

**Regular Meeting – Plan Commission/Zoning Board of Appeals
Gregory J. Bielawski Municipal Center, DuPage County, Carol Stream, Illinois**

All Matters on the Agenda may be Discussed, Amended and Acted Upon

July 14, 2014

Chairman Angelo Christopher called the Regular Meeting of the Combined Plan Commission/Zoning Board of Appeals to order at 7:00 p.m. and directed Secretary Linda Damron to call the roll. The results of the roll call vote were:

Present: Chairman Angelo Christopher and Commissioners Dee Spink, John Meneghini, David Hennessey, Frank Petella and James Joseph.

Absent: Commissioner David Creighton

Also Present: Don Bastian, Assistant Community Development Director, Linda Damron, Secretary, and a representative from DuPage County Court Reporters.

MINUTES:

Commissioner Spink moved and Commissioner Hennessey made the second to approve the minutes of the meeting of June 23, 2014. The motion passed by unanimous voice vote.

PUBLIC HEARING:

Chairman Christopher reviewed the procedure for public hearings including the opportunity for members of the public to ask questions and make comment.

Commissioner Joseph moved and Commissioner Hennessey made the second to open the Public Hearing. The motion passed by unanimous voice vote.

**Case # 13352 - Organic Soils, Inc. – NEC of McNees Drive and Kuhn Road
Zoning Code Text Amendments – Landscape Waste Transfer Facility
Special Use - Landscape Waste Transfer Facility
Zoning Map Amendment - R-1 to B-3
Variation - Fence Code
Plat of Subdivision**

Chairman Christopher swore in the witness, Dave Gravel, Vice President of Organic Soils, Inc. 290 S. Main Place, Carol Stream, IL 60188. Mr. Gravel stated that Organic Soils, Inc. is a recently created company, with the focus on the transfer facility component. He stated that they have 15 years' experience in the landscape waste and composting industry through the company Green Organics which is located in Carol Stream, with a processing facility in Bristol, IL. He stated that they are seeking approval for permission to develop a transfer facility exclusively for the collection of landscape materials, which would be transferred to their compost facility in Bristol, IL. He stated that they are also seeking a Text Amendment to permit the facility in the B-3 District, a Special Use, Zoning Map Amendment, Fence Code Variation and a Plat of Subdivision. He stated that the site consists of approximately 1.0 acre and is located on the Village's Water Reclamation Center (WRC) and located north of North Avenue and east of Kuhn Road and McNees Drive. He stated that they are in the process of negotiating a lease agreement with the Village of Carol Stream for the use of the property. He stated that the project will be an Illinois Environmental Protection Agency (EPA) regulated facility and the site will only be allowed to accept landscape material and the material must be removed from the site within 24 hours and this site is not defined as a Pollution Control Facility.

He stated that the site would operate March 15th to December 15th with hours of operation being Monday - Friday 7:00 am to 4:00 pm and Saturday 7:00 am to 12:00 pm and would have two full time employees. He stated that when landscape waste material is brought to the landscape waste transfer facility (LWTF) employees will inspect the materials to make sure there are not any contaminants in the landscape waste being delivered to the LWTF and if contaminants are found during the delivery it is sent back with the contractor/waste hauler, and if something is found after the truck leaves the contaminated material is put in the waste bin on site. He stated that the site is capable of managing 9 packer trucks incoming per hour and 4 outbound transfer-trucks per hour. He stated that there is a noise study included in the staff report, and to address potential noise concerns they will be installing a double fence system that would be made of a solid wood fence with pickets on the inside of the fence. He stated that with regards to the concerns of odors they will do everything possible to minimize potential odors by placing all materials in a transfer trailer that will be covered with a tarp at the end of each day. He stated that with the materials being in a trailer covered with a tarp this would reduce the odors and eliminate the materials from blowing around.

He stated that there will be a building on site for employees, and it will have restrooms and will be handicapped accessible.

Chairman Christopher asked Mr. Bastian for the staff report.

Assistant Community Development Director Don Bastian gave a summary of the staff report. Mr. Bastian stated that the petitioner would like to operate a LWTF on approximately 1.0 acre that they would lease from the village, the property is located at the WRC on Kuhn Road. He stated that for this use to be established on this property the petitioner has applied for a Zoning Code Text Amendment to add the use as an allowable use in a village zoning district, approval of a Special Use Permit for the use itself, a Zoning Map Amendment, Fence Code Variation and a Plat of Subdivision to create a distinct parcel that the LWTF would be built on.

