

Plan Commission

Minutes of the Meeting on March 15, 2018

Village of Homer Glen
14240 W 151st Street, Homer Glen, IL 60491
Community Room

1. Call to Order.

The meeting was called to order at 7:00 p.m. by Chairman Mitchell.

2. Pledge of Allegiance to the Flag.**3. Roll Call.**

Members present at 7:00 p.m. were Chairman Don Mitchell, Member Eileen Crement, Member Beth Verdun, Member Kevin O'Donnell, and Member Bryan Kozor.

Members Absent: Member Braque Backal and Member Lynn McGary.

Also Present: Also present were Planning and Zoning Director Vijay Gadde and Assistant Planner Kyle McGinnis.

4. Public Comment.

None.

5. Minutes.

a) March 1, 2018

Chairman Mitchell stated that the minutes from the March 1, 2018 Plan Commission meeting were being presented for approval. He requested that the last paragraph of item 6(a) state that Case No. HG-1727-S would proceed on Thursday, April 5, 2018 so long as a quorum is present at that meeting. Member Verdun made a motion to approve the minutes from the March 1, 2018 meeting as amended; seconded by Member Crement. The motion passed unanimously.

Director of Planning and Zoning Gadde swore in persons in attendance who intended to speak during the meeting's public hearings.

6. New Business.

- a) **HG-1808-S, Founders Crossing Planned Unit Development (*Public Hearing*):** Consideration of a request for: (1) a Special Use Permit for major changes to a Planned Unit Development [§220-903C(1) (Compliance and amendments) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen]; and (2) a Special Use Permit for outdoor seating associated with a permitted restaurant [Attachment 2, Table 2A (Permitted and Special Uses for Nonresidential Districts) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen] for the Founders Crossing Planned Unit Development located at 14741 – 14901 S. Founders Crossing, Homer Glen, Illinois.

Assistant Planner McGinnis explained that the applicant, JD Founders Crossing, LLC, has proposed major changes to the Founders Crossing PUD, exclusively contained within Lots 1A, 1B and 2.

Staff Report: The proposed major changes to the Founders Crossing PUD include an increase in the number of parking spaces from one hundred ninety-seven (197) to two hundred eleven (211) parking spaces, an increase of fourteen (14) parking spaces. Eleven (11) of these new parking spaces will be along the north face of Lot 2's principal structure, while the remaining three (3) parking spaces will be added to the north of the existing parking row along the PUD's east boundary.

In conjunction with the above proposals, the applicant also requested a Special Use Permit in order to expand upon the existing outdoor seating patio associated with Pelican Harry's Sports Bar located at 14843 S. Founders Crossing. As discussed previously, the existing outdoor seating area was approved per Ordinance No. 11-020. The applicant has requested that this patio be expanded around the building's northeast corner and westward. This proposed expansion will not eliminate any existing parking, nor will it obstruct the flow of traffic due to the proposed expansion of the existing access drive along Lot 1B's south boundary.

Mr. Bill Perry of Watermark Engineering was present on behalf of the applicant. Mr. Perry stated that Mr. McGinnis did a great job with the explanation of the project. His client just wants to clean-up the area and add more parking.

Chairman Mitchell called for a motion to open the public hearing for this zoning case. Member Crement made a motion to open the public hearing; seconded by Member O'Donnell. The motion was passed.

Chairman Mitchell called for questions or comments from the public. No public comment was made; however, two members of the audience asked to see the area of the PUD impacted by these proposals. Once they saw the area that was affected, they had no comments or questions.

Chairman Mitchell called for a motion to close the public hearing for this zoning case. Member Crement made a motion to close the public hearing; seconded by Member Verdun. The motion was passed.

Member Verdun asked if the anticipated expansion on the east will connect with the Bank and the drive on the south. Mr. Perry clarified that yes, there will be a connection.

Chairman Mitchell asked if Pelican Harry's will be the only business directly affected by the upgrades and where they will be adding any additional doors to the restaurant. Mr. Perry stated that Pelican Harry's is the only business directly affected and that there are no upgrades to the interior planned at this point. The current proposals are just an expansion of the outdoor seating area.

