



Village of Arlington Heights
Plan Commission
Board Room
Arlington Heights Village Hall
33 S. Arlington Heights Road
Arlington Heights, IL 60005
April 11, 2018
7:30 PM

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. 703-709, 715-723 W. Algonquin Rd. - 3/28/18

IV. PUBLIC HEARINGS

- A. Toy Shop & Motelounge - 1728 W. Algonquin Rd. - PC#18-003
Special Use Permit for Motor Vehicle Sales, Parking Variations

V. OTHER BUSINESS

VI. ADJOURNMENT

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Item: 703-709, 715-723 W. Algonquin Rd. - 3/28/18

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
703-709, 715-723 W. Algonquin Rd. - 3/28/18	Minutes

PLAN

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

COMMISSION

RE: 703-709, 715-723 WEST ALGONQUIN ROAD - PC#17-013
PUD, PRELIMINARY PLAT OF SUBDIVISION

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 28th day of March, 2018 at the hour of 7:30 p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

SAM HUBBARD, Community Development Planner

CHAIRMAN ENNES: We're going to call this meeting of the Arlington Heights Plan Commission to order. Would you all please rise and join us in the pledge of allegiance?

(Pledge of allegiance recited.)

CHAIRMAN ENNES: Sam, would you please take the roll?

MR. HUBBARD: Commissioner Cherwin.

COMMISSIONER CHERWIN: Here.

MR. HUBBARD: Commissioner Dawson.

(No response.)

MR. HUBBARD: Commissioner Drost.

COMMISSIONER DROST: Here.

MR. HUBBARD: Commissioner Green.

COMMISSIONER GREEN: Here.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: Here.

MR. HUBBARD: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Here.

MR. HUBBARD: Commissioner Sigalos.

COMMISSIONER SIGALOS: Here.

MR. HUBBARD: Commissioner Warskow.

COMMISSIONER WARSKOW: Here. Thank you for the pronunciation,

Sam.

MR. HUBBARD: And you're welcome. Chairman Ennes.

CHAIRMAN ENNES: Here. Okay, we had three petitions at our last meeting on March 14th: Algonquin, a request for a continuance which we're hearing tonight; Olympic Park Swim Center; and the South Arlington Heights Road Corridor Plan. Can I have a motion to approve those minutes?

COMMISSIONER GREEN: I'll make that motion.

COMMISSIONER SIGALOS: I'll second.

CHAIRMAN ENNES: All in favor?

(Chorus of ayes.)

COMMISSIONER DROST: Yes, and I wasn't in attendance.

COMMISSIONER WARSKOW: Neither was I.

CHAIRMAN ENNES: Okay, two absents. Anyone opposed?

(No response.)

CHAIRMAN ENNES: Okay, our hearing this evening is 703-709 West Algonquin Road, PC#17-013. Is the Petitioner here?

MR. WAUTERLEK: Yes.

CHAIRMAN ENNES: Can I ask you to come forward with any of the members of your team that are going to offer testimony? I'll swear you in all at the same time.

Good evening, gentleman.

(Witnesses sworn.)

CHAIRMAN ENNES: Okay, thank you. When you come up to testify, as if you were here the last time, please state your name and spell it for our court reporter, okay?

Thank you. If the Petitioner wants to start by telling us about your plan?

MR. WAUTERLEK: Mike Wauterlek, W-a-u-t-e-r-l-e-k, with Hamilton Partners. Thank you for meeting with us again. To the best of our ability, we tried to resolve the issues raised by the Village of Rolling Meadows, Arlington Heights, and the Weber Group. You know, hopefully at this point, you know, we can address whatever objections are aloft in front of everybody and reach a resolution.

CHAIRMAN ENNES: Okay, do you want to go over the rest of the plan though?

MR. WAUTERLEK: I guess at this point, I'm not sure what the Village is interested in discussing specifically, but I'd be happy to discuss whatever you'd like to. If you'd like an overview of the project again, I'd be happy to do it.

CHAIRMAN ENNES: Okay.

MR. WAUTERLEK: So, it's a light distribution building. It's 32-foot clear throughout the 331,000 square feet. The plan is to build it in two separate phases. The first phase would be 140,000 square feet. If approved, our plan would be to deliver that portion of the property at the end of this year. Once the southern building is vacated, the existing southern office building is vacated, the plan would be to extend the building to the remainder, the remaining 330,000 square feet that you see on the plan.

CHAIRMAN ENNES: Okay, do you want to address any of the issues that were addressed the last time that you've attempted to resolve between Rolling Meadows, the Village of Arlington Heights and the adjoining property owner, and let us know what the status of that is?

MR. WAUTERLEK: To the best of our ability, as I had said, we've answered questions relating to all the specific parties' objections. You know, we believe we've modified our plan to address those concerns. So, I'm just, I'm not sure specifically I guess what the questions are at this point from the Village. But my hope is to hear those concerns and to talk through them.

CHAIRMAN ENNES: Okay, thank you. Can we have the Staff report?

MR. HUBBARD: Sure.

CHAIRMAN ENNES: You can have a seat.

MR. HUBBARD: All right. So, just to kind of refresh the Plan Commission, the property is at 703-709 and 715-723 West Algonquin Road. It's M-2 Limited Heavy Manufacturing District. The Petitioner is requesting a planned unit development approval for the two-phase development. This is a requirement in the M-2 District, that any development over four acres in size develop as a PUD, and so that's why the Petitioner has requested PUD approval.

Additionally, the Petitioner is required to consolidate both lots into one lot, so they need a plat of subdivision approval. They've provided the documentation necessary for a preliminary plat of subdivision approval, and once final engineering and final plat documents are prepared, they would have to come back before the Plan Commission for final plat of subdivision approval. There are no variations requested in the proposed development.

So, there have been a number of actions that have led the Petitioner to the point they are at today. Conceptual Plan Review and Design Commission were outlined at the last public hearing on January 24th with the Plan Commission. At the end of that hearing, it was continued until February 28th. Then again on February 28th, it was continued until March

14th, and then again until this evening.

So, over the last two months, both the Petitioner and Staff has been working on this application. The Village has had several internal meetings and we've had a meeting with Weber Packaging Solutions, the neighbor to the west. We've had a meeting with the Village of Rolling Meadows, I'm sorry, the City of Rolling Meadows. We've also met with the Petitioner to discuss some of the conditions.

So, the Plan Commission may like just a refresher on the location of the subject property. You can see here outlined in red directly to the west or to the left on the picture is Weber Packaging Solutions. That's within the Village of Arlington Heights. Then Meijer Superstore is located just to the west of that, that's in the City of Rolling Meadows.

So, there were three primary issues that we discussed at the last Plan Commission hearing. One was the shared access drive along the western property line. That's roughly half on the subject property and half on property owned by Weber and is subject to an easement agreement. So, then in the picture you can see Weber up on the top of the picture, and the shared access drive is that area in yellow that's in between the two properties.

The continuance was necessary to allow both Weber and the Village the additional opportunity to review the easement provisions and allow Weber additional time to review some of the plans and to facilitate a meeting between Weber and Hamilton which took place I think one week after the January 24th original Plan Commission hearing. The Village has reviewed the easement document and, per the terms of the document, we believe the Petitioner does have the right to travel and send truck traffic down the shared access drive. We are aware of some lingering concerns from Weber about the proposed use of the drive, and the Petitioner has responded to these concerns to the best of their ability, we believe. But furthermore, Staff is recommending some conditions of approval to help kind of mediate this issue between the two parties.

Our first condition would require the Petitioner to reconstruct or repave, as determined by the Village, the entire portion of that shared access drive that falls on the Weber Packaging Solutions' property, you know, subject to approval by Weber. We believe that this is necessary. The truck traffic that's going to be associated with this development needs the means to travel down that road. Its existing condition is very deteriorated, and in order to accommodate for that heavy truck traffic, it needs to be approved to a standard to accommodate for those trucks. So, that's one of the conditions we're recommending to the Plan Commission that would require that the Petitioner, as part of their project, improve the other half of the shared access drive on Weber's property.

Also, we have another condition that just asks the Petitioner to continue working with Weber and the Village to resolve any issues between the two parties relative to adequate passenger traffic and truck traffic. So, this may include, you know, further details on striping in the shared access drive to kind of delineate where these turns and trucks and cars are supposed to go. There could be additional landscape barriers that would help kind of separate these two movements that, you know, we're happy to work with both parties on, and we'd like continued cooperation from Hamilton Partners on facilitating those discussions. So, those two conditions of approval are meant to address the shared access drive.

The other thing that we talked about last time was the intergovernmental agreement between the City of Rolling Meadows and the Village of Arlington Heights. So, you can see here that blue line represents the border between the two

communities. The right-hand side is the Village of Arlington Heights, on the left-hand side of that border is the City of Rolling Meadows.

So, when Weber Packaging Solutions, which is outlined in yellow, subdivided their property in 2002 to facilitate the Meijer development to the west, it resulted in kind of three primary outlots. The yellow lot was Weber, the green lot to the north is vacant, and the orange lot on the side was a small detention area. The subdivision at that time also created Meijer Drive, and the provisions of the intergovernmental agreement, although the drive being within the corporate limits of Arlington Heights, maintenance and jurisdiction of that drive was assigned to the City of Rolling Meadows. That would remain as such until the property to the north, the green property was developed. As that property still sits undeveloped, maintenance responsibility and jurisdiction of that portion of Meijer Drive is the responsibility of the City of Rolling Meadows.

So, Staff has met internally a number of times to discuss that. You know, we believe at this point, having met with the City of Rolling Meadows once, we're continuing dialogues on trying to figure out how exactly to address this issue. But at this point, you know, we're comfortable moving forward with the zoning approval on the subject property, and any lingering items relative to the intergovernmental agreement would be taken up by the Village Board, ultimately decided by them, and it would involve further discussions between Staff and the City of Rolling Meadows to determine how best to proceed.

The final reason that we continued the public hearing back in January was due to some IDOT issues. Specifically, IDOT had asked that modifications be made to the traffic signal analysis on the timing of Meijer Drive and Algonquin Road. The Petitioner has made those modifications and sent the plans back to IDOT for their review. As of yesterday, IDOT had still not provided their secondary review. Improvements will require the right-of-way to bring the sidewalk up to ADA standards, and the Petitioner has made those improvements. The full access driveway on Algonquin Road was changed to a right-out per IDOT's requirements as well. So, we believe that the Petitioner has addressed all of the primary issues outlined by IDOT. It's not to say there may not be more issues when their second review comes, but as a condition of approval, we will require that the application be approved subject to final IDOT approval.

So, Staff is recommending approval of this development subject to several conditions. I'm happy to go into detail on these conditions if the Plan Commission would like. Some of them relate mostly just to the plat of subdivision and what needs to be done prior to signing off on the plat of subdivision. Some relate to minor changes to the site plan. Others relate to Outlot A, and as discussed previously, the shared access drive. But at this point, that concludes Staff's presentation and I'm happy to answer any specific questions.

CHAIRMAN ENNES: Okay. Can we have a motion to accept the Staff report?

COMMISSIONER JENSEN: So moved.

COMMISSIONER DROST: I'll make that motion -- I'll second it then.

CHAIRMAN ENNES: All in favor?

(Chorus of ayes.)

CHAIRMAN ENNES: Okay, thank you. Mr. Wauterlek, if you could come back up just for a second? I should have asked you before, you're aware of all the conditions that are on this, condition one through eight?

MR. WAUTERLEK: Yes.

CHAIRMAN ENNES: Do you agree with all those?

MR. WAUTERLEK: We agree with the conditions. We do not abrogate our rights under the easement agreement.

CHAIRMAN ENNES: I'm sorry?

MR. WAUTERLEK: We do not abrogate our rights under the easement agreement that we share on the access drive.

CHAIRMAN ENNES: Do you think any of these conditions would require you to do that?

MR. WAUTERLEK: Depending on how some things were interpreted, it's possible.

CHAIRMAN ENNES: So, is there a condition you don't agree with?

MR. WAUTERLEK: We agree to pave the access drive, but we don't abrogate our rights as it pertains to how that's addressed.

CHAIRMAN ENNES: Okay, and I see there is an item nine and 10 on the reverse of this. You agree with those conditions, too, not just the one through eight I mentioned?

MR. WAUTERLEK: Correct.

CHAIRMAN ENNES: Okay. Do any of the Commissioners have -- well, let me ask you this, too. Have you purchased the property?

MR. WAUTERLEK: Yes.

CHAIRMAN ENNES: Are you a principal in that or is Hamilton the owner?

MR. WAUTERLEK: I'm a principal at Hamilton, and Hamilton is the owner but it's a conglomerate of several partners.

CHAIRMAN ENNES: Do any of the Commissioners have questions that you want to start with?

COMMISSIONER SIGALOS: I had a question on item eight, on exactly what that's saying, as far as the Petitioner shall continue to work with the Weber Packaging Solutions and the Village of Arlington Heights on acceptable improvements, as determined by the Village of Arlington Heights. So, I don't understand how you address a 22-foot wide road and how you improve where it says where you might have landscape barriers to separate passenger vehicle and truck traffic. I'm not quite understanding what that's saying, and it doesn't say who's going to pay for that.

MR. HUBBARD: Right. So, you know, some of those improvements are minor things such as, you know, striping the lanes on the access drive, clearly delineating, you know, where traffic is going northbound-southbound. Those are easy items that I'm sure the Petitioner is more than willing to do. Other alternatives include, you know, landscape barriers that could even be constructed on the Weber property that would kind of restrict access to the shared access drive so that there aren't multiple cars entering at multiple locations. They're kind of all funneled to one or two primary entrances, and that would keep kind of this free-for-all that maybe occurs there right now to a minimum and kind of create orderly traffic movements there.

So, that's kind of what the, I mean that's kind of what the Village is thinking. We're just asking the Petitioner to continue working with us and exploring those options and helping to facilitate as necessary.

COMMISSIONER SIGALOS: My question is these other items listed here, it's pretty clear that the Petitioner is responsible for them and to pay for them. But this is not

stating that, and I'm just curious, I mean, how that's going to work out with Weber and the Petitioner as far as coming to some agreement on any of these improvements and paying for those improvements.

MR. HUBBARD: Well, I believe the condition of approval gives the Village the authority to ask Hamilton to contribute towards some of the improvements. You know, so it's a continuing negotiation that, you know, we're going to continue to work on. There could be things that the Village thinks are necessary and Hamilton is happy to do but maybe Weber doesn't like. So, it's a continuing negotiation between all the parties. We just, you know, want to make sure that dialogue still goes on and that's kind of what the condition of approval is hoping to address.

COMMISSIONER SIGALOS: Thank you, Sam.

CHAIRMAN ENNES: Thanks.

COMMISSIONER LORENZINI: Sam, how much authority does that actually give you? If we give approval now, do you have the authority to reject the project if you don't come to an agreement to your satisfaction?

MR. HUBBARD: This condition relates only to the shared access roadway. So, you know, it is vague, it is a little nebulous, but you know, unless there's items that the Petitioner is asked to do and that they're not willing to do and the Village deems them as absolutely necessary, we could perhaps rely on this condition as a way to deny things. But I think we're just trying to foster a spirit of continuing cooperation. I don't know that this condition is really meant to be a way to deny the project.

COMMISSIONER LORENZINI: Chairman, can I continue?

CHAIRMAN ENNES: Yes, please.

COMMISSIONER LORENZINI: Can I see the aerial, Sam? Can you put the aerial back up? So, a question. So, phase one, you're tearing down all the buildings in phase one to build up a new one?

MR. WAUTERLEK: Just the northern building.

COMMISSIONER LORENZINI: Just the northern one.

MR. WAUTERLEK: Yes.

COMMISSIONER LORENZINI: Okay, and the other ones are just going to, you're going to add the new building on to the other ones?

MR. WAUTERLEK: Correct.

COMMISSIONER LORENZINI: Are you competitors at all with Weber in any sense?

MR. WAUTERLEK: No.

COMMISSIONER LORENZINI: You have agreed to repave and redo the extra stripe, correct? Sam, in some of the correspondence that came through, the Winkler Group wrote a letter on behalf of Weber Packaging Solutions dated March 2nd, and they have five major concerns, inadequacy of traffic operations and certainly vehicle access overburdening, and two more. Then also, Christopher Burke wrote a memo dated January 22nd about the traffic impact study. I guess they didn't quite agree with what the Petitioner put forth.

Has the Village settled this in their own eyes, that these issues are settled?

MR. HUBBARD: Right, yes. The Village has reviewed the, you know, the response to the memo. We've sent it to our Engineering Department. You know, we believe

that these issues are addressed to the best of their ability at this point, at least comfortable enough to move this project to the Plan Commission. There is some disagreement over certain items of the development which isn't atypical. When a project moves forward, a neighbor may not like certain aspects of it, so there are areas where, you know, we believe Weber is not as supportive of certain aspects of the project. But we believe the items have been addressed, yes.

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

COMMISSIONER JENSEN: Terry, I have some questions.

CHAIRMAN ENNES: Yes, Lynn.

COMMISSIONER JENSEN: In the correspondence that goes back and forth here, there's a number of assertions and counter assertions and rebuttals and so forth. But there is one point that everyone seems to agree on, that the easement document gives the responsibility for paying for things with that 100 percent to Weber. As I understand it, Hamilton has offered to pick up 50 percent of those costs. What is the status of that offer that you had made? Where does that stand at this point?

MR. WAUTERLEK: As I incur more and more costs, my ability to offer that becomes less available for the lack of a better way to put it. So, you know, in the spirit of, you know, good neighborly relationship, I want to understand what would satisfy Weber. To this day, I don't understand what the objection is specifically. We made that offer, the offer wasn't satisfactory at that point. I don't know if it is today, but if it were, it would be worth discussing.

COMMISSIONER JENSEN: So, you offered and it's still on the table to split the cost 50-50 even though the easement document suggests or indicates that Weber, you know, WPS has 100 percent of the funding responsibility for improvements?

MR. WAUTERLEK: There's a lot of items that I need to bring my development forward. I think if Weber was willing to assist in those, we'd be inclined to probably, you know, extend that offer, repeat that offer, extend it I should say. But at this point --

COMMISSIONER JENSEN: But your documents say that that offer is still on the table right now?

MR. WAUTERLEK: There is no document that states that. It's just --

COMMISSIONER JENSEN: I mean the correspondence states that.

MR. WAUTERLEK: The correspondence states that.

COMMISSIONER JENSEN: The correspondence says we, Hamilton have advanced an offer to split those costs even though the easement document says 100 percent of them reside with WPS, and we have not heard back. It doesn't say you've rescinded that. I'm just trying to figure out what the status of that offer is at this point.

MR. WAUTERLEK: The offer was made, it was never responded.

COMMISSIONER JENSEN: Is it still on the table?

MR. WAUTERLEK: It could be, you know, I'm noncommittal at this point. You know, I've tried to push this thing forward. The project has been delayed. I've incurred further costs and, you know, at this point I'm less inclined to do it. But I think if Weber became very cooperative with our very reasonable offer, reasonable request, that we can probably still do it. But you know, that remains to be seen if they would be.

COMMISSIONER JENSEN: Well, maybe in the public discussion on this soon, that will be revealed. I talked to you, Sam, about it seemed to me that very little progress other than a bunch of discussions have been had, and very little was actually worked out that's different from what we first looked at. I said that to you earlier today, or yesterday I guess it was.

But you indicated to me that the Village doesn't have any role in these private issues that need to be set. It's not something that is the role of the Village Staff or whatever to work out the accommodations of such things as the one I just mentioned on the funding for taking care of that access road.

MR. HUBBARD: Right. The future maintenance costs of the access road, it's a private road, it's a private negotiation between the two parties that have access. These maintenance costs are spelled out in the agreement, and the Village is not party to that agreement. It wasn't there when it was signed and drafted and didn't review it, and it's an agreement that the Village is, it's a third party agreement the Village is not party to.

COMMISSIONER JENSEN: So, from the Village's point of view, the easement document spells out some things, but the Village does not have any stake in that and doesn't need to see that resolved before this gets a recommendation from the Plan Commission is what I heard you saying?

MR. HUBBARD: Correct. We tried to facilitate over the past two months as much as resolution towards that as possible. As you've heard, an offer was made and an offer is out there. Whether that offer is still available, you know, I guess will have to be seen.

COMMISSIONER JENSEN: As I said, I think things are pretty much where they were when we continued it. I mean you said you were in discussion with Rolling Meadows and really not much was worked out other than at some point in the future there may need to be some changes once Outlot A is developed. So, that's kind of where it was before. So, there's very little that's changed here.

But as I read your Staff report, you indicate that you have enough agreement on things that you would like to, if the Petitioner agrees to these things or these limitations, the Village Staff is satisfied for us to go forward and approve this and send it to the Board. Am I interpreting that correctly?

MR. HUBBARD: Right. The Village Staff is supportive of the application, recommends approval subject to the conditions that were in the Staff report. I wouldn't say that nothing has happened in the last two months. I wouldn't say that, you know, we don't have 100 percent agreements. The project remains mostly unchanged but there has been a lot of background work, discussions and meetings that have kind of brought up to this point, and I think we're in a much further understanding as far as the project and implications today than we were two months ago.

COMMISSIONER JENSEN: Right, I didn't mean to say that you weren't doing any work in the last two months. What I meant to say is there hasn't been a lot of movement or resolution of the issues. They still seem to be pretty much where they were when we continued this the first time. It's the way it looks to me as we read through all the documents. But anyway, I don't really have anything further at this point, Mr. Chair.

CHAIRMAN ENNES: Is there anyone else?

COMMISSIONER DROST: Yes, I just wanted to try to, you know, simplify this. Basically, the City of Rolling Meadows and Village of Arlington Heights, they have the involvement as far as the government approvals and permissions, and really the economic issues are within that sort of sandbox and let the players figure out what the economic responsibilities would be or aesthetic responsibilities. Is that where we're at?

MR. HUBBARD: Right, yes.

COMMISSIONER DROST: Yes. So, I mean from the standpoint of, we

could approve the project as Commissioner Jensen says, and if they can't agree, the project doesn't go ahead. They have to do it internally within whatever the third parties have to work out.

MR. HUBBARD: Right. It's gotten to a point where --

COMMISSIONER DROST: Yes, I just wanted to try and simplify that.

CHAIRMAN ENNES: But for the attorneys on the Commission, if these contractual issues between Arlington Heights and Rolling Meadows and the Petitioner's property and the neighbor are between those parties, why should we be putting this condition one and requiring the Petitioner, he's indicated that his offer may or may not be on the table, and yet it seems like these conditions are obligating the Petitioner to cover the costs to the improvements to not only the access road but also to Meijer. I mean does that --

COMMISSIONER JENSEN: Well, aren't those one-time costs initially? But the easement document talks to improvements made in the future, and the responsibility for those future improvements --

CHAIRMAN ENNES: Well, this is the future from when that agreement was made.

COMMISSIONER JENSEN: Right, what I'm saying is I think that what Staff is saying, as this project goes forward immediately, that road has to be improved now to handle the traffic. But the easement document goes to the issue of sometime down the road, five, 10 years from now, all those would, it says essentially that WPS bears all the costs.

CHAIRMAN ENNES: We're asking the Petitioner though to pick up these costs where there's other parties that are already liable for those costs. Rolling Meadows has already agreed to pick up that cost. Whether that comes down to something where Arlington Heights and Rolling Meadows decide to do something, why are we putting that on the Petitioner? Because then the easy out is, okay, have the Petitioner pay for it.

MR. HUBBARD: Sure. One of the options, based on discussions with Rolling Meadows, there are some improvements needed to Meijer Drive within the Village of Arlington Heights. One of the options is the Village could ask the developer to help contribute towards that. One of our conditions of approval does kind of lead the door open for that. The Village does not, in fact very rarely asks a developer to pitch in on public roadway improvements. It's possible, we're leaving the door open for it although it's not something that we frequently do. We don't have a traffic impact fee. But you know, that's between, you know, the Village and Rolling Meadows and not the same as the easement issues between --

CHAIRMAN ENNES: But now with this condition, with this condition we're saying that the Petitioner may have proportional contributions towards any improvements required to Meijer Drive.

MR. HUBBARD: Right, if it's determined between negotiations with the Village and Rolling Meadows that there is some improvement needed, we may ask the developer to help contribute. Again, that's not something that we frequently do, but we're, you know, we're leaving the door open if that's something that, you know, if it's determined we would like it.

CHAIRMAN ENNES: Okay. Do the Commissioners have any other questions for the Petitioner? Is there anyone from the audience that would like to make a comment? Yes, sir, would you please come up and introduce yourself? Give us your name, spell it for the court reporter.

QUESTIONS FROM AUDIENCE

MR. VOGT: Good evening, I'm Fred Vogt, Public Works Director and Community Development Director for the City of Rolling Meadows. Last name is spelled V-o-g-t.

The comments that we want to make from the city's perspective is with regards to Meijer Drive. I probably said a lot of this back in January when I appeared, but the spirit of the agreement in 2001-2002 really anticipated nothing in terms of land use changes which, good, bad or otherwise, what we're looking at here in terms of this proposed development which we're not objecting to but trying to get recognition of the fact that, looking at the traffic counts and the traffic study, 276 heavy trucks per day are projected. That's I think 20 percent of the traffic volume that's projected. That's far more truck traffic than we currently see there with Weber Packaging Systems, Meijer, and a few of the other businesses that are to the west. I don't know what the count currently is, it's kind of difficult for us to have seen in the traffic report, but it's the impact of the heavy trucks on Meijer Drive should this project go forward that is the City of Rolling Meadows' chief concern.

We're not looking to revisit the past 15 years with regards to maintenance of Meijer Drive. Clearly, that is, per the intergovernmental agreement, the responsibility of the City of Rolling Meadows. But we are concerned about moving forward with this proposed development, that it's going to have a significant impact on the condition of Meijer Drive and the future maintenance of it.

We did have one meeting with the Village of Arlington Heights Staff. What we were asked to do was put some proposals back to Staff for what we would want to see. We did respond to that in early March, put a couple of proposals together in terms of what we would want to see to try to facilitate additional discussion in that regard, and we're always open to discussing this moving forward. We certainly feel that whether it's the Village of Arlington Heights or the developer or, you know, some combination of shared maintenance cost for that section of Meijer Drive between Algonquin Road and the Weber Packaging Systems' access driveway now, that, you know, that's what got to be resolved.

