

Plan Commission

Minutes of the Meeting on
April 5, 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, Member Lynn McGary, Member Braque Backal and Member Bryan Kozor.

Also present were Planning and Zoning Director Vijay Gadde and Assistant Planner Kyle McGinnis. Attorney for the Village David Silverman and consultant Stu Chapman of MSA, Municipal Associates, Inc. were also present for the Village.

4. Public Comment.

None.

5. Minutes.

a) March 15, 2018

Chairman Mitchell stated that the minutes from the March 15, 2018 Plan Commission meeting were being presented for approval. He requested that on page 10, item 7 be amended to state that the Chairman informed the Mayor that any item tabled should be tabled until a specified date, not until a larger number of commissioners were present. The Mayor agreed. Member O'Donnell made a motion to approve the minutes from the March 15, 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-1727-S, PI Tower Development, LLC (*Public Hearing*):** Consideration of a Special Use Permit for a Wireless Communication Facility, 150' in height, in the A-1 Agricultural District [Article 8 (General Provisions) of Chapter 220 of the Code of the Village of Homer Glen], for 17239 S. Parker Road, Homer Glen, Illinois. The applicant is requesting any relief necessary to construct the Wireless Communication Facility on the subject property.

Staff Report

Planning and Zoning Director Gadde explained that following the public hearing held on December 7, 2017, the Plan Commission voted 5-1 to deny staff's recommended findings as the findings of the Plan Commission, and to recommend to the Village Board

denial of a Special Use Permit for a Wireless Communication Facility, 150' in height, in the A-1 Agricultural District for 17239 S. Parker Road. Four members of the public spoke against the request, citing the following concerns:

- The impact on property taxes;
- Its visual impact;
- Implications for the future;
- Potential Radio Frequency (RF) emission health concerns;
- That the FCC ruling on RF emissions is arbitrary;
- That the subject property may not meet the minimum lot area;
- That Verizon's existing service is already adequate; and
- That the tower is too close to surrounding properties.

Since the December 7, 2017 Plan Commission meeting, the applicant has been working to provide evidence that the alternate sites would not provide consistent and seamless coverage to fully justify the need for the tower at the proposed location. In addition, the Village's public safety entities weren't aware of this zoning application until after the December 7, 2017 Plan Commission meeting. These agencies covering the Village area have potential gaps in coverage near the subject property. Letters were received from the Homer Glen area Fire Protection Districts and Will County Sheriff's Office. The Village's EMA Coordinator also indicated the need for additional wireless coverage in the area to help first responders in emergencies.

The Village Board, on January 24, 2018, referred this case back to the Plan Commission to ensure the Plan Commission's recommendation is based on substantial and complete evidence.

The Village's Environment Committee, at its February 6, 2018 meeting, recommended the proposed Wireless Communication Facility be relocated to an area that is less damaging to the local environment and that any alternate location be reviewed by the Environment Committee prior to Village Board consideration.

The applicant was advised to address the questions and concerns that came up at the January 24, 2018 Village Board meeting including the following:

- Exhaustive search for alternate sites;
- Exact radius covered by the proposed tower;
- Unsightly/visual impairment; and
- Ultimate buildout on the subject property.

Since the March 1, 2018 plan commission meeting, the Village has retained Stu Chapman of Municipal Services Associates, Inc. to review the zoning application and the propagation maps. As part of this analysis, the Village has requested the applicant to provide the following information.

- Verify the effective radiated power that Verizon anticipates from the subject property would be substantially beneath the level that triggers FCC regulations.

- Substantiate the accuracy of the propagation maps by providing the decibel levels that determines whether the cell tower would provide reliable or unreliable in-residence, in-vehicle, and on-street coverage

Report by Stuart Chapman

Stu Chapman explains that the Village of Homer Glen has tasked Municipal Services Associates, Inc. (“MSA”) to review the zoning application, propagation maps, staff reports, and correspondence related to a proposed Verizon Wireless (“Applicant”) cell tower and antenna array to be constructed at 17239 South Parker Road. MSA has conducted its review and submits the following report.

