

**LEXINGTON HOMES RESPONSE TO THE QUESTIONS
RAISED BY MR. ASARO IN HIS LETTER DATED JULY 17, 2020**

Below are the questions posed by Mr. Asaro followed by the Lexington Homes' Response:

- 1) The city requires the filing of a Plan/Zoning Board of Appeals application for the proposed project. Pursuant to Plan/Zoning Board of Appeals Application Procedure and Hearing Process (the "Application Procedure and Hearing Process"), the applicant must submit a completed application. I assume that the applicant filed a completed application? If so, why wasn't the application uploaded to the city's website for the public to review?

Attached hereto as Exhibit A is a PDF of the city's webpage regarding this matter. This PDF was printed on July 16, 2020. The list of documents does not include the completed application.

- **Lexington Homes defers to the City staff on this question. It however does note that the application has been on file with the City and it inquires whether any of Mr. Asaro's clients have requested a copy of the application either electronically or a hard copy?**

- 2) The application form states "are there any covenants, conditions, restrictions or floodplain issues concerning type of improvements, setbacks, area or height requirements, occupancy or use limitations, etc. placed on the property and now of record." What is the answer to this question?

- **The title commitment was included with the application. An examination of the title commitment discloses only an easement running to the benefit of the Park District.**

- 3) The application form states "has the property been the subject of previous or pending administrative legislative or court action." What is the answer to this question?

- **Lexington Homes is not aware of any administrative legislative or court actions.**

- 4) Regarding the application form, item #6 refers to an "approved confirmation letter from the City of Prospect Heights." Did the city issue this letter? If so, when and who has a copy of this letter?

- **Lexington Homes defers to the City staff on this question.**

- 5) With respect to the Application Procedure and Hearing Process, Section I, a, did city staff review the completed application? If so, who reviewed it? Did the city complete a written review? Did the city staff's review of the application conclude that the applicant addressed all of the applicable standards for a map amendment and special use permit for planned unit development? What were the applicable standards?
- **Lexington Homes defers to the City staff on this question. It further states that the standards are identified and addressed in the narrative**
- 6) With respect to the Application Procedure and Hearing Process, Section II, when your case was called on June 25, 2020, did the Chairman enter all of the exhibits into the record? Were the exhibits the ones listed on Exhibit A attached hereto?
- **Lexington Homes defers to the City staff on this question.**
 - **It further requests the Chairman to confirm and readmit all exhibits for the record.**
- 7) Exhibit A attached hereto does not list Exhibit 1. Is there an Exhibit 1?
- **Lexington Homes defers to the City staff on this question.**
- 8) Exhibit A attached hereto does not list Exhibit 9. Is there an Exhibit 9?
- **Lexington Homes defers to the City staff on this question.**
- 9) Exhibit A attached hereto does not list Exhibit 19. Is there an Exhibit 19?
- **Lexington Homes defers to the City staff on this question.**
- 10) Exhibit 5, page 1, ¶ 1 states that “in order to prepare a proposed landscape plan, a tree survey and inventory were completed. The inventory was completed by a certified arborist.” Is the inventory part of Exhibit 5? If the answer is no, did the applicant submit the tree survey and inventory to the city? If the answer is yes, did city staff provide any written comments on the tree survey and inventory? Did the city retain an independent consultant to review the tree survey and inventory? If the answer is yes, did the city provide the applicant with the independent consultant's written review of the tree survey and inventory? If the answer is yes, is the independent consultant's written review one of the exhibits listed on Exhibit A attached hereto?
- **The tree inventory was submitted as part of the original application for *Reserve of Muir Park*, via the plan document, *Tree Preservation & Removal Plan* (Exhibit 10), specifically it is found on sheet 2 of 6 for the 69 unit plan, dated 5/28/20.**

