

Village of Homer Glen

**14240 West 151st Street
Homer Glen, Illinois 60491**

Phone (708) 301-0632 • Fax (708) 301-8407

PLAN COMMISSION REGULAR MEETING

**Thursday, March 2, 2017
7:00 PM**

**Village Council Chamber
14240 West 151st Street
Homer Glen, Illinois 60491**

A. Call the Plan Commission to Order

The meeting of the Homer Glen Plan Commission was called to order by Chairman Maska at 7:00 P.M.

B. Pledge of Allegiance to the Flag**C. Roll Call**

Present for the Plan Commission were Chairman Joe Maska, Members Lynn McGary, Eileen Crement, Don Mitchell, Broque Backal and Kevin O'Donnell. Present on behalf of the Village of Homer Glen was the Director of Planning and Zoning Vijay Gadde and the Assistant Planner Caron Bricks. The minutes were recorded and transcribed by Candace Rose.

D. Public Comment

Chairman Maska calls for anyone wanting to make a public comment on any items not on the agenda for tonight's meeting. There were no public comments made.

E. Approval of Minutes**February 16, 2017**

A motion to approve the minutes from February 16, 2017 was made by Member Crement, seconded by member McGary. Voice vote taken, all in favor none opposed. *Motion Carried.*

Speakers for tonight's meeting are sworn in.

F. Agenda Items

- 1. HG-1632-MPV– Jozef Reczek (*Public Hearing – to be tabled to February 16, 2017*): Consideration of (1) a Zoning Map Amendment (Rezoning) from the R-2A Single-Family Residential District to the A-2 Rural Residential District; and (2) a Variance to reduce the required minimum lot width from 300 feet to 221.85 feet (Chapter 220-503F(2) of the Code of the Village of Homer Glen) for certain real property located at 14438 Dixon Lane and known as PINs 16-05-09-202-016-0000, 16-05-09-202-026-0000, and 16-05-09-202-027-0000. The petitioner is also requesting a Preliminary and Final Plat of Consolidation of the subject parcels.**

Caron Bricks explains that at the February 16, 2017 Plan Commission meeting, the public hearing for Case No. HG-1632-MPV was opened. During the public hearing, several members of the plan commissioners inquired to the petitioner about possible commercial activity, specifically the repair of automobiles, taking

place at the petitioner's pole barn on the subject property. The Plan Commission tabled the request to the March 2, 2017 meeting to allow for the Village's Code Enforcement Officer, Casey Struglielski, to conduct an investigation regarding possible commercial activity taking place on the subject property. Mr. Struglielski went to the site and inquired about the ownership of the vehicles parked there and was shown proof of ownership of each vehicle. He concluded that nothing inappropriate was happening at the site.

Member Mitchell states that he did read Mr. Struglielski's report and found there was missing information. First the names of the owners of the vehicles were not provided to prove that they are in fact his (Mr. Reczek) own vehicles and not from people paying him to repair their vehicles. Ms. Bricks states that the vehicles do not necessarily have to be in his name they just must have proof of ownership which they did. Member Mitchell also states that the number of vehicles at the site changed on the date the code enforcement officer was there doing his inspection. His understanding was that the reason for the visit from the code enforcement officer was to ascertain whether or not a commercial business was being operated at this site in a mostly residential neighborhood. This report does not answer his questions about the site and the activities at the site.

Member Crement also visited the site and she took photos which she shared with the other Plan Commissioners at the meeting. The day she was there she found 13 vehicles parked at the site and there appeared to be a snow plowing business vehicle and a possible landscaping business vehicle. She also states that the Village parking ordinance states that vehicles need to be parked so many feet from the property line of any given property and in this case many of these vehicles were on the property line. She passes the photos out for viewing.

Joe Reczek states that he believes he has been cooperative. He met with Member Crement when she was there Saturday. He made his brother available; if the cars are too close to the property line he can move them. He understood that this case was continued in order to allow the code enforcement officer to do research. Mr. Struglielski did his research and said that everything was okay.

