

Village of Homer Glen

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

Phone (708) 301-0632 • Fax (708) 301-8407

PLAN COMMISSION REGULAR MEETING

**Monday, June 15, 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 Kagainas at 7:30 P.M.

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

Present were Joe Maska, Marcia DeVivo, and Tom Bernicky. Also present was acting Chairman Ted Kagainas. Present on behalf of the Village of Homer Glen were Erin Venard and Paula Wallrich. The minutes were recorded and transcribed by Candace Rose.

D. Approval of Minutes**June 1, 2009**

A motion to approve the Minutes from June 1, 2009 as written was made by Member Bernicky, seconded by Member Maska. Voice vote taken, all in favor, none opposed.
Motion Carried.

E. Agenda Items

- 1. HG-0907-MV Nocon (*Public Hearing, open and table to June 15th, 2009*):**
Consideration of a map amendment from the E-1, Estate Residential to R-2, Single Family Residential upon annexation and a corner lot width variation from 180' to 144', lot size variation from 43,560 sf to 42,048 sf for the subject property located at 15810 W. 139th Street, Homer Glen, Illinois.

Paula Wallrich states that Staff is trying to work with the applicant concerning the dedication of more right of way and the item has not been finalized. She recommends that the Plan Commission close the public hearing and when the applicant is ready they will have to come back and reapply.

A motion to close the public hearing in Case No. HG 0907MV was made by Member Maska, seconded by Member Bernicky. Voice vote taken, all in favor, none opposed.
Motion Carried.

- 2. HG-0822-SV 143rd Street Cricket WCF Collocation (*Public Hearing open from June 1st*):**
Consideration of a Special Use Permit to allow the construction of a wireless communication facility (WCF) and a Planned Unit Development (PUD), located at 12330 W. 143rd Street.

Paula Wallrich begins by stating that this item is a public hearing and it has been open since the June 1, 2009 meeting. She explains that the applicant is requesting a special use permit to install a wireless communications facility (WCF) at 12330 W. 143rd Street. The proposal includes a 15' tall Cricket antennae collocation on an existing monopole tower flush mounted for an overall height of 104.5' tower and an ancillary building to house the supporting equipment.

Cricket Wireless has a lease agreement with Nextel Communications for the proposed antennae collocation. The subject parcel was selected by Cricket based on its need to satisfy Radio Frequency criteria and the opportunity to collocate on an existing tower.

The subject parcel currently has 2 existing cell towers with two ancillary buildings, one for each tower.

Zoning Ordinance requires all commercial property be developed or redeveloped as a Planned Unit Development (PUD), therefore the applicant requests approval of a PUD for that portion of the property occupied by the WCF.

Ms. Wallrich explains that Section 8.32 of the Zoning Ordinance outlines the requirements for installation of a wireless communication facility within the Village and states installation of a wireless communications facility (WCF) requires a special use permit. The applicant requests to collocate on an existing monopole (*of the two towers on the plans-it is the south tower*) and a 10' x 16' (160 square feet) ancillary building which will house associated equipment. The existing tower has a height of 90' and the proposed antenna will increase the height to 104.5', which is within the maximum permitted height increase of 15' for collocations.

Per section 8.32-5 (e), co-location on an existing WCF is ranked as the most desirable type of location for constructing a proposed WCF. The applicant has proposed to collocate on an existing tower that was built under Will County ordinance prior to the incorporation of the Village.

As part of the PUD the applicant is requesting exceptions for the setback of the tower and the setback of the ancillary building. The existing tower maintains a setback of 39'. Section 8.32-5 (f) stipulates that no tower located in a nonresidential zoning district shall be closer to any lot line than that equal to the height of the tower, therefore the existing tower at 90' does not meet the required setback. With the installation of the 15' antenna the overall height will increase to 104.5', therefore increasing the non-conformity of the tower with respect to setback.

Ms. Wallrich states that the proposal includes the construction of an ancillary building. Ordinance requires all structures associated with the WCF, including ancillary buildings, maintain a minimum setback of 30'. The plans presented at the May 4th Workshop meeting indicated the location of the building to be 20' from the northwest property line and situated parallel to the property line. After further discussions with the applicant the current plan relocates the facility perpendicular to the property line and parallel to the

existing fence. This revised location maintains a setback of 18' to 25' from the property line, which will accommodate an additional ancillary building for potential future collocations. The compound was originally designed, leased & zoned (through Will County) for a size that could accommodate three carriers. The applicant has stated that due to the unique shape of the parcel, ATC lease area, and location of the existing tower, the 30' setback requirement would not be able to be accommodated, without forgoing the potential for future collocations within this facility.

