

**City of Rolling Meadows**  
**Planning and Zoning Commission Minutes**  
**7:00PM**  
**Tuesday, May 2, 2023**

**Call to Order**

**Chairman Buckingham** called the May 2, 2023 regular meeting of the Planning and Zoning Commission to order at 7:00pm.

Roll Call:

**Presiding:** Chairman Buckingham

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

**Absent:** None

**Also Present:** Glen Cole, Asst. City Manager/Director Community Development, Elizabeth Kwandras, Deputy Director Community Development

**Chairman Buckingham** declared a quorum.

**Approval of Minutes**

**Chairman Buckingham** asked for a motion to approve the minutes from the April 5, 2023 Planning and Zoning Commission meeting. Commissioner Gercken moved to approve the minutes as written and Commissioner Sheehan seconded. Motion carried by unanimous voice vote. Minutes approved as written.

**Pending Business:**

**NONE**

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

- 1. Public Hearing and Consideration for amendments to Sections 122-603 and 122-606 of the Zoning Code of Ordinances to modify requirements for freestanding signs, City of Rolling Meadows, petitioner.**

**Chairman Buckingham** asked if the file was in order and proper notice was given. Staff indicated that 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 Commissioner Sheehan and seconded by Mr. Leone. Motion to open public hearing approved by unanimous voice vote.

**DDCD Kwandras** the first item on our agenda is regarding freestanding signs specifically for governmental agencies. When the signing code was updated, one of the things that the Commission at that time wanted to see was better planned aesthetic for signs particularly along our commercial corridors. To that affect, pole signs were deemed as non-conforming and as they get repaired or come down to be replaced, they will be replaced with monument signs. Our pole sign definition does include those signs with the two pillars that you see across the city in many places such as the Park District and School District. We are here tonight to **request**

a text amendment to the sign code to allow those types of signs as seen in the pictures attached to the staff report to be allowed to continue by those governmental agencies to keep with the character of the neighborhoods. Going forward we will include a copy of the proposed ordinance in your packets so you can see it in advance and get a feel for what we are specifically looking for. The findings of fact are also included as attachments to the ordinance exhibit A. Any questions?

**QUESTIONS AND COMMENTS FROM THE BOARD:**

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

**Commissioner Gercken** asked will the pole signs be regulated to a certain size/height? Do they have to have a particular construction how they want to build them?

**DDCD Kwandras** stated in residential districts they are limited to 6 feet in height. They can build them how they want while being compliant and safe. They will need landscaping around the base as per sign code in every other area.

**Chairman Buckingham** asked if this would be strictly residential districts

**ACM/DCD Cole** provided one exception which is the Salem Cemetery located in a commercial district.

**Chairman Buckingham** asked what district City Hall is in and if it's a pole or monument sign?

**DDCD Kwandras** said City Hall is in R2 district. The sign out front is a combination of both signs and was installed before the sign code was updated.

**Chairman Buckingham** asked if government buildings are also included in this ordinance. Schools usually keep the same character with the pole design.

**DDCD Kwandras** introduced Diana McCluskey, Chief School Business Officer in the audience to speak to that in more depth as to what school district 15 is looking to do.

Ms. Diana McCluskey, 1630 Walnut Ave., Wilmette, IL was sworn in by Chairman Buckingham.

**Ms. McCluskey** We have been working on getting all our schools in the district which are 20 schools, a new sign making them uniform throughout. There has been a variety of school signage. This project has been going on for two and a half years. In your packet I believe is examples of Carl Sandburg, Kimball Hill, and others. They are a nice clean sign and are on two standing pillars in Palatine, Hoffman Estates and we would like to get them in Rolling Meadows as well. We plan to landscape around them. We are using I believe it's Divine Signs as the name of the company in Schaumburg to install them. And if you have any more other questions, I'd be happy to answer them.

**Commissioner Leone** asked how tall they are.

**Ms. McCluskey** they are not very tall. Believes them to be well under 6 feet tall.

**Chairman Buckingham** asked if there is a cost factor involved.

**Ms. McCluskey** said when it came to her attention several months ago that you needed to have the monument base which would cost several thousand dollars in addition to the sign.

**Commissioner Leone** asked about the Rolling Meadows High School sign, which is a pole sign and residential so if they had to make a change would they have to lower that to meet this code.

**DDCD Kwandras** would have to take a deeper look into the code. It is possible that it would have to be lowered.

**ACM/DCD Cole** to expound upon that we did look at the sign while preparing this – the pole posts the way this ordinance is written should be at the edge which is where many of our signs are. You could justify that but it is too tall as it stands. The school could seek a height variation in that instance.

**Commissioner Sheehan** There are two types of signs that governmental agencies could have, including our school districts, obviously library because that's in our packet and the cemetery. Would businesses be able to ask for the same type of relief? If not, why would we give deference to governmental agencies and not to public?

**DDCD Kwandras** responded that they would not and the reason is primarily because when the zoning code was updated, the Planning and Zoning Commission discussed the update through the end of 2019/2020 and one thing that was discussed was visioning what our commercial corridors could look like in the future. We looked at examples from different towns, one of them was along Roosevelt Road and the commission at that time indicated that that was the vision that they wanted our code and our staff to start moving towards. There weren't any pole signs they were all monument and masonry. They were all landscaped and the effect was increased curb appeal essentially. In this case, the governmental agencies are located in residential districts 90% of the time, these signs are not illuminated. So just to keep in the character of the residential neighborhoods and what the signs have been, and likely will be moving forward. That's why we're giving the deference to the governmental agencies and schools.

**Commissioner Sheehan** I don't believe I can support this unless we are going to also allow the public or commercial quarters when they ask for the same type of relief.

