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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 #22-010
AMENDMENT TO LUV ORDINANCE #20-022, VARIATIONS

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Plan Commission Meeting taken at the Arlington Heights Village
Hall, 33 South Arlington Heights Road, 3rd Floor Board Room, Arlington Heights,
Illinois on the 9th day of November, 2022 at the hour of 7:30 p.m.

MEMBERS PRESENT:

MARY JO WARSKOW, Acting Chairperson
LYNN JENSEN
JOE LORENZINI
BRUCE GREEN
GEORGE DROST
JOHN SIGALOS

ALSO PRESENT:

SAM HUBBARD, Development Planner

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ACTING CHAIRPERSON WARSKOW: All right, let's get started and call the meeting to order. Everybody stand for the pledge.

(Pledge of Allegiance recited.)

ACTING CHAIRPERSON WARSKOW: All right, roll call?

MR. HUBBARD: Commissioner Cherwin.

(No response.)

MR. HUBBARD: Commissioner Drost.

COMMISSIONER DROST: Here.

MR. HUBBARD: Commissioner Ennes.

(No response.)

MR. HUBBARD: Commissioner Green.

COMMISSIONER GREEN: Here.

MR. HUBBARD: Commissioner Jensen.

(No response.)

MR. HUBBARD: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Here.

MR. HUBBARD: Commissioner Sigalos.

COMMISSIONER SIGALOS: Here.

MR. HUBBARD: Chair Dawson.

(No response.)

MR. HUBBARD: Acting Chair Warskow.

ACTING CHAIRPERSON WARSKOW: Here.

All right, so we have minutes from the last Plan Commission hearing.

Do I have a motion to --

COMMISSIONER DROST: I'll make a motion to approve it.

COMMISSIONER GREEN: I'll second that.

aye?
ACTING CHAIRPERSON WARSKOW: All right, voice vote. All in favor say

(Chorus of ayes.)

ACTING CHAIRPERSON WARSKOW: Anyone opposed?

(No response.)

ACTING CHAIRPERSON WARSKOW: All right, so we have the first and only petition before us today, Paragon Mechanical, PC #22-010.

Sam, have all the public notices been given?

MR. HUBBARD: They have.

ACTING CHAIRPERSON WARSKOW: All right, so if the Petitioner would like to come up to the podium?

MR. POLKA: Good evening.

ACTING CHAIRPERSON WARSKOW: If you would like to raise your hand?

(Witness sworn.)

ACTING CHAIRPERSON WARSKOW: Okay, can you give us your name?

MR. POLKA: Kevin Polka.

ACTING CHAIRPERSON WARSKOW: All right, and if you have a presentation, go right ahead.

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MR. POLKA: I do, thank you. But first thing, I just wanted to thank everybody, you guys, Staff and the Board. I know all the time and effort you've put into all these things and making our community great, I appreciate it.

I represent Paragon Mechanical. We are a unique HVAC business that's been in Arlington Heights about 15 years now. We have a very unique offering as far as our motivation as energy saving products. We've grown here, we have a great team. That's probably one of the best things about us and one of the reasons why we continue to try to grow. There is no trick to it, it's just good people that work really hard.

I understand as you'll hear when we first, in any business there is marketing, and when we first bought the property in question we learned very quickly that there weren't supposed to be trucks parked visible. I'll be honest, at first, I didn't understand it. I just didn't, I think I was narrow-minded. But since then, we have adopted policies in our company and we understand the importance of not having trucks visible. I think it ruins the look of the area, and I totally respect that, totally understand that. We don't have any trucks visible.

Just so you know, so you get an idea, we don't manufacture anything. We don't assemble anything. Our office is mostly office. We do house filters and copper fittings, and if a truck happens to be in overnight, it stays into a garage.

We love being part of the community. This is the 2016 parade. I don't know if, I think it's been a while, we didn't do the parade last year, but we look to get into it again, and this is the 2016 parade. We like being a part of the community and growing with the community.

This is our previous building, 11 North Arlington Heights Road. We occupied that building in 2010 through 2020. Very similar situation as a B-2 District and we had to apply for a variance at that time for the same thing because they categorized us a contractor shop. But at that time, the Village Staff said that they propose that we don't alter the community, they approved us being there. We were there for 10 years, not one citation, violation or anything, and we backed up right to a residential area. The building was vacant before we got it and we went to sell it. I think because of the improvements or maintenance that we did, it sold right away.

You know, a big part of the reason why we're here is the South Corridor Plan. So, I don't know if you're familiar with the property but the property in question is the old Elk Grove Township property specifically mentioned in the South Corridor Plan. As Staff mentioned in their Staff report, absolutely, since my original land use variation two years ago, there were some improvements, and specifically there's a beautiful car wash that went up, Driven. We go to school with the owners and they just made a nice place there. The District 214 building which is right across the street which is one of the seven named properties, that was recently rehabbed, but that does have big trucks and outside storage in that facility. And yes, absolutely, Daily Herald building, and there's a sign going up on the BP gas station.

I just wanted to mention that of the seven mentioned properties in the plan of the South Corridor, there hasn't been any movement. They're still all vacant, except for District 214 and then our building right now. The only change really was I think the rehab on the District 214 building.

Just to make everybody familiar, I just put this up there, you probably already are familiar with it, but these are the seven named locations in the 2018 South Corridor Plan. This is taken from the book. Our property is the one, the lower left side, that's the one that we're talking about right now. These are just quick pictures of like the vacancies that are there, no one is at.

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This is just a photo of how you can see the outside storage from the District 214 building, which I'm not a fan of, but you know, either way. Here I put this up as an example of I don't want this in my neighborhood and I could absolutely understand how you wouldn't want to encourage this especially in any kind of gateway or anywhere, right? That belongs in an industrial park. We strictly enforced and have abided by the rules in the LUV that we got in 2020.

This is just a recap of, in 2020, when we first got the building, we came in for a land use variation. They gave us conditions of occupying it. We've abided by all of them. We even did a landscape screening which we'll talk about in a second here, but the landscape islands, to put it in context, we had our meeting over Zoom and it was during COVID and it was crazy for us and for everybody alike. I tried to get the things all going, I tried to get the landscape islands going. I was told by landscapers that it would be difficult given the lot conditions, and I'll show you why in a second.

As far as another condition was and why we're here today was that I was supposed to provide and get approved a set of plans for redevelopment because I had mentioned that I do want to redevelop the property. It's one of the reasons why I got it. However, I can't get bank financing the way that the stipulation is on the LUV. Bank financing requires me to occupy two-thirds, and if they don't see that we're occupied, they're not going to finance anything. Given the condition of everything, I couldn't do the redevelopment right now, so I'm asking to waive that requirement of being there to help promote the future redevelopment.

As far as the redevelopment, I absolutely want to realize the full potential. I had talked about it last time, and I do, but again, there is no financial institution that will support us, finance us without having permanent occupancy. That's just where it is. Without saying that we can be there, we can't get the funding. The project, just to provide the plans that were wanted was in excess of \$150,000, just to provide the plans for the redevelopment that we talked about. That's just, there's no way to get the funding for it.

In lieu of the immediate redevelopment, with that still in the back of my mind at least, I do have a really good proposition to help make that property beautiful and that's what I really want to show you. This is the plan, and I'm going to zoom in on it and kind of just explain it. Right here, this is the focal point of what we want to do to help make this property more beautiful. Keep in mind, it was owned by the Elk Grove Township. They did a great job of maintaining it and keeping it up, but the property is unique, right. It's very, very unique.

What we basically are proposing is turning all of the old bike safety with the little towns and the asphalt into green space, just green. Leave the trees, some of the trees are beautiful, they've got some gorgeous trees there. I've gotten a lot into woodwork in my older years and I really appreciate, it is nice. We want to leave the trees and turn everything into grass. We want to resurface the lot and re-stripe the lot according to the Village's agreed 17 parking spaces. We want to plant shade trees, they look nice, you know.

What we don't want to do is the landscape islands. The landscape islands, and you'll see as we go through some of the codes, this lot specifically I think addresses why the code was written certain ways because it's not conducive. The driveway, if you see the areas in red, we're asked to put islands there, but they are restrictive if you drive around. They're restrictive for a snowplow. They're hitting blind spots, and they're adding cost to this whole thing, tripling our budget whereas, and you'll see to the code, we feel like we don't need them. That's what I want to show you next.

So, this is our lot again, I just wanted to show you this is the building

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in question, 2400 South Arlington Heights Road. That's another picture of it. There's two things that you're going to hear about today and talk about today aside from putting aside the requirement for the redevelopment plans. There is going to be a conversation about the screening, the screening which is required when you have parking that is in front, in the road frontage. The code indicates that you should have screening. We put screening in there, but as the landscapers explained to us initially, it died. It didn't do well. The space between the road and the parking and the drive area is very narrow, but we did put the screening in there.

But the code, I want to point out how the code specifies that if you don't have parking in front of that frontage area, it says you don't need the screening. So, because we only need 17 parking spaces and we're going to re-stripe to accommodate for 17 spaces, we're going to eliminate the parking in the front so that we don't need the screening. We will keep it there and we'll maintain it. We do, we water it, I mean, I asked the landscaper about maintenance. I said because the Staff mentioned that we didn't maintain it and that's why it doesn't look well, and I'm not a landscaper, I can fix anybody's furnace or water heater, but I don't know landscaping, so I asked the landscaper. I said to him, and he said the only thing we could do is put up some fencing, but he said being so close to the street, that that fencing would fall down, that fencing just wouldn't survive the winters. So, I don't think there is a reasonable solution other than widening that, and that is going to take a redevelopment. We'd love to do that in the redevelopment. We can't do that right now. We can't afford to do that right now.

