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**AN ORDINANCE APPROVING AMENDMENTS
TO PLANNED UNIT DEVELOPMENT ORDINANCE NUMBERS
99-031, 07-072 AND 09-041, A PRELIMINARY PLAT OF SUBDIVISION,
AMENDMENT TO THE ZONING ORDINANCE OF THE VILLAGE OF
ARLINGTON HEIGHTS, AND A VARIATION FROM
CHAPTER 28 OF THE ARLINGTON HEIGHTS MUNICIPAL CODE**

ADOPTED BY THE
PRESIDENT AND BOARD OF
TRUSTEES OF THE VILLAGE OF
ARLINGTON HEIGHTS THIS
20TH DAY OF SEPTEMBER, 2021.

**AN ORDINANCE APPROVING AMENDMENTS
TO PLANNED UNIT DEVELOPMENT ORDINANCE NUMBERS
99-031, 07-072 AND 09-041, A PRELIMINARY PLAT OF SUBDIVISION,
AMENDMENT TO THE ZONING ORDINANCE OF THE VILLAGE OF
ARLINGTON HEIGHTS, AND A VARIATION FROM
CHAPTER 28 OF THE ARLINGTON HEIGHTS MUNICIPAL CODE**

WHEREAS, the President and Board of Trustees of the Village of Arlington Heights have heretofore passed and approved Ordinance Numbers 99-031, 07-072 and 09-041, approving and amending a planned unit development, for the property located at 1400 W Dundee Rd, 3602 N Kennicott Ave, and 1510-1530 W Dundee Rd, Arlington Heights, Illinois; and

WHEREAS, the Plan Commission of the Village of Arlington Heights, in Petition Number 21-009, pursuant to notice, has on August 25, 2021, conducted a public hearing on a request for approval of amendments to Planned Unit Development Ordinance Numbers 99-031, 07-072 and 09-041, to allow modifications to the approved development plan including construction of an approximately 511,000 square foot warehouse distribution development and modifications to the Lexus building and parking areas, a preliminary plat of subdivision, rezoning of certain lots, and a variation from Chapter 28 of the Arlington Heights Municipal; and

WHEREAS, the President and Board of Trustees have considered the report and recommendations of the Plan Commission and have determined that authorizing and granting said requests, subject to certain conditions hereinafter described, is in the best interests of the Village,

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS:

SECTION ONE: The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION TWO: That the Planned Unit Development (PUD) approved and amended in Ordinance Numbers 99-031, 07-072 and 09-041, is hereby amended to allow modifications to the approved development plan including construction of an approximately 511,000 square foot warehouse distribution development and modifications to the Lexus building and parking areas for the property legally described in Exhibit A, attached hereto, as well as to incorporate the land legally described in Exhibit A as "1100 W Dundee Rd (PIN 03-06-302-020-0000) as part of this PUD. The Subject Property shall be in substantial compliance with the plans described in Exhibit B, attached hereto, copies of which are on file with the Village Clerk and available for inspection. The Zoning Map of the Village of Arlington Heights is hereby amended accordingly.

SECTION THREE: That the preliminary plat of subdivision for 1st Amendment to Bob Rohrman's Arlington Heights Auto Mall, prepared by Pinnacle Engineering Group, dated April 30, 2021, with revisions through July 29, 2021, to subdivide the property legally described in Exhibit A, attached hereto, into three lots, is hereby approved.

SECTION FOUR: That the Zoning Ordinance of the Village of Arlington Heights is hereby amended by reclassifying the property legally described in Exhibit C, attached hereto, from an M-1 Research, Development and Light Manufacturing District to a B-3 General Service, Wholesale and Motor Vehicle District.

SECTION FIVE: That the Zoning Ordinance of the Village of Arlington Heights is hereby amended by reclassifying the property legally described in Exhibit D, attached hereto, from a B-3 General Service, Wholesale and Motor Vehicle District to an M-1 Research, Development and Light Manufacturing District.

SECTION SIX: That a variation from Chapter 28, Section 10.2-9, Additional Regulations-Parking-Access, of the Arlington Heights Municipal Code, to allow certain parking spaces without direct access to a drive aisle, is hereby granted.

