



September 20, 2022

Steve Hautzinger
Design Planner
Village of Arlington Heights
Department of Planning and Community Development
33 South Arlington Heights Road
Arlington Heights, IL 60005

VIA ELECTRONIC MAIL

Re: Letter for Variation and Hardship Request - Southpoint Shopping Center

Dear Mr. Hautzinger:

The purpose of this letter is to (i) formally request another sign variance that does not include the condition of an IDOT approved RIRO and (ii) provide an update on the RIRO.

On April 12, 2022, we received approval from the Design Commission for a single tenant pylon sign and on May 13, 2022, the Village Board approved the Ordinance granting us the right to install the approved pylon sign. However, within the Ordinance a condition was imposed that only allowed the sign to be installed if the Illinois Department of Transportation ("IDOT") approved a Right-In-Right-Out ("RIRO") along Rand Road near the proposed sign.

The imposition of the condition was a mistake on our part to not be clear that At Home only requires the single tenant pylon sign in that location and does not require the RIRO to be approved or installed. To re-state this, At Home requires the pylon sign in the approved location prior to their opening. They do NOT require the RIRO. At Home is currently planning to open by early Spring of 2023.

As stated above, it's imperative that we're able to install the pylon sign as soon as possible. Attached to this letter as Exhibit A is the originally approved Hardship Letter dated February 25, 2022.

Update on RIRO

While this is not a requirement by At Home, we're continuing a good faith effort to receive approval for the RIRO. Given IDOT delays described further below, we anticipate we will not know until the Spring of 2023 whether or not we will have IDOT approval. At this point, we would handicap this at a 95% chance of success.

On August 16, 2022, we received a second round of comments from IDOT, and our engineer, Cliff Toberman, is working to address all of IDOT's additional concerns and he will re-submit the

application for re-review for the third time. Please see Exhibit B for IDOT correspondence. IDOT has been taking 90 days plus to provide feedback. Please see Exhibit B for a full timeline of our efforts with the Village and IDOT regarding the RIRO.

Again, At Home does not require the RIRO to be installed prior to opening, but they do require the pylon sign to be installed. If the driveway is approved in early 2023, we plan to install the RIRO post the store opening. If it does not get approved then we will not install the RIRO.

Section 30-902 Standards

Standard: The difficulty or peculiar hardship is not self-created by the petitioner.

Response: The hardship is not self-created. The angled positioning of the building in relation to the road and the mature trees along Rand Road produce a substantial visibility issue for this particular parcel that is unique to this property. This has been an issue with every retailer that has toured the site. The driveway condition to the original variance has become an additional hardship given the IDOT delays. As mentioned above, it is unlikely that the developer will be able install the sign in time for At Home planned store opening date.

Standard: The granting of the variation shall not create a traffic hazard, a depreciation of nearby property values or otherwise be detrimental to public health, safety, morals, and welfare.

Response: The pylon sign does not create a traffic hazard. The surrounding properties will most likely experience increased shopping demand and sales. With At Home as a tenant in the Shopping Center, the adjoining properties will likely experience increased leasing activity and higher property values. The owners of the neighboring properties at the Shopping Center are in full support of bringing At Home to Arlington Heights and our request for this sign variance.

Standard: The variation will serve to relieve the applicant from a difficulty attributable to the location, topography, circumstances on nearby properties or other peculiar hardship; and not merely serve to provide the applicant with a competitive advantage over similar businesses.

Response: As stated in the response above, the angled positioning of the building in relation to the road and the mature trees along Rand Road produce a substantial visibility issue for this particular parcel that is unique to this property. A new monument sign is a contingency for At Home to join the Shopping Center and relieve the visibility complications from Rand Road. It does not create a competitive advantage to other property owners. By way of example, Floor and Décor is another big box retailer and anchor and our neighboring property, and they have their own single tenant monument sign along Palatine Road. We're requesting a similar sign for our property along Rand Road. The updated variance will relieve the applicant from the driveway condition and allow the sign to be installed in time for At Home to open to the public.

Standard: The variation will not alter the essential character of the locality.

Response: The proposed drawings show the stone base of the sign as identically matching the existing Southpoint multi-tenant signs and will not alter the character of the Shopping Center.

Standard: The applicant's business cannot reasonably function under the standards of this Chapter.

