for repetition.*

5.1-17.2 M-1 District Industrial Performance Standards

5.1-18.2 M-2 District Industrial Performance Standards

5.1-19.2 PL District Industrial Performance Standards

Summary: Modify density to better align with Overlay Zone standards. Allows for density reflecting bulk standards for the B-2 zoned properties within this Overlay zone only. This impacts development of two blocks along the north side of Kensington between Douglas and Beverly.

5.1-23 Overlay Zoning District – Hickory Kensington Area.

e. Minimum Lot Size – Multiple Family	B-2	1 bedroom <u>or less</u>	600 <u>450</u> sq ft per unit
		2 bedroom	900 <u>750</u> sq ft per unit

Summary: Correction to misprint.

Section 28-5.1-17 Research, Development and Light Manufacturing District (M-1).

5.1-17.10 Maximum Building Lot Coverage: ~~200%~~ None

Summary: Staff recommends deleting the Table of Development Standards as they are repetitive as these standards are listed within each zoning district.

Section 28-5.3 Development Standards

~~5.3-1.1 Table of Minimum Lot Size and Minimum Lot Width~~

Summary: This section has a regulation for signage which is already regulated in Chapter 30 Signs.

Section 5.1-9 Office Transitional (OT)

5.1-9.2 Conditions of Use

~~c. Only one freestanding sign shall be permitted for each Planned Unit Development. The size of the sign shall be maximum twenty four square feet and not higher than seven feet above the grade as indicated in the Planned Unit Development. Signs must comply with chapter 30 of the Municipal Code. One nameplate per establishment shall also be permitted.~~

Section 28-6 General Provisions

Summary: This amendment responds to comments from homeowners who prefer 6 foot tall privacy fences rather than 5 feet. More fences are prefabricated composite fences, which are often solid fences with no openings. This amendment would allow solid fences. These amendments would apply to the side and rear yards only.

Also, on corner lots the setback for fences in the rear yard abutting the street is half the distance between the house and property line or 5 feet, whichever is greater. If a house is setback 20 feet, then the fence is setback 10 feet, which impacts the rear yard size. This amendment would simply require a five foot setback for all corner lots.

Section 28-6.13 Fence Permit Required

6.13-3 Location of Fences.

a. Front Yard. Fences shall not exceed a height of 36 inches and shall not contain any sharp points and must be an open fence; and,

b. Side and Rear Yards. Fences ~~must~~ can be solid, open or semi open and shall not exceed a height of ~~five~~ six feet ~~with subject to~~ the following ~~exceptions~~:

~~1. When parallel to a major or secondary arterial road, fences shall not exceed a height of six feet and may be a solid fence;~~

~~2. When between certain zoning districts and where otherwise specified in Chapter 28;~~

~~3.1.~~ Through Lots. On through lots that are adjacent to non through lots, fences in yards with road frontages may not exceed 36 inches and shall not contain any sharp points and must be an open fence.

~~4.2.~~ Corner Lot. That portion of the side and rear yard with street frontages may have solid, open or semi open fences erected no closer than five feet ~~or half the distance from the building~~ to the perimeter of the lot, ~~whichever is greater~~. Landscaping, a minimum of three foot high and spaced a maximum of 48 inches on center, must be provided along the street side of the fence. The perimeter of the lot is defined as the lot line, sidewalk or street pavement, whichever is closest to the building. In each instance where the building is closer than five feet to the perimeter of the lot, no fence shall extend beyond the line of the principal building. An open fence not exceeding a height of 36 inches, shall be allowed anywhere within the rear yard and shall not contain any sharp points; and,

~~5.3.~~ Visibility. Within 12 feet of intersecting property lines at streets, walks, driveways, bike paths, or walking paths, fences shall not exceed 36 inches and shall not contain any sharp points and must be an open fence.

c. Exterior Side Yards. Fences shall be allowed in an Exterior Side Yard with the following limitations:

1. An solid, open or semi open fence, not exceeding a height of ~~five~~ six feet shall be allowed no closer than five feet ~~or half the distance from the building~~ to the perimeter of the lot, ~~whichever is greater~~. Landscaping, a minimum of three feet high and spaced a maximum of 48 inches on center, must be provided along the street side of the fence. The perimeter of the lot is defined as the lot line, sidewalk or

street pavement, whichever is closest to the building. In each instance where the building is closer than five feet to the perimeter of the lot, no fence shall extend beyond the line of the principal building; and,

2. An open fence, not exceeding a height of 36 inches shall be allowed within the Exterior Side Yard and shall not contain any sharp points.

~~3. When an Exterior Side Yard is parallel to a major or secondary arterial road, a solid fence not exceeding a height of six feet, shall be allowed.~~

Summary: *These items are common and adding to the permitted obstructions table will clarify how they are evaluated in terms of where allowed. Also trends are for a slightly larger front entryway to homes as the current 4 feet by 8 feet is tight.*

Section 28-6.6-5.1 Table of Permitted Obstructions

Add "Generators", "Outdoor living/kitchen space", "Fire Pits", "Sport Courts (fences for Sport Courts to comply with fence regulations)" to list as permitted in Rear Yards only.

"Entryway/Portico" increase size allowed from ~~4 feet by 8 feet~~ to 5 feet by 10 feet.

Summary: *Item "a" in this section establishes a setback for detached garages that is already in the building code. Depending on material used this separation can be less via the building code but there is no flexibility in zoning. This should simply be eliminated from zoning and let the building code regulate.*

Section 28-6.5-7 Maximum Size of Accessory Structures.

~~a. iv. A detached garage shall be at least ten feet from the principal structure.~~

Section 28-7 - Non-Conforming Use And Buildings.

7.1 Continuation of Non-Conforming Uses and Building. A lawfully established use, building or structure which becomes non-conforming with respect to this Code on the effective date thereof or as a result of any subsequent amendment ~~thereto,~~ may be continued except as otherwise provided in this Section.

~~A use illegal at the time of the adoption of the ordinance shall not become a non-conforming use by reason of such adoption, but shall remain an illegal use, except where such illegal use is in a zoning district permitting such use.~~

7.2 Change of Non-Conforming Use. The non-conforming use of any building, structure, or portion thereof, which is designed or intended for a use not permitted in the district in which it is located, may not be changed to another non-conforming use.

7.3 Discontinuance of Non-Conforming Use.

~~**7.3.1 Use of Non-Conforming Building.**~~ When the non-conforming use of a building, structure, or portion thereof, which is designed or intended for a use not permitted in the district in which it is located, is discontinued for a continuous period of one year, such building structure, or portion thereof shall thereafter be occupied only by a use which conforms to the use regulations of the district in which it is located.

~~**7.3.2 Other Non-Conforming Uses.**~~ ~~Except for those uses classified and regulated in Subsection 7.3.1 of this Section 7.3, a~~Any non-conforming use which is discontinued for a continuous period of one year shall not thereafter be resumed, and the premises shall thereafter be resumed, and the premises shall thereafter be occupied only by a use which conforms to the use regulations of the district in which it is located.

7.4 Enlargements of Non-Conforming Uses and Buildings.

~~**7.4.1 Non-Conforming Uses.**~~ There shall be no ~~extension or~~ enlargement of a non-conforming use.

~~**7.4.2 Non-Conforming Buildings.**~~ When a building, structure, or portion thereof, is designed or intended for a use not permitted in the district in which it is located, it shall not be enlarged, added to, or structurally altered in any manner except as may be required by law, unless the ~~said~~ building or structure and use thereof shall be made to conform to the use regulations of the district in which it is located.

7.5 Repairs and Alterations of Non-Conforming Buildings and Structures. Repairs and alterations necessary in the ordinary course and operation of a building or structure may be made to a non-conforming building or structure, except that no structural alterations shall be permitted, unless such structural change is for the purpose of conforming with the use district. Alterations designed to increase the intensity of a non-conforming uses are prohibited.

7.6 Damage or Destruction. A building or structure which contains a non-conforming use or is designed or intended for a use not permitted in the district in which it is located and which is damaged or destroyed by any means to the extent of 50% of its replacement value shall not ~~thereafter~~ be restored unless ~~said~~ the building or structure and the use thereof shall conform to all the regulations of the district in which it is located.

7.7 Moving. No non-conforming building or structure shall be moved in whole or in part to any other location on the lot, except as required by law, unless every portion of such building or structure which is moved has the use thereof made to conform to all the regulations of the district in which it is located.

7.8 Termination of Non-Conforming Uses, Buildings, and Structure.

7.8-1 Non-Conforming Buildings or Structures. Any non-conforming building, structure, or portion thereof shall be demolished, removed or remodeled and converted for a use permitted in the zoning district after the termination of the respective periods of time set out hereinafter, which periods are hereby established as a reasonable amortization of the normal, useful life of each class of building and type of construction above the foundation walls or piers.

7.8-1.1 Fireproof construction of non-combustible materials consisting of exterior walls of solid brick, stone, reinforced concrete, or insulated metal panels between fireproofed steel and with interior structural members of reinforced concrete or fireproofed steel - 30 years from the date the building, structure, or portion thereof, became non-conforming with respect to this code as hereinbefore indicated, or 40 years from the date of issuance of the building permit for the construction of either the whole structure or the initial building or initial part thereof, whichever period shall terminate last.

7.8-1.2 Fire resistant shell construction consisting of exterior walls of solid brick, stone, reinforced concrete or other masonry units with structural members of unprotected steel, timber or wood joist construction 20 years from the date the building, structure, or portion thereof, became non-conforming with respect to this code as hereinbefore indicated, or 30 years from the date of issuance of the building permit for the construction of either the whole structure or the initial building or initial part thereof, whichever period shall terminate last.

7.8-1.3 Frame type construction of exterior walls of wood or timber frame construction irrespective of the type of exterior surfaces and all other structures not qualifying under paragraphs 7.8-1.1 or 7.8-1.2 and all physical improvements to land, all or substantially all of which are below or at ground level ten years from the date of the building, structure, or portion thereof became non-conforming with respect to this code as hereinbefore indicated, or 20 years from the date of issuance of the building permit for the construction of either the whole structure or the initial building or initial part thereof, whichever period shall terminate last.

If, prior to the adoption of this ~~code~~ Section, substantially all of a non-conforming building has been reconstructed, rebuilt, or structurally altered, or if an addition at least equal in size or valuation has been structurally attached thereto, then for the purposes of determining the normal useful life of such building, the date of issuance of the building permit therefore shall be taken to

be the date of issuance of the building permit for such reconstruction, alteration, or addition.

