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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 23rd 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
DANIEL OSOBA, Planner I
RACHEL HITZEMANN, Planner II

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CHAIRPERSON CHERWIN: All right, we're all ready here. We'll do a call to order, and why don't we stand for the Pledge of Allegiance, please?

(Pledge of Allegiance recited.)

CHAIRPERSON CHERWIN: For all, thank you.

All right, do you want to take roll call?

MR. OSOBA: Yes. Commissioner Dawson.

(No response.)

MR. OSOBA: Commissioner Drost.

COMMISSIONER DROST: Here.

MR. OSOBA: Commissioner Ennes.

COMMISSIONER ENNES: Here.

MR. OSOBA: Commissioner Green.

COMMISSIONER GREEN: Here.

MR. OSOBA: Commissioner Jensen.

COMMISSIONER JENSEN: Here.

MR. OSOBA: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Here.

MR. OSOBA: Commissioner Sigalos.

COMMISSIONER SIGALOS: Here.

MR. OSOBA: Chair Cherwin.

CHAIRPERSON CHERWIN: Here.

Thank you. All right, we can note that we have a quorum. Thank you. I think we can move to our approval of minutes.

What's up for approval is Arlington 425 minutes.

COMMISSIONER DROST: I'll make that motion to approve the minutes.

CHAIRPERSON CHERWIN: Is there a second?

COMMISSIONER GREEN: I'll second that.

CHAIRPERSON CHERWIN: All right, all in favor?

(Chorus of ayes.)

CHAIRPERSON CHERWIN: Any opposed?

COMMISSIONER JENSEN: I have to abstain because I wasn't here.

CHAIRPERSON CHERWIN: All right, Commissioner Jensen abstains. The motion passes, the minutes are approved, thank you. Then we can move on to our first petition on the agenda, which is Doctors Subdivision. That's 2010-2020 South Arlington Heights Road, for a Planned Unit Development Amendment.

Michael, have all notices been given, or Dan, have all notices been given?

MR. OSOBA: Yes, they have.

CHAIRPERSON CHERWIN: Thank you.

All right, well, we'll bring the Petitioner up if you could. Are you planning to present here or are we just going right to the Staff, Petitioner?

MR. ORTICELLI: I am planning to present. I thought, Dan, you were going to go first.

CHAIRPERSON CHERWIN: What we typically do, well, the Petitioner would go first.

MR. ORTICELLI: Okay.

CHAIRPERSON CHERWIN: And if you're okay with that, we'll have you come up. If you could state your name into the microphone for the record?

MR. ORTICELLI: All right, as I understand it, you have on your screens in front of you the same thing that I'm showing up here; is that right?

CHAIRPERSON CHERWIN: Yes, sir, that's correct.

MR. ORTICELLI: So, by way of introduction, my name is Sam Orticelli. I don't want to get into a long biography, but just to let you know, I've been in the legal profession since 1978. I worked downtown in Chicago for about 10 years. I worked for Inland Real Estate for about 17 years. I've been a solo practitioner for about 15 years, so I have quite a bit of experience and, you know, I'm happy to be here in front of you and I hope that I can persuade you tonight.

CHAIRPERSON CHERWIN: Okay.

MR. ORTICELLI: So, this is an application for an amendment to a PUD Ordinance #70-089, and #02-019 which was an amendment to the initial PUD. This application is to approve a variation to allow 127 parking stalls which is the exact number of stalls that currently exist on this property where the code requires, according to Staff, 200 spaces. I'll get into that a little bit later. It's not really going to make a big difference whether it's 200 or a lesser number, but I will refer back to that later.

I just thought I would start out the presentation by showing you a picture of the building. It's a very handsome-looking building. You know the address 2010 South Arlington Heights Road; it's a three-story building. I was just there today and walked through it. There's a basement level, first floor level, a second floor level, and a third floor level that's currently occupied.

This is an aerial view of the property on the right-hand side. You'll see -- by the way, Dan, there is no mouse here so I can't really do any pointing, but I'll just --

CHAIRPERSON CHERWIN: There's a little laser pointer on there.

MR. ORTICELLI: There is a laser pointer?

MR. OSOBA: The red button.

COMMISSIONER LORENZINI: But we can't see it.

CHAIRPERSON CHERWIN: Yes, you can't really see it on their screen.

MR. ORTICELLI: Oh, you can't see it?

COMMISSIONER DROST: No. We don't have --

MR. ORTICELLI: All right, well, anyways, on the right-hand side of your screen, that's the aerial of the location of the property. You'll see that it's north of Algonquin Road and it's south of Golf Road. On the left-hand side, this is an aerial photograph, and you'll see the building is where the red dot is. Can you hear me all right? On the right-hand side of where the red dot is, that is the east side of the building. There is a parking lot there that has 62 spaces. On the left-hand side of the red dot, that's the rear parking lot. That's the west side and that has, again I think it's 67 spaces.

Here's another aerial view. I included this in the presentation because you'll see the part that's outlined, well, that is colored in in blue is Lot 1, and the area directly to the south of that is Lot 2. You'll notice that Lot 2 on the left-hand side, there is a little strip that runs up to Seegers Road. Later on in my presentation, I will talk to you about that strip which at one time we were hoping might be used for additional parking if necessary, but this gives you an idea when I talk about a grassy strip, that's the strip that I'm talking about.

I included this here just to let you know that the zoning district is B-2

General Business District, and it allows medical office buildings, other office buildings, a lot of other uses, but what we're concerned here with are the office uses.

I should also add that surrounding this property, there is no residential property. It's all, across the street, I think maybe a car dealership, or I'm not quite sure, I don't remember. But the point, the important point is there is no residential properties anywhere around where this building is.

Okay, this slide here was part of the parking study that was done, and it shows different areas which, in the parking study, those areas are shown as how many spaces are available. So, on the left-hand side of the building, Areas A, B and C, that's the west parking lot. Those spaces, I need to look at my notes, I think that's 67 spaces. On the right-hand side of the building, Areas D, E, F, G and H are 62 spaces. That's currently. Area I which is along Seegers Road is on-street parking, it's not off-street parking, but it's definitely available for use and was not included in the calculations in the parking study as far as whether there is sufficient or insufficient parking or a deficit or, you know, anything like that.

This is a copy of the plat of survey. Just again, it's very similar to the aerial photo that I showed you or the, yes, where you see on the left-hand side the strip of Lot 2 that reaches up to Seegers Road and Lot 1 which is the property that I am representing, Lot 1. Just for your information, that's the survey.

Then, this, I put together a history of the property in this application. Now, I don't want to go through this with you number by number. But the important thing, at least in my opinion, is that the initial PUD approved, as part of that PUD, it was approved that 241 parking spaces would be sufficient for this PUD. After, and then the building was built in 1970, so you see, number one, that's when the initial PUD ordinance was passed in October of 1970, and 241 parking stalls were approved for the entire development.

Then, what happened in 1972, the owners apparently decided not to go through with the original plan which was to have the first building, then either add on to that building or build a second building. So, rather than do that, they had the property subdivided into Lots 1 and 2. Then, what happened is in 2002, that's when there was an ordinance passed which was the first amendment to the PUD which reduced the required number of parking stalls on Lot 2 only from 203 stalls to 157 stalls.

It doesn't, it's not readily apparent how the 203 number was arrived at, nor is it apparent, going back up to number one, how the 241 parking stalls was arrived at. But it's my contention that at that time, the code required 250, excuse me, one parking stall for every 250 square feet, plus an additional parking stall for every three employees. Now, if you go through the arithmetic on that, it would come out to be a building initially contemplated in the original PUD of about 56,250 square feet. So, the point that I'm making is it makes sense that at the time the original PUD was filed, the criteria or the code at that time was 250, excuse me, one parking space for every 250 square feet plus an additional parking space for every three employees. That's important when I get to another one of my screens up here which is going to be, I'll call it the grandfather argument, and I'll get to that.

So, like I said, I'm not going to go through each of these numbers, you know, in great detail, but I just wanted to show that we started this process, number four, in October of 2023 and it's now October of 2024. This has been going on for a year now and, you know, not to make blame on anyone or point any fingers at any one, we've run into, you know, some difficulties with the surveyor, with the grassy strip that I mentioned earlier, like who owns the grassy strip. That's because we talked to the Staff about possibly using the grassy strip as a

contingency plan, part of a contingency plan to add spaces if the need arose for new spaces.

Let's see, I'm going to skip to the grandfather and then I'll go back.

Okay, so the reason I want to skip to this slide is, I call it the grandfather argument and that's what I just went through with you why I am surmising that the standard that was in effect at the time of the original PUD was one space for every 250 square feet. If that was the standard, there is a section in the code, 28-10.1, that says for all buildings and structures erected and all uses of land established after the effective date of this 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. In a number of discussions I had with Staff, in particular Dan, I think that the rationale that was being used for why this section was not applicable is that, I believe Staff contended that the use of this property changed from an all-medical building to part-medical and part-regular office.

My contention is and my clients' contention who are, you know, the owners of the property now, this property has always been a strictly medical office building. I mean, the name of the subdivision is Doctors Subdivision. It's a medical office building and always has been. Again, if the standard is one space for every 250 square feet which I think, because of the arithmetic involved, that that had to be it, then this Section 28.10 would be applicable and that the standard of one space for every 200 square feet is not the appropriate standard; instead, it should be one space for every 250 square feet plus an additional space for every three employees. Now, that's not so terribly important because even with this other standard, there would still be a deficit in the parking, so I'm not denying that.

Okay, now I'm going to go back to the ones that I skipped.

Okay, so part of the negotiations with Staff is that due to the fact that there is a deficit regardless of what standard you apply, you know, what zoning code you apply, there is still a deficit in parking. So, the suggestion in order for Staff to recommend approval by you gentlemen was that we come up with a contingency plan in that if there is no problem with parking, or if there is a problem with parking in the future, we could go to this contingency plan and add additional parking spaces. So, it ended up being that the east parking lot, that's the one closest to Arlington Heights Road, was the only parking area where we could make any kind of a significant or substantive change that would add, you know, a number of parking spaces that might make a difference.

So, on the left-hand side of this screen, you'll see what the existing layout of the property, of the parking area is. As you can see, there's 65 total spaces, with 62, that's the number I mentioned earlier, and then there's three handicap spaces, so a total of 65 spaces currently on the east side.

The right-hand side of this screen shows the proposed layout which, as you can see, the grassy area, this is a different grassy area, but the grassy area that is sort of like a median on the driveway where you turn in off of Arlington Heights Road, that grassy area would be eliminated and, in its place, would be the 10 spaces and 10 spaces. That would be an additional 20 spaces versus the, what is it, five spaces that are down at the bottom now along the most southerly edge of the parking area. So, that's a net gain of 12 spaces. This is our contingency plan.

Now, let me say another brief comment about the contingency plan and the fact that this might come into play if there were a parking issue, if there was a parking, you know, if it turned out that the existing parking wasn't enough that the city was getting complaints about overflow parking or anything like that. We've had a parking study done by

Gewalt Hamilton, and that company or that parking study was revised two times. The conclusion of that parking study is, and I don't know if you have it in front of you but if need be I could point to the specific area, but the important for you gentlemen to consider is that the parking study says that currently there's more than enough parking. They went out there and they counted the number of stalls that were occupied and the number that were not occupied on three different occasions. On each occasion, there was, you know, I'm guessing now because I don't remember the exact number so I don't want to misstate anything, but there was more than enough parking given the current occupancy of the building.

The parking study went on to say that using this formula that they have, which is a standard formula for calculating the additional number of spaces that would be used if there was full occupancy in this building, the parking study concluded that even at a full occupancy level, there would still be more than enough parking to satisfy the need for parking in this building. I might add, their conclusion that the existing parking would be more than sufficient to satisfy the parking demand doesn't even take into consideration that parking along Seegers Road, which is an additional 17 spaces.

