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DATE: July 19, 2011

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:**

Commissioners Seggebruch, Heinen, Kiefer, Fulco and Chairman Sobkoviak were present.

Fire and Park Districts were present.

Commissioners O'Rourke, and Renzi, School, and Library Districts were absent.

Also present: Michael Garrigan, Village Planner and Merrilee Trotz, Recording Secretary

Approval of Minutes: The Plan Commission minutes from July 5, 2011 were amended on page 2 as follows: "Commissioner Heinen asked if this proposal provided for the required stormwater management of the *adjacent* lot. Mr. Small *thought yes, but he would confer with his engineer;...*". On page 3 Commissioner Kiefer seconded the motion for the preliminary plat of Plainfield West. The minutes were then accepted as amended.

PUBLIC COMMENTS: Chairman Sobkoviak asked for public comments on items that are not on the agenda. There was no response.

DEVELOPMENT REPORT: Mr. Garrigan stated the Village Board approved the variance and site plan review for the expansion of Diageo; and approved the preliminary/final plats for both South Plainfield Medical Office Building Subdivision and Prairie Creek North-South Subdivision.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**Case No. 1550-063011.RZ**

**SPRINGBANK UNIT 4**

Mr. Garrigan summarized the staff report indicating this is a public hearing for a rezoning being heard pursuant to public notice in accordance with state statute and all applicable ordinances. The applicant is seeking to rezone the current commercial portion of Unit 4 (approx. 20 acres) from B-3 to R-4, Multiple Family Residence District. Mr. Garrigan summarized the findings of fact and indicated that rezoning of this property would require a change to the Comprehensive Plan; there is no existing R-4 zoning in the area that would be consistent with the requested R-4 zoning; R-4 use is not necessarily or inherently more suitable than uses that are permitted under the current B-3 zoning; the current B-3 zoning may have an equivalent chance of yielding a reasonable use as an alternative, while noting that alternative zoning districts could include R-3 or even R-1 in addition to the requested R-4; and that the potential exists for negative impacts to adjacent properties if the subject site were to be developed with an intense R-4

residential use without adequate safeguards for buffering, high-quality architecture, extensive landscaping, and other design elements that would protect the essential character of the neighborhood. The applicant has not presented a land plan but has provided examples of the proposed product.

Staff believes currently there is not sufficient evidence to make all of the affirmative findings to support a favorable recommendation on the requested re-zoning. Staff welcomes additional information from the applicant to support the findings.

Chairman Sobkoviak swore in Patrick Hughes, representative from Ocean-Atlantic Management Corp., developer under contract with PNC, and Mike Schoppe, Schoppe Designs Assoc.

Mr. Hughes stated they originally met the developer in 2008. Mr. Hughes further described their financing and indicated they are in the process of due diligence. Mr. Hughes explained that there will be no changes to the already developed units. They plan to keep the same architectural considerations and the look and feel of this project. If they purchase this property they propose to pave Units 1 and 2 even though this would not normally be completed until 85% is built out. At this time they are asking for this rezoning to provide product diversity. This will make this project more economically feasible.

Mr. Hughes indicated they will extend Van Dyke Road over time; make the improvements to Drauden and the improvements to County Line Road; and get this project moving again without touching the integrity of this development. They are targeting these homes to be in the \$350,000 and above price range.

Mr. Schoppe indicated the various commercial areas proposed on the Comprehensive Plan. He further explained that the Wikaduke Trail would be a major arterial; while Renwick Road to the north is a minor arterial and Walker Road is a collector. Mr. Schoppe reviewed the location of the various commercial areas that have been approved and indicated that maybe not all the proposed commercial sites will be needed as they will be competing.