We're not sure in terms of how your processes work here in terms of should your Commission approve this tonight and when it goes to the Village Board if that could be made a condition, that we have further discussions and try to reach some resolution of that. It just happens that we've got a project in Rolling Meadows right now that's adjacent to another community, and there's been some concerns raised and we have agreed to hold sending that project for city council approval until we can resolve those issues with the neighboring community. I would hope that something similar may be considered here so that the project doesn't just move forward where we as a city are just left with trying to negotiate with Village Staff and really not having any control over the future of Meijer Drive other than to honor the intergovernmental agreement.

We've talked about modifying the agreement. We would love to continue those discussions, and hopefully that the Village Staff and Commissioners will see fit to continue that discussion. So, that's our position at this point, and we appreciate you hearing our concerns.

CHAIRMAN ENNES: I appreciate your comments, and with all due respect to the Village, one of the incentives, and I wasn't on the Commission back then although I think a

couple of these guys were, but the incentive to Rolling Meadows to enter into that agreement was to get the Meijer property improvement there which resulted I believe in sales tax revenue to the village, right? So, that was the economic advantage.

MR. VOGT: There was an economic advantage. Meijer, through a sales tax sharing agreement, did contribute to a portion of that approval. I will point out, because sometimes it doesn't seem to be brought up, but the City of Rolling Meadows did give up two commercial properties fronting Algonquin Road as part of the negotiations to construct Meijer Drive. So, it wasn't without --

CHAIRMAN ENNES: Cost, sure.

MR. VOGT: --some cost in that regard, too, that the Village of Arlington Heights now has it in its corporate limits.

CHAIRMAN ENNES: Do any of the Commissioners have questions for Mr. Vogt? Thank you again.

MR. VOGT: Thank you.

CHAIRMAN ENNES: Anyone else in the audience?

COMMISSIONER DROST: I just have one question, Sam.

CHAIRMAN ENNES: Yes.

COMMISSIONER DROST: In the conversations you've had with the City of Rolling Meadows, what's the position of the Village? Is the Village aware of the City of Rolling Meadows' concerns? And how do you ameliorate those?

MR. HUBBARD: Yes, we're certainly aware of their concerns. I think we're, you know, we've been approached by them with kind of their ask, what they want as far as, you know, potential changes to the intergovernmental agreement. We're evaluating those and, you know, our full intention is to continue working with the City of Rolling Meadows on continued collaboration here.

COMMISSIONER DROST: What's the protection for the City of Rolling Meadows? Or what's the leverage? What's the control factor? Does the City of Rolling Meadows have any --

MR. HUBBARD: We have a condition of approval here, I believe C, that the Petitioner will work with the Village of Arlington Heights to resolve issues raised by the City of Rolling Meadows to the satisfaction of the Village of Arlington Heights.

COMMISSIONER DROST: Yes, that's very mushy.

CHAIRMAN ENNES: I wouldn't want to be the Petitioner.

COMMISSIONER JENSEN: Yes, in that regard, isn't this, if I understand the position of the City of Rolling Meadows, you're saying, you know, similar to the other project you worked on, you'd like this project not to go forward until something is resolved? Is that your position?

MR. VOGT: That has to be our position at this point because we do not know what our leverage is short of, you know, taking extreme measures or looking at measures in regards to limiting traffic and the like because we have jurisdiction. I don't really want to have to envision visiting that. We would like to --

COMMISSIONER JENSEN: You'd like to have something resolved before the project gets the go ahead.

MR. VOGT: Correct.

COMMISSIONER JENSEN: I agree with Commissioner Drost, this sounds

a little bit mushy. It sounds like you're committing to talk to people but the project could have gone ahead and been advanced and you'd still be in talks without any leverage at that point.

MR. VOGT: That is exactly our concern.

COMMISSIONER JENSEN: So, your position is you'd like to have some leverage and you'd like to have some of these things between the two villages and the Petitioner worked out.

MR. VOGT: And we're more than happy to meet at any time to try to advance that.

COMMISSIONER JENSEN: Thank you for clarifying that.

COMMISSIONER LORENZINI: Well, I've got to chime in and say I like the way it's written. It gives the Village of Arlington Heights all the cards and, you know, I've got no problem with that.

COMMISSIONER DROST: Yes. No, but --

CHAIRMAN ENNES: Yes, but it's the Petitioner that this impacts.

COMMISSIONER DROST: Right.

CHAIRMAN ENNES: We're asking him to be on the hook for an agreement that was put in place between our Village and our neighbor, the Village of Rolling Meadows. We really don't say what his liability is but it's there. I don't know, maybe I shouldn't even be arguing this point or discussing it. Maybe the Petitioner is fine with it which he's kind of indicated. But I think the onus should be on the two villages to work something out, and if there's going to be a cost, it ought to be quantified to the Petitioner before he goes ahead and builds this.

COMMISSIONER CHERWIN: I mean, Terry, I guess this is one of the issues I raised I think, and the initial one was kind of how it would work with Rolling Meadows, and I think just in the spirit of where we are and, you know, there may be other things in the future, you know. So, I'm looking for I guess just a good level of cooperation regardless of whether it's perceived that, you know, Arlington may hold, you know, more of the cards. I mean if you control, and the details of the intergovernmental agreement, at the end of the day, I mean does that allow you not only to maintain the road but, like you said, restrict the road if, not that you would do that, but ultimately if you're taking on the cost and we're delegating that road to you, you also have the ability to control what happens on that road. So, I mean is that accurate or not?

MR. VOGT: To the extent that it's a public street.

COMMISSIONER CHERWIN: Yes, but in terms of weight limits or other things that --

MR. VOGT: That is something we'd rather not have to get into but would rather, as we have suggested, develop some sort of a proportionate cost moving forward in terms of the, you know, the additional impact on the street.

COMMISSIONER CHERWIN: Yes, and I don't think anybody does want you to get into that. I'm just suggesting that, you know, the suggestion of us or Arlington Heights having all the cards in that, I think that that may be not accurate. I mean I think that for me it's important that the Village and the city work together to at least understand, I guess or come to an agreement so that the Petitioner understands what the future may hold there and that, you know, it's not sort of an open item that's unresolved and potentially delays the Petitioner's project as well. So, that is a concern of mine. I'd like that done sooner rather than later.

COMMISSIONER DROST: Do you have any road signs that say road

closed due to lack of funding? I mean, you know, if it gets into that kind of --

MR. VOGT: That was new Wilke Road a number of years ago until we got funding.

CHAIRMAN ENNES: Well, Commissioner Cherwin, I totally agree with your comment. My point is that as opposed to putting a vague term, proportional contributions towards and work with the villages to resolve the issues, I would rather see some quantifiable amount telling the Petitioner that to do this, we know there's going to be these added expenses because of a change of use so we want a commitment of X amount of dollars, not some vague term that the Petitioner is going to start developing this and then hear we want to rebuild a whole road. Because this is --

COMMISSIONER CHERWIN: I agree. I agree with you 100 percent. I guess my concern is I don't think we're there yet.

MR. HUBBARD: I think everyone involved would like a defined number. If that's what the Village is going to ask, I think the Village would want to know, I think the Petitioner would want to know, I'm sure Rolling Meadows would love to know. But I don't think we're there yet and I think we're faced with a Petitioner that wants to move forward and has reasonable assurance through discussions with the Village of what their expectations are and are comfortable with this somewhat open-ended condition if that's what I'm hearing. They want to move forward and would like to get their zoning approval.

COMMISSIONER DROST: Yes, I mean from the standpoint of these calculations, you have weight and volume formulae now that there is more impact on Meijer Road because there's 60 percent more weight/volume and the cost can be proportional that way. You've got some brilliant traffic engineers here that can give you those kinds of statistics, is that right? I mean it sounds like it's going to be, you know, it's going to weigh, the costs are going to weigh against the project I mean from the standpoint of the burden that will be created. That's just sort of anecdotal.

COMMISSIONER JENSEN: Well, and the ambiguity of saying, you know, the Village doesn't usually or never has imposed these kinds of requirements on a petitioner and we may never do it but we want to keep the door open, I don't know whether that gives me comfort or not, Sam. It's a little unusual.

COMMISSIONER LORENZINI: But the alternative is to come to a fixed number, a set solution. We're not going to design this thing here and now. We leave it up to, we trust our Village Staff to come to a reasonable solution. They're not going to upset our good neighbor. They're going to come, I think we ought to trust them to do the right thing.

CHAIRMAN ENNES: That the Village will do its part?

COMMISSIONER LORENZINI: Sure.

CHAIRMAN ENNES: Okay. Thank you.

MR. VOGT: Thank you.

CHAIRMAN ENNES: Can I invite the next person that would like to talk up?

MR. WINKLER: Good evening. Tom Winkler of Winkler Law here with --

MR. WEBER: I'm Doug Weber from Weber Packaging.

MR. WINKLER: If you have the spelling of our names, W-e-b-e-r for Doug and W-i-n-k-l-e-r. For myself, we had attended the January, or February 28th meeting of the Plan Commission, and our client had heard of the details of this project just weeks before that. We raised some concerns about the project, particularly the issues of access, safety, and some

of the traffic projections that had been provided.

At the Village's request, our client approved and they prepared a memorandum which was submitted, and I think it's in public documents now, dated March 2nd, summarizing some of those issues. Weber had retained a reputable engineering firm, Christopher Burke to help provide some issues on water management and particularly the traffic issues and operational issues that are created by the project. We then met last Tuesday I guess it was with the Village, myself and Doug Weber, I mean we met with Messrs. Hubbard, Enright and Witherington-Perkins about some of the issues.

We appreciate the Village's concerns and responses to the Weber Market Systems issues. I think the needle has moved a little bit on some of these issues, but I'm going to suggest now I think there are some very significant unresolved issues that still exist.

The first issue has to do with obviously the shared access drive. I think that's the most disturbing part of this and concerning part for Weber who has done business here in Arlington Heights at that location for 40 or 50 years. It is true that the responsibility as it was suggested in the easement agreement was on Weber, but at this point Weber is not doing anything. So, you know, it's your neighbor putting in a project to make money and it looks like some of those costs are expected to be somehow taken on by the Weber folks.

But in the package of information that we had submitted with the March 2nd memorandum was a summary analysis done by Mike Ziegler of Christopher Burke. Mike's personal bio was attached to that and I don't think we need to go into that. He's a very well known and respected traffic engineer. His first point was that the Petitioner should demonstrate that, and I'm not quoting precisely, but that trucks entering and exiting the truck dock area will only approach onto the Weber parking lot. Furthermore, for safety, you know, that the trucks not be encroaching on this cross easement or shared drive easement for turning, and Mike had given some specifics on the type of vehicles and we call them WB65s and WB67s which are large semi-tractors with cabs on them.

We had asked for that information. It was never shown by the Petitioner and we know why. I mean it's impossible, based upon the configuration of this project, that these vehicles will be able to dock without backing up on this shared drive. You know, again, the simple solution that the Petitioner didn't appreciate was flip the project. No one is going to complain if traffic is coming in from the east side and not the west side. Well, you have traffic that can only enter one way, it's from the north, it goes down Meijer Drive which is a public access road, goes down what we've referred to in some of the intergovernmental agreement and some of the other things as the stub road and shared driveway. Then you need to back down the right lane across the left lane into the truck docks, and I'm not quite sure how, from a safety perspective, that gets done.

We've raised that issue. We suggested through some of the discussions that there be a permanent barrier. Put a permanent barrier, called jersey barriers I think, on the east side of the property, we won't have a concern. A truck can't get out into the road, it will turn on its own property, et cetera, et cetera. Well, the opposite has happened.

Sam, do you have the conceptual, it's the July that was in the e-mail from Thursday or Friday? They call it the parking lot striping concept.

MR. HUBBARD: Okay, yes.

MR. WINKLER: Maybe it would be easier to show you in this.

MR. HUBBARD: So, what this is is the Village prepared a document showing certain changes that could be done on the Weber property that would help facilitate the lack of conflicts between vehicles and trucks.

MR. WINKLER: So, if we start from the south end --

MR. HUBBARD: So, this is the existing truck layout and parking layout, and then superimposed over it as you can see in the bottom area are the changes that potentially could be done.

MR. WINKLER: So, the barrier that again we suggested on the Petitioner's property is proposed for our property. We don't have that barrier. You can see that they're suggesting one access road in, one access road out, and creating a parking lot down on the south side. What's a little more disturbing, maybe a little insult to injury, is the fact that there is apparently the drawing, and I can't tell the dimensions, but it looks like the dash line in the middle there is the proposed striping which must be the middle of the 44-foot easement, 22 on each property. So, there's another at least 22 feet that's moving down to our property before we even get to the proposed islands over there, landscaping islands.

So, we're contributing a little more to this project. We don't have a stake in it, you know, we're not partners in this thing. Why isn't that on the other side? You can see, again in looking at this now, you know, there's again curbing proposed as you move north a little bit farther that probably, well, you can see it's well into our property. Why, I don't know. But then when you go all the way up to the north and we're talking to Weber's operations people and asking them how would you even access the truck docks in those spaces I guess where you see the truck docks and how far the truck would come out all the way to the north end of it, because you come in from the north off the stub road, stop your truck I guess, I don't know, I'm not the expert, and back into this spot while there's traffic coming behind you and traffic traveling north on the shared road? I just don't understand anything about this project.

These are just kind of the issues that we were looking at before, but they're now commanding a clearer focus I think as we work through some of these issues. It's dangerous, and Christopher Burke I think pointed that out. Again, what happened from a proposal which was to put a barrier on that side so we know we're not going to have that dangerous situation is now flipped and the barrier is on our side and it's even farther into our property. Again, I understand it's a concept, but why take in more of our property? I don't understand that.

Another issue that's not addressed at all is there are utilities up and down that shared drive including overhead electric. They've got to move someplace. It seems a little unfair that our client should bear the cost of moving some utilities and there are some underground, I think some sewers and water also in that area.

This was an issue that just came up in the last comments, that there was an issue with this thing we keep calling Outlot A which is a stormwater pond. In the Staff recommendation, it states that prior to the issuance of a building permit, the Petitioner should cause to be recorded an amendment or an abrogation of the stormwater easement over Outlot A to accommodate driveway improvements. I would just point out that there was a significant amount of work done by Christopher Burke and the folks in Arlington Heights when the Meijer project was put in. There are homing into number six, seven, eight separate private easements, one of them affects that detention pond. The Weber property to the north which is the undeveloped property that's north of Meijer Drive as you're looking at that on the top, I'm

guessing, I'm pretty sure needs that detention pond, and there's private rights established by that. So, it's not so simple just to abrogate those rights without affecting some other thesis to this water management system out there.

We've mentioned the legal issue. I'm not going to go into all the legal ramifications and the issue. There's a road there, the road has been there for 50 years. I don't think the road is of a quality that could ever withstand, Mike Ziegler said this to me today, the trucks would burn tires and there would be a piece of rubber before long. We suggested that there be some kind of study done on the pavement and I guess we just assumed that that pavement is insufficient.

The last I guess major issue is just the general overburdening of the traffic congestion in that area. We raised the question of the credibility of the KLOA study and the counts. They had 276 estimated truck counts per day. That's only about four I think per door. It doesn't seem reasonable. They also have 1,100 pedestrian cars. We had asked the Staff, how can that be? How can there be 1,100 passenger cars and 276 trucks? I don't know the answer. It doesn't seem right to me.

But in any event, we had a simple request. We asked it before. Get an actual count. These facilities are around Chicago. There are some, I understand there's one that's patterned right after this one. This one is patterned after that one near O'Hare. Get actual counts because I can almost assure you that if we look at counts afterwards, they're going to show a significant difference from these projections.

But even taking 276 trucks backing down a right lane over a left lane into a truck dock just seems like an unreasonable degree of safety or danger that you're permitting to occur.

MR. WEBER: Yes, my only comment is, like many of you, I learned about this project fairly late, a couple of weeks before the January 24th, I believe, meeting. It's a significant issue that I have because it's directly to my property, to my east. I wanted to be thorough, and Tom Winkler was familiar and I engaged with Tom and Charles, or Burke as well, to better understand what I'm up against or what is going across the street from me.

As Tom alluded to, the truck traffic is a serious issue. These are, you know, 18-wheel semis that are going to back in and they're going to be on the easement, I suspect, and you know, you've got traffic going towards Algonquin Road. How do you maneuver around these trucks when they're trying to back in? Are they going to be idling on my property? You know, yes, the easement is written, I'm out at least well over \$100,000 the way it stands right now because I am financially responsible for that road. That's categorically unfair in my opinion because I have no economic interest in this shipping warehouse.

MR. WINKLER: Again, the last comment about the conceptual plan, it all looks good, too, but there is no, as someone suggested, financial piece attached in that. You know, I don't know who's paying for it. It's on our property.

Just in closing, the last couple of comments, I said the same things before. What we suggest, we suggest this plan needs:

- * More studying, a thorough and independent study addressing the operation of issues. I think those are major issues, I don't think they've been addressed.
- * Some kind of good faith negotiations regarding what, you know, Weber vis-a-vis Hamilton would incur on the project.
- * An independent traffic study that makes some sense, that looks at project like this

and gets numbers that again make sense for a 68-door shipping facility. And again, at least an explanation on why there's 1,100 cars going in and out of there.

* A study on the relocation of the utilities.

* The water management concerns we raised before. Staff felt that the Arlington Heights people looked at those and felt comfortable with those. We can only tell you that, and Doug can attest to this, that they've been there for 50 years and there are significant water issues, the water will run to the east there.

* Then of course the IDOT approvals.

COMMISSIONER JENSEN: Question. Wasn't the subject property originally owned by the Weber family?

MR. WEBER: Phase two was.

COMMISSIONER JENSEN: Phase two. Was that the bottom, the southern half of that?

MR. WEBER: Yes.

COMMISSIONER JENSEN: Who owned the north half of that?

MR. WEBER: The phase one?

COMMISSIONER JENSEN: Phase one, yes.

MR. WEBER: That was owned by Oak Points. I know they had been in receivership or bankruptcy for well over 10 years.

COMMISSIONER JENSEN: So, sometime ago you sold the phase two section?

MR. WEBER: Correct.

COMMISSIONER JENSEN: To the current developers or someone else?

MR. WEBER: Someone else, then they sold it to Hamilton Parks.

COMMISSIONER JENSEN: Thank you.

COMMISSIONER DROST: Have you done any economic studies or evaluations of impact on the Weber Packaging Solutions?

MR. WEBER: Have not.

CHAIRMAN ENNES: Mr. Winkler, so you brought this group, the Burke Group, and you're talking to us about the traffic flow here. Did they do any, I don't remember seeing any kind of diagrams that show whether the traffic works here or not.

MR. WINKLER: They had turning templates that they had done but --

CHAIRMAN ENNES: Have we seen any of that? Because to be frank with you, when you were telling me about this, I really can't picture what is going on. I mean I am not intimately familiar with the property like you would be. But you know, our Staff reviews and everything indicate that this will work with the trucks. Is that correct, Sam?

MR. HUBBARD: Yes, we were provided the truck turning radius exhibits, and I can, I think I have them here. They were put online, they were provided also to Mr. Winkler. So, this is kind of the worst case scenario. This is if there are two trucks parked with one space in between, and you can see the turning movements of the truck backing into the space. So, here the truck is entirely on the Hamilton property, as it turns back, a portion of the cab does swing out.

As it comes in to the space here, that's the worst case scenario, that's when there's two trucks parked right next to each other. That's assuming this truck, both of these two trucks are the largest style trailers available, and in that situation there would be a

little bit of an overlap onto the Weber property within the bounds of the easement, so within the legal authority of the easement that's established, the truck would back there.

Under a best case scenario when there isn't two trucks parked next to each other, a truck would be entirely on Hamilton property, would back in entirely on Hamilton property and back into the space. So, those were provided in some of the responses that the Petitioner had provided over the last couple of months. They were put online.

MR. WINKLER: That one I don't remember seeing, Sam. I do have a turning template from 2/20 of '18, yes, the part that's together, but I'm trying to even understand the configuration here. Are these trucks moving, I mean you can only enter going south, it's the only entry. In fact, I think this Board and even the Plat & Subdivision Committee before talked about, well, does it make sense to have this thing flipped or access from Algonquin Road right-in/right-out or something like that. But you know, that's not the project in front of us. It's access from the north, traveling to the south, and I'm trying to, you've got a, I still don't understand where the template is with the truck traveling south in the right lane and trying to make a left turn. Or is it moving into the left lane? It's moving into the wrong lane to make the turn.

MR. HUBBARD: So, the truck is coming down the street like this, it veers off, and it goes like that.

MR. WINKLER: Where is your pointer?

MR. HUBBARD: The truck is coming like this down the lane, it pulls off onto the Hamilton property, comes like this, backs up, part of it swings out, backs into the space.

MR. WINKLER: So, you're backing onto both lanes.

COMMISSIONER LORENZINI: Sam, can you point out both lanes, the north and south only?

MR. HUBBARD: So, this would be, this line here, this dash line represents the southern boundary of the easement. This is the property line. So, this entire thing is the northbound lane. You can see this truck traveling northbound. This would be the southbound lane. This is the bound of the easement here, so you can see some of the parking spots on the Weber property.

COMMISSIONER LORENZINI: Where is the barrier that Mr. Winkler was talking about putting on the proposed area?

MR. HUBBARD: The Staff concept?

COMMISSIONER LORENZINI: Mr. Winkler, why don't you --

MR. HUBBARD: The landscape barrier?

COMMISSIONER JENSEN: He mentioned a physical barrier.

COMMISSIONER LORENZINI: Physical barrier putting up on his property rather than --

COMMISSIONER WARSKOW: It's the landscape.

MR. HUBBARD: So, that's a very conceptual plan prepared by the Planning Department. It's not engineered to scale. It's just a concept that shows areas where improvements could be made on the Weber side. So, right here, this is a landscape barrier that separates the parking area and the drive aisle from --

COMMISSIONER LORENZINI: But it won't infringe upon the roadway as you just showed us?

MR. HUBBARD: Right. This landscape barrier would be outside of the easement area.

COMMISSIONER LORENZINI: So, Mr. Winkler, why were you referring to putting a barrier in your property?

MR. WINKLER: That conceptual plan has the barrier right where the red dot is, that doesn't exist.

COMMISSIONER LORENZINI: Right.

COMMISSIONER JENSEN: Would that be in your property? Would that --

MR. WINKLER: I think the edge of the property, again it's conceptual, but I think the edge of the property is the green. So, the conceptual plan is even pushing --

COMMISSIONER LORENZINI: Who wants this conceptual plan?

MR. HUBBARD: What's that?

COMMISSIONER LORENZINI: Who wants this conceptual plan?

MR. HUBBARD: This was prepared by Staff just to kind of articulate ways that there could be improvements that would help to minimize truck and passenger vehicle traffic that currently would exist.

COMMISSIONER LORENZINI: That may go on to their property.

MR. HUBBARD: Right. Yes, I mean it's conceptual.

COMMISSIONER LORENZINI: But does anybody really want it? Does the Petitioner or the owner of Weber really want it?

MR. HUBBARD: It's a discussion purpose, we're happy to continue discussing it. We've sent it to Weber. We haven't heard a reply back until this evening. So, if it's something that they are interested in, again as this moves forward and gets closer to the Village Board, we can certainly sit down with Weber and discuss if this is something they'd even like the Village to pursue.

COMMISSIONER LORENZINI: Mr. Winkler, you mentioned jersey barriers. Where were you talking about putting those?

MR. WINKLER: Well, I think that's what the traffic people called it, those temporary barriers that they put up. Our concept when we were here is rather than, you know, again I understand it's conceptual, it was just an idea, but it's restricting access on our property, we're not the Petitioner here, and creating access points. Our concept was put the barrier on their property, so then we know the vehicles cannot go into the easement.

COMMISSIONER LORENZINI: But what barrier? Where would you put it?

MR. WINKLER: Well, some kind of a hard barrier.

COMMISSIONER GREEN: But where would you put that?

MR. WINKLER: On the side of the road, on the side of the easement, and then create access points as needed so they can get the trucks in there.

COMMISSIONER LORENZINI: But it's a continuous loading dock. How could you put barriers then?

MR. WINKLER: Well, I think the problem is that the loading docks are so close to the easement that they're encroaching on the easement every time they're backing into the --

COMMISSIONER LORENZINI: Well, in the case that Sam showed, the worst case scenario, it was two trucks all the way in the back.

CHAIRMAN ENNES: Two of the biggest trucks.

COMMISSIONER LORENZINI: They would encroach, but otherwise it doesn't appear to.

COMMISSIONER JENSEN: Well, I don't think those templates tell you anything quite frankly. What you would really want to know and you'd probably need a shrewd mathematician to work it out is with the volume of traffic that you would expect when it's fully operational, how many times are those trucks going to be going over the access road and getting into Weber's property? How much of a pounding is the access road going to take, and how much of the property that belongs to WPS can take a pounding? Showing, you know, just a template of how it could happen with one truck doesn't tell me anything. I want to know what the stress is going to be on that access road and on their property.

COMMISSIONER WARSKOW: And I want to know what the impact is going to be on the employees going in and out of that parking lot because they're in small passenger vehicles.

MR. HUBBARD: So, the traffic study is estimating 276 trucks on this access road in one day, it's distributed throughout the day. If I understand correctly, it's going to be a 24-hour operation, so those trucks would be distributed throughout the entire 24 hours.

COMMISSIONER JENSEN: Well, then we need the traffic engineer to go a little further and say, okay, just having -- called into question, let's say you work with that, how much, you know, what modeling can be done to show the pounding on that access road and what will be going on Weber's property as well. Just saying there's 276 and we don't know exactly how they'd distribute themselves, there's going to be a number of times in a 24-hour period where they're going to be encroaching across the entire access road and even into Weber's property. How much of a pounding can we expect? I believe that could be modeled. I can't do it, but I'm sure that there are people who can.

MR. HUBBARD: I would guess that the encroachment, that the worst case scenario would happen very infrequently. If it was happening frequently, there is no guarantee that it's going to happen at a peak time for Weber. Even during peak times for Weber, the traffic study found that there was something like 90 vehicles coming in and out for their first morning shift, and that happens at 7:30 a.m. So, you know, the peaks here aren't going to coincide. I think there's going to be very few instances where the worst case scenario, the truck is backing up and swinging out into that shared access drive. We've had the Village traffic engineer review it, it's been reviewed, you know, in-house by the Planning Department Staff, and we're comfortable that these conflicts aren't going to be occurring frequently enough to be a major problem.

