

Prepared by and return to:
Village of Arlington Heights
33 S. Arlington Heights Road
Arlington Heights, Illinois 60005
Attention: Village Clerk

VILLAGE OF ARLINGTON HEIGHTS

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING ORDINANCE NO. 20-022
(2400 S. ARLINGTON HEIGHTS ROAD)

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF ARLINGTON HEIGHTS
THIS ____ DAY OF _____, 2023.

Published in pamphlet form
by the authority of the
President and Board of Trustees
of the Village of Arlington Heights,
Cook County, Illinois this
_____ day of _____, 2023

Village Clerk

AN ORDINANCE AMENDING ORDINANCE NO. 20-022
(2400 S. ARLINGTON HEIGHTS ROAD)

WHEREAS, Paragon Mechanical, Inc. (“**Applicant**”) is the owner of that certain property located in the B-2 General Business District (“**B-2 District**”), commonly known as 2400 S. Arlington Heights Road, Arlington Heights, Illinois, and legally described in Exhibit A attached to and, by this reference, made a part of this Ordinance (“**Property**”); and

WHEREAS, on July 20, 2020, the Village Board adopted Ordinance No. 20-022, approving the rezoning of the Property into the B-2 District, and granting a temporary two-year land use variation to allow the use of the Property for a contractor shop; and

WHEREAS, Applicant desires to amend Ordinance No. 20-022 to (i) modify the landscaping requirements set forth in the Ordinance, and (ii) eliminate the two-year deadline set forth in Ordinance No. 20-022 for submitting a complete Plan Commission application and redevelopment plan for the Property (“**Proposed Amendment**”); and

WHEREAS, pursuant to Section 6.15-1.2(a) of “the 2002 Comprehensive Amendment of the Zoning Ordinance of the Village of Arlington Heights,” as amended (“**Zoning Code**”), landscape screening along parking areas must be at least three feet high; and

WHEREAS, pursuant to Section 6.15-1.2(b) of the Zoning Code, landscaped parking islands improved with at least one live shade tree, at a minimum of four inches in diameter, must be installed at the end of certain parking rows; and

WHEREAS, the Applicant desires to perform site work and install landscaping on the Property that does not meet the requirements of Sections 6.15-12(a) and (b) of the Zoning Code; and

WHEREAS, pursuant to Section 12 of the Zoning Code, the Applicant has filed an application for (i) the Proposed Amendment, and (ii) variations from Sections 6.15-12(a) and (b) of the Zoning Code (collectively, the “**Requested Relief**”); and

WHEREAS, a public hearing of the Plan Commission of the Village to consider approval of the Requested Relief was duly advertised in the *Daily Herald* newspaper on October 25, 2022, and held on November 9, 2022; and

WHEREAS, on November 9, 2022, the Plan Commission made findings and a recommendation against the Requested Relief; and

WHEREAS, the President and Board of Trustees have determined that only the Proposed Amendment portion of the Requested Relief, with additional conditions as set forth in this Ordinance, meets the required standards for variations as set forth in Section 12.2 of the Zoning Code; and

WHEREAS, the President and Board of Trustees have determined that the variations from Sections 6.15-12(a) and (b) of the Zoning Code portion of the Requested Relief does not meet the required standards for variations as set forth in Section 12.2 of the Zoning Code; and

WHEREAS, the President and Board of Trustees have determined that it will serve and be in the best interest of the Village to grant only the Proposed Amendment portion of the Requested Relief, subject to the conditions, restrictions, and provisions of this Ordinance;

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

SECTION 1. RECITALS. 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 2. AMENDMENT TO ORDINANCE NO. 20-022. Subject to, and contingent upon, the conditions, restrictions, and provisions set forth in Section 3 of this Ordinance, and in accordance with the home rule powers of the Village, Ordinance No. 20-022 is hereby amended as follows:

- A. Condition #8 in Section 4 of Ordinance No. 20-022, restricting the term of the land use variation granted in that Ordinance to two years unless the Applicant submitted a complete application and redevelopment plan for the Property to the Village, is hereby deleted and is of no force or effect.
- B. The land use variation granted in Ordinance No. 20-022 will continue in effect without a two year term restriction in accordance with, and subject to, the terms of this Ordinance and the Zoning Code.

SECTION 3. CONDITIONS. Notwithstanding any use or development right that may be applicable or available pursuant to the provisions of the Zoning Code, the approvals granted pursuant to Section 2 of this Ordinance are hereby expressly subject to, and contingent upon, the development, use, and maintenance of the Property in compliance with each and all of the following conditions:

- A. Compliance with Regulations. Except to the extent specifically provided otherwise in this Ordinance, the development, use, operation, and maintenance of the Property must comply at all times with all applicable Federal, State, and Village statutes, codes, ordinances, and regulations, as the same have been or may be amended from time to time. All future changes and modifications to the Property must fully comply with applicable zoning and land use regulations then in effect.
- B. Compliance with Plans. Except for minor changes and site work approved by the Village Director of Building & Life Safety (for matters within their permitting authority) in accordance with all applicable Village standards, the development, use, operation, and maintenance of the Property must substantially comply with the Village Recommended Alternative Landscape Plan prepared by Design Perspectives, Inc. and consisting of two sheets, with a last revision date of May 16, 2023, a copy of which is attached to and, by this reference made a part of this Ordinance as Exhibit B ("**Plans**").
- C. Completion of Sitework and Landscape Work. The Applicant must (1) obtain all required building permits for all sitework and landscape work depicted in the Plans on or before March 29, 2024, and (2) complete all sitework and landscape depicted in the Plans, to the Village's satisfaction, no later than September 30, 2024, or a later date approved by the Village Manager in their sole discretion.

- D. Performance Guarantee. Applicant must provide the Village with a compliance bond for completion of the sitework and landscape work in the Plans, when and as required by Section 6.15-7 of the Zoning Code.

SECTION 4. RECORDATION; BINDING EFFECT. A copy of this Ordinance will be recorded on title to the Property with the Cook County Clerk's Recording Division. This Ordinance and the privileges, obligations, and provisions contained herein inure solely to the benefit of, and are binding upon the Applicant.

SECTION 5. FAILURE TO COMPLY WITH CONDITIONS. Upon the failure or refusal of the Applicant to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, as applicable, the approvals granted in Section 2 of this Ordinance may, at the sole discretion of the Village President and Board of Trustees, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village President and Board of Trustees may not so revoke the approvals granted in Section 2 of this Ordinance unless they first provide the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Village President and Board of Trustees. In the event of revocation, the development and use of the Property will be governed solely by the regulations of the B-2 District and the applicable provisions of the Village Code, as the same may, from time to time, be amended. Specifically, and without limitation of the foregoing, upon revocation of this Ordinance pursuant to this Section 5, the Property may not be used for a contractor shop or for any other use that is not permitted as of right in the B-2 District. Further, in the event of such revocation, the Village Manager and Village Attorney are hereby authorized and directed to bring such enforcement action as may be appropriate under the circumstances.

SECTION 6. AMENDMENTS. Any amendments to the approvals granted in Section 2 of this Ordinance that may be requested by the Applicant after the effective date of this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Village Code.

SECTION 7. SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance are to remain in full force and effect, and will be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 8. EFFECTIVE DATE.

