

**A REGULAR MEETING OF THE PLAN COMMISSION  
OF THE VILLAGE OF BOLINGBROOK  
January 17, 2018**

**CALL TO ORDER**

Vice Chair Pritikin called the meeting to order at 8:00 p.m., Wednesday, January 17, 2018.

**ROLL CALL**

Present: Commissioners Terri Bethune, Margaret Hegber, Mir Ali, J.D. Rhoades, Mary Alexander-Basta, Calvin Wright, Rick Campos, Vice Chair Seymoure Pritikin

Absent: Chairman Schank

Staff: Planning & Zoning Administrator, Matt Eastman; Engineer, Pratik Patel

Press: None

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**APPROVAL OF MINUTES**

Motion Alexander-Basta, second Ali to approve Minutes of the October 18, 2017 meeting of the Plan Commission.

Voice Vote: Unanimous  
Motion carried.

**PUBLIC HEARING**

**SPECIAL USE PERMIT FOR A PLANNED DEVELOPMENT WITH VARIANCES AND FINAL DEVELOPMENT PLAN. ANDY'S FROZEN CUSTARD, 450 N. BOLINGBROOK DRIVE. APPLICANT: AARON KING, ANDY'S FROZEN CUSTARD. PROJECT NO.: 431.17**

Motion Bethune, second Campos to open the public hearing.

AYES: Commissioners Bethune, Ali, Hegber, Rhoades, Wright, Alexander-Basta, Campos,  
Vice Chair Pritikin

NAYS: None

ABSENT: Chair Schank

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

Planning and Zoning Administrator, Matt Eastman, presented the request. The applicant is requesting approval of a Special Use Permit for a Planned Development with Variances and Final Development Plan in order to allow for a restaurant with a drive-thru window, outdoor seating, extended hours of operation and variances at 450 N. Bolingbrook Drive. The subject property comprises approximately 0.63 acres, is currently zoned B-2 Community Retail and until recently was development with a 3,000 square foot building formerly occupied by First Midwest Bank that the applicant has since demolished. Access to the subject site would be provided via a right in, right out onto Bolingbrook Drive to the northwest, as well as the shared drive aisle, which connects to Boughton Road to the southeast. Adequate detention would be provided via an underground vault. While the two properties are currently under common ownership, the applicant, at the Village's request, provided a copy of an agreement recorded on September 23, 1975, which addresses cross access between the subject parcel and Julian's Plaza. Said agreement shall be revised in order to address the proposed shared parking agreement as well as the proposed trash enclosure. The applicant is proposing to construct a 2,610 square foot carryout restaurant with a drive-thru window/lane. As proposed, the development would require 25 parking stalls and the applicant, via shared parking agreement, has provided 26 parking stalls. Per the applicant, due to the site constraints, the required berm cannot be achieved along either the front or corner side yard; however, all required landscaping, including an irrigation system, along Bolingbrook Drive would be

installed. The applicant is requesting a sign variance in order to construct a larger, rotating pole sign. Per the applicant, the hours of operation for Andy's Frozen Custard would be from 11:00 a.m. to 11:30 p.m. Sunday through Thursday and 11:00 a.m. to 12:00 a.m. (midnight) on Friday and Saturday, which remain consistent with the Andy's at the other location in town. Per the applicant, Andy's expects to add approximately 20 to 25 employees at this location.

To develop the property in accordance, the applicant is seeking Special Use Permits and a Planned Development with Variances. The applicant is proposing an outdoor seating area located on the southeast corner of the building, which would be an "all season" patio. The patio would include an operable storefront system that would allow the area to be enclosed during the winter months and open during the summer and/or as weather permits. Benches would be provided within the flexible space, with additional seating provided in the surrounding open-air patio area when weather permits. In order to allow a drive-thru lane the applicant is proposing a drive-thru lane with a pick-up window on the west wall, which is a significant component of their business operation. The applicant is requesting that the restaurant remain open until 11:30 p.m. Sunday through Thursday and 12:00 a.m. (midnight) Friday and Saturday.

The applicant is requesting a variance to reduce both the side and rear yard setbacks for an accessory structure and pavement. Due to the nature of the building and constraints of the site, they are requesting to reduce both the side and rear yard setback. The reduced setback would allow for the installation of the proposed drive-thru and required trash enclosure, in order to provide sufficient circulation along the north and east sides of the building, while maximizing the number of parking stalls provided.

A variance to waive the berm, irrigation system and reduce the landscape material within the corner side yard setback. The applicant is requesting to waive the berm and irrigation system, while reducing the amount of landscape material, specifically the number of the required trees, in the corner side yard. Staff supports the variance as requested since there is currently no berm along Boughton Road and the topography of the land would make the installation of a berm nearly impossible, subject to the applicant working with Staff to plant as much landscape material that can realistically thrive within the corner side yard setback.