The WCF will match the architecture of the adjacent ancillary building immediately north of where the proposed building will be located (*shown in the attached photos*).

The applicant has indicated the proposed WCF will require infrequent maintenance visits (approximately one or two times per month) which will occur during regular business hours.

Ms. Wallrich states that the applicant has also stated that there are no lights (*i.e. no motion sensor lights*) proposed for the ancillary structure.

Access to the WCF is being utilized with an existing 10' wide bituminous access drive to allow for vehicular and pedestrian access.

Ms. Wallrich explains that the applicant has proposed landscaping around the lease area to the south and northwest of the proposed ancillary structure. The applicant is proposing 20 Blackhills Spruces, offset along the existing chain link fence, at 10' in height. The subject parcel also has the ComEd ROW adjacent to it on the northwest side, which serves as another form of a buffer to the residential subdivision to the west. The site has an existing chain link fence 6' in height around the lease areas.

Acting Chairman Kagainas calls for questions or comment from the audience.

Diane Pakus from 14160 Pheasant Lane states that even though she understands that there is nothing she can do or say to stop this from happening she must speak out against it. She objects to these towers being placed right between two residential subdivisions so close to her home when there are acres and acres of undeveloped land on which to develop. This location ruins the values of the homes that face or back up to it and there are better places in the Village. She is also very disheartened to be told that her opinion does not matter.

Bill Pakus also from 14160 Pheasant Lane states that the towers are very unsightly and really do lower the home values.

Nick Perros from 14220 Mallard states that when he built his home there 20-yrs ago there were no towers and it was a beautiful peaceful place with much open land. He now has to deal with the unpleasant sight of these towers. He does not like them and does not want them there.

Member DeVivo asks how far the homes are from this location. Ms. Wallrich states that there are homes about 200-ft both to the east and to the west of the site.

Member Maska explains to the audience that the towers already exist; they are only adding a 15-ft extension to the already existing towers.

Gail Maty is representing the applicant Cricket Wireless and states that Cricket tries to co-locate their towers when ever and with who ever they can. It is far more cost effective and less intrusive to the community however; they need to be located where there is the greatest need and where the coverage is needed most. She states that Homer Glen and the ordinances in the Village are the most restrictive of any Village they have dealt with to date but the FCC regulates where towers are allowed so the Village can not remove existing towers. A lot of research work goes into deciding where the greatest need is and how best to serve the public. There is a serious problem of dropped phone calls in this area in particular and they need to add to the coverage. Cricket always looks for some opportunity to co-locate with an existing tower within an allowable distance from the greatest need. Locating a tower in the middle of an open field may not serve the public. Cricket will be adding 15-ft to an existing tower and building a shed that will be 9-ft tall and 10-ft by 15-ft, the same color and construction as the existing shed. They know it is not a pleasant thing to have in someone's back yard but the need for cell phone coverage is growing daily.

Mr. Nick Perros states that if she had to live with the tower in her back yard she would not be happy.

Member DeVivo states that it is the policy of the Village to use existing towers whenever possible as in this case. She also states that unfortunately she is very dependant on her cell phone and would be lost without it. She also states that she knows there is a problem with dropped calls so the Village does need more power.

Member Maska asks if there is any chance of co-locating with any other existing tower in the area. Ms. Maty states that they have tried and a number of occasions to work with ComEd, however they are very difficult to work with because of their safety and security issues, they generally do not want to grant the cell people access.

Member Bernicky asks what kind of distance is required between cell phone towers to get the right coverage. Ms. Maty states that it is totally dependant on the population and the need in any given area. Right now the greatest need is in the 143rd Street area.

Acting Member Kagainas states that it really does matter to the Village and the Village officials what the people say and want however in the case of cell phone coverage and communications in general they have very little control. The Village has tried to make the ordinances very restrictive to protect the residents but we must also follow FCC guidance.

George Nikocopole asks if the towers will also be used by the emergency response organizations to protect public safety, like the fire and police departments. Member

Bernicky states that there is no one representing them here tonight to be able to accurately answer that question.

Member Maska states that it is the Village's duty to try and provide these services and reduce the impact to the residents as much as possible. He believes that this location meets those criteria.

Acting Chairman Kagainas calls for any more questions or comments from the public. Hearing none he asks for a motion to close the public hearing.

