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

**ORDINANCE
NUMBER 23-062**

AN ORDINANCE APPROVING [1] A PRELIMINARY PLAT OF SUBDIVISION; [2] A SPECIAL USE PERMIT FOR A MAJOR AMENDMENT TO THE MENARDS PLANNED UNIT DEVELOPMENT (PUD) WITH REQUESTED EXCEPTIONS, AS LISTED IN THE ATTACHED EXHIBIT A; [3] SPECIAL USE PERMITS FOR (A) A CAR WASH (AN AUTOMOBILE REPAIR, SERVICE AND BODY SHOP USE), (B) A DRIVE-THROUGH ESTABLISHMENT AND (C) AN AUTOMOBILE SERVICE STATION (GAS STATION); AND [4] A SITE PLAN, FOR CERTAIN REAL PROPERTY GENERALLY LOCATED IN THE C-2 LOCAL BUSINESS DISTRICT ON LOTS 4 & 5 OF THE MENARDS PUD SUBDIVISION, HOMER GLEN, ILLINOIS. [CASE NO. HG-2301-PUD]

**CHRISTINA NEITZKE-TROIKE, Village President
CANDICE BIELSKI, Village Clerk**

**Village Trustees
JENNIFER CONSOLINO
DAN FIALKO
CURT MASON
CJ MCNAUGHTON
ROSE REYNDERS
SUSANNA E. STEILEN**

AN ORDINANCE APPROVING [1] A PRELIMINARY PLAT OF SUBDIVISION; [2] A SPECIAL USE PERMIT FOR A MAJOR AMENDMENT TO THE MENARDS PLANNED UNIT DEVELOPMENT (PUD) WITH REQUESTED EXCEPTIONS, AS LISTED IN THE ATTACHED EXHIBIT A; [3] SPECIAL USE PERMITS FOR (A) A CAR WASH (AN AUTOMOBILE REPAIR, SERVICE AND BODY SHOP USE), (B) A DRIVE-THROUGH ESTABLISHMENT AND (C) AN AUTOMOBILE SERVICE STATION (GAS STATION); AND [4] A SITE PLAN, FOR CERTAIN REAL PROPERTY GENERALLY LOCATED IN THE C-2 LOCAL BUSINESS DISTRICT ON LOTS 4 & 5 OF THE MENARDS PUD SUBDIVISION, HOMER GLEN, ILLINOIS. [CASE NO. HG-2301-PUD]

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

WHEREAS, applications have been filed by NSS Group, Inc. for approval of a [1] a Preliminary Plat of Subdivision; [2] a Special Use Permit for a Major Amendment to the Menards Planned Unit Development (PUD) with requested exceptions, as listed in the attached Exhibit A; [3] Special Use Permits for (a) a car wash (an automobile repair, service and body shop use), (b) a drive-through establishment and (c) an automobile service station (gas station); and [4] a Site Plan, for certain real property generally located in the C-2 Local Business District on Lots 4 & 5 of the Menards PUD Subdivision, Homer Glen, Illinois, (subject Property); and

WHEREAS, the parcels that are the subject of the aforesaid application and of this Ordinance (“Subject Property”) are legally described in “Exhibit A;” and,

WHEREAS, pursuant to a public notice published in a newspaper of general circulation within the Village as required by the Code of the Village of Homer Glen, the Plan Commission of the Village held a public hearing with regard to said application on September 21, 2023 and rendered its findings of fact and recommendations to the Board of Trustees of the Village; and,

WHEREAS, the Plan Commission after due consideration of the issues, exhibits, and testimony, made findings of fact and recommended approval to the Village Board which are incorporated into the record of its proceedings, are attached hereto as Exhibit “B,” and

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

WHEREAS, the Village President and Board of Trustees, after due consideration have determined that [1] a Preliminary Plat of Subdivision; [2] a Special Use Permit for a Major Amendment to the Menards Planned Unit Development (PUD) with requested exceptions, as listed in the attached Exhibit A; [3] Special Use Permits for (a) a car wash (an automobile repair, service and body shop use), (b) a drive-through establishment and (c) an automobile service station (gas station); and [4] a Site Plan, for certain real property generally located in the C-2 Local Business District on Lots 4 & 5 of the Menards PUD Subdivision, Homer Glen, Illinois, is in conformance with the Village's Comprehensive Plan and in the best interests of the public health, safety and welfare of the Village's residents; and,

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

Section 1. Incorporation of Recitals. That the recitals and findings set forth above and in the recommendation of the Plan Commission, and are attached hereto as Exhibit "B" are incorporated herein by reference the same as if they were fully set forth herein verbatim and they are adopted as the recitals of the Village Board.

Section 2. Approval of Preliminary Plat of Subdivision. The Preliminary Plat of Subdivision, attached hereto as "Exhibit C," is hereby approved subject to Village review and approval of the plat prior to recording.

Section 3. Special Use for a Planned Unit Development. The Village hereby grants a Special Use permit for a Planned Unit Development as shown on the PUD Site Plan attached hereto as "Exhibit D", subject to Village review and approval of all required plans, with the following PUD Exceptions and Conditions:

PUD Conditions:

1. Meet all applicable building codes and apply for all applicable building permits.
2. Meet all applicable engineering codes and requirements for Final Engineering.
3. Submit a Final Plat of Subdivision to the Village Engineer for final review and recording.
4. The car wash special use is approved on the condition that the operator will take precautions necessary during the peak season to avoid hazards in the access road or blocking of the access road, including one of more or the following: additional staff will be used to help direct and manage the traffic flow through the site; a staff person will be placed at the internal intersection west of Bell Road to help direct traffic; electing the most efficient time for vacuuming (i.e. before or after a car wash; and/or traffic exiting the car wash will be prohibited from making a left turn to (1) exit the car wash site via the right-turn in/right-turn out access drive or (2) enter the vacuum stations. The operator shall also

report to staff upon inquiry concerning the peak season operations and any of the precautions noted above.