- 11) With respect to Exhibit 7, did the applicant ascertain whether there are any R-2 zoning districts in the city located west of Wolf Road? Are there any R-2 zoning districts in the city located west of Wolf Road? Does the comprehensive plan propose, call for or project R-2 zoning districts anywhere in the city located west of Wolf Road?
- **See the zoning maps of the City and the Village of Wheeling.**
 - **See also Zoning Density Exhibit dated 07/23/2020 submitted with this written response.**
- 12) Exhibit 8 states “We have received review comments from the Village, dated April 6, 2020, regarding the preliminary submittal for Reserve at Muir Park (formally Prospect Pointe).” Are the “review comments from the Village” contained in any of the exhibits listed on Exhibit A attached hereto? Did any of the “review comments” pertain to any of the standards for a map amendment, special use permit for planned unit development or subdivision approval?
- **Lexington Homes defers to the City staff on this question and respectfully submits that the letter speaks for itself.**
- 13) Exhibit 8, page 1, bullet point 4 refers to “Traffic Impact Study, revised 05/19/2020 prepared by KLOA.” Is this the study that is marked Exhibit 16 in Exhibit A attached hereto?
- **Yes to exhibit reference.**
 - **Lexington Homes defers to the City staff on this question.**
- 14) Exhibit 8, page 1, bullet point 5 refers to “Comment Responses, dated 05/19/2020 prepared by KLOA.” Is this document contained in any of the exhibits listed on Exhibit A attached hereto?
- **Lexington Homes defers to the City staff on this question.**
- 15) Exhibit 8, page 1, bullet point 6 refers to “Fire Truck Turning Exhibit, dated 05/27/2020.” Is this Exhibit 11 on Exhibit A attached hereto?
- **The Turning Exhibits for Revised 69 Unit PUD Plan dated 07/23/2020 Revised 69 Units and the Turning Exhibit dated 07/23/2020 that separates the vehicle and fire truck turns and clarifies the fire truck used are included with this submittal to the City.**

- 16) With respect to Exhibit 11, did the city’s fire department provide the applicant with any written comments on this exhibit? Did the city staff provide the applicant with any written comments on this exhibit?
- **Lexington Homes defers to the City staff on this question.**
- 17) With respect to Exhibit 13, does the city have an open space acreage requirement per population equivalent? If the answer is yes, what is the requirement and will the proposed project impact this requirement?
- **Lexington Homes defers to the City staff on this question.**
- 18) Exhibit 14 is dated March 1, 2019. Has this report been updated or revised since the March 1, 2019, report date? If the answer is no, did the city ask the applicant to provide an updated report? If this report has not been updated, is there a reason why the report has not been updated?
- **The Geo-Tech Report has been resubmitted included with the additional submittal to the City on this date.**
- 19) Exhibit 14, page 2, bottom paragraph states “No specific grading information was available at the time this report was prepared...” Since the date of this report, has specific grading information been provided or considered by the applicant or the city? If the answer is yes, what impact, if any, does the specific grading information have on the project and areas immediately adjacent to the proposed project?
- **This issue shall be addressed at Final Planned Development.**
- 20) Exhibit 14, page 6, ¶ 1 states “... it is our opinion that the existing fill does not meet a 95 percent compaction criterion. As such it is considered unsuitable for foundation support, as is the buried topsoil, peat, organic clay and/or relatively soft clay soils found underlying the fill in several of the borings. It is recommended that these materials be removed and replaced/recompacted as part of building pad construction, with footings to bear on the new engineered fill or underlying native silty clays if penetrated.” Has the opinion referenced in this statement been incorporated into the engineering plans? If the answer is yes, please explain by referring to the specific engineering plan sheet number. Have the recommendations referenced in the statement been incorporated into the engineering plans? If the answer is yes, please explain by referring to the specific engineering plan sheet number.
- **This issue shall be addressed at Final Planned Development.**

21) With respect to Exhibit 16, did the city’s traffic consultant and/or engineer review and/or provide comments on the applicant’s traffic impact study which is marked Exhibit 16? If the answer is yes, describe the comments regarding the following: (a) the impact that the proposed project will have on traffic conditions in the area and (b) the proposed traffic improvement plans.

- **Lexington Homes defers to the City staff on this question.**

22) Exhibit 16, page 7, ¶ 2 states “It is important to note that the northbound left-turn movements are currently prohibited via signage. This prohibition will be removed with the proposed development, allowing traffic to turn left onto Drake Terrace.” Does the applicant know the basis for the prohibition of the northbound left-turn movements? Will the removal of this prohibition undermine or conflict with the original basis for the prohibition? If the answer is no, please explain.

