

**A REGULAR MEETING OF THE PLAN COMMISSION
OF THE VILLAGE OF BOLINGBROOK
May 15, 2013**

CALL TO ORDER

Chairman Fletcher called the meeting to order at 8:00 p.m., Wednesday, May 15, 2013.

ROLL CALL

Present: Commissioners Greg Jacobs, Talat Rashid, J.D. Rhoades, Libby Runge, Calvin Wright, Rick Campos, Vice Chair Mary Rennels

Absent: Commissioner Lon Schank

Staff: Planning & Zoning Administrator, Nicole Knapp; Planner, Matt Eastman

Press: None

APPROVAL OF MINUTES

Motion Rhoades, second Vice Chair Rennels to approve Minutes of the May 1, 2013, meeting of the Plan Commission.

Voice Vote: Unanimous
Motion carried.

PUBLIC HEARING

SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT. MUSIC SOLUTIONS, LLC., 490 WOODCREEK DRIVE. APPLICANT: RON LUKOWSKI, MUSIC SOLUTIONS, LLC. PROJECT NO.: 409.13

Motion Wright, second Runge to open the public hearing.

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

NAYS: None

ABSENT: Commissioner Schank

Motion carried, public hearing opened at 8:01 p.m.

Planner Matt Eastman presented the request. Music Solutions is requesting approval of a Special Use Permit for a Planned Unit Development to allow a retail music store and studio at 490 Woodcreek Drive, Suite D. The subject property comprises approximately 1.135 acres and is currently zoned I-1 Limited Industrial. Access to the subject property is from two points; one off of Remington Boulevard to the southeast and one off of Woodcreek Drive to the northwest. The subject site has adequate parking for the proposed use. Per the Zoning Ordinance, music, musical instrument and record/compact disc store/studio are not permitted uses within the I-1 Zoning District. As such, the applicant is requesting a Special Use Permit to allow a retail music store

and studio at 490 Woodcreek Drive. Per the applicant, during the course of time, their business has changed from 100% retail (currently located at 431 N. Bolingbrook Drive) into a multi-faceted business. Currently, the business is comprised of 50% audio/video system integration/installation, 30% retail and 20% repair services. The proposed facility would help accommodate their growing need for a warehousing component. The hours of operation would be Monday through Thursday 12:00 p.m. to 8:00 p.m., Friday 12:00 p.m. to 5:00 p.m., Saturday 11:00 a.m. to 5:00 p.m. and closed Sunday. Per the applicant there would be two full-time employees and the two owners.

RECOMMENDATION

Staff recommends approval of a Special Use Permit for a Planned Unit Development to allow a retail music store and studio at 490 Woodcreek Drive.

DISCUSSION

Commissioner Wright questioned if the primary use would be a recording studio. Planner Eastman stated that while there will be two small studio rooms for private lessons; warehouse would not be the primary use of the business.

Motion Rhoades, second Rashid to close the public hearing.

AYES: Commissioners Rashid, Rhoades, Runge, Wright, Campos, Vice Chair Rennels, Chairman Fletcher

NAYS: None

ABSENT: Commissioner Schank

Motion carried, public hearing closed 8:05 p.m.

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

AYES: Commissioners Rashid, Rhoades, Runge, Wright, Campos, Vice Chair Rennels, Chairman Fletcher

NAYS: None

ABSENT: Commissioner Schank

Motion carried.

SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT TO ALLOW AUTO AND TRUCK/TRAILER STORE/SUPPLIES, REPAIR/INSTALLATION, SERVICE AND STORAGE. WINGFOOT COMMERCIAL TIRE SYSTEMS, 4 TIMBER COURT. APPLICANT: BOBBY KIRK, WINGFOOT COMMERCIAL TIRE SYSTEMS, LLC. PROJECT NO.: 410.13

Motion Wright, second Rashid to open the public hearing.

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

NAYS: None

ABSENT: Commissioner Schank

Motion carried, public hearing opened at 8:06 p.m.

