

Agenda
Village of Homer Glen
PLAN COMMISSION
Thursday, October 20, 2022 – 7:00 p.m.
Village Board Room, 14240 W. 151st Street, Homer Glen

1. Call to Order.
2. Pledge of Allegiance to the Flag.
3. Swearing in Laura Bugos-Komperda as a Plan Commissioner
4. Roll Call.
5. Minutes.
 - a) October 6, 2022
6. Public Comment.
7. New Business and Possible Action or a Recommendation.
 - a) **Case No. HG-2214-A, Zoning Code Text Amendments (*Public Hearing*):** Consideration of a request for numerous text amendments to Chapter 220, Zoning and Chapter 138-5, Land Use and Site Development, Article I, Environmental conservation and tree preservation of the Code of the Village of Homer Glen.
8. Reports of Plan Commissioners and Staff.
9. Adjourn.

Plan Commission

Minutes of the Meeting on
October 6, 2022

DRAFT

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 7:03PM

2. Pledge of Allegiance to the Flag was led by Commissioner Bradarich.

3. Roll Call

Members present: Commissioner Foley, Commissioner Bradarich, Commissioner Stanly, Commissioner McGary and Vice Chair Hand. Also present were and Director King, Assistant Planner Udarbe, Economic Development Director Patch, Village Engineer Westcott, Village Manger Maurella and Plan Commission Secretary Cassin.

Not Present: Commissioner Verdun

Director King swore in Vice Chair John Hand.

4. Minutes

a) September 1, 2022

Commissioner McGary made a motion to approve the minutes from the September 1, 2022 Plan Commission meeting as written. The motion was seconded by Commissioner Stanly. All in favor, zero (0) opposed. The motion carried.

b) September 15, 2022

Commissioner Bradarich made a motion to approve the minutes from the September 15, 2022 Plan Commission meeting as written. Commissioner McGary noted the statement “Chairperson pro temp Verdun read a brief announcement how the public hearings work.” was in these minutes and didn’t apply. That statement is being removed from the minutes. The motion was seconded by Commissioner Foley. All in favor, zero (0) opposed. The motion carried.

Vice Chair Hand made an announcement about the proceedings of the meeting and provided the format.

5. Public Comment.

None

Chairperson Pro Temp Verdun read the process of the public hearing proceedings to the Board Room.

6. New Business

- a) **Case No. HG-2217-V, 14448 S Pebble Creek Drive & Lot 12 of Marilyn Acres (Public Hearing):** Consider a request for approval of a Variance to allow a fence to be installed on a lot with no principle structure (no house), as the Village Code requires that accessory uses must exist or be proposed to exist in connection with a principle use for certain real property located in the R-5 Single Family Residential District on Lot 12 of Marilyn Acres, in connection with 14448 S Pebble Creek Drive, Homer Glen, Illinois. PINs: 16-05-10-202-002-0000 & 16-05-104-002-0000.

Director King presented the case. The applicant owns the subject properties located at 14448 Pebble Creek Drive and also Lot 12 in Marilyn Acres. She would like to install a 4’ tall iron fence around the principal lot and through adjacent lot. The applicant is seeking a variance to allow the fence on the vacant lot. Code does not

allow for fences on properties without a principal structure. Staff received 2 inquiries from the public, seeking answers about the fence type but there weren't any issues. The applicant is seeking to allow the fence for protection. This fence is open, not privacy. Staff indicated they would not be excited about having these two parcels consolidated. There are homes in the subdivision with fences varying in height and type. This concluded her presentation.

A motion was made to open the public hearing by Commissioner Stanly, seconded by Commissioner McGary. All in favor, zero (0) opposed, the motion carried.

The applicant stated she has a puppy and she watches her grand kids and was just looking to keep all safe. There wasn't any other public comment.

A motion was made to close the public hearing by Commissioner Bradarich, seconded by Commissioner McGary. All in favor, zero opposed. The motion carried.

There was a brief discussion with the Plan Commissioners. Commissioner Bradarich spoke to state that he just has a concern about the fence being placed up to the front building line, rather than aligning with the neighbor's fence. The applicant stated that it was their intent, to line it up with the neighboring fences. Commissioner McGary also agreed with it lining up to the neighboring fence and added that this is an unusual request, but since it is open, she feels it will look pretty. Staff suggested adding a condition to the Motion for the placement of the fence on Elizabeth, adjusting the setback. Vice Chair Hand agreed this would be a good condition. No other discussion.

Commissioner McGary made a motion, which was seconded by Commissioner Bradarich, to adopt staff's findings and the findings of the Plan Commission and to recommend approval with conditions of a Variance to allow a fence to be installed on a lot with no principal structure (no house), as the Village Code requires that accessory uses must exist or be proposed to exist in connection with a principal use for certain real property located in the R-5 Single Family Residential District on Lot 12 of Marilyn Acres, in connection with 14448 S Pebble Creek Drive, Homer Glen, Illinois. [HG-2217-V], subject to the condition that the Fence will align with the western fence of the property located at 14001 Clifton.

A roll call vote was taken with Commissioners Bradarich, Foley, McGary, Stanly and Vice Chair Hand all voting in favor five (5) to zero (0). This case will go before the Village Board on October 12, 2022.

- b) **Case No. HG-2218-V, 14236 Spring Creek Road (Public Hearing):** Consider a request for approval of a Variance to reduce the required side yard building setback from twenty (25) feet to nineteen (19) feet for certain real property located in the R-1 Single Family Residential District at 14236 Spring Creek Road, Homer Glen, Illinois. PIN: 16-05-03-300-010-0000

This case was presented by Assistant Planner Udarbe. The applicant is proposing to construct a roughly five-hundred and forty-three (543) square foot addition to the existing primary residence. They are seeking a variance to reduce the side yard setback from twenty-five (25) feet to nineteen (19) feet. One public comment came in in support of this project. The side yard setback is the only nonconforming issue. The lot coverage is met and impervious is also met. The existing home is a nonconforming structure as it doesn't meet the side yard setbacks requirements but it was construction prior to incorporation and prior to the current owner. The addition is being requested in order to add storage space in light of the fact that the home does not have an attic and to add to a cohesive flow to the home. The proposed addition will not be visible to the nearest neighbor's home to the West. There will be vegetative screening along the property line. This concluded her report.

Public hearing was opened by Commissioner Stanly, seconded by Commissioner Foley, all in favor, zero (0) opposed.

The applicant approached to explain that this was the only location where he could put the addition due to well in the front and septic in the back. He is looking to improve the functionality in his home for this stage in their lives and because the in laws visit. He said he loves the house, but it is tight on space. There isn't an attic in the home, storage is tough, and so he stores things where guests might sleep. He said there is still room on the side of the home to get back to the yard if needed. He said his neighbors are currently an open lot. He will build to code, said that our building department has reviewed this project and everything is in line. He doesn't think it would be visually any kind of issue.

There wasn't any other public comment.

A motion was made to close the public hearing by commissioner McGary, seconded by Commissioner Foley. All in favor, zero (0) opposed.

There wasn't any discussion by the Plan Commission. Commissioner McGary said it looks nice.

A motion was made by Commissioner Stanly to adopt staff's findings as the findings of the Plan Commission and to recommend approval of a Variance to reduce the required side yard building setback from twenty-five (25) feet to nineteen (19) feet for certain real property located in the R-1 Single Family Residential District at 14236 Spring Creek Road, Homer Glen, Illinois. 'HG-2218-V] The motion was seconded by Commissioner Bradarich.

A roll call vote was taken with Commissioners Bradarich, Foley, McGary, Stanly and Vice Chair Hand all voting in favor, five (5) to zero (0). The motion carried and this will go before the Village Board on October 12, 2022.

- c) **Case No. HG-2219-V16455 S. Spaniel Lake Court (Public Hearing):** Consider a request for approval of **[1]** a Variance to increase the allowable lot coverage from the maximum twenty (20) percent to thirty-two (32) percent and **[2]** a Variance to increase the allowable impervious surface from the maximum thirty (30) percent to thirty-nine (39) percent for certain real property located in the R-2 Single Family Residential District at 16455 S. Spaniel Lake Court, Homer Glen, Illinois. PIN: 27-19-300-011-0000

This case was presented by Assistant Planner Udarbe. She stated that the applicant is proposing to construct a new home with a four thousand eight hundred forty-three square feet. The applicant is seeking to increase the lot coverage from twenty (20) percent to thirty-two (32) percent, and the impervious from thirty (30) to thirty-nine (39) percent. The subject property includes the private drive within the property lines. This road must be included in the allowable lot cover and impervious surface cover of the property and for this reason, is seeking the two (2) variances.

Staff did receive public comment. Staff met with members from the Deborah Woods HOA regarding flooding concerns brought before the Plan Commission on September 15, 2022. Engineering staff is looking at issues with downstream flooding and has been meeting with HOA members regarding this. Also, two (2) residents from Unincorporated Orland Township/Cook County came to the Village to voice their concerns for the variance requests, and staff explained they were related to the private drive that was constructed within the subject property line. They were concerned this would set a precedent.

The Village Engineer Prescott did not have anything to add at this time.