**ACM/DCD Cole** would like to offer two clarifications. One is the way the case law stands today if we are more favorable to government speakers than others, that's discrimination based on the speaker. The Town of Gilbert versus Reed, there's some Supreme Court case law about it. What this does is regulate signage based on the zone and the use. So that's schools, recreational facilities, government facilities, that happens to be use category. That seems like a fine distinction but it is worth pointing out that for legal reasons as well as if you have a private school, you could put up a sign like this, if you have a community swimming pool, which I believe in our code could be an HOA pool, you could benefit from this sign, it's not a public entity, it's not a commercial business either. I wanted to be clear about that. The second, thinking about our comprehensive plan and how that was implemented into the zoning code. You know, the Comprehensive Plan said, we should try to improve the aesthetic quality of signage in the city. I would say many people consider these to be

aesthetic and attractive signage, in part because there's a smaller height limit in play and other reasons. And the comprehensive plan actually picks out one of the signs and highlighting community features. So again, of course, very understandable if you would like to make a recommendation on the belief that everyone should be allowed to access this. But just want to elaborate on how we looked at this and preparing this recommendation.

**Commissioner Sheehan** understood and great forward thinking but I would hope that most of our governmental agencies, not necessarily schools, because they're very much ensconced in residential neighborhoods, would want to be leaders in the community and want to put up the monument signs if that's what we're going to go to. This actually allows them to continue on with what they have now and encourages others in a commercial quarter of wherever it is to expend the extra dollars and to put up something different. So I would expect our governmental agencies to be leaders in that not to be asking for relief. Elizabeth, I do think that a lot of the governmental signs are illuminated our sign is illuminated here, Rolling Meadows High School sign is illuminated. many of our governmental signs are illuminated.

**Commissioner Leone** some of the examples (in the packet) are illuminated. Even the monument signs are illuminated like the one for the county court and the park. I'm of the opinion that they changed the rules because they wanted to make it more appealing. Firstly, the signs are great looking, but part of this is not to be over the top. I think if you look at old pictures of Chicago and so forth, they got rid of a ton of those signs, because they became overpowering. And then all of a sudden it became about the signs and not about the community.

**Chairman Buckingham** asked how many businesses do we have in residential districts? That's what this does, it regulates pole signs in residential districts except for cemeteries.

**DDCD Kwandras** the distinction that ACM/DCD Cole brought up was that we're regulating what uses can have these in their respective districts. We're regulating that park district facilities, recreational facilities, swimming pools, schools, governmental facilities can have these types of signs, as long as they are allowed or have a special use in the district in which they are located.

**Chairman Buckingham** my question was, how offer would a business that is located in a residential area want relief similar to government. Doesn't sound like there are a lot of private businesses so for the most part will be a mute issue.

**DDCD Kwandras** I would like to point out that this text amendment isn't about residential districts. It's about the uses and where they're allowed. The only private businesses that should be in residential districts with the exception of Clearbrook would be home occupations and thus not entitled to signage.

**Commissioner Leone** asked what the maximum height for signage is for businesses? If we are saying that it all has to be equal and we decide on 6 feet then it should all be equal for new signage regardless of what the use is.

**ACM/DCD Cole** we can't distinguish based on the identity of the speaker but we can regulate based on use and geographic area. When we say a business can have an 8-foot-tall sign what we are really saying is that in a commercial district if you build a monument sign it can go up to 8 feet.

**Commissioner Sheehan** I would also say in our commercial districts, if we're going to ask everyone to put up a monument sign in our commercial and our manufacturing districts, why wouldn't we ask our governmental agencies to do the same?

**ACM/DCD Cole** I think equity is always a valid consideration when we are doing this. It's bad to ask the private sector to bear costs that the government won't bear. That is a valid concern.

**Discussion ensued** businesses might like signs like this too but in our code, they won't be allowed. The code is written for specific types of uses such as schools, public or private governmental facilities and public or private swimming pools or recreational facilities it is not limited just to residential areas but to certain uses. Question came up would the Public Works facility be able to put a sign up like this. They are in an M2 district and would not benefit from this exception. In a commercial area you can have larger signs up to 8 feet tall, you can have multiple tenants on a sign and do need that monument base. Commercial areas would still need to comply with the zoning code as written.

**Chairman Buckingham** I believe the intent of the new code is to get away from the old-fashioned signs and create a more pleasing aesthetic especially in the high-profile districts. There is something to be said about making them all look consistent and similar to each other. The distinction is reasonable.

**Commissioner Leone** asked if according to this code the two churches on Kirchoff Road can put two poles up and a sign that is 6 feet tall on top of those existing signs, there's nothing's going to stop them because they fall within this new ordinance.

**ACM/DCD Cole** that is not correct. A church or place of religious assembly is not included in the types of uses spelled out in this ordinance. Its distinctions based on type of land use and not necessarily the speaker. If the church operated a religious school they could access this type of sign. Regarding free speeches there is the law and the moral. We believe the ordinance we have given you complies with the law.

**ACM/DCD Cole** the most confusion seems to be around the use category of governmental. If it would give the commission more comfort I could say, we haven't discussed it, but the city itself is not looking for this relief. The only other governmental buildings that would fall within that category, would be the Rolling Meadows Library and the Cook County Offices and Courthouse in the north end of town. If it would give the commission some comfort and reacting to the concerns we're hearing, you could strike that provision from the ordinance. So it would be down to schools, essentially park facilities and cemeteries. Specifically, that would be subsection VI, subsection A as in alpha, subsection three, on page three of the draft ordinance.

**Chairman Buckingham** If the city doesn't need it, but what about Cook County? Would they want this? Or are we willing to limit their ability to rely on this, they haven't asked for it.

**ACM/DCD Cole** we're being proactive and modifying our code the same way we were being proactive and restricting these types of signs. When the new code was adopted.

**Commissioner Leone** if we leave it too wide open later on we can change the rules but if we leave it open anybody can do anything.

**DDCD Kwandras** I want to add that our code does limit what variances can be sought and the type of sign is not one of those variances. So the school district cannot come back and ask for a variance to have the pole signs allowed.

**Commissioner Leone** will the signs be illuminated for the schools?

**Ms. McCluskey** don't intend to put lights on them. Carl Sandburg doesn't have a sign, Kimball Hill has been taken down. Central Road doesn't have a sign. Like signs in Palatine that are already erected. They're just nice for the neighborhood. People do identify that that's the name of the school. The Junior Highs have illuminated signs, at Sandburg we're not going to do that to it and because the other Junior Highs have electronic signs.

**Chairman Buckingham** asked if there are any other questions or comments. Inclined to move forward with a vote based on the amendments to the ordinance that were offered.

