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PRESIDENT

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VILLAGE CLERK

VILLAGE OF PLAINFIELD  
PLAN COMMISSION  
RECORD OF MINUTES

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Garrett M. Peck  
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DATE: November 16, 2010

Chairman Sobkoviak called the meeting of the Plan Commission to order at 7:00 p.m. and led the pledge to the flag.

**ROLL CALL:**

Present: Commissioners O'Rourke, Kiefer, Heinen and  
Chairman Sobkoviak; Fire District

Absent: Commissioner Renzi, Sanders, School, Park and Library Districts

Also Present: Michael S. Garrigan; Village Planner; Merrilee Trotz, Recording Secretary

**Approval of Minutes:**

The minutes from November 2, 2010 were accepted as presented.

Chairman Sobkoviak asked the Plan Commissioner to review the 2011 schedule for Plan Commission meetings.

**DEVELOPMENT REPORT**

Mr. Garrigan stated the Village Board did not support the site plan or façade grant for the Stockade Bar and Grill at their November 15<sup>th</sup> meeting.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**Case No. 1525-100410TA ZONING ORDINANCE**

Mr. Garrigan stated this is a public hearing being held in accordance with state statute and all villages' applicable ordinance for a text amendment to Section 9-13 of the Zoning Ordinance. This is the matrix incorporating the permitted and special uses in the various zoning districts ranging from R-1 through B-5. Staff has been requested to bring forward several proposed changes.

The first proposed change is a request from Law Enforcement that all teen and dance clubs and basically any live music would become a special use in the B-3 and B-5 districts. Mr. Garrigan indicated that any existing business that now has live music would be a legally non-conforming use if the Plan Commission and Village Board support these changes. This could potentially affect restaurants, churches, and anything else that would offer live music.

The second proposed change is specifically that auto body and repair facilities would be a permitted use in I-2. Currently these uses are permitted in I-1. Staff has reviewed other communities' uses and found it is common to have auto body/repair facilities as a permitted use in a more intensive industrial environment.

The third proposed change is to allow catering to be a permitted use in the I-1 district. This is consistent with other communities also.

The fourth proposed change is to discourage auto repair and auto body shops being located on first tier outlots on our main arterials. Staff wanted to see if there was support for auto body shops to be a second tier use. Staff is proposing to bring back the B-4 district for this use. In 2006 we eliminated the B-4 district and consolidated it into B-3.

The fifth proposed change would eliminate a number of uses that are currently allowed i.e. currency exchanges, cash for gold stores, pay-day loan businesses, tattoo shops and flea markets. Staff is asking if these uses are appropriate uses in the Village of Plainfield. Many communities do not permit these types of uses.

These proposed changes are being brought before you for discussion.

Chairman Sobkoviak opened the meeting to Public Comments and sworn in Lisa Harshbarger Carey.

Mrs. Carey asked if the live music would include DJ's. Her assumption was that a license or permit was needed. Mr. Garrigan indicated that type of music would require a special use. Mrs. Carey asked the location of these permitted uses. Mr. Garrigan indicated B-3 is along Rt. 59 and Rt. 30 while B-5 is basically our downtown. Mrs. Carey said this then would be a special permit for those types of uses. Mr. Garrigan said anything that currently has live music as part of their business would be a legal non-conforming use. If a business is new and this change was in place then a special use would be required.

Ms. Carey indicated there is a business that currently has more than one use and she thought it was zoned for one business only.

Chairman Sobkoviak stated the Plan Commission's job is to guide the orderly expansion and redevelopment of the Village. We make recommendation to the Village Board and the Village Board makes the final decision.

Mr. Kiefer said it would be anything with amplified sound. Mr. Kiefer asked where schools would fit in with this. Mr. Garrigan said he was not sure how to distinguish a live choir in a school that has amplified music versus a live rock band in a private business. Chairman Sobkoviak suggested when the language for the ordinance is completed schools could be exempt. Mr. Garrigan said schools are exempt from a lot of our zoning requirements.

Mr. Heinen asked about the process of notification and asked if owners of properties were directly notified of this possible change. Mr. Garrigan said we did not but that this would not affect current owners. Mr. Heinen asked if any other residents had asked about this topic. Mr. Garrigan said no one contacted the Village.

