



**PLANNING AND ZONING COMMISSION MEETING**  
**City Council Chambers**  
**3600 Kirchoff Rd.**  
**Rolling Meadows, IL 60008**  
**Tuesday, September 1, 2020**  
**7:30 p.m.**  
**AGENDA**

**Call to Order**

**Roll Call/Declaration of a Quorum:** Buckingham, Duvall, Fink, L. Morrison, S. Morrison, Rataiczky, Sheehan, Sipple

**Approval of Minutes:** August 19, 2020 Planning and Zoning Commission Meeting

**Pending Business:**

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

1. Special Use to allow a video gaming café with variations for screening of refuse container and other needed relief at 2164 Plum Grove Road, C-2 General Commercial Services District, Charity Johns, Laredo Hospitality, Petitioner.  
*(Continuance requested to next regular meeting, October 6, 2020 at 7:30 pm)*

**Discussion Items:**

1. Discussion regarding the draft Comprehensive Zoning Code of Ordinances Update

**Reports: Update of on-going projects and cases**

**Matters Not on the Agenda:**

**Next Meeting: Special: September 24, 2020 at 7:30 pm in the City Council Chambers**  
**Regular: October 6, 2020 at 7:30 pm in the City Council Chambers**

**Motion to Adjourn**

**City of Rolling Meadows  
Planning and Zoning Commission  
7:30 PM  
August 19, 2020  
UNAPPROVED**

**Call to Order**

**Chairman Rataiczky** called the meeting to order at 7:30 pm.

Roll call:

**Presiding:** Chairman Rataiczky

**Present:** Buckingham, Duvall, Sheehan, Sipple

**Absent:** Fink, L. Morrison, S. Morrison

**Also Present:** Elizabeth Payne, Administrative Services Coordinator; Michael Blue, Teska Associates

**Chairman Rataiczky** declared a quorum.

**Approval of Minutes**

**Chairman Rataiczky** asked for a motion to approve the minutes from the July 7, 2020 Planning and Zoning Commission meeting. Mr. Duvall moved to approve the minutes as written and Mr. Sipple seconded.

**Roll call:**

**Mr. Duvall:** Yes

**Ms. Sheehan:** Yes

**Mr. Sipple:** Yes

**Mr. Buckingham:** Yes

**Chairman Rataiczky:** Yes

Yeas – (5) – Buckingham, Duvall, Rataiczky, Sheehan, Sipple

Nays – (0) - NONE

Absent – (3) – Fink, L. Morrison, S. Morrison,

Abstain – (0) – NONE

Motion carried. Minutes approved as written.

**Upcoming Public Hearings: NONE**

**Pending Business: NONE**

**New Business – Public Hearings: NONE**

**Discussion Items:**

**1. Workshop Discussion regarding highlights of major changes in the draft Zoning Code – to be considered at public hearing on September 1.**

**Ms. Payne** provided a background on the zoning code update. Teska Associates was engaged by the City in 2018 to help update the 2006 Comprehensive Plan. The updated plan was adopted by the City Council in 2019. One of the recommendations of the Plan had been to update the zoning code. The City was able to engage Teska Associates again, due to their familiarity with the City and its existing ordinances. The Planning and Zoning Commission had held discussions regarding direction of the updated code, and staff and Teska had used those comments to create a draft. Michael Blue of Teska Associates was present to provide information on the updated code.

**Mr. Buckingham** asked what the next steps in the process would be. Ms. Payne indicated comments generated during this discussion would be incorporated into the draft. The updated draft would be presented at a special meeting held on September 24, 2020 at 7:30 pm for the public hearing. After the public hearing, the City Council would consider it. Chairman Rataiczuk added that it had been the intent to complete the update before the Commission had shifted to have so many new members, so the new members were coming in at the end. The updates to the code would be beneficial to staff, the Commission, and residents, developers, and businesses of the City.

