

Prepared by and return to:
Village of Arlington Heights
33 S. Arlington Heights Road
Arlington Heights, Illinois 60005
Attention: Village Clerk

VILLAGE OF ARLINGTON HEIGHTS

ORDINANCE NO. 2023-_____

AN ORDINANCE GRANTING A VARIATION
FOR MASSA SPA
(918 W. ALGONQUIN 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 A VARIATION
FOR MASSA SPA
(918 W. ALGONQUIN RD.)

WHEREAS, Nu-Living LLC (“*Owner*”) is the owner of that certain property located in the B-2 General Business District (“*B-2 District*”), commonly known as 918 W. Algonquin 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, Massa Spa LLC (“*Applicant*”) desires to lease space within the building on the Property, consisting of approximately 2,400 square feet (“*Subject Premises*”), for a massage therapy spa use (“*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 therefore; and

WHEREAS, pursuant to Section 12 of the Zoning Code, the Applicant has filed an application for approval of a land use variation to allow the Proposed Use within the Subject Premises on the Property (“*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 May 9, 2023, and held on May 24, 2023; and

WHEREAS, on May 24, 2023, 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 VARIATION. 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 a land use variation to permit the Proposed Use in the Subject Premises on the Property.

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 substantially comply with the Floor Plans prepared by Pioneer Engineering Consultants, Inc. and consisting of three sheets, with a last revision date of February 6, 2023, a copy of which is attached to and, by this reference made a part of this Ordinance as Exhibit B.
- C. Licensing. All massage therapists working in the Subject Premises on the Property must have an active massage therapist license issued by the Illinois Department of Professional Regulation.
- D. Transferability. The land use variation granted in this Ordinance is personal to the Applicant and cannot be transferred or assigned.

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.

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 Owner and 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 Owner and the Applicant do 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

That part of the West ½ of Section 9, Township 41 North, Range 11 East of the Third Principal Meridian in the Village of Arlington Heights, Cook County, Illinois, described as follows: Beginning at a point being the intersection of the South Easterly line of Kennicott Drive with the North Easterly line of Algonquin Road in Surrey Ridge West, Unit 1, according to the plat thereof recorded in the office of the Recorder of Deeds of Cook County, Illinois, on April 3, 1967 as Document 20099454; thence North Easterly along the said South Easterly line of Kennicott Drive, North 43 degrees 27 minutes 56 seconds East a distance of 380.00 feet to a point of curvature; thence Northeastward along a curved line convexed to the South East of 500.00 feet in radius, for an arc length of 144.45 feet to a point of compound curvature; thence Northward along a curved line convexed to the East of 344.57 feet in radius, for an arc length of 144.09 feet; thence South 63 degrees 14 minutes 00 seconds East a distance of 768.59 feet; thence South 00 degrees 02 minutes 13 seconds West a distance of 5.64 feet; thence North 89 degrees 57 minutes 47 seconds West a distance of 169.00 feet; thence South 00 degrees 02 minutes 13 seconds West a distance of 586.00 feet; thence South 66 degrees 57 minutes 47 seconds East a distance 105.00 feet; thence South 00 degrees 02 minutes 13 seconds West a distance of 210.00 feet; thence South 89 degrees 57 minutes 47 seconds East a distance of 212.55 feet to the South Easterly line of that property conveyed by deed recorded as Document 13376345; thence South Westerly on said South Easterly property line South 32 degrees 07 minutes 13 seconds West a distance of 226.35 feet to a point being 60 feet North of, as measured at right angles to the center line of Golf Road; thence North 86 degrees 11 minutes 11 seconds West a distance of 143.65 feet; thence Northwestward along a curved line convexed to the South West of 408.12 feet in radius, for an arc length of 181.69 feet to a point of tangency; thence Northwestward along the North Easterly line of Algonquin Road, North 46 degrees 32 minutes 04 seconds West, a distance of 1086.45 feet to the point of beginning and containing 17.1016 acres in Cook County, Illinois.