Member Crement asked who owns the property that will be used for the additional seating and parking. Mr. Perry stated that it belongs to Founders Crossing but that Pelican Harry's will be purchasing the northern vacant property based on the approval of these expansions. Member Crement asked if the remaining land would be undevelopable following Pelican Harry's purchase of the property. Mr. Perry stated that

the vacant Lot 1B is only one hundred seventeen (117) feet wide currently and will be ninety-seven (97) feet wide following the proposed improvements. He stated that a ninety-seven (97) foot wide parcel would be unbuildable; however, nothing can be built on a one hundred seventeen (117) foot wide parcel either. Director Gadde stated that the property cannot handle a regular site building in its current state, but that a smaller kiosk-type development may be feasible.

Chairman Mitchell stated that he sees only improvements with this proposal and nothing suggested would diminish the safety of the visitors to the area, making the area better overall.

Member Verdun made a motion for Case No. HG-1808-S, Founders Crossing, to Consider for Approval a request for: (1) a Special Use Permit for major changes to a Planned Unit Development [§220-903C(1) (Compliance and amendments) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen]; and (2) a Special Use Permit for outdoor seating associated with a permitted restaurant [Attachment 2, Table 2A (Permitted and Special Uses for Nonresidential Districts) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen] for the Founders Crossing Planned Unit Development located at 14741 – 14901 S. Founders Crossing, Homer Glen, Illinois.[JD Founders Crossing, LLC, Case No. HG-1808-S]; seconded by Member O'Donnell. Roll call was taken. In favor (5) Member Crement, Verdun, Kozor, O'Donnell and Chairman Mitchell. Opposed (0) none. Absent (2) Member McGary and Member Backal. Abstain (0) none. The motion was passed.

Chairman Mitchell confirmed that Case No. HG-1808-S would be on the March 28, 2018 Village Board agenda.

- b) **HG-1809-PVA, O'Malley Builders, Inc. (Public Hearing): Consider a request for: (1) a Plat of Subdivision; (2) certain Variances; and (3) a Map Amendment (rezoning) from A-2 Rural Residential to R3-A Single-family Residential District for the proposed O'Malley Court Subdivision located at 12513 W. Hadley Road, Homer Glen, Illinois.**

Planning and Zoning Director Gadde explained that the applicant, O'Malley Builders, Inc., has proposed an 11-lot subdivision as an extension of the Windsor Court Subdivision. The applicant presented a concept plan at the February 1, 2018 Plan Commission meeting.

Staff Report: O'Malley Court Subdivision plans included a tree survey and a landscape plan, dated February 23, 2018.

The applicant has requested the approval of a Plat of Subdivision, a rezoning from A-2 Rural Residential to R-3A Single-Family Residential District and modifications and Variances, listed below:

- a. Reduce the required right of way (ROW) for a local road from 66' to 55' (a modification to the Land Use and Site Development regulations);
- b. Reduce the required front/corner setbacks from 40' to 30';
- c. Reduce the minimum required lot width from 100' to 76.5'; and

- d. Reduce the minimum required lot frontage from 90' to 76.5'.

Director Gadde stated that staff recommends two conditions be placed on the applicant should approval be granted. They are as follows:

- a. The applicant is required to submit photometric plans meeting the requirements of the Village's Outdoor Lighting regulations prior to consideration by the Village Board.
- b. The final plat and engineering plans will be subject to Village Engineer's review and approval.

The applicant, Sean O'Malley, and his Engineer, Kevin Chaffin, were present to answer any questions or address any comments.

Chairman Mitchell asked the applicant to explain why they have requested smaller lots than those found to the east in Windsor Court.

Mr. Chaffin explained that because they wanted to save as many trees as possible and the need to provide ample drainage along the west side of the property, they needed to design the site in its current configuration. Mr. O'Malley added that the homes on lots 4 through 11 will be designed with walkout basements that look out onto the forested area to the west. All of the homes will be worth at least \$600,000, custom built to suit the buyer.

Chairman Mitchell stated lots 4 through 11 are all about the same depth as in Windsor Court, so why have they been proposed so narrow? Mr. O'Malley explained that the economics of the site would not allow for him to lose two (2) or three (3) lots and still be able to develop the site profitably. They will need to put in a pump station in order to bring the water from the southwest up to where it needs to be and the costs of saving the trees and providing sewer, water and detention to the site has the development in need of these 11 lots in order to move forward and make money.

