



PLANNING AND ZONING COMMISSION MEETING
City Council Chambers
3600 Kirchoff Rd.
Rolling Meadows, IL 60008
Wednesday, April 5, 2023 (Due to Election Day)
7:00 p.m.

AGENDA

Call to Order

Roll Call/Declaration of a Quorum: Buckingham, Burchert, Gercken, Leone, Sheehan, Sipple

Approval of Minutes: February 7, 2023 Planning and Zoning Commission Meeting

Pending Business: None

New Business – (New Public Hearings):

1. Public Hearing and Consideration for amendments to Section 122-42, Section 122-86(d), Section 122-362, Section 122-567, and Section 122-606(d)(3) of the Zoning Code of Ordinances to modify all references to “Public Works Director” to “Community Development Director”/”Zoning Administrator”, City of Rolling Meadows, petitioner.
2. Public Hearing and Consideration of an amendment to Section 122-87 of the Zoning Code of Ordinances to clarify and/or repeal provisions of the Code regarding religious uses, City of Rolling Meadows, petitioner.

Discussion Items:

1. None.

Reports: Update of on-going projects, cases, and issues.

Next Meeting: Tuesday, May 2, 2023 at 7:00

Motion to Adjourn



**PLANNING AND ZONING COMMISSION MEETING
City Council Chambers
3600 Kirchoff Rd.
Rolling Meadows, IL 60008
Tuesday, March 7, 2023
7:00 p.m.**

MINUTES

Call to Order at 7:05

Roll Call/Declaration of a Quorum:

Present: Gercken, Leone, Sheehan, Sipple, and Chairman Buckingham
Absent: Burchert and Chubirka

Also in Attendance: Glen Cole, Assistant City Manager/Community Development Director
Jo Ellen Charlton, Assistant Public Works Director

Approval of Minutes: Minutes of the January 3, 2023

A motion by Gercken to approve the Minutes of the January 3, 2023 meeting as written, was seconded by Leone, and approved by a unanimous 5-0-2 voice vote of the members present.

Pending Business: None

New Business – (New Public Hearings):

- 1. Public Hearing and Consideration of an amendment to the Arlington Office Planned Development pursuant to Section 122-461 of the City of Rolling Meadows Zoning Code of Ordinances to modify the list of permitted and special uses in an M-1 Zoning District for the property commonly known as Arlington Office Park (PINs 02-26-200-006-0000, 02-26-200-007-0000, 02-26-200-009-0000, 02-26-200-010-0000, 02-26-204-012-0000).**

Chairman Buckingham asked if the file was in order and if property notice was given. Mr. Cole stated that the file was in order and that proper notice was given.

Mr. Gercken's motion to open the public hearing and enter the staff report attached to the agenda into the record was seconded by Sheehan, and approved by a unanimous 5-0-2 voice vote of the members present

Chairman Buckingham swore in Nick Ftikas, attorney with Sam Banks Law, 221 N. LaSalle, Chicago, Illinois, to present the applicant's case.

Mr. Ftikas provided the following overview of the case:

1. He described existing site conditions.
2. He noted that the plans called for the replacement of the small retail kiosk with an additional fuel pump, and the construction of a new retail store at the rear of the property.
3. The new building would be a more modern 2,388 square foot 1-story, all masonry building.
4. A special use is required, but it is not a new special use. Instead, the special use allows for the remodeling of an existing gas station use.
5. Two variations are also being requested. The first is a rear yard setback. The second is a reduction in the drive aisle width immediately in front of the building.

Commissioner's questions of Mr. Ftikas:

1. Sheehan
 - a. Asked for clarification of the square footage. Banks replied 2,388.
2. Gercken
 - a. Asked for clarification that nothing would be stored outside. Ftikas said "correct". He later followed up by noting that they intended to sell propane tanks, and that they are not allowed to be inside a building. When asked where that might go without interfering with parking or circulation, or without interfering with sidewalk access, the applicant did not have an immediate answer. They said they would, however, be willing to work with staff on an acceptable location, and if one couldn't be found, they would not sell propane.
 - b. Asked if they could add bollards in front of the building. Ftikas said "Those could certainly be incorporated into the plan."
 - c. Asked if the refuse enclosure will be brick. Ftikas responded "yes."
 - d. Asked for confirmation that the entrances were being reduced to 30' in width. Ftikas responded "yes."
 - e. Asked for confirmation that the bike rack would be installed? Ftikas responded it would if necessary.
 - f. Asked whether there would be lighting under the awning. Ftikas responded "yes". He further commented that all site lighting would be "down" lighting...particularly on the residential side.
 - g. Asked whether there would be signage on the building. Ftikas responded there would be as shown on the plans.
 - h. Asked how often the landscaping between the new building and the building to the south would be maintained. Ftikas responded once every two weeks.