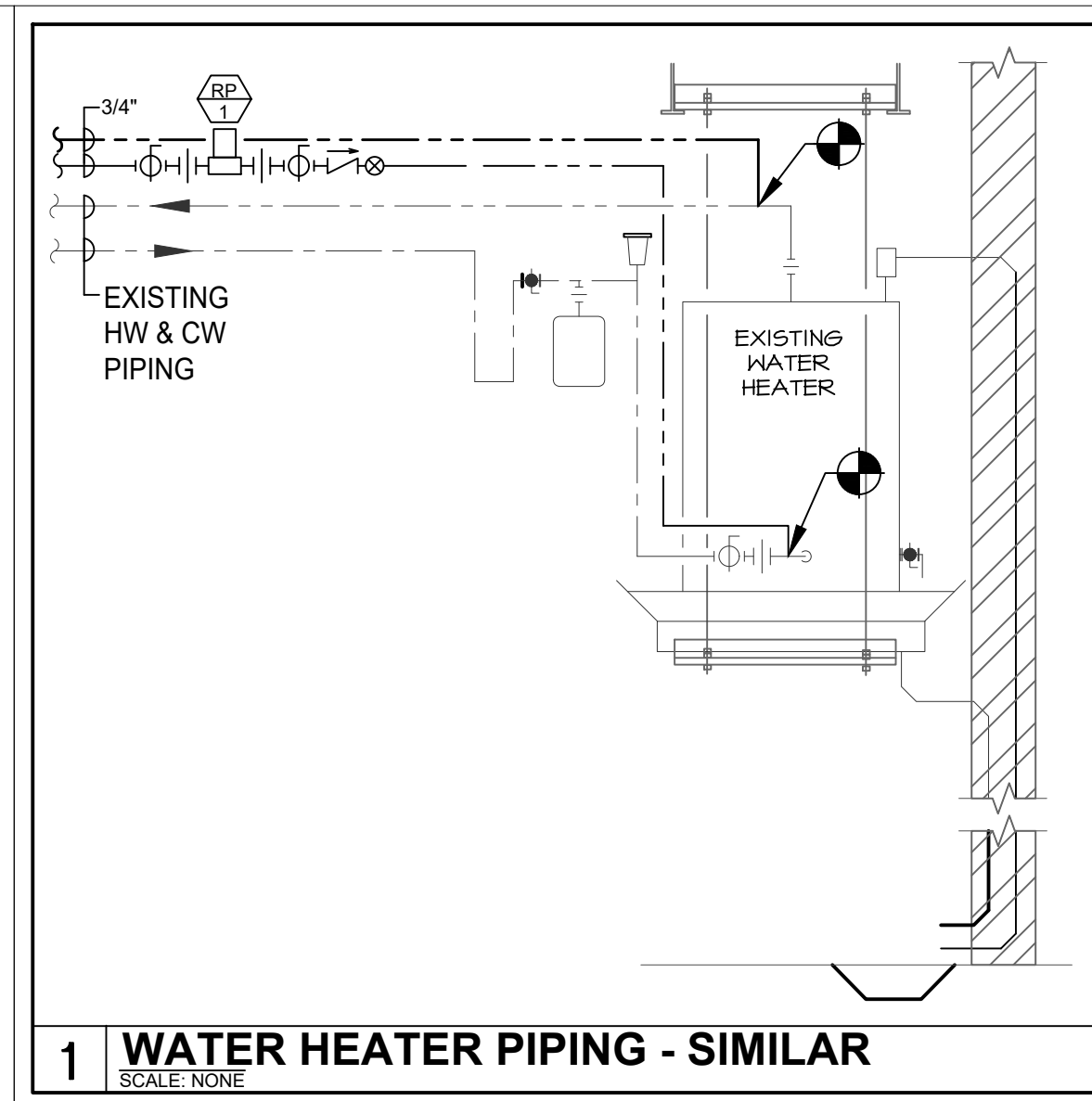
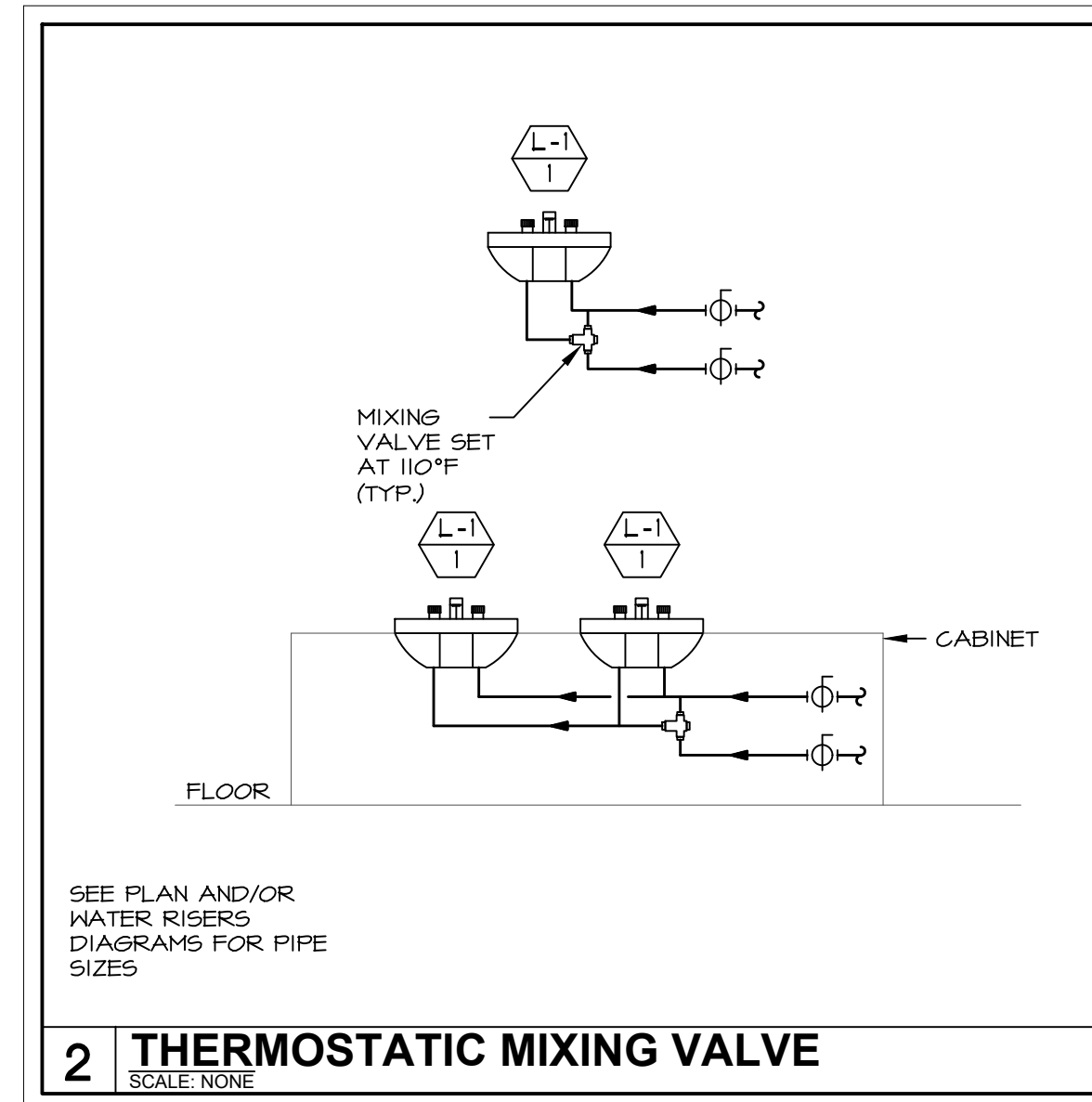
Commonly known as: 918 W. Algonquin Road, Arlington Heights, Illinois.

