

Village of Homer Glen

**14933 S. Founders Crossing
Homer Glen, Illinois 60491**

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PLAN COMMISSION REGULAR MEETING

**Monday, May 4, 2009
7:30 PM**

**Village Council Chamber
14917 S. Founders Crossing
Homer Glen, Illinois 60491**

A. Call the Plan Commission to Order

The meeting of the Homer Glen Plan Commission was called to order by Acting Chairman Bernicky at 7:33 P.M.

B. Pledge of Allegiance to the Flag**C. Roll Call; Establish Quorum**

Present: Acting Chairman Bernicky, Commissioners Bill Karn, Joe Maska, Kathy Hines, Kevin Hoffmeister, and Ted Kagianas.

Absent: Commissioner Brian Stevens.

Also Present: Interim Planner Maura Rigoni and Village Manager Paula Wallrich. The minutes were recorded and transcribed by Erin Venard.

D. Approval of Minutes**March 16, 2009**

A motion to approve the Minutes from April 20, 2009 was made by Commissioner Karn, seconded by Commissioner Hines. Voice vote taken, all in favor, none opposed. *Motion Carried.*

Acting Chairman Bernicky asks Commissioner Karn to swear in anyone wishing to speak at either of tonight's public hearings. Commissioner Karn swears in the members of the audience wishing to speak. Acting Chairman Bernicky calls for a motion to open the first public hearing on tonight's agenda.

E. Agenda Items

- 1. HG-0907-MV Nocon (*Public Hearing*): Consideration of a map amendment from the E-1, Estate Residential to R-2, Single Family Residential upon annexation and a 3' corner lot width variation from 180' to 177' for the subject property upon ROW dedication located at 15810 W. 139th Street, Homer Glen, Illinois.**

A motion to open and close the public hearing in Case No. HG 0907-MV was made by Commissioner Hoffmeister, seconded by Commissioner Kagianas. Voice vote taken, all in favor, none opposed. *Motion Carried.*

2. Zoning Ordinance Revisions (*workshop continued from April 20th meeting/Public Hearing*): Consideration on the amendment to the Village's Zoning Ordinance regarding accessory structures, amendment to the authorized variations section, wireless communication facilities, and the temporary use permit section.

Acting Chairman Bernicky states that the public hearing will be conducted tonight and the vote will be tabled to the May 18th meeting. Acting Chairman Bernicky asks for Maura Rigoni to present the case. Ms. Rigoni begins by explaining the staff findings relating to accessory structure size and setbacks.

In 2008, the maximum allowable size for all accessory structures in the R-1, E-1, and E-2 districts was changed from 3,000 square feet to 1,800 square feet. Currently, some members of the Village Board believe that the 1,800 square feet maximum is too restrictive.

Ms. Rigoni states that staff recommends establishing a maximum accessory structure size based on a percentage of the lot size. The recommended percentage is 3.5%. The proposed regulation would allow property owners on larger lots in more rural areas to have larger structures to accommodate horses or other agricultural uses.

The current ordinance allows for a 10% variation on accessory structure size. Staff recommends eliminating this restriction and allowing property to owners to request larger accessory structures.

Ms. Rigoni states that another item relating to accessory structures is setbacks. In 2008, setbacks were revised for any accessory structure greater than 750 square feet. The rear yard setback was increased to match the rear yard setback of the primary structure. Staff is recommending to reduce the rear yard setback to half that of the primary structure.

Ms. Wallrich asks for more background information regarding accessory structure size. Ms. Rigoni states that prior to 2008, in the R-1, E-1, and E-2 districts, the maximum accessory structure size, including all detached and attached structures, was 3,000 square feet. The 2008 revision reduced the maximum allowable size to 1,800 square feet and eliminated the distinction between detached and attached structures.

Commissioner Hoffmeister asks for clarification on the setbacks on a 5 acre parcel. Ms. Rigoni answers that currently the setbacks for any structure greater than 750 square feet are the same as that of the primary structure. Staff is proposing to change the rear yard setback for an accessory structure to half that of the primary structure. This revision would apply to all districts. An administrative variance of 10% would be allowed but anything greater would have to come before the Plan Commission.

Jeanne Cochrane of 18127 Parker Road states that she is in favor of the proposed changes. Under the current Zoning Ordinance, a riding arena is permitted on her property. However, due to restrictions on accessory structure size, she is unable to

construct a proper size arena. Ms. Cochrane states that a riding arena must be a certain size or it will cause damage to the horse.

Commissioner Bernicky expresses concern over the future use of large accessory structures. Commissioner Hines asks if there is a way to require property owners maintain the same use of the accessory structure after the property is sold. Commissioner Bernicky states that we cannot ban property owners from having large structures because of the potential for a future property owner to change the use of that structure.

Commissioner Maska states that scale is important in this case. The proposed building is large, but it is proportionate to the lot size. Commissioner Hines asks if Ms. Cochrane is able to build her riding arena at the proposed 3.5%. Ms. Rigoni answers that she is not able to build at 3.5% because of existing structures on the property. However, staff is proposing to eliminate the restrictions on variances, allowing property owners to ask for an accessory structure size variance beyond 10%.

Ms. Rigoni moves into a discussion on variances. As the Zoning Ordinance stands, property owners are limited in terms of authorized variations. Staff is asking the Plan Commission to consider removing those restrictions and allowing any type of variation to be requested.

Commissioner Kagianas asks what are the pros and cons of removing the variance restriction. Ms. Rigoni states benefits include more flexibility with the ordinance. Drawbacks include an increase in the number of variance requests.

Ms. Wallrich states that the amount and type of permissible variations should be based upon the culture of the community. Homer Glen is a unique community. In the past, certain residents with unique circumstances have been unable to ask for a variance.