Member Mitchell is curious as to why the number of vehicles changed from 13 when Member Crement was there to 6 when Mr. Struglielski arrived and is now back to 12 or 13.

Mr. Reczek asks if Member Mitchell drove up the driveway onto the site. Member Mitchell states that he did not. Mr. Reczek does not believe he could see the vehicles from the street. When Member Crement arrived on Saturday he was there, his brother was there and he believes they had a visitor or two as well which would increase the number of vehicle by 3 or 4. Mr. Reczek states that the code enforcement officer supplied a report and he has nothing further to add.

Member McGary explains that the Commissioners felt that there is a commercial enterprise taking place on the property. She adds that they still feel as if there is a commercial business there.

Mr. Reczek states he has nothing further to add. He came here to start his life and build his home. If the Village does not want him then he will go somewhere else. He has owned the property for 4-years and wanted to live in Homer Glen but maybe he needs to move somewhere else.

A motion to close the public hearing Case No. HG-1632-MPV was made by Member Crement, seconded by Member O'Donnell. Voice vote taken, all in favor, none opposed. *Motion Carried.*

Member Crement asks why he is requesting agricultural zoning rather than residential. Mr. Reczek states that he would like to preserve the opportunity to have animals on his property at a later date. Most likely he will have chickens.

Member Mitchell also disagrees with the findings of fact that the general area is A-2 agricultural zoning, stating that the map shows that on three sides of this property there is residential zoning. And he is still concerned about the use of the property, it could have hazardous waste leaked or dumped anywhere on the site from the intensity of the alleged business being conducted there.

Ms. Bricks points out that there is a difference between the use and the zoning of a property.

Member Backal states that the Plan Commission expressed their concerns at the last meeting and gave Mr. Reczek time to make the changes needed to reassure us that no commercial enterprise was going on at the site. He states that the petitioner did not do that and he needs to look at what we are concerned about and make these changes.

Mr. Reczek states that he did not have time to make any changes. Member Crement was there taking pictures 36-hrs later. He works and was not able to get to the site until Saturday at which time Member Crement was also there.

Member Backal states that Mr. Reczek owns the property but is not there to take care of it and any problems that arise. That is part of the problem.

Member O'Donnell states that they believe an un-authorized auto repair business is being operated on his property, if it was his property he would have seen to it that it was cleaned up.

Mr. Reczek states that he was told he needed to show proof of ownership of the vehicles which is what he did.

Member McGary states that the Commissioners needed to see that all the activity which made them believe it was a commercial operation gone.

Member Mitchell agrees, he said the Commissioner were clearly concerned with a commercial operation at the site not who owned the vehicles.

Member McGary reads from the minutes of the last meeting "Member McGary asks if he will stop his brother from fixing cars at the property. Mr. Reczek states that he will stop the activity. Member McGary asks if the Plan Commission can put that condition on the recommendation for approval. Mr. Reczek states that he is fine with that condition.

Ms. Bricks states that the Village has received no complaint about this property from the neighbors.

Member Crement asks if we can table this item and asks the Plan Commission to look into the issue of what is really going on at the site.

Member Mitchell agrees that it needs to be looked into. The activity he saw there does not seem reasonable for the area and certainly not for a hobby.

Member Crement suggests that this item is tabled until the code officer looks into what is going on at the site and states that it is okay.

After Member McGary finishes reading from the last minutes she states that the Commissioners made it clear that they thought a commercial activity was being conducted at the site and it was his duty to ensure that was not the case. This is your property and you should be aware of what is going on at the site whether you physically are there.

