



Village of Arlington Heights
Plan Commission
Board Room
Arlington Heights Village Hall
33 S. Arlington Heights Road
Arlington Heights, IL 60005
December 12, 2018
7:30 PM

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. Taco Bell - 10/24/18
- B. Napleton Repair Facility - 10/24/18

IV. PUBLIC HEARINGS

- A. Arlington Executive Plaza - 3335-3395 N. Arlington Heights Rd. -
PC#18-022
Amendment to PUD, Parking Variation
- B. Southpoint Shopping Center Outlot - 600 E. Rand Rd. -
PC#18-020
Subdivision, Variations

V. OTHER BUSINESS

VI. ADJOURNMENT

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Item: Taco Bell Redevelopment - 10/24/18

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
Taco Bell Redevelopment - 10/24/18	Minutes

PLAN

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

COMMISSION

RE: TACO BELL REDEVELOPMENT - 1530 WEST ALGONQUIN ROAD - PC# 18-018
SUP AMENDMENT, VARIATION

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 24th day of October, 2018 at the hour of 7:30 p.m.

MEMBERS PRESENT:

TERRY ENNES, Chairman
LYNN JENSEN
JOE LORENZINI
BRUCE GREEN
GEORGE DROST
SUSAN DAWSON
JAY CHERWIN

ALSO PRESENT:

SAM HUBBARD, Development Planner

CHAIRMAN ENNES: I'd like to call this meeting of the Arlington Heights

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Plan Commission to order. Would you all please rise and join us in the pledge of allegiance?

(Pledge of allegiance recited.)

CHAIRMAN ENNES: Thank you. Sam, would you read the roll please?

MR. HUBBARD: Commissioner Cherwin.

COMMISSIONER CHERWIN: Here.

MR. HUBBARD: Commissioner Dawson.

(No response.)

MR. HUBBARD: Commissioner Drost.

COMMISSIONER DROST: Here.

MR. HUBBARD: Commissioner Green.

COMMISSIONER GREEN: Here.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: Here.

MR. HUBBARD: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Here.

MR. HUBBARD: Commissioner Sigalos.

(No response.)

MR. HUBBARD: Commissioner Warskow.

(No response.)

MR. HUBBARD: Chairman Ennes.

CHAIRMAN ENNES: Here. Thank you. We have minutes from our last meeting, the meeting on September 26th, the minutes for the 1104 South Arlington Heights Road, 608 North Haddow Avenue, 703 West Algonquin Road. Can I have a motion to approve those minutes?

COMMISSIONER LORENZINI: I'll motion to approve.

CHAIRMAN ENNES: And second?

COMMISSIONER JENSEN: Second.

CHAIRMAN ENNES: All in favor?

(Chorus of ayes.)

CHAIRMAN ENNES: Any who oppose?

(No response.)

COMMISSIONER DROST: I did not attend those meetings.

CHAIRMAN ENNES: So, you abstain?

COMMISSIONER DROST: I will.

CHAIRMAN ENNES: Okay, Ms. Dawson just got here.

COMMISSIONER DAWSON: I have.

CHAIRMAN ENNES: Are you a yea or a nay for approval of the minutes?

COMMISSIONER DAWSON: Yea.

CHAIRMAN ENNES: Thank you. Okay, our first hearing is PC# 18-018, 1530 West Algonquin Road. That is the Taco Bell Redevelopment. Is the Petitioner here? Who is going to speak? I'd like to call you up.

MR. VALENTINI: Both.

CHAIRMAN ENNES: You're both? Please both come up, I'll swear you in. Raise your hand, state your name.

(Witnesses sworn.)

CHAIRMAN ENNES: If you would, why don't you both, do both of you right

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now, if you'd please spell your names, state your names and spell it for our court reporter? Then if you would give us your report?

MR. TELERON: Alfred Teleron, so A-l-f-r-e-d, last name T-e-l-e-r-o-n.

MR. VALENTINI: Mario Valentini, MRV Architects. We're both MRV Architects. M-a-r-i-o V-a-l-e-n-t-i-n-i.

CHAIRMAN ENNES: Okay, if you would please give us your report?

MR. TELERON: Good evening. I think before we get into the meat of tonight's discussion, it's important or it's helpful to mention how we got to this point site-wise. In the beginning, they had thought of the site as actually a relocation rather than a redevelopment. One of those sites was going to be on the adjacent lot to the west where the CITGO now exists. There were several other iterations, but eventually we ended up sticking to the site as we have it now.

So, the first site that we have, it's an aerial view of our property. As you can see, the site functions with a full access driveway which, you'll see later on, we are revising to be right-in/right-out. Then there is a rear access which actually belongs to the market directly to the east of us.

So, here we have an elevation of the existing condition. You see the full access driveway here. This is a copy of the plat of survey that we submitted. Then here is our current site plan. You can see the right-in/right-out that we've made. There is that access parallel to Algonquin Road as you leave the drive-through.

We're asking for a variation to decrease that required width from 24 feet to 23. We understand that there are some discussions with IDOT where there's going to be an addition of a new right-turn lane heading into New Wilke Road. So, to maintain the eight-foot that they would need, the five-foot buffer, and then the five-foot sidewalk, if we were to have at least three-foot of landscaping, this change would need to be made.

So, one of the changes that we were actually pretty proud of was the adjustment of the landscape buffer on the northwest corner of the site, kind of where the trash enclosure is being proposed. We were able to increase the buffer enough, slide the trash enclosure a little bit southward. In doing so, we were able to save the largest tree on the site, and then we are adding 32 other trees I believe.

Here is a copy of the photometric plan. We were able to adjust the lighting levels, especially on the north end of the lot. We understand the sensibility to kind of keep that to a minimum since the residential homes are just across that kind of access way.

Just for reference, if we needed to come back to them, we did include the preliminary engineering drawings, if we needed to reference them.

Here's the floor plan. You see the plan as we have it currently and our current exterior elevations. After our discussions with the Design Commission, we made the change of changing the tower element at the front of the building to be three-sided so that as you're coming east, sorry, going west on Algonquin Road, you would more see it as a prominent feature as you're going down the road. Then there was the change of the color, the service door just to the right of our main entrance door, to match the exterior sign that we're proposing.

That's pretty much it. If there's any questions, then we'd gladly hear them.

CHAIRMAN ENNES: Okay, we will call you back up for questions. We're going to go to the Staff report now. Does your architect have anything to add to this? We'll have later questions.

MR. VALENTINI: I think Alfred did a great job with the presentation. We look forward to any questions you have.

CHAIRMAN ENNES: Alfred, you're the business owner?

MR. TELERON: No.

CHAIRMAN ENNES: Pardon?

MR. VALENTINI: Alfred is an associate of our firm.

CHAIRMAN ENNES: Okay, okay.

MR. TELERON: We're both an architect out of the firm.

CHAIRMAN ENNES: Thank you. You can have a seat now. Sam, if I could ask you for your report?

MR. HUBBARD: Yes. Good evening, Chairman Ennes and members of the Plan Commission. As you've heard, the Petitioner is proposing to demolish the existing Taco Bell and reconstruct a new enhanced and updated Taco Bell building in roughly the same location that the current building sits. There will be some alterations to the site to accommodate for the new Taco Bell. But the existing lot is approximately 2,050 square feet, and the site contains 26 parking spaces. The new Taco Bell would be 2,112 square feet, so less than 100 square-foot increase in size, and the new site would contain 23 parking spaces.

The property is currently zoned B-2 which is a General Business District. The existing Taco Bell was originally permitted in 1983 and was granted a special use permit back then for the restaurant and drive-through. It was subsequently amended in 1991 to allow a small addition to the restaurant. Now, the Petitioner, as a result of the redevelopment, needs to amend the previously granted special use permits to accommodate for the brand new restaurant. Additionally, as you've heard, one variation has been requested to reduce the drive aisle width along the south of the site from 24 feet to 23 feet.

So, you can see an aerial of the site. On the east side is the El Barrio Supermarket. To the north are some single family homes. To the west is the CITGO Gas Station, and on the south is the bank building and McDonald's, both in the city of Rolling Meadows.

Again, here is the site plan. As you heard, one variation was requested to reduce the southern drive aisle width from 24 feet to 23 feet. I'll just highlight it for you right here. This is the drive aisle that we're talking about. 24 is the code requirement, 23 feet is what the Petitioner is asking for. This is a result of conversations with Staff and with the knowledge that Staff and IDOT are planning for an additional turn lane on Algonquin Road. That turn lane could look something like this, so essentially it would require IDOT to acquire eight feet of property from the Taco Bell site, pushing everything back including the sidewalk, parkway, and the landscape area in between. In order to preserve at least three feet for landscaping on the south side of that drive aisle, we've asked the Petitioner to reduce it from 24 feet to 23 feet.

We are supportive of this variation for several reasons. We believe that the 23 foot-wide drive aisle is suitable for two-way traffic. Furthermore, it would not be used for two-way traffic until the site to the west was redeveloped and access into the CITGO site was provided. We also felt that the plight of the Petitioner is due to unique circumstances being that the right-of-way would need to be expanded into the subject property.

So, the other notable change that I want to talk about on the site plan is the future connection to the west. You can see that would look something like this. We are asking for a condition of approval that the property owner install that future connection if and when the gas station is ever redeveloped and reciprocal access is granted back to the subject

property. So, that is a recommended condition of approval.

The other thing I would note on the site plan is that the speaker box has been moved three, I'm sorry, 10 feet to the south relative to the existing location. So, given that the site is in close proximity to the single family homes to the north, we recommended conditions of approval that if noise is an issue, the Petitioner and property owner work with the Village to address any concerns over volume and noise that potentially could end up with face-to-face ordering being required if necessary. So, that's one condition of approval recommended by Staff.

So, the only other thing I'd like to touch on is traffic and parking. Because the restaurant would be essentially the same size and in essentially the same location as currently, they're not expecting any increase in traffic on the site. They are changing the access on to Algonquin Road to right-in/right-out which would eliminate the full access movement during peak times that's kind of a difficult maneuver. So, we think that will be an enhancement to the site.

Relative to parking, the site conforms to code. There is sufficient space for nine cars to stack in the drive-through. The Petitioner did do some counts and surveys of stacking and found that, at peak times, there were only three cars ever stacked at the drive-through of the existing Taco Bell. They also surveyed additional Taco Bell locations on comparable high-traffic corridors and found that peak stacking was only five cars, so stacking space for nine cars we believe to be sufficient on the site.

Relative to parking, they are decreasing the onsite parking from its current 26 spaces to 23, although the 23 spaces still complies with code requirements. They did some parking surveys as well and found that at peak times, a maximum of 11 cars were parked on the site. So, we believe that the 23 parking spaces should be adequate to capture demand.

We are recommending approval of the application subject to the conditions that are listed here and were discussed in the Staff report. I'm happy to go through these in detail if the Commission would like. That concludes my presentation, thank you.

CHAIRMAN ENNES: Thank you, Sam. Motion to approve the Staff report?

COMMISSIONER LORENZINI: I'll make that motion.

COMMISSIONER DROST: And I'll second it.

CHAIRMAN ENNES: Second, thank you. All in favor?

(Chorus of ayes.)

CHAIRMAN ENNES: Anyone opposed?

(No response.)

CHAIRMAN ENNES: Okay, thank you, Sam. Is there anyone from the audience that has questions or comments about the project?

MR. PAWLIK: I'd like to speak to it.

CHAIRMAN ENNES: I'm sorry?

MR. PAWLIK: I'd like to speak with a little bit of comment.

CHAIRMAN ENNES: Okay, would you like to come forward?

MR. PAWLIK: Historically, we live in a cul-de-sac that abuts the property.

CHAIRMAN ENNES: You have to come up to the microphone. Please spell your name for us please.

MR. PAWLIK: My name?

CHAIRMAN ENNES: Yes.

MR. PAWLIK: James R. Pawlik, it's P-a-w-l-i-k.

CHAIRMAN ENNES: Okay, go ahead.

MR. PAWLIK: Let me start with this.

CHAIRMAN ENNES: Sam, could you put up the aerial?

MR. PAWLIK: I've got a great grandfather, he was a machinist in the turn of the century. I don't want to get the wrong idea for this. Three scores and two years ago, we purchased our home in Arlington Heights. It was an unfinished shell, and it took us more than nine months to finish. I used to work there until 3:00 a.m. while holding down a job at W.W. Grainger. We bought heavily into the model of our new Village, the city of good neighbors. But in the past, we have not found most of our Village Trustees and Mayors to be good neighbors to the residents of our cul-de-sac who live in Russell Court. They have allowed so many encroachments and variances to the commercial property that abuts us so as to reduce the quality of life for both us and our children and grandchildren.

I'm reading a long one, but this is something that I sent to our neighbors. We also had a signed petition, we tried to hit every house and people work, and we have signed, well, I also screwed this up a little bit. There's two sheets, seven out of nine so far are opposed to any change, okay. Matter of fact, seven out of nine don't want this restaurant there. We realize that we can't make them leave, but we feel that anything we, you know, there are so many outlots in the shopping centers like Meijers and Lowe's that people are dying to sell because retail is so soft. You know, they're looking for revenue. In that way, they could stay open 24 by seven, it wouldn't bother anybody.

But the way it is right now, we get headlights, you know, and headlights are getting stronger and stronger and stronger and they go right into our home at 2:00 o'clock in the morning. In the summer, we can't keep our --

CHAIRMAN ENNES: Can you tell us which ones of the homes up here, which is your home?

MR. PAWLIK: Ours is, you're right on it, right there, it's 1611. Very good. We get headlights, you know, shining right into our house. We don't like to run the air conditioner a lot, we like fresh air. We have a whole house fan. But we can't, it's hard to open the south windows because now at 2:00 o'clock in the morning they come by blasting La Bamba music or whatever it is in these car stereos, you know, definitely the stereo. Plus, we're constantly picking up debris. They don't clean up after themselves at all, and their clientele are not the cleanest people in the world.

We have a new neighbor, okay, she can tell you what the neighbor said. She wrote a message. Joyce, just tell them what she says. She just moved here from Chicago. Can she do it?

CHAIRMAN ENNES: We'll do this one at a time. Tell us what your concerns are.

MR. PAWLIK: All right. I don't know all the zoning codes and everything, but it was originally supposedly zoned as Office-Transitional. At the time all these encroachments were made, nobody was living in there. I bought one of the four houses that was an empty shell, and gradually the whole cul-de-sac filled up to 12 houses, you know. Largely because, you know, we fixed up our house and I helped two others fix up their houses, and then a contractor fixed up the fourth house.

Now, 33 years is a long time. It's not, somebody like a bank doesn't bother me. They're basically a 9:00 to 5:00 business, that's what the original intent of the planners had in mind. But now we're getting, and I was worried that they were going to expand

to the area where CITGO is because they're tearing CITGO down right now, okay, and I thought they might be trying to, you know, go big time with a sit-down Mexican food or something.

CHAIRMAN ENNES: Okay, but they're not.

MR. PAWLIK: They're not. But anyway, it looked like the building is significantly higher, and I understand it's probably for HVAC reasons, but it doesn't belong behind residential property. I can challenge you to tell me anywhere else in Arlington Heights where commercial property and in particular a fast food abuts the residential property, I can't find one. I looked around a lot.

CHAIRMAN ENNES: There actually are quite a few. One that I know, too, of the kind is the McDonald's at Arlington Heights Road by Palatine.

MR. PAWLIK: That's Palatine though, right?

CHAIRMAN ENNES: No, it's Arlington Heights. That's Palatine Road and Arlington Heights Road.

MR. PAWLIK: Okay, I don't get that far though.

CHAIRMAN ENNES: They have a condominium complex right behind them. They have worked with the Village and the neighbors to build barriers, vegetative barriers behind there and fencing to keep down the noise. So, it can work.

MR. PAWLIK: But the other thing, all these things were put in when, you know, nobody was living here, okay. Nobody, maybe one guy was living at 1421, or 1420, I'm sorry. You've got the service road and people drive through there at high speed and they ignore, there's a small stop sign at right-hand side of the road, and they don't stop and they want to get out on New Wilke and get going. I know of at least one bicyclist that was, you know, I've been here 33 years, that was killed, and I know many other people that were injured. Personally, because I like to walk, I almost got nailed a couple of times, okay, because these people just will not stop, okay. So, you need to get, we would settle, for something like this, if we could close the service road, okay, because the service road is a death threat.

CHAIRMAN ENNES: There is a fence between your properties and the commercial, right?

MR. PAWLIK: What's that?

CHAIRMAN ENNES: There's a fence between your property and the commercial?

MR. PAWLIK: Yes, there's a cyclone fence.

CHAIRMAN ENNES: So, walking across, you're talking about safety is walking across the sidewalk around Wilke?

MR. PAWLIK: Sidewalk at New Wilke, yes, and the service road. So, it comes in perpendicular to New Wilke.

The other thing is they've repaired the -- quite a bit and they still, you know, I was a logistics consultant in warehousing and physical distribution for my career. That road is still not strong enough to support the gross weight of these 55-foot reefers that come in and replenish Taco Bell and the grocery store, okay. It's just, you know, so it becomes a lot of potholes, you know. Every time they resurface that within a year or two, it's all potholes again. When these big trucks go through, it feels like, you know, the houses are shaken off its foundation, okay.

CHAIRMAN ENNES: So, you're having problems --

MR. PAWLIK: And there's no curfew about them at all that I could understand.

CHAIRMAN ENNES: So, your point is that the service road after needs to be heavier duty?

MR. PAWLIK: Yes, that's to be able to carry the gross weight of the vehicles. But I don't want it to exist because it's potentially a hazard to our children, grandchildren, anybody that can't move very quick because the kind of clientele they get just ignore that stop sign, okay. That stop sign at the north end of the, and it's buried partially by trees often because that fellow has some fir trees in there. But it's not that it's hard to see, it's more that they ignore it or doesn't, you know, in that case they don't know what it means I guess, you know.

CHAIRMAN ENNES: So, the hours are a concern for you? The hours you said are a concern?

MR. PAWLIK: Yes, very much so. You know, I fought that and lost, okay.

CHAIRMAN ENNES: How late are they open in the weekend?

MR. PAWLIK: I think it's 2:00 o'clock every night, and I think it's 3:00 o'clock, what is it?

MRS. PAWLIK: It's 3:00.

MR. PAWLIK: 3:00. Everyday?

MRS. PAWLIK: I think so.

CHAIRMAN ENNES: Okay, thank you.

MR. PAWLIK: At 3:00 o'clock you know. Plus, you know, I think if they put some berms in, and it's the dirt and debris that we, on your average conditions, there's always a strong southeasterly blow, okay, coming in, and all that stuff blows into the fence and we get them, you know. I usually get a pretty good sized text protest because I'm showing pictures on every text of what I pick up in the spring when I do cleanup after the snow goes away, and we have half-eaten tacos and, you know, burritos and all that kind of stuff.

Also, you know, I've complained, too, that they don't do a good job with the dumpsters. They leave them open, they tend to leave them open, and of course you get, you know, between the grocery store and the rest, and I've seen rats in the area, okay. We'd never seen them before, okay. So, yes, they have to learn to police themselves and send these guys out to clean up after their clientele. Maybe, you know, put some waste baskets out there that say, hey, you know, throw your garbage here, not in the 'hood, you know, not in our neighborhood, okay. You know, there's a nice, I don't know if you want to hear it, but --

CHAIRMAN ENNES: We really don't have time for it.

MR. PAWLIK: Yes, I guess not.

CHAIRMAN ENNES: We have other petitioners here. But we want to hear your concerns.

MR. PAWLIK: What's that?

CHAIRMAN ENNES: We don't have time for that, but we want to hear your concerns.

MR. PAWLIK: Yes. I think I've pretty much, you know, covered them. We don't want a higher building either. I think for their -- I understand why they're doing it, it probably makes it more heat and cooling efficient because air is a good insulator. But you know, like I said, why don't they go to an area like an outlot at Lowe's, at Meijer. It's not like, you know, people are begging for that kind of a scenario, Menard's and --

CHAIRMAN ENNES: But this is the property they own that we have to work with. This is the property they own, they're not moving. They're either going to stay there --

MR. PAWLIK: From what I read, it was Graham, the same guy that owned the station that owned the property. Is it owned by Taco Bell or what? But you know, why do you want to be where you're not wanted, you know?

CHAIRMAN ENNES: Somebody must want them, they've been there for 23 years.

COMMISSIONER JENSEN: No, they've been there for 35. 35 years.

MR. PAWLIK: I mean let's talk to the neighbors, okay. They haven't been good neighbors and that's the long and short of it, okay.

CHAIRMAN ENNES: Thank you.

MR. PAWLIK: All right.

CHAIRMAN ENNES: The young lady you'd like to speak to us? Do you have some comments?

MR. PAWLIK: Sure. Yes, she'll just give you a couple, she went out --

CHAIRMAN ENNES: We'll hear from her.

MR. PAWLIK: All right. I prepared basically a document where people could sign off about whether they wanted this, and what we wanted to demand in exchange like the end of the service road. We've had seven out of 12 sign it already and a lot of them made comments that weren't very positive about Taco Bell. Why don't you take over? She's better looking than I am anyway.

CHAIRMAN ENNES: Thank you. I'm not even going there.

MRS. PAWLIK: Good evening.

CHAIRMAN ENNES: What's your name?

MRS. PAWLIK: Joyce.

CHAIRMAN ENNES: Can you spell it?

MRS. PAWLIK: J-o-y-c-e, Pawlik, P-a-w-l-i-k.

CHAIRMAN ENNES: Joyce, you don't need to tell us where you live, but I assume you live on the cul-de-sac?

MRS. PAWLIK: Yes.

CHAIRMAN ENNES: Would you like to point out which one of the houses are yours?

MRS. PAWLIK: Well, just the same, right where the red dot is. That is at 1611 Russell Court.

CHAIRMAN ENNES: You live in the same house?

MRS. PAWLIK: Yes. Yes, I'm his wife.

MR. PAWLIK: If they could berm, put berms up.

CHAIRMAN ENNES: Okay, well, just let her finish.

MR. PAWLIK: To block the headlights and curb the road a little bit so we couldn't see it, that would be a big plus.

MRS. PAWLIK: Okay, I think our main concern in coming here tonight is we saw the notice about the meeting here tonight. We thought that Taco Bell was going to take over the CITGO property next door.

CHAIRMAN ENNES: Okay, well, they're not.

MRS. PAWLIK: Yes, and we had a lot of concern about that because of the noise. I went around and talked to the neighbors and we just thought we were going to have more noise and pollution and everything.

CHAIRMAN ENNES: But let's talk about what they are doing. We're not

talking about CITGO because they're not going there.

MRS. PAWLIK: Yes, okay. Well, that's, I think that was our initial reason for coming because we thought they were going to move to expand there. But I know we do have new neighbors right on the corner of Russell Court and New Wilke and moved here from Chicago. I spoke to her, her name is Katy Daniels, and she said she's concerned about the traffic and the noise in the area now. They left Chicago for the suburbs and it's becoming more like Chicago in that area. It is very heavily trafficked in Wilke and Algonquin, very heavily trafficked area. I mean just to cross the street there, you really take your life in your own hands.

So, I would hope that whatever business goes in there goes back to the original zoning which was for one-story --

CHAIRMAN ENNES: This business isn't changing.

MRS. PAWLIK: Pardon me?

CHAIRMAN ENNES: This business isn't changing. Somebody else isn't going in there, they're staying.

MRS. PAWLIK: CITGO is staying?

CHAIRMAN ENNES: No, we're not talking about CITGO.

MRS. PAWLIK: No, I'm talking about the CITGO property.

CHAIRMAN ENNES: But this isn't about the CITGO property.

MRS. PAWLIK: Okay, all right.

CHAIRMAN ENNES: We're talking about Taco Bell.

MRS. PAWLIK: Yes, all right. Well, I just would hope that what his concerns were about the back area, yes, sometimes when I walk over to the grocery store, I actually pick up trash in the back there, you know. So, that is pretty bad, you know. People play their radios real loudly at night. So, I think there could be some improvements made there. All the neighbors agree with me, too, on that. Thank you.

CHAIRMAN ENNES: Thank you. I'm going to close the public portion of the meeting and I'm going to come back to the Commissioners and ask questions of the Petitioner and/or Staff that they may have. Commissioner Cherwin, would you like to start?

COMMISSIONER CHERWIN: Sure. So, if I could ask Sam, could we, I guess as a brief reminder and just kind of, I was at Conceptual Review so I've seen a lot of this, so my questions will be relatively short. But just a reminder, on the access road in the back, that's owned by, is that a unified ownership from whoever owns the Grahams and the Taco Bell and El Barrio, is that the same group?

MR. HUBBARD: It's owned by El Barrio.

COMMISSIONER CHERWIN: It's all owned by, just the road is owned by El Barrio or the whole set of properties?

MR. HUBBARD: Just the road.

COMMISSIONER CHERWIN: Okay, yes, I guess from my perspective, I mean I've lived in this area since 1984 and, you know, I kind of look at it and, you know, this is, what they're doing is very consistent with what exists now, except I think in a lot of ways it's an enhancement to the site and to the surrounding areas because it is a nicer building. It's going to be a more enhanced site from an aesthetic perspective and from, you know, a functional perspective.

You know, I think, obviously to the extent there are issues of noise and lighting, that's probably some enforcement issues that maybe we can communicate to our friends in the Police Department or wherever, if there's noise violations late at night. You know,

as far as the site itself, I think it probably has even a little bit more buffer than a lot of sites like this because there are some trees and whatnot in back. That goes for CITGO as well.

So, I think I certainly understand the concerns, but it is an established area. You know, I think what we're looking at here is really just an enhancement of an existing site. I think it's going to make it, hopefully, better for the area. So, you know, I've been supportive of it and I don't think that there's anything in here that would, you know, put this site in a worse position than it is right now.

CHAIRMAN ENNES: Commissioner Dawson? Good to see you.

COMMISSIONER DAWSON: Why, thank you.

CHAIRMAN ENNES: I haven't seen you for a while.

COMMISSIONER DAWSON: I know. Well, I saw Bruce yesterday at my kids' school. Anyway, so, first of all, the Commissioners are certainly sick of me saying this but this is where I grew up, this area. So, about 25 to 30 years ago, I'm really sorry because that was me driving down that road late at night. I used to frequent this Taco Bell, most of my teenage years.

COMMISSIONER CHERWIN: Me, too.

COMMISSIONER DAWSON: But to that point, I do have to say when you talk about their customer base, you know, I'm one of their customer base. So, I want you to keep it in mind perhaps when you're speaking to that. I understand that there's a wide range of customers, but now that I have teenage children, they frequent Taco Bell, so there's a wide range of individuals that do go to this establishment and that do enjoy the restaurant.

That being said, I have a question. The street itself, Sam, I would believe there's not really much that we could be discussing this evening because they purely have an easement to access it. Correct?

MR. HUBBARD: Right. So, by the grocery store, the Taco Bell has the rights to an easement there.

COMMISSIONER DAWSON: Right. So, if the grocery store was here in front of us that owned that road, we could have more discussions about doing some soundproofing and such here at the Commission level that you're at here. But I would suggest working with Staff, you know, on an ongoing basis to see if there's anything that could be done to minimize. But really regarding that road, we don't have control here tonight, unless someone wants to correct me, related to trying to impose berms and more landscaping. If we were to try to put landscaping at the rear of the Taco Bell property, I think that would pose a safety risk because we'd really have to lock out that area. So, I can see why Staff wasn't trying to do anything to that end.

But I do agree that that road, that access road which I have traveled on many, many times, it can be hard because you have to pull forward so far to be able to see traffic because of the fencing and such that's right there. I'm not sure again what we can do about that this evening, but I would absolutely agree with you that it's a safety concern from that end. I'm sure that you can work with Staff and talk to Staff and, you know, there might be an opportunity, I don't know what the grocery store is doing, but to make some changes there, some positive changes.

COMMISSIONER CHERWIN: There used to be speed bumps there, right?

COMMISSIONER DAWSON: I thought there were speed bumps.

COMMISSIONER CHERWIN: Did they take out the speed bumps?

MR. PAWLIK: Oh, the speed bumps were terrible. You might have a

reefer, a 55-foot reefer that maybe weighing 60,000 pounds, that's lower and hits the speed bumps, imagine what it sounds like.

COMMISSIONER DAWSON: Oh, I can imagine the sound. I'm just, I think what we're saying is it used to slow me down when I was going down that road, but okay.

MR. PAWLIK: You know, another thing, we had this one jerk, to placate me, they put some big bollards out and we had this one jerk with an SUV with big high tires, in between the bollards, to avoid the speed bump and it looked like a dust storm was going on back there.

COMMISSIONER DAWSON: Sure. Sure, I guess what one question I'd ask, Sam, would be do we have a history or a record of complaints that have been reported to Staff over the years?

MR. HUBBARD: When this was circulated for review by both the Police Department and the traffic engineer and the Engineering Department, their comments did not come back with a statement that this was an issue here.

COMMISSIONER DAWSON: Right. So, I guess, you know, it's helpful to the Village if you're calling and communicating with them. So, just when you're, they're putting here in a condition to work on the noise, so just make sure that you keep that communication going and talk to them about how things are going.

But our role today is to see whether or not the changes that they're making are going to change the area and to agree, they're not changing, we'll still have a Taco Bell, it's still the same layout, and it looks like a much nicer appearance. It's very modern. There's a lot of changes going on at that area. That's one of the major entryways into Arlington Heights. So, I see it as an improvement to the area.

I completely sympathize with your concerns. But from my perspective, what I see, I don't have grounds to take those steps tonight. So, anyway, no further comments or questions.

MR. PAWLIK: I've heard the story about the gateway and El Barrio had a sign made out of plywood with handwritten notes in Spanish, that's not going to look like a gateway to me. It looks like a gateway to Guatemala or something.

CHAIRMAN ENNES: Thank you, Commissioner Dawson. Commissioner Drost?

COMMISSIONER DROST: I really have -- excuse me, I'm sorry.

MR. PAWLIK: I don't know if that would be allowed in any suburb --

COMMISSIONER JENSEN: Mr. Chairman, didn't you say we're through with the public portion?

CHAIRMAN ENNES: I'm sorry. I'm sorry, the public portion of the meeting is done. Thank you.

COMMISSIONER DROST: My only comments are I agree with the previous comments of the Commissioners, and I think this is an overall improvement and it's an issue of enforcement. For the record, I was never a teenager.

CHAIRMAN ENNES: Thank you. Commissioner Jensen?

COMMISSIONER JENSEN: Well, for the record, I was a teenager but not here. I want to clarify one thing I don't understand. You can answer or maybe those in the public here. It looks to me like the Taco Bell has been there for 35 years, if my math is correct, because their first petition was approved in 1983?

MR. HUBBARD: Correct.

COMMISSIONER JENSEN: They've been there 35 years. If I heard the gentleman, Mr. Pawlik, correctly, he's been there 33 years. It seems to me that it was there when he moved in if he was there for 33 years.

MR. PAWLIK: It was, but there was nobody to file because it was a ghost town.

COMMISSIONER JENSEN: Okay, but so if you move into an area, my take on this, if you move into an area that has some commercial or retail space, you know that it's there and that's, you know, you're moving into a piece of property knowing that full well and you can't really expect to force or cause the people that are in the retail area to move. So, I'm having a little trouble understanding that.

Like the other Commissioners here, I don't see that there's any of the issues that have been brought up that we can address because we're focused on what's going to happen with the Taco Bell. I can't imagine anyone would want the Taco Bell to remain as it is as opposed to being upgraded and taking care of some of the traffic flows and so forth. So, I share the same view as the Commissioners who have spoken before.

One technical question, Sam, of you. The easement between what would be the service station or whatever is going to be there in the future, the traffic will be able to come in and out from that piece of property and flow into the drive-through lane, is that correct?

MR. HUBBARD: The drive-through lane would be one way, so it would have to, you know, the traffic would flow, you know, would come in like this and then have to come back to the drive-through lane like that.

COMMISSIONER JENSEN: To go out?

MR. HUBBARD: Right.

COMMISSIONER JENSEN: Okay, just kind of want to understand that. Now, they don't have to do that at this point until something triggers it in terms of a little piece of property being developed to the west of them, is that correct?

MR. HUBBARD: Correct. If the property to the west is redeveloped, it has to go through the public hearing process. So, that would mean the Village would require certain conditions.

COMMISSIONER JENSEN: Okay, I don't have any further comments or questions.

CHAIRMAN ENNES: Commissioner Lorenzini?

COMMISSIONER LORENZINI: A couple of questions for you. I noticed on the plan, you're keeping all the existing light poles?

MR. VALENTINI: Yes.

COMMISSIONER LORENZINI: So, are you adding any additional lighting or is it just going to stay --

MR. VALENTINI: In most cases, the light locations are where they're at right now. But I think what we've done is made some enhancements to make sure that we can properly locate lights so that there's no spill off unnecessarily.

COMMISSIONER LORENZINI: So, is it going to be directional type of lighting or something?

MR. VALENTINI: Yes, it's LED fixture with the ability to, it's got some, it has the ability to create cutoffs. In this case, it's not necessarily a cutoff fixture, but the light in itself, the way that LED works is able to do that. So, the spill-off is very controllable without shielding

or anything like that.

COMMISSIONER LORENZINI: How big are the existing poles? Roughly, 30, 50?

MR. VALENTINI: The height for the pole?

COMMISSIONER LORENZINI: Yes.

MR. VALENTINI: I wouldn't say more than 25.

COMMISSIONER LORENZINI: Okay, so pretty much the parking lot light is going to pretty much stay the same, with different type of lights on it.

MR. VALENTINI: Yes, for the most part. Exactly.

COMMISSIONER LORENZINI: All right. Is the building actually higher than the existing one?

MR. VALENTINI: The building is higher. The front of the building is where most of the increase in the height is taking place. The back of the building I want to say is 18'9" which is pretty consistent with what's there now. Optically, it looks a little shorter because the front of the building is the old mansard style roof with the clay tile. So, we're definitely squaring that off.

But the height for the most part is going to do a couple of things. We're doing the high parapets to shield the units. So, I think right now, if we, Sam, can I pull up that, the front photo? Yes, will I be able to get that from here?

MR. HUBBARD: No, I'll do it.

MR. VALENTINI: Okay, I think it's one of the first ones here, Sam. So, as you can see, I think ultimately the overall height of that arch is at lower than peak or it's actually higher. But --

COMMISSIONER LORENZINI: The existing building is higher than the arches?

MR. VALENTINI: I don't have the ability to take an accurate dimension of what it's at now. Our overall height is, 21?

MR. TELERON: 22.

MR. VALENTINI: 22 feet. So, I want to say that that's relatively close. However, this is a bit of an optical illusion, because as you head farther east or west of the property, the back of the building is not shielding the rooftop very well. We've worked with Staff through the Appearance Review Committee, and we're working to make sure that those are shielded properly. In this case, the taller building is going to help us do that. Also, quite frankly, the taller building is going to hopefully help shield some of the noise that's coming off of Algonquin Road.

COMMISSIONER LORENZINI: Okay, Sam, I assume the height of the building meets code?

MR. HUBBARD: It does.

COMMISSIONER LORENZINI: So, you're also doing something with the dumpsters, you're putting them behind brick walls, correct?

MR. VALENTINI: Correct.

COMMISSIONER LORENZINI: I think that's going to help the situation with leaving the dumpsters open.

MR. VALENTINI: It will help because I don't think those doors can stay open. It's in the drive-through lane, so if the doors are staying open, it's an eyesore for the people in the drive-through, so we'll be concerned about people going and buying food and the

ability to see into the trash. The other issue is that when the doors stay open, they become, well, quite frankly, a hazard.

CHAIRMAN ENNES: Are you talking about the doors to the enclosure or the lids on the dumpsters of the garbage?

MR. VALENTINI: Both, both. So, the lids on the actual dumpsters, we'd want obviously those to stay close because it's not good for basically holding in the trash. The other thing is the doors to the trash enclosure, having those stay closed is, it basically could become a hazard for cars hitting them.

CHAIRMAN ENNES: Sure.

COMMISSIONER LORENZINI: All right. Then I think, you guys can sit down, these questions are for Sam. Sam, what is going on at the CITGO station? Any idea? Any inkling on what's going to happen?

MR. HUBBARD: I know that the owner I think would like to see it redeveloped. There's no application pending at this time.

COMMISSIONER LORENZINI: Okay, and the turn lane being put in is the far right turn lane north on Wilke --

MR. HUBBARD: The turn lane area, so it would be a right turn lane to go north on Wilke.

COMMISSIONER LORENZINI: That roadway, so obviously that's owned by the grocery store as you said. Is there anything, any obligation on their part as part of that easement that they should be doing or not doing to make it really not so objectionable to the homeowners there?

MR. HUBBARD: The Taco Bell?

COMMISSIONER LORENZINI: No, no, the grocery store. Is there something they should be doing or is there some obligation they have about keeping the roadway clean?

MR. HUBBARD: No, not beyond just, you know, whatever standard in the Municipal Code would be towards, you know, keeping something sightly and in order.

COMMISSIONER LORENZINI: So, the point that Commissioner Dawson brought up about making complaints is a good one --

MR. HUBBARD: Absolutely.

COMMISSIONER LORENZINI: -- complaints, there ought to be, to clean up the area.

MR. HUBBARD: Right. If there's violations and our Health Department receives the complaint, we'll go out and investigate the site and any property owner that's not maintaining the property per code.

COMMISSIONER LORENZINI: Okay, all right. Then, so is that a cyclone fence along that roadway there between that road and the homeowners --

MR. HUBBARD: I didn't think it was. I thought it was a picket fence but I could be mistaken.

COMMISSIONER LORENZINI: -- separating fence.

MR. HUBBARD: Right.

COMMISSIONER LORENZINI: All right. Okay, so I appreciate what the public had said about the problems, but this really seems to be an issue with the roadway, most of the issues with the roadway and the grocery store. As some of the Commissioners have said, we really don't have any control over that tonight. That's all I have, thank you.

CHAIRMAN ENNES: Thank you. Commissioner Green?

COMMISSIONER GREEN: Being through the old Plat & Sub at the preliminary meeting on it, a lot of my questions were answered. I think it's a good improvement. I agree with the upgrade of the building and the height. I think it's going to be a beautification of the site and in no way is it going to be negative.

It's unfortunate that, you know, there's always a residential area located behind a commercial strip, that pretty much happens on every busy street in Arlington Heights. It's just one of those things. So, I have no problems with this project. I think it's a good fit. That's it.

CHAIRMAN ENNES: Thanks. Question for our architects. Mr. Valentini, do you do a lot of the renovations around Taco Bells? Do you do a lot of work with them?

MR. VALENTINI: Well over a hundred a year.

CHAIRMAN ENNES: Oh, so you do.

MR. VALENTINI: Been doing it for 20 years.

CHAIRMAN ENNES: So, you probably know in detail the site. So, a big issue that I'm seeing with fast food restaurants in neighborhoods is with the speakers versus the noise and some spillover. Some of it is treated with signage that's put at the speaker, turn down radios, you know, try to keep your volume, is that part of this renovation or modernization? Will that type of sign be out there?

MR. VALENTINI: Well, I'll tell you, we haven't necessarily talked specifically about signage. A lot of times, you're correct, there will be a sign at the ordering area that says, you know, please be cognizant of our neighbors and, you know, lower the radio noise. There's also controls specific now to these newer drive-through systems that can allow us or allow the operator to kind of function a little differently with that. Ultimately, in the evening, in the later hours, the outside noise is lessened so that there is not an obstruction of the communication between the operator and the person in their car. You know, sometimes the old systems will pick up a lot of outside noise and you've got the operator trying to work and hear the customer properly so that they're not frustrated and then you've got the customer yelling because quite frankly they're not able to hear them.

So, you know, that goes without saying, but I think the newer systems which this will have basically state-of-the-art drive-through system, those are controllable. In addition to that, this will have a canopy so, you know, some of the sound is going to be kind of contained, not much but some of the sound is going to be contained.

CHAIRMAN ENNES: So, there's some type of roof over the speaker?

MR. VALENTINI: Correct, correct. The other thing is, you know, we definitely wanted to work with Staff and work with them about trying to buffer the back of the property, the north edge of property.

CHAIRMAN ENNES: You're thinking of some landscaping there?

MR. VALENTINI: Well, now, we maintain one of the large trees on the property, so that in itself is hopefully a sound-absorbing situation. Again, like Sam had mentioned, we're trying to move or did move the speaker situation forward. Also, in addition to that, you've seen the retention area, there is a, what we utilized was the curvature area behind the building. We're actually utilizing that for stormwater detention. In addition to that, because it's a lower area, we have to put a fence out there to make sure that, you know, people aren't falling into that detention area. That fence in itself is now kind of shielding, you could see where we're actually, what we're doing is, that speaker is somewhat shielded by that fence also. So,

that's going to help, right there, correct.

So, you're literally seeing a 42-inch fence there. So, we're hoping that's going to help deflect some of the noise. The trash enclosure is there. Again, one more item to hopefully deflect it, and with the fact that it's being moved forward, again trying to be cognizant of the sound and understand that, you know, it's something that we should take care of and work towards.

CHAIRMAN ENNES: Now, as the architects, are you a private firm? Or are you a part of the franchisor?

MR. VALENTINI: We're a private firm hired by the franchisee.

CHAIRMAN ENNES: But you're listed here as the Petitioner, and you're really just, you're the architect, you're not the property owner. You really can't commit --

MR. VALENTINI: We're an agent for them working on their behalf.

CHAIRMAN ENNES: Okay. I should have asked you earlier, there's a number of conditions on the Staff report, that's conditions one through four. Are you familiar with them?

MR. VALENTINI: We are.

CHAIRMAN ENNES: You're agreeable to all of them?

MR. VALENTINI: Yes, we are.

CHAIRMAN ENNES: I would, because some of the complaints it sounds like from the neighborhood, and Sam, if I could clarify one thing, when this was sent around to departments, and Commissioner Dawson asked you about were there any police reports, and I'm not sure if you were answering that from a safety standpoint or noise complaints or both. Can you address that? Do you know?

MR. HUBBARD: Both, yes. The resource officer and the Police Department did not respond with any --

CHAIRMAN ENNES: Any kind of complaint history?

MR. HUBBARD: Complaint history, yes, that this Taco Bell has been any nuisance and in redeveloping we should consider A, B and C. So, yes.

CHAIRMAN ENNES: Okay, I am going to strongly suggest, as the agent, that you advise the business owner/operator that it would be to their best interest to come back to the Village Board meeting, if we approve this tonight, so that they can answer and address some of the questions about trash floating around the neighborhood, some of the late night noise.

One last question that I have, I think it's a good project, I think that your proposal will make the situation that is affecting some of the neighbors better by the sound buffers and whatnot. I just wish that there was a board-on-board fence behind there, and not chainlink if that's the case, but that's not, that's beyond our control and beyond your involvement. But I would strongly suggest that that building owner comes to the Village Board meeting so he can address some of those issues that I'm sure the Village Board, who those type of issues are to their venue as opposed to ours, that he can address those.

MR. VALENTINI: I would say I could definitely talk to the Taco Bell owner and, you know, see if most likely they would be available. I can't speak to the owner of the driveway.

CHAIRMAN ENNES: We understand.

MR. VALENTINI: Right. But again, basically we can definitely talk to our Taco Bell franchisee and, you know, they've got area operators that, this is a company that --

CHAIRMAN ENNES: Is this a company store?

MR. VALENTINI: No, it's not a company store, but the company that is the franchisee ownership, they own many locations. They do the right thing when they do this stuff. This is, excuse me, a considerable investment that they're putting into this property.

