

**City of Rolling Meadows  
Planning and Zoning Commission  
City Council Chambers  
7:30 PM  
July 2, 2019**

**APPROVED**

**Motion to Open the Meeting**

Chairman Whitney asked for a motion to open the July 2<sup>nd</sup> Planning and Zoning Commission meeting. Mr. Rataiczky moved to open the meeting and Mr. Rybarczyk seconded. Motion carried. Roll call:

**Presiding:** Chairman Whitney

**Present:** Fink, Lynch, Rataiczky, Rybarczyk

**Absent:** Stefaniuk

**Also Present:** Rob Horne, Public Works Director; Elizabeth Payne, Administrative Services Coordinator; Judy Brose, Deputy City Clerk (Recording Secretary)

**Call to Order**

**Chairman Whitney** called the meeting to order at 7:30pm and declared a quorum.

**Approval of Minutes**

**Chairman Whitney** asked for a motion to approve the minutes from the May 7, 2019 Planning and Zoning Commission. Mr. Rybarczyk moved to approve the minutes as written and Mr. Rataiczky seconded.

**Roll call:**

**Mr. Fink:** Abstain

**Mr. Lynch:** Yes

**Mr. Rataiczky:** Yes

**Mr. Rybarczyk:** Yes

**Chairman Whitney:** Yes

Motion carried. Minutes approved as written.

**Upcoming Public Hearings: NONE**

**Pending Business:**

1. Sign appeal for an electronic billboard sign at 3105 Tollview Drive, M-1 Manufacturing District, Sam Roti, Genband Media, Petitioner (*continued from April 17, 2019*)

**Ms. Payne** stated when this was postponed at the April 17<sup>th</sup> meeting, it was with the intention of having a discussion with the City Council at the Committee-of-the-Whole in June with regards to billboards as a whole in addition to this one in particular. The City is in the process of updating the Zoning Code and this kind of signage is a policy decision. Staff wanted to get the City Council's input before the Commission and eventually the Council was to make a precedent setting decision like this, as this billboard is being proposed in a location that is outside of the Route 53 overlay district. Through the June Committee-of-the-Whole meeting agenda being extraordinarily large, unfortunately this item was not able to be presented on that agenda. At this time, Staff has been informed that it will be on the August agenda and Staff is requesting with the consent of the Petitioner to postpone this item one more time to September for City Council input. The petitioner has consented to the additional delay.

**Mr. Rataiczky** made a motion to postpone the petition for the Sign Appeal for an illuminated billboard sign for the property located at 3105 Tollview Drive, M-1 Manufacturing, Sam Roti, Genband Media, Petitioner, to a future Planning and Zoning Commission Meeting on September 3, 2019 at 7:30 pm in the City Council Chambers.

**Mr. Fink seconded.**

**Roll Call:**

**Mr. Fink:** Yes

**Mr. Lynch:** Yes

**Mr. Rataiczky:** Yes

**Mr. Rybarczyk:** Yes

**Chairman Whitney:** Yes

Yeas – (5) – Fink, Lynch, Rataiczky, Rybarczyk, Whitney

Nays – (0) – NONE

Absent – (1) – Stefaniuk

Abstain – (0) – NONE

**Motion Approved.**

**QUESTIONS AND COMMENTS FROM THE BOARD:**

**Chairman Whitney** opened the meeting to commissioners' questions and comments.

**Mr. Lynch** stated that the last time he voted no for a couple reasons, one of which was that he thought that a discussion by us prior to it going to City Council might give them some insight as to what the Commission thinks about this item. He believed the item should be discussed this evening.

**Mr. Rataiczky** stated that the Commission did have a conversation and took a straw poll and made a record with the exception of Mr. Fink.

**Ms. Payne** stated at this time that there are no confirmed petitions for August. It is still Staff's intention to have a meeting regarding the pending Zoning Code update. An item regarding billboards could be added to that agenda for the Commission's discussion prior to the Committee of the Whole discussion. The Commission accepted this suggestion.

