

**City of Rolling Meadows
Planning and Zoning Commission
City Council Chambers
7:30 PM
June 17, 2020
APPROVED**

Call to Order

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

Declaration of Quorum

Roll call:

Presiding: Chairman Rataiczuk

Present: Buckingham, Duvall, Fink, Sheehan, Sipple

Absent: L. Morrison, S. Morrison

Also Present: Rob Horne, Director Public Works; Jo Ellen Charlton, Assistant Director Public Works
Elizabeth Payne, Administrative Services Coordinator

Chairman Rataiczuk declared a quorum.

Pending Business:

Chairman Rataiczky noted that four items had been continued from the June 2 meeting.

- 1. Amendment to the existing special use granted for the “City Hall” property commonly known as 3600 Kirchoff Road to authorize the additional property at 2809 Owl Lane as a Municipal Use, and a Plat of Subdivision to authorize the consolidation of multiple lots into one lot, City of Rolling Meadows, Petitioner.**

Chairman Rataiczky noted that the public hearing had been opened previously at the June 2 meeting. He asked for a motion to enter the supplemental staff report into the record. Mr. Fink so moved, and Mr. Buckingham seconded. The motion passed by unanimous voice vote.

Jo Ellen Charlton, Assistant Director of Public Works, 3900 Berdnick St., Rolling Meadows, IL was reminded that she was still under oath from the previous meeting.

Ms. Charlton stated that the supplemental report was prepared in response to comments and questions received at the last meeting, as well as a summary of testimony received at the last meeting. She noted that one question had been the placement of the driveway on the north side of the Owl property, as opposed to the south side. City staff had considered all options, and it was determined that the proposed route would be the most advantageous for cost reasons, as well as keeping parking spaces open and safe turning. Deputy Chief John Sircher of Police was present for operational questions.

Ms. Charlton noted that the “Do Not Enter” signs had been discussed at the last meeting. The number, size, and placement of the signs was as a recommendation of the City’s insurance carrier, IRMA, and failure to meet those recommendations might result in loss of coverage. The signs also need to meet standards, or they can be thrown out in a court case. The “No Parking” sign had been relocated for ease of mowing for the resident.

Ms. Charlton noted that the driveway was meant as an exit. Using it as an entrance was not an option, as the purchase was meant to address congestion at the other exit point. The Police do intend to use the exit for the squad cars parked towards the rear of the existing parking lot.

Ms. Charlton stated that on-street parking in front of the Owl property had been discussed. City staff would forward the request to the Traffic Review Committee for review, and recommend to the City Council.

Ms. Charlton noted that questions had been asked about the existing on-street parallel parking. They are needed, but will not be extended further north on Owl Lane.

Ms. Charlton stated that additional drainage would be provided on the Owl property, and a six inch drainage pipe would be extended along the easement for the three properties to the north for them to connect to. It is a public improvement that will be treated privately, and the City will not maintain it, but it providing it for resident connection. Drainage issues are considered addressed when rain water is able to drain away within 48 hours. This improvement should help with that goal. The revised plan was attached to the packet.

Ms. Charlton stated that the rear yard fence would be replaced with a six foot tall solid wooden fence. Per Public Works crews, that will be sufficient to block headlights of cars coming around the rear yard drive. The front fence would be extended to the front of the building, and would be six feet tall, and would provide adequate screening. The fence between the existing parking lot and the Owl property had been removed, and landscaping would replace it. The City could place almost anything the residents would want in that area, pending the City Forester's input.

Ms. Charlton noted that the standards for approving a special use had been provided, and proposed findings had also been provided. The petition also includes approval of a final plat of subdivision to consolidate all of the existing City lots with the new Owl property. The proposed motion to approve provided by staff included the expansion of the City special use, as well as the plat of subdivision for consolidation, and a condition requiring a public hearing if the City decided to do anything different with the property.

Deputy Chief John Sircher, 3600 Kirchoff Road, Rolling Meadows, IL was sworn in.

DC Sircher stated that the officers of the Police Department would likely continue to mostly use the exit that they are currently familiar with. The new driveway would be beneficial mostly during the day, when work is happening in the area and trucks are blocking that drive. The new drive would allow exit without requiring waiting for the trucks to be moved. The neighbor should not be affected at night. The officers are also cognizant of the neighbors, and work to avoid using lights and sirens until they are on Owl near Kirchoff.