- A. 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;
 2. The filing by the Applicant with the Village Clerk of an Unconditional Agreement and Consent, in the form of Exhibit C 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; and
- B. In the event the Applicant does not file fully executed copies of the Unconditional Agreement and Consent, as required by Section 8.A.2 of 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 ____ day of _____, 2023

Village President

ATTEST:

Village Clerk

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

PARCEL 1:

THAT PART OF LOT 7 OF AUGUST BUSSE'S DIVISION OF PARTS OF THE EAST HALF OF SECTION 16, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE COUNTY OF COOK, STATE OF ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 7; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LOT 7 A DISTANCE OF 190.00 FEET TO A POINT ON THE SOUTH LINE OF LOT 7 FOR A POINT OF BEGINNING, SAID POINT BEING 229.37 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT 7; THENCE NORTHERLY AND PERPENDICULAR TO SAID SOUTH LINE OF LOT 7 A DISTANCE OF 160.80 FEET TO A POINT; THENCE SOUTHWESTERLY ALONG A COMPOUND CURVE TO THE LEFT HAVING A RADIUS OF 420.00 FEET FOR AN ARC DISTANCE OF 44.70 FEET, WHICH FORMS AN ANGLE AT POINT OF TANGENT OF 104° 11' 50" TO THE LEFT OF SAID LAST NORTH LINE EXTENDED; THENCE SOUTHWESTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 123.00 FEET FOR AN ARC DISTANCE OF 182.21 FEET TO A POINT ON THE SOUTH LINE OF LOT 7; THENCE A EASTERLY ALONG THE SOUTH LINE OF LOT 7 A DISTANCE OF 118.71 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

THAT PART OF LOT 7 OF AUGUST BUSSE'S DIVISION OF PARTS OF THE EAST 1/2 OF SECTION 16, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 7; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LOT 7 A DISTANCE OF 190.00 FEET TO A POINT ON THE SOUTH LINE OF LOT 7 FOR A POINT OF BEGINNING, SAID POINT BEING 229.37 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT 7; THENCE CONTINUING EASTWARD ALONG SAID SOUTH LINE FOR A DISTANCE OF 178.01 FEET TO A POINT; THENCE NORTHERLY AND PERPENDICULAR TO SAID SOUTH LINE 166.87 FEET TO A POINT; THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 420.00 FEET FOR AN ARC DISTANCE OF 179.48 FEET WHICH FORMS AN ANGLE AT A POINT OF TANGENT OF 79° 42' 48" TO THE LEFT OF SAID LAST NORTH LINE EXTENDED; THENCE SOUTHERLY ALONG A LINE, SAID LINE BEING PARALLEL WITH THE LAST DESCRIBED NORTH LINE FOR A DISTANCE OF 160.80 FEET TO THE POINT OF BEGINNING.

PARCEL 3:

THAT PART OF LOT 8 (LYING NORTHERLY OF THE NORTHERLY LINE OF THAT PART OF SAID LOT 8 CONVEYED TO THE ILLINOIS STATE TOLL HIGHWAY COMMISSION BY DEED RECORDED OCTOBER 15, 1956 AS DOCUMENT 16726440) IN AUGUST BUSSE'S DIVISION OF PARTS OF THE EAST HALF OF SECTION 16, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPTING FROM SAID LOT 8 THAT PART THEREOF CONVEYED TO THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY BY WARRANTY DEED RECORDED APRIL 21, 1970 AS DOCUMENT 21139137 AND RECORDED MAY 3, 1970 AS DOCUMENT 21154328, AND ALSO EXCEPTING FROM SAID LOT 8 THAT PART TAKEN BY CONDEMNATION IN CASE 96L50469 DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EASTERLY LINE OF SAID LOT 8 WITH THE NORTHERLY RIGHT OF WAY LINE OF THE NORTHWEST TOLLWAY ACCORDING TO DOCUMENT 16726440; THENCE ON AN ASSUMED BEARING OF NORTH 58 DEGREES 23 MINUTES 56 SECONDS WEST ALONG THE SAID NORTHERLY RIGHT OF WAY LINE OF THE NORTHWEST TOLLWAY ACCORDING TO DOCUMENT 16726440 A DISTANCE OF 33.75 FEET; THENCE NORTH 7 DEGREES 44 MINUTES 56 SECONDS EAST 255.25 FEET TO THE NORTHERLY LINE OF SAID LOT 8; THENCE SOUTH 82 DEGREES 56

MINUTES 03 SECONDS EAST ALONG THE SAID NORTHERLY LINE OF LOT 8 A DISTANCE OF 27.48 FEET TO THE NORTHEAST CORNER OF LOT 8; THENCE SOUTH 7 DEGREES 01 MINUTES 35 SECONDS WEST ALONG THE EASTERLY LINE OF SAID LOT 8 A DISTANCE OF 269.24 FEET TO THE POINT OF BEGINNING, AS DESCRIBED IN THE FINAL JUDGMENT ORDER RECORDED MARCH 17, 1999 AS DOCUMENT 99260978) IN COOK COUNTY, ILLINOIS.

PARCEL 4:

THAT PART OF LOT 7 IN AUGUST BUSSE'S DIVISION OF PARTS OF THE EAST 1/2 OF SECTION 16, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED MAY 15, 1928 AS DOCUMENT 10023115, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 7; THENCE NORTH 82 DEGREES 56 MINUTES 03 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 7, A DISTANCE OF 27.48 FEET TO THE POINT OF BEGINNING; THENCE NORTH 7 DEGREES 44 MINUTES 56 SECONDS EAST, 61.80 FEET; THENCE NORTH 3 DEGREES 56 MINUTES 06 SECONDS EAST, 116.50 FEET; THENCE NORTH 82 DEGREES 15 MINUTES 15 SECONDS WEST, 44.00 FEET; THENCE SOUTH 7 DEGREES 44 MINUTES 45 SECONDS WEST, 7.92 FEET TO A POINT ON A NON TANGENTIAL CURVE, HAVING A RADIUS OF 420.00 FEET, CONCAVE TO THE SOUTHWEST WITH A CENTRAL ANGLE OF 3 DEGREES 33 MINUTES 09 SECONDS, A CHORD LENGTH OF 26.04 FEET AND A CHORD BEARING OF SOUTH 74 DEGREES 25 MINUTES 16 SECONDS EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE, 26.04 FEET; THENCE SOUTH 7 DEGREES 03 MINUTES 57 SECONDS WEST, 166.87 FEET TO THE SOUTH LINE OF SAID LOT 7; THENCE SOUTH 82 DEGREES 56 MINUTES 03 SECONDS EAST, ALONG SAID SOUTH LINE, 23.96 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

Commonly known as: 2400 S. Arlington Heights Road, Arlington Heights, Illinois.