A motion to not adopt staff's findings as the findings of the Plan Commission and to recommend denial of a Map Amendment (Rezoning) from the R-2A Single-family Residential to A-2 Rural Residential District (§220-503 and Attachment 1, Table 1B Site and Structure Bulk Requirements for Residential Districts), for certain real property located 14430 S. Dixon Lane was made by Member McGary, seconded by Member Mitchell. Roll call vote taken. In favor (6) Mitchell, McGary, Crement, O'Donnell, Backal. Opposed (0) none. Absent (0) none. Abstained (0). The Chairman did not vote. *Motion Carried.*

A motion to not adopt staff's findings as the findings of the Plan Commission and to recommend denial of a Variance to reduce the required minimum lot width from 300 feet to 221.85 feet in the A-2 Single-family Rural Residential District [§220-503F(2)] for certain real property located 14438 and 14430 S. Dixon Lane (PINs 16-05-09-202-016-0000, 16-05-09-202-026-0000, and 16-05-09-202-027-0000) was made by Member McGary, seconded by Member Crement. Roll call vote taken. In favor (5) Mitchell, McGary, Crement, O'Donnell, Backal. Opposed (0)

none. Absent (0) none. Abstained (0). The Chairman did not vote. *Motion Carried.*

A motion to not adopt staff's findings as the findings of the Plan Commission and to recommend denial of a Preliminary and Final Plat of Consolidation for certain real property located at 14438 and 14430 S. Dixon Lane (PINs 16-05-09-202-016-0000, 16-05-09-202-026-0000, and 16-05-09-202-027-0000), subject to Village staff's technical review and approval prior to recording was made by Member McGary, seconded by Member Crement. Roll call vote taken. In favor (5) Mitchell, McGary, Crement, O'Donnell, Backal. Opposed (0) none. Absent (0) none. Abstained (0). The Chairman did not vote. *Motion Carried.*

Caron Bricks states that this case will be on the March 22nd Village Board meeting agenda.

- 2. HG-1634-S RDK Ventures d.b.a. Circle K (Public Hearing): Consideration of Special Use Permits for (1) an Automobile Service Station, (2) a Mini-mart (associated with a gas station), (3) a Car Wash, and (4) the sale of Packaged Liquor in the C-2 Local Business District, for certain real property located at 12819 W. 143rd Street, Homer Glen, Illinois.**

Ms. Bricks explains that the Will County Department of Transportation has negotiated right-of-way taking for improvements to and the widening of the intersection of 143rd Street and Bell Road. The resulting plan will "take" a significant portion of Circle K's existing location at 12810 W. 143rd Street (northwest corner of 143rd and Bell). Circle K would not be able to operate at that location after the taking by the County, and has worked with Village staff to relocate within the Village. They have chosen to relocate to 12819 W. 143rd Street, the current Citgo station.

As Circle K will be making improvements to the exterior of the property, the interior of the mini-mart, making the existing car wash operational, and addressing other outstanding maintenance issues, staff requested that they apply for any required Special Use Permits as any approvals received for the existing Citgo gas station were completed with Will County before the Village incorporated. They are also requesting a Special Use for the sale of packaged liquor. The current mini-mart at the Citgo station does not sell any alcohol.

Mr. Ron Ambrose from Ambrose design is present tonight representing the petitioner.

A motion to open the public hearing in Case No. HG 1634-S was made by Member Backal, seconded by Member McGary. Voice vote taken, all in favor, none opposed. *Motion Carried.*

Chairman Maska calls for any questions or comments from the audience. Hearing none he asks for a motion to close the public hearing.

A motion to close the public hearing in Case No. HG 1634-S was made by Member McGary, seconded by Member Mitchell. Voice vote taken, all in favor, none opposed. *Motion Carried.*

Member Crement asks if both entrances to the Citgo will be reduced. Mr. Ambrose states that they will. Ms. Bricks states that the drawing in the packet shows the new entrances and that the Village engineers have seen and approved the plans for the changes to the station.

Member Mitchell states that the staff has done a wonderful job with the proposed plans and working with the petitioner. He would like to thank the staff for their hard work.

