

PLANNING & ZONING COMMISSION
MEETING MINUTES
March 15, 2012

- Roll Call: Chairman Smith called the meeting to order in the Roselle Village Hall Council Chamber at 7:00 p.m.
- Present: Commissioners Beth Keller-Stein, Tom Stringfellow, Bob Stare, Bruce Berkshire, Hiren Patel, Paul Zinni, and Chairman Brian Smith
- Absent: None
- Staff: Community Development Director – Patrick Watkins
Planner – Robert Zimmerer
- Other(s): Andy Maglio – Trustee (Community Development Liaison)

Approval of the Agenda: Commissioner Bob Stare moved to approve the agenda for the meeting as presented. Commissioner Beth Keller-Stein seconded the motion and the Commission approved the motion by a unanimous (7-0) voice vote.

A. PZ 12-999 – iMotorsports (928 Central Avenue) – Special Use

Chairman Smith asked for a motion to open the public hearing for PZ 12-999. Such a motion was made by Commissioner Stare and seconded by Commissioner Keller-Stein. The motion carried unanimously (7-0) by a voice vote.

Planner Zimmerer provided an overview and some background regarding the petition for a special use to do motorcycle repair, which the Zoning Ordinance classifies as automotive repair. The petitioner will be keeping everything inside the unit, and they are looking at business hours of 10:00am to 6:00pm. Upon finishing his presentation regarding the petition, Planner Zimmerer introduced the petitioner.

Petitioner Tim Walter of iMotorsports stated that the request is an ancillary component for their growing business of selling motorcycles via the internet (i.e. online). Since they have grown three fold in less than two years, they would like to open their own motorcycle repair facility to change oil, brakes, and tires for their inventory. They feel that this would allow their business to grow further. Currently, they are having their inventory serviced by an independent motorcycle repair garage on Central Avenue.

Chairman Smith then asked whether Commissioners had questions concerning the petition. Commissioner Keller-Stein asked if there was noise related to the revving of

the engine when working on the motorcycles. The petitioner stated that there was at times; but that the proposed unit faces north (with the overhead door) away from the residential area on the south side of Central, thus minimizing any sounds. She asked how the motorcycles would be taken to the shop. Mr. Walter stated that they would either be driven from their sales facility to the shop and/or and transported via trailer occasionally. Either way, staff of iMotorsports would be the ones transporting the bikes. Commissioners asked some additional questions concerning the number of motorcycles that would be repaired and whether iMotorsports could perform the maintenance at their existing facility. Mr. Walter responded that due their enormous growth, the existing facility is already too tight and that it makes the most sense to move the repair segment (and the person responsible for repair) out of their sales facility.

Chairman Smith then asked if there was anyone in the audience that would like to speak for or against the petitioner or if they had any questions about the petition.

Diane Vrankovich, an owner of 960 Borden Drive, stated that her son currently lives at her property on Borden and that there is a concern about the amount of additional motorcycle noise that this petition would create. She stated that it is a nuisance to them and that it takes away from the enjoyment of their property.

Rich Vrankovich, the other owner of 960 Borden Drive, then expressed his like concerns with the use. His concerns related to motorcycles being test-driven and the necessity of revving them while working on them. He also stated that the petitioner was being unrealistic concerning the work hours (due to his personal experience with automotive repair). For example, when a job needs to be completed, most repair shops will finish the job regardless of the time of the day.

Bill Schneider, of 920 Borden Drive, then spoke to the Commission. He stated that this type of use has impacts that are negative on a residential area due to the noise created. Furthermore, he stated that law enforcement is rarely able to address the noise issue due to the need to measure sound levels (i.e. decibels) for enforcement. He provided the Commission with articles from the internet concerning noise associated with motorcycle facilities. He also encouraged the Commission to look at a website that he provided, which discusses the noise associated with a motorcycle repair facility.

After further discussion, Chairman Smith asked Tim Walter to address the issues raised by the residents.

Tim Walter reminded the Commission that Central Avenue already has a motorcycle repair shop (that they take their bikes to), truck traffic, and that they are out of space at their existing facility; thus, they need a separate location. He also stated that the unit in question faces north, so the building would block the noise from the residents. He also stated that they would be willing to keep the door halfway closed (about six feet up) to mitigate the dispersion of noise even more. He also reminded the Commission that they would only be working during the hours of 10:00am to 6:00pm.

Planner Zimmerer pointed out that an indoor motorcycle sales facility – as opposed to an indoor motorcycle maintenance facility – could open at this same location “by right,” since a sales facility is a permitted use. Thus, the pertinent question was whether the amount of noise coming from the proposed maintenance facility would be vastly different from the amount of noise coming from a sales facility.

David Vrankovich, of 960 Borden Drive, provided some additional testimony related to the loud and noisy nature of motorcycles.

After each Commissioner expressed their final sentiments, Chairman Smith asked for a motion on the findings of fact. Such a motion was made by Commissioner Berkshire and seconded by Commissioner Stringfellow.

AYES: Commissioners Berkshire, Stringfellow, and Zinni

NAYS: Commissioners Keller-Stein, Patel, Stare, and Chairman Smith

The motion failed.

Chairman Smith then asked for a motion to recommend approval of the special use to the Village Board subject to the parameters set forth in Staff’s report (i.e. hours of operation and indoor operations only). Such a motion was made by Commissioner Keller-Stein and seconded by Commissioner Stare.