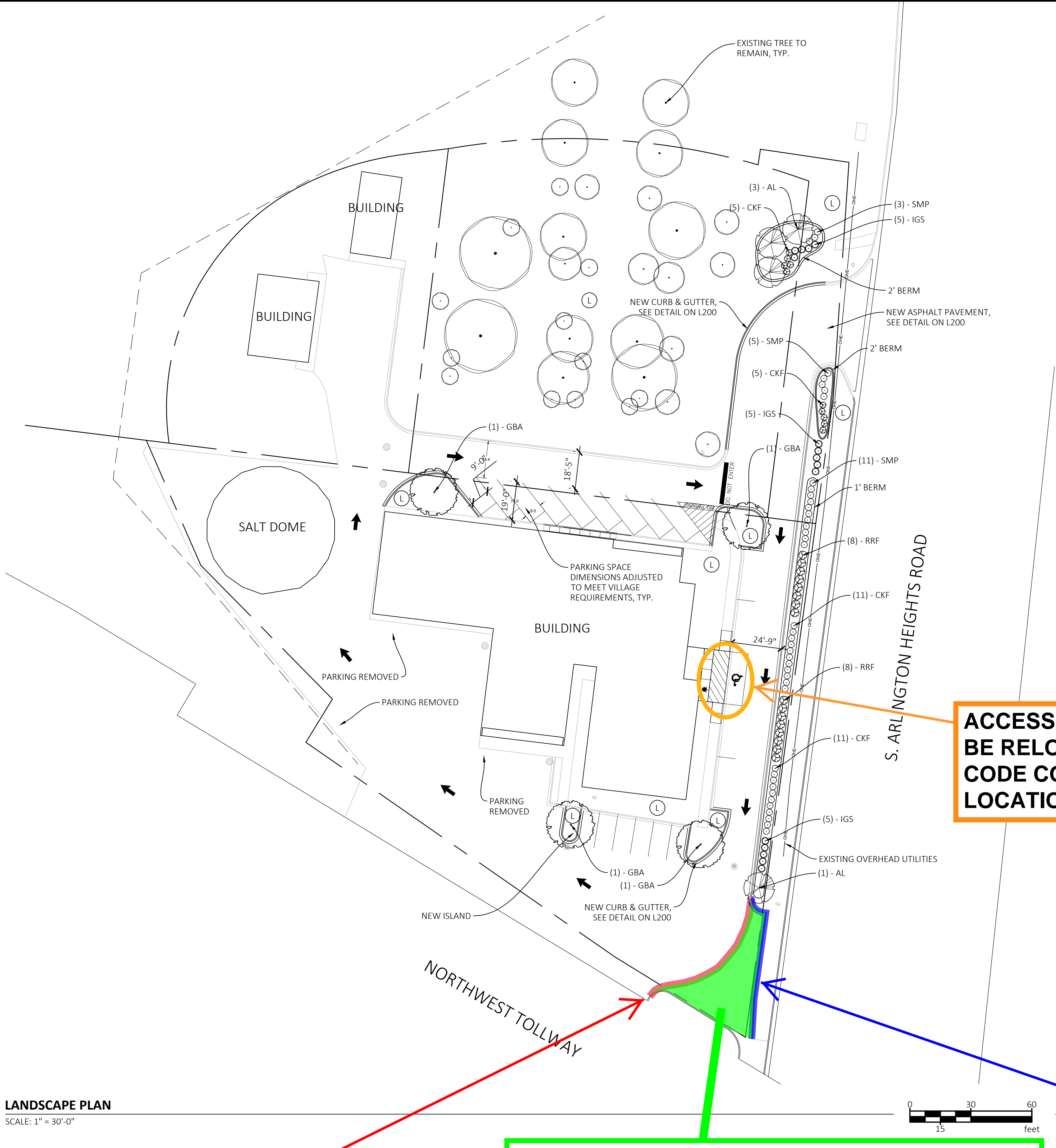
PIN: 08-16-400-033; 08-16-400-035

EXHIBIT B

LANDSCAPE PLAN

(attached)

VILLAGE RECOMMENDED ALTERNATIVE



LANDSCAPE PLAN
SCALE: 1" = 30'-0"

NEW CURB

LANDSCAPE BED TO INCLUDE A MIX OF ORNAMENTAL GRASSES, DECIDUOUS AND EVERGREEN SHRUBS AND ONE SHADE TREE

REMOVE CURB

LAWN SEED MIX	
% OF MIX	COMMON NAME
30%	GOALKEEPER PERENNIAL RYEGRASS
30%	TOP GUN PERENNIAL RYEGRASS
20%	BLUE CHIP KENTUCKY BLUEGRASS
20%	FREEDOM III KENTUCKY BLUEGRASS
APPLY SEED MIX AT 5 POUND PER 100 SQUARE FEET, OR AS OTHERWISE DIRECTED BY THE SEED PROVIDER.	
BASIS OF LAWN SEED MIXTURE IS 'FIELD OF DREAMS' ATHLETIC MIXTURE BY NATIONAL SEED, LISLE, IL. PHONE # 1-888-963-7333	

LEGEND	
	CANOPY TREE
	ORNAMENTAL TREE
	EXISTING TREE TO REMAIN
	SHRUB MASSING
	LAWN (SEED & BLANKET), TYP.

PLANTING SCHEDULE						
KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	COMMENTS
DECIDUOUS TREES						
GBA	4	GINKGO BILOBA 'AUTUMN GOLD'	AUTUMN GOLD GINKGO	4" CAL.	30' O.C.	B&B SPECIMEN
ORNAMENTAL TREES						
AL	4	AMELANCHIER LAEVIS	ALLEGHENY SERVICEBERRY	8' HT.	15' O.C.	SINGLE-TRUNK SPECIMEN
DECIDUOUS SHRUBS						
RRF	16	ROSA RUGOSA 'FRAU DAGMAR HASTRUP'	FRAU DAGMAR HASTRUP ROSE	#3 CONT.	48" O.C.	
SMP	19	SYRINGA MEYERI 'PALIBIN'	DWARF KOREAN LILAC	#3 CONT.	36" O.C.	
EVERGREEN SHRUBS						
IGS	15	ILEX GLABRA 'SHAMROCK'	SHAMROCK INKBERRY	#3 CONT.	36" O.C.	
ORNAMENTAL GRASSES						
CKF	32	CALAMOGROSTIS X 'KARL FOERSTER'	KARL FOERSTER FEATHER REED GRASS	#3 CONT.	36" O.C.	

LANDSCAPE ORDINANCE REVIEW: ARLINGTON HEIGHTS, ILLINOIS		
SPECIFIC ORDINANCE	CODE REQUIRES	COMPLIANCE
PARKING	LANDSCAPED ISLANDS EQUAL IN AREA TO AT LEAST ONE PARKING SPACE, PROTECTED BY DURABLE MATERIALS, AND CONTAINING AT LEAST ONE LIVE SHADE TREE AT A MINIMUM OF FOUR INCHES IN DIAMETER SHALL BE LOCATED AT THE END OF EVERY TWENTY PARKING SPACES. IN ADDITION, THESE ISLANDS SHALL BE LOCATED AT EACH END OF ALL ROWS OF CAR STALLS.	4" TREES PROVIDED IN PARKING LOT ISLANDS AS REQUIRED. SEE PLANS AND PLANTING SCHEDULE.
PARKING	ALL PAVED SERVICE AREAS ABUTTING A RESIDENTIAL DISTRICT OR OFF-STREET PARKING AREAS CONTAINING MORE THAN FOUR PARKING SPACES SHALL BE EFFECTIVELY SCREENED ON EACH SIDE ADJOINING ANY PUBLIC WAY BY A WELL-MAINTAINED WALL, FENCE, OR DENSELY PLANTED COMPACT HEDGE DESIGNED TO PROVIDE YEAR ROUND OPACITY OR BERM AND HEDGE. SUCH SCREENING SHALL BE THREE FEET HIGH ON THE FRONTAGE OF A PUBLIC WAY, EXCEPT THAT IN THE INTERESTS OF SAFETY, SO THE LINE OF SIGHT WILL NOT BE OBSTRUCTED, THE MINIMUM HEIGHT SHALL BE LOWERED AT STREET INTERSECTIONS AND DRIVEWAYS TO NOT LESS THAN 18-INCHES.	MIN. 3' HT. HEDGE PLANTINGS PROVIDED ALONG S. ARLINGTON HEIGHTS ROAD. SEE PLANS AND PLANTING SCHEDULE. BERMS ALSO ADDED INSIDE PROPERTY LINE. HEIGHTS VARY 1'-2'. SEE PLANS.

