Village of Arlington Heights
Plan Commission
Board Room, 3rd Floor
Arlington Heights Village Hall, 33 S. Arlington Heights Rd.
November 9, 2022
7:30 PM

I. CALL TO ORDER

II. ROLL CALL

IIIAPPROVAL OF MINUTES

A. Orchard Evangelical Free Church - 1330 N. Douglas Ave. - 10/26/22

B. Ecole 360 Childcare Center - 1515-1519 W. Dundee Rd. - 10/26/22

IV.PUBLIC HEARINGS

A. Paragon Mechanical - 2400 S. Arlington Heights Rd. - PC#22-010 Amendment to LUV Ord. 20-022, Variations

V. OTHER BUSINESS

A. Public Comment

VI.ADJOURNMENT

Persons with disabilities requiring auxiliary aids or services, such as an American Sign Language interpreter or written materials in accessible formats, should contact Rosangela Maldonado, at 33 S. Arlington Heights Road, Arlington Heights, Illinois 60005, rmaldonado@vah.com or (847)368-5791.

Plan Commission
11/9/2022

Item: Orchard Evangelical Free Church - 1330 N. Douglas Ave. - 10/26/22

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
Orchard Evangelical Free Church - 1330 N. Douglas Ave. - 10/26/22	Minutes

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

COMMISSION

RE: ORCHARD EVANGELICAL FREE CHURCH -
1330 NORTH DOUGLAS AVENUE - PC #22-007
PLAT OF SUBDIVISION TO CONSOLIDATE

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 26th day of October, 2022 at the hour of 7:30 p.m.

MEMBERS PRESENT:

SUSAN DAWSON, Chairperson
LYNN JENSEN
JOE LORENZINI
BRUCE GREEN
GEORGE DROST
TERRY ENNES
JOHN SIGALOS
JAY CHERWIN

ALSO PRESENT:

SAM HUBBARD, Development Planner

DRAFT

CHAIRPERSON DAWSON: Good evening, everyone.
All right, so let's rise for the pledge everybody.
(Pledge of Allegiance recited.)
CHAIRPERSON DAWSON: All right, roll call.
MR. HUBBARD: Commissioner Cherwin.
COMMISSIONER CHERWIN: Here.
MR. HUBBARD: Commissioner Drost.
COMMISSIONER DROST: Here.
MR. HUBBARD: Commissioner Ennes.
COMMISSIONER ENNES: Here.
MR. HUBBARD: Commissioner Green.
COMMISSIONER GREEN: Here.
MR. HUBBARD: Commissioner Jensen.
COMMISSIONER JENSEN: Here.
MR. HUBBARD: Commissioner Lorenzini.
COMMISSIONER LORENZINI: Here.
MR. HUBBARD: Commissioner Sigalos.
COMMISSIONER SIGALOS: Here.
MR. HUBBARD: Commissioner Warskow.
(No response.)
MR. HUBBARD: Chair Dawson.
CHAIRPERSON DAWSON: Here.
All right, well, we will start off with approval of the minutes. If everyone had a chance to read it, do I have a motion for approval?
COMMISSIONER GREEN: I'll make a motion for approval.
COMMISSIONER CHERWIN: I'll second.
CHAIRPERSON DAWSON: All right, all in favor?
COMMISSIONER JENSEN: Sue, do I need to indicate I wasn't here? I don't know if you do when you --
CHAIRPERSON DAWSON: Everyone says yes and then you say I wasn't here and we'll make a note.
COMMISSIONER JENSEN: I wasn't here.
CHAIRPERSON DAWSON: You're ahead of the game tonight.
COMMISSIONER JENSEN: Okay.
CHAIRPERSON DAWSON: Okay, so we have a motion and a second.
All in favor?
(Chorus of ayes.)
CHAIRPERSON DAWSON: Any abstaining?
COMMISSIONER JENSEN: I wasn't here.
CHAIRPERSON DAWSON: That would be you.
COMMISSIONER DROST: And George Drost.
CHAIRPERSON DAWSON: Any opposed?
(No response.)
CHAIRPERSON DAWSON: Okay, great.
All right, so that moves us on to the first item on the agenda which is the Orchard -- I'm sorry, someone help me out here.

COMMISSIONER GREEN: Evangelical.
CHAIRPERSON DAWSON: Thank you, it's been a long day. Evangelical Free Church.

Do we have Petitioner here?

MR. CSUK: Yes.
CHAIRPERSON DAWSON: Great, and then have all public notices been given?
MR. HUBBARD: They have.
CHAIRPERSON DAWSON: Okay, will you be the only one testifying or presenting on behalf tonight?
MS. CSUK: Yes.
CHAIRPERSON DAWSON: All right.

(Witness sworn.)

CHAIRPERSON DAWSON: Terrific. All right, go ahead and start your presentation.
MS. CSUK: Good evening. My name is Caitlin Csuk from the law firm Rosanova & Whitaker. Is this on? Do I need to turn it on?
MR. HUBBARD: It's on.
CHAIRPERSON DAWSON: You're good.
MS. CSUK: All right, and I'm on behalf of the Orchard Church. As you may already know, the Applicant is the owner and operator of Orchard Church located at 1330 North Douglas Avenue in Arlington Heights. This is generally located east of Arlington Heights Road, south of Thomas Street, and located between Belmont Avenue and Douglas Avenue. The Arlington Heights campus is one of six campuses in the Chicago land suburbs.

As we take a closer look at the property, you'll see that it's made up of 10 different PINs and parcels, and eight different platted lots. These properties were all acquired at different periods of time, but ultimately this made up the Arlington Heights campus for Orchard Church.

We are now seeking to consolidate those 10 parcels into a single parcel in order to provide for a single, integrated campus in order to clearly delineate the ownership of the property, plat easements, and clean up building lines, so on and so forth. This will also help us to update our underlying title policies in order to make sure that it's insured under one single title policy, basically a very administrative and legal process.

So, with that, also at the direction of Staff, we are requesting an amendment to the Comprehensive Plan in order to classify the recommended portion of the site as institutional in order to reflect the actual use of the property. So, with that, I want to thank you for your time this evening. I'm available for any questions.
CHAIRPERSON DAWSON: Great. All right, do we have conditions here? Let me make sure of the right one. Yes.

So, are you familiar with the two conditions listed here?

MS. CSUK: Yes.
CHAIRPERSON DAWSON: And you accept those?
MS. CSUK: Yes.
CHAIRPERSON DAWSON: Okay, great.

So, Sam?

MR. HUBBARD: All right, so the subject property is the Orchard Evangelical

Free Church located at 1330 North Douglas Avenue. The property is zoned R-3, that's a One-Family Dwelling District, but churches and religious institutions are permitted uses within the R-3 district. The Comprehensive Plan designates a majority of the site as institutional, suitable for institutional land uses, but there is a portion of the site to the south and actually bisects through the building and cuts through some of the parking lanes that's dedicated or classified as single-family detached on the Comprehensive Plan.

As you've heard, the Petitioner is requesting preliminary and final plat of subdivision to consolidate all of the lots of the property into one lot, and no variations are requested or required as part of this consolidation.

The Petitioner has undertaken two actions to date to get them to the point they're at this evening. On May 11th, they appeared in front of the Conceptual Plan Review Committee. There were no concerns expressed at that meeting. The minutes of that meeting were included in the items transmitted to the Plan Commission and included online.

Additionally, at the request of Staff, the Petitioner sent out a neighborhood informational letter to property owners within 250 feet back on October 10th. Typically, on projects, the Planning Department would recommend a neighborhood meeting; but because there are actually no physical changes proposed to the site as part of this project, we thought just an informational letter to nearby neighbors would be appropriate in this instance. Again, there are no changes proposed to the site, but we are aware that the surrounding neighbors have expressed interest in the past to know what's going on with the church site, especially if it relates to any changes to the land use or expansions. So, that was one of the reasons why we advocated and recommended this neighborhood informational letter to go out. My understanding is that there were no responses or inquiries as a result of that letter.

So, again, here is the aerial just showing the overall lot bounded in yellow. It's made up of I think eight and a little bit on the corner of a lot, and they will all be consolidated as part of this process.

We reviewed the plan and the plat of subdivision. Everything was code compliant. We did recommend some enhanced setbacks relative to certain portions of the site. So, there was an enhanced setback around this area of the site where code would have only mandated, I believe a 10 or 15-foot setback. Staff felt that that was not quite appropriate given the location and adjacency to neighboring residential uses. So, we asked that that be increased to what would be more standard for a rear yard setback which was 25 feet. So, again there are no changes contemplated to the parking lot or parking in this area, but if there ever were to be something proposed here, it would have to comply with those setbacks.

The final item is the recommended change to the Comprehensive Plan. As you will see, this is the existing Comprehensive Plan, this boundary between the two classifications of institutional and single-family detached that cuts right through the building and some of the drive aisles. We are recommending that that be changed to better align with the property boundaries of the site. These three portions down here, one lot, two-lot and three-lot are part of the overall church property, and we felt that it was appropriate that they stay classified as single-family in the Comprehensive Plan. The consolidation will essentially prohibit them from being sold off for single-family uses without any future subdivision in the future. But if the church for some reason in the future does decide that, you know, these parking areas are no long necessary and is looking into selling them off, they would have to go through a resubdivision process at that time, but at least the Comprehensive Plan would designate an appropriate future use which would be single-family.

So, that concludes the Staff report. We are recommending approval subject to two conditions. There was one relative to landscaping. There were some areas, very small areas on the east and west side of the site where some of the landscaping had thinned over the years, and the church has pledged that they will address these problems. We just added that as a condition of approval and to continue working with Staff on the maintenance of these landscaping areas. Happy to answer any questions.

CHAIRPERSON DAWSON: Great, thank you so much for that presentation.

Any questions? Do I have a motion to approve the Staff report?

COMMISSIONER ENNES: I'll move to approve the Staff report.

COMMISSIONER SIGALOS: I'll second.

CHAIRPERSON DAWSON: Okay, great.

All in favor?

(Chorus of ayes.)

CHAIRPERSON DAWSON: Any opposed?

(No response.)

CHAIRPERSON DAWSON: Great. So, the Staff report has been entered into the record.

Do we have any initial questions before we open up for public commentary?

(No response.)

CHAIRPERSON DAWSON: Okay, we'd like to open up for public commentary at this time. Sure, so anyone in the audience who is interested? We'll start with this side of the room. I'm not sure who is here for this or the next item on the agenda, but sir, you want to come on up please? State your name, spell your last name, and if you are willing, give us your address.

PUBLIC COMMENTARY ON PC#22-007

MR. JONES: My name is Denis Jones. Jones is easy, J-o-n-e-s. First name is tricky, D-e-n-i-s.

CHAIRPERSON DAWSON: Okay.

MR. JONES: 702 East Marion Street, Arlington Heights. So, some of the questions may be answered. We did not have access to the Staff report until my wife sent it to me just two minutes ago.

The reason I'm here is initially just some confusion. Under your actions to date, you didn't mention the October 5th letter sent to neighbors on the letterhead of Rosanova & Whitaker that basically dissuaded us from really having any concerns. It said the request is strictly for combining the lots for tax identification purposes and creating a unified campus, but you don't pay taxes, what's that all about?

Then we got the letter that you're aware of dated October 10th, and the concern there was that the Plan Commission will consider any actions or relief that may be necessary or convenient to allow development of the type described in this notice or development less dense than the type described in this notice including, without limitation, special use permits, et cetera, et cetera, et cetera. I hadn't seen anything about development being discussed, so I got pretty nervous when it said you might approve things without limitation for development and I didn't really understand what that was all about.

So, I'm still a little unsure what the value to the church is or the community for creating this unified tax, they don't pay taxes so I'm not really sure what the value is. The concern we have is, as you may remember 25 years ago when the church initially wanted to do a building expansion, the Zoning Commission was absolutely insistent that they have public hearings. They did not want to do that. The Zoning Commission insisted, they did not want to do that. What they suddenly realized was that 50 years they had had their address at the front of the property on Belmont. Oh, it turned out that was a typo; they switched the address to Douglas which is their backdoor parking lot. Suddenly with that being their front door, it shifted things around with what was the front side back, and suddenly their building could get done with no public hearings.

True story. I spoke with the then Chairman of the Zoning Commission that worked down in Schaumburg, nice guy. So, our concern and the question for you is with this unified consolidation, is there any change of front door, back door, side door, basement door or shenanigans that they suddenly can say we can do some development without limitations because it's a consolidated parcel rather than a bunch of individuals? Does that make any sense?

CHAIRPERSON DAWSON: Sure.

MR. JONES: Okay, well, that kind of is my question(s), plural.

CHAIRPERSON DAWSON: Okay, well, thank you for your commentary. We're going to try to get all the questions and then get them all answered.

MR. JONES: Okay.

CHAIRPERSON DAWSON: I've made a note; I always make notes of the questions.

Any other questions or comments?

MR. JONES: No, that's it.

CHAIRPERSON DAWSON: All right, thank you very much.

MR. JONES: Thank you.

CHAIRPERSON DAWSON: Anybody else here on this agenda item?

(Audience member spoke outside microphone range.)

CHAIRPERSON DAWSON: Can you just come up and say that on the record? I mean, just so he has it for the record, yes, exactly. Yes, so that we have it for the record. Just state your name.

MS. PELLICAN: Del Pellican, P-e-l-l-i-c-a-n, 703 East Marion Street. Just here to support the Hickory Meadows Group that stopped the development five years ago, and we just, you know -- well, right, right. So, we're here as support for our neighborhood, and if we need to, we'll bring everyone forward because we do have quite a big group that is against that.

CHAIRPERSON DAWSON: Great, thank you very much.

MS. PELLICAN: Thank you.

CHAIRPERSON DAWSON: Okay, so with that, I see nobody else interested in public commentary on this agenda. We'll close public commentary and we'll open up for questions from the Commissioners.

Start down here with you, Commissioner Jensen?

COMMISSIONER JENSEN: No questions.

CHAIRPERSON DAWSON: Okay, Commissioner Lorenzini?

COMMISSIONER LORENZINI: Well, actually I'd like to hear Sam's side on this issue.

COMMISSIONER DROST: Yes, the point is to clarify what was said and if there is any sort of shenanigans going on to get this consolidation.

MR. HUBBARD: No, I'm not aware of any shenanigans going on. You know, from a practical standpoint, this consolidation is not required by code. This is something that they're voluntarily doing. From a zoning standpoint, their lot would be considered all one zoning lot provided that every piece of property was assembled and owned by them prior to 2003. My understanding based on past correspondence is that everything here was owned prior to 2003, so it would be considered all one zoning lot from a zoning perspective relative to any future addition there.

The front yard from a zoning perspective is a little tricky here because it has different points of frontage, but all of the points of frontage have been treated from the setback purposes during the consolidation as a front yard. It doesn't matter where the door is, it doesn't matter how it's addressed. The front yards from a zoning perspective are determined by where the property fronts on a public street.

COMMISSIONER LORENZINI: Mr. Jones' concern was further development, and I think you said earlier they'd still, if they wanted to develop more homes or something on part of the parking lot, they'd have to come back before the Commission, right, and get permission?

MR. HUBBARD: For sure, yes. These three areas here, anything that would be cut out at this point for a, you know, separate home or development would need to be subdivided out. If they were talking about expanding the church, again from a zoning standpoint, it's already considered, because I believe everything was already under common ownership prior to 2003, it's considered one lot from a zoning perspective. The consolidation was not required anyways to be counted as eligible all as one lot in development.

COMMISSIONER DROST: Yes, and for sort of the corporate history, there was the United Methodist Church on Euclid that actually went through a process, too, when they wanted to divide their property to create some single-family homes. So, there is some precedent in the community for those types of actions and they had to come before the Board.

COMMISSIONER LORENZINI: That's all I had, thank you.

CHAIRPERSON DAWSON: Commissioner Green?

COMMISSIONER GREEN: Yes, my question is I just want to build on Mr. Jones here. Was the front yard changed at that time? In other words, it was along one street and moved to the other because of the configuration of the lot? In other words, Sam, that one lot, what would be the front yard?

MR. HUBBARD: I guess which lot are you talking about?

COMMISSIONER GREEN: The church lot and the parking lot.

MR. HUBBARD: The overall, just --

COMMISSIONER GREEN: The overall, what's the front yard, side yard, and what's the backyard of that piece of property?

MR. HUBBARD: It's tricky. So, this would technically be the front yard because it's the area of shortest frontage on a public right-of-way.

COMMISSIONER GREEN: Okay.

MR. HUBBARD: This would be an exterior side yard which also requires a generous setback. Same with this area here, and then the frontage on Haddow would also be considered an exterior side frontage, kind of like a front yard. So, and all four of these areas, you know, a generous setback would be required if there's ever going to be a building addition on the

site.

COMMISSIONER GREEN: Okay, that's what I think they were getting at is that possibly, by that explanation, you wouldn't have to deal with a side yard setback variation at the time the church was doing the addition.

MR. HUBBARD: I guess it's possible. I don't know the history of that.

COMMISSIONER GREEN: I think that's what it was. I'm just trying to answer your question.

CHAIRPERSON DAWSON: No, public commentary is closed.

COMMISSIONER GREEN: So, okay, that's enough. I'm an architect; I deal with this and I'm trying to figure out what could have happened, a side yard became a front yard which would change the setback on a property. Anyway, that's all I have.

CHAIRPERSON DAWSON: Would you have any further commentary, Commissioner Drost?

COMMISSIONER DROST: Yes. What are, I'll ask the Petitioner to the issue of real estate taxes, are there any real estate taxes or other taxes that are generated by this property? Maybe you can put that into the record.

MS. CSUK: Absolutely. So, a majority of the property is currently tax exempt for religious institution. There is one small sliver parcel, it's about five feet wide, that property still receives a tax bill every year. So, as part of that cleanup, they were going to go ahead and request the exemption on that parcel because ultimately it makes up their whole property, but as part of the consolidation, that will be lumped into the exemption. So, they've been exempt for 96 percent of the entire property, or probably even more. Like I said, it's one small five-foot wide parcel.

COMMISSIONER DROST: So, there is a benefit that's going to be conferred to the church and to the community in a way.

MS. CSUK: Absolutely.

CHAIRPERSON DAWSON: Any other comment?

COMMISSIONER DROST: No.

CHAIRPERSON DAWSON: Commissioner Ennes?

COMMISSIONER ENNES: So, from the Petitioner's standpoint, your understanding of this application is merely for consolidation of the lots and there is no current planned expansion or building?

MS. CSUK: That is correct. There is absolutely no plan for expansion or development or anything. Like I said, this was merely to cleanup the building lines. There was an easement running through the building, so just to cleanup that stuff from an administrative standpoint and to update their title policies so that they have a record of ownership in one place, so that they're not pulling, you know, deeds from all these different places, and just to have this one unified campus. So, that is the only motive for this consolidation.

COMMISSIONER ENNES: Okay, thank you.

MS. CSUK: Absolutely.

COMMISSIONER SIGALOS: So, just to clarify, there is no other advantage to the church to have this all consolidated into one lot other than this little five-foot parcel that they're currently paying property tax on?

MS. CSUK: That and from a legal standpoint, it makes sense to consolidate all these parcels just, you know, from an ownership standpoint.

COMMISSIONER SIGALOS: Okay, no, I have no other questions.

MS. CSUK: Thank you.

COMMISSIONER CHERWIN: So, then just to clarify, Sam, you said, like let's just talk about like bulk restrictions, FAR, stuff like that, if they were to put some kind of addition on. By doing this, it wouldn't change what they can do by right because the timeframe in which they've owned these properties, they would either be able to do something or not be able to do something regardless of this change in plat; is that correct?

MR. HUBBARD: Yes, that's how we understand it. Yes.

COMMISSIONER CHERWIN: Thanks.

MS. CSUK: I would also like to make one comment about the landscaping condition. The Orchard Church did make those changes to the landscaping the week of September 20th.

COMMISSIONER CHERWIN: Good.

CHAIRPERSON DAWSON: Okay, great.

All set? No more questions?

(No response.)

CHAIRPERSON DAWSON: All right, I think we have addressed the public commentary. That would have been the only follow-up I would have had. So, at this time, I have no further comments or questions.

COMMISSIONER DROST: So, I'll make the motion.

A motion to recommend to the Village Board of Trustees <u>approval</u> of PC #22-007, Preliminary and Final Plat of Subdivision to consolidate the subject property into one lot; and an Amendment to the Comprehensive Plan to reclassify portions of the site from "*Single-Family Detached*" to the "*Institutional*" Land Use Classification.

This recommendation is subject to the following:

1. **The property owner shall continue to work with the Village on maintenance of their required landscaping.**
2. **The Petitioner shall comply with all federal, state, and Village codes, regulations, and policies.**

COMMISSIONER CHERWIN: I'll second.

CHAIRPERSON DAWSON: Great.

Roll call?

MR. HUBBARD: Commissioner Drost.

COMMISSIONER DROST: Aye.

MR. HUBBARD: Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes.

MR. HUBBARD: Commissioner Ennes.

COMMISSIONER ENNES: Yes.

MR. HUBBARD: Commissioner Green.

COMMISSIONER GREEN: Yes.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: Yes.

MR. HUBBARD: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Yes.
MR. HUBBARD: Commissioner Sigalos.
COMMISSIONER SIGALOS: Yes.
MR. HUBBARD: Chair Dawson.
CHAIRPERSON DAWSON: Yes.

Okay, great, you've had a unanimous approval of the lot consolidation. Just again remember we are just an advisory board. You'll be moving forward to the Trustee vote. You're all welcome to attend and provide the same commentary there as well.

Any other questions before we move on? Sam, anything else to say on this one?

MR. HUBBARD: No.

(Whereupon, at 7:54 p.m., the public hearing on the above-mentioned petition was adjourned.)

DRAFT

Plan Commission
11/9/2022

Item: Ecole 360 Childcare Center - 1515-1519 W. Dundee Rd. - 10/26/22

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
Ecole 360 Childcare Center - 1515-1519 W. Dundee Rd. - 10/26/22	Minutes

PLAN

COMMISSION

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

RE: ECOLE 360 CHILDCARE CENTER -
1515-1519 WEST DUNDEE ROAD - PC #22-008
SPECIAL USE PERMIT TO ALLOW A DAYCARE CENTER, 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 26th day of October, 2022 at the hour of 7:54 p.m.

MEMBERS PRESENT:

SUSAN DAWSON, Chairperson
LYNN JENSEN
JOE LORENZINI
BRUCE GREEN
GEORGE DROST
TERRY ENNES
JOHN SIGALOS
JAY CHERWIN

ALSO PRESENT:

SAM HUBBARD, Development Planner

DRAFT

CHAIRPERSON DAWSON: Okay, let's move on to the next agenda item. Who do I have that is speaking on behalf -- oh, I couldn't pronounce evangelical. Thank you. Ecole?

COMMISSIONER DROST: Ecole, school in French.

CHAIRPERSON DAWSON: This is Ecole? Thank you. I didn't, I took French in seventh grade.

MS. BIRGUN: You took French?

CHAIRPERSON DAWSON: In seventh grade.

MS. BIRGUN: So, what does Ecole mean?

CHAIRPERSON DAWSON: I have no idea, that was seventh grade.

COMMISSIONER DROST: Ecole.

COMMISSIONER GREEN: It's school.

CHAIRPERSON DAWSON: I used to get in trouble for having my books behind my French book in class, so I was that kid.

MS. BIRGUN: You didn't like it?

CHAIRPERSON DAWSON: No, I changed to German. Okay, so I admit it.

MS. BIRGUN: My area was language teaching, but English is not my native language. So, I'm sorry, if you cannot follow, please ask me ---

CHAIRPERSON DAWSON: No, I'm sorry for not knowing how to pronounce that, but thank you for being here.

MS. BIRGUN: My name is Meg, Meg Birgun. I'm the founder and owner of Ecole 360 Child Development Center. Ecole means school in French. It's a daycare/preschool center, but what we want to tell everybody is that it should be a real school. I know some of you guys from our first meeting --

CHAIRPERSON DAWSON: So, before you go into your full presentation, I need to swear you in. So, just to make sure, if we're doing your presentation, let's swear you in.

But before I do that, I need to know, all public notices have been given, Sam?

MR. HUBBARD: Yes.

CHAIRPERSON DAWSON: Okay, and we have some conditions of approval. Do you have any comments, questions, are you in agreement with the conditions of approval?

MS. BIRGUN: Yes, we are.

CHAIRPERSON DAWSON: Okay, great.

(Witness sworn.)

CHAIRPERSON DAWSON: All right, now go for it.

MS. BIRGUN: Again, I'm here today I'm with my first hire, my husband and business partner, Mesut, and our traffic engineers and our architectural design consultant. We are here to answer your questions. So, today, you are all here to make my dream first come true because we have two locations already in Palatine and Schaumburg. We opened our first location five years ago, and Arlington Heights was always my dream. So, we started this thing like five months ago, and since then we did our homework which is good.

So, this is my family and I'm dedicated to education. I have been in this field like 20 plus years. Actually, I came to this country nine years ago and I'm trying to bring

something, you know, good education, some concepts from Europe, too, to blend, I believe blended cultures, blended education. I have two kids, as you can see in the picture.

So, we have our Palatine location, as I mentioned opened in 2017 with a campus of 96 children and with a long waiting list until summer 2023. If you have kids, you'll need to wait. And Schaumburg location, I'm proud of that because we opened it under COVID circumstances, and it's full again. Most of the classrooms we have a waiting list.

I believe we do something good for the community, for the families, and especially for our future because kids are our future. We are serving from six weeks, those babies, through five-year-old kids. It's an amazing job because this is the job that we can do, you know, everyday you have the best life with those guys. This is a kind of, in terms of ratio, big business that you have lots of staff members because of those ratios. So, 96 kids means 18 staff members or if the cap is still 126 children, 20 full-time staff members.

In Arlington Heights, we are planning 130, some infants, toddlers, preschoolers, and we are planning eight classrooms and we are planning 22 staff members. We are open from 6:30 to 6:30 which is 12 hours, so they rotate the staff members, you know, within those 12 hours for sure. We offer breakfast, lunch and snack.

When we started in Palatine, we had our professional kitchen. We used to cook, which is now unbelievable to me, now we have a kitchen company. We focus on healthy living, too. That's why we have yoga classes and some organic menus we offer. We try to teach kids how to eat healthy and how to live healthy of which I'm very proud. I'm eager to say so, maybe it's out of topic, but during the COVID some of our kids, they stayed home, and they were waking their parents on Wednesday saying that today is yoga day, we should wake up. So, I'm proud of this, what we do.

We have full open door policy. We have cameras in our school but we don't give 24-hour access, but we have full open door policy. Any time any parents, not to strangers, we have a safe and secure school with camera passwords, they can come and see what their kids are doing because it's a trust relationship.

Our address, 1515 West Dundee, it is the square feet of our building. We are going to do inside alterations and we are going to add a playground to our building. There are more in our, you know, reports or you can consult other things. I'm not very expert in that part, that's why I'm with my team.

So, these are the variations requested. We worked on all of them and everybody can read, so if you have any questions we can discuss, but the thing is these are the conditions that we are accepting for the approval. Mainly two things, one is the 40 feet setback. It's okay, we can fix that. Also, we're going to put up a fence. So, the height of the fence was the discussion, so we are good with that, too. We really appreciate the work that everybody has done so far because safety and coming back with the best plans are a priority for sure.

This shows, what was this, plat of survey. So, here you can see how it looks at the moment. Then, I love this one, I'm a more visual person, so you can see some, you know, photos from there. Then this is the existing site plan and this is what we are planning. Hopefully you can look at the survey, I could say that, from Engineering, and there are more details here that you can see.

Mainly, outside we already had that experience, but this shows some of the equipments that we are planning to add outside. You can see visually how it is going to look. It looks pretty to me. More visuals here, and so is this. So, I don't know if I need to go into

more details or my team can.

CHAIRPERSON DAWSON: It's up to you.

MS. BIRGUN: I'm fine.

CHAIRPERSON DAWSON: The Staff will present. We'll have other questions for you. So, it's up to you if --

MS. BIRGUN: We are good. So, this is what we are planning, and if you have any questions, any concerns, we are very happy to address them. Thank you.

CHAIRPERSON DAWSON: Okay, thank you very much. Thank you.

Sam, Staff report?

MR. HUBBARD: All right, so the property is located at 1515-1590 West Dundee Road. That's at the very northwest corner of the Village. It's currently zoned B-3 which is a General Service, Wholesale, and Motor Vehicle District. A daycare is classified as a special use within the B-3 district, and so the reason the Petitioner is before you this evening is to request approval of a special use permit. The Comprehensive Plan designates this site as appropriate for commercial uses, and a daycare is compatible with that designation.

In addition to the special use permit, there are three variations required to allow some of the changes that they're proposing to the site. Two of them are in relation to accessory structures, and one is in relation to a six-foot tall solid fence. I'll get into a little bit more detail about those later on in the presentation.

On May 25th, the Petitioner appeared before the Conceptual Plan Review Committee. I would say the review there was very favorable. The Commissioners in attendance were supportive of the use at this location. There were some questions about the traffic and parking study. At that time, the Petitioner was exploring the possibility of a variation to waive the traffic and parking study requirement, but the members of the Conceptual Plan Review Committee were encouraging to provide that document. It was provided as part of the Plan Commission application and no variation was requested.

Here's an aerial of the site; the subject property is bounded in red. I just want to point out some of the neighboring land uses. To the east is a Days Inn hotel. South is a multi-story office building. To the west is the on ramps to Route 53. To the north is the Rohrman Auto Dealership.

The site has great access. The primary access points are off Wilke in this location, and in this location the Petitioner, when they complete purchase of the property, will own half of the land in this actual driveway. The other half is owned by the property owner to the south, but it is governed by a perpetual access easement that provides access all the way through to this point right here. There is no formal access allowed to the subject property to traverse through this site, but of course we know that practically they can make those traffic movements, presumably while the property owner to the south allows that to occur.

Additionally, there is an entrance here into the Days Inn property which provides access through onto the subject site. That is formalized through a perpetual easement for access and parking. Both of these sites share parking, so from a code standpoint, we analyzed the entire area from a parking standpoint. Then the access here continues on east through the Charhouse Restaurant, Jameson's Charhouse Restaurant, and then on through to the dealership there, the Napleton Dealership, which provides eventual access onto Kennicott. Access through here is not formalized through an agreement, but again while the access exists, for practical purposes these traffic movements could potentially occur as long as they're not barriered or blocked off by any of the other property owners. So, again, the site has excellent

access and it does have an abundance of parking in relation to code requirements.

Here's a different angle of the site showing the existing conditions. There is only one change, real significant change proposed to the site, and that's going to be the conversion of the drive-through area that's currently on the building, a conversion of that area to the outdoor play area for the children. There will still be an access lane preserved along the outside of that which will provide access through here. As you can see, the outdoor play area will be fairly centrally located and away from some of the neighboring buildings.

So, from a use standpoint, we are supportive of the special use for several reasons, one being that Petitioner has provided a market analysis. They've analyzed 10 other daycares in the vicinity and found a gap in the market for families that are seeking a non-corporate environment that also has a high quality curriculum, college-educated instructors, and is offered at a price point that's affordable for families in the vicinity. Second of all, we found that the use is not detrimental to the health, safety and welfare of people working and living in the vicinity, primarily due to the excellent access, the abundance of parking, and the compatibility with neighboring land uses. Thirdly, this proposed special use is compatible with the commercial designation on the Comprehensive Plan. So, we are supportive of the special use. We feel the necessary criteria for approval has been met.

Just talking through some of the site characteristics, there is no Design Commission review required for this project. They are not proposing any significant changes to the building. There will be some minor maintenance and paint work. They will be converting some doors, I'm sorry, some windows into doors which is required for exiting purposes for the interior classrooms.

However, there are three variations that are required, one of which being for accessory structures located in the front yard. The play equipment is proposed here and here. That's technically the front yard along this area of Wilke. A second variation is for a six-foot tall fence that's going to be constructed along the perimeter of the site. The Staff Development Committee is supportive of both of these variations from a practical standpoint. While this is technically considered a front yard, it feels more like an exterior side yard. This feels more like the primary entrance and front to the building. So, from a practical standpoint, although it's technically in a front yard, it doesn't really feel like it. The fence is necessary for safety for the children there, and so we are supportive of both of those variations.

I would point out that we are recommending two additional conditions of approval. One is relative to the proposed bike rack which is proposed in the parking spaces here. We're recommending a condition of approval that would relocate that a little closer to the main front entrance in this green space area here. I think there were 12, or 10 bike parking spaces proposed here, but code only requires two. So, they could significantly reduce the size of that bike rack to two, not take up much of this green space. That would preserve a prime spot for parent drop-off and pickup right next to the front door so that, you know, less parking would occur in some of these auxiliary areas causing parents and children to walk across some of the drive aisles to the main entrance.

Additionally, the traffic and parking study recommended stop signs be added to this intersection here and this intersection there. So, we are recommending a condition of approval that would require that.

The final variation relates to the size of accessory structures. This one is going to have a shade structure proposed on top of the play equipment which is going to be approximately 580 square feet. Code limits accessory structure size to 300 square feet, so

that variation is necessary.

Here is what it would look like. It's going to be an open air structure from a bulk and visibility standpoint. It's fairly innocuous. It will house the play equipment inside, and again we are supportive of this variation. It will be partially screened by that six-foot tall solid fence, and so we are recommending approval of that variation as well.

I'll walk you through quickly the landscape plan. The Petitioner is going to be redoing a lot of the perimeter landscaping here. All of this landscaping is new. They are leaving the existing trees on the site, but it is going to get a refresh from a landscaping perspective.

One of the conditions of approval we've recommended is the fence is going to be located again here, and there's about a two-foot space between the fence and the curb line. It's going to be sprinkled with bollards. In between those bollards, to soften the appearance of the fence, we're recommending the Petitioner include some landscaping, something that's salt and drought-tolerant. Something like some native plantings or grasses would be appropriate for that area. So, they can work with us during permitting to make sure those plantings are acceptable should the Plan Commission and Village Board feel that the condition of approval is appropriate.

Additionally, we did ask that a fourth condition of approval be added that would change and shift this play area just a little bit to the east to keep it outside of this 40-foot platted setback area. The Petitioner has agreed to abide by that condition as well.

Finally, I'll talk through some of the traffic implications here. From a traffic standpoint, the main intersection to consider is the Dundee Road and Wilke Road intersection. The primary movement to note is the northbound leg of that intersection which currently operates at a D and E level of service during the evening and D in the morning. That's going to stay the same, but it will increase the delay time a little bit as part of this proposal. Most of the other legs here operate at a C or better during peak travel times, but this development is only expected to add about 37 trips to this northbound intersection during the a.m. peak and 45 trips during the p.m. peak.

So, you know, that's a fairly moderate increase. Nothing really crazy there, but certainly if the intersection doesn't have the capacity to accommodate for those additional trips that could be a problem. But the traffic study did find support and capacity in that intersection to accommodate for the increase in level of delay and trips that will queue there.

There was some stacking observed during peak times that does, let's see if I can put it up here, that does queue back to where it blocks this intersection access into the Days Inn site. But it's estimated and it was observed during existing traffic conditions that that queue during the peaks times clears during every green cycle of the light. In a worst case scenario, because of the existing reciprocal access agreement, cars that maybe were trying to get into the Days Inn site would have the ability to travel down and come through here and have that alternative means of ingress and egress from the site. So, from a traffic standpoint, we think that the proposed development is viable.

Relative to parking, there is a surplus relative to code requirements. The Days Inn and subject property parking lot contains about 203 parking spaces. Per code, 156 spaces are required, so it's well in excess of code requirements and we're not anticipating any negative parking impact from this development.

So, with that being said, we are recommending approval, and happy to answer any questions.

CHAIRPERSON DAWSON: Great, thank you.

Do I have a motion to include the Staff report to the record?

COMMISSIONER GREEN: I'll make that motion to include.

COMMISSIONER CHERWIN: I'll second.

CHAIRPERSON DAWSON: All right, roll call?

MR. HUBBARD: Probably just voice.

CHAIRPERSON DAWSON: All in favor? I'm sorry, voice call.

(Chorus of ayes.)

CHAIRPERSON DAWSON: Any opposed?

(No response.)

CHAIRPERSON DAWSON: All right, great.

All right, so we are now going to open up for public commentary. Oh, sorry, before I do that, any questions before we open up for public commentary?

COMMISSIONER LORENZINI: Yes, a quick one. Sam, can you go back to the site plan please? So, where is the main entrance going to be? Right across from -- okay. Now, but the fence is going to go around in front of that?

MR. HUBBARD: No, the fence will actually come like this in front of the building.

COMMISSIONER LORENZINI: Oh, okay, thanks, Sam.

MR. HUBBARD: And then it will start again, actually, it won't be on this location, it will start again here.

COMMISSIONER LORENZINI: And there's two different play areas. What is the difference between that? Two age groups?

MR. HUBBARD: Yes, I believe it's, yes, segregated by age.

COMMISSIONER LORENZINI: Okay, fine. That's all I had, thank you.

CHAIRPERSON DAWSON: All right, any other questions before we open up for public commentary?

COMMISSIONER SIGALOS: Yes, I had a question. I heard that you mention something about bollards. Are those protective bollards, like steel bollards or whatever, to protect any vehicles from crashing through that fence? Is that the purpose of them?

MR. HUBBARD: Yes. Yes, they're nodding their head yes.

COMMISSIONER SIGALOS: How frequently will they be spaced?

CHAIRPERSON DAWSON: Could you just come up to the microphone and answer the question? Thank you, and you need to say your name and I need to swear you in because I don't think I swore you in earlier.

MR. TOPALOGLU: Birol Topaloglu, I am the consulting architect.

(Witness sworn.)

CHAIRPERSON DAWSON: Thank you.

COMMISSIONER SIGALOS: I was just asking, these steel bollards, I mean, how often would they be spaced? What's the spacing on them?

MR. TOPALOGLU: In the traffic code, it's given 45 feet.

COMMISSIONER SIGALOS: 45 feet?

MR. TOPALOGLU: 45, yes.

COMMISSIONER SIGALOS: Okay, and that's to protect the fenced, the playground behind the fence from any cars that may come crashing through there; is that correct?

MR. TOPALOGLU: It should protect, yes.