Mr. Ambrose states that they will be losing a fueling station so the refueling truck can enter and exit the site. He also states that Circle K will be responsible for the removal of the existing Circle K/Shell station and any clean up associated with it.

Chairman Maska asks if they have considered cross access with the property behind the station. Mr. Ambrose states that they have spoken with the current owner and it looks like he is trying to sell it. They are interested in cross access and will continue to inquire about it with the new owner when there is one.

Member Crement asks what the traffic flow was from the current Shell/Circle K. Mr. Ambrose does not have those numbers.

A motion to adopt staff's findings as the findings of the Plan Commission and to recommend approval of Special Use Permits (1) an Automobile Service Station, (2) a Mini-mart (associated with a gas station), (3) a Car Wash, and (4) the sale of packaged liquor in the C-2 Local Business District, pursuant to Attachment 2, Table 2A (Permitted and Special Uses in Non-Residential Districts), of Chapter 220 (Zoning) of the Code of the Village of Homer Glen for certain real property located at 12819 W. 143rd Street, Homer Glen, Illinois, and subject to the following conditions:

1. The pylon sign currently located on Bell Road will be removed at the time of right-of-way taking by Will County and will not be re-installed on the property.
2. An updated plat of survey is submitted to the Village upon the finalization of the taking by Will County,

was made by Member Backal, seconded by Member McGary. Roll call vote taken. In favor (5) Mitchell, McGary, Crement, O'Donnell, Backal. Opposed (0) none. Absent (0) none. Abstained (0). The Chairman did not vote. *Motion Carried.*

Ms. Bricks states that this item will be on the March 22nd meeting agenda for the Village Board.

- 3. HG-1701-V Hector Rivera (Public Hearing - tabled from February 16, 2017 meeting): Consideration of a Variance to permit a structure used in connection with a commercial stable to be located 250 feet from any zoned residential district in lieu of the required 350 feet and for the structure used in connection with the commercial stable be 0 feet from a property line of the owner in lieu of the required 100 feet [Chapter 220-502B(3) of the Code of the Village of Homer Glen] for certain real property located at 13728 S. Bell Road, Homer Glen, Illinois.**

Caron Bricks explains that as mentioned during the original consideration of the SUP for a Commercial Stable, there is an existing stable on the property that is less than 350 from any residential zoning district and less than 100 feet from any property line of the owner. Chapter 220-502B dictates the Special Uses in the A-1 Agricultural Zoning District. Subsection 3 states that a: "Commercial stable, provided that no structure used in connection with the commercial stable shall be located nearer than 350 feet to any zoned residential district, 350 feet to an existing dwelling other than the dwelling of the owner or lessee of the site, and not less than 100 feet from any property line of the owner or lessee of the site."

The stable highlighted in green is only 250 feet from Old Oak Estates East and 0 feet from the property line of the owner. Therefore, the applicant is now requesting a variance to permit a structure used in connection with a commercial stable to be located 250 feet from any zoned residential district in lieu of the required 350 and for the stable to be 0 feet from the property line of the owner in lieu of the required 100 feet to use that stable for horses.

Member Mitchell is confused as he thought we granted this request at the December meeting and is not sure of what they are asking for now. It seems the condition placed on the motion was that the building in question not be used as a commercial stable (condition being that the required 350-ft between any stable housing horses and any neighboring residential property be strictly adhered) but he thought it was that it was any future construction also not be used as a commercial stable.

Ms. Bricks states that she understood it to mean any future building not this one in question.

Members Crement and McGary also remember they stated that they did not want to use the stable as a commercial stable.

Member Mitchell agrees that they stated they did not want to use this building as a stable and now, 3-months later, they are back asking to use the building as a stable.

Ms. Bricks states that in December they were before the Plan Commission for a Special Use Permit for the entire property to be allowed to be used as a commercial stable as that is what the property was when they bought it. They now need a variance concerning this one building that does not meet the required Village setbacks. They originally wanted this variance as well as the SUP but it did not get published correctly so this part of their request was removed from the request so the item could go ahead and they only came before the Plan Commission asking for what was published. So now, if they want to use this building as a stable they need the variance allowing it with the current setbacks as granted by Will County years ago.