2. Text Amendment to the Zoning Code of Ordinances to update Section 122-27 (d)(12), Temporary Seasonal Outdoor Seating, City of Rolling Meadows, Petition (*continued from March 5, 2019*)

**Ms. Payne** stated that this item has come up before both at the Economic Development Committee meeting and at the Committee-of-the-Whole in the past. However, Staff was hoping that instead of updating the Zoning Code piecemeal as what has been done in the past, to update the Zoning Code holistically at one time which would include outdoor seating. Discussions have already begun with Teska Associates and the next part provided to Staff could include outdoor seating and the consultant's recommendations for that update. Staff is recommending postponement of this item at this time pending a discussion with Teska Associates regarding the outdoor seating section of the Zoning Code.

**Mr. Lynch** made a motion to postpone the petition for the Text Amendment to the City's Comprehensive Zoning Code Section 122-27 (d)(12) regarding outdoor seating, City of Rolling Meadows, Petitioner, to a future Planning and Zoning Commission Meeting on September 3, 2019 at 7:30 pm in the City Council Chambers.

**Mr. Rataiczuk seconded.**

**Roll Call:**

**Mr. Lynch:** Yes

**Mr. Rataiczuk:** Yes

**Mr. Rybarczyk:** Yes

**Mr. Fink:** Yes

**Chairman Whitney:** Yes

Yeas – (5) – Lynch, Rataiczuk, Rybarczyk, Fink, Whitney

Nays – (0) – NONE

Absent – (1) – Stefaniuk

Abstain – (0) – NONE

**Motion Approved.**

**New Business:**

1. Amendment to the Meijer Planned Development for modification and increased size of building signage and two new vehicle charging stations at 1301 Meijer Drive, C-2 General Commercial Services District, Tomi Minner, J&S Electric and Sign, Petitioner

**Chairman Whitney asked if the file was in order.**

**Ms. Payne stated that the file was in order and was made part of the record.**

**Tomi Minner of J&S Electric and Sign, Inc., 101 E. Illinois Avenue, Aurora, IL** was sworn in by Chairman Whitney.

**Ms. Minner** stated that Meijer is requesting new signage on the front of their building to comply with a national rebranding program. Each entrance to the store has two signs above the doors "Welcome" and "Exit" and they would like to replace those with signs that read "Home" and "Fresh". In addition, Meijer is requesting five (5) additional parking spaces to install two (2) sets of charging equipment (for non-Tesla electric cars) on the eastern portion of the site.

**QUESTIONS AND COMMENTS FROM THE BOARD:**

**Chairman Whitney opened the meeting to commissioners' questions and comments.**

**Mr. Lynch** stated that he understands the reason for the signage change and doesn't have a problem with it. However, as of late the Commission had two requests for additional charging stations, one from Tesla and one from Verizon and the information and the documents provided was helpful to understand what they were trying to do, where they intended to put the charging stations, what the other ancillary equipment was and where the placement of that equipment would be. The documents that the Petitioner submitted today are deficient and do not help understand the placement or scale of what the Petitioner is proposing.

**Mr. Fink** stated some of the other drawings showed lines to where there were transformers, where the power was coming from, bollard locations, things of that nature and that was not included. He has some of the same questions as Mr. Lynch. Are there transformers?

**Ms. Minner** stated that there are no transformers, power is going to run directly from the building underground to the two charging units.

**Mr. Fink** inquired as to where the bollards are going to be located.

**Ms. Minner** stated that the bollards are going to be around each charging unit, four (4) around each one.

**Mr. Fink** would like to know the depth of the bollards just to make sure they would be secure enough and will the parking lot lights be enough to illuminate the area at night. Mr. Fink suggested to put the handicap stall to the right as it would be closer to the store.

**Mr. Rataiczky** stated that all of his questions were answered. He also stated that the Commission has received quite enough information and is fairly comfortable with what was submitted.

**Mr. Rybarczyk** stated that all of his questions were also answered. He gets the idea of what is going on and that there is enough information.

**Chairman Whitney** summarized that there will be no transformer as it will be all underground, there will be four (4) bollards around each unit and the intent would be to move the handicap space closest to the store.

**Ms. Minner** stated that was correct.

**Mr. Rataiczky** had one question about the signage change. The entrances on each side of the building are both entrances and exits?

