

PLAN

REPORT OF THE PROCEEDINGS OF A PUBLIC HEARING
BEFORE THE VILLAGE OF ARLINGTON HEIGHTS
PLAN COMMISSION

COMMISSION

RE: 2201 NORTH CHESTNUT AVENUE TOWNHOMES - 2201 NORTH CHESTNUT AVENUE & 315 WEST RAND ROAD - PC #23-011
PRELIMINARY PLAT OF SUBDIVISION, REZONING FROM R-1 TO R-6 FOR LOT 2 AND R-1 TO B-2 FOR LOT 1, COMPREHENSIVE PLAN AMENDMENT, SPECIAL USE PERMIT TO ALLOW MINOR AUTO REPAIR ON LOT 1 AND VARIATIONS

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Plan Commission Meeting taken at the Arlington Heights Village Hall, 33 South Arlington Heights Road, 3rd Floor Board Room, Arlington Heights, Illinois on the 24th day of April, 2024 at the hour of 7:30 p.m.

MEMBERS PRESENT:

BRUCE GREEN, Acting Chairperson
LYNN JENSEN
JOE LORENZINI
GEORGE DROST
JOHN SIGALOS
JAY CHERWIN

ALSO PRESENT:

SAM HUBBARD, Development Planner

ACTING CHAIRPERSON GREEN: I would like to call the Village of Arlington Heights Plan Commission to order, April 24th, 2024.

Our first agenda item is to recite the Pledge.
(Pledge of Allegiance recited.)

ACTING CHAIRPERSON GREEN: Sam, can you take attendance, please?

MR. HUBBARD: Commissioner Cherwin.

COMMISSIONER CHERWIN: Here.

MR. HUBBARD: Commissioner Drost.

COMMISSIONER DROST: Here.

MR. HUBBARD: Commissioner Ennes.

(No response.)

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: Yes, here.

MR. HUBBARD: Commissioner Green.

ACTING CHAIRPERSON GREEN: Here.

MR. HUBBARD: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Here.

MR. HUBBARD: Commissioner Sigalos.

COMMISSIONER SIGALOS: Here.

MR. HUBBARD: Vice Chair Warskow.

(No response.)

MR. HUBBARD: Chair Dawson.

(No response.)

MR. HUBBARD: All right, we do have a quorum but are without a Chair this evening. I'm going to volunteer and nominate Mr. Bruce Green for Chair this evening. If we would entertain a roll call or a voice vote on that?

COMMISSIONER DROST: What is his qualification? Has he ever served as --

MR. HUBBARD: He's an architect.

COMMISSIONER DROST: He's an architect. Has he served on this Board in the capacity of Chair?

MR. HUBBARD: Yes, I believe he has.

COMMISSIONER DROST: He has, all right.

ACTING CHAIRPERSON GREEN: I accept the nomination.

MR. HUBBARD: All in favor?

(Chorus of ayes.)

ACTING CHAIRPERSON GREEN: I'm so glad.

COMMISSIONER DROST: Yes, we did want to put that in the record.

ACTING CHAIRPERSON GREEN: Yes, okay. You guys are funny.

Our first order of business is approval of minutes, the Red Flag Resolution. Is there a motion to approve?

COMMISSIONER LORENZINI: I'll make that motion.

ACTING CHAIRPERSON GREEN: Is there a second?

COMMISSIONER SIGALOS: I'll second.

ACTING CHAIRPERSON GREEN: All those in favor say aye?

(Chorus of ayes.)

ACTING CHAIRPERSON GREEN: All those opposed?

COMMISSIONER CHERWIN: I'll abstain; I was not here.

ACTING CHAIRPERSON GREEN: Okay, motion carries.

Our first meeting tonight is, or public hearing is 2201 North Chestnut Avenue Townhomes.

Is the Petitioner here? If you guys could, whoever is going to speak tonight, come up and I'll swear you all in.

(Witnesses sworn.)

ACTING CHAIRPERSON GREEN: You're sworn in.

MS. BRUCKBAUER: Perfect.

ACTING CHAIRPERSON GREEN: So, before we start, and you'll give us your name and spell your last name for the court reporter, Sam, have all the public notices been made on this project?

MR. HUBBARD: They have.

ACTING CHAIRPERSON GREEN: Thank you. Please proceed, Kelle.

MS. BRUCKBAUER: Hello, thank you for your consideration and your time here tonight. My name is Kelle Bruckbauer, that's B-r-u-c-k-b-a-u-e-r. I'm with Tinaglia Architects. With me tonight is Mike Anderson from Haeger Engineering, as well as Chris and Nancy Plummer, they are the owners of the property.

We have worked very hard along with Staff to create what we believe is a winning solution for sort of a strange situation, land use-wise, at the north end of town. Arlington Performance Center is an automobile repair facility that has been in existence for several decades. Mr. Plummer is our client and the owner, and he has owned the facility for I believe 24 years. Prior to that, it was an automobile repair shop for another 35, so this is not a new land use for the area.

The entire automotive repair shop has frontage along Rand Road which you can see highlighted on the screen, and then it terminates at the intersection of Chestnut Street. That's at the north end of the site. Directly behind the Arlington Performance Center is a single-family residential home that Mr. Plummer also owns as a rental property. Across the street on Chestnut is a multi-family townhouse development, and farther down the street are single-family homes.

So, first and foremost, we want to address the unusual property boundary concern, if I know how to use this. On the left-hand side of your screen is the existing property with the existing property lines. As you can see, the commercial building currently straddles the two properties which clearly run contradictory to the use and the direction of the streets. Both of these properties are currently zoned R-1, so that's the commercial property along the front, and then just to the south is the single-family home.

So, we are proposing to reconfigure the center property line so that the commercial uses would be dedicated along Rand Road, and the residential would stay along Chestnut. On the commercial property, we initially proposed no changes to the property. We wanted to leave it as it was. However, in working with Staff, we have agreed to upgrade many of the details of the commercial property including the removal of several hundred square feet of asphalt in the parkways. We provided additional landscape islands, curbing, and striping for parking. The result is a fairly dramatic decrease in asphalt, but also a decrease in the available parking for the business which you should note is, we're intending on business remaining exactly as it is for the last 60 years. So, the business operations will remain the same.

At the same time, we're going to upgrade the residential property to conform with the use across the street on Chestnut, and we're proposing a five-unit rowhome development that was approved recently by the Design Commission. The rowhomes would all have two-car rear-loaded garages and five additional exterior parking stalls in the back for guest parking.

This is what it's going to look like. We worked very closely with Staff again and the Design Commission to create what we think is a very appealing and appropriate exterior aesthetic for the neighborhood. You see traditional materials such as fiber cement siding and stone at the base.

