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PLAN

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

COMMISSION

RE: DOCTORS SUBDIVISION - 2010-2020 SOUTH ARLINGTON HEIGHTS ROAD -
PC #24-001, PLANNED UNIT DEVELOPMENT AMENDMENT

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 9th day of October, 2024 at the hour of 7:30 p.m.

MEMBERS PRESENT:

JAY CHERWIN, Chairperson
LYNN JENSEN
JOE LORENZINI
BRUCE GREEN
GEORGE DROST
TERRY ENNES
JOHN SIGALOS

ALSO PRESENT:

MICHAEL LYSICATOS, Assistant Director of Planning and Community Development

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(Gavel pounded.)

CHAIRPERSON CHERWIN: All right, I'm going to start the meeting. It's 7:30. If we could, I guess start with the Pledge of Allegiance.

COMMISSIONER DROST: Yes, you do that.

(Pledge of Allegiance recited.)

CHAIRPERSON CHERWIN: Michael, could we have roll call please?

MR. LYSICATOS: Of course, thank you.

Commissioner Dawson.

(No response.)

MR. LYSICATOS: Commissioner Drost.

COMMISSIONER DROST: Here.

MR. LYSICATOS: Commissioner Ennes.

COMMISSIONER ENNES: Here.

MR. LYSICATOS: Commissioner Green.

COMMISSIONER GREEN: Here.

MR. LYSICATOS: Commissioner Jensen.

COMMISSIONER JENSEN: Here.

MR. LYSICATOS: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Here.

MR. LYSICATOS: Commissioner Sigalos.

COMMISSIONER SIGALOS: Here.

MR. LYSICATOS: And Chair Cherwin.

CHAIRPERSON CHERWIN: Here.

All right, thank you all. For the record, we have a quorum.

I think our first order here is approval of minutes for the Red Flag Resolution, for 106-110 West Eastman.

COMMISSIONER GREEN: I'll make that motion.

COMMISSIONER DROST: And I'll second it.

CHAIRPERSON CHERWIN: Okay, all in favor, voice vote?

(Chorus of ayes.)

COMMISSIONER ENNES: I abstain.

COMMISSIONER JENSEN: Yes, I wasn't there either, I abstain.

CHAIRPERSON CHERWIN: Okay, Mr. Ennes and Mr. Jensen abstain.

Any opposed?

(No response.)

CHAIRPERSON CHERWIN: Okay, the motion carries.

Moving on to the next matter listed, Public Hearings. We've been informed that our Petitioners for the Doctors Subdivision will not be available unfortunately due to travel circumstances affected by the hurricane. So, that will be postponed.

MR. LYSICATOS: Yes, we'll re-notice for that. We let them know that we would re-notice for that meeting.

CHAIRPERSON CHERWIN: Okay, well, we'll look forward to it and wish them well. Hope everything goes okay for them down in Florida.

(Whereupon, at 7:32 p.m., the public hearing on the above-mentioned petition was adjourned.)

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PLAN

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

COMMISSION

RE: ARLINGTON 425 - SIGWALT/CHESTNUT/HIGHLAND - PC #21-002
EXTENSION OF PUD AND PRELIMINARY PLAT OF RESUBDIVISION APPROVALS

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 9th day of October, 2024 at the hour of 7:32 p.m.

MEMBERS PRESENT:

JAY CHERWIN, Chairperson
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ALSO PRESENT:

MICHAEL LYSICATOS, Assistant Director of Planning and Community Development

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CHAIRPERSON CHERWIN: Moving on to our next order of business is number five, Other Business, and that is Arlington 425, Sigwalt/Chestnut/Highland. That was for PC #21-002. Up for consideration here is the extension of PUD and Preliminary Plat of Resubdivision Approvals. An extension is what they're seeking.

So, Michael, do you want to, I don't think we have a public hearing, so would you like the Petitioner to come up first?

MR. LYSICATOS: Sure. Yes, I think that would work.

CHAIRPERSON CHERWIN: That's fine. If the Petitioner could just state your name into the microphone for the record please, it would be very helpful.