AYES: Commissioners Berkshire, Stringfellow, and Zinni

NAYS: Commissioners Keller-Stein, Patel, Stare, and Chairman Smith

The motion failed.

Chairman Smith then asked for a motion to close the public hearing for PZ 12-999. Such a motion was made by Commissioner Keller-Stein and seconded by Commissioner Stare. The motion carried unanimously (7-0) by a voice vote.

PZ 12-1000 Text Amendment (Fitness Establishments and Massage)

Motion to open the Public Hearing was made by Bob Stare and seconded by Beth Keller-Stein. The motion carried unanimously by voice vote. Staff presented a proposed text amendment that would correct two areas of the zoning ordinance that currently require a special use hearing; fitness facilities under 5,000 square feet and massage as an accessory use to certain permitted uses. Planner Bob Zimmerer presented the proposed text amendments and provided background in regard to both uses. He stated that Staff’s review of fitness centers is strongly tied to parking matters. He stated that we have found when the facility is smaller (5,000 square feet or less) the parking computation used for the entire center suffices. In regard to the massage use, he stated that many professional medical or medical related uses have a part time state licensed massage therapist on site. He provided examples of salons, chiropractor’s, Marklund Drug, physical therapists and etc. He stated that these users are required to have a state license and thus they are legitimate uses that are ancillary to the principal use.

Commissioner Zinni stated that he preferred the individual review of the uses. Director Watkins stated what is the Commission reviewing in these matters? He stated that if you look at the list of special uses, individual review is necessary due to the type of use and its impact on adjoining uses. Examples include outdoor parking or locations and layouts of drive through. When looking at massage therapists, if they are State Licensed, what is there to review? They do not trigger parking or noise issues. Thus why not permit them? Watkins further stated that for these hearings there is a cost to the proprietor and often Staff winds up serving as an ombudsman; convincing them that though there is a process, being denied is unlikely. Additional discussion ensued in regard to fitness establishments under 5,000 square feet. Staff reminded the Commission that the reviews have been almost entirely based upon parking (since the commercial district does not restrict business hours) and that one has never been denied yet. Staff also reminded them that the bigger scale versions would still be required to come through a special use process.

After further discussion, Chairman Smith asked for a motion to approve the findings of fact. Motion made by Beth Keller-Stein and seconded by Hiran Patel. The motion carried unanimously 7-0. Chairman Smith then asked for a recommendation to the Village Board. A motion was made by Beth Keller-Stein and seconded by Bob Stare. The motion carried unanimously 7-0. Chairman Smith then asked for a motion to close the public hearing. Motion was made by Beth Keller-Stein and seconded by Bob Stare. Motion carried unanimously 7-0.

C. PZ 12-1001 – Outside, Overnight Storage of Vehicles – Text Amendment

Chairman Smith asked for a motion to open the public hearing for PZ 12-1001. Such a motion was made by Commissioner Keller-Stein and seconded by Commissioner Stare. The motion carried unanimously (7-0) by a voice vote.

Planner Zimmerer presented the matter to the Commission for their consideration. He stated that when putting together the text amendment to address an issue with overnight vehicles in an existing center, Village Staff found that the existing language related to parking in Business Districts is less than ideal. Thus, the text amendment to the Zoning Ordinance addresses the less than ideal language related to overnight parking in the Business Districts. However, it also allows overnight parking for specific uses where it is customary (e.g. various governmental uses, hotels, auto dealerships, etc.) while requiring other uses to enter into a parking enforcement agreement with the Village / Police Department before allowing it.

Chairman Smith asked if there were questions in regard to the proposed text amendment. Discussion followed where there was confusion with the P&Z in regard to what the amendment was resolving. Trustee Maglio explained the issue that the community was experiencing as well as the issues confronting the association of his business park (where he is the President of the Association). Village Staff added that a particular center has not been complying with overnight parking regulations on an

ongoing basis – and that that same center keeps some vehicles in the same place for the long-term.

Planner Zimmerer added that upon looking at the Zoning Ordinance, they found that the portions of the Zoning Ordinance dealing with overnight parking and storage of vehicles included poor definitions and that the Zoning Ordinance only restricted it in one Business District. Thus, when drafting the text amendment, Village Staff thought it would be prudent to include new definitions, clear and direct restrictions, allowances for some uses (where overnight parking is customary), and better enforcement ability for the Village, via a parking enforcement agreement, for some other uses (where overnight parking is not customary but there is a desire to allow it).

After further discussion, Chairman Smith asked for a motion to approve the findings of fact for the text amendment. Such a motion was made by Commissioner Keller-Stein and seconded by Commissioner Stare. The motion carried unanimously (7-0).

Chairman Smith asked for a motion to recommend approval of the text amendment. Such a motion was made by Commissioner Keller Stein and seconded by Commissioner Stare. The motion carried unanimously (7-0).

Chairman Smith then asked for a motion to close the public hearing for PZ 12-1001. Such a motion was made by Commissioner Patel and seconded by Commissioner Stringfellow. The motion carried unanimously (7-0) by a voice vote.

Old Business: There was none.

New Business: There was none.

With no further business, Chairman Smith asked for a motion to adjourn the meeting. Commissioner Berkshire made such a motion and Commissioner Patel seconded the motion. The motion then carried unanimously (7-0) via a voice vote, and the meeting adjourned at 9:40pm.