The Applicant has proposed to construct a cell tower measuring 148' (45.12 meters) in height with a 2.0' (.610 meters) lightning rod extension. The tower’s total height will be 150' (45.73 meters). The tower has been proposed for construction on a parcel currently used for farming operations. The parcel is zoned A-1 Agricultural, and has considerable forestation. The Applicant has proposed to lease a 100' x 100' area to include an equipment shelter base station for Applicant, and include room for three (3) additional wireless carriers. An existing roadway leading to farm buildings would be used to enable vehicular access to the cell site.

Purpose and Propagation Maps: The Applicant’s tower is intended to provide wireless signals that will reach vehicular traffic located in residential neighborhoods north of 167th Street west of Parker Road, and to vehicular traffic traveling through residential areas west of Parker Road, areas between Bruce Road and Chicago-Bloomington Trail, and for traffic along Crystal Lake Drive. The proposed tower would also improve signal coverage within Messenger Woods Nature Preserve between Parker Road, 167th Street, Bruce Road, and Cedar Road.

Applicant’s propagation maps emphasize coverage to west, south, and southwest directions, with signal strength improved to “Reliable” on-street and in-vehicle coverage. MSA has requested the Village to contact Applicant to determine specific decibel levels that serve as demarcations between “Reliable” and “Unreliable” coverage for on-street, in-vehicle, and in-residence wireless users.

The Applicant’s purposes for its proposed cell site are to provide its subscribers in the zone described above, measurable improvements in on-street and in-vehicle coverage. This is important as cars and trucks are increasingly incorporating 4th Generation/Long-Term Evolution (4G-LTE) wireless technology for infotainment and vehicle navigation. Such vehicles and wireless users presently encounter difficulty with signal strength along 167th Street, Parker and Bruce Roads, and Chicago-Bloomington Trail. Moreover, the cell site will provide improved coverage for recreational users of Messenger Woods Nature Preserve. Reliable coverage in the Nature Preserve is important for first responders for patrol communications and emergency calls described later in this report.

Also, Verizon, along with other wireless carriers, is upgrading cellular facilities in order to keep up with bandwidth demand for “Internet-of-Things” (IoT) applications which are rapidly being utilized in homes and businesses, and in advance of 5th Generation (5G) wireless services, which will significantly increase data and video transmission speeds and enable communications with autonomous vehicles in the near future.

Upon close examination of Applicant's propagation maps, MSA concludes that the maps are generally accurate. Further clarification of specific signal strength in the form of decibel levels should be provided by Applicant in order to better determine the quality of services proposed.

Applicant has identified that it has existing facilities on towers that it referenced in its Application. Verizon has confirmed that it has existing antenna arrays on towers that are located along 159th Street at Bell Road and Parker Road. Verizon is not located on the Cedar Road tower which has an AT&T array. Verizon also has an antenna array located along I-355 south of 159th Street. Verizon is not located on the 167th Street toll plaza tower (State of Illinois tower), or on the tower at I-355 between Bruce and Maple Roads. Verizon's lack of facilities east of I-355 and between 159th Street and Bruce Road appears to justify the proposed site as a "Gap filler."