These units will be three stories in height, and they will range from approximately 2,300 square feet for the interior units, the three units on the inside of the building, and 2,800 square feet for the end units. Each unit will have three bedrooms and 3.5 baths. Then as you can see, the front of the building, you go up half a flight of stairs to the entry to be in it. So, when you get to the lower level, you're going to go down a half a flight of stairs, maybe a little bit more to get to a two-car garage, the mechanical areas, and the lower living areas. Then you would go up from the entry a half a flight of stairs to get to your main living areas which are going to be your kitchen, your main living room, and your dining room. Then up again to the sleeping areas which would contain three bedrooms and two bathrooms per unit.

That's all I have. I'm going to hand it over to Mike so that he can go over just some civil engineering aspects of the project. Oh, here is what the rest of the elevations look like I guess. Let's go through those, there we go.

MR. ANDERSON: Thanks.

My name is Mike Anderson from Haeger Engineering, A-n-d-e-r-s-o-n. Kelle introduced the project; I just want to talk about a couple of engineering issues that the project will be addressing.

First is along Chestnut right now in the existing state, Chestnut is kind of half a road, there's curb and gutter and public sidewalk on the west side, on the southwest side, but not on the property side that we're developing. So, Chestnut will be widened to a standard Village road width, curb and gutter installed, and public sidewalk, but I'll note there are several mature trees in the parkway area that we'll talk about a little later, but we were hoping to maintain as many of those as we could. There'll certainly be construction in the area with the sidewalk and a couple of utilities punching through, but we think the mature trees in that area, at least several of them could remain.

Then as you get along the Rand frontage, as Kelle mentioned, right now the existing auto shop has about just a big long driveway. It's a big paved asphalt expanse. The Village had pushed us, as Kelle mentioned, we were hoping to just leave that as it was, the Village had pushed us to soften that up, to define to narrow driveways and to add landscaping into that parkway. We did an initial submittal to IDOT. They confirmed that the same thing was to be required on their end.

So, that's what's proposed now is instead of just a continuous asphalt from the building to the curb, you have two defined entrances at either end of the parking lot. Along the angled parking in front of the building, there will be a curb installed between the parking spaces and the sidewalk. That curb will channel drainage into islands at the end of the row of parking, and those islands will have a pile of swale in it for stormwater treatment.

Speaking of stormwater, the townhome site, that area will have an underground detention vault to provide stormwater detention that's required by the Village and by

the MWRD here. That actually is going to serve both the townhome site and part of the automotive site. The automotive site, the drainage to Rand Road, the runoff amount and volume is going to be reduced by the addition of, by the subtraction of a lot of the impervious asphalt and the addition of these bio-swales.

So, that's kind of the big picture overview of engineering, and we're here to answer any specific questions that you may have.

ACTING CHAIRPERSON GREEN: Thank you, Mike.

Anything else, Kelle?

MS. BRUCKBAUER: No, that's it for me.

ACTING CHAIRPERSON GREEN: All right, Sam, could you give us the Village report, please?

MR. HUBBARD: Certainly.

Okay, so this property, as you heard, is made up of two lots, the existing Arlington Performance Center lot, and then just behind it, that's a single-family home. These lots were never formally subdivided, but they were annexed into the Village several decades ago, and upon annexation as all properties are, they were placed into the R-1 One-Family Dwelling District as default. The automotive repair facility was already in operation at the time of annexation, so it was a legally non-conforming use upon annexation into the Village. The Comprehensive Plan designates this property as single-family detached on the rear and commercial on the front, generally I think to correspond with the dual uses on the overall site, but not exactly aligning up to where those two uses actually exist.

The formal zoning actions being requested are: a preliminary plat of subdivision to subdivide the property into two lots; a rezoning of Lot 2 which is the townhome lot from the R-1 District to the R-6 Multi-Family Zoning District; and the rezoning of Lot 1 from the R-1 District to the B-2 General Merchandise District, I'm sorry, General Business District. Additionally, to align the Comprehensive Plan with the proposed rezoning, the Lot 1 property would be reclassified into the commercial designation, and the Lot 2 townhome lot would be reclassified into the moderate density multi-family designation. Finally, all auto repair uses are required to receive a special use permit in the B-2 District and because the Arlington Performance Center was already established prior to annexation, it never received a special use permit. So, a special use permit is required at this time.

Additionally, there are six variations requested, and I will go through those this evening, but relative to height, density, lot coverage and floor area ratio regulations, the townhomes are compliant.

The Petitioner appeared in front of the Conceptual Plan Review Committee back in June of last year, and the CPRC was generally supportive of this project and certainly supportive of the aesthetic improvements that were contemplated on the Performance Center site. The biggest issue was relative to the proposed setbacks for the townhomes which require variations. At that time, those setbacks were proposed at 10 feet along Chestnut and 15 feet at the northern side of the site for a 15-foot side yard setback.

I think there were questions from the Conceptual Plan Review Committee as to whether four townhomes may be more appropriate on the site rather than the five proposed, but I would note, as a result of that meeting, the development team went to the drawing board and made some changes. They slightly increased the size of the townhome lot and they changed the shape and location of the townhome building footprint to accommodate for some of the setbacks. They increased the front yard setback from 10 feet to 20 feet along

Chestnut, and 15 feet on the north side to 17 feet. Variations are still required, but the extent of the variations have been minimized.

On October 10th of last year, they appeared before the Design Commission and did receive a unanimous recommendation of approval with one requirement added relative to some of the colors on the building exterior.

So, here's an aerial of the subject property bounded in red. As you can see and as was referenced during the Petitioner's presentation, there is a large continuous drive aisle here along Rand Road that is completely asphalt. That does extend along to the Chestnut frontage a little bit and is all asphalt in that area as well. Additionally, some of the parking spaces actually encroach off of the subject property and into the IDOT right-of-way along the Rand Road frontage.

There will be a required dedication of public right-of-way; you can see the boundaries of the subject property actually extend into the street which is not unheard of, but not necessarily common. So, the Petitioner will be required to dedicate land as right-of-way and the new property line would essentially fall here as you can see with the laser pointer, and they will be required to make several improvements within the right-of-way, which I'll touch on in just a little bit.

The subject property is part of the Rand Road Corridor Beautification Plan. You can see it highlighted in red here. There are three aspects of the plan that were pertinent to this development proposal, and the plan called for the existing asphalt parkway and the large continuous curb cut along Rand Road to be replaced with a consolidated curb cut and landscaping within the parkway, along with parkway trees to be installed in compliance with Village and IDOT standards. The Petitioner's proposal does conform to this recommendation within the plan. They are eliminating one of the three curb cuts, kind of a continuous curb cut along Rand Road, so it will be replaced with just two curb cuts. They are going to be removing the asphalt in the parkway and installing parkway trees along Rand Road. Also, they will be installing parkway trees in the parkway along Chestnut.

