

# MEETING MINUTES



**Village of Homewood  
Planning and Zoning Commission  
Thursday, March 9, 2017  
7:30 p.m.**

**Village Hall Board Room  
2020 Chestnut Road  
Homewood, IL 60430**

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**CALL TO ORDER:** Member Planera called the meeting of the Planning and Zoning Commission to order at 7:30 p.m.

**ROLL CALL:** Members Bransky, Planera, O'Brien, Alfonso, Cap and Johnson were in attendance. Chairman Sierzega was absent. Present from the Village was Village Manager Jim Marino and Village Attorney Chris Cummings. There were 5 people in the audience.

**APPROVAL OF MINUTES:** Member Planera asked if there were any corrections or changes to the minutes of February 23, 2017, Member O'Brien stated on page 8, fourth paragraph second line states "Class 1 permits are permitted in nature." It should read permits are "permanent" in nature. Also, on page 8, end of first paragraph the sentence abruptly ends reading "type of business it," there should be a word at the end of the sentence to complete the sentence structure. Member O'Brien made a motion to approve minutes of February 23, 2017; seconded by Member Alfonso. The meeting minutes for the January 26, 2017 meeting remained deferred to the April 13, 2017 meeting.

**AYES:** Members Alfonso, Bransky, O'Brien, and Planera

**NAYS:** None.

**ABSTENTIONS:** Members Cap and Johnson

**ABSENT:** Chairman Sierzega

Motion passed.

**PUBLIC COMMENT:** There were no comments.

## **REGULAR ORDER OF BUSINESS:**

**PUBLIC HEARING – CASE NO. 17-07:** A request filed by Colleen Dunlavy to operate a learning center on the property at 17818 Halsted Street located in the B-4 Shopping Center zoning district.

Member Planera swore in Colleen Dunlavy, representing Sylvan Learning Center, 1836 Olive Road, Homewood.

Ms. Dunlavy stated that she owns and operates the learning center at 17936 Halsted in the same plaza on Halsted Street and they have been there for over twenty years. Ms. Dunlavy further stated that a new management company is requiring higher rent since the space is prime real

estate; therefore, they are requesting to move from the corner space they currently inhabit to the space in-between Famous Footwear and GNC. The move would give them the ability to stay in Homewood with more affordable rent. It is a tutoring facility, so during the day there are two or three adults in the building at one time and students come in between 4:00pm-8:00pm during the week and on Saturday and Sunday during operating hours between 9:00am and 1:00pm.

Member Alfonzo asked if there is enough room in the new location to run the business. Ms. Dunlavy stated that they would be able to continue business. They expanded the business a few years ago and ended up being much bigger; however, they are presently using about the same amount of space that they would have in the new space.

Member Bransky had no questions.

Member Cap had no questions.

Member O'Brien asked what the difference is between the two sites. Ms. Dunlavy stated that the current space measures 5,000 sq. ft. and the new spot is 2,225 sq. ft, so it is about half the size. Member O'Brien stated that the two locations looked to be about the same size and that is why he asked the question. Ms. Dunlavy stated that the current space was the same from the front, but they had expanded fifteen years.

Member O'Brien asked staff for assistance in understanding what would comprise of a unique character based on the excerpt on page 2, under the Discussion section; *the zoning ordinance requires a special use permit for uses that have a unique character that must be individually evaluated.* Acting Staff Liaison Marino stated that the commission has had requests for special uses for learning centers with this particular request and he is unaware of a unique character compared to other learning centers; however, the fact that it is a learning center itself is what makes it unique. Member O'Brien asked if there is any definition or listing that would make it unique. Acting Staff Liaison Marino stated that he would have to go through the zoning ordinance.

Village Attorney Cummings clarified the purpose of the excerpt is anytime there is a special use as opposed to a permitted use gives the commission the discretion to specifically tailor conditions. It's potentially a more intensive use when there are children going in and out of the business or there are adequate site lines and it may be appropriate in some areas and not in others, so this is a chance to really custom tailor this particular use to that particular site and he believes that is what is being stated within the Discussion section.

Member Johnson had no questions.

Member Planera asked how would the daycare that was once located on Halsted Street compare to Sylvan Learning Center in terms of the unique character. Also, since children are involved there are concerns regarding the proximity of the daycare to places that sell alcohol. How does this unique character here compare to the concern they have for a daycare center. Village Attorney Cummings stated that the definition of a learning center is a very broad definition and

this is probably more of the lower intensity learning center type of activity where there are kids coming in for a limited period of time.

