THE VILLAGE OF HOMER GLEN WILL COUNTY, ILLINOIS

ORDINANCE NUMBER 23-067

AN ORDINANCE APPROVING (1) A MAP AMENDMENT FROM A-1
AGRICULTURAL TO P-1 GOVERNMENT BUILDINGS & PUBLIC SCHOOLS, (2)
SPECIAL USE PERMIT FOR AN EDUCATION FACILITY (SCHOOL), (3) SITE PLAN
APPROVAL, (4) A VARIANCE TO ELIMINATE THE REQUIREMENT FOR
PARKING LOT ISLAND LANDSCAPING WITHIN THE PROPOSED OVAL SHAPED
NORTH LOT, AND (5) A VARIANCE TO REDUCE THE AMOUNT OF A DENSE
EVERGREEN SCREENING BETWEEN OFF STREET PARKING AREAS LARGER
THAN 4 SPACES THAT ARE ADJACENT TO PROPERTY ZONED FOR
RESIDENTIAL USE. THIS VARIANCE REQUEST APPLIES TO THE PROPOSED
PARKING ADJACENT TO THE NORTH PROPERTY LINE; ALL FOR CERTAIN
REAL PROPERTY LOCATED IN THE A-1 AGRICULTURAL DISTRICT AT 15711,
15731 AND 15733 S. BELL ROAD, HOMER GLEN, ILLINOIS [HG-2321-ASPV].

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 MAP AMENDMENT FROM A-1 AGRICULTURAL TO P-1 GOVERNMENT BUILDINGS & PUBLIC SCHOOLS, (2) SPECIAL USE PERMIT FOR AN EDUCATION FACILITY (SCHOOL), (3) SITE PLAN APPROVAL, (4) A VARIANCE TO ELIMINATE THE REQUIREMENT FOR PARKING LOT ISLAND LANDSCAPING WITHIN THE PROPOSED OVAL SHAPED NORTH LOT, AND (5) A VARIANCE TO REDUCE THE AMOUNT OF A DENSE EVERGREEN SCREENING BETWEEN OFF STREET PARKING AREAS LARGER THAN 4 SPACES THAT ARE ADJACENT TO PROPERTY ZONED FOR RESIDENTIAL USE. THIS VARIANCE REQUEST APPLIES TO THE PROPOSED PARKING ADJACENT TO THE NORTH PROPERTY LINE; ALL FOR CERTAIN REAL PROPERTY LOCATED IN THE A-1 AGRICULTURAL DISTRICT AT 15711, 15731 AND 15733 S. BELL ROAD, HOMER GLEN, ILLINOIS [HG-2321-ASPV].

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

WHEREAS, an application has been filed by Ronald McGrath (Architect), on behalf of Homer Community Consolidated School District 33C, seeking (1) a Map Amendment from A-1 Agricultural to P-1 Government Buildings & Public Schools, (2) Special Use Permit for an Education Facility (School), (3) Site Plan approval, (4) a Variance to eliminate the requirement for parking lot island landscaping within the proposed oval shaped north lot, and (5) A Variance to reduce the amount of a dense evergreen screening between off street parking areas larger than 4 spaces that are adjacent to property zoned for residential use. This variance request applies to the proposed parking adjacent to the north property line; all for certain real property located in the A-1 Agricultural District at 15711, 15731 and 15733 S. Bell Road, Homer Glen, Illinois, [HG-2321-ASPV]; and

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

WHEREAS, pursuant to a public notice published in a newspaper of general circulation within the Village as required by the Code of the Village of Homer Glen, the Plan Commission held a public hearing with regard to said application on November 2, 2023, and rendered its findings of fact and recommendations to the Board of Trustees; and

WHEREAS, the Plan Commission after due consideration of the issues, exhibits and testimony, made findings of fact and a recommendation to the Board of Trustees which are incorporated into the record of its proceedings attached hereto as "Exhibit B", "Exhibit C" and "Exhibit D" which include the specific findings as required by §220-1208, §220-1209 and §220-1207, respectively, of the Code of the Village of Homer Glen; and

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

WHEREAS, This variance request applies to the proposed parking adjacent to the north property line; all for certain real property located in the A-1 Agricultural District at 15711, 15731 and 15733 S. Bell Road, Homer Glen, Illinois; and