- i. Asked for confirmation that the south utility pole could be removed. Ftikas introduced Ben West from Axios Architecture

Chairman swore in Ben West, architect with Axios Architecture, 188 N. Wells, Chicago, Illinois

In response to question about utility pole, Mr. West responded that there is both a light pole and a utility pole on the south property line. The light pole will be no issue to remove. The power pole can be removed if it only powers the site, and there are no other utilities on the pole. Power to the new building will not be connected to the pole. Chairman Buckingham asked for confirmation that the pole would be removed. Mr. West said that it would

3. Leone

- a. Asked how many parking spaces there were. Banks responded there were two parking spaces immediately west of the building, and two on the north side of the property.

4. Buckingham

- a. Asked for confirmation that they were just adding one new pump in the location of the existing kiosk. Banks responded that was correct.
- b. Asked whether the other pumps would be replaced. Ftikas responded that they would not be immediately replaced, as they were only 3-4 years old. Pump life cycles are 6-8 years. Chairman Buckingham commented he had recently gone to the station and couldn't get one of the pumps to work.
- c. Asked whether the existing canopy was being replaced. Ftikas responded that the existing canopy would remain, but it would be re-faced.
- d. Asked whether there would be a fence on the rear lot line. Ftikas responded that no permanent fence would be on the lot line. The referenced fence is a temporary construction fence intended to provide protection for the building to the south.
- e. Asked for confirmation again whether they would accommodate a bike rack. Ftikas responded they would.
- f. Asked about the hours of operation and lighting. Ftikas introduced the store operator, Mr. Moktar Nasser.

Chairman Buckingham swore in Mr. Moktar Nasser, operator of the 3005 Kirchoff Marathon Gas Station.

In response to the question about hours and lighting, Mr. Nasser responded that they are currently closed from 11 pm to 5 am. During that time, the gas pumps are off as well. Lighting is turned off when the business is closed. Chairman Buckingham noted that the applicant's material indicated the pumps would be on 24 hours. Mr. Ftikas said the application will be corrected. With regard to lighting, Mr. Ftikas noted their intent to provide adequate safety lighting around the building. He noted that pole lights will be directed down, and that canopy lighting can be dimmed at night.

5. Sheehan

- a. Asked how many parking spaces would be taken up by employees. Mr. Nasser responded there would usually be two employees that drive to the site. He further noted that he had spoken with Express Auto, his neighbor to the south, regarding a request to allow his employees to park on his property.
- b. Commented that she visited the existing facility many times, and that she appreciates the improvement.
- c. Asked what items would be sold. Mr. Nasser responded that the store would sell hot and cold beverages, and food items. Automotive convenience items such as oils, antifreeze, windshield fluid would also be sold. When asked whether liquor would be sold, Mr. Nasser responded "No."
- d. Asked about security. Mr. Nasser responded they will install a 32-channel camera system to help deter criminal activity.

Ms. Charlton highlighted several items in the staff report previously entered into the record.

Commissioner comments/questions of staff

1. Sipple.

- a. Appreciates the narrowing of the driveway as an important means to improve safety and provide a better atmosphere.
- b. Believes bollards in front of the building should be added for safety.
- c. Agrees there is no room for outside sales.
- d. Asked whether the driving surface would be re-paved. In response to this question, Mr. Nasser responded the lot would be repaved.

2. Buckingham

- a. Asked where the findings would need to be adopted as written, and whether the conditions of approval might need to be amended.
- b. Asked the petitioners again regarding outside storage. Mr. Banks responded that refrigeration and freezers would be taken off the table, but the propane was something they would still like to offer if an acceptable location could be found.

