

**AN ORDINANCE APPROVING AN AMENDED
SPECIAL USE PERMIT FOR OUTDOOR STORAGE
AND VARIATIONS FOR 4001 INDUSTRIAL AVENUE
(RICHARDS BUILDING SUPPLY CO.)**

WHEREAS, Richards Building Supply Co. ("***Applicant***") owns the property commonly known as 4001 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, Ordinance No. 15-61 granted Applicant a special use permit to engage in outdoor storage accessory to Applicant's principal light manufacturing use subject to certain conditions, restrictions, and provisions ("***Prior Relief***"); and

WHEREAS, in order to expand Applicant's outdoor storage accessory use ("***Expanded Use***"), Applicant has requested that the City approve (i) an amendment to the Prior Relief to expand the area and intensity of outdoor storage; and (ii) variations from Sections 122-201 and 122-301 providing side yard and rear yard setbacks applicable to the Expanded Use (collectively, the "***Requested Relief***"); and

WHEREAS, the City's Planning and Zoning Commission ("***PZC***"), after notice was provided as required by law, conducted a public hearing on December 3, 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: Approval of Expanded Special Use Permit. 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 4 of this Ordinance, the City hereby approves and grants an amended special use permit to allow the operation of the Expanded Use on the Subject Property. Nothing in this Section 2 shall diminish the privileges, conditions, restrictions, and provisions granted and imposed by the Prior Relief. In the case of a conflict between the Prior Relief and this Ordinance, this Ordinance shall control.

Section 3: Approval of Variations. Pursuant to the standards and procedures set forth in Section 122-393 ("Variations") and the City's home rule authority, and subject to and contingent upon the conditions, restrictions, and provisions set forth in Section 4 of

this Ordinance, the City hereby grants the following variations to allow the construction of the Improvements on the Subject Property:

- A. Minimum Side Yard Setback for Open Storage. Variations from Sections 122-201 and 122-301 of the City Code, to allow the Expanded Use to take place within 2.6 feet of the side lot line and thereby encroach upon the M-1 district's minimum side yard of 15 feet applicable to open storage areas.
- B. Minimum Rear Yard Setback for Open Storage. Variations from Sections 122-201 and 122-301 of the City Code, to allow the Expanded Use to take place within 2.1 feet of the rear lot line and thereby encroach upon the M-1 district's minimum rear yard of 25 feet applicable to open storage areas.

Section 4: Conditions. The expanded special use permit granted in Section 2 of this Ordinance and the variations granted in Section 3 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 Expanded Use and the Subject Property must be developed, used, and maintained in substantial compliance with the plans attached as **Group Exhibit C** (collectively "**Plans**").
- C. Compliance with Applicable Law. In addition to the other specific requirements of this Ordinance, the Expanded Use, 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 5:

- A. The City shall not be 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 special use permit granted in Section 3 of this Ordinance and the variations granted in Section 4 of 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 6: 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 7: Nothing in this Ordinance shall create, or shall be construed or interpreted to create, any third-party beneficiary rights.

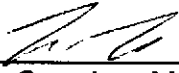
Section 8: Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED AND APPROVED by the City Council of Rolling Meadows, Cook County, Illinois this 14th day of January, 2025.

AYES: Reyerez, Koehler, McHale, Budmats, O'Brien, Boucher

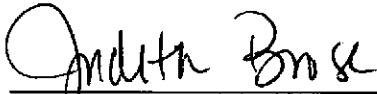
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ABSENT: Vinezeano



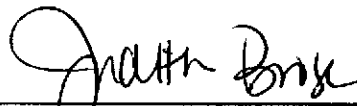
Lara Sanoica, Mayor

ATTEST:



Judith Brose, Deputy City Clerk

Published this 21st day of January, 2025.



Judith Brose, Deputy City Clerk

Exhibit A

Legal Description

LOT 3 AND THE WEST 100 FEET OF LOT 4 IN NORTHWESTERN INDUSTRIAL PARK UNIT NO. 1, BEING A SUBDIVISION OF THE NORTH 480 FEET OF THAT PART OF THE NORTH EAST 1/4 OF SECTION 26, TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF THE EAST LINE OF THE WEST 1/2 OF THE EAST 1/2 OF SAID NORTH EAST 1/4 OF SECTION 26, ACCORDING TO THE PLAT THEREOF REGISTERED IN THE OFFICE OF REGISTRAR OF TITLES OF COOK COUNTY, ILLINOIS, ON MAY 14, 1958 AS DOCUMENT NO. 1795857, IN COOK COUNTY, ILLINOIS.

PIN: 02-26-200-028-0000

Commonly known as 4001 Industrial Avenue, Rolling Meadows, Illinois

Exhibit B

PZC Findings of Fact

Special Use Standards

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.*

Petitioner's Proposed Findings: The proposed expansion of the outdoor storage area will have no effect on the existing traffic patterns, and the existing ingress and egress of the site will remain the same. The proposed outdoor storage expansion, fencing, and landscaping wall will enhance the appearance of the property and contribute to a more cohesive look with adjacent properties. These additional improvements are vital in ensuring that the storage area is properly screened and visually appealing.

