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PLAN

REPORT OF THE PROCEEDINGS OF A PUBLIC HEARING
BEFORE THE VILLAGE OF ARLINGTON HEIGHTS
PLAN COMMISSION

COMMISSION

RE: TOY SHOP & MOTOLOUNGE - 1728 WEST ALGONQUIN ROAD - PC#18-003
SPECIAL USE PERMIT FOR MOTOR VEHICLE SALES, PARKING VARIATIONS

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Plan Commission Meeting taken at the Arlington Heights Village
Hall, 33 South Arlington Heights Road, 3rd Floor Board Room, Arlington Heights,
Illinois on the 11 day of April, 2018 at the hour of 7:30 p.m.

MEMBERS PRESENT:

TERRY ENNES, Chairman
LYNN JENSEN
MARY JO WARSKOW
JOE LORENZINI
BRUCE GREEN
GEORGE DROST
SUSAN DAWSON

ALSO PRESENT:

SAM HUBBARD, Community Development Planner

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CHAIRMAN ENNES: I'm calling this meeting of the Arlington Heights Plan Commission to order. Would you please all rise and join me in the pledge of allegiance?

(Pledge of allegiance recited.)

CHAIRMAN ENNES: Thank you. Sam, would you please take the roll?

MR. HUBBARD: Commissioner Cherwin.

(No response.)

MR. HUBBARD: Commissioner Dawson.

(No response.)

MR. HUBBARD: Commissioner Drost.

COMMISSIONER DROST: Here.

MR. HUBBARD: Commissioner Green.

COMMISSIONER GREEN: Here.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: Here.

MR. HUBBARD: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Here.

MR. HUBBARD: Commissioner Sigalos.

(No response.)

MR. HUBBARD: Commissioner Warskow.

COMMISSIONER WARSKOW: Here.

MR. HUBBARD: Chairman Ennes.

CHAIRMAN ENNES: Here. So, we have no minutes to approve.

COMMISSIONER GREEN: No, we do.

COMMISSIONER DROST: Yes, we do.

CHAIRMAN ENNES: We do?

COMMISSIONER DROST: Yes.

CHAIRMAN ENNES: Which? Oh, we do.

COMMISSIONER DROST: We were working hard.

CHAIRMAN ENNES: Good, we work very hard. So, we have minutes from our hearing on March 28th at 703-709 Algonquin Road and 715-723. Did everybody get those and review those? Can I have a motion?

COMMISSIONER GREEN: Motion to approve.

CHAIRMAN ENNES: And a second?

COMMISSIONER JENSEN: Second.

CHAIRMAN ENNES: All in favor?

(Chorus of ayes.)

CHAIRMAN ENNES: Anybody opposed? Was everybody there at the meeting?

COMMISSIONER DROST: Yes.

CHAIRMAN ENNES: Okay, so we're good. Tonight we have PC-18-003, the Toy Shop & Motor Lounge. Is our Petitioner present?

MR. HUBBARD: Yes.

COMMISSIONER DROST: Motolounge.

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CHAIRMAN ENNES: Would you please, whoever is going to speak or if a couple of you are going to speak, would you like to come up? I'd like to swear you in and then ask you to give us your presentation. So, it's just you? Okay, would you raise your hand?

(Witnesses sworn.)

CHAIRMAN ENNES: Okay, thank you. As you give your presentation, would you please state your name and spell it for our court reporter? If you would go ahead and tell us about your proposal?

MR. BOROWCZYK: My name is Anthony, last name is Borowczyk spelled B-o-r-o-w-c-z-y-k.

MR. TAYLOR: Mike Taylor, M-i-k-e T-a-y-l-o-r.

CHAIRMAN ENNES: Okay.

MR. BOROWCZYK: So, the Toy Shop & Motolounge is here to propose a special use permit to allow motor vehicle sales and auxiliary service with variations from the Chapter 28 of Municipal Code.

So, a little background about the Toy Shop & Motolounge. We opened in 2015 in Schaumburg. Unfortunately, we weren't allowed to do service at that building. That building wasn't zoned properly despite our landlord at that time telling us it was zoned properly. In regards to doing a dealership at that location, it was located on Roselle Road, and Schaumburg strictly said that only dealerships are to be put on Golf Road, which makes sense. When you drive by Golf Road, you see all these car dealerships.

So, eventually, in April of 2017, we moved to Arlington Heights. We had hopes of pursuing service as well as dealership sales. We had seen the building located 1728 West Algonquin Road and we thought it fit our needs, and the Village was more than welcoming and open to help. Our initial meetings with everyone were very helpful. There were no zoning issues or code issues mentioned at that time.

So, a little more about us. We specialize in gear, parts, accessories and perfect fitment programs. For gear, we sell mid to high end gear. Parts, we sell everything from OEM to after market, as well as accessories, OEM and after market. Something unique about us is we offer a perfect fitment program, meaning we guarantee people to have gear that's going to fit them that they're going to wear. We're not here to sell gear to someone for profit. We're here to sell gear to people to keep them safe.

Something we noticed on the responses for our hours were slightly off. So, these are our seasonal hours now. Monday we're closed. Tuesday through Friday, it's 11:00 a.m. to 8:00 p.m. Saturday, 11:00 a.m. to 6:00 p.m., and Sunday, 12:00 p.m. to 5:00 p.m.

So, some parking study and variations. We have the ability, the unique ability to park up to six motorcycles in one spot. Typically, when you see motorcycles parking in one spot, it's either because it's a big group ride, everyone knows each other, and for the most part the community, the riding community all stays together. They know each other quite well and it's very open when it comes to honestly riding and just learning about the community.

So, bike nights, as the documentations that we've done show that we had 56 bikes occupying 16 spaces with eight vehicles occupying eight parking spaces. This was during a bike night on Thursday, our busiest time of pretty much any day of the week. That was only held last year during the summer and warm nights. Like I said before, the 56 bikes had the ability to park in one spot and we did hire security teams to manage the parking.

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With that being said, only 24 total spaces were occupied at 8:00 p.m. on a bike night, our busiest time of the year. Weekdays, we produced a maximum of six bikes and two cars between 4:00 and 5:00 p.m. on Monday which was a Labor Day weekend, it was a holiday. Then the weekends, we produced a maximum of seven bikes and four cars at 6:00 p.m. on Saturday, and similar results were seen on Sunday as well.

The parking study and variations. Furthermore, currently our building is occupied by the Toy Shop and Molecular Imaging. The resident office is, the rest of the building is vacant and it's been vacant for several years. Part of the building is a warehouse that our landlord uses to store their personal stuff. The medical office Molecular Imaging has five locations, Arlington Heights not being their primary location. They have multiple locations downtown.

We're asking for a variation to Section 6.12-1 to waive the requirement for a traffic study and parking analysis prepared by a qualified and professional engineer. The reason being is, like I said before, this building has been vacant for quite some time prior to us moving in as well, as well as that we have Molecular Imaging whose store hours, or excuse me, whose imaging hours I guess you call it because they're a medical office, their medical hours are not close to ours due to it actually being quite different, meaning that they're a medical office. Typically, medical offices close early. There's many times that medical offices move from location to location. I'm unsure about Molecular Imaging if they move from one location in the morning to the next.

The bikes that come in for service will be held in the garage and stay in the garage until they're ready to be picked up. This is primarily because of liability issues. If the bike is outside and something happens to it, we're liable for it. So, it's safer with us in the garage, when we get it for service and after completion of service it will stay in the garage as well.

There is a cross access agreement with the west building which you'll see a diagram on the next slide. The west building allows for a seamless traffic flow. All spots on our property are first-come-first-serve basis. With the 45 spaces and three handicap spaces, we have a total of 48 parking spaces.

So, as you can see here, the north will be pointing to your left, the westward building will be the bottom portion of the diagram. You can see the access aisle is on the bottom, and then on the left side it's a one-way, and then on the right side is our parking. It allows access from both sides. However, if you do come in from the westward side, you are only allowed to go one way, and it's striped and marked.

So, bike nights. Initially, bike nights were created to generate the extra revenue that the service would have provided. Due to us opening late in the season last year, we weren't able to do service. With that being said, I want to make it clear that there is really no correlation to our service noise and bike night noises. Service noises, as we'll talk about later on, are quite different and they don't really produce any noise at all to be honest. Without service, bike nights were needed. I also want to make mention, as the riding season and our weather, we are a seasonal business.

So, the petition to become a used motorcycle dealer, we have a nice storefront on Algonquin Road. If you drove by, you can see inside the showroom floor, the LED lights. It's very pleasing to drive by and actually see. The 500 square-foot would be taking up mainly the front half of the store which I'll show in a diagram in a little, and there's very few

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dealerships around us that specialize in only used motorcycles.

As you know, depreciation of cars, if you buy new and take them off the lot, is very big. First time riders are often buying used. The reason being is when they buy used, typically it helps them because the bike is already broken in. Broken in means the miles within the bike allows them to accidentally go too fast or bring the RPMs too high without damaging the bike. With that being said, some riders typically and usually do drop their bike multiple times, and by buying a used bike which is far more cheaper, it allows for them to save money as well as have better gear and actually learn what they're doing rather than jumping on a new bike and actually wasting money because they dropped it.

With that being said, the industry is growing rapidly and there is high demand for the use of motorcycles. The ability to offer financing allows us to cater to all people in any financial situation. With that being said, financing will allow us to reach out to different banks and different organizations who would fund these bikes for other people and allow them to get on a monthly payment and actually afford a bike or do something that they wish to do that they actually wanted.

So, the floor plan. You can see that the right portion where it comes out is, essentially to the front door would be where the 500 square-foot dealership part would be. That would be bikes within that area. There would also be helmets on that wall as they still are, as well as some helmets on the floor within that area on some stands. In the back, you can see the service area with the garage door which is on the leftward side.

The service area offers up to four bays for motorcycle service, and those four bays would actually be four bays of service meaning four motorcycle lifts, not garage doors. The bays, two are going to be used should we be approved for a special use on auxiliary service due to the demand not being extra high right now. Further on, as time progresses, we'd like to eventually get four bays to perform more service and actually expand.

Our detailed site plan essentially was the same as before. It shows the parking spaces, our building, the fire lane, as well as the parking stalls. Something I want to point out about this are the ADA parking stalls on our property. As you can see, the eastward property on the upper portion of the diagram shows our ADA parking stall properly marked, striped, and having an access aisle.

It's been brought to our attention that the westward parking of handicap units aren't properly striped because there is no access aisle on the left parking space. With that being said, we have mentioned in our rounds two and three comments I believe that the access, or excuse me, the ADA parking for those are to be handled by those respective owners. For us, as I said before, it is striped and marked, and we always help out anyone that does need help. We also do have a ramp for access to our front door.

This is an aerial view of the Toy Shop & Motolounge located on Algonquin Road. As you can see in this aerial view, it's backed against Surrey Park Lane Condominiums, as well as some other condominiums or apartments across the street. Some similar businesses such as Arlington Motor Sports do also back to residential areas as well as Service King Collision & Repair is across the street from a condominium complex. The white roof that you see in that left portion, just above that there is a gray roof, that area is also similar condominiums. Then as you can see, our location is just down the street from that, but I just want to point out the close comparison of where these are in comparison to these condominiums or apartments.