Members of the audience were given an opportunity to speak

1. Mary Healy, 3125 Town Square Drive.

- a. Asked whether a traffic study was done to find out how much traffic might utilize their private driveway on the west side of the site. She noted that driveway is theirs to maintain, and that they pay a lot of money to sealcoat and fix potholes. Mr. Ftikas

responded that no traffic study was required. He further noted that autos typically use the Kirchoff Driveways. Ms. Charlton added that when the application was submitted, the petitioner noted anecdotally that most of the people who accessed the station from the private drive were private residents of the condos.

- b. Asked when construction would start. Mr. Ftikas responded it would start as soon as they got permits.

2. Falguni Soni, 3100 Town Square Drive.

- a. Commented that the canopy is rusty and an eye sore. Also, because she worked from home, she asked how long construction would take. Mr. Ftikas responded construction would take about 9 months.
- b. Asked whether any additional landscaping would be done. Mr. West responded the site was already nicely landscaped, but that they would be required to do more to comply with code.

3. Amir Patel, 3125 Town Square Drive

- a. Asked why there were semi-tractor trucks parked on the site. Ftikas responded they would be gone soon. Mr. Nasser added that he had authorized the truck owner to park there without knowing it would be for so long and that so many people would object. He stated he has already given them notice to remove the trucks. Chairman Buckingham asked whether any semi-trucks would be allowed to park on the site once the site is redeveloped. Mr. Nasser responded “no”.

4. Joe Clark, Palatine Illinois.

- a. Doesn't live there, but owns a condo there. Asked whether construction traffic would be allowed to use the private drive on the west. Mr. Nasser said that construction traffic would not utilize the private drive.

Chairman Buckingham asked Ms. Soni whether the existing lighting on the site ever bothered her. Ms. Soni responded that it did not.

With no further questions by the audience, the commission, staff, or the application, Mr. Gercken's motion to close the public hearing was seconded by Ms. Sheehan, and approved by a unanimous 5-0-2 voice vote of the members present.

The following motion by Commissioner Gercken, was seconded by Commissioner Sheehan, and approved by a unanimous 5-0-2 roll call vote of the members present:

Based on the submitted petition and testimony presented, I make a motion that the Rolling Meadows Planning and Zoning Commission adopt the findings for a special use and variations listed in the staff report prepared for the March 7, 2023 Planning and Zoning Commission meeting, and recommend to City Council approval of the requested special use and variations for a Marathon Gas station at 3005 Kirchoff Road, subject to the following conditions:

- a. Outdoor displays or sale of merchandise anywhere on the site is prohibited, except for the tire air dispenser as shown on the site plan, and except for a possible outdoor location for a propane tank exchange, provided City staff agrees the area meets all ordinance requirements.
- b. Owner shall install a construction fence on the south property line, and be responsible for repairing any damage to adjoining properties caused by construction prior to the issuance of a certificate of occupancy.
- c. Owner shall prepare and submit for approval by the City a plat of subdivision, creating a 1 lot subdivision. Plat shall provide a 5' public utility easement along the east property line to accommodate the existing utility pole. Plat shall be recorded prior to the issuance of a certificate of occupancy.
- d. The issuance of any building construction permits will be contingent upon the submittal and approval of the documents as described in Exhibit 1 to the staff report prepared for the March 7, 2023 Planning and Zoning Commission meeting. Exhibit 1 as presented in the staff report prepared for the March 7, 2023 meeting shall be modified to include the following additional requirements:
 - i. Protective bollards shall be added in front of the building.
 - ii. The canopy shall be completely refaced or painted, including the roof
 - iii. All paved areas shall be re-paved prior to occupancy.
- e. The granting of final occupancy is contingent upon development of the site in conformance with all conditions and plans to be approved as required.
- f. Construction traffic is prohibited from using the private driveway access on the west side of the property.

2. Public Hearing and Consideration for a special use pursuant to Section 122-262 of the City of Rolling Meadows Zoning Code of Ordinances to allow a Gas/Fueling Station, and for a variation from Section 122-271 to reduce the required rear yard setback from 30- to 4' in a C-2 Zoning District at 3005 Kirchoff Road. (Failed Notice. Re-Noticed for March 7, 2023).

Discussion Items:

1. None.

Reports: Update of on-going projects, cases, and issues.

