

**City of Rolling Meadows**  
**Planning and Zoning Commission Minutes**  
**7:00PM**  
**Tuesday, June 6, 2023**

**Call to Order**

**Chairman Buckingham** called the June 6, 2023 regular meeting of the Planning and Zoning Commission to order at 7:04PM.

Roll Call -

**Presiding:** Chairman Buckingham

**Present:** Burchert, Ferstein, 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** deferred the approval of last meeting minutes to July 5, 2023 regular meeting.

**Pending Business:**

1. 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 this is a continuation and the file remains in order and proper notice was given.

**Mr. Cole** We presented this administrative cleanup change for you at the last meeting. At that time there were some valid concerns raised that additional context was needed. That has been attached in your current packet. Due to a drafting error or an oversight in the new zoning code, the code implies that for the city to start a text amendment that it needs to provide a host of things that are very uncommon for a city to submit and in most cases can't actually provide. When a change in code or zoning map is desired, it is common for cities to simply give notice of what they're intending to do. They will then conduct a hearing and make their findings of fact and act accordingly. We have provided you some excerpts here, as far as the minimum requirements of state law, given the full section of the city's code, including highlights on those items that a property owner can submit that the city generally isn't in a position to. We've also tried to be responsive to some of the concerns that were raised at the last meeting, notwithstanding some of these contextual issues. We apologize for the confusion. Again, we consider this an administrative cleanup item and then it also makes it slightly easier for private developers to come through to get this type of relief if needed. We took a good

look at our policies and other communities policies and recommend that PZC support this amendment. Any questions?

**Chairman Buckingham** questioned if a member of the public whether a property owner or a resident would be prejudiced by this amendment? Also asked for clarification on the notice that would be received and when the packet is posted.

**Mr. Cole** can't think of how they would be. Typically, a member of the public receives notice, would have the opportunity to review the meeting agenda and staff memo describing the issues at hand, the property concerned which might be legally described by address or pin number and the hearing date and place. The packet is generally posted 48 hours in advance on the city's website and on the wall at City Hall.

**Chairman Buckingham** asked for a motion to close the public hearing, motion received by Mr. Gercken, seconded by Mr. Burchert. With a unanimous voice vote the public hearing was closed.

**Mr. Gercken** 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 June 6, 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 Mr. Sipple**

**Roll Call:**

**Mr. Burchert:** Yes

**Mr. Ferstein:** Yes

**Mr. Gercken:** Yes

**Mr. Leone:** Yes

**Ms. Sheehan:** Yes

**Mr. Sipple:** Yes

**Chairman Buckingham:** Yes. Will streamline things and make more user friendly

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

Nay – (0)

Absent – (0)

Abstain - None

This recommendation will be forwarded to City Council for first reading on June 13, 2023.

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

1. Public Hearing and Consideration of variance to Section 122-163 to reduce the number of required parking spaces from 46 to 38 at 3215 Algonquin Road, Jennifer Johnson on behalf of Property Owner Basel Tarabein, 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 Mr. Gercken and seconded by Mr. Burchert. Motion to open public hearing approved by unanimous voice vote.

**Basel Tarabein - 207 North Plum Wood Dr., Kildeer, IL 60047**

**Mr. Tarabein** was sworn in by Chairman Buckingham.

**Mr. Tarabein** stated that they have owned the building since 2006. From 2007 to 2012 in the same location that we are trying to rent now was occupied by Home Design Center Showroom. They had a successful business for five years then they decided to close it down. We never had any parking issues. Parking code was different back then than it is now. Never had to ask for variance to have a showroom. There were clients going in and out shopping for glass, bottles, cabinets, everything else. Since then we've been trying to rent the space looking for a very unique business with very low noise but one that can generate income to help us pay outrageous property taxes and all the other operating expenses for the building. From 2012 till now we've been trying to rent it. We found this really nice family owned business with minimal number of employees. They only have three employees; two that drive and one takes Uber which we're happy to provide the board with that they won't drive and then the owner has one car. There's enough parking for two cars. So really, there's only one car. Since the pandemic, our real estate brokerage we have about 11 out of the house and our office if anybody passes by never see our parking lot full. So, the parking spaces they can track and be able to tell you the maximum occupancy rate is about 30 to 35% of the parking occupied. So I truly honestly don't believe this business will impact any other businesses or anybody else in any way because the number of parking they are consuming is almost nothing. I will be happy to answer your questions.

**QUESTIONS AND COMMENTS FROM THE COMMISSION:**

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

**Mr. Gercken** Questioned regarding the number of parking spaces currently there and what is needed. Mr. Tarabein confirmed that they have 38 and need 46. At any given time there are no more than 10 cars in the lot. He confirmed that they have the proper number of handicap spots.