COMMISSIONER SIGALOS: Okay, fine. That's my only question.
MR. TOPALOGLU: Thank you.
CHAIRPERSON DAWSON: All right, anything else before we open up?
COMMISSIONER CHERWIN: Yes, I have one question to Sam. Sam, you mentioned the potential stacking causing an issue with that access drive to the Days Inn. Is there any administrative, like from the Village's perspective if that does occur, are you able to post signs or whatever about, you know, Do Not Block Driveway, or is that already there? You know, is that an easy fix, painted out or something like that?
MR. HUBBARD: Yes, on the public right-of-way there?
COMMISSIONER CHERWIN: Yes.
MR. HUBBARD: Let's see. We could certainly post a sign or look into posting a sign, Do Not Block Intersection, and add some striping.
COMMISSIONER CHERWIN: Yes, pretty, I mean, the Village can just do that on their own I imagine if it's --
MR. HUBBARD: Yes, I believe so. I know that IDOT controls Dundee Road so I'm not sure how --
COMMISSIONER CHERWIN: How far in?
MR. HUBBARD: -- far down they extend their jurisdiction there, but again, if for some reason those traffic operations were backing up, there are, you know, other alternatives for entrance into the site.
COMMISSIONER CHERWIN: Right. All right, that's it, thanks.
CHAIRPERSON DAWSON: All right, so with that, I'll open up for public commentary. Is there anyone in the audience who wants to speak?
(No response.)
CHAIRPERSON DAWSON: Seeing none, we'll go ahead and close public commentary. All right, I was going to start down here with Commissioner Cherwin.
Do you have any other questions or comments?
COMMISSIONER CHERWIN: No. I saw the project early on in the Committee, and I think we made a few remarks and comments. It's a great project and I think they, you know, satisfy the, you know, they've provided justification for the relief. So, I think it's a good project, that's it. Thank you.
CHAIRPERSON DAWSON: Okay, great.
COMMISSIONER SIGALOS: I was also at the Conceptual Plan Review Committee and fully understand the project and supportive of it. So, no questions.
CHAIRPERSON DAWSON: Commissioner Ennes?
COMMISSIONER ENNES: I agree. I think it's a great location for the project, to take advantage of this good site that's been sitting vacant for a while. No questions.
CHAIRPERSON DAWSON: Commissioner Drost?
COMMISSIONER DROST: No questions, just an agreement with the prior comments of the Commissioner.
CHAIRPERSON DAWSON: Commissioner Green?
COMMISSIONER GREEN: I was in that previous Committee meeting, and I enjoyed the enthusiasm. It's a great project. Yes, you do. Yes, you do.
CHAIRPERSON DAWSON: Commissioner Lorenzini?
COMMISSIONER LORENZINI: No comments, thank you.
CHAIRPERSON DAWSON: Commissioner Jensen?

COMMISSIONER JENSEN: I was at the meeting, too. I'm very happy with the project and glad to see this move forward.

CHAIRPERSON DAWSON: I was not in that meeting, but I --

COMMISSIONER GREEN: You missed it.

CHAIRPERSON DAWSON: I missed that meeting.

COMMISSIONER GREEN: It was good.

CHAIRPERSON DAWSON: I believe it based on this meeting, I believe how much fun that meeting was, but I don't have any questions other than as a mom who put three kids through daycare. I love to see daycares come into this community. This sounds like a wonderful daycare you have. You've got a proven track record. I'm excited to have you, you know, this is just advisory, but I'm excited to have you coming into the community. I love the different approach that you've explained tonight. So, I think it's a wonderful use for this location.

With that, do I have a motion?

COMMISSIONER CHERWIN: Sure, I'll make the motion.

A motion to recommend to the Village Board of Trustees <u>approval</u> of PC #22-008, a Special Use Permit for a daycare center on the subject property, and the following variations:

1. **Chapter 28, Section 6.5-2 to allow accessory structures in a front yard.**
2. **Chapter 28, Section 6.5-7B to allow an accessory structure in excess of 300 square feet.**
3. **Chapter 28, Section 6.13-3A to allow a six-foot tall solid fence within a front yard.**

This recommendation is subject to the following:

1. **The playground equipment/shade structure shall be shifted east to avoid encroachment into the platted 40-foot setback along the western side of the site.**
2. **Within the two-foot space between the six-foot privacy fence and the curb, the Petitioner shall install landscaping between each bollard which shall consist of salt/drought-tolerant greenery such as ornamental grasses.**
3. **The bicycle parking spaces proposed within the parking stall shall be relocated to the triangular landscape area at the east of the primary building entrance.**
4. **The Petitioner shall install stop signs for control of outbound movements from the site at the two exit drives where they each intersect with Wilke Road.**
5. **The Petitioner shall comply with all federal, state, and Village codes, regulations and policies.**

CHAIRPERSON DAWSON: Second?

COMMISSIONER DROST: I'll second that motion.

COMMISSIONER GREEN: I'll second.

CHAIRPERSON DAWSON: That is going to be your call who said that.

COMMISSIONER GREEN: George seconded.

CHAIRPERSON DAWSON: That was quite the tie.

MR. HUBBARD: George was louder.

CHAIRPERSON DAWSON: All right, now can I have a roll call vote?

MR. HUBBARD: Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes.
MR. HUBBARD: Commissioner Drost.
COMMISSIONER DROST: Aye.
MR. HUBBARD: Commissioner Ennes.
COMMISSIONER ENNES: Yes.
MR. HUBBARD: Commissioner Green.
COMMISSIONER GREEN: Yes.
MR. HUBBARD: Commissioner Jensen.
COMMISSIONER JENSEN: Yes.
MR. HUBBARD: Commissioner Lorenzini.
COMMISSIONER LORENZINI: Yes.
MR. HUBBARD: Commissioner Sigalos.
COMMISSIONER SIGALOS: Yes.
MR. HUBBARD: Chair Dawson.
CHAIRPERSON DAWSON: Yes.

So, congratulations, unanimous approval. Again, just a recommending body. You've got to go towards the Village Trustees. Sam will help you with any questions related to that, but exciting project and congratulations.

COMMISSIONER ENNES: Good luck!
CHAIRPERSON DAWSON: Yes.

All right, do we have any other -- oh, sorry. I've got to open up, I keep forgetting, to general public comments. Do we have any just other business public commentary?

(No response.)

CHAIRPERSON DAWSON: All right, seeing none, I'm going to go ahead and close the general public comment section. We don't have any other business that I see on the agenda, though you've got something there, Sam, that needs a signature it looks like.

All right, so --
COMMISSIONER JENSEN: I move adjournment.
COMMISSIONER DROST: I'll second that.
COMMISSIONER SIGALOS: I'll second.
CHAIRPERSON DAWSON: All in favor?

(Chorus of ayes.)

CHAIRPERSON DAWSON: Any opposed? Just in case.

(No response.)

CHAIRPERSON DAWSON: All right, thank you. Meeting adjourned.

(Whereupon, at 8:23 p.m., the public hearing on the above-mentioned petition was adjourned.)

DRAFT

Plan Commission
11/9/2022

Item: Paragon Mechanical - 2400 S. Arlington Heights Rd. - PC#22-010

Department: Planning & Community Development

Requested Action

1. Amendment to LUV Ordinance #20-022, to modify condition #3 and to eliminate condition #8.

Variations Required

1. Variation to Chapter 28 of the Municipal Code, Section 6.15-1.2(a), to waive the requirement for a 3' tall parking lot perimeter landscape screen along Arlington Heights Road.

2. Variation to Chapter 28 of the Municipal Code, Section 6.15-1.2(b), to allow certain parking rows to terminate without the code required curbed landscape island including a 4" caliper shade tree.

Recommendation

The Staff Development Committee reviewed the requested amendment to Land Use Variation Ordinance #20-022 to modify condition #3 and eliminate condition #8, as well as the following variations:

1. Variation to Chapter 28 of the Municipal Code, Section 6.15-1.2(a), to waive the requirement for a 3' tall parking lot perimeter landscape screen along Arlington Heights Road.

2. Variation to Chapter 28 of the Municipal Code, Section 6.15-1.2(b), to allow certain parking rows to terminate without the code required curbed landscape island including a 4" caliper shade tree.

The Staff Development Committee cannot support the application and recommends **DENIAL** for the reasons as outlined on page 3 of this report, as well as the following reasons:

• The landscape improvements are needed to mitigate for the contractor shop usage on the property.

• Without a date-certain for the future site redevelopment, the land use variation is not in harmony with the spirit and intent of the Zoning Code. Specifically, a contractor shop does not provide for the gradual elimination of non-conforming uses of land which adversely affect the character of the area.

• The contractor shop use is not compatible with the South Arlington Heights Corridor Plan in that that plan calls for commercial uses on the subject property, along with enhanced landscaping along Arlington Heights Road, and the proposed contractor shop is not compliant with these recommendations.

• The Staff Development Committee does not find that valid justification has been provided to warrant the non-compliance.

• The Village Board was very clear in their desire to see the property redeveloped (via condition #8) and if redevelopment was not submitted and approved, the Land Use Variation would become null and void.

ATTACHMENTS:

Description	**Type**
Staff Report	Board or Commission Report
Aerial	Exhibits
Public Notice	Exhibits
CPRC Minutes 7-27-22	Minutes
Project Description	Correspondence
Plat of Survey	Exhibits
VB Minutes from 2020 LUV Approval	Minutes
PC Minutes from 2020 LUV Approval	Minutes
Phased Landscape Plan per 2020 LUV Approval	Exhibits
Future Redevelopment Renderings from 2020 LUV Approval	Exhibits
Paragon Landscape Proposal	Exhibits
Cost Estimate - Removal of Safety Town & Install of 4 Shade Trees	Exhibits
Cost Estimate - Repair of Parking Lot	Exhibits
Department Comments - Round 1	Correspondence
Department Comments - Round 1 - Petitioner Response	Correspondence
Department Comments - Round 2	Correspondence
Department Comments - Round 2 - Petitioner Response	Correspondence
Department Comments - Round 3	Correspondence
Department Comments - Round 3 - Petitioner Response	Correspondence

VILLAGE OF ARLINGTON HEIGHTS

STAFF DEVELOPMENT COMMITTEE REPORT

***Project Number**: PC 22-010*
***Project Title**: Paragon Mechanical LUV Amendment*
***Address**: 2400 S. Arlington Heights Rd.*
***PIN**: 08-16-400-033, 08-16-400-035*

***To**: Plan Commission*
***Prepared By**: Sam Hubbard, Development Planner*
***Meeting Date**: November 9, 2022*
***Date Prepared**: November 4, 2022*

***Petitioner**: Kevin Polka*
Paragon Mechanical, Inc.
***Address**: 2400 S. Arlington Heights Road*
Arlington Heights, IL 60004

***Existing Zoning**: B-2: General Business District*
***Comprehensive Plan**: Open Space*



SURROUNDING LAND USES

Direction	Existing Zoning	Existing Use	Comprehensive Plan
North	B-2, General Business District	Detention Area, Highway On-ramp	Open Space
South	Elk Grove Village		
East	Unincorporated Cook County		
West	B-2, General Business District	Detention Area, Highway On-ramp	Open Space

Requested Action:

1. Amendment to LUV Ordinance #20-022, to modify condition #3 and to eliminate condition #8.

Variations Required:

1. Variation to Chapter 28 of the Municipal Code, Section 6.15-1.2(a), to waive the requirement for a 3' tall parking lot perimeter landscape screen along Arlington Heights Road.
2. Variation to Chapter 28 of the Municipal Code, Section 6.15-1.2(b), to allow certain parking rows to terminate without the code required curbed landscape island including a 4" caliper shade tree.

Project Background:

The subject property is 102,991 square feet in size (2.36 acres) and is currently occupied by Paragon Mechanical, a contractor that specializes in mechanical and plumbing solutions for residential and commercial customers. They offer complete installation of heating, cooling, and tankless water heater systems, as well as maintenance and repairs (which do not occur on the subject property). While part of the building is used for Paragon's daily office functions (accounting, scheduling, sales), the building is also used to store parts and equipment onsite. Additionally, Paragon stores a contractor "shop" truck within the building. These attributes qualify the business use as a "Contractor Shop" per the Zoning Code.

In early 2018, Village staff observed Paragon trucks being stored on the property and parked at the front of the site along Arlington Heights Road. Over the next several months, the truck parking continued and during mid-2018, Village staff initiated a code enforcement case against the petitioner. Sometime in 2019, Paragon illegally moved into the property and ultimately submitted a Plan Commission application in 2020 to allow for their permanent occupancy of the site. Included within the application was a future redevelopment concept for the subject property, which was taken into consideration by Village staff, the Plan Commission, and the Village Board. The Staff Development Committee recommended denial of the application; however, the Plan Commission recommended approval and a temporary Land Use Variation was ultimately approved by the Village Board.

The subject property is zoned B-2, General Business district, and contractor shops are not allowed in the B-2 district. The Land Use Variation granted in 2020 allowed the business to occupy the site on a temporary two-year basis, partly due to the presentation of the future redevelopment concept that was presented by the petitioner. As part of the 2020 approval, two conditions were attached, which are summarized below:

3. The Petitioner shall be required to implement the phased landscape plan prepared by the Village of Arlington Heights and dated May 8, 2020. Phase One landscape improvements shall be completed no later than September 30, 2020, and Phase Two landscape improvements shall be completed no later than September 30, 2022.

8. Within two years of ordinance approval, the petitioner shall submit a complete Plan Commission application and redevelopment plan for the property. If no application is submitted and subsequently approved, the Land Use Variation shall become null and void.

A copy of the phased Village Landscape Plan is included in the materials provided to the Plan Commission. Only a portion of the Phase One landscaping was installed by the September 2020 deadline, which landscaping has not taken well and is in need of maintenance and replacement. None of the Phase Two landscaping, which was to be installed by the end of September of this year, has been installed.

At this time, the petitioner is seeking to modify the previously granted Land Use Variation to modify condition #3 and to eliminate condition #8. No changes to the building have been proposed.

South Arlington Heights Road Corridor Plan:

In May of 2018, the Village adopted the South Arlington Heights Corridor Plan, which included the Village's vision and strategies for improvement to this important gateway into the Village. The subject property was specifically mentioned in the plan, which outlined that the site was suitable for commercial uses and recommended enhanced landscaping on the subject property along the South Arlington Heights Road frontage. The Paragon Mechanical contractor shop is not compatible with the land use designation within

the plan. Furthermore, the lack of landscaping along the South Arlington Heights Road frontage is in conflict with the recommendation of the plan. Additionally, due to the location of the property at the southern edge of the corridor and as the first property within Arlington Heights that visitors see as they exit the tollway or travel northbound on Arlington Heights Road, the plan identified the site as an important opportunity to enhance the appearance of the southernmost portion of the corridor. Staff continues to believe that a contractor shop does not help to realize the goals of the South Arlington Heights Corridor Plan.

Since approval of Paragon's 2020 Land Use Variation, there have been several improvements within the South Arlington Heights Corridor, which extends from the I-90 Tollway north to Noyes Street. In 2021, the vacant car wash at 2100 South Arlington Heights Road was purchased and revitalized with a new car wash business (Driven Car Wash). The refurbished building received the 2021 Alan F. Bombick award for Excellence in Design for a commercial project from the Arlington Heights Design Commission. Additionally, the owners of the former Daily Herald building at 155 E. Algonquin Road have recently applied for an interior demolition permit that will enable interior remodeling of the 1st floor lobby area and the entire second floor, which will facilitate future re-occupancy of the building. The site is currently being marketed as "ArlingtonMed", with the intention for future reuse as Class A medical office space. Less than half a mile down Algonquin Road to the west of the subject property, the Chez Hotel continues with construction. Finally, the BP gas station at 2250 S. Arlington Heights Road received Design Commission approval in 2021 to allow for updates to the façade, along with new signage, which is meant to enhance the appearance of the building. A permit for that work is currently under review.

Zoning and Comprehensive Plan

As mentioned above, in July of 2020, Paragon received the Land Use Variation with a two-year time limit to allow their business on the subject property. The Staff Development Committee had recommended against the Land Use Variation at that time for several reasons:

1. The proposed land use was not consistent with the criteria for land use variation approval. Specifically, a contractor shop is not compatible with the existing uses and zoning of nearby properties and would alter the essential character of the locality.
2. The proposed use was not in harmony with the spirit and intent of the Zoning Code. Specifically, a contractor shop would not provide for the gradual elimination of non-conforming uses of land which adversely affect the character of the area.
3. The proposed use was not the minimum necessary variation to allow for reasonable use of the site. The variation is a substantial departure from the permitted uses as would be allowed within the B-2 District, and the property had not sat vacant for any substantial period of time.
4. The proposed land use variation was not compatible with the South Arlington Heights Corridor Plan. The plan called for commercial uses on the subject property, and the proposed contractor shop did not comply with this recommended land use. Additionally, outdoor storage of work vehicles would not enhance the appearance of the corridor.

After much discussion, the Plan Commission voted 6-3 in favor of the application, subject to several conditions of approval as recommended by the Staff Development Committee (which had been prepared as possible conditions of approval should the Plan Commission believe that the Land Use Variation was warranted). One of these conditions was relative to the installation of phased landscaping on the site, which was believed to be necessary to mitigate for the proposed use (condition #3 - landscape improvements). There was also significant discussion at the Village Board level, which resulted in a 5-3 vote for approval of

the Land Use Variation subject to the conditions as recommended by the Plan Commission, along with one additional condition of approval as discussed below.

During both the Plan Commission and Village Board review process, the petitioner presented conceptual plans for a future redevelopment of the site, which showed demolition of the existing building and construction of a new three-story structure with landscaping along Arlington Heights Road and decorative amenity areas (patio, gazebo, greenspace and trees – see **Exhibit A**). The redeveloped site would also include solar panels for renewable energy. Taking into consideration and relying upon the future vision for redevelopment of the subject property, the Village Board added condition #8, which gave the petitioner two years to submit a complete Plan Commission application for redevelopment, otherwise the Land Use Variation would become null and void. The petitioner has not submitted a Plan Commission application for redevelopment of the site, and as noted above, has submitted a Plan Commission application to remove the redevelopment requirement and landscape obligations.

Conceptual Plan Review Committee:

On July 27, 2022, the petitioner appeared before the Conceptual Plan Review Committee for a preliminary review of their request. The minutes from that meeting are included in the packet transmitted to the Plan Commission.

Petitioners Request:

As part of their proposed Landscape Plan, Paragon would eliminate the majority of parking space striping within the parking area, which would reduce the number of striped parking stalls to 17. In combination with the interior garage parking spaces, the site would include a total of 30 parking stalls. The Paragon plan is included in the documents provided to the Plan Commission. Of note, the plan does not include the code required three-foot-tall landscape screen along Arlington Heights Road, nor does it include three code required landscape islands at the ends of certain parking rows. It should be noted that the petitioner believes Village staff has incorrectly applied the regulations of Chapter 28 and that the landscape screen and landscape islands are not actually required by code. They have included their rationale within their response to the 3rd Round of Department review comments, which is part of the packet provided to the Plan Commission. The Village has reviewed the reasoning provided by the petitioner and does not agree with their interpretation; it has been determined that the variations, as outlined below, are required by code:

- ***Variation to Chapter 28 of the Municipal Code, Section 6.15-1.2(a), to waive the requirement for a 3' tall parking lot perimeter landscape screen along Arlington Heights Road.***
- ***Variation to Chapter 28 of the Municipal Code, Section 6.15-1.2(b), to allow certain parking rows to terminate without the code required curbed landscape island including a 4" caliper shade tree.***

The landscape plan proposed by the petitioner includes; 1) the immediate removal of "Safety Town" along with seeding of the area for grass, 2) the installation of four shade trees (three within existing landscape islands and one adjacent to the building), and 3) the elimination of parking lot striping as outlined above. The final component of the petitioner's request is to eliminate the requirement for redevelopment of the site.

Staff Development Committee Review:

The Staff Development Committee is not supportive of the petitioner's request to eliminate condition #8. During the 2020 zoning approvals, the petitioner justified their prohibited contractor shop use due to the fact that it would only be a temporary use and their future plans were for a more comprehensive redevelopment of the site. The Village Board considered this point and specifically included a condition of

approval that required the petitioner to submit a Plan Commission application for redevelopment of the site by June 22 of this year, which redevelopment concept (as presented by the petitioner) would be more compatible with the South Arlington Heights Road Corridor Plan. Furthermore, the Village Board stipulated that failure to abide by this condition would render the Land Use Variation null and void. While the objectives and redevelopment envisioned within the South Arlington Heights Road Corridor Plan have not yet been fully realized, progress is taking place within the corridor. Permanent occupancy of the subject property with the limited improvements as proposed within the Paragon Landscape Plan, and with no deadline for the future redevelopment of the site, would be contrary to the goal and objectives of the South Arlington Heights Corridor Plan. Should the requested amendment to the Land Use Variation be denied and the temporary Land Use Variation become null and void, the property may be used and maintained for code-compliant B-2 uses along with the installation of code-compliant landscaping.

The Staff Development Committee believes that all landscaping per the Village's phased Landscape Plan should be installed and does not find a valid reason to justify the non-compliance. For reference, the approval standards for a Variation are included below:

- **The proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property.**
- **The plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned.**
- **The proposed variation is in harmony with the spirit and intent of this Chapter.**
- **The variance requested is the minimum variance necessary to allow reasonable use of the property.**

Without the code-required landscaping, the site will continue to have a detrimental impact on the South Arlington Heights Road corridor, and staff is not in favor of the proposed modification to condition #3. The requested modification would allow implementation of the Paragon Landscape plan, which necessitates the aforementioned landscape variations. All other developments and businesses are required to comply with Village Code and staff does not find sufficient justification for the requested variations.

Building, Site, Landscaping:

The petitioner is not proposing any building alterations as part of the requested Land Use Variation amendment. Relative to landscaping, Phase One required that by the end of September 2020, the petitioner was to have installed four curbed landscape islands (each including a shade tree), as well as approximately 315 lineal feet of three-foot-tall perimeter parking lot landscaping. Phase Two entailed four additional curbed landscape islands and six shade trees to be installed by the end of September of this year. To date, the petitioner has installed only the 315 feet of perimeter screening, which has not taken well and needs to be maintained.

Traffic and Parking:

Other than the reduction to the number of striped parking spaces, the requested Land Use Variation amendment has no impact to traffic, parking, or loading. Per the modified business plan and building usage as presented in conjunction with this application, 19 parking stalls are required by Code. The proposed plan for 17 exterior parking stalls and 13 interior parking stalls (total of 30) complies with Code.

Summary:

There are two primary components to this application:

1. The permanent land use of the property as a contractor shop.
2. Compliance with the code-required landscaping.

The Staff Development Committee does not support the land use and the contractor shop should cease operations. Code compliant B-2 uses on the subject property would be permissible, which uses must be evaluated for compliance upon the submittal of detailed information, along with the application and approval of a business license. Code compliant and well-maintained landscaping must be installed on the subject property. Removal of the parking space striping within a parking area does not constitute removal of that parking area. Absent the complete removal of the pavement, the parking area still exists and the code required landscaping for that parking area is mandatory (both the three-foot-tall perimeter screen and the landscape islands at the ends of all parking rows).

RECOMMENDATION

The Staff Development Committee reviewed the requested amendment to Land Use Variation Ordinance #20-022 to modify condition #3 and eliminate condition #8, as well as the following variations:

1. **Variation to Chapter 28 of the Municipal Code, Section 6.15-1.2(a), to waive the requirement for a 3' tall parking lot perimeter landscape screen along Arlington Heights Road.**
2. **Variation to Chapter 28 of the Municipal Code, Section 6.15-1.2(b), to allow certain parking rows to terminate without the code required curbed landscape island including a 4" caliper shade tree.**

The Staff Development Committee cannot support the application and recommends **DENIAL** for the reasons as outlined on page 3 of this report, as well as the following reasons:

- The landscape improvements are needed to mitigate for the contractor shop usage on the property.
- Without a date-certain for the future site redevelopment, the land use variation is not in harmony with the spirit and intent of the Zoning Code. Specifically, a contractor shop does not provide for the gradual elimination of non-conforming uses of land which adversely affect the character of the area.
- The contractor shop use is not compatible with the South Arlington Heights Corridor Plan in that that plan calls for commercial uses on the subject property, along with enhanced landscaping along Arlington Heights Road, and the proposed contractor shop is not compliant with these recommendations.
- The Staff Development Committee does not find that valid justification has been provided to warrant the non-compliance.
- The Village Board was very clear in their desire to see the property redeveloped (via condition #8) and if redevelopment was not submitted and approved, the Land Use Variation would become null and void.

_____ November 4, 2022

Charles Witherington-Perkins, Director of Planning and Community Development

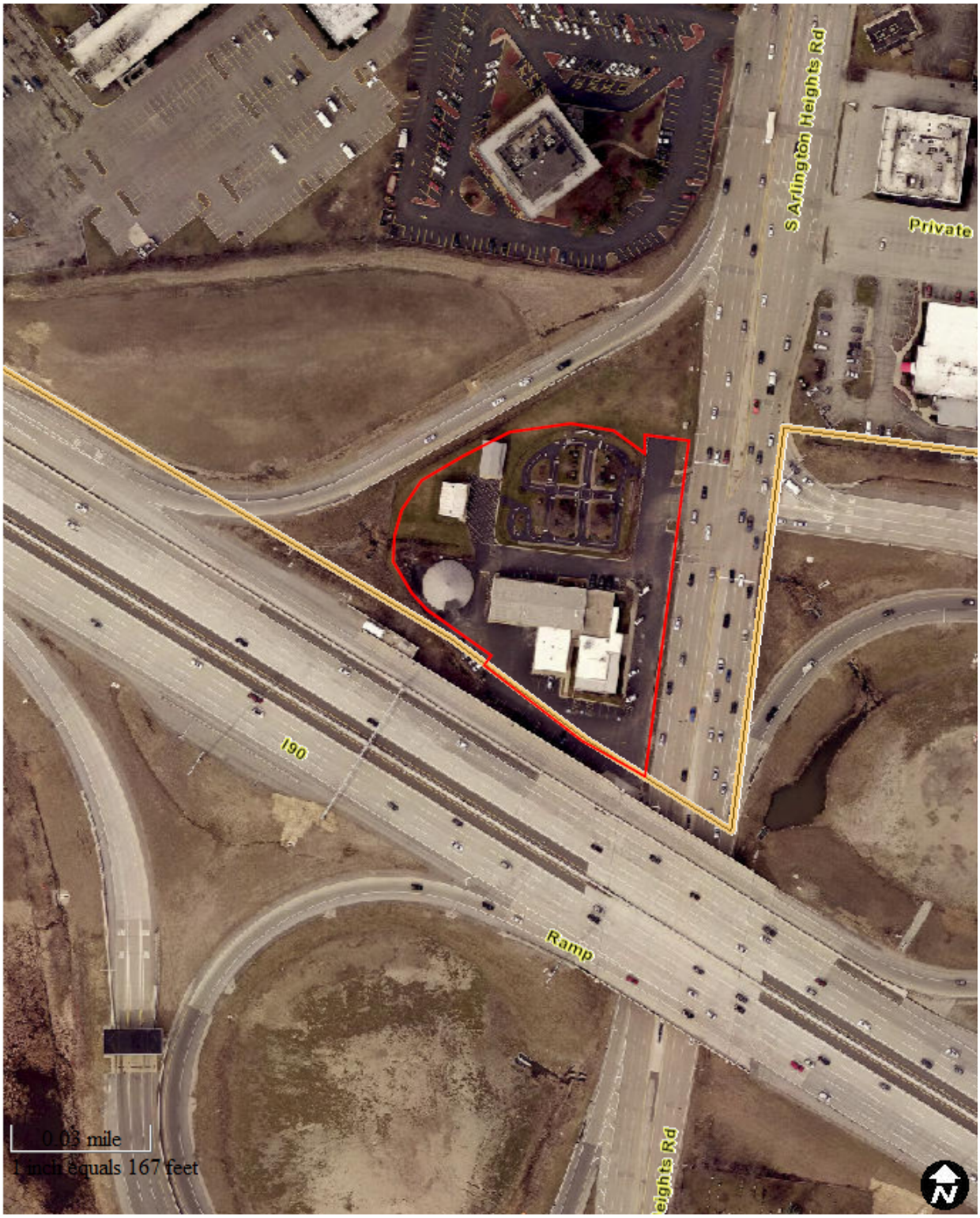
Cc: Randy Recklaus, Village Manager
All Department Heads

Exhibit A



GIS consortium MapOffice™

Aerial



Map created on **June 21, 2018.**

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NOTIFICATION AFFIDAVIT

I, KEVIN POLKA hereby certify as follows:

1. That on the 25TH day of OCTOBER, 2022, affiant caused to be mailed in the Post Office of 909 W. EUCLID AVE, ARLINGTON HEIGHTS, IL, copies of the attached Notice of Public Hearing to all listed tax payers of real estate within 250 feet, excluding all Public Right-of-Ways of the subject property and to the owners, or representatives, of property listed as exempt, and to all Condominium Associations whose property is within 250 feet of the subject site for which the hearing is being held..

2. That the parties to whom said notice was mailed are set forth on the attached list.

3. That the petitioner stated that the required sign(s) were erected as required by the Village of Arlington Heights.

Signature

Subscribed and Sworn to before me
this 28 day of Oct., 2022

Notary Public

SOFIJA KRSTIC
Official Seal
Notary Public - State of Illinois
My Commission Expires Mar 20, 2025

Date: October 25, 2022

NOTICE OF PUBLIC HEARING

Please be advised that a petition has been filed with the Village of Arlington Heights for an Amendment to Land Use Variation Ordinance #20-022 to allow for modifications to the conditions of approval, as well as the following variations from Chapter 28 of the Municipal Code:

- Variation to Section 6.15-1.2a.1, to waive the requirement for a 3' tall parking lot perimeter landscape screen along Arlington Heights Road.
- Variation to Section 6.15-1.2(b), to allow certain parking rows to terminate without the code required curbed landscape island including a 4" caliper shade tree.

The location of the property is 2400 S. Arlington Heights Rd, Arlington Heights IL 60005. HVAC Equipment Sales LLC is the beneficial owner of the property.

At the public hearing, the Plan Commission will accept and consider all testimony and evidence pertaining to the application, and will consider any zoning actions or relief that may be necessary or convenient to allow development of the type described in this notice, or development that is less dense than the type described in this notice, including, without limitation, special use permits, variations, map or text amendments, or other special approvals.

This hearing is open to the public and comments from the public on the proposal are invited. Hearing on said petition will be held by the Arlington Heights Plan Commission at the Municipal Building, 33 South Arlington Heights Road, Arlington Heights, IL, 3rd Floor at 7:30pm on Wednesday, November 9, 2022.

Kevin J Polka

Persons with disabilities requiring auxiliary aids or services, such as an American Sign Language interpreter or written materials in accessible formats, should contact Rosangela Maldonado at 33 S. Arlington Heights Road, Arlington Heights, IL 60005, (847) 368-5791 (Voice) or 847-368-5980 (Fax) or rmaldonado@vah.com

List of parties notified by mail about the public hearing					
PIN's that Must Receive A Public Hearing Notification Letter	Name and Address				
PIN	Addressee	Address	City	State	Zip
08-16-400-009-0000	Forest Preserve District	536 N. Harlem Ave.	River Forest	IL	60305
08-16-400-004-0000					
08-16-400-011-0000					
08-16-400-021-0000					
08-16-400-031-0000	R McNaughton Receiver	123 E. Ogden Ave. 202	Hinsdale	IL	60521
08-16-400-032-0000					
08-16-401-010-0000	Nicor Gas Real Estate	10 Peachtree Pl. #1150	Atlanta	GA	30309
08-16-401-019-0000	Guitar Center Inc.	5795 Lindero Canyon Rd.	Westlake Vlg	CA	91362
08-16-401-023-0000					
08-16-401-042-1001	Xilin Association	1163 E. Ogden Ave. Suite 301	Naperville	IL	60563
08-16-401-042-1002	Hamilton Partners	300 Park Blvd. Ste. 500	Itasca	IL	60143
08-16-401-042-1003	Advansoft Intl Inc	135 E. Algonquin Rd. #B	Arlington Hts	IL	60005
08-16-401-033-0000	AH Acquisitns	300 S. Wacker Dr.	Chicago	IL	60606
08-16-401-042-1004	Bradford Allen	300 S. Wacker Dr. Ste. 35	Chicago	IL	60606
08-16-401-042-1006					
08-16-401-042-1007					
08-16-401-046-0000	IHPAH Co B Allen	300 S. Wacker 35th Fl	Chicago	IL	60606
08-16-401-042-1005	Path Construction	125 E. Algonquin Rd.	Arlington Hts	IL	60005
08-16-401-011-0000	Elk Grove Township	600 Landmeier Rd.	Elk Grove Village	IL	60007

NOTICE OF PUBLIC HEARING

HEARING FOR: Amendment to Land Use Variation Ordinance #20–022 and Variations to Chapter 28 of the Municipal Code to waive certain landscape requirements

HEARING LOCATION: Arlington Heights Municipal Building
33 S. Arlington Heights Rd.
Arlington Heights, IL 60005

DATE: November 9, 2022 TIME: 7:30 PM

PUBLIC ATTENDANCE AND COMMENTS INVITED

FOR DETAILS CALL:

Paragon Mechanical
847-321-9428

or Village of Arlington Heights
Department of Planning & Community Development
at 847–368–5200

NOTICE OF PUBLIC HEARING

HEARING FOR: Amendment to Land Use Variation Ordinance #20-022 and Variations to Chapter 28 of the Municipal Code to waive certain landscape requirements

HEARING LOCATION: Arlington Heights Municipal Building
33 S. Arlington Heights Rd.
Arlington Heights, IL 60005

DATE: November 9, 2022 TIME: 7:30 PM

PUBLIC ATTENDANCE AND COMMENTS INVITED

FOR DETAILS CALL:

Paragon Mechanical
847-321-9428

or Village of Arlington Heights
Department of Planning & Community Development
at 847-368-5200

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE PLAN COMMISSION OF THE VILLAGE OF ARLINGTON HEIGHTS WILL CONDUCT A PUBLIC HEARING ON NOVEMBER 9, 2022, AT 7:30 P.M. in the Municipal Building, 33 South Arlington Heights Road, Arlington Heights, Illinois to consider Petition No. 22-010, a request for an amendment to Land Use Variation Ordinance #20-022 to allow for modifications to the conditions of approval, on property located at 2400 South Arlington Heights Road in Arlington Heights, IL, and legally described as follows:

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.

KNOWN AS: 2400 S. ARLINGTON HEIGHTS ROAD, ARLINGTON HEIGHTS, ILLINOIS 60005

As part of said petition the applicant is requesting the following variations from Chapter 28 of the Municipal Code:
• Variation to Section 6.15-1.2a.1, to waive the requirement for a 3' tall parking lot perimeter landscape screen along Arlington Heights Road.
• Variation to Section 6.15-1.2(b), to allow certain parking rows to terminate without the code required curbed landscape island including a 4" caliper shade tree.

At the public hearing, the Plan Commission will accept and consider all testimony and evidence pertaining to the application, and will consider any zoning actions or relief that may be necessary or convenient to allow development of the type described in this notice, or development that is less dense than the type described in this notice, including, without limitation, special use permits, variations, map or text amendments, or other special approvals.

All persons desiring to be heard shall be given the opportunity to be heard. Should any individual need auxiliary aid or service, such as a sign language interpreter or materials in alternative formats, please contact the Health Department at 33 South Arlington Heights Road, Arlington Heights, Illinois 60005, (847) 368-5760, TDD# (847) 368-5794.

Susan Dawson, Chair
ARLINGTON HEIGHTS PLAN COMMISSION
Published in Daily Herald October 25, 2022 (4590298)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Northwest Suburbs
Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **Northwest Suburbs DAILY HERALD**. That said **Northwest Suburbs DAILY HERALD** is a secular newspaper, published in Arlington Heights and has been circulated daily in the Village(s) of:
Arlington Heights, Barrington, Barrington Hills, Bartlett, Buffalo Grove, Deer Park, Des Plaines, Elk Grove, Franklin Park, Glenview, Hanover Park, Hoffman Estates,Inverness, Melrose Park,Morton Grove, Mt Prospect, Niles, Northbrook, Northfield, Northlake, Palatine, Park Ridge, Prospect Heights, River Grove, Rolling Meadows, Rosemont, Schaumburg,Schiller Park, South Barrington, Streamwood, Wheeling, Wilmette

County(ies) of Cook
and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said Village(s), County(ies) and State.

I further certify that the Northwest Suburbs DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 10/25/22 in said Northwest Suburbs DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICATIONS, Inc., has caused this certificate to be signed by, this authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY Paula Ballzon
Designee of the Publisher and Officer of the Daily Herald

Control # 4590298

REPORT OF THE PROCEEDINGS OF

THE CONCEPTUAL PLAN REVIEW COMMITTEE

OF THE VILLAGE OF ARLINGTON HEIGHTS PLAN COMMISSION

A MEETING WAS HELD ON: July 27, 2022

Project Title: Paragon Mechanical LUV Amendment

Address: 2400 S. Arlington Heights Road

Petitioner: Kevin Polka
Paragon Mechanical

Address: 2400 S. Arlington Heights Road
Arlington Heights, IL 60004

Requested Action:

1. Amendment to LUV Ordinance #20-022, to remove conditions #3 (relative to the installation of certain landscaping) and to remove condition #8 (relative to redevelopment of the property).

Variations Required:

- Variation to Chapter 28 of the Municipal Code, Section 6.15-1.2(a), to waive the requirement for a 3' tall parking lot perimeter landscape screen along Arlington Heights Road.
- Variation to Chapter 28 of the Municipal Code, Section 6.15-1.2(b), to allow certain parking rows to terminate without the code required curbed landscape island including a 4" caliper shade

Attendees: Kevin Polka, Paragon Mechanical
Bruce Green, Plan Commissioner
Jay Cherwin, Plan Commissioner
John Sigalos, Plan Commissioner
Sam Hubbard, Development Planner
Jake Schmidt, Assistant Planner

Project Summary:

The subject property is 102,991 square feet in size (2.36 acres) and is currently occupied by Paragon Mechanical, a contractor that specializes in mechanical and plumbing solutions for residential and commercial customers. They offer complete installation of heating, cooling, and tankless water heater systems, as well as maintenance and repairs (which do not occur on the subject property). While part of the building is used for Paragon's daily office functions (accounting, scheduling, sales), the building is also used to store parts and equipment onsite, which classifies the business use as a "Contractor Shop" by the Zoning Code. The subject property is zoned B-2, General Business district and Contractor Shops are not allowed in the B-2 District. Consequently, in 2020 the petitioner was approved for a Land Use Variation to allow the business to occupy the site. As part of the 2020 approval, two conditions were attached, which are summarized below:

3. The Petitioner shall be required to implement the phased landscape plan prepared by the Village of Arlington Heights and dated May 8, 2020. Phase One landscape improvements shall be completed no later than September 30, 2020, and Phase Two landscape improvements shall be completed no later than September 30, 2022.

8. Within two years of ordinance approval, the petitioner shall submit a complete Plan Commission application and redevelopment plan for the property. If no application is submitted and subsequently approved, the Land Use Variation shall become null and void.

A copy of the phased Village Landscape Plan is included in the materials provided to the Conceptual Plan Review Committee. Only a portion of the phase 1 landscaping was installed by the September 2020 deadline, which landscaping has not taken well and is in need of maintenance. None of the phase 2 landscaping, which is to be installed by the end of September of

this year, has been installed.

At this time, the petitioner is seeking to modify the previously granted Land Use Variation to eliminate conditions #3 and #8. No changes to the site or building have been proposed.