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So, petition for services. We plan on doing oil changes, fluid flushes, tire changes, brake installs, rotor replacements, clutch adjustments and replacements, chain adjustments and replacements, handlebar installs, speaker installs, and some other things. The Toy Shop will comply with all local, state, federal and Village codes, as well as the regulations and policies.

Now, I want to go through each of these services and kind of explain the aspects behind them. Oil changes don't really produce noise. An oil filter can come off by your hand or a wrench. Oils drain down into a pan, properly disposed. From there the oil is then, the new oil is poured into the bike and there is no noise produced with that. The same goes with fluid flushes.

Tire changes are essentially the same thing. I feel that there may be a misconception compared to automobile shops as they use these high-powered drills. With motorcycle shops, that's not the case. These machines that would be used aren't necessarily the same that are used at automobile shops. The balancing machines are the same, but those don't produce noise. The only noise for a tire change would be the air compressor to fill the tire.

With that being said, a rotor replacement is the same thing. It essentially comes off with some bolts which can be taken off with a screw gun, and essentially replaced the same way as it was taken off. The clutch adjustments and replacements is the same thing. Those are just cables. A chain adjustment is the same thing, those chains can be taken off by some wire cutters essentially, then the chain is just tightened up and placed on the bike by moving the rear tire back to make sure it's at its proper tightness. Handlebar installs are also the same, they typically unbolt and slide on; again, those can be taken off with a screwdriver.

Speaker installs, so for speaker installs, we want to make clear that when we do installs on any bike, specifically speakers in the future, that the speaker installers won't be playing the music at full blast. We understand speakers do produce noise, and we understand motorcycle riders do listen to these. Typically, when you hear these riders listening to these, it's typically very loud on the highway or on roads where speed limits are very high due to wind noise.

With that being said, our sport bike riders who is our primary market unfortunately, we would like to cater more to cruisers but that's just, it's not our niche in the market, and we're really stressing and trying to push towards the cruisers with speaker installs, best gear. One of the problems we have is some cruiser riders do not enjoy wearing helmets, so it's hard for us to offer other incentives or other products like a Sena communication system. A Sena communication system is our most popular brand, and it is essentially a communication system that allows you to listen to music inside your helmet, GPS, you could give audio commands to it and you could tell it what to do. If the speaker installs are a problem, I am more than willing to push those off and actually eliminate them completely and really push for Sena communication systems to these cruiser riders and also help them ensure more safety by trying to get them into a helmet.

As I said before, local, state, federal, Village codes, regulations and policies will be followed. So, fire and safety. Originally, we were requested to replace the existing 1.5 domestic backflow device with an approved RPZ. Since then, that has been changed and we no longer need to replace that one. However, we do still need to replace the existing six-inch fire single check valve with an approved RPZ. We're currently working with a

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certified RPZ unit installer and they came out last week to take some photos. They're coming out next week again to take more photos. After that, they are going to apply for the permits and then we will get that replaced.

A triple basin grease trap will also be installed should service be approved. The service, or the triple basin grease trap itself will stand in front of the service bays and also follow the code. The restriction to access the garage, I want to make it clear that when people go to the bathroom, the door to get to the garage is in front of the bathroom, or it's just behind the bathroom. We have no access, and employee only signs are on these doors to help ensure that they don't walk back there and no one but employees are allowed back there.

With that being said, certified technicians will be the ones hired and allowed to do any service work. They'll also have to show some proof of their certifications. All chemicals and/or materials will be properly stored. As I said before, they will be properly stored according to local, state, federal, Village codes, regulations and policies.

Some miscellaneous stuff, the fence and trash containers. Our initial meetings, we replaced the slats in the fence due to us being asked. The variation of Section 6.13-3(b), side and rear yards to allow an eight-foot tall solid fence in the rear yard where only a six-foot tall solid fence is allowed. This eight-foot wooden fence would allow for a better buffer within the areas and allow also as a sound barrier to restrict some more noise should there be any.

There was a comment within the recent department comments about a trailer on the parking lot. If the trailer is a problem, it's not a problem for us to move it at all to a different location away from Arlington Heights.

The landscaping has been noted and we are going to replace the two trees, both at the entrances as well as the screen of bushes that is requested to buffer the parking area. I want to make mention about the landscaping now as our weather has been quite different. We were in the 30's last week, 70's tomorrow, and will be back in the 30's next week. So, we're kind of waiting for the weather to be good so we don't want these things in there to die right away.

With that being said, we also had our heat go out recently and our heating guy notified us of an air conditioning unit that is also located in the garage area where the service would be performed. With that being said, during the warmer months, should we be approved, the garage will remain shut during all and any service. Not to mention the building is constructed with concrete, cinder blocks and bricks, making the garage area quite soundproof. When you take that in account and you also add the eight-foot fence as another sound barrier as well as the back apartments or condominiums having the same structure, it adds for even more sound proof. The garage is also facing eastward towards Penang Restaurant, so it's not directly facing the residents.

So, dealership and sales and service. The special use permit to allow sales shall allow only sales of motorcycles and auxiliary repair and service on motorcycles. This is completely understood and that is what we're petitioning for, only motorcycle service.

All the materials since then besides the trailer have been removed from the property. The chairs have been placed in the garage. The crash bike has also been placed in the garage. The existing ground sign located in the front of the shop will also be removed this week, and we're working with the Building Department on the new sign which we had to see if we could still use the existing sign. If we can't, we'll have to replace the whole

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structure and then obtain the proper permits to do that.

The Petitioner shall also not conduct any outdoor events on this property. Like I said before, these events were strictly last year due to us not being able to do service. It's what actually paid for our bills, our utilities. As a new shop that moved to Arlington Heights, the code is different from Schaumburg to Arlington Heights, so we thought it would be quite similar. Hence the reason why we still hosted the events.

The eight-foot tall slatted chainlink fence, as I said before, it has been brought to our attention that it's supposed to be a six-foot wooden fence. This means essentially that that fence will be replaced with an eight-foot fence should that be approved; if not, a six-foot wooden fence. We're requesting the eight-foot fence due to the extra height allowing a better buffer within the area so it acts as a visual screen to the back condominiums as well as the sound, it will also act as a sound barrier.

As I said before also, the new shade trees will be planted as well as the screen area along our parking lot. That will be done once the weather gets nicer. The overhead door, also as I said, will remain shut during service now that we know that we have air conditioning in the back. All motor vehicle repair shall cease after 6:00 p.m. everyday and shall not be permitted on Sunday. We fully understand that and we're willing to work with certain hours if there's any issues with that.

The Petitioner will also comply with all the regulations for, whether that be for service or dealership sales, and that includes federal, state, Village codes, regulations and policies.

With that being said, our final statement, being a new business, we want a community effort as a whole in letting us know any issues. The issues being, if we're never notified of anything, we can't take proper action to change what's going on. If we're not notified relatively soon compared to when the issue occurred, then it's hard for us to actually go back and reanalyze and fix what was wrong. With that being said, there were some police reports that showed some premise property checks due to a report that was made and filed with the Police Department. This was the only formal complaint besides the grand opening that was filed with the Police Department.

So, their premise checks are explained to us as a standard procedure that they follow. They followed this for about a month or two, I'm not exactly sure on how long. But they did about 25 premise property checks throughout our bike nights. All of the premise property checks from all different officers and all different times concluded that there were no excessive noises during that time. With that being said, the officers also sat down the street in neighboring areas and not visible to us. There are no other formal complaints as I mentioned, and what we ask from everyone is if there is an issue, to give us a call, give us an e-mail, let us know somehow so we could fix the issue.

With that also being said, other shops as I said before are also located near residential properties. These shops are. Some are locally and some are nearby in neighboring towns. Bike nights as I said also were originally created to create that revenue in order to pay for the utilities. Many of the services create no noises we went through, and we're willing to work with specific days and times on a contingency basis so we can perform service. We're also willing to do service with restrictions should something like a speaker install be seen as too loud. We're willing to eliminate that completely.

CHAIRMAN ENNES: So, Mr., is it Bervinacci?

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MR. BOROWCZYK: Borowczyk.

CHAIRMAN ENNES: Borowczyk, okay, that's much easier, thank you. I should have asked you beforehand, in the report, there are two sets of conditions depending on what we would approve which you kind of went through. Are you in concurrence with both of those sets of conditions depending on what we approve tonight?

MR. BOROWCZYK: Yes.

CHAIRMAN ENNES: Okay, thank you. Please be seated. If I could ask Sam to give us the Staff report? I'd appreciate it.

MR. HUBBARD: Yes. Good evening, Chairman and members of Plan Commission. As you've heard, the subject property is located at 1728 West Algonquin Road. The property is zoned in the B-2 General Business Zoning District. In the B-2 District, automobile sales is a special use permit, so that's the reason the Petitioner is before you this evening, to request approval of a special use permit. The Comprehensive Plan designates this property as suitable for commercial uses, so the land use is compliant with the Comprehensive Plan commercial designation.

The specific special use permit that the Petitioner is requesting is for motor vehicle sales which does allow auxiliary services. So, our code classifies services into two different categories, as major repair services and minor repair services. Auxiliary service is considered a minor automobile repair, and the kinds of activities that the Petitioner would be doing fits in the minor automobile classification. Major auto repair would be considered, you know, major bodywork or engine rebuilds or, you know, vehicle painting. So, if the Petitioner was to desire to do that type of work, they would need to come back before the Village for an amendment to any special use permit that would be granted.

Additionally, there are three variations requested by the Petitioner, as you've heard: one for parking; one for an eight-foot tall fence in the rear yard where a six-foot tall solid screen is only allowed; and then again a request to waive the requirement for traffic and parking study by a qualified professional engineer.

So, the Petitioner has undertaken two major events to get them to the point here this evening. First, they appeared before the Conceptual Plan Review Committee on May 10th, 2017, at that time called the Plat & Subdivision Committee. The minutes from that meeting are within the packet for the Plan Commission and are online as well. I think there was some general discussion about, you know, possible aspects of the auto repair that may be a disturbance to nearby neighbors, and also discussions on the previous location in Schaumburg. I would characterize the meeting as primarily positive.

On March 22nd of this year, the Petitioner conducted a neighborhood meeting where they sent notice out to all property owners within 250 feet and held a neighborhood meeting. A summary of the questions asked at that meeting was provided to the Plan Commission within the packet as prepared by the Petitioner.

So, here is an aerial of the neighborhood. You can see the subject property up in red. To the north is the Surrey Park Condominiums. To the right and the east is the Penang Malaysian Restaurant. To the south is in the city of Rolling Meadows, and that's the Saratoga Condominiums and a small office building which I believe is vacant. To the west is the Plaza Del Grato Shopping Center.

So, in review of the application for the special use permit, Staff considered the standards of approval required to grant a special use permit, and they're

summarized before you on the slide. The first one being that the special use is deemed necessary for public convenience at this location. The Petitioner did provide their justification for this in the form of a market study. They are somewhat of a niche market, and we believe that there is a market for this use at this location. So, we believe that the standard has been met.