**Chairman Buckingham** asked for a motion to close the public hearing, motion received by Commissioner Gercken, seconded by Commissioner Leone. With a unanimous voice vote the public hearing was closed. A sample motion has been prepared by staff with one change.

**DDCD Kwandras** I would tack that on to the end. The motion would end and recommend that the City Council approved the text amendment provided in Exhibit 1 of that staff report with the exception of removing governmental facilities and buildings as an allowed use.

**Chairman Buckingham** asked for a motion to approve the petition findings, motion received by Commissioner Gercken.

**Commissioner Gerken** moved that based upon the submitted petition and testimony presented that the Rolling Meadows Planning and Zoning Commission adopt the proposed findings for the text amendment listed on staff report prepared for May 2, 2023 Planning and Zoning Commission Meeting and recommend that the City Council approve the text amendment provided in exhibit 1 of staff report with the exception of governmental buildings and facilities.

Seconded by Commissioner Sipple

**Roll Call:**

- Commissioner Burchert:** Yes
- Commissioner Gercken:** Yes
- Commissioner Leone:** Yes
- Commissioner Sheehan:** No

**Commissioner Sipple:** Yes

**Chairman Buckingham:** Yes. This is a reasonable distinction to make. While the debate was a good one and some good points raised, I think staff proved its findings.

Yeas – (5) – Buckingham, Burchert, Gercken, Leone, Sipple

Nay – (1) - Sheehan

Absent – (0)

Abstain - None

This recommendation will be forwarded to City Council for first reading on May 9, 2023.

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

**Chairman Buckingham** asked if the file was in order and proper notice was given. Staff indicated that 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 Commissioner Gercken and seconded by Commissioner Sipple. Motion to open public hearing approved by unanimous voice vote.

**ACM/CDD Cole** this is a simple petition common practice elsewhere. It makes two changes how the city would process amendments, which again, I would emphasize are very normal. One is that the city doesn't need to file an application with itself and doesn't need to have an officer sign an application to itself. It can initiate a hearing as it may proactively choose to do from time to time such as tonight. The second, relatedly from time to time applicants will come seeking to change the city's zoning code. They are usually not planners or attorneys, and oftentimes it is easier for us as staff to suggest how technically to change the code without asking them to propose specific wording. So again, two simple and common changes to zoning practice in this part of the country.

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

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

**Chairman Buckingham** looked to clarify that the application we're discussing is literally the single page that is appended to all that we are looking at

**ACM/CDD Cole** there are other required requirements that we actually choose to ignore. For example, if you read the code strictly, it wasn't meant to be read this way but if we're going to rezone a property, we would need to have the signed evidence of the owner's consent and other applicant would need to do that is right, but of course we the city don't need to do that. We can choose to rezone someone's property even if they don't necessarily consent. Other people may be asked to provide a survey we may not have a survey we don't necessarily need to survey a property. There a lot of examples like that you can get to if you dig into it strictly when it comes to text and map amendments.

**Commissioner Leone** asked if the city can decide to change the zoning on your property without a hearing.

**ACM/CDD Cole** you still have to go through a hearing, the owner still gets notice and has the opportunity to appear before you and discuss it but yes, it's the city's zoning map. I don't know the history of this, but when you adopted your new zoning map with this new zoning ordinance, you probably rezoned a great deal of property without necessarily having the owner's participation and in a manner that didn't affect their rights. Let's take a different example, if you were to down zone a property that is C3 to C1 you do have the ability to do that. If the owner has an existing use on that property, the code functions and the law generally allows them to keep that use going as long as they continue to do so without interruption. So we're not taking your property, if you have a 10-story building you can keep the building up but when you demolish it you can't put a 10-story building back.

**Chairman Buckingham** with this amendment, we're not talking about changes in the notice requirements or other substantive requirements just literally that the city has to fill out this one-page document to get the ball rolling?

**ACM/CDD Cole** in practice, yes, if you were reading the code strictly, it would say that when the city does an application, it is supposed to have all these other things as well, which we generally don't provide in which I think most zoning boards do not apply to themselves. The city would be any of three parties. Staff can initiate something on behalf of the city, you the Planning and Zoning Commission can initiate it by which we take that to mean by motion, or the city council can initiate it again there. We take that to mean by a motion of the city council.

**Commissioner Leone** if somebody else wanted a variance, they would have filled the form and have to get through all the hurdles but because we're the city we don't have to do it.

**ACM/CDD Cole** if we're talking about something that benefits a specific property, like a variance or special use, we would submit a full petition to ourselves still, this just effects text and map amendments, which are really more legislative.

**DDCD Kwandras** if I can add in when the zoning code was updated, this is something that we did. We did it in a couple of different ways. One was when we updated the zoning code, we removed a zoning district that was called transitional and it had a couple of different specific names. When those were removed those two T1 and T2 districts, the properties that were listed as T1 T2 had to be rezoned. All of those owners were directly notified that this was happening and if they had questions, comments or concerns, they could contact staff or come to the Planning and Zoning Commission meeting at which the new zoning code was considered. We also modified the residential districts with the names so what was R5 is now R1 what was R1 is now R2, etc. The reason that this happened was to make things clearer and easier while still preserving the rights of the property owners to do with their properties as they had always done.

**ACM/CDD Cole** further clarified in a map amendment if we read it strictly, which I don't think the city's practice has been, you would need to provide the owner signed consent. Again, that's not required and probably hasn't been provided. Need to provide a deed I don't know that that adds anything to the hearing when we're changing a map. A graphic depicting proposed development or future use, we were not the



owners we don't know what that entails. A current survey, the city most likely does not have one of those. A legal description of the property we would have had. Description of subject property characteristics we could write that would write that for your staff report and so on. I think the city's past practice has just been the one piece of paper that Chairman described but if you were to read this strictly, there are a lot of requirements that we would ignore that we wouldn't be subject to after this amendment. I'd characterize it as cleanup. And again, I would emphasize this is very, very normal ways for some boards will have the one-page application filled out some won't, but certainly, I'm not aware of any others that would require some of these materials to be submitted for a city-initiated application unless it's for a variation for a special use permit for something that affects a particular property like a city property.

**Commissioner Leone** feels it is not equitable that an owner has to go through a 3-4 months process but the city can do it very quickly.