Another aspect of the plan references some private property improvements and recommended that the subject property contain perimeter landscaping where it abuts the public right-of-way. As I mentioned before, the parking actually encroaches off of the property and into the public right-of-way, so there is currently no space to install that landscape perimeter along Rand Road. In coordination with IDOT and Staff review, the Petitioner has removed that encroachment of the parking spaces into the right-of-way, but there is no additional space to install a landscape screen there.

So, the Staff Development Committee believes this to be acceptable because there is no overall redevelopment proposed here. In order to install that landscaping along the Rand Road frontage, they would have to likely reduce the parking on site, and that parking is crucial for an auto repair use. In order to maintain business, they need an adequate amount of parking. However, if this property is ever substantially redeveloped, it will have to comply with the Rand Road Beautification Plan recommendations for landscape screening.

Finally, the plan calls for a median, a landscape median to be constructed in the Rand Road right-of-way, which could impact site access, but the Village is evaluating the potential for this median to actually be constructed farther to the northwest in this area, and if it's feasible, we'll have to study that and determine whether that median can be proposed and fit in this area. So, the recommendation in the plan should not impact site access this property.

All right, so here you can see the site plan and plat of subdivision showing the two lots. So, the first lot, Lot 1 is going to be the auto repair use, and the second lot, Lot 2 is going to contain the townhomes. They are requesting a rezoning, Lot 1 would be in the B-2 District, Lot 2 in the R-6 District. Lot 1 would be in the commercial designation of the Comp Plan, Lot 2 within the moderate density multi-family designation. They are proposing just one lot for the townhome development. Sometimes townhome developments contain a separate lot for each individual townhome unit, that's not what's being proposed in this situation, but if that were to be proposed, then multiple variations would be required and they would have to go back through a public hearing process. Again, only preliminary plat of subdivision approval has been requested at this point, so they will have to return before the Plan Commission at a public meeting to obtain final plat of subdivision approval.

But relative to the rezoning, the Staff Development Committee believes that these townhomes are a good transition and buffer use between the commercial uses on Rand Road and some of the higher traffic there, and then the single-family neighborhoods to the south and to the southwest. The rezoning is also consistent and the land use is consistent with the Chestnut Place Townhomes just across the street on Chestnut to the west, and consistent with a recent rezoning into the R-6 District on the north side of Rand Road which happened in 2021 for a multi-family development there.

In analysis of the Arlington Performance Center relative to special use approval criteria, we believe that the approval criteria has been met. We would note that this property has existed as an auto repair use for multiple decades without a history of complaints. But that being said, introducing multi-family uses in close proximity to an auto repair use can introduce potential use incompatibilities, so we are recommending three conditions of approval to allow these two uses to exist harmoniously, and those have been outlined in the Staff report. I'm happy to get into them this evening should the Plan Commissioners want more detail.

Before I get into some of the variations, I just want to point out that there is an existing billboard on the subject property, one of very few in Arlington Heights. It's located at the southeast, I'm sorry, the east corner of the property. You'll also notice here kind of like a T or a dead-end stub of the drive aisle on the property to the southeast. This property, when it was subdivided in 2020, included a condition that stated if the Arlington Performance Center establishes reciprocal rights for access, that this property would be required to establish access rights between the two. So, because of the existing billboard location here, the Staff Development Committee felt that there was not a legitimate need at this time to facilitate this cross connection, but there is a condition of approval that should the billboard be removed or should the Arlington Performance Center site be substantially redeveloped, that they would be required to grant access rights to the property to the southeast.

Also, there are several setback variations. The first one is the front yard along Chestnut for the townhomes. It's proposed at a 20-foot setback where 25 feet are required by code. We are supportive of this variation and we feel that there is a unique configuration to this lot; the north portion is already developed and will not change, and the shape of the lot is unique. It's a unique site. The proposed setbacks are generally compatible with the townhomes across the street which are set back approximately 25 feet from the right-of-way, so 20 feet versus 25 feet is substantially similar and compatible. So, we are supportive of the front yard setback variation.

Additionally, there is a side yard setback variation. The side yard setback distance is based on the overall lot width. The requirement is 10 percent of the overall lot

width of this lot which extends from here down to here. Given the triangular shape of the lot, you know, it provides a wide front which the requirement is based off of, but then narrowing lot lines as the lot goes to the rear, which makes it difficult to conform to those setback requirements. So, we did feel that the necessary criteria for approval were met there.

There is a setback variation required for the Arlington Performance Center building. There is no change to the building location. It's really only created by the new lot line, the dedication of right-of-way occurring on Chestnut Avenue. Then there is a setback variation on the side for the building. The setbacks for a B-2 property are based on the required setbacks of the neighboring residential property which is a 21.3 feet side yard setback in this case, so that applies to the commercial property as well. Again, because, you know, the building isn't moving, it's just really a reflection of the lot line being placed here, we felt the standards for approval have been met.

There is a variation request to waive the requirement for landscape islands at the ends of all parking rows which applies to the landscape islands in the rear of the property. We are supportive of this request, and we do note that the property does not include any landscape islands currently, and the Petitioner will be implementing extensive landscape improvements that are going to enhance the property to be compatible with the essential character of the locality. Again, we recognize there is, you know, a legitimate need for an automobile repair use to maintain a sufficient number of on-site parking stalls to conduct their business, and, you know, the variations for these landscape islands are really occurring towards the rear of the site and not highly visible so we are supportive of this variation.

However, the Staff Development Committee is asking the Petitioner to take a striped area of pavement that currently exists right in this location and turn that into a landscape island as would be required by code had there been substantial changes to the pavement in this area. We believe that this will enhance the site, provide a better aesthetic. Functionally, you know, if this area is left as just striped pavement, it could turn into an additional automobile storage or area for parking. We feel that a landscape island will be better. This really is not an appropriate area to park vehicles, and code would require a landscape island in that area. So, we're asking that this be implemented as part of these improvements.

Additionally, as you heard the Petitioner mention, there are several trees in the parkway that are existing and the Petitioner is proposing to save these trees as part of the redevelopment, but the Staff Development Committee is asking these trees to be removed and replanted with brand new parkway trees along this frontage. There are several reasons why we are requesting this.

The first reason is the majority of these trees are Siberian elms which are in a declining condition, and we did not feel that they have a very good chance of survival based on all the construction activity that will occur in close proximity. So, you know, within about two or three years, we could be faced with a situation where the Village would have to come out, take down the trees and then replant parkway trees in this area, and we would like to avoid that.

Additionally, this species of tree as a Siberian elm tree are not allowed as parkway trees per code. You can't plant them in the parkway as a new parkway; the reason being is they just don't tolerate some of the, you know, roadway conditions as good as other trees. They are prone to dropping of the limbs and they're just really not desirable from a forestry standpoint. So, we are asking that they be removed and replaced with code-compliant parkway trees in this location. Generally, the Village will always seek to preserve as many trees as possible, and it would be desirable to have mature trees stay. But since the species and the

condition, we are asking that they be removed as part of this redevelopment and replaced as approved parkway trees.

