

**VILLAGE OF HINCKLEY  
PLANNING COMMISSION MEETING MINUTES  
JANUARY 4, 2021**

**CALL TO ORDER:** The meeting was called to order by Chairman Kula at 7:00 PM.

**Present:** Chairman Russ Kula, Rodney Davis, Danielle Marion, Steven Kreitzer, John McFarland (arrived at 7:03 pm), and Gerald Bahl (arrived at 7:16 pm). Quorum Established.

**Absent:** None.

**Also Present:** Village Clerk Elizabeth Losiniecki, Attorney Conklin, Trustee Mike Constant, Nathan Lambes (Midwest Facilities), and members of the public.

**PLEDGE OF ALLEGIANCE:** The pledge to the flag was recited.

**PUBLIC COMMENT:**

None.

**AGENDA ITEM: Previous Meeting Minutes – 12/07/20 Presentation and Vote**

Rodney Davis moved to approve the meeting minutes from 12/07/20 and Steven Kreitzer seconded the motion. Roll call vote: Davis-Aye, Marion-Aye, Kula-Aye, Kreitzer-Aye. Motion carried.

**OLD BUSINESS**

° **Agenda item for discussion and Recommendation:** 212 W. Woodlawn Avenue – Midwest Sportsplex Zoning Variance Application

Chairman Kula asked Clerk Losiniecki if any additional information had been received from Midwest Sportsplex as it relates to the request for variance. Losiniecki stated that no additional information had been received. Nathan Lambes (Midwest Sportsplex) stated that the spot grades for the ADA parking spot was the only piece missing and not part of the variance request. Chairman Kula asked about the additional information that was discussed at the last meeting and Lambes asked what for specific items.

Attorney Conklin stated that an email had been sent to Midwest Sportsplex detailing what was needed. He stressed that the requirements in Section 4-F of the zoning code must be followed. The Sportsplex needs to provide, in writing, a statement specifying for which sections of code the variances are being sought and the reason. Lambes stated that the information will be provided. Conklin advised Lambes to be sure to follow what's required in the zoning code for variances.

Kula asked Lambes about comments that (owner) Ronn Nelson had made on facebook regarding services being offered beyond the three batting cages that have been discussed previously. Lambes stated that this will be a multi-use facility and that nothing has changed. Marion stated that at the last meeting the members were told (by Lambes) that the facility would only have three batting cages but facebook post mentioned track, dance, etc. Lambes stated that there are a lot of potential future uses that the floor plan will accommodate with retractable nets. Lambes asked if different uses have to be specifically stated.

Kula asked the square footage of the complex and Lambes stated approximately 4700 square feet.

Kreitzer asked if there is a concern with multi-use and Kula responded that parking space requirements could be affected. Lambes stated that if the batting cages are open, that will be the sole use at the time. If dance class is going on, then that will be the sole use at the time. Multiple uses will not be happening at the same time.

Lambes asked what the process is once the paperwork is complete and who reviews the paperwork to determine if it is complete. Conklin stated that once the paperwork is complete, a public hearing will be scheduled; approximately 45 days out. The Zoning Board of Appeals will make a recommendation to the Board of Trustees.

Lambes again asked who determines if the paperwork is complete and Conklin stated that the application packet is reviewed by the attorneys and the B&F. He stated that the application must comply with the requirements in the village code. Lambes stated that he will bring the additional paperwork in this week.

### **NEW BUSINESS**

° **Agenda item for discussion and Recommendation:** Solar Farm Inquiry

Chairman Kula asked if Bobby Cheyrl (person making the inquiry) was on the line. There was no response.

Steven Kreitzer stated that he is concerned about access to the property, especially via E Oak Knoll. There was discussion regarding alternatives, including granting access through the public works property or via Rickert Street. It was noted that there is a building (Fitzgerald Electric) at the east end of Rickert Street, which may or may not hinder access and/or an extension of the road.

Kula asked about the creek and whether the Department of Natural Resources would need to be consulted regarding floodplain/wetland. Attorney Conklin stated that there is nothing in the zoning code right now to allow for this use (solar farm). He stated that the first step would be to add the use into the zoning code.

Kula stated that future expansion of the Water Treatment facilities should be taken into consideration, as well.

### **PLANNING COMMISSIONER COMMENTS, PROJECT UPDATES AND OTHER INFORMATION**

Chairman Kula stated that the next meeting will be February 1, 2021 at 7:00pm via Teleconference and/or at the Village Hall.