WHEREAS, the Village President and Board of Trustees, after due consideration have determined that granting (1) a Map Amendment from A-1 Agricultural to P-1 Government Buildings & Public Schools, (2) Special Use Permit for an Education Facility (School), (3) Site Plan approval, (4) a Variance to eliminate the requirement for parking lot island landscaping within the proposed oval shaped north lot, and (5) A Variance to reduce the amount of a dense evergreen screening between off street parking areas larger than 4 spaces that are adjacent to property zoned for residential use, is in conformance with the Village's Comprehensive Plan and in the best interests of the public health, safety and welfare of the Village's residents.

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

- Section 1. Incorporation of Recitals. That the recitals and findings set forth above and in the recommendation of the Plan Commission, attached hereto as Exhibit "E", are incorporated herein by reference the same as if they were fully set forth herein verbatim and they are adopted as the findings of the Board of Trustees of the Village of Homer Glen.
- Section 2. Zoning Map Amendment. The Village hereby grants a Zoning Map Amendment to rezone the subject property from A-1 Agricultural to P-1 Government Buildings & Public Schools at 15711, 15731 and 15733 S. Bell Road, Homer Glen, Illinois.
- **Section 3. Special Use Permit.** The Village hereby grants a Special Use Permit for an Education Facility (School) for certain real property located at 15711, 15731 and 15733 S. Bell Road, Homer Glen, Illinois.
- **Section 4. Site Plan.** The Village hereby grants a Site Plan Approval for an Education Facility (School) Addition and Site Work, for certain real property located at 15711, 15731 and 15733 S. Bell Road, Homer Glen, Illinois, subject to the following conditions:
 - 1. Process a Plat of Consolidation.

Section 5. Variances: The Village hereby grants a Variance to eliminate the requirement for parking lot island landscaping within the proposed oval shaped north lot, and a Variance to reduce the amount of a dense evergreen screening between off street parking areas larger than 4 spaces that are adjacent to property zoned for residential use, this variance request applies to the proposed parking adjacent to the north property line.

- **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 13th day of December, 2023 pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Consolino	X			
Fialko	X			
Mason	X			
McNaughton	X			
Reynders	X			
Steilen	X			
Neitzke-Troike (Village President)				
TOTAL	6			

APPROVED by the Village President on December 13th, 2023

Christina Nertzke-Troike

Village President

Candice Bielski Village Clerk

Legal Description - "Exhibit A"

Address: 15711, 15731 and 15733 S. Bell Road PIN: 1605133000180000 & 1605133000270000

PARCEL I:

THE SOUTH 232.0 FEET OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, IN TOWNSHIP 36 NORTH, AND IN RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THE NORTH 260.0 FEET OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, IN TOWNSHIP 36 NORTH, AND IN RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN WILL COUNTY, ILLINOIS.

PARCEL II:

THE EAST 762.72 FEET OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, EXCEPT THE NORTH 260.00 FEET THEREOF AND ALSO EXCEPT THE SOUTH 450.00 FEET THEREOF, IN TOWNSHIP 36 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN WILL COUNTY, ILLINOIS. CONTAINING 10.79 ACRES, MORE OR LESS.

on the property.

Findings of Fact – "Exhibit B" Standards for Map Amendments

Dated: December 13, 2023

Chapter 220-1208D of the Code of the Village of Homer Glen lists the standards by which the Plan Commission shall make the findings of fact. The following are categories with staff's recommended findings in italics:

- (a) Existing uses of property within the general area of the property in question.

 The existing uses in the general area of the subject properties are vacant/farming, mixed local and general commercial, religious institution, traditional single family detached subdivisions, and single family rural.
- (b) The zoning classification of property within the general area of the property in question. The zoning classification of the majority of the properties within the general area include A-1 Agricultural (subject property), R-3 Single Family Residential, R-4 Single Family Residential, R-5 Single Family Residential, C-1 Neighborhood Commercial, C-2 Local Business, C-3 General Business, C-5 Office and Research Park.
- (c) The suitability of the property in question to the uses permitted under the existing zoning classification.

