

**A REGULAR MEETING OF THE PLAN COMMISSION  
OF THE VILLAGE OF BOLINGBROOK  
June 6, 2012**

**CALL TO ORDER**

Chairman Cawthon called the meeting to order at 8:00 p.m., Wednesday, June 6, 2012.

**ROLL CALL**

Present: Commissioners Greg Jacobs, Talat Rashid, Lon Schank, J.D. Rhoades, Calvin Wright, Vice Chair Mary Rennels

Absent: Commissioners Libby Runge and Rick Campos

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

Press: None

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**APPROVAL OF MINUTES**

Motion Rhoades, second Vice Chair Rennels to approve Minutes of the May 16, 2012, meeting of the Plan Commission.

Voice Vote: Unanimous  
Motion carried.

**PUBLIC HEARING**

**AMENDMENT TO A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT WITH VARIANCES. RR DONNELLEY, 1000 WINDHAM PARKWAY. APPLICANT: MELISSA LYONS, NAI HIFFMAN. PROJECT NO.: 449.03**

Motion Rhoades, second Wright to open the public hearing.

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

NAYS: None

ABSENT: Commissioners Campos, Runge

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

Motion Vice Chair Rennels, second Wright to continue the public hearing to the June 20, 2012, Plan Commission meeting.

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

NAYS: None

ABSENT: Commissioners Campos, Runge

Motion carried, public hearing continued at 8:02 p.m.

**TEXT AMENDMENT TO THE ZONING ORDINANCE ARTICLE 5 PART 1, REGULATING MINIMUM BUILDING SEPARATION. APPLICANT: COMMUNITY DEVELOPMENT DEPARTMENT. PROJECT NO.: 413.12**

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

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

NAYS: None

ABSENT: Commissioners Campos, Runge

Motion carried, public hearing opened at 8:03 p.m.

Planning and Zoning Administrator Nicole Knapp presented the request. Staff is proposing to add language to Article 5 Part 1 in the Bulk Regulations, which is in Section 5-105 of the Zoning Ordinance, so that it will state that “no detached accessory structures may be located less than ten (10) feet from any principal structure on the lot. Notwithstanding the foregoing, the Zoning Administrator may permit a reduced building separation per Chapter 25 and the Residential Code as adopted by the Village of Bolingbrook Municipal Code”. The reasons for the current ten (10) foot building separation, is aesthetics and the other is life safety. However certain accessory structures such as gazebos, trellises, and decks are considered to be accessory structures by definition, but yet are not necessarily a life safety matter or concern with a ten (10) foot separation. Another scenario staff is finding is a contradiction between the Zoning Ordinance and Building Codes. With respects to sheds and detached garages there are improvements that can be done within the Residential Code and the Life Safety Code so the structure can be placed closer than ten (10’) feet. For instance the fire rating on the wall could be increased on the wall that is closest to the house, and a shed could be eight (8) or nine (9) feet from the house, but yet the Zoning Ordinance contradicts that and therefore residents are requesting variances when they could meet the Residential Code. For these reasons staff would like to propose the text that was mentioned earlier so that Planning and Zoning combined with the review and approval of the Building Commissioner can have the flexibility to allow residents to reduce the separation without needing a variance from the Zoning Ordinance

**RECOMMENDATION**

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

**DISCUSSION**

None

Motion Rashid, second Schank to close the public hearing.

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

NAYS: None

ABSENT: Commissioners Campos, Runge

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

Motion Rhoades, second Schank to accept the recommendation of Planning Staff.

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

NAYS: None

ABSENT: Commissioners Campos, Runge

Motion carried.

**SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT TO ALLOW TRUCK/TRAILER REPAIR, INSTALLATION, SERVICE, AND STORAGE WITH VARIANCES AND FINAL DEVELOPMENT PLAN. PRO STOP, 190 E. OLD CHICAGO DRIVE. APPLICANT: GARY SANTOORGIAN, NETWORK STRATEGY, LLC. PROJECT NO.: 409.12**

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

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

NAYS: None

ABSENT: Commissioners Campos, Runge

Motion carried, public hearing opened at 8:05 p.m.