Planner Matt Eastman presented the request. Wingfoot Commercial Tire Systems, LLC is requesting approval of a Special Use Permit for a Planned Unit Development to allow

Auto and Truck/Trailer, Store/Supplies, Repair/Installation/Service and Storage in order to allow truck tire supplies, installation, repair, service, and storage at 4 Timber Court. The subject parcel comprises approximately 8.202 acres and is currently zoned I-1 Limited Industrial. The applicant opened a tire retread plant in Romeoville in 1999 and a Wingfoot Commercial Tire Center at 620 Woodcreek Drive in July of 2010. Due to recent success in Bolingbrook, the applicant merged both locations into one larger facility at 4 Timber Court. Per the Zoning Ordinance, truck/trailer store including supplies, repair, installation, service and storage requires a Special Use Permit within the I-1 zoning district. As such, Wingfoot Commercial Tire Systems currently occupies the existing 97,188 square foot tenant space within the northern portion of the building; however, their current Certificate of Occupancy currently only permits them to retread and warehouse tires. As such, the applicant is requesting a Special Use Permit to allow a truck tire supplies, installation, repair, service and storage store. Per the applicant, as part of the merge, light mechanical service such as tire service, alignments, oil changes and lubes would be provided to customers. Wingfoot has 37 employees and the hours of operation would be 8:00 a.m. to 5:00 p.m. Monday through Friday and closed on weekends.

RECOMMENDATION

Staff recommends approval of a Special Use Permit for a Planned Unit Development to allow Wingfoot Commercial Tire Systems, a truck tire supply, installation, repair, service and storage facility to operate out of 4 Timber Court.

DISCUSSION

Commissioner Rashid questioned the reliability and safety of the tires once they are retreaded or plugged, and how the scrap tires and materials are recycled. Vice Chair Rennels questioned if the hours of operation were different from their previous location and if the retail portion of the business was expanding.

Planner Eastman responded by explaining that the previous location was a majority of retail and that this location would be more of a warehouse facility. He also stated that while the primary aspect of the business will remain the same and that the special use would allow for additional light mechanical services to take place on the property.

Bill Brushaber, Huntley, IL, sworn. Mr. Brushaber responded by stating that the company has spent many years retreading and recycling tires in order to insure safety of their product. He explained that the scrap tires are broken down onsite, but recycled offsite and then reused in playgrounds and roads among other items. He concluded by stating that often the tires one might see on the highway are often not the result of a failed tire, but due to insufficient air in the tire which causes the air inside the tire to heat-up and begin to disintegrate the tire eventually causing it to fail.

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

AYES: Commissioners Rashid, Rhoades, Runge, Wright, Campos, Vice Chair Rennels, Chairman Fletcher

NAYS: None

ABSENT: Commissioner Schank

Motion carried, public hearing closed 8:14 p.m.

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

AYES: Commissioners Rashid, Rhoades, Runge, Wright, Campos, Vice Chair Rennels, Chairman Fletcher

NAYS: None

ABSENT: Commissioner Schank

Motion carried.

SPECIAL USE PERMIT FOR A COMMERCIAL RECREATIONAL FACILITY. ACRODAZZLE ATHLETICS, 181 W. CROSSROADS PARKWAY, SUITE F. APPLICANT: BRANDON MACIAS, ACRODAZZLE ATHLETICS. PROJECT NO.: 410.13

Motion Rhoades, second Rashid to open the public hearing.

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

NAYS: None

ABSENT: Commissioner Schank

Motion carried, public hearing opened at 8:15 p.m.

Planner Matt Eastman presented the request. Acrodazzle Athletics is requesting approval of a Special Use Permit for a Commercial Recreational Facility in order to allow a commercial recreational gymnastics, cheerleading, and dance facility at 181 W. Crossroads Parkway, Suite F. The subject property comprises approximately 3.33 acres and is currently zoned B-3 Highway Commercial. Access to the subject property is from one shared access point off of Crossroads Parkway to the north. There is adequate parking for the proposed use on site. Per the Zoning Ordinance, a Commercial Recreational Facility is not a permitted use within the B-3 Zoning District. As such, the applicant is requesting a Special Use Permit to allow a commercial gymnastics, cheerleading and dance facility commonly known as Acrodazzle Athletics at 181 W. Crossroads Parkway in Suite F, which is approximately 10,198 square feet. This particular building functions as an office warehouse with very light truck traffic which should not result in any negative impact on the proposed use. The hours of operation would be Monday through Friday 9:00 a.m. to 9:00 p.m. and Saturday 12:00 p.m. to 7:00 p.m. Per the applicant, Accrodazzle Athletics would have approximately 10 employees.

RECOMMENDATION

Staff recommends approval of a Special Use Permit for a Commercial Recreational Facility commonly known as Acrodazzle Athletics to be located at 181 W. Crossroads Parkway, Suite F.

DISCUSSION

None

Motion Rashid, second Runge to close the public hearing.