Mr. Bastian stated that about a year ago Green Organics appeared before the Village Board and Plan Commission in a joint workshop meeting to present this idea, and since that time they have been seeking approvals and working on the design and they are back before the Plan Commission with formal zoning requests. He stated that in regards to the Zoning Text Amendment this is not a use that is currently listed and in review of the nature of the use and location staff was comfortable with this being added to as a Special Use to the B-3 District, listed on page three of the staff report is the proposed language. He stated that staff is comfortable with both the use being added to the B-3 District and the definition. Mr. Bastian stated that staff is recommending that this use be a Special Use in the B-3 District.

Mr. Bastian stated the petitioner talked about the basic operations of the LWTF. He stated that there will be a double gate system into the facility that would be closed when the facility is not open to deter fly dumping. He stated that there will be a storage area for additional transfer trailers on the property within the fenced area. He stated that staff looked at potential impacts of this use; staff looked at the traffic impact and feels that the impact would be minimal. He stated that the impact of noise is something that staff spent a fair amount of time working on, and the State of Illinois Noise Pollution Control Regulations establishes standards for the volume of sound that can be generated at the site and the maximum decibel level. He stated that the property already exceeds the maximum decibel level because of the traffic on North Avenue. Mr. Bastian stated that the petitioner's sound engineer has recommended a double wall fence to be installed around the site to achieve the decibel level that is required by the Illinois EPA.

Mr. Bastian stated that in regards to the concerns of odor, the material cannot be on site for more than 24 hours; no composting will be done on the property and by cleaning up the property at the end of each day and with the trailers being covered with a tarp staff believes that odors should not be a problem.

Mr. Bastian stated that as far as the aesthetics are concerned the entire site will be fenced, and the landscape plans shows a good quantity and variety deciduous, evergreen and ornamental trees and shrubs around the perimeters of the property. He stated that with the fence surrounding the property staff does not expect issues with windblown trash from the property. He stated that there will be video surveillance system on the property so security should not be a concern. He mentioned that the petitioner did hold a public informational meeting on June 18, 2014 at the Holiday Inn and it was reported that only two residents came to the meeting. He stated that staff recommends approval of the Special Use Permit subject to the conditions listed in the staff report and staff also supports the rezoning of the property to B-3 Service District. He stated that the petitioner is requesting a fence code variance to have a fence forward of the principal structure on the property. Mr. Bastian stated that staff has no objections to the fence variance request and staff is also comfortable with making a recommendation on the Plat of Subdivision. He stated that there is work to be done on the engineering details and the storm water management and the Plat of Subdivision would move forward to the Village Board at the appropriate point in the future. Mr. Bastian stated that staff recommends approval of all the requests subject to the conditions listed in the staff report, with the correction to #5 That the facility may only operate between the hours of 7:00 am and 4:00 pm Monday through Friday, and between the hours of 7:00 am and 12:00 pm on **Saturday**. In addition, the facility may be open for business generally between March 15 and December 15 each year.

Chairman Christopher asked if anyone from the audience had any questions.

Chairman Christopher swore in the resident Bruce Timms, 475 Thunderbird Trail, Carol Stream, IL 60188. Mr. Timms had concerns about the additional traffic that the LWTF will generate with haulers coming from surrounding communities, since the only way to the facility would be coming down Kuhn Road or Gary Avenue to Lies Road and passing the high school, or from North Avenue. Mr. Timms stated that his major concern is safety for the children that may be going to the high school or the nearby soccer fields.

Chairman Christopher asked if any of his fellow Commissioners had any questions.

Commissioner Joseph wanted to know what kind of noise and traffic does the petitioner expect to have at 7:00 am when they open. He wanted to know how far the locking gate would be from Kuhn Road. He wanted to know if the petitioner anticipated contractors stacking up on Kuhn Road waiting for the business to open. He wanted to know if residents would be allowed to drive in and drop off landscape waste material. He wanted to know what the fee would be for residents that dropped off their landscape waste material. He referred to the informational meeting last July, he stated that another Commissioner wanted to know if there could be some kinds of flashing lights letting motorists know that trucks are leaving the facility and has the petitioner looked into this safety concern. He wanted to know if there would be restroom facilities in the trailer.

