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DATE: December 7, 2010

Chairman Sobkoviak called the meeting of the Plan Commission to order at 7:03 p.m. and led the pledge to the flag.

**ROLL CALL:**

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

Absent: Commissioner Renzi, School, Park and Library Districts

Also Present: Michael S. Garrigan; Village Planner; Steve Amann, Engineer from Baxter and Woodman,  
Merrilee Trotz, Recording Secretary

Commissioner Renzi arrived at 7:05 p.m.

**Approval of Minutes:**

Commissioner O'Rourke amended the minutes on page 6 fifth paragraph from bottom second sentence to read ... also concerned with the "alleged" illegal dumping .... The minutes from November 16, 2010 were accepted as amended.

**DEVELOPMENT REPORT**

Mr. Garrigan stated the Village Board approved the site plan for the expansion of Mega Sports at their meeting on December 6, 2010; continued discussions on the revised plan for the Stockade Bar and Grill (which eliminated the second floor and the proposal for the restaurant) and the facade request at their meeting on December 6, 2010. The Village Board will discuss the zoning ordinance text amendment at their Committee of the Whole meeting December 13<sup>th</sup>.

Chairman Sobkoviak welcomed the students from Plainfield North High School.

**OLD BUSINESS:**

**Case No. 1526-102810.SU**

**3 ACE AUTOMOTIVE**

Mr. Garrigan stated this is a continuation of a public hearing pursuant to public notice in accordance with state statute and all applicable ordinances. This is a request for a special use for an automotive repair facility located at the property previously vacated by "Paradise Motors." There was extensive discussion at the last meeting relating to the floodplain and whether the automotive repair business would have any impact on the floodplain. Mr. Amann, the village engineer, was asked to attend this meeting to discuss his review of these concerns. The findings of fact were reviewed at the last meeting and Staff does not believe that the proposed use would have any negative impact on immediate adjacent properties. The character and trend of the development in the area is consistent with the proposed use. The proposed use is consistent with the previous use incorporated at the Paradise Motors. Staff believes if the applicant can comply with the village ordinances as they relate to outdoor storage of if they simply eliminate outdoor

storage the applicant could meet the findings of fact for a special use. Staff therefore makes a recommendation to support this special use application.

Chairman Sobkoviak swore in Eddie Brewer, owner of 3 Ace Automotive.

Mr. Brewer stated this is an automotive shop dealing with general service, alignments, oil changes, air conditioning services, and exhaust work.

Commissioner Heinen asked Mr. Amann if what has been done to this property impacts the floodplain and if they are in violation of any FEMA requirements.

Mr. Amann, engineer for the village, indicated he had learned that some fill had been placed on the back portion of this property. He stated there is a portion of this property that is above and outside of the floodplain. If the fill was placed there it did not violate the floodplain ordinance. He also understood that Village Code Enforcement has made an assessment that the fill has been removed. Village ordinances allow for some work within the floodplain provided you meet certain requirements. There are very specific requirements for any work within the floodway which is the area of the floodplain where the water is generally. There is a limited number of special uses that can occur in that area such as culverts, bridges, and anything that needs direct access to the water. Any filling or building within the floodway would be a violation to the ordinance.

Commissioner Heinen asked if we have detailed surveys, and if the creek has been analyzed with regard to obtaining what the floodplain elevation is and where it encroaches on the property.

Mr. Amann indicated the floodplain elevation has been determined through a flood insurance study that was done by FEMA several years ago. He further stated this is zone AE and the floodway has been mapped. He showed a map from 2006 wherein he had plotted the limits of the floodplain based on the elevation and approximate limits of the floodway. He stated there is a section of the property that is within the floodway where little if any work can occur; there is a section that is within the flood fringe which is the area of the floodplain where you can do some work subject to conditions and there is additional property that is above and outside of the floodplain where there are no floodplain limitations.

Mr. Heinen asked the location of the boundary and where the work was previously done in correspondence to that boundary.

Mr. Amann did not know where the work was done. He relied on code enforcement to take care of that work.

Mr. Renzi suggested code enforcement look at the map Mr. Amann drew to mark the area of the fill and forward this to the Village Board.