This is the screening in question. It goes all the way down the road frontage. If you look at, I forget what they're called, I think Karl Foerstes? They go all the way down Arlington Heights Road, right in front of the building. But you can also, if you look closely, maybe this wasn't a good enough picture, but it's very narrow. From where our street is to where our asphalt is, it's very narrow. As the plows come by, they just, you know, naturally. Not that it's their fault, but it's just because it's narrow, I think it's hard to keep anything living there.

Here's just some other examples. Again, I just wanted to point out, you know, District 214, no screening at all. This building, no screening at all. This building has some amount of screening, I think those are Karl Foerstes, why those are bigger I don't know, I don't know if that's the intent or not but I don't think that that's really screening.

The second thing is the landscape islands. The second thing we're going to talk about that the Staff is going to bring up is the islands, the requirement for the islands. They want islands at the ends of each row. We don't feel that, there is a discrepancy on the way that we're interpreting the code. The code here, keep in mind this was rewritten, I think it was 1986 that this was rewritten, and it was put in there open parking areas larger than four but smaller than 20 spaces shall provide proportional amounts of live greenery. I think someone had the foresight, the vision to realize that if you have a unique lot that has certain parking spaces but maybe they can't do islands, they should just have greenery.

The islands truly propose a concern of the flow of the cars moving there and eyesight. There are some that legitimately would be a problem. I think that the code reads here very clearly. What you see on the left, I think you see it on your screen, that's written right from the code, open parking areas larger than four but smaller than 20 spaces shall provide proportional live greenery and not the landscape islands. Our required spaces are 17 as confirmed by the Staff, of which we have like six to be able to put inside.

So, we want to make it beautiful. Don't get me wrong, we want to make it look good, but we also want to be smart about it. It's a big expense just doing our plan, but we also want to keep in mind that in the future, if we can build that building, we want to be

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able to. What the Village is proposing would be three times the expense, and we just can't afford it, but what we're proposing does more, it actually takes the entire bike safety and turns it into greenery which I think is beautiful. Though islands may look nice, I just don't think they're conducive for this unique lot.

So, in short, I just wanted to say thanks again. We're just a heating and cooling. This is a family business that we're looking to, you know, just grow. Honestly, I can't say, you know, it's not for me personally, it's for my team. I owe it to them for us to grow. Some of you may know us from the old building or from the new, but it's for them.

In short, I'm asking you to support me in waiving the condition for number eight which is forcing us to say submit a plan for redevelopment, we can't financially do it, and to consider our plan of putting life back into that property in a great way. That's it. If you have questions about our plan, please ask me. I'd be happy, so I thought, I think you're going to take the slide off, right? Is that it?

ACTING CHAIRPERSON WARSKOW: Yes, that's it from you.

MR. POLKA: Thank you.

ACTING CHAIRPERSON WARSKOW: That's it, and you're welcome.

Okay, we'll have the Staff report now from Sam.

MR. HUBBARD: Sure. Thank you, Chair Warskow, I will get into the Staff report as soon as it opens.

All right, so the subject property is 2400 South Arlington Heights Road. As the Plan Commission may recall, the Petitioner appeared in front of the Plan Commission in 2020 for approval of a land use variation to allow a contractor shop in the B-2 District, and the rezoning of a small portion of the site from the Residential Zoning District into the B-2 classification. The land use variation and rezoning was ultimately approved in 2020, but at that time the Staff Development Committee recommended denial of the land use variation for several reasons. The Staff Development Committee did not believe that the use was compatible with some of the neighboring property uses in the vicinity. We did not believe that it was within the spirit and intent of the Zoning Code, and it was not compatible with the South Arlington Heights Road Corridor Plan.

Ultimately, the Plan Commission recommended approval of the application subject to certain conditions, perhaps most notably with regards to the phased landscape improvements which were meant to bring the site in line with current code requirements and mitigate for the contractor shop use. Ultimately, the Village Board upheld the Plan Commission recommendation, but they did add one additional condition, and that was a requirement to redevelop the site within a two-year timeframe. Specifically the condition was to submit a complete Plan Commission application for redevelopment of the site which needed to be subsequently approved. It did not require the full redevelopment within that two-year timeframe. This timeline essentially rendered the land use variation as temporary, only valid for two years unless that condition was met; otherwise, the land use variation would be null and void.

So, the Petitioner is seeking to amend that land use variation to eliminate that condition number eight relative to the redevelopment timeline, and modify condition number three which is relative to phased landscape improvements. As part of their request, it does entail certain variations, specifically to some of the on-site landscaping, and I'll get into a little bit more detail subsequently.

They did appear before the Conceptual Plan Review Committee in July. The minutes of that meeting were provided as part of the Plan Commission packet.

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Here's an aerial of the site. The site is about two and one-third acre in size. On the east side is South Arlington Heights Road which is a major arterial. To the south is the I-90 Tollway which is a major interstate that goes through the Chicago land area. The site has great access. It's got a signalized intersection at its entrance. It provides great access for outbound traffic from the tollway, and it has excellent visibility not only along the South Arlington Heights Road corridor but also along the on-ramp and then of course from I-90. So, while this may not be the most highly sought after site for redevelopment in the Village, the Staff Development Committee does believe that the site does have some tangible characteristics that make it attractive for the right commercial user who could implement a redevelopment plan that would really enhance this gateway into the Village.

As a reminder, here's the South Arlington Heights Road Corridor Plan. It outlines a vision for redevelopment of this corridor and certain strategies to accomplish that vision. It does call out specifically this site and recommends some specific goals for redevelopment and standards. It calls for commercial uses on the site, and it does call for enhanced landscaping along Arlington Heights Road.

The Staff Development Committee does acknowledge that some of the goals and visions within the South Arlington Heights Road Corridor Plan have not yet been realized, but there has been some progress since this plan was approved in 2018 and since the land use variation for Paragon was approved in 2020. The Staff report referenced a few of these improvements, Mr. Polka referenced a few this evening. The Driven Car Wash, the interior remodel to the Daily Herald building are some of the more notable ones.

So, specifically in 2020, the conditions of approval that we're discussing this evening relate to implementation of a phased landscape plan. The first phase was to be installed by May 8th of 2020 -- I'm sorry, was to be installed by September 30th of 2020, and the second phase was to be installed by September 30th of 2022. Then within two years of approval of the ordinance which was May 8th of 2020 -- no, I'm sorry, not May 8th of 2020, it was sometime in August of 2020, the redevelopment of the site had to be proposed and an application submitted and approved, otherwise the land use variation would become null and void.

So, again, the Petitioner is proposing a modification to that phased landscape plan. Here is what they're proposing. It would involve the immediate removal of the Safety Town area located at the north of the site. It would involve the installation of four shade trees, one, two, three, four, at two-inch caliper size, and then possibly a fifth shade tree at two-inch caliper size. It would also involve a resurfacing of the parking lot and removal of some of the parking space striping specifically along the southern areas of the building and the eastern area of the building.

This plan would require several variations. The first one would be to waive some of the code-required landscape islands at the ends of all parking rows. So, here you can see in purple circles where those landscape islands would be required. Then it would involve the waiver of the code-required three-foot tall landscaping screen along Arlington Heights road. Additionally, I would note that the shade trees proposed at two-inch caliper would not meet code. They are required at four inches in caliper, and that variation would be part of their request.

Here's the phased landscape plan that was approved as part of the 2020 land use variation. The first phase is shown as everything to the right of this line, to the east of this line. It would involve the installation of a three-foot tall screen along Arlington Heights Road, and four curbed landscape islands with shade trees. That was to be completed by

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September 30th of 2020. The only part of this plan that was implemented was the installation of the three-foot tall landscape screen, which again, has not taken very well. It needs to be maintained and replaced as necessary. The second phase of landscaping was to the west, and they involve four additional curbed landscape islands and six shade trees to comply with code.

The Staff Development Committee is not in favor of the application as we were back in 2020, and we are recommending denial for several reasons. Again, we do not feel that the proposed contractor shop is consistent with the criteria for land use variation approval. It's not compatible with the existing uses and zoning of nearby properties, and we feel like it would alter the essential character of the locality. We don't believe it's in harmony with the spirit and intent of the zoning code, specifically a contractor shop would not provide for the gradual elimination of nonconforming uses of land which adversely affect the character of the area. We don't believe that the proposed use is the minimum necessary variation to allow for reasonable use of the site. It's a substantial departure from the permitted uses that are allowed in the B-2 District, and we don't believe that the property has sat vacant for a substantial period of time.

The proposed use is not compatible with the South Arlington Heights Road Corridor Plan. The plan calls for commercial uses on the site and it recommends enhanced landscaping along Arlington Heights Road. The requested variations are not compliant with this recommendation. We believe that if a contractor shop is to exist here, that the landscape improvements are needed to mitigate for that use of the property. We also believe that the Village Board was clear in their desire to see the property redevelop via condition number eight. If redevelopment was not submitted and approved, the land use variation would become null and void.

Again, our recommendation is for denial of this application. This is not a reflection of our feeling towards the Petitioner or Paragon as a business. This is strictly a land use issue here. Again, the Village Board adopted the South Arlington Heights Road Corridor Plan and this use does not fit in with the recommendations of that plan. The site does have certain assets that could attract a type of commercial redevelopment as envisioned in the plan.

