

I have reviewed the Minutes and they correctly represent the action taken by the Committee.

**PLANNING, BUILDING & DEVELOPMENT COMMITTEE
VILLAGE OF SCHAUMBURG
MUNICIPAL CENTER – CONFERENCE ROOM B
THURSDAY, JANUARY 18, 2024**

Members Present: Jack Sullivan, Chairman
George Dunham, Trustee

Members Absent: Esha Patel, Trustee

Others Present: Brian Townsend, Village Manager
Julie Fitzgerald, Director, Community Development Department
Ryan Franklin, Assistant Director, Community Development
Debbie Parran, Code Enforcement Supervisor
Ryan Ratoff, Hotel Tax
Rintu Philip, Hotel Tax
Tori Cimack, Hotel Tax
Harish Kolasani, National India Hub

The Chairman called the meeting to order at 7:30 p.m.

APPROVAL OF MINUTES:

A motion was made by Trustee George Dunham and seconded by Trustee Jack Sullivan to approve the minutes of the December 7, 2023, meeting of the Planning, Building & Development Committee.

All Ayes.

MOTION CARRIED

CONSENT AGENDA:

NEW BUSINESS:

1. Recommendation to Amend Ordinance Establishing a Tax on Hotel Stays of 30 Days and Longer

Item has been deferred to February.

A motion was made by Trustee George Dunham and seconded by Trustee Jack Sullivan to defer this item until February 2024.

All Ayes.

MOTION CARRIED

2. Status of Construction Activity for Holiday Inn Express - Informational

Mr. Franklin said we entered into an agreement and have been before this committee to extend the agreement several times. Currently we do not have an updated completion schedule from the general contractor. Staff has been at the hotel as recently as this week and the Building Official has been in contact with the general contractor. They are making progress, but do not have a specific date for completion. Staff has attempted to get an updated construction schedule from the general contractor. Trustee Sullivan asked if it was the same contractor. Mr. Franklin confirmed that it was – Coy Tabor of Owen Tabor Construction. Trustee Dunham asked if this was the one that was out for a while and came back. Mr. Franklin confirmed that was correct. At one point, it was out of compliance and staff came back to committee and recorded that.

Mr. Franklin said he does have the general contractor as required by the agreement, but the general contractor has not provided a construction schedule. Staff had hoped to provide that schedule as a part of this report, but we do not have a definitive date. Our Building Official and our inspectors have been on site and have indicated the hotel is largely constructed. There is HVAC and have passed inspections however they have not passed their final inspection. Trustee Dunham asked if there were finishes inside the hotel and Mr. Franklin indicated there were, there was also furniture that needed to be put together, and flooring that needs to be completed. Trustee Sullivan commented that they were over a year behind schedule. Ms. Fitzgerald confirmed. Trustee Dunham asked if the contractor explained why they could not give us a schedule or when they would be able to provide one. Mr. Franklin said no. Trustee Dunham asked if they refused to give us a schedule. Mr. Franklin said they didn't refuse. Mr. Townsend said there are things that are out of the control of the contractor. There are things the owner needs to do directly with Holiday Inn related to systems and training that the contractor is not involved with. In terms of the construction work, we would estimate there is likely weeks of work left, but it is all contingent on marshalling the resources and subcontractors and the workers needed to put it in. It could be 4-6 weeks from now but if that labor is not onsite doing that work, it could extend several months. Ms. Fitzgerald said we have seen in the past where hotels are able to complete this amount of work quickly. The furniture is there and materials onsite but a week ago when it was inspected there were 2 workers onsite, but when they were there this week there were several workers onsite. The completion will depend on what kind of resources they are able to devote to this project.

Trustee Dunham said it sounds like the developer of the hotel must work this out and get the labor. He asked if that was to come from Holiday Inn or if they were going to be hired. Ms. Fitzgerald said either he would hire them, or the general contractor would hire them. The developer needs to pay them and authorize the workers to be onsite. She added that this was speculation because we have not been told that people aren't there because they aren't being paid. Trustee Sullivan asked if the 7C was at risk. Mr. Townsend said he didn't think it was at risk because of the county. It is at risk because of what the committee and board members may choose to do. He is in default of the agreement right now. If the Village Board was so inclined, it could terminate the agreement and choose not to recommend that Cook County grant the 7C. Trustee Dunham said that would delay it even further. Mr. Townsend said the 7C doesn't take effect until after the property is occupied and assessed. There is no financial benefit that he is earning from that incentive at this point. It is not helping him, and it is not hurting him. Trustee Dunham said the hurt would be knowing that he is not going to get it and Mr. Townsend agreed. Mr. Townsend