Director King explained that there is historical flooding in the Deborah Woods and staff did research into old subdivision files regarding the history of flooding in this subdivision. There are records that even after this pond was built, water is still going over the top of the road. Director King asked our engineer to see how this pond was designed. Staff struggled to find the original storm water report, but did find it in an odd place on the network and has not had enough time to review it properly.

A motion was made to open the public hearing by Commissioner Foley, seconded by Commissioner Stanly. All in favor, zero (0) opposed, the motion carried.

The applicant approached to discuss the project. He said they have gone through a lot of time and energy getting this project together. He mentioned he has an expanding family and has another baby on the way so they are trying to meet that deadline. He indicated that he is just learning about the complaints from the neighboring subdivision, Deborah Woods, and wondered if there is empirical evidence of Hidden Cove imposing on the water issue. He suggested putting in a BMP, putting in oversized storage, doing whatever is needed to get

this project moving. He stated also that he is stormwater certified and has a strong construction background.

There wasn't any other public comment.

A motion was made by Commissioner Stanly to close the public hearing, which was seconded by Commissioner McGary. All in favor, zero (0) opposed. The Motion carried.

There was some discussion by the Plan Commissioners. Commissioner McGary asked about the flooding concerns. Planner Udarbe said that neighbors had concerns about the topography. Engineer Westcott spoke to state that we are working through the preliminary calculations, but said these lots do drain into that Spaniel Lake on the property. Without having proposed grading plans at this time, he said that there will be guidance to properly grade the property to mitigate. The applicant stated that the grading will take the water toward the street. There are storm basins in the street and out fall is in Spaniel Lake. Vice Chair Hand stated that the private drive appears to have sewers. Engineer Westcott said the storm drains are clear. Commissioner Bradarich asked that since the owner is willing to work on a bio swale, would the staff engineer work with them, and Brett agreed he would. The applicant said that they would be willing to work on the bio swale only if there is factual empirical evidence that their project will impact Deborah Woods. Staff asked Commissioner Bradarich if a more general statement could be added to the motion so as not to limit the means to resolve any potential flooding. Commissioner Bradarich agreed to this and this concluded the Commissioners discussion.

A motion was made by Commissioner Bradarich to adopt staff's findings as the findings of the Plan Commission to recommend approval of a [1] a Variance to increase the allowable lot coverage from the maximum twenty (20) percent to thirty-two (32) percent and [2] a Variance to increase the allowable impervious surface from the maximum thirty (30) percent to thirty-five (35) percent for certain real property located in the R-2 Single Family Residential District at 16455 S Spaniel Lake Court, Homer Glen, Illinois [HG-2219-V], subject to the condition that the owner shall work with engineering to provide means and methods to slow stormwater run off of the property. The motion was seconded by Commissioner McGary.

A roll call vote was taken with Commissioners Bradarich, Foley, McGary, Stanly and Hand all voting in favor, five (5) to zero (0). This was approved unanimously and the motion carried. This case will go before the Village Board on October 26, 2022.

- d) **Case No. HG-2220-SPV, 15500 W 143rd Street (Public Hearing):** Consider a request for approval of [1] a Special Use Permit for a Landscaping/Lawn Maintenance Operation and [2] a Variance to permit an accessory structure to be located in the front yard where accessory structures are not a permitted obstruction and for the structure to be setback sixteen (16) feet from the side property line and, [3] a Variance to reduce to required side yard setback for an accessory structure from fifty (50) feet to sixteen (16) feet for certain real for certain real property located in the A-1 Agricultural District at 15500 W. 143rd Street, Homer Glen, Illinois. PIN: 16-05-05-404-007-0000.

Assistant Planner Udarbe presented the background for this case. The applicant is seeking a special use permit to conduct his family owned landscaping business from his home, and to allow a variance to permit an accessory structure of six thousand (6000) square feet, to be located in the front yard and to reduce the side yard setback. The applicant would like to store equipment for his business in the proposed accessory structure. The applicant is looking to store all business vehicles in this structure, including two (2) dump trucks. Staff recommends a condition not to allow any outdoor storage and no additional commercial vehicles are permitted. The proposed special use operation will not have an undue or adverse effect. The applicant is not proposing to remove any vegetative screening along the property lines. The structure will go close to the ComEd property. The A-1 district does not assign a maximum aggregate square footage for accessory structures. The peak height of the proposed accessory structure is twenty-seven (27) feet and six (6) inches. The maximum mean height of structures in the A-1 Agricultural District is thirty-five (35) feet. The proposed structure meets this requirement. The rear setbacks are also met. Taylor concluded her presentation.

Commissioner Stanly made a motion to open the public hearing, seconded by Commissioner Foley. All in favor, none opposed. The motion carried.

The applicant approached to talk about his small family landscaping business. He lives with his two (2) brothers. They are looking to park their business vehicles on the property and to store their vehicles securely. Currently they are storing their equipment in McCook, Illinois which is not convenient. This structure is a size that would be convenient for them. Dan Roberts, the applicants architect approached to comment that this a unique property, and said that the hardships are real. The placement of the house on this parcel and the septic field are characteristics create a win-win in favor of the variance. He hopes the Plan Commissioners will see it that way.

There wasn't any other public comment.

A motion to close the public hearing was made by Commissioner Bradarich, seconded by Commissioner McGary. All in favor, zero (0) opposed, the motion carried.

Commissioner Bradarich asked the applicant if he knew who the manufacture of the structure will be and the applicant responded that has not looked into anything yet since he doesn't have approval. He is thinking of a gray building. Commissioner McGary asked is there any discussion about zoning change and staff stated there was not because of the use. Commissioner McGary confirmed that the applicant is OK with limiting the vehicles at the property, he said they are OK with this. Vice Chair Hand said that he feels that this will be OK. No other discussion.

Commissioner Foley made the motion to adopt the staff's findings as the findings of the Plan Commission and to recommend approval with conditions for [1] a Special Use Permit for a Landscaping / Lawn Maintenance Operation and [2] a Variance to permit an accessory structure to be located in the front yard where accessory structures are not a permitted obstruction and [3] a Variance to reduce to the required side yard setback for an accessory structure from fifty (50) feet to sixteen (16) feet for certain real property

located in the A-1 Agricultural District at 15500 W 143rd Street, Homer Glen, Illinois , subject to the following conditions:

- 1) No outdoor storage of materials, equipment or vehicles*
- 2) No additional commercial vehicles permitted*

The motion was seconded by Commissioner Stanly.

A roll call vote was taken with Commissioners Hand, Stanly, McGary, Foley and Bradarich all voting in favor with a vote of five (5) to zero (0). The motion passed unanimously.

e) Case No. HG-2201-APUD, The Villas of Country Woods (Public Hearing):

Consider a request for approval of **(1)** a Preliminary Plat of Subdivision, **(2)** a Map Amendment from A-2 Rural Residential to R-6A Attached Single-Family Residential District, **(3)** a Special Use for a Planned Unit Development with certain exceptions, and **(4)** Site Improvement Plans for certain real property commonly known as 12129 W 151st Street, Homer Glen, Illinois. [Case No. HG-2201-APUD], PIN: 1605132000120000

Director King presented the background and presented the PUD exceptions, which included reducing the front yard setback from forty-seven (47) feet to twenty five (25) feet; reducing the side yard setback from thirty-five (35) feet to twenty (20) feet for the 2 story units and from twenty-five (25) feet to twenty (20) feet for the ranch duplexes; Reducing the open space requirement from forty (40) percent of net acreage to thirty-six (36) percent and reducing the requirement for a minimum percent of side-loaded garages from thirty (30) percent to zero (0).

This case has been in our office since February 2021, and it was denied in the Plan Commission, but went to the Village Board, where the applicant requested this be remanded back to the Plan Commission. There were environmental studies and such that were missing at that time, but that have since been completed. On the site plan changes, the applicant did remove a duplex since the last time we looked at this project. The Density did go up even though that building was removed. Density is based on net acreage. There is a park on this project now which impacted the density, and also the new, independent detention pond as well. They did add a 2-story duplex option to some of the buildings. The buildings on the East side were triggering the rear setback issue, and they have straightened the cul-de-sac out which removes the need for that variance. Rear Yard setbacks for the duplexes on the East side of Dogwood Drive are all greater than the fifty (50) feet minimum which exceeds the requirement. They increased open space from twenty-five (25) percent to thirty-six (36) percent. The applicant is looking to rezone the property from A-2 to R-6A. The homes are clustered around the cul-de-sac drive and extended from the Dogwood Drive right of Way stub that extends from the North side of Country Woods Subdivision. The Villas are targeted to the active adult living community from 30's to seniors. There has been significant public comment. Most has been forwarded to the Plan Commissioners, but two (2) new ones letters were received today and read into the record by Director King. Both of those read into the record opposed this.

There is a request to enter from 151st rather than through Country Woods. Removing trees and eliminating privacy from the current, existing residences is a concern, and wanted to know if there isn't another parcel that would accommodate this project that is zoned for single family attached. All written public comment will be attached to the minutes.