5. To provide masonry veneer to the maximum height possible under the ceiling of the canopy.

PUD Exceptions:

1. Reduce the Required Landscape Setback from the required thirty (30) feet to twenty (20) feet.
2. Reduce the south side setback for the car wash from twenty (20) to seventeen (17) feet.
3. Reduce the north side setback for the restaurant/convenient store from twenty (20) to twelve (12) feet.
4. Reduce the parking lot/drive aisle setback from five (5) feet to zero along the property line between Lots 1 and 2.
5. Increase the accessory structure height from fifteen (15) feet to twenty (20) feet for the pay canopy.
6. Increase the aggregate lot coverage/impervious of Lots 1 and 2 from sixty-five (65) percent to sixty-seven (67) percent and to consider aggregate impervious for the entirety of the PUD.
7. To allow for parking on Lot 1 for the benefit of Lot 2.
8. Reduce the parking lot stall depth from nineteen (19) feet to eighteen and a half (18.5) feet.
9. Allow an additional wall sign on the north and south walls of the car wash.
10. Increase wall sign copy area for east elevation of Car Wash: from forty-three (43) square feet to seventy-six (76) square feet.
11. To allow for a multi-tenant monument sign on Lot 4.

Section 4. Special Use Permits. The Village hereby grants Special Use permits for (a) a car wash (an automobile repair, service and body shop use), (b) a drive-through establishment and (c) an automobile service station (gas station); as shown on the PUD Site Plan attached hereto as “Exhibit D”, subject to Village review and approval of all required plans.

Section 5. Site Plan Approval. The Village hereby grants approval of the PUD Site Plan for the subject property, as shown on the Site Plan attached hereto as “Exhibit D”, subject to Village review and approval of all required plans.

Section 6. Severability. The various portions of this Ordinance are hereby expressly declared to be severable, and the invalidity of any such portion of this Ordinance shall not affect the validity of any other portions of this Ordinance, which shall be enforced to the fullest extent possible.

Section 7. Repealer. All Ordinances or portions of Ordinances previously passed or adopted by the Village of Homer Glen that conflict with or are inconsistent with the provisions of this Ordinance are hereby repealed.

Section 8. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval.

Section 9. Notice to Applicant. That the Village Clerk is further directed to forward a copy of this Ordinance to the applicant as notification of the passage and approval of this Ordinance.

Adopted this 11th day of October, 2023 pursuant to a roll call vote as follows:

	<u>YES</u>	<u>NO</u>	<u>ABSENT</u>	<u>PRESENT</u>
Consolino	X			
Fialko	X			
Mason	X			
McNaughton	X			
Reynders	X			
Steilen	X			
Neitzke-Troiike (Village President)				
TOTAL	6			

APPROVED by the Village President on October 11th, 2023



Christina Neitzke-Troiike
Village President

ATTEST: 

Candice Bielski
Village Clerk

Legal Description – “Exhibit A”

Lot 5 (N 100’ Lot 4) Menards Major Change Request

Permanent Index No.: 16-05-02-213-002, 16-05-02-213-003

Common Address: Vacant land, S. Bell Rd., Homer Glen, IL 60491

PARCEL ONE

LOT 5 IN MENARDS SUBDIVISION, BEING PART OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 36 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 22, 2004 AS DOCUMENT NO. R2004230157, IN WILL COUNTY, ILLINOIS.

PARCEL TWO

THE NORTH 100.00 FEET OF LOT 4 LYING EASTERLY OF THE WESTERLY LINE OF LOT 5, AND ITS SOUTHERLY EXTENSION THEREOF MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTH 01 DEGREE, 24 MINUTES, 16 SECONDS EAST ALONG EASTERLY LINE OF SAID LOT 4, 100.00 FEET; THENCE SOUTH 88 DEGREES 34 MINUTES 46 SECONDS WEST ALONG A LINE 100.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 4, 279.26 FEET; THENCE NORTH 1 DEGREE 25 MINUTES 14 SECONDS WEST ALONG SAID WESTERLY LINE AND SOUTHERLY EXTENSION OF LOT 5, 100.00 FEET TO THE MOST NORTHERLY NORTHWEST CORNER OF SAID LOT 4; THENCE NORTH 88 DEGREES 34 MINUTES 46 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 4, 279.29 FEET TO THE POINT OF BEGINNING, IN MENARDS SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 36 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 22, 2004 AS DOCUMENT NO. R2004230157, IN WILL COUNTY, ILLINOIS.

TOTAL AREA: 134,280.54 SQ. FT., 3.08 AC. (MORE OR LESS)

PARCEL THREE (EASEMENTS AND ACCESS)

LOT 4 IN MENARDS SUBDIVISION, BEING PART OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 36 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 22, 2004 AS DOCUMENT NO. R2004230157, IN WILL COUNTY, ILLINOIS.

