



**PLANNING AND ZONING COMMISSION MEETING**  
**City Council Chambers**  
**3600 Kirchoff Rd.**  
**Rolling Meadows, IL 60008**  
**Tuesday, October 4, 2022**  
**7:00 p.m.**

**AGENDA**

**Call to Order**

**Roll Call/Declaration of a Quorum:** Buckingham, Burchert, Chubirka, Gercken, Sipple

**Approval of Minutes: September 6, 2022 Planning and Zoning Commission Meeting**

**Pending Business:**

1. Public Hearing for a Special Use pursuant to Section 122-331 of Chapter 122 "Zoning" of the City of Rolling Meadows Code of Ordinances, to authorize a Special Use for "Outdoor Storage" and other relief necessary for accommodate the outdoor storage at 1675 Hicks Road, Nick Luisi, Sunset Pools and Spas, LLC, petition (*Continued from August 3, 2022 and September 6, 2022 meetings*)

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

1. None.

**Discussion Items:**

1. None.

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

**Next Meeting: Tuesday, November 1, 2022 at 7:00 pm**

**Motion to Adjourn**

**City of Rolling Meadows**  
**Planning and Zoning Commission Minutes**  
**7:00PM**  
**Tuesday, September 6, 2022**

**Call to Order**

**Chairman Buckingham** called the September 6, 2022 meeting of the Planning and Zoning Commission to order at 7:00PM.

Roll Call -

**Presiding:** Chairman Buckingham

**Present:** Burchert, Gercken, L. Morrison, S. Morrison, Sipple

**Absent:** Chubirka, Sheehan

**Also Present:** Elizabeth Kwandras, Interim Superintendent Community Development; JoEllen Charlton Assistant Director Public Works

**Chairman Buckingham** declared a quorum.

**Approval of Minutes**

**Chairman Buckingham** asked for a motion to approve the minutes from the August 3, 2022 Planning and Zoning Commission meeting. Mr. Gercken moved to approve the minutes as written, and Ms. S. Morrison seconded. Motion carried by unanimous voice vote. Minutes approved as written.

**Pending Business: Yes**

**Pending Business:**

1. Public Hearing for a special use pursuant to Section 122-331 of Chapter 122 “Zoning” of the City of Rolling Meadows Code of Ordinances, to authorize a Special Use for outdoor storage and other relief necessary to accommodate the outdoor storage at 1675 Hicks Road, Nick Luisi, Sunset Pools and Spas, LLC, petition (*Continued from August 3, 2022 meeting*).

**Mr. Luisi** stated that they are requesting a Special Use permit so they can store materials in rear parking lot and park vehicles overnight. They are no longer requesting additional parking spaces and will work with the 18 spaces available. A more detailed list of storage items has been submitted.

**QUESTIONS AND COMMENTS FROM THE COMMISSION:**

**Chairman Buckingham** opened the meeting to Commissioner’s questions and comments.

**Mr. Burchert** asked if vehicles being stored are pick-up trucks and vans. Mr. Luisi confirmed that is correct.

**Mr. Burchert** questioned why there is no fence on the north side of the property. Ms. Kwandras responded that 1675 Hicks shares parking ingress and egress with the neighbor to the north 1645 Hicks Road. They can't fence off the area as it would negatively affect the cross-access easement that is in place. Mr. Burchert asked if the neighbors to the north go onto the property of Sunset Pools. Ms. Kwandras stated there is a certain amount of each property that is subject to the cross-access easement, approximately 33 feet on both sides.

**Mr. Gercken** asked if there will be security for the two additional fuel tanks that will be stored on site. Mr. Luisi stated that approval was received from the Rolling Meadows Fire Department and State of Illinois to store them there, and that for further safety, they are electronically shut off at night. He obtained a permit from the State of Illinois and will be obtaining one from the City of Rolling Meadows as well. Mr. Burchert asked how many gallons of fuel have been pumped out of the fuel tanks daily in the last few months. Mr. Luisi replied on average a couple of thousand gallons per month. One tank is diesel and is used for machines at approximately 1,000 gallons, and the other is regular fuel and is filled a couple of times per month.

In terms of the resurfacing of black top, the pot holes be fixed. Mr. Luisi will repair the pot holes on their property and then reseal.

**Chairman Buckingham** commented that the list of storage items provided is much more detailed but doesn't include the pool covers mentioned at the September meeting. Is the list now complete? Mr. Luisi stated that he sent a memo to Ms. Kwandras with a comprehensive list of items that will be stored there.

Letter talks about a shelf on area B that is to the north of the building and there will not be a shelf at storage area A which is the south of the building – 8' rack. Shelf on area B that is to the north of the building.

Storage area B will utilize hangers to store auto cover tracks. Storage area A on south side of building will have an 8-foot rack. Concern is regarding the storage items on the ground and that they be kept in orderly fashion. What assurances can you give the commission? Mr. Luisi said with limited space they will need to keep it orderly in order for employees to be able to find what they need. It is to their benefit that they keep it in order and all their employees know where the items are that they need to build the pools.

Buckingham mentions previous citations they had received from the city as result of the storage and the condition of the property. Mr. Luisi agreed that it was a mess. They received one citation about a year ago.

Complaints received from residents to the northwest. Fence may address some of the complaints but maybe not all. This is from the residents from the northwest. Before they put up the fence and cleaned up the lot he could understand why people would complain. Mr. Luisi and his son Nick will make sure

that the property will be kept in an orderly fashion going forward. They've used 8 dumpsters to clean it up and will maintain it so they don't lose materials needed to do their business.

North of the building there is some landscaping; weeds, dirt, foliage. They plan to put parking along that wall in place of the landscaping that was there. Size is approx. 35 feet. According to neighbor from the north there was originally parking all alongside that building. It was taken out.

**Staff Report Highlights:**

Many of the facts that were entered into evidence at the last meeting remain in effect. Staff had subsequent conversations with the petitioner indicating that no storage of anything including vehicles overnight would be permitted north of that north building line so everything had to be south of the wall. The petitioner agreed to that request and sent updated documentation regarding all of the items that they were storing and officially limiting their vehicle storage overnight to 18 vehicles. For the most part that was the extent we did provide those materials to the commission in tonight's packet. One other thing to mention was that I took a phone call from the neighboring property owner who had concerns about this request due to previous difficulties with the petitioner such as nails and glass being left in the ingress egress area, parking troubles, so they wanted to call and let me know that that was happening and I believe they are here tonight wishing to comment on this matter. Buckingham asked how she responded and Ms. Kwandras said that the petitioner would be held to property maintenance standards and if they had concerns they could send an email or come to the Planning and Zoning Commission meeting tonight which they have done.

**Questions for Staff:**

**Chairman Buckingham** – asked Ms. Kwandras to speak to previous citations in the record received for the condition of the property. Kwandras responded that the Community Development staff operates on a complaint basis, so when a complaint is received, it is investigated. The City received a complaint from the neighboring residences. One of the building inspectors went out to investigate and noted the property maintenance violations and informed the petitioner at that time that they needed a Special Use permit to be able to store items outside. For various reasons this petition was not able to be brought forward from the time of that violation notice to August, 2022. Chairman Buckingham asked what would be included in the property maintenance requirements such as landscaping, materials on the ground, and nails in the driveway. Some of those things are addressed in the property maintenance code keeping things orderly, keeping rubbish out, making sure that the ground is safe ensuring that there is no high grass or noxious weeds.

**Chairman Buckingham** 16.5 feet that they are being allowed to store equipment on was proposed by them. Ms. Kwandras said the 16.5 x 30 dimension was requested by the petitioner and it covers concrete areas from the building out to the parking area.

**Chairman Buckingham** expressed concerns about the previous citations and complaints from surrounding residents that you will be able to comply going forward with the Special Use. Mr. Luisi assured that they will do their part to keep things in order as it is to their benefit and they are aware that they could lose their Special Use if additional complaints.

**Mr. Sipple** commented that the concern is that there was a complaint so the Chairman is trying to be sure that if we go ahead and grant this if they see violations from the street - these are problems. It's important you want your business to be successful we want the town to be successful. We want to accommodate you and the neighbors. Mr. Luisi mentioned that one of the complaints from the neighbors was regarding parking and they have the right to park in the ingress egress area and they didn't know that until a month ago when they found that agreement.

**Chairman Buckingham** Regarding parking in the ingress egress, are those part of the 18 spaces? They are not.

The following two individuals were sworn in by the Chairman.

**Mark Daniel**, Daniel Law Office 17W 733 Butterfield Rd #F, Oak Brook Terrace, IL 60181

**Karen Benedetto** 1634 Forest Drive, Glenview, IL

**Mr. Daniel** spoke about the shared access and parking across the lot line. Exhibits 1-10 show the nature of property maintenance concerns. The Benedetto Trust is the owner of 1645 Hicks Road, he is there as a fact witness as he has dealt with the owners of both properties on this shared parking issue. He stated he has also worked with Ms. Charlton in the past on parking for 1645 Hicks Road.

One of the areas of concern is the location of the dumpster because it is in a shared parking easement and taking up a parking space, when it should instead be within an enclosure. He also commented that in addition to waste generated within the building, that waste was also being hauled from construction sites back to this location. He commented that this waste accumulates and spills over the dumpster, breaks up and blows across the property. This waste includes nails, screws, and glass, and has resulted in several tire punctures and damaged personal vehicles for tenants of this center.

Mr. Daniel commented that the storage racks in storage area A will be visible from neighboring properties over a 6-foot fence. He also commented and questioned whether there was going to be any screening fence on the north end of the outdoor storage area to screen the outdoor storage area. Mr. Daniel referred to exhibit number 11 which reflects the survey of their property, and shows the property right that they have in the shared parking and access easement south of the 1645 lot line. He noted that both of these sites were developed by the same developer and then split. It made sense to have shared access. It was planned for and it was documented.

Over time, ownership split. He commented that the weight of delivery and other trucks to the site with this business are greater than any other tenant in the past, and that he believes this may have contributed to a water main fracture in that shared parking aisle.

