



VILLAGE OF ARLINGTON HEIGHTS STAFF DEVELOPMENT COMMITTEE REPORT

Project Number: PC 22-010
Project Title: Paragon Mechanical LUV
Amendment
Address: 2400 S. Arlington Heights Rd.
PIN: 08-16-400-033, 08-16-400-035

To: Plan Commission
Prepared By: Sam Hubbard, Development Planner
Meeting Date: November 9, 2022
Date Prepared: November 4, 2022

Petitioner: Kevin Polka
Paragon Mechanical, Inc.
Address: 2400 S. Arlington Heights Road
Arlington Heights, IL 60004

Existing Zoning: B-2: General Business District
Comprehensive Plan: Open Space



SURROUNDING LAND USES

Direction	Existing Zoning	Existing Use	Comprehensive Plan
North	B-2, General Business District	Detention Area, Highway On-ramp	Open Space
South	Elk Grove Village		
East	Unincorporated Cook County		
West	B-2, General Business District	Detention Area, Highway On-ramp	Open Space

Requested Action:

1. Amendment to LUV Ordinance #20-022, to modify condition #3 and to eliminate condition #8.

Variations Required:

1. Variation to Chapter 28 of the Municipal Code, Section 6.15-1.2(a), to waive the requirement for a 3' tall parking lot perimeter landscape screen along Arlington Heights Road.
2. Variation to Chapter 28 of the Municipal Code, Section 6.15-1.2(b), to allow certain parking rows to terminate without the code required curbed landscape island including a 4" caliber shade tree.

Project Background:

The subject property is 102,991 square feet in size (2.36 acres) and is currently occupied by Paragon Mechanical, a contractor that specializes in mechanical and plumbing solutions for residential and commercial customers. They offer complete installation of heating, cooling, and tankless water heater systems, as well as maintenance and repairs (which do not occur on the subject property). While part of the building is used for Paragon's daily office functions (accounting, scheduling, sales), the building is also used to store parts and equipment onsite. Additionally, Paragon stores a contractor "shop" truck within the building. These attributes qualify the business use as a "Contractor Shop" per the Zoning Code.

In early 2018, Village staff observed Paragon trucks being stored on the property and parked at the front of the site along Arlington Heights Road. Over the next several months, the truck parking continued and during mid-2018, Village staff initiated a code enforcement case against the petitioner. Sometime in 2019, Paragon illegally moved into the property and ultimately submitted a Plan Commission application in 2020 to allow for their permanent occupancy of the site. Included within the application was a future redevelopment concept for the subject property, which was taken into consideration by Village staff, the Plan Commission, and the Village Board. The Staff Development Committee recommended denial of the application; however, the Plan Commission recommended approval and a temporary Land Use Variation was ultimately approved by the Village Board.

The subject property is zoned B-2, General Business district, and contractor shops are not allowed in the B-2 district. The Land Use Variation granted in 2020 allowed the business to occupy the site on a temporary two-year basis, partly due to the presentation of the future redevelopment concept that was presented by the petitioner. As part of the 2020 approval, two conditions were attached, which are summarized below:

3. The Petitioner shall be required to implement the phased landscape plan prepared by the Village of Arlington Heights and dated May 8, 2020. Phase One landscape improvements shall be completed no later than September 30, 2020, and Phase Two landscape improvements shall be completed no later than September 30, 2022.
8. Within two years of ordinance approval, the petitioner shall submit a complete Plan Commission application and redevelopment plan for the property. If no application is submitted and subsequently approved, the Land Use Variation shall become null and void.

A copy of the phased Village Landscape Plan is included in the materials provided to the Plan Commission. Only a portion of the Phase One landscaping was installed by the September 2020 deadline, which landscaping has not taken well and is in need of maintenance and replacement. None of the Phase Two landscaping, which was to be installed by the end of September of this year, has been installed.

At this time, the petitioner is seeking to modify the previously granted Land Use Variation to modify condition #3 and to eliminate condition #8. No changes to the building have been proposed.

South Arlington Heights Road Corridor Plan:

In May of 2018, the Village adopted the South Arlington Heights Corridor Plan, which included the Village's vision and strategies for improvement to this important gateway into the Village. The subject property was specifically mentioned in the plan, which outlined that the site was suitable for commercial uses and recommended enhanced landscaping on the subject property along the South Arlington Heights Road frontage. The Paragon Mechanical contractor shop is not compatible with the land use designation within

the plan. Furthermore, the lack of landscaping along the South Arlington Heights Road frontage is in conflict with the recommendation of the plan. Additionally, due to the location of the property at the southern edge of the corridor and as the first property within Arlington Heights that visitors see as they exit the tollway or travel northbound on Arlington Heights Road, the plan identified the site as an important opportunity to enhance the appearance of the southernmost portion of the corridor. Staff continues to believe that a contractor shop does not help to realize the goals of the South Arlington Heights Corridor Plan.