A motion to close the public hearing in Case No. HG 0822-SV was made by Member Bernicky, seconded by Member DeVivo. Voice vote taken, all in favor, none opposed. *Motion Carried.*

Motion to recommend approval of the following special use permits: a wireless communication facility and planned unit development, for that portion of the property occupied by the wireless communication facility, located at 12330 W 143rd Street, Homer Glen, consistent with the Site Plan (Sheets C-1, C-2, C-3, C-4, date 10.13.08, with revision date of 06.01.09 and Landscape Plan (Sheets L-1 and L-2) dated 10.13.08, with revision date of 06.01.09 prepared by W-T communication Design Group LLC, and Elevations dated 08/08/08 prepared by Cellxion, conditioned upon final engineering was made by Member Maska, seconded by Member DeVivo. Roll call vote taken. In Favor (4) Maska, DeVivo, Kagainas and Bernicky. Opposed (0) none. Absent (3) Chairman Stevens, Member Fazio and Member Hoffmeister. Abstained (0) none. *Motion Carried.*

Motion to recommend approval of the Final PUD Plan date 10.13.08, with revision date of 06.01.09, prepared by W-T communication Design Group LLC, conditioned upon final engineering was made by Member Maska, seconded by Member Bernicky. Roll call vote taken. In Favor (4) Maska, DeVivo, Kagainas and Bernicky. Opposed (0) none. Absent (3) Chairman Stevens, Member Fazio and Member Hoffmeister. Abstained (0) none. *Motion Carried.*

Mr. Allen Parse from 14208 Mallard asks to speak. Acting Chairman Kagainas states that the item has been closed and voted on but he will still allow Mr. Parse to be heard. Mr. Parse states that he lives behind the cell tower. He bought his home 20-yrs ago before there was a cell tower. He has a big lot and there was no obstruction to his view. Now there are big ugly cell towers to look at from his back deck and he objects. The value of his house decreases but his taxes keep going up.

3. HG-0814-SV 159th Street Cricket WCF Collocation (Public Hearing Open from June 1st) Consideration of a Special Use Permit to allow the construction of a wireless communication facility (WCF) and a Planned Unit Development (PUD), located at 12608 W 159th Street.

As in the previous case, this public hearing was left open from the June 1, 2009 meeting. Paula Wallrich explains that the applicant is requesting a special use permit to install a

wireless communications facility (WCF) at 12608 W 159th Street. The proposal includes an approximately 8' tall Cricket antennae collocation on an existing monopole tower at a height of 84' (to top of antennas) on a 96' tower (to top of lightning rod, 95' to top of antenna) and an ancillary building to house the supporting equipment.

Cricket Wireless has a lease agreement for the proposed antennae collocation. The subject parcel was selected by Cricket based on its need to satisfy Radio Frequency criteria, and the opportunity to collocate on an existing tower.

The subject parcel currently has one existing cell tower with one ancillary building to support the existing tower.

Zoning Ordinance requires all commercial property be developed or redeveloped as a Planned Unit Development (PUD), therefore the applicant requests approval of a PUD for that portion of the property occupied by the WCF.

Ms. Wallrich states that the existing tower color is white as shown in the photos in your packet and that gravel and bituminous pavement currently cover the existing site and lease area, therefore no landscaping is proposed. Ms. Wallrich also states that cash in lieu of detention has been agreed upon by the Village.

Acting Chairman Kagainas calls for questions or comments, hearing none he asks for a motion to close the public hearing.

A motion to close public hearing in Case No. HG0814-SV was made by Member Bernicky, seconded by Member DeVivo. Voice vote taken, all in favor, none opposed. *Motion Carried.*

Member Bernicky asks if Cricket is cutting the size of this antenna. Ms. Wallrich explains that this antenna is being added from a different point on the tower, at 80-ft instead of the top of the tower. They do not need it as high in this location because of the topography of the area.