I'm happy to get into detail regarding some of the landscape issues raised by Mr. Polka this evening if that would be of benefit. I am prepared to assist in any conditions of approval if the Plan Commission is so inclined to recommend approval of this application. But I want to be very clear that Staff Development Committee is not supportive of this land use variation, and we would only assist with these conditions of approval if the Plan Commission felt that approval of the land use variation was warranted. So, thank you.

ACTING CHAIRPERSON WARSKOW: Can I get a motion to --

COMMISSIONER DROST: I'll make that motion.

COMMISSIONER JENSEN: Second.

ACTING CHAIRPERSON WARSKOW: All right, it's a voice vote, right?

MR. HUBBARD: Just to be clear, that was a motion to accept the Staff report into the record?

COMMISSIONER DROST: Accept the report, correct.

ACTING CHAIRPERSON WARSKOW: I didn't get to finish mine. That's a voice vote, right, Sam? Yes, okay.

All in favor?

(Chorus of ayes.)

ACTING CHAIRPERSON WARSKOW: Anyone opposed?

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(No response.)

ACTING CHAIRPERSON WARSKOW: All right, motion carries.

Do we have any initial questions from the Plan Commissioners before we potentially open up to public comment?

I'll start at this end. Lynn?

COMMISSIONER JENSEN: I want to ask the Petitioner further questions. I've been reading through all the documents that are in this packet that we have. You indicated a sort of transitional period, actually, I think the one thing that wasn't pointed out in the documents we have in the Staff report is we were going through the pandemic right after you came before the Plan Commission.

MR. POLKA: We were in the pandemic.

COMMISSIONER JENSEN: Right into the pandemic. So, I was not fully aware of that when I read the Staff report, I thought, well, here we are again, you're two years down the road and you didn't pay attention that you need to do some things. But it became clearer to me that since we were in the middle of the pandemic, a lot of people didn't do the things that they might have wanted to do, and businesses may have failed or changed their plan or whatever. So, I'm sympathetic to your situation after I read the background on it.

MR. POLKA: Thank you.

COMMISSIONER JENSEN: And assuming there were some transitional issues with the landscaping and developing the plans and so forth, let me ask you if you were to, if the Village were not a consideration, what would be the final kind of concept you would have for this property and your business on that property? If you didn't have to worry about getting the landscaping done a certain timeframe, if you didn't have to worry about a redevelopment plan in a certain period of time, what is this going to look like in your mind when we're down the road and you've got it fully developed according to the vision you have? Does that actually fit in with the Corridor Plan once you brought the --

MR. POLKA: 110 percent.

COMMISSIONER JENSEN: Can you describe it in a paragraph, a short paragraph?

MR. POLKA: Sure.

COMMISSIONER JENSEN: What you see this is going to look like once it becomes your vision.

MR. POLKA: And I appreciate your asking that. I think that got me into trouble in 2020 when I first came here because I tried to show my vision, right? I lived here once and I look at big buildings and I think, God, look at what people can accomplish in one lifetime. For me that's amazing, right?

I have a grand idea of building something beautiful there, and trust me, it doesn't resemble anything like a contractor shop, you know. Yes, in order to fund it, we would have to occupy it two-thirds in the beginning, but it's a three-story, all-glass building with an anchor site that has a drive-through like a Starbucks or a Protein Bar, and offices in the front with a balcony, and it's beautiful. It's something, you know, I could be proud of to show my kids and say, hey, look at what we did, and everybody that works with me, hey look, this is what we did, you know.

COMMISSIONER JENSEN: Well, I'm not as interested in what the building looks like although I like the renderings and stuff. I mean, what activities would be done there as opposed to what you were going to do in the transition period? Because the Staff has some

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concerns about the activities, you're not commercial enough or whatever. So, I'm trying to figure out what is the residual business once your vision is achieved?

MR. POLKA: Yes, no, and again, I appreciate that question. Our offices and our business is, I understand the Village's concern. I don't want trucks to be piled up there and look like a contractor shop and have outside storage. Our business has a lot of office work, you know, we have people that look at plans. We have, I think my business is all about training people. I mean, everybody has had that story where a guy comes in your home and then someone's got to come back, right? We've all, probably if you own a home, you had that story. The guy probably wasn't trained enough.

Everyone knows about after COVID, like you can't find people to do labor. You can't. You know, I believe truly and wholeheartedly that my business' success is about training, and training even guys that know a lot. They still need to learn. I want to have a building that can house training, that can educate guys, educate them on a piece of equipment or educate them with book and drawings, right?

We have no need for, and I don't know if I explained this well, but because of the Staff and them pointing out how bad trucks look, we incorporated it in our business plan that all guys take their trucks home. Nobody keeps their trucks on site. They go right from their home to the jobs. Our business is a little unique, and we're never going to be huge like some other people. We have no aspirations for that.

We want to be the people, when someone is building a home or doing a large commercial project and they want it to be energy efficient, we want them to come to us to do all the design and then the build and then the maintenance of it. That's what we want to be known for. I'd love to put solar panels and windmills on the property, to be honest because I'm kind of a geek in that stuff. I just want to play around with that, right? I want to see the different savings they could have.

But whether we, and I don't know if I answered your question --

COMMISSIONER JENSEN: Well, you've given me a better sense, and I probably, because I don't want to take all the time, I'm going to ask Staff on the other side what is the business that you envision that will be consistent with the corridor plan that you think that the Village thinks it wants in there and will be able to actually encourage and cause that business to locate there? What is it you are concerned about, you know, in essence, what does he envision that doesn't quite meet what you feel needs to be, what you eventually feel need to be in that site?

MR. HUBBARD: Sure, and I think the future vision is one thing. I think that would be more compatible with what is outlined in the Comprehensive Redevelopment Corridor Plan for the South Arlington Heights Road, but I mean, specifically, the plan calls for commercial uses. So, I mean, that can entail a wide range of uses. We're not going to assign a specific 'this is what we want to see here' type of use.

But, I mean, for an example, I don't know if you're familiar with the Walter E. Smithe site on Rand Road and 53. That site is very similar to this. So, we can envision something very similar to that occurring here. But you know, we're open to a wide range of commercial uses. We're not going to specifically request one thing or another.

COMMISSIONER JENSEN: Well, is it the tax revenue you're concerned about primarily or is it the aesthetics? What is the --

MR. HUBBARD: Well, I think the aesthetics of the site are, I think it's both. I mean, the aesthetics of the site are not the greatest. You know, as it exists, there is really not

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much of an opportunity for the landscaping as outlined in the Comprehensive Plan. You know, commercial uses have a different tax, you know, generating function compared to, you know, a contractor shop. So, I think it's twofold.

COMMISSIONER JENSEN: I'm going to let other people have their questions, but I want to avoid doing what we almost did with the Kensington School. They're on Kensington. Our plans go for them being mixed use and it stayed vacant for a very long time. We had a broker to come in and tell us that will never be developed as a mixed use or commercial. We finally agreed to a school there.

I'm not so sure that this property, this piece actually isn't a good tie with what the Petitioner wants to propose. So, I'm a little, I'm not too inclined to just basically say it doesn't belong there because I think sometimes we make miscalls, we have some idea of what the property could be developed into that may not be realistic. So, I liked a lot of the stuff that I saw in the packet, the stuff that you gave us. I liked it last time. I've forgotten a lot of the discussion and I went back over everything again that we had in discussion before. I've got some other questions, I'm going to stop at this point and let other people ask questions.

COMMISSIONER LORENZINI: Sam, so are they considered a commercial use or not?

MR. HUBBARD: I mean, they're a quasi-commercial use. They provide a service. I'd characterize it more as a service use. A contractor shop is allowed in non-commercial areas. It is allowed in the B-3 District.

COMMISSIONER LORENZINI: So, if they did the landscaping and they came forward with a plan, I kind of remember the rendering, it was very nice, a couple of years ago. If they came forward with a plan, then that would be acceptable to your Department and the Village Board?

MR. HUBBARD: I mean, it's hard to say. I mean, I don't know what the plan, what this future plan exactly entails. It would have to be evaluated from a strict use standpoint.

COMMISSIONER LORENZINI: But if it met all the requirements, obviously it could be approved I would think?

MR. HUBBARD: Yes, I mean, it's going to depend on what exactly is being proposed on the site and the use. I would think it's definitely more compatible than what's there now.

COMMISSIONER LORENZINI: Right.

MR. HUBBARD: But you're putting me in a tough position. I can't say.

COMMISSIONER LORENZINI: Right.

MR. HUBBARD: I mean, we only have a general concept without any details, so I can't --

COMMISSIONER LORENZINI: But it's not like his business is not wanted there no matter what. If they came up with a proper plan, it would probably be okay.

MR. HUBBARD: Again, we would absolutely take a look at it, yes. I think it could potentially be okay.

COMMISSIONER LORENZINI: All right, can you explain a little more about the financing? You said the bank won't give you financing because you can't stay there? Explain that please.

MR. POLKA: Yes. So, we bank at Chase, and she's my banker, I've known her for a long time and I think that I'll probably invite her to the Board meeting, she couldn't make

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it today, but in order to get financing to redevelop the property, I have to occupy two-thirds of it. I'm not an independent developer, right. I'm not, I fix furnaces for a living, right. We've done well and I've been very fortunate, but I can't just afford, I don't have \$10 million in the bank to say, hey, let's do it.

COMMISSIONER LORENZINI: Right.