Mr. Gravel stated that noise and traffic would be from the transfer trailers leaving the facility and the local garbage collection in Carol Stream starts at 7:00 am so there maybe traffic and noise from that contractor. He stated that the gate will be setback about 10 to 20 feet from the R.O.W. of Kuhn Road. He stated that he does not anticipate contractors stacking up on Kuhn Road waiting for the business to open, since they will know the hours of operation. He stated that residents would be able to drop off landscape waste material during normal business hours. He stated that they have not yet worked out a fee for the residents who wished to drop off their landscape waste material. He stated that they do not believe it would be necessary to have flashing lights warning motorists that trucks are leaving the facility. He stated that there would be restroom facilities in the trailer and they would be handicapped accessible.

Commissioner Joseph asked Mr. Bastian what the length of the lease agreement would be.

Mr. Bastian stated that agreement has not been finalized, but he believes it is for five years with an additional five year renewal.

Commissioner Petella wanted to know how long it takes to process each truck. He wanted to know the number of employees that would be on site, and if there will be a dumpster on site for any contaminated material. Commissioner Petella stated that he had concerns about the noise, and wanted to know if the double wall fence be able to mask the noise. Commissioner Petella asked Mr. Bastian if there will be any permitting once this is approved, will the have Village have any control on what happens on the property.

Mr. Gravel stated that it takes approximately ten minutes to process each truck. He stated that there will be two employees, one in the office and one observing the material being dropped off. Mr. Gravel stated that there will be a dumpster on site for contaminated material. He stated that his sound engineer recommends the double wall fence to help with the noise concerns.

Mr. Bastian stated if the Special Use Permit is granted, there will be conditions and terms that will need to be followed, and if they are not followed they will be in violation and the Special Use Permit could be revoked, and in this case because the village owns the property and we are entering into lease agreement, the village would have control over what happens on this property. Mr. Bastian stated that the petitioner will also need permits from the Illinois EPA.

Commissioner Spink wanted to know since the facility closes on December 15th would they reopen to recycle Christmas trees. She asked if the building was going to be a trailer and would it have a cement foundation and what size will the trailer be. She asked if there are any plans in the future to build a permanent building, and asked if there would be a deck on the trailer with a walkway leading up to it.

Mr. Gravel stated that they would not reopen to recycle Christmas trees. He stated this is going to be a portable building, and the building would be secured either on the asphalt or cement and they will follow the building codes. He stated that the trailer will be 12' x 30', and stated that a permanent building is something that they may consider. Mr. Gravel stated that there would be a deck on the trailer with a walkway leading up to the trailer and the trailer will be handicapped accessible.

Commissioner Spink asked Mr. Bastian if the village has agreed to a trailer going on this property.

Mr. Bastian stated that nothing has been agreed on, and the petitioner is here asking for approvals and the trailer is what is being proposed. Mr. Bastian stated that if approved there are building codes that will need to be followed.

Commissioner Hennessey wanted to know if the trucks that are left overnight would be covered with a tarp.

Mr. Gravel stated that any truck left overnight would be covered with a tarp.

Mr. Meneghini wanted to know long are the contaminated materials kept on site.

Mr. Gravel stated that the contaminated materials are kept in a waste bin with a lid and once the bin is full it is then emptied.

Mr. Meneghini asked Mr. Bastian if there would further engineering on the property regard the County Storm Water ordinance.

Mr. Bastian stated that yes there will be further engineering plans once the project is approved. Mr. Bastian stated that the Engineering Services Department has looked at the proposal and they believe the project is feasible.

Chairman Christopher wanted to know if the petitioner would be required to have a yearly business license, and wanted to know if the property would be connected to village water. Chairman Christopher wanted to know if there would be an eyewash station on site, and whether employees would be EPA certified. Chairman Christopher wanted to know if there was a contaminated spillage, how it would be contained. Chairman Christopher asked the petitioner if he was in agreement with all the conditions listed in the staff report.

Mr. Bastian stated that they would need a yearly business license. Mr. Bastian stated that the property would be connected to the village water.

Mr. Gravel stated that there would be an eyewash on site. Mr. Gravel stated that the employees would be EPA trained. Mr. Gravel stated that if there was contaminated spillage they will have products on site that will absorb and contain any spillage. Mr. Gravel stated that he was in agreement with the conditions list in the staff report.