Findings of Fact-“Exhibit B”

SPECIAL USE STANDARDS (PLANNED DEVELOPMENT—MAJOR CHANGE)

Lot 5 Menards Major Change (Second) Request (Revised August 2, 2023)
Permanent Index No.: 16-05-02-213-002, 16-05-02-213-003
Common Address: Vacant land, S. Bell Rd., Homer Glen, IL 60491

On September 14, 2022, the Village Board approved Ordinance No. 22-038 which granted, in part, a special use permit for a major amendment to the Menards planned unit development with exceptions, special use permits for a car wash and a drive-through establishment, site plan approval and a variance from exterior construction standards. Ordinance No. 22-038 also approved a preliminary plat of subdivision. Although the approvals primarily related to the two-lot subdivision on Lot 5, aspects of the development extend onto Lot 4.

Applicant substantially adheres to the approved preliminary plat and believes a final plat of subdivision accommodating the plans should be approved. Applicant continues plans for the modern car wash and for the drive-through. Applicant continues plans for work on Lot 4 related to the access road and grading and slightly alters plans for signage on Lot 4.

Applicant proposes the replacement of the retail and restaurant center on Lot 2 of the Subdivided Lot 5 with a gasoline service station, a convenience store and a restaurant with a drive-through. The application contemplates special use approvals for the service station and amended drive-through operation with exceptions that are slightly different than those approved under Ordinance No. 22-038. The proposed site plan and landscape plan substantially conform to the general design principles reflected in the plans approved by Ordinance No. 22-038.

The project involves a further amendment to the final governing documents of an approved planned development. Applicant meets the requirements of Section 220-1209D of the Code of the Village of Homer Glen. Applicant meets the standards and findings necessary for a special use planned development (and any amendments thereto). Applicant meets the standards with respect to both the service station and the modified drive-through. (See Special Use Standards narrative which is incorporated herein by this reference.) The overall planned development meets the standards of Section 220-1209D as follows:

- 1. The establishment, maintenance or operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort or general welfare.*** Menards is a nearly 20-year old development. At the time of its approval the Village found that the project met local PUD standards. Over the years, the Village saw vast development of lots opposing Menards and land to the south along Bell Road. As designed, planned and constructed, the Menards planned development poses no risk to the public health, safety, morals and welfare. Over the years, outlots with major retailers anchoring sites were also developed, and the development of these outlots (simultaneously or later) has not impacted the public. Within the Menards planned development, the Village authorized the division of the southerly Lot 2 in a fashion that nearly mirrors the proposal for Lot 5 at the north end—though the common detention and open space is west of Lot 5 and more development area is available at the south end of the Menards PUD. The planned development will comply with the Zoning Ordinance except as the regulations arc

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modified. The 88 parking spaces (including 22 vacuum spaces and 16 pump stations within the development) will afford ample parking areas. The development preserves and enhances the access road and provides for uniform signage. Public right of way design and internal road planning is supportive of the proposed planned development amendment for the enlarged Lot 5 to allow division and collaborative land uses on each lot. Recognizing the need to channelize service station traffic, Applicant has added a large landscape island along the access road.

2. ***The proposed use at the proposed location will not have an undue or substantial adverse effect, above and beyond that inherently associated with such use, irrespective of the location in the particular zoning district, upon adjacent property, the character of the neighborhood, or other matters affecting the public health, safety and welfare of the community.*** The uses in the amended planned development territory will draw from area traffic much of the time. Trip generation for the service station is to be expected as noted in the forthcoming KLOA supplement. The original KLOA report supports the car wash, retail, drive-through and restaurant operations. Like the car wash, the service station will bring vehicles into the site that add to existing site traffic but will not add to Bell Road traffic since most of the drivers will be in the C-2 district for other purposes or making a trip through the district that they would likely have made anyway.
3. ***The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. Service stations, drive-throughs and car washes in the area have long co-existed with nearby commercial uses (as well as residential uses).*** The retail building for the service station contains a tenant space for a restaurant as well as a large convenience store. The uses will compliment the corridor by offering goods and services necessary to residents, visitors and employees in the Village. Competition may be a consideration for some owners, but it is not a factor that can really control the decision. Regardless, the restaurant space should not affect the new Arby's and the impacts of the planned development amendment on Lot 5 will not extend to Lot 3 other than the beneficial impact of having more traffic on the interior of the Menards Subdivision for purposes that include quick stops for lunch or dinner at Arby's. Plan modifications were quite limited, the relationship of the activity on site does not pose a risk to nearby planning and land use.
4. ***The proposed use at the particular location is desirable to provide a service or facility in the interest of public convenience and the gain to the public and all or a part of the community exceeds the hardship imposed upon the property owner.*** While many may not notice, the addition of a service station with a modern car wash at I-355 and 159th Street has led to positive reviews and gratitude. Additionally, residents appreciate the availability of additional services which the data collected for the most recent paused effort to update the 2005 Plan supports. Finally, modern trends relating to service stations reflect positively on efforts to include a good restaurant and large convenience store in gas station planning.

