

Plan Commission

Minutes of the Meeting on March 21, 2019

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

1. Call to Order.

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

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

Members present at 7:00 p.m. were Chairman Don Mitchell, Members Bryan Kozor, Lynn McGary, Dave Stanly and Beth Verdun.

Also present were the Director of Planning and Zoning, Vijay Gadde and the Plan Commission Secretary, Gia Cassin. The minutes were recorded and transcribed by Christine Camardo.

Members absent: Broque Backal and Jerry Young.

4. Public Comment.

None.

5. Minutes.

a) March 7, 2019

Chairman Mitchell stated that the minutes from the March 7, 2019 Plan Commission meeting were being presented for approval. Member McGary made a motion to approve the minutes from the March 7, 2019 meeting; seconded by Member Stanly. The motion passed unanimously.

6. New Business.

- a) **HG-1904-V, 12103 Joan Marie Drive (*Public Hearing*):** Consideration of a Variance to increase the impervious surface area from 40 percent to 50 percent [Table 1 (Use and Bulk Tables for Residential Districts) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen] for certain real property located in the R-4 Single-Family Residential District at 12103 Joan Marie Drive, Homer Glen, Illinois.

Chairman Mitchell called for a motion to open the public hearing in Case No. HG 1904-V. Member Verdun made a motion to open the public hearing; seconded by Member Kozor. Voice vote taken, all in favor, none opposed. The motion passed.

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

Planning Director Gadde introduced the case by stating the Country Woods subdivision was platted in 1990, which is well before the Village was incorporated. The applicant is requesting to add a deck and a pool in his rear yard. A variance would increase the impervious surface area from forty (40) percent to fifty (50) percent. Lot sizes are square in shape and 125 feet deep, which is not enough space for a deck and a pool. Lot sizes in the neighboring subdivision are 200 feet in depth. The applicant would also like to build a five (5) foot high black aluminum or solid vinyl fence around the pool area only. There are several pools in this subdivision including one of the neighboring properties at 12123 Joan Marie Drive.

Planning Director Gadde asked the applicant to come to the podium to speak. Chairman Mitchell asked the applicant if he would like to comment. The applicant did not have any comments.

Mr. Michael Pestel, Homer Glen resident, stated he lives behind the applicant. Mr. Pestel was questioning whether or not the current drain at the corner of his property would be able to handle more water if his neighbor's yard is fifty (50) percent impervious surface. His yard already has excessive flooding whenever it rains due to run off from the pond that is located off Will Cook Road. Mr. Pestel feels that the rain will have less area to soak into the ground, which will result in flooding. Mr. Pestel also stated that he does not have a problem with a pool and a deck, but he is concerned with the size of the pool and deck the applicant is requesting. He also stated there are other pools in the area that did not need variances because their pools did not exceed forty (40) percent of their lots. He has lived in his house for approximately eighteen (18) years, and is concerned about flooding on his property due to the impervious surface coverage.

Mr. Gary Metelak, Homer Glen resident, stated he lives adjacent (southeast) to the applicant. He has lived in the area for almost thirty (30) years. Mr. Metelak stated that the Home Owners Association has a strict process for approving construction in the neighborhood, and it was very difficult for him to get his pool approved. He had to make changes to his original plan. Mr. Metelak feels the precedent in the neighborhood is to have a normal size pool or it may ruin the property style. He also stated that the lots in the neighborhood are less than a quarter of an acre and pools are within ratio to the lot size. Chairman Mitchell commented that the Village cannot be accountable for the individual community and the Home Owners Association and the covenants that may or may not apply. It is not within the Village's purview to deal with that issue. Chairman Mitchell informed the applicant that if it is approved by the Village, it is still in violation of the covenants that exist, which is for the Home Owners Association to address. Mr. Metelak agreed with Mr. Pestel regarding the flooding issue and stated that nothing has ever been done to rectify the flooding problem. Mr. Metelak also reiterated Mr. Pestel's statement regarding flooding of the pond after a heavy rain.

Chairman Mitchell called for a motion to close the public hearing in Case No. HG-1904-V. Member McGary made a motion to close the public hearing; seconded by Member Verdun. Voice vote taken, all in favor, none opposed. The motion passed.

Member Stanly inquired about the deck and pool size. After some discussion, it was determined that the pool size is 592 square feet (37x16), and the deck size is 1,861

square feet. The lot coverage for impervious surface is currently under 40 percent and would become 49.5 percent with the new deck and pool.

