

AGENDA
BOLINGBROOK PLAN COMMISSION

April 7, 2010

1. CALL TO ORDER: Chair: Robert Cawthon, Jr.
2. ROLL CALL: Vice Chair: Mary Rennels
Commissioners: Rick Campos, Ronald Elliott
Greg Jacobs, Talat Rashid, J.D. Rhoades
Libby Runge and Calvin Wright
3. APPROVAL OF MINUTES: March 3, 2010
4. PUBLIC HEARINGS: Special Use Permit for a Carry-out Restaurant with Extended Hours of Operation
Lou Malnati's Pizzeria, 259 S. Weber Road
Applicant: Malnati Organization, Inc.
Project No. 404.10
Staff Presenter: Matt Eastman

Special Use Permit for a Planned Unit Development with Variances
Victory Cathedral Worship Center, 369 N. Weber Road
Applicant: Jaeger, Nikola, & Associates, LTD Architects
Project No. 403.10
Staff Presenter: Matt Eastman

Amendment to a Special Use Permit for a Planned Commercial
Development with Sign Variances
Culver's, 250 N. Bolingbrook Drive
Applicant: James DiVerde
Project No. 422.02
Staff Presenter: Nicole Knapp

Text Amendment to the Zoning Ordinance Articles 5, 6, and 15
Applicant: Bolingbrook Community Development Department
Project No. 419.09
Staff Presenter: Nicole Knapp
Continued from March 3, 2010
5. NEW BUSINESS:
6. OLD BUSINESS:
7. APPROVAL OF PLAN
COMMISSION REPORTS: PC10.03 Approval of a Text Amendment to the Zoning Ordinance,
Article 4 Part 2. Outdoor Display of Merchandise Goods. Applicant:
Bolingbrook Community Development Department, Project No.
400.10

PC 10.04 Approval of a Special Use Permit for Planned
Development with Variances and Final Development Plan, MacNeil
Automotive Products, 841 Remington Boulevard, Applicant: MacNeil
Real Estates Holdings, LLC, Project No. 401.10
8. CITIZENS TO BE HEARD:
9. CHAIR'S REPORT:
10. COMMISSIONER'S REPORT:
11. PLANNING DEPARTMENT REPORT:
12. ADJOURNMENT:

**A REGULAR MEETING OF THE PLAN COMMISSION
OF THE VILLAGE OF BOLINGBROOK
April 7, 2010**

CALL TO ORDER

Chairman Robert Cawthon called the meeting to order at 8:01 p.m., Wednesday, April 7, 2010.

ROLL CALL

Present: Commissioners Greg Jacobs, Talat Rashid, Ronald Elliott, Rick Campos, Calvin Wright, Vice Chair Mary Rennels

Absent: Commissioners J.D. Rhoades and Libby Runge

Staff: Director of Community Development, Dennis Kowalczyk; Planning & Zoning Administrator, Nicole Knapp; Planner Matthew Eastman; Village Engineer, Tom Pawlowicz

Press: None

APPROVAL OF MINUTES

Motion Vice Chair Rennels, second to approve Minutes of the March 3, 2010, meeting of the Plan Commission.

Voice Vote: Unanimous
Motion carried.

PUBLIC HEARING

SPECIAL USE PERMIT FOR A CARRY-OUT RESTAURANT WITH EXTENDED HOURS OF OPERATION, LOU MALNATI'S PIZZERIA, 259 S. WEBER ROAD, APPLICANT: MALNATI ORGANIZATION, INC. PROJECT NO. 404.10

Motion Jacobs, second Rashid to open the public hearing.

AYES: Commissioners Elliott, Wright, Campos, Jacobs, Rashid, Vice Chair Rennels, Chairman Cawthon.

NAYS: None

ABSENT: Commissioners Rhoades , Runge

Motion carried, public hearing opened at 8:04 p.m.

Planner, Matt Eastman presented the request for Approval of a Special Use Permit for a Carry-out Restaurant with Extended Hours of Operation. The subject site is approximately one and seven tenths (1.7) acres, is zoned B-2 Community Retail, and is part of a unified development commonly known as the Shops at Country Aire Market. The Zoning Ordinance requires that a Special Use Permit be approved for carry-out restaurants as well as hours of operation beyond 10:00 p.m. The applicant is proposing a one thousand six hundred sixteen (1,616) square foot carry-out and delivery facility. Staff finds that the requested hours of operation would be consistent with other restaurants along Weber Road.

RECOMMENDATION

Staff recommends approval of a Special Use Permit for Lou Malnati's Pizzeria a carry-out establishment located at 259 S. Weber Road to remain open to 11:00 p.m. on Friday and Saturday only.