Another thing worth briefly mentioning is, as we were discussing a possible contingency plan, it had been ownership and my contention that the west parking lot could be expanded. If you see the grassy area on the left-hand side of your screen, there is a grassy area. If you recall when we looked at the aerial view and the plat of subdivision, you saw that Lot 2 actually had that little finger that extended up to Seegers Road. I was initially thinking that the grassy area was part of our property, part of Lot 1. Our surveyor, I'm sure Dan, you know, will confirm this, our surveyor went back out there at least two times, I believe it was three times. He came back with the conclusion each time that the grassy area is part of Lot 1. Dan continued to say that, according to the Village's records and some other documents that you have, Dan, I forget how you label them, the grassy area is not part of Lot 1. So, even though I thought that we could use this west parking lot and add the spaces that you see on the right-hand side of your screen which, what is that, an additional 18 spaces, Dan wouldn't allow that or he wouldn't consider that as a contingency plan that he could get behind and recommend to you to approve.

When I went out to the property today to look at it again, and I looked at it before when I was in front of you gentlemen the first time, when I looked at it today, I kind of came to the conclusion that the grassy area really is not part of Lot 1. It's part of Lot 2, and so it's appropriate that we not use that grassy area as part of a contingency plan unless we are able to negotiate something with the owner of Lot 2 which thus far has been impossible. I've reached out to them three times, I've never received a reply. Our property manager has tried to reach out to them, has never received any reply. So, we can't use that as a contingency plan; however, my contention is that if there's a deficit, which there is, regardless of which standard we use for calculating the required number of spaces, there's always the possibility of going to the owner of Lot 2 and seeing again if we could try to get them to agree to a mutual easement or a sale of that grassy area to us. I don't recall, I think Dan told me once upon a time that there was a reason that that finger became part of Lot 2, and I just don't know what that reason is.

Okay, so this is an excerpt from the parking study. The key to it here is, on the right-hand side, you'll see the second bullet point, 57 spaces would be demanded on the Village Code for the required number of parking spaces for the vacant space in the property -- never mind, forget that. The next bullet point, no, I'm sorry, gentlemen.

Part 4, Recommendations and Conclusions: A parking analysis was

performed for the existing multi-purpose property, SG Arlington Heights MOB, LLC. That's the name of the legal entity that is the owner of the property. The property is located at 2010 South Arlington Heights Road at the southwest corner, blah-blah-blah. Overall, the existing parking space available is sufficient to handle the parking demand necessary at its existing 71.5 percent occupancy. Based on the parking analysis, it can be concluded the development provides sufficient parking spaces to accommodate the existing 71.5 percent tenant occupancy and potential full occupancy of the property. That's the point that I wanted to highlight for you.

I went over this grandfather argument. There's another thing on the grandfather argument that I will get to in a minute after I go to the last slide. This is the rent roll. I just have this up here in case we need to make reference to it for any reason, but then I open it up for questions, but before I do that, I want to go back to this grandfather argument.

I think it was a couple of days before this meeting tonight, I received an e-mail from Dan that had the agenda here and had the conclusions of the Staff. Although I thought that the Staff was going to unequivocally approve our application, it turned out that there are some conditions to the Staff's approval. One condition is that the property be limited to 30,000 square feet of medical office use. It's a 40,000 square-foot building. If you see on this rent roll down at the bottom, 40,199 square feet. So, the one condition is that the medical office use be limited to 30,000 square feet, and the second condition is that there be a landscape buffer installed in the area between the parking areas and Arlington Heights Road and Seegers Road.

So, I'm not a comedian but I just want to say that at the eleventh hour when I found out about this condition, starting with the landscape buffer, it reminded me of Congress and they're trying to pass a defense spending bill, and then there's an amendment by certain members of Congress that bring up, you know, matters related to abortion. It just seems to me that we're here to discuss parking and the applicable parking and what is sufficient parking. At this late juncture, to talk about having to install a landscape buffer three feet tall before June of next year is just inappropriate. My client highly objects to that. They're basically barely hanging on right now with the vacancy level and the whole year of trying to get this passed through so they could put in new tenants.

The other condition of the 30,000 square feet maximum for medical office users, let's see, well, when I look at the, I looked at the rent roll and, well, you don't have it in front of you, but the fact is that there is currently an occupancy of 29,100 square feet that is currently occupied. You'll see, you know, all of these tenants here, if you add up the numbers, the total occupied space is 29,103. There are current negotiations going on for Unit No. 100 which is 1,329 square feet, and Unit 110 which is 2,742 square feet. When you add those two square footages to the existing 29,103 that's currently occupied, you're already over the 30,000 square-foot restriction or limitation that is now being proposed by Staff.

So, my feeling is, again, this is an eleventh hour condition. We are already negotiating leases for Suites 100 and 110 that would already put us over the 30,000 square-foot limitation. That would mean that any of the other vacant spaces would either have to remain vacant or be leased to non-medical office users. Like I said, this has always been a medical office building. The name of the subdivision is Doctors Subdivision. It's always been known as a medical office building, and it would be a real burden on my clients to have to have the limitation of 30,000 square feet maximum for medical office users.

Finally, just a last comment is that some of the non-medical office users that I was thinking about, if you think about it logically, what are some non-medical office users that could possibly go into these small spaces? It might be a real estate brokerage office. It

could be an insurance office. What else did I have here? I can't find the notes, but several of the types of offices that could be put in that are non-medical office users would probably have more parking demand than the medical office users. Again, when I walked through the building today, I'm looking at these offices that are occupied that are, you know, hair transplant doctor, there's a psychiatrist or psychologist, there's, you know, different medical offices where there is a receptionist and maybe, you know, one person besides the receptionist, and there's no traffic going through. If you have an insurance agency or a real estate brokerage agency, you would have a lot more traffic than that. So, in all practicality, imposing the limitation of 30,000 square feet maximum for office users is just unreasonable.

Finally, I will say that out of the meetings that I've done about the occupancy levels of buildings in the Arlington Heights area and surrounding areas, the vacancies have been, historically, the high end has been like almost 31 percent vacancy rate of buildings. At the low end, it's 20 percent. My contention is that with that type of vacancy, it makes no sense to impose the limitations that Staff is suggesting be imposed. There's, in all likelihood, would be vacancies and we need to know that the existing 127 spaces are going to be sufficient so that any new tenants that are coming in, including the ones that are being negotiated right now, the Suite 100 and 110, will be approved when they go in to get a business license and not turned down because someone, you know, in the office over here says we can't approve your license because there's a parking deficit. So, that's it.

Are there any questions that I might be able to address for you?

CHAIRPERSON CHERWIN: Thank you, Mr. Orticelli. I think what we'll do here at this point is have the Staff present, but before we do that, I just want to clarify. So, typically, I ask if you've reviewed the Staff report, it sounds like you have, and if you accept the conditions that the Staff has recommended which it sounds like you do not, correct?

MR. ORTICELLI: I do not accept those conditions.

CHAIRPERSON CHERWIN: There are five conditions, and I think the first four are not, you're indicating you are not amenable to the first four conditions?

MR. ORTICELLI: Well, I think it was only two conditions that I was not amenable to, which is the condition that there be a maximum of 30,000 square feet of medical office users --

CHAIRPERSON CHERWIN: Right.

MR. ORTICELLI: -- and that there be a requirement of a landscaping barrier along Arlington Heights Road and Seegers Road.

CHAIRPERSON CHERWIN: That's number four. I thought, okay, so the second one is, should a parking problem occur, which shall be determined at the discretion of the Village, the property owner shall construct additional parking and code-compliant --

MR. ORTICELLI: That's the contingency plan that I was talking about.

CHAIRPERSON CHERWIN: Okay.

MR. ORTICELLI: That would add 12 spaces.

CHAIRPERSON CHERWIN: And code-compliant landscaping with that. Okay, so that one is acceptable to you?

MR. ORTICELLI: Yes.

CHAIRPERSON CHERWIN: And then, three, if a parking problem continues to exist after the contingency plan, the property owner shall reduce the amount of medical office occupancy or provide additional parking to the satisfaction of the Village. That's acceptable?

MR. ORTICELLI: So, because it says "or," you know, we wouldn't want to reduce the medical occupancy because it's a medical office building, but you know, if the 'or' is provide additional parking, what I'm talking about there is when I mentioned the possibility of purchasing that grassy strip from the owner of Lot 2. That would add 17 spaces, and also to consider using the street parking on Seegers Road and, you know, if we could say that those additional spaces would be considered to help alleviate, you know, any potential problem after the contingency plan is implemented, then that's something that we would do.

CHAIRPERSON CHERWIN: Okay, so one and four are out, two is okay, three is a maybe. All right, I'll turn it over to Staff now.

Dan, if you want to go ahead with your presentation? Thank you.

MR. OSOBA: Sure.

MR. ORTICELLI: Thank you, gentlemen for your attention. Sorry if I was a bit long-winded.

CHAIRPERSON CHERWIN: No, it's okay. Thank you.

MR. OSOBA: All right, the property owner in question as mentioned for this petition is at 2010 and 2020 South Arlington Heights Road, which is located at the southwest corner of South Arlington Heights Road and West Seegers Road, and occupied by a 40,000 square-foot multi-tenant office building constructed in the 1970s. This property is zoned B-2 General Business District where both medical office and professional office land uses are permitted uses. Additionally, the Comprehensive Plan identifies this property as offices only on the future land use map which is consistent with the current use.

The Petitioner's request is to amend the planned unit development, or PUD, on the property which was established by Ordinance No. 70-089, and amended further by Ordinance #02-019 to modify a previously approved parking variation. The variation request for this petition is to Chapter 28, Section 10.4-2, to allow 127 parking spaces where code requires 200 parking spaces for a medical office.

The subject property which is highlighted in red is within the Doctors Building PUD which is located in blue on the slide. The PUD was approved as a two-phase development beginning with the subject site which is Lot 1 of the Doctors Subdivision and the primary property for this agenda item.

For landscaping, the site is currently not code-compliant with providing a three-foot tall landscape screen between adjacent public rights-of-way and the adjacent parking lot areas highlighted in red on the slide. There are some plant material within that area highlighted, but those are not sufficient to comply fully with the requirements of Section 6.15. Staff has requested the property owner provide additional landscaping to comply with Chapter 28, Section 6.15 during the 2025 planting season, and a condition of approval has been recommended that you've seen to require that installation by June 30th, 2025.

There are two separate parking fields located on the property, an east lot and a west lot, both highlighted in yellow. Both have accesses from West Seegers Road, and the east lot has two accesses from South Arlington Heights Road which is an Illinois Department of Transportation right-of-way.

The property contains currently 127 total parking spaces where code would require 200 spaces if the whole building were to be utilized as a medical office, which is what the Petitioner is requesting. The parking table on the slide shows the existing parking ratio and the required number of spaces highlighted in blue, and also the proposed parking ratio and required number of spaces highlighted in orange. The difference between these two, the existing

and proposed parking requirements, are the existing vacant units which are highlighted in red, and the two general office units which are highlighted in green. These offices, which include Exponet, Incorporated and Advanced Sleep Therapy, occupy approximately 21 percent of the building square footage, and both of the parking ratios for these items are calculated at one space per 300 square feet.

The Petitioner's request is to calculate all of these tenants, including the vacancies and offices, at one per 200 square feet per the medical office parking requirements in order to lease the whole building for medical office. The current deficit, as shown on the table, is 26.6 percent, or 46 spaces, and the deficit if the whole building was occupied as medical offices is at 36.5 percent, or 73 spaces, which is the subject of the parking variation tonight.

A parking survey and study was requested by Staff to assess these existing parking conditions and project future demand for parking if the whole building was to be utilized as a medical office. This study was provided and found that the maximum projected demand, which was based on the initial parking survey data and hourly demand for medical office uses, would be 112 spaces or 88 percent occupied. Staff has concerns with this projected demand for parking as it utilizes a parking survey conducted on the subject site which contained three vacant tenants and two general office spaces, one of which was occupied by a sleep therapy use. If these spaces were a medical office or a more intense version of a medical office such as the difference in parking demand between a sleep therapy office and a pediatrician's office, then the parking survey results might have been significantly higher and, therefore, increasing the parking demand projections that were identified in the study.