Safety Concerns: Both the Village and Applicant have introduced correspondence from Fire Protection Districts for Homer Township, Mokena, New Lenox, Northwest Homer, and Orland, and the Will County Sheriff ("First Responder Agencies"). Over the past ten years, wireless cellular communications providers have greatly improved and refined their ability to handle 911 and E-911 calls. Location of such calls has become more accurate and public safety dispatchers are better able to direct first responders to emergency situations that are received from cell phone users. Cell phone users are less reticent to use a cell phone to call 911 in an emergency as a result, as long as wireless service is available for making such calls. The First Responder Agencies that have submitted letters in support of Applicant's proposed cell site have stressed the need for the cell site, especially to facilitate emergency communications within Messenger Wood Nature Preserve, for improving cellular communications between mobile computer-aided dispatch (CAD) with CAD servers sited in remote locations, and for communications between paramedics and area hospitals. An important aspect of cellular communications and public safety agencies, including the First Responder Agencies that are supporting Applicant's proposed cell tower, is that shared communications over a wireless network between public safety agencies are moving forward rapidly. On December 17, 2017, the State of Illinois joined the First Responder Network Authority (FirstNet), an independent federal government authority charged with deploying and operating a nationwide public safety broadband network. FirstNet will enable municipal, township, county, state, and federal public safety agencies to communicate directly with each other in the event of an emergency. AT&T has been selected to construct FirstNet, however, at the present time, Verizon leads the market in serving first responders, and serves about 70% of first responders nationally. Verizon has expressed its intent to continue and expand its public safety cellular network services. Although none of the First Responder Agencies indicated that they are Verizon subscribers, their support of Verizon's proposed cell site to provide service within Messenger Woods Nature Preserve and surrounding areas suggests that a robust cellular service, regardless of the providing carrier, is necessary for public safety communications in Homer Glen.

Response to Concerns Expressed At the December 7, 2017 Plan Commission Meeting: The memorandum prepared by the Director of Planning and Zoning to the Plan Commission dated April 5, 2018, indicates several concerns raised by residents at the December 7, 2017 Plan Commission meeting. At that meeting, the Plan Commission

voted to deny the staff's findings recommended to the Plan Commission for a Special Use Permit for Applicant's cell site. The Village Board has since referred the matter back to the Plan Commission for further consideration.

Of the concerns expressed at the December 7 meeting, residents mentioned impact on property taxes and property values, visual impact, Radio Frequency (RF) emissions, adequacy of Verizon's service, and proximity of the proposed cell site to surrounding properties.

Property Taxes and Valuation: A causal relationship between diminishing property values and cell towers is difficult to establish, and may be based more on perception than on reality. Township Assessors take into consideration numerous factors into determining residential property valuations for tax purposes, including, but not limited to, similarity of nearby structures, numbers of bedrooms and bathrooms, number of stories of the home (one-story, two-story, etc.) garage spaces, square feet, lot size, and the age of the structure. Telecommunications utilities, such as cable television, landline telephone, and cell sites, are not considered to be major factors that would impact residential property valuation, although the type of water and sewer utilities (e.g., well versus municipal water line, a municipal sewer versus a septic tank) would impact valuation. Properties are valued on their merits and characteristics. The presence of a cell tower located several hundred feet from a residential property would not create an external characteristic that is likely to create a negative impact on that property. Additionally, the location of the cell site adjacent to a wooded area would create a natural concealment that would mitigate the visual impact of the cell site, and lessening its impact on other properties located away from the cell site.

Radio Frequency (RF) Emissions: RF emissions are the responsibility of two parties only: The Federal Communications Commission (FCC) regarding establishing standards and the wireless carrier with respect to compliance. Units of state and local government are expressly preempted by Congress and the FCC from creating their own RF emissions standards or from enforcing FCC standards and penalizing carriers for violations under state and local laws (See 47 CFR §332(C)(7)(B)(iv)). Since the enactment of the Telecommunications Act of 1996, at least one federal court ruling has underscored the supremacy of the FCC with regard to its standards. A municipality cannot deny the application of a wireless provider based upon "Environmental effects of radio frequency emissions." (See *Cellular Phone Taskforce v. Federal Communications Commission*, 2000 WL 228230, (2nd Cir. 2000) (February 18, 2000)).

Adequacy of Verizon's Service: The propagation maps referred to earlier in this report suggest that Verizon has a coverage gap between 167th Street and Bruce Road and between the areas west of the Commonwealth Edison power grid to Cedar Road. Although specific decibel levels regarding coverage reliability categories are not yet available at the time of the preparation of this report, the maps show obvious deficiencies in coverage within Messenger Woods Nature Preserve and surrounding residential areas to the north and south of the Nature Preserve. Letters from the First Responder Agencies attest to these coverage deficiencies along Parker Road and in the Nature Preserve. The inability of first responders to communicate with dispatchers or to receive emergency calls strongly suggests inadequacy of Verizon's service in areas identified on the maps as having unreliable on-street and unreliable in-vehicle coverage.