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.*

Petitioner's Proposed Findings: The expansion of the outdoor storage area aligns with the City's goals for land usage that supports local businesses while promoting responsible development practices. The Comprehensive Plan and Official Map both emphasize the importance of enhancing existing commercial operations and maintaining a balance between development and community aesthetics. The proposed improvements, including the installation of a cohesive fence and landscaping, reflect these goals by ensuring that the property integrates well with the surrounding area, thereby enhancing the visual character of the neighborhood.

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.*

Petitioner's Proposed Findings: Many adjacent properties already incorporate outdoor storage solutions, which demonstrate a community standard that supports such uses. By expanding the outdoor storage area, the applicant will enhance their operations while remaining consistent with the prevailing land use patterns. The planned improvements, including a cohesive fence and landscaping, will further enhance the visual continuity of the neighborhood.

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.*

Petitioner's Proposed Findings: The site is already equipped with essential infrastructure (including storm water management systems, sanitary sewer connections, and water service), which are capable of accommodating the proposed expansion of the outdoor storage area. Additional improvements to the site include removing and replacing some existing pavement to enhance drainage and convey storm water more effectively.

Special Use Standards (continued)

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.*

Petitioner's Proposed Findings: The proposed design includes adequate parking and loading areas that meet the operational needs of the business while ensuring compliance with zoning requirements. There is existing space that is sufficient to accommodate both employee and visitor parking, as well as dedicated loading zones to facilitate efficient delivery and storage operations.

Variation Standards

Unique physical condition: *The presence of unique physical conditions related to the property that create a hardship or practical difficulty for the applicant to meet the established requirements of this chapter. The applicant must evidence how such unique hardship or practical difficulty is more impactful to meeting the requirements of this chapter than a mere inconvenience.*

Petitioner's Proposed Findings: The existing parcel setbacks as laid out by the City code are restrictive, and do not permit the applicant to expand their outdoor capacity in a manner consistent to the neighboring parcels. The existing setbacks restrict the ability to utilize the full potential of the site and are not cohesive with the applicant's outdoor storage needs. Without the requested variance, the applicant would be unable to expand their outdoor storage capabilities, which are critical for their business operations. This ultimately leads to a loss in potential revenue and produces inequitable setback requirements when compared to neighboring lots.

Impact: *Granting a variance will not substantially impact use and enjoyment of adjacent or nearby properties by impairing an adequate supply of light and air, increasing the risk from fire or other public safety hazard, or diminishing property values. To mitigate impacts, the variance should be the least amount of relief required to accomplish the proposed development.*

Petitioner's Proposed Findings: The proposed site improvements, which include a fence and landscaping wall, are designed to provide a buffer that enhances privacy and aesthetic appeal for neighboring properties. The requested variance represents the least amount of relief necessary to achieve the applicant's goals while ensuring that there are no adverse effects to the surrounding community or property values. The relief being sought is essential for the applicant to utilize their property effectively, while still safeguarding the interests of neighboring properties and ensuring that property values remain stable.

Not self-imposed: *The conditions creating the hardship or practical difficulty are a result of application of this chapter, and not self-imposed, having been created by the applicant or by another on behalf of the applicant, or in furtherance of an opportunity for additional profit.*

Petitioner's Proposed Findings: The hardship faced by the applicant is not self-imposed, but rather a direct result of the application of the current zoning regulations and the unique physical characteristics of the property. The applicant aims to continue essential business operations by expanding their outdoor storage area, but are restricted by the current zoning setbacks.

Variation Standards (continued)

Use of property: *Use of the property possible under the standards of this chapter, without receiving the requested variance, would deprive the property owner of substantial rights commonly enjoyed by owners of other lots subject to the same provisions. This standard acknowledges that application of zoning standards may create somewhat increased development costs; which do not constitute, in and of themselves, a hardship.*

Petitioner's Proposed Findings: Without the requested variance, the proposed expansion of the outdoor storage area would not be feasible, effectively depriving the owner of the ability to utilize the property to its fullest potential. Importantly, adjacent properties have fence lines positioned closer to their property lines, which creates a fragmented appearance and lacks continuity. Granting the variance would allow the applicant to establish a cohesive fence line that aligns with neighboring properties, enhancing the overall aesthetic and functionality of the area.

Community character: *Granting a variance will not impair the public health, safety, morals, comfort, or welfare of the community. Further, said variance shall not significantly alter or impact the essential character or trend of development in the general area, including characteristics such as building height and setback, traffic management, landscaping, building orientation, and established aesthetic standards.*

Petitioner's Proposed Findings: The proposed expansion of the outdoor storage area is designed to enhance the overall functionality of the property while maintaining compliance with essential safety and aesthetic standards. Moreover, the proposal does not involve any changes that would affect building height, landscaping, or traffic patterns. The expansion plan will allow for better organization of outdoor storage, reducing potential hazards and improving site management. By ensuring that the property maintains a cohesive look with neighboring lots, the variance will contribute positively to the community character, rather than detract from it.

Group Exhibit C

Plans