Ms. Rigoni begins to discuss Wireless Communication Facilities Notification. At the March 2, 2009 meeting, the Plan Commission recommended to the Village Board to reduce the WCF notification requirement from 1,500' to 250'. The Village's legal counsel also recommended that WCF notifications become more consistent with other notifications.

Some Board members requested that further consideration be given to requiring greater notifications for WCFs because of the nature and impact of a WCF. Ms. Rigoni states that in addition to reducing the notification requirements, staff has discussed basing the notification requirement on height. Staff is proposing that any new construction over 45' in height will be required to notify property owners within 1000'.

Commissioner Kagianas states that he is concerned with consistency. It seems that certain businesses are made to follow to certain rules, while other businesses have different rules.

Commissioner Hines asks for the rationale behind the height based notification requirement. Ms. Rigoni states that structures over 45' in height have an impact beyond just the adjacent properties. Commissioner Hines asks what the notification requirements for surrounding municipalities are. Ms. Rigoni responds that most communities only notify property owners within 250' of the subject property.

Ms. Rigoni moves into a discussion of temporary uses and seasonal sales lots. Several businesses in the Village would like to operate seasonal sales for time periods greater than the sixty days currently allowed in the Zoning Ordinance. Staff recommends the Plan Commission consider an extension of the sixty day period with up to three renewals for no longer than six months.

Ms. Wallrich asks the Plan Commission to also consider limiting seasonal sales to uses that are ancillary to the primary use of the property. This provides an investment in the local business community.

3. HG-0802-S A Touch of Green (*workshop*): Consideration of a special use to permit outdoor storage in the C-3, general business district, for existing outdoor storage of a landscape business for the subject property located at 12720 159th Street, Homer Glen, Illinois.

Acting Chairman Bernicky asks Ms. Rigoni to present the case. Ms. Rigoni states that the applicant is requesting a special use to permit the outdoor storage of landscape materials. The outdoor storage area is estimated at 41,100 square feet. The applicant is proposing a 20' berm along 159th Street to provide additional screening. Erosion will also be addressed with a 15' swale on the west property line.

In addition to outdoor storage, employee parking is located on the parcel. The Zoning Ordinance requires all parking be on a paved surface; however, the applicant intends on redeveloping the property in the future. Staff recommends the Plan Commission place a condition on the approval stating that if the parcel is not redeveloped within five years, the applicant must pave the parking area and the access drive.

Commissioner Hoffmeister asks to clarify that only storage is taking place on the property. Ms. Rigoni states that the applicant is only proposing storage and not sales.

Commissioner Karn inquires about the concerns of Oak Valley residents regarding mulch in the creek near their properties. Ms. Wallrich states the Village Board recently approved a drainage project to ease flooding in Oak Valley. Additionally, an engineer has inspected the creek and stated that the mulch in the creek can be traced to Oak Valley residents.

4. HG-0822-SV 143rd Street Cricket WCF Collocation (*workshop*): Consideration of a SUP to allow the construction of a wireless communication facility (WCF), consisting of the collocation of a 15' Cricket antennae at the top of an existing 90'

monopole tower and an ancillary building to house the supporting equipment, and two variations: 1. setback variation of the ancillary building from 30' to 20' from the NW property line, and 2. setback variation from 104.5' to 39' to bring the existing setback of the tower into conformance from the NW property line, located at 12330 W. 143rd Street.

Acting Chairman Bernicky asks Ms. Rigoni to present the case. Ms. Rigoni states that the applicant is requesting a special use to permit the collocation of a tower and the construction of an ancillary building. Due to the unique shape of the lot, the applicant is also requesting a setback variation for the ancillary building from 30' to 20' and a setback variation for the tower from 104.5' to 39'.

Access to the WCF will be via an existing 10' wide bituminous drive. The applicant has proposed landscaping around the lease area to the south and northwest of the proposed structure. The site also has an existing 6' chain link fence around the lease area.

Commissioner Karn asks for clarification on when the Village received plans from the applicant. Ms. Rigoni states that the Village began working with the applicant in 2008 and that the applicant is not subject to the requirements of the new stormwater ordinance.

Ms Rigoni states that staff has inquired about making the site large enough to provide space for a third company to co-locate on the tower. Ms. Gail Maty, a representative of Cricket, states that ATC is the actual owner of the property and Cricket has limited rights as the lessee.

- 5. HG-0814-SV 159th Street Cricket WCF Collocation (*workshop*): Consideration of a SUP to allow the construction of a wireless communication facility (WCF), consisting of the collocation of a 8' Cricket antennae at a height of 84' on an existing 96' tower and an ancillary building to house the supporting equipment, located at 12608 W. 159th Street.**

Acting Chairman Bernicky asks Ms. Rigoni to present the case. Ms. Rigoni states that the applicant is requesting a special use to permit the collocation of an existing tower and the construction of an ancillary building. The applicant is also requesting a setback variation from 96' to 27.5' from the north property line and 35' from the east property line.

Ms. Rigoni states that a motion censor light is proposed for the ancillary structure and access to the WCF is via an existing access drive. The site is surrounded by a chain link fence and no new landscaping is proposed.

Commissioner Maska asks if any changes to the existing screening have been proposed. Ms. Rigoni states that no new screening is proposed and the existing chain link fence will remain.

F. Adjournment

A motion to adjourn at 9:45 was made by Member Hines, seconded by Member Hoffmeister. Voice vote taken, all in favor, none opposed. *Motion Carried.*

Approved May 18, 2009

Chairman Brian Stevens _____

Acting Chairman Bernicky _____