Daniel also commented there is no designated loading zone for this property between 5-10,000 square feet. Given the nature of the deliveries there should be a loading zone that trucks can negotiate to unload their loads or dispense their gas without backing in from Hicks Road. A few other photos, exhibit 12, 13, and 14 are slightly more recent images. Mr. Buckingham asked when the first pictures were taken.

Mr. Daniel said it was this year during Sunset's busier season. Mr. Daniel then displayed a plan obtained pursuant to the FOIA request when the applicant noted that there were parking spaces planned for the north side of the building. The record shown in exhibit 15 reflects that there is parking mirroring the parking along their south lot line in the north 36-feet which is the rough territory of the easement over their property which allows for one half of the drive aisle and a parking space with a strip for landscaping between parking and the building. Daniel stated he believed the parking along the north side of the building should be a condition of the approval of the Special Use for outdoor storage. This parking that is shown in exhibit 15 does not exist so over the years what has happened is that the parking that was provided for in the cross-access easement has shifted a bit. You have parking in one small part of the west property line in the northwest corner 4-5 spaces and 2-3 spaces that existed in the northeast corner of the property near the entrance and the pressure from not having those 10-11 spaces on the north side of the building has caused parking to ease over south of the easement area. They do have a right to park on the south 33 feet of their property but they don't have a right to store vehicles there that are used in the trade.

**Ms. Kwandras** asked based on the plan Mr. Daniel provided, does the parking in the back still exist. Mr. Daniel believes that the city terminated the parking because of modern fire codes since that was done Mr. Daniel and Ms. Charlton decided that the only conclusion was that you couldn't have that parking in the back because the Fire Department needed ingress egress for life safety purposes.

**Mr. Daniel** continued that there are 10 alongside the building and 6 north of those spaces. That is 16 spaces plus another 3 on the northeast site of the subject property so that is 19 parking spaces that are available at 1645 Hicks Road. Similarly, they have roughly the same number of spaces and the applicant is proposing that the easement become a one-way situation. The city council has found that the Special Use is something that should be authorized except when that Special Use creates a situation that causes harm to other properties. In this instance you have the co-development of two lots by one developer with shared access. It's a particular circumstance at this property that justifies denial. Mr. Daniel said they were told by applicant that his objective as part of this proceeding was to rebuild those parking spaces as he's getting the Special Use permit. Chairman Buckingham asked how the loading and unloading of the equipment in the easement would work with shared parking. Mr. Daniel says they have to find a way to get a truck in there and load from within the gate. There's a document that only grants rights to ingress egress and parking. Loading doesn't fall within any of those categories. Exhibit 18 is the cross-easement agreement. What is needed is a striped area for loading that needs to be in the back.

Mr. Daniel also wants the area to be screened and secured with some kind of solid fence or slatted gate so that it is not visible. They don't want to see the storage or the loading or trash because it becomes a disincentive to occupy space at 1645 Hicks. Ms. Charlton agrees with Mr. Daniel; a fence could indeed be proposed at the south end of the easement area which basically aligns with the north line of their building to create a screen behind the parking spaces that are proposed and still leave room to provide loading behind the building. Exhibit 15 shows new parking aligning on the south end of the common drive aisle and that the area behind the building would be used more for the storage of the materials and potentially vehicles. Mr. Daniel shows an example of a truck being loaded near the dumpsters being utilized rendering inaccessible 4 parking spaces including 2 accessible parking spaces. That operation

on their property in the area where the dumpsters are proposed causes a violation of the ADA on their property. In the spirit of making sure that we are working to get the owner of each property to cooperate you can see that there's been the history of different maintenance timing. There is a different color from one side of the pavement south of the lot line to the other side of the pavement north of the lot line. At this point in time, that can no longer continue because with the petroleum trucks now using this access, the access has to be built the right way so it needs to meet the weight requirements under the code for depth, gravel, binder, etc. for the weight of trucks that will be accessing the loading zone. The owners would both be responsible for part of the repair. Mr. Daniel stated how we handle the overuse is something the owners would have to talk about because it wasn't designed for the heavy truck use. Mr. Daniel said there may need to be a percentage change and what happens whether or not there is cost sharing of the easement there is still a sharing obligation by each owner in the maintenance and repair. The issue is the replacement for the special purpose of the heavy trucks is something different than the easement was intended for. Cook County aerial view exhibit 16. Exhibit 19 – some time ago in dealing with staff on the issue of parking for a new tenant we had to go through and do a complete parking analysis that took into account not the parking that we should have had available under the cross access and parking easement but only considered the 5 spaces that were reasonably accessible. Staff would not consider the same number that existed previously under the landscape plan because those 10 central spaces and some of the west spaces along the access aisle no longer existed. This shows you the parking demand for the site given the mix. The owners are still trying to cooperate with each other even though there has been some stress over maintenance over the past year or two. If you look at your ordinance you have to consider that a warehouse requires parking per 1,000 sq. feet of 1 space, then you look at office and showroom space but you're only leaving 12 parking spaces on the east lot line and 4 spaces on the northwest corner that is 16 spaces. The 8,000 square foot building is 8 parking spaces if it were pure warehouse which it is not it is a use that has 5-50 employees that need to park. As far as the showroom or office area assume 2,000 square feet of that should be at 4 per 1,000 that is 8 spaces and then 5 remaining to account for between the showroom and the warehouse. Mr. Gercken mentioned that people take vehicles home they don't sit there at night so there is not 50 cars coming in cause a lot of the cars go home with the employees. Mr. Daniel, that doesn't happen in the winter. Mr. Gercken said that there will only be 18 vehicles allowed to park. Mr. Daniel clarified 18 trade vehicles should be kept inside that fenced area at all times because storing the trade vehicles in the shared easement area isn't parking that's storage occurring at a different time of day. Shared parking table in this instance is the same one that was submitted to staff in 2019 when Therapeutic interventions moved in the property. For every space that we lose access to we suffer the effective loss of 250 square feet of office so if you think about the loss of those 10 parking spaces on the north side of the building that is 2500 square feet of our building that is affected because we've lost access to those parking spaces. We cannot have those attributable to our use we can only have the 5 existing be attributable so it's a direct impact on property value for the owner of 1645 Hicks.

Mr. Daniel summarized that as the plans are shown, the project should not be approved. It doesn't meet the standards in the code, traffic is an issue, internal traffic is an issue, safety harm to people's property whether personal or real has already occurred. If you are inclined to approve this and try to adjust things you should have the entire storage area fenced off. The fence would be solid surrounding that parking lot on all sides so you cannot see through it. It would be a sufficiently wide gate to allow the loading

operation to occur in the loading zone inside the fence where the storage is occurring and the waste operation, the dumpsters should be inside that main fence. They wouldn't need a separate enclosure if that were the case and that would keep all the nail pops and screws and glass from damaging tires in the shared egress and parking area. The parking spaces along the north side of the building should be restored and between staff and the applicant should determine whether or not perpendicular parking spaces align north south create additional parking along that gate when compared to the 4 or 5 spaces where the dumpster was proposed that are aligned east west and whatever the greater outcome is they should go with that but those should be the conditions that attend any recommendation if you are inclined to make this recommendation tonight. The question then is does Sunset have enough parking. Is there still enough parking for shared parking between the two sites. This kind of analysis needs to repeat but I think we can work with him if you stuck to those conditions and eventually we are sitting at a table trying to figure out what to do with the broken water main and the pavement so that it is a uniform project with a split of the cost and not having two contractors come in and do a piecemeal I've presented conditions in an effort not to prolong the hearing to another night so that you can consider them and make them part of your recommendation and if its not acceptable to you with all those conditions you don't have to approve it anyway but if you are going to send on a favorable recommendation you should have those conditions in place so that the city council knows that you considered them and thought them to be meaningful.

**QUESTIONS AND COMMENTS FROM THE COMMISSION:**

**Chairman Buckingham opened the meeting to Commissioner's questions and comments.**

**Mr. Gercken** asked how many spaces are currently used by the office staff on a daily basis. Mr. Daniel said they have used quite a few spaces on the 1645 Hicks side. We have used the 5 and some of the other spaces in the area south of the easement in the 34 feet. As of late nearly every space visible from the street has been used – 12 on their side and 50 on our side. That excludes the area from behind the building that cannot be reviewed. Gercken clarified that he wants to know how many parking spaces are being used for their building. Mr. Daniel said they have 51 spaces. Right now there are 79 total and you are eliminating 18 and using the dumpsters for 2-3 of them. As far as the spaces on the north side of the building those should be restored as part of this.

**Ms. Morrison** how much personal damage has occurred to vehicles, etc. Mr. Daniel at least 6 times over the past year.

**Mr. Sipple**, how many hours a day is a truck blocking parking spaces? It's slowing down a bit. Used to be two semi-trucks backed in, a FedEx truck, a UPS truck and an office dept truck delivery office supplies and the office depot guy said I can't stand this anymore. And then all the pick-up trucks and vans coming in. Not only the pool supply trucks but all of the men who work for them each have their own trucks. In a given day in the morning there is probably 75 different trucks that are going through there. It is totally unkept, weeds everywhere, looks horrible, garbage all over the back. It is better but we've put up with it all Spring and Summer long and he has not been a good neighbor. He will promise to fix it and doesn't happen. Mr. Gercken if we approve the special use and he does not follow through it will be taken away. Mr. Daniel added that it's not even safe the number of vehicles that are coming in

and out of there. There are children that back up to the neighborhood and visit the spaces. Mr. Gercken asked about the nails and where they are seen. Ms. Benedetto said it's the driveway area, broken glass on the first two aisles of the parking lot closest to their building.

**QUESTIONS AND COMMENTS FROM THE AUDIENCE:**

**Chairman Buckingham opened the meeting for comments from the public. With no members of the public wishing to comment, the public comment portion was closed.**

**Mr. Gercken** made a motion to close the public hearing. Mr. Sipple seconded. With a unanimous voice vote, the public hearing was closed.