AYES: Commissioners Rashid, Rhoades, Runge, Wright, Campos, Vice Chair Rennels, Chairman Fletcher

NAYS: None

ABSENT: Commissioner Schank

Motion carried, public hearing closed 8:17 p.m.

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

AYES: Commissioners Rashid, Rhoades, Runge, Wright, Campos, Vice Chair Rennels, Chairman Fletcher

NAYS: None

ABSENT: Commissioner Schank

Motion carried.

TEXT AMENDMENT TO THE ZONING ORDINANCE. ARTICLES 1 THROUGH 15 FOR THE PURPOSE OF ADDRESSING THE DISCRETIONARY AUTHORITY OF THE PLANNING AND ZONING ADMINISTRATOR AND FOR REGULATING OFF-STREET PARKING AND PERGOLAS.

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

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

NAYS: None

ABSENT: Commissioner Schank

Motion carried, public hearing opened at 8:19 p.m.

Planning and Zoning Administrator Nicole Knapp presented the request. The Public Services & Development Department is requesting Amendments to the text of Articles 1 through 15 of the Zoning Ordinance for the purpose of addressing the discretionary authority of the Planning and Zoning Administrator and for regulating off-street parking and pergolas. Staff is proposing changes to the Zoning Ordinance in respects to:

- a) Create/Add language to regulate pergolas,
- b) Remove language in order to keep consistency with the commercial, industrial and office zoning district bulk regulations regarding setbacks for parking within the front and corner side yards, and
- c) Revise language regarding the discretionary authority of the Planning and Zoning Administrator in lieu of the Director of Community Development due to Village of Bolingbrook department restructure.

ARTICLE 5 – ACCESSORY USES, TEMPORARY USES, HOME OCCUPATIONS AND SIGNS

Section 5-102 (A)10 (create new)

10. Pergola, which shall not exceed 12 feet in height, provided no part of the structure is located in any part of the front or corner side yard and shall maintain a 5 foot setback from a side or rear property line.

ARTICLE 6 – OFF STREET PARKING & LOADING

Section 6-201(F)

(F) *In Yards. Except for resident parking in the E-R, R-1, R-2, R-3, R-4 and R-5 districts, no off-street parking spaces may be located in a required front yard or in a required corner side yard.*

ARTICLE 7 - LANDSCAPING

Section 7-103 A.8.

More species may be required by the ~~Planning and Zoning Administrator~~ Director of Community Development for parcels over 30 acres.

Section 7-104

Credit against the landscape requirements of the Zoning Ordinance may be allowed by the ~~Planning and Zoning Administrator~~ Director of Community Development for existing vegetation and other landscape features of a quality and of a size as required by Section 103 hereof which the applicant proposes to preserve on an equal basis. In all cases, the ~~Planning and Zoning Administrator~~ Director of Community Development may attach such conditions to the granting of said credit as may serve to secure or enhance the continued well-being of all vegetation for which credit is being given during the period of construction upon the site covered by the plan. The existing vegetation for which credit is given shall be shown and labeled on the landscape plan.

Section 7-106

Once a Landscape Plan has been approved and a Building Permit issued, the ~~Planning and Zoning Administrator~~ Director of Community Development may authorize minor revisions to the approved Landscape Plan including the substitution of equivalent plantings and ground covers where such revisions do not diminish the benefits of the approved Landscape Plan. As such, revisions shall require the written approval of the ~~Planning and Zoning Administrator~~ Director of Community Development.

Section 7-201 A.

The planting scheme of the required plant material shall be subject to the approval of the ~~Planning and Zoning Administrator~~ Director of Community Development of his/her designee.

Section 7-202 B.5.

At the discretion of the ~~Planning and Zoning Administrator~~ Community Development Director, the required foundation landscaping may be relocated elsewhere on site or provided in an alternate manner, such as through the use of above ground planting containers or boxes.

Section 7-203 A.5.

The substitution of existing woodlands for transition yard landscaping is at the discretion of the ~~Planning and Zoning Administrator~~ Community Development Director and shall be indicated on the approved landscape plan.

