

APPROVED

PLAN

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

COMMISSION

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

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Virtual Plan Commission Meeting taken at the Arlington Heights
Village Hall, 33 South Arlington Heights Road, Arlington Heights, Illinois on the
13th day of May, 2020 at the hour of 7:30 p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

SAM HUBBARD, Development Planner
JAKE SCHMIDT, Assistant Planner

APPROVED

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

(Pledge of allegiance recited.)

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

MR. HUBBARD: Yes. Commissioner Cherwin.

COMMISSIONER CHERWIN: Here.

MR. HUBBARD: Commissioner Dawson.

COMMISSIONER DAWSON: Here.

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

COMMISSIONER DROST: Okay, got it. Thank you.

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

COMMISSIONER GREEN: Here.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: Here.

MR. HUBBARD: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Here.

MR. HUBBARD: Commissioner Sigalos.

COMMISSIONER SIGALOS: Here.

MR. HUBBARD: Commissioner Warskow.

COMMISSIONER WARSKOW: Here.

MR. HUBBARD: Chairman Ennes.

CHAIRMAN ENNES: Present.

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

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

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

COMMISSIONER JENSEN: I'll second.

CHAIRMAN ENNES: Who was the second?

COMMISSIONER JENSEN: Lynn Jensen.

CHAIRMAN ENNES: Okay, and all in favor?

(Chorus of ayes.)

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

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

CHAIRMAN ENNES: Just so you know it.

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

COMMISSIONER DROST: I wasn't there.

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

APPROVED

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

CHAIRMAN ENNES: Okay.

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

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

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

COMMISSIONER DROST: And Drost.

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

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

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

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

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

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

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

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

APPROVED

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

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

CHAIRMAN ENNES: Okay.

MR. HUBBARD: All right, can everyone see the presentation?
(Chorus of yeses.)

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

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

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

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

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

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

APPROVED

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

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

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

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

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

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

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

APPROVED

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

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

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

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

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

APPROVED

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

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

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

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

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

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

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

APPROVED

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

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

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

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

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

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

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

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

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

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

CHAIRMAN ENNES: All in favor? Anyone opposed?

(Chorus of ayes.)

APPROVED

CHAIRMAN ENNES: Was anyone opposed?

(No response.)

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

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

(Witness sworn.)

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

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

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

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

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

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

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

APPROVED

into took longer than expected.

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

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

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

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

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

APPROVED

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

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

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

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

MR. PFAFF: Good evening.

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

(Witness sworn.)

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

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

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

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

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

APPROVED

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

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

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

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

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

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

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

APPROVED

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

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

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

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

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

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

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

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

APPROVED

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

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

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

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

CHAIRMAN ENNES: No, Kevin, it is.

MR. POLKA: Okay.

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

MR. POLKA: Yes.

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

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

CHAIRMAN ENNES: It will come back up.

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

CHAIRMAN ENNES: Oh, okay.

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

CHAIRMAN ENNES: It's there.

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

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

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

APPROVED

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

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

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

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

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

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

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

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

MR. PFAFF: Yes.

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

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

APPROVED

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

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

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

(Whereupon, the video was shown.)

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

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

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

CHAIRMAN ENNES: Okay.

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

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

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

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

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

APPROVED

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

I ask that --

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

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

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

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

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

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

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

MR. POLKA: Yes, sir.

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

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

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

CHAIRMAN ENNES: Okay, George.

COMMISSIONER DROST: The question is to Sam. On the

APPROVED

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

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

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

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

MR. POLKA: Can I ask a question?

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

MR. POLKA: Okay, okay.

CHAIRMAN ENNES: Any other Commissioners have questions?

COMMISSIONER GREEN: I have a question, Bruce Green.

CHAIRMAN ENNES: Yes, Bruce.

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

MR. POLKA: Yes.

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

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

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

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

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

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

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

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

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

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

APPROVED

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

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

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

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

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

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

CHAIRMAN ENNES: Yes, John.

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

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

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

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

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

MR. POLKA: Correct.

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

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

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

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

COMMISSIONER SIGALOS: Who's occupying the building?

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

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

APPROVED

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

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

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

COMMISSIONER JENSEN: Lynn Jensen here with some questions.

CHAIRMAN ENNES: Okay.

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

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

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

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

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

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

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

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

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

APPROVED

the storage of trucks.