**Ms. Minner** stated that they are trying to identify where to go for food and where to go non-food.

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

**Chairman Whitney opened the meeting for comments from the public. With there being no public comment, the public hearing was closed.**

**Mr. Fink** made a motion to recommend approval of the Amendment to the Meijer Planned Development to allow the installation of vehicle charging stations with all associated equipment and r modifications to existing signage, 1301 Meijer Drive, C-2 General Commercial Services District, Tomi Minner, J&S Electric and Sign, Petitioner, with the following conditions:

1. Building permits addressing landscaping, engineering, protective devices, and all other relevant materials will be required prior to construction.
- 2 Petitioner is hereby notified that there is potential for snowplow damage from adjacent property owner.
3. Tree removals are not authorized under this approval.

**Mr. Rybarczyk seconded.**

**Roll Call:**

**Mr. Fink:** Yes

**Mr. Lynch:** Present

**Mr. Rataiczky:** Yes

**Mr. Rybarczyk:** Yes

**Chairman Whitney:** Yes

Yeas – (4) – Fink, Rataiczky, Rybarczyk, Whitney

Nays – (0) – NONE

Present – (1) Lynch

Absent – (1) – Stefaniuk

Abstain – (0) – NONE

**Motion Approved.**

2. Final approval of a two-lot subdivision for property located at 4190-4200 Euclid Avenue, M-1 Manufacturing District, James Anderson, Midwest Euclid Properties, Petitioner

**Chairman Whitney asked if the file was in order.**

**Ms. Payne stated that the file was in order and was made part of the record.**

**Joan Berg, Schoenberg Finkel Newman & Rosenberg LLC, 222 S. Riverside Plaza, Suite 2100, Chicago, IL** was sworn in by Chairman Whitney.

**Ms. Berg** stated that the property at 4190 and 4200 Euclid Ave. is currently described in the legal description for the property as metes and bounds property. In order to sell one of the two buildings independent of the other building they need to comply with the Illinois Plat Act. The purpose of the subdivision is to be compliant with Illinois law. There is a contract pending for the sale of the two-story building to the west side. In order to sell the building the property must be subdivided into two parcels. Preliminary approval of the plat of subdivision was granted in 2017 and there was a request that for some modifications. One was to have a Declaration of Easement for access and parking. There are a total of 65 parking spaces existing on the site. 18 parking spaces would be dedicated to the specific use of 4190 Euclid, 23 specific use of 4200 Euclid, and the remaining 24 spaces to be shared between the two properties as well as an access.

There can be exceptions to the Plat Act provided that there are no new easements of access. One parcel cannot be conveyed without having access easements for the other parcel, so to comply the subdivision was applied for and comments were received from Staff. One of the comments is a reconfiguration of Lots 1 and 2 because the current reconfiguration requested is of some concern about potential confusion with respect to the use of spaces and designation of property. The concern that the ownership and the purchaser has is that the configuration shown in the subdivision plat was negotiated not solely on parking space but on equitable distribution of parcel size. The petitioner requested that the Commission consider the subdivision that is currently plotted. Staff's concerns with respect to confusion are recognized, but that confusion is actually addressed in the Declaration of Easement that has already been negotiated and agreed upon between the parties. There is a Declaration of Easement that Staff has requested as part of their comments and we provided a copy.

The Declaration of Easement allows for cross access between the two parcels as well as the curb cut off on Euclid Avenue and also allows for shared parking. In addition, it addresses maintenance, use, and reconstruction of the parking area as well as the access area. The Declaration addresses not only the present use but how to maintain the present and the future uses.

One of the other concerns that Staff raised in their report was a dedication of a 5 foot strip of easement for a bike path. It is not shown on the subdivision plat. The petitioner requested Staff indicate where it would go, as this was a request at the 2017 preliminary approval. The petitioner

has no objection to including it. The purpose of this subdivision is to comply with state law.

**Ms. Payne** stated that Staff has not had time to review the Declaration of Easement in detail so asked if there was an expiration, or if it was in perpetuity.

**Ms. Berg** stated that it is in perpetuity within the rule against perpetuities. In order to comply with common-law issue of the rule against perpetuities, the clause in there that there is an expiration of the 50 years after the death of the last descendent of our current living president.

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

**Chairman Whitney** opened the meeting to commissioners' questions and comments.

**Mr. Rataiczky** agrees with Staff's comments. The lot lines are clumsy, the actual parking allocation was not on the images that were provided to the Commission, and he does not fully understand how the allocations work. It seems a little unclear.

