

PLAN COMMISSION PC #23-009
Arlington Downs Four Plat of Resubdivision
3400 Stonegate Boulevard
Petitioner Response to Round 1 Comments

Engineering Department

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.

RESPONSE: Acknowledged and understood.

12. Since a subdivision is being proposed the plans must meet all subdivision requirements. The fee letter will be generated prior to the final Plan Commission meeting.

RESPONSE: Acknowledged and understood.

13. The Final Plat of Subdivision must be reviewed and approved by Engineering prior to final Plan Commission approval. The original signed mylar Final Plat of Subdivision, containing all non-Village signatures, shall be submitted one week before the scheduled date of the final Plan Commission meeting. Village Code Section 29-209 also requires a digital copy of the plat to be provided on disk to the Village. The petitioner shall acknowledge that they accept this understanding.

RESPONSE: Acknowledged and understood.

Final Plat of Subdivision:

14. Provide a signature block(s) for Outlot Lot ID.

RESPONSE: The signature block for Lot 1D is already included in the second column on the top of page 4 of the Final Plat of Subdivision.

15. The Amendment and Restated Declaration of Easements, Covenants and Restrictions (Arlington Downs) includes two legal descriptions for Lot 2A-1 and Lot 2A-2; however, the plat only shows Lot 2A. Update the Plat or Amendment for Lot 2A.

RESPONSE: The currently proposed Final Plat of Subdivision does not include any division of Lot 2A into Lots 2A-1 and 2A-2. These lots are legally described based on the proposed future plat of Arlington Downs IV, which is currently pending with the Village will combine what is referenced in the Amended and Restated Declaration as Lot 2A-2 and Lot 16 of the Arlington Downs Office Center into the Future Lot 6. The references in the Declaration are to accommodate that proposed modification.

16. For Village certificate, change Director of Engineering to Village Engineer.

RESPONSE: Completed

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Planning & Community Development Department

Zoning:

7. The Plan Commission must review, and the Village Board must approve, the following actions:
- a. Preliminary and Final Plat of Subdivision.
 - b. Variation to Chapter 29, Section 29-307a.1, to allow Lot 1B without having its full frontage abutting a street.

Please note that the Final Plat, as approved by the Engineering Dept., must be printed on mylar and include signatures obtained from all parties except those to be coordinated by the Village, must be submitted ***no less than one week*** prior to the targeted Plan Commission hearing date. Additionally, prior to scheduling Final Plat approval with the Village Board, all benchmark and recording fees must be paid.

RESPONSE: Understood and Agreed. Mylar is out for signatures.

8. Please provide data on the floor area that will be located on Lot 1B upon conclusion of the proposed subdivision. The calculation of floor area shall be based on Section 28-3.64 of the zoning code. Please note that Lot 1B is restricted to 350% FAR per the Euclid/Rohlwing Overlay District and any overage beyond this limitation would require a Variation.

RESPONSE: Arlington Downs Four Plat does comply with the 350% FAR. The gross building area, per the Issued for Construction Plans, is 294,846 square feet. Per ADR4, the land area of Lot 1B is 86,266 square feet. $86,266/294846 = 340.9\%$ FAR.

9. All owners within the PUD must sign on as co-applicants to this subdivision. Please provide a signed Letter of Authority to proceed with the proposed subdivision and amendments to the Declarations from the owner or owners of the other lots within the PUD.

RESPONSE: This request is inconsistent with the previous subdivision requests for Arlington Downs whereby only the affected Lots were required to authorize proceeding with the proposed subdivision amendments. All other Lot Owners within Arlington Downs are signatories to the Amended and Restated Declaration. The current draft of the Declaration is out for review by all Lot Owners and we will deliver written acceptance of each of those Lot Owners prior to the Plan Commission hearing.

10. Please clarify the ownership of each lot within the PUD, including information clarifying which developer owns each lot if a lot is owned by an LLC.