Meeting Discussion:

Mr. Polka began by stating that a couple years ago he bought the old Elk Grove Township property. He owns a heating and cooling company, used to be located at 11 North Arlington Heights Road. Had a similar zoning situation at that location and Staff at the time provided him with assistance in obtaining the necessary zoning entitlements to operate at that location. The business flourished for 6 years without any complaints. He believed people were happy to see them at that location. When the Elk Grove Township property came up for sale, nobody else was interested in it and he bought that property. He understood it was zoned R-1 so he approached the Village to have it rezoned.

Staff was not supportive of his business being relocating to the Township property. Ultimately, he went through the zoning entitlement process and received approval from the Trustee's. However, certain conditions of approval were established, which conditions could not be met. Specifically, with regards to the landscape condition, he is asking that the design of the landscaping be revised so that it is more conducive with his operation. With regards to the condition stipulating a deadline for redevelopment, this condition makes it impossible to get any funding. Redevelopment of the property is a $6 million endeavor. No bank will finance this project given the timeline required by the Village. The Village is requiring the redevelopment within a certain timeframe or else the zoning approvals become null and void, however, the banks don't want to finance the project given the potential for the zoning entitlements to become null and void should the timeline not be met. He can't get financing because of the timeline. The site would be owner occupied, and the banks and all financial institutions would require that as well. The timeline needs to be removed.

In the meantime, they have shown that they will do whatever is needed to make the southern corridor better. He has submitted documentation that shows the South Arlington Heights Corridor is full of vacancies; some of the properties have gotten pretty bad. Paragon is located within this corridor and they are happy to improve the property and make it better, but they are asking that the deadline for redevelopment be rescinded.

Commissioner Green stated that the zoning entitlements established a condition of approval relative to landscape improvements, which were to be installed in phases. Although Mr. Polka stated that he was willing to improve the property, the required landscaping was not installed. He asked why the landscaping was not installed.

Mr. Polka asked Commissioner Green to get his facts straight. The landscape improvements were required to be implemented in two different phases. He stated that they installed the first phase, which phasing plan was designed by the Village and included plantings along Arlington Heights Road. Although his landscaper said the plantings were a bad idea, he installed them anyway as that was the Village requirement. Paragon invested in that landscaping, submitted a plan, and installed the landscaping per plan. The final phase of landscape improvements were not required to be implemented yet, and rather than begin work to complete the second phase of landscaping, they have submitted an application to change the landscape requirement. The second phase, as required by the Village, doesn't make financial sense and the proof is shown by the landscaping that they've already installed. They are just asking for a practical plan that makes sense. He thinks it's important to understand facts and to say that he didn't install the landscaping is incorrect. He said he did and they spent a lot of money doing it.

Commissioner Green asked if phase two of the landscaping had been installed.

Mr. Polka responded that phase two is why he is here right now.

Commissioner Green asked if phase two was supposed to be done by last month.

Mr. Polka stated that phase two was supposed to be done by July 20th and in lieu of completing that obligation they have instead submitted a Plan Commission application to modify the requirement. He asked for Staff's support and received

nothing. The required landscaping is not practical so he has submitted the application, paid the application fee, and now wants a landscape plan that makes more sense. Paragon has done what was asked of them.

Mr. Hubbard said he is sure that the Conceptual Plan Review Commission will recall about two years ago the petitioner came before the Plan Commission requesting a rezoning and land use variation to allow their contractor shop on the subject property. There were two conditions of approval added, one relative to the installation of landscaping, which was to be installed in two phases. The first phase was to be installed by the end of September 2020. A portion of the phase one landscaping had been installed, but the other portion had not been installed. The second phase of landscaping was to be installed by the end of September 2022, so there was still time for that landscaping to be installed, but none of it has been installed to date. Paragon is requesting to eliminate conditions relative to the installation of landscaping, as well as elimination of the requirement to submit a redevelopment plan for the property.

Mr. Hubbard clarified that the condition relative to redevelopment did not require the redevelopment be constructed and completed by a certain deadline. The condition only required that a Plan Commission application for redevelopment be submitted, go through the process and be approved by a certain date so that redevelopment could eventually take place. The condition didn't require the redevelopment to actually be constructed. The Staff Development Committee is not in favor of the requested amendment to the land use variation and they had not been in favor of the land use variation to begin with, for several reasons. The condition relative to the submission of a future redevelopment plan was something that the Village Board chose to add when they approved the original zoning entitlements. This condition was not something that had been recommended by Staff. As evidenced by the inclusion of the redevelopment approval deadline, it is very clear that the Village Board wanted a redevelopment of this site to take place. Mr. Hubbard stated that the contractor shop does not fit with the vision for the area, is not within the spirit and intent of the zoning code, and the landscape improvements are needed to help mitigate for the use. Staff does not find that there's any justification to warrant landscaping noncompliance. The zoning approvals requested are an amendment to the land use variation to eliminate the landscape condition and to eliminate the condition requiring a future redevelopment plan for the property, as well as variations to waive the requirements for the landscaping that's required by code on the site.

Mr. Polka stated that he didn't ask to eliminate the landscape requirements; the document that they provided asked to modify the landscape requirements to meet his needs. He said he is happy to do the landscaping, but never asked to eliminate it. He asked Mr. Hubbard if he read what he submitted.

Mr. Hubbard clarified that Mr. Polka had submitted two documents. The first document was submitted as part of the Conceptual Plan Review process and asked to eliminate the landscape requirements. Recently, Paragon submitted a second document as part of their Plan Commission application, which was still under review. That document is what Mr. Polka was referencing this evening. However, the Conceptual Plan Review Committee staff report and analysis was based on the project narrative submitted by Paragon as part of the Conceptual Plan Review Committee.

Mr. Polka wanted to make it clear that he never asked to eliminate landscaping. He is happy to make improvements and wanted it to be better. He stated that they had installed the landscape screen along Arlington Heights Road that was required and it cost him $10,000. He is happy to make it more beautiful, he said wants to and that this is the town he lives in. But he is asking for a modified version that meets code and meets his needs. He said that's what's written in his request.

Mr. Hubbard stated that the modified version would still require variations.

Mr. Polka replied that this was no problem, but he is not asking to eliminate any landscaping requirement. He said he is happy to landscape. He said he is only asking for the landscaping to meet his needs.

Mr. Hubbard stated that Mr. Polka would be asking to eliminate certain landscape requirements.

Mr. Polka responded no, he is only asking for it to meet his needs.

Commissioner Green stated that the Arlington Heights landscape requirements were not necessarily individualized to meet

Paragon's needs. The Village has a blanket code that covers every business in the community.

Mr. Polka said that his landscape needs were not that complicated. The Village told him he needed 50 parking spaces per code, but 50 parking spaces for his business was too many. He would like to re-stripe the parking lot to meet the needs for his business and will meet all the code requirements based on those parking spaces.

Commissioner Green stated that the parking requirement for this business weren't based on what Paragon thought they needed for parking spaces. The Village has ordinances that are laws and if you don't follow the ordinances, the law is not being followed. You don't get to modify it just because you don't want to do it.

Mr. Polka said he used the parking chart provided by staff to calculate the code required parking that he thought he needed for the property.

Commissioner Green stated that if you don't meet the code, you must go for a variance.

Mr. Polka said he does not want to deviate from the code.

Commissioner Green said that if you don't deviate from the code then you will provide what is required by the code. Paragon was here at the meeting because they needed relief from the code.

Mr. Polka said that the first time he obtained zoning approval 11 years ago, Mayor Mulder said to him: I don't know why Paragon needed any approvals.

Commissioner Green responded that this was 11 years ago and Mayor Mulder is not here now.

Mr. Polka said that to say I'm here because I don't want to follow the code is not fair. The reality is that he will meet all codes regarding landscaping. No problem. He wanted to discuss the parking requirement; 25 parking spaces were required for the training center portion of his business and they are eliminating that portion of this business. He can't help that the Village didn't review the project narrative. Paragon will meet all codes regarding landscaping.

Commissioner Green said that the project narrative is under review. Staff said it was under review. If Paragon brought something new tonight, Staff is not going to hold up this meeting simply because Mr. Polka wanted something new that has not had a chance to be reviewed. Stated there is a timeline for when things need to be submitted and Paragon had not met that timeline.

Mr. Polka stated he met the timeline that was presented to him.

Commissioner Sigalos said he thinks the issue here is that Paragon has phase one landscape improvements that were to be done by September 30, 2020 and phase two landscape improvements to be done by September 30, 2022 and it sounds like only a portion of the phase one landscape improvements were completed and nothing was done to date for the phase two landscaping although there is two months left to complete phase two. That is the issue, it's not about pavement, striping, or how many parking spaces are required.

Mr. Hubbard said that landscaping is required, in part, based on the locations of the parking lot, and he thinks what Kevin is saying is that if he eliminates some of the parking area and parking spaces, maybe it would eliminate the need for some of the landscape islands that are required, which landscape islands he has not installed. The continuous three-foot tall row of screening on the perimeter of the parking area would likely be required regardless. Again, proposed changes to the parking lot and its impact on the required landscaping is part of what was recently submitted and is still under review, so that will be reviewed and analyzed as part of any Plan Commission application.

Commissioner Sigalos asked if the three-foot tall landscaping had been installed?

Mr. Polka responded yes; they did everything that was required by the plan for screening along Arlington Heights Road.

Mr. Hubbard added that it was installed and has since died.

Commissioner Sigalos said it hasn't been maintained?

Mr. Hubbard said it has not been maintained.

Mr. Polka stated it's not a lack of maintenance that killed the plantings. He has three different landscapers and they've all said that the three-foot tall screen died because it's right up along Arlington Heights Road and the salt kills it. It didn't die due to poor maintenance on his behalf.

Commissioner Sigalos said that there is a lot of property on Arlington Heights Road, Rand Road, Northwest Highway, or any of the major streets in the Village and they have landscaping and they maintain it. Salt can kill it, but it has to be maintained and if something dies, it should be replaced.

Mr. Polka said the big thing is the timeline. We have to get past the timeline. Something has to be understood; it's not worth investing into a property when you're being told that you have to be out by 2022. He would love to make it look better, he wants to be the best-looking building on the South Arlington Heights Corridor, that's why he is presenting a beautiful redevelopment plan.

Commissioner Sigalos encouraged Paragon to go ahead and do it.

Mr. Polka said he's not. Would anyone invest in a property when they were being told they have to leave? Right now the Village is saying that there is no promise of being able to stay. Mayor Hayes told him during Village Board approval that if you don't do this stuff or if this stuff doesn't go through, then you can't be there. So what is the point?

Commissioner Sigalos said that Paragon needed to do what was required by the Ordinance and then they wouldn't have the issue of being told to leave.

Mr. Polka said that there is a misunderstanding. The Village has said that 54 parking spaces were required by code. Per his calculations using the code requirements, the number of spaces required is actually 15. With only 15 parking spaces the landscape requirements are completely different. All he is saying is to look at it and tell him if he is right or wrong and he will do what is asked. He said he is planning on redeveloping the property so why would he spend $50,000 to $100,000 on landscape islands that are going to get demolished? It makes no sense.

Relative to the second condition of approval, he is just asking for elimination of the timeline. He said he went to three different architects. To get an architect to submit the redevelopment plans it would cost $150,000. This cost needs to go to the bank and be part of the construction loan. But the banks won't touch it given the condition that the approval could become null and void. Maybe this is the break through that needs to happen, maybe this is why the whole south corridor is vacant. People are not going to throw away money and hope that the Trustees are going to say okay. He is willing to do the landscaping along Arlington Heights Road. He appreciates the opinions from the Conceptual Plan Review Committee, but he trusts the perspective of his landscapers; they do this for a living and they said that the required landscaping is a bad idea given the site conditions. He installed the landscaping anyways and now he is being asked to replant it? He said there needs to be a better plan.

Commissioner Green said that his understanding is that the Trustees gave Paragon an out. They allowed two years to submit a redevelopment plan and it wasn't done.

Mr. Polka responded "sure".

Commissioner Green said that Paragon is not in compliance with the approval as granted two years ago. That is part of

the reason why this meeting is taking place.

Mr. Hubbard confirmed that to be correct.

Commissioner Green said these are the issues that should be discussed now. They were not discussing the recently submitted project narrative. They were not discussing what landscaping was good or bad. There are code requirements and you either do them or don't do them and…

Mr. Polka interjected and asked the commission to listen to him.

Commissioner Green asked not to be interrupted. Once he is done talking he would give Paragon an opportunity to talk. He said that a discussion of the requested amendment should occur and the Conceptual Plan Review Committee would ask any questions they had at this point.

Commissioner Cherwin said that there were two issues from his perspective. There was the long term, which involves trying to redevelop this site. Paragon has a nice thriving business and generally the Village likes to keep these businesses going and Paragon also has a vision for developing this site. Hopefully the Village and Plan Commission can facilitate an application for redevelopment, which would proceed to the Plan Commission. It would be good for Paragon to have that opportunity. Then there is the short-term goal of bringing the site into compliance, or some interim stage of compliance, which was essentially the purpose of the phased landscape plan.

The Village has a vision for what the South corridor should look like, but nothing has really happened at this point. The Paragon property is a unique site. While the future redevelopment of the site contemplated by Paragon would have aspects that fall under the contractor shop classification, it would not be a traditional contractor shop. Given the unique site, the contractor functions could be mostly hidden. He is willing to consider the future use and redevelopment contemplated by Paragon, and in order to facilitate this, he was open to giving them more time to get past the deadlines for redevelopment and landscaping. Paragon would also need to invest in a redevelopment plan and in some of the landscaping. If a redevelopment plan was prepared and approved, there will be more interest from banks. While these may be sunken costs, Paragon had to invest in the site to get where they ultimately wanted to go. He would like to give Paragon the opportunity to realize their vision for this site. He wouldn't want to deny the use simply because it is classified as contractor shop. He realizes that Paragon has blown through some of the interim obligations, but would like to give Paragon the opportunity to work through it.

Commissioner Sigalos stated that Mr. Polka is at the meeting to request an amendment to the ordinance to remove condition 3 which relates to the installation of some of the landscaping, and to remove condition 8 which relates to redevelopment of the property, and a variation to waive the requirement for three-foot tall parking lot perimeter screen on Arlington Heights Road and to allow certain parking rows to terminate without the code required landscape islands including 4" caliper shade trees. He stated that he can't support eliminating those conditions.

Mr. Polka said he doesn't know why the Village stated that he was requesting elimination of the landscape condition and a variation to waive the landscape requirements. He submitted a project narrative that presented something different.

Commissioner Sigalos asked when had the project narrative referenced by Mr. Polka been submitted?

Mr. Polka replied that he submitted the project narrative when the Village had asked him to. He was here at the meeting this evening because the Village asked him to come.

Commissioner Sigalos said that it sounded like Mr. Polka submitted the project narrative after the Staff Report was generated.

Mr. Polka said he does not know what Staff does. He came to the meeting because the Village had asked him to and he rearranged his schedule. He was supposed to be in Portland for a funeral but came to this meeting instead because he was

asked to. If the Village was unprepared, was that his fault? At the end of the day he was not asking to completely eliminate the condition on landscaping or to waive the landscape requirements.

Commissioner Sigalos said the Staff Report was prepared based on the conditions within the ordinance that had not been met.

Mr. Polka reiterated that he was not asking to completely eliminate the condition on landscaping or to waive the landscape requirements.

Commissioner Green said that Paragon was in violation of the 2020 approval ordinance. Paragon wanted relief from the conditions contained in the original approval ordinance.

Mr. Hubbard explained that Paragon had asked to eliminate conditions from the 2020 ordinance.

Commissioner Green said that Paragon wanted to eliminate some of the things that the Trustee's had required Paragon to do and that is why they are here at the meeting. The commissioners here were either in favor or not in favor of the request.

Mr. Polka said he is not asking to eliminate landscaping. His project narrative did not state he wanted to eliminate the landscaping.

Commissioner Sigalos said the staff report states that Paragon was requesting elimination of condition #3 relative to landscaping.

Mr. Polka asked the Village if he ever made that request.

Mr. Hubbard responded that if the recently submitted project narrative asked for something other than eliminating condition #3, he did not know yet because two different project narratives had been submitted and…

Mr. Polka interjected and questioned whether he had ever asked the Village to eliminate landscaping.

Mr. Hubbard responded yes, he had asked to eliminate landscaping requirements.

Mr. Polka demanded that the Village show him where had had asked for that. He never asked to eliminate landscaping. He was asking for the landscaping to be modified for the needs of Paragon.

Commissioner Green stated that they were running out of time. He agrees with Commissioner Sigalos and is not in favor of granting relief from the requirements of the original approval as outlined in the Staff Report.

Mr. Polka said that the Staff Report was different from what he was asking for.

Commissioner Green said that Paragon can go to the Plan Commission and ask for whatever they want, as long as he gets the materials to the Village by the required deadline.

Commissioner Cherwin noted that this committee is one step in the process and it is good to have taken this step so that now Paragon can continue moving forward with their application.

Mr. Polka said if he needs to go to another meeting then that is fine. At the end of the day all he has to do is take out the filters that he stores on the property and he will be completely in compliance with code. The property will stay exactly how it is and the Village will never get anything in the south corridor and it will stay just the way it is. The commissioners can vote however they want, but if the Village wants redevelopment of the site and for Paragon to make an effort towards improving the south corridor, then the opportunity is here and Staff keeps squandering it. That's your choice.

Commissioner Green said they were running out of time and told Paragon that they have heard the comments this evening and they are more than welcome to bring their request to the Plan Commission and make a formal application. Paragon has heard the opinions of three commissioners tonight but there are nine on the Plan Commission. He advised Paragon to remember what was discussed this evening and stated that Paragon would be able to make a presentation to the full Plan Commission, which is composed of nine individuals. He thanked Paragon for coming in.

Commissioner Green opened up the floor for public comment

Mr. Moens stated that he believed that the Conceptual Plan Review Committee may be discouraging potential applicants from proceeding forward and he questioned the role of the committee in the overall Plan Commission zoning entitlement process.

RECOMMENDATION

The Conceptual Plan Review Committee discussed the project and provided their preliminary comments. The committee recommended a formal hearing be held at the Plan Commission once an application has been received.

Bruce Green, Chair
CONCEPTUAL PLAN REVIEW COMMITTEE
Sam Hubbard, Recorder

Paragon Mechanical, Inc.
"Your Comfort Specialists"

2400 S. Arlington Heights Rd.
Arlington Heights, Illinois 60005
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RE: Proposed Land Use Variation Amendment, 2400 S. Arlington Heights Road

Zoning:

- Petition to modify Section 4, Condition #3 and eliminate Condition #8 by amending Land Use Variation #20-022
- Variation to Chapter 28 of the Municipal Code, Section 6.15-1.2(b), to allow certain parking rows to terminate without the code required curbed landscape island including a 4" caliper shade tree.

Summary of Request:

In the time since the 2020 Land Use Variation was conditionally approved, at the very beginning of the pandemic, our team has worked diligently to balance a willingness to honor the wishes of the Village while also making prudent financial decisions with the best interest of our employees and local customers in mind. To date, we have satisfied all reasonable requirements set forth by Land Use Variation 20-022 but we are now approaching deadlines and objectives which have proved unreasonable if not completely irresponsible.

Within this appeal, we are requesting that the Village modify the requirements for the remaining suggested landscaping modifications while also eliminating a required timeline for future redevelopment. While we at Paragon are excited to be part of the vision for the South Corridor that was created in 2018, it must be understood and acknowledged that there has been no positive progress to date. In the time since Paragon has owned and operated out of the 2400 S Arlington Heights Road property, we have proven to be a visual improvement over the previous owners who had significant storage of raw materials and large commercial highway vehicles and busses operating daily. In addition, Paragon provides an occupied space in a significantly vacant area of the southern corridor. The reality of the property at 2400 South Arlington Heights Road remains that Paragon was the only bidder to present a valid purchase offer when the property was made available for sale to the public, and with the property listed once again, there is still no outside interest. Paragon stands before the Village once again, as a business with a proven track record of growth within and contribution to the community, and we are requesting that we finally be

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treated as such by gaining the full support of the Village Staff, Plan Commission, and Trustees to move forward with Paragon Mechanical operating its business, comprised of office personnel and the storage of thermostats and filters, without further restrictions aside from reasonable landscape improvements.

It is our sincere hope that this explanation helps convey both our desire to cooperate with logical, well-constructed plans, and sound reasoning as to why the imposed timelines and conditional approvals, based on the submission of complete redevelopment plans, need to be entirely removed going forward. This is also not to suggest that any standard requirements should be waived, such as the installation of parking islands, but rather the implementation of a more reasonable plan that helps meet the requirements of both the village and the business operating out of the property.

Previously Completed (Landscaping Phase 1A Requirement):

Upon approval of Land Use Variation 20-022, we immediately removed the two large, dead trees from the property as requested. We then hired an architect to honor the first phase of landscaping installations requiring a 3' wall of vegetation, we submitted that plan to the Village and agreed to have installed the specific plants requested by the Village via e-mail correspondence. This installation was then completed as required in September of 2020 against the advice of two landscaping companies who warned that the salt from Arlington Heights Road would likely kill any plants installed along the roadway.

The plants did survive the fall 2020 season into winter but did not come back in the Spring of 2021. The plants did not die due to a lack of watering or maintenance, but rather because the viability of the plan was not considered by Village Staff during that approval process or during the Plan Commission meeting where this requirement was initially suggested. This ill-fated plan ultimately resulted in a complete financial loss for Paragon, upwards of $10,000 when factoring in watering and labor costs in addition to the cost of the project itself. To make matters worse, the Village did not reciprocate any form of support, despite numerous attempts to schedule meetings, specifically with Mr. Perkins, regarding the continued improvement of this property. Meanwhile, the pandemic persisted which spiraled the economy into unprecedented turmoil. Despite our best efforts and the reality of the world we were living in, we

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continued to receive no consideration or support from the Village as we did our best to navigate the restrictions imposed upon us early in the pandemic.



Modify Section 4, Condition #3 (Landscaping Phase 1B and 2 Requirements):

We are proposing a modified landscape plan in lieu of the original plan outlined in Land Use Variation 20-022. When our parking assessment was initially conducted prior to the start of the pandemic, we envisioned very different future for our business, both immediately and in the coming years. We provided expected building use (therefore parking space requirements) based on a pre-pandemic vision which directly affected the magnitude of the parking lot island installation requirements. The areas of our building that we envisioned as training areas, classroom areas, and future office space were never realized and therefore the parking lot assessment and the parking space requirements are now overexaggerated and unnecessary for our business. Our business realistically requires only 9 total parking spaces, but with the village chart for parking corrected to reflect present day, we believe code would require a total of 12 parking spaces as reflected in the following chart:

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Current Use	Original Use	Square Area/ # of Vehicles	Occupancy/ Employees	Parking Ratio	Parking Required
Office Area	Office Area	2,886	9	1 space / 300 sq. ft.	9.6
Storage/Vacant	**Office Area (Phase II)**	3,386	N/A	1 space / 2 employees	0
Storage/Garage	Storage/Garage	5,150	N/A	1 space / 2 employees	0
Storage/Vacant	**Training/Classroom**	2,006	N/A	1 space / 2 employees	0
Vehicles	2 vehicles	2 vehicles		1 space / vehicle	2
				Total Required	12
				Total Provided	15

Proposed Plan:

We understand and are sympathetic to the Village's desire to show immediate improvement on the property, therefore, we would be amenable to immediately restriping the parking lot surface to include an agreed upon number of parking spaces along the north and south walls of the building (if deemed necessary) as depicted in the included site plan. We would request a Variation to exclude the construction of any new parking islands, both for the sake of safety and also to minimize the cost of the project that we feel will ultimately be undone with a future development. To further demonstrate our commitment to enhance the property in a logical manner, we would also offer to immediately remove "Safety Town" and plant grass seed in its place for additional green space. We feel this would not be a waste of funds as we will need to demolish "Safety Town" regardless, with a future redevelopment.

We feel as though this plan would be beneficial to Paragon as it would eliminate significant wasted cost, and it would allow the Village to show some small progress in the South Corridor when there is no progress occurring elsewhere. We also feel as though the original parking island plan presented serious safety concerns given the already limited maneuvering space surrounding the building, so this compromise would eliminate that risk as an added benefit.

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Eliminate Section 4, Condition #8 (Redevelopment Plan Requirement):

Land Use Variation 20-022 Section 4, Condition #8 requires the submission of a complete Plan Commission application with a subsequent approval by July 20th, 2022. We request that the timeline be eliminated altogether for this condition as the deadline alone is causing a significant roadblock in the potential redevelopment funding process. Once we are ready for redevelopment, we will apply for all the necessary approval and certifications. The following items are specifically creating issues in securing the necessary funding:

1. For us to obtain the funding needed to finance the presently required redevelopment plans, we require a lender or financial institution to approve us for a loan. The issue we have encountered is that no financial institution will provide backing for this "owner-occupied" redevelopment if we are not guaranteed to, at minimum, occupy 60% of the new development. Land Use Variation 20-022 stipulates that redevelopment plans must be submitted and approved by The Village and, in the event of a denial, our temporary approval to operate from within this property becomes null and void, thus reducing our occupancy of the property to 0%. This is important because the entire concept of Paragon redeveloping the property hinges upon funding secured by Paragon and can only be supported by a financial institution if we are unconditionally granted an approval to operate out of the property permanently. Simply put, the very restriction that requires us to provide redevelopment plans is prohibiting us from procuring redevelopment plans at all.
2. The lack of overall development within the surrounding South Corridor is also causing a problem in securing funding for redevelopment of this property and is also a major factor as to why there cannot be a timeline imposed on the project at all. We cannot reasonably be expected to be the first property to completely redevelop given that we can reasonably operate in its current condition, and we are the only candidate willing to take occupancy to begin with. We feel as though Paragon operating out of this property in general already

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serves as a major improvement over the growing number of dilapidated and vacant properties nearby (as depicted in the supporting file). We will continue to grow organically and the only reasonable path to redevelopment will occur when our business or the surrounding area grows enough to necessitate the project.

In the Event of Application Denial:

In the event this petition is denied, and Land Use Variation 20-022 is allowed to become null and void, we will be forced to proceed with one of the following courses of action:

1. We will fully vacate the property and transition to a work-from-home model. We will do the bare minimum as required by local laws/ordinances to maintain the property, and we will wait until the remainder of the Southern Corridor has been fully developed around the property so we may fully realize the potential of our investment in the property. To help cover the tax and maintenance burden, we will continue to search for B-2 approved business to rent space from us.
2. We will move our small inventory of resale products offsite. Our sales, accounting, and dispatch personnel will then remain, thereby eliminating all possible consideration of our business as a "Contractor Shop."



Figure 1: Vacant Bank in South Corridor (Algonquin and Arlington Heights Road)



Figure 2: Vacant Retail (Corner of Algonquin and Arlington Heights Road)



Figure 3: Undeveloped Lot (NE Corner of Algonquin and Arlington Heights Road)



Figure 4: Vacant Office Space (Seegers and Arlington Heights Road)



Figure 5: Vacant Restaurant (Algonquin Road, East of Arlington Heights Road)



Figure 6: Vacant and Highly Neglected Office Building (Arlington Heights Road, South of Algonquin)



Figure 7: Empty and Neglected Office Building (Arlington Heights Road, South of Algonquin)



Figure 8: Neglected Parking Lot (Arlington Heights Road)



Figure 9: Neglected Garbage Area, Filled with Litter (Algonquin Road)



Figure 10: Neglected Parking Lot (North Algonquin Road)



Figure 11: Neglected Parking Lot (Denny's)



Figure 12:Neglected Parking Lot (Arlington Place One)



Figure 13: Neglected Parking Lot (Shell)



Figure 14: American Flag Ripped in Half, Stuck in Tree (for Months)



Figure 15: B-2 Zone, Raw Materials Stored Visibly (Arlington Heights Road)

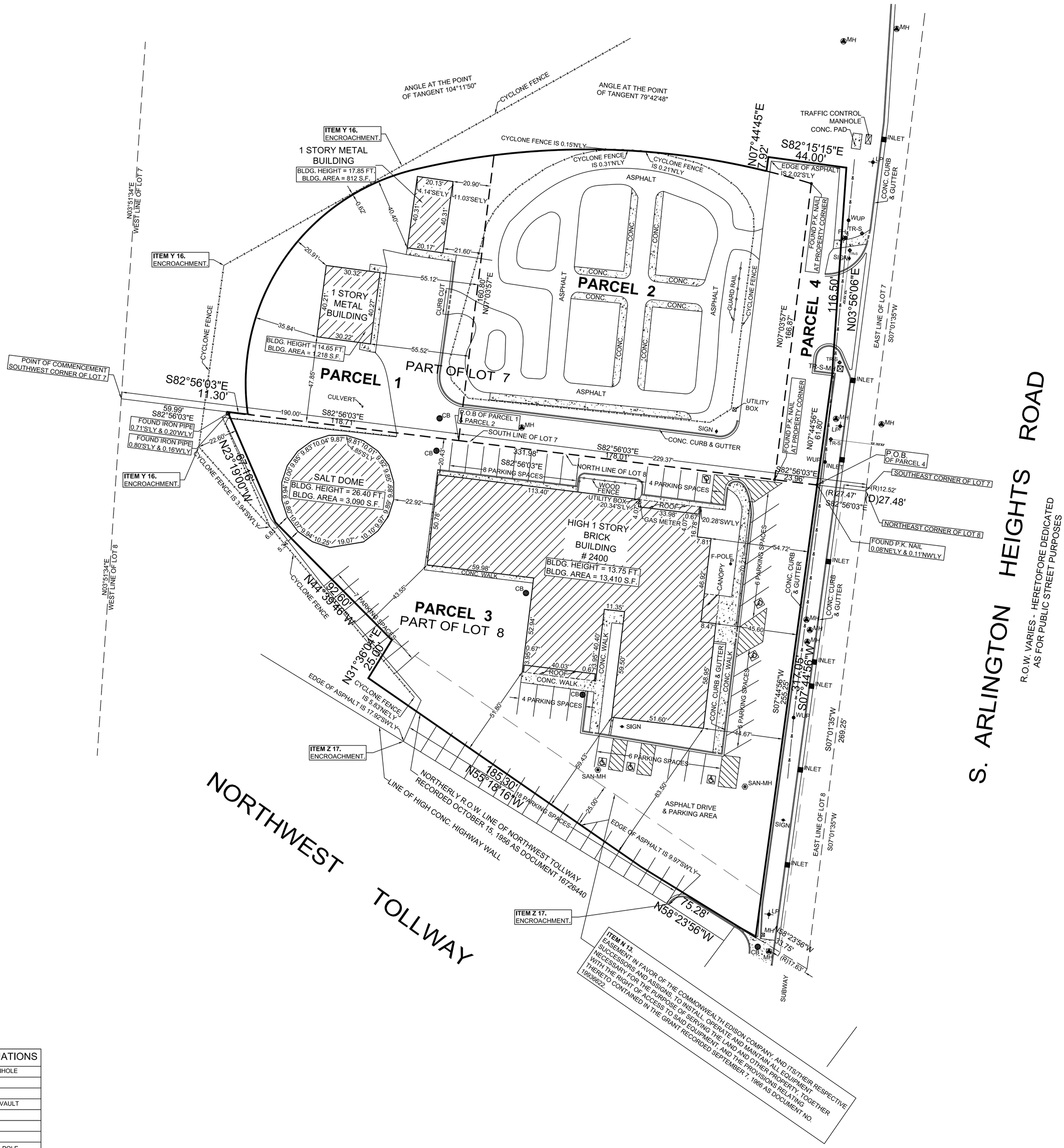


Figure 16: Most Appealing, Well-Maintained Property in South Corridor is a Contractor Shop (Path Construction)

UNITED SURVEY SERVICE, LLC
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ALTA / NSPS LAND TITLE SURVEY

0' 10' 20' 50'



LEGEND	ABBREVIATIONS
SAN-MH	SANITARY MANHOLE
CB	CATCH BASIN
INLET	INLET
WVV	WATER VALVE VAULT
FH	FIRE HYDRANT
TR-L	TRAFFIC LIGHT
LP	LIGHT POLE
WUP	WOOD UTILITY POLE
TR-S-MH	TRAFFIC SIGNAL MANHOLE
MH	MANHOLE
SIGN	SIGN
F-POLE	FLAG POLE
	HANDICAPPED PARKING SPACE
(D)	DEED DATA
(R)	RECORD DATA
(M)	MEASURED DATA

ORDERED BY: ARNSTEIN & LEHR LLP	
SCALE : 1" = 30'	
DATE : JUNE 14, 2017	
FILE No.: 2017 - 25095	

DATE	REVISION
12/18/17	REVISED PER NEW TITLE COMMITMENT
10/16/17	REVISED PER REVISED TITLE COMMITMENT
8/29/17	REVISED PER TITLE COMMITMENT DATED 8/15/17

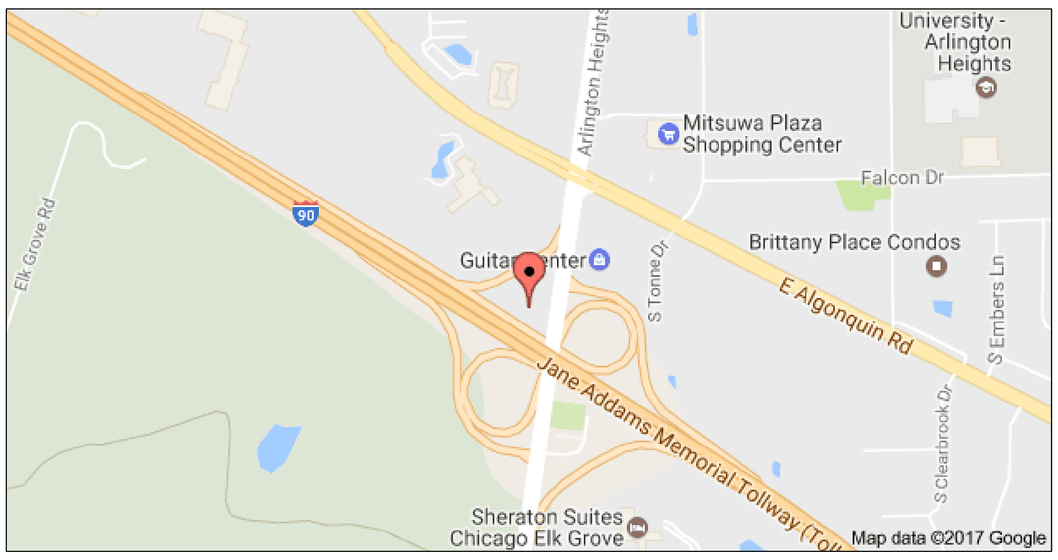
UNITED SURVEY SERVICE, LLC

CONSTRUCTION AND LAND SURVEYORS
2100 N. 15TH AVENUE, UNIT C, MELROSE PARK, IL 60160
TEL.: (847) 299 - 1010 FAX : (847) 299 - 5887 FAX : (244) 633 - 5048
E-MAIL: USURVEY@USANDCS.COM

ALTA / NSPS LAND TITLE SURVEY

OF

LOCATION MAP



FLOOD STATEMENT:

SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION **"X" -** AREAS DETERMINED TO BE OUTSIDE THE0.2% ANNUAL CHANCE FLOODPLAIN BY THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, ON FLOOD INSURANCE RATE MAP **17031C0211J,** WITH A DATE OF IDENTIFICATION OF **AUGUST 19, 2008**, FOR COMMUNITY NUMBER **170056 0211 J**, IN COOK COUNTY, STATE OF ILLINOIS, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

NOTES:

-THE SUBJECT PROPERTY HAS ACCESS TO AND FROM A DULY DEDICATED AND ACCEPTED PUBLIC STREET KNOWN AS **S. ARLINGTON HEIGHTS ROAD.**

-THE SURVEY AND THE INFORMATION, COURSES AND DISTANCES SHOWN THEREON ARE CORRECT;

-EXCEPT AS SHOWN ON THE SURVEY, THE SUBJECT PROPERTY DOES NOT SERVE ANY ADJOINING PROPERTY FOR DRAINAGE, UTILITIES, OR INGRESS OR EGRESS;

- ELECTRIC, GAS, TELEPHONE AND WATER UTILITY AND STORM AND SANITARY SEWER SYSTEMS ACCESS THE PROPERTY IN LEGALLY DEDICATED RIGHTS OF WAY THAT BENEFIT THE PROPERTY.

- THERE ARE NO VISIBLE EVIDENCE OF CEMETERIES, GRAVE SITES OR BURIAL GROUNDS LOCATED ON THE PROPERTY.

ITEM # 8 FROM TABLE A
- ALL SUBSTANTIAL FEATURES OBSERVED ON THE PROPERTY HAVE BEEN PLOTTED.

ITEM # 11 FROM TABLE A
ALL VISIBLE UTILITIES ARE PLOTTED.

- ITEM # 16 FROM TABLE A
AT THE TIME OF THIS SURVEY, NO VISIBLE RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS WERE NOTED.

- ITEM # 17 FROM TABLE A
AT THE TIME OF THIS SURVEY, THERE IS NO EVIDENCE OF CHANGES IN RIGHT OF WAY EITHER COMPLETED OR PROPOSED AND RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.

- ITEM # 18 OF TABLE A
THERE ARE NO WETLANDS LOCATED ON THE PROPERTY.

- ITEM # 20 FROM TABLE A
RELATING TO PROFESSIONAL LIABILITY INSURANCE POLICY OBTAINED BY THE SURVEYOR IN THE MINIMUM AMOUNT OF $ 1,000,000 TO BE IN EFFECT THROUGHOUT THE CONTRACT TERM. CERTIFICATE OF INSURANCE TO BE FURNISHED UPON REQUEST.

CHICAGO TITLE INSURANCE COMPANY

COMMITMENT NO.: **1401 008984077 D2**
EFFECTIVE DATE: **NOVEMBER 29, 2017**

ITEMS CORRESPONDING TO SCHEDULE B :

ITEMS 1 - 12.
NOT SURVEY RELATED.

ITEM N 13.
EASEMENT IN FAVOR OF THE COMMONWEALTH EDISON COMPANY, AND ITS/THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, TO INSTALL, OPERATE AND MAINTAIN ALL EQUIPMENT NECESSARY FOR THE PURPOSE OF SERVING THE LAND AND OTHER PROPERTY, TOGETHER WITH THE RIGHT OF ACCESS TO SAID EQUIPMENT, AND THE PROVISIONS RELATING THERETO CONTAINED IN THE GRANT RECORDED SEPTEMBER 7, 1966 AS DOCUMENT NO. 19936622.
(AFFECTS THE SOUTHERLY 25 FEET, MEASURED PERPENDICULARLY, OF THAT PART OF LOT 8, LYING NORTHERLY OF THE ILLINOIS STATE TOLL ROAD WHERE THE SAME CROSSES LOT 8 AS CONVEYED IN DOCUMENT 16726440)
(AFFECTS PARCEL 3)

ITEMS 14-15.
NOT SURVEY RELATED.

