



**PLANNING AND ZONING COMMISSION MEETING**  
**City Council Chambers**  
**3600 Kirchoff Rd.**  
**Rolling Meadows, IL 60008**  
**Tuesday, June 6, 2023**  
**7:00 p.m.**

## **AGENDA**

### **Call to Order**

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

**Approval of Minutes: NONE (May and June minutes for approval at July 5 meeting)**

### **Pending Business:**

1. Public Hearing and Consideration of an amendment to Section 122-394 of the Zoning Code of Ordinances to modify application requirements for text and map amendments, City of Rolling Meadows, petitioner.

### **New Business – (New Public Hearings):**

1. Public Hearing and Consideration of variance to Section 122-163 to reduce the number of required parking spaces from 46 to 38 at 3215 Algonquin Road, Jennifer Johnson on behalf of Property Owner Basel Tarabein, petitioner
2. Public Hearing and Consideration of an amendment to Section 122-83, and other necessary sections, to repeal the section regarding collection boxes, City of Rolling Meadows, petitioner

### **Discussion Items:**

1. None.

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

**Next Meeting: Wednesday, July 5, 2023 at 7:00**

**Motion to Adjourn**

## PLANNING AND ZONING COMMISSION SUMMARY

**MEETING DATE:** June 6, 2023

**SUBJECT:** Continued Public Hearing and Consideration of a Text Amendment to Section 122-394 of the City of Rolling Meadows Zoning Code of Ordinances to modify application requirements for text and map amendments.

**PUBLIC HEARING:**  Yes  No

### **BACKGROUND/HISTORY (AS PRESENTED IN MAY 2023):**

The current zoning code came into effect on January 1, 2021. The requirements for each type of petition (text amendments, special uses, Planned Developments, rezoning) include an application form. There are no exceptions to this for any agency, including the City. This text amendment would allow for the City to process text and map amendment applications on its own behalf without the need for an application form. The forms are largely to indicate the petitioner's intent to go through the process, and provide contact information for the petitioner. This information is already well established for City-generated petitions. The applications also require information that the City doesn't necessarily need to provide, such as owner's consent, as the City is the administrator of its own code.

A small change is additionally being proposed. In the current section, petitioners are required to provide their own wording if they are requesting a text amendment. With the change, the petitioner would be able to submit proposed wording if they so choose. However, they will only be required to submit a general description of the proposed amendment, making these applications more straightforward.

The proposed changes to the code and findings of fact are listed in their entirety in the proposed Ordinance, which is attached as Exhibit 1.

### **UPDATES AND ADDITIONAL INFORMATION (JUNE 2023):**

The PZC opened and continued its public hearing at its May 2023 meeting. At that meeting, there was some confusion about the City's current application requirements as well as equity concerns in the City exempting itself from regulations that are applicable to other petitioners.

A copy of the current process for requesting amendments to the map or text of the City's zoning regulations is attached. Section 5 contains a list of those materials that, together, form a complete application (in addition to the *application form* itself). Those portions that the City often may not be *able* to provide are shown in **highlight**. It is common for the City and other municipalities to not submit these materials to itself when considering a text or map amendment, and the appearance that these are required of the City is likely to be a drafting error.

For context, adopting zoning regulations, including both text amendments and rezoning, is a legislative exercise of the City and is not controlled by a set standard, although the City has identified its own standards. The state law requirement is simply that ([65 ILCS 5/11-13-14](#), emphasis added):

*The regulations imposed and the districts created under the authority of this Division 13 may be amended from time to time by ordinance after the ordinance establishing them has gone into effect, but no such amendments shall be made without a hearing before some commission or committee designated by the corporate authorities. [...]*

*(The remainder of the statute, linked above, sets out notice requirements as well as a protest mechanism for objections to rezoning.)*

To provide information about certain concerns raised at the PZC's May hearing:

- Property Owner Consent. Municipalities, including the City, frequently change their zoning regulations and zoning map proactively and do so with notice to, but not necessarily the consent of, affected owners. Staff is not aware of any municipality that requires the affirmative consent of affected property owners in situations like these. Of course, the PZC can consider the support or opposition of affected owners when making a recommendation to the City Council. In the case of some map amendments, owners also have a right to file a protest that would require super-majority approval by the City Council (detailed above).
- Findings of Fact. While uncommon, municipalities may desire to consider multiple and potentially contradictory to their zoning rules in a single hearing. For example, recently, many communities considered authorizing or prohibiting recreational marijuana dispensaries through a public hearing process that was not opened with a specific outcome in mind. Because the final outcome is not known in situations like these, suggested findings of fact could not be prepared as part of the application. Of course, the PZC would still need to *prepare and make* these findings when making its recommendation, and City Staff would assist the PZC in doing so through the staff report and public hearing processes as it normally does.

Staff recommends approval of the text amendment as originally presented, as it would make the City's code more efficient, flexible, and consistent with how processes like these are commonly structured.

#### **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 June 6, 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,



**Glen Cole**

Assistant City Manager & Director of Community Development

#### Attachments:

- Application
- Exhibit 1: Proposed Ordinance
- Exhibit 2: Current Amendments Section

**AN ORDINANCE MODIFYING THE CITY’S ZONING ORDINANCE  
CONCERNING APPLICATION REQUIREMENTS FOR AMENDMENTS.**

**WHEREAS**, the City of Rolling Meadows is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970 and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

**WHEREAS**, Section 122-394 (“Amendments”) of Chapter 122 (“Zoning”) sets forth procedures for considering amendments to the map and text of the City’s Zoning Ordinance.

**WHEREAS**, the City desires to amend the Zoning Ordinance to clarify that: (i) the City need not submit an application to itself to initiate a hearing to consider text or map amendments and (ii) an applicant need not propose the specific wording of a text amendment in their application (collectively, these are the “**Requested Amendment**”); and

**WHEREAS**, the City’s Planning and Zoning Commission (“**PZC**”), after notice was provided as required by law, conducted a public hearing on May 2, 2023 and June 6, 2023 to consider a City-initiated petition to consider the Requested Amendment; and

**WHEREAS**, after taking and considering all testimony presented at the public hearing, the PZC made the findings of fact enumerated in **Exhibit A** and recommended that the City Council approve the Requested Amendment; and

**WHEREAS**, the Corporate Authorities of the City of Rolling Meadows have determined that it would be in the best interest of the City to approve the Requested Amendment as set forth in this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Rolling Meadows, Illinois:

**Section 1:** Recitals. The recitals set forth above are incorporated herein by reference as the findings of the Corporate Authorities.

**Section 2:** Amended Section 122-394. Pursuant to Sections 122-394 (“Amendments”) and the City’s home rule authority, Section 122-394 (“Amendments”) of Division 2 (“Zoning Procedures”) of Article VI (“Administration and Development Review”) of Chapter 122 (“Zoning”) is hereby amended to read as follows [additions are **bold and double-underlined**; deletions are ~~struck through~~]:

**“SECTION 122-394                      Amendments.**

- (1) *Authority:* The regulations established, and the districts created by this chapter may, from time to time, be amended by an ordinance passed by the city council upon receiving a recommendation from the planning and zoning commission. ~~An application for~~ **The consideration of** a text

amendment or a map amendment (Rezoning) may be filed initiated on behalf of the City by the city council, the planning and zoning commission, or the zoning administrator. In addition, the owner of a property or an individual or entity with a contractual interest in a property (with the authorization of the owner) may file apply for an amendment to the zoning map, and any interested person may propose apply for an amendment to the text of this chapter.