Proximity of the Cell Site to Surrounding Properties: Proximity issues reflect three (3) specific interests: property values and RF emissions, addressed earlier in this report, and visibility of the cell site to nearby residences. The Applicant's cell site is proposed to be constructed adjacent to a wooded area, which in turn, is surrounded by the Nature Preserve on three (3) sides, and by the Commonwealth Edison Power Grid space to the east. According to the

Staff Report dated March 1, 2018, the nearest residence is located 315 feet south of the proposed cell site. Other residences are located 900 feet to the west, 509 feet to the north, and 1,056 feet to the east. The residence is buffered by a heavily wooded area with tall trees, which serve as partial concealment of the tower and antenna array. MSA concurs with the recommendation of the April 5, 2018 staff report conditions of approval that would require the Applicant to ". . . use neutral colors such as light grey, green or tan to make the monopole less prominent." Other mitigation measures, such as a cell tower disguised as an oak or maple tree would, in MSA's opinion, be counterproductive, as such "Cell trees" would be more obvious in the fall, winter, and early spring, than would be a monopole tower painted in a neutral color consistent with the surrounding landscape.

Conclusion: In Conclusion, MSA has conducted an independent examination of the Applicant's proposed cell site. This examination included review of Applicant's signal propagation maps, staff reports, written citizen comments, letters from the First Responder Agencies, and discussions with the Village's Director of Planning and Zoning, and Village Attorney. It is MSA's conclusion that although there are valid concerns regarding property values and visibility of the cell site that the Village is allowed to consider in making its decision, these concerns are outweighed by the importance of the cell site to public safety as evidenced by the issues raised by the First Responder Agencies, and to the needs of residents living within the signal range of the cell site as they further adopt wireless applications in their homes, vehicles, and in the course of their daily lives. Therefore, Municipal Services Associates, Inc. recommends that the Plan Commission approve a Special Use Permit for the proposed cell site in accordance with the Village's zoning ordinance.

Public Hearing

Attorney Silverman explains that the Village Board will be required to provide a written statement as to why this request was refused. The applicant must somehow not meet the standard or some criteria in the Village ordinance in order to refuse this request.

Chairman Mitchell asks if this request has any variances attached to it. Mr. Gadde states that this is a request for a special use permit as required by the Village but they completely comply with all of the requirements.

Member Crement asks who is responsible for the measurement of the output of RFs from the tower. Mr. Gadde states that Version will be responsible for these measurements.

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 McGary. The motion was passed.

Mr. Mark Lane from Inside Real-estate, Inc states that he was responsible for helping Version find location for a cell tower in 2008 and he also worked with T-Mobil when they were having trouble with signal. The antenna from the tower is a directional beam, meaning that the signal travels in a straight line. None of the nearby towers reach the area of concern. The various ground evaluations in the area prevent the signal from reaching down into this area since they all travel in straight lines. When you have a depression in the elevation around the tower the signal does not bend to reach down. These other towers essentially send their signals over the area without reaching it. In addition, as you have heard, there is a matter of public safety. Officials from five local fire protection districts and the Will County Sheriff's Office gave support to the project, offering the opinion that robust cellular service, regardless of the providing carrier, is necessary for public safety communications in Homer Glen.

Mr. Lane explains that as far as visual impact, there should be very little as it is almost impossible to see. The area is completely surrounded by trees and they screen the site. As far as property values, they have done impact studies in residential areas. The studies tract the home prices around cell towers before and after they were installed and saw no difference in the values after cell towers were present.

He also explains that the FCC governs the licenses granted to cell phone companies and they are required to monitor radio frequency emitted from the antenna and if Version is found to be non-compliant they would lose their license.