MR. MESSUTTA: Good evening. My name is Steven Messutta; I am an attorney and I represent CCH, LLC, which is the developer.

MR. ADREANI: I'm Bruce Adreani with the developer, thank you.

CHAIRPERSON CHERWIN: Thank you, gentlemen. Go ahead, why don't you let us know the circumstances here?

MR. MESSUTTA: Well, we rely on the fact that you've been able to go through the Staff report, the memo, and our draft request for the extension. We've been working, we believe, very diligently with Staff since March 4th of this year to try to move forward with both the final plat approval and the three building permit applications that we were required to file, in addition to the other documentation that's required for this very complicated development. We ran into, shall we say, a few glitches.

One of the glitches occurred when the Walker consultants brought forward a letter of opinion, based upon their reading of the applicable codes, that we couldn't build our garage the way we wanted to, the way we planned, the way you approved, the way the Board approved. That took over a month to resolve.

In the meantime, we could not do final engineering. As a consequence, we couldn't apply for the MWRD permit. I just want to let you know and bring you up to date on that one, that we have now, as of October 4th, received an initial set of comments, or at least our civil engineer did. They're going through the comments right now, and hopefully we'll have a report back as to what those comments are.

We also couldn't do our dry utility ComEd or Nicor. With ComEd, my letter, my draft indicated we had no information as of yesterday. I have information that is with the rather enigmatic group at ComEd called the Capacity Planning Group, which means from what I can tell, they don't even know how much capacity we need for this development yet. So, when I said in my letter that each of these could be another 10 to 12 weeks out, that's what it is. Without those facts, without that information, we can't go forward.

So, there are other things as well. We had a meeting with Staff, very positive, very helpful, on September 23rd. Two things in particular, just for your edification. One was about the garage, we're working on that with Staff. We're waiting for some information, and hopefully we'll have that soon. But that could take quite a bit of time to work out, we'll see.

Now, the other thing was with the ordinance that we are currently working under, which is the amended PUD, okay, which is 21-013, requires that we have a license agreement with the Village for use of certain areas around the site for construction purposes. There was a draft submitted to us, and then the Walker consultants letter came through, everything was put on hold. After that, we got our response back. We were asked at the September 23rd meeting to resubmit our comments, and I took it upon myself to re-draft the agreement, to clean it up and make it readable, and we're waiting for those comments back.

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So, there's a lot of puzzle pieces yet to fill in here, but I think everybody is trying to work very hard to make this happen.

CHAIRPERSON CHERWIN: Thank you.

Mr. Adreani, anything to add before we go to Staff?

MR. ADREANI: No. As Mr. Messutta has mentioned, we're working hard with Staff, Staff is working hard with us. We have our team of consultants that we meet every Tuesday via our Teams meeting in order to bring everybody up to date as to where we are. The input has been, it's a great amount of input that goes into every meeting based upon some of the changes in the plan.

I think, as Steve had mentioned, the biggest obstacle we face is that the garage comes right up to our property line. So, we're trying to --

MR. MESSUTTA: Which garage?

MR. ADREANI: Well, the Village's garage comes right up to our property line, which is basically unprecedented in most cases of municipalities like yours. So, Staff has been diligently working with us, trying to have it resolved for this particular issue, and I think we're close in what we've submitted to the Village. So, that awaits the response which will be coming shortly I think.

MR. MESSUTTA: If I could just add to that, until we know where the garage is, we can't complete the final plat and we can't bring it to you.

MR. ADREANI: Yes, right. Walker and Associates, they're the ones that represents the Village in the case of the garage.

CHAIRPERSON CHERWIN: Michael, anything to add to the synopsis?

MR. LYSICATOS: I'll kind of walk through the pieces, but for the most part, yes, these are the big items on the table, but I'll kind of walk through my report and just give you a little bit, expand a little bit on the timeline and things of that nature.

CHAIRPERSON CHERWIN: Okay.

MR. LYSICATOS: Do you want me to -- I can start with my report?

CHAIRPERSON CHERWIN: Oh, yes, I'm sorry, go ahead. Proceed, I'm sorry.