Response: The business cannot function as a Class A shopping center without the increased visibility that a single tenant monument sign provides. As stated above, At Home or any other Class A national or regional retailers that have toured the site would not lease the space without the increased visibility of a single tenant monument sign on Rand Road.

We look forward to continuing to work with the Village to bring At Home to South Point Shopping center and to create a first-class retail destination.

Sincerely,

Scott Phillips

Scott Phillips
Principal

Exhibit A – Originally Approved Hardship Letter



February 25, 2022

Steve Hautzinger
Design Planner
Village of Arlington Heights
Department of Planning and Community Development
33 South Arlington Heights Road
Arlington Heights, IL 60005

VIA ELECTRONIC MAIL

Re: Letter for Variation and Hardship Request - Southpoint Shopping Center

Dear Mr. Hautzinger:

The purpose of this letter is to set forth the terms of our sign variance request. Our goal is to redevelop Southpoint Shopping Center into a Class A Shopping Center ("Shopping Center"). Creating a prime retail destination headlined by At Home, a national home and décor retailer. The installation of this sign will create a domino effect for the Shopping Center and Arlington Heights by significantly increasing annual retail sales and property values. The Shopping Center will experience a much-needed facelift with a new façade, new parking lot, new landscaping, and upgraded lighting.

Section 30-902 Standards

Standard: The difficulty or peculiar hardship is not self-created by the petitioner.

Response: The hardship is not self-created. The angled positioning of the building in relation to the road and the mature trees along Rand Road produce a substantial visibility issue for this particular parcel that is unique to this property. This has been an issue with every retailer that has toured the site.

Standard: The granting of the variation shall not create a traffic hazard, a depreciation of nearby property values or otherwise be detrimental to public health, safety, morals, and welfare.

Response: The pylon sign does not create a traffic hazard. The surrounding properties will most likely experience increased shopping demand and sales. With At Home as a tenant in the Shopping Center, the adjoining properties will likely experience increased leasing activity and higher property values. The owners of the neighboring properties at the Shopping Center are in full support of bringing At Home to Arlington Heights and our request for this sign variance.

Standard: The variation will serve to relieve the applicant from a difficulty attributable to the location, topography, circumstances on nearby properties or other peculiar hardship; and not merely serve to provide the applicant with a competitive advantage over similar businesses.

Response: As stated in the response above, the angled positioning of the building in relation to the road and the mature trees along Rand Road produce a substantial visibility issue for this particular parcel that is unique to this property. A new monument sign is a contingency for At Home to join the Shopping Center and relieve the visibility complications from Rand Road. It does not create a competitive advantage to other property owners. By way of example, Floor and Décor is another big box retailer and anchor and our neighboring property, and they have their own single tenant monument sign along Palatine Road. We're requesting a similar sign for our property along Rand Road.

Standard: The variation will not alter the essential character of the locality.

Response: The proposed drawings show the sign as a replica to the Floor & Décor sign on Palatine Road and will not alter the character of the Shopping Center.

Standard: The applicant's business cannot reasonably function under the standards of this Chapter.

Response: The business cannot function as a Class A shopping center without the increased visibility that a single tenant monument sign provides. As stated above, At Home or any other Class A national or regional retailers that have toured the site would not lease the space without the increased visibility of a single tenant monument sign on Rand Road.

We are excited to engage with the Village of Arlington Heights on this request and look forward to creating another Class A Shopping Center for the community.

Sincerely,



Scott Phillips
Managing Partner

RPS Capital Investments, LLC
215 West Verne Street, Suite D
Tampa, FL 33606
www.rpscapital.com

Exhibit B – RIRO & Sign Timeline

- April 20, 2021 – Engaged Norman J. Toberman & Associates, LLC to conduct a survey and begin drafting plans.
- June 10, 2021 – Submitted preliminary plans to Sam Hubbard at the Village of Arlington Heights (“VAH”) Department of Planning and Community Development.
- July 26, 2021 – Received preliminary feedback from VAH.
- September 28, 2021 – Submitted revised preliminary plans and traffic study report to the VAH.
- October 21, 2021 – Received additional preliminary feedback from VAH and preliminary approval.
- December 9, 2021 – Submitted plans and traffic study to the Illinois Department of Transportation (“IDOT”). Reference number 016101538.
- March 22, 2022 – Received report and comments from IDOT. Full report is below in Exhibit B.
- April 12, 2022 – Received approval for the proposed At Home ground sign by the Design Commission, however, with the condition that the proposed RIRO is approved by VAH and IDOT.
- May 6, 2022 – Submitted revised plans and traffic study to IDOT.
- May 13, 2022 – VAH Board approved the ground sign.
- June 6, 2022 – VAH Board signed and recorded Ordinance.
- August 16, 2022 – Received report and an additional round of comments from IDOT. Full report is below in Exhibit B.