\* \* \*

(3) *Procedure:*

- a. Applications for amendments shall be filed with the zoning administrator through procedures indicated in this chapter. Application shall be provided on forms approved by the city attorney. The City is not required to file an application to initiate the consideration of an amendment.
- b. Public hearing: A public hearing shall be set before the planning and zoning commission, noticed and conducted in accordance with the provisions of this chapter.
- c. Action by the planning and zoning commission: Within 35 days of the close of the public hearing, the planning and zoning commission shall make a recommendation that is forwarded to the next available city council meeting for approval, approval with conditions, or denial of the Amendment. Failure to do so within 35 days, or longer period if agreed to by the applicant, shall be deemed a recommendation for denial of the amendment by the planning and zoning commission.
- d. Action by the city council: Following receipt of a recommendation by the planning and zoning commission, the city council will either approve the application Amendment, approve the application Amendment with modifications or conditions, deny the application Amendment, or remand the matter back to the planning and zoning commission for further deliberation.

*[Illustration intentionally omitted and is not altered.]*

- e. If ~~the~~ an application for an Amendment is denied, a similar application for relief may not be brought before the city for a period of one year by any party other than the City.

(4) Standards for amendments: No application for amendments to the City's Zoning Text or Zoning Map shall be approved without a satisfactory finding regarding the following standards. The planning and zoning commission shall submit to the city council a written recommendation and findings of fact for each matter it hears based upon said standards:

\* \* \*

(5) Materials to be submitted: Applications for an amendment will contain at

least the following information:

\* \* \*

c. Text amendments applications shall include:

- i. **The general nature of, and if desired, the applicant's proposed wording of the proposed requested text amendment.**

\* \* \*

**Section 3: Severability.** If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

**Section 4: Effective Date.** This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

**PASSED AND APPROVED** by the City Council of Rolling Meadows, Cook County, Illinois this \_\_\_<sup>th</sup> day of June, 2023.

YEAS:

NAYS:

ABSENT:

\_\_\_\_\_  
**Lara Sanoica, Mayor**

ATTEST:  
\_\_\_\_\_  
**Judith Brose, Deputy City Clerk**

Published this \_\_\_ day of \_\_\_\_\_ 2023.

## EXHIBIT A

### PZC's Adopted Findings of Fact

#### Text Amendment Standards

**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.*

**Findings:** The amendment is a minor administrative change that clarifies the substance of the Zoning Ordinance. It does not adversely impact the purpose or intent of the Code or the value, use and enjoyment of any property.

**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.*

**Findings:** The amendment is a minor administrative change that clarifies the substance of the Zoning Ordinance and is not inconsistent with any section of the Zoning Ordinance.

**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.*

**Findings:** The amendment is a minor administrative change that clarifies the substance of the Zoning Ordinance. These clarifications will help the City more efficiently update the Zoning Ordinance to reflect changing circumstances and, by making the process more accessible to persons who are not able to draft legal documents, may better facilitate desirable development within the City.

**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.*

**Findings:** The Comprehensive Plan states that the City should “*revise the Zoning Ordinance to be more modern, user-friendly, and supportive of economic development*” (pg. 61). The amendment will implement modern, user-friendly, and flexible zoning practices.

**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.*

**Findings:** This Standard does not apply. The amendment is a minor administrative change that clarifies the substance of the Zoning Ordinance.



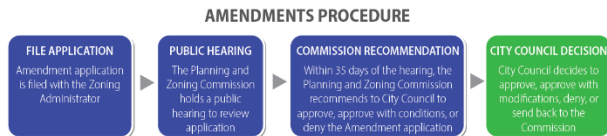
**Sec. 122-394. Amendments.**

(1) *Authority:* The regulations established, and the districts created by this chapter may, from time to time, be amended by an ordinance passed by the city council upon receiving a recommendation from the planning and zoning commission. An application for a text amendment or a map amendment (Rezoning) may be filed by the city council, planning and zoning commission, or zoning administrator. In addition, the owner of a property or an individual or entity with a contractual interest in a property (with the authorization of the owner) may file for an amendment to the zoning map, and any interested person may propose an amendment to the text of this chapter.

(2) *Purpose:* Amendments to this chapter are intended to revise or refine the Zoning Ordinance or Zoning Map as needed to keep it a current and effective tool for development regulation. Amendments should reflect new conditions or newly identified situations, technologies, business approaches or unexpected conditions. The Amendment process is not appropriate solely to relieve a particular inconvenience for an individual applicant, as such changes affect other aspects of the chapter and/or surrounding properties.

(3) *Procedures:*

- a. Applications for amendments shall be filed with the zoning administrator through procedures indicated in this chapter. Application shall be provided on forms approved by the city attorney.
- b. *Public hearing:* A public hearing shall be set before the planning and zoning commission, noticed and conducted in accordance with the provisions of this chapter.
- c. *Action by the planning and zoning commission:* Within 35 days of the close of the public hearing, the planning and zoning commission shall make a recommendation that is forwarded to the next available city council meeting for approval, approval with conditions, or denial of the Amendment. Failure to do so within 35 days, or longer period if agreed to by the applicant, shall be deemed a recommendation for denial of the amendment by the planning and zoning commission.
- d. *Action by the city council:* Following receipt of a recommendation by the planning and zoning commission, the city council will either approve the application, approve the application with modifications or conditions, deny the application, or remand the matter back to the planning and zoning commission for further deliberation.



- e. If the application for Amendment is denied, a similar application for relief may not be brought before the city for a period of one year.

(4) *Standards for amendments:* No application for amendments to the City's Zoning Text or Zoning Map shall be approved without a satisfactory finding regarding the following standards. The planning and zoning commission shall submit to the city council a written recommendation and findings of fact for each matter it hears based said standards:

- a. *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.
- b. *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.
- c. *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.
- d. *City plans:* Amendments should be consistent with the City's Comprehensive Plan, Official Map, and all other plans and policies adopted by the city.
- e. *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.

(5) *Materials to be submitted:* Applications for an amendment will contain at least the following information:

- a. All Amendments applications shall include:
  - i. The applicant's name and address, and their interest in any property subject the amendment.
  - ii. A statement of how the amendment sought would satisfy each of the standards in subsection (4) above.
  - iii. The names and contact information of any professional consultants advising the applicant with respect to the application.
  - iv. Other materials deemed necessary by the zoning administrator for the city to conduct a thorough assessment of the proposed amendment.
  - v. Reimbursement of fees agreement executed by the applicant and property owner.
- b. Map amendments applications shall include:
  - i. The property owner's name and address, and the owner's signed consent to filing of the application.
  - ii. Proof of ownership: Legal document such as a deed, title policy, contract to purchase, etc. to show ownership.
  - iii. A graphic depicting proposed development or future use of the subject property.
  - iv. A current survey, certified by a registered land surveyor, of the subject property.

- v. Legal description of property, including real estate tax number and common address.
  - vi. Description of the subject property characteristics preventing compliance with the existing zoning.
  - vii. A narrative describing any proposed use or development of the subject property, as well as such development's compliance with the proposed zoning district.
  - viii. Description of the length of time, if any, that the subject property has been vacant, considered in the context of the pace of development in the vicinity of the subject property.
- c. Text amendments applications shall include:
- i. Wording of the proposed text amendment.
  - ii. A statement of the need and justification for the proposed text amendment.
  - iii. A narrative indicating how the request is in keeping with the City's Comprehensive Plan and Official Map. Where the approval being requested does not conform to these, reasons justifying the approval despite the lack of conformity shall be provided.

(6) *Fees*: All fees for petitions to the planning and zoning commission shall be as defined in Appendix B of the City Code.