Next Meeting: Tuesday, April 6, 2023 at 7:00

Motion to Adjourn

PLANNING AND ZONING COMMISSION SUMMARY

MEETING DATE: April 5, 2023

SUBJECT: Public Hearing and Consideration of a Text Amendment to Sections 122-42, 122-86(d), 122-362, 122-567, and 122-606(d)(3) of the City of Rolling Meadows Zoning Code of Ordinances to modify all references to “Public Works Director” to “Community Development Director”/”Zoning Administrator”.

PUBLIC HEARING: Yes No

BACKGROUND/HISTORY:

The current zoning code came into effect on January 1, 2021. At that time, and up through January 1, 2023, Community Development was a Division of Public Works, and led by the Public Works Director. As of January 1, 2023, Community Development was reorganized into its own department with an appointed Director. As such, a number of references in the Zoning Code need to be updated to refer to the Community Development Director as the administrator of the Zoning Code.

The proposed changes to the code are listed in their entirety in Exhibit A.

TEXT AMENDMENT STANDARDS:

All text amendments are required to show evidence that the standards listed in the Code are met. Each standard is listed below in **bold**, with the finding for that standard listed in *italics*.

Standard 1: Potential impacts: The amendment shall not adversely impact existing land uses in proximity to a subject property, or, in the case of a text amendment, the overall zoning district purpose or intent of a code section proposed for amendment. The amendment should not unreasonably affect the value, use and enjoyment of nearby properties.

Proposed findings:

The text amendment will have no impact on existing land uses.

Standard 2: Trend of development/consistency: Map amendments should be a logical extension of the trend of development in the area around the subject property, or consistent with the approved comprehensive plan. In the case of a text amendment, the amendment shall be consistent with the overall zoning district purpose or intent of a code section proposed for amendment.

Proposed findings:

This text amendment is consistent with the intent of the code, which is (quoting Sec. 122-2) to “define the powers and duties of the administrative and enforcement officers and bodies” of the City. The purposes of the Code are advanced by designating a dedicated City official to be responsible for administration of the City’s zoning matters.

Standard 3: Externalities: Relevant physical or market conditions that may have changed to make the existing zoning of a property inappropriate, or that make the proposed text amendment necessary for this chapter to be in keeping with the desirable development of the city shall be specified.

Proposed findings:

This amendment will not affect any physical or market conditions.

Standard 4: City plans: Amendments should be consistent with the City's Comprehensive Plan, Official Map, and all other plans and policies adopted by the city.

Proposed findings:

This amendment does not substantially interact with or contradict any official City plans or policies.

Standard 5: Zoning appropriateness: The extent to which use of the subject property (or relevant properties in the case of a text amendment) is diminished by the current zoning standards or designation and is no longer suitable for the underlying zoning shall be specified.

Proposed findings:

The text amendment will have no impact on existing land uses.

STAFF SUMMARY AND RECOMMENDATION:

Staff supports the proposed text amendment and recommends approval as presented in Exhibit 1. Three sample motions are provided below as guidance to the Planning and Zoning Commission.

1. Recommendation to approve

Based on the submitted petition and testimony presented, I move that the Rolling Meadows Planning and Zoning Commission adopt the proposed findings for the text amendment listed in the staff report prepared for the April 4, 2023, Planning and Zoning Commission meeting, and recommend that the City Council **approve** the text amendment provided in Exhibit 1 of that staff report.

2. Recommendation to approve with modifications

[Use the framework above, but modify, change or delete conditions.]

3. Recommendation to deny

Based on the submitted petition and testimony presented, I move that the Rolling Meadows Planning and Zoning Commission recommend that the City Council **deny** the proposed text amendment, as it does not satisfy the relevant standard(s):
[elaborate as appropriate.]

Respectfully Submitted,



Elizabeth Kwandras
Deputy Director of Community Development

Attachments:

Application
Exhibit 1: Proposed Changes

Exhibit 1

Proposed Changes shown in red underscore

Section 122-42 is amended by modifying the following definition:

Zoning administrator: The city official responsible for administering the various elements of this chapter. This includes, but is not limited to, granting zoning certificates and interpreting zoning regulations. As related to this Code, the ~~director of public works~~ Director of Community Development or their designee is the zoning administrator.