I'll touch briefly on the engineering. This site plan reorients the site, north is to the right side, but it fits a little bit better on the screen here. They are proposing a lot of public improvements. Again, there's going to be the new sidewalk along Chestnut, widening of Chestnut Avenue with curb and gutter, and replacement of all asphalt parkways with green space. Then there will be an underground stormwater detention vault on the property, and that will be connected to some catch basins on the Arlington Performance Center lot and then will drain here eventually going into a fairly large storm sewer main that leads out to Rand Road.

There is a small portion of the public sidewalk that would encroach off of the subject property, I'm sorry, would encroach into the subject property requiring an easement which needs to be added to the plat. Because these sites would share a common detention facility, they will be required to establish a shared maintenance agreement which will need to be presented as part of the final plat process. Likely, a declaration of covenants, conditions and restrictions will be established to outline some of the common maintenance here, and that draft needs to be provided as part of the final plat of subdivision review process.

Finally, there's a very small portion of stormwater capacity required, but not provided on the Arlington Performance Center lot that needs to be accommodated as a fee in lieu of on-site stormwater detention. So, that's another recommended condition of approval.

Lastly, relative to traffic and parking, the Petitioner has requested a waiver of the required traffic and parking study. From a traffic standpoint, you know, a net increase of four residential units is all that's being proposed here and that should really have a negligible impact on traffic during peak times. Relative to parking, both sides conform to code requirements and we don't anticipate a parking problem. The Arlington Performance Center will have to carefully manage their on-site storage of vehicles as they, you know, had an asphalt parkway in the past to park vehicles on which they really probably shouldn't have, but it existed. But now they won't have that option, so all automobile storage has to occur on-site, and if managed properly it should not be a problem.

So, that being said, the Village is recommending approval of the application subject to the conditions as outlined in the Staff report, and I'm happy to get into those. Thank you.

ACTING CHAIRPERSON GREEN: Thank you, Sam.

Is there a motion to enter the report?

COMMISSIONER DROST: I'll make that motion to accept the report.

ACTING CHAIRPERSON GREEN: Is there a second?

COMMISSIONER SIGALOS: I'll second.

ACTING CHAIRPERSON GREEN: All those in favor say aye?

(Chorus of ayes.)

ACTING CHAIRPERSON GREEN: All those opposed?

(No response.)

ACTING CHAIRPERSON GREEN: Motion carries.

Kelle, have you seen the green sheet with the 15 conditions of approval?

MS. BRUCKBAUER: Mine is not green, but yes, I have seen it.

ACTING CHAIRPERSON GREEN: Oh, okay, yours might be blue, but

whatever it is, do you agree with all of those?

MS. BRUCKBAUER: We do agree with all of those except for item Number 4.

ACTING CHAIRPERSON GREEN: Okay.

MS. BRUCKBAUER: Which, as Sam discussed, was the removal of the 11 trees in the parkway. We would really like to try to keep as many of those as possible. They're big mature trees and they provide a nice buffer to the, you know, street. So, we're hoping that we can, at the very least, work with Staff to try to determine which ones should stay and which ones should go.

ACTING CHAIRPERSON GREEN: Okay, well, that's something we can discuss, but the rest of them you're good?

MS. BRUCKBAUER: Oh, sorry. Number 6, the striped area, I don't know, Sam, if you have that slide? Number 6, the striped area at the southern end of the two parking stalls, there has been a drastic decrease in the number of parking stalls that Mr. Plummer now has on site. He does have a couple of employees who drive motorcycles seasonally, so we were hoping to keep that for motorcycle parking.

ACTING CHAIRPERSON GREEN: Okay, something else we can discuss. Keep going.

MS. BRUCKBAUER: That's it. Everything else is good.

ACTING CHAIRPERSON GREEN: Okay, we'll talk about Number 4 and Number 6, all right.

Any questions from the Commission before I open it up to the public?

COMMISSIONER JENSEN: Yes, just a couple of quick questions.

ACTING CHAIRPERSON GREEN: Sure.

COMMISSIONER JENSEN: So, these are townhouses for sale, not rental; is that right?

MS. BRUCKBAUER: Yes, they're sale.

COMMISSIONER JENSEN: What kind of price range are you looking at?

MS. BRUCKBAUER: We don't know that yet. We haven't gotten into construction documents yet, so once we do that and we start to get bids, we'll know what kind of price point we need to look at.

COMMISSIONER JENSEN: The other question is for Sam. So, you're going to have them rededicate some of that at Chestnut and make it wider. Are you going to do anything with the south of that property? Is the Village going to do anything? Are we just going to have it wide for, you know, a block and then it's going to go back to a size that's not appropriate?

MR. HUBBARD: I think to the south it's actually generally the correct width, as you can see here at, you know, I guess there is a slight, excuse me, there is a slight taper here in the street. But, yes, I mean, this right-of-way is needed and is triggered by the subdivision process. The taper is minimal here, you know, we'd be happy --

COMMISSIONER JENSEN: It's going to be where it should be roughly, I'm inferring.

MR. HUBBARD: Yes.

COMMISSIONER JENSEN: That was my question.

COMMISSIONER CHERWIN: Sam, that's the taper of the actual roadway, not the legal right-of-way, right?

MR. HUBBARD: Right. The right-of-way, you know, to the south is already

established and dedicated.

COMMISSIONER CHERWIN: So, what they're lining up is the actual legal bound, right, not necessarily --

COMMISSIONER JENSEN: Right, I just want to make sure we weren't having them build out wider and then all of a sudden we're coming back down again to a smaller size.

MR. HUBBARD: Got it, yes.

COMMISSIONER JENSEN: That's it. That's all I've got.

COMMISSIONER LORENZINI: Yes, Sam, item 5 talks about retaining walls?

MR. HUBBARD: Yes.

COMMISSIONER LORENZINI: Where?

MR. HUBBARD: The retaining wall, so there is going to be a retaining wall in this area right here. Additionally, there is going to be a retaining wall somewhere in the back here along the rear of the site.

COMMISSIONER LORENZINI: Okay, and again, 11 talks about a fee in lieu of for stormwater, but they have an underground vault.

MR. HUBBARD: Right, it's not quite sized adequately for the full capacity required, and I'm sure Mr. Anderson can get into more details, but generally, I think it's relative to just a small portion on Lot 1 side that is not tributary to this stormwater area and is going to be accommodated in the municipal system.

COMMISSIONER LORENZINI: Okay, part of the street improvements is going to be paid for by the Petitioner?

MR. HUBBARD: Correct, all of them, yes.

COMMISSIONER LORENZINI: Is that, which of the 15 items covers that or is that implicitly applied when the plans are approved?

MR. HUBBARD: Yes. Yes, all the required improvements are shown on the plans and approval will be subject to compliance with the plans submitted.