A variance to waive the berm within the front yard setback. The applicant is requesting to waive the berm in the front yard. Staff supports the variance as requested since there is currently no berm along Bolingbrook Drive and the topography of the land would make the installation of a berm nearly impossible. Staff supports the variance, subject to the irrigation system and all the landscape material being installed per the approved Landscape Plan.

A variance to waive the required bypass lane adjacent to a drive-thru lane. The applicant is proposing to eliminate the required bypass lane due to the nature of the building and constraints of the site. Staff supports the variance as requested, subject to all the required plants being installed in the island located immediately west of the drive-thru lane/window per the approved Landscape Plan.

A variance to reduce the width and length of the required foundation planting beds. Per the Zoning Ordinance, a foundation planting bed that is a minimum of 10 feet wide and covers 50% of the overall wall, which faces a public right-of-way is required. The applicant is proposing to reduce the width and length of the required foundation planting bed, along the west wall, to accommodate the drive-thru pick-up window.

A variance to allow the use of neon lighting. Per the applicant, Andy's Frozen Custard would like to remain consistent in their overall design, including with the existing Bolingbrook location, concerning the use of neon lighting on the fascia of the building and base of the monument sign. Staff supports the variance as requested, recognizing the use of neon is part of the brand and identity Andy's Frozen Custard has created in the market and it is an important element that helps them maintain the character of the building.

A variance to allow a rotating pole sign that exceeds the maximum height and size limitations. The applicant is proposing a rotating pole sign that would have an overall height of 18.5 feet and a text display area of approximately 70 square feet. Staff supports the variance as requested, recognizing the sign would be an exact replica of the existing sign at their other location here in Bolingbrook.

A variance to allow increase light levels within the parking lot of a commercial development. Per the Development Code, the light levels within a commercial parking lot must not exceed 4.5 footcandles. Per the applicant, as part of the proposed design, they are requesting to allow for an increase in the maximum light level to 8.5 footcandles within the parking lot.

A variance to remove more than 50% of the trees onsite. Per the applicant, as part of the proposed grading to accommodate for the development, all eight of the existing trees (six inches or more of diameter) that currently exist onsite need to be removed. Staff supports the variance as requested, subject to the required number of replacement trees being provided at a location approved by the Village.

### **RECOMMENDATION**

Staff recommends approval of a Special Use Permit for a Planned Development with the aforementioned variances and Special Use Permits.

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

1. All of Staff's comments from the review dated December 22, 2017, being addressed.
2. The review and approval from the Director of Public Services and Development Department.

### **DISCUSSION**

Commissioner Alexander-Basta had concerns with the in and out of this location. She also questioned when the delivery times would be and where the cone sign would be located. Commissioner Bethune questioned how many cars could stack up, where the overflow of traffic would go, if the enclosed area would be heated and if the enclosed area would be considered indoor dining. Commissioner Ali asked if the cars coming out of the drive-thru would go into oncoming traffic, if they would have public restrooms, if the applicant had any plans of adding lit directional signs, and if one handicap stall would suffice. Commissioner Campos had concerns that the cars exiting the drive-thru would interfere with the overflow traffic, he also questioned how much more traffic they anticipate at this location compared to the current location on Weber Road. Commissioner Hegber questioned if there would be a fence separating the drive-thru area from the patrons.

Mr. Eastman explained that there would be multiple points of access from two different streets and that there is two-way traffic throughout the entire property. He said the stacking would allow approximately 9 to 10 cars and explained where the overflow traffic would go. He also said that the cars coming out of the drive-thru would come in contact with the overflow traffic.

Aaron King, Springfield, MO, sworn. Mr. King explained the difference between the future and existing location. He said the drive-thru moves fairly quickly and that Andy's has other sites that are much tighter and they seem to be working fine. He went on to say the building is situated where it is due to grading issues.

Commissioner Alexander-Basta suggested flipping the building and asked if they were confident this location would work considering how much traffic is in their current location. Mr. King said the drive-thru stacking would only allow for three cars deep before going into the overflow traffic if they were to flip the building. He added that he is very confident this site would work the way it has been designed. Mr. King explained there would be two weekly deliveries and both would be in the morning before 11:00 a.m. He said the enclosed area would be heated, that there would be public restrooms and there would not be tables and chairs only benches. Mr. Eastman added this would not be considered an indoor dining area.