PIN: 08-09-300-018

EXHIBIT B

PLANS

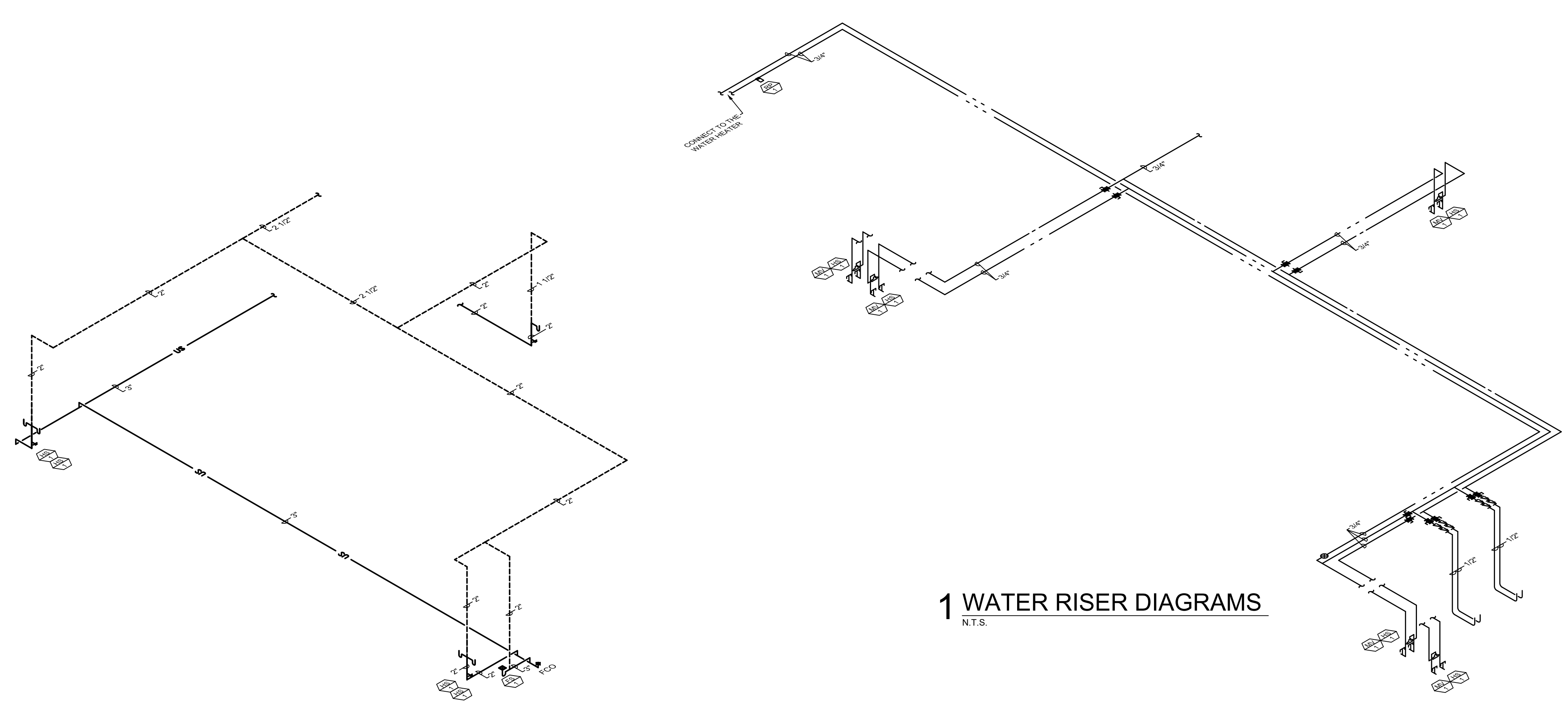
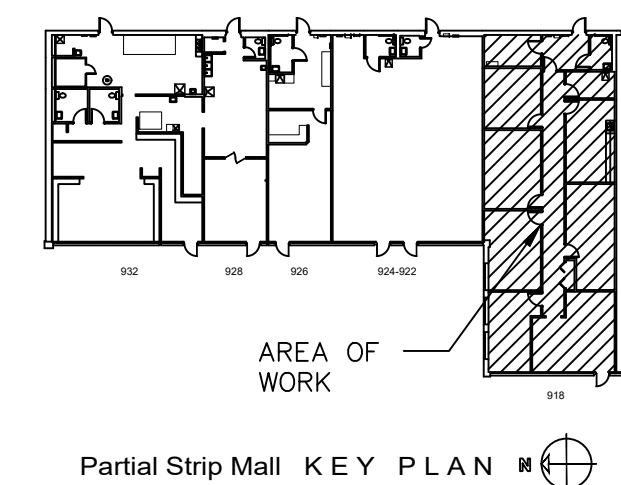
(attached)