- **Addressed in narrative.**
- **Addressed in live testimony in response to the questions posed by the Chairwoman and other members of the Plan Commission. on July 9 at the public hearing.**
- **Identified in the Affidavit presented on July 9 at the public hearing.**

23) Exhibit 16, page 12, states “the proposed townhome development will have a reduced impact on the area roadway, especially during the weekday morning peak hour.” According to Table 3 on page 12, will the proposed townhome development have an increased impact on the area roadway with respect to daily to-way traffic in, out and in total? If the answer is yes, what is the projected percentage increase?

- **This analysis has been conducted by KLOA and is fully set forth in its detailed report.**

24) With respect to Exhibit 16, was the applicant asked by the city to show a trip generation comparison between a potential multiple single-family home development on the proposed site and the proposed 69 townhome development on the proposed site?

- **This analysis has been conducted by KLOA and is fully set forth in its detailed report.**

25) With respect to Exhibit 16, does this traffic impact study evaluate pedestrian traffic for the proposed development? If the answer is yes, on what pages does the study evaluate pedestrian traffic? If the answer is no, why doesn’t the study evaluate pedestrian traffic for the proposed development? Was the traffic consultant asked to

evaluate pedestrian traffic for the proposed development?

- **This evaluation has been conducted by KLOA and is fully set forth in its detailed report.**

26) With respect to Exhibit 16, does this traffic impact study evaluate pedestrian traffic for the surrounding area of the proposed development resulting from the proposed development? If the answer is yes, on what pages does the study evaluate pedestrian traffic? If the answer is no, why doesn't the study evaluate pedestrian traffic for the surrounding area of the proposed development resulting from the proposed development? Was the traffic consultant asked to evaluate pedestrian traffic for the surrounding area of the proposed development resulting from the proposed development?

- **Lexington Homes is not aware of any such requirement.**

27) Exhibit 8, page 5, #52 states the following:
“The 5-foot sidewalks and 7-foot wide carriage (or attached) sidewalks are appropriate. Provided discussion/rationale for not providing sidewalks on both sides of the subdivision streets.

- **Sidewalks are provided for access to the residential units and to provide circulation to the park district. To allow for adequate guest parking, one side of the road features parking stalls which make it impractical to provide a sidewalk on that side.”**

Does this response impact projected pedestrian traffic within the proposed development? If the answer is yes, will the impact be positive or negative? Please explain by referring to the proposed site plan and/or traffic plan.

Does the statement “To allow for adequate guest parking, one side of the road features parking stalls which make it impractical to provide a sidewalk on that side” mean that if the proposed development contained less than 61 townhomes, the proposed development could accommodate sidewalks on both sides while at the same time providing adequate guest parking?

- **There is an inherent conflict between guest parking spaces and sidewalks. Lexington Homes has designed the guest parking spaces to reduce the conflicts. This question was further addressed in the testimony provided by Lexington Homes at the July 9 public hearing.**

28) With respect to Exhibit 17, did city staff review and provide written comments on this report and the conclusions contained therein? Did the city retain an independent consultant to review and provide written comments on this report and the conclusions contained therein?