**ACM/CDD Cole** equity concerns are perfectly valid. Part of our goals as a department and transparently part of the reason my position was created and I was brought to the city was to improve the customer service of our department, improve how we're handling these petitions for everyone. Not just the city. All the changes you see tonight are really intended to make our processes more agile and help us respond not just to the city acting on its own, but also where we're trying to facilitate development by others such as you saw with the school district this evening. If you're a common person, you don't need to be an expert in zoning. Again, strictly speaking, I don't think you require this, but if you read the strict code, it says you need to propose the exact wording of the text amendment and we wouldn't require that anymore. If you want to propose a text amendment, you could just ask for what it is you're trying to achieve and leave it to the city to prepare that for you without you having to retain your own attorney or your own land use planner or something like that. That's not common but I mean, it does happen for development. ISNS is an example.

**DDCD Kwandras** ISNS was probably the big one. They came to us twice the first time they did have an attorney proposed the exact wording and I believe the Holiday Inn property which is now the Aloft they had an attorney as well to propose a text amendment to allow their assisted living facility at what used to be the Holidome. Those are the two examples that come immediately to mind. There have been a few city initiated petitions whereby someone has come to us and said they were thinking of doing this and the city said this is something we want to open up to everybody in the city. So there have been a few city initiated petitions in that manner such as little free libraries.

**Commissioner Sheehan** if I may you stated that you didn't want to do the application, but there's also standards that have to be filled out as well. I went through this with Elizabeth and JoEllen last year because they were being ignored and they weren't being selected as part of the application in general. And now the city is asking not to have to put those standards together for this board as well if I'm hearing it correct. The finding of things is what the city does, and the applicant has to fill out standards as well. Those were not being collected previously and given out to the board, which one of those things that was just being ignored. And I'm asking if the findings of fact is what the city would do but in your application, you'd have to fill out the standards. You're asking not to do those as well. Part of the application?

**ACM/CDD Cole** the direct answer to your question is yes. I think in practice, we as staff prepare recommended findings of fact for this body, with every staff report and I'm not sure how much of a distinction there is

between attaching a copy to an application and then subsequently attaching a copy as the suggested or recommended findings of fact that we present to you, you would still get those in either circumstance.

**Commissioner Sheehan** you know, if there's a different department that builds staff that comes forward as the city, you as CDD may do findings of fact differently than the applicant would let's say it was Public Works or Administration.

**DCCD Kwandras** those sections of the code to be amended would go straight to city council and would not come before this board and are not subject to the requirements of the text amendment standards in the zoning code. Those standards are specifically for modifications and amendments made to the zoning code only. So any of these petitions that are city initiated, would come from community development. The zoning amendments come to you first and then go to the city council. If Public Works wants to amend their code on right of way for example, they would just go straight to city council.

**ACM/CDD Cole** to answer the question a little differently, as a city when we're working with this commission with any appointed body, it's not Chicago, right. We in this building, we try to be coordinated and to present one set of findings or recommendations to you as a city staff acting together. If that answers your question.

**Chairman Buckingham** we're still getting the findings of fact presented by staff to review these petitions it's just the question will those also be submitted with the application process. Are we just getting those at the time that we're hearing the matter.

**ACM/CDD Cole** I think to answer that in two ways. So for any petitioner the city or otherwise, it's their responsibility to prove they meet the standards. I think today from your perspective, how the code has been practiced previously the only thing that would change is that that one sheet with my signature or city staff member signature on it. If you read the code strictly, there are other things that should be happening that aren't that probably shouldn't have been required, or that at least would be very uncommon that would be eliminated but I think you would get proposed findings of fact, in the same manner you do today, which is the Friday before a meeting, the packets distributed, the proposed findings of fact are in there, which is our work of staff and you can review the materials presented and the proposed findings and consider them as we're doing this evening.

**Commissioner Gercken** basically what you are eliminating is all the contact information from the city to fill out the application to rezone a certain section.

**ACM/CDD Cole** again, for past practice that's the only change I think you would notice. If you were reading the code strictly there are other requirements that the city historically hasn't followed. That would be very unusual for the city to follow that you are eliminating as well.

**Commissioner Leone** what are some of these ones that the city wasn't following that insignificant.

**ACM/CDD Cole** I wouldn't say insignificant, just unusual to hold the city to. When the city changed all those zoning designations around the time the comprehensive plan was adopted I wasn't here for it, but I'm sure each property was not accompanied by a current survey. I'm sure each property was not accompanied by the

owner signed consent. I'm sure each property was not accompanied by descriptions of the proposed development or future use of the property.

Discussion ensued whether these specific things are being eliminated and where does it stay that

**DDCD Kwandras** we're not eliminating the requirements. What we're asking is that the city be released from meeting those requirements. Most of the time, that information is included in the staff reports that we provide you. Some of it, as Director Cole mentioned, is highly unusual for city staff to provide as part of a city-initiated petition. We haven't done it historically.

**Commissioner Leone** we rezone then talk to the owner to tell them and get their signature. They would have no idea.

**DDCD Kwandras** the owners were notified that the changes were happening and why they were happening. They were given contact information for staff. They were given the hearing date and the city council meeting dates. If they had questions, comments, concerns, they could voice those at that time. They were directly contacted. What we're saying is that things like the city doesn't necessarily require consent to rezone a property. Much like with the elimination of the T1 T2 districts. Those properties were rezoned at the city's prerogative did not require owner consent to do so but the owners were communicated with and notified.

**Commissioner Sheehan** how did you do those requirements at that time if we are just giving you permission to do that now.

**DDCD Kwandras** because it was done under the purview of the old zoning code. I believe the standards and requirements that you see in the updated zoning code were nonexistent in the old one.

**Commissioner Leone** when we did the rezoning two years ago was that under the new one or the old one?

**DDCD Kwandras** the rezoning was part of updating and adopting the new zoning code so the process was performed under the old zoning code.

**Commissioner Sheehan** seems like we have a better process now so maybe we shouldn't change it. I know that when we were doing some of that rezoning stuff I specifically asked and I just didn't do it in that fashion. I asked if they were notified I should have asked if they were required to give their consent. So shame on me for that but that's something I've just learned tonight. I think that moving forward, if there has to be any changes or anything like more participation from person whose properties is affected is more effective than giving you relief from having to seek that out. That's my opinion. I don't know what everybody else thinks.