Section 122-86(d) is amended to read as follows:

(d) Applicable regulations:

- (1) All video gaming cafes must receive a class GC license from the city pursuant to section 6-36 of the City Code in order to operate.
- (2) Size: All video gaming cafes must have a minimum gross square footage of at least 1,200 square feet in size, with no more than 30 percent of the gross square footage occupied by video gaming machines and surrounding space.
- (3) Refuse disposal area: All video gaming cafe properties shall have or provide a refuse disposal area, which shall be screened on all sides by a solid wood, composite or masonry fence or an equivalent material to a height of not less than six feet but no more than seven feet, as approved by the ~~director of public works~~ Zoning Administrator.
- (4) Exterior lighting: Parking lot lighting shall be provided to ensure not less than one footcandle of light at the property line. All parking lot or exterior lighting shall be inwardly directed so that no direct lighting is cast off-premises.
- (5) Outside business activity for video gaming cafes is limited to food and beverage service, and only in compliance with section 122-76 of this chapter.
- (6) Off-street parking and loading: All uses shall conform to the requirements for off-street parking and loading as set forth in article IV of this chapter. Parking surfaces shall be in good repair, as determined by the ~~director of public works~~ Zoning Administrator, or shall be repaired or resurfaced pursuant to properly issued permits prior to the issuance of any special use permit.
- (7) Signs: All signs shall conform to the requirements for signs as set forth in the sign regulations set forth in article X of the Zoning Ordinance and Section 6-36 of the City Code.
- (8) Exterior appearance: The exterior appearance of the building shall be compatible with commercial structures already constructed or under construction

within the immediate neighborhood, to ensure against blight, deterioration, or substantial diminishment or impairment of property values in the vicinity. Necessary improvements shall be as determined by the ~~director of public works~~ Zoning Administrator and shall be completed prior to the issuance of any special use permit.

(9) Video gaming cafes must be separated by a minimum of 900 feet from the next closest video gaming cafe, and not more than one video gaming cafe can operate in the same multi-tenant building. Distance shall be measured in a straight line between the two closest corners of the establishments' closet perimeter walls or corners.

(10) All video gaming cafes shall abide by all other applicable state and city regulations and requirements including all provisions of [chapter 6](#) of this Code.

(11) Video gaming cafes shall obtain and maintain at all times valid licensing, certification, and/or accreditation by appropriate local, state and national bodies charged with the regulation of video gaming and shall adhere to all governing local, state and national codes and regulations.

(12) A maximum of five video gaming cafes may operate within the city pursuant to a special use permit and may only be located in the C-1, C-2 or C-3 zoning district and in one of the following four geographic areas generally described below and identified on the Gaming License Map maintained by the city, subject to the maximum number of video gaming cafes for each area as set forth below:

a. Area 1: (Kirchoff Road Corridor generally described as the commercially-zoned area along Kirchoff Road between Wilke Road and Rowling Road). Maximum # of video gaming cafes = 2.

b. Area 2: (Meacham/ Plum Grove Road Corridor generally described as the commercially-zoned area along Meacham/Plum Grove Road between Algonquin Road and Illinois Avenue). Maximum # of video gaming cafes = 2

c. Area 3: (Golf & Algonquin Road Corridor generally described as the commercially-zoned area along Golf, Algonquin and New Wilke Roads, in the vicinity of Meadows Town Mall Shopping Center). Maximum # of video gaming cafes = 1

d. Area 4: (All other commercially zoned areas of the City of Rolling Meadows). Maximum # of video gaming cafes = 0

(13) There shall be no more than one video gaming cafe in any commercial building designated to accommodate multiple businesses.

(14) All video gaming cafes shall maintain one or more commercial-grade cooking device(s), including at least one or a combination of full-sized commercial grade ovens, grills, fryers, or ranges capable of preparing made-to-order hot items on the menu. Countertop equipment, food warmers and other holding and warming equipment are not sufficient on their own to meet this requirement. The beverage and food offerings of the establishment shall include a variety of non-alcoholic beverages and a minimum of ten hot food items which shall be served during all hours of operation. No less than five hot food items offered by the establishment must be prepared from scratch in the establishment and may not be pre-packaged and/or pre-prepared. An example of pre-packaged would be a pre-cooked breakfast sandwich that is heated up. An example of pre-prepared is a frozen pizza that is heated up in a standard or convection oven.