CHAIRMAN ENNES: Right.

MR. VALENTINI: They're not going to want to take any shortcuts. But obviously the control goes only to a certain extent.

CHAIRMAN ENNES: And he may not be aware that there are some issues with the neighbors. He should be, and I think he would want to work with them. He's been there a long time. We like to see businesses within town continue to grow and to stay here.

MR. VALENTINI: I know that there's a chain of command that operate at the store from managers to area managers, and they're in constant communication with the ownership. So, if there are complaints, they're most likely being told about them and are hopefully trying to fix them.

CHAIRMAN ENNES: Okay, thank you. That's all I have. Are there any other questions from the Commissioners? Anything else?

COMMISSIONER JENSEN: Just one question. Since it looks to me, and I go to this Taco Bell myself, it looks to me like a major use of that service road even though it's not owned by Taco Bell is to serve Taco Bell customers, probably more so than even the grocery store. So, I would ask, it's not anything to do, but it could be that a conversation by the owner of the Taco Bell with whoever owns the grocery store to see if some improvements could be made in that service road, because it would be to your benefit, I would believe, or to the owner's benefit to actually make sure that's a well-maintained road. It isn't that now. With the rains, you're going through puddles that are quite deep and it's really not a very good road in general.

So, I would encourage them to see if there's something that they would be willing to do in concert with the person who owns the grocery store to actually improve that service road.

MR. VALENTINI: I can definitely make the suggestion. There's three different owners. There's the grocery store owner, there's the owner of the Taco Bell property, and there's the franchisee who's leasing that property. So, but again, I know that there's probably an avenue to have some type of conversation about that.

COMMISSIONER JENSEN: Since I do believe you probably have most of the traffic on that road, probably in relation to the Taco Bell would be my guess.

MR. VALENTINI: Well, I didn't run or look that close at the numbers from the traffic study, but there is a considerable amount of traffic that does come in off of Algonquin Road. Traffic that is heading east on Algonquin Road, obviously those people know by now to make their left-hand turn onto New Wilke so that they can make the right-hand turn on the service road and come in through the back of the property. Again, that is, you know, people learn, right, who frequent the store, that's how you know how to get there.

COMMISSIONER JENSEN: Sure. Just a suggestion.

MR. VALENTINI: Yes, no, and I appreciate that.

CHAIRMAN ENNES: Can I have a motion?

COMMISSIONER DAWSON: I'll make a motion.

A motion to recommend to the Village Board of Trustees approval of PC# 18-018, an Amendment to Special Use Ordinances #83-14 and #91-082 to allow for redevelopment of

the site with a new Taco Bell Restaurant including a drive-through, and a variation to Chapter 28, Section 10.2-8, to reduce the required driveway width from 24 feet to 23 feet.

This approval shall be subject to the following conditions:

1. At the request of the Village, upon redevelopment of the gas station property abutting the subject property to the west, the property owner shall cause to be constructed on the subject property a driveway connection to the gas station property immediately to the west. Additionally, the property owner shall grant, and cause to be recorded, an access easement that provides two-way cross access to the property to the west, which shall only be required if and when the gas station property is redeveloped and provides reciprocal access to the subject property.
2. If there are complaints about the speaker volumes, the restaurant operator and the Village shall work together to resolve the volume issue, which may include a requirement for face-to-face ordering between specific hours overnight.
3. The restaurant operator shall make a good faith effort to reduce late night noise and other site issues that could impact neighboring residents.
4. The Petitioner shall comply with all federal, state, and Village codes, regulations, and policies.

COMMISSIONER CHERWIN: I second.

CHAIRMAN ENNES: Can you get the roll call vote, Sam?

MR. HUBBARD: Commissioner Drost.

COMMISSIONER DROST: Aye.

MR. HUBBARD: Commissioner Green.

COMMISSIONER GREEN: Yes.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: Yes.

MR. HUBBARD: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Yes.

MR. HUBBARD: Chairman Ennes.

CHAIRMAN ENNES: Yes.

MR. HUBBARD: Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes.

MR. HUBBARD: Commissioner Dawson.

COMMISSIONER DAWSON: Yes.

CHAIRMAN ENNES: Okay, thank you. You have approval from the Plan Commission. You will have to proceed on now to the Village Board. You should be aware that the Village Trustees receive our reports and read them pretty extensively so that they're aware of what's going on. So, I would encourage that you heed some of the comments because I think they will serve well the company that you're working for.

MR. VALENTINI: Thank you, we appreciate it.

CHAIRMAN ENNES: Thanks. To Mr. and Mrs. Pawlik, thank you for coming and making us aware of the conditions.

MR. PAWLIK: Can I ask, are you elected or appointed or what?

CHAIRMAN ENNES: Pardon?

MR. PAWLIK: Are you elected or appointed?

CHAIRMAN ENNES: I'm sorry, I can't hear?

MR. PAWLIK: Are you all elected or appointed?

COMMISSIONER LORENZINI: We're appointed.

CHAIRMAN ENNES: We're appointed. But thank you for coming here and making us aware of the conditions.

(Whereupon, the above-mentioned petition was adjourned at 8:30 p.m.)

DRAFT



Item: Napleton Repair Facility - 10/24/18

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
Napleton Repair Facility - 10/24/18	Minutes

PLAN

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

COMMISSION

RE: NAPLETON REPAIR FACILITY - 3650 NORTH WILKE ROAD - PC# 18-019
REZONE FROM M-1 TO B-3, VARIATION

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 24th day of October, 2018 at the hour of 8:30 p.m.

MEMBERS PRESENT:

TERRY ENNES, Chairman
LYNN JENSEN
JOE LORENZINI
BRUCE GREEN
GEORGE DROST
SUSAN DAWSON
JAY CHERWIN

ALSO PRESENT:

SAM HUBBARD, Development Planner

CHAIRMAN ENNES: We're going to move on to the second petition this

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evening, and that is Petition #18-019, 3650 North Wilke Road. I assume the Petitioner is here?

MR. PARK: Yes, Your Honor.

CHAIRMAN ENNES: Thank you for not --

MR. PARK: I'm sorry, I'm used to --

CHAIRMAN ENNES: Chair, yes. Okay, I take it you're the attorney for --

MR. PARK: Correct, I'm the assistant general counsel for Napleton, the Petitioner at this time.

CHAIRMAN ENNES: Okay, great. So, if you would spell your name, spell it and tell us your name.

MR. PARK: Sure. My name is Joon Park. It's pronounced like the month of June but it's spelled J-o-o-n, last name is Park, P-a-r-k.

CHAIRMAN ENNES: Okay, and would you tell us about your project?

MR. PARK: Yes. I was not only trying to be brief but I may be brief by necessity because I came on towards the tail end of this project for my predecessor Ryan Ponton, so I will try to do my best, and I appreciate --

CHAIRMAN ENNES: I'm sure you'll do a good job.

MR. PARK: I appreciate the opportunity to be here. The project is a request for rezoning from M-1 to a B-3 zoning. If you look at the first slide, the current building on this property at 3650 North Wilke is a vacant building. It used to be the offices and I believe with printing capability of printing processes for Suburban Press. It used to be a weekly news magazine or news publishing media organization. What we are seeking to do with that property is to turn into a light minor automotive repair facility to service Napleton's Chrysler, Dodge, Jeep, RAM dealership that's about a quarter mile southeast on Dundee Road.

So, the repair facility will not be open to the public. It would just be a facility that the dealership uses to repair, to do light automotive repair, some cleaning, servicing, carwashing I think of, you know, new, used automobiles in the facility.

CHAIRMAN ENNES: New car prep?

MR. PARK: New car prep, exactly. That's what one of the intended uses. In addition to the requested rezoning, we are seeking three variances. The first one is to not have all of the required shade trees at the end of the parking row, and I will go into each one of these individually. The second one is to request that we reduce the height of the shrubbery or the plant screening along the public way from 36 inches to 12. Then the third request is to waive the requirement of traffic and parking study.

Our understanding of the chapter for this ordinance is that it is intended to reduce the air and noise pollution and improve the appearance of the Village. So, with regard to the shade trees, trees are the natural enemy of automobile facilities because trees bring animals, animals bring waste, they tend fall over in bad weather. They present obstacles to be avoided by cars within the facility.

We had, excuse me, we had a consultant review the zoning requirements, and the yellow highlighted portions on this slide are what our consultant believed to be the required trees to meet your zoning requirements. So, there are 11 trees total at those locations. The green highlighted areas are the trees that Napleton proposes to have. There are five. So, we are seeking to omit six trees, and those are the yellow ones on the slide there, and that is the comparison of the zoning required trees and our proposed trees.

Now, if you look at the upper left-hand corner, the far northwest, that's an example of having two trees close to each other which Napleton believes can be

serviced by one tree. At the very southern end is another instance where you have two trees that would be serviced by one tree. There are two trees internally, I can't point to it, that we believe would not in any way affect the kind of purpose of the zoning requirement, so we are seeking to have those removed or omitted from the site plan. Then there is one tree that is near the detention basin that we are seeking to have removed because of our detention basin being located at that location. The last tree is one that we simply wish to move from one location to the end of the parking lot.

In response to the intended purpose, we believe that the omitted trees will have no material effect on the noise and air pollution. It's six trees and the appearance of the Village will not be affected in any way because of the trees that we are seeking to omit from our planning are internal and not visible from public access way.

Variation number two, we are seeking the reduction of the height of the plant material screening along our public way from 36 inches to 12. The statute, again the intended purpose as we understand it is to reduce air and noise pollution and improve the appearance of the Village. This is an example of our neighbor to the east and southeast which is the Lexington of Arlington Heights. The road that is on the slide there is North Wilke. If you can look closely, there's shrubbery that they have screening their property from North Wilke Road per the statute.

This is a closer version or picture of that scenario. Then this is our attempt to give you a measurement of their shrubbery. It's between 12 and 16 inches. It's not that clear from the slide, but it's 16 inches I believe on that measurement. So, our request is simply to be in compliance, or to be consistent with our neighbor. If the intent of the zoning requirement is to maintain the essential element and character of the business district, we believe that having a one-foot to 16, or yes, 16-inch plant shrubbery would be more consistent with that development. Having one business with three-foot high shrubs whereas another business has 16-inch high shrubs we believe would be inconsistent with the essential function and look of that business district. So, we are respectfully requesting that we just be treated and zoned similarly with our neighbor and retain the look and feel of the area. We do believe that this variance in any way contravenes the purpose of the statute or the ordinance.

Variation three, this is simply a request for a waiver of the traffic and parking study. My understanding is that Sam and the Staff have recommended that this be approved and of course we in no way disagree with that recommendation. Also, our understanding is that there are two conditions. Major automobile repair shall be prohibited. That is in fact true. The repair facility that we are proposing to have at that site will not have major automobile repair capability. They won't have the machinery or the equipment in order to do any sort of heavy collision, body work, major repairs. It would just be light automotive repair. Petitioner shall comply with all federal, state, and Village codes, regulations and policies. We understand and acknowledge these conditions and we intend to comply.

Thank you very much.

CHAIRMAN ENNES: Thank you. If you will have a seat, we'll get the Staff report and then go to questions. Sam?

MR. HUBBARD: All right. So, the subject property is currently zoned M-1. It's Research Development and Light Manufacturing District. In order for the Petitioner to establish an auto repair use, they would need either a land use variation to allow that use in the M-1 District, or as is recommended by Staff, they would need to rezone the property to B-3 which allows both light and major auto repairs by right without any special use permit. So, that's

what the Petitioner has requested this evening, a rezoning from the M-1 District to the B-3 District. As you've heard, they have requested three variations as well.

So, relative to the rezoning, as I mentioned, Staff is supportive of it. There is a minimum district size for the B-3 District at four acres, but this property is not quite four acres. However, if it is rezoned to the B-3, it would make a large continuous area of B-3. The use is consistent with the neighboring property to the east which is the Bob Rohrman dealership which also does repair operations as well. So, we are supportive of the rezoning that would allow the proposed use.

Here you can see an aerial of the property. To the east and right is the Bob Rohrman dealership. To the north is the Courtyard by Marriott Hotel. To the west and south is the Route 53 highway.

The Petitioner has proposed some modifications to the site, most namely, the expansion of some of the parking areas. If you could see the aerial, the parking, there is no current parking here, and they're proposing to add parking in this area. They are also proposing to expand the parking over here and then down here as well. You will see that reflected on the site plan, and then they'd be adding a small detention area on the west of the site.

The property currently conforms to all requirements in both M-1 and B-3 District and there are no variations to setbacks requested, or height or lot coverage or floor area ratio. I would point out that the condition Staff has recommended to restrict any major auto repair functions is a direct result of the rezoning. While the Petitioner is not proposing any major auto repair functions at the site, if the site was sold to another user, that user could initiate those functions, and that could have kind of unsightly characteristics that are associated with major auto repair. So, in light of this possibility, Staff has recommended a condition of approval to prohibit major auto repair at this location.

Petitioner has requested three variations, two relative to landscaping and one relative to the traffic and parking study. Staff is supportive of the variation to waive the traffic and parking study. Relative to the variation requested to the landscape islands, Staff is not supportive of this request. There are six landscape islands that the Petitioner has not proposed a tree within, and those six islands are located here. I think perhaps the landscape consultant maybe misunderstood the regulations of the Village, but the code-required shade trees within landscape islands are required in the six areas indicated here.

We believe that, you know, trees in landscape islands are an aesthetic issue, but also they help to reduce the effect. The six trees that are requested to be omitted would help mitigate this process. They are making islands, so we think they are necessary. We do not believe that a unique hardship has been presented and the standards for variation approval have been met.

We have occasionally granted variations for this requirement in the past. Mostly, it's when there's landscape island on top of say an underground storm retention vault and a tree really wouldn't fit there, or if there's some other infrastructure in the way that would prevent the planting of a tree here. In this case, we don't see that situation present, so we are recommending denial of this variation.

Relative to the parking lot screening, it's required to be 36 inches of height and the Petitioner is asking for 12 inches of height. These areas are indicated here where the 36-inch height screening is required. Again, we do not believe there is a unique hardship on the site to justify the variation. As the Petitioner has mentioned, the Bob Rohrman

site to the east has a smaller landscape screen. A variation was granted to that property, and the rationale was that they're selling cars from that site so they need visibility into their parking area for their products being sold.

On this site, there will be no car sales, it's just strictly auto repair. So, we don't believe that the criteria for variation approval has been met. Furthermore, this is just up the street north, Courtyard by Marriott Hotel, you'll see they have elaborate landscape screening over 36 inches of height. So, we do not believe that the variation would be consistent with the surrounding neighborhood.

Finally, this is a picture of the existing parking lot on the site. You can see that it actually does have currently, although not well maintained, it does currently have over 36-inch tall landscape screen around the parking area. So, to allow a less tall landscape screen we believe would be not an enhancement for the existing condition.

So, that being said, we are recommending approval of the rezoning and approval of the variation to waive the traffic and parking study, but denial of the two requested landscape variations, and subject to that one condition that I outlined this evening. Thank you.

CHAIRMAN ENNES: Thank you, Sam. Can I have a motion to approve the Staff report?

COMMISSIONER JENSEN: So moved.

CHAIRMAN ENNES: And a second?

COMMISSIONER GREEN: Second.

CHAIRMAN ENNES: All in favor?

(Chorus of ayes.)

CHAIRMAN ENNES: Anyone opposed?

(No response.)

CHAIRMAN ENNES: Thank you. Commissioner Jensen, would you like to start with questions?

CHAIRMAN ENNES: Sure.

CHAIRMAN ENNES: For the Petitioner and/or Staff?

COMMISSIONER JENSEN: Sure. Actually, this will be, I think some of this will be, most of this will be directed toward Staff. In the Rohrman facility, are they able to do major repair or are they also restricted to do only minor repair?

MR. HUBBARD: I don't believe a condition of approval was incorporated in that approval. Let me double check.

No, I don't see a condition of approval restricting that in that case.

COMMISSIONER JENSEN: This is more out of curiosity. Why would we want to, they don't want to do major repair, but why would we want to restrict that going forward for anybody if we're going to allow it for a fairly large dealership across the street?

MR. HUBBARD: Well, I don't think that they do major repair there. I think the likelihood that someone is going to purchase a major dealership just to operate major repair there is pretty slim. But a small site like this, I think there is a potential, if for example it was on the market, that somebody would want to do that here, but not as likely at the Bob Rohrman dealership.

COMMISSIONER JENSEN: Okay. With the trees, there were a couple of points made by the Petitioner. He said there were a couple of areas where there were double trees, there were two trees real close together. I didn't quite see that in your diagram but it is in

theirs. Is that true? We've got a couple of areas where we have trees and it could be fairly good size that are right next to each other?

MR. HUBBARD: No, I believe that their landscape consultant was maybe misinterpreting our regulations.

COMMISSIONER JENSEN: Okay. I would like to hear from the Petitioner. What is the damage you envision these extra trees are going to do to the cars?

MR. PARK: Well, trees attract birds and birds defecate. They attract squirrels, other small animals, and those animals defecate. When we park cars at that facility, we don't want animal excrement to be on our customer's vehicle. We believe that that is a harm.

Also, with regard to four-inch caliper trees and the branches that emanate from them, in severe weather, in windy weather, those trees have a tendency to fall over and trees break off, and that can damage vehicles. As an automobile repair facility and a garage and an automobile dealership, the preservation of our customers' vehicles is paramount. Those are our major concerns.

COMMISSIONER JENSEN: Sure. Then I guess I go back to Staff. Using Rohrman as sort of a reference point, are they totally in compliance with the landscaping that, you know, the patterned landscaping that we would be imposing on Napleton? Because it seems to me that Rohrman would have the same set of problems that had been outlined here in terms of damage to the cars. So, are they fully in compliance with the landscaping we require, or did they get some variances taking into account they don't want damage to their cars either?

MR. HUBBARD: They did get a variation to waive certain of the landscape requirements relative to the parking lot screening, but it was more for their storage areas. So, I don't know if, you know, their concerns at that time were relative to damage from trees because it was specifically in their storage areas.

COMMISSIONER DAWSON: Can I just, just really quick? Can I just interject? Could you, you have a slide that's a picture of Rohrman's parking lot?

MR. PARK: Yes.

COMMISSIONER DAWSON: I had the same thought that you did when I was looking at that picture, it turns out looking at it might be helpful.

COMMISSIONER DROST: That area or ones looking from --

COMMISSIONER DAWSON: Not this, but the Rohrman's, it was on Mr. Park's presentation, Sam.

COMMISSIONER JENSEN: Yes, the preview maybe.

COMMISSIONER CHERWIN: Yes, I was looking at the same thing. I noticed there are a number of trees out at Rohrman at the end of their parking lot. I don't know if there's exactly the amount of the landscape required but they do have some.

COMMISSIONER JENSEN: So, are we talking about trees that are similar to what the Rohrman's have in their dealership in their property?

MR. HUBBARD: Yes, these are examples of trees within landscape islands.

COMMISSIONER JENSEN: So, we would be asking them to do something roughly comparable to what Rohrman is doing?

MR. HUBBARD: Right.

COMMISSIONER JENSEN: Okay, and the screen, I do understand why Mr. Rohrman wanted to, as explained, wouldn't be able to sell their cars. But why is it so important for us to have the three-foot screening around this repair facility and, you know, not be

in keeping with the screening that's done across the street?

MR. HUBBARD: Well, I mean I think the rationale for not having it across the street is to sell vehicles, and they're not selling vehicles on the site. So, you know, we believe that the screening enhances the appearance of parking lots, softens the appearance of parking lots. We believe it's necessary here as well.

COMMISSIONER JENSEN: The traffic that will be going by is either on 53 or on the same, it almost verges on being a service road though. It goes to the hotel and it goes to these two dealerships.

MR. HUBBARD: Right. Our code doesn't distinguish between where a 36-inch tall landscape is required relative to if it's on a major arterial or not.

COMMISSIONER JENSEN: Sure. But I'm going to the issue of the aesthetic for whom is the question. You know, I mean if we've got very few people who are actually, it's not like you have something in the middle of a highly-trafficked area that's, you know, that's well developed with residential and so forth. So, it seems like I mean a little bit of overkill or overreach to say we want to have these standards met in this case and not across the street when we're really not going to have that many people who are going to notice the difference between a one-foot or a 1.5-foot tree and a three-foot tree.

MR. HUBBARD: I don't know if I agree with you but I respect your opinion.

COMMISSIONER JENSEN: Just an observation. At this point, I don't have anything further.

COMMISSIONER LORENZINI: So, Mr. Park, a few of us have been around a lot longer than you have on this issue. I remember we had this lively discussion with Mr. Rohrman himself about the 12-inch shrubbery. It was in the old city hall, that's how long ago it was.

MR. PARK: I've heard rumors about that.

COMMISSIONER LORENZINI: So, he let somebody give the presentation and then he couldn't hold back any longer and he was there. But he had made the argument for 12-inch bushes and we agreed it is for selling at least for selling their cars. But you know, Commissioner Jensen, I tend to disagree. I think --

COMMISSIONER JENSEN: It was just a question. It wasn't a statement.

COMMISSIONER LORENZINI: Okay, well, I think we need to stick to the code and go with the 36-inch bushes because you've got the hotel right next door and really it's just a matter of making the neighborhoods look better. Rohrman does have trees in his property, so I think we have to stick with the trees and the bushes as required by the code. That's all I have.

CHAIRMAN ENNES: Commissioner Green?

COMMISSIONER GREEN: I have a much better memory of what happened that night. We actually approved it with 36-inch shrubs there. The Village Trustees gave them the variation. So, we did not reinterpret the code because there was no good reason that Rohrman had or, I'm sorry, Mr. Park, but your reasoning doesn't hold a lot of water with me. It just is kind of a weak argument.

So, I would say stick with the code. Let's not reinterpret the code, and you can make the presentation to the Trustees. So, I would agree with Staff.

CHAIRMAN ENNES: Commissioner Cherwin?

COMMISSIONER CHERWIN: Yes, I was at the Conceptual Review Plan, so I've seen this early on. I mean I think it's a nice and good use of the property. But I agree

with my fellow Commissioners that, you know, I would stick with the Staff's recommendation about the landscaping. I don't think that we really need to deviate, I don't think there's sufficient justification. That's all.

CHAIRMAN ENNES: Commissioner Dawson?

COMMISSIONER DAWSON: Could you put up the slide of the trees? The one that has the green and the yellow, the very colorful one? Okay, and now, Sam, could you explain? So, it's the yellow and the green that's up at the top, and the yellow and the green that's down at the bottom that I believe you're saying could go down to one tree?

MR. PARK: Yes. Based on our understanding of the tree location from our landscaping architect, the consultant that we hired, we believe that the yellow locations where we were required to put a tree, and then the green locations are where we intend to put a tree.

COMMISSIONER DAWSON: Okay, so, but I thought that you were saying that the original plan, okay, so I guess could you go back to the all yellow one so I can see the difference? Okay, so see the two yellows? So, I believe what I said is correct, that there's two close to each and those two are the ones that you think could go down to one?

MR. PARK: Correct.

COMMISSIONER DAWSON: Sam, could you clarify? Perhaps you don't have that off the top of your head and that's okay. I know that you might not have a landscaping plan. But do you have any idea of, you were saying that you believe they misinterpreted it, where you feel that the trees would go?

MR. HUBBARD: This tree is not required. This tree is not required. This tree is not required. They haven't proposed a tree there or here or here or here or here or here or there where there are trees required.

COMMISSIONER DAWSON: Okay, does that clarify anything for you? So, it seems that there's areas where there should be trees per the code that aren't marked on your map.

MR. PARK: That is correct, and that is my understanding as well from Sam's representation.

COMMISSIONER DAWSON: Okay, and I wish Commissioner Warskow was here because she would talk to you about -- I'm sorry?

CHAIRMAN ENNES: She's our tree hugger.

COMMISSIONER DAWSON: She'd talk to you about our -- thank you, it's okay, about the air pollution and the benefits of trees. Believe me, if she was here, you'd get an education on that. She's not here and I am not the environmentalist on the board, but I'm a big fan of trees.

That being said, I think we should follow the code. But I could see that there might be some leeway in positioning, to some degree, so I'd be open to that. But I'd prefer if we had had an exact representation of where they should have gone and, from you, some suggestions on if we remove this one tree and this one tree, that would do a lot for us, thank you very much. But the way that it's presented, it's not, there's nothing I could support in your argument because you haven't presented it accurately in my opinion, and without specifics as to why certain trees being removed might be beneficial to your business.

So, I would suggest if you're going to go forward to the Trustees and ask for that, maybe go back and look at this a little bit more with the little specifics as to why certain trees removed might be better for your business or something to that extent. But right now, I don't have any grounds in which to support or agree with your argument, though I'm open

to hearing it. I can understand that there might be some leeway here. Some, not complete but some.

On the bushes, the 36-inch bushes, I'm just not understanding really the need on your end to go down to 12. Is it, I understand these are new cars primarily or cars that are being sold. Are you foreseeing this as another avenue of displaying to customers potential cars?

MR. PARK: That is an ancillary benefit of having the lower trees, just like it would be for Rohrman next door, because some of the people that we would be servicing would be new vehicles. Being able to display a new vehicle at this location, it's similar to the justification for Rohrman having to display vehicles at their location and having the lower screen. Now, granted, we're not a dealership at that location so we're not going to have new cars presented the way Rohrman does along the public way, but we are going to have Chrysler, Dodge, Jeep, RAM vehicles there and we would like to present them. People can see the Chrysler, Dodge, Jeep, RAM vehicles like they would see a Lexus, and our request is to just be similar to Rohrman's lot there.

I might add that their property extends pretty extensively, not just from southeast, the pictures that I presented in my slide, but farther north and directly east of the property of Lexington.

COMMISSIONER DAWSON: Do we have that? Maybe that was on yours, Sam, I just want to like to understand.

MR. PARK: In this aerial view that Sam would be putting up, you'll see that not all the property is used to display cars, and they're still allowed to have a 12-inch to 16-inch screen there. Some of their property is vacant, not all of their cars are brand new, beautiful new cars.

COMMISSIONER DAWSON: Okay, so, thank you. Where, can you point it out? This is all Rohrman, right, here? Sam, can you show me Rohrman? Can't follow my fingers, George?

COMMISSIONER DROST: I can't follow your fingers but I think you're right. It looks --

CHAIRMAN ENNES: Actually, those at the top and the left, those are two parcels of land that they intend to sell off to other car dealers. He just happens to be parking cars on those properties.

COMMISSIONER DAWSON: So, they don't have --

COMMISSIONER JENSEN: In terms of, you're talking about, probably the darker colored building is probably what you're talking about. The Rohrman stuff is sort of white.

CHAIRMAN ENNES: The Rohrman, right, the Rohrman property if you move back in that --

COMMISSIONER JENSEN: Can we go back to the aerial?

COMMISSIONER DAWSON: I guess what I'm trying to get at is I can see what you're saying though I don't know if that's enough justification for me to alter the code. But I do think that there is something to be said for aesthetics along the roadway, if it appears more of a nice continuum of the same height of bushes it will have a more aesthetic viewpoint. So, I could agree, I can understand that, but again I'd probably need to see more photos of it along that line.

But the justification otherwise, I understand, too, that it would be nice to display but it's not the purpose of your business there, so it's hard to justify it based on that.

You are doing auto repairs, so a little bit more screening would generally be preferable. But I can understand that along the roadway you're probably going to be displaying nicer looking cars.

So, again, tonight I don't know that I have enough to truly vary from the code. But going forward to the next step, I would suggest again maybe just more pictures to show the aesthetic viewpoint. Does that make any sense?

MR. PARK: That's making perfect sense, I totally understand. If I may, Commissioner, if I could address your other point with regard to the trees on the record, you are absolutely correct that my presentation was inaccurate based on the inaccurate information that we had. So, our goal here, my goal here was in fact to meet whatever your suggestion was, to have an accurate representation of where the zoning requires the trees to be and where we propose the trees to be.

COMMISSIONER DAWSON: Sure.

MR. PARK: So, my apologies to the entire Commission.

COMMISSIONER DAWSON: Sure, I don't mean to imply that you were trying to misinterpret or misrepresent. I just, I understand what you're saying, absolutely.

MR. PARK: Right. In that regard, with regard to the trees, we want to be as compliant with the zoning requirements as possible in the most minimal fashion possible. By that I mean, we want zero trees. No trees is better for a car dealership or a car automobile repair facility. To the extent that a zoning requires some trees, we perfectly intend to comply with that. If there's any room within that to where we can come to an agreement on the location of certain trees, we would be more than open to that.

So, instead of having an all or nothing from the 11 versus the five, if there are certain trees that we can come to an agreement between the Board and Napleton, we are open to that possibility as well. Napleton will comply with whatever the Commission and the Board ultimately approves.

COMMISSIONER DAWSON: You'll have some time between now and the Board, and so you can work with Staff and talk to them about that and come up with, you may not even agree when you get to the Village Trustee level, but you may have a better, or reach a closer agreement. So, my opinion would be that I'd be open to some leeway in here but I don't have enough right now to be even have that discussion.

MR. PARK: Well, thank you very much.

CHAIRMAN ENNES: Commissioner Drost?

COMMISSIONER DROST: Yes. I'm looking at consistency here. Actually, the lower level of the shrubbery makes much more sense. I think it helps the Village, too, to sort of attract customers to auto dealerships. There's consistency there and it's a B-3. Make it all kind of the same, don't pick and choose, and I'd be in favor of the lower level.

Then to take out some of the redundancy, Commissioner Dawson has -- work it out. I mean, we're not arborists; trees that have poop. You know, somebody's got to do that.

MR. PARK: Right.

COMMISSIONER DROST: But make it business sense and make it good for your enterprise.

MR. PARK: Absolutely, thank you.

CHAIRMAN ENNES: Thank you. I can appreciate your concern about animals and trees. You get the squirrels chewing through wires. You've got the birds. You got some sap, although I think if you pick the right trees, unlike there in my office parking lot, that

don't get sap. But I think that can be worked out. I also think it's very important to have the trees.

Is this lot going to have any fencing at all?

MR. PARK: I don't believe so. I think it's going to be all landscaping.

CHAIRMAN ENNES: I believe in consistency, and I do a lot of work with auto dealerships. The Village has granted variances for dealership sales lots where they have their cars presented. Arlington Heights Ford is a good example. Your store in Dundee is an example. Rohrman is an example. However, the higher screening bush, the 36, if you go and measure the bushes along, I forget what the name of the street is, Arlington Heights Ford, there's a north-south street there right at the light there, when you go back to their auto repair area, those bushes are actually like five feet tall. They also have an auto storage, I asked you before about the fact that would you be doing new car prep here. So, I'm thinking you might also use this lot for inventory storage when you have more cars than you can put on the dealership lot. It sounds like that might be a possibility?

MR. PARK: That is not our intention to have inventory vehicles stored there.

CHAIRMAN ENNES: Right, your intention is to have it for repair, and that's what we're considering this for.

MR. PARK: Yes.

CHAIRMAN ENNES: But like Arlington Heights Ford, they have a service lot a couple of streets behind the dealership where they own land, and that's all fenced. That again has three to five-foot bushes around that. So, I think if you go around and you look at not auto dealership retail sales lots but repair and/or storage, you'll see that a lot of those dealers have the higher bushes. That's been my experience.

So, I think that's warranted and I think that if, and earlier we were talking about the other businesses here, if you do drive down that road, there are a lot of nicely landscaped businesses back there. I think we would want to keep this facility and property in line with that.

I agree with Commissioner Drost that, you know, putting the right number of trees, if you can locate them in a way that you're not going to get damaged from branches falling, from storms and that type of thing, I'm fine with it. We sure don't want you to have higher expenses from that. But I'm a big supporter of trees because, not that they harm any of your inventory, but they help keep the climate cool.

My reference to my tree-hugging friend is not derogatory at all. She and I talked about this a number of times. It's important to have the trees. So, if you can locate them away from the cars, I would be okay with it. But work with the department and I think it's important to fulfill that. That's all I have. Are there any others?

COMMISSIONER JENSEN: Actually, Commissioner Green may have given you probably the best approach. You'd probably get a vote from this group that says you need to stay with code. But you can always appeal to a more political body of the Board which was where Mr. William was successful and you may be successful there. So, that's kind of where I come down. I try to see what I can do to force some issues that would make me want to change my mind and disagree with Staff on this because I think you made some little arguments, but quite frankly I'm at the point where I think we should stay with the code and that you should try to see what you can do at the Board level.

CHAIRMAN ENNES: Do I have a motion?

COMMISSIONER DROST: I wouldn't follow your recommendation, I'd modify it with two contingencies. I could make a motion like that, but you're probably --

COMMISSIONER JENSEN: Okay, sure. Well, I'd like to stay with the motion that Staff has written. Yes, I'll make a motion.

A motion to recommend to the Village Board of Trustees approval of PC# 18-019, a Rezoning from the M-1 District to the B-3 District and the following variation:

- **A variation to Chapter 28, Section 6.12-1, to waive the requirement for a traffic and parking study by a qualified professional engineer;**

and denial of the other variations requested in PC# 18-019 (which are outlined below), due to the fact that the Petitioner has not justified the variations based on the criteria for granting said variations:

1. **Chapter 28, Section 6.15-1.2(B), to waive the requirement for four-inch shade trees within certain parking lot landscape islands.**
2. **Chapter 28, Section 6.15-1.2(A), to reduce the required height for parking lot landscape screening adjacent to a public way from 36 inches to 12 inches.**

Approval shall be subject to the following conditions:

1. **Outdoor storage of automobiles receiving any "major automobile repair" shall be prohibited.**
2. **The Petitioner shall comply with all federal, state, and Village codes, regulations, and policies.**

COMMISSIONER CHERWIN: Second.

CHAIRMAN ENNES: Is there a second? We got a second, okay. Can we have a roll call vote?

MR. HUBBARD: Who had the second?

CHAIRMAN ENNES: Jay Cherwin.

MR. HUBBARD: Commissioner Dawson.

COMMISSIONER DAWSON: Yes, with comment.

MR. HUBBARD: Commissioner Drost.

COMMISSIONER DROST: No, with comment.

MR. HUBBARD: Commissioner Green.

COMMISSIONER GREEN: Yes, with comment.

MR. HUBBARD: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Yes.

MR. HUBBARD: Chairman Ennes.

CHAIRMAN ENNES: Yes.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: Yes.

CHAIRMAN ENNES: Okay, any comments?

COMMISSIONER DAWSON: Yes.

CHAIRMAN ENNES: Let's start left to right.

COMMISSIONER DAWSON: Just to reiterate what we talked about, I would be supportive of an adjustment in the number of trees and location if you have the, you know, the information here. Also, I am also supportive of the 12-inch, variance to the 12-inch. If we could have a better view which is to see the aesthetic line, I would have probably been a no with comment as opposed to a yes.

COMMISSIONER DROST: My comments echo Commissioner Dawson's comments, that you need to modify the trees and be consistent with the shrubbery, and essentially consistent with the neighborhood within the B-3.

COMMISSIONER GREEN: My comment is just an observation. I think if you had a bunch of broken down Chryslers, you'd want to hide them behind 36-inch bushes. So, good luck with that.

MR. PARK: Thank you.

CHAIRMAN ENNES: Is that it?

COMMISSIONER GREEN: That's it.

CHAIRMAN ENNES: Okay, you had unanimous approval.

COMMISSIONER DROST: No, you don't. I voted no.

CHAIRMAN ENNES: You've got almost a unanimous approval. Is there a date set with the Village Board?

MR. HUBBARD: Tentatively, we're looking at November 5th but that's a heavy agenda, so it may be November 19th. But we'll be in touch.

CHAIRMAN ENNES: Thank you.

MR. PARK: Great, thank you very much.

CHAIRMAN ENNES: Good luck with your project.

MR. PARK: Thank you.

COMMISSIONER DROST: I'll make that motion to adjourn.

CHAIRMAN ENNES: To close.

COMMISSIONER GREEN: Second.

CHAIRMAN ENNES: And a second. All in favor?

(Chorus of ayes.)

CHAIRMAN ENNES: Any opposed?

(No response.)

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



Item: Arlington Executive Plaza - 3335-3395 N. Arlington Heights Rd. - PC#18-022

Department: Planning & Community Development

Requested Action

Amendment to PUD Ordinances #79-166, #80-105, #81-028, and #81-035.

Variations Required

Variation from Chapter 28, Section 10.4-2, Schedule of Parking Requirements – Retail, Commercial and Service Uses, to reduce the required off-street parking from 266 spaces to 238 spaces.

Recommendation

The Staff Development Committee (SDC) has reviewed the proposed PUD amendment and parking variation and recommends approval of the requested PUD Amendment and following variation:

- Variation from Chapter 28, Section 10.4-2, Schedule of Parking Requirements – Retail, Commercial and Service Uses, to reduce the required off-street parking from 266 spaces to 238 spaces.

This recommendation shall be subject to the following conditions:

1. The property owner shall install a 15-space bicycle rack on the east side of the 3385 N. Arlington Heights Road Building, per the submitted documentation, by March 15, 2019.
2. The square-footage of all medical uses within the PUD shall be limited to total of 14,419 square-feet. Any future expansion of medical uses beyond the total of 14,419 square-feet shall require a PUD amendment and parking variation.

ATTACHMENTS:

Description

Staff Report
Public Notice
Aerial

Type

Board or Commission Report
Correspondence
Exhibits

Conceptual Plan Review Minutes 9/12/18	Minutes
Project Narrative	Correspondence
Plat of Survey	Exhibits
Floor Plan	Exhibits
Justification for Variations	Correspondence
Agreement for Property Owner	Correspondence
Petitioner Parking Counts	Exhibits
REA - Shared Parking & Access	Exhibits
Department Comments - Round 1	Correspondence
Petitioner Response to Department Comments - Round 1	Exhibits



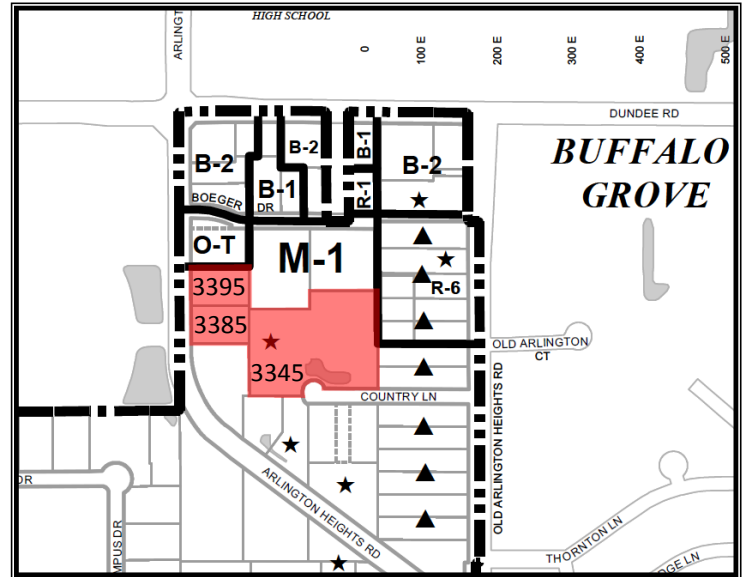
VILLAGE OF ARLINGTON HEIGHTS **STAFF DEVELOPMENT** **COMMITTEE REPORT**

PC File Number: 18-022
Project Title: Arlington Executive Plaza PUD Amendment
Address: 3335-3395 N. Arlington Heights Rd.
PIN: 03-08-100-035, -036, and -040

To: Plan Commission
Prepared By: Jake Schmidt, Assistant Planner
Meeting Date: December 12, 2018
Date Prepared: December 3, 2018

Petitioner: Karissa McCallum
Address: Family Tree Holistic Health
 3345 N. Arlington Heights Rd.
 Suite D
 Arlington Heights, IL 60004

Existing Zoning: M-1: Research, Development, and Light Manufacturing District
Comprehensive Plan: R&D, Mfg., Warehouse



SURROUNDING LAND USES

Direction	Existing Zoning	Existing Use	Comprehensive Plan
North	M-1: Research, Development, and Light Manufacturing District, OT: Office Transitional	Johler Demolition, Office building, Cell Tower	R&D, Mfg, Warehousing
South	M-1: Research, Development, and Light Manufacturing District	Office Buildings	R&D, Mfg, Warehousing
East	M-1: Research, Development, and Light Manufacturing District, R-6: Multi-Family Dwelling District	Townhomes, Office Building	R&D, Mfg, Warehousing, Moderate Density Residential
West	Village of Buffalo Grove		

Requested Action:

1. Amendment to PUD Ordinances #79-166, #80-105, #81-028, and #81-035

Variations Required:

1. Variation from Chapter 28, Section 10.4-2, Schedule of Parking Requirements – Retail, Commercial and Service Uses, to reduce the required off-street parking from 266 spaces to 238 spaces.

Project Background:

The subject property is approximately 7.60 acres and is located south of the intersection of North Arlington Heights Road and Dundee Road on the northern side of the Village. The property is occupied by an existing office complex composed of seven one-story buildings totaling approximately 73,000 square feet of floor space. The development was approved as a PUD in 1979 with three subsequent amendments in 1980 and 1981. Access to the site comes from two full access non-signalized curb cuts onto Arlington Heights Road (one of which being on the neighboring property to the north but accessible through a driveway connection to that property and authorized via an existing easement), and a curb cut on Country Lane.

When the PUD was amended in 1981, it was discussed that the leasing of space for medical offices could potentially cause the PUD to fall below the parking requirements, since medical offices require more parking than non-medical offices. A condition of approval in Ordinance 81-028 required the landlord to notify the Village if any space was leased to medical offices. This condition, Condition 5, specifically states: *“that if medical facilities are rented, the Building and Zoning Commissioner be notified”*. In the years since PUD approval, multiple medical users have moved into the complex without Village notification, resulting in a code-required parking deficit. At present, there is 14,419 square-feet of medical office space within the complex. A letter dated October 31, 2018 has been provided by an agent for the property owner, stating that currently vacant spaces shall remain vacant until this petition is approved or denied.

The petitioner, Karissa McCallum of Family Tree Holistic Health, is a tenant within one of the buildings, and in June of 2018 applied for a building permit to expand into a vacant unit located adjacent to their existing space. The current size of the business is approximately 1,018 square feet and the proposed expansion would result in a total unit size of approximately 2,033 square feet. During the building permit review process it was determined that the PUD does not conform to parking requirements and therefore a variation (via a PUD amendment) is required to allow for the proposed expansion. In an effort to assist the petitioner, prior to Plan Commission Application submittal (October 30, 2018), the petitioner was offered an option to proceed with the interior build-out of her space while awaiting Plan Commission and Village Board review of her petition. However, the petitioner opted not to pursue this option, as the work would be conducted “at her own risk”. Rejection of this petition by the Plan Commission or Village Board would result in the petitioner being unable to secure an occupancy permit for her space upon completion of the build-out, which was a risk the petitioner did not want to take.

Family Tree Holistic Health provides adult and pediatric acupuncture and reiki; herbal therapy, essential oils, and supplements; doula services and HypnoBirthing® education; as well as community-based workshops and support groups. As such, it is defined by the Zoning Code as a “medical office”. Hours of operation are generally 9:00am – 8:00pm on Mondays, Tuesday’s, and Thursdays, and 12:00pm - 7:00pm on Wednesdays, 9:00am – 2:00pm on Friday, and 8:00am – 1:00pm on Saturday. There are currently three employees working at Family Tree.

