

**REPORT OF THE PROCEEDINGS OF
THE CONCEPTUAL PLAN REVIEW COMMITTEE
OF THE VILLAGE OF ARLINGTON HEIGHTS PLAN COMMISSION**

A MEETING HELD ON:

January 10, 2024

Project Title: Verizon Wireless Cell Antenna

Address: 1500 W. Shure Dr.

Petitioner: Rachael Ceckowski
Verizon Wireless

Address: 1701 Golf Rd.
Rolling Meadows, IL 60008

Requested Action:

1. Special Use Permit to allow for a permanent commercial antenna on the principal building façade, and a temporary commercial antenna in the in the parking lot.

Variations Required:

1. Variation from Chapter 28, Section 6.14-2.2(b) for relief from requirement of a landscaping plan for the temporary commercial antenna installation.

Attendees: Ari Rosenthal, Legal Counsel for Verizon Wireless
Jay Cherwin, Plan Commissioner
George Drost, Plan Commissioner
Bruce Green, Plan Commissioner
Michael Lysicatos, Planning Department
Sam Hubbard, Planning Department

Project Summary:

The subject property is two parcels of property that make up One North Arlington, an existing eight-story office building at 1500 W. Shure Drive. The property is bounded by W. Shure Drive to the south and N. Wilke Road to the west. The site is approximately 7.36 acres and has direct access to both W. Shure Drive through two separate two-way driveways and N. Wilke Road with one two-way driveway.

The petitioner, Verizon Wireless, is proposing two new telecommunication antenna installations. The petitioner states that the installations are necessary due to the fact that an existing telecommunications tower has been decommissioned and removed a little over a half-mile from the site which provides cell phone service to the public and first responders in this area. The site at 1500 W. Shure Drive was selected due to its ability to provide coverage in the gaps left from the facility closing in Palatine.

The petitioner is proposing the installation of a new telecommunication antenna array on the façade of the penthouse wall on the roof level of the existing office building in addition to existing equipment previously approved and installed by a separate cell phone carrier.

The petitioner is also proposing a temporary, mobile telecommunications tower in the northeastern section of the parking lot of 1500 W. Shure Drive. The purpose of the temporary antenna is to provide cell phone coverage in the areas impacted by the tower removed in Palatine until the permanent installation is complete on the façade of the office building. This antenna has already installed and is the subject of a Procced at Own Risk Declaration executed with the Village of Arlington Heights. The Declaration states that the temporary tower be removed if the tenant does not file an application for the temporary or permanent installations, the Village Board of Trustees deny approval for the temporary or permanent installations, the permanent installation is completed, or by March 31, 2024. A copy of the agreement is in the agenda packet.

Meeting Discussion:

Mr. Rosenthal – stated they are here to discuss two requests that have been submitted. The first is a temporary facility that already exists, the agreement that we have with Village has been driven by our loss of the site in an adjacent municipality. This created a loss in coverage, but the more critical issue is permanent use needed to port equipment, antenna, and accessory equipment on the roof and façade of the existing building that will serve as the tower. Another carrier was previously using this building, and we are here to answer any questions.

Mr. Lysicatos – explained there's two special use permits that are being applied for, one for a temporary tower, which is installed at this point and with a subject of a Proceed at Own Risk agreement with the Village Board that was executed in October and a second permit for a permanent tower. The property is in the M1 research, development and light industrial district. One variation is also required for the relief from the requirement that landscaping around any ground mounted tower and staff is recommending that be waived. The tower is currently surrounded by a fence. There are two parcels on the property that make up One North Arlington, the existing eight story office building is there now is on one parcel. The temporary tower is located in the parking lot, which is in the eastern parcel of the property. A total of about 7.36 acres, N. Wilke Road is on the west side and Shore Dr. is on the southern edge of the property with access on both roads.

Verizon approached the village several months ago, provided information on why the tower was needed. The current communication tower and Palatine has been decommissioned as of this point. Verizon was leasing a tower that was being removed from the property, the timing was out of their control and the agreement with the Village and the temporary towers were based on applying for the special use permits which they have at this point, receiving approval for the permanent tower. If Verizon does not receive approval for the permanent tower, the temporary leaves or March 31st, whichever one comes first. At this time Verizon is seeking the conceptual. plan review and then will move forward with the full application, which is actually slated for the next Planning Commission meeting two weeks from today.