DC Sircher stated that IRMA recommended the signs. There had been previous cases where someone had come onto Police property with intentions of harm. After that incident, it had been requested to completely fence in the area with a sliding gate similar to other City properties. The signs are less unsightly, and put the officers more at ease that those who are not supposed to be on the property will stay off of it.

Mr. Duvall asked what the frequency of dispatches out of City Hall after 9:00 pm were. DC Sircher replied that it became quiet after about 11:30 at night. There would not be much activity after that, and a squad car pulling out with lights and sirens after that time would be for a serious problem. Most dispatches would happen for officers that are already out from City Hall. Disruption should be minimal.

Mr. Fink asked about the drainage proposal. Pipes to the north would be 6 inch, and pipes to the west would be 12 inch and tie into the City main on Sigwalt Street.

Mr. Sipple expressed concerns regarding safety and line of sight of officers coming out of that driveway. DC Sircher indicated that making the drive an entrance would cause more headlights to flood the neighbors. Making it an exit only limits the number of vehicles using the drive and controls light spillage. Mr. Sipple advocated a gate with a sign, as that is not unusual in the area. This would help maintain the residential nature of the property.

Discussion ensued regarding the "Do Not Enter" signs. Discussion included the regulations, the insurance company, the size, placement, number, and alternatives.

Mr. Buckingham asked if there was any training planned for officers regarding consideration for the neighbors in use of this drive. DC Sircher indicated that it would be emphasized to use that drive as infrequently as possible. The Police were meant to serve the public, so the goal is to keep residents as happy as possible. Protocols would be created and communicated to officers. Safety would also be a primary concern.

Chairman Rataiczky asked if specific restrictions would be placed on use of the driveway. DC Sircher indicated that there are verbal protocols in place, and the Chief might decide to do a direct order. Officers generally stick to established verbal protocols. Chairman Rataiczky expressed concern that without an explicit directive, officers have the ability to use the drive for any instance. Violations of protocols are quickly addressed.

Chairman Rataiczky asked what the day-to-day utilization of the house would be. Ms. Charlton indicated that it was intended for storage. Access would be limited, and trucks would generally likely not be used for most items, and heavier items would be loaded and dropped off quickly. There should be no trouble with the Police use of the drive.

Mr. Duvall suggested using one sign and placing pavement markings or other indicators. Ms. Charlton indicated that the sign issue would need to be decided by the Council, manager, legal, and insurance carrier. The record would indicate the concern about it, but every indication was that both were required.

Mr. Buckingham asked where the consideration of the use of the property had come from.

Director Rob Horne, 3900 Berdnick Street, Rolling Meadows, IL was sworn in. He stated that the Chief's priority was to use the drive as an exit.

Chairman Rataiczky reminded everyone that previously made comments would be included in the record for the City Council. Anyone who had previously provided testimony is still under oath.

Roger Fox, 2803 Owl Lane, Rolling Meadows, IL thanked the Commission for addressing his previous comments. He wanted to add concern about the two "Do Not Enter" signs, and suggested some alternative sizes and placements.

Dean Malicki, 2802 Owl Lane, Rolling Meadows, IL was sworn in. He agreed with previous comments about the signs. He also suggested that a six foot high fence was not high enough to block the lights. Ms. Charlton indicated that the code allowed up to 6.5 feet for the fence without additional hearings.

Stan Paluch, 2805 Owl Lane, Rolling Meadows, IL asked how many times over the years had officers not been able to exit the property because of blockage, and if it had impeded response. DC Sircher noted that the area can be blocked for hours at a time during the day because of contractor work on the generator or the range. Mr. Paluch asked if the blockages had stopped responders. DC Sircher replied that it had delayed them as trucks were moved.

Nancy Wilbersheid, 2807 Owl Lane, Rolling Meadows, IL requested some consideration of different placement of the signs. It was noted that the City Council would make the final decisions, and all comments and recommendations of the Commission were provided to them. Ms. Wilbersheid expressed concern over the removal of the fence between the Owl property and the existing parking lot, as it had screened the vehicles. Ms. Charlton indicated that fences were not supposed to separate your own property. Landscaping of at least six feet in height would be installed to replace it. Ms. Wilbersheid indicated that installing and maintaining the landscaping would cost the City more than if they had left the fence.

Mr. Duvall moved to close the public hear. Mr. Fink seconded. Motion carried by voice vote of 5-1, Mr. Sipple opposing.

Discussion ensued regarding adding a condition regarding the signs and a variation for the fence.

