

PLAN COMMISSION

Minutes of the Regular Meeting on
August 2, 2018

Village of Homer Glen
14240 West 151st Street, Homer Glen, IL 60491
Village Council Chamber

1. Call the Plan Commission to Order

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

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

Present for the Plan Commission were Chairman Mitchell, Members Lynn McGary, Jerry Young, Braque Backal and Bryan Kozor. Present on behalf of the Village of Homer Glen was Vijay Gadde Director of Planning and Zoning, Kyle McGinnis Assistant Director of Planning and Zoning and Village Attorney. The minutes were recorded and transcribed by Candace Rose.

4. Public Comment

There was no one present at the meeting to make public comments

5. Minutes**a) July 5, 2018**

A motion to approve minutes from July 5, 2018 was made by Member McGary, seconded by Member Young. Voice vote taken, all in favor, none opposed. *Motion Carried.*

Kyle McGinnis swears in persons wishing to speak at tonight's meeting.

6. New Business

- a) HG-1819-V, 14121 S. King Road (*Public Hearing*):** Consideration of: **(1)** a Variance to increase the maximum permitted height of a fence located in the front yard from four (4) feet to six (6) feet [§220-812A(1) (Fences, walls and swimming pools) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen]; and **(2)** a Variance to permit solid pillars in the front yard where solid pillars and walls are not permitted [§220-812D(10) (Fences, walls and swimming pools) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen] for certain real property located in the R-1 Single-Family Residential District at 14121 S. King Road, Homer Glen, Illinois.

Assistant Planning Director McGinnis explains that the applicant, Arkadiusz (Art) Gruszka, owns the subject property at 14121 S. King Road. His plans to construct a single-family home on the property began in 2014. The property was platted in 1945 as Lot 52 of the Spring Creek Woods subdivision, near the intersection of W. 143rd Street and S. King Road.

Fences located on properties zoned for single-family residential uses are typically permitted up to the parcel's property lines; however, the fence's height and design requirements will vary depending on which yard of the property the fence is located in. As a general rule, fences located in a property's front and corner side yards follow the same design criteria, while fences located in a property's side and rear yards must abide by their own similar criteria.

Fences built within a residential property's front or corner side yard are limited to a height of four (4) feet, while fences built within a residential property's side or rear yard are limited to a height of six (6) feet. The applicant has requested a Variance to increase the maximum permitted height of the fence located within the property's front yard from four (4) feet to six (6) feet, citing concerns that his family's large dog could pose as a safety hazard along S. King Road or elsewhere were the dog to jump a fence of a shorter height.

Fences located in a property's front or corner side yard are limited to a maximum height of four (4) feet to avoid creating visibility issues at street intersections or the intersection of the public right-of-way and private access drives. It is worth noting that in this specific instance, the front property line along which the fence will be built is approximately thirty (30) feet from the nearest edge of S. King Road. It is staff's belief that the proposed fence will not detrimentally impact the visibility between the public right-of-way and the subject property's private access drive due to the distance between the street and the fence line.

Due to the same visibility concerns noted above, solid fences or walls are not permitted in the front yard of residential properties. As part of the applicant's proposals, he would like to install a set of stone pillars along his front property line on either side of the private access drive leading to the dwelling. These pillars will be used as piers for an electric gate, which will grant access to the interior of the property via the private access drive. Because these pillars will not be fifty (50) percent open in design as required per Code, a Variance is required for their installation along the front property line.

The subject property is located within the Northwest Homer Fire Protection District's service area. As such, Village staff felt it was important to discuss gated private access drives with the Fire Protection District to ensure permissibility from the local Fire Chief. Assistant Planner McGinnis discussed the proposal with Fire Chief Ken Vrba, who stated that the proposal would indeed be permissible, but that the gate and access drive should be wide enough to accommodate for emergency vehicles to ensure access should the need arise. Fire Chief Vrba was unsure what the minimum width for such vehicles would be, nor does that Village regulate the width of driveways for such purposes.

A motion to open the public hearing in Case No. HG-1819-V was made by Member Backal, seconded by Member McGary. Voice vote taken, all in favor, none opposed.
Motion Carried.