Director King stated the 2005 Comprehensive Plan shows this parcel on the future land use map as Single-Family Estate Residential with Environmental Features to be preserved. While the Comp Plan indicated the future land use for this property is single family estate, the Comp land also indicates that the precise size of the lots and character of developments will be subject to review by the Village and that smaller lots would be supported if sewer connections are available.

There are currently retention walls around the parcels by the pond. The walls started out at six (6) feet in height, and have been reduced to four (4) feet, and are in the process of being further reduced to two (2) feet. The code discourages retaining walls, but it does not say that they are not allowed. Staff said that typically with PUD's, we are not looking at hardship as much as we are looking at balance. There will be a multi-use path constructed. Staff did ask for screening around the perimeter of the project, there is a landscape plan that is worth discussing, but staff does not feel that it is enough. Staff concluded their report.

Motion to open the public hearing made by Commissioner Foley, seconded by Commissioner Stanly, all in favor, zero (0) opposed.

The applicant George Arnold, the attorney for the applicant. He said that they learned that there was a challenge in the Village for seniors to stay in the Village and so they are attempting to remedy this issue. They have been working with staff to address the concerns of the residents and the Village. Since the first plan, they reduced the size of the development by 12 percent, they reduced the setbacks and created more open space, they included the bike path, to name some of the changes.

A concern about the traffic has been discussed and the traffic study confirmed that this would be a low impact traffic issue. A zoning impact analysis was done as well, and the analysis concluded that this type of project will not have any negative impact on the property. Environmental issues, the Illinois Department of Natural Resources said there was no risk of endangering any species. There will be some trees cut down. They did a tree survey, and the survey showed that most of the trees are low quality trees. They are mitigating that by following the tree mitigating ordinance. They will follow staff's recommendation to add more landscaping. Regarding wetlands, there was a concern. The wetland consultant is present to discuss what wetlands are there and what is being done. Ellen Romandy completed the delineation study, and said the wetland carries through the subject property and carries through to the west. The area on either side is densely wooded. The wetland was determined to be under the jurisdiction of the Army Corps and they have issued their approval and there will be permitting through the Army Corps. This process has not been initiated yet.

Public Comment – A resident, Mr. Pavlik, spoke up to explain that they picked Homer Glen, and liked this home in Country Woods, it appears that all of their expectations are no longer going to be met as a result of this project. They bought their homes to live here. In April he had the ability of walking through downtown Joliet and talked to their Zoning Department. He showed the official plat dated 1990 of and read from a document he received from Joliet. He is asking to make sure that they have the approval prior to cutting down the trees.

Mr. Pavlik stated the diagram here is not the one that was sent to the residents is not the one that is in the plans we are looking at tonight. He said that this plan is violating the plans of Homer Glen. At one time, they were told by two (2) village officials that this wooded area could not be built on because it is a wetland. He said that this development will destroy their current view. Nearly all the trees will be removed and be replaced with the backs of two (2) story buildings. He asked anyone in this room who would not be opposed to a 26 foot wall behind their homes. He said that the majority have been speaking in opposition of this project. This project is wrong for the interest of this community. He added that this retention pond will reduce the safety for their children. He said they left their home in Olympia Fields because a similar development moved in behind them and caused issues. There are already flooding issues in this area. Adding more run off will further add to the run off on Will Cook. This project will make it worse.

Resident Pam Selinski approached to discuss the opposition. There are maps that show this is environmentally sensitive. Said that this study was of wetland was done outside of the typical growing season, which leads to possible inaccuracies. The residents are under the impression that the Ordinance protects the wetlands and there cannot be construction on them. Per the ordinance, mitigation should not be a substitute for protection of the wetland. No flood plain study has been done. She wants the wetland and 5 acres are protected as well as the residents of Homer Glen.

Resident Chris Wall approached stated he has a video of flooding that he will send. He is not in favor of the development. No matter how much the change the plan and follow the code, because he wants the Board to follow the motto Community and Nature in Harmony. This new development plans to save very few trees. Wants to know how the Plan Commission can move forward when so many people are against it and to protect the wetland and protect the nature. Comm and Nature in harmony.

Resident Silus came to speak to thank staff for answering his questions, thanked the Plan Commission for not approving this the first time and added low-quality trees matter too.

Resident Allen Ammerman approached and stated he has been a resident for 24 years, and reminded the Plan Commission that wetlands are sacred. He said he cannot see what has changed besides the elimination of one (1) building. He said that he retention pond isn't deep enough, it is too small, and

said that there is water coming across from Will County into Cook County. He looks forward to a good decision like was made in Feb.

Resident George approached, said he moved here because of its attributes. He asked if there was any discussion with Cook/Orland about this as well.

Resident Scott Anderson approached to discuss that he opposes the zoning change. The proposed development is not the highest and best use of the property. The plan still doesn't fit the site, and so the developer is looking still to request setbacks. He feels the developer is trying to fit too much on this small site and rezoning the property doesn't remedy the problem.

Resident Ed Galzin approached and stated he thinks the first decision to deny was the right one and hopes that the Plan Commissioners will follow through again tonight. He said this zoning is going to dramatically change the style of the neighborhood and feels that there is enough area in the Village. He wonders if the developer is looking to add to the 151st frontage. The developer said they are not going to do that. He doesn't feel that the drainage isn't being properly handled. He said that Midwest is a cleaning company, to which John LaFlamboy responded – tense moment – quickly abated. Staff stated that John would have his turn to speak.

Resident Jeff Burkoski said he would like to stress the flooding issue, and said that it is important to notice that the water is moving from West to East, and it flows into the detention pond, and sometimes into the resident's properties. The water pools on dogwood and freezes in the winter. There is extensive flooding in some of the resident's yards and he feels not enough has been done to remedy this. There is also flooding across Will Cook.

Another resident spoke up to discuss that stub streets must be clearly marked on plats and marked as extensions and she said this isn't marked on the plat and there isn't any signage.

Joanne Dumont, a resident on Arlene stated she opposes this project. The main reason they moved here is because it is a low traffic area and this project will change that. She is worried about her children being too close to the retention pond. She said it is not a regular retention pond, it has walls, and any kids falling in would have a tough time to get out.

A resident that lives on McKenzie stated this retention pond will be directly behind his yard. He has a pool, he has safety concerns with this pond. He has children. This pond will be four (4) feet deep, which is scary when you have kids. He selected Homer Glen, said that Cypress Point is a really nice subdivision where we pay a lot of taxes, and feels that when over one-hundred (100) petitions have been signed, they should be heard. Safety is better than money for him.

No other public comment so a motion made to close the public hearing by Commissioner McGary, seconded by Commissioner Foley. All in favor, zero (0) opposed, the motion carried.

Commissioner Stanly confirmed that they are targeting a certain demographic, but if there is a mom with kids that would like to move it, he asked if that would be ok. The applicant said that would be ok. He has concerns over the detention and feels that they are looking to put 10 gallons of water in a five (5) pound bucket. Attorney Arnold said he understands the concerns, but assured them that this would be engineered.

Commissioner Bradarich said from an engineering standpoint, there are a lot of disagreements for trees, traffic, safety and drainage issues. He said that he is sure that Mr. LaFlamboy will address these issues to the letter of the law. He does feel that the current drainage will improve. He doesn't think this number of homes that will not have any impact on the traffic. He said it is the density that is the concern, and said it is a tough one. He said he was not on the Board when the Villas of Old Oak came through and he lives right by there and his wife has been crying about it. He said this is what development will do. He said that in Homer Glen, we are supposed to have Community and Nature in Harmony. He does feel that this is the wrong spot for this development, he said speaking to John directly.

Jay also said that if it wasn't this project, it could be seven (7) single family homes, and said that trees would come down, and there still would be a retention pond, and that it is just the density that he has a problem. He has a concern with this project being in this location. He reiterated this is tough.

Commissioner McGary also feels that a multi-unit building not belong on this property. She said it is a lovely proposal and she hates to see it go away. She knows that 7 homes would fit the code. She said that when they looked at it in February, they were looking at this as non-buildable lot, but we learned it is buildable.

Commissioner Foley agreed with Commissioner McGary.

Vice Chair Hand said he was glad to see the Army Corp was involved, but said that there are a lot of lots in the Village where this could go. A member of the audience said that zoning doesn't allow it because of a flag lot. He said he is aware that the retention pond could have provided relief for Country Woods and added that years ago we looked at this property and called it environmentally sensitive because of the wetlands and wetlands are not necessarily to become flood zones, but they are a place for the water to go.

Attorney Arnold approached to take a chance to change the Plan Commissioners mind. He added that there was also now a donation of a park. He said that this property if relatively small in size in terms of the imprint it is going to leave on the community. He said that the residents have expressed a lot of concerns, and he feels that they have addressed them to the best of

their ability. He said they discussed traffic, so they completed a traffic study. They had setback concerns, so they provided an excess in setbacks. Open space, they said they wanted a park, they gave a park which is more than is required. Flooding, there certainly is an issue, but this is why we have engineering involved. Wetlands, again, wetlands in the building world comes up, but they are able to be mitigated and be addressed. Construction Traffic, there will not be any through Country Woods, it will be off 151st. Property Values, they hired an appraiser, and learned this will not impact property values. He said that we cannot base zoning decisions based on the preference of liking open spaces. He said this is why we do not have zoning by referendum. He said that they are asking for approval, it is a good project, it fills a need and it will have a minimum impact on the Village.