PLUMBING EQUIPMENT SCHEDULE					
TAG	EQUIPMENT	QTY	MANUFACTURER & MODEL	TYPE	REMARKS
CO	CLEANOUT "FINISHED"	-	ZURN, ZN-1400-BP-NL JR SMITH, 4021	FLOOR	ADJUSTABLE, C.I. BODY, GAS AND WATERTIGHT ABS TAPERED THREAD PLUG. FURNISH WITH SECURING SCREW. (EQUAL MANUFACTURERS: JOSAM, SIOUX CHIEF)
	CLEANOUT	-	ZURN, 1441-2 JR SMITH, 4422	WALL	C.I. BODY, GAS AND WATERTIGHT ABS TAPERED THREAD PLUG. FURNISH WITH CHROME ACCESS COVER AND SECURING SCREW. (EQUAL MANUFACTURERS: JOSAM, SIOUX CHIEF)
	CLEANOUT "CARPET FLOOR"	-	ZURN, Z-1441-BP JR SMITH, 4021-Y	FLOOR	C.I. BODY, ADJUSTABLE, POLISHED BRASS TOP WITH CARPER MARKER. (EQUAL MANUFACTURERS: JOSAM, SIOUX CHIEF)
FS-1	FLOOR SINK	1	JR SMITH 3110-12	-	FLOOR SINK WITH BOTTOM STRAINER. 12"X12" SQUARE NICKEL BRONZE TOP, 1/2" GRATE. CAST IRON FLANGED RECEPTOR WITH SEEPAGE HOLES, ACID RESISTANT COATED INTERIOR, NICKEL BRONZE RIM AND SECURED GRATE. ALUMINUM DOME BOTTOM STRAINER. (EQUAL MANUFACTURERS: ZURN, SIOUX CHIEF)
MV-1	MIXING VALVE	5	WATTS, LFUSG-B-M2	SINGLE SINK	ROUGH BRONZE FINISH. MIXING VALVE SET AT 110°F DISCHARGE TEMP. ASSE 1070, PRESSURE RATING OF 125 PSIG. FLOW RATE 4 GPM AT 45 PSIG. (EQUAL MANUFACTURERS: WATTS, BRADLEY, ZURN)
HS-1	HAND SINK	5	ELKAY, CHS1716-C CHICAGO FAUCET 631 Mc GUIRE LFH2165CCLK STOPS	WALL	12"x9 1/4"x6" TYPE 304 STAINLESS STEEL. LK-8 CHROME PLATED STAMPED BRASS PERFORATED STRAINER. 7" HIGH BACK SPLASH, WALL HANGER, INTEGRAL S.S. SUPPORT BRACKETS. P-TRAP: 1 1/2" CAST BRASS WITH CLEANOUT AND WALL FLANGE. STOPS: HEAVY DUTY CHROME PLATED 3/8" ODX12" LONG AND BRASS STEAM. (EQUAL MANUFACTURERS: JUST, EAGLE GROUP)
RP-1	REC. PUMP	1	BELL & GOSSETT, PL-30	INLINE	1/12 HP, 115/1/60, 1750 RPM, 5 GPM @ 20' HD, 3/4" SUCTION & DISCHARGE SIZE. DRIP PROVE TYPE MOTOR, CAST IRON MOTOR HOUSING AND CASING. TC-1 AUTOMATIC TIMER KIT AND AQS AQUASTAT.