Mr. O'Rourke did not have an issue with the special use but wondered if the Village needed to look at the noise ordinance. Mr. Heinen said for B-1 we have a permitted use for religious assembly but asked if there was a chorus or choir if they would then need a special use. Mr. Garrigan said yes. Mr. Kiefer asked if there was a difference for indoor versus outdoor. Mr. Heinen felt it did not make sense that religious assembly was a permitted use but they would need a special use if there was live music or a chorus. Mr. Garrigan said religious assembly could become a special use. Mr. O'Rourke asked how this

would affect schools whether they are private or public. Chairman Sobkoviak said schools are a separate category. It was agreed that amplified was the key word.

Chairman Sobkoviak said we have had good success with these auto body and repair facilities and other commercial. Mr. Heinen had no problem with this. Mr. O'Rourke asked for clarification of I-1 versus I-2 district. Mr. Garrigan indicated I-2 would be like Diageo and I-1 would be the recreational facilities across the street from Diageo. Chairman Sobkoviak said it is the intensity of use. Commissioners did not have issues with this change.

Chairman Sobkoviak said the catering fit in I-1 district. Mr. O'Rourke asked about the existing retail outlets that offer catering menus. Mr. Garrigan indicated this was considered this retail with an ancillary use. This would catering would be fully commercial large kitchen. Small catering businesses can be home occupations. Commissioner did not have issues with this change.

Regarding auto repair and auto body shops on prime outlots, Mr. O'Rourke asked if we are closing the door to these types of businesses and are we creating an unfair advantage. Mr. Garrigan said there is one on Route 30. We have a number of limited outlots and we are reacting to negative feedback regarding businesses that have been approved on main arterials and whether these are the best uses. The Zoning Ordinance is a living document. There is no applicant coming through the process requesting this use. Mr. O'Rourke said his concern was the timing of this proposed change. Mr. Kiefer and Mr. Heinen thought we would lose some businesses as people want the visibility. Mr. O'Rourke suggested leaving this for the Village Board to determine. Mr. Garrigan indicated car washes were still a permitted use.

The commissioners were uncomfortable with the elimination of various uses. Mr. Garrigan stated a lot of communities do not allow these uses as permitted uses. Mr. Garrigan stated residents have asked why these uses are allowed on main corridors. Mr. O'Rourke asked about adult entertainment. Mr. Garrigan stated there is constitutional protection for adult entertainment. Commissioners felt some of the uses proposed for elimination were beneficial and if the businesses do not have the support of the public then these businesses will fail. Commissioners agreed to not include this section in the proposed changes. Mr. Garrigan indicated he would bifurcate his report to the Village Board – those items where there is a consensus he would outline that consensus and bullet the changes the Plan Commission did not support or where it is divided.

Some commissioners thought maybe the noise ordinance might need to be addresses with regard to the live music. Mr. Garrigan said the main issue is the proximity of the business to the single family homes.

Mr. O'Rourke asked about day care use and foster home being permitted in R-1 and R-1 Overlay district but child care facility is a special use in R-1 district. Mr. Garrigan indicated day care could be a home occupation but they are limited as to the number of children that can be cared for in the residential home. Mr. Garrigan said a child care facility is basically a commercial enterprise.

**Commissioner Kiefer made a motion to recommend the first three bullet point changes in the staff report as well as the concerns for items four and five.**

**Commissioner Heinen seconded the motion.**

**Vote by Roll Call: Commissioner O'Rourke, yes; Commissioner Heinen yes; Commissioner Kiefer, yes; Chairman Sobkoviak, yes. 4 yes, 0 no, 2 absent. Motion carried by a vote of 4-0.**

Mr. Garrigan stated this was a public hearing pursuant to public notice. This is a special use for an automotive repair facility located at the previously vacant "Paradise Motors." The site is located at 16300 S Lincoln Highway. The existing businesses to the west is Todd's Body Shop; to the south is floodplain and then single family homes with a separation of approximately 500 feet; to the west is commercial retail center; and to the north is vacant future commercial property. In accordance with a Special Use applicant, the applicant must demonstrate compliance to two finding of fact:

- a) The Special Use will not be injurious to the use and enjoyment of other property in the immediate area for the purposes already permitted, nor substantially diminish property values within the neighborhood: and
- b) The establishment of the special use will not impede the normal and orderly development and improvements of the adjacent properties for uses permitted in the subject zoning district:

Staff believes that based on the previous uses of this property that the proposed use is an appropriate use for this property. Staff feels there should not be any negative impact to any of the adjacent properties with the required fencing or screening. Staff believes the proposed use is consistent with the character of the area and will not impede the normal and orderly development.