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

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

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

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

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

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

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

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

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

MR. POLKA: Thank you.

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

APPROVED

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

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

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

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

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

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

MR. POLKA: No.

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

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

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

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

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

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

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

APPROVED

MR. HUBBARD: No.

COMMISSIONER GREEN: Thank you, Sam.

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

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

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

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

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

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

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

APPROVED

the audience questions.

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

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

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

MR. POLKA: Okay, you're welcome.

MR. HUBBARD: Can I provide some clarity here?

CHAIRMAN ENNES: Yes, please.

COMMISSIONER CHERWIN: Sam, you're muted.

MR. HUBBARD: Okay, can anyone hear me?

CHAIRMAN ENNES: Yes, now we can.

COMMISSIONER GREEN: Yes, now we can.

COMMISSIONER DROST: We can.

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

MR. POLKA: They added number one.

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

MR. POLKA: No, not at all.

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

COMMISSIONER GREEN: Thank you, Sam.

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

COMMISSIONER LORENZINI: Terry, I have a question.

CHAIRMAN ENNES: Who is this?

COMMISSIONER LORENZINI: Joe Lorenzini.

CHAIRMAN ENNES: I'm sorry?

COMMISSIONER LORENZINI: Joe Lorenzini.

CHAIRMAN ENNES: Yes, hi, Joe.

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

APPROVED

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

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

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

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

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

MR. HUBBARD: Yes.

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

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

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

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

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

COMMISSIONER DAWSON: Terry, I have a question.

CHAIRMAN ENNES: Who has a question?

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

CHAIRMAN ENNES: Oh, hi, Sue, okay.

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

CHAIRMAN ENNES: Sam, you're on mute.

MR. HUBBARD: So, can anyone hear me?

COMMISSIONER DAWSON: No.

COMMISSIONER LORENZINI: Yes.

COMMISSIONER GREEN: Yes.

COMMISSIONER DAWSON: I can see you but not hear.

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

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

APPROVED

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

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

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

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

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

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

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

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

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

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

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

APPROVED

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

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

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

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

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

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

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

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

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

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

MR. POLKA: We attached a picture of it.

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

CHAIRMAN ENNES: Yes, you can.

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

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

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

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

CHAIRMAN ENNES: One person at a time, please.

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

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

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

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

APPROVED

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

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

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

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

COMMISSIONER DAWSON: Oh, okay, got it.

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

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

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

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

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

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

APPROVED

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

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

(No response.)

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

QUESTIONS FROM AUDIENCE

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

CHAIRMAN ENNES: Okay.

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

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

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

(No response.)

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

CHAIRMAN ENNES: Okay.

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

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

APPROVED

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

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

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

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

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

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

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

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

APPROVED

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

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

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

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

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

COMMISSIONER CHERWIN: Okay, thank you.

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

APPROVED

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

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

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

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

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

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

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

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

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

COMMISSIONER SIGALOS: Where are you operating out of then?

MR. POLKA: Our homes.

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

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

CHAIRMAN ENNES: Okay.

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

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

COMMISSIONER LORENZINI: Okay. All right, thank you.

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

APPROVED

bid on it. No one else bid --

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

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

CHAIRMAN ENNES: Okay, yes.

MR. POLKA: I don't know the exact amount of time, I'd have to look at that. I wasn't prepared for that question, but it was on the market for a long time and we were the only ones that submitted a bid. It is a very challenging piece of property. Though, yes, it has a light, it has access on and off, it is very challenging.

MR. PFAFF: That's exacerbated more by what's going on in our world now I would think.

CHAIRMAN ENNES: Okay, any other comments or questions?

COMMISSIONER DROST: Yes, I've got a -- George Drost here.

CHAIRMAN ENNES: Yes, George.

COMMISSIONER DROST: Just following Jay's lead, there's a lot of nuances and guard rails and stuff. I could list at least 10 to 15 different issues. It seems like what we're doing is we're designing a plan to make Paragon fit the property, or we are trying to make it fit or we're just rejecting it because it won't fit.

I think if you look at what they did at 11 North Dunton, and I was on the Commission at that time as well, is they took an orphaned piece of property, and really put it to a very good use. The other aspect is that this is an orphan type of property at the south end of town, and if it's controlled in the way that it's developed, it can be, I think fit within the overall Village plan. The question is we're not here to design it, we're not here to figure those out, but I think it's got some possibility.