ITEM Y 16.
ENCROACHMENT OF THE CYCLONE FENCES LOCATED MAINLY ON THE LAND ONTO THE PROPERTY NORTHERLY, WESTERLY AND SOUTHERLY BY VARYING AMOUNTS, AS SHOWN ON PLAT OF SURVEY NUMBER 2017-25095 PREPARED BY UNITED SURVEY SERVICE, LLC DATED JUNE 14, 2017 AND LAST REVISED AUGUST 29, 2017.

ITEM Z 17.
ENCROACHMENT OF THE ASPHALT LOCATED MAINLY ON THE LAND ONTO THE PROPERTY SOUTHERLY AND ADJOINING BY APPROXIMATELY 17.92 FEET, AS SHOWN ON PLAT OF SURVEY NUMBER 2017-25095 PREPARED BY UNITED SURVEY SERVICE, LLC DATED JUNE 14, 2017 AND LAST REVISED AUGUST 29, 2017.
(PLOTTED ON THE DRAWING)

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.

KNOWN AS: **2400 S. ARLINGTON HEIGHTS ROAD, ARLINGTON HEIGHTS, ILLINOIS 60005**

PERMANENT INDEX NUMBERS:
08 - 16 - 400 - 033 - 0000 (AFFECTS PARCELS 1 & 2)
08 - 16 - 400 - 034 - 0000 (AFFECTS <PLC 4 AND OTHER PROPERTY)
08 - 16 - 400 - 035 - 0000 (AFFECTS PARCEL 3)

AREA SUMMARY:
PARCEL 1
AREA = 15,878 SQ. FT. OR 0.364 ACRE

PARCEL 2
AREA = 30,301 SQ. FT. OR 0.696 ACRE

PARCEL 3
AREA = 52,478 SQ. FT. OR 1.205 ACRE

PARCEL 4
AREA = 4,254 SQ. FT. OR 0.098 ACRE

TOTAL AREA = 102,911 SQ. FT. OR 2.363 ACRES

PARKING SPACE TABLE	
TYPE OF SPACE	TOTAL EXISTING
REGULAR	52
HANDICAP	6
TOTAL	58

SURVEYOR'S CERTIFICATE:

STATE OF ILLINOIS)
) S.S.
COUNTY OF COOK)

I, **ROY G. LAWNICZAK**, A REGISTERED LAND SURVEYOR, **LICENSE NO. 35-2290**, IN AND FOR THE STATE OF ILLINOIS AND LEGALLY DOING BUSINESS IN COOK COUNTY, DO HEREBY CERTIFY TO:

- HVAC EQUIPMENT SALES, LLC

- TOWN OF ELK GROVE,
A QUASI MUNICIPAL CORPORATION AS TO PARCELS 1, 2 AND 3 AND ELK GROVE TOWNSHIP, AS TO PARCEL 4

- CHICAGO TITLE INSURANCE COMPANY

AND TO THEIR SUCCESSORS AND ASSIGNS, THAT:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH **2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA / NSPS LAND TITLE SURVEYS JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS**, AND INCLUDES ITEMS 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b)(1),7(c), 8, 9,11,14, 16, 17, 18 AND 20 OF **TABLE A** THEREOF.

THE FIELD WORK WAS COMPLETED ON JUNE 14, 2017.

DATE OF PLAT: DECEMBER 18, 2017

ROY G. LAWNICZAK
35-002290
PROFESSIONAL LAND SURVEYOR
STATE OF ILLINOIS
CHICAGO, IL

BY:_____
ROY G. LAWNICZAK, REGISTERED ILLINOIS LAND SURVEYOR NO. 35-2290
LICENSE EXPIRES: NOVEMBER 30, 2018
PROFESSIONAL DESIGN FIRM LICENSE NO.: 184-004576
LICENSE EXPIRES: APRIL 30, 2019

ORDERED BY:
ARNSTEIN & LEHR LLP
SCALE : 1" = 30'
DATE : JUNE 14, 2017
FILE No.: 2017 - 25095

DATE	REVISION
12/18/17	REVISED PER NEW TITLE COMMITMENT
10/16/17	REVISED PER REVISED TITLE COMMITMENT
8/29/17	REVISED PER TITLE COMMITMENT DATED 8/15/17

MINUTES
President and Board of Trustees
Village of Arlington Heights
Virtual Meeting
Arlington Heights Village Hall
33 S. Arlington Heights Road
Arlington Heights, IL 60005
July 6, 2020
7:00 PM

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL OF MEMBERS

President Hayes and the following Trustees responded to roll: Rosenberg, LaBedz, Schwingbeck, Padovani, Baldino, Canty and Tinaglia.

Trustee Scaletta was absent.

Also present were: Randy Recklaus, Robin Ward, Becky Hume, Nick Pecora and Charles Perkins.

IV. APPROVAL OF MINUTES

A. Committee of the Whole 06/08/2020 Approved

Trustee Robin LaBedz moved to approve. Trustee Greg Padovani Seconded the Motion.
The Motion: Passed
Ayes: Baldino, Canty, Hayes, LaBedz, Padovani, Rosenberg, Schwingbeck, Tinaglia

Absent: Scaletta

B. Village Board 06/15/2020 Approved

Trustee Bert Rosenberg moved to approve. Trustee Richard Baldino Seconded the Motion.

The Motion: Passed
Ayes: Baldino, Canty, Hayes, LaBedz, Padovani, Rosenberg, Schwingbeck, Tinaglia

Absent: Scaletta

C. Committee of the Whole 06/29/2020 Approved

Trustee Bert Rosenberg moved to approve. Trustee Mary Beth Canty Seconded the Motion.
The Motion: Passed
Ayes: Baldino, Canty, Hayes, LaBedz, Padovani, Rosenberg, Schwingbeck, Tinaglia

Absent: Scaletta

V. APPROVAL OF ACCOUNTS PAYABLE

A. Warrant Register 06/30/2020 Approved

Trustee Bert Rosenberg moved to approve in the amount of $2,901,512.48. Trustee Jim Tinaglia Seconded the Motion.
The Motion: Passed
Ayes: Baldino, Canty, Hayes, LaBedz, Padovani, Rosenberg, Schwingbeck, Tinaglia

Absent: Scaletta

VI. RECOGNITIONS AND PRESENTATIONS

VII. PUBLIC HEARINGS

VIII. CITIZENS TO BE HEARD

Paul Scott of Bridging the Black/White Divide said in 133 years the Village has not hired a Black police officer. The 20/21 Board goal of increasing diversity needs more specificity. The Village needs to be more welcoming. Deliberate steps need to be taken. How the sins of the past are handled today is important.

Elizabeth McKay thanked the Police Department for it's comprehensive presentation. She said that people of color work in the Village. At Northwest Community Hospital, 35% of the employees are people of color. At the Lutheran Home, 50% of employees are people of color. These people keep our lives running and deserve a diverse police force. She asked if the Village signed the 8 Can't Wait pledge and if the Police Department is meeting those standards.

President Hayes believes that Arlington Heights is a welcoming place. Nothing prevents a person of color to live or work in the Village. Of course we can do better, that's why it is a priority. He said there is nothing to apologize for. In the past two years, the Village has been chosen as the best place to live in a Daily Herald poll and the 25th most livable community for a town of its size in the nation.

Chief Pecora said the Village meets all the 8 standards. The only situation in which force can be used is when the life of an officer is in danger. The General Orders have been enhanced and now include a duty-to-intervene.

Mr. Recklaus said the Village is interviewing consulting firms to develop a diversity and inclusion audit next week. He is also working with the Chamber of Commerce on a Diversity 2020 program. The Village's Human Resources Director is participating in a diversity symposium next week and the Village is organizing a Community Conversation on diversity with the Park District, School Districts and Library.

Trustee Canty said we have a history that we need to recon with. There is room to grow and move forward. She appreciated all these efforts.

George Motto said he appreciated the efforts toward inclusion. He said he is worried about people not wearing masks when dining out at Arlington Alfresco. He said police officers should be wearing masks.

Mr. Recklaus said mask enforcement is difficult. All the Village can do is make sure there is enough room for social distancing. The Village Policy for employees requires them to wear masks if they will be within 6 feet of others.

IX. OLD BUSINESS

A. Report of the Committee-of-the-Whole Meeting Approved of June 15, 2020

Review of the 12-month period ending 12/31/19 Comprehensive Annual Financial Report (CAFR)

> Trustee Scaletta moved to accept the CAFR as presented. Trustee LaBedz seconded the motion. The motion passed unanimously

Trustee Robin LaBedz moved to approve of the 12-month period ending 12/31/19 Comprehensive Annual Financial Report. Trustee Tom Schwingbeck Seconded the Motion.
The Motion: Passed
Ayes: Baldino, Canty, Hayes, LaBedz, Padovani, Rosenberg, Schwingbeck, Tinaglia

Absent: Scaletta

B.	Report of Committee-of-the-Whole meeting of June 29, 2020 Review of Proposed 2021-2025 Capital Improvement Program Trustee Canty moved, seconded by Trustee Padovani, that the Committee-of-the-Whole recommend to the Village Board that the Board approve the proposed 2021-2025 Capital Improvement Program and that the first year of the program totaling $34,128,700 be incorporated into the Village's proposed 2021 budget.	Approved

Trustee Mary Beth Canty moved to approve the 2021-2025 Capital Improvement Program and the first year amount of $34,128,700 be incorporated into the Village's proposed 2021 budget. Trustee Greg Padovani Seconded the Motion.
The Motion: Passed
Ayes: Baldino, Canty, Hayes, LaBedz, Padovani, Rosenberg, Schwingbeck, Tinaglia

Absent: Scaletta

C.	Report of Committee-of-the-Whole Meeting of June 29, 2020 Operating Fund Overview/Recommended Budget Ceiling 2021 Trustee Rosenberg moved, seconded by Trustee Tinaglia, that the Committee-of-the-Whole recommend to the Village Board that the Board approve the 2021 budget ceilings of $79,861,000 for the general fund; and $24,350,600 for the water & sewer fund.	Approved

Mr. Recklaus said these are parameters set for next year. It's going to be a tough year, and the goal is to keep property taxes as low as possible. This is the second year in a row of a zero percent increase.

Trustee Bert Rosenberg moved to approve the 2021 budget ceilings of $79,861,000 for the General Fund and $24,350,600 for the Water and Sewer fund. Trustee Jim Tinaglia Seconded the Motion.
The Motion: Passed
Ayes: Baldino, Canty, Hayes, LaBedz, Padovani, Rosenberg, Schwingbeck, Tinaglia

Absent: Scaletta

X. CONSENT AGENDA

CONSENT OLD BUSINESS

CONSENT LEGAL

A.	A Resolution Authorizing the Execution of an Intergovernmental Cooperation Agreement Between the Village and the Town of Normal and Authorizing Normal to Exercise the Powers of the Village of Arlington Heights, Illinois in Connection with an MCC Program and a Loan Finance Program	Approved

Trustee Mary Beth Canty moved to approve R2020-014/A2020-047. Trustee Greg Padovani Seconded the Motion.
The Motion: Passed
Ayes: Baldino, Canty, Hayes, LaBedz, Padovani, Rosenberg, Schwingbeck, Tinaglia

Absent: Scaletta

B.	An Ordinance Establishing the Speed Limit on Certain Streets in the Village of Arlington Heights (East Olive St between N Douglas Ave and N Windsor Dr; East Brittany Dr between N Arlington Heights Road and N Highland Ave; and West Brittany Drive between N Dunton Ave and N Highland Ave)	Approved

Trustee Mary Beth Canty moved to approve 2020-019. Trustee Greg Padovani Seconded the Motion.
The Motion: Passed
Ayes: Baldino, Canty, Hayes, LaBedz, Padovani, Rosenberg, Schwingbeck, Tinaglia

Absent: Scaletta

C.	An Ordinance Designating Two-Way Stop Streets (Heritage Park)	Approved

Trustee Mary Beth Canty moved to approve 2020-020. Trustee Greg Padovani Seconded the Motion.
The Motion: Passed
Ayes: Baldino, Canty, Hayes, LaBedz, Padovani, Rosenberg, Schwingbeck, Tinaglia

Absent: Scaletta

CONSENT REPORT OF THE VILLAGE MANAGER

XI. APPROVAL OF BIDS

XII. NEW BUSINESS

A. Paragon Mechanical - 2400 S. Arlington Heights Rd. - PC#20-004
Land Use Variation, Rezoning
Approved

Kevin Polka, owner of the property and Paragan Mechanical, said he would like to operate his business out of this site that he purchased from Elk Grove Township. The Township had been operating in this space until March of 2020. Paragon worked out of a building at 11 N. Arlington Heights Road and received a Land Use Variation for that location which is zoned B-2. Paragon Mechanical is a licensed and registered contractor with the Village. Mr. Polka showed long range renderings for the site, but in the meantime wishes to operate in the building as it is today. He would add some landscaping, but would like to hold off on a full landscape plan until phase two so that plantings didn't need to be put in only to be replaced after a few years. His business has been operating out of home for a couple of years, and he only parked trucks at the site. Mr. Polka asked for relief on condition #6 of the Plan Commission recommendation, saying he did not want additional sign restrictions that were outside of the Code. He said signs near the on ramps were critical to his success.

Mr. Perkins said Paragon began illegally parking on the site on or prior to April 2018 after purchasing the property. A violation ticket was issued in August of 2019 by the Building Department. The vehicles were moved for a short time thereafter. In February 2020, Paragon submitted their request for the Land Use Variation.

The Village Board recently approved the South Arlington Heights Road Redevelopment Plan and TIF District thereby setting goals and providing financing for the area. Mr. Perkins said Paragon is a great business in the community. The Arlington Heights Road site has not been properly maintained and is not a good view into the corridor. Mr. Perkins said staff would like the property maintained, cleaned up, redeveloped and a phased landscaping plan implemented. A full landscape plan would not be necessary for phase 1 implementation. Staff's recommendation was to deny

the variation for a contractor shop on this site. The Plan Commission voted to approve it with conditions by a 6-3 margin. Signs would not be permitted on the frontage road and a monument sign would be required on Arlington Heights Road.

President Hayes asked if there were assurances that Phase two would occur. He said he liked the requirement suggested by staff to limit the variation for two years if the second phase plans were not submitted. Staff does not object to the rezoning. President Hayes said it does not make sense to approve the rezoning if the project is not approved.

Trustee Tinaglia asked for the background information on why the site was zoned R-1. Mr. Perkins explained that when properties are annexed, they are automatically classified as R-1. The two lots on this site were annexed in 1963 and 1983. Mr. Polka said he purchased the property at a public bid 18 months ago. Trustee Tinaglia said he didn't have a problem with the use, but struggled with the lack of an official petition for phase 2. He said it is unfair to look at the renderings as nothing will happen for many months.

Trustee Rosenberg said the Board has never approved a petition not knowing what will happen. He approved of the staff condition. He said it did not make sense to put in landscaping if it had to be ripped out again. He asked if there would be storage or fabrication. Mr. Polka said no.

Mr. Polka said he is presenting his vision, it's a unique situation. He doesn't have the funds to develop the site now. He plans to use the site as it is, maintain it and improve it in the future as his business grows.

Trustee Schwingbeck asked why the Code violations occurred and why nothing changed after the citations were issued. Mr. Polka said there were a series of misunderstandings. He had a lease agreement with the Township, when the Village issued the violations, he was not there. Bad assumptions were made. After he understood, he moved the vehicles to the back. The Township was responsible for maintenance during their lease. They moved out in March. He said it will be maintained now. Trustee Schwingbeck said he wanted to make sure Mr. Polka would do what was asked. Mr. Polka said his business operated at 11 N. Arlington Hts. Road without any complaints and they backed up to a residential neighborhood.

Trustee Baldino asked what other kinds of businesses could be on the site. Mr. Perkins said drug stores, hotels and fast food restaurants would fit on the site. In the Village, Walter E. Smithe has a similar site. Trustee Baldino said he wants to support a local business, but doesn't want to approve a plan that isn't a plan. He liked the idea of a deadline.

Trustee LaBedz discussed the parking issues that could be possible with other uses. She asked why the trucks were parked there if the business was not. Mr. Polka said two trucks were parked there and employees kept the

other vehicles at their homes. This was part of the agreement with the Township. Trustee LaBedz wanted the trucks to be parked out of sight of the roadways and they were not, even though it was possible. That is the intent of the Code. Trustee LaBedz asked for the front of the building to be made presentable with more landscape screening. She liked the staff presented time line and conditions.

Trustee Canty said she also liked holding the developer to the 2 year timeline. She said it is a challenge to get things developed in the southern corridor.

Trustee Padovani concurred. He asked what the impacts were if the timeline was not met. Mr. Perkins said the petitioner could request an extension. The challenge is that the property was purchased without the correct zoning. If it was not a local business, staff would not have considered the request. He wished they had asked about the issue prior to purchasing the property. If the Land Use Variation becomes voided, the business would have to vacate the building that they own.

President Hayes said he did not like the legal ramifications and was not comfortable with supporting the petition.

Trustee Tinaglia agreed, saying it was a slippery slope. He struggled with telling someone they can't operate their business. He said he wants something wonderful for the south corridor and believes this project might sell the Village short.

Mr. Polka said he needs the signage to make the deal work. He said there are no absolutes in development and in the recession, this is a great offer for the Village. Trustee Tinaglia said for him, signage is not the issue. He cares more about keeping the corridor on the right path.

Mr. Polka said there are no materials on site and no fabrication. He's okay with only keeping two trucks there. The Village won't get anything better in the current economic climate. He purchased the property via a public bid and no one has approached him to purchase it. The world is changing and the Board's vision is not reality. His company would have less of an impact than the use that has been there for 35 years. Mr. Polka said he wants permission to have the signs allowed by Code. The Plan Commission's recommendation holds him to a higher standard.

Trustee LaBedz asked staff to work with the petitioner to develop a moderate landscape plan as she would like more beautification.

President Hayes said the approval assumes phase 2 will occur, it puts the Village in a bad position and the use is not his long range vision for the area.

Trustee Baldino said he heard Mr. Polka on the sign request but a rendering

is not a plan. He said his supports the Plan Commission's recommendation.

Trustee Tom Schwingbeck moved to concur with the Plan Commission's recommendation with the following additional conditions: 1. That staff work with Paragon to develop a moderate beautification plan for Phase 1. 2. Within 2 years of Ordinance approval, the petitioner shall submit a complete Plan Commission application and redevelopment plan for the property. If no application is submitted and subsequently not approved, the Land Use Variation shall be null and void. Trustee Richard Baldino Seconded the Motion.
The Motion: Passed
Ayes: Baldino, Canty, LaBedz, Padovani, Schwingbeck
Nays: Hayes, Rosenberg, Tinaglia

Absent: Scaletta

XIII. LEGAL

A.	An Ordinance Amending Chapters 16 and 18 of the Arlington Heights Municipal Code (Section 16-406 - Nuisance Prohibited; Section 18-307 - Negligent or Distracted Driving; Section 18-405 - Administrative Hearing)	Approved

Mr. Recklaus said this cleans up the Code. Language was added at Trustee Canty's suggestion to give examples of what constitutes distracted driving. The Staff recommended changes included adding language for compliance with ADA and removing references to unattended horses.

Trustee Mary Beth Canty moved to approve 2020-021. Trustee Robin LaBedz Seconded the Motion.
The Motion: Passed
Ayes: Baldino, Canty, Hayes, LaBedz, Padovani, Rosenberg, Schwingbeck, Tinaglia

Absent: Scaletta

XIV. REPORT OF THE VILLAGE MANAGER

XV. APPOINTMENTS

XVI. PETITIONS AND COMMUNICATIONS

XVII. ADJOURNMENT

Trustee Richard Baldino moved to adjourn at 9:12 p.m.. Trustee Mary Beth Canty Seconded the Motion.
The Motion: Passed
Ayes: Baldino, Canty, Hayes, LaBedz, Padovani, Rosenberg, Schwingbeck, Tinaglia

Absent: Scaletta

APPROVED

PLAN
_____
_____
_____

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

COMMISSION

RE: PARAGON MECHANICAL - 2400 SOUTH ARLINGTON HEIGHTS ROAD - PC# 20-004
LAND USE VARIATION, REZONING

REPORT OF PROCEEDINGS had before the Village of

Arlington Heights Virtual Plan Commission Meeting taken at the Arlington Heights

Village Hall, 33 South Arlington Heights Road, Arlington Heights, Illinois on the

13th day of May, 2020 at the hour of 7:30 p.m.

MEMBERS PRESENT:

TERRY ENNES, Chairman
JAY CHERWIN
SUSAN DAWSON
GEORGE DROST
BRUCE GREEN
LYNN JENSEN
JOE LORENZINI
JOHN SIGALOS
MARY JO WARSKOW

ALSO PRESENT:

SAM HUBBARD, Development Planner
JAKE SCHMIDT, Assistant Planner

CHAIRMAN ENNES: Hi, everybody. So, I'll call this meeting to order, our first virtual meeting of the Plan Commission. It's been a long time since we've met. I'm going to ask us to do the Pledge of Allegiance, but we can all stay seated.

(Pledge of allegiance recited.)

CHAIRMAN ENNES: Okay, so Sam, would you please call the roll?

MR. HUBBARD: Yes. Commissioner Cherwin.

COMMISSIONER CHERWIN: Here.

MR. HUBBARD: Commissioner Dawson.

COMMISSIONER DAWSON: Here.

MR. HUBBARD: Commissioner Drost. Commissioner Drost, I see you, but you're on mute. If you press and hold the spacebar, you'll get off mute temporarily. While you press it, there you go. You've got to hold the spacebar down while you're talking.

COMMISSIONER DROST: Okay, got it. Thank you.

MR. HUBBARD: All right, present and accounted for. Commissioner Green.

COMMISSIONER GREEN: Here.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: Here.

MR. HUBBARD: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Here.

MR. HUBBARD: Commissioner Sigalos.

COMMISSIONER SIGALOS: Here.

MR. HUBBARD: Commissioner Warskow.

COMMISSIONER WARSKOW: Here.

MR. HUBBARD: Chairman Ennes.

CHAIRMAN ENNES: Present.

So, good to see where everybody's sitting and working from, quite a wide variety of places.

This evening, we are going to hear two petitions. Before we get going on those, I would like a motion to approve the minutes from our last two meetings which were sometime ago, February 26th, the 710 North Dunton Avenue Lot Consolidation, and Shirley Ryan Ability Lab.

COMMISSIONER GREEN: I'll make a motion for approval.

COMMISSIONER JENSEN: I'll second.

CHAIRMAN ENNES: Who was the second?

COMMISSIONER JENSEN: Lynn Jensen.

CHAIRMAN ENNES: Okay, and all in favor?

(Chorus of ayes.)

CHAIRMAN ENNES: Do we need to take a roll on these, Sam?

MR. HUBBARD: No, I think I mentioned --

CHAIRMAN ENNES: Just so you know it.

MR. HUBBARD: If we could just make it clear --

COMMISSIONER DROST: I wasn't there.

MR. HUBBARD: If anyone wasn't there, please let me know.

Then once we're through with this, I'd just like to go over a few best practices for the evening's meeting so that we're all on the same page.

CHAIRMAN ENNES: Okay.

MR. HUBBARD: So, did anyone not vote for approval of the minutes?

CHAIRMAN ENNES: I did not because I was not there, Chairman Ennes.

MR. HUBBARD: Okay, one non-vote for Ennes. Thank you.

COMMISSIONER DROST: And Drost.

MR. HUBBARD: And Drost, okay. All right, so that's seven in favor and two not voting.

All right, so I just want to welcome everyone to our meeting this evening on May 13th. It's going to work a little bit different this evening compared to our standard format since we're doing virtual hearing over Zoom.

So, the way this is going to work this evening is Staff will begin with an overview of the project and the Staff report and presentation. Then the Petitioner will be able to provide additional commentary and responses to Staff's questions. Then the Plan Commissioners can deliver their initial comments and questions. Then we'll open it up to the public.

If any public is in attendance and watching over a computer over Zoom, when we get to the public attendance comment section, if you have a comment, please raise your hand in Zoom. That way I'll see that you want to make a comment. Or if you dialed in over a phone, please dial *9, and then you'll be added to the queue to speak on this petition. Once all public commentary has been received, we'll close the public hearing and then we'll go into final deliberations on the project.

It's really important if you're not speaking, if you can always keep it muted on Zoom. Any type of movement of paper or shuffling of things in your office or typing on the keyboard will automatically have the camera go to you even if you're not the one speaking. So, I can strongly, strongly encourage people to keep themselves on mute unless they have something to say. If you're watching this and participating over a computer, if you press and hold the spacebar, it will automatically unmute you while you're holding the spacebar and you can make your comment. Then after you're done, you can let go of the spacebar and you'll automatically be put on mute again. Otherwise, you'll just have to click the mute and unmute function on Zoom.

If I lose my connection this evening, please just stay here. You can all stay in the meeting until I am able to reconnect. Or if you lose your connection, then you can just reconnect using the same login and password as you did the first time.

That being said, we're ready to start the new business, Terry.

CHAIRMAN ENNES: Okay, I have one comment to make before we start with the hearing on Paragon, and that is that Mr. Polka, I have known him for sometime. We have been a, he is a client of the firm that I owned until February. I'm no longer an owner of that firm. I'm kind of retiring. So, I have discussed this with a couple of people within the Village and they felt that there wasn't a conflict on this property. I am familiar with it. So, you know, in the spirit of being open, I just want to make you aware of that.

So, for this hearing, I would like to start. Sam, you said you're going to start with your report first?

MR. HUBBARD: Yes, absolutely. I would make a -- I would note that all public notices on this project have been given. Once I give my report, you can ask if the Staff, if the Petitioner has read the Staff report and you can swear them in. Then we can proceed in that regard. So, let me jump into the presentation here. Hold on.

CHAIRMAN ENNES: Okay.

MR. HUBBARD: All right, can everyone see the presentation?

(Chorus of yeses.)

MR. HUBBARD: All right, so the subject of the hearing this evening is 2400 South Arlington Heights Road. The property is currently zoned R-1. It's a One-Family Dwelling District with a portion on the northern side of the site zoned in the B-3 General Service, Wholesale and Motor Vehicle District. The Petitioner has requested a rezoning from the two districts into the B-2 General Business District, and Staff is supportive of this rezoning. The B-2 District allows for a wide range of commercial land uses, and given the surrounding land uses and the subject property's location along a major arterial thoroughfare, we believe that the B-2 District is appropriate for this location.

The variations that are also requested this evening, one of them relates to this rezoning, and that's because the minimum allowable size in the B-2 District is four acres. Upon examining the subject property, it would only be a portion of B-2 area that's 2.36 acres, and therefore, a variation is required. Staff is supportive of this requested variation. We believe that the B-2 District will allow a range of uses that's generally compatible with the existing uses within the area, and the B-2 Zoning will not alter the essential character of the locality. There is a large area of existing B-2 zoned land, approximately 200 feet to the north of the subject property.

The Petitioner is proposing to occupy the land with Paragon Mechanical which is a mechanical work contractor that services both residential and commercial clients. Per their website, they specialize in heating and cooling and domestic hot water, and they offer installation and replacement, repair and general maintenance of these types of systems. They did receive a land use variation in 2010 to allow their business at 11 North Arlington Heights Road which is zoned B-2 as well.

Paragon is a licensed and registered contractor with the Village of Arlington Heights Building Department, and the use is defined as a contractor shop per our zoning code which states that any establishment used for conducting administrative, clerical, and general business affairs, indoor maintenance, indoor storage of contractor vehicles, equipment and materials, and may include a contractor's business office and also a design showroom. That's what a contractor shop is per our code and the Petitioner's business fits that classification.

This type of use is not allowed in the B-2 District and, therefore, a land use variation is required, and I'll get into the details of that later on in the presentation. Additionally, a variation is required to waive the requirement for a traffic and parking study by a certified traffic engineer, and I'll get into that as well later.

So, here's an aerial of the subject property. It's two and a third acres in size and it's the former home of the Elk Grove Township facility. The Petitioner has purchased the entire site which is occupied by a single-story building

about 13,000 square feet, as well as two auxiliary storage garages, a salt dome, and a children bicycle safety area. The Petitioner has been occupying this building since as early as July 2019.

Primary access to the site comes from a full access signalized intersection with Arlington Heights Road, and the site has street frontage and visibility on all three sides; to the east along Arlington Heights Road, to the north and northwest on the on-ramp, and to the south and southwest on the I-90 tollway. This site has excellent vehicular access with the traffic signal and has great visibility from its frontage. There are approximately 57 exterior parking spaces on the site and 13 interior spaces for a total of 70 parking spaces on the site.

Here's the site plan. Paragon's business plan consists of two phases. The first phase involves the establishment of their business on the subject property where they'd like to occupy the site as is. This slide shows the existing conditions on the site. Hours of operation for Paragon would be 7:00 a.m. to 5:00 p.m., and there would be six office employees working out of the site as well as nine technicians and installers that work out of their vehicle and only come to the site as needed. So, that's a grand total of 15 employees. Again, there are 57 exterior spaces and 13 interior spaces, so 70 spaces for 15 employees.

Paragon currently owns one runner van and eight work trucks. The van and one of the trucks would be permanently stored on site at the rear of the property behind the building so it's not going to be visible from Arlington Heights Road. The remaining vehicles go home with the technicians at the end of the day and are not stored on the subject property overnight. Technician trucks would occasionally access and park at this site during the day for miscellaneous purposes such as material pickup or meetings, but day-to-day operations are designed where the products are delivered directly to a job site, the technicians drive from their home to each job site without being required to stop at the subject property.

The Petitioner has stated that the van may also be stored within one of the garages, and then if technicians need to access the site during the day, they will be required to park at the rear of the building so as not to be visible from Arlington Heights Road. Paragon does not own any heavy machinery or equipment.

This is the floor plan showing the site. During phase one, they would occupy approximately 2,800 square feet of office space where they would manage their day-to-day functions like accounting, scheduling and sales; and then about 2,000 square feet of training space used to train their installers and technicians on new equipment, installation or repair techniques; and then about 5,000 square feet of storage space for vehicles and miscellaneous materials like thermostats, smoke detectors, igniters, flame sensors, et cetera. The remaining portion of the building, about 25 percent, would be left vacant while the Petitioner finalizes details for phase two of their business plan.

Phase two entails a multi-use redevelopment of the site. This is a conceptual rendering showing the potential future redevelopment of the site. In this phase two redevelopment, approximately one-third of the site would be occupied by commercial uses like, you know, either an office or a small coffee shop or something along those lines. Then the remaining two-thirds of the site would be redeveloped as Paragon's in-home smart hub which would provide hands-on assistance to customers in choosing the right products for their home or business. The hub would have an array

of products and systems installed and fully operational for both residential and commercial customers to view and experience to help them make a well-informed decision before purchasing or scheduling an installation.

Ultimately, Paragon would like to expand to satellite locations throughout the Chicagoland suburbs, all of which would report back to the hub location on the subject property. The training center may expand in phase two to offer training for individuals outside of the Paragon organization. Build-out of this Arlington Heights hub and accompanying commercial uses would take place approximately two years after occupancy of the site. Final details on the future of phase two redevelopment have yet to be determined, although it would involve a substantial remodel or demolition of the existing building as well as significant exterior site alterations. This is just a concept at this point. If and when this moves forward, it would require special zoning consideration through the Plan Commission, you know, regardless of whether or not the land use variation is approved this evening.

Relative to parking, any land use variation or rezoning that's greater than 5,000 square feet and located on a major arterial which is Arlington Heights Road, is required to provide a traffic and parking study by a certified traffic engineer. The Petitioner has requested a variation to waive this requirement and provided written justification in support of that variation. Staff concurs that the necessary criteria for approval of this variation have been met. Given the characteristics of Paragon's business operations where technicians keep their contractor trucks at their personal residences and are dispatched directly from their home to a job site and only occasionally access the site, plus the low amount of office staff that would be working out of the facility in combination with the low expected volume of walk-in customers, Staff believes that the traffic impact from this use would be minimal. We would note that the site contains a surplus parking relative to requirements and expected parking demand. So, we're supportive of this variation.

In June of 2018, the Petitioner appeared before the Conceptual Plan Review Committee for review of this project. Overall, I would say that the Conceptual Plan Review Committee expressed some concerns with the use of the site as a contractor shop, but they were supportive of the future phase two development concept. At that time, the future phase two development concept did not contemplate any commercial uses; it would have just been for the Paragon smart hub. The Conceptual Plan Review Committee encouraged the Petitioner to work with Staff to address the impact of contractor vehicle storage, and there were some members that questioned whether this was an appropriate land use at this location.

So, Staff's first knowledge of Paragon on the subject property came in February of 2018 when we observed Paragon trucks being stored on their property and parked at the front of the site along Arlington Heights Road. Contractor vehicles were observed again in April and July of 2018. Then, around July of 2018, the Village made contact with Paragon to inform them that vehicle storage on the property was not allowed. Historical Google street view images showed the parking continuing to occur in September, October and November of 2018. In July of 2019, Village Staff observed Paragon trucks still being parked on the subject property, and it was discovered that Paragon had vacated their previously approved location on North Arlington Heights Road and their website now advertised that they were located at the subject property, 2400 South Arlington Heights Road.

Occupancy of the subject property without proper zoning approval is a violation of the zoning code. So, in August of 2019, the Village reached out to Paragon on two separate occasions to inform the Petitioner that occupancy onsite was not allowed. Through the remainder of 2019, Paragon continued to illegally occupy the site without pursuing the necessary zoning approvals until February of this year when they did submit a Plan Commission application. I would note that Staff has not observed contractor vehicle parking at the front of the site along Arlington Heights Road since this application has been received.

So, for any land use variation to be approved, it has to meet certain criteria as outlined in zoning code. On the screen, you can see that criteria. Based on an analysis of these standards, the Staff Development Committee does not believe that a contractor shop, which is a quasi-industrial/service-related use, is compatible with the existing land uses of nearby property. In reaching this finding, we considered the unique aspects of this use at this unique property.

The property has excellent visibility with roads on three sides. It also directly abuts a major interstate highway and is located along an entrance and exit to this highway. The property is also part of the South Arlington Heights Road Corridor, which is an overwhelmingly commercial corridor in nature. The site is a prominent gateway into the Village, and this property is specifically referenced within the South Arlington Heights Road Corridor Plan which outlines a vision for this site as being part of the commercial gateway into the Village.

Given the location and excellent site access, this property is ideal for commercial uses. I want to be clear; we don't take any issue with Paragon as a business. We've read some great online reviews about the work they do. We talked to people that can vouch for their knowledge and expertise in the mechanical contractor realm. We know they're also a philanthropic business. They give back to the community that they're part of. We think that Paragon is a great asset to Arlington Heights. We just don't believe that this is an appropriate site for their business.

So, relative to the first standard on this slide and the essential character of the area, Staff finds that a contractor shop does not fit with the pattern of development in the vicinity. It would alter the essential character of the locality.

Any exterior storage of contractor trucks would be unsightly and detrimental to the surrounding community, to the surrounding properties. Although trucks parked at the rear of the site would not be visible from Arlington Heights Road, they will be visible from both the tollway and on-ramp. Given the unique characteristics of the site, we found the proposed use to be incompatible with the existing land uses and zoning of nearby properties. Relative to the spirit and intent of the Zoning Code, Section 2.14 of the Zoning Code states that one of the intents of the code is to provide for the gradual elimination of non-conforming uses of land, buildings, and structures which are adversely affecting the character and value of desirable development in each district.

The South Arlington Heights Road Corridor Plan outlines a vision for the general uses that are desirable in this area. This plan was prepared with extensive community outreach and participation. It states that commercial uses on the site are appropriate. While it's true that this use would replace the Elk Grove Township maintenance and office facility, it's establishing a similar use that would have

comparable adverse effects on the character of the area. Service-related uses on the site with excellent access located along a major commercial corridor directly off of an expressway interchange will detract from the commercial character of the area.

This is not a gradual elimination of a non-conforming land use because a non-conforming land use will still occur on the subject property. Land use variations run in perpetuity. So, no elimination of a non-conforming land use is occurring here. To put it another way, one non-conforming use has terminated and another non-conforming would be established with rights to continue in perpetuity.

Finally, the Staff Development Committee does not believe that the variance requested is the minimum variance necessary to allow for reasonable use of the property. There are a wide range of uses allowed in the B-2 District that would allow reasonable use to the property, and the property has not been vacant for any significant period of time. The approval of a land use variation to allow a contractor shop on the subject property is a substantial departure from the permitted uses within the B-2 District beyond what is necessary to allow for reasonable use of the property.

For these reasons, the Staff Development Committee does not believe the necessary criteria for land use variation approval have been met. I mean, look, we understand that Paragon is not your typical contractor shop. We acknowledge that they don't have a large fleet of vehicles being stored overnight on the site. There isn't a fleet of contractor trucks that arrive and depart every morning and come back every night as part of their typical operations. They don't do repair or assembly of equipment on site. The mechanical systems that they install are typically shipped directly to the job site for any minor assembly and subsequent installation.

So, we agree that the use as is currently proposed doesn't represent a massive leap in the wrong direction like a typical contractor shop might entail. However, as this business grows, the intensity of the use will only increase, and business operations may change to more resemble a typical contractor shop. Even at the extent proposed, it is still a step in the wrong direction relative to the vision laid out for this corridor. This location is a prominent gateway to the community that is prime for commercial uses. The 2020 to 2021 strategic priorities of the Village Board call for improvements to the gateways into the Village, and establishing this use at this location is going in the wrong direction. As such, Staff is not supportive of the request to land use variation.

CHAIRMAN ENNES: Sam, is that the end of your report?

MR. HUBBARD: So, in conclusion, we do believe that the criteria for the rezoning and the variations have been met. However, we do not believe that the criteria for land use variation approval to allow a contractor shop has been met, and we would recommend denial of that portion of the application. That does conclude my presentation.

CHAIRMAN ENNES: Thank you, Sam. Is there a motion to approve the Staff report? Maybe it would help if, when you make a motion or second, if you state your name.

COMMISSIONER DROST: Commissioner Drost, I make a motion to accept the report.

COMMISSIONER WARSKOW: Mary Jo, I'll second it.

CHAIRMAN ENNES: All in favor? Anyone opposed?

(Chorus of ayes.)

CHAIRMAN ENNES: Was anyone opposed?

(No response.)

CHAIRMAN ENNES: Okay, so seeing approval of the Staff report, that would be entered into the record. We will go to the Petitioner's report.

Mr. Polka, I am going to swear you in at this time. If you could state your name and swear to tell the truth about the matters before you this evening?

(Witness sworn.)

CHAIRMAN ENNES: Okay, would you please provide us with your report? Let me also state, Mr. Polka, there are a number of conditions involved in your application or the petition. When you give us your report, would you discuss any with us what you disapprove of?

MR. POLKA: Absolutely. So, when you, and forgive me, even though I went through this in 2010, I'm a little rusty on the process. I was hoping that at some point I could talk to you just about the business and overall. I don't have a formal slide show. Sam did a great job, better than me. I have a report that I'm going to read off of a little bit. Is that okay? So, would that be the time now?

CHAIRMAN ENNES: That would be good. That's perfectly okay, and go ahead and tell us about your business if that's, you believe that's material.