Section 122-362 is amended to read as follows:

(a) *The zoning administrator:*

(1) *Zoning administrator and authority:* The zoning administrator (or their designee) is charged to administer and enforce this chapter. The City of Rolling Meadows ~~Public Works~~ Community Development Director is designated as the city's zoning administrator and authorized to:

- a. Issue all zoning certificates and permits required per this chapter, and to maintain records thereof.
- b. Conduct inspections of buildings, structures, and land to determine compliance with this chapter and the City Code and notify in writing the person responsible for any violation found, indicating the nature of the violation and directing actions necessary to correct it.
- c. Order discontinuance of illegal use of land, buildings, or structures; the removal of illegal buildings, structures, additions, or structural changes, directed to prevent violation of this chapter shall be as authorized by Illinois law and by the City Code.
- d. Maintain permanent and current records of this chapter, including, but not limited to all maps, amendments, special use permits, planned developments, variances, appeals, applications, and records of hearings and decisions.
- e. Provide interpretations regarding the meaning and applicability of regulations in this chapter and maintain a record of those interpretations.
- f. Receive, file, and forward to the planning and zoning commission as applicable, all applications for matters pertinent to this chapter.

As needed the zoning administrator shall provide facts and information needed by these bodies making findings and support matters before them.

g. Initiate, direct, and review, from time-to-time, a study of the provisions of this chapter and make recommendations as such study requires.

h. Decide or make recommendations on all matters upon which the zoning administrator is required to act.

i. Make an annual report to the planning and zoning commission and the city council on the work of the ~~public works~~ Community Development department on the enforcement of this chapter.

Section 122-567 is amended to read as follows:

Best Management Practices (BMPs) are encouraged in developments through appropriate application of landscape design, site construction and landscape maintenance practices. Use of BMPs may be used to off-set a portion of stormwater management requirements if, at the sole discretion of the ~~public works director~~ Zoning Administrator, the applicant provides evidence by a licensed engineer that such offsets are feasible and the applicant provides a plan for ongoing maintenance and sufficiency of such facilities. Should the applicant or subsequent owners fail to maintain BMPs as effective stormwater management elements, the ~~public works director~~ Zoning Administrator, at their sole discretion, may require repair of such BMPs or replacement with conventional stormwater management systems as may be needed to meet the intent and standards of the City Code.

BMP practices may include but are not limited to:

(a) *Permeable pavement and pavers.* Permeable pavement and pavers are an alternative method of hard surface that allows stormwater runoff to filter through voids material. The use of this porous material can help promote the natural cleaning and infiltration of water, instead of allowing it to wash into streets and down storm drains. Use of this material is allowed in designated drive or path areas and is subject to approval the ~~public works director~~ Zoning Administrator.



(b) *Bioswales or retention ponds*: Bioswales and retention ponds are vegetated landscaped depressions that capture, treat, and slow down stormwater runoff. They provide a more aesthetically pleasing environment than the typical required concrete stormwater fixtures.



(c) *Parking lot drainage*: Stormwater drainage is an integral component in the design of parking lots. Stormwater may be infiltrated into the parking lot planting areas and then drained to a specified area. This approach can clean, detain, and direct stormwater.



Section 122-606(d)(3) is amended to read as follows:

(3) Additional regulations.

a. No portion of a sign may extend over a property line.

b. Monument signs shall be located a minimum of five feet from any front or corner side lot line, and ten feet from any interior side lot line.

c. Base:

i. Landscape. All monument signs shall provide landscape around its base. Landscape must extend a minimum of three feet from the sign base on all sides as approved by the ~~director of public works~~ Zoning Administrator or designee, who will require a mix of evergreen and deciduous small shrubs a minimum of 18 inches in height at planting, and perennials and annuals under the sign face. The remainder of the required landscape area on the sides must be planted with a mix of larger ornamental deciduous or evergreen trees or shrubs, perennials, or other live groundcover. All landscape beds must be spade edged and mulched with a minimum of 3" of hardwood ground cover material.

ii. Monument signs shall be mounted on a base made of decorative masonry or stone.

iii. The sign base shall be a minimum of two feet in height.

iv. The sign base of any monument sign shall be a minimum of 75 percent of the width of the sign.

v. Monument signs located as part of multi-tenant developments may include no more than eight individual sign items.