said he continues to make progress; it is just very slow and sporadic. Trustee Sullivan said if we did something, he would likely be unable to complete the project and we would be stuck with an uncompleted hotel. Mr. Townsend said when you build a project like this you are supposed to have the funding – either loans or equity. The money is supposed to be there. The 7C is property tax relief. He is not going to benefit from that until he goes to pay his property tax bill after the hotel opens. He didn't know if repealing the 7C would have an immediate impact however for potential buyers; it will reduce the overall value of the deal because they would be required to pay a higher level of property tax. Trustee Dunham asked if a new owner could apply for a 7C. Mr. Townsend said he was not sure as the 7C is based on certain economic conditions that were present at the time the application was originally submitted. Trustee Dunham thought this may be something worth finding out. Trustee Sullivan asked when this item should come back to committee. Mr. Townsend suggested 60 days. Trustee Dunham asked if they could be updated in 30 days. Mr. Townsend said we can keep it on the agenda until the project is completed.

A motion was made by Trustee George Dunham and seconded by Trustee Jack Sullivan to accept as informational.

All Ayes.

MOTION CARRIED

3. Status Report on New Auto Repair and Internet Auto Sales Licensed Locations - Informational

Ms. Fitzgerald began a PowerPoint presentation. Ms. Fitzgerald said common complaints staff has heard from the board are complaints about vehicles being parked all over the site and blocking drive aisles. Trustee Dunham asked if this was one location. Ms. Fitzgerald indicated it was in general and not one in particular. There were some that stood out and had more complaints from other businesses in the industrial park and the trustees; however tonight's focus will be in general and not on one particular property. It is mostly in the Wise Road corridor and south of there in the Spectrum Industrial Park. Staff has heard complaints about vehicles parking on grass, accumulation of inoperable or unsalvageable vehicles, outdoor storage (tires, parts, etc.), and the board had concerns about the general appearance of some of the properties.

Staff presented an item for this committee's consideration in April 2022 where these concerns were discussed. It was the first discussion about a possible new license that could be created. The new license would be for internet auto sales and for auto body shops. It would put some special requirements and consolidate them all to one section. In the summer of 2022, we sent the draft requirements to the affected businesses and then in September 2022 this committee reviewed the Ordinance, and the Village Board approved the Ordinance, and the license was created. We then sent all that information to the businesses in October 2022. We waited until after the 1st of the year to start doing inspections. We started doing the inspections in February 2023. We did the Wise Road corridor first and then we did all the others. We reinspected throughout the summer. Code Enforcement staff had several meetings onsite with many of these businesses and talked through the requirements. We began issuing citations for those businesses not in compliance to be heard at the November 2023 adjudication hearing.

The requirements included operational standards for how these businesses operated. The first two things are a vehicle log and a vehicle tag. We had some businesses where our inspector had a hard time telling which vehicles belong to which business. Some were multi-tenant businesses, or some businesses parked cars in the street. The Ordinance requires every business to keep a log once they take custody of a vehicle and they must include some type of tag on the vehicle indicating which business the car belongs to. This allows us to know who to hold accountable. Staff also created a requirement that all parking had to be in striped spaces unless it was in a storage yard. Within a storage yard which is a fenced-in screened area, you could store parts and cars. Trustee Dunham asked if this applies to new car dealerships too. Ms. Fitzgerald indicated they were exempted from this Ordinance. We put together a requirement that street parking could only be for customers and employees. Trustee Dunham asked if a storage yard was like what Redmon has. Ms. Fitzgerald said not exactly, but similar concept (screened and locked). There has been some confusion around the storage yards, and this will be addressed later in this presentation. We are recommending some changes that would clarify some things. There were requirements regarding the separation of the oils, the triple basin drain, and the spray booth permit as well.

There are currently 128 businesses that fall under this Ordinance. The Ordinance does not include new car dealerships that provide service or minor auto repair that fall into detailing or minor repairs such as replacing windshield wipers. 84 of those businesses are in compliance with Code Enforcement. Code Enforcement was responsible for inspection of everything except for the spray booths and the plumbing requirements. Of those other requirements, 84 are in compliance and 44 are pending compliance. We have 98 citations that have been issued.

On the building and fire side, the compliance rate is much higher. Not all businesses do the spraying or need the operational permit for a spray booth. Most do need the triple basin, 18% do not. We only have 2 that are out of compliance with that. The difficulty with the compliance is with the code enforcement related provisions.

We have successes, and Ms. Fitzgerald shared some before and after pictures of those cases. There were clean-ups of debris including tire accumulations and parts accumulations. We have also had a lot of successful compliance on the striping and parking lot maintenance. Ms. Fitzgerald shared pictures of some of those cases. The requirement for striping and parking within a striped stall has made businesses make choices about which cars they really need to keep on site.