One of the other special use permit standards is that the use will not under the circumstances or the particular case be detrimental to the health, safety, morals, or general welfare of the persons residing or working in the vicinity. We do not feel that the service portion of the business conforms to this standard for reasons that I will get into. The final standard, that the use will comply with the regulations and conditions of the ordinance, we believe that the Petitioner can comply with this standard.

So, the Comprehensive Plan of the Village does provide us with some guidance as far as how to look at these situations. They provide some goals for zoning, and they recommend that incompatible zoning should be avoided. Repair uses and residential uses are in many instances not compatible. Typically, this is why these repair uses are special uses in the B-2 District, and the Village needs to carefully analyze the unique characteristics of each site and neighboring residential to determine if any particular proposed repair use is suitable at the location where it's proposed.

We don't feel in this instance that the repair function is compatible to the nearby residential to the north. Additionally, our land use goal number one is to ensure that the general land use pattern and relationships of all land uses remain or become acceptable to the present and future community. We have already received one complaint about the operations of the Toy Shop here, so again we don't believe that granting the repair function of the special use would be acceptable to the present and future community in this location.

So, there are these incompatibilities with the Comprehensive Plan and the special use permit approval criteria. Specifically, as I mentioned, we've already received one noise complaint. We believe that incorporating automobile repair on the subject property has the potential to exacerbate these noise concerns and complaints. In that regard, it's not compatible with the special use approval criteria and Comprehensive Plan. Additionally, the Petitioner has outlined that they are proposing speaker add-ons as part of the services they will provide. We're concerned that this component of the use has the potential to create significant noise and be a disturbance to nearby residential to the north.

Additionally, there is the garage door on the east side of the site, and there is a potential for that garage door to be opened. As you heard, the Petitioner mentioned they do actually have an AC unit on the roof. I don't know if it works. I don't know if the Petitioner knows if that AC unit works or if it works well enough. The service bay portion is a relatively large space and it would take a significant AC unit to keep that place cool throughout a hot summer day. That could cost a lot of money and a lot of energy, so we think there is a significant potential for the garage doors to remain open during services.

We appreciate the Petitioner and their commitment to keep the doors closed, but it's really difficult for the Village to monitor and enforce something like that. You know, it's certainly a challenge and it puts into question, you know, whether that restriction is really viable to help limit potential disturbance from the repair functions. Additionally, we also appreciate as you've heard this evening the Petitioner's willingness to not engage in the speaker add-on portion of their business. Again, you know, we could add a condition of approval that restricts that, but you know, that becomes very difficult for the Village to enforce and monitor if

something like that is going on. So, you know, again is that even really viable and something that the Village could enforce to restrict that potential nuisance?

So, there were three variations requested by the Petitioner. The first one was for parking, to reduce the required off-site parking from 71 spaces to 52 spaces. There are 48 spaces on the site. Four interior bay spaces could also be counted bringing up the total of on-site parking spaces to 52. We did take a look at the Petitioner's parking study and we do concur that, you know, there is not going to be a parking problem on the site. You know, we agree that you can fit a lot of motorcycles within one standard parking space, and the hours of operation and typical peaks of the proposed business don't necessarily correspond to the peaks of the office uses within the building.

So, we are supportive of the parking variation. I would mention if the Plan Commission goes forward with a recommendation of approval for the motorcycle sales but not the repair function, that it changes the parking calculation a little bit. It changes the extent of the variation, but the Staff Development Committee is still supportive of that.

The other variation was to waive the requirement for a traffic and parking study. We didn't feel that this was necessary because the Petitioner did provide their parking survey. Additionally, the main arterial that is Algonquin Road provides significant capacity for any traffic that would be generated by the site, and we don't feel that this type of use is a high-traffic generating use. So, we were supportive of this variation as well.

The final variation would be for an eight-foot tall solid fence in the rear yard where only a six-foot tall solid fence is allowed. The site currently has a fence along the rear property line as you've heard, it's eight-foot tall, slatted chainlink fence. You can see it on the bottom right-hand side of the screen here. That fence doesn't meet code, it's too tall. We don't allow slatted chainlink fences in the Village unless they're in an industrial area and only for certain installations.

So, we would ask that the Petitioner remove that fence and replace it with a code-compliant fence of eight feet tall. It would be compliant relative to materials being that it would be solid; it would not be compliant relative to height which is why the variation would be needed. We feel that this eight-foot tall fence would be of benefit to the condominiums to the north, would provide a better screen, a more attractive appearance with the wood fence, and would be needed to help screen the proposed use. So, we are supportive of that variation as well.

Here you can see some of the other elements of the site: the trash enclosure, the trailers that are stored out there, and then the sign which is currently vacant and noncompliant. So, we are recommending a condition of approval that would require removal of the sign. That's actually code required, and currently if any business vacates the premises, then their sign including the sign structure has to be removed. So, we had a condition of approval requiring that.

I've adjusted that condition slightly on the motion sheets before you. I think the Village is willing to allow that fence to, I'm sorry, that sign to remain and be refurbished and have a new sign face placed on it provided that that sign is code compliant. So, if the Petitioner can demonstrate that it's code compliant and they are committed to refurbish it because it does need some repairs, we'd be willing to allow that sign to remain and not require strict removal.

Some of the other conditions were to tidy up the site. You can see

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the bike, some of the pallets stored back there, and the trailers as well. So, one of the conditions of approval that Staff recommended was to address those issues.

Again, as you've heard, there was some missing landscaping. On the top left-hand side, you can see the landscaping area outlined in red that requires a shade tree. The shade tree that was originally installed was an ash tree and we suspect that it was killed by the emerald ash borer. So, that tree died and now needs to be replaced. So, that's going to be a recommended condition of approval by Staff. Additionally, on the bottom right-hand side, you can see the same area on the other side of the parking lot where additional landscaping would be needed. Again, one shade tree and the provision of three foot tall low lying shrubs to screen the parking lot which would comply with code requirements.

So, the Staff Development Committee outlined three primary options for the Plan Commission. The first option would be to deny the application for retail sales and repair of motorcycles. The sale of motorcycle accessories and parts would still be allowed as is permitted in the B-2 District and is currently offered by the Toy Shop today.

Option number two would be to approve the variations and motorcycle sales special use permit but prohibit the service and repair function of the business due to the likely nuisance-creating aspects of that use. Approval of that can be subject to certain conditions and we specify approval of the special use for motorcycle sales subject to certain conditions. The third option would be to approve the application as proposed for the variations, special use permit to allow motorcycle sales and repair subject to certain conditions.

Staff is recommending option two, that would be approval of the application to allow only automobile sales and prohibit motorcycle repairs. We do have a list of conditions, I've talked to most of them in the presentation. That's the Staff Development Committee's recommendation. I'd be happy to get into any of the conditions in detail should the Plan Commission like, otherwise that concludes my presentation this evening.

CHAIRMAN ENNES: Thank you, Sam. Can I have a motion to approve the Staff report?

COMMISSIONER JENSEN: So moved.

CHAIRMAN ENNES: And a second?

COMMISSIONER LORENZINI: Second.

CHAIRMAN ENNES: All in favor?

(Chorus of ayes.)

CHAIRMAN ENNES: Anybody opposed?

(No response.)

CHAIRMAN ENNES: Okay, thank you. Can I, is there anybody in the audience that wants to make a comment about this proposal? Can I see a show of hands of anybody who does? Okay, let's start in the front row and I want to -- well, if you want to or do you want to hear comment first?

COMMISSIONER GREEN: Okay, that's fine.

COMMISSIONER DROST: Comment is fine.

COMMISSIONER GREEN: That's fine.

CHAIRMAN ENNES: So, let's start with the first row. I'd like you to come up, I'd like you to state your name and spell it and tell us what your comments are.

QUESTIONS FROM AUDIENCE

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MS. HEIBERGER: Hi, I'm Patricia Heiberger, P-a-t-r-i-c-i-a H-e-i-b-e-r-g-e-r. In addition to the noise, I was just a little concerned about the safety and the environmental impact. If someone is purchasing a vehicle or after service, they will take it for a test drive. It's noisy as it goes around but it's also spewing out various odors, as we all know, gas and oil and things. I'm also concerned about where these test drives of the new vehicle or by the technician of a repaired vehicle, where the test drive would take place.

I am a resident of the condo complex to the north, Surrey Park, and we have a lot of tight corners within our land. I am kind of concerned that the people testing the motorcycle might want to use some of that to test the tight turning capabilities of their bike. We have a lot of children and pets in the area, and it's a concern to me that this might endanger them.

So, while the noise is certainly going to be a problem, it's also environmental for me as well, just the spewing out of all the exhaust that would come from the testing of the motorcycle.

CHAIRMAN ENNES: What noise are you talking about?

MS. HEIBERGER: Well, the general motorcycle engine noise that all motorcycles, since they have a smaller muffler, generate as they go around the property or go down the streets. There is simply no silencing a motorcycle.

CHAIRMAN ENNES: Okay, thank you.

MR. CICHOWSKI: Hi.

CHAIRMAN ENNES: Hi.

MR. CICHOWSKI: First time here. My name is Jim, last name is Cichowski, C-i-c-h-o-w-s-k-i. I've been a resident right behind the fence in this complex, Surrey Park, for 30 years I've been there now. Patricia made some good comments. I think the main thing that everybody here is kind of concerned about, this is basically a young crotch rocket type motorcycle shop. He mentioned cruisers and Harleys, it's not, you know, it's the younger crowd. Yes, if you've ever heard a crotch rocket go down the street, yi-yi-ying, you know, if you would hear 20 of them at the same time go down the street, you'll get a little hearing problem.

But I think the parties you had last year, you're not going to have those anymore? The bike night things?

CHAIRMAN ENNES: Please address, sir, please address the Commission.

MR. CICHOWSKI: I'm sorry. Yes, the bike night things probably escalated the thing, and I'm not quite sure the hours that they showed on the screen are their summer hours. They may be staying open longer in the summertime. But I think the noise and the safety issue is probably the main point that I want to make because you can be out there at night, 8:00 o'clock, 9:00 o'clock, you can see his parking lot where their building is, it's kind of like a U-shaped parking lot and back, and the bikes just kind of just rreng-rreng-rreng all night long. It's annoying after a while. So, that's my main comment.

CHAIRMAN ENNES: Thank you, Mr. Cichowski. Next please?

MS. KOLODZIEJ: My name is --

CHAIRMAN ENNES: Hi.

MS. KOLODZIEJ: Hello, Edyta Kolodziej, E-d-y-t-a, and last name is K-o-l-o-d-z-i-e-j. We live directly north from the Toy Shop, and my complaint is the same. It's just really noisy. I heard the hours of operation, we can't go barely outside. I don't know what the

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bike nights are, but the motorcycles are there constantly and it's really loud. So, that's my main complaint.

CHAIRMAN ENNES: So, you've lived there how long?

MS. KOLODZIEJ: 20? 18 years now.

CHAIRMAN ENNES: How long has the business been open there?

MS. KOLODZIEJ: About a year, last year.

CHAIRMAN ENNES: These nights when they have a function, how often have those been?

MS. KOLODZIEJ: For me it seems like every night.

CHAIRMAN ENNES: Every night, okay. Thank you.

MS. KOLODZIEJ: So, that's my complaint.

CHAIRMAN ENNES: The next speaker please. Please state your name and spell it.