7.8-2 Non-Conforming Use of Conforming Building. In a Residence District, the non-conforming business or manufacturing use of a building or portion thereof which is designed or intended for a residential purpose, or for a residential accessory purpose, shall be entirely discontinued ~~and shall thereafter cease operation~~ on or before five years from the date the use became non-conforming with respect to this ~~code~~ Section and not be reestablished.

7.8-3 Non-Conforming Use of Land.

7.8-3.1 The non-conforming use of land in a Residence District shall be terminated not later than two years from the date the use became non-conforming with respect to this ~~code~~ Section in each of the following instances:

- a. Where no buildings or structures are employed in connection with such use or where the only buildings, structures, or other physical improvements employed are accessory or incidental to such use or have an assessed valuation of less than \$5,000 or
- b. Where such use is maintained in connection with a conforming building or structure; except that inadequate off-street parking facilities accessory to a building or structure located in the Residence District and occupied by a use conforming with the requirements of the district may be continued for as long a time as the premises are used for a permitted use.

7.8-3.2 A non-conforming use of land which is accessory to the non-conforming use of a building or structure shall be discontinued on the same date the non-conforming use of the building or structure is discontinued.

~~**7.8-3.3** The sale of merchandise in the open, when not permitted by the provisions of this ordinance shall be discontinued immediately.~~

7.8-3.43 A non-conforming use of land which has in connection therewith physical improvements all or substantially all of which are underground or at ground level shall be deemed to be a non-conforming structure, and shall be subject to the applicable provisions of ~~Sub-section~~ Section 7.8.

7.8-4 Exempted Buildings, Structures and Uses.

7.8-4.1 No lawfully established building, structure, or use shall be subject to the termination provisions of this ~~subsection 7.8~~ Section solely for reasons of being non-conforming with respect to the standards prescribed in this ~~Code Chapter~~ for any of the following: Floor Area Ratio, Yards - Front, Side, Rear, or Transitional; Off-Street Parking or Loading; Lot Area, Building Height and Gross Floor Area.

7.8-4.2 No non-conforming residential use or building lawfully established in a residential district shall be subject to the termination provisions of this ~~subsection 7.8~~ Section.

~~Section 28-10—Signs.~~

~~For information on Signs see Chapter 30 of the Municipal Code of the Village of Arlington Heights.~~

Section 28-1110 - Off Street Parking and Loading.

~~11.1 General Provisions—Parking and Loading.~~

~~11.1-1 Scope of Regulations.~~ The off-street parking and loading provisions of this ~~Code Section~~ shall apply as follows:

~~11.1-1.110.1~~ For all buildings and structures erected and all uses of land established after the effective date of this ~~Ordinance Section~~, accessory parking and loading facilities shall be provided as required by the regulations of the districts in which such buildings or uses are located. However, where a building permit has been issued prior to the effective date of this ~~Ordinance Section~~, and provided that construction is begun within six months of such effective date and diligently ~~prosecuted-pursued~~ to completion, parking and loading facilities as required hereinafter need not be provided.

11.1-1.2 When the intensity of use of any building, structure, or premises ~~shall-is planned to~~ be increased through addition of units, gross floor area, seating capacity, or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use.

11.1-1.3 Whenever the existing use of a building or structure ~~shall hereafter be-is~~ changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if ~~said the~~ building or structure was erected prior to the effective date of this ~~Ordinance Section~~, additional parking or loading facilities are ~~mandatory-required~~ only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions of this ~~Ordinance Section~~.

~~11.1-2 Existing Parking and Loading Facilities.~~ ~~Accessory off-street parking or loading facilities which are located on the same lot as the building or use served and which were in existence on the effective date of this Ordinance or were provided voluntarily after such effective date, shall not hereafter be reduced below, or if already less than, shall not further be reduced below the requirements of this ordinance for a similar new building or use.~~

~~11.1-3 Permissive Parking and Loading Facilities.~~ ~~Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings provided that all regulations herein governing the location, design, improvement, and operation of such facilities are adhered to.~~

~~11.1-4 Damage or Destruction.~~ ~~For any conforming building or use which is in existence on the effective date of this ordinance, which subsequently thereto is damaged or destroyed by fire, collapse, explosion, or other cause, and which is re-constructed, re-established or repaired, off-street parking or loading facilities need not be provided, except that parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this ordinance for equivalent new uses or~~

~~construction.~~

11.1-5 Control of Off-Site Parking Facilities. ~~Where required parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be and remain in the same possession or ownership as to the zoning lot occupied by the building or use to which the parking facilities are accessory.~~ In a residential district, no zoning certificate for ~~such~~ off-site facilities shall be issued until the Plan Commission has conducted a hearing for a special use in accordance with Section 8. No off-site parking shall be located in a residential zoning district unless accessory to a use permitted in that district.

11.1-6 Submission of ~~Plot~~ Parking Plan. Any application for a building permit, or for a certificate of occupancy where no building permit is required, shall include a ~~plot~~ parking plan drawn to scale and fully dimensioned showing any parking or loading facilities to be provided in compliance with this ~~Ordinance~~Section.

11.2 Additional Regulations – Parking.

11.2-1 Except as otherwise indicated, required accessory off-street parking facilities provided for uses listed hereinafter shall be solely for the parking of ~~passenger automobiles~~ vehicles of patrons, occupants (or their guest), or employees of such uses.

11.2-2 Floor Area. See Section ~~3.2-90~~ 28-3(48) for floor area measurement requirements.

11.2-3 Employees. Parking spaces required on an employee basis shall be based on the maximum number of full or part-time employees on duty or residing, or both on the premises at any one time.

11.2-4 Capacity. Parking spaces required on the basis of capacity shall be based on the capacity as determined by current Village Building and Fire Codes.

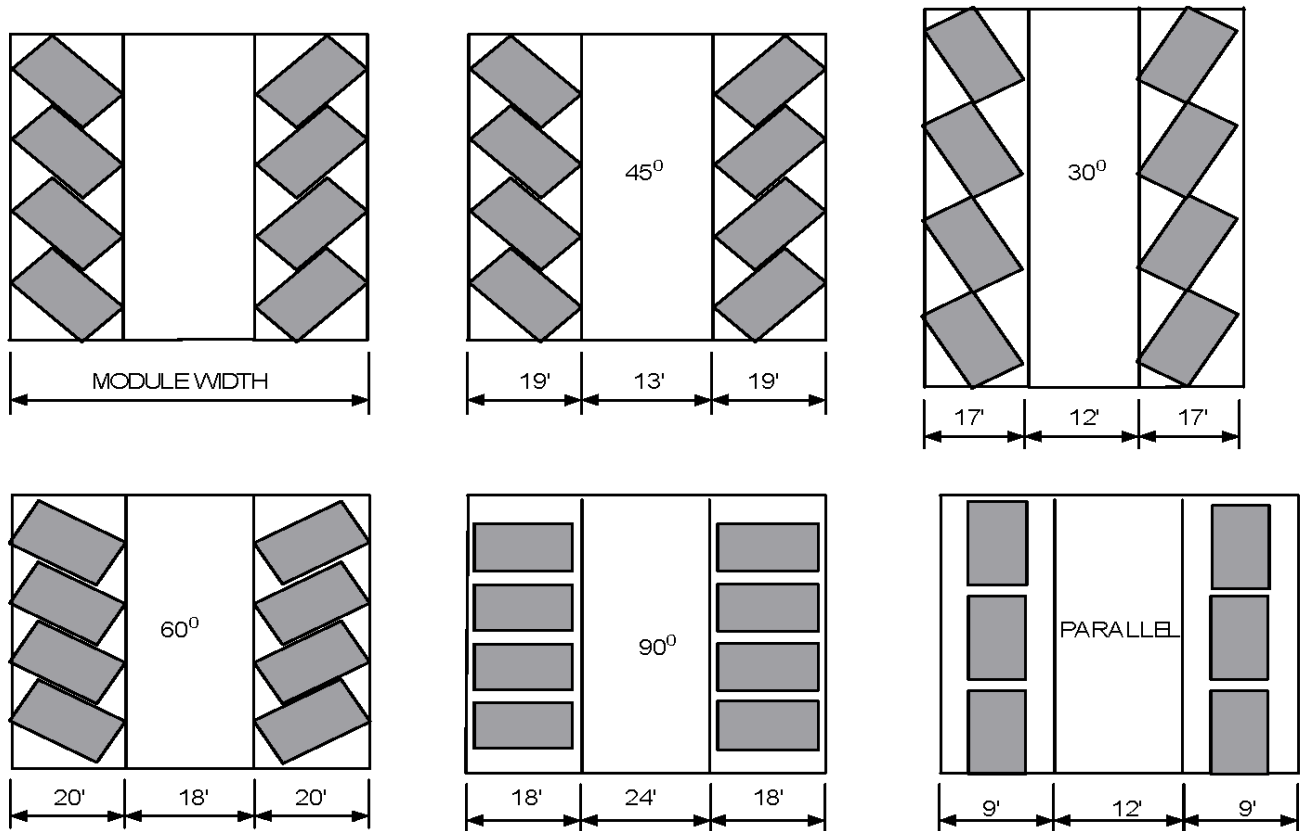
11.2-5 Computation. When determination of the number of off-street parking spaces required by this ~~Ordinance~~Section results in a requirement of a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.

11.2-6 Collective Provision. Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided collectively is not less than the sum of the separate requirements for each such use and provided that all regulations governing location of accessory parking spaces in relation to the use served are adhered to. Further, no parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Plan Commission in accordance with Section 11.1-5.

11.2-7 Size. A required off-street parking space shall be at least nine feet in width and at least eighteen feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. The length of a parking space can be reduced to sixteen and one half feet including wheel stop if additional space of one and one half feet in length is provided for car overhang. At least three feet, excluding any car overhang space, must be provided for any planting screen. The parking shall have a vertical clearance of at least seven feet.

11.2-8 Horizontal widths for parking rows, aisles, and modules shall be provided at widths no less than listed in the following table:

	Parallel	30	One Way 45	60	Two Way 90
Single Row Parking	9'	17'	19'	20'	18'
Driving aisle	12'	12'	13'	18'	24'
Minimum width of module	21'	29'	32'	38'	42'
Two row parking	18'	34'	38'	40'	36'
Driving aisle	12'	12'	13'	18'	24'
Minimum width of module	30'	46'	51'	58'	60'



Certain required off-street parking spaces mandated by this Section may be satisfied by spaces eight and one-half feet in width by 18 feet in length if the Petitioner provides an analysis that justifies the narrower spaces to the satisfaction of ~~under all the following conditions as determined by~~ the Director of Engineering. Spaces predominantly patronized by rapid-turnover parkers do not qualify for the narrower width.