The code requires that the petitioner demonstrate that there's technically suitable space available for the existing tower or the structure. Verizon has analyzed and submitted information to staff, we did not share it with the commission, because it has trade secrets, and they did not want that to be sort of a public document. This information has been reviewed with our staff, our engineering staff, legitimately showed a gap in cell service for customers, but also first responders. Verizon has responded to the three criteria necessary for the special use permit in their full application. The building and landscaping, have no proposed changes. To the building itself, except for the installation of the antennas on the facade of the parapet walls on the on the roof there is a parapet that sits on the actual top story that surrounds the roof, which hides any of the equipment that's up there. They've been provided preliminary comments from planning and engineering and all the rest of our departments on both the temporary and the permanent installation. There were no comments on the temporary installation and it is up at this point.

With regards to traffic, parking, and loading the existing office building by code requires 608 spaces. Currently, they are providing 530 spaces, leaving a 78-space deficit. They have lost 14 spaces with the temporary tower, however once the temporary tower is removed, they will regain those 14 spaces. Staff is not recommending a variance at this time, the uses that are being proposed now do not really have a substantial impact on parking. Currently only about 25% of the parking is utilized at the office building at this point.

The recommendation is that this does move forward to the full Planning Commission. Staff is asking that the petitioner mitigate the aesthetic impacts of the permanent installation by painting the antennas, removing any of the antennas that are not in use, and then the temporary tower get removed following the proceed at their own risk agreement. If that has to be amended because of timing, we will go back to the Village Board.

Commissioner Cherwin – tell me more about the 25% utilization of the parking lot. Is that generally consistent with the current situation of the building? What is the current situation of building? Owned by?

Mr. Lysicatos – the building is not fully being used and the temporary tower does not impact any parking deficit, so staff does not feel there is a need for a variation. The building is not owned by Verizon, separate property owner.

Commissioner Cherwin – inquired about the viability of the building and the term of the lease.

Mr. Lysicatos – the owner had previously inquired with the Village about truck parking on the site, however never pursued with Plan Commission. Staff is focusing on trying to come up with long term viability for the building. Staff does not have a lot of information on the owner's efforts in marketing or tenant recruiting.

Mr. Rosenthal – it is typically five years with options.

Commissioner Cherwin – shared his concerns with the building not being utilized to capacity, if the owner was in a situation where the building went into disrepair, the Village and the owner were trying to work something out the presence of the cell tower could cause a burden of further development.

Mr. Rosenthal – Verizon has worked with places that it is the landlord is wanting to completely change the use for the variability and it just won't work to have a carrier. We've certainly seen other situations where that's occurring. We've agreed to some kind of buyout and we look for another site.

Commissioner Drost – inquired about the science and the safety. There have been occasions where residents have been concerned with the throw off of whatever it emits from a cell tower. For the record are those concerns? What's the science?

Mr. Rosenthal – Federal law actually prohibits being considered for viewing on whether it's approved or denied, but I think that the logic is that the SEC basically regulates that and they've done the studies, and as long as we're in compliance, which we would have to be under your permitting approvals with the FCC, there should not be.

There currently is another provider already on the tower, and Verizon will utilize the Sprint space. Any unused equipment will be taken down and decommissioned. Per the lease, we have a duty to remove what's there.

Commissioner Cherwin – inquired about Verizon not serving his home with wi-fi in South Arlington Heights.

Mr. Rosenthal – he agreed that he does not have it at his home either, not a tower close enough to provide coverage. Sales people look at customers inquiring about coverage and then the engineering team has to look for availability.

Commissioner Green – expressed they have three thumbs up and should move forward to Plan Commission in two weeks.

RECOMMENDATION

The Conceptual Plan Review Committee encouraged the petitioner to proceed forward with their application.

Bruce Green, Chair
CONCEPTUAL PLAN REVIEW COMMITTEE
Kendra Maher, Recorder

REPORT OF THE PROCEEDINGS OF
THE CONCEPTUAL PLAN REVIEW COMMITTEE
OF THE VILLAGE OF ARLINGTON HEIGHTS PLAN COMMISSION

A MEETING HELD ON:

January 10, 2024

Project Title: Doctor's Subdivision PUD Amendment

Address: 2010-2020 S. Arlington Heights Road

Petitioner: Samuel A. Orticelli, Esq.