**Commissioner Leone** it is like giving a blank check for lack of better term. I know you have to go in front of the board and how many people actually look at their mail from the city and say well I got to get in there about my property.

**Chairman Buckingham** it would be good to see where these other requirements are laid out. I know it's not here in this amendment and the kinds of leaving the application, we're finally getting rid of these points in the

application, if you will, if that's fair to say. I think it'd be helpful for us to see where those are in more detail before we vote on this aspect. I'm having a bit of a hard time grasping is this just formality that we're avoiding, when substantive rights are affected, or is this additional information that would be helpful for the public to see up front in order to be able to assess whether to object or come to the meetings or not. I guess I'm still having a bit of a hard time understanding the significance. I understand the basics of we're getting into this one-page application and everything that is contained in it but I still want the substance of that. I'm not sure I'm able to be a yes on this yet. I appreciate the need to streamline things. I think it makes sense in many ways. I liked the other aspect of the amendment regarding proposed language to zoning changes. It seems like more trouble than it's worth the other piece of it in the city and why not provide these additional requirements. It's not having a context from the practicalities and what this really means.

**ACM/CDD Cole** I would say we may have erred in not giving you a full copy of this section of the code. If you'd like to continue this to your next hearing in June we can distribute a copy of that section of the code and give you time to review it prior to that time.

**Commissioner Leone** is there a way to get a list of the unusual things as a separate list cause that's part of the problem or confusion.

**ACM/CDD Cole** apologize for that. There is no desire to obscure anything here.

**Commissioner Burchert** I'm thinking that regardless of the findings of fact, staff reports, etc. You walk every petitioner that comes in front of this board achieve their goal. So the goal is to obviously make it more seamless for everybody else, including not necessarily the city but staff that has been back there in a pretty professional manner for the years I've sat on this board. We have seen very few findings of facts and statements and everything else that we're looking to try to skirt something. What I'm saying here is we're trying to just amend a map and a text amendment. Which we pretty much did in 2021 with a couple of corrections since then.

**Chairman Buckingham** I don't think those finding the facts will be affected at all by this amendment one way or the other. It's more what's underneath the hood and is it something we want the city to jump through. I think it'd be helpful to see those. I don't want to delay things further, but maybe for my due diligence and some others on the commission it would be possible to continue this next month and provide what those are.

**Commissioner Gerken** I agree. I think with the concerns of a lot of the commissioners I think we need to understand what the section says what city or what people are required to do and how this would affect If we give the city an out what they don't have to do. That's basically what I'd like to see too.

**Chairman Buckingham** asked for a motion to continue matter 2 to next Planning and Zoning meeting on June 6, 2023.

**Commissioner Gerken** made a motion to continue matter number 2 public hearing in consideration of an amendment to section 122394 of the zoning code of ordinance to modify application requirements for text amendment and map amendments for the City of Rolling Meadows so commissioners can review the amendment and what are the current requirements?

Seconded by Commissioner Leone

Motion carried by unanimous voice vote. Matter number 2 is continued to June 6, 2023.

**3. Public Hearing and Consideration of an amendment to Section 122-391 of the Zoning Code of Ordinances to modify notification requirements for public hearing petitions, City of Rolling Meadows, petitioner.**

**Chairman Buckingham** asked if the file was in order and proper notice was given. Staff indicated that 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 Commissioner Gercken and seconded by Commissioner Sheehan. Motion to open public hearing approved by unanimous voice vote.

**AC/CDD Cole** this continues the theme I hope more straightforward than the last application. This is a lot of changes that are trying to make our notification processes simpler and avoid more delays just stemming from the notification process. Working through the ordinance top to bottom the first is not uncommon in other jurisdictions and not specifically really spelled out here. From time to time we may want to set a notice for a hearing date and give notice before we have a complete application in hand. For example, we have nine tenths of an application. Hey, my surveyor is going to be a week late. Can I get you a survey next week? Sure you can get us a survey next week. Everyone gets noticed no one's rights are prejudiced. I schedule that for an application that won't come through at my own peril. The applicant requests that at their own peril, but again tries to keep us moving along efficiently and not obstructing businesses, property owners and getting relief. The second proposal here really involves us the city being responsible for mailed notice instead of applicants, strictly speaking state law for a community of our size says you don't even have to do mailed notice. We impose this on ourselves. This way instead of having applicants run to multiple township offices or the assessor's office trying to get a list of who to send mail to we the city do it for them. We take that on ourselves. We also changed the notice radius to be a little bit bigger from 250 to 300 feet, but not to exclude rights of way so that if this was Chicago, that's a state law requirement for Chicago in our case, just with the technology we have today, that's probably a 50-year-old requirement when there was a ruler and a map. In our case much easier to say 300 feet, knowing that typical right of way is probably plus or minus 50 feet other will probably be one of those in that area. Gives you a very clean line on who gets noticed and who doesn't. And we send the notice again on the city's behalf, make it easier for an applicant. And the last set of changes really just deals with notices by sign so again, no requirement for anyone in statute for you to post a sign in front of your property. It's just common. Some jurisdictions do it. There are arguments raised from time to time saying you know, the sign got hit, the sign fell over, the sign was stolen, whatever. And those are used to argue that someone's due process rights were violated. It's much harder for someone to challenge your findings as a board or for someone to challenge the findings of the city council. It's a lot easier for an attorney to make arguments that notice was insufficient or that they didn't have a chance to appear and we want to minimize the opportunities we're creating for that especially for events that are outside of an applicant's control. I send a notice by mail it comes back undelivered. I've still done my job. I post a sign that gets knocked over. We'll put another sign up. But we've still done our job and made sure that we've tried to provide these extra means of giving the public notice. I'm so happy to answer any questions

**Commissioner Gercken** basically rather than Petitioner doing all the legwork, it's going to be basically handed over to the city to kind of control the whole process of them making the petition sending out the notice, putting up the sign. It's going to become the city's responsibility to control those kinds of events.