~~a. The narrower spaces must be justified by an analysis provided at petitioner's expense.~~

~~b. Spaces predominantly patronized by rapid-turnover parkers do not qualify for the narrower width.~~

11.2-9 Access. Each required off-street space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking

space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.

No driveway across public property or requiring a curb cut shall exceed a width of 25 feet, except when, in the opinion of the Director of Engineering, safe and efficient design principals require an increase, in which case the Director of Engineering may authorize a maximum driveway width of 36 feet. Furthermore, no access from a street or alley to off-street parking facilities shall be located less than 35 feet from the intersection of the right-of-way of two intersecting streets.

11.2-10 Handicapped Parking. Parking for the handicapped shall be provided at a size, number and location, as specified by the current Illinois Accessibility Code.

11.2-10.1 Number of Required Spaces*

TOTAL OFF-STREET PARKING SPACES REQUIRED	REQUIRED MINIMUM NUMBER OF ACCESSIBLE PARKING SPACES
---	---

1	to	20	1
21	to	50	2
51	to	75	3
76	to	100	4
101	to	150	5

TOTAL OFF-STREET PARKING SPACES REQUIRED	REQUIRED MINIMUM NUMBER OF ACCESSIBLE PARKING SPACES
---	---

151	to	200	6
201	to	300	7
301	to	400	8
401	to	500	9
501	to	1000	2 percent of total number
over 1000			20 plus 1 for each 100 over 1000

*All medical facilities shall meet the applicable provisions of the current State of Illinois Accessibility Standards.

11.2-10.2 Dimensions of Handicapped Spaces and Access Aisle. Each parking space shall be at least 16 feet wide and striped in conformance with the current State of Illinois Accessibility Standards. Adjacent parking spaces shall not share a common access aisle. All access aisles shall blend to a common level with an accessible route and shall be diagonally striped.

11.2-10.3 Signage. Each parking space designated for handicapped persons shall comply with the current Illinois State Statue as amended and meet the requirements of the current U. S. Department of Transportation Standard for the required sign. Signs shall be vertically mounted on a post or a wall at the front of the parking space, no more than 5'-0" from the front of the parking space, and set a minimum of 4'-0", maximum 6'-0" from grade level to the bottom of the sign. In parking structures, handicapped parking signs may be mounted below the tops of spandrels or parapet walls, even though that mounting may be below 4'-0". In addition, each sign designating a parking facility for persons with disabilities shall also exhibit sign specifying the fine, with the amount to be consistent with the Arlington Heights Municipal Code.

~~11.2-10.4 All off-street parking areas in existence on the date of adoption of this ordinance shall install the required identification signs on or before one year from adoption of this ordinance.~~

~~11.2-10.5 Maintenance of Parking Spaces. Each handicapped parking space must be kept clear of snow after two inches or more of snowfall. Each space should be kept clear of ice and shall not be used for storage of snow.~~

11.2-11 In Yards.

11.2-11.1 In R-E, R-1, R-2, and R-3 Districts, off-street parking spaces shall be allowed based on the following:

- a. Off-street parking spaces may be located in any yards ~~provided that said parking shall be permitted but~~ only on concrete or asphalt surfaces.
- b. Except as set forth in subsection c. below, no driveway and/or parking area shall exceed a width of 22 feet.
- c. For three car garages, a driveway and/or parking area shall be allowed to be a maximum of 32 feet in width, within 18 feet of the garage's front elevation when, in the opinion of the Director of Engineering, the installation of such driveway will not be detrimental to drainage or alter the character of the area.
- d. When the garage is located to the rear of the residence, the side drive shall be a minimum of nine feet wide. Projections (chimneys, awnings, etc.) shall not be allowed to overhang within this measurement.
- e. For a zoning lot with a lot width of 70 feet or greater, all driveway pavement must be setback at least three feet from the side or rear lot line (whichever lot line applies).
- f. For side-loaded garages (when the garage door(s) face a side lot line), the driveway pavement dimension shall be a minimum of 22 feet from the face of the garage to the edge of the driveway pavement along the side lot line.

Nothing contained herein, however, shall permit ~~that the~~ parking of any vehicle in a portion of yard where such parking would otherwise be prohibited by any provision of ~~this chapter or other section of the~~ Arlington Heights Village Code, nor shall this section be construed to eliminate any requirements for the installation of driveways otherwise imposed by the ~~Arlington Heights Village~~ Code, including specifications for the construction and character of such driveways. Parking upon grass, dirt or other non-hard surface of any vehicle except towed vehicles is prohibited.

11.2-11.2 In "R-4", "R-5", "R-6" and "R-7" and "M-1" off-street parking spaces may be located in any yard except required front yards.

In O-T Office Transitional Districts off-street parking spaces may be located in any required yard.

In Business and M-2 Districts, off-street parking spaces may be located in any required yard.

11.2-12 Design and Maintenance.

11.2-12.1 Open and Enclosed Parking Spaces. Accessory parking spaces located on the same lot occupied by the use served, may be open to the sky or enclosed in a building. Accessory parking spaces located in an "R-5" or "R-7" District elsewhere than on the same lot occupied by the use served shall be open to the sky except when otherwise allowed as a Special Use by the Village.

11.2-12.2 Surfacing and Drainage. All off-street parking areas except those accessory to one-family dwellings, shall be improved with a compacted base, surfaced with asphaltic concrete or some comparable all-weather dustless material of a design and thickness in accordance with prescribed engineering standards, and shall be so graded and drained as to dispose of surface water accumulation by means of a positive storm water drainage system connected directly or indirectly to a public drainage way.

~~**11.2-12.3 Signs.** Accessory signs are permitted in parking areas in accordance with the provisions of Chapter 30 of the Municipal Code.~~

~~**11.2-12.4 Repair and Service.** No motor vehicle repair work of any kind shall be permitted in conjunction with accessory off-street parking facilities provided in a Residence or Business District.~~

11.2-12.5 Lighting.

- a. All lighting used to illuminate off-street parking areas shall be shielded or otherwise optically controlled so as to provide glareless illumination in such a manner as not to create a nuisance on adjacent property.
- b. All off-street parking areas with lighting shall limit spillage onto adjacent property. Maximum horizontal foot candles as given off by the neighboring property as measured in the following districts shall not exceed:

	Foot Candles	Lux
Single-Family Residential Districts	.1	1.0
Multiple Family Residential Districts	.2	2.0
Business Districts	2.0	21.5
Light Industrial Districts	5.0	53.8
Park, School & Institutional Districts	5.0	53.8

- c. All ~~luminaries~~ light poles erected 20-feet to 40-feet above ground level:

1. Shall be flat bottom optically controlled sharp cut-offs, as approved by ~~Village the~~ Director of Engineering;
2. Shall not be installed with diffusing refractors; and
3. Shall maintain a ratio of 3:1 or less of luminaire spacing to luminaire mounting heights.

- d. All ~~luminaries~~ light poles erected 0-feet to 20-feet above ground level:
 - 1. Shall be of translucent materials and not transparent materials, as approved by the ~~Village Director of~~ Engineering; and
 - 2. Shall not be installed with diffusing refractors.
- e. ~~Luminaries~~ Light Poles shall not be erected higher than 40-feet above ground level.
- f. Parking installed for the public benefit by Park Districts, educational and religious institutions shall be exempt from the requirements of (c) (3) of this Section.
- g. All present non-conforming off-street parking areas shall be equipped with the lighting required by this section upon the obsolescence or replacement of the existing lighting.
- h. Definitions and Terms used in this Section shall be defined by the Illumination Engineering Societies in the current edition of the IES Lighting Handbook.
- i. Lighting standards in side and rear yard(s) in districts other than R-E through R-7 are exempt from the requirements of (d) of this Section when said side or rear yard(s) are not adjacent to a residential district or roadway and the lighting standards do not cause glare to vehicular traffic.

11.2-12.6 Curbing. The perimeter of all parking areas providing space for parking five or more vehicles shall be protected in accordance with prescribed engineering standards.

11.2-13 Maximum Number of Spaces. The total number of accessory parking spaces provided for a two-family or multiple-family dwelling or hotel shall not exceed that required by this ~~Ordinance~~Section for such use or for an equivalent new use by more than 50%. The total number of accessory parking spaces for a single-family residential zoning lot shall be six.

11.2-14 Parking of Certain Vehicles in Residential Zoning Districts. The purpose and intent of this Section is to restrict the parking of certain vehicles in residential zoning districts as defined below. No vehicles, other than private passenger vehicles or commercial vehicles subject to the provisions of Section 11.2-14.2, may be parked between the front line of any portion of the building and the street in a residential area for a greater length of time than is required for loading or unloading or for performing services associated with the equipment or materials hauled in commercial vehicles. In no case shall a vehicle, other than a private passenger vehicle or commercial vehicles subject to the provisions of Section 11.2-14.2, be parked between the front line of any portion of the building and the street in a residential area overnight, except as authorized by the Chief of Police as provided elsewhere in this Section.

11.2-14.1 Parking of Recreational Vehicles. Recreational Vehicles (RV) may be parked on a residential zoning lot subject to the following:

- a. Front Yard.
 - 1. RVs shall not be parked between the front line of any portion of the building and the street, unless otherwise specifically provided for in this Chapter.

b. Side Yard.

1. No more than two RVs may be parked in a side yard.
2. A single RV may not exceed 20 feet in length and two RVs, if parked-end to-end, may not exceed a total combined length of 20 feet.
3. A single RV may not exceed a height of four feet in height, ~~and two RVs stacked shall not exceed a total combined height of four feet.~~
4. Any RV located in an interior side yard shall be parked a minimum of three feet from the side lot line.
5. Any RV located in an interior side yard shall be screened on all sides with a single row of evergreens a minimum of five feet high at time of planting or a semi-open wood fence five feet high.

c. Rear Yard.

1. No more than two RVs shall be parked in a rear yard.
2. A single RV shall not exceed 32 feet in length and two RVs, if parked end-to-end, shall not exceed a total combined length of 32 feet.
3. A single RV shall not exceed a height of 12 feet in height ~~and two RVs stacked shall not exceed a total combined height of 12 feet.~~
4. Any RV located in a rear yard shall be parked a minimum of five feet from the rear lot line and a minimum of three feet from any interior lot line.
5. Any RV located in a rear yard shall be screened on all sides with a single row of evergreens a minimum of five feet high at time of planting or semi-open wood fence five feet high.

d. Exterior Side Yards and Rear Yards Adjacent to a Street or Roadway.

1. No RVs shall be located in an exterior side yard or that portion of a rear yard that is between an adjacent street or roadway and a line extended from the building.

e. Additional Requirements.