Address: 432 Tremingham Way
Venice, FL 34293

Requested Action:

1. Amendment to Planned Unit Development (PUD) Ordinance #70-089 and #02-019 to modify a previously approved parking variation.

Variations Required:

1. Chapter 28, Section 10.4-2, to allow 127 parking stalls where code requires 200 parking stalls.

Attendees: Sam Orticelli, Attorney
Jay Cherwin, Plan Commissioner
George Drost, Plan Commissioner
Bruce Green, Plan Commissioner
Michael Lysicatos, Planning Department
Sam Hubbard, Planning Department

Project Summary:

The subject property is located at the southwest corner of Arlington Heights Road and Seegers Road and is occupied by an approximately 40,000 square foot multi-tenant office building that was constructed in the 1970's. The structure is primarily tenanted by medical office users, which comprise approximately 61% of the existing floor area within the building. The remaining floor area is either leased to standard office users (21.3%) or is vacant (17.7%). Several of the existing medical office tenants are expected to vacate the building in 2024 as their leases are set to expire.

The site contains two separate parking areas; the first is located at the front of the building and contains 65 parking stalls with access from both Arlington Heights Road and Seegers Road. The second parking area contains 62 parking stalls and is located at the rear of the building with access from Seegers Road. At its intersection with Arlington Heights Road, Seegers Road provides two outbound lanes of non-signalized full access (a separate right turn lane and left turn lane), as well as one inbound lane of travel.

The petitioner purchased the property in 2021 and would like to have the ability to lease any space within the building to a medical office tenant. However, the subject property operates at a parking deficit, and without a variation being granted, only standard office users would be allowed. As such, they are intending to submit a Plan Commission application requesting approval of a parking variation. Because the property is part of a Planned Unit Development (PUD), the parking variation can only be granted as part of a PUD amendment.

Meeting Discussion:

Mr. Orticelli – introduced himself and explained that he was representing the owners of the building at 2010 S. Arlington Heights Road. He was hoping to clear up a parking problem that he believe stemmed back to 2002. The building was initially built in 1970 as part of a PUD. The original plans were to build this building and then a second phase was to occur about two years later. The second phase was never built, but the PUD stipulated that 241 parking spaces were to be provided across both phases. The development is called the Doctor Subdivision and has always been meant to accommodate medical

offices, used by medical tenants. When the second phase wasn't built, the owners of the 2010 building subdivided the property into two lots and then they sold off the second lot (2020 S Arlington Heights Rd). There was an amendment to the PUD to allow development on the second lot and that amendment allowed 157 spaces on the second lot, whereas the original PUD was to contain a total of 241 parking spaces. The 157 spaces on the second lot equated to 22.7% reduction in code required parking on that lot where 203 parking spaces were required.

With regards to the 2010 building, per his calculations, 200 spaces are required. This figure is calculated by taking the gross floor area of the 2010 building, which we've determined to be approximately 40,000 square feet and assigning one parking space for every 200 square feet of medical floor area. This equates to 200 spaces required for the 2010 building.

Mr. Orticelli questioned the zoning ordinance and specifically section 28-10-10.1, sharing that it says *where a building permit has been issued prior to the effective date of this section and provided that construction has begun within six months of such effective date and diligently pursued the completion, parking and loading facilities as required here and after need not be provided*. Mr. Orticelli shared his interpretation of Section 28 10-10.1, which in his opinion means that the 2010 property does not need to comply with the one parking space per 200 square feet of medical office floor area, but that the parking requirement should be based on the regulations that were in effect prior to the effective date of that amendment, which were one space for every 250 square feet of floor area, plus one space for every three staff members.

Calculating the parking requirement for the medical office building under this premise, he arrives at a requirement for 176 spaces, opposed to the 200 that the Village has calculated. He reiterated that when the 2002 amendment was passed to allow development at 2020 S Arlington Heights Road, a variance was granted to allow a reduction from 203 to 157 parking stalls, that's a 22% reduction. He hoped that staff might consider a similar reduction that works out to a reduction for the 2010 building, which would equate to a requirement for 136 spaces. Currently there are 127 spaces on the site, so under this allowance there would be a deficit of nine.