As a result of these concerns, Staff requested the Petitioner to prepare a contingency plan to better accommodate the potential change in tenants to a higher intensity medical office land use. The contingency plan was prepared showing a reconfiguration, as you've seen, of the eastern parking lot, and the accesses, which aligns with the conceptual reconfigurations provided by the Village during a review of the PUD amendment back in 2002. This contingency plan results in a net gain of 11 spaces, I'm sorry if there's a discrepancy, but it seems like I have a newer copy of the one that you have, but we can make sure that we have the number correct. But this one that I have is 11 parking spaces gained and it reduces the multiple accesses on South Arlington Heights Road and moves the accesses from West Seegers Road slightly to the west. This plan will only be required if the Village observed a parking problem and it would be at the discretion of the Village, and a condition of approval has been recommended by the SDC to this effect as well.

Additionally, the SDC is recommending a condition of approval to limit the amount of medical office space permitted within the building to 30,000 square feet in order to reduce the variation request and account for a potential increase in parking demand if several of the vacant units within the building or the general offices within the building are re-tenanted to a higher intensity medical office land use. This table shows the existing conditions, the Petitioner's request for a full medical office land use, and the SDC recommendation for required parking and the parking deficit based on that land use mix as proposed. The SDC recommendation reduces the variation request from 36.5 percent down to 30.6 percent, or it's 24.6 percent if those 11 spaces in the contingency plan are required to be constructed while still allowing the Petitioner to increase the total amount of medical office space within the building by approximately 5,500 square feet.

The Staff Development Committee recommends approval of the PUD amendment to Ordinance No. 70-089 and 02-019 to modify a previously approved parking

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variation to Section 10.4-2 to allow 127 parking spaces where code requires 200 parking spaces for those conditions that are listed in the Staff report and on the screen. That concludes my presentation.

CHAIRPERSON CHERWIN: Thank you, Dan.

Is there a motion to include the Staff report in the public record?

COMMISSIONER JENSEN: So moved.

COMMISSIONER ENNES: I'll make that motion.

CHAIRPERSON CHERWIN: Okay, we have Lynn who made the motion, and Terry, okay to second it?

COMMISSIONER ENNES: I'll second it.

CHAIRPERSON CHERWIN: All right, can we do a voice vote? All in favor of that?

(Chorus of ayes.)

CHAIRPERSON CHERWIN: Any opposed?

(No response.)

CHAIRPERSON CHERWIN: All right, motion carries. Staff report is admitted.

I'm going to ask, before we ask questions, Mr. Orticelli, if you could stand up again really quick here? I apologize, I missed just a vital duty of the Chair which is to swear in the person presenting. So, I apologize. I'm just going to ask you to raise your right hand.

(Witness sworn.)

CHAIRPERSON CHERWIN: All right, thank you. That's all, apologies.

All right, so why don't we start with Lynn with questions?

COMMISSIONER JENSEN: Yes, a couple of questions. With that Gewalt Hamilton study, you said if it were expanded so that it was all 100 percent medical offices, that you still would not have a problem with parking. That is assuming that, is that assuming the one per 250 or the one per 200?

MR. ORTICELLI: I believe that's the one per 200.

COMMISSIONER JENSEN: Okay, so even with the current parking that those surveys indicated, you still would be fine in the opinion of --

MR. ORTICELLI: According to the study. Now, that's based upon their observations over three separate days.

COMMISSIONER JENSEN: Sure, okay. You kind of alluded to it, what is the impact of going to that new standard of 250? How much does that reduce what you would be required to do? You're required to do 200 spaces now and you've asked for a variance. If you went to the lower or to the 250 instead of the 200, how many spaces would that reduce for you?

MR. ORTICELLI: Yes, let's see here.

CHAIRPERSON CHERWIN: Dan, could you put that grid up there again that you have? That might help.

COMMISSIONER DROST: Yes.

MR. OSOBA: This one you're looking for?

CHAIRPERSON CHERWIN: Yes, I think that might be helpful.

COMMISSIONER DROST: That is helpful.

COMMISSIONER JENSEN: I mean, something in ballpark, the number of spaces it would actually reduce the deficit is the question.

CHAIRPERSON CHERWIN: Well, it would probably be by 25 percent, right?

MR. ORTICELLI: Let's just use round numbers. So, 40,000, excuse me, 40,000 square feet divided by 200 requires 200 parking stalls. 40,000 square feet divided by 250 requires 160 stalls, but you have to add one stall for every three employees, so we just estimated that since there are 16 units in the building, we figured one extra stall for each unit, figuring that there would be three employees in each unit on the average.

COMMISSIONER JENSEN: So, 175 or 6 instead of the 200, is that --

MR. ORTICELLI: So, it would be 160 plus 16, 176 versus 200.

COMMISSIONER JENSEN: Okay, well, then I guess I'd turn to Staff and ask them about it seems to me that a good case was made that maybe the standard should be 250. I'd like to understand Staff's thinking why you didn't feel you could go to the one that would have been the standard at the time that the PUD was established.

MR. OSOBA: So, that section that was referenced is designed for applicability of current land use applications that are received by the Village, and it only indicates that Petitioners would have to provide parking for the land use and the occupancy that they're applying for at the date of the current code. So, the current code standard for medical office is one per 200. That specific code section would only require that the Petitioner provide parking if they had submitted a building permit prior to 1959 when the Zoning Code was established, they would not have to provide parking for that.

MR. ORTICELLI: That's where our difference arises. He's saying prior to 1959 when the code was established. When I went through the numbers, when I was telling you about why I thought the 250 square feet should be applicable, it's when the initial PUD was approved, and I said in my very first slide I think it was that there was 241 spaces that were approved under the initial PUD and the only way that that could arithmetically come out would be if the 250 square-foot standard was used.

COMMISSIONER JENSEN: Okay, well, it seems to me there are two issues. Does the code requirement need to be changed according to what you are proposing versus what Staff is? The other issue is though that irrespective of that, you're saying that the surveys indicate that you wouldn't have that much of a problem in terms of the deficit given what the surveys turned up with?

MR. ORTICELLI: Correct, there would still be a deficit, but the deficit would not be as large.

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

MR. ORTICELLI: If you don't mind, I would like to add another thing about this grandfather clause, this is how I refer to it. When the building was constructed in 1970, there was a building permit issued and there was an occupancy permit issued. There has never been a change to the parking area since it was first built. So, one could only conclude that the landscaping was satisfactory at that time and that the parking was satisfactory at that time. Because of the way I analyzed, you know, how they came up with 241 spaces for the initial PUD and how, because of that analysis, it had to have been the 250 square-foot standard, that's why I'm saying that, you know, because the permit was issued, or excuse me, the code had to have changed after 1970 because now it's one space for every 200 square feet of medical office users and one space for every 300 square feet of regular office users. It had to have changed after 1970 because there was a building permit issued and an occupancy permit issued.

CHAIRPERSON CHERWIN: Thank you.

COMMISSIONER JENSEN: At this point, I have something, but I'll let other ask questions and I'll come back.

CHAIRPERSON CHERWIN: Okay then. Thanks, Lynn.
Joe?

COMMISSIONER LORENZINI: Yes, I've got a question for Staff. So, this building has been in operation since the early 70's, and the parking lots were there then. So, what's changed that we are talking about this today?

MR. OSOBA: In general, the Village does not receive business licenses unless there is a type of business that's coming in for medical office. In general, those business licenses are not supplied to the Village if those are not needed or if building permits are not needed. So, part of it is that the Village is not aware that new licenses or if new occupancy is happening within the building, and those code requirements change over time where, as mentioned, previous code requirements for medical offices may have been one per 250 with employees, current code is one per 200. So, that's kind of where a little bit of a discrepancy happens between a previously approved PUD and requirements as it's stating now. We don't have records that go back and show the occupancy of all of the building at all times.

So, we're kind of working with what we have right now in terms of the current tenant makeup of the building. If the Petitioner would like to request that the whole building be occupied by medical office, we evaluate that request on the merits of code currently.

COMMISSIONER LORENZINI: Okay, thank you. That's all I have.

MR. ORTICELLI: Mr. Lorenzini, would you mind if I commented on your question?

CHAIRPERSON CHERWIN: We're going to get through the questions here of the Petitioners and address those. I want to make sure we get our other questions.

Joe, did you have any other questions for the Petitioner?

COMMISSIONER LORENZINI: No, that's all for now.

CHAIRPERSON CHERWIN: Did you want the Petitioner to respond directly to anything?

COMMISSIONER LORENZINI: Sure. If we've got time, sure.

CHAIRPERSON CHERWIN: Well, was your question, your question was to Staff, correct?

COMMISSIONER LORENZINI: Right.

CHAIRPERSON CHERWIN: Okay, we'll go, Mr. Green, Bruce, what do you think?

COMMISSIONER GREEN: I'm just, I always thought that the, the way it was told to me, every time I ask the Village about a grandfather clause, they say there is no such thing as a grandfather clause; is that true?

MR. OSOBA: If it is a legal non-conforming case, there's a section that requires certain things for legal non-conformity. If certain parking situations exist, they may continue to exist, if they have certain conditions that are met based on the requirements of code, but those legal non-conformities are for existing buildings that don't have previous approvals or don't have previous planned unit developments on them. So, it is review on a little bit of a case-by-case basis, and I don't want to over-generalize by saying that there isn't or there is, but in general, there is a legal non-conforming section that can be applicable.

COMMISSIONER GREEN: In the past, what have we done when the code changes from one every 250 to one every 200? I mean, how does that, how do we deal with it

now?

MR. OSOBA: So, if there is a previous approval and that previous approval is explicit enough to indicate a specific parking requirement, that specific parking requirement would remain. In this case, the specific parking requirement was not explicit in terms of what each site or what the development parking requirements were.

COMMISSIONER GREEN: That was my question I was trying to get answered. Thank you. That's all for now.

CHAIRPERSON CHERWIN: Did Hart Passman take a look at that issue on this particular one as far as if this is like legal non-conforming as it stands?

MR. LYSICATOS: No, the short answer to that is. We didn't believe we would have to present it as a legal non-conforming because it had a PUD approval in the past. So, this had been analyzed, and PUD approvals essentially can be, while they use the code as, you know, a benchmark for everything that we do in a PUD, there's also some variations within that PUD. When we went back and looked at the ordinance, there was a parking variation here. There also was language about sharing parking between Lot 1 and Lot 2 because there were concerns in the past about the potential for them to become a parking issue between the two sites, because both sites are actually under-parked within that PUD. You heard the history that it's one site to begin with, then it got subdivided into two sites.

CHAIRPERSON CHERWIN: Yes.

MR. LYSICATOS: So, there has been an underlying concern about parking from that subdivision point forward. So, when it came to that, we didn't believe there's a legal non-conforming because there was this history about these pieces there. So, that's how, you know, in framed our way of looking at it. When something comes in, we analyze to see if it conformed with code. Now, obviously, we're entertaining a variation for this, but every time something comes in as either expanding or changing its use, we have to look at it based on the current code standards. If something is not changing or they're expanding a non-conformity, there's arguments within the code that, they frame that argument should I say, and in this case we didn't think it applied.

COMMISSIONER GREEN: I just have another short question here.

CHAIRPERSON CHERWIN: Yes.

COMMISSIONER GREEN: The landscaping requirement, there's probably no chance that landscaping wasn't installed originally in 1970; isn't that correct?

MR. OSOBA: Correct.

COMMISSIONER GREEN: Okay, so it died out, and so now they have to put it back?

MR. OSOBA: In essence, yes. Those plans from the 1970's were not sufficiently detailed enough to provide a landscaping plan, so the landscaping requirements would be required per current code, as current policy.

COMMISSIONER GREEN: But there was a landscaping requirement in 1970 if you went back and looked.

MR. OSOBA: I believe so, yes.

COMMISSIONER GREEN: Okay.

