Village of Homer Glen

14240 W. 151st Street
Homer Glen, Illinois 60491

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PLAN COMMISSION REGULAR MEETING

Monday, September 15, 2016
7:00 PM

Village Board Room
14240 W. 151st Street
Homer Glen, Illinois 60491

A. Call the Plan Commission to Order

The meeting of the Homer Glen Plan Commission was called to order by Chairman Maska at 7:00 P.M.

B. Pledge of Allegiance to the Flag

C. Roll Call

Present for the Plan Commission were Chairman Joe Maska, Members Lynn McGary, Eileen Crement, Braque Backal and Don Mitchell. Present on behalf of the Village of Homer Glen was the Director of Planning and Zoning, Michael J. Schwarz and Assistant Planner, Caron Bricks. The minutes were recorded and transcribed by Candace Rose.

D. Public Comment

Chairman Maska calls for anyone wanting to make a public comment on any items not on the agenda for tonight's meeting. No public comments were made.

E. Minutes

June 2, 2016
A motion was made to accept the minutes from the June 2, 2016 meeting by Member McGary, seconded by Member Crement. Voice vote taken, all in favor, none opposed. *Motion Carried.*

June 16, 2016
A motion was made to accept the minutes from the June 16, 2016 meeting as amended by Member McGary, seconded by Member Backal. Voice vote taken, all in favor, none opposed. *Motion Carried.*

June 20, 2016
A motion was made to accept the minutes from the June 20, 2016 meeting by Member Mitchell, seconded by Member McGary. Voice vote taken, all in favor, none opposed. *Motion Carried.*

July 7, 2016
A motion was made to accept the minutes from the July 7, 2016 meeting by Member McGary, seconded by Member Backal. Voice vote taken, all in favor, none opposed. *Motion Carried.*

August 18, 2016
A motion was made to accept the minutes from the August 18, 2016 meeting by Member Backal, seconded by Member McGary. Voice vote taken, all in favor, none opposed. *Motion Carried.*

September 1, 2016
A motion was made to accept the minutes from the September 1, 2016 meeting as amended by Member McGary, seconded by Member Mitchell. Voice vote taken, all in favor, none opposed. *Motion Carried.*

F. Agenda Items

1. **HG-1622-S Habano Cigar, Inc. *(Public Hearing)*: Consideration of a request for approval of a Special Use Permit for a Smoking Lounge (for a proposed Cigar Lounge) in a C-1 Neighborhood Commercial District, pursuant to Attachment 2, Table 2A (Permitted and Special Uses in Non-Residential Districts), of Chapter 220 (Zoning) of the Code of the Village Homer Glen, for certain real property located at 13033 W. 143rd Street, Homer Glen, Illinois.**

Caron Bricks explains that at the June 16, 2016 Plan Commission meeting, the Plan Commission held a Public Hearing to consider a Text Amendment to the Code of the Village of Homer Glen for the purpose of addition definitions including, but not limited to Smoke Shop, Smoking Lounge, Hookah Lounge, and related terms; and for the purpose of adding some or all of these terms to Table 2A, in order to clarify the permissibility of these types of uses. The Village Board approved the proposed Text Amendment at the July 27, 2016 meeting.

Chapter 200 (Zoning) states that a Smoking Lounge is a Special Use in the C-1, C-2, C-3, and C-4 Zoning Districts. The proposed Cigar Lounge is located in the Orland Oaks Shopping Center and is zoned C-1 Neighborhood Commercial.

A smoking lounge is defined as follows:

> **Smoking Lounge.** A business establishment that is dedicated, in whole or in part, to the smoking of tobacco or other substances, including but not limited to establishments known variously as cigar lounges, tobacco clubs, tobacco bars, etc. (Collectively referred to as "smoking lounge(s)." Hookah bars, hookah cafes, and hookah lounges are not included in this definition, as hookah pipes and related devices are defined as drug paraphernalia in Article II (Drug Paraphernalia) of Chapter 5 (Public Safety) of the Code of the Village of Homer Glen.

The proposed location for the Cigar Lounge is in a separate building from the main Orland Oaks strip shopping center, as shown in the attached aerial.