DR. MUSOLINO: Joseph Musolino, M-u-s-o-l-i-n-o. The building that's represented by five of the tenants, the sixth of whom I was just at his wake, as a business owner in the Village, as some of you are aware, I'm pro business 100 percent. But the noise that came from the bike nights primarily affected our building and any building on the south end of the condo association.

I purchased this condominium in 2002. I believe I'm probably the senior of everyone here. This community has long-term residents. It's a community that's done very well in bringing in not only younger and lately a lot of immigrant and foreign individuals, but also long-term residents, one of whom I said just passed away who lived below me that was there since 1976.

I purchased the property because of the isolation. Despite Algonquin Road and Wilke Road, it was a very quiet place to live. We have, on the upper floor, we have decks that my deck goes right, looks right into that property. I'm not one to complain, I'm not even home very often because of my duties with my business. The parties last year were absolutely incessant, to the fact that I actually spoke to a couple of individuals who I knew went to the Police Department to see what we could do to prohibit that, just to eliminate it hopefully.

Not to mention the noise, just the general traffic of the motorcycles coming in and out, and as Jim stated, you know, these are sport bikes. These are not, I'm sure there's a few cruisers coming in and out, but what you hear are the sport bikes. I know because I grew up with friends who had sport bikes and of one who lost a limb and, therefore, kept me from ever getting one. It just diminished the solitude, the quiet that we get in that community that we were afforded despite the fact that we are surrounded by two very busy thoroughfares there.

So, on behalf of the five of eight, there's only eight units in the building and we have five of us here tonight, and we probably would have had a sixth but he is resting at Glueckert right now, I feel strongly, I'm not one to be against business and I would never want to see them lose business, but I feel very strongly that if they are allowed to continue with, I didn't get a chance to completely look at the recommendation but if they're allowed to give the opportunity to have a gathering place for these motorcyclists to get together, that the noise is going to continue to be an issue despite some of the recommendations. So, I hope the Commission takes that into consideration. Thank you for your time.

CHAIRMAN ENNES: Mr. Musolino, quick question. You're an owner

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there?

DR. MUSOLINO: I am an owner, yes.

CHAIRMAN ENNES: You've been there how long?

DR. MUSOLINO: Since 2002.

CHAIRMAN ENNES: Okay, so you've been there quite a while. You mentioned that some of the other people were tenants?

DR. MUSOLINO: Yes, we have --

CHAIRMAN ENNES: I don't need to know who. I just, okay, I just wanted to clarify.

DR. MUSOLINO: I don't know how many units are represented tonight.

CHAIRMAN ENNES: So, some are tenants as opposed to owners of the properties?

DR. MUSOLINO: Oh, no, no, no. No, no, we're all owners.

CHAIRMAN ENNES: Okay, I just wanted to clarify that because it was my understanding they were all condos and these were owners.

DR. MUSOLINO: We're all owners there.

CHAIRMAN ENNES: Not that it matters.

DR. MUSOLINO: A few of, a couple of us have second floor units that are decks that are affected the most.

CHAIRMAN ENNES: So, you've been there quite a while. How long has that building been vacant?

DR. MUSOLINO: How long has it been vacant there?

CHAIRMAN ENNES: Prior to the tenant, yes.

AUDIENCE MEMBER: 12 years.

DR. MUSOLINO: Yes, it's been a, as far as I know it had been a while.

CHAIRMAN ENNES: 10 years?

AUDIENCE MEMBER: 12.

CHAIRMAN ENNES: 12 years? 10-12 years, so it's been empty a long time. Possibly the reason that you've enjoyed the quiet.

DR. MUSOLINO: But there's also Penang the restaurant there.

CHAIRMAN ENNES: Absolutely.

DR. MUSOLINO: They're, you know, we don't have any, it's a restaurant with a different type of business, I understand that.

CHAIRMAN ENNES: Right.

DR. MUSOLINO: But yes, we did have that benefit that there was no one there.

CHAIRMAN ENNES: Okay, thank you.

DR. MUSOLINO: Sure, thank you.

CHAIRMAN ENNES: Next person please.

MR. DAROS: Hi, my name is John Daros. It's spelled D like David, a-r-o-s. I've lived in the Surrey Park Condominiums for years. I live directly behind the motorcycle shop. I feel the motorcycle shop should never have opened in this location. I feel like they have the responsibility to the neighbors to make sure that the Village ordinances and regulations are being followed regarding the noise level. They are not.

I had the call the police three different times this past year regarding

the motorcycle noise. A large group of people on motorcycles have been congregating and loitering in the back of the strip mall, revving up their engines for hours. It's not five minutes, it's not 15 minutes, it's hours.

This is happening at 9:00 o'clock-10:00 o'clock at night when people need it to be quiet so they can go to bed. I called the police. The policemen called me back later regarding the motorcycle noise, and he told me when he spoke to the owner of the motorcycle shop, that the owner said he didn't realize people lived behind the fence. I find that very hard to believe.

The noise still continued after that. The motorcycle noise is so loud that even with my windows closed it sounded like a jackhammer-like construction was taking place, and you would feel the vibration and the noise needs to stop.

The owner of the motorcycle shop acts like no one lives near his business, acts like his business is located on a large open field and no one else is around. He thinks he can do whatever he wants whenever he wants. He's very inconsiderate, disrespectful and rude to the neighbors who live on the other side of the fence.

This is the worst location for a motorcycle business. On the weekends, I've had to listen to blaring music, someone raffling prizes on a loud megaphone, and had to listen to a lot of noise during their bikini bike wash. The business should move somewhere else. It's affecting all the neighbors that live in Surrey Park and our property values. No one would ever want to buy a condo in a complex that's located next to a loud motorcycle shop. Had I ever known a business like this would have opened, I would have never bought a condo where I am. Thank you.

CHAIRMAN ENNES: Thank you, Mr. Daros. Next speaker please. Okay, seeing none, I'm going to close the public portion of the meeting. So, thank you for your comments, and I'm going to open the meeting to the Commissioners. By the way, you did notice that Commissioner Dawson came in, Sam?

MR. HUBBARD: I did, yes.

CHAIRMAN ENNES: So, Commissioner Dawson, would you like to start with any questions you might have?

COMMISSIONER DAWSON: Sure. So, first, apologies, I had a prior meeting that ran late. But I told you in advance I would be coming late.

Could the Petitioner stand again? So, can you speak to any of the noise concerns? This is before repairs are taking place.

MR. BOROWCZYK: So, like I said before, the noise complaints that were described were bike nights. As I also said before, we hired a security team. The security team in our opinion did a tremendous job in eliminating the noise, as well as the police reports, which I unfortunately don't have documents with me but you guys can request those I believe, only do show one formal complaint made. That formal complaint was the only one that was made and given to us, and that's the one that we had spoken about besides our grand opening.

COMMISSIONER DAWSON: Sam, what is, so whether or not you're selling auto parts or you're repairing has nothing to do with having these parties. The parties seem to be the concern. Where is the permission or the ability to have this kind of parties?

MR. HUBBARD: So, there isn't any permission for it. Once we did receive the formal complaint, I think it was back in August of 2017, we mobilized at the Village and we went out including representatives from the Building Department, the Health Department, and

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the Police Department to speak with the property owners. In the B-2 District, you're not allowed to have any, you know, exterior use of the property. So, it's not allowed by code, they're not allowed to have these outdoor bike events.

We did make the Petitioner aware of that back in August towards the middle or end of September, and we had not heard any further complaints about these events. From our understanding, they stopped once we notified that they weren't allowed. The Police Department did do multiple follow-up premise checks, 25 in fact, just to make sure that the activities weren't continuing to occur.

COMMISSIONER DAWSON: Okay, so these parties, are they done?

MR. TAYLOR: They're bike nights, it's a gathering. So, yes, we are eliminating completely our bike nights.

COMMISSIONER DAWSON: I have no problem with the word party, I like a party. I'm just asking because maybe this isn't the location for the party.

MR. TAYLOR: I mean, I would compare it to a Chipotle free burrito event if you want to compare it to another business. It's our way of bringing customers in. You can call it a customer appreciation day if you'd like.

COMMISSIONER DAWSON: But it's taking place outside of your facility?

MR. TAYLOR: It's inside but, again, if you have nice weather that people, once they purchase something, they can, you know, it's hard to tell someone to leave if they're gathering up for another place, to move on to another location, to go ahead and ride. You know, you can only ride so much before you get tired on a bike and, you know, our shop was known for it coming in on a Thursday. We were having it in Schaumburg with no issues whatsoever.

Again, we had no complaints except for our grand opening. It was a phone call in which we had the police come, but after that we had never had a police report. We never had police come in to talk to me. I'm the owner of the business. But like the last gentleman stated, he filed complaints and we've never received anything and nothing was ever reported into our reports ever.

COMMISSIONER DAWSON: Okay, I have more specific questions about your special use criteria. You're familiar with the --

MR. TAYLOR: Say that one more time? Start over?

COMMISSIONER DAWSON: The special use criteria?

MR. TAYLOR: Yes.

COMMISSIONER DAWSON: It's your response with respect to that, because to get permission to have a use that's outside of the code in a place where it's not typically permitted, you have to follow certain criteria. So, the first criteria is necessary for the public convenience, and that's not the whole wording. But I'm a little, so your response seems to be that there just aren't enough motorcycle repair shops in the area, and that's why it's necessary for the public convenience. Is that, am I --

MR. BOROWCZYK: So, in a sense, yes. But no, meaning that there are OEM dealerships who do charge an arm and a leg. Being a company that's away from the OEM dealerships, we don't have to charge their hourly rates for service as well as OEM parts when we have the ability to get after-market parts that run a lot cheaper in comparison to actual OEM parts.

COMMISSIONER DAWSON: But typically, the public convenience isn't, that's not typically an answer to public convenience. There's other areas where this use might

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be better suited, and it could be located in a more, I don't have a problem with the use, I don't have a problem with the customer appreciation parties that you're having. Nothing of what you're saying is concerning to me other than perhaps this isn't needed at this specific location because this specific location wasn't intended for this type of volume and use.

MR. TAYLOR: This building used to be, back in the day before I guess any of the residents were living there, used to be a boat repair shop at one point in time.

COMMISSIONER DAWSON: How long ago was that?

MR. TAYLOR: That was, would have been I would say the 90's, early 90's.

COMMISSIONER DAWSON: So, I do have everyone here at a bit of a disadvantage in that I grew up in Surrey Ridge and I've lived in the community since 1972 and in that area. So, I do know the history of that street, probably better than any resident that's sitting here. So, if there was a boat use, it wasn't having parties outside and there weren't engines running outside for significant periods of time that I have ever heard of.

MR. TAYLOR: I've been there probably a full year, and the amount of, I want to say gang activity, I put a stop to that.

COMMISSIONER DAWSON: But that's a totally different conversation.

MR. TAYLOR: Okay, all right.

COMMISSIONER DAWSON: I don't think anyone is saying that.

MR. TAYLOR: All right. I don't know how to answer that.

COMMISSIONER DAWSON: No, I guess I'm not criticizing you as business owners and I think you're being, you know, you're being imaginative and you're probably bringing a very needed service to a community. The question in my mind is simply is this the location for it.