**Ms. Berg** walked the Commission through the plats and pointed out the parking spaces that are both dedicated and shared for each building. 18 spaces are dedicated to the 4190 property; 23 spaces dedicated to the 4200 property; and the remaining 24 spaces are shared.

**Mr. Rataiczky** stated that he still thinks it is clumsy and not intuitive. He also understand that this has been agreed upon because of the sales contract so the fact that it is clumsy and not intuitive does not necessarily have a City impact. The negative impact will be between private parties in the future. He asked if there was a point of consideration missing from the City's standpoint.

**Mr. Horne** stated that because the properties are owned by two separate entities, it will become a City issue regardless of when the ownership changes. There is also concern about over-signage of the site. The City's role is to point out to the Commission concerns from the City's perspective.

**Ms. Payne** stated that the other point of consideration from a historical perspective is that easement documents and agreements have a tendency to get lost and misinterpreted over time.

**Mr. Rataiczky** stated that he thinks there's a different way of doing this but does not know if it is the Commission's responsibility to redesign the change.

**Mr. Rybarczyk** stated that it is their parking lot, and questioned why it would become the City's problem. There are civil courts to resolve the issue.

**Ms. Payne** stated that it would become a neighbor dispute and the City has become involved in other civil problems whether it is through a FOIA, mediator, code interpreter, etc.

**Mr. Rybarczyk** stated that he has had property dispute problems on property that he owns and he does not think that it is the Commission's position to tell two parties who have negotiated a deal with their property what they need to do. In his opinion this is out of bounds.

**Ms. Payne** stated that it is Staff's position to point out the potential future issues if this was approved and went forward.

**Mr. Fink** asked if the maintenance would still be performed by both properties together.

**Ms. Berg** stated that the future maintenance is covered under the Declaration of Easement.

**Mr. Lynch** stated that there is a potential buyer for 4200 and 4190 is still owned by the original property owner. He asked if that owner continue to seek a buyer for 4190.

**Ms. Berg** stated that she cannot answer that question because she does not know.

**Mr. Lynch** stated that in December 2017 the intent was to sell both properties.

**Ms. Berg** stated that the current owner has moved their offices to the 4190 building but does not know if he is actively marketing the property for sale. Because the Declaration of Easement is a recorded document and it is part of the title documents for 4190 and 4200, any subsequent owner is made aware of it and must abide by it as it runs with the property.

**Mr. Lynch** asked if the handicap spaces behind 4200 the only ones on the entire property.

**Mr. Berg** stated that there are handicap spaces behind 4190 as well.

**Chairman Whitney** stated all of his questions have been answered. He agrees that it is a little confusing but thinks that Ms. Berg's explanation helped him understand it better. Anything that is in the easement the City has no control over as long as the parties agree to it but also feels that City Staff will be fighting some battles in the future.

**QUESTIONS AND COMMENTS FROM THE AUDIENCE:**

**Chairman Whitney** opened the meeting for comments from the public. With there being no public comment, the public hearing was closed.

**Mr. Lynch** made the motion to recommend final approval of a two-lot subdivision for property located at 4190 and 4200 Euclid Avenue, M-1 Manufacturing, with the following conditions:

1. Final Mylar plat of subdivision to be created, submitted for signatures, and recorded with Cook County within six months of City Council approval.
2. The Petitioner is to provide copies of the cross-access parking, egress, and utilities agreement for Staff review.
3. Provide a 5' access easement for sidewalk and bike path use within the existing Euclid Avenue right-of-way, per the 2017 approval.

**Mr. Rataiczuk seconded.**

**Roll Call:**

**Mr. Rybarczyk:** Yes

**Mr. Fink:** Yes

**Mr. Lynch:** Yes

**Mr. Rataiczuk:** Yes

**Chairman Whitney:** Yes

Yeas – (5) – Fink, Lynch, Rataiczuk, Rybarczyk, Whitney

Nays – (0) – NONE

Absent – (1) – Stefaniuk

Abstain – (0) – NONE

**Motion Approved.**

3. Variance request to the side yard setback for a building addition at 3737-3837 Industrial Avenue, M-1 Manufacturing District, Nancy Lee Carlson, Lehman Peterson Corporation, Petitioner

**Chairman Whitney** asked if the file was in order.

**Ms. Payne** stated that the file was in order and was made part of the record.

**Nancy Lee Carlson, Corporate Counsel for Lehman Peterson Corporation, 300 N. Ridge, Arlington Heights, IL** was sworn in by Chairman Whitney.