1413 Linnar Ln.
Glenview, IL 60025
Tel: 847-845-3711
bruce.meh@gmail.com



2 WASTE RISER DIAGRAMS
N.T.S.

1 WATER RISER DIAGRAMS
N.T.S.

Rev. No.	Date	Description
1	02/06/23	ISSUED FOR CLIENT REVIEW

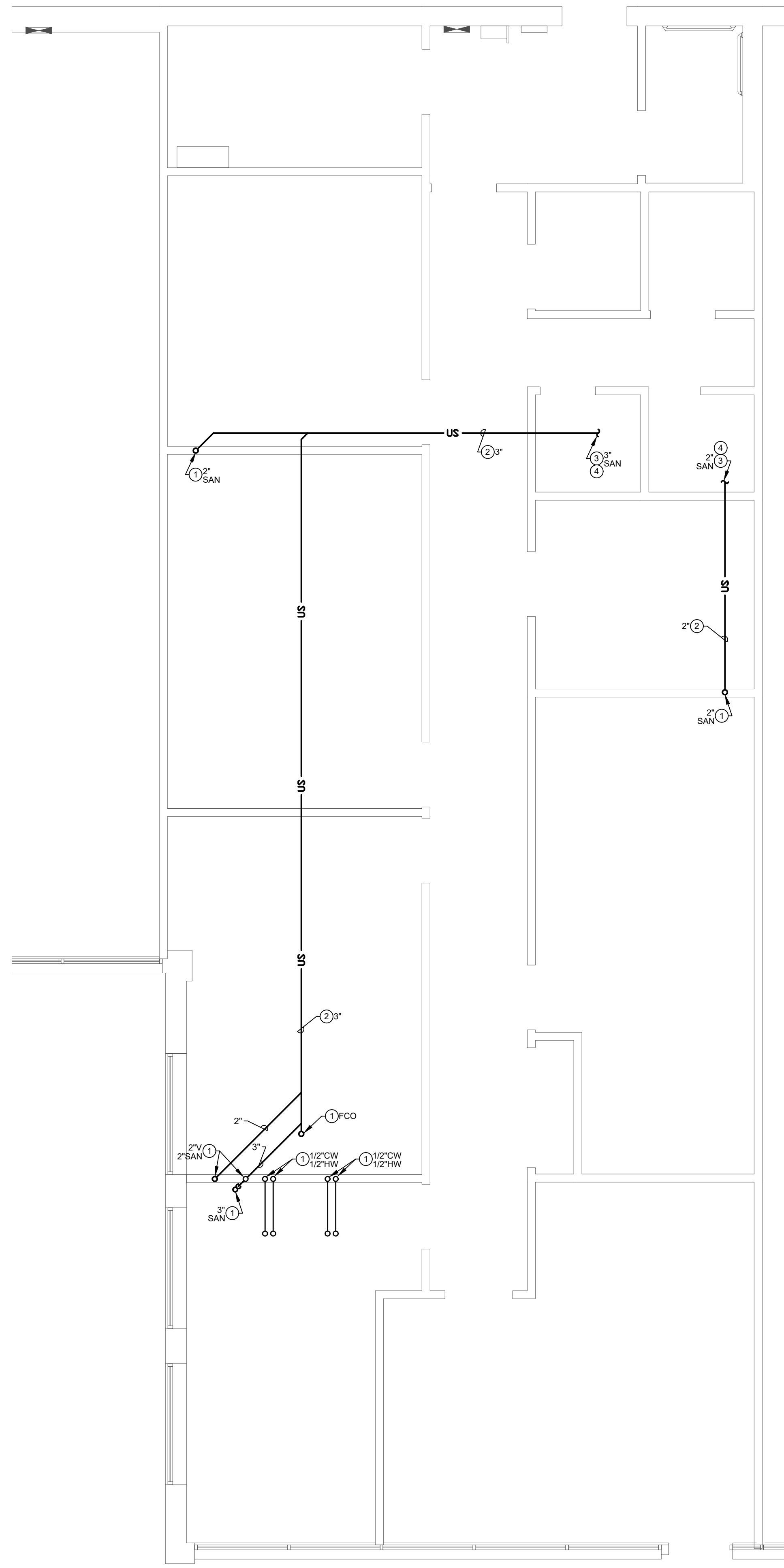
ISSUES & REVISIONS



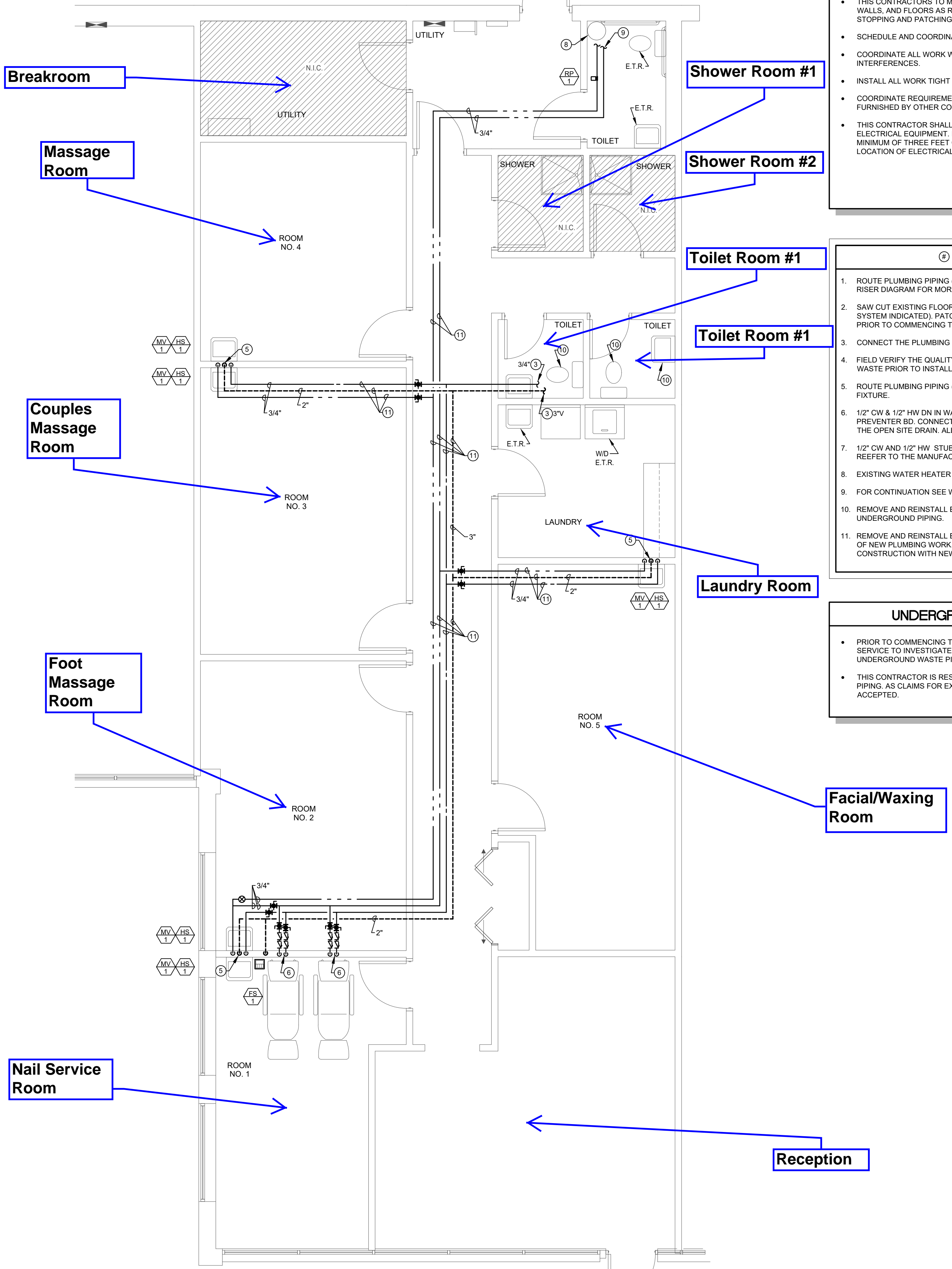
Project:
New Hand Sinks for Rooms 1 through 5
918 W. Algonquin Road
Arlington Heights, IL 60005