MR. POLKA: So, I just wanted to say to Sam, I appreciate, he's put a lot of effort into this. Him and I have gone back and forth a lot. It's been a challenge for me to be doing this amongst many other things.

Before, I want to just explain to everybody here a little bit about me. I live in Arlington Heights. I have two great kids and a wife who also live in Arlington Heights. I came to Arlington Heights back in about 2009, or 2008. Then shortly after that, my business was in Mount Prospect; we brought it to Arlington Heights. As Sam mentioned, we had a very similar situation, but I like Arlington Heights. I like the community; I'm a part of it. I enjoy being here, and my kids like it, too.

But I want to, before getting into the business and the property, I really want to address something. I had the opportunity to talk with Mr. Perkins yesterday. I apologize, I didn't get a chance to inform Sam about that conversation. But though, Mr. Perkins, the Director, and I didn't get a lot of opportunities to talk about this project in detail. Sam and I did. We went through a lot of things. But just yesterday I had asked him what was, why was there so much resistance, and he made it clear that he was really concerned about the parking and the trucks, which I really didn't understand. Sam brought it up today and I really want to address that issue before I get into what I have already prepared.

What I think wasn't brought to light and never asked to me, and I'm going to present now and you can ask the Township of Elk Grove is that when we bought the building and the building was bought on an open bid process, anybody could have bought the building, but nobody was interested. It is a great site, but it's very, very unique. We were, it fits our needs well. Understand something, and Sam, I think you're not even privy to because it never came up except for with Mr. Perkins just yesterday, was that when I first acquired the property, the Township of Elk Grove requested that they lease it back from us. That was part of the purchase. They were expected to leave shortly, but unfortunately that process, their building that they moved

into took longer than expected.

So, as Sam brought up and Perkins brought up, too, about the trucks being onsite, when we wrote the lease with a prominent lawyer from Arlington Heights representing us, and the Township and their lawyers, we specifically wrote in the lease that we would park the trucks in the front to get marketing. I legitimately didn't know anything was wrong with that. I thought it was just a good business move that while they're there, we could put the trucks in the front to get marketing value out of the purchase and the liabilities that we just took on. You know, and I told Mr. Perkins, please, you have no worries about the trucks moving forward. But once it was already in motion, we had nowhere to put them. It wasn't so easy because the Township was here and they had no -- it was a complicated situation because they had buses here. In the lease, we said move your buses. We just took over the spots where the buses were, where the dental truck was, and we didn't think there was any harm in that.

So, I just wanted to make that point as Sam brought up something that was true. We did have them here, but it was under unique circumstances. I'm sure we can get Mike Sweeney to testify to all those unique circumstances who was part of the building when it was the Township. But I wanted to thank Sam for all of the work that he's done, and Mr. Perkins for taking the time to call me late yesterday. I know he was probably wanting to get home; I appreciate that.

But I also, I want to take the chance to talk to you a little bit about who Paragon Mechanical is as that's I think really important in the decision here. You know, we went in, we did buy 10 years ago in 2010 a building that was on the market for a while. At that time, the same as since the beginning and the same now, our whole model of business is doing things a little uniquely. We specialize in the products that are secondary to most people. We do product, we install and service products like solar panels, condensing boilers, geothermal.

One thing people have always said to us, our customers have always said to us, because we do a lot more service than we do on the, let's say install side, which is probably normal just given how quickly you can service something versus how long it takes to install. But people have always said, wow, I wish I would have known about you and your business before we had this installed, because a lot of the times we go, someone wants a new condensing boiler and then realize that it's a little bit more unique. It's a little bit more complicated. It requires more attention to detail. The newer products require a different level of expertise, and we offer that to our customers. That's who we are. That's who we'll always be.

You know, yes, I understand we're in this classification of a contractor shop. We went through that back in 2010 with Matt where it's almost an identical situation. You know, Matt had wrote in his letter, Matt had wrote and I just want to verbatim it. He had said that even though they are a contractor shop, so although a contractor shop is not listed as a permitted use within the underlying zoning district which is B-2, keep in mind at that time we were at 11 North Arlington Heights Road, right down the street. So, we're at 2400 South, we were at 11 North. We were right next to the Village Hall. I don't know if you all know where that is, but it's right across the railroad tracks is where we were. That was a B-2. When we presented to the Village that we wanted to move our business in there, we explained to them at that time our model, our business. It's very specialized, you know, and so they understood that. Matt, who was Sam at that time, had wrote in his own words in the Staff report

that I think Sam e-mailed to everybody, although a contractor shop is not listed as a permitted use within the underlying zoning, Paragon Mechanical represents a unique situation since they're a service oriented use that will have minimal impact to the adjacent residential neighborhood and is compatible with the surrounding land use pattern.

So, my point is that, and understand something, for the 10 years that we were there, we never got one complaint. Never got one complaint about our use, and we complied with all of the Village's requests. To that point, I wanted to take the opportunity to introduce to you a member of our team, a great member of our team at Paragon Mechanical. He's going to talk to you a little bit about our marketing philosophy and about a contractor shop. His name is Steve Pfaff.

If I could turn it over to him, and then I want to continue talking about Paragon Mechanical and then talk about the property. I don't know how to exactly do that, but if I could have Steve chime in and take over for a moment? I don't know, Sam, do you do that?

MR. HUBBARD: No, Steve has, the floor is his. He can go ahead and speak. I see he's on mute.

MR. PFAFF: Good evening.

CHAIRMAN ENNES: And I will need to swear him in also. I don't see Steve, I assume he's down below.

(Witness sworn.)

CHAIRMAN ENNES: Okay, please tell us about your marketing efforts.

MR. PFAFF: Thank you. Well, good evening, ladies and gentlemen. As Kevin stated, my name is Steve Pfaff. I manage the daily operations as well as the marketing for Paragon as Kevin had stated. I began working here at Paragon in 2014 which was six days after my first daughter was born, and it's funny because my wife and I just welcomed our third child last Thursday, exactly six days before today. So, hoping that that's a good omen here.

I mentioned family specifically because Paragon is also an enormous part of my life and I care a great deal about it. The growth that my family has experienced directly mirrors our growth as a company here. I'm actually just incredibly proud and grateful that we're even here before all of you this evening having this conversation because it truly represents a large accomplishment for our team here by its own right.

As Kevin was mentioning, one of the biggest contributors to our success as a team, as a company, is the large emphasis that we do place on differentiating ourselves from other contractors out there. In fact, you know, the main purpose of this property is not to function as a contractor shop, as we've attempted to stress over and over again. It's actually quite in line with the vision of the South Corridor Improvement Plan and that of the goals of Arlington Heights. This is as much of a marketing opportunity for us as it is the Township.

We do a lot of high-end, high quality installations. We do quite a few high profile customers in Chicago as well who look to our property to represent the work that they expect us to perform in their homes. So, we don't want a bunch of vehicles piling up in our backyard. We don't have a bunch of materials sitting on the site as previously mentioned. It's important for us that our property truly

represents the brand and the value that we'd want to convey to our customers.

I mean, we expect this from top to bottom within our organization, whether it be folks here in the office answering the phone, being kind and courteous to our customers, just getting back to customers after work has been performed. I'm sure as homeowners, everyone of us here in this meeting tonight has experienced that contractor who just didn't bother to follow-up or didn't bother to call them back, or didn't bother to take their shoes off at the front door and made their house a mess. All of those things, all of those minuet details we really heavily considered here. That's not going to be any different with this property.

We're very excited to make this property the face of Paragon Mechanical, now more than ever in the current climate, with what we've got going on in the world. We've got people virtually visiting our premises more than ever. Google street view is going to become more useful a tool when vetting your contractors than ever before. The image that we portray via street, via our website, whatever comes down the line is going to be more useful than ever before when people aren't venturing out as much anymore to find folks to come and trust and to come in their home. The processes we've implemented in light of the current climate just to keep our customers and our employees safe go hand-in-hand with that.

So, all of this is to say the property is an image for us as much as it is an image for Arlington Heights, and we need that to come through. We need to kind of get through this first phase of occupancy as quickly as we can here, get to that second phase where we really work to beautify this property, really work to implement, as you saw it in Sam's presentation, our goal and our vision for this property. So, that's all I have to say about that and I'll pass it back over to Kevin.

MR. POLKA: Thank you. Thank you, Steve. You know, Steve does a great job of handling a lot of the day-to-day, and I wanted him to, you know, speak to you just to kind of give you an idea of that, you know, image as it's important to the Township. The community is extremely important to us. You know, when you're dealing in our business and in this particular business, you know, unfortunately, you know, we rely on new customers. New customers have never dealt with us. They don't know us any different from anybody else. So, it's important that we have done everything we possibly can up front to convey to them in an appearance and in everything that we can to show them that we're going to do a great job for them and stand behind everything that we're going to do.

The purpose of being here, and no matter how big we get, that image is going to have to remain the same. You know, we are not going to have an enormous amount of trucks that you're going to be seeing from the tollway or from any part of the accesses in and out. Ideally, you're going to see a beautiful, successful company that's at the gateway of Arlington Heights Road which I think will be better than seeing like another gas station or another carwash. You know, we as a, yes, a contracting company, our sole bread and butter is absolutely utilizing the strength of our team which I can't tell you how proud I am of some of the people like Steve that we have here and some of the awesome techs and just some of the greatness that we have.

I've learned that in business, I thought we just had to do a good job or work harder and work harder, and I realized it's about great people, and we have great people. Honestly, I can't tell you enough, in business, you know, you can

monetarily only give back so much to your employees. You know, this building, this property is about us going to another level to give back to them the way that I would want someone to give back to me. That's what this growth is about.

Steve started a program where he got us into smart in-home products, and it helped us to grow. You know, something that Sam brushed on which is a part of our plan is to have this location as a smart hub. But it's a smart hub because as in-home smart products become more and more prominent, I don't know how many here have Alexa in their home, but you know, we all probably know that our eight-year-old kids or nephews or relatives that are eight and 10 and 11 can probably do the Zoom thing better than all of us here, certainly better than me. You know, my eight-year-old daughter, she can't integrate logarithms or can't do multiplication, but she can probably navigate the Zoom meeting better than me.

In-home smart products are a thing, a way of the future, and I believe being here can help us to promote more of those products. Those products and those services can in turn help us promote more of our mechanical services as well. I think people want the things that we offer. They want the tankless water heaters, they want the solar, they're scared of it. When they can utilize our services for simple things like whether they're just buying a thermostat or having us install in a thermostat for them, it almost builds confidence in them. This location is going to help with that. That's part of our goal is to dive more into the in-home smart products.

I want to now talk to you a little bit about the property and our goals if that's okay. To do that, I want to, you know, we talk a lot about the south corridor. It's funny, I am still perplexed as they probably will be, I can't say enough, I think that all of our goals are in line. I think that, I know that Sam didn't say this and the Staff may feel differently, but the truth is that we have the same goal. I live in Arlington Heights. I live on the south side of Arlington Heights. I see the south corridor everyday. It's abandoned and it's been abandoned.

Yes, the whole town is upset. They're paying huge tax bills and they're not getting the revenue coming in, but especially in today's climate, I understand that if I'm sitting on the Staff's position and other people's position, I'm saying to myself, well, maybe there could be something better, right? Maybe that property that is a great property for us, it's a great property, no one else bought it but for us it's a great property, but I think that you're not, why gamble on something, some maybe, why gamble on us really, that maybe something will come in better, when we have a great plan, and a great plan that will work well within the south corridor.

One of the first goals of the South Corridor Plan that was written by Staff back in 2015 or '18 I think it was, Sam? But it said, developing a strong positive image and appearance which establishes a unified image and sense of place which reinforces and supports commercial economic activities along the corridor. Now, let me share with you this, and tell me if this doesn't convey strong economic growth. That's what I want to do here.

That would be -- I live here. I've lived four minutes from here for the last 10 years. I don't care what anybody says, that's beautiful. That would be awesome. I need your guys' help to be able to do that. I don't care if we're planting tomatoes in there, that's great for the community. That's great for Arlington Heights.

Now, unfortunately, I'm a heating guy and I don't have $10

million in my pocket to say I'm doing this right now. But I do have investors and support that I know that I can get this done. I know that absolutely I can get this done, and this is the goal, to be the corporate hub of this business.

Now, in order to finance this, it is going to be two-thirds us, one-third rentals, and we're going to have a drive-through, some sort of anchor site like a Starbucks or something else. But the point, you know, I'm going to work with Staff to work up all these details. We have tons of renderings and you have pictures of this. This is the goal, guys. This is, ladies and gentlemen, this is the goal. We want and we'll do this, and this is your goal, too.

When you look at that South Corridor Plan, I've asked that plenty of times, well, what do you want there? I've heard other chatter, too. Well, what is good there? Let's face it, today's economic climate is very challenging. Do you think you're going to open up a restaurant there? Are you kidding? Like we don't know what restaurants or what's going to happen with restaurants, and that's the truth. Hotels? I do work for hotels. Hotels aren't doing anything right now, nothing. They have stopped all projects.

You know, so I get it that there's the possibility of maybe there's something better. But this is great! Look at it, please. I don't know if it's on your screen, I think it's supposed to be on your screen. I hope you're not just looking at my face, right?

CHAIRMAN ENNES: No, Kevin, it is.

MR. POLKA: Okay.

CHAIRMAN ENNES: You did say that you have a report that you were going to read?

MR. POLKA: Yes.

CHAIRMAN ENNES: Is that something you want to get into at this point?

MR. POLKA: Well, I have notes. I did not prepare as well, I did not -- hold on. What did I go to? What do you see?

CHAIRMAN ENNES: It will come back up.

MR. HUBBARD: I took the screen off. I thought you were done presenting your rendering.

CHAIRMAN ENNES: Oh, okay.

MR. POLKA: So, what is it on? Is it on me?

CHAIRMAN ENNES: It's there.

MR. POLKA: Okay, I just want to make sure I'm not picking my teeth or anything while I'm talking.

So, you know, I prepared Cliff notes and a general outline. I guess for the next meeting I'll prepare a PowerPoint. So, if you're wondering if I'm just rambling and to keep everybody until too late, I won't. I won't try to take up any more of everybody's time.

But I do want to get into the property. One, I explained to you that we have a two-phased approach. In order to finance this project, our goal, the Village's goal, everybody's goal should be on the same page. To get to that phase two, to build that building and make this a beautiful, beautiful entry to Arlington Heights. We can do that. I think it doesn't matter what you call it, contractor shop or not, it is going to be a corporate hub.

To find businesses that are willing to put offices in places, guys, we need to consider the current economic climate, let alone the fact that before all this no one bought the property, but we did. So, those are mainly the idea that something is better, we're here now, and we have a great, great plan. But I really need everybody to work together.

I also want to, you know, I had planned to show you guys something, and Steve worked really hard on a video. I want to -- we staged the office and Steve took a drone and videoed it. If I could put Steve back in as we talk about the building, because keep in mind before Steve goes, in this first phase, we would like to move in to the property, work out of property, operate the business off the property, put a sign up, generate revenue. The redevelopment is going to take revenue.

Though the site has great attributes to it, guys, the proof is, the reality is it is very, very unique. You're not going to get a hotel. You're not going to get a strip mall. The likelihood of a brand new restaurant going up here in the pocket of the tollway, it's not happening. You know, we have a great opportunity and, yes, we've got to build funds. Yes, it's two years away, maybe three.

But in the first phase, we want to move in. The Township did a great job of maintaining it. The Township of Elk Grove was here; they did a great job of keeping everything beautiful, having greenery. We'll work with the Staff to make some modifications, but we want to move in as it is. Then we want to work on the second phase, present to the Staff the plans and work with them on all the design criteria and everything to make sure that in that second phase it falls right in line with what the goal is for the south corridor. I can't tell you enough that this could be the catalyst of redeveloping this south corridor. It's not a hindrance, not a hindrance at all.

But if I could turn it over to Steve, he's got a video I'd like for everybody to see. He's going to show the building. Can I turn it over to Steve now?

CHAIRMAN ENNES: Go ahead. Do we have a copy of this? Sam, are you going to be able to display this?

MR. PFAFF: I can display it from my screen, no problem here. So, I'll just preface it briefly. We understand that the volume of vehicles entering and leaving the property is an issue. Also, the visibility of commercial trucks has been an issue, been a concern. So, that's kind of the thought process behind this video. We wanted to demonstrate to you what an average day would look like in terms of vehicular impact here on the property.

So, we had our employees stage our vehicles and I will share that video with you. Can you hear me or no?

MR. PFAFF: Yes.

MR. POLKA: I don't mean to interrupt, but what I forgot to mention was that in this first phase, we're taking it over from the Township. So, Steve has all the factual information, so you can, as you sit here and you're pondering this decision, you can understand what the impact might be in this first short phase, because I think Steve has all the facts about, I think the Township has been here for 60 years, right? I think it's 60 years.

MR. PFAFF: That's correct, Kevin. So, 1960 is when the Township of Elk Grove first occupied it. Since then, they've run several commercial operations out of the property, as you know, as Sam mentioned. At any given time, they would have as many as 10 commercial vehicles permanently stored on site and/or

visible from not only Arlington Heights Road but the on-ramp to the highway and then the highway itself. So, those include food trucks, snowplows, multiple buses, a large RV dental unit, the Meals on Wheels truck.

CHAIRMAN ENNES: Okay, well, let's see the video.

MR. PFAFF: But anyways, yes, so immediately upon taking occupancy, this is what you would expect to see on a daily basis from us.

(Whereupon, the video was shown.)

MR. PFAFF: So, as you see, personal vehicles parked in the front of the property. That is truly the maximum we would have at first. We hope to expand upon our office employee staff here, but as you see from this clip, you don't see any work vehicles whatsoever, although we did stage three vehicles inside of the garages to demonstrate they can easily be hidden. There is one vehicle parked in the rear of the property.

One thing Sam had mentioned in his presentation is that these vehicles will be visible from the tollway and the ramp. That's not the case as you can see from these vantage points. You cannot see that blue pickup truck from any road frontage unless you're in the rear of the property. So, we just wanted to show that to you, to show you that we can. We can comply with the standards that you have set for this property, we're happy to do so, and we can easily hide the vehicles out of sight from all three frontages whenever needed, as needed. So, for whatever that is worth, that's what we'll do.

MR. POLKA: Thank you, Steve. Thanks for that video.

CHAIRMAN ENNES: Okay.

MR. POLKA: I think, so just to get on to, Terry, what you said before about the comments for the Village, hopefully everybody has seen that plan that we have. We have two phases. First, move into the building. It will be an improvement to the community immediately. Then in the second phase, we want to work with Staff and zoning and build a beautiful iconic piece of property, redevelop it. That's what the whole South Corridor Redevelopment Plan has been written and approved for.

As you saw in the video, I talked to Sam, I understand that the trucks are an issue. I absolutely understand that. As you saw on the video, we staged that scenario today and videoed it for you today so that you would have the video and you could see the impact that we are going to have. So, one of the first conditions that, Sam, you had written, and I think, Terry, that's what you wanted me to get to I believe, and on the back of Sam's sheet that I have here, one of the first, any contractor vehicle shall be defined as any contractor truck owned; we had agreed to there being never any more than two vehicles stored on site. If they were on site, we would try to put them inside, or if they were outside, they would be in the back. It should be perfectly clear you cannot see it. You cannot see the vehicles. They are not an issue. So, the first condition that he says, fine, no problem. Please understand, the vehicles are a non-issue. They are not an issue now, and they will be a non-issue down the road as well.

However, there are some concerns that I do have. So, the first, I think they call them the recommendations?

CHAIRMAN ENNES: Right, they're the following conditions.

MR. POLKA: Thank you, the conditions. So, number one, no problem about the vehicles. You know, and number two, I submitted a plan. What the

Village wants us to do is a $70,000 landscape improvement to the property which we intend to completely demolish. It is a huge endeavor financially, and we want to take it on. I want to take it on. My team wants to take it on. We want to be the team that redevelops this piece of property; we do. But to ask us to take 70-grand and throw it in the garbage, because that's literally what it would be, the whole property is going to be leveled, is going to only delay and prohibit the South Corridor Redevelopment, because if $70,000 goes towards landscape, then that's less funds that go towards the redevelopment.

I ask that --

CHAIRMAN ENNES: But are you opposed to the landscaping, or at this time?

MR. POLKA: I'm not opposed to the landscaping; I'll do it. What I would suggest is that we push the landscape modifications off. Give me two years to present to Staff legitimate plans of moving forward with the redevelopment. If I can't produce them within two years, I'll do all of the landscape they want. You know --

CHAIRMAN ENNES: It sounds to me, Kevin, that what might help speed this along is tell us which of the conditions you're agreeable with and those that you have an alternative proposal with. Because what I would like to get into are the questions from the Commissioners which I think will add some insight as to what our concerns are.

MR. POLKA: Absolutely. So, if we're all looking at the sheet that Sam prepared, I'm perfectly fine with one, three, four and six. I mean, so one, three, four and six to me are perfectly reasonable, no problem. But two and five, so let me explain something. Five is completely unreasonable. I should not be held to any stricter restriction than Chapter 30. That's, I don't even know why that's even here.

CHAIRMAN ENNES: Okay, we'll address that and we can touch base with the signage requirements that you're referring to. As far as two, the landscaping, what's your alternative?

MR. POLKA: My alternative is that we hold off on the landscape expenses. If I can't provide drawings showing the redevelopment progress to the Village within two years, then I do the landscape that they want. But keep in mind, I don't know what unforeseen things might come up. A lot of the expense of the proposed landscape is doing things like four-inch shade trees and landscape islands in the back of the property. They're never even seen. I don't even think it will be an issue because, listen, I intend to give you the plans and say, hey, we're going to level everything and redevelop it. But I understand that Sam has conveyed he can't bank everything on a maybe or something that's not here now. So, all I ask is that we postpone those things.

CHAIRMAN ENNES: Okay, are you open to moving into questioning now?

MR. POLKA: Yes, sir.

CHAIRMAN ENNES: Okay, thank you for your report and insight into the project.

Let's just start. Any Commissioner that has questions, would you please raise your hand and let's proceed that way?

COMMISSIONER DROST: I'll start it off. George Drost.

CHAIRMAN ENNES: Okay, George.

COMMISSIONER DROST: The question is to Sam. On the

redevelopment or development, proposed development of this property, what effects if any would it have in the STAR proposal? I'm sure that that was reviewed.

MR. HUBBARD: I'm not sure how realistic the STAR proposal is at this time. If anything, it's years in the future. So, I don't know if that was a concern on the Village's side.

COMMISSIONER DROST: Yes, I was just checking to see. I realize that it may be some time off, but the question is would this be something that would have to be condemned in the future if the STAR proposal was actually implemented? That's a question, and I'm going to reserve the rest of any comments or questions after I hear whether the audience has any opinions.

CHAIRMAN ENNES: Okay, any other Commissioner? Thank you, George.

MR. POLKA: Can I ask a question?

CHAIRMAN ENNES: Well, let us go through questions and then --

MR. POLKA: Okay, okay.

CHAIRMAN ENNES: Any other Commissioners have questions?

COMMISSIONER GREEN: I have a question, Bruce Green.

CHAIRMAN ENNES: Yes, Bruce.

COMMISSIONER GREEN: I'm going to ask you, Mr. Polka. In the two years that you did not move your vehicles off the site when they were illegally parked there, the Village made contact with you, isn't that correct?

MR. POLKA: Yes.

COMMISSIONER GREEN: So, you just ignored the Village, is that correct?

MR. POLKA: No, I think you didn't --

COMMISSIONER GREEN: Yes or no? Mr. Polka, please, I just asked you about --

MR. POLKA: I did not ignore, no, I did not ignore the Village.

COMMISSIONER GREEN: Okay, because your statement here is that your image is very important to you, and here it is, the Village is trying to have you conform to our laws and regulations and you've ignored them. Nothing happened. So, that's just a comment I have, and I'll wait for more comments after audience participation.

MR. POLKA: So, to answer your question, Bruce --

COMMISSIONER GREEN: I'll wait until next -- the audience is done. Thank you.

MR. POLKA: But I just want to answer your question by reiterating the fact that, thank you for bringing that up, you know. But I just want to reiterate the fact that we had purchased the property from the Township of Elk Grove, and the Township of Elk Grove left us with no other choice. We would have known about this after the fact. The lawyers that wrote up the lease which spelled out the fact that the trucks that we parked where they're at had not
been --

COMMISSIONER GREEN: Excuse me, excuse me, Kevin. That's a legal problem with you and whoever you bought the property from. So, we're dealing with Village issues here and not a legal mess that you got yourself into.

MR. POLKA: But you're bringing it up. I'm just saying I depended

on the Township of Elk Grove and the lawyers who wrote the lease to be able to check the law, you know. So, that's all. I can't do anything more than rely on the lawyers to know the law and the Township to be able to tell me what they were doing was illegal. If what they were doing prior to me was illegal, I am sorry that I followed suit.

COMMISSIONER GREEN: So, just to restate it, after the Village contacted you, you did not move the trucks, is that right?

MR. POLKA: I explained to you that we did not have a choice --

COMMISSIONER GREEN: That's not my question. I'm done for now. Thank you.

CHAIRMAN ENNES: Okay, are there any other questions from Commissioners?

COMMISSIONER SIGALOS: Yes, I have a question. John Sigalos.

CHAIRMAN ENNES: Yes, John.

COMMISSIONER SIGALOS: Mr. Polka, am I correct that you moved out of your previous location on North Arlington Heights Road and you've been occupying this building, the subject site, for the last how many years?

MR. POLKA: For the last -- we collect mail here. I don't know exactly. It hasn't been years. So, we've been --

CHAIRMAN ENNES: So, year, year-and-a-half?

MR. POLKA: Year, year-and-a-half.

COMMISSIONER SIGALOS: But my question is, and it's yes or no, you've been operating your business out of this current, this site that's under question right now, correct?

MR. POLKA: Correct.

COMMISSIONER SIGALOS: Again, as Commissioner Green brought up, you've been contacted by the Village a number of times from February 2018 through 2019 that you've illegally occupied the building and illegally parked vehicles there, and you've chosen to ignore that, is that correct?

MR. POLKA: No, we had asked the Township to make room. So, we did not ignore anything. Understand that --

COMMISSIONER SIGALOS: I'm not asking about the Township. I'm asking about Paragon Mechanical.

MR. POLKA: I understand. Let me answer, please.

COMMISSIONER SIGALOS: Who's occupying the building?

MR. POLKA: I understand the question, let me answer. The Township was not able to move out. Part of the lease agreement when we purchased it was that we are able to park trucks where the Township was parking their trucks. That's written in the lease. When it came to light that the Village didn't want our trucks there, we did not have an option because the Township was still here. We did not have an option of where to move the trucks. The minute that the Township moved out, all the trucks were cleared out. You saw the video from today, the trucks are gone.

When given the option, when the Township had finally moved out, we had moved all the vehicles. Had this been brought to light when we were writing the lease, it would have been a completely different story. But understand, we didn't choose to ignore the Village in any way, shape or form. We were given no choice because the Township couldn't move. We literally had asked the Township to

move their entire bus department to another location because the Village of Arlington Heights didn't want the trucks on the front. We were given little to no choice.

If you'd like, I can bring in the Township to explain that in greater detail, but we did not ever ignore or dismiss the Village.

COMMISSIONER SIGALOS: Again, I don't quite understand that, Mr. Polka, because again, I don't know what the Township of Elk Grove and your lease agreement, whatever, but the fact is that the Village has contacted you since February of 2018 and you ignored it. That's all I'm seeing in this report.

COMMISSIONER JENSEN: Lynn Jensen here with some questions.

CHAIRMAN ENNES: Okay.

COMMISSIONER JENSEN: I'll try to keep them brief. I want to understand. If the Village, first of all, I kind of appreciate the dilemma that Mr. Polka was in, in that he had struck a deal with a different entity and he got caught into a bad situation that was hard to resolve. He could have done better by negotiating with the Village of Arlington Heights better than he did rather than just being silent and not compliant. That's a different matter.

My questions go to this. Is the Village's problem only with phase one or do you have a problem with phase one and phase two? If they were able to go to phase two immediately, would the Village have a problem?

MR. HUBBARD: You know, all we've seen for phase two is a concept at this point, so it's hard to say. I think, you know, the concept of this development there with, you know, some sort of retail or office and Paragon is much more appealing than solely a contractor shop. But again, it's hard to provide much feedback on just a conceptual rendering and, you know, a concept.

COMMISSIONER JENSEN: Okay, so you definitely have problems with phase one which could be a transitional phase?

MR. HUBBARD: Staff takes issue with phase one, yes.

COMMISSIONER JENSEN: Though it's a question mark as to whether phase two once it's fleshed out a bit, whether that would be a problem or not from what I hear you say? Because we really don't know what phase two is going to look like in fact.

MR. HUBBARD: Right. Although we don't know, their concept has merit I would say. Ultimately whether we would, you know, approve something like that or get behind it, it depends a lot on the details.

COMMISSIONER JENSEN: My next question once again for you, Sam, is what is the Village's major problem? Is it merely the vehicles? Because I'm not too worried about the semantics of a contractor shop, not contractor shop, I think you've got a semantic issue there. I personally as a Commissioner am not too troubled by the fact that he's got something that you want to classify as a contractor shop although it doesn't neatly fit into what we would normally think of as a contractor shop. So, is our major physical problem the vehicles?

MR. HUBBARD: The major problems from the Village's standpoint is the storage of vehicles on site and the appearance, the potential to have negative impacts due to that appearance, as well as the overall use as a contractor shop. It's not a commercial use. This site is ideal for commercial uses, and the proposed use does nothing to further the Village's vision for uses in this area, both in terms of land use and

the storage of trucks.

COMMISSIONER JENSEN: Okay, thank you. I think my other question is, is there anything Mr. Polka can do with the land the way the Village wants to leave it without changing that land use? Does it mean his operation can't continue there at all? Is that where we're basically at if we do not approve the land use?

MR. HUBBARD: Right, if the land use variation approval is denied, then he would not be able to occupy the site with his business in its current format.

COMMISSIONER JENSEN: So, he would actually have only one option which is essentially to sell the property?

MR. HUBBARD: Well, he could alter his business format. I mean, if there's no material storage, if there's no contractor vehicle storage, then the use is essentially a contractor's office. A contractor's office would be an allowable use in the B-2 District. But when you have materials, when you have contractor vehicles stored in the site, that's what kicks you in to a contractor shop and that's not allowed.

COMMISSIONER JENSEN: Then I'd ask Mr. Polka, if this land use isn't approved, are you able to alter your operation in such a way that you can stay in the location you're in until you can flesh out the phase two and bring something forward that would be acceptable to the Village? Can you still do your operation without the land use variation being approved?

MR. POLKA: I guess I don't know. You know, I don't know how, you know, if they need me -- I guess the whole problem -- we can resolve the truck issue. I think the truck issue, as far as we've agreed having two trucks, I think that that is resolved. We showed that you can't see it from anywhere. I guess I haven't thought about that, but like would the meaning, you know, when Sam and I went over this and what our problem is and he's using the two things that the Village has used as defining us as a contractor shop, being that we have vehicles and seeing that we have materials, I guess I would want to better understand why having thermostats in this location would be a problem for the Village. Why would I --

COMMISSIONER JENSEN: Mr. Polka, before you get into that, let me just suggest this. Irrespective of what this Plan Commission recommends to the Board, I think there is a probability that you may not get the land use variation you want. So, by the time you get to the Board, you ought to be able to know whether you could continue operation in any form on this property and have that in mind when you talk to the Board. I'm not asking you for an answer at this point.

MR. POLKA: Then you know what, it's very likely that the property will go vacant and would be boarded up.

COMMISSIONER JENSEN: Okay, anyway at this point, that's all I have. I'll reserve some of the other either comments or questions until later. But I wanted to get a better understanding of exactly where we're going to lead Mr. Polka and his operation if we didn't approve a land use variation. That's all.

MR. POLKA: Thank you.

CHAIRMAN ENNES: Sam, a question I have for you. I was in the business at Northwest Highway and Arlington Heights Road and they have somewhat of a showroom where they have the different type of high energy, high efficiency equipment that they install in places. Does a showroom make any difference for a contractor shop? Do contractor shops sell thermostats, do they display their different

types of -- I'm not even sure what these are all called, Kevin. You have high energy efficiency furnaces, hot water tanks, your thermal equipment and stuff. That stuff is what you had on display in your other building?

MR. POLKA: Correct. We have working models of condensing boilers, zone systems, smart thermostats. We wanted to do the same here, but I guess I'll let Sam answer that question as he's better suited than me, but yes.

CHAIRMAN ENNES: Sam, does having a showroom like that or of sorts, how does that imply with the question about commercial business use as opposed to the unconventional type of contractor shop that they appear to be?

MR. HUBBARD: A showroom is an allowable portion of a contractor shop. A showroom is also a permitted use and part of a contractor office as well. So, you know, from a code standpoint, a showroom doesn't make any difference in defining it as a contractor office, a contractor showroom, or a contractor shop. It's the storage of materials and equipment and vehicles that is what's kicking this into a contractor shop definition.

CHAIRMAN ENNES: Okay, well, in 2000 when he had made this first application for his building on Arlington Heights Road, that that was a concern. I believe in the record, there's an indication that he wasn't going to be doing any of that.

Mr. Polka, does that change in this new location? Are you going to be doing work on equipment?

MR. POLKA: No.

CHAIRMAN ENNES: Sam, I believe you're saying like equipment that they would be installing somewhere else? Or inventory, you know, for things and stuff like that?

MR. POLKA: Our storage of materials is no different than Guitar Center stores, materials for selling guitars. It's no different, just like in 2010, just like now. We don't fabricate anything. We don't need any raw materials. You know, our storage of materials is no different than Guitar Center stores guitars.

That's where I'm really hung up on, you know, I guess I'm, you know, I understand the trucks; I totally do. And we can resolve the trucks. The trucks I think we can make a non-issue. But the materials issue, can we figure something else out? I mean, we can, but I would just like some clarity on that. Guitar Center has materials. They're across the street. They're a business that does retail sales. They have guitars and all kinds of things.

COMMISSIONER GREEN: If I could jump in here, Mr. Polka, please? You said that number five on the sheet of conditions, that outside storage of material shall be prohibited and you were against that. So, what outside storage of materials do you have? We're not referring to necessarily things stored in the building let's say, but what about the outside storage? What outside storage do you have?

MR. POLKA: No, I'm sorry, Bruce. There must have been some mis-communication again.

MR. HUBBARD: Hold on, Kevin. So, Bruce, yes, there is a mis-communication. The Village has added one condition to that motion sheet, and we can discuss that if you want. But that has put the numerical order of the conditions outside of what was in the Staff report. So, if you want, I can pull it up on the screen.

COMMISSIONER GREEN: Okay, what, is there any outside storage of material?

MR. HUBBARD: No.

COMMISSIONER GREEN: Thank you, Sam.

COMMISSIONER SIGALOS: This is John Sigalos. If I can just go back to what Commissioner Ennes was referring to as inside displays of any of your products, Mr. Polka? That to me was being more of a sales office, that that would be allowed here. But in the question of a contractor shop, I was a general contractor for 45 years and my understanding of a contractor shop would be one of a company that self performs work. You could be a contractor who don't do any work and you just market contracts and overall management; that's not a contractor shop. You self perform work, and to me in my definition, that makes you a contractor shop.

MR. POLKA: You know, we had went back and forth with Sam about contractor shop and its definition and materials. It's convoluted and I think we can all agree to that. The point is is that we want to operate and work out of this office as an office. I don't need, I need this property as an office, as a marketing tool to get us more customers, and as a place to grow the business from an office perspective, to grow the marketing force, to grow the sales force, the project management. I don't need trucks. I don't need materials. I don't need a contractor shop in any way, you know.

So, you know, if you guys want to come and watch us work for a week, maybe you would get that and maybe that point could be better conveyed. But that was an issue in 2010 at the previous building and that was never an issue after the zoning meeting. When Mayor Mulder said why are you even here, I said I don't know why, and it was approved and we moved forward. We never had any complaints.

We want this property to work out of the offices to build a team of people. You know, it is not to house any techs or installers to build anything. It is to house a better team of telemarketing, sales management, project management, accounting and scheduling, office people. That's why we want to be here. That's what we're going to build, you know, nothing else.

I don't think that having thermostats on site makes us a contractor's office. We don't fabricate anything. We didn't before, we don't now, and we have no intention of doing that. So, we do, I talked to Sam about a showroom. We have every intention; we want to build a training center which is the re-classification of our showroom. This training center will actually be used by our service techs and by our installers to learn about new products which should also be open to the public or customers that want to come in and see these products. They can go into the training center and they can actually see these products.

You know, last time when we built the showroom in 11 North Arlington Heights, we found that for the most part consumers didn't want to come in. Yes, consumers occasionally came in. But you know what, it would be better suited as a training/showroom, and that's what we want to build. We want a training center which is live products, able to work and train people as well as showing the public, hey, these are the products and systems. We did describe that in phase two, the smart hub that walks people through smart home technology.

COMMISSIONER GREEN: Okay, thank you, Mr. Polka. But you see, by definition, what you do and how you do it, you are a contractor shop. So, you're not going to be able to convince me, for one, that we're going to re-define how the Village interprets their Zoning Ordinance. So, let's please move on and get to some of

the audience questions.

CHAIRMAN ENNES: Sam, I have -- we raised the question in regard to the conditions. Mr. Green had a question about 5(b), and there's a 5(a) and a 5(b). I believe the Petitioner had a problem with the signage issue, but I don't know about this storage of equipment out there. But the other thing that we --

MR. POLKA: Wait a minute. There needs to be some clarification here. Please don't mute me. I said I am completely fine with number four. Mr. Green has communicated the fact that, I don't know what sheet you guys are looking at, but I printed this sheet and look at here, number four is okay. Mr. Green, number four is okay. No outside storage. I don't need any outside storage. So, let's make that clear, Mr. Green. So, why am I --

COMMISSIONER GREEN: I have that, thank you. Thank you, thank you.

MR. POLKA: Okay, you're welcome.

MR. HUBBARD: Can I provide some clarity here?

CHAIRMAN ENNES: Yes, please.

COMMISSIONER CHERWIN: Sam, you're muted.

MR. HUBBARD: Okay, can anyone hear me?

CHAIRMAN ENNES: Yes, now we can.

COMMISSIONER GREEN: Yes, now we can.

COMMISSIONER DROST: We can.

MR. HUBBARD: All right, thank you. So, conditions, and what we see here, conditions two through seven represent conditions one through six in the Staff report. Late in the day, we, the Village had asked that --

MR. POLKA: They added number one.

MR. HUBBARD: -- that condition number one be added. So, if I can paraphrase what Kevin is saying, based on what we're seeing here, Kevin does not agree to condition number three and does not agree to condition number six. This is the new condition, Kevin, that the Planning Department is recommending this evening. That the land use variation apply to Paragon Mechanical only. Is that a condition that you would have an issue with?

MR. POLKA: No, not at all.