Zoning and Comprehensive Plan

The subject property is within the M-1, Research, Development, and Light Manufacturing District. Medical offices are a permitted use within the M-1 District. The Comprehensive Plan identifies this site as suitable for research and development, manufacturing, and warehousing. The proposed medical office is compatible with this classification as medical offices are a permitted use within the M-1 District.

Building, Site, Landscaping:

The petitioner is not proposing any changes to building other than the buildout of the adjacent unit to allow for the proposed expansion, nor are they proposing any changes to the site. As part of the Plan Commission review process, Staff has reviewed the existing site landscaping, and determined that it complies with code requirements.

Traffic and Parking:

Relative to code requirements, 266 off-street parking spaces are required within the PUD and only 238 spaces exist on the site (the detailed breakdown of the parking calculations is provided within **Exhibit 1** at the end of this report). Therefore, the following variation is required:

- Variation from Chapter 28, Section 10.4-2, Schedule of Parking Requirements – Retail, Commercial and Service Uses, to reduce the required off-street parking from 266 spaces to 238 spaces.

Out of the seven office buildings within the PUD, the northernmost building has been sold to a separate owner (3395 N. Arlington Heights Rd.). The Village has been unable to determine exact occupancy for this building – though a leasing agent for the building indicated that approximately 1,000 square-feet of the building is occupied by a general office user. For the purposes of the following analyses, it is assumed that the 3395 Building would be completely occupied by general office users.

Section 6.12-1 of the Zoning Code does not require a parking and traffic study by a qualified Traffic Engineer on projects that are less than 5,000 square feet in floor area and located along a major arterial. However, three days of parking surveys (including Saturday) per week, over a two-week period, have been conducted by the petitioner to demonstrate the current parking usage within the PUD. The lot was surveyed hourly on Tuesday, September 11th, Thursday, September 13th, Saturday, September 15th, Tuesday, September 18th, Thursday, September 20th, and Saturday, September 22nd. Per the surveys provided, peak utilization of the lot occurred at 3 PM on Tuesday, September 20th, where 126 vehicles were observed utilizing the lot (53% of total parking lot capacity). A detailed summary of the Petitioner's hourly parking counts is provided within **Exhibit 2** at the end of this report. It should be noted that the petitioner did not survey the portion of the lot adjacent to the sold-off 3395 Building. However, assuming that all vacant spaces in the complex (including the 3395 Building) are fully tenanted at a future date, with parking generation for these spaces equal in intensity to the code-required parking ratio for general office uses, an additional 57 parking spaces would be occupied. The adjusted total of occupied parking spaces using this methodology is 183 total spaces, which would be 77% of total parking lot capacity.

Staff has conducted their own survey of parking lot utilization as well, and found numbers of occupied spaces consistent with those provided by the petitioner. Staff surveyed the entirety of the parking lot on Friday, October 26th at 10:00 AM and 3:00 PM, and utilized aerial imagery for spot counts dating back to 2014. A detailed summary of Staff's parking counts is provided within **Exhibit 3** at the end of this report. Of all these counts, peak parking lot utilization occurred on Tuesday, October 16th 2018 at 10:00 AM, when 116 vehicles were observed utilizing the lot (49% of total parking lot capacity). Again factoring in the assumed 57 parking spaces that could be generated by currently vacant spaces, an adjusted peak total of 173 parking spaces would be occupied, which is 73% of total parking lot capacity.

With the results of these two surveys and analyses in mind, Staff is supportive of granting the requested parking variation, as current and adjusted parking demand does not exceed existing parking lot capacity.

Relative to bicycle parking, the Zoning Code requires that when any change in use results in the requirement for additional off-street motor vehicle parking, conformance to the bicycle parking regulations shall be required. Therefore, since the addition of medical spaces within the development has resulted in the requirement for additional motor vehicle parking, the PUD must provide the code required bicycle parking spaces (14 spaces). The property owner has identified an area east of the 3385 N. Arlington Heights Road Building, in which they plan to install a 15-space bicycle rack. The estimated installation date for this rack is March 15, 2019.

RECOMMENDATION

The Staff Development Committee (SDC) has reviewed the proposed PUD amendment and parking variation and recommends **approval** of the requested PUD Amendment and following variation:

- Variation from Chapter 28, Section 10.4-2, Schedule of Parking Requirements – Retail, Commercial and Service Uses, to reduce the required off-street parking from 266 spaces to 238 spaces.

This recommendation shall be subject to the following conditions:

1. The property owner shall install a 15-space bicycle rack on the east side of the 3385 N. Arlington Heights Road Building, per the submitted documentation, by March 15, 2019.
2. The square-footage of all medical uses within the PUD shall be limited to total of 14,419 square-feet. Any future expansion of medical uses beyond the total of 14,419 square-feet shall require a PUD amendment and parking variation.

December 7, 2018

Bill Enright, Deputy Director of Planning and Community Development

Cc: Randy Recklaus, Village Manager
All Department Heads
PC File 18-022

Exhibit 1 – Parking Calculations

Tenant	Bldg	Suite#	SF	Parking Ratio	Stalls Required
Mycomp Computer Center, Inc.	3335	A	1,724	300	6
Northwest Suburban Pediatrics (medial)	3335	C	1,878	200	9
Nikolay Tokmakov	3335	E	730	300	2
Coinnie Vitale (counselor)	3335	F	850	300	3
Dr. Kordas Pediatric Health	3335	G	2,060	200	10
Michael Ventura State Farm	3335	J	1,570	300	5
Arlington Insurance Services	3335	M	1,620	300	5
Market Max Realty, Inc.	3335	A	660	300	2
Bact Process Systems, Inc.	3345	B	2,816	300	9
Family Medical Supply	3345	C	756	300	3
Family Tree Holistic Health (medical)	3345	D	1,018	200	5
Arlington Counseling Associates	3345	E	1,600	300	5
Vacant	3345	F	800	300	3
Bact Process Systems, Inc.	3345	J	1,015	300	3
Family Tree Holistic Health (medical)	3345	K	1,015	200	5
Vacant	3345	L	715	300	2
Dr. Mary Doxas Weber	3345	M	800	200	4
Dawe's, LLC (accounting)	3355	H	4,832	300	16
Cooperative Computer Service	3355	J	5,518	300	18
Morris Shafran (counseling)	3365	A	800	300	3
FG Engineered Solutions, LLC	3365	B	440	300	1
Tactical Security, LLC	3365	C	1,422	300	5
Midwest Allergy Relief	3365	D	968	200	5
The Perfect Workout, Inc.	3365	E	800	250	3
Vacant	3365	F	800	300	3
Safeguard Business Management	3365	G	1,600	300	5
Murray Grishaber, LLC (accountant)	3365	J	1,005	300	3
Dr. Mikhail Berfman, MD (medical)	3365	K	1,025	200	5
Authentic Self Psychological	3365	L	795	300	3
Vacant	3365	M	800	300	3
Vacant	3375	A	1,500	300	5
Vacant	3375	B	1,483	300	5
New Look Laser Center (medical)	3375	C	2,455	200	12
Arlington Counseling Associates	3375	E	3,200	300	11
Vacant	3375	J	757	300	3
Neuropsychological Services PC (counseling)	3375	K	1,045	300	3
Dina Kaner, MD, SC (medical, pediatrician)	3385	A	1,583	200	8
Autism Home Support Services (office/counseling)	3385	C	1,015	300	3
Autism Home Support Services (office/counseling)	3385	D	1,320	300	4
Autism Home Support Services (office/counseling)	3385	E	737	300	2
Autism Home Support Services (office/counseling)	3385	F	620	300	2
Premier Foot & Ankle, PC (medical)	3385	G	1,617	200	8
Autism Home Support Services (office/counseling)	3385	J	1,015	300	3
Autism Home Support Services (office/counseling)	3385	K	2,473	300	8
Unknown	3395		10,360	300	35
TOTAL SQUARE FOOTAGE			73,612	TOTAL PARKING PROVIDED	266
TOTAL NUMBER OF PARKING SPACES PROVIDED					238
SURPLUS / (DEFICIT)					(28)

Exhibit 2 – Petitioner’s Parking Survey

Petitioner's Parking Survey

Tuesday, Sept. 11th

Time	Number of Cars Parked	Number of vacant
9am	84	120
10am	106	98
11am	87	117
12pm	108	96
1pm	95	109
2pm	124	80
3pm	123	81
4pm	120	84
5pm	94	110
6pm	70	134
7pm	51	153

Tuesday Sept. 18th

Time	Number of Cars Parked	Number of vacant
9am	74	130
10am	97	107
11am	110	94
12pm	108	96
1pm	104	100
2pm	117	87
3pm	126	78
4pm	125	79
5pm	107	97
6pm	84	120
7pm	52	152

Thursday Sept. 13th

Time	Number of Cars Parked	Number of vacant
9am	72	132
10am	89	115
11am	104	100
12pm	94	110
1pm	101	103
2pm	101	103
3pm	109	95
4pm	108	96
5pm	100	104
6pm	81	123
7pm	40	164

Thursday Sept. 20th

Time	Number of Cars Parked	Number of vacant
9am	80	124
10am	98	106
11am	98	106
12pm	100	104
1pm	108	96
2pm	110	94
3pm	112	92
4pm	116	88
5pm	101	103
6pm	81	123
7pm	48	156

Saturday Sept. 15th

Time	Number of Cars Parked	Number of vacant
8am	19	185
9am	65	139
10am	70	134
11am	76	128
12pm	61	143
1pm	43	161

Saturday Sept. 22nd

Time	Number of Cars Parked	Number of vacant
8am	15	189
9am	57	147
10am	71	133
11am	69	135
12pm	61	143

Exhibit 3 – Staff Parking Survey

**Observed and Estimated Parking Generation:
Arlington Executive Office Plaza**

<i>Day</i>	<i>Date</i>	<i>Time</i>	<i>Occupied Spaces</i>
Monday	11/3/2014	1:00 PM	83
Sunday	4/26/2015	10:00 AM	17
Sunday	6/28/2015	9:30 AM	11
Wednesday	9/16/2015	10:00 AM	84
Thursday	10/22/2015	10:00 AM	103
Tuesday	4/12/2016	10:00 AM	97
Thursday	10/13/2016	12:00 PM	98
Monday	2/27/2017	11:00 AM	113
Saturday	9/2/2017	12:00 PM	24
Sunday	11/19/2017	1:00 PM	14
Sunday	3/18/2018	12:30 PM	15
Wednesday	7/11/2018	2:45 PM	111
Tuesday	10/16/2018	10:00 AM	116
Friday*	10/26/2018	10:00 AM	107
Friday*	10/26/2018	3:00 PM	96
Provided:	238	Average:	73
*On-site counts conducted by Staff. All others via aerial imagery.			

Total Demand, with Vacant Spaces:			
Peak:	173	Average:	130
(Surplus of 65)		(Surplus of 108)	
Assumed Demand of Vacant Areas, Per Code: 57 Spaces			

<i>Site Square-Footage Calculations</i>			
Occupied SF	56,397	Vacant SF	17,215
Occupied %	76.6%	Vacant %	23.4%
Total SF		73,612	

NOTICE OF
PUBLIC HEARING
NOTICE IS HEREBY
GIVEN THAT THE PLAN
COMMISSION OF THE
VILLAGE OF ARLINGTON
HEIGHTS WILL CONDUCT
A PUBLIC HEARING ON
DECEMBER 12, 2018, AT
7:30 P.M. in the Municipal
Building, 33 South Arlington
Heights Road, Arlington
Heights, Illinois to consider
Petition No. 18-022, an
amendment to PUD Ord-
nances #79-166, #80-105, #81-
028, and #81-035 to allow cer-
tain variations, for said
property located at 3335 to
3395 North Arlington
Heights Road, Arlington
Heights, IL, legally de-
scribed as:

AND
LOTS 2 AND 3 IN NORTH
RIDGE SUBDIVISION IN
ARLINGTON HEIGHTS
BEING A SUBDIVISION
OF PART OF THE NORTH-
WEST QUARTER OF THE
NORTHWEST QUARTER
OF SECTION 8, TOWN-
SHIP 42 NORTH, RANGE
11, EAST OF THE THIRD
PRINCIPAL MERIDIAN,
IN COOK COUNTY, ILLI-
NOIS.

As part of said petition, cer-
tain variations may be nec-
essary as determined by the
Plan Commission.

All persons desiring to be
heard shall be given the op-
portunity to be heard.
Should any individual need
auxiliary aid or service,
such as a sign language
interpreter or materials in
alternative formats, please
contact the Health Depart-
ment at 33 South Arlington
Heights Road, Arlington
Heights, Illinois 60005, (847)
368-5760, TDD# (847) 368-
5794.

Terrance Ennes, Chairman
ARLINGTON HEIGHTS
PLAN COMMISSION
Published in Daily Herald
November 27, 2018 (4513540)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **DAILY HERALD**. That said **DAILY HERALD** is a secular newspaper and has been circulated daily in the Village(s) of Algonquin, Antioch, Arlington Heights, Aurora, North Aurora, Bannockburn, Barrington, Barrington Hills, Lake Barrington, North Barrington, South Barrington, Bartlett, Batavia, Buffalo Grove, Burlington, Campton Hills, Carpentersville, Cary, Crystal Lake, Deerfield, Deer Park, Des Plaines, Elburn, East Dundee, Elgin, South Elgin, Elk Grove Village, Fox Lake, Fox River Grove, Franklin Park, Geneva, Gilberts, Glenview, Grayslake, Green Oaks, Gurnee, Hainesville, Hampshire, Hanover Park, Hawthorn Woods, Highland Park, Highwood, Hoffman Estates, Huntley, Inverness, Island Lake, Kildeer, Lake Bluff, Lake Forest, Lake in the Hills, Lake Villa, Lake Zurich, Libertyville, Lincolnshire, Lindenhurst, Long Grove, Melrose Park, Montgomery, Morton Grove, Mt. Prospect, Mundelein, Niles, Northbrook, Northfield, Northlake, Palatine, Park Ridge, Prospect Heights, River Grove, Riverwoods, Rolling Meadows, Rosemont, Round Lake, Round Lake Beach, Round Lake Heights, Round Lake Park, Schaumburg, Schiller Park, Sleepy Hollow, St. Charles, Streamwood, Sugar Grove, Third Lake, Tower Lakes, Vernon Hills, Volo, Wadsworth, Wauconda, Waukegan, West Dundee, Wheeling, Wildwood, Wilmette

County(ies) of Cook, Kane, Lake, McHenry

and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said Village(s), County(ies) and State.

I further certify that the **DAILY HERALD** is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published November 27, 2018 in said **DAILY HERALD**.

IN WITNESS WHEREOF, the undersigned, the said **PADDOCK PUBLICATIONS, Inc.**, has caused this certificate to be signed by, this authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY *Danula Baltz*
Authorized Agent

Control # 4513540

RECEIVED
DEC - 4 2018
PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

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**REPORT OF THE PROCEEDINGS OF
THE CONCEPTUAL PLAN REVIEW COMMITTEE**

OF THE VILLAGE OF ARLINGTON HEIGHTS PLAN COMMISSION

HELD AT VILLAGE HALL ON:

September 12, 2018

Project Title: Arlington Executive Plaza PUD Amendment

Address: 3345 N. Arlington Heights Rd. Suite D
Arlington Heights, IL 60004

Petitioner: Karissa McCallum
Family Tree Holistic Health
3345 N. Arlington Heights Rd. Suite D
Arlington Heights, IL 60004

Requested Action:

1. Amendment to PUD Ordinances #79-166, #80-105, #81-028, and #81-035

Variations Required:

2. Variation to Chapter 28, Section 10.4-2, Retail – Commercial and Service Uses, to reduce the required off-street parking from 266 spaces to 238 spaces.

Attendees: Karissa McCallum, Petitioner, Family Tree Holistic Health
Jay Cherwin, Plan Commissioner
John Sigalos, Plan Commissioner
Bruce Green, Plan Commissioner
Lynn Jensen, Plan Commissioner
Sam Hubbard, Development Planner
Jake Schmidt, Assistant Planner

Project Summary:

The subject property is approximately 7.60 acres and is located south of the intersection of North Arlington Heights Road and Dundee Road on the northern side of the Village. The property is occupied by an existing office development composed of seven one-story buildings totaling approximately 73,000 square feet of floor space. The development was approved as a PUD in 1979 with three subsequent amendments in 1980 and 1981. Access to the site comes from two full access non-signalized curb cuts onto Arlington Heights Road (one of which being on the neighboring property to the north but accessible through a driveway connection to that property and authorized via an existing easement), and a curb cut on Country Lane.

The petitioner, Karissa McCallum of Family Tree Holistic Health, is a tenant within one of the buildings and recently applied for a building permit to expand into a vacant unit located adjacent to their existing space. The current size of the business is approximately 1,018 square feet and the proposed expansion would result in a total unit size of approximately 2,030 square feet. During the building permit review process it was determined that the PUD does not conform to parking requirements and therefore a variation (via a PUD amendment) is required to allow for the proposed expansion.

Family Tree Holistic Health provides adult and pediatric acupuncture and reiki; herbal therapy, essential oils, and supplements; doula services and HypnoBirthing® education; as well as community-based workshops and support groups. As such, it is defined by the Zoning Code as a “medical office”. Hours of operation are generally 9:00am – 8:00pm on Mondays, Tuesday’s, and Thursdays, and 12:00pm - 7:00pm on Wednesdays, 9:00am – 2:00pm on Friday, and 8:00am – 1:00pm on Saturday. There are currently three employees working at Family Tree.

Meeting Discussion:

Ms. McCallum began by introducing herself, and stated that the genesis of this project was a proposed expansion of Family Tree Holistic Health, at which Ms. McCallum currently provides acupuncture, herbalist, and doula services with one other acupuncturist. She began practicing out of this facility late in the previous year, at which time she realized that more treatment rooms were needed. The proposed expansion, into the adjacent Suite K Space, would allow more treatment space for clients (and allow for both Ms. McCallum and the other practitioner to see clients during the same hours), as well as a classroom space that would be used to educate patients and other practitioners. Currently, one practitioner is at the facility until 8pm Monday through Thursday. Michael, the other acupuncturist, usually practices until 1pm on Saturdays. With the current space, at present patients are having to come in on Sundays, or the practitioners have cut their time slots short in order to accommodate seeing other clients. Ms. McCallum had signed a lease for Suite K the previous March in order to allow for the expansion, however was unaware of the zoning approvals needed to allow expansion of the facility until summer. She understands that a PUD Amendment is required due to code-required parking, and she is currently conducting parking surveys to provide to Staff.

Commissioner Green asked Mr. Hubbard to provide the Staff report.

Mr. Hubbard stated that the property is zoned M-1, which allows medical and non-medical office uses by-right. The only issue with the proposed expansion is provision of code-required parking. The subject office complex, in which Family Tree Holistic Health is located, is a PUD that was developed in the 1980's. When first constructed, parking was provided at a ratio that would only have allowed primarily general office uses, with a minor surplus for a small amount of medical office space. Over time, spaces within the complex were leased to medical office uses without notifying the Village – which was a condition of approval in the original Ordinance so that the Village could ensure the site continued to meet code. However, as this was not done, the proposed expansion of Family Tree Holistic Health triggered a review of on-site parking code compliance, and it was determined that a variation would be necessary to allow the proposed expansion. As the subject property is a PUD, in order to grant a variation review by the Plan Commission and Village Board is required. If the property was not a PUD, the variation would instead head to the Zoning Board of Appeals. As part of this project, the petitioner shall provide a written response to the criteria for variation approval, to be justified through the parking surveys that were being conducted. Provision of bicycle parking spaces is also required as part of this project, due to the fact that the proposed expansion would increase code-required vehicular parking. The entire site shall have to comply with the Village's bicycle parking regulations. Mr. Hubbard is unsure if any bicycle spaces are currently provided on the site, and suggested that the petitioner may be able to work with her landlord to identify any existing bicycle parking spaces and provide any new spaces should the site not meet code. The petitioner also has the option of seeking a variation from bicycle parking requirements, though it is up to the Plan Commission to determine if the hardship criteria were met to seek said variation.

Commissioner Green asked if the petitioner would have to pay for any required bicycle parking spaces.

Mr. Hubbard stated that the site would have to be brought into compliance with code.

Commissioner Green stated that this was why landlords should be present at these meetings as well, and asked if the responsibility for providing bicycle parking would fall solely on the

Mr. Hubbard stated that the Village has no preference on which entity provides the bicycle parking, so long as the site comes into compliance with code. Typically, an improvement like this would be a negotiation between the petitioner and their landlord.

Commissioner Green suggested that the Village should place the onus of bicycle parking on the landlord, potentially not issuing any permits for parking lot improvements until bicycle parking facilities are provided.

Mr. Hubbard stated that the issue in this project is that the petitioner has already signed a lease for the space, so the petitioner is unable to use the potential lease as leverage in negotiating improvements required by code as part of their petition.

Ms. McCallum stated that she was disappointed that her landlord did not mention the parking issue at the lease signing in March, and that she had invested in an architect and was ready to proceed with the expansion before she became aware of the parking deficit.

Commissioner Jensen stated that prior to the meeting he had discussed the responsibility of providing bicycle parking at this site with Mr. Hubbard, and clarified that, from the Village point of view, it does not matter who provides bicycle parking spaces so long as the site becomes compliant. This could be through a variation, or by providing the required bicycle spaces.

Mr. Hubbard clarified that required parking is based upon the entire PUD, as all buildings on the site share parking. Therefore, the parking survey will have to cover the entire PUD.

Commissioner Jensen asked if the entire burden of providing any required parking falls onto the petitioner.

Commissioner Green stated that it would be nearly impossible to add additional parking spaces at this site.

Mr. Hubbard stated to the Commission that it will be the Plan Commission's decision whether to approve the variation and allow the petitioner to move in and renovate their space, or to require additional parking be accommodated. However, it is probably impractical to request any additional spaces be provided on-site.

Commissioner Jensen clarified that his question is why the responsibility of providing parking falls on the petitioner when the issue is with the entire PUD, rather than with her space alone.

Mr. Hubbard stated that he believes it would be reasonable for some negotiation on the provision of bicycle spaces to take place. He recommended that the petitioner talk with her landlord regarding this issue, and that there could potentially be bicycle parking spaces already on-site.

Ms. McCallum stated that she is not aware of any bicycle parking spaces at the site.

Mr. Hubbard stated that it may be possible for the petitioner to install only the number of bicycle parking spaces that are required for her business.

Commissioner Green stated that he agreed with Mr. Hubbard's suggestion, and stated that by that measure only 1 bicycle space would be required.

Mr. Hubbard confirmed that, for only the subject business, 1 space would be required.

Commissioner Green asked how, in the future, these types of issues would be resolved. The complex should not be leasing to medical tenants in the future, as they do not have sufficient code-required parking. How would the Plan Commission be able to approve this petition, while being able to turn down future parking variations for this site?

Mr. Hubbard stated that one of the conditions of approval required that the landlord acknowledge the condition in the original PUD stipulating that the Village must be notified if medical users are interested in moving in. Hopefully, this would resolve further problems of this nature, however future purchasers of this property may again forget this requirement.

Commissioner Jensen stated that, if the provided parking study illustrated sufficient parking availability on-site, that likely the Plan Commission would grant the variation.

Mr. Hubbard stated that Commissioner Jensen made a good point, and that is why the Village wanted to see a parking survey.

Commissioner Green reiterated that, if the complex were to fill up with medical users, the same issue would arise again.

Commissioner Jensen asked the petitioner if the landlord was planning to attend the Plan Commission meeting.

Ms. McCallum stated that she could ask them to attend.

Commissioner Green asked the petitioner what the landlord's name was, for the record.

Ms. McCallum could not recall the exact name, as she usually dealt personally with various representatives.

Mr. Hubbard suggested that the landlord was likely Chicagoland Commercial Real Estate.

Commissioner Sigalos stated that Chicagoland Commercial may be just the property manager, not the owner.

Commissioner Green stated that he thought it would be beneficial to provide the owner's name, just so everyone is aware.

Commissioner Sigalos stated that the landlord would be able to provide additional information.

Commissioner Cherwin stated that the property manager could probably come to represent the landlord.

Commissioner Sigalos stated that that would be beneficial.

Ms. McCallum stated that it is difficult to paying for rent and insurance on a space without being able to move in.

Commissioner Green stated that he understood the petitioner's situation.

Commissioner Jensen stated that it would be nice to have ownership present at the Plan Commission meeting, though there was nothing the Commission could do to compel attendance.

Mr. Hubbard stated that Staff was supportive of the request, provided the parking surveys submitted by the petitioner illustrated a surplus of available parking.

Commissioner Green asked Commissioner Cherwin for his comments.

Commissioner Cherwin stated that he had no major concerns about parking at this site, and that he believed a solution could be reached. He had no further questions.

Commissioner Sigalos asked the petitioner if they were expanding into an adjacent tenant space.

Ms. McCallum stated that the Commissioner was correct.

Commissioner Sigalos asked if Family Tree Holistic Health would be increasing their staff.

Ms. McCallum stated that there were no plans to increase staff at this time.

Commissioner Sigalos asked if Family Tree Holistic Health would be seeing more patients, as their staffing level would be consistent.

Ms. McCallum stated that by increasing space, both practitioners would be able to be in the office at the same time, and would therefore be increasing that number of patients that could be seen.

Commissioner Sigalos asked to clarify that more patients could conceivably be utilizing parking at the complex.

Ms. McCallum confirmed the Commissioner's statement, and that conceivably more staff could be added in the future,

potentially to cover Saturdays.

Commissioner Cherwin stated that he was not concerned with parking on Saturdays. He said to check with the Village, but Saturday parking counts may not even be necessary.

Mr. Hubbard stated that the Village typically requests Saturday parking counts, just to ensure there are no issues.

Commissioner Sigalos stated that he had no further questions.

Commissioner Jensen stated that he had no further questions, but that he agreed with Commissioner Green's concerns. Specifically, that the property owner should be responsible for these issues as part of the PUD. In this situation, he believed that an agreement could be worked out that would not leave the petitioner responsible for the installation of all bike racks and the existing vehicular parking facilities.

Commissioner Cherwin asked how old the PUD was.

Mr. Hubbard stated that the PUD was first approved in 1979.

Commissioner Green stated that he had no issue with the proposal, but reiterated that the petitioner should negotiate with the owner so that she is not solely responsible for any required improvements.

Commissioner Jensen stated that the Chair of the Plan Commission would like to see that, as he always asks why the owners of PUDs are not present at Plan Commission meetings.

Ms. McCallum had stated that she had stated that the owners could attend this meeting, but did not believe they would be helpful in explaining her business. However, she now believes it would have been beneficial to have them present for discussing the parking aspects of the project.

Commissioner Jensen stated that the more important aspect of this project will involve the details on the PUD and site, and that the owners would be better able to answer those questions.

Commissioner Green stated that, when the petitioner signed the lease, she lost her bargaining chip with the owner which is unfortunate.

Ms. McCallum asked if the owners might be able to help pay for the parking survey.

Mr. Hubbard stated that it wouldn't hurt to ask, but that the petitioner is in a tough spot having already signed the lease.

Ms. McCallum stated that she had hired a lawyer to negotiate the lease, and asked if this was a hard issue to detect or if it should have been identified sooner by those she had hired or by the property manager.

Mr. Hubbard stated that these issues tend to fall between the cracks. Ultimately it is the owner's responsibility to know the regulations governing their property. Not everyone knows the regulations, however, and it is not uncommon for property owners to be unaware of code-required parking issues.

Commissioner Cherwin asked if the petitioner's lease had any clause stating that no further approvals would be needed. There may be allocations of responsibility or representations of a permitted use in her lease that could give her leverage. Issues with code-required parking are not always obvious.

Commissioner Jensen stated that the petitioner should return to her lawyer for assistance.

Commissioner Green asked if the PUD condition requiring Village notice for medical uses still pertained to the landlord.

Mr. Hubbard confirmed that it did.

Commissioner Green stated that it is his belief that it is the landlord's fault for not following this condition.

Commissioner Cherwin reiterated that the petitioner should review her lease.

RECOMMENDATION

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

Bruce Green, Chair
CONCEPTUAL PLAN REVIEW COMMITTEE
Sam Hubbard, Recorder

Family Tree Holistic Health (previously Sassack Family Acupuncture) is an acupuncture and healing center in Arlington Heights, IL dedicated to helping families achieve their highest level of health and wellness through natural and holistic practices. We provide affordable adult and pediatric acupuncture and reiki; the highest quality herbs, essential oils, and supplements; doula services and HypnoBirthing® education; and community-based workshops and support groups. At Family Tree Holistic Health, we treat a wide variety of conditions including, but not limited to, colds and flu, muscle and joint pain, headaches and migraines, asthma, allergies, anxiety and depression, gastrointestinal issues, women's health.

Hours of Operation:

Monday, Tuesday and Thursday 9AM-8PM

Wednesday 12-7PM

Friday 9AM- 2PM

Saturday 8AM-1PM

There are currently three practitioners:

Michael Sassack, L.Ac

Mon 3-8PM

Tues & Thurs 9AM-3PM

Wed 12-7PM

Friday 9AM- 2PM

Saturday 8AM-1PM

Karissa McCallum, L.Ac, DC(DONA)

Mon 9AM-3PM

Tues & Thurs 3-8PM

Jasmine Sassack, Reiki Practitioner, HBCE, CBE

Jasmine more recently started practicing out of the space and comes in when someone schedules an appt. She does not have set hours.

At this time there is not any additional staff. We have discussed having a front desk employee once we expand but haven't made a final decision on that.

In suite D, there are currently three treatment rooms, which allow for a maximum of four patients to be treated at one time (One room is "shared" with two treatment tables, so it's usually siblings, a parent and a child or partner treatments.); however, it's more common to be treating three patients at the same time.

I, Karissa, was an employee of Sassack Family Acupuncture but made the decision to become a partner in the spring of 2018. As a result, we are looking to double our number of treatment rooms (3-->6), to add a bathroom, to have a small space for older children to spend time while their parents are being treated, to have a classroom space for education and to have a larger space for employees by expanding into suite K. This allows me to have more hours to see patients. We would love to bring other qualified, trusted practitioners in, but it's hard to say how many. If it's another acupuncturist, there would probably be a maximum of two practitioners in the space at a time, three if Jasmine is using a room. If we brought someone like a massage therapist in, who can only use one room at a time, there could be more than three practitioners in the office at one time. We don't have anyone specific in mind at this point in time.

Attached to email is the original architectural drawing. We are making the necessary changes for our permit to be approved. Please let me know if you need any other information.

Best,
Karissa McCallum

GREMLEY & BIEDERMANN

A DIVISION OF
PLCS Corporation

LICENSE NO. 184-005322

PROFESSIONAL LAND SURVEYORS

4505 NORTH ELSTON AVENUE, CHICAGO, IL 60630

TELEPHONE: (773) 685-5102 FAX: (773) 286-4184 EMAIL: INFO@PLCS-SURVEY.COM

ALTA / ACSM Land Title Survey

PARCEL 1:

LOT 3 IN NORTH RIDGE SUBDIVISION IN ARLINGTON HEIGHTS BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

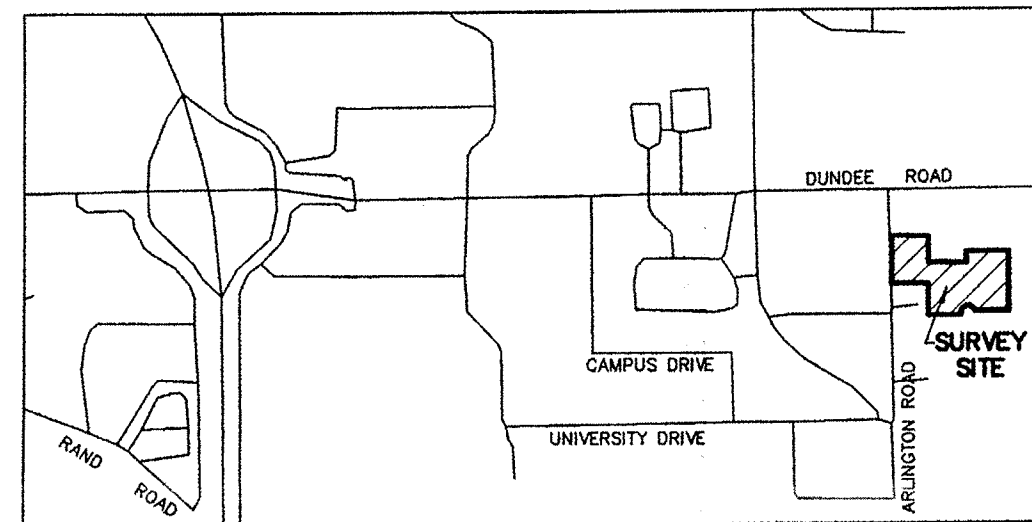
PARCEL 2:

LOT 3 IN TSCURTZ'S SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

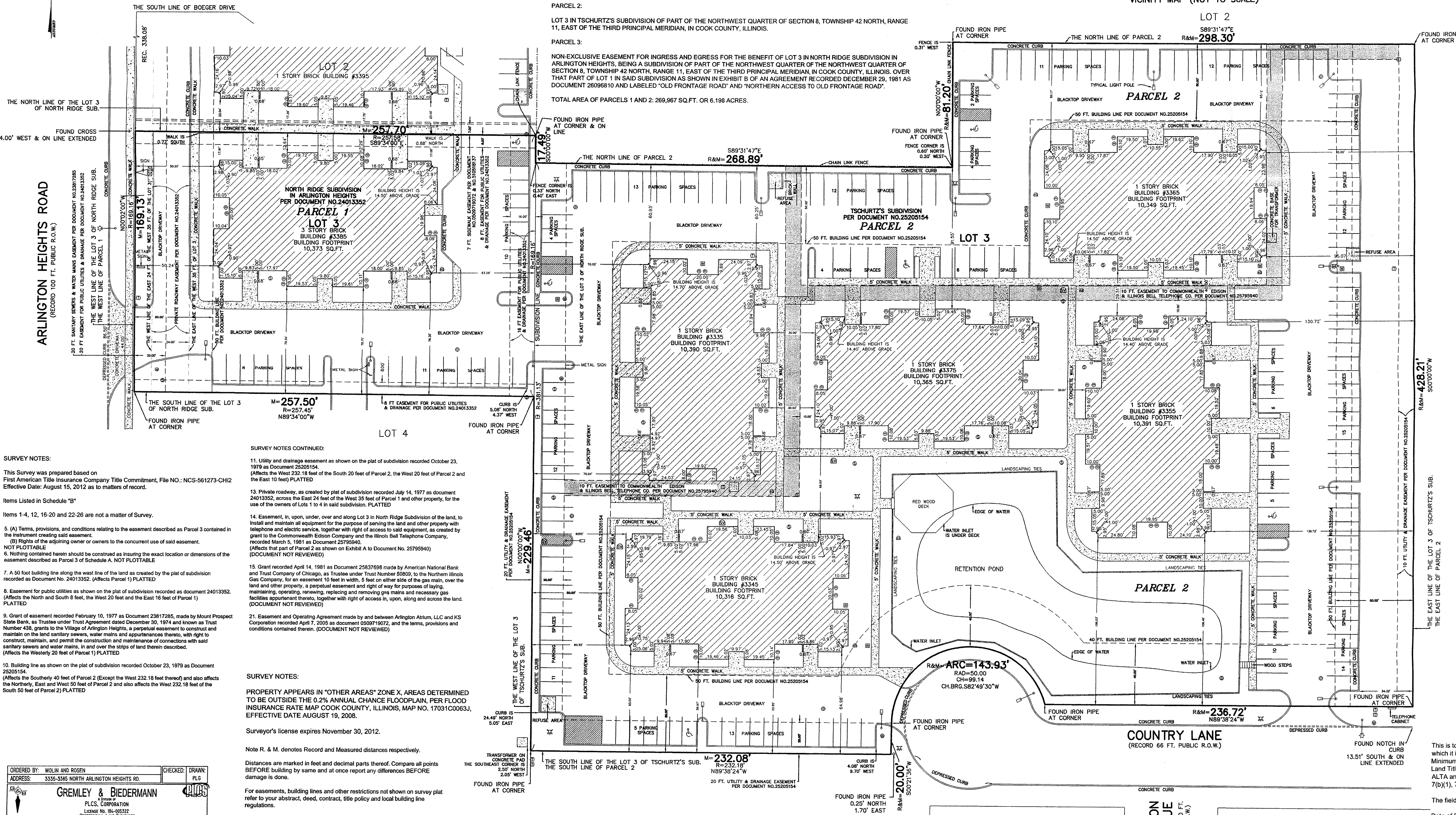
PARCEL 3:

NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS FOR THE BENEFIT OF LOT 3 IN NORTH RIDGE SUBDIVISION IN ARLINGTON HEIGHTS, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, OVER THAT PART OF LOT 1 IN SAID SUBDIVISION AS SHOWN IN EXHIBIT B OF AN AGREEMENT RECORDED DECEMBER 29, 1981 AS DOCUMENT 26096810 AND LABELED "OLD FRONTAGE ROAD" AND "NORTHERN ACCESS TO OLD FRONTAGE ROAD".

TOTAL AREA OF PARCELS 1 AND 2: 269,967 SQ.FT. OR 6.198 ACRES.



VICINITY MAP (NOT TO SCALE)



SURVEY NOTES:

This Survey was prepared based on First American Title Insurance Company Title Commitment, File NO.: NCS-561273-CH2 Effective Date: August 15, 2012 as to matters of record.

Items Listed in Schedule "B"

Items 1-4, 12, 16-20 and 22-28 are not a matter of Survey.

5. (A) Terms, provisions, and conditions relating to the easement described as Parcel 3 contained in the instrument creating said easement.
(B) Rights of the adjoining owner or owners to the concurrent use of said easement.
NOT PLOTTABLE.
6. Nothing contained herein should be construed as insuring the exact location or dimensions of the easement described as Parcel 3 of Schedule A. NOT PLOTTABLE.
7. A 50 foot building line along the west line of the land as created by the plat of subdivision recorded as Document No. 24013352. (Affects Parcel 1) PLATTED
8. Easement for public utilities as shown on the plat of subdivision recorded as document 24013352. (Affects the North and South 8 feet, the West 20 feet and the East 16 feet of Parcel 1) PLATTED
9. Grant of easement recorded February 10, 1977 as Document 23817285, made by Mount Prospect State Bank, as Trustee under Trust Agreement dated December 30, 1974 and known as Trust Number 438, grants to the Village of Arlington Heights, a perpetual easement to construct and maintain on the land sanitary sewers, water mains and appurtenances thereto, with right to construct, maintain, and permit the construction and maintenance of connections with said sanitary sewers and water mains, in and over the strips of land therein described. (Affects the Westerly 20 feet of Parcel 1) PLATTED
10. Building line as shown on the plat of subdivision recorded October 23, 1979 as Document 25205154. (Affects the Southerly 40 feet of Parcel 2 (Except the West 232.18 feet thereof) and also affects the Northern, East and West 50 feet of Parcel 2 and also affects the West 232.18 feet of the South 50 feet of Parcel 2) PLATTED

SURVEY NOTES CONTINUED:

11. Utility and drainage easement as shown on the plat of subdivision recorded October 23, 1979 as Document 25205154. (Affects the West 232.18 feet of the South 20 feet of Parcel 2, the West 20 feet of Parcel 2 and the East 10 feet) PLATTED
13. Private roadway, as created by plat of subdivision recorded July 14, 1977 as document 24013352, across the East 24 feet of the West 35 feet of Parcel 1 and other property, for the use of the owners of Lots 1 to 4 in said subdivision. PLATTED
14. Easement, in, upon, under, over and along Lot 3 in North Ridge Subdivision of the land, to install and maintain all equipment for the purpose of serving the land and other property with telephone and electric service, together with right of access to said equipment, as created by grant to the Commonwealth Edison Company and the Illinois Bell Telephone Company, recorded March 5, 1981 as Document 25795940. (Affects that part of Parcel 2 as shown on Exhibit A to Document No. 25795940). (DOCUMENT NOT REVIEWED)
15. Grant recorded April 14, 1981 as Document 25937698 made by American National Bank and Trust Company of Chicago, as Trustee under Trust Number 50809, to the Northern Illinois Gas Company, for an easement 10 feet in width, 5 feet on either side of the gas main, over the land and other property, a perpetual easement and right of way for purposes of laying, maintaining, operating, renewing, replacing and removing gas mains and necessary gas facilities appurtenant thereto, together with right of access in, upon, along and across the land. (DOCUMENT NOT REVIEWED)
21. Easement and Operating Agreement made by and between Arlington Atrium, LLC and KS Corporation recorded April 7, 2005 as document 0509719072, and the terms, provisions and conditions contained therein. (DOCUMENT NOT REVIEWED)

SURVEY NOTES:

PROPERTY APPEARS IN "OTHER AREAS" ZONE X. AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, PER FLOOD INSURANCE RATE MAP COOK COUNTY, ILLINOIS, MAP NO. 17031C0063J, EFFECTIVE DATE AUGUST 19, 2008.

Surveyor's license expires November 30, 2012.

Note R. & M. denotes Record and Measured distances respectively.

Distances are marked in feet and decimal parts thereof. Compare all points BEFORE building by same and at once report any differences BEFORE damage is done.

For easements, building lines and other restrictions not shown on survey plat refer to your abstract, deed, contract, title policy and local building line regulations.

No dimensions shall be assumed by scale measurement upon this plat.

Unless otherwise noted hereon the Bearing Basis, Elevation Datum and Coordinate Datum if used is ASSUMED.

COPYRIGHT GREMLEY & BIEDERMANN, INC. 2012 "All Rights Reserved"

PARKING SPACES:

REGULAR PARKING - 199
HANDICAPPED - 6

ORDERED BY: WOLIN AND ROSEN	CHECKED: DRAWN
ADDRESS: 3335-3345 NORTH ARLINGTON HEIGHTS RD.	PLG
GREMLEY & BIEDERMANN	
PLCS CORPORATION	
LICENSE NO. 184-005322	
PROFESSIONAL LAND SURVEYORS	
4505 NORTH ELSTON AVENUE, CHICAGO, IL 60630	
TELEPHONE: (773) 685-5102 FAX: (773) 286-4184 EMAIL: INFO@PLCS-SURVEY.COM	
ORDER NO. 2012-16827-001	PAGE NO. 1 OF 1
DATE: AUGUST 28, 2012	SCALE: 1" = 30 FEET

G:\CAD\2012\2012-16827\2012-16827-001.dwg

Legend:

- Storm MH
- Storm CB
- Storm Inlet
- San MH
- San Clean Out
- Water Valve Vault
- Water MH
- Water Buffalo Box
- Water Hand Hole
- Water Meter
- Water Fire Hydrant
- Telephone MH
- Telephone Vault
- Telephone Pedestal
- Public Telephone
- Combination Pedestal
- Utility Pole
- Electric Manhole
- Electric MH
- Electric Vault
- Electric Meter
- Electric Pad
- Electric Pedestal
- Electric Light Pole
- Electric Traffic Signal
- Electric Light Pole with Traffic Signal
- Electric Traffic Control Box
- Electric Traffic Vault
- Electric Ground Light
- Gas Buffalo Box
- Gas Hand Hole
- Gas Meter
- Gas Valve
- Gas MH
- Gas Vault
- Cable TV Pedestal
- Tree - Deciduous
- Tree - Evergreen
- Parking Meter
- Sign Post
- Mail Box
- Bumper Post
- Guy Anchor
- Soil Boring
- Unclassified Manhole
- Auto Sprinkler
- Sprinkler Control Valve
- Hose Connection
- Fire Alarm
- Flag Pole
- Handicapped Parking

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 7(a), 7(b)(1), 7(c), 8, 9, and 11(a) of Table A thereof.

