

**City of Rolling Meadows
Planning and Zoning Commission
7:00 PM
January 3, 2023
UNAPPROVED**

Call to Order

Chairman Buckingham called the January 3, 2023 regular meeting of the Planning and Zoning Commission to order at 7:03 pm.

Roll call:

Presiding: Chairman Buckingham

Present: Burchert, Chubirka, Gercken, Leone, Sheehan, Sipple

Absent: NONE

Also Present: Jo Ellen Charlton, Assistant Director of Public Works; Elizabeth Kwandras, Deputy Community Development Director

Chairman Buckingham declared a quorum.

Approval of Minutes

Chairman Buckingham asked for a motion to approve the minutes from the November 1, 2023 Planning and Zoning Commission meeting. Commissioner Gercken moved to approve the minutes as written and Commissioner Leone seconded.

Motion carried by unanimous voice vote. Minutes approved as written.

Pending Business: NONE

New Business:

- 1. Public Hearing and Consideration of a Special Use pursuant to Section 122-301(3) of the City of Rolling Meadows Zoning Code of Ordinances to allow Automobile and/or Truck Repair Facility, for an exception to Section 122-157(6)(h) to allow continued use of a facility that does not provide compliant parking lot lighting, for a variation from Section 122-78(a)(4) for an enclosed refuse screening area located in the required 30' corner side yard, to allow a non-conforming 210 square foot wall sign to remain on Applicant's tenant space, all to accommodate an Automobile and/or Truck Repair facility in an M-1 Zoning District at 3737 Industrial Drive. Joseph M. Phillippi and Maria C. Quintero, Body Builders Automotive, Applicant, with permission from Lehmann Peterson Corp, as Owners.**

Chairman Buckingham asked for a motion to open the public hearing and enter the staff report into evidence. Commissioner Gercken moved, Commissioner Chubirka seconded. Motion carried by unanimous voice vote.

Chairman Buckingham asked if the file was in order. Staff confirmed that was the case.

Joe Phillipi and Maria Quintero were sworn in by Chairman Buckingham.

Mr. Phillipi stated that his business, Body Builders Automotive, had been in Rolling Meadows since 1990. It had been started by his father and uncle. The business was a collision repair facility, including paint, body and mechanical work. Recently, the business had achieved higher end certifications allowing them to do more work on more types of vehicles and expand the business. With the expansion comes a need for more room. The petition was for an auto body repair facility in the southern part of 3737 Industrial Avenue, the subject property and home of Molon Motors. This location would house vehicles for body and mechanical work. Customers would drop off and pick up their vehicles at the primary location, 3960 Industrial Avenue, and the vehicles would be brought to 3737 by employees. No vehicles would be stored outside.

The subject property would have some modifications made to it. A dumpster enclosure would be located on the eastern part of the building, near the southernmost overhead door. New overhead doors would be installed down the line approximately halfway down the building. Some parking spaces would need to be removed from where they would be installed.

In the beginning of the lease, the petitioner would use only part of the southern half of the building, eventually growing into the entire southern half. A demising wall would be installed, separating the two users. Until the petitioner takes the entire southern half, the demising wall would have a fire rated overhead door installed.

QUESTIONS AND COMMENTS FROM THE BOARD:

Chairman Buckingham opened the meeting to Commissioners' questions and comments.

Commissioner Gercken asked what would happen to vehicles that could not be picked up by the customers. Mr. Philippi stated that they would be stored at 3960.

Commissioner Gercken asked if fire protection would be installed. Mr. Philippi replied that it would be as part of the permit.

Commissioner Gercken asked if the petitioner would have signage on the 3737 building. Mr. Philippi stated they would not, and the only signage on the building would be the existing Molon Motors sign.

Commissioner Leone asked for confirmation that customers would drop off and pick up their vehicles at 3960, and only staff would be taking vehicles to 3737. Mr. Philippi agreed.

Commissioner Sheehan asked if there would be employees parking at the 3737 location. Mr. Philippi stated that there would, but not overnight.

Commissioner Sheehan asked if there would be tow trucks bringing vehicles to 3737. Mr. Philippi stated that they contracted out towing, and the cars would be put on dollies.

Commissioner Sheehan asked if there would be any specialized refuse in the dumpster enclosure. Mr. Philippi stated that those would be at 3960. Other refuse would be collected at the enclosure, but be kept indoors as much as possible.