Findings of Fact-“Exhibit B”

- 5. The proposed special 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.*** The amended planned development will authorize uses deemed legislatively appropriate within the zoning district. All uses exist in the Bell Road corridor, though a service station with a modern car wash is not available to residents in this part of town or, for that matter, readily available to folks east of the site in Orland Park. Numerous commuters from Will and Cook Counties use Bell Road, and the reasons to pause for gas or a car wash lead to a longer stay in the Village’s key commercial corridor. While there will be some discussion of signage, the overall development substantially meets the zoning ordinance. The development will include construction of the access road and uniform ground signs on Lot 4 and Lot 5.
- 6. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*** The planned development special use already exists. Ordinance No. 22-038 found that most of the currently-proposed site work and development met with the Zoning Ordinance. The new amendment is necessary to develop a replacement use on one of the two distinct lots and further the pursuit of improvements across Lot 4 that will benefit the Village (i.e., access, lighting and uniform shared signage). As noted in the prior special use deliberations, the amendment to the planned development will not impact the stables or nearby religious, open space and commercial uses. Residential use and zoning is well-removed from the site.
- 7. The exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed, or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.*** The buildings will bear a relationship with one another. The signage is actually in line with signage along Bell Road, including the design of the monument signs with a base, top and significant structural framing. The service station canopy will be set back roughly 80 feet from the east lot line. Plans for the new building carry forward vertical planning but do not require exterior building materials relief.
- 8. The adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.*** Minimal work to connect to utilities is required because the site has been engineered since 2004. All utilities are adequate. Public streets will not require any improvements or modifications. The access has long since been platted from Lot 5 over Lot 4 to the main entrance at Glengary Drive. The detention facility is adequate to serve Lot 5 use and it will continue to operate as a physical separation between homes well west of the site. The location and depth of the access road will allow sufficient access to and from the project.
- 9. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.*** Please note the forthcoming KLOA supplement. Traffic flow and additional measures have been

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addressed in the earlier report and in the other special use submittals concerning the service station and the drive-through. Nothing in the amendment alters the designed and intended traffic flows into, across and from the Menards Subdivision. All of the traffic tied to the development has been intended at this location since 2002.

- 10. The proposed use, at its location, meets the location, goals and objectives of the Village’s Comprehensive Plan and is in general accord with the guidelines of the plan.*** The amendments to the planned development meet the objectives of the Comprehensive Plan (2005) and gain support from the data collected more recently relating to the paused Plan update. The amendment offers synergy within the existing and surrounding development, relies on long-planned interior access routes and provides a restaurant opportunity. In most instances such as this, signage is oriented in multiple directions (to streets and to interior active use areas and common drives). Service stations typically require sign relief for pump area signage and for the canopy. Although Applicant reduced canopy sign area, the brand requires signage and relief from sign area limitations is necessary. The relief sought is on par with shopping center planning that is common in the area. The plans for development also meet and exceed several other planning objectives such as with respect to lighting, building spacing and placement, and landscaping.

PLANNED DEVELOPMENT EXCEPTIONS

The Village may authorize exceptions to the applicable bulk regulations within the boundaries of the planned development, including lot area, width, depth, height, and yard setback requirements, and building separation distances, provided that the Plan Commission shall make findings under Section 220-904(B) which are addressed below:

The exceptions are solely for the purpose of promoting an efficient and coordinated site plan, no less beneficial to the residents or occupants of such development, as well as the neighboring property, than would be obtained under the bulk regulations of this chapter for buildings developed on separate zoning lots. The exceptions are as follows:

1. From Section 220-807 to continue the approved access drive and to allow for the new shared interior drive serving two lots, which extends across required interior yards and serves the purpose of avoiding excessive paved area, wasted land area and a plan that is incongruous with the planning for Menards Subdivision;
2. From Table 2B, 2:7 in order to allow the car wash and new building to be located within 17.5 feet and 10 feet, respectively, of the central lot line between the proposed parcels in order to allow a development that features a large open space area to the north that will remain and to allow a better building separation between the retail component and the eventual Lot 4 use;
3. From Table 2B, 2:7 in order to allow a lot coverage in excess of 65% within each resulting subdivided lot as reflected in the plans submitted with the application (Lot 1, 65%; Lot 2, 69%);

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4. From Table 2B, 2:7 to allow a 19' tall pump island canopy;
5. From Table 2B, 2:8 to continue the approved 20-foot landscape front yard along the planned access road location with efficient use of parking along the drive aisle that is consistent with the remainder of the Menards Subdivision;
6. From Section 220-1002(F) in order to permit parking spaces that are six (6) inches shorter than required (19 feet) in order to continue the approved access drive and allow consistency across the development site while allowing landscaping and an area for loading even though most uses of this type do not require a loading space;
7. From Section 220-1002(H)(8) in order to allow the continued use of parking in the front yard along the approved access drive which has long been planned with parking in the front yard across the Menards Subdivision;
8. From Table B(4) in order to allow adequate signage for the development and individual tenants as follows:
 - a. To allow additional wall signs on the north and south walls of the car wash;
 - b. To allow additional wall sign area on the entire car wash, which has exceptionally limited building frontage and requires more signage;
 - c. To allow additional overall wall signage on the Lot 2 building in light of the effort to maintain visibility;
 - d. To allow signage as depicted on the pump canopy;
 - e. To allow trade dress, branding, directions, instructions, video panels and viewing screens at and near each pump station; and
 - f. To otherwise approve the sign package, including use of signs reserved for Lot 4 uses by one or more users of Lot 5.
9. From Table B(4) in order to allow placement of the southerly monument sign closer than 10 feet to the interior southern lot line at the entrance during final permitting with Menards and staff review.

Each exception has a practical basis in providing for an efficient and coordinated site plan while respecting the occupants, neighbors of and visitors to the subject property. None of the new relief imposes bulk or development burdens on a neighbor.

