



Village of Arlington Heights
Conceptual Plan Review Committee
Community Room, 3rd Floor
Arlington Heights Village Hall, 33 S. Arlington Heights Rd.
July 27, 2022
6:30 PM

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. La Zingara - 2300 E. Rand Rd. - 5/25/22
- B. Urban Street International Plaza Redevelopment - 4-214 E. Golf Rd, 15 and 139 E. Golf Ter, 1665 S. Arlington Heights Rd. - 6/22/22

IV. REPORTS

V. OLD BUSINESS

VI. NEW BUSINESS

- A. Paragon Mechanical - 2400 S. Arlington Heights Rd. - T1777
Amendment to LUV Ord. 20-022
- B. SAP Transportation - 1500 W. Shure Dr. - T1780
Land Use Variation for an Auto Storage and Transport facility, Parking Variation

VII. OTHER BUSINESS

- A. Public Comment

VIII. 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.



Conceptual Plan Review Committee
7/27/2022

Item: La Zingara - 2300 E. Rand Rd. - 5/25/22

Department: Planning & Community Development

ATTACHMENTS:

Description

La Zingara - 5/25/22

Type

Minutes

**REPORT OF THE PROCEEDINGS OF
THE CONCEPTUAL PLAN REVIEW COMMITTEE
OF THE VILLAGE OF ARLINGTON HEIGHTS PLAN COMMISSION
A MEETING HELD ON:**

May 25, 2022

Project Title: La Zingara SUP Amendment
Address: 2300 E. Rand Road
Petitioner: Sam Mokhtarian
SD&S Properties
Address: 401 E. Prospect Ave, Suite 103
Mount Prospect, IL 60056

Requested Action:

1. Amendment to Special Use Permit Ordinances 78-063 and 08-029 to allow the addition of a 909 square-foot dining room with a seating area of 858 square-feet.

Variations Required:

1. Variation from Chapter 28, Section 10.4 (Schedule of Parking Requirements) to allow the provision of 113 parking spaces where 167 spaces are required by code.

Attendees: Patrice Aguirre, Owner - La Zingara Restaurant
Jesus Aguirre, Owner - La Zingara Restaurant
Sam Mokhtarian, SD&S Properties
John Sigalos, Plan Commissioner
Jay Cherwin, Plan Commissioner
Bruce Green, Plan Commissioner
Jake Schmidt, Assistant Planner
Sam Hubbard, Development Planner

Project Summary:

La Zingara is a casual sit-down/carry-out restaurant that specializes in a variety of Italian-American entrees, salads, appetizers, and desserts. Last year, the restaurant expanded into an adjacent tenant space. A permit was applied for and issued by the Village for the expansion. At the time, the requirement for an amendment to the existing Special Use Permit was not identified, as a revised permit showing seating was not routed to the Planning Department for review. During Liquor License renewal this year, the restaurant noted that seating had been added, and the matter was forwarded to the Planning Department.

The subject tenant space is part of the Brandenberry Park Shopping Center, which is located at the northeast corner of Rand Road and Waterman Avenue. This multi-tenant commercial shopping center is 31,800 square feet in size, and is served by a parking lot with 113 parking spaces.

The expanded restaurant has a total of 127 seats (106 interior), has 8 staff members on site at peak times, and operates from 4pm to 10pm Monday through Thursday, 4pm to 10:30pm Friday through Saturday, and 4 pm to 9pm Sunday. No changes to the site or building are proposed aside from the already completed interior modifications. The underlying Special Use Permit allowed for 70 interior seats, and as such an amendment to the existing Special use Permit is required to allow for the increased capacity.

Meeting Discussion:

Ms. Aguirre began by stating they recently expanded their restaurant seating area into an adjacent tenant space. The expansion is approximately 900 square-feet. The restaurant is awaiting final approval to use this room.

Mr. Mokhtarian stated he is the owner of the shopping center. He stated that the restaurant is a good operation. He stated permits were applied for and received for the restaurant expansion, and work was done at great expense by ownership to demise the expansion space for the restaurant. Parking is not an issue at a center. He is trying to keep the shopping center viable and fully tenanted. The expansion is needed to keep the restaurant viable.

Mr. Schmidt stated that the petitioner is seeking an amendment to the existing Special use Permits for the property and a substantial parking variation. The petitioner did apply for and receive permits, however due to revised plans showing a seating area not being routed to the Planning Department for review a need for a Special use Permit Amendment was not identified at that time. The need for an Amendment was only identified during the Liquor License renewal process. The expanded restaurant would have 127 seats, 106 of which are interior. The existing Special Use Permit allows for 70 interior seats, and as such a Special Use Permit Amendment is required. No Market Study will be required as the Amendment is for an existing business. No site alterations are proposed as part of this project. Staff will also evaluate the existing site landscaping to ensure that it conforms to all code requirements where necessary and feasible. Concerns were raised during the Staff Development Committee review process in regard to egress from the restaurant and patio, patio electrical and heating items, and parking availability. A total of 167 spaces would be required for the site. The subject site is currently improved with 113 spaces, resulting in a code-required parking deficit of 54 parking spaces. No formal traffic and parking study is required, however Staff will need an in-depth parking survey to be conducted over a two-week period, four days each week, including at least one Friday, Saturday, and Sunday during the hours the restaurant operates, that demonstrates that the site has sufficient parking. Counts shall be conducted hourly on the surveyed days. Two bicycle parking spaces are required due to an increase in required vehicular parking. The Staff Development Committee reviewed the proposed Special Use Permit Amendment Request to allow an expanded restaurant on the subject property, and needs additional information to make a recommendation on the proposal. Such additional information including a written justification demonstrating compliance with the standards for Special Use Permit and Zoning Code Variation approval, the parking survey which will be key in demonstrating adequate functional parking, and resolution of safety concerns.

Commissioner Sigalos asked if there were vacancies on the property.

Mr. Mokhtarian stated there were two vacancies as well as tenants paying reduced rent.

Commissioner Sigalos noted that vacancies may make the parking survey inaccurate as tenanted spaces would increase demand.

Mr. Mokhtarian stated that the plaza parking lot has not been more than 30% to 40% full since 2015.

Mr. Aguirre stated that some businesses close by 5pm, and at peak Saturday times the lot is only one-third full.

Commissioner Green stated that the staggering of peak demand within the center helps the petitioner's case.

Commissioner Sigalos stated that he visited the restaurant 2 months ago and there was no parking issue.

Mr. Mokhtarian stated that the other businesses are low traffic.

Commissioner Cherwin stated that he had been to the restaurant before with the restaurant near peak capacity and parking was not an issue. He stated the owner would be accountable for any future parking issues. He has no concerns regarding the petition.

Commissioner Green stated he wanted to see the parking survey as his primary concern is parking availability. He encouraged the petitioner to move forward.

There was no public comment relevant to the project.

RECOMMENDATION

The Conceptual Plan Review Committee encouraged the petitioner to proceed forward with their application while taking the comments from the Conceptual Plan Review Committee into consideration.

Bruce Green, Chair
CONCEPTUAL PLAN REVIEW COMMITTEE
Jake Schmidt, Recorder



Conceptual Plan Review Committee
7/27/2022

Item: Urban Street International Plaza Redevelopment - 4-214 E. Golf Rd, 15
and 139 E. Golf Ter, 1665 S. Arlington Heights Rd. - 6/22/22

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
Urban St-International Plaza - 6/22/22	Minutes

**REPORT OF THE PROCEEDINGS OF
THE CONCEPTUAL PLAN REVIEW COMMITTEE
OF THE VILLAGE OF ARLINGTON HEIGHTS PLAN COMMISSION**

A MEETING WAS HELD ON:

June 22, 2022

Project Title: Urban Street International Plaza Redevelopment, 4-214 E. Golf Rd., 15 & 139 E. Golf Terrace, 1665 S. Arlington Heights Road

Address: Jim Wells
Senior VP of Development
UrbanStreet Group
2250 Progress Parkway
Schaumburg, IL 60173

Requested Action:

1. PUD approval to allow mixed-use development with 302 multi-family residential units and approximately three commercial outlots.
2. Rezoning from the B-2 and R-1 Districts to the R-7 District for the residential portion of the development.
3. Plat of Subdivision.

Variations Required:

- Variation to Chapter 28 of the Municipal Code, Section 5.1-7.1, to allow R-7 Zoning on the subject property.
- Variation to Chapter 28 of the Municipal Code, Section 6.5-2, to allow accessory structures (pool, pergola, etc.) outside of a rear yard.

Attendees: Jim Wells, UrbanStreet Group
Bruce Green, Plan Commissioner
Lynn Jensen, Plan Commissioner
John Sigalos, Plan Commissioner
Sam Hubbard, Development Planner

Project Summary:

The subject property includes the International Plaza shopping center located just east of Arlington Heights Road along the north side of Golf Road. The shopping center consists of a single-story multi-tenant commercial building of approximately 164,000 square feet in size. Additionally, the subject property includes several pieces of Village owned land located to the west of International Plaza, all of which are vacant. The overall site is approximately 17.5 acres and has access to Golf Road (at a signalized main entrance and a secondary access point on Golf Road at the east end of International Plaza), access to Golf Terrace (which has right-in/right-out access to Arlington Heights Road), and the potential for access to Arlington Heights Road at the northwest portion of the site. International Plaza was developed in the mid 1980's as is included in Tax Increment Financing District #4.

UrbanStreet Group, a developer with projects across the Midwest, is proposing demolition of the existing shopping center for redevelopment as a 302-unit multi-family apartment complex to be constructed towards the rear of the site, and approximately three new commercial outlots fronting along Golf Road. The residential component would occupy 11.76 acres and the commercial outlots would include the remaining 5.74 acres and consist of approximately 37,000 square feet of commercial floor area.

The multi-family apartments would be located across seven buildings, each four stories in height and together totaling just under 400,000 square feet of residential floor area. Six of the seven buildings would consist of market rate units and the seventh building, located at the northwest corner of the site, would be reserved for affordable units (44 total). The unit mix within the development would contain 175 one-bedroom units (58%) and 127 two-bedroom units (42%). Each residential building would contain eight garage parking spaces (56 total) and the residential portion would include 409 surface parking

URBAN STREET INTERNATIONAL PLAZA REDEVELOPMENT – TEMP FILE 1775

stalls for a total of 465 parking stalls dedicated for the residential uses. Access to the residential portion would come from the main existing signalized driveway on Golf Road, with two access points from Arlington Heights Road (one at the northwest of the site and one via Golf Terrace). The petitioner has indicated that they intend to develop the six market rate residential buildings themselves, but partner with an affordable housing developer for construction of the seventh building.

The commercial portion would front along Golf Road and contain approximately three outlots for commercial development(s) as either retail, restaurant, service or offices, or combination thereof depending on market conditions. Urban Street would either develop the commercial lots themselves, or partner with a commercial developer for the commercial portion of the site.

Meeting Discussion:

Mr. Wells provided some background on Urban Street; they have been around for 30 years and do multi-family and mixed-use developments. The proposed project includes redevelopment of the International Plaza shopping center as well as two Village owned parcels located just west of the shopping center. The combined property will encompass 17½ acres with a maximum of 302 units in seven buildings that are four stories in height. There would be a residential portion, which would have common amenities areas for residents, including a fitness room, yoga room, business center, leasing office, outdoor patios, and a pool/barbecue area. The residential component would be on 11.76 acres of the property and the remaining 5.74 acres will provide two or three commercial/retail lots along the Golf Road frontage. They are initially contemplating around 37,000 square feet of retail and commercial floor area. The property is currently zoned B-2 with a small section of the site zoned R-1. They will be asking for a rezoning to R-7 for the residential portion. It will also require some minor variations relative to the accessory structures and the patio/pool area.

