

**A REGULAR MEETING OF THE PLAN COMMISSION  
OF THE VILLAGE OF BOLINGBROOK  
December 18, 2019**

**CALL TO ORDER**

Chairman Ali called the meeting to order at 8:00 p.m., Wednesday, December 18, 2019.

**ROLL CALL**

Present: Commissioners Barrington Tucker, Lon Schank, Lawrence Cooper, Inez Flores, Calvin Wright, Margaret Hegber, Rich Campos, Vice Chair Terri Bethune, Chairman Ali

Absent: None

Staff: Planning & Zoning Administrator, Matt Eastman

Press: None

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**APPROVAL OF MINUTES**

None

**PUBLIC HEARING**

**ANNEXATION AND REZONING FROM E-R TO R-5. CLARKSON PROPERTY,  
NORTHEAST CORNER OF 127<sup>TH</sup> AND NAPERVILLE ROAD. APPLICANT: JOHN  
ARGOUEDELIS, ATTORNEY. PROJECT NO.: 433.19**

Motion Hegber, second Wright to open the public hearing.

AYES: Commissioners Tucker, Schank, Cooper, Flores, Wright, Hegber, Campos,  
Vice Chair Bethune, Chair Ali

NAYS: None

ABSENT: None

Motion carried, public hearing opened at 8:00 p.m.

Planning and Zoning Administrator, Matt Eastman, presented the request. The applicant is requesting approval of a Rezoning from E-R Estate Residence to R-5 Single Family Residence in order to rezone three existing lots of record at the Northeast corner of 127<sup>th</sup> and Naperville Road, which is approximately 10.479 acres. River Hills Subdivision is to the North and East of the property, Low Density Single Family to the South; which is part of the Village of Plainfield, as well as to the west, which is zoned agricultural. The applicant is seeking approval of a rezoning from E-R Estate Residence to R-5 Single Family Residence, which is part of a petition to annex. Whenever a property is annexed into the Village it is initially classified E-R Estate Residence necessitating a rezoning to a more appropriate zone. In this instance, the appropriate classification is R-5 Single Family Residence in order to pursue developing said lots with a residential development in the future, to help compliment the neighboring community. Per the applicant, the three lots would be consolidated upon approval of the annexation agreement.

## **RECOMMENDATION**

Staff recommends approval of a Rezoning from E-R Estate Residence to R-5 Single Family Residence for the property located at the northeast corner of 127th Street and Naperville Road, commonly known as the Clarkson Property, subject to the approval of the annexation and annexation agreement.

## **DISCUSSION**

Mr. Eastman wanted to give explanation on the difference between R-5 versus R-3 zoning. He explained that R-3 is a typical single-family subdivision, which would be similar to River Hills Subdivision, and an R-5 is townhomes or condominiums similar to Patriot Place Subdivision. He went on to say at this point, there was no applicant, that this was simply part of the annexation agreement for housekeeping matters. He said the existing Annexation Agreement called for this property to be zone B-2 Community Retail, but that it never took place. However, per the annexation, this could still take place, but if this would pass, it would nullify that and no longer allow the property to be commercial and officially make it residential.

Ryan Majchrowski, Bolingbrook, IL, sworn. Mr. Majchrowski stated his property backs up to this property and was curious why they were proposing to zone it R-5 and not R-3. He said he is not interested in having high-density population in his backyard and he did not care for having townhomes and condominiums as his neighbors. He added it was great that this would not be B-2, but still would rather it be R-3.

Chair Ali stated this property was already approved for commercial that it is the best interest to see homes. He said consolidating it and bringing value to that lot. He added that at this point there is no plan and if a single-family home developer would be interested that would be considered.

Mr. Eastman explained that the reason this property was being rezoned to R-5 and not R-3 is because of the size of the property. He said to develop single-family homes in 10 acres could be very troublesome to layout. He said when there are 10 to 15 acres of property it was much more common to have high-density. He explained that in high-density more number of units could be built and the developer can get a return on the property. If this would be single-family, there would be requirements in the Zoning Ordinance in terms of lot size and setbacks that may not allow as much return.

Chair Ali asked if there would be any separation between this property and River Hills Subdivision. Mr. Majchrowski added again that he believed a high-density subdivision would not fit in this location. He stated every lot in River Hills was approximately a quarter acre; which would potentially fit 40 homes in this property.

Mr. Eastman stated there would be buffer required. He said where there is an R-5 backing up to R-3 there will be transitional landscaping that will be required.

Chair Ali stated the municipality has progressed and most townhomes recently built are high-end and he did not believe building townhomes in this property would depreciate the homes in the neighboring communities. He said the new development would create enough separation to avoid noise issues.