Commissioner Hennessy moved and Commissioner Petella made the second to approve the request for Zoning Code Text Amendments and Zoning Map Amendment.

The results of the roll call vote were:

Ayes: 6 Chairman Christopher and Commissioner Spink, Meneghini, Hennessey, Petella and Joseph
Nays: 0
Abstain: 0
Absent: 1 Commissioner Creighton

Commissioner Petella moved and Commissioner Hennessey made the second to approve the request for Special Use for a Landscape Waste Transfer Facility, Fence Code Variance and a Plat of Subdivision subject to the recommendations listed in the staff report and the amendment to add to the conditions that the petitioner must have adequate plans on site in case of a contaminated spillage.

The results of the roll call vote were:

Ayes: 6 Chairman Christopher and Commissioner Spink, Meneghini, Hennessey, Petella and Joseph
Nays: 0
Abstain: 0
Absent: 1 Commissioner Creighton

Chairman Christopher reminded the petitioner that the Plan Commission's recommendation would be forwarded to the Village Board at their next meeting on July 21, 2014, at which time the Board would take final action on the matter.

**Case # 14157 - American Legion - 570 S. Gary Avenue
Special Use - Amendment**

Chairman Christopher swore in the witness, Attorney Robert McNees, 191 Hiawatha Drive, Carol Stream, IL 60188 and Jerry Miller from the American Legion, 642 Sunrise Court, Carol Stream, IL 60188. Mr. McNees stated that he represents the American Legion Post 76, located at 570 S. Gary Avenue. Mr. McNees stated that the American Legion does a lot for the community, especially for

the youth, they sponsors scout troops, scholarships, citizens' awards and for many years youth baseball teams that participate in the National American Legion Baseball league. He stated that in 2012 the village enacted an ordinance amending the Special Use Permit for the American Legion property to allow for significant improvement to be made to the existing baseball field for the use by Wheaton College. He stated that the ordinance spells out that the earliest start time for games is 9:00 am, except for Sundays then it would be 10:00 am, and games would need to end by 10:30 pm, Monday – Thursday, and on Friday and Saturday games would need to end by 11:30 pm. He stated that the American Legion is requesting an amendment to the ordinance primarily section three, condition #7 to read as "to allow American Legion Baseball Tournaments games (only) to start at 8:00 am and pre-game warm-up actives at 7:00 am". He stated that the earlier start time would only be needed in the event of adverse weather and for the Father's Day Tournament. He stated that the American Legion is also asking for additional amendments, which are largely due to the American Legion wishing to host both the State and Midwest Regional tournaments. He stated that the American Legion sponsors two youth leagues, one 16U youth and the other is 19U and in the Legion baseball system teams like the 19U team is asked to host the larger tournaments like the State and Midwest tournaments, and depending on the number of teams and adverse weather the tournament games may need to start as early as 8:00 am in order to finish the tournament. Mr. McNees went through the list of tournaments that may be hosted by the American Legion and in order to host these tournaments they will need the flexibility of the earlier start time.

Mr. McNees stated that the American Legion is requesting the following amendments to the ordinance that:

Condition # 7 to be modified to allow for American Legion baseball games to start at 8:00 am and pre-game warm-up activities at 7:00 am.

Condition #6 to be modified for American Legion Baseball Tournaments games only, that the final inning of play may begin as late as 11:30 pm on any day of the week a tournament is played.

Condition #5 to be modified to comply with the new village Ordinance regarding the use of a PA system which would allow the use of a PA system from 9:00 am to 10:00 pm.

Condition #4 to be modified to limit the use of lights to 20 nights during the month of July.

Mr. McNees stated that he has prepared a new supplemental Exhibit A to the ordinance with a chart that depicts the hours of use of the field for all these different tournaments, the American Legion is requesting that the Exhibit A be included with the amendments to the Special Use Permit, and where it conflicts with Exhibit A in the ordinance that the American Legions Exhibit A would prevail.

Chairman Christopher asked Mr. Bastian for the staff report.

