

VILLAGE OF BOURBONNAIS
PLAN COMMISSION BYSTANDER REPORT (MINUTES)

August 27, 2015 – 7:30 p.m.

The Plan Commission hearing was called to order by Chairman Hayes at 7:30 p.m. The roll was called resulting in those present being: Chairman Ed Hayes, Paul Cavitt, Ralph Huntley, Joan Pierce, Mike Magruder, and Mark Argyelan. Those members absent: Lisa Lillis. Staff present were: Vicki Senesac, Building Commissioner, and Patrick Dunn, Village Attorney.

The chairman asked for a motion to approve the minutes from July 16, 2015. A motion was made by Mrs. Pierce, seconded by Mr. Huntley – the motion carried.

The chairman asked for a motion to approve the minutes from July 23, 2015. A motion was made by Mr. Argyelan, seconded by Mr. Cavitt – the motion carried.

The Chairman briefly explained the public hearing procedure to the public, and called the first case.

Case 15-Z-005 – Consideration of an Annexation Agreement for the property located at 855 W 5000 N Road, Bourbonnais, Illinois. The petitioner is the Village of Bourbonnais. Mrs. Senesac indicated that the public notice to adjoining property owners, fees, and publication in the newspaper were in order. The Chairman asked the Village Attorney to explain and comment on the case.

Mr. Dunn advised the Commission that the property, commonly known as the Cornerstone Church, had previously been annexed, however, an annexation agreement was never prepared. The key points of the annexation agreement consisted of:

1. The property is currently zoned R1.
2. The current use is a church, which is a special use in an R1 District and is granted in the agreement.
3. The owner has agreed to grant the village all easements to serve the property, including along St. George Road for construction of all private storm and sanitary sewers, and other public services.
4. A fifty (50) foot right-of-way will be dedicated for any roadway extension and sidewalk along both St. George Road and Career Center Road
5. The church will hook up to Village water and sewer once the lines become available to the site.

Questions were asked regarding the timeframe of hooking up to the Village Sanitary Sewer. Mr. Dunn explained that at the present time the church sits back from the street considerably far and the Village currently does not have service available to the site. If and when this happens, the church will hook up and be responsible for paying the cost to run the laterals to the public system.

The chairman asked if there was anyone in the audience who wanted to ask questions or make any comments regarding the case. No one came forward. The chairman entertained a motion regarding the agreement.

Mr. Argyelan made a motion to recommend approval of the annexation agreement as presented, the motion was seconded by Mr. Cavitt. The motion passed unanimously via a roll call vote.

The chairman then called **Case 15-Z-006**. This is an amendment to an existing annexation agreement on property commonly known as IM Steel (Belson Property), located on Larry Power Road. The petitioner is the Village of Bourbonnais. The owner of the property was represented by Attorney Ken Carlson.

Mrs. Senesac indicated that the notice to adjoining property owners, fees, and public notice in the newspaper was in order.

Attorney Carlson indicated that this request is regarding revisions to the existing annexation agreement. The request is as follows:

1. A revised landscape plan was presented and discussed. The plan depicted a berm with dense trees on the west side of the property. The agreement currently indicated that the property was to be surrounded by either a fence, berm, or wall. The owner wanted to clarify this language so there would not be any misinterpretation regarding the construction of the earthen berm.
2. The current agreement indicated that the bailer or shear will be located inside an enclosed building and the processing shall not exceed 50 tons per hour. The revision includes the location of the bailer or shear outside, on the east side of the property surrounded by the railroad tracks and the earthen berm.
3. The west portion of the property, which is currently zoned B2, was proposed to be sold for retail uses. Due to the configuration, location to manufacturing uses, and the current market, there have been no inquiries or interest in this parcel. Therefore, the owner wishes to relocate all of his administration offices to this site on the B2 zoning. The office building will be set well off Larry Power Road and there will be a wet stormwater detention pond, with fountain, in front of the property.
4. A height limitation of the scrap piles, which are to be located on the far east side of the property between the railroad tracks and earthen berm shall not exceed 23 feet in height. This is so the piles will be screened by the berm.

Attorney Carlson indicated that due to the shape, location, and fact that the property is dissected by the pipeline does not lend itself to potential buyers. They feel the highest and best use of the property as a recycling center and scrap processing facility would be ideal, as it is surrounded by manufacturing uses.

Attorney Carlson further advised that the existing business on Route 50 would be moved to the subject site placing the business in the Village limits of Bourbonnais. This move would generate an additional \$7,500 of annual property taxes to the Village.

Attorney Carlson also indicated that the driveway for truck traffic is proposed to be located on the western-most portion of the property which will eliminate truck congestion at the intersection of Route 50 and Larry Power Road.