A resident named Joe Shiran approached to discuss that they are adjoined to this parcel with a ten (10) foot easement, and said that there are trees to be taken out, and it's a marshland. He said that the trucks will be driving on his ten (10) foot easement.

A resident approached in response to say that this could stay forest and the Village could protect it and that would be a good way to use five (5) acres.

Commissioner Bradarich added a comment said that they have addressed everything to the letter of the law, and drainage would improve, and said all of the items that people brought up would be addressed. But he said that if they were bringing seven (7) houses forward, this project would go through, it would have to go through. It is the density.

No other discussion.

Commissioner McGary Made a motion to adopt staff's findings as the findings of the Plan Commission and to recommend denial of (1) a Preliminary Plat of Subdivision, (2) a Map Amendment from A-2 Rural Residential to R-6A Attached Single-Family Residential District, (3) a Special Use for a Planned Unit Development with certain exceptions, and (4) Site Improvement Plans for certain real property commonly known as 12129 W 151st Street, PIN: 1605132000120000, Homer Glen, Illinois, with the following exceptions:

PUD Exceptions

1. *Reduce the front yard setback along Dogwood Drive from forty-seven (47) feet to twenty-five (25) feet.*
2. *Reduce the side yard setback from Thirty-five (35) to twenty (20) feet for the 2 story units and from twenty-five (25) to twenty (20) for the ranch duplexes.*
3. *Reduce the open space requirement from forty (40) percent of net acreage to thirty-six (36) percent.*
4. *Reduce the requirement for a minimum percent of side-loaded garages from thirty (30) percent to zero (0).*

PUD Conditions:

1. *Meet all final engineering and building code requirements, including Final Plat submittal.*

2. *Prior to issuance of any building permits, a “dormant” or “backup” Special Service Area (SSA) shall be created to maintain the stormwater management improvements and common spaces in the event that the Homeowners Association fails to do so at some in the future.*
3. *Prior to issuance of any building permits, Homeowners’ Association Covenants shall be submitted to the Village for approval. Such covenants shall provide for the right (but not the obligation) of the Village to cause the common areas to be maintained upon the dissolution or default by the Homeowners’ Association at the expense of the Homeowners’ Association or of owners of units within the Subject Property.*
4. *Detention and drainage design shall conform to all applicable ordinances of the Village. All detention and retention areas within the Subject Property shall be privately maintained and owned by the Homeowners’ Association. No buildings or structures shall be placed in or upon such detention facilities.*
5. *The developer shall comply with the cash in lieu requirement for the restitution of trees being removed. The tree removal restitution amount will be finalized at the time of Final Plat Submittal.*
6. *Developer shall comply with the park donation ordinance of the Village in connection with the development of the Subject Property. “OUT LOT 2”, as shown on the Preliminary Plat, approximately .67 acres, shall be dedicated to the Village for a Park, no later than the one year following completion of the road binder, provided, however, that the Village shall not be required to accept any such park property unless and until the following conditions have been met:*
 - a. *The seed has achieved a level of germination and growth reasonably satisfactory.*
7. *The open space area shown on the Usable Open Space Exhibit that is not included as part of the Park Dedication, shall be subject to a conservation easement, the terms and conditions of which shall be subject to review and approval by the Village Attorney. The conservation easement shall be indicated on the Final Plat of Subdivision.*

The motion was seconded by Commissioner Foley. A roll call vote was taken, with Commissioners Bradarich, Foley, McGary, Stanly and Vice Chair Hand all voted yes to support the denial of this motion, unanimously. The motion failed. The Applicant was advised that the Commission will not be recommending this to move forward but that they could still take this forward to a future Village Board meeting, likely on October 26, 2022 or possibly the first meeting in November.

Vice Chair Hand asked for a motion to take a break. Commissioner Stanly made a motion to take a short break, seconded by Commissioner Foley. All in favor, zero (0) opposed. The motion carried. Motion made by Dave seconded by Commissioner Foley to take a break at 9:43 p.m.

The Plan Commission resumed at 9:57 p.m.

- f) **Arya Homer Glen, Legacy Development Group (*Workshop/For Discussion Only*)**: Consideration of a Concept Plan for a mixed-use residential/commercial Planned Unit Development, for certain real property located at 12500 W 159th Street, on the following PINs: 1605133000090000; 1605133000250000; 1605133000240000 & 1605133000110000.

Note: This concept review will also include a workshop/discussion on zoning regulations regarding condominium development.

Director King stated this is a discussion. There will not be any final action taken tonight. The next step would be a workshop taken before a Board Meeting. The residential component is proposed to be a pedestrian friendly gated residential condo development.

Applicant Boris approached – he is the cofounder of Legacy group. He lived in Homer for about 12 years, and he has owned this property since 2005. He would like to introduce Arya. A destination that represents the new normal. He said the project is a little bit different, because they are focused on sustainability. The buildings have green roofs to reduce heat and solar panels to reduce the energy footprint. He feels this would still preserve many trees and adds water.

Steve Frances approached, he is the architect for this project. What he wanted to bring forward is that it is an eco-conscious lifestyle development, focused on the green design so it is sustainable. There are things that aid the environment, put less stress on the grid. He said as you enter the main drive from the North, you come up to 2 commercial retail buildings. There is underground parking. 2nd floor is office professional space, 1st floor retail, and top level is active rooftop which could be connected with spas and commercial. There are nicely landscaped retention ponds in the front. There are walking paths. As you drive more North, there is a traffic circle. There are East and West roads that are stubbed for the potential for future development. At the North, you enter the gated community which is a condo development. There are four (4) buildings for a total of one hundred and seventy (170) units. The ring road goes around counter clockwise. They felt this was good for traffic flow. As you enter the gated development, you see a club house behind a retention area that is also a gathering spot. There are workout rooms, yoga and a nice kitchen in the club house. Behind the clubhouse, there is a pool, sundeck and all the amenities. There is underground parking, then 3 floors of condominiums and the top floor is the penthouse with enhanced outdoor space. (Four floors above grade) They want to make sure that everything about this development is eco-friendly. Looking to make the smallest environmental impact.

Scott Shriener with Design Tek approached. Said he has been involved in this property for going on sixteen (16) years now. He said that he lived in the Village for nine (9) years. He was on the original zoning board. He rewrote the code from Will County to Homer Glen. Stone Bridge Woods was one of their bigger developments here. He said they worked with Mr. Rogers on the adjacent property as well. He said that IDOT constructed the current, existing entrances when they improved 159th. He said they provided a frontage road that separates the commercial from the residential. Everything flows directly off of 159th. This particular project doesn't have any connections to any other surrounding development. There is sanitary sewer is on the North side of 159th, which they will have access to. They will have access to the water main. One

of the features they are looking to capture is sustainability. They are going to harvest and treat rain water in the basement of the clubhouse building. The plan with that water will be to irrigate the site with that water, possibly potable water for the clubhouse. They will need to fill the pool on a yearly basis. Three (3) of the ponds on the site will hold water. They will be two (2) feet deep. They will create a gravel boulder base so that they are clean. Another use for this reclaimed water will be to refill the ponds as needed. Regarding Stormwater, all codes and requirements need to be met. The ponds we see on the plan exceed the requirements. All three (3) wet bottom ponds will discharge into the ditch line on 159th. The pond that is located in the North East corner of the site will be a wetland bottom pond with grasses. It will flow into an existing wetland approximately two hundred and fifty (250) feet from the pond. All of the discharges exit the site and never touch the surrounding properties. The grading and general development of this site. The site has approximately thirty (30) feet of grade change from 159th to the traffic circle. There are forty-five (45) feet of grade change from the traffic circle to the north end of the property. He said this is a little fun for him, rather than design something flat. But it does provide some challenges. You have to move dirt when you have this type of grading. There are restrictions, with maximum parking lot slopes, there are 1.7 miles of walking path and they need to be ADA compliant. So, dirt needs to be moved. They are in a position knowing that they will need to move trees and dirt on the site. To that end, Boris stressed from the beginning of this project, he said he wants a park like setting. When it is all said and done, this will be a heavily forested site. They will do everything that they can to plant as many trees as they can. They will work with Village Staff. They are looking to plant a national prairie area in the Northeast Corner and it will also have trees.

Boris pointed out that there are extensive walking paths. They like the idea that the commercial business will feed the walking paths. The goal is that it is a community within a community. There are 27 charging stations. The goal is about thinking of what the future will be like. They have talked to the local residents and local business people. They wanted to hit those things that are important. So now, how do we define that commercial business in Homer Glen. His intent is for people from Orland to come and spend money in Homer. He added that this is a big tax base between the retail, grocery and residential. They are really committed to the responsible use of natural resources. His background is science. This is important to him. He said they want to use as much of their own water as possible to better manage the value for their residents.

When they do their projects, they work with local people. Boris requires that the companies he works with are successful business. He hopes that Arya can design a lifestyle community that is different. He thanked staff for assisting him – has enjoyed working with staff. They went through the permitting process a few years ago, but then permit hit a snag and so things stalled.