RESPONSE: This information is provided in great detail on the signature pages and exhibits to the proposed Amended and Restated Declaration. For clarities sake, the Lot Owners are:

Lot 1B	Arlington Downs Residential, LLC
Outlot 1C	Arlington Downs Master Association, Inc.
Lot 1D	Arlington Downs Master Association, Inc.
Lot 2A-1	Store Master Funding XVI, LLC
Lot 2A-2	SB ADR IV Property Owners, LLC
Lot 3A	Arlington Downs Residential II, LLC
Lot 4B	AD Hotel, LLC
Lot 4C	CIMA Developers, LP
Lot 5A	3401 Payton Place LLC

11. Please review all applicable conditions of approval from the prior PUD approval ordinances that govern the Arlington Downs PUD. The below comments relative to the proposed amended Declarations are not intended to be a complete list of all applicable conditions of approval/master association responsibilities.

RESPONSE: Petitioner has reviewed all applicable conditions of approval from the prior PUD approval ordinances that govern the Arlington Downs PUD. Understood and Agreed.

Amendment and Restated Declarations:

12. Please provide all exhibits referenced in the revised Declarations.

RESPONSE: Exhibits B, E, F-2, G, I, J,K, and L are to be submitted with this response from Petitioner and no later than August 22, 2023.

13. The 24 parking stalls along Stonegate Boulevard (in front of One Arlington) appear to fall within Outlot 1C. Please confirm that parking within these spaces will be open and available to all lots within the PUD.

RESPONSE: Confirmed on both fronts and as shown in the new parking study.

14. Page 1, recital A, change ("Lot 1A") to ("Lot 1B").

RESPONSE: This change has been included in the Amended and Restated Declaration attached.

15. The definition of "PUD" includes an ordinance #23-____. Please be aware that the proposed Plat of Resubdivision does not trigger the need to amend the PUD, provided that the proposed Declarations are revised to allow the appropriate shared parking within the PUD.

RESPONSE: The reference has been removed in the attached Amended Declaration. Based on the revisions to the Amended Declaration and the various easements, the shared parking in front of the tower is clearly shown in Section 3(b)(i) and 3(b)(ii).

16. The definition of "Parking Lots" exempts the Lot 1B Parking Lot, which is required to be open for shared parking by other users in the PUD, per condition #6 in Ordinance #18-036 and per stipulation #2 in the Shepard-Parke Substantial Compliance Letter. The Declarations should not prohibit shared parking in this area and a future PUD amendment would be required to do so.

RESPONSE: The Lot 1B Parking Lot has been removed from the definition of Parking Lots in the Amended Declaration. Any future amendment to the PUD that may modify this will address any amendments to the overall parking arrangements at such time a PUD amendment is submitted.

17. The definition of "Parking Lot Easement" is contrary to the PUD approval requiring shared parking.

RESPONSE: The definition of Parking Lot Easement is not in contradiction to the various amendments to the PUD since 2012. The 'shared parking' does not include each and every parking space on the development, just those areas that are not included in separate garages for each building. The Declaration as drafted includes the cross access for parking and pedestrian access across all Lots except for the Lot 1B parking garage, the Lot 5A parking garage and what was planned as a future parking garage (lot) for Lot 3A based on comments from a prior submittal to develop that parcel as requiring them to be self-parked. If the Village would require the removal of Lot 3A Parking Lot from the definitions and Sec 3(b)(ii), that would be acceptable. As part of this response to the Village comments, Petitioner is submitting a current parking/traffic study that references shared parking is no longer a viable concept as originally contemplated since the traffic counts for the entire parcel, based on usage changes, are much less than the Village parking requirements. In addition, this study shows that the actual use on Lots 1A and 2A are less than the parking required by the Village.

18. Section 4b, "Barriers and Traffic Control" allows the Lot 2B owner to construct a barrier to restrict access into the parking lot on Lot 2B. This is contrary to the PUD approval requiring shared parking.

RESPONSE: The definition of Barriers and Traffic Control includes islands, curbing, signals and pavement markings. These traffic control devices do not affect shared parking. ADR IV, as recently submitted for review, also includes plans to accommodate their parking needs within their own property and only any surface spots would fall under the cross access between the Lots.