He stated that the commercial retail portion of the property will remain B-2. The redevelopment will entail demo of the entire International Plaza building as well as underground utilities and parking areas. Utilities would be added to the site, including the detention, which would come in the form of both an underground vault and a surface basin. There will be new parking areas, service drives, parkways, and a multi-use path along Golf Road and all the landscape improvements will be constructed.

The traffic circulation on the site will utilize three access points, one of which will be reuse of the signalized intersection along Golf Road. Another would be an entrance off Golf Terrace, which they will be improving. Finally, they would also have a new right in/right out connection with Arlington Heights Road at the northwest section of the development. They anticipated closing on the property in March and getting permits with demolition commenced in summer 2023. He hoped rental and leasing/move-ins would begin by October 2024. Final COs for the remaining buildings would come in 2025. Anticipates commercial and retail developments can also be built and finished in the 4th quarter of 2025, if not sooner, depending on market conditions. There would be a three-phase construction approach. Phase 1 would include demo of all buildings and infrastructure; all new site development related infrastructure would be completed relative to utilities, roadway improvements, multi-use pathway, and pad ready commercial sites and six of the seven apartment buildings. Phase 2 would be construction of building 7 by UrbanStreet or one of their development partners. The final phase would be development of the commercial outlots by UrbanStreet or one of their development partners.

Mr. Hubbard stated that the property is in two zoning districts; the B-2 and a small portion in the rear is in the R-1 District. The residential component would have to be rezoned to the R-7 district and the commercial along Golf Road would remain in the B-2 district. He said that the overall site would develop as a PUD which is a requirement for all R-7 developments and is appropriate for a unique site like International Plaza with multiple frontages, shared access and common utilities. The Staff Development Committee is generally supportive of the proposed mix of uses. Subdivision approval would also be required. The R-7 portion would be on one subdivided lot and the commercial areas would be on separate subdivided lots ranging in size. He said a variation is required for the R-7 zoning. The development is consistent with the TIF plan and staff is preliminarily supportive.

Staff is recommending a neighborhood meeting well in advance of the Plan Commission meeting. The project must conform with the Inclusionary Housing Ordinance, which requires that 10% of the overall units be designated as onsite affordable units. While the Inclusionary Housing Ordinance requires all affordable units to be constructed at the same time as the market rate units, it also allows the construction of the affordable units to be deferred in certain circumstances. The petitioner

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will need to provide a response outlining why construction of building seven will need to be delayed. Housing Commission appearance is required, Design Commission appearance will also be required. A concept plan for the commercial sites must be provided and staff wants to make sure those sites are of adequate depth to accommodate viable commercial developments. Ideally, around 250' depth and certain site elements may need to be shifted to provide for appropriate commercial depth. He noted that the developer will be required to improve Golf Terrace to current Village standards. Cross access will need to be established between all portions of the site, and cross access to offsite properties may be required.

There are a lot of infrastructure needs in this area, such as a bike and pedestrian path along Golf Road. From a code standpoint, the residential component complies with parking requirements. A full traffic and parking analysis is being requested, along with a guest parking analysis. Loading zones are required. Staff is really looking forward to working with UrbanStreet on this exciting redevelopment project.

Commissioner Jensen asked about the affordable housing being located in building seven.

Mr. Wells explained that it was done this way due to financing.

Commissioner Jensen asked about the developers responsibility to relocate existing tenants in International Plaza.

Mr. Hubbard explained that one of the goals of the TIF redevelopment plans was to ensure that the redeveloper worked with existing tenants on possible relocations within the newly constructed commercial space.

Commissioner Jensen said he thought this looked like a great project and he was supportive.

Commissioner Sigalos also questioned the affordable housing. He would have preferred to see the affordable units mixed in with the market rate units. Wanted to know why they were all being proposed in one building (building seven)? What happens if building seven never gets built?

Mr. Wells replied that it was their full intent to have building seven constructed. They couldn't move forward on the project if the units had to be dispersed amongst each building; they wouldn't be able to get financing.

Commissioner Jensen said he agreed with Commissioner Sigalos, however, it sounded like the developer had legitimate financial constraints.

Commissioner Sigalos said he understood that there were financing issues; his primary concern was that the affordable housing portion would not get constructed.

Mr. Wells acknowledged that they have some work to do on the affordable housing end and they could provide further details to the Plan Commission, but for lending purposes they were proposing building seven to contain all of their affordable units.

Commissioner Sigalos asked about the commercial sites.

Mr. Wells replied that the sites would be for sale as opposed to for lease. They hoped to get a commercial developer on board who could provide some viable concepts for staff to review as part of the overall redevelopment.

Commissioner Sigalos although his preference was to see the affordable housing constructed amongst the market rate units, he encouraged the petitioner to move forward.

Commissioner Green said it looks like a great project.

Commissioner Green opened the floor for public comment.

K. Moens stated that he concurred with the commissioners who said that the affordable units should be dispersed amongst

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the market rate units. Is concerned the affordable housing building would never get constructed.

M. Cayer stated that she didn't want her property taxes increased to as a result of this development.

G. Motton said that encouraged the Inclusionary Housing Ordinance be modified to require affordable housing in senior developments.

RECOMMENDATION

The Conceptual Plan Review Committee was generally supportive of the concept and advised the petitioner to proceed with a Plan Commission application.

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



**Conceptual Plan Review Committee
7/27/2022**

Item: Paragon Mechanical - 2400 S. Arlington Heights Rd. - T1777

Department: Planning & Community Development

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

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 (SDC) has reviewed the requested amendment to Land Use Variation Ordinance #20-022 to eliminate conditions #3 and #8, and cannot support the application and recommends denial for the reasons as outlined on page 3, 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 proposed land 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 and the proposed contractor shop does not comply with this recommended land

use.

- 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
Project Narrative	Exhibits
Phased Landscape Plan - Village Proposal	Exhibits
Prior PC Approval - VB Minutes 7-6-20	Exhibits
Prior PC Staff Report - 5-13-20	Board or Commission Report



VILLAGE OF ARLINGTON HEIGHTS **STAFF DEVELOPMENT** **COMMITTEE REPORT**

Temp File Number: T1777
Project Title: Paragon Mechanical LUV
Address: 2400 S. Arlington Heights Rd.
PIN: 08-16-400-033, 08-16-400-035

To: Conceptual Plan Review Committee
Prepared By: Sam Hubbard, Development Planner
Meeting Date: July 27, 2022
Date Prepared: June 22, 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 remove conditions #3 (relative to the installation of certain landscaping) and to remove condition #8 (relative to redevelopment of the property).

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" caliber 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, 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.

South Arlington Heights Road Corridor Plan:

In May of 2018, the Village adopted the South Arlington Heights Corridor Plan, which outlined 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. The Paragon Mechanical contractor shop is not compatible with this land use designation within 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.

Zoning and Comprehensive Plan

As mentioned above, Paragon received the Land Use Variation to allow their business on the subject property in May of 2020. 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 has 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 an additional condition to ensure future site redevelopment (condition #8).

Staff Development Committee Review:

The Staff Development Committee believes that all landscaping per the Village's phased Landscape Plan should be installed, which is necessary for the Paragon Mechanical property to conform to the standards of approval for a Land Use Variation (as outlined below) and the Staff Development Committee does not find a valid reason to justify the non-compliance:

- **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. Staff is not in favor of elimination of condition #3 relative to landscaping. All other developments and businesses are required to comply with the Village Code.

Furthermore, 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, or the Land Use Variation could become null and void.

Building, Site, Landscaping:

The petitioner is not proposing any site or building alterations as part of the requested Land Use Variation amendment. Relative to landscaping, phase 1 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 2 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:

The requested LUV amendment has no impact to traffic, parking, or loading. The site is currently compliant relative to parking requirements.

RECOMMENDATION

The Staff Development Committee (SDC) has reviewed the requested amendment to Land Use Variation Ordinance #20-022 to eliminate conditions #3 and #8, and cannot support the application and recommends denial for the reasons as outlined on page 3, 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 proposed land 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 and the proposed contractor shop does not comply with this recommended land use.
- 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.

July 22, 2022

Bill Enright, Assistant Director of Planning and Community Development

Cc: Randy Recklaus, Village Manager
All Department Heads
Temp File 1777



Map created on June 21, 2018.

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

Zoning:

- Petition to eliminate Section 4, Conditions #3 and #8 by amending Land Use Variation #20-022

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 waive 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 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 subsequently 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 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.



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

We are proposing one of two modified outcomes regarding the landscape island installations that were imposed upon us as part of 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 that 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 extremely overexaggerated and almost entirely 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, code would require a total of 12 parking spaces as reflected in the following chart:

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

Option 1:

Eliminate the remainder of the phased landscaping requirements altogether considering any amount of money spent on landscaping the current property will have been wasted upon future redevelopment.

Option 2:

We understand and are sympathetic to the Village's desire to show immediate improvement on the property. If that is still of the utmost importance, then we would be amenable to immediately restriping the parking lot surface to include 15 parking spaces along the north wall of the building only, to include the two necessary landscape islands, as required by Village ordinance on either end of the parking stall. One new island would be installed on the west side of the new stall, and we would utilize the existing landscape area on the east side, where the northernmost dead tree was removed in. We would thereby eliminate all other parking spaces across the entire property thus negating the need for any additional landscape islands. We feel as though this plan would be beneficial to us 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.

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. The reality is that Paragon operating out of this property in general already serves as a major improvement over the growing number of dilapidated and vacant properties nearby. 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.



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)

Land Use Variation (In General):

It is important to note that the Land Use Variation was not something that we requested or sought at all. This was something the Village asked us to do, and we obliged solely to gain their support. We repeatedly expressed during the 2020 petition that we operate as a Contractor's Office, not a Contractor's Shop. We have proven this twice now, at our previous location at 11 N. Arlington Heights Rd (also zoned B-2) and now at 2400 S. Arlington Heights Road. We continue to store no raw material on site nor does any production, manufacturing, or fabrication of any kind occur on the premises. For these reasons and as previously suggested in our 2020 application, we do not feel as though a Land Use Variation, permanent or temporary in nature, is necessary for our business in relation to this property at 2400 S. Arlington Heights Road. In an ideal outcome, Paragon would be left to operate within the currently zoned B-2 property as a Contractor's Office with no further restrictions or requirements.



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

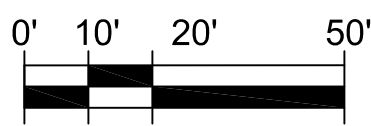
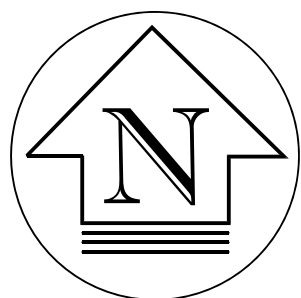


Figure 16: Most Appealing, Well-Maintained Property in South Corridor is a Contractor Shop (Path Construction)

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."