Planning and Zoning Administrator Nicole Knapp presented the request. The applicant and owner is requesting approval of a Special Use Permit for a Planned Unit Development to allow truck/trailer repair, installation, service and storage with Variances and Final Development Plan in order to allow Pro Stop, DART's maintenance facility and parking lot at 190 E. Old Chicago Drive which is at the northwest corner of Old Chicago and Stevenson Drives. The subject site currently consists of an asphalt parking lot covering most of the property except for the required setback areas. The property is surrounded by a six (6) foot high chain link or an eight (8) foot high aluminum fence, and both fences contain an electrically charge current. There is also existing wetlands in both the northeast and southwest corners of the overall site that would not be altered as a result of the proposed construction. The applicant is proposing to develop a three thousand eight hundred sixty-four (3,864) square foot truck maintenance building at the southern end of the site, which includes a small office area, while leaving the remaining property as is. Access to the site would be provided from Old Chicago Drive, in addition to a new point of access from Stevenson Drive near the northern end of the site. Adequate parking for the proposed use would be provided south of the building.

To develop the property in accordance with the attached Final Development Plan, the applicant is seeking the following:

A Special Use Permit for truck/trailer repair, installation, service and storage. Given that the subject site is currently surrounded by truck storage to the north associated with I-55 Truck Stop, further to the north by the storage or trucks and cranes associated with Stevenson Crane, to the south by storage of cars associated with Arena Auto Auction, and to the east by heavy truck use industrial warehouse buildings, Staff feels the proposed use would not have an adverse effect or alter the essential character of the surrounding area. Since virtually the entire parking/pavement area of the subject site would remain as is with no modification other than restriping, Staff is not considering this site redevelopment; however, the following variances would be needed in order to make the site legal.

1. A Variance to allow the existing detention in lieu of the current detention requirements per Section 33-1400 of Chapter 33 of the Municipal Code.
2. A Variance to allow the existing lighting in lieu of the current lighting requirements per Section 30-419(E) of Chapter 30 of the Municipal Code.
3. A Variance to waive the requirement of a public sidewalk along Stevenson Drive as required per Section 30-414 of Chapter 30 of the Municipal Code.
4. A Variance to waive the requirement for parking lot islands at the end of each truck parking row as required per Article 7 of Chapter 29 of the Municipal Code.

5. A Variance to allow the existing six (6) foot and eight (8) foot high chain link and/or aluminum fencing located within the front and corner side yards to remain in lieu of the current requirements per Article 5 of Chapter 29 of the Municipal Code.

### **RECOMMENDATION**

Staff recommends approval of a Special Use Permit to allow truck/trailer repair, installation, service and storage for Pro Stop (DART's maintenance facility & parking lot) at 190 E. Old Chicago Drive with the following:

1. A Variance to allow the existing detention in lieu of the current detention requirements per Section 33-1400 of Chapter 33 of the Municipal Code.
2. A Variance to allow the existing lighting in lieu of the current lighting requirements per Section 30-419(E) of Chapter 30 of the Municipal Code.
3. A Variance to waive the requirement of a public sidewalk along Stevenson Drive as required per Section 30-414 of Chapter 30 of the Municipal Code.
4. A Variance to waive the requirement for parking lot islands at the end of each truck parking row as required per Article 7 of Chapter 29 of the Municipal Code.
5. A Variance to allow the existing six (6) foot and eight (8) foot high chain link and/or aluminum fencing located within the front and corner side yards to remain in lieu of the current requirements per Article 5 of Chapter 29 of the Municipal Code.

Staff recommends approval of a Final Development Plan, subject to:

1. All the comments from Staff's review letter dated May 18, 2012, being addressed.
2. The review and approval of the Director of Community Development and the Director of Public Works and Engineering.

### **DISCUSSION**

Commissioner Wright questioned the traffic and parking on nearby public streets. Commissioner Rashid asked if there would also be engine and transmission repairs done.

Ms. Knapp stated that parking on the street was prohibited and that it would be monitored by the Police Department if it became a problem. Village Engineer, Tom Pawlowicz, stated that if parking on the street became a problem they would install no parking signs.

Gary Santoorjian, Apple Valley, MN, sworn. Mr. Santoorjian stated that as a company DART would not want trucks parked on public streets and that they had re-designed the entrance and gate location off of Old Chicago Drive, so that trucks are actually located one hundred percent (100%) on site when entering their password into the keypad gate. He said there would be no engine repair that the primary purpose of the facility would be to do safety inspections. He mentioned that they would make sure all the lights, brakes and tires of the trailers were operational. He also said there would be no tractor repair done on site.

Motion Schank, second Rhoades to close the public hearing.

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

NAYS: None

ABSENT: Commissioners Campos, Runge

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

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

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

NAYS: None

ABSENT: Commissioners Campos, Runge

Motion carried.