MR. POLKA: If I could, if I did I would. We have to finance it. The bank financing for us requires that we remain two-thirds occupying it in order to develop it and build it. Will we stay there forever? I mean, probably not. It's not built, the vision isn't to be a big Paragon thing, but to be a big beautiful building --

COMMISSIONER LORENZINI: Right.

MR. POLKA: -- and we cannot get any financing. The request that was made last time was in excess of \$100,000 just to submit the required plans and get that subsequently approved --

COMMISSIONER LORENZINI: Right.

MR. POLKA: -- and we can't get financing for any of it.

COMMISSIONER LORENZINI: Right. So, it seems like it's almost a no win situation for you. If you are able to build this building, it sounded like you're going to be able to afford to build this building?

MR. POLKA: We don't have \$10 million in the bank, but our bank would absolutely finance us if we occupy it. If we have permanent occupancy, we can get financing for it.

COMMISSIONER LORENZINI: Right, but you wouldn't be able to permanently occupy two-thirds of a building that size, or such a size that you're thinking of building.

MR. POLKA: I would disagree. I think that we can, when we, if you want to look at our business portfolio and how we're planning on growing.

COMMISSIONER LORENZINI: Okay, but what kind of, and I appreciate your business, you're a hardworking guy, I'm sure, but it seems like your ultimate goal, well, two years ago we were kind of in the same situation. You said we're going to grow and build something in two years, but it hasn't happened, but you still think your business is going to grow enough, produce enough money to build this development that you ultimately want to build?

MR. POLKA: I would eventually love to be able to build something there, I would. But that's probably confusing. The issue right now is that we want to occupy it as it is and make it better than it is now and better than all the other vacancies. Something to be noted is that ever since this happened again, we've had the building for sale. There is not inquiries. You know who inquires? Other contractor shops, and the real estate agent tells them no. There's not even a price. You can go on LoopNet right now, you can see it's been listed.

The idea that something greater is going to come along, we're going to leave another property vacant, you know. If that's what's needed, I mean, but you're right. I may not build the building in a year. I'm not telling you that, I'm a heating and air guy. I'm building my business first, and yes, there's a goal to build the building but that is second. I'm building my business first, and that's just how it has to be, you know, because I'm not a developer.

COMMISSIONER LORENZINI: One other minor point, you made a statement that your plans are going to look better than the plans that the Village wants. Does that relate to landscaping?

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MR. POLKA: For sure. The Village in our back and forths, they say about the islands, but truly when you look at that property it's the bike safety that needs to go away. Getting rid of the bike, I mean, if I could paint the picture, maybe I should have done another rendering in hindsight, but if you know that property, just try to envision bike safety being all green, or envision some landscape islands that half of them will be hidden behind the building. You won't see them. Like it doesn't, and the other half will be restrictive to cars going around.

I just think that if you saw or if you knew the property, that making all of bike safety a green space would be more aesthetically pleasing to the town than having hidden landscape islands.

COMMISSIONER LORENZINI: Okay, thank you. That's all my questions for now.

ACTING CHAIRPERSON WARSKOW: Commissioner Green?

COMMISSIONER GREEN: I don't quite agree with the past two comments here. We've been at this for a couple of years, you and I. You know, buying into a rendering that was presented to the Plan Commission, I was one who did not. But you were given the requirements, the landscape requirements and phasing, and you agreed to that. The only reason you got to occupy your building is because the Trustees gave you another caveat, that you had to produce on your claim that this was your vision. Back then, I can honestly say I thought that was a mistake, and here you are today wanting to get rid of everything they wanted you to do, plus you're redesigning your landscaping according to what you think the Village should be doing. I do not agree with that.

There are ordinances here that everybody in the Village has to follow including you, and you don't get to change that. As far as I'm concerned, you blew your chance. Thank you, that's all I have to say.

ACTING CHAIRPERSON WARSKOW: Commissioner Drost?

COMMISSIONER DROST: Yes, it's a difficult situation for sure, and a couple of other points that we picked up, one from Commissioner Green and one from Lynn. The question is, is this, and we're talking about a unique property, all property is unique. Is this really special in some respects? I mean, I pass it quite a bit and it's sort of a non-offensive property. It just feels like it belongs. To institute these requirements seems, you know, it doesn't make sense, especially when you look at the context of the whole neighborhood. Whether or not we've got to rethink this in some respect where, you know, let's see how that South Corridor works or is Paragon going to be the canary in the coal mine, you know, to basically test it and, you know, start that redevelopment, and whether there's some sort of a way to compromise this, maybe extend the condition for another two years because of pandemic or whatever reason and the fact that there has not been development of that corridor, I mean, we've talked about the gateway, it's been tough for a long time.

That's sort of my, you know, where I'm coming from on this. Are neighbors complaining? You know, we'll find out soon enough. What's the offense? You know, are we Pharisees when we're talking about landscaping when it's not going to be economic and the market doesn't seem to be at that stage? So, that's a general comment.

If you want to comment, Sam, you can, you know, just a little bit more background on the negotiation or the give and take here.

MR. HUBBARD: I mean, again, I want to stress the point that, you know, the site has never really had a chance to be redeveloped. It has not sat vacant. Do I want the site and does the Planning Department want the site to sit vacant for 10 years before somebody

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finally redevelops? Absolutely not, but I don't know if the chance was ever given to really open it up for redevelopment at a time when that was possible.

The site has great visibility. The site is of a size that could support, you know, a commercial redevelopment. It's very similar to the Walter E. Smithe site. It's got great access. I think there is the potential for a great, you know, redevelopment here.

COMMISSIONER DROST: Yes, and I agree. This property probably isn't the highest and best use based on just where it's located and, you know, as a mixed use it might work. Then we went through an exercise on the transportation of the STAR line there and what that could possibly evolve in. It's sort of a chicken or the egg, you know, how do you spark the development? I'm sure Mr. Polka would be out of there in a heartbeat if he got a, if there was a developer in there that was assembling those pieces of property along the tollway.

That's, you know, sort of my perspective on it, and I'm equivocating a bit a lot because I'm not, you know, certain that maybe we'd give it another two-year and put an ankle bracelet on them and see if he's doing his job of, give it a little more time to cook and see if there's other possible developments there.

MR. HUBBARD: I don't know if the Planning Department would recommend that, but I certainly respect the viewpoint.

ACTING CHAIRPERSON WARSKOW: Okay, Commissioner Sigalos?

COMMISSIONER SIGALOS: Yes, I've got a question. Sam, didn't we have a developer, I kind of remember, was it a year or so ago, that wanted to, that had a plan to develop the Daily Herald building, the east side property there and so forth? That would be a great development for this entry/gateway into the Southern Corridor. What happened with that?

MR. HUBBARD: They're still majority landowners of most of that corner there.

COMMISSIONER SIGALOS: Right.

MR. HUBBARD: I know they have a vision for redevelopment there. They are also the owners of the Daily Herald building and they're undergoing an interior demolition of that building for new tenants, but they have not yet moved forward on their redevelopment of the southeast corner.

COMMISSIONER SIGALOS: Okay, because I think that would be key for this because, I mean, this site here would be critical, too, for the redevelopment to go along with what they do on the east side as this entry corridor into South Arlington Heights.

You know, my question, Mr. Polka, is two years ago you were here and you went before the Village Board, and they gave you a two-year window to do phase one and do phase two of the landscaping. You've done only a very minor part of phase one, you've done nothing for phase two. I think you had a pie-in-the-sky type of approach with a three-story, all-glass building. I mean, I'd like to build a three-story, all-glass building, too, but I don't have the wherewithal to do it and I don't think you do either. For you to have agreed to this two years ago and now come before us and asking us to remove these conditions I don't think is correct. I really don't.

MR. POLKA: I appreciate your perspective, but some people probably thought I wouldn't have been where I'm at today and I am. I think if I give the, I think you've got to understand I can't do the plans for the redevelopment the way that it was requested of me, and that's why I'm here today. It just can't be done.

COMMISSIONER SIGALOS: The problem is that's one condition that you're here today, and you're here today to remove condition three for the landscaping, which again, I

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don't understand how that didn't happen.

MR. POLKA: That redevelopment plan started in 2015, the plan came up 2018, and still the seven properties that are mentioned are vacant. I'm one person right in front of you that's willing to do something to make it look better now.

COMMISSIONER SIGALOS: But you haven't done anything. I mean, why would we believe you now when you haven't done anything for the last two years?

MR. POLKA: I can explain that and I can show you. It's not that I haven't done anything, it's that --

COMMISSIONER SIGALOS: You haven't, I've driven past there. I saw some little prairie grasses with Karl Foerstes, whatever they're called, I don't know if they were 18 inches tall. At the most.

MR. POLKA: We did what the Village asked. We submitted a plan for that, we did that. But the point is that we have a full landscape plan that we're ready to execute as soon as this gets approved. If not, then the property goes vacant like the other six of them. I mean, I think that the plan that we have is beautiful, I think it's going to look nice. I explained that the islands are just not safe. I mean, the islands just plain out are not safe, and you're not looking at the code. I'm not violating any --

COMMISSIONER SIGALOS: We have landscape islands at all other commercial properties. Why would yours be any different?

MR. POLKA: Take a look at the plan. If you want, we can hop in the car and go over there, I can show you.

COMMISSIONER SIGALOS: This was asked a number of times.

MR. POLKA: This wasn't put on by me either. This is landscapers that are saying that, they're people that drive the trucks, that do the salting, that drive them, you know, not me. Half of the islands you don't even see from the street. The biggest part that you see of this lot is not even being addressed. I am addressing it. When you look at this lot and you get into the Arlington Heights, the biggest thing you're going to see is Bike Safety Town. Would you rather have that beautiful and green and looking lively, or would you rather have some islands? I think it was, honestly --

COMMISSIONER SIGALOS: And when would you propose to do that? Your landscape plan, when would you propose to do that?

