

**A REGULAR MEETING OF THE PLAN COMMISSION  
OF THE VILLAGE OF BOLINGBROOK  
March 18, 2020**

**CALL TO ORDER**

Chairman Ali called the meeting to order at 8:00 p.m., Wednesday, March 18, 2020.

**ROLL CALL**

Present: Commissioners Barrington Tucker, Lon Schank, Inez Flores, Calvin Wright, Chairman Ali

Absent: Commissioners Lawrence Cooper, Margaret Hegber, Rick Campos, Vice Chair Terri Bethune

Staff: Planning & Zoning Administrator, Matt Eastman

Press: None

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**APPROVAL OF MINUTES**

Motion Tucker, second Schank to approve Minutes of the February 19, 2020 meetings of the Plan Commission.

Voice Vote: Unanimous  
Motion carried.

**PUBLIC HEARING**

**SPECIAL USE PERMIT FOR A COMMERCIAL RECREATION FACILITY. PIONEER BADMINTON ACADEMY, 586 TERRITORIAL DRIVE, SUITE D & E. APPLICANT: SHENG LYU. PROJECT NO.: 401.20**

Motion Wright, second Schank to open the public hearing.

AYES: Commissioners Tucker, Schank, Flores, Wright, Chair Ali

NAYS: None

ABSENT: Commissioners Cooper, Hegber, Campos, Vice Chair Bethune

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

The Planning and Zoning Administrator, Matt Eastman, presented the request. The applicant is requesting approval of a Special Use Permit for a Commercial Recreation Facility in order to allow an indoor badminton facility at 586 Territorial Drive, Suite D and E. The subject property comprises approximately 10.54 acres, is currently zoned O-1 Limited Office and consists of three, multi-tenant distribution centers, with multiple direct access points off of Territorial Drive to the south. The subject site is located within the Remington Lakes Business Park. The entire business park is impressed with a Special Use Permit for a Mixed Use Planned Development (Ordinance #88-089), which granted variances with respect to F.A.R., building height, parking stall depth, and parking requirements. The existing conditions on the subject site are compliant with Ordinance #88-089. Per the Zoning Ordinance, a Commercial Recreation Facility is not a permitted use within the O-1 Zoning District. As such, the applicant is requesting a Special Use Permit. The hours of operation would be Monday through Friday 4:00 p.m. to 10:00 p.m., Saturday and Sunday 9:00 a.m. to 10:00 p.m. Per the applicant, they would have approximately three employees. This particular building functions as an office/distribution center with light truck traffic, which should not result in any negative and/or safety impacts to either tenants or visitors of the proposed tenant. Per the applicant, the facility would see its highest volume of customers after 5:00 p.m. during the week and again on weekends, when the adjacent tenants within the office/distribution center are not in use. Per code, the facility would be required to provide 33 parking stalls and Staff has determined the number of stalls provided to be more than adequate based upon the shared parking throughout the development.

**RECOMMENDATION**

Staff recommends approval of a Special Use Permit for Pioneer Badminton Academy to operate a commercial recreation facility located at 586 Territorial Drive, Suites D and E.

**DISCUSSION**

None

Motion Wright, second Schank to close the public hearing.

AYES: Commissioners Tucker, Schank, Flores, Wright, Chair Ali

NAYS: None

ABSENT: Commissioners Cooper, Hegber, Campos, Vice Chair Bethune

Motion carried, public hearing closed 8:10 p.m.

**APPROVAL OF FINDINGS OF FACT**

PC 20.02 Approval of a Special Use Permit for a Commercial Recreation Facility and Adoption of Findings of Fact. Project No.: 401.20

Motion Schank, second Wright to accept the Findings of Fact.

Voice Vote: Unanimous

Motion carried.

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

AYES: Commissioners Tucker, Schank, Flores, Wright, Chair Ali

NAYS: None

ABSENT: Commissioners Cooper, Hegber, Campos, Vice Chair Bethune

Motion carried.

**SPECIAL USE PERMIT FOR A PLANNED DEVELOPMENT TO ALLOW AN ADULT DAY CARE FACILITY. CAPITAL CARE, LLC., 235 REMINGTON BOULEVARD, SUITE L. APPLICANT: SHAZIA KHAN. PROJECT NO.: 402.20.**

Motion Wright, second Schank to open the public hearing.

