

Engineering Department

16. The petitioner's response to comment no. 12 is noted. Repairs/Resurfacing of the parking lot will be required before the lot can be restriped with a new parking configuration.

Round 2 Response:

We understand that the parking lot needs repairs, and we have an executable quote ready and attached. To finalize the quote to include the requested parking space dimensions, we need clarification on the Village Parking plan which only accounts for 16 spaces. Our asphalt contractor will also complete the restriping/painting.

17. The petitioner's response to comment no. 13 is noted. The striping plan must include dimensions for the stalls, the location of the handicap accessible parking, and aisle widths. It should be noted that the property could be cited on section 302.3 of the 2018 International Property Maintenance Code at this time for the condition of the parking lot.

Round 2 Response:

As mentioned above, we have a resurfacing quote ready to execute upon final determination. Our asphalt contractor has included restriping in their quote/scope. We are requesting that the Planning & Community Development Department provide some additional clarification as their proposed plan does not account for enough parking spaces. (See below) Once we establish a final layout then we will request our asphalt contractor to provide the requested drawing.

Planning & Community Development Department

16. The response to comment #7b and #7c is noted. Based on a recalculation of the code required parking, a total of 19 off-street parking stalls are required. The Village has prepared a revised landscape concept, which provides the minimum number of parking stalls required by code, shows elimination of certain parking rows as outlined in the Paragon Landscape Proposal, and conforms to all landscape requirements. Deviations from this plan would likely trigger the need for variations from the landscape requirements.

Round 2 Response:

We are hoping to find a compromise and we are actively waiting for quotes back to better understand the cost associated with the Village Landscape concept, but we are inclined to believe the Village's plan will be cost prohibitive. If the Village were to force us to expand the boulevard next to Arlington Heights Road and make a 2nd attempt to install a landscape screen, we would not likely have the ability to do anything to Safety Town (which we feel would be the most impactful change to the property) If the Village would be open to assisting in the beautification project with TIF funds, then

perhaps we could fulfill their complete vision. If the Village is not willing to assist, then we will proceed to seek additional Variations to remove the requirement for any landscape screen along Arlington Heights Road and the termination of parking stalls with landscape islands, instead offering to install shade trees in existing landscape areas already installed on the property. If it helps, it also seems that the code for a parking lot with less than 20 spaces nullifies the need for landscape islands and calls for a "proportional amount of live greenery," which our proposed tree plan will satisfy. As noted, we also need clarification on the Village's concept as it does not allow for the 19 suggested parking spaces.

17. The response to comment #8 is noted. As indicated above, if deviations from the Village landscape concept are proposed, variations to the landscape requirements will likely be required.

Round 2 Response:

We would like to find a compromise, but we are also willing to implement the Village's complete plan with financial support from the Village. We understand that additional Variations may be required to negate the need for a landscape screen along Arlington Heights Road and to implement our alternative shade tree plan if the Village continues to impose the landscape island rule for a lot featuring less than 20 spaces. If no financial support is extended or if the Village insists on imposing the landscape island rule despite us having less than 20 spaces, then we will proceed by requesting the necessary Variations.

19. The response to comment #10 is noted. Should substantial changes occur to the usage of the interior building areas or to the site, a Land Use Variation amendment shall be required. Should any such changes cause the onsite parking to fall below code requirements, a parking variation shall be required.

Round 2 Response:

We understand and agree.

20. The response to comment #13 is noted. The Paragon Landscape Proposal does not conform to code requirements and would require a variation to waive the code required 3' tall screen along Arlington Heights Road and to eliminate the requirement for landscape islands (including a shade tree) at the ends of certain parking rows. Based on the stated objective to eliminate certain parking stalls while maintaining limited parking areas on the north and south side of the building, the Village has prepared a code compliant landscape concept. Should the Village Board opt to amend LUV Ordinance #20-022 to allow Paragon to continue operating on the subject property, staff will recommend that implementation of the Village landscape concept be completed within a certain time period. Please note that any parking lot restriping and modifications must comply with all requirements relative to ADA parking stalls and accessible routes, minimum size of parking stalls, minimum widths for drive aisles, applicable stormwater requirements, fire lanes, etc.

Round 2 Response:

3' Tall Screen:

We respectfully disagree with the Village's interpretation of the code requiring a landscape screen at all once the adjacent parking spaces are removed. When asked for clarification on this rule, the only explanation we received was that the code is vague enough to allow for the interpretation that a "parking aisle" also constitutes parking spaces. The code does not mention anything about "parking aisles." This understanding is what lead us to propose removal of the spaces along Arlington Heights Road.

We already installed a Village approved 3' tall screen against the guidance of multiple landscape professionals, we installed a watering mechanism for the screen, and still the landscape screen did not survive the first winter as we were told and expressed to village staff. When we proposed our plan to remove the spots to avoid the need for additional wasted cost on a potential screen based on how the code is written, the Village instead suggested additional cost in the form of expanding the boulevard to facilitate another attempt at installing a screen. To avoid repeating the same outcome, we feel as though removing "Safety Town" and applying a different interpretation of the code would be a much better solution to demonstrate tangible progress in beautifying this property. That said, if the Village persists in seeking a landscape screen, we suggest accepting the already installed and approved screen as a sufficient screen to meet code or we will have no choice but to proceed with a landscape screen Variation request. Again, we would also be happy to proceed with the Village's complete plan if financial support from the Village is offered to us.

Shade Trees/Islands

We appreciate the Village confirming that only 19 parking spaces are needed, to include 1 handicap space. We seek clarification on the Village's proposed plan as it accounts only for 16 spaces. We also see in the Village Code that by reducing the number of required spots to less than 20, we no longer require any landscape islands but rather a "proportional amount of live greenery" (Chapter 28 Section 6.16-1.2). We feel as though our plan proposed in Round 1 will allow for far more than a proportional amount of live greenery as we are very much willing to install trees where they may be safely placed so as not to obstruct vehicle clearances around the property while also controlling cost of the overall project. Specifically, we would like to install a total of four (4) shade trees in existing landscape beds as depicted in our drawing.

Parking

As mentioned, our asphalt contractor will also be painting the parking spaces and we will request they confirm parking space dimensions once we have confirmed the exact layout of the 19 parking spaces. The Village plan accounts for only 16 parking spaces.

Landscape Comments

1. The Village is not supportive of the requested variations. In order to comply with code, landscaping must be installed per the Landscape Concept prepared by the Village. In order to comply with code, provide the three-foot-tall screen along Arlington Heights Road and four-inch caliper shade trees at the ends of each parking row.

Round 2 Response:

The Village's response is noted. As detailed in our Planning & Community Development response, we hope the Village sees mutual benefit in removing Safety Town instead of further attempts to install landscape screen. There is enough leeway in the code to allow for a different interpretation of the landscape screen given the impending removal of the parking spaces along Arlington Heights Road. If the Village declines to modify their opinion, then we would have to proceed with a Variation to eliminate the need for this landscape screen or simply expect the currently installed and approve screen as sufficient for the code. As for the four-inch caliper trees, per Chapter 28 Section 6.16-1.2, a reduction to 19 parking spaces should eliminate the need for us to install any islands and we feel as though our proposal to install shade trees in existing beds while removing Safety Town and replacing it with green space will more than provide "proportional amounts of live greenery."