Member Johnson noted that in the Homewood Zoning Ordinance under Findings and Fact it states: *every special use decision shall be accompanied by findings of fact specifying the reason or reasons for granting or denying the special use*, so a unique character is a factual term.

A motion was made by Member O'Brien to recommend approval of Case 17-07 for a special use to operate a learning center (tutoring facility) on the property at 17818 Halstead Street in the B-4 zoning district on behalf of Colleen Dunlavy. The Findings and Fact shall be included as part of the record and recommendation to the Village Board of Trustees. Seconded by Member Cap.

AYES: Members Planera, O'Brien, Alfonso, Johnson, Cap, and Bransky

NAYS: None.

ABSTENTIONS: None.

ABSENT: Chairman Sierzega

Motion passed.

**PUBLIC HEARING – CASE NO. 17-08** – A request was filed by Village of Homewood to amend the Homewood Zoning Ordinance text and map to create a Heavy Manufacturing zoning district (M-2), create a definition and special use in the M-2 zoning district for mining and extraction of aggregates, and rezone from B-4 to M-2 the property at the northeast corner of 175<sup>th</sup> Street and Halsted Street.

Member Planera noted that this case is unique in the manner that there will be no testimony, because the representatives for Hanson are not the petitioners, so this case is designed for more of a discussion than testimonials.

Acting Staff Liaison Jim Marino stated that the village was approached by Hanson Material Service, which owns and operates the mine, to mine the property on Halsted and 175<sup>th</sup> street. The property is estimated to be about ten acres and has been vacant for years. Acting Staff Liaison Marino further stated that Homewood zoning ordinance does not allow mining. The village has no issue allowing Hanson to mine that property and the village is coming before the commission to request an amendment to the zoning ordinance in order to create a new manufacturing district that will specifically allow mining and to amend the map to identify that area as an M-2 district. The Village Attorney Chris Cummings has closely worked with the attorney for Hanson and put together the draft ordinance. The ordinance might still have additional modifications that need to be made before it goes to the village board.

John Mays introduced himself as representing council for Hanson Materials, he is with the law firm of Gould & Ratner, 222 N. LaSalle St, Chicago.

Jeff Brasuell introduced himself as Area Manager of Thornton Quarry, 1813 S. Clark, Chicago.

Scott Jorns introduced himself as Quarry Manager of Thornton Quarry, 652 Karen Circle, New Lenox.

Mr. Mays stated that they are here as a resource and are also supporting the quarry so that the village adopts the ordinance. The proposed ordinance does not give them a right to mine, but it creates a structure to apply for a special use. Mr. Mays stated that Hanson would come back to make a special use formal presentation and go into more detail.

Member Planera swore in Scott Jorns and Jeff Brasuell, both representing Hanson Material Service.

Member Johnson asked what the landscaping improvements were that submitted to the Appearance Commission. Acting Staff Liaison Marino stated that Hanson cleared a lot of the property on Halsted; including the trees, installed new cyclone fence further east on Halsted, rock formations, and placed new plantings. The village approved the Halsted Corridor Landscape Plan a few years ago and that plan was provided to Hanson's landscaping architect.

Member O'Brien had questions regarding page three of the memorandum under the twelfth point, *there will be no traffic impact as all operations are accessed from areas outside of Village limits* and requested a confirmation that there will not be any shortcut, driveway, or access off the property into the village or anything of that nature. Mr. Mays confirmed that there will not be access off the property into the village and there will also not be any impact on roads.

Member O'Brien asked if the reclamation of the property is adequately provided for from the Illinois Department of Natural Resources. Mr. Mays stated that he believes that the standards that the State has for reclamation are consistent. Mr. Brasuell added that he agreed with Mr. Mays' statement so far, but the State does have requirements for reclamation as far as grading and seeding. Mr. Brasuell further stated that there are other points within the area that have been reclaimed, so Hanson will be coming decades down the road to speak on what the end use will be for the property. Also, in the Chicago metropolitan area on the southwest side of the city in Bridgeport Hanson's predecessor company, Material Service had a quarry and that has been turned into a park and preservation.

Member O'Brien asked how big, in terms of acres is the site. Mr. Brasuell responded with the measurement of a little over 9 acres. Member O'Brien asked if it will be as deep as the existing quarry once it is active. Mr. Brasuell responded by stating that it will be a natural extension of the existing quarry. Mr. O'Brien asked if there will be a natural barrier, such as the expressway where there is a road that goes between the north and the south of the expressway, or will this be just a continuous open pit from the existing quarry. Mr. Brasuell responded that it would be a continuous open pit and further stated the area of the land where the railroad tracks separate the quarry is approximately 200 acres and the area in question is a nine-acre extension.

