

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT AND
AMENDING AND RESTATING PRIOR SPECIAL USE PERMITS AND VARIATIONS
FOR 3737 & 3831 INDUSTRIAL AVENUE
(Molon Motors Building – Body Builders Automotive, Inc.)**

WHEREAS, Lehmann Peterson Corp. (“**Owner**”) owns the property commonly known as 3737 & 3831 Industrial Avenue within the City’s M-1 Business Park zoning district, which property is legally described in **Exhibit A** to this Ordinance (“**Subject Property**”); and

WHEREAS, Body Builders Automotive, Inc. (“**Operator**”) currently operates an “automobile and/or truck repair facility” at the Subject Property in the tenant space addressed as 3737 Industrial Avenue (“**Molon Building**”); and

WHEREAS, Operator’s use of the Molon Building is pursuant to Ordinance No. 23-03 (“**Existing BBA Ordinance**”), which granted Petitioner a special use permit and a number of variations; and

WHEREAS, Operator now seeks to expand their business into an additional tenant space elsewhere within the Subject Property addressed as 3831 Industrial Avenue (“**Expansion Building**”); and

WHEREAS, a special use permit was previously granted for outdoor storage uses accessory to the Expansion Building by Ordinance No. 21-62 (“**Existing Outdoor Storage Ordinance**”); and

WHEREAS, in order to allow Operator’s business to expand into the Expansion Building, Operator, with Owner’s consent, requested that the City grant a special use permit to authorize “automobile and/or truck repair facility” at the Subject Property (the “**Requested Relief**”); and

WHEREAS, in conjunction with the approval of the Requested Relief, the City desires to restate and supersede the various special use permits, variations, and conditions thereto applicable to the Subject Property by the Existing BBA Ordinance and the Existing Outdoor Storage Ordinance; as well as repeal certain provisions of the Existing BBA Ordinance and the Existing Outdoor Storage Ordinance that are no longer relevant to the continued use of the Subject Property; and

WHEREAS, the City’s Planning and Zoning Commission (“**PZC**”), after notice was provided as required by law, conducted a public hearing on March 5, 2024 to consider the Requested Relief; and

WHEREAS, after taking and considering all testimony presented at the public hearing, the PZC made the findings of fact enumerated in **Exhibit B** and recommended that the City Council approve the Requested Relief; and

WHEREAS, the Corporate Authorities of the City of Rolling Meadows have determined that it would be in the best interest of the City to approve the Requested Relief in accordance with, and subject to, the conditions, restrictions, and provisions of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rolling Meadows, Illinois:

Section 1: Recitals. The recitals set forth above are incorporated herein by reference as the findings of the Corporate Authorities.

Section 2: Restated and Expanded Special Use Permit – Automotive Repair. Pursuant to the standards and procedures set forth in Section 122-395 (“Special uses”) and the City’s home rule authority, and subject to and contingent upon the conditions, restrictions, and provisions set forth in Section 5 of this Ordinance, the City hereby approves a special use permit to allow the operation of an “automobile and/or truck repair facility” on the Subject Property.

Section 3: Restated Special Use Permit – Outdoor Storage. Pursuant to the City’s home rule authority, and subject to and contingent upon the conditions, restrictions, and provisions set forth in Section 5 of this Ordinance, the City restates its approval of a special use permit for “outdoor storage” as an accessory use on the Subject Property.

Section 4: Restated Variations. Subject to and contingent upon the conditions, restrictions, and provisions set forth in Section 5 of this Ordinance, the City restates its approval of the following variations:

- A. Non-Compliant Parking Lot Lighting. A variation from Section 122-167(6)(h) to allow continued use of a facility that does not provide parking lot lighting compliant with the Zoning Code.
- B. Sign Variation. A variation to allow a non-conforming “Molon Motor & Coil Corp.” wall sign measuring approximately 210 square feet to remain on the Subject Property.