CHAIRPERSON CHERWIN: And that's, I mean, that's pretty standard across the board when we do one of these, to ask to bring it up to compliance on the landscaping. This is not this particular case, this is every case we see like this. Is there any particular overlay from the Corridor Plan that is requiring any enhanced landscaping beyond what

would ordinarily be?

MR. OSOBA: There is not, no.

MR. LYSICATOS: I should say not on the Petitioner's basis. There is a potential for a landscape island to be built on South Arlington Heights Road, and we put that as a piece of the Staff report.

CHAIRPERSON CHERWIN: Yes.

MR. LYSICATOS: To just sort of advise them that it could impact future access, like one way in/one way out potentially instead of full access, because that plan was -- but it wouldn't be anything that would be on the Petitioner's behalf.

CHAIRPERSON CHERWIN: Yes, on the property.

MR. LYSICATOS: It would be on the Village.

CHAIRPERSON CHERWIN: All right, thank you for that.

Why don't we just keep going down here? George?

COMMISSIONER DROST: Yes. Historically, has there been any issues for this building, that has aged very well at least in my opinion, with parking deficits? What's the history, you know, over the 50 years? It had been exclusively a medical practices building; is that correct?

MR. ORTICELLI: It has been. There was one tenant that, I think it's Exponet; it's in green there, Unit 210. That tenant is not there, but that tenant was possibly not a medical office tenant. It was a regular office tenant, in which case there would be less of a parking space requirement for a non-medical office tenant.

CHAIRPERSON CHERWIN: And just to clarify, your owners have only had this building for like three years, correct?

MR. ORTICELLI: December of 2021 is when it was acquired.

CHAIRPERSON CHERWIN: Okay.

MR. ORTICELLI: Can I comment on a few of the things that have been said and answer or should I wait?

CHAIRPERSON CHERWIN: Why don't you wait until we get through this?

COMMISSIONER DROST: Yes, no, I was just trying, it's sort of where I'm going, sort of, and my line of questions is that, you know, is there a solution we're looking for where a problem doesn't exist? So, that's the one issue. Then you look at medical practices, and we're looking at 1972 and then we're looking at 2024-25. As how technology has changed the medical practice world, you don't have as many patients coming in. You've got the video interviews of people. There's ways that people can staff medical practices without actually having to be present, or if you need three, you can get away with two or one and a half because the other work can be done remotely.

So, those are the kind of complexities and how our ordinance, you know, basically responds to it now, or responds to the current problem. You know, has there been any problems when it was 100 percent a medical facility or how have things changed, you know? Covid was, you know, another game changer. You also see in the dynamics of medical practices that medical practices are no longer private ones, they're really controlled by hospitals. So, there's a whole change in how medical practices operate.

So, I'm just thinking about these bigger macro issues that, you know, maybe you give some relief based on the current situation. That's a general comment. The question to Dan is were any of these discussed, and disabuse me of, you know, any of these statements that I made that, you know, I'm off base or maybe correct.

MR. OSOBA: Sure. So, there's a couple kind of pieces to that kind of comment and question. So, for the first part there, to my knowledge, I don't believe any parking issues have occurred on the property. I don't think there's any code violations that the Village is aware of on the property, or the property to the south, so the PUD as a whole. I don't believe there's any parking issues there.

In relation to the solution, that we're looking for a solution for the problem that doesn't exist, we're attempting to plan for the potential worst case scenario if there is many types of medical offices that are within the building that are higher demand uses than some of the other medical offices. The Village has found and observed in other locations that medical offices have differing demand on parking, depending on the type of medical office.

COMMISSIONER DROST: Yes.

MR. OSOBA: A dentist's office will require generally more parking than a therapist would require. So, it really depends on the type of medical office, and now the code doesn't specifically make any determinations here nor there, but those are things that were discussed and kind of the reason for the Staff concern, as a lot of those issues have come up on other office buildings within the Village.

COMMISSIONER DROST: Yes, and also on parking requirements, on the handicap requirements, those evolve. There's more need and landscaping, so that puts more constraint on the available stalls that might be available. So, I mean, it's sort of blending that in, you know, in this whole process. The question is were those considered? Can relief be made, or can you impose a provision that says, you know, we're going to limit it to non-high use medical services, you know, just to try to fine tune it and not upset an operation, a building that goes back 50 years?

CHAIRPERSON CHERWIN: Thanks, George.

Anything else?

COMMISSIONER DROST: That's the speech. It's done.

CHAIRPERSON CHERWIN: It's a good one.

Terry?

COMMISSIONER ENNES: George, well put.

This is really kind of the tip of an iceberg that we have going on with an office market that is so loaded with vacancy right now, and in Arlington Heights we have a number of other buildings like this that are experiencing this exact same issue. I'm quite sensitive to it.

Are there more spaces in this current list that are vacant than the three that are shown? Is the Exponet, Inc.; is that vacant?

MR. ORTICELLI: It's vacant, yes.

COMMISSIONER ENNES: Okay, it doesn't say it's vacant. I'm missing that. Advanced Sleep, that 6,000 feet; is that vacant?

MR. LYSICATOS: The only vacant spaces are the three red ones, correct?

MR. ORTICELLI: Advanced Sleep is currently an occupant on the third floor, and I am told that their clientele comes in at nighttime to test their sleeping.

MR. LYSICATOS: Commissioner Ennes? Commissioner Ennes?

COMMISSIONER ENNES: So, the three red spaces I showed you is 20 percent, 18 percent vacancy in the building, which isn't too bad in this market.

MR. ORTICELLI: It's higher than that.

COMMISSIONER ENNES: The original PUD, were two buildings

envisioned?

MR. OSOBA: It was either two buildings or it was a building addition to the initial building.

COMMISSIONER ENNES: Okay, and back in time, the property owner decided they weren't going to build this addition or anything and they decided to subdivide it and - this property?

MR. OSOBA: Yes.

COMMISSIONER ENNES: Now, it appears to their detriment because now they have a parking issue. What if, and the Petitioner has referred to this as a medical building, 100 percent medical building. Is the original PUD as 100 percent medical?

MR. OSOBA: It was not explicitly stated the types of land uses that were included in that PUD.

COMMISSIONER ENNES: So, but the zoning at that time?

MR. OSOBA: The zoning at the time I believe permitted both office and medical office, at the time.

COMMISSIONER ENNES: Both? Did it limit one or the other?

MR. OSOBA: It did not.

COMMISSIONER ENNES: Okay, so whether or not it was 100 percent medical, you've been there a couple of years, do you have any records on the history of the occupancy of the building?

MR. ORTICELLI: I have rent rolls from the time that the owner acquired the property and rent rolls as of the current date. As I said, Exponet is one that arguably is not a medical office user, but other than that, everyone has been a medical office user. I'd like to just also comment on --

COMMISSIONER ENNES: Wait, I have a couple of other questions for you --

MR. ORTICELLI: Oh, okay.

COMMISSIONER ENNES: -- and then I'd love to hear those comments. The grassy strip, you believe it's your property, but that's not clear?

MR. ORTICELLI: I did originally, but now having looked at it today, I think that the surveyor was wrong and I don't think that it's part of our property. So, if it ever came to the point where we needed to come up with more spaces somehow, that grassy strip would be a possibility only if we could negotiate a purchase of that strip or a cross easement agreement.

COMMISSIONER ENNES: But you think somehow it got included in Parcel 2?

MR. ORTICELLI: I think the surveyor made a mistake.

COMMISSIONER ENNES: Okay, but you had somebody look at the legal description and it doesn't lay out, right?

MR. ORTICELLI: Oh, yes. No, I've looked at the legal description myself many times, and the surveyor has three times, correct me if I'm wrong, had said that according to his land people that have gone out there three times, it's part of Lot 1. But now, having seen the property with my own eyes today, and knowing that when the subdivision was recorded, there was a strip that was included as part of Lot 2 all the way up to Seegers Road. There is not enough area --

COMMISSIONER ENNES: For a drive aisle or something?

MR. ORTICELLI: No, between the boundary of Lot 1 and the boundary of

the property to the west for there to be two strips. So, there can't be a strip that's part of our property and also the strip that is shown on the plat of subdivision. It's just not possible --

COMMISSIONER ENNES: Okay.

CHAIRPERSON CHERWIN: -- and the tax assessor's map shows that it's part of Lot 2 from what I could tell.

COMMISSIONER ENNES: You looked at it?

CHAIRPERSON CHERWIN: Well, that's what it showed in the presentation.

COMMISSIONER ENNES: Was that a tax map?

CHAIRPERSON CHERWIN: It was a GIS map that showed it was part of --

COMMISSIONER ENNES: That was going to be my next question. I'd love to see who's been paying the taxes on that.

CHAIRPERSON CHERWIN: Right.

COMMISSIONER ENNES: In reading the verbiage in regard to the parking study, does it specifically state in your parking study's review that there's plenty of parking if it was 100 percent medical based on the current parking sites as 100 percent medical?

MR. ORTICELLI: You know, I have the parking study here, and if I, you know, had a minute or two to look through it, I could probably point out where it does say that.

COMMISSIONER ENNES: Dan, do you know? How did you read that?

MR. OSOBA: So, the parking study does come to the conclusion that there is adequate parking based on the survey results that they had and the extrapolation of those survey results. Staff's point and Staff's concern is that the initial survey results are based off of the occupancy of the building that has several vacant tenant spaces and has a sleep therapy unit which does not require parking or does not really have parking requirements during daytime hours when a survey was taken. So, those extrapolated data results to get to your future parking demand may be off and may be less than what typically would be required if those were all dentist offices or all pediatrician offices. That's the point.

COMMISSIONER ENNES: But when we look at buildings like this and they want it to be 100 percent medical, obviously the medical leasing rates are much better than office in this market and the occupancy. So, I totally understand why property owners want to be opting for that, to have that as an option. We always get so many parking spaces required for medical. The studies that we subscribe to, do they have variances based on the type of medical?

MR. OSOBA: Generally, no. The ITE or the, I forget the acronym off the top of my head, but the ITE has a specific parking allocation or parking requirement based on a land use that often times aligns with permitted uses and zoning codes. Medical office does not distinguish between various different types outside of a hospital rather than a medical office or a clinic.

COMMISSIONER ENNES: Are there other parking studies available that can show a variance? Is this something we should be considering? The medical building up in the north side of Arlington Heights Road that the hospital was in that we had all the parking issues a year-and-a-half, two years ago, is that exact same situation. But in that one, we specifically showed they can only have so much medical because the developer wanted to fully improve his lot with this biggest building he could and he didn't have adequate parking per our codes, but they have some tenants in there that have hardly any or very little patient demand parking requirements. If there's something else that we can be ascribing to, to work with these property owners to help them through this kind of period, are there?

MR. LYSICATOS: We are all ears, let's put it that way. We are starting to

look into it, but obviously, we're working through quite a high demand -- that's in high demand, so we're processing the applications as fast as we can to get into a really detailed study and survey of how the medical users are using the parking. It's quite a -- but we do see it as something that might be a potential need to or to subscribe to something or work with our peers in other areas. In general, our parking standards we believe are in line with our surrounding communities. We're not way off one way or the other. So, we're sticking to that, you know, in general.

One of the issues that Dan brought up that I wanted to highlight is two of the users here which make up over 8,000 square feet of space which is 25 percent of the space here basically have almost no parking demands. So, that even when that parking study --

COMMISSIONER ENNES: Daytime demand though.

MR. LYSICATOS: Daytime demands. So, when that parking study was done, that's 25 percent of the users that, there's another almost 20 percent that were vacant, we have to, you talked about solution in search of a problem, that's sort of what planning is. We're trying to predict the problems that come. If you put in anywhere between 30 and 35 percent of that now vacancy with a bunch of high demand parking, that's what we're looking at.

So, it wasn't as much that the parking study is wrong, but that there's, the two spaces in green are assumed as medical office users when really they're regular office users and one of them, which is the largest space in the unit, has no parking demands.

COMMISSIONER ENNES: Right.