Chairman Mitchell called for a motion to open the public hearing for this zoning case. Member Crement made a motion to **open the public hearing**; seconded by Member O'Donnell. The motion was passed.

Chairman Mitchell asked if there were any persons present wishing to speak in regards to this case. Due to the number of people signed up to speak about this case, Chairman Mitchell stated that they should try not to repeat previously stated objections and hold their comments to five (5) minutes or less.

Mr. Skiba of 16956 S. Windsor Court stated that his home is Lot 19 of the Windsor Court Subdivision. The plan is proposing to turn what is his backyard into a front yard due to the proposed placement of a new road. Moreover, making the proposed walking path public land adds the further complication that anyone can stand at his fence and look into his backyard. He has small children that play in their backyard often and they feel this will be an invasion of privacy. He stated that does not want a road in his backyard.

Nicole Donegan of 17051 S. Windsor Court owns Lots 14 and 15 of the Windsor Court Subdivision. They (Nicole and her husband) bought the extra lot and consolidated the

properties into a single parcel. Her first concern was that they have a one (1) acre lot on a quiet cul-de-sac, but the proposals would bring three (3) smaller lots just to the west of her. The new construction traffic utilizing S. Windsor Court could pose a threat to her children's safety, who play with other children of the subdivision in the street because there are no sidewalks. Mrs. Donegan also stated that there are already lots in Windsor Court that have no homes on them and questioned how long it would take to build out this new subdivision. She believes it could take years for the proposed subdivision to be fully built and sold, and questioned what the quality of the new homes will be in comparison to those found in Windsor Court.

Director Gadde explained that there is an example of the types of homes available for review and that the price point for these proposed homes will begin at \$600,000.

Adam Stefinicik of 17020 S. Windsor Court stated that he is also very unhappy with the proposed roadway in his backyard. He owns the home on what is Lot 17 in Windsor Court. He stated that there are too many homes planned for the site and that the lots are too small. He voiced concern for the safety of the children in Windsor Court. He stated that the design of the subdivision makes no sense to him and that it will negatively impact the value of the existing homes in Windsor Court. Mr. Stefinicik felt that the proposed subdivision appears cluttered and is not consistent with the image of Homer Glen. He also voiced concerns as to how long it would take to complete the subdivision provided the number of lots that remain vacant in Windsor Court.

Mike Kanoski of 17039 S. Windsor Court owns Lot 12 of the Windsor Court subdivision. He wanted to know if there will be a pumping house and, if so, where it will be placed and what will it look like? He also voiced concerns regarding the location of the proposed entrance to the O'Malley Court subdivision. The visibility around the entrance to Windsor Court is already quite low, and he worries that another entrance so close by will result in a greater number of traffic accidents in this area.

Mike Abuzn of 17045 S. Windsor Court stated that if Lots 1, 2 and 3 are only seventy-six (76) feet wide and a ten (10) foot easement is needed on each side the property, then the houses will only be able to be fifty-six (56) feet wide at the most. He feels this would be a very small house. Mr. Abuzn sought further information regarding the pumping station and Mr. Chapman stated that the pumping station will be under ground, similar to a sump pump, and will not require any special housing. Mr. Abuzn stated that the issue of safety still remains and that there will be an increase in traffic as well as the depreciation of their home values.

Christopher Zalinski of 16951 S. Windsor Court stated that everyone else pretty much summed up his concerns. He stated that construction is a lengthy and dirty project. He voiced concerns that although the developer had considered his own financial standing when creating the proposed design for this subdivision, he does not feel the financial impact to the existing homeowners has been considered. He reiterated that Windsor Court already has several vacant lots within the subdivision and that the development of a subdivision to the west would harm their property values.

Robert Dunn owns the land to the west of this proposed subdivision, 12525 W. Hadley Road. He stated that he believes the proposed density for this subdivision is not consistent with the area. In regards to the drainage on the property, the water already flows quite heavily onto his property and he worries that the addition of impermeable

surfaces to the area will only amplify this. Chairman Mitchell asked what Mr. Dunn would think of the proposal if the road were to be on the west side rather than the east side. Mr. Dunn stated that he never gave that any real thought.