Attorney Carlson concluded by indicating that the owner is not asking for any change of zoning, no special use permits, nor any variances. He indicated that all Federal, State, and local regulations will be complied with as far as noise, dust, vibration, and any EPA regulations. The owner will still pay to the Village a \$20,000 impact fee to be used to offset any potential impacts on the infrastructure of the Village from the operation for 15 years commencing on the date of occupancy.

The Chairman then called for questions from the Commission. Mr. Cavitt indicated that the current annexation agreement currently allows the property to be screened by an earthen berm. He asked why this was being changed. Attorney Carlson indicated that the owner wanted the statement clarified so there would be no confusion in the future that an earthen berm could be allowed per the landscape agreement. Mr. Cavitt further indicated that he was concerned by the noise which may result in the location of the bailer and shear which is now going to be placed outside of a building.

The chairman then asked if anyone in the audience wanted to ask questions or make any comments regarding the case.

Mr. Jerry Alexander, adjoining property owner, came forward and indicated that he has concerns with noise, dust, and contamination as the shear would be big enough to cut vehicles. Attorney Carlson indicated that none of the material brought in to the facility will have any liquids. He further explained that noise and dust will conform to all of the performance standards of the Village Zoning Ordinance. He also advised that all State EPA guidelines would be complied with.

Mr. Steve Bissaillon, adjoining property and Bourbonnais Township Road Commissioner, indicated that he had concerns regarding the truck traffic on Larry Power Road, the proximity to the railroad crossing, the wear and tear on the road, and stormwater runoff. His main concern was that traffic would be backed up to Tholens when there is a train. Attorney Carlson indicated that the majority of the trucks would typically not use Larry Power Road coming from the west; they anticipate the traffic pattern, approximately 25 trucks, to follow the same traffic pattern. By relocated the entrance to the west of the railroad tracks, he felt that the traffic congestion at the intersection of Route 50 and Larry Power Road would be decreased. Attorney Carlson further indicated that an engineered stormwater plan would be reviewed by the Village Engineer to ensure that runoff would not change what currently exists, if not make it better.

Mr. John Azzarelli, adjoining property owner, came forward and advised that he had the same concerns as Mr. Alexander regarding noise and dust. Chairman Hayes indicated that all of the performance standards of the Village Zoning Ordinance would have to be followed, and the Village would not allow any deviations from the regulations, whether they be local or state.

Mr. Bill Warburton, adjoining property owner, came forward indicating concerns regarding traffic congestion and damage to the road from truck traffic.

With no further public comment, the chairman asked for the Commission to discuss the case. Mr. Cavitt indicated that he had concerns regarding the noise of the bailer of shear being outside, as well as the possibility of having a junk yard in the Village.

Chairman Hayes advised that all state and local rules and regulations would be strictly adhered to and would not be compromised.

Mr. Magruder indicated he was not comfortable on voting at this time until he was able to obtain further information from the initial annexation agreement hearing. Mr. Magruder made a motion to table Case 15-Z-006 to Wednesday, September 9, 2015, at 7:30 p.m. Mr. Cavitt seconded the motion. A roll call vote was taken resulting in four ayes, and two nays (Hayes and Argyelan). The motion passed. Village Attorney Dunn indicated that no further notice would be given as the date and time was a part of the motion.

Chairman Hayes then called Case 15-Z-004, which was a special use permit request to operate an indoor shooting range. The petitioner is Right On Target. Mrs. Senesac indicated that the notice to adjoining property owners, fees, and public notice in the newspaper were satisfied.

The petitioner, Right On Target, was represented by Attorney Ken Carlson. Attorney Carlson indicated that the owner proposes to construct an indoor shooting range on property located on Mooney Drive just south of the Village Public Works Building. The building would be constructed with state of the art technology and in accordance with NRA, State, and local building codes. The building will be designed for safety with a ballistic containment system and separated tactical bays. Noise will be mitigated through the use of concrete walls and sound attenuation materials. The building will also comply with accessibility regulations.

The building will include a sales area, offices, classrooms, a 10-lane shooting range, and a storage area. There will be a trained range supervisor present during all times when the firing range is in use. The owner will consult with the Village Police Department with regard to security plans. There will be an onsite drainage/retention area which will meet all Village stormwater management regulations. There will be new jobs created and the owner has hired a local contractor as well as a local engineer and architect.

Attorney Carlson advised that the petitioner would comply with all of the conditions the Village has placed on this type of special use.

Attorney Carlson then asked that Mr. Craig Bishop come forward and speak regarding the criminal justice program at Olivet Nazarene University.

