

**AN ORDINANCE AUTHORIZING A SPECIAL USE PURSUANT TO SECTION 122-301(3) OF THE CITY OF ROLLING MEADOWS ZONING CODE OF ORDINANCES TO ALLOW AN AUTOMOBILE AND/OR TRUCK REPAIR FACILITY, FOR AN EXCEPTION TO SECTION 122-157(6)(H) TO ALLOW CONTINUED USE OF A FACILITY THAT DOES NOT PROVIDE COMPLIANT PARKING LOT LIGHTING, FOR A VARIATION FROM SECTION 122-78(A)(4) FOR AN ENCLOSED REFUSE SCREENING AREA LOCATED IN THE REQUIRED 30' CORNER SIDE YARD, AND TO ALLOW A NON-CONFORMING 210 SQUARE FOOT WALL SIGN TO REMAIN ON APPLICANT'S TENANT SPACE, ALL TO ACCOMMODATE AN AUTOMOBILE AND/OR TRUCK REPAIR FACILITY IN AN M-1 ZONING DISTRICT AT 3737 INDUSTRIAL DRIVE. JOSEPH M. PHILLIPPI AND MARIA C. QUINTERO, BODY BUILDERS AUTOMOTIVE, APPLICANT, WITH PERMISSION FROM LEHMANN PETERSON CORP, AS OWNERS**

**WHEREAS**, the City of Rolling Meadows is a home rule municipality with the power and authority conferred upon it by the Illinois Municipal Code and the Constitution of the State of Illinois; and

**WHEREAS**, Joseph M. Phillippi and Maria C. Quintero, agents for Body Builders Automotive, (herein referred to as "Petitioner"), with permission from Michael P. Moloney, agent for Lehman-Peterson Corporation, (herein referred to as "Property Owner"), has petitioned for approval of a special use for an Automotive and/or Truck Repair use and a variation for a masonry refuse enclosure to be located in a required corner side yard ("Petition") in the southern 20,602 square feet ("Premises"), in the building addressed as 3737 Industrial Avenue, on the property legally described in Ordinance Exhibit 1 ("Subject Property"); and

**WHEREAS**, the Planning and Zoning Commission (PZC), after notice of public hearing as required by law, conducted a public hearing regarding the Petition on January 3, 2023 at a regular meeting; and

**WHEREAS**, after taking and considering all testimony presented at the public hearing, the PZC made the Special Use findings of fact enumerated below and recommended that the City

Council approve special use for an Automobile and/or Truck Repair facility in the Premises subject to conditions,

**Standard 1: 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.**

*Findings:*

*The special use permit at 3737 Industrial Avenue will not modify surrounding areas greatly. Its use is limited to parking vehicles in the existing parking lot 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 2 ingress and egress driveways and will not need to accommodate an excessive amount of traffic (see above parking study). 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*

*The subject property is located on a highly visible corner, and contains an office/industrial building zoned M-1. The surrounding properties are also zoned M-1. The existing parking lot is located on the east side of the building in the front and corner side yards of the property. Outside storage of vehicles awaiting services is not an appropriate use for this highly visible front and corner side yards, and there is nowhere in the interior side and rear yards of the property to accommodate the use. The applicant understands that the parking of vehicles to be serviced will have a negative impact on the appearance of the neighborhood, and agrees that employees will instead bring vehicles to the site and immediately into the service bays on the Subject Property from the 3960 Industrial site, where they are received by their customers. Applicant and Owner also understand that parking lot improvements recommended as conditions of approval are important and necessary to protect the general health, safety and welfare of the area.*

**Standard 2: 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.**

*Findings:*

*The property is to remain as industrial, keeping consistent with City's plan and zoning*

*The proposed use is consistent with existing plans and zoning provisions except as noted, and provided that conditions of approval are followed. Given the possibility of a new Chicago Bears Football Stadium and facilities immediately east in Arlington Heights, there is a strong possibility that long range plans may be updated, and that modified land uses could be*

*recommended for the future. The conditions of approval recommended hold this potentially problematic use to a set of standards that allow flexibility for these changes.*

**Standard 3: 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.**

*Findings:*

*The proposed special use is a logical extension of the surrounding businesses and zoning, and does not interfere with any development of adjacent properties. No proposed changes are to be made to the exterior of the building.*

*Exterior modifications are limited to the parking lot and construction of a new dumpster enclosure, which will help the site remain better organized. The Comprehensive Plan notes that creative adaptive reuse is needed in this area and the applicant is willing to abide by the proposed conditions of approval.*

**Standard 4: 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.**

*Findings:*

*The proposal intends to use all existing services to 3737 with the exception of trash removal. Trash removal needs to be established with a trash service once the special use permit is issued*

*The building is existing, and is currently housing only one tenant instead of two. The site contains adequate parking for both tenants, even with the proposed modifications. Refuse will be accommodated by the construction of a new masonry enclosure at the south end of the property.*

**Standard 5: 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.**

*Findings:*

*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.*

*No modifications to the existing access points into or the general circulation around the parking lot are proposed. Removal of the existing barricades at the Industrial entrance will be*