MR. LYSICATOS: I'm going to wind it back just a moment, go over the project background, a little bit of the timeline. As the attorney alluded to, Ordinance #21-013 was the original amended ordinance which their zoning entitlements were set to expire on May 3rd, 2023. At that point, to get a 12-month extension, the Petitioner appeared in front of the Village Board and got a one-year extension at that point. A second extension was applied for, at that time, requires an appearance before the Plan Commission, which you reviewed and recommended approval. It was subsequently approved by the Village Board and extended the current deadline to November 3rd, 2024. That's the timeline that we're running up against at this point, and the subsequent request at this point is to extend to May 6th which is just after a Village Board meeting which is approximately six months to work through a number of the issues that the Petitioner and their attorney alluded to.

I'll just give you a few of the things that have happened in that timeline and what's in my report, but I'll give you some of the broad strokes to understand just some of the dynamics in this project. In the beginning of the year, we received some modifications to the design of the building which went before Design Commission, obviously some tweaks to some of the constructability issues. Those were not seen as substantive changes. They did not come back to the Plan Commission, they were handled at Design

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Commission. That really started the ball rolling towards permit review and some of the real progress towards getting a project that was ready to go.

The Petitioner had several submissions and revisions to the final plat at this point. In fact, we just submitted comments in the last week on the round; I believe this is the round 4 final plat. Those will be going out end of this week, so, or round 3 on the final plat. Well, regardless, we're sending out new final plat comments this week. We are responding to the permit today and tomorrow, so we have made a lot of progress on the issues. We're down to a handful of open items, many of which involve the Walker consultants which the Petitioner alluded to.

Walker was brought in as a third-party review. They specialize in some of the engineering analysis that would impact the public garage, with the proximity to their garage. They're only about four inches apart as it's currently designed. So, there were a number of issues that they had to run through to understand what it meant from a fire code standpoint, access standpoint, and constructability. That was a significant delay. That was something that was important from our Building Department to understand how those impacts would impact actual state code and constructability.

We've had a pretty open dialogue to that respect. It's guiding a number of the open issues that we have right now. We did have a very productive meeting in September where their design team and the Village Staff met. We have identified really the core issues of what we need to do to move forward.

Three of the big ones right now are: (1) The Highland Garage review. I alluded to the consultant, that also has a follow-up review this week that we'll be sending out. (2) The garage modifications, there are some potential changes to the garage that would ease some of the issues we've identified with constructability or any potential impact to the municipality-owned garage. This will potentially introduce a delay but we have a plan in place and an open dialogue at this point to get that done. (3) Then the license agreement, which the Petitioner provided some comments in July, or I should say in June, and some follow-up comments in July. We have sent that out with a framework for how we can get settled on the open issues for that license agreement. That's a pretty key cog in the interoperability between the public garage and the Highland Ave Garage.

So, those are what we're working through right now, but Staff has a pretty high level of confidence of what we have to handle with the Petitioner and that we can get there by the May 6th deadline.

CHAIRPERSON CHERWIN: Really quick, you mentioned the license agreement, about the interaction between the Village garage and their garage. Is that, my understanding, it was a license agreement, it was for a temporary construction use of Highland Avenue. Is that something else? Am I thinking of the wrong thing?

MR. LYSICATOS: There is. There is definitely, most of it is the temporary construction elements.

CHAIRPERSON CHERWIN: But is there a permanent element to this license agreement?

MR. LYSICATOS: I don't recall off the top of my head if there's permanent elements of it.

CHAIRPERSON CHERWIN: Okay.

MR. LYSICATOS: I think we're trying to solve all the permanent elements through the engineering aspects at this point, but I believe, every element of it is during

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construction, so cleanup and debris, access and traffic, things of that nature.

CHAIRPERSON CHERWIN: I would think that that would be pretty standard for all our projects when they're using our, whether they're shutting down, you know, any kind of street downtown for anything. I don't, I mean, what's the, can you guys, is there a specific holdup on the license agreement? Is it somehow not a standard for what --

MR. MESSUTTA: When I looked at it, the original draft had much of the original Walker consultants' requirements in it, which basically would have required us to completely redesign the garage with no openings whatsoever on Highland Avenue for either of the garage entry and exit for vehicles were for our trash room which was previously approved under the ordinance. So, we had to work through that.