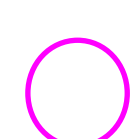


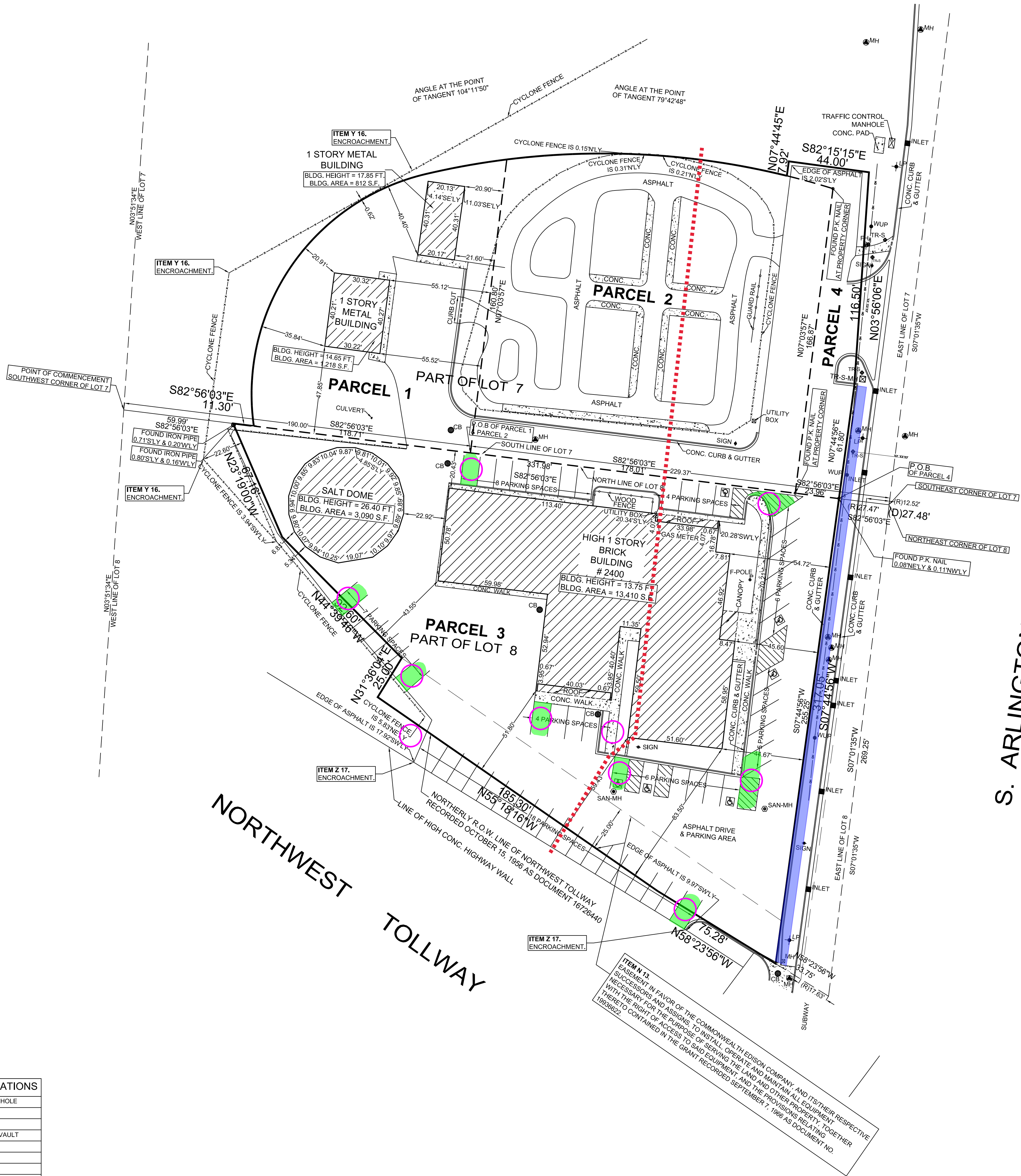
Phased Landscape Plan

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

-  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.



S. ARLINGTON HEIGHTS ROAD
R.O.W. VARIES - HERETOFORE DEDICATED
AS FOR PUBLIC STREET PURPOSES

LEGEND	ABBREVIATIONS
	SAN-MH SANITARY MANHOLE
	CB CATCH BASIN
	INLET INLET
	WVW 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'	12/18/17	REVISED PER NEW TITLE COMMITMENT
DATE : JUNE 14, 2017	10/16/17	REVISED PER REVISED TITLE COMMITMENT
FILE No.: 2017 - 25095	8/29/17	REVISED PER TITLE COMMITMENT DATED 8/15/17
	DATE	REVISION



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.

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

Kevin Polka, owner of the property and Paragon 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 Approved the Arlington Heights Municipal Code (Section 16-406 - Nuisance Prohibited; Section 18-307 - Negligent or Distracted Driving; Section 18-405 - Administrative Hearing)

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



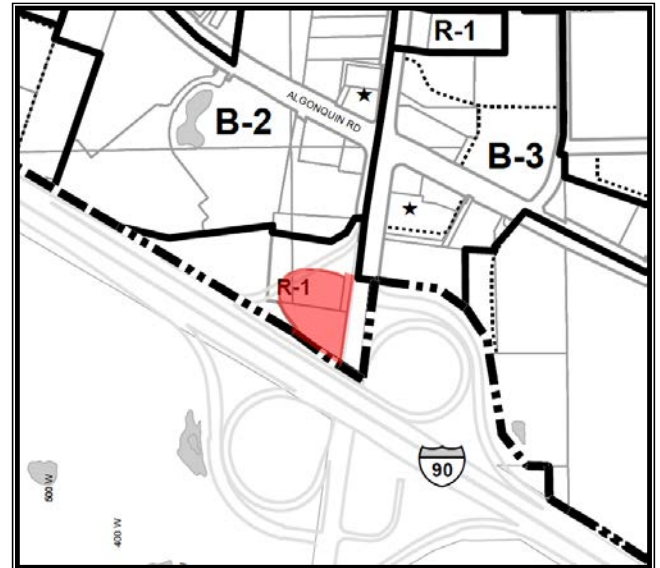
VILLAGE OF ARLINGTON HEIGHTS **STAFF DEVELOPMENT** **COMMITTEE REPORT**

Project Number: PC #20-004
Project Title: Paragon Mechanical LUV
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: May 13, 2020
Date Prepared: May 8, 2020

Petitioner: Kevin Polka
 Paragon Mechanical, Inc.
Address: 2400 S. Arlington Heights Road
 Arlington Heights, IL 60005

Existing Zoning: R-1: One-Family Dwelling District
 and B-3: General Service, Wholesale and Motor
 Vehicle District
Comprehensive Plan: Open Space



SURROUNDING LAND USES

Direction	Existing Zoning	Existing Use	Comprehensive Plan
North	R-1, One Family Dwelling District	Detention Area, Highway On-ramp	Open Space
South	- Elk Grove Village -		
East	- Unincorporated Cook County -		
West	R-1, One Family Dwelling District	Detention Area, Highway On-ramp	Open Space

Requested Action:

1. Rezoning from R-1, One-family Dwelling District and B-3, General Service, Wholesale, and Motor Vehicle District, to the B-2, General Business District.
2. Land Use Variation to allow a Contractor Shop in the B-2 District.

Variations Required:

1. Chapter 28, Section 5.1-11, to allow an area of B-2 Zoning that is approximately 2.36 acres where a minimum of 4 acres is required.
2. Chapter 28, Section 6.12-1(2), to waive the requirement for a traffic and parking study by a certified traffic engineer.

Project Background:

The subject property is 102,991 square feet in size (2.36 acres) and is the former home of the Elk Grove Township facility. The petitioner has purchased the entire site, which is occupied by a single-story building of approximately 13,417 square feet, as well as two auxiliary storage garages, a salt dome, and a children's bicycle safety/training area. Primary access to the site comes from a full access signalized intersection with Arlington Heights Road. There are 57 exterior parking spaces on the site and 13 interior spaces, for a site total of 70 parking spaces.

The petitioner would like to occupy the site with Paragon Mechanical, which is a mechanical contractor that services both residential and commercial clients. Paragon specializes in design services, installations, and repair services for systems such as tankless water heaters, geothermal systems, hybrid heating systems, solar systems, and smart products. Paragon received a Land Use Variation in 2010 to allow their business at 11 N. Arlington Heights Road, which is zoned B-2. Paragon Mechanical is a licensed and registered contractor with the Village of Arlington Heights Building Department.

Paragon's business plan consists of two phases. The first phase involves the establishment of their business on the subject property, where they propose to occupy the current site as is. Use of the site during this phase would consist of approximately 2,886 square feet of office space where they would manage their day-to-day functions (accounting, scheduling, sales), 2,006 square feet of training space which would be used to train Paragon installers and technicians on new equipment and installation/repair techniques, and 5,150 square feet of storage space for vehicles and miscellaneous materials (thermostats, smoke detectors, igniters, flame sensors, etc.). Hours of operation would be between 7:00am and 5:00pm and there would be six office employees working out of the site, as well as nine technicians and installers that work out in the field and only come to the site as needed (grand total of 15 employees). The remaining portion (25%) of the building would be left vacant while the petitioner finalizes details for Phase 2 of their business plan.

Paragon currently owns one "runner" van and eight work trucks; the van and one of the trucks would be stored permanently onsite at the rear of the property and behind the building so as not 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 the site during the day for miscellaneous purposes (material pick-up, meetings, etc.), but day-to-day operations are designed to where products are delivered directly to a job site and 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 that if technicians need to access the site, 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.

Phase 2 entails a multi-use redevelopment of the site. Approximately one-third of the site would be occupied by commercial uses (e.g. general office space, coffee shop, etc.), and 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 to offer training for individuals outside of the Paragon organization. Buildout of the Arlington Heights "Hub" and accompanying commercial uses would take place approximately two years after occupancy of the site.

Final details on the future Phase 2 redevelopment have yet to be determined, although it would involve a substantial remodel or demolition of the existing building, as well as exterior site alterations. The petitioner has submitted concept renderings showing how Phase 2 may look when completed.

Conceptual Plan Review Committee

On June 27, 2018, the petitioner appeared before the Conceptual Plan Review Committee (CPRC). Overall, the CPRC expressed some concerns with use of the site as a contractor shop, but were supportive of the future Phase 2 development concept, which at that time did not contemplate any commercial uses and would have been only for the Paragon “Smart Hub”. The CPRC encouraged the petitioner to work with staff to address the impact of contractor vehicle storage, and some CPRC members questioned whether this was an appropriate land use at this location. The minutes of this meeting are included within the Plan Commission packet.

Ongoing Code Enforcement

In February of 2018, Village staff observed Paragon trucks being stored on the property and parked at the front of the site along Arlington Heights Road. Contractor vehicles were observed again in April and July of 2018, and around July of 2018, staff made contact with Paragon to inform them that Paragon vehicle storage on the subject property was not allowed. Historical Google Streetview images show this parking continuing to occur in September, October, and November of 2018.

In July of 2019, Village staff documented Paragon trucks still being parked on the subject property, and it was observed that the previously approved location of Paragon Mechanical (11 N. Arlington Heights Rd.) had been vacated, and Paragon’s website now advertised that they were located at the subject property (2400 S. Arlington Heights Road). Occupancy of the subject property without proper zoning approval is a violation of the Zoning Code. In August of 2019, the Village reached out to Paragon on two separate occasions to inform the petitioner that occupancy of the site was not allowed. Through the remainder of 2019, Paragon continued to illegally occupy the subject property without pursuing the necessary zoning approvals. In February of 2020, the required Plan Commission application was received. Staff has not observed the parking of contractor vehicles at the front of the site along Arlington Heights Road since this application has been received.

Zoning and Comprehensive Plan

The subject property is currently zoned R-1, One-Family Dwelling District, with a portion on the northern side of the property zoned B-3, General Service, Wholesale, and Motor Vehicle District. The Comprehensive Plan designates this property as “Open Space”. The petitioner has requested that the property be re-zoned 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, the B-2 District is appropriate for this location.