Sheet Title:
SCHEDULES DETAILS & RISERS DIAGRAMS

Date: 02/06/23	Proj. No: 2308
Drawn: BS	Sheet No:
Checked: BS	P0.2
Approved: BS	



1 UNDERGROUND PLAN - PLUMBING
P1.1 SCALE: 1/4" = 1'-0"



2 FLOOR PLAN - PLUMBING
P1.1 SCALE: 1/4" = 1'-0"

GENERAL NOTES

- THIS CONTRACTOR TO MAKE ALL REQUIRED PIPE OPENINGS THROUGH ROOF, WALLS, AND FLOORS AS REQUIRED FOR WORK INDICATED INCLUDING FIRE STOPPING AND PATCHING AS REQUIRED.
- SCHEDULE AND COORDINATE ALL WORK TO MEET THE PROJECT PHASING.
- COORDINATE ALL WORK WITH THAT OF ALL OTHER TRADES IN ORDER TO AVOID INTERFERENCES.
- INSTALL ALL WORK TIGHT TO BOTTOM OF EXISTING STRUCTURE.
- COORDINATE REQUIREMENTS AND MAKE FINAL CONNECTIONS TO EQUIPMENT FURNISHED BY OTHER CONTRACTORS AND THE OWNER.
- THIS CONTRACTOR SHALL NOT INSTALL PIPING IN ANY ROOM DEDICATED FOR ELECTRICAL EQUIPMENT. FOR THE ROOMS WITH ELECTRICAL EQUIPMENT, PROVIDE MINIMUM OF THREE FEET CLEARANCE FORM THE EQUIPMENT. COORDINATE LOCATION OF ELECTRICAL EQUIPMENT WITH ELECTRICAL CONTRACTOR.