Mr. Schoppe indicated the R-3 zoned property in Unit 4 would remain basically the same; the layout might change to accommodate the roads needed for the townhomes and apartments; the two access points would probably remain the same. Mr. Schoppe presented some elevations typical of those that might be constructed on this site; indicated they propose about 15 units per acre or 300 apartments which would justify and support the club house and swimming facility located on this 18-20 acre parcel; townhomes would be built around the apartment project. Mr. Schoppe indicated there are approximately 350 apartments that have been approved in Harmony Ridge at the corner of Wikaduke Trail and Walker Road. Mr. Schoppe stated they need a good road system to carry the traffic from the apartments and there will be a lot of commercial along the Wikaduke.

Commissioner Heinen asked for clarification on the location of this site.

Chairman Sobkoviak swore in Jason Stubler. Mr. Stubler stated there was no notification in the newspaper and no sign posted and suggested this case be tabled to have a discussion with the residents. Mr. Hughes stated the requirements of notification for this request are the adjacent property owners only; further stating the notice you received is required for the overall annexation agreement for August 1, 2011. Mr. Garrigan said village ordinance provides for adjacent property owners in this case and this was published in the Herald.

Chairman Sobkoviak swore in Rob Adrian. Mr. Adrian felt that 330 apartments affiliated with the Springbank name would further lower their property value; concerned with the quality of people who are likely going to rent these apartments; asked if these families would be added to their water park. Mr. Hughes indicated there would be a separate clubhouse and pool for the apartments. Mr. Hughes discussed the rents for these apartments would be \$1200 to \$1300 a month. Mr. Adrian stated the government will subsidize \$680 for apartments along Caton Farm Road. That yields a \$420 difference for the rent on these apartments. Mr. Hughes said their goal was to have folks that are feeders into this community and given the lending restrictions and the condition of this project as it is structured this will give a giant benefit to everything else going forward including with our ability to get new home builders in your parts of the development.

Chairman Sobkoviak swore in Lee Heaton. Mr. Heaton stated he echoed Mr. Adrian's words and indicated they did not sign up for this with the expectation that a developer will chose their neighbors. Mr. Heaton asked how this would impact the school districts, the hospital and how the voting system for the Homeowners Association would work with these apartments. Mr. Hughes suggested scheduling a meeting to discuss these questions prior to the Village Board meeting on August 1, 2011.

Chairman Sobkoviak swore in David McCleave. Mr. McCleave also echoed the thoughts and comments of the homeowners of Springbank. Mr. McCleave asked how this would affect the undeveloped area of Springbank. Mr. Hughes indicated anyone coming in to buy would know the use in place and will be able to make their decision based on the fact. Mr. McCleave stated that home values near apartment complexes are lower; we have lost a lot of money in the past few years; this is about the zoning and he felt the need of diversity in commercial uses also. Mr. McCleave agreed with staff's recommendation in the staff report.

Chairman Sobkoviak swore in Mark Allen Chmura. Mr. Chmura is concerned with the last few developments all requesting changes to the Comprehensive Plan; discussed public notification; only 100-150 homes have been built out of the proposed 1700 homes. Mr. Chmura asked about compliance with the PUD; there is no Homeowners Association at this time; and suggested this be tabled until the developer can meet with the residents. Mr. Chmura stated Amling deals extensively in Section 8 housing which would be government subsidized.

Chairman Sobkoviak swore in Josh Feagans. Mr. Feagans asked what negative impact this would have on the community. Mr. Hughes did not feel there would be a negative impact; stated he would be agreeable to a meeting with the residents to discuss issues. Mr. Feagans asked about the time frame and minimal submittal. Mr. Hughes stated once you are under contract you enter into the due diligence phase. Mr. Feagans asked what other changes are being proposed. Mr. Hughes said other than an option to change 120 single family homes to a multi-family use as an option, no other land use changes have been proposed; we agree to build out infrastructure, and asked for a period of time to keep the fees in place for a period of time; and we have asked to extend the annexation agreement for five (5) years so the zoning that protects your property will continue. Mr. Feagans asked if the apartment complex would have access to our pool. Mr. Hughes did not have enough information to answer that question but they would discuss that and would provide that information. Mr. Feagans asked if staff had made a study to determine the need for apartments in Plainfield and asked if there was a need for Plainfield residents to have apartment living. Mr. Garrigan said there has been no formal study; we do promote a diversity of product; there is limited number of apartments and there may be a need for apartments; most mature communities have a diversity of product. Mr. Feagans asked if staff had outlined other areas for apartments in the village. Mr. Garrigan said we believe apartments are appropriate in certain areas generally where density is appropriate.

