



## MINUTES

President and Board of Trustees  
Village of Arlington Heights  
Board Room

Arlington Heights Village Hall  
33 S. Arlington Heights Road  
Arlington Heights, IL 60005

December 5, 2022

7:30 PM

### **I. CALL TO ORDER**

### **II. PLEDGE OF ALLEGIANCE**

### **III. ROLL CALL OF MEMBERS**

President Hayes and the following Trustees responded to roll: LaBedz, Scaletta, Bertucci, Grasse, Tinaglia, Canty, Baldino, and Schwingbeck.

Also present were: Randy Recklaus, Charles Perkins, Tom Kuehne, Lance Harris, Hart Passman and Becky Hume.

### **IV. APPROVAL OF MINUTES**

A. Committee of the Whole 11/21/2022 Approved

Trustee Nicolle Grasse moved to approve. Trustee Robin LaBedz Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Bertucci, Canty, Grasse, Hayes, LaBedz, Scaletta, Schwingbeck, Tinaglia

B. Village Board 11/21/2022 Approved

Trustee Tom Schwingbeck moved to approve. Trustee Richard Baldino Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Bertucci, Canty, Grasse, Hayes, LaBedz, Scaletta, Schwingbeck, Tinaglia

A. **Paragon Mechanical - 2400 S. Arlington Heights Rescheduled Rd. - PC#22-010**  
**Amendment to LUV Ord. 20-022, Variations**

Kevin Polka, owner of Paragon Mechanical, said he purchased the former Elk Grove Township property without being aware that his business did not comply with the zoning. He said his business was less impactful than the previous operator at the site. He now has his staff store their trucks home. He said he would improve the property and make it code compliant. He does not want to increase the landscaped frontage on Arlington Heights Road but said he will put up screening, trees and islands. He asked to be able to keep his filters and fittings there. The property is diminishing in value. he needs a LUV in perpetuity and wants to exclude extending the island.

Mr. Perkins summarized the history of the former Elk Grove Township property. In early 2018, Village staff observed Paragon trucks being stored on the property and parked at the front of the site along Arlington Heights Road. Over the next several months, the truck parking continued and during mid-2018, Village staff initiated a code enforcement case against the petitioner. Sometime in 2019, Paragon illegally moved into the property and ultimately submitted a Plan Commission application in 2020 to allow for their permanent occupancy of the site. Included within the application was a future redevelopment concept for the subject property, which was taken into consideration by Village staff, the Plan Commission, and the Village Board. A temporary Land Use Variation (LUV) was ultimately approved by the Village Board.

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

3. The Petitioner shall be required to implement the phased landscape plan prepared by the Village of Arlington Heights and dated May 8, 2020. Phase One landscape improvements shall be completed no later than September 30, 2020, and Phase Two landscape improvements shall be completed no later than September 30, 2022.

8. Within two years of ordinance approval, the petitioner shall submit a complete Plan Commission application and redevelopment plan for the property. If no application is submitted and subsequently approved, the Land Use Variation shall become null and void.

Only part of the landscaping was installed and it has not been well cared for. Paragon has now submitted a request to modify condition #3 and proposed an alternative landscape plan dated November 11, 2022. The petitioner is also requesting a permanent LUV.

This proposition boils down to two issues; permanent land use of the property as a contractor shop, and compliance with the landscaping regulations.

Mr. Perkins explained the long-term vision for the South Arlington Heights Road corridor as a gateway to the Village. The Land Use issue has nothing to do with Paragon, it's a question of if a contractor shop is compatible with the Land Use designation. Permitting a permanent contractor shop would not provide for the gradual redevelopment of the area to meet the Village's goals.

An alternative landscape plan was presented to staff after the Plan Commission meeting in November. This revision includes: reinstalling a new 3' screen along the Arlington Heights Road, (they do not guarantee the survival as the location is open to a harsh environment) and resurfacing the parking lot. The cost is almost \$100,000 for these improvements.