AYES: Commissioners Tucker, Schank, Flores, Wright, Chair Ali

NAYS: None

ABSENT: Commissioners Cooper, Hegber, Campos, Vice Chair Bethune

Motion carried, public hearing opened at 8:10 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 and Adult Day Care Facility aimed at enabling seniors to socialize and enjoy planned activities in a group setting at 235 Remington Boulevard, Suite L. The subject property comprises approximately 2.76 acres, is developed with two office buildings, totaling approximately 35,000 square feet, and is zoned B-4 Commercial Urban Redevelopment. Access to the subject property is provided off Remington Boulevard to the north. In 2004, the Village Board approved a Special Use Permit for a Planned Development with Variances to allow for the construction of two office buildings. Per the Zoning Ordinance, a day care facility is not permitted within the B-4 Zoning District. As such, the applicant is requesting a Special Use Permit to allow Capital Care, as an adult day care facility, to occupy the existing 2,150 square feet, at 235 Remington Boulevard, Suite L. Per the applicant, the facility would aim to enable seniors the ability to socialize and enjoy planned activities in a group setting by offering a convenient location, which is safe and monitored. Social activities would be tailored to the senior's abilities and health conditions, but may include crafts, musical entertainment, mental stimulation games such as bingo, yoga and discussion groups along with local outings. Per the applicant, they offer door-to-door transportation, and the hours of operation would be from 9:00 a.m. to 3:00 p.m. Monday through Friday, with approximately five employees. To elaborate on the door-to-door transportation, the majority of the Adults going to this facility would be dropped off and picked up; therefore, parking would not be an issue.

**RECOMMENDATION**

Staff recommends approval of a Special Use Permit for Planned Development to allow an adult day care facility, commonly known as Capital Care at 235 Remington Boulevard, Suite L.

**DISCUSSION**

Chair Ali questioned the occupancy load, if there would be any modification in the facility, if the hours of operation could change, and if they owned other facilities. Commissioner Tucker asked who determined the health condition of the participants. Commissioner Flores questioned if the participants would be charged and if there would be a co-pay. Commissioner Wright asked what the age requirement would be.

Mr. Eastman stated that at this time there was no floor plan, but that the occupancy load would be determined depending on set-up.

Shazia Khan, Naperville, IL, sworn. Ms. Khan stated that as per State requirement they would need to have a health report from the participant's doctor. She went on to explain that this facility was State funded and that the clients would be recommended by their case workers. She said she would not be doing any modifications to the facility. She added that the plan was to house no more than 16 to 20 individuals, and that the State would review layouts and capacity levels. She explained that there would be no money transaction that it would all be done through the state and the insurance companies. She said the hours of operation could change depending on the State and availability, but it would only be Monday through Friday. She stated the participant must be 65 years or older, and that this was her first facility.

Motion Wright, second Tucker to close the public hearing.

AYES: Commissioners Tucker, Schank, Flores, Wright, Chair Ali

NAYS: None

ABSENT: Commissioners Cooper, Hegber, Campos, Vice Chair Bethune

Motion carried, public hearing closed 8:19 p.m.

**APPROVAL OF FINDINGS OF FACT**

PC 20.03 Approval of a Special Use Permit for a Planned Development to Allow an Adult Day Care Facility and Adoption of Findings of Fact. Project No.: 402.20

Motion Schank, second Tucker to accept the Findings of Fact.

Voice Vote: Unanimous

Motion carried.

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

AYES: Commissioners Tucker, Schank, Flores, Wright, Chair Ali

NAYS: None

ABSENT: Commissioners Cooper, Hegber, Campos, Vice Chair Bethune

Motion carried.

**SPECIAL USE PERMIT FOR A PLANNED DEVELOPMENT WITH VARIANCES AND FINAL DEVELOPMENT PLAN. MEDCOM GROUP BOLINGBROOK, 135 E. BOUGHTON ROAD. APPLICANT: DR. MOHAMMAD ZAHRAEE, MECOM GROUP, LLC. PROJECT NO.: 403.20.**

Motion Schank, second Wright to open the public hearing.

AYES: Commissioners Tucker, Schank, Flores, Wright, Chair Ali

NAYS: None

ABSENT: Commissioners Cooper, Hegber, Campos, Vice Chair Bethune

Motion carried, public hearing opened at 8:20 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 construct a two-story office building, consisting of professional and/or medical office suites at 135 E. Boughton Road. The overall subject area comprises approximately 0.82 acres of land, is currently