COMMISSIONER LORENZINI: Okay, that's all I have, thank you.

ACTING CHAIRPERSON GREEN: Thank you, Joe.

George, anything?

COMMISSIONER DROST: Yes, on the striped area, does that all have to be used for landscaping purposes or could it be divided into, you know, allow some motorcycles or for some automotive use rather than all or nothing?

MR. HUBBARD: I mean, without being a conforming parking stall, it really shouldn't be used for parking, but if the Plan Commission is so inclined, I'm sure we can come to some compromise in the landscape island size. Let's see. Glad you asked. Maybe something like this would be, I think the Staff Development Committee could agree to something like this. So it wouldn't be the full area of the striping but, you know, maybe you could get one motorcycle, but really, you know, unless it's a dedicated parking stall, you probably shouldn't be parking anything in it.

COMMISSIONER DROST: Yes, but I mean, this can be discussed following this meeting, you know, something that's open as well as the trees. You know, that sounds like it could be a reasonable, let's say request on the part of the Petitioner to save those trees and maybe with an agreement to replant something at a later date.

MR. HUBBARD: Yes, I'm sure we could discuss it. I had a conversation, a

lengthy conversation with our Forestry Division today, and they were recommending them all be removed but, you know, if the Plan Commission is so inclined, they could alter that condition and ask that we revisit them.

COMMISSIONER DROST: Yes, I mean, these were the ones that were pointed out, basically to kind of think it through and see what's reasonable to accommodate it. Is Joyce Comer still in the Forestry Department?

MR. HUBBARD: No, I don't think so. I don't recognize that name.

ACTING CHAIRPERSON GREEN: John?

COMMISSIONER SIGALOS: Yes, I was at the Conceptual Plan Review Committee meeting, and at that time my concern was the five guest parking spaces at the rear of the townhomes. There's no way to really get into, the guests that were parked there, to get into the townhomes without walking all the way around the building. I see that that still is the same location, so that is a concern of mine. Also, at that time, I was concerned about the five townhomes and if it was economically possible to reduce it to maybe four townhomes and make it less dense there. I'm assuming that that's not economically feasible?

MS. BRUCKBAUER: Yes, I think the number still needs to stay at five. We did hear your concern, so after that we sort of adjusted the width and the size of the units.

COMMISSIONER SIGALOS: Right.

MS. BRUCKBAUER: And also the placement on the site, hoping that that would sort of relieve some of your concerns, but I think financially we need to stay with the five units.

COMMISSIONER SIGALOS: Okay, and again, I could see, I guess there's really no other place to put those five guest parking spaces, but I mean, it's just a concern. I don't know how well it would be lit back there.

MS. BRUCKBAUER: It's just going to be building-mounted fixtures back there.

COMMISSIONER SIGALOS: So, on either side of the garage doors would be building-mounted light fixtures which would provide some light back there, but okay, that's really all I have for now. I like what you've done with the automotive center, that site. That really has improved it quite a bit. So, thank you.

MS. BRUCKBAUER: Thank you.

ACTING CHAIRPERSON GREEN: Jay?

COMMISSIONER CHERWIN: Yes, I guess just a couple. I might have totally missed this while I was taking notes, Sam, if you said it. Why, if the Petitioner is okay with keeping those trees in Chestnut, why is it the Forestry and the Village recommending they come down? I'm sorry.

MR. HUBBARD: Their condition is not good, so our Forestry Division thinks that given the construction activities that will occur right next to them, it's very likely that they will die, you know, within the next two or three years, and now the Village is on the hook for taking them down and planting the new parkway trees. Also, the species of the trees are just not highly desirable for parkway trees. They're not great parkway trees, they're not allowed by code. You know, if you're planting a new parkway tree, it can't be a Siberian elm, they're prone to limbs dropping and so forth.

COMMISSIONER CHERWIN: Yes, I got you, all right. Then I guess going back to the ownership, we're leaving this as one lot as opposed to carving it into individual lots, we mentioned that. And this is going to be ownership, so it's going to be like, it's going to be

condo, is it the way you're going to set it up?

MS. BRUCKBAUER: Association.

COMMISSIONER CHERWIN: But like a condominium as opposed to a townhome? Because I think the assessor, if it's not set up as a condo, I think it would be kind of a pain to try to carve these things up and deal with the Assessor's Office. So, I think if you're only doing one lot, you're probably going to have to be set on doing it on a condo ownership format, that would be my thought. Then the cross easement, you guys talked about.

Yes, I mean, you know, I don't have a problem with this. I think it's a nice development. I think it's generally an improvement.

I guess one other question I have for Sam because it comes up a lot, these linkage fees, so the situation in our ordinance is we're tearing down one unit and we're losing, you know, I guess what would be potentially an affordable place to live, but we're putting in five units, but the linkage fee is based on the five units, not the one old unit that's being given up; is that right?

MR. HUBBARD: Correct.

COMMISSIONER CHERWIN: Makes sense. Not really, but, so okay. So, that's just, that's the ordinance for affordable housing today. I have a lot of questions about it generally, but it's neither here nor there. Okay, so that's all. Thank you, Mr. Chairman.

PUBLIC COMMENT:

ACTING CHAIRPERSON GREEN: I think we'll open it to the public. If anybody would like to speak on this side of the room on this petition, come forward. Give us your name and spell your last name for the court reporter, and then give us your comment.

MR. HARRIS: Randy Harris, H-a-r-r-i-s. I live at 209 West LaSalle Street in this neighborhood. I've lived in the neighborhood for over 30 years.

I'm happy to see this development going in. It's certainly a great improvement from what's there at the moment, but I do have a couple of questions, mostly engineering.

Before they'd made improvements to Rand Road, I don't know, 10 or 15 years ago, you could turn left off of south or northbound Rand Road onto Chestnut, then they put that pork chop in there and made that a right turn in and out only. I was hoping given the improvements to Chestnut being a four-way street section, they could get rid of that pork chop, but I don't see that indicated on the engineering plans. Has there been any discussion of that?

MR. HUBBARD: Typically, the way it works is you would give your public comments and the Commissioners would take notes, and then they would redirect any questions back to Staff.

MR. HARRIS: Okay, I was just, you know, it would be nice to, you know, have that be a full, you know, be able to turn left onto Chestnut for that section.

My other question for the engineering was this vault, stormwater vault. When I was looking through your engineering plans, I didn't see any kind of a section on that or anything. What is that? I mean is that made out of concrete, or what is that?

MR. ANDERSON: There's a bunch of different options. This one we're showing here is a precast concrete.

MR. HARRIS: Precast concrete?

MR. ANDERSON: Yes.

MR. HARRIS: Why is it hashed more like that? Is that --

MR. ANDERSON: It's on --

ACTING CHAIRPERSON GREEN: Underground.

MR. HARRIS: Okay, all right.