MR. TAYLOR: This definitely is the location. It took me, you know, during the time when we were in Schaumburg, I was looking for well over seven months to find something, a warehouse in the back and visually with tons of open glass frontage. There is nowhere around that's vacant, that's up for rent. We can go back to Arlington Heights Motor Sports, this location is very similar to ours with trailer rentals, I believe he has like eight in his parking lot, to housing all around. It's no different than what we're doing.

COMMISSIONER DAWSON: Okay, I have no further questions.

CHAIRMAN ENNES: You want to go first?

COMMISSIONER DROST: Yes, why not? We can go this way.

CHAIRMAN ENNES: Go ahead, please. We can do that.

COMMISSIONER DROST: We can start on the left and move on to my left.

CHAIRMAN ENNES: I'm open.

COMMISSIONER DROST: Thank you, Chairman Ennes, I appreciate that.

CHAIRMAN ENNES: You're welcome.

COMMISSIONER DROST: I was really kind of dovetailing into Commissioner Dawson's statements, but just a couple of questions. First of all, I want to thank Mr. Borowczyk, very eloquent. You did a nice job.

MR. BOROWCZYK: Thanks.

COMMISSIONER DROST: What's your relationship to the owner?

MR. BOROWCZYK: So, I'm the general manager for the Toy Shop as well.

COMMISSIONER DROST: Okay, so you are involved in the business. Are

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you an owner in the business or just an employee?

MR. BOROWCZYK: Just an employee.

COMMISSIONER DROST: How long have you served in that capacity?

MR. BOROWCZYK: A year full time, and then part time for about another year.

COMMISSIONER DROST: Another year. So, your total sort of holistic experience, it's sort of, you're the new kid on the block so to speak. There was also hours of operation, and you're open on Sundays for sales of motorcycles?

MR. TAYLOR: Retail.

COMMISSIONER DROST: Is that permitted or is that under the auto --

MR. HUBBARD: That would be a question for the state, but my general understanding is that automobile sales is not allowed on Sundays.

COMMISSIONER DROST: Yes.

MR. HUBBARD: But they would have to comply with the dealership license to the state.

COMMISSIONER DROST: Exactly. I mean that was sort of where I'm driving that particular question. Where do the sales come from? Do you have some demographic or some knowledge of are they Arlington Heights residents? Do they come from Mount Prospect? Do they come from Harwood, Illinois? Where is the bulk of sales and how does that distribute between the parts and actual motorcycles?

MR. TAYLOR: There is not a lot of, well, there's been a lot of big key players in the game for a very long time that owned motorcycle shops that are no longer in business. We carry mid to high end level gear. So, when people search or word of mouth, people know to come to us for the best products. There is nothing like our shop at all.

COMMISSIONER DROST: People, where do they come from? Where does the service, you know, where --

MR. TAYLOR: Everybody travels around different locations. I have a, I started in this industry in 2012. I'm basically just a marketing guy. I can reach people all throughout Illinois. I have people coming all the way up from Wisconsin because there are certain products here that we carry.

COMMISSIONER DROST: Okay, so you are a destination as opposed to maybe a local convenience.

MR. TAYLOR: Correct, yes.

COMMISSIONER DROST: All right. You've been in the business since?

MR. TAYLOR: 2012.

COMMISSIONER DROST: 2012. What attracted you to that business?

MR. TAYLOR: Well, when I first bought my motorcycle, I asked myself how do I make more money while riding? So, we created a networking site, and then quit, worked for a small mom and pop shop, and a year and a half later I decided to open up my own business.

COMMISSIONER DROST: For transparency purposes, I was a former motorcycle owner and did the drop, that cured me. But you know, I'm somewhat familiar with motorcycles and motorcycle culture, and there's different, let's say tiers. You know, you've got the Harley guys, you've got the other crotch rocket group somewhere?

MR. TAYLOR: Yes, and it's very, you know, very stereotype with sport bikes where part of every demographic when it is motorcycles, I mean you've got your sport bike

riders, we cater to sport tour adventure riders that will travel state to state, to cruisers. We've got some other guys from stunt riders to, basically we want to tap into everything and bring everybody to one location. It's about product when it comes down to reaching those people, and then also getting the right service techs to work on all these different bikes. I mean we want to be a full one-stop shop where the amount of followers that we have, you know, we do do it well, with social media and, you know, we definitely want, would love that one-stop shop.

So, you know, we're willing to work with everybody to make this happen. Unfortunately, with our first location, we ran into a situation, and even coming to Arlington Heights, we're well into \$30,000 in this new location and only been here for a year. This building wasn't the prettiest building and we've made this inside look totally different.

So, we're trying to work as best as we can to make this happen and work with the residents nearby. Again, moving to come to this building and, again, dumped a lot of money into this, and the only thing that was going to pay my rent just to hold me over through the wintertime was these bike nights. Fortunately, I just know how to gather a crowd and bring people out, but this is not what I want to go ahead and do. I've got plenty of yearly events that I do in the thousands, and my job is safety and making sure everybody is geared the proper way, and I just want to provide awesome service. So, bike nights is not my thing. I can do that in any other town. So, that's where I'm at.

COMMISSIONER DROST: Have you ever been to Sturgis?

MR. TAYLOR: I have not been to Sturgis. Unfortunately, it's hard to get away from the shop. My girlfriend and I run this and Anthony as well. One day when we have time.

COMMISSIONER DROST: Yes, I'm just trying to bring this sort of into more of, again, a bigger reach of motorcycle culture.

MR. TAYLOR: Yes.

COMMISSIONER DROST: For sure, we would encourage entrepreneurialship and businesses. Arlington Heights has always been very, well, at least from my standpoint, trying to make entry level into the community. Making yourself a success, that helps the community, it helps everybody. But there are certain elements here, you know, where, and how do you say it, that there are sometimes a disconnect. You may be the most passionate and most constructive owner trying to be helpful, but it's the audience that you serve that you can't control.

I happen to also be old which is sometimes an advantage, and we went through a process many, many years ago involving where, if some of you remember, Roto Motors was and there was a Des Plaines Honda dealer that was moving, wanted to move his shop into the Roto site, that eventually became townhouses. The issues were sort of deja vu, and I think it was Patricia Heiberger, and that was one of the big issues where you have people congregating and as well intended as the ownership was, you can't control where these people take their motorcycles. It creates, I don't know statistically if you can prove it, you have these incidents where it just changes the whole nature of what people bought in into the surrounding area. That's a concern that I have.

MR. TAYLOR: Yes.

MS. PACKEVICIUTE: Can I say something?

MR. TAYLOR: Would she be able to say something?

COMMISSIONER DROST: It's up to Chair.

CHAIRMAN ENNES: You have a comment? Would you like to come and we'll have to swear you in.

MS. PACKEVICIUTE: Yes.

(Witness sworn.)

CHAIRMAN ENNES: Would you please spell your name for the court reporter?

MS. PACKEVICIUTE: My name is Laura, L-a-u-r-a, last name P-a-c-k-e-v-i-c-i-u-t-e, Packeviciute.

CHAIRMAN ENNES: Just for reference, what's your relationship here?

MS. PACKEVICIUTE: I'm a co-founder of the Toy Shop & Motolounge.

CHAIRMAN ENNES: Okay.

MS. PACKEVICIUTE: I would just like to say that, I know that there are some concerns with the neighbors saying that, you know, test riding the motorcycles, riding around, revving up the engines. At the end of the day, we are a motorcycle shop that also sells gear, accessories, and regardless if we do have motorcycle sales and we do have service, those will still be in place. You know, people will still come out to our motorcycle shop to buy things on their motorcycles and regardless, you know, there is I believe almost 100,000 motorcycle riders if not more, excuse me, if I'm not mistaken in Illinois alone. So, having those noises with the engines and, you know, people driving to our location, not driving to our location and just driving in those neighborhoods, it's still there.

With us, you know, we want to, doing service and doing motorcycle sales, we want to, you know, be respectful to our neighbors, but yet the services that we want to do do not cause noise with the garage. That was a big concern with our having our garage door, you know, closed, putting in an AC unit and have the, or you know, making sure the one that we have in there works is something that we definitely want to push as well to make sure that noise complaints of bike nights are, you know, we're not going to be doing bike nights, so that won't be an issue moving forward. But as far as, you know, the door open and doing service, we're not going to be doing service where that is going to cause noise.

As far as the motorcycles coming to our shop bringing noise on the engines, I feel as though those issues are already, you know, there's going to be people riding in on motorcycles regardless if we're doing service or regardless if we're also selling motorcycles because our location, you know, we do retail and we're going to have motorcycles there anyways.

COMMISSIONER DROST: Yes, and again there's certain areas, if you take a look going west from Euclid Avenue to Wilke, there were motorcycle or car sales, used car sales, and that part of the Village was sort of ready for that. That's a location I know we've had boat repair shops, you know, bringing boats in, not cleaning the engines outside the confines of the building and noises and, you know, high frequency noise, all kinds of things like that. Again, it's not to, I think you're passionate but it becomes sort of the disconnect with the market that you serve and you can't control these people, you know. God bless us, we live in America, we're free to do a lot of things as long as, you know, we stay within those boundaries. But the practical end of it is it's a very hard thing to enforce.

So, that's sort of my issue and my concern. I don't want to be a stranger or pretend, you know, there's unintended consequences from this. They tend to occur just empirically, anecdotally, just from my own personal experience. So, that's sort of where I'm

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coming from. So, let's listen to the rest of the Commissioners here.

CHAIRMAN ENNES: Thank you, Commissioner Drost. Commissioner Jensen?

COMMISSIONER JENSEN: Yes, just a couple of points of clarification. Do you own the property?

MR. TAYLOR: No.

COMMISSIONER JENSEN: You're just leasing at this point?

MR. TAYLOR: Correct.

COMMISSIONER JENSEN: Okay. So, if you've had significant complaints from nearby residents, and if you adopt what Staff has recommended where you continue doing what you're doing now but you wouldn't be able to do service, is that economically viable for you? Can you stay in this location and do business?

MR. TAYLOR: No.

MS. PACKEVICIUTE: Or we have to find a second location where we would be able to do service at a second location.

COMMISSIONER JENSEN: Sam, just a little clarification on the noise. When did the police begin doing the premises checks and so forth?

MR. HUBBARD: It was around August or September of last year.

COMMISSIONER JENSEN: Then my question, I don't know who to ask it to because certain had mentioned it, but did the noise cease after September 2017 is the question.

DR. MUSOLINO: I do believe that the bike nights --

CHAIRMAN ENNES: Wait, if you're going to make a comment, you need to come up.

DR. MUSOLINO: You want me at the microphone?

CHAIRMAN ENNES: Yes.

DR. MUSOLINO: Do I have to say my name again?

COMMISSIONER DROST: Yes, you should.

DR. MUSOLINO: Joseph Musolino, you got the spelling on that? Dr. Joseph Musolino. I do believe, my deck is, like I said, faces right at that, out there. I do believe that the bike nights did seem to become less frequent as the summer went on. But I attested that possibly to the evenings not going on as late because the sun was not, because it seemed like when they were happening on a frequent basis on Thursday evenings, they were usually starting later in the evening and then going into the night which, with the music and stuff, would probably be more beneficial for them in that regard. So, it did seem like to some degree that there was, Commissioner Jensen, that there was less frequency. I can't --

COMMISSIONER JENSEN: But there still was an issue around noise, even after the point where they had been asked to, they had been told about the problem, you're saying it did continue after the fall or 2017? Is it continuing today?