 The lane use of the property in question is an established public school. The property is zoned A-1 Agricultural. While the A-1 zoning district allows for public schools via a Special Use Permit, other district regulations are limiting to the development of a site for the purpose of a school. Impervious coverage is limited in A-1 twenty (20) percent versus fifty (50) percent in P-1. Setback requirements for A-1 are much larger than P-1 and create physical restrictions for the land planning of a school complex. Signage is prohibited in the A-1 District with the exception of produce signage; this prohibition would be extremely limiting for the school with regard to upgrading/expanding signage
- (d) The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification. Much of the land around this property was developed decades ago and is predominantly an existing mixed commercial area. There is also an existing residential subdivision directly west of the subject property (Meadowview). The properties to the north include an existing religious institution and a large undeveloped property that is currently commercially farmed. There is also a large tract of undeveloped land (over 80 acres) east of the subject property that is forested and/or commercially farmed. Historically, mixed use development plans for this 80 acres have been submitted to the Village for conceptual review, but no plans have come to fruition.

- (e) The change in zoning is in conformance with the comprehensive plan of the Village and its official map.
 - The 2005 Comprehensive Plans designates the future land use of the subject property as Public School. The change in zoning request to the P-1 Government Buildings & Public Schools is in conformance with the Comprehensive Plan Recommendation.
- (f) The length of time the property has been vacant as zoned, considered in context of the land development in the area surrounding the subject property.

 The subject properties are not vacant, but have been operating as a school since Hadley Middle School was built in 1987 and Homer Junior High was built in 1981, with additions constructed in 2003 and 2004, respectively.
- (g) The extent to which property values are diminished by particular zoning restrictions. The existing A-1 zoning of the property does pose restrictions to development of the land as a public school. Likely variances to setbacks and impervious/lot coverage would be supported if the property were to remain in A-1. While the restrictions are not likely to diminish property values; the land use and development of this property as a public school is more closely aligned with the P-1 district.

<u>Findings of Fact – "Exhibit C"</u> Standards for Special Use Permit

Chapter 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). The following are the categories with staff's suggested findings (in italics):

- 1. That the establishment, maintenance or operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort or general welfare.

 Hadley Middle School was built in 1987 and Homer Junior High was built in 1981, with additions constructed in 2003 and 2004, respectively. Staff is of the opinion that the expansion of the campus will not be detrimental to or endanger, the public health, safety, morals, comfort of general welfare, and in fact, will greatly benefit the needs of School District 33C and help to provide necessary facilities.
- 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.

 Hadley Middle School was built in 1987 and Homer Junior High was built in 1981, with additions constructed in 2003 and 2004, respectively. Staff is of the opinion that the expansion of the campus will not have undue or substantial adverse effect upon adjacent property or character of the neighborhood. The changes to the parking lot will help with traffic circulation within the school site and help to minimum the impact of that traffic on Bell Road during peak times. These changes will likely have a positive impact to the neighboring community.
- 3. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

 Hadley Middle School was built in 1987 and Homer Junior High was built in 1981, with additions constructed in 2003 and 2004, respectively. Staff is of the opinion that the expansion of the campus will not be injurious to the use of other property in the immediate vicinity or impair property values. The use of the property, generally speaking is not changing, as it has been a school complex for decades.

The building additions to the school will not likely diminish land value as the addition is an expansion of existing school buildings and an overall improvement to the property, if anything there would likely be a positive impact. The changes to the parking lot will help with traffic circulation within the school site and help to minimum the impact of that traffic on Bell Road during peak times. These changes will likely have a positive impact to the neighboring community, but it is unknown if there would be positive impacts to property values..

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 expansion of the campus will greatly benefit the needs of School District 33C and help to provide necessary facilities. Development of an "out of the ground" facility elsewhere would incur tremendous cost, economies of scale will help to keep costs down while providing the necessary expansion needs of the School District.

- 5. 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.

 The applicant is requesting and staff is recommending a map amendment to the P-1 Government Buildings & Public Schools district which is very suitable for the Special Use of a School.
- 6. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. Staff is of the opinion that the expansion of the campus will not impede the normal and orderly development of surrounding property. The Comprehensive Plan indicates that the future land use of properties to the north and east would have commercial/business frontage with residential in the rear. Locating schools uses nearby residential helps reduce dependency on busing. Existing and any new commercial areas are and will be limited in acquiring certain types licensing (such as tobacco) based on physical distances to the schools.
- 7. That the adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

 Adequate access to utilities and roadways is already being provided and will continue in the same capacity. The proposed expansion of the campus has been reviewed and achieved preliminary engineering approval from the Village Engineer and Village consulting Engineer.
- 8. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

 Adequate access to roadways is already being provided and will continue in the same capacity.