Chairman Sobkoviak swore in Brent Turner. Mr. Turner asked if this does get approved and proves successful with the developer continue the apartment move into other areas of Springbank. Mr. Hughes said there is no plan to change any other areas other than Unit 8. Mr. Turner asked about the paving of the roads. Mr. Hughes stated they plan to put finish paving on your roads in Unit 1 and 2; Van Dyke Road would be extended within the next five (5) years; improve Drauden Road to the south; improve County Line Road.

Mr. Adrain mentioned an increase in crime in or near apartment complexes and asked why Springbank; suggested they take it outside the Springbank name. Mr. Hughes said they only acquire property in PUDs and they think it will work. Mr. Adrain asked if they were looking to buy anything else in Plainfield. Mr. Hughes said they are not currently pursuing any other projects in Plainfield.

A resident asked if Plainfield needed this now and located here under the Springbank name. A resident asked if Mr. Hughes was willing to have a meeting with the residents before the August 1<sup>st</sup> meeting. Mr. Hughes replied he received a phone call from a resident and that resident is trying to put together a meeting on Thursday before the board meeting.

Chairman Sobkoviak asked for additional comments.

Chairman Sobkoviak swore in Victoria Kohler. Ms. Kohler stated the schools in this area are already overcrowded and commercial zoning would not impact the schools; and did not see a need to rezone this property.

Chairman Sobkoviak asked if anyone else had questions or comments; there were none –General comments portion of the meeting were closed.

Commissioner Heinen asked if it was wise to put the final surface down before the construction of the homes. Mr. Garrigan stated there have been extensive internal discussions regarding the need for the final lift before completion; in a perfect scenario there would be 95% build out before the final lift, and the priority is to make sure the integrity of the roadway (binder) is preserved. Commissioner Heinen asked if the Village owns the roads. Mr. Garrigan stated the existing owner has provided letters of credit; once the village accepts the improvements, then the village would be responsible for any repairs. Mr. Garrigan was not aware of complaints regarding the roads.

Commissioner Heinen asked about the other improvements and the time frame involved. Mr. Hughes explained the improvements to the south portion of Drauden Road and the Van Dyke extension would be done over the next five years. Chairman Sobkoviak indicated this would be held up until the bridge is completed. Mr. Hughes agreed the bridge could be completed in this five year period. Commissioner Heinen stated you are essentially following the annexation agreement on these improvements. Mr. Hughes agreed they will follow the annexation agreement for the improvements other than the final lift to Units 1 & 2. Mr. Hughes stated you cannot get a bank loan to do the infrastructure, it is all equity and very expensive.

Commissioner Heinen asked if these improvements are a benefit to the residents. Mr. Garrigan indicated staff has identified a need for the completion for Drauden Road; there has been no identified need for the connection of Van Dyke Road currently but the original master plan did identify Van Dyke in this project. Commissioner Heinen asked if the improvement to Van Dyke could potentially increase the value of the

homes in Springbank. Mr. Garrigan replied the existing developer and applicant would hope so. Chairman Sobkoviak stated it would benefit Creekside as well as Springbank.

Commissioner Heinen asked if the rezoning for the apartments is really the driving force for the purchase of this property. Mr. Hughes said that is one of five factors in re-planning how this development will be commercially successful for the people living there and those who will move in; keeping the fees locked in for an additional five (5) years is one of them; extending the zoning classification for five (5) years; security that we would post for the construction improvements is another; and the rezoning change and the flexibility if the market dictated down the road. These are the things that make this a purchasable project.