Public Testimony

Chairman Mitchell states that he is requesting that those people that have questions or comments keep their time to 5-min maximum so everyone has an opportunity to speak.

Mr. Bob Kut from 13300 Chicago-Bloomington Trail states he owns the property to the south of this land. He asks why they did not look at the farm property to the west of this location. He also wants to know if they are willing to provide a certificate that would give them the value of their property should it decline in value. In addition, the RFs at 1000-wts are continuous and it will cause damage. This is not fair to those of us who live near the site, it will help only one person and hurt the rest of us. He has an ATT phone has never had a problem with reception in this area. He is against this request.

Mr. Tom Stephens from 13308 Chicago-Bloomington Trail states this is an impairment to the rural character of the neighborhood and he is opposed to it.

Andrea Kojder from 17303 Parker Road has been a resident of Homer Glen for 46-yrs. She is also a Verizon customer and has never had any issues with her service. She states that there are many other options for this tower location, the fire department on South Bell, 151st Wolf Road. She thinks they need to look at other options. This area is not a subdivision but it is a residential area all the same. What happened to Community and Nature in Harmony? She also provides a petition that states they are against the building of a cell tower at this location. It states they are opposed because of the detrimental effects on property values, resale values and the unsightly effects on the neighborhood as well as issues about the health effects. She states that it has been signed by 30 residents of the area all against the cell tower.

David Emerson from 17239 S Parker states that he is the owner of the property where the proposed cell tower would be built. He has owned the property for 30-yrs and he

loves the trees and the rural nature. He states that the ComEd lines are directly behind this area, completely visible, and they did not affect our purchase of the property.

Ms. Pat Muehler from 13044 Chicago-Bloomington Road states that she agrees with Bob that there are many other locations that they could have chosen. She also has no problem with her cell phone coverage. Why didn't they look at the farm to the west? She is a realtor and states that this will devalue the properties around it. Cell towers can collapse and catch fire and completely ruin the forest. This is a unique residential community and it is threatened by this request.

Lynn Richardson from 17563 S. Cedar asks if there is even a second site selected as an option. It has already been suggested that Parker Road would be a better location than Chicago-Bloomington Road.

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 McGary. The motion was passed.

Member McGary asks if Verizon has consider the Kono farm as a location. Mr. Lane asks where the Konow's farm is located. Member McGary states that it is about 1.5 miles west of this site. Mr. Lane explains that the site will not work if it is located on higher ground that this site because the signal will not reach the valley that is located in this area that currently has poor, or no reception.

Member McGary asks again why the ComEd lines will not work for this tower. Mr. Lane states that the ComEd lines are not an option because ComEd said that they service a critical line and they will not lease to anyone on what is called a critical line.

Member Crement asks for a letter from ComEd stating that they refused to lease to Verizon. She wants proof that they requested to access the towers. Chairman Mitchell asks the attorney what the legal requirement was for proof in such a case. Attorney Silverman states that the petitioner needs to use reasonable efforts to show that they sought other alternatives. Mr. Chapman states that the petitioner should indicate what their process was and what the outcome of their search was and how they arrived at this site as the location. Attorney Silverman restated that they need to show a reasonable effort.

Mr. Bill Schredder states that Verizon focused on the south west area of concern. They went to a nursery, sent letters to 12 farmers, looked at fire department property, they reached out to everyone in the area. They spent 2-weeks writing letters, knocking on doors and looking for viable options. They have copies of all the letters they sent and a map of where they left information seeking a site. Chairman Mitchell asks if the applicant satisfied their requirements. Mr. Gadde states that they have done an extensive search.

Chairman Mitchell states that the Commission has accepted the sworn testimony of the applicant in the past and he thinks that should be acceptable in this case.

Member McGary states that we need to protect these people. They have said they do not want this tower here where else can it go. Member Backal agrees that these cell towers needs to be in an industrial or commercial area and not so close to residential areas.