**SPECIAL USE PERMIT FOR A PLANNED COMMERCIAL DEVELOPMENT WITH VARIANCES TO ALLOW OUTDOOR DINING. FATTY MAGOO'S, 551 S. BOLINGBROOK DRIVE. APPLICANT: ROBERT SALERNO, FATTY MAGOO'S. PROJECT NO.: 412.12**

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

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

NAYS: None

ABSENT: Commissioners Campos, Runge

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

Planner Matt Eastman presented the request. The applicant Fatty Magoo's is requesting approval of a Special Use Permit for a Planned Commercial Development with Variances to allow outdoor dining in order to allow for an outdoor dining area at 551 S. Bolingbrook Drive. The subject property comprises approximately fifty-nine hundredths acres (0.59), consists of a three thousand six hundred twelve (3,612) square foot building, which operates as a bar and eatery. The property is zoned B-3 Highway Commercial. The property was originally developed as a Hardee's fast-food restaurant in the late 1970's. In 1989 a Building Permit was obtained to construct a four hundred forty (440) square foot outdoor dining area to be located along most of the building wall that faces a northeast direction. In 1995, a Building Permit was obtained to enclose the existing outdoor dining area and in 2003 the enclosed dining area was expanded upon in a southeast direction. Per the Zoning Ordinance, outdoor dining areas require a Special Use Permit. As such, the applicant is requesting a Special Use Permit in order to construct an approximate four hundred seventy-five (475) square foot outdoor dining area at the southeast corner of the building. Access to the subject property is available via Bolingbrook Drive. The proposed development has adequate parking for the proposed use. Per the applicant the bar and eatery currently has ten (10) employees with plans to add an additional five (5) employees by the time they have a grand opening. The outdoor dining area would consist of approximately seven (7) tables and twenty-eight (28) seats, which would be used weather permitting, and the hours of operation would coincide with the indoor restaurant. As a safety concern to the customers using the outdoor seating area, staff has requested that the applicant enclose the seating area with a three (3) foot high decorative fence which would include security bollards at every forty-eight inches (48").

**RECOMMENDATION**

Staff recommends approval of an Amendment to a Special Use Permit for a Planned Commercial Development to allow an outdoor dining area at Fatty Magoo's located at 551 S. Bolingbrook Drive, subject to:

1. Any umbrella features provided in connection with the outdoor dining (patio) area must be the same color as any awning features on the main building.
2. No signage and/or logos will be permitted on any portion of awnings and/or umbrella features.
3. A three (3) foot high decorative fence being installed around the patio area which includes security bollards.

**DISCUSSION**

Robert Salerno, Lombard, IL, sworn. Mr. Salerno questioned the condition of approval regarding signage on the umbrella which will be used outside. He said that all umbrellas are typically donated from suppliers like Pepsi or Budweiser and often come with their logo printed on the umbrella. Mr. Eastman responded that the intent of the condition was to prevent

businesses from using umbrellas or awnings as a form of advertising by placing company logos and sign text on them.

Motion Schank, second Wright to close the public hearing.

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

NAYS: None

ABSENT: Commissioners Campos, Runge

Motion carried, public hearing closed at 8:18 p.m.

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

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

NAYS: None

ABSENT: Commissioners Campos, Runge

Motion carried.

### **NEW BUSINESS**

None

### **OLD BUSINESS**

None

### **APPROVAL OF PLAN COMMISSION REPORTS**

Motion Rhoades, second Schank to accept Plan Commission reports:

- PC 12.14 Approval of Final Plat of Subdivision. Herrington Estates Unit 1C. Applicant: Matthew Pagoria, Ryland Homes. Project No.: 406.05
- PC 12.15 Approval of a Special Use Permit for a Planned Unit Development to allow a Dental Office. Shining Smiles LLC, 303 N. Bolingbrook Drive. Applicant: Nima Nourahmadi, Shining Smiles, LLC. Project No.: 410.12
- PC 12.16 Approval of a Special Use Permit for a Planned Commercial Development with Variances and Final Development Plan to allow a Daycare Center. Children of America, 570 W. Boughton Road. Applicant: Andrzej Bednrczyk, Baron's holdings, Inc. Project No.: 406.12

Voice Vote: Unanimous.

Motion carried.

### **CITIZENS TO BE HEARD**

None

### **CHAIR'S REPORT**

None

### **COMMISSIONER'S REPORT**

None

### **PLANNING DEPARTMENT REPORT**

None

**ADJOURNMENT**

Motion Vice Chair Rennels, second Wright to adjourn.

Voice Vote: Unanimous  
Motion carried.

Chairman Cawthon adjourned the meeting at 8:22 p.m.

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CHAIRMAN

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APPROVED

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SECRETARY