Commissioner Bradarich said he loves the plan, it's amazing, he loves it. He said the detention pond in the center, how much is water reclamation versus detention. He asks because it doesn't appear there is a grass like area for people to hang out. He wonders if there could be a small park area, with underground culvert. Scott said that there is space behind the buildings where the walking paths meander. There are benches along these paths as well. It is more for a passive recreation rather than a regular recreation. There is room to tweak the detention and area around it.

Their architect said that they are two (2) and three (3) bedroom units.

The Plan Commissioners were very complimentary of this project.

He's very in to solar power, and film on windows is something he is looking to add. He's currently talking to a company. He said to develop all this takes more than his team talking about it. They went from two-hundred and eight (208) to one-hundred (170) units per Villages request. They lowered the height by fifteen (15) percent. Staff asked from the model that they are all four (4) story all the way across. She said where the parking goes down, she didn't know if the earth will be brought in around the building. The architect said that they placed the buildings taking advantage of the grade of the parcel. It is still four (4) stories. No specific price point has been determined yet, but they think it will start with a four (4) and the high end will go up to the 800 thousand range. These will be very high-end finishes. There is natural vegetation they are looking at for the roof, and are looking to stay in a green or yellow color. The smallest unit is one thousand two hundred and fifty (1250) square feet. They would also have an activity manager that takes care of the events and activities. They are considering moving forward with solar panels on all buildings.

The Commissioners asked about wildlife and the ponds. They discussed it and stated they wanted them as clean as possible. They will do outcropping and then boulders in the center.

Staff did mention that if there is grass around the center area detention, Canadian Geese will be present.

They also decided to downsize their gym because there is a gym across the street, and they don't want to take away the business from current business that need the business.

The Commissioners asked about the total square feet of Commercial. They are someplace in the eighty-thousand (80,000) square feet between the first floor and the roof area.

They think this will do well in Homer, and they want to be in Homer.

Staff stated that there is also a small workshop on zoning for this project. We do not have a zoning option for this. R-6A doesn't allow for this. Staff feels we either need to open up R-6, or change R-6A. Staff would like to maybe see an overlay district, that can dictate what you would like to see in a corridor like this. Staff said she would feel more

comfortable if there was some design standard in the code. Staff said there was a recent project next door that didn't get a lot of support. She said that changing the code will open us up to future developments that come through.

Commissioner Stanly thinks this is what the Village needs to get us rolling, along 159th. Personally, he likes it and feels it would be an asset to the Village.

Commissioner Bradarich asked if the overlay district would take away the risk of apartments? Staff explained that an Overlay District would have different regulations and multi-family would still be part of that district language, so we could see apartments.

Commissioner McGary said she doesn't understand this language that Melissa is using. Other Commissioners agreed. Melissa said that she is worried about using the wrong words, but at the end of the day, we don't want to put ourselves in a position that we could appear discriminatory. Staff said that we had another wonderful project that came next door, and it was turned down. And if we move forward, the other would be able to ask, why not them. There is something in the detail that would protect the Village.

Commissioner Hand confirmed that this project cannot move forward without a zoning change. Staff said we cannot look at an entitlement. He said he would hate to lose this plan over a technical language. He said he believes we can figure it out. He thinks we have to cross this bridge. He said we started this discussion three (3) years ago and it didn't go anywhere. He feels we need to get together and figure it out. Staff thinks it is do-able. This request would go simultaneously, both zoning and the concept plan. He's ready to go with this project, so we would take the project and text amendment through together.

Village Manager Maurella stated that staff and legal has looked at this extensively. He doesn't know what restrictions we can put. He stated we are trying to get answers.

Boris said that Homer Glen has an educated population, and sometimes the younger community doesn't want the responsibility of a house. He said that the Village needs to decide where they want to go.

7) Reports of Plan Commissioners and Staff

None.

8) Adjournment

A motion was made to adjourn by Commissioner McGary, seconded by Commissioner Stanly. All in favor, zero (0) opposed and the meeting was adjourned at 11:05 PM.

Minutes transcribed and respectfully submitted by Gia Cassin.

Gia Cassin (Plan Commission Secretary): _____

Approved Date: _____



AGENDA SUPPLEMENT SHEET

Agenda Item Number: 6.b
Subject: Case No. HG-2214-A
Plan Commission Meeting Date: October 20, 2022
Plan Commission Meeting Date: September 1, 2022

Item Title: Case No. HG-2214-A, Zoning Code Text Amendments (*Public Hearing*):

Consideration of a request for numerous text amendments to Chapter 220, Zoning and Chapter 138-5, Land Use and Site Development, Article I, Environmental conservation and tree preservation of the Code of the Village of Homer Glen.

Staff Contact: Director of Planning & Zoning Melissa King

Background Information: Village staff has been proposing Zoning Code text amendments on an annual basis. Over the course of the past year, staff has collected numerous policy questions and housekeeping amendments needed to keep the Zoning Code up to date and in concert with the updated goals and objectives of the Village's Comprehensive Plan. These comments have come from stakeholders, Village Board members, and through staff review of projects and permits. The following is a summary of the code updates that will be presented for discussion and direction. Staff is planning to hold the public hearing over the course of a minimum of two meetings, as there is a lot of content to review. See below the breakdown for when the codes will be presented at each meeting. Discussion on any of the code changes can occur at either meeting.

At the November Meeting, staff is expecting to present a final draft with all of the changes proposed.

September 1, 2022

- Remove the reference to Zoning District classifications in the Chicken and Bee ordinance?
- Allow retail sale of vape products as a permitted use in C-1 through C-4 districts?
- Allow off-street parking for restaurants to be calculated based on square footage versus seats and number of employees?
- Increase the allowable copy area for manual changeable message boards?
- Allow full-size canopy signs as an option in lieu of a wall sign?
- Allow copy to be measured as a tight geometric shape?
- Remove the regulation that restricts signage to a maximum of two lines of text?
- Reduce Monument Sign setbacks to 5' in all Zoning Districts?
- Amend the regulation for mounting multi-tenant wall signs on a horizontal center line?
- Reduce setbacks for accessory structures from the typical 10' to 5' in R-5 to match the setbacks for principle structures which is currently 5'? Should we extend this 5' allowance to any other Residential District, such as R-3 or R-4?

- Some of the procedure requirements for site plans are located in the planned development section and need to be moved to the site plan section.
- Clarify residential monument sign height and copy area.
- Remove distance requirement between accessory structures and principle structures and follow ICC building code requirements.

October 20, 2022

- Address changes to the tree preservation ordinance?
- Add dog grooming to home occupations. – this will change to providing a definition for animal grooming.
- Relocate the language in the code that increase in parking change/use out of the parking adjustment and into the main off-street parking section. For clarify/user friendliness?

November 3, 2022

- Allow Electronic Message Signs as a component of a permitted Ground Monument Sign?

Budget Implications: None.

Attachments:

1. Zoning Code Updates

Attachment 1 – Proposed Zoning Code Text Amendments

DRAFT for October 20, 2022 Plan Commission Meeting

SUBSTANTIVE AMENDMENT:

Clarify exemptions to mitigation in the tree preservation ordinance.

Background:

- Clarify a specific list of what trees are exempt from mitigation. The code currently allows for exemption from mitigation but does not define which species?
- *This code is technically in the subdivision code and will follow a different procedure for approval (does not require a public hearing).*
- Clarify the definition of a “healthy tree”?
- *This code is technically in the subdivision code and will follow a different procedure for approval (does not require a public hearing).*

Current Code:

- The code currently states that exempt trees do not need to be mitigated, but there is no definition of what classifies an exempt tree. Staff currently uses the not recommended for planting list.

Peer Community Analysis:

Tree Species Exemption

Lockport	<ul style="list-style-type: none">➤ Dead, structurally unsound, fatally diseased or declining trees➤ The following tree species: Ailanthus, buckthorn, willows and box elder trees.➤ Also, when a tree designated for removal is one of the species on the list of prohibited trees as maintained by the city, each such tree shall be replaced with one new tree (the typical replacement ratio is much higher) (See attached matrix)
Lemont	<ul style="list-style-type: none">➤ Exempt from preservation; not exempt from mitigation. (no replacement or mitigation cited in Lemont Code)<ul style="list-style-type: none">• The tree is dead, dying or diseased• The tree constitutes a hazard to persons or property• Removal of the tree is necessary to achieve an essential grade change or ensure adequate drainage• Removal of the tree is consistent with good forestry practices• Such other reason as deemed appropriate by the Village Arborist• Site development activities necessary to complete the construction of buildings that are not in any required yards or buildings approved as part of a planned unit development.
Mokena	<ul style="list-style-type: none">➤ No tree preservation ordinance
New Lenox	<ul style="list-style-type: none">➤ No tree preservation ordinance
Frankfort	<ul style="list-style-type: none">➤ Mitigation only required for “preservation trees”; all other trees are exempt. (See matrix)
Woodridge	<ul style="list-style-type: none">➤ List of Class 2 trees are mitigated at 50% (see matrix)➤ No mitigation required for fair or poor as classified in condition rating table
Romeoville	<ul style="list-style-type: none">➤ exempt list, see matrix attached; exempt list is mitigated at 1 tree versus 4-6 trees.

