
**THE VILLAGE OF HOMER GLEN
WILL COUNTY, ILLINOIS**

**ORDINANCE
NUMBER 16-049**

**AN ORDINANCE APPROVING A SPECIAL USE
PERMIT FOR AN ESSENTIAL SERVICE (WATER
RECLAMATION FACILITY) IN THE P-1
GOVERNMENTAL BUILDINGS AND PUBLIC
SCHOOLS DISTRICT (ATTACHMENT 2, TABLE 2A
PERMITTED AND SPECIAL USES IN
NONRESIDENTIAL DISTRICTS, CHAPTER 220
ZONING) FOR CERTAIN REAL PROPERTY LOCATED
AT 13835 S. PARKER ROAD, HOMER GLEN, ILLINOIS
(ILLINOIS AMERICAN WATER COMPANY, CASE NO.
HG-1626-MSP)**

**GEORGE YUKICH, Village President
ANN HOLTZ, Village Clerk**

**BRIAN BURIAN
CARLO CAPRIO
MICHAEL COSTA
CHRISTINA NEITZKE-TROIKE
BETH RODGERS
SHARON SWEAS**

Trustees

AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR AN ESSENTIAL SERVICE (WATER RECLAMATION FACILITY) IN THE P-1 GOVERNMENTAL BUILDINGS AND PUBLIC SCHOOLS DISTRICT (ATTACHMENT 2, TABLE 2A PERMITTED AND SPECIAL USES IN NONRESIDENTIAL DISTRICTS, CHAPTER 220 ZONING) FOR CERTAIN REAL PROPERTY LOCATED AT 13835 S. PARKER ROAD, HOMER GLEN, ILLINOIS (ILLINOIS AMERICAN WATER COMPANY, CASE NO. HG-1626-MSP)

WHEREAS, the Village of Homer Glen, Will County, Illinois (the "Village") is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the "Home Rule Powers"); and,

WHEREAS, an application has been filed by Illinois American Water Company for a Special Use Permit, for an Essential Service (Water Reclamation Facility) in P-1 Government Buildings and Public Schools District for certain real property located at 13835 S. Parker Road; and,

WHEREAS, the property that is the subject of the aforesaid application and of this Ordinance ("Subject Property") is legally described in "Exhibit A;" and,

WHEREAS, pursuant to a public notice published in a newspaper of general circulation within the Village as required by the Code of the Village of Homer Glen, the Plan Commission of the Village held a public hearing with regard to said application and rendered its findings of fact and recommendations to the Board of Trustees of the Village; and,

WHEREAS, the Plan Commission after due consideration of the issues, exhibits and testimony, made findings of fact and a recommendation to the Board of Trustees of the Village which are incorporated into the record of its proceedings attached hereto as Exhibit "B" and which include the specific findings concerning the following general categories as required by §220-1209D of the Code of the Village of Homer Glen:

1. The establishment, maintenance or operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort or general welfare.
2. The proposed use at the proposed location will not have an undue or substantial adverse effect, above and beyond that inherently associated with such use, irrespective of the location in the particular zoning district, upon adjacent property, the character of the neighborhood, or other matters affecting the public health, safety and welfare of the community.
3. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair values within the neighborhood.

4. The proposed use at the particular location is desirable to provide a service or facility in the interest of public convenience and the gain to the public and all or a part of the community exceeds the hardship imposed upon the property owner.
5. The proposed use is generally suitable for the particular zoning district and will not adversely affect development of adjacent properties in accordance with the applicable district regulations.
6. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
7. The exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed, or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.
8. The adequate utilities, access road, drainage and/or necessary facilities have been or are being provided.
9. That adequate measures have been or will be taken to provide ingress and egress so designated as to minimize traffic congestion in the public streets.
10. The proposed use has been considered in relation to the location, goals, and objectives of the Village's Comprehensive Plan and is in general accord with the guidelines of the plan.