(Ord. No. 20-47, § 3(Exh. A), 11-10-2020)

## PLANNING AND ZONING COMMISSION SUMMARY

**MEETING DATE:** June 6, 2023

**SUBJECT:** Minimum Parking Variation (46 to 38 Spaces) for 3215 Algonquin Road.

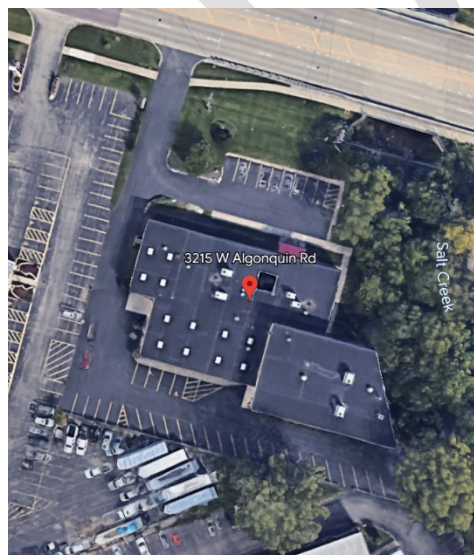
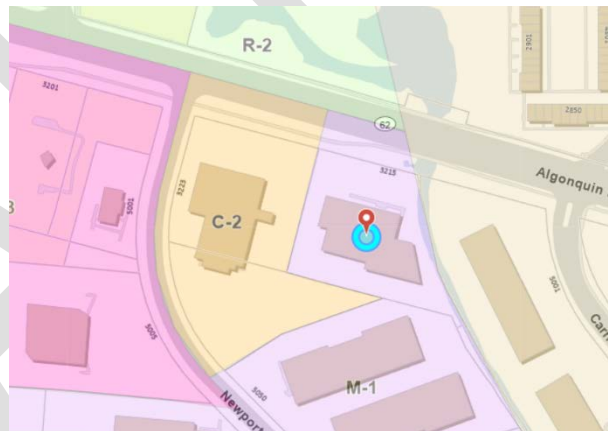
**PUBLIC HEARING:**  Yes  No

### BACKGROUND/HISTORY:

3215 Algonquin Road is an office building located in the M-1 Manufacturing Zoning District. It is surrounded by single family residential to the north, condominiums to the east, La Mirage banquet hall to the west, and Newport Office buildings to the south, as seen in the map to the right.

The building was originally a show room for a kitchen/bathroom remodel company. It was taken over by Re/Max in May of 2001 and used for office since. During and after the pandemic, most of the realtors that worked in the office switched to largely remote work. With most of the building empty, the owner sought to lease out some of the square footage.

As with many buildings zoned for manufacturing, the parking on site was severely limited. Many users brought the required parking well over what was available on site. After much discussion with the City and multiple potential tenants, Veteran Inspection Services took over part of the rear of the building in December of 2021. The required parking just matched the available parking on site.



Since Veteran Inspection Services moved in, the owner has been seeking an additional tenant for space that remained unused. A potential light manufacturing user, Pasta Di Casa, was located. However, the required parking for all three users exceeded what was available on site.

The site is small and limited. There are 38 spaces available on the property. There is no space to expand the available on site parking. In addition to the variance request, the petitioner is working with surrounding properties to secure additional parking should the need arise.

None of the three businesses have customers come on site very often. Between the three users, there will not be more than 15 people on site at any one time. As such, the available parking of 38 spaces is more than adequate for the actual parking needs of the building.

The attached draft Ordinance would grant a parking variation to allow the newly proposed tenant, Pasta Di Casa, to locate within the building. It would also allow future changes or tenants without an additional variation, provided that the changes meet certain criteria specified in Section 2 of the draft Ordinance.

### **STAFF SUMMARY AND RECOMMENDATION:**

Staff supports the proposed variation and recommends approval as shown in the attached draft Ordinance. 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 variance listed in the staff report prepared for the June 6, 2023, Planning and Zoning Commission meeting, and recommend that the City Council **approve** the variance as shown in the draft Ordinance attached to the 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,



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Elizabeth Kwandras  
Deputy Director of Community Development

#### Attachments:

- Application
- Exhibit 1: Proposed Ordinance
- Exhibit 2: Petitioner's Submittal

**AN ORDINANCE GRANTING A MINIMUM  
PARKING VARIATION FOR 3215 ALGONQUIN ROAD.**

**WHEREAS**, Malec Basel Tarabein Corp. ("**Petitioner**") is the owner of the property commonly known as 3215 Algonquin Road within the City's M-1 Manufacturing zoning district, which property is legally described in **Exhibit A** to this Ordinance ("**Subject Property**"); and

**WHEREAS**, in order to allow Petitioner to more efficiently utilize the existing multi-tenant building and site improvements located on the Subject Property, Petitioner requested that the City grant a variation from Section 122-163 to reduce the minimum number of required parking spaces from 46 to 38 spaces (the "**Requested Relief**"); and

**WHEREAS**, the City's Planning and Zoning Commission ("**PZC**"), after notice was provided as required by law, conducted a public hearing on June 6, 2023 at a regular meeting to consider the Requested Relief; and

**WHEREAS**, after taking and considering all testimony presented at the public hearing, the PZC made the findings of fact enumerated in **Exhibit B** and recommended that the City Council approve the Requested Relief; and

**WHEREAS**, the Corporate Authorities of the City of Rolling Meadows have determined that it would be in the best interest of the City to approve the Requested Relief in accordance with, and subject to, the conditions, restrictions, and provisions of this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Rolling Meadows, Illinois:

**Section 1:** Recitals. The recitals set forth above are incorporated herein by reference as the findings of the Corporate Authorities.

**Section 2:** Grant of Variation. Pursuant to the standards and procedures set forth in Section 122-393 ("Variations") and the City's home rule authority, and subject to and contingent upon the conditions, restrictions, and provisions set forth in Section 3 of this Ordinance, the Petitioner is hereby granted a variation from Section 122-163 to reduce the minimum number of required parking spaces from 46 to 38 spaces for the benefit of the Subject Property. The Variation granted by this Section 2 shall benefit future development or changes in use of any portion of the Subject Property without further relief, provided that, as determined by the Zoning Administrator at the time of application:

- i. Any new use or change in use does not require a special use permit;
- ii. The proposed development or use does not increase the degree of non-conformity of the Subject Property to be greater than eight parking spaces under the City's zoning regulations at the time of application;

- iii. At all times since the passage of this Ordinance, the improvements to the Subject Property have not been damaged, reconstructed, repaired, or rebuilt to the extent of 50 percent or more of their replacement cost at the time of the damaging occurrence or completion of work; and,
- iv. Use of the Subject Property has not discontinued for a period of one year or longer at any time since the passage of this Ordinance.

**Section 3:** The variation granted in Sections 3 of this Ordinance is hereby expressly subject to and contingent on each of the following conditions, restrictions, and provisions:

- A. No Authorization of Work. The approvals granted pursuant to this Ordinance do not authorize the development, construction, reconstruction, alteration, demolition, or moving of any buildings or structures on the Subject Property, but merely authorize the preparation, filing, and processing of applications for any permits or approvals that may be required by the codes and ordinances of the City, including without limitation demolition and building permits.
- B. Compliance with Applicable Law. In addition to the other specific requirements of this Ordinance, the Subject Property, and all operations conducted thereon and therein must comply at all times with all applicable federal, state, and City statutes, ordinances, resolutions, rules, codes, and regulations, including, without limitation, this Ordinance.

**Section 4:**

- A. The City shall not be obligated to issue, and may withhold, building permits, certificates of occupancy, and other approvals that do not completely comply with and satisfy the conditions, restrictions, and provisions of this Ordinance.
- B. Upon failure or refusal of the Petitioner to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, the Variation granted in Section 3 of this Ordinance may, at the sole discretion of the Corporate Authorities, by ordinance duly adopted, be revoked and become null and void and of no force and effect.