Mr. Kiefer asked if the floodplain went all the way to the building. Mr. Amann stated the building was about three feet below floodplain elevation.

Mr. Heinen asked if the applicant was paying flood insurance.

Mr. Brewer was not aware that he would need to pay flood insurance.

Mr. Amann indicated the driveway and parking behind the building is entirely in the flood fringe.

Mr. Garrigan indicated if there is a requirement for outdoor storage for their vehicles then the village ordinance would require a screening that would need to be located within the flood fringe. The applicant has not identified if he needed outdoor storage. Some of the cars located on the property may pertain to the owner of the building and therefore it may be a code enforcement issue.

Mr. Heinen asked Mr. Amann if a barrier fence or board on board fence was required within the floodplain and based on his professional opinion are we essentially filling that portion of floodplain.

Mr. Amann said a fence itself does not take up much room but the area it would screen off from the floodplain would no longer be available for floodplain storage so it would not just be the volume of the fence itself but the volume enclosed by the fence that could be considered as filling which would then require compensatory storage.

Mr. Heinen said in order to provide the compensatory storage they would need to find 1-1/2 times the volume of the area they are enclosing. They would also need to do a significant amount of work downstream from the fence if we require the fence to enclose the outdoor storage. They would need to provide engineering drawings if we enforce the fence and then go to the regulatory agencies to get a permit associated with this fence and the floodplain fill to make sure they are compensating for that.

Mr. O'Rourke asked if we know if the applicant needs the fence.

Mr. Heinen felt there were two options: (1) they do not need the outdoor storage or (2) if they need the outdoor storage and we require the fence then they need to go through the proper agencies.

Mr. Renzi mentioned the possibility of raising the fence 4 or 6 inches above ground to allow the flow of water.

Mr. Garrigan said an engineer would have to look at what constitutes an obstruction and what would be needed to allow the water flow.

Mr. O'Rourke asked what the applicant wants or needs.

Mr. Brewer thought there was outside storage in the past as it was a dealership. He said he would like to have the outside storage.

Mr. O'Rourke said if you have outside storage it would need to be screened.

Mr. Brewer said he could operate without outside storage if it is absolutely necessary.

Chairman Sobkoviak asked about how outdoor storage was handled at other outside repair shops. Mr. Garrigan said other shops have agreed to store vehicles for a certain length of time.

Mr. Garrigan indicated some of these vehicles do not belong to the applicant.

Mr. Renzi felt the police could identify the vehicles and notify the owners that they cannot be stored at this site.

Mr. Brewer said some of the vehicles are his customers; some are other business owners and employees of the building.

Mr. Heinen said his biggest concern is the floodplain. If a fence is placed there it will impact downstream properties.

Chairman Sobkoviak felt a fence was not needed.

Mr. Heinen said in the 100 year event there would be 3 feet of flooding in this area and this would damage all the cars.

Mr. O'Rourke asked how to define storage.

Mr. Garrigan said the ordinance does not define storage. All impound facilities have been required to enclose the vehicles including our police facility; any long term storage would be a problem.

Mr. O'Rourke asked Mr. Brewer if he needed outside storage or if cars would be parked there for a short period of time.

Mr. Brewer said he would park cars there on a limited basis. There are times when parts have to be ordered and the cars would be there until the parts were delivered and repairs could be completed.

Mr. O'Rourke said if we do not allow for the outdoor storage then the fence and the floodplain issues disappear.

Mr. Sanders felt these discussions are out of the purview of the Plan Commission and are covered by the village ordinances.

Mr. Renzi asked how many vehicles could be stored within the four bays.

Mr. Brewer said it would vary due to the work being done on cars inside the building; vehicles could have engines pulled and accessories around making the area limited as to how many cars could be stored in the bays.

Mr. Renzi said if cars are going to be kept for a period of time the applicant should try to store these cars inside overnight. He suggested giving the applicant a chance to operate the business and turn it over to code enforcement to clear up the vehicles that are not the applicant's.