**Mr. Blue** introduced himself to the Commission, and provided the outline for the presentation. Background on zoning and the code update would be provided, followed by discussion of each article.

Mr. Blue noted that the current zoning ordinance is not a good one, as it was hard to read and out of date. Codes often get updated in pieces, which can create additional difficulties for staff and the community. Many of the base regulations remain the same in the new code, and the new code was restructured to make it easier to read and find things.

Zoning has a general negative reputation, but its actual job is to create predictability for the community. Predictability preserves property values and quality of life for the community. Zoning ordinances should be clear and easy to understand and unique from community to community. Zoning authority is authorized by the state, and case law refines how zoning is applied. As such, things are constantly shifting. The purpose of zoning is to regulate the use of the land, the bulk (how tall, how large, etc), and the character of the land (density, landscaping, signs, etc). Everything in a zoning ordinance needs to add value. There needs to be a reason for the regulations. The ordinance should also be predictable, for staff, the Commission and the community. Communication needs to be part of the process, which has been built into the updated procedures.

The zoning ordinance is being updated for several reasons. One is that the Comprehensive Plan was updated, which updated some policies and vision for the community. The format was also extremely out of date and inconsistent with other towns. That can make it difficult for developers and businesses to manage their projects, and make it seem like that town is unorganized. In addition, the existing code has some internal conflicts, and some of the laws in the state have changed, particularly regarding signs.

The first step to updating a zoning code is a technical review of the existing code. This was done for Rolling Meadows as part of the Comprehensive Plan update. Issues and challenges to the code were identified. Feedback was gained from users, including staff and developers, and then the draft was begun. Teska took what was in the current code and restructured and modernized it, bringing best practices to the code, while keeping the majority of the existing regulations in place. Attorneys at Ancel Glink were brought in for a legal review of the code as well. Revisions were then made with staff to ensure that any proposed changes would work for Rolling Meadows. After the draft was completed with staff input, the Commission would review, and the public hearing would be held to make a recommendation to the Council. Council would then adopt the code formally.

The Table of Contents indicates the new structure, which the current code does not have. The structure is consistent with other zoning ordinances.

Article I establishes the rules, intent, and language application for the ordinance.

Article II establishes the definitions. This is the most important part of the ordinance. The definition spells out how something is regulated. The definitions were changed to be specific to the new ordinance and to the City, standards were removed from the section, and modified to reflect current policies and practices. Graphics were added where they were useful. Definitions of land uses in the ordinance, located in a table, were also added. Land uses were categorized, instead of spelling out every single allowable use, which is impossible to do.

**Mr. Duvall** noted that some terms were not listed in the definitions section. Ms. Payne replied that words not specifically defined by the code were to be defined by the dictionary and the context. If there were specific words that could benefit from definition, it was requested that those words and sections be sent to staff for review.

**Mr. Buckingham** asked about terms of art in the code, and if they need to be defined in the code. Ms. Payne stated that it depends on the term. Words that are not used in a common manner in the context of the code need to be defined. Mr. Blue added that terms of art should be defined.

**Mr. Blue** continued with Article III, the Articles of General Applicability. This section contains things that apply to multiple districts, or do not fit anywhere else. These are typically the things that staff receives the most calls about. Some odd things are in this section, such as collection boxes and adult uses. They cannot be completely prohibited, but can be heavily regulated to limit their impact.

**Mr. Buckingham** asked why adult uses were not restricted to the same extent as other uses, such as cannabis. Mr. Blue noted that this was a first amendment issue. Cities are allowed to regulate the way these uses are allowed, such as hours of operation and separation requirements, though there must be at least some place to locate them. Additional regulations can be formulated if there are concerns about many of these types of uses opening. Mr. Buckingham asked if signage could be regulated to be non-offensive. Mr. Blue noted that there were certain things that could be regulated, but for the most part the City cannot regulate what the signs say. The signs can be regulated by location, size, brightness, and other criteria like those. The uses can also be regulated by special use requirements.