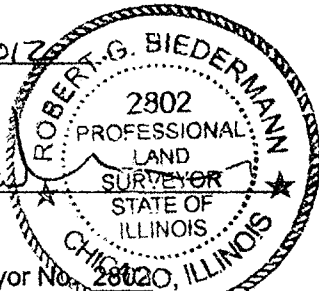
The field work was completed on AUGUST 28, 2012.

Date of Plat Sept. 14, 2012

By: Robert G. Biedermann

Professional Illinois Land Surveyor No. 2802

Professional Illinois Land Surveyor No. 2802



FAMILY TREE HOLISTIC HEALTH

3345 N ARLINGTON HEIGHTS RD, UNITS D & K
ARLINGTON HEIGHTS, IL 60004

DRAWING INDEX

COVER

G101 - COVER

ARCHITECTURAL

- D101 - DEMOLITION PLAN
- A101 - FLOOR PLAN
- A121 - ELECTRICAL AND LIGHTING PLAN

GENERAL NOTES

- ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE AND NATIONAL CODES AND ORDINANCES AND ALL AUTHORITIES HAVING JURISDICTION.
- DO NOT SCALE DRAWINGS; DIMENSIONS TAKE PRECEDENCE. REPORT ANY DISCREPANCIES TO THE ARCHITECT FOR RESOLUTION.
- WHERE DISCREPANCIES EXIST BETWEEN THE DRAWINGS OF VARIOUS TRADES, CONSULT THE ARCHITECT BEFORE PROCEEDING WITH WORK.
- PERIMETER OF ALL OPENINGS TO BE BACKED AS NECESSARY AND CAULKED OR SEALED, INTERIOR AND EXTERIOR.
- WOOD BLOCKING IS SHOWN GENERICALLY TO ACHIEVE AN OVERALL CONFIGURATION OF FINISHED MATERIALS. ITS RELATIONSHIP TO OTHER MATERIALS CAN BE ALTERED OR REPLACED AS REQUIRED BY APPROPRIATE CONSTRUCTION PRACTICES TO ACHIEVE THE FINAL APPEARANCE INDICATED ON DRAWINGS.
- NOTHING CONTAINED IN THESE NOTES OR DRAWINGS SUPERCEDES OR RELIEVES THE CONTRACTOR(S) OF THEIR RESPONSIBILITIES FOR THE MEANS METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES OF CONSTRUCTION, SAFETY PRECAUTIONS AND PROGRAMS, SAFETY OF PERSONS AND PROPERTY.
- REVIEW ALL SHEETS THOROUGHLY AS EACH SHEET MAY HAVE INFORMATION CONCERNING EACH TRADE OR SYSTEM TO BE USED.

ARCHITECT:
CARLSON ARCHITECTURE, LTD.

334 E COLFAX ST.
PALATINE, ILLINOIS 60067

PHONE: 847.845.6946

PROJECT SCOPE : RENOVATION

COMPLIANCE STATEMENT:

- DRAWINGS AND SPECIFICATIONS HAVE BEEN PREPARED IN ACCORDANCE WITH THE LOCAL CODES AND AMENDMENTS LISTED BELOW:

- 2014 State of Illinois Plumbing Code
- 2005 National Electric Code
- 2009 International Building Code (IBC)
- 2009 International Fire Code (IFC)
- 2009 International Mechanical Code (IMC)
- 2009 International Fuel Gas Code (IMC)
- 2009 International Property Maintenance Code (IPMC)
- 2015 International Energy Conservation Code (IECC)

CARLSON ARCHITECTURE LTD.



11-18
LIC. EXP. DATE
06-07-18
DATE

THESE DRAWING WERE PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE COMPLY WITH THE REQUIREMENTS OF ARLINGTON HEIGHTS. THIS STAMP APPLIES TO ARCHITECTURAL DRAWINGS ONLY - SEE DRAWING INDEX.

FAMILY TREE HOLISTIC HEALTH
3345 N ARLINGTON HEIGHTS RD, UNITS D & K
ARLINGTON HEIGHTS, IL 60004

CARLSONARCHITECTURE
334 E COLFAX ST - UNIT D
PALATINE, ILLINOIS 60067
Phone 847.845.6946
WWW.CARLSONARCHITECTURE.COM

PROJECT NUMBER:
18005

DATE	REVISION	PERMIT ISSUE
06-07-18		

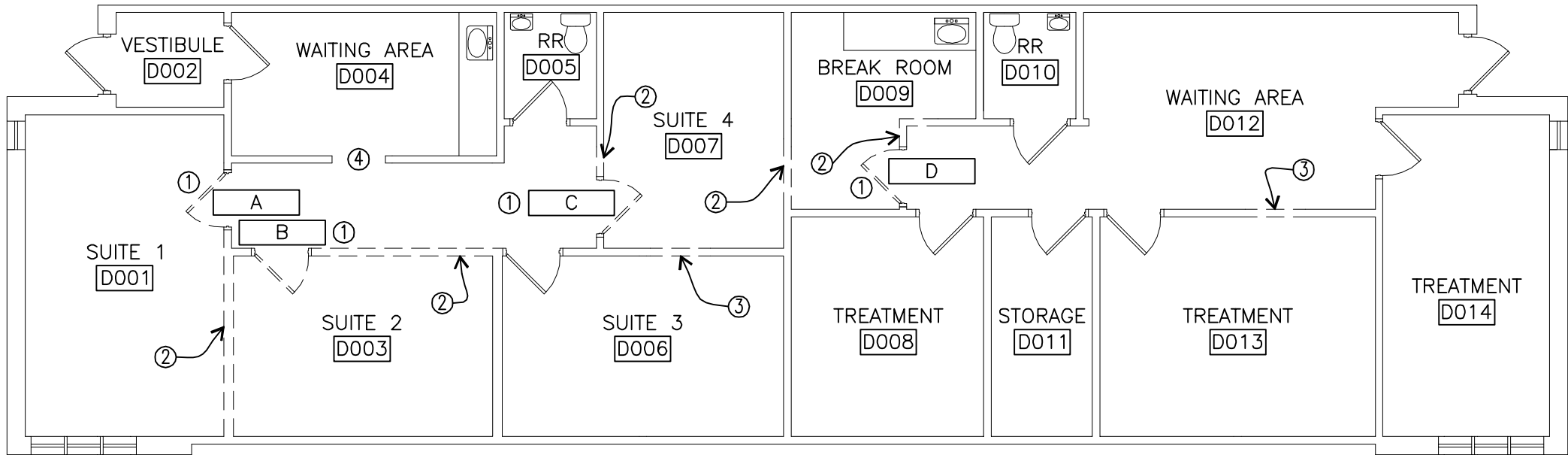
DATE:
06.07.2018

COVER

SHEET NUMBER:
G101

KEY NOTES

- 1. RE-USE EXISTING DOOR. SEE PROPOSED PLAN FOR NEW LOCATION.
- 2. REMOVE WALL AND ASSOCIATED CONSTRUCTION. SEE PROPOSED PLAN FOR LIMITS.
- 3. REMOVE PORTION OF WALL FOR NEW DOOR OPENING.
- 4. ADJUST OPENING FOR NEW DOOR AND FRAME SIZE.

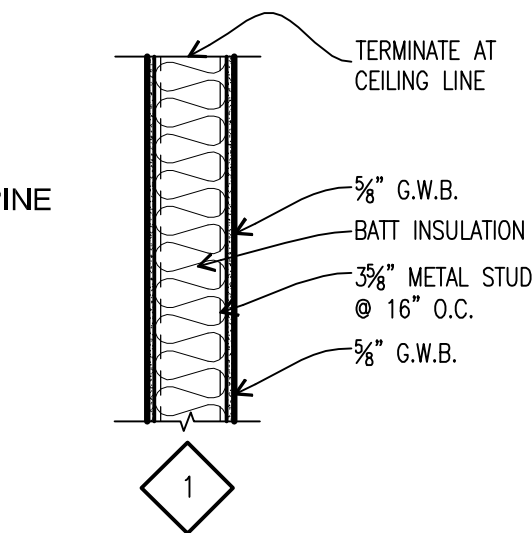


11-18
LIC. EXP. DATE
06-07-18
DATE

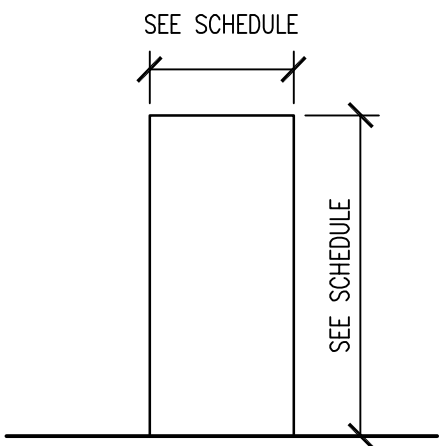


GENERAL NOTES

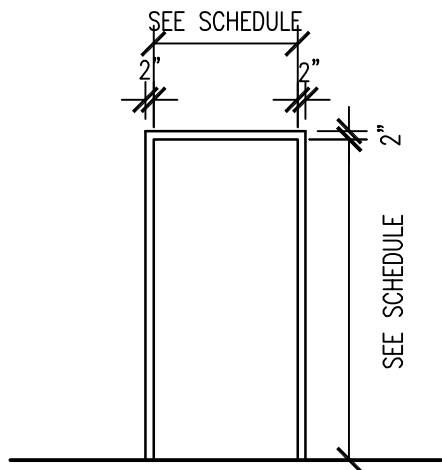
- A. NEW DOORS, FRAMES, AND
HARDWARE TO MATCH EXISTING.
- B. FLOORING: FAIR OAKS BARTLEY PINE
LAMINATE 7MM SKU#944101346
STANDARD UNDERLAY PADDING



1 WALL TYPES
Scale: 3/4" = 1'-0"



2 DOOR TYPES
Scale: 1/4" = 1'-0"



3 FRAME TYPES
Scale: 1/4" = 1'-0"

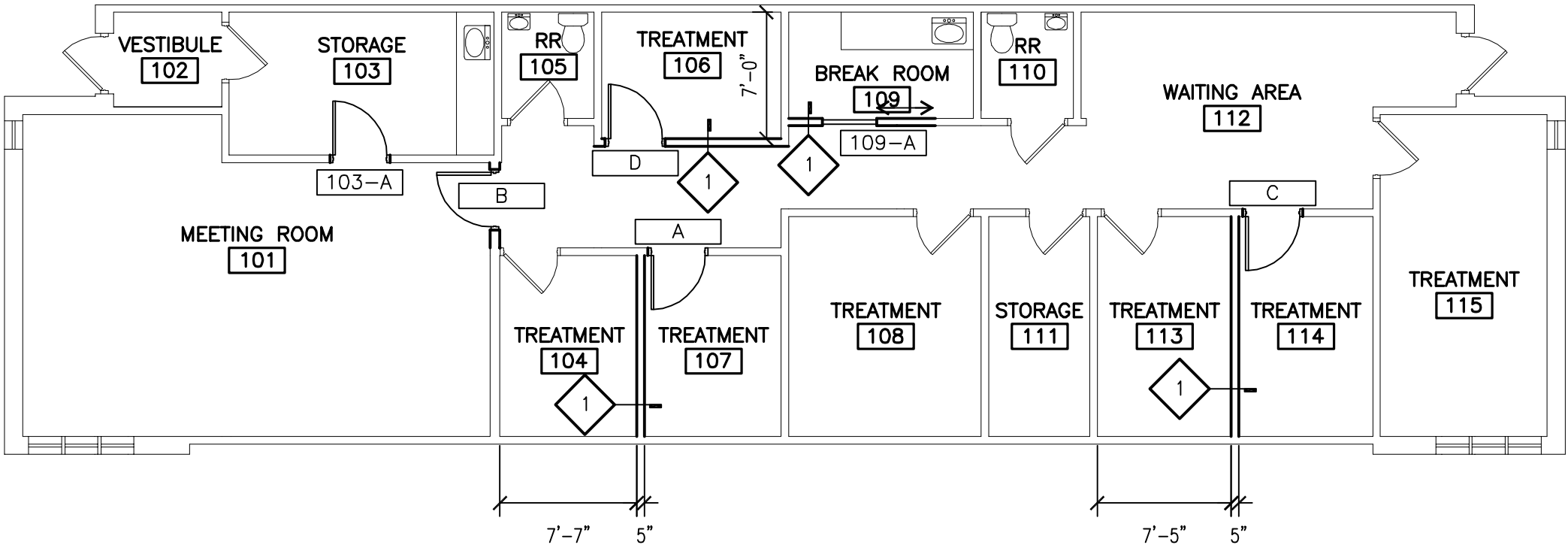


11-18
LIC. EXP. DATE
06-07-18
DATE

DOOR AND FRAME TYPE SCHEDULE															
DOOR No.	DOOR						FRAME							FIRE RATING	REMARKS
	SIZE			TYPE	GLASS	MAT'L	TYPE	GLASS	MAT'L	DETAIL					
	WD	HGT	THK							HEAD	JAMB	SILL			
103-A	3'-0"	*	1-3/4"	D1	--	WOOD	F1	--	WOOD	--	--	--		--	2
109-A	3'-0"	*	1-3/4"	D1	--	WOOD	F1	--	WOOD	--	--	--		--	1, 2

REMARKS

- 1 - POCKET DOOR
2 - MATCH EXISTING
DOOR HEIGHT



4 PROPOSED FLOOR PLAN
Scale: 1/8" = 1'-0"



FAMILY TREE HOLISTIC HEALTH
3345 N ARLINGTON HEIGHTS RD, UNITS K & D
ARLINGTON HEIGHTS, IL 60004

PROJECT NUMBER:	18005
DATE:	06-07-18
REVISIONS:	
PERMIT ISSUE:	
DATE:	06.07.2018

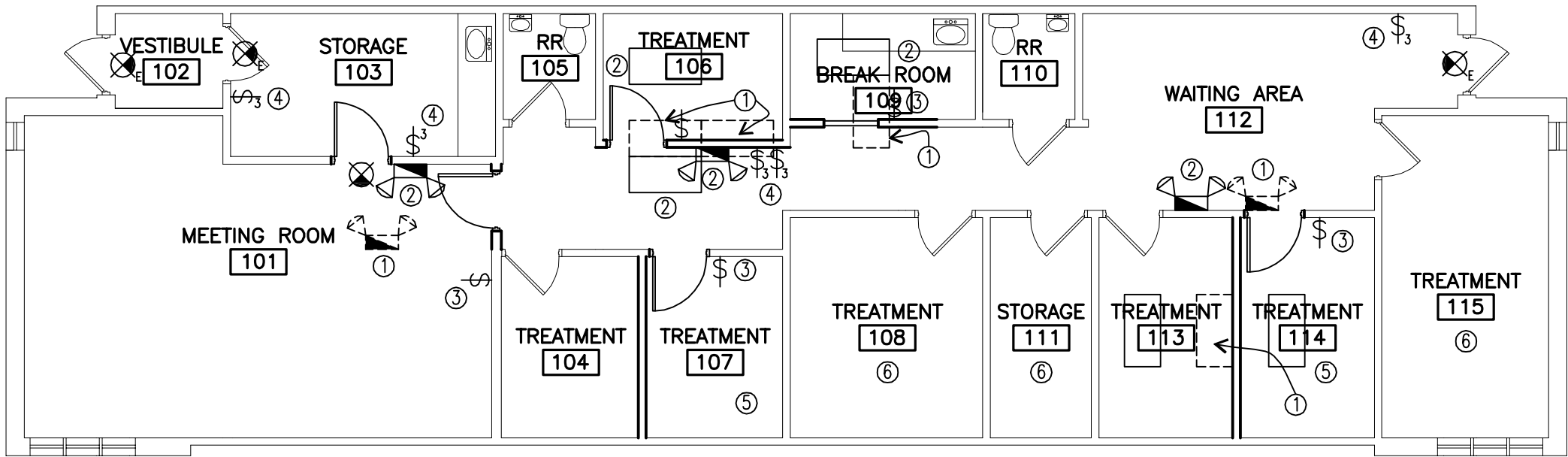
PROPOSED FLOOR PLAN
SHEET NUMBER:
A101

GENERAL NOTES

- A. COORDINATE ALL DEVICE LOCATIONS WITH OWNER IN FIELD.
- B. REMOVE AND DISCONNECT ALL DEVICES IN WALLS TO BE REMOVED.
- C. ADJUST LOCATIONS AND ADD RETURN AND SUPPLY AIR INTO NEW OR RENOVATED TREATMENT ROOMS SO THAT EACH TREATMENT ROOM CONTAINS ONE SUPPLY AND ONE RETURN.

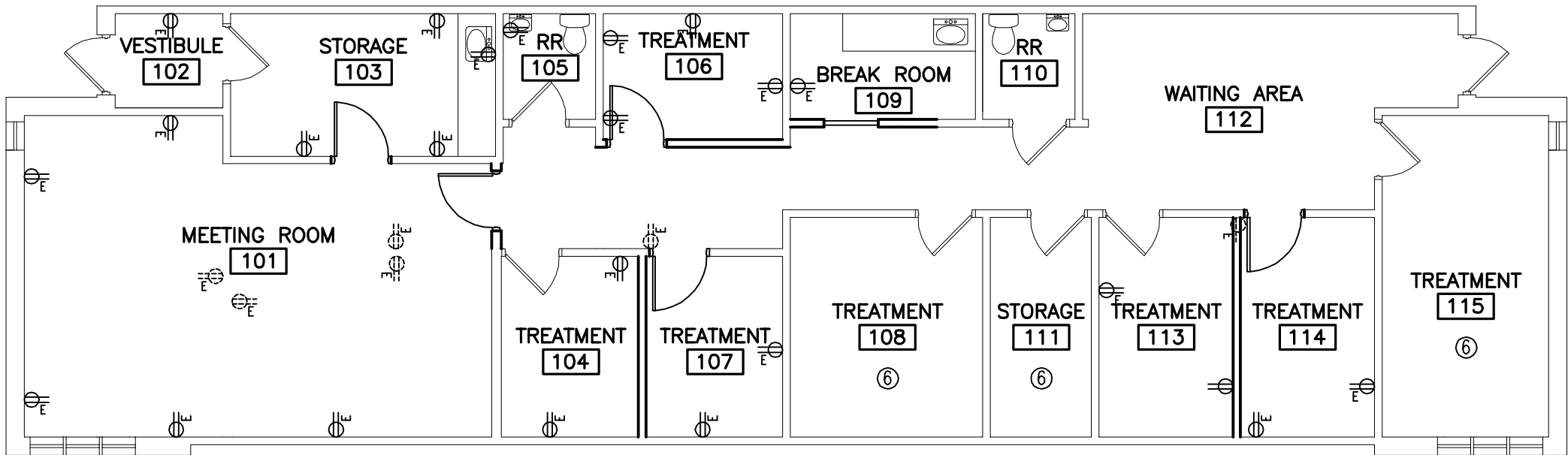
KEY NOTES

- 1. RELOCATE EXISTING LIGHT FIXTURE.
- 2. NEW LOCATION OF EXISTING LIGHT FIXTURE. CONNECT TO EXISTING CIRCUIT.
- 3. CONNECT NEW SWITCH TO EXISTING LIGHT FIXTURE.
- 4. NEW "3-WAY" SWITCH. CONNECT TO EXISTING LIGHT FIXTURE.
- 5. DISCONNECT EXISTING LIGHT FIXTURE FROM EXISTING SWITCH.
- 6. POWER AND LIGHTING TO REMAIN UNCHANGED.



1 ELECTRICAL LIGHTING PLAN

Scale: 1/8" = 1'-0"



2 ELECTRICAL POWER PLAN

Scale: 1/8" = 1'-0"

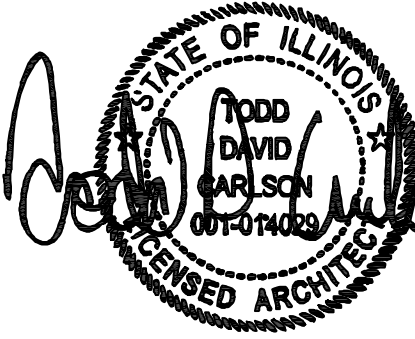
KEY



EXIT



EMERGENCY LIGHTING



11-18
LIC. EXP. DATE
06-07-18
DATE



FAMILY TREE HOLISTIC HEALTH
3345 N ARLINGTON HEIGHTS RD, UNITS D & K
ARLINGTON HEIGHTS, IL 60004

PROJECT NUMBER:	18005
DATE	06-07-18
REVISION	
PERMIT ISSUE	
DATE	06.07.2018

ELECTRICAL POWER
AND LIGHTING PLAN

SHEET NUMBER:
A121

CARLSONARCHITECTURE
334 E COLFAX ST - UNIT D
PALATINE, ILLINOIS 60067
Phone 847.845.6946
WWW.CARLSONARCHITECTURE.COM

October 31, 2018

VIA EMAIL: shubbard@vah.com

Mr. Sam Hubbard

Development Planner

Department of Planning and Development

Village of Arlington Heights

33 S. Arlington Heights Rd.

Arlington Heights, IL 60005

Zoning Requirement: PUD Amendment

Variation Requested: Justification of Variance

1. The proposed use will not alter the essential character of the locality and will be compatible with existing use and zoning of nearby property.

Response: From the outside, there will be no noticeable changes to the character of the locality. The only current concern is adequate parking.

2. The plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned.

Response: The plight of the petitioner is certainly unique. When she signed the lease for suite K, she was unaware of the PUD amendment that was put into place so long ago. It was first brought up when she submitted the plans for the buildout a few months after signing her lease.

3. The proposed variation is in harmony with the spirit and intent of this chapter.

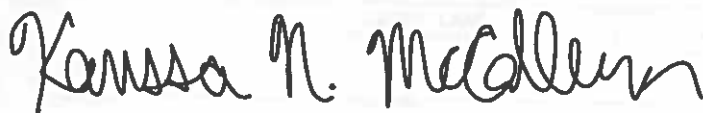
In line with Section 28-2, 2.1, Building out suite K will promote and protect the public health and general welfare of the people.

4. The variance requested is the minimum variance necessary to allow reasonable use of the property.

Response: From the petitioner's knowledge, the only variance needed before moving forward with the buildout, is a review of this PUD Amendment.

Thank you to everyone who helped me gather this information and to those of you reviewing all of it.

Best,

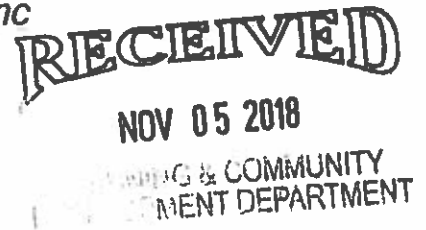


Karissa N. McCallum, L.Ac CD(DONA)

RECEIVED

OCT 31 2018

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT



October 31, 2018

SENT VIA EMAIL (mmertes@vah.com) & REGULAR U.S. POSTAL SERVICE

Mr. Michael Mertes
Business Development Coordinator
Department of Planning and Community Development
Village of Arlington Heights
33 S. Arlington Heights Road
Arlington Heights, Illinois 60005

RE: Arlington Executive Plaza, 3335-3385 N. Arlington Heights Road

Dear Mr. Mertes,

It was a pleasure speaking to you yesterday regarding the above-referenced subject property.

Property Services, Inc. is the agent for property ownership, managing agent, and sales brokerage agent for the subject property.

Property ownership understands that the Village of Arlington Heights has taken the position that the subject property currently does not meet zoning code parking requirements per the respective PUD, and further understands that you are requesting an amendment/variance be applied.

Karissa McCallum of Family Tree Holistic Health, a tenant at the subject property, will be submitting an application to amend PUD ordinances #79-166, #80-105, #81-028, and #81-035. The requested variation will be to Chapter 28, Section 10.4-2, Retail – Commercial and Service Uses, to reduce the off-street parking from 270 spaces to 238 spaces. It is anticipated that Ms. McCallum will submit the application this week for review.

The property owner agrees to hold all existing vacant spaces as vacant space until Ms. McCallum's application is approved or denied. Additionally, the property owner agrees not to re-tenant any additional spaces for medical office use until Ms. McCallum's application is approved or denied. Should Ms. McCallum's application not be submitted for unforeseen reasons, or excessively delayed, property ownership reserves the right to reconsider the statements contained within this letter.

Thank you in advance for your help throughout this process.

Sincerely,

A handwritten signature in black ink, appearing to read "Tony Lombardo".

Tony Lombardo
Principal
Property Services, Inc.

Parking Survey

Tuesday, Sept. 11th

Time	Number of Cars Parked	Number of vacant spaces
9am	84	120
10am	106	98
11am	87	117
12pm	108	96
1pm	95	109
2pm	124	80
3pm	123	81
4pm	120	84
5pm	94	110
6pm	70	134
7pm	51	153

Tuesday Sept. 18th

Time	Number of Cars Parked	Number of vacant spaces
9am	74	130
10am	97	107
11am	110	94
12pm	108	96
1pm	104	100
2pm	117	87
3pm	126	78
4pm	125	79
5pm	107	97
6pm	84	120
7pm	52	152

Thursday Sept. 13th

Time	Number of Cars Parked	Number of vacant spaces
9am	72	132
10am	89	115
11am	104	100
12pm	94	110
1pm	101	103
2pm	101	103
3pm	109	95
4pm	108	96
5pm	100	104
6pm	81	123
7pm	40	164

Thursday Sept. 20th

Time	Number of Cars Parked	Number of vacant spaces
9am	80	124
10am	98	106
11am	98	106
12pm	100	104
1pm	108	96
2pm	110	94
3pm	112	92
4pm	116	88
5pm	101	103
6pm	81	123
7pm	48	156

Saturday Sept. 15th

Time	Number of Cars Parked	Number of vacant spaces
8am	19	185
9am	65	139
10am	70	134
11am	76	128
12pm	61	143
1pm	43	161

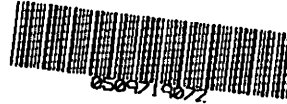
Saturday Sept. 22nd

Time	Number of Cars Parked	Number of vacant spaces
8am	15	189
9am	57	147
10am	71	133
11am	69	135
12pm	61	143

THIS DOCUMENT PREPARED BY AND
AFTER RECORDING RETURN TO:

Keith A. Ross, Esq.
Levenfeld Pearlstein, LLC
Two N. LaSalle Street
Suite 1300
Chicago, Illinois 60602
(312) 476-7549

LP File No. 28074-56406



Doc#: 0509719072
Eugene "Gene" Moore Fee: \$64.50
Cook County Recorder of Deeds
Date: 04/07/2005 11:15 AM Pg: 1 of 21

(This Space for Recorder's Use Only)

EASEMENT AND OPERATING AGREEMENT

THIS EASEMENT AND OPERATING AGREEMENT (the "Agreement") is made as of the 24th day of March, 2005, by and between ARLINGTON ATRIUM, L.L.C., an Illinois limited liability company (the "Company") and KS CORPORATION, an Illinois corporation ("KS").

RECITALS

A. The Company owns certain land situated in Cook County, Illinois, more particularly described in Exhibit A attached hereto and made a part hereof and shown on the Site Plan attached hereto as Exhibit D (the "Site Plan") as the Company Parcel (collectively, the "Company Parcel").

B. KS purchased certain land from the Company which is located adjacent to a portion of the Company Parcel situated in the Cook County, Illinois, more particularly described in Exhibit B attached hereto and made a part hereof and shown on the Site Plan as the KS Parcel (the "KS Parcel").

C. Pursuant to the Real Estate Sales Contract between the Company and KS, whereby the Company conveyed the KS Parcel to KS, the parties agreed to enter into an easement agreement in accordance with the terms and provisions contained herein.

NOW, THEREFORE, for good and valuable consideration, including the mutual promises, covenants and agreements herein contained, the parties agree as follows:

ARTICLE I. DEFINITIONS

As used in this Agreement, the following terms have the following meanings:

(a) "Easement Areas" means the circulation aisles, entry drives and driveways located on a Parcel and the area containing the sidewalk located immediately north of the south property line of the KS Parcel as legally described on Exhibit C (the "Sidewalk Parcel") and as shown on the Site Plan.

(b) **"Lease"** means any lease, sublease, license, concession, deed or other instrument or arrangement in writing (other than this Agreement) whereby a Person acquires rights to use and/or occupy any portion of a Party's building located on their respective Parcel.

(c) **"Occupant" or "Occupants"** means any Person entitled by ownership or Lease to use and occupy all or any portion of an improvement located on either Parcel.

(d) **"Parcel" or "Parcels"** means the Company Parcel and/or the KS Parcel.

(e) A **"Party"** shall mean each signatory hereto and their respective successors and assigns who become owners of any portion of the Parcels. Subject to the terms contained herein, each Party shall be liable for the performance of all covenants, obligations and undertakings herein set forth with respect to the portion of the Parcel owned by it which accrue during the period of such ownership, and such liability shall continue with respect to any portion transferred until the notice of transfer set forth below is given, at which time the transferring Party shall be released from the obligations of this Agreement arising subsequent to the effective date on the transfer notice. A Party transferring all or any portion of its interest in a Parcel shall give notice to all other Parties of such transfer and shall include therein at least the following information:

(i) the name and address of the new Party; and

(ii) a copy of the legal description of the Parcel or portion thereof transferred.

(f) **"Permittees"** means all Occupants and their respective officers, directors, employees, agents, partners, contractors, customers, visitors, invitees, licensees and concessionaires.

(g) **"Person" or "Persons"** means individuals, partnerships, associations, corporations and any other form of business organization, or one or more of them or combination of them.

ARTICLE II. EASEMENTS AND OPERATING COVENANTS

Section 2.1 **Definitions and Documentation.** For purposes of this Article, the following will apply:

(a) All rights, privileges and easements granted herein are non-exclusive and in common with the Party granting such rights, privileges and easements (the **"Grantor"**) and, unless provided otherwise, are irrevocable and for the benefit of each of the Parties hereto and their respective heirs, representatives, successors and assigns as owners of their respective Parcels.

(b) All easements granted hereunder and operating covenants agreed to herein shall exist by virtue of this Agreement, without the necessity of confirmation by any other document. Likewise, upon the termination of any easement and/or operating covenant (in whole or in part) or its release in respect of all or any part of any Parcel, the same shall be deemed to have been terminated or released without the necessity of confirmation by any other document. However, upon the request of any Party, the other Parties will sign and

acknowledge a document memorializing the existence (including the location and any conditions), or the termination (in whole or in part), or the release (in whole or in part), as the case may be, of any easement and/or operating covenant, if the form and substance of the document is acceptable to each Party.

Section 2.2 Easements for Use of Easement Areas.

(a) Each Party hereby grants to the other Party (Grantee) easements in the Easement Areas on its (Grantor's) Parcel for the benefit of each Grantee's Parcel and its Permittees for:

(1) ingress to and egress from the Grantee's Parcel and circulation and passage of vehicles over and across the Easement Areas of the Grantor's Parcel as the same exists or as may from time to time be constructed and maintained for such use;

(2) circulation, passage and accommodation of pedestrians over and across the Easement Areas of the Grantor's Parcel as the same may from time to time be constructed and maintained for such use; and

(3) with respect to the KS Parcel and for the benefit of the Company Parcel (i) use of the Sidewalk Parcel to accommodate pedestrians, workmen and other Persons going to and coming from the Company Parcel, (ii) use of that portion of the Sidewalk Parcel immediately south of the sidewalk located thereon for the Company's sprinklers servicing the adjacent portion of the Company Parcel and (iii) use of the portion of the KS Parcel where the valve box currently exists for the sprinklers mentioned in item (ii), above.

(b) Enjoyment of the easements granted by this Section 2.2 shall commence on the date hereof.

(c) Each Party hereby reserves the right to eject or cause to be ejected from such portions of the Easement Areas on its Parcel any Persons not authorized, empowered or privileged to use the same. In addition, each Party reserves the right to close off the Easement Areas (or portions thereof) of its Parcel for such reasonable periods of time for repairs and maintenance, and as may be legally necessary to prevent the acquisition of prescriptive rights by anyone; provided, however, before closing off any part of the Easement Areas as provided above, such Party shall use reasonable efforts to (i) notify the other Party of its intention to do so and (ii) coordinate its closing with the activities of the other Party so that no unreasonable interference with the operation of the other Party's Parcel occurs. Notwithstanding the foregoing, each Party hereto agrees and acknowledges that they and all Permittees are permitted by virtue of this Agreement to use each Parties' Easement Areas, subject to the terms contained herein. Therefore, such use is not adverse to each Parties' respective ownership interests in their Parcels.

Section 2.3 Parking. Each Party hereto grants to the other a non-exclusive easement to utilize unreserved parking spaces on each Parties' respective Parcel for the benefit of the other Parcel for the parking of non-commercial vehicles to satisfy municipal parking requirements. Each Party hereby reserves the right to eject or cause to be ejected from their respective parking area any Persons not authorized, empowered or privileged to use the same. In addition, each Party reserves the right to close off their respective parking area (or portions

thereof) for such reasonable periods of time for repairs, seal coating and re-striping, and as may be legally necessary to prevent the acquisition of prescriptive rights by anyone; provided, however, before closing off any part of their respective parking area as provided herein, such Party shall use reasonable efforts to (i) notify the other Party of its intention to do so and (ii) coordinate its closing so that no unreasonable interference with the operation of the other Party's Parcel occurs. Notwithstanding the foregoing, each Party hereto agrees and acknowledges that they and all Permittees are permitted by virtue of this Agreement to use each Parcels' parking spaces, subject to the terms contained herein. Therefore, such use is not adverse to each Parties' respective ownership interests in their Parcels. Each Party agrees that it shall not (a) cause a reduction in the number of parking spaces on its Parcel or (b) engage in a use on its Parcel, which would result in a Party not being able to satisfy municipal parking requirements. Each Party shall maintain, at its sole cost and expense, their respective parking area in a safe and sound condition and clean and free of rubbish, debris, snow and ice in accordance with practices prevailing in first-class office complex in the Chicago metropolitan area; provided, however, as of the date hereof the Company has engaged a contractor for snow removal for both of the Parcels and in accordance with Section 2.6 below, shall be entitled to bill to KS its proportionate share of such billing payable within ten (10) days of receipt of the Company notice but not later than two (2) business days prior to the date the underlying bill is due.

Section 2.4 Water Services. The Company hereby agrees to provide water services to the KS Parcel for purposes of sprinkling the KS Parcel landscaping as well as domestic water service to the building located on the KS Parcel. The Company shall use reasonable diligence in providing water services to the KS Parcel but shall not be liable under this Section 2.4 for interruption or inadequacy of service or loss or damage to the KS Parcel or any improvement located thereon arising out of such interruption or inadequacy. The Company reserves the right to curtail or halt the providing of water service under this Section 2.4 at any time in reasonable respects upon reasonable advance notice under the circumstance (except in the case of an emergency) and for a reasonable period of time to perform maintenance on the water facilities. KS shall be liable to pay its share of the water bill relating to water usage on the KS Parcel. In that regard, the Company shall cause, at KS's sole cost and expense, a sub-meter to be installed to measure KS's usage of water. Prior to the installation of the sub-meter the Company shall bill KS for its water usage, as reasonably estimated by the Company, and KS shall be obligated to pay to the Company such amount within ten (10) days of receipt of such bill but not later than two (2) business days prior to the due date of the underlying water bill. Each Party shall be responsible, at their sole cost and expense, to maintain the water facilities and lines dedicated to their respective Parcels, even if said lines (or a portion thereof) are located on the other Party's Parcel; provided, however, each Party shall bear its proportionate share of expenses relating to maintenance, repairs and replacements of the water vault and related facilities at the point where they are connected to the water main on the Company Parcel. For purposes of this Section 2.4, a Party's proportionate share shall be equal to a fraction in which the numerator is the number of buildings on said Party's Parcel receiving the benefit of the water facility over a denominator equal to the total number of buildings (on both Parcels) receiving the benefit of the water facility. Each Party shall bear the expense of maintaining their own meter or sub-meter, as the case may be.

Section 2.5 Scavenger Service. As of the date hereof, trash and refuse are deposited in the dumpsters located on the KS Parcel. Each Party shall continue to be entitled to place their trash and refuse in said dumpsters. Each Party shall bear its proportionate share of the expense for scavenger service in connection with the removal of such trash and refuse. At any time, the Company can construct its own dumpster area on its Parcel and contract for

separate scavenger service. Thereafter, the Company shall have no liability with respect to the scavenger service expenses related to the KS Parcel dumpster. For purposes of this Section 2.5, a Party's proportionate share shall be equal to a fraction in which the numerator is the number of buildings on said Party's Parcel utilizing the dumpsters over a denominator equal to the total number of buildings (on both Parcels) utilizing the dumpsters.

Section 2.6 Providing of Services. Notwithstanding anything to the contrary herein, the Party owning the majority of buildings as between the Parcels may elect, upon written notice to the other Party, to provide services to the Easement Areas, including but not limited to, parking lot maintenance including snow removal, sealcoating, re-striping, patching and replacement, landscaping, scavenger services and other services typical of office complexes in the Chicago metropolitan area, in the interest of maintaining uniformity in the appearances of the Parcels. Each Party shall bear its proportionate share of the expenses related to each service provided to the Parcels. For purposes of this Section 2.6, a Party's proportionate share shall be equal to a fraction in which the numerator is the number of buildings on said Party's Parcel receiving the benefit of the service in question over a denominator equal to the total number of buildings (on both Parcels) receiving the benefit of such service. Notwithstanding the foregoing to the contrary, KS shall be entitled to provide landscaping and snow/ice removal services (parking lot and walkways) for the KS Parcel so long as the same is performed and maintained on a consistent basis (including appearance and timing of providing said services). In the event KS elects to provide said services, KS agrees it is obligated to provide said services notwithstanding the occupancy level of the building on the KS Parcel or any building on the Company Parcel. The determination as to whether or not the aforementioned services are being provided to the KS Parcel as required herein, shall be made by the Company, in its reasonable discretion. In the event the Company determines KS is not providing said services in the manner required herein, the Company will notify KS of the same and may elect to provide said services as contemplated in the first three sentences of this Section 2.6, or the Company may take any other action, available at law or equity, to compel KS to perform said services in the manner required herein.

Section 2.7 No Dedication of Easements and Benefit to Permittees. Nothing contained in this Article II, including the grant of any or all easements herein provided, shall be deemed to constitute a dedication of any Parcel, or any portion or portions thereof, to any governmental body or agency or to the general public, or be construed to create any rights in or for the benefit of any Occupant of any part of any Parcel, it being the intention of the Parties that this Agreement shall be strictly limited to and for the purposes herein expressed. The easements created by this Article II may be extended to a Party's Permittees.

Section 2.8 Perpetual Easements; Operating Covenants. The easements granted in this Article II shall be perpetual easements and shall only be terminated with the consent of all of the Parties owning the Parcels benefited thereby. The operating covenants set forth in Sections 2.4, 2.5 and 2.6 above will continue to be binding on each Party until such time as the owner of the KS Parcel obtains its own water service with regard to Section 2.4 and until such time as the owner of the Company Parcel constructs its own dumpster area and contracts for scavenger service with regard to Section 2.5. In that regard, upon entering into this Agreement each Party will promptly commence the process to obtain such separate services as expeditiously as possible and, upon obtaining said service, the respective operating covenants will be of no further force or effect.

ARTICLE III. INSURANCE

Section 3.1 **Duty to Carry Liability Insurance.** Each Party shall carry (or cause to be carried) with financially responsible insurance companies, commercial general liability insurance covering its legal liability in connection with claims for personal injury or death and property damage incurred upon or about its Parcel. Such insurance shall have a single limit of coverage of not less than Two Million Dollars (\$2,000,000) and each of the other Parties shall be an "additional insured" under such policy provided such Party has notified the insuring Party of the necessary information to be named as an additional insured.

Section 3.2 **General Requirements for Liability Policies.** All insurance required by Section 3.1 above shall be procured from companies authorized to do in the State of Illinois and shall be rated by Best's Insurance Reports not less than A-/X. All insurance may be provided under an individual policy covering a Parcel, an umbrella policy or a blanket policy or policies which includes other liabilities, properties and locations of such Party. Each Party agrees to furnish to any Party requesting the same a certificate(s) of insurance evidencing that the insurance required to be carried by such Person is in full force and effect including identifying the requesting Party as an additional insured thereunder. The insurance policies shall also include the following provisions:

- (1) shall provide that the policy shall not be canceled, or reduced in amount or coverage below the requirements of this Agreement, nor shall it be allowed to expire without at least thirty (30) days prior written notice by the insurer to each insured and to each additional insured;
- (2) shall provide for severability of interest;
- (3) shall provide that an act or omission of one of the insureds or additional insureds which would void or otherwise reduce coverage, shall not reduce or void the coverage as to the other insureds; and
- (4) shall provide for contractual liability coverage with respect to the indemnity obligations contained herein.

Section 3.3 **Indemnification by Parties.** Each Party respectively agrees to defend, indemnify and save the other Party and the respective agents, contractors, Occupants and Permittees of such other Party harmless against and from all claims, losses, damages, costs and expenses, including reasonable attorneys' fees, because of bodily injury or death of persons or destruction of property resulting from or arising out of or in any manner connected with such Party's use of the easements granted to such Party under this Agreement except in the case where the Party seeking indemnification was negligent or acted willfully. Each Party further agrees to maintain contractual liability insurance insuring its obligations set forth above, with the same limits as provided in Section 3.1 hereof.

ARTICLE IV. NOTICES AND APPROVALS

Each notice, demand, request, consent, approval, disapproval, designation or other communication, (all of the foregoing are herein referred to as a "notice"), that a Party is required or desires to give or make or communicate to any other Party shall be in writing and shall be

deemed to have been given or made when mailed by certified or registered United States Mail, postage prepaid, return receipt requested, or sent via a recognized overnight courier service addressed as follows:

To the Company: c/o Vision Management, LLC
115 S. Wilke Road
Suite 102
Arlington Heights, Illinois 60005
Attention: Lowell Roseman

with a copy to: Levenfeld Pearlstein, LLC
Two N. LaSalle Street
Suite 1300
Chicago, Illinois 60602
Attention: Michael J. Tuchman, Esq.

To KS: 777 Mark Street
Wood Dale, Illinois 60191
Attention: Kyoo Seung Cho

with a copy to: Don Carrillo, Esq.
218 N. Jefferson
Suite 400
Chicago, Illinois 60661

subject to the right of a Party from time to time to designate a different address by giving notice similarly given, such different address being effective under this Section from and after the day of receipt of notice thereof by such other Party.

In the event any Party is a partnership or is composed of more than one Person, then such Party shall designate one Person for purposes of service of process and receipt of notices.

ARTICLE V. AMENDMENTS

This Agreement may be amended, modified or terminated by the Parties without the consent or approval of any other Person(s) (including Permittees of the Parties); provided, any amendment or modification of the Agreement made without the consent of the institutional holder of a mortgage against a Party's Parcel which has notified all Parties of its status as such a holder ("Mortgagee") shall not be binding upon such Mortgagee without such Mortgagee's consent; and except as expressly permitted by the terms of this Agreement, this Agreement shall not be terminated or amended or modified in any material respect which would or might adversely affect such Mortgagee without such Mortgagee's consent.