Mr. Fink moved that the Planning and Zoning Commission recommend to the City Council approval of the "The City of Rolling Meadows the Plat of Consolidation", prepared by Christopher B. Burke Engineering, dated May 20, 2020, and also recommend the City Council adopt the findings of fact for a special use (identified in the staff report prepared for the June 17, 2020 Planning and Zoning Commission meeting) and recommend the City Council approve an amendment to the special use granted by Ordinance 86-27, to add the property at 2809 Owl as a "Municipal Use", subject to the following condition:

1. Any future modification to the structures or use of the property at 2809 Owl Lane for primarily storage purposes is subject to approval by the City Council pursuant to an amendment to the special use granted herein.

Mr. Duvall seconded.

Roll call:

Mr. Duvall: Yes

Mr. Fink: Yes

Ms. Sheehan: Yes

Mr. Sipple: No

Mr. Buckingham: Yes

Chairman Rataiczky: Yes

Motion Approved.

Chairman Rataiczky stated that, with the vote 5-1-2, the item would go before the City Council with a positive recommendation, tentatively June 23, 2020.

2. Special Use to allow outdoor storage and variations to required setbacks at 4000 Industrial Avenue, M-1 Manufacturing, Michael DeCarlo, DiCarlo Construction, Petitioner

Chairman Rataiczky noted that the public hearing had been opened previously at the June 2 meeting. He asked for a motion to enter the amended staff report into the record. Mr. Duvall so moved, and Mr. Fink seconded. The motion passed by unanimous voice vote.

Michael DeCarlo, 4000 Industrial Avenue, Rolling Meadows, IL was sworn in. He indicated he would be using the rear yard to store three 3500 dump trucks, a f750 dump truck, two storage trailers, silt fence for erosion control, adjustment rings, frames, and additional material for water and sewer work.

Mr. Duvall asked how long the trailers were. Mr. DeCarlo indicated they were 22 feet. Mr. Duvall noted that there was no earth moving equipment to be stored. Mr. DeCarlo confirmed.

Mr. Duvall indicated a parkway tree might cause visibility conflict. Mr. DeCarlo indicated there was none.

Mr. Duvall indicated a concern about mud in the street, but noted with proposed conditions, it should do fine.

Mr. Fink asked if Mr. DeCarlo was familiar with and accepted staff comments and conditions. Mr. DeCarlo indicated acceptance.

Ms. Charlton noted that the staff report was part of the record. She noted that the applicant had been very pleasant to work with. He planned to apply for a 6B tax incentive to continue working on it. He had been very amenable to staff requests, including moving a fence to comply with parking requirements. He also cleaned a great deal of the property and provided screening. Drop storage containers might not be permitted under the current code, and the new code would not have such restriction, so limiting to two with adequate screening would be acceptable. There was a sodded area at the back where staff would ordinarily look for landscaped screening. However, since there was not enough room and screening was already present, it was suggested to plant deciduous trees.

Mr. Fink moved to close the public hearing. Mr. Buckingham seconded. The motion carried by unanimous voice vote.

Mr. Buckingham moved that the Planning and Zoning Commission approve the findings of fact (identified in the staff report prepared for the June 17, 2020 Planning and Zoning Commission meeting and recommends the City Council approve the special use for outdoor storage (including two drop containers) and variations to reduce the required rear and side yard pavement setbacks to that which is already provided and indicated on the plat of survey, for the property located at 4000 Industrial Avenue subject to the following conditions:

- Only two drop containers, located in the northeast corner of the property are permitted, and then only when screened as approved by the City.
- The pavement setback variations are for outdoor storage uses only, and only when pavement is screened as approved by the City.

- Two 2.5” caliper shade trees shall be installed along the rear (North) property line within 30 days of approval. The petitioner shall obtain approval of these trees from the City Forester prior to installation.
- All paved surfaces are to be crack filled and seal coated at a minimum within 90 days of approval. Grind and overlay asphalt improvements are preferred but optional, and require a permit to ensure proper drainage.
- Both sides of the driveway entrance shall be regraded and seeded to restore the muddy ruts caused by vehicles not staying on the driveway. If additional damage within one year of the date of approval is identified, petitioner must secure permits and add 2’ concrete ribbons on each side of the existing driveway.
- To maintain adequate screening, the slats added to the perimeter fencing shall be maintained in good repair, or replaced at the request of City staff.

Mr. Sipple seconded.