Assistant Community Development Director Don Bastian gave a summary of the staff report. Mr. Bastian stated that in 2012 the American Legion and Wheaton College came before the Plan Commission with plans for improvements to the baseball facility. Mr. Bastian stated that all the improvements and the modified use of the facility were approved, and a copy of the Ordinance 2012-03-09 is included in the staff report. Mr. Bastian stated that the ordinance from 2012 had conditions of approval, and some of the conditions are aimed at trying to control how the facility is used, and the impacts on surrounding properties. Mr. Bastian stated that the petitioner is here tonight to request some additional flexibility related to the conditions listed in the ordinance from 2012. Mr. Bastian stated that the amendment to Condition #7 is allow American Legion Baseball Tournaments games to begin at 8:00 am and pre-game warm-up activities at 7:00 am and for the final inning of play to start as late as 11:30 pm. Mr. Bastian stated that other than for the Father's Day Tournament, the petitioner does not anticipate making use of those earlier start times except for when adverse weather comes into play or if teams have to travel a far distance. Mr. Bastian

stated that staff looked at the Exhibit A schedule and if you add up all the days of the tournaments is comes to 30 days during the course of the year, and staff feels that the request to this amendment is minor and can recommend approval of the amendment.

Mr. Bastian stated that the request to Condition #6 is to allow American Legion Baseball Tournament games to start the final inning of play as late as 11:30 pm on any day of the week a tournament game is played. Mr. Bastian stated that staff also believes this is a minor change and recommends approval of the amendment.

Mr. Bastian stated that in regards to Condition #5 the petitioner has agreed to the amendment of the use of the PA system from 9:00 am to 10:00 pm per §15-5-5 of the Village Code, which was amended in 2013.

Mr. Bastian stated that the request to Condition #4 would be to allow 20 night games only in the month of July and to have supplemental Exhibit A attached to the Ordinance.

Mr. Bastian stated that staff does recommend approval of the requested amendments subject to the conditions listed in the staff report.

Chairman Christopher asked if anyone from the audience had any questions.

Chairman Christopher swore in Jim Kindler, President of Mission Court Homeowners Association, 1N180 Mission Court, Winfield, IL. Mr. Kindler stated that Mission Court is the first street west of Gary Avenue, with the American Legion property abutting to their properties. He stated that Mission Court was established in 2001, it was designed to be a quiet and peaceful neighborhood and since then there has been the expansion to the FedEx building, Wheaton Christian Grammar School, and Wheaton College baseball with the noise and lights, and now the American Legion is requesting amendments to allow more night games, earlier start time and more hours for the use of a PA system. He stated that the residents would like to invite the Plan Commissioners to come and sit on the porches/patios to see how bright the lights are, and how the lights from the ball field light up the exterior/interior of the homes abutting the American Legion property and how they are affected by the noise (people yelling to one another, closing of car doors) from the people in the parking lot that abuts their property. He also mentions that the landscaping that was supposed to screen the properties has never been installed. He wanted to know what would happen if the American Legion does not renew the lease to the Park District for the soccer field, will Wheaton College turn the field into a parking lot. He wanted to know how many more requests for amendments will there be and how many unplanned requests will come in. He wanted to remind the Plan Commissioners that tonight's vote reaches out not only through 2018 but for years to come. He asked the Plan Commissioners to delay their vote tonight, visit the properties on Mission Court, have the ball field lights adjusted, and develop a plan of action, and set up a restriction on the parking lot line. He mentioned that two years ago the Mayor suggested that Wheaton College, American Legion and the residents of Mission Court get together and discuss the pros and cons on what is going on, on the property, he stated that this has not happened. He stated that primary problem is the lights and the noise from the parking lot.

Chairman Christopher swore in Martha Durnil resident of Mission Court, 1N161 Mission Court, Winfield, IL. She stated that her property abuts both the soccer field and baseball field. She asked Mr. McNees if the American Legion ball field was one of the best ones around.

Mr. McNees stated that his understanding was that according to an article in the Daily Herald saying that this field was a jewel in this area, due to the fact it is an all-weather field.

She stated that she agrees it is a fine facility with the astroturf and lights have made a world of difference and the aim was to make it an NCAA field and that is why the American Legion has

gotten more requests for tournaments. She wanted clarification of the hours of the use of a PA system.

Mr. Bastian stated that the village wide, hours for a PA system are 9:00 am to 10:00 pm per village ordinance.

She also had concerns that the American Legion will start their games at 8:00 am every time there is a mention of bad weather.