Member McGary stated that the pool and deck appear to cover the applicant's entire backyard and asked if there were setbacks from the property edge. Planning Director Gadde stated that the initial plan was fourteen (14) feet from the rear yard and fifteen (15) feet is the minimum so the plan was revised to fifteen (15) feet. Member McGary also asked what material was going to be used to make the deck. The applicant replied that the material used for the deck would be either concrete or pavers. He has not yet decided and is still in discussion with his contractor.

Member Kozor asked Planning Director Gadde if there were any other residents in the subdivision that were required to obtain a variance for lot coverage for their pools. Planning Director Gadde responded by stating the Village does not have any record of variances being requested for decks or pools in the subdivision. Member Verdun asked if it was because all the pools in the subdivision were installed before the Village became incorporated. Planning Director Gadde replied that either the pools were installed before the Village became incorporated or their impervious surface was under forty (40) percent.

Chairman Mitchell asked the applicant when his home was built. After discussion, it was determined the subdivision was platted in 1990, and the home was built prior to the Village becoming incorporated. Chairman Mitchell wanted to clarify that if the home was smaller and the proposed pool did not go above the forty (40) percent coverage from pervious surface then there would not be a need for a variance. Planning Director Gadde stated Chairman Mitchell's interpretation is correct.

Member Kozor asked what the maximum size of the deck should be in order to meet the forty (40) percent impervious surface. Planning Director Gadde stated the applicant would have to reduce the deck size significantly in order to comply with the forty (40) percent maximum impervious surface area. Member Verdun asked if the square footage of the new deck includes the square footage of the existing patio. Planning Director Gadde stated that the existing deck area would be eliminated and replaced by the new 1,861 square foot deck. Chairman Mitchell asked what the size of the pool and deck combined would need to be in order to comply with the forty (40) percent impervious surface. After a brief discussion, it was concluded that a smaller pool would fit the requirements. Chairman Mitchell also stated that the need for a variance is due to the size of the pool not necessarily the size of the house. Planning Director Gadde added that the applicant would need to reduce 1,183 square feet from the combined deck and pool area in their original proposal to meet the forty (40) percent impervious surface area.

A motion to adopt the staff findings as the findings of the Plan Commission and to recommend approval of a Variance to increase the impervious surface area from forty (40) percent to fifty (50) percent per Table 1 (Use and Bulk Tables for Residential Districts) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen for certain real property located in the R-4 Single-Family Residential District at 12103 Joan Marie Drive, Homer Glen, Illinois was made by Member Verdun; seconded by Member McGary for discussion.

Member McGary stated that after hearing comments from the applicant's neighbors that the Home Owners Association would most likely not approve the pool and deck, but this would not affect the Plan Commission's decision. According to the applicant's neighbors, the pool is larger than the other pools in the neighborhood. Member McGary also stated that the picture of the applicant's backyard looks flat, however, in person it is sloped. Member McGary feels the applicant would need a retaining wall to contain water in a flooding situation. Member McGary suggested that the applicant should consider a smaller deck and pool.

Chairman Mitchell shared his own personal experience of his yard flooding with water runoff after his neighbor installed a pool.

A roll call vote was taken. In favor (0) None. Opposed (5) Kozor, McGary, Stanly, Verdun, Mitchell. Absent (2) Backal, Young. Motion failed.

Chairman Mitchell encouraged the applicant to look at alternatives. He stated that the prevailing opinion is that the pool is too large for the location. Planning Director Gadde advised the applicant that, if he chooses to, he may appeal his case to the Village Board at the Village Board Meeting on April 10, 2019.

- b) **HG-1905-PAS, Duke (O'Malley) Subdivision, (*Public Hearing*):** Consideration of: (1) a Plat of Subdivision and Preliminary Site Improvement Plans; and (2) a Map Amendment from A-2 Rural Residential to R3-A Single-Family Residential District with certain Variances for the proposed Duke Subdivision located at 12513 W. Hadley Road, Homer Glen, Illinois.

Planning Director Gadde introduced the case. He stated the applicant was presenting a new layout of the Duke subdivision. O'Malley Builders had an eleven (11) lot subdivision last year that was approved, however, they were denied the access road from the Will County Highway Department. They have returned with their revised plan of a seven (7) lot subdivision with an estate lot fronting Hadley and six (6) lots as an extension of Windsor Court subdivision. The applicant is requesting a preliminary and final plat approval and rezoning of the property from A-2 Rural Residential to R3-A Single-Family Residential District with some variances. The applicant will explain the layout and how it may impact the existing trees as compared to the previous subdivision.