The minimum allowable size for any portion of B-2 zoning is four acres, and upon rezoning of the subject property into the B-2 District, it would create a B-2 zoned area of approximately 2.36 acres. Therefore, the following variation is required:

- **Chapter 28, 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.**

Staff supports this variation as the proposed B-2 zoning will allow a range of uses that are generally compatible with existing uses within the area, and the B-2 zoning will not alter the essential character of the locality given that there is a large area of existing B-2 zoned land approximately 200 feet to the north of the subject property.

The proposed use of the property falls under the definition of a “Contractor Shop”, which is *“An establishment used for conducting administrative, clerical and general office (business) affairs, indoor repair, maintenance and/or storage of a contractor’s vehicles, equipment and materials, and may include the contractor’s business office and may include a design showroom”*. Contractor Shops are not a permitted use within the B-2 Zoning District, and therefore a Land Use Variation is required.

In order to demonstrate conformance with the standards of approval for a Land Use Variation, the petitioner has provided a written justification addressing the hardship criteria, which response has been included in the packet provided to the Plan Commission. The approval criteria is included below, for reference:

- **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.**

Based on an analysis of these standards, the Staff Development Committee (SDC) 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. Furthermore, the SDC finds that introducing the proposed use at this location would alter the essential character of the locality. To the north of the subject property there are multiple office buildings, a retail business (Guitar Center), a restaurant (Denny’s), a gas station, a bank (currently vacant), and a general retail building (currently vacant). To the south is the tollway and forest preserve. The east and west is occupied by tollway onramps, office buildings, and a hotel (Doubletree). A contractor shop does not fit with the pattern of development in the area, and the exterior storage of contractor trucks will be unsightly and a detriment to surrounding properties. Although trucks parked at the rear of the site would not be visible from Arlington Heights Road, they would be visible from both the Tollway and onramp.

Furthermore, relative to the spirit and intent of the zoning code, Section 2.14 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 proposed use would replace the Elk Grove Township maintenance/office use and would establish a similar use that would have comparable adverse effects on the character of this area.

Finally, the SDC 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 within the B-2 District that would allow reasonable use of 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, staff finds that the necessary criteria for Land Use Variation approval have not been met.

South Arlington Heights Road Corridor Plan:

In May of 2018, the Village adopted the South Arlington Heights Corridor Plan, which outlined 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. The proposed contractor shop is not compatible with the commercial land use designation within 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 will 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 does not believe that a contractor shop will help to realize the goals of the South Arlington Heights Corridor Plan. In addition, in their 2020-2021 Strategic Priorities, the Village Board has identified a need to improve the gateways into the Village, and the Staff Development Committee does not believe the proposed contractor shop represents an improvement to this major gateway.

Building, Site, Landscaping:

The petitioner is not proposing any site alterations during Phase 1 of their plans. Since Phase 2 is only a concept, detailed plans have not yet been prepared and submitted for review. Should the requested Land Use Variation be approved, any future site modifications would require an amendment to the Land Use Variation (i.e. Plan Commission and Village Board approval would be required for phase 2).

While the property contains a large area of greenspace on the northern side, which includes several mature trees within the children's bicycle safety area, the parking lot doesn't not conform to current landscape code requirements. Specifically, there are no landscape islands with shade trees and no 3-foot tall perimeter parking lot landscape screen. There is also no dumpster enclosure on the site. Should the Plan Commission find that the Land Use Variation meets the necessary criteria for approval, updating the parking lot to conform to current landscape code requirements can help to mitigate the impacts of this use and beautify the South Arlington Heights Road corridor. Given the petitioners desire for future redevelopment, staff is amendable to a phased approach towards landscape installation, with the first phase including parking lot islands with shade trees and perimeter parking lot landscaping along Arlington Heights Road, and the second phase including parking lot islands with shade trees at the rear of the site. The first phase would be installed no later than September 30, 2020, and the second phase to be installed no later than September 30, 2022. The petitioner has proposed an alternative phased landscape plan, which does not fully comply with code and has longer the deadlines for implementation.

Traffic and Parking:

The petitioner is required to provide a traffic and parking study by a certified traffic engineer that assesses access (location, design, and Level of Service), on-site circulation, trip generation and distribution, parking, and impacts to public streets. However, the petitioner has requested the following variation:

- **Chapter 28, Section 6.12-1(2), to waive the requirement for a traffic and parking study by a certified traffic engineer.**

The petitioner has provided written justification in support of this variation, and 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 residence and are mostly dispatched directly from their home to a jobsite, and given the low amount office staff working out of the facility, in combination with the low expected volume of walk in customers (one per month), the traffic

impact of this use will be minimal. Furthermore, the site contains a surplus of parking spaces relative to expected parking demand and code requirements. Staff is supportive of this variation.

Relative to parking requirements, the petitioner has a surplus of parking on site. With the removal of parking spaces to accommodate for landscape islands, the site would still comply with code requirements. Detailed parking calculations are shown below.

Table I: Parking Calculations

	Square Area / # of Vehicles	Occupancy/Employees	Parking Ratio	Parking Required
Office Area	2,886	N/A	1 space / 300 sq. ft.	9.6
Office Area - Vacant (Phase II)	3,386	N/A	1 space / 300 sq. ft.	11.3
Storage/Vehicle Garage Area	5,150	9	1 space / 2 employees	4.5
Training Center	2,006	100	Place of Assembly (30% of Occupancy)**	30.1
Vehicles	2 vehicles		1 space / vehicle	2
Total Required				57
Total Provided				70*
Surplus / (Deficit)				13 spaces

* Includes 13 interior spaces (6 in rear accessory structures, 6 in principal structure, 1 within Salt Dome)

** Classified as "Classroom" per Building Code - 1 occupant per 20 sq. ft.

RECOMMENDATION

The Staff Development Committee has reviewed the petition to rezone the subject property from the R-1, One-family Dwelling District and the B-3, General Service, Wholesale, and Motor Vehicle District, into the B-2, General Business District, the requested Land Use Variation to allow a Contractor Shop in the B-2 District, and the following variations:

- **Chapter 28, Section 5.1-11, to allow an area of B-2 Zoning that is approximately 2.36 acres where a minimum of 4 acres is required.**
- **Chapter 28, Section 6.12-1(2), to waive the requirement for a traffic and parking study by a certified traffic engineer.**

The Staff Development Committee recommends **APPROVAL** of the rezoning, and approval of the variation to the zoning district size and variation to waive a traffic and parking study. However, the SDC recommends **DENIAL** of the Land Use Variation to allow a contractor shop within the B-2 District for the following reasons:

1. The proposed Land Use Variation is 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 Land Use Variation is 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 Land Use Variation is 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 has not sat vacant for any substantial period of time.
4. The proposed land use variation is not compatible with the South Arlington Heights Corridor Plan in that that plan calls for commercial uses on the subject property, and the proposed contractor shop does not comply with this recommended land use. Additionally, outdoor storage of work vehicles will not enhance the appearance of the corridor.

However, should the Plan Commission believe that the necessary criteria for Land Use Variation approval have been met, the following conditions of approval would minimize the impacts of the proposed use on the subject property:

1. 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, 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.
2. 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.
3. 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.
4. Outdoor storage of materials shall be prohibited.
5. The following signage restrictions shall apply:
 - a. No ground signage shall be allowed along the onramp 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.
6. The petitioner shall comply with all Federal, State, and Village Codes, Regulations, and Policies.

May 8, 2020

Bill Enright, Deputy Director of Planning and Community Development

Cc: Randy Recklaus, Village Manager
All Department Heads



Conceptual Plan Review Committee
7/27/2022

Item: SAP Transportation - 1500 W. Shure Dr. - T1780

Department: Planning & Community Development

Requested Action

1. Land Use Variation for an Auto Storage and Transport facility.

Variations Required

1. A 78 space variation from Chapter 28, Section 10.4 (Schedule of Parking Requirements) to allow the provision of 530 parking spaces where 608 spaces are required by code.

Recommendation

The Staff Development Committee reviewed the proposed Land Use Variation Request to allow Auto Storage and Transport on the subject property, does not support the proposal, and recommends denial due to the following:

1. Use of the street for loading and unloading operations, as these operations block access for adjacent properties and impede the road.
2. Concerns over the future ability to lease existing vacant office space if the site is used for vehicle storage.
3. Incompatibility of the proposed use with the Comprehensive Plan Designation of the subject site as "Offices Only".
4. Incompatibility of the proposed use with the character of the subject site, given the site is developed as an office building.
5. The significant code-required parking deficit on-site.
6. These are just preliminary comments only and should not be relied upon as identification of the only major issues. The Staff Development Committee reserves the right to change its position on issues upon submittal of a formal application and detailed review.

ATTACHMENTS:**Description**

Staff Report
Aerial
Plat of Survey
Project Summary
Storage Parking Space Plan
Proposed Loading Zones & Images
Floor Plan
Code Enforcement Record

Type

Board or Commission Report
Exhibits
Exhibits
Correspondence
Exhibits
Exhibits
Exhibits
Exhibits



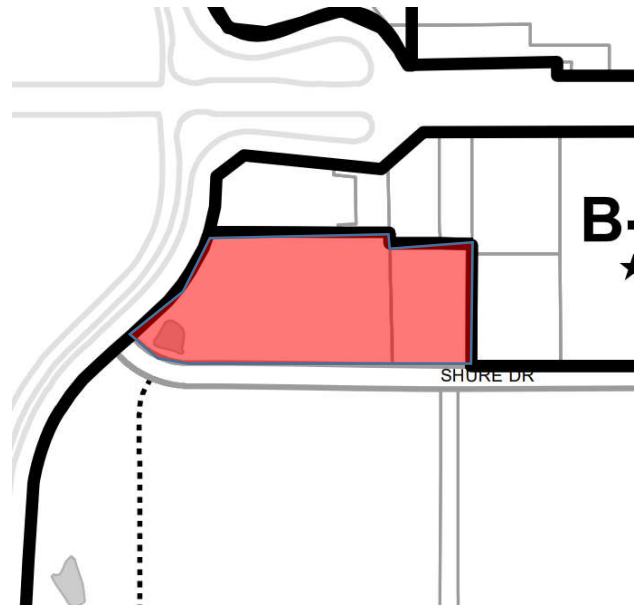
VILLAGE OF ARLINGTON HEIGHTS
STAFF DEVELOPMENT
COMMITTEE REPORT

Temp File Number: T1780
Project Title: SAP Transportation
Address: 1500 W. Shure Drive
PIN: 03-07-102-013-0000

To: Conceptual Plan Review Committee
Prepared By: Jake Schmidt, Assistant Planner
Meeting Date: July 27, 2022
Date Prepared: July 22, 2022

Petitioner: Wendy Morgan
The Law Firm of Wendy R. Morgan
Address: 1845 E Rand Road, Suite 211
Arlington Heights, IL 60005

Existing Zoning: M-1: Research, Development,
and Light Manufacturing District
Comprehensive Plan: Offices Only



SURROUNDING LAND USES

Direction	Existing Zoning	Existing Use	Comprehensive Plan
North	B-3, General Service, Wholesale and Motor Vehicle District	Single-Story Commercial Building	Commercial
South	M-1: Research, Development, and Light Manufacturing District	Northwest Crossings	RD, Mfg, Warehouse
East	B-3, General Service, Wholesale and Motor Vehicle District	Offices, Napleton Auto Dealership	Commercial
West	IL-53	Highway	Open Space

Requested Action:

1. Land Use Variation for an Auto Storage and Transport facility.

Variations Required:

1. A 78 space variation from Chapter 28, Section 10.4 (Schedule of Parking Requirements) to allow the provision of 530 parking spaces where 608 spaces are required by code.