Chairman Mitchell calls for questions or comments from the audience

Joe Turrise from 13956 Christina Lane states that this area is very rural and does not believe that any fences are necessary. Not one home in the area has a fence.

Jim Sullivan from 14101 S King Road states that he lives 2 lots north of this property. He has been living there for 25 years and the area has remained relatively unchanged. The area is very wooded and there are no fences. Having a fence would be bad. He thinks the owner is only trying to hide the junk on his property.

Chairman Mitchell asks if there are any covenants against fences in the subdivision. Assistant Planner McGinnis states that there are no covenants against fences.

Chairman Mitchell calls for further 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-1819-V was made by Member Backal, seconded by Member Young. Voice vote taken, all in favor, none opposed.
Motion Carried.

Member Young ask if the fence is encompassing the entire property. Mr. Gruszka states that it does. Member young asks why there is debris at the back of the property. Mr. Gruszka states that it is material for/from building the house. Member Young clarifies that the owner is putting up a 6-ft fence to keep his dog and neighbors safe. Mr. Gruszka states that is correct.

Chairman Mitchell asks how far from the property line the front gate will be. Assistant Planner McGinnis states that he is requesting the fence to be at the property line. If he were to place it 30-ft back from the property line the owner would not need the variance. Mr. Gruszka explains that he has a garage on the side and in order to enclose the garage and protect his property he is requesting the fence in the front yard. He did ask for the 6-ft height, the Village asked him to make it 6-ft because his dog is a German Shepard and could possibly jump it at 4-ft. Chairman Mitchell suggests 6-ft on the sides and the back but 4-ft in the front yard. Mr. Gruszka would like his dog to be able to freely roam his property. He states that the pillars he is proposing will be made from the same stone as being used on the front of the house.

Member Young suggests that the dog could be confined to just the backyard.

Member Kozor asks where the fence needs to be in order to not require a variance. Assistant Planners states that if the fence was 30-ft from the street, no variance would be required.

Member Backal asks for clarification as to whether the fire department equipment would be able to enter and exit through the gates. Yes, they would.

A motion to adopt staff's findings as the findings of the Plan Commission and to recommend approval of (2) a Variance to permit solid pillars in the front yard where solid pillars and walls are not permitted [§220-812D (10) (Fences, walls and swimming pools) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen] for certain real property located in the R-1 Single-Family Residential District at 14121 S. King Road, Homer Glen, Illinois was made by Member Backal, seconded by Member McGary. Roll call vote taken. In favor (5) McGary, Young, Kozor, Backal, Mitchell. Opposed (0) none. Absent (2) O'Donnell, Verdun. Abstained (0) None. *Motion Carried.*

Assistant Planner McGinnis states that this item will go before the Village Board at the August 8, 2018 meeting.

- b) **HG-1818-PAS, M/I Homes of Chicago, LLC (*Public Hearing*):** Consideration of: (1) a Preliminary Plat of Subdivision; (2) a Zoning Map Amendment [Article XI (Administration and Enforcement) of Chapter 220 (Zoning), the Code of the Village of Homer Glen]; (3) a Special Use for a Planned Unit Development [Article IX (Planned Development) of Chapter 220 (Zoning), the Code of the Village of Homer Glen]; and (4) a Site Plan for certain real property located in the C-3 General Business and A-1 Agricultural Districts at 14059 W. 159th Street, Homer Glen, Illinois.

Staff Report: Village Director of Planning and Zoning Vijay Gadde explains the applicant, M/Homes of Chicago, LLC, is proposing a walkable mixed-use community consisting of 19.5 acres of commercial area for future development and three residential neighborhoods, including the following:

- a 115-unit rear-loaded townhome area (Uptown Units);
- a 113-unit front-loaded traditional townhome area (Charlestown Units); and
- 55 detached single-family homes.

The 19.5-acre commercial parcel will be developed later as Phase II of this Planned Unit Development (PUD) with general retail and/or small office users that would be easily accessible for future residents of this mixed-use community.

At this time, the applicant is requesting approval of a preliminary plat of subdivision only and intends to come back for the final plat approval at a later date. The following is a breakdown of the net acres which are used for density calculations.

