

**AN ORDINANCE AMENDING THE ZONING ORDINANCE  
OF THE VILLAGE OF ARLINGTON HEIGHTS, GRANTING  
APPROVAL OF A PLANNED UNIT DEVELOPMENT,  
AND A VARIATION FROM CHAPTER 28 OF  
THE ARLINGTON HEIGHTS MUNICIPAL CODE**

WHEREAS, on May 26, 2021, pursuant to notice, the Plan Commission of the Village of Arlington Heights, in Petition Number 21-006, conducted a public hearing on a request for rezoning from an R-1 One-Family Dwelling District to an O-T Office Transitional District, approval of a planned unit development and a variation from Chapter 28 of the Municipal Code, for the property located at 1650 S Arlington Heights Rd, Arlington Heights, Illinois; and

WHEREAS, the President and Board of Trustees have considered the report and recommendations of the Plan Commission and have determined that authorizing and granting said requests, subject to certain conditions hereinafter described, would be in the best interests of the Village of Arlington Heights,

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

SECTION ONE: That the Zoning Ordinance of the Village of Arlington Heights is hereby amended by reclassifying the Subject Property from an R-1 One Family Dwelling District to an O-T Office Transitional District, as legally described below:

That part of Lot 5, described as follows: commencing at the Northwest corner of said Lot 5, thence Southwesterly along the West line of said Lot 5, 208.06 feet for the place of beginning, thence Southeasterly parallel with the North line of said Lot 5, 270.07 feet to the center line of Arlington Heights Road, thence Southwesterly along the center line of said Arlington Heights Road, 143.64 feet, thence Northwesterly parallel with the North line of said Lot 5, 345.57 feet to West line of said Lot 5, thence Northeasterly along the Westerly line of said Lot 5, 150.34 feet to the place of beginning in the subdivision of Joseph A. Barnes Farm in Sections 9, 15 and 15, Township 41 North, Range 11 East of the Third Principal Meridian (except for that part taken by the State for widening of Arlington Heights Road) in Cook County, Illinois.

PIN 08-09-400-008-0000

commonly described as 1650 S Arlington Heights Rd, Arlington Heights, Illinois.

SECTION TWO: That the Planned Unit Development for Hawkeye Chiropractic is hereby approved to allow a 5,470 square foot medical office building on the Subject Property, which property is hereby designated as a planned unit development. The Zoning Map of the Village of Arlington Heights is hereby amended accordingly. Approval is hereby given for development of the Subject Property in substantial compliance with the following plans:

The following plans dated April 19, 2021 with revisions through May 17, 2021, have been prepared by Apex Design Build, Inc.:

**Cover Page**, consisting of sheet G0-1;  
**Architectural Site Plan**, consisting of sheet G1-3;  
**Landscaping Plan**, consisting of sheet G1-4;  
**Floor Plan & General Notes**, (dated April 16, 2021 with revisions through May 17, 2021) consisting of sheet A1-1;  
**New Roof Plan**, consisting of sheet A1-4;  
**Rendering**, consisting of sheet A8-0A;  
**Renderings**, consisting of sheet A8-0B;  
**Exterior Finish Schedules**, consisting of sheet A8-0C;  
**Material Sample Board**, consisting of sheet A8-0D;  
**Exterior Elevations**, consisting of sheets A8-1A and A8-1B,

The following plans dated January 13, 2021 with revisions through May 14, 2021, have been prepared by Cook Engineering Group:

**Preliminary Engineering**, consisting of 2 sheets;  
**Fire Autoturn Siteplan**, consisting of 1 sheet;  
**Photometric Plan**, consisting of 1 sheet;

copies of which are on file with the Village Clerk and available for public inspection.

SECTION THREE: That a variation from Chapter 28, Section 6.13-3a, Location of Fences, of the Arlington Heights Municipal Code is hereby granted to allow an increase in the fence height in a front yard from a permitted three foot tall open fence to a six foot tall solid masonry fence.

SECTION FOUR: That the rezoning, planned unit development and variation from the Zoning Ordinance, are subject to the following conditions, to which the Petitioner has agreed:

1. Subject to Illinois Department of Transportation (IDOT) approval, the Petitioner shall proceed with the original plan as presented to the Plan Commission on May 26, 2021, which is depicted in the Preliminary Engineering Plan prepared by Cook Engineering Group, dated January 13, 2021 and last revised on May 14, 2021. Should IDOT withhold approval of this plan, the Petitioner shall proceed with the alternate plan as depicted in the Preliminary Engineering

Stormwater Alternative Plan prepared by Cook Engineering Group, dated May 20, 2021, and last revised on June 4, 2021, (with exception to the dumpster enclosure which shall be allowed within the front yard per SECTION THREE of this Ordinance). No less than 28 parking stalls shall be provided under either of these two scenarios.