DR. MUSOLINO: The general noises from the sport bikes primarily coming in and out of there and not usually moving into traffic without too much is constantly there. That's a byproduct of their business, I understand that. It's something that you're always hearing is bikes coming in and out of the business. But in regard to your question about the parties and the noise, I don't recall it continuing at some point in the late summer at the frequency that it was for a good portion of the summer there.

COMMISSIONER JENSEN: Okay. I don't really have anything further at this point.

CHAIRMAN ENNES: Commissioner Warskow?

COMMISSIONER WARSKOW: Yes. Regardless of the financial feasibility, the business as it is today is within, with the exception of trailers and landscaping and all of that, the business itself is a permitted business in its location, yes?

MR. HUBBARD: Correct.

COMMISSIONER WARSKOW: Okay, so the noise related to that business is just an externality of a permitted business in that area. If you were able to do, let's just say sales at first, how much additional business would you say that would draw in? If you could give it like a percentage, would you double your business today if you were able to do sales?

MR. BOROWCZYK: It's really hard to say. I can honestly say to double it is quite hard to do.

COMMISSIONER WARSKOW: Okay, so add additional half.

MR. BOROWCZYK: Probably 30 percent I think.

COMMISSIONER WARSKOW: 30 percent, okay. Then if you added service on top of that, what additional percent with that?

MR. BOROWCZYK: I'd say we're looking at like 60 percent.

COMMISSIONER WARSKOW: So, you could eventually double or near double the intensity of the issues on your location. You are asking for a special use, so whatever noise you have right now, that's just an externality that's to be dealt with. But when you're asking for a special use and you're asking for the intensity of that use to near double, then that's something that has to be taken into consideration for permission of that use. That's my questions.

MR. BOROWCZYK: Right. I do also want to point out that majority of the noise that's been talked about are bike nights, and like we said we are discontinuing them, they are done. In 2018, they're done.

COMMISSIONER WARSKOW: I understand that was probably like the peak of the issue, but you still have bikes coming in and out. I'm not an expert on bikes but I do know a revving bike is going to create a lot of noise. If you're going to increase the intensity of that business, that's going to increase the intensity of that noise. So, nothing against bikes, it's just it's a special use and we have to take this into consideration. We do have people living right up against the back of your property.

CHAIRMAN ENNES: Commissioner Lorenzini?

COMMISSIONER LORENZINI: Thank you. Sam, so I tend to agree with not needing a parking study because I went through there, I drove through the lot and it was pretty empty. So, I assume that their parking requirement is only based on square footage, but from a practical standpoint it doesn't seem like they would ever need that much parking, so I'm okay with that.

What was the complaint that the Village received you mentioned?

MR. HUBBARD: It was relative to the bike nights and the noise and the after-hours activities.

COMMISSIONER LORENZINI: Why do you feel the repair usage is not compatible with the area?

MR. HUBBARD: Well, the associated noise that often come along with

repairs being the, you know, the sounds of, you know, a compressor filling up a tire or a speaker being tested after it's been installed. You know, those are our concerns about the potential disturbance there.

COMMISSIONER LORENZINI: I guess what I'm thinking is if they say they're going to keep the door closed and it's air conditioned, you know, you're right, maybe they won't, but you can say that about any business, as long as that's a condition, I don't see why that's such a big issue.

MR. HUBBARD: I think it's a different perspective from the Staff Development Committee that there's a potential to exacerbate an already existing noise.

COMMISSIONER LORENZINI: Okay. So, bike nights are, to the Petitioners, bike nights are definitely out, correct?

MR. BOROWCZYK: Correct.

COMMISSIONER LORENZINI: So, is it safe to say then once you're closed, there will be no more noise that bikes make there?

MR. BOROWCZYK: Yes.

COMMISSIONER LORENZINI: Can you do something like, how would you assure us and the residents that once you're closed the noise stops?

MR. BOROWCZYK: I mean with that being said, we close at 8:00 and pretty much will lock up and leave. Sometimes we're in there later at night, but that's just us working on other things, on paperwork and just kind of clearing up sales tax and stuff, but it has nothing to do with starting bikes, moving bikes. Once we close, all the bikes in, after that it's just interior computer work and logging in information.

COMMISSIONER LORENZINI: I'm a little confused by what I'm reading, Sam. So, it says sales, we're talking sales of vehicles. We're talking about just bikes only, right, motorcycles?

MR. HUBBARD: Right. The classification in the code is motor vehicle sales, but you know, we're recommending limiting that to just bikes which is what the Petitioner is asking for.

COMMISSIONER LORENZINI: The noise your servicing would make is basically, it would be the compressor?

MR. BOROWCZYK: Yes, just the compressor.

COMMISSIONER LORENZINI: All right. Could you, for us non-motorcycle riders unlike Commissioner Drost, could you explain OEM parts?

MR. BOROWCZYK: So, OEM parts, Mike could go a little more in depth, but basically they're just manufactured parts that come directly from the manufacturer.

MR. TAYLOR: Yamaha, Honda, Suzuki, Kawasaki.

COMMISSIONER LORENZINI: Okay.

MR. TAYLOR: All the name brands, the big brand names.

COMMISSIONER LORENZINI: Right, the original brand.

MR. TAYLOR: Yes.

COMMISSIONER LORENZINI: So, I'm sorry, I forgot your name, but the young lady was thinking exactly along the lines I was. She was making the same point I was thinking. They have, their business right now has the right to be there obviously.

MR. HUBBARD: Retail sales, yes.

COMMISSIONER LORENZINI: Right. So, whether you do service or not,

you're still going to have the same noise going on. Whether you do servicing or not, you're still going to have the same type of noise, you're still going to have the same type of noise going on, it's just that it's going to be increased because you're going to have more people there. So, I guess that's what I'm struggling with. All right, that's all I have at this point.

CHAIRMAN ENNES: Commissioner Green?

COMMISSIONER GREEN: I think I concur with you, Joe. I think that you have the, I assume legal noise limit that comes with these motorcycles is dictated by law, they can be that loud and drive on the street and not get ticketed for excessive noise. So, I do agree that you have a certain amount of noise that is inherent with your business and it is a legal business to be there.

The service part of what you do, I do a lot of that work. I actually do all that kind of work myself, and I know that the impact wrenches can be loud. The newer ones tend to be a little bit quieter than the older ones like I have. But it would be mandatory if you're going to be using that particular tool that the door would have to be down because it does resonate through everything.

But everything that you do, except for the speaker install, seems to be not a noisy operation. It's just not, just from doing it. If you have a solid masonry building and the door down, I doubt if you could hear it out in the parking spot right outside the door, except for the speaker installs. If this is an issue that you know is going to be an issue, the neighbors here are not happy with these bike nights which seem to be a majority of the problem, I think that if you, obviously you've eliminated the bike night, and if you eliminate the speaker install and just say you're just not going to do it, that would help a lot I think for what you're doing here.

The door and the air conditioning is a must. We've done that on other places of business that do the same kind of work and it was mandatory that they had the air conditioning and that the door was down. I know that that was a requirement. Just so you know, as an architect, I can tell you there are other noise abatement things you can do to the inside of your service area if there is noise, and I don't mean that you should turn these speakers on or even install them, but just to keep even more of the noise down.

So, I just, I'm torn between the ability for somebody to ride a motorcycle on the street and then go to your place of business which is not a problem except for when everybody hits the same area, the neighbors have to listen to the clientele. As your business goes up, there are more clients and more motorcycle potential noise. So, it's a tough thing for me. I don't have a problem with the service area, especially if that is an air conditioned space. You do have a ventilation problem if you're running things and doing things and just so you don't die from the gases that can build up in there, I understand why you might want to open the door. But I think if there was a restriction there, the noise could be restricted.

I think if there is, I think the neighbors, if this was to go forward, would be watching what's going on over there. I just want to say that the bike night was maybe not a good thing to do from a marketing standpoint. You're trying to sell your business to the neighborhood. That wasn't a scolding, it's just an observation on my part. Anyway, I'm going to, that's all I can say for now. Thank you.

COMMISSIONER LORENZINI: Chairman Ennes, can I go back to one more thing?

CHAIRMAN ENNES: Yes, please.

COMMISSIONER LORENZINI: One other question. The items you sell

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now, do you install them? When people bring their bikes in, do you do any type of installation or are you talking about just --

MR. TAYLOR: No, they're just purchasing.

COMMISSIONER LORENZINI: So, you don't do any installation now?

MR. TAYLOR: No.

COMMISSIONER LORENZINI: Okay, thank you.

CHAIRMAN ENNES: Okay, I have a couple of questions. Please stay up here, but a question for Sam. The way the lot is configured, we're talking about having them put in this board-on-board fence at the rear of the lot between the residences. Would there be room for row, some kind of a hedge that could help soften? There isn't? The paving goes right up to the fence?

MR. HUBBARD: It does, yes. There is maybe five to eight-foot of green space on the other side of the fence, but that's on the Surrey Park property.

CHAIRMAN ENNES: This is a difficult situation. We obviously have an economically blighted building with this vacancy that's been there for 12 years. Your landlord isn't here tonight, is that correct?

MR. TAYLOR: No.

CHAIRMAN ENNES: If we approve this and you go beyond, I would strongly recommend that your landlord be with you if you go before the Village Board, because there's a lot of the issues that it sounds like you're taking on are building issues. But I'm hearing what Commissioner Green is talking about which could be insulating part of this place where you're going to have four bays to do service work. That might be an option to help keep the noise down.

Mr. Taylor, you indicated that, really I appreciate the love you have for your business and everything and how hard you looked for this space. While it's the ideal space for you, it isn't necessarily, from the comments that you got tonight, it's not the ideal use for your neighbors. So, while you're a permitted use, I think you really need to work to improve your image with them and how you go forward.

One of the comments was, and I don't know where this came from or what, but it indicated that you didn't know, somebody from your staff didn't know there were houses back there.

MR. TAYLOR: That wasn't true. I don't know.

CHAIRMAN ENNES: Okay, well, that doesn't represent the kind of image that Mr. Borowczyk said that you've been trying to reach out to the neighbors. I've got to say from your comments, it sounded very favorable how you want to be a good neighbor.

MR. TAYLOR: Definitely.

CHAIRMAN ENNES: From the comments that you heard here tonight, that's not the way you're perceived at this point in time. So, that is something that you need to work on.

I would also recommend, since there is some contention about these police reports and what happened, we don't go out looking for information. You need to bring that before us. If you do go before the Village Board, you should have those reports with you or present those so that they're in the documentation, so that the Trustees can review that and be aware of what the facts are.

Currently, when you test drive, I should say do you, you're not selling

any vehicles now, right?

MR. TAYLOR: No.

CHAIRMAN ENNES: So, you don't do any test driving, you don't go through the neighborhoods?

MR. TAYLOR: No.

CHAIRMAN ENNES: Sam, with auto dealers, do we restrict where they can take vehicles for test drives into neighborhoods?