She stated would like to invited the Plan Commissioners to come see the lights and how they affect the properties on Mission Court, she stated that the lights are directed at her house and she doesn't need to turn on lights in her home, that's how bright the lights are. Her other concerns are the early start time of 7:00 am and the last inning being able to start at 11:30 pm, and the number of games be proposed for the month of July. She stated that she is very angry that the American Legion has asked for these amendments, and that Mr. McNees and the American Legion thinks that these amendments do not affect her comfort or impair her property value. She stated that the Plan Commissioners need to hear what it is like on a Saturday or Sunday morning when the practices start or when players start to arrive and when again when the game is over. She also stated she is very upset with the number of games that is planned for the month of July and she feels that Wheaton College and American Legion has not taken into consideration, that the close neighbors on Mission Court may not want these amendments. She thanked the Plan Commissioners for listening to her concerns and hopes they will turn down all of the requests.

Chairman Christopher swore in Jerry Latus, resident of Mission Court, 1N213 Mission Court, Winfield, IL. Mr. Latus stated that there should be limitations to the amendments in the ordinance. He wanted to know if the change to the usage of the PA system applied to the American Legion. He stated that the 10:00 am to 10:00 pm usage of the PA system is sufficient and would like to have it left as is and the PA system should not exceed the maximum decibel level. He referred to Exhibit A schedule for tournament games through 2020, he stated that this chart does not include the 16U team, and is wondering if there will be other tournaments that are not reflected in this chart. He stated that the chart should reflect that the 8:00 am start and the last inning start time of 11:30 pm should only be in case of adverse weather or extended travel time. He would like to see that the residents on Missions Court be notified when there is a problem with weather or when teams have to travel a long distance.

Mr. Bastian stated that the 9:00 am PA system usage time is effective village wide, but Ordinance 2012-03-09 will need to be amended because the ordinance has language that specifically states a 10:00 am start time.

Chairman Christopher asked if any of his fellow Commissioners had any questions.

Commissioner Joseph asked both the petitioner and Mr. Kindler about the lighting of the baseball field. Commissioner Joseph stated that in 2012, Mike Helton a representative from Techline Sports Lighting was at the Plan Commission meeting and he stated that the lighting could be directed away from the homes on Mission Court. Commissioner Joseph asked Mr. McNees to speak on the lighting issue. Commissioner Joseph recommended that someone from either the Village or Wheaton College have a photometric study done, so the lighting issues can be addressed. Commissioner Joseph asked Mr. Bastian about the landscaping that was proposed in the 2012 ordinance.

Mr. Kindler once again invited the Plan Commissioners to come and see how bright the lights are during a night game.

Mr. McNees stated that the lighting issue is under the Wheaton College control, and it is his understanding that there have been some adjustments done to the lighting and the measurements of the lighting complies with the ordinance specifications.

Mr. Bastian stated that the ordinance from 2012 provides that light spillage is not to exceed point one footcandles at the property line and when the lights were installed Wheaton College was required to field test the lighting and the village can require them to periodically readjust and take measurements.

Mr. Bastian stated that the landscaping plan from the 2012 ordinance is included in the staff report and that staff's interpretation is that the landscaping materials would be planted when the improvement next to it is built. Mr. Bastian mentioned that the permit for the parking lot is currently in for review and the landscaping around the parking lot will be required has part of the permit issuance.

Commissioner Petella stated that the landscaping needs to be installed to screen the homes on Mission Court from the ball field. Commissioner Petella stated that this is a beautiful ball field in the wrong place, and it will only get more popular. Commissioner Petella stated that steps need to be taken to direct the lighting away from the homes on Mission Court. Commissioner Petella stated that he hopes that Wheaton College, the American Legion and the homeowners on Mission Court could try to be good neighbors and see each other's point of view. Commissioner Petella suggested the American Legion, Wheaton College and the Mission Homeowners Association start a committee to discuss any issues.

Commissioner Spink asked the petitioner if the early start would ever become a permanent start time for the tournament games.

Mr. McNees stated that there is only one tournament were the American Legion has the problem with the 9:00 am start time, and that is the Father's Day Tournament and they need the flexibility to start at 8:00 am in order to finish the tournament and for the other tournaments if they have had adverse weather or if a team has to travel a long distance.

Commissioner Hennessey wanted to know what was the latest that a game has gone. He stated that the lighting needs to be adjusted. Commissioner Hennessey stated that he hopes the 11:30 pm start time for the last inning is few and far between.