**ACM/CDD Cole** the applicant still has to prepare their petition. They're still responsible for it. When they get a notice from the City of Rolling Meadows they'll probably know it's an important notice.

**Commissioner Gercken** the way I understand it, if the petition is nine tenths done and they say they're going to get a survey, you're going to start the process or are going to wait for everything to be done to start the process

**ACM/CDD Cole** right now strictly speaking, you could argue that I I'm supposed to wait for everything. This is trying to clarify, again, a common practice elsewhere because all we're doing is giving notice, we're saying an issue is going to be considered and if you care about it you should be here on a date. And again, for the efficiency of this group, certainly I do that without a completed application at my own peril. I don't want to be embarrassed by doing that and having someone not come through this is again, just trying to make sure we're moving these processes along efficiently in a very competitive environment.

**Commissioner Leone** is there a limitation the other way. Is there a limit how long it can sit before it has to come before us?

**ACM/CDD Cole** at the bottom of page two and top of page 3 that's what this language was put in here to address and let them know a completed application needs to be put on the agenda within 60 days.

**Commission Leone** asked if the time frame should be shortened to 30 days so it can go into the next meeting

**ACM/CDD Cole** that's what we're trying to get to and a lot of things we've talked about tonight as you know, we control the timeline and we're not in a rush, but to the extent we can take out the dead time. We're trying to do that at every step of the process.

**Discussion ensued** regarding shortening the timeline from 60 days to 30 days and have it go in front whether the docket is full or not. If you go down to section C it says such notice of the postmark and the accepted application not less than 15 days of more than 30 days in advance and shall be sent by mail. Applicants fail to notify people in the immediate area

**DDCD Kwandras** for clarifications sake depending on when the submittal is received and how complex it is, sometimes it goes through several reviews before it becomes a completed submission. The timeframe that we have seen in the past is three to six months and we're looking to shorten that. Part of the reason it gets stretched out are the two hearings in city council and since those were in separate months at the end of the month, and then the beginning of the next that stretches out the timeframe a little bit further than we would like which is part of the reason that we're going to start including the copies of the ordinances and resolutions to you in advance so that we have the jump on it so we can start moving that process a little bit faster. So we'll see those petitions turn around and again, depending on complexity, possibly within two months

**Chairman Buckingham** so the discretion to set a hearing before there's always a risk of jumping the gun and setting something before people have time to get everything in. I assume as an experienced professional will know when you're jumping the gun or when you're not. When it seems like most everything is in can never predict that something will happen but, in your experience, you will be able to know okay I think we can reasonably set this now.

**ACM/CDD Cole** I would say it helps the the city achieve our goals and applicants achieve there's many more times than it bites us.

**Chairman Buckingham** is a physical sign a requirement

**DDCD Kwandras** per state law it's not required per our city code it is required.

**QUESTIONS AND COMMENTS FROM THE BOARD:**

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

**Commissioner Sheehan** asked if we are changing fees now that the city is going to take on the notification of the petitioners?

**ACM/CDD Cole** we don't do mailings. Right now, the city code already allows us to charge for the cost of mailings so we would just take our reasonable cost of doing so and pass them along. It's probably in the neighborhood of about \$1.00 per mailing

**Commissioner Sheehan** asked if we would give the option to the petitioners to send the notices out themselves if they don't want to be charged.

**ACM/CDD Cole** the way this is set up it would require us to do it so it would eliminate the option for the applicant to do it. I've never been asked by an applicant for them to be able to send out the notices.

**Commissioner Sheehan** they're their own destiny and it doesn't allow for that and I don't see any remedy in here if the city doesn't get the notice out either. If you're going to take that on there should be a remedy for the petitioner.

**Discussion** because obviously, he's going to believe in his project and so forth. Which is depending on the size of the project could be substantial and you're going to be charging him for it. If for some reason, you're charging them and they don't get out there's no remedy. Is it going to be a fixed fee?

**DDCD Kwandras** that's not entirely true. Our code does not require individual notice where there is an association so each condo owner does not get notified, the association gets notified instead and they notify the individuals. If the city didn't get the notices out it would absorb the costs of issuing the notices.

**Chairman Buckingham** asked for a motion to close the public hearing, motion received by Commissioner Gercken, seconded by Commissioner Sheehan. With a unanimous voice vote the public hearing was closed. A sample motion has been prepared by staff.

**Chairman Buckingham** asked for a motion to approve the petition findings, motion received by Commissioner Gercken.

**Commissioner Gerken** moved that based upon the submitted petition and testimony presented, I move that the Rolling Meadows Planning and Zoning Commission adopt the proposed findings for the text amendment listed in the staff report prepared for the May 2, 2023, Planning and Zoning Commission meeting, and recommend that the City Council approve the text amendment provided in Exhibit 1 of that staff report.

Seconded by Commissioner Burchert

**Roll Call:**

**Commissioner Burchert:** Yes

**Commissioner Gercken:** Yes

**Commissioner Leone:** Yes

**Commissioner Sheehan:** No. I can't support this without a remedy if the notices don't go out and no option for the petitioner to send out the notice.

**Commissioner Sipple:** Yes

**Chairman Buckingham:** Yes.

Yeas – (5) – Buckingham, Burchert, Gercken, Leone, Sipple

Nay – (1) - Sheehan

Absent – (0)

Abstain - None

This recommendation will be forwarded to City Council for first reading on May 9, 2023.

**4. Public Hearing and Consideration of an amendment to Section 122-396 of the Zoning Code of Ordinances to modify when a Temporary Certificate of Occupancy may be issued, City of Rolling Meadows, petitioner.**

**Chairman Buckingham** asked if the file was in order and proper notice was given. Staff indicated that 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 Commissioner Gercken and seconded by Commissioner Sheehan. Motion to open public hearing approved by unanimous voice vote.