Exhibit C - IDOT Review Letters



Illinois Department of Transportation

Office of Highways Project Implementation / Region 1 / District 1
201 West Center Court / Schaumburg, Illinois 60196-1096

PERMITS

Location: US 12 (Rand Road) between Jane Ave. and Southpoint Mall Ent.
Municipality: Village of Arlington Heights, Cook County
Re: Proposed Right-In/Right-Out Access
Reference No: 016101538

March 22, 2022

Mr. Clifford J. Toberman, P.E.
Norman J. Toberman & Associates, LLC
115 S. Wilke Road, Suite 301
Arlington Heights, IL 60005

Dear Mr. Toberman,

We have completed our review of your engineering drawings for the subject location. Our comments are marked in red on the enclosed plan set. This marked set must be returned with your next submittal.

Additionally, we offer the following comments:

Bureau of Traffic Operations – Traffic Permits

1. Rand Road is designated as US Route 12 and is not a State Route. Please revise all call outs to read US 12 (Rand Road).
2. Sheet C-5, Grading & Erosion Plan was not provided for review. Please provide.
3. All ADA related items shall be designed and installed in accordance with ADA/PROWAG guidelines and with the "ADA Standard for Accessible Design" guidebook. Prior to permit issuance, complete and return the enclosed "Municipality Sidewalk & Shared-Use Path ADA and PROWAG Acceptance Letter" with the local municipality sign off.
4. Utilize the enclosed "ADA Details for Phase I Projects" template to design all ADA-related facilities. Please provide station / offset / elevation tables per the enclosed to aid with review of all sidewalks and ensure compliance with the ADA/PROWAG guidelines.
5. Provide cross-sections a minimum of every 50 feet and at the proposed access drive.
6. Trees removed from the State Right-of-Way should be replaced at a 1:1 ratio. Please provide for replacement of trees removed.
7. Include at least 24" of full-depth pavement patching adjacent to all areas of curb and gutter removal and replacement along US 12.
8. For the commercial driveway pavement section, include 6x6 welded wire mesh reinforcement.
9. Revise the Right-In/Right-Out geometry according to the enclosed detail. The island length should be forty-feet (40') per the detail. Label all island radii and other dimensions as needed according to the detail.

US 12 (Rand Road) between Jane Ave. and Southpoint Mall Ent.
March 22, 2022
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10. Revise all pavement markings on PCC pavements to be Modified Urethane Pavement Marking, not thermoplastic.
11. Provide crosswalk pavement markings according to District 1 Standard TC-13.
12. Provide traffic control standards for review.

Bureau of Traffic Operations – Studies

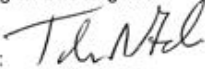
1. Please provide the raw data from which the trip generation volumes for At Home were determined and include the dates this data was gathered. Describe the methodology used to translate the data into vehicle trips.
2. Compare the assumed generated trips for At Home to calculated generated trips based on ITE's Trip Generation Manual, 10th edition for the proper type and size of business.
3. Future volumes should be based on existing traffic counts and generated traffic volumes. The generated traffic volumes should be developed based on ITE's Trip Generation Manual, 10th edition or on traffic counts at a similar business in a similar setting. Vehicle trips based on the number of parking spots taken during any given hour and an assumed length of visit is not a satisfactory method for future volume determination.
4. Proposed volumes should take into account the COVID-19 pandemic and its impact on vehicle trips when collecting data.
5. The storage length for the right-in/right-out drive should be as long as practical. The proposed storage only allows for a maximum of 3 cars to store. This may potentially result in grid locking which may cause vehicles turning into the site to back onto US Route 12.
6. Provide a capacity and queueing analysis (HCS/Synchro) for the intersection of Rand Rd with Palatine Rd to demonstrate the impact of the queue to the proposed driveway.

Please revise your plans and studies in accordance with the above comments and resubmit one (1) full size and two (2) reduced size 11"x17" copies of the plans in addition to two (2) copies of all studies to continue the review process. In addition to hard copies, it is also recommended to send files electronically to Jeffrey.Snape@illinois.gov.