ARTICLE VI. TERM OF AGREEMENT

Except as otherwise provide for herein, the easements granted herein and the rights and obligations of the Parties hereunder shall remain binding from the date hereof and shall continue in perpetuity.

ARTICLE VII. MISCELLANEOUS

Section 7.1 **Captions/Exhibits.** The captions of this Agreement are inserted only as a matter of convenience and for reference. They do not define, limit or describe the scope or intent of this Agreement and they shall not affect the interpretation hereof. All exhibits attached hereto which are specifically mentioned in this Agreement are hereby made a part hereof.

Section 7.2 **Locative Adverbs; Terms.** The locative adverbs, "herein", "hereunder", "hereto", "hereby", "hereinafter", and like words, wherever the same appear herein, mean and refer to this Agreement in its entirety and not to any specific Article, Section or Subsection hereof, unless expressly otherwise provided. When used herein, the term, "including" shall mean "including without limitation" unless otherwise specifically provided.

Section 7.3 **Agreement for Exclusive Benefit of Parties.** The provisions of this Agreement are for the exclusive benefit of the Parties (and respective managing agents) hereto and not for the benefit of any other Person nor shall this Agreement be deemed to have conferred any rights, express or implied, upon any third person.

Section 7.4 **Default.**

(a) The occurrence of any one or more of the following events shall constitute a material default and breach of this Agreement by the non-performing Party (the "Defaulting Party"):

(i) The failure to make any payment required to be made hereunder when due; or

(ii) The failure to observe or perform any of the covenants, conditions or obligations of this Agreement, other than as described in (i) above, within ten (10) days after the issuance of a notice by another Party (the "Non-Defaulting Party") specifying the nature of the default claimed.

(b) Each Non-Defaulting Party shall have the right to prosecute any proceedings at law or in equity against any Defaulting Party hereto, or any other Person, violating or attempting to violate or defaulting upon any of the provisions contained in this Agreement, and to recover damages for any such violation or default. Such proceeding shall include the right to restrain by injunction any violation or threatened violation by another of any of the terms, covenants, or conditions of this Agreement, or to obtain a decree to compel performance of any such terms, covenants or conditions, it being agreed that the remedy at law for a breach of any such term, covenant, or condition (except those, if any, requiring the payment of a liquidated sum) is not adequate. All of the remedies permitted or available to a Party under this Agreement or at law or in equity shall be cumulative and not alternative, and invocation of any such right or remedy shall not constitute a waiver or election of remedies with respect to any other permitted or available right or remedy.

(c) In addition to all other remedies at law or in equity, the Non-Defaulting Party shall have the right, but not the obligation, to cure such default by the payment of money or the performance of some other action for the account of and at the expense of the Defaulting Party; provided, however, that in the event the default shall constitute an emergency condition, the Non-Defaulting Party, acting in good faith, shall have the right to cure such default upon

such advance notice as is reasonably possible under the circumstances or, if necessary, without advance notice, so long as notice is given as soon as possible thereafter. To effectuate any such cure, the Non-Defaulting Party shall have the right to enter upon the Parcel of the Defaulting Party (but not into any building) to perform any necessary work or furnish any necessary materials or services to cure the default of the Defaulting Party. Each Party shall be responsible for the default of its Occupants. In the event any Non-Defaulting Party shall cure a default, the Defaulting Party shall reimburse the Non-Defaulting Party for all reasonable costs and expenses incurred in connection with such curative action, plus interest as provided herein, within ten (10) days of receipt of demand, together with reasonable documentation supporting the expenditure made.

(d) Any claims for reimbursement, including interest as aforesaid and all costs and expenses including reasonable attorneys' fees awarded to the Non-Defaulting Party in enforcing any payment or other obligation in any suit or proceeding under this Agreement shall be assessed against the Defaulting Party in favor of the Non-Defaulting Party and shall constitute a lien (an "**Enforcement Lien**") against the Parcel of the Defaulting Party until paid, effective upon the recording of a notice of the Enforcement Lien in the Official Records of Cook County, Illinois (an "**Enforcement Lien Notice**") signed and acknowledged by the Non-Defaulting Party, setting forth: (a) a statement of the unpaid amount due; (b) a description sufficient for identification of the Parcel to which such delinquency relates; and (c) the name(s) of the record owner of the subject Parcel. Such Enforcement Lien Notice shall be additional evidence of the lien against the Parcel described in such notice, in the amount specified therein. A copy of the Enforcement Lien Notice shall be sent to the Defaulting Party of the Parcel against which the Enforcement Lien Notice is to be recorded. An Enforcement Lien may be foreclosed in accordance with then prevailing Illinois law relating to the foreclosure of realty mortgages (including the right to recover any deficiency). Upon the curing of any default for which an Enforcement Lien Notice was recorded by the Non-Defaulting Party, the Non-Defaulting Party shall record an appropriate release of the Enforcement Lien Notice upon payment by the Defaulting Party of a reasonable fee determined to cover the costs of preparing and recording such release together with the payment of such other costs, including, without limitation, reasonable legal fees and court costs, interest or charges, as the Non-Defaulting Party shall have incurred.

Section 7.5 Waiver of Default. No express written waiver of any default shall affect any default or cover any period of time other than the default and period of time specified in such express waiver. One or more written waivers of any default in the performance of any provision of this Agreement shall not be deemed to be a waiver of any subsequent default in the performance of the same provision or any other term or provision contained herein. The consent or approval by a Party to or of any act or request by another Party requiring consent or approval shall not be deemed to waive or render unnecessary the consent or approval to or of any subsequent similar acts or requests. Unless expressly herein provided to the contrary, the rights and remedies given to a Party by this Agreement shall be deemed to be cumulative and no one of such rights and remedies shall be exclusive of any of the others, or of any other right or remedy at law or in equity which a Party might otherwise have by virtue of a default under this Agreement, and the exercise of one such right or remedy by a Party shall not impair such Party's standing to exercise any other right or remedy.

Section 7.6 Payment on Default. If under this Agreement a Party is compelled or elects pursuant to this Agreement to pay any sum of money or do any acts that require the payment of money by reason of another Party's failure or inability to perform any of the

provisions of this Agreement to be performed by such other Party including the failure to pay money when otherwise required hereunder, the defaulting Party shall promptly, upon demand, reimburse the paying Party for such sums. All such sums shall bear interest at the rate of five percent (5%) per annum over the then existing prime rate of interest from time to time charged by LaSalle Bank National Association, Chicago Illinois (but in no event exceeding the applicable maximum rate per annum permitted by Illinois law) from the date of expenditure until the date of such reimbursement. The prime rate shall be the announced and published prime rate or corporate base rate by LaSalle Bank National Association (or any successor thereto; provided if such bank shall cease to exist then the prime rate shall be that announced by the largest (as measured by total assets) national bank having an office from which it makes loans in the City of Chicago at the time such bank ceases to exist) from time to time. A determination of the interest rate in effect as aforesaid shall be made on the date of expenditure and on the last business day of each month thereafter and shall remain in effect until the effective date of the next determination.

Section 7.7 No Partnership, Joint Venture or Principal-Agent Relationship. Neither anything in this Agreement contained nor any acts of the Parties hereto shall be deemed or construed by the Parties hereto, by any third person, to create the relationship of principal and agent, or of partnership, or of joint venture, or of any association between the Parties to this Agreement.

Section 7.8 Successors. This Agreement shall be binding upon and inure to the benefit of the respective successors and assigns of the Parties.

Section 7.9 Governing Laws. This Agreement shall be construed and governed in accordance with the laws of the State of Illinois.

Section 7.10 Written Consent Required. Whenever a Party or other Person is requested to consent to or approve of any matter with respect to which its consent or approval is required by this Agreement, such consent or approval shall not be unreasonably withheld, shall be given in writing and shall be given within thirty (30) days of request therefor, if the Party or other Person to whom the request is directed does not refuse such consent or approval within such thirty (30) day period, such consent or approval shall be deemed to have been given.

Section 7.11 Covenants Run With the Land. Subject to the terms contained herein, it is intended that the covenants, easements, agreements, promises and duties of each Party as set forth in this Agreement, shall be construed as covenants and that, to the fullest extent legally possible, all such covenants shall run with and be enforceable against both the covenantor and the land or constitute equitable servitude as between the Parcel of the respective covenantor, as the servient tenement, and the Parcel of the respective covenantee, as the dominant tenement.

Section 7.12 Default Shall Not Permit Termination of Agreement. No default under this Agreement shall entitle any Party to terminate, cancel or otherwise rescind this Agreement; provided, however, this limitation shall not affect any other rights or remedies the Parties may have by reason of any default under this Agreement.

Section 7.13 Right to Enjoin. In the event of any violation or threatened violation of any of the provisions of this Agreement by a Party or Occupant, the other Party shall have the right to apply to a court of competent jurisdiction for an injunction against such violation or threatened violation, and/or for a decree of specific performance.

Section 7.14 **Counterparts**. This Agreement may be signed in several counterparts, each of which shall be deemed an original, and all such counterparts shall constitute one and the same instrument.

Section 7.15 **Estoppel Certificate**. Upon the request of any Party, each other Party shall, from time to time, within ten (10) days following such request, execute and deliver to the requesting Party or any proposed purchaser or mortgagee of a Parcel, a certificate stating that this Agreement is in full force and effect and unmodified, or if modified identifying such modifications, whether there is any default or sums owed (and if so, how much) hereunder and such other matters as may be reasonably requested.

Section 7.16 **Condemnation**. In the event any portion of the Parcel of any Party shall be taken by right or eminent domain or any similar authority of law, the entire award for the value of the land and improvements so taken shall belong to the Party owning the Parcel, and no other Party shall claim any portion of such award by virtue of any interest created by this Agreement. If a separate claim can be filed for the taking of any other property interest existing pursuant to this Agreement which does not reduce or diminish the amount paid to the Party owning the land or the improvement taken, then the owner of such other property interest shall have the right to seek an award for the taking thereof. Except to the extent they burden the land taken, no easement set forth in this Agreement shall expire or terminate based solely upon such taking.

Section 7.17 **Hazardous Materials**. No Party shall use, or permit the use of Hazardous Materials on, about, under or in its Parcel in breach of any Environmental Laws. Each Party agrees to defend, protect, indemnify and hold harmless each other Party from and against all claims or demands, including any action or proceeding brought thereon, and all costs, losses, expenses and liabilities of any kind relating thereof, including but not limited to costs of investigation, remedial response, and reasonable attorneys' fees and cost of suit, arising out of or resulting from any Hazardous Materials used or permitted to be used by such Party, whether or not in the ordinary course of business. For the purpose of this Section 7.17, the term (i) "Hazardous Materials" shall mean petroleum products, asbestos, polychlorinated biphenyls, radioactive materials and all other dangerous, toxic or hazardous pollutants, contaminants, chemicals, materials or substances listed or identified in, or regulated by, any Environmental Law, and (ii) "Environmental Laws" shall mean all federal, state, county, municipal, local and other statutes, laws, ordinances and regulations which relate to or deal with human health, medical waste disposal or the environment, all as may be amended from time to time.

Section 7.18 **Severability**. Invalidity of any of the provisions contained in this Agreement, or of the application thereof to any person by judgment or court order shall in no way affect any of the other provisions hereof or the application thereof to any other person and the same shall remain in full force and effect.

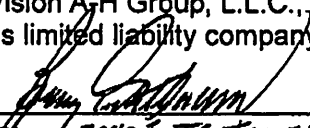
[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK;
SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, each Party has caused its duly authorized officers to sign and seal this Easement and Operating Agreement as of the day and year first above written.

ARLINGTON ATRIUM, L.L.C.,
an Illinois limited liability company

KS CORPORATION,
an Illinois corporation

By: Vision A-H Group, L.L.C., an
Illinois limited liability company, its Manager

By: 
Name: BRUCE TEITELBAUM
Title: Authorized Member

By: 
Name: _____
Title: _____

STATE OF ILLINOIS)
) SS
 COUNTY OF COOK)

I, Keith Ross, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY that Bruce Teitelbaum, the authorized member of Vision A-H Group, L.L.C., an Illinois limited liability company and the Manager of ARLINGTON ATRIUM, L.L.C., an Illinois limited liability company, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this ____ day of March, 2005.



[Signature]
 Notary Public

STATE OF ILLINOIS)
) SS
 COUNTY OF COOK)

I, Meagan M. Williams, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY that Kyoo Seung Cho, the President of KS CORPORATION, an Illinois corporation who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 24th day of March, 2005.

[Signature]
 Notary Public

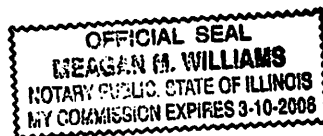
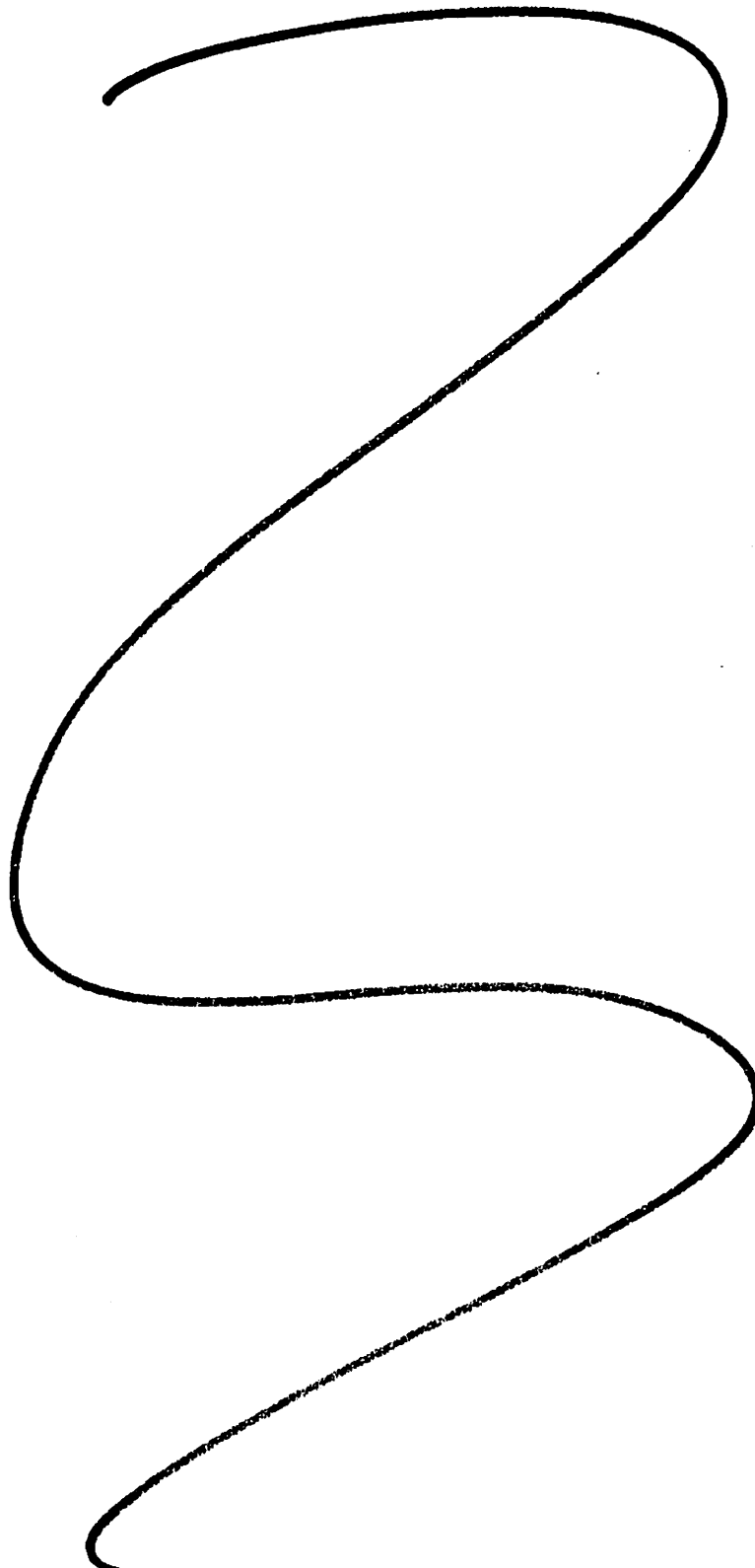


EXHIBIT A
THE COMPANY PARCEL



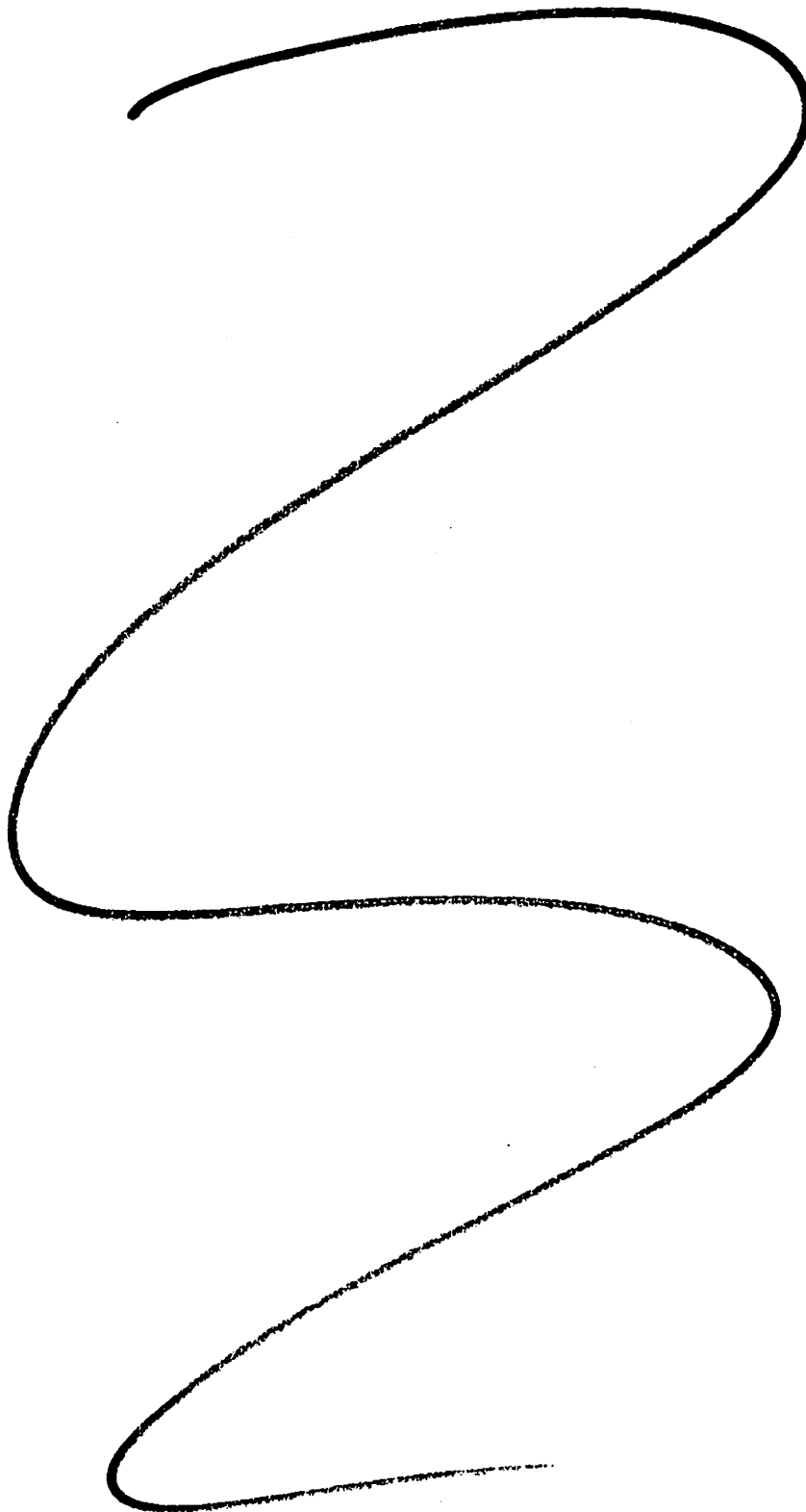
PARCEL 1: LOT 3 IN THE NORTH RIDGE SUBDIVISION IN ARLINGTON HEIGHTS BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2: LOT 3 IN TSCHURTZ'S SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS FOR THE BENEFIT OF PARCEL 1 AS CONTAINED IN AGREEMENT RECORDED DECEMBER 29, 1981 AS DOCUMENT 26096810.

EXHIBIT B

KS PARCEL



PARCEL 1: LOT 2 IN THE NORTH RIDGE SUBDIVISION IN ARLINGTON HEIGHTS BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

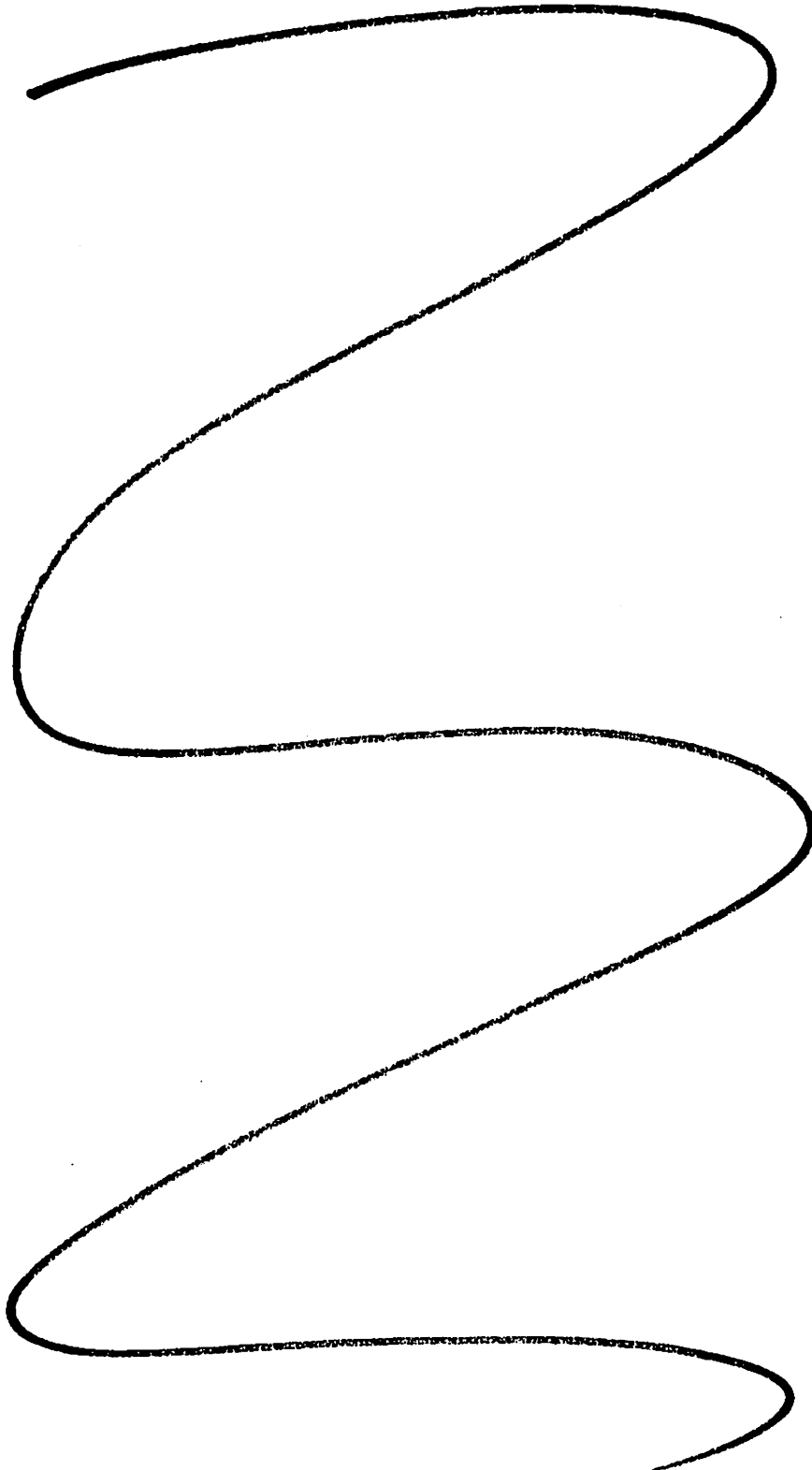
PARCEL 2: NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS FOR THE BENEFIT OF PARCEL 1 AS CONTAINED IN AGREEMENT RECORDED DECEMBER 29, 1981 AS DOCUMENT 26096810.

COMMON ADDRESS: 3395 North Arlington Heights Road
Arlington Heights, IL

PIN: 03-08-100-035-0000

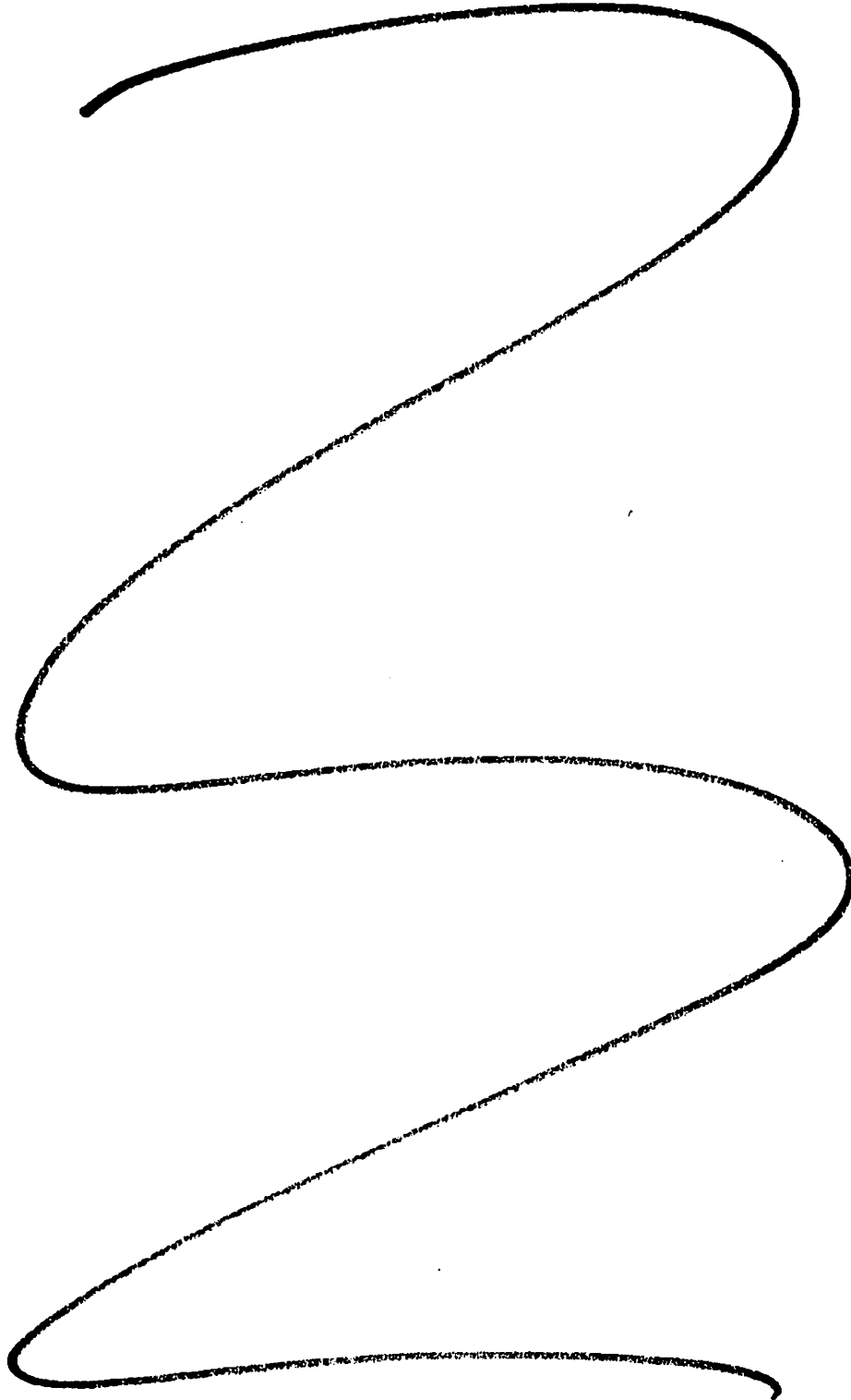
EXHIBIT C

SIDEWALK PARCEL



THE SOUTH 7.00 FEET OF LOT 2 IN NORTH RIDGE SUBDIVISION IN ARLINGTON HEIGHTS, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

EXHIBIT D
EASEMENT AREA SITE PLAN





= COMPANY PARCEL
EASEMENT AREA



= KS PARCEL EASEMENT AREA

PLAT OF SURVEY GREMLEY & BIEDERMANN INC.

Parcel 1: Lots 9 and 10 in North Edge Subdivision in Arlington Heights being a subdivision of part of the Northwest Quarter of the Northwest Quarter of Section 4, Township 42 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois.

Parcel 2: Lot 2 in Vetsara's Subdivision of part of the Northwest Quarter of Section 4, Township 42 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois.

Parcel 3: Recreational easement for improved and open for the benefit of Lots 9 and 10 in North Edge Subdivision in Arlington Heights, being a subdivision of part of the Northwest Quarter of the Northwest Quarter of Section 4, Township 42 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois, over that part of Lot 1 in said subdivision as shown in Exhibit B of an agreement recorded November 20, 1982 as document 0189622 and labeled "Old Frontage Road" and "Frontage Road to Old Frontage Road".

NOTICE: This plat is subject to the provisions of the Illinois Land Survey Act, Chapter 120, Illinois Compiled Statutes (1982), and the Illinois Land Survey Act, Chapter 120, Illinois Compiled Statutes (1982), and the Illinois Land Survey Act, Chapter 120, Illinois Compiled Statutes (1982).

THIS IS A SURVEY OF THE LANDS OF THE STATE OF ILLINOIS, BEING A PLAT OF SURVEY, AND IS SUBJECT TO THE PROVISIONS OF THE ILLINOIS LAND SURVEY ACT, CHAPTER 120, ILLINOIS COMPILATED STATUTES (1982).

SIDEWALK PARCEL

Part of Illinois
County of Cook

This is to certify to Arlington Heights, L.L.C., that the Survey of the County of Cook, Illinois, is a true and correct copy of the original survey as shown in the Survey of the County of Cook, Illinois, and is a true and correct copy of the original survey as shown in the Survey of the County of Cook, Illinois, and is a true and correct copy of the original survey as shown in the Survey of the County of Cook, Illinois.

Surveyed by J. SCHINDLER
Surveyed by J. SCHINDLER

RECORDED IN THE PUBLIC RECORDS OF COOK COUNTY, ILLINOIS, IN BOOK 122, PAGE 17, 1988.

Surveyed by J. SCHINDLER
Surveyed by J. SCHINDLER
Surveyed by J. SCHINDLER
Surveyed by J. SCHINDLER





Village of Arlington Heights Building & Life Safety Department

Interoffice Memorandum

To: Jacob Schmidt, Assistant Planner, Planning and Community Development
From: Deb Pierce, Plan Reviewer, Building & Life Safety Department
Subject: 3335-3395 N Arlington Heights Rd – PUD Amendment to allow a Parking
Varitaion
PC#: 18-022 – Round 1
Date: November 7, 2018

Jacob -

I do not have any objections to the request for a parking variance.

RECEIVED
NOV 15 2018
PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

BUILDING DEPARTMENT

1A

PETITIONER'S APPLICATION - ARLINGTON HEIGHTS PLAN COMMISSION ⁰³⁻⁰⁸⁻¹⁰⁰⁻⁰³⁵

Petition #: P.C. 18-022
 Petitioner: KINSS3 MCF211um

Owner: SEBS ARLINGTON LLC
c/o PROPERTY SERVICES INC.

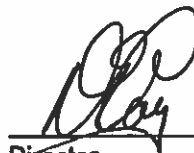
Contact Person:
 Address: 1601 W. Waverly Ct.
Arlington Hts IL 60007
 Phone#: 815-871-5322
 Fax #:
 E-Mail: KINSS3@familytreehobbyhealth.com

P.I.N.# 03-08-100-040-0000
 Location: 3335-3385 N. ARLINGTON HIGH RD
 Rezoning: _____ Current: _____ Proposed: _____
 Subdivision: _____
 # of Lots: _____ Current: _____ Proposed: _____
 PUD: ☒ For: _____
 Special Use: _____ For: _____
 Land Use Variation: _____ For: _____
 Land Use: _____ Current: _____
 Proposed: _____
 Site Gross Area: 7.6 ACRES
 # of Units Total: _____
 1BR: _____ 2BR: _____ 3BR: _____ 4BR: _____

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

FIRE PREVENTION

1. Any work must comply with adopted codes at the time of permit submission.


 Director

11/2/18
 Date

Memorandum

To: Sam Hubbard, Planning and Community Development
From: Cris Papierniak, Assistant Director of Public Works
Date: November 16, 2018
Subject: 3335-3395 N Arlington Heights Road, PC #18-022

Regarding the addition to 3335-3395 N Arlington Heights Road, PW has the following comments:

1. Replace the existing backflow device inside the facility with an approved RPZ.

If you have any further questions, please feel free to contact me.

C: File

ENGINEERING DEPARTMENT

3

PETITIONER'S APPLICATION - ARLINGTON HEIGHTS PLAN COMMISSION 03-08-100-035

Petition #: P.C. 10-022
 Petitioner: Krissy McCullum

Owner: SEBS ARLINGTON LLC
C/O PROPERTY SERVICES INC

Contact Person: Krissy McCullum
 Address: 1001 N. Waverly Ct.
Arlington Heights IL 60004
 Phone #: 815. 871. 5322
 Fax #: _____
 E-Mail: Krissy@familytreeholistichealth.com

P.I.N.# 03-08-100-040-0000
 Location: 3335-3385 N. ARLINGTON Hts Rd
 Rezoning: _____ Current: _____ Proposed: _____
 Subdivision: _____
 # of Lots: _____ Current: _____ Proposed: _____
 PUD: ☒ For: _____
 Special Use: _____ For: _____
 Land Use Variation: _____ For: _____
 Land Use: _____ Current: _____
 Proposed: _____
 Site Gross Area: 7.6 ACRES
 # of Units Total: _____
 1BR: _____ 2BR: _____ 3BR: _____ 4BR: _____

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

1. PUBLIC IMPROVEMENTS

REQUIRED: _____ YES NO COMMENTS

- | | | | |
|--------------------------|--|-----------|-------|
| a. Underground Utilities | | | |
| Water | | <u>NO</u> | _____ |
| Sanitary Sewer | | <u>NO</u> | _____ |
| Storm Sewer | | <u>NO</u> | _____ |
| b. Surface Improvement | | | |
| Pavement | | <u>NO</u> | _____ |
| Curb & Gutter | | <u>NO</u> | _____ |
| Sidewalks | | <u>NO</u> | _____ |
| Street Lighting | | <u>NO</u> | _____ |
| c. Easements | | | |
| Utility & Drainage | | <u>NO</u> | _____ |
| Access | | <u>NO</u> | _____ |

2. PERMITS REQUIRED OTHER THAN VILLAGE:

- | | | | |
|--------------|-------|---------|-------|
| a. MWRDGC | _____ | b. IDOT | _____ |
| c. ARMY CORP | _____ | d. IEPA | _____ |
| e. CCHD | _____ | | |

- | | YES | NO | COMMENTS |
|---|----------|------------|----------|
| 3. R.O.W. DEDICATIONS? | | <u>X</u> | _____ |
| 4. SITE PLAN ACCEPTABLE? | <u>X</u> | | _____ |
| 5. PRELIMINARY PLAT ACCEPTABLE? | | <u>N/A</u> | _____ |
| 6. TRAFFIC STUDY ACCEPTABLE? | <u>X</u> | | _____ |
| 7. STORM WATER DETENTION REQUIRED? | | <u>X</u> | _____ |
| 8. CONTRIBUTION ORDINANCE EXISTING? | | <u>X</u> | _____ |
| 9. FLOOD PLAIN OR FLOODWAY EXISTING? ... | | <u>X</u> | _____ |
| 10. WETLAND EXISTING? | | <u>X</u> | _____ |

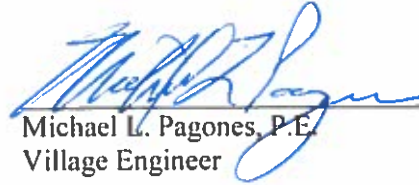
GENERAL COMMENTS ATTACHED

PLANS PREPARED BY: N/A
 DATE OF PLANS: N/A

Michael Lopez 11/13/18
 Director VILLAGE ENGINEER Date

PLAN COMMISSION PC #18-022
3335-3395 N Arlington Heights Rd
PUD Amendment to allow a Parking Variation
Round 1

1. The Engineering Division has no comments.

 11/13/18

Michael L. Pagones, P.E. Date
Village Engineer



Arlington Heights Fire Department Plan Review Sheet

P. C. Number 18-022

Project Name

Arlington Executive Plaza-Family Tree Holistic

Project Location

3335-3395 N. Arlington Heights Road

Planning Department Contact Sam Hubbard

General Comments

Round 1

The Fire Department needs to have access to occupancy through the use of a Knox Box lock box system.

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NOV 14 2018
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DEVELOPMENT DEPARTMENT

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

Date November 13, 2018

Reviewed By:

LT. Mark Aleckson

Arlington Heights Fire Department

ARLINGTON HEIGHTS POLICE DEPARTMENT

Community Services Bureau

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NOV 13 2018

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

DEPARTMENT PLAN REVIEW SUMMARY

3335-3395 N. Arlington Heights Rd.
PC#18-022

Round 1 Review Comments

11/12/2018

1. Character of use:

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

2. Are lighting requirements adequate?

Lighting should be up to Village of Arlington Heights code. Special attention should be given to illuminating parking lot areas, entries and exits and any secluded areas on the property. These areas should be illuminated especially during nighttime hours for safety, to deter criminal activity and increase surveillance/visibility- potentially reducing theft, trespassing, vandalism, underage drinking, drug use and other criminal activity.

3. Present traffic problems?

There are no traffic problems at this location.

4. Traffic accidents at particular location?

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

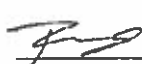
5. Traffic problems that may be created by the development.

This development should not create any additional traffic problems.

6. General comments:

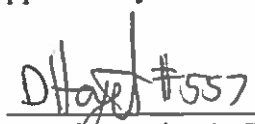
- Please ensure that there is an emergency information/contact card on file with the Arlington Heights Police Department and that it is up-to-date. Agent contact information must be provided to the Arlington Heights Police Department during all construction phases. The form is attached. Please complete and return. This allows police department personnel to contact an agent during emergency situations or for suspicious/criminal activity on the property during all hours.

- Consider posting no trespassing / loitering/ no un-authorized use signage. The Arlington Heights Police Dept. has and utilizes trespass warning forms under qualifying circumstances when requested by property management.

 #212

Brandi Romag, Crime Prevention Officer
Community Services Bureau

Approved by:

 #557
Supervisor's Signature

Arlington Heights Police Department

Emergency Information Card

1. Fill in all information by tabbing to each field.
2. When completed, save the form and send as an attachment to: policemail@vah.com.

Arlington Heights Police Department
200 E. Sigwalt Street
Arlington Heights, IL 60005-1499
Phone: 847/368-5300

Completed forms may also be printed and submitted in the following manner:

By Mail: Arlington Heights Police Department
200 E. Sigwalt Street, Arlington Heights, IL. 60005
Attention: Police Administration

By Fax: (847) 368-5970 - Attention: Police Administration

In Person: Dropped off at the Arlington Heights Police Department's front desk for forwarding to Police Administration.

Print Form (To Mail)

Name (Firm or Residence)

Address/City

Telephone Number

Date Information Obtained

IN CASE OF EMERGENCY PLEASE CALL:

Contact #1

Name

Address/City

Telephone Number

Cell Number

Contact #2

Name

Address/City

Telephone Number

Cell Number

Alarm System

☐ No

☐ Yes

Phone number:

Alarm Company Name

HEALTH SERVICES DEPARTMENT

6

PETITIONER'S APPLICATION - ARLINGTON HEIGHTS PLAN COMMISSION 03-08-100-035

Petition #: P.C. 18-022
 Petitioner: KANISSA MCCALLUM

Owner: S&BS ARLINGTON LLC
C/O PROPERTY SERVICES, INC.

Contact Person: KANISSA MCCALLUM
 Address: 1601 W. Waverly Ct.
Arlington Heights, IL 60004
 Phone #: 815.871.5322
 Fax #: _____
 E-Mail: KANISSA@familytreeholistichealth.com

P.I.N.# 03-08-100-040-0000

Location: 3335-3385 N. Arlington Hts Rd

Rezoning: _____ Current: _____ Proposed: _____

Subdivision: _____

of Lots: _____ Current: _____ Proposed: _____

PUD: ☒ For: _____

Special Use: _____ For: _____

Land Use Variation: _____ For: _____

Land Use: _____ Current: _____

Proposed: _____

Site Gross Area: 7.6 ACRES

of Units Total: _____

1BR: _____ 2BR: _____ 3BR: _____ 4BR: _____

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

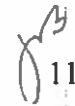
1. GENERAL COMMENTS:

No comments from this Department

RECEIVED

NOV 08 2018

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

Jeff Bohner  11/7/18

Environmental Health Officer

Date

James McCalister 11/7/18

tor

Dirac

Date

PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

7

PETITIONER'S APPLICATION - ARLINGTON HEIGHTS PLAN COMMISSION

03-08-100-036

03-08-100-040-0000

Petition #: P.C. 18-022
Petitioner: KANSIS MCCALLUM

P.I.N.# 03-08-100-036-0000

Location: 3335-3385 N. ARLINGTON RD

Rezoning: Current: Proposed:

Subdivision:

of Lots: Current: Proposed:

PUD: For:

Special Use: For:

Land Use Variation: For:

Owner: SEBS ARLINGTON, LLC
C/O PROPERTY SERVICES, INC.

Contact Person: KANSIS MCCALLUM

Address: 1601 W. Waverly Ct.

Arlington Heights, IL 60004

Phone #: 815.811.5322

Fax #:

E-Mail: KANSIS@familytreecolishchealth.com

Land Use: Current:

Proposed:

Site Gross Area: 7.6 ACRES

of Units Total:

1BR: 2BR: 3BR: 4BR:

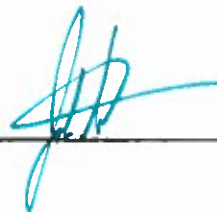
(Petitioner: Please do not write below this line.)

YES NO

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

Comments:

PLEASE SEE ATTACHED



11.9.18

Date

Planning & Community Development Dept. Review

November 9, 2018



REVIEW ROUND 1

Project: Arlington Executive Plaza – Family Tree Holistic Health – PUD Amendment.

Case Number: PC 18-022

General:

7. The following variation is needed:
 - **28 Space Variation from Chapter 28, Section 10.4-2, Retail – Commercial and Service Uses, to reduce the required off-street parking from 266 spaces to 238 spaces.**
8. The following approval is needed:
 - **Amendment to PUD Ordinances #79-166, #80-105, #81-028, and #81-035.**

Variation Criteria:

9. The provided written justification to the hardship criteria is acceptable.

Parking Survey:

10. The provided parking survey is acceptable.

Parking:

11. It is acknowledged that there are currently zero (0) bicycle parking spaces on the site, and that there is capacity to install up to 30 bicycle parking spaces. A minimum of 14 bicycle parking spaces are required by code – please identify the location in which these bicycle parking spaces will be provided, and the number that will be provided.