**Chairman Buckingham** stated that it is obvious that new facts came to light that the commission was not made aware of until this evening some are fairly complicated and detailed and they do impact the scope of any Special Use as well as whether it should be granted and in what form. It seems like we've got several options here, one approach is to bring Mr. Luisi up again for his thoughts but the options are to vote on the motion as written, second option is to work some amendments into that motion to add the conditions that Mr. Daniel and Ms. Benedetto have requested which I think we know the general parameters of but I think there are still a lot of details in his mind that are left unanswered and that he would want to think about and study before making any definitive recommendations for city council on this. Third option is to continue this to another date to get it right.

**Ms. Kwandras** as the commission it is within your power to recommend all, part or none of the petition. As some of the conditions that Mr. Daniel had requested of the commission we certainly can make conditions of this approval as he noted the conditions would be to mitigate impact on the neighboring property which is entirely and explicitly what the Special Use is for.

**Ms. Charlton** commented that one of the next steps would be to have the petitioner come back up and confirm to the commission whether or not he is willing to work toward some amenable modification to the plan that would address the hardships and the issues identified by Mr. Daniel tonight is his testimony which, in my opinion would be grounds for you to deny the petition for the Special Use if he is not willing to. I wouldn't want to try and craft all of those conditions tonight because if we are going to add fencing and try to designate a new location for a drop off area or loading zone and the dumpster I want to make sure we have proper turning radiuses for the trucks to get through the fence and the gate and into those areas so I think we need to spend a little more time with the applicant and have him provide us with the assurances that what we are thinking about will actually work. Chairman Buckingham agreed and asked do we need to bring Mr. Luisi back up. Ms. Charlton yes because this will require his participation and cooperation, if this isn't something he's willing to negotiate on and move forward on things that are going to cost him money for more applications and potentially adding the conditions of the new parking as a condition of the new parking as a condition of this approval those may all be things he is not prepared to agree to and if that is the case my recommendation would be for the commission to recommend denial of the petition based on the facts provided.

**Chairman Buckingham** asked for a motion to reopen the public hearing. A motion was made by Mr. Gercken and seconded by Mr. S. Morrison. Motion to open public hearing approved by unanimous voice vote.

**Chairman Buckingham recalled Mr. Luisi:**

Chairman Buckingham confirmed that Mr. Luisi has been listening to the testimony and was familiar with the complaints and issues that the property owner at 1645 Hicks has raised. Mr. Luisi commented that this property is separated into Parcel 1 and Parcel 2 and this whole ingress egress agreement with all its restrictions was signed in 1979. We bought the building 5 years ago. Prior to that there had to be some agreement between the owners of Parcel 1 and Parcel 2 to do away with the parking alongside our building. He has no idea who agreed to that but he's sure Ms. Benedetto and her attorney would have had to sign off on that and now they are saying because of that we have to make all these changes. I am willing to negotiate and see what can be worked out. Chairman Buckingham asked if he was amenable to adding the 10 parking spaces back on the north side of his building and to working with those property owners on acceptable solution to that. Mr. Luisi said he is willing to talk to them to see what can be worked out. He would love to put a fence up and block them out but doesn't think that will work. He thinks it will cut off the access to the rear of their building and there is a fire hydrant there and handicap parking. Chairman Buckingham, and designating a specific spot in your back for loading and unloading behind the fence if it's possible you are willing to consider it. Mr. Luisi agreed. And improvements to the easement and ingress egress as needed to make it workable? Agreed by Mr. Luisi. So, in general is it fair to say you are willing to work with them on all these issues. You're not agreeing to anything but are willing to have further conversations and see if it can be worked out in a mutually acceptable fashion so we can come up with some agreed course of action that this commission and staff would then be able to pass on and hopefully get both parties to the right place. Mr. Luisi would like to work something out that is reasonable.

**Chairman Buckingham** asked for a motion to continue this to the October 4, 2022 Planning & Zoning Commission Meeting. Mr. Gercken recommended continuing this application to pending business for Special Use to Section 122-331 of Chapter 122 "Zoning" of the City of Rolling Meadows Code of Ordinances, to authorize a Special Use for outdoor storage and other relief necessary to accommodate the outdoor storage at 1675 Hicks Road, Nick Luisi, Sunset Pools and Spas, LLC, petition. Seconded by Mr. Sipple.

**Chairman Buckingham** asked for a voice vote for those in favor. 6 in favor; 0 opposed.

The motion is carried and a recommendation for continuation as part of the agenda for October 4, 2022.

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

1. Public Hearing for a Special Use pursuant to Sections 122-233(3) and 122-331 of the City of Rolling Meadows Zoning Code of Ordinances to allow a “School” use, and other relief necessary to accommodate the use of an existing single-family home as a training facility for construction trades, 2804 Fremont Street, Megan Knight, Township High School District 214, petitioner.

**Chairman Buckingham** asked if the file was in order and proper notice was given. Staff indicated it was.

**Chairman Buckingham** asked for a motion to open the public hearing and enter the Staff report included in the packet into record. A motion was made by Ms. S. Morrison and seconded by Mr. Gercken. Motion to open public hearing approved by unanimous voice vote.

**Megan Knight, 237 Robin Lane, Wooddale**  
**Edward Suh, 2039 Avalon Ct, Northbrook, IL**  
**Charles Jarasek, 2924 N. Pulaski Rd, Chicago, IL**

**Megan Knight, Edward Suh, Charles Jarasek** were sworn in by Chairman Buckingham.

**Ms. Knight** stated they are requesting a Special Use permit for its Practical Architectural Construction (PAC) course at 2804 Fremont Street for a complete home renovation as part of that program. PAC is the capstone course in our construction and building trades pathway in District 214. The PAC program has been in existence for 30+ years. This would be our fourth complete home renovation. We are currently finishing our third home renovation at 3500 Bluebird Lane, Rolling Meadows and anticipate that house being complete and listing in the month of October, 2022. The current PAC class has approximately 60 students enrolled over the course of four sections. They meet on a block so that there are two classes per day. Once they receive the Special Use permit we will be able to begin work at that property. Students will complete a full renovation. We anticipate doing complete windows, siding, gut job to inside of house, full landscaping the preponderance which will be done by students and then bring in licensed tradesman to do the work that they cannot do. I am joined tonight by my colleagues, two of the teachers in the program who are happy to answer any technical questions that you have.

#### **QUESTIONS AND COMMENTS FROM THE COMMISSION:**

**Chairman Buckingham opened the meeting to Commissioner’s questions and comments.**

**Mr. Burchert** asked if the students who will be driving to the site will have parking stickers issued to identify that they are working on this PAC program. Ms. Knight said they do not have a specific parking sticker but could do that if it would be helpful. Most of the students carpool so it is anticipated that there will be 3-4 cars maximum at any given time. The driveway will accommodate 4 parking spots, the teachers need to park in the driveway and we would be happy to give them a permit if needed. They receive parking tags from their buildings so if that would be sufficient we can make use of those. Mr. Gercken agreed that some sort of identification on the vehicles showing that they are part of the PAC program would be helpful to the residents of the area so they would know who is parking there and for how long. Any students that are bused to the site would be dropped off at the bottom of the driveway.

**Mr. Gercken** clarified that they would be looking at 15 students each day between the class times of 9:00-11:00AM in the morning and 12:30-2:30PM in the afternoon. There will be 60 students every two days.

**Mr. Sipple** asked what work would be done by licensed tradesman as opposed to the students. Mr. Suh responded that all electrical, plumbing, and HVAC as well as anything that is higher than 10-12 feet for instance the second story of the siding, would be subbed out due to safety issues along with any roofing replacement or removal. There will be no structural changes.

**Chairman Buckingham** asked if the Bluebird Lane renovation home is complete and if so, was it on schedule. Mr. Suh confirmed that they are waiting for the sub-contractors to come back to install appliances and then complete punch list items. They are behind schedule due to issues with scheduling and the project managing with the staff last year so it was slated to be done in May/June 2022 but because the school year ended the students and employees are no longer there so they've been trying to finish it as quickly as possible with the staff they currently have. Chairman Buckingham commented that the property looks great and asked if parking requirements were similar and if there were any issues or complaints pertaining to parking. Mr. Suh stated that the program had 40 students last year and they did a good job at carpooling resulting in the need for 3-4 parking spaces per section.

Discussion ensued regarding the dumpster on the property and the fact that it is a full-size dumpster and also a 14-foot trailer that houses tools and basic materials which will be left on site. The driveway is approximately 100-feet long and able to accommodate trailer, dumpster and cars. Tools will be provided for students none will be brought on site.

**Staff Report Highlights:**

Ms. Kwandras - This is a continuation of a project that was begun in Rolling Meadows with 3500 Bluebird Lane. To staff's knowledge there were no issues, complaints or challenges from the project. It was basically an extended interior remodel like you would see at any other single-family home in Rolling Meadows. Our building inspectors were on site multiple times speaking with the students and giving them information on how to read plans, the importance of codes but there were no issues that staff was aware of from the previous house that was renovated by the District. We do not anticipate any issues this year and this will be an annual request as this is a temporary Special Use.

**Chairman Buckingham asked if there are questions for staff**

None

**QUESTIONS AND COMMENTS FROM THE AUDIENCE:**

**Chairman Buckingham opened the meeting for comments from the public.**

**Michael Schroeder, 2804 Fremont Street, Rolling Meadows** was sworn in by Chairman Buckingham

**Mr. Schroeder** stated that he is in favor of this project but feels communication is lacking. Initially the lawn wasn't being maintained so he made several calls in order to get that taken care of. He tried to go online to check the application but didn't see it but did see an agenda with the wrong date. His question was where will they go to the bathroom since this will be a gut job and that will be needed. Parking is going to be an issue because it is on a curve and nobody can park there so they should be bussed in or figure out where you are going to put them. Most of the people that live in the area are retirees so they are home all day. More communication would be better. He got the letter in the mail but it didn't have the plan or the information. Asked city to be more forthcoming as the plan will sell itself. Chairman Buckingham clarified that a condition of the Special Use if it is approved would be to park on the South side of Fremont. Mr. Schroeder continued that, because of the curve there is no parking right around the corner there. They would have to park 4 houses down one direction and 2 houses down the other direction so there will be 6 houses that will not be able to park on street.