MR. POLKA: We can do it; we can execute the contracts as soon as the Board approves. If this goes through, we have a contract, we showed Sam, we showed him all the estimates.

COMMISSIONER SIGALOS: But this is what you told the Board you were going to do two years ago.

MR. POLKA: No, no, no.

COMMISSIONER SIGALOS: You were going to do phase one and phase two landscaping two years ago.

MR. POLKA: In all fairness, we were in the middle of COVID. We were doing this via Zoom. I didn't agree to anything. It was just imposed on me. I couldn't even speak at the Zoom thing. I've never done a Zoom in my life. I had people there telling me, like showing me how to talk on a computer. I didn't agree to anything. It was imposed on me and stop and said, okay, and here's the timeline. I tried to e-mail Sam and I tried to say, hey, what's going on, this isn't right. I wouldn't put the islands, and again, they're not right. They're just not safe.

COMMISSIONER SIGALOS: In your opinion, but it's contrary to Village

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Code.

MR. POLKA: But I'm the one that is liable, not anybody else, right? I'm the one that's liable if somebody gets hurt or if it really is unsafe. It doesn't make sense, half of these islands, and the cost of them is so exorbitant, I'd rather spend the money making the whole property look better. I think if you look at it holistically, that the proposition I made as opposed to this just makes the whole property look better. There's one, there's like five islands in the back of the property. How does that benefit the community?

COMMISSIONER SIGALOS: I have nothing further to say. I just can't support your request.

MR. POLKA: Okay, thank you.

ACTING CHAIRPERSON WARSKOW: All right, I want to go on record and get some questions answered and some clarification. So, am I correct in saying the Petitioner wants to eliminate all the parking spaces in front of the building on the east side of the property and all the parking spaces on the south side of the property adjacent to I-90?

MR. HUBBARD: Yes, so you're correct. These spaces up here will be eliminated. These spaces would be eliminated, and then possibly those spaces. That's the striping.

ACTING CHAIRPERSON WARSKOW: Okay, if we eliminate all of what you have mentioned including the area in the blue, how many parking spaces does that make?

MR. HUBBARD: He would have approximately 17 parking stalls.

ACTING CHAIRPERSON WARSKOW: Okay, so the code he is referencing, what is the interpretation of these 17 parking stalls in relation to that section of the code?

MR. HUBBARD: So, the applicability of the code is that you can't just remove striping and have it be considered removal of the parking area. You have to remove the pavement as well. Once you remove the striping and the pavement, the parking space is removed, and then we would consider it to kick in that provision to be less than 20 parking stalls and eligible for proportional greenery without having the landscape islands on every end of a parking lot.

ACTING CHAIRPERSON WARSKOW: Okay, I think that adds some clarity to what we're discussing here. So, we would have to remove the impervious surface and have it be some kind of green space, okay.

In response to your question about why have the islands there, because that piece of property is highly visible from I-90, and that is our southernmost end and that is what a lot of people are going to see of our community right off driving by. So, to you, you know, having an island in the back of the property might not mean anything, but I think to the Village it is the presentation of the gateway to our community.

I'm kind of on the fence, like Commissioner Drost is, that, you know, we have a lot of vacancies. We're in an unsure economic state right now. Is now the time to say, you know, let's cut it and make it vacant and see what goes on, or could we give it another two years?

I don't think you're a developer. I don't think, unless you partnered with a development firm, that you're going to be able to build any building. I work in the energy efficiency space, I know exactly what you do. If you envision a three-story building and you have to occupy two-thirds of it, I'm not quite seeing how that comes together. I mean, I understand what your business is, I understand there is a potential for growth especially with all of the

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Federal legislation that has been passed, but I just don't see that two-thirds.

So, I mean, you're looking to sell the building now as it is, so you have the potential of moving out. Can we just extend this until we have a little more economic foundation and we see some other progress going on in the South Corridor that gives everybody a chance to breathe and re-evaluate and see?

In terms of the landscaping in front, I understand that that's difficult and that the salt, the snow, the car exhaust, all of that is problematic, but we do require it of many, many businesses. I think there is more that can be done there. You could make a small raised bed so that all of the salt in the snow isn't seeping down into those plant roots all the time, that they're given a break there. So, I think there is some compromise there, okay?

MR. POLKA: Good idea.

ACTING CHAIRPERSON WARSKOW: So, that's where I'm at is I think there is some compromise that needs to happen on both ends here. We all come to that, if we're in agreement on that I don't know, but that's just where I am at prior to public comment.

So, anybody else? Any last --

COMMISSIONER JENSEN: Well, I actually, if the Board did give you the extra two years for that, you know, the requirements that they are going to place on you, is that something you want to do and would it make any sense to allow you to have two years from now?

MR. POLKA: I mean, it would certainly be more helpful to have two years, there's no doubt about that. I would probably keep the property listed for sale, we would operate out of there and maintain it. I don't think that in two years time that we would submit the plan for redevelopment. It's just too much of a gamble to --

COMMISSIONER JENSEN: So, you'd be looking at the period of time, whatever, the two years essentially to try to sell that and to relocate somewhere else, in essence?

MR. POLKA: Yes.

COMMISSIONER JENSEN: And that's fine, I don't have a problem with that. I mean, you wouldn't necessarily aggressively pursue the redevelopment is what you're telling us.

MR. POLKA: Yes, it would be, if you said you have two years and then we want to see the redevelopment plan and submit it, I think I would be in the same position and I'd probably just keep it listed for sale in all honesty, you know. I mean, you could then have the best of both worlds. You could see if somebody really is interested. Believe me, the only people asking about the property are contractors. I've told the real estate agent, yes, don't go near it, you know, no matter what they want to spend on it, and I don't even have a price listed for it, right? It's just the interest isn't there, you know.

It's a nice site and it's nice for people like me that are coming and going a lot, but --

COMMISSIONER JENSEN: But I think that this would be allowing you a transition to go somewhere else, we would basically be forestalling an eviction which makes some sense to me.

MR. POLKA: For sure. I mean, that obviously would be very kind. What I would do with that two years, it would depend on what you say that I have to do. Again, I'd like to redevelop it, and you're right, I'm not a developer. It is a big undertaking, no doubt. I still think I can do it, you know. I didn't think I could build my house and I built my house. I know this is very different, right, I totally get that.

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So, what exactly I would do, I don't know. But yes, at the very least it would be helpful and appreciated to not say, hey, get out tomorrow and we've got two years at the very least. I guess it depends on what the conditions are.

ACTING CHAIRPERSON WARSKOW: Right. So, let's just say, and I'm not saying all of my Commissioners are in agreement here, but let's just say we required you're going to remove the striping, because you're probably going to seal coat anyway so removing the striping is not a huge thing, okay.

MR. POLKA: Yes, it's something we could do.

ACTING CHAIRPERSON WARSKOW: We condition you put the islands in, okay, because it is visible and it is a requirement we make of others, and you look at that strip along Arlington Heights Road and figure out a real viable, a more viable plan.

MR. POLKA: That's a good idea with the raised bed. That's actually a nice idea, we might look at doing that.

ACTING CHAIRPERSON WARSKOW: So, if we put those conditions on you, give you more time to find a location, you do this landscape, would you be --

MR. POLKA: I wouldn't invest money into the property if you're telling me I'm going to leave in two years.

ACTING CHAIRPERSON WARSKOW: Okay.

MR. POLKA: The taxes alone are \$170,000 a year, you know, in all honesty, right? I'm just trying to be 100 percent honest that it would be left as is and somebody else maybe comes along, maybe doesn't. I mean, I can't understand why people aren't developing the other seven sites that were mentioned. Maybe they're going through the same problem.

You know, this has been a brutal process. Believe me, I was prepared to go and do a major development and sink a lot of money into it, a lot of my own personal money, but this process has been dejecting at the very, very least. Why risk my own finances, let alone all the time and headaches of it? You know, you would think that, just to be honest, there would be more like support to say, hey, this is what we want, this is what we're looking to do, how can you do it?

When I first bought it and I found out, I went to the Village and they said, no, please find another building, you know. We're not a typical contractor shop. We don't have trucks, we never have, you know, that are on the road. We make it look better. I mean, if we occupy, and here's the crazy part, we could occupy it as an office. Look at the code definition split between contractor shop and contractor office. We could be there; I could be back here in a year saying we're just going to have our office because we're going to remove our filters.

It's a silly process, right, because our offices are there. That's what's mainly there. We don't have any trucks there. So, now the only difference between office, which is allowed in the B-2, and shop is the fact that we have filters and copper fittings.

So, you know, really --

ACTING CHAIRPERSON WARSKOW: But it's also the fact that there could be another viable commercial business who does meet the zoning requirements, and there are other benefits to having a different commercial enterprise in there.

MR. POLKA: Of course, yes. No, there could be always something.

ACTING CHAIRPERSON WARSKOW: Right, right. So, you know, the question is when do we envision that actually happening? Can we give you a, you know, there's a lot of balls to juggle here, but I am going to let the public make any comment.

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COMMISSIONER SIGALOS: Can I just make one further comment?

ACTING CHAIRPERSON WARSKOW: Oh, sure.