Member O'Brien asked if there is a reason for mining of extraction aggregates as opposed to a metallic main and if there is a distinction. Member O'Brien stated that when he researched different spaces around the country there is a consistency to identify as nonmetallic mining, and asked why there was that absence of language with the description. Mr. Brasuell responded by stating that if there is a common practice with other governments to make that distinction he is not aware of any purpose and that there is no metallic mining activity.

Member O'Brien asked if there was any discussion or consideration of the right of entry in the portion of the Village of Homewood, due to the explosive materials that are being used. Village Attorney Cummings stated that what staff had done in the past is contact the Village of Thornton and coordinate any efforts with them, because they have been dealing with the lion share of the quarry for years and this is just a small slither located on the east end of the quarry. Village Attorney Cummings further stated that they couldn't even get people in the quarry without going through Thornton, so the plan was to coordinate with the Village of Thornton.

Acting Staff Liaison Marino stated that it is understood the first responder would be the Village of Thornton, but certainly if the nature of the incident warranted other fire departments or other agencies they would be called.

Member O'Brien agreed with Acting Staff Liaison Marino, but questioned whether there should be language within the ordinance making the reference or distinction. Village Attorney Cummings stated that it would be for the special use, but not for in the zoning ordinance. They will create the special use tonight and then in the future come back for the special use, which is where they will potentially articulate some of those specifics for the particular situation.

Member Cap asked if the Hanson's west property line is the same as the east right-of-way line of Halsted Street. Mr. Brasuell stated that there was an expansion a few years ago where some of the property, along with the ramp was taken for the expressway and that is the existing line as he knows it.

Member Cap stated that the white line displayed on the exhibit map given to the commission shows the west property line and asked if it is Hanson's west property line. Mr. Jorns stated that Member Cap was correct and that the map and white outline was taken off of the Cook County website.

Member Cap asked how close to the west property line IDNR would allow them to excavate, based on the excerpt in the ordinance: *No open pit shall be closer to an exterior lot line that is not adjacent to property owned under the control of the same or related owner than the distance set by IDNR rules and regulations in effect from time to time.* Mr. Brasuell stated that the IDNR uses a formula based on the depth dirt, which is approximately 25 ft. and Hanson's plan is to be 100 ft from the lot line and the width of the property is a little over 400 ft.

Member Cap referenced page 6, which states *all blasting shall be conducted between sunset and sunrise* and asked if those are the hours that Hanson is allowed in the Village of Thornton. Mr. Jorns stated the hours are established by state law.

Member Cap asked how the hours will affect the noise regulations from 7:00am to 7:00pm. Acting Staff Liaison Marino stated that it depends on the level of noise and the hours that Hanson is mining in Thornton. The hours will not affect the village regulations that are currently in place, because they have been mining there for years and the noise level from the mining now can carry over into Homewood. In conclusion, it would be the same circumstance for this case.

Member Cap asked if there are any considerations to monitor the noise level. Acting Staff Liaison Marino stated that it has not been reviewed yet.

Mr. Brasuell noted that they generally do not hear a lot of complaints on noise level; however, they do hear complaints geared towards blasting.

Member Bransky requested assistance from staff on clarification regarding section 2, subsections A and B on page 2. Member Bransky asked about the definitions on Limited Manufacturing District and Heavy Manufacturing District, specifically in subsection B item 4, which states that *the M Manufacturing Districts shall be deemed less restrictive than any other zoning district. The M-1 Limited Manufacturing shall be deemed to be the most restrictive manufacturing district.* Member Bransky asked if Heavy Manufacturing will have some accepted uses and byproducts of that use so that the commission can place stronger regulation on what they can and cannot do at the quarry. Village Attorney Cumming stated that there is only one permitted use in the Heavy Manufacturing District and that is what is being discussed tonight. The Limited Manufacturing District has a variety of uses, so it is more restrictive. On page 3, the table of the permitted uses under the Heavy Manufacturing District the only thing that is being discussed is the *Mining and Extraction of Aggregates* there is no other permitted use or special use.

Member Bransky asked if this ordinance is the commission changing M to M-1, but the commission will not be considering M-1 when it comes time to talk about M-2 for the special use permit. Village Attorney Cummings confirmed that Member Bransky was correct.