COMMISSIONER JENSEN: Well, you're dealing with a timing issue and that's an important one, that may be the case. But there's also what's the wear and tear on the road with these large trucks going over that road.

MR. HUBBARD: The wear and tear on the road is a private issue. That's a private negotiation between the two parties. The Village is simply saying for this to get started, that entire drive needs to be paved. So, they're showing, Hamilton is showing they're going to pave their side. The Village condition of approval says the other side has to be paved. That's going to accommodate all heavy truck traffic that this development is going to create, plus whatever heavy truck traffic that Weber creates. Moving forward, you know, that standard is already established in the easement agreement of who's going to pay for it. So, you know, that's a third party agreement that the Village was not a part of.

COMMISSIONER LORENZINI: To go and answer Lynn's question, so the road can be designed for heavy traffic. Is the Petitioner going to repave the road for heavy

traffic? Is that the deal?

MR. HUBBARD: Correct.

COMMISSIONER LORENZINI: Okay, so that takes care of that. Now, Mr. Weber brought up some things I'm concerned about. Mr. Weber, you mentioned about more utilities costs? What does that have to do, how does that --

MR. WEBER: They're going to repave the road, it's all underground. You know, ComEd has above line power. You know, some of these utilities are going to be moved or reconnected to the building, to the Hamilton building. That's going to be a cost, you know --

COMMISSIONER LORENZINI: Who's paying for the utility relocation? Do you have that established?

MR. WEBER: It's part of the easement, isn't it?

MR. WINKLER: I don't believe, well, some of the utilities are on the easement. I don't know whether the overhead is on the easement or not. It's close.

MR. WEBER: It's close.

MR. WINKLER: I don't have the survey.

COMMISSIONER LORENZINI: Well, can the Petitioner answer that? Does the overhead electrical line need to be moved?

MR. WAUTERLEK: Our intention is to relocate any utilities --

COMMISSIONER LORENZINI: Would you please come forward?

MR. WAUTERLEK: Sure. Our intention is to relocate any utilities at our costs that need to be relocated.

COMMISSIONER LORENZINI: At your cost, okay. So, is that okay with you, Mr. Weber?

MR. WEBER: Yes, just it's significant. So, the study didn't say anything about utilities but we know they're there.

MR. WINKLER: And I heard, something occurred to me, I heard that they would, I thought I heard they're paying for the road and the relocation, et cetera, et cetera. However, I mean I will point out that counsel for Petitioner submitted a memo on, it's dated March 7th so it's not that long ago, and on page three, it says Hamilton Partners' offer to split equally the maintenance or repair obligations is extremely generous given the terms of the easement agreement. Accordingly, Weber should accept Hamilton Partners' offer before it is rescinded. So, that was --

MR. WEBER: Like I better make the decision real quick, right, otherwise they're going to pull it.

COMMISSIONER CHERWIN: Well, I think --

MR. WEBER: So, I've got to pay a quarter of a million for road improvements that I have no economic interest in.

COMMISSIONER CHERWIN: Can I just clarify? The easement handles maintenance and repair, it doesn't handle capital improvements or restructuring of the road, is that correct?

MR. WINKLER: I think it handles everything.

COMMISSIONER CHERWIN: I mean if you're talking about maintenance and repair, my understanding was that there, and Sam, maybe you can answer. The whole road has to be, I guess reinstalled with more of higher load bearing capacity for the trucks. So, that's going to go the whole road regardless of the width of the easement and maybe just a sliver on

the Petitioner's property as well. But that whole road has to be essentially reconfigured, correct?

MR. HUBBARD: Some parts are in better shape than others. But yes, I mean in order to accommodate for the heavy truck traffic, most if not all of the road needs to be improved.

COMMISSIONER CHERWIN: Right. So, that's, I mean, but that's a capital improvement of the road. Is the Petitioner suggesting that that's, are they taking on that entire cost or are they saying, is that what they're saying on the 50 percent, that they want the other side to --

MR. HUBBARD: Apparently, that entire cost is the obligation of Weber per the existing easement agreement.

COMMISSIONER CHERWIN: Oh, so you're saying that it's not just the maintenance, kind of the ongoing maintenance and repair of the potholes, the snowplow and everything. The Petitioner is looking for Weber to incur the initial cost of the construction.

MR. GARNER: Yes, if I could speak to that? My name is Bruce Garner, I'm the counsel for Hamilton Partners. So, I want to be clear about --

CHAIRMAN ENNES: Bruce, if you would spell your name?

MR. GARNER: G-a-r-n-e-r.

CHAIRMAN ENNES: Thanks.

MR. GARNER: I want to be clear about what the easement agreement says. Right now, 100 percent of the cost of any maintenance, any reconstruction, anything in that private drive is the responsibility of Weber. Weber's counsel, Mr. Winkler here, drafted that document and it was recorded back in the 90's. So, we did not draft that, we didn't ask for that. That's Weber's own doing, 100 percent, okay.

We offered, in January, we offered because we recognized the change in use here on the private drive was going to necessitate probably additional repairs on an ongoing basis. In that January meeting, we offered to pick up 50 percent of the repairs on a going forward basis. That was before, and I want to make this clear, we never got a response. We never got a response.

What we got was a copy of counsel's memo to the Village complaining about the litany of things you've heard about here tonight. We still have never received a response to that offer, ever, okay. I was at that meeting, we've never received a response to that offer.

Since that offer, one of the conditions that we repave not only our side to it, which by the way we're not obligated to on the easement agreement, but their side of the easement drive itself. So, now we're incurring those costs. The easement drive right now is in bad shape. Mr. Weber indicated during our meeting that it needs work, it probably needs to be repaved at present.

Now, we're being obligated by the Village to cover that cost. Their side is going to cost us roughly \$200,000, just their side, okay. Why should we now extend ourselves and also pick up 50 percent of something that they're obligated to do? We never heard back from them, okay. All we're getting is opposition. I'm sorry to say it, counsel is talking about good faith negotiations, we sat there, I sat there in that meeting and we offered this as an olive branch. Never heard boo, not one word back. Then we got a copy of their memo to Staff. So, we've more than gone and tried to meet them 50-50 here, all right.

The other thing I'd like to point out is we're talking about the

increased pounding on that private drive and the need for additional repairs. In that easement doc, and I'm going to read it verbatim so everybody can follow along with me here, paragraph five, Use of Easement Premises: The use of the easement premises referred to in paragraphs one, two, three and four above are not confined to the present uses of the Weber parcel, the Oak Point parcel, the WMS plant, and/or Weber Atrium, or to present means of transportation. The document itself contemplates an increased use or a more intense use. It doesn't say anything about changing the burden of maintenance or anything like that.

So, you're asking us to repave their side of the drive as well. We're agreeing to it. But understand that as the Village is stepping into a private agreement, it's stepping in between that private agreement and it's making us take on responsibilities that we don't have right now in that agreement. So, we do not waive our right to seek reimbursement from Weber for that repaving, okay, and I want to make that clear.

Now, we're willing to sit down and discuss things with Weber. We've been willing since we met with them in January to do that, and we're still willing to do that. But we haven't had any kind of response from them. So, that's why we're where we're at, okay. I hope that answers that part of it.

COMMISSIONER LORENZINI: But what's the deal right now? Who's going to pave or repave the entire road right now?

MR. GARNER: Well, currently, the condition of this PUD is that we pave it. We either pave it or reconstruct it, depending on what Staff finds is necessary.

COMMISSIONER LORENZINI: To take the heavier traffic?

MR. HUBBARD: If Weber agrees.

MR. GARNER: What I'm saying is -- I'm sorry?

MR. HUBBARD: If Weber agrees.

MR. GARNER: Well, that's the other part of it. They have to agree. Right now, we don't have any right to do anything on it, right? Because we're not the, we can drive over it, right, we can use all 44 feet of it, right? But we don't have any responsibility or right to repave it, maintain it, anything. That's all on Weber. So, Weber has to agree that we can even repave it.

Now, what I'm saying is, because we've had no discussions with them beyond our offer initially, we're not going to sit here and waive our right to seek compensation from them for that paving. You guys wouldn't either if you were in our spot.

COMMISSIONER CHERWIN: Mr. Garner, just to clarify. I think what I was asking before, I think the Village is asking you, the development is triggering a new load requirement. My understanding is regardless of whether it's on a fee property or the easement property, wherever it may be, a road is being required which is being triggered by your development, and that road is going to require an enhanced road because of the demands on it. Sam, am I misstating that? Is that wrong?

MR. HUBBARD: No, you're correct. We're asking that it be improved to accommodate the trucks that would be generated by the development.

COMMISSIONER CHERWIN: Right. So, I think what we're saying or what I'm saying is, what I'm thinking is the development, regardless of how you work on the cost sharing, there is, you know, the demand of the reconstruction of the road that is being driven by the development. Is that correct?

MR. GARNER: I would agree with that.

COMMISSIONER CHERWIN: So, my question was, you know, and again this is a private agreement so I understand where you're coming from, my question was it sounded like the Petitioner was taking on that cost. My clarification came in sort of post construction, whether that was a 50-50 offer that you're making, what I was saying was I looked at the agreement, I didn't see where it said reconstruction. I saw where it said repair and maintenance. So, what I was thinking was if your development is triggering a new road, it doesn't seem to me that they were required to reconstruct or construct a new road, just to repair and maintain the road. So, if your development is requiring a new road, I didn't know, it didn't seem, as I read it, and I apologize, I just read it once, not nearly as much as you guys, but I wasn't seeing that as a cost sharing on the development of a new road as much as a cost sharing on the repair and maintenance of the road which, going forward, it seems they would have that burden but not necessarily to tear off the road and create a new one to serve your development. That was kind of what was going through my mind. Is that accurate?

MR. GARNER: I guess what I would say is the agreement says what it says, but it's a private agreement.

COMMISSIONER CHERWIN: Right. No, I get you.

MR. GARNER: Between us and Weber, right?

COMMISSIONER CHERWIN: I get you.

CHAIRMAN ENNES: And we're really getting outside of our purview. This is not part of, I don't think this is part of --

COMMISSIONER CHERWIN: Well, I understand, but we're putting in conditions and whatnot to deal with it. I don't, you know, the reason I'm asking these questions is because there are conditions related to this on here.

CHAIRMAN ENNES: Right.

COMMISSIONER CHERWIN: So, I'm just trying to better understand what each part is suggesting when it comes to these.

COMMISSIONER SIGALOS: Can I just backtrack one moment? I know at the January public, I'm sorry, January Plan Commission hearing, the question was asked why these docks had to be on the west side. This whole conversation would not be necessary if they were on the east side. I don't remember the answer to that.

MR. GARNER: Right. I'm going to let Mike Wauterlek speak to that.

MR. WAUTERLEK: The only thing I would say back to the access drive, I wouldn't necessarily say that the resurfacing of the road is being triggered by our development. The road has been in disrepair. Mr. Weber has shirked his responsibility to maintain it. Mr. Weber also has heavy truck traffic. Admittedly, we do have heavier, more heavy truck traffic than he does. But you know, I think what's triggered that is there's a new owner who is looking to propose the highest and best use for the property, and that's what's triggered it.

MR. BRANDENBURG: Hi, my name is Grant Brandenburg with Ware Malcomb Architects. My last name is spelled B-r-a-n-d-e-n-b-u-r-g. So, to respond to the question about where the truck docks should be most appropriately placed, in several of these industry type of developments and we've done it in other parcels, you always want your truck traffic to be counterclockwise so the truck drivers are backing over their left shoulder and not backing the line which would be over their right shoulder. So, the truck movement will come in south down the drive, backing over their left shoulder, and then out with this particular movement, because otherwise, if it's reversed, the trucks have to go down, turn around and then

come back.

COMMISSIONER SIGALOS: So, that's a fact that they can't back up looking over their right shoulder?

MR. BRANDENBURG: It's a much more difficult maneuver, so they can't see out of their mirror on that side.

COMMISSIONER GREEN: Yes, I get it.

MR. HUBBARD: So, the other reason why flipping the building may be difficult is basically you wouldn't be able to, you know, if we're trying to keep truck traffic off of the shared access drive, then the access has to be the primary point of access, has to be on Algonquin Road right here.

COMMISSIONER SIGALOS: Right, right.

MR. HUBBARD: Given proximity to the existing light on Meijer Drive, it would be very unlikely I would say that IDOT is going to grant a new traffic signal here and full access onto Algonquin Road. So, if the building is flipped and Algonquin Road is the only access point in and out, you're going to have a right-in and right-out, you're no longer going to have full access which drastically changes the characteristics of the site and the ability to accommodate a distribution facility.

COMMISSIONER SIGALOS: Thank you.

COMMISSIONER GREEN: Sam, I have a question. Is this an M-2 zoned district?

MR. HUBBARD: It is, yes.

COMMISSIONER GREEN: Is it heavy manufacturing?

MR. HUBBARD: Limited heavy manufacturing.

COMMISSIONER GREEN: So, this is not a normal street? This is already designed to take manufacturing and a heavier load than a residential side street, is that correct?

MR. HUBBARD: Meijer Drive should be designed to accommodate heavy truck traffic.

COMMISSIONER GREEN: Okay, but an access into this property would make sense that it would be zoned, or it would be built and constructed with a manufacturing base to it and not a standard car base.

MR. HUBBARD: It would make sense. Whether or not they were thinking of this back when it was built, who knows? But sure, it makes sense for it to accommodate that.

COMMISSIONER GREEN: But there's more trucks here than on my street at my house. So, I'm saying it's a different design. Thank you.

COMMISSIONER JENSEN: Sam, could you clarify for us, if this Petitioner goes all the way through the process and they are turned down by the Board, what does that mean for them?

MR. HUBBARD: It means the current proposal is not approved, they'd have to, you know, redesign and come back through with a new application.

COMMISSIONER JENSEN: So, all these things you were talking about, this private agreement, you know, that wouldn't matter? They'd have to work, they'd have to come back with another proposal and it might have its own set of agreements that have to be worked, is that what we're saying?

MR. HUBBARD: Right, if this was ultimately denied by the Village Board, then all of the discussions this evening wouldn't really be relevant and they'd have to come back

with a new application, whether it was substantially similar and involved a lot of the same aspects, you know, we might still be discussing the same things.

CHAIRMAN ENNES: Were there any other comments from the public?

MR. WEBER: Well, just one comment. Just so everyone understands, I learned about this project two weeks prior to the January 24th meeting.

CHAIRMAN ENNES: Right.

MR. WEBER: That's the first time I really understood what was going in there. I think it's safe to say that I would need to investigate, spend some money, and look at how it impacts my business. Hamilton Partners called me that week, first time they contacted me by the way. They had the preliminary made a year ago, and that was the first time I was contacted or Weber was contacted about this project. They did come in after the January 24th meeting, that is true, and we had the meeting. I said, look, I've got to do my own due diligence on this. I'm noncommittal. I think that was remembered, and I wanted to find out what Burke came back with as well as Mr. Winkler's research into, you know, the impact on my property. I think that's a fair view of how I took that meeting.

So, after that, three weeks after, I did say to Hamilton Partners once I did my due diligence and I look at the project, I'll be back in touch with you. It was at that time that the Staff of Arlington Heights said we would like to hear your concerns as they did with the City of Rolling Meadows. So, I outlined my concerns and I sent it to Arlington Heights Staff. They told me that my concerns would be provided to Hamilton Partners.

So, that was my recollection of how the meeting took part. So, to say I'm not negotiating is not necessarily an accurate depiction of our conversation.

CHAIRMAN ENNES: Thank you, Mr. Weber. Are there any other comments?

MR. WINKLER: Just one last comment, and it has to do with the specific language in that easement agreement, and which was quoted about it's not restricted to the present uses of transportation. That's true, but the key language which was not read says that, and I read this before at the previous meeting, that each respective grantor reserves the right to use the easement premises on its own property for any and all purposes whatsoever which shall not unreasonably interfere with any one of the parties' uses thereof in accordance with the easements granted.

So, I think we keep talking about kind of vague terms, but we're talking about, you know, an unreasonable interference. So, there is some scope to this easement. It's not use it for, you know, whatever purpose. Again, the use before was vehicles, these cars, and there was two office buildings on the east and Weber's parking lot on the west. Weber's shipping and receiving is on the north side of the building, so not really using the, 75 percent or more would you say, don't use, never hit this shared drive.

CHAIRMAN ENNES: Thank you, Mr. Winkler.

MR. WINKLER: Thank you.

CHAIRMAN ENNES: Okay, we're going to close the public portion of the meeting and look for some comments from the Commissioners.

COMMISSIONER LORENZINI: I still want something straight. So, the agreement is saying that the maintenance, upkeep, rebuilding of the road is strictly Weber's cost, is that what the agreement says?

MR. HUBBARD: Correct.

MR. GARNER: Correct.

COMMISSIONER LORENZINI: So, whether we repave it or completely rebuild it or patch it, the agreement says it's Weber's cost at this point?

MR. HUBBARD: Right.

COMMISSIONER LORENZINI: Okay, and the Petitioner is willing to repave, do whatever work is required but will still reserve the right to go back after the 50 percent of the cost or whatever? It's undetermined at this point, correct?

MR. GARNER: Correct.

COMMISSIONER LORENZINI: Now, what about the utility relocates, the ComEd pole or anything else, is that included in the same deal?

MR. LEDER: Any utilities that need to be relocated --

COMMISSIONER LORENZINI: Name, your name.

MR. LEDER: Oh, I'm sorry. My name is Paul Leder, RWG Engineering, last name is spelled L-e-d-e-r. I was at the previous January 24th meeting.

Any utilities that need to be relocated, and there are not that many let me add, that need to be relocated because of the proposed development are borne by, the costs are borne by the developer.

COMMISSIONER LORENZINI: 100 percent, without, you don't have to negotiate that?

MR. LEDER: That is not being negotiated or asked for, no, as far as costs or anything.

COMMISSIONER LORENZINI: Okay, thank you.

MR. WAUTERLEK: But as far as the access drive conversation is concerned, what should also be pointed to is, as proposed, we're intending on resurfacing our portion of the access drive.

COMMISSIONER LORENZINI: You lost me.

MR. WAUTERLEK: At our cost. So, without this condition being placed on the property, on the development, we are proposing resurfacing our portion of the access drive on our property.

COMMISSIONER LORENZINI: You mean the 20 feet part of it, half of it?

MR. WAUTERLEK: Correct.

COMMISSIONER LORENZINI: But you've got to use the other half to get out, don't you?

MR. WAUTERLEK: That's correct. However, there is an easement document that speaks to who is responsible.

COMMISSIONER LORENZINI: All right. So, you're going to pave your half at your cost, you're not going to go after them on that cost?

MR. WAUTERLEK: You wanted to speak --

MR. GARNER: Yes. I think what he's trying to say is before this condition was placed on there by Staff, our plan, our original plan was to repave our half of the easement.

COMMISSIONER LORENZINI: And you weren't going to go after Weber for any of that?

MR. GARNER: And I didn't say that, okay.

COMMISSIONER LORENZINI: Okay.

MR. GARNER: Here is the point really. The point is the document says

100 percent of the cost of the private drive is borne by Weber, okay. The condition of it right now requires repaving. It's not in great condition right now, okay. You're asking us to pave the entire thing. We understand we're changing the use, but the bottom line is the document says we could change the use, right? This isn't a public roadway, I'm sorry to say. A lot of times, people come before you and you place conditions with regard to public roadways and public property, and we understand that because that's your roadway. This is a private drive between two parties. There is a document that governs that relationship, right?

So, we're asking you to let us, let that document continue to govern that relationship. We understand there's got to be some give and take there. We're willing to discuss that give and take, but we're not going to waive our right, right now, to discuss that give and take if that's what you're asking us to do.

COMMISSIONER JENSEN: You're asking this Commission to recommend to the Board approval of this PUD so that you can go forward. You told us there are two reasons why you don't want to put a road where it seems like it might make more sense in terms of congestion, just speaking of the congestion issue, because you don't want the drivers turning their head over one side versus another, and there might be an issue around a stoplight that the Department of Transportation may have a problem with, and so the traffic would be restricted to come in and out one particular way. But you are asking the Commission to do something, even though you're talking about a private agreement, you're asking us to take public action which is to recommend approval of the PUD. Am I correct?

MR. GARNER: Yes.

COMMISSIONER JENSEN: Okay, but then, I mean, this is quite an issue. You're putting a lot of, I mean there's a lot of congestion and traffic going up and down this little access road. It's troubling for me as a Commissioner just to see what's being proposed. So, I'm having a little difficulty sorting this out in my own head.

MR. GARNER: And I understand that, but the document that creates that private drive and the parties' use of it allows for the change in the use. That was contemplated in the agreement when Mr. Winkler drafted it. It says you can change the use, and it says Weber still has to maintain it. So, we're not doing anything that's not contemplated by this --

COMMISSIONER JENSEN: No, legalistically, you're 100 percent right. Is it sensible is the question that I have to deal with because I'm an economist, not a lawyer.

MR. GARNER: Yes. I guess my point would be this. Both parties have the right to use that easement, right? We get to drive over their 22 feet, and they get to drive over our 22 feet, as they've been doing for years, right? Their loading dock is on that side, counsel is wrong. I've been to the property, their loading dock is on the east side of the property. That's where their trucks come and go, okay.

So, they use that right now, too. Their trucks drive over that right now, too, right? So, you know, there's a couple of things. I mean we're being asked to bear a lot of cost that, you know, under this agreement wouldn't be our cost, right? We're also, you're talking with Rolling Meadows about the potential cost on Meijer Drive and of us possibly having to bear some of that.

So, you know, Mr. Ennes brought up a good point. How much is going to be thrust on a petitioner just because a petitioner is coming before you to fix everybody else's issues? I mean that's really what you're kind of asking us to do here, right?

COMMISSIONER JENSEN: But the reverse is also true. You're creating a

lot of activity with your new development and so forth, and basically it has no benefit to the Weber Group, and they are going to bear all the costs if you stick strictly, legalistically, to that agreement.

MR. GARNER: But they drafted it and we signed it. Our predecessor signed it, okay, and we don't get any benefit from their traffic on it.

COMMISSIONER CHERWIN: I mean, can I just add, I think, and Lynn, I'm not trying to speak for you or anything, but I mean I'll just add because I have some of your same concern, I think the issue, what Lynn is saying is, Commissioner Jensen, excuse me, you know, we're not like, you guys aren't building this as of entitled zoning that currently existing and we're coming to you asking, interfering with these private relationships. You know, we have a PUD application here in front of us, and that's because there's unique circumstances typically involved, right? I mean there's things that are on here that don't necessarily fit the standard requirements, and there are some of these extraordinary circumstances that you go through. Part of this analysis is for us to consider those extraordinary circumstances, and that includes the impact that this sort of customized zoning and PUD is going to impact in the immediately adjacent neighbors and the infrastructure around them.

So, I think it's appropriate that we're looking at those, and though there may be some private arrangements in place, if we're being asked to go through to deliver this zoning approval, we have to consider the impact it has on neighboring properties. I think that's what --

COMMISSIONER JENSEN: Thank you, Commissioner Cherwin. That's exactly my point.

MR. GARNER: I agree that that is what you are arguing here.

COMMISSIONER CHERWIN: It's what exists.

MR. GARNER: Yes, I don't disagree with that. I will point out that we're not asking for any variations. This fits in the M-2 District.

COMMISSIONER CHERWIN: I understand, but you're asking for a PUD approval.

MR. GARNER: We are, we are, I understand that. I guess what I'm saying is respect that private arrangement on this private drive. If this were a public drive, I think we're talking a totally different story here, right?

CHAIRMAN ENNES: Right.

MR. GARNER: But this is a private roadway between two parties, and we're just asking to use it, that's what we're asking to do. We have that right. So, thanks. If there's nothing else?

COMMISSIONER LORENZINI: Sam, one other point that Mr. Winkler and Mr. Weber brought up was about the number of cars versus the number of trucks. That did seem very disproportional on the car side. Could you explain what was going on there?

MR. HUBBARD: Yes. Maybe the Petitioner could talk a little bit more about how the exact operations would work on the site and why there would be a need for so many passenger spaces, or their traffic consultant can address why that was projected. My understanding is that it's all from the ITE, the transportation engineers handbook that, you know, outlines what different uses are going to generate car and truck trip counts.

MR. ABOONA: Luay Aboona, A-b-o-o-n-a, I'm a principal with KLOA. Sam is correct. I mean we base our projections based on the Institute of Transportation Engineers

trip generation manual. So, they have different land uses that they've developed trip rates for based on surveys of similar uses, and we applied one of the uses that is applicable to what is being proposed tonight in terms of warehouse or truck distribution facility. So, that's what we based our numbers on.

COMMISSIONER JENSEN: Question. There are other distributions that have some of these similarities, you may have known some of them or the Petitioner may. Have you looked at the data that would be produced in reality by those other distribution facilities that are of a similar size that either Hamilton owns or someone else owns?

MR. ABOONA: I'll defer to Hamilton in terms of the similarity of this with other properties they own. But typically, what we do and what's been acceptable to the Village and IDOT and other agencies is we look at this data that predicts the number of trips and, you know, those surveys have been done over the years, over many, many properties, not only in this area but nationwide. They have proven to be, you know, accurate at least in the ballpark in terms of what will be generated during the peak hours on a daily basis.

COMMISSIONER LORENZINI: But these are truck loading docks. Where are the cars coming from?

MR. ABOONA: There are about 300 plus parking spaces being provided for this facility. So, there will be employees on, you know, multiple shifts, visitors, customers, and so forth. So, that would be part of it as well.

COMMISSIONER LORENZINI: Thank you.

COMMISSIONER JENSEN: Maybe they can address, when I asked about the other facilities that they own, you know, some comparison and whether these numbers make sense from their own personal experience from their other facilities.

MR. WAUTERLEK: So, over the past four years, we have developed three similar properties to this, some in differing locations. So, I think a lot of times these buildings, the traffic is largely driven by geography and the use. There is a property that's been referenced several times by Mr. Weber and Mr. Winkler. The difference between our facility as proposed and the facility that they referenced is the fact that that's an airfreight facility and, you know, a large component of the property is trailer parking and it's set up for heavy truck traffic. That facility also is cross-docked while our building is single-loaded.