Since approval of Paragon's 2020 Land Use Variation, there have been several improvements within the South Arlington Heights Corridor, which extends from the I-90 Tollway north to Noyes Street. In 2021, the vacant car wash at 2100 South Arlington Heights Road was purchased and revitalized with a new car wash business (Driven Car Wash). The refurbished building received the 2021 Alan F. Bombick award for Excellence in Design for a commercial project from the Arlington Heights Design Commission. Additionally, the owners of the former Daily Herald building at 155 E. Algonquin Road have recently applied for an interior demolition permit that will enable interior remodeling of the 1st floor lobby area and the entire second floor, which will facilitate future re-occupancy of the building. The site is currently being marketed as "ArlingtonMed", with the intention for future reuse as Class A medical office space. Less than half a mile down Algonquin Road to the west of the subject property, the Chez Hotel continues with construction. Finally, the BP gas station at 2250 S. Arlington Heights Road received Design Commission approval in 2021 to allow for updates to the façade, along with new signage, which is meant to enhance the appearance of the building. A permit for that work is currently under review.

Zoning and Comprehensive Plan

As mentioned above, in July of 2020, Paragon received the Land Use Variation with a two-year time limit to allow their business on the subject property. The Staff Development Committee had recommended against the Land Use Variation at that time for several reasons:

1. The proposed land use was not consistent with the criteria for land use variation approval. Specifically, a contractor shop is not compatible with the existing uses and zoning of nearby properties and would alter the essential character of the locality.
2. The proposed use was not in harmony with the spirit and intent of the Zoning Code. Specifically, a contractor shop would not provide for the gradual elimination of non-conforming uses of land which adversely affect the character of the area.
3. The proposed use was not the minimum necessary variation to allow for reasonable use of the site. The variation is a substantial departure from the permitted uses as would be allowed within the B-2 District, and the property had not sat vacant for any substantial period of time.
4. The proposed land use variation was not compatible with the South Arlington Heights Corridor Plan. The plan called for commercial uses on the subject property, and the proposed contractor shop did not comply with this recommended land use. Additionally, outdoor storage of work vehicles would not enhance the appearance of the corridor.

After much discussion, the Plan Commission voted 6-3 in favor of the application, subject to several conditions of approval as recommended by the Staff Development Committee (which had been prepared as possible conditions of approval should the Plan Commission believe that the Land Use Variation was warranted). One of these conditions was relative to the installation of phased landscaping on the site, which was believed to be necessary to mitigate for the proposed use (condition #3 - landscape improvements). There was also significant discussion at the Village Board level, which resulted in a 5-3 vote for approval of

the Land Use Variation subject to the conditions as recommended by the Plan Commission, along with one additional condition of approval as discussed below.

During both the Plan Commission and Village Board review process, the petitioner presented conceptual plans for a future redevelopment of the site, which showed demolition of the existing building and construction of a new three-story structure with landscaping along Arlington Heights Road and decorative amenity areas (patio, gazebo, greenspace and trees – see **Exhibit A**). The redeveloped site would also include solar panels for renewable energy. Taking into consideration and relying upon the future vision for redevelopment of the subject property, the Village Board added condition #8, which gave the petitioner two years to submit a complete Plan Commission application for redevelopment, otherwise the Land Use Variation would become null and void. The petitioner has not submitted a Plan Commission application for redevelopment of the site, and as noted above, has submitted a Plan Commission application to remove the redevelopment requirement and landscape obligations.

Conceptual Plan Review Committee:

On July 27, 2022, the petitioner appeared before the Conceptual Plan Review Committee for a preliminary review of their request. The minutes from that meeting are included in the packet transmitted to the Plan Commission.

Petitioners Request:

As part of their proposed Landscape Plan, Paragon would eliminate the majority of parking space striping within the parking area, which would reduce the number of striped parking stalls to 17. In combination with the interior garage parking spaces, the site would include a total of 30 parking stalls. The Paragon plan is included in the documents provided to the Plan Commission. Of note, the plan does not include the code required three-foot-tall landscape screen along Arlington Heights Road, nor does it include three code required landscape islands at the ends of certain parking rows. It should be noted that the petitioner believes Village staff has incorrectly applied the regulations of Chapter 28 and that the landscape screen and landscape islands are not actually required by code. They have included their rationale within their response to the 3rd Round of Department review comments, which is part of the packet provided to the Plan Commission. The Village has reviewed the reasoning provided by the petitioner and does not agree with their interpretation; it has been determined that the variations, as outlined below, are required by code:

- ***Variation to Chapter 28 of the Municipal Code, Section 6.15-1.2(a), to waive the requirement for a 3' tall parking lot perimeter landscape screen along Arlington Heights Road.***
- ***Variation to Chapter 28 of the Municipal Code, Section 6.15-1.2(b), to allow certain parking rows to terminate without the code required curbed landscape island including a 4" caliper shade tree.***

The landscape plan proposed by the petitioner includes; 1) the immediate removal of "Safety Town" along with seeding of the area for grass, 2) the installation of four shade trees (three within existing landscape islands and one adjacent to the building), and 3) the elimination of parking lot striping as outlined above. The final component of the petitioner's request is to eliminate the requirement for redevelopment of the site.