COMMISSIONER SIGALOS: Again, whether you're a contractor shop or an office building there, it doesn't negate the landscape requirements and that's what you failed to do. If I understood you correctly right now when you just talked that if you were to get a two-year extension, you're not going to put in more money into this property, that's what I just heard you say. So, you have no intention to doing anything to comply with the landscape requirements. You haven't in the last two years, and if you had two more years you wouldn't do it again.

MR. POLKA: Our project is, that's \$38,000 that we're planning on spending immediately and it's a reasonable plan that makes everything look good and per the code. I understand that --

COMMISSIONER SIGALOS: So, put the \$38,000 into what the Village Code requires you to do with the landscape islands and planting along Arlington Heights Road, and if you raised the beds or you're cutting back the pavement with the landscaping back farther away from the road, but you're not willing to do that.

MR. POLKA: The code doesn't spell out what Sam had said. Show me anywhere in the code where it says that we have to eliminate pavement. I would disagree. When that was originally written, I think it was written for unique properties like this, but I want to do anything that's written in the code. I cited the code.

COMMISSIONER SIGALOS: But you haven't done anything for the last two years. I mean, why would, you said you wouldn't put any more money into this property. So, why would we give you a two-year extension? I don't understand it. It's contrary to what you're telling us.

COMMISSIONER JENSEN: But John, what does the Village gain if we evict him tomorrow? What does that do for development? Because that's what you're saying, you're basically saying you didn't comply, of course we did have a pandemic going on for two years. My younger daughter works for a company that is looking at portfolios of buildings and how they're used and so forth, and they're changing their uses so radically in a fairly short period of time. I don't know if anyone has any idea what the buildings are going to be. So, but if we evict him tomorrow, what does that gain the Village?

COMMISSIONER SIGALOS: I'm not saying it's going to gain anything, but are we just going to say to anybody, well, you just don't have to comply with the code because we don't want to evict you so do whatever you want. We can't say that either.

COMMISSIONER JENSEN: If that's the case, then he can sell the place and use a little time to do it.

COMMISSIONER GREEN: If he makes the landscaping improvements, his property value will go up because the next guy that moves in is going to have to meet the code for the landscaping.

MR. POLKA: That's contradictory. You said you want someone to redevelop it, so the landscape islands are going to get torn down.

COMMISSIONER GREEN: I'm not, let me, let's not go there again. I'm not talking to you, I'm talking to Lynn here. Please don't interrupt me.

MR. POLKA: Thank you.

COMMISSIONER GREEN: So, what I'm saying is he doesn't want to do anything, okay. So, we're here to deal with zoning. I would say whatever you're implying, I would deny this. I'm going to deny this and let the Board, they're the politicians here, let them deal with

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this of what they want to do. They gave him the extension for two years to get this zoning, they did. So, let them do it again, that's why they're here.

COMMISSIONER JENSEN: But they didn't count on the pandemic.

COMMISSIONER GREEN: I'm dealing with zoning here, I'm sorry.

ACTING CHAIRPERSON WARSKOW: Any more?

COMMISSIONER LORENZINI: Yes.

So, what's the deal on the table if we give him a two-year extension?

ACTING CHAIRPERSON WARSKOW: Can we have public comment

before we --

COMMISSIONER LORENZINI: Sure, go ahead.

ACTING CHAIRPERSON WARSKOW: I'm just wondering if you're going to like try and work out conditions for a motion or are you just --

COMMISSIONER LORENZINI: Condition for the motion, you're correct.

So, go ahead.

ACTING CHAIRPERSON WARSKOW: Okay, so I'm going to open to public comment.

Question for you, Sam, I'm getting confused on the public comment. It seems to be going back and forth. Is this public comment just related to this petition, or can they come up at this point in time and make an open comment about anything pertaining to the business that the Plan Commission is mandated?

MR. HUBBARD: The public comment at this point in time would be only in relation to the petition that's before the Plan Commission. Once this public hearing on this petition has been closed, there will be another public comment at the end of the meeting and that will be for anybody.

ACTING CHAIRPERSON WARSKOW: Okay, because I didn't see that on your cheat sheet so I just want to make sure.

MR. HUBBARD: Yes, it does have an update.

ACTING CHAIRPERSON WARSKOW: Okay, I understand.

All right, so is there anyone who would like to speak in relation to this particular petition?

(No response.)

ACTING CHAIRPERSON WARSKOW: No, okay. So, I'm going to close public comment. I'm going to open for any last comments before a motion.

Anybody, any last comments from the Commissioners?

COMMISSIONER LORENZINI: I've got a clarification question. So, if we do extend it two years, there's two landscape plans we've been talking about. One, the one that's on here, but in order for this one to work, Sam, is it correct to say if they remove the pavement in the parking areas as necessary, the existing parking areas that they're going to remove, they would also have to remove the pavement in that area also, right, to make this acceptable to the Village?

MR. HUBBARD: Correct, or you'd have to recommend variations to waive those requirements.

COMMISSIONER LORENZINI: Right.

MR. HUBBARD: So, you can either, if you're extending the proposal for two years, you would either grant variations and allow the landscape plan that's shown here, or deny the variations and the landscaping as shown in this plan would need to be installed. I would recommend, you know, a date given for when that has to be done and a compliance bond to

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ensure that it does get done which could be determined by the Village Board.

COMMISSIONER LORENZINI: If he's going to move out in two years, I mean, my opinion is if he's going to move out in two years, his plan would make more sense because, yes, these landscape islands probably would get thrown away and at least you'd get rid of the playground area, you know, where the bicycle town used to take place.

COMMISSIONER GREEN: Are you going to take the pavement out in the front on your plan here?

MR. POLKA: We didn't plan for that. I don't know what we would do.

COMMISSIONER GREEN: No, this would take the lines off.

MR. POLKA: But we're taking all the pavement out on bike safety.

COMMISSIONER GREEN: Okay, but you're not taking it out on the front. So, the pavement is going to be there. The thing that goes away are the stripes.

ACTING CHAIRPERSON WARSKOW: Right.

COMMISSIONER LORENZINI: Wait, wait, wait. You've got to have some pavement in the front to get into the parking lot.

MR. POLKA: Right.

COMMISSIONER GREEN: Well, that's the whole point. That's the whole point. That's why the Village landscape requirement takes into account there's pavement there. If you're going to sell the property, why would you take the parking spaces away in any way just to put them back? They're worth money to have the paint on the asphalt. So, if there's nothing going to happen and he doesn't want to do anything because he's going to sell the property --

COMMISSIONER LORENZINI: But Bruce, if you take the pavement away, how are you going to get to the parking spots that he's recommending?

COMMISSIONER GREEN: I'm saying for his code-compliant plan, you have to take the pavement away. He's citing a piece of the ordinance, but there can't be pavement there. In other words, he doesn't want to put the three-foot barrier in. That's the only way you can get away with that.

MR. POLKA: No, we'll do the raised box, I really think that's a good idea.

ACTING CHAIRPERSON WARSKOW: He's agreeable to a raised bed along Arlington Heights Road.

MR. POLKA: Yes, we didn't think about that. I truly was saying why do it because we didn't see a feasible way to do it and no one mentioned the raised box. I think it's a good idea.

MR. HUBBARD: You could also push it further west so it's a little bit further away from South Arlington Heights Road and potentially a little bit farther away from salt. That may help.

COMMISSIONER GREEN: He can't push it west. He can't go west because the pavement is there.

MR. HUBBARD: Well, I mean, it's --

ACTING CHAIRPERSON WARSKOW: If it's a raised bed, he could.

MR. POLKA: I think a raised bed is a reasonable thing. It's totally reasonable, totally doable.

COMMISSIONER LORENZINI: Right.

MR. POLKA: But extending the parking lot, I've had people that try to come and do these islands. Nobody wants to do it, no one wants to touch it. That's part of the reason. I mean, it was easy to find a landscaper, yes, and do the screening, yes. But honestly, I had

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three different landscape companies come and I said I need these islands, can you do them?

COMMISSIONER GREEN: Landscapers don't do islands. You need a concrete contractor.

COMMISSIONER SIGALOS: You need a concrete contractor.

COMMISSIONER GREEN: You don't ask the guy with the lawnmower to fix your parking lot.

MR. POLKA: Got it.

COMMISSIONER GREEN: So, you're not asking the right questions of the right people. There's lots of people out there that will give you landscape islands. You just need the money, that's it.

ACTING CHAIRPERSON WARSKOW: So, the way I'm hearing it, not saying this is how the motion has to go, the way I'm hearing it is the Petitioner would be agreeable to putting the landscape along Arlington Heights Road and to pulling out the Safety Town and making that green area but not the islands, and then giving him some time to sell the property I think. Am I hearing that that's what would be agreeable to you? No islands and --

MR. POLKA: But if you're saying, honestly, if you're saying do the improvements but you're going to leave, I guess I would just have to see that. To me at first glance, right, looking at it and seeing, like the improvements we have laid out, like I said, are over \$40,000. He's got all the estimates which are over \$40,000. But to do it only to sell it, again, you said yourself, the only people that are going to buy it are going to tear it down, right? They don't care about anything I'm going to do there.

ACTING CHAIRPERSON WARSKOW: Right.

MR. POLKA: If someone does buy it, you don't even want them to buy it and stay there. You've made that clear. That's why there is the problem here today.

ACTING CHAIRPERSON WARSKOW: All right, so it's basically your plan or denial is what I'm hearing, is what our options are that are realistic to the Petitioner and to the Village.