SECTION SEVEN: That approval of the amendment to Planned Unit Development Ordinance Numbers 99-031, 07-072 and 09-041, a preliminary plat of subdivision, and variation from Chapter 28 of the Arlington Heights Municipal Code, are subject to the following conditions:

1. Approval of the Final Plat of Subdivision shall be required.
2. As part of the approval of the Final Plat of Subdivision, the Petitioner shall propose a revised Declaration of Covenants, Conditions and Restrictions for the Subject Property, for review and approval by the Village.
3. Conditions approved in Ordinance Numbers 99-031 and 07-072 are hereby repealed as follows:

a. SECTION TWO of Ordinance Number 99-031:

~~7. The landbanked parking shall be reevaluated each time there is a new user for the existing buildings. If demand for additional parking is warranted, the applicant shall have up to 90 days to install the required parking.~~

~~8. The landbanked parking stalls for Design Agency shall be installed when the number of employees exceeds the existing supply. If demand for additional parking is warranted, the applicant shall have up to 90 days to install the required parking.~~

~~9. Parking shall not be allowed on the shared drive aisles that service the overall property.~~

b. SECTION SEVEN of Ordinance Number 07-072:

~~3. The cross access easement between all four lots shall be required.~~

~~5. Access to Dundee Road shall be prohibited.~~

4. Compliance with the May 25, 2021, Design Commission motion shall be required as follows:

1. All signage is required to comply with Chapter 30 Sign Code, or seek variations.

5. Inbound and outbound truck traffic must use Dundee Road to access Wilke Road and to access Kennicott Avenue.

6. As part of the Final Plat of Subdivision approval, the following easements shall be established:

- a. Ridgeline/Lexus Easement;
- b. Lexus/Nissan Easement;
- c. Ridgeline/Nissan Easement;
- d. Future Access Easement.

7. As part of the Final Plat of Subdivision approval, the Petitioner shall provide a code compliant Photometric Plan for the Rohrman lots. Should any of the onsite lighting exceed code requirements, revisions to the onsite lighting shall be required, or the Petitioner must seek a variation.

8. The existing easement established pursuant to Document Number 03364848 shall either be amended to reconfigure the parking and access to align with the proposed Lot 1 redevelopment, or shall be vacated. Should vacation not be possible, at the request of the Village, the Petitioner shall install the 40 land-banked parking stalls at the north of Building Two.

9. If required by the Illinois Department of Transportation (IDOT), the Petitioner shall restripe the eastbound left turn lane on Dundee Road at its' intersection with Kennicott Avenue per IDOT requirements.

10. The Petitioner shall comply with all Federal, State and Village Codes, Regulations, and Policies.

SECTION EIGHT: Except as amended by this Ordinance, the remaining provisions of Ordinance Numbers 99-031, 07-072 and 09-041, shall remain in full force and effect.

SECTION NINE: That the approval of the amendment to the Planned Unit Development granted in SECTION THREE of this Ordinance shall be effective for a period of no longer than 24 months from the date of this Ordinance, unless construction has begun or such approval has been extended by the President and Board of Trustees during that period.

SECTION TEN: That the approval of the preliminary plat of subdivision granted in SECTION THREE of this Ordinance authorizes the submission of a final plat for the proposed subdivision and detailed plans and specifications for the public improvements therein. The preliminary approval shall be effective for a period no longer than 12 months, unless extended by the President and Board of Trustees during that period.

SECTION ELEVEN: The Director of Building & Life Safety is hereby authorized to issue a permit upon proper application, in accordance with the provisions of this Ordinance and all applicable ordinances of the Village of Arlington Heights.

SECTION TWELVE: That this Ordinance shall be recorded by the Village in the Office of the Cook County Clerk. This Ordinance and the privileges, obligations, and provisions contained herein will run with the Property, and will inure to the benefit of, and be binding upon, the Petitioner and its personal representatives, successors and assigns.

SECTION THIRTEEN: This Ordinance will be effective only upon the occurrence of all of the following events:

1. Passage by the Village President and Board of Trustees in the manner required by law; and
2. The filing by the Petitioner with the Village Clerk of an Unconditional Agreement and Consent, in the form of Exhibit E, attached to and, by this reference, made a part of this Ordinance, to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance and to indemnify the Village for any claims that may arise in connection with the approval of this Ordinance.