General:

12. The property owner shall provide written acknowledgement of the existing PUD approval condition requiring Village notification when any space is proposed to be leased to a medical office tenant.

Prepared by: _____

PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

7A

PETITIONER'S APPLICATION - ARLINGTON HEIGHTS PLAN COMMISSION 03-08-100-035

03-08-100-040-0000

Petition #: P.C. 18-022
Petitioner: KANSIS MCCALLUM

P.I.N.# 03-08-100-036-0000

Location: 3335-3385 N. ARLINGTON RD

Rezoning: _____ Current: _____ Proposed: _____

Subdivision: _____

of Lots: _____ Current: _____ Proposed: _____

PUD: ☒ For: _____

Special Use: _____ For: _____

Land Use Variation: _____ For: _____

Owner: SEBS ARLINGTON, LLC
C/O PROPERTY SERVICES, INC.

Contact Person: KANSIS MCCALLUM

Address: 1601 W. Waverly Ct.
Arlington Heights, IL 60007

Phone #: 815.871.5322

Fax #: _____

E-Mail: KANSIS3@familytreeholistichealth.com 1BR: _____ 2BR: 3BR: 4BR: _____

Land Use: _____ Current: _____

Proposed: _____

Site Gross Area: 7.6 ACRES

of Units Total: _____

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

LANDSCAPE & TREE PRESERVATION:

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

YES NO

N/A _____

_____ X

Comments:

NO COMMENT

 11/16/18

Coordinator

Date



November 23, 2018

SENT VIA UPS OVERNIGHT DELIVERY SERVICE & EMAIL (JMSCHMIDT@VAH.COM)

Mr. Jacob Schmidt
Planning and Community Development
Village of Arlington Heights
33 S. Arlington Heights Road
Arlington Heights, Illinois 60005

RE: 3335-3395 N. Arlington Heights Road – PUD Amendment

Dear Mr. Schmidt,

As you know, Property Services, Inc. is the current property management and property ownership agent for the property located at 3335-3385 N. Arlington Heights Road, Arlington Heights, Illinois.

This letter is in response to your email dated November 20, 2018, regarding the first round of municipal department comments related to the PUD Amendment application that was filed with the Village of Arlington Heights in October 2018.

Please find my responses to each municipal department as follows:

Building Department

The Building Department stated in comment number 1, "Any work must comply with adopted codes at the time of permit submission".

Response: All future building related work and/or renovation work will be completed under a Village of Arlington Heights issued building permit, and all such work comply with current municipal/state codes.

Public Works Department

The Public Works Department stated in comment number 1, "Replace the existing backflow device inside the facility with an approved RPZ.

Response: During any new construction or renovation work at any of the individual buildings, a new municipal approved RPZ will be installed to replace the existing backflow device in that building.

Fire Department

The Fire Department stated in comment number 1, "The Fire Department needs to have access to occupancy through the use of a Knox Box lock box system".

Response: There is a Knox Box installed on the 3385 building at the entry to suites J&K. The Knox Box contains a building master key that provides access to all occupied and vacant suites in the 3335, 3345, 3355, 3365, 3375 & 3385 buildings. The 3395 N. Arlington Heights Road building is owned by a different ownership entity and it is not managed by PSI.



Police Department

The Police Department stated in comment number 1, "The use is consistent with the area and is not a concern". This comment does not require a response from property ownership.

The Police Department stated in comment number 2, "Lighting should be up to Village of Arlington Heights code. Special attention should be given to illuminating parking lot areas, entries and exits and any secluded areas on the property".

Response: The building lighting was designed and installed to code at the time the building was built. The management team believes the property's exterior is well illuminated throughout the property. There is ample parking lot pole lighting, as well as recessed exterior soffit lighting, and additional building mounted lighting packs. Additionally, the management team conducts weekly property inspections to ensure the property is in good condition. During the regular property inspections, the exterior lighting is tested and if any light bulbs require replacement, a work ticket is issued to the maintenance company that replaces burned out light bulbs. The lighting system is controlled by electronic light timers and/or photo cells, to ensure that the exterior is illuminated at dark. The property entrances, parking lot, and sidewalks are all well lit. See attached photos of an example of the parking lot pole lights, recessed lights, and wall mounted lighting packs.

The Police Department stated in comment number 3, "There are no traffic problems at this location". This comment does not require a response from property ownership.

The Police Department stated in comment number 4, "This is not a problem area in relation to traffic accidents". This comment does not require a response from property ownership.

The Police Department stated in comment number 5, "This development should not create any additional traffic problems". This comment does not require a response from property ownership.

The Police Department stated in comment number 6, "Please ensure that there is an emergency information contact card on file with the Arlington Heights Police Department and that it is up to date.....also, consider posting no trespassing/loitering/no un-authorized use signage".

Response: Property Services, Inc. has filled out the Police Departments emergency contact information sheet and emailed it to the Police Department on November 23, 2018 to policemail@vah.com. Additionally, property ownership will consider installing the suggested signs stated in comment number 6. See attached emergency contact form.

Planning & Development Department

The Planning & Development Departments comments 1 through 10 do not require property ownership's response.

The Planning & Development Departments comment number 11 states, "It is acknowledged that there are currently zero (0) bicycle parking spaces on the site, and that there is capacity to install up to 30 bicycle parking spaces. A minimum of 14 bicycle parking spaces are required by code – please identify the location in which these bicycle parking spaces will be provided, and the number that will be provided".

Response: The property ownership has ordered a bicycle rack system to be installed behind the 3385 N. Arlington Heights Road building at the east elevation. This bicycle rack system will accommodate up to 15 bicycles. Please see attached photo of location with hand drawn rendering of the bicycle rack system. It is anticipated that the bicycle rack will be installed by March 15, 2019.

The Planning & Development Departments comment number 12 states, "The property owners shall provide written acknowledgement of the existing PUD approval condition requiring Village notification when any space is proposed to be leased to a medical office tenant.



Response: Please see the attached letter that was sent to Michael Mertes at the Village of Arlington Heights on October 31, 2018.

Health Services Department

The Health Services Department did not have any comments, therefore a response from property ownership is not required.

Engineering Department

The Engineering Department did not have any comments, therefore a response from property ownership is not required.

Building & Life Safety Department

The Building & Life Safety Department did not have any comments, therefore a response from property ownership is not required.

Thank you for your time and guidance with this matter. Please do not hesitate to contact me if you require further explanation or action.

Sincerely,

A handwritten signature in black ink, appearing to read "Tony Lombardo".

Tony Lombardo
Principal
Property Services, Inc.







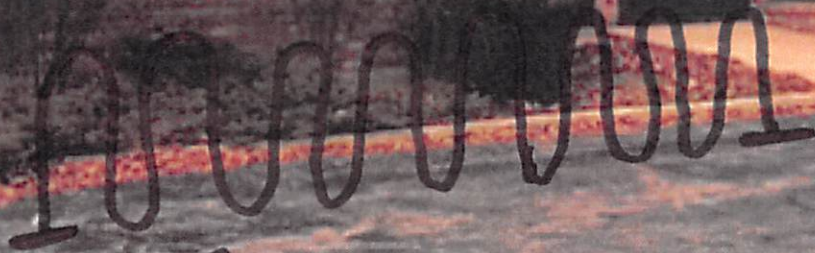
3335
L

3335
M

NO
SMOKING
&
POSSIBLE
DANGER



3385



PROPOSED BIKE RACK
LOCATION



October 31, 2018

SENT VIA EMAIL (mmertes@vah.com) & REGULAR U.S. POSTAL SERVICE

Mr. Michael Mertes
Business Development Coordinator
Department of Planning and Community Development
Village of Arlington Heights
33 S. Arlington Heights Road
Arlington Heights, Illinois 60005

RE: Arlington Executive Plaza, 3335-3385 N. Arlington Heights Road

Dear Mr. Mertes,

It was a pleasure speaking to you yesterday regarding the above-referenced subject property.

Property Services, Inc. is the agent for property ownership, managing agent, and sales brokerage agent for the subject property.

Property ownership understands that the Village of Arlington Heights has taken the position that the subject property currently does not meet zoning code parking requirements per the respective PUD, and further understands that you are requesting an amendment/variance be applied.

Karissa McCallum of Family Tree Holistic Health, a tenant at the subject property, will be submitting an application to amend PUD ordinances #79-166, #80-105, #81-028, and #81-035. The requested variation will be to Chapter 28, Section 10.4-2, Retail – Commercial and Service Uses, to reduce the off-street parking from 270 spaces to 238 spaces. It is anticipated that Ms. McCallum will submit the application this week for review.

The property owner agrees to hold all existing vacant spaces as vacant space until Ms. McCallum's application is approved or denied. Additionally, the property owner agrees not to re-tenant any additional spaces for medical office use until Ms. McCallum's application is approved or denied. Should Ms. McCallum's application not be submitted for unforeseen reasons, or excessively delayed, property ownership reserves the right to reconsider the statements contained within this letter.

Thank you in advance for your help throughout this process.

Sincerely,

A handwritten signature in black ink, appearing to read "Tony Lombardo", written over a horizontal line.

Tony Lombardo
Principal
Property Services, Inc.



Item: Southpoint Shopping Center Outlot - 600 E. Rand Rd. - PC#18-020

Department: Planning & Community Development

Requested Action

1. Preliminary and Final Plat of Subdivision to subdivide one lot into two lots.

Variations Required

1. Section 29-206, to defer the requirement for detailed plans and specifications of all improvements required to be constructed and installed, if any, until a development proposal for the Subject Property is presented to the Village for approval.
2. Section 29 201(a)(5), to waive the requirement for an approving opinion of a qualified professional traffic engineer as part of subdivision.

Recommendation

The Staff Development Committee reviewed the application and recommends approval of the preliminary and final plat of subdivision to subdivide the subject property into two lots, and approval of the following variations to Chapter 29 of the Municipal Code:

1. Section 29-206, to defer the requirement for detailed plans and specifications of all improvements required to be constructed and installed, if any, until a development proposal for the Subject Property is presented to the Village for approval.
2. Section 29 201(a)(5), to waive the requirement for an approving opinion of a qualified professional traffic engineer as part of subdivision.

Approval shall be subject to the following conditions:

1. Any development of the proposed outlot will require an amendment to the underlying PUD.
2. Any development of the proposed outlot will require:

- a. The provision of additional parking areas to accommodate the Chile's and Olive Garden restaurant parking overflow, to be substantially compliant with the conceptual plan (sheet A-02a) prepared by Soos & Associates, Inc., dated 12/4/18.
 - b. The correction of any deficiencies to the stormwater capacity necessary for Lot 1 and Lot 2 of the proposed subdivision, as per applicable Village and MWRD regulations.
3. The petitioner shall comply with all applicable Federal, State, and Village Codes, Regulations, and Policies.

ATTACHMENTS:

Description	Type
Staff Report	Board or Commission Report
Aerial	Exhibits
Public Notice	Exhibits
Conceptual Plan Review Minutes	Minutes
Project Narrative	Correspondence
Plat of Survey	Exhibits
Future Development Concept	Exhibits
Final Plat of Subdivision	Exhibits
Department Comments - Round 1	Correspondence
Department Comments - Round 1 - Petitioner Response	Correspondence
Department Comments - Round 2	Correspondence
Department Comments - Round 2 - Petitioner Response	Correspondence



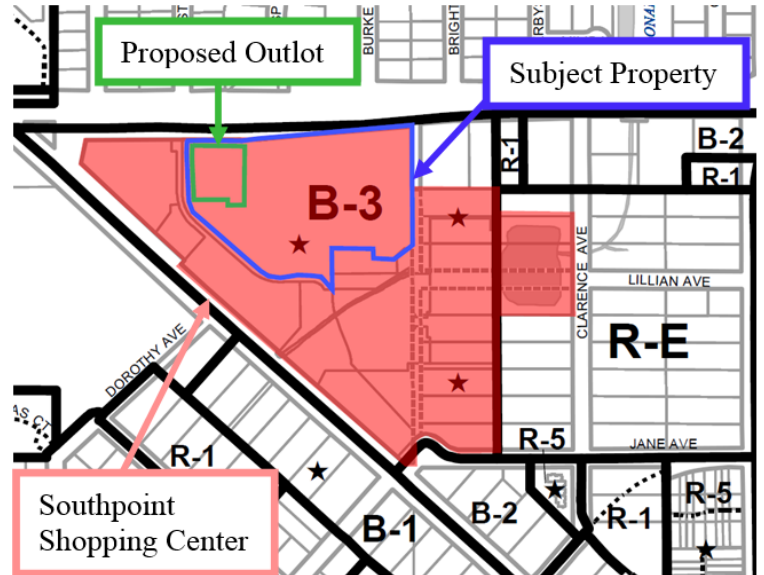
VILLAGE OF ARLINGTON HEIGHTS **STAFF DEVELOPMENT** **COMMITTEE REPORT**

File Number: PC 18-020
Project Title: Southpoint Shopping Center Outlot
Address: 600 E. Rand Rd.
PIN: 03-20-200-007

To: Plan Commission
Prepared By: Sam Hubbard, Development Planner
Meeting Date: December 12, 2018
Date Prepared: December 7, 2018

Petitioner: Steven C. Bauer
Meltzer, Purtill & Stelle LLC
Address: 300 S. Wacker Drive – Suite 2300
Chicago, IL 60606

Existing Zoning: B-3: General Service, Wholesale, and Motor Vehicles District
Comprehensive Plan: Commercial



SURROUNDING LAND USES

Direction	Existing Zoning	Existing Use	Comprehensive Plan
North	R-3	Single-Family Homes	R&D Mfg and Warehouse
South	B-1, B-2	Furniture Store, Multi-tenant commercial building, Dunkin Donuts, Liquor Store	Offices Only, R&D Mfg and Warehouse
East	R-E	Single-Family Homes	Moderate Density Multi-Family
West	B-1, B-2	Town and Country Shopping Center, Fast Food restaurant (Burger King), Auto Repair shop	R&D Mfg and Warehouse

Requested Action:

1. Preliminary and Final Plat of Subdivision to subdivide one lot into two lots.

Variations Required:

1. Section 29-206, to defer the requirement for detailed plans and specifications of all improvements required to be constructed and installed, if any, until a development proposal for the Subject Property is presented to the Village for approval.
2. Section 29-201(a)(5), to waive the requirement for an approving opinion of a qualified professional traffic engineer as part of subdivision.

Project Background:

The subject property consists of one lot within the Southpoint Shopping Center, which shopping center is located at the southeast corner of Rand Road and Palatine Road. The site is currently improved with the Floor & Décor building, located at 600 W. Rand Road, and the large parking lot located directly west of and in front of the Floor and Décor building. The present request is to subdivide the Floor and Décor lot to create an outlot within a portion of the existing parking area. There is no formal development proposal associated with this request for subdivision, and future redevelopment of the proposed outlot will require an amendment to the existing Southpoint Shopping Center PUD. However, the petitioner has submitted a conceptual development concept to illustrate what may potentially be built on the proposed outlot, if approved.

The subject property is part of the Southpoint Shopping Center PUD, which was approved in 1988. This PUD includes the subject property as well as the remaining multi-tenant retail spaces attached to the Floor & Décor building, the Bif Furniture building and the multi-tenant retail spaces attached to the Bif furniture building, and three outlots along the Rand Road frontage. The entire Southpoint Shopping Center is subject to a lengthy Reciprocal Easement Agreement (REA) that provides for shared access and shared parking between all users within the PUD.

Since 2016, staff has been in contact with a developer interested in subdividing the Floor and Décor site to create the aforementioned outlot. During this time, staff has drafted a number of conceptual plans for consideration by the developer and has reviewed a number of preliminary concepts for development of the outlot. Based on the conceptual plans provided by the petitioner, the end result of this process would yield an approximately 10,000 square foot building including a drive-through lane. The proposed development appears viable, however, it must still be reviewed and approved by the Village via the PUD amendment process, and further modifications to the development concept will likely be required as part of this process.

Zoning and Comprehensive Plan

The subject property is currently zoned B-3, General Service, Wholesale, and Motor Vehicle District. In order to develop the proposed outlot, an amendment to the PUD must be requested and approved. At this time, the petitioner is requesting approval only to subdivide the lot, and therefore preliminary and final Plat of Subdivision must be reviewed by the Plan Commission and approved by the Village Board. In review of the Plat of Subdivision, staff has determined that it conforms to all Village requirements.

The Comprehensive Plan classifies this property as “Commercial” and the conceptual outlot development is consistent with this designation. Retail uses are allowed within the B-3 District, however, the petitioner should note that any PUD amendment request should include a Special Use Permit request for the proposed drive-thru lane. Any future restaurants located on the proposed outlot shall require either Special Use Permit approval (if they contain a drive-thru), or a waiver from the Special Use Permit approval process should they qualify for a waiver via Section 8.7 of Chapter 28.

TIF District

The subject property is located within TIF V, which was established in 2005 and includes both the Southpoint Shopping Center and the Town & Country Shopping Center. One of the goals of TIF V is to facilitate the redevelopment and revitalization of the Southpoint Shopping Center, be it through the introduction of a new outlot and/or through the redevelopment of the vacant building at the southeast portion of the site along Rand Road. The development of the proposed outlot will help in the revitalization of the Southpoint Shopping Center and is consistent with the goals of TIF V.

Building and Site:

Any proposed new construction on the outlot will require Design Commission review and approval. However, the proposed subdivision does not require a Design Commission application. The proposed conceptual outlot building appears to comply with all setback and bulk requirements within the B-3 District. When an actual development is proposed, staff will provide a comprehensive review of the proposal, however, the general concept of an approximately 10,000 square foot outlot building appears viable.

Detention:

Whenever property within the Village is subdivided, detailed development plans are required, which plans include engineering documents and calculations for stormwater requirements. As the petitioner is proposing to subdivide the land prior to proposing a development, they have not provided the required engineering plans and stormwater calculations within their application. Therefore, the following variation from Chapter 29 (Subdivision Control Regulations) is necessary:

- **Section 29-206, to defer the requirement for detailed plans and specifications of all improvements required to be constructed and installed, if any, until a development proposal for the Subject Property is presented to the Village for approval.**

Staff has reviewed the preliminary development concept for the outlot, and as stated above, staff believes that the concept of an outlot on the site is viable. Consequently, staff is supportive of the requested variation. However, since the petitioner has not formally proposed a development and has not provided the detailed engineering development plans depicting how that development will be engineered, conformance to all stormwater requirements cannot be verified. When the outlot is developed, detailed engineering plans shall be prepared and submitted for review, and these plans shall include a stormwater analysis of not just the outlot, but the overall lot that was subdivided. When development of the outlot is formally proposed, any stormwater deficiencies on both Lot 1 and Lot 2 must be corrected. A condition of approval requiring such has been included below.

Parking and Loading:

Section 29-201a(5) of Chapter 29 requires that any commercial development of 20,000 square feet or more provide “an opinion from a qualified professional traffic engineer approving the design of any off-street parking that is proposed, the traffic circulation, and manner of ingress and egress to such development.” As over 20,000 square feet of commercial floor area exists within the proposed subdivision (the Floor and Décor building is over 70,000 square feet), this opinion is required. The applicant has requested a variation to waive this requirement and staff is supportive of this request since a traffic and parking study will be provided when development of the outlot is formally presented for approval.

Staff has conducted a preliminary assessment of the required parking for the Southpoint Shopping Center under the assumption that development of the outlot occurs in accordance with the conceptual plans provided by the petitioner. A summary of the overall parking calculations relative to code requirements are shown below, and the detailed parking analysis is included in **Exhibit 1** at the end of this report:

Southpoint Shopping Center Required Parking	
Total Parking Required	924 Spaces
Total Parking Provided	1,331 Spaces
Surplus / (Deficit)	407 Spaces

Staff believes that the entire shopping center has sufficient parking supply to meet the sum of each users parking requirements should the outlot be developed. It should be noted that there is a large area to the rear of the Floor and Décor building that provides significant overflow parking capacity, and if a parking shortage is observed on the property as a result of this redevelopment, the rear parking area may need to be re-stripped and employees may be required to park there.

As previously noted, the conversion of parking area to an outlot building will require an amendment to the Southpoint PUD, and as part of this process, a parking and traffic study must be provided. Staff is aware that the area where the outlot has been proposed currently serves as overflow parking for both the Chile's and Olive Garden restaurants during the peak dining hours. The proposed redevelopment of that outlot will eliminate much of the overflow parking area, and therefore additional parking options for this overflow must be provided. Staff has requested, and the petitioners has agreed, to create additional overflow parking areas in a location presently occupied by a large landscape island, if and when development of the outlot is proposed. A condition of approval requiring such has been incorporated below. The petitioner has clarified that the existing REA, which provides for shared parking and access throughout the shopping center, does not need to be amended to allow the proposed subdivision.

RECOMMENDATION

The Staff Development Committee reviewed the application and recommends approval of the preliminary and final plat of subdivision to subdivide the subject property into two lots, and approval of the following variations to Chapter 29 of the Municipal Code:

1. Section 29-206, to defer the requirement for detailed plans and specifications of all improvements required to be constructed and installed, if any, until a development proposal for the Subject Property is presented to the Village for approval.
2. Section 29 201(a)(5), to waive the requirement for an approving opinion of a qualified professional traffic engineer as part of subdivision.

Approval shall be subject to the following conditions:

1. Any development of the proposed outlot will require an amendment to the underlying PUD.
2. Any development of the proposed outlot will require:
 - a. The provision of additional parking areas to accommodate the Chile's and Olive Garden restaurant parking overflow, to be substantially compliant with the conceptual plan (sheet A-02a) prepared by Soos & Associates, Inc., dated 12/4/18.
 - b. The correction of any deficiencies to the stormwater capacity necessary for Lot 1 and Lot 2 of the proposed subdivision, as per applicable Village and MWRD regulations.
3. The petitioner shall comply with all applicable Federal, State, and Village Codes, Regulations, and Policies.

December 7, 2018

Bill Enright, Deputy Director of Planning and Community Development

Cc: Randy Recklaus, Village Manager
All Department Heads

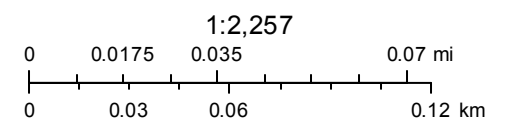
EXHIBIT 1: PARKING CALCULATIONS

ZONE	SPACE	CODE USE	SQUARE FOOTAGE	SEATING AREA (SQ FT)	PARKING RATIO (1:X)	PARKING PROVIDED	PARKING REQUIRED
Zone 1	Olive Garden	Restaurant - Sit Down	9,010	5715	1 Space per 45 sq. ft. of seating area	145	127
	Chili's	Restaurant - Sit Down	5,995	3285	1 Space per 45 sq. ft. of seating area		73
Zone 2	Tenant Space 1	Restaurant - Sit Down	3,000	1500	1 Space per 45 sq. ft. of seating area	48	33
	Tenant Space 2	Retail	5,190	-	1 Space per 300 sq. ft.		17
	Tenant Space 3	Restaurant - Sit Down	2,000	1000	1 Space per 45 sq. ft. of seating area		22
Zone 3	Floor & Décor	Retail	73,375	-	1 Space per 300 sq. ft.	436	245
	Vacant	Retail	1,800	-	1 Space per 300 sq. ft.		6
	Kitchen & Bath Masters	Retail	1,133	-	1 Space per 300 sq. ft.		4
Zone 4	Pearle Vision	Medical Office	2,632		1 Space per 200 sq. ft.	48	13
	Dental One	Medical Office	2,985		1 Space per 200 sq. ft.		15
	Subway	Restaurant - Sit Down	1,190	600	1 Space per 45 sq. ft. of seating area		13
	American Mattress	Retail	3,028	-	1 Space per 300 sq. ft.		10
	Next Door & Window	Retail	4,003	-	1 Space per 300 sq. ft.		13
	Sprint	Retail	2,981	-	1 Space per 300 sq. ft.		10
Zone 5	Laser Quest	Amusement Arcade	8,900	-	1 Space per 300 sq. ft.	491	30
	Vacant	Retail	1,200	-	1 Space per 300 sq. ft.		4
	Vacant	Retail	1,668	-	1 Space per 300 sq. ft.		6
	Vacant	Retail	1,668	-	1 Space per 300 sq. ft.		6
	Vacant	Retail	1,066	-	1 Space per 300 sq. ft.		4
	BIF Furniture	Furniture Store	100,250	-	1 Space per 600 sq. ft.		167
	Vacant	Retail	3,800	-	1 Space per 300 sq. ft.		13
	Vacant	Retail	3,400	-	1 Space per 300 sq. ft.		11
	Vacant	Retail	2,400	-	1 Space per 300 sq. ft.		8
Zone 6	Coldwell Banker	Office	11,479	-	1 Space per 300 sq. ft.	33	38
	Happy Cleaners	Retail	1,135	-	1 Space per 300 sq. ft.		4
	Vacant	Retail	2,270	-	1 Space per 300 sq. ft.		8
	Vacant	Retail	1,495	-	1 Space per 300 sq. ft.		5
	Vacant	Retail	2,265	-	1 Space per 300 sq. ft.		8
	Vacant	Retail	2,623	-	1 Space per 300 sq. ft.		9
Zone 7	Parking	-	-	-	-	130	0
						1331	
PARKING REQUIRED							924
PARKING PROVIDED							1,331
SURPLUS / (DEFICIT)							407

Southpoint



April 24, 2015



NOTICE OF
PUBLIC HEARING
NOTICE IS HEREBY
GIVEN THAT THE PLAN
COMMISSION OF THE
VILLAGE OF ARLINGTON
HEIGHTS WILL CONDUCT
A PUBLIC HEARING ON
DECEMBER 12, 2018, AT
7:30 P.M. in the Municipal
Building, 33 South Arlington
Heights Road, Arlington
Heights, Illinois to consider
Petition No. 18-020, a re-
quest for Preliminary and
Final Plat of Subdivision ap-
proval to subdivide one lot
into two lots on the subject
property, said property lo-
cated at 600 East Rand
Road, Arlington Heights,
IL, legally described as:
LOT 1 IN THE CUB ADDI-
TION, BEING A SUBDIVI-
SION IN THE NORTH-
WEST 1/4 OF THE
NORTHEAST 1/4 OF SEC-
TION 20, TOWNSHIP 42
NORTH, RANGE 11, EAST
OF THE THIRD PRINCIPAL
MERIDIAN ACCORD-
ING TO THE PLAT
THEREOF RECORDED
MAY 17, 1984 AS DOCU-
MENT NO. 27090321, IN
COOK COUNTY, ILLINOIS.
As part of said petition, the
petitioner is requesting the
following variations from
Chapter 29 of the Municipal
Code:

• Variation to Section 29-
206, to defer the require-
ment for detailed plans and
specifications of all im-
provements required to be
constructed and installed, if
any, until a development
proposal for the Subject
Property is presented to the
Village for approval.

• Variation to Section 29
201(a)(5), to waive the re-
quirement for an approving
opinion of a qualified profes-
sional traffic engineer as
part of subdivision.

And other variations as de-
termined necessary by the
Plan Commission.

All persons desiring to be
heard shall be given the op-
portunity to be heard.
Should any individual need
auxiliary aid or service,
such as a sign language
interpreter or materials in
alternative formats, please
contact the Health Depart-
ment at 33 South Arlington
Heights Road, Arlington
Heights, Illinois 60005. (847)
368-5760, TDD# (847) 368-
5774.

Terrance Ennes, Chairman
ARLINGTON HEIGHTS
PLAN COMMISSION
Published in Daily Herald
November 27, 2018 (4513542)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **DAILY HERALD**. That said **DAILY HERALD** is a secular newspaper and has been circulated daily in the Village(s) of Algonquin, Antioch, Arlington Heights, Aurora, North Aurora, Bannockburn, Barrington, Barrington Hills, Lake Barrington, North Barrington, South Barrington, Bartlett, Batavia, Buffalo Grove, Burlington, Campton Hills, Carpentersville, Cary, Crystal Lake, Deerfield, Deer Park, Des Plaines, Elburn, East Dundee, Elgin, South Elgin, Elk Grove Village, Fox Lake, Fox River Grove, Franklin Park, Geneva, Gilberts, Glenview, Grayslake, Green Oaks, Gurnee, Hainesville, Hampshire, Hanover Park, Hawthorn Woods, Highland Park, Highwood, Hoffman Estates, Huntley, Inverness, Island Lake, Kildeer, Lake Bluff, Lake Forest, Lake in the Hills, Lake Villa, Lake Zurich, Libertyville, Lincolnshire, Lindenhurst, Long Grove, Melrose Park, Montgomery, Morton Grove, Mt. Prospect, Mundelein, Niles, Northbrook, Northfield, Northlake, Palatine, Park Ridge, Prospect Heights, River Grove, Riverwoods, Rolling Meadows, Rosemont, Round Lake, Round Lake Beach, Round Lake Heights, Round Lake Park, Schaumburg, Schiller Park, Sleepy Hollow, St. Charles, Streamwood, Sugar Grove, Third Lake, Tower Lakes, Vernon Hills, Volo, Wadsworth, Wauconda, Waukegan, West Dundee, Wheeling, Wildwood, Wilmette

County(ies) of Cook, Kane, Lake, McHenry

and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said Village(s), County(ies) and State.

I further certify that the DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published November 27, 2018 _____ in said DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICATIONS, Inc., has caused this certificate to be signed by, this authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY Laula Baetz
Authorized Agent

Control # 4513542

RECEIVED
DEC - 4 2018
PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

**REPORT OF THE PROCEEDINGS OF
THE CONCEPTUAL PLAN REVIEW COMMITTEE**

OF THE VILLAGE OF ARLINGTON HEIGHTS PLAN COMMISSION

HELD AT VILLAGE HALL ON:

January 24, 2018

Project Title: Southpoint Shopping Center Outlot

Address: 600 E. Rand Rd.

Petitioner: Steven C. Bauer
Meltzer, Purtill & Stelle LLC
300 S. Wacker Drive – Suite 2300
Chicago, IL 60606

Requested Action:

1. Preliminary and Final Plat of Resubdivision to subdivide one lot into two.

Variations Required:

1. None identified at this time.

Attendees: Steve Bauer, Petitioner
Robert Soos, Soos & Associates
Orlando Vivacqua, Soos & Associates
Jay Cherwin, Plan Commissioner
John Sigalos, Plan Commissioner
Bruce Green, Plan Commissioner
Lynn Jensen, Plan Commissioner
Sam Hubbard, Development Planner

Project Summary:

The subject property consists of one lot within the Southpoint Shopping Center, which shopping center is located at the southeast corner of Rand Road and Palatine Road. The subject property includes the Floor & Décor building located at 600 W. Rand Road and the large parking lot located directly west of and in front of the Floor and Décor building. The present request is to subdivide the Floor and Décor lot to create an outlot within a portion of the existing parking area. There is no current development proposal associated with this request for subdivision; future redevelopment of the proposed outlot will require an amendment to the existing Southpoint Shopping Center PUD.

The subject property is part of the Southpoint Shopping Center PUD, which was approved in 1988. This PUD includes the subject property as well as the remaining multi-tenant retail building attached to the Floor & Décor building, the Bif Furniture building and the multi-tenant retail spaces attached to the Bif furniture building, and three outlots along the Rand Road frontage. The entire Southpoint Shopping Center is subject to a lengthy Reciprocal Easement Agreement (REA) that provides for shared access and shared parking between all users within the PUD.

Since 2016 staff has been in contact with a developer interested in subdividing the Floor and Décor site to create the aforementioned outlot. During this time, staff has drafted a number of conceptual plans for consideration by the developer and has reviewed a number of preliminary concepts for development of the outlot. The end result of this process would yield an approximately 10,000 square foot building with space for a drive-through lane. While in concept, the proposed development appears viable, it must still be reviewed and approved by the Village via the PUD amendment process, and further modifications to the development concept may be required.

Meeting Discussion:

Commissioner Cherwin explained that the petitioner was a colleague of his and he was recusing himself from the

discussion.

Mr. Bauer thanked the Conceptual Plan Review Committee for the opportunity to appear before them and explained that he was in attendance on behalf of 600 Rand Rd. LLC, which was the owner of the Floor and Décor property (subject property). He introduced Robert and Orlando of Soos Architects, who were the project architects on behalf of the contract purchaser of the proposed outlot. The Floor and Décor site is approximately nine acres in size, and the proposed outlot would be about one and a quarter acre in size. The proposed outlot is planned to accommodate a future 10,200 square foot multi-tenant retail building, likely with some fast-casual dining tenants. This outlot would help to bring further activity to the shopping center as a whole.

Soos & Associates has been working with the Village to come up with a viable site plan for development of the proposed outlot, which needs to be successful for both the contract purchaser as well as the overall Southpoint Shopping Center. Since development of this outlot is contemplated for the future, and detailed development plans will not be provided as part of the proposed subdivision, of primary concern is the ability of the subdivision and resulting outlot to accommodate a viable development. Since the adoption of a TIF district that includes the Southpoint site, no outlot or significant redevelopment within the shopping center has occurred.

The proposed development would result in some loss of parking since the project entails construction of a building in an area that is currently parking. However, there is a significant surplus of parking within the Southpoint PUD and on the Floor and Décor parcel, so this loss of parking would be de minimis in nature. Additionally, there is a proposed 40-space parking area expansion that would occur directly south of the proposed outlot. Between the existing surplus of parking and the proposed parking expansion, the petitioner believes that parking will not become an issue given the proposed subdivision and future redevelopment of the outlot.

The petitioner has reviewed the draft conditions of approval as preliminarily recommended by staff and generally believe that they are viable. They have had some discussion with staff relative to these draft conditions and do not have any significant concerns at this point. He was aware that there have been preliminary discussions with the contract purchaser of the subdivision and the new owner of the Chili's and Olive Garden properties. This owner of the restaurant properties is also in discussions to purchase the inline retail building to the southeast of the Chili's site.

Mr. Hubbard explained that the subject property was within the B-3 District, and although the proposed subdivision did not include detailed plans and a request for development of the outlot, the conceptual plan provided by the petitioner depicts a development that is compatible with the existing B-3 zoning on the property. The Comprehensive Plan designates this property as suitable for commercial uses, and the conceptual 10,200 square foot retail building is compatible with this designation.

On a preliminary basis, the two main issues identified by staff relate to parking and to storm water detention. The area where the outlot is proposed is currently used as overflow parking for the Chili's and Olive Garden restaurants, and so any development of that parking area with a building will impact parking at the two aforementioned restaurants. For this reason, staff has asked the petitioner to examine the addition of parking spaces to the south of the proposed outlot within an oversized landscape island. This additional parking could serve as a new overflow parking area in close proximity to the Chili's and Olive Garden restaurants, which would help to mitigate the loss of the parking area that currently exists on the proposed outlot. Construction of this new parking area would be required when the outlot is developed.

Relative to detention, whenever a property is subdivided, it must be brought into compliance with current standards for storm water management. Because only subdivision is proposed at this time and no development is being sought in conjunction with the subdivision, detailed engineering analysis of any potential storm water deficits has not been provided. Therefore, staff is recommending a condition of approval that will require the correction any storm water deficiencies within not only the outlot but also the overall lot from which the outlot was created at such time as development of the outlot is proposed. In conclusion, staff was generally supportive of the proposed subdivision.

Commissioner Jensen asked if there were multiple owners of the proposed lot to be subdivided, which would make

correction of any storm water deficiencies difficult.

Mr. Hubbard explained that there were multiple owners within the Southpoint PUD, but only one owner of the lot to be subdivided. Additionally, there are existing easements and agreements within the Southpoint shopping center that give all parties rights to common elements such as the detention basin that serves the shopping center, so he didn't anticipate correction of any potential storm water issues to be problematic.

Commissioner Jensen asked the petitioner if they were receptive to the creation of new parking areas to serve the Chili's and Olive Garden overflow parking needs?

Mr. Bauer replied that he had no concerns with that and he understood the rationale as to why it was necessary. He believed that construction of the new parking areas would be somewhat of a swap; the current overflow parking was closer to Olive Garden than Chili's, and the proposed overflow parking area would be closer to Chili's than Olive Garden. He believed that the number of proposed overflow parking spaces would be sufficient to accommodate for the overflow needs of the two restaurants.

Commissioner Jensen questioned the urgency to proceed with subdivision if there was no actual development concept proposed for the newly created lot.

Mr. Bauer explained that the reason was two-fold. First, it would create a tangible lot that could be developed, and second, the contract between the seller and purchaser was contingent on this outlot being created by a certain date.

Commissioner Sigalos stated that he was glad to see something done that would bring more life into the shopping center. He asked why a new stand-alone retail building was needed given all of the existing vacancies within the shopping center.

Mr. Bauer replied that some of the contemplated uses for the conceptual building on the proposed outlot were fast-casual dining establishments that would likely include a drive-through.

Commissioner Sigalos said that he was familiar with both the Chili's and Olive Garden establishments, and every time he goes there he has to park in the existing overflow area where development is proposed. He asked if the developer has considered sliding the building further east, which would preserve the existing overflow parking area.

Mr. Bauer responded that from a planning perspective, it made more sense to have the outlot building closer to the "spine" road (the main access drive through the Southpoint shopping center). Furthermore, the intent was to bifurcate the Floor and Décor building from the proposed outlot so that there was parking in-between them that could serve both buildings.

Commissioner Sigalos mentioned that he drove by the site during right before peak dinner hours recently and observed that there were already a number of cars parked in the overflow area that is proposed for redevelopment.

Mr. Bauer explained that both the Olive Garden and Chili's restaurants have a practice of instructing their employees to park in the overflow parking areas to allow customers access to the prime parking spaces close to each restaurant. The intention of the expansion of parking within the landscape island to the south of the proposed outlot was to accommodate for the proposed demand for overflow parking that already exists.

Commissioner Sigalos said he supported anything that would help bring life into the shopping center. He asked about an indoor recreation that had been conceptually proposed for the Bif furniture site within Southpoint.

Mr. Hubbard replied that he hadn't heard anything relative to that proposal for some time and assumed that it was not moving forward.

Commissioner Green asked about cross access rights for the proposed outlot. Specifically, do they have rights to use parking anywhere through-out the shopping center if such overflow parking is necessary.

Mr. Bauer stated that there is reciprocal shared parking amongst all owners within the Southpoint PUD.

Commissioner Green said that he liked the proposed location of the outlot as close to the access “spine” drive. He thought that the proposal was a great idea and he supported projects that would bring more life back into Southpoint.

Commissioner Jensen asked about the vacancy rate for the shopping center.

Mr. Hubbard said that he did not know the vacancy rate for the shopping center.

RECOMMENDATION

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

Bruce Green, Chair
CONCEPTUAL PLAN REVIEW COMMITTEE
Sam Hubbard, Recorder

MELTZER, PURTILL & STELLE LLC

ATTORNEYS AT LAW

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FAX (847) 330-1231

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300 S. WACKER DRIVE
SUITE 3500
CHICAGO, IL 60606-6704
PHONE (312) 987-9900
FAX (312) 987-9854

File Number: 34187-005
Direct Dial: (312) 461-4302
E-mail: sbauer@mpslaw.com

January 18, 2018

VIA E-MAIL

Sam Hubbard
Development Planner
Department of Planning and Community Development
Village of Arlington Heights
33 S. Arlington Heights Road
Arlington Heights, IL 60005

RECEIVED
OCT 08 2018
PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

Re: Floor & Decor Subdivision Proposal at Southpoint Shopping Center

Dear Mr. Hubbard:

On behalf of 600 Rand Road, LLC ("Applicant"), as owner of the Floor & Décor property located at 600 East Rand Road ("Subject Property"), we are pleased to submit this request for Concept Plan Review Committee consideration of a unique opportunity to enable redevelopment of a portion of surplus parking for the future development of a multi-tenant retail building. More specifically, Applicant proposes to subdivide the Subject Property to create a new 53,590 square-foot outlot ("Outlot") generally in the manner depicted by the attached Existing Conditions/Proposed Outlot Exhibit for the purpose of enabling its sale and, subject to Village approval, contemplated redevelopment generally in the manner depicted by the attached Proposed Site Plan exhibits (collectively, "Site Plan") as a catalyst for revitalization of the Southpoint Shopping Center ("Center") of which the Subject Property is a part.

Recognizing the importance of that effort toward the Center's renewed vitality for the benefit of itself, the owners of other portions of the Center and the Village, Applicant has entered into a contract to sell the Outlot to a developer with a track record of converting underutilized property such as that from which the Outlot is proposed into successful retail tenant space that (i) enhances and supports existing retail development through a fresh means of attracting and capturing customer patronization opportunities and (ii) fosters further redevelopment interest in older retail centers suffering from high vacancy, obsolescence and deterioration such as the Center. In fact, Applicant has received multiple inquiries from parties expressing an interest in acquiring the balance of

Sam Hubbard
Village of Arlington Heights
January 18, 2018
Page 2

the Subject Property for renovation or redevelopment as a result of the Outlot's proposed creation and its contemplated redevelopment generally as depicted by the Site Plan. This is significant in that no redevelopment of any portion of the Center has occurred in the nearly 13-year period since the Village approved Redevelopment Plan and Project No. 5 and designated the Center as lying within a Redevelopment Project Area.

Similar to the Southpoint Resubdivision approved in 2017, which subdivided the Olive Garden, Chili's and multi-tenant building southeasterly thereof into three new lots of record, Applicant proposes to subdivide the Subject Property to both enhance capital investment in the Center through introduction of new ownership and facilitate redevelopment opportunity. In furtherance of those objectives, Applicant seeks to create the Outlot at this time to enable its sale and, subject to prior Village approval, redevelopment independent of Applicant's current evaluation of the interests expressed by prospective purchasers for the balance of the Subject Property. Regardless of whether those interests materialize into a sale of that balance at this time, creation of the Outlot as currently proposed will preserve the opportunity for the Outlot's redevelopment as a means of rejuvenating the Center.

As previously stated, Applicant's intent regarding the Outlot is limited to its creation from subdivision of the Subject Property to provide an ability, if approved by the Village, for the Outlot's future redevelopment by the contract purchaser thereof. In evaluating the ultimate impact of the proposed subdivision, it is important to note that preliminary Village review concluded that redevelopment of the Outlot in conjunction with the construction of approximately 40 new parking spaces on and immediately east of the existing triangularly-shaped landscape island on the Subject Property (all in general accordance with the Site Plan) will yield a total parking supply of approximately 493 parking spaces by comparison to the 320 parking spaces required by the Village zoning ordinance. As a result, it is clear that a dramatic surplus of approximately 173 parking spaces will remain on the Subject Property following such redevelopment of the Outlot, which demonstrates the appropriateness of Applicant's request to subdivide the Subject Property to create the Outlot in contemplation of the contract purchaser's intent to purchase and redevelop it in general accordance with the Site Plan. The Village will retain authority over any such proposed redevelopment due to all relevant entitlements requiring Village review and approval.

It is also important to note that the so-called "REA," which, as you are aware contains various covenants, restrictions and easements recorded against the Center approximately 30 years ago, both (i) granted perpetual easements for shared parking and integrated use of the Center and (ii) contemplated changes to the Center without need for either an amendment to the REA or approval by the owners of other portions of the Center. For example, Sections 1.01(b) and 1.02(b) of the REA reference the location of "roadways, parking areas and islands...*from time to time*" in the discretion of the owner of that

*Sam Hubbard
Village of Arlington Heights
January 18, 2018
Page 3*

portion of the Center to which such changes are proposed. (emphasis added). Additionally, Section 3.01 of the REA clearly indicates that the owners of one portion of the Center “have no right to approve the location, type or design of any additional improvements to be constructed” on another portion of the Center as long as adequate parking is provided. Needless to say, adequate parking is a nonissue due to the substantial surplus described above. These facts are significant to demonstrate the actual viability of the Outlot’s redevelopment.