1. Not more than two RVs may be parked on any residential zoning lot.
2. At no time shall a parked RV be used for living, sleeping or other purposes. No RV shall be connected to gas, water or sanitary sewer service.
3. Any RV may be parked in a fully enclosed garage unless such parking is specifically prohibited elsewhere in the Code.
4. The owner of an RV shall not park the RV in a manner so as to create a dangerous

or unsafe condition on the lot where parked or to adjacent property. Parking in such fashion that the RV may readily tip or roll shall be considered a dangerous or unsafe condition.

5. The parking surface of an RV in any permitted area shall be a hard surface such as concrete, asphalt or crushed stone.
6. RVs shall not have their wheels removed or be affixed to the ground so as to prevent ready removal of the vehicle.
7. RVs shall not be used as accessory structures in any zoning district.
8. No major automobile repairs, as defined in Section 3 of the Zoning Ordinance, shall be performed on any RV except within a garage or other structure.
9. Temporary parking of RVs for the purpose of loading or unloading shall be permitted for no more than two days within any period of four consecutive days.

11.2-14.2 Parking of Commercial Vehicles. Commercial vehicles may be parked on a residential zoning lot subject to the following:

- a. **Size/Weight Limitation.** No commercial vehicle having a license class designation greater than “B” under the Illinois Vehicle Code shall be parked on a residential zoning lot. This limitation shall not apply to a pick-up style commercial vehicle with the license class designation of “D.” All other Class “D” vehicles are prohibited.
- b. **Location.** No commercial vehicle shall be parked on a residential zoning lot unless parked within a private garage. However, a commercial vehicle that meets one of the following criteria is not required to be parked within a private garage:
 1. The vehicle has no signage;
 2. The vehicle’s signage is limited to the identification of the owner or operator affixed, by name or logo, and shall be no larger than 25% of the area of the front door, including glass, on the driver’s side. Such identification may appear on not more than two separate portions of the vehicle.
- c. **Number.** Generally, only one commercial vehicle shall be parked on a residential lot. A second commercial vehicle may be parked on a residential lot only if it meets all of the following criteria:
 1. The vehicle shall not have a license class designation of “B” or greater under the provisions of the Illinois Vehicle Code; and
 2. The vehicle’s signage is limited to the identification of the owner or operator affixed, by name or logo, and shall be no larger than 25% of the area of the front door, including glass, on the driver’s side. Such identification may appear on not more than two separate portions of the vehicle.
- d. Nothing in the provisions of this ~~Ordinance~~Section shall be construed to prohibit trucks

and other service vehicles from being parked on the premises temporarily for purposes of making deliveries or rendering service to the property.

- e. The Police Chief, or duly appointed representative, may authorize the parking of commercial vehicles designed for providing emergency services applying the same procedures and restrictions as used for RVs.

11.2-14.3 No inoperable or unlicensed vehicle shall be permitted on any residential property for more than 48 hours unless it is in an enclosed garage.

11.3 Location of Accessory Off-Street Parking Facilities. The location of off-street parking spaces in relation to the use served shall be as prescribed hereinafter. All distances specified shall be walking distances between such parking spaces and a main entrance to the use served.

11.3-1 For Uses in an R-E, R-1, R-2, R-3, or R-4 District. Parking spaces accessory to dwellings shall be located on the same zoning lot as the use served.

11.3-2 For Uses in an R-5, R-6 or R-7 District. All parking spaces shall be within 500 feet of the use served, except that spaces accessory to a multiple-family dwelling or apartment-hotel shall be within 300 feet of the use served. However, no parking spaces accessory to a use in an R-5 or R-7 District shall be located in an R-E, R-1, R-2, R-3 or R-4 District.

11.3-3 For Uses in Business and Manufacturing Districts. All required parking spaces shall be within 1,000 feet of the use served, except for spaces accessory to dwelling units (other than those located in a transient hotel), which shall be within 300 feet of the use served. However, no parking spaces accessory to a use in a Business or Manufacturing District shall be located in a Residence District.

11.4 Schedule of Parking Requirements. Accessory off-street parking spaces for the following uses shall be provided as required herein.

USE

REQUIREMENTS

Housing for Elderly

One space for each multi-family dwelling unit. Single family detached and attached dwelling units require two parking spaces per unit.

Dormitories

Two spaces per three residents, plus one space for each staff member.

11.4-1 RESIDENTIAL USES

USE

REQUIREMENTS

Multiple Family Dwellings
in the R-5 and R-6 Zoning Districts

Two spaces for each dwelling unit

Multiple Family Dwellings
in the R-7 Zoning District

One and one-half spaces for each
dwelling unit

One & Two Family Dwellings

Two spaces for each dwelling unit

11.4-2 RETAIL - COMMERCIAL AND SERVICES USES

USE

REQUIREMENTS

Amusement Device Arcades

One space for each 300 square feet of floor area

Automobile Service Stations

One space for each employee plus three spaces for each service bay

Banks

One space for each 300 square feet of floor area

Beauty Shop

One space for each 250 square feet of floor area

Bowling Alleys

Three spaces for each alley plus the required spaces for restaurants that are provided

Dance Studio

One space for each 250 square feet of floor area

Furniture and Appliance Stores,

One space for each 600 square feet of floor area

Health Clubs

One space for each 200 and fifty square feet of floor area

Motor Vehicle Sales and
Sales

One space for each 600 square Machinery of floor area

Offices - Business, Professional & Governmental

One space for each 300 square feet of floor area

Offices - Medical or Dental Clinics,

One space for every 200 square feet of floor area

Medical Center

(Refer to State of Illinois Accessibility Standards for additional requirements.)

Personal Trainer

One space for each 250 square feet of floor space

Restaurant - Carry-Out

One space for each 300 square feet of floor space

Restaurant - Sit-Down

One space for each 45 square feet of seating

	area
Retail Stores - Not Otherwise Specified	One space for each 300 square feet of floor area
Theaters (Indoor)	One space for each four seats
Undertaking Establishments, Funeral Parlors	25 spaces for each chapel or parlor

11.4-3 WHOLESALE, STORAGE & PRODUCTION

USE

REQUIREMENTS

Establishments Engaged in Production, Processing, Cleaning, Servicing, or Repair of Materials, Goods or Products, or Engaged in Research and Development

One space for each two employees plus one space for each vehicle used in the Testing the conduct of the enterprise.

Warehouses and Storage

One space for each two employees plus one space for each vehicle used in the conduct of the enterprise

Wholesale Establishments

One space for each two employees plus one space for each vehicle used in the conduct of the enterprise

11.4-4 COMMUNITY SERVICE USES

USE

REQUIREMENTS

Colleges & Universities

One space for every five students at maximum enrollment

Community Centers

Spaces equal in number to 30% of capacity

Church

One space for each five seats

Day Care Centers and Schools

Three spaces for each two employees

Hospital

Three spaces for each hospital bed

Libraries, Art Galleries
Museums- Public

One space for each 1000 feet & of gross floor space

Places of Assembly as follows:
Stadiums, Arenas, Auditoriums
(other than Church, College or
Institutional School),
Convention Halls, Skating Rinks,

Parking equal in number to 30% of the capacity in persons

and other similar places of assembly

Public Utility and Public
Service Uses

Spaces as required for similar office,
retail uses or industrial

Recreational Facilities

Spaces equal in number to 30% of capacity

Schools, Commercial

One space for each employee plus spaces
equal in number to one half of the maximum
number of students projected to be in
attendance at any one time

Schools, Elementary

~~Two spaces~~ One space per ~~each~~ employee
~~plus one space per classroom~~ plus one space
per every five classrooms

Schools, High

Two spaces per each employee plus one
space per ten students at maximum

11.4-5 MISCELLANEOUS USES

USE

REQUIREMENTS

Fraternities, Sororities, & Dormitories

One space for each three active member plus
one space for the manager thereof

Hotels & Motels

One space for each lodging room plus spaces
as required for any restaurant that is included

Nursing Homes

One space for each two beds

Private Clubs and Lodges

One space for each lodging room plus
parking spaces equal in number to 30% of the
capacity in persons (exclusive of lodging
room capacity)

Crematories, Mausoleums

Parking spaces shall be as determined by Plan
Commission Fraternal and Religious
institutions to serve persons employed or
residing on the premises, as well as the
visiting public

Other Uses

For uses not listed heretofore in this schedule
of parking requirements, parking spaces shall
be provided on the same basis as required for
the most similar listed uses

11.5 PARKING IN THE ~~CENTRAL-DOWNTOWN~~ BUSINESS DISTRICT

11.5-1 Furniture and Appliance Store (B-5)

USE

First Floor

Other than First Floor

REQUIREMENTS

One space for each 1000 square feet of floor area

One space for each 1500 square feet of floor area

11.5-2 Multiple Family Dwellings (B-5)
(Including Apartment Hotels)**USE**

Efficiency and One Bedroom Apartments

Two Bedroom Apartments

Three Bedroom Apartments

REQUIREMENTS

One space for each unit

One and one-fourth spaces for each unit

One and one-half spaces for each unit

11.5-3 Office - Business, Professional, and Governmental (B-5)**USE**

First Floor

Second Floor or Basement

Above the Second Floor

REQUIREMENTS

One space for each 600 square feet in excess of 1500 square feet of floor area

One space for each 750 square feet in excess of 2000 square feet of floor area

One space for each 1250 square feet in excess of 2500 square feet of floor area.

11.5-4 Offices-Medical or Dental and Medical Centers (B-5)**USE**

First Floor

Other Than the First Floor

REQUIREMENTS

Three spaces for each examination room

Two spaces for each examination room

11.5-5 Retail Stores and Banks (B-5)**USE**

First Floor

Second Floor or Basement

REQUIREMENTS

One space for each 500 square feet in excess of 1500 square feet of floor space

One space for each 700 and fifty square feet in excess of 2000 square feet of floor area

Above the Second Floor

One space for each 1000 square feet in excess of 2500 square feet of floor area

11.5-6 Restaurant - Sit-Down (B-5)

USE

First Floor or Basement

REQUIREMENTS

One space for each two hundred square feet of public seating area

Above the First Floor

One space for each 250 square feet of public seating area

11.5-6 Restaurant - Sit-Down (B-5)

USE

Other Uses (B-5)

REQUIREMENTS

For uses not listed heretofore in the above schedule of parking requirements for the B-5 zoning district, parking spaces shall be provided at 50% in number as required elsewhere

11.5-8 Leasing of Parking Spaces. The off-street parking requirements in the B-5 Downtown District may be met by the leasing of ~~such~~ spaces from the Village. The duration and terms of such lease shall be determined by the President and Board of Trustees. ~~Such lease shall be in a form approved by the Village Attorney and the President and Board of Trustees and shall contain such guarantee of payment or other security as may be required by the President and Board of Trustees.~~ The ~~ancillary~~ parking shall not be separated from the place of business by a major arterial road and shall be within the Downtown District or contiguous to the Downtown District.