19. There is a drive aisle on the southern portion of Lot 3A which could be used by patrons of Lot 5A, and there is a drive aisle on the east side of Lot 5A that could be used by patrons of Lot 3A. Please confirm that the amended Declarations allow cross access along these drive aisles for all users within the PUD. Additionally, should Lot 3A develop with proposed curb cuts onto the N/S drive aisle on Lot 5A, would the Declarations allow such additional curb cuts or could the owner of Lot 5A prevent them?

RESPONSE: This access road was built as part of the development approvals of Lot 5A and was intended to access both Lot 3A and Lot 5A since no other curb cuts would exist on Salt Creek Lane. Petitioner will add language that future access to the N/S drive on the east of Lot 5A can be used by Lot 3A under the definition Access Drives.

20. There is a shared drive aisle leading from proposed Outlot 1C north to Salt Creek Lane. Portions of this drive aisle cross Lot 2A-2, Lot 2A-1, and Lot 16. Please confirm that the amended Declarations allow cross access along this drive aisle for all users within the PUD.

RESPONSE: This is the future road to Salt Creek on the east of Lot 16. There currently exists a recorded easement between Lots 2A-1 and 2A-2 that is intended to serve as the southern half of this access road. Petitioner will add in the definition of Access Drives that this future connection to Salt Creek will benefit the entire PUD, which is the intent and defined as an Access Drive.

21. There is a common access drive on Lot 1B leading from the Outlot 1C to Lot 2A-1. Please confirm that the amended Declarations allow cross access along this drive aisle for all users within the PUD.

RESPONSE: This access road was included as part of the Lot 2A site plan approvals and was rebuilt during their construction. Petitioner will add a note that this Access Drive is available for the entire PUD.

22. While the parallel parking stalls along Payton Place adjacent to Lot 3A and 5A are not required to be installed by the Master Association, the amended Declarations should include language that acknowledges that when development on Lot 3A proceeds, if required by the Village, the Lot 3A developer is allowed to construct parallel parking stall and/or a pick-up/drop-off area within Outlot 1C.

RESPONSE: Petitioner will add this to the Declaration in Section 4(e).

23. What is the plan for the pavilion area within Outlot 1C, which is opposite the front entrance to the One Arlington tower? This area is currently improved with a hardscaped area and columns anchored into the roof of the garage, including exposed bolts. This area was meant to accommodate a pavilion utilizing the roof-anchored columns. The area has an unfinished appearance and was always intended to serve as an amenity area for the PUD. Completion of this area would become the responsibility of the Association as they would become the owners of proposed Outlot 1C. Please note that Building, Site, and Landscaping Condition #1 from Ordinance 12-006 required that the plaza/pavilion and associated landscaping be installed as part of the Phase 1 improvements. Ordinance 18-036 further clarified that the completion of the plaza area, which includes the pavilion, must be constructed once construction on Lots 4C or 4B (Zone D) begin. The plaza and pavilion area shall be completed when development in Zone D begins.

RESPONSE: The pavilion that was originally planned in 2012 had a design that mimicked the Arlington Park equestrian theme. During construction of the One Arlington tower, it was agreed that any future design of this area, which is a part of Outlot 1C, would be done at the same time as the 'plaza' area that will be required as part of the development of the retail parcel. Lot 4C is responsible for any future plaza/pavilion design, but Petitioner will add a section in the Declaration that provides for access to Lot 4C to this area in Outlot 1C for future construction as approved by the Village.

24. Section 5.C.i appears to assign the sole cost of constructing the Euclid Avenue traffic signal to the owner of Lot 4C. This should be an expense borne by the Master Association as any future need for this traffic signal is a product of the sum of traffic generated by the overall PUD, not just the traffic within Lot 4C. Please note that condition #3 within Ordinance 12-039 requires that the Declaration of Covenants, Conditions and Restrictions, be modified to include a provision requiring the property owner/master association to be responsible for 100% of all costs associated with the traffic signal warrant analysis as well as pay 100% of all design, installation, maintenance and energy costs associated with the traffic signal along Euclid Avenue.