John Argoudelis, Plainfield, IL, sworn. Mr. Argoudelis stated he was the Attorney representing the owner of the Clarkson Property. He wanted to give history on the property. He said when the River Hills Subdivision was developed two lots were cutout to become commercial, but in discussing this with the Village they advised they would rather see this property become Residential. He went on to say this represented a compromise and that the landowner wanted to maximize the value of the land. He said the Village did not want commercial so this would allow for Single Family Attached and not high-density apartments. It would also give the landowner something marketable.

Commissioner Tucker asked if duplexes would be included as permitted in the R-5 zoning. Mr. Eastman explained that duplex is more R-6 and R-7 zoning for multi-family situations he added they would not be sharing a door only a wall in some instances.

Mr. Majchrowski stated this was a beautiful piece of property and would love to see it remain farmland; however, realizes that will not happen. He added he would like the commission to reconsider it to be zoned R-3 and not R-5.

Commissioner Wright questioned if this property could become R-3 in the future. Mr. Eastman responded that once approved for R-5 this would be the top density allowed.

Lindsey Polzin, Bolingbrook, IL, sworn. Ms. Polzin questioned what was the maximum density that would be allowed at this property, what the density for Patriot Place is and commented that she would prefer less density. She added that the more people living in the community the more traffic problems there would be.

Mr. Eastman stated that typically in an R-5 zoning it would be seven units per acre; which is equivalent to approximately 60 to 70 units. He went on to say road improvements and a traffic signal would eventually be happening. That this intersection belonged to Plainfield and not Bolingbrook.

Commissioner Wright commented that the new apartment development called Brook on Janes was surrounded by single-family homes and a school and he has never seen a problem. Mr. Eastman stated apartment density is between 12 and 14 units per acre. That the Brooks on Janes built 288 units in approximately 20 acres.

Lauren Vick, Bolingbrook, IL, sworn. Ms. Vick commented that they currently have a lot of congestion and adding a new home development would make the problem worse. She also said she would rather see R-3 than R-5. She added that she would like to see a playground in the area being built. Mr. Tucker stated adding a traffic signal would help with the congestion.

Chair Ali stated Staff would mandate the new subdivision to have a playground area. He said this town has grown tremendously in the past decade and that they do everything in their control to cater to the residents. He said if that entails widening streets or adding traffic signals, they understand and the concerns will be addressed.

Eric Reusche, Bolingbrook, IL, sworn. Mr. Reusche reiterated he would rather see R-3 than R-5. He said he knew of issues in Naperville with a similar development and would not like the same thing to happen here. He went on to say he would not like it to be

commercial, but also did not want a developer to get a variance to build a higher density.

Chair Ali said they would consider all this information and that it was important to them and the town. He understands once something is developed it cannot be removed. He said they take pride in their Staff, which goes through every detail to protect the residents, and their job is to make the best decision to ensure the development does not affect anyone in an adverse manner.

Mr. Argoudelis commented that the commissioners were very knowledgeable. That he represented the landowner, the original farm family. He said a plan would need to be submitted and that there would be a balance on how things would be done. He said a balance of what would make sense economically for the developer. He said a commercial development would give them more money, but the owner is willing to compromise and sell to residential.

Commissioner Hegber asked how long the planning process would be after Annexation. Ms. Vick questioned if the Clarkson family owned the pond across the street from this development. She mentioned River Hills Subdivision currently pays every other year for maintenance to the pond. She wanted to know if the future development could also help pay.

Mr. Argoudelis said the owner was not the developer. He said a developer would have to present to Staff what they would like to build on the property. He added that it could be as quick as six months or take years depending on how quickly the Village and the Developer come up with a plan that everyone is comfortable in supporting.

Mr. Eastman stated the Homeowners Association pays for the maintenance of the pond, that there are approximately 300 homes that drain into that pond which is why the residents are currently paying for the maintenance. He added that when the new Development comes in they would have to provide their own detention. If for any reason they would need to use that pond and increase the depth of it to accommodate the new development then they would have to help pay for the maintenance.

Motion Schank, second Flores to close the public hearing.

AYES: Commissioners Tucker, Schank, Cooper, Flores, Wright, Hegber, Campos,  
Vice Chair Bethune, Chair Ali

NAYS: None

ABSENT: None

Motion carried, public hearing closed 8:40 p.m.

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

PC 19.37 Approval of an Annexation and Rezoning from E-R to R-5 and Adoption of Findings of Fact. Project No.: 433.19

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

Voice Vote: Unanimous

Motion carried.

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

AYES: Commissioners Tucker, Schank, Cooper, Flores, Wright, Hegber, Campos, Vice Chair Bethune, Chair Ali

NAYS: None

ABSENT: None

Motion carried.