Roll call:

Mr. Duvall: Yes

Mr. Fink: Yes

Ms. Sheehan: Yes

Mr. Sipple: Yes

Mr. Buckingham: Yes

Chairman Rataiczky: Yes

Motion Approved.

Chairman Rataiczky stated that, with the vote 6-0-2, the item would go before the City Council with a positive recommendation, tentatively July 14, 2020.

3. Amendment to the Ramlin Rose Planned Development to allow additional 65 parking spaces at the Preserves of Woodfield, 4700 Arbor Drive, R-3 General Residence District, David Foos, Redwood Construction, Petitioner

Chairman Rataiczky noted that the public hearing had been opened previously at the June 2 meeting, except that the number of parking spaces requested differed between the application and submittal, and the petitioner should clarify.

David Foos, Highland Park, IL was sworn in. He stated that he was proposing to install new parking in the northern part of the property. They were short on parking spaces for residents, and they were looking to start to amend that with this proposal. He clarified that he was requesting 70 parking spaces.

Ms. Charlton spoke about the property. It is 35 acres in the south part of the City, behind two shopping centers that front on Algonquin Road. It was originally developed in the 1960's as the Ramlin Rose Planned Development. The proposal is to be placed on a location that was originally intended to be a building, so it was intended to be impervious. Per current parking requirements, the development is under parked. Many parking spaces are on the City's Arbor Drive right of way. This was permitted at the time, and presents no liability to the City. Adverse possession also could not apply to public property. 80 spaces are also leased from adjoining properties, mostly to the north. Access to the new lot is proposed to be to the west, which is from City owned property. Outstanding comments are minor, as the petitioner did an excellent job with design and addressing City concerns. Some discussion was ongoing regarding the leased parking spaces, and the Commission may be discussing additional parking spaces in the future in what is currently green space if the private negotiations fall through.

Mr. Fink noted that there had been a previous approval of 75-90 spaces in this area, which had lapsed. He asked why the new plan was brought forward. Staff noted that the previous approval was for a prior owner, and the approval lapsed. The new design was in keeping with the new owner's vision, and included more landscaping which is preferable to staff. The former approval also had the lot opening up to the north, which was not approvable.

Mr. Buckingham asked if the proposed parking spaces were on public property. Ms. Charlton indicated that they were not.

Mr. Buckingham asked if the new lot would be similar in look and feel to existing parking. Mr. Foos indicated that they would. They were adhering to their vision with this lot.

Mr. Buckingham asked if there were plans for additional landscaping around this lot, which was formerly green space. Mr. Foos indicated that was the case.

Vince Bufalino, 4015 Algonquin Road, Rolling Meadows, IL was sworn in. He stated that he was concerned about the drainage for the proposed parking. He also indicated that he and the petitioner were in the middle of a lease dispute that would result in the loss of a significant number of parking spaces. He believed that the loss would require a reconsideration of the design. He indicated that he did not believe there was a lease, but the courts had not been hearing cases until recently.

Ms. Charlton noted that the access comes from the west, which is the petitioner's property, and then exits to City right of way. The parking spaces in question are to the north of the petitioner's property, including the drive aisle access to the petitioner's spaces and properties. The loss does not affect the ability of the proposal to provide the proposed 70 parking spaces. The two issues were independent of each other, but the Commission was encouraged to commend the petitioner and his neighbor to work out the issues. If additional parking was needed for the petitioner, there would be nowhere else to put it but the remaining green space on the property. This would remove amenities provided by the petitioner, and would be counterproductive to what Planned Developments are meant to accomplish.

Mr. Bufalino noted that an inability to resolve their issues would lose the petitioner access to additional pieces of their properties, including additional parking spaces. Ms. Charlton indicated where these spaces were located, and what the effect would be.

Chairman Rataiczky asked how long the spaces had been there. Mr. Bufalino indicated the spaces had been there since before he had owned the center. The center and apartments had once been owned by one owner, and been divided with a lease for the spaces put into place. The dispute over the lease began approximately five months ago. The attorneys are working on it, and will bring it to court when possible. The current owners violated the lease.

Mr. Duvall asked who was using the spaces currently. Mr. Bufalino indicated that the apartment residents were still using the spaces, per legal recommendations.

Mr. Duvall asked if there was a direct access to Arbor Drive from the apartment complex. Mr. Bufalino indicated there was not.