**Chairman Whitney** read the Petitioner their appeal rights pursuant 65 ILCS 5/11-13-25. Chariman Whitney asked Petitioner if there was any objection to waiving the reading of the public notice.

**Ms. Carlson** agreed to waive the reading of the public notice.

**Chairman Whitney** asked for a motion to waive the public reading. Mr. Lynch made the motion and it was seconded by Mr. Rataiczky. Motion carried by unanimous voice vote.

**Ms. Carlson** stated that a severe storm sewer issue causes water to encroach over the loading docks on to the manufacturing floor at 3737 Industrial Blvd. The business is unable to manufacture on a reliable basis. Lehman Peterson Corporation is requesting a variance in order to use its plant on a daily basis without fear of flooding when it rains in the area. They would also like to expand its manufacturing operations in the buildings located on the property commonly known as 3737 and 3831 Industrial Ave. Building an addition to connect the 3737 and 3831 Industrial Ave. buildings and reconfiguring the manufacturing lines can help overcome the storm water issues so the property can be utilized effectively. The proposed addition is to be built at the back of the properties and will provide a visually appealing enhancement to the overall manufacturing campus. The issues caused by the storm water problem, which Lehman Peterson cannot cure, can finally be addressed with in addition to the facility.

The proposed addition will provide an efficient, weatherproof transportation and storage hub for movement of partially finished materials, finished goods, and personnel between the two buildings and manufacturing space. The addition will be utilized on a daily basis as the goods are being transformed in various manufacturing stages to the finished item. Personnel and material will no longer be subject to the weather conditions which can nullify work products and lead to extensive production delays. The storm sewers underneath the 3737 property are unable to contain the storm water during any period of substantial rain or run off. The current storm sewers overflow to the point where the water rises above the loading docks and enters the building. When that occurs, manufacturing must cease in that section of the plant and the water must be manually contained. The goal of the addition is to be able to reconfigure the manufacturing lines to allow production to continue even in the rain. The City of Rolling Meadows has reviewed the water problem, but it is hampered by the lack of area for the creation of a retention pond. The goal of Lehman Peterson's request for variance is to provide a manufacturing facility that can continue production when there are storm water issues and to expand its manufacturing operation while reducing its energy footprint.

Lehman Peterson is not requesting that the two lots be combined into one. The property commonly known as 3737 Industrial Ave. has a Cook County 6B property tax inducement. The other property does not have 6B status. Due to this, Lehman Peterson is not requesting to unite the two property PIN numbers. It is not unusual for commercial buildings to be built on more than one property, nor is there a requirement for Lehman Peterson to unite the lots.

Granting the variance will not change the essence of the industrial neighborhood, nor will it infringe on any neighboring property owners' rights, use, or enjoyment of its land. The approval of the variance will allow Lehman Peterson to continue to manufacture in the current location without concern for storm water issues, expand its production and employment opportunities, improve its environment impact, and preserve the spirit of the ordinance.

**QUESTIONS AND COMMENTS FROM THE BOARD:**

**Chairman Whitney opened the meeting to commissioners' questions and comments.**

**Chairman Whitney** asked City Staff to expand on the flooding and the water situation.

**Mr. Horne** stated that he has not heard of flooding at this location. There is flooding at the intersection when there is a large storm event, but the City is not aware of this specific issue at this property.

**Ms. Carlson** stated that it is a problem because it is sewer water. The sewer water pollutes the clean manufacturing rooms and prevents their use.

**Mr. Lynch** asked if the concern is storm or sewer water. He believes that an access point in the truck area would be storm water.

**Mr. Rataiczky** stated that it is a storm sewer, not a waste sewer.

**Mr. Lynch** stated that he was involved in a similar situation in Elk Grove Village and the way it was resolved was through forcing the City of Chicago to open up and expand some of the dam pipes to let more water through. The intent to increase the use of the buildings, which will drive a lot of changes in the building, is fine.