We greatly appreciate your time and assistance to date in evaluating this exciting project and related considerations. We look forward to both presenting this request to the Concept Plan Review Committee on January 24th and further working with you and the Village to capitalize on this opportunity to bring revitalization to the Center.

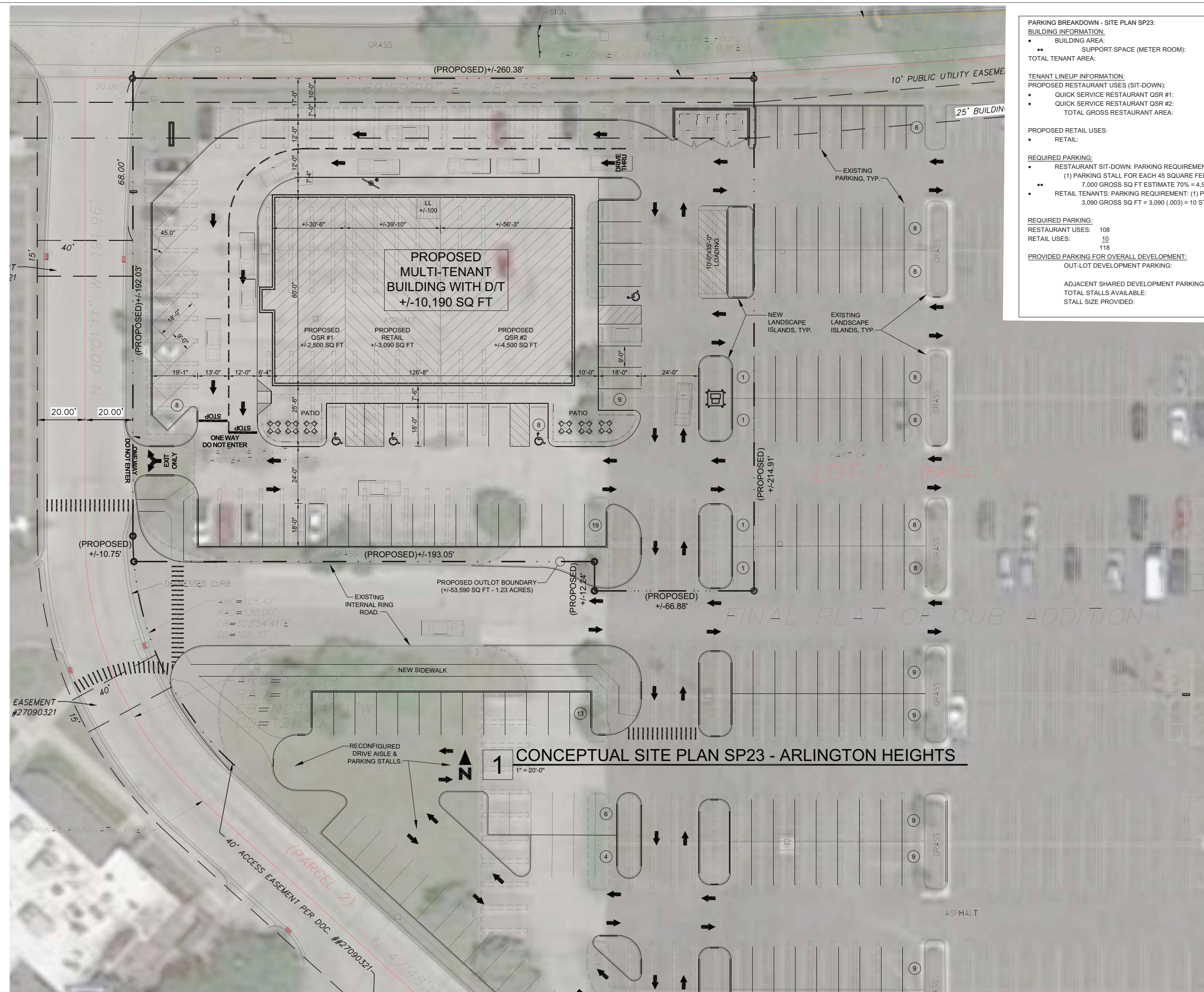
Sincerely,

MELTZER, PURTILL & STELLE LLC



Steven C. Bauer

Enclosures



PARKING BREAKDOWN - SITE PLAN SP23:

BUILDING INFORMATION:

- BUILDING AREA: 10,190 SQ FT
- SUPPORT SPACE (METER ROOM): -100 SQ FT
- TOTAL TENANT AREA: 10,090 SQ FT

TENANT LINEUP INFORMATION:

PROPOSED RESTAURANT USES (SIT-DOWN):

- QUICK SERVICE RESTAURANT QSR #1: +/-2,500 SQ FT
- QUICK SERVICE RESTAURANT QSR #2: +/-4,500 SQ FT
- TOTAL GROSS RESTAURANT AREA: +/-7,000 SQ FT

PROPOSED RETAIL USES:

- RETAIL: +/-3,090 SQ FT

REQUIRED PARKING:

- RESTAURANT SIT-DOWN: PARKING REQUIREMENT:
 (1) PARKING STALL FOR EACH 45 SQUARE FEET OF SEATING AREA.
- 7,000 GROSS SQ FT ESTIMATE 70% = 4,900 NET SQ FT (.022) = 108 STALLS
- RETAIL TENANTS: PARKING REQUIREMENT: (1) PARKING STALLS PER 300 GROSS SQ FT
 3,090 GROSS SQ FT = 3,090 (.003) = 10 STALLS

REQUIRED PARKING:

- | | |
|------------------|-----------|
| RESTAURANT USES: | 108 |
| RETAIL USES: | <u>10</u> |
| | 118 |

PROVIDED PARKING FOR OVERALL DEVELOPMENT:

- | | |
|--------------------------------------|---|
| OUT-LOT DEVELOPMENT PARKING: | 48 STALLS
(INCLUDES 4 ADA ACCESSIBLE STALLS) |
| ADJACENT SHARED DEVELOPMENT PARKING: | +74 STALLS |
| TOTAL STALLS AVAILABLE: | +122 STALLS |
| STALL SIZE PROVIDED: | 9'-0" X 18'-0" |

ASOCIATES

Soos & Associates, Inc.
A r c h i t e c t u r e

105 Schelter Road Lincolnshire Illinois 60069
phone: 847 821 7667 fax: 847 821 8570

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ILLINOIS DESIGN FIRM # 184003287

MJK Real Estate Holding Company
790 Estate Drive, Suite 100
Deerfield, IL 60015

MJK RETAIL DEVELOPMENT

600 EAST RAND ROAD
ARLINGTON HEIGHTS, IL 60004

Project

Consultant

No.	Issue	Date
	ADDRESS VILLAGE COMMENTS	2018-12-04
	ADDRESS VILLAGE COMMENTS	2018-11-16
	CURSORY REVIEW	2018-08-21
	CURSORY REVIEW	2017-10-12
	CURSORY REVIEW	2017-09-12
	CURSORY REVIEW	2017-09-11
	CURSORY VILLAGE REVIEW	2018-12-04

Seal

CURSORY REVIEW

Date FEBRUARY 25, 2016

Job Number 16 MJ 022

Drawn

Checked

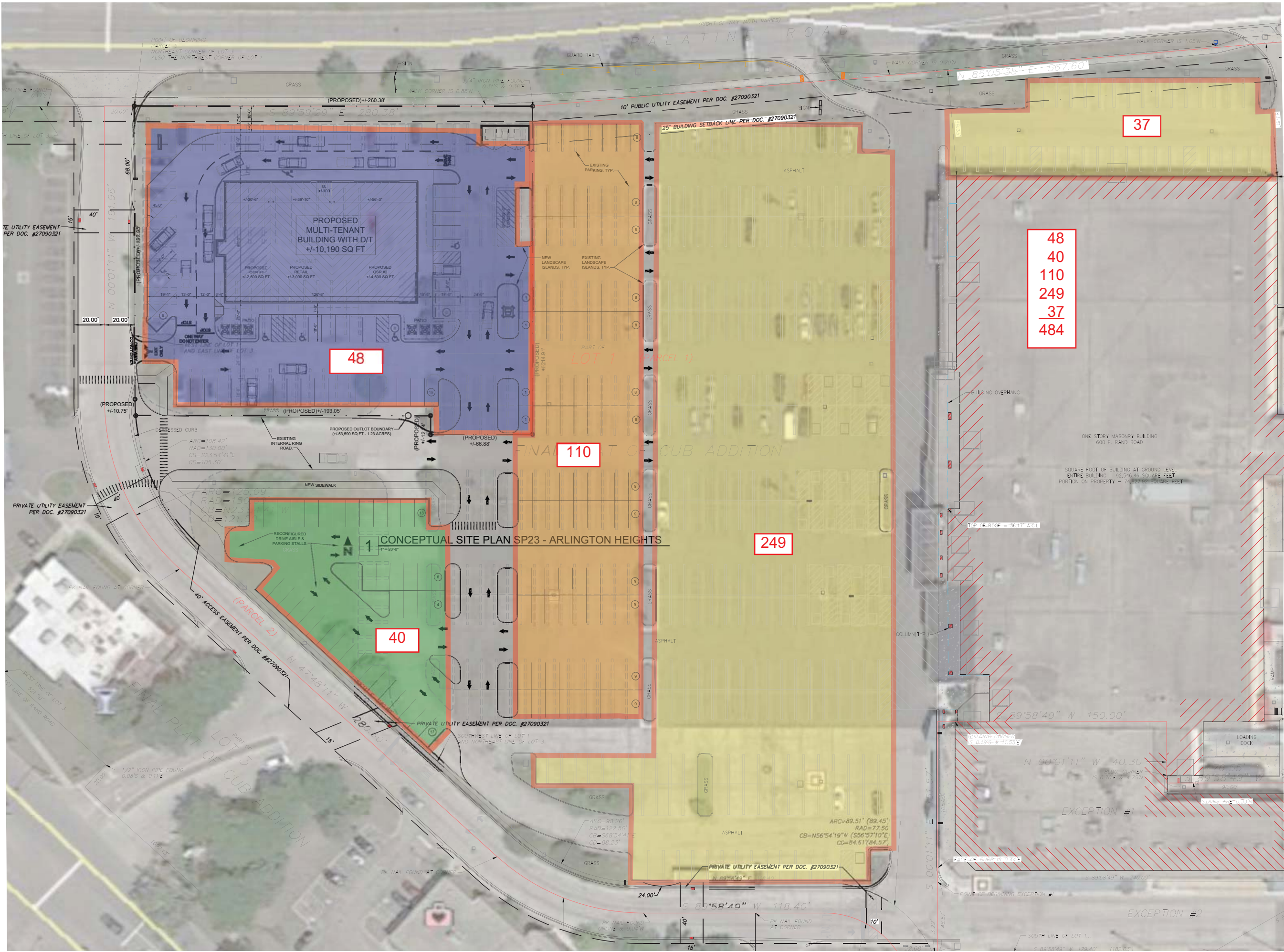
Approved

Title

PROPOSED SITE PLAN ENLARGED

Sheet

A-02b



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ILLINOIS DESIGN FIRM # 184003287

MJK Real Estate Holding Company
790 Estate Drive, Suite 100
Deerfield, IL 60015

MJK RETAIL DEVELOPMENT
600 EAST RAND ROAD
ARLINGTON HEIGHTS, IL 60004

Project

Consultant

ADDRESS VILLAGE COMMENTS	2018-12-04
ADDRESS VILLAGE COMMENTS	2018-11-16
CURSORY REVIEW	2018-08-21
CURSORY REVIEW	2017-10-12
CURSORY REVIEW	2017-09-12
CURSORY REVIEW	2017-09-11
CURSORY VILLAGE REVIEW	2016-12-09

No.	Issue	Date
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Seal

CURSORY REVIEW

Date FEBRUARY 25, 2016

Job Number 16 MJ 022

Drawn

Checked

Approved

Title

PROP. PARKING SUPPLY COMPOSITION EXH.

Sheet

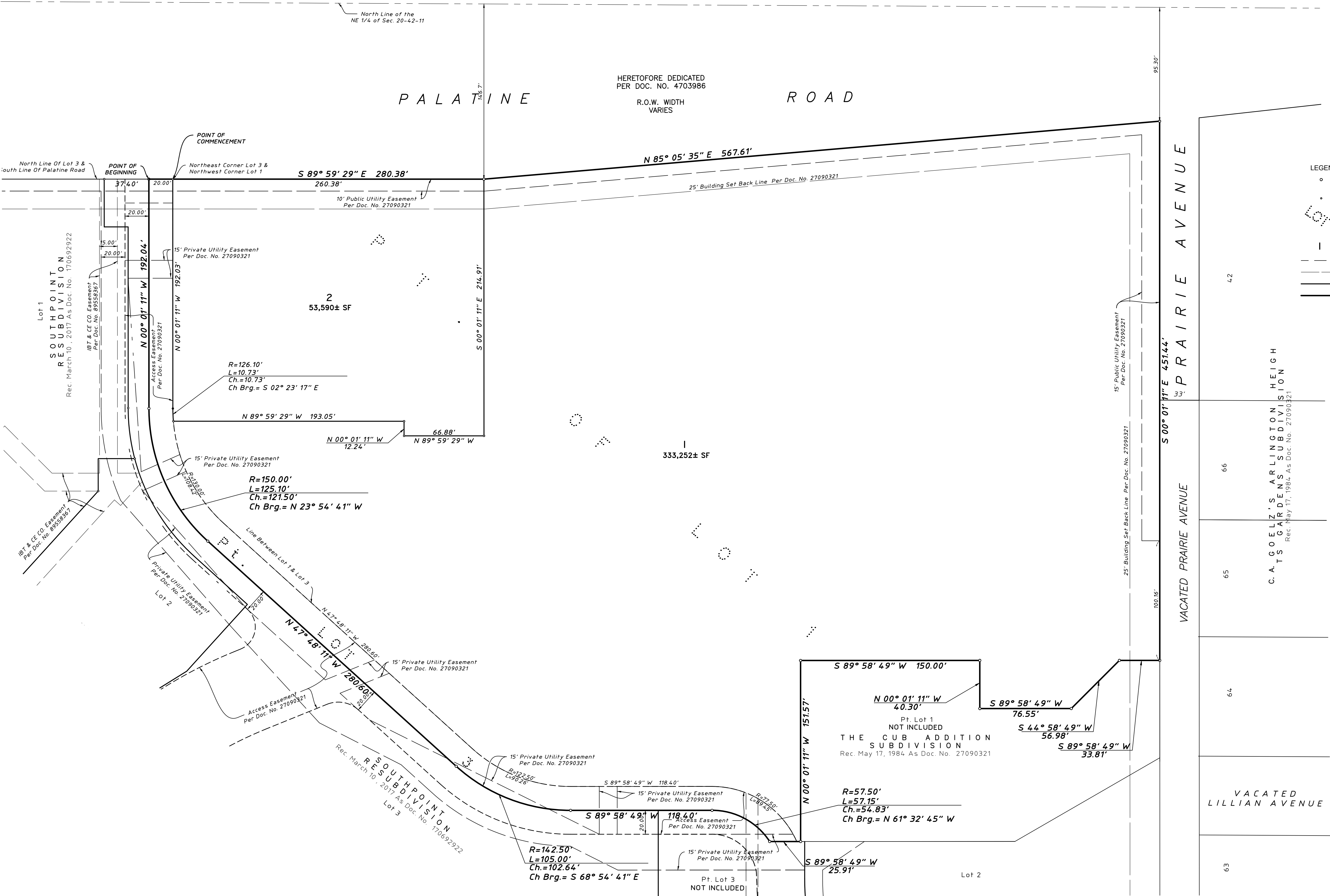
A-02c

MAIL PLAT TO:

HAEGER ENGINEERING LLC
CONSULTING ENGINEERS AND LAND SURVEYORS
100 EAST STATE PARKWAY
SCHAUMBURG, IL 60173

FINAL PLAT OF GARDEN FRESH RESUBDIVISION

BEING A RESUBDIVISION OF PART OF LOTS 1 AND 3 IN THE CUB ADDITION, BEING A SUBDIVISION IN THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 17, 1984 AS DOCUMENT NO. 27090321, IN COOK COUNTY, ILLINOIS.



- LEGEND
- Permentant Monument to be set per section 29-205(a) of the Village of Arlington Heights Municipal Code where applicable.
 - Iron Pipe to be set per section 29-205(b) of the Village of Arlington Heights Municipal Code.
 - Underlying Subdivision Lot No.
 - New Subdivision Lot No.
 - Existing Easement
 - Set Back Lines
 - New Lot Lines
 - Boundary Line

HAEGER ENGINEERING
consulting engineers • land surveyors

100 East State Parkway, Schaumburg, IL 60173
Tel: 847.394.6600 Fax: 847.394.6608
Illinois Professional Design Firm License No. 184-003152
www.haegerengineering.com

MAIL PLAT TO:

HAEGER ENGINEERING LLC
CONSULTING ENGINEERS AND LAND SURVEYORS
100 EAST STATE PARKWAY
SCHAUMBURG, IL 60173

FINAL PLAT
OF
GARDEN FRESH RESUBDIVISION

BEING A RESUBDIVISION OF PART OF LOTS 1 AND 3 IN THE CUB ADDITION, BEING A SUBDIVISION IN THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 17, 1984 AS DOCUMENT NO. 27090321, IN COOK COUNTY, ILLINOIS.

OWNER'S CERTIFICATE AND SCHOOL DISTRICT STATEMENT

STATE OF ILLINOIS)
COUNTY OF LAKE) SS
COUNTY OF LAKE)

THE UNDERSIGNED, 600 RAND RD, LLC, AS OWNER OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DOES HEREBY LAY OFF, PLAT AND SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THE WITHIN PLAT. THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS GARDEN FRESH RESUBDIVISION AN ADDITION TO THE VILLAGE OF ARLINGTON HEIGHTS, COOK COUNTY.

THIS IS TO FURTHER CERTIFY THAT TO THE BEST OF THE OWNER'S KNOWLEDGE THE LAND HEREIN DESCRIBED IS WITHIN THE FOLLOWING SCHOOL DISTRICTS:

- ELEMENTARY SCHOOL DISTRICT NO. 25
- TOWNSHIP HIGH SCHOOL DISTRICT NO. 214
- HARPER COMMUNITY COLLEGE DISTRICT 512

DATED THIS _____ DAY OF _____, AD, 20____

BY: _____

NAME: _____

TITLE: _____

STATE OF ILLINOIS)
COUNTY OF LAKE) SS
COUNTY OF LAKE)

I, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE SAID COUNTY IN THE STATE AFORESAID DOES HEREBY CERTIFY THAT _____ PERSONALLY KNOWN TO ME OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE SAME PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGE THAT HE SIGNED AND DELIVERED SAID INSTRUMENT AS HIS OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID CORPORATION FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____, 2017.

PRINT NAME _____

NOTARY PUBLIC _____

COMMISSION EXPIRES: _____ (SEAL)

SPACE RESERVED FOR COUNTY CLERK'S STAMP

SPACE RESERVED FOR COUNTY RECORDER'S STAMP

VILLAGE CERTIFICATE

UNDER THE AUTHORITY PROVIDED BY 65 ILCS 5/11-12, AS AMENDED BY THE STATE LEGISLATURE OF THE STATE OF ILLINOIS AND ORDINANCE ADOPTED BY THE VILLAGE BOARD OF THE VILLAGE OF ARLINGTON HEIGHTS, ILLINOIS, THIS PLAT WAS GIVEN APPROVAL BY THE VILLAGE OF ARLINGTON HEIGHTS AND MUST BE RECORDED WITHIN SIX MONTHS OF THE DATE OF APPROVAL BY THE VILLAGE BOARD, OTHERWISE IT IS NULL AND VOID.

APPROVED BY THE PLAN COMMISSION AT A MEETING HELD _____, A.D. 20____.

BY: _____
CHAIRMAN

ATTEST: _____
SECRETARY

APPROVED BY THE VILLAGE BOARD OF TRUSTEES AT A MEETING HELD _____, A.D. 20____.

BY: _____
PRESIDENT

ATTEST: _____
VILLAGE CLERK

APPROVED BY THE VILLAGE COLLECTOR ON _____, A.D. 20____.

APPROVED BY THE DIRECTOR OF ENGINEERING ON _____, A.D. 20____.

PREPARED FOR:

600 RAND RD, LLC
390 TOWNLINE ROAD
MUNDELEIN, IL 60060

SEND SUBSEQUENT TAX BILLS TO:

600 RAND RD, LLC
390 TOWNLINE ROAD
MUNDELEIN, IL 60060

THIS PLAT SUBMITTED FOR RECORDING BY:

AN AUTHORIZED REPRESENTATIVE OF
THE VILLAGE OF ARLINGTON HEIGHTS

PROFESSIONAL AUTHORIZATION

STATE OF ILLINOIS)
COUNTY OF COOK) SS
COUNTY OF COOK)

I, JEFFREY W. GLUNT, A PROFESSIONAL LAND SURVEYOR OF THE STATE OF ILLINOIS, LICENSE NUMBER 35-3695, DO HEREBY AUTHORIZE THE VILLAGE OF ARLINGTON HEIGHTS, COOK COUNTY, ILLINOIS, ITS STAFF OR AUTHORIZED AGENT, TO PLACE THIS DOCUMENT OF RECORD IN THE COUNTY RECORDERS OFFICE IN MY NAME AND IN COMPLIANCE WITH THE ILLINOIS STATUTES CHAPTER 109 PARAGRAPH 2, AS AMENDED.

SCHAUMBURG, ILLINOIS _____

BY: _____
JEFFREY W. GLUNT
IL. PROF. LAND SURVEYOR NO. 35-3695
LICENSE EXPIRES 11/30/2016 AND IS RENEWABLE

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF COOK) SS:
COUNTY OF COOK)

I, JEFFREY W. GLUNT, HEREBY CERTIFY THAT I AM AN ILLINOIS PROFESSIONAL LAND SURVEYOR IN COMPLIANCE WITH THE LAWS OF THE STATE OF ILLINOIS AND THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY COMPLETED BY ME ON NOVEMBER 6, 2014 THAT ALL MONUMENTS AND MARKERS SHOWN THEREON ACTUALLY EXIST, AND THAT I HAVE ACCURATELY SHOWN THE MATERIALS THAT THEY ARE MADE OF AND THAT I HAVE SURVEYED AND RESUBDIVIDED THE FOLLOWING DESCRIBED PROPERTY:

LOT 1 IN THE FINAL PLAT OF THE CUB ADDITION, BEING A SUBDIVISION IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTHEASTERLY OF THE CENTER LINE OF RAND ROAD, (EXCEPTING THEREFROM ALL THAT PART THEREOF USED OR TAKEN FOR PUBLIC ROADS) ACCORDING TO THE PLAT THEREOF RECORDED MAY 17, 1984 AS DOCUMENT NO. 27090321, (EXCEPTING THEREFROM THAT PART OF LOT 2, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1, THENCE SOUTH 0 DEGREES 01 MINUTES 11 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 1 A DISTANCE OF 533.00 FEET TO THE SOUTHEAST CORNER OF LOT 1, THENCE SOUTH 59 DEGREES 58 MINUTES 49 SECONDS WEST ALONG THE SOUTHERLY LINE OF SAID LOT 1 A DISTANCE OF 140.00 FEET TO A CORNER OF LOT 1, THENCE SOUTH 89 DEGREES 58 MINUTES 49 SECONDS WEST ALONG THE SOUTHERLY LINE OF SAID LOT 1, A DISTANCE OF 182.63 FEET; THENCE NORTH 0 DEGREES 01 MINUTES 11 SECONDS WEST, 46.57 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 0 DEGREES 01 MINUTES 11 SECONDS WEST, 105.00 FEET; THENCE NORTH 89 DEGREES 58 MINUTES 49 SECONDS EAST, 150.00 FEET; THENCE SOUTH 0 DEGREES 01 MINUTES 11 SECONDS EAST, 40.30 FEET; THENCE NORTH 89 DEGREES 58 MINUTES 49 SECONDS EAST, 90.00 FEET; THENCE SOUTH 0 DEGREES 31 MINUTES 11 SECONDS EAST 64.70 FEET; THENCE SOUTH 89 DEGREES 58 MINUTES 49 SECONDS, WEST, 240.00 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING FROM LOT 1 THE FOLLOWING: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1, THENCE SOUTH 0 DEGREES 01 MINUTES 11 SECONDS EAST ALONG THE EAST LINE OF LOT 1, A DISTANCE OF 451.43 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 0 DEGREES 01 MINUTES 11 SECONDS EAST ALONG SAID EAST LINE OF LOT 1, A DISTANCE OF 81.57 FEET TO THE SOUTHEAST CORNER OF LOT 1, THENCE SOUTH 59 DEGREES 58 MINUTES 49 SECONDS WEST ALONG THE SOUTHERLY LINE OF SAID LOT 1, A DISTANCE OF 140.00 FEET TO A CORNER OF LOT 1, THENCE SOUTH 89 DEGREES 58 MINUTES 49 SECONDS WEST ALONG THE SOUTHERLY LINE OF LOT 1, A DISTANCE OF 182.63 FEET; THENCE NORTH 0 DEGREES 01 MINUTES 11 SECONDS WEST, 46.57 FEET; THENCE NORTH 89 DEGREES 58 MINUTES 49 SECONDS EAST, 240.00 FEET; THENCE NORTH 0 DEGREES 01 MINUTES 11 SECONDS WEST, 64.70 FEET; THENCE SOUTH 89 DEGREES 58 MINUTES 49 SECONDS WEST, 13.45 FEET; THENCE NORTH 44 DEGREES 58 MINUTES 49 SECONDS EAST, 56.99 FEET; THENCE NORTH 89 DEGREES 58 MINUTES 49 SECONDS EAST, 33.80 FEET TO THE POINT OF BEGINNING) ALL IN COOK COUNTY, ILLINOIS.

ALSO THAT PART OF LOT 3 IN THE FINAL PLAT OF THE CUB ADDITION, BEING A SUBDIVISION IN NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTHEASTERLY OF THE CENTER LINE OF RAND ROAD, (EXCEPTING THEREFROM ALL THAT PART THEREOF USED OR TAKEN FOR PUBLIC ROADS), ACCORDING TO THE PLAT THEREOF RECORDED MAY 17, 1984 AS DOCUMENT NO. 27090321, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 3, BEING ALSO THE NORTHWEST CORNER OF LOT 1 IN SAID CUB ADDITION; THENCE SOUTH 0 DEGREES 01 MINUTES 11 SECONDS EAST ALONG THE WESTERLY LINE OF LOT 1 A DISTANCE OF 191.95 FEET TO A POINT OF CURVATURE; THENCE CONTINUING IN A SOUTHERLY DIRECTION ALONG THE WESTERLY LINE OF LOT 1, SAID LINE BEING A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 130.00 FEET, AN ARC DISTANCE OF 108.42 FEET TO A POINT OF TANGENCY, THE CHORD OF SAID ARC HAVING A LENGTH OF 105.30 FEET AND A BEARING OF SOUTH 23 DEGREES 54 MINUTES 41 SECONDS EAST; THENCE SOUTH 47 DEGREES 48 MINUTES 11 SECONDS EAST ALONG THE WESTERLY LINE OF LOT 1, A DISTANCE OF 280.60 FEET TO A POINT OF CURVATURE; THENCE IN AN EASTERLY DIRECTION ALONG THE SOUTHERLY LINE OF LOT 1, SAID LINE BEING A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 122.50 FEET, AN ARC DISTANCE OF 90.26 FEET TO A POINT OF TANGENCY, THE CHORD OF SAID ARC HAVING A LENGTH OF 88.23 FEET AND A BEARING OF SOUTH 68 DEGREES 54 MINUTES 41 SECONDS EAST; THENCE NORTH 89 DEGREES 58 MINUTES 49 SECONDS EAST, ALONG THE SOUTHERLY LINE OF LOT 1, A DISTANCE OF 118.40 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG THE SOUTHERLY LINE OF LOT 1, SAID LINE BEING A CURVE, CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 77.50 FEET, AN ARC DISTANCE OF 89.45 FEET TO A CORNER OF LOT 1 THE CHORD OF SAID ARC HAVING A LENGTH OF 84.57 FEET AND A BEARING OF SOUTH 56 DEGREES 57 MINUTES 10 SECONDS EAST; THENCE SOUTH 89 DEGREES 58 MINUTES 49 SECONDS WEST ALONG THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF LOT 1, A DISTANCE OF 22.68 FEET; THENCE IN A NORTHWESTERLY DIRECTION ALONG A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 57.50 FEET, AN ARC DISTANCE OF 57.16 FEET TO A POINT OF TANGENCY, THE CHORD OF SAID ARC HAVING A LENGTH OF 54.83 FEET, AND A BEARING OF NORTH 61 DEGREES 32 MINUTES 37 SECONDS WEST; THENCE SOUTH 89 DEGREES 58 MINUTES 49 SECONDS WEST, 118.40 FEET TO A POINT OF CURVATURE; THENCE IN A NORTHWESTERLY DIRECTION ALONG A CURVE, CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 142.50 FEET, AN ARC DISTANCE OF 104.99 FEET TO A POINT OF TANGENCY, THE CHORD OF SAID ARC HAVING A LENGTH OF 102.64 FEET, AND A BEARING OF NORTH 68 DEGREES 54 MINUTES 41 SECONDS WEST; THENCE NORTH 47 DEGREES 48 MINUTES 11 SECONDS WEST, 280.60 FEET TO A POINT OF CURVATURE; THENCE IN A NORTHERLY DIRECTION ALONG A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 150.00 FEET, AN ARC DISTANCE OF 125.09 FEET TO A POINT OF TANGENCY, THE CHORD OF SAID ARC HAVING A LENGTH OF 121.50 FEET, AND A BEARING OF NORTH 23 DEGREES 54 MINUTES 41 SECONDS WEST; THENCE NORTH 0 DEGREES 01 MINUTES 11 SECONDS WEST 191.95 FEET TO THE NORTH LINE OF LOT 3, THENCE SOUTH 89 DEGREES 58 MINUTES 29 SECONDS EAST, 20.00 FEET TO THE PLACE OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

CONTAINING AN AREA OF 8.881 ACRES MORE OR LESS.

DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF. IRON PIPES, (OR REBARS WITH PLASTIC CAPS), AND CONCRETE MONUMENTS HAVE BEEN SET AT CORNERS IN ACCORDANCE WITH CURRENT STATE STATUTES AND VILLAGE OF ARLINGTON HEIGHTS REQUIREMENTS.

I DO HEREBY FURTHER CERTIFY THAT THE LAND INCLUDED IN THE ANNEXED PLAT IS WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF ARLINGTON HEIGHTS, COOK COUNTY, ILLINOIS, WHICH HAS ADOPTED A CITY PLAN AND IS EXERCISING THE SPECIAL POWERS AUTHORIZED BY DIVISION 12 OF ARTICLE 11 OF THE ILLINOIS MUNICIPAL CODE AS HERETOFORE AND HEREAFTER AMENDED AND ALSO THAT BASED ON INFORMATION PROVIDED ON THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 17031C0020J, DATED AUGUST 19, 2008, PRODUCED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR COOK COUNTY, ILLINOIS, THE PROPERTY SHOWN AND DESCRIBED HEREON IS LOCATED WITHIN ZONE X, WHICH IS DEFINED BY FEMA AS "AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN".

SCHAUMBURG, ILLINOIS _____ NOVEMBER 15, 2018

BY: _____
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3695

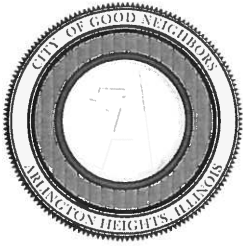


EXPIRES 11-30-20

REVISED: NOVEMBER 15, 2018
PREPARED APRIL 27, 2018 BY

HAEGER ENGINEERING
consulting engineers • land surveyors

100 East State Parkway, Schaumburg, IL 60173
Tel: 847.394.6600 Fax: 847.394.6608
Illinois Professional Design Firm License No. 184-003152
www.haegerengineering.com



Village of Arlington Heights Building & Life Safety Department

Interoffice Memorandum

To: Sam Hubbard, Development Planner, Planning and Community Development
From: Deb Pierce, Plan Reviewer, Building & Life Safety Department
Subject: 600 E Rand Rd – Preliminary and Final Plat of Subdivision
PC#: 18-020 – Round 1
Date: October 9, 2018

Sam –

I do not have any objections to the proposal.

RECEIVED
OCT 10 2018
PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

BUILDING DEPARTMENT

1A

PETITIONER'S APPLICATION - ARLINGTON HEIGHTS PLAN COMMISSION

Petition #: P.C. 1B-020Petitioner: 600 Rand Rd, LLC, an Illinois
limited liability companyOwner: 600 Rand Rd, LLC, an Illinois
limited liability companyContact Person: Steven C. Bauer, Petitioner's & Owner's AttyAddress: Meltzer, Purtil & Stelle LLC300 S. Wacker Drive, Suite 2300, Chicago, IL 60606Phone #: (312) 461-4302Fax #: (312) 987-9854E-Mail: sbauer@mpslaw.comP.I.N.# 03-20-200-007-0000Location: 600 East Rand RoadRezoning: N/A Current: B-3PUD Proposed: N/ASubdivision: Garden Fresh Resubdivision# of Lots: 2 Current: 1 Proposed: 2PUD: N/A For: N/ASpecial Use: N/A For: N/ALand Use Variation: N/A For: N/ALand Use: Commercial- Current: Commercial-Retail
Retail Proposed: Commercial-RetailSite Gross Area: 386,842sf / 8.88 acres# of Units Total: N/A1BR: 2BR: 3BR: 4BR:

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

FIRE PREVENTION _____

NO COMMENTS AT THIS TIME.
Director10/9/18
Date

PUBLIC WORKS DEPARTMENT

2

PETITIONER'S APPLICATION - ARLINGTON HEIGHTS PLAN COMMISSION

Petition #: P.C. 18-020Petitioner: 600 Rand Rd, LLC, an Illinois
limited liability companyOwner: 600 Rand Rd, LLC, an Illinois
limited liability companyContact Person: Steven C. Bauer, Petitioner's & Owner's AttyAddress: Meltzer, Purtil & Stelle LLC
300 S. Wacker Drive, Suite 2300, Chicago, IL 60606Phone #: (312) 461-4302Fax #: (312) 987-9854E-Mail: sbauer@mpslaw.comP.I.N.# 03-20-200-007-0000Location: 600 East Rand RoadRezoning: N/A Current: B-3PUD Proposed: N/ASubdivision: Garden Fresh Resubdivision# of Lots: 2 Current: 1 Proposed: 2PUD: N/A For: N/ASpecial Use: N/A For: N/ALand Use Variation: N/A For: N/ALand Use: Commercial- Current: Commercial-Retail
Retail Proposed: Commercial-RetailSite Gross Area: 386,842sf / 8.88 acres# of Units Total: N/A1BR: 2BR: 3BR: 4BR:

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

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

Abst

Director

10-16-19

Date

Approved as noted,

Memorandum

To: Sam Hubbard, Planning and Community Development
From: Cris Papierniak, Assistant Director of Public Works
Date: October 17, 2018
Subject: 600 E Rand Road, PC #18-020



With regard to the preliminary and final plat of subdivision, PW has the following comments:

- 1) This property is metered (water consumption) by master meters. The proposed building will be billed (included) through the master meter arrangement.
- 2) Until a set of plans have been submitted detailing the proposed additions to existing utilities and conditions, VAHPW cannot provide further comments.

If you have any questions, please feel free to contact me.

C. file

PETITIONER'S APPLICATION - ARLINGTON HEIGHTS PLAN COMMISSION

Petition #: P.C. 18-020
 Petitioner: 600 Rand Rd, LLC, an Illinois
limited liability company

Owner: 600 Rand Rd, LLC, an Illinois
limited liability company

Contact Person: Steven C. Bauer, Petitioner's & Owner's Atty

Address: Meltzer, Purtil & Stelle LLC

300 S. Wacker Drive, Suite 2300, Chicago, IL 60606

Phone #: (312) 461-4302

Fax #: (312) 987-9854

E-Mail: sbauer@mpslaw.com

P.I.N.# 03-20-200-007-0000

Location: 600 East Rand Road

Rezoning: N/A Current: B-3PUD Proposed: N/A

Subdivision: Garden Fresh Resubdivision

of Lots: 2 Current: 1 Proposed: 2

PUD: N/A For: N/A

Special Use: N/A For: N/A

Land Use Variation: N/A For: N/A

Land Use: Commercial- Current: Commercial-Retail
Retail Proposed: Commercial-Retail

Site Gross Area: 386,842sf / 8.88 acres

of Units Total: N/A

1BR: 2BR: 3BR: 4BR:

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

1. PUBLIC IMPROVEMENTS

REQUIRED: **YES NO** **COMMENTS**

a. Underground Utilities

Water **NO**

Sanitary Sewer **NO**

Storm Sewer **NO**

b. Surface Improvement

Pavement **NO**

Curb & Gutter **NO**

Sidewalks **NO**

Street Lighting **NO**

c. Easements

Utility & Drainage **NO**

Access **NO**

2. PERMITS REQUIRED OTHER THAN VILLAGE:

a. MWRDGC

b. IDOT

c. ARMY CORP

d. IEPA

e. CCHD

YES NO COMMENTS

3. R.O.W. DEDICATIONS?

YES

NO

COMMENTS

4. SITE PLAN ACCEPTABLE?

YES

NO

COMMENTS

5. PRELIMINARY PLAT ACCEPTABLE?

YES

NO

COMMENTS

6. TRAFFIC STUDY ACCEPTABLE?

YES

NO

COMMENTS

7. STORM WATER DETENTION REQUIRED?

YES

NO

COMMENTS

8. CONTRIBUTION ORDINANCE EXISTING?

YES

NO

COMMENTS

9. FLOOD PLAIN OR FLOODWAY EXISTING? ...

YES

NO

COMMENTS

10. WETLAND EXISTING?

YES

NO

COMMENTS

GENERAL COMMENTS ATTACHED

PLANS PREPARED BY: N/A

DATE OF PLANS: N/A

Director

Date

10/20/18

PLAN COMMISSION PC #18-020
Garden Fresh Resubdivision
600 E. Rand Rd.
Preliminary Final Plat of Subdivision
Round 1

1. The Final Plat of Subdivision must be reviewed and approved by the Engineering Department prior to final Plan Commission approval. The original signed mylar Final Plat of Subdivision, containing all non-Village signatures, shall be submitted one week before the scheduled date of the final Plan Commission meeting. Village Code Section 29-209 also requires a digital copy of the plat to be provided on disk to the Village. The petitioner shall acknowledge that they accept this understanding.
2. Village Code calls for each separate lot to have separate individual service lines for Village water and sanitary sewers. The recorded covenants, restrictions, and easements should cover the ownership and maintenance of all the existing utilities and service connections.

FINAL PLAT OF SUBDIVISION

3. The plat was reviewed against the attached Final Plat of Subdivision Checklist. The following items need to be addressed:
 - a. Item k: The text of protective covenants, approved by the Plan Commission, relating to the proposed subdivision.
 - b. Item l: Add Cook County Clerk signature block.
 - c. Item n: Clearly identify the owners of each parcel of land within the signature blocks, and correct the County to reference Cook County.
 - d. Item t: Provide the name and address in the block stating "Send Tax Bill To:"
4. Add the utility signature blocks.

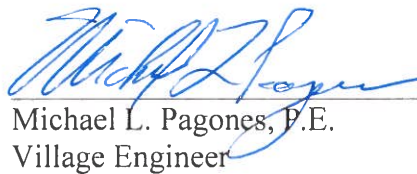
TRAFFIC

5. All existing cross access and shared parking agreements that permit other out lot permissions to overlap onto other subdivided parcels should be provided.
6. Define all cross access easements to the new lot.

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OCT 22 2018
PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

Attachments:

Final Plat of Subdivision Checklist (3 pages)
Sample Utility Signature Blocks (2 page)

 10/20/18
Michael L. Pagonis, P.E. Date
Village Engineer

Final Plat of Subdivision Checklist
Municipal Code Section 29-209(a – t)

- ☐ a. The date of preparation of the final plat and by whom prepared.
- ☐ b. The boundary of the plat, based on accurate traverse, with angles and lineal dimensions.
- ☐ c. All permanent survey monuments, markers and bench marks.
- ☐ d. Exact location, width and name of all streets within and adjoining the plat, and the exact location and widths of all cross walkways.
- ☐ e. True angles and distances to the nearest established street lines or official monuments, not less than three.
- ☐ f. Municipal, township, county and section lines accurately tied to the lines of the subdivision by distances and angles.
- ☐ g. Radii, internal angles, points and curvatures, tangent bearings and lengths of all arcs.
- ☐ h. All easements for rights of way established for public use and utilities.
- ☐ i. All lot numbers and lines, with accurate dimensions given in hundredths of feet.
- ☐ j. Accurate outlines and legal descriptions of all areas dedicated or reserved for public use, with the proposed uses indicated thereon; and all areas to be reserved by deed covenant for the common use of all property owners; together with the proposed uses indicated thereon.
- ☐ k. The text of protective covenants, approved by the Plan Commission, relating to the proposed subdivision.
- ☐ l. An endorsement by the County Clerk in the form acceptable to Cook County, that there are no delinquent, forfeited, foreclosed or purchased general taxes, or unpaid current general taxes, against the land proposed to be subdivided.
- ☐ m. A summary of all restrictions applicable to any part of such subdivision concerning building restrictions, use restrictions, building setback lines and similar matters.
- ☐ n. A deed of dedication in the form set forth in Section 29-217(a):
The Final plat shall contain a deed of dedication substantially as follows:

"We, the undersigned, (Names), owners of the real estate shown and described herein, do hereby lay off, plat and subdivide said real estate in accordance with the within plat. This subdivision shall be known and designated as (Name), an addition to the Village of Arlington Heights, Cook County. All streets and alleys and public open spaces shown and not heretofore dedicated are hereby dedicated to the public. Front and side yard building setback lines are established as shown on this plat, between which lines and the property lines of the streets, there shall be erected or maintained no building or structure. There are strips of ground, (Number) feet in width, as shown on this plat and marked 'Easement' reserved for the use of public utilities for the installation of water and sewer mains, poles, ducts, lines and wires, subject at all times to the proper authorities and to the easement herein reserved. No permanent or other structures are to be erected or maintained upon

these strips of land, but owners of lots in this subdivision shall take their titles subject to the rights of the public utilities, and to the rights of the owners of other lots in this subdivision.

(Additional dedications and protective covenants, or private restrictions, would be inserted here upon the subdivider's initiative or the recommendation of the Plan Commission or Village Board; important provisions are those specifying the use to be made of the property and, in the case of residential use, the minimum habitable floor area.)

The foregoing covenants (or restrictions), are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 20____ [25 year period is suggested], at which time said covenants (or restrictions) shall be automatically extended for successive periods of ten years unless indicated otherwise by negative vote of a majority of the then owners of the building sites covered by these covenants (or restrictions), in whole or in part, which said vote will be evidenced by a petition in writing signed by the owners and duly recorded. Invalidation of any one of the foregoing covenants (or restrictions) by judgment or court order shall in no way affect any of the other various covenants (or restrictions), which shall remain in full force and effect.