Chairman Mitchell asks if the other property near Chicago-Bloomington Trail meets the technical requirements for the tower. Mr. Schredder states that it is highly unlikely. There is a flood-plain on the property which is also a problem but mainly the problem is the ground elevation.

Member Crement asks why the coverage information is considered proprietary. Mr. Chapman states that if the decibel levels were provided he could get a better idea as to the coverage. The numbers (decibels) would have been helpful to him in his study but the competitors would use these numbers against each other if they were available. So he can understand why they are considered proprietary.

Member O'Donnell states that he is concerned about the 1st responders' lack of signal and this is a matter of public safety. He believes that this tower will be difficult to be seen among the trees.

Chairman Mitchell states that the Commission can not recommend to deny this application merely because the residents do not like it. Attorney Silverman agrees and states that the representatives for Version have been sworn in and have testified that they need the tower, that they have done an exhaustive search of the area to find a better location and that the FCC will revoke their license if they do not keep the RF values below the allowable limit.

Member O'Donnell asks if the applicant is willing to do a RF study both before, after and during the installation. They will agree to do the study.

Member Crement states that there is a letter from Pat Muehler about the de-valuation of properties around cell towers, it would seem that this would create a financial burden for the residents. Attorney Silverman states that they must have evidence rather than opinion, there needs to be studies, survey and such to back up the claim. Mr. Chapman adds that the courts have under scored the need for documented evidence rather than opinion. You need to prove that the property values are de-valued. There is case law in Illinois that sets out the treatment of property values. The courts are requiring more evidence.

Member Backal asks if there has been a case before where the Village allowed the construction of a cell tower in a residential or agricultural district. Chairman Mitchell does not recall any cases but he adds that this property is zoned to allow for a cell tower.

Motion

Member Verdun made a motion for Case No. HG-1727-S to adopt staff's findings as the findings of the Plan Commission and to recommend approval with the following conditions of a Wireless Communication Facility (WCF), 150' in height, in the A-1 Agricultural District [Article 8 (General Provisions) of Chapter 220 of the Code of the Village of Homer Glen], for 17239 S. Parker Road, Homer Glen, Illinois.

- The applicant should verify the effective radiated power that Verizon anticipates from the subject property would be substantially beneath the level that triggers FCC regulations. There should be a pre-construction as well as a post construction study.

- Except as otherwise required or permitted by the FCC, the proposed WCF will only have the name of the owner or operator of the WCF, its address and emergency contact information, not exceeding four square feet.
- A tree survey and preservation plan would be required prior to Village Board consideration, if the applicant proposes to disturb any significant or protected trees. The leased area shall be fully screened.
- The applicant should use neutral colors such as light grey, green or tan to make the monopole less prominent.

The motion was seconded by Member McGary. Roll call was taken. In favor (7) Member Crement, Verdun, Kozor, O'Donnell, McGary, Backal and Chairman Mitchell. Opposed (0) none. Absent (0) none. Abstain (0) none. The motion was passed.

Chairman Mitchell confirmed that Case No. HG-1727-S, will be on the April 24 Village Board agenda.

- a) **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., is proposing an 11-lot subdivision as an extension of the Windsor Court Subdivision as depicted on the attached plat of subdivision. The applicant presented a concept plan at the February 1st Plan Commission meeting, followed by a public hearing on March 15, 2018. Following the public hearing, the Plan Commission directed the applicant revise the streetscape plan indicating a landscaping strip behind the existing homes in the Windsor Court Subdivision and relocate the sidewalk to the west side of the proposed street.

The applicant is requesting approval of a Plat of Subdivision; (2) Rezoning from A-2 Rural Residential to R3-A Single-Family Residential District; and (3) Modifications and Variances, listed below *see Attachment 2 for site information*):

- 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 states further that staff recommends that two conditions are placed on the applicant should approval be granted. They are as follows:

1. 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.
2. 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 are present tonight to answer any questions or address any comments.