DISCUSSION

None

Motion Jacobs, second Wright to close the public hearing.

AYES: Commissioners Jacobs, Rashid, Elliott, Wright, Campos, Vice Chair Rennels, Chairman Cawthon

NAYS: None

ABSENT: Commissioners Rhoades, Runge

Motion carried, public hearing closed 8:07 p.m.

Motion Vice Chair Rennels, second Rashid to accept the recommendation of Planning Staff.

AYES: Commissioners Campos, Wright, Elliott, Rashid, Jacobs, Vice Chair Rennels, Chairman Cawthon

NAYS: None

ABSENT: Commissioners Rhoades, Runge

Motion carried.

SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT WITH VARIANCES, VICTORY CATHEDRAL WORSHIP CENTER, 369 N. WEBER ROAD, APPLICANT: JAEGAR, NIKOLA, & ASSOCIATES, LTD ARCHITECTS, PROJECT NO. 403.10

Motion Wright, second Vice Chair Rennels to open the public hearing.

AYES: Commissioners Jacobs, Rashid, Elliott, Wright, Campos, Vice Chair Rennels, Chairman Cawthon

NAYS: None

ABSENT: Commissioners Rhoades, Runge

Motion carried, public hearing opened 8:09 p.m.

Planner, Matt Eastman presented the request for Approval of a Special Use Permit for a Planned Unit Development with Variances. This is to allow a religious institution to occupy an existing building with associated variances. The property is located in the Maple Park Place Shopping Center, which consists of a ninety thousand six hundred eighty-six (90,686) square foot building, associated parking spaces, and is zoned B-2 Community Retail. At the present time Hobby Lobby occupies approximately fifty- three thousand (53,000) square feet on the south side of the building. Victory Cathedral Worship Center is proposing to occupy thirty-three thousand eight hundred eighty-three (33,883) square feet of vacant space on the north side of the building. A religious institution requires a Special Use Permit in the B-2 Community Retail zoning district. Per the applicant, the congregation of Victory Cathedral Worship Center consists of approximately one thousand seven hundred (1,700) members. Victory Cathedral Worship Center would consist of a nine hundred twenty-seven (927) seat worship area, along with a large gathering area, full service kitchen, classrooms, and meeting spaces for a variety of youth ministry activities. The worship center would be open during regular business hours Monday through Friday, in addition to bible study classes on Tuesday nights and two (2) worship services on Sunday mornings at 7:30 a.m. and 10:00 a.m. Access into the site would be from Weber Road, plus there would be additional access to other locations along Weber Road via a cross access drive aisle along the south property line.

There are two (2) variances being requested. The first variance is to reduce the minimum width or eliminate the curbed planting islands at the end of several parking rows. Per the Zoning Ordinance, a nine foot by nineteen foot (9'x19') curbed planting island is required at the end of a

parking row. The applicant is requesting to reduce the minimum width of two (2) new curbed planting islands near the northeast corner of the building and eliminate a few islands near the northwest corner of the building adjacent to the west elevation. Staff supports the variance as requested since this would allow for greater truck maneuverability throughout the site without damaging the curbs and landscape beds; however, Staff would suggest this variance be approved subject to three (3) overstory trees being installed in the two (2) new islands located near the northeast corner of the building and two (2) overstory trees being installed in the new island located at the northwest corner of the parking lot.

The second variance is to increase the maximum size of the sign text display area on the existing pole sign. Per the Zoning Ordinance, development signs are not to exceed fifty (50) square feet in area when located within three hundred (300) feet of residential zoned property. The only residentially zoned property is to the immediate north, which cannot be seen from the site due to the mature trees located along the north property line of the subject site. The existing pole sign consists of approximately one hundred twenty-eight (128) square feet in sign text area for Hobby Lobby's identification. The applicant is requesting to increase the display area by one hundred twenty (120) square feet in order to identify Victory Cathedral Worship Center, which would be added onto the existing pole sign as shown on the Elevation Exhibit attached. Staff supports the variance as requested, as Staff believes this would be more aesthetically appealing than supporting a variance for a second development sign on site.

RECOMMENDATION

Staff recommends approval of a Special Use Permit for a Planned Unit Development with Variances to allow Victory Cathedral Worship Center to occupy 369 N. Weber Road, subject to the following:

1. A Variance to reduce the minimum width of two (2) curbed planting islands near the northeast corner of the building and eliminate a few islands near the northwest corner of the building and adjacent to the west elevation, subject to three (3) overstory trees being installed in the two (2) new islands located near the northeast corner of the building and two (2) overstory trees being installed in the new island located at the northwest corner of the parking lot.
2. A Variance to increase the allowable sign text area from fifty (50) square feet to approximately two hundred forty-eight (248) square feet for the existing pole sign on the subject property, subject to all other signage on the building being in compliance with the Zoning Ordinance.

DISCUSSION

Commissioner Jacobs was concerned that there would be a pre-school and wanted to know if Victory Cathedral would require a variance to operate a pre-school. He was also concerned about the traffic flow and if there would be a traffic signal at the entrance. Vice Chair Rennels questioned the available parking on site. Chairman Cawthon wanted to know if there was any sort of over flow parking plan.

Planner Eastman responded that Victory Cathedral would not be running a full service pre-school. The pre-school would be congruent to the hours of when the church is in service. The pre-school would not run as a separate business during the week. Planner Eastman also responded that there would be a total of five hundred seventy-four (574) parking stalls. This would accommodate one (1) parking stall for every three (3) seats. Planner Eastman said that the property is parked per code, this would allow for both the retail and the church to be completely at full capacity, and still meet the code.

Engineer Pawlowicz stated that there is a traffic signal to the south that most of the time when people would be leaving the site it would be during off peak hours, and that a traffic signal at the entrance is not warranted.

Chair Cawthon stated that in other circumstances with places of worship, if traffic becomes a problem the traffic flow gets monitored by the police, or sometimes the churches have to hire a few people to do this.

Smokie Norful, Naperville, IL, sworn. Mr. Norful stated he has had phenomenal growth. Right now the congregation has services in Romeoville High School. He started in the Bolingbrook Holiday Inn, and said it has always been his desire and hope to bring the service of all the ministries back to this community. Mr. Norful said parking is something that they have labored over to make sure that it meticulously covered all the bases on everything that could possibly be done to benefit and become asset not a hindrance. Mr. Norful said he is definitely committed to hiring parking staff, which would aide in the traffic flow. He stated that on the rear of the building there is another component of parking so that those individuals could be redirected to one side, while the others are directed to the other side.

Motion Vice Chair Rennels, second Wright to close the public hearing.

AYES: Commissioners Jacobs, Rashid, Elliott, Wright, Campos, Vice Chair Rennels, Chairman Cawthon

NAYS: None

ABSENT: Commissioners Rhoades, Runge

Motion carried, public hearing closed 8:28 p.m.

Motion Jacobs, second Wright to accept the recommendation of Planning staff.

AYES: Commissioners Campos, Wright, Elliott, Rashid, Jacobs, Vice Chair Rennels, Chairman Cawthon

NAYS: None

ABSENT: Commissioners Rhoades, Runge

Motion carried.

AMENDMENT TO A SPECIAL USE PERMIT FOR A PLANNED COMMERCIAL DEVELOPMENT WITH SIGN VARIANCES

Motion Vice Chair Rennels, second Wright to open the public hearing.

AYES: Commissioners Jacobs, Rashid, Elliott, Wright, Campos, Vice Chair Rennels, Chairman Cawthon

NAYS: None

ABSENT: Commissioners Rhoades, Runge

Motion carried, public hearing opened 8:31 p.m.

Planning and Zoning Administrator, Nicole Knapp, presented the request. Culver's is located at 250 S. Bolingbrook Drive, which is just south of Menards on the east side of Route 53. Currently Culver's has a ten (10) foot high monument sign that has approximately thirty-five (35) square feet of sign text. The Zoning Ordinance would allow them to have one (1) development sign that is a monument style sign not to exceed fifteen (15) feet in height and one hundred twenty (120) square feet in area. The applicant is proposing to install a new sign constructed with two (2) support columns in the same location and remove the existing monument sign. The proposed sign would not exceed twenty (20) feet in height, one hundred fifteen (115) square feet in area, and would include a thirty-two (32) square foot digital marquee. Staff supports the variance as requested due to the high volume of traffic on Bolingbrook Drive and since the proposed two (2) support column structure design would compliment Menard's sign.

RECOMMENDATION

Staff recommends approval of an Amendment to a Special Use Permit for a Planned Commercial Development with Sign Variances to allow for a twenty (20) foot high development sign constructed with two (2) support columns as shown on the attached sign drawing prepared by Jim Greeley Signs & Awnings, Inc. on March 15, 2010, that does not exceed one hundred fifteen (115) square feet in area upon removal of the existing development sign for Culver's located at 250 N. Bolingbrook Drive.

DISCUSSION

Commissioner Elliott requested justification for the variance.

James DiVerde, Bolingbrook, IL, Co-owner of Culver's, sworn. Mr. DiVerde stated that the variance being requested is to make the sign taller than the Ordinance allows, that after speaking to experts in the sign industry they recommended that because of the grade of the property being in a bit of a depression, the perfect line of site, considering the speed of vehicles would be about fifteen (15) to twenty (20) feet in height.

Commissioner Elliott recalled that McDonald's wanted to raise their sign, but they were only approved to raise their sign to correct for the grade. Commissioner Elliott objects to the fact that Mr. DiVerde is requesting to go above grade corrections.

Mr. DiVerde responded that after spending time talking with Mayor Claar, Nicole Knapp and Dennis Kowalczyk, they agreed that it would benefit having a little more height and that they would support it. Mr. DiVerde stated that they would be investing a considerable amount of money into the sign; therefore he is hoping to bring in increased revenue as well as sales tax. He also mentioned that the Bolingbrook Culver's is one of the lower volume restaurants in the Chicago area and that the lack of signage on the main road affects that.

Chair Cawthon stated that in the written recommendation from the staff, other development signs in the vicinity are of similar size and height, but asked if there was a reference to which signs they were. Ms. Knapp responded that the Menards sign is twenty-five (25) feet high, which is more than what Culver's is requesting. Jiffy Lube across the street also has a pole sign, which again is taller than the one being requested. Staff looks at similarities with neighboring properties, not at whether it is a bank or a restaurant. The other sign that is similar in height is on the southeast corner of Bolingbrook Drive and Northridge Avenue, which is a multi-tenant sign for the plaza and that sign is eighteen (18) feet in height. The sign variance being requested is five (5) feet taller than what the ordinance allows, but five (5) square feet under sized, so an additional five (5) feet in height, and the two (2) support columns is what is being considered. The current code prohibits pole signs and Culver's is proposing two (2) support columns covered in brick, as opposed to a sign pole down the middle or a monument sign.

Commissioner Campos asked if the applicant is proposing an LED light sign, and if it would be similar to what is further south on Route 53. Ms. Knapp said that the proposed sign is much smaller than the sign Commissioner Campos was referring to. She explained that the marquee of this sign is included in the one hundred fifteen (115) square feet of sign. The code allows sixty (60%) percent of a development sign to be a digital marquee, and Culver's is under that.

Commissioner Wright, asked if this was going to open a flood gate and if at some point would there be a number size that we stop at for other businesses to decide to put up more signs that are higher along Route 53. Ms. Knapp said the Village takes each lot as a case by case basis and that there is no precedence set. Commissioner Elliott added to the previous comments by stating that in his opinion this was considered creeping signage.

Commissioner Campos said that while traveling around town he noticed a lot of LED signs and mentioned that they are really bright. He said this may not have a lot of bearing, but that it obviously would be part of the overall makeup of putting up the sign. He stated he is not against building businesses, he thinks it already is a big establishment.

Commissioner Wright said he had nothing against Culver's, but he sees a situation that is just going to grow, and grow. Ms. Knapp said if there were residential homes across Bolingbrook Drive, staff would not have made recommendation of approval, which has to come into consideration. Culver's is surrounded by other businesses.

Commissioner Elliott stated that he sees it as restaurant versus restaurant, so he proposed an amendment to staff's recommendation to make the sign fifteen (15) feet in height instead of twenty (20) feet. He said the rest of the sign looked great, but doesn't like the extra five (5) feet in height because he thinks it is creeping signage.

Motion Vice Chair Rennels, second Elliott to close the public hearing.

AYES: Commissioners Jacobs, Rashid, Elliott, Wright, Campos, Vice Chair Rennels, Chairman Cawthon

NAYS: None

ABSENT: Commissioners Rhoades, Runge

Motion carried, public hearing closed 8:50 p.m.

Motion Elliott, no second to modify or amend staff's recommendation to allow a fifteen (15) foot tall ground sign constructed with two (2) support columns.

Motion Jacobs, second Vice Chair Rennels to accept the recommendation of Planning Staff.

AYES: Commissioners Campos, Wright, Rashid, Jacobs, Vice Chair Rennels, Chairman Cawthon

NAYS: Commissioner Elliott

ABSENT: Commissioners Rhoades, Runge

Motion carried.

TEXT AMENDMENT TO THE ZONING ORDINANCE ARTICLES 5, 6, AND 15

Motion Vice Chair Rennels, second Campos to open the public hearing.

AYES: Commissioners Campos, Wright, Elliott, Rashid, Jacobs, Vice Chair Rennels, Chairman Cawthon.

NAYS: None

ABSENT: Commissioners Rhoades, Runge

Motion carried, public hearing opened at 8:52 p.m.

Planning and Zoning Administrator, Nicole Knapp presented the request. The Community Development Department is proposing amendments to the text of article 5, 6, and 15 of the Zoning Ordinance with regards to wind turbines, fences, and mobile storage containers which were on the February 3, 2010 and March 3, 2010 Plan Commission Meeting Agendas. On each occasion Staff requested that the Public Hearing be continued, as Staff needed more time to alter the language of the proposed amendments. At this time Staff is proposing to withdraw any proposed code changes regarding wind turbines and mobile storage containers as mentioned in the Public Notice, and just proceed with the proposed amendments with regards to fences. It was recently brought to Staff's attention that two (2) sections of the Municipal Code, Chapter 29 Zoning Ordinance and Chapter 31 (a sign and fence ordinance created in 1977) both regulate fences, however the Community Development Department does not follow, enforce, or has not updated Chapter 31 since 1977. As a result, Chapter 31 is out of date and does not correspond with the current Chapter 29. In some cases the codes contradict each other. Staff is proposing

to add or delete the highlighted areas shown in the Staff Report. Upon adoption of the updated code, Chapter 31 in its entirety will be repealed from the Municipal Code.

RECOMMENDATION

Staff recommends approval of the proposed amendments to the Zoning Ordinance.

DISCUSSION

None

Motion Vice Chair Rennels, second Campos to close the public hearing.

AYES: Commissioners Jacobs, Rashid, Elliott, Wright, Campos, Vice Chair Rennels, Chairman Cawthon

NAYS: None

ABSENT: Commissioners Rhoades, Runge

Motion carried, public hearing closed 8:55 p.m.

Motion Jacobs, second Rashid to accept the recommendation of Planning staff.

AYES: Commissioners Campos, Wright, Elliott, Rashid, Jacobs, Vice Chair Rennels, Chairman Cawthon

NAYS: None

ABSENT: Commissioners Rhoades, Runge

Motion carried.

NEW BUSINESS

None

OLD BUSINESS

None

APPROVAL OF PLAN COMMISSION REPORTS

Motion Vice Chair Rennels, second Wright to accept Plan Commission reports:

PC 10.03 Approval of a Text Amendment to the Zoning Ordinance, Article 4 Part 2. Outdoor Display of Merchandise Goods. Applicant: Bolingbrook Community Development Department, Project No. 400.10

PC 10.04 Approval of a Special Use Permit for Planned Development with Variances and Final Development Plan, MacNeil Automotive Products, 841 Remington Boulevard, Applicant: MacNeil Real Estates Holdings, LLC, Project No. 401.10

Voice Vote: Unanimous.

Motion carried.

CITIZENS TO BE HEARD

None

CHAIR'S REPORT

None

COMMISSIONER'S REPORT

Commissioner Elliott had a question regarding wind turbines. He stated there are some open areas in the Village, and noticed that south of here along I-55 there are along of wind turbines. He said the wind turbines are about three hundred (300) feet high, and two hundred fifty (250)

feet in diameter. He asked what is our policy regarding these wind turbines near or within the Village. Director of Community Development Dennis Kowalczyk stated that there is staff and a subcommittee of the plan commission that is looking into these wind turbines and so far as any policies are concerned, there are none at this time, and there are no codes be it within the Village limits or within one and a half (1½) miles of the Village, but we are looking into it right now. Preliminary the information we are getting is that a single individual wind turbine for a single family residence would require at least one (1) acre piece of property and have to be anywhere from ninety (90) feet to one hundred twenty (120) feet in height to make it efficient, and worthwhile, but stated that they are studying the situation we are looking into it.

PLANNING DEPARTMENT REPORT

Director of Community Development, Dennis Kowalczyk gave an update on the Census that is being conducted. He stated that as of this date the Village's return rate for the Census questionnaires was sixty-seven (67%) percent, the National rate was sixty-three (63%) percent, the Illinois overall rate was sixty-six (66%) percent, and Will County was seventy-two (72%) percent. The breakdown he gave was that the area between Route 53 and Schmidt Road South of Briarcliff Road had a return rate of fifty-five (55%) percent, whereas the area West of Kings Road is at seventy-three (73%) percent. Mr. Kowalczyk stated that he encourages everyone to get the questionnaires in to the Census Bureau, and to be counted for millions of dollars of Federal Funds that could come to the Village. He said he got work from the Census that the Census takers are still being trained, and they will be going door to door to those addresses that have yet to send in their questionnaires, starting May first.

ADJOURNMENT

Motion Vice Chair Rennels, second Wright to adjourn.

Voice Vote: Unanimous
Motion carried.

Chairman Cawthon adjourned the meeting at 9:00 p.m.

CHAIRMAN

APPROVED

SECRETARY