Attorney Rivera-Valenzuela states that it was their intention in December to include everything then but because of the problem with the published ad they decided to wait. They did not intend to try to deceive anyone. They do not plan on operating as a commercial stable but only use the facility for their own, and other family members' horses. We are currently using the building as storage but would like to reserve the right to use the building as a stable should they want to in the future.

Ms. Bricks states that she did not realize their request was to use this building as a stable at the time and it would need a variance in order to do that. She published the item without the requested variance and rather than hold up the entire item she requested the applicant write the letter stating it would not be used as a stable with the intent that she could publish the item correctly and at a later date come back to the Commission.

Members Crement asks how big the property is and how many horses would be allowed at the site. Ms. Bricks states that it is about 10-acres but there is no limit to the number of horses allowed because of the zoning. About 60 horses were housed there when it was used as a commercial stable. Member Crement asks if these people could have 60-horse. Ms. Bricks states that 60 horses are permissible in the agricultural zoning.

Member Mitchell asks if these are only family owned animals and if they really need additional stable space. Attorney Rivera-Valenzuela states that yes, there are only family owned horses but owned by several different family members and therefore they are under different names. They also wanted to preserve the past property use as the current property use.

Member Mitchell states that then you do not need the stable for your horses but you want to be able to sell it at a later date as a commercial stable. Attorney Rivera-Valenzuela states that is correct.

Member O'Donnell asks who owns the property surrounding the site. Old Oak subdivision is to the north, Menards is on the south and ComEd is to the west.

Member Backal asks if everyone received notice. Ms. Bricks states that yes, she mailed the notices and the only calls she received were from neighbors that wanted the property preserved as a stable. Member Backal appreciates that the Rivera's are here tonight to keep it all legal.

Chairman Maska calls for questions or comment from the audience. Hearing none he calls for a motion to close the public hearing.

A motion to close the public hearing in Case No. HG-1701-V was made by Member Mitchell, seconded by Member Backal. Voice vote taken, all in favor, none opposed. *Motion Carried.*

Member Crement asks if there is a lease agreement with ComEd about the use of the land west of the property. Attorney Rivera-Valenzuela states that there is a lease agreement with ComEd but it is not in their name. Member Crement asks if the storage units on the ComEd property in the aerial belong to them. Attorney Rivera-Valenzuela states that what are in the aerial are not storage units they are awnings for shade for the animals.

A motion to adopt staff's findings as the findings of the Plan Commission and to recommend approval of a Variance to permit a structure used in connection with a commercial stable to be located 250 feet from any zoned residential district in lieu of the required 350 feet and for the structure used in connection with the commercial stable be 0 feet from a property line of the owner in lieu of the required 100 feet in the A-1 Agricultural District, pursuant to Chapter 220-502B(3) of the Code of the Village of Homer Glen was made by Member Backal, seconded by Member McGary. Roll call vote taken. In favor (5) Mitchell, McGary, Crement, O'Donnell, Backal. Opposed (0) none. Absent (0) none. Abstained (0). The Chairman did not vote. *Motion Carried.*

Ms. Bricks states that this item will be on the March 22nd Village Board meeting agenda.

**4. HG-1702-M Homer Township Public Library (Public Hearing):
Consideration of a Map Amendment (Rezoning) from the C-1 Neighborhood
Commercial District to the P-1 Governmental Buildings and Public Schools
District for certain real property located at 14320 W. 151st Street, Homer
Glen, Illinois.**

Mr. Vijay Gadde states that the current zoning for the parcels owned by the Homer Township Public Library as well as the Village of Homer Glen and Homer Township have been assigned various zoning designations that are not consistent with the current usage of governmental buildings used for public services. The petitioner is proposing to rezone the subject property from the C-1 Neighborhood Commercial Rezoning District to the P-1 Governmental Buildings and Public Schools Zoning District so it will be consistent with the usage of the property. The current use of the property is not in conformance with the Comprehensive Plan.