**Mr. Blue** noted that there were some outstanding policy questions from this section. One was regarding outdoor dining. The idea was to not overregulate outdoor dining, and allow staff flexibility to allow it without needing a public hearing process. Ms. Payne added that this had come up from the City Council because of three outdoor dining special use requests coming through in rapid succession. The Council charged the Economic Development Committee to examine the regulations to not require special uses as much as possible, due to the time and expense required in the process. Their findings were sent to the Commission for consideration. Staff secured the ability to consider outdoor dining modifications in the context of the larger zoning code update to make sure new regulations would be consistent. Chairman Rataiczuk asked if the coronavirus pandemic had changed the proposed regulations in the code or brought up issues in the proposed regulations. Staff noted that the code being recommended for adoption reflects discussions held prior to the pandemic. There is no way to tell what the future holds. The City Council had proven they could be flexible when needed, and those changes to the code had an expiration date, and could be revisited if needed. Additional discussion ensued regarding outdoor dining in the context of the pandemic. Staff was able to see how easy it was to approve safe, code-compliant outdoor seating without a special use.

**Mr. Blue** noted that home occupations had been fairly strictly regulated in Rolling Meadows, as in other towns. The best practice that he had noted in his experience was to set up rules and enforce them. Similar to outdoor dining, the pandemic had brought to light some of the needed changes to working from home. In addition, many more people were working out of their homes than they used to be. The regulations were in place to ensure that, if a home occupation got to be too disruptive to the area, enforcement could take place to bring the home back into compliance.

**Mr. Buckingham** asked if the currently expanded regulations had an end date. It was noted that there was an end date that could be revisited in the future if needed. The zoning code does not have an end date, but can be revisited and revised as needed. He asked if the regulations regarding allowed square footage for outdoor dining was industry standard or present in the current code. Staff stated that outdoor dining was regulated by number of seats.

**Mr. Blue** noted that there was a policy question about the height of accessory structures. Ms. Payne noted that the Commission had discussed the height allowed in previous discussions. The current regulation was fifteen feet, six inches, and the Commission had wanted to allow higher for additional storage. The accessory structure is meant to be subordinate to the primary use, in this case a home, so staff did not want to allow for too much height. Staff had not received many requests for additional height. Ms. Sheehan noted that some people wanted to install lifts in garages to allow for storage of additional vehicles. Additional discussion regarding height of accessory structures was held. The suggested height limit was to allow for an attractive garage with some storage capabilities, and it was a height consistent with other municipalities. Detached garages with lifts could be made a special use in the residential areas.

**Mr. Blue** continued the presentation with Article IV on off-street parking. The section details how many parking spaces are required for different uses. It also talks about the design of parking lots, including landscaping and screening, as discussed in the Comprehensive Plan. Trigger points for bringing current parking lots up to compliance with the new code were added. Bicycle parking was added to the updated code, as well as shared parking and land banking requirements. The section detailed more than just how many spaces were required: it detailed requirements for how the lot

was to look and be maintained to provide good aesthetics for the City. The criteria to determine number of required spaces was changed to measurable standards, such as total square footage or occupancy capacity, not something that constantly changed, such as number of employees. Additional tables and graphics were added as well for ease of use. Loading requirements are also located in this section, and simplified.

Article V is the heart of the zoning ordinance. This section is the district regulations. Each district is summarized, and includes a table and graphic, as well as cross-references for where to find other applicable codes. Bulk standards were not changed at all to avoid creating non-conformities. The biggest changes to this section are the consolidation of the existing "T" Transitional districts to C-3 for ease of use and administration, and the renaming of the residential districts for a logical progression and easier for architects and developers.