Project Background:

SAP Transport, Inc. is a company which specializes in the transport of automobiles, and has cited that they provide the storage and transfer service to private individuals and car dealers on a contract-by-contract basis.

Without obtaining a Village Business License, SAP began operating an office within the One Arlington building, loading and unloading vehicles on Shure Drive, and temporarily storing these vehicles within the parking lot of the subject site. On-street loading and unloading operations impaired roadway access for adjacent properties, which resulted in a Police call to the site and subsequent Village code enforcement action. Auto storage and Transportation uses are not an expressly permitted use type within the Village Zoning Code, and as such the use is not permitted in any zoning district within the Village of Arlington Heights.

SAP Transport is seeking a Land Use Variation for its business at 1500 W Shure Drive to continue operations at the subject site. SAP Transport has stated that their business hours are from 8 am-5 pm, and that on average they receive 1 or 2 trucks a day which load and unload automobiles during their business hours. However, it should be noted that the Village has observed up to 5 trucks staging on Shure Drive simultaneously as part of the Code Enforcement investigation. SAP Transport has stated that on average they receive truckloads of automobiles 3 times per week on Monday, Wednesday, and Friday, though there are limited occasions when a driver may bring a truckload of automobiles after their normal business hours, usually between 7pm and 9pm.

SAP Transport has stated that loading and unloading operations usually take 1.5 to 2 hours. Each truck holds 8 cars for each loading and unloading. SAP Transport has stated they store up to 40 automobiles at one time.

Zoning and Comprehensive Plan

The subject property is located within the M-1 Zoning District, and the proposed use is classified as a "Auto Storage and Transport facility". As mentioned previously, this is not an expressly permitted use in any district per the Village Zoning Code. To proceed forward, the Plan Commission must review and the Village Board must approve a Land Use Variation for the business to continue operation. In order to demonstrate conformance with the standards of approval for a Land Use Variation, the petitioner must provide a written justification to the following criteria:

- **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.**

The subject property is designated as appropriate for Office only uses per the Comprehensive Plan of the Village of Arlington Heights. The proposed use, which involves non-office functions, is not compatible with this designation.

Traffic and Parking

The total parking requirement for the proposed facility is based off of the respective uses within the building, broken down by the gross square footage or unit count of each use. The petitioner has provided a current tenant list as part of this project, which Staff has reviewed. A preliminary parking estimate is shown in **Table I** below:

Table I: Required Parking

Unit	Tenant	Use	Ratio	SF	Required Parking
0100	Stone Investment, LLC	Office	300	2,651	9
0125	OB-Gyne Billing Services, LLC	Office	300	5,038	17
0200	Younan Properties, Inc.	Office	300	4,734	16
0230	YPI Training Room	Office	300	3,149	10
0240	Kenneth Young Center	Office	300	2,284	8
0250, 0260	Sterling Lawyers	Office	300	3,649	12
0650	Addiction Policy Partnership	Office	300	9,345	31
0710	The Chidley & Peto Company	Office	300	2,062	7
0715	SAP Transport Inc. (40 Stored Vehicles)	Office	300	2,102	7
		Warehouse/ Storage	1 per Vehicle & 1 per 2 Employees	N/A	40
BOMA	BOMA OCCUPANCY	Office	300	1,515	5
0130	VACANT	Office	300	1,237	4
0175	VACANT	Office	300	10,816	36
0245	VACANT	Office	300	5,413	18
0270	VACANT	Office	300	6,264	21
0300	VACANT	Office	300	12,500	42
0350	VACANT	Office	300	15,439	51
0400	VACANT	Office	300	27,939	93
0500	VACANT	Office	300	27,939	93
0600	VACANT	Office	300	14,599	49
0700	VACANT	Office	300	10,775	36
LL02	VACANT	Office	300	100	0
LL03	VACANT	Office	300	25	0
LLLL01	VACANT	Office	300	932	3
Total					608
Parking Provided					530
Surplus/Deficit					-78

Per the Staff analysis, a total of 608 spaces would be required for the site. The subject site is currently improved with 530 spaces, resulting in a code-required parking deficit of 78 parking

spaces. As such, a variation would be required. The petitioner shall provide a written justification to the aforementioned standards of variation approval.

Section 6.12-1 of the Zoning Code states that projects requiring a Plan Commission review do not need to provide a full traffic study if the project:

1. Comprises less than 5,000 square feet in floor area, and;
2. Is located along a major or secondary arterial street as defined by the Village's Thoroughfare Plan.

As the property is located along Wilke Road (designated a secondary arterial in the Village's Thoroughfare Plan), and the petitioner is proposing no changes to the site or building, the scope of this project falls under the 5,000 square foot threshold outlined in the Zoning Code, and a traffic and parking study is not required. However, anticipated parking demand will need to be evaluated. The petitioner shall provide a parking study, such study to be conducted over a two-week period, four days each week, including at least one Friday, Saturday, and Sunday during the hours the restaurant operates, that demonstrates that the site has sufficient parking. Counts shall be conducted hourly on the surveyed days.

With respect to bicycle parking, the provision of bicycle parking spaces is required when the use of a space changes to a more intense use. For the entirety of the 170,500 square-foot building, 28 bicycle parking spaces are required.

Building, Site Plan, and Landscaping

The applicant has not identified any site alterations as part of the proposed project. During the formal Plan Commission review process, staff will evaluate the condition of the parking lot to determine if any repairs, resurfacing, or restriping is needed. Additionally, staff will also evaluate the existing site landscaping to ensure that it conforms to all code requirements where necessary and feasible.

Given the negative impact loading and unloading operations have had on adjacent properties, Staff is not supportive of the roadway being used as a loading and unloading zone.

As of this date, the petitioner has submitted a full Plan Commission Application. As part of the process, Staff will be requesting the a more accurate, detailed site plan showing the area used for vehicles storage.

RECOMMENDATION

The Staff Development Committee reviewed the proposed Land Use Variation Request to allow Auto Storage and Transport on the subject property, does not support the proposal, and **recommends denial** due to the following:

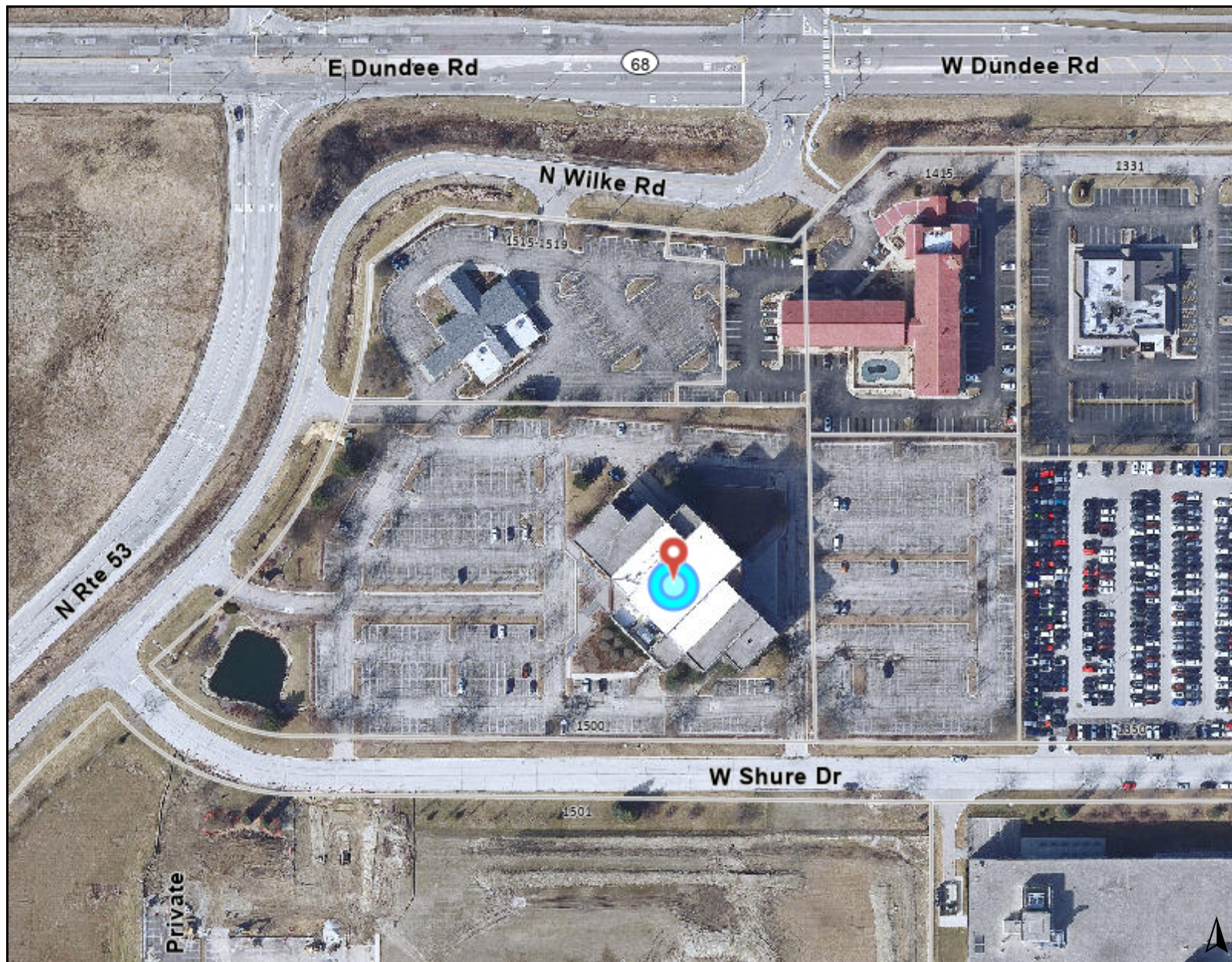
1. Use of the street for loading and unloading operations, as these operations block access for adjacent properties and impede the road.

2. Concerns over the future ability to lease existing vacant office space if the site is used for vehicle storage.
3. Incompatibility of the proposed use with the Comprehensive Plan Designation of the subject site as “Offices Only”.
4. Incompatibility of the proposed use with the character of the subject site, given the site is developed as an office building.
5. The significant code-required parking deficit on-site.
6. These are just preliminary comments only and should not be relied upon as identification of the only major issues. The Staff Development Committee reserves the right to change its position on issues upon submittal of a formal application and detailed review.