Ms. Bricks also explains that the required parking for the proposed cigar lounge is four spaces per 1,000 square feet of gross floor area. The interior floor space is

2,016 square feet. The patio is an additional approximately 802 square feet. Based on the interior space, the proposed use would require eight (8) parking spaces. There are currently ten (10) regular parking spaces and one (1) handicapped parking space immediately surrounding the building on the east and south sides. There are additional eight (8) regular parking spaces directly east of the building that could serve the business as well. Therefore, the proposed use would comply with the Village's parking regulations, and staff does not believe that there will be any parking issues regarding the proposed Cigar Lounge.

A Special Use Permit for Outdoor Seating is only required, per the Code of the Village of Homer Glen, when the primary use is a restaurant. Since the use is a proposed Cigar Lounge and no food will be served, staff has deemed it unnecessary for the petitioner to request a second Special Use Permit for the proposed patio.

Mr. Mike Allen is present tonight to answer any questions and address any issues.

Chairman Maska states that anyone wishing to speak at a public hearing tonight needs to be sworn in by Mike Schwarz. Mr. Schwarz swears in the audience.

A motion to open the public hearing in Case No. HG-1622-S was made by Member Backal, seconded by Member McGary. Voice vote taken, all in favor, none opposed. *Motion carried.*

Chairman Maska calls for question or comments from the audience.

Ms. Kathy Young from 13039 Pin Oak Drive states that she live down the street from the proposed cigar store. She states that this is a highly visible area in the Village and this strip mall already has a cigarette store and a liquor store. She wants better than cigarettes, liquor and gambling for the Village of Homer Glen and does not want to be the next Crest Hill. She thinks the people of Homer Glen deserve better.

Member Backal states the 3 or 4 months ago we discussed things like Hookah shops, vape shops etc. and he thought that we decided that the Village did not want to go in that direction. He adds that it was also required that a smoke shop needed to be in a free standing building not a strip mall. Mr. Schwarz points out that this location is a stand-alone building. Member Backal asks if the entire building will be the cigar store. Mr. Allen states that only one side will be for the cigar/smoke shop. The other side will be for storage. He also states that he is not looking to attract the average person. This will be a very high end business and his typical customer will be 40 plus, well-educated and somewhat wealthy. He will only be selling cigars starting at $15. He currently has two other stores located in Chicago. This shop will be like his Chicago businesses.

Chairman Maska calls for any further questions or comments from the audience. Hearing none he asks for a motion to close the public hearing.

A motion to close the public hearing in Case No. HG-1622-S was made by Member Backal, seconded by Member Crement. Voice vote taken, all in favor, none opposed. *Motion Carried.*

Member McGary asks where the outside smoking area will be located. Mr. Allen states that it will be behind the storage area. Member McGary asks how big it will be. Mr. Allen states that it is proposed to be 40-ft by 17-ft.

Member Crement asks if he will serve food or beverages. Mr. Allen states that he will have soda, water and other non-alcoholic beverages but no food or liquor. Member Crement asks how his other businesses operate. Mr. Allen states that he does not sell food or alcohol at his Chicago locations either but they do have a BYOB policy in Chicago, the Village of Homer Glen does not allow BYOB so there will be no liquor.

Mr. Schwarz states the currently the Village has no classification for BYOB. This classification could be added at a later date.

Member Crement asks if the patio will be fenced. Caron Bricks states that the fence is shown on the attachments of the building plan in your packets.

Member Mitchell asks what kind of fence is being proposed. Ms. Bricks states that the type of fence is not provided in the building plan but would be required before the permits were issued. Member Mitchell states that landscaping may be necessary around the area.

Member Crement asks if the proposed patio is covering the current parking spaces for the building. Mr. Allen states that it is not and will abut the existing parking space. Member Crement asks what hours the smoke shop will be open. Mr. Allen states that the shop will be open from 10 am until 10 pm.

Mike Schwarz states that there have been no details provided on the fence design and height but if the Plan Commission wants to, it can make the recommendation that the applicant provide those details to the Village Board.