A policy question was discussed regarding new and used vehicle sales. These are listed as special uses in the commercial districts to allow for examination on the impacts to the surrounding areas, such as traffic flow. The question was whether to separate new vehicles sales uses and used vehicle sales uses and treat them separately. Ms. Payne noted that the definition was that all used vehicle sales were accessory to new vehicle sales, and no used vehicle sales could be a primary use. This caused difficulties, as the two vehicle sales uses in the City were both used lots. It was determined to allow used vehicle sales as a primary use, as well as new vehicle sales.

**Ms. Sheehan** asked about legal non-conforming businesses. Ms. Payne noted that the majority of businesses should not be affected by the change in code. Staff was careful that current users were going to be permitted in the districts that they are going to. It was the intent to create as few non-conforming uses as possible.

**Mr. Buckingham** asked what it meant to be legal non-conforming. Ms. Payne stated that there were trigger points and exceptions to bringing non-conforming uses to at least partial compliance. The amount of change proposed would determine the level of required compliance.

**Mr. Buckingham** asked for an updated zoning map. Ms. Payne stated that staff was working on creating one.

**Mr. Blue** indicated that Article VI was to regulate required procedures, most of which are brought through the public hearing process. Clear standards for findings of fact had been added to this section for legal approval of various processes, such as special uses and planned developments. These standards are the guide for how the Commission should be making their recommendations. A list of variances that can be considered was added to the section, limiting them to measurable standards. Standards for hardship were added. Notification procedures were simplified, and a site plan review process was added. These additions give staff authority to make site plans better and conform with the Comprehensive Plan. All procedures are detailed, and provide information about documents required to be submittal.

A policy question that came up in the context of discussion about special uses was the extent of the special use – does it stay with the land or expire when the owner changes? Going forward, staff was going to put the determination in as a condition of approval, but in case it was forgotten, the code

needed to provide a baseline position. Attorneys generally say to have the special use expire with owner transfer, since conditions change over time. Regulation of specific types of special uses is impossible, as there are so many types. Many transfers of properties or business happen contingent on zoning approval. Existing special uses could prove they would meet existing conditions on transfer, and be administratively approved by staff to transfer. In addition, conditions proposed by staff can be added to and changed by the Commission, so if the Commission does want to have the condition go the opposite way, or staff forgets to include the condition, the Commission can include or change accordingly. This code was being recommended by the Commission to the City Council, and the Council could make changes if they desire. In addition, staff could make changes in the future based on the needs of the community. The Commission was generally in favor of allowing the special use to expire at change of ownership.

**Mr. Buckingham** noted that currently, the Commission had the final say on variances, with appeal rights to the County. Under the new code, variances would be heard by the Commission and a recommendation would be forwarded to the Council, like with any other process. Mr. Blue stated that this was best practice, and, in case of a lawsuit, courts tend to side with legislative Council decisions, instead of the quasi-judicial board. This also simplifies processes, as each type of public hearing is handled in the same way. It also makes variance requests tied in with other types of approvals, such as subdivisions or special uses, easier to administer.

**Mr. Blue** discussed Article VII, which dealt with non-conformities. This section included uses and structures. These uses and structures are allowed to continue as they are, but new uses and structures must meet code. Existing non-conformities are also not allowed to be expanded. A threshold for coming into compliance after damage and destruction was also included. The most significant change from the existing code was the distinction between structures and uses.

Article VII detailed environmental impact regulations. This article was changed to comply with state standards, rather than the overly precise and detailed existing regulations that are impossible to apply. Potential difficulties with this section could be referred to the state for enforcement. Other uses, such as schools and park districts, are also subject to zoning. If the county was in violation, the matter could also be referred to the state.

Article IX was about landscaping, including screening between transitional uses. These standards are in addition to parking lot landscaping and screening as detailed elsewhere in the code. Best management practices for storm water management were also put in as suggestions, to be addressed on a case by case basis and dealt with through site plan review. These are only suggestions rather than requirements because they may not satisfy other storm water management requirements, such as those from the Metropolitan Water Reclamation District (MWRD), as they are removable.