**Section 5:** The privileges, obligations, and provisions of each and every section and provision of this Ordinance are for and inure to the benefit of and run with and bind the Subject Property, unless otherwise explicitly set forth in this Ordinance.

**Section 6:** Nothing in this Ordinance shall create, or shall be construed or interpreted to create, any third-party beneficiary rights.

**Section 7:**

- A. This Ordinance will be effective only upon the occurrence of all of the following events:
- i. Passage by the Corporate Authorities of the City of Rolling Meadows in the manner required by law;
  - ii. Publication in pamphlet form in the manner required by law; and,
  - iii. The filing by the Petitioner with the City Clerk, for recording in the Office of the Cook County Clerk, of an unconditional agreement and consent to accept and abide by each and all of the terms, conditions and limitations set forth in this Ordinance. The unconditional agreement and consent must be executed by the Petitioner. The unconditional agreement and consent must be substantially in the form attached hereto and incorporated herein as **Exhibit C**.
- B. In the event that the Petitioner does not file with the City Clerk the unconditional agreement and consent required by Paragraph 7.A.iii of this Ordinance within 60 days after the date of final passage of this Ordinance, the Corporate Authorities will have the right, in their sole discretion, to declare this Ordinance null and void and of no force or effect.

**PASSED AND APPROVED** by the City Council of Rolling Meadows, Cook County, Illinois this \_\_\_\_<sup>th</sup> day of July, 2023.

YEAS:

NAYS:

ABSENT:

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**Lara Sanoica, Mayor**

ATTEST:

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**Judith Brose, Deputy City Clerk**

Published this \_\_\_\_ day of \_\_\_\_\_ 2023.



**Exhibit A**

**Legal Description of Subject Property**

THAT PART OF LOT 5 IN ROLLING MEADOWS INDUSTRIAL CENTER UNIT NUMBER 1 BEING A SUBDIVISION OF PART OF SECTIONS 7 AND 8, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED BY A LINE DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE NORTHERLY LINE OF SAID LOT 6, SOUTH 71 DEGREES 25 MINUTES 16 SECONDS EAST 250.0 FEET FROM THE NORTH WESTERLY CORNER OF SAID LOT; THENCE SOUTH 18 DEGREES 34 MINUTES 44 SECONDS WEST 251.95 FEET; THENCE SOUTH 71 DEGREES 25 MINUTES 16 SECONDS EAST PARALLEL WITH THE NORTHERLY LINE OF SAID LOT, 355.42 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT; THENCE NORTH 25 DEGREES 38 MINUTES 00 SECONDS WEST ALONG THE EASTERLY LINE OF SAID LOT 90.46 FEET TO AN ANGLE POINT IN SAID LINE; THENCE NORTH 08 DEGREES 25 MINUTES 16 SECONDS WEST ALONG SAID EASTERLY LINE 210.0 FEET TO THE NORTH EASTERLY CORNER OF SAID LOT 6; THENCE NORTH 71 DEGREES 25 MINUTES 16 SECONDS WEST ALONG THE NORTHERLY LINE OF SAID LOT 6, 197 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

**EXHIBIT B**

**PZC's Adopted Findings of Fact**

**Variance Standards**

***Standard 1: Unique physical condition.** The presence of unique physical conditions related to the property that create a hardship or practical difficulty for the applicant to meet the established requirements of this chapter. The applicant must evidence how such unique hardship or practical difficulty is more impactful to meeting the requirements of this chapter than a mere inconvenience.*

**Petitioner's Findings:** The subject property has been for rent for the past 12 years due to the fact this space is located in the rear portion of a Real Estate building. We have been looking for an ideal tenant that can utilize this space without causing any noise or distributions that will impact the use of the building. Finding an ideal tenant that fits this criterion along with meeting the Rolling Meadows Village code has made it very difficult to rent this space and to financially help our business.

***Standard 2: Impact.** Granting a variance will not substantially impact use and enjoyment of adjacent or nearby properties by impairing an adequate supply of light and air, increasing the risk from fire or other public safety hazard, or diminishing property values. To mitigate impacts, the variance should be the least amount of relief required to accomplish the proposed development.*

**Petitioner's Findings:** Adding another Tenant to our available space in the back of our building, will not impact any of our surrounding tenants or their businesses. Tenant "Pasta Di Casa" does not generate any noise, traffic, not open to the public, has their own entrance/exit, and will not use any of the available parking spaces due to having their own garage. Pasta Di Casa will only be renting a portion of the entire available space. There will be no negative impact to our neighboring and adjacent businesses. We currently operate with no issue with our existing neighbors and have never had a problem.

***Standard 3: Not self-imposed.** The conditions creating the hardship or practical difficulty are a result of application of this chapter, and not self-imposed, having been created by the applicant or by another on behalf of the applicant, or in furtherance of an opportunity for additional profit.*

**Petitioner's Findings:** The hardship we face is having a vacant space for lease that is uniquely positioned in our office building. This space remains empty due to the difficulty of finding a specific tenant that meets our criteria. Our hardship we have is not imposed by our new Tenant "Pasta Di Casa". This tenant is the perfect user for this space with meeting all require criteria for an ideal tenant. This tenant is not the problem, they are the solution to our hardship.

**Standard 4: Use of property.** *Use of the property possible under the standards of this chapter, without receiving the requested variance, would deprive the property owner of substantial rights commonly enjoyed by owners of other lots subject to the same provisions. This standard acknowledges that application of zoning standards may create somewhat increased development costs; which do not constitute, in and of themselves, a hardship.*

**Petitioner's Findings:** The space for lease represents 25% of the property's square footage. It's a hardship on our company keeping this space empty due to us still paying property taxes, mortgage, insurance, cleaning, and common area maintenance fees on it. Not being able to lease this space is depriving us from having the right to generate income to cover these expenses.

**Standard 5: Community character.** *Granting a variance will not impair the public health, safety, morals, comfort, or welfare of the community. Further, said variance shall not significantly alter or impact the essential character or trend of development in the general area, including characteristics such as building height and setback, traffic management, landscaping, building orientation, and established aesthetic standards.*

**Petitioner's Findings:** Granting a parking variance will not impair the public health, safety, morals, comfort, and welfare of the community. In fact, granting a parking variance will enhance it. No development is required for this variance. This is an existing structure with no concerns of the building's location.

**EXHIBIT C**

**Unconditional Agreement and Consent**

**TO:** The City of Rolling Meadows, Illinois ("**City**");

**WHEREAS**, Malec Basel Tarabein Corp. ("**Owner**") is the owner of the property commonly known as 3215 Algonquin Road within the City's zoning district, which property is legally described in Exhibit A to this Ordinance ("**Subject Property**"); and

**WHEREAS**, in order to allow Petitioner to more efficiently utilize the existing multi-tenant building and site improvements located on the Subject Property, Petitioner requested that the City approve a variation from Section 122-163 to reduce the minimum number of required parking spaces from 43 to 38 spaces (the "**Requested Relief**"); and

**WHEREAS**, Ordinance No. 23-\_\_, adopted by the Corporate Authorities of the City of Rolling Meadows on July \_\_, 2023, ("**Ordinance**") grants the Requested Relief to Owner for the benefit of the Subject Property, subject to certain modifications, conditions, restrictions, and provisions; and,

**WHEREAS**, Subsection 7.A.iii of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Owner files with the City Clerk, within 60 days following the passage of the Ordinance, its unconditional agreement and consent to accept and abide by each of the terms, conditions and limitations set forth in said Ordinance.