Motion to recommend approval of the following special use permits: a wireless communication facility and planned unit development, for that portion of the property occupied by the wireless communication facility, located at 12608 W 159th Street, Homer Glen, consistent with the Final PUD Plan (Sheet A-1), dated 07/30/07, with a revision date of 02/24/09 prepared by Magtech Services Inc., Final PUD Plan, dated 12/27/07, with a revision date of 06/06/09, prepared by Williams and Works Engineering, Shelter Elevations, dated 07/30/07, with a revision date of 05/21/09, prepared by Magtech Services, Inc., conditioned upon final engineering was made by Member Bernicky, seconded by DeVivo. . Roll call vote taken. In Favor (4) Maska, DeVivo, Kagainas and Bernicky. Opposed (0) none. Absent (3) Chairman Stevens, Member Fazio and Member Hoffmeister. Abstained (0) none. *Motion Carried.*

Motion to recommend approval of the Final PUD Plan, plans Final PUD Plan (Sheet A-1), dated 07/30/07, with a revision date of 02/24/09 prepared by Magtech Services Inc.,

Final PUD Plan, dated 12/27/07, with a revision date of 06/06/09, prepared by Williams and Works Engineering, Shelter Elevations, dated 07/30/07, with a revision date of 05/21/09, prepared by Magtech Services, Inc., conditioned upon final engineering was made by Member Bernicky, seconded by Member DeVivo. Voice vote taken. All in favor none opposed. *Motion Carried.*

4. HG-0910-S Pizza Mia (Public Hearing): Consideration for special use permit for a carry-out restaurant for the property located at 14413 S Bell Road.

Ms. Wallrich begins by stating that the Village has received the required green cards for this public hearing and would like the findings of fact entered into the record. Below are the findings of fact.

PIZZA MIA STREET DRAFT - SPECIAL USES FINDINGS OF FACT:
(for Plan Commission Consideration)

➤ **To permit carry-out restaurant**

Plan Commission provides the following findings (in italicized bold)

STANDARDS

Section 12.9-4 of the Zoning Ordinance indicates that the Village of Homer Glen may not grant a Special Use Permit unless the petitioner presents evidence that proves the following:

- i. That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public's health, safety, morals, comfort, or general welfare. ***A restaurant already exists within the proposed development. Adequate parking and access has been provided for this site.***
- ii. The proposed use at the proposed location will not have an undue or substantial adverse effect, above and beyond that inherently associated with such use, irrespective of the location in the particular zoning district, upon adjacent property, the character of the neighborhood, or other matters affecting the public health, safety and welfare of the community. ***This area is identified as commercial by the Comprehensive Plan and a carry out is an allowable special use within the district. This business is similar to the existing uses in the Village and those located along Bell Road and 143rd and the immediate vicinity.***
- iii. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. ***Carry out restaurants are an allowable special use in the C-3 district. The business is similar to the existing uses in the Village and those located along Bell Rd. and 143rd Street and the immediate vicinity.***
- iv. The proposed use at the particular location is desirable to provide a service or facility in the interest of public convenience and the gain to the public and all or a part of the community exceeds the hardship imposed upon the property owner. ***The carry out component is an integral part of the successful business operations of this business which currently exists as a carry-out restaurant within the Village. The Bell Road Corridor provides a variety of convenience type uses that serve Homer Glen as a whole. The special use for carry out restaurants will provide such services.***

The proposed use is generally suitable for the particular zoning district and will not adversely affect development of adjacent properties in accord with the applicable district

regulations. **Carry out restaurants are an allowable special use in the C-3 district and are consistent with the operations of the existing businesses within the area.**

That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the district. **The Bell Road corridor in this area is identified as commercial therefore the proposed use is consistent with the development patterns of the surrounding commercial uses at 143rd and Bell Rd.**

- v. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed, or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood. **The building currently exists and the architecture was reviewed as part of the original approval of the shopping center. The proposed uses will not alter the architecture of the existing building.**
- vi. That the adequate utilities, access roads, drainage, and /or other necessary facilities have been provided. **All necessary facilities were provided for with the construction of the existing shopping center.**
- vii. That adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. **The proposed facility will use all existing means of ingress and egress which currently serve the shopping center.** The proposed use has been considered in relation to the location, goals, and objectives of the Village's Comprehensive Plan and is in general accord with the guidelines of the plan. **Comprehensive Plan identifies the need to keep commercial growth and development on commercial corridors. Bell Rd. is a main commercial corridor in the Village.**

Paula Wallrich then explains that Pizza Mia currently operates its pizza delivery and carry-out establishment in Bell Road Plaza (at the northeast corner of 143rd and Bell Road). The owners propose to relocate within the Blueberry Hill development, located on the west side Bell Road, just south of 143rd Street.

She also explains that a carry-out restaurant is a special use within the C-2 Local Business District. Pizza Mia proposes to maintain business hours within the ordinance requirements of hours of operation. The proposed hours are Monday: 4pm to 9pm, Tuesday – Thursday: 4pm to 10pm, Friday and Saturday: 4pm to 11pm, Sunday: 4pm to 10pm.