Attachment 1 – Proposed Zoning Code Text Amendments

DRAFT for October 20, 2022 Plan Commission Meeting

Lisle	<ul style="list-style-type: none"> ➤ Removal of a tree having a caliper of less than six inches. ➤ Detached houses, duplexes, and townhouses, provided that the tree(s) are not part of an adopted or approved landscape plan. ➤ Removal of the tree is necessary due to a safety hazard to pedestrian or vehicular traffic or threatens to cause disruption of public safety. ➤ Removal of the tree is necessary to remove a tree, which poses a safety hazard to structures. ➤ Removal of the tree is necessary due to death or disease of the tree has been weakened by age, storm, fire or other injury. ➤ Removal of the tree is necessary to observe good forestry practice; i.e., the number of healthy trees a given parcel of land will support. ➤ Subdivisions or re-subdivisions consisting of two or less lots to be improved with detached houses, duplexes, or townhouses. ➤ Removal of specific species (See Matrix)
Darien	No tree preservation ordinance

Also included in the attached matrix are exempt trees from Wheaton and Orland Park Codes as these ordinances are very in depth/good examples.

Condition of Tree Exemption

Lockport	Dead, structurally unsound, fatally diseased or declining trees
Lemont	Condition (e.g., grades 1 thru 5 indicating overall quality of tree); not dead, dying or diseased.
Mokena	No tree preservation ordinance
New Lenox	No tree preservation ordinance
Frankfort	Does not define healthy or address condition of trees.
Woodridge	Condition (e.g. rating 1 through 5 indicating overall quality of tree); poor or dead do not require mitigation/considered unhealthy. Very defined criteria for these ratings (I prefer this consistency)
Romeoville	Condition only addressed with regards to hedgerows; unhealthy is poor or dead
Lisle	Not dead or dying
Darien	No tree preservation ordinance
Orland Park	Not Poor or Dead, as shown on a tree survey by a certified arborist

Staff Recommendation:

- Most commonly exempted trees, see matrix attached.
- Additional trees that are known to be invasive, (Bradford Pear)
- Could recommend all ash/elm trees if they show signs of disease; not sure if this is common practice
- Add language to code that exempts any trees on the current Illinois Invasive Species of Concern List.

Attachment 1 – Proposed Zoning Code Text Amendments

DRAFT for October 20, 2022 Plan Commission Meeting

- Others to consider for being invasive/aggressive or that spread diseases that need to be controlled; recommendations of those trees can be found at Morton arboretum.
- Trees are listed as invasive on Chicago Botanic Garden and Morton Arboretum sites.

Proposed Code Change:

138-5 Environmental Conservation and tree preservation.

(4) Tree survey/preservation plan. A tree survey and tree preservation plan shall be submitted with all preliminary plat applications and with all lot division applications. The tree survey shall be prepared by a Certified Arborist and tree preservation plan shall be prepared by a ~~registered surveyor or tree professional~~ Certified Arborist or a Registered Landscape Architect, not more than two years prior to submission of the complete application and shall provide the following information:

(a) Location, diameter, condition (per Table 1: Tree Condition Rating Scale) and species of all significant trees on the site, and an identification of all protected trees.

Table 1: Tree Condition Rating Scale

Rating	Description	General Criteria
1	Excellent	The tree is typical of the species, has less than 10 percent deadwood in the crown that is attributable to normal causes, has no other observed problems and requires no remedial action.
2	Good	The tree is typical of the species and/or has less than 30 percent deadwood in the crown, 1 or 2 minor problems that are not imminently lethal to the tree, and no significant decay or structural problems, but the tree may need remedial care above normal care in order to minimize the impact of future stress and to ensure continued health.
3	Fair	The tree is not typical of the species and/or has significant problems such as 30 to 50 percent deadwood in the crown, serious decay or structural defect, insects, disease or other problems that can be imminently lethal to the tree or create a hazardous tree if not corrected in a short period of time or if the tree is subjected to additional stress.
4	Poor	The tree is not typical of the species and/or has over 50 percent deadwood in the crown, major decay or structural problems, is hazardous or is severely involved with insects, disease, or other problems that even if aggressively corrected would not result in the long term survival of the tree.
5	Dead	Less than 10 percent of the tree shows signs of life.

(b) Identification of which significant trees are:

[1] To be protected, preserved or undisturbed;

[2] To be removed or disturbed; and

[3] Exempt from the calculation. (as defined in Table 2: Trees Species Exempt from Mitigation)

Attachment 1 – Proposed Zoning Code Text Amendments

DRAFT for October 20, 2022 Plan Commission Meeting

(c) Identification of all trees which are dead, diseased or have been damaged.

(d) Areas proposed to be designated as natural preserves where all natural vegetation, including significant trees, will be protected and preserved.

(e) Proposed disturbance zones, as identified by cross-hatching or gray-colored shading on the plan.

(f) Location and dimensions of building pads, construction zone for each lot and proposed street layout and grading contours of the site.

(g) Proposed locations and details of tree protection fencing to be installed for all trees to be preserved. No excavation or other activity shall occur within the critical root zone or within the dripline, whichever is greater, of any tree that is to be preserved.

(h) Calculation of removed or disturbed significant tree and protected tree inches on the site (excluding exempt tree inches) divided by the total significant tree and protected tree inches on the site (excluding exempt tree inches).

(i) Trees Exempt from Mitigation

[1] No replacement trees shall be required for trees that are in poor condition or dead, as defined in table 2, "Tree Condition Rating Scale", of this section.

[2] The species listed in, Table 2: Tree Species Exempt from Mitigation, are exempt from tree mitigation requirements.

Table 2: Trees Species Exempt from Mitigation

Common Name	Scientific Name
Ash, Green	<i>Fraxinus pennsylvanica</i>
Buckthorn, common	<i>Rhamnus cathartica</i>
Elm, American	<i>Ulmus americana</i>
Elm, Siberian	<i>Ulmus pumila</i>
Locust, Black	<i>Robinia pseudoacacia</i>
Maple, Boxelder	<i>Acer negundo</i>
Maple, Silver or	<i>Acer saccharinum</i>
Mulberry, White	<i>Morus alba</i>
Osage Orange	<i>Maclura pomifera</i>
Pear, Bradford	<i>Pyrus calleryana</i>
Poplar, Cottonwood	<i>Populus deltoids</i>
Poplar, Lombardy	<i>Populus nigra 'Italica'</i>
Poplar, White or Silver	<i>Populus alba</i>
Russian Olive	<i>Elaeagnus angustifolia</i>
Tree of Heaven	<i>Ailanthus altissima</i>
*Any tree listed on the current Illinois Species of Special Concern list (invasive) is also exempt from mitigation.	

Attachment 1 – Proposed Zoning Code Text Amendments

DRAFT for October 20, 2022 Plan Commission Meeting

SUBSTANTIVE AMENDMENT:

Redefine what is considered a protected tree.

Background:

- Redefine what is considered a protected tree.
- *This code is technically in the subdivision code and will follow a different procedure for approval (does not require a public hearing).*

Current Code:

- Current code defines a protected tree as one that meets at least 50% of a tree on the Illinois BIG tree register.
- Issues include:
 - the larger the BIG tree the larger the threshold (at odds with saving trees)
 - there are many species that have not been identified and so none of those species would be considered protective tree even if they are a large valuable tree.
 - There are also many trees on the list that are very small which creates an unrealistic threshold for considering a tree “protected” or heritage.

Peer Community Analysis:

Lockport	Some species of trees are native to the area, are sound, strong species, and have existed naturally for decades or centuries. The city recognizes that these trees are a key component to its heritage, and therefore they will bear a higher level of preservation requirement. (Oaks - 20" or greater in DBH; Hickories 20" or greater in DBH; Hackberries 20" or greater in DBH; Ironwoods 10" or greater in DBH; Walnuts 20" or greater in DBH; All of the above must be determined to be in healthy condition according to the International Society of Arboriculture (ISA) standards.) (2)
Lemont	No specific regulation
Mokena	No tree preservation ordinance
New Lenox	No tree preservation ordinance
Frankfort	List of “preservation trees”; all mitigated at same rate.
Woodridge	No specific regulation; except that the class one trees are mitigated at the full rate versus the class two trees.
Romeoville	No specific regulation
Lisle	Yes, determined by arborist, referred to as a key species; no additional mitigation or other treatment required for these trees (i.e. just an identification)
Darien	No tree preservation ordinance
Orland Park	Heritage tree, defined as any healthy tree that is twenty-four (24) inches in diameter, or greater, measured four (4) feet from the ground.

Attachment 1 – Proposed Zoning Code Text Amendments

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Other Communities with Heritage Tree thresholds:

Wilmette

“Heritage Tree” means any tree of the following genera or species or size: • All trees in the genus Quercus (Oaks) greater than or equal to 10" DBH; • All trees in the genus Carya (Hickory) greater than or equal to 10" DBH; or • All trees greater than or equal to 20" DBH. Protected tree is like our significant tree

Lincolnshire

Large mature trees requiring special consideration including all trees in the Genus Quercus (oak), Carya (hickory), or Juglans (walnut) species which have a DBH of twenty inches (20") or greater.

