

PLAN COMMISSION PC #23-009

**Arlington Downs Four Plat of
Resubdivision 3400 Stonegate
Boulevard
Round 2**

17. With regard to the August 4, 2023 Parking Study prepared by Eriksson Engineering:
- a. At this time, the minimum warrants for a traffic signal at Euclid Avenue and Stonegate Boulevard are not met; however, the warrants for a traffic signal will need to be reevaluated in the future as the development continues towards full buildout of the Arlington Downs PUD.
 - b. The potential right turn lane on Rohlwing Road at Euclid Avenue will need to be evaluated as development continues towards full buildout of the Arlington Downs PUD.
 - c. The petitioner shall acknowledge that they accept this understanding.

Response: Acknowledged and understood.

Planning & Community Development Dept. Review

August 27, 2023

Zoning:

7. The response to comment #7 is noted. The final list of required zoning approvals is identified below:

- a. Preliminary and Final Plat of Subdivision to subdivide one lot into three lots.
- b. Variation to Chapter 29, Section 29-307a.1, to allow Lot 1B and Lot 1D without each lot having their full frontage abutting a street.

RESPONSE: Acknowledged and understood.

9. The response to comment #9 is noted. Please confirm that all owners (and individuals who have property within the PUD under contract) [are] aware of and amenable to the requested subdivi[si]on.

RESPONSE: Confirmed.

17. The response to comment #17 is noted. Based on the revised Declarations, exclusive parking is only allowed within the One Arlington underground garage, the residential garage and surface parking lot as part of ADR-II (Lot 5A), any future parking area for residential uses on Lot 3A, and any future parking area for the residents within the future ADR-IV building. Please confirm this to be accurate.

RESPONSE: Confirmed.

18. The response to #18 is noted. Section 4.(b), Barriers and Controls, add language to clarify that the Access Drives are not exempted from the restrictions on segregations/barriers.

RESPONSE: Requested language added.

19. The responses to comments #19, #20, and #21 are noted. Section 3(b)(ii) exempts the use of the Lot 3A Parking Lot and 5A Parking Garage for ingress/egress/access. For the avoidance of any doubt, this section should state that the Access Drives are not exempted from Parking Lot Easement.

RESPONSE: Requested language added.

20. The response to comment #22 is noted. The Village does not take issue with the Affected Lot Owner having to construct any parallel parking installed within Outlot 1, the maintenance and repair of any such parking area should fall with the Master Association as the parking would be within the Master Association Outlot 1C and would be available for all users within the PUD to use for parking.

RESPONSE: Requested language added.

21. The respon[s]e to comment #23 is not acceptable. The Village is still evaluating whether the design and construction of the pavilion (and the portion of the plaza that falls on Outlot 1C) should be deferred until the design of the larger portion of the plaza on Lot 4C is finalized and constructed. The cost of the improvements that fall within Outlot 1C must be borne by the Master Association. This should be clarified in the revised Declarations.

RESPONSE: Petitioner disagrees with the Village requiring that the cost of improvements for Outlot 1C must be borne by the Association. The Village has no legal right to require one party or another to be responsible for the cost of improvements in a PUD, except as a part of the PUD approval process, and so long as the parties affected have not agreed otherwise.

22. The response to comment #24 is unacceptable. As discussed, the obligation for the Euclid Avenue signal falls with the Master Association as per condition #3 in Ordinance #12-039, and the petitioner is willing to modify the Declarations to make this clear, and shall do so in a forthcoming revision and resubmission.

RESPONSE: The Village continually misstates that the Master Association is required to do certain things under the various Arlington Downs PUD Ordinances, specifically, Ordinance 12-009. Ordinance refers to the “Petitioner,” which was the one entity that owned all of Arlington Downs Lots at the time Ordinance 12-009 was enacted. The “Association” did not exist until its legal creation on January 7, 2019. Since the “Petitioner” has since changed and it, and/or it’s successor Lot Owners have sold various Lots to other parties, the “Petitioner” also assigned, and the various lot owners accepted, the responsibilities to complete and satisfy the requirements under the Ordinances. Nowhere do any of the Ordinances affecting Arlington Downs require or state that the “Association” would be responsible for the various additions and improvements to the Arlington Downs PUD.

23. The response to comment #25 is not acceptable. The remaining sidewalks should have been constructed during the next phase of development after the rehabilitation of the One Arlington tower. These sidewalks are a cost that must be borne by the Master Association and the Declarations should be revised to make this clear.

RESPONSE: Sidewalks are ALWAYS built when adjacent land is developed. Current users of the affected Lots do not use the sidewalks around the site because they do not go anywhere. Also, historically, the Village required One Arlington to build the sidewalks when the One Arlington building and improvements were constructed. The Village required that the developer of Payton Place build the sidewalks along Payton Place Drive to Salt Creek Lane, as part of their building permit process. Also required was that Payton Place make the Euclid improvements and bike path conditions precedent to Payton Place receiving its Certificate of Occupancy. There are easements, blockages, fences, etc. over which the

Association has not control in order to build. The Lot owners making the improvements to their Lot should do the adjacent work.

24. The response to comment #26 is unacceptable. As discussed, the crosswalk and pedestrian signal are a Master Association cost, and per the existing PUD (Ord 12-039), they shall be constructed at such time as the City of Rolling Meadows installs a sidewalk on the east side of Rohlwing Road from Cardi[n]al Street to Euclid Av[e]nue. This must be made clear in the revised Declarations.

RESPONSE: The Master Association did not exist until January, 2019. The obligor and this obligation has been passed down to the respective Lot Owners. As set forth in response to the Village's comment #23 the Lot owners making the improvements to their Lot should do this work. The whole timing of the crosswalks and pedestrian signal is a Cook County issue.

26. The response to comment #28 is noted. Please make the following additional change: Section 5(c).ii, remove the word "required" from the following: "...if such median is approved and required by Cook County DOT..."

RESPONSE: Requested language added.

Additional Comments Based on Revised Declarations:

29. The definition of "Access Aisles" is very specific. Does the petitioner for[e]see the potential for future access drives constructed within the PUD that may require an amendment to the Declarations?

RESPONSE: The only additional Access Drive will be associated with Future Lot 6. When Lot 6 is developed there will be an extension of the existing 27' Access Drive from Stonegate Boulevard directly north to Salt Creek Lane, which is presently the easternmost 27 feet of Lot 16 of Arlington Downs Office Center Subdivision.

30. On the definition of "Traffic Signal," please remove the language "may be" and "after sufficient traffic warrants are met from the PUD."

RESPONSE: Requested change made.

31. Section 4.f, please remove "parallel" and substitute with "future on-street parking."

RESPONSE: Requested language added.

32. The definition of "Lots" does not appear to contemplate the Future Lot 6 lot. Please either revise the definition of "Lots" to contemplate the Future Lot 6, or include within Section 34 language that clarifies Future Lot 6 shall be included within the definition of Lots if and when it is created.

RESPONSE: Please review Section 34 of the proposed Amended & Restated Declaration, which covers this issue in detail.

33. Section 34: Please remove reference to Lot 16 not being part of the PUD. Lot 16 was added to the PUD in 2014 via Ord. 14-025.

RESPONSE: Requested change made.

34. The definition for “Lot 1B Garage” should be changed to “Lot 1B Parking Garage” for consistency with the recent redlined changes. Section 5(b) title should reference Lot 1B Parking Garage.

RESPONSE: Requested change made.