**APPLICATION TO APPEAR BEFORE THE
CITY OF ROLLING MEADOWS
PLANNING AND ZONING COMMISSION**

Property's Commonly Known Address: N/A

Real Estate Tax Number: N/A

Owner/Developer's Name: City of Rolling Meadows

Petitioner's Name: City of Rolling Meadows

Petitioner's Signature: (please print)
Glen Cole

Petitioner's Address: 3600 Kirchoff Road

City: Rolling Meadows State: IL Zip: 60008

Phone: 847-506-6030 Fax: _____ Email: kwandrase@cityrm.org

Interest of Petitioner: (check one)

Owner Lessee(s) Contract Purchaser Agent

Note: If you are not the owner, you must supply the owner's written authorization.

Description of Request:

Request a text amendment to amend Sections 122-42, 122-86(d), 122-362,
122-567, and 122-606(d)(3) to modify all references to "Public Works Director"

to "Community Development Director"/"Zoning Administrator"

Contact Person: Glen Cole
(please print)

Contact Person's Address: 3600 Kirchoff Road

City: Rolling Meadows State: IL Zip: 60008

Phone: 847-506-6030 Fax: _____ Email: kwandrase@cityrm.org

PLANNING AND ZONING COMMISSION SUMMARY

MEETING DATE: April 5, 2023

SUBJECT: Public Hearing and Consideration of a Text Amendment to Section 122-87 of the City of Rolling Meadows Zoning Code of Ordinances to repeal parts of the section regarding “Religious Uses”.

PUBLIC HEARING: Yes No

BACKGROUND/HISTORY:

Prior to 2017, the City Council repealed a section of the code allowing religious uses in the manufacturing (M) districts, either as permitted or special uses.

In 2017 and 2018, the Islamic Society of the Northwest Suburbs (ISNS) found a property in an M district for their rapidly growing congregation to move to. On August 28, 2018, Ordinance 18-32 was passed in order to newly allow religious uses to locate within “M” districts as special uses subject to specific regulations in order to ensure they were compatible with other uses within these districts.

When the zoning code was updated in 2021, the section on religious uses in “M” districts was inadvertently left off. On April 13, 2022, Ordinance 22-13 was passed, reinstating the previous language regarding religious uses in “M” districts.

Following review by the City Attorney, Staff has prepared a text amendment to clarify the City’s regulation of religious uses consistent with Federal law and to repeal subsection “c” of Section 122-87, which establishes a number of restrictions for religious users in the “M” districts.

The proposed changes to the code are listed in their entirety in Exhibit A.

TEXT AMENDMENT STANDARDS:

All text amendments are required to show evidence that the standards listed in the Code are met. Each standard is listed below in **bold**, with the proposed finding for that standard listed in *italics*.

Standard 1: Potential impacts: The amendment shall not adversely impact existing land uses in proximity to a subject property, or, in the case of a text amendment, the overall zoning district purpose or intent of a code section proposed for amendment. The amendment should not unreasonably affect the value, use and enjoyment of nearby properties.

Proposed findings:

The text amendment only affects religious users in M districts. The Amendment will ensure that they are able to select and develop property in the area in the same manner as a comparable secular use.

Standard 2: Trend of development/consistency: Map amendments should be a logical extension of the trend of development in the area around the subject property, or consistent with the approved comprehensive plan. In the case of a text amendment, the amendment shall be consistent with the overall zoning district purpose or intent of a code section proposed for amendment.

Proposed findings:

This text amendment is consistent with the intent of the code, which is to allow adaptive and creative reuse of existing buildings in the M district.

Standard 3: Externalities: Relevant physical or market conditions that may have changed to make the existing zoning of a property inappropriate, or that make the proposed text amendment necessary for this chapter to be in keeping with the desirable development of the city shall be specified.

Proposed findings:

This text amendment will not substantially affect any physical or market conditions.

Standard 4: City plans: Amendments should be consistent with the City's Comprehensive Plan, Official Map, and all other plans and policies adopted by the city.

Proposed findings:

This text amendment does not substantially interact with or contradict any official City plans or policies.