A motion to open the public hearing in Case No. HG-1702-M was made by Member Backal, seconded by Member Crement. Voice vote taken, all in favor, none opposed. *Motion Carried.*

Chairman Maska calls for questions or comment from the audience. Hearing none he calls for a motion to close the public hearing.

A motion to close the public hearing in Case No. HG-1702-M was made by Member Mitchell, seconded by Member Backal. Voice vote taken, all in favor, none opposed. *Motion Carried.*

Member Backal states that he has no questions as the case is self-explanatory.

A motion to adopt staff's findings as the findings of the Plan Commission and to recommend approval of a Map Amendment (Rezoning) from the C-1 Neighborhood Commercial Rezoning District to the P-1 Governmental Buildings and Public Schools Zoning District for certain real property located at 14320 W. 151st Street was made by Member Crement, seconded by Member McGary. Roll call vote taken. In favor (5) Mitchell, McGary, Crement, O'Donnell, Backal. Opposed (0) none. Absent (0) none. Abstained (0). The Chairman did not vote. *Motion Carried.*

Mr. Gadde stated that this case will be on the March 8th Village Board meeting agenda.

5. HG-1703-M Village of Homer Glen (Public Hearing): Consideration of a Map Amendment (Rezoning) from the C-6 Commercial Recreational District to the P-1 Governmental Buildings and Public Schools District for certain real property located 14240 W. 151st Street, Homer Glen, Illinois.

As stated in the previous case Vijay Gadde explains that the current zoning for the parcel owned by the Village of Homer Glen and Homer Township have been assigned various zoning designations that are not consistent with the current usage of governmental buildings used for public services. The Village is proposing to rezone the subject property from the C-6 Commercial Recreation District to the P-1 Governmental Buildings and Public Schools Zoning District so it will be consistent with the usage of the property.

A motion to open the public hearing in Case No. HG-1703-M was made by Member McGary, seconded by Member Backal. Voice vote taken, all in favor, none opposed. *Motion Carried.*

Mr. Scott Garder and Janet McCarthy both live in Saddle Brook subdivision and they asked about the future connection that is on the brochure they received as it is adjacent to their properties. Mike Dudlo, from the Saddle Brook Subdivision was

also confused by the brochure stating there would be a future connection, thinking it would be roadway. Ms. Bricks explains that the possible future connection is for walking/biking paths.

Chairman Maska calls for any questions or comments from the audience. Hearing none he asks for a motion to close the public hearing.

A motion to close the public hearing in Case No. HG-1703-M was made by Member McGary, seconded by Member Backal. Voice vote taken, all in favor, none opposed. *Motion Carried.*

A motion to adopt staff's findings as the findings of the Plan Commission and to recommend approval of a Map Amendment (Rezoning) from the C-1 Neighborhood Commercial Rezoning District to the P-1 Governmental Buildings and Public Schools Zoning District for certain real property located at 14320 W. 151st Street was made by Member McGary, seconded by Member Crement. Roll call vote taken. In favor (5) Mitchell, McGary, Crement, O'Donnell, Backal. Opposed (0) none. Absent (0) none. Abstained (0). The Chairman did not vote. *Motion Carried.*

G. Other/New Business

None

H. Staff Report

Ms. Bricks states that there is currently one item on the March 16th meeting agenda. It is for Ozinga's request for a driveway set back. And in April there is a case for some of Bengston's property that they are looking to rezone.

I. Adjournment

A motion to adjourn at 8:45 pm was made by Member Backal, seconded by Member O'Donnell. Voice vote taken, all in favor, none opposed. *Motion Carried.*

Approved April 6, 2017

Chairman Maska