Mr. King explained that there is no plan of a fence, that two thirds of their business is through the drive-thru, but if it were to become an issue they would install a separation. He went on to say that the cone sign would be approximately 10 feet away from the property line. He said there would be directional signs and explained where they would be located. Mr. Eastman added that anything under 25 parking stalls only requires one handicap stall to meet the code.

Genevieve Mazzeo, Bolingbrook, IL, sworn. Ms. Mazzeo had concerns regarding adding a third drive-thru to one corner. She said Portillo's backs up very regularly and adding another busy drive-thru would cause a lot more traffic.

Engineer Pratik Patel stated that in this particular corner especially in the Portillo's area there is a lot of traffic during lunch and dinner, but that this site would not generate more traffic. He said most of the customers going to Andy's would be going through the drive-thru.

Motion Alexander-Basta, second Bethune to close the public hearing.

AYES: Commissioners Bethune, Ali, Hegber, Rhoades, Wright, Alexander-Basta, Campos,  
Vice Chair Pritikin

NAYS: None

ABSENT: Chair Schank

Motion carried, public hearing closed 8:42 p.m.

Motion Alexander-Basta, second Hegber to accept the recommendation of Planning Staff.

AYES: Commissioners Bethune, Ali, Hegber, Rhoades, Wright, Alexander-Basta, Campos,  
Vice Chair Pritikin

NAYS: None

ABSENT: Chair Schank

Motion carried.

#### **APPROVAL OF FINDINGS OF FACT**

PC 18.01 Approval of a Special Use Permit for a Planned Development with Variance, Final Development Plan and Adoption of Findings of Fact. Project No.: 431.17

Motion Rhoades, second Bethune to accept the Findings of Fact.

Voice Vote: Unanimous

Motion carried.

#### **SPECIAL USE PERMIT FOR A PLANNED DEVELOPMENT. ALL MY SONS MOVING AND STORAGE, 231 S. BOLINGBROOK DRIVE, SUITE B. APPLICANT: LEO POCIUS, PHEASANT HILL NORTH LLC. PROJECT NO.: 432.17**

Motion Rhoades, second Hegber to open the public hearing.

AYES: Commissioners Bethune, Ali, Hegber, Rhoades, Wright, Alexander-Basta, Campos,  
Vice Chair Pritikin

NAYS: None

ABSENT: Chair Schank

Motion carried, public hearing opened at 8:45 p.m.

Planning and Zoning Administrator, Matt Eastman, presented the request. The applicant is requesting approval of a Special Use Permit for a Planned Development in order to allow an office for a moving and storage company, with the outdoor storage of commercial trucks at 231 S. Bolingbrook Drive, Suite B commonly known as Pheasant Hill North Plaza. The property is approximately 5.25 acres and is currently zoned B-2 Community Retail. The shopping center has adequate parking for the proposed use. Per the Zoning Ordinance, a professional office, as well as the outdoor storage of privately owned commercial vehicles, is not permitted within the B-2 Zoning District. As such, the applicant is requesting a Special Use Permit to allow All My Sons Moving and Storage at 231 S. Bolingbrook Drive, Suite B. Per the applicant, the hours of operation would be

7:00 am to 7:00 p.m. and 9:00 p.m. during their peak months, seven days a week. Per the applicant, there would be approximately 40 employees at different shifts. Staff is requesting a written agreement from the applicant that the commercial vehicles at no time would be idling.

### **RECOMMENDATION**

Staff recommends approval of a Special Use Permit for a Planned Development to allow All My Sons Moving and Storage, including the overnight parking of a maximum of 10 panel trucks per the approved plan, at 231 S. Bolingbrook Drive, Suite B.

### **DISCUSSION**

Commissioner Campos asked if the trucks would be restricted from parking in the front parking lot and what the GVRW's of the trucks were. Commissioner Ali questioned the distance between the trucks and the homes on Fairwood Drive. Commissioner Hegber questioned if there was plan of adding lights where the trucks would be parked. Vice Chair Pritikin asked if the trucks are diesel or gas, if they were planning to install power strips/ports in the parking area, if they would be performing onsite fueling, preventative maintenance, washing of the trucks and if the drivers were required to have a CDL license.

Mr. Eastman stated the trucks were restricted from parking in the front, that the parking lot where the trucks would park was approximately 150 to 200 feet from the nearest home, and that the applicant was not planning to add additional lighting.

Chris Bournais, Carrollton, TX, sworn. Mr. Bournais stated all the trucks would be diesel, that they would not be installing power strips, they would not be fueling onsite, nor doing maintenance to the trucks onsite. He added that the drivers would not be required to have a CDL license. He said the trucks empty would be 18,000 GVRW's.