Plus, from my standpoint, it probably keeps the sales tax in the community as well and maybe expanding a base for the sales tax. So, those are my comments.

CHAIRMAN ENNES: Well, I'll add on to your sales tax and it will add on the property tax because it was exempt in the past. So, for 60 years, it hasn't been providing any property tax and I'm aware of the fact that under the new assessment procedure, this new assessor more than doubled what was paid for the property. So, he is part of that venue that thinks it's a really ideal property. Personally, I don't.

I have always had a problem with the access to that piece of property. It's small. I don't see a big development going in there. You need parking for that. You know, it's a two-acre piece of land. I have to agree really with the direction Jay was going and George. I don't think this is a prime piece of property.

We approve phase one, phase two, phase three developments a lot. You know never know if those developers are going to end up getting phase two, phase three. We don't know what's going on right now at Downtown Arlington Heights, you know, with all we went through to approve the development, that wonderful development next to the garage, but it doesn't sound good for that going forward. So, you never know what's going to happen.

But I think it's a tough property. I realize it's part of our long-term plan for the corridor. I think this development, high tech, energy efficiency, thermal, all of the stuff that's, again, it's what all the LEEDS people want in their buildings. We want it in the Village. I think it could be a good use for it if the Petitioner realizes his goals to step it up with the office and some of the other development in

APPROVED

there. I don't think you're going to get a whole lot more on that piece of property.

But anyways, do we have a motion? Do we have any other comments?

COMMISSIONER JENSEN: Lynn Jensen. I'd like to follow-up. I'm glad to see that George and you and Jay articulated the thing that I have been feeling, but I wasn't going to make too much of a point out of. I think we have a first class Petitioner here with a lot of passion and a good, clear sense of entrepreneurship. I think he would be a very good entity to have in Arlington Heights.

I, too, don't think this is a great piece of property. I think it has real limitations. Quite frankly, I think we should be happy that somebody wants to take it and develop it and has some sight of where they want to go that would look high tech and would fit into the appearance of what we want the south corridor to look like. So, I'm much more charitable towards this than perhaps some of the other Commissioners because I just don't see that this is going to be easily developed.

And quite frankly, we don't have any idea how we're going to emerge as a village or as a society out of this pandemic. If you study the history of the 1918 pandemic, you'll understand that there were a lot of fundamental societal changes. For example, one of the things that may happen is office space may not be a big issue in the future. Once companies understand that people can work from home, there may not be much demand for this office space that we have to this point.

So, I'm a little reluctant to basically just turn down a petitioner on points like the ones that have been made. If he addresses the issue around the parking and he does the landscaping he needs to do and he has an opportunity to grow the business and develop into phase two, I think we should be able to accommodate that.

COMMISSIONER WARSKOW: I would like to echo a number of these comments that, yes, I agree that, one, what Lynn said earlier, Mr. Polka, I don't think you put yourself in the best light leading into this meeting, having not worked more closely with the Village on your situation with the parking and the Township. But having said that, I'm in the energy efficiency field, I fully support and I see the strength in the future for your business. I do worry that I don't see that area being a prime spot for a restaurant or an office space or a tall building, any of that.

So, I am, he's already bought the building. He's got a thriving business that will grow in the future. He's very committed. He has very committed staff. So, I feel very similarly that I think this is worth the variations.

COMMISSIONER CHERWIN: Can I ask one more question, Sam? I'm sorry, late in the game here. IDOT, what are they going to, is there going to be like, are they going to require any approvals? I mean, we've got Arlington Heights Road, it's kind of abutting their property. Are they going to require cost sharing on the traffic maintenance, you know, traffic signal, anything like that?

MR. HUBBARD: I don't know if the Petitioner has reached out to IDOT to get their preliminary feedback. I don't know even when you get their preliminary feedback if it ends up being their final ruling, but I don't anticipate anything in phase one of this business plan.

The only thing that we would require in coordination with IDOT from my perspective is some of the code-required landscaping would need to encroach into IDOT right-of-way. So, he would have to coordinate with IDOT to get

APPROVED

their permission to install that landscaping within their right-of-way. Of course, if he cannot secure that permission, then I think the Village certainly can be flexible in working with them to, you know, find alternative locations to try and meet the intent of the landscape requirements.

COMMISSIONER DAWSON: Terry, I have a comment.

CHAIRMAN ENNES: Yes, please.