Mr. Miller stated that the latest a game has gone to was 11:15 pm and the lights were turned off by 11:29 pm.

Commissioner Meneghini had no questions.

Chairman Christopher asked the petitioner how far in advance are the bids due for the tournaments and is there cost involved. Commissioner Christopher asked the petitioner for an updated photometric plan to see if the conditions of the 2012 Ordinance are still being met. Chairman Christopher stated that what was presented to the Plan Commission in 2012 was down lighting on the baseball field and that doesn't seem to be what is installed. Chairman Christopher stated that maybe the American Legion or Wheaton College send out an e-mail to the residents on Mission Court to keep them updated any schedule changes.

Mr. McNees stated that the bids are due about a year in advance, there is not a cost involved but there is a lot of paper work involved. Mr. McNees stated that the American Legion has the enforcement rights through the lease with Wheaton College if any of the conditions of the 2012 Ordinance are not being met.

Mr. Miller stated that he believes a photometric study was done this spring.

Commissioner Joseph moved and Commissioner Petella made the second to approve the request for the recommended approval to amended conditions #7 of the Special Use subject to conditions listed in the staff report and with the modification that the activity start time is 8:00 am and that the "Exhibit A supplemental" be amended to reflect the 8:00 am activity start time.

The results of the roll call vote were:

Ayes: 4 Commissioner Spink, Meneghini, Petella and Joseph
Nays: 2 Chairman Christopher and Commissioner Hennessey
Abstain: 0
Absent: 1 Commissioner Creighton

Commissioner Hennessey moved and Commissioner Joseph made the second to approve the request for the recommended approval to amended conditions #5 of the Special Use to allow a PA System use between 9:00 am and 10:00 pm subject to conditions listed in the staff report.

The results of the roll call vote were:

Ayes: 5 Chairman Christopher and Commissioner Spink, Meneghini, Hennessey, and Joseph
Nays: 1 Commissioner Petella
Abstain: 0
Absent: 1 Commissioner Creighton

Commissioner Joseph moved and Commissioner Hennessey made the second to approve the request for the recommended approval to amended conditions #4 and #6 of the Special Use to allow up to 20 night games in July only, and to allow the final inning of play to begin as late as 11:30 pm for any American Legion Tournament game subject to conditions listed in the staff report.

At this time Commissioner Joseph asked Mr. Kindler if the homeowners association would be agreeable the 11:30 pm start time for a final inning of play.

Mr. Kindler stated that if they could get the lights adjust to what the ordinance states and cut down the noise from the parking lot, they could live with the amendments.

The results of the roll call vote were:

Ayes: 6 Chairman Christopher and Commissioner Spink, Meneghini, Hennessey, Petella and Joseph
Nays: 0
Abstain: 0
Absent: 1 Commissioner Creighton

Mr. Bastian stated that the petitioner has requested that this case go before the Village Board on August 4, 2014.

Chairman Christopher reminded the petitioner that the Plan Commission's recommendation would be forwarded to the Village Board at their meeting on August 4, 2014, at which time the Board would take final action on the matter.

Commissioner Joseph moved and Commissioner Hennessey made the second to close the Public Hearing. The motion passed by unanimous vote.

NEW BUSINESS:

Mr. Bastian stated that the Plan Commission meeting of July 28, 2014, could be cancelled due to a lack of agenda items.


Commissioner Joseph moved and Commissioner Hennessey made the second to cancel the July 28, 2014 meeting. The motion passed by unanimous vote.

ADJOURNMENT:

At 10:15 p.m. Commissioner Joseph moved and Commissioner Hennessey made the second to adjourn the meeting. The motion passed by unanimous vote.

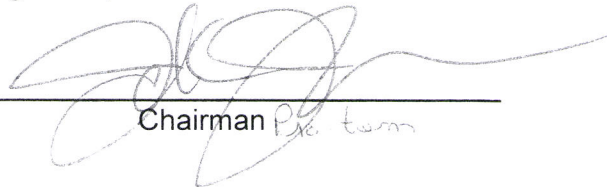
FOR THE COMBINED BOARD

Recorded and transcribed by,



Linda Damron
Community Development Secretary

Minutes approved by Plan Commission on this August 25, 2014



Chairman P.C. term