The shopping center is currently occupied by Blueberry Hill Pancake House only at this time. Pizza Mia will be the second tenant in the development and will be operating at hours opposite of those of Blueberry Hill Pancake House, providing for shared parking. Therefore adequate parking has been provided for the carry-out restaurant.

The applicant has confirmed the delivery drivers will be utilizing their personal vehicles, therefore no delivery trucks will be parked on the property or remain overnight.

Access to the site is currently provided by a full access off of Bell Road. As the property develops to the north, cross access between the two parcels will be provided, and will offer additional points of access.

Mr. David Dombrowski is present tonight to answer any questions.

Motion to open the public hearing in Case No. HG-0910S was made by Member Bernicky, seconded by Member Maska. Voice vote taken, all in favor, none opposed. *Motion carried.*

Acting Chairman Kagainas calls for questions or comments from the audience.

Mr. Bob Schmidt from Wheel-go-Camping on 159th Street asks how long it will be before they move. Mr. Dombrowski states that they are ready now they just need the approval from the Village.

Hearing no further questions or comments from the audience, he asks for a motion to close the public hearing.

Motion to close the public hearing in Case No. HG-0910S was made by Member Maska, seconded by Member Bernicky. Voice vote taken, all in favor, none opposed. *Motion carried.*

Acting Chairman Kagainas states that Pizza Mia has been a very good and supportive neighbor for many years in the community. He personally would like to thank them for their continued support and loyalty to the Community.

Motion to recommend approval of a special use for a carry-out restaurant for Pizza Mia, for the property located at 14413 S Bell Road, Homer Glen Illinois was made by Member DeVivo, seconded by Member Maska. Voice vote taken, all in favor, none opposed. *Motion Carried.*

5. Forest Preserve Special Use and Variation Hadley Valley Preserve (1.5 Mile Review): Review of the special use and variation requests by the Forest Preserve District of Will County for the construction of a multi-use path at the Hadley Valley Preserve, Spring Creek Greenway.

Ms. Wallrich explains that the Forest Preserve District of Will County is before the Plan Commission for a 1.5 mile review. The subject parcel is located *outside* of Village's boundary agreements, but the parcel is contiguous to the Village's current boundary lines and within our 1.5 mile jurisdiction for review.

The petitioner is before the Plan Commission and Village Board for recommendation based upon their 1.5 mile review. They must receive their approval from Will County since it is currently under their jurisdiction.

The petitioner is proposing a special use permit for floodplain development and a variance from the Stream and Wetland Protection Ordinance.

The request for the special use and variation is to permit the construction of a multi-use trail within the Hadley Valley Preserve. Per the Forest Preserve, the proposal encroaches within the existing floodplain which would allow for the development of the trail with a

boardwalk and culvert. This trail is in conjunction with the development of an access area on Bruce Road, which will include a parking lot, latrine, and shelter. The Forest Preserve further indicates that all of these are components of the District's Master plan for development of the Spring Creek Greenway.

Requests for such development would be reviewed under the Village of Homer Glen's Water Resource Management Ordinance. Section 1506.0 of the ordinance states that uses, such as those proposed, are permitted uses that can be located within the required setbacks of streams, lakes, ponds, and wetlands. Section 1605.0, 1-C-2-A-vi identifies trail systems as appropriate uses within the floodway.

As indicated by the Forest Preserve this trail is part of the District's Master plan for development of the Spring Creek Greenway.

Ms. Karen Fountain is present to answer any questions concerning the request for the Special Use Permit and the variance.

Acting Chairman Kagainas asks how long the trail will be when completed. Ms. Fountain states that it will be 4.5-miles. Ms. Fountain explains that they are taking a phased approach to the trails. The first Phase is connecting the existing trail, Phase II will be the Cougar Road portion and most likely Phase III will be the alignment of Spring Creek.

Motion to recommend a vote of no objection to the special use and variance request of the Forest Preserve District of Will County for the construction of a multi-use trail within the Hadley Valley Preserve was made by Member DeVivo, seconded by Member Bernicky. Roll call vote taken. In Favor (4) Maska, DeVivo, Kagainas and Bernicky. Opposed (0) none. Absent (3) Chairman Stevens, Member Fazio and Member Hoffmeister. Abstained (0) none. *Motion Carried.*

F. Adjournment

A motion to adjourn at 9:00 was made by Member Bernicky, seconded by Member Maska. Voice vote taken, all in favor, none opposed. *Motion Carried.*

Approved July 20, 2009

Chairman Brian Stevens _____