**Mr. Leone** asked when the building was built. Mr. Tarabein confirmed it was in the 1970's.

**Chairman Buckingham** asked what type of business Pasta DeCasa is.

**Mr. Tarabein** stated that they are family owned business. This location is going to be mostly storage but they also make the pasta there as well. Hours of operation is four days a week Tuesday, Wednesday, Thursday, Friday. They are not open to the public. A truck comes once a week at seven in the morning to pick up whatever they made and take it to distribution. This is why it is too good to be true for us because this is a perfect business, no public, no crowd no noise. They sell primarily to restaurants.

**Chairman Buckingham** asked regarding Federal Inspection Services and the type of business they are.

**Mr. Tarabein** explained they have one employee for the company and five that are independent contractors. They come at 7:30 in the morning and pick up cameras and work from the field. They pick up and drop off. No cars stay in parking lot. Their cameras are used to inspect oil lines and sewers. They use their location strictly for storing equipment.

**Staff Report Highlights:**

**Ms. Kwandras** The petitioner pretty much said it all. This property was developed more under a manufacturing type use, I believe it's currently zoned M1. As we know from previous petitions, the M1 district wasn't necessarily developed with a lot of parking or with more intensive uses in mind. So the parking ratio that's required exceeds what's on site. That being the case, there are ways for us to address practical and actual versus required which the petitioner is going through right now. Based on observations of driving past and based on the information that the petitioner and the new tenant has given us, we don't anticipate more than 15 cars on site at any time, which is less than half of the capacity. So we are supportive of this variation.

**Ms. Sheehan** asked about the statement in the packet that says you would like to be allowed future changes of tenants without any additional variations. **Mr. Cole** responded to this question, explaining that this is a mechanism that allows basically a fast track. For instance, with a multi-tenant building these problems will tend to recur when another tenant comes in and this provides a common-sense way to avoid having to take more fees and do another hearing when a routine change of tenant happens.

**Chairman Buckingham** questioned if the use changes and a new tenant comes in the parking relief here would not run with that.

**Mr. Cole** There are three possible outcomes. The first is if this extra language wasn't here, you just grant a normal variation today. It does not benefit a future tenant. The current tenant leaves, a new one comes in and it would require variation again. If the commission were to recommend including this, the next time a tenant comes in, as long as their parking demand in our table is equal or lesser, they can take an administrative fast track so they don't have to pay anything extra and they don't have to come to you. They just get a new certificate of occupancy the same as if they were in compliance. The third outcome is they have a new tenant with a greater parking demand than what you've looked at today. For instance, they come in with a restaurant. This would not be something we could approve administratively. Similarly, if they had any uses that required a special use, those usually have special considerations and we can approve those administratively either.

**Chairman Buckingham** If a new tenant had a different use that had a different elevated parking requirement that's when we would use this?

**Ms. Kwandras** That is one of the things that I think is very beneficial about our new zoning code is that there's more categories. So no, we're not asking for a text amendment on pasta manufacturer but rather we're classifying it as light manufacturing. So theoretically, another type of use would come in that we've classified

as light manufacturing, it's not the same user but it still meets the spirit of the variants that we would grant. There are no special uses that would be required if any of the three examples.

**Chairman Buckingham** asked for a motion to close the public hearing, motion received by Mr. Gercken, seconded by Ms. Ferstein. With a unanimous voice vote the public hearing was closed.

**Mr. 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 variance listed in the staff report prepared for the June 6, 2023, Planning and Zoning Commission meeting, and recommend that the City Council approve the variance as shown in the draft Ordinance attached to the staff report.

Seconded by Mr. Burchert

**Roll Call:**

**Mr. Burchert:** Yes

**Mr. Ferstein:** Yes

**Mr. Gercken:** Yes

**Mr. Leone:** Yes

**Ms. Sheehan:** Yes

**Mr. Sipple:** Yes

**Chairman Buckingham:** Yes

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

Nay – (0)

Absent – (0)

Abstain - None

This recommendation will be forwarded to City Council for first reading on June 13, 2023.

2. Public Hearing and Consideration of an amendment to Section 122-83, and other necessary sections, to repeal the section regarding collection boxes, 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 Mr. Gercken and seconded by Ms. Ferstein. Motion to open public hearing approved by unanimous voice vote.