So, given the proximity from the airport and just its similarity to another five million square feet of property that we own, I'm fairly confident that the traffic studies that are provided are probably on the high end.

CHAIRMAN ENNES: Anything else?

COMMISSIONER DROST: Yes. My concern is that there are still too many questions that need to be answered. Our role is with regard to either providing a continuance at this point or voting it up or down, and I just want to make sure that we make sense out of this in a particular way. So, if we voted for this project, what would happen at the Board of Trustees? Could they still resolve some of these issues that are open-ended? Or do they have to come back and clarify some of these issues?

I guess the most, let's say item of concern for me is that we've got a development here and the adjacent neighbor who apparently doesn't have any economic benefit from this now has to expend a great deal of cost to figure out where his business is going to be in the future. So, that's a comment.

COMMISSIONER JENSEN: We call those externalities, George.

COMMISSIONER DROST: Yes.

CHAIRMAN ENNES: Right. I think for the purposes of our charter, is the building a good use on this piece of property with the variances, with the conditions that are put on it? Obviously, it's further complicated by two external agreements, agreements our Village has with Rolling Meadows, and this shared access agreement. But I don't think either one of those agreements which are between these parties relate to what our job is, which is to approve or deny this development on this piece of property. I think it's a good use, I have to agree with Staff on this.

COMMISSIONER JENSEN: Mr. Chairman, I agree with that. But we always take into account the impact on neighbors with almost everything we do, buildings, facilities, people and so forth that are around the area. So, part of what we're trying to assess is what's the likely impact on the "neighborhood" even though it's an industrial neighborhood.

CHAIRMAN ENNES: I understand. Is there a motion?

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

A motion to recommend to the Village Board of Trustees approval of PC#17-013, a Planned Unit Development and Preliminary Plat of Subdivision to consolidate all lots into one lot, for the property located at 703-709, 715-723 West Algonquin Road.

This approval shall be subject to the following conditions:

Final Plat of Subdivision:

- 1. Final Plat of Subdivision approval shall be required. Prior to Final Plat of Subdivision approval, the following items shall be required:**
 - a. IDOT review and approval of the proposed development.**
 - b. Petitioner shall be responsible for design, construction, and installation of all off-site roadway improvements required by the proposed development. This may include, but shall not be limited to, proportional contributions towards any improvements required to Meijer Drive as determined necessary by the Village of Arlington Heights.**
 - c. Petitioner shall work with the Village of Arlington Heights to resolve issues raised by the City of Rolling Meadows, to the satisfaction of the Village of Arlington Heights.**

Site Plan:

- 2. The Petitioner shall install a decorative fence around any detention area as requested by the Public Works Department.**
- 3. The Petitioner shall install a paved waiting area for PACE customers in the right-of-way adjacent to Algonquin Road. The location of such paved waiting area shall be determined in coordination with PACE and the Village of Arlington Heights.**
- 4. The Petitioner shall revise the site plan to incorporate greenspace and a shade tree within the parking lot island located at the southwest corner of the Phase II building.**
- 5. The Petitioner shall revise the site plan to remove the two parking spaces in the southwest corner of the site that encroach into the shared access drive easement.**

Outlot A:

6. The Petitioner shall take the following actions relative to Outlot A:
 - a. If ownership of Outlot A has been transferred to the Petitioner prior to Final Plat of Subdivision approval, the Petitioner shall incorporate Outlot A within the subdivision area.
 - b. Prior to issuance of a building permit, the Petitioner shall cause to be recorded an amendment to, or abrogation of, the stormwater easement over Outlot A to accommodate for the proposed driveway improvements within the easement area, if the Village determines such amendment or abrogation is needed.

Shared Private Access Drive:

7. The Petitioner shall either reconstruct or repave, as determined by the Village, the entire portion of the existing approximately 22-inch wide shared access driveway that is located on the Weber Packaging Solutions property, only if approved by Weber Packaging Solutions. This reconstruction/repavement shall be to a standard suitable to accommodate heavy truck traffic, for review and approval by the Village of Arlington Heights.
8. The Petitioner shall continue to work with Weber Packaging Solutions and the Village of Arlington Heights on acceptable improvements, as determined by the Village of Arlington Heights, to the shared private access roadway to provide for adequate passenger vehicle/truck traffic separations. This may include, but is not limited to, striping of the access driveway and landscape barriers to separate and protect vehicular movements.

Meijer Drive Improvements:

9. If approved by the City of Rolling Meadows, the Petitioner shall install an extension to the raised barrier median in the center of Meijer Drive located adjacent to the subject property, as well as certain improvements to the sidewalk on Meijer Drive adjacent to the subject property. If the City of Rolling Meadows does not grant approval for such barrier median extension and sidewalk improvements, then the extension and sidewalk improvements will not be required at this time. However, the Petitioner shall be required to install the barrier median extension and sidewalk improvements, upon request of the Village, when jurisdiction of Meijer Drive (within the corporate limits of Arlington Heights) is transferred to Arlington Heights.

General:

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

COMMISSIONER LORENZINI: I'll second.

CHAIRMAN ENNES: Can we have a roll call vote?

MR. HUBBARD: Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes, with comment.

MR. HUBBARD: Commissioner Drost.

COMMISSIONER DROST: No, with comment.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: No.

MR. HUBBARD: Commissioner Sigalos.

COMMISSIONER SIGALOS: No.

MR. HUBBARD: Commissioner Warskow.

COMMISSIONER WARSKOW: No.

MR. HUBBARD: Chairman Ennes.

CHAIRMAN ENNES: Yes.

MR. HUBBARD: Commissioner Green.

COMMISSIONER GREEN: Yes.

MR. HUBBARD: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Yes.

CHAIRMAN ENNES: So, we have a tied vote.

MR. HUBBARD: It's four to four split. So, it goes forward to the Board.

CHAIRMAN ENNES: Which means it will go to the Plan Commission.

MR. HUBBARD: To the Board.

COMMISSIONER DROST: You want it again?

CHAIRMAN ENNES: No, we're good. To the Village Board. Unfortunately, you don't have a unanimous decision which will impact how they have to deal with this. But I'll wish you good luck. Hopefully, you can resolve some of these issues which I think are, I think it's a good development but I think it's obviously got some issues you've got to work through before it's going to happen. We have a comment down here.

COMMISSIONER CHERWIN: Yes. You know, I support it, I agree with you. I think it is a good building, I think it's a good development. Obviously, the situation currently concerns me. But as we said before, there are private relationships here that will ultimately govern how these issues resolve. I think there are enough open items in here that I'm not sure how these are going to play out, but it leaves some discussions to be had. I hope that it goes through and I really hope that, you know, the parties are going to work together to a reasonable arrangement. But as far as the land use approval, now that's the basis of my approval and that the parties will work out their differences, you know, governing their private rights.

CHAIRMAN ENNES: Thanks, Commissioner Cherwin.

COMMISSIONER DROST: Yes, my comments are similar to yours. The concerns that I've got is the impact on the neighbor, and that there might not have been enough analysis or due diligence from the standpoint of all the impacts and having those delineations. I know one thing, I wouldn't want trucks, after approval of this plan, on some of the turning situations, to have trucks entering my property without my permission, without my consent. That's I think the impression that the owner gave us. I don't think there's enough enforceability or assurance that that won't happen.

So, these are the things that need to be cleared up. But as far as the project is concerned, I think it's a fine project. But you know, the devil is in the detail here and don't make the neighbor pay for what he shouldn't pay because of the development.

CHAIRMAN ENNES: Okay, thank you very much.

MR. GARNER: Thank you all for your time. We appreciate it.

CHAIRMAN ENNES: That's all we have on the agenda, correct? There is nothing else?

MR. HUBBARD: That's right. Next meeting, we have a toy shop and lounge on Algonquin Road. It will be on April 11th I believe.

CHAIRMAN ENNES: Okay. Can I have a motion to adjourn?

COMMISSIONER DROST: I'll make that motion.

CHAIRMAN ENNES: And a second?

COMMISSIONER GREEN: Second.

CHAIRMAN ENNES: All in favor?

(Chorus of ayes.)

CHAIRMAN ENNES: Okay.

(Whereupon, the above-mentioned petition was adjourned at 9:25 p.m.)



Item: Toy Shop & Motolounge - 1728 W. Algonquin Rd. - PC#18-003

Department: Planning & Community Development

Requested Action:

1. Special Use Permit to allow "Motor Vehicle Sales, including auxiliary service".

Variations Required:

1. Variation to Section 11.4, Schedule of Parking Requirements, to reduce the required amount of off-site parking from 71 spaces to 52 spaces.
2. Variation to Section 6.13-3(b), Side and Rear Yards, to allow an 8-foot tall solid fence in the rear yard where a 6-foot tall solid fence is allowed.
3. Variation to Section 6.12-1, to waive the requirement for a traffic study and parking analysis prepared by a qualified professional engineer.'

The Staff Development Committee recommends approval of application PC #18-003, a special use permit to allow motor vehicles sales on the subject property, and the following variations:

1. Variation to Section 11.4, Schedule of Parking Requirements, to reduce the required amount of off-site parking from 64 spaces to 48 spaces.
2. Variation to Section 6.13-3(b), Side and Rear Yards, to allow an 8-foot tall solid fence in the rear yard where a 6-foot tall solid fence is allowed.
3. Variation to Section 6.12-1, to waive the requirement for a traffic study and parking analysis prepared by a qualified professional engineer.

Recommendation:

Approval shall be subject to the following conditions:

1. Approval of the Special Use Permit for motor vehicle sales shall apply only to motor vehicle sales, and auxiliary service and repair of motor vehicles is prohibited.
2. The special use permit for motor vehicle sales shall allow only the sale of motorcycles.
3. The petitioner shall remove all materials that they are storing outdoors (pallets, chairs, trailers, motorcycle, etc.). Outdoor storage of motor vehicles and

materials by the petitioner shall be prohibited.

4. The existing ground sign located in the front yard and shall be removed, as well as the temporary ground sign that advertises for The Toy Shop.

5. The petitioner shall be prohibited from conducting outdoor events on the subject property.

6. The existing 6" fire single check valve shall be removed and replaced with an approved RPZ.

7. The 8' tall slatted chain link fence along the rear property line shall be replaced with an 8' tall solid wood fence. Additionally, the slatted chain link dumpster enclosure shall be replaced with a wood enclosure of suitable height to screen the dumpsters.

8. Two new shade trees shall be installed in the two parking lot landscape islands located at the terminus of the parking rows at the south of the site. Additionally, a code complaint parking lot landscape screen along the right-of-way at the southeast corner of the site shall be installed.

9. The petitioner shall comply with all Federal, State, and Village Codes, Regulations, and Policies.

ATTACHMENTS:

Description	Type
Staff Report	Report
Aerial	Exhibits
Conceptual Plan Review Minutes 5/10/17	Minutes
Public Notice	Exhibits
Project Narrative	Correspondence
Justification for Parking Variation	Correspondence
Justification for SUP	Correspondence
Site Plan	Exhibits
Floor Plan	Exhibits
Market Study	Correspondence
Parking Survey	Exhibits
Neighborhood Meeting Summary	Correspondence
Round 1 Dept. Review Comments	Correspondence
Round 1 Dept. Review Comments - Petitioner Response	Correspondence
Round 2 Dept. Review Comments	Correspondence
Round 2 Dept. Review Comments - Petitioner Response	Correspondence
Round 3 Dept. Review Comments	Correspondence
Round 3 Dept. Review Comments - Petitioner Response	Correspondence



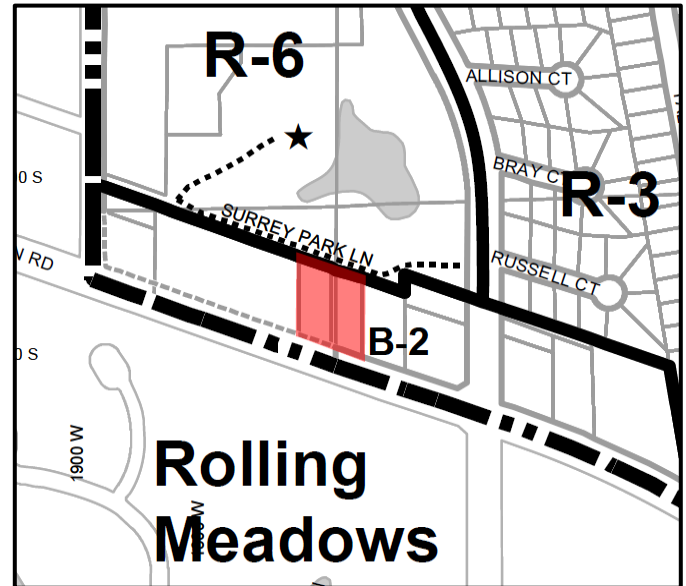
VILLAGE OF ARLINGTON HEIGHTS STAFF DEVELOPMENT COMMITTEE REPORT

Project Number: PC 18-003
Project Title: Toy Shop & Motolounge
Address: 1728 W. Algonquin Road
PIN: 08-08-401-042, 08-08-401-043

To: Plan Commission
Prepared By: Sam Hubbard, Development Planner
Meeting Date: April 11, 2018
Date Prepared: April 6, 2018

Petitioner: Mike Taylor & Victor Baranovici
Address: 1728 W. Algonquin Rd.
 Arlington Height, IL 60005

Existing Zoning: B-2: General Business District



SURROUNDING LAND USES

Direction	Existing Zoning	Existing Use	Comprehensive Plan
North	R-6, Multi-Family Dwelling District	Multi-Family Residential (Surrey Park Condominiums)	Moderate Density Multi-Family
South	City of Rolling Meadows		
East	B-2, General Business District	Restaurant (Penang Malaysian Cuisine)	Commercial
West	B-2, General Business District	Multi-Tenant Shopping Center (Plaza Del Grato)	Commercial

Requested Action:

1. Special Use Permit to allow "Motor Vehicle Sales, including auxiliary service".

Variations Required:

1. Variation to Section 11.4, Schedule of Parking Requirements, to reduce the required amount of off-site parking from 71 spaces to 52 spaces.
2. Variation to Section 6.13-3(b), Side and Rear Yards, to allow an 8-foot tall solid fence in the rear yard where a 6-foot tall solid fence is allowed.
3. Variation to Section 6.12-1, to waive the requirement for a traffic study and parking analysis prepared by a qualified professional engineer

Project Background:

The subject property is located along West Algonquin Road approximately 300 feet west of the intersection of Algonquin Road and New Wilke Road. The site is currently occupied by a multi-tenant office building of approximately 18,250 square feet, with current tenants being a medical office, the Toy Shop & Motolounge (which opened in April 2017), and vacant units accounting for around 7,800 square feet. The Toy Shop & Motolounge is a retail business specializing in motorcycles and motorcycle accessories. Currently, the business only sells motorcycle accessories, gear, and parts, and type of retail sales is a permitted use within the B-2 District where the property is located. However, the applicant would like to expand the scope of the business to include motorcycle sales and repair. Hours of operation for the business change with the riding season, but are generally 11:00am to 8:00pm Tuesday, Wednesday, and Friday, 11:00am to 9:00pm on Thursday, 11:00am to 6:00pm on Saturday, and noon to 5:00pm on Sunday. The business is closed on Mondays. The petitioner estimates a total of five employees if approved for the requested special use permit; three within the sales portion of the business and two within the repair portion of the business.

Immediately abutting the subject property to the north is the Surrey Park “Octominiums”, a multiple-family residential condo development. To the west of the subject, property is the Plaza Del Grato shopping center, and to the east is the Penang Restaurant. The land directly south of the subject property and across Algonquin Road is within the City of Rolling Meadows, and land uses to the south include the Saratoga multi-family condominiums and a small commercial building. There is an existing overhead door located on the east side of the subject unit towards the rear (north) of the building, which faces out towards the Penang Restaurant but is also within close proximity to the multi-family residential area to the north. Another overhead door is located on the north side of the building, however, this door is for another unit within the building that is currently vacant.

Primary access to the site comes from two driveway entrances along Algonquin Road. The eastern entrance provides access solely to the subject property and the western entrance is a shared driveway entrance with the neighboring Plaza Del Grato shopping center. This shared driveway is not a primary entrance point to the shopping center and only provides access to the non-public entrances at the rear of the shopping center. The eastern and western drive aisles on the subject property are connected through the rear to provide for circulation throughout the site. Access onto Algonquin Road is not restricted, meaning that cars can leave the subject site to travel both eastbound and westbound on Algonquin Road. Additionally, there is a shared left turn lane in the center of Algonquin Road. The subject property contains a total of 48 parking spaces (52 total when counting the interior service bay spots within the subject unit). The petitioner is not proposing any exterior alterations to the site.

Neighborhood Meetings

The petitioner held a neighborhood meeting on March 22, 2018. A record of the comments received at this meeting, as prepared by the petitioner, has been included in the packet for the Plan Commission.

Conceptual Plan Review Committee

On May 10, 2017, the Conceptual Plan Review Committee (CPRC) met to discuss the proposed special use permit. The discussion was generally positive, with questions about outdoor storage, the type of the repair services that would be offered, and the previous Toy Shop location in Schaumburg. Minutes from this meeting are attached.

Zoning and Comprehensive Plan

Motor vehicle sales are classified as a special use within the B-2 Zoning District and therefore a special use permit is required. The motor vehicle sales use classification permits “auxiliary service” of motor vehicles in

conjunction with any approved motor vehicle sales use. Therefore, approval of a special use permit for motor vehicle sales will also allow the service and repair of automobiles. The petitioner has clarified that the services they intend to offer will be minor motor vehicle repairs, such as oil changes, tire rotations with balancing, fluid flushes, and various lighting, speaker, and electrical add-ons. Furthermore, they have stated that they will not perform any major motor vehicle repairs, such as body work, frame or fender straightening/repair, collision service, and vehicle painting. The type of services that the petitioner has proposed are “auxiliary” and therefore compliant with the motor vehicle sales use classification. The incorporation of any major motor vehicle repair functions would require a land use variation and appearance before the Plan Commission and Village Board for approval.

The petitioner has provided their written justification to the criteria for special use permit approval, which has been included in the packet for the Plan Commission. This criteria is summarized below:

- **That said special use is deemed necessary for the public convenience at this location.**
- **That such case will not, under the circumstances of the particular case, be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity.**
- **That the proposed use will comply with the regulations and conditions specified in this ordinance for such use, and with the stipulations and conditions made a part of the authorization granted by the Village Board of Trustees.**

The Staff Development Committee does not support the proposed repair portion of the special use at this location as this land use is not compatible with the surrounding multi-family homes to the north of the subject property. The Comprehensive Plan states: **Land Use Goal #4 “Incompatible zoning should be avoided”** and **Land Use Goal #1: “To ensure that the general land use pattern and relationships of all land uses remain or become acceptable to the present and future community.”** Staff does not believe the petitioner meets these goals relative to the proposed land use.

Relative to the special use permit, staff does not concur with the petitioner that the necessary standards for approval have been met for the following reasons:

- The Village has already received a formal complaint about noise generated on the subject property and is aware of additional concerns from the residents within the Surrey Park residential development abutting the property to the north. To allow repair functions, which commonly generate loud noises, will exacerbate the potential for noise complaints.
- The petitioner will be offering speaker add ons as one of the services they perform on motorcycles. This specific type of service is generally associated with loud noises and the Staff Development Committee is concerned that this type of work will disturb the adjacent residential area to the north.
- The petitioner has stated that the service garage is not air conditioned and there will be times when the door will be open while repair functions are conducted (although they state that the door will be closed when loud noises will be generated). The Staff Development Committee is not fully convinced that, given the proximity of this use to the residential area to the north and the likelihood that the garage door will be open during the warmer month, that the repair use will not disturb adjacent residential areas to the north.

The Plan Commission has three primary options to consider:

1. Deny the application. Retail sales of motorcycle parts and accessories will still be allowed on the site, as currently exists.

2. Approve the variations and motorcycle sales special use permit but prohibit the motorcycle service/repair function of the business. Approval can be subject to certain conditions.
3. Approve the variations and special use permit as proposed (allowing both motorcycle sales and repair/service), subject to certain conditions.

Site and Landscaping

As outlined above, the petitioner is not proposing any changes to the site. As part of the Plan Commission review process, staff conducted a site visit to determine the condition of the on-site landscaping. During this site visit, it was noted that several required landscaping elements were missing or have died. Specifically, when the property was originally developed, Ash trees were installed as the required shade trees within the parking lot landscape islands. These shade trees are now just stumps and were likely killed by the Emerald Ash Borer; however, they must be replaced as part of the Plan Commission approval process. Additionally, a small row of shrubs required to screen the parking lot in the southwest corner of the site has either been removed or has died and must be replaced. A condition of approval requiring the petitioner to replace the required landscaping has been included.

Planning Department staff have been to the site multiple times over the last year and observed items being stored outside (chairs, trailers, pallets, motorcycle). Outdoor storage is prohibited in the B-2 District, and the storage of trailers is not allowed unless within a designated loading space. The petitioner shall remove all items that are storing on the exterior of the building. Staff has also observed several motorcycles within the building that are on display, and it is unclear if they are being offered for sale (staff had previously received a complaint that motorcycle sales were being offered on the site but this complaint could not be substantiated). Additionally, there is an existing ground sign in front of the site that does not have a sign face; the inside of the sign cabinet is therefore exposed and is unsightly. Per Section 30-109 of the Sign Code, all signage and support structures which advertise a business no longer being conducted on the premises must be removed within 30 days of the discontinuance of that business. Therefore, the ground sign must be removed. A new code compliant sign can be constructed here should the property owner apply for and be approved for a sign permit. There is also a temporary sign in the front yard ("Motorcycle Shop Now Open") that must be removed. Conditions of approval requiring the removal of outdoor materials and non-conforming signage has been included within the recommendation below.

During the Conceptual Plan Review process, staff made the petitioner aware that the dumpsters were not stored within an enclosure as required by code. Based on this, the petitioner has installed a dumpster enclosure in the northeast corner of the site. However, the petitioner did not get a permit for said enclosure, and constructed the enclosure out of slatted chain like material, which is prohibited by code. A condition of approval has been recommended that would require the petitioner to replace the slatted chain link enclosure with a code complaint wood enclosure.

Finally, the subject property has an existing 8-foot tall slatted chain link fence along the rear property line abutting the Surrey Park residential area to the north. The zoning code requires that all commercial properties that abut residentially zoned properties must provide a 6' tall solid screen along their shared property line. The existing fence is non-compliant in that it is 8 feet tall; the material of the fence is also non-compliant as slatted fences are prohibited. There is no record of a variation having been approved for this fence. In order to provide a suitable buffer from the residential property to the north, staff recommends the 8-foot tall fence be replaced with a solid 8-foot tall wooden fence. Since maximum fence heights are restricted to 6 feet in height, the following variation is required:

- **Variation to Section 6.13-3(b), Side and Rear Yards, to allow a 8' fence in the rear yard where code limits fence heights to 6'.**

Staff is supportive of this variation as it is necessary to provide an adequate buffer to the residential properties to the north. A condition of approval has been included that would require the removal of the existing fence and the installation of the 8-foot tall solid wood fence.

Building

Since no exterior modifications to the building are proposed, a Design Commission application was not required. However, during the Plan Commission review process, the Engineering and Public Works Departments have identified the need for a triple catch basin/grease trap, which is required for the proposed motor vehicle repair use. If this triple catch basin can be accommodate within the building, then only a plumbing permit is required. However, if exterior sanitary sewer work is necessary to install the triple catch basin/grease trap, then an MWRD permit will likely be required. Additionally, the Public Works Department has noted that the existing 6-inch fire single check valve on the building is obsolete and must be replaced with an approved RPZ backflow preventer. Conditions of approval have been included to require both the triple catch basin and RPZ.

Parking

Per section 6.12-1 of the Zoning Code, any development that requires a special use permit and is over 5,000 square feet in floor area must provide a traffic and parking study from a qualified professional engineer. Since the subject unit is 5,082 square feet, the traffic and parking study is a code requirement. Therefore, the petitioner has requested the following variation:

- **A variation to Section 6.12-1, to waive the requirement for a traffic study and parking analysis prepared by a qualified professional engineer.**

The petitioner has surveyed the on-site parking during four days in September/October of 2017. Given that the subject property is located on a major arterial, the fact that the use is not a high traffic generating use, and the provision of the parking survey by the petitioner, staff is supportive of the variation to waive the traffic and parking study requirement.

Relative to parking, the following variation is required:

- **Variation to Section 11.4, Schedule of Parking Requirements, to reduce the required amount of off-site parking from 71 spaces to 52 spaces.**

The detailed parking calculations are provided at the end of this report within **Exhibit I**.

Staff has analyzed the parking survey submitted by the petitioner to determine if the proposed variation will result in a parking shortage relative to peak demand. One of the days surveyed included the Thursday night "Bike Night" event held by the petitioner, which likely represents the peak parking demand generated by the use. It should be noted that this type of event is not permitted and the petitioner has stated they will no longer hold these events. During the Thursday evening event, 56 bikes were observed (occupying 16 parking spaces) and 8 automobiles were observed. Peak usage in this instance occupied 24 out of the 48 on-site parking spaces. Staff believes the proposed parking variation is justified for the following reasons:

- Motorcycle sales and repair is a niche market and therefore the use is not generally correlated with a high parking demand.
- The other spaces within the building are built out primarily of office uses, which typically see peak demand during the standard workday hours with little activity on weekends. Per the parking survey, the peak demand generated by the Toy Shop generally occurs after 4pm and on weekends, which doesn't coincide with the peak use for offices.
- Traffic generated by The Toy Shop and Motolounge typically comes in the form of a motorcycle and multiple motorcycles can occupy more than one space.

Since the one of the justifications for the parking variation is that multiple motorcycles can occupy one parking space, the ability of the site to provide adequate parking is predicated on the fact that motorcycles will be the only motor vehicle sold on the subject property. If the petitioner (or future tenant) wanted to use the motor vehicle sales special use permit to allow the sale of automobiles, the on-site parking situation would change. Therefore, staff is recommending a condition of approval that limits the special use to the sale of motorcycles only.

Finally, staff notes that the extent of the parking variation would reduce if only motor vehicle sales is approved, since the Zoning Code has a higher parking requirement for motor vehicle repair uses than for retail sales uses. **Exhibit II** outlines the parking calculations under this scenario.