Some of the outstanding issues we are seeing are primarily dealing with the parking lot maintenance, storage issues and the circulation around the building. Sometimes tenants are blocking the drive aisle which is one of the challenges the businesses face and that we see in getting compliance in this area. Since it is not striped, who knows who gets to block the drive aisle, and if they both chose to block the drive aisle there would be absolutely no circulation. Trustee Dunham asked if it would be possible to mark one side of the drive aisle as parking so they could drive on the other side. Ms. Fitzgerald indicated that is what we have been doing but each case requires evaluation. The process is that Code Enforcement says you must stripe your parking lot properly. The business or the landlord at that point talks to the Planning division who evaluates along with the Fire

Marshal and other staff as to requirements – such as: does there need to be a fire lane, where can you stripe, and what circulation is required. Then they approve a striping plan. The hard part about the shared drive aisles is that it is difficult to determine who gets to block it. In some instances, the planning division has approved striping along the sides of a building in parallel spaces but in other situations it is challenging because there is a shared agreement between two owners where they are both supposed to equitably be able to use the driveway. Mr. Townsend said the two owners would have to agree to a striping and access plan and that would have to be after we designate fire lanes. It is not always possible. Ms. Parran added that it was difficult when there are multiple tenants. Property owners may agree to something, but the tenants' actions aren't necessarily consistent with the agreement.

Ms. Fitzgerald said the part of the Ordinance that has caused the most concern from businesses is what they can store and how they can store it. One of the main concerns staff heard was that there is an accumulation of cars on properties and cars that would get moved to the street during the day, particularly in Spectrum Industrial Park. What the Ordinance strived to do was to reserve the street parking for customers and employees and to keep the inventory parking onsite. The Ordinance allows for someone to get a storage yard permit. Within a storage yard, you can park and store things wherever you want. It doesn't have to be in a striped stall. There are some requirements to it. It must have a solid fence or screen around it and the business, and the property must exceed the parking that is required under the zoning. In the practical application we are finding almost nobody can meet this requirement because most businesses do not actually exceed the parking. The process is Code Enforcement goes out and says you can store things in the back and get a storage yard permit or you can store things within the spaces, and they would refer the business to speak with Planning to see how they would stripe it to see if they exceed the parking requirements. Planning most of the time would find the business needs more spaces than they have, so they wouldn't qualify for a storage yard permit, but you can still store stuff, it just needs to be in spaces. It has created confusion, and we want to clarify the Ordinance. Mr. Townsend added that the reason the storage yard issue is complicated is because it is not just vehicles. Sometimes it is tires, sometimes it is materials, sometimes it is pallets. Since the storage yard is fenced and screened, we don't really care what they are storing.

Ms. Fitzgerald said we would not have the 'storage yard' definition. We would get rid of that. Instead, we will try to make this simple. We think some of the keys to success are simple regulations that all businesses can understand, along with consistent enforcement. We would like to create a simple list saying, 'this is what you can store and if you are storing anything other than vehicles it needs to be screened'. Staff wanted some feedback from the committee. The staff recommendation would be that whatever is allowed for storage needs to be in a striped space but if they are storing anything other than vehicles that look decent then they probably need the screening around it. Examples include what if a business is keeping salvage vehicles, or what kind of storage – is the board supportive of car or parts storage if they are screened. Some businesses have storage containers they keep in the back. Those began popping up several years ago. They use them to store parts. Trustee Dunham asked if they were PODS. Ms. Fitzgerald indicated they did look like PODS. Mr. Townsend added they were larger than that and said they were more like shipping containers. Staff has been communicating to the businesses that they would need

to get rid of those. We have gotten some concerns from businesses. Since we are recommending that we simplify the Ordinance, staff is looking for feedback on this type of storage. Are those types of shipping containers acceptable, how many would be acceptable, would they need screening in the back, or do you not want to allow those at all.