COMMISSIONER DAWSON: So, just we haven't gone back on the signage, and while the Petitioner wanted to argue with me because he thought I was working against him, if he would just let me ask my question, I was trying to get to the bottom of whether or not it was a safety issue, and it's not a safety issue. If it's not, then as far as I'm concerned, he should follow the code and be able to put the sign where he wants to put the sign. The fact that he might not be able to get a sign that is effective for his business in a different location is his problem, not ours. As long as it meets the code, then I think we should let him put the sign out where he wants to put the sign out.

So, I also am in favor of this petition. I think that I like phase one better than I like phase two. Just like other people have said. I don't see this as a location for a coffee shop. If he wants to have one later, we'll talk about it later, but I actually think this is a good use for this property.

I remember the petition back when they came to the Arlington Heights Road property. I made all these concerns. I live in the rec park neighborhood. I don't live right behind him, but I've never heard from anyone of any complaints about the facility. I will say that I have recently seen trucks parked out front before I even knew that it was an issue here driving by going, oh, look it's Paragon, they must be operating over there. I didn't even realize it was on the agenda.

I will also say that I wasn't troubled at all by seeing their truck parked out front. I didn't drive by and go, ugh, look at that truck. It was, oh, Paragon is there. They had one truck; it wasn't problematic for me. I don't think we should have a truck parking lot out front but, you know, they have nice-looking trucks and it was the van, you know, it wasn't anything really problematic for me.

So, the one thing that I'm very, very bothered by is the not willing to work with the Village. I always have a problem with that. Because now if we want, I mean, if we approve it and we have landscaping, but it's approved and he doesn't do the landscaping, we've got a Petitioner that has shown an unwillingness to cooperate and work with the Village unless put to a point that's forced to do so. So, that is problematic for me, but I don't know if there's anything we can do about that.

I do want to see the landscaping go in. We would have required that if he had come to us in the first place. The phasing I think is appropriate and I want to see the landscaping. But I'm okay with removing the signage condition, and that's where I'm at. So, I'm in favor of the property keeping three in place and taking six out. I don't know if anyone else agrees with me or not.

CHAIRMAN ENNES: So, do you want to make a motion?

COMMISSIONER GREEN: I'd like to make a comment if I could.

CHAIRMAN ENNES: Sure.

COMMISSIONER GREEN: We just had a, one of the last meetings we had with the Village was for the property, the Herald building property and that whole entire corner redevelopment there.

APPROVED

CHAIRMAN ENNES: Yes.

COMMISSIONER GREEN: There are going to be tall buildings there, that was the indication. I think that this property with a signal on it is a very unique, valuable piece of property. I don't look at it as if it's a hardship at all. I think it has a lot of potential for other uses.

I am against the contractor shop part of this ordinance. You should be careful what you wish for. A contractor shop is in certain areas because of how it looks. We approved a corridor plan here to improve the entire area from the tollway all the way to the downtown area eventually. So, I am not in favor of a contractor shop here.

CHAIRMAN ENNES: Bruce, I would agree with you if I thought this was your typical contractor shop. You know where my office is. We recently moved a business from Palatine and Arlington Heights Road that was quite unsightly with all its trucks. They're now one of my neighbors; that's a contractor shop that's loaded with trucks and parts.

We have an individual, a business that is not going to store materials outside. I think he's resolved the truck issue; he did in his other property. I still don't understand why we are concerned about people being able to see trucks in a parking lot from the toll road. I can understand it on Arlington Heights Road because we don't want that look. But I think it's a different type of property and I think its high energy efficiency nature is in line with the kind of development that we would want to see in that new corridor. But that's just my perspective.

Any other comments?

MR. POLKA: Can I just address that I want to work with the Village and I will. I'm sorry about the beginning in those circumstances. During the next meeting, I will be more prepared to explain that situation in its entirety. But I absolutely have worked with the Village in the past and I will continue to work with the Village moving forward.

I know a lot of the inspectors intimately as we do a lot of different projects here, both commercially and residentially. I'm sorry for the way that we, the light has been shed upon us because of a circumstance, but I will absolutely work with the Village in every way possible.

MR. HUBBARD: Can I just recommend we close the public hearing portion of this hearing? I don't think we officially did that.

CHAIRMAN ENNES: Yes, you're right. So, we close the public hearing portion.

COMMISSIONER LORENZINI: Can I jump in, Terry?