Westmont

Heritage tree: Heritage trees are defined as those tree species identified by the village as having significant importance to the village at their respective size class (DBH). They can be identified by species and size in the heritage tree chart found in article III of this chapter. In addition, any tree at or above 35" DBH is considered a heritage tree, with the exception of Ulmus pumila.

Plan Commission Recommendation: Members agreed to hold on the extension updates to the tree ordinance but were open to looking into the healthy tree clarification, redefining a protected tree and also adopting an exempt tree list.

Proposed Code Change:

138-1B (11) General provisions and definitions.

PROTECTED TREE

Any ~~tree having a size (circumference, height and spread) equal to or greater than 50% of the size identified on the Illinois Big Tree Champions List for such tree species.~~ healthy tree that is twenty-four (24) inches in diameter, or greater, measured four (4) feet from the ground.

Attachment 1 – Proposed Zoning Code Text Amendments

DRAFT for October 20, 2022 Plan Commission Meeting

CLARIFICATION AMENDMENT:

Allow Animal Grooming as a Home Occupation.

Background:

- Staff has had requests from residents asking whether dog grooming is allowed as a home occupation. Because the use is included within the kenneling definition, it can be confusing animal grooming alone is also prohibited.

Current Code:

- Prohibits Kennels in the Home Occupation section of the code.
- Definition of Kennel - Any premises or portion thereof on which more than five dogs, cats, or other domestic animals over four months in age are kept, groomed, boarded, bred, trained, cared for, or sold in return for remuneration, or are kept for personal use.

Proposed Code Change:

It is the intent of this section to allow as home occupations only those uses that conform to the standards of this section. In general, a home occupation is an incidental and secondary accessory use, so located and conducted as to not change the character thereof or adversely affect the uses permitted in the residential zoning district of which it is a part. The standards for home occupations are intended to ensure compatibility with other permitted uses and the residential character of the neighborhood, and to maintain the subordinate and incidental status of the home occupation.

A. Permitted home occupations. Any home occupation that is incidental and subordinate to the principal residential use of a building shall be permitted in any dwelling unit, except those which are specifically prohibited under this chapter, and shall meet the regulations set forth in Subsection **B.**

B. Limitations. Home occupations shall be operated in conformance with the following:

- (1)** All employed persons must be related, provided no more than one person other than a family member shall be engaged in the home occupation.
- (2)** The use of the dwelling unit for the home occupation or home office shall be clearly incidental and secondary to its use for residential purposes.
- (3)** No more than 20% of the livable floor area of the dwelling unit or 400 square feet, whichever is smaller, shall be used in the conduct of the home occupation or home office and shall not permit instruction, teaching or counseling of more than three persons at a time other than persons residing on the premises. Group counseling or encounter groups, teaching of musical instruments, voice, dance and other instruction, including academic and religious instruction, shall not exceed the three-person limitation.
- (4)** No outside display, storage, or use of land is permitted.
- (5)** No signage shall advertise the presence or operation of a home occupation.
- (6)** No more than one home occupation shall be permitted on any zoning lot.

Attachment 1 – Proposed Zoning Code Text Amendments

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(7) There shall be no manufacturing or processing of any sort.

(8) No wholesale, jobbing or retail business shall be permitted unless it is conducted entirely by mail or telephone and does not involve the receipt, sale, shipment, delivery or storage of merchandise or food products on or from the premises; provided, however, that articles produced by members of the immediate family residing on the premises may be sold from and stored upon the premises.

(9) There shall be no interior or exterior alteration of the principal residential building which changes the residential character thereof as a dwelling.

(10) The home occupation shall be conducted entirely within the principal residential building (excluding any attached garage or accessory structure) and shall not be visible from any existing dwelling on any adjacent lot.

(11) No equipment or process shall be used in such home occupation that creates noise, vibration, light, glare, fumes, odors or electrical interference detectable to normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

(12) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and in no case shall traffic volume be created by the home occupation greater than 10 trips per day in any one day, including deliveries.

(13) Deliveries are limited to a maximum of two per day, and are not to be conducted by a vehicle that exceeds a useful load of one ton. Deliveries shall only be conducted by private passenger vehicles, parcel service or letter carrier.

(14) Parking generated by the conduct of such home occupation shall be met by the off-street parking regulations, and be located in areas other than a required yard. No more than one commercial vehicle shall be stored on the lot. All parking shall be on hard-surfaced parking areas.

(15) No home occupation shall cause an increase of more than 10% in the use of any one or more utilities (water, sewer, electrical, telephone, garbage, etc.) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood.

C. Particular home occupations prohibited. The following uses, by the nature of the investment or operation, have a pronounced tendency, once started, to rapidly increase beyond the limits permitted for home occupations, and thereby substantially impair the use and value of a residentially zoned property for residential purposes. Therefore, the uses specified below are prohibited in residential districts:

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(1) Barber shops, beauty shops and nail salons or other similar uses providing any personal service related to the betterment of physical appearance with more than two service stations (including but not limited to chairs, sinks, dryers, etc.), unless specifically permitted by the district regulations.

(2) Dance schools with more than five pupils in attendance at any given time.

(3) Funeral homes and mortuaries.

(4) Restaurants.

(5) Tourist homes and lodging houses, unless specifically permitted by the district regulations.

(6) Private clubs.

(7) Repair shops or service establishments, except the repair of electrical appliances, typewriters, cameras or other similar small items.

(8) Photo developing.

(9) Renting of trailers.

(10) Medical or dental offices, clinics or hospitals.

(11) Animal kennels or hospitals. (excluding animal grooming only)

(12) Auto repair and tune-up facilities.

(13)

Catering or other food preparation businesses.

(14) Rooming houses.

(15) Dealers in firearms (except as a special use permit).

(16) Antique shops or sales.

(17) Home day-care centers.

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CLARIFICATION AMENDMENT:

Relocate the language in the code that increase in parking change/use out of the parking adjustment and into the main off-street parking section.

Background:

- Relocate the language in the code that increase in parking change/use out of the parking adjustment and into the main off-street parking section. For clarity and user friendliness.

Current Code:

- The current code has the requirement for parking compliance if there is a use change/expansion, etc. in the “adjustments for parking” section of the code and this section should be in the main off-street parking regulations.
- Staff has had some discussion with the Board regarding allowing some of these incremental increases to be varied at an administrative level.
- Staff is planning to address this when we review present overall administrative reviews at a future zoning code amendment project.

Proposed Code Change:

§ 220-1002

Off-street parking.

A. Applicability. The provisions of this section shall apply and govern in all zoning districts.

B. General requirements.

(1) No structure shall hereafter be built or moved, and no structure or land shall hereafter be used, occupied or designed for use or occupancy, unless the minimum off-street parking and off-street loading spaces required by this chapter are provided. No structure or use already established on the effective date of this chapter shall be enlarged unless the minimum off-street parking and loading spaces which would be required for such enlargement are provided.

(2) The duty to provide and maintain off-street parking space shall be the joint and shared responsibility of the operator and/or owner of the use and/or land for which off-street parking space is required to be provided and maintained.

(3) For land, structures, or uses actually used, occupied, or operated on the effective date of this chapter, there shall be provided such off-street parking space as was required for such land, structures, or uses by any previous ordinance. If such land, structures, or uses are enlarged, expanded, or changed, there shall be provided, for that increment of expansion only, at least the amount of off-street parking space that would be required hereunder if the increment were a separate land, structure, or use established or placed into operation after the effective date of this chapter.

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(4) For all uses established or placed into operation after the effective date of this chapter, there shall be constructed, provided, preserved, and maintained not less than the amount of off-street parking space hereinafter set forth.

(5) Parking and loading spaces for all types of uses may be provided either in garages or parking areas conforming with the provisions of this chapter.

(6) No vehicle shall be parked in any front yard.

(7) Change in occupancy or use. When the use of a building, structure, or land is changed to another use or occupancy that requires more parking spaces than required for the use existing prior to such change, additional parking spaces shall be constructed for the new use or occupancy in the amount necessary to conform to this chapter.

(8) Changes in intensity of use. When the intensity of use of a building, structure, or land is increased by an addition of employees, gross floor area, seating capacity, or other unit of measurement, additional parking spaces shall be constructed for the new use or occupant in the amount necessary to conform to this chapter.

§ 220-1004

Adjustments to required parking.

A. Purpose. The purpose of this section is to allow adjustments to the minimum number of parking spaces required to avoid construction of unnecessary and excessive off-street parking facilities. Reducing the requirements for off-street parking facilities is intended to provide for more cost-efficient site development, to minimize impervious surface, to minimize stormwater runoff, to avoid construction of unnecessarily large stormwater management facilities, and to provide more landscape areas and open space on business and industrial sites. To achieve these purposes, the Village Board, upon recommendation of the Zoning Officer, may reduce the minimum number of required off-street parking spaces in specific cases.