**ACM/CDD Cole** earlier this year, really driven by some events around the Legion Football Club and with other examples, the city council asked us as staff to look at what we can do about how we are setting applicants both to come through the zoning process and otherwise with conditions prior to permanent occupancy. So frequently, of course, as you'll recall with Marathon, a petition will come through here a number of conditions



to continue to satisfy prior to occupancy strictly speaking, and that can mean that we're getting into different situations where folks may for good reasons or for bad, have to not start operating or not finish their project longer than they might have intended to otherwise. There's of course a balancing act here that's not wanting someone start operations is the best tool we have to make sure that people comply with the conditions we require them to but we know that there are times and opportunities for us to be a bit more flexible, to let people get money coming in to let people not wait on materials or favorable weather to reflect that people may be deferring some of their build out plans or a whole host of different reasons where someone may want to start operations earlier. We presented a whole list of options at the request of the city council to their committee of the whole that memo is attached here. Some of it is extraneous to the hearing, but describes some changes you might be seeing based on the council's direction and I'm happy to talk about those. The text amendment before you tonight really open up our ability as staff to give temporary certificates of occupancy. We have today a very restrictive requirement which basically says the only way you get a temporary certificate of occupancy is its winter, and you can't do site work and you get a limited amount of time necessary to get to the summer where the asphalt plant is open and you can do your site work and if you can't pull it together by then you're out of luck. The code changes are patterned off of a number of other communities we reviewed, they let us give longer TCO, they let us give TCO's in more circumstances but they do have some protections to make sure that we're not handing these out willy nilly. Including trying to make sure we're only giving a developer one TCO at a time, having the ability to take a cash bond in connection with a TCO, handling situation where maybe a developer would take over from another. So we're always trying to make sure we've got public safety covered. We're always trying to make sure we've got the safety of occupants covered. This gives us more flexibility in working with applicants to the end of the line to the conclusion of their project.

**Commissioner Gercken** asked if there is a timeframe on the TCO – 3 months or 6 months or is it open ended.

**ACM/CDD Cole** it's open ended and it's not quoting from the draft ordinance "It's the shortest period of time necessary to complete to complete the remaining work as determined by the zoning administrator" So the city's model codes or model building codes have a very similar standard. There's no particular set period of time. There are circumstances that might just be a month or two. There are circumstances that could extend for a long period of time and this code tries to give us the flexibility to address the short and the long end of it.

**Chairman Buckingham** what I found interesting is that this is within the zoning administrators' role and you're able to put certain conditions on the grant to the TCO which makes perfect sense, it's impossible to read exactly what those facts and circumstances are, but these will also include conditions related to health and safety through the occupancy of the property which to me struck me as not necessarily zoning related so can you speak to us about that a little bit? How would you be looking to get guidance or assistance from other experts within the city on certain matters before you impose certain conditions that may be beyond just the obvious ones that would ordinarily be imposed related to health safety? Other things that are maybe more far afield? Like typical zoning conditions?

**ACM/CDD Cole** to give you a couple examples, the building code when we're giving out occupancy has the same health and safety language and it's a parallel authority. Strictly speaking, our building official Dan Streit chooses those, of course, I oversee Dan and our department. As you pointed out, in some sense, this happens already. We also have other professionals within the city of course, Mr. Streit when it comes to our building

codes, our fire staff including our fire chief for fire inspections for fire safety, health inspector Kerry Abdullah with our office. Public Works when it comes to transportation we have a number of experts I've conferred with them on each. To give an example of some conditions you could never anticipate when you're writing these ordinances you could look to Legion Football Club. In their case, they haven't had their site work done so they don't have enough parking. They said they would get some leased parking off site for parents to wait in. One of the conditions of the TCO was you need to have the parking lots which is related to your zoning conditions. Another is you need to hold your kids until the parents are on the site. Can't let them run across the street as that is a public safety concern. We had them change the traffic flow around the building to minimize the chances that they would hit part of the building that hadn't been adjusted yet. So there are at these intersections, especially when we're talking about special uses, there are some things that really blur the line you pointed out between health and safety and our zoning code compliance.

**Chairman Buckingham** would these other departments that are involved in the process already be aware or will it be totally incumbent on you to knock on their door and say that we have this new development and here's what it is for the first time, please let me know what conditions I need to add because they want to move in next week. They're already going to be up to speed and it's just a matter of coordinating with them and kind of rolling everything up to you to include in that TCO. It's not required that the property owner or the applicant ask for the TCO is it? How would that work? Would you wait to sit back and if they ask for one you're not going to offer it or how would that work in practice?

**ACM/CDD Cole** on paper they need to apply and sign off accepting it with any conditions or at least acknowledging it. Generally speaking, I think it's up to an applicant to request that. With many projects, it doesn't make any sense to get a TCO because you're just going to finish. Certainly, there are times we would encourage an applicant to do this the same as anything else they could ask for under zoning. For example, I think we have an applicant that was seeking the cannabis dispensary. They are still trying to figure out if the state is going to give them the ability to expand and operate in their full business and I believe they were looking at one point to come back for an amendment to their special use to say we're not going to occupy the northern half of this, we don't know if the state is going to let us do it. Can we not occupy it and not do a few of the site changes that we're going to let people get into northern space? I can already tell you one of the example uses of the section would be to say, state hasn't made up its mind yet, you can have your temporary certificate for the South End and let this play out a little bit knowing that the South End is perfectly safe, habitable, what have you. That's an example where we would be encouraging an applicant to get a temporary certificate.

**Chairman Buckingham** generally they will know enough to ask and if it's not appropriate you're under no obligation to grant it with all sorts of conditions you can just deny it outright.

**Commissioner Burchert** confirmed they need to ask for a TCO if they need to open that business for a particular reason or whatever, obviously building codes to protect life and property (remainder inaudible).

**Commissioner Leone** it may sound outrageous, but a one-year time limit because otherwise I've seen some of these projects linger for two to three years.

**Commissioner Burchert** if there's inactivity on the site that will cancel your building permit after six months.

**Commissioner Leone** It's basically you can give a temporary occupancy on the north side but on the south side they have six months – the clock is ticking.

**Commissioner Burchert** it would be abandoning the site.

**DCCD Kwandras** in this example, that's not entirely true. Most likely, what would happen is a phasing of the project so they would do the build out of the half of the building and not get the permit for the other half of the building right away. So we would issue them a TCO because they hadn't finished the exterior items and we were letting them hold off on that until the state made a final determination. We would probably give that one like a year, and then check back with them and see what where things are at.