RESPONSE: The attached parking study done by Erickson Engineering addresses the lack of warrant for a traffic signal at Euclid Ave upon full development of the site. The agreement between the Lot owners is that if a signal is required, Lot 4C would bear the cost of installation. Future maintenance and energy costs, while unlikely, would be borne by the Association as currently drafted in the Declaration.

25. When development on Lot 2A-2/16 proceeds, or when any development on Lots 4B or 4C proceeds, a

sidewalk along the eastern side of Rohlwing Road from Euclid to Salt Creek Lane, must be constructed per Ord. 12-039. This requirement must be included within the revised Declarations and the responsibility for construction of this improvement should fall with the Master Association.

RESPONSE: The costs of any sidewalks required by the Village upon development of any of the remaining parcels is a cost to be borne by the adjacent lot owner as agreed between the lot owners. Petitioner will add a provision in the Declaration acknowledging such. Section 3(e) addresses this.

26. Condition #2c from Ord. 12-039 requires construction of a sidewalk and pedestrian activated signal on the east side of Euclid Ave/Rohlwing Road intersection, at such time when the City of Rolling Meadows installs a sidewalk on the east side of Rohlwing Road from Cardinal Street to Euclid Avenue. This requirement should be outlined in the revised Declarations and the responsibility for construction of this improvement should fall with the Master Association.

RESPONSE: The pedestrian activated signal already exists at Rohlwing Road and Euclid Avenue and was done when the bike path was rebuilt.

27. Condition #3 from Ord. 15-049 requires that the petitioner install a right-hand turn lane from southbound Rohlwing Road to westbound Euclid Avenue as part of Phase 2 (hotel and water park), or with Phase 3, 4 or 5, if any of those phases precede Phase 2. Implementation may occur at a later phase, or may not be required at all, if agreed upon by both the Village of Arlington Heights and the City of Rolling Meadows. The requirement for implementation of this improvement, if determined to be warranted, should be reflected within the revised Declarations and costs for this improvement should fall with the Master Association.

RESPONSE: Based on the attached current parking/traffic study, the right-hand westbound turn lane is no longer warranted, however, it was the agreement with the Village that all traffic and associated parking issues would be handled upon a future PUD amendment for either Future Lot 6 or Lot 4C when they are submitted to the Village. See Section 4(f).

28. Section 5.c.2.ii shall be revised as follows (new language underlined): if any governmental bodies require improvements to Euclid Avenue as a result of the development of nearby properties (not including the Development) that render construction of said medians as infeasible (which shall be at the discretion of the Village), then the obligations of the Development for the consideration of installing medians shall be terminated.

RESPONSE: Petitioner will add this to the Declaration.

29. Please ensure that all plans/documents revised as a result of these comments include a revision date.

RESPONSE: Petitioner will add a date footer to the revised documents. The plat already includes the revision date.

30. Provide all resubmittal documents in a USB/flash drive along with one hard copy.

RESPONSE: Petitioner will provide all resubmittal documents in a USB/flash drive along with one hard copy.

Plat of Subdivision:

31. The note on Sheet 1 should read: This property is subject to the Amended & Restated Declaration of Easements, Covenants and Restrictions.

RESPONSE: Done

32. Section 29-201b.13 of Chapter 29 requires the names and last known addresses of the owners of land immediately adjoining the land to be subdivided. Please add this information to the Plat.

RESPONSE: According to the Surveyor, this requirement is for Preliminary Plats, not final Plats of Subdivision, therefore he has not included this information on this Plat. Additionally, all three prior Arlington Downs Plats did not include this information.

33. Please provide the County Clerk endorsement on the Plat per Section 29-209L of Chapter 29.

RESPONSE: This will be added as a stamp during the signature process.

34. Please provide the PINs on the Plat per Section 29-209S of Chapter 29.

RESPONSE: Done

35. Sheet 3 should be revised so that the "Return Plat To" section has the Village of Arlington Heights, not Stoneleigh.

RESPONSE: Done. Lot 1B owner will require a copy of the recorded Plat when received as Petitioner's lenders require it.