**Staff Report Highlights:**

**Mr. Cole** The reasoning is that this regulation of collection boxes was introduced with the new zoning code. Collection boxes are tricky. People want to donate charitably let their items be reused and so on but many of the operators who place these boxes, do not ask for permission first or are very stubborn where they choose to place their boxes. The code section we have which is included in your packet says basically that when these boxes are being located within the city that they need to get an annual permit and may need to meet certain requirements or else be subject to fines or being impounded. We've been enforcing this now for a few months and have learned that these people actively avoid being identified or allow us to give them service. They don't care if the property owner wants them there or not. They'll show up the next day after these are removed and drop off a new box that's made out of plywood and try to in many cases, we believe make money off it. The impetus for looking at changing this is that right now the code says we need to keep them for 180 days therefore there is a collection of these hanging out on city property waiting until we can get rid of them. We don't think anyone will ever come for them based on these circumstances. And so as is true in other cases, like with abandoned bicycles, for example, we're trying to not have to hang on to those for an extended period of time. That does bring us to the text amendment here tonight. This current regulation is in zoning, which as we talked about earlier today, you need to have a public hearing public notice to change it. These regulations may look more like business licensing regulations. You can do it in zoning but it is unusual to have it hear. What we are proposing from the standpoint of the zoning code to repeal it and then the City Council would adopt it in with our other annual business licenses where it is a bit more logical.

**Mr. Leone** commented that he belongs to the Lions Club and they normally put out eye glass collections located at the library with their permission. They are located both inside and outside. Would they now need a license to do that?

**Ms. Kwandras** As long as the proposed Lions Club boxes would follow the regulations as written, there would be no problem. In addition, we do have written into our code that not for profit organizations can apply for building permit waivers. And certainly, for these types of uses we would get some kind of permit in place for it, just so that we could keep track of them, make sure that they're being kept in good repair. This regulation is not aimed at true charities. It's aimed at the vast majority of these boxes that we see in the Meijer and the Walmart parking lots, people drop their items off, they pick items up and then I presume resell it to make a profit off of it. Rather than a true charity like the Lions Club.

**Mr. Leone** In most cities, the club first presents this to the property owner for approval and then the box is put up. Most of them are 502 C established.

**Mr. Cole** clarified that there has not been a permit requested under this yet. We can make some other changes so when it does come up it will be clear that it is not directed at groups like the Lions Club.

**Mr. Gerken** commends the City of Rolling Meadows for doing something about these boxes that create an eye sore with items overflowing. Questioned why disposal of the boxes would be extended to 180 days.

**Ms. Kwandras** clarified that 180 days is written into the existing code and the goal is to repeal it in its entirety and when we readopt into the business licensing section of the city code have the holding period of time be

zero days. By that time there will have been a notice on the box for 10 days. For the record we have been trying to enforce this section of the zoning code for some time. When our city inspectors drive by and see these they will put a notice on them giving them 10 days to respond.

**Chairman Buckingham** agrees that it makes sense to move this out of the zoning code into permitting. Understands that this is intended to prevent scammers but what about the middle ground where it isn't a charity or a scammer but someone else with good intentions.

Conversation ensued that the process to obtain a permit is very easy. Complete the application, print a Google map and indicate dimensions, take a photo of the box and the site and get the property owners signature and agree it will have a padlock on it. Regarding the repeal and adoption, it would happen at the same time. We would change things like the holding time, waiving fees for our nonprofits or governmental agencies, make sure it didn't apply to things inside of buildings. The new ordinance would be administered by the Community Development Department.

**Chairman Buckingham** asked for a motion to close the public hearing, motion received by Mr. Gercken, seconded by Mr. Leone. With a unanimous voice vote the public hearing was closed.

**Mr. Gercken** 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 June 6, 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 Mr. Sipple

**Roll Call:**

**Mr. Burchert:** Yes

**Mr. Ferstein:** Yes

**Mr. Gercken:** Yes

**Mr. Leone:** Yes

**Ms. Sheehan:** Yes

**Mr. Sipple:** Yes

**Chairman Buckingham:** Yes

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

Nay – (0)

Absent – (0)

Abstain - None

This recommendation will be forwarded to City Council for first reading on June 13, 2023.

**Discussion Items:**

- Many of the reports we gave you last month remain true as far as pending items out there. There is a proposal for Chipotle to move from their current location across the street to the American Mattress location in the same shopping center. They will be scheduled for a hearing at the July meeting.
- July meeting will be on Wednesday July 5, 2023 at 7pm. The location to be determined.
- Same holds true for the August meeting which will be delayed by one day due to the National Night Out and will take place on Wednesday August 3, 2023. Location TBD.
- Question was raised on status of the Sam's Club site. This is an item that will probably come to you in late summer/early fall. We are working with the developers that purchased that property working through site planning issues. They are getting proposed spaces under lease. At present, it is an Asian food market, the trampoline entertainment, gift shop, bubble tea establishment and nine or 10 different Asian themed restaurants.
- The new restaurant will open at the Taco Bell site with a yurt for outdoor seating.

### **Adjournment**

**Chairman Buckingham** requested motion to adjourn. Mr. Gercken made motion, seconded by Ms. Ferstein. Carried by unanimous vote. The regular meeting of the June 6, 2023 Planning and Zoning Commission was adjourned at 8:17PM.

Next Meeting: Wednesday, July 5, 2023

Cindy Browder  
Administrative/Clerk  
Community Development Department