zoned B-2 Community Retail and most recently developed with Boughton Car Wash, a building which was demolished in 2017. Currently, vehicular access to the site is available via multiple access drives from Barbers Corner to the east. The applicant is proposing to construct an approximately 12,000 square foot office building, which would consist of professional and/or medical office suites. The proposed development includes a two-story building, which would consist of four suites per floor, ranging from 938 to 1,254 square feet. Per the applicant, a retail use at this location is not a viable option; however, in an effort to maximize the use of the property and for the benefit of the business community, entry-level office space (500 to 1,500 square feet) is in high demand. Per the Zoning Ordinance, which accounts for 50% medical and 50% professional office suites, the minimum number of required parking stalls for the proposed office building would be 37. The applicant is proposing 42. Based on the orientation of the building, wall signage would be permitted on the north, south and east walls and a monument sign not to exceed 10 feet in height and 50 square feet in sign area would be permitted in the front yard along Barbers Corner Road. All required landscaping, including a berm and irrigation system along Barbers Corner Road would be installed per the Zoning Ordinance requirements. Detention would be provided via underground storage, along with a fee-in-lieu.

In order to develop the property in accordance, the applicant is requesting multiple variances from the Zoning Ordinance.

A Variance to reduce the front yard setback. Per the B-2 Zoning Ordinance, a minimum setback of 30 feet would be required along Barbers Corner Road to the East. The applicant is proposing a front yard setback that ranges between 14 to 28 feet, for pavement only, along Barbers Corner Road.

A Variance to reduce the rear yard setback. Per the applicant, due to the nature of the building and constraints of the site, they are requesting to reduce the rear yard setback to 10 feet for the building.

A Variance to allow dead-end parking. Per the Zoning Ordinance, drive aisles within a parking lot must allow for constant forward motion, without having to perform a 3-point turn, and dead-end parking is prohibited. The applicant is proposing a small dead-end parking layout consisting of approximately eight parking spaces to be utilized by employees at the south end of the site. Staff supports the variance as requested since the availability of said parking spaces should be visible from the drive aisle as a vehicle is approaching.

A Variance to waive the requirement for a foundation planting bed. 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 eliminate the required foundation planting bed along the east wall facing Barbers Corner Road. Staff supports the variance as requested, in lieu of decorative planters being installed along the building façade and subject to all the required plant material being installed per the Landscape Plan.

### **RECOMMENDATION**

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

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

1. All comments from the memo dated March 17, 2020 being addressed.
2. The review and approval from the Director of Public Services and Development.

### **DISCUSSION**

Chair Ali questioned if there would be enough room for the traffic generated from the adjacent business. Commissioner Tucker questioned the signage.

Mr. Eastman stated that Grease Monkey would have to alter their day-to-day operations and would not be able to block the drive aisle. He explained that they were notified and that the business owner of Medcom has met with them and made them aware of the cross access situation. He explained that this would be something Staff would have to monitor if a problem would arise. He went on to say that, the applicant was allowed per code to install wall signage on the North, South and East walls. That wall signage is allowed at all public entrances, but that this business is unlikely to install a sign on all three sides. He then gave background information on the existing sign off of Boughton Road. He said that sign

is on Grease Monkey's property that there was an easement in place and that Staff is currently working with the Code Enforcement Department to have the sign removed since Medcom would not have use for it.

Motion Wright, second Schank to close the public hearing.

AYES: Commissioners Tucker, Schank, Flores, Wright, Chair Ali

NAYS: None

ABSENT: Commissioners Cooper, Hegber, Campos, Vice Chair Bethune

Motion carried, public hearing closed 8:27 p.m.

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

PC 20.04 Approval of a Special Use Permit for a Planned Development with Variances Final Development Plan and Adoption of Findings of Fact. Project No.: 403.20

Motion Schank, second Wright to accept the Findings of Fact.

Voice Vote: Unanimous

Motion carried.

### **SPECIAL USE PERMIT TO ALLOW A TOBACCO STORE. TOBACCO 261, 261 S. BOLINGBROOK DRIVE. APPLICANT: CHIRAG SONI. PROJECT NO.: 404.20**

Motion Schank, second Tucker to open the public hearing.

AYES: Commissioners Tucker, Schank, Flores, Wright, Chair Ali

NAYS: None

ABSENT: Commissioners Cooper, Hegber, Campos, Vice Chair Bethune

Motion carried, public hearing opened at 8:33 p.m.

Planning and Zoning Administrator, Matt Eastman, presented the request. The applicant is requesting approval of a Special Use Permit to Allow a Tobacco Store, which would be limited to the sale of cigars, cigarettes and pipe tobacco at 261 S. Bolingbrook Drive. The subject property comprises approximately 12.9 acres, is currently zoned B-2 Community Retail and is developed with a multi-tenant retail building commonly known as Pheasant Hill Shopping Plaza. Access is provided from Bolingbrook Drive to the east and Lily Cache Lane to the south. The property has adequate parking for the proposed use. Per the Zoning Ordinance, a tobacco store is not a permitted use within the B-2 Zoning District. As such, the applicant is requesting a Special Use Permit to allow a tobacco store, which would be limited to the sale of cigars, cigarettes and pipe tobacco. Per the applicant, the hours of operation would be 8:00 a.m. to 10:00 p.m. seven days a week, with two employees.