Staff Development Committee Review:

The Staff Development Committee is not supportive of the petitioner's request to eliminate condition #8. During the 2020 zoning approvals, the petitioner justified their prohibited contractor shop use due to the fact that it would only be a temporary use and their future plans were for a more comprehensive redevelopment of the site. The Village Board considered this point and specifically included a condition of

approval that required the petitioner to submit a Plan Commission application for redevelopment of the site by June 22 of this year, which redevelopment concept (as presented by the petitioner) would be more compatible with the South Arlington Heights Road Corridor Plan. Furthermore, the Village Board stipulated that failure to abide by this condition would render the Land Use Variation null and void. While the objectives and redevelopment envisioned within the South Arlington Heights Road Corridor Plan have not yet been fully realized, progress is taking place within the corridor. Permanent occupancy of the subject property with the limited improvements as proposed within the Paragon Landscape Plan, and with no deadline for the future redevelopment of the site, would be contrary to the goal and objectives of the South Arlington Heights Corridor Plan. Should the requested amendment to the Land Use Variation be denied and the temporary Land Use Variation become null and void, the property may be used and maintained for code-compliant B-2 uses along with the installation of code-compliant landscaping.

The Staff Development Committee believes that all landscaping per the Village's phased Landscape Plan should be installed and does not find a valid reason to justify the non-compliance. For reference, the approval standards for a Variation are included below:

- **The proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property.**
- **The plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned.**
- **The proposed variation is in harmony with the spirit and intent of this Chapter.**
- **The variance requested is the minimum variance necessary to allow reasonable use of the property.**

Without the code-required landscaping, the site will continue to have a detrimental impact on the South Arlington Heights Road corridor, and staff is not in favor of the proposed modification to condition #3. The requested modification would allow implementation of the Paragon Landscape plan, which necessitates the aforementioned landscape variations. All other developments and businesses are required to comply with Village Code and staff does not find sufficient justification for the requested variations.

Building, Site, Landscaping:

The petitioner is not proposing any building alterations as part of the requested Land Use Variation amendment. Relative to landscaping, Phase One required that by the end of September 2020, the petitioner was to have installed four curbed landscape islands (each including a shade tree), as well as approximately 315 lineal feet of three-foot-tall perimeter parking lot landscaping. Phase Two entailed four additional curbed landscape islands and six shade trees to be installed by the end of September of this year. To date, the petitioner has installed only the 315 feet of perimeter screening, which has not taken well and needs to be maintained.

Traffic and Parking:

Other than the reduction to the number of striped parking spaces, the requested Land Use Variation amendment has no impact to traffic, parking, or loading. Per the modified business plan and building usage as presented in conjunction with this application, 19 parking stalls are required by Code. The proposed plan for 17 exterior parking stalls and 13 interior parking stalls (total of 30) complies with Code.

Summary:

There are two primary components to this application:

1. The permanent land use of the property as a contractor shop.
2. Compliance with the code-required landscaping.

The Staff Development Committee does not support the land use and the contractor shop should cease operations. Code compliant B-2 uses on the subject property would be permissible, which uses must be evaluated for compliance upon the submittal of detailed information, along with the application and approval of a business license. Code compliant and well-maintained landscaping must be installed on the subject property. Removal of the parking space striping within a parking area does not constitute removal of that parking area. Absent the complete removal of the pavement, the parking area still exists and the code required landscaping for that parking area is mandatory (both the three-foot-tall perimeter screen and the landscape islands at the ends of all parking rows).

RECOMMENDATION

The Staff Development Committee reviewed the requested amendment to Land Use Variation Ordinance #20-022 to modify condition #3 and eliminate condition #8, as well as the following variations:

1. **Variation to Chapter 28 of the Municipal Code, Section 6.15-1.2(a), to waive the requirement for a 3' tall parking lot perimeter landscape screen along Arlington Heights Road.**
2. **Variation to Chapter 28 of the Municipal Code, Section 6.15-1.2(b), to allow certain parking rows to terminate without the code required curbed landscape island including a 4" caliper shade tree.**

The Staff Development Committee cannot support the application and recommends **DENIAL** for the reasons as outlined on page 3 of this report, as well as the following reasons:

- The landscape improvements are needed to mitigate for the contractor shop usage on the property.
- Without a date-certain for the future site redevelopment, the land use variation is not in harmony with the spirit and intent of the Zoning Code. Specifically, a contractor shop does not provide for the gradual elimination of non-conforming uses of land which adversely affect the character of the area.
- The contractor shop use is not compatible with the South Arlington Heights Corridor Plan in that that plan calls for commercial uses on the subject property, along with enhanced landscaping along Arlington Heights Road, and the proposed contractor shop is not compliant with these recommendations.
- The Staff Development Committee does not find that valid justification has been provided to warrant the non-compliance.
- The Village Board was very clear in their desire to see the property redeveloped (via condition #8) and if redevelopment was not submitted and approved, the Land Use Variation would become null and void.

November 4, 2022

Charles Witherington-Perkins, Director of Planning and Community Development

Cc: Randy Recklaus, Village Manager
All Department Heads