Trustee Dunham said it should be based on the amount of available square feet. Mr. Townsend asked if they would be able to have a certain amount of storage based on the amount of square footage they had on the property. Trustee Dunham said if we allow them to have large storage containers then for each container, they will need X number of square feet available to put it. Mr. Townsend said one of the challenges is if the business is already tight on parking, do we want them to take up that real estate with a storage trailer or container that may push parking into the street or into other areas of the property. The other question is these storage containers are not small. Right now, the regulations require them to be screened from view. It requires a pretty big fence to have those screened as the containers are typically more than 8 feet tall. Trustee Sullivan mentioned that the lots in Spectrum Industrial Park are not that large. Ms. Fitzgerald agreed and added that they also share. Ms. Parran said there are also multiple tenants in one structure in some cases. Mr. Townsend said some businesses put these containers in the parking lot and some put them alongside the building. The question becomes how lenient do we want to be recognizing that these are small businesses, not well-capitalized, and likely don't have the ability to rent more square footage to accommodate the storage. But everyone would agree, it looks shoddy from the street when you drive by. This used to be fairly common, and we are clamping down now. Businesses are starting to push back saying we don't want to or can't comply with these rules. Staff needs to find out where the board's tolerance on this is so we can craft something and enforce it. Trustee Sullivan said unfortunately it has a perception that it is an industrial type of area, but it has become more of a car repair area than an industrial area. There are not a lot of manufacturing shops like there used to be there. Ms. Fitzgerald agreed there was a lot of service and less production. Trustee Sullivan said if he was a landlord there, he may be looking at ways of unloading the property to someone that wants to redevelop it. Trustee Dunham said that possibility was discussed using the TIF.

Mr. Townsend said the reason the businesses are storing there is because they cannot fit it in their building. Some of this was pandemic induced. Ms. Parran agreed and said parts were very hard to find during that time. Ms. Fitzgerald said what we were thinking was that we wanted to present this and want some specific feedback and if you are supportive of clarification on the storage requirements then we can come back as soon as next month with clarified language. Staff is thinking we wouldn't change what they can do too much, we're just simplifying it to make requirements clearer and simpler. Trustee Sullivan asked if staff could get some pictures of the storage containers to bring back next time. Ms. Fitzgerald indicated staff would do that.

Mr. Townsend said that it doesn't look good. At the same time, these are where businesses go to get their start. They are scrapping and clawing as much as they can and trying to do things as inexpensively as possible. Issues of storing materials in their parking lot, having storage containers, having trailers, and stockpiling tires and other things on the side of the building is what they do to get by. Our charge was originally this

has gone to far and you must get this cleaned up. But what staff has discovered is that some of that just is not practical. We must try and find some area to give a little bit.

Ms. Fitzgerald shared more photos of businesses located in Spectrum Industrial Park with examples of what was discussed including trailer storage, shared drive aisle issues, storage yards and container storage. Trustee Dunham had concerns about drive aisles for emergency vehicles in case of a fire. Mr. Townsend indicated that if a building located here has a fire, the Chief has made it clear that the fire will be fought from the street. Trustee Dunham said it is a commercial area and thought that if the storage can be seen over a fence that it wasn't that bad. Mr. Townsend asked if we wanted to limit the number of storage containers on each property or do we let them have as many as they want. He said we will bring this back to committee in February for further discussion. Trustee Dunham said he did not want to rush into this because it is winter-time, and this has been going on for a long time. He was more concerned about Wise Road and the mess that was on the south side of the road. He added that some of this should be expected in an area like Centex. Mr. Townsend said he wanted to be careful because the uses are the same and we don't want to get into a situation where we are selectively enforcing against some businesses and not others doing the same thing. We have tried to take a consistent approach and there are some unique circumstances about some properties, and we will try to work through those. Generally speaking, we would like to have regulations that can be consistently applied. Ms. Fitzgerald said they are all pointing fingers at each other. The consistent enforcement has been key. When they saw that they all received a citation and they all came to adjudication, it was effective.

Trustee Dunham mentioned an auto business in Wheeling in an industrial park. He said the industrial park they are in does not appear to have this much clutter. He asked if staff could find out a little bit more about how they did it when it was built. He said he would find out where the business is and pass along the information.

Ms. Fitzgerald said staff will return with this next month. Hearing the feedback, it sounds like the committee may be somewhat accepting of some limited quantities of storage containers with some screening. Trustee Sullivan said placement issues need to be addressed and agreed with Trustee Dunham in that you can't take everything away from the businesses but if they are going to be allowed to have it, they must maintain it.

A motion was made by Trustee George Dunham and seconded by Trustee Jack Sullivan to accept as informational.

All Ayes.

MOTION CARRIED

UNFINISHED BUSINESS:

CONTINUING ITEMS:

DEFERRALS:

COMMENTS FROM THE PUBLIC:

Mr. Kolasani said he was here to understand how this process works. He indicated he was in contact with Mr. Joshi and Ms. Fitzgerald suggested he continue to work with him.

COMMENTS FOR THE GOOD OF THE ORDER:

ADJOURNMENT:

A motion was made by Trustee George Dunham and seconded by Trustee Jack Sullivan to adjourn the meeting at 8:23 p.m.

All Ayes.

MOTION CARRIED

NEXT VILLAGE BOARD MEETING: February 13, 2024

Respectfully submitted,

Vicki Bloomer
Recording Secretary