MR. HUBBARD: We don't.

CHAIRMAN ENNES: We don't do that, okay. That's all I have right now.

COMMISSIONER JENSEN: Mr. Chair, I'd like to pursue one thing.

CHAIRMAN ENNES: Yes?

COMMISSIONER JENSEN: If the Petitioner continued doing what they were doing except for if they got rid of this not permitted bike night thing, we would have no right telling them they can't do that in this location?

MR. HUBBARD: Correct. Their selling of accessories and parts is permitted in the B-2 District.

COMMISSIONER JENSEN: I think that a couple of questions have hit on the key point. It isn't so much what's going on inside, even if we were to allow the repair and allow the service, it is the clientele. It's the fact they're riding motorcycles which tend to be loud, and perhaps a portion of the people there to buy things have motorcycles that are even louder than typically would be the case with these cruisers. But the Village would have no reason to tell them they couldn't conduct their business with those uses and that clientele if they weren't coming before us making some other changes. Is that correct?

MR. HUBBARD: Right. They are permitted for retail sales, whether be that, you know, candy or motorcycle parts.

COMMISSIONER JENSEN: If I read this correctly, actually this area is zoned so that they could do vehicle sales and minor service in fact?

MR. HUBBARD: If they get the special use permit, yes.

COMMISSIONER JENSEN: So, even if they stay where they are and they do essentially what they're doing now, they may not totally satisfy the neighborhood because they're still going to have a clientele that's noisy is what it comes down to. They're not going to be quite as noisy because they're not going to have the bike nights, and there is nothing that we really have a reason or a right to tell them you can't do that. I just want to be clear on that.

I tend to agree with some of the other Commissioners. I can't see that adding the sales or the service is going to do too much to worsen that other than the volume. I think that you will have more people coming, and obviously you'd like to have more people coming because they will be buying and they will be having their vehicles serviced there. But basically it's the clientele that you're having some problems, not what goes on inside the building as I understand it. So, you've brought us a pretty tough issue to try to balance the concerns of the neighborhood against your right to actually have a business that is in an area that's zoned for that business. Anyway, I just want to get it clear in my mind what the issues are.

CHAIRMAN ENNES: One last question for the Petitioner. One of the comments talked about possibly new riders, and like you had indicated, Mr. Borowczyk, that with your bikes a lot of these are first time bike owners. But before they could come and buy a motorcycle, they have to have a license?

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MR. TAYLOR: Correct, they have to have an M class license.

CHAIRMAN ENNES: So, they had to go through the testing and demonstrate that they're a capable bike rider?

MR. TAYLOR: The majority of them is taking the MSF riding course at Harper College.

CHAIRMAN ENNES: Okay, which is quite appropriate.

COMMISSIONER DAWSON: I have questions across the board.

CHAIRMAN ENNES: Okay, for the Commissioners?

COMMISSIONER DAWSON: Yes.

CHAIRMAN ENNES: Please.

COMMISSIONER DAWSON: Just for my historical perspective, I don't know if you want to sit down, I don't have any questions for you. I recall, and I'd love my recollection to be refreshed appropriately, an auto parts store that was proposed on Golf by the Go-Go Center north of Arlington Heights Road, it is close to the previous Forest View High School and abutted a residential neighborhood. Does anybody recall that, years ago?

COMMISSIONER GREEN: Car Quest or something, wasn't it?

COMMISSIONER DAWSON: Something of that sort.

COMMISSIONER GREEN: Yes.

COMMISSIONER DAWSON: My recollection, I don't have anything to do with motorcycles or cars other than I get into my garage and I drive my minivan, right, I have no idea, around town. Okay, if a light goes off, I am not typical, whatever, you want to make fun of me, I then call my husband. I don't know anything about this stuff. But I recall from our conversation on this board that part of the reason that we denied that use at that time was because when you have an auto parts store, people will drive to the store, buy the part, go into the parking lot, turn on their vehicle, and start conducting repairs. I bring that conversation only up because that was the first time I'd ever heard of that because I have no experience at these auto parts stores. But that was from this board, this board's commentary, because part of the reason why we turned that down was because it abutted a residential neighborhood. That was purely auto parts.

COMMISSIONER LORENZINI: But Susan, is this the store on Golf Road? You said north of Arlington Heights --

COMMISSIONER DAWSON: Not north, east.

COMMISSIONER LORENZINI: East of Arlington Heights.

COMMISSIONER DAWSON: By the Go-Go Center.

COMMISSIONER LORENZINI: Yes, on the south side of the street?

COMMISSIONER DAWSON: On the north side of the street.

COMMISSIONER DROST: Well, there's one at Golf and Arlington Heights Road, and that was one of the issues.

COMMISSIONER DAWSON: No, that's on the west side of the street.

COMMISSIONER DROST: Right, but there was another one.

COMMISSIONER DAWSON: That doesn't abut residential.

COMMISSIONER DROST: But to your point, the owner was out here.

COMMISSIONER DAWSON: Right, that doesn't abut a residential. Yes.

COMMISSIONER DROST: The owner was out here, and the owner was, you know, he did the Boy Scout's honor that he would police the parking area where people did

their own mechanical work in the parking lot.

COMMISSIONER DAWSON: Is that the one that's on the west side of Arlington Heights Road? Now, to my recollection, there was other issues with that. There was a truck drive going along the back of it.

COMMISSIONER LORENZINI: Let's make sure we're talking about the same one. The east of Arlington Heights Road on Golf on the south side of the street, there was one there we rejected, I remember that specifically. Is that the one?

COMMISSIONER DAWSON: Yes. Yes.

COMMISSIONER LORENZINI: I remember it specifically because I knew the guy, I used to coach his son in basketball. I felt bad rejecting that but we rejected it because it wasn't zoned for that usage. That's why we rejected it.

COMMISSIONER DAWSON: No, I understand. But my point isn't some sort of, from my recollection the primary reason we rejected it was because of the traffic pattern and the truck drop-off was going to have a road go behind the building and trucks were going to have to come behind the building abutting the residential neighborhood. I'm not trying to say there's any precedent here. What I'm trying to say is I very much remember specifically this board discussing the parking lot noise that comes out of simply a parts shop, that people buy parts, go into the parking lot and turn their car on and what have you.

So, what I am concerned about, and again coming from a place that, I'm not trying to say, I'm trying to understand this because when I was listening to everyone saying, oh, that won't cause any noise, I was getting really confused because I expressly remember being at a prior meeting hearing that that will cause noise. So, you may be, I don't know, help me out here. It would seem that a car would --

COMMISSIONER GREEN: I think it was more, my recollection of that one was, because I do frequent auto parts stores a lot, is that it's a visual thing. I think that, as I recall, the owner was saying, well, we don't do that because we're a higher caliber parts store, whatever the situation was. I from experience, it doesn't make any difference where, they're all in competition with each other, they're all comparably priced, and some individuals will come and actually work on their cars in the parking lot. It wasn't so much a noise thing as it was a visual thing.

CHAIRMAN ENNES: Are you saying that there is a connection to this particular --

COMMISSIONER GREEN: I don't see the connection here because they're not going to allow that, you know.

COMMISSIONER DAWSON: Well, I don't know. I mean the point that I'm trying to make is that we're saying that having a parts store isn't going to create any more noise than a repair store, than a sales store. But it would seem to me that it would create more noise, that now we've got people buying parts. I do know that when I pull my car in to a place to have it looked at because there's something wrong with it, I've got my car on outside and they're looking at it. So, I do think that there is a noise element that increases based on repair and based on sales that is beyond auto parts.

CHAIRMAN ENNES: But we're not considering the sales of parts. They're legitimately zoned for that.

COMMISSIONER DAWSON: No, no, I understand that. I completely understand. I have no problem --

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CHAIRMAN ENNES: So, I don't know why we're getting into that.

COMMISSIONER LORENZINI: But the other point I'd like to mention is that that project was rejected by the Village.

COMMISSIONER DAWSON: Okay, that's fine. I'm not talking about whether or not it went through a rejection. I'm just talking about a conversation that we had, and so I'm surprised just hearing people saying that it won't cause any more noise because I remember a conversation about how these stores cause all this noise. Then I'm thinking, well, there's noise there, and then there must be additional noise in repairs. It would seem like if I'm going to test drive, that's going to take place outside not inside. So, it would, I'm just hearing Commissioners saying that's not going to cause any additional noise, and I'm thinking to myself that it's contrary to my recollection of prior conversations we've had.

COMMISSIONER LORENZINI: Well, I never said it's not going to cause additional noise. You are going to get more traffic, more than you have.

COMMISSIONER DAWSON: Okay. Okay, all right. I just want to make sure I understand.

COMMISSIONER GREEN: But it's not going to cause any more or any illegal noise. It's not like you can't own a motorcycle and drive it.

COMMISSIONER DAWSON: No, absolutely. Absolutely.

COMMISSIONER GREEN: So, that's the point.

COMMISSIONER WARSKOW: But as a special permit, that takes this into consideration.

COMMISSIONER DAWSON: That's all I wanted.

COMMISSIONER GREEN: But the special use for this use is allowed in this district.

COMMISSIONER DAWSON: I understand that.

COMMISSIONER GREEN: So, as a special use that is allowed.

COMMISSIONER DAWSON: I wanted my recollection of that conversation and my understanding and making sure I was remembering it correctly. You've clarified that it was more of an appearance thing than a noise thing is what your recollection is.

COMMISSIONER GREEN: Yes, and I think that the, just to put that one to bed, if you take your car to the Ford dealer and you buy a Ford part, you're not going to come outside in the Ford dealership, park next to new cars and start to put your own starter in that car. They're not going to let you. These people sell service, so you're not going to use their parking lot to do your service. I think that would last about two minutes and they would be escorted off the property.

So, I'm just saying that I don't see that kind of situation ever happening. When you sell just parts in these massive big box parts stores, they're usually connected to either their own parking lot or another bigger shopping center so there's hundreds of parking spaces and somebody will go in the corner and start to work on their car. Nobody knows what they're doing. It's just an unsightly thing to look at because they leave the junk in the garbage on the ground and they drive away. So, that was the point.

CHAIRMAN ENNES: But what we're talking about repairs and used vehicle sales.

COMMISSIONER DAWSON: Yes, I understand. I understand.

COMMISSIONER JENSEN: My point was, and maybe I'm the one that,

you may be -- my point. My point was that the noise that would come from the additional repair and even sales was not really the issue. It was the fact that the clientele makes a lot of noise just by its very nature, and the volume of that would increase if you did sales and service. So, that's the source of the noise and it would be more. So, I'm focusing on, with the repairs that go inside the building, I think it is irrelevant quite frankly. The problem that the neighbors are having has to do with the clientele as far as I can tell.

COMMISSIONER DAWSON: Sure, I understand what you're saying. I feel that we have no ability to have any issue with the clientele because the use is appropriate. So, in my mind, it's more of a matter of what is going to be taking place there. It's not the clientele, it's now I've driven a car to a place and I'm going to test drive a motorcycle. Now I've got to get my, my motorcycle is not working, so instead of coming in and parking it, I'm walking in and buying the part, I'm going to walk you outside, I'm going to turn my motorcycle on and we're going to look at all that.