At approximately 7:43 pm, business owner Ronn Nelson stated that he had just joined the call to represent Midwest Sportsplex. Nelson asked the Planning Commission if they were inclined to approve the variance request and Attorney Conklin stated that the decision regarding a recommendation will be made after the public hearing. Nelson again asked if the variance will be granted and Conklin again stated that the decision regarding the recommendation to the Board of Trustees will be made after the public hearing. Nelson asked the members if they think they'll make a positive recommendation to the Board and Danielle Marion stated that the decision will be made after they have had the chance to review the final application for variance and have held the public hearing.

Gerald Bahl asked Nelson if he had plans that he could share, and Nelson stated that he will not allow

the Village snow plows to turn around in the lot if he's made to pave the lot with asphalt. Chairman Kula reminded Nelson that the Planning Commission is still waiting on final blueprints showing elevations for ADA parking, lights, etc. Nelson stated that the information is all contained in the prints provided and asked (again) if the Planning Commission will approve the variance request.

Marion stated that this request, in any other municipality, would not even be on an agenda for discussion until the completed application had been received. Nelson asked what other businesses are being held to this code and Marion stated that when a new business is established, it must be up to code.

Further discussion ensued regarding timing of a public hearing and lighting for the parking lot of the Sportsplex. Trustee Constant asked Nelson if the existing lighting is sufficient to light the whole lot or only partially. Nelson stated that it depends on how many parking spaces will be required. Constant asked if the parking lot remained as it is now, would the lighting be sufficient to illuminate the lot and Nelson stated that he would make sure it does. Constant again asked if the lighting is sufficient for the existing lot and Nelson stated, "yes, 100%."

Kula stated that the parking space requirements are based on square footage and that the original computation for parking spaces was based on the total square foot of the building, not the square footage to be used for the Sportsplex. Based on the square footage for the Sportsplex, the required number of parking spaces will be approximately 4-5. Kula asked about plans for curbing and striping and Nelson stated that curbs have not been mentioned, previously. Marion stated that curbing was discussed at the last meeting and Kula stated that curbing is part of the plan review compiled by B&F dated September 2020.

Discussion continued regarding paving, square footage of the building vs. what will be used for the Sportsplex, number of parking spaces, the variance process, and the applicant's unwillingness to incur thousands of dollars in expenses to be in compliance with requirements. Marion asked why Nelson has to spend money prior to the completing the variance process and Nelson stated that it was in order to be in compliance with the plan review from B&F. Attorney Conklin stated that Nelson is confusing building code compliance with the zoning variance process and that the variance process will not cost thousands of dollars or take five months to complete. Conklin advised Nelson to submit an application that complies with the requirements in the Village code as it relates to variance requests and the proper legal process will be followed. Nelson stated that he is not going to spend \$100,000.00 to complete this process.

Discussion returned to parking spaces and whether or not they would be paved and if lighting would be installed to adequately cover the lot/spaces. Nelson stated that he would install lighting to adequately cover the parking lot/spaces and reiterated that if he is forced to pave the lot, he will not allow Village snowplows to turn around in the lot. Nelson also stated that he is still interested in purchasing the end section of Woodlawn Avenue. He (again) stated that he wants a commitment from the Village that the variance request will be approved.

There was a brief discussion regarding liability if the Village grants the variance and subsequently there is an injury/litigation. Attorney Conklin stated that that is why it's imperative that a completed application is on file that conforms to the code (article 4, section F of the zoning code). This is required in order to proceed with a public hearing and will not cost \$15,000.00. Conklin (again) stated that

there is confusion between the building code and the zoning code.

Nelson stated that based on the requirements, he would not be able to open until April. Krietzer stated that the public hearing and regular board meeting will be in February, as long as the completed application is received promptly.

Kula stated that the next Planning Commission meeting will be on February 1, 2021 unless a public hearing is scheduled.

**ADJOURNMENT**

Motion: Russ Kula moved to adjourn the meeting at 8:42 pm and Jerry Bahl seconded the motion. Roll call vote: Davis-Aye, Bahl-Aye, Marion-Aye, McFarland-Aye, Krietzer-Aye, Kula-Aye. Motion carried.

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Russ Kula, Chairman

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Elizabeth Losiniecki, Village Clerk