MR. POLKA: I mean, I think the raised bed is a good option. I'd happily do some islands that, if we could talk about them and make them within reason. Like there's even islands on property that I don't even own. There's islands there on property I don't own, it's IDOT property. They're outside of my land. It just doesn't make sense, and there's an island there that trucks can't turn. They will not be able to turn there. I need to do something, I'll do it, no problem, but it's got to be a plan that makes sense. I can't have a car, a bigger truck not be able to turn around. It's just got to make sense, that's all.

MR. HUBBARD: We are certainly open, and I think in our alternative landscape plan that we had prepared, it was showing this island moving one space south to provide turning area. When you were originally approved in 2020, we discussed talking with the tollway and getting their sign off on those islands which is something that, I don't know if it's a conversation you ever had, but it's viable if you are willing to have that discussion with them.

ACTING CHAIRPERSON WARSKOW: And then just a question here, if you get rid of those, one, two, three, four spaces on the southwest side, yes, then we don't need that at least one, the further west island. Do we need the one in front? You need one on either end of the row or just one end?

MR. HUBBARD: Removing these spaces?

ACTING CHAIRPERSON WARSKOW: Yes, removing those spaces, so then we don't need an island, any islands there, right?

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MR. HUBBARD: I would think that that would eliminate the requirement for the landscape islands if you removed --

COMMISSIONER GREEN: If you removed the pavement.

MR. HUBBARD: Well, not necessarily the pavement, just the spaces.

MR. POLKA: Can you reference the code where it says you have to remove pavement? I just don't understand that in all honesty.

COMMISSIONER GREEN: You're trying to remove the island because you say that there's no parking there and all you're taking off is the paint.

ACTING CHAIRPERSON WARSKOW: Right.

COMMISSIONER GREEN: The parking capability is still there.

ACTING CHAIRPERSON WARSKOW: Yes, it is still primarily a --

COMMISSIONER GREEN: It's a parking lot, you just don't have any paint in it.

ACTING CHAIRPERSON WARSKOW: A lot for vehicles to, I mean, why else would you have pavement other than for something to sit there?

MR. POLKA: But in this situation, it is to get through, it really is. Like in this situation, it truly is to get through. Like that's the uniqueness about the property, right, that whole front, that's how you drive through it. It's a one-way, you know, but I see what you're saying, thank you for explaining.

MR. HUBBARD: The definition of a parking area is specific and includes a hard surface. So, if you're not removing the hard surface, you're not removing the parking area.

ACTING CHAIRPERSON WARSKOW: Correct.

COMMISSIONER LORENZINI: But you do need that pavement to traverse around the building, don't you?

COMMISSIONER GREEN: Not all of it.

ACTING CHAIRPERSON WARSKOW: Not all of it.

MR. HUBBARD: Right.

ACTING CHAIRPERSON WARSKOW: I mean, the parking spaces for the south end, I'm not reading dimensions here but I'm thinking you could eliminate those and still being able to get around.

COMMISSIONER LORENZINI: I'm not saying you need all of it, I'm just saying you need some of it.

MR. HUBBARD: So, this was an alternative landscape plan that the Village had prepared to address some of the concerns. This would show, the areas in red is the striping that would be removed by the Petitioner. The pavement in those areas would still be there, but the striping would not be there. So, you could certainly still drive through those areas even if the pavement was removed. It's likely that, you know, you'd still be able to maneuver, you know, in some of those areas.

COMMISSIONER JENSEN: This would be, so the Village recommended this or this is now what currently what it said, is that right?

MR. HUBBARD: If the Plan Commission was inclined to grant a land use variation in perpetuity and remove the requirement for the temporary nature, then this would be the landscape plan that the Village would recommend be implemented. This would be more costly than the Paragon proposal, and this would be more costly than the 2020 landscape plan, but again, it's taking into account the permanent nature of the land use variation. I understand that the Plan Commission is not talking about that at this time, they're talking about an extension

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of the temporary nature, but --

COMMISSIONER JENSEN: But what makes this more costly than the others, his or, what's happening here is you're taking some of those islands away, right?

MR. HUBBARD: So, yes, some of the islands would not be required but it would entail bumping out the existing curbed landscape bed along South Arlington Heights Road with a, it would be a curbed landscape bed there. This would help with the ability to increase the size of that area and remove some of the plantings farther away from Arlington Heights Road. It involves the removal of Safety Town. It involves the removal of this pavement area which is unnecessary for the site and construction of a curb there. So, it is more costly.

MR. POLKA: We weren't opposed to it. We just didn't have time to get prices for it all, that's all. We just didn't have time to get prices.

COMMISSIONER LORENZINI: I mean, this is a much better solution than the other two. This gets rid of that Safety Town area, it gets rid of, this to me is a good idea.

ACTING CHAIRPERSON WARSKOW: Right, and the landscape islands are inappropriate places that allow for turning.

MR. POLKA: True, yes.

COMMISSIONER LORENZINI: The next question is when does it have to be done by? We have to decide on that, before the two years are up.

ACTING CHAIRPERSON WARSKOW: But I mean, that's assuming in perpetuity. You, again, have a petitioner who does not want to do a major investment in which additional curbs and all of this would require.

MR. POLKA: I'm not saying that I don't want to do it.

ACTING CHAIRPERSON WARSKOW: No, okay.

MR. POLKA: If you said, hey, do this and then you remain there and then when you want to go do the redevelopment we look forward to you coming in front of us, great.

ACTING CHAIRPERSON WARSKOW: Right. I'm saying if we put a time limit on, so if we put the two-year --

MR. POLKA: Yes, then it makes no sense to do that.

ACTING CHAIRPERSON WARSKOW: Then that makes no sense.

MR. POLKA: Financially, this doesn't make sense.

ACTING CHAIRPERSON WARSKOW: We would have to give it in perpetuity.

MR. POLKA: Correct, yes. We're happy to do it and make it look beautiful, but we're --

COMMISSIONER LORENZINI: Well, then that kind of blows the deal, I think.

COMMISSIONER DROST: One question I've got, how serious are you in selling this property? Have you, you've been listening to your broker or your real estate broker. You have, he's told you it's not --

MR. POLKA: It will stay vacant for years.

COMMISSIONER DROST: Yes, but --

MR. POLKA: It will stay vacant; it will look worse than it is now honestly.

COMMISSIONER DROST: Yes, but I mean your vision, your end game, is it to sell this property? What motivates you to do that?

MR. POLKA: My end game is not to sell the property. My end game is to run my business and stop dealing with this stuff.

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COMMISSIONER DROST: Yes, but I'm just saying, you know, if you sell it, then you have to move to another location and then you, you know, you've got --

MR. POLKA: I can move anywhere. I could move like that, you know. I don't want to.

ACTING CHAIRPERSON WARSKOW: My question.

MR. POLKA: I don't want to believe it or not. I mean, it's not easy and it will be a big burden, you know.

COMMISSIONER DROST: Yes.

MR. POLKA: And it will be unfair, right? I mean, like you said, you impose these things over a Zoom meeting and some of you say I agreed to them. I never agreed to them, I barely could even communicate in that meeting, you know. You implemented a situation that wasn't feasible by any means. You didn't give me the means to give you plans. You just didn't give me, you set me up behind the line, you know. There was no means to do --

COMMISSIONER DROST: I'm not going to take that road. I mean, there's procedures that --

ACTING CHAIRPERSON WARSKOW: Right. So, I'm going to keep going with what our choices are here. I think our choices now are land use variation in perpetuity with this compromised, what is up here now, landscape plan, or a denial.

(Audience member comments.)

ACTING CHAIRPERSON WARSKOW: I'm sorry, public comment is closed.

MR. HUBBARD: So, if the land use variation is going to be granted in perpetuity, then this would be the recommendation of the Staff Development Committee. It would be to require implementation of this landscape plan no later than May 31st of 2023. In order to guarantee that occurs, we would determine an appropriate means for that guarantee via some form of a compliance bond or letter of credit or a substantially similar form of guarantee that would need to be provided by the Petitioner prior to receiving Village Board approval.

COMMISSIONER LORENZINI: But then this is giving them permission to stay there forever, right, for a business that's not necessarily desirable to have there.

MR. POLKA: But still under the conditions previous, no trucks, all the conditions of the previous.

ACTING CHAIRPERSON WARSKOW: Right. Right, right, but we do have a South Corridor Plan that has, you know, some vision for that area which includes your property. So, we have to take all of that into consideration. That is a plan that was made and discussed and agreed upon and voted on, so we can't just dismiss it.

MR. POLKA: But why for seven years has nothing happened, right?

COMMISSIONER GREEN: Okay, hang on.

ACTING CHAIRPERSON WARSKOW: Okay, go ahead.

COMMISSIONER GREEN: No, I meant you could continue.

ACTING CHAIRPERSON WARSKOW: Oh, that's all I was going to say is we have to give some consideration to the South Corridor Plan that time, resource and, you know, agreement was made on. So, I am going to ask --

COMMISSIONER GREEN: Wait, wait, one more thing. Sam, to that, would we put a caveat in there that says if you do not implement this landscaping plan, that this perpetuity thing expires and is null and void? Just like the Trustees did.

MR. POLKA: Yes, we lose the bond.

MR. HUBBARD: You could but the guarantee to get the landscaping in

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would be, the meat and bones for that would be in number two, so he would have to put up some sort of bond.

COMMISSIONER DROST: Now, what's the bond value?

MR. HUBBARD: So, that would be, typically it's 30 percent of the landscape cost. That's for what we call a maintenance bond to ensure that once all the landscaping is in, it is maintained over the next 18 months. We could certainly look into a bond amount for the full amount of the cost of landscaping. We don't know exactly how much this plan costs because it hasn't gone out to bid. We've prepared estimates, maybe around \$90,000, but again, that's a rough estimate. The project has not been put out to bid.