Mr. Fink asked what Mr. Bufalino would do if the courts found in his favor. Mr. Bufalino indicated he would block that area off. Mr. Fink asked how the City would be involved. Ms. Charlton indicated that the City's involvement would be dependent on Mr. Bufalino's intention.

Mr. Sipple asked if there were two other locations for buildings. Ms. Charlton indicated that was correct. Mr. Sipple noted that those two locations could also be used for parking lots. Ms. Charlton replied that it was currently green space. He indicated general support for the proposal.

Mr. Buckingham asked if there was no lease, or if the other party was in breach. Mr. Bufalino indicated there was a lease, and no longer is, because of a violation of the lease terms. The attorneys had been working on the issue for approximately three months. He wanted the petitioner to abide by the lease terms, buy it, etc. No other plans for the property existed.

Mr. Buckingham asked about the environmental concerns about additional parking. Ms. Charlton noted that two other building locations had been proposed, which are currently open/green space. The intent is to keep as much green space as possible. Future parking plans would need to be evaluated regarding the ratio of improved to unimproved surfaces, as these green spaces serve recreational needs for the residents of the complex. Additional buildings would never be permitted in the future, and staff would like to preserve adequate green space.

Chairman Rataiczuk asked when the property had been subdivided. Mr. Bufalino noted it was in the early 1980's. Chairman Rataiczuk asked if any easement had been written into the property. Ms. Charlton noted that staff had not looked into that, as staff does not have very good access to information from that long ago. The attorney could not find information at the Recorder's office either. Chairman Rataiczuk noted that it seemed odd that access language had not been written into the subdivision.

Mr. Fink asked if it would be in the petitioner's best interest to continue the petition. Mr. Foos noted that they would install the parking as proposed at this meeting, and future parking and access would take from the green space.

Mr. Fink asked if the lighting would match the existing. Mr. Foos confirmed that would be the case.

Mr. Fink moved to close the public hearing. Mr. Sipple seconded. The motion carried by unanimous voice vote.

Mr. Fink moved that the Planning and Zoning Commission approve the findings of fact (identified in the staff report prepared for the June 2, 2020 Planning and Zoning Commission meeting (*as amended if necessary*), and recommend City Council approval of the Amendment to the Ramlin Rose Planned Development to authorize a new 70-space parking lot and associated improvements for property commonly known as the Preserves at Woodfield, located at 4700 Arbor Drive, subject to the following conditions:

- a. Development is subject to substantial compliance with the plans and required changes identified in Exhibit 1, and shall not commence until revised plans have been submitted to and approved by the City for compliance with this approval and for conformance with all other City codes.
- b. Permits must be applied for within 60 days of approval by the City Council. Construction must be completed within two years. Failing this, the approval of the planned development amendment is considered expired and must be requested again.

Mr. Sipple seconded.

Roll call:

- Mr. Duvall:** Yes
- Mr. Fink:** Yes
- Ms. Sheehan:** Yes
- Mr. Sipple:** Yes
- Mr. Buckingham:** Yes
- Chairman Rataiczuk:** Yes

Motion Approved.

Chairman Rataiczuk stated that, with the vote 6-0-2, the item would go before the City Council with a positive recommendation, tentatively July 14, 2020.

4. Text Amendment to allow Craft Growers and Infuser Organizations of Adult-Use Recreational Cannabis as Special Uses in the M-1 and M-2 Manufacturing Districts, City of Rolling Meadows, Petitioner

Chairman Rataiczky noted that staff was requesting a continuance to July 7, 2020.

Mr. Duvall moved that the petition be continued to the July 7, 2020 meeting in the City Council Chambers. Mr. Sipple seconded.

Roll call:

Mr. Duvall: Yes

Mr. Fink: Yes

Ms. Sheehan: Yes

Mr. Sipple: Yes

Mr. Buckingham: Yes

Chairman Rataiczky: Yes

Motion Approved.

The petition was continued to July 7, 2020 at 7:30 pm in the City Council Chambers.

New Business – Public Hearings:

Discussion Items:

Chairman Rataiczky discussed procedural items of voting and making a finding of fact, and adding conditions to motions, and how and when to do so. Additional procedural issues were also discussed.

Reports: Update of on-going projects and cases: NONE

Adjournment

A motion to adjourn was made by Mr. Buckingham and seconded by Mr. Sipple. Motion carried by unanimous voice vote. The regular meeting of the June 17, 2020 Planning and Zoning Commission was adjourned at 9:56 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

Minutes approved at the July 7, 2020 Planning and Zoning Commission meeting as written.