### **RECOMMENDATION**

Staff recommends approval of a Special Use Permit to allow a tobacco store, which would be limited to the sale of cigars, cigarettes and pipe tobacco, commonly known as Tobacco 261 at 261 S. Bolingbrook Drive.

### **DISCUSSION**

Commissioner Schank questioned if they would sell vaping products and if this was a smoke shop. Commissioner Tucker said smoking age in Bolingbrook is 21 and questioned how that would be monitored and what design they would have in the space.

Mr. Eastman stated they would be limited to strictly tobacco products. He commented that the Village has a strong stance on vaping products and always makes sure they are not included in tobacco shops. He went on to say that, the applicant currently owns a gas station in town and they are very familiar with the smoking age law. He said Bolingbrook was one of the first communities to pass the law before the State and it has been enforced for approximately three years. He added that the age would be monitored no different from how alcohol sales are monitored. He went on to say they plan on having a walk-in humidor for cigars, and that this would not be a smoke shop. He stated the State of Illinois has grandfathered certain locations to allow smoking to take place, but currently if someone is looking to open a cigar lounge it has to be in a stand-alone building.

Chair Ali commented that as part of a Bolingbrook Ordinance paraphernalia is not allowed to be sold in Bolingbrook.

Chirag Soni, Round Lake, IL, sworn. Mr. Soni explained he currently owns the Citgo gas station at the northwest corner of Bolingbrook Drive and Boughton Road. He stated he has been in the cigar business for over 40 years, and that they are very familiar on how to monitor age. He added that all their products would be enclosed.

Motion Tucker, second Schank to close the public hearing.

AYES: Commissioners Tucker, Schank, Flores, Wright, Chair Ali

NAYS: None

ABSENT: Commissioners Cooper, Hegber, Campos, Vice Chair Bethune

Motion carried, public hearing closed 8:39 p.m.

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

PC 20.04 Approval of a Special Use Permit for a Planned Development to Allow a Tobacco Store and Adoption of Findings of Fact. Project No.: 404.20

Motion Schank, second Wright to accept the Findings of Fact.

Voice Vote: Unanimous

Motion carried.

### **NEW BUSINESS**

None

### **OLD BUSINESS**

None

### **CITIZENS TO BE HEARD**

None

### **CHAIR'S REPORT**

Chair Ali asked everyone to be safe in these uncharted territories. That he appreciated the Village and Administration in the way they have addressed all resident. He said he appreciated all first responders and Staff working around the clock. He added that we are not alone and have to stick together in these tough times. He added there are more cases and asked everyone to be careful and try to stay indoors as much as possible.

### **COMMISSIONER'S REPORT**

Commissioner Schank thanked Mayor Claar for the very informative online briefing, and that he appreciated all the information he was able to provide. Commissioner Wright stated it was very important to do the Census, and added that it would not take long to complete. Commissioner Flores asked everyone to stay safe.

### **PLANNING DEPARTMENT REPORT**

Mr. Eastman said being part of the Bolingbrook Complete Count Committee was the Census and thanked all the participants for their quick response. He added it is very quick to complete online, that the Fountaindale Library was closed at the moment, but that they were going to have days specifically designated for the residents to come in and utilize their computers to help complete the Census. He said in these unprecedented times things are being done day by day. He added that he ordered 100 yard signs for Census efforts, 75 were in English and 25 in Spanish and would be placed around town in the hard to count areas so people could start to visualize and understand the Census is very important to respond as quickly as possible. He went on to say the technology is a great thing that at the moment the information is submitted online it is logged and your known as taken care of. He wanted everyone to understand the information gathered was safe, that it would not be used for anything other than to be counted. Doing the Census would define how much money would be allocated for the Village of Bolingbrook from the government to allow the municipality to do various projects. He went on to say the vacant Walgreens at Boughton Road and Whitewater Drive was being tabbed as a site for Covid testing,

that this was not something the Village had any jurisdiction. He said residents could go on the CDC website and schedule an appointment if they have symptoms.

**ADJOURNMENT**

Motion Schank, second Wright to adjourn.

Voice Vote: Unanimous  
Motion carried.

Chairman Ali adjourned the meeting at 8:47 p.m.

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CHAIRMAN

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APPROVED

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SECRETARY