**Mr. Suh** stated that he neglected to show the portable John in his drawings but there will be one. The driveway is technically 1.5 cars wide but if they had some cars with their wheels on the lawn area they could double up and possibly fit 6-7 cars on the driveway and take them off the street. In addition, they are encouraging the students to carpool so that they keep the number of cars to 3-4 per class period. This was acceptable to the commission.

**Mr. Gercken** made a motion to close the public hearing. Mr. Burchert seconded. With a unanimous voice vote, the public hearing was closed.

**Ms. S. Morrison** moved that, based on the submitted petition and testimony provided, I move that the Planning and Zoning Commission recommend to the City Council they accept the findings of fact provided in the staff report prepared for the September 6, 2022 Planning and Zoning Commission meeting and approve a temporary special use permit for a "School" at the property located on property zoned R-2 at 2804 Fremont Street, subject to the following conditions:

1. This approval is for zoning only. No part of this approval shall be interpreted to waive requirements of the building code, or the need for building permits or a business license.
2. On street parking shall be located only on the south side of Fremont Street.
3. The Temporary Special Use shall expire upon the issuance of a Certificate of Completion or May 31, 2023, whichever occurs first.

Mr. Gercken seconded.

**Roll Call:**

**Mr. Burchert:** Yes

**Mr. Gercken:** Yes

**Ms. L. Morrison:** Yes

**Ms. S. Morrison:** Yes

**Mr. Sipple:** Yes

**Chairman Buckingham:** Yes

Yeas – (6) – Buckingham, Burchert, Gercken, L. Morrison, S. Morrison, Sipple  
Nays – (0) – NONE  
Absent – (2) – Chubirka, Sheehan  
Abstain – (0) – None

The motion is carried and a recommendation for approval will be forwarded to City Council for 1st reading on September 27, 2022

2. Public Hearing for a Special Use pursuant to Sections 122-272(3) and 122-331 of the City of Rolling Meadows Zoning Code of Ordinances to allow an indoor athletic facility and other relief necessary to accommodate the use of a taekwondo studio, 3124 Kirchoff Road, Hyeongryeoul Kim, HK Taekwondo, petitioner

**Chairman Buckingham** asked if the file was in order and proper notice was given. Staff indicated it was.

**Chairman Buckingham** asked for a motion to open the public hearing and enter the Staff report included in the packet into record. A motion was made by Ms. S. Morrison and seconded by Mr. Gercken. Motion to open public hearing approved by unanimous voice vote.

**Hyeongryeoul Kim, 375 Linda Drive, Wheeling, IL 60090**  
**Katie Perez, 5657 Satsuma Avenue, North Hollywood, CA 91601**

**Katie Perez and Hyeongryeoul Kim** were sworn in by Chairman Buckingham.

**Katie Perez** – we have prepared this presentation for you where we will talk about HK Taekwondo and what we intend to do with this Special Use permit. HK Taekwondo is a martial arts school specializing in traditional teachings of Taekwondo written in the history and culture of Korea. HK Taekwondo will teach sparring and traditional style form. At HK Taekwondo we strive to implement regimens of discipline, self-defense, and high self-esteem. We encourage positive child development and heightened physical and mental wellbeing. Grandmaster Kim, was born and raised in South Korea and has practiced the art of Taekwondo for 25 years. He is a 5<sup>th</sup> degree black belt and has an international masters certificate from Kukkiwon. Before establishing his passion as a teacher, Grandmaster Kim began his career as a Taekwondo player where he was recognized for his talents and achievements through his success in many national and international competitions. He moved to Illinois in 2015 and during his time in the United States, Grandmaster Kim has worked as a headmaster at Dragon Kim Martial Arts and Chicago Martial Arts. A great place to call home is the unofficial slogan for the City of Rolling Meadows. With this slogan in mind, HK Taekwondo will strive to make the city feel more like home by engaging and more importantly contributing to the community. We will welcome and encourage people of all ages and cultures to embark on their fitness journey with us and meet the needs of people at all stages of life. HK Taekwondo will participate in 10 local events and fundraisers to get to know and support other local businesses. Video was played from footage of Chicago Public Schools summer

camp where Grandmaster Kim volunteered this summer by teaching and demonstration. Like this event, Grandmaster Kim will continue to do things like this and volunteer any way that he can to help people that may not be able to come to class participate in any way that they can. Evolving and adapting – HK Taekwondo will constantly be adapting to the atmosphere around us. During the pandemic in 2020 Grandmaster Kim taught classes over Zoom and engaged with students through a screen while making and keeping the class fun so if there is ever a situation where there is a quarantine or pandemic that will not stop HK Taekwondo from running and being successful (showed video of zoom class). Hours of operation will be 6 days per week Monday through Friday from 10:00AM-8:30PM with 4 classes running in 45-minute increments. This will be divided into Little Ninja Beginning class, Intermediate, Advanced and Black Belt Class with a Saturday class running from 10:00AM-2:00PM with demo teams and sparring teams. Played demonstration video. Open for questions from Grandmaster Kim.

**QUESTIONS AND COMMENTS FROM THE COMMISSION:**

**Chairman Buckingham opened the meeting to Commissioner's questions and comments.**

**Mr. Gercken** asked if the building space would need any renovations. Ms. Perez said that the renovations would be done inside the space and be minimal such as adding mats and mirrors and creating a small office. Bathrooms are in place and facility has fire prevention in place. They do not plan to build any walls all the way up so it will not interfere with current placement of any fire sprinklers.

**Mr. Burchert** asked if there are any special requirements for ventilation system for a business of this type. Grandmaster Kim responded that the fans within the HVAC system are sufficient to ventilate the air properly.

**Chairman Buckingham** asked if this was the first time they are operating a business of this type. Ms. Perez confirmed that this is the first school of this type for Grandmaster Kim. The video clips are during his time working as a Master at Chicago Dragon Kim Martial Arts and Chicago Martial Arts which is where he is currently employed. This is Grandmaster Kim's first business.

**Chairman Buckingham** asked if the environment at Taekwondo studio is loud. Grandmaster Kim responded that the kihap which means Ki - energy and hap - together makes the students have more confidence when they punch and kick so he will instruct them to do that often. Chairman Buckingham asked if this could be an issue with tenants on either side of this business. Ms. Perez commented that it would be a uniform noise and during a 45-minute class there will be a maximum of 20 people in the space which would include students and their parents if they choose to stay and that the wall will help to enclose the sound within the gym.

**Staff Report Highlights:**

Ms. Kwandras has been working with the petitioner for a couple of months and has been out to the unit to take a look at some of the needed upgrades that our inspectors were able to communicate and will continue to do so moving forward. This is located in the Rolling Meadows Shopping Center. Hoping to see some synergy with HK Taekwondo and some of the other businesses where families could go to class and then for a burger at Rep's Place or grocery shopping at the Jewel Food Store. With the size of

the shopping center and the amount of parking offered there will not be much impact on other businesses and will be a nice fit.

**Chairman Buckingham asked if there are questions for staff**

**Mr. Gercken** asked if there are eventually complaints from other businesses on the noise that they would work with the petitioner to address that issue and do what is necessary to mitigate that. Grandmaster Kim and Ms. Perez agreed they would do what it is necessary.

**QUESTIONS AND COMMENTS FROM THE AUDIENCE:**

**Chairman Buckingham opened the meeting for comments from the public. With no members of the public wishing to comment, the public comment portion was closed.**

**Mr. Gercken** made a motion to close the public hearing. Mr. Burchert seconded. With a unanimous voice vote, the public hearing was closed.

**Mr. Gercken** moved that, based on the submitted petition and testimony presented, I make a motion that the Rolling Meadows Planning and Zoning Commission adopt the findings for a special use for the 2,100 square foot space located at 3124 Kirchoff Road, as listed in the staff report prepared for the September 6, 2022 Planning and Zoning Commission meeting, and recommend to City Council approval of a special use to allow a taekwondo studio, and other relief necessary for HK Taekwondo, subject to the following conditions:

1. This approval is for zoning only. No part of this approval shall be interpreted to waive requirements of the building code, or the need for building permits or a business license.
2. This special use approval shall become null and void on the transfer or sale of the business license and/or the property, or when the use is not active for six (6) consecutive months.

Mr. Sipple seconded.

**Roll Call:**

**Mr. Burchert:** Yes

**Mr. Gercken:** Yes

**Ms. L. Morrison:** Yes

**Ms. S. Morrison:** Yes

**Mr. Sipple:** Yes

**Chairman Buckingham:** Yes

Yeas – (6) – Buckingham, Burchert, Gercken, L. Morrison, S. Morrison, Sipple

Nays – (0) – NONE

Absent – (2) – Chubirka, Sheehan

Abstain – (0) – None

The motion is carried and a recommendation for approval will be forwarded to City Council for 1st reading on September 27, 2022

3. Public Hearing for a Special Use pursuant to Sections 122-301(3) and 122-331 of the City of Rolling Meadows Zoning Code of Ordinances for a “Medical/dental Clinic” and other relief necessary to accommodate a chiropractic practice and medical space use, 1941 Rohlwing Road Units C&D Dr. Chirag Shah, Advance Wellness Med Spa, and Advance Health and Wellness, petitioner.

**Chairman Buckingham** asked if the file was in order and proper notice was given. Staff indicated it was.

**Chairman Buckingham** asked for a motion to open the public hearing and enter the Staff report included in the packet into record. A motion was made by Mr. Gercken and seconded by Ms. S. Morrison. Motion to open public hearing approved by unanimous voice vote.

**Dr. Chirag Shah, 38W641 Bonnie Court, St. Charles, Illinois**  
**Dr. Isaac George, 9 Mesa Drive, South Barrington, Illinois**

**Dr Chirag Shah and Dr. Isaac George** were sworn in by Chairman Buckingham.

**Dr. Shah** said they are here to apply for a Special Use permit to open a Chiropractic clinic at 1941 Rohlwing Road after being approached by Northwest Community Hospital. He will be the only chiropractor for their group that services 14,000 people. Dr. Shah has another clinic with Amita Health and is a missionary with several clinics in Brazil. The other part of their business is the MedSpa which will be run by his wife and Dr. George. Their philosophy is that you should feel good on the inside and look good on the outside. Hours of operation for the chiropractic office and the MedSpa will initially be Wednesday and Friday approximately 4 hours. They offer 24-hour service because they want to be available when their patients need them. Dr. George added that they are eager to service the community of Rolling Meadows. At their Hoffman Estates clinic they serve about 35-40% of the nursing staff at Amita Health and look forward to the same experience in Rolling Meadows. They will follow the same model as they did in Hoffman Estates and feel confident that they will experience at least 20% growth each year.