- **Lexington Homes defers to the City staff on this question.**
- 29) Exhibit 18, page 3, Response to #1 states “Please see page 10 of the application.” Is the completed application contained in any of the exhibits shown on Exhibit A attached hereto?
- **Lexington Homes defers to the City staff on this question.**
- 30) Exhibit 18, page 3, Response to #1 states “The proposed development meets the diversification of housing objectives of the City of Prospect Heights Comprehensive Plan.” On what page in the comprehensive plan does it state that the future use of the subject property is housing, residential, single-family or multifamily dwelling?
- **Lexington Homes defers to the City staff on this question.**
- 31) Exhibit 18, page 3, Response to #1 states “Additionally, the project will improve storm water management for the neighborhood to the north and surrounding properties.” Do any of the exhibits listed on Exhibit A attached hereto contain this conclusion? If so, please identify the exhibit and/or exhibits as well as the page number containing the conclusion.
- **Lexington Homes civil engineering consultant has addressed this issue in the reports that have been submitted, in the testimony provided at the public hearing on July 9. Furthermore, this issue will be addressed in connection with the Final Planned Development process.**
- 32) Exhibit 18, page 3, Response to #2 states “The property is vacant and this proposed use will provide redevelopment of residential in a type of housing stock that the City does not currently have.” Does the city have any townhomes? If the answer is yes, how many and where are the townhomes located? Has a study been performed that shows that there is a need for townhomes to be developed in the city?
- **Lexington Homes defers to the City staff on this question.**
 - **Furthermore, this question is addressed at length in the narrative.**
- 33) Exhibit 18, page 3, Response to #3 states “The proposed use is in conformance and consistent with the Land Use Goals and Objectives in section 1.2 and Section 3.1 Land Use Recommended Strategies of the City’s Comprehensive Plan.” Please show in the comprehensive plan where it states that the proposed townhome development would be in conformance and consistent with the Land Use Goals and Objectives in section 1.2 and Section 3.1 Land Use Recommended Strategies of the City’s Comprehensive Plan.

- **Lexington Homes defers to the City staff on this question.**
 - **Furthermore, this question is addressed at length in the narrative.**
- 34) Exhibit 18, page 3, Response to #4 states “The proposed development would be compatible and harmonious in size and density with the development in the area.” Will the proposed development be compatible and harmonious in size and density with the R-1 single-family district located in the “North Border”? Will the proposed development be compatible and harmonious in size and density with the R-3 single-family district located in the “North Border”? Will the proposed development be compatible and harmonious in size and density with the R-3 single-family district in the “Muir Park parcel”?
- **This question is addressed at length in the narrative and in the several reports prepared by professional consultants retained by Lexington Homes.**
- 35) Does the comprehensive plan at PDF page 96 (i.e. the Parks and Waterways Map dated May 19, 2014) show that the proposed use of the subject property is for playgrounds? Does this map show that the proposed use of the subject property is for residential?
- **Lexington Homes defers to the City staff on this question.**
- 36) What is the floor area ratio for the 61 unit plan?
- **Included on p.2 of the respective PUD Site Plans:
61 Unit Plan FAR = 51.28%**
- 37) What is the floor area ratio for the 69 unit plan?
- **Included on p.2 of the respective PUD Site Plans:
69 Unit Plan FAR = 31.18%**
- 38) Exhibit 18, page 7, Response to #3, D states “Multi-family residential and park use are permitted in the R-2 General Residential District and compatible with the surrounding area.” Are the permitted uses in the R-2 district compatible with the permitted uses in the R-1 district? If the answer is yes, please explain.
- **Addressed in narrative.**
- 39) Exhibit 18, page 7, Response to #3, E states “Necessity: That the planned unit development will be responsive to a demonstrated need within the community. Response: The proposed development is in meets the goals, objectives and strategies of the City’s Comprehensive Plan related to residential developments and land use.” What

“need” expressed in the comprehensive plan is consistent with the proposed development? On what pages of the comprehensive plan is this need expressed? Are there any other documents that demonstrates the need for multi-family dwelling units on the subject property or properties similar to the subject property? If the answer is yes, please identify the documents.

- **Addressed in narrative.**

40) Exhibit 18, page 8, Response to G states “The proposed development is seeking relief of 5.7’ for side yard setback. Applicant to identify all areas affected by this relief.” What are the “affects” of this relief? Please show the affected areas on the site plan.

- **Addressed in narrative.**
- **Addressed in live testimony in response to the questions posed by the Chairwoman and other members of the Plan Commission. on July 9 at the public hearing.**
- **Identified in the supplemental slides presented on July 9 at the public hearing.**

41) Exhibit 18, page 8, G states “That the planned unit development shall include a traffic plan which will provide ingress and egress which is designed to minimize traffic congestion in the public streets outside the planned unit development and facilitate the free flow of traffic, both vehicle or and pedestrian, within the planned unit development.” Which plans provided by the applicant show pedestrian traffic areas and the impact of the proposed project on these areas?

- **Addressed in narrative.**
- **See the supplemental slides**
- **See the site plan and the pedestrian ways thereon**

42) Exhibit 21, are the elevations shown in this exhibit harmonious with the R- 1 district located north of the proposed development? If the answer is yes, please explain.