Chairman Mitchell asked if there were any further comments or questions from the public. Hearing none, Chairman Mitchell called for a motion to **close the public hearing**. Member Crement made a motion to close the public hearing; seconded by Member O'Donnell. The motion was passed.

Chairman Mitchell asked the applicant to clarify the flow of water at the site and how drainage will be handled. Kevin Chaffin explained that water flows from east to west on this property. Therefore, they have proposed detention on the west side of the property to collect all the water from the asphalt and roof tops, which will then be released at a much slower rate through the detention pond.

Member Kozor asked why they do not put the road on the west side of the property. Mr. Chaffin explained that they are making every effort to save as many trees as they can. The site is heavily forested, which they feel is a strong selling point for these property so they would like to maintain that aesthetic. The fees associated with the removal of the trees would be very prohibitive to the development of the site. In addition, the property drops off significantly in the property's southwest corner, at least a ten (10) foot change in grade. This would require that they build the road at least ten (10) feet in the air. They feel it would look unsightly and the detention area would be significantly affected.

Member O'Donnell suggested that they put the sidewalk on the west side of the proposed street and bulk up the screening along the backyards of the existing homes in Windsor Court. Mr. Chaffin said they originally had the narrow property to the east of the road as a private parcel so that it would be the responsibility of the HOA to maintain it, but staff had asked them to make it part of the public right-of-way. They certainly could move the sidewalk and the only traffic that would be increased in the Windsor Court subdivision would possibly be from Lots 1, 2 and 3.

Member Crement asked if they could close off S. Windsor Court at Lot 15 to any and all construction traffic during the development process. Mr. Chaffin stated that they can forbid construction traffic from using S. Windsor Court entirely. Mr. O'Malley stated that he expects about a two (2) year build-out time frame and that he would agree to prevent any of his construction traffic from using S. Windsor Court.

Member Kozor asked about the landscape buffer. Mr. Chaffin stated that they plan on a fifteen (15) foot buffer of landscaping along the proposed road's east side.

Member Crement asked if the Fire Department had reviewed this plan and whether they would be able to get a fire truck down to Lots 1 and 15. Member O'Donnell stated that all the Fire Department would need is the standard width of a street and these streets are proposed to be standard width. He added that he would like to see the sidewalk put on the west of the street with a twenty (20) foot berm in between the road and the backyards of the existing homes. Mr. Chapman stated that they will move the sidewalk and provide the requested landscape buffer; however, he understands that berms are now frowned upon.

Member O'Donnell also stated that the two street egresses are too close together and will be a traffic hazard.

Member Verdun asked if it is possible to send this back to the engineers for further review considering the proposed changes. She would like to see the site plan with landscape screening, making the area along the existing homes private property and moving the sidewalk to the other side of the street. Chairman Mitchell stated he would like to make those recommendations but not delay this item. He stated he would like to send it on to the Village Board.

Member Crement would like to see the changes before voting. Member O'Donnell would also like to see the changes.

Member O'Donnell made a motion for Case No. HG-1809-PVA, O'Malley Subdivision, to be tabled until April 5, 2018 in order for the changes to be made and to allow for the Plan Commissioners to review the landscape plans; seconded by Member Crement. Roll call was taken. In favor (5) Members Crement, Verdun, Kozor, O'Donnell and Chairman Mitchell. Opposed (0) none. Absent (2) Member McGary and Member Backal. Abstain (0) none. The motion was passed.

Mr. O'Malley will return on April 5, 2018 with changes to his subdivision plan for the Commission to review.

- c) **HG-1810-A, Zoning Code Text Amendments (Public Hearing): Consider a request for Text Amendments to the Use and Bulk Tables for Nonresidential Districts [Table 2 of Chapter 220 (Zoning) of the Code of the Village of Homer Glen].**

Director Gadde explained that the purpose of this agenda item is to review the regulations for uses in nonresidential zoning districts included in *Table 2A – Permitted and Special Uses* and to make recommendations regarding updates to these requirements. This was reviewed by the Community and Economic Development Committee at the January 9, 2018 and February 13, 2018 meetings and is now ready for the public hearing process.