Commissioner Campos commented that if a truck has more than 16,000 GPRW's a special license is required in the State of Illinois, and suggested the applicant look into it.

Motion Hegber, second Campos to close the public hearing.

AYES: Commissioners Bethune, Ali, Hegber, Rhoades, Wright, Alexander-Basta, Campos,  
Vice Chair Pritikin

NAYS: None

ABSENT: Chair Schank

Motion carried, public hearing closed 8:52 p.m.

Motion Alexander-Basta, second Campos to accept the recommendation of Planning Staff.

AYES: Commissioners Bethune, Ali, Hegber, Rhoades, Wright, Alexander-Basta, Campos,  
Vice Chair Pritikin

NAYS: None

ABSENT: Chair Schank

Motion carried.

### **APPROVAL OF FINDINGS OF FACT**

PC 18.02 Approval of a Special Use Permit for a Planned Development and Adoption of Findings of Fact. Project No.: 432.17

Motion Bethune, second Alexander-Basta to accept the Findings of Fact.

Voice Vote: Unanimous

Motion carried.

**SPECIAL USE PERMIT FOR A PLANNED DEVELOPMENT. ATI PHYSICAL THERAPY, 1296 W. BOUGHTON ROAD. APPLICANT: JEREMY WILMOT, DXU, LLC. PROJECT NO.: 433.17**

Motion Bethune, second Rhoades to open the public hearing.

AYES: Commissioners Bethune, Ali, Hegber, Rhoades, Wright, Alexander-Basta, Campos,  
Vice Chair Pritikin

NAYS: None

ABSENT: Chair Schank

Motion carried, public hearing opened at 8:53 p.m.

Planning and Zoning Administrator, Matt Eastman, presented the request. The applicant is requesting approval of a Special Use Permit for a Planned Development in order to allow a medical office at 1296 W. Boughton Road. The site comprises approximately 1.36 acres and is currently zoned B-2 Community Retail and is developed with an approximate 5,002 square foot building originally constructed as an Applebee's Neighborhood Bar & Grill. The shopping center has adequate parking for the proposed use. Per the Zoning Ordinance, a medical office and/or professional office is not permitted within the B-2 Zoning District. As such, the applicant is requesting a Special Use Permit to allow a physical therapy office commonly known as ATI Physical Therapy at 1296 W. Boughton Road. Per the applicant, the hours of operation would be Monday through Friday from 7:00 a.m. to 7:00 p.m. Per the applicant, there would be approximately two to four employees per shift, which is dependent on the patient load and time of day. Patient visits are usually one to two hours in length with an average of four to six patients per hour.

### **RECOMMENDATION**

Staff recommends approval of a Special Use Permit for a Planned Development to allow ATI Physical Therapy at 1296 W. Boughton Road.

### **DISCUSSION**

None

Motion Ali, second Alexander-Basta to close the public hearing.

AYES: Commissioners Bethune, Ali, Hegber, Rhoades, Wright, Alexander-Basta, Campos,  
Vice Chair Pritikin

NAYS: None

ABSENT: Chair Schank

Motion carried, public hearing closed 8:57 p.m.

Motion Ali, second Bethune to accept the recommendation of Planning Staff.

AYES: Commissioners Bethune, Ali, Hegber, Rhoades, Wright, Alexander-Basta, Campos,  
Vice Chair Pritikin

NAYS: None

ABSENT: Chair Schank

Motion carried.

### **APPROVAL OF FINDINGS OF FACT**

PC 18.03 Approval of a Special Use Permit for a Planned Development and Adoption of Findings of Fact. Project No.: 433.17

Motion Ali, second Bethune to accept the Findings of Fact.

Voice Vote: Unanimous

Motion carried.

### **NEW BUSINESS**

None

### **OLD BUSINESS**

None

**CITIZENS TO BE HEARD**

None

**VICE CHAIR'S REPORT**

Vice Chair Pritkin wanted to thank Mr. Eastman and Mr. Patel for their time. He also stated he was very proud of being part of this commission. He said between the applicants tonight there will be approximately 69 new jobs in Bolingbrook and was very proud of that. He wished Chair Schank a get well soon.

**COMMISSIONER'S REPORT**

Commissioner Alexander-Basta said State of the Village was January 18<sup>th</sup> and added that it would be a great one like they always are.

**PLANNING DEPARTMENT REPORT**

None

**ADJOURNMENT**

Motion Alexander-Basta, second Wright to adjourn.

Voice Vote: Unanimous

Motion carried.

Vice Chair Pritikin adjourned the meeting at 8:59 p.m.

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CHAIRMAN

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APPROVED

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SECRETARY