Commissioner Gercken asked what the hours of operation would be. Mr. Philippi noted that the hours of operation would be approximately 6:00 am to 6:00 pm, Monday through Friday. Occasionally, techs would be in on weekends to finish projects.

Chairman Buckingham asked about the length of the relationship with Molon Motors. Mr. Philippi stated that he had known the owners of Molon for over ten years.

Chairman Buckingham asked how the idea for the extra space had come about. Ms. Quintero stated that it had been hers and Mr. Philippi Sr.'s idea. They had built up a strong customer base in Rolling Meadows through word of mouth, and the Molon building was at least partially empty.

Chairman Buckingham asked if there was a lease in progress, and how long it was for. Mr. Philippi confirmed the lease was in review, and it would be for five years with an additional five year option.

Chairman Buckingham asked if the petitioner accepted the conditions of approval in the staff report. Mr. Philippi indicated that they did.

Chairman Buckingham asked if the petitioner and the building owner were committed to making the changes required in the approval. Mr. Philippi agreed.

Chairman Buckingham asked why the right of way had been cut off. Mr. Philippi noted that it had been used as a cut-through by drivers in the area. The barricade would be taken down.

Chairman Buckingham noted that the initial request was for approximately 10,000 square feet, and the application noted 20,000. He asked if any changes to the special use would be required upon the increase. Mr. Philippi noted that would not be the case.

Commissioner Leone asked if the two buildings on the lot would be joined into one. Mr. Philippi indicated that would not be the case. Plans were in motion to allow exterior access to both spaces.

STAFF REPORT

Assistant Director Charlton provided the staff report. She stated that the subject building was connected to the building to the west. There are separate access points from the street for each building, though the building to the west shares that access with the building to the west of that. Due to the configuration of the buildings, there was no room to place additional pavement, such as for a dumpster enclosure.

The interior would be laid out to allow both parties access to the southern 20,000 square feet, until the petitioner expanded into the whole space. The overhead door would be in place, allowing Molon

Motors access to the exterior door on the southern edge of the building. The arrangement would stay in place until the new exterior doors on the mid portion of the building were installed over the summer.

Throughout the process, staff had considered the appropriateness of the request. Being aware of the potential of the Bears stadium, staff keeps an eye on compatibility of the uses. It is possible that the Comprehensive Plan would be reimagined to take the stadium into consideration. As such, while exterior storage is commonplace for this area, it is chaotic. Staff requested details on where vehicles would be stored, and was assured that nothing would be kept outside at 3737.

As existing, the parking lot does not meet code requirements. It has no curb, does not meet the required setback from the right of way, has substandard lighting, and no landscape islands. Staff prioritizes the most important aspects of reuse of the property, and scales the requirements to match the approximate scale of reinvestment.

Per staff's review, there is enough parking for both users, even with the proposed reduction in parking lot. The on-site lighting is, as noted, substandard. The lighting has been in operation since the building had been constructed. There are no on-street poles, and the light packs on the walls do not reach the lot lines. The businesses are conducted largely during the day, so staff is comfortable with the lighting as existing until further redevelopment is undertaken.

The existing sign on the building is nonconforming, in that it is not over the space that Molon will be occupying. As it is existing, it is acceptable to leave, as no additional signage is being proposed at this time.

There has been one code enforcement issue on site. Previously, semi-trucks had been stored on site, which required a special use. No special use has been obtained, and the trucks will not be there moving forward.

QUESTIONS AND COMMENTS FROM THE BOARD:

Chairman Buckingham opened the meeting to Commissioners' questions and comments.

Chairman Buckingham asked if the non-functioning loading dock was remaining, and if it was a safety issue. AD Charlton noted that it was remaining, and the door was not accessible from the interior or exterior.

Chairman Buckingham asked if there were any concerns about compatibility with the potential Bears stadium. AD Charlton indicated there were not. Chairman Buckingham asked if the second special use standard, regarding consistency, could be applied to future uses. AD Charlton noted that staff was keeping options open as much as possible. This use was acceptable for the short term. The petitioner was trying to sell or lease their existing building, and this would could be reevaluated at that time. In the long term, anything was possible. Mr. Philippi noted that the for sale/lease sign had been up for a year with no interest.