LANDSCAPE NOTES
1. SEE L200 FOR NOTES & DETAILS.

PROJECT NAME:
PROPOSED IMPROVEMENTS
2400 S ARLINGTON HEIGHTS RD
ARLINGTON HEIGHTS, IL 60005

OWNER NAME:
PARAGON MECHANICAL, INC.
2400 S ARLINGTON HEIGHTS RD
ARLINGTON HEIGHTS, IL 60005
p: 847.321.9428

CONSULTANTS:

Design Perspectives, Inc.
Grounded in Creativity

1167 HOBSON MILL DR. NAPERVILLE, IL 60540
T: (630) 606-0776 • WWW.DESIGN-PERSPECTIVES.NET

SUBMITTAL & REVISIONS	
1. 02/21/23 SCHEMATIC DESIGN	
2. 03/02/23 SCHEMATIC DESIGN REVISED	
3. 03/29/23 SCHEMATIC DESIGN REVISED	
4. 04/26/23 SCHEMATIC DESIGN REVISED	
5. 05/16/23 REQUESTED REVISIONS	

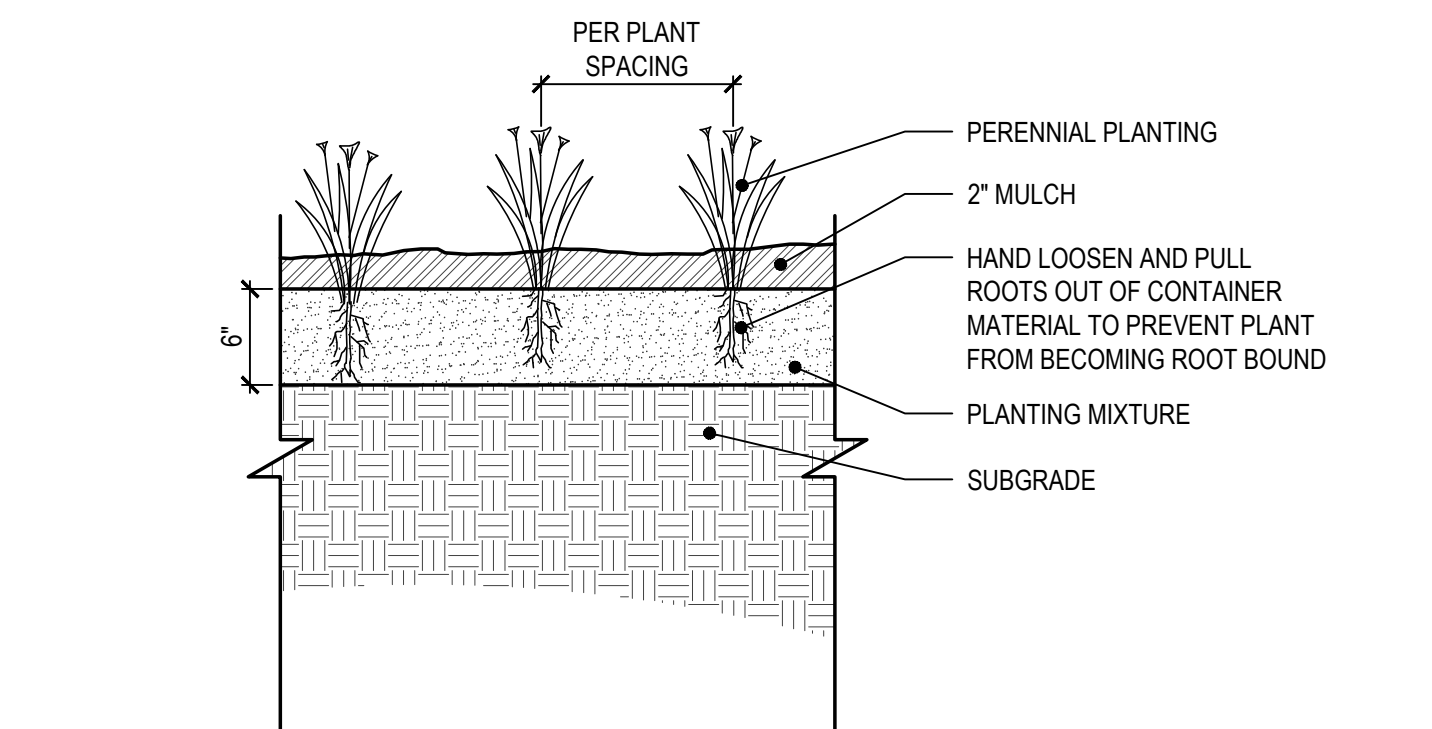
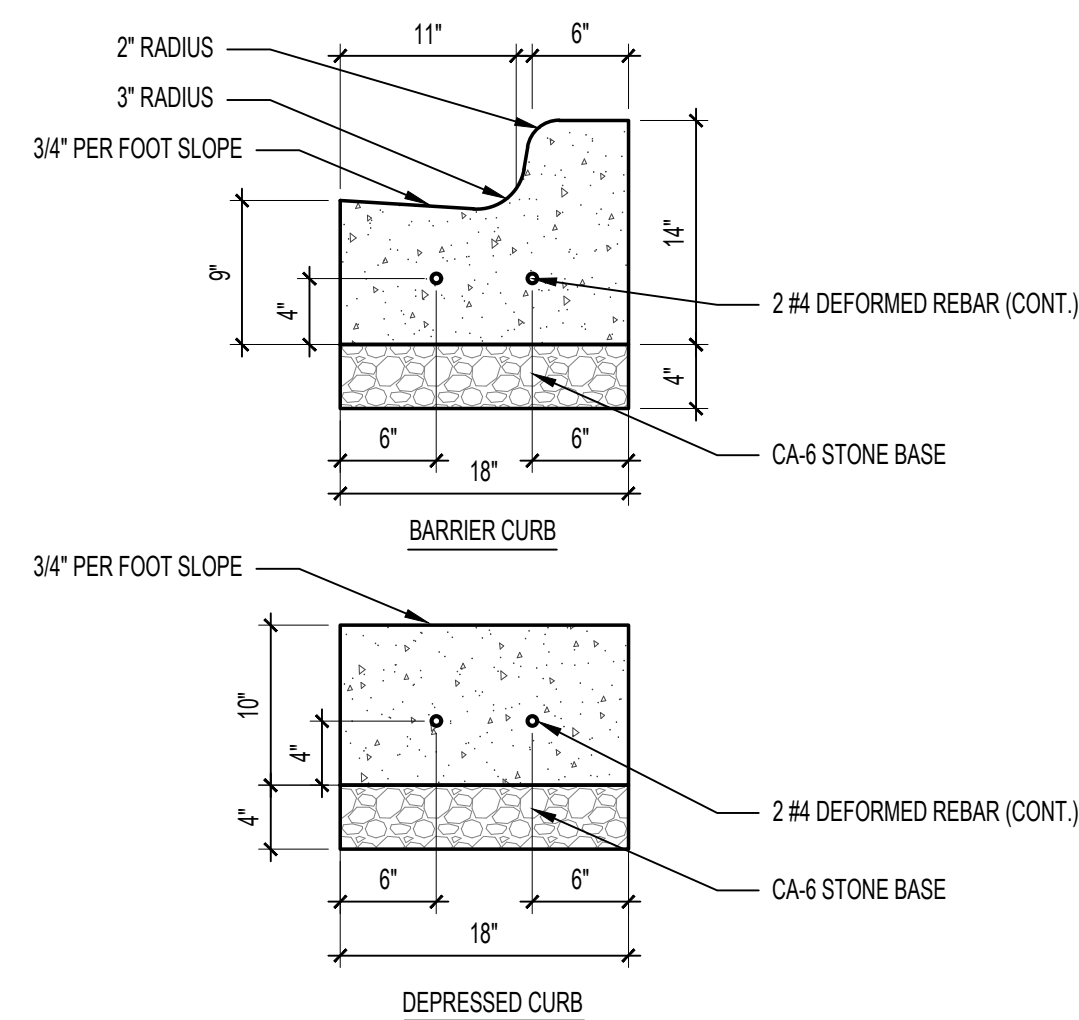
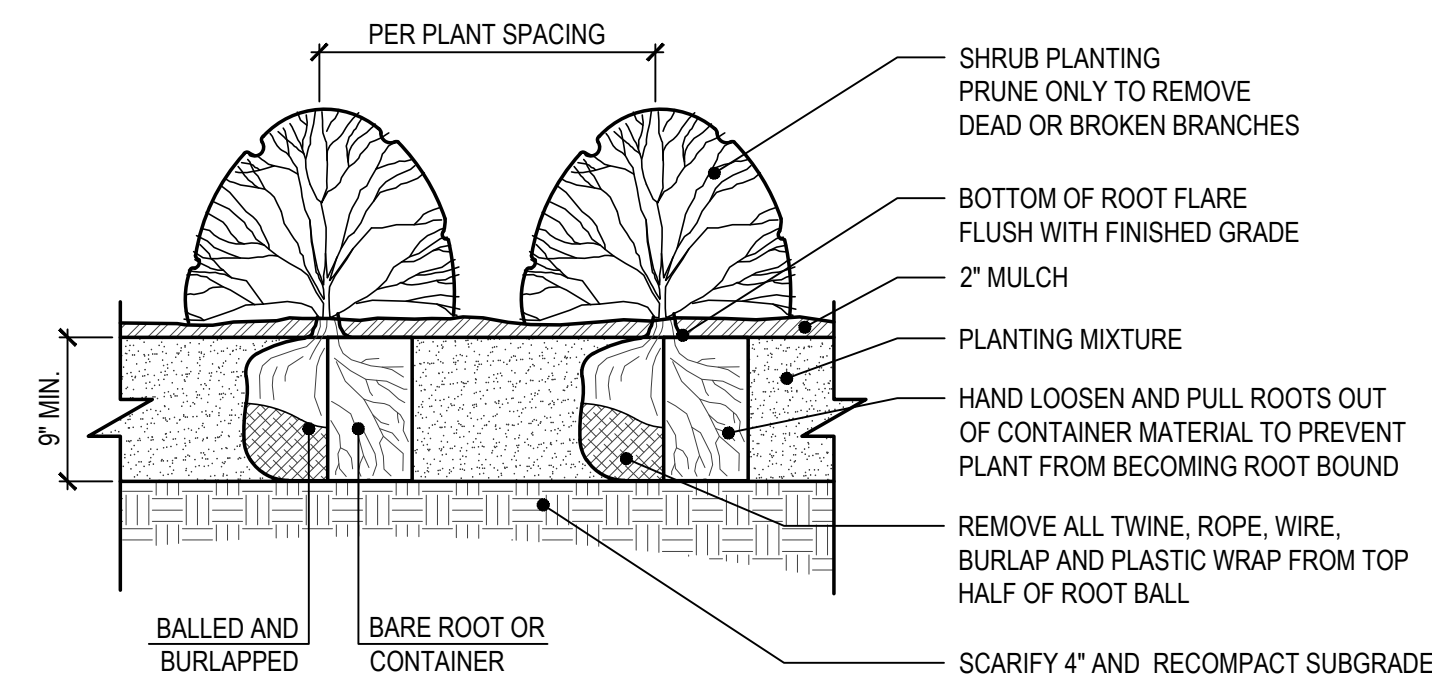
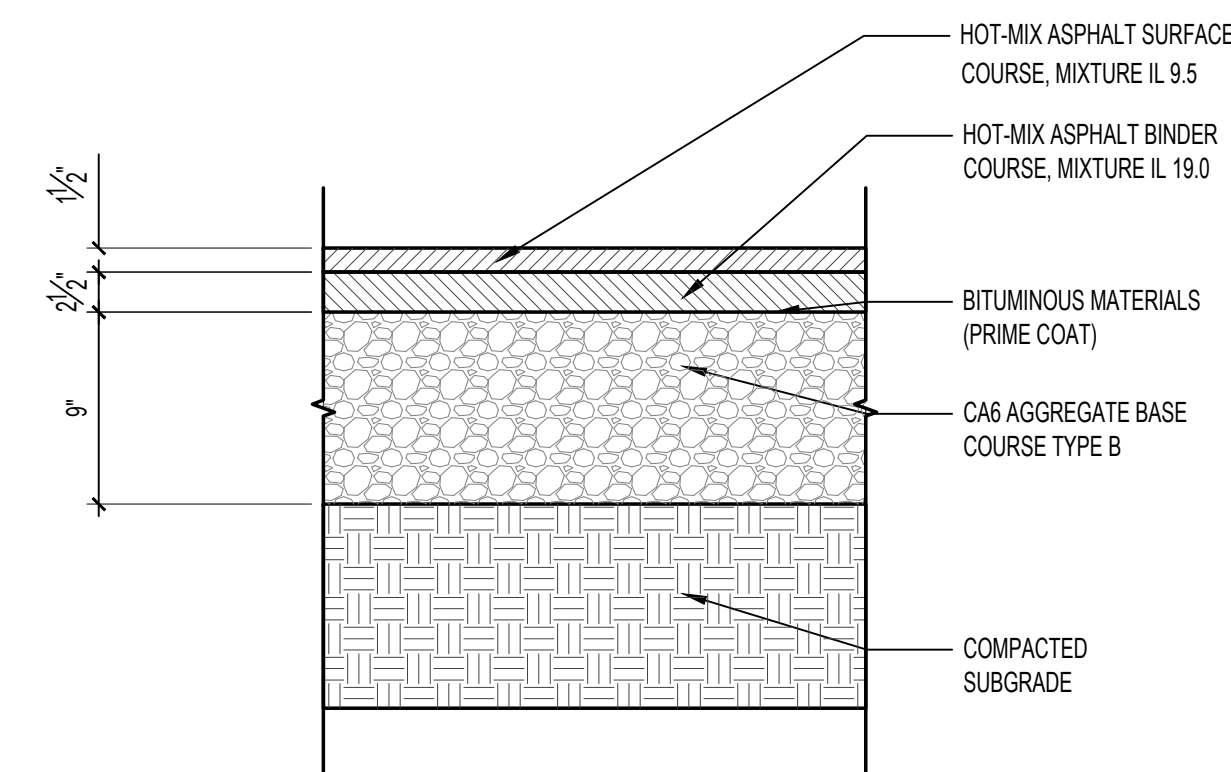
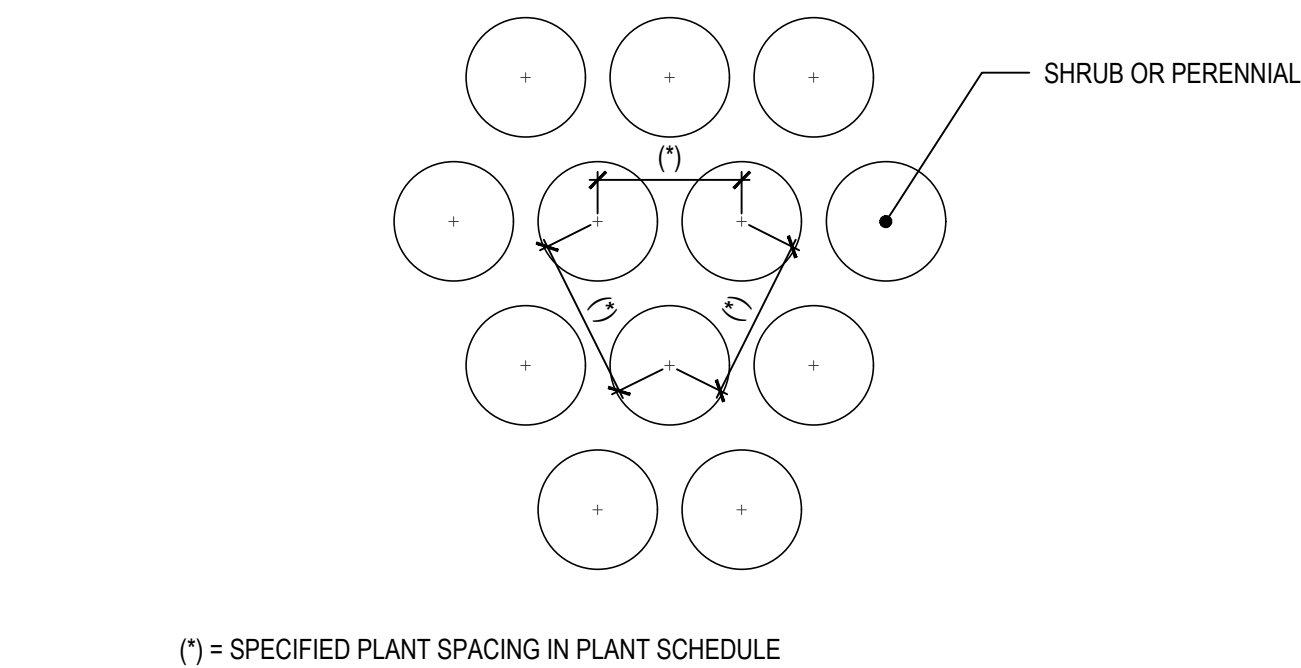
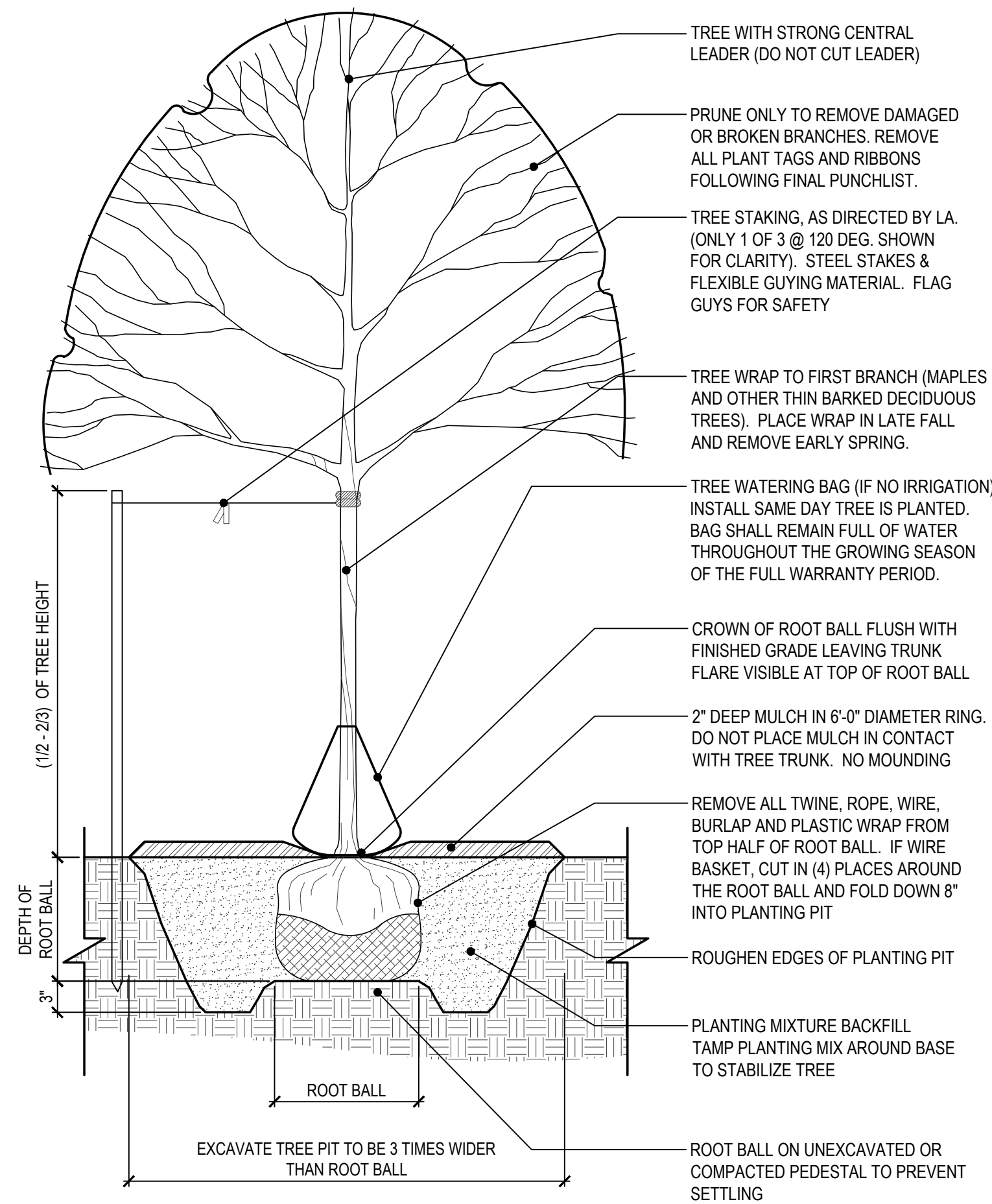
STAMP:

James J. Forrester

TITLE:
LANDSCAPE PLAN

SHEET:
L100

DRAWN BY: JJF
CHECK BY: JRR
PROJECT #: DP-002



- ### PLANTING NOTES

1. THE CONTRACTOR SHALL OBTAIN AND PAY FOR ALL PERMITS AND FEES THAT MAY BE REQUIRED FOR HIS PORTION OF WORK.
2. THE CONTRACTOR SHALL CONTACT 811 PRIOR TO WORK.
3. IN CASE OF DISCREPANCIES BETWEEN THE PLAN AND THE PLANT LIST, THE GRAPHIC SYMBOLS SHOWN ON THE PLAN SHALL DICTATE.
4. PLANT MATERIALS:
 - 4.1. ALL PLANT MATERIALS SHALL MEET OR EXCEED THE AMERICAN STANDARDS FOR NURSERY STOCK, MOST CURRENT EDITION, AS SET FORTH BY AMERICAN ASSOCIATION OF NURSERYMEN.
 - 4.2. PLANTS SHALL BE EQUAL TO OR EXCEED THE MEASUREMENTS SPECIFIED IN THE PLANT LIST.
 - 4.3. PLANTS SHALL BE SOUND, HEALTHY, VIGOROUS AND FREE FROM INSECT PESTS, PLANT DISEASES, AND INJURIES.
 - 4.4. TREES SHALL HAVE STRAIGHT TRUNK WITH LEADER INTACT, UNDAMAGED AND UNCUT. BRANCHING MUST BE WELL DEVELOPED.
 - 4.5. ALL PLANT MATERIAL AND SEED SHALL BE PROVIDED FROM A NURSERY (WITHIN 200 MILES) WITH A SIMILAR PLANT HARDINESS ZONE AS PROJECT LOCATION.
 - 4.6. NO SUBSTITUTIONS OF PLANT MATERIALS WILL BE ALLOWED. IF PLANTS ARE NOT AVAILABLE, THE CONTRACTOR SHALL NOTIFY OWNER AND LANDSCAPE ARCHITECT PRIOR TO BID IN WRITING.
 - 4.7. ALL PLANTS ARE SUBJECT TO INSPECTION AND APPROVAL. THE LANDSCAPE ARCHITECT AND OWNER RESERVE THE RIGHT TO SELECT AND TAG ALL PLANT MATERIAL AT THE NURSERY PRIOR TO PLANTING AND REJECT UNACCEPTABLE PLANT MATERIAL AT ANY TIME DURING THE PROGRESS OF THE PROJECT.
 - 4.8. CONTRACTOR SHALL NOTIFY LANDSCAPE ARCHITECT IN WRITING PRIOR TO BID DATE OF ANY PLANTS THEY FEEL MAY NOT SURVIVE IN LOCATIONS NOTED ON PLANS.
5. TOPSOIL & PLANTING MIXTURES:
 - 5.1. ENSURE THAT SOIL CONDITIONS AND COMPACTION ARE ADEQUATE TO ALLOW FOR PROPER DRAINAGE AROUND THE CONSTRUCTION SITE. UNDESIRABLE CONDITIONS SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT PRIOR TO BEGINNING OF WORK. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ENSURE PROPER SURFACE AND SUBSURFACE DRAINAGE IN ALL AREAS
 - 5.2. SALVAGE TOPSOIL FROM THE EARTHWORK AREAS AS APPROPRIATE AND/OR AS DIRECTED BY LANDSCAPE ARCHITECT AND STOCKPILE FOR REUSE IN LOCATION APPROVED BY OWNER.
 - 5.3. TOPSOIL SHALL BE MATERIALS CONSISTING OF FERTILE, FRIABLE, FINE SANDY LOAM, UNIFORM IN COMPOSITION AND FREE OF SUBSOIL, STONES, LUMPS, CLODS OF HARD EARTH, PLANTS, PLANT ROOTS, STICKS, NOXIOUS WEEDS, SLAG, CINDERS, DEMOLITION DEBRIS OR OTHER EXTRANEOUS MATTER OVER 1" IN LARGEST DIMENSION.
 - 5.4. EXISTING TOPSOIL SHALL BE PREPARED BY THOROUGHLY MIXING IN COMPOST AT THE RATE OF 1/3 VOLUME OF SOIL REPLACED.
 - 5.4. TOPSOIL SHALL BE TESTED AND AMENDED (AS SPECIFIED BY THE TESTING AGENCY) TO THE FOLLOWING:
 - 5.4.1. ADJUST SOIL TO A pH OF 6.0 TO 6.5.
 - 5.4.2. ORGANIC MATTER: 4% MIN, 10% MAX
 - 5.4.3. AVAILABLE PHOSPHORUS: 25 PPM, MIN
 - 5.4.4. EXCHANGEABLE POTASSIUM: 125 PPM, MIN
 - 5.5. THE FOLLOWING FERTILIZERS SHALL BE USED AS FOLLOWS, OR ALTERNATIVES SUBMITTED BY CONTRACTOR TO OWNER AND LANDSCAPE ARCHITECT FOR APPROVAL:
 - 5.5.1. TREES & SHRUBS = 14-4-6 BRIQUETTES @ 17g
 - 5.5.2. LAWN = HIGH NITROGEN STARTER FERTILIZER
 - 5.6. LAWN SEED & BLANKET AREAS SHALL RECEIVE A MINIMUM OF 4" DEPTH OF TOPSOIL.
 - 5.7. PLANTING BEDS SHALL RECEIVE MINIMUM 6" DEPTH OF AMENDED TOPSOIL.
 - 5.8. NATIVE LANDSCAPE SEEDING AREAS SHALL RECEIVE A MINIMUM 18" DEPTH OF TOPSOIL.
6. MULCH MATERIALS:
 - 6.1. ALL MULCH MATERIALS SHALL BE PROCESSED DOUBLE SHREDDED HARDWOOD BARK MULCH OF UNIFORM SIZE. NO UTILITY MULCH OR PROCESSED TREE TRIMMINGS WILL BE ALLOWED. SUBMIT SAMPLE TO ARCHITECT.
 - 6.2. MULCH SHALL BE 2-INCH THICK MINIMUM COVERAGE IN ALL AREAS OF TREE PITS OR PLANTING BEDS, UNLESS OTHERWISE NOTED.
 - 6.3. MULCH SHALL BE HELD 1" BELOW SURFACE ELEVATION OF DOWNHILL SIDE OF WALK, SLAB, CURB, LAWN, ETC.
7. LANDSCAPE BED EDGING:
 - 7.1. ALL LANDSCAPE BED EDGING SHALL BE SHOVEL-CUT SPADE EDGE BETWEEN LAWN AREAS UNLESS OTHERWISE NOTED.
8. STORAGE & INSTALLATION:
 - 8.1. CONFIRM LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO START OF CONSTRUCTION.
 - 8.2. EXISTING TREES FOUND ON SITE SHALL BE PROTECTED AND SAVED UNLESS NOTED TO BE REMOVED OR ARE LOCATED IN AN AREA TO BE GRADED. NO VEHICLES OR EQUIPMENT ARE ALLOWED WITHIN THE DRIP LINE OF TREES TO BE PROTECTED. QUESTIONS REGARDING EXISTING PLANT MATERIAL SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT PRIOR TO REMOVAL.
 - 8.3. PRUNING AND REMOVAL OF BRANCHES ON EXISTING TREES SHALL BE DIRECTED IN THE FIELD BY OWNER OR LANDSCAPE ARCHITECT.
 - 8.4. EQUIPMENT, PLANTS AND ALL OTHER MATERIALS TO BE STORED ON SITE WILL BE STORED OUTSIDE OF THE DRIPLINE OF TREES TO BE PROTECTED AND PLACED WHERE THEY WILL NOT CONFLICT W/ CONSTRUCTION OPERATIONS.
 - 8.5. NEW PLANTING AREAS ARE TO BE TREATED WITH HERBICIDE (APPROVED BY STATE CHEMIST) TO KILL ALL EXISTING GROUND COVER. THERE SHALL BE A MINIMUM OF TWO (2) APPLICATIONS SEPARATED BY 10 DAYS. IF ALL EXISTING GROUND COVER VEGETATION IS NOT KILLED WITHIN 10 DAYS OF 2ND APPLICATION, A 3RD APPLICATION IS REQUIRED.
 - 8.6. WHERE PROPOSED PLANTINGS ARE INDICATED IN EXISTING PAVING AREAS, CONTRACTOR SHALL EXCAVATE A MINIMUM OF 2'-0" BELOW PAVING SURFACE.
 - 8.7. FINAL PLACEMENT OF PLANT MATERIALS, ETC., ARE SUBJECT TO APPROVAL BY OWNER AND LANDSCAPE ARCHITECT BEFORE PLANTING OPERATIONS ARE TO PROCEED. ALL TREE LOCATIONS SHALL BE MARKED WITH A WOOD STAKE OR FLAG INDICATING VARIETY AND SIZE OF TREE. ALL GROUND COVER AND PLANTING BED LINES SHALL BE MARKED W/ HIGHLY VISIBLE PAINT LINES W/ OCCASIONAL WOOD STAKES FOR REFERENCE. ALL STAKES SHALL BE REMOVED FOLLOWING PLANTING OPERATIONS. OWNER RESERVES THE RIGHT TO ADJUST PLANT LOCATIONS ON SITE.
 - 8.8. ALL DISTURBED AREAS OUTSIDE THE LIMITS OF WORK SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION AT NO ADDITIONAL COST TO THE OWNER.
 - 8.9. PRIOR TO FINAL PAYMENT, CONTRACTOR SHALL COORDINATE A FINAL INSPECTION WALK-THROUGH WITH OWNER AND LANDSCAPE ARCHITECT FOR OWNER ACCEPTANCE. THE LANDSCAPE ARCHITECT WILL PROVIDE A PUNCHLIST OF ANY DEFICIENCIES AND PROVIDE TO OWNER AND CONTRACTOR FOR REVIEW AND REMEDIATION.
9. MAINTENANCE:
 - 9.1. INCLUDE PRICING WITH THE BID FOR A 60-DAY MAINTENANCE PERIOD OF ALL LANDSCAPE PLANTINGS FOLLOWING COMPLETE INSTALLATION AND FINAL INSPECTION BY OWNER AND LANDSCAPE ARCHITECT. MAINTENANCE SHALL INCLUDE WATERING, WEEDING, CULTIVATING, MULCHING, MOWING, AND ALL OTHER NECESSARY OPERATIONS REQUIRED FOR PROPER ESTABLISHMENT OF LAWNS AND PLANTINGS.
10. WARRANTY:
 - 10.1. ALL LANDSCAPE PLANTINGS SHALL BE WARRANTED FOR A PERIOD OF ONE YEAR FOLLOWING 60-DAY MAINTENANCE PERIOD. AT THE END OF THIS PERIOD, PLANT MATERIAL TERMED DEAD OR UNSATISFACTORY (EXCEPT FOR DEFECTS RESULTING FROM ABUSE OR DAMAGE BY OTHERS, OR OTHER ACTS DETERMINED AS FORCE MAJEURE) BY OWNER AND LANDSCAPE ARCHITECT SHALL BE REPLACED AT NO ADDITIONAL CHARGE BY THE CONTRACTOR. THE REPLACEMENTS SHALL ALSO BE WARRANTED FOR 1 YEAR.

