

VILLAGE OF ARLINGTON HEIGHTS

ORDINANCE NO. 2023-_____

AN ORDINANCE GRANTING VARIATIONS
FOR AN ADULT DAY CARE
(1815-1865 W. Central Rd.)

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF ARLINGTON HEIGHTS
THIS ____ DAY OF _____, 2023.

Published in pamphlet form
by the authority of the
President and Board of Trustees
of the Village of Arlington Heights,
Cook County, Illinois this
_____ day of _____, 2023

Village Clerk

AN ORDINANCE GRANTING VARIATIONS
FOR AN ADULT DAY CARE
(1815-1865 W. Central Rd.)

WHEREAS, Clearbrook (“**Applicant**”) is the owner of record of that certain property located in the B-2 General Business District (“**B-2 District**”), commonly known as 1815-1865 West Central Road, Arlington Heights, Illinois, and legally described in Exhibit A attached to and, by this reference, made a part of this Ordinance (“**Property**”); and

WHEREAS, the Property is improved with a one-story commercial building; and

WHEREAS, the Applicant desires to use an approximately 2,524-square-foot portion of the building on the Property for the operation of a Day Care Facility for adults (“**Proposed Use**”); and

WHEREAS, pursuant to “the 2002 Comprehensive Amendment of the Zoning Ordinance of the Village of Arlington Heights,” as amended (“**Zoning Code**”), the Property may only be used for the Proposed Use upon issuance by the Village Board of Trustees of a land use variation therefor; and

WHEREAS, pursuant to Section 12 of the Zoning Code, the Applicant has filed an application for approval of: (i) a land use variation to allow the Proposed Use on the Property; and (ii) a variation from Section 6.12-1(3) of the Zoning Code to waive the requirement to conduct a traffic study and parking analysis (collectively, the “**Requested Relief**”); and

WHEREAS, a public hearing of the Plan Commission of the Village to consider approval of the Requested Relief was duly advertised in the *Daily Herald* newspaper on November 29, 2022, and held on December 14, 2022; and

WHEREAS, on December 14, 2022, the Plan Commission made findings and recommendations in support of the Requested Relief, with conditions; and

WHEREAS, the President and Board of Trustees have determined that the Requested Relief meets the required standards for land use variations as set forth in Section 12.2 of the Zoning Code; and

WHEREAS, the President and Board of Trustees have determined that it will serve and be in the best interest of the Village to grant the Requested Relief, subject to the conditions, restrictions, and provisions of this Ordinance;

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

SECTION 1. RECITALS. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. GRANT OF VARIATIONS. Subject to, and contingent upon, the conditions, restrictions, and provisions set forth in Section 3 of this Ordinance, and in accordance with, and pursuant to, Section 12 of the Zoning Code and the home rule powers of the Village, the Village hereby grants the following variations to the Applicant in connection with the Proposed Use of the Property:

- A. Day Care Facility for Adults. A land use variation to permit the use of an approximately 2,524-square-foot portion of the building on the Property for the Proposed Use.
- B. Waiver of Traffic Study. A variation from Section 6.12-1(3) of the Zoning Code to waive the requirement to provide a traffic study and parking analysis in connection with the Requested Relief.

SECTION 3. CONDITIONS. Notwithstanding any use or development right that may be applicable or available pursuant to the provisions of the Zoning Code, the approvals granted pursuant to Section 2 of this Ordinance are hereby expressly subject to, and contingent upon, the development, use, and maintenance of the Property in compliance with each and all of the following conditions:

- A. Compliance with Regulations. Except to the extent specifically provided otherwise in this Ordinance, the development, use, operation, and maintenance of the Proposed Use and the Property must comply at all times with all applicable Federal, State, and Village statutes, codes, ordinances, and regulations, as the same have been or may be amended from time to time.
- B. Compliance with Plans. Except for minor changes and site work approved by the Village Director of Building & Life Safety (for matters within their permitting authority) in accordance with all applicable Village standards, the development, use, operation, and maintenance of the Proposed Use and of the Property must comply with those certain floor plans prepared by the Warren Johnson Architects, Inc. and consisting of four sheets, with a latest revision date of August 24, 2022, and that certain loading zone plan prepared by the Spies & Associates, Inc. and consisting of one sheet, with a latest revision date of June 28, 2022, copies of which are attached to and, by this reference, made a part of this Ordinance as Exhibit B (collectively, the “Plans”).
- C. Pavement Marking and Signage. Prior to commencement of the Proposed Use, the Applicant must provide additional pavement markings and signage in the area around the proposed loading zone, in coordination with, and to the satisfaction of, the Village Engineer.
- D. Interior Modifications. Prior to commencement of the Proposed Use, the Applicant must complete all modifications to the portion of the building on the Property in which the Proposed Use will be operated, as required by applicable Village ordinances for an adult day care facility occupancy.
- E. Landscaping. On or before June 1, 2023, the Applicant must install additional shade trees in the parking lot landscape islands on the Property, in coordination with, and to the satisfaction of, the Village Director of Planning & Community Development.