RECOMMENDATION

The Staff Development Committee has identified three primary options for the Plan Commission to consider:

1. Denial of the application. Retail sales of motorcycle parts and accessories will still be allowed on the site, as currently exists.
2. Approval of the variations and motor vehicle sales special use permit but prohibit the motorcycle service/repair function of the business. Approval can be subject to certain conditions as outlined below.
3. Approval of the variations and special use permit as proposed (allowing both motor vehicle sales and repair/service), subject to certain conditions.

Upon consideration of the facts and details of the proposed use, the Staff Development Committee recommends **Option #2**: Approval of application PC #18-003, a special use permit to allow motor vehicles sales, but a prohibition of the auxiliary service and repair of motor vehicles on the subject property, and the following variations:

1. Variation to Section 11.4, Schedule of Parking Requirements, to reduce the required amount of off-site parking from 64 spaces to 48 spaces.
2. Variation to Section 6.13-3(b), Side and Rear Yards, to allow an 8-foot tall solid fence in the rear yard where a 6-foot tall solid fence is allowed.
3. Variation to Section 6.12-1, to waive the requirement for a traffic study and parking analysis prepared by a qualified professional engineer

Staff cannot support the service and repair of motor vehicles at this location for the following reasons:

- The petitioner has not met the three required special use permit approval standards necessary to grant a special use permit allowing auxiliary motor vehicle repair/service.
- Incompatibility of the motor vehicle repair use with the abutting residential areas to the north.

- Inconsistency of the motor vehicle repair use with the Village Comprehensive Plan, specifically, **Land Use Goal #4 “Incompatible zoning should be avoided”** and **Land Use Goal #1: “To ensure that the general land use pattern and relationships of all land uses remain or become acceptable to the present and future community.”**
- Concerns that the introduction of motor vehicle service/repair will further exacerbate the noise complaints that have been received relative to the petitioners use of the property.
- Concerns that the speaker add on operations offered by the petitioner will generate noise that will disturb the residential neighbors to the north of the subject property.
- Concerns that, given the proximity of this use to the residential area to the north and the likelihood that the garage door will be open during the warmer month, the use will disturb adjacent residential areas to the north.

Approval shall be subject to the following conditions:

1. Approval of the Special Use Permit for motor vehicle sales shall apply only to motor vehicle sales, and auxiliary service and repair of motor vehicles is prohibited.
2. The special use permit for motor vehicle sales shall allow only the sale of motorcycles.
3. The petitioner shall remove all materials that they are storing outdoors (pallets, chairs, trailers, motorcycle, etc.). Outdoor storage of motor vehicles and materials by the petitioner shall be prohibited.
4. The existing ground sign located in the front yard and shall be removed, as well as the temporary ground sign that advertises for The Toy Shop.
5. The petitioner shall be prohibited from conducting outdoor events on the subject property.
6. The existing 6” fire single check valve shall be removed and replaced with an approved RPZ.
7. The 8’ tall slatted chain link fence along the rear property line shall be replaced with an 8’ tall solid wood fence. Additionally, the slatted chain link dumpster enclosure shall be replaced with a wood enclosure of suitable height to screen the dumpsters.
8. Two new shade trees shall be installed in the two parking lot landscape islands located at the terminus of the parking rows at the south of the site. Additionally, a code complaint parking lot landscape screen along the right-of-way at the southeast corner of the site shall be installed.
9. The petitioner shall comply with all Federal, State, and Village Codes, Regulations, and Policies.

Should the Plan Commission believe approval of the special use permit to allow both motor vehicle sales **and** auxiliary service is warranted, staff recommends the following conditions:

1. The special use permit for motor vehicle sales shall allow only the sale of motorcycles and auxiliary repair of motorcycles.
2. The petitioner shall remove all materials that they are storing outdoors (pallets, chairs, trailers, motorcycle, etc.). Outdoor storage of motor vehicles and materials by the petitioner shall be prohibited.
3. The existing ground sign located in the front yard and shall be removed, as well as the temporary ground sign that advertises for The Toy Shop.
4. The petitioner shall be prohibited from conducting outdoor events on the subject property.
5. The existing 6” fire single check valve shall be removed and replaced with an approved RPZ.
6. The 8’ tall slatted chain link fence along the rear property line shall be replaced with an 8’ tall solid wood fence. Additionally, the slatted chain link dumpster enclosure shall be replaced with a wood enclosure of suitable height to screen the dumpsters.
7. Two new shade trees shall be installed in the two parking lot landscape islands located at the terminus of the parking rows at the south of the site. Additionally, a code complaint parking lot landscape screen along the right-of-way at the southeast corner of the site shall be installed.

8. The overhead door shall remain closed during any motor vehicle repairs and/or service.
9. All motor vehicle repairs shall cease after 6:00pm on every day and shall not be permitted on Sunday.
10. The petitioner shall comply with all Federal, State, and Village Codes, Regulations, and Policies.

April 6, 2018

Bill Enright, Deputy Director of Planning and Community Development

Cc: Randy Recklaus, Village Manager
All Department Heads

Exhibit I: Parking Calculations

Calculations if both motor vehicle sales and repair/service are approved

Tenant	Address	Use	Square Feet	Employees	# of Bays	Parking Ratio	Parking Required
Molecular Imaging of Arlington Heights	1732 W. Algonquin Rd.	Medical Office	2,300	N/A	N/A	1 per 200 SF	12
Vacant Office/Warehouse	1734 W. Algonquin Rd.	Office	8,800	N/A	N/A	1 per 300 SF	29
Vacant Office/Retail	1730 W. Algonquin Rd.	Office/Retail	2,050	N/A	N/A	1 per 300 SF	7
Toy Shop & Motolounge - Service	1728 W. Algonquin Rd.	Auto Service Station	2,075	2	4	1 per emp; 3 per bay	14
Toy Shop & Motolounge - Parts/Accessories		Retail	2,507	N/A	N/A	1 per 300 SF	8
Toy Shop & Motolounge - Motorcycle Sales		Motor Vehicle Sales	500	N/A	N/A	1 per 600 SF	1
TOTAL SQUARE FOOTAGE			18,232	PARKING REQUIRED			71
PARKING PROVIDED *							52
SURPLUS / (DEFICIT)							(19)

* Includes 4 interior service bay parking spots within Toy Shop unit.

Exhibit II: Parking Calculations

Calculations if both only motor vehicle sales is approved

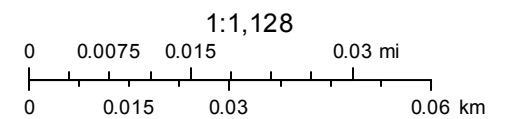
Tenant	Address	Use	Square Feet	Employees	# of Bays	Parking Ratio	Parking Required
Molecular Imaging of Arlington Heights	1732 W. Algonquin Rd.	Medical Office	2,300	N/A	N/A	1 per 200 SF	12
Vacant Office/Warehouse	1734 W. Algonquin Rd.	Office	8,800	N/A	N/A	1 per 300 SF	29
Vacant Office/Retail	1730 W. Algonquin Rd.	Office/Retail	2,050	N/A	N/A	1 per 300 SF	7
Toy Shop & Motolounge - Retail	1728 W. Algonquin Rd.	Retail	2,075	N/A	N/A	1 per 300 SF	7
Toy Shop & Motolounge - Parts/Accessories		Retail	2,507	N/A	N/A	1 per 300 SF	8
Toy Shop & Motolounge - Motorcycle Sales		Motor Vehicle Sales	500	N/A	N/A	1 per 600 SF	1
TOTAL SQUARE FOOTAGE			18,232	PARKING REQUIRED			64
PARKING PROVIDED *							48
SURPLUS / (DEFICIT)							(16)

* Does not include 4 interior bay parking spots within Toy Shop unit.

Aerial - 1732 W Algonquin Rd



May 5, 2017



**REPORT OF THE PROCEEDINGS OF
THE PLAT & SUBDIVISION COMMITTEE
OF THE VILLAGE OF ARLINGTON HEIGHTS PLAN COMMISSION
HELD AT VILLAGE HALL ON:**

May 10, 2017

Project Title: Toy Shop & Motolounge
Address: 1728 W. Algonquin Rd.
Petitioner: Mike Taylor
1728 W. Algonquin Rd.
Arlington Height, IL 60005

Requested Action:

- A Special Use Permit to allow Motor Vehicle Sales.

Variations Required:

- Chapter 28, Section 11.4-2, to reduce the required off-street parking from 68 spaces to 49 spaces.
- Chapter 28, Section 6.12-1(2)a, to waive the requirement for a Traffic and Parking Study.

Attendees: Mike Taylor – Petitioner
Laura Packeviciute – The Toy Shop
Victor Baranovici – The Toy Shop
Nicu Baranovici – The Toy Shop
Bruce Green, Plan Commissioner
Lynn Jensen, Plan Commissioner
John Sigalos, Plan Commissioner
Sam Hubbard, Development Planner

Project Summary:

The subject property is located along West Algonquin Road approximately 300 feet west of the intersection of Algonquin Road and New Wilke Road, and is currently occupied by a multi-tenant office building of approximately 19,000 square feet. Current tenants include two medical offices, the Toy Shop & Motolounge (which opened in April of this year), and a 7,800 square foot vacant unit. The Toy Shop & Motolounge is a retail business specializing in motorcycles and motorcycle accessories. Currently, the business only sells motorcycle accessories, gear, and parts, however, the applicant would like to expand the scope of the business to include motorcycle sales and repair. Hours of operation for the business are 11:00am to 8:00pm Tuesday thru Friday, 11:00am to 6:00pm on Saturday, and noon to 5:00pm on Sunday. The business is closed on Mondays. The subject property is zoned B-2, General Business District.

Meeting Discussion:

Mr. Taylor provided some background information on the Toy Shop & Motolounge, explaining that they recently relocated from Schaumburg, where they had a space around the intersection of Roselle Road and Golf Road. They sell mid to high level motorcycle gear, parts, and accessories, and they've been in business for roughly a year and a half. They've grown quickly in that time and currently have around 5,000 followers on social media. Their customers are a diverse range of individuals in terms of age and gender. The business was currently looking to obtain a Special Use Permit to allow motor cycle sales and repairs. The building that they have recently leased within Arlington Heights had been vacant for several years, and he believed that at one point it had previously been used for boat sales and repairs.

Ms. Packeviciute said that more recently the space had been used by a medical office tenant.

Mr. Taylor stated that they had fully remodeled the interior of the building, and it now had a nice showroom floor in the front, and the rear of the building had a warehouse space of around 2,000 square feet.

Commissioner Jensen asked if there were other tenants within the building.

Mr. Taylor stated that there were other tenants, but most of the building was vacant and in the future they planned on expanding into the vacant space. They hoped to eventually occupy the entire building.

Commissioner Jensen asked if they were leasing the space.

Ms. Packeviciute responded that they had a three-year lease for their unit.

Mr. Taylor stated that their unit was around 5,200 square feet in size.

Ms. Packeviciute explained that the building was fully sprinklered and that it worked well for their needs because it had the open showroom floor in the front. At their last space in Schaumburg they had a lounge on the second floor, but in the present space they had a mezzanine that they had considered to use as a lounge, but they no longer were thinking of doing that. The mezzanine would be used for a waiting area for customers that needed repairs on their vehicles. It also could be used for office space for financing, should they be approved to sell motorcycles at this location.

Mr. Hubbard stated that motor vehicle sales was classified as a Special Use within the B-2 Zoning District, and so a Special Use Permit was required. Per the definition of "motor vehicles sales", auxiliary repair of motor vehicles was allowed in conjunction with the sales use. The petitioner would be required to submit a response to the Special Use Permit approval criteria, as well as the criteria for each Variation required. The Comprehensive Plan designation for this property was "commercial", and so the use conformed to the Comprehensive Plan. He said that a Plat of Survey for the property would be required with any Plan Commission application, and he suggested contacting his landlord for a copy of the Plat. A floor plan would also be required as part of the Plan Commission application.

Mr. Hubbard said that there was an existing slatted chain link fence at the rear of the property, which served as a buffer between the property and the residential condominiums to the rear, and some of the slats on the fence were missing and damaged. As part of the Special Use Permit process, staff recommended the repair of this fence, or perhaps the replacement with a more attractive wooden fence. Additionally, staff was recommending a condition of Special Use Permit approval that would require the property to install an enclosure around the existing dumpster at the rear of the property, which was currently not in compliance with code as there was no enclosure. When staff had performed a site visit they had observed that the landscaping on the site was fairly well maintained, but he mentioned that staff would be doing a more detailed analysis of the landscaping if a Plan Commission application was received, and any dead or missing landscaping would be required to be installed.

Mr. Hubbard explained that staff had a little bit of concern about the repair operations that could take place on the subject property. He stated that repair facilities were not always compatible to residential uses, and the subject property directly abutted a residential use to the rear. He noted that the overhead door did not directly face out to the residential areas to the rear, which was a positive as it may help to reduce the noise associated with motorcycles and motorcycle repairs. But the compatibility issue was something that the applicant should address within their application.

Mr. Hubbard mentioned that a traffic study was required by code due to the fact that the unit was over 5,000 square feet, but staff did not feel that this use would generate a significant amount of traffic and that Algonquin Road had the capacity to handle any increase in traffic associated with this use. He said that staff was supportive of a Variation to waive the traffic study requirement. However, the site was under-parked relative to code requirements, and so a parking survey would be required that outlined the number of cars on site at certain times, which would allow staff to understand the parking demand for the space. A Variation to reduce the parking requirements would be required. He said that any increase in the number of repair bays on the site would also increase the parking requirements, and so

that could require an amendment to the Variation in the future if the applicant wanted to add additional repair bays.

Commissioner Sigalos asked if they owned the unit or were leasing the unit.

Mr. Taylor clarified that they were leasing the unit.

Commissioner Sigalos asked if more people drove cars or motorcycles to the space.

Mr. Taylor replied that it depended on the weather, but that most people drove motorcycles.

Mr. Baranovici stated that it was 25% cars, 75% motorcycles.

Ms. Packeviciute said that in the wintertime, business slowed down and most people drove cars.

Commissioner Jensen asked if any vehicles that were awaiting or undergoing repairs would be parked outside of the building.

Ms. Packeviciute responded "no".

Commissioner Jensen pointed out that this would potentially prevent complaints from nearby residents. He said he thought that this project would be a good idea and he didn't have any problems with the project.

Commissioner Green said he thought that this was a good use and was excited that the business was growing. He explained that when motor vehicle service uses were introduced into the building, that there was a hazardous component that would come with that, and relative to building code requirements, they may be required to make certain upgrades to the unit, such as separation and fire wall requirements. He wanted the petitioners to be aware of this as sometimes these upgrades could become costly.

Discussion ensued regarding the location of their previous facility in Schaumburg.

Commissioner Sigalos asked if they sold motorcycles in their previous facility in Schaumburg.

Mr. Baranovici responded that they did not. They petitioned the Village for permission to do that, but that they did not receive a Special Use Permit.

Mr. Taylor explained that they were new business owners and their previous landlord had not provided good guidance to them on what was allowed within their previous space.

Mr. Baranovici explained that they had had a lot of difficulty trying to establish auto sales in Schaumburg.

Commissioner Jensen asked whose responsibility would it be, the tenant or the landlord, to improve the fence and construct a dumpster enclosure.

Mr. Hubbard stated that the Village could make it a condition of approval that it needed to be done, and the negotiation of who would pay for it was between the tenant and the property owner. If the owner felt that they strongly wanted the Toy Shop & Motolounge as their tenant, they may agree to pay for the improvements, but they could also say that it was the Toy Shop & Motolounge request for a Special Use Permit that precipitated the requirement to fix the fence and provide the dumpster enclosure, and therefore it was their responsibility to make those improvements. Legally, the Village could only require the petitioner to cause these improvements to take place. The Village could not require a party other than the petitioner to make improvements to a property.

Mr. Taylor said that staff had been helpful in guiding them as far as what process and approvals would be needed,

and that their experience in Schaumburg had not been as smooth.

Mr. Hubbard asked why they had not been approved for vehicles sales in Schaumburg.

Ms. Packeviciute explained that Schaumburg's position was that automobile sales uses were more appropriate when directly on Golf Road, and their location close to but not on Golf Road had been an impediment to their approval.

Mr. Hubbard explained that as part of the Plan Commission process, the petitioner would be required to send a letter to all property owners within 250 feet of the property, which letter would inform these property owners that a Special Use Permit for motor vehicle sales had been requested. If a large amount of neighboring residents appeared at the public hearing and spoke in opposition of the proposal, it could have an impact on their ability to receive a positive recommendation.

Commissioner Green asked if body work or painting would occur at this site.

Mr. Taylor responded "no".

Commissioner Green said that smells associated with auto repair was a potential nuisance to neighboring property owners and so it was a positive that they would not do any painting or body work. He encouraged the petitioner to continue forward with their application.

RECOMMENDATION

The Plat & Subdivision Committee was supportive of the proposal and advised that the petitioner should move forward.

**Bruce Green, Chair
PLAT & SUBDIVISION COMMITTEE**

NOTICE OF
PUBLIC HEARING
NOTICE IS HEREBY
GIVEN THAT THE PLAN
COMMISSION OF THE
VILLAGE OF ARLINGTON
HEIGHTS WILL CONDUCT
A PUBLIC HEARING ON
APRIL 11, 2018, AT 7:30
P.M. in the Municipal Building,
33 South Arlington
Heights Road, Arlington
Heights, Illinois to consider
Petition No. 18-003, a Special
Use Permit to allow Motor
Vehicle Sales (including
auxiliary services) at the
subject property, said property
located at 1728 W. Algonquin
Road in Arlington Heights,
IL, and legally described as follows:
LOTS 2 AND 3 IN EDWIN
AND BROTT'S SUBDIVISION,
BEING A SUBDIVISION
IN SECTION 8,
TOWNSHIP 41 NORTH,
RANGE 11, EAST OF THE
THIRD PRINCIPAL MERIDIAN,
IN COOK COUNTY,
ILLINOIS.

As part of said petition, the
petitioner is requesting the
following variations from
Chapter 28 of the Municipal
Code:

- A variation to Section
11.4, Schedule of Parking
Requirements, to reduce the
required amount of off-
street parking to allow 52
parking spaces on the sub-
ject property where 71 park-
ing spaces are required.

- A variation to Section
6.12-1, to waive the require-
ment for a traffic study and
parking analysis prepared
by a qualified professional
engineer.

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-
5794.

Terry Ennes, Chairman
ARLINGTON HEIGHTS
PLAN COMMISSION
Published in Daily Herald
March 27, 2018 (4496616)

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, Barrington, Barrington Hills, Lake Barrington, North Barrington, South Barrington, Bartlett, Batavia, Buffalo Grove, Burlington, Campton Hills, Carpentersville, Cary, Deer Park, Des Plaines, South Elgin, East Dundee, Elburn, Elgin, Elk Grove Village, Fox Lake, Fox River Grove, Geneva, Gilberts, Grayslake, Green Oaks, Gurnee, Hainesville, Hampshire, Hanover Park, Hawthorn Woods, Hoffman Estates, Huntley, Inverness, Island Lake, Kildeer, Lake Villa, Lake in the Hills, Lake Zurich, Libertyville, Lincolnshire, Lindenhurst, Long Grove, Mt. Prospect, Mundelein, Palatine, Prospect Heights, Rolling Meadows, Round Lake, Round Lake Beach, Round Lake Heights, Round Lake park, Schaumburg, Sleepy Hollow, St. Charles, Streamwood, Tower Lakes, Vernon Hills, Volo, Wauconda, Wheeling, West Dundee, Wildwood, Sugar Grove, North Aurora

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 March 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

Paula Baltz
Authorized Agent

Control # 4496616

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APR - 2 2018

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

Project Description

The Toy Shop was founded in 2015 in Schaumburg, Illinois by Mike Taylor and Victor Baranovici with a goal to educate the community on the safety of riding and its integrity. The Toy Shop provides high quality gear, parts, and accessories to all types of riders, no matter their age or gender. Due to the Schaumburg location, no longer being suitable for the demand and growth of The Toy Shop, Taylor and Baranovici made the decision to relocate April 1, 2017. They relocated to a facility with more features and potential in Arlington Heights, Illinois and opened in record time, just 15 days due to the demand from the community.

Currently, The Toy Shop has received many inquiries about the servicing and sales of motorcycles. The current building in Arlington Heights, is equipped with a showroom floor, sprinkler system, and a private warehouse for authorized personnel only. The next step to ensuring the riding communities safety is with a *special use permit* to perform regular maintenance as well as motorcycle sales. This new location in Arlington Heights, ensures all safety measures are met allowing for a safe service department and motorcycle sales on the showroom floor. The 2,500sqft warehouse allows for the potential of four service bays to perform certified maintenance. Service work will include oil changes, tire changes, brake and rotor changed, and more.

Also, with a *special use permit* and a showroom floor it allows for great potential for motorcycle sales. After acquiring the *special use permit*, we plan on offering financing on the sales of motorcycles to our customers. By offering financing, we allow the average consumer to comfortably purchase a motorcycle. Financing allows for rapid growth in the motorcycle sales industry.

Our store hours are subject to change as the riding season changes, Monday Closed, Tuesday, Wednesday, & Friday 11am-8pm, Thursday 11am-9pm, Saturday 11am-6pm, Sunday 12pm-5pm. During the Summer, we have Bike Night's on Thursday. During our Bike Nights, we have dealers from various brands come out and talk about their newest and latest gear, technical specifications and most important safety specifications. Every night we do a raffle as an incentive for coming out to these events. This gives us an opportunity to give back to the riding community. Not to mention, we also drive business to

surrounding businesses, from local gas stations to fast food chains, and authentic restaurants. Also during our Bike Night's we have we often have food trucks that come out. It has come to our attention all food trucks need to be licensed by the Village and have a Health Inspection completed. We are now working with all our food trucks to obtain all the necessary licenses/permits. In the past months, due to not being able to have the service department, our Bike Nights were used to drive customers to the shop to cover what our expenses, of what we believe service would cover with respect to the utilities and rent necessary. In this upcoming year, it's questionable if we will continue these types of events. We also now recognize any special event like a Bike Night will need prior approval by the village.

The Toy Shop is a highly reputable company as seen from our reviews. Taylor and Baranovici's goal is to obtain a *special use permit* and potentially expand to the connected vacant building. With the riding community expanding every year, our demand for service and motorcycle sales, has been requested countless numbers of times, we're here to make a difference and become Chicago's One Stop Shop for all motorcyclist needs.

Written Justification for Parking Land Use Variation

The Toy Shop and Motolounge, recognizes that we have below standard code when it comes to parking. However, we are requesting for a reduced parking requirement due to our uniqueness and ability to park multiple bikes in one spot.

The property does not yield a reasonable return permitted under the conditions allowed by the regulations in our zone. However, as you can see from our parking study from our initial submittal on 9/28/2017 during a Bike Night, the most bikes we have had in the parking lot was at 8pm, these 56 bikes only occupied 16 spots and the cars occupied 8 additional spots. This shows that 24 spots were taken by both cars and vehicles leaving plenty of applicable spaces for other vehicles and more motorcycles.

The plight of the owner is due to unique circumstances because as mentioned above motorcycles typically park 4-6 to a space. We have even seen as many as 8 motorcycles in one space. During our busy times of the season it's common for large groups to ride in together to the shop, and often those who are riding together park together in one spot. These unique circumstances should be considered due to the conditions of a motorcycles size and being able to fit multiple motorcycles per space.

Should this variation, if granted, will not alter any of the essential character of the locality. All motorcycles will be parked safely in a parking spot or near designated areas such as the front of the shops driveway or near the garage. All motorcycles parked on the property of the Toy Shop and Motolounge will follow all laws, not blocking any entrances for safety, not blocking fire lanes, and leaving a clear path for any emergency vehicles.

Furthermore, we would also like to bring up the fact that two units within our building are currently vacant which take up 36 spots. As a brief background, our current unit was vacant for more than 10 years, so it's not uncommon for these units to sit vacant. On the west side of the building you will notice the rear parking to the adjacent building. We have monitored these spots to see how many vehicles have parked here over the past 2 months and we have noticed at most one vehicle park there for as long

as 3 hours. This rear parking does not allow access to the adjacent building through the back for customers. It also yields the potential for an additional 14 spots of parking that are not being used. Please reference the site plan for a visual point of view.

Due to the above-mentioned reasons, we are requesting you consider a reduced parking requirement due to us being able to maintain and regulate parking on the East side of the property. During special events or large sales, we hire security to control traffic flow and guide parking in and out of the shop. This ensures safety of the riders as well as the general public. We will continue to enforce parking within our property as well as any excessive noise. If you consider the 2 vacant units residing in our building this would give a surplus of 24 spots. Also, if you consider the rear parking of the adjacent unit on the west side, that's an additional 14 spots as well. In our 10 months on the property we have yet to see the entire parking lot full or more than half full. It's also worth mentioning our special events like bike nights we host were on Thursday nights, these events were our busiest times and at the start of the event Molecular Imaging would have been closed for an hour and almost always all their staff would be gone by 5:30, 30 minutes after they closed, 30 minutes before the start of bike night.

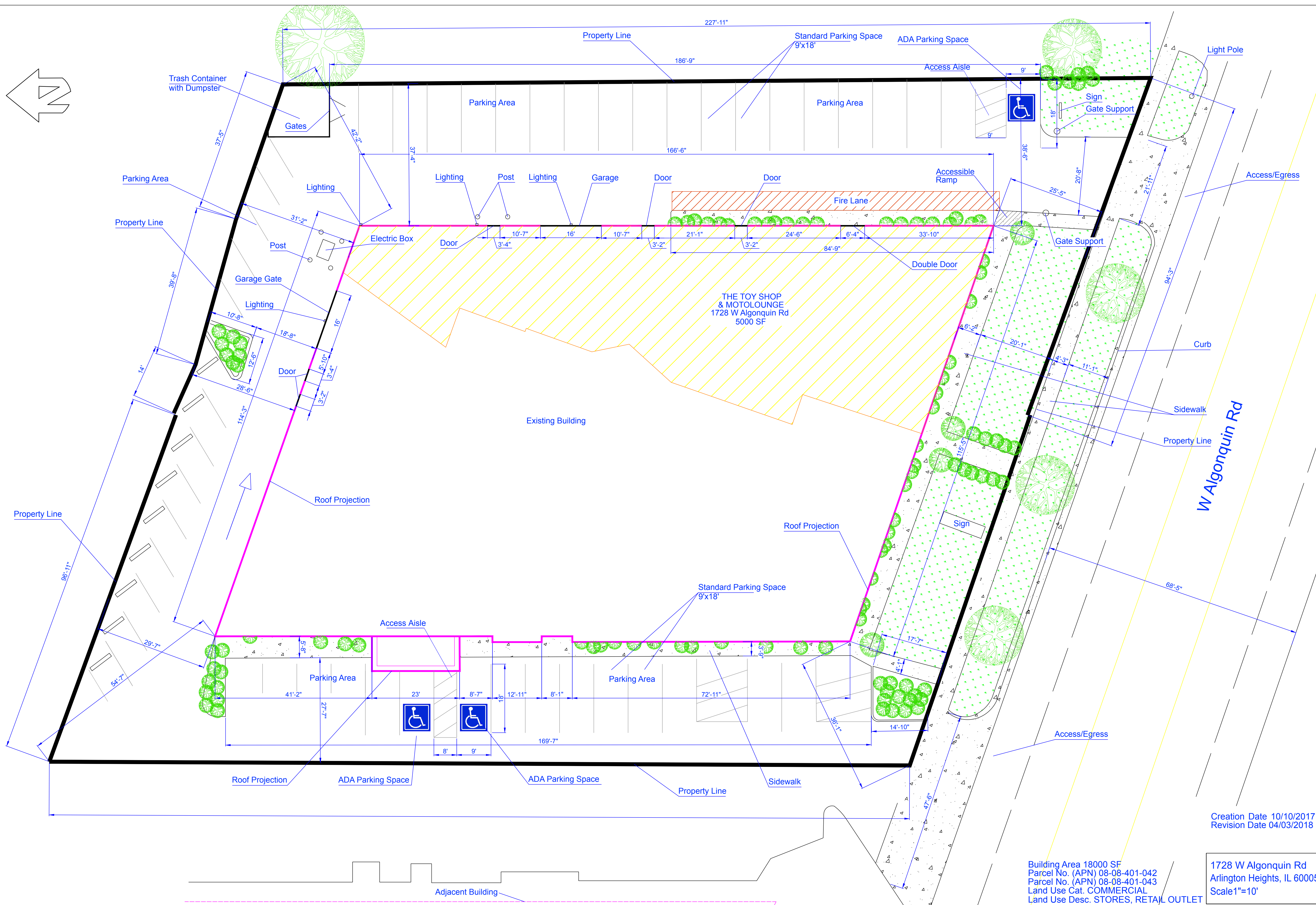
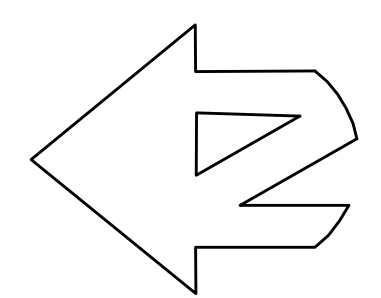
Special Use Criteria

The special use is deemed necessary for the public convenience at this location due to the limited number of motorcycle service centers. As the motorcycle industry grows every year, service and maintenance centers are hard to find. Within a five-mile radius very few shops offer gear, accessories, parts, and services. The Toy Shop and Motolounge has seen a large demand for service due to its growing popularity. The service center would allow for public convenience located a couple miles east of Woodfield mall, a popular meetup riding destination. Not only will the service center allow for public convenience it will also help reinforce public safety for riders and drivers. Maintenance work includes safety checks of lighting, breaks, rotors, tires, parts, and accessories. This allows for better safety on the roadways for riders and daily drivers.

The service center will not be detrimental to health, safety, morals or general welfare of persons residing or working in the vicinity. Health and safety of the public, our employees, and customers are taken very seriously. The service center will also be completely off limits to the public and customers, only authorized employees are allowed in the service center. The service center will not be detrimental to anyone working or residing within the vicinity due to precautions that are taken. After store hours, many electrical breakers are turned off and any oils, flammable and combustible liquids will be placed in a safe and controlled environment. We highly prioritize safety of the public, no contaminates or hazardous wastes will be placed in dumpsters for garbage collection, in sewers, or water ways.

Lastly, we will comply with all regulations and conditions specified in this ordinance use. Regulations and conditions often reference the disposal of hazardous materials and wastes. We will maintain local and federal ordinances when it comes to the disposal of hazardous materials. All hazardous materials will be taken away by a Federal and IEPA licensed hauler for used oils, anti-freeze, contaminated oil, used oil filters, and much more. All mechanics will follow all safety regulations while servicing bikes and on the premise of The Toy Shop and Motolounge. All mechanics will also be certified and must show proof of certification, recent training, and experience.

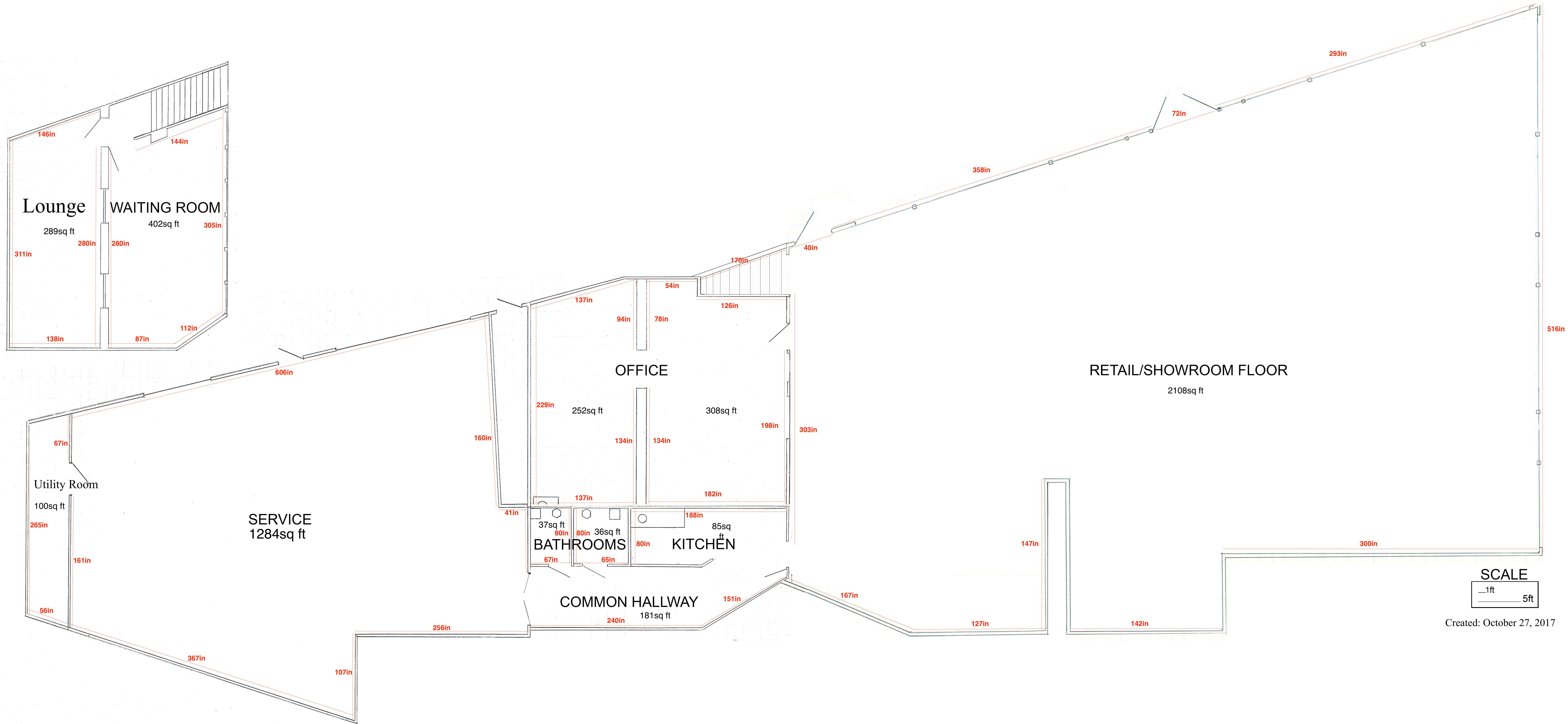
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JAN 19 2018
**PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT**



Creation Date 10/10/2017
Revision Date 04/03/2018

Building Area 18000 SF
Parcel No. (APN) 08-08-401-042
Parcel No. (APN) 08-08-401-043
Land Use Cat. COMMERCIAL
Land Use Desc. STORES, RETAIL OUTLET

1728 W Algonquin Rd
Arlington Heights, IL 60005
Scale 1"=10'



Marketing Study Illinois and Other Shops

Illinois, has approximately 346,210 registered motorcycles on the streets as of 2015. As the riding community gains new riders every year, the demand for motorcycles continues to rise. Eight major manufactures represented 81% of all U.S. motorcycle sales in 2015. With the riding community growing at record breaking rates, motorcycle dealers and service centers are in high demand. In 2015, 24.1 billion dollars was contributed to the economy by the motorcycle industry alone. This stimulation of the economy includes sales of motorcycles, gear, accessories, state taxes, licensing fees and much more. Illinois is the seventh highest for registered motorcycles in the United States with 346,210 as of 2015, a large portion of the economic contribution is distributed amongst Illinois.

Unlike other motorcycle dealerships that offer service many don't have a dedicated waiting room to keep customers happy and occupied during their service. However, we built The Toy Shop & Motorcycle Lounge, Inc. with customers satisfaction in mind. We created a waiting room with a pool table, foosball table, ps4, Xbox one, three large flat screen TV's, with reclining couches. The waiting room was designed for customers to relax while their service work is being completed.

As you may know, Arlington Motorsports is in the Northern most part of Arlington Heights and The Toy Shop and Motolounge is located at the Southern tip. This allows for Arlington Heights to cover many towns both North and South, East and West. The Toy Shop and Motolounge is conveniently located a couple miles away from Woodfield, a popular riding and meet up destination, making the demand for service extremely high.

Other Motorcycle service centers such as Top Gear Powersports in Roselle do all their service in house without a certified mechanic. Dealerships like Des Plaines Honda, I-Motorsports of Elmhurst typically charge just to look and diagnose an issue. At The Toy Shop and Motolounge, we keep the customer's safety in mind and won't charge for diagnostics of issues. Our reviews reflect our customer's satisfaction on the parts, gear, and the accessories we have brought to them.

We offer Mid-to-High end level gear, and we arguably have the most variety of graphic helmets both mid-level and high-level. At The Toy Shop and Motolounge, from the moment anyone steps through our door, they're treated like family. As for their bike, it will be treated like it's our own.

Land Use Variation Parking Study

Day: 9/4/17 Monday (Labor Day)

Time	# of Vehicles	# of Motorcycles
11am	2	0
12pm	2	1
1pm	3	4
2pm	1	2
3pm	3	4
4pm	2	6
5pm	5	3
6pm	3	2
7pm	2	3
8pm	2	5

Day: 9/09/17 Saturday

Time	# of Vehicles	# of Motorcycles
11am	2	1
12pm	5	0
1pm	1	4
2pm	2	3
3pm	3	4
4pm	3	1
5pm	3	3
6pm	4	7

Day: 9/28/17 Thursday (Bike Night)

Time	# of Vehicles	# of Motorcycles
11am	2	1
12pm	2	1
1pm	5	3
2pm	4	2
3pm	5	0
4pm	3	1
5pm	5	3
6pm	5	15
7pm	9	21
8pm	8	56
9pm	5	53

At 8pm 56bikes occupied only 16 spots

Day: 10/08/17 Sunday

Time	# of Vehicles	# of Motorcycles
11am	2	0
12pm	2	1
1pm	5	2
2pm	4	2
3pm	5	0
4pm	3	1
5pm	4	3

Neighborhood Meeting Question & Answer Summary

On March 22, 2018, The Toy Shop & Motolounge held a neighborhood meeting. About 10 people showed up periodically between 7:30-8:30pm. Below is an outline of some of the basic questions that were asked, and below that is our response. Many of the questions were about what service we were planning on doing. Throughout the meeting, Mike (owner) had the ability to speak to all the neighbors who showed up on a personal one-on-one level. We gave out business cards consisting of our email and phone number, encouraging the neighbors to email us or call us with any questions, comments, complaints, or concerns. No objections were made to the petition at this meeting. A long-term resident of the area mentioned they enjoyed the atmosphere and the street view of the shop and mentioned to us how the building has been vacant for more than 10 years before we arrived.

1. What are these bikes on your showroom floor?

The bikes on our showroom floor are customers winter storage bikes as well as some of our own personal bikes.

2. What type of service will you do?

We plan on doing all types of motorcycle maintenance, oil changes, coolant flushes, brake flushes, lighting installs, sound installs, and any much more.

3. What are your plans for this year?

We hope to receive a special use permit to perform auxiliary service and also become a used motorcycle dealer.

4. How will you handle any excessive noise?

We always let our customers know to keep the noise down. Last year, during some of our events we hired a security team to keep noise down and escort anyone out who did not follow our rules. Any excessive noise we ask for you to give us a phone call and let us know so we can address these issues immediately.

5. Will becoming a dealer or doing service create any issues with traffic?

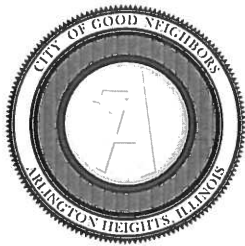
We opened in April and have not had any traffic issues at all. We are constantly monitoring our parking lot and reporting any suspicious activity to the Arlington Heights police department.

6. Will you perform service in the summer with the garage open?

Although, I cannot speak for the future, considering the garage is not air conditioned there will be times the garage is kept open during service. During this time, there will not be any loud noise coming from the garage while it's open. Should there be any loud noise, the garage will be closed to act as a sound barrier.

7. Will your store hours change, will you stay open later?

No, right now we are on our winter hours and we open later. This spring and summer, we plan on opening up at 10 or 11am and closing at 8pm.



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: 1728 W Algonquin Rd. – SUP for Automobile Sales, Parking Variation and Traffic Study Variation

PC#: 18-002

Date: January 22, 2018

Sam:

I have reviewed the documents submitted for the above referenced project and have no objections to the SUP, Parking Variation and Traffic Study Variation with following comment:

1. Signed, sealed and dated architectural plans shall be submitted for changes to the vacant space.

RECEIVED
JAN 23 2018
PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT



Village of Arlington Heights, IL
Department of Building & Life Safety

Fire Safety Division



Date: 1/24/2018

P.C. Number: 18-002 Round 1

Project Name: SUP for Automotive Sales

Project Location: 1728 W. Algonquin

Planning Department Contact: Sam Hubbard, Planning and Community Development

General Comments:

The information provided is conceptual only and subject to a formal plan review.

1. Any work proposed must comply with currently adopted codes.

Date Jan 24, 2018

Reviewed By: 
Fire Safety Supervisor

RECEIVED
JAN 25 2018
PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

**Arlington Heights
Building Department**

Memo

To: Sam Hubbard, Development Planner

From: Charles Craig, Assistant Building Official

cc: None

Date: 2/7/2018

Re: PC# 18-003 – The Toy Shop Special Use Permit

Comment #1:

Please note the following code enforcement actions have occurred to date:

In mid June 2017 the Building Department received a complaint that the petitioner was selling motorcycles and doing repairs. C. Craig spoke to the owner Mike Taylor on 6-27-17 and told him that he should work with Planning to clarify how he can operate and to possibly get his use changed. As no further complaints were received, the case was closed 8-1-17.

After 8-1-18 we received several anonymous complaints regarding the business operation, including motorcycles revving too late, events like bikini car washes, etc.. 8-8-17 C. Craig went to site & spoke w/ owner while an A.H. police officer (Ofc. Spoerry) was there to talk of same subjects. Spoke w/ owner regarding signage, conduct of business & etc.

8-16-17 Health inspector Biskner went to site as selling food was reported. She told them that's not allowed. Owner told T. Biskner that they were planning concealed carry classes and were running a raffle. She also saw used motorcycle tires.

8-23-18 Val Gerstein of Building wrote Toy Shop an email regarding raffle rules and guidelines/ required village permission.

Memorandum

To: Sam Hubbard, Planning and Community Development
From: Cris Papierniak, Assistant Director of Public Works
Date: January 26, 2018
Subject: 1828 W. Algonquin Rd, P.C. #18-003

Regarding the proposed parking variation, PW has the following comments:

1. The existing fire/domestic 6x2 water meter is obsolete. It needs to be replaced.
2. Replace the existing 1.5" domestic backflow device with an approved RPZ. It, too, is obsolete.
3. Replace the existing 6" fire single check valve with an approved RPZ. It is obsolete.
4. A set of utility prints are required to ascertain if there is an existing grease trap. If there is not an existing trap, or it is not to plumbing code, one must be installed.

VAHPW has no further comments at this time.

C: File

RECEIVED
JAN 30 2018
PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

ENGINEERING DEPARTMENT

3

PETITIONER'S APPLICATION - ARLINGTON HEIGHTS PLAN COMMISSION

P.I.N.# 08-08-401-042 08-08-401-043
 Location: Arlington Heights
 Rezoning: Current: B-2 Proposed: B-2
 Subdivision:
 # of Lots: 1 Current: 1 Proposed: 1
 PUD: For:
 Special Use: For: Service & Dealer Sales
 Land Use Variation: For:
 Land Use: Current:
 Proposed:
 Site Gross Area: 5,200sqft
 # of Units Total:
 1BR: 2BR: 3BR: 4BR:

Petition #: P.C. 18-003
 Petitioner: Mike Taylor (847)-431-5683
 Victor Baranovici (773)-766-2270
 Owner: Kiki Stamelos (773)-370-6000
 Contact Person: Mike Taylor
 Address: 1728 W Algonquin Rd. Arlington Heights
 IL, 60005
 Phone #: 224-232-8224
 Fax #: n/a
 E-Mail: info@ttsmotolounge.com

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

1. PUBLIC IMPROVEMENTS

REQUIRED: YES NO COMMENTS

a. Underground Utilities
WaterSanitary Sewer
Storm Sewerb. Surface Improvement
Pavement
Curb & Gutter
Sidewalks
Street Lightingc. Easements
Utility & Drainage
Access

X

X

X

X

X

X

X

X

X

PUBLIC SIDEWALK EASEMENT?

2. PERMITS REQUIRED OTHER THAN VILLAGE:

a. MWRDGC X(?) b. IDOT
c. ARMY CORP d. IEPA
e. CCHD

YES NO COMMENTS

3. R.O.W. DEDICATIONS?
 4. SITE PLAN ACCEPTABLE?
 5. PRELIMINARY PLAT ACCEPTABLE?
 6. TRAFFIC STUDY ACCEPTABLE?
 7. STORM WATER DETENTION REQUIRED?
 8. CONTRIBUTION ORDINANCE EXISTING?
 9. FLOOD PLAIN OR FLOODWAY EXISTING?
 10. WETLAND EXISTING?

X

X

N/A

X

X

X

X

X

X

GENERAL COMMENTS ATTACHED

PLANS PREPARED BY: NO NAME

DATE OF PLANS: NO DATE

Director

Date

 2/5/18

RECEIVED
 FEB 05 2018
 PLANNING & COMMUNITY
 DEVELOPMENT DEPARTMENT

PLAN COMMISSION PC #18-003
The Toy Shop
1728 W. Algonquin Road
SUP for Auto Sales, Parking Variation, Traffic Study Variation
Round 1

11. The petitioner is notified that these comments are being provided to ensure that the project meets the requirements for submittal to the Plan Commission. Approval by the Plan Commission is not an endorsement or approval of these documents to obtain the required building permits, engineering approval, or permits required by other government or permitting agencies for construction. Detailed plan review with associated comments will be provided upon submittal of plans for a building permit. The petitioner shall acknowledge that they accept this understanding.
12. Provide a Plat of Survey of the property from a registered land surveyor.
13. When on-site lighting is proposed, provide a site photometric lighting diagram indicating lighting intensities. Also provide the associated catalog cuts for all roadway, parking lot, and building mounted luminaires. All fixtures must be flat bottom, sharp cut-off, and no wall pack style fixtures will be permitted.
14. Does the existing facility have an internal or external triple basin/grease basin for auto repairs? An MWRD permit may be needed for any external sanitary sewer work.
15. It is unclear whether the proposed motorcycle shop use is occupying the entire building, or if there will remain multiple tenants at this property.
16. If multiple occupants of the building exist, how is the breakdown of parking divided, assigned, and reserved for all other businesses?
17. Based upon the existing use in Schaumburg, some information about this retail business, and the amount of traffic generated during the afternoon and evening peak hours of the business should be provided.
18. What was the previous occupant of this building before the Toy Shop moved in and how much traffic did they generate?
19. The site plan provided is confusing and needs to provide clarification for the following issues:
 - a.) The row of parking stalls along the east property line are represented as not being within the parcel lot lines. Whose property do these parking stalls exist on?
 - b.) The configuration of the perpendicular and angled parking on this lot suggests that the easterly driveway is supposed to be signed and striped as outbound only.
 - c.) The westerly driveway seems to provide access to not only this property, but to the parking stalls for the property to the west that are immediately adjacent to this drive aisle. Is there a cross access agreement?
 - d.) The geometric layout of the drive aisles, parking stall depths and widths, and obstructions to utility boxes, posts, planting areas, and other encroachments needs to be accurately shown.
20. There looks to be a public sidewalk encroachment onto the private property.
21. The ADA parking stalls are not shown correctly, and are sub-standard width, and need to be accessible to the entrance door.

 2/15/18
James J. Massarelli, P.E. Date
Director of Engineering



Arlington Heights Fire Department Plan Review Sheet

P. C. Number 18-002

Project Name

Toy Shop and Motolounge

Project Location

1728 W. Algonquin Road

Planning Department Contact Sam Hubbard

General Comments

Round 1

1) The project must follow current codes.

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

Date February 5, 2018

Reviewed By: LT. Mark Aleckson

Arlington Heights Fire Department

ARLINGTON HEIGHTS POLICE DEPARTMENT

Community Services Bureau

DEPARTMENT PLAN REVIEW SUMMARY

Toy Shop and Motolounge
1728 W. Algonquin
PC 18-002
Round 1

Review Comments

02/02/2018

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 the parking lot and areas around the building- especially 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, and other criminal activity. 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.

3. Present traffic problems?

There are no apparent 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:

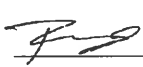
-Please ensure that there is an emergency information/contact card on file with the Arlington Heights Police Department and that it is up-to-date. Agent contact information must be provided to the Arlington Heights Police Department during all construction phases. The form is attached. Please complete 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.

-The addition of Trespass signage is recommended. 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.

-Recommended not to leave or store any motorcycles in various states of repair in the parking lot. This practice will drastically increase the likelihood of theft and other criminal activity- trespassing, vandalism, etc. on the business premises. Check with Zoning requirements and

regulations which shall cover additional restrictions of the storage of motorcycles in the parking lot.

-Recommended to limit the number of windows (especially 5-6 feet from ground) or frost the windows on the garage doors to service bays to limit visibility into the business.

 #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. 18-003
Petitioner: Mike Taylor (847)-431-5683
Victor Baranovici (773)-766-2270
Owner: Kiki Stamelos (773)-370-6000
Contact Person: Mike Taylor
Address: 1728 W Algonquin Rd, Arlington Heights
IL 60005
Phone #: 224-232-8224
Fax #: n/a
E-Mail: info@ttsmotolounge.com

P.I.N.# 08-08-401-042 08-08-401-043
Location: Arlington Heights
Rezoning: Current: B-2 Proposed: B-2
Subdivision:
of Lots: 1 Current: 1 Proposed: 1
PUD: For:
Special Use: For: Service & Dealer Sales
Land Use Variation: For:
Land Use: Current:
Proposed:
Site Gross Area: 5,200sqft
of Units Total:
1BR: 2BR: 3BR: 4BR:

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

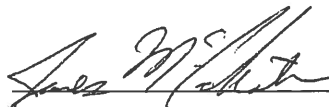
1. GENERAL COMMENTS:

See attached comments


Environmental Health Officer

1-31-18

Date


Director

1/31/18

Dir
Date

Plan Review

Address: Toy Shop and Motorlounge
1728 W. Algonquin Road
S.U. Permit for Automobile Sales, Parking Variation and Traffic
- Study Variation
P.C. #18-003
Round 1

Submitted to: Sam Hubbard, Planning & Community Development

Submitted by: David Robb, Disability Services Coordinator
(847) 368-5793

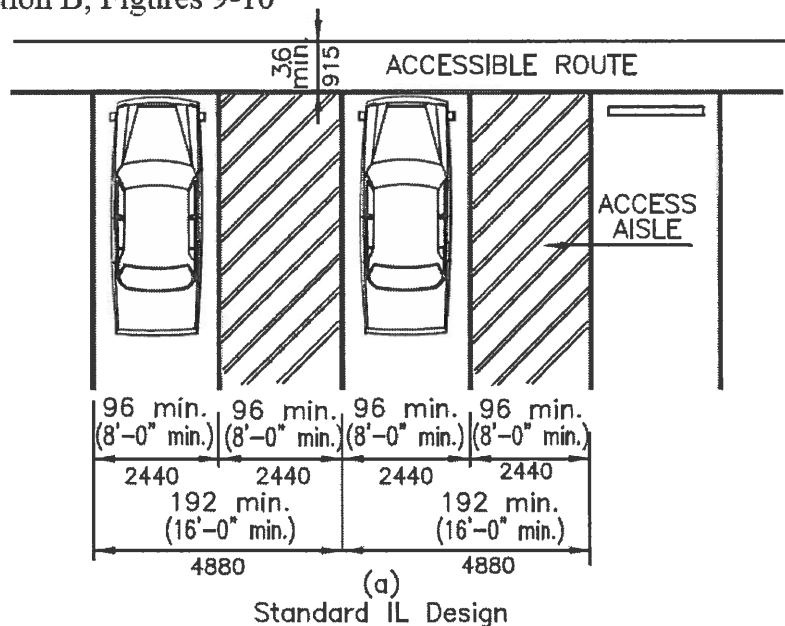


Date: January 24, 2018

Re: Illinois Accessibility Code (IAC) Requirements

1. Per the Illinois Accessibility Code Section 400.310(c) and 400.Illustration B., Figure 9(a); Reserved Accessible Parking Spaces for environmentally limited persons shall not share a common access aisle.

Section 400, Illustration B, Figures 9-10



Memorandum

RECEIVED
FEB 06 2018
PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

To: Sam Hubbard, Development Planner

From: Terese Biskner, Environmental Officer *TB*

Date: 2/6/2018

Re: Toy Shop & Motolounge P.C 18-003

Please note the following comments:

The Village received a complaint on July 31, 2017 in regards to bikers loitering and loud noise. Specifically, on Bike Nights which are held once a week during the warmer months. The complainant stated they contacted the Police Department to complain about the noise the week prior. After conducting an inspection and talking with the owner it was learned that the Toy Shop was selling food without a permit and holding raffles without a permit.

A letter was sent to the owner advising him of the Village codes. They are not allowed to sell food to the public or hire a food truck unless they submit a temporary food event application at least 7 days prior to the event. They are prohibited from selling raffle tickets not in conjunction with a non for profit. Please see the attached letter and complaint.

The Health Department has not received any additional complaints. Noise complaints would be handled by Police Department as they occur after hours.

Planning & Community Development Dept. Review

February 5, 2018



REVIEW ROUND 1

Project: Toy Shop SUP – 1728 W. Algonquin Rd.

Case Number: PC 18-003

General:

1. The following approvals are needed:
 - **Special Use Permit to allow Motor Vehicle Sales, including auxiliary service.**
2. The following variations have been identified:
 - **Variation to Section 11.4, Schedule of Parking Requirements, to reduce the required amount of off-site parking from ____ spaces to 48 spaces. The extent of this variation will be determined once detailed information on the size of the interior spaces has been provided.**
 - **Variation to Section 6.12-1, to waive the requirement for a traffic study and parking analysis prepared by a qualified professional engineer.**
3. Please provide a written justification for the required variation to waive the traffic study and parking analysis requirement, which addresses each of the hardship criteria outlined below:
 - **That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone.**
 - **The plight of the owner is due to unique circumstances.**
 - **The variation, if granted, will not alter the essential character of the locality.**
4. A neighborhood meeting will be required prior to confirming your tentative March 28th appearance before the Plan Commission. Please coordinate with me on how to schedule this meeting.
5. The project narrative states that the spaces has “potential for up to 4 bays”. Please confirm that the current space has only one interior bay/overhead door. Where would the additional three bays be located?
6. A dumpster enclosure has recently been constructed in the northeast corner of the site, however, one dumpster was observed outside of that enclosure. All dumpsters must be stored within the enclosure.
7. Please provide the required \$850 application fee.
8. The Elk Grove Township Assessor’s office has been provided with information on the proposed development and has compiled a list of all PIN #'s of property within 250' of the subject property. Please obtain the list from the Assessor’s office, and prior to looking up the addresses associated with each PIN, please provide the list to me so that I can double check to ensure that all necessary PIN’s have been included on the list. In addition, please note that when the mailing is sent out, it must go to the **taxpayer of record of each PIN**, and not to the actual property address of the PIN.

Site Plan/Floor Plan:

9. The site plan and floor plan must be revised to contain a date indicating when these plans were prepared. Please revise the site plan and floor plan to include these dates.

10. The following changes must be made to the site plan:

- The location of the property line along the east side of the property is incorrect. The property line must be revised so that it includes the parking areas on the eastern side of the property that are within the property boundaries.
- The site plan reads "Paring Area" in multiple locations. Please revise to read "Parking Area".
- The site plans must be revised to show the dumpster enclosure area.
- The black property line that goes through the center of the building is unnecessary. Please remove it.

Traffic/Parking:

8. In order to determine the overall parking requirements for the site, please provide information on the other units within the building, including what their address is, what the name of the business is (if unit is vacant, please state such), and the size of the space. The below table should assist in showing what information is needed:

Tenant	Address	Use	Square Feet	Employees	# of Bays	Parking Ratio	Parking Required
Molecular Imaging of Arlington Heights	1732 W. Algonquin Rd.	Medical Office	Please Provide	N/A	N/A	1 per 200 SF	
Advanced Orthopedic Association	1734 W. Algonquin Rd.	Medical Office	Please Provide	N/A	N/A	1 per 200 SF	
Please confirm if there are additional spaces within the building	Please Provide		Please Provide			1 per 300 SF	
Toy Shop & Motolounge - Service	1728 W. Algonquin Rd.	Auto Service Station	2,075	Please Provide	Please Provide	1 per emp; 3 per bay	4
Toy Shop & Motolounge - Parts/Accessories		Retail	3,007			1 per 300 SF	10
Toy Shop & Motolounge - Motorcycle Sales		Motor Vehicle Sales	Unknown			1 per 600 SF	
TOTAL SQUARE FOOTAGE				PARKING REQUIRED			14
PARKING PROVIDED *							49
SURPLUS / (DEFICIT)							35

9. How many square feet of the retail/showroom floor will be devoted to motorcycle sales?

10. What will the 289 sq. ft. room in the mezzanine be used for?

11. What will the 100 sq. ft. room at the rear of the building be used for?

12. What is the maximum number of employees that will be working within the space be (service/repair employees + retail employees + motorcycle sales employees). What is the maximum number of employees that will be working out of just the service/repair portion of the business be?

13. The Village has recently adopted a bicycle parking ordinance, which requires all properties to install bicycle parking spaces on the site. The subject property will require the installation of a certain amount of bicycle racks/spaces as a result of these new code requirements. The final number of spaces required will be determined once information on the other uses and spaces within the building have been provided.

Use:

14. Please provide information on any safety training seminars or classes held at the shop, including where they are held within the shop and how often. Please note that usage of the shop for training classes may alter the parking requirements.
15. The Special Use Permit for motor vehicle sales authorizes incidental repair work, such as oil changes, tire rotations, replacement of parts, etc. Please acknowledge that more extensive work, such as body work, frame or fender straightening or repair, collision service, and painting of vehicles is not allowed and would require a Land Use Variation.
16. Section 5.1-11.1(d) of the Zoning Code prohibits uses that are objectionable due to odor, dust, smoke, noise, vibrations or other similar causes. Please acknowledge that you will conform to this requirement.
17. Section 5.1-11.1(g) of the Zoning Code requires that all activities must be conducted wholly within an enclosed building. Storage of materials and/or the occurrence of events within the parking area is prohibited. Please acknowledge that you will conform to this requirement.
18. Section 5.1-11.1(h) of the Zoning Code requires that all deliveries and loading related activities directly abutting a residential property shall not be permitted between the hours of 7:00am and 10:00pm. Since the property directly abuts a residential property to the rear, you must comply with this regulation. Please acknowledge that you will conform to this requirement.
19. Please note that any future expansion of the business into the neighboring units within the building will require an amendment to the Special Use Permit.

Prepared by: SAM JUBARI

1728 W. Algonquin Road
PC 18-002
February 6, 2018

Landscape Comments

- 1) Per Chapter 28, Section 6.15, four inch caliper shade trees are required at the ends of each parking row. Incorporate a 4" caliper shade tree in the existing island located at the south end of the parking area in the southeast corner and a shade tree in the island at the southwest corner adjacent to the building.
- 2) Per Chapter 28, Section 6.15, a three foot high screen must be provided along the right of way adjacent to a parking area. Provide three foot high shrubs in the southeast corner in order to buffer the parking area.

Toy Shop & Motolounge Round 1 Comments

The Building Department P.C. # 18-003

1. **Please note the following code enforcement actions have occurred to date:**
In mid-June 2017 the Building Department received a complaint that the petitioner was selling motorcycles and doing repairs. C. Craig spoke to the owner Mike Taylor on 6-27-17 and told him that he should work with Planning to clarify how he can operate and to possibly get his use changed. As no further complaints were received, the case was closed 8-1-17.

In mid-June we were notified of a complaint in which we were accused of doing service and selling motorcycles. The Toy Shop and Motolounge does not do any motorcycle maintenance and does not sell motorcycles.

2. **After 8-1-18 we received several anonymous complaints regarding the business operation, including motorcycles revving too late, events like bikini car washes, etc. 8-8-17 C. Craig went to site & spoke w/ owner while an A.H. police officer (Ofc. Spoerry) was there to talk of same subjects. Spoke w/ owner regarding signage, conduct of business & etc.**

Please be advised the suggested date is incorrect.

On 8/8/2017 we spoke with Craig as well as office Spoerry in regard to bikes revving late at night and events such as bikini car washes. Officer Spoerry explained there was no police reports made of loud revving to the police department during this time. Craig asked if we were selling food, he also mentioned from time to time we can do cookouts but cannot charge for food without proper permits. During this time, we were giving away free hotdogs and burgers. We were charging for water and pop. Furthermore, Craig explained the tent seen during the bikini car wash was in violation to Arlington Heights code, after talking in more detail about the specifications, the tent was found to be smaller than the code suggested, and legal to have on the property.

3. **8-16-17 Health inspector Biskner went to site as selling food was reported. She told them that's not allowed. Owner told T. Biskner that they were planning concealed carry classes and were running a raffle. She also saw used motorcycle tires.**

On 8/16/17 the Health Inspector came to The Toy Shop because it was advised we were selling food. Upon being notified we couldn't sell food we cancelled all future food trucks. In the Schaumburg location we had food trucks for every bike night and never had an issue. We now have all proper permits and documentation needed for any future food trucks. We considered hosting concealed carry classes with certified instructors state and federal regulations. We have decided against hosting the courses.

4. **8-23-18 Val Gerstein of Building wrote Toy Shop an email regarding raffle rules and guidelines/required village permission.**

Please be advised the suggested date is incorrect.

On 8/23/17 it is said an email was sent to The Toy Shop regarding raffle rules and guideline. There was also a verbal conversation in which it was explained any raffle of excessive amounts or prizes as well as for profit raffles were prohibited. During bike nights we typically raffle merchandise for coming out to

the events. Items include jackets, helmets, gloves, apparel, and much more. These raffle giveaways are almost always at our expense. We do this to ensure the safety of riders in the community even if it costs us money. We were notified by the village we couldn't do any raffles if it resulted in profit and would need a permit to do so. During the same time of the notification we were raffling off a \$30,000 motorcycle. After we received the notification that it couldn't be raffled off, we respectfully abided and removed the raffle and returned all money to the respective owners.

Public Works Department P.C. # 18-003

- 5. The existing fire/domestic 6x2 water meter is obsolete. It needs to be replaced. Replace the existing 1.5" domestic backflow device with an approved RPZ. It, too, is obsolete. Replace the existing 6" fire single check valve with an approved RPZ. It is obsolete. A set of utility prints are required to ascertain if there is an existing grease trap. If there is not an existing trap, or it is not to plumbing code, one must be installed.**

The Public Works Department P.C. #18-003 has notified The Toy Shop & Motolounge the existing fire/domestic 6x2 water meter is obsolete. The existing 1.5" domestic backflow device will need to be replaced with an approved RPZ, as well as replacing the existing 6" fire single check valve with an approved RPZ. The primary reason for this is because they're obsolete. Please note, utility prints are not going to be required as there is not an existing grease trap. Our lessor has been notified of these changes that need to be made for the safety of the building and all tenants.

Engineering Department P.C. # 18-003

- 6. When on-site lighting is proposed, provide a site photometric lighting diagram indicating lighting intensities. Also provide the associated catalog cuts for all roadway, parking lot, and building mounted luminaires. All fixtures must be flat bottom, sharp cut-off, and no wall pack style fixtures will be permitted.**

The Toy Shop & Motolounge recognizes these requirements and comment that no exterior lighting is planned. All current lighting is existing and in working condition.

- 7. Does the existing facility have an internal or external triple basin/grease basin for auto repairs? An MWRD permit may be needed for any external sanitary sewer work.**

The Toy Shop & Motolounge does not have any internal or triple basin/grease basin and understands a MWRD permit may be needed for any external sanitary sewer work.

- 8. It is unclear whether the proposed motorcycle shop use is occupying the entire building, or if there will remain multiple tenants at this property.**

The Toy Shop & Motolounge is 1 of the 2 tenants located in the building. The remaining units of the building are vacant.

- 9. If multiple occupants of the building exist, how is the breakdown of parking divided, assigned, and reserved for all other businesses?**

Please reference diagram on page 6.

- 10. Based upon the existing use in Schaumburg, some information about this retail business, and the amount of traffic generated during the afternoon and evening peak hours of the business should be provided.**

Traffic at the Schaumburg location was very similar to our new location here in Arlington Heights. During peak hours we have groups as small as 2 motorcycles to as big as 7 come to stop by. The Schaumburg location was strictly a retail store, no service was performed besides lighting and electrical. Our Schaumburg location parking lot was a lot bigger and allowed for a higher capacity. Peak hours in Schaumburg were Thursday nights where we averaged about 60 bikes, and on the weekends, we averaged about 10 bikes maximum at any given point of time almost identical to our Arlington Heights location.

- 11. What was the previous occupant of this building before the Toy Shop moved in and how much traffic did they generate?**

The engineering department requested information about the previous occupant. As far as we know, prior to The Toy Shop & Motolounge, there was a Medical office, and before that was a boat store and service center. It's difficult to say the exact traffic of these old businesses because the property has been vacant for more than 10 years.

- 12. There looks to be a public sidewalk encroachment onto the private property.**

There is not a public sidewalk encroachment onto private property. The sidewalk closest to the building is to take you from one end of the parking lot to the other not accessible by the street. The sidewalk closest to the street does not encroachment onto private property, it runs all along Algonquin Road.

Fire Safety Division P.C. # 18-002

- 13. Any work proposed must comply with currently adopted codes.**

The Toy Shop & Motolounge will comply with all currently adopted codes and future codes.

Fire Department of Arlington Heights P.C. # 18-002

- 14. The Arlington Heights Fire Department commented the project must follow current codes.**

The Toy Shop & Motolounge acknowledges it will follow current codes.

Police Department of Arlington Heights P.C. # 18-002

15. Are lighting requirements adequate?

Lighting should be up to Village of Arlington Heights Code. Special attention should be given to the parking lot and areas around the building- especially 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, and other criminal activity. 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.

The Toy Shop & Motolounge understands all lighting should be up to code. All lighting is existing and in working condition. Areas around the building including entries and exists are well lit to deter any criminal activity and increase surveillance and visibility to reduce theft, trespassing, vandalism, and other criminal activity. Landscaping will be taken in account for surveillance and to avoid illegal activities like ambushes, theft, vandalism, underage, drinking, drug use, etc.

16. Present traffic problems?

**There are no apparent traffic problems at this location. Traffic accidents at particular location?
This is not a problem area in relation to traffic accidents.**

As indicated above The Toy Shop & Motolounge recognizes no traffic problems exist.

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

This development should not create any additional traffic problems.

The Toy Shop & Motolounge recognizes the development should not create any traffic problems.

18. The addition of Trespass signage is recommended. 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.

The Toy Shop & Motolounge is currently working on placing no trespassing and loitering signage.

19. Recommended not to leave or store any motorcycles in various states of repair in the parking lot. This practice will drastically increase the likelihood of theft and other criminal activity trespassing, vandalism, etc. on the business premises. Check with Zoning requirements and regulations which shall cover additional restrictions of the storage of motorcycles in the parking lot.

The Toy Shop & Motolounge recognizes no motorcycles should be left in any states of repair in the parking lot to reduce the likelihood of theft or other criminal activity trespassing, vandalism on the business premise.

20. Recommended to limit the number of windows (especially 5-6 feet from ground) or frost the windows on the garage doors to service bays to limit visibility into the business.

The Toy Shop & Motolounge will consider this recommendation to frost windows especially near the service bays.

Disability Service P.C. # 18-003

- 21. Per the Illinois Accessibility Code Section 400.31 0(c) and 400.Illustration B., Figure 9(a); Reserved Accessible Parking Spaces for environmentally limited persons shall not share a common access aisle.**

The disability service coordinator has brought to our attention the handicap spots on the west side of the building cannot share a common access aisle. The parking lot is existing and any changes to the handicap parking located on the west side of the building are to be dealt with by the responsible property owner who is leasing that part or unit of the building.

Environmental Health Services P.C. # 18-003

- 22. The Village received a complaint on July 31, 2017 in regard to bikers loitering and loud noise. Specifically, on Bike Nights which are held once a week during the warmer months. The complainant stated they contacted the Police Department to complain about the noise the week prior. After conducting an inspection and talking with the owner it was learned that the Toy Shop was selling food without a permit and holding raffles without a permit. A letter was sent to the owner advising him of the Village codes. They are not allowed to sell food to the public or hire a food truck unless they submit a temporary food event application at least 7 days prior to the event. They are prohibited from selling raffle tickets not in conjunction with a non-for profit. Please see the attached letter and complaint. The Health Department has not received any additional complaints. Noise complaints would be handled by Police Department as they occur after hours.**

One week prior to July 31, 2017 it is said a report was made with The Arlington Heights police department for the complaint of loud noise and bikes loitering. Upon further inspection of police reports, there is no said report and no premise property checks for the month of June or July. A letter was received in regard to food trucks needing proper permits and raffle selling rules. Once notified by a letter of loud noise coming from our property on Bike Nights we mentioned it to customers and hired security to control the parking and any excessive noise. Nine premise checks were done in the month August and all reports conclude no excessive noise was observed during Bike Nights.

Planning & Community Department Review P.C. # 18-003

General:

- 23. The project narrative states that the spaces has "potential for up to 4 bays". Please confirm that the current space has only one interior bay/overhead door. Where would the additional three bays be located?**

Please note in our initial submittal, we suggested we have the potential for up to 4 bays. The term bay references the amount of motorcycle lifts we can comfortably and safely operate within the current facility. All service lift bays will still use the one and only existing overhead door on our property.

Traffic and Parking:

Tenant	Address	Use	Square Feet	Employees	# of Bays	Parking Ratio	Parking Required
Molecular Imaging of Arlington Heights	1732 W. Algonquin Rd.	Medical Office	2,300	N/A	N/A	1 per 200 SF	11
Vacant Office	1734 W. Algonquin Rd.	N/A	6,000	N/A	N/A	1 per 200 SF	30
Toy Shop & Motolounge - Service	1728 W. Algonquin Rd.	Auto Service Station	2,075	2	1	1 per emp; 3 per bay	5
Toy Shop & Motolounge - Parts/Accessories	1728 W. Algonquin Rd.	Retail	2,507	2	0	1 per 300 SF	8
Toy Shop & Motolounge - Motorcycle Sales	1728 W. Algonquin Rd.	Motor Vehicle Sales	500	1	0	1 per 600 SF	1
Vacant Store Front	1730 W. Algonquin Rd.	Vacant	1,800	N/A	N/A	1 per 300 SF	6
		Total Square Footage	15,200			Parking Required	61
						<i>PARKING PROVIDED *</i>	49
						<i>SURPLUS / (DEFICIT)</i>	-12

24. How many square feet of the retail/showroom floor will be devoted to motorcycle sales?

Our current showroom floor is 3,007 square feet. We would like to use 500 square feet of our existing showroom floor space to sell certified used motorcycles. Please see chart above on page 6, for square footage breakdown.

25. What will the 289 sq. ft. room in the mezzanine be used for?

The 289 square foot room is a waiting room with couches and TV's. In the future, we may convert that room into offices for employees.

26. What will the 100 sq. ft. room at the rear of the building be used for?

The 100 square foot room in the rear of the building is the electrical utility room.

27. What is the maximum number of employees that will be working within the space be (service/repair employees, retail employees, motorcycle sales employees). What is the maximum number of employees that will be working out of just the service/repair portion of the business be?

As a smaller company, for the next couple years, we don't plan on having more than 5 employees. We have the potential for 2 certified service mechanics, 2 retail employees, and 1 motorcycle sales employee. Please note when referencing page 6, our employee numbers are based off of this, the maximum potential of employees we plan to have in total.

Use:

28. Please provide information on any safety training seminars or classes held at the shop, including where they are held within the shop and how often. Please note that usage of the shop for training classes may alter the parking requirements.

On occasion we host seminars and safety training. Our priority for equipment and gear seminars are to educate not only employees but customers too. Gear and equipment seminars occur on occasions when brand new products are released. Majority of the time we have representatives speak to us directly to educate ourselves, so we can pass our knowledge to customers. However, on occasion we have representatives from various brands come out and speak about the safety specifications and other details of their new product(s) during our bike nights. This year we have only done one gear/equipment seminar during our bike night. At the Schaumburg location, we did conceal carry classes with a certified and state approved instructor. We have not done any at our current Arlington Heights location and have no plans to continue them.

- 29. The Special Use Permit for motor vehicle sales authorizes incidental repair work, such as oil changes, tire rotations, replacement of parts, etc. Please acknowledge that more extensive work, such as body work, frame or fender straightening, or repair, collision service, and painting of vehicles is not allowed and would require a Land Use Variation.**

Extensive work such as body work, frame or fender straightening or repair, collision service and painting of vehicles will not be done. We will only preform basic maintenance such as oil changes, tire rotations with balancing, fluid flushes such as brake and engine coolant, various lighting, speaker and electrical add-ons will also be performed. All fluids will be properly stored and disposed following all local, state, and federal laws.

- 30. Section 5.1-11.1(d) of the Zoning Code prohibits uses that are objectionable due to odor, dust, smoke, noise, vibrations or other similar causes. Please acknowledge that you will conform to this requirement.**

Section 5.1-11.1(d) of the Zoning Code prohibits uses that are objectionable due to odor, dust, smoke, noise, vibrations or other similar causes. We acknowledge that we will abide by this requirement.

- 31. Section 5.1-11.1(g) of the Zoning Code requires that all activities must be conducted wholly within an enclosed building. Storage of materials and/or the occurrence of events within the parking area is prohibited. Please acknowledge that you will conform to this requirement.**

We acknowledge that we conform to this requirement. Initially, our bike nights were in place to hold us over due to us not being able to service motorcycles. We briefly spoke about potentially obtaining special permits to host bike nights with contingency and was told there was an entire application process that would need to be followed. Should we wish to do a bike night again, we will be sure to be granted authority by the respectful and rightful individual or party of authority.

- 32. Section 5.1-11.1(h) P.C. #18-003 of the Zoning Code requires that all deliveries and loading related activities directly abutting a residential property shall not be permitted between the hours of 7:00am and 10:00pm. Since the property directly abuts to a residential property to the rear.**

We acknowledge that we will conform to this requirement. Property hours are Monday closed, Tuesday-Friday 11am-8pm, Saturday 12-6pm, Sunday 12-5pm.

Landscaping Department P.C. # 18-003

- 33. Per Chapter 28, Section 6.15, four-inch caliper shade trees are required at the ends of each parking row. Incorporate a 4" caliper shade tree in the existing island located at the south end of the parking area in the southeast corner and a shade tree in the island at the southwest corner adjacent to the building.**

Please note we will plant any applicable trees on the eastern portion of the property where our unit is located and described as, under our lease. Please note planting a shade tree in the specified location on the southeast corner can create safety hazards with existing underground utility lines as well as a street light post. Please consider a possible alternative due to the utility lines running near that area as well as the street light which will create an issue once the tree grows to full size.

- 34. Per Chapter 28, Section 6.15, a three-foot-high screen must be provided along the right of way adjacent to a parking area. Provide three-foot-high shrubs in the southeast corner in order to buffer the parking area.**

Please note a shrub does currently exist along the fence line of approximately 5-feet-high and 8-feet-long exists along the right of way adjacent to the parking area near the fence. More shrubs can be placed if deemed necessary, however no physical screen can be placed on the adjacent fence due to us not owning the fence. Furthermore, adding shrubs parallel to the parking spaces poses a safety risk as the police department comment suggested 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. By adding shrubs large enough to buffer the parking area creates a safety hazard for customers as well as employees who move motorcycles near the front of the property.



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: 1728 W Algonquin Rd. – SUP for Automobile Sales, Parking Variation and Traffic Study Variation

PC#: 18-003 - Round 2

Date: February 28, 2018

Sam:

I have reviewed the documents submitted for the above referenced project and have no objections to the SUP, Parking Variation and Traffic Study Variation with the following comment:

1. Signed, sealed and dated architectural plans shall be submitted for review for the interior remodel of the vacant space.



**Village of Arlington Heights, IL
Department of Building & Life Safety**

Fire Safety Division



Date: 1/24/2018

P.C. Number: 18-002 Round 1

Project Name: SUP for Automotive Sales

Project Location: 1728 W. Algonquin

Planning Department Contact: Sam Hubbard, Planning and Community Development

General Comments:

The information provided is conceptual only and subject to a formal plan review.

1. Any work proposed must comply with currently adopted codes.

Date Jan 24, 2018

Reviewed By:

Fire Safety Supervisor

Memorandum

To: Sam Hubbard, Planning and Community Development
From: Cris Papierniak, Assistant Director of Public Works
Date: March 6, 2018
Subject: 1728 W. Algonquin Rd, P.C. #18-003 Round 2

*Good to go
CP*

Regarding the proposed parking variation, PW has the following comments:

1. The original comments have been acknowledged by the permittee; however, there is no confirmed resolution. Please confirm the following are going to be performed as a condition of the permit:
 - a. The existing fire/domestic 6x2 water meter will be replaced.
 - b. Replace the existing 1.5" domestic backflow device with an approved RPZ.
 - c. Replace the existing 6" fire single check valve with an approved RPZ.
 - d. A grease trap must be installed.

VAHPW has no further comments at this time.

C: File

RECEIVED
MAR 08 2018
PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

RECEIVED

MAR 06 2018

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

PLAN COMMISSION PC #18-003
The Toy Shop
1728 W. Algonquin Road
SUP for Auto Sales, Parking Variation, Traffic Study Variation
Round 2

PLEASE PROVIDE NUMBERED RESPONSES CORRESPONDING TO EACH OF THE
NUMBERED COMMENTS.

22. The response by the petitioner to comments #15, 17 & 18 are acceptable
23. There was no response by the petitioner to Comment #11. To reiterate: The petitioner is notified that these comments are being provided to ensure that the project meets the requirements for submittal to the Plan Commission. Approval by the Plan Commission is not an endorsement or approval of these documents to obtain the required building permits, engineering approval, or permits required by other government or permitting agencies for construction. Detailed plan review with associated comments will be provided upon submittal of plans for a building permit. The petitioner shall acknowledge that they accept this understanding.
24. There was no response by the petitioner to Comment #12. To reiterate: Provide a Plat of Survey of the property from a registered land surveyor.
25. There was no response by the petitioner to Comment #13. To reiterate: When on-site lighting is proposed, provide a site photometric lighting diagram indicating lighting intensities. Also provide the associated catalog cuts for all roadway, parking lot, and building mounted luminaires. All fixtures must be flat bottom, sharp cut-off, and no wall pack style fixtures will be permitted.
26. The response provided by the petitioner to Comment #14 is noted. Petitioner acknowledges that the existing facility does not have an internal or external triple basin/grease basin. This type of basin is required for the proposed use. An MWRD permit would be needed for any external sanitary sewer work, requiring plans to be prepared by a Registered Professional Engineer. If the required basin can be installed inside the building, no MWRD permit is necessary. Plans conforming to the requirements of the Building Department would be required for a plumbing permit.
27. There was no response by the petitioner to Comment #16. To reiterate: If multiple occupants of the building exist, how is the breakdown of parking divided, assigned, and reserved for all other businesses?
28. There was no response by the petitioner to Comment #19. To reiterate: The site plan provided is confusing and needs to provide clarification for the following issues:
 - a.) The row of parking stalls along the east property line are represented as not being within the parcel lot lines. Whose property do these parking stalls exist on?
 - b.) The configuration of the perpendicular and angled parking on this lot suggests that the easterly driveway is supposed to be signed and striped as outbound only.
 - c.) The westerly driveway seems to provide access to not only this property, but to the parking stalls for the property to the west that are immediately adjacent to this drive aisle. Is there a cross access agreement?

d.) The geometric layout of the drive aisles, parking stall depths and widths, and obstructions to utility boxes, posts, planting areas, and other encroachments needs to be accurately shown.

29. The response provided by the petitioner to Comment #20 is not acceptable. There looks to be a public sidewalk encroachment onto the private property. The Plat of Survey, requested in Round 1 Comment #12, should show the location of the existing public sidewalk along Algonquin Road in relation to the property line.
30. There was no response by the petitioner to Comment #19. To reiterate: The ADA parking stalls are not shown correctly, and are sub-standard width, and need to be accessible to the entrance door.
31. The layout of this parking lot, and the configuration of motorcycles within the property is contrary to the original parking lot design. The 16.5' deep parking stall dimension does not allow the required 24 ft. two way drive aisle dimension. The space is further compromised by encroachments of the planting area and sidewalk next to the building.
32. Provide a site plan prepared by a Registered Professional Engineer, Architect, or Surveyor. The provided site plan is an unsigned drawing with some dimensions. There is a very low degree of confidence that what is being presented is a direct scaled representation of the actual site.


James J. Massarelli, P.E. 3/6/18
Director of Engineering Date



Arlington Heights Fire Department Plan Review Sheet

P. C. Number 18-003

Project Name

Toy Shop and Motolounge

Project Location

1728 W. Algonquin Road

Planning Department Contact Sam Hubbard

General Comments

Round 2

The Fire Department has no additional comments at this time.

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

Date February 27, 2018

Reviewed By: LT. Mark Aleckson

Arlington Heights Fire Department

Planning & Community Development Dept. Review

March 9, 2018



REVIEW ROUND 2

Project: Toy Shop SUP – 1728 W. Algonquin Rd.

Case Number: PC 18-003

20. The responses to the following comments were acceptable: **“General”** comments #1-#3, #5, and **“Site Plan/Floor Plan”** comment #9 and #10, and **“Traffic/Parking”** comments #9-#12, and #15-#18.
21. No response to General comment #4 was provided. It is understood that a neighborhood meeting will be scheduled for March 22nd, and a summary of this meeting must be provided to staff shortly thereafter. No response is therefore needed.
22. No response was provided for General comment #6. To reiterate, it appears that a dumpster enclosure has been constructed in the northeast corner of the site, however, one dumpster was observed outside of that enclosure. All dumpsters must be stored within the enclosure. Please confirm that all dumpsters will be moved within the enclosure.
23. No response was provided for General comment #7. Please provide the \$850 application fee as soon as possible. The Plan Commission hearing cannot be scheduled until payment has been received.
24. No response was provided for General comment #8. Staff notes that you’ve been provided with a list of PIN’s to where public notice must be sent and instructions on the notification requirements. No further response is needed.
25. The response provide to Traffic/Parking comment #8 is not acceptable. The total size of the building based on the numbers you’ve provided is 15,200 sq. ft. However, the scaled site plan and measurements on an aerial show the building is approx. 18,250 sq. ft. in size. Accurate numbers for the remaining tenant spaces must be provided in order to calculate the parking requirement and extent of the parking variation. Please update the chart to provide accurate sizes for all tenant spaces within the building.
26. There was no response provided to Traffic/Parking comment #13. To reiterate, bicycle parking spaces must be added to the site in order to conform to the Village’s newly adopted bicycle parking requirement, or a variation must be requested. Please either provide the 6 required bicycle parking spaces on the site, and show the location for these spaces on the site plan, or request a variation.
27. The response to Traffic/Parking comment #14 notes that “at the Schaumburg location, we did conceal carry classes with a certified and state approved instructor. We have not done any at our current Arlington Heights location and have no plans to.” However, your website contains information on these classes, including dates and fees for the classes. Is the website out of dates? Please clarify your intent for these classes at the Arlington Heights location.

Prepared by: SAM J. [Signature]

1728 W. Algonquin Road
PC 18-002
March 8, 2018

Landscape Comments

- 1) Per Chapter 28, Section 6.15, four inch caliper shade trees are required at the ends of each parking row. Incorporate a 4" caliper shade tree in the existing island located at the south end of the parking area in the southeast corner and a shade tree in the island at the southwest corner adjacent to the building. **There were no overhead utilities observed and previously there were Ash trees in this location that were addressing the code requirement. The Ash trees died due to the Emerald Ash tree borer and the trees must be replaced with an alternate species. The petitioner's response does not address the code requirement. Remove the dead Ash tree stumps and provide the code required shade trees in place of the two Ash trees that were recently removed.**
- 2) Per Chapter 28, Section 6.15, a three foot high screen must be provided along the right of way adjacent to a parking area. Provide three foot high shrubs in the southeast corner in order to buffer the parking area. **The existing shrubs along the side property line are not addressing the code requirement and do not buffer the parking area. Provide the code required landscape screen within the island.**

Toy Shop & Motolounge Round 2 Comments

Building & Life Safety Department PC 18-003

1. Signed, sealed and dated architectural plans shall be submitted for review for the interior remodel of the vacant space.

The Toy Shop currently occupies this tenant space and offers retail sales of motorcycle parts and accessories only. The proposed Special Use Permit is to incorporate sales of motorcycles and service of motorcycles. If permits are required for any work needed to the space in order to make it suitable for motorcycle sales and services, architectural plans will be submitted for review which are signed, sealed, and dated by a licensed architect.

Fire Safety Division PC 18-002

1. Any work proposed must comply with currently adopted codes.

Any work proposed will comply with current codes.

Public Works Department PC 18-003

a. The existing fire/domestic 6x2 water meter will be replaced.

The existing water meter will be replaced with a modern up-to-date one.

b. Replace the existing 1.5" domestic backflow device with an approved RPZ.

The domestic backflow device will be tested and replaced with an approved RPZ should it be necessary.

c. Replace the existing 6" fire single check valve with an approved RPZ.

The fire single check valve device will be tested and replaced with an approved RPZ should it be necessary.

d. A grease trap must be installed.

It is understood that motor vehicle repair and service uses are required by code to have a triple catch basin/grease trap. We acknowledge this requirements and will install the required triple catch basin/grease trap upon approval of the Special Use Permit to allow motorcycle sales and service.

Engineering Department

23. The petitioner is notified that these comments are being provided to ensure that the project meets the requirements for submittal to the Plan Commission. Approval by the Plan Commission is not an endorsement or approval of these documents to obtain the required building permits, engineering approval, or permits required by other government or permitting agencies for construction. Detailed plan review with associated comments will be provided upon submittal of plans for a building permit. The petitioner shall acknowledge that they accept this understanding.

It is acknowledged approval by the plan commission is not an endorsement or approval of any necessary or required building permits, engineering approval, or permits required by other government or permitting agencies for construction. It is understood that detailed plan reviews with associated comments will be provided upon submittal of plans for a building permit.

24. Provide a Plat of Survey of the property from a registered land surveyor.

Please see attached copy of the plat of survey. This copy is the best copy of the plat that has been provided to use by our landlord. The current property has already been developed with the current building and parking lot and we are not proposing changes to the site. Please note that we are an existing

business that currently located within the building and we are only engaged in the retail sales of motorcycle parts and accessories. We are proposing the incorporation of motorcycle sales and service to our business, which has resulted in the need for the Special Use Permit. We are not proposing any exterior changes to the site.

25. When on-site lighting is proposed, provide a site photometric lighting diagram indicating lighting intensities. Also provide the associated catalog cuts for all roadway, parking lot, and building mounted luminaires. All fixtures must be flat bottom, sharp cut-off, and no wall pack style fixtures will be permitted.

It is understood when any on-site lighting is proposed, we must provide a site photometric lighting diagram indicating lighting intensities and the associated catalog cuts for all roadway, parking lot, and building mounted luminaires. We understand that all fixtures would be required to be flat bottom, sharp cut-off, and no wall pack style fixtures will be permitted. Please note that we are not proposing any changes to the exterior lighting on the subject property.

26. Petitioner acknowledges that the existing facility does not have an internal or external triple basin/ grease basin. This type of basin is required for the proposed use. An MWRD permit would be needed for any external sanitary sewer work, requiring plans to be prepared by a Registered Professional Engineer. If the required basin can be installed inside the building, no MWRD permit is necessary. Plans conforming to the requirements of the Building Department would be required for a plumbing permit.

We acknowledge that our existing tenant space does not have the required triple catch basin/grease trap, which is required for all motor vehicle service and repair uses. Upon approval of the Special Use Permit to allow auxiliary motorcycle service, we will obtain the proper permits to install an internal triple catch basin/grease trap. This permit will be filed with the Building Department. If any external sanitary sewer work is required, we will provide plans prepared by a Registered Professional Engineer and we will obtain the required MWRD permits for this work.

27. If multiple occupants of the building exist, how is the breakdown of parking divided, assigned, and reserved for all other businesses?

Parking is provided on a first come, first serve basis. The parking requirements, per the Zoning Code, are broken down in the chart on the following page.

Tenant	Address	Use	Square Feet	Employees	# of Bays	Parking Ratio	Parking Required
Molecular Imaging of Arlington Heights	1732 W. Algonquin Rd.	Medical Office	2,300	N/A	N/A	1 per 200 SF	11
Vacant Office	1734 W. Algonquin Rd.	N/A	6,000	N/A	N/A	1 per 200 SF	30
Vacant Warehouse	1734 W. Algonquin Rd.	N/A	2,800	N/A	1	1 per emp 3 per bay	3
Toy Shop & Motolounge - Service	1728 W. Algonquin Rd.	Auto Service Station	2,075	2	1	1 per emp; 3 per bay	5
Toy Shop & Motolounge - Parts/Accessories	1728 W. Algonquin Rd.	Retail	2,507	2	0	1 per 300 SF	8
Toy Shop & Motolounge - Motorcycle Sales	1728 W. Algonquin Rd.	Motor Vehicle Sales	500	1	0	1 per 600 SF	1
Vacant Store Front	1730 W. Algonquin Rd.	Vacant	2,050	N/A	N/A	1 per 300 SF	6
		Total Square Footage	18,232			Parking Required	64
						<i>PARKING PROVIDED *</i>	49
						SURPLUS / (DEFICIT)	-15

28. a.) The row of parking stalls along the east property line are represented as not being within the parcel lot lines. Whose property do these parking stalls exist on?

According to the revised site plan dated 2/19/18, as well as our best copy of the plat survey, the east parking stalls fall within the subject property. According to PIN number (08-08-401-042-0000) when looked up on satellite view at <https://maps.cookcountyil.gov> it shows those parking stalls as being within the subject property as well. Those easterly parking stalls fall on our parcel lot and on our property as viewed on the revised detailed site plan, our best copy of the plat of survey provided, and <https://maps.cookcountyil.gov> website. No changes are being proposed, to the existing parking lot.

b.) The configuration of the perpendicular and angled parking on this lot suggests that the easterly driveway is supposed to be signed and striped as outbound only.

Please note that the orientation and striping of the parking lot is an existing condition on the site, which has existed in its current state for over a decade. We believe that the parking lot, although likely not conforming to current standards, is a legal non-conforming condition of the site. Again, we are simply incorporating motorcycle sales and service to our existing business located on the property and we are not proposing to alter the existing parking lot. We understand that any alteration to the current parking lot would need to be coordinated with the Village to ensure conformity to code requirements.

c.) The westerly driveway seems to provide access to not only this property, but to the parking stalls for the property to the west that are immediately adjacent to this drive aisle. Is there a cross access agreement?

We understand that there is a cross access agreement for shared use of this drive-aisle.

d.) The geometric layout of the drive aisles, parking stall depths and widths, and obstructions to utility boxes, posts, planting areas, and other encroachments needs to be accurately shown.

The property is existing, and we are not proposing any changes. Please see best copy of plat of survey.

29. There looks to be a public sidewalk encroachment onto the private property. The Plat of Survey, requested in Round 1 Comment # 12, should show the location of the existing public sidewalk along Algonquin Road in relation to the property line.

Please see best copy of plat of survey. The sidewalk does not encroach onto private property.

30. The ADA parking stalls are not shown correctly, and are sub-standard width, and need to be accessible to the entrance door.

The ADA parking stalls are existing, and no changes are proposed. We understand that if changes to the existing parking area are proposed, the existing non-conforming spaces must be brought up to code standards.

31. The layout of this parking lot, and the configuration of motorcycles within the property is contrary to the original parking lot design. The 16.5' deep parking stall dimension does not allow the required 24 ft. two-way drive aisle dimension. The space is further compromised by encroachments of the planting area and sidewalk next to the building.

These are existing conditions on the site. To comply with the code required 24' wide drive aisle on the east side of the building we would have to either remove the landscape buffer around the building, or remove the eastern parking row. We are not proposing any changes to the existing parking lot configuration, which has existed in its current state for over a decade. We understand that the existing parking layout does not comply with current code requirements, but since we are proposing no change to the site and simply wish to incorporate motorcycle sales and service into our existing business, we believe the site should be allowed to remain in its existing state as legal non-conforming.

32. Provide a site plan prepared by a Registered Professional Engineer, Architect, or Surveyor. The provided site plan is an unsigned drawing with some dimensions. There is a very low degree of confidence that what is being presented is a direct scaled representation of the actual site.

Please see best copy of plat of survey. Please note that we are not proposing to change or alter the exterior of the property.

Planning & Community Development Department PC 18-003

21. No response to General comment #4 was provided. It is understood that a neighborhood meeting will be scheduled for March 22nd, and a summary of this meeting must be provided to staff shortly thereafter. No response is therefore needed.

Neighborhood meeting letter was sent out 11 days prior to the meeting to all PIN numbers listed. It's understood a summary of the meeting is needed after the meeting takes place.

22. It appears that a dumpster enclosure has been constructed in the northeast corner of the site, however, one dumpster was observed outside of that enclosure. All dumpsters must be stored within the enclosure. Please confirm that all dumpsters will be moved within the enclosure.

We have had an issue where our garbage collection company is not putting back the neighbor's dumpster inside the enclosure after picking up. We have spoken with our garbage collection company who

apologized. All dumpsters have been placed back in the enclosure since they have been notified a month ago. We confirm all dumpsters will be placed in the enclosure.

23. No response was provided for General comment #7. Please provide the \$850 application fee as soon as possible. The Plan Commission hearing cannot be scheduled until payment has been received.

Application fee has been provided.

24. No response was provided for General comment #8. Staff notes that you've been provided with a list of PIN's to where public notice must be sent and instructions on the notification requirements. No further response is needed.

Addresses and pin numbers will be provided with notification requirements for village planning commission meeting upon approval.

25. The response provide to Traffic/Parking comment #8 is not acceptable. The total size of the building based on the numbers you've provided is 15,200 sq. ft. However, the scaled site plan and measurements on an aerial show the building is approx. 18,250 sq. ft. in size. Accurate numbers for the remaining tenant spaces must be provided in order to calculate the parking requirement and extent of the parking variation. Please update the chart to provide accurate sizes for all tenant spaces within the building.

Please note, our landlord accidentally messed up when providing the square footage. Attached is the diagram as listed above showing tenants, square footage, as well as parking requirements.

Tenant	Address	Use	Square Feet	Employees	# of Bays	Parking Ratio	Parking Required
Molecular Imaging of Arlington Heights	1732 W. Algonquin Rd.	Medical Office	2,300	N/A	N/A	1 per 200 SF	11
Vacant Office	1734 W. Algonquin Rd.	N/A	6,000	N/A	N/A	1 per 200 SF	30
Vacant Warehouse	1734 W. Algonquin Rd.	N/A	2,800	N/A	1	1 per emp 3 per bay	3
Toy Shop & Motolounge - Service	1728 W. Algonquin Rd.	Auto Service Station	2,075	2	1	1 per emp; 3 per bay	5
Toy Shop & Motolounge - Parts/Accessories	1728 W. Algonquin Rd.	Retail	2,507	2	0	1 per 300 SF	8
Toy Shop & Motolounge - Motorcycle Sales	1728 W. Algonquin Rd.	Motor Vehicle Sales	500	1	0	1 per 600 SF	1
Vacant Store Front	1730 W. Algonquin Rd.	Vacant	2,050	N/A	N/A	1 per 300 SF	6
		Total	18,232			Parking Required	64
						PARKING PROVIDED	49
						SURPLUS / (DEFICIT)	-15

26. There was no response provided to Traffic/Parking comment #13. To reiterate, bicycle parking spaces must be added to the site in order to conform to the Village's newly adopted bicycle parking requirement, or a variation must be requested. Please either provide the 6 required bicycle parking spaces on the site and show the location for these spaces on the site plan, or request a variation.

It is understood that only 2 bicycle parking spaces are required and must be on a paved surface. At the time that a plumbing permit is submitted for the required grease trap, we will provide a plan indicating the type of bicycle rack that will be provided and the location of the proposed rack for your review and approval.

27. The response to Traffic/Parking comment #14 notes that "at the Schaumburg location, we did conceal carry classes with a certified and state approved instructor. We have not done any at our current Arlington Heights location and have no plans to." However, your website contains information on these classes, including dates and fees for the classes. Is the website out of dates? Please clarify your intent for these classes at the Arlington Heights location.

The current website is not up to date. Many items listed on the website are incorrect and out of date. We are working diligently to get the website up to date for the start of the motorcycle season. No classes will be held at the Arlington Heights location.

Landscaping Comments PC 18-002

1. Per Chapter 28, Section 6.15, four-inch caliper shade trees are required at the ends of each parking row. Incorporate a 4" caliper shade tree in the existing island located at the south end of the parking area in the southeast corner and a shade tree in the island at the southwest corner adjacent to the building.

The old Ash tree stump will be removed, and a new four-inch caliper shade tree will be planted in the southeast corner of the building. Planting a shade tree in the southwest corner will be suggested to the respective property owner. Planting during the spring will ensure the trees survival.

2. Per Chapter 28, Section 6.15, a three-foot-high screen must be provided along the right of way adjacent to a parking area. Provide three-foot-high shrubs in the southeast corner in order to buffer the parking area.

Currently, seasonal shrubs exist to buffer the parking lot area. However, the shrubs are not to code requirements and do not fully buffer the parking lot. Additional shrubs will be planted during the spring to buffer the parking lot to code. Planting during the spring will ensure the shrubs survival.



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: 1728 W Algonquin Rd. – SUP for Automobile Sales, Parking Variation and Traffic Study Variation
PC#: 18-003 - Round 3
Date: March 16, 2018

Sam:

I have reviewed the documents submitted for the above referenced project and have no objections to the SUP, Parking Variation and Traffic Study Variation and have the following comments:

1. The accessible parking stalls indicated on the plat of survey are not in compliance with the requirements of the Illinois Accessibility Code. Each accessible stall consists of two parts – an access aisle and a parking area. The document does not show the access aisle required for each accessible stall.
2. The fine sign show (\$50) is invalid as the fine was increased to \$250 on January 1, 2006.

If the existing accessible parking meet the requirements listed above, I have no objection to the variations requested.

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DEVELOPMENT DEPARTMENT



**Village of Arlington Heights, IL
Department of Building & Life Safety**

Fire Safety Division



Date: 3/16/2018

P.C. Number: 18-002 Round 3

Project Name: SUP for Automotive Sales

Project Location: 1728 W. Algonquin

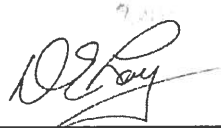
Planning Department Contact: Sam Hubbard, Planning and Community Development

General Comments:

The information provided is conceptual only and subject to a formal plan review.

1. No comments.

Date March 16, 2018

Reviewed By: 

Fire Safety Supervisor

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DEVELOPMENT DEPARTMENT

Memorandum

To: Sam Hubbard, Planning and Community Development
From: Cris Papierniak, Assistant Director of Public Works
Date: March 30, 2018
Subject: 1728 W. Algonquin Rd, P.C. #18-003 Round 3

Regarding the proposed parking variation, PW has the following comments:

- a. Replace the existing 6" fire single check valve with an approved RPZ. Single check devices are no longer acceptable.

VAHPW has no further comments at this time.

C: File

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DEVELOPMENT DEPARTMENT**

PLAN COMMISSION PC #18-003
The Toy Shop
1728 W. Algonquin Road
SUP for Auto Sales, Parking Variation, Traffic Study Variation
Round 3

33. The response by the petitioner to comments #23 & 25-32 are acceptable based on the claim that there are no planned changes to the exterior site.
34. The response provided by the petitioner to Comment #24 is noted. The document provided is not a copy of a Plat of Survey from a registered land surveyor, it is a copy of an architectural drawing.

 *(by MP)* 3/20/18
James J. Massarelli, P.E. Date
Director of Engineering

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Planning & Community Development Dept. Review

March 25, 2018



REVIEW ROUND 3

Project: Toy Shop SUP – 1728 W. Algonquin Rd.

Case Number: PC 18-003

28. The responses to comments #23-#25, #27 were acceptable.
29. The response to #21 is noted. Please provide summary of the meeting.
30. The response to #22 is noted. Staff notes consistent actions on the subject property that call into question the ability of the petitioner to conduct the proposed actions on the subject property without creating a nuisance.
31. The response to # 26 is noted. Compliance with the bicycle parking restriction shall be required prior to building permit, should this application be approved.

Prepared by: SAM HUBBARD

1728 W. Algonquin Road
PC 18-002
March 26, 2018

Landscape Comments

- 1) Staff evaluated the existing fence along the rear property line and the fence is non-conforming. Per Chapter 28, slatted fences are not permitted in the B-2 zoning district. In addition, the maximum height allowed is 6 feet. Also, a solid fence is required adjacent to a residential district. Any documents that could be provide that identify the location of the fence in relationship to the north proeprty line would be helpful.

Toy Shop & Motolounge Round 3 Comments

Building & Life Safety Department PC 18-003

- 1. The accessible parking stalls indicated on the plat of survey are not in compliance with the requirement of the Illinois Accessibility Code. Each accessible stall consists of two parts – an access aisle and a parking area. The document does not show the access aisle required for each accessible stall.**

As stated and acknowledged in previous department comments. The parking lot and parking stalls are existing, and no changes are being proposed. The handicap stall located on the east side of the building in which our lease describes our property has an accessible stall consisting of an access aisle as well as a parking area. The ADA parking stalls on the west side of the property is to be handled by the respective property owners.

- 2. The handicap fine on the sign shows (\$50) is invalid as the fine was increased to \$250 on January 1, 2006.**

A new handicap sign has been purchased reflecting the new price of \$250. This sign will be posted immediately upon receiving it.

Planning Commission PC 18-003

- 33. The response by the petitioner to comments #23 and 25-32 are acceptable based on the claim that there are no planned changes to the exterior site.**

Comments have been noted.

- 34. The response provided by the petitioner to Comment #24 is noted. The document provided is not a copy of Plat of Survey from a registered land surveyor, previously provided was an architectural drawing.**

At this time, we do not have a plat of survey. We initially believed the document provided by our landlord was a plat of survey, but as stated it turns out to be architectural drawings. The property is existing, and no exterior changes will occur. We will continue to work with our landlord in hopes of them finding a plat of survey. At this time for the most accurate and up to date site plan, please reference our detailed site plan completed by a drafting firm.

Planning and Community Development PC 18-003

- 28. The responses to comments #23-25, 27 were acceptable.**

Noted.

- 29. The response to #21 is noted. Please provide summary of meeting.**

Summary of neighborhood meeting has been submitted by email.

- 30. The response to #22 is noted. Staff notes consistent actions on the subject property that call into question the ability of the petitioner to conduct actions on the subject property without creating a nuisance.**

Please note all actions, comments, and concerns have been addressed in a timely and professional matter, when brought to our attention. Dozens of police records indicate premise property checks that were done on bike nights due to a single report of loud noise made on our

grand opening. These premise checks have been explained to us as a standard protocol which consist of: consistent follow ups for the single report that was made. All police records indicate no excessive noise, or loud noise was observed on bike nights. Please elaborate further on the "consistent actions" as describe in comment #30 for us to better gauge our response. "Consistent actions" is a vague statement and difficult to answer without knowing the reference. We believe we have handled every matter that has been brought to our attention in a professional and timely matter.

31. The response to #26 is noted. Compliance with the bicycle restriction shall be required prior to the building permit, should this application be approved.

It's noted that compliance with the bicycle restriction shall be required prior to the building permit, should this application be approved. This will be handled prior to the building permit, should our application get approved.

Landscaping Comments PC 18-002

1. Staff evaluated the existing fence along the rear property line and the fence is non-conforming. Per Chapter 28, slatted fences are not permitted in the B-2 zoning district. In addition, the maximum height allowed is 6 feet. Also, a solid fence is required adjacent to a residential district. Any documents that could be provided that identify the location of the property fence in relationship to the north property line would be helpful.

In November, when we placed the screened in trash container fence, we were recommended by the village to replace the damaged slats on the northern fence. We replaced those slats on the existing fence. The fence is existing on the property and has been existing. Should this existing fence need to be replaced, actions will be taken by the appropriate owner. We are working with our landlord in obtaining documentations in identifying the owner of the fence.