Plans Reviewed:

- Preliminary Plat dated May 22, 2018 and revised June 15, 2018, prepared by Gary R. Weber Associates.
- Preliminary Site Plans and Architectural Design Standards dated June 15, 2018, prepared by Gary R. Weber Associates.
- Landscape Plans dated May 22, 2018, prepared by Gary R. Weber Associates.

These plans are reviewed per the requirements of §220-905 (PUD Development Standards) and §220-904 (Permitted Exceptions). The Plan Commission may recommend, and the Village Board may authorize, exceptions to the applicable bulk regulations within the boundaries of such a PUD. The applicant has requested exceptions to the bulk standards under the R-3A and R-6A zoning districts. These include variations to lots sizes and setbacks. The proposed Site Plan meets the maximum allowable density as described below.

The Plan Commission should consider the following standards for granting these exceptions:

- Such exceptions shall be solely for the purpose of promoting an efficient and coordinated site plan, no less beneficial to the residents or occupants of such development, as well as the neighboring property, than would be obtained under the bulk regulations for buildings developed on separate zoning lots; and
- That the PUD provides amenities above and beyond the minimum requirements, such as outstanding design and architecture, the quantity and quality of open space and landscaping, or other similar features.

The 48.87 acres of conservation/preservation area includes approximately 24.27 acres of 'usable' open space that was added to the two townhome site areas for the purpose of density calculation. This space is clear and free of street rights-of-way, stormwater retention and detention basins, wetlands, and floodplains as required by the code.

Applicant's Presentation: Mr. Matt Pagoria from Land Acquisition MI Homes is present with Mr. Rich Olsen, architect for the project, and Mike May, engineer for the project, to answer questions and address issues about this case.

Mr. Olsen explains that the area is south of 159th Street and north of 163rd street and is surrounded by commercial and residential development. It has a major access point off of 159th street. There are two stub streets to the west and one to the east. The spine road will go through the subdivision from 159th Street to 163rd Street for dual access to the site. They are proposing a mixed use development with single family homes, multi-family homes and commercial property affronting 159th Street. The Charlestown homes will be east of the spine road and will be built with front load garages. The Uptown homes will be west of the spine road and will all have rear load garages. There is a gas pipeline easement running through the site and it will divide the area to the south off where the single family homes will be built. There will be a 40-ft landscaped berm to buffer the area between the town homes and the single family homes. More than 48-acres of land will be persevered as green space and open space providing a nice amenity for the community. There will be bike paths and a multi-use trail that connects the open space, the park, the spine road etc. There will also be landscaped seating areas.

Mike May adds that the drainage at the site currently runs SW for about 1/3 of the area and the other 2/3's drains to the east. They are proposing to keep the flow of the water the same but adding detention ponds strategically to reduce peak flows and control the water.

Matt Pagoria states they will offer 55 single family homes with a choice of several different plans. The plans will range from 2,500-4,000-sq. ft. All homes will have 2 or 3 car garages and full basements.

The Uptown townhouses will have a choice of 5 plans and will range from 1,580-1,975-sq ft. all with 2 bedrooms. Three of the models will offer a 3rd bedroom option. All homes will have a two car garage.

The Charlestown series will feature 4 different plans and range from 1,480-2,116-sq ft. They will all offer 2 bedrooms and 3 of the 4 plans will offer an optional third bedroom. All homes will have a two car garage as well. The end unit in each of these building will be a master downstairs lifestyle.

Public Hearing: A motion to open the public hearing in Case No. HG-1818-PAS was made by Member Backal, seconded by Member Young. Voice vote taken, all in favor, none opposed. Motion Carried.

Chairman Mitchell calls for questions or comments from the public stating that due to the number of people wanting to speak to this issue, each person will be limited to 5-min.

Mr. Joe Turrise from 13956 Christina Lane explains that he attended the CMAP meeting and many people are very concerned with the proposed density in this development. The people at CMAP meeting agreed. He wants to know why we as a community are considering 13,000-sq ft. lots. The infrastructure of the Village can barely handle the people currently living here. There are only 3 small water treatment facilities to handle all of the development. The creeks and swells all flood during storms and the Village need new storm sewers. How can the Village expect to handle a development with such high density and no infrastructure to support it? No variances should be granted! The 15,000 minimum lot size should be up-held.