11.5-9 Substantial Compliance. If an existing developed parcel does not meet parking requirements but the deficit is either less than ten spaces or no more than five percent less than the number of required parking spaces, the parcel will be deemed to be in substantial compliance with the parking requirements if the property owner can demonstrate to the satisfaction of the Village that there is sufficient parking on-site for the proposed uses.

11.6 Additional Regulations -- Off-Street Loading.

11.6-1 Location. All required loading berths shall be located on the same zoning lot as the use served. No loading berth for vehicles over two ton capacity shall be closer than 50 feet to any property in a Residence District unless completely enclosed by building walls or a uniformly painted solid fence or wall, or any combination thereof, not less than six feet in height. No permitted or required loading berth shall be located within 25 feet of the nearest point of intersection of any two streets. No loading berth shall be located in a required side yard and any loading berth located in a required rear yard shall be open to the sky.

11.6-2 Size. Unless otherwise specified, a required loading berth shall be at least ten feet in width by at least 35 feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 14 feet.

11.6-3 Access. Each required off-street loading berth shall be designed in such a manner that all vehicle maneuvering shall be performed entirely on the property being serviced when the access is from a street designated on the Village Official Map or Village Comprehensive Plan Map as an arterial or collector street.

~~**11.6-4 Surfacing.** All open off-street loading berths shall be improved with a compacted macadam base, not less than seven inches thick, surfaced with not less than two inches of asphaltic concrete or some comparable all-weather dustless materials.~~

11.6-54 Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any Residence or Business District.

11.6-65 Space allocated to any off-street loading berth shall not be used to satisfy the space requirements for any off-street parking facilities or portion thereof.

11.6-76 For special uses other than prescribed for hereinafter, loading berths adequate in number and size to serve such use, as determined by the Plan Commission, shall be provided.

11.6-87 Uses for which off-street loading facilities are required herein, but which are located in buildings of less floor area than the minimum prescribed for such required facilities, shall be provided with adequate receiving facilities off any adjacent alley, service drive, or open space on the same lot which is accessible by motor vehicle.

11.7 Schedule of Loading Requirements. For the uses listed in the following table, off-street loading berths shall be provided on the basis of gross floor area or building or portions thereof devoted to such uses in the amounts shown ~~herebelow:-~~

USE	GROSS FLOOR AREA IN SQUARE FEET	REQUIRED NUMBER AND MINIMUM DIMENSIONS OF BERTH
a. Multiple-Family Dwellings	10,000 to 200,000	1-(10 ft. x 35 ft.)
b. Hospitals, sanitariums, and other institutional uses	For each additional 200,000 or fraction thereof	1 additional - (10 ft. x 35 ft.)
c. Hotels, Clubs and Lodges, except as set for in Item (c)		
d. Hotels, Clubs and Lodges - when containing any of the following: Retail Shops Convention Halls, Auditoriums, Exhibition Halls, or Business or Professional Offices (other than accessory)	10,000 to 20,000 20,000 to 150,000 For each additional 150,000 or fraction thereof	1-(10 ft. x 35 ft.) 1-(10 ft. x 50 ft.) 1 additional - (10 ft. x 50 ft.)
e. Retail Stores	5,000 to 10,000	1-(10 ft. x 35 ft.)
f. Restaurants - Sit-down	10,000 to 25,000	2-(10 ft. x 35 ft. ea.)
g. Motor Vehicle and Machinery Sales	25,000 to 40,000 40,000 to 100,000	2-(10 ft. x 50 ft. ea.) 3-(10 ft. x 50 ft. ea.)
h. Wholesale Establishments	200,000 or fraction	1 additional -

(but not including warehouse and storage buildings other than accessory)

thereof

(10 ft. x 50 ft.)

USE	GROSS FLOOR AREA IN SQUARE FEET	REQUIRED NUMBER AND MINIMUM DIMENSIONS OF BERTH
i. Auditoriums, Convention Halls, Exhibition Halls, Sports Arenas, Stadiums	10,000 to 20,000 20,000 to 100,000 For each additional	1-(10 ft. x 35 ft.) 1-(10 ft. x 50 ft.) 1 additional -
j. Bowling Alleys	100,000 or fraction thereof	(10 ft. x 50 ft.)
k. Banks and Offices - Business, Professional and Governmental	10,000 to 100,000 for each additional 100,000 or fraction thereof to 500,000 for each additional 500,000 or fraction thereof	1-(10 ft. x 35 ft.) 1 additional - (10 ft. x 35 ft.) 1 additional - (10 ft. x 35 ft.)
l. Establishments Engaged in Production, Processing, Cleaning, Servicing, Testing, or Repair of Materials, Goods or Products	5,000 to 10,000 10,000 to 40,000 40,000 to 100,000 For each additional 100,000 or fraction thereof	1-(10 ft. x 35 ft.) 1-(10 ft. x 50 ft.) 2-(10 ft. x 50 ft. ea.) 1 additional (10 ft. x 50 ft.)
m. Warehouses and Storage Buildings		
n. Theaters	8,000 to 25,000 For each additional 50,000 or fraction thereof	1-(10 ft. x 35 ft.) 1 additional - (10 ft. x 35 ft.)
o. Undertaking Establishments and Funeral Parlors	8,000 to 100,000 For each additional 100,000 or fraction thereof	1-(10 ft. x 35 ft.) 1 additional - (10 ft. x 35 ft.)

Section 28-12 - Zoning Board of Appeals

12.1 Zoning Board of Appeals. The powers, duties and responsibilities of the Zoning Board of Appeals are set forth in Chapter 6 of the Municipal Code.

(Ord. # 04-059)

12.2 Land Use Variations

In order to receive a variation, the Petitioner must provide support for each of the following factors:

1. The proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property; and
2. The plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned; and
3. The proposed variation is in harmony with the spirit and intent of this Chapter;
4. The variance requested is the minimum variance necessary to allow reasonable use of the property.

A variation may be granted if the evidence provided sustains each of the factors listed above. Every variation shall be accompanied by findings of fact specifying the reasons for granting the variation by applying the above factors.

The concurring vote of four members of the Zoning Board is necessary to reverse any order, requirement, decision, or determination of the Administrative Officer, or to decide in favor of the applicant in any matter upon which it is required to pass or to effect any variation.

~~12.3 Zoning Board of Appeals Hearing.~~ ~~The procedures to be followed for consideration of a variation shall be as follows:~~

(Ord. # 04-009)

~~12.3-1 Pre Application Conference.~~ ~~Prior to submission of an application for a variance, the owner or authorized agent of the owner shall meet with the Director of Planning and Community Development to obtain information and guidance prior to submission of application. The applicant may request relief from the requirements of Section 12.3-2 to the Director of Planning and Community Development. Such request will be referred to the Zoning Board of Appeals for decision on such request.~~

(Ord. # 04-059)

~~12.3-2~~ **Application.** An application for a hearing before the Zoning Board of Appeals ~~verified by the owner of the subject property or their authorized agent~~ shall be filed with the Department of Planning and Community Development upon a form prescribed therefore which shall be accompanied by the application fee and the following:

12.3-2.1

a. Plat of Survey. Nine copies of the Plat Survey, designating dimensions of proposed

construction spotted thereon.

12.3 2.2 Petition. ~~Written Petition to the Zoning Board of Appeals, detailing variation requested.~~

(Ord. # 04-059)

12.3 2.3 b. Preliminary Plans. ~~The Applicant must submit N~~nine copies of detailed preliminary plans ~~relating to the of variation, requested as determined by the Director of Planning and Community Development and Chair of the Zoning Board of Appeals.~~ If ~~the~~ application is for a fence variation, ~~the~~ placement and height of fence ~~to must~~ be designated on the Plat of Survey.

12.3 2.4 c. Proof of Ownership. The applicant shall submit ~~documentation owners Policy of Title insurance and/or Warranty Deed~~ evidencing ownership of property and any lease or rental agreement in effect pertaining to the petition on the subject property. If Title is in Trust, a copy of the Trust Agreement, certified by the Trustee with evidence of all current ownership of beneficial interest together with a letter of authorization from the Trust Company ~~shall be provided~~.

(Ord. # 04-059)

12.34 Departmental Review. The Planning Department shall circulate ~~the~~ application and plans to the ~~Village of Arlington Heights municipal appropriate~~ departments for review and recommendations. ~~The departments shall reply in writing stating their review and recommendation to the Planning Department within ten days of receipt of said plans.~~ All reviews and recommendations shall be made available to the applicant prior to the public hearing. The applicant may submit revised plans to the Planning Department for review and ~~all revised plans~~ must be submitted ~~14 fourteen~~ days prior to ~~the~~ public hearing. The revised plans shall be submitted and reviewed ~~as required in Section 12.3 2.3.~~ The Planning Department shall transmit all recommendations to the Zoning Board of Appeals for their review ~~at least seven days~~ prior to ~~the~~ date of ~~the~~ public hearing.

12.45 Public Hearing Notification Requirements. The applicant shall comply with notification requirements ~~as set forth in of~~ Section 18 ~~of this Chapter~~.

12.56 Determination. The Zoning Board of Appeals ~~and Village Board~~ may require additional plans or studies in order to conduct a thorough investigation of a request before them. The findings and recommendations of the Zoning Board of Appeals shall ~~generally~~ be transmitted to the Village Board of Trustees within ~~thirty 30~~ days of adjournment of the ~~pPublic h~~ Hearing. If the petition also requires a recommendation from the Plan Commission, the findings and recommendations of the Zoning Board of Appeals will ~~generally~~ be transmitted to the Village Board within ~~thirty 30~~ days of adjournment of the Plan Commission Public Hearing.

(Ord. #06-008)

12.7 Zoning Board of Appeal Fees. ~~All applications for zoning amendments submitted to the Zoning Board of Appeals, shall be accompanied by the applicable fee as determined by the following schedule:~~

Single Family Residential District	\$200.00
Multiple Family or Commercial District	\$350.00
Commercial District	\$500.00

12.68 Limitation on Requests for Variations. No request for a variation shall be considered by the Zoning Board of Appeals for property which has been the subject matter of a previous request for a variation for a period of one year after the Zoning Board of Appeals has made a determination or recommendation for a variation on the same property. The Zoning Board of Appeals shall not consider any petition for rehearing of a variation request after a decision or recommendation on a variation has been made unless substantial changes have been made to the evidence or use to adjacent properties.