The planned development with exceptions provides amenities above and beyond the minimum requirements, such as outstanding design and architecture, the quantity and quality of open space and landscaping, or other similar features. The amendment to the planned

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development continues substantial driveway reduction along Bell Road, a lengthy pair of access drives and, in relation to the particular amendment, substantial landscaping beyond that which is required by ordinance. The development also preserves views across the Menards Subdivision. The planned development continues the perimeter yard planning contemplated by the original approval. Most of each roofline has a lower profile. The proposed amendment provides for unified on-site and related off-site signage while upgrading the access drive. The new landscape island along the access road softens the site and improves the view to improvements on Lot 2.

Signed this 2nd day of August, 2023.



Mark W. Daniel
Daniel Law Office, P.C.

Findings of Fact-“Exhibit B”**SPECIAL USE PERMIT STANDARDS (SERVICE STATION AND DRIVE-THROUGH)**

Lot 5 Menards Major Change (Second) Request (Revised August 2, 2023)

Permanent Index No.: 16-05-02-213-002, 16-05-213-003

Common Address: Vacant land, S. Bell Rd., Homer Glen, IL 60491

Applicant restates the findings and support provided before the Village’s adoption of Ordinance No. 22-038. It also notes that the car wash findings should remain unaffected by the proposal of a service station on Lot 2. The service station proposal improves the car wash’s functionality by allowing the elimination of parking spaces at the stacking entrance and by eliminating parking on the west line of the access road.

Section 220-1209D of the Code of the Village of Homer Glen states the required standards for making findings of fact for a special use (and any amendments thereto). Applicant meets the standards with respect to both the service station and the restaurant offering a drive-through.

SERVICE STATION SPECIAL USE

1. *The establishment, maintenance or operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort or general welfare.* Applicant converts the retail building to a service station with a 7,715 square foot restaurant and retail building divided from the access road by a landscape island for better traffic flow. The service station is remote from residential use (800’-plus to the north beyond a farm and a Nicor utility line, 1,000’-plus to the southeast and 1,000’-plus to the west). The nearest land zoned but not used for residential use is across Bell Road (a religious land use zoned E-1 Estate Residential that is 800 feet away on Glengary Drive and vacant land platted for open space (Goodings Grove Unit 5) zoned R-4 or R-5 roughly 350 feet away). The tract one strip of land removed from the car wash (Rivera’s Andalusian Farm, 13700-13728 Bell Road) is zoned A-1 Agricultural and hosts a farm with multiple buildings. The location of the service station considers proper buffering, parking, traffic movement and landscaping.
2. *The proposed use at the proposed location will not have an undue or substantial adverse effect, above and beyond that inherently associated with such use, irrespective of the location in the particular zoning district, upon adjacent property, the character of the neighborhood, or other matters affecting the public health, safety and welfare of the community.* The service station is situated so as to present the least impact to use of the access road, to Rivera’s Andalusian Farm, and to any nearby current or future residential uses. In this particular C-2 district, the overall Lot 2 use and design benefits from the depth of the overall commercial planning along each side of Bell Road, including the distance between the rear of the building from residential uses west of the ComEd utility lines on the west side of the Menards Subdivision. The utility right-of-way offers a recreational and open space buffer planned along with and subsequent to annexation of the Menards Subdivision years ago. Bell Road features 20 acres of parking lots, but it has only two gasoline service stations despite the number of trip generating

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uses. The service station will draw from the traffic already feeding into the area. With the car wash as an additional draw, the Lot 2 service station will provide residents and visitors a reason to stay in the C-2 district longer and will offer a benefit that aligns with the vehicular-intensive nature of the corridor. The service station will not interrupt the planning in the C-2 corridor because it is situated at a location that is adjacent to the northernmost usable commercial lot.

- 3. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.*** Rivera’s Andalusian Farm is a large stable operation, with an indoor training arena and other amenities. Rivera’s Andalusian Farm entrance driveway is situated nearly 500 feet north of the shared driveway that has been planned since 2004. Interference with the operation of this driveway should not arise due to the signalized intersection at Glengary Drive. Existing and planned residential areas were designed in contemplation of Bell Road planning and the business uses along Bell Road. There is no interconnection other than a pedestrian way or recreation path between Menards Subdivision and the adjacent residential area to the west. The potential for vehicular interconnection is slim. The determination since 2004 not to create a vehicular route from these residential areas to the intersection at Glengary Road indicates that such a connection is not desirable. There is no reason for service station traffic to utilize roads east of Bell Road unless part of a trip originates or ends in these areas.
- 4. The proposed use at the particular location is desirable to provide a service or facility in the interest of public convenience and the gain to the public and all or a part of the community exceeds the hardship imposed upon the property owner.*** The service station will provide a necessary and desirable use and it is in the interest of public convenience to have this use along Bell Road. In fact, most heavily-travelled corridors have many of these uses where they can be a benefit. There is no similarly-aligned service station and car wash in the corridor and the Village noted related revenue leakage in relation to gasoline service stations and restaurants. The service station is an amenity to the public and to the Village.
- 5. The proposed special 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.*** As noted elsewhere, the surrounding zoning, actual land use and continuity of the corridor will not be affected. Menards itself is a heavy generator of traffic. The Firestone use to the south should benefit. Additionally, the new Arby’s should also benefit from having multiple potential customers use the service station and make additional purchases in the area. Trip generation for the use is actually fairly nominal, but the service station is an additional draw into Menards Subdivision for people already making these trips. The service station design improves functionality of the access road intended to serve Menards Subdivision. The Bell Road corridor and Menards Subdivision were planned for uses with this type of traffic.