Member Crement asks if the applicant will have music or extra lighting to the patio area. Mr. Allen states that he has no such plans. Mr. Schwarz states that the Village has a lighting ordinance and if the applicant proposed new lighting it would have to be approved before he could proceed.

Member Mitchell thinks that landscaping is important. He believes everything should be blocked from the view of the neighbors. He thinks a fence of 5-ft height

or landscaping to screen the area from the public. Mr. Allen states that he is willing to do whatever will be required of him.

Mike Schwarz asks for clarification as to whether Member Mitchell wants a fence, landscaping or both to be installed. Member Mitchell has no preference so long as the area is screened with something that is opaque.

Chairman Maska asks if Mr. Allen is looking at privacy fences. Mr. Allen states he has not looked at fence options yet but he wants something that would look nice. Chairman Maska asks if the fence design would have to come to the building department for approval before it was installed. Mr. Schwarz states the design would have to be approved by the building department before permits would be issued. Chairman Maska asks Member Mitchell if he is comfortable with that ensuring that the fence is appropriate. Member Mitchell states that it is fine but he suggests that it be 5-ft in height in order to hide the smokers.

Member Crement wants the area to be fenced and landscape placed in front of the fence.

Mr. Allen does not have any issue with providing a fence but the entire area is blacktop. It would be difficult to landscape as he would have to remove asphalt, tearing up part of the surface and put in dirt, etc.

Member Crement asks what the standard is on fences that surround areas like this one. Mike Schwarz states that there is no standard. The Village only has a standard for areas for outdoor dining. There are two rules, 1) enclose the area by a fence or a wall of at least 3-ft. and 2) if there is a sidewalk leading up to the area 5-ft of the sidewalk must remain unobstructed.

Member Mitchell suggests that the fence should supply 80% opacity. Chairman Maska thinks that by requiring a specific opacity we are displaying a random morality. It is very arbitrary to demand a specific opacity, to say that it is wrong for someone to see people smoking, yet no opacity is necessary for those areas where people can sit and have a drink and be seen.

Member Crement suggests a range of opacity could be required. Member Mitchell states that they should be looking at the original request, which is to allow a smoke shop. The fence is not that important, he would be fine with 50% opacity.

Member McGary agrees.

A motion to adopt staff's findings as the findings of the Plan Commission and to recommend approval of a Special Use Permit for a Smoking Lounge, for a proposed Cigar Lounge in C-1 Neighborhood Commercial District, pursuant to Attachment 2, Table 2A (Permitted and Special Uses in Non-Residential Districts), of Chapter 220 (Zoning) of the Code of the Village of Homer Glen subject to the

condition that a minimum 5-ft fence with a minimum 50% opacity be provided around the patio area was made by Member Mitchell, seconded by Member Crement. Roll call vote taken. In favor (4) McGary, Crement, Backal, Mitchell. Opposed (0) none. Absent (2) Locacius, O'Donnell. Abstained (0) none. The Chairman did not vote. *Motion Carried.*

Member Backal asks how soon Mr. Allen expects to open. Mr. Allen states that as soon as permits are issued he will begin building.

G. Other/New Business

None.

Mike Schwarz states that the last three sign variance requests have been through the Village Board and approved. The last case for the Galaxy Plaza on 143rd Will-Cook Road did decide to build his sign with stacked stone.

Member McGary states the Village Board does want research done into the material that had been proposed. Caron Bricks states that she will be conducting doing that research. Then, if all agree, a text amendment to the Code can be proposed.

Mike Schwarz states that cases that will be coming up include another sign variance, a concept plan, and an imperious surface variance. Illinois American Water also wants to up-grade their facility at Parker near 143rd Street. They will be coming in to cleaning up the zoning at that site before making any improvements.

Mike Schwarz also mentions that they still have one more CMAP training session. He is speaking with the people and they are thinking of more on conservation design but nothing has been decided firmly at this time.

H. Adjournment

A motion to adjourn at 8:20 pm was made by Member McGary, seconded by Member Backal. Voice vote taken, all in favor, none opposed. *Motion Carried.*

Approved Joseph O'Maska

Chairman Maska October 6, 2016