Section 28-13 - Plan Commission

13.1 Plan Commission. The powers, duties and responsibilities of the Plan Commission are set forth in Chapter 6 of the Municipal Code.

~~**13.1.1 Zoning Regulations.** The Plan Commission shall upon direction from the Board of Trustees, or at its own initiative, review any part of Chapter 28 (Zoning Regulations), hold appropriate public hearings and made recommendations to the Board of Trustees.~~

(Ord. #03-068)

~~**13.1.2 Individual Zoning, Subdivision and Development Petitions.** The Plan Commission will conduct appropriate hearings, unless a majority of the Trustees directs that a specific hearing be held in some other manner, and submit recommendations to the Board of Trustees on petitions involving the following matters:~~

- ~~a. Subdivision, including resubdivision and consolidation.~~
- ~~b. Special Uses. (See Section 8)~~
- ~~c. Planned Unit Development. (See Section 9)~~
- ~~d. Rezoning.~~
- ~~e. Land Use Variations.~~
- ~~f. Such other matters as may be referred to the Commission by the President and Board of Trustees.~~

In applications for Planned Unit Development, Subdivisions, Special Use Permits, Rezoning and Land Use Variations, the Plan Commission may recommend and the Village Board may authorize exceptions to the applicable bulk regulations of this ordinance and such other variations from the Zoning Regulations (Chapter 28 and Chapter 29 of the Municipal Code) as may be required within the boundaries of such development without referring the matter to the Zoning Board of Appeals.

Section 13.2 Land Use Variations

In order to receive a variation, the Petitioner must provide support for each of the following factors:

1. The proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property; and
2. The plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned; and
3. The proposed variation is in harmony with the spirit and intent of this Chapter; and
4. The variance requested is the minimum variance necessary to allow reasonable use of the property.

A variation may be granted if the evidence provided sustains each of the factors listed above. Every variation shall be accompanied by findings of fact specifying the reasons for granting the variation by applying the above factors.

~~**Section 13.1-3 Land Use Variations.** The Plan Commission may recommend, and the Village Board authorize upon appeal, whenever a property owner can show that a strict application of the terms of this ordinance relating to the use of a building or structures or the use of land will impose upon him unusual practical difficulties or particular hardship, such variation of the strict application of the terms of this ordinance as are in harmony with its general purposes and intent, but only when the Board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variation from the comprehensive plan as established by this ordinance, and at the same time the surrounding property will be properly protected.~~

~~In its consideration of the standards of practical difficulties or particular hardship, the Plan Commission shall require evidence that (1) the property in question cannot yield a reasonable return if permitted to be used only under the condition allowed by the regulation in that zone; and (2) the plight of the owner is due to unique circumstances; and (3) the variation, if granted, will not alter the essential character of the locality. A variation shall be permitted only if the evidence, in the judgment of the Plan Commission, sustains each of the three conditions enumerated.~~

~~(Ord. # 04-059)~~

~~In consideration of all appeals and all proposed variations to the ordinance the Plan Commission shall, before recommending any variation from the ordinance in a special case, first shall make a determination that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or general welfare of the inhabitants of the Village of Arlington Heights. The concurrence of a majority of the Plan Commission is necessary to reverse any order, requirement, decision or determination of the Administrative Officer, or to decide in favor of the applicant any manner upon which it is required to pass under this ordinance or to effect any variation in this ordinance. Every variation shall be accompanied by findings of fact specifying the reason or reasons for making the variation if required by law.~~

~~Nothing herein contained shall be construed to give or grant the Plan Commission the power or authority to alter or change the Zoning Ordinance or the District Map, such power and authority being reserved to the President and the Board of Trustees of the Village of Arlington Heights in the manner hereinafter provided in Section 18.~~

~~Decisions by the Plan Commission shall not be final but shall be subject to review and final decision by the President and Board of Trustees.~~

13.23 Plan Commission Hearings. ~~The procedures to be followed when considering petitions~~

for special use permit, amendments and reclassification of property, shall be as follows:

~~13.2-1 Pre Application Conference.~~ Prior to submission of an application for a special use permit, amendment, reclassification of property, plat of subdivision or planned unit development the owner or authorized agent of the owner shall appear before the Village of Arlington Heights Plat and Subdivision Committee and appropriate staff to obtain information and guidance prior to submission of application. The applicant may request relief from certain requirements of Section 13.2-2 at the Plat and Subdivision Committee. Such request will be referred to the Plan Commission Committee of the Whole for decision on such request.

~~13.2-2 Application.~~ An application verified by the owner of the subject property or their authorized agent shall be filed with the Planning Department upon a form prescribed therefore which shall be accompanied by the application fee and ten complete sets of the following:

~~13.2-2.1 a.~~ Plat of Survey.

~~13.2-2.2 b.~~ **Preliminary and Final Plat of Subdivision.** If required (~~refer to~~ pursuant to Chapter 29: Subdivision Control Regulations).

(Ord. #04-013)

~~13.2-2.3 c.~~ Preliminary architectural drawings as set forth below ~~to include~~ (these are not required for zoning changes to R-E, R-1, R-2, R-3 zoning classification):

~~a.1)~~ Detailed site plan to include roadways, driveways, parking area and dimensions, all proposed structures, free standing signs, outdoor lighting, trash storage areas, loading areas, and project data to include total land area, building area, floor area ratio and parking computations.

~~b.2)~~ Detailed landscaping plan (required for new construction only) including location, quantity, common names, and size of all landscaping materials.

~~c.3)~~ Floor Plan.

~~d.4)~~ Building Elevations.

~~e.5)~~ Building Sections.

~~f.6)~~ Sign Plans.

~~13.2-2.4 d.~~ Preliminary engineering plans and engineering feasibility study (required for new construction or increase in building coverage only).

e. **Traffic Study.** If required, (see Section 6.13 of this ordinance)

~~13.2-2.6 f.~~ **Proof of Ownership.** The applicant shall submit ~~owners Policy of Title insurance and/or Warranty Deed~~ documentation evidencing ownership of property and any lease or rent agreement in effect pertaining to the petition on the subject property. If the title is in a Land ~~Trust~~,

a copy of the Trust Agreement, certified by the Trustee with evidence of all current ownership of beneficial interest together with a letter of authorization from the ~~t~~Trust company shall be provided.

13.34 Departmental Review. The Planning Department shall circulate the application and plans to the ~~Village of Arlington Heights municipal~~ appropriate departments for review and recommendations. ~~The departments shall reply in writing stating their review and recommendations to the Planning Department within ten days of receipt of said plans.~~ All reviews and recommendations shall be made available to the applicant prior to the public hearing. The applicant may submit revised plans to the Planning Department for review and all revised plans must be submitted fourteen at least 14 days prior to public hearing. The revised plans shall be resubmitted and reviewed ~~as required in Section 13.2-2 (a)-(e).~~ The Planning Department shall transmit all recommendations to the Plan Commission for their review ~~at least seven days~~ prior to the date of the public hearing. If any of the plans have been changed, ~~The applicant also~~ shall submit ten additional new sets of plans ~~as required in Section 12.2-2 (a)-(e)~~ to the Planning Department at least seven days prior to date of public hearing for transmittal to the Plan Commission ~~for their review at least seven days prior to date of Public hearing.~~ Plans submitted for Plan Commission later than seven days prior to date of public hearing may result in a continuation of the public hearing.

13.45 Public Hearing Notification Requirements. The applicant shall comply with notification requirements as set forth in ~~of~~ Section 18 of this Chapter.

13.56 Determination. The Plan Commission may require additional plans or studies in order to conduct a thorough investigation of a request before them. The findings and recommendations of the Plan Commission shall be transmitted to the Village Board ~~of Trustees~~ within 30 days of adjournment of the public hearing. If the petition also requires a recommendation from the Zoning Board of Appeals, the findings and recommendations of the Plan Commission will be transmitted to the Village Board within 30 days of adjournment of the Zoning Board of Appeals hearing.

(Ord. #03-068, #06-008)

13.6 Plan Commission Fees.

Rezoning to R-E, R-1, R-2 and R-3 District	\$ 900.00
Classification	
(Subdivision fees below)	
Rezoning to all other district classifications	
0—1.99 acres	\$ 900.00
2—4.99 acres	\$ 1,100.00
5—9.99 acres	\$ 1,300.00
10—14.99 acres	\$ 1,500.00
15+ acres	\$ 1,700.00
Planned Unit Development	
0—4.99 acres	\$ 1,200.00
5—9.99 acres	\$ 1,400.00
10—14.99 acres	\$ 1,600.00
15+ acres	\$ 1,800.00
Planed Unit Development Amendments	

0—4.99 acres	\$ 1,200.00
5—9.99 acres	\$ 1,400.00
10—14.99 acres	\$ 1,600.00
15 + acres	\$ 1,800.00
Special Use Permits (and Amendments)	
Under 3,000 square feet (gross)	\$ 500.00
3,000 + square feet (gross)	\$ 850.00
All drive-thoughts	\$ 1,000.00
Subdivisions, except consolidations	\$ 900.00 + \$ 55.00 for each new lot created
Land Use Variation	
0—1.99 acres	\$ 900.00
2—4.99 acres	\$ 1,100.00
5—9.99 acres	\$ 1,300.00
10—14.99 acres	\$ 1,500.00
15+ acres	\$ 1,700.00
Consolidations	\$ 300.00

Section 28-14 - Design Commission

14.1 Design Commission. The powers, duties and responsibilities of the Design Commission are set forth in Chapter 6 of the Municipal Code.

(Ord. #13-035)

14.2 Design ~~Commission Meetings~~Review. The procedures to be followed when ~~considering developments determining when and how design review will occur~~ shall be as follows:

(Ord. #05-037, #13-035)

14.2-1 a. For developments where a public hearing is necessary before the Plan Commission or Zoning Board of Appeals, the design review process should, if feasible, be completed by the time of the public hearing. Development proposals requiring rezoning, PUD or other Plan Commission approvals, shall be reviewed by the Design Commission for building and signage only.

(Ord. #13-035)

14.2-2 b. For developments where no public hearing is necessary, the applicant for building permit shall be informed ~~of if there is a need for~~ design review ~~and if so, whether that review will be by either the Design Commission or Staff. and the necessity for a public meeting or administrative design review.~~ Developments that do not require a public hearing by the Plan Commission shall be reviewed by the Design Commission or by administrative design review for all elements under the Commission's responsibility.