MR. HUBBARD: Okay, so based on what we're seeing in front of us, condition three and condition six are the conditions that Kevin is objecting to. Those conditions are aligned with what you see on the motion sheet for the Plan Commissioners. I hope that's clear.

COMMISSIONER GREEN: Thank you, Sam.

CHAIRMAN ENNES: Sam, thanks for that clarification. If there aren't any other questions from the Commissioners --

COMMISSIONER LORENZINI: Terry, I have a question.

CHAIRMAN ENNES: Who is this?

COMMISSIONER LORENZINI: Joe Lorenzini.

CHAIRMAN ENNES: I'm sorry?

COMMISSIONER LORENZINI: Joe Lorenzini.

CHAIRMAN ENNES: Yes, hi, Joe.

COMMISSIONER LORENZINI: Hi. Mr. Polka, well, let me start with Sam. Sam, what are they going to do different at this location than they did at the

Downtown Arlington Heights location on Arlington Heights Road and Northwest Highway?

MR. HUBBARD: As far as use, I don't know that it's going to be much more different except the business has grown since 2010 and this is a different site and different location. So, we've analyzed the effects of the use differently because it's a different location.

COMMISSIONER LORENZINI: So, are we saying that it is not going to be considered a contractor shop if they're doing the same thing as they did before up at the north end of town?

MR. HUBBARD: They were approved for a land use variation in 2010 for a contractor shop and they're requesting a land use variation this evening for a contractor shop.

COMMISSIONER LORENZINI: Oh, the 2010 included the contractor shop variation?

MR. HUBBARD: Yes.

COMMISSIONER LORENZINI: Okay, thank you for clarifying that. Well, going back to George's question, the STAR Line hasn't been brought up for probably about 10 years now, but one of the options was to put it on the north side of the tollway if it ever did go in.

CHAIRMAN ENNES: In my recollection, that it would have been east of Arlington Heights Road, the station, but I'll defer to anybody else, any of the other Commissioners, from their recollection of that planning session.

COMMISSIONER GREEN: I think that it was going to be east. I think it was going to be a property to the east.

CHAIRMAN ENNES: Right, but who knows how that could change in the future.

COMMISSIONER LORENZINI: But you still need about 50 feet of right-away on the north side through the tracks.

COMMISSIONER DAWSON: Terry, I have a question.

CHAIRMAN ENNES: Who has a question?

COMMISSIONER DAWSON: Sue, Susan. I have a question.

CHAIRMAN ENNES: Oh, hi, Sue, okay.

COMMISSIONER DAWSON: Hi. Just I wanted, Sam, could you walk us through the signage, the reasons for the signage restriction?

CHAIRMAN ENNES: Sam, you're on mute.

MR. HUBBARD: So, can anyone hear me?

COMMISSIONER DAWSON: No.

COMMISSIONER LORENZINI: Yes.

COMMISSIONER GREEN: Yes.

COMMISSIONER DAWSON: I can see you but not hear.

MR. HUBBARD: Okay. All right, sorry about that, this is a more challenging than I was hoping it would be.

The conditions relative to signage relate to a restriction for the ground signage. We would, the Village would ask that the ground sign installed by the Petitioner, if this is approved, be installed only on the Arlington Heights Road frontage and not on the tollway frontage or the on-ramp frontage. We feel that a signage in those frontages would not be appropriate given the Village's desire to

improve this corridor. We would request that the style be a monument style ground sign which is limited to six feet in height rather than, you know, like a pole sign that could be up to 16.5 feet tall. We feel that the aesthetic of that sign fits with the vision that's laid out in the South Arlington Heights Road Corridor Plan and that's what we would request.

The property is only going to be allowed one ground sign based on the amount of lineal frontage that it has along all sides. So, the condition is meant to keep that ground sign on Arlington Heights Road frontage, again, not on the tollway or the on-ramp frontage, and that it be limited to a six-foot tall ground style sign, a monument style sign.

The other condition relates to prohibiting wall signage on the accessory structures located on the subject property. This is an area of the code that's not really addressed. I think we would argue as Staff that it's not even allowed by code as code is currently written, and this condition is meant to formalize that so that there could not be any wall signage on the accessory structures at the rear property, which we feel would be out of place and out of character for the surroundings. The signage restrictions have no restrictions on wall signage. The Petitioner would be allowed a wall sign on the north side of the building, the south side of the building, and the east side of the building because it has frontage on all three of those sides.

COMMISSIONER JENSEN: Sam, could you bring up the rendering, this is Lynn Jensen, bring up the rendering because there were some signs depicted on the rendering. Tell us what he couldn't do and what he could do from that rendering. No, there was a different rendering where you actually could see a sign.

MR. HUBBARD: Yes, I think the sign was right here.

COMMISSIONER JENSEN: Well, he had one on a wall or something, you know, not that high. There's a different rendering that was closer up.

MR. HUBBARD: Yes, he had a different rendering with like a billboard almost signage here. I can pull that up if you want to wait.

COMMISSIONER JENSEN: I think it would be helpful to see what he could and couldn't do so we understand what the issue is.

MR. POLKA: If I can maybe make my comment on five that restricts the sign. All I wanted was to not be any more restrictive than Chapter 30 of the code, just so we're all on the same page. I'm totally fine with 5(b) or what you're seeing as 6(b). I just was asking that we, when it comes to the signage, we go to the Village and we address the signage and with no more restrictions than the code already has as indicated in Chapter 30 of the code. That's all, to be clear. Keep me to Chapter 30, that's it, no more no less.

So, number (b), I get it, Sam, absolutely. I apologize. I probably should have specified that. I understand that. I can share that rendering if you'd like to go into that right now if that's easier. That is part of the second phase that I thought that we would address at the second phase. During this first phase, I just want to be able to put up signage according to the letter of the code of Chapter 30 and no more restrictive than that.

COMMISSIONER DAWSON: So, Sam, to me, you know, I'm not going to say that I have Chapter 30 memorized, but we have a very unique parcel here. To me, it seems as if signage is a safety concern because that's a busy area where people are trying to get on and off and they realize they missed the exit and they're

cutting over. It seems like there's visibility issues. There's distraction issues from a safety concern. Is that correct?

MR. HUBBARD: Are you talking about the sign in his rendering?

COMMISSIONER DAWSON: Yes, the reason for, or part of the reason for the restriction.

MR. HUBBARD: That is just the conceptual signage. The sign proposed in their rendering wouldn't be allowed by code anyway. I don't think the Petitioner is proposing that sign. I think --

COMMISSIONER DAWSON: Oh, no, no, I'm not talking about that sign, sorry, if that's what you thought. I meant the restriction that you've put in (a), the reason for the six-foot and the location.

MR. POLKA: We wanted to be able to do the same as Guitar Center across the street, so --

COMMISSIONER DAWSON: Okay, I'm not worried about Guitar Center right now because they're not in the same situation as having an on-ramp immediately after your property. So, I'm asking Sam, on the restrictions that you posed in 6(a), no ground signage shall be allowed along the on-ramp frontage or tollway frontage, that's a safety concern, right?

MR. PFAFF: If I may interject, Guitar Center has both an on and off-ramp and two signs on both. So, the reason --

COMMISSIONER DAWSON: Guitar Center does not have an on-ramp.

MR. PFAFF: They've got an on-ramp heading west or, northwest, yes, they have both; an on and off-ramp from the highway. They have a sign on the building they're facing and then they have a monument style or a pole style sign.

MR. POLKA: We attached a picture of it.

COMMISSIONER DAWSON: Guitar Center does not have -- you can't be going --

CHAIRMAN ENNES: Yes, you can.

COMMISSIONER DAWSON: You cannot be going south on Arlington Heights Road and get on at Guitar Center, get on Northwest Highway.

MR. PFAFF: You would have to pull a U-turn at the next light and they have a ramp, yes.

COMMISSIONER DAWSON: Right, yes. But that's not the safety. What I'm saying is this property --

MR. PFAFF: They've got ramps farther on the east side.

CHAIRMAN ENNES: One person at a time, please.

COMMISSIONER DAWSON: This is how I get on to 90 all the time. It's a dangerous situation and that people miss the on-ramp or they don't realize how the roads are and they're scooting over, you don't have that on Guitar Center. So, I'm asking Sam --

MR. POLKA: But you have an off-ramp, I guess --

COMMISSIONER DAWSON: Okay, I am asking Sam to clarify the reasoning for (a) because I'm trying to understand it as to whether or not I'm going to support it or not support it. So, if you can let me ask Sam so I can understand it, please.

MR. HUBBARD: All right, so based on code, you're allowed one

ground sign on your frontage of your property. This property has three frontages, right? It's got an on-ramp frontage, a tollway frontage, and an Arlington Heights Road frontage. The Village's restriction which, you know, by code he can have his ground sign on any of those frontages. The Village is saying we don't want you to have it on the on-ramp frontage; we don't want you to have it on the tollway. We want you to have it on Arlington Heights Road.

It's an aesthetic concern; it's not a safety concern. We don't feel like, aesthetically, a sign facing an on-ramp is appropriate and consistent with the signage for the Village that projects a good image. Same with the tollway. I don't even think you'd be able to erect a sign that's highly visible and code compliant that faces the tollway, but if that was what the Petitioner wanted to do, by code he could. We don't think it's appropriate to have a signage that faces the tollway. It's almost like a billboard. So, we think the sign, the ground sign that's going to be on the site needs to be on the Arlington Heights Road frontage and that was the purpose of the condition.

COMMISSIONER DAWSON: Okay, so could you put the frontage back up and explain to me the difference between the frontage side and the Arlington Heights Road side?

MR. HUBBARD: Sure. So, this would be the frontage on the on-ramp.

COMMISSIONER DAWSON: Oh, okay, got it.

MR. HUBBARD: This would be the frontage on the tollway, and this is the frontage on Arlington Heights Road. We think a sign here is appropriate, anywhere he wants to put that's code compliant. We just want it to be the monument style sign that's limited to six feet tall. We wouldn't have any restrictions on square footage for the message of the sign; that would be according to code. It's just the height that we want to limit, and we want the monument style because that's more consistent again with the aesthetic and the efforts to beautify the South Arlington Heights Road Corridor.

COMMISSIONER DAWSON: Okay, and did you say that typically, in the code, he would be allowed to put signage on more than one frontage? Or is that what you said?

MR. HUBBARD: If you have more than one frontage on more than one street, you're allowed two signs granted they are separated by 800 feet as measured along the property line. But his property line is going to make that 800-foot separation impossible, so there would be no way he could have two signs out in his frontage on two streets. It can't meet the 800-foot separation. So, he's only allowed one sign per code; we're just stating that that sign, or just recommending, that that sign be on Arlington Heights Road and be the ground style, the monument style.

COMMISSIONER DAWSON: Okay, and it's not a safety. Okay.

CHAIRMAN ENNES: So, and Sam, on that sign, it's really because of the size of the property and the tollway? Because I drive that stretch of the tollway to 53 quite frequently, and there are countless buildings that have signs up either on the building and facing the tollway or signs on their lots. Would there be a restriction then from the future Arlington Corridor to the east of Arlington Heights Road? We don't want them to have hotels that have signs out on the tollway or what?

MR. HUBBARD: So, there's, the Village is not requiring or placing any restriction on wall signage on the building. So, if the Petitioner wanted a wall sign

here that faced the tollway that's code compliant, and that's fine. We think he has that right. If he wanted a monument, a pole style sign facing the tollway around here, we don't think that that's appropriate. I don't think he'd be able to build a compliant one that would give him much visibility anyways, but again, that's our recommendation.

CHAIRMAN ENNES: Okay, thank you. Thank you. Are there any other Commissioner questions before we see if there's anybody in the audience?

(No response.)

CHAIRMAN ENNES: No? Okay, is there anyone in the audience that has questions for the Commissioners?

QUESTIONS FROM AUDIENCE

MR. TOMLIN: This is Eddie Tomlin. I work at Paragon Mechanicals. I'd like to say something.

CHAIRMAN ENNES: Okay.

MR. TOMLIN: I've been with Paragon Mechanical for about five years now. All the signage aside and everything aside, give us this opportunity. We have worked so hard to get to this point. Thank you for your time. That's all I have to say.

CHAIRMAN ENNES: Thank you, Eddie. Okay, is there anyone else in the audience, Sam?

MR. HUBBARD: Is there anyone in the attendee side of Zoom? If you have a question, please click the Raise Your Hand button in Zoom and we'll open the floor and allow you to speak; otherwise, you'll be on mute. If there's anyone that's dialed in by phone, dial *9 and you'll be added to the queue to speak.

(No response.)

MR. HUBBARD: All right, I'm not seeing anyone raising their hand in Zoom. So, I do have -- I was submitted one e-mail and asked to share it and I will read this e-mail now to get it into the record.

CHAIRMAN ENNES: Okay.

MR. HUBBARD: It reads to the Board of Trustees: Good afternoon. My name is Carina H. Santa Maria, and I'm a constituent of Arlington Heights. Thank you for all that you do for our community, especially during this time. I'm unable to virtually attend tonight's meeting due to childcare issues, but wanted to send a letter of support in for Paragon Mechanical as I know they're being reviewed for their new property in Arlington Heights.

As you already know, Paragon has been in business in our community for many years. In addition to them being a great business for our community, they are also a community partner. I am the executive director at Shelter Child Welfare Agency, a welfare agency in Arlington Heights. We serve over 1,000 youth and families within our area by providing emergency housing services, foster care, and child abuse protection program. Last winter, our boys emergency shelter had an issue with our heating system and our shelter was at capacity. As a non-profit, we often struggle for funding when looking at maintenance. Paragon sent an employee to the shelter to look at the system and assist us with fixing it. In addition, they have donated to another foundation that I run in honor of my father to provide soccer camps and scholarships for lower income families.

I'm thankful for a great community partner like Paragon Mechanical and hope that they are able to continue their business in Arlington Heights as they also support our community. Sincerely, Carina H. Santa Maria.

CHAIRMAN ENNES: Thank you, Sam. So, we have nobody else. Are there any other questions from the Commissioners?

COMMISSIONER CHERWIN: Terry, I would just like to ask a question here. I didn't speak earlier, but a couple of questions. I guess when we go back to the conditions and we talk about the signage and then the landscaping; I guess I'd echo probably more where Lynn is. You know, I'm not as, you know, I think there's a uniqueness to this site that justifies some, I guess you'd say a nuanced review of this compared to other sites. Whether it has to do with the signage, it kind of cuts both ways, right? It's kind of maybe to the Petitioner's advantage in the sense that we might be willing to do something here that we might not be willing to on other sites just because there's really not many sites like this where it's located inside of that ramp location and everything else.

I think on the other side of that, there's also, you know, given where it is, I think Mr. Polka was concerned about the requirement on the signage. I think where the Village is coming from there is also a part of the uniqueness to this site, you know, visibility, the prominence of it and kind of what's going on around it. I think with a site like this that is very unique. That is part of the South Corridor Plan to the extent that Plan Commission and then subsequently the Board is going to review this, I think they're going to, you know, if they do allow this to go forward, they're going to want some significant guard rails along it. So, I think that's really what, in my view, that's kind of what's driving me to Staff's somewhat modest limitation on the signage requirement.

I guess the other one that, maybe I just need a little more explanation on process-wise, Sam. If we're talking about the landscape kind of phase one, phase two, maybe even just going beyond the landscape; if the Village is concerned and as we present this to the Board, if the Village is concerned about the phase one and is more favorable on phase two, is there any, I guess trigger here? What if phase two never happens for various reasons that we can't contemplate now, you know, if it just doesn't get done for whatever reason? Is there any kind of time trigger on this from the Village's perspective? Or maybe just from a landscaping perspective, if they just put a hard and fast date in there that ties into, you know, the phase two date as Mr. Polka suggested. I that something that Staff is willing to do? Those I guess are my two questions. Sorry to put them together.

MR. HUBBARD: So, let me just seek some clarity. There's a phase one and phase two of Mr. Polka's business plan, and then there's a phase one and phase two of landscaping installation which is irrespective necessarily of his business plan. You know, the phased landscaping plan would have a phase one and phase two, and that would be implemented during his phase one business plan, so not the redevelopment of the site.

Your question is, does the Village have a drop-dead date for implementation of the phase two landscaping plan as part of his phase one business plan? Is that your question?

COMMISSIONER CHERWIN: I guess my question is kind of both. We have some of these dates in here under this limitation on the landscape. I guess at

what point does the, you know, if September 30th comes and goes, what happens? I guess how does it connect to the Village having a drop-dead date for the business plan? Or, you know, if they're really looking for phase two to happen and that's kind of what's allowing the interim use, the interim status of phase one, is there anything that the Village is requiring, you know, I guess to make sure they would get to phase two on the business operations side? I guess it's two questions.

MR. HUBBARD: Well, phase one landscape installation would be done, you know, right after the Petitioner moves into the building, no later than September 30th of this year. Phase two landscaping would be implemented by 2022, September 30th 2022, assuming that there has been no change to the site. This is, we've given you two years to implement your phase two business plan, you haven't implemented it, so we'd like the further landscaping that we feel like is necessary on your site to mitigate for your use and bring you up to code. Is that what you're --

COMMISSIONER CHERWIN: The details I guess of those approvals, I guess, and the landscaping is part of it, but I'm just thinking as far as what the overall plans are. I guess for me I don't really understand sort of the details. It's hard to kind of prove an advance to the phase two without I guess knowing exactly what it is. I guess, you know, there was some mention of a potential drive-through, that would require, you know, it would seemingly require a special use permit to go through that process again if that were to happen because that doesn't seem to be a part of this here, am I correct? So, we'd be seeing Paragon again in that approval process, is that right?

MR. HUBBARD: Absolutely. If phase two of the business plan and redevelopment of the site were ever proposed, then that would certainly require an appearance before the Plan Commission. If that phase two is proposed prior to September 30th, 2022, then the phase two landscaping is no longer relevant because the whole land use variation needs to be amended as part of the phase two business plan redevelopment. So, if he's redeveloping the site prior to September 30th, 2022, then there's no, you know, the condition is not going to kick in because he's going to redevelop the site and there would be no need to add those landscape islands and landscaping because the site is going to be redeveloped. But if it takes longer than two years or longer than three or four years, you know, then that's when we want the phase two of landscaping to be installed because then it would kick in on September 30th of 2022. If redevelopment hasn't occurred by then, who is to say it's going to occur two or three or four or five more years later? We'd like to get the landscaping in at that point, you know, that complies with code.

I mean, I think Staff's original perspective was bring the site up to full landscape standards as soon as you move in. Obviously, we understand that the Petitioner has this concept for redevelopment. So, the Village is agreeing and saying we'll scale that back, just as part of your occupancy and business phase one, occupancy of the site, just install the landscaping that's towards the front of the site that could have the most impact, and then you'll have two years to implement phase two development plan. If you can do that, then you don't have to spend the money to install the rest of the landscaping in the back that would have less of an impact.

COMMISSIONER CHERWIN: Okay, thank you.

COMMISSIONER JENSEN: Follow-up question to Jay's question of Sam. The Petitioner made reference to something costing around $70,000 I think

with regard to the landscaping. I'm not sure if that's cost related to the phase one landscaping proposal or whether it was the latter, the phase two. I would be --

MR. HUBBARD: It's the totality of both.

COMMISSIONER JENSEN: Okay, so if he only does phase one, the expense to that would be nowhere near the $70,000 is what it sounds like. Because what he was making the point is I don't want to put $70,000 worth of landscaping in and then tear it up because I leveled the entire site to put in a new building.

MR. HUBBARD: Right. Phase one landscaping would not be close to $70,000 in the opinion of the Village.

COMMISSIONER JENSEN: Okay, I just wanted clarification of what the extent of the landscaping is because he could only do phase one and not be able to do phase two, and we'd want him to be in compliance with what phase one requires.

COMMISSIONER SIGALOS: Can we clarify one thing? I keep hearing Sam saying and Mr. Polka saying that once he moves into the building. He has moved into the building, is that not correct? You are operating your business out of the building since you've moved out of 11 North Arlington Heights Road?

MR. POLKA: We are not fully operating out of here.

COMMISSIONER SIGALOS: But you are operating out of this building; you are in this building?

MR. POLKA: We are not fully operating out of here. I don't know how else to explain it to you. We do not have a full staff here. We are not fully operating out of 2400 South.

COMMISSIONER SIGALOS: Where are you operating out of then?

MR. POLKA: Our homes.

COMMISSIONER SIGALOS: From my understanding is that this, today, that we have to deal with is phase one, not what might happen in phase two, two or three years from now and the fact that this particular property, is a key property for the South Arlington Heights Corridor Plan and a business, as yours right now is, as a contractor shop, is not compatible with that. I would want that on the record, and I would not support this petition.

COMMISSIONER LORENZINI: Terry, I've got a question. This is Joe.

CHAIRMAN ENNES: Okay.

COMMISSIONER LORENZINI: Sam, my question relates to access. You know, looking at Arlington Heights Road and Central, or even Arlington Heights and Algonquin, getting to some of those businesses with the raised medians doesn't provide a lot of great access. So, what type of commercial building would you see potentially going in here?

MR. HUBBARD: Well, this site has great access. It's got a signalized intersection with its entrance drive that provides full access with a traffic signal to northbound and southbound Arlington Heights Road. So, I think it's suitable for a wide range of commercial or retail uses.

COMMISSIONER LORENZINI: Okay. All right, thank you.

MR. POLKA: Keep in mind, it was on public bid and no one else

bid on it. No one else bid --

CHAIRMAN ENNES: It was on the market for how long?

MR. POLKA: Sorry, I think it was like two years.

CHAIRMAN ENNES: Okay, yes.

MR. POLKA: I don't know the exact amount of time, I'd have to look at that. I wasn't prepared for that question, but it was on the market for a long time and we were the only ones that submitted a bid. It is a very challenging piece of property. Though, yes, it has a light, it has access on and off, it is very challenging.

MR. PFAFF: That's exacerbated more by what's going on in our world now I would think.

CHAIRMAN ENNES: Okay, any other comments or questions?

COMMISSIONER DROST: Yes, I've got a -- George Drost here.

CHAIRMAN ENNES: Yes, George.

COMMISSIONER DROST: Just following Jay's lead, there's a lot of nuances and guard rails and stuff. I could list at least 10 to 15 different issues. It seems like what we're doing is we're designing a plan to make Paragon fit the property, or we are trying to make it fit or we're just rejecting it because it won't fit.

I think if you look at what they did at 11 North Dunton, and I was on the Commission at that time as well, is they took an orphaned piece of property, and really put it to a very good use. The other aspect is that this is an orphan type of property at the south end of town, and if it's controlled in the way that it's developed, it can be, I think fit within the overall Village plan. The question is we're not here to design it, we're not here to figure those out, but I think it's got some possibility.

Plus, from my standpoint, it probably keeps the sales tax in the community as well and maybe expanding a base for the sales tax. So, those are my comments.

CHAIRMAN ENNES: Well, I'll add on to your sales tax and it will add on the property tax because it was exempt in the past. So, for 60 years, it hasn't been providing any property tax and I'm aware of the fact that under the new assessment procedure, this new assessor more than doubled what was paid for the property. So, he is part of that venue that thinks it's a really ideal property. Personally, I don't.

I have always had a problem with the access to that piece of property. It's small. I don't see a big development going in there. You need parking for that. You know, it's a two-acre piece of land. I have to agree really with the direction Jay was going and George. I don't think this is a prime piece of property.

We approve phase one, phase two, phase three developments a lot. You know never know if those developers are going to end up getting phase two, phase three. We don't know what's going on right now at Downtown Arlington Heights, you know, with all we went through to approve the development, that wonderful development next to the garage, but it doesn't sound good for that going forward. So, you never know what's going to happen.

But I think it's a tough property. I realize it's part of our long-term plan for the corridor. I think this development, high tech, energy efficiency, thermal, all of the stuff that's, again, it's what all the LEEDS people want in their buildings. We want it in the Village. I think it could be a good use for it if the Petitioner realizes his goals to step it up with the office and some of the other development in

there. I don't think you're going to get a whole lot more on that piece of property.

But anyways, do we have a motion? Do we have any other comments?

COMMISSIONER JENSEN: Lynn Jensen. I'd like to follow-up. I'm glad to see that George and you and Jay articulated the thing that I have been feeling, but I wasn't going to make too much of a point out of. I think we have a first class Petitioner here with a lot of passion and a good, clear sense of entrepreneurship. I think he would be a very good entity to have in Arlington Heights.

I, too, don't think this is a great piece of property. I think it has real limitations. Quite frankly, I think we should be happy that somebody wants to take it and develop it and has some sight of where they want to go that would look high tech and would fit into the appearance of what we want the south corridor to look like. So, I'm much more charitable towards this than perhaps some of the other Commissioners because I just don't see that this is going to be easily developed.

And quite frankly, we don't have any idea how we're going to emerge as a village or as a society out of this pandemic. If you study the history of the 1918 pandemic, you'll understand that there were a lot of fundamental societal changes. For example, one of the things that may happen is office space may not be a big issue in the future. Once companies understand that people can work from home, there may not be much demand for this office space that we have to this point.

So, I'm a little reluctant to basically just turn down a petitioner on points like the ones that have been made. If he addresses the issue around the parking and he does the landscaping he needs to do and he has an opportunity to grow the business and develop into phase two, I think we should be able to accommodate that.

COMMISSIONER WARSKOW: I would like to echo a number of these comments that, yes, I agree that, one, what Lynn said earlier, Mr. Polka, I don't think you put yourself in the best light leading into this meeting, having not worked more closely with the Village on your situation with the parking and the Township. But having said that, I'm in the energy efficiency field, I fully support and I see the strength in the future for your business. I do worry that I don't see that area being a prime spot for a restaurant or an office space or a tall building, any of that.

So, I am, he's already bought the building. He's got a thriving business that will grow in the future. He's very committed. He has very committed staff. So, I feel very similarly that I think this is worth the variations.

COMMISSIONER CHERWIN: Can I ask one more question, Sam? I'm sorry, late in the game here. IDOT, what are they going to, is there going to be like, are they going to require any approvals? I mean, we've got Arlington Heights Road, it's kind of abutting their property. Are they going to require cost sharing on the traffic maintenance, you know, traffic signal, anything like that?

MR. HUBBARD: I don't know if the Petitioner has reached out to IDOT to get their preliminary feedback. I don't know even when you get their preliminary feedback if it ends up being their final ruling, but I don't anticipate anything in phase one of this business plan.

The only thing that we would require in coordination with IDOT from my perspective is some of the code-required landscaping would need to encroach into IDOT right-of-way. So, he would have to coordinate with IDOT to get

their permission to install that landscaping within their right-of-way. Of course, if he cannot secure that permission, then I think the Village certainly can be flexible in working with them to, you know, find alternative locations to try and meet the intent of the landscape requirements.

COMMISSIONER DAWSON: Terry, I have a comment.

CHAIRMAN ENNES: Yes, please.

COMMISSIONER DAWSON: So, just we haven't gone back on the signage, and while the Petitioner wanted to argue with me because he thought I was working against him, if he would just let me ask my question, I was trying to get to the bottom of whether or not it was a safety issue, and it's not a safety issue. If it's not, then as far as I'm concerned, he should follow the code and be able to put the sign where he wants to put the sign. The fact that he might not be able to get a sign that is effective for his business in a different location is his problem, not ours. As long as it meets the code, then I think we should let him put the sign out where he wants to put the sign out.

So, I also am in favor of this petition. I think that I like phase one better than I like phase two. Just like other people have said. I don't see this as a location for a coffee shop. If he wants to have one later, we'll talk about it later, but I actually think this is a good use for this property.

I remember the petition back when they came to the Arlington Heights Road property. I made all these concerns. I live in the rec park neighborhood. I don't live right behind him, but I've never heard from anyone of any complaints about the facility. I will say that I have recently seen trucks parked out front before I even knew that it was an issue here driving by going, oh, look it's Paragon, they must be operating over there. I didn't even realize it was on the agenda.

I will also say that I wasn't troubled at all by seeing their truck parked out front. I didn't drive by and go, ugh, look at that truck. It was, oh, Paragon is there. They had one truck; it wasn't problematic for me. I don't think we should have a truck parking lot out front but, you know, they have nice-looking trucks and it was the van, you know, it wasn't anything really problematic for me.

So, the one thing that I'm very, very bothered by is the not willing to work with the Village. I always have a problem with that. Because now if we want, I mean, if we approve it and we have landscaping, but it's approved and he doesn't do the landscaping, we've got a Petitioner that has shown an unwillingness to cooperate and work with the Village unless put to a point that's forced to do so. So, that is problematic for me, but I don't know if there's anything we can do about that.

I do want to see the landscaping go in. We would have required that if he had come to us in the first place. The phasing I think is appropriate and I want to see the landscaping. But I'm okay with removing the signage condition, and that's where I'm at. So, I'm in favor of the property keeping three in place and taking six out. I don't know if anyone else agrees with me or not.

CHAIRMAN ENNES: So, do you want to make a motion?

COMMISSIONER GREEN: I'd like to make a comment if I could.

CHAIRMAN ENNES: Sure.

COMMISSIONER GREEN: We just had a, one of the last meetings we had with the Village was for the property, the Herald building property and that whole entire corner redevelopment there.

CHAIRMAN ENNES: Yes.

COMMISSIONER GREEN: There are going to be tall buildings there, that was the indication. I think that this property with a signal on it is a very unique, valuable piece of property. I don't look at it as if it's a hardship at all. I think it has a lot of potential for other uses.

I am against the contractor shop part of this ordinance. You should be careful what you wish for. A contractor shop is in certain areas because of how it looks. We approved a corridor plan here to improve the entire area from the tollway all the way to the downtown area eventually. So, I am not in favor of a contractor shop here.

CHAIRMAN ENNES: Bruce, I would agree with you if I thought this was your typical contractor shop. You know where my office is. We recently moved a business from Palatine and Arlington Heights Road that was quite unsightly with all its trucks. They're now one of my neighbors; that's a contractor shop that's loaded with trucks and parts.

We have an individual, a business that is not going to store materials outside. I think he's resolved the truck issue; he did in his other property. I still don't understand why we are concerned about people being able to see trucks in a parking lot from the toll road. I can understand it on Arlington Heights Road because we don't want that look. But I think it's a different type of property and I think its high energy efficiency nature is in line with the kind of development that we would want to see in that new corridor. But that's just my perspective.

Any other comments?

MR. POLKA: Can I just address that I want to work with the Village and I will. I'm sorry about the beginning in those circumstances. During the next meeting, I will be more prepared to explain that situation in its entirety. But I absolutely have worked with the Village in the past and I will continue to work with the Village moving forward.

I know a lot of the inspectors intimately as we do a lot of different projects here, both commercially and residentially. I'm sorry for the way that we, the light has been shed upon us because of a circumstance, but I will absolutely work with the Village in every way possible.

MR. HUBBARD: Can I just recommend we close the public hearing portion of this hearing? I don't think we officially did that.

CHAIRMAN ENNES: Yes, you're right. So, we close the public hearing portion.

COMMISSIONER LORENZINI: Can I jump in, Terry?

CHAIRMAN ENNES: Yes, please.

COMMISSIONER LORENZINI: Yes, this is Joe, Joe Lorenzini again. I've got to say I admire Mr. Polka and his ambition and his plans. He really is a great credit to the community and all he's done and plans to do. But I also agree with the Village's plans for the corridor improvement, the future vision and what it should look like. But as some of the Commissioners brought up the future, the economic future, we really don't know what it holds.

So, having said that, I would not approve the petition as it stands, but what I would recommend, to approve it for a certain amount of time, say maybe two years time limit, ease up on the landscaping requirements for that time, but

then after two years if he can't move to phase two and make it look a lot nicer so it fits in with the corridor and the vision, or if he can't do it at that time, maybe the Village can either cancel it and he has to move, or give an extension for another year or two. I can go for something like that, but I agree with the Village, I couldn't approve it the way that it stands right now.

CHAIRMAN ENNES: Okay, thanks, Joe. Does someone want to make a motion? Sue, I think you had one?

COMMISSIONER CHERWIN: I can make a motion.

COMMISSIONER DAWSON: Okay, go for it, Jay. Otherwise, I'll make it, but I'm all good with you.

COMMISSIONER CHERWIN: Okay, I'll make a motion.

A motion to recommend to the Village Board of Trustees <u>approval</u> of PC# 20-004, a Rezoning from the R-1 One-Family Dwelling District and B-3 General Service, Wholesale, and Motor Vehicle District into the B-2 General Business District; a Land Use Variation to allow a contractor shop within the B-2 Zoning District; and the following Variations:

1. **A variation from Chapter 28 of the Municipal Code, Section 5.1-11, to allow an area of B-2 Zoning that is approximately 2.36 acres where a minimum of four acres is required.**
2. **A variation from Chapter 28 of the Municipal Code, Section 6.12-1(2), to waive the requirement for a traffic and parking study by a certified traffic engineer.**

This recommendation shall be subject to the following conditions:

1. **The Land Use Variation shall apply to Paragon Mechanical only.**
2. **Any contractor vehicle, which shall be defined as any contractor truck owned by the Petitioner or employees of the Petitioner (regardless of the presence of signage) or any passenger vehicle with contractor signage, shall be prohibited from parking at the front of the site. Such vehicles, whether during the day or overnight, shall only park behind the building so as to not be visible from Arlington Heights Road or shall be parked within one of the interior parking spaces.**
3. **The Petitioner shall be required to implement the phased landscape plan prepared by the Village of Arlington Heights and dated 5-8-2020. Phase One landscape improvements shall be completed no later than September 30, 2020, and Phase Two landscape improvements shall be completed no later than September 30, 2022.**
4. **The Petitioner shall install a code compliant dumpster enclosure, or alternatively, the salt dome can be used as the dumpster enclosure, provided that the dumpster is not visible from Arlington Heights Road.**
5. **Outdoor storage of materials shall be prohibited.**
6. **The following signage restrictions shall apply:**

a) No ground signage shall be allowed along the on-ramp frontage or tollway frontage. The ground sign along the Arlington Heights Road

frontage shall be a monument style ground sign, to be no taller than six feet in height.

b) No wall signage shall be allowed on the accessory structures located on the subject property.

7. **The Petitioner shall comply with all federal, state, and Village codes, regulations, and policies.**

COMMISSIONER DROST: I'll second that.
CHAIRMAN ENNES: Who seconded?
COMMISSIONER DROST: George Drost.
CHAIRMAN ENNES: Okay, and no exceptions on the items three and six?
COMMISSIONER CHERWIN: My motion is to pass it as it's written by the Staff, one through seven.
CHAIRMAN ENNES: Okay, and we have a second with George. From Roberts Rules, do we call the question here or --
MR. HUBBARD: So, we have a motion that's been seconded, so I think it would be appropriate to call the roll.
CHAIRMAN ENNES: Okay, would you please call the roll?
MR. HUBBARD: Commissioner Dawson.
COMMISSIONER DAWSON: Yes, with comment.
MR. HUBBARD: Commissioner Green.
COMMISSIONER GREEN: No.
MR. HUBBARD: Commissioner Jensen.
COMMISSIONER JENSEN: Yes, with comment.
MR. HUBBARD: Commissioner Lorenzini.
COMMISSIONER LORENZINI: No, with comment.
MR. HUBBARD: Commissioner Sigalos.
COMMISSIONER SIGALOS: No, with comment.
MR. HUBBARD: Commissioner Warskow.
COMMISSIONER WARSKOW: Yes.
MR. HUBBARD: Chairman Ennes.
CHAIRMAN ENNES: Yes. And the comments? Oh, I'm sorry.
MR. HUBBARD: Commissioner Cherwin.
COMMISSIONER DROST: Sam, I don't think you got my vote, Drost.
MR. HUBBARD: Yes. Commissioner Cherwin.
COMMISSIONER CHERWIN: Yes.
MR. HUBBARD: Commissioner Drost.
COMMISSIONER DROST: Yes, with comment.
CHAIRMAN ENNES: Okay, Sam, would you call each name for their comments?
MR. HUBBARD: I believe Commissioner Dawson had the first comment.
COMMISSIONER DAWSON: Yes. Well, I just want to reiterate that I would rather we take out number six, but feeling that this is going to be a close vote and also wanting to show that I am generally in support of the project, I went with

yes as opposed to voting no simply because six was included. So, again, I reiterate that I am supportive of striking six and am in support of the project.

MR. HUBBARD: I believe Commissioner Jensen had the next comment.

COMMISSIONER JENSEN: Yes. I was impressed with the passion, the entrepreneurship and the energy that Mr. Polka and his staff brought to this project. I think it is very unfortunate that he did not handle the situation around occupying the building and having vehicles out during a long period of time when he was getting communications from the Village. But I understand that he was in a very difficult position and he didn't know exactly how to handle it. I would hope in the future he would be more skillful in handling those things and work with the Village. I'm expecting that he will not replicate that behavior in the future whether it's over landscaping or anything else. So, I think perhaps we might give him a little leeway.

As a comment to Mr. Polka, I think brevity in your presentation would help your case a lot, you know. Mark Twain said, I wrote you a two-page letter because I didn't have time to write you a 10-page letter, and I think there's some wisdom there. So, I think you should sharpen up your presentation when you go to the Board, and keep it precise, to the point, and don't go on and on.

MR. POLKA: Okay, thank you.

MR. HUBBARD: Commissioner Lorenzini, did you have a comment?

COMMISSIONER LORENZINI: Yes. The reason I voted no is not because I don't like the project or don't like the company. I just would hate to see it look like it does today 20 years from now. That's why I recommended putting some type of time limit on phase one and then they have to go into phase two. Now, like I said, if two years from now the economy is still in the tank and nothing has been built, then give them another two-year extension. But I cannot, I voted no because it's pretty much an infinite approval to stay in phase one.

MR. HUBBARD: Chairman Ennes, you had a comment?

CHAIRMAN ENNES: I did not. I'm not going to make a comment just because of my prior relationship with the Petitioner. I totally understand what all of you were saying about the corridor plan and the issues with the contractor yard. If this was a typical contractor yard, I would have voted no.

I think George had a comment.

MR. HUBBARD: Yes, Commissioner Drost.

COMMISSIONER DROST: Yes, and I think it's an imperfect situation. Basically, what I think we need to do is the Petitioner and the Village has to really kind of resolve some of these issues, because conceptually it should work. I think there is quite a bit of support at least from the Plan Commissioners. But I would need a little bit more crispness in the presentation on the part of the Petitioner would probably help him rather than hinder him.

MR. HUBBARD: I feel like I might have missed someone. Did anyone else have comment?

COMMISSIONER SIGALOS: Yes, I did. This is John Sigalos. My comment is that, you know, we spent a lot on, we've heard a lot on how good Paragon Mechanical is. I don't deny that. They are a good company and they've done a lot for the Village, but again, the issue here was the use of this property. It's not compatible

with the South Arlington Heights Corridor, and again, the type of contractor shop that it is, whether he wants to believe it or not, he is. Again, it's not compatible with this zoning.

So, that was the reason that I voted against it, not the fact that I'm against Paragon. But again, the issue today is that this is phase one, but we don't know what's going to happen in phase two, two years, four years, 10 years, we don't know what will happen. But the issue today, I could not support it.