#### **QUESTIONS AND COMMENTS FROM THE COMMISSION:**

**Chairman Buckingham opened the meeting to Commissioner’s questions and comments.**

Discussion ensued regarding the space and if any major renovations will be needed to get started. Dr. Shah stated there are no renovations needed. The current space has the appropriate sprinkler systems and fire alarm, ventilation is appropriate, both restrooms and parking are ADA compliant. The chiropractic side of the business will be manipulations with tables and modern-day equipment but no x-ray machine as they have access to x-ray facilities through NCH. They plan to invest \$250k in new

equipment. Their specialty is straightening spines so scoliosis is their #1 and children are their #2. Their youngest patient is 2 years old and the eldest is 98 years old. They service all walks of life, paraplegic, quadriplegic, restored hearing to an 8-year-old boy. Their MedSpa side has laser machines, hair removal, injectables, and fillers. They even have a unique skin analysis machine that will scan your face and essentially tell you areas you can focus on and then their estheticians come up with a strategy for what you can do. The machine will tell you what you will look like at a certain age if you do nothing to address your skin needs. The biggest rise is skin cancer and this machine helps to detect it.

**Chairman Buckingham** asked regarding the medical waste on the MedSpa side. It will be minimal with syringes that have regular pick up. There is one entry with a common reception/lobby and two units; the spa in one unit and chiropractic in the other. The space is built to see 8 patients every 15 minutes with 3 doctors. Chairman Buckingham asked if they think that the space is adequate to accommodate the growth. Dr. Shah confirmed that they are because he made sure that the space next door is empty and he has a hold on it with a 5-year option. He is the only chiropractor for NCH.

**Staff Report Highlights:**

Ms. Kwandras - As the commission will recall a text amendment was recently approved to allow medical and dental clinics in M-1 district. Specifically for situations like this when a great petitioner wants to come into an office park that is zoned M-1 and there is plenty of parking and largely it is Special Use because in an M-1 district there a lot of locations that might not be as suitable as Arlington Office Park or the Northwest Business Center off of Golf Road as Dr. Shah had noted, plenty of parking near and around the building and NCH, Caravel Autism, etc. these are facilities that have been operating since before the zoning code was updated as of January 1, 2021. To staff's knowledge there have been no issues with parking, traffic or patients so given the success of the previous existing medical uses staff foresees no issues with this latest medical use either.

**Questions for staff:**

None

**Chairman Buckingham** asked regarding standards that the petitioner prepared they didn't respond to standard #2 under consistency. No response was provided for this standard about Special Use keeping with the recommendations in of the city's comprehensive plan, official map, and all other plans and policies adopted by the city. We can take notice that their intended use is consistent with the plan and don't think we need any additional support there. Ms. Kwandras replied that the comprehensive plan identifies these office parks specifically for this type of use so it is definitely consistent with the comprehensive plan and with the intent of the commission and city council who approved the text amendment recently.

**QUESTIONS AND COMMENTS FROM THE AUDIENCE:**

**Chairman Buckingham** opened the meeting for comments from the public. With no members of the public wishing to comment, the public comment portion was closed.

**Mr. Gercken** made a motion to close the public hearing. Ms. S. Morrison seconded. With a unanimous voice vote, the public hearing was closed.

**Ms. S. Morrison** moved that, based on the submitted petition and testimony presented, I make a motion that the Rolling Meadows Planning and Zoning Commission adopt the findings for a special use for the 2,156 square foot space located at 1941 Rohlwing Road Units C&D, as listed in the staff report prepared for the September 6, 2022 Planning and Zoning Commission meeting, and recommend to City Council approval of a special use to allow a medical spa and chiropractic practice, and other relief necessary for Advance Wellness MedSpa and Advance Health & Wellness, subject to the following conditions:

1. This approval is for zoning only. No part of this approval shall be interpreted to waive requirements of the building code, or the need for building permits or a business license.
2. This special use approval shall become null and void on the transfer or sale of the business license and/or the property, or when the use is not active for six (6) consecutive months.

Mr. Sipple seconded.

**Roll Call:**

**Mr. Burchert:** Yes

**Mr. Gercken:** Yes

**Ms. L. Morrison:** Yes

**Ms. S. Morrison:** Yes

**Mr. Sipple:** Yes

**Chairman Buckingham:** Yes

Yeas – (6) – Buckingham, Burchert, Gercken, L. Morrison, S. Morrison, Sipple

Nays – (0) – NONE

Absent – (2) – Chubirka, Sheehan

Abstain – (0) – None

The motion is carried and a recommendation for approval will be forwarded to City Council for 1st reading on September 27, 2022.

4. Public Hearing for a Special Use pursuant to Sections 122-301(3) and 122-331 of the City of Rolling Meadows Zoning Code of Ordinances to allow a day care center and other relief necessary to accommodate the use of a children’s day care facility, 1951 Rohlwing Road, Unit C, Justyna Sasak, Fairytale Day Care Center, petitioner.

**Chairman Buckingham** asked if the file was in order and proper notice was given. Staff indicated it was.

**Chairman Buckingham** asked for a motion to open the public hearing and enter the Staff report included in the packet into record. A motion was made by Ms. L. Morrison and seconded by Mr. Burchert. Motion to open public hearing approved by unanimous voice vote.

**Justyna Sasak, 5006 Daniel Drive, Crystal Lake, IL**

**Szymoniak, 5006 Daniel Drive, Crystal Lake, IL**

**Martina Kubala, 1124 Windridge Drive, Crystal Lake, IL**

**Justyna Sasak, Mr. Szymoniak, and Martina Kubala** were sworn in by Chairman Buckingham.

**Mr. Szymoniak** stated that they are requesting a Special Use permit for a daycare center located at 1951 Rohlwing Rd, Rolling Meadows. It is part of Arlington Office Park. The daycare would accommodate 71 children divided into four classes by age 2, 3, 4, and 5-year olds. We will employ 8 teachers and assistant teachers. The hours of operation would be 6:30AM-5:30PM. It will be licensed by the DCFS. All of the renovations inside would comply with city codes and DCFS codes. There will be no major design changes at the site. The only addition would be a fenced playground on the west side of the building. We will not be preparing food inside the building. All the food that will be served to the children will be catered so it will not be necessary to get a license or permit from the health department. What is beneficial is that the neighbors next door are also teaching children with autism in similar age groups.

#### **QUESTIONS AND COMMENTS FROM THE COMMISSION:**

**Chairman Buckingham opened the meeting to Commissioner's questions and comments.**

**Mr. Gercken** commented that the outdoor play area is proposed to be immediately adjacent to the building with a set back of 5-feet which is a little short of the business license code requirements and that staff is recommending to increase the height of the fence to a minimum of 6-feet to assure safety of the participants. Ms. Szymoniak confirmed that the landlord will be taking care of that. There will also be some interior remodeling which will also be handled by the landlord and will comply with city codes.

**Chairman Buckingham** asked if they operate this business currently in a different location and why they chose Rolling Meadows and this location specifically. Mr. Szymoniak confirmed that this is the first time they are operating this business and that they will get the license for DCFS once they get the lease agreement which will happen after the Special Use is approved. They chose Rolling Meadows because there is a large Polish and Ukrainian community that lives here and they want to target them as their clients and this location in particular for its convenience right off of the highway.

#### **Staff Report Highlights:**

Ms. Kwandras - This property is zoned M-1. Daycare centers such as this one are permitted Special Uses and a lot of my comments along this line will follow the ones for the previous petition. Other similar uses in the form of Caravel Autism Health have existed in this area prior to the update of the zoning code with no issues or challenges that staff is aware of. The would like to make the commission aware that in addition to DCFS our health inspector does monitor things other than food such as pools

and daycare centers. Both DCFS and the City of Rolling Meadows will have a close eye on it. Another item is the proposed location of the outdoor play area. This request was run through the Fire Department and the Health Inspector. The RMFD recommended putting the play area on the other side of the building from where it is currently proposed however, as long as it is sufficiently protected, it is probably best where it is now located because the petitioner has control over both of those arms whereas on the other side they would only have control over one part of it which would impede whoever is leasing that other space as well so in order to minimize impact to surrounding businesses the proposed location is probably the best from a zoning perspective.

**QUESTIONS AND COMMENTS FROM THE AUDIENCE:**

**Chairman Buckingham opened the meeting for comments from the public. With no members of the public wishing to comment, the public comment portion was closed.**

**Mr. Gercken** made a motion to close the public hearing. Mr. Sipple seconded. With a unanimous voice vote, the public hearing was closed.

**Mr. Gercken** moved that, based on the submitted petition and testimony presented, I make a motion that the Rolling Meadows Planning and Zoning Commission adopt the findings for a special use for the 4,566 square foot space located at 1951 Rohlwing Road Unit A, as listed in the staff report prepared for the September 6, 2022 Planning and Zoning Commission meeting, and recommend to City Council approval of a special use to allow a day care facility, and other relief necessary for Fairytale Day Care Center, subject to the following conditions:

1. Fencing around the proposed outdoor area will be a minimum six feet in height.
2. This approval is for zoning only. No part of this approval shall be interpreted to waive requirements of the building code, or the need for building permits or a business license.
3. This special use approval shall become null and void on the transfer or sale of the business license and/or the property, or when the use is not active for six (6) consecutive months.

Ms. S. Morrison seconded.

**Roll Call:**

**Mr. Burchert:** Yes

**Mr. Gercken:** Yes

**Ms. L. Morrison:** Yes

**Ms. S. Morrison:** Yes

**Mr. Sipple:** Yes

**Chairman Buckingham:** Yes – great business and great location

Yeas – (6) – Buckingham, Burchert, Gercken, L. Morrison, S. Morrison, Sipple

Nays – (0) – NONE

Absent – (2) – Chubirka, Sheehan

Abstain – (0) – None

The motion is carried and a recommendation for approval will be forwarded to City Council for 1st reading on September 27, 2022.