The applicant, Shawn O'Malley, stated that the Will County Highway Department would not grant access to Hadley Road due to safety issues. Therefore, Mr. O'Malley revised the original subdivision plan and reduced the number of lots to seven (7) lots from eleven (11) lots. Lots 1, 2 and 3 would be on the south end, and lots 4, 5 and 6 would be by the old detention area. O'Malley Builders is proposing putting the detention area by Hadley Road and keeping the existing driveway. This would also be the location for Lot 7. Mr. O'Malley also proposed the tornado siren and access to the tornado siren be up front.

Chairman Mitchell asked if there would be a driveway instead of a road. Mr. O'Malley replied yes, there is an existing driveway on the one lot off Hadley Road, along with an existing home. The existing home will be demolished in the near future. Chairman Mitchell then asked if the driveway from Lot 7 would be used for construction access

and if it would remain as a driveway. Mr. O'Malley stated that construction access was a concern last time. The applicant's engineer, Kevin Chaffin, confirmed that the existing driveway from Lot 7 would be used for construction access for most of the work. Chairman Mitchell asked for verification that the Will County Highway Department approved having a driveway but not a road. Mr. O'Malley confirmed the approval from the Will County Highway Department of using the driveway because there is only one access road and the Will County Highway Department cannot deny access because there is already access.

Mr. O'Malley stated that they kept Lot 7 so it can be used as construction access to build Lots 1 through 5. Lot 6 would be built with access off Windsor Court. The plan is to keep barricades up during construction of the first five (5) lots. When constructing Lots 6 and 7, the barricades would be taken down because, at that point, there would not be any access space to use Lot 7. Mr. O'Malley also stated that Lot 7 is a four (4) acre parcel.

Mr. Chaffin stated he worked with the Village last fall and there were a number of variances. With their current petition, O'Malley Builders have reduced the density and reduced the number of variances; one being the width of the street and the cross section. The cross section is now a normal full cross section. O'Malley Builders asked for building setbacks to match what is already existing in Windsor Court. O'Malley Builders are not asking for any additional variances. Mr. O'Malley added that there was a lot of discussion regarding the prior proposal, which included a new access road, landscaping and berms. However, the new proposed subdivision will not have an additional access road, which will alleviate any issues regarding the landscaping and berms for Lots 1-7.

Planning Director Gadde presented the model home drawings for Lots 1-6. Mr. O'Malley stated the homes in the proposed Duke subdivision would be similar to the homes built in the Glenview Walk subdivision.

Chairman Mitchell called for a motion to open the public hearing in Case No. HG-1905-PAS. Member McGary made a motion to open the public hearing; seconded by Member Stanly. Voice vote taken, all in favor, none opposed. The motion was passed.

Mr. Dan Donegan, Homer Glen resident, stated he has a home on Lots 14 and 15. Mr. Donegan is concerned with the new proposal because there is only one way to enter and exit the subdivision. There are no sidewalks or parks in the existing subdivision, and he is worried about his children playing in the street with the construction traffic that will start when building the new subdivision. Chairman Mitchell stated that the construction traffic would be to the west of his property. Mr. Donegan replied by stating that last year, O'Malley Builders did not comply with the construction access roads. As a result, they were parking in front of his home. Mr. Donegan showed pictures of the construction trucks parked in front of his home. Mr. Donegan is also concerned that the lot sizes in the new subdivision are not consistent with the homes already in existence. He feels the smaller homes and lots are being squeezed in the subdivision, which will decrease the value of the existing homes. Chairman Mitchell asked Mr. Donegan if he believes the homes on the east side, which have the same lot size as the proposed new subdivision, would lessen the value of his home that he built after the east side subdivision was built. Mr. Donegan replied that the lot sizes for the

new homes are consistent with the subdivision on the east side, not the homes on the west side. Chairman Mitchell commented that the large area of land, which is about one-third of an acre directly to the south of Mr. Donegan, is owned by Gallagher and Henry. The comprehensive plan allows for the small size lot. Chairman Mitchell stated he doesn't understand Mr. Donegan's concern about the seven (7) lots that are proposed when there are 200 small lots to the east of his home and about 1,000 homes that may be constructed to the south of him in the future. Mr. Donegan responded by stating that the proposed subdivision will be located in his subdivision with one entrance and exit. Mr. Donegan also questioned if the new homes would be on well and septic systems. In addition, Mr. Donegan stated there is a problem with parking in the neighborhood, which will be worse with the additional traffic. Lastly, Mr. Donegan is concerned with the time frame in constructing the homes.