One of the requirements for any auto repair facility is the prohibition of outdoors storage. Any outside storage would need to be enclosed. This could be accomplished with an 8 foot fence with 100% opacity. There is currently no enclosure and this would be a stipulation for the special use.

Chairman Sobkoviak asked if the applicant was present. Applicant was not present. Chairman Sobkoviak opened the meeting for public comments.

Robert Carey was sworn in. Mr. Carey asked about placement of a fence, indicating it was his understanding that portion of the land is floodplain. He indicated there are some houses in the area that have flooding problems from this creek. He placed a fence on his own property and his fence had to be a restricted, flow through fence with rails 2-1/2 feet apart so if the creek came up it would flow through. He felt an 8 foot fence would fill with debris and could possibly flood the rest of the subdivision. He thought the original zoning in that building was a one business operation. Mr. Carey felt if a paint shop went in there, they would need specific storage for the residue, the paint, the reducers, anything they use that is waste could get into the creek. He felt there should only be one business at this location.

Lisa Carey was previously sworn in. Mrs. Carey stated their property borders the subject site. She has no problem with automotive business but asked if it was the whole building or just the lower tier in the back. She stated the gravel area had been filled in. She indicated they did not remove the fill but merely leveled it. She said any fence would have to be done according to the law. She was concerned with the floodplain area and the possibility of flooding. Mrs. Carey said she has seen cars coming and going as late as 3:00 a.m. in the morning.

Casimir Kowalczyk was sworn in. Mr. Kowalczyk stated he lived on the other side of the creek. He has seen the dumping and leveling as well. He said there are doors open and lights as late as 11:00 p.m. He asked what the hours of operation would be for this business. He is concerned with the noises as they rev the engines, the air guns and the number of cars parked on the property. He was concerned with the gasoline and paint stored on the lower level and people using the upstairs on the dance floor. He is also concerned with the possibility of flooding. He said even Paradise Motors closed by 6:00 p.m.

Donald Nelson was sworn in. Mr. Nelson stated there was a proposal for an auto repair, flea market and some sort of entertainment club. He thought this had been turned down.

Mr. Garrigan stated a teen club is a permitted use; the village board did not support the outdoor flea market. An indoor flea market is a permitted use in the B-3 district. The indoor flea market was not allowed to be opened until certain improvements were completed. These improvements have been completed.

Mr. Nelson asked if the automotive repair shop needed a special use even though it was previously used in this manner.

Mr. Garrigan reiterated this is a new auto repair facility and it requires a new special use in B-3 district.

Mr. Carey asked for a clarification of the number of businesses that can operate in this location.

Mr. Garrigan indicated there is nothing in the zoning ordinance which prohibits multiple uses in a building.

Mr. O'Rourke asked if their concerns were with flooding, hours of operation and potential noise. He asked if the public did not want that use at that location or you are okay with the use and just want changes made to address your concern.

Mr. Carey said they will have issues with the installation of a fence. The property will have to be surveyed. He thought there was an agreement with the Village that this building would be a one business use building. He has no problem if things are handled legally.

Chairman Sobkoviak asked for further comments. There were no more comments. The public hearing was closed.

Mr. Heinen asked if the Village engineer had looked at the floodplain and floodway.

Mr. Garrigan said the points that have been made are valid points. Most of this area behind the building is floodplain. The applicant would be prohibited from making any improvements or putting any structures within this area. Baxter and Woodman visited the site and there was fill which was illegal. It was our understanding that this fill was removed, but we are being told tonight that it was not. Mr. Garrigan will work with Baxter and Woodman to verify this. The Village has a topographical and a general demarcation line where the floodplain starts. There is a very limited area which could be fenced in on a restricted basis which would be outside the floodplain. Baxter and Woodman tell us that the gravel area is outside of the floodplain.