*an improvement. Parking modifications to accommodate the new masonry dumpster enclosure and the proposed new overhead doors will facilitate circulation and provide a pleasing visual break to the asphalt; and*

WHEREAS, after taking and considering all testimony presented at the public hearing, the PZC made the Variation findings of fact enumerated below and recommended that the City Council approve a variation to allow a masonry refuse enclosure in a required corner side yard subject to conditions,

**Standard 1: 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.**

*Findings:*

*The building and parking lot were constructed in 1960 in a manner where there is no pavement in the interior side or rear yard. The required dumpster and screening must be located in the front or corner side yard, and the location at the far south end of the property was chosen as the most logical place outside the view of the immediate intersection of Industrial and Winnetka.*

**Standard 2: 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.**

*Findings:*

*The proposed variance to locate a dumpster in a corner side yard will not impair an adequate supply of light and air or increase the risk from fire, or create any other public safety hazard. The size and location of the dumpster has a minimal impact on the parking and circulation area.*

**Standard 3: 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.**

*Findings:*

*This building on the Subject Property was developed in 1960 under a different set of rules and regulations.*

**Standard 4: 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.

*Findings:*

*No matter what type of use comes into this area, a variance would be required to provide a suitable area for an enclosed refuse area, capable of being serviced in a reasonable fashion. Not granting the variation would be a hardship given that it is not possible to achieve refuse service without the variation.*

**Standard 5: 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.

*Findings:*

*The general character of the building and site is not being significantly changed at this time, and will continue to be harmonious with the surrounding areas. The use, when conducted in compliance with the conditions of approval, is also consistent with the general welfare of the community; and*

**WHEREAS,** the PZC has submitted its report and recommendation to the Mayor and City Council of the City of Rolling Meadows, which report has been considered by the Mayor and City Council; and

**WHEREAS,** the City Council has received and reviewed the recommendations and findings of fact of the PZC; and

**WHEREAS,** the City Council accepts the findings of fact recommended by the PZC and has determined that the proposed special use and variation will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or

increase the danger of fire or endanger the public safety or unreasonably diminish or impair established property within the surrounding area, or in any other respect impair the public health, safety, comfort, or welfare of the inhabitants of the City; and

**WHEREAS**, the corporate authorities of the City of Rolling Meadows have determined that it is advisable, necessary and in the best interest of the City to approve the special use for an Automobile and/or Truck Repair facility on the Premises, and a variation for a masonry dumpster storage area to be located in the required corner side yard setback.

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

**Section 1:** The recitals set forth above are incorporate herein by reference.

**Section 2:** This Ordinance is limited to the Premises and Subject Property legally described in the attached Ordinance Exhibit 1.

**Section 3:** Petitioner is granted a special use permit for Automobile and/or Truck Repair in the Premises.

**Section 4:** A variation authorizing a masonry refuse enclosure within a required corner side yard is hereby approved on the Subject Property.

**Section 5:** The following exceptions are hereby authorized until the Petitioner or Owner requests further permits or improvements authorized by the City.

1. From Section 122-157(6) (h) to allow continued use of a facility that does not provide code compliant parking lot lighting.
2. To allow a non-conforming "Molon Motor & Coil Corp. wall sign measuring approximately 210 square feet to remain on the Premises.

**Section 6:** The relief granted in Section 3 and 4 herein is granted subject to compliance with the following conditions at all times:

1. The special use is granted to Body Builder Auto on the Premises for up to 18 service bays, provided Molon Motors occupies the balance of the space with no more than three (3) service bays and no office space, generally as depicted in Ordinance Exhibit 2.
2. A demising wall separating the Body Builders Auto and Molon tenant spaces must be constructed and approved by the City prior to occupancy. The demising wall may contain a temporary overhead garage door that will be removed and replaced with 5/8 Type X drywall when two exterior overhead doors are constructed and approved by the City in 2023 for the eastern building elevation. The permit authorizing the two exterior overhead doors must also include the removal of all parking spaces adjoining the doors, and replacement with one new accessible parking spot, with the balance of the area between the two new doors replaced with landscaping included in the permit application and approved by the City, generally as depicted in Ordinance Exhibit 3.
3. Applicant must remove any parking stall pavement located in the City's right-of-way and replace with landscaping approved by the City not later than July 1, 2023.
4. Pursuant to applications and permits issued by the City, the applicant or owner shall construct a new masonry refuse enclosure at the south end of the property, and shall modify striped parking spaces on the east and west sides of the dumpster as necessary to accommodate circulation or required landscape screening prior to July 1, 2023, generally as depicted on Ordinance Exhibit 3.
5. Vehicles waiting to be serviced shall not be allowed to stop, stage, or park in the parking lot of the Subject Property.
6. Applicant and Owner shall ensure that semi-tractor trailers are not parked in the parking lot of the Subject Property at any time.
7. At no time shall barricades be utilized at a driveway entrance to restrict or limit access to the site.
8. The existing 210 square foot Molon Motors wall sign on the east side of the building authorized pursuant to Section 5 herein may remain provided no further signs for Molon Motors or the tenant space they occupy be authorized on the site, and provided that any future wall sign for Body Builders Auto or the tenant space they occupy is authorized for a size equal to that based on the tenant frontage that remains on their premises south of the existing Molon sign.