- **Yes. Traditional architecture using materials similar to those in surrounding land uses**

43) Which of the applicant’s witnesses provided the opinion that the net impact of the proposed map amendment, if granted, will be beneficial to the entire community pursuant to Section 5-10-10-C-1? Did the witness(es) provide the opinion in a report and/or at the public hearing?

- **All of the consultants retained by Lexington Homes are licensed professionals guided on the moral compass of maintaining public health, safety, and welfare. Each one of them within their respective spheres in the context of the reports they have prepared and in the diagrams and drawings and plans they have prepared have attested to this question and the several others below that yes, the net impact of the proposed map amendment, if granted, will be beneficial to the entire community pursuant to Section 5-10-10-C-1.**
- **Lexington Homes Response is further found in the narrative submitted with the application.**

44) Which of the applicant's witnesses provided the opinion that the net impact of the proposed map amendment, if granted, will not be harmful to the local area in particular pursuant to Section 5-10-10-C-1? Did the witness(es) provide the opinion in a report and/or at the public hearing?

- **All of the consultants retained by Lexington Homes are licensed professionals guided on the moral compass of maintaining public health, safety, and welfare. Each one of them within their respective spheres in the context of the reports they have prepared and in the diagrams and drawings and plans they have prepared have attested to this question and the several others below that yes, the net impact of the proposed map amendment, if granted, will not be harmful to the local area in particular pursuant to Section 5-10-10-C-1.**
- **Lexington Homes Response is further found in the narrative submitted with the application.**

45) Which exhibit listed and Exhibit A attached hereto shows that a need exists for the general type of use proposed and that the specific proposal will indeed satisfy it more closely than the other possible uses pursuant to Section 5-10-10-C-2?

- **All of the consultants retained by Lexington Homes are licensed professionals guided on the moral compass of maintaining public health, safety, and welfare. Each one of them within their respective spheres in the context of the reports they have prepared and in the diagrams and drawings and plans they have prepared have attested to this question and the several others below that a need exists for the general type of use proposed and that the specific proposal will indeed satisfy it more closely than the other possible uses pursuant to Section 5-10-10-C-2.**
- **Lexington Homes Response contains a more detailed explanation in the narrative submitted with the application with respect to this question and**

this standard.

46) Which of the applicant's witnesses provided the opinion that the proposed use is compatible and harmonious with uses in the surrounding general area pursuant to Section 5-10-10-C-4? Did the witness(es) provide the opinion in a report and/or at the public hearing?

- **All of the consultants retained by Lexington Homes are licensed professionals guided on the moral compass of maintaining public health, safety, and welfare. Each one of them within their respective spheres in the context of the reports they have prepared and in the diagrams and drawings and plans they have prepared have attested to this question and the several others below that yes, the proposed use is compatible and harmonious with uses in the surrounding general area pursuant to Section 5-10-10-C-1.**
- **Lexington Homes Response is further found in the narrative submitted with the application.**

47) Which of the applicant's witnesses provided the opinion that the establishment, maintenance or operation of the proposed special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare pursuant to Section 5-10-9-E-1 vis-à-vis Section 5-11-3? Did the witness(es) provide the opinion in a report and/or at the public hearing?

- **All of the consultants retained by Lexington Homes are licensed professionals guided on the moral compass of maintaining public health, safety, and welfare. Each one of them within their respective spheres in the context of the reports they have prepared and in the diagrams and drawings and plans they have prepared have attested to this question and the several others below that yes, no unreasonable detriment nor endangerment to the public health, safety, morals, comfort or general welfare of existing nor future residents of Prospect Heights and Wheeling, regarding the establishment, maintenance and operation of the proposed special use for Reserve of Muir Park.**
- **Lexington Homes Response is further found in the narrative submitted with the application.**

48) Which of the applicant's witnesses provided the opinion that the proposed special use will not be injurious to the use and enjoyment of other property in the community for the purposes already permitted pursuant to Section 5- 10-9-E-2 vis-à-vis Section 5-11-3? Did the witness(es) provide the opinion in a report and/or at the public hearing?