Commissioner Heinen asked what would be phase one in regards to the overall development. Mr. Hughes said the first thing they would do is pave the roads in Units 1 & 2 and start selling houses. Mr. Hughes explained how the property at County Line and Walker Roads could possibly stay commercial if commercial came in. Mr. Garrigan stated the applicant is asking for rezoning but there could be language in the annexation agreement which gives them the option to rezone it to R-4. Commissioner Heinen asked why they are going through the process now if they are leaving it commercial. Mr. Hughes said having that option before we purchase it is important from a business plan standpoint. Mr. Garrigan said if we make this R-4 and then if there is a request for commercial it would require rezoning to commercial; we have allowed other annexation agreements to incorporate a certain type of zoning but not actually rezone the property until there is a need; but we have never changed zoning on a property with a flex zoning. Mr. Hughes indicated the amendment to the annexation agreement is drafted to allow for a thirty day notice for the ordinance to pass.

Commissioner Fulco asked if any market research survey had been completed that indicates an apartment complex would sell. Mr. Hughes said they have a market report but this is a long term plan.

Commissioner Seggebruch asked about the commercial area north of the aquatic center; suggested a small neighborhood strip center might be the first commercial to develop; stated he would not like to give up all the commercial area in this development; suggested keeping the northwest corner of County Line Road and Walker as commercial and the proposed townhomes to the north of the commercial could have gone apartments. Mr. Hughes indicated they would not own the commercial area north of the aquatic center.

Commissioner Kiefer likes the infrastructure improvements that are proposed; appreciated the comments of the public; but feels the commission cannot approve a map amendment with the 5 findings of fact not being met.

Chairman Sobkoviak stated by law there are five challenges that must be met and agreed staff outlined four of the five have not been met by the petitioner; agreed with staff that the challenges have not been met.

Commissioner Heinen agreed diversification is good; is familiar with Amling developments and thought they are high end apartments; is intrigued by the concept; and the apartment sector has turned around and being a high end apartment complex could be a good addition for diversification but in regards to the findings of fact, maybe this is not the right location.

Commissioner Seggebruch echoed the other commissioners and agreed with the recommendation of Staff. Commissioner Seggebruch thought the applicant should look at the whole development and try to get support from the homeowners.

Chairman Sobkoviak agreed this is a great development now and was when it was brought in; they made good cases for the two areas of commercial; and agreed the Petitioner did not meet the criteria for the zoning change. Mr. Garrigan said Staff is not in a position to make a favorable recommendation, further stating that when we initially met with the developer Staff agreed they would be amenable to the potential of apartments but not enough information has been submitted at this time.

Mr. Hughes requested an opportunity to work with the homeowners and staff and asked to continue this hearing to the next meeting.

Chairman Sobkoviak asked if the Commissioners agreed to continue this case to give the applicant the opportunity to work with the homeowners and staff. Commissioners agreed.

Discussion was held as to whether this issue could be separated out and when it was resolved then a second amendment to the annexation agreement could be requested; if the Plan Commission voted no they could still go to the village board for their consideration. Mr. Hughes stated he would prefer to work this out before they moved forward.

Commissioner Kiefer made a motion to continue this case to August 2, 2011.

Commissioner Heinen seconded the motion.

Vote by Roll Call: Commissioner Seggebruch, yes; Commissioner Fulco, yes; Commissioner Heinen, yes; Commissioner Kiefer, yes; Chairman Sobkoviak, yes. 2 absent, Motion carried 5-0.

#### DISCUSSION

Commissioner Heinen suggested when a highly controversial project is coming to the Plan Commission maybe it could be recommended to the applicant to meet with the neighbors to work out some of the differences prior to the meeting. Mr. Garrigan indicated it always behooves the applicant to meet with the neighbors but sometimes with an association it is more challenging.

Commissioner Heinen also asked about the hours at the Splash Pad at Village Green. Mr. Garrigan said he would follow up with Mr. Bettin of the Park District.

Adjourned at 9:15 p.m.

Respectfully submitted by

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Merrilee Trotz  
Recording Secretary