**NOW, THEREFORE**, the Owner does hereby agree and covenant as follows:

1. The Owner hereby unconditionally agrees to accept, consent to, and abide by all of the terms, conditions, restrictions, and provisions of the Ordinance.
2. The Owner acknowledges that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.
3. The Owner acknowledges and agrees that the City is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the City's issuance of any permits for the Subject Property and that the City's issuance of any such permits or approvals does not, and will not, in any way, be deemed to insure the Owner against damage or injury of any kind and at any time.
4. The Owner agrees to and does hereby hold harmless and indemnify the City, the City's corporate authorities, and all City elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with the operation and use of the Subject Property, or the City's adoption of the Ordinance.

5. By signing, the Owner, or the individual(s) signing on behalf of the Owner, represents, warrants, and guarantees that they have the legal authority to bind the Owner pursuant to the terms of this Unconditional Agreement and Consent.

Dated: \_\_\_\_\_, \_\_\_\_\_.

**ATTEST:**

**OWNER**

**Malec Basel Tarabein Corp.**

By: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Its: \_\_\_\_\_

**APPLICATION TO APPEAR BEFORE THE PLANNING AND ZONING COMMISSION**

Property's Commonly Known Address:

3215 Algonquin Rd, Rolling Meadows, IL 60008

Real Estate Tax Number: 68-08-122-012-0000

Owner's Name: Basel Tarabein  
(please print)

Petitioner's Name: Basel Tarabein  
(please print)

Petitioner's Address: 20827 N Plumwood Dr.

City: Kildeer State: IL IL: 60047

Petitioner's Signature: 

Interest of Petitioner: (check one)

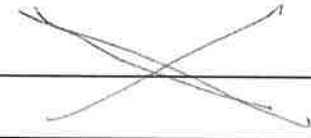
- Owner       Lessee(s)       Contract Purchaser       Agent

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

**Description of Request: Describe the proposed improvement and the relationship to surrounding property and describe that portion which allegedly violates the Zoning Code. (Attach dimensional sketches and plat of survey.)**

Please See Next Page

**Grounds for Appeal: State reason(s) why the ordinance being appealed should not be complied with in this instance or why the decision of the Community Development Officer is considered improper in this case:**



Contact Person: Jennifer Johnson Date: \_\_\_\_\_  
(please print)

Phone: 847-255-4547 Fax: \_\_\_\_\_

Email: Businessoffice@rethinkyourfuture.com

Description of Request:

I am seeking a Parking Variance for a commercial property, also known as “RE/MAX At Home,” located at 3215 W. Algonquin Road, Rolling Meadows, IL 60008. Current zoning rules do not permit us to have an additional tenant in Flex space. This is due to not having enough parking stalls that meet Rolling Meadows regulations. I respectfully request a Parking Variance, which will allow us to have an additional tenant “Pasta Di Casa” for our vacant rear warehouse. We would like to assure our new tenant will be using this space for a personal workspace and storage.

**Pasta Di Casa Additional Information:**

Renting 3,000 Square Feet of the 5,600

3 Employees

2 Employee Vehicles MAX (2 car garage included in rent)

1 Employee Ubers (Employer provides compensation for ubers to work)

Hours of Operation:

Tuesday through Friday

8:30 am – 4:30 pm

Back Door Entrance Only

Flex Space Used for Storage, Refrigeration System, and Rolling Dough

Inventory Drop Off: Every 2 weeks (Once a Week)

**Tenant, RE/MAX At Home currently has 18 agents of which 11 of them work from home and or on the weekends (Saturdays and Sundays) only.**

**Tenant, Veteran Inspection has 1 in house employee with one vehicle that parks inside their garage and 5 Field Employees that pick-up equipment if needed before 8 am. Field employees do NOT work out of Flex space, they only pick up and drop off equipment if needed for jobs. These field employees have work trucks they personally take home every night.**

**Both Tenants do NOT interfere with the hours of operation of our new tenant “Pasta Di Casa”. This also does NOT interfere with each other’s parking situation.**

Our parking lot is consistently 70% empty M-F during business hours of 9 am- 5 pm due to both Flex space tenants having a large garage included in their rent for work vehicles.

## **Standards for Variance**

### **Unique Physical Condition:**

The subject property has been for rent for the past 12 years due to the fact this space is located in the rear portion of a Real Estate building. We have been looking for an ideal tenant that can utilize this space without causing any noise or distributions that will impact the use of the building. Finding an ideal tenant that fits this criterion along with meeting the Rolling Meadows Village code has made it very difficult to rent this space and to financially help our business.

### **Impact:**

Adding another Tenant to our available space in the back of our building, will not impact any of our surrounding tenants or their businesses. Tenant "Pasta Di Casa" does not generate any noise, traffic, not open to the public, has their own entrance/exit, and will not use any of the available parking spaces due to having their own garage. Pasta Di Casa will only be renting a portion of the entire available space. There will be no negative impact to our neighboring and adjacent businesses. We currently operate with no issue with our existing neighbors and have never had a problem.

### **Not Self Imposed:**

The hardship we face is having a vacant space for lease that is uniquely positioned in our office building. This space remains empty due to the difficulty of finding a specific tenant that meets our criteria. Our hardship we have is not imposed by our new Tenant "Pasta Di Casa". This tenant is the perfect user for this space with meeting all require criteria for an ideal tenant. This tenant is not the problem, they are the solution to our hardship.

### **Use of Property:**

The space for lease represents 25% of the property's square footage. It's a hardship on our company keeping this space empty due to us still paying property taxes, mortgage, insurance, cleaning, and common area maintenance fees on it. Not being able to lease this space is depriving us from having the right to generate income to cover these expenses.

### **Community Character:**

Granting a parking variance will Not impair the public health, safety, morals, comfort, and welfare of the community. In fact, granting a parking variance will enhance it. No development is required for this variance. This is an existing structure with no concerns of the building's location.



## Tenant Information

### **RE/MAX At Home**

Employees: 2

Agents: 18

Work From Home Agents: 11

In Office: 7

Hours of Operation:

Monday-Friday

9 am – 5 pm

### **Veteran Inspection**

Employees: 1

Field Employees: 5

Garage Space

Hours of Operation:

Monday-Friday

9 am – 5 pm

### **Pasta Di Casa**

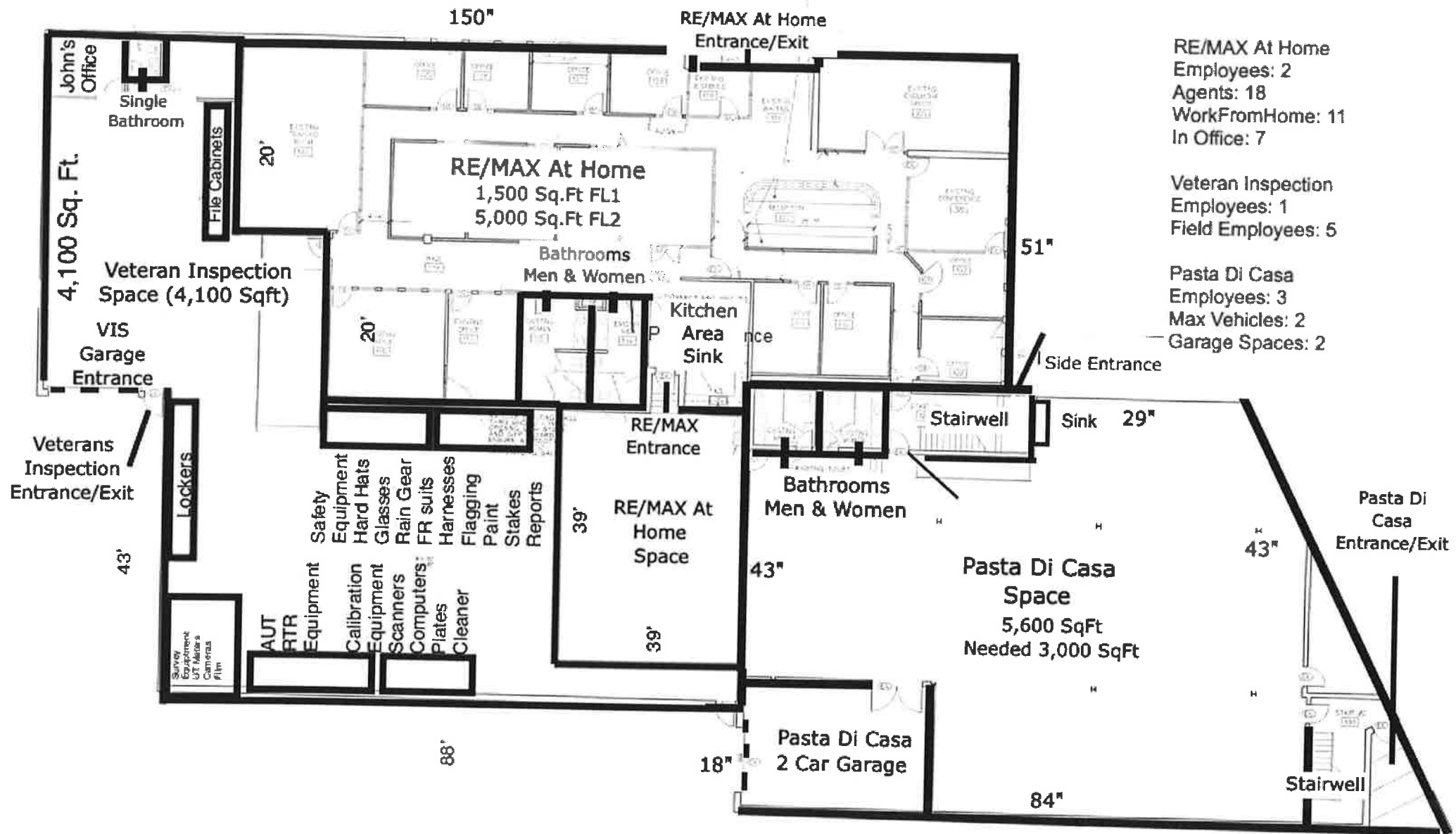
Employees: 3

Garage Space: 2

Hours of Operation:

Tuesday-Friday

8:30 am – 4:30 pm



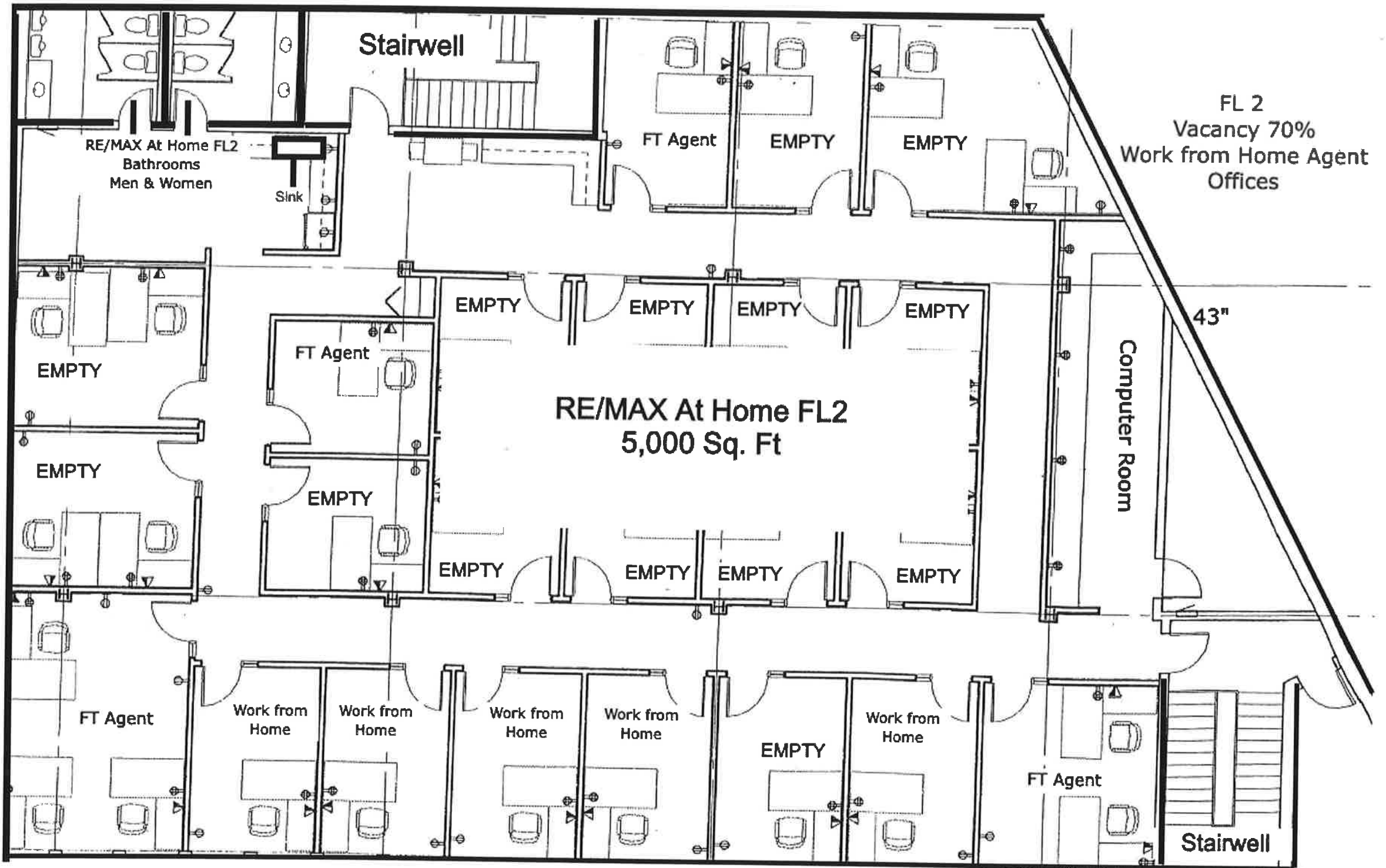
**RE/MAX At Home**  
 Employees: 2  
 Agents: 18  
 WorkFromHome: 11  
 In Office: 7

**Veteran Inspection**  
 Employees: 1  
 Field Employees: 5

**Pasta Di Casa**  
 Employees: 3  
 Max Vehicles: 2  
 Garage Spaces: 2

**Pasta Di Casa**  
 Entrance/Exit

**Stairwell**



Stairwell

RE/MAX At Home FL2  
Bathrooms  
Men & Women

Sink

FT Agent

EMPTY

EMPTY

FL 2  
Vacancy 70%  
Work from Home Agent  
Offices

43''

Computer Room

RE/MAX At Home FL2  
5,000 Sq. Ft

EMPTY

FT Agent

EMPTY

EMPTY

EMPTY

EMPTY

EMPTY

EMPTY

EMPTY

EMPTY

EMPTY

EMPTY

FT Agent

Work from Home

Work from Home

Work from Home

Work from Home

EMPTY

Work from Home

FT Agent

Stairwell

## PLANNING AND ZONING COMMISSION SUMMARY

**MEETING DATE:** June 6, 2023

**SUBJECT:** Public Hearing and Consideration of a Text Amendment to repeal Section 122-83 of the City of Rolling Meadows Zoning Code of Ordinances concerning collection boxes.