The final article in the code is Article X, regarding the signs. This would regulate all signs on all properties, other than signs specifically regulated by a planned development. This updated section is as content neutral as possible, conforming with a decision passed down the by United States Supreme Court stating that content of a sign cannot be regulated – if the sign has to be read to be regulated, the regulation is unconstitutional. Structurally, the biggest change to the code is that signs have their own section, rather than being placed in individual district regulations. Regarding regulations, the biggest change is the prohibition of pole signs and off-premise advertising signs.

These are common best practices among many towns. Amortization schedules were not included, but thresholds were created for non-conforming signs to come into compliance. Staff was requesting guidance on sign size. Wall signs were currently limited to 200 square feet maximum. The proposal is to reduce that size to 100 square feet, and allow variances as relief. Most of this is geared towards visibility. Staff requested direction from the Commission regarding is 100 square feet maximum was an appropriate change. The Commission was in favor of the reduction. Staff does not see very many signs even at 100 square feet. These changes would likely take place over a span of time, but would create a dramatic difference in the presentation of the City as a whole. Monument signs and perimeter landscaping are the keys to the presentation outlined by the Comprehensive Plan, and the zoning code is set up to transition that way over time.

The zoning map would also be updated within the ordinance update. For the most part, everything would remain the same, except for the changing names of the residential districts. The Transitional districts would be removed and moved to their new districts. The intent of the update was to preserve rights, for both use and bulk.

**Mr. Duvall** asked if the map reflected the rezoning of City-owned properties for sale, which used to be the fire stations. Ms. Payne noted that the City was not rezoning any properties other than the Transitional districts, and the names of the residential districts. The existing fire station on Meadow Drive had two zoning designations, and that would need to be addressed at or prior to sale. This effort, however, was focused solely on the transitional properties and the residential properties. Mr. Blue added that rezonings were often performed with a specific intent to change available rights. That was not the intent of the update.

**Ms. Payne** concluded that this effort had been long and difficult, and expressed her gratitude to Mr. Blue and Teska Associates for their efforts and professionalism. The draft provided for the Commission's review was the result of Teska's hard work and included best management practices, and been reviewed by legal consultants. Mr. Blue added that he appreciated staff's work and attention to detail. The consultants bring the menu of options, but it was staff that made the ordinance the one for Rolling Meadows. He also expressed his gratitude to the Commission for being present for the work on the ordinance that had had done and would do.

**Mr. Blue** stated that the public hearing was meant to hear from the public. Any comments would be collected and evaluated accordingly. Ms. Payne encouraged the Commission to send any comments, suggestions, and questions to staff in advance of the September 24 public hearing. This would allow time for review of the comments, and making the changes.

**Mr. Duvall** asked how many comments were expected. Ms. Payne responded that it would depend. Notice was being published in as many avenues as possible in advance, mainly geared towards residential users to assure them that the changes were in name only. More comments would likely come from properties that are currently zoned in the "T" districts. A letter had been drafted for each individual property owner in the "T" districts to let them know what was going on. Ms. Payne had provided her direct contact information for all avenues of communication with the public, and hoped that any questions or problems could be addressed in advance. She added that the changes to the sign code might generate some comment from the business community. Mr. Blue added that if

concerned residents calls in advance to have their questions answered, they will likely not come to the public hearing. The changes had been done thoughtfully to preserve rights.

**The Commission** expressed that the document was well done, and they believed that the public would agree. It has been an investment in time and resources, but will be worth the effort to bring Rolling Meadows to the vision its citizens have for it.

**Reports: Update of on-going projects and cases:**

**Ms. Payne** reported that the next meeting would be held on Tuesday, September 1, 2020 at 7:30 pm, which was a regular meeting. One item was on the agenda: a video gaming café special use for Shelby's on Plum Grove Road. The meeting after would be the special meeting on Thursday, September 24, 2020 at 7:30 pm for the public hearing for the zoning code update.