MR. LYSICATOS: That's a pretty big asterisk as to the current use of --

COMMISSIONER ENNES: -- tenancy, that's a good, to me a good piece of evidence as to why we should provide some kind of a variance with that tenant in there.

MR. LYSICATOS: And we're not arguing against a variation. As you can see, it's a pretty large variation that's there now which is 25 percent. They're asking for 36 percent. I don't know how many 36 percent variations we recommend or the Board has approved over time, especially with office spaces, medical office spaces, which they are generating office uses and that's a positive. So, I think the crux of it is, as Dan and the Petitioner or their lawyer is stating, that they want to get these three spaces filled, I think Staff is amenable to looking at the square footage of that medical to include everything that's existing medical, so everything but the green and possibly those three vacant uses as medical. That way they can fill those, because we don't see the business license requests for many medical spaces --

COMMISSIONER ENNES: Understood.

MR. LYSICATOS: -- because of their certification. So, we don't get to see the actual evolution of the parking demand for a lot of these medical office spaces. That's our biggest concern is we really have to actually monitor the sites as opposed to regular office buildings. We see those business licenses come in and can really keep an eye on what the changes are from one user to the next. So, sorry to be long-winded.

COMMISSIONER ENNES: Okay, that's all I have.

CHAIRPERSON CHERWIN: John, do you have any further --

COMMISSIONER SIGALOS: I really don't have anything further. I mean, my questions have all been asked, but again, just to be clear, I mean, historically, has there ever been a parking problem here that you're aware of or that the Village is aware of?

MR. OSOBA: Like I said before, I'm not aware of any code violations that have related to parking on the site that at least we have in the Village's most recent records.

MR. ORTICELLI: During my client's period of ownership, there has never been a complaint that there was insufficient parking. Never a complaint from an adjoining owner

that parking was overflowed and people parked in lots that they weren't supposed to. There's never, since December of '21 at least, and I don't believe there's been any complaints prior to that.

COMMISSIONER SIGALOS: Okay, and unfortunately, I used to drive past this site, but regarding the landscaping, is there no landscaping at all or is it just deficient?

MR. OSOBA: So, the landscaping, those are two landscape beds, I don't know if you can see on your screen, it's pretty small, but right on the corner of Arlington Heights Road and Seegers, there's two landscaping beds that include shrubs. Some of those can count, but they would be insufficient for the entirety of the frontage of Arlington Heights Road. The frontage on Seegers, I guess, on the eastern lot does not have any landscaping. There's a pretty significant grade there, so it would likely have to be landscaping pretty close to the sidewalk or off of the property. Then on Seegers Road on the west side, there are three trees, but there are no shrubs to comply with landscaping.

COMMISSIONER SIGALOS: Okay.

CHAIRPERSON CHERWIN: George, you have --

COMMISSIONER DROST: Yes, if he's done.

CHAIRPERSON CHERWIN: That's okay. You have a follow-up to John?

COMMISSIONER SIGALOS: No, go ahead.

COMMISSIONER DROST: I just have one more question about market and market forces. In the leases that your clients provide, do they provide for guaranteed parking?

MR. ORTICELLI: No.

COMMISSIONER DROST: It's just basically common?

MR. ORTICELLI: No, they're gross leases and there's no mention of guarantees.

COMMISSIONER DROST: And none of the renters, the lessees, demand exclusive parking?

MR. ORTICELLI: There is no exclusive parking, no.

COMMISSIONER DROST: Yes, because, you know, sometimes they will demand it and they recognize that if you don't provide enough parking for patients, that you go out of business.

MR. ORTICELLI: Right. No, there is no exclusive parking rights in any lease.

COMMISSIONER DROST: Yes, and you also alluded to the street parking.

MR. ORTICELLI: I did.

COMMISSIONER DROST: Why don't you tell me a little bit, is that your overflow?

MR. ORTICELLI: Well, it could be used as overflow, but historically, it has not been. There's never been a need for anyone to park on the street that are, you know, customers of the tenants that are in the building.

I also want to mention on Seegers Road, you saw a picture of it up there, as far as the landscaping goes, Dan alluded to the fact that there is a significant grade difference up there on the right-hand side, that little thing that looks like an L on its side. There's a big grade difference from the level of Seegers Road and the level of the parking area. The parking area is significantly lower, and there's really not a lot of room to put, you know, any, what do you call it, hedge or bushes or anything like that, whereas on the south side of the sidewalk, the grade is so steep that it would be prohibitive to try to plant something there.

So, you know, again he said that there is no evidence in the building permit application process from 1970 as to what the requirement of landscaping was at that time.

So, you know, again I don't want to mix apples and oranges here. We're talking about parking and, you know, if you drive by the building, you'll see how nice it looks and there's no need to spend money without, you know, for something that's unnecessary. Mr. -- how do you pronounce your name?

COMMISSIONER DROST: Drost.

MR. ORTICELLI: Mr. Drost, you know, you mentioned earlier about, you know, are we looking at solving a problem that doesn't exist? To my knowledge, there is no problem. There's never been a complaint. There's never been a violation. This building has been here since 1970. No neighbor has complained. Even the owner of Lot 2, you know, which would be in the back, if you look on the west side, on the very lower left-hand corner, that's really the only place that there could be a -- if you will, from the west parking lot of our building to the parking lot of the building to the south. That's an OSHA, the OSHA building, you know, that's the only spot where the grade is satisfactory where there could be an open way there. So, there's never been a complaint by the OSHA people that anyone from our building has parked in their parking lot and then walked over the grass to get to our building.

CHAIRPERSON CHERWIN: George, anything else?

COMMISSIONER DROST: No. I just --

CHAIRPERSON CHERWIN: John, did you have anything else?

I'm sorry, George, I didn't mean to cut you off.

COMMISSIONER SIGALOS: If you did have a parking problem come up, have you ever looked or talked to OSHA as far as a shared parking agreement?

MR. ORTICELLI: I mentioned during my presentation I've tried to contact them three times.

COMMISSIONER SIGALOS: And they haven't responded to you.

MR. ORTICELLI: They have not responded, and the property manager of our building has tried to contact them.

CHAIRPERSON CHERWIN: Does OSHA own that building or is it somebody else that leases to OSHA?

MR. LYSICATOS: OSHA owns that building, I believe.

CHAIRPERSON CHERWIN: Okay, well, I had a couple of questions. Some of them were already addressed. When we had the Conceptual Review Committee meeting, I brought up the concept that I think Terry and George were talking about, which is to try to understand a little more nuance of certain medical uses versus certain other medical uses and how we can analyze that and if there were any examples we could use, even within the Village or whatever, to try to understand so that we can maybe create something other than just a black and white medical office and regular office. It doesn't sound like that was anything that was --

COMMISSIONER ENNES: -- is a perfect example --

CHAIRPERSON CHERWIN: That's a great example.

COMMISSIONER ENNES: -- 25 percent --

CHAIRPERSON CHERWIN: So, if you're doing a PUD, you can have some flexibility, which we have here, we have some flexibility to build in I think some of the restrictions, but it doesn't sound like that was --

COMMISSIONER DROST: And we do that sometimes, for instance on uses where churches are active more in the evenings with meetings and on weekends as

opposed to businesses that are the 9:00 to 5:00, Monday through Friday. So, that's kind of the balance.

CHAIRPERSON CHERWIN: Yes. I mean, my point was I thought that would have been helpful in making your case rather than just running into the medical versus non-medical and showing a huge deficit, but I don't think I saw that anywhere in the parking study.

So, let's see. Then, I think the other, I thought I mentioned this in Conceptual Review, if not I'm just curious, maybe you mentioned it, but I missed it on the -- Dan, could you bring up the visual of the lots again, or the building aerial? Thank you, that's fine.

Was there any consideration given to just some re-stripping of the lots to make some one-way angled parking to squeeze in some more spaces? You might be able to get, you know, like in the westerly lot, if you had like a one-way in/one-way out off of Seegers on the west, you might be able to squeeze in another row there as it borders OSHA, which might be another 10 or 11 spaces or so. Maybe I'm wrong, but I just thought that that was something to consider. Was there any thought given to that?

MR. ORTICELLI: I believe that Gewalt Hamilton looked at the west lot and said there's no practical way of reconfiguring that to add additional spaces.

CHAIRPERSON CHERWIN: Okay, and George, you brought up another kind of concern or a question I had. I mean, you know, the biggest issue we have here, not the biggest, but two things that we're trying to protect against, one is some kind of overflow parking that creates an issue on other properties. It doesn't sound like that's happened to date, at least that you can describe in the last three years, although it's been probably not the greatest market in the last three years so we don't necessarily have a great indication of that. The other one is your tenants, as George mentioned, running into issues, right? I mean, it's a business issue for you if now all of a sudden you have a bunch of tenants that can't park adequately.

So, is there any consideration given to like putting something in the lease? Because what we don't want to have happen is a tenant come in and then start knocking on Dan's door and says, oh, how did you guys approve this? This place is totally over-parked, there's a deficit of 30 percent of parking as it relates to the ordinance, and now we're on a lease. They don't want to get that, you know, and if that happens, you know, how do they respond to it?

So, is there any consideration given to at least disclosing to the Village that, or disclosing to the tenants in your leases or agreeing to disclose to the tenants in your leases that, you know, the overall site has a parking deficit so that they know kind of, they can look at it themselves. You can have the same conversation with them as you have with us which is, well, it doesn't really matter because we've done this, we don't think it's an issue, but technically, you know, it discloses, it gives them full transparency.

MR. ORTICELLI: You know, I would certainly recommend to the client that, you know, they put a provision in the lease that discloses a theoretical parking deficiency and just, you know, as a disclosure matter, but --

CHAIRPERSON CHERWIN: I think it would be a good -- for that.

MR. ORTICELLI: -- as long as that doesn't mean that we would have to have a limitation of the 30,000 square feet of medical office users.

CHAIRPERSON CHERWIN: Well, that's a, I guess that's a, you know, all those issues are issues that are, you know, kind of on the table right now, so I'm just thinking out loud. I think that was about it. Then you brought up the assigned space issue which I had as well. That's another way to control it, but it's not, you know, it might not be practical to dole out

spaces in advance.

COMMISSIONER LORENZINI: Jay?

CHAIRPERSON CHERWIN: Yes.

COMMISSIONER LORENZINI: I've got one quick question for Dan. Along Arlington Heights Road, can you really fully landscape that without losing some spots, some parking spots?

MR. OSOBA: So, Staff took a look at the amount of area that's between the back of the sidewalk and the parking lot that's adjacent to it. We do recognize that there is limited amount of space there where the property line actually is located and recognize that if landscaping is going to be in that area, that it would more likely than not be within the IDOT right-of-way, and that process can be a little bit lengthy. But as a rule of thumb, those requirements are the requirements of the Petitioner, that they would have to provide that landscaping, and that it would be typical practice for other users in a similar situation where they would have to provide that landscaping if there is space.

COMMISSIONER LORENZINI: All right, thank you for that.

COMMISSIONER ENNES: Is that the side of the street where the power is going to be buried?

MR. LYSICATOS: Potentially.

CHAIRPERSON CHERWIN: Yes, that's where all the overhead is, on the west side of the street.

COMMISSIONER ENNES: Right.

MR. LYSICATOS: Potentially, yes.

CHAIRPERSON CHERWIN: Is there any, I know we've talked about that in the past, is there any near term, or --

MR. LYSICATOS: Not that I know of.

CHAIRPERSON CHERWIN: -- is it just kind of part of the Corridor Plan?

MR. LYSICATOS: Yes, that's just part of the Corridor Plan as of this moment.

CHAIRPERSON CHERWIN: Okay, Lynn, you had another question?

COMMISSIONER JENSEN: Yes, just to follow-up on a few things. So, as I understand, Dan, the issue that the SDC had is the mix of medical offices could change and change the demand for parking?

MR. OSOBA: Correct.

COMMISSIONER JENSEN: You do then have the point that I think Commissioner Drost mentioned, technology has changed a lot, and we know that it has because with the pandemic, insurance companies have started paying for tele-medicine. A lot of things, whether you're a therapist, or other kinds of things can be handled that way, and so it's not clear to me that it's, you know, those are kind of a wash, you know, they counter each other and so forth.