(Ord. #03-067, #05-037, #13-035)

c. For demolition in residential zoning districts and all properties in the B-5 zoning district, design review is required ~~and will evaluate the following,~~ prior to a demolition permit being issued. The review will evaluate the following:

a1. The A development plan; and

2.b. The An estimated time frame for demolition and subsequent redevelopment plan and timeline, ~~including verifying that:~~

- 1.** ~~Criteria for redevelopment plan and timeline for proceeding with demolition and redevelopment;~~
- a) Proposed redevelopment is in character with the neighborhood and meets the criteria in the design guidelines and
- b) Proposed redevelopment will not adversely affect the neighborhood, ~~c) Submittal of materials needs to comply with Section 14.2-4.~~

(Ord. #03-067, #05-037)

14.3 Application. An application verified by the owner of the subject property or their authorized agent shall be filed In all cases, either at the time of filing a petition for the Plan Commission or Zoning Board of Appeals or at the time of applying for a building permit, the developer shall provide the Department of Planning & Community Development upon a required form and with eight copies of the following:

a. If required, all necessary documentation to determine if a redevelopment is appropriate per

Section 14.2-3.

a. Plat of Survey.

b. Floor Plans

- ~~b.~~ c. existing and proposed elevations of all building facades and roof plans (renderings optional);
- ~~c.~~ d. ~~detailed Proposed~~ site plan ~~including parking lot layout, building locations, driveways, site data, etc.; and photos of adjacent properties~~
- ~~d.~~ e. landscaping plans - including existing plant material, size and quantity of proposed material;
- ~~e.~~ f. ~~any storm water control facilities and a site grading plan;~~
- ~~f.~~ g. specifications and rendering of signs, if sign review is required;
- ~~g.~~ h. a ~~statement or~~ sample of all color, kind and texture of materials to be used;
- ~~h.~~ i. location map with roads, parking, existing buildings and other significant features within approximately 250 feet from proposed building site; ~~and~~

(Ord. #06-008, #06-078)

~~i.~~ a one time fee for review as follows:

Single Family District (Design Commission Review)	\$200.00
Single Family District (Administrative Approval Design Review)	\$200.00
Multiple Family District	\$350.00
Commercial District	\$500.00
Institutional District	\$300.00
Sign Variation	\$300.00
Downtown Sign Administrative Approval	\$ 50.00

(Ord. 13-051)

14.2-45 Departmental Review. The Department of Planning & Community Development shall be the administrative contact to the Design Commission responsible for reviewing all petitions, making recommendations for changes or modification in design and providing assistance in interpreting the Design Guidelines. The Director or designee may determine that certain projects do not need formal design review, either by the Design Commission or staff. Such projects may include small (approximately 300 square feet or less) one-store additions in the rear of homes, small commercial building changes and similar small projects. The review will ensure the project is in compliance with the design guidelines, as applicable. In cases where the Village has determined that formal design review is not necessary, no design review fee will be charged.

(Ord. #05-037)

14.2-5.1.5 Design Commission Meeting. The Design Commission will schedule a public meeting as soon as practicable after complete submittal and review by the Department of Planning & Community Development of the plans, at which time the developer will make a presentation on the project. A decision of approval, modification or denial will be made immediately upon consideration of the Design Guidelines following the applicant's presentation.

(Ord. #05-037)

14.2-5.2-6 Notice by Sign. For projects in residential districts requiring Design Commission review, a sign providing notice of the public meeting of the Design Commission shall be required to be posted by the applicant in accordance with the requirements set forth in Section 18 of this Chapter. ~~for a period not less than 15 days prior to the date before the public meeting, the applicant shall post a readable sign(s) on the property which is the subject of the public meeting, easily visible from the adjacent roadway. Sign(s) must be removed no later than seven days after completion of the public meeting. Petitioner shall provide proof of the posting of the sign, by photograph and a sworn statement verifying the posting of the sign.~~

SAMPLE SIGN

APPROXIMATE SIZE: 30" HIGH BY 48" WIDE

**_____
NOTICE OF PUBLIC MEETING***

MEETING FOR: ~~[Fill in current action requested]~~ +

MEETING LOCATION: ~~ARLINGTON HEIGHTS MUNICIPAL BUILDING+~~
~~33 S. ARLINGTON HEIGHTS ROAD+~~

DATE: ~~[Fill in meeting date]~~ **TIME:** ~~[Fill in meeting time]*~~

PUBLIC ATTENDANCE AND COMMENTS INVITED

FOR DETAILS CALL:

~~[Fill in petitioner's name]~~ **or Village of Arlington Heights**
~~and phone number]~~ **Department of**
Planning & Community Development at
847-368-5200

~~Sign must be posted no less than 15 days prior to meeting date.~~

~~Sign must be removed by seven days after the first meeting.~~

*** MUST BE AT LEAST 1½" HIGH**

+ MUST BE AT LEAST 1" HIGH

~~The sign(s) herein required shall contain the current action requested, date, time and place where the meeting shall be held, a statement that further information can be obtained from the petitioner and the Planning Department of the Village of Arlington Heights, and the phone number of the Village of Arlington Heights and the petitioner. The words, "NOTICE OF PUBLIC MEETING" must appear at the top of the sign(s) in letters no smaller than 1.5". The date and time of the meeting shall also be 1.5". The sign(s) shall meet all other requirements set forth by the Village of Arlington Heights. All costs associated with the public meeting sign(s) are to be borne by the petitioners.~~

(Ord. #03-067, #05-037)

14.37 Issuance of a Certificate of Approval. The Design Commission will issue a Certificate of Approval if:

- a. The applicant's plans achieve the purpose and intent of the Design Guidelines; and,
- b. The proposed design is compatible with the character of neighboring buildings contributing to a favorable environment in the Village.
- c. The existing property or structure is determined not to have significant architectural, historical, aesthetic, or cultural value.

If the Commission denies the issuance of a Certificate of Approval, no building permit or demolition permit will be issued on the application except by direction of the Village Board.

(Ord. #03-067)

14.48 Enforcement of a Development Schedule. The Certificate of Approval shall be effective for no more than 12 months from the date it was issued. Unless a building permit has been issued and construction commenced within this time period, the ~~Certificate of appropriateness~~ Certificate of Approval shall be void. An extension of up to 12 months can be obtained by submitting a detailed request to the Planning and Community Development Department.

(Ord. #05-037)

14.95. Amendments. Amendments to a Certificate of Approval ~~will~~ must be obtained through the same process as set forth above.

(Ord. #04-078)

14.106 Appeal. For all petitioners appearing before the Design Commission who do not need to also appear before the Plan Commission or Zoning Board of Appeals, the petitioner has the right to appeal directly to the Village ~~President and Board of Trustees~~. ~~The written~~ The appeal must be made in writing and submitted to the Village Manager, within 30 days of receipt of the notice of denial by the Design Commission. The Village Board, at a regular meeting, will ~~then~~ either:

- a. agree with the Design Commission's decision; or
- b. overrule or modify the decision of the Design Commission and direct the issuance of a permit.

For all petitioners appearing before the Design Commission who need to also appear before the Plan Commission or Zoning Board of Appeals, the petitioner has the right to file an appeal to the Village ~~President and Board of Trustees~~. The ~~written~~ appeal must be made in writing and shall be forwarded to the Village Board along with the other documents submitted for their review at the same time as the recommendation from the Plan Commission or Zoning Board of Appeals is submitted to the Village Board, ~~along with the other documents submitted for their review~~. The appeal will then be considered by the Village Board at a regular meeting concurrently with the Village Board's review of the recommendation from the Plan Commission or Zoning Board of Appeals. The Village Board will ~~then~~ either:

- a. agree with the Design Commission's decision; or

- b. overrule or modify the decision of the Design Commission and direct the issuance of a permit.

In all other cases, the Design Commission's decision will be sent to the Plan Commission or Zoning Board of Appeals, so that they are aware of the Design Commission's decision, along with other documents for review and then forwarded to the Board.

Summary: The existing variation hardship criteria is difficult to analyze, in particular the first criterion that “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.” Staff has reviewed the LaSalle factors, which were guidelines established by the State of Illinois Supreme Court in the late 1950’s for evaluating variations, as well as other municipalities criteria and recommends the following:

Recommended New Hardship Criteria

In order to receive a variation, the Petitioner must provide support for each of the following factors:

1. The proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property; and
2. The plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned; and
3. The proposed variation is in harmony with the spirit and intent of this Chapter; and
4. The variance requested is the minimum variance necessary to allow reasonable use of the property.

A variation may be granted if the evidence provided sustains each of the factors listed above. Every variation shall be accompanied by findings of fact specifying the reasons for granting the variation by applying the above factors.

In addition, the following language should be included for the Zoning Board of Appeals:

The concurring vote of four members of the Zoning Board is necessary to reverse any order, requirement, decision, or determination of the Administrative Officer, or to decide in favor of the applicant in any matter upon which it is required to pass or to effect any variation.

From La Salle National Bank of Chicago v. County of Cook (Il Sup Ct. 1957)

Among the facts which may be considered in determining validity of zoning ordinance are:

- (1) Existing uses and zoning of nearby property,
- (2) Extent to which property values are diminished by particular zoning restrictions,
- (3) Extent to which destruction of property values of plaintiff promotes health, safety, morals or general welfare,
- (4) Relative gain to public as compared to hardship of individual property owner,
- (5) Suitability of property for the zoned purposes, and
- (6) Length of time property has been vacant as zoned.

ARLINGTON HEIGHTS

Authorize upon appeal, whenever a property owner can show that a strict application of the terms of the Zoning Ordinance relating to the construction or alteration of building or structures will impose upon the owner unusual practical difficulties or particular hardship, such variation of the strict application of the terms of the Zoning Ordinance as are in harmony with its general purposes and intent, but only when the Board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variation from the Comprehensive Plan, and at the same time the surrounding property will be properly protected.

In its consideration of the standards of practical difficulties or particular hardship, the Board of Appeals shall require evidence that:

- 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; and
- 2) the plight of the owner is due to unique circumstances; and
- 3) the variation, if granted, will not alter the essential character of the locality.

A variation shall be permitted only if the evidence, in the judgment of the Board of Appeals, sustains each of the three conditions enumerated. In consideration of all appeals and all proposed variations to the Zoning Ordinance, the Zoning Board, before granting any variation, shall first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion in public streets, increase the danger of fire, endanger the public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the public health, safety, comfort, morals or general welfare of the inhabitants of the Village. The concurring vote of four members of the Zoning Board is necessary to reverse any order, requirement, decision, or determination of the Administrative Officer, or to decide in favor of the applicant in any matter upon which it is required to pass or to effect any variation. Every variation shall be accompanied by findings of fact specifying the reasons for making the variation.