MR. ANDERSON: So, it comes in different, yes, you just kind of like line them up here, put them together.

MR. HARRIS: So, it's only probably a couple of feet deep, right?

MR. ANDERSON: It is, yes.

MR. HARRIS: Okay. All right, the last thing I had is more of a question than a comment. Again, I've lived in this neighborhood for many years. There have been a number of single-family homes built along Chestnut over the years. None of those builders were ever required to make any street improvements until Arlington Performance proposed this.

Chestnut south of this side is a mess. It's a terrible street. It has no curb and gutter, no sidewalks. It's dangerous to drive on, dangerous, you know, for pedestrians, dangerous for bicycle riders.

My question is it would be nice to see when the street starts to get widened here just to keep going and clean up all of Chestnut Street, you know, and make it up to Village standards all the way down to like LaSalle Street where I live. Who do I take that up with? You know, is it Public Works? Is that the Village Board? Who makes decisions on those kinds of projects?

ACTING CHAIRPERSON GREEN: Well, that would be the Village Board. That's an improvement that they would have to --

MR. HUBBARD: Yes, the Village Board, I mean, you'd want to reach out to your Village Board. If it's a priority, made a priority by the Board, then the Village can allocate funding to make those improvements to the streetscape. Typically, those are done as part of a, you know, subdivision process. So, if it's just a single-family home that's being constructed on a lot that's already been subdivided and created, then it doesn't trigger the requirement for streetscape improvements, but when there's a subdivision, that's the code trigger for when these streetscape improvements are needed.

Without a subdivision, in order to make those improvements, again, it would have to be a capital improvement priority that's, you know, made by the Board and they direct Staff to, you know, find the right time and budget for it.

MR. HARRIS: So, it's a subdivision requirement, not just a single lot requirement.

MR. HUBBARD: Correct, yes.

MR. HARRIS: I was wondering how those guys got away with that, with all those houses that got built. Okay, that's all I had. Thank you.

ACTING CHAIRPERSON GREEN: Thank you.

Do you want to address the pork chop?

MR. HUBBARD: Yes. So, the pork chop is going to be an IDOT issue. That part of the right-of-way is under IDOT jurisdiction, and I'm assuming that the pork chop was put in because of their requirements. You know, once a pork chop is put in, really the only way to get full, you know, access back would probably be through a signalized intersection here and it would have to meet all sorts of warrants and thresholds for the amount of traffic to qualify for a signalized intersection. So, my guess is that the pork chop is probably going to remain as is for many years.

ACTING CHAIRPERSON GREEN: Thank you.

Anybody else on that side of the room? Ma'am? Moving to this side, anybody that would like to speak on this issue? Give us your name and spell your last name please.

MS. REILLY: I don't do public speaking. First name is Stacey, last name is Reilly. It's R-e-i-l-l-y. I live on Walnut Avenue and my backyard faces the house that Chris owns. So, I've been there 35 years, and we're very excited about this. We came to see what it looked like.

My question is, well, who owns the retention pond that's in my backyard? I mean, I've got my backyard, who owns that? Is that the Village property?

MR. HUBBARD: I believe that is Village owned, yes.

MS. REILLY: Okay, it is the worst retention pond in Arlington Heights. We take all the water. I love the water plan here, but if I was going to move into that townhome, that retention pond is going to be my front door, what I see on the front window. It's not maintained very well, and maybe it's because it was supposed to be two different lots that was talked about three years ago and it takes in all the water from Frontier Park all the way out under Chestnut to Rand Road, but depending on when they look at the home to purchase, they might not like what they see in front of them.

ACTING CHAIRPERSON GREEN: Thank you.

MS. REILLY: You're welcome.

ACTING CHAIRPERSON GREEN: You're on the record. Would anybody else on that side of the room like to make a comment?

(No response.)

ACTING CHAIRPERSON GREEN: Seeing nobody stepping up, we're going to close the public portion of this hearing and get back to discussion or a motion.

COMMISSIONER CHERWIN: Could I just ask one question? Sam, could you point out the area where Ms. Reilly is talking about? Is it directly south of those, looks like an open, like field?

MR. HUBBARD: Let's see.

COMMISSIONER CHERWIN: Are those the three lots?

MR. HUBBARD: So, yes, there's a retention area right here --

COMMISSIONER CHERWIN: That's a retention area, those are three --

MR. HUBBARD: -- and then there's another one right here.

Village?

MR. HUBBARD: I believe so. I'm not a 100 percent though, but I believe so.

COMMISSIONER CHERWIN: Yes, it looks like there's an inlet pipe or something there.

MR. HUBBARD: Yes, there is. It's right here.

COMMISSIONER CHERWIN: Okay, so the three lots south of the Ivy Lane development. That's all for the record, just to clarify what we're talking about because I wasn't sure.

COMMISSIONER LORENZINI: I've got, Bruce, I've got one.

ACTING CHAIRPERSON GREEN: Yes.

COMMISSIONER LORENZINI: I've got one little question, Sam. Item 7

talks about addressing that common maintenance agreement. So, you have the Performance Center and then you have four or five different owners. Would this be some type of agreement between all those parties? Okay, all right, thank you.

ACTING CHAIRPERSON GREEN: Any further discussion on Number 4 or Number 6, or are we going to wait for the Village to work that --

COMMISSIONER JENSEN: Well, I guess I don't really see why we would not leave 4 as is, because if it's trees that we really don't want there and they're likely to die, why not leave that condition in there and make sure we have them replaced.

ACTING CHAIRPERSON GREEN: Okay.

COMMISSIONER JENSEN: Actually, the comment that was made about Chestnut, that was part of my concern that they were only widening the upper part, but that street is a mess, and probably it's appropriate to go to the Village Board when this comes there and make those comments, and the same one about water. So, I think that would be appropriate. You might get some action.

COMMISSIONER CHERWIN: I would just add, it might be worth putting a call to the Public Works as well because they may have, you know, they've got some capital improvement plans out there. It might be within the scope of something, you know, maybe use that for context or comparison when you're talking to the Board, too, about maybe some similarly situated streets that have been identified and ours hasn't. That might help things along.

ACTING CHAIRPERSON GREEN: Okay.

COMMISSIONER DROST: Yes, on the trees, Sam, if we approve the project as it stands right now, is there opportunity to discuss that in front of the Board of Trustees when it comes up for petition to discuss that particular issue? Maybe there's some further information that can be provided at the time of that hearing.

MR. HUBBARD: Yes, as it's drafted now, they would all have to be removed, but the Village Board can certainly alter that condition at their discretion.

COMMISSIONER DROST: Right.

ACTING CHAIRPERSON GREEN: Yes, you might be able to revisit the tree inspections between now and the Board meeting. Just a thought.

COMMISSIONER DROST: Yes.

ACTING CHAIRPERSON GREEN: The striped area, what do we think?