Section 5: Conditions. The special use permits and variations granted in Sections 3, 4, and 5 of this Ordinance are hereby expressly subject to and contingent on each of the following conditions, restrictions, and provisions:

- A. No Authorization of Work. The approvals granted pursuant to this Ordinance do not authorize the development, construction, reconstruction, alteration, demolition, or moving of any buildings or structures on the Subject Property, but merely authorize the preparation, filing, and processing of applications for any permits or approvals that may be required by the codes and ordinances of the City, including without limitation demolition and building permits.
- B. Compliance with Plans. Except for minor changes and site work approved by the Zoning Administrator, the Business and the Subject Property must be developed, used, and maintained in substantial compliance with the plans attached as **Exhibit C** (collectively “**Plans**”).

- C. Outdoor Storage.
1. Outdoor storage within the Subject Property is limited exclusively to the area labeled "Damage Car Parking" within Sheet A1.0 of the Plans ("**Authorized Area**").
 2. The Authorized Area, and no other outdoor areas within the Subject Property, may be used to store vehicles that are inoperable or awaiting repair.
 3. Except on the day they are serviced, any recycling or waste containers (dumpsters) for the Subject Property must only be stored within (i) the Authorized Area; (ii) any fully enclosed building; and (iii) any subsequent code compliant enclosure that is approved by the City.
 4. No outdoor storage may take place within the Subject Property at any time except as provided in this subsection C. Specifically, and without limitation, any outdoor storage of semi-trucks, tractor trailers, construction materials, pallets, site spoils, debris, or scrap metal is strictly prohibited at all times.
- D. Signage. Further signs for Molon Motors or their tenant space (3831 Industrial Avenue) cannot be erected on the site. The size of any future wall sign for Body Builders Automotive or the tenant space they occupy must be reduced proportionate to their tenant frontage.
- E. Barricade Prohibition. Barricades cannot be used at any time at a driveway entrance to restrict or limit access to the Subject Property.
- F. Compliance with Applicable Law. In addition to the other specific requirements of this Ordinance, the Business, the Subject Property, and all operations conducted thereon and therein must comply at all times with all applicable federal, state, and City statutes, ordinances, resolutions, rules, codes, and regulations, including, without limitation, this Ordinance.

Section 4: Failure to Comply with Conditions.

- A. The City is not obligated to issue, and may withhold, building permits, certificates of occupancy, and other approvals that do not completely comply with and satisfy the conditions, restrictions, and provisions of this Ordinance.
- B. Upon failure or refusal of the Operator to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, the permits and variations granted by this Ordinance may, at the sole discretion of the Corporate Authorities, by ordinance duly adopted, be revoked and become null and void and of no force and effect.

Section 5: Binding Effect; Non-Transferability. The privileges, obligations, and provisions of each and every section and provision of this Ordinance are for and inure to the benefit of and run with and bind the Subject Property, unless otherwise explicitly set forth in this Ordinance.

Section 6: No Third-Party Beneficiaries. Nothing in this Ordinance shall create, or shall be construed or interpreted to create, any third-party beneficiary rights.

Section 7: Repealer. All portions of the Existing BBA Ordinance and the Existing Outdoor Storage Ordinance are hereby repealed and replaced with the provisions, terms, and conditions of this Ordinance.

Section 8: Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED AND APPROVED by the City Council of Rolling Meadows, Cook County, Illinois this 26th day of March, 2024.

AYES: Boucher, Reyez, Koehler, McHale, Budmats, O'Brien, Vinezeano

NAYS: 0

ABSENT: 0



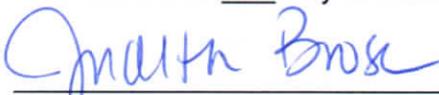
Lara Sanoica, Mayor

ATTEST:



Judith Brose, Deputy City Clerk

Published this 14 day of April, 2024.