Commissioner Leone asked if the lighting would be revisited in the future. AD Charlton indicated that it would.

Commissioner Sheehan asked if the parking that was located in the City's right of way had been permitted, and if the owner was willing to remove the spaces. AD Charlton indicated that there was no history found on the two spaces in the right of way, but the conditions had been provided in advance.

Commission Sheehan asked why the existing signage was being addressed at this time. AD Charlton noted that the existing sign had been installed when Molon occupied the whole building. When the petitioner took over half of the space, the sign became non-conforming. The variance was to allow the sign to stay while maintaining options for the petitioner.

Chairman Buckingham asked if the conditions of approval had been discussed with the owner. AD Charlton stated that the conditions had been provided to the owner in advance, and discussed in a recent meeting.

Chairman Buckingham asked if staff had not requested changes to the other nonconforming features of the parking lot because there had been pushback or if staff had just not asked. AD Charlton indicated that staff didn't ask, trying to scale the requirements by priority and size of the investment.

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.

Commissioner Gercken made a motion to close the public hearing. Commissioner Chubirka seconded. With a unanimous voice vote, the public hearing was closed.

Discussion ensued regarding proposed changes to the provided motion – changing the date of the staff report in the third line, and modifying the number of service bays in the motion from 12 to 18. The Commission decided that the changes were to be made in the motion.

Based on the submitted petition and testimony presented, I make a motion that the Rolling Meadows Planning and Zoning Commission adopt the findings for special use and variation listed in the January 3, 2023 Planning and Zoning Commission meeting, and recommend to City Council approval of the special use for Auto and/or Truck Repair for Body Builders Auto to operate in the southern 20,602 square feet of the building located at 3737 Industrial, with up to 18 service bays and no office space, with Molon Motors authorized in the balance of the space, with up to 3 service bays and no office space, and approval of a variation to allow for the construction of a masonry screened refuse area in a corner side yard, all subject to the following conditions:

1. A demising wall separating the two tenant spaces must be constructed and approved by the City prior to occupancy. The wall may contain a temporary overhead garage door that will be removed and replaced with 5/8 Type X drywall when two overhead doors are constructed and

approved by the City in 2023. The existing parking spaces adjoining the new overhead doors must be removed and replaced with one new accessible parking spot, with the balance of the area between the two new doors replaced with landscaping included in the permit application and approved by the City.

2. Applicant must remove any parking stall pavement located in the City's right-of-way and replace with landscaping approved by the City.
3. Pursuant to applications and permits issued by the City, the applicant or owner shall construct a new masonry dumpster enclosure at the south end of the property as indicated on Exhibit 4, and shall modify striped parking spaces as necessary to accommodate circulation or required landscape screening prior to July 1, 2023.
4. Vehicles waiting to be serviced shall not be allowed to stop, stage, or park in the parking lot of the Subject Property.
5. Applicant and Owner shall ensure that semi-tractor trailers are not parked in the parking lot at any time.
6. At no time shall barricades be utilized at a driveway entrance to restrict or limit access to the site.
7. The existing 210 square foot Molon Motors wall sign on the east side of the building may remain provided no further signs for Molon Motors or the tenant space they occupy be authorized on the site, and provided that a wall sign for Body Builders Auto or the tenant space they occupy is authorized for a size equal to that based on the tenant frontage that exists south of the existing Molon sign.

Commissioner Leone seconded.

Roll call:

- Commissioner Chubirka:** Yes
- Commissioner Leone:** Yes
- Commissioner Burchert:** Yes
- Commissioner Sheehan:** Yes
- Commissioner Sipple:** Yes
- Commissioner Gercken:** Yes
- Chairman Buckingham:** Yes

Yeas – (7) – Buckingham, Burchert, Chubirka, Gercken, Leone, Sheehan, Sipple

Nays – (0) – NONE

Absent – (0) – NONE

Abstain – (0) – NONE

Motion Approved.

Chairman Buckingham noted that this item will appear on the January 24, 2023 City Council agenda for first reading.