Trustee Bertucci asked about the conditions of the neighboring properties. Mr. Perkins explained the former Daily Herald building, which has been vacant, is now being rehabbed for medical offices. The Guitar Center is there and north of that is another vacant office building. That building is planned to be torn down along with the former Applebee's and a nearby bank for a mixed-use development. There has not been movement on that plan. Trustee Bertucci asked how long it will be for the area to get where we want it to be? Mr. Perkins said it depends, but could be a few years or more. Paragon's property was annexed into the Village. When it was sold, it reverted to R-1 zoning automatically, as do all annexed properties that do not have zoning on file. Any use other than residential has to go to be rezoned. Now it is B-2. The salt dome is left over from the Township. Trustee Bertucci asked for compromise. He asked if it was okay to limit what he's trying to do when everything around him is in worse shape?

Mr. Recklaus explained that the Village has a South Corridor Plan we would like to see happen. There are only so many areas where we have the authority to coax improvements along. The Village has the greatest authority at moments when an applicant is asking for something. When a larger development occurs, we will ask for the landscaping and site to be improved. Before us today is only this piece, so we're asking for it to be done to our standards. We don't have a lot of levers. Trustee Bertucci asked if a phased approach was possible. Mr. Perkins said Planner Sam Hubbard has spent hours on this. In 2020 we gave Paragon a phased option and they didn't follow through.

Mr. Polka countered the plan wasn't a good one. The screening died. He thinks his alternate proposal might hit the middle ground. He will get rid of the bike safety and the asphalt. He can't fully redevelop the property now. It is not a desirable property. Mr. Polka said he wants to make it look better and wants to be there in perpetuity. He said he didn't know the trucks couldn't park there when he bought the property. He said he moved the

trucks when he found out he couldn't keep them there. He thought the idea of widening the frontage green space was a bad idea. That's where the handicapped and customer parking is. He said he can't guarantee the screening will survive.

Trustee Scaletta summarized that Mr. Polka bought a building, didn't do the research, and put in a bid without due diligence. He said Mr. Polka knew there were codes and ordinances. If a building is sold, it gets rezoned. Now you are saying you were on a Zoom meeting and didn't know how to work the computer. After 2020 did you call or email? Mr. Polka said he emailed Mr. Hubbard and said it wasn't reasonable. Trustee Scaletta said he could have used salt fencing. Mr. Polka replied that he is being held to a higher standard. Trustee Scaletta said that was not true, if a property changes its use, it has to come up to code. Your new plan came forward between the last week and now. Trustee Scaletta said Mr. Polka had not even done the minimum nor made a good faith effort.

Mr. Polka responded that he spent \$10,000 and the plants died. Now he is being asked to widen it. He said he has a plan and will make it better. He said that staff was unresponsive to his plight and accused them of not returning phone call requests.

Trustee Scaletta said this new landscape plan happened in between the Plan Commission and this meeting. He said Mr. Polka is trying to play that he knows what is going on, but is being tricked, and that is not true. When a property is changing its use, they improve the property they are purchasing. The Village gives out variations and Paragon didn't even do 10% of what was asked. Mr. Polka said he wants to spend \$100,000 on improving the site. The salt killed the landscape he installed. Trustee Scaletta said Mr. Polka didn't make a good faith effort. At least 5 of the Trustees thought he would do the right thing.

President Hayes said he wanted the record to reflect that Mr. Polka had an opportunity to respond to the conditions in the Village Board meeting of 2020.

Trustee Tinaglia said Mr. Polka bought a building from an entity and you were uneducated and ill-advised as to what you could do with it. And now, it doesn't work for you the way you wanted it to. You're blaming everyone else for the situation you are stuck in. That's not fair. You've seen and read all the correspondence. I want to help you, but you are making it hard on me by what you are saying and by what you haven't done. If I was your partner, I'd say 'let's get something done here', not the minimum. The Village would like to see the landscaping improved and remove the angled parking. Mr. Polka wants to maintain some of it. Can we consider a one way with parallel parking that would allow for some planting beds? This would reduce the number of stalls to 6 or 8. This might accomplish both things. Mr. Perkins said that was a good idea and he would look at the dimensions. The original plan was to remove safety town and put in landscape islands. Trustee Tinaglia suggested that the issue be continued and that Mr. Polka

come back to the Board with a complete drawing/plan after a compromised is reached. No one is trying to bust his chops. We want Mr. Polka to step up to the plate and not blame others for his mistakes.