July 22, 2022

Bill Enright, Assistant Director of Planning and Community Development

Cc: Randy Recklaus, Village Manager
All Department Heads
Temp File 1780



Legend

0 300 600
ft

Print Date: 7/22/2022

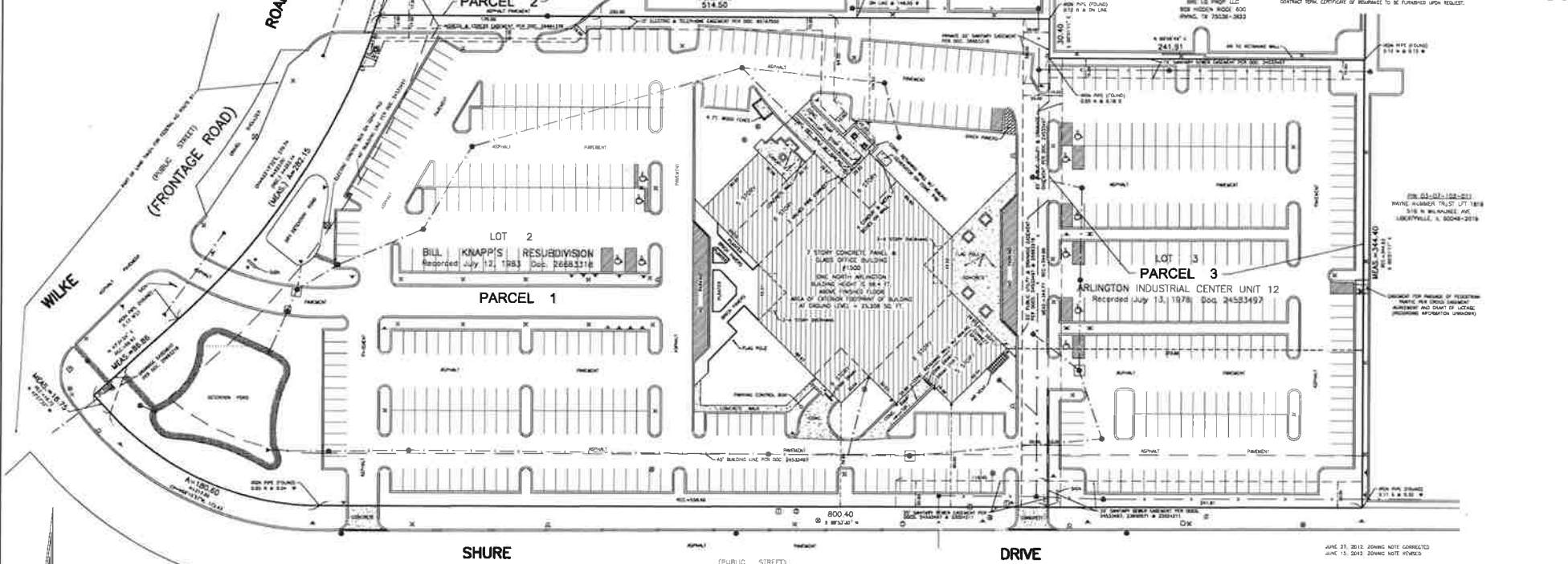
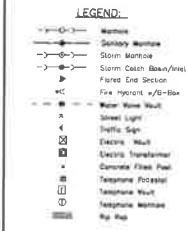
Notes

Disclaimer: The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law. This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.



EDWARD J. MOLLOY & ASSOCIATES, LTD. **LAND & CONSTRUCTION SURVEYORS** 1236 MAIN STREET, BENSenville, ILLINOIS 60006 (830) 585-2800 Fax (830) 595-4700 e-mail: emolloy@molloy.com

ALTA/ACSM LAND TITLE SURVEY



PARCEL 1: [Detailed description of Parcel 1, including its location, area, and any easements or encumbrances.]

PARCEL 2: [Detailed description of Parcel 2, including its location, area, and any easements or encumbrances.]

PARCEL 3: [Detailed description of Parcel 3, including its location, area, and any easements or encumbrances.]

ADDITIONAL NOTES: [Any other relevant information or legal descriptions related to the survey.]

EDWARD J. MOLLOY & ASSOCIATES, LTD.
 1236 MAIN STREET, BENSenville, ILLINOIS 60006 (830) 585-2800 Fax (830) 595-4700
 e-mail: emolloy@molloy.com

ATTACHMENT A
TO APPLICATION FOR LAND USE VARIATION
RE: 1500 W Shure Drive – Land Use Variation sought by SAP Transport, Inc.

SAP Transport, Inc., seeks a Land Use Variation for its business at 1500 W Shure Drive Arlington Heights, IL to load and unload automobiles on 1500 West Shure Drive in front of the property at 1500 W Shure Drive Arlington Heights, IL on the south end of the property and the north side of West Shure Drive. SAP Transport, Inc. will then temporarily store automobiles at 1500 W Shure Drive, Arlington Heights, IL, or at any other nearby location in Arlington Heights which the Village of Arlington Heights, IL will approve.

SAP Transport business summary if as follows:

- A. SAP Transport's business hours are from 8 am-5 pm;
- B. SAP Transport on average receives 1 or 2 trucks a day which load and unload automobiles during their business hours
- C. SAP Transport on average receives truckloads of automobiles 3 times per week on Monday-Wednesday-Friday. There are limited occasions when a driver may bring a truckload of automobiles after their normal business hours, usually being between 7pm and 9 pm.
- D. SAP Transport's Loading/unloading and unloading of a truckload of automobiles usually takes 1.5 hours to 2 hours. Each truck holds 8 cars for each loading and unloading.
- E. SAP Transport stores up to forty (40) automobiles at one time.
- F. SAP Transport provides the storage and transfer service to private individuals and car dealers on a contract-by-contract basis.
- G. Attached are pictures of the SAP Transport trucks located in the aforementioned Loading Zone.

Land Use Variation Criteria

- 1. The proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property.

SAP Transport's Land Use will be consistent with the businesses in the area which are regularly loading and unloading trucks. Nearby businesses with trucks making deliveries include Napleton Off Lease Used Car Dealership, Amazon Delivery Station, Nissan Car Dealership, Hillside Service, Carson Labs, Boilersource, and Tereflex, Inc.

2. The plight of the Petitioner(s) is due to unique circumstances,

SAP Transport has been in operation for a significant amount of time, they are the only tenant in the building where they rent; and among the above listed nearby businesses which receive trucks that regularly load and unload automobiles for car dealerships.

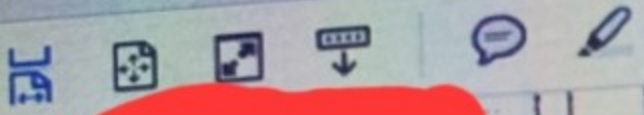
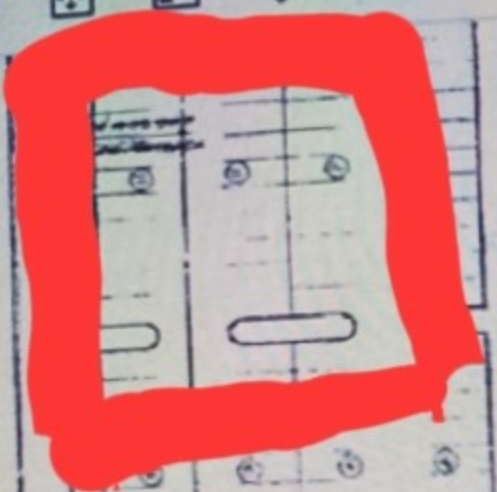
3. The proposed variation is in harmony with the intent of this chapter,

SAP Transport's Land Use will be in harmony with the intent of this chapter by engaging in activities which are not significantly different with the above listed nearby businesses which receive trucks.

4. The variance requested is the minimum variance necessary to allow reasonable use of the property.

SAP Transport's desired Land Use variance is the minimum variance necessary to allow the company to operate without Code Violations and does not need any physical modifications or improvements to be made to the infrastructure on West Shure Drive by the Village Of Arlington Heights and will provide jobs and income to the economy of the Village Of Arlington Heights.

SHURE DRIVE





Unloading Zone

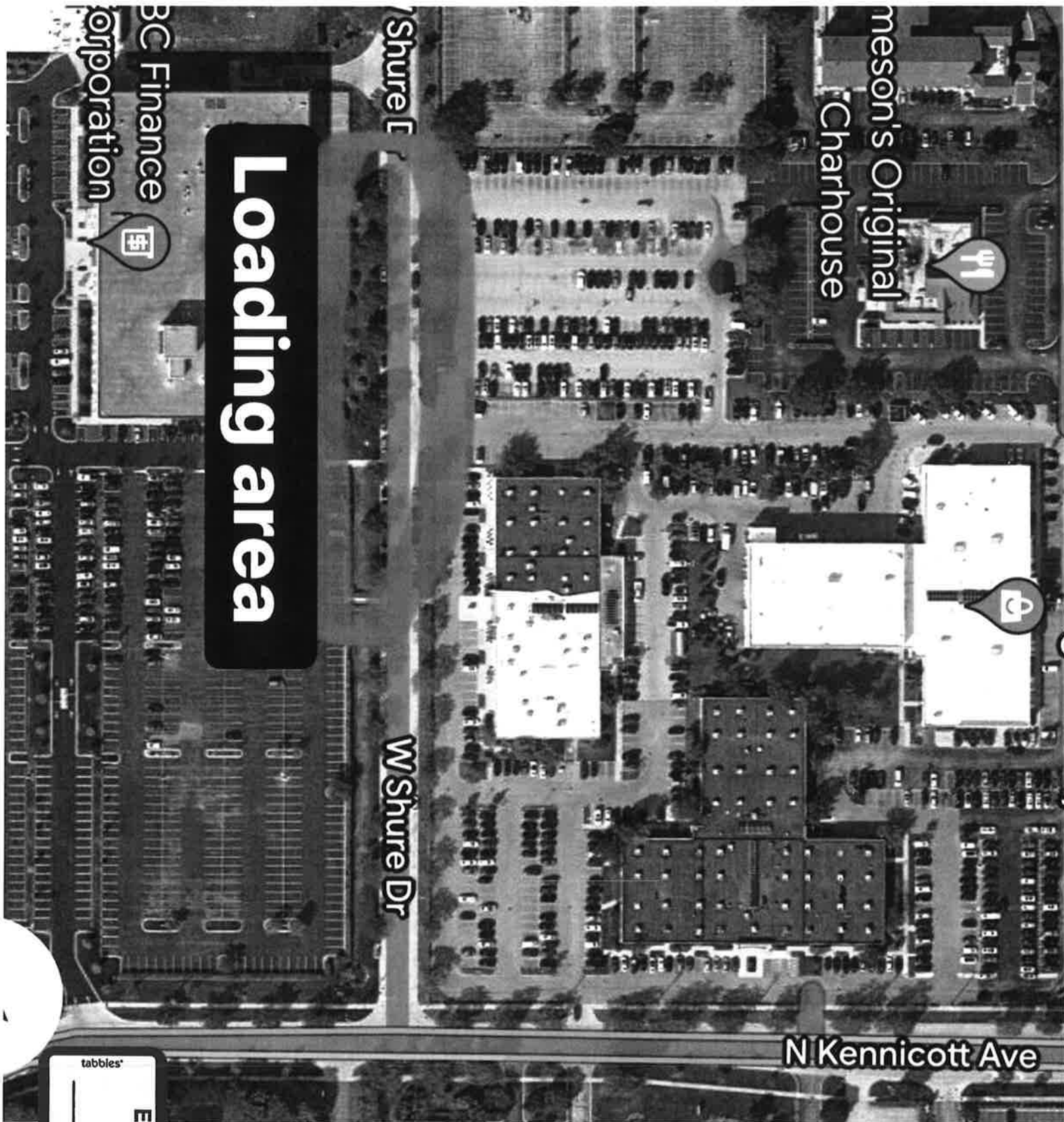
Loading/Unloading Zone

Google

tabbles®

EXHIBIT

A



meson's Original

Charhouse

Shure Dr

W Shure Dr

N Kennicott Ave

Loading area

BC Finance
Corporation

tabbles'