Judith Brose, Deputy City Clerk

Exhibit A

Legal Description of Subject Property

(Commonly Known As 3737 & 3821 Industrial Avenue)

PIN #: 02-26-200-066

LOT 1 OF CONSOLIDATION OF PART OF LOTS 6, 7 AND 8 IN NORTHWESTERN INDUSTRIAL PARK, UNIT NO. 1, BEING A SUBDIVISION OF THE NORTH 480 FEET OF THAT PART OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 26, TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE 3RD PRINCIPAL MERIDAN LYING WEST OF THE EAST LINE OF THE WEST $\frac{1}{2}$ OF THE EAST $\frac{1}{2}$ OF SAID NORTHEAST $\frac{1}{4}$ OF SECTION 26, IN COOK COUNTY, ILLINOIS.

EXHIBIT B

PZC's Adopted Findings of Fact

- a. **Potential impact:** The special use shall not unduly impact adjacent or nearby properties or the general health, safety, and welfare of the general area and overall community. Impacts to be considered include ingress and egress to the site, potential traffic impacts from cars and trucks, and impacts to the appearance and character of the area.

***Finding:** The special use permit at 3831 Industrial Avenue Unit D will not modify surrounding areas greatly. Its use is limited to parking vehicles in the existing lot to the south and allows for deliveries in the established overhead door on the south end of the building. There will be no major traffic impacts, as the parking lot has 1 ingress/egress entrance off of Industrial Avenue. Most vehicles on site are limited in movement, as they are being serviced for collision repair (not refinish). The proposed special use will not adversely affect or impact neighboring or adjacent properties in any substantial manner. No changes to the exterior are to be made to the building itself that would change its appearance or vernacular.*

- b. **Consistency:** The proposed special use shall be in keeping with the recommendations and intent of the City's Comprehensive Plan, Official Map, and all other plans and policies adopted by the city.

***Finding:** The property is to remain as industrial, keeping consistent with City's plan and zoning. The facility was most previously rented to 3Phase electrical and utilities company as both an office and storage for equipment and parts.*

- c. **Trend of development:** Special uses should be a logical extension of the trend of development in the area around the subject site and not interfere with the use and development of adjacent or nearby properties.

***Finding:** The proposed special use is a logical extension of the surrounding businesses and zoning. This does not interfere with any development of adjacent properties. No proposed changes are to be made to the exterior of the building. The space at 3831 Unit D Industrial Avenue is an expansion of our current space at 3737 Industrial Avenue. The new lease space is to include an area for parking, which alleviates the City of Rolling Meadows concern for damaged vehicles and trash receptacles to be parked in the east lot of 3737 Industrial Avenue. Trash will remain inside of 3737, and parking of damaged cars will now be stored to the south of the 3831 Industrial Unit D space in an enclosed lot, obscured by surrounding buildings/fencing.*

- d. **Public facilities:** Adequate public facilities and services shall be available to serve the special use and the property on which it is located; including, without limitation, storm water, sanitary sewer, water service, public safety service, and waste disposal services.

***Finding:** The proposal intends to use all existing services to 3831 Unit D Industrial Avenue, except trash removal which is serviced at the adjoining 3737 Industrial Avenue tenant space.*

- e. **Site design:** The on-site development design shall be understandable to users, safe, and maintainable in terms of road and pedestrian patterns, preserve natural features and incorporate such features into a maintainable development, and provide adequate parking, loading, and site maintenance.