Mr. Kiefer said it appears the area is being used for employee parking, long term storage and also cars coming in and out making deliveries for some of the other businesses. It appears none of the spots are dedicated. Mr. Brewer agreed.

Chairman Sobkoviak opened the meeting for public comments relating to this special use request.

Casimir Kowalczyk was sworn in. Mr. Kowalczyk stated he lived on the other side of the Lily Cache Creek and asked the applicant what the hours of operation were for the business. He stated there has been activity there past 11:00 p.m.

Mr. Brewer stated his business hours were 9:00 a.m. till 5:00 p.m. He indicated they may have been setting up the shop for business during those late hours.

Mr. Kowalczyk stated that during the summer you could hear the air gun after 5 p.m.

Mr. Brewer stated they may have been setting up the alignment rack or shelving and attaching some equipment to the floor.

Chairman Sobkoviak said if noise becomes a problem in the summer then code enforcement should be notified.

Chairman Sobkoviak asked if there were any other public comments.

No one approached the microphone. Chairman Sobkoviak closed the time for public comments.

Mr. O'Rourke asked if there was another route to suggest or take rather than call code enforcement regarding the noise. He suggested that the doors be closed at a certain time after the close of business each day.

Mr. Brewer said if there is an issue with noise after 5p.m. he had no problem shutting down the business with regard to noise. Mr. Brewer said he would like to be able to open the doors in order to clean up the shop.

Mr. Kiefer stated it seems that some of the noise may be coming from other occupants in the building.

Mr. Sanders stated that the use of his space by others is between him and his landlord not necessarily between code enforcement and the village.

Mr. O'Rourke thought that making noise a condition of the special use it would be easier.

Chairman Sobkoviak agreed with the noise problem but stated Mr. Brewer should be allowed to open the doors and do routine maintenance in the shop after hours.

Mr. O'Rourke said if Mr. Brewer agrees then it his responsibility to figure out how to keep the noise down.

Mr. Sanders felt the three stipulations in the report cover these things without setting all kinds of parameters, contingencies etc.

Discussion was held regarding stipulations for noise and outdoor storage.

Mr. Brewer suggested that no air tools would be used after 5 p.m. and he would close the doors.

Mr. O'Rourke suggested the applicant work with staff to address the neighbors' concerns.

**Commissioner O'Rourke made a motion that the Plan Commission recommend to the Village Board approval of the applicant's Special Use for 3 Ace Auto 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.**
- 3. Applicant work with Staff to address concerns limiting noise after business hours.**

**Commissioner Heinen seconded the motion.**

**Vote by Roll Call: Commissioner Renzi, yes; Commissioner Sanders, yes; Commissioner Kiefer, yes; Commissioner Heinen, yes; Commissioner O'Rourke, yes; Chairman Sobkoviak, yes. 6 yes, 0 no, 0 absent. Motion carried by a vote of 6-0.**

**NEW BUSINESS:**

**Case No. 1529-111210.CP**

**BIRKETT PROPERTY**

Commissioner Renzi made a motion to continue the Birkett Property case to the next scheduled Plan Commission meeting. Commissioner O'Rourke seconded the motion.

Vote by Roll Call: Commissioner Sanders, yes; Commissioner Kiefer, yes; Commissioner Heinen, yes; Commissioner O'Rourke, yes; Commissioner Renzi, yes; Chairman Sobkoviak, yes. 6 yes, 0 no, 0 absent. Motion carried by a vote of 6-0.

**Case No. 1530-111210.CP**

**BRUMMEL PROPERTY**

Commissioner Kiefer made a motion to continue the Brummel Property case to the next scheduled Plan Commission meeting. Commissioner Heinen seconded the motion.

Vote by Roll Call: Commissioner O'Rourke, yes; Commissioner Renzi, yes; Commissioner Sanders, yes; Commissioner Heinen, yes; Commissioner Kiefer, yes; Chairman Sobkoviak, yes. 6 yes, 0 no, 0 absent. Motion carried by a vote of 6-0.

**DISCUSSION:**

Adjourned at 8:10 p.m.

Respectfully submitted by

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Merrilee Trotz  
Recording Secretary