EXHIBIT

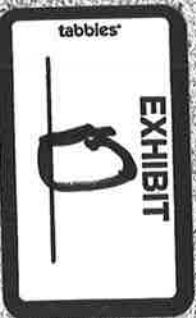
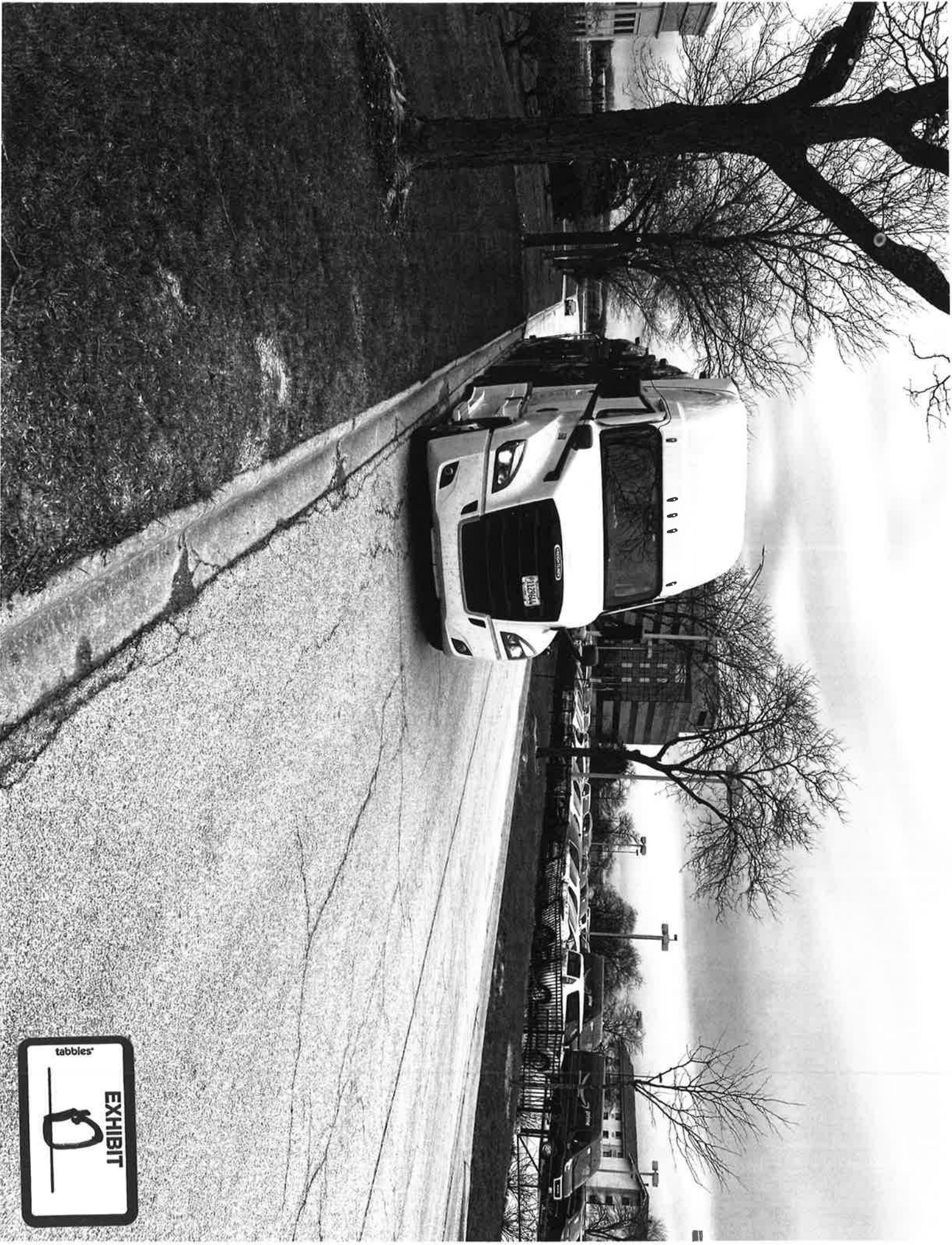
B



tabbies®

EXHIBIT

C



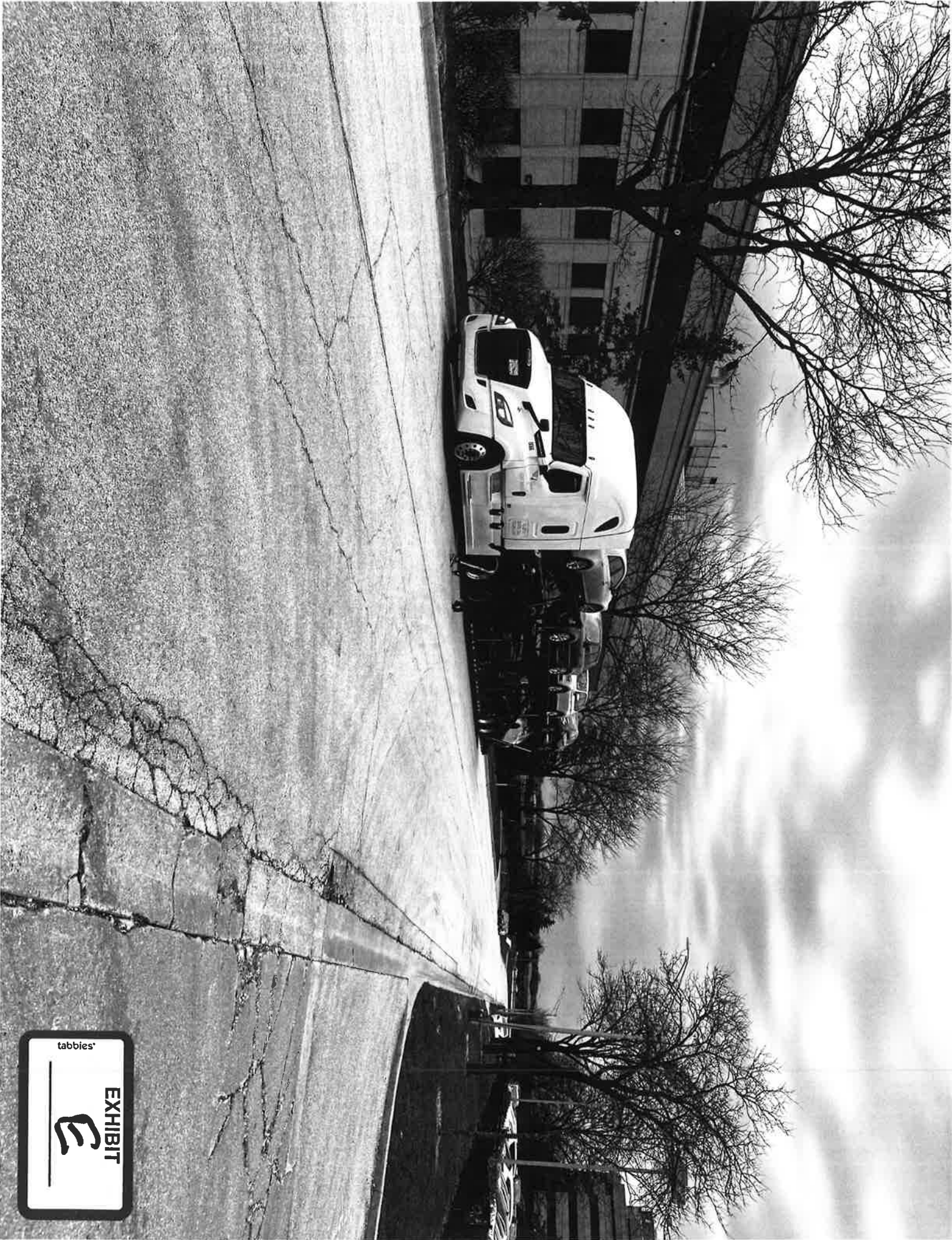
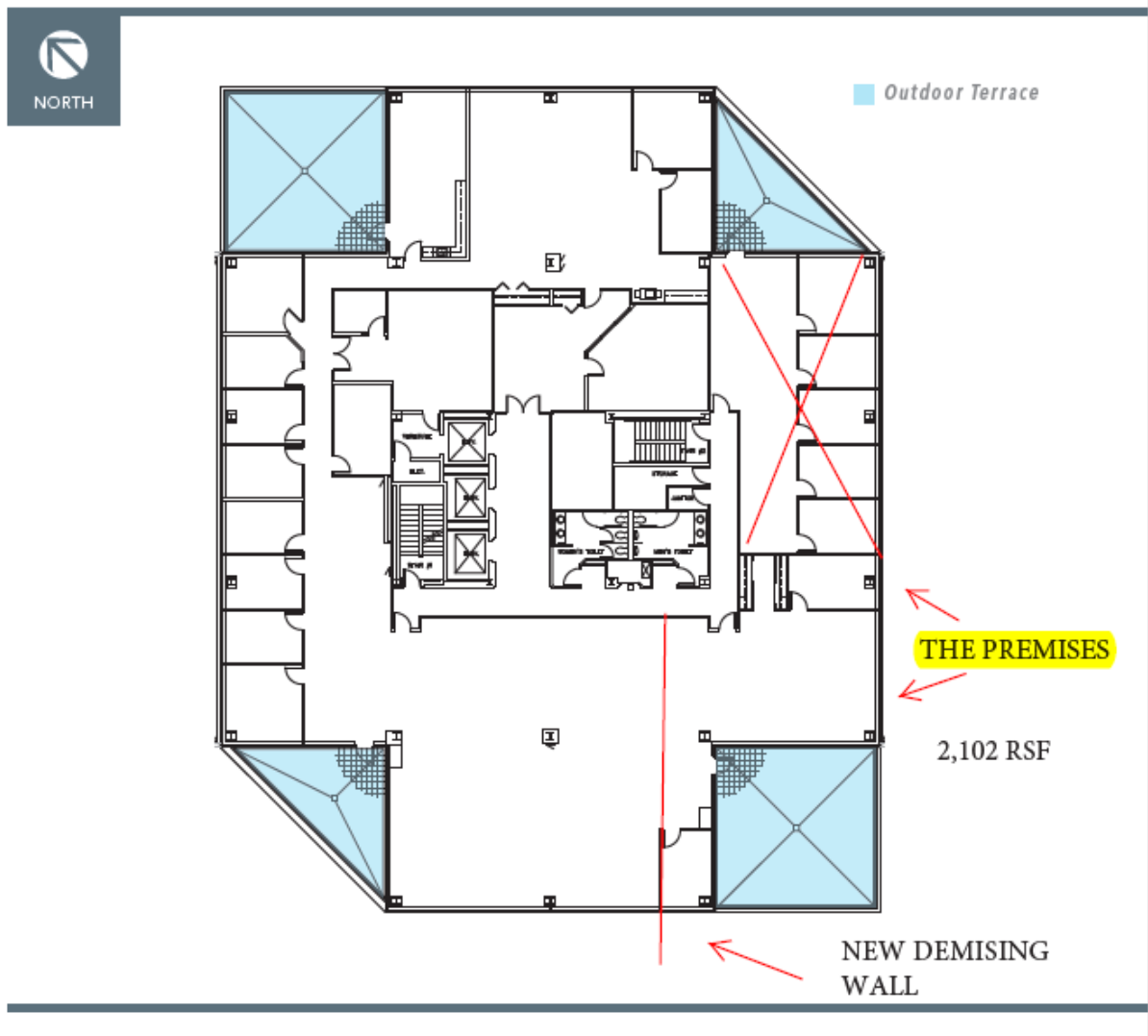


EXHIBIT "A" PREMISES

It is the specific intent of the parties that this Exhibit A be used only to generally identify the location of the Premises without any other binding effect (including, without limitation, with respect to any square footages set forth below and/or the "as built" status of the Premises); thus, in the event of any conflict between the terms of the Lease and the terms of this Exhibit A, the terms of the Lease shall control.