Standard 5: Zoning appropriateness: The extent to which use of the subject property (or relevant properties in the case of a text amendment) is diminished by

the current zoning standards or designation and is no longer suitable for the underlying zoning shall be specified.

Proposed findings:

This amendment will expand, and not diminish, the potential uses of properties in the M districts.

STAFF SUMMARY AND RECOMMENDATION:

Staff supports the proposed text amendment and recommends approval as presented in Exhibit 1. Three sample motions are provided below as guidance to the Planning and Zoning Commission.

1. Recommendation to approve

Based on the submitted petition and testimony presented, I move that the Rolling Meadows Planning and Zoning Commission adopt the proposed findings for the text amendment listed in the staff report prepared for the April 4, 2023, Planning and Zoning Commission meeting, and recommend that the City Council **approve** the text amendment provided in Exhibit 1 of that staff report.

2. Recommendation to approve with modifications

[Use the framework above, but modify, change or delete conditions.]

3. Recommendation to deny

Based on the submitted petition and testimony presented, I move that the Rolling Meadows Planning and Zoning Commission recommend that the City Council **deny** the proposed text amendment, as it does not satisfy the relevant standard(s):
[elaborate as appropriate.]

Respectfully Submitted,



Elizabeth Kwandras
Deputy Director of Community Development

Attachments:

Exhibit 1: Proposed Changes

Exhibit 1

Proposed Changes shown in ~~red crossout~~

Sec. 122-87. - Religious institutions.

(a) *Purpose and applicability.* It is the intent and purpose of this section to provide regulations regarding religious institutions within the corporate limits of the City of Rolling Meadows in a manner that: (i) is non-discriminatory on the basis of religion or denomination; (ii) is equally or more permissive than the treatment of non-religious assemblies and institutions within a given zoning district; and (iii) furthers the City's compelling land use and other governmental interests using the least restrictive means available.

(b) *Special use.* Religious institutions, as defined herein, require approval of a special use in the districts in which they are listed according to Table 5.1 Land Use Table and such request for a special use shall be processed in accordance with section 122-395 (Special Uses) of chapter 122 (Zoning) and as provided herein below. If a religious institution is not identified as a permitted or special use in a particular zoning district of the city, such use shall be deemed prohibited in that zoning district.

~~(c) *Requirements of a religious institution in the manufacturing zoning districts.* All religious institutions proposed to be located in manufacturing zoning districts (M-1 or M-2) must comply with the following:~~

- ~~(1) All activities are to be conducted within a wholly enclosed building.~~
- ~~(2) Parking is to be provided as required in Table 4-4 district or as approved by the city council in granting the special use.~~
- ~~(3) Elementary and high schools are not permitted as an accessory use.~~
- ~~(4) No residential use of the premises is permitted.~~
- ~~(5) The reuse of an existing building is allowed only after an environmental evaluation of the premises and appropriate remediation of hazards is made and subject to approval by the public works director.~~
- ~~(6) The maximum total floor area is not to exceed 50,000 square feet.~~
- ~~(7) There is to be a minimum separation of 1,000 feet from other places of worship, other than those located in residential districts.~~
- ~~(8) The minimum lot size shall be one acre (43,560 square feet).~~

**APPLICATION TO APPEAR BEFORE THE
CITY OF ROLLING MEADOWS
PLANNING AND ZONING COMMISSION**

Property's Commonly Known Address: N/A

Real Estate Tax Number: N/A

Owner/Developer's Name: City of Rolling Meadows

Petitioner's Name: City of Rolling Meadows

Petitioner's Signature: (please print)
Glen Cole

Petitioner's Address: 3600 Kirchoff Road

City: Rolling Meadows State: IL Zip: 60008

Phone: 847-506-6030 Fax: _____ Email: kwandrase@cityrm.org

Interest of Petitioner: (check one)

Owner Lessee(s) Contract Purchaser Agent

Note: If you are not the owner, you must supply the owner's written authorization.

Description of Request:

Request a text amendment to amend Section 122-87 to repeal parts
of the section regarding "Religious Uses"

Contact Person: Glen Cole
(please print)

Contact Person's Address: 3600 Kirchoff Road

City: Rolling Meadows State: IL Zip: 60008

Phone: 847-506-6030 Fax: _____ Email: kwandrase@cityrm.org