The other aspect is that this is not a construction site on just one of the public rights-of-way. This includes Campbell and it includes the north side of Campbell. We are required to upgrade certain portions of the north side of Campbell Street as well as the east side of Chestnut Avenue, which is part of the ordinance. But through the permitting process, we were advised that we're not allowed to perform any work in the right-of-way without some kind of agreement. So, I tried to expand the agreement to cover all of the areas that we have to work in to make sure we're covered.

CHAIRPERSON CHERWIN: Okay, the other thing is, I guess my biggest confusion here is the Walker report. It seems like such a, you know, like such a huge finding, it's ominous.

MR. LYSICATOS: Sounds so formal.

COMMISSIONER DROST: Yes.

CHAIRPERSON CHERWIN: Like some kind of congressional inquiry, the Walker report. But it seems to have kind of come out of left field. I guess my concern would be when did Walker get involved and I guess why did it take so long for our Building Department to get them involved?

MR. LYSICATOS: Well, I think Walker got involved when we actually got building permits. As I alluded to earlier, the design was changed through the Design Commission early in the year which subsequently turned into summer submittals for the building permits. That's the point when we got the review, came to the Building Department, they identified specialty issues that they had to bring in Walker to do. So, they had --

CHAIRPERSON CHERWIN: Yes.

MR. LYSICATOS: It took some time to consult. They had to develop their comments, and there has been a back-and-forth dialogue to that effect.

MR. MESSUTTA: If I can expand on that for you, Michael, as well, our structural engineer, because of the proximity of the two structures, or at least the one now and ours-to-be, it needed drawings that had been produced for the construction of the Vail Garage --

MR. LYSICATOS: Right.

MR. MESSUTTA: -- as well as the expansion. It turned out that Walker actually did all that. It took some time for Staff to locate it because it's from 2008, okay, and then we were still looking for plans after that. There are certain plans that simply don't exist which we would prefer having and may require further testing on site, particularly when we open up the ground for footings, but that's one of the things we're trying to address the entire garage movement or shift if you will.

MR. LYSICATOS: Right. I can tell you the rounds of review right now, we have received comment, I believe we received the submission in April, August, and now we

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received the latest submission of building plan. So, you can see that there's quite a bit, once we make comments, it takes quite a bit of time to go back with such a complicated piece, but it was that initial Walker piece that took sometime. But it's still a number of months to get through these reviews, but the fact is we've gotten through the vast majority of what we need to know.

We've gotten down to how those two buildings interact. Most of the other issues have been solved at this point. We have a pretty high level of confidence that we can get this done in the next few months, but we're looking at May 6th just to make sure we don't have to come back again.

CHAIRPERSON CHERWIN: Okay, I'll shut up, guys, and turn to my fellow Commissioners here.

Lynn, any questions?

COMMISSIONER JENSEN: Yes, well, just one question.

Michael, what's the significance if the May 6th date doesn't prove to be feasible? What happens then? We've had a lot of extensions.

MR. LYSICATOS: Yes, we would have to revisit it. I mean, it's one of those issues. I think the Petitioner wants to be done by May 6th, we want to be done by May 6th, and that gives us also a little bit of cushion. Even if the plans are approved, the final plat is ready to go. There's a number of documents the Staff has to prepare for the bonds that have to be put up for construction. So, that's giving us some extra time just for those mechanics --

COMMISSIONER JENSEN: There's no maximum number of extensions you can get?

MR. LYSICATOS: There's no maximum number of extensions you can get in the subdivision regulations, but each subsequent one will require to come back to the Plan Commission before being considered by the Village Board, and that assumes that the Village Board approves it to May 6th.

COMMISSIONER JENSEN: Okay, thank you.

CHAIRPERSON CHERWIN: Joe?

COMMISSIONER LORENZINI: No. No questions.

