

**PLANNING & ZONING COMMISSION  
APRIL 5, 2022 MEETING MINUTES**

**APPROVED MAY 3, 2022**

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**Call to Order:** Acting Chairman Walloch called the meeting to order in the Roselle Village Board Room at 7:00 p.m.

**Roll Call:**

Present: Commissioners Boos, Keller-Stein, Lewis, Walloch, and Wurtz  
Absent: Commissioners Patel and Stringfellow  
Staff: Community Development Manager Caron Bricks, Assistant Village Administrator Brian Joanis, Community Development Intern Ashton Stipp

**Approval of the Agenda:** A motion was made by Commissioner Keller-Stein, seconded by Commissioner Boos to approve the agenda. The motion passed with 5-0 vote.

**Approval of Minutes:** A motion was made by Commissioner Wurtz, seconded by Commissioner Boos to approve the minutes from March 1, 2022. The motion passed with a 5-0 vote.

**Consideration of Petitions:**

PZ 21-1099, Irving Gasmart Inc., 38 E. Irving Park Road, Special use for an automobile service station (gas station) in the B-3 Town Center Zoning District

Commissioner Wurtz made a motion to open the public hearing for case PZ 21-1098, seconded by Commissioner Boos. The motion passed with a 5-0 vote.

Community Development Manager Caron Bricks presented the staff memo concerning the sites history which included rezoning from B-4 General Business District to B-3 Town Center District. In 1985, the zoning ordinance was updated to require gas stations to receive a special use permit. The property's previous owners had operated the facility as a gas station which was considered grandfathered. Per the Zoning Ordinance, a nonconforming building, which is vacant for a continuous period of six (6) months, shall not be used except by a use which to the Zoning Ordinance. As the gas station has been out of operations for 27 months, a special use permit must be requested to comply with the Zoning Ordinance. The new owner plans to remodel and rebrand the existing convenience store and canopy structure to Mobil branding and install new pumps and signage. Staff recommends removal of the shipping container on the site.

CD Manger Bricks stated that staff does not recommend the approval of the petitioner's request as staff does not believe it meets the findings of fact for a special use. The property is also located in a TIF District which plan states mixed-use as the appropriate use of the property. The 2016 Comprehensive Plan also calls for mixed-use. An analysis of the business plans by the Village's consultant that the projections were not consistent with a small station on a minor corner and concurred with staff's concerns.

The petitioner had a presentation by his legal counsel Scott M. Day of Day & Robert, P.C. in Naperville, IL. Acting Chairman Walloch swore in Scott Day. He presented a summary of the property and zoning; a major emphasis was drawn to a definition that a B-3 District is for intense service. The Illinois Supreme Court case of the City of Chicago Heights V. Living Word Outreach Full Gospel Church and Ministries was highlighted as the appropriate case law regarding special use permits. The case law states that a special use is a permitted use and should therefore be granted. The original special use permit application was submitted on September 28<sup>th</sup>, 2021. The Gasmart Inc. attempted to sell the property to the Village as a voluntary sale. Mr. Day then brought up Michael Hughes, another gas station owner to discuss branding and marketing.

Acting Chairman Walloch swore in Michael Hughes of Graham C. Stores. Mr. Hughes is a gas station owner who helped the petitioner secure an agreement with Mobil. The petitioner has signed a 10-year contract and order branding. Mobil also has a system to do check ins on the store to ensure the store is up to brand standards. After three failures of these standards check by Mobil a contract could be revoked.

Acting Chairman Walloch swore in Kishore Matthews owner of the Irving Gasmart property. He spoke to the success and of the Mobil and BP brands and that he wants an opportunity to brand this store. Scott Day finished the petitioner presentation by addressing how the gas station affirms the standards and was, in fact, code compliant. A full renovation will be done, it will serve the community by filling a vacant store front, and there is no variations. Mr. Day addressed the staff report concerns about the economic analysis, by assuring the report was accurate and Mobil was a trusted brand. He also stated the land is too small to do a multi-level structure.

Acting Chairman Walloch swore in Barbara Zabiello of 50 N. Bokelman St. She stated her issue with the gas station traffic on their property. This is a residential area, and this will increase the traffic. The gas station did not work before and there are other stations nearby. She would like the station to stay closed.

Acting Chairman Walloch swore in Grazina Kramarz of 100 N Bokelman St. She stated that the location is not good for a gas station as history has shown. This station will dampen the downtown views. She questioned the business the station would get as it is not on the main intersection.

There was a discussion amongst the commissioners. Commissioner Wurtz asked about the size of the lot and station. He also asked Mr. Day how often the branding is pulled and what is observed in these standard checks. Mr. Day stated that the brand doesn't like to pull the branding and it's based on visible performance.

Commissioner Keller-Stein asked about the branding and shared a personal story about the prior gas station located there. She also asked the lawyer if he had ever taken a special use permit case to court. Mr. Day stated that he had not.

CD Manager Bricks stated that if this were to be approved, staff recommends a condition to remove the shipping container on site.

Hearing no further discussion, Acting Chairman Walloch asked for a motion to close the public hearing for case PZ 22-1099, made by Commissioner Wurtz and seconded by Commissioner Boos. The motion passed (5-0).

Commissioner Boos made a motion to accept the findings of fact for a special use for a gas station for PZ 21-1099, seconded by Commissioner Keller-Stein. The motion failed (2-3).

Commissioner Keller-Stein made a motion to recommend approval of PZ 21-1099 to the Village Board, seconded by Commissioner Wurtz. The motion failed (2-3).

PZ 22-1100, Ewa Morawa, 6N217 Goodridge Terrace, Review a land division other than a subdivision for a lot split upon annexation.

CD Manager Bricks presented the staff memo. She summarized that the petitioner Aneta Morawa the petitioner intends to purchase one of the two lots upon annexation and lot split. Her parents Ewa & Tadeusz Morawa are the current owners who intend to demolish the existing house before any new construction begins. The lots would be zoned as R-1 Single Family Residence District upon annexation.

There were no public comments.

Commissioner Wurtz made a motion to recommend approval of the Land division other than a subdivision PZ 22-1100 to the Village Board, seconded by Commissioner Boos. The motion passed (5-0).

**Old Business:** There was no old business discussed.

**New Business:** There was no new business discussed.

**Adjournment:** Commissioner Boos made a motion to adjourn the meeting, seconded by Commissioner Keller-Stein. The motion passed 5-0 and the meeting ended at 8:39 p.m.