**Report Items:**

1. Potential of three petitions on agenda for October.
  - a. Amendment to special use for 3005 Kirchoff, Marathon Station.
  - b. Text amendment to add and regulate tobacco, vape and CBD shops as Special uses in the zoning code.
  - c. Text amendment to reduce the number of commissioners from 9 to 7 thus the number needed for a quorum reduces from 5 to 4 which ties into the discussion items.

**Discussion Items:**

1. Most of the chairs are filled so cuts had to be made – we say a very sad goodbye to Ms. L. Morrison and Ms. S. Morrison. We appreciate your service and the number of times you’ve saved us.

**Adjournment**

**Chairman Buckingham** requested motion to adjourn. Ms. L. Morrison made motion, seconded by Mr. Gercken. Carried by unanimous vote. The regular meeting of the September 6, 2022 Planning and Zoning Commission was adjourned at 10:09PM.

Next Meeting: Tuesday, October 4, 2022.

Cindy Browder  
Administrative/Clerk  
Community Development Division

## PLANNING AND ZONING COMMISSION SUMMARY

**MEETING DATE: October 4, 2022**

**SUBJECT:** Public Hearing and Consideration of a special use pursuant to Section 122-331 of the City of Rolling Meadows Code of Ordinances to allow a Special Use for “Outdoor Storage” For Sunset Pools and Spas at 1675 Hicks Road

(Public Hearing Continued from the 8/3/22 and 9/6/22 regular meetings)

### LINKS TO PREVIOUS HEARING DOCUMENTS:

**August 3, 2022**

[https://www.cityrm.org/AgendaCenter/ViewFile/Agenda/\\_08032022-947](https://www.cityrm.org/AgendaCenter/ViewFile/Agenda/_08032022-947)

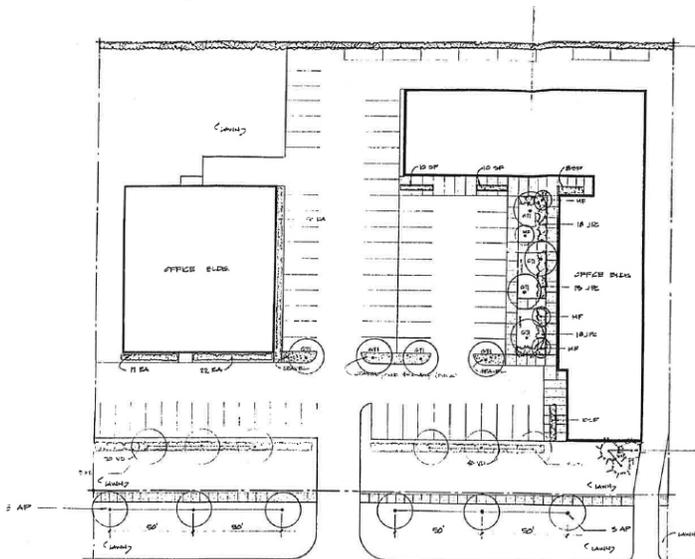
**September 6, 2022**

[https://www.cityrm.org/AgendaCenter/ViewFile/Agenda/\\_09062022-955](https://www.cityrm.org/AgendaCenter/ViewFile/Agenda/_09062022-955)

### SUMMARY OF TESTIMONY/ISSUES LEADING TO CONTINUED HEARING AT OCTOBER 4, 2022 PZC:

At the September 6, 2022 hearing before the Planning and Zoning Commission, Attorney Mark Daniel, representing the property owner of 1645 Hicks located immediately north, presented testimony regarding negative impacts generated by Sunset Pool’s use of the property. He noted that the shared driveway between the two properties is split roughly down the middle, with 1645 Hicks owning the inbound 32’6” on the north side, and 1675 Hicks owning the outbound 34’8” on the south side of the driveway. This driveway and parking spaces on both sides of the driveway are the subject of a private easement agreement between the two properties, executed in the late 1970’s. A copy of this easement document is attached to this report at Exhibit 1 for reference.

The site plan included at the end of Exhibit 1, and shown to the left below, is not part of the easement, but is instead a historical document identified in City files associated with the original approval/construction of the project. The two properties were commonly owned at that time. Based on the aerial photograph shown on the right below, note that parking on the left (south) side of the drive on the Sunset Pool property does not currently



exist. It is speculated that although plans were approved to construct the parking, that it may have never been constructed given that early tenants in the Sunset Pool building did not require the additional parking. This information is relevant given that Sunset Pool's parking requirement and impacts are such that additional parking is warranted as a condition of approval of the special use, and this location is the only area left to accommodate additional parking.

City staff met with the applicant on Friday, September 16, 2022 at City Hall to discuss each of the issues raised by Attorney Daniel at the September hearing. An additional meeting was held on site on Monday, September 26, 2022 with the applicant as well as the owner of 1645 Hicks and his attorney Mr. Mark Daniels. The purpose of that meeting was to work through issues identified by Mr. Daniels at the September hearing and to determine whether improvements or conditions of approval could be agreed to that would mitigate the concerns raised.

Each concern and the proposed improvements or conditions of approval to mitigate concerns are enumerated below.

**1. Insufficient Parking.**

Testimony was provided at the September hearing that Sunset Pool employees park personal and company vehicles in the shared drive or in the shared parking on the north side of the drive. And, while the shared parking agreement allows for the shared parking, it is appropriate to evaluate whether additional parking is required as part of this special use approval.

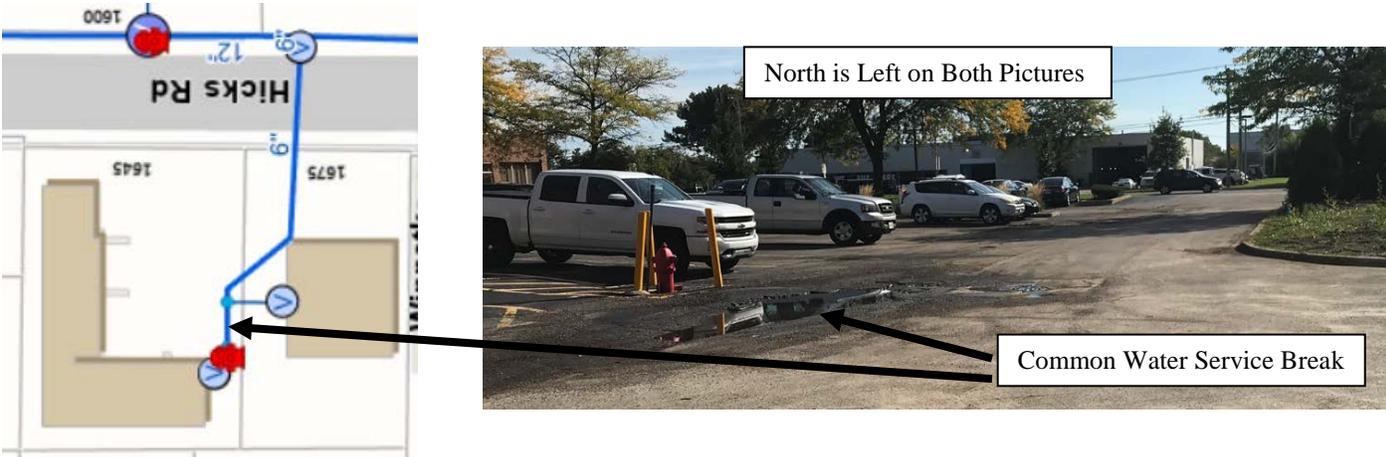
As a result of concerns raised and the analysis presented below, the applicant has agreed to construct seven (7) additional parking spaces on the north side of the building. This was based on the following analysis:

<b>TOTAL EXISTING USABLE PARKING ON SITE:</b>		<b>31</b>
Front, when ADA space added:	11	
Rear, when 1 ADA space removed, and loading area left		
Open	20	
<b>TOTAL PARKING REQUIRED BY CODE:</b>		<b>24</b>
Total Building Square Footage:	8,220	
Office Square Footage:	3,822	15.3
Warehouse Square Footage:	4,398	8.8
<b>OVERNIGHT COMPANY VEHICLES:</b>		<b>13</b>
<b>TOTAL PARKING NEED:</b>		<b>37</b>



## B. Impacts of Oversized/Overweight Vehicles

Testimony provided at the September hearing raised a concern that the size and weight of delivery vehicles may have contributed to a broken water service line under the owner to the north's side of the shared driveway. The broken water service line needs to be repaired, and will also include costly pavement repairs on the north ½ of the shared driveway. Note in the image below that the service line starts on the 1675 property, and then shifts north to end on the 1645 property. It is believed the break is on the 1645 property.



The applicant reported recently that the two owners have agreed to share in the cost of the water line repair as well as in repaving the drive. Moving forward, each owner will be responsible for maintaining their half of the drive.

## 3. Refuse and debris.

Testimony was provided at the September hearing that Sunset Pools often brought construction debris from their projects back to the site, blocking parts of the shared drive. Another concern about this practice is that employees and patrons of 1645 Hicks have experienced an increase in the number of punctured tires, possibly the result of debris falling out of the dumpsters onto the drive when it is delivered back to the site.

The applicant has agreed to a condition of approval that prohibits bringing or storing construction debris on the site, and that their refuse and recycling operations will be limited to the location provided on the site plan shown on the site plan on Page 2 in the northwest corner of their site.

Testimony regarding the location of the refuse in the access/parking easement was also raised. Subsequent discussions with the attorney and the owner to the north, however, have resulted in an agreement that the area at the far west end of the easement area is appropriate for both properties to store their refuse, provided it is restricted to the size shown in the Approved Site Plan shown in Exhibit 3.