Mr. Heinen asked if the owner was aware that filling in the floodplain was a serious violation.

Mr. Garrigan stated a certified letter was forwarded by the Village Administrator and hand delivered indicating that all debris and fill had to be removed within a defined period of time. Mr. Garrigan stated it was his understanding this was done.

Mr. Heinen asked if a certified survey of this property identifying the floodway and floodplain was done and presented.

Mr. Garrigan said they have not but they have submitted previous topos and previous demarcation of floodplains from the previous owner. We have been working with the previous owner's engineer.

Mr. Heinen asked if Baxter and Woodman had looked at this survey and gone to the property to look at the improvements.

Mr. Garrigan agreed.

Mr. Heinen asked how the proposed fence related to the floodplain floodway.

Mr. Garrigan said he has not seen any type of fence permit or a plan for the actual fencing. They would have to come in for our review and we would have to verify the fence is outside the floodplain. He stated he was there this afternoon and he did not see any stakes in this general area. The other alternative is they remove the vehicles and store all the vehicles inside the building.

Mr. Kiefer asked if there was any feedback from the applicant as to their plans in support of a fence or moving the vehicles inside.

Mr. Garrigan indicated he has had discussion with the owner and the principal for the multi-purpose business and he would be responsible for the fence. He did not know why the applicant was not present.

Mr. Heinen was not comfortable making a motion due to the number of issues associated with this application. He asked for more information on the floodplain floodway. He suggested someone from Baxter and Woodman attend the next meeting to answer these questions and also the applicant should be present to answer some of the questions regarding the operation of the business.

Mr. O'Rourke agreed. He asked about outside storage.

Mr. Garrigan said outside storage is permitted as long as it is fully screened.

Mr. Kiefer did not feel the applicant is meeting the two stipulations for the special use. He would not support this special use.

Mr. O'Rourke felt a representative of the applicant should be present to address the comments of the residents and the commission. He is also concerned with the alleged illegal dumping and fill and use of the floodplain. He indicated a current topo was necessary, maybe a survey and a detailed dimensional site plan showing the location of a fence. He suggested continuing the case.

Mr. Heinen agreed to continue the case.

Chairman Sobkoviak suggested a motion to continue this case to the next scheduled meeting and asked that the village engineer be aware of the concerns and be present to answer questions of the commission and the concerned citizens.

**Commissioner Heinen made a recommendation to continue this case, engage the village engineer and have the applicant produce a site plan with proposed types of improvements and the applicant should be present at the next meeting.**

**Commissioner O'Rourke seconded the motion.**

**Vote by Roll Call: Commissioner Kiefer, yes; Commissioner O'Rourke, yes; Commissioner Heinen, yes; Chairman Sobkoviak, yes. 4 yes, 0 no, 2 absent. Motion carried by a vote of 4-0.**

Chairman Sobkoviak called for a 10 minute break at 8:35 p.m. Reconvened at 8:45 p.m.

**CASE NO. 1527-110510.SPR                      MEGA SPORTS INC.**

Mr. Garrigan stated the applicant is seeking to expand his existing business located on Route 30 adjacent to the Heron Point development. The applicant proposes an addition to his existing business in the B-3 district. When the new addition is constructed there will be approximately 21,000 square feet of retail space which would require 69 parking spaces including 3 handicapped spaces. The applicant's plan shows 123 parking spaces. There will be a new entrance in the new addition to the facility along with the additional parking lot. The access is from the frontage road along Route 30 so no new or additional access points or permits will be needed from IDOT.

Mr. Garrigan is proposing to construct the new addition with generally the same materials of CMU block as the existing building and also add face brick and stone to add to the interest to the architectural elevations. The applicant also proposed a series of stone pilasters along the western and northern elevations facing the entrance.

Staff believes the applicant has complied with the landscaping requirement by adding a minimum of 11 shade trees along Route 30 and proposes to preserve 26 existing mature trees. The applicant also presented a photometric plan and Staff believes it complies with the requirements of the Site Plan Review Ordinance. The applicant will be using the same trash enclosure.

Staff is making a favorable recommendation.