Jerome Pisuzos from 14406 Iz Brook lives in Evelyn's Gate and really loves the variety in the subdivision. Every home is different. This proposal is for cookie cutter homes. He is worried about the safety of the children and residents with all that traffic coming through his neighborhood. This will also lower their home value. They should not allow Iz Brook to go through, it will create major traffic and safety issues. This currently is a beautiful place to live, this proposed development will change all that.

Rich Kozarits from Oak Brook Terrace is in support of this development as an overall community. The Village needs to be able to offer multiple options for people to live.

The Village needs to diversify to encourage commercial development. There will be no Commercial development without roof tops to support the businesses. This is an ideal spot for this type of development.

Craig Lindenman from 16445 Alberta Ct has been a resident here for 32 years. He now lives in Evergreen subdivision. He is against a high density subdivision. This goes against Homer Glen's core values. We wanted a rural atmosphere and have great concern for the environment. The plan was for open spaces, large lots homes with horses and other small farm animals. He asks when this developer would break ground, how long will it take him to build out the subdivision, will there be penalties imposed if he does not finish the subdivision. What impact will this have on the current resident's taxes, what about the home values adjacent to this subdivision. How will the schools be impacted, and the highway department? Have they done traffic studies and do they understand the congestion that will be created. How many more schools will be needed and how many more teachers.

Tony Kosi from 16410 S Alberta Ct states that he lives in the Evergreen subdivision and that this development would have a negative impact on all the homes around. It is not a good idea and the only thing that will be going into the commercial on 159th Street will be strip malls.

Mike Fricilone from 14644 Park Place in Evelynn's Gate North want to know if 33C is aware of this proposal and do they have any idea of the impact it will have on the schools. What contributions will be made to 159th Street? The green space in the community is very limited.

Anne Fischer from 16290 Pine Hill Drive which is in Stonebridge subdivision states that she is not opposed to development but is opposed to the density in this proposal. In 111-acres there are 228 townhomes, Stonebridge has 80, and 55 single family homes and Stonebridge has 72. This subdivision is proposing 283 homes where they have only 152. That is 35% denser for the same amount of land space. It is too much, she is opposed to the density, not opposed to the development.

Margaret Sabo from 15340 Mallard Lane states that she was a former Village Trustee from 2006 until 2015. She also worked tirelessly on the incorporation committee. The reason the Village wanted to incorporate was to have control over the development within the community. There is no right place for density in Homer Glen. Density must be controlled by using good sustainable land planning. None of this follows the Comprehensive Plan, this will not help control taxes, and roof tops are not needed to bring commercial businesses. There is no landscape plan, what happen to the conservation design, it was not used here, and conservation land and easements should not be counted as open space. This development should not be allowed. Why was the conservation design not used? Chairman Mitchell states that the conservation design did not apply within 1-mile of 159th Street. Planning Director Gadde states that the

exception of 1-mile from 159th Street was removed from the ordinance so it does apply here. Ms. Sabo states then they should have to comply.

Mr. Andy Panelli from 12051 Mackinac Road states that he also was involved in the incorporation of the Village and they campaigned against high density. We worked for the incorporation because Lockport was eating us up. We wanted the rural character. This subdivision should be built to look more like Stonebridge.

Mr. Don Wunderlich from 13885 Breanne Lane states that he has seen what kind of development MI Homes does because of the subdivision at 131st Street and Parker Road. That type of development does not fit in Homer Glen.

Matt Konin from 16311 Alberta Ct in Evergreen subdivision asks about the conservation easement, how many trees will be removed? Too many trees are being cut down, he wants to see the open spaces preserved. Who would even want to live here in such a dense subdivision?

Melisa Temple from 16119 Sandy Bank Court represents Evelyn's Gate and is here to say they are against the proposed density. There is only 1 in and 2 ways out of this proposed development, everyone will be cutting through to 163rd Street to get to Cedar Road. There will be no commercial development until they finish with 159th Street road work. No one is going to try and develop a business there considering the construction. There are 2 schools and the fire department on Cedar Road now along with all the UPS trucks from Lockport. There are many accidents and the traffic is already a nightmare. This will make it worse. The proposed density for this development is too much!