It seems to me that although we could spend a lot of times worrying about what the standard is, there really hasn't been much of a practical problem to date. If the Petitioner is willing to accept this contingency plan, doesn't that largely give you an escape valve that really takes care of most of the problem so that we wouldn't need to impose that 30,000 square-foot limitation on medical offices, which I think is the primary thing that the Petitioner would like to get taken, that requirement, off?

So, I find that the discussion has been somewhat convincing to me

that we probably shouldn't impose that 30,000 square-foot limitation, and we should do something, you've got several things in there that say parking has to be reconfigured or dealt with to the Village's satisfaction if there are problems that emerge. So, I guess from my point of view, I can see why they'd like to get, you know, not have that requirement so they could actually have an opportunity to get new tenants in that are the type they want.

So, I think in my opinion, they've made the case. I think enough things have changed in the last 50 years that probably we are, as George said, we're probably in search of solution when we don't really have a problem.

CHAIRPERSON CHERWIN: Yes, Joe, go ahead.

COMMISSIONER LORENZINI: Okay, I've got a, to continue that train of thought, I totally agree with Lynn. How about we take out number one, not take it out, but relocate it, eliminate one as it is. Number two should stay as it is, but if the owner is confident in their parking study, we should never have to do number two.

MR. ORTICELLI: Could you put the screen up that has the numbers?

CHAIRPERSON CHERWIN: And, Joe, I know we're just discussing out loud possibilities.

MR. ORTICELLI: Eliminate number one.

CHAIRPERSON CHERWIN: Whoever would bring a motion would have to specify the Joe Lorenzini plan here.

MR. ORTICELLI: Number two could stay. Number three could stay, as I said, since it's an alternative, meaning either reduce the amount of medical office space occupancy, or provide additional parking to the satisfaction of the Village. It's an alternative. I think that one could stay and, you know, then it would be incumbent upon us to find additional parking which might mean negotiating with the owner of Lot 2 to buy the grassy strip or something, which is still going to be limited now to not being able to lease to a potential medical office user, you know, when there's no problem existing now.

COMMISSIONER LORENZINI: Okay, so along those lines, I'll make a motion to recommend to revise the recommendations. Take out number one, leave number two as it is, and number three, if the parking problem continues, the property owner shall reduce the amount of medical office space to 30,000 square feet or provide additional parking to the satisfaction of the Village, depending on which, the 30,000 limitation or the additional parking, that would be up to the Village's decision on how to do that. Number four, we'd leave it as it is because everybody's got to do landscaping, so we've got to do some landscaping what will work, and leave five the way it is.

CHAIRPERSON CHERWIN: Okay, and hold that thought for a second. We never opened up for public comment.

For the record, I recognize there are no members for public commentary.

MR. LYSICATOS: Just a couple of questions to the Chair, to Commissioner Lorenzini. I guess my question for number one is whether we remove it or we edit that number. I think the main focus on behalf of the Petitioner is those three vacant spaces they want to fill as medical users, correct? That's sort of the near term issue. If that went to 32,000, that allows those three vacant spaces to turn into medical users at this point --

COMMISSIONER LORENZINI: Right.

MR. LYSICATOS: -- and if we do eliminate that for number three, I think we would have to add a timing element to that, because what happens is number one and number

three kind of work together in that if they wanted to go bigger, they would have to come back to us, but if number three arises, now we have a parking problem on our hands. How do we solve a parking problem as a Village? There has to be, now it says they have either/or, but for us there has to be a trigger and there has to be a timing usually to when we do these things. So, we'd have to add some sort of a timing element to that, say 120 days, you know, hey, three-four months you haven't figured out your space or you haven't figured out how to do your parking, well, now we're limiting your space. I mean, maybe that requires them to actually come back and do an amendment, a PUD amendment as well. That might be the language that we do there.

So, if a parking problem continues to exist after compliance with condition two, which means they expand the parking, the property owner shall reduce the amount of medical office occupancy through a PUD amendment, or provide additional parking to the satisfaction of the Village within 120 days, something like that.

COMMISSIONER LORENZINI: Yes, my point is, I would think that the Petitioner would be okay with that because they're confident that this 30, even if it's 100 percent --

COMMISSIONER ENNES: Yes.

MR. LYSICATOS: Right, so that's just the, they have to come back for an amendment, you know.

COMMISSIONER ENNES: But if a problem is created, how are you going to get rid of it?

CHAIRPERSON CHERWIN: All right, so Joe, you started your motion. Do you wish to amend to include, supplement that motion with anything?

MR. LYSICATOS: To just, to finish that point, that's the point is if you lease the building up, how do reduce the medical users? You've leased it up. That's what the cap is there for. From the Village's standpoint, it's at 32,000. Well, if you want more for those last 8,000 square feet, coming for an amendment saying I've got two more medical users, I can show you the parking works, that takes you a few months and you're done, as opposed to you filled up the building with medical users, what's your recourse? You have three-year leases.

COMMISSIONER LORENZINI: Mike, I know what you're saying there; I totally understand what you're saying.

MR. LYSICATOS: Right, so we have no recourse as a Village at that point.

COMMISSIONER LORENZINI: But my point is the Petitioner is confident that the parking is adequate even with 100 percent, as it is, even with 100 percent medical occupancy.

MR. LYSICATOS: Understood. Understood. I guess the issue is that if we just rely on number three, if they fill the entire building with medical users and there is a massive problem there, even if we tell them you have to reduce the medical offices, they have leases. The building is now, and if they can't fix the problem through building any more parking, we're stuck with it as a Village, whereas if we have let's say 32,000 which would allow them to fill those three vacant spaces with medical users, if they needed to go more and their parking is just perfect, they just come to us for an amendment. Then we say, yes, your parking study works, great. You're at 32,000, you're fully leased up, great, fill those last two spaces with users, whereas the other way around we might have to wait years for that to remedy. We can't just get rid of it.

COMMISSIONER JENSEN: Mike, you had suggested a time limit. Are you suggesting we need both a trigger amount, 32, 35, whatever the number is, and a timeframe in

their number --

MR. LYSICATOS: They kind of play off each other, right? They kind of play off each other, and maybe that number increases from 30,000 to 32,000.

COMMISSIONER JENSEN: If you don't have that and you only have the time limit, what is, I'm trying to understand what the problem is if you say you've got 120 days to remedy the situation by finding new parking arrangements.

MR. LYSICATOS: Right, but if they can't, let's say they can't find new parking, you can just change the uses, that's great, but you can't get, what are you going to make them do, break the leases?

COMMISSIONER JENSEN: There are a number of areas that you didn't actually, there were spaces where you really didn't need grassy areas and you could create more parking even with that plan that's the contingency plan. So, there is more capacity to create --

MR. LYSICATOS: They don't own that other grassy space.

COMMISSIONER GREEN: They don't own that.

MR. LYSICATOS: They don't own that grassy space.

COMMISSIONER JENSEN: I know, I'm not talking about that one strip. I thought there were others in there.

MR. LYSICATOS: No, we're saying beyond that. So, condition number two is they build, they take out that island they put in parking. We're saying if condition two does not satisfy the parking, which means they've filled the parking and the new overflow and they have no actual physical recourse to build parking, then the only real recourse for them is to break leases. We can't require someone to break leases. The only thing we can require them to do is come as permissioned to fill more medical space.

COMMISSIONER JENSEN: Well, how long do you think the tenants would want to stay in a situation where their clients, their patients can't park anywhere? I believe that would resolve itself fairly quickly.

MR. LYSICATOS: You're correct. You're completely correct.

COMMISSIONER JENSEN: They'd come and say, hey, you know, this is a problem and I don't want to be your tenant anymore, and then whatever grounds they, you know, whatever the timing is of their, not only their leases but other actions that they could take. So, once again, I would like to put in as little that's restrictive on them as possible because I really do believe that the situation will be self-correcting. If there's no parking, it won't be very long before they will have to do something about it.

MR. LYSICATOS: But it's something that is on us.

COMMISSIONER DROST: Yes, there have been buildings where you do have these high density medical uses where they employ valet parking and do off-site parking, you know, for temporary purposes, kind of awkward, but --

CHAIRPERSON CHERWIN: There's a church right across the street, too, I mean, things like that, but okay, so let's get --

MR. LYSICATOS: Yes, so that's the reason for one and three.

CHAIRPERSON CHERWIN: Joe has a motion that Joe made with --

COMMISSIONER ENNES: Is that a motion or is he just discussing --

COMMISSIONER LORENZINI: Discussing it. So, I'd like to make the change to number one, change it from 30,000 to 32,000.

MR. ORTICELLI: Excuse me, I've been very patient here.

CHAIRPERSON CHERWIN: Excuse me, this is not your time to talk, but

thank you.

Joe, do you want to, you started a motion. Was that your motion? You made an original motion and are you amending your motion at this point?

COMMISSIONER LORENZINI: Well, I'm going to ask a question. So, the 32,000 square feet would allow them to rent those vacant spaces right now?

MR. LYSICATOS: I just want to double check that.

MR. ORTICELLI: Your rental is not correct; there's more than three vacant spaces. I haven't, you're not giving me a chance to comment on it yet.

CHAIRPERSON CHERWIN: But there's a motion on the table. This is a discussion between us at this point.

MR. LYSICATOS: Well, I do want to provide clarification because we've got this list. Did we get this from the Petitioner?

MR. OSOBA: This list is from the parking survey, so this is the memo that I have. I don't have any --

MR. ORTICELLI: And it's dated.

MR. LYSICATOS: So, what's --

MR. ORTICELLI: Well, as of September of '24.

MR. LYSICATOS: Is that what you had in your presentation?

MR. ORTICELLI: Yes.

COMMISSIONER DROST: Yes, it is confusing because there were tenants in there with zero rent and that didn't make sense.

MR. LYSICATOS: I mean, it just kind of furthers the -- well, how much parking stalls are used by how many people. That's the --

MR. ORTICELLI: So, 4145 is vacant. Suite 100 is vacant. Suite 200 is vacant. Suite 210 is vacant. Suite 235 is vacant.

COMMISSIONER DROST: And you said 110 was vacant, but it's not on the roll.

MR. ORTICELLI: 110? So, 110 is vacant. Better Health, if you look, it says Better Health. If you see the lease end date, it's June 30th of '24. That lease is over with, that tenant is out.

MR. LYSICATOS: Okay, so I mean, that does change --

MR. ORTICELLI: The property is vacant, the space is vacant.

MR. LYSICATOS: That was one of the office users that was --

COMMISSIONER DROST: But, yes, you've got current on there, that's what's confusing about it.

MR. ORTICELLI: What's confusing?

COMMISSIONER DROST: It should say vacant, it doesn't say vacant as current.

MR. ORTICELLI: Well, it shows that the lease ended on June of '24, it's vacant.

COMMISSIONER DROST: Yes, but if you look at, I'm looking at the current and vacant. I'm not looking at all the lease end dates. So, there may have been some changes.

CHAIRPERSON CHERWIN: So, Joe, you had made a motion.

COMMISSIONER LORENZINI: Right, --

CHAIRPERSON CHERWIN: Are you going to --

COMMISSIONER LORENZINI: -- 32,000 won't do it, so I'm going to take

number one out then, just leave it the way it is.

CHAIRPERSON CHERWIN: Just leave it the way it is?

COMMISSIONER LORENZINI: Yes.

CHAIRPERSON CHERWIN: Your motion you're leaving the way it is.

You're taking out number one.

COMMISSIONER JENSEN: Originally you said you're going to get rid of one, is that what you're --

CHAIRPERSON CHERWIN: That's what he's saying.

COMMISSIONER LORENZINI: But Michael made a very good point, if you get rid of number one and the parking stats do not work, regarding as to what the study says, if the parking stats do not work, then we're up a creek without a paddle.

MR. LYSICATOS: Right, they would come in for a PUD amendment, but then they'd have to break leases.