**Ms. Carlson** stated that it is also moving where the trucks are coming in.

**Mr. Lynch** notes that Ms. Carlson made the comment that the dock doors would be closed for protection when it rains. He asked where the docks are now, and where they are proposed to be located.

**Mr. Rataiczky** asked why the change would make a difference.

**Ms. Carlson** explained that they will be connecting the outside of the three buildings together because they are not connected now. In order to increase production and allow for more employees, more room is needed. The addition would allow the petitioner to bring material from buildings 1 or 2 to building 3 without taking it outside. Building 2 has docks that are not subject to the same flooding problem that building 1 has. Building 1 and 2 are already connected and on one parcel. Both buildings

are included in the 6b designation.

**Mr. Rybarczyk** stated that the 6b designation is for the one parcel with the 2 buildings.

**Ms. Carlson** stated they removed all the tenants in building 2 and building 3 in anticipation of adding more employees and expanding the present manufacturing. Building 2 already has docks that can be used by trucks and that do not flood. The docks on the east side of building 1 are the ones that flood.

**Mr. Rataiczky** asked if the walkway is going to render the building 2 docks inaccessible.

**Ms. Carlson** stated that it will only make them inaccessible to semi-trucks.

**Mr. Rataiczky** asked if the docks in building 1 are the only semi-truck docks.

**Ms. Carlson** stated that they are going to put semi-truck docks into the walkway area.

**Mr. Rataiczky** stated that he is having a hard time understanding if the elevations are staying the same. If the problems with flooding on floor level are a consistent height, he asked how that would alleviate flooding or reroute flooding once it happens. He also expressed concern regarding access for trucks.

**Ms. Carlson** stated that the elevation of building 2 is higher than building 1.

**Mr. Rataiczky** asked where the water is coming from.

**Ms. Carlson** stated it is coming from the City storm sewer.

**Mr. Horne** stated that the docks are actually 4 feet below the finished floor. The water comes up in the roadway and then spills down into the docks. The water rises to 4 feet high until it is pumped out and the discharge in the storm sewer recedes. The docks are rendered useless for that period of time.

**Mr. Rataiczky** asked how that equates to flooding in the building and how does the request fix that.

**Ms. Carlson** stated that sometimes the water goes up into the building. The proposal does not fix the problem, and instead blocks off the affected area while not interrupting operations.

**Mr. Rataiczky** stated that if the dock doors, it does not prevent water from coming in. All that will happen is that access will be eliminated.

**Ms. Carlson** stated that is the plan unless there is another way to fix it.

**Mr. Horne** stated that the storm water system had a significant amount of money put into it in the last 10 years prior to the reconstruction of Rohlwing Road. The intersection still floods in high storm/rain water events. The storm water issue probably drove the decision to build an addition, but the storm water issue is likely not relevant to the addition.

**Mr. Rataiczky** stated that the Commission is trying to understand the request in specific detail, what it

is intended to resolve, how it will operate, and what the specific changes are. He noted that more detailed drawings would be helpful in determining the feasibility of granting the variance. Extended conversation regarding the petition seemed to be creating ambiguity.

**Mr. Lynch** stated that a petition brought forward simply for the addition and for moving products would have been easier to grant. The storm water problem has muddled the issue.

**Ms. Carlson** stated that she understood and that she wanted to remind the Commission that she did not know that Public Works did not know about this issue. She had been told that someone from the City previously visited the property.

**Chairman Whitney** stated that there are also other issues. Docks are shown behind building 2, but the addition is only going to be for smaller trucks. There is nothing on the drawing that shows the intended flow of the site.

**Ms. Carlson** stated that they could come back with better drawings.

**Mr. Horne** stated that if the Commission is uncomfortable with the information provided staff will certainly work with the Petitioner. The Commission could postpone this item until the next meeting so staff could provide them with better information.

**Chairman Whitney** asked the Petitioner if it would be acceptable to postpone it to the next meeting to allow for a chance to gather more information. The Commission would continue to ask questions to give the petitioner the chance to address them all by the next submittal.

**Ms. Carlson** agreed to postpone this matter to the next meeting.

**Mr. Rataiczuk** stated that his larger concern is the implications of building on the easements of two separate properties. He struggled with that more than any decision on this Commission for quite some time. He understands the desire to expand and connect the buildings, and is in full support of that. He is uncomfortable allowing building across the easement on two separate properties, even though they are currently owned by the same person.