SUITE 715





Village of Arlington Heights Building Department

COMPLAINT DETAILS FORM

COMPLAINT # 002635

Date / Time	District / Sub	Received By	Inspector	Date Closed
12/14/2021 PM	4 / 40282		Landers	

LOCATION: YPI Arlington LLC - 1500 W. SHURE DR

Complaint Description

operating without business license, violation of multiple zoning codes

Complainant Information

Name: Larry Murphy
Address: 1540 W. ALGONQUIN RD NDCKT
Phone: (847) 700-0016 Work
Phone: (847) 271-8157 Cell

Property Contact Information

Name: - Owner
Address: 1500 W. SHURE DR
Phone:
Phone:

Inspection Notes

12/14/21 Received email notice that complaint has been received of car transportation/ storage business being operated without license. Complaint states that car hauler vehicle has been staged in front of property and has been unloading vehicles. Director of Planning & Community Development stated the following: It appears that the proposed use, motor vehicle sales, auto storage, auto logistics or trucking businesses is not permitted in the zoning district. The use is in violation of at a minimum the following code sections of the chapter 28 zoning ordinance. 28 5.1.15.5, 28 5.5, 28 10.1, 28 10.2-1 & 28 10.6 as well as having no business license for use observed. JLA

12/16/21 Notice of Violation sent to the property and the property management company via standard and certified USPS mail. The notice requests immediate removal of the car hauler, submittal of application for business license by 12-23-21 and informs that failure to comply or future observance of violations will result in the Village pursuing a legal remedy in accordance with the Municipal Code. Copy of Notices added to property file. JLA

12/17/21 Car Haulers observed on site by cameras on property. Pictures provided by complainant in email. Pictures added to property file. JLA

12/21/21 received email notice that additional car hauler observed on site today. Pictures from complainant (in email notice) added to property file. JLA

12/27/21 Received voicemail from Michael Caniszar chief engineer for Yoline properties 773-457-8007. Voicemail message stated that auto unloading is from 7th floor company SAP. Michael requested a call back. JLA

12/27/21 Director of BLS spoke with chief engineer (Michael) and informed him that if/when citation is issued, it will go to property owner (YPI Arlington LLC). JLA

12/28/21 No business license has been applied for as of today's date. Citation AH000854 issued. Copy of citation added to property file. Copies of citation sent to owner and property manager via standard and certified USPS mail and chief engineer via email. Adjudication hearing is scheduled for 1-11-22 at 1:30 pm. JLA

12/29/21 Received voicemail from Violet Dotson 224-353-6185 requesting call back. Called Violet back. Informed that citation has been issued, property owner is responsible party, business license is required, car hauler cannot block access to adjacent property parking lot and that as of today, attendance to adjudication hearing is still required. JLA

1/5/22 Received call and email from Dominique (Younan Properties 281-931-7500) requesting call back regarding citation. JLA

1/6/22 Spoke with Dominique on phone (2:34 pm) informed that it is policy for citations to be issued to property owner/- property management and that if compliance is met (business license is applied for and issued) in a timely manner, case can be non-suited and dismissed. Dominiques stated they will follow up with tenant to pursue business license application. JLA

1/6/22 Called Dominique back. No answer. Left message with receptionist. Receptionist stated she would forward message to Dominique. JLA

1/12/22 Copied in email thread between property owner and tenant. Owner informing tenant that they need to apply for business license and that citation has been issued. JLA

1/18/22 Received email thread from respondent (Dominique) showing receipt/acknowledgement of citation and need for licence by tenant on 7th floor. Reply email sent to respondent informing that file will be updated accordingly. JLA

1/26/22 Copied in email thread from complainant. Complainant stated that white car hauler is parked in front of property and blocking complainant sidewalk again. Picture provided by complainant in email added to property file. JLA

1/31/22 Called Violet back. Informed that business license has not been applied for Unit 715 (confirmed by Village Clerk) and that hearing is still scheduled for 2-8-2022. JLA

1/31/22 Received voicemail from Violet(Younan Properties) requesting call back regarding upcoming hearing.JLA

2/4/22 Received call from Ray Finnerty (PD 5335) regarding continued parking of car hauler and vehicles on site. PD conducting separate. Investigation. Will follow up with officer Finnerty before hearing next week. JLA

2/7/22 Received email from Dominique stating that attorney for SAP (Unit 715 tenant) is having difficulty getting in touch with Village with business license application questions. JLA

2/8/22 Received voicemail from Michael (engineer for Younan properties) requesting a continuance. JLA

2/8/22 Adjudication hearing. Michael from Younan properties in attendance. Michael informed by hearing officer that an attorney is required (noted in N.O.V.'s) at continued hearing of 3-8-22 and that failure to have an attorney present will result in a default judgement. Hearing continued 1 month to 3-8-22 at 1:30 pm. Copy of order added to property file.JLA

2/8/22 Reply email sent to Dominique informing that I have followed up with Joseph Sparacino regarding business license application questions and provided contact information for the Village clerk. Village clerk cc'ed in email. JLA

2/8/22 Called attorney Joseph Sparacino (representative of SAP 847-259-5700) regarding business license application questions. Provided contact information (email & work phone for Village Clerk) and suggested following up with Village Clerk for application clarification. Joseph stated he will follow up with Clerk tomorrow. JLA

2/16/22 Microsoft Teams meeting held with Director of BLS, Jacob Schmidt (Community Development), Officer Gyorke, & Dominique Holzman, Michael Canizaro and Violet Dobson from Property management. Property owner liability, potential fines, and zoning ordinances were discussed. Jacob will send copies of ordinances to Dominique Holzman.JLA

2/18/22 Citation AH000870 issued to SAP Transportation Inc (tenant) Copy of citation added to property file. Copies of citation sent via standard and certified USPS mail to tenant. Adjudication hearing scheduled for 3-8-22 at 1:30 pm. JLA

2/18/22 Site visit. No car haulers observed at time of visit. Posted citation on front office door to unit 715 & left a copy on the front desk (per employee request) Pictures taken and added to property file. JLA

3/8/22 adjudication hearing. Owner and tenant in attendance. Tenant failed to have attorney present. Case continued for 854 & 870 until 4-12-22 at 1:30 pm. JLA

3/10/22 Copies of orders of continuance for both citations received by BLS. Copies added to property file. Copies of orders of continuance for both citations sent to appropriate parties via standard and certified USPS mail. JLA

4/6/22 Jacob Schmidt (Community Development) had meeting with attorneys for tenant of unit 715. The attorneys for the project expressed their intent to pursue continuing business operation. Tenant attorneys implied they will be applying for a zoning variance and stated that they would be willing to comply with any conditions or requirements of Staff in order to allow for the business to obtain approval to operate. The business owner will be following up with Jacob with items necessary for Staff Development Committee review in the near future. JLA

4/7/22 Confirmed with Village Clerk that there is no active business license for suite 715. Site visit. Posted NOT APPROVED FOR OCCUPANCY on unit 715 door. Observed car hauler parked across street from building. Pictures taken and added to property file. JLA

4/12/22 Drove past sight. Observed vehicle hauler leaving property. Unable to obtain picture. As of today's date, there is no business license for unit 715. JLA

4/12/22 Adjudication hearing for both citations. Attorneys for each respondent in attendance. Finding of liable. \$250 fine ordered to property owner and \$750 fine ordered to tenant. JLA

4/13/22 Received copies of adjudication orders. Copies added to property file. Copies of orders sent to respondents for each citation sent via USPS shipping (standard and certified for tenant, standard only for owner) Email sent to representatives of owner (Violet & Dominique) with adjudication order for AH000854 in attachment. JLA

4/18/22 Drove past site. Observed car hauler parked across street from property. Car hauler unloaded blue Mitubishi vehicle on site (1500 W Shure Dr parking lot). Pictures taken and added to property file. JLA

4/19/22 Citations C6603-00015 & 00016 issued to property owner (15) & tenant (16). Copies of citations sent to respondents via standard and certified USPS mail. Adjudication hearings scheduled for 5-10-2022 at 2:30 pm. JLA

4/19/22 Site visit. Posted citation C6603-00016 on site. Observed 3 car haulers parked outside property and one car delivery made during site visit. Pictures taken and added to property file. JLA

4/25/22 Drove past site. No vehicle haulers observed at time of visit. 11:00 am. JLA

5/3/22 Drove past site. Observed two vehicle haulers on site. (Both vehicles had SAP Transport Inc logo on door) Observed vehicle being unloaded on site. Pictures taken and added to property file. JLA

5/6/22 Drove past site. Observed car hauler parked in front of property. Pictures taken and added to property file. JLA

5/10/22 Administrative hearing. Case continued until 6-14-2022.

5/17/22 Drove past site. Did not observe any signs of business operation from exterior of property. JLA

5/20/22 Drove past site. Observed car hauler parked down road from property. Pictures taken and added to property file. JLA

5/24/22 Drove past site. Observed car hauler parked across street from property. Pictures taken and added to property file. JLA

6/1/22 Drove past site. Observed car hauler (SAP Transport Inc logo) unloading vehicles on site. Pictures taken and added to property file. JLA
6/9/22 Site visit. Observed car hauler unloading vehicle. Pictures taken and added to property file. JLA
6/13/22 As of 1:49 pm today, no application has been submitted for zoning variance (per email from Planning & Community Development) JLA
6/14/22 Drove past site. Observed car haulers on site. Pictures taken and added to property file. JLA
6/14/22 Received confirmation that zoning variance application was submitted today. JLA
6/14/22 Adjudication hearing held. Attorney for tenant in attendance. Finding of liable and \$5000 fine ordered for citation C6603-000015. Attorney for property owner in attendance. (C6603-000016) (Finding of liable and fine of \$2500 ordered. JLA
6/20/22 drove past site. Observed vehicle hauler on site unloading vehicles. Logo for truck is SAP Transport Inc. Pictures taken and added to property file. JLA
6/20/22 Citations C6603-000050 (owner) and C6603-000051 (tenant) issued. Copies of citation sent via standard and certified USPS shipping. Copies of citations added to property file. Adjudication hearing scheduled for 7-12-22 at 2:30 pm. JLA
6/23/22 Drove past site. Observed two vehicle haulers parked in front of property. Observed vehicle being unloaded on site. Pictures taken and added to property file. JLA
6/28/22 Drove past site. Observed vehicles parked in lot missing license plates. Pictures taken and added to property file. JLA
6/30/22 Drove past site. Observed vehicle haulers across street from site unloading vehicles. Pictures taken and added to property file. JLA
7/1/22 Drove past site. Observed vehicle haulers across street from site. Pictures taken and added to property file. JLA
7/5/22 Drove past site. Observed signs of business operation (vehicles being loaded onto trailer) Pictures taken and added to property file. JLA
7/8/22 Drove past site. Observed signs of business operation (vehicles being loaded onto trailer) Semi truck has SAP Transport Inc marked on door panel. Pictures taken and added to property file. JLA
7/11/22 Drove past site Observed signs of business operation (Semi truck with vehicles on trailer) Semi truck has SAP Transport Inc marked on door panel. Pictures taken and added to property file. JLA
7/12/22 Adjudication hearing. Representatives for owner and tenant in attendance. Cases continued for tenant to (000051) 8-9-22 and owner (000050) 9-13-22. JLA
7/18/22 Copies of orders of continuance received and added to property file. JLA
7/20/22 Drove past site. Observed signs of busines operation (car hauler with vehicles) parked across street. Picture taken and added to property file. JLA

Advisory Notice Information

Response required by:

Statement of conditions observed:

Corrective action to be taken: