

# Plan Commission

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Minutes of the Meeting on  
June 18, 2020

**Village of Homer Glen  
14240 W 151<sup>st</sup> Street, Homer Glen, IL 60491  
Community Room**

**1. Call to Order.**

The meeting was called to order at 7:00 p.m. by Chairman Kozor.

A last-minute agenda change was required to allow for the swearing in of our new Plan Commission officers. The motion was made by Member McGary, and seconded by Member Foley, so that we could allow for the swearing in of new appointments to new positions on the Plan Commission. All in favor, zero (0) opposed. The Motion was passed unanimously.

Director Gadde swore in new Plan Commissioner Chairman, Bryan Kozor. Chairman Kozor then swore in Member Verdun to Vice-Chair.

**2. Pledge of Allegiance to the Flag.**

**3. Roll Call.**

Members present (in the Board Room) at 7:00 p.m. were Chairman Kozor, Vice-Chair Verdun, Member Foley, Member Hand, Member McGary, and Member Stanly. Also present were Planning & Zoning Director Gadde, Senior Planner King, Assistant to the Village Manager Matt Walsh and Plan Commission Secretary Cassin. The minutes were recorded and transcribed by Gia Cassin.

**4. Public Comment.**

None

**5. Minutes**

**May 7, 2020**

Chairman Kozor pointed out the minutes were not included in the packet and therefore asked for a motion to table the minutes until the next Plan Commission meeting. Member Verdun made the motion to continue the minutes, seconded by Member McGary. All in favor, zero (0) opposed. The motion passed.

**6. Old Business**

- a) **HG-2003-S, Mugshots Bar & Grill (Public Hearing):** Consideration of a Special Use Permit for outdoor seating associated with a permitted restaurant with an exception to reduce the required unobstructed adjacent sidewalk from five (5) feet to zero (0)feet, as required in Section 220.835 of the Village of Homer Glen Zoning Ordinance, for Mugshots Bar & Grill, located at 13031 W. 143<sup>rd</sup> Street, Homer Glen, Illinois in the C-1 neighborhood commercial Zoning District.

Senior Planner King presented a brief synopsis of the case. This is to consider a request for use of a Special Use Permit for outdoor seating of a permitted restaurant, with a request to reduce the unobstructed sidewalk from five (5) feet to zero (0) feet. At the original Plan Commission meeting regarding the outdoor seating, a plan was presented and approved by the Plan Commission on May 7, 2020. The plan was heard at the Village Board Meeting on May 22, 2020 and based on public comment, the item was remanded back to the Plan Commission. At that time, it was recommended to staff to move the outdoor seating from the side of the

restaurant to the front of the restaurant. Senior Planner King provided some slides showing the new location, providing a visual for the Plan Commission to review. This meeting was not to discuss the layout of the new seating concept at the front of the store, but merely to discuss the proposed relocation to the front of the store front. There will be double ADA approved swings in this outdoor seating, (at either end of the outdoor seating area) and there will be bollards, some fencing and landscape as well at the rear/south end of the property, and there is also ADA accessibility. All ADA accommodations will be met. This concluded Senior Planner King's report.

Chairman Kozor spoke up to highlight the purpose for this item being remanded back to the Plan Commission was in part, due to the subdivision speaking up so that the placement of the outdoor seating could be relocated to the front of the restaurant rather than to the west side, which is closer to the residents, as originally laid out.

Chairman Kozor followed this by asking for a motion to open up the public hearing for case number HG-2003-S. Member Foley made the motion, seconded by Member Stanly. All in favor, zero (0) opposed, the motion carried and the Public Hearing was opened.

The Petitioners, Steven Wood and John Smogur stepped up to add some commentary to Melissa's presentation, to say that their two (2) families are working together very hard, to make this work for their families. This is a dream for them, and they are very much invested and added that the outdoor seating areas are expected now-a-days with the current Covid Climate and they have been working very closely with the Village to make corrections, modifications and changes as requested.

Comments from residents in attendance were heard.

Resident Susan Manning expressed her happiness for the restaurant but was against the outdoor patio seating due to the potential for noise with the TV's and music and the current hours that were established at ten (10) pm on the week days and twelve (12) am on the weekends.

Residents Cindy and Bill Saenger stated they live directly behind the restaurant, they have health issues in the family and while they are happy about the bar, they are not fans of the outdoor seating. Cindy added she comes from a family of bar owners and feels the outdoor seating will lead to more chaos and worries for what could possibly happen outside of the bar.

Resident Melissa Prado spoke to the noise and smoke pollution. Ms. Prado is a Chef and manages four (4) restaurants and based on her experience, doesn't feel any buffer will reduce the noise. Ms. Prado stated she understands the value of expanding the capacity beyond the dining room space, but does not believe the buffer ideas provided will be enough to block the noise. She has young children and has noise concerns. Ms. Prado added that she does empathize with the impact on the small business that their plight to not have outdoor seating does have on these restaurant owners.

Residents Bob and Jackie Rossi stated they are supporting the bar, but were worried about the restaurant being able to control the content of the bar – with alcohol being involved, anything can happen.

Resident Kathy Curtis stated she resides behind the plaza and was having coffee at nine (9) AM and heard three (3) workers over there doing work and it was very loud and that was just three (3) people. She has concerns over her own safety if the seating is moved to the front

because she will need to then walk directly in/through the parking lot when she visits the nail salon and does not know if she will move or continue to stay because of these changes.

Resident Krystal Johnson spoke to state while she is happy that the restaurant is coming to the neighborhood, she is not supportive of the outdoor seating and provided information on a digital petition she passed around through her neighborhood with a total of 101 signatures opposing the outdoor seating.

No additional "on line" public comments. This concluded the Public Hearing.

Member Hand made the motion to close the Public Hearing, seconded by Member McGary. All in favor, zero (0) opposed. The motion carried and the hearing was closed.

The Plan Commissioners discussed the matter. It was made clear that the fenced off area would likely be locked during non-business hours so there would not be a means to pass through on the sidewalk. Also, the owners of the business clarified that the main entry doors would be both the east and west side, even with the outdoor seating in place. When the applicants were questioned about the hour restriction and if they were set in stone, the applicants indicated they were not set in stone at this time but these hours are the Village standard. Lastly, the Commissioners learned that with respect to parking, per code there was sufficient parking in that lot for all of the restaurants, but there wasn't any room left to encroach on any of the parking spaces with additional side walk.

The discussion concluded. Chairman Kozor asked for a motion. Member Verdun made the motion to adopt staff's findings as the findings of the Plan Commission and to recommend for approval of a Special Use Permit for outdoor seating associated with a permitted restaurant with an exception to reduce the required unobstructed adjacent sidewalk from five (5) feet to zero (0) feet, as a required in section 220.835 of the Village of Homer Glen Zoning Ordinance, for Mugshots Bar & Grill, located at 13031 W. 143<sup>rd</sup> Street, Homer Glen, Illinois in the C-1 Neighborhood Commercial Zoning District [Mugshots Outdoor Seating, Case No. HG-2003-S], subject to the following conditions:

1. The location of the outdoor seating area shall be limited to the area under the alcove along the front or north side of the tenant space, as shown on Attachment 4.
2. Provide one (1) bollard in the middle of each opening between the columns of the building alcove along the north edge of the outdoor seating area, for a total of four (4) bollards. Bollards shall meet the Building Code regulation for vehicle impact protection.
3. Update the parking lot landscaping island at the west end of the proposed outdoor seating area to include ornamental grasses.
4. Provide a six (6) foot by six (6) foot privacy fence panel along the south edge of the outdoor seating area. Provide a six (6) foot by six (6) foot privacy fence panel at the south end of the building alcove.
5. Provide one (1) planter on the south side of the privacy fence along the south edge of the outdoor seating area.
6. Provide three (3) shrubs at the south end of the building alcove.
7. Closing hours of operation for only the outdoor seating area will be restricted to 9 pm on weekdays from Sunday through Thursday and 10 pm on Friday and Saturdays.

The motion was seconded by Member Stanly. A roll call vote was taken. Members in favor to approve were 5-0. (*McGary, Stanly, Verdun, Hand, Foley to approve, Chairman Kozor abstained*). The motion carried, and will be heard at the July 8 Village Board meeting.

**b. HG-1905-PAS, O'Malley Builders, Inc. (Public Hearing):** Consideration of a (1) a Plat of Subdivision with certain Variances; (2) a Map Amendment from A-2 Rural Residential to R3 – A Single-family Residential District; and (3) Preliminary Site Improvement Plans for the proposed Windsor Court, Phase 2 subdivision located at 12513 W. Hadley Road, Homer Glen, Illinois.

Director Gadde presented this case to the Plan Commission. The applicant, O'Malley Builders, Inc., is proposing a seven (7) lot subdivision as an extension of the Windsor Court Subdivision. The Commission originally approved this plan last year, but what happened at the meeting was there was an issue with a lack of secondary access. The Village suggested they speak with the Fire District to come up with a plan. The petitioner did meet with the Fire District and they agreed on the current plan that was presented which shows there is a secondary access now in a location that worked well for all. The Village Board remanded this back to the Plan Commission to make sure the neighbors are aware of the changes. The applicant, Mr. O'Malley and his engineer Kevin Chaffin were present to answer any questions.

Sean O'Malley, the owner of the property spoke about the challenge of the access road and that he has reached an agreement that has the Fire District approval. Also, originally, the Plan Commission and Village Board were in approval of the plan, which depicted eleven (11) lots. All was moving forward and about 20 days prior to starting, the Will County Highway Department sent a letter to Mr. O'Malley with concern of the secondary access being too close to the primary entrance. Mr. O'Malley revisited it again and came up with the current plan. In the process, Mr. O'Malley lost four (4) lots and he also agreed to have a tornado siren placed on the property. The Will County Highway has now signed off approval for the new access road as designed. He feels this is likely why there aren't people there objecting.

Chairman Kozor asked for a motion to open the Public Hearing. Member McGary made the motion to open the public hearing, seconded by Member Hand. All in favor, zero (0) opposed, the Motion Carried and the hearing was opened.

No public comment was made.

A motion was made to close the public hearing by Member McGary, seconded by Member Verdun. All in favor, zero (0) opposed. The Motion carried and the hearing was closed.

The Plan Commission carried out a brief discussion clarifying the surface of the access road which will be paved with asphalt and will be maintained by the HOA. (Home Owners Association) as part of the development agreement. It will not be the responsibility of the Village. This road is to be accessed by EMS and it will be the access road to the private drive of lot seven (7), to bring them to their driveway. No others will utilize this road. On a day to day basis, there will not be any other usage and it will be heavily marked with signage that it is for private access and emergency access only. There was discussion with the Fire Department about including a bollard on that access road but they were not in favor of it. Mr. O'Malley was willing to work this any way the fire department preferred. The width of the access road is twelve (12) feet wide to make it sufficiently wide for emergency vehicles. The Plan Commission concluded their discussion and Chairman Kozor asked for a motion.

Member McGary made the motion to recommend for approval of (1) a Plat of Subdivision and Preliminary Site Improvement Plans; and (2) a Map Amendment from A-2 Rural Residential to R3-A

Single-family Residential District with the following Variances for the proposed Windsor Court Extension, (originally applied for as the Duke Subdivision) located at 12513 W. Hadley Road, Homer Glen, IL with the following Variances and subject to documentation of maintenance by developer/HOA and review of signage to ensure the emergency access remains clear.

**Variances:**

- a. Reduce the required front/corner setbacks from forty feet (40') to thirty feet (30');
- b. Reduce the minimum required lot width from one-hundred (100) feet to seventy-six and a half (76.5) feet;
- c. Reduce the minimum required lot frontage from ninety (90) feet to seventy-six and a half (76.5) feet.

The motion was seconded by member Foley. A roll call vote was taken, six (6) in favor, (*Chairman Kozor, Members McGary, Stanly, Verdun, Hand and Foley*) and zero (0) opposed. The motion carried. This case will go before the Village Board on July 8, 2020.

**7. New Business**

**a. HG-2005-SV, Aqua Pools, Inc. (Public Hearing):** Consideration of a (i) a Variance to reduce the required front building setback from eighty (80) feet to ten (10) feet, [Chapter 220, Attachment 2, Table 2A) of the Village of the Homer Glen Zoning Ordinance] (ii) A Special use Permit to allow a swimming pool in the side yard, [Section 220-807 of the Village of Homer Glen Zoning Ordinance]; (iii) A variance to reduce the required side yard setback for a swimming pool from twenty (20) feet to as little as seven (7) feet, [Chapter 220-812 C.1 and Chapter 220, Attachment 2, Table 2A of the Village of Homer Glen Zoning Ordinance]; (iv) A Variance to reduce the required side yard setback for a patio from twenty (20) feet to as little as three (3) feet, [Chapter 220, Attachment 2, Table 2A of the Village of Homer Glen Zoning Ordinance], and any other variances from the Homer Glen Zoning Ordinance as may be required for Aqua Pools, Inc., located at 13445 W. 159<sup>th</sup> Street, Homer Glen, Illinois in the C-4 Highway Commercial zoning District.

Senior Planner King presented this case, and introduced Dan Greco who is the engineer for Aqua Pools, who attended the meeting via Zoom. The applicant, Aqua Pools, a longstanding business in the Village of Homer Glen, is proposing to construct an approximately twelve (12) foot by twenty-six (26) foot in-ground display pool and patio/pool deck in the side yard directly west of the principle structure on the property at 13445 W. 159<sup>th</sup> Street. The pool requires a Special Use Permit to be installed in a side yard. The pool and patio/pool deck require Variances to the required side yard setbacks. While reviewing the proposal for the pool, it came to the attention of staff that the front of the building setback for the principle structure was a legal non-conformity. In order to establish the legality of the principle structure, the applicant has also requested a reduction to the required front building setback. In order to establish a side yard, staff had to establish a front yard.

This new display pool will also be used for equipment testing. The pool is a shallow pool. Fencing will be required. The pool is ten (10) feet from the property line. The list of hardships for the proposed location are as follows:

- The East side of the building is the existing parking lot and would not be a suitable location for the installation of an in-ground pool/display area.
- The principle structure extends nearly all the way to the rear property line; making it nearly impossible to install a pool in the rear yard.
- Even if it was physically possible to install the pool in the required rear yard, which it is not, the company is looking to install this pool as an extension of their main retail space, which is near the front of the principle structure.

Chairman Kozor asked for a motion to open the public hearing. Member Foley made the motion to open the public hearing, seconded by member Stanly. All in favor, zero (0) opposed, the motion carried.

Dan Greco the consultant was on the line via zoom, stated this pool was replacing an existing pool that was demolished as a result of the 159<sup