Mr. Orticelli shared in the in the 2002 amendment to the PUD, it was encouraged that there be an agreement between the owner of the 2020 building to have shared parking. He noted that in order for this to be accomplished, it would take a lot of construction due to the parking lots are on different levels.

Mr. Orticelli visited the lot, and of the 127 spaces on Lot 1 (2010 building), only 33% of the spaces were being used, while the rest were empty at 1:30 pm. In summary, our request is to see the current 127 spaces approved or at worst increase the deficit by 9 spaces. There have been no other parking problems on the property.

Mr. Hubbard – shared that there is complicated history on these two properties. This medical office building, the subject of this request, is part of a PUD. It is a two-lot PUD. Originally approved in 1970 as a two-phased development, and the second phase was never built. The property was subdivided into two lots and sold off. The second lot was eventually developed in 2002, and is home to the OSHA building. At that time, a parking variation was granted to the OSHA building, and its development was authorized via a PUD amendment. One of the requirements of approval of that PUD was that the two property owners within the PUD negotiate and pursue a shared parking agreement. This condition of approval did not strictly require shared parking to be executed and recorded, but it was a hope that the two property owners would be able to negotiate and record it.

The intention was that if parking was shared between the two sites, the unified approach to parking would be able to maximize the amount of parking in sum, rather than each site maximizing their own individual parking separately, which resulted in less parking overall. In other words, together they could provide more parking than just individually on each site.

Each site operates at a significant deficit relative to parking, the goal was to bring the PUD closer to compliance and make it a more feasible site for higher parking demand uses. That agreement was never reached in 2002, although the PUD amendment was approved to allow construction of the OSHA building.

Now in 2024, the petitioner is requesting a variation to allow all medical office tenancy within the northern building of the site (2010 building), and because this is part of a PUD it requires a variation through the PUD process. As part of this request and per Code, the Village is asking the petitioner to provide a parking study that surveys parking on both lots and on adjacent streets over a three-day period, to ascertain the existing parking demand. Then forecast out what that parking demand would be if the site is tenanted completely with medical office uses. Staff is also asking that as part of this process, the two sites agree to a shared parking agreement that would allow them to maximize the parking between both sites as was designed and contemplated back in 2002.

Staff is also asking that the medical office building analyze and revise the front parking area, which would maximize parking there if reconfigured, and would allow more onsite parking to get closer to parking compliance and reduce the extent of any variation. The petitioner has submitted an initial response to the parking variation approval criteria. Staff will evaluate that once the full application has been received, along with the parking surveys and the parking data from the parking study. Staff is generally supportive, subject to being able to resolve some of these issues, and the petitioner is encouraged to move forward if they're able to prove up that parking can be viable, and implement some of these parking changes and negotiate a successful shared parking agreement to allow both sites to be closer in compliance to code requirements.

Commissioner Drost – inquired about the argument of grandfathering the parking surplus that was would have been generated at the time of the original PUD approval, does that have any merit to it?

Mr. Hubbard – the original parking for the overall PUD as approved in 1970 was for 241 parking stalls. It was not possible to grandfather in that amount of parking for the overall PUD; there exist no plans showing what that second phase involved that generated the requirement for 241 stalls. In order to take advantage of that amount, the PUD today would need to be substantially compliant with what was approved in 1970. When the PUD was amended in 2002, it completely changed what that parking calculation, so the 241-parking stall amount was obsolete upon approval of the amended PUD. Relative to the Code section that Mr. Orticelli brought up, it was his understanding that the section being referenced was a holdover from the original 1959 Zoning Code, so anything prior to 1959 would probably be allowed, but he did not think it applies to development from 1970. Staff could look into it as part of any Plan Commission review process.

Mr. Orticelli – stated that the 241 overall PUD parking requirement was a combination of phase one and the projected phase two parking requirement. As Mr. Hubbard said, there are no plans in the file for phase two. However, it's reasonable to assume that the 241-parking stall requirement was arrived at by the medical office use, using the standard of 1 space per 250 square feet of gross floor area, plus one space for every three staff members. The 241-parking stall amount was actually reduced from 250 required in 1970 due to certain land banked parking areas as part of the original PUD plan.