PLAN NOTES

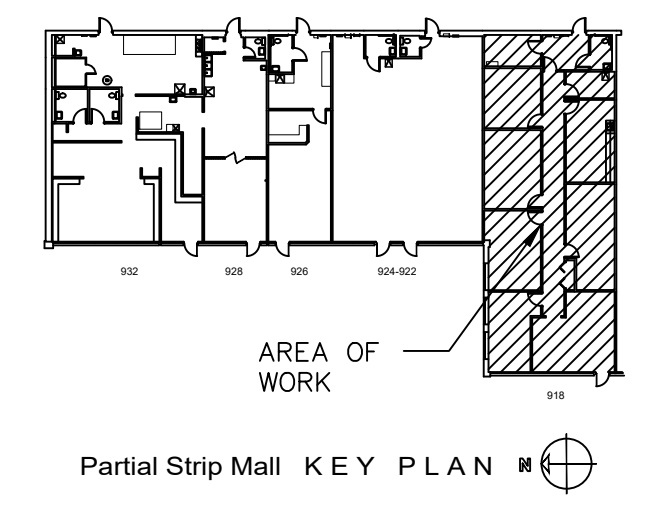
- ROUTE PLUMBING PIPING (OF SIZE, SYSTEM/FIXTURE INDICATED) UP. REFER TO THE RISER DIAGRAM FOR MORE INFORMATION.
- SAW CUT EXISTING FLOOR AS REQUIRED TO INSTALL NEW PIPING (OF SIZE AND SYSTEM INDICATED). PATCH FLOOR TO MATCH THE EXISTING. VERIFY THE ROUTING PRIOR TO COMMENCING THE WORK.
- CONNECT THE PLUMBING PIPING (OF SIZE AND SYSTEM INDICATED) TO THE EXISTING.
- FIELD VERIFY THE QUALITY, LOCATION AND HEIGHT OF THE EXISTING SANITARY WASTE PRIOR TO INSTALLATION.
- ROUTE PLUMBING PIPING (OF SIZE AND SYSTEM INDICATED) DN. TO THE PLUMBING FIXTURE.
- 1/2" CW & 1/2" HW DN IN WALL TO PEDICURE CHAIR WITH ASSE 1022 BACKFLOW PREVENTER BD. CONNECT A DRAIN LINE AT THE VENT OUTLET SIZE AND ROUTE TO THE OPEN SITE DRAIN. ALLOW 1" AIR GAP.
- 1/2" CW AND 1/2" HW STUB UP TO THE PEDICURE CHAIR. PRIOR TO INSTALLATION REFER TO THE MANUFACTURE INSTALLATION FOR PLUMBING REQUIREMENT.
- EXISTING WATER HEATER TO REMAIN.
- FOR CONTINUATION SEE WATER HEATER PIPING DETAIL 1/P0.1.
- REMOVE AND REINSTALL EXISTING PLUMBING FIXTURE AS REQUIRE TO INSTALL NEW UNDERGROUND PIPING.
- REMOVE AND REINSTALL EXISTING CEILING TILES AS REQUIRED FOR INSTALLATION OF NEW PLUMBING WORK. REPLACE ANY DAMAGED CEILING TILES DURING CONSTRUCTION WITH NEW ONES TO MATCH THE EXISTING.

UNDERGROUND GENERAL NOTES

- PRIOR TO COMMENCING THE WORK, CONTRACTOR SHALL PROVIDE A CAMERA SERVICE TO INVESTIGATE CONDITION, LOCATION AND INVERT ELEVATIONS OF UNDERGROUND WASTE PIPING.
- THIS CONTRACTOR IS RESPONSIBLE FOR ANY REPAIR TO UNDERGROUND WASTE PIPING. AS CLAIMS FOR EXTRAS DUE TO UNCOVERED SITE CONDITIONS WILL NOT BE ACCEPTED.



1413 Limer Ln.
 Glenview, IL 60025
 Tel: 847-845-3711
 bruce@pech.com



Partial Strip Mall KEY PLAN #

Rev. No.	Date	Description
1	02/06/23	ISSUED FOR CLIENT REVIEW

ISSUES & REVISIONS



Project:
New Hand Sinks for Rooms 1 through 5
 918 W. Algonquin Road
 Arlington Heights, IL 60005

Sheet Title:
PLUMBING FLOOR PLANS

Date: 02/06/23 Proj. No: 2308

Drawn: BS Sheet No:

Checked: BS

Approved: BS

P1.1

EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

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

WHEREAS, Nu-Living LLC (“*Owner*”) is the owner of that certain property located in the B-2 General Business District (“*B-2 District*”), commonly known as 918 W. Algonquin 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, Massa Spa LLC (“*Applicant*”) desires to lease space within the building on the Property, consisting of approximately 2,400 square feet (“*Subject Premises*”), for a massage therapy spa (“*Proposed Use*”); and

WHEREAS, Ordinance No. 2023-_____, adopted by the Village President and Board of Trustees on _____, 2023 (“*Ordinance*”), grants a variation to the Applicant for the operation of the Proposed Use in the Subject Premises 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 Owner and the Applicant file, 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 Owner and the Applicant do hereby agree and covenant as follows:

1. The Owner and the Applicant hereby unconditionally agree to, accept, consent to, and will abide by, each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.
2. The Owner and the Applicant acknowledge 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 Owner and the Applicant acknowledge and agree 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 variation 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 Owner and the Applicant against damage or injury of any kind and at any time.
4. The Owner and the Applicant hereby agree 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 variation for the Property.

[SIGNATURES ON FOLLOWING PAGE]

Dated: _____, 2023

ATTEST:

NU-LIVING LLC

By: _____

By: _____

Its: _____

Its: _____

ATTEST:

MASSA SPA LLC

By: _____

By: _____

Its: _____

Its: _____