WHEREAS, the Village President and Board of Trustees carefully considered public commentary and the recommendations of the Plan Commission which are incorporated into the record of its proceedings; and,

WHEREAS, the Village President and Board of Trustees of the Village, after due consideration have determined that a Special Use Permit, for an Essential Service (Water Reclamation Facility) in the P-1 Governmental Buildings and Public Schools District for certain real property located at 13835 S. Parker Road, Homer Glen, Illinois, is in conformance with the Village's Comprehensive Plan and in the best interests of the public health, safety and welfare of the Village's residents.

NOW, THEREFORE, BE IT ORDAINED by the Village President and Village Board of Trustees of the Village of Homer Glen, Will County, Illinois, by and through its Home Rule Powers, as follows:

Section 1. Incorporation of Recitals. That the recitals and findings set forth above and in the recommendation of the Plan Commission, attached hereto as Exhibit "B" are incorporated

herein by reference the same as if they were fully set forth herein verbatim and they are adopted as the findings of the Board of Trustees of the Village.

Section 2. Special Use Permit for an Essential Service (Water Reclamation Facility). The Village hereby grants a Special Use Permit for an Essential Service (Water Reclamation Facility) in the P-1 Governmental Buildings and Public Schools District for certain real property located at 13835 S. Parker Road, Homer Glen, Illinois, on the property legally described in Exhibit "A."

Section 3. Conditions for Special Uses. The Village hereby approves the Special Use Permit for an Essential Service (Water Reclamation Facility) in the P-1 Governmental Buildings and Public Schools District for the property legally described in Exhibit "A," subject to the following conditions:

1. Village approval of the final engineering plans prior to issuance of any necessary building permits.
2. Submittal of a tree survey/tree preservation plan for review and approval by Village staff prior to issuance of any necessary building permits.
3. That all appropriate measures be taken to minimize construction impacts on surrounding neighborhood.

Section 4. Revocation. That the Special Use Permit, for certain real property legally described in Exhibit "A" as hereby authorized, may be revoked by the Village Board of the Village of Homer Glen upon application being made to the Village Board upon a finding by the Village Board that any of the regulations and conditions herein established have not been complied with.

Section 5. Severability. The various portions of this Ordinance are hereby expressly declared to be severable, and the invalidity of any such portion of this Ordinance shall not affect the validity of any other portions of this Ordinance, which shall be enforced to the fullest extent possible.

Section 6. Repealer. All Ordinances or portions of Ordinances previously passed or adopted by the Village of Homer Glen that conflict with or are inconsistent with the provisions of this Ordinance are hereby repealed.

Section 7. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval.

Section 8. Notice to Applicant. That the Village Clerk is further directed to forward a copy of this Ordinance to the applicant as notification of the passage and approval of this Ordinance.

[Intentionally left blank]


Adopted this 9th day of November, 2016 pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Burian			X	
Caprio	X			
Costa	X			
Neitzke-Troiike			X	
Rodgers	X			
Sweas	X			
Yukich (Village President)				
TOTAL	4	-	2	-

APPROVED by the Village President on November 9, 2016.



George Yukich
Village President

ATTEST:


Ann Holtz
Village Clerk

Legal Description – “Exhibit A”

PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 36 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN WILL COUNTY, ILLINOIS.

P.I.N.s: 16-05-02-100-011-0000, 16-05-02-100-014-0000, and 16-05-02-100-015-0000
ADDRESS: 13835 S. Parker Road, Homer Glen, IL 60491

Findings of Fact – “Exhibit B”

The Plan Commission shall not vary the provisions of this Ordinance as authorized unless it has made findings based upon the evidence presented to it in the following cases. The Plan Commission makes the following findings (*in bold italics*):