Mr. Hubbard – stated the 1970 approval and allowances were not relevant at this point because we don't have a plan showing what was approved that equated to 241 stalls; the approval could have hypothetically been for a 10,000 square foot phase two building addition, whereas what was actually constructed is the OSHA building at 60,000 square feet. The 1970 approval was amended and the opinion of the Planning Department was that the 1970 parking allowance is obsolete at this point.

Mr. Orticelli – explained the OSHA building is a training facility and has approval for a reduction of parking spaces of 22.7%. The building has students coming and going and there is a much higher need for parking with a building like that than there is for a medical office building. Ownership has the goal of receiving approval for 100% occupancy for the 2010 building by medical tenants. Some of the medical related tenants may be things like a sleep therapy clinic, which would not have a high parking demand. They would like to have the ability to lease all spaces to medical tenants, but the actual tenant mix with standard offices, could be different.

Commissioner Drost – explained that parking demand and community demographics change over time, and what made sense in 1970, and in 2002, may no longer make sense today. One of the major reasons the Plan Commission granted a parking variation to the OSHA property was that much of the parking demand came from students. They are transitory, they weren't permanent office workers or occupants, and in that particular building many of them arrived by shared rides or walk from neighboring hotels.

Commissioner Drost – asked about utilization of the OSHA parking lot. He stated that when he has driven by it does not appear to be at full capacity.

Mr. Hubbard – responded that they were asking for the parking survey of the OSHA building to determine demand on that site, which would be evaluated as part of the Plan Commission process. When the petitioner observed a low parking demand on that site, it could have been during a time when training was not taking place.

Commissioner Cherwin – stated that many times the OSHA trainees do not have their own cars and arrive by other means.

He asked the petitioner if ownership was open to a shared parking agreement with OSHA.

Mr. Orticelli – replied that ownership was having trouble leasing the 2010 site and did not see parking demand warranting shared parking. They were having trouble keeping the building afloat and could not justify a large capital investment of constructing additional parking areas that they didn't believe they needed. They were open to a stairway connection between the two sites.

Commissioner Cherwin – suggested that maybe offering a small-scale improvement like that could help to get people behind this project, along with the future allowance for shared parking. He was open to discussing a connection between the two sites to maximize parking and was interested in moving forward from the past and defining the true need of medical building parking. He also asked the Village to consider differing parking requirements for the various types of medical office uses that more adequately captured their parking demand. Not all medical office tenants had such a high parking demand as others.

Mr. Orticelli – replied that they would be open to a stairway connection and doing a parking study. They were open to additional striping to create more parking stalls. There were also about 11 parking stalls along Seegers that could accommodate demand. He reiterated that there was no current parking problem onsite and he was never aware of one existing.

Commissioner Cherwin – explained that the site had not been fully occupied for some time and may never have been fully occupied by high parking demand generating office tenants. He wasn't strictly opposed to allowing 100% medical office uses on the site but wanted to make sure that they were creating problems down the road and that there were mechanisms in place to prevent future problems.

Commissioner Drost – pointed out that one of the Village's goals was to improve the Arlington Heights Road corridor and he was somewhat wary of putting too much on the site if it was not able to accommodate for it.

Mr. Orticelli – stated that he was not in favor of paving over greenspace to create more parking just to satisfy a code requirement when there was no real parking demand to justify the need.

Commissioner Green – stated it would make sense that if it became a problem, the Village had the right to require the greenspace to be converted to parking. He supported the Village interpretation that the original parking amount from 1970 was not grandfathered in.

Mr. Hubbard – clarified that the specific conditions that the Village was considering was a requirement to expand the parking in the front and between the two uses, but only at the discretion of the village should staff observe a parking problem. We're not going to require it upfront just to meet code, unless the parking data comes back and the forecasts that there would be a parking problem if tenanted 100% by medical users. Staff wants to see the data and we are certainly supportive of keeping green space and not paving it if it's not needed. To enable any future shared parking, an agreement should be put in place as part of these approvals. We would explore options for maximizing the existing parking lot with different layouts that may allow an increase in parking stalls but not entail new paving.

Commissioner Green opened the floor for public comment.

Mr. Moens – encouraged the CPRC to complete their minutes and post them online in a more expedited way.

RECOMMENDATION

The Conceptual Plan Review Committee encouraged the petitioner to proceed forward with their application.

Bruce Green, Chair
CONCEPTUAL PLAN REVIEW COMMITTEE
Kendra Maher, Recorder