Chairman Sobkoviak asked the location of the 26 existing trees. Mr. Garrigan indicated these trees are along the northern perimeter property line near the detention pond.

Chairman Sobkoviak sworn in Vincent Argento, attorney and representative of Mark Daniels, the owner and also present.

Mr. Argento indicated Mr. Daniels has owned the property since 1988. The applicant believes this business will continue to foster the relationship they have developed. This project will bring in between 20 to 30 additional jobs to the area; the additional retail space will generate substantial sales and sales tax revenue for the village.

Mr. O'Rourke asked if they would continue to utilize the original entrance and asked if this would change the handicap parking.

Chairman Sobkoviak sworn in Tom Bajt, architect. Mr. Bajt indicated the southeast entry would not be eliminated but there will be for egress. The parking plan may show additional parking spaces for handicap but it may not be required for the total site development. You can have additional handicap parking spaces as long as you also have them at the main entry.

Mr. Kiefer asked about the maintenance building.

Mr. Bajt indicated that would be used to store the miscellaneous lawn maintenance equipment.

Mr. Heinen asked if they were going to keep the additional handicap stalls at the original entrance even though the entrance is not used.

Mr. Bajt said they would be additional parking.

Mr. Heinen asked how many handicap stalls were needed to comply with the Illinois Accessibility Act. He thought it might be 4 or 5 stalls with the proposed 123 parking spaces and they should be near the main entrance.

Mr. Bajt indicated the engineer might have to re-examine this matter. The north entry is the primary entry.

Mr. O'Rourke asked about stormwater.

Mr. Garrigan stated the applicant has worked extensively with Baxter and Woodman. There is currently a detention pond adjacent to the property which will basically retain some of the stormwater but also the applicant is proposing to construct an underground retaining system partially to retain the balance of water. Final engineering is generally at the time of building permit so the details will be worked out.

Mr. Heinen asked if they had looked at utilizing the existing landscaping area behind the building.

Mr. Bajt said all the water on the site is going to the low point. The high point is currently the back portion of the site. Both Baxter and Woodman and also Hamilton Engineering suggested using what is called best storm management program which basically utilizes the low point of the site for a storage vault located in the very front corner.

Mr. Heinen said if it is all tributary to the stormwater facility is it a requirement to have underground storage as this is expensive when you have landscape space.

Mr. Bajt stated they did not want to lose the back green space of the property.

Mr. O'Rourke asked about the wall lights.

Mr. Bajt said the lights on the front of the building will be removed.

Mr. Kiefer asked if the old entrance would allow the Fire Department access.

Mr. Bajt said it would be strictly an egress.

Chairman Sobkoviak asked for comments from the audience. No one approached the microphone.

Mr. O'Rourke thanked them for expanding in the Village.

**Commissioner O'Rourke made a motion to recommend approval of the site plan approval subject to the following stipulations:**

- 1. Compliance with the requirements of the Village Engineer.**
- 2. Compliance with the requirements of the Plainfield Fire Protection District.**

**Commissioner Kiefer seconded the motion.**

**Vote by Roll Call: Commissioner Heinen, yes; Commissioner Kiefer, yes; Commissioner O'Rourke, yes; Chairman Sobkoviak, yes. 4 yes, 0 no, 2 absent. Motion carried by a vote of 4-0.**

**DISCUSSION:**

Mr. Heinen thanked the Village for their assistance in getting the new traffic signal at Wal-Mart operating. He also asked about the sidewalks by Menards not being extended to Route 59 to make the completion for the crosswalk.

Mr. Garrigan thought when it was designed, we did not anticipate foot or bike traffic at the intersection. Now with the trail system to the east, they may be a need to cross Rt. 59. The Village is exploring alternatives to retro fit that is extremely expensive.

Mr. Kiefer asked if the Village has a position regarding the electronic billboards.

Mr. Garrigan stated he conferred with the Land Use Dept. at Will County but because the Village does not allow billboards we did not have an issue with the County's position. He also said the one billboard we have should be coming down in 2011.

Chairman Sobkoviak wished everyone a nice Thanksgiving.

Adjourned at 9:10 p.m.

Respectfully submitted by

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Merrilee Trotz  
Recording Secretary