Staff Report: Director Gadde explained that the land uses in Table 2A have been previously organized alphabetically. This is useful for singular reference, but is not the best practice for analyzing zoning cases involving several similar land uses. Staff reorganized the list by grouping similar land uses categorically, as listed in *Attachment 1*. Staff used the *North American Industry Classification System* (NAICS) as one of the references for creating these broad categories. During this process, staff noticed that some of the uses listed in the current Code are randomly specific. Staff added additional uses to make the list more inclusive and consistent.

Off track betting is one of the new uses recommended for addition to the use table. Based on the direction given by the CED Committee, staff drafted the following standards to be added as a new section (§ 220-847) in the Zoning Regulations:

Except as otherwise regulated pursuant to the terms and conditions of a special use permit, the following regulations shall apply to all off track betting establishments associated with a permitted restaurant:

A. The special use permit shall only be available for premises meeting the definition of "restaurant" as defined in § 83-45 of the existing video gaming regulations.

RESTAURANT

Any place kept, used, maintained, advertised, and held out to the public as a place where meals are cooked and prepared in an adequate and sanitary kitchen located on the licensed premises using stoves, ovens, fryers, and related equipment located on the licensed premises and which are protected by a fire protection system that conforms with the Village Code. The sale of packaged food such as potato chips, pretzels, popcorn, peanuts, or other similar snacks or frozen or premade foods such as pizzas, hamburgers, or sandwiches which can be prepared by heating or warming in an oven shall not be considered food prepared and served on premises, as required herein.

B. The restaurant shall contain a minimum area of 1,500 square feet. The off track betting establishment shall contain additional floor area beyond the space used for restaurant purposes.

A follow-up initiative of this update is to allow Annico Business Park a more diversified set of uses to and fully designate it as an I-1 Light Industrial Park. Annico Business Park has been home to a variety of commercial and light industrial-type businesses. In some cases, new businesses must seek a special use permit, requiring additional time and expense to go through the zoning process. Recognizing the uniqueness of this park, and the fact that the *2005 Comprehensive Plan* designated this area as a 'Business Park,' staff will be recommending, as a follow-up to these amendments, to rezone the entire park to I-1 Industrial. As a part of the current recommended changes, staff included relevant commercial uses in the I-1 district to make this park a hub for thriving commercial and light industrial businesses.

Chairman Mitchell called for a motion to open the public hearing for this zoning case. Member O'Donnell made a motion to open the public hearing; seconded by Member Verdun. The motion was passed.

There was no one present to make public comment so Chairman Mitchell called for a motion to close the public hearing for this zoning case. Member O'Donnell made a motion to close the public hearing; seconded by Member Verdun. The motion was passed.

Chairman Mitchell commented that the changes suggested are very clean and well organized. He had no trouble following what was being changed or why. He thought staff did a great job.

A motion adopt staff's findings as the findings of the Plan Commission and to recommend approval of text amendments to the Use and Bulk Tables for Nonresidential Districts [Table 2 of Chapter 220 (Zoning) of the Code of the Village of Homer Glen]. [Village of Homer Glen, Case No. HG-1810-A] was made by Member O'Donnell,

seconded by Member Kozor. Roll call was taken. In favor (5) Members Crement, Verdun, Kozor, O'Donnell and Chairman Mitchell. Opposed (0) none. Absent (2) Member McGary and Member Backal. Abstain (0) none. The motion was passed.

7. Reports of Plan Commissioners and Staff (includes Old Business).

Chairman Mitchell informed that the Mayor does not want tabling agenda items until such time that a larger number of Commissioners are present. If there is a quorum present, the case needs to be heard at that time.

Chairman Mitchell called for reports on behalf of the Commissioners present. No Commissioners present had reports to give.

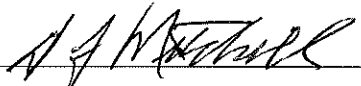
Planning and Zoning Director Gadde reported that two items are on the next agenda. The first is the cell tower case, which was last brought before the Plan Commission on March 1, 2018. The second is a Variance request for the property at 13655 S. Jessica Lane, a matter regarding a legal non-conforming lot.

In addition, a Plan Commission training session will be held on Saturday, April 7, 2018 in Joliet.

8. Adjournment.

Motion by Member Verdun, seconded by Member O'Donnell to adjourn. The motion was passed. The meeting was adjourned at 9:16 p.m.

Respectfully Submitted: Candace Rose

Chairman Mitchell: 

Approved (Date): 6 - 14 - 18