COMMISSIONER LORENZINI: -- take care of it --

MR. LYSICATOS: Right, and then, but now we realize that one of those non-medical use spaces is actually vacant which sort of compounds the issue, and they likely would fill that, try to fill that with a medical user. Everything but the sleep center essentially I think count, yes, everything but the sleep center could potentially be medical. The sleep center we actually consider regular office space because of how low the parking use, we actually consider that one to 300. You know, we can look at that, like everything, so it's 6,000 square feet, correct?

MR. ORTICELLI: That would leave 33,970 square feet. If you take the 40,199 total square footage, subtract out the sleep therapy of 6,229, that leaves 33,970, almost 34,000. So, if you're going to change number one --

MR. LYSICATOS: You get 34,000?

MR. ORTICELLI: To change, you know, the maximum leasing to medical office tenants, it should be at least 34,000. At least.

MR. LYSICATOS: Yes, so it's, how much space is it without the sleep center?

MR. ORTICELLI: Without the sleep center, it's 33,970, so roughly 34,000.

CHAIRPERSON CHERWIN: Joe, is it still --

COMMISSIONER LORENZINI: Amend it, I'm going to amend it.

CHAIRPERSON CHERWIN: Where things stand?

COMMISSIONER JENSEN: Yes, if you're going to amend it, you probably should start again.

MR. LYSICATOS: Because that's such a large space, it's a point of concern. So, 34,000, we cover everything but the sleep center. If that sleep center ever changed over, it would trigger having to amend the PUD.

COMMISSIONER LORENZINI: Right. Okay, so I'm going to start over.

CHAIRPERSON CHERWIN: All right, so you're withdrawing your motion?

COMMISSIONER LORENZINI: I'm withdrawing the motion.

CHAIRPERSON CHERWIN: There is no motion on the table, but Joe wishes to --

COMMISSIONER LORENZINI: Make a motion --

CHAIRPERSON CHERWIN: -- make a motion.

COMMISSIONER LORENZINI: -- to revise the recommendations. Number one, change the 30,000 square feet to 34,000. Number two can stay as is. Number three can

stay as is. Number four and number five can stay as is. Just make that one change.

A motion to recommend to the Village Board of Trustees approval of an Amendment to the Planned Unit Development Ordinance #70-089 and #02-019, to modify a previously approved parking variation, and the following variation:

- 1. A Variation to Chapter 28, Section 10.4-2, to allow 127 parking spaces where code requires 190 parking spaces.**

This recommendation is subject to the following conditions:

- 1. There shall be no more than 34,000 square feet of medical office or permitted non-general office uses within the subject property.**
- 2. Should a parking problem occur on the site, which shall be determined at the discretion of the Village, the property owner shall construct additional parking and cod-compliant landscaping in substantial conformance with Exhibit 1, *Concept Parking Plan - East Layout*, prepared by Gewalt Hamilton Associates, Inc. on 9/18/2024. Said improvements shall be installed within 120 days of a request by the Village.**
- 3. If a parking problem continues to exist after compliance with condition number two, the property owner shall reduce the amount of medical office occupancy or provide additional parking to the satisfaction of the Village.**
- 4. The property owner shall provide a three-foot landscaping screen between public rights-of-way and the adjacent parking area along South Arlington Heights Road and West Seegers Road to comply with Chapter 28, Section 6.15. Landscaping compliant with this section shall be installed no later than June 30, 2025.**
- 5. The Petitioner shall comply with all federal, state, and Village codes, regulations, and policies.**

COMMISSIONER JENSEN: -- in there of 120 days or something like that?

MR. LYSICATOS: We wouldn't need it with number one. That would be the trigger for them having to come in and make the change.

CHAIRPERSON CHERWIN: So, your motion is to recommend approval of the amendment with one through five, but number one is amended to be 34,000 instead of 30,000, correct?

COMMISSIONER LORENZINI: 34,000, correct. Yes.

CHAIRPERSON CHERWIN: Okay, so that's the motion. Is there a second for that motion?

COMMISSIONER GREEN: I'll second that.

CHAIRPERSON CHERWIN: There is a second by Mr. Green. Why don't we do a roll call vote for that? Are there any, okay, yes, go ahead, do a roll call vote.

Is there any discussion about that?

(No response.)

CHAIRPERSON CHERWIN: No, thanks.

MR. OSOBA: Commissioner Drost.

COMMISSIONER DROST: Aye, with comment.

MR. OSOBA: Commissioner Ennes.

COMMISSIONER ENNES: Yes, with comment.

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MR. OSOBA: Commissioner Green.

COMMISSIONER GREEN: Yes.

MR. OSOBA: Commissioner Jensen.

COMMISSIONER JENSEN: Yes, with no comment.

MR. OSOBA: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Yes.

MR. OSOBA: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

MR. OSOBA: Chair Cherwin.

CHAIRPERSON CHERWIN: Yes.

Congratulations, the motion passes. We do have some comments.

COMMISSIONER DROST: Yes, the comment is just to get the Petitioner's response, whether he agreed or that Petitioner agreed to the change.

CHAIRPERSON CHERWIN: Well, I mean, that's, I don't think there's another way out of it for him.

COMMISSIONER DROST: Yes, but, no, and we are going to go to the Board of Trustees. I just want to put that into the record.

CHAIRPERSON CHERWIN: Yes. Terry, did you have a comment? Terry?

COMMISSIONER ENNES: I did, and my concern is I would almost like to see something in here that the property owner would have to notify the Village if they lose this Advanced Sleep Therapy which I think is a significant tenant, that I would be open to the variance of wanting to have fewer parking spots available than what our normal practice would require because if that 6,300 square feet is leased to a regular medical, this is what could create the problem that we don't perceive we're going to have, and we won't know about that.

MR. LYSICATOS: We can look into that. We can look into that and see if there is something supplemental before it gets to the Board. Maybe it's just something with the ownership.

COMMISSIONER ENNES: I'm thinking that's something the Board might want to ask for.

MR. LYSICATOS: Okay.

CHAIRPERSON CHERWIN: And my only comment would be -- oh, I'm sorry, you have more?

COMMISSIONER ENNES: No, I didn't want to, I want to see the Petitioner be able to move ahead. We tried to work something out with this property. I think the 34,000 square feet helps, but I am concerned about that 6,000 square feet of parking that is totally at an odd hour and doesn't affect their parking. It might be why their parking lot is so vacant.

CHAIRPERSON CHERWIN: Yes, my only comment would be I'd recommend potentially for the Board to consider including a requirement that they put a proviso in the lease of the non-conformance with parking as a technical conformance, and two, that even though they may not be required to have a business license, that the landlord notify the Village of, you know, maybe every year any changes in tenancies, new tenants, because you're not otherwise able to see them it seems given the nature of the businesses.

MR. LYSICATOS: We'll look into those.

COMMISSIONER ENNES: This also goes with law firms.

CHAIRPERSON CHERWIN: Yes. So, that motion passes with the modification. So, you'll be in touch with Dan to move along to the next level. This is a

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recommendation only, I guess a positive for the most part recommendation with the modified requirement. So, that's all for that one.

Thank you, Mr. Orticelli.

MR. ORTICELLI: Thank you. I apologize, Mr. Cherwin, if I spoke out of turn. I thought I had the opportunity to --

CHAIRPERSON CHERWIN: That's all right. We got where we needed to get here, thank you.

(Whereupon, at 9:14 p.m., the public hearing on the above-mentioned petition was adjourned.)

PLAN

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

COMMISSION

RE: CHAPTER 28 TEXT AMENDMENTS - PERMITTED USE TABLE - PC #24-016

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 23rd 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
DANIEL OSOBA, Planner I
RACHEL HITZEMANN, Planner II

CHAIRPERSON CHERWIN: All right, so the next public hearing up is the Chapter 28 Text Amendments that the Staff is going to be presenting.

Dan, are you on that, or Michael?

MR. LYSICATOS: Both of us.

CHAIRPERSON CHERWIN: Oh, tag team, very nice. All right, what have we got?

MR. LYSICATOS: Yes, so do we have that up? Great.

Thank you, everyone, for bearing with us for our second application for tonight. We're putting forward a number of text amendments to Chapter 28. The overall purpose of this is to include edits to Section 3, Definitions; Section 5.5-1, which is the Permitted Use Table; and Section 10, which is the Off-Street Parking and Loading standards.

We brought together a tranche of recommendations to clarify some of the applicable terms throughout Chapter 28 for the various land uses. Some of the terms aren't even synonymous between the three pieces, the permitted use table and especially in the parking. We also looked at some of the land uses to simplify some of the definitions where there were very similar uses that could be put under one new definition. In addition, there were many definitions that were just clearly missing from the ordinance.

So, we decided to bring a number of recommendations to bring everything into conformance and, in addition, to solve some of the issues that we've encountered, specifically in the parking, and I'll get into that in a little bit more detail later, to solve some of the issues that we've encountered with residents and applying our parking standards. One of the fixes will be familiar to the case we just heard.

CHAIRPERSON CHERWIN: Yes. So, interesting timing.

MR. OSOBA: So, as far steps in the process and kind of where we started and where we're at now, so Staff kind of began researching this in the spring and really kind of winter of 2024, leading up into the summer. We held an Ordinance Review Committee last week on October 16th and received an affirmative that we can go forward to the Plan Commission from the Ordinance Review Committee. There were some changes that were recommended by members of that committee, and we can go through those if need be, but those changes have either been made or corrections made for clarity purposes and those can be found in either the minutes or in the actual backup that we have here. Then we're tentatively scheduled for November 4th Village Board, which would be the first one in November.

So, then as far as kind of a very brief summary of these text amendments, so again it's to Chapter 28, Section 3 for Definitions, Section 5.5-1 for the Permitted Use Table, and Section 10 for Off-Street Parking and Loading.

So, for Definitions, new definitions were added for uses that already exist within the Village but we do not have existing definitions for which makes it difficult for Staff to review business licenses or new applications for land uses. So, we want to make sure that's clear and consistently applied throughout the Village. There's also modified or deleted definitions for uses that may fit into a broader category or are deleted due to a lack of relevance, that may be a little bit antiquated.

Then, the Permitted Use Table, this essentially is the pivot section of the code or the master section of the code used for these changes. If a use is listed on the permitted use table, we wanted to make sure that it does have a definition and an associated parking requirement. So, any changes that we made to the permitted use table should be reflected in both the Definitions section and the associated parking requirements added as well.

Then, in a similar fashion to Definitions, new uses were added and others were modified and deleted in a very similar way to the Definitions.

MR. LYSICATOS: Right, thank you.

When it came to parking, we've mentioned that we had to make sure that there was a corresponding parking requirement to go with especially the permitted use table specifically. Some of the standards were modified or updated. There weren't many changes to the requirements because those require a little bit more of a deep thought that we talked about, specific issues and types of uses, but there were a few matters that we addressed in those changes.

One of them was clarity added for when off-street parking facilities shall be provided. So, we basically changed the language that off-street parking shall be provided during any construction, structural alteration, enlarging or changing capacity of the land use. So, no grandfather provisions. That's something we had heard numerous times. To just kind of clarify, we think that language was essentially left over from previous ordinances. We wanted to provide clarity on that.

We also added how Staff calculates parking as a collective sum. We just tried to crystallize that a little bit more for when applicants look through the code.

Then there was also modifications from the Public Works Department, that they requested some changes to us, specifically in how we allow driveways for duplexes that are bordering each other. So, this allows the combined driveway to go up to, I believe it was 32 feet?

MR. OSOBA: 4. 34.

MR. LYSICATOS: Oh, 34 feet, so that they could have two cars in the driveway as well as two into the garage. We've had a couple of subdivisions where that issue has come up numerous times. There's no on-street parking, so it becomes a real issue with capacity.

I think there was also, I think those pretty much were the big issues that we addressed along with just clarifying the parking requirements along with the permitted use table.

MR. OSOBA: That's all we've got.