Chairman Mitchell asks the applicant if he made the changes he was asked to do. Mr. O'Malley states that he made the changes and in addition, he reduced the lot size of lots 4 through 11 by 5-ft to allow more space behind the current residents of Windsor Court.

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.

Mr. Robert Dunn from 12525 Hadley Road states that he still objects because of the density and his previously stated problem with the water run-off onto his land.

Mr. Skiba from 16956 Windsor Court asks if they reduced the depth of the ROW. Mr. Chapman states no, in fact they increased so they could beef up the landscaping. Mr. Skiba states that this builder has 8 projects in the Village with 41 available lots. The still are not built out and he claims this project will be completed in 2-yrs yet it is more than 8-yrs for the other projects. He would like to have more time in order to get property appraisals done on his home as well as his neighbors.

Chris Zalinski from 16951 Windsor Court states that he wants to go on record as having driven through Homer Glen and did not encounter one neighborhood with homes sandwiched between two streets. He states that construction is a lengthy and dirty project. It is all about economics for the developer but what about the economics of the current home owners. There are empty lots in their subdivision already and they stand a very good chance of their homes losing value due to this project. He would like to see this project continued and changes made to accommodate the concerns of the residents in Windsor Court subdivision.

Chairman Mitchell states that this property was sold due to errors of the previous owner. It will be developed at some point and we need to move forward with it.

Chairman Mitchell asks if there are any further comments or questions from the public. Hearing none, Chairman Mitchell called for a motion to close the public hearing.

Member Backal made a motion to close the public hearing; seconded by Member Kozor. The motion was passed.

Member O'Donnell agrees that there are other developments that have been left undone. He would like to see the Village set some harder rules concerning these developments.

Maybe they could require landscaping done on vacant lots or something. He also wants to ensure that they block off construction traffic on Windsor.

Member Crement agrees they need to close off the road. Mr. O'Malley states that he expects about a 2-year build out time frame and he will agree to prevent any of his construction traffic from using Windsor Court. There is also concern as to when the landscaping buffer will be completed.

Mr. O'Malley states that he is willing to do the landscape buffer in the first 6-months. Director Gadde states that a time line should be added, maybe from the start of permitting. Kevin Chaffin suggests that it could state before the 2nd house permit is issued. Mr. O'Malley is in agreement with both adding the barrier and completing the landscape buffer before the 2nd house permit is issued.

Member Crement wants to see signs at the entrance to the subdivision forbidding construction traffic. Mr. Chaffin suggests that may not be wise in case someone wants to build on the current vacant lots in Windsor Court, he will just block the access off.

Chairman Mitchell suggests that limiting the street access need only be part of the record, not added to the motion.

Motion

Member Backal made a motion for Case No. HG-1809-PVA, O'Malley Subdivision, to recommend approval of (1) a Plat of Subdivision; (2) a Map Amendment (rezoning) from A-2 Rural Residential to R3-A Single- family Residential District; and (3) Site Plan with certain Variances listed below for the proposed Duke Subdivision.

Modifications and Variances:

- a. Reduce the required right of way (ROW) for a local road from 66' to 50' (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'.

Conditions:

1. 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.
2. The final plat and engineering plans will be subject to Village Engineer's review and approval.
3. The 10-ft landscape strip be completed before the 2nd building permit is issued;

Seconded by Member O'Donnell. Roll call was taken. In favor (7) Members Crement, Verdun, Kozor, O'Donnell, McGary, Backal and Chairman Mitchell. Opposed (0) none. Absent (0) none. Abstain (0) none. The motion was passed.

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

There is no report from any of the Plan Commissioners.

Planning and Zoning Director Gadde reported that there were no cases currently scheduled for the next meeting, April 19th. It will likely be canceled.

8. Adjournment.

Motion by Member McGary, seconded by Member Backal to adjourn. The motion was passed. The meeting was adjourned at 9:39 p.m.

Respectfully Submitted: Candace Rose

Chairman Mitchell: 

Approved (Date): 5/3/18