PROJECT NAME:

PROPOSED IMPROVEMENTS

400 S ARLINGTON HEIGHTS RD
ARLINGTON HEIGHTS, IL 60005

OWNER NAME:

**PARAGON
MECHANICAL, INC.**

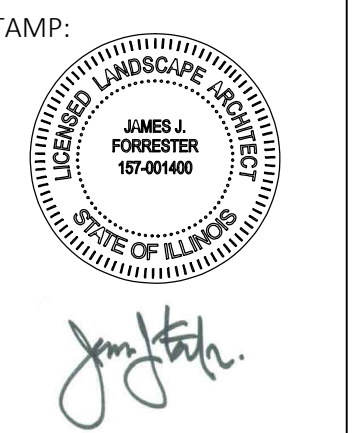
400 S ARLINGTON HEIGHTS RD
ARLINGTON HEIGHTS, IL 60005
p: 847.321.9428

CONSULTANTS:



T: (630) 606-0776 : WWW.DESIGN-PERSPECTIVES.NET

SUBMITTAL & REVISIONS	
1	02/21/23 SCHEMATIC DESIGN
2	03/02/23 SCHEMATIC DESIGN REVISED
3	03/29/23 SCHEMATIC DESIGN REVISED
4	04/26/23 SCHEMATIC DESIGN REVISED
5	05/16/23 REQUESTED REVISIONS



TITLE: **LANDSCAPE
NOTES & DETAILS**

SHEET:

DRAWN BY: JJF

CHECK BY: JRR

PROJECT #: DP-002



EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

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

WHEREAS, Paragon Mechanical, Inc. (***"Applicant"***) is the Applicant of that certain property located in the B-2 General Business District (***"B-2 District"***), commonly known as 2400 S. Arlington Heights Road, Arlington Heights, Illinois (***"Property"***); and

WHEREAS, Ordinance No. 2023-_____, adopted by the Village President and Board of Trustees on _____, 2023 (***"Ordinance"***), amends Ordinance Number 20-022; and

WHEREAS, Section 8 of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Applicant files, within 30 days following the passage of the Ordinance, its 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 Applicant hereby agrees and covenants as follows:

1. The Applicant hereby unconditionally agrees to, accepts, consents to, and will abide by, each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.
2. The Applicant 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 Applicant 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 amending of Ordinance Number 20-022 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 Applicant against damage or injury of any kind and at any time.
4. The Applicant 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 the Village's adoption of the Ordinance amending Ordinance Number 20-022.

[SIGNATURES ON FOLLOWING PAGE]

Dated: _____, 2023

ATTEST:

PARAGON MECHANICAL, INC.

By: _____

By: _____

Its: _____

Its: _____