CHAIRMAN ENNES: So, we have, Sam, if I have this right, we have a vote of six to three?

MR. HUBBARD: That's correct. So, the motion passes, and this would tentatively go to the Village Board on June 1st for their consideration. I don't know if they're able to hold a quick turnaround on a Zoom meeting like this, but that would be their first potentially eligible appearance date. Mr. Polka, although we'll work with you with further communications leading up to that to make sure that we have room on the agenda for that meeting for you or if you have to get pushed back.

MR. POLKA: Okay.

CHAIRMAN ENNES: Thank you, Mr. Polka, and good luck.

MR. POLKA: Thank you. I appreciate everybody's time.

(Whereupon, the hearing on the above-mentioned petition was adjourned at 10:00 p.m.)

Phased Landscape Plan

Prepared by Village of Arlington Heights
Date: 5-8-2020

UNITED SURVEY SERVICE, LLC
CONSTRUCTION AND LAND SURVEYORS
2100 N. 15TH AVENUE, UNIT C, MELROSE PARK, IL 60160
TEL.: (847) 299 - 1010 FAX : (847) 299 - 5887 FAX : (244) 633 - 5048
E-MAIL: USURVEY@USANDCS.COM

ALTA / NSPS LAND TITLE SURVEY

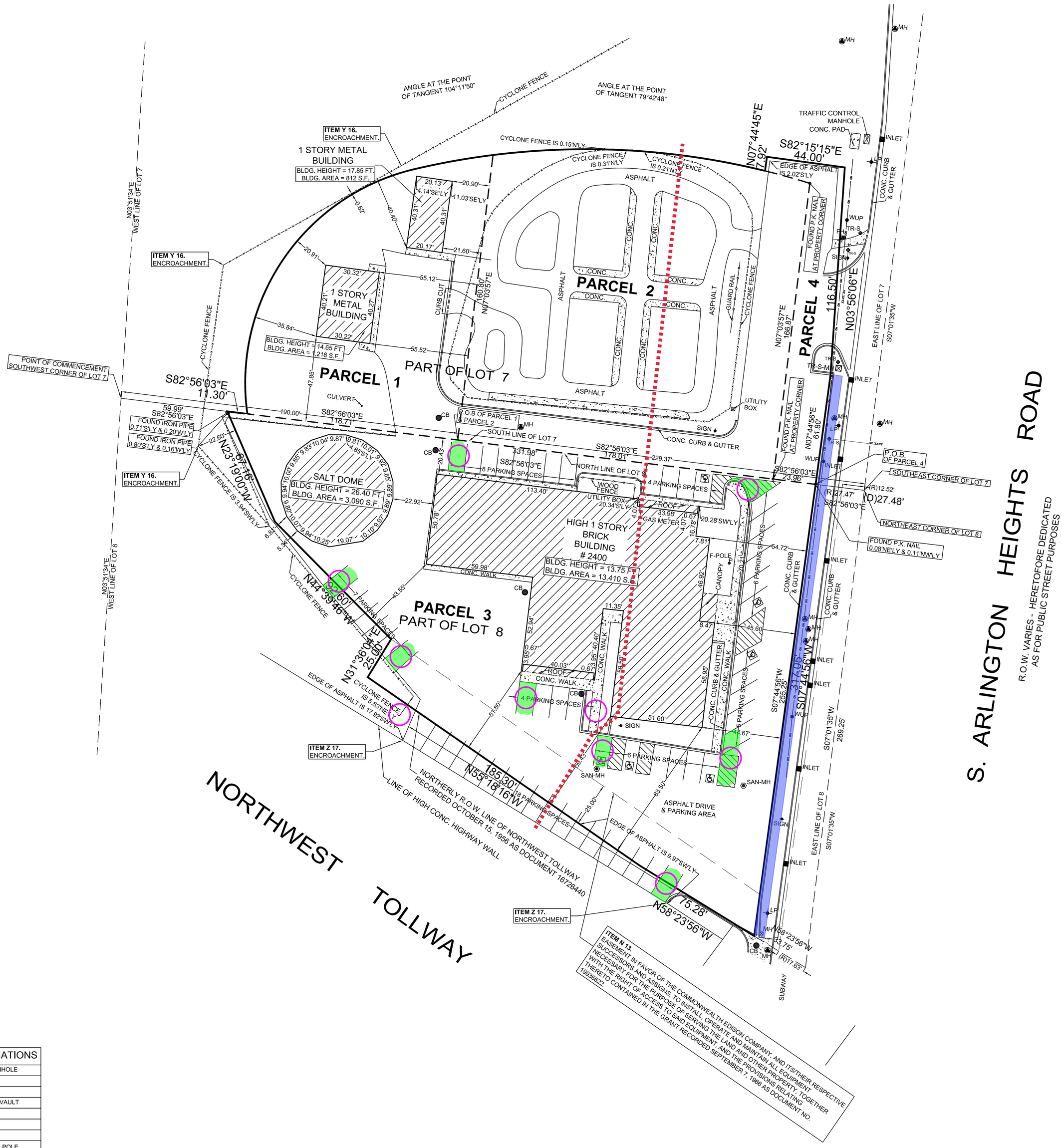
0' 10' 20' 50'

3' Tall Parking Lot Landscape Screen

Landscape Island

Shade Tree

Phase I/Phase II delineation. Improvements to the east of this line must be installed no later than September 30, 2020. Items to the west of this line must be installed no later than September 30, 2022.



LEGEND	ABBREVIATIONS
SAN-MH	SANITARY MANHOLE
CB	CATCH BASIN
INLET	INLET
WVV	WATER VALVE VAULT
FH	FIRE HYDRANT
TR-L	TRAFFIC LIGHT
LP	LIGHT POLE
WUP	WOOD UTILITY POLE
TR-S-MH	TRAFFIC SIGNAL MANHOLE
MH	MANHOLE
SIGN	SIGN
F-POLE	FLAG POLE
	HANDICAPPED PARKING SPACE
(D)	DEED DATA
(R)	RECORD DATA
(M)	MEASURED DATA

ORDERED BY:
ARNSTEIN & LEHR LLP

SCALE : 1" = 30'

DATE : JUNE 14, 2017

FILE No.:
2017 - 25095

DATE	REVISION
12/18/17	REVISED PER NEW TITLE COMMITMENT
10/16/17	REVISED PER REVISED TITLE COMMITMENT
8/29/17	REVISED PER TITLE COMMITMENT DATED 8/15/17


Paragon Mechanical, Inc.
Paragon Mechanical Inc.
Welcome to
ARLINGTON
HEIGHTS


ParagonMechanical,Inc.

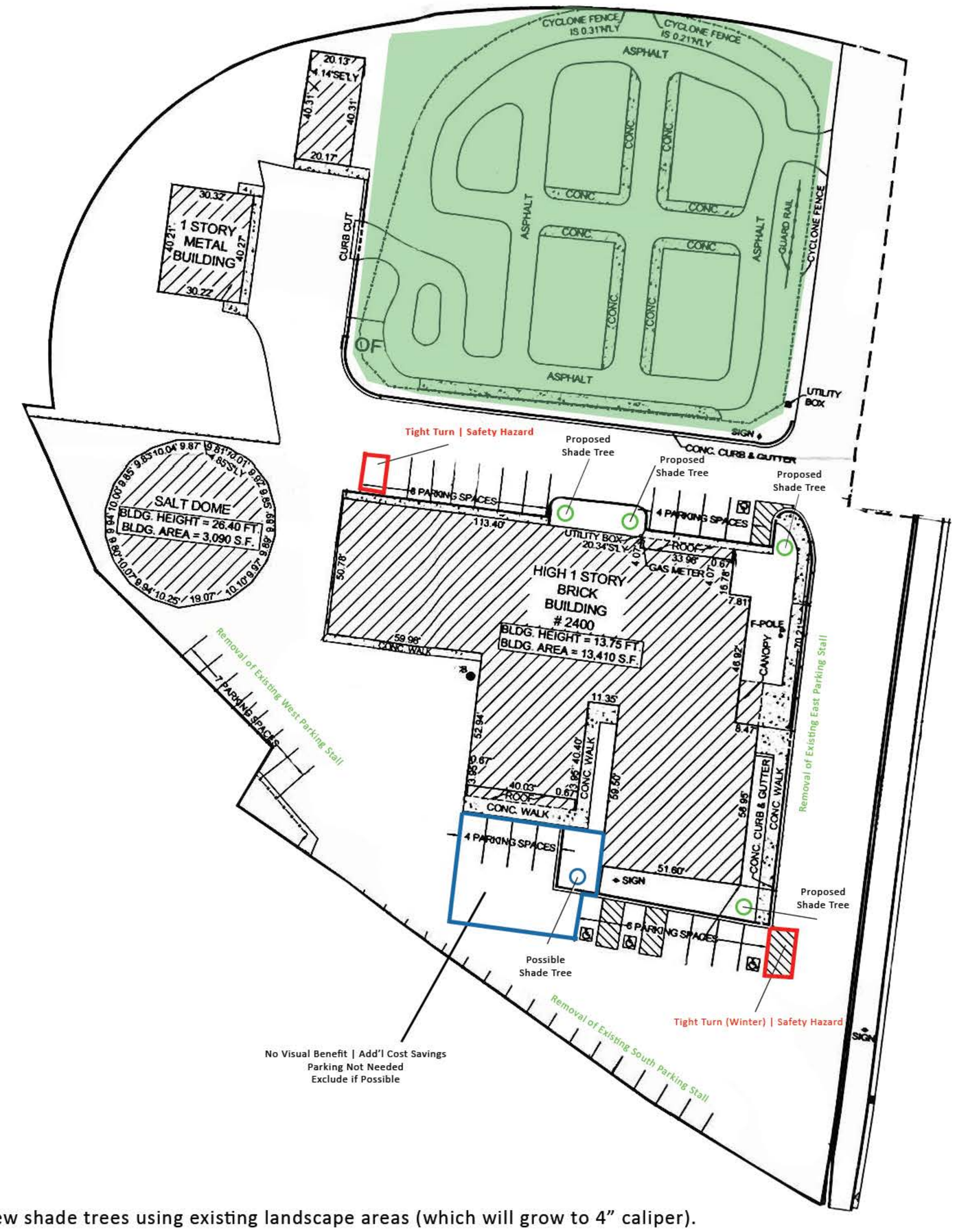

Paragon Mechanical, Inc.
Paragon Mechanical, Inc.


ParagonMechanical,Inc.



Paragon

LANDSCAPE PROPOSAL



Green (Proposed): Installation of four (4) new shade trees using existing landscape areas (which will grow to 4" caliper).
Green (Proposed): Complete removal of East side parking stall.
Green (Proposed): Complete removal of South side parking stall.(Partially on property).
Green (Proposed): Complete removal of West side parking stall (Partially on property).
Green (Proposed): Complete removal of "Safety Town" to include asphalt and structures. Installation of new grass to replace.
Red (Safety Concern): Variation Requested to elminate island/tree.
Blue (Possible): Prefer to avoid to cut cost, no visual benefit from Arlington Heights Road.
Note: Final re-stripe plan to be provided upon agreement of minimum number of spaces necessary.

Rosario Gambino & Son
LANDSCAPING, INC AND COMMERICAL SNOW PLOWING

Proposal Date: 8/10/2022 **Revision Date:** 8/11/2022

Proposed to: PARAGON MECHANICAL
KEVIN POLKA
2400 S ARLINGTON HTS RD
ARLINGTON HTS, IL

Phone:
E-mail: KEVIN@PMCOMFORT.COM

Work Proposal

Rosario Gambino & Son Landscaping hereby proposes to furnish materials, equipment and labor in accordance with the below specifications:

SCOPE OF WORK	**Price**
CONTRACT 2	$17,000.00
~REMOVE 8000 SQ FT OF ASPHALT	
~REMOVE THE HOUSES	
~INSTALL 160 YDS OF TOPSOIL	
~WHEN COMPLETED INSTALL SEED & BLANKET	
~REMOVE THE FENCE	
~INSTALL (4) 2" AUTUMN BLAZE MAPLES WITH 2 YDS OF TOPSOIL	
TREES TO BE INSTALLED IN EXISTING LANDSCAPING BEDS	
TREES WILL GROW TO A 4" CALIPER	

Total Cost **$17,000.00**

50 % Deposit is required before start of job. Any alteration or deviation from the above specifications will be billed as an extra charge over and above the amount listed on this contract. Full payment is due upon completion of services. A service charge of 2% per month will be added to all balances not paid within thirty days. All costs, including attorney's fees and court costs incurred in collecting overdue accounts shall be paid by the customer.
Jobs are scheduled after receipt of signed contract and deposit. Although all reasonable efforts are made to begin/finish work on schedule, timing may be affected by conditions beyond our control, including but not limited to weather conditions, material availability, and time required to obtain any necessary permits/permissions. This proposal is subject to revision if not accepted within thirty (30) days after proposal date. Please note that any buried cables, wires, sprinkler lines, etc. will be the responsibility of the customer in the case where they may be damaged while Rosario Gambino & Son is carrying out contracted services.

This proposal, if signed, creates a contract between us. Upon acceptance, please sign, date and return to our office with deposit.

_____ _____
Representative of RGS Landscaping Signature **Date**

_____ _____
Customer Signature **Date**

ESTIMATE

Prepared For

Pargaon Mechanical
2400 Arlington Heights Rd
Arlington Heights , Ill 60005

Ferros Brick Paving

7n088 Sauber Rd
Virgil, Ill 60151
Phone: (630) 301-1293
Email: ferrosbrickpavingandsons@gmail.com

Estimate #	23118
Date	09/01/2022

Description

Seal coating

Seal coat 47,200 ft sq driveway
750 ft crack repair
Paint parking lines and details

Subtotal	$12,000.00
Total	**$12,000.00**

Village of Arlington Heights
Building & Life Safety Department

Interoffice Memorandum

To: **Sam Hubbard, Development Planner, Planning and Community Development**

From: **Deb Pierce, Plan Reviewer, Building & Life Safety Department – Building & Fire Life Safety Review**

Subject: **2400 S Arlington Heights Rd. – Paragon Mechanical LUV Amendment – Amendment to LUV Ordinance #20-022**

PC#: **2-010– Round 1**

Date: **August 1, 2022**

General Comments:

The information provided is conceptual only and subject to a formal plan review, if applicable.

Sam –

I have no comments or objections to the request.

ENGINEERING DEPARTMENT

PETITIONER'S APPLICATION - ARLINGTON HEIGHTS PLAN COMMISSION

Petition #: P.C. 22-010
Petitioner: Paragon Mechanical, Inc.
2400 S Arlington Heights Rd. Arlington Heights
(847) 321-9428
Owner: HVAC Equipment Sales LLC
1427 W Maude Ave, Arlington Heights, IL 60004
(847) 321-9428
Contact Person: Kevin Polka
Address: 1427 W Maude Ave
Arlington Heights, IL 60004
Phone #: (847) 321-9428
Fax #:
E-Mail: kevin@pmcomfort.com

P.I.N.# 08-16-4000-035-0000
Location: 2400 S Arlington Heights Rd.
Rezoning: _____ Current: _____ Proposed: _____
Subdivision: _____
# of Lots: _____ Current: _____ Proposed: _____
PUD: _____ For: _____
Special Use: _____ For: _____
Land Use Variation: X For: _____
Land Use: _____ Current: _____
Proposed: _____
Site Gross Area: 102, 911 SQ. FT.
# of Units Total: _____
1BR: 2BR: 3BR: 4BR:

(Petitioner: Please do not write below this line.)

	YES	NO	COMMENTS
1. PUBLIC IMPROVEMENTS REQUIRED:			
a. Underground Utilities Water		NO	
Sanitary Sewer			
Storm Sewer			
b. Surface Improvement Pavement			
Curb & Gutter			
Sidewalks			
Street Lighting			
c. Easements Utility & Drainage			
Access			

2. PERMITS REQUIRED OTHER THAN VILLAGE:
a. MWRDGC ____ b. IDOT X (IF LOT IS RESURFACED)
c. ARMY CORP ____ d. IEPA ____
e. CCHD ____

	YES	NO	COMMENTS
3. R.O.W. DEDICATIONS?		NO	
4. SITE PLAN ACCEPTABLE?		N/A	
5. PRELIMINARY PLAT ACCEPTABLE?		N/A	
6. TRAFFIC STUDY ACCEPTABLE?		N/A	
7. STORM WATER DETENTION REQUIRED?		NO	
8. CONTRIBUTION ORDINANCE EXISTING?		NO	
9. FLOOD PLAIN OR FLOODWAY EXISTING?		NO	
10. WETLAND EXISTING?		NO	

GENERAL COMMENTS ATTACHED

PLANS PREPARED BY: _____
DATE OF PLANS: _____

~~Director~~ Village Engineer — 8/4/22 Date

PLAN COMMISSION PC #22-010
Paragon Mechanical LUV Amendment
2400 S Arlington Heights Rd
Round 1

11. The petitioner is notified that these comments are being provided to ensure that the project meets the requirements for submittal to the Plan Commission. Approval by the Plan Commission is not an endorsement or approval of these documents to obtain the required building permits, engineering approval, or permits required by other government or permitting agencies for construction. Detailed plan review with associated comments will be provided upon submittal of plans for a building permit. The petitioner shall acknowledge that they accept this understanding.

12. The **2018 International Property Maintenance Code** states as follows:

    302.3 Sidewalks and driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

    The existing parking lot is in disrepair with numerous potholes and pavement that shows signs of failure. The parking lot should be repaired / repaved to be brought into compliance with the 2018 International Property Maintenance Code.

13. The petition discusses the possibility of restriping the lot. A striping plan shall be provided, showing the location of the stalls, the handicap accessible parking stall(s), including dimensions and aisle widths. Restriping the lot with the current condition of the pavement is not acceptable.

14. In the event the entire parking lot and entrance is resurfaced, this will require work within the Arlington Heights Road right-of-way which is under the jurisdiction of the Illinois Department of Transportation (IDOT). The petitioner should be aware that detector loops for the traffic signal are located in the entrance to the parking lot. Work within the entrance will require an IDOT permit

Michael L. Pagones, P.E. — Date
Village Engineer

ARLINGTON HEIGHTS POLICE DEPARTMENT

Community Services Bureau

DEPARTMENT PLAN REVIEW SUMMARY

Paragon Mechanical
2400 S Arlington Heights Rd

Round 1 Review Comments

1. **Character of use:**
   The character of use is consistent with the area and is not a concern.

2. **Are lighting requirements adequate?**
   Lighting should be up to Village of Arlington Heights code. The exterior of the building should be illuminated especially during nighttime hours for safety, to deter criminal activity and increase surveillance/visibility- potentially reducing theft, trespassing, vandalism, underage drinking, and other criminal activity.

3. **Present traffic problems?**
   There are no traffic problems at this location.

4. **Traffic accidents at particular location?**
   This is not a problem area in relation to traffic accidents.

5. **Traffic problems that may be created by the development.**
   This development should not create any additional traffic problems.

6. **General comments:**

   - Please ensure that there is an emergency information/contact card on file with the Arlington Heights Police Department and that it is up-to-date. Agent contact information must be provided to the Arlington Heights Police Department during all construction phases. The form is attached. Please complete and return. This allows police department personnel to contact an agent during emergency situations or for suspicious/criminal activity on the property during all hours.

   - Given the landscaping concerns for this property, specifically in regards to the maintenance of the 3' landscape screen along Arlington Heights Rd, landscaping is a concern for this project. Landscaping should provide open sightlines to increase natural surveillance and avoid creating ambush locations and havens for illegal activities- theft, trespassing, vandalism, underage drinking, drug use, etc. In addition to compliance with Village code for landscaping on this property, landscaping should be well maintained in order to deter criminal activity.

A.O. #330

Alexandra Ovington, Crime Prevention Officer
Community Services Bureau

Approved by:

583

Supervisor's Signature

Arlington Heights Police Department

Emergency Information Card

1. Fill in all information by tabbing to each field.
2. When completed, save the form and send as an attachment to: policemail@vah.com.

Arlington Heights Police Department
200 E. Sigwalt Street
Arlington Heights, IL 60005-1499
Phone: 847/368-5300

Completed forms may also be printed and submitted in the following manner:

By Mail: Arlington Heights Police Department
200 E. Sigwalt Street, Arlington Heights, IL. 60005
Attention: Police Administration

By Fax: (847) 368-5970 - Attention: Police Administration

In Person: Dropped off at the Arlington Heights Police Department's front desk for forwarding to Police Administration.

Print Form (To Mail)

Name (Firm or Residence)

Address/City

Telephone Number

Date Information Obtained

IN CASE OF EMERGENCY PLEASE CALL:

Contact #1

Name

Address/City

Telephone Number

Cell Number

Contact #2

Name

Address/City

Telephone Number

Cell Number

Alarm System

☐ No

☐ Yes Phone number:

Alarm Company Name

HEALTH SERVICES DEPARTMENT

PETITIONER'S APPLICATION - ARLINGTON HEIGHTS PLAN COMMISSION

Petition #: P.C. 22-010
Petitioner: Paragon Mechanical, Inc.
2400 S Arlington Heights Rd. Arlington Heights
(847) 321-9428
Owner: HVAC Equipment Sales LLC
1427 W Maude Ave, Arlington Heights, IL 60004
(847) 321-9428
Contact Person: Kevin Polka
Address: 1427 W Maude Ave
Arlington Heights, IL 60004
Phone #: (847) 321-9428
Fax #:
E-Mail: kevin@pmcomfort.com

P.I.N.# 08-16-4000-035-0000
Location: 2400 S Arlington Heights Rd.
Rezoning:_____ Current: _____ Proposed:____
Subdivision: _____
# of Lots:_____ Current: _____Proposed: ____
PUD: _____ For: _____
Special Use: _____ For: _____
Land Use Variation: X For: _____
_____
Land Use: _____ Current: _____
Proposed: _____
Site Gross Area: 102, 911 SQ. FT.
# of Units Total: _____
1BR: 2BR: 3BR: 4BR:

(Petitioner: Please do not write below this line.)

1. GENERAL COMMENTS:

No comments at this time.

Sean Freres 7/21//22
Environmental Health Officer Date

James McCalister 7/21/22
Director Date

PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

PETITIONER'S APPLICATION - ARLINGTON HEIGHTS PLAN COMMISSION

Petition #: P.C. 22-010
Petitioner: Paragon Mechanical, Inc.
2400 S Arlington Heights Rd. Arlington Heights
(847) 321-9428
Owner: HVAC Equipment Sales LLC
1427 W Maude Ave, Arlington Heights, IL 60004
(847) 321-9428
Contact Person: Kevin Polka
Address: 1427 W Maude Ave
Arlington Heights, IL 60004
Phone #: (847) 321-9428
Fax #: _____
E-Mail: kevin@pmcomfort.com

P.I.N.# 08-16-4000-035-0000
Location: 2400 S Arlington Heights Rd.
Rezoning: _____ Current: _____ Proposed: _____
Subdivision: _____
# of Lots: _____ Current: _____ Proposed: _____
PUD: _____ For: _____
Special Use: _____ For: _____
Land Use Variation: X For: _____

Land Use: _____ Current: _____
Proposed: _____
Site Gross Area: 102, 911 SQ. FT.
# of Units Total: _____
1BR: 2BR: 3BR: 4BR:

(Petitioner: Please do not write below this line.)

	YES	NO	
1.	_____	_____	COMPLIES WITH COMPREHENSIVE PLAN?
2.	_____	_____	COMPLIES WITH THOROUGHFARE PLAN?
3.	X	_____	VARIATIONS NEEDED FROM ZONING REGULATIONS? (See below.)
4.	_____	X	VARIATIONS NEEDED FROM SUBDIVISION REGULATIONS? (See below.)
5.	_____	X	SUBDIVISION REQUIRED?
6.	_____	X	SCHOOL/PARK DISTRICT CONTRIBUTIONS REQUIRED? (See below.)

Comments:

Please see attached comments #7 through #14

Jane Hubbard 8.3.22
Date

Planning & Community Development Dept. Review

August 3, 2022

REVIEW ROUND 1

Project: Paragon Mechanical LUV Amendment – 2400 S. Arlington Heights Rd.
Amendment to LUV Ordinance #20-022

Case Number: PC 22-010

General:

7. The following approvals have been requested:
   a. **Amendment to Land Use Variation ordinance #20-022 to modify the conditions of approval.**
   b. **Variation to Chapter 28 of the Municipal Code, Section 6.15-1.2(a), to waive the requirement for a 3' tall parking lot perimeter landscape screen along Arlington Heights Road. A determination on the necessity of this variation will be done once a plan has been provided to show the proposed landscape alternative "Option 2".**
   c. **Variation to Chapter 28 of the Municipal Code, Section 6.15-1.2(b), to allow certain parking rows to terminate without the code required curbed landscape island including a 4" caliper shade tree. A determination on the necessity of this variation will be done once a plan has been provided to show the proposed landscape alternative "Option 2".**

8. Should it be determined that a landscape variation(s) is required, a written response to each of the land use variation approval criteria must be provided, which must document how the requested variation conforms to each criterion of approval:
   - **The proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property.**
   - **The plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned.**
   - **The proposed variation is in harmony with the spirit and intent of this Chapter.**
   - **The variance requested is the minimum variance necessary to allow reasonable use of the property.**

9. In order to recalculate parking, please confirm the accuracy of the usage areas and sizes as depicted in the attached floorplan (the square footage's shown on the attached were derived from scaled measurements of the floorplan and should be close to 100% accurate). Additionally, please provide the following information:
   a. How many total employees work at Paragon?
   b. How many employees work in the office areas of the building (i.e. work out of the building for the duration of their shift).
   c. How many employees work out in the field during the day (i.e. technicians that may only come and go from the site on an as needed basis).
   d. Other than the office employees or technicians as identified above, are there any other employees at Paragon? If so please outline their position/responsibilities, whether they work in the building throughout the day, and if so, which portion of the building do they work in?

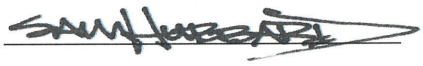
10. If the onsite parking is reduced to the minimum as required by code (based on the modified business operations as outlined in the project narrative), please acknowledge that if additional employees are hired or if usage of the building areas change, a parking deficit may exist relative to code requirements. Any such change would likely require an amendment to the Land Use Variation and/or a parking variation.

11. Please clarify what has changed at Paragon to where the Phase 2 office expansion is no longer contemplated and the conference/training room is no longer used as such.

12. Should landscape Option 1, as outlined in the project narrative, no longer be contemplated, please revise the project narrative to clearly outline what alternatives are proposed.

13. Please provide a plan that clearly shows how landscape Option 2 would be achieved. If certain parking areas will be removed, landscape islands added, and landscaping be proposed, the plan shall clearly show these site alterations.

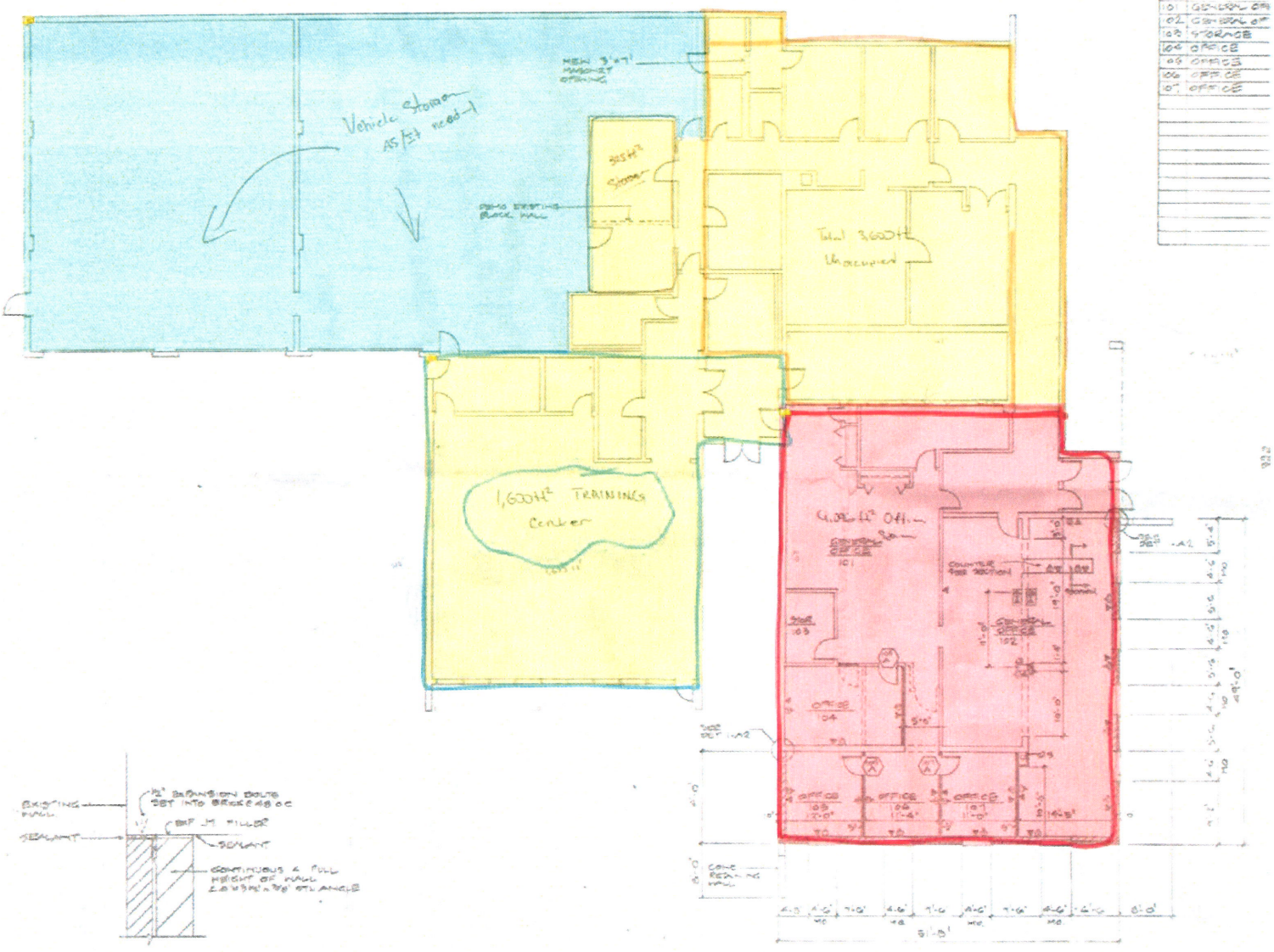
14. Please clarify the statement "with the property listed again, there is still no outside interest." Is the property now listed for sale? If so, how long has it been listed? Please provide a copy of the listing.

Prepared by: 

Garage/Vehicle Storage - 4,710 sq. ft.

Materials/Miscellaneous Storage - 5,848 sq. ft.

Office Area - 3,448 sq. ft.



DETAIL

FLOOR PLAN

SCALE: 1/8" = 1'-0"

N

Paragon Mechanical - LUV Amendment
2400 S. Arlington Heights Road
PC #22-010
August 2, 2022

Landscape Comments

1) In order to evaluate any proposed removal of parking areas and reduced landscaping or landscaping alternatives, please provide a landscape plan that clearly shows the proposed parking areas and landscape improvements.

2) Per Chapter 28, Section 6.15, a landscape island equal in area to one parking space and a 4 inch caliper shade tree is required at the ends of all parking rows. Please incorporate the code required landscape island and shade tree at the end of each parking row per the approved phasing plan.

3) Per Chapter 28, Section 6.15 a three foot high screen is required between the public right of way and the parking area. The code required screen is in poor condition and must be maintained.

Paragon Mechanical, Inc.
"Your Comfort Specialists"

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Arlington Heights, Illinois 60005
(847) 321-9428
www.pmcomfort.com

Engineering Department

2. Permits Required Other than Village: IDOT

Response:
We will reach out to IDOT as needed but may ask for assistance in this endeavor as we have never dealt with them before. Please provide contact information or guidance in reaching out to IDOT.

11. The petitioner is notified that these comments are being provided to ensure that the project meets the requirements for submittal to the Plan Commission. Approval by the Plan Commission is not an endorsement or approval of these documents to obtain the required building permits, engineering approval, or permits required by other government or permitting agencies for construction. Detailed plan review with associated comments will be provided upon submittal of plans for a building permit. The petitioner shall acknowledge that they accept this understanding.

Response:
We, the petitioner, accept this understanding.

12. The existing parking lot is in disrepair with numerous potholes and pavement that shows signs of failure. The parking lot should be repaired/repaved to be brought into compliance with the 2018 International Property Maintenance Code.

Response:
We agree that the parking lot needs repairs which is why we view this as an opportunity to restripe to meet our current and realistic parking needs, thereby greatly reducing the necessary expense of landscaping modifications.

13. The petition discusses the possibility of restriping the lot. A striping plan shall be provided, showing the location of the stalls, the handicap accessible parking stall(s), including dimensions and aisle widths. Restriping the lot with the current condition of the pavement is not acceptable.

Response:
We can repair the parking lot however depending on cost/scope it may have to be delayed. We currently have an executable quote for landscaping that includes the installation of 4 new shade trees using the existing landscape areas, in addition to the removal of "Safety Town" to further improve the overall appearance of the property. We ask that, as part of the Round 1 revisions, our modified building use be considered, and we would like the Village's recommendation as to the minimum parking spaces we can account for within the marked areas (to include handicap spaces).

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14. In the event the entire parking lot and entrance is resurfaced, this will require work within the Arlington Heights Road right-of-way which is under the jurisdiction of the Illinois Department of Transportation (IDOT). The petitioner should be aware that detector loops for the traffic signal are located in the entrance to the parking lot. Work within the entrance will require IDOT permit.

Response:
We would like to address this during Round 2 as we don't yet have an estimated cost for repairing the parking lot as we await an agreed upon number of parking spaces. The parking lot repairs may need to wait if the proposed landscaping is most appealing as it takes up the majority of the budget.

Police Department

6a. Emergency information/contact card

Response:
Please see attached

6b. Landscaping should provide open sightlines to increase natural surveillance and avoid creating ambush locations and havens for illegal activities- theft, trespassing, vandalism, underage drinking, drug use, etc.

Response:
We agree that maintaining open sightlines would be beneficial in achieving natural security for the front of the property. We believe our modified parking/landscaping plan, which would negate the need for the 3' screen while eliminating "Safety Town", would better facilitate the desired security.

Planning & Community Development Department

7b. Variation to Chapter 28 of the Municipal Code, Section 6.15-1.2(a), to waive the requirement for a 3' tall parking lot perimeter landscape screen along Arlington Heights Road. A determination on the necessity of this variation will be done once a plan has been provided to show the proposed landscape alternative "Option 2".

Response:
See included landscaping proposal. We would like to eliminate all parking on the East side of the building, and we request feedback from the Village regarding the number of required spaces/handicap spaces as part of Round 2 responses. We will then provide our asphalt contractor with that information to finalize that plan/proposal. By eliminating all parking along Arlington

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Heights Road we would eliminate the need for a screen and also help to facilitate the Police Department concerns of achieving open sightlines for natural surveillance.

7c. Variation to Chapter 28 of the Municipal Code, Section 6.15-1.2(b), to allow certain parking rows to terminate without the code required curbed landscape island including a 4" caliper shade tree. A determination on the necessity of this variation will be done once a plan has been provided to show the proposed landscape alternative "Option 2".

Response:
We seek elimination of specific islands only to facilitate the safe flow of traffic around the narrow corridors of the property. It is difficult to tell from aerial views/plat but there is very little space to maneuver around the corners of this property for delivery trucks.

8a. The proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property.

Response:
We feel as though we have demonstrated we are a significant improvement over the vacant and dilapidated properties that currently occupy much of the surrounding area.

8b. The plight of the owner is due to unique circumstances, which may include the length of time subject property has been vacant as zoned.

Response:
Paragon was the only viable bidder when we purchased the property initially and with the property listed yet again there remains no outside interest.

8c. The proposed variation is in harmony with the spirit and intent of this Chapter.

Response:
We feel as though our vision for the future of this property will fit well within the vision of the South Corridor. We cannot, however, be expected to be the first to redevelop in the area given the state of disrepair in the entire surrounding areas.

8d. The variance requested is the minimum variance necessary to allow reasonable use of the property.

Response:
We will always disagree that we need be considered a "Contractor Shop," given the type of inventory we house onsite so, ultimately, we do not feel as though any variation is truly necessary. We also understand this is not our decision so long as inventory of any kind is stored onsite, and therefore, this

2400 S. Arlington Heights Rd.
Arlington Heights, Illinois 60005
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www.pmcomfort.com

would be the minimum variance required to allow our reasonable use of the property in the eyes of the Village. If a variation for elimination of additional parking islands is also approved or deemed necessary, we do feel as though that is solely a safety concern and directly relates to reasonable use, primarily by 3rd party delivery services.

9. Please confirm the accuracy of the usage areas and sizes as depicted in the attached floorplan.

Response:
The provided floorplan accurately depicts our usage.

9a. How many total employees work at Paragon?

Response:
16 total employees

9b. How many employees work in the office areas of the building (i.e. work out of the building for the duration of their shift).

Response:
5 total employees work out of the building for the duration of their shift

9c. How many employees work out in the field during the day (i.e. technicians that may only come and go from the site on an as needed basis)

Response:
4 total (office) employees come-and-go throughout the week on an as-needed basis
7 total (technician) employees exclusively work in the field and do not come to the office

9d. Other than office employees or technicians as identified above, are there any other employees at Paragon?

Response:
No, all our employees are accounted for in the breakdown. We have 16 total employees.

10. If the onsite parking is reduced to the minimum as required by code (based on the modified business operations as outlined in the project narrative), please acknowledge that if additional employees are hired or if usage of the building areas change, a parking deficit may exist relative to code requirements. Any such change would likely require an amendment to the Land Use Variation and/or a parking variation.

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Arlington Heights, Illinois 60005
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Response:
Given the surplus of available office space within the areas we currently occupy, we do not envision a future where the current building would need to be utilized differently than it is today. A more likely outcome would be our need to apply for a building permit to install an additional parking stall if the number of office employees were ever to grow. If for some reason we do need to change the use of the building in any way, we agree we would apply for the necessary Land Use Variation amendment(s).

11. Please clarify what has changed at Paragon to where Phase 2 office expansion is no longer contemplated, and the conference/training room is no longer used as such.

Response:
The COVID-19 pandemic changed how we conduct our business now and how we plan to grow in the future. Given the labor shortages, we were forced to consolidate our office work and entrust more of the sales responsibilities in our field workers. This is something we previously envisioned hiring dedicated salespeople to do. The training room is no longer needed because of the cost of building it, the cost of paying technicians to use it, and the lack of desire from customers to come and see our equipment firsthand (which would have ultimately funded the project). The reality is that nobody has the desire to gather if it is not necessary, and we can provide customers with virtual demonstrations and technicians with remote training these days.

12. Should landscape option 1, as outlined in the project narrative, no longer be contemplated, please revise the project narrative to clearly outline what alternatives are proposed.