SECTION 4. RECORDATION; BINDING EFFECT. A copy of this Ordinance will be recorded on title to the Property with the Cook County Clerk’s Recording Division. This Ordinance and the privileges, obligations, and provisions contained herein inure solely to the benefit of, and are binding upon the Applicant and each of its heirs, representatives, successors, and assigns.

SECTION 5. FAILURE TO COMPLY WITH CONDITIONS. Upon the failure or refusal of the Applicant to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, as applicable, the approvals granted in Section 2 of this Ordinance may, at the sole discretion of the Village President and Board of Trustees, by ordinance duly adopted, be revoked and become null and void;

provided, however, that the Village President and Board of Trustees may not so revoke the approvals granted in Section 2 of this Ordinance unless they first provide the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Village President and Board of Trustees. In the event of revocation, the development and use of the Property will be governed solely by the regulations of the B-2 District and the applicable provisions of the Village Code, as the same may, from time to time, be amended. Further, in the event of such revocation, the Village Manager and Village Attorney are hereby authorized and directed to bring such enforcement action as may be appropriate under the circumstances.

SECTION 6. AMENDMENTS. Any amendments to the approvals granted in Section 2 of this Ordinance that may be requested by the Applicant after the effective date of this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Village Code.

SECTION 7. SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance are to remain in full force and effect, and will be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 8. EFFECTIVE DATE.

- A. 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 Applicant with the Village Clerk of an Unconditional Agreement and Consent, in the form of Exhibit C 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.
- B. In the event the Applicant does not file fully executed copies of the Unconditional Agreement and Consent, as required by Section 8.A.2 of 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 ____ day of _____, 2023

Village President

ATTEST:

Village Clerk

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

LOT 2 IN WILKE-CENTRAL SUBDIVISION OF PART OF FRACTIONAL SECTIONS 5 AND 8, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN. IN COOK COUNTY, ILLINOIS.

Commonly known as: 1815-1865 West Central Road, Arlington Heights, Illinois.

PIN: 08-08-201-005-0000

DRAFT

EXHIBIT B - PLANS

CLEARBROOK OFFICE SPACE

1815-1835 W. CENTRAL ROAD
ARLINGTON HEIGHTS, IL 60005

PROJECT DIRECTORY

OWNER:	CLEARFLOOC 1005 W. CENTRAL RD. REPL. DON FROGE (847) 365-5007
ARCHITECT:	HARRIS JOHNSON ARCHITECTS, INC. P.O. BOX 1100 PALATKA, IL 60067 (847) 351-9646 FAX (847) 351-9648

CODE AUTHORITY

ACTIVITY:	VALLEY OF ARBORETUM RIGHTS II COMMUNITY DEVELOPMENT 39 S. ARBORETUM HEIGHTS ROAD ARBORETUM HEIGHTS
CODES:	2000 INTERNATIONAL FIRST-CLASSING CODE W/ AH/ND 2000 INTERNATIONAL FIRE CODE W/ AH/ND 2000 INTERNATIONAL EXIST-CLASSING CODE W/ AH/ND 2000 INTERNATIONAL ELECTRICAL CODE W/ AH/ND 2000 INTERNATIONAL MECHANICAL CODE W/ AH/ND 2000 INTERNATIONAL PROPERTY MAINTENANCE CODE W/ AH/ND 2000 ILLINOIS ACCESSIBILITY CODE 2000 NATIONAL ELECTRICAL CODE W/ AH/ND/RENTS 2000 ILLINOIS ENERGY CODE W/ AH/ND/RENTS 2000 ILLINOIS STATE FIRE CODE W/ AH/ND/RENTS 2000 ILLINOIS STATE PLUMBING CODE W/ AH/ND/RENTS 2000 ILLINOIS STATE PLUMBING CODE W/ AH/ND/RENTS 2000 LIFE SAFETY CODES/RENTS

SHEET INDEX

ARCHITECTURE	
C1	COVER SHEET
A1	DIMC/ PROPOSED FLOOR PLAN (105' SPACE)
A2	DIMC/ PROPOSED FLOOR PLAN (1235' EAST SPACE)
A3	DIMC/ PROPOSED FLOOR PLAN (1235' WEST SPACE)
A4	DIMC/ PROPOSED RCF PLAN (105' SPACE)
A5	DIMC/ PROPOSED RCF PLAN (1205' EAST SPACE)
A6	DIMC/ PROPOSED RCF PLAN (1205' WEST SPACE)

SYMBOL NOTES

GEN. DEMO. NOTES

[illegible]

CODE REVIEW

[illegible]

ACCESSIBILITY NOTES

The below items are based on the 2015 Illinois Accessibility Code:

DOORS-All doors will comply with Section 404 of the 2010 Illinois Accessibility Code and ANSI section 404

DRINKING FOUNTAINS (where required): All public drinking fountains and water coolers shall comply with ANSI 602.