- **All of the consultants retained by Lexington Homes are licensed professionals guided on the moral compass of maintaining public health, safety, and**

welfare. Each one of them within their respective spheres in the context of the reports they have prepared and in the diagrams and drawings and plans they have prepared have attested to this question and the several others below that yes, the proposed special use will not be injurious to the use and enjoyment of other property in the community for the purposes already permitted pursuant to Section 5- 10-9-E-2 vis-à-vis Section 5-11-3 regarding the establishment, maintenance and operation of the proposed special use for Reserve of Muir Park.

- **Lexington Homes Response is further found in the narrative submitted with the application.**

49) Which of the applicant's witnesses provided the opinion that the proposed special use will not diminish and impair property values within the community pursuant to Section 5-10-9-E-2 vis-à-vis Section 5-11-3? Did the applicant provide a written report of this opinion? Did the witness(es) provide the opinion in a report and/or at the public hearing?

- **All of the consultants retained by Lexington Homes are licensed professionals guided on the moral compass of maintaining public health, safety, and welfare. Each one of them within their respective spheres in the context of the reports they have prepared and in the diagrams and drawings and plans they have prepared have attested to this question and the several others below that yes, the proposed special use will not diminish and impair property values within the community pursuant to Section 5-10-9-E-2 vis-à-vis Section 5-11-3.**
- **Lexington Homes Response is further found in the narrative submitted with the application.**

50) Which of the applicant's witnesses provided the opinion that the establishment of the proposed special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district pursuant to Section 5-10-9-E-3 vis-à-vis Section 5- 11-3? Did the witness(es) provide the opinion in a report and/or at the public hearing?

- **All of the consultants retained by Lexington Homes are licensed professionals guided on the moral compass of maintaining public health, safety, and welfare. Each one of them within their respective spheres in the context of the reports they have prepared and in the diagrams and drawings and plans they have prepared have attested to this question and the several others below that yes, the establishment of the proposed special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district pursuant to**

Section 5-10 9-E-3 vis-à-vis Section 5- 11-3.

- **Lexington Homes Response is further found in the narrative submitted with the application.**
- 51) Which of the applicant's witnesses provided testimony that there is a need for townhomes to be developed within the city? Did the witness(es) provide the testimony in a report and/or at the public hearing?
- **All of the consultants retained by Lexington Homes are licensed professionals guided on the moral compass of maintaining public health, safety, and welfare. Each one of them within their respective spheres in the context of the reports they have prepared and in the diagrams and drawings and plans they have prepared have attested to this question and the several others below that yes, the proposed plan unit development will be responsive to a demonstrated need for townhome developments in the city pursuant to Section 5-11-3-E.**
 - **Lexington Homes Response is further found in the narrative submitted with the application.**
- 52) Which of the applicant's witnesses provided the opinion that the proposed plan unit development will be responsive to a demonstrated need for townhome developments in the city pursuant to Section 5-11-3-E? Did the witness(es) provide the opinion in a report and/or at the public hearing?
- **All of the consultants retained by Lexington Homes are licensed professionals guided on the moral compass of maintaining public health, safety, and welfare. Each one of them within their respective spheres in the context of the reports they have prepared and in the diagrams and drawings and plans they have prepared have attested to this question and the several others below that yes, the proposed plan unit development will be responsive to a demonstrated need for townhome developments in the city pursuant to Section 5-11-3-E.**
 - **Lexington Homes Response is further found in the narrative submitted with the application.**
- 53) Which of the applicant's witnesses provided testimony about a traffic plan that facilitates the free flow of pedestrian traffic within the proposed plan unit development? Did the witness(es) provide the testimony in a report and/or at the public hearing?

- **While this question is not a specific standard set forth in the City's Zoning Ordinance of the consultants retained by Lexington Homes are licensed professionals guided on the moral compass of maintaining public health, safety, and welfare. Each one of them within their respective spheres in the context of the reports they have prepared and in the diagrams and drawings and plans they have prepared have attested to this question about a traffic plan that facilitates the free flow of pedestrian traffic within the proposed plan unit development.**
- **Lexington Homes Response is further found in the narrative submitted with the application.**