

AN ORDINANCE ENACTING A TEMPORARY DEVELOPMENT MORATORIUM UPON CERTAIN BUILDING, ZONING AND SUBDIVISION APPLICATIONS WITHIN THE KIRCHOFF ROAD CORRIDOR DISTRICT

WHEREAS, the City of Rolling Meadows is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970 and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City's Comprehensive Plan, adopted in April 2019, identifies the Kirchoff Road Corridor as the "center of town" and the physical and communal center of the City; and

WHEREAS, the City is in the process of revising its Comprehensive Plan, including its policies concerning the Kirchoff Road Corridor, in order to reflect the extraordinary challenges and opportunities posed by both:

- (i) Societal changes resulting from the COVID-19 pandemic, especially as to commercial offices, commuting patterns, and future growth potential for retail and multiple-unit residential land uses; and
- (ii) The closure of Arlington International Racecourse, its subsequent acquisition by the Chicago Bears Football Club, and the potential redevelopment of the Racecourse as a new National Football League stadium;

and

WHEREAS, the results of this planning process will likely lead to conforming changes to the City's zoning regulations that will best facilitate the character of development that will promote and enhance the public health, safety, and welfare of the City and its residents; and

WHEREAS, within the "Kirchoff Road Corridor District" described in **Exhibit A** (the "**District**"), there exists in areas an excess of vacant land and buildings; a non-functional system of land uses and subdivisions, including a planned development that has not been fully constructed more than four years after its approval; and other deleterious conditions that may hinder the realization of the highest and best use of properties within the District; and

WHEREAS, numerous parcels within the District have been marketed for, or may be marketed for, redevelopment, and the development of these parcels prior to the completion of the City's ongoing processes may permanently affect the vitality and character of the District, the Kirchoff Road Corridor, and the City; and

WHEREAS, in order to preserve the status quo during the pendency of the City's planning process, the City Council passed Resolution No. 23-R-115 on September 12th, 2023, which referred consideration of applying a temporary moratorium to the District for a public hearing and recommendation by the City's Planning and Zoning Commission ("**PZC**") and paused the acceptance and

processing of certain building, zoning and subdivision applications for a period of 90 days pending this consideration; and

WHEREAS, the PZC, after notice was provided as required by law, conducted a public hearing on November 7, 2023 to consider whether it is necessary or desirable to impose a temporary development moratorium within the District as well as the parameters and scope of any such moratorium; 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 enact a temporary development moratorium within the District as set forth in this Ordinance; and **WHEREAS**, the moratorium set forth in this Ordinance is not intended to interfere with the activities of residential owners within the District and will instead preserve these residential properties during the City's planning process; 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 enact a temporary development moratorium within the District as set forth in this Ordinance.

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

Section 1. Recitals. The facts and statements contained in the preambles to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Temporary Development Moratorium. Beginning on the effective date of this Ordinance and until November 28, 2024, or such earlier time that the City Council lifts the moratorium by resolution or ordinance duly adopted, the City shall not accept, consider, or approve any application for: a building permit under Chapter 18 of the Municipal Code; zoning action under Chapter 122 of the Municipal Code; or subdivision under Chapter 98 of the Municipal Code, for properties within the Kirchoff Road Corridor District, related to:

- a. **Applicable to Non-Residential Property Only:** Except for property where the principal use was for residential dwelling(s) as of September 12, 2023 and would be used for residential dwelling(s) after any changes proposed by the application:
 1. The development of property that was vacant land as of September 12, 2023;
 2. The erection of a new principal structure;
 3. An addition to or the enlargement of any principal structure;
 4. Improvements to any existing principal structure (including, without limitation, their reconstruction, repair, or remodel) that would exceed 50 percent of the replacement cost of such structure at the time that such work is completed, as determined by the City's Zoning Administrator;
- b. **Applicable to All Property:**
 1. The subdivision or resubdivision of property; or

2. Any new planned development, major change to an existing planned development, or amendment to the City's zoning map.

Section 3. Exceptions to Moratorium. The provisions of Section 2 of this Ordinance shall not apply in the following circumstances:

- a. Current projects initiated by building permits issued or zoning relief granted on or before September 12, 2023, provided that such projects are diligently pursued to completion. Specifically, and without limitation, the provisions of Section 2 of this Ordinance are not applicable to:
 - i. The redevelopment of the existing Gas/Filling Station located at 3005 Kirchoff Road pursuant to Ordinance No. 23-12; and
 - ii. The redevelopment of the former Taco Bell site located at 2997 Kirchoff Road as a restaurant.
- b. Work related to the installation, repair, replacement, or relocation of utility facilities, including water lines, storm sewers, sanitary sewers, telecommunications lines and equipment, and gas and electric lines and work in public rights-of-way.
- c. Work necessary to restore a structure to substantially its condition immediately preceding the occurrence of any loss by fire, collapse, explosion, or other casualty or act of God.
- d. Work necessary to address a threat to public health and safety as determined in the sole discretion of the City Manager.