Response:
Please see the revised narrative.

13. Please provide a plan that clearly shows how landscape Option 2 would be achieved. If certain parking areas will be removed, landscape islands added, and landscaping be proposed, the plan shall clearly show these site alterations.

Response:
Please see the attached landscaping quote. We would like to come together with the Village on the number of parking spaces/handicap spaces before we finalize the quote for restriping and/or parking lot repairs. We request that as part of Round 1 the Village review our modified use and confirm the minimum number of spaces (regular and handicap) we need to include in the final plan we bring before the Plan Commission.

14. Please clarify the statement "with the property listed again, there is still no outside interest." Is the property now listed for sale? If so, how long has it been listed? Please provide a copy of the listing.

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Arlington Heights, Illinois 60005
(847) 321-9428
www.pmcomfort.com

Response:
See attached. It has been listed since June 2022.

Landscape Comments

1. In order to evaluate any proposed removal of parking areas and reduced landscaping or landscaping alternatives, please provide a landscape plan that clearly shows the proposed parking areas and landscape improvements

Response:
See included landscaping proposal which we believe can accommodate up to 3 parking stalls, if necessary. This should allow for far more than our current parking needs (9 spaces) and more than we will ever need to fill the office space in its current form.

2. Per Chapter 28, Section 6.15, a landscape island equal in area to one parking space and a 4 inch caliper shade tree is required at the ends of all parking rows. Please incorporate the code required landscape island and shade tree at the end of each parking row per the approved phasing plan.

Response:
Please review the provided landscape proposal. We seek to utilize the existing garden beds in lieu of building additional concrete islands. To hopefully make the plan more appealing, we are also proposing to remove "Safety Town" and replace it with green space.

3. Per Chapter 28, Section 6.15 a three foot high screen is required between the public right of way and the parking area. The code required screen is in poor condition and must be maintained.

Response:
We seek to completely remove all parking along Arlington Heights Road (on the East side of the building), which would nullify the need for a landscaping barrier altogether. Elimination of this screen would also satisfy the Police Department Comment #6 to provide "open sightlines to increase natural surveillance."

PLAN COMMISSION PC #22-010
Paragon Mechanical LUV Amendment
2400 S Arlington Heights Rd
Round 2

15. The petitioner's response to comment no. 11 is acceptable.

16. The petitioner's response to comment no. 12 is noted. Repairs / resurfacing of the parking lot will be required before the lot can be restriped with a new parking configuration.

17. The petitioner's response to comment no. 13 is noted. The striping plan must include dimensions for the stalls, the location of the handicap accessible parking, and aisle widths. It should be noted that the property could be cited on section 302.3 of the 2018 International Property Maintenance Code at this time for the condition of the parking lot.

18. The petitioner's response to comment no. 14 is noted. The individual at IDOT that oversees permit applications for Cook County is Jonathan Karabowicz, email address Jonathan.Karabowicz@Illinois.gov.

8/17/22

Michael L. Pagones, P.E. Date
Village Engineer

ARLINGTON HEIGHTS POLICE DEPARTMENT

Community Services Bureau

DEPARTMENT PLAN REVIEW SUMMARY

Paragon Mechanical
2400 S Arlington Heights Rd

Round 2 Review Comments **08/23/2022**

1. **Character of use:**
   Nothing further.
2. **Are lighting requirements adequate?**
   Nothing further
3. **Present traffic problems?**
   Nothing further.
4. **Traffic accidents at particular location?**
   Nothing further.
5. **Traffic problems that may be created by the development.**
   Nothing further.
6. **General comments:**
   Nothing further.

A-O #330

Alexandra Ovington, Crime Prevention Officer
Community Services Bureau

Approved by:

583

Supervisor's Signature

Planning & Community Development Dept. Review

August 25, 2022

REVIEW ROUND 2

Project: Paragon Mechanical LUV Amendment – 2400 S. Arlington Heights Rd.
Amendment to LUV Ordinance #20-022

Case Number: PC 22-010

General:

15. The response to comments #11 and #12 is acceptable.

16. The response to comment #7b and #7c is noted. Based on a recalculation of the code required parking, a total of 19 off-street parking stalls are required. The Village has prepared a revised landscape concept, which provides the minimum number of parking stalls required by code, shows elimination of certain parking rows as outlined in the Paragon Landscape Proposal, and conforms to all landscape requirements. Deviations from this plan would likely trigger the need for variations from the landscape requirements.

17. The response to comment #8 is noted. As indicated above, if deviations from the Village landscape concept are proposed, variations to the landscape requirements will likely be required.

18. The response to comment #9 is noted. Thank you for confirming the sizes and uses of the areas within the building.

19. The response to comment #10 is noted. Should substantial chances occur to the usage of the interior building areas or to the site, a Land Use Variation amendment shall be required. Should any such changes cause the onsite parking to fall below code requirements, a parking variation shall be required.

20. The response to comment #13 is noted. The Paragon Landscape Proposal does not conform to code requirements and would require a variation to waive the code required 3' tall screen along Arlington Heights Road and to eliminate the requirement for landscape islands (including a shade tree) at the ends of certain parking rows. Based on the stated objective to eliminate certain parking stalls while maintaining limited parking areas on the north and south side of the building, the Village has prepared a code compliant landscape concept. Should the Village Board opt to amend LUV Ordinance #20-022 to allow Paragon to continue operating on the subject property, staff will recommend that implementation of the Village landscape concept be completed within a certain time period. Please note that any parking lot restriping and modifications must comply with all requirements relative to ADA parking stalls and accessible routes, minimum size of parking stalls, minimum widths for drive aisles, applicable stormwater requirements, fire lanes, etc.

21. The response to comment #14 is noted.

Prepared by: 

Paragon Mechanical - LUV Amendment
2400 S. Arlington Heights Road
PC #22-010
August 23, 2022

Landscape Comments

1) The Village is not supportive of the requested variations. In order to comply with code, landscaping must be installed per the Landscape Concept prepared by the Village. In order to comply with code, provide the three foot tall screen along Arlington Heights Road and four inch caliper shade trees at the ends of each parking row.

2400 S. Arlington Heights Rd.
Arlington Heights, Illinois 60005
(847) 321-9428
www.pmcomfort.com

Engineering Department

16. The petitioner's response to comment no. 12 is noted. Repairs/Resurfacing of the parking lot will be required before the lot can be restriped with a new parking configuration.

Round 2 Response:
We understand that the parking lot needs repairs, and we have an executable quote ready and attached. To finalize the quote to include the requested parking space dimensions, we need clarification on the Village Parking plan which only accounts for 16 spaces. Our asphalt contractor will also complete the restriping/painting.

17. The petitioner's response to comment no. 13 is noted. The striping plan must include dimensions for the stalls, the location of the handicap accessible parking, and aisle widths. It should be noted that the property could be cited on section 302.3 of the 2018 International Property Maintenance Code at this time for the condition of the parking lot.

Round 2 Response:
As mentioned above, we have a resurfacing quote ready to execute upon final determination. Our asphalt contractor has included restriping in their quote/scope. We are requesting that the Planning & Community Development Department provide some additional clarification as their proposed plan does not account for enough parking spaces. (See below) Once we establish a final layout then we will request our asphalt contractor to provide the requested drawing.

Planning & Community Development Department

16. The response to commend #7b and #7c is noted. Based on a recalculation of the code required parking, a total of 19 off-street parking stalls are required. The Village has prepared a revised landscape concept, which provides the minimum number of parking stalls required by code, shows elimination of certain parking rows as outlined in the Paragon Landscape Proposal, and conforms to all landscape requirements. Deviations from this plan would likely trigger the need for variations from the landscape requirements.

Round 2 Response:
We are hoping to find a compromise and we are actively waiting for quotes back to better understand the cost associated with the Village Landscape concept, but we are inclined to believe the Village's plan will be cost prohibitive. If the Village were to force us to expand the boulevard next to Arlington Heights Road and make a 2nd attempt to install a landscape screen, we would not likely have the ability to do anything to Safety Town (which we feel would be the most impactful change to the property) If the Village would be open to assisting in the beautification project with TIF funds, then

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perhaps we could fulfill their complete vision. If the Village is not willing to assist, then we will proceed to seek additional Variations to remove the requirement for any landscape screen along Arlington Heights Road and the termination of parking stalls with landscape islands, instead offering to install shade trees in existing landscape areas already installed on the property. If it helps, it also seems that the code for a parking lot with less than 20 spaces nullifies the need for landscape islands and calls for a "proportional amount of live greenery," which our proposed tree plan will satisfy. As noted, we also need clarification on the Village's concept as it does not allow for the 19 suggested parking spaces.

17. The response to comment #8 is noted. As indicated above, if deviations from the Village landscape concept are proposed, variations to the landscape requirements will likely be required.

Round 2 Response:
We would like to find a compromise, but we are also willing to implement the Village's complete plan with financial support from the Village. We understand that additional Variations may be required to negate the need for a landscape screen along Arlington Heights Road and to implement our alternative shade tree plan if the Village continues to impose the landscape island rule for a lot featuring less than 20 spaces. If no financial support is extended or if the Village insists on imposing the landscape island rule despite us having less than 20 spaces, then we will proceed by requesting the necessary Variations.

19. The response to comment #10 is noted. Should substantial changes occur to the usage of the interior building areas or to the site, a Land Use Variation amendment shall be required. Should any such changes cause the onsite parking to fall below code requirements, a parking variation shall be required.

Round 2 Response:
We understand and agree.

20. The response to comment #13 is noted. The Paragon Landscape Proposal does not conform to code requirements and would require a variation to waive the code required 3' tall screen along Arlington Heights Road and to eliminate the requirement for landscape islands (including a shade tree) at the ends of certain parking rows. Based on the stated objective to eliminate certain parking stalls while maintaining limited parking areas on the north and south side of the building, the Village has prepared a code compliant landscape concept. Should the Village Board opt to amend LUV Ordinance #20-022 to allow Paragon to continue operating on the subject property, staff will recommend that implementation of the Village landscape concept be completed within a certain time period. Please note that any parking lot restriping and modifications must comply with all requirements relative to ADA parking stalls and accessible routes, minimum size of parking stalls, minimum widths for drive aisles, applicable stormwater requirements, fire lanes, etc.

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Round 2 Response:

3' Tall Screen:
We respectfully disagree with the Village's interpretation of the code requiring a landscape screen at all once the adjacent parking spaces are removed. When asked for clarification on this rule, the only explanation we received was that the code is vague enough to allow for the interpretation that a "parking aisle" also constitutes parking spaces. The code does not mention anything about "parking aisles." This understanding is what lead us to propose removal of the spaces along Arlington Heights Road.

We already installed a Village approved 3' tall screen against the guidance of multiple landscape professionals, we installed a watering mechanism for the screen, and still the landscape screen did not survive the first winter as we were told and expressed to village staff. When we proposed our plan to remove the spots to avoid the need for additional wasted cost on a potential screen based on how the code is written, the Village instead suggested additional cost in the form of expanding the boulevard to facilitate another attempt at installing a screen. To avoid repeating the same outcome, we feel as though removing "Safety Town" and applying a different interpretation of the code would be a much better solution to demonstrate tangible progress in beautifying this property. That said, if the Village persists in seeking a landscape screen, we suggest accepting the already installed and approved screen as a sufficient screen to meet code or we will have no choice but to proceed with a landscape screen Variation request. Again, we would also be happy to proceed with the Village's complete plan if financial support from the Village is offered to us.

Shade Trees/Islands
We appreciate the Village confirming that only 19 parking spaces are needed, to include 1 handicap space. We seek clarification on the Village's proposed plan as it accounts only for 16 spaces. We also see in the Village Code that by reducing the number of required spots to less than 20, we no longer require any landscape islands but rather a "proportional amount of live greenery" (Chapter 28 Section 6.16-1.2). We feel as though our plan proposed in Round 1 will allow for far more than a proportional amount of live greenery as we are very much willing to install trees where they may be safely placed so as not to obstruct vehicle clearances around the property while also controlling cost of the overall project. Specifically, we would like to install a total of four (4) shade trees in existing landscape beds as depicted in our drawing.

Parking
As mentioned, our asphalt contractor will also be painting the parking spaces and we will request they confirm parking space dimensions once we have confirmed the exact layout of the 19 parking spaces. The Village plan accounts for only 16 parking spaces.

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Landscape Comments

1. The Village is not supportive of the requested variations. In order to comply with code, landscaping must be installed per the Landscape Concept prepared by the Village. In order to comply with code, provide the three-foot-tall screen along Arlington Heights Road and four-inch caliper shade trees at the ends of each parking row.

Round 2 Response:
The Village's response is noted. As detailed in our Planning & Community Development response, we hope the Village sees mutual benefit in removing Safety Town instead of further attempts to install landscape screen. There is enough leeway in the code to allow for a different interpretation of the landscape screen given the impending removal of the parking spaces along Arlington Heights Road. If the Village declines to modify their opinion, then we would have to proceed with a Variation to eliminate the need for this landscape screen or simply expect the currently installed and approve screen as sufficient for the code. As for the four-inch caliper trees, per Chapter 28 Section 6.16-1.2, a reduction to 19 parking spaces should eliminate the need for us to install any islands and we feel as though our proposal to install shade trees in existing beds while removing Safety Town and replacing it with green space will more than provide "proportional amounts of live greenery."

PLAN COMMISSION PC #22-010
Paragon Mechanical LUV Amendment
2400 S Arlington Heights Rd
Round 3

19. The petitioner's response to comment nos. 16 and 17 is noted. This can be addressed at permit.

20. The Public Works Department and Engineering Division have no further comments.

10/19/22

Michael L. Pagones, P.E. Date
Village Engineer

Planning & Community Development Dept. Review

October 21, 2022

REVIEW ROUND 3

Project: Paragon Mechanical LUV Amendment – 2400 S. Arlington Heights Rd.
Amendment to LUV Ordinance #20-022

Case Number: PC 22-010

General:

22. The response to comments #16 is noted. Assistance provided for landscaping on private property is not a TIF eligible expense and could not be provided under the State of Illinois regulations for TIF assistance. The 16 surface parking stalls shown in the Village landscape concept are supplemented by the 13 interior garage parking stalls, whereby totaling 29 parking stalls and complying with the code required minimum of 19 stalls. Unless the pavement for the un-used parking areas is removed and landscaping is installed in its place, a proportional amount of greenery is not provided and the landscape islands would still be required regardless of the fact that only 16 spaces are striped on the Village Landscape Concept (or the 17 stalls striped on the Paragon Landscape Proposal). Should approval of the modification to LUV Ord. #20-022 be granted, the Village continues to recommend that the Village Landscape Concept be implemented and notes that no estimates have been provided for the work shown in the Village Landscape Concept.

23. The response to comment #17 is noted. Please see #22 above. Unless both the pavement ***and*** striping for parking stalls in excess of 20 has been removed and proportional landscaping has been installed, a variation to waive the requirement for the curbed landscaped islands (which include a shade tree) is required.

24. The response to comment #19 is acceptable.

25. The response to comment #20 is noted. With regards to the 3' tall screen, the Village maintains our position that the screen is required around all asphalt areas of the parking lot regardless of whether there is a striped parking space marked on the asphalt. As mentioned above, landscaping on private property is not a TIF eligible expense. With regards to the parking lot landscape islands and proportional greenery, please see the response to comment #22 and #23. With regards to parking, please see the response to comment #22 above. A striping plan for the parking lot can be provided at time of permit.

Prepared by: _____

Paragon Mechanical - LUV Amendment
2400 S. Arlington Heights Road
PC #22-010
October 21, 2022

Landscape Comments

1) The existing three foot tall screen has died and needs to be replaced. The landscaping bed must be maintained. If the code required screen is not replaced and maintained a variation is required. In addition, the four inch caliper shade tree within a landscape island must be provided at the ends of each parking row per the approved plan.

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Planning & Community Development Department

22. The response to comment #16 is noted. Assistance provided for landscaping on private property is not a TIF eligible expense and could not be provided under the State of Illinois regulations for TIF assistance. The 16 surface parking stalls shown in the Village landscape concept are supplemented by the 13 interior garage parking stalls, whereby totaling 29 parking stalls and complying with the code required minimum 19 stalls. Unless the pavement for the un-used parking areas is removed and landscaping is installed in its place, a proportional amount of greenery is not provided and the landscape islands would still be required regardless of the fact that only 16 spaces are striped on the Village Landscape Concept (or the 17 stalls striped on the Paragon Landscape Proposal). Should approval of the modification to LUV Ord. #20-2022 be granted, the Village continues to recommend that the Village Landscape Concept be implemented and notes that no estimates have been provided for the work shown in the Village Landscape Concept.

Round 3 Response:
Applicable Code as Referenced in Response:

Section 6.16-1.2
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 or beneath every light pole, whichever results in the greater amount of planted islands. In addition, these islands shall be located at each end of all rows of car stalls. Open parking areas larger than four but smaller than twenty spaces shall provide proportional amounts of live greenery. No shade tree will be required on landscaped islands containing light poles. Design and plant selection shall be approved by the appropriate departments as directed by the Village Manager.

Comments:

Throughout this Plan Commission process, we sincerely feel as though we have made every effort to find reasonable solutions that both meet the needs of the Village, while working within the financial constraints of our business, in a South Corridor that falls more decrepit every day, all while navigating an economy with a highly uncertain future. Not only has the Village proven unwilling to work towards a compromise of any kind with a longstanding community-grown business (a business with a willingness to stay in Arlington Heights while others are not), the Village has also responded with loose interpretations of the applicable codes while requesting exorbitant, if not blatantly unreasonable, changes to the property in response to our numerous offers to make mutually beneficial improvements.

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We have had several conversations regarding the code via e-mail with Sam Hubbard (the most important of which are included as an attachment to this round of responses) and despite Sam's interpretation and use of words that simply are not included within the code at all, we feel as though Section 6.16-1.2 couldn't be more clear in stating that by reducing the number of parking spaces to less than twenty, we will no longer require landscape islands on the property at all. This would allow us to (financially) proceed with razing Safety Town (the biggest eye sore on the property), replacing it with grass (a significantly more than proportional amount of live greenery), and planting four new shade trees in existing landscape beds throughout the property as proposed in the Paragon Landscape Plan. This should also mean that no variation request for the landscape islands is necessary at all. We feel as though we are being forced to apply for a Variation that is not required by code after we have come up with solutions that negate the need for additional Variations while also presenting a tangible opportunity to beautify the property immediately. We have executable quotes for this plan.

Regarding the Village Landscape Plan quote remark: We requested updated proposals from the same people who provided our existing quotes but given the drastically expanded scope and significantly higher level of complexity of the Village proposal, those contractors have not yet provided new proposals in return. We requested more time from Village Staff to obtain the quotes, but they mandated that we proceed with the process without the pending quotes. Without formal quotes, our expectation is that The Village Landscape Proposal will cost a minimum of 4 times more than the Paragon Landscape Plan. In addition, the Village Landscape Plan will prohibit any possibility of redevelopment for this property. Given the lack of progress with the 2018 Village proposed South Arlington Heights Corridor Plan, we cannot make this investment but feel our proposed plan is a better starting point. Our goal is help improve the overall characteristic of the Southern Corridor our investment cannot be on a whim or without careful planning and consideration.

If the Village continues to insist upon enforcing their interpretation of the code, insists on forcing us to apply for additional Variations, and the Village Board subsequently rules against us, the number of improvements to the property will simply be less significant than what we can accomplish by agreeing that the landscape islands are not necessary.

23. The response to comment #17 is noted. Please see #22 above. Unless both the pavement and striping for parking stalls in excess of 20 has been removed and proportional landscaping has been installed, a variation to waive the requirement for the curbed landscaped islands (which include a shade tree) is required.

Round 3 Response:
To further elaborate on our response to #22, this is not written anywhere within the code as the code solely refers to the number of parking spaces and the number of parking stalls. There is no mention of pavement or blacktop at all within the code cited above. Since we will now have less than 20 spaces, the code explicitly says landscape islands are not required, however, we are still willing to install

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shade trees in the locations marked on the Paragon Landscape Plan. The suggested curbed islands not only pose a safety concern (expressed in writing and verbally to Village Staff throughout this process and consistently ignored), but also require funding which will only delay other needed improvements. Beyond the safety concerns and the fact that the code states we no longer need them, adding more concrete curbs will undoubtedly not visually enhance this property, do not visually enhance a property, but trees and green space as proposed on the Paragon Landscape Plan does.

25. The response to comment #20 is noted. With regards to the 3' tall screen, the Village maintains our position that the screen is required around all asphalt areas of the parking lot regardless of whether there is a striped parking space marked on the asphalt. As mentioned above, landscaping on private property is not a TIF eligible expense. With regards to the parking lot landscape islands and proportional greenery, please see the response to comment #22 and #23. With regards to parking, please see the response to comment #22 above. A striping plan for the parking lot can be provided at time of permit.

Round 3 Response:
Applicable Code as Referenced in Response:

6.15-1.2
a. All paved service areas abutting a residential district or street or off-street parking areas containing more than four parking spaces, shall be effectively screened on each side adjoining or fronting on any property situated in a residence district or any institutional premises or adjoining any public way by a well-maintained wall, fence, densely planted compact hedge designed to provide year round opacity or berm and hedge.

Comments:

Similarly to our response to #22 and as documented via the attached e-mails, by removing the parking stall next to Arlington Heights Road entirely, this should negate the need to plant another landscape screen along Arlington Heights Road. This is not an interpretation of the code but plainly what the code states above. By removing the Easternmost parking stall, we will no longer have a parking area containing 4 or more spaces that abuts, adjoins, or fronts any public way. All of the remaining stalls will be located on the sides of the building, well off of Arlington Heights Road.

For this reason, we again feel as though no Variation request is necessary at all for the 3' high landscape screen. To reiterate, the landscape screen we previously gained approval from the Village for, subsequently installed, installed a dedicated watering system for, was ultimately killed by the harsh conditions of winter paired with its proximity to Arlington Heights Road (Not because of lack of any reasonable maintenance as repeatedly suggested by the Village). Instead of repeating the same folly twice, we would much prefer to proceed with an agreeable solution that avoids further wasted funds from Paragon while also accomplishing the immediate beautification desire of the Village. It is

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also worth noting that there is no existing precedent of a 3' landscape screen anywhere in the Southern Corridor, so coming to an agreement on what the code states would also not deviate from what the appearance of surrounding properties, and our plan to raze Safety Town and install four new shade trees in existing landscape beds would be a marked improvement to the property and the South Corridor at large.

Landscape Comments

1. The existing three foot tall screen has died and needs to be replaced. The landscaping bed must be maintained. If the code required screen is not replaced and maintained a variation is required. In addition, the four inch caliper shade tree within a landscape island must be provided at the ends of each parking row per the approved plan.

Round 3 Response:
To reiterate our response to #25, by removing the parking spaces abutting, adjoining, and fronting Arlington Heights Road, we no longer require a 3' landscape wall and therefore no Variation should be necessary. We hope to find a reasonable compromise to improve the property instead and we feel as though razing Safety Town and installing four new shade trees in existing landscape beds is a great solution.

In addition to the code indicating a screen is no longer necessary, it is not reasonable to expect to replace a landscape screen every year, nor is it reasonable to expand the boulevard to accommodate such a request. The existing landscape screen was designed and implemented by a professional landscaping company and was explicitly reviewed and approved by the Village Staff without consideration of its long-term viability. To our knowledge, this approved plan was executed exactly as specified and as approved by the Village Staff. Several landscape companies warned that the approved design would not survive a winter being so close to the main road and that is exactly what happened. We hope for a more realistic and mutually-beneficial solution, such as the elimination of Safety Town and the installation of four new shade trees in existing landscape beds.

Steve Pfaff

From: Hubbard, Sam <shubbard@vah.com> on behalf of Hubbard, Sam
Sent: Thursday, August 25, 2022 5:34 PM
To: Steve Pfaff
Cc: Kevin Polka
Subject: Re: Variations
Attachments: Dept Comments - Round 2.pdf; Landscape Concept - Village Proposal.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Hi Steve,

The zoning code is full of regulations and circumstances that require interpretation of the rules, and the application of a single section of the code across multiple different situations. It cannot possibly spell out a specific and tailored method of application to each unique situation.

Historically, the Village has required the landscape screening around all paved areas of all a parking field, which includes drive aisles.

Accordingly, the Village standpoint is that the 3' tall screen is required along the full ROW frontage of the property that provides access to the parking areas. As such, you must request a variation to omit this requirement.

I have attached our 2 round of review comments to this email. Please prepare a point by point response to the comments, and if any revisions to the plans are proposed, please provide a set of revised plans for our review. In order to provide ample time for review of your response and any revisions to your proposal prior to the targeted Sept. 14th Plan Commission hearing date, please provide said response/revisions by Sept. 2nd (both in paper and electronic format - 3 paper sets are required).

Should you have any further questions, please let me know.

Sam Hubbard
Development Planner
Department of Planning and Community Development
Village of Arlington Heights
33 S. Arlington Heights Road
Arlington Heights, IL 60005

P: 847-368-5223
F: 847-368-5988

From: Steve Pfaff
Sent: Thursday, August 25, 2022 12:15 PM
To: Hubbard, Sam <shubbard@vah.com>

Cc: Kevin Polka ·
Subject: RE: Variations

[**NOTICE:** This message originated outside of Village of Arlington Heights email system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]
Sam,

Thanks for the reply. Your reply does make logical sense, but there is no mention of anything called a "parking lot drive aisle" in the code. How can we request a code Variation to something that is not written in the code or in any ordinance? If we submit this, I fear it will appear as though we are asking the Village to vote on something that isn't a rule.

If I'm just not seeing it, please let me know the exact sentence within the code that we are requesting variation from.

I keep reading it over again and to me the code is very clear: Landscape barriers apply only to parking stalls and parking areas containing four or more spaces which front or adjoin a public way. There will be no such area after those spots are removed.

That being said, I would agree with the paved area being classified a "service area" after the stall is removed, but we are not in a residential district so that is also inapplicable by the letter of the code.

I truly hope I am explaining the problem here clearly: I honestly cannot see any words written in 6.15-1.2a.1 for us to request variance from.

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From: Hubbard, Sam <shubbard@vah.com>
Sent: Wednesday, August 24, 2022 5:16 PM
To: Steve Pfaff · _____
Cc: Kevin Polka <_____
Subject: Re: Variations

Steve,

The variation applies based on the Paragon Landscape proposal. If for some reason the variation is deemed unnecessary, then when it comes time for the hearing, it doesn't need to be part of the discussion/request or staff report.

However, you still have parking areas on the north side and the south side of the building, with the parking lot drive aisles all across the site. If you want to actually remove the asphalt and replace it with greenspace

(rather than just eliminate the striping), then we wouldn't consider that area to be a part of the parking lot and the size of the required 3' landscape screen would be reduced.

-Sam

From: Steve Pfaff <_____>
Sent: Wednesday, August 24, 2022 4:37 PM
To: Hubbard, Sam <shubbard@vah.com>
Cc: Kevin Polka <_____>
Subject: RE: Variations

[**NOTICE:** This message originated outside of Village of Arlington Heights email system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]
Thanks for sending this over, Sam.

I want to make sure we're all on the same page here before I proceed with the letter because we are not actually requesting a variation to Chapter 28 6.15-1.2a.1 (3" Screen) of the code. Our goal is to completely eliminate the parking area fronting/abutting Arlington Heights Road to ensure this section doesn't apply to us at all. There should be no variation to request since we don't need that parking area/parking stall.

As you provided below, 6.15-1.2a.1 states:
All **paved service areas abutting a residential district** *(Does not apply in general)* or **street or off-street parking areas containing more than four parking spaces** *(Will no longer apply when East stall is removed)*, shall be effectively screened on each side **adjoining or fronting** *(will not apply)* on any property situated in a residence district or any institutional premises or adjoining any public way by a well-maintained wall, fence, densely planted compact hedge designed to provide year round opacity or berm and hedge.

In summary, we are obviously not in a residential district and, more importantly, by eliminating the east side parking stall, we will no longer have adjoining, fronting, or abutting parking spaces on along Arlington Heights Road to have the need to screen.

I tried to convey that clearly in all of our responses and in the narrative so I apologize if it wasn't clear enough.

Can you please confirm that we can proceed without that variation request?

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From: Hubbard, Sam <shubbard@vah.com>
Sent: Wednesday, August 24, 2022 3:20 PM

To: Steve Pfaff <
Subject: Variations

Steve,

Got your voicemail. See below and let me know if you have any additional questions.

(Ord. #04-059)
6.15-1.2 New Landscaping Requirements.

ZONING REGULATIONS

a. All paved service areas abutting a residential district or street or off-street parking areas containing more than four parking spaces, shall be effectively screened on each side adjoining or fronting on any property situated in a residence district or any institutional premises or adjoining any public way by a well-maintained wall, fence, densely planted compact hedge designed to provide year round opacity or berm and hedge.

1. 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 as determined by the Director of Planning and Community Development or designee.

2. Such screening shall be 6-foot high if adjoining a residential district or any institutional premises.

b. 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 or beneath every light pole, whichever results in the greater amount of planted islands. In addition, these islands shall be located at each end of all rows of car stalls. Open parking areas larger than four but smaller than twenty spaces shall provide proportional amounts of live greenery. Design and plant selection shall be as directed by the Director of Planning and Community Development or designee.

-Sam

To: Hubbard, Sam <shubbard@vah.com>; Kevin Polka <
Subject: RE: Round 2 Comments - As Provided on Aug. 25th

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~~Thank you, Sam.~~

~~As long as we have the ability to respond one more time and formally make the differing interpretations of the code a clear exhibit in the form of a Round 3 response, then we can proceed. You have no issues with the signage or letter as I previously provided besides the dates, correct?~~

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From: Hubbard, Sam <shubbard@vah.com>
Sent: Friday, October 21, 2022 11:56 AM
To: 'Steve Pfaff' <
Subject: RE: Round 2 Comments - As Provided on Aug. 25th

Hi Kevin,

The Village stance on the need for the referenced variation remains unchanged. The variation is necessary from our perspective and therefore must be included on the sign and notification letter.

The Village will be moving forward with the required legal notice publication for the Nov. 9th hearing, which the Village will need to send out this afternoon by 3:30pm. **Please confirm by 3:30pm today that you're able to complete the signage and notification letter obligations by the end of the day on Oct. 25th.**

Once we provide you with our 3rd round of review comments (by end of the day today), you can prepare a response that will be documented within the departmental reviews/petitioner response materials that will get transmitted to the Plan Commission and Village Board - with one caveat: your response must be received no later than October 30th to be considered and transmitted to the Plan Commission.

Sam Hubbard
Development Planner
Department of Planning and Community Development
Village of Arlington Heights
33 S. Arlington Heights Road
Arlington Heights, IL 60005

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F: 847-368-5988

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From: kevin@pmcomfort.com <
Sent: Thursday, October 20, 2022 11:14 AM
To: 'Steve Pfaff' < Hubbard, Sam <shubbard@vah.com>
Subject: RE: Round 2 Comments - As Provided on Aug. 25th

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Steve / Sam,

I think Steve's suggestion though great and very reasonable will likely not happen as Sam is speaking on behalf of the village. In light of the difference I would like to add this situation to the comments in the rounds. I think this is at the very core of the argument and when presented to the trustees it needs to be documented as such. I am all for another opinion if possible but then would nullify all need for this variation. I am not optimistic that the village will allow this seeing it will discredit the process.. However I think we need to have this put into the comments.

How do we add this into our comments.

I do not want to move forward until we can add the situation and the two interpretation to the comments

Kevin Polka
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From: Steve Pfaff <
Sent: Thursday, October 20, 2022 10:27 AM
To: Hubbard, Sam <shubbard@vah.com>
Cc: Kevin Polka <
Subject: RE: Round 2 Comments - As Provided on Aug. 25th

Sam,

Before we formally request Variations for items the code doesn't actually state we need, is it possible to get an unbiased opinion or interpretation? Is there precedent for this? We don't want to apply for either of these Variations because the code simply doesn't say what you are implying it does. The major difference between our "arguments" is that you are truly providing a completely new interpretation of the code as it is written, and I honestly don't feel as though I'm interpreting anything at all. The words are plainly written exactly as I interpret it and as you once again pasted below. Again, it plainly says that 4-20 spaces requires a proportional amount of live greenery. I'm not sure how there even could be room for interpretation on this other than to come to an agreement on the definition of "proportional." We are certainly not requesting a Variation for that. The same exact scenario applies to the 3' landscape screen requirement that now applies to "parking aisles," something also not mentioned in the code at all.

How can we get another opinion on this before proceeding? There doesn't seem to be a clear procedure on how to proceed with Variation request(s) that the Village insists upon but the property owner does not agree with based on what is written/published.

Thanks again and please let me know.

Steve Pfaff
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From: Hubbard, Sam <shubbard@vah.com>
Sent: Thursday, October 20, 2022 8:22 AM
To: _____ 'Steve Pfaff' <
Subject: RE: Round 2 Comments - As Provided on Aug. 25th

Hi Kevin,

The section of code that Steve has inquired about is section 6.15-1.2b. I've included it below for reference.

b. Landscaped islands equal in area to at least one parking space, protected by du materials, and containing at least one live shade tree at a minimum of four inch diameter shall be located at the end of every twenty parking spaces or beneath every pole, whichever results in the greater amount of planted islands. In addition, these isl shall be located at each end of all rows of car stalls. Open parking areas larger than but smaller than twenty spaces shall provide proportional amounts of live greenery. D and plant selection shall be as directed by the Director of Planning and Comm Development or designee.

The Village has determined that since the Paragon landscape plan doesn't show the code required landscape islands at the ends of all rows of parking (which each must include a 4" caliper shade tree), then a variation from the above code section is required.

Sam Hubbard
Development Planner
Department of Planning and Community Development
Village of Arlington Heights
33 S. Arlington Heights Road
Arlington Heights, IL 60005

P: 847-368-5223
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From: k <[redacted]>
Sent: Thursday, October 20, 2022 8:13 AM
To: Hubbard, Sam <shubbard@vah.com>; 'Steve Pfaff' <[redacted]>
Subject: RE: Round 2 Comments - As Provided on Aug. 25th

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Steve,
It might be helpful for you to site the section of code you are referring to and provide a copy within this email and given the difference I think it will be important to add this within the comments of the rounds. Please provide within the email the copy of the section of the code which you are referring too.

Kevin Polka
Paragon Mechanical, Inc.
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Main Office
2400 S. Arlington Heights Rd
Arlington Heights IL 60005

From: Hubbard, Sam <shubbard@vah.com>
Sent: Wednesday, October 19, 2022 10:15 PM
To: Steve Pfaff <[redacted]>
Cc: Kevin Polka <[redacted]>
Subject: Re: Round 2 Comments - As Provided on Aug. 25th

Hi Steve,

The Village does not agree with that interpretation. Simply removing the stripes of the parking spaces is not complete elimination of the parking spaces from a landscape perspective. If Paragon were to remove the entire pavement area along with the striping and plant a proportional amount greenery in that area (or elsewhere on the site), then we could verify for compliance with that code provision.

This spirit and intent of this code section is for properties that are tight on land and may not have sufficient space onsite to both 1) comply with the amount of code required parking while also 2) including the necessary code required landscape islands at the ends of all parking rows (which typically causes a reduction in parking). In these situations, provided that there are other areas on the site where a proportional amount of greenery can be installed, the parking lot landscape islands can be eliminated and parking spaces can be constructed/preserved in their place in order to comply with parking regulations. This is not the situation that Paragon is in, and unless the pavement is removed and replaced with proportional greenery (which would include shade trees), the Village interpretation is that the code section doesn't apply. The Variation is therefore necessary and must be included on the public notification letter and signage.

-Sam

From: Steve Pfaff <
Sent: Wednesday, October 19, 2022 5:41 PM
To: Hubbard, Sam <shubbard@vah.com>
Cc: Kevin Polka <
Subject: RE: Round 2 Comments - As Provided on Aug. 25th

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Sam,

For parking areas with fewer than 20 spaces, landscape islands are not required per the code. So what I'm specifically referring to is inclusion or exclusion of that 2nd variation request. If the code is followed then we will only need to establish what constitutes as "proportional amounts of live greenery" with no variation necessary.

Please confirm.

Thank you,

Steve Pfaff
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From: Hubbard, Sam <shubbard@vah.com>
Sent: Wednesday, October 19, 2022 4:05 PM
To: Steve Pfaff <s
Cc: Kevin Polka <
Subject: RE: Round 2 Comments - As Provided on Aug. 25th

Hi Steve,

Based on the attached Paragon Landscape plan, Paragon is requesting the variations as outlined in the attached letter.

Sam Hubbard
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From: Steve Pfaff <
Sent: Wednesday, October 19, 2022 4:00 PM
To: Hubbard, Sam <shubbard@vah.com>
Cc: Kevin Polka <
Subject: RE: Round 2 Comments - As Provided on Aug. 25th

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Hi Sam,

Thanks for following-up. My understanding is that I need to know exactly what variations we are requesting in order to finalize the sign and letter. I don't think I can do that until you respond.

Please correct me if I am mistaken about that.

Thanks again,

Steve Pfaff
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From: Hubbard, Sam <shubbard@vah.com>
Sent: Wednesday, October 19, 2022 3:53 PM
To: Steve Pfaff <s
Cc: Kevin Polka <|
Subject: RE: Round 2 Comments - As Provided on Aug. 25th

Hi Steve,

I wanted to circle back with you on the required notification letter and signage.

The Village is preparing to proceed with a public hearing on your application at the Nov. 9th Plan Commission meeting. You will need to complete the signage and notification letter obligations no later than Oct. 25th. Please confirm that you will send out the letters and place the two signs on the property no late than end of the day on Oct. 25th.

I will follow up with you on Friday with the final Village review comments on your application. We will not need a response to our 3rd round of review comments and we will proceed with your request as outlined in the attached documents.

Sam Hubbard
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From: Hubbard, Sam
Sent: Wednesday, October 12, 2022 2:18 PM
To: Steve Pfaff <s
Cc: Kevin Polka <k
Subject: RE: Round 2 Comments - As Provided on Aug. 25th

Hi Steve,

Thanks for sending. No hardcopies are needed. I will route these for review and provide you with our comments back by the end of next week or early the following week.

In the interim, we should be prepared to proceed at the Nov. 9th Plan Commission meeting date for a public hearing on this application. This would require your notification signs to be installed and notification letters mailed no later than Oct. 25th. Please be prepared to meet this deadline and I will circle back toward the end of next week to confirm that there is space for you on Nov. 9th PC agenda.

Of note, interior garage spaces count towards the Village's parking requirements, so while there may be only 16 exterior parking stalls shown on the Village's landscape concept, the property has well over the 19 spaces required by code when taking into account the interior spaces within the various buildings on the property.

Sam Hubbard
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From: Steve Pfaff <
Sent: Wednesday, October 12, 2022 12:51 PM
To: Hubbard, Sam <shubbard@vah.com>
Cc: Kevin Polka <
Subject: RE: Round 2 Comments - As Provided on Aug. 25th

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