So, I guess I will compare it to a boat because I'm very familiar with boat repair and boat service and boat situations. When I have a problem with my boat, I have to turn the engine on outside for you to look at it and help my figure out what needs to be done to repair it. So, I think that's a lot more comparable than a car because when the cover is off my engine on my boat, it's quite loud.

So, to me, it's not a matter of the clientele, who's coming in and going. It is specifically the matter of the additional use will, outside of the clientele who I can't judge and question because they have every right to be on this property, but the use itself is what's going to cause the additional noise. I have a concern about whether or not it belongs in this specific location.

COMMISSIONER WARSKOW: Sam, can I get clarification? I understand the retail sales is a permitted use.

MR. HUBBARD: Correct.

COMMISSIONER WARSKOW: But the addition of the sales and repair makes it a special use for this particular zone which these three conditions must be taken into consideration, where the second condition according to Village Staff has not been met because in the Staff's opinion it would be detrimental to the general welfare of the residents abutting the property.

MR. HUBBARD: Correct.

COMMISSIONER LORENZINI: But that's related to the repair and not the sales.

COMMISSIONER WARSKOW: No, all of it.

CHAIRMAN ENNES: No.

COMMISSIONER WARSKOW: They're both under a special use.

CHAIRMAN ENNES: No, sale of used.

MR. HUBBARD: Yes, it's related to the repairs. The sales, I think we're comfortable with that portion of the special use permit.

COMMISSIONER WARSKOW: Well, there I have a problem with. What my concern is, is applied to both. The additional business being brought in and making sure that additional business applies to both sales and repairs.

CHAIRMAN ENNES: So, you're okay with them selling parts?

COMMISSIONER WARSKOW: No, I'm not okay.

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CHAIRMAN ENNES: They're approved to, they're zoned for it.
COMMISSIONER DAWSON: No, the parts, the parts that they're approved for.
COMMISSIONER WARSKOW: Oh, they're selling parts. They're selling helmets and --
COMMISSIONER DAWSON: Yes, that's the parts.
CHAIRMAN ENNES: Right, the parts.
COMMISSIONER GREEN: Gear.
COMMISSIONER WARSKOW: Gear. I'm sorry, when you said parts, that went to me as repair. No, I'm fine with the retail in-store aspect of it because it is a permitted already Village-blessed use of that space.
CHAIRMAN ENNES: Right. They want to add the sale of used motorcycles. You're okay with that?
COMMISSIONER WARSKOW: No.
CHAIRMAN ENNES: Okay.
COMMISSIONER LORENZINI: Chairman, just one more question for Mr. Taylor. Could you come back up please? Something I just remembered you saying. You're going to stop the bike nights, right?
MR. TAYLOR: Correct.
COMMISSIONER LORENZINI: But then you said something like you had a thousand marketing things to do. You're not going to any other type of promotional things there, are you?
MR. TAYLOR: No.
COMMISSIONER LORENZINI: Okay, that's all. Thank you.
MR. BOROWCZYK: If we could also make mention of what we just spoke about, how there were some parts kind of put on in a parking lot? I want to make mention that people that do ride in can't carry these tools that they need to be able to get into their motorcycle from Allen keys to wrenches.
MR. TAYLOR: Bike stands.
MR. BOROWCZYK: A backpack can only hold so much. With that being said, if you go down, the odds of something actually going right through you with like an Allen key is quite high depending on how hard you hit the ground.
MR. TAYLOR: The key thing is to say that, unfortunately, we can't know the problem unless we take a look at it.
COMMISSIONER DAWSON: So, that goes to your current use of selling parts, that people won't be repairing in the parking lot which is already a permitted use.
MR. TAYLOR: Correct. You go to an auto zone, you'll see on any auto zones it says no working allowed, you know. It's ridiculous with some of this, I mean people try to change a battery, it's your responsibility to tell them absolutely not.
CHAIRMAN ENNES: So, you'd be okay with putting a sign to that effect in your parking lot?
MR. TAYLOR: Right.
CHAIRMAN ENNES: Okay. Would someone like to make a motion? Do you want to make a motion?
COMMISSIONER GREEN: I'll make a motion. Wait a minute, I want to

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make sure I get the right one. This is the one for --

CHAIRMAN ENNES: Motorcycle.

MR. HUBBARD: You know what, if you're going for the motion for approval of motorcycle sales and repair, I'm noticing there is an error there.

COMMISSIONER GREEN: Yes.

MR. HUBBARD: So, you would take out everything but, so take out everything after but until on the subject property.

COMMISSIONER LORENZINI: Well, Sam, this approval, if we vote on it, it saying this approval is subject to the following conditions. One has nine conditions, one has 10 conditions. Which is the one you're recommending?

MR. HUBBARD: Staff recommended the one with nine conditions to allow approval of motorcycle sales.

COMMISSIONER GREEN: No, that's not the one I'm making.

COMMISSIONER DAWSON: He's making the motion of approval for both.

COMMISSIONER DROST: Because it's number nine.

MR. HUBBARD: I'm sorry, I got the wrong sheet. I got that mixed up.

COMMISSIONER DROST: Number nine.

MR. HUBBARD: So, yes, that was my mistake. Staff is recommending the one that says motion for approval of motorcycle sales and denial of repair. But there is an error in the motion sheet that's stating motion for approval of motorcycle sales and repair.

COMMISSIONER GREEN: That's the one I'm making. Okay, I would like to make a motion.

A motion to recommend to the Village Board of Trustees approval of PC#18-003, a Special Use Permit to allow motor vehicle sales and repair of motor vehicles on the subject property, and the following variations:

- 1. Variation to Section 11.4, Schedule of Parking Requirements, to reduce the required amount of off-site parking from 64 spaces to 48 spaces.**
- 2. Variation to Section 6.313-3(B), Side and Rear Yards, to allow an eight-foot tall solid fence in the rear yard where a six-foot tall solid fence is allowed.**
- 3. Variation to Section 6.12-1, to waive the requirement for a traffic study an parking analysis prepared by a qualified professional engineer.**

This approval shall be subject to the following conditions:

- 1. The special use permit for motor vehicle sales shall allow only the sale of motorcycles and auxiliary repair of motorcycles.**
- 2. The Petitioner shall remove all materials that they are storing outdoors (pallets, chairs, trailers, motorcycle, et cetera). Outdoor storage of motor vehicles and materials by the Petitioner shall be prohibited.**
- 3. The existing ground sign located in the front yard shall be removed or brought into conformance with all signage regulations. The temporary ground sign that advertises for the Toy Shop shall be removed.**
- 4. The Petitioner shall be prohibited from conducting outdoor events on the**

subject property.

- 5. The existing six-inch fire single check valve shall be removed and replaced with an approved RPZ.
- 6. The eight-foot tall slatted chainlink fence along the rear property line shall be replaced with an eight-foot tall solid wood fence. Additionally, the slatted chainlink dumpster enclosure shall be replaced with a wood enclosure of suitable height to screen the dumpsters.
- 7. Two new shade trees shall be installed in the two parking lot landscape islands located at the terminus of the parking rows at the south of the site. Additionally, a code compliant parking lot landscape screen along the right-of-way at the southeast corner of the site shall be installed.
- 8. The overhead door shall remain closed during any motor vehicle repairs and/or service.
- 9. All motor vehicle repairs shall cease after 6:00 p.m. on every day and shall not be permitted on Sunday.
- 10. The Petitioner shall comply with all federal, state, and Village codes, regulations and policies.

CHAIRMAN ENNES: Sam, would you take a roll call vote?

COMMISSIONER DROST: It has to be seconded.

CHAIRMAN ENNES: I'm sorry, second?

COMMISSIONER JENSEN: Second.

CHAIRMAN ENNES: So, we have a second. Would you take a roll call vote?

COMMISSIONER LORENZINI: Wait, Sam, before you take a roll call vote, could you, what changes did you make to this?

COMMISSIONER GREEN: There was a mistake in the first line which said and a prohibition of the auxiliary service, okay, right there. Prohibition of the auxiliary service. In other words, if you're asking for both sales and repair to be approved, you have to take out that.

COMMISSIONER DROST: Prohibition.

COMMISSIONER WARSKOW: That prohibition of the auxiliary.

COMMISSIONER GREEN: Yes, there you go.

COMMISSIONER JENSEN: Then the first condition has to have that taken out as well because it says there's a prohibition of repair.

COMMISSIONER DROST: Yes, well, that's a different motion.

MR. HUBBARD: Yes, that's a different motion.

COMMISSIONER GREEN: Different motion.

COMMISSIONER JENSEN: No, I think the one that you're working with --

MR. HUBBARD: They both have the same language, so unfortunately, I'm sorry, it's a little confusing. They both have the same language for the first three lines of motion, blah-blah-blah, but the conditions are different.

COMMISSIONER JENSEN: So, it's the one through 10 is the correct one?

MR. HUBBARD: One through 10, yes, doesn't have the prohibition on motor vehicle service.

COMMISSIONER LORENZINI: And you're recommending sales and

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service?

COMMISSIONER GREEN: Sales and service to be approved.

CHAIRMAN ENNES: Can we take a roll call?

MR. HUBBARD: Commissioner Dawson.

COMMISSIONER DAWSON: No, with comment.

MR. HUBBARD: Commissioner Drost.

COMMISSIONER DROST: No.

MR. HUBBARD: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Yes.

MR. HUBBARD: Commissioner Warskow.

COMMISSIONER WARSKOW: No, with comment.

MR. HUBBARD: Chairman Ennes.

CHAIRMAN ENNES: Yes.

MR. HUBBARD: Commissioner Green.

COMMISSIONER GREEN: Yes.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: Yes.

MR. HUBBARD: It's four to three.

COMMISSIONER GREEN: Four-three in favor.

CHAIRMAN ENNES: Four to three.

MR. HUBBARD: Favorable vote.

CHAIRMAN ENNES: So, you have a favorable decision.

COMMISSIONER DAWSON: We have comments.

COMMISSIONER DROST: Comments.

CHAIRMAN ENNES: Yes, and you will be able to go to the Village Board with this recommendation. Commissioner Dawson, your comment?

COMMISSIONER DAWSON: My comment is that I think you sound like an amazing bunch of entrepreneurs, I really do. I consider myself to be an entrepreneur. Don't think this should be a judgment against your business. I think it was said by someone else though, this seems like a great business but not so for this space.

In my opinion, the first two criteria of the special use standards have not been met. Because of that, I can't support it.

COMMISSIONER WARSKOW: My comment, I would definitely repeat what she said. I think it's a great business. I applaud you for taking the risk to open this business. I think because the current structure of the business is permitted, I don't have any problem with that. It's just the fact that there is a special use and, yes, I don't believe this is the right special use and the right location.

CHAIRMAN ENNES: Well, good luck with your proposal going forward. I would take some of the suggestions that you got here and provide some of that documentation to the Village Board.

That's all. Do we have a motion to adjourn?

COMMISSIONER GREEN: I'll make that motion.

COMMISSIONER DROST: And I'll second it.

CHAIRMAN ENNES: All in favor?

(Chorus of ayes.)

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CHAIRMAN ENNES: Thank you.

(Whereupon, at 9:28 p.m., the above-mentioned petition was adjourned)

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