 Expansion of parking areas and segregation of bus traffic is being proposed as part of this project and is expected to help mitigate some of the peak traffic issues on Bell Road that already exist.
- 9. The proposed use has been considered in relation to the location, goals and objectives of the Village's Comprehensive Plan and is in general accord with the guidelines of the plan. The Comprehensive Plan designates the subject properties as Public Schools. The current and proposed use of the property is consistent with the Comprehensive Plan. The 2005 Comprehensive Plan indicated that the existing schools in District 33C were close to capacity and it is staff's understanding from District Administration the school population has continued to grow and that is a major impetus for this project.
- 10. The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, including planned developments, except as such regulations

may, in each instance, be modified by the Village Board, pursuant to the recommendations of the Plan Commission.

The proposed expansion is in conformance with all other regulations in the district that it will be zoned with the exception of the two variances being requested under this application, see variance factors

No special use involving an adult business shall be recommended by the Plan Commission unless the Plan Commission shall additionally find that the granting of the special use shall not:

- 1. Increase the hazard from fire or other dangers to said property.

 The plans for the expansion of the school have been reviewed by the Fire District, they have no comments on the development at this time. The plans will have to meet the requirements of the School Building Code.
- 2. Diminish the value of land and buildings in the vicinity of the proposed special use. The building additions to the school will not likely diminish land value as the addition is an expansion of existing school buildings and an overall improvement to the property, if anything there would likely be a positive impact. The changes to the parking lot will help with traffic circulation within the school site and help to minimum the impact of that traffic on Bell Road during peak times. These changes will likely have a positive impact to the neighboring community, but it is unknown if there would be positive impacts to property values.
- 3. Substantially increase the possibility of criminal acts against properties within 500 feet of such proposed special use or against persons who regularly use such properties. Staff does not have an expert opinion on this topic. Staff is of the opinion that this addition and/or changes to the parking/circulation will not increase the possibility of criminal acts any more than the existing risk that exists.

Findings of Fact – "Exhibit D" Variance Standards

Chapter 220-1207C (1-3) of the Code of the Village of Homer Glen lists the standards by which the Plan Commission shall make the findings of fact. The following are the categories with staff's recommended findings in *italics*:

- 1. The Plan Commission shall not vary the provisions of this Ordinance as authorized unless it has made findings based upon the evidence presented to it in the following cases:
 - (a) That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone.

 The property in question could still yield a reasonable return if permitted under the conditions allowed by regulations in the District. The District is not looking to make money off of the property, but just to provide necessary facilities for the Schools.
 - (b) That the plight of the owner is due to unique circumstances.

 The School is requesting to eliminate the requirement for landscape islands in the multiuse parking area because the islands would interfere with the proposed uses which include a track area and a bus parking/loading area. The school is also requesting to eliminate some of the required screening along the north property line due to extreme slopes. The applicant has indicated the slope in some areas is upwards of thirty-eight (38) percent. The applicant is proposing some plantings where the slope is less excessive.

Applicant Recommendation: For the safety of students, the bus loop must be separated from the parent drop off loop. Considering this safety concern, the location of the existing school buildings, that the addition creates shared spaces for both schools, and the physical constraints of the site, the paved track/bus loop will only fit on the site to the north of the building.

(c) That the variance, if granted, will not alter the essential character of the locality.

A parking lot area similar in size and functionality (with no landscape islands) already exists on the property, but is being relocated due to the building addition. Staff does not believe this relocation will alter the essential character of the locality.

The existing parking lots along the north property line do not have landscape screening; staff does not believe that this variance, if granted, will alter the essential character.

- 2. A variance shall be recommended to the Village Board only if the evidence, in the judgment of the Plan Commission, sustains each of the three conditions enumerated in Subsection C(1).
- 3. For the purpose of supplementing the above standards, the Plan Commission, in making its determination, shall also take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:
 - (a) That the particular surroundings, shape, or topographical conditions of the specific property involved will bring a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations was carried out.