B. Adjustments. In all nonresidential districts, the minimum number of required parking spaces may be adjusted by the Village Board on a case-by-case basis. The petitioner for such an adjustment shall show that adequate parking will be provided for customers, clients, visitors, and employees. The following provisions and factors shall be used as a basis to adjust parking requirements:

(1) Evidence that actual parking demands will be less than ordinance requirements. The petitioner shall submit written documentation and data to the Zoning Officer that the operation will require less parking than this chapter requires.

(2) Availability of joint, shared or off-site parking. The petitioner shall submit written documentation to the Zoning Officer that joint, shared or off-site parking spaces are available to satisfy the parking demand.

(a) Agreements shall be provided which demonstrate evidence that either parking lots are large enough to accommodate multiple users (joint parking) or that parking spaces will be shared at specific times of the day (shared parking, where one activity uses the spaces during daytime hours and another activity uses the spaces during evening hours.)

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(b) Off-site parking lots may account for not more than 50% of the required parking and shall be located not more than 300 feet from the principal use that it is intended to serve.

(c) When a reduction of parking spaces attributable to shared parking or off-site parking is requested, the petitioner shall submit written verification that such parking is available and shall include copies of any contracts, joint lease agreements, purchase agreements, and other such documentation to show that shared parking can be accomplished. Off-site shared parking spaces shall be clearly posted for the joint use of employees, and/or tenants, or customers of each respective use sharing those spaces.

(3) Banked parking spaces. As a condition of a reduction in parking requirements, the Village Board may require banked parking spaces. In such cases, the site plan for the business or industrial use shall provide sufficient open space on the subject site to accommodate the additional parking space otherwise required by this chapter. Such open space shall be in addition to required yards, setbacks, driveways, private streets, loading and service areas. Sufficient open space shall be provided which, if converted to parking spaces, would provide off-street parking to meet the full requirements of this chapter at the time of application.

~~G. Change in occupancy or use. When the use of a building, structure, or land is changed to another use or occupancy that requires more parking spaces than required for the use existing prior to such change, additional parking spaces shall be constructed for the new use or occupancy in the amount necessary to conform to this chapter.~~

~~D. Changes in intensity of use. When the intensity of use of a building, structure, or land is increased by an addition of employees, gross floor area, seating capacity, or other unit of measurement, additional parking spaces shall be constructed for the new use or occupant in the amount necessary to conform to this chapter.~~

E. Compliance with other standards. Parking spaces and locations shall satisfy the applicable requirements of the Americans with Disabilities Act, Illinois Environmental Barriers Act (410 ILCS 25/1 et seq.), and the standards set forth in the Illinois Accessibility Code (71 Ill. Adm. Code 400).

Common Name	Scientific Name	Count of Communities that Exempt	Lockport	Lemont	Frankfort (actually includes all species not on a preservation list; by default most are exempt)	Woodridge (considered class 2 which are mitigated at 50%)	Romeoville	Lisle	Wheaton	Orland Park
Alder, European	<i>Anus glutinosa</i>	1	0	0	0	0	0	0	0	1
Amur Corktree	<i>Phellodendron amurense</i>	1	0	0	0	0	0	0	0	1
Amur Honeysuckle	<i>Lonicera maackii</i>	1	0	0	0	0	0	0	0	1
Ash, all species	<i>Fraxinus spp</i>	1	0	0	0	0	0	0	0	1
Ash, Green	<i>Fraxinus pennsylvanica</i>	4	1	0	1	0	1	0	1	0
Ash, White	<i>Fraxinus americana</i>	3	1	0	0	0	1	0	1	0
Austrian Pine	<i>Pinus nigra</i>	1	0	0	0	0	0	0	0	1
Autumn Olive	<i>Elaeagnus umbellata</i>	1	0	0	0	0	0	0	0	1
Barberry, Japanese	<i>Berberis thunbergii</i>	1	0	0	0	0	0	0	0	1
Birch, European White	<i>Betula pendula</i>	4	0	0	1	1	0	0	1	1
Birch, Gray	<i>Betula populifera</i>	2	0	0	1	0	0	0	1	0
Birch, Paper	<i>Betula papyrifera</i>	2	0	0	1	0	0	0	1	0
Buckthorn, all species	<i>Ramnus, spp</i>	1	0	0	0	0	0	0	0	1
Buckthorn, Common	<i>Rhamnus cathartica</i>	5	0	0	1	1	1	1	1	0
Butternut	<i>Juglans cinerea</i>	2	0	0	1	0	0	0	1	0
Cherry, Black	<i>Prunus serotina</i>	2	0	0	1	0	0	0	1	0
Cherry, Choke	<i>Prunus pensylvanica</i>	3	0	0	1	0	1	0	1	0
Cherry, European Bird	<i>Prunus padus</i>	2	0	0	1	0	0	0	1	0
Cherry, Pin	<i>Prunus pensylvanica</i>	2	0	0	1	0	0	0	1	0
Cherry, Sweet	<i>Prunus avium</i>	3	0	0	1	0	0	0	1	1
Chestnut, American	<i>Castanea dentata</i>	2	0	0	1	0	0	0	1	0
Chinese Privet	<i>Ligustrum sinense</i>	1	0	0	0	0	0	0	0	1
Elm, American	<i>Ulmus americana</i>	4	0	0	1	1	1	0	1	0
Elm, Chinese	<i>Ulmus parviflora</i>	3	1	0	1	0	1	0	0	0
Elm, Rock	<i>Ulmus thomasi</i>	3	0	0	1	0	1	0	1	0
Elm, Siberian	<i>Ulmus pumila</i>	7	1	0	1	1	1	1	1	1
Elm, Slippery or Red	<i>Ulmus rubra</i>	3	0	0	1	0	1	0	1	0
Evergreens	<i>All species</i>	3	1	0	1	0	0	0	1	0
Glossy Buckthorn	<i>Frangula alnus</i>	1	0	0	0	0	0	0	0	1
Goldenchain Tree	<i>Laburnum anagyroides</i>	2	0	0	1	0	1	0	0	0
Goldenrain Tree	<i>Koelreuteria paniculata</i>	1	0	0	0	0	0	0	0	1
Japanese Angelica Tree	<i>Aralia elata</i>	1	0	0	0	0	0	0	0	1
Loblolly Pine	<i>Pinus taeda</i>	1	0	0	0	0	0	0	0	1
Locust, Black	<i>Robinia pseudoacacia</i>	6	0	0	1	1	1	1	1	1
Maple, Amur	<i>Acer ginnala</i>	1	0	0	0	0	0	0	0	1
Maple, Boxelder	<i>Acer negundo</i>	7	1	0	1	1	1	1	1	1
Maple, Norway	<i>Acer platanoides</i>	1	0	0	0	0	0	0	0	1
Maple, pseudoplatanus	<i>Sycamore Maple</i>	1	0	0	0	0	0	0	0	1
Maple, Silver or Northern	<i>Acer saccharinum</i>	5	1	0	1	1	0	0	1	1
Mountainash, American	<i>Sorbus americana</i>	2	0	0	1	0	0	0	1	0
Mountainash, European	<i>Sorbus aucuparia</i>	3	0	0	1	0	0	0	1	1
Mulberry, Paper	<i>Broussonetia papyrifera</i>	1	0	0	0	0	0	0	0	1
Mulberry, White	<i>Morus alba</i>	6	0	0	1	1	1	1	1	1
Ornamental	<i>crabs, flowering shrubs, fruit trees</i>	1	1	0	0	0	0	0	0	0
Osage Orange	<i>Maclura pomifera</i>	5	0	0	1	1	1	1	0	1
Paulownia (Princess Tree)	<i>Paulownia tomentosa</i>	3	0	0	1	0	0	0	1	1
Pear, Bradford	<i>Pyrus calleryana</i>	1	0	0	0	0	0	0	0	1
Poplar, Cottonwood	<i>Populus deltoids</i>	6	0	0	1	1	1	1	1	1
Poplar, Lombardy	<i>Populus nigra 'Italica'</i>	4	1	0	1	1	0	0	1	0
Poplar, White or Silver	<i>Populus alba</i>	5	1	0	1	1	0	0	1	1
Russian Olive	<i>Elaeagnus angustifolia</i>	6	0	0	1	1	1	1	1	1
Scots Pine	<i>Pinus sylvestris</i>	1	0	0	0	0	0	0	0	1
Silktree	<i>Albizia julibrissin</i>	1	0	0	0	0	0	0	0	1
Tree of Heaven	<i>Ailanthus altissima</i>	6	0	0	1	1	1	1	1	1
Walnut, Black	<i>Juglans nigra</i>	1	0	0	0	0	0	0	1	0
Wayfaring Tree	<i>Viburnum lantana</i>	1	0	0	0	0	0	0	0	1
Willow, all species	<i>Salix, spp</i>	3	0	0	1	1	0	0	0	1
Willow, Laurel	<i>Salix pentandra</i>	2	0	0	1	0	1	0	0	0
Willow, Weeping	<i>Salix babylonica</i>	2	0	0	1	0	1	0	0	0
Willow, White	<i>Salix alba</i>	2	0	0	1	0	0	1	0	0
Winged Euonymus	<i>Euonymus alatus</i>	1	0	0	0	0	0	0	0	1

*Note, this Matrix is just an analysis of trees that are exempted in other communities; the recommended list is in the Proposed Zoning Code Amendments.