Mr. Bob Dunn, the owner of the property to west of the development, is concerned with the high density in the subdivision. He viewed the existing subdivision as a buffer between the subdivisions with smaller lots. He expressed his dislike of high density housing. Mr. Dunn feels this will change the area. Mr. Dunn questioned some of the items on the map. Planning Director Gadde informed Mr. Dunn the location of the tree line and the construction access driveway that will be used. Mr. Dunn asked if Lot 7, the four (4) acre parcel, would possibly be subdivided. Chairman Mitchell replied that there can be a request to subdivide the lot. Member McGary added that there may be a request to subdivide Lot 7, but it is not likely to be approved because there would be a need for an access road.

Chairman Mitchell asked for a motion to close the public hearing. A motion to close the public hearing in Case No. HG-1905-PAS was made by Member McGary; seconded by Member Verdun. Voice vote was taken, all in favor, none opposed. The motion was passed.

Chairman Mitchell stated that whether or not the public likes or dislikes the proposal due to high density, it fits the comprehensive plan. The area to the south is designated for this type of housing.

Chairman Mitchell asked Mr. O'Malley and Mr. Chaffin if they would like to make any comments in relation to the public hearing. Mr. Chaffin wanted to remind everyone that Windsor Court is a public dedicated right-of-way. It is also O'Malley Builder's intention for Lots 1 through 6 to have sanitary water and sewer. It will not be well and septic. Mr. O'Malley added that there will be a private lift station installed because the existing sewer is at a different height. He also stated the new proposed subdivision is a lower density than previously requested. Chairman Mitchell inquired why Lot 7 was not subdivided for more homes. Mr. O'Malley replied that they decided not to subdivide Lot 7 because the additional road access would not be possible due to denial from the Will County Highway Department.

Member McGary commented to O'Malley Builders that they were making the best of a situation since they were denied the access road from the original proposal. She also stated that the variances were not different than before except there were less lots.

Member Kozor asked whether or not there were many trees that would be affected. Mr. Chaffin stated their intention is to maintain as many of the trees as they can.

Member Kozor then asked if there would be “no construction traffic” signs on Windsor Court. Mr. O’Malley stated that there would not be any construction traffic signs, however, there will be construction barricades in front of Lots 1 and 6 on Windsor Court. Construction barricades will be removed after the construction of the first five homes.

Member McGary recommended approval of the request.

A motion to adopt staff’s findings as the findings of the Plan Commission and to recommend approval of a (1) a Plat of Subdivision and Preliminary Site Improvement Plans; and (2) a Map Amendment rom A-2 Rural Residential to R3-A Single-Family Residential District with the following Variances for the proposed Duke Subdivision located at 12513 W. Hadley Road, Homer Glen, Illinois. Variances are to (a) Reduce the required front/corner setbacks from 40’ to 30’; (b) Reduce the minimum required lot width from 100’ to 76.5’; and (c) Reduce the minimum required lot frontage from 90’ to 76.5’ was made by Member McGary; seconded by Member Verdun.

A roll call vote was taken. In favor (5) Kozor, McGary, Stanly, Verdun and Mitchell. Opposed (0) None. Absent (2) Backal and Young. Motion carried.

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

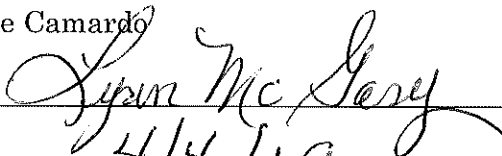
Director of Planning and Zoning, Vijay Gadde stated that there will be one case at the next Plan Commission meeting on April 4, 2019. The case will be for a fence and deck variance at 14423 South Pine Grove Drive. There will be two (2) more similar cases at the April 18, 2019 meeting. Planning Director Gadde checked there would be a quorum. Member Verdun stated that she will be in attendance at the April 4, 2019 meeting but not the April 18, 2019 meeting.

8. Adjournment.

Motion by Member McGary; seconded by Member Stanly to adjourn. The motion was passed. The meeting was adjourned at 7:57 p.m.

Respectfully Submitted: Christine Camardo

Vice Chairman McGary:



4/4/19

Approved (Date):