**Section 7:** All ordinances or portions thereof in conflict with this ordinance are hereby repealed.

**Section 8:** Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction; the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this Ordinance.

**Section 9:** This Ordinance shall be printed and published in pamphlet form by order of the City Council of Rolling Meadows, Illinois.

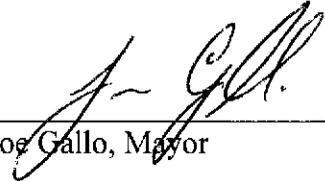
**PASSED AND APPROVED** by the City Council of Rolling Meadows, Cook County,

Illinois this 14<sup>th</sup> day of February, 2023.

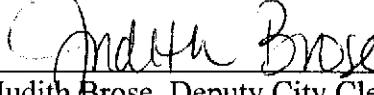
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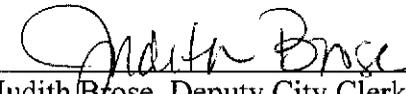
ABSENT: McHale, Budmats, Reyez

  
\_\_\_\_\_  
Joe Gallo, Mayor

ATTEST:

  
\_\_\_\_\_  
Judith Brose, Deputy City Clerk

Published this 16<sup>th</sup> day of February, 2023.

  
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Judith Brose, Deputy City Clerk

**Ordinance Exhibit 1**  
**Description of Premises and Subject Property**

**PREMISES:**

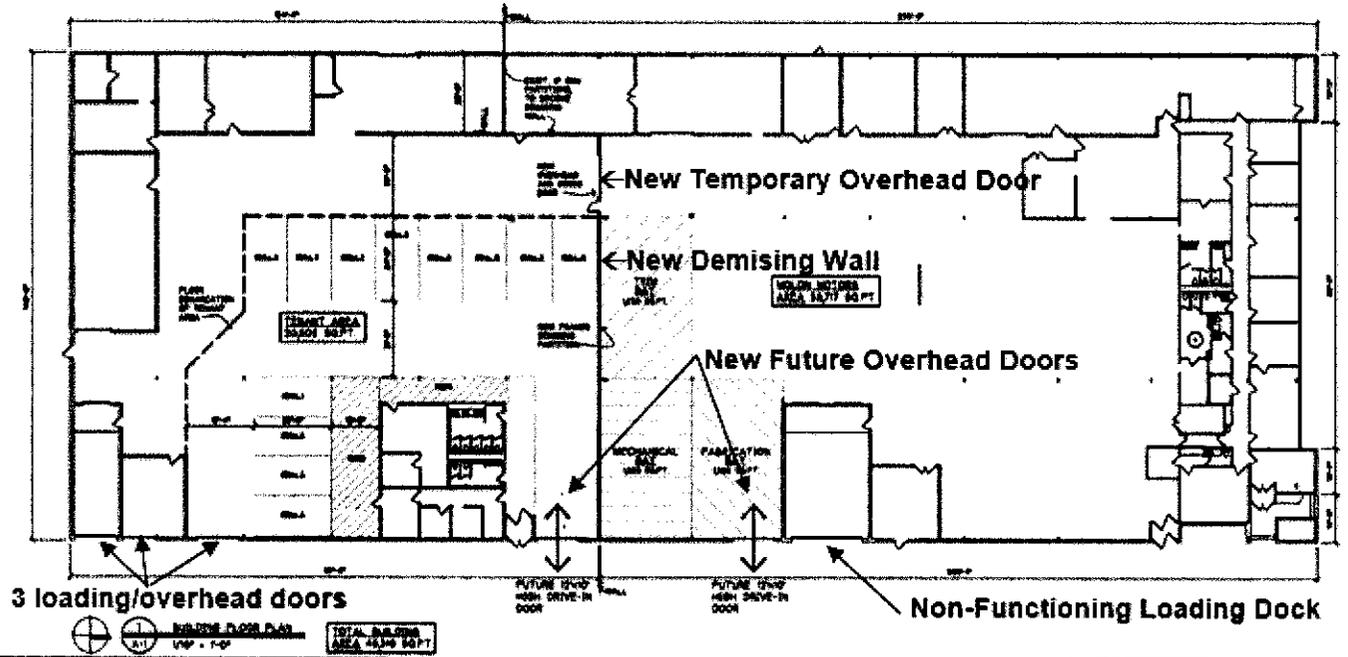
THE SOUTHERN 20,602 SQUARE FEET OF THE BUILDING HAVING THE COMMON ADDRESS OF 3737 INDUSTRIAL AVENUE ON THE SUBJECT PROPERTY DESCRIBED BELOW.

**SUBJECT PROPERTY:**

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 3<sup>RD</sup> 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.

**PIN:** 02-26-200-066

Ordinance Exhibit 2  
Interior Layout



### Ordinance Exhibit 3 Site Improvement Plan

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