**Ms. Payne** stated that looking at the plat of survey there is no easement on the property. The variance is for the setback requirement to build across the property line.

**Mr. Rataiczuk** acknowledged that the petition was for the 15 foot setback on either side. He understood the desire not to combine the two buildings because of the 6b implications, but granting the variance would set a precedent that he was not comfortable with.

**Ms. Carlson** stated that because they could petition for a 6b on the second parcel, and combine the two once that petition was granted.

**Mr. Lynch** suggested that the Petitioner reach out to the County Commissioner for assistance and see what they can and cannot do with the 6b, and what the County can do to fix the water problem.

**Mr. Rybarczyk** stated that the 6b is up in 2025 but the petitioner would to reapply for another 12 years.

**Ms. Carlson** stated that there is a provision that they could reapply.

**Mr. Rataiczky** asked if the 6b could be reapplied for while combining the lots.

**Ms. Carlson** stated that she is unsure, as she could not get a clear answer from the County regarding that issue.

**Mr. Lynch** stated that when the time is right to contact the City's Business Advocate who will guide them through the City process.

**Chairman Whitney** stated to also reach out the Linda Ballantine at the Chamber of Commerce for help.

**Ms. Payne** stated that since the Commission is postponing this item until August, the petitioner should reach out to Cook County regarding this issue, and provide feedback to the Commission regarding what was learned.

**Mr. Rataiczky** stated that he would like to see a stronger argument. The feedback from the County would be helpful.

**Ms. Payne** stated that time limits have been placed on variances in the past. The Commission could have the variance expire at the end of 2025, and at that point the lots would have to be combined, a new variance would have be sought, or the addition would have to be removed.

**Mr. Fink** stated that he would like more detailed drawings. Provide details on how trucks enter/exit, dimensions, flow, and connections to buildings. He suggested that the addition be treated as a separate building, and then do a temporary breezeway over the property line. Additionally, Mr. Fink requested that Staff/Public Works examine the drainage and dock issue.

**QUESTIONS AND COMMENTS FROM THE AUDIENCE:**

**Chairman Whitney opened the meeting for comments from the public. With there being no public comment, the public hearing was closed.**

**Mr. Lynch** made the motion to postpone the request for variance to the City's Comprehensive Zoning Code Section 122-227 (c) to allow an addition to be installed across property lines where the side yard setback is 15 feet, 3737-3837 Industrial Avenue, M-1 Manufacturing, Nancy Lee Carlson, Lehman Peterson Corp., Petitioner, to a future Planning and Zoning Commission Meeting on August 7, 2019 at 7:30 pm in the City Council Chambers.

**Mr. Rataiczuk seconded.**

**Roll Call:**

**Mr. Fink:** Yes

**Mr. Lynch:** Yes

**Mr. Rataiczuk:** Yes

**Mr. Rybarczyk:** Yes

**Chairman Whitney:** Yes

Yeas – (5) – Fink, Lynch, Rataiczuk, Rybarczyk, Whitney

Nays – (0) – NONE

Absent – (1) – Stefaniuk

Abstain – (0) – NONE

**Motion Approved.**

**Miscellaneous Business:**     None

**Matters Not on the Agenda:**     None

**Reports:**

**Ms. Payne** stated that the Zoning Code is being re-written from the ground up. The first part of the Zoning has been reviewed and seems to be an improvement. Staff intends to share the sections received and reviewed at the next meeting.

The next meeting will be Wednesday, August 7, 2019.

Staff has not heard anything about new members; however, names have been provided for consideration.

**Adjournment**

A motion to adjourn was made by Mr. Rataiczuk and seconded by Mr. Fink. Motion carried by unanimous voice vote. The regular meeting of the July 2, 2019 Planning and Zoning Commission was adjourned at 9:22 pm.

Respectfully Submitted,

*Judy Brose*

Judy Brose

Deputy City Clerk

Distribution:

Mayor

City Manager

Planning and Zoning Commissioners

Community Development Department

Clerk's Office

Minutes approved at the August 7, 2019 Planning and Zoning Commission meeting as written.