CHAIRMAN ENNES: Yes, please.

COMMISSIONER LORENZINI: Yes, this is Joe, Joe Lorenzini again. I've got to say I admire Mr. Polka and his ambition and his plans. He really is a great credit to the community and all he's done and plans to do. But I also agree with the Village's plans for the corridor improvement, the future vision and what it should look like. But as some of the Commissioners brought up the future, the economic future, we really don't know what it holds.

So, having said that, I would not approve the petition as it stands, but what I would recommend, to approve it for a certain amount of time, say maybe two years time limit, ease up on the landscaping requirements for that time, but

APPROVED

then after two years if he can't move to phase two and make it look a lot nicer so it fits in with the corridor and the vision, or if he can't do it at that time, maybe the Village can either cancel it and he has to move, or give an extension for another year or two. I can go for something like that, but I agree with the Village, I couldn't approve it the way that it stands right now.

CHAIRMAN ENNES: Okay, thanks, Joe. Does someone want to make a motion? Sue, I think you had one?

COMMISSIONER CHERWIN: I can make a motion.

COMMISSIONER DAWSON: Okay, go for it, Jay. Otherwise, I'll make it, but I'm all good with you.

COMMISSIONER CHERWIN: Okay, I'll make a motion.

A motion to recommend to the Village Board of Trustees approval of PC# 20-004, a Rezoning from the R-1 One-Family Dwelling District and B-3 General Service, Wholesale, and Motor Vehicle District into the B-2 General Business District; a Land Use Variation to allow a contractor shop within the B-2 Zoning District; and the following Variations:

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

This recommendation shall be subject to the following conditions:

1. The Land Use Variation shall apply to Paragon Mechanical only.
2. Any contractor vehicle, which shall be defined as any contractor truck owned by the Petitioner or employees of the Petitioner (regardless of the presence of signage) or any passenger vehicle with contractor signage, shall be prohibited from parking at the front of the site. Such vehicles, whether during the day or overnight, shall only park behind the building so as to not be visible from Arlington Heights Road or shall be parked within one of the interior parking spaces.
3. The Petitioner shall be required to implement the phased landscape plan prepared by the Village of Arlington Heights and dated 5-8-2020. Phase One landscape improvements shall be completed no later than September 30, 2020, and Phase Two landscape improvements shall be completed no later than September 30, 2022.
4. The Petitioner shall install a code compliant dumpster enclosure, or alternatively, the salt dome can be used as the dumpster enclosure, provided that the dumpster is not visible from Arlington Heights Road.
5. Outdoor storage of materials shall be prohibited.
6. The following signage restrictions shall apply:
 - a) No ground signage shall be allowed along the on-ramp frontage or tollway frontage. The ground sign along the Arlington Heights Road

APPROVED

frontage shall be a monument style ground sign, to be no taller than six feet in height.

b) No wall signage shall be allowed on the accessory structures located on the subject property.

7. The Petitioner shall comply with all federal, state, and Village codes, regulations, and policies.

COMMISSIONER DROST: I'll second that.

CHAIRMAN ENNES: Who seconded?

COMMISSIONER DROST: George Drost.

CHAIRMAN ENNES: Okay, and no exceptions on the items three

and six?

COMMISSIONER CHERWIN: My motion is to pass it as it's written by the Staff, one through seven.

CHAIRMAN ENNES: Okay, and we have a second with George. From Roberts Rules, do we call the question here or --

MR. HUBBARD: So, we have a motion that's been seconded, so I think it would be appropriate to call the roll.

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

MR. HUBBARD: Commissioner Dawson.

COMMISSIONER DAWSON: Yes, with comment.

MR. HUBBARD: Commissioner Green.

COMMISSIONER GREEN: No.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: Yes, with comment.

MR. HUBBARD: Commissioner Lorenzini.

COMMISSIONER LORENZINI: No, with comment.

MR. HUBBARD: Commissioner Sigalos.

COMMISSIONER SIGALOS: No, with comment.

MR. HUBBARD: Commissioner Warskow.

COMMISSIONER WARSKOW: Yes.

MR. HUBBARD: Chairman Ennes.

CHAIRMAN ENNES: Yes. And the comments? Oh, I'm sorry.

MR. HUBBARD: Commissioner Cherwin.

COMMISSIONER DROST: Sam, I don't think you got my vote, Drost.