**ACM/CDD Cole** to answer your question differently, I can ask for this completion schedule. I can impose conditions to make sure that the project gets complete so that would be holding people to the completion schedule. Certainly the biggest nightmare I have is the exact situation you described where we've got a half built site and a bunch of angry neighbors and they all want my phone number so they can yell at me and I do the best I can to avoid that very circumstance.

**Chairman Buckingham** asked if the completion schedule can be amended if someone is late but still making progress. Would you need an entirely new TCO or just amend the prior?

**ACM/CDD Cole** In a situation like that I just print a new modified one to be signed by both parties and that would be it.

**Chairman Buckingham** asked what the purpose of the cash bond would be

**ACM/CDD Cole** It's a common case here. Oftentimes, if things go poorly as you just heard, we incur administration and enforcement costs as time goes on. If someone gets the full occupancy they get their cash bond back. If they don't, they surrender it. It's both, an incentive for them to complete their work or at least stay on top of it. Frankly, it can be hard for us to get cash judgments for violations as a city and this helps pay for some of those costs, even if we don't get to getting our cash.

**DCCD Kwandras** to add to that, depending on the nature of the work that is outstanding, if they have a half done driveway, the cash bond is for a certain percentage of the total work that is remaining to be completed. So something like that the city could then use that money to step in and complete the work at the owners cost

**Chairman Buckingham** I think this makes good sense. It's obviously a lot left to your discretion but as professionals I know you will exercise that responsibly and be a welcome change and I applaud your staff for scrubbing the statute and seeing where we can improve things I think this will be overall a good thing. So any other questions?

**Chairman Buckingham** asked for a motion to close the public hearing, motion received by Commissioner Gercken, seconded by Commissioner Sheehan. With a unanimous voice vote the public hearing was closed. A sample motion has been prepared by staff.

**Chairman Buckingham** asked for a motion to approve the petition findings, motion received by Commissioner Gercken.

**Commissioner Gerken** moved that based on the submitted petition and testimony presented, I move that the Rolling Meadows Planning and Zoning Commission adopt the proposed findings for the text amendment listed in the staff report prepared for the May 2, 2023, Planning and Zoning Commission meeting, and recommend that the City Council approve the text amendment provided in Exhibit 1 of that staff report.

Seconded by Commissioner Sipple

**Roll Call:**

**Commissioner Burchert:** Yes  
**Commissioner Gercken:** Yes  
**Commissioner Leone:** Yes  
**Commissioner Sheehan:** Yes  
**Commissioner Sipple:** Yes  
**Chairman Buckingham:** Yes.

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

Nay – (0) -

Absent – (0)

Abstain - None

This recommendation will be forwarded to City Council for first reading on May 9, 2023.

**Discussion Items – ACM/CDD Cole:**

In the next anywhere between 20 to 60 days from now, we're expecting to be working through submittals for a proposed relocation for a restaurant in town to a new location that is on a time sensitive basis as well as potentially for the planned development for the Pacifica on Golf. Redevelopment of Sam's Club. The way it's looking right now, I'd be surprised if those we're really itching to go before your next regularly scheduled meeting on June 6. It's possible that we may circulate dates for that a little bit earlier if something is forthcoming in the next couple of days knowing that these are both time sensitive projects where we're trying to manage and to the extent if we do call that if the commissions available, I hate to ask for a second evening of your month, but certainly would appreciate that and it would be important for keeping things moving in the city. I tried to have some of those ready for you this evening instead of just housekeeping, didn't quite work out the way we hoped.

**Chairman Buckingham** asked what the urgency is on the restaurant and how this is different from any other.

It's in the vicinity of Pacifica and Golf and it's not a public matter yet so forgive me for being a little bit vague but in short, we have tried to coordinate their project with the Pacifica and Golf submittals and that's given them a pretty extensive delay already and we're trying not to delay them any further. So we know that they're getting close to a decision point with their tenant and we're trying to facilitate that.

Some of you may have known about proposals to bring in a food hall or a series of restaurants to the city's old fire station at Meadows and Kirchoff regrettably, we have ended negotiations with the person who put in an offer for that property. We've been asked by the city council to present options for redeveloping it here in a couple of weeks. When we have that, I think we'll actually circulate a copy to this group, both to keep you aware and at the same meeting we're going to be talking about corridor planning, trying to do some more planning work around Kirchoff Road around the northwest part of town with the Bears coming in and trying to get some planning assistance in to help us make sure we're ahead and not behind some of the changes that are coming to these areas.

Similarly, on the topic of being ahead of change, I think a couple weeks ago now, there was an announcement that the old atrium building 3800 Golf Road that used to be the Capital One building and 3Com building, had been bought up by a developer who did the Elk Grove Technology Park brand industrial group. They're planning to redevelop that as 600,000 square foot of industrial park. Plans forthcoming. That's a little further down the pike, but that again will be a planned development. I think it's in keeping with that corridor, but 100 million plus of investment in the city. Big deal.

Regarding the Chicago Bears possibly coming to Arlington Heights, we are in discussions with them. I mean nothing that's before this body or a city body yet but by way of illustration, you know, just Friday we were out there at Arlington Park doing police training on their property. That agreement was signed by the new general manager of the Bears. We are in contact with them. They're keeping us apprised as they are other units of government in the region, a whole lot moving and shaking on that property. The appraised value, two different threads. On the current value, the current value is 33 million. The assessors proposed evaluation of that property at 150 million so that's an extra 14 million a year to pay until the stadium is built. One of the bills that's been proposed, among others, is trying to bring a lot of people to the table and includes a \$3 surcharge to help pay for the Soldier Field debt in Chicago. It will also create a multi-jurisdictional zoning board including state representatives, the school districts and actually the city of rolling meadows among others, to approve zoning actions that will take place at the park. So I think premature to say any of those will succeed or fail or change or how they'll be changed but it's very interesting time to be in our part of the county and the state.

### **Adjournment**

**Chairman Buckingham** requested motion to adjourn. Commissioner Gercken made motion, seconded by Commissioner Leone. Carried by unanimous vote. The regular meeting of the May 2, 2023 Planning and Zoning Commission was adjourned at 9:10pm.

Next Meeting: Wednesday, June 6, 2023.

Cindy Browder  
Administrative/Clerk  
Community Development Department