CHAIRPERSON CHERWIN: Bruce?

COMMISSIONER GREEN: No questions.

CHAIRPERSON CHERWIN: Down at the end there? John?

COMMISSIONER SIGALOS: I don't have any questions, but I'm looking at the conditions that we were given here for this amendment, and I don't think it applies to this project. I think this is for the Doctors Subdivision.

MR. LYSICATOS: What was printed for you? The green one?

COMMISSIONER SIGALOS: Yes.

MR. LYSICATOS: Oh, I had copied the wrong one.

COMMISSIONER SIGALOS: Okay, I just want to make that --

CHAIRPERSON CHERWIN: That's right.

Michael, I think the motion would be just a straight up extension.

COMMISSIONER SIGALOS: Right, so this doesn't apply to us.

MR. LYSICATOS: So, the motion is to grant an extension --

CHAIRPERSON CHERWIN: I like that, John, that's good attention to detail.

COMMISSIONER DROST: It was a great play, John.

MR. LYSICATOS: So, the motion is to grant an extension to the, I'm sorry, give me one moment.

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CHAIRPERSON CHERWIN: Yes, that's all right.

MR. LYSICATOS: The motion is to grant an extension for the Planned Unit Development and the Preliminary Plat of Resubdivision for PC #21-002, and it's also Village Ordinance #21-013.

CHAIRPERSON CHERWIN: Okay, thank you, John.

Terry, anything?

COMMISSIONER ENNES: Financing is no longer an issue?

MR. MESSUTTA: Well, we brought our banker with.

MR. ADREANI: Financing?

COMMISSIONER ENNES: Always an issue.

MR. ADREANI: It's always an issue.

MR. MESSUTTA: It helps to know what we're building, but --

COMMISSIONER ENNES: Okay.

MR. MESSUTTA: -- we are talking with financing people and we've created a financial model, they're looking at it. Hopefully we'll be able to move forward. We actually had one, we were actually talking with a lender, not quite a mortgage broker type but a lender type back a year or two ago, but that has not panned out, so we're looking at somebody else now.

COMMISSIONER ENNES: Well, rates are coming down and that's good.

MR. MESSUTTA: That could help.

COMMISSIONER ENNES: Okay.

COMMISSIONER DROST: That's one thing.

MR. MESSUTTA: There are several factors that can help.

MR. ADREANI: Yes.

COMMISSIONER ENNES: Okay.

CHAIRPERSON CHERWIN: Terry, are you going to let these gentlemen get out of here without a property tax question?

COMMISSIONER ENNES: No. Get them built so we can get some taxes.

MR. ADREANI: You know, actually one of the runs that we've had, well, this development, as large as it is, will generate almost \$2 million annually in real estate taxes.

MR. MESSUTTA: And that's just the real estate side.

MR. ADREANI: Yes. It's a huge development, and every step we take forward is with great trepidation, to make sure that everything we do is right here, because we don't want to make any mistakes. We don't.

COMMISSIONER ENNES: Well, we want to see it get built.

MR. ADREANI: And working with Staff has been a pleasure. I know we go back and forth regarding our permit issues. What are we on, third, fourth round, but I think everybody that we dealt with regarding Staff has put their thought into this development from their point of view while reviewing the plans and whatnot, has sat down with us and our team, and it's been a good working relationship. You should be proud of them.

COMMISSIONER DROST: Good.

CHAIRPERSON CHERWIN: I was going to say if anybody is stopping you, just go over to Michael, he'll get the other departments whipped into shape and keep you on.

MR. LYSICATOS: We are in constant communication from the Village side.

CHAIRPERSON CHERWIN: He has that New Jersey persuasive skill.

MR. MESSUTTA: Yes, he answers his phone.

CHAIRPERSON CHERWIN: He does, he's great. We're lucky to have him.

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COMMISSIONER DROST: As far as the financing, this is probably a better opportunity as your potential cost of financing is going to be coming down because of market conditions. That should work well, and that your market data is still holding up as to filling up the house; is that correct?

MR. ADREANI: That is correct.