#### 4. Outdoor storage not properly screened.

Based on this identified deficiency, as well as the petitioner's desire to better secure their property, a new cyclone sliding gate fence with screening slats will be installed in the location shown on the site plan on Page 3 and Exhibit 3. The gate will include two 20' fixed panels, and two 20' sliding panels that will provide for a 40' opening in the middle when opened. The designated loading area will be just inside the gate near the loading dock door located on the northwest corner of the building.

The "findings of fact" have been revised as outlined below for the PZC's consideration.

#### **STANDARDS AND FINDINGS OF FACT:**

The Rolling Meadows Zoning Code authorizes special uses when the Planning and Zoning Commission holds a public hearing and makes a recommendation, and after the City Council approves an ordinance, which includes evidence that the proposed special use makes "findings of fact" on each of the standards listed in the Zoning Ordinance. The standards and findings of fact for special uses are discussed in more detail below.

#### **Special Use Standards**

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

**Standard 1: Potential impact: The special use shall not unduly impact adjacent or nearby properties or the general health, safety, and welfare of the general area and overall community. Impacts to be considered include ingress and egress to the site, potential traffic impacts from cars and trucks, and impacts to the appearance and character of the area.**

*Findings:*

*The petitioner has addressed the access, delivery, parking, refuse and utility issues raised by the adjoining property owner to the north at 1645 Hicks with improvements being constructed as shown in the Approved Site Plan, and in agreeing to the conditions of approval being recommended. As such, impacts are being mitigated.*

**Standard 2: Consistency: The proposed special use shall be in keeping with the recommendations and intent of the City's Comprehensive Plan, Official Map, and all other plans and policies adopted by the city.**

*Findings:*

*Outdoor storage is permitted by special use in the M areas. Allowing the special use is in keeping with the area, especially with the improvements and conditions of approval, assuming the owner also continued to agree to the operational conditions.*

**Standard 3: Trend of development: Special uses should be a logical extension of the trend of development in the area around the subject site and not interfere with the use and development of adjacent or nearby properties.**

*Findings:*

*All on-site improvements being made will reduce impact on neighboring businesses, as well as potential customers. Specifically, the petitioner has installed a fence, and will be restriping the existing lot to accommodate accessible parking in the eastern lot, which is the customer-facing side. The petitioner is also installing a slide gate to screen the outdoor storage area in the rear of the property, and agreeing to operational conditions that will allow this construction business to peacefully co-exist with the less intense commercial use to the north.*

**Standard 4: Public facilities: Adequate public facilities and services shall be available to serve the special use and the property on which it is located; including, without limitation, storm water, sanitary sewer, water service, public safety service, and waste disposal services.**

*Findings:*

*A broken water service line serving the subject property and the property to the north is being repaired pursuant to an agreement reached between the two property owners. Repairs to the pavement are also being shared between the property owners for this repair, with future repairs intended to be completed by each owner based on the location of the work being performed.*

*All other existing utilities are sufficient to accommodate this use.*

**Standard 5: Site design: The on-site development design shall be understandable to users, safe, and maintainable in terms of road and pedestrian patterns, preserve natural features and incorporate such features into a maintainable development, and provide adequate parking, loading, and site maintenance.**

*Findings:*

*Operational conditions imposed as part of the special use will better regulate delivery traffic, minimize the negative impacts of construction debris being delivered to the site, and foster a safer environment for traffic that enters and exits the common access driveway between the subject property and the commercial property to the north.*

**STAFF SUMMARY AND RECOMMENDATION:**

Outdoor storage is a permitted special use in the M districts. This property has been laid out such that the outdoor storage, if managed as authorized by the special use, should be able to peacefully coexist with the commercial property to the north. Conditions of approval will ensure that the entire site is maintained and that it remains attractive and usable.

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 make a motion that the Rolling Meadows Planning and Zoning Commission adopt the findings of fact for a special use listed in the staff report prepared for the October 4, 2022 Planning and Zoning Commission meeting, and recommend to City Council approval of a special use to allow outdoor storage for Sunset Pools and Spas, subject to the following conditions listed in Exhibit 2 to the staff report prepared for the October 4, 2022 Planning and Zoning Commission meeting.

**2. Recommendation to approve with modifications**

Use the framework above, but modify, add, or delete conditions.

**3. Recommendation to deny**

Vote no on either motion above. Should the Commission decide to not recommend approval of this petition, staff requests an additional motion recommending to City Council that if they should choose to approve this petition, the conditions herein provided remain part of that approval.

Respectfully Submitted,

Jo Ellen Charlton  
Assistant Director of Public Works and Community Development

Exhibit 1  
Parking and Access Easement

FILED  
2-28-1977

24 091 738

This instrument is signed by MOUNT PROSPECT STATE BANK, not individually but solely as Trustee under a certain Trust Agreement known as Trust No. 533. Said Trust Agreement is hereby made a part hereof and any claims against said Trustee which may result from the signing of this Agreement shall be payable only out of any trust property which may be held thereunder, and said Trustee shall not be personally liable for the performance of any of the terms and conditions express or implied of this agreement or for the validity or condition of the title of said property or for any agreement with respect thereto. Any and all personal liability of MOUNT PROSPECT STATE BANK is hereby expressly waived by the parties hereto and their respective successors and assigns.

CROSS EASEMENT AGREEMENT

This Agreement entered into as of this 9th day of August, 1977, by and between MOUNT PROSPECT STATE BANK (hereinafter Mount Prospect), as trustee under Trust Agreement dated January 13, 1976, and known as Trust No. 533, and THE BANK AND TRUST COMPANY OF ARLINGTON HEIGHTS (hereinafter Bank and Trust), as trustee under Trust Agreement dated July 6, 1977, and known as Trust No. 1486, ~~and not personally~~

WITNESSETH:

WHEREAS, Bank and Trust is the owner of certain real estate located on Hicks Road, Rolling Meadows, Illinois legally described as Parcel 1 in Exhibit A attached hereto (hereinafter "Parcel 1"); and

WHEREAS, Mount Prospect is the owner of certain real estate adjacent to the above-described parcel legally described as Parcel 2 in Exhibit A attached hereto (hereinafter "Parcel 2"); and

WHEREAS, the parties hereto desire to mutually provide for access and parking along the boundary between their respective properties;

NOW THEREFORE, for and in consideration of the mutual grants and covenants contained herein the parties hereby agree as follows:

1. Mount Prospect hereby grants to Bank and Trust a non-exclusive easement for ingress, egress, and parking purposes over the northerly 34'8" of Parcel 2 for the benefit of Parcel 1, its owners, tenants, licensees, and employees.
2. Bank and Trust hereby grants to Mount Prospect a non-exclusive easement for ingress, egress, and parking purposes over the southerly 32'6" of Parcel 1 for the benefit of Parcel 2, its owners, tenants, licensees, and employees.
3. Each party shall maintain and keep in good repair the portion of the right-of-way for ingress and egress situated on its respective property, and shall keep such areas striped and clear and free of snow, ice, rubbish and obstructions of every nature, and shall provide adequate drainage and lighting, if needed, thereon. Said area on both properties shall meet at equal grades and no obstruction shall be erected or permitted upon either

24 091 738



portion of the right-of-way nor shall either party or their successors or assigns take any other action or fail to take any action which will in any way interfere with any rights granted by this Agreement. The striping of the right-of-way shall not be changed by either party without the consent in writing of the other party. Each party shall maintain at all times insurance against claims for personal injury or property damage in an amount not less than \$500,000.00 with respect to any one injury, \$1,000,000.00 with respect to injuries in any one accident, and \$50,000.00 with respect to property damage. All such policies shall name both parties as insureds. The cost of paving, maintaining and repairing the said right-of-way shall be borne equally by the parties.

4. Each respective easement granted hereby shall be perpetual and be deemed an easement appurtenant to the respective dominant tenement. The provisions of this Agreement shall be binding upon, and inure to the benefit of, the successors and assigns of the parties hereto, including, without limitation, the subsequent owners of Lots 1 and 2 and all parties claiming through them. No substantial change may be made in the terms of this Agreement without also obtaining the consent of the City of Rolling Meadows, Illinois.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their respective <sup>Trust Officer</sup> Vice Presidents and corporate seal attached and attested to by their Secretary / Cashier, as of the date first above written.

THE BANK AND TRUST COMPANY OF ARLINGTON HEIGHTS, not individually, but solely as Trustee under Trust No. 1486

MOUNT PROSPECT STATE BANK, not individually, but solely as Trustee under Trust No. 533

By: [Signature]  
 Assistant Vice President  
 Attest: [Signature]  
 Cashier

By: [Signature]  
 Trust Officer  
 Attest: [Signature]  
 Secretary

STATE OF ILLINOIS )  
 ) SS  
 COUNTY OF COOK )

I, Evelyn H. Hasz, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT Peter D. Walter, personally known to me to be the <sup>Trust Officer</sup> Vice President of MOUNT PROSPECT STATE BANK, a corporation, and Vernetta Scamehorn, personally known to me to be the Secretary of said corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such Officers, they signed and

This Instrument is signed by MOUNT PROSPECT STATE BANK, not individually but solely as Trustee under a certain Trust Agreement known as Trust No. 533... Said Trust Agreement is hereby made a part hereof and any claims against said Trustee which may result from the signing of this Agreement shall be payable only out of any trust property which may be held thereunder, and said Trustee shall not be personally liable for the performance of any of the terms and conditions express or implied of this agreement or for the validity or condition of the title of said property or for any agreement with respect thereto. Any and all personal liability of MOUNT PROSPECT STATE BANK is hereby expressly waived by the parties hereto and their respective successors and assigns.

This Instrument is executed by THE BANK & TRUST COMPANY OF ARLINGTON HEIGHTS, not individually but solely as Trustee, as aforesaid. All the covenants and conditions to be performed hereunder by THE BANK & TRUST COMPANY OF ARLINGTON HEIGHTS are undertaken by it solely as Trustee, as aforesaid and not individually, and no personal or individual liability shall be asserted or enforceable against THE BANK & TRUST COMPANY OF ARLINGTON HEIGHTS by reason of any of the covenants, statements, representations, indemnifications or warranties express or implied herein contained in this instrument.