**PUBLIC HEARING:**  Yes  No

### BACKGROUND/HISTORY:

In 2020, as part of adopting the City's new zoning code, the City adopted regulations concerning collection boxes as [Section 122-83](#) (copy attached). The Section identifies the reason and purpose for these regulations as:

*"The city has experienced a proliferation of collection containers and their placement in required parking spaces, required landscaped areas, and residential zoning districts, often without the property owner's permission. The proliferation of these containers has contributed to visual clutter, blight due to graffiti and poor maintenance, and the accumulation of debris and excess items outside of the collection containers. They can also interfere with the proper management of the city's waste stream. The purpose of these regulations is to promote the health, safety, and welfare of the public, and protect the property rights of the owners of the properties on which the collection containers are located, by providing minimum blight-related performance standards for the operation of collection containers [...]"*

Where a collection box is placed in violation of the rules provided, it is declared a public nuisance and can be impounded after posting notice for seven days. The City must then, under its current rules, retain the box for at least 180 days before disposing of it. The City has been impounding recurrent sets of collection boxes by willful and repeat violators of the Code, and the 180-day requirement has led to an accumulation of collection boxes that the City cannot dispose of. These collection boxes are relatively inexpensive to build (as they consist primarily of plywood and paint) and are unlikely to ever be collected due to their limited value and the acknowledgement of liability necessary to do so. Accordingly, City Staff intends to recommend that these can be disposed of immediately, which is common in other contexts such as abandoned personal property or bicycles. Relevant sections of the existing Ordinance are shown in **highlight**.

On the whole, Section 122-83 consists of regulations that cities commonly implement elsewhere in their Municipal Codes, such as alongside requirements for business licensing or the identification of public nuisances. Staff recommends that the City should *repeal* this Section 122-83. Separately, Staff would recommend the City Council adopt a modified version within Chapter 22, "Businesses," of the City Code to implement the above changes. This is more consistent with similar regulations and would allow future changes to these regulations, if necessary, to occur more efficiently and with less administrative delay.

## **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 June 6, 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,



**Glen Cole**

Assistant City Manager & Director of Community Development

#### Attachments:

- Application
- Exhibit 1: Proposed Ordinance
- Exhibit 2: Current Collection Boxes Section

**AN ORDINANCE MODIFYING THE CITY’S ZONING ORDINANCE  
REPEALING THE REGULATION OF COLLECTION BOXES.**

**WHEREAS**, the City of Rolling Meadows is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970 and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

**WHEREAS**, Section 122-394 (“Amendments”) of Chapter 122 (“Zoning”) sets forth procedures for considering amendments to the map and text of the City’s Zoning Ordinance.

**WHEREAS**, the City desires to amend the Zoning Ordinance to repeal Section 122-83, regulating collection boxes, in order to modify and adopt it in a more appropriate location in the City’s Municipal Code (“**Requested Amendment**”); and

**WHEREAS**, the City’s Planning and Zoning Commission (“**PZC**”), after notice was provided as required by law, conducted a public hearing on June 6, 2023 to consider a City-initiated petition to consider the Requested Amendment; and

**WHEREAS**, after taking and considering all testimony presented at the public hearing, the PZC made the findings of fact enumerated in **Exhibit A** and recommended that the City Council approve the Requested Amendment; and

**WHEREAS**, the Corporate Authorities of the City of Rolling Meadows have determined that it would be in the best interest of the City to approve the Requested Amendment as set forth in this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Rolling Meadows, Illinois:

**Section 1:** Recitals. The recitals set forth above are incorporated herein by reference as the findings of the Corporate Authorities.

**Section 2:** Repealer. Pursuant to Sections 122-394 (“Amendments”) and the City’s home rule authority, Section 122-83 (“Collection Boxes”) of Article III (“Regulations of General Applicability”) of Chapter 122 (“Zoning”) is hereby repealed in its entirety and reserved for future use.

**Section 3:** Severability. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

**Section 4:** Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

**PASSED AND APPROVED** by the City Council of Rolling Meadows, Cook County, Illinois  
this \_\_\_\_<sup>th</sup> day of June, 2023.

YEAS:

NAYS:

ABSENT:

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**Lara Sanoica, Mayor**

ATTEST:

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**Judith Brose, Deputy City Clerk**

Published this \_\_\_\_ day of \_\_\_\_\_ 2023.

## EXHIBIT A

### PZC's Adopted Findings of Fact

#### Text Amendment Standards

**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.*

**Findings:** The amendment is a minor administrative change that, together with other proposed actions by the City Council unrelated to zoning, does not adversely impact the purpose or intent of the Code or the value, use and enjoyment of any property.

**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.*

**Findings:** The amendment is a minor administrative change that, together with other proposed actions by the City Council unrelated to zoning, is not inconsistent with the purpose or intent of any section of the Zoning Ordinance.

**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.*

**Findings:** The amendment is a minor administrative change that, together with other proposed actions by the City Council unrelated to zoning, will not affect the desirable development of the City.

**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.*

**Findings:** The amendment is a minor administrative change that, together with other proposed actions by the City Council unrelated to zoning, would not affect the City's Comprehensive Plan, Official Map, or other plans and 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.*

**Findings:** This Standard does not apply. The amendment is a minor administrative chang



**Sec. 122-83 Collection boxes.**

(a) *Purpose.*

(1) The city has experienced a proliferation of collection containers and their placement in required parking spaces, required landscaped areas, and residential zoning districts, often without the property owner's permission. The proliferation of these containers has contributed to visual clutter, blight due to graffiti and poor maintenance, and the accumulation of debris and excess items outside of the collection containers. They can also interfere with the proper management of the city's waste stream. The purpose of these regulations is to promote the health, safety, and welfare of the public, and protect the property rights of the owners of the properties on which the collection containers are located, by providing minimum blight-related performance standards for the operation of collection containers, including establishing criteria to ensure that:

- (1) Material is not allowed to accumulate outside of the collection containers;
- (2) The collection containers remain free of graffiti and blight;
- (3) The collection containers are maintained in sanitary conditions;
- (4) The collection containers are not placed without the approval of property owners; and
- (5) That contact information is readily available so that the operators can be contacted if there are any blight-related questions or concerns. This section 122-83 regulates the size, number, placement, installation and maintenance of collection containers, as is necessary to accomplish the foregoing purposes.

(b) *Permit required; exceptions.*

- (1) It is unlawful to place, operate, maintain or allow a collection container on any real property unless the property owner and operator of the collection container first obtains a permit from the city.
- (2) An application for a collection container will be processed as ministerial action in accordance with this section 122-83. The zoning administrator will be the decision maker, subject to this chapter's appeal process.

(c) *Application.*

- (1) The permit application will be made on a form provided by the zoning administrator, and include:
  - a. The signatures of the property owner and the operator of the collection container, acknowledging that they will be equally responsible for compliance with all applicable laws and conditions related to the collection containers for which they are seeking approval;
  - b. A non-refundable application fee in an amount set by resolution of the city council;
  - c. The name, address, email, website (if available) and telephone number of the operator of the collection container and property owner on which the collection container is to be located, including 24-hour contact information;
  - d. A vicinity map showing:

**Existing Sec. 122-83, Collection Boxes.**

- i. The proposed location of the collection container;
  - ii. The distance between the proposed location and all existing collection containers within 500 feet of the proposed location, as measured from lot line to lot line; and
  - iii. The distance between the proposed location and all residentially-zoned property within 500 feet of the proposed location, as measured from lot line to lot line.
- e. Photographs of the location and adjacent properties;
- f. A site plan containing:
- i. Location and dimensions of all property boundaries;
  - ii. Location of all buildings;
  - iii. Proposed collection container location;
  - iv. Distance between the proposed collection container and property lines and buildings; and
  - v. Location and dimensions of all existing and proposed driveways, garages, carports, parking spaces, maneuvering aisles, pavement and striping/marketing;
- g. Elevations showing the appearance, materials, and dimensions of the collection container, including the information required in this section 122-83(c) to be placed on the collection container and notice sign;
- h. A description and/or diagram of the proposed locking mechanism of the collection container;
- i. A maintenance plan (including graffiti removal, pick-up schedule, and litter and trash removal on and around the collection container); and
- j. Any other information regarding time, place, and manner of the collection container's operation, placement, and maintenance that is reasonably necessary to evaluate the proposal's consistency with the requirements of this section 122-83(c).
- (2) *Permit expiration and renewal.* A permit issued under this section 122-83(c)(2) will expire and become null and void annually on the anniversary of its date of issuance, unless renewed prior to its expiration. An application for renewal must be submitted prior to the expiration of the permit on a form provided by the zoning administrator, and include:
- a. The signatures of the property owner and the operator of the collection container, acknowledging that they will be equally responsible for compliance with all applicable laws and conditions related to the collection containers for which they are seeking approval;
  - b. A non-refundable application fee in an amount set by resolution of the city council;
  - c. Photographs of the location and adjacent properties taken within ten days of the submittal of the renewal application;

- d. A detailed description of any changes to the information submitted on the previous application; and
- e. Any other information regarding time, place, and manner of the collection container's operation, placement, and maintenance that is reasonably necessary to evaluate the proposal's consistency with the requirements of this section 122-83.

(d) *Decision on application.*

- (1) The zoning administrator will approve or deny an application within 60 days of the receipt of a completed application. If the zoning administrator fails to take action on the application within the required 60 days, the application shall be deemed approved.
- (2) The zoning administrator will approve the application if all of the following are true; otherwise the zoning administrator may deny the application:
  - a. The applicant has submitted a complete, fully executed and accurate application accompanied by the applicable fee;
  - b. The property on which the collection container is to be located has been free of graffiti, as defined by the City Code, for at least six months prior to the submission of the application, as evidenced by city records for the property;
  - c. The property on which the collection container is to be located has been free of any conditions constituting a nuisance, as defined by the City Code, for at least six months prior to submission of the application, as evidenced by city records for the property;
  - d. The applicant is neither currently in violation of, nor has not been found in violation of this section 122-83 within one year prior to submission of the application; and
  - e. The application will be in compliance with all of the applicable provisions of this section 122-83.
- i. The zoning administrator will mail written notice to the applicant of the zoning administrator's decision by First Class United States mail, addressed to the applicant at the address provided on the application. If the application is denied, or approved subject to conditions, the notice will set forth the reasons for the denial or conditions, as well as the facts supporting the zoning administrator' reasons.
- ii. The decision of the zoning administrator will be final, subject to this chapter's appeal provisions.

(e) *Standards.*

(1) *Location.*

- a. No collection container may be located within 500 feet from any other collection container, as measured from lot line to lot line.
- b. No collection container may be located in a residential zoning district.
- c. No collection container may be located within 500 feet of a property in a residential zoning district, as measured from lot line to lot line.

**Existing Sec. 122-83, Collection Boxes.**

- d. No collection box may be located in front of the front line of the principal structure, as extended along the length of the property.
- e. No collection container will be located on or within:
  - i. The public right-of-way, including sidewalks;
  - ii. Area designated for landscaping;
- f. No collection container will be located in or block or impede access to any:
  - i. Required parking or driveway areas;
  - ii. Pedestrian routes;
  - iii. Emergency vehicle routes;
  - iv. Building ingress and egress;
  - v. Required access routes for persons with disabilities;
  - vi. Required or recorded easements;
  - vii. Trash enclosure areas or access to trash bins or trash enclosures;  
or
  - viii. Any place that would impede the functioning of exhaust, ventilation, or fire extinguishing systems.
- g. No more than one collection container will be located on any individual lot.
- h. No collection container will be located within the clear vision triangle of any intersection, or within any required yard or setback.

(2) *Physical attributes.*

- a. All collection containers must:
  - i. Be fabricated of durable and waterproof materials;
  - ii. Be placed on a level impervious surface;
  - iii. Have a tamper-resistant locking mechanism for all collection openings;
  - iv. Not be electrically or hydraulically powered or otherwise mechanized; and
  - v. Not be considered a fixture of the site or an improvement to real property.
- b. Collection containers may not exceed six and one-half-feet in height, five feet in width and five feet in depth.
- c. Signage on collection containers will not exceed five-inch letter height. Collection containers must have the following information conspicuously displayed in at least two-inch type visible from the front of the collection container:
  - i. The name, address, 24-hour telephone number, and, if available, the Internet Web address, and email address of the permittee, the operator of the collection container, and the owner of the real property;

- ii. The type of material that may be deposited; and
- iii. A notice stating that it is strictly prohibited to leave any materials outside the collection container.

(3) *Maintenance and operation.*

- a. No overflow collection items, litter, debris or dumped materials will be allowed to accumulate within 20 feet of any collection container.
- b. Collection containers will be maintained at all times in good working order, and at all times free from graffiti, removed or damaged signs and notifications, peeling paint, rust, and broken collection operating mechanisms.
- c. Collection containers will be serviced not less than weekly between 7:00 a.m. and 7:00 p.m. on weekdays and 10:00 a.m. and 6:00 p.m. on weekends. This servicing includes maintenance of the container, the removal of collected materials, and removal of any graffiti, litter, or nuisance conditions as defined in the City Code.
- d. The operator will maintain an active email address and a 24-hour telephone service with recording capability for the public to register complaints.
- e. It is strictly prohibited to allow a collection container to be used for solid waste or hazardous materials.

(4) *Removal; notice.*

- a. The placement, maintenance, or site-hosting of a collection container(s) in violation of any applicable requirements set forth in this section 122-83 is hereby declared a nuisance.
- b. In addition to the penalties provided in section 122-83(e)(5) below and provided by other law, the city may further abate such nuisance by removing and impounding the nuisance collection containers after providing reasonable notice to the permittee, operator of the nuisance collection container, and owner of the real property, by affixing signage on the nuisance collection container. The dated notice will state that the nuisance collection container will be removed and impounded within seven days of the posting of the notice, unless the nuisance conditions are fully corrected to the satisfaction of the zoning administrator in strict accordance with the requirements of this section 122-83.
- c. Following impoundment, the zoning administrator or her designee will provide written notice to any reasonably ascertainable permittee, owner of the nuisance collection container, and owner of the real property that:
  - i. The collection container has been impounded; and
  - ii. If the collection container is not claimed within 180 days of impoundment, the city will be authorized to dispose of the collection container and its contents in accordance with the Law Enforcement Disposition of Property Act, 765 ILCS 1030/3, or in any other lawful manner.

**Existing Sec. 122-83, Collection Boxes.**

d. The permittee, the owner of the nuisance collection container, and the owner of the real property hosting the nuisance collection container are jointly and severally liable for the reasonable costs of removal, storage, and disposal incurred by the city.

e. The impounded collection container can be recovered only after the violation is corrected to the satisfaction of the zoning administrator in strict accordance with the requirements of this section 122-83, all outstanding final code violation fines, if any, have been paid in full, and a \$100.00 administrative processing fee is paid in full.

(5) *Penalty.* Any person violating any provision of this section 122-83 shall be subject to a penalty as provided in Appendix B of the City Code. Each day that a violation exists shall be considered a separate violation of this chapter.

(Ord. No. 20-47, § 3(Exh. A), 11-10-2020)

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


Property's Commonly Known Address: \_\_\_\_\_

Real Estate Tax Number: \_\_\_\_\_

Owner/Developer's Name: \_\_\_\_\_

Petitioner's Name: \_\_\_\_\_

*(please print)*

Petitioner's Signature: \_\_\_\_\_ 

Petitioner's Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Contact Person: \_\_\_\_\_

*(please print)*

Contact Person's Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_