Findings of Fact-“Exhibit B”

- 6. *The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*** The service station will be situated on land at the north end of the C-2 corridor and rely on shared access that has been planned since 2002 and pursued in 2004. The inclusion of the north 100 feet of Lot 4 renders the remainder available to Menards.
- 7. *The exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed, or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.*** The service station offers architectural and landscape relief. Although the use comes along well after Menards, it will rely on the same design planned for functional access to Menards. Even though other lots in the development do not have similarity of style or appearance, the service station will have visual connectivity with the car wash building. It also incorporates horizontal and vertical elements similar to those approved before.
- 8. *Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.*** There are sufficient utility, street, drainage and other facilities, some of which are partially constructed or fully constructed for the development of Lot 5. Applicant will plan for interim lighting along the shared access road as well as a surface and cross-section deemed adequate by staff for the purposes of relying on the access road for access at a time when Lot 4 remains to be developed.
- 9. *Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.*** The KLOA traffic memorandum will indicate that the car wash and service station draw largely from existing traffic, but that new traffic may also arise. (This is so for every development on vacant land and even for redevelopment such as the Arby's re-utilization of a former bank building.) Adequate ingress and egress is available directly from southbound lanes using the Lot 5 right-in/right-out and from northbound lanes using the signalized main entrance. KLOA previously recommended precautions during the peak annual usage days of the car wash, and Applicant will take them as it does at other locations. KLOA has mentioned precautions to be taken in the operation of the service station. Applicant and KLOA believe the service station works well with the car wash even though it will generate more internal traffic. Applicant will plan according to the prior traffic memorandum by KLOA to the extent it is relevant to the new plan.
- 10. *The proposed use, at its location, meets the location, goals and objectives of the Village's Comprehensive Plan and is in general accord with the guidelines of the plan.*** The Village's 2005 Comprehensive Plan supports commercial use of Lot 5. A service station is one of the special uses deemed legislatively proper within the C-2 district. The 2020 draft future land use plan continues the designation of Lot 5 as commercial. Notably, the property one lot removed to the north from Lot 5 is designated as agribusiness and the land across Bell Road remains designated for public/institutional use. Bell Road is one of the Village's three retail corridors and also its most heavily

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developed. The proposed 2020 plan recognizes mixed use is the next opportunity for diversification of the Village’s economic climate along Bell Road. The service station will help resolve retail sales tax leakage in the service station category (identified in the draft 2020 plan). The service station at this location along Bell Road will improve the corridor. Notably, the service station and retail and restaurant use will operate with a level of synergy that is not currently in place along Bell Road.

DRIVE-THROUGH SPECIAL USE

Several of the remarks above apply to the drive-through special use. Applicant will not repeat them, but will rely on them relating to factual conclusions below. Applicant also notes that, via Ordinance No. 22-038, the Village has concurred in the findings necessary for a drive-through on Lot 2. The proposed drive-through has now been shifted 100-105 feet west of the access road improving on the prior design. Applicant has eliminated parking west of the drive-through which caused some concern under the earlier design. A bypass lane is provided adjacent to the stacking area. On a small number of occasions, loading will occur from the bypass lane, but loading will be planned so as to avoid peak hours of drive-through use. Applicant improved access into and from the drive-through so it is wider at relevant points.

- 1. The establishment, maintenance or operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort or general welfare. The restaurant is a permitted use.*** The drive-through for the restaurant will stack from the northwest corner of the building to preview and menu boards on the southwest corner with a service window in the eastern half of the south façade. The drive-through will no longer exit directly onto the access road across Lots 1, 4 and 5. It will exit to Lot 2’s interior drive aisles then onto the access road. The main driveway into Menards Subdivision and a distance over 500 feet separate the proposed drive through from the Arby’s drive through. Proposed stacking already far exceeds that which is required by code. Within the Menards Subdivision, there will be no detriment or endangerment. Drive-through operations at this location offer ingress and egress that are both efficient and practical. The relocation of the drive-through also minimizes possible conflict west of the building.
- 2. The proposed use at the proposed location will not have an undue or substantial adverse effect, above and beyond that inherently associated with such use, irrespective of the location in the particular zoning district, upon adjacent property, the character of the neighborhood, or other matters affecting the public health, safety and welfare of the community.*** The drive-through will have peak hours that lead to busier drive aisles within the development, just as does the Arby’s drive-through on Lot 3. Plans depict the drive-through at the south end of the existing Lot 5 with sufficient spacing and curb radii to allow for parking on the north 100 feet of Lot 4. Vision triangles are respected.
- 3. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.*** Compliance with the Zoning Ordinance is a measure of whether the drive-through will cause injury or a diminution or

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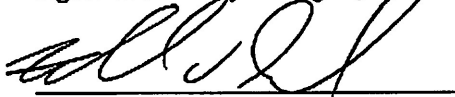
impairment of property values. The drive-through substantially conforms to the Zoning Ordinance. Reasonable relief is necessary in some respects to allow for proper circulation with landscaping requested by staff. The Menards Subdivision is essentially its own neighborhood as a result of the absence of any interconnectivity to the north or west and the sole connections otherwise involving Bell Road. Beyond the Menards Subdivision, there will be no noise, visual or other impact whatsoever that could impact land values or the use of land.