COMMISSIONER LORENZINI: But then, Sam, we're going to be living with a business that we ultimately may not want there.

ACTING CHAIRPERSON WARSKOW: Right, he forgoes \$90,000.

MR. HUBBARD: This is not the Staff Development Committee's recommendation. This is only if the Plan Commission is interested in allowing this use in perpetuity. The Staff Development Committee is still of the opinion that this land use variation should be denied.

COMMISSIONER GREEN: Should we take a little poll on that before we go any further, any longer into the discussion?

COMMISSIONER JENSEN: I don't even know what we would vote on. I think he wants to sell the property and get out of there --

COMMISSIONER DROST: Yes.

COMMISSIONER JENSEN: -- buying it before he felt he knew all the conditions.

COMMISSIONER DROST: And what happens --

MR. POLKA: I'd like to stay there and redevelop it, but I'm not getting the chance to do that, and you want it immediately. If you vote for denial, it will stay vacant like the other six properties, right?

COMMISSIONER GREEN: We can live with that.

COMMISSIONER JENSEN: But I think I need to be able to --

COMMISSIONER LORENZINI: No, I agree with you, Lynn, positively on that. Thanks, Lynn.

MR. POLKA: Why not, looking at the other stuff, this will put me aside. Don't you think that's --

COMMISSIONER GREEN: We're having a discussion here trying to get beyond this. So, can we still talk amongst the panel members here on what we want to do?

ACTING CHAIRPERSON WARSKOW: What are you agreeable to, Commissioner Jensen?

COMMISSIONER JENSEN: I don't know that we really, I think he wants to sell the property. I'd like to help him do that so this doesn't have to be --

ACTING CHAIRPERSON WARSKOW: Okay, Commissioner Lorenzini?

COMMISSIONER LORENZINI: My personal opinion, at this point my opinion is let him stay there but he has to do some improvements to stay there temporarily, but as soon as the, if we give him a six-month extension continuously or a one-year or two-year extension, then at the end of each of those extensions the Board can decide whether or not to move him out.

ACTING CHAIRPERSON WARSKOW: I can appreciate that,

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Commissioner Lorenzini, but the Petitioner has gone on record saying if we give him a limit, then it does not make business sense for him to invest in any landscaping, and I would agree to that.

COMMISSIONER LORENZINI: Well, then that's the end of it then.

ACTING CHAIRPERSON WARSKOW: That's why I'm saying we either give him perpetuity with the revised landscape plan or we deny. Am I seeing an option, or am I not seeing an option that somebody else, based on the conversation that we've had for an hour and a half?

MR. POLKA: You know, just an idea, if I do stay there and I do this landscape stuff and it makes everything more beautiful and appealing, if someone were to come in and be the vision that you want, they're still going to come in, they're still going to come and sit there and say, hey, we like that property, we want to redevelop it. A developer doesn't come just because it's for sale, right? So, everybody --

ACTING CHAIRPERSON WARSKOW: Right, but we have no guarantee that you're going to say okay, I'll sell it to you. We have no guarantee of that unless you want us to put in a condition that says if a developer comes with a reasonable offer, but you know, that's wishy-washy, you know. That's not a good condition.

MR. POLKA: But isn't it wishy-washy to sit there and try to boot out a viable candidate on a, you could start. You could start everything, you said it's not possible. You know how things are possible? One step at a time. One step at a time. You have seven vacant properties from the last seven years.

COMMISSIONER GREEN: We're not talking, excuse me, we're not talking about vacant properties. We're talking about yours, so let's stop with the storytelling, please.

MR. POLKA: I'm talking about the South Corridor Plan.

COMMISSIONER GREEN: I've had enough of this for tonight and I think everybody up here has as well. Can we just get down to the business of zoning. I'm sorry, but that's what we should be doing. I would like to make a recommendation. I would like to make a motion.

A motion to recommend to the Village Board of Trustees denial of PC #22-019, an amendment to Land Use Variation Ordinance #20-022 to modify condition number three and eliminate condition number eight, 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 three-foot 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 four-inch caliper shade tree.**

ACTING CHAIRPERSON WARSKOW: Do I have a second?

COMMISSIONER SIGALOS: I'll second that.

ACTING CHAIRPERSON WARSKOW: All right, can we have a roll call please?

MR. HUBBARD: Commissioner Green.

COMMISSIONER GREEN: Yes.

MR. HUBBARD: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

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MR. HUBBARD: Commissioner Drost.

COMMISSIONER DROST: Aye, with comment.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: No.

MR. HUBBARD: Commissioner Lorenzini.

COMMISSIONER LORENZINI: No.

MR. HUBBARD: Commissioner Warskow.

ACTING CHAIRPERSON WARSKOW: Yes.

MR. HUBBARD: So, the motion passes.

COMMISSIONER DROST: Yes, and the comment is basically we learned too much tonight, and we need to have at least in the presentation when you go before the Board of Trustees some sort of alternative. I mean, we're not going to try to design it tonight.

ACTING CHAIRPERSON WARSKOW: Yes, I guess.

COMMISSIONER DROST: Which is difficult in trying to impose conditions, but the reason for --

MR. POLKA: Well, maybe that's what's broken in your process because there's --

COMMISSIONER DROST: Yes, but I'm making my comment. I mean, you don't have to comment to my comment.

ACTING CHAIRPERSON WARSKOW: Right, this is just for the record.

COMMISSIONER DROST: I'm putting this into the record so that the Village Board of Trustees understands the complexity of where you're at. That's the presentation you've got to make. You've got to let them know what went past, that you were sort of handcuffed or hijacked in the Zoom meeting, which I don't really buy. But on the other hand, there were some suggestions that were aired here that might possibly be a solution to helping you stay a good neighbor within the community, continue to let your business flourish and maybe perhaps redevelop the property or sell it to a developer. I mean, that's, and you've got to be more transparent about it. So, that's the point, and maybe when you reload before the Trustees, you can get some sort of a compromise out of this.

ACTING CHAIRPERSON WARSKOW: Yes, and I don't think further discussion here, the motion has been made and passed, but once again, we're only a recommending body. We just made a recommendation to the Village Board. It is up to them, they have the power to discuss with you and make the conditions like they did the last time around.

Do we have a date when that will likely come before the Board, Sam?

MR. HUBBARD: We'll probably target the first meeting in December, but we'll work with the Petitioner on that date.

ACTING CHAIRPERSON WARSKOW: Okay, thank you

All right, I will open to general public comments, and once again, I just want to clarify, this is public comment, not discussion. I understand you probably want some answers which you are free to get from Village Staff, but this is just a comment to go on the record, okay?

GENERAL PUBLIC COMMENT

MS. CAYER: Melissa Cayer speaking. If there is a salt dome on that

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property, then it seems petty that you require landscape islands, a few small landscape islands right there.

But anyway, what I really wanted to say was for the Arlington International Racecourse property, their associated taxing districts are Northwest Mosquito Abatement District-Wheeling, Metropolitan Water Reclamation District of Chicago, Salt Creek Rural Park District-Palatine, Harper College, Community College 512-Palatine, Township High School District 211-Palatine, Community Consolidated School District 15-Palatine, Arlington Heights Library Fund, Village of Arlington Heights, Road and Bridge-Palatine, General Assistance-Palatine, Township of Palatine, Cook County Forest Preserve District, Consolidated Elections, County of Cook, Cook County Public Safety, Cook County Health Facilities.

ACTING CHAIRPERSON WARSKOW: Thank you. Do you have a comment, Mr. Moen?

MR. MOEN: My comment for the record is --

ACTING CHAIRPERSON WARSKOW: I'm sorry, can you state, I said your name, but can you state it once?

MR. MOEN: Okay, thank you. Keith Moens, I'm an Arlington Heights resident, yes.

Okay, my comment for the record, Chair Warskow, if I may suggest in the case that we just went through here with Paragon, get a motion on the floor quickly. Just get it on the floor, work to amend it and it will move much, much quicker. Otherwise, you get into this two-hour back and forth. If you get a motion on the floor and you just move to amend it, you work towards a solution. You notice when a motion was made, we got to business in a hurry.

But anyway, as painful as all that was, I would say that Paragon had the right to this formal vote. They were subjectively denied in the committee for Planning Review Commission, and they may not have come back here. I think they had the right to come forward to find a formal vote in front of a body that is our elected. As a result, there's a couple of others that were subjectively denied by the CPRC, Vine Street Subdivision on July 28th of '21 and South Pine Row Homes on March 31st of '21, they were also subjectively discouraged from moving forward and we don't know where they are. I think they also have the right to come here and get a full disclosure, a full vote and a possible motion early and amendment to get to a solution. Thank you.

ACTING CHAIRPERSON WARSKOW: All right, so is that all of the business we have? Sorry, I don't have an agenda in front of me.

MR. HUBBARD: That is all.

ACTING CHAIRPERSON WARSKOW: Okay.

COMMISSIONER JENSEN: Motion to adjourn.

COMMISSIONER GREEN: Second.

COMMISSIONER DROST: I'll second.

ACTING CHAIRPERSON WARSKOW: Voice vote, everyone in favor?
(Chorus of ayes.)

ACTING CHAIRPERSON WARSKOW: Anyone opposed?
(No response.)

ACTING CHAIRPERSON WARSKOW: We are adjourned.

(Whereupon, at 9:15 p.m., the public hearing on the above-mentioned petition was adjourned.)