Village Attorney Cummings noted that through the process staff debated on adding the mining activity to the Limited Manufacturing District. Mining is radically different than anything else that is allowed in Homewood's Manufacturing District thus far and the limited Manufacturing District covers a much wider area, so it was the staff's thought that it was better to limit the discussion to focus on this area. Member Bransky requested a confirmation of his understanding that M-1 becomes a byproduct of splitting M into two different categories so that the discussed property can be put into M-2. Village Attorney Cummings confirmed Member Bransky's statement.

Member Planera asked if Hanson could give the commission a brief summary or physics of the blasting and asked if the deeper the blast the farther the effects. Mr. Brasuell stated that it is just opposite, the deeper you go the less it can be felt.

Member O'Brien asked if the blasting will disturb any water tables for people that are on wells. Mr. Jorns stated that the west quarry has been there for decades. They must keep the quarry dry at all times, but there are times that the quarry drains water; however, this small section will not change the wells. Mr. Brasuell was in agreement with Mr. Jorns and confirmed that it would not affect the water tables.

Member O'Brien continued with questions regarding page 2, section B, item 4, which identifies as *M Manufacturing Districts* and then below it states *M-1 Limited Manufacturing* the word 'district' should be included in the description. Member O'Brien suggested that on page 3, fourth line from the bottom of the page, *Manufacturing zoning district* the word 'zoning' should be

removed and the word ‘district’ should be capitalized. The last items are related on pages 4 and 5 and previously mention ‘no open pit.’ The language should be consistent, so why would it not be appropriate to have “no quarry shall be closer to an exterior lot line” as opposed to an ‘open pit’; and on the bottom on page 5 *practices generally excepted in the quarry*, it should be ‘in the mining industry,’ this type of industry is not referred to as the quarry industry.

Member Planera asked what the next steps are through this process. Village Attorney Cummings stated that this is a recommendation to the village board. The ordinance is a draft and he does not expect any substantial changes. There are still some words that staff is discussing and some of the performance standards in the zoning ordinance as a whole, such as off street parking, which is not going to apply to this particular district. One of the things staff will do is to make sure that everything that is part of the performance standards will be part of the special use and will be presented to the commission. Staff wants to make sure that there are no inconsistencies with what is being done with this district and the rest of the zoning ordinance. That is the one change that staff will make and the one change that is being looked at specifically is on page 4, item 5: *due to the unique nature of the use the limitations contained in Section W... performance standards and other restrictions in Section 8.4 of this ordinance shall not be applicable*, those are the environmental standards in the zoning ordinance. Staff will exclude other portions of the zoning ordinance that do not apply to this particular use. What staff will focus on is whatever is in the special use, because that is what is critical.

Member Planera asked if the staff wanted to keep the new M-2 district flexible, because it can be placed somewhere else sometime in the future and there should be no opposition of restrictions or definitions. Village Attorney Cummings stated that there is only one thing that can be done with the area and that is mining in the heavy district; concluding that it is very restrictive.

Member Cap asked if the IDNR time to time allows a closer and narrower distance from the property line, and how close is the face of the cliff from Hanson’s property line along Brown Derby Road, which is closed. Mr. Jorns stated that it is about 70 ft. Member Planera suggested they should be as restrictive as possible and plug in a certain amount of footage rather than leaving it up to a state agency that might change their mind. Village Attorney Cummings stated that those elements would be dictated in the special use permit.

Member Planera asked if the same environmental standards make a reference to the noise regulations. Village Attorney Cummings confirmed that it does make a reference.

Member Planera noted on page 5 measuring noise levels to or at what the ordinance is calling a *protected structure* and asked what exactly a protected structure is. Mr. Jorns stated that it deals with any structure that someone would enter into, like a home, business or a building that is not on the property or owned by Hanson.

There being no further questions, a motion was made by Member Bransky to recommend approval of a text and map amendment of the Homewood Zoning Ordinance creating an M-2, Heavy Manufacturing District, creating a definition and special use in the M-2, Heavy Manufacturing District, for mining and extraction of aggregates, and rezoning the area at the northeast corner of Halsted Street and 175<sup>th</sup> Street from B-4 to M-2, including the comments

## MEETING MINUTES

made by the Planning and Zoning Commission regarding the recommended changes to the wording of the ordinance. Seconded by Member Cap.

**AYES:** Members Planera, O'Brien, Alfonso, Johnson, Cap, and Bransky

**NAYS:** None.

**ABSTENTIONS:** None.

**ABSENT:** Chairman Sierzega

Motion passed.

**NEW BUSINESS:** None.

**OLD BUSINESS:** None.

**ADJOURNMENT:** Motion passed by voice vote at 8:35 p.m.

Respectfully submitted,

Jim Marino  
Acting Staff Liaison