

PLANNING & ZONING COMMISSION
MEETING MINUTES
April 6, 2010

Roll Call: Chairman Smith called the meeting to order in the Roselle Village Hall Council Chamber at 7:06 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

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

Approval of the Meeting Minutes: Commissioner Keller-Stein moved to approve the minutes for the meeting of February 2, 2010 as presented. Commissioner Stare seconded the motion and the Commission approved the motion by a unanimous (7-0) voice vote.

A. PZ 10-983 – Personal Wireless Service Facilities – Text Amendment

Chairman Smith asked for a motion to reopen the public hearing for PZ 10-983. Such a motion was made by Commissioner Keller-Stein and seconded by Commissioner Stare. The motion then carried unanimously (7-0) via a voice vote.

Director Watkins presented an update on the petition, which the Village itself was considering and that the Commission opened the public hearing for in February. Ultimately, Staff presented a text amendment that would allow personal wireless service facilities (cellular phone towers and antennas) as a special use within residential districts. However, as the Commission had directed Staff to do in February, the text amendment does not allow such facilities on any property that acts as open space or that contains a park or school. In fact, the text amendment only allows such facilities at two locations, the Devlin Wastewater Treatment Plant and the Botterman Wastewater Treatment Plant.

Chairman Smith then opened the floor to any comments or questions concerning this matter. After several comments and questions arose regarding the management and layout of such facilities (e.g. screening, noise, maintenance, height, aesthetics, access,

etc.), Director Watkins explained that the Village and Staff typically address such matters in its lease agreements with personal wireless service providers.

Chairman Smith asked what “publicly owned” meant, and Director Watkins answered property owned by a taxing body. He added that due to this fact, Staff added the language regarding public utilities, as no other taxing body operates a public utility in the Village other than the Village itself. Director Watkins also added that Staff would try to tighten up such language before bringing the matter before the Committee of the Whole and the Commissioners agreed that Staff should do so.

Commissioner Patel inquired about tree preservation in relation to the installation of a personal wireless service facility. Director Watkins responded that the Village would have two instances in which to preserve trees should the text amendment be approved; first, during the Village’s consideration of the lease agreement, and second, during the Village’s consideration of the special use.

Commissioner Keller-Stein mentioned the difference in the height of existing trees surrounding the Devlin Wastewater Treatment Plant versus the same at the Botterman Wastewater Treatment Plant, and ultimately, after further discussion on the matter, the Commission agreed that the text amendment should only allow personal wireless service facilities at the Devlin Plant (i.e. just in the R-1 district).

No members of the public spoke during the hearing.

The Commission then agreed upon the specific wording of their pending motion. Ultimately, the Commission agreed that the text amendment should be approved subject to only allowing personal wireless service facilities in the R-1 district and subject to the Commission and the Village being able to take into account the following in their consideration of a special use request for such a facility: screening, noise, maintenance, height, aesthetics, access, tree preservation, etc.

Chairman Smith then asked for a motion to recommend approval of PZ 10-983 subject to the wording the Commission had agreed upon. Such a motion was made by Commissioner Keller-Stein and seconded by Commissioner Stare. The motion then carried unanimously (7-0).

Chairman Smith then asked for a motion to close the public hearing for PZ 10-983. Such a motion was made by Commissioner Keller-Stein and seconded by Commissioner Patel. The motion then carried unanimously (7-0) via a voice vote.

B. PZ 10-984 – Adult Business Use – Text Amendment

Chairman Smith asked for a motion to reopen the public hearing for PZ 10-984. Such a motion was made by Commissioner Stare and seconded by Commissioner Patel. The motion then carried unanimously (7-0) via a voice vote.

Director Watkins provided an overview of the petition, which the Village itself was considering. Earlier this year, the Board of Trustees directed Staff to ensure that the Village's regulations for adult businesses/uses were up-to-date. Thus, after doing so, Staff determined that the Village could disallow one type of adult business/use by removing its definition from the text of the Zoning Ordinance – "adult motel" – because the First Amendment to the U.S. Constitution does not protect it. In addition, Staff determined that the Village's regulations for adult businesses/uses no longer needed to regulate massage therapists or anything similar because the State of Illinois had taken over such regulation.

Chairman Smith then opened the floor to any comments or questions about this matter. Commissioner Berkshire asked whether a business operating as a bar/tavern could ever offer adult business/use-like services (i.e. like a gentlemen's club) by instituting a hefty cover charge. Director Watkins answered no because the Village's Zoning Ordinance does not define such a business/use and therefore such a business/use would not be allowed in the Village.

Ultimately, the Commission agreed that if the Village was not required to allow or regulate a certain type of adult business/use then it should not.

No members of the public spoke during the hearing.

Chairman Smith then asked for a motion to close the public hearing for PZ 10-984. Such a motion was made by Commissioner Stare and seconded by Commissioner Berkshire. The motion then carried unanimously (7-0) via a voice vote.

Chairman Smith then asked for a motion to recommend approval of PZ 10-984. Such a motion was made by Commissioner Patel and seconded by Commissioner Keller-Stein. The motion then carried unanimously (7-0) via a voice vote.

Old Business: Director Watkins updated the Commission – and answered questions from the Commissioners – on various cases/petitions the Commission had considered in the past (e.g. Sunset Estates, Tobacco Oasis, and Cornerstone Plaza).

New Business: Director Watkins informed the Commissioners that the Commission would likely meet in May, as there were two pending cases/petitions.

Chairman Smith then called for a motion to adjourn. Commissioner Stare made such a motion, and Commissioner Patel seconded the motion. The motion then carried unanimously (7-0) via a voice vote, and the meeting concluded at 8:14pm.