SAMPLE 1

1. The plight of the owner is due to unique circumstances and the proposed variation will not merely serve as a convenience to the petitioner, but will alleviate some demonstrable and unusual hardship which will result if the strict letter of the regulations of this chapter were carried out and which particular hardship or practical difficulty is not generally applicable to other comparable properties.
2. The alleged hardship has not been created by any person presently having a proprietary interest in the subject property.
3. The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.
4. The proposed variation will not impair visibility to the adjacent property, increase the danger of traffic problems or endanger the public safety.
5. The proposed variation will not alter the essential character of the neighborhood; and
6. The proposed variation is in harmony with the spirit and intent of this chapter.

SAMPLE 2

Standards for Variations:

1. Variations shall not be granted except on findings based upon the evidence of each specific case:
 - a. That the plight of the owner is due to unique circumstances; and
 - b. That the variation, if granted, will not alter the essential character of the locality.
2. For the purposes of supplementing the above standards, the zoning board may take into consideration the extent to which the following facts favorable to the applicant have been established by evidence:
 - a. That the particular physical surroundings, shape, or topographical conditions of the specific property involved would bring a hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulation were called out;
 - b. That the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning district;
 - c. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property;
 - d. That the alleged difficulty or hardship has not been created by any person presently having an interest in the property;
 - e. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 - f. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood; or
 - g. That the granting of the variation will not confer on the applicant any special privilege that is denied by this chapter to the lands, structures, or buildings of the same district.

SAMPLE 3

Variance review findings of fact. The ZBA is permitted to approve, approve with conditions, or deny a request for variance. Each request for a variance must be consistent with the following findings of fact:

- a. Limitation on the use of the property due to physical, topographical, and geologic features.
- b. The applicant can demonstrate that without a variance there can be no reasonable use of the property.
- c. The grant of the variance is not based solely on economic reasons.
- d. The necessity for the variance was not created by the property owner.
- e. The variance requested is the minimum variance necessary to allow reasonable use of the property.
- f. The grant of the variance will not be injurious to the public health, safety, or welfare.
- g. The property subject to the variance request possesses one or more unique characteristics generally not applicable to similarly situated properties.

Building Heights - R4/R6/R7
Existing and Proposed Projects

Project Name	Address	Zoning	Variation
Fountains of Arlington	601 W Rand Rd	R6	5.6 ft. (45.6 ft. Proposed, 40 ft. Max Allowed)
	601 W Rand Rd	R6	6.7 ft. (46.7 ft. Proposed, 40 ft. Max Allowed)
Arlington Market	NWC Dryden & Kensington	R6	14 ft. (54 ft. Proposed, 40 ft. Max Allowed)
	NWC Dryden & Kensington	R4	3 ft. (28 ft. Proposed, 25 ft. Max Allowed)
Geimer Property	619-701 E. Dundee Rd.	R6	13.5 ft. (53.5 ft. Proposed, 40 ft. Max Allowed)

Townhomes	Address	Zoning	Height
Brownstones of Arlington	1502-1530 W. Northwest Hwy.	R6	32.75 ft.
Carlyle @ Stonegate	1402-1458 E. Northwest Hwy.	R6	33.25 ft. Max Height, 29 ft. at Midpoint
Arlington Market	Kensington & Dryden	R6	33' 5" from grade (front). 38' 6" from grade (rear)
Arbor Lane	1605-1609 E. Palatine Rd.	R6	30' 4" (to roof midpt.), 39' 3 9/16" to roof midpt. of cupola)

Project Name	Address	Zoning	Height
CA Ventures Sigwalt Apts.	37-45 S. Chestnut St., 36-40 S. Highland St.	R7	62.5 ft. Proposed
Hickory Apts	400-424 & 500-550 NW Hwy.	R7	58' 4" (Both Buildings) Proposed

K-8 School Parking Comparison

		Arlington Heights			Mt. Prospect	Wheeling	Elk Grove	Schaumburg	Buffalo Grove	ITE
Ratio Req'd by Code		Per Code: 2 spaces per employee + 1 per classroom	Spaces Required per Variation	Maximum Parking Demand per Traffic Study	1 space per employee + 8 visitor spaces	1 space per every 5 students at max. enrollment + 1 space per employee	2 parking spaces per each classroom	1 for every 10 students at max. capacity	1 space per employee	0.21 spaces per elementary student, 0.1 spaces per middle school student
School and Required Parking	<i>Greenbriar</i>	195	75	79 (83)*	94	190	46	52	86	110
	<i>Windsor</i>	222	101	93 (100)*	103	199	64	52	95	109
	<i>Thomas Middle</i>	314	144	107 (116)*	143	341	88	103	135	103
	<i>Ivy Hill</i>	173	72	55	77	198	70	65	69	135
	<i>Olive-Mary Stitt</i>	167	49	63	76	197	62	65	68	135

* Note: Number in parens indicates predicted count after school expansion

School Information

	Number of Staff	Number of Classrooms	Number of Students
<i>Greenbriar</i>	86	23	520
<i>Windsor</i>	95	32	518
<i>Thomas Middle</i>	135	44	1,030
<i>Ivy Hill</i>	69	35	641
<i>Olive-Mary Stitt</i>	68	31	642

<i>Municipality</i>	<i>FY Max. Height</i>	<i>SY Max. Height</i>	<i>RY Max. Height</i>	<i>Types Allowed (In Brief)</i>	<i>Types Allowed (Detail)</i>
<i>Palatine</i>	3' if under 20' long	6'	6'	Open or Solid	"All fence types, except barbed wire, electrically charged or other types designed to cause injury, shall be permitted unless otherwise specified" No barbed wire or electrically charged fences. Fences for screening must be solid. Fences may be open, "except where adjacent to residential property, in which case, the fence must be a solid style."
<i>Mount Prospect</i>	N/A	5' (6' if abutting arterial or non-residential area, 8' abutting railroad ROW)	5' (6' if under 18' long or abutting non-residential area, 8' abutting railroad ROW)	Open or Solid	Any, so long as constructed of approved materials. (Wood panels, boards, pickets; concrete panels; wrought iron or panel metal; brick, tile, stone, or concrete walls) No barbed wire or electrically charged fences. Barbed wire may be used in industrial areas or around public utilities so long as located on top of permitted fence.
<i>Rolling Meadows</i>	N/A	6'6" , if multi-family then 8'6"	6'6" , if multi-family then 8'6"	Open or Solid	
<i>Elk Grove Village</i>	N/A	6'	6'	Open or Solid	

<i>Buffalo Grove</i>	N/A	6' if open/semi-open, 6' solid if abutting a major road, non-residential, or railroad ROW, 5' if solid	6' if open/semi-open, 6' solid if abutting a major road, non-residential, or railroad ROW, 5' if solid	Open or Solid	"Open or Solid/Opaque"
<i>Des Plaines</i>	4', 50% see thru visibility	6' (8' if abutting railroad ROW)	6' (8' if abutting railroad ROW)	Open or Solid (Open only in Front Yard)	In residential districts, any except barbed wire or electrically charged fences. Front yard fences must be at least 50% "See-Through"
<i>Prospect Heights</i>	N/A	6' (8' if abutting non-residential or a parking area, or if screening a patio, swimming pool, or dog run)	6' (8' if abutting non-residential or a parking area, or if screening a patio, swimming pool, or dog run)	Open or Solid	Any. In business districts, use of barbed wire may be used "when deemed necessary for public safety by the zoning administrator"
<i>Wheeling</i>	3' solid, 4' open	6'	6'	Open or Solid	Open or Solid

Zoning Board of Appeals

Parking Variations

October 12, 2017

ZBA#	Address	Parking Variance	Outcome
17-018	7-25 E. Golf Road	56 to 54	Approved
17-010	1010-1060 W. Rand Road	82 to 76	Approved
16- 058	3265 N. Arlington Heights Rd	152 to 145	Approved
16-029	531 W. Golf Road	390 to 334	Approved
15-010	307 E. Rand Road	99 to 79	Approved
13-039	1800 E. Northwest Hwy.	20 to 10	Approved
13-026	1046 S. Arlington Hts. Rd.	10 to 8	Approved
13-012	1900 S. Arlington Hts. Rd.	16 to 13	Approved



Item: Annual Review of Comprehensive Plan

Department: Planning & Community Development

In 2017 the following amendments were made to the Comprehensive Plan and/or Official Map:

Ord#17-029 Amend Comprehensive Plan from Commercial to Institutional for 120-122 E. Boeger Drive (Hearts Place).

Ord#17-036 Amend Comprehensive Plan adopting the Bicycle and Pedestrian Plan.

In 2018 the Village will be implementing certain corridor enhancements to Rand Road and to Northwest Highway as recommended in the 2015 Comprehensive Plan. Also in December 2017, the South Arlington Heights Road Corridor Study was recommended for approval by the Comprehensive Plan Subcommittee. The Plan will be presented to the Plan Commission in February.

At this time no additional amendments are recommended.

ATTACHMENTS:

Description

Comp Plan Annual 2017

Type

Memorandum

Memorandum

To: Chairman Ennes and Members of the Plan Commission
From: Bill Enright, Deputy Director Planning and Community Development
Date: 1/02/18
Re: 2017 Annual Review of the Comprehensive Plan – Plan Commission Meeting 1/10/18

Pursuant to Chapter 6 of the Municipal Code – Section 6-201 (e), the Plan Commission shall be responsible for an annual review of the Comprehensive Plan and Official Map. Each year, no later than December 31st, the Plan Commission shall report to the Village Board of Trustees any recommended amendments or shall recommend no changes.

In 2017 the following amendments were made to the Comprehensive Plan and/or Official Map:

Ord#17-029 Amend Comprehensive Plan from Commercial to Institutional for 120-122 E. Boeger Drive (Hearts Place).

Ord#17-036 Amend Comprehensive Plan adopting the Bicycle and Pedestrian Plan.

In 2018 the Village will be implementing certain corridor enhancements to Rand Road and to Northwest Highway as recommended in the 2015 Comprehensive Plan. Also in December 2017, the South Arlington Heights Road Corridor Study was recommended for approval by the Comprehensive Plan Subcommittee. The Plan will be presented to the Plan Commission in February.

At this time no additional amendments are recommended therefore the following motion is recommended:

Pursuant to Chapter 6 – Section 6-201 (e) of the Municipal Code, the Plan Commission has conducted an annual review of the Comprehensive Plan and Official Map for the Village of Arlington Heights and recommends no additional amendments at this time.

C: Charles Witherington-Perkins