2. Reconsideration of a text amendment to Sections 122-42, 122-88, and 122-331 of Chapter 122 “Zoning” of the City of Rolling Meadows Zoning Code of Ordinances to define and regulate “Tobacco, Vape, and CBD shops” as special uses in the C-1 and C-2 zoning districts, City of Rolling Meadows, Petitioner

Chairman Buckingham asked for a motion to open the public hearing and enter the staff report into evidence. Commissioner Gercken moved, Commissioner Sipple seconded. Motion carried by unanimous voice vote.

Chairman Buckingham asked if the file was in order. Staff confirmed that was the case.

Deputy Community Development Director Elizabeth Kwandras was sworn in by Chairman Buckingham.

DCDD Kwandras stated that this text amendment had been previously heard by the Planning and Zoning Commission at the November meeting. The Commission at that time had not been able to forward a recommendation. City Council generally expressed support for the proposed conditions and requirements, including the 2,000 separation between users, keeping the uses in the C-1 and C-2 zoning districts, and only allowing one per multi-tenant building. Council remanded the item back to the Commission, requesting that the text amendment be modified to keep the recommended conditions, but to make it a special use.

QUESTIONS AND COMMENTS FROM THE BOARD:

Chairman Buckingham opened the meeting to Commissioners’ questions and comments.

Chairman Buckingham stated that he had read the minutes from the Council meeting. He asked if there were any other details that staff could share. DCDD Kwandras stated that the City Council wanted to make these types of uses special uses. It would allow the Council to keep a finger on the pulse of economic development in the City. With the first iteration of the text amendment, potential business owners would not need to come before the Commission and the Council. As a special use, they would.

Chairman Buckingham asked how the Commission or Council would know that the requirements of the code had been met. DCDD Kwandras stated that staff handles business licensing and zoning reviews. Nothing would be brought forward or approved without the review and checking against code requirements.

Chairman Buckingham asked what the charge would be to apply for a special use. DCDD Kwandras replied that, to the best of her knowledge, it would be a \$500.00 application fee, a \$75.00 publication fee, \$100.00 per frontage for the signage, and \$2,500.00 escrow for outside consultants.

Commissioner Leone asked how surrounding towns handle these types of uses. DCDD Kwandras replied that it varied among towns surveyed – some allowed them outright, some prohibited them outright, and others fell between.

Chairman Buckingham asked if the approval process for approval of these uses was slowed down by the requirement of a special use. DCDD Kwandras indicated that it did, from two to three months, six months, including permitting for both.

Commission Sheehan stated that she was in favor of restricting these uses with a maximum number of licenses, rather than zoning regulations. DCDD Kwandras noted that the number of licenses as capped in the code can be amended by City Council at their discretion, so reaching a cap does not necessarily mean no more of those businesses will come into the City. The zoning regulations allow staff to be up front with a potential user, letting them know whether or not they can occupy the unit they intend to and what that process and timeline will be like.

Commissioner Leone asked if there were additional requests pending. DCDD Kwandras noted that there were two additional requests pending, one of which would put three in very close proximity on Kirchoff Road. As such, direction was received from the City Manager and the City Council to hold these licenses until a further investigation could be performed.

Commissioner Gercken noted that these uses would be restricted to C-1 and C-2 zoning districts, limiting where new users could locate.

Commissioner Gercken asked if there was only one more location available for these uses based on these regulations. DCDD Kwandras noted that there was space for one more for sure, and did not believe that other places would conform to these requirements.

Chairman Buckingham asked what the purpose of a special use would be in this case. DCDD Kwandras noted that additional conditions could be imposed if the Commission desired, or could recommend denial of a petition if they so chose. The City Council would then have the final decision. AD Charlton added that the special use allows the Commission and Council to adapt to the unexpected, such as testimony from nearby neighbors.

Commissioner Sheehan noted that these regulations would not stop users from requesting text amendments to allow them in other locations. DCDD Kwandras replied that they could apply for it, and would then go through the process.

Chairman Buckingham asked if the Commission could increase the required distance between uses. DCDD Kwandras noted that the zoning code could not be overridden. The Commission could vote to recommend denial, and the City Council could also deny the request.

Commissioner Leone noted that a town he had grown up in did not keep an eye on the types of uses in an area, causing a number of bars to be put in. The town then faced years of work to reduce the number of bars in that area. He was concerned that allowing these uses outright would cause a similar problem in Rolling Meadows.