Section 4. Severability. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

Section 5. Effective Date. This Ordinance shall be in full force and effect upon its passage and approval in accordance with law.

[Signature page follows]

PASSED AND APPROVED by the City Council of Rolling Meadows, Cook County, Illinois this 28th day of November, 2023.

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

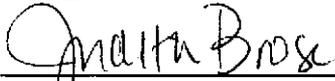
NAYS: 0

ABSENT: 0



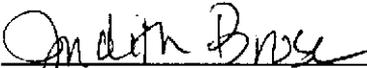
Lara Sanoica, Mayor

ATTEST:



Judith Brose, Deputy City Clerk

Published this 30th day of November, 2023.



Judith Brose, Deputy City Clerk

Exhibit A

Boundary of the Kirchoff Road Corridor District

Definition: The Kirchoff Road Corridor District consists of the following property lying between Rohlwing Road / East Frontage Road, to the west, and Oriole Lane, to the east:

1. All property that lies in part or in whole within 400 feet of the right-of-way of Kirchoff Road, except property used as of September 12, 2023 for "single-family dwelling," "multi-family dwelling," or "schools (public, non-profit or private)."
2. All property with a lot line abutting Kirchoff Road.

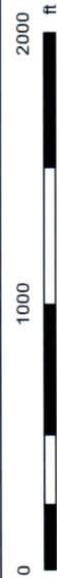
Illustration: The attached map depicts the boundaries of the District in **red**. The applicable right-of-way of Kirchoff Road is shown in **blue**, and a 400-foot radius from the right-of-way is shown in yellow. If there is a conflict between the text above and this map, the most protective interpretation (e.g. the interpretation which includes the most property within the District) shall control.

Exhibit A: Boundaries of the Kirchoff Road Corridor District



Notes

Print Date: 9/7/2023



Disclaimer: The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law. This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.

Exhibit B

PZC's Adopted Findings of Fact

Amendment Standards

Standard 1: Potential impacts: *The amendment shall not adversely impact existing land uses in proximity to a subject property, or, in the case of a text amendment, the overall zoning district purpose or intent of a code section proposed for amendment. The amendment should not unreasonably affect the value, use and enjoyment of nearby properties.*

Findings: By definition, the moratorium does not affect the continuation of existing land uses within the District and therefore would not directly affect the value, use and enjoyment of properties nearby the District by creating negative externalities. Instead, it preserves the *status quo* while the City considers the future development of the District through a planning study.

Standard 2: Trend of development/consistency: *Map amendments should be a logical extension of the trend of development in the area around the subject property, or consistent with the approved comprehensive plan. In the case of a text amendment, the amendment shall be consistent with the overall zoning district purpose or intent of a code section proposed for amendment.*

Findings: The moratorium will ensure that the City's zoning rules will logically extend the trend of development within the District or modify that trend consistent with the City's comprehensive plan as it may be amended as a consequence of the study. The moratorium does not directly alter any existing section of the City's zoning regulations, but its imposition would be consistent with the purposes set forth for the zoning regulations in Section 122-2, "Purpose and intent," including that the regulations are "intended to implement the City of Rolling Meadows Comprehensive Plan, including the land use component, and the planning policies of the City."

Standard 3: Externalities: *Relevant physical or market conditions that may have changed to make the existing zoning of a property inappropriate, or that make the proposed text amendment necessary for this chapter to be in keeping with the desirable development of the city shall be specified.*

Findings: For the reasons identified in the recitals to this Ordinance, physical and market conditions have changed to potentially make the existing zoning within the District inappropriate. These conditions may justify changes in keeping with the desired development of the City. The planning study undertaken during the moratorium will clarify these conditions and the merits of any changes. The moratorium itself recognizes that the zoning of properties within the District may have become inappropriate due to these external factors, and would temporarily pause the pursuit of development under current rules that may ultimately hinder the District's long-term prosperity and growth due to these factors.

Standard 4: City plans: *Amendments should be consistent with the City's Comprehensive Plan, Official Map, and all other plans and policies adopted by the city.*

Findings: The moratorium is consistent with the realization of the City's Comprehensive Plan as to the District, as the proposed planning study may lead to amendments that will better facilitate the Plan's goals for the District.

Standard 5: Zoning appropriateness: *The extent to which use of the subject property (or relevant properties in the case of a text amendment) is diminished by the current zoning standards or designation and is no longer suitable for the underlying zoning shall be specified.*

Findings: See Standard 3. In particular, for vacant and underdeveloped parcels within the District, the use restrictions, setbacks, and minimum parking requirements now applicable to these parcels may be incompatible with the highest and best use of the parcels that is compatible with the City's Comprehensive Plan as well as its vision for the District. The moratorium, planning study, and resulting amendments would enable more suitable development and would prevent less suitable types of development that may be possible during the pendency of the study.