CONTROLS AND OPERATING MECHANISMS—All controls and operating mechanisms along accessible routes and in accessible spaces shall comply with ANSI section 309.

FIRE ALARMS (where required): All emergency fire warning systems shall comply with IAC section 205, and shall be both audio and visual.

SONACE Storage shall be provided per IAC section 103. Storage shall include parking lot storage, room identification storage, emergency storage, and off storage included in IAC 103.

TELEPHONES—Where provided, at least one public phone shall comply with ANSI section 304.2. An auxiliary counter-top will be provided per ANSI section 304.6.

ACCESSIBLE PARKING SPACES AND STORAGE—Accessible parking spaces shall comply with IAG section 206. Individual stalls shall comply with IAG 502. Parking storage shall comply with IAG Section 502.6 and applicable ANSI requirements.

TOILET ROOMS, BATHS & SHOWER FACILITIES (where required):
•Public facilities will be provided per the Illinois Plumbing Code, AG section 601.

ACCESSIBLE THRESHOLD NOTES:
1. 1/2" MAX.
2. 1/2" MAX. TOTAL HEIGHT WITH 1/4" MAX. VERTICAL.

2. 1, 2 SLOPED BEVEL REQUIRED IF LEVEL CHANGE IS OVER 1/4"

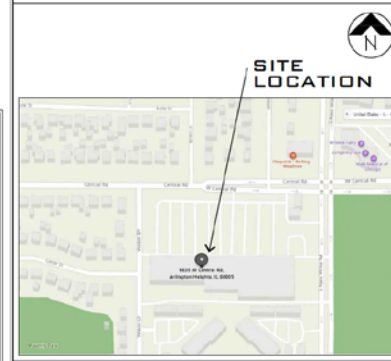
THRESHOLD 1/4" MAX.

SITE PLAN

GENERAL NOTES

[illegible]

LOCATION MAP



SCOPE OF WORK

TENANT REMODEL FOR EXISTING 'CLEARBROOK' OFFICE
(PARTIAL AREAS - BUSINESS SPACE)
28,005 +/- EXISTING TENANT SPACE (NET)

EXIST PASSAGE THROUGH EXIST WALL OPEN TO EXIST ADJACENT SPACE FOR
BETTER CIRCULATION FLOW THROUGH BUILDING

EXIST OFFICE LAYOUT TO BE ADJUSTED FOR NEW CLIENT NEEDS.

EXISTOR WALL / DOOR CHANGES

EXIST HVAC TO BE RE-USED (NO CHANGES EXCEPT FOR DIFFUSER LOCATIONS).

EXIST INTERIOR LIGHTING TO BE RE-USED

EXIST SPRINKLER CONTRACTOR TO PROVIDE FIRE ALARM DRAWINGS TO THE VILLAGE
OF ARLINGTON HEIGHTS, IL FOR ANY CHANGES/ADJUSTMENTS TO THE EXIST
FIRE ALARM SYSTEM

EXIST SPRINKLER CONTRACTOR TO PROVIDE SPRINKLER DRAWINGS TO THE VILLAGE
OF ARLINGTON HEIGHTS, IL FOR ANY CHANGES/ADJUSTMENTS TO THE EXIST
SPRINKLER SYSTEM

PREVIOUS USE:	PROPOSED USE:
(B) BUSINESS (OFFICE)	(B) BUSINESS (OFFICE)

ARCHITECT'S SEAL

[illegible]

WARREN JOHNSON
ARCHITECTS, INC.
19 N. Greeley St. Palatine, IL 60067
T (847) 358-8616

[illegible]