**Mr. Duvall** asked how quickly staff would like comments. Ms. Payne stated as soon as possible would be preferable, so that there would be time to address them.

**Ms. Sheehan** brought up Plan Commissioner Training. Ms. Payne stated that every year, the American Planning Association, Illinois Chapter had a convention, which included training for Plan Commissioners. This year, the training would be held remotely on Thursday, September 17, 2020. Interested Commissioners were encouraged to contact if they were interested in attending. Staff would take care of registration. It was a good training for Commissioners. Mr. Blue stated that the training offered would be "Plan Commissioner Training 101", which would provide good background. Additional discussion panels would be held, including private and public sector parties, to share perspectives on the public hearing processes. Panels would be recorded.

**Adjournment**

A motion to adjourn was made by Mr. Duvall and seconded by Mr. Buckingham. Motion carried by unanimous voice vote. The regular meeting of the August 19, 2020 Planning and Zoning Commission was adjourned at 9:49 pm.

Respectfully Submitted,



Elizabeth Payne  
Administrative Services Coordinator  
Community Development Division

Distribution:

Mayor  
City Manager  
Planning and Zoning Commissioners  
Community Development Department  
Clerk's Office

**PLANNING AND ZONING COMMISSION SUMMARY**

**MEETING DATE:** September 1, 2020

**SUBJECT:** Special Use to allow a video gaming café with variations for screening of refuse containers and other needed relief at 2164 Plum Grove Road, C-2 General Commercial Services District, Charity Johns, Laredo Hospitality, Petitioner.

**PUBLIC HEARING:** [X] Yes [ ] No

**RELATED CODE SECTIONS:** Sec. 122-193(b)(16) Special Uses in C-2  
Section 122-29 Video Gaming Cafes

**BACKGROUND:** On August 11, 2020, pursuant to public hearings by the Planning and Zoning Commission, the City Council approved Ordinance 20-32, a text amendment authorizing video gaming cafes as Special Uses in the Commercial Zoning Districts. Several gaming establishments were already present in the City, and the City Council determined it would be prudent to regulate these uses separately from restaurants.

Also on August 11, 2020, the City Council passed Resolution 20-R-80 referring a video gaming café, Shelby’s at 2164 Plum Grove Road, to the Planning and Zoning Commission for Special Use consideration. The café had already applied for building permits, and received approval, though the permits have not been issued. As a result of the Council referral process, the business was placed on tonight’s agenda. However, the requirement to place a sign advertising that there was a public hearing on the site did not occur. Although the sign was placed as soon as staff was made aware, the notice period had unfortunately passed. The applicant and staff had completed all the required mailed and newspaper notices properly. At the direction of the City’s Legal Counsel, Staff was directed to open the public hearing, but continue the case to the next regular meeting to allow for the notice to be completed in conjunction with our standard procedures. Staff has discussed this matter with the petitioner and they are understanding of the issue. Therefore, staff is requesting that this matter be continued to the next regular meeting on October 6, 2020.

**STAFF RECOMMENDATION:**

**1. Recommendation to approve continuation of a public hearing to October 6, 2020**

- 1. A motion is made that the Rolling Meadows Planning and Zoning Commission continue the request for a Special Use to allow a video gaming café with variations for screening of refuse containers and other needed relief at 2164 Plum Grove Road, C-2 General Commercial Services District, Charity Johns, Laredo Hospitality, Petitioner to the next regular meeting of the Planning and Zoning Commission on October 6, 2020 at 7:30 pm.

**ALTERNATE RECOMMENDATION:**

**2. Recommendation to deny request for extension**

Vote “no” on the above motion or a similar motion made in the affirmative.

Respectfully Submitted,

  
\_\_\_\_\_  
Jo Ellen Charlton  
Assistant Director of Public Works

  
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Elizabeth Payne  
Administrative Services Coordinator