COMMISSIONER CHERWIN: I'm fine with the accommodation for the motorcycle to the extent it can be, you know, I mean, cut down on it a little bit and see if we can accommodate it. We have, the sight line from Rand Road is going to be significantly enhanced by the landscaping that's going to be there. If what we're doing is just taking a little bit off of that area that really is just going to be visible from the building itself, I'm not concerned about it.

ACTING CHAIRPERSON GREEN: Yes, I see the landscaping proposed behind it.

COMMISSIONER CHERWIN: Yes, I'm okay with removing 6 as a requirement. Quite frankly, I'm okay with removing 4, too, and adjust it for the Board.

MR. HUBBARD: Just to clarify, you're okay with removing the condition so that it remains as striping without any partial landscape island?

ACTING CHAIRPERSON GREEN: Without something going on it.

COMMISSIONER CHERWIN: Yes, just the green area that you've highlighted, right.

MR. HUBBARD: Remove, the condition would have to be altered. If you

remove the condition, then it could remain as striping as it is proposed by the petitioner, but --

COMMISSIONER CHERWIN: Right, yes.

MR. HUBBARD: -- if the condition was altered, then it could be altered to allow for Exhibit A to be implemented instead of the full landscape island which, you know, would have taken this part as well. Does that make sense?

COMMISSIONER CHERWIN: I might have missed that. I'm sorry, Sam.

MR. HUBBARD: So, the condition as recommended by staff would require the landscape island to be constructed fully, all of the striped area would be landscape island.

COMMISSIONER CHERWIN: Yes.

MR. HUBBARD: To alter the condition, you could do a partial landscape island, or to remove the condition, you would leave the striping currently as is.

COMMISSIONER CHERWIN: Okay. All right, I will --

COMMISSIONER LORENZINI: I say we should leave 4 in and Number 6, leave the striping. If I had motorcycle, I would go and park it there.

COMMISSIONER CHERWIN: Number 6 would be removed, you're saying, so then it would just be the striping would remain as is?

ACTING CHAIRPERSON GREEN: Yes, no trees. No tree in it.

COMMISSIONER LORENZINI: Right, right.

ACTING CHAIRPERSON GREEN: No landscape island. Leave the striping, but no landscape island, is that what you mean?

COMMISSIONER LORENZINI: Yes.

COMMISSIONER CHERWIN: Yes.

ACTING CHAIRPERSON GREEN: I've got two yeses down here.

COMMISSIONER DROST: Yes.

ACTING CHAIRPERSON GREEN: Three.

COMMISSIONER CHERWIN: I guess, our folks, we want 4 to essentially stay in as it is written, and then just make it --

ACTING CHAIRPERSON GREEN: Take the landscape island part out of Number 6.

COMMISSIONER CHERWIN: Number 6, but 4?

ACTING CHAIRPERSON GREEN: But 4 I think should stay in and maybe there should be some Board discussion on it.

COMMISSIONER CHERWIN: All right, I, Mr. Chair the Architect --

ACTING CHAIRPERSON GREEN: Please do.

COMMISSIONER CHERWIN: -- will move to make a motion.

A motion to recommend to the Village Board of Trustees approval of PC #23-011, a Preliminary Plat of Subdivision to subdivide the property into two lots; a Rezoning of Lot 2 from the R-1 District to the R-6 District, and Lot 1 from the R-1 District to the B-2 District; an Amendment to the Comprehensive Plan to classify Lot 1 as commercial and Lot 2 as moderate density multi-family; a Special Use Permit to allow minor auto repair on Lot 1; and the following Variations from Chapter 28 of the Municipal Code:

1. **Section 5.1-6.4A.1, to allow a 19.9-foot front yard setback (west) for Lot 2 where code requires a minimum setback of 25 feet.**
2. **Section 5.1-6.4A.2, to allow a 17-foot side yard setback (north/northeast) for Lot 2 where code requires a minimum setback of 21.3 feet.**

3. Section 5.1-11.3A, to allow a 6.8-foot front yard setback (west) for Lot 1 where code requires a minimum setback of 25 feet.
4. Section 5.1-11.3B, to allow a 20-foot side yard setback (southwest) for Lot 1 where code requires a minimum setback of 21.3 feet.
5. Section 10.2-8, to allow the following: a 22-foot wide drive aisle where code requires a 24-foot wide minimum width; a 17-foot wide drive aisle for 60-degree angled parking stalls where code requires an 18-foot wide minimum width; and a 19-foot deep 60-degree angled parking stall depth where code requires a 20-foot minimum depth.
6. Section 6.12-1.3, to waive the requirement to provide a traffic and parking study.
7. Section 6.15-1.2B, to waive the requirement for certain landscape islands on Lot 1.

This recommendation is subject to the following conditions:

1. Final Plat of Subdivision approval shall be required.
2. The owner of Lot 1 shall abide by the following usage conditions:
 - a. Should any noise or odor issues arise, which shall be at the discretion of the Village, the Petitioner shall be required to work with the Village to address any such issues to the satisfaction of the Village.
 - b. Inoperable motor vehicle storage shall be prohibited, and no automobiles shall be stored on Lot 1 beyond the time reasonable to complete repairs, which shall be to the discretion of the Village.
 - c. Exterior work on vehicles, as well as outdoor storage of parts or equipment (tires, oil drums, pallets, car parts, et cetera) shall be prohibited.
3. Upon the request of the Village, the Petitioner shall implement a reciprocal cross access agreement with the property to the southeast (229 West Rand Road). Said easement shall grant access through Lot 1 to the property to the southeast, which would only be required if/when the billboard on Lot 1 is removed or Lot 1 is redeveloped, whichever shall come first.
4. The landscape and tree preservation plan shall be revised to show removal of the 11 trees proposed for preservation within the Chestnut Avenue right-of-way. Parkway trees shall be added within the parkway per code requirements.
5. As part of Final Plat of Subdivision review, details on the proposed retaining walls (height, materials, color) shall be provided for Village review and approval.
6. As part of the Final Plat of Subdivision review, the Petitioner must address common maintenance of the shared utility elements between the two lots, to the satisfaction of the Village.
7. An on-site utility maintenance agreement must be executed prior to building permit issuance.
8. A public sidewalk easement shall be added to the Final Plat of Subdivision to address the portion of public sidewalk that encroaches onto the subject property at the northern corner of the site.
9. Linkage fees in compliance with Article XVII (Inclusionary Housing Ordinance) of Chapter 7 of Village Code, shall be required at time of building permit issuance.
10. A fee in lieu of any stormwater detention required, but not provided shall be required as part of building permit issuance in the amount of \$1 per cubic foot of volume required, but not provided.