**TEXT AMENDMENT TO THE ZONING ORDINANCE. SECTION 4-202(A) AND (B) AND SECTION 4-203(A) AND (B) PERMITTED AND SPECIAL USES IN THE B-2 AND B-3 ZONING DISTRICTS. APPLICANT: VILLAGE OF BOLINGBROOK. PROJECT NO.: 435.19**

Motion Flores, second Cooper to open the public hearing.

AYES: Commissioners Tucker, Schank, Cooper, Flores, Wright, Hegber, Campos, Vice Chair Bethune, Chair Ali

NAYS: None

ABSENT: None

Motion carried, public hearing opened at 8:43 p.m.

Planning and Zoning Administrator, Matt Eastman, presented the request. Staff is proposing amendments to subsection (A) of Section 4-202 and subsection (A) of Section 4-203, of Article 4, Part 2, of the Zoning Ordinance Chapter 29, which set forth permitted uses in the B-2 and B-3 zone respectively. Staff is proposing the following amendments to help strengthen policies, clarify and provide language to coordinate with the intent of the Zoning Ordinance, specifically as it relates to the permitted uses within the Village's evolving retail corridors, and generally conduct "housekeeping".

Section 4-202(A), Staff is proposing to add the following items as permitted uses within the B-2 Zoning Districts:

- a) Barber and beauty shops, including nail and tanning salons.
- b) Business and professional offices, not including currency exchanges, personal loan agency, deferred deposit lender and other financial institutions.
- c) Medical and dental clinics, not including medical marijuana dispensing center clinics.

Section 4-202(A), Staff is proposing to remove the following items as permitted uses within the B-2 Zoning District

- a) Floor covering sales.
- b) Dance hall and discotheque.

Section 4-202(B), Staff is proposing to add the following items as a special use within the B-2 Zoning District:

- a) Cigar, cigarette, tobacco store, including other smoking materials defined, but excluding medical marijuana.

Section 4-203(A), Staff is proposing to add the following items as permitted uses within the B-3 Zoning District:

- a) Barber and beauty shops, including nail and tanning salons.
- b) Business and professional offices, not including currency exchanges, personal loan agency, deferred deposit lender and other financial institutions.
- c) Medical and dental clinics, not including medical marijuana dispensing center clinics.

**RECOMMENDATION**

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

**DISCUSSION**

Chair Ali commented that it was their recommendation to amend the Zoning Ordinance and that he appreciated all the hard work from Staff. He said their job is not to regulate competition, that everyone should be more diligent in negotiating lease agreements and contracts with proprietors that have a non-compete clause. He went on to say they were there to regulate land uses. Vice Chair Bethune commented there would now be less meetings. Commissioner Tucker questioned if this amendment was for existing or new buildings.

Mr. Eastman stated this was strictly for the Zoning itself and not tied to a specific location. He said they found that the retail world has changed and as much as Staff promotes retail, they would rather see non-tax generating businesses than an empty strip mall. That it is in the Village’s best interest to allow these uses to be permitted. He added that this town was one of the few towns that require Special Use Permits for these type of businesses.

Motion Schank, second Hegber to close the public hearing.

AYES: Commissioners Tucker, Schank, Cooper, Flores, Wright, Hegber, Campos,  
Vice Chair Bethune, Chair Ali

NAYS: None

ABSENT: None

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

**APPROVAL OF FINDINGS OF FACT**

PC 19.38 Approval of a Text Amendment to the Zoning Ordinance and Adoption of Findings of Fact. Project No.: 435.19

Motion Schank second Flores to accept the Findings of Fact.

Voice Vote: Unanimous

Motion carried.

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

AYES: Commissioners Tucker, Schank, Cooper, Flores, Wright, Hegber, Campos,  
Vice Chair Bethune, Chair Ali

NAYS: None

ABSENT: None

Motion carried.

**NEW BUSINESS**

None

**OLD BUSINESS**

None

**CITIZENS TO BE HEARD**

None

**CHAIR'S REPORT**

Chair Ali wish everyone Happy Holidays and wanted everyone to enjoy Christmas.

**COMMISSIONER'S REPORT**

Vice Chair Bethune wanted everyone to stay safe. Commissioner Hegber wanted to wish a happy and healthy New Year.

**PLANNING DEPARTMENT REPORT**

Mr. Eastman wished everyone Happy Holidays and wanted to remind everyone of the Mayor's State of Village address on January 16<sup>th</sup>. He said this was a big day to celebrate many things that have been accomplished in the past year.

**ADJOURNMENT**

Motion Flores, second Wright to adjourn.

Voice Vote: Unanimous  
Motion carried.

Chairman Ali adjourned the meeting at 8:52 p.m.

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CHAIRMAN

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APPROVED

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SECRETARY