CHAIRPERSON CHERWIN: All right, is there a motion to --

COMMISSIONER DROST: Any discussion or anybody --

CHAIRPERSON CHERWIN: No, I was going to say to submit the Staff report.

COMMISSIONER DROST: Oh, yes, I'll make the motion to submit it.

CHAIRPERSON CHERWIN: Is there a second for that?

COMMISSIONER GREEN: I'll second that.

CHAIRPERSON CHERWIN: All in favor?

(Chorus of ayes.)

CHAIRPERSON CHERWIN: Any opposed?

(No response.)

CHAIRPERSON CHERWIN: Okay, so the Staff report is submitted to the record. We'll also recognize that we would open it up for public comment, but there's nobody here from the public, so no need to do that. So, I'll close public comment.

Any comments or questions from Commissioners? Over here?
None here? Yes?

COMMISSIONER ENNES: I have a question.

CHAIRPERSON CHERWIN: Of course.

COMMISSIONER ENNES: So, this parking requirement, this relates to businesses downtown I believe, and their staff having to have, or the business to have to pay for parking permits for these employees. How evenly is that being enforced? Are we just doing that to new businesses coming in or are we going to go back to all businesses out there and say you have to have permits for your X number of employees to park in the garages so as not to block the streets?

MR. LYSICATOS: So, we're looking at it. We went back and actually did a look-back on all of the businesses in the downtown. There is a provision one way or another where they have to accommodate their employees with those passes, it's just that they're worded in different ways. We've tried to make the language more consistent over the last several years. The last one that we saw in Spent Grain mimic some of the language in one of the most recent ones, and we tried to make that language flexible because the parking garage itself changes how it's governed over time. The parking rules change, the capacity changes, so we're trying to keep that language consistent.

But we went back, and most of them have some sort of provision in the ordinances already. For ones that don't --

COMMISSIONER ENNES: I'm sorry, what you said was most of the businesses downtown currently have --

MR. LYSICATOS: That have been approved, there's a provision in the ordinance that says, worded one way or another that says they have to buy parking.

COMMISSIONER ENNES: Do they in fact actually buy parking?

MR. LYSICATOS: Some of them do, some of them don't. So, we are keeping on top of it. That's going to be, what we did find out was there are provisions. It's varied how many people are buying them. Also, it depends on the demand. That was kind of the open-ended sort of --

COMMISSIONER ENNES: I don't think the demand is, they don't want to have to pay for them; am I wrong?

MR. LYSICATOS: Well, it also depends on the demand in the garage, right? Demand in the garage and from their employees. So, we are going to have to be continually monitoring this probably a couple of times a year just to see where people are with it and how it's impacting the garage as well. So, it is going to have to be something that is managed by Staff. So, we did see that with the last go-around with our most recent businesses in the downtown, and it's something that we've added to our ledger of things to monitor, especially in the summer months when we've got events, we've got Al Fresco.

COMMISSIONER ENNES: Yes. My biggest concern though, somehow it can be done fairly with all the businesses.

MR. LYSICATOS: Yes, and it might be just a, you know, how many employees need to actually drive to work. We get a sense of what the actual park garage demand is which we can meter. We have active sensors in our parking garage, so we can get very detailed reporting on that utilization, especially in the summer months, and go from there.

That's why we keep the condition relatively general. It addresses the issue. It doesn't say exactly how many number it is because we know that number can fluctuate based on how the garage is being used and also how many people actually need passes. You know, if they only operate until let's say noon, they probably don't need them because that's not

when the pay parking starts. So, a lot of variables there.

COMMISSIONER DROST: Yes, with Spent Grain, that was a pretty good example, a recent example.

MR. LYSICATOS: Yes, and we're going to work with them individually to see what the actual need is as opposed to just the number of employees.

COMMISSIONER ENNES: Is that the new microbrewery?

COMMISSIONER DROST: Yes, yes.

MR. LYSICATOS: So, we want to put a number on it. We want to actually figure out the actual need so we're not over-subscribing those things to them.

COMMISSIONER ENNES: Okay.

CHAIRPERSON CHERWIN: Thank you.

Any other questions?

COMMISSIONER ENNES: No, that's all I had.

CHAIRPERSON CHERWIN: I had, I just had the one. I was looking through these uses, and some of them, you know, on the parking side, like I see you have, you know, like stadiums and churches and stuff. I guess, you know --

COMMISSIONER DROST: Stadiums? Where?

CHAIRPERSON CHERWIN: We had a stadium, I guess I just don't, like how do we come to a number like 30 percent? Are we saying like, what's the basis for that? That just seems so random to me.

MR. OSOBA: So, in general, for a lot of the new parking requirements that were added, Staff did research on what other municipalities kind of regulate or require for specific land uses. Oftentimes, they're not like a one-to-one comparison. Oftentimes, with stadiums in particular, they're included in a category that has a bunch of different uses including gymnasiums or smaller things that might still require that. But 30 percent is kind of the middle ground and kind of also what a lot of the traffic studies or parking studies would typically require for that type of land use.

CHAIRPERSON CHERWIN: Okay, so I guess if we have a bigger stadium that comes to town or whatever, we address it when the time comes, but I don't know who else this is going to apply to. I mean, Hersey, you know, if they have --

MR. LYSICATOS: Yes, so I don't think it would fall within the provision of a stadium. So, it's a very unique --

CHAIRPERSON CHERWIN: Like Hersey's football field, if they --

COMMISSIONER DROST: Viater, too.

CHAIRPERSON CHERWIN: Or Viater.

COMMISSIONER DROST: Yes.

CHAIRPERSON CHERWIN: Or whoever else is in, who else is in --

COMMISSIONER DROST: In town? The Christian --

CHAIRPERSON CHERWIN: Christian Liberty. Like if Christian Liberty wanted to put a football stadium in or something, I should just say stadium, like if Christian Liberty wanted to redo their backyard, you know, and they got a track out there, it used to be a football field with people walking and parking and everything, does Christian Liberty have to come? Is that a stadium or is that just a football field?

MR. LYSICATOS: We'd have to look at whether it's a recreational facility. We created a modification to the definitions on that, correct?

MR. OSOBA: Correct, yes.

COMMISSIONER ENNES: Are we creating a problem where there isn't one?

CHAIRPERSON CHERWIN: Well, I'm just, I don't know what that means, and that was the one that stuck out to me, like if you were like Arlington High School back in the day, everybody just, there was no parking. You just walked to there and you parked on the street or you parked across at the park. You know, there wasn't, Christian Liberty is not going to have, you know, a 30 percent on-site parking if they ever decide to do that.

So, that's it. I mean, I don't need an answer, guys. I'm just saying it just seems --

MR. LYSICATOS: That kind of example, we'll run it back just to make sure that it doesn't fall with it or if that's even appropriate. I mean, it might be, you know, if their grandstand holds X number of people and we know a parking lot can easily accommodate that, that's fine. You know, you look at an example like Rolling Meadows, like their parking lot is for the high school, it's also for the athletic fields --

CHAIRPERSON CHERWIN: Yes. Yes, I mean, like if I go --

MR. LYSICATOS: -- accommodates it.

CHAIRPERSON CHERWIN: If I go to a Hersey football game, I'm parking like four blocks away because everybody is stacked on the streets, which is totally fine, I mean, it's three hours a night, you know, four times a year but, you know, I don't --

MR. LYSICATOS: We'll take a look at that one specifically because we did kind of break it out. That was part of a definition that had a lot of things in it, and we did kind of break those pieces out --

CHAIRPERSON CHERWIN: Okay.

MR. LYSICATOS: -- because they weren't working in concert with each other based on the zones especially. That was one of the other pieces to break out some of the permitted use table and the definitions was they were really in zones that were exclusive to each other that we needed to start cleaning that up because there were those non-conformities. We didn't want to just sort of grandfather more of that in.

CHAIRPERSON CHERWIN: Right, okay. Okay, well, I don't have any comments.

Is there a motion?

COMMISSIONER DROST: No, I just wanted to add that the work that Staff did was very impressive. Also, Bruce was there, but Commissioner Dawson actually really jumped on a lot of these issues so, you know, advanced the program here.

CHAIRPERSON CHERWIN: Nice work.

MR. LYSICATOS: The ORC was in full swing.

COMMISSIONER GREEN: Yes, absolutely.

COMMISSIONER DROST: Yes.

COMMISSIONER GREEN: It's the leadership of the chairman.

COMMISSIONER DROST: Yes.

CHAIRPERSON CHERWIN: Yes, it's your leadership. Hopefully nobody was watching that last one, although I guess there is a record.

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

A motion to recommend to the Village Board of Trustees approval of PC #24-016, Amendments to Chapter 28, Section 3, Section 5.5-1, and Section 10.

COMMISSIONER GREEN: I'll second that.
CHAIRPERSON CHERWIN: All right, the motion is up with a second for approval.

Can we do a roll call vote please?

MR. OSOBA: Commissioner Drost.
COMMISSIONER DROST: Aye.
MR. OSOBA: Commissioner Ennes.
COMMISSIONER ENNES: Yes.
MR. OSOBA: Commissioner Green.
COMMISSIONER GREEN: Yes.
MR. OSOBA: Commissioner Jensen.
COMMISSIONER JENSEN: Yes.
MR. OSOBA: Commissioner Lorenzini.
COMMISSIONER LORENZINI: Yes.
MR. OSOBA: Commissioner Sigalos.
COMMISSIONER SIGALOS: Yes.
MR. OSOBA: Chair Cherwin.
CHAIRPERSON CHERWIN: Yes.

All right, the motion passes. Congratulations.

And I get it, Bruce, you're talking about the subcommittee chair. Well, you run a tighter ship than I do.

COMMISSIONER GREEN: And I just found out I was chairman.

COMMISSIONER DROST: Any new business?

CHAIRPERSON CHERWIN: Yes, well, that's a good question. I was just going to get to that, George. That's the next item. I do not believe we have any other business.

COMMISSIONER DROST: Oh, well, what about the Herald article about paid positions for Village officials? We usually have a discussion as to whether we should get compensation. Was there any notice by any of the Commissioners of the article?

CHAIRPERSON CHERWIN: I saw the article.

MR. LYSICATOS: I just want, before we go, I think everybody got a chance to say hello to our new Planner II.

CHAIRPERSON CHERWIN: Oh, yes, Rachel.

MR. LYSICATOS: Rachel. Rachel Hitzemann. She just joined us this week.

COMMISSIONER DROST: What's your last name?

MS. HITZEMANN: Hitzemann.

COMMISSIONER DROST: Hitzeman.

CHAIRPERSON CHERWIN: We are glad to have you, Rachel.

COMMISSIONER DROST: That's interesting.

MS. HITZEMANN: Thank you.

CHAIRPERSON CHERWIN: I think the Staff is also glad to have you.

MR. LYSICATOS: Yes. We're very happy. We're very happy to welcome her from the City of St. Charles.

CHAIRPERSON CHERWIN: Great city.

MR. LYSICATOS: Where she spent the last number of years running their Plan Commission, their Zoning Board of Appeals, their Historic.

MS. HITZEMANN: Yes, the whole gamut.

MR. LYSICATOS: Yes. So, she has a great background and she's already getting along well with all the Staff. We're happy to have her on the ground here.

CHAIRPERSON CHERWIN: And thank you for reminding me. I'm glad you brought that up, Michael.

Welcome, Rachel, we're happy to have you.

Then I guess the only other thing would be public comment in general, but again, since there's no members of the public here, we'll close that public comment.

Anyone like to --

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

COMMISSIONER DROST: And I'll second.

CHAIRPERSON CHERWIN: All right, we have a motion to adjourn.

All in favor?

(Chorus of ayes.)

CHAIRPERSON CHERWIN: Any opposed?

(No response.)

CHAIRPERSON CHERWIN: All right, well, the motion passes and the meeting is adjourned.

(Gavel pounded.)

(Whereupon, at 9:31 p.m., the public hearing on the above-mentioned petition was adjourned.)

APPROVED

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STATE OF ILLINOIS)
) SS.
COUNTY OF KANE)

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