If you have any questions regarding this matter, please contact Jeffrey Snape at 847-705-4803.

Very truly yours,

Jose Rios, P.E.
Region One Engineer

By: 

Thomas G. Gallenbach, P.E.
Traffic Permits Engineer

cc. Village of Arlington Heights



Illinois Department of Transportation

Office of Highways Project Implementation / Region 1 / District 1
201 West Center Court / Schaumburg, Illinois 60196-1096

PERMITS

Location: US 12 (Rand Road) between Jane Avenue and Southpoint Mall Entrance
Municipality: Village of Arlington Heights, Cook County
Re: Proposed Right-In/Right-Out Access
Reference No: 016-101538

August 16, 2022

Mr. Clifford J. Toberman, P.E.
Norman J. Toberman & Associates, LLC
115 S. Wilke Road, Suite 301
Arlington Heights, IL 60005

Dear Mr. Toberman:

IDOT has completed its review of your engineering drawings for the subject location. Our comments are marked in red on the enclosed plan set. This marked set must be returned with your next submittal.

Additionally, we offer the following comments:

Traffic Permits Comments:

1. Provide additional ADA/PROWAG grade spots as shown.
2. Add detectable warning panels for the sidewalk ramps within the right-in/right-out (ri/ro) island.
3. Verify the offset for sidewalk point "DD" as there appears to be a typo.
4. Place cross-sections on their own plan sheet so as to be at a readable scale.
5. On the cross-sections, add cross-slopes for existing and proposed features.
6. Provide a cross-section at the centerline of the proposed RIRO driveway.

Traffic Operations – Studies Comments:

1. It should be noted that the proposed right-in/right-out driveway falls within the taper area for the proposed extension of the third northwest bound through lane along US Route 12 which when built will begin just northwest of Beverly Lane/Jane Avenue.
2. The Traffic Impact Study needs to provide a peak hour turning movement exhibit in addition to Sheet X-1.0 that depicts the total proposed Right-In volume, total proposed outbound right-out volume, and corresponding northwest bound US Route 12 through volume during the Weekday PM and Saturday Midday peak hours.
3. Using the total peak hour turning-movement volumes, a one-way stop-controlled capacity analysis needs to be performed using Highway Capacity Software demonstrating the outbound level-of-service and delay for the proposed right-out maneuver onto northwest bound US Route 12 for the Weekday PM and Midday Saturday peak hour. Include these peak hour capacity analyses in the Traffic Impact Study.

US 12 (Rand Road) between Jane Avenue and Southpoint Mall Entrance
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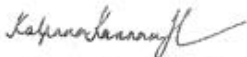
4. On sheet C-6.0, the southeast bound "STOP" sign for the internal main drive aisle should be supplemented with a "Traffic from Right Does Not Stop" sign; the northwest bound "STOP" sign for the internal main drive aisle should be supplemented with a "Traffic from Left Does Not Stop" sign. The southbound "STOP" sign should be supplemented with "Oncoming Traffic Does Not Stop" sign. The Department wants to ensure that inbound traffic from US Route 12 is guaranteed free flow operation.
5. On sheet C-8.0, the left-turn from the main drive aisle to the Right-Out for the fire truck design vehicle is encroaching onto the raised curb radius. On sheets C-8.1 and C-8.2, the inbound right-turn maneuver for the fire truck design vehicle is showing encroachment onto the raised channelizing island (i.e., "porkchop"). Revise the various radii for the curb and gutter and raised channelizing island so that a fire truck can perform these maneuvers without encroachment. In lieu of single radius curves, two or three-center radius curves can be considered.
6. Submit a revised Traffic Impact Study and revised fire truck Auto-Turn exhibits accordingly for continued review.

Please revise your plans and calculations in accordance with the above and provide a written disposition of all comments with your resubmittal. In lieu of paper submittals, it is recommended to send files electronically to Jeffrey.Snape@illinois.gov via the State's File Transfer Website, <https://filet.illinois.gov/filet/PIUpload.asp>.

If you have any questions regarding this matter, please contact Jeffrey Snape at (847) 705-4803 or Jeffrey.Snape@illinois.gov.

Very truly yours,

Jose Rios, P.E.
Region One Engineer


By:
Kalpana Kannan-Hosadurga, P.E., PTOE
Arterial Traffic Operations Engineer

cc: Village of Arlington Heights