1. That the establishment, maintenance or operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort or general welfare. ***The establishment, maintenance and operation of a Water Reclamation Facility will not be detrimental to the public health, safety, morals, comfort or general welfare of the citizens of the Village. The facility has existed in this location since approximately 1967.***
2. The proposed use at the proposed location will not have an undue or substantial adverse effect, above and beyond that inherently associated with such use, irrespective of the location in the particular zoning district, upon adjacent property, the character of the neighborhood, or other matters affecting the public health, safety and welfare of the community. ***The Water Reclamation Facility is an existing use that will not have an undue adverse effect upon the adjacent property and/or neighborhood. The proposed facility improvements will occur within the existing fence line of the property.***
3. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. ***The existing Water Reclamation Facility will not be injurious to the use and enjoyment of other property in the area. The proposed facility improvements will occur within the existing fence line of the property.***
4. The proposed use at the particular location is desirable to provide a service or facility in the interest of public convenience and the gain to the public and all or a part of the community exceeds the hardship imposed upon the property owner. ***The existing Wastewater Reclamation Facility is an essential service for the surrounding area. The proposed facility improvements will provide an essential service in the interest of public convenience, and the gain to the public and all or a part of the community exceeds any hardship imposed upon the property owner.***
5. The proposed use is generally suitable for the particular zoning district and will not adversely affect development of adjacent properties in accordance with the applicable district regulations. ***The existing Wastewater Reclamation Facility is an allowable special use in the proposed P-1 Governmental Buildings and Public Schools District and will not adversely affect the development of adjacent property, which is already developed for detached single-family residential uses.***
6. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. ***The existing Wastewater Reclamation Facility and proposed facility upgrades will not impede the normal and orderly development and improvement of surrounding property, which is already***

developed for detached single-family residential uses to the north, east, and south. The property to the west (across Parker Road) is zoned A-1 Agricultural District and is wooded natural land, which is designated on the Future Land Plan of the Comprehensive Plan as "Environmental Corridor."

7. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed, or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood. *The architectural design for the proposed one-story chemical building on the west side of the facility is consistent with the character of the facility and the immediate area. The proposed new building will have a brick exterior and gabled roof, and should not cause a substantial depreciation in the property values within the neighborhood.*
8. That the adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided. *Utilities, internal access drives, limited drainage and utilities are already provided for the existing Water Reclamation Facility. However, due to the age and capacity of the facility, the applicant is proposed various upgrades to the facility, including the removal of several tanks and other ancillary structures, construction of a new one-story chemical building on the west side of the facility, construction of an aeration basin on the south side of the facility, and re-grading of the east side of the site for floodplain encroachment compensatory storage. Other than the re-grading of the east side of the site, the proposed changes to the facility will be located within the existing fence line.*
9. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. *The subject property currently has one full access onto Parker Road. The applicant is proposing a second full access onto Parker Road to help facilitate better ingress and egress for maintenance vehicles which must enter and exit the site. A driveway permit will be required.*
10. The proposed use has been considered in relation to the location, goals and objectives of the Village's Comprehensive Plan and is in general accord with the guidelines of the plan. *The subject property is designated as "Environmental Corridor/Utility Facility" on the Future Land Use Map of the Village of Homer Glen Comprehensive Plan. The proposed Special Use Permit for an Essential Service (Water Reclamation Facility) is in general accordance with the Comprehensive Plan.*
11. The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Village Board, pursuant to the recommendations of the Plan Commission. *The proposed Special Use Permit for an Essential Service (Water Reclamation Facility) will conform to the applicable regulations of the proposed P-1 Governmental Buildings and Public Schools District. There are several proposed facility upgrades which are designated as future improvements on the proposed site plan, and some of those structures will*

require a future variance from the required minimum 75-foot development setback from the ordinary high water mark of Long Run Creek, in accordance with Chapter 210, Article I, Water Resources, of the Code of the Village of Homer Glen.

Plan Commission Vote Record

Following the public hearing held before the Village of Homer Glen Plan Commission meeting on October 20, 2016, a motion was made and seconded to approve staff's recommended findings as the findings of the Plan Commission, and to recommend to the Village Board approval of a Special Use Permit for an Essential Service (Water Reclamation District) upon the condition that all appropriate measures be taken to minimize construction impacts on surrounding neighborhood, for certain real property located at 13835 S. Parker Road, Homer Glen, Illinois. A roll call vote was taken and all Commissioners present voted aye. The motion carried with a 4-0 vote. Five members of the public spoke during the public hearing and were all against the request.