11. **IDOT approval shall be required for the proposed modification within the Rand Road right-of-way.**
12. **The Applicant must comply with all of the requirements set forth in the October 10, 2023 motion of the Village's Design Commission concerning approval of the design for the townhome building.**
13. **The Applicant must provide all required impact fees in accordance with the requirements of Chapter 29 of the Village Code.**
14. **The Applicant must comply with all federal, state, and Village codes, regulations, and policies.**

COMMISSIONER CHERWIN: We note that the striped area shall remain as presented by the Petitioner.

COMMISSIONER JENSEN: Second.

ACTING CHAIRPERSON GREEN: There's a second.
Sam?

MR. HUBBARD: Who had the second? Sorry.

ACTING CHAIRPERSON GREEN: Jensen. Commissioner Jensen.

MR. HUBBARD: All right, Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: Yes.

MR. HUBBARD: Commissioner Drost.

COMMISSIONER DROST: Aye.

MR. HUBBARD: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Yes.

MR. HUBBARD: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

MR. HUBBARD: And Acting Chair Green.

ACTING CHAIRPERSON GREEN: Yes.

You have a unanimous yes vote on your project, and that will be passed on to the Trustees. We are recommendation only, but when do you think it will be on the agenda with the Trustees?

MR. HUBBARD: We'll have to look at that. It would be targeted for one of their meetings in May, probably the second meeting, possibly the first.

COMMISSIONER CHERWIN: Could I just add?

ACTING CHAIRPERSON GREEN: You sure can.

COMMISSIONER CHERWIN: I would just suggest maybe if the Petitioner is really adamant about this tree situation, just come up with a good case why these trees should stay. If, you know, if you haven't already, I guess just do a little more work on that and see if you can present it to the Board and see if that's a condition that can be removed.

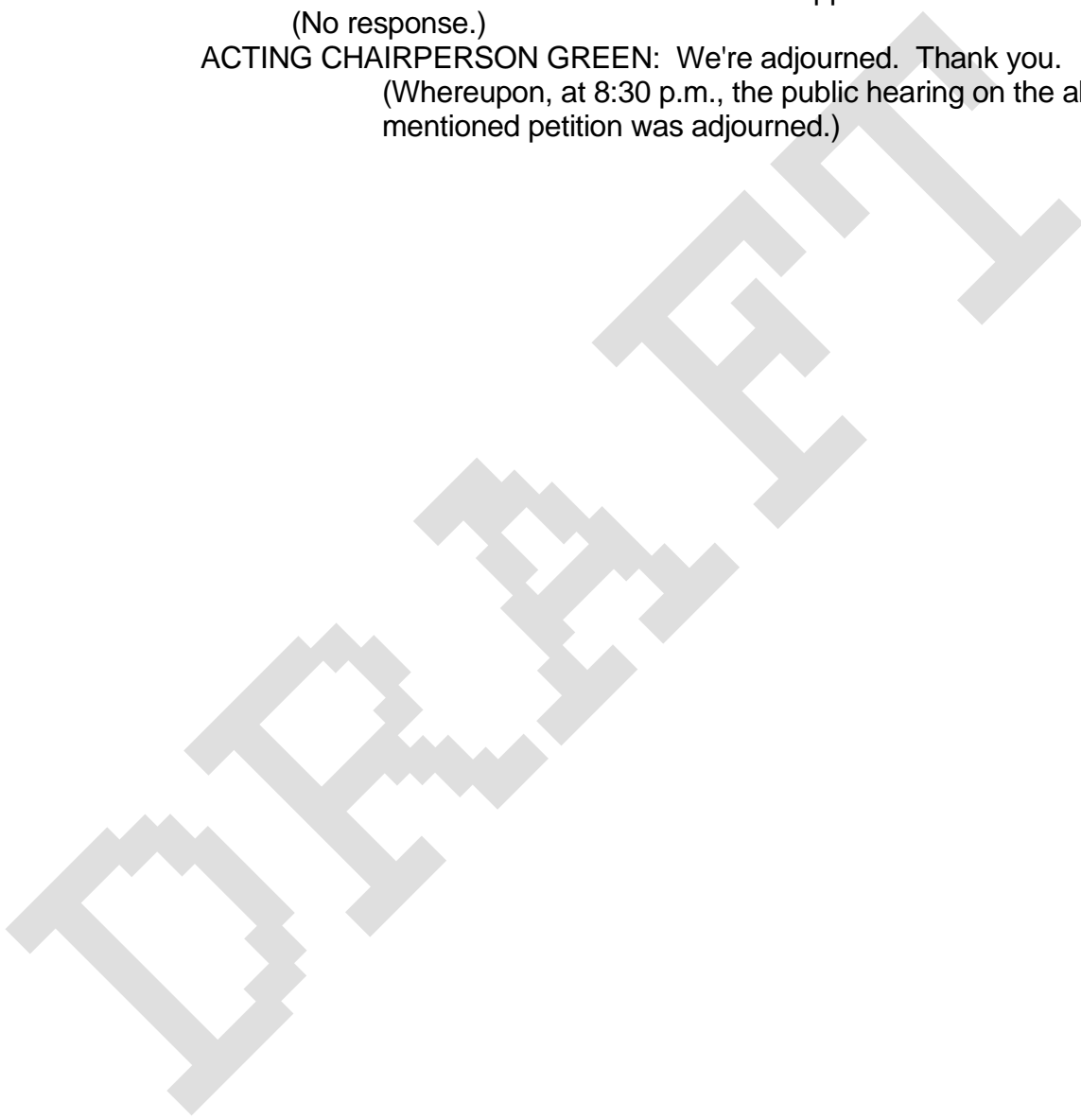
ACTING CHAIRPERSON GREEN: And I would bring up the issues of the stormwater across the street with the Board, please. So, thank you for coming in. Great project, looking forward to it moving forward.

Is there anything else, Sam?

MR. HUBBARD: There is nothing.

ACTING CHAIRPERSON GREEN: Is there a motion to adjourn?

COMMISSIONER DROST: I'll make that motion.
COMMISSIONER LORENZINI: I'll make that motion.
ACTING CHAIRPERSON GREEN: Is there a second?
COMMISSIONER SIGALOS: I'll second.
ACTING CHAIRPERSON GREEN: All those in favor say aye.
(Chorus of ayes.)
ACTING CHAIRPERSON GREEN: All those opposed?
(No response.)
ACTING CHAIRPERSON GREEN: We're adjourned. Thank you.
(Whereupon, at 8:30 p.m., the public hearing on the above-mentioned petition was adjourned.)



STATE OF ILLINOIS)
) SS.
COUNTY OF KANE)

I, RON LeGRAND, SR., depose and say that
I am a digital court reporter doing business in the State of Illinois; that
I reported verbatim the foregoing proceedings and that the foregoing
is a true and correct transcript to the best of my knowledge and ability.

RON LeGRAND, SR.

SUBSCRIBED AND SWORN TO
BEFORE ME THIS _____ DAY OF
_____, A.D. 2024.

NOTARY PUBLIC