 A parking lot area similar in size and functionality (with no landscape islands) already

believe this relocation will alter the essential character of the locality. The request for variance is connected to the need for a multi-purpose surface for the School in order to meet variable needs, i.e. they need flexibility in the design.

The variance request for the reduction in landscape screening is due to the significant slope.

(b) That the conditions upon which the petition for variance is based would not be applicable, generally, to other property within the same zoning classification.

The request for this variance is very unique for the needs of the school to provide for bus loading/parking, sports/track area and normal parking. It would be difficult for these conditions to create a precedent that could be replicated generally within the same zoning classification.

While the conditions for the landscape screening cannot be generally replicated within the same zoning classification, it is possible for the conditions to exist on other properties in an area where screening is required and this request could create a precedent.

(c) That the purpose of the variance is not exclusively based upon a desire to make more money out of the property.

The purpose of the variance is not to make more money. The purpose of the variance is to allow for flexibility in design to allow for a multi-use surface in order for the School District to be cost effective.

The purpose of the variance for the landscape screening is not to make more money, but is out of a desire to be fiscally responsible and not spend funds on landscape material that may not survive on a steep slope.

- (d) That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.
 - The School District is charged with providing for necessary facilities for a District that needs an expansion. The District has not caused the hardship but the hardship is a direct result of needing to provide a variety of facilities and at minimum cost (as the District is charged with being fiscally responsible with public funds.)
- (e) That the granting of the variance will not be detrimental to the public welfare or unduly injurious to other property or improvements in the neighborhood in which the property is located.
 - Village staff does not believe that limiting landscape islands or the landscape screening will be detrimental to the public welfare or unduly injurious to nearby property, especially when the separate bus parking area and dual-purpose nature of the lot will be a great benefit to the school.
- (f) That the exterior architectural appeal and functional plan of any proposed structure will not be so at Variance with 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.

Dated: December 13, 2023

The Architecture is not subject to a variance request, but staff is of the opinion that limiting the parking lot islands or the landscape screening will not cause substantial depreciation in property values.

(g) That the proposed variance will not impair an adequate supply of air to adjacent property, substantially increase the danger of fire, otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.

The proposed variances will not impair an adequate supply of air to adjacent property or increase danger of fire or endanger public safety or diminish property values.

Plan Commission Recommendation – "Exhibit E"

Dated: December 13, 2023

Chairman Hand asked for a motion. Vice-Chair McGary made a motion to recommend approval with conditions of (1) a Map Amendment from A-1 Agricultural to P-1 Government Buildings & Public Schools, (2) Special Use Permit for an Education Facility (School), and (3) Site Plan approval with certain Variances for certain real property located in the A-1 Agricultural District at 15711, 15731 and 15733 S. Bell Road, Homer Glen, Illinois? [HG-2321-ASPV]

Variance Requests:

- 1. Variance to eliminate the requirement for parking lot island landscaping within the proposed oval shaped north lot.
- 2. A Variance to reduce the amount of a dense evergreen screening between off street parking areas larger than 4 spaces that are adjacent to property zoned for residential use. This variance request applies to the proposed parking adjacent to the north property line.

Conditions:

- 1. Process a Plat of Consolidation.
- 2. Recommend to straighten the bus access off of Bell Road to the north drop off and create an island separating the car traffic from the bus traffic. (See drawing).

The motion was seconded by Commissioner Stanly. A roll call vote was taken with Commissioners Foley, Stanly, Bradarich, Bugos-Komperda, Fiskow, Vice-Chair McGary, Chairman Hand voting in favor seven (7) to zero (0). The motion passed unanimously and will go before the Village Board on December 13, 2023.

Chairman Hand asked for a motion. Vice-Chair McGary asked for a motion to adopt staff's findings as the findings of the Plan Commission, [Case No. HG-2321-ASPV]. The motion was seconded by Commissioner Stanly. A roll call vote was taken with Commissioners Fiskow, Foley, Stanly, Bradarich, Bugos-Komperda, Vice-Chair McGary, and Chairman Hand voting in favor seven (7) to zero (0). The motion passed unanimously and will go before the Village Board on December 13, 2023.