MR. HUBBARD: Yes. Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes.

MR. HUBBARD: Commissioner Drost.

COMMISSIONER DROST: Yes, with comment.

CHAIRMAN ENNES: Okay, Sam, would you call each name for their comments?

MR. HUBBARD: I believe Commissioner Dawson had the first comment.

COMMISSIONER DAWSON: Yes. Well, I just want to reiterate that I would rather we take out number six, but feeling that this is going to be a close vote and also wanting to show that I am generally in support of the project, I went with

APPROVED

yes as opposed to voting no simply because six was included. So, again, I reiterate that I am supportive of striking six and am in support of the project.

MR. HUBBARD: I believe Commissioner Jensen had the next comment.

COMMISSIONER JENSEN: Yes. I was impressed with the passion, the entrepreneurship and the energy that Mr. Polka and his staff brought to this project. I think it is very unfortunate that he did not handle the situation around occupying the building and having vehicles out during a long period of time when he was getting communications from the Village. But I understand that he was in a very difficult position and he didn't know exactly how to handle it. I would hope in the future he would be more skillful in handling those things and work with the Village. I'm expecting that he will not replicate that behavior in the future whether it's over landscaping or anything else. So, I think perhaps we might give him a little leeway.

As a comment to Mr. Polka, I think brevity in your presentation would help your case a lot, you know. Mark Twain said, I wrote you a two-page letter because I didn't have time to write you a 10-page letter, and I think there's some wisdom there. So, I think you should sharpen up your presentation when you go to the Board, and keep it precise, to the point, and don't go on and on.

MR. POLKA: Okay, thank you.

MR. HUBBARD: Commissioner Lorenzini, did you have a comment?

COMMISSIONER LORENZINI: Yes. The reason I voted no is not because I don't like the project or don't like the company. I just would hate to see it look like it does today 20 years from now. That's why I recommended putting some type of time limit on phase one and then they have to go into phase two. Now, like I said, if two years from now the economy is still in the tank and nothing has been built, then give them another two-year extension. But I cannot, I voted no because it's pretty much an infinite approval to stay in phase one.

MR. HUBBARD: Chairman Ennes, you had a comment?

CHAIRMAN ENNES: I did not. I'm not going to make a comment just because of my prior relationship with the Petitioner. I totally understand what all of you were saying about the corridor plan and the issues with the contractor yard. If this was a typical contractor yard, I would have voted no.

I think George had a comment.

MR. HUBBARD: Yes, Commissioner Drost.

COMMISSIONER DROST: Yes, and I think it's an imperfect situation. Basically, what I think we need to do is the Petitioner and the Village has to really kind of resolve some of these issues, because conceptually it should work. I think there is quite a bit of support at least from the Plan Commissioners. But I would need a little bit more crispness in the presentation on the part of the Petitioner would probably help him rather than hinder him.

MR. HUBBARD: I feel like I might have missed someone. Did anyone else have comment?

COMMISSIONER SIGALOS: Yes, I did. This is John Sigalos. My comment is that, you know, we spent a lot on, we've heard a lot on how good Paragon Mechanical is. I don't deny that. They are a good company and they've done a lot for the Village, but again, the issue here was the use of this property. It's not compatible

APPROVED

with the South Arlington Heights Corridor, and again, the type of contractor shop that it is, whether he wants to believe it or not, he is. Again, it's not compatible with this zoning.

So, that was the reason that I voted against it, not the fact that I'm against Paragon. But again, the issue today is that this is phase one, but we don't know what's going to happen in phase two, two years, four years, 10 years, we don't know what will happen. But the issue today, I could not support it.

CHAIRMAN ENNES: So, we have, Sam, if I have this right, we have a vote of six to three?

MR. HUBBARD: That's correct. So, the motion passes, and this would tentatively go to the Village Board on June 1st for their consideration. I don't know if they're able to hold a quick turnaround on a Zoom meeting like this, but that would be their first potentially eligible appearance date. Mr. Polka, although we'll work with you with further communications leading up to that to make sure that we have room on the agenda for that meeting for you or if you have to get pushed back.

MR. POLKA: Okay.

CHAIRMAN ENNES: Thank you, Mr. Polka, and good luck.

MR. POLKA: Thank you. I appreciate everybody's time.

(Whereupon, the hearing on the above-mentioned petition was adjourned at 10:00 p.m.)