Mr. Bishop indicated that he was a former Bourbonnais Police Officer and is now the Criminal Justice Program Director at Olivet Nazarene University. He indicated that the ONU Criminal Justice Program has increased over the last four years. The program has continued to collaborate with the Bourbonnais Police Department as well as other area agencies to provide practical

training to the students. ONU has strategically planned, in response to state-wide requests, to provide State of Illinois certification in the areas of law enforcement, corrections, and fire science/EMS by developing a Law Enforcement Academy. A key requirement of this type of certification is the consistent provision of firearms training. He indicated that the prospect of a climate controlled indoor range located close to the university would serve as a significant resource and benefit to the university's criminal justice program. Mr. Bishop concluded by indicating that he appreciates the Village's continuous support of Olivet Nazarene University, and asked for continued support in assisting in their ability to provide certified training to area police and fire professionals, as well as undergraduate students.

The Chairman asked if the Plan Commission members had any questions for the petitioner. Mrs. Pierce asked how far the facility was from the day care facility. The petitioner indicated that it was at least 400 feet away.

Mr. Cavitt indicated that he felt this would be a plus for the Village and would support the use.

The Chairman asked if there was any one in the audience who would like to ask the petitioner any questions or make any comments. Mr. Jeffery Monferdini came forward and indicated that he owned 6 rental units on Tomagene. Mr. Monferdini indicated that he was concerned about noise and asked how close the building would be from his units. The petitioner indicated that the end of the building would be at least 300+ feet from the creek. He further indicated that he will have state of the art sound proof construction as he needs a sound free environment for the retail space as well as the classrooms.

With no further comments, the Chairman asked for discussion among the Commission members. Mr. Argyelan made a motion to recommend approval of the special use permit as presented based upon the following findings of fact, as prepared by the petitioner:

1. The proposed use will be conducted in accordance with federal and state law and in compliance with the ordinances of the Village of Bourbonnais. The proposed use will be conducted within an enclosed building which is specifically designed for the operation of an indoor shooting range. The building will be designed for safety. Improvements will include a ballistic containment system and separated tactical bays. Noise will be mitigated through the use of building materials including concrete walls and sound attenuation materials and, as such, the proposed use will not generate exterior noise in excess of that created or existing on Mooney Drive and will be less than the noise limitations applicable to the M-1 Manufacturing District which are currently contained in the Village's Zoning Ordinance. A trained range supervisor will be present during all times when the firing range is in use. Appropriate security measures and systems for the building will be installed and operational at all times. The Petitioner will discuss security plans with the Village of Bourbonnais Police Chief to insure that the Village has comfort with anticipated security measures.
2. The proposed use is permitted as a special use under the Village of Bourbonnais' Zoning Ordinance. The proposed use will be conducted in accordance with federal and state law and in compliance with the ordinances of the Village of Bourbonnais and, as such, will not be detrimental to or endanger the public health, safety, morals, comfort or general

welfare. The proposed use will be conducted within an enclosed building. The proposed building will be constructed in accordance with the ordinances of the Village of Bourbonnais.

3. The Subject Property is and has been vacant and unimproved. Other than parcels immediately south of the Subject Property, which are owned by the owner of the Subject Property, the surrounding properties are currently developed. The proposed use, as described in paragraph 1 above, will not substantially diminish or impair the use or development of surrounding property and will not impede the normal and orderly development of the surrounding property for uses permitted in the M-1 Manufacturing District.
4. The Subject Property adjoins and has access to and from Mooney Drive. Utilities are located in close proximity to the Subject Property. Drainage for the Subject Property will be provided in compliance with the ordinances of the Village of Bourbonnais.
5. The Subject Property will be developed with an appropriate entrance on Mooney Drive as well as parking areas in compliance with the ordinances of the Village of Bourbonnais to insure safe and appropriate traffic movement and flow to and from Mooney Drive. It is not anticipated that the traffic generated from the proposed use will exceed the traffic that is generated by current uses along Mooney Drive.
6. The proposed use will conform to the applicable regulations in the M-1 Manufacturing Zoning District and the terms of the special use permit.

The motion was seconded by Mr. Cavitt. A roll call vote was taken resulting in six ayes and no nays. The recommendation is to approve the special use permit.

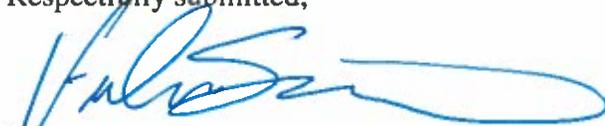
The Chairman asked if there was any old business, there was none.

The Chairman asked if there was any other public comment, there was none.

Mrs. Senesac asked what information the Commission would like submitted prior to the next special meeting with regards to the IM Steel annexation agreement. Mr. Magruder indicated that he would like to have a copy of the minutes from the hearing where the original annexation agreement was discussed. Mrs. Senesac indicated that she would send that information out as soon as possible so the Commission could have time to review prior to the September 9th meeting.

With no further business, the Chairman entertained a motion to adjourn. Mr. Huntley made a motion to adjourn the public hearing, seconded by Mr. Argyelan, the meeting was adjourned at 9:15 p.m.

Respectfully submitted,



Vicki Senesac
Building Commissioner