Commissioner Gercken noted that two would be non-conforming, and that if one closed, it would not be able to reopen in that space. DCDD Kwandras agreed, noting that any new businesses would need to comply with the code and go through the process. She noted that if the business doesn't close, even if the ownership changed, it would not be considered a cessation of the business, unless there was a substantial change to the nature of the business.

Commissioner Sheehan asked if the property owner of the center that contained the non-conforming uses had been contacted. DCDD Kwandras noted she had not held any specific discussions with that owner.

Chairman Buckingham asked if the Commission could change the conditions in the proposed motion. DCDD Kwandras noted that they could, but recommended that it remain as it was proposed.

Commissioner Leone asked if any other issues had been brought up at the previous PZC discussion. DCDD Kwandras noted that the previous concerns had all been brought up already.

Commissioner Sheehan noted that she had also expressed that she believed the restriction of one per building was overly burdensome on property owners, and that the free market should reign.

Commissioner Gercken asked if staff had reached out to any of the property owners regarding this issue. DCDD Kwandras noted that she had specifically reached out to the owners that had requests pending, sending them the staff report, and had heard nothing from either.

Commissioner Burchert noted that he would like a cap, but the City Council hadn't endorsed the idea. Chairman Buckingham noted that the Commission could revisit any of the issues. DCDD Kwandras stated that adding a cap to the number of licenses would be outside the purview of the PZC, as such a regulation would likely be located in the section of the code directly dealing with business licenses.

Commissioner Leone asked how often the public came in to interact with petitioners' requests for new businesses. DCDD Kwandras noted that it depended on the nature of the request, as well as its location. Most objections came through on the City Council level, rather than the PZC.

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.

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

Commissioner Chubirka moved that based on the submitted petition and testimony presented, the Rolling Meadows Planning and Zoning Commission adopt the findings for the text amendment listed in the staff report prepared for the January 3, 2023, Planning and Zoning Commission meeting, and recommend to City Council approval of the text amendment provided in Exhibit 1 of that staff report.

Commissioner Sipple seconded.

Roll call:

Commissioner Chubirka: Yes

Commissioner Leone: Yes

Commissioner Burchert: Yes

Commissioner Sheehan: No

Commissioner Sipple: Yes

Commissioner Gercken: Yes

Chairman Buckingham: Yes

Yeas – (6) – Buckingham, Burchert, Chubirka, Gercken, Leone, Sipple

Nays – (1) – Sheehan

Absent – (0) – NONE

Abstain – (0) – NONE

Motion Approved.

Chairman Buckingham noted that this item will appear on the January 24, 2023 City Council agenda for first reading.

Reports: Update of on-going projects and cases

AD Charlton reported that staff completed an interview process for the Assistant City Manager/Community Development Director. Out of 57 applicants, six were brought forward for first round interview, and three for second. An offer has been tendered and is working through the hiring process. Staff is hopeful that the new person will come on board in late January or February. That person will be the main staff contact for the Planning and Zoning Commission.

Staff was in discussion with the Village of Schaumburg regarding the development of Loeber Farms, just off Meacham Road. The developer might be requesting extension of utilities and connection with the City's utilities. The plan currently includes a combination of townhomes and multi-family housing. The City Manager and Ward 1 Alderman McHale are meeting with Schaumburg, and the prospective developer will be hosting a public meeting in January or February for Rolling Meadows citizens regarding this project.

She noted that Community Development would be busy with some interesting developments, including the Sam's Club. In that same area, Raising Cane's was moving forward with demolition and construction, and another restaurant was considering putting in a drive-through location in the old American Mattress location. The former Steak-N-Shake was also waiting for redevelopment.

The former Taco Bell was still vacant and awaiting redevelopment.

DCDD Kwandras reported that the former Pepe's was being occupied by a new restaurant called Sorry Mommy.

The aloft Hotel project has been completed, and would be opening their doors shortly.

In February, the Planning and Zoning Commission would meet, with three items on the agenda, including a PD amendment for the Arlington Office Park, and a special use for outdoor storage for 5300 Newport.

Adjournment

A motion to adjourn was made by Commissioner Chubirka and seconded by Commissioner Sipple. Motion carried by unanimous voice vote. The regular meeting of the January 3, 2023 Planning and Zoning Commission was adjourned at 8:57 pm.

Respectfully Submitted,



Elizabeth Kwandras
Deputy Community Development Director
Community Development Department