Trustee Schwingbeck said the minutes reflected that Mr. Polka would add some landscaping but a full plan wouldn't happen until Phase 2. Trustee Schwingbeck said he voted in favor of it because there would be a beautification plan for Phase 1 and within 2 years there would be a complete redevelopment plan. At the beginning of the meeting, Mr. Polka said he understood and everything was via Zoom. He was allowed to speak and ask questions. Trustee Schwingbeck checked with Mr. Polka in that meeting and asked him if he was okay with these two things. Mr. Polka did not say no. The Board took the vote based on Mr. Polka doing some minor landscaping and putting in a beautification plan. Now Mr. Polka says he didn't agree with anything. There was no "no, I disagree." If Mr. Polka had said he didn't not agree, Trustee Schwingbeck wouldn't have moved forward to approve it. He's had 2 years to do something and he didn't do it. He agreed to it. He said he wants an alternate plan, but won't approve anything if it is open ended without guarantees. Trustee Schwingbeck said he wants a plan and a commitment.

Mr. Polka said if the Board gives him an LUV in perpetuity, he will enact his plan. Otherwise, he will do the bare minimum. Financially that's all he can do. He said he will is not going to spend \$150,000 for it to be not approved.

Trustee LaBedz said no one wants to see the business leave. Reading the Plan Commission minutes, Mr. Polka said the Board imposed these conditions. She said she doesn't know what his plan is, all the Board has is a marked up former plan. We were supposed to have a plan by September and we don't have it. She said she was excited about the previously proposed redevelopment because it was in alignment with what the Southern Corridor was to be and was disappointed there has not been follow through after the Board gave Mr. Polka leeway to fix the mistake. Trustee Labedz said Mr. Polka stated the building is up for sale. If so, what is the incentive to move forward with an LUV in perpetuity?

Mr. Polka said he was sorry he didn't understand the process.

Trustee Grasse said our Village wants all of our businesses to succeed and do well. The pandemic was a difficult time. There have been a lot of mistakes made and she said she didn't feel comfortable voting for this. There is opportunity to engage in more conversation and partnership. Hopefully something can come from that. She would welcome the project coming back after more communication, with something that might work for both entities.

Trustee Canty asked if a person on staff can be identified to work with Mr. Polka. Mr. Recklaus said staff is happy to work with him. He noted that realistically, if this project is continued, the Board would review it again in

February based on the other issues coming before the Board. Mr. Recklaus said in defense of staff, the positions staff took was in advocating the Board's direction. He said staff is happy to sit down and try to find a compromise. Trustee Canty said she didn't want to make a decision that was fraught or rash.

Trustee Tinaglia said because it is winter, nothing is going to be planted now anyway. He said he was behind staff; this can be better. It will be win/win when it is done. All of this conversation is worth something and no one wants Paragon to suffer and fail. He asked for Mr. Polka to have a firm idea of when he will follow through once the plan has been worked out.

Resident Martin Bauer said this location shouldn't be placed on the same requirements and restrictions as the Southern Corridor. He thinks the issues are due to this process being over regulated. He encouraged the Board to let reason prevail. As a resident, he does not need 3' of grass between the on ramp and the highway, that is not common sense. He does not believe we should put our businesses through the ringer.

President Hayes said that is why we decided to continue this.

Trustee Mary Beth Canty moved to move to continue to the next appropriate Board meeting. Trustee John Scaletta Seconded the Motion.

The Motion: Passed

Ayes: Baldino, Bertucci, Canty, Grasse, Hayes, LaBedz, Scaletta, Schwingbeck, Tinaglia