4. ***The proposed use at the particular location is desirable to provide a service or facility in the interest of public convenience and the gain to the public and all or a part of the community exceeds the hardship imposed upon the property owner.*** Applicant could provide a restaurant without a drive-through at this location, but the burdens for carryout coupled with the loss of a broad range of possible customers ultimately would fall on consumers and the Village. Additionally, drive-through or drive-up operations have been encouraged on Lot 1 (Menards), on Lot 3 (bank and Arby’s) and on Lot 2 (Firestone) as well as in the C-2 district in general. Most recently, some of these drive-through operations have been approved on lots with no contiguity to Bell Road.
5. ***The proposed special 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.*** There has been and will be no interconnection with the stables to the north. The drive-through will have no impact on development along the east side of Bell Road. The stormwater management area west of the drive-through prevents pedestrian and vehicular access between the drive-through and the residential area to the west. Menards’ operations screen the drive-through from view and any noise impact such as a honking horn. (The menu board speaker will not be audible far beyond the lot line which is adjacent to a large storm facility).
6. ***The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*** Drive-through uses have historically developed along the corridor and along streets connecting to Bell Road. In light of the design of the drive-through and its excess stacking (and reserve stacking area), there is sufficient protection of the access route across Lot 4.
7. ***The exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed, or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.*** The drive-through design is standard with stacking along the rear of the building in the service area and the forward-of-center window. The window is extended from the primary south façade and this operates to articulate the wall. The drive-through itself is not out of keeping with the character of the other similar uses in the area.

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8. *Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.* The access road planning in the development has always contemplated ingress and egress along a shared access road with parking or lot development amenities relying on the access road. The drive-through properly stacks and disperses inasmuch as volume and safety are concerned. The current plan improves on the two-car depth formerly proposed between the drive-through and the access road.
9. *Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.* During prior engineering review, Applicant and the Village discussed traffic conflict west of the building as well as signage and pavement markings to avoid wrong-way movements. Applicant has now eliminated the parking west of the building that caused these concerns. Applicant provides plenty of stacking and seeks approval of a preview board and a menu board (customary for quick service restaurants and more popular for fast food uses). The southerly bypass south of the drive-through lane avoids congestion at the drive-through when needed. Sufficient parking is available for the use on Lot 2 in the event that holding spaces are necessary.
10. *The proposed use, at its location, meets the location, goals and objectives of the Village's Comprehensive Plan and is in general accord with the guidelines of the plan.* Under the 2005 Plan, Bell Road is designated as a vehicle centric corridor with large and small commercial uses, most of which require a vehicle and several of which require convenience to drivers such as drive-through facilities in banks and restaurants. While not approved, the 2020 Plan contains data that indicates some level of sales tax leakage to other communities. Both the 2005 Plan and the data behind the draft 2020 Plan indicate that diversification of the tax base and avoidance of sales tax leakage should be pursued. Setting aside that this project comes along well after the annexation agreement, and nearly two decades after planning for the area, the project—including a drive-through for the restaurant—will diversify the restaurant component by adding a restaurant type that does not exist in the area. The design of the drive-through avoids congestion in the public and private streets by providing excess stacking and allowing a reserve area for additional stacking if needed. The 2005 Plan has always supported highway commercial uses such as those along Bell Road and proposed with this project. The 2005 Plan continues to support development in Menards Subdivision as a unified commercial area. The project does not qualify as a strip commercial development discouraged under the 2005 Plan.

Signed this 2nd day of August, 2023



Mark W. Daniel
Daniel Law Office, P.C.

Findings of Fact-“Exhibit B”**Plan Commission Recommendation**

At the September 21, 2023 Plan Commission meeting, the Plan Commission voted 7-0 to adopt staff’s recommended findings as the findings of the Plan Commission, and recommended to the Village Board approval with conditions of [1] a Preliminary Plat of Subdivision; [2] a Special Use Permit for a Major Amendment to the Menards Planned Unit Development (PUD) with requested exceptions, as listed in the attached Exhibit A; [3] Special Use Permits for (a) a car wash (*an automobile repair, service and body shop use*), (b) a drive-through establishment and (c) an automobile service station (*gas station*); and [4] a Site Plan, for certain real property generally located in the C-2 Local Business District on Lots 4 & 5 of the Menards PUD Subdivision, Homer Glen, Illinois, subject to the following conditions:

1. Meet all applicable building codes and apply for all applicable building permits.
2. Meet all applicable engineering codes and requirements for Final Engineering.
3. Submit of a Final Plat of Subdivision to the Village Engineer for final review and recording.
4. The car wash special use is approved on the condition that the operator will take precautions necessary during the peak season to avoid hazards in the access road or blocking of the access road, including one of more or the following: additional staff will be used to help direct and manage the traffic flow through the site; a staff person will be placed at the internal intersection west of Bell Road to help direct traffic; electing the most efficient time for vacuuming (i.e. before or after a car wash; and/or traffic exiting the car wash will be prohibited from making a left turn to (1) exit the car wash site via the right-turn in/right-turn out access drive or (2) enter the vacuum stations. The operator shall also report to staff upon inquiry concerning the peak season operations and any of the precautions noted above.