***Finding:** No change is proposed or required to the existing site or facility that would impact road pedestrian patterns. The existing site facilitates necessary parking, loading and site maintenance as is. No further development is necessary. No change in signage proposed.*

EXHIBIT C

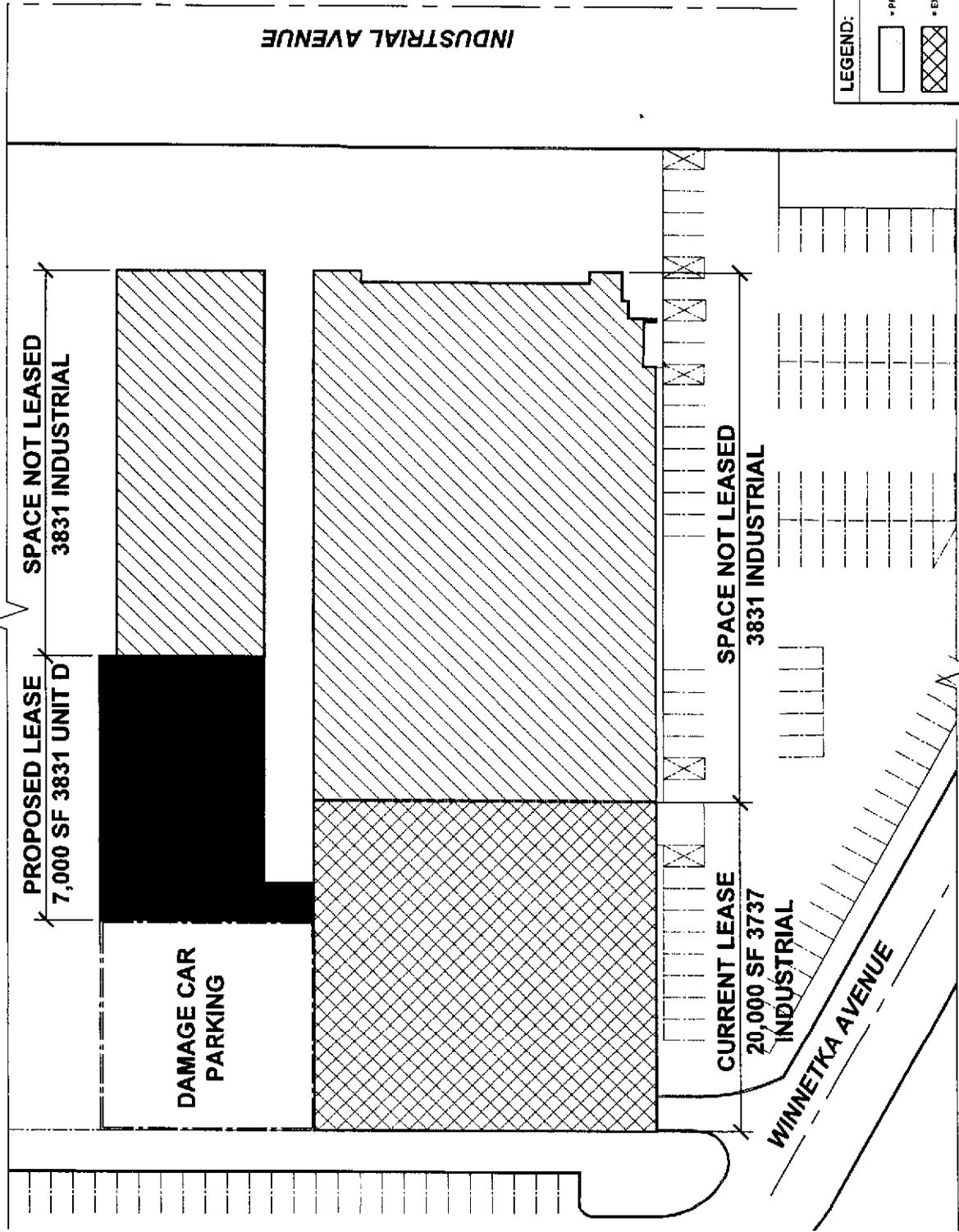
Plans



NOTES:

- NEW SPACE TO BE LEASED AT 3831 UNIT D, INDUSTRIAL AVENUE TO BE UTILIZED FOR AUTOMOTIVE REFINISH.
- BODY BUILDERS AUTOMOTIVE IS CURRENT TENANT AT THE SOUTHERNMOST TENANT SPACE OF 3737 INDUSTRIAL AVENUE, AS INDICATED IN DRAWING
- NEW LEASE SPACE TO INCLUDE NEW PAINT BOOTH AND PREP DECK INSTALLATION.
- SEPARATE PERMITS WILL BE REQUIRED FOR PAINT BOOTH, WIDENING OF DOOR OPENING FOR GARAGE ON SOUTH SIDE OF STRUCTURE, FIRE ALARM AND FIRE SEPARATION FROM 3737 INDUSTRIAL AVENUE.
- DAMAGED CAR PARKING AND STORAGE BEHIND THE SPACE AS INDICATED.

DATE: 1.17.24
 DRAWN BY: JOE PHILLIPPI
SPECIAL USE PERMIT APPLICATION SITE / LEASE DIAGRAM
A 1.0

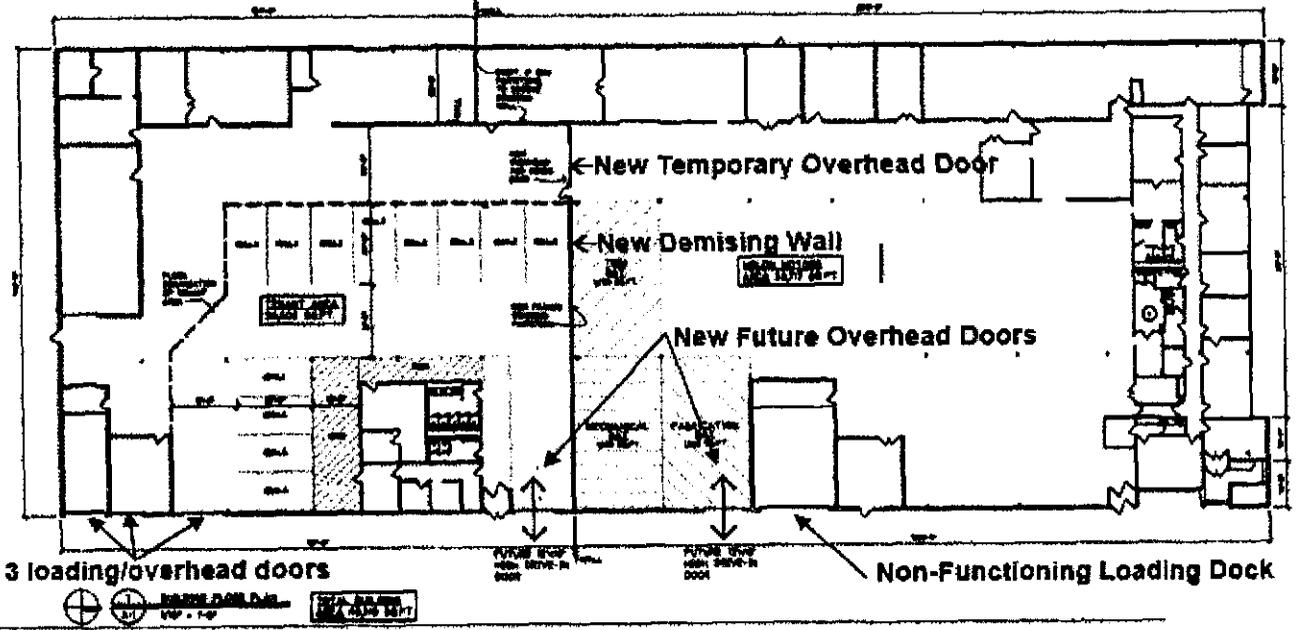


LEGEND:

	* PROPOSED LEASE
	* EXISTING LEASE
	* NOT IN LEASE CONTRACT

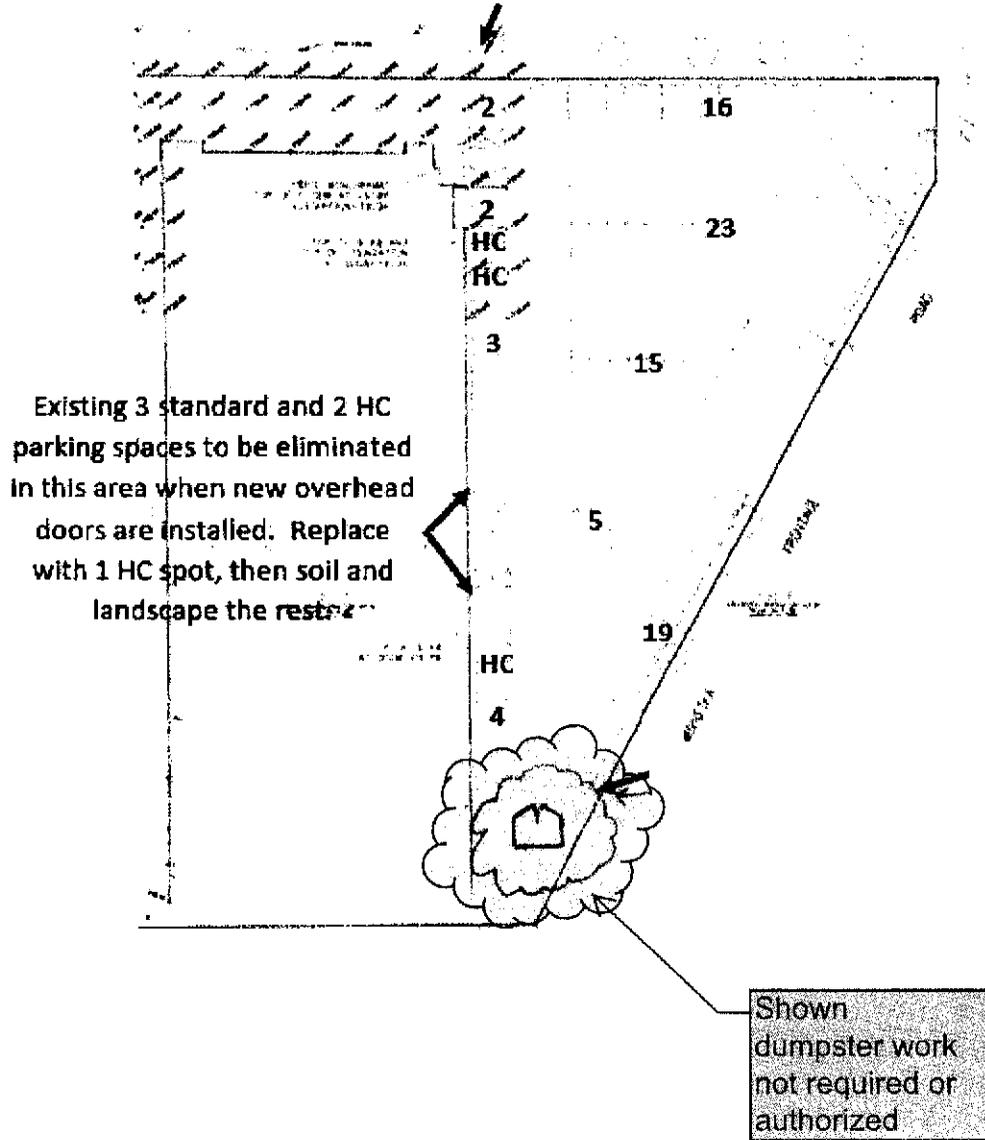
PROPOSED LEASE SITE DIAGRAM
 SCALE: N.T.S.

Interior Layout



Site Improvement Plan

Remove 2 parking spaces in City ROW, replace with seed/sod



Existing 3 standard and 2 HC parking spaces to be eliminated in this area when new overhead doors are installed. Replace with 1 HC spot, then soil and landscape the rest.

Shown dumpster work not required or authorized