Chairman Mitchell asks for any further comments or questions from the public. Hearing none he asks for a motion to close the public hearing.

A motion to close the public hearing in Case No. HG-1818-PAS was made by Member McGary, seconded by Member Young. Voice vote taken, all in favor, none opposed. Motion Carried.

Plan Commission Discussion: Member Kozor asks what the price points will be of the proposed homes. Matt Pagoria states that the single family homes will be priced in the \$400k, 500k, and 600k's with the Uptown homes in the \$200k and 300k's and the Charlestown homes in the \$300k's. Member Kozor asks how many will have master's down stairs. Mr. Pagoria states that 1 home per building or about 20. Member Kozor asks how many ranch styles homes will be available. There will be 1 unit per building built as a ranch in each of the Charlestown, or about 16. Member Kozor asks if there will be a single family ranch available. Mr. Pagoria states no.

Member Backal asks about the ranch townhouse. Mr. Pagoria states that the Uptown homes will have a raised ranch. Member Backal states that he moved in Homer Glen in 1994 and has watched the community grow and change. He, also, was part of the

incorporation in 2001. Change is coming, this plan is a good one and will help to increase the number of roof tops in the community. There has been no growth for a number of years and it is time to move forward.

Member Young states that there has not been one subdivision built since the 2006 recession. The community needs to build more households. There has not been much development and he believes the density restrictions are too stringent. He believes the community needs growth and that this is a good project.

Member McGary states that she would like to see this development with more open space. She wants to see a park added but agrees that the community does need growth.

Chairman Mitchell states that this is only a request for a preliminary plat and that the Plan Commission is only a recommending body. He states that there are many questions that need answering and suggests that this item could be tabled until the Comprehensive Plan is reviewed and a judgement is made as to whether this proposal follows the conservation design standards. He states that density is the real issue and that this plan asks for double what the Village code allows. The open space is only 25% and the building setbacks and side yards don't meet the code. They are also asking for a much larger than allowable subdivision sign. There are also issues with the landscaping, as no plan is provided, will it (the landscaping) be outstanding? He asks if the architectural design is outstanding. Beauty is in the eye of the beholder. The Village proposed a green plan in 2002 and adopted it in 2005 in order to preserve the unique countryside character and preserve the environmental sensitive areas. The zone R-6A does allow attached homes but it states that they should maintain the look of a single family home. He thinks the developer should possibly change the plans to accommodate 4-units per building and make the town homes look more like single family homes. He asks Mr. Pagoria if he would consider some of the ideas presented here tonight and modify the proposal.

Mr. Pagoria states that he would be happy to sit down with staff and look at the site and consider reducing the density. He adds that he would not likely be able to satisfy all the requests made here tonight and still be able to build out the site profitably but he will work on modifications.

Member Backal recommended that the Plan Commission should not table this item. He wants to vote on it tonight and send it to the Village Board. Member McGary agrees with Chairman Mitchell and would like to see the item tabled. Member Young agrees with Member Backal, this item should be voted on tonight and passed on to the Village Board.

A motion to recommend approval of **(1)** a Preliminary Plat of Subdivision; **(2)** a Zoning Map Amendment [Article XI (Administration and Enforcement) of Chapter 220 (Zoning), the Code of the Village of Homer Glen]; **(3)** a Special Use for a Planned Unit Development [Article IX (Planned Development) of Chapter 220 (Zoning), the Code of the Village of Homer Glen]; and **(4)** a Site Plan for certain real property located in the C-3 General Business and A-1 Agricultural Districts at 14059 W. 159th Street, Homer

Glen, Illinois was made by Member Kozor and seconded by Member Backal. Roll call vote was taken. In favor (3) Young, Kozor, Backal. Opposed (2) McGary, Mitchell. Absent (2) O'Donnell, Verdun. Abstained (0) none. *Motion Carried.*

7. Staff Report

Director of Planning Gadde states that there are currently 4 cases on the agenda for the next meeting which is scheduled for August 16, 2018.

8. Adjournment

A motion to adjourn at 9:12 pm was made by Member McGary, seconded by Member Young. Voice vote taken, all in favor, none opposed. *Motion Carried.*

Approved 

Chairman Mitchell 8-16-18