24 091 738



EXHIBIT A

Parcel 1:

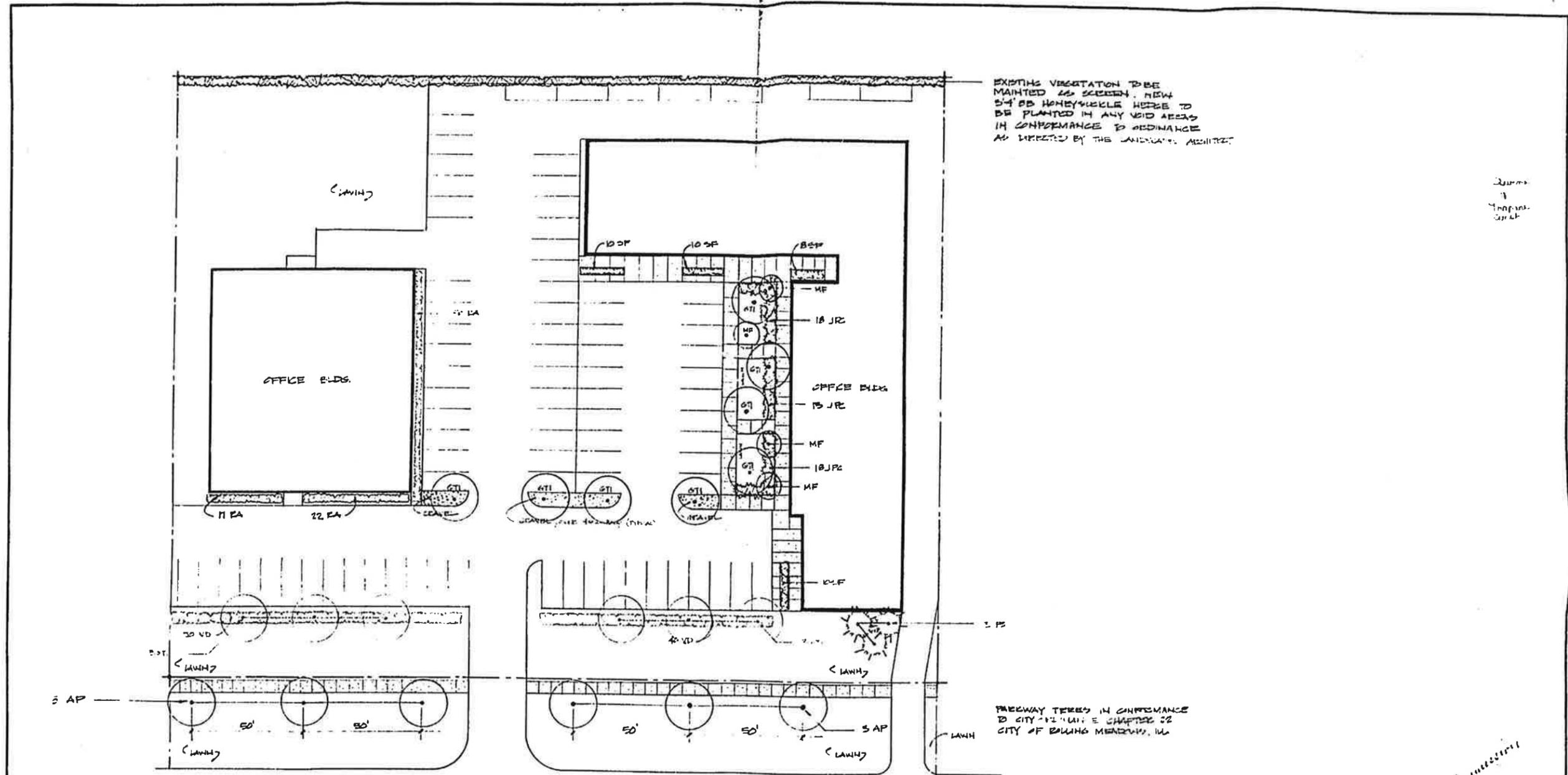
Lot 1 in Trapper's Subdivision in Rolling Meadows being a Resubdivision in the North half of the Northwest quarter of Section 26, Township 42 North, Range 10 East of the Third Principal Meridian, in Cook County, Illinois according to the Plat thereof recorded as Document No. 24004988 on July 8, 1977 in the Office of the Recorder of Deeds, Cook County, Illinois.

Parcel 2:

Lot 2 in Trapper's Subdivision in Rolling Meadows being a Resubdivision in the North half of the Northwest quarter of Section 26, Township 42 North, Range 10 East of the Third Principal Meridian, in Cook County, Illinois according to the Plat thereof recorded as Document No. 24004988 on July 8, 1977 in the Office of the Recorder of Deeds, Cook County, Illinois.

24 091 738

**END OF RECORDED DOCUMENT**



EXISTING VEGETATION TO BE MAINTAINED AS SCREEN. NEW 5-4\"/>

Survey  
of  
Topography

HICKS ROAD

PLANT LIST					
QTY	SYMBOL	SIZE	DEPTH	BOTANICAL NAME	COMMON NAME
6	AP	2"	BB	ACER PLATANIFOLIA	NORWAY MAPLE
4	GTI	5'	BB	QUERCUS TOBACIFERA NUTT	IMMENSE HONEY LOCUST
4	MF	2"	BB	MALUS FLORIBUNDA	FLOWERING DOGWOOD
3	PS	5'	BB	PRUNUS SCOTICA	SCOTCH PINE
30	SF	2'	BB	SPIREA PRINCEPS	PRINCEB SPIREA
17	JRZ	2"	BB	JUN. FRITZ SINFACIA	COMPACT FRITZ JUN.
15	VD	5'	BB	VIBURNUM DENTATUM	AMERICAN VIBURNUM
81	ZA	2"	BB	ERICA ALPINA	ALPINE CUSCUMT
	LC	3'	BB	LONICEEA CLARICOLOR	RED HONEYLOCUST

THIS LANDSCAPE PLAN CONFORMS TO CITY OF ROLLING MEADOWS ORDINANCE 20 "SCREENING AND LANDSCAPING" ADOPTED 10 AUG 1976. THESE PLANTINGS ARE BASED ON PLANNING AND DRIVE PAVEMENT (14 FT WIDE, 20 FT AND SHOWN IN CONFORMANCE TO SAID ORDINANCE.  
MICHAEL T. TAPLOW ASSOCIATES INC., A.S.L.A.  
LANDSCAPE ARCHITECTS, 2041 PENNINGTON AVENUE, ELKHART, ILL.  
22 JULY 17, 1977

*Approved by Planning Department  
8-3-77*

THE HICKS ROAD OFFICE CENTER		job no.	77-808
ROLLING MEADOWS, ILLINOIS		date	7-19-77
HUNDRIESER • GUTOWSKY & ASSOCIATES, INC.		sheet no.	1-1
ARCHITECTS • ENGINEERS			
112 SOUTH ARLINGTON HEIGHTS ROAD • ARLINGTON HEIGHTS, ILLINOIS 60005 • 995-1100			
LANDSCAPE PLAN		SCALE:	1" = 20'-0"
date	revision		

Exhibit 2  
Conditions of Approval

- 1) Petitioner shall install a new eight foot (8') tall cyclone fence with screening slats to screen the paved area west of the building in the location shown on the Site Plan provided in Exhibit 3 to the Staff Report prepared for the October 4, 2022 Planning and Zoning Commission meeting. The fence shall include two fixed sections, and two sliding sections, which provides for a 40' opening in the middle when open.
- 2) Petitioner shall construct 7 new code compliant parking spaces on the north side of the building, to be constructed approximately six feet (6') north of the building line. Plans for these new parking spaces shall be submitted by the petitioner not later than December 1, 2022, with construction completed not later than June 1, 2023.
- 3) Five spaces on the east or north side of the building shall be signed "For Customers Only".
- 4) A "Delivery Trucks Greater than 26' Prohibited" sign shall be installed at the entry to the common driveway.
- 5) Permits for the existing two outside fuel tanks (maximum 1,000 gallons each) are to be submitted and authorized by the City within two (2) months of City Council approval.
- 6) The overnight parking of licensed company vehicles may only occur west of the existing building.
- 7) Refuse and recycling shall only be placed in the 12'x18' location shown on the Site Plan provided in Exhibit 3 to the Staff report prepared for the October 4, 2022 Planning and Zoning Commission meeting.
- 8) The special use for outdoor storage shall conform to the following operational requirements at all times, with failure subject to revocation of the special use:
  - a. Delivery trucks larger than a box truck (26' in length) are not allowed to access the site.
  - b. Delivery trucks shall not be permitted to access to site by backing in from Hicks Road.
  - c. Construction debris may not be brought back to or stored anywhere on the site at any time.
  - d. Parking spaces on the west side of the building may only be used to park vehicles or other trailers or equipment that fit in 9'x18' striped parking spaces, provided the storage area maintains sufficient parking spaces for all company vehicles that park on the site overnight.
  - e. The access aisle between parking spaces on the west side of the building shall remain free of parked vehicles, equipment or other material storage at all times.
  - f. Refuse, recycling or other debris shall be located only within the approved dumpster, not on the ground around dumpster.
  - g. The refuse and recycling area shall be serviced with a frequency that prevents debris from being stored anywhere not inside the dumpster.
  - h. Outside material storage is only allowed within the 16'6" by 31'6", and 16'6" by 31'10" "Outdoor Storage Area" shown in Exhibit 3 to the staff report prepared for the October 4, 2022 Planning and Zoning Commission

meeting, at a maximum height of 8', and may only consist of the following materials:

PVC plumbing pipe, pavers and coping, paver spacers, bob cat accessories, bob cat tracks, gas piping, drain tile, a cement mixer, auto cover kits, electrical conduit, rebar, wire mesh and fencing.

- 9) This approval is for zoning only. No part of this approval shall be interpreted to waive requirements of the building code, or the need for building permits.
- 10) The property shall be maintained in accordance with the adopted property maintenance codes of the City Code of Ordinances. Failure to maintain the exterior of the property can result in revocation of the special use approval.
- 11) This special use approval shall become null and void on the transfer or sale of the business license and/or the property, or when the outdoor storage is not utilized for six (6) consecutive months.