COMMISSIONER DROST: Yes, so it's moving along. I think from Michael's summary, that the parties are really working in good faith. We know that when you've got multiple third parties involved in these kinds of projects, there's all kinds of hiccups. It's never perfect, but we have experienced developers here and experienced staff. We'll get it done.

CHAIRPERSON CHERWIN: All right, is there a motion for an extension of the PUD and Preliminary Plat?

COMMISSIONER DROST: Yes, I'll make that motion.

A motion to recommend to the Village Board approval of a six-month extension to the PUD and Preliminary Plat of Resubdivision expiration deadline for Arlington 425 - Sigwalt/Chestnut/Highland, PC #21-002 , from November 3, 2024 to May 6, 2025.

COMMISSIONER ENNES: I'll second.

CHAIRPERSON CHERWIN: Okay, Commissioner Drost, seconded by Commissioner Ennes. Your motion is for the extension of PUD and Preliminary Plat of Resubdivision approvals, that's it.

COMMISSIONER DROST: Yes. PC #21-002, for the record.

MR. LYSICATOS: Shall I call the roll?

CHAIRPERSON CHERWIN: Please do.

MR. LYSICATOS: Commissioner Dawson.

(No response.)

MR. LYSICATOS: Commissioner Drost.

COMMISSIONER DROST: Aye.

MR. LYSICATOS: Commissioner Ennes.

COMMISSIONER ENNES: Yes.

MR. MESSUTTA: Point of order? Do we have to mention the permits as well? Those also --

MR. LYSICATOS: The permits, so I believe that --

CHAIRPERSON CHERWIN: I thought those were standing, the ones in 28, 29, aren't those standing?

MR. LYSICATOS: Right. The building permits for the Chestnut building are already extended from 28 to 29 at this point.

CHAIRPERSON CHERWIN: Right, okay, so I think you're good.

MR. LYSICATOS: Right. So, this right now is only for the preliminary, the Planned Unit Development and the Preliminary Plat of Resubdivision.

MR. MESSUTTA: Thank you.

CHAIRPERSON CHERWIN: Roll call, please.

MR. LYSICATOS: Commissioner Green.

COMMISSIONER GREEN: Yes.

MR. LYSICATOS: Commissioner Jensen.

COMMISSIONER JENSEN: Yes.

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MR. LYSICATOS: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Yes.

MR. LYSICATOS: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

MR. LYSICATOS: Chair Cherwin.

CHAIRPERSON CHERWIN: Yes.

Motion passes. Congratulations, you got the extension.

MR. MESSUTTA: Thank you so very much.

CHAIRPERSON CHERWIN: Good luck. Thanks for your hard work in trying to get this project together.

COMMISSIONER GREEN: Keep at it.

CHAIRPERSON CHERWIN: Appreciate it very much, okay.

We'll move on to the next time which we have is Public Comment, item six.

Is there anybody in the audience that would like to provide a public comment?

(No response.)

CHAIRPERSON CHERWIN: None? We'll move on to the next item.

Is there a motion to adjourn?

COMMISSIONER GREEN: I'll make that motion.

COMMISSIONER DROST: And I'll second.

CHAIRPERSON CHERWIN: Commissioner Green and Commissioner Drost.

All in favor?

(Chorus of ayes.)

CHAIRPERSON CHERWIN: Any opposed?

(No response.)

CHAIRPERSON CHERWIN: All right, the meeting is adjourned.

(Gavel pounded.)

CHAIRPERSON CHERWIN: Thank you, everybody.

(Whereupon, at 7:53 p.m., the public hearing on the above-mentioned petition was adjourned.)

STATE OF ILLINOIS)

APPROVED

COUNTY OF KANE) SS.
)

I, RON LeGRAND, SR., depose and say that
I am a digital court reporter doing business in the State of Illinois; that
I reported verbatim the foregoing proceedings and that the foregoing
is a true and correct transcript to the best of my knowledge and ability.

RON LeGRAND, SR.

SUBSCRIBED AND SWORN TO
BEFORE ME THIS _____ DAY OF
_____, A.D. 2024.

NOTARY PUBLIC