The right to enforce these provisions by injunction, together with the right to cause the removal, by due process of law, of any structure or part thereof erected or maintained in violation, is hereby dedicated to the public, and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns.

WITNESS our hands and seals this ____ day of _____, 20____.

STATE OF ILLINOIS)
COUNTY OF COOK) SS.

Before me the undersigned Notary Public, in and for the County and State aforesaid, personally appeared (Names), and each separately and severally acknowledged the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed.

WITNESS my hand and notarial seal this ____ day of 20 ____.

Notary Public"

- ☐ o. A blank certificate of approval in the form set forth in Section 29-217(b).
The Final plat shall contain a certificate of approval as follows:

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

APPROVED by the Plan Commission at a meeting held _____

Chairman

Secretary

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

President

Village Clerk

APPROVED by the Village Collector

APPROVED by the Director of Engineering
_____ "

- ☐ p. A certification by a registered surveyor in the form set forth in Section 29-217(c). The Final plat shall contain a certificate signed by an Illinois Registered Land Surveyor in substantially the following form:

"I, (Name), hereby certify that I am an Illinois Registered Land Surveyor in compliance with the laws of the State of Illinois, and that this plat correctly represents a survey completed by me on (Date); that all monuments and markers shown thereon actually exist, and that I have accurately shown the materials that they are made of.

(SURVEYOR'S SEAL) Signature
Illinois Land Surveyor
No. _____ "

- ☐ q. A notarized statement from the owner indicating the school district in which each tract, parcel, lot or block lies.
- ☐ r. A certificate in the form as required by the Illinois Department of Transportation or Cook County Highway Department, respectively, when any new street or new driveway will access one of these Department's streets.
- ☐ s. The parcel index numbers of all lots contained within the plat shall be included on the plat of subdivision.
- ☐ t. A block stating "Send Tax Bill To: (Name/Address)." The actual name and address shall be provided by the developer.
- ☐ u. Provide a location to identify the address of each new lot.

The Village of Arlington Heights Municipal Code can be accessed over the internet at www.vah.com .

Sample Signature Blocks

COMMONWEALTH EDISON COMPANY
EASEMENT APPROVED AND ACCEPTED

BY: _____ DATE: _____, 20__

TITLE: _____

AMERITECH/SBC
EASEMENT APPROVED AND ACCEPTED

BY: _____ DATE: _____, 20__

TITLE: _____

NICOR GAS
EASEMENT APPROVED AND ACCEPTED

BY: _____ DATE: _____, 20__

TITLE: _____

COMCAST CABLE
EASEMENT APPROVED AND ACCEPTED

BY: _____ DATE: _____, 20__

TITLE: _____

WIDE OPEN WEST, LLC
EASEMENT APPROVED AND ACCEPTED

BY: _____ DATE: _____, 20__

TITLE: _____

Cook County Signature Block:

This plat has been approved by the Cook County Highway Department with respect to roadway access pursuant to 765 ILCS 205/2. However, a Highway Permit, conforming to the standards of the Cook County Highway Department is required by the owner of the property for this access.

Superintendent of Highways
Cook County, Illinois



Arlington Heights Fire Department Plan Review Sheet

P. C. Number 18-020

Project Name

Southpoint Shopping Center Outlot

Project Location

600E. Rand Road

Planning Department Contact Sam Hubbard

General Comments

Round 1

1. The Fire Department Requests an auto turn diagram.
2. Building to be sprinkled.
3. The Fire Department Connection shall be located at the main front entrance of the building, be fully visible and accessible. It shall be located within a maximum travel distance of 100 feet to the nearest fire hydrant.
4. A fully operational annunciator panel or alarm panel shall be located at the main front entrance of the building.
5. A Knox Box shall be located at the main front entrance.

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

Date October 12, 2018

Reviewed By: LT. Mark Aleckson

Arlington Heights Fire Department

RECEIVED

OCT 17 2018

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

ARLINGTON HEIGHTS POLICE
DEPARTMENT

Community Services Bureau

DEPARTMENT PLAN REVIEW SUMMARY

600 E. Rand Road

PC#18-020

Round 1 Review Comments

10/16/2018

1. Character of use:

The character of use is consistent with the area.

2. Are lighting requirements adequate?

Lighting should be up to Village of Arlington Heights Code. Special attention in the redevelopment should be given to those outside common areas, entrances/exits and parking lot. Special attention should be given to illuminating the parking lot, areas around the building- to include entries/exits. These areas should be illuminated specifically during hours of darkness for safety, to deter criminal activity and increase surveillance/visibility- potentially reducing vehicle burglaries, theft, trespassing, vandalism, and other criminal activity.

3. Present traffic problems?

There are no traffic problems at this location.

4. Traffic accidents at particular location?

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

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

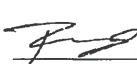
This development is likely to create an increase in traffic volume. This increase is unlikely to cause any problems since there will be vehicle access from several entrances/exits to Southpoint. Parking issues will be caused by patrons to Chili's and Olive Garden since overflow parking is directed to use the parking lot where the new building will be.

6. General comments:

- Landscaping should provide open sightlines to increase natural surveillance and avoid creating ambush locations and havens for illegal activities- theft, trespassing, vandalism, underage drinking, drug use, etc.

- Please ensure that there is an emergency information/contact card on file with the Arlington Heights Police Department and that it is up-to-date during construction phase and for each tenant. The form is attached. Please complete and return. This allows police department personnel to contact an agent during emergency situations or for suspicious/criminal activity on the property during all hours.

- The addition of Trespass signage is recommended. Consider posting no trespassing / loitering/ no unauthorized use signage. The Arlington Heights Police Dept. has and utilizes trespass warning forms under qualifying circumstances when requested by property management.

 #272

Brandi Romag, Crime Prevention Officer
Community Services Bureau

Approved by:

 #557

Supervisor's Signature

Arlington Heights Police Department

Emergency Information Card

1. Fill in all information by tabbing to each field.
2. When completed, save the form and send as an attachment to: policemail@vah.com.

Arlington Heights Police Department
200 E. Sigwalt Street
Arlington Heights, IL 60005-1499
Phone: 847/368-5300

Completed forms may also be printed and submitted in the following manner:

By Mail: Arlington Heights Police Department
200 E. Sigwalt Street, Arlington Heights, IL. 60005
Attention: Police Administration

Print Form (To Mail)

By Fax: (847) 368-5970 - Attention: Police Administration

In Person: Dropped off at the Arlington Heights Police Department's front desk for forwarding to Police Administration.

Name (Firm or Residence)

Address/City

Telephone Number

Date Information Obtained

IN CASE OF EMERGENCY PLEASE CALL:

Contact #1

Name

Address/City

Telephone Number

Cell Number

Contact #2

Name

Address/City

Telephone Number

Cell Number

Alarm System

☐ No

☐ Yes

Phone number:

Alarm Company Name

HEALTH SERVICES DEPARTMENT

6

PETITIONER'S APPLICATION - ARLINGTON HEIGHTS PLAN COMMISSION

Petition #: P.C. 18-020Petitioner: 600 Rand Rd, LLC, an Illinois
limited liability companyOwner: 600 Rand Rd, LLC, an Illinois
limited liability companyContact Person: Steven C. Bauer, Petitioner's & Owner's AttyAddress: Meltzer, Purtill & Stelle LLC
300 S. Wacker Drive, Suite 2300, Chicago, IL 60606Phone #: (312) 461-4302Fax #: (312) 987-9854E-Mail: sbauer@mpslaw.comP.I.N.# 03-20-200-007-0000Location: 600 East Rand RoadRezoning: N/A Current: B-3PUD Proposed: N/ASubdivision: Garden Fresh Resubdivision# of Lots: 2 Current: 1 Proposed: 2PUD: N/A For: N/ASpecial Use: N/A For: N/ALand Use Variation: N/A For: N/ALand Use: Commercial- Current: Commercial-Retail
Retail Proposed: Commercial-RetailSite Gross Area: 386,842sf / 8.88 acres# of Units Total: N/A1BR: 2BR: 3BR: 4BR:

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

1. GENERAL COMMENTS:

No comments from this Department

Jeff Bohner  10/12/18

Environmental Health Officer

Date

James McCalister  10/12/18

for

Direc
Date



Planning & Community Development Dept. Review

October 23, 2018

REVIEW ROUND 1

Project: 600 E. Rand Rd.
Southpoint Shopping Center Outlot

Case Number: PC 18-020

General:

7. The following approvals have been requested:
- Preliminary and Final Plat of Subdivision to subdivide one lot into two lots.**
 - Variation to Chapter 29, Section 29-206, to waive the requirement for detailed plans outlining required improvements.**
 - Variation to Chapter 29, Section 29-501, to defer the requirement to conform to the regulations within Section 29-501 until such time as a building permit is submitted for development of the proposed Lot 2.**

Plat of Subdivision:

- Please note that the Final Plat, as approved by the Engineering Dept., must be printed on mylar and submitted to the Village, with signatures obtained from all parties except those to be coordinated by the Village, **no less than one week** prior to the Plan Commission hearing date. If this requirement cannot be met, you can proceed with Preliminary Plat approval with Final Plat approval obtained at a future date (i.e. a separate Plan Commission meeting would be needed). No public notice is required for Final Plat of Subdivision approval. If you end up proceeding with Preliminary Plat approval only, a copy of the Plat which reads "Preliminary" will be required one week prior to the Plan Commission hearing.
- Please note that final engineering must be approved by the Engineering Dept. no less than one week prior to appearance before the Plan Commission, which will include the payment of all applicable engineering fees and the provision of all surety bonds, public improvement deposits, and maintenance guarantees. If this requirement cannot be met, you can proceed with Preliminary Plat approval with Final Plat approval obtained at a future date (i.e. a separate Plan Commission meeting would be needed). No public notice is required for Final Plat of Subdivision approval. Please confirm with the Engineering Dept. if any deposits, bonds, and fees will be required prior to Plan Commission appearance.
- The School Data appears twice on the Plat of Subdivision. Please remove the duplicate appearance of this information.

Preliminary Development Plans:

- The following comments are preliminary comments relative to the conceptual site plan for the development of the proposed outlot. Please note that these comments are preliminary only and the Village reserves the right to generate additional comments once formal plans for development of the outlot have been submitted.
- Approval of a PUD Amendment will be required prior to submission of a building permit for development on the proposed Lot 2.
- Any restaurant with a drive-through will require Special Use Permit approval. Restaurants without a drive-through may qualify for a Special Use Permit waiver.
- A condition of approval will be added that states: When the proposed outlot is developed, the developer will

then correct any deficiencies to the stormwater requirements of the new overall subdivision as part of any new development for the outlot.

15. Please provide an analysis of how many parking spaces will be removed for the proposed development, and how many parking spaces will be newly constructed (including the changes to the parking areas outside of Lot 2). An overall net gain/loss of parking within the entire PUD should be provided.
16. Sheet A-02 should be expanded in scope to show the entirety of changes to the drive aisles/parking areas/overall PUD site layout that will be required to accommodate for the proposed outlot. Currently, the sheet is cutoff at the south and does not show the entire scope of the site changes.
17. Please confirm that the "REA" includes the necessary provisions to allow for shared parking and access through-out the entire Southpoint PUD.
18. Landscape islands equal in size to one parking space and containing a shade tree are required at the end of all parking rows. Some rows do not appear to provide the required landscape island, and some landscape islands do not appear to be of a size sufficient to accommodate a shade tree.
19. The dumpster enclosure proposed at the "front" of the building along the access road is not acceptable. Please relocate this dumpster enclosure to a more suitable location.
20. Please expand the dumpster enclosure on the east side of the building so that it includes the transformer as well. Heavy landscaping should be placed on the north side of the dumpster enclosure.
21. It is unclear why the separate exit only lane is needed from the site to the access drive. This area would be better suited as additional parking and landscaping to buffer the site.
22. There is only approx. 10' of landscape buffer area between the drive-through lane and the sidewalk. This area should be increased to provide an approx. 17' wide area to allow for a dense layered landscape buffer including a small berm.
23. For a detailed preliminary analysis of the development, please refer to the December 14, 2016 letter from Michael Mertes (attached).

Prepared by: SAM JUREAK

PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

7A

PETITIONER'S APPLICATION - ARLINGTON HEIGHTS PLAN COMMISSION

Petition #: P.C. 18-020
 Petitioner: 600 Rand Rd, LLC, an Illinois
limited liability company

Owner: 600 Rand Rd, LLC, an Illinois
limited liability company

Contact Person: Steven C. Bauer, Petitioner's & Owner's Atty
 Address: Meltzer, Purtill & Stelle LLC
300 S. Wacker Drive, Suite 2300, Chicago, IL 60606
 Phone #: (312) 461-4302
 Fax #: (312) 987-9854
 E-Mail: sbauer@mpslaw.com

P.I.N.# 03-20-200-007-0000

Location: 600 East Rand Road

Rezoning: N/A Current: B-3PUD Proposed: N/A

Subdivision: Garden Fresh Resubdivision

of Lots: 2 Current: 1 Proposed: 2

PUD: N/A For: N/A

Special Use: N/A For: N/A

Land Use Variation: N/A For: N/A

Land Use: Commercial- Current: Commercial-Retail
Retail Proposed: Commercial-Retail

Site Gross Area: 386.842sf / 8.88 acres

of Units Total: N/A

1BR: 2BR: 3BR: 4BR:

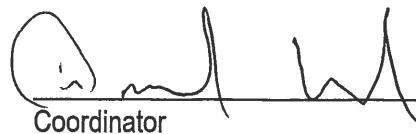
(Petitioner: Please do not write below this line.)

LANDSCAPE & TREE PRESERVATION:

	<u>YES</u>	<u>NO</u>
1. Complies with Tree Preservation Ordinance	<u> </u>	<u> </u>
2. Complies with Landscape Plan Ordinance	<u>N/A</u>	<u> </u>
3. Parkway Tree Fee Required (See below.)	<u> </u>	<u>X</u>

Comments:

A landscape plan will be required at the time a submittal is provided for a PUD amendment as part of any proposed future development.

 10/19/18
 Coordinator Date

MELTZER, PURTILL & STELLE LLC

ATTORNEYS AT LAW

1515 E. WOODFIELD ROAD
SECOND FLOOR
SCHAUMBURG, IL 60173-5431
PHONE (847) 330-2400
FAX (847) 330-1231

MPSLAW

300 S. WACKER DRIVE
SUITE 3500
CHICAGO, IL 60606-6704
PHONE (312) 987-9900
FAX (312) 987-9854

File Number: 35165-001
Direct Dial: (312) 461-4302
E-mail: sbauer@mpsllaw.com

November 15, 2018

VIA HAND DELIVERY

Sam Hubbard
Development Planner
Department of Planning and Community Development
Village of Arlington Heights
33 S. Arlington Heights Road
Arlington Heights, IL 60005

Re: Petition for Final Plat of Subdivision Approval
Floor & Décor at Southpoint Shopping Center

Dear Mr. Hubbard:

On behalf of 600 Rand Rd, LLC ("Applicant"), as owner of the Floor & Décor retail property that is a portion of Lot 1 in The Cub Addition subdivision and commonly known as 600 East Rand Road ("Subject Property"), this letter is in response to your October 24th email correspondence transmitting the Village's "Round 1" review comments ("Round 1 Comments") and our related communications since then regarding Applicant's petition for Final Plat of Subdivision approval to create a new 53,590 square-foot outlot ("Outlot") from a portion of the Subject Property for the purpose of enabling the Outlot's sale and, subject to subsequent Village approval, intended redevelopment as a catalyst for revitalization of the Southpoint Shopping Center.

Our responses to the Round 1 Comments are provided below in the same order in which they were presented by the Village's Engineering, Fire, Police and Planning & Community Development departments, and with the same item numbers then assigned to those comments. We have not provided any responses to the review notes from the Village's Building & Life Safety, Building, Public Works or the Planning & Community Development Landscape & Tree Preservation departments because they did not provide any comments necessitating a response.

Sam Hubbard
Village of Arlington Heights
November 15, 2018
Page 2

Engineering Department Review

Comment: 1. *The Final Plat of Subdivision must be reviewed and approved by the Engineering Department prior to final Plan Commission approval. The original signed mylar Final Plat of Subdivision, containing all non-Village signatures, shall be submitted one week before the scheduled date of the final Plan Commission meeting. Village Code Section 29-209 also requires a digital copy of the plat to be provided on disk to the Village. The petitioner shall acknowledge that they accept this understanding.*

Response: Applicant acknowledges and understands this requirement.

Comment: 2. *Village Code calls for each separate lot to have separate individual service lines for Village water and sanitary sewers. The recorded covenants, restrictions, and easement should cover the ownership and maintenance of all the existing utilities and service connections.*

Response: Applicant's request for subdivision approval does not currently include a redevelopment proposal for the Outlot. The contract purchaser of the Outlot will provide necessary service lines for water and sanitary sewer services in connection with the Outlot's redevelopment when proposed. Additionally, Sections 1.01 and 1.02 of the existing Declaration of Protective Covenants, Restrictions and Easements ("Declaration"), which is recorded against the Subject Property and the overall Southpoint Shopping Center, and currently on file with the Village, established perpetual easements for "installation, use, operation, maintenance, repair, replacement, relocation and removal of utility lines, conduits, wires, cables and pipes (including telephone, electric, gas, water, storm and sanitary sewer...." (emphasis added).

Comment: 3. *The plat was reviewed against the attached Final Plat of Subdivision Checklist. The following items need to be addressed:*

- a. *Item k: The text of protective covenants, approved by the Plan Commission, relating to the proposed subdivision.*

Response: Applicant does not intend to establish protective covenants for the proposed subdivision.

Sam Hubbard
Village of Arlington Heights
November 15, 2018
Page 3

b. Item l: Add Cook County Clerk signature block.

Response: The proposed plat contains a box noted as “Space Reserved for County Clerk’s Stamp” as is required by the Cook County Clerk’s Office. Please see the copies of the proposed plat provided herewith.

c. Item n: Clearly identify the owners of each parcel of land within the signature blocks, and correct the County to reference Cook County.

Response: The proposed plat is revised to identify Applicant as owner of the Subject Property and with corrected reference to Cook County. Please see the copies of the proposed plat provided herewith.

d. Item t: Provide the name and address in the block stating “Send Tax Bill To:”

Response: The proposed plat is revised to identify Applicant’s name and address in the tax bill reference block. Please see the copies of the proposed plat provided herewith.

Comment: 4. *Add the utility signature blocks.*

Response: Utility easements are currently in place to serve the Subject Property and the Outlot. Applicant does not contemplate need for any new public utility easements.

Comment: 5. *All existing cross access and shared parking agreements that permit other out lot permissions to overlap onto other subdivided parcels should be provided.*

Response: Applicant’s request for subdivision approval does not currently include a redevelopment proposal for the Outlot necessitating cross access and shared parking agreements at this time. However, the existing Declaration, which is recorded against the Subject Property and the overall Southpoint Shopping Center and currently on file with the Village, both (i) granted perpetual easements for shared parking and integrated use of the shopping center and (ii) contemplated changes to the shopping center without need for either an amendment to that Declaration or approval by owners of other portions to the shopping center. For example, Section 1.01(b) and 1.02(b) of that Declaration included perpetual easements for “ingress, egress and passage by pedestrians and for ingress, egress, passage and parking by motor vehicles...[where] walkways, roadways and parking areas and

Sam Hubbard
Village of Arlington Heights
November 15, 2018
Page 4

islands are from time to time located in the sole discretion” of the owner of that portion of the shopping center to which such changes are proposed. Additionally, Section 8.03 of that Declaration states “all easements and agreements contained herein or granted hereby shall operate as covenants running with the land for the benefit of all portions of the [shopping center] and shall be binding upon and inure to the benefit of the parties hereto and the successors and assigns of all the parties hereto with the same effect as if such successors and assigns were specifically named herein....” The contract purchaser of the Outlot will be a successor and assign of the parties to that Declaration. As a result, that purchaser and the Outlot will be benefitted by the foregoing Declaration provisions.

Comment: 6. Define all cross access easements to the new lot.

Response: Please see the response to comment 5 immediately above.

Fire Department Review

Comment: 1. The Fire Department Requests an auto turn diagram.

Response: Applicant’s request for subdivision approval does not currently include a redevelopment proposal for the Outlot. The contract purchaser of the Outlot will provide an auto turn diagram when it submits a redevelopment proposal to the Village for the Outlot.

Comment: 2. Building to be sprinkled.

Response: Applicant’s request for subdivision approval does not currently include a redevelopment proposal for the Outlot. Life safety provisions for redevelopment of the Outlot will be provided by the contract purchaser of the Outlot when it submits a redevelopment proposal to the Village for the Outlot.

Comment: 3. The Fire Department Connection shall be located at the main front entrance of the building, be fully visible and accessible. It shall be located within a maximum travel distance of 100 feet to the nearest fire hydrant.

Response: Applicant’s request for subdivision approval does not currently include a redevelopment proposal for the Outlot. Life safety provisions for redevelopment of the Outlot will be provided by the contract purchaser of the Outlot when it submits a redevelopment proposal to the Village for the Outlot.

Sam Hubbard
Village of Arlington Heights
November 15, 2018
Page 5

Comment: 4. A fully operational annunciator panel or alarm panel shall be located at the main front entrance of the building.

Response: Applicant's request for subdivision approval does not currently include a redevelopment proposal for the Outlot. Life safety provisions for redevelopment of the Outlot will be provided by the contract purchaser of the Outlot when it submits a redevelopment proposal to the Village for the Outlot.

Comment: 5. A Knox Box shall be located at the main front entrance.

Response: Applicant's request for subdivision approval does not currently include a redevelopment proposal for the Outlot. Life safety provisions for redevelopment of the Outlot will be provided by the contract purchaser of the Outlot when it submits a redevelopment proposal to the Village for the Outlot.

Police Department Review

Comment: 1. *Character of use:*

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

Response: Agreed.

Comment: 2. *Are lighting requirements adequate?*

Lighting should be up to Village of Arlington Heights code. Special attention in the redevelopment should be given to those outside common areas, entrances/exits and parking lot. Special attention should be given to illuminating the parking lot, areas around the building—to include entries/exits. These areas should be illuminated specifically during hours of darkness for safety, to deter criminal activity and increase surveillance/visibility—potentially reducing theft, trespassing, vandalism, underage drinking, and other criminal activity.

Response: Applicant's request for subdivision approval does not currently include a redevelopment proposal for the Outlot. Lighting provisions for redevelopment of the Outlot will be provided by the contract purchaser of the Outlot when it submits a redevelopment proposal to the Village for the Outlot.

Sam Hubbard
Village of Arlington Heights
November 15, 2018
Page 6

Comment: 3. *Present traffic problems?*
There are no traffic problems at this location.

Response: Agreed.

Comment: 4. *Traffic accidents at particular location?*
This is not a problem area in relation to traffic accidents.

Response: Agreed.

Comment: 5. *Traffic problems that may be created by the development.*
This development is likely to create an increase in traffic volume. This increase is unlikely to caused problems since there will be vehicle access from several entrances/exits to Southpoint. Parking issues will be caused by patrons to Chili's and Olive Garden since overflow parking is directed to use the parking lot where the new building will be.

Response: Applicant's request for subdivision approval does not currently include a redevelopment proposal for the Outlot. As reflected by the concept site plan for future redevelopment of the Outlot, however, Applicant contemplates that any such redevelopment of the Outlot will require construction of additional parking spaces in the existing triangularly-shaped landscape island on the Subject Property. Those additional parking spaces will provide overflow parking for the Chili's and Olive Garden restaurant uses in the same manner as the existing parking on the Subject Property.

Comment: 6. *General comments:*

Landscaping should provide open sightlines to increase natural surveillance and avoid creating ambush locations and havens for illegal activities—theft, trespassing, vandalism, underage drinking, drug use, etc.

Response: Applicant's request for subdivision approval does not currently include a redevelopment proposal for the Outlot. A landscape plan for redevelopment of the Outlot will be provided by the contract purchaser of the Outlot when it submits a redevelopment proposal to the Village for the Outlot.

Please ensure that there is an emergency information/contact card on file with the Arlington Heights Police Department and that it is up-to-date during construction phase and for each tenant. The form is attached.

Sam Hubbard
 Village of Arlington Heights
 November 15, 2018
 Page 7

Please complete and return. This allows police department personnel to contact an agent during emergency situations or for suspicious/criminal activity on the property during all hours.

Response: A completed Emergency Information Card is provided herewith based on Applicant's current ownership of the Subject Property, inclusive of the Outlot.

The addition of trespass signage is recommended. Consider posting no trespassing/loitering/no unauthorized use signage. The Arlington Heights Police Department has and utilizes trespass warning forms under qualifying circumstances when requested by property management.

Response: Understood. However, Applicant's request for subdivision approval does not currently include a redevelopment proposal for the Outlot. Use and posting of trespass signage will be evaluated by the contract purchaser of the Outlot when it submits a redevelopment proposal to the Village for the Outlot.

Planning & Community Development Department Review

Comment: 7. The following approvals have been requested:

- a. Preliminary and Final Plat of Subdivision to subdivide one lot into two lots.
- b. Variation to Chapter 29, Section 29-206, to waive the requirement for detailed plans outlining required improvements.
- c. Variation to Chapter 29, Section 29-501, to defer the requirement to conform to the regulations within Section 29-501 until such time as a building permit is submitted for development of the proposed Lot 2.

Response: Understood. However, we presume a variation to Chapter 29, Section 201(a)(5) regarding an engineer's approving opinion as to parking, traffic circulation and ingress/egress is also necessary because Applicant's request for subdivision approval does not currently include a redevelopment proposal for the Outlot.

Comment: 8. *Please note that the Final Plat, as approved by the Engineering Dept., must be printed on mylar and submitted to the Village, with signatures obtained from all parties except those to be coordinated by the Village, no less than one week prior to the Plan Commission hearing date. If this requirement cannot be met, you can proceed with Preliminary Plat*

Sam Hubbard
Village of Arlington Heights
November 15, 2018
Page 8

approval with Final Plat approval obtained at a future date (i.e. a separate Plan Commission meeting would be needed). No public notice is required for Final Plat of Subdivision approval. If you end up proceeding with Preliminary Plat approval only, a copy of the Plat which reads "Preliminary" will be required one week prior to the Plan Commission hearing.

Response: Understood.

Comment: 9. *Please note that final engineering must be approved by the Engineering Dept. no less than one week prior to appearance before the Plan Commission, which will include the payment of all applicable engineering fees and the provision of all surety bonds, public improvement deposits, and maintenance guarantees. If this requirement cannot be met, you can proceed with Preliminary Plat approval with Final Plat approval obtained at a future date (i.e. a separate Plan Commission meeting would be needed). No public notice is required for Final Plat of Subdivision approval. Please confirm with the Engineering Dept. if any deposits, bonds, and fees will be required prior to Plan Commission appearance.*

Response: Applicant's request for subdivision approval does not currently include a redevelopment proposal for the Outlot. Accordingly, engineering plans are not currently available, but will be provided by the contract purchaser of the Outlot when it submits a redevelopment proposal to the Village for the Outlot.

Comment: 10. *The School Data appears twice on the Plat of Subdivision. Please remove the duplicate appearance of this information.*

Response: Applicant's surveyor revised the proposed plat of resubdivision accordingly. A copy of that plat is provided herewith.

Comment: 11. *The following comments are preliminary comments relative to the conceptual site plan for the development of the proposed outlot. Please note that these comments are preliminary only and the Village reserves the right to generate additional comments once formal plans for development of the outlot have been submitted.*

Response: Understood.

Sam Hubbard
Village of Arlington Heights
November 15, 2018
Page 9

Comment: 12. *Approval of a PUD Amendment will be required prior to submission of a building permit for development on the proposed Lot 2.*

Response: Understood.

Comment: 13. *Any restaurant with a drive-through will require Special Use Permit approval. Restaurants without a drive-through may qualify for a Special Use Permit waiver.*

Response: Understood.

Comment: 14. *A condition of approval will be added that states: When the proposed outlot is developed, the developer will then correct any deficiencies to the stormwater requirements of the new overall subdivision as part of any new development for the outlot.*

Response: Understood. Based on our conversation with the Village Engineer, we understand “overall subdivision” means the Subject Property, inclusive of the Outlot.

Comment: 15. *Please provide an analysis of how many parking spaces will be removed for the proposed development, and how many parking spaces will be newly constructed (including the changes to the parking area outside of Lot 2). An overall net gain/loss of parking within the entire PUD should be provided.*

Response: As noted in our January 18, 2018 letter to you for the Concept Plan Review Committee’s consideration of Applicant’s petition for Final Plat of Subdivision approval to create the Outlot, a total of approximately 320 parking spaces are required on the Subject Property, inclusive of that required to serve the existing Floor & Décor store and the approximately 44 parking spaces that will be provided on the Outlot upon its future redevelopment in accordance with the contract purchaser’s concept site plan. By contrast, a total of approximately 493 parking spaces will exist on the Subject Property, inclusive of the aforementioned 44 parking spaces on the Outlot upon the Outlot’s future redevelopment in accordance with the contract purchaser’s concept site plan. As a result, a surplus of approximately 173 will remain on the Subject Property if and when the Outlot is redeveloped in accordance with the contract purchaser’s concept site plan. These numbers are based on both (i) contract purchaser’s concept site plan included with Applicant’s October 8, 2018 submittal and revised as included herewith and (ii) the “Southpoint Outlot Concept”

Sam Hubbard
Village of Arlington Heights
November 15, 2018
Page 10

attached to Village Business Development Coordinator Michael Mertes' January 14, 2016 letter to the contract purchaser of the Outlot.

Comment: 16. *Sheet A-02 should be expanded in scope to show the entirety of changes to the drive aisles/parking areas/overall PUD site layout that will be required to accommodate for the proposed outlot. Currently, the sheet is cutoff at the south and does not show the entire scope of the site changes.*

Response: Sheet A-02 of the concept site plan for intended redevelopment of the Outlot by the contract purchaser thereof is revised accordingly.

Comment: 17. *Please confirm that the "REA" includes the necessary provisions to allow for shared parking and access through-out the entire Southpoint PUD.*

Response: Applicant's request for subdivision approval does not currently include a redevelopment proposal for the Outlot necessitating shared parking and access throughout the Southpoint Shopping Center at this time. However, the existing Declaration, which is recorded against the Subject Property and the overall Southpoint Shopping Center and currently on file with the Village, both (i) granted perpetual easements for shared parking and integrated use of the shopping center and (ii) contemplated changes to the shopping center without need for either an amendment to that Declaration or approval by owners of other portions to the shopping center. For example, Section 1.01(b) and 1.02(b) of that Declaration established perpetual easements for "ingress, egress and passage by pedestrians and for ingress, egress, passage and parking by motor vehicles...[where] walkways, roadways and parking areas and islands are from time to time located in the sole discretion" of the owner of that portion of the shopping center to which such changes are proposed. Additionally, Section 8.03 of that Declaration states "all easements and agreements contained herein or granted hereby shall operate as covenants running with the land for the benefit of all portions of the [shopping center] and shall be binding upon and inure to the benefit of the parties hereto and the successors and assigns of all the parties hereto with the same effect as if such successors and assigns were specifically named herein...." The contract purchaser of the Outlot will be a successor and assign of the parties to that Declaration. As a result, that purchaser and the Outlot will be benefitted by the foregoing provisions of the Declaration.

Sam Hubbard
Village of Arlington Heights
November 15, 2018
Page 11

Comment: 18. *Landscape islands equal in size to one parking space and containing a shade tree are required at the end of all parking rows. Some rows do not appear to provide the required landscape island, and some landscape islands do not appear to be of a size sufficient to accommodate shade tree.*

Response: The contract purchaser's architect revised the concept site plan in an effort to address this comment. The contract purchaser's architect will further revise the site plan as necessary when it submits a redevelopment proposal to the Village for the Outlot.

Comment: 19. *The dumpster enclosure proposed at the "front" of the building along the access road is not acceptable. Please relocate this dumpster enclosure to a more suitable location.*

Response: The contract purchaser's architect revised the concept site plan as included herewith in an effort to address this comment. The contract purchaser's architect will further revise the site plan as necessary when it submits a redevelopment proposal to the Village for the Outlot.

Comment: 20. *Please expand the dumpster enclosure on the east side of the building so that it includes the transformer as well. Heavy landscaping should be placed on the north side of the dumpster enclosure.*

Response: The contract purchaser's architect revised the concept site plan as included herewith in an effort to address this comment. The contract purchaser's architect will further revise the site plan as necessary when it submits a redevelopment proposal to the Village for the Outlot.

Comment: 21. *It is unclear why the separate exit only lane is needed from the site to the access drive. This area would be better suited as additional parking and landscaping to buffer the site.*

Response: The separate exit only lane is intended to optimize traffic circulation efficiency on the Outlot. The contract purchaser's architect will further revise the site plan as necessary when it submits a redevelopment proposal to the Village for the Outlot.

Comment: 22. *There is only approx. 10' of landscape buffer area between the drive-through lane and the sidewalk. This area should be increased to provide an approx. 17' wide area to allow for a dense layered landscape buffer including a small berm.*

Sam Hubbard
Village of Arlington Heights
November 15, 2018
Page 12

Response: The contract purchaser's architect revised the concept site plan as provided herewith in an effort to address this comment. The contract purchaser's architect will further revise the site plan as necessary when it submits a redevelopment proposal to the Village for the Outlot.

Comment: 23. *For a detailed preliminary analysis of the development, please refer to the December 14, 2016 letter from Michael Mertes (attached).*

Response: Understood.

We trust that the above responses sufficiently address the Village's Round 1 Comments, and we look forward to continued communications with Village staff regarding Applicant's petition for Final Plat of Subdivision approval.

Please contact me at (312) 461-4302 if you wish to discuss the responses provided herein or the revised plat and concept site plan provided herewith.

Sincerely,

MELTZER, PURTILL & STELLE LLC



Steven C. Bauer

Enclosures

PLAN COMMISSION PC #18-020
Garden Fresh Resubdivision
600 E. Rand Rd.
Preliminary and Final Plat of Subdivision
Round 2

7. The petitioner's response to comments # 1 and # 2 are acceptable.

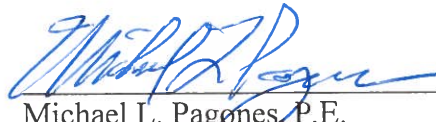
FINAL PLAT OF SUBDIVISION

8. The petitioner's response to comment #3, a through d, and comment #4 are acceptable.

TRAFFIC

9. The petitioner's response to comments #5 and # 6 are acceptable.

The Engineering Division has no further comments.

 11/27/18

Michael L. Pagones, P.E. Date
Village Engineer

RECEIVED
NOV 28 2018
PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT



Arlington Heights Fire Department Plan Review Sheet

P. C. Number 18-020

Project Name

Southpoint Shopping Center Outlot

Project Location

600 E. Rand Road

Planning Department Contact Sam Hubbard

General Comments

Round 2

The Fire Department as no additional comments at this time.

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

Date November 19, 2018 Reviewed By: LT. Mark Aleckson

Arlington Heights Fire Department

ARLINGTON HEIGHTS POLICE DEPARTMENT

Community Services Bureau

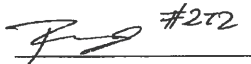
DEPARTMENT PLAN REVIEW SUMMARY

600 E. Rand Road
PC#18-020

Round 2 Review Comments

11/27/2018

1. **Character of use:**
Nothing further.
2. **Are lighting requirements adequate?**
Nothing further.
3. **Present traffic problems?**
Nothing further.
4. **Traffic accidents at particular location?**
Nothing further.
5. **Traffic problems that may be created by the development.**
Nothing further.
6. **General comments:**
Nothing further.

 #272

Brandi Romag, Crime Prevention Officer
Community Services Bureau



Planning & Community Development Dept. Review

December 2, 2018

REVIEW ROUND 2

Project: 600 E. Rand Rd.
Southpoint Shopping Center Outlot

Case Number: PC 18-020

General:

24. The response to comments #8, #10-#14, #16, #17, and #23 are acceptable.
25. The response to comment #7 is noted. The necessary approvals have been amended to include the following:
- a. **Preliminary and Final Plat of Subdivision to subdivide one lot into two lots.**
 - b. **Variation to Chapter 29, Section 29-206, to defer the requirement for detailed plans and specifications of all improvements required to be constructed and installed, if any, until a development proposal for the Subject Property is presented to the Village for approval.**
 - c. **Variation to Chapter 29, Section 29 201(a)(5), to waive the requirement for an approving opinion of a qualified professional traffic engineer as part of subdivision.**

Plat of Subdivision:

26. The response to comment #9 is noted. Please note that the fees as outlined within the November 27th letter from Mike Pagones must be paid prior to appearance before the Village Board for approval of the Final Plat of Subdivision.

Preliminary Development Plans:

27. The response to comment #15 is noted. However, please note that there have been changes to the parking lot since the ALTA survey was completed in August of 2017. Based on staff's survey of the parking space within the Floor and Décor site (i.e. the subject property), there are 560 spaces currently located on the site. If redevelopment consistent with sheet A-02a occurs, the number of parking spaces on the subject property would decrease to 484, resulting in a net loss of 76 parking spaces.
28. The response to comment #18 is noted. The revisions made to the site plan do not fully address the concerns about landscape islands. When a development is formally proposed for the outlot, further modifications to the site plan will be required.
29. The response to comment #19 is noted. The relocated dumpster enclosure is now proposed along the secondary front yard along Palatine Road. Further modifications to the dumpster enclosure location will be required when a formal development for the outlot is proposed.
30. The response to comment #20 is noted. The relocated transformer is now within a parking lot landscape island and no screening of the transformer has been proposed. Further modifications to the transformer location and screening will be required when a formal development for the outlot is proposed.
31. The response to comment #21 is noted. Staff will continue to evaluate the acceptability of the exit only lane when a development for the outlot is formally proposed.
32. The response to comment #22 is noted. Staff will continue to evaluate the acceptability of the landscape buffer when a development for the outlot is formally proposed.

Prepared by: SAM J. WEAVER

MELTZER, PURTILL & STELLE LLC

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File Number: 35165-001
Direct Dial: (312) 461-4302
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December 3, 2018

VIA EMAIL

Sam Hubbard
Development Planner
Department of Planning and Community Development
Village of Arlington Heights
33 S. Arlington Heights Road
Arlington Heights, IL 60005

Re: Petition for Final Plat of Subdivision Approval
Floor & Décor at Southpoint Shopping Center
Response to Round 2 Review Comments

Dear Mr. Hubbard:

On behalf of 600 Rand Rd, LLC (“Applicant”), as owner of the Floor & Décor retail property that is a portion of Lot 1 in The Cub Addition subdivision and commonly known as 600 East Rand Road (“Subject Property”), this letter is in response to your December 2nd email correspondence transmitting the Village’s “Round 2” review comments (“Round 2 Comments”) and our related email and phone communications today regarding Applicant’s petition for Final Plat of Subdivision approval to create a new 53,590 square-foot outlot (“Outlot”) from a portion of the Subject Property for the purpose of enabling the Outlot’s sale and, subject to subsequent Village approval, intended redevelopment as a catalyst for revitalization of the Southpoint Shopping Center.

Our responses to the Round 2 Comments are provided below in the same order in which they were presented by the Village’s Planning & Community Development Department, and with the same item numbers then assigned to those comments. Although included with the Round 2 Comments, we have not provided any responses to the review notes from the Village’s Engineering, Fire and Police departments because they did not provide any comments necessitating a response.

Sam Hubbard
Village of Arlington Heights
December 3, 2018
Page 2

Comment: 25. *The response to comment #7 is noted. The necessary approvals have been amended to include the following:*

- a. Preliminary and Final Plat of Subdivision to subdivide one lot into two lots.*
- b. Variation to Chapter 29, Section 29-206, to defer the requirement for detailed plans and specifications of all improvements required to be constructed and installed, if any, until a development proposal for the Subject Property is presented to the Village for approval.*
- c. Variation to Chapter 29, Section 29 201(a)(5), to waive the requirement for an approving opinion of a qualified professional traffic engineer as part of subdivision.*

Response: Applicant acknowledges and agrees with the approvals identified as necessary.

Comment: 26. *The response to comment #9 is noted. Please note that the fees as outlined within the November 27th letter from Mike Pagones must be paid prior to appearance before the Village Board for approval of the Final Plat of Subdivision.*

Response: Applicant acknowledges and agrees to the required \$222 payment to the Village prior to Village Board approval of Applicant's proposed Final Plat of Subdivision.

Comment: 27. *The response to comment #15 is noted. However, please note that there have been changes to the parking lot since the ALTA survey was completed in August of 2017. Based on staff's survey of the parking space within the Floor and Décor site (i.e., the subject property), there are 560 spaces currently located on the site. If redevelopment consistent with sheet A-02a occurs, the number of parking spaces on the subject property would decrease to 484, resulting in a net loss of 76 parking spaces.*

Response: Applicant acknowledges and agrees with staff's conclusion based on an assessment undertaken today by the project architect for the contract purchaser of the Outlot.

Comment: 28. *The response to comment #18 is noted. The revisions made to the site plan do not fully address the concerns about landscape islands. When a development is formally proposed for the outlot, further modifications to the site plan will be required.*

Sam Hubbard
Village of Arlington Heights
December 3, 2018
Page 3

Response: Applicant understands further modifications to the landscape islands shown in the concept site plan for future redevelopment of the Outlot will be required if and when that site plan is finalized and submitted for Village consideration of a development proposal for the Outlot.

Comment: 29. *The response to comment #19 is noted. The relocated dumpster enclosure is now proposed along the secondary front yard along Palatine Road. Further modifications to the dumpster enclosure location will be required when a formal development for the outlot is proposed.*

Response: Applicant understands further modifications to the dumpster enclosure shown in the concept site plan for future redevelopment of the Outlot will be required if and when that site plan is finalized and submitted for Village consideration of a development proposal for the Outlot.

Comment: 30. *The response to comment #20 is noted. The relocated transformer is now within a parking lot landscape island and no screening of the transformer has been proposed. Further modifications to the transformer location and screening will be required when a formal development for the outlot is proposed.*

Response: Applicant understands further modifications to the transformer location and screening shown in the concept site plan for future redevelopment of the Outlot will be required if and when that site plan is finalized and submitted for Village consideration of a development proposal for the Outlot.

Comment: 31. *The response to comment #21 is noted. Staff will continue to evaluate the acceptability of the exit only lane when a development for the outlot is formally proposed.*

Response: Applicant understands further collaboration with Village staff regarding the exit-only lane shown in the concept site plan for future redevelopment of the Outlot will be required if and when that site plan is finalized and submitted for Village consideration of a development proposal for the Outlot.

Comment: 32. *The response to comment #22 is noted. Staff will continue to evaluate the acceptability of the landscape buffer when a development for the outlot is formally proposed.*

*Sam Hubbard
Village of Arlington Heights
December 3, 2018
Page 4*

Response: Applicant understands further collaboration with Village staff regarding the landscape buffer shown in the concept site plan for future redevelopment of the Outlot will be required if and when that site plan is finalized and submitted for Village consideration of a development proposal for the Outlot.

We trust that the above responses sufficiently address the Village's Round 2 Comments, and we look forward to continued communications with Village staff regarding Applicant's petition for Final Plat of Subdivision approval. Please contact me at (312) 461-4302 if you wish to discuss.

Sincerely,

MELTZER, PURTILL & STELLE LLC



Steven C. Bauer

Enclosures