PUD Exceptions:

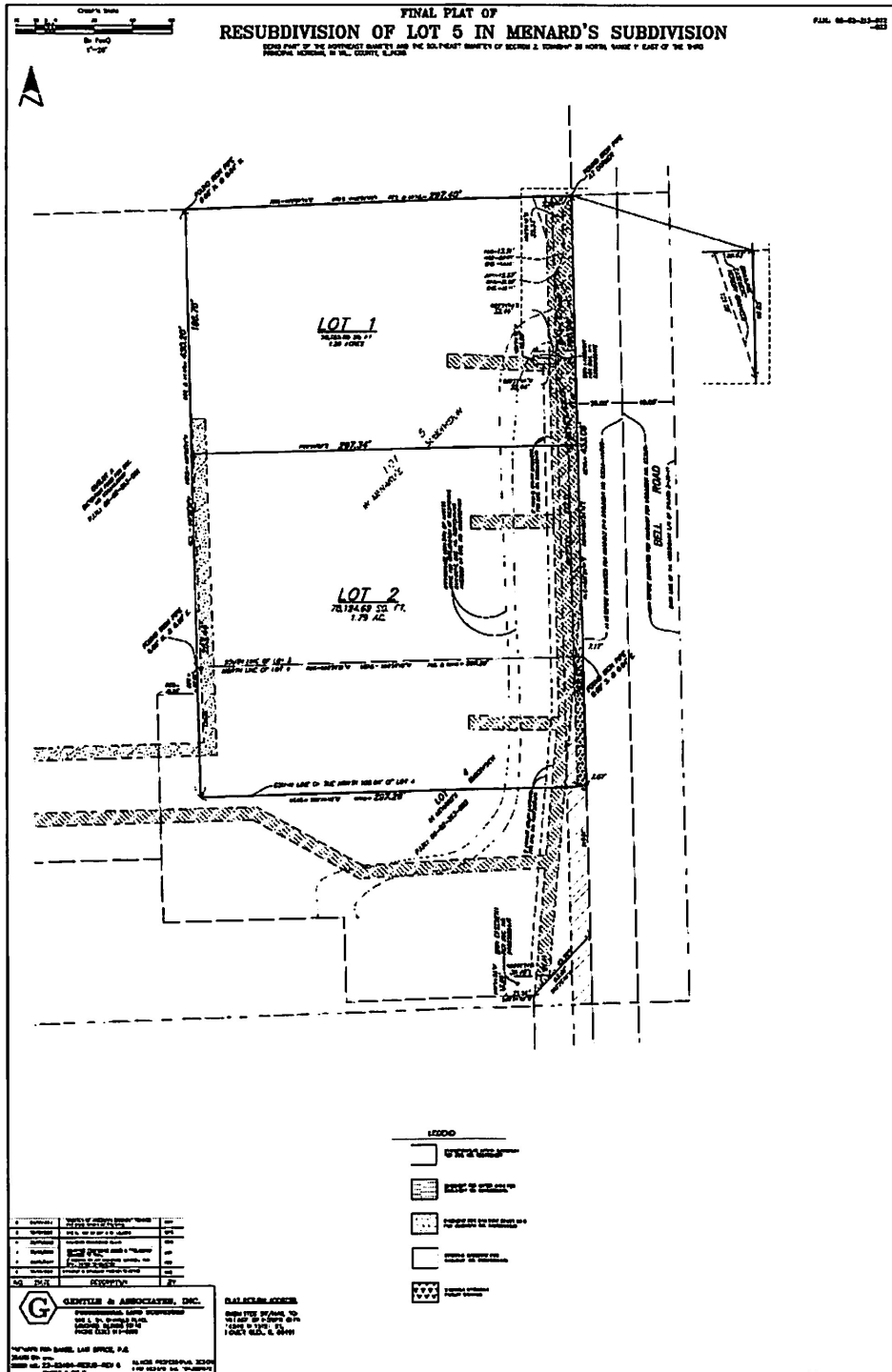
1. Reduce the Required Landscape Setback from the required thirty (30) feet to twenty (20) feet.
2. Reduce the south side setback for the car wash from twenty (20) to seventeen (17) feet.
3. Reduce the north side setback for the restaurant/convenient store from twenty (20) to twelve (12) feet.
4. Reduce the parking lot/drive aisle setback from five (5) feet to zero along the property line between Lots 1 and 2.
5. Increase the accessory structure height from fifteen (15) feet to twenty (20) feet for the pay canopy.
6. Increase the aggregate lot coverage/impervious of Lots 1 and 2 from sixty-five (65) percent to sixty-seven (67) percent and to consider aggregate impervious for the entirety of the PUD.
7. To allow for parking on Lot 1 for the benefit of Lot 2.

8. Reduce the parking lot stall depth from nineteen (19) feet to eighteen and a half (18.5) feet.
9. Allow an additional wall sign on the north and south walls of the car wash.
10. Increase wall sign copy area for east elevation of Car Wash: from forty-three (43) square feet to seventy-six (76) square feet.
11. To allow for a multi-tenant monument sign on Lot 4.
12. To provide masonry veneer on the canopy columns to the height of 12'.

*the additional exception highlighted in yellow was added by the Plan Commission and was meant to be a condition.

At the September 21, 2023 Plan Commission meeting, the Plan Commission voted 7-0 to adopt staff's recommended findings as the findings of the Plan Commission.

Preliminary Plat of Subdivision-"Exhibit C"



PUD Site Plan - "Exhibit D"