2. The row of six-foot tall Viburnum shrubs along the southern property line shall be replaced with a dense row of evergreens that extend further east and west to provide a solid screen along this elevation.

3. The dumpster enclosure shall be located in the front yard, for final review and approval by the Village.

4. At the request of the Village, the Subject Property owner shall provide a cross access easement to the benefit of the property to the north (1640 S. Arlington Heights Road) for access to Arlington Heights Road through the Subject Property. This shall only be required if and when the 1640 S. Arlington Heights Road property abutting to the north is redeveloped and provides reciprocal access to the Subject Property, pays for the improvements on the Subject Property necessary to facilitate the cross connection, and provides a perpetual easement for parking on their property to accommodate for any lost parking spaces on the Subject Property necessary to construct said connection. At the request of the Village, the Subject Property shall also grant the same cross access to the property at 1638 S. Arlington Heights Road, but only if and when that property redevelops and secures access through the 1640 S. Arlington Heights Road property.

5. IDOT approval shall be required.

6. The Petitioner shall comply with all Federal, State, and Village Codes, Regulations, and Policies.

SECTION FIVE: That the approval of the Planned Unit Development granted in SECTION TWO of this Ordinance shall be effective for a period no longer than 24 months from the date of this Ordinance, unless construction has begun or such approval has been extended by the President and Board of Trustees during that period.

SECTION SIX: That the Director of Building and Life Safety of the Village of Arlington Heights is hereby directed to issue permits for the facility herein approved, upon proper application and after compliance with all applicable ordinances of the Village of Arlington Heights.

SECTION SEVEN: That this Ordinance shall be recorded by the Village in the Office of Cook County Clerk. This Ordinance and the privileges, obligations, and provisions contained herein will run with the Property, and will inure to the benefit of, and be binding upon, the Petitioner and its personal representatives, successors and assigns.

SECTION EIGHT: This Ordinance will be effective only upon the occurrence of all of the following events:

1. Passage by the Village President and Board of Trustees in the manner required by law; and

2. The filing by the Petitioner with the Village Clerk of an Unconditional Agreement and Consent, in the form of Exhibit A attached to and, by this reference, made a part of this Ordinance, to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance and to indemnify the Village for any claims that may arise in connection with the approval of this Ordinance.

In the event the Petitioner does not file fully executed copies of the Unconditional Agreement and Consent pursuant to this Ordinance, within 30 days after the date of final passage of this Ordinance, the Village President and Board of Trustees will have the right, in their sole discretion, to declare this Ordinance null and void and of no force or effect.

AYES:

NAYS:

PASSED AND APPROVED this 6th day of July, 2021.

\_\_\_\_\_  
Village President

ATTEST:

\_\_\_\_\_  
Village Clerk

PUD:Hawkeye Chiropractic

EXHIBIT A  
UNCONDITIONAL AGREEMENT AND CONSENT

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

WHEREAS, Dr. Drew Voelsch ("Petitioner") is the contract purchaser/owner of record of that certain property located at the address commonly known as 1650 S. Arlington Heights Road and legally described in SECTION ONE of this Ordinance ("Property"); and

WHEREAS, Ordinance No. 2021-\_\_\_\_\_, adopted by the Village President and Board of Trustees, on July 6, 2021 ("Ordinance"), grants a rezoning from an R-1 to an O-T District, Planned Unit Development and a Variation from the Zoning Ordinance for the Property as described in the Ordinance; and

WHEREAS, SECTION EIGHT of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Petitioner files, within 30 days following the passage of the Ordinance, their unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Ordinance;

NOW, THEREFORE, the Petitioner does hereby agree and covenant as follows:

1. The Petitioner hereby unconditionally agrees to, accept, consent to, and will abide by, each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.
2. The Petitioner acknowledges that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.
3. The Petitioner acknowledges and agrees that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's granting a rezoning from an R-1 to an O-T District, Planned Unit Development and a Variation from the Zoning Ordinance for the Property or its adoption of the Ordinance, and that the Village's approvals do not, and will not, in any way, be deemed to insure the Petitioner against damage or injury of any kind and at any time.
4. The Petitioner hereby agrees to hold harmless and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with the Village's adoption of the Ordinance granting a rezoning from an R-1 to an O-T District, Planned Unit Development and a Variation from the Zoning Ordinance for the Property.

[SIGNATURES ON FOLLOWING PAGE]

Dated: \_\_\_\_\_, 2021

ATTEST:

By: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Its: \_\_\_\_\_