In the event the Petitioner does not file fully executed copies of the Unconditional Agreement and Consent pursuant to this Ordinance, within 30 days after the date of final passage of this Ordinance, the Village President and Board of Trustees will have the right, in their sole discretion, to declare this Ordinance null and void and of no force or effect.

AYES:

NAYS:

PASSED AND APPROVED this 20th day of September, 2021.

Village President

ATTEST:

Village Clerk

PUD:Ridgeline Distribution Center

EXHIBIT A

Legal Description of Planned Unit Development

Lots 1 through 4 in Bob Rohrman's Arlington Heights Auto Mall, being a resubdivision of Lot 1 in Bob Rohrman's resubdivision, being a subdivision of the South half of Government Lots 1 and 2 of the Southwest quarter of Section 6, Township 42 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded March 17, as Document No. 1007631040 in Cook County, Illinois.

PIN 03-06-302-021, -022, -023, -024

commonly known as 1530 W Dundee Rd, 15220 W Dundee Rd, 1510 W Dundee Rd, and 1400-1490 W Dundee Rd, Arlington Heights, Illinois

Lot 2 in Bob Rohrman's Resubdivision of Lot 1 in Honeywell's First Subdivision of the South half of Government Lots 1 and 2 in the Southwest quarter of Section 6, Township 42 North, Range 11 East of the Third Principal Meridian, in Cook County, Illinois.

PIN 03-06-302-020-0000

commonly known as 1100 W Dundee Rd, Arlington Heights, Illinois.

The North 459.00 feet of the East 600.00 feet (as measured at right angles) of Lot 1 in Honeywells First Subdivision, being a subdivision of part of the South West quarter of Section 6, Township 42 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded July 20, 1988 as Document Number 88320560, (except therefrom that portion falling within Bob Rohrman's Arlington Heights Auto Mall Resubdivision recorded as Document 1007631040, in Cook County, Illinois.

PIN 03-06-302-015-0000

commonly known as 3602 N Kennicott Ave, Arlington Heights, Illinois.

EXHIBIT B
Site Plan Documents

The following plans dated May 20, 2021, have been prepared by Ware Malcomb	
Plan	Page(s)
Location Map with 250' Surrounding Context	3
Overall Site Dimensional & Paving Plan	7
Site Dimensional & Paving Plan	8, 9, 10
Conceptual Floor Plan – Building 1	12
Conceptual Floor Plan - Building 2	13
Conceptual Roof Plan – Building 1	14
Conceptual Roof Plan – Building 2	15
Conceptual Elevations - Building 1	16
Conceptual Elevations - Building 2	17
Conceptual Sight Line Studies – Building 1	29
Conceptual Sight Line Studies – Building 2	30
Conceptual Design – Building 1 (dated April 22, 2021)	1
Conceptual Design – Building 2 (dated April 22, 2021)	2
Preliminary Construction Staging Plan	3

The following plans have been prepared by Pinnacle Engineering Group		
Plan	Date	Sheet
Cover Sheet	04/09/2021 - 08/06/2021	C-1
Project Specifications	04/09/2021 - 08/06/2021	C-2
Overall Existing Conditions & Demolition Plan	04/09/2021	C-3
Existing Conditions & Demolition Plan	04/09/2021	C-4 – C6
Overall Site Dimensional & Paving Plan	04/09/2021	C-7
Site Dimensional and Paving Plan	04/09/2021	C8-C10
Overall Grading Plan	04/09/2021	C-11
Grading Plan	04/09/2021	C-12 - C-14
Overall Utility Plan	04/09/2021	C-15
Utility Plan	04/09/2021	C-16 - C-18
Overall Site Stabilization Plan	04/09/2021	C-19
Site Stabilization Plan	04/09/2021	C-20 - C-22
Construction Standards	04/09/2021 - 08/06/2021	C-23 – C-28
Landscape Overview	04/09/2021 - 08/06/2021	L-1
Landscape Enlargement	04/09/2021 - 08/06/2021	L-2 – L7
Landscape Plans	04/09/2021 - 08/06/2021	L-8 – L-10
Landscape General Notes & Details	04/09/2021 - 08/06/2021	L-11
Overall PUD Site Plan Exhibit	04/09/2021 - 08/06/2021	1 of 1
Fire Truck Turning Exhibit	04/09/2021 – 08/06/2021	7 sheets
Tree Preservation Plan	04/09/2021	1 sheet

The following plans dated April 9, 2021 with revisions through August 6, 2021, have been prepared by J. Condon & Associates, Inc.:

Plan	Sheet
Cover Sheet	C0.0
Specifications and Typical Sections	C0.1
Ex. Conditions and Demolition Plan	C1.0
Overall/Utility Plan	C2.0
Grading & Erosion Control Plan	C3.0
Erosion Control Specifications	C4.0
Details	C5.0
Details & Overall Site Plan	C5.1
Fire Truck Turning Movement Exhibit	1 sheet

The following plan has been prepared by Greg Frick Landscape Design

Plan	Date	Sheet
Landscape Plan View	04/20/2021-07/20/2021	2 sheets

The following plan has been prepared by City Scapes Architectural Innovations

Plan	Date	Sheet
RTU Screen Details	02/05/2004	1 sheet

The following plan has been prepared by Connelly Electric

Plan	Date	Sheet
Site Lighting Photometric	04/02/2021	E101, E102

EXHIBIT C

Legal Description (Portion of the Rohrman Lots) Rezoned
from the M-1 Research, Development and Light Manufacturing District to the
B-3 General Service, Wholesale and Motor Vehicle District.

Lots 2 and 3 in 1st Amendment to Bob Rohrman's Arlington Heights Auto Mall, being a resubdivision of Lots 1 through 4 in Bob Rohrman's Arlington Heights Auto Mall, being a subdivision of the South half of Government Lots 1 and 2 of the Southwest quarter of Section 6, Township 42 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded March 17, 2010, as Document Number 1007631040, in Cook County, Illinois.

EXHIBIT D

Legal Description (Ridgeline Lot) Rezoned
from the B-3 General Service, Wholesale and Motor Vehicle District to
the M-1 Research, Development and Light Manufacturing District.

Lot 1 in 1st Amendment to Bob Rohrman's Arlington Heights Auto Mall, being a resubdivision of Lots 1 through 4 in Bob Rohrman's Arlington Heights Auto Mall, being a subdivision of the South half of Government Lots 1 and 2 of the Southwest quarter of Section 6, Township 42 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded March 17, 2010, as Document Number 1007631040, in Cook County, Illinois.

EXHIBIT E
UNCONDITIONAL AGREEMENT AND CONSENT

TO: The Village of Arlington Heights, Illinois ("Village"):

WHEREAS, _____ ("Petitioner") is the _____ of that certain property located at the address commonly described as 1100 and 1400 and 1510-1530 W Dundee Road of this Ordinance ("Property"); and

WHEREAS, Ordinance No. 2021-_____, adopted by the Village President and Board of Trustees, on September 20, 2021 ("Ordinance"), grants an amendment to a Planned Unit Development, a preliminary plat of subdivision, rezoning and a variation from the Zoning Ordinance for the Property as described in the Ordinance; and

WHEREAS, SECTION THIRTEEN of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Petitioner files, within 30 days following the passage of the Ordinance, their unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Ordinance;

NOW, THEREFORE, the Petitioner does hereby agree and covenant as follows:

1. The Petitioner hereby unconditionally agrees to, accept, consent to, and will abide by, each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.

2. The Petitioner acknowledges that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.

3. The Petitioner acknowledges and agrees that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's granting amendments to the Planned Unit Development, preliminary plat of subdivision, rezoning and variation from the Zoning Ordinance for the Property or its adoption of the Ordinance, and that the Village's approvals do not, and will not, in any way, be deemed to insure the Petitioner against damage or injury of any kind and at any time.

4. The Petitioner hereby agrees to hold harmless and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with amendment to the Planned Unit Development, preliminary plat of subdivision, rezoning and variation from the Zoning Ordinance, for the Property or its adoption of the Ordinance for the Property.

[SIGNATURES ON FOLLOWING PAGE]

Dated: _____, 2021

ATTEST:

By: _____

By: _____

Its: _____

Its: _____