FOR
CLEARBROOK
(BUSINESS SPACE)
1815-1835 W. Central Rd.
Arlington Heights, IL

COVER SHEET

C1

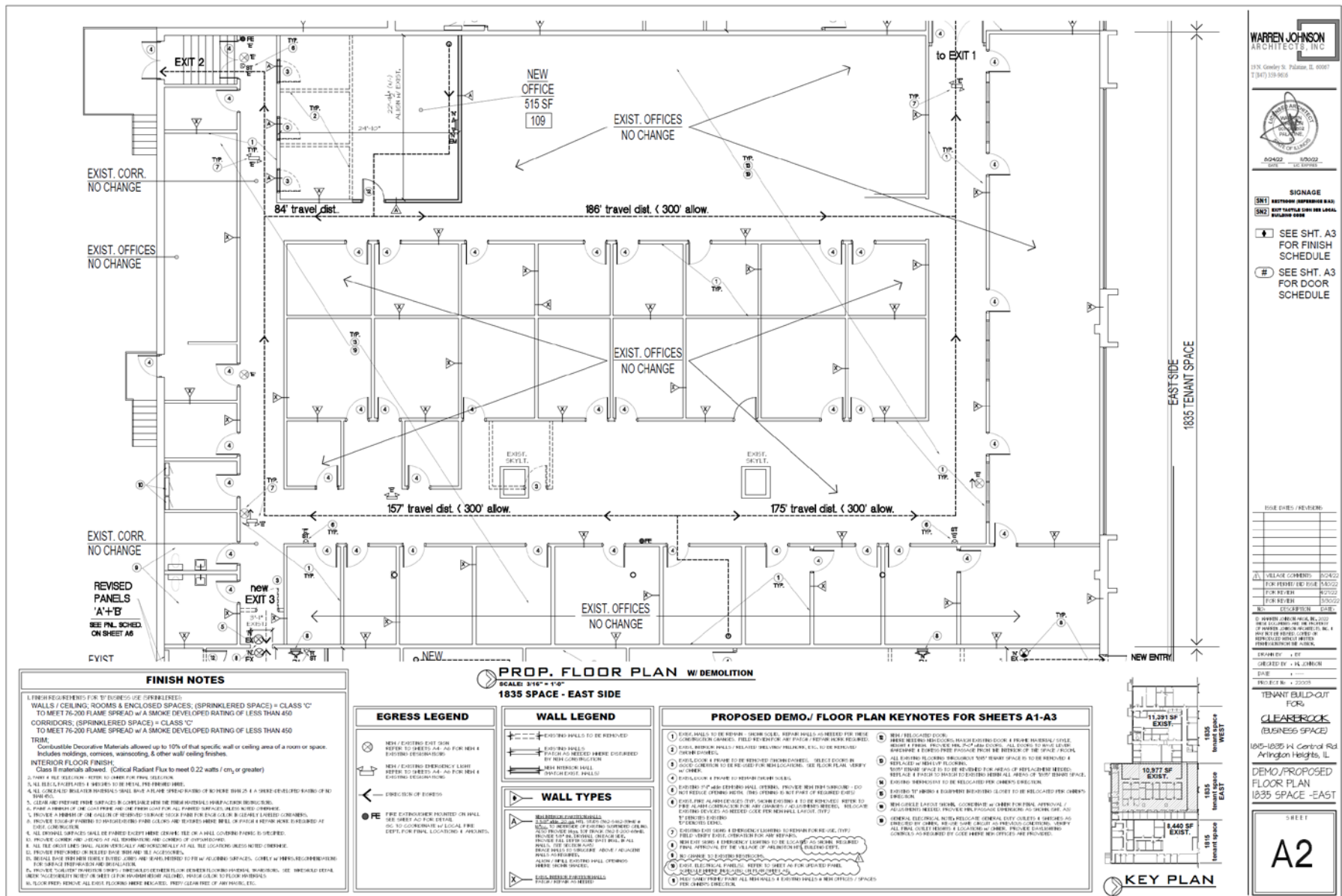


EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The Village of Arlington Heights, Illinois (“*Village*”):

WHEREAS, Clearbrook (“*Applicant*”) is the owner of record of that certain property located in the B-2 General Business District (“*B-2 District*”), commonly known as 1815-1865 West Central Road, Arlington Heights, Illinois (“*Property*”); and

WHEREAS, Ordinance No. 2023-_____, adopted by the Village President and Board of Trustees on _____, 2023 (“*Ordinance*”), grants variations to the Applicant for the operation of an adult day care facility on the Property; and

WHEREAS, Section 8 of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Applicant 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 Applicant does hereby agree and covenant as follows:

1. The Applicant hereby unconditionally agrees to, accepts, consents to, and will abide by, each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.
2. The Applicant 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 Applicant 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 of the variations 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 Applicant against damage or injury of any kind and at any time.
4. The Applicant 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 the variations for the Property.

[SIGNATURES ON FOLLOWING PAGE]

Dated: _____, 2023

ATTEST: _____

By: _____

By: _____

Its: _____

Its: _____