ARTICLE 11 – ADMINISTRATION AND ENFORCEMENT

Section 11-708

(A) The ~~Planning and Zoning Administrator~~ Director of Community Development may provide administrative relief for non-compliance with the requirements of the Zoning Ordinance upon written application by the property owner. The ~~Planning and Zoning Administrator~~ Director of Community Development must certify that the property will comply with the Zoning Ordinance if the following criteria are met:

1. The non-compliance is existing at the time of application and
2. The non-compliance is minor, being
 - a. A lineal dimension of 12 inches or less, or
 - b. An areal dimension of 2 percent or less, and
3. The non-compliance was neither intentional nor grossly negligent, and

4. The requested relief will conform to the intent of the Zoning Ordinance, and
 5. The requested relief will neither be detrimental to the public welfare nor harmful to other properties or improvements, and
 6. The requested relief will not confer upon the property owner any special privilege not available to others in the same or substantially similar circumstances, and
 7. The non-compliance cannot be corrected without significant or substantial hardship disproportionate to the value of the affected improvement.
- (B) The ~~Planning and Zoning Administrator~~ Director of Community Development may confer with any department or agency which might be affected by allowing the non-compliance.
- (C) The ~~Planning and Zoning Administrator~~ Director of Community Development shall notify all persons who would be notified for a variance request for the affected property, seeking input on the propriety of accepting the non-compliance. If any written communication opposing the requested relief is received by the Village within seven (7) days of the notice, the matter shall be referred to the Zoning Board of Appeals and treated as an application for a variance. The ~~Planning and Zoning Administrator~~ Director of Community Development shall so notify the applicant.
- (D) If the ~~Planning and Zoning Administrator~~ Director of Community Development finds that the application fulfills the criteria listed above and is not subject to objection by the consulted departments, agencies, or notified parties, the ~~Planning and Zoning Administrator~~ Director of Community Development shall issue a Certificate of Substantial Compliance which grants relief with specificity.
- (E) Any person seeking administrative relief shall complete the application form and pay the application fees applicable to a variance request.

RECOMMENDATION

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

DISCUSSION

Commissioner Campos asked if there were any restrictions or specifications on the direction a vehicle can be parked, not the way it is faced but if it can be on an angle, perpendicular or parallel to the sidewalk on the apron.

Ms. Knapp explained that the Zoning Ordinance only speaks to private property inside the property line, and the apron is not part of that. She stated there are no restrictions on the direction a vehicle is parked as long as it is not on the grass.

Motion Rhoades, second Rashid to close the public hearing.

AYES: Commissioners Rashid, Rhoades, Runge, Wright, Campos, Vice Chair Rennels, Chairman Fletcher

NAYS: None

ABSENT: Commissioner Schank

Motion carried, public hearing closed 8:24 p.m.

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

AYES: Commissioners Rashid, Rhoades, Runge, Wright, Campos, Vice Chair Rennels, Chairman Fletcher

NAYS: None

ABSENT: Commissioner Schank
Motion carried.

NEW BUSINESS

None

OLD BUSINESS

None

APPROVAL OF PLAN COMMISSION REPORTS

Motion Runge, second Wright to accept Plan Commission reports:

- PC 13.11 Approval of an Amendment to a Special Use Permit for a Planned Commercial Development with Variances. Silva LLC., 540 W. Boughton Road. Applicant: Sam Silva, Silva, LLC. Project No.: 422.03
- PC 13.12 Approval of a Special Use Permit for an Eating/Drinking Establishment with Live Entertainment, Extended Hours of Operation and Outdoor Dining. The Beer Market, 641 E. Boughton Road, Suite 110. Applicant: Greg Goodrich, The Beer Market, LLC. Project No.: 407.13
- PC 13.13 Approval of Development Code Variances. Advantage Chevrolet, 115 W. South Frontage Road. Applicant: Eduardo Martinez, MTZ Architects, Inc. Project No.: 405.13

Voice Vote: Unanimous.
Motion carried.

CITIZENS TO BE HEARD

None

CHAIR'S REPORT

Chairman Fletcher wished Trustee Swinkunas the best as she moves on to the next chapter of her life. He stated Sandy Swinkunas has been a long time active citizen in the community, and wished her well. He also wished Maria well as she is the one taking Trustee Swinkunas position. He wanted to thank Mr. Davis and Mr. Smith for volunteering in the Bolingbrook Community Television and the staff members for their time and dedication.

COMMISSIONER'S REPORT

None

PLANNING DEPARTMENT REPORT

None

ADJOURNMENT

Motion Vice Chair Rennels, second Runge to adjourn.

Voice Vote: Unanimous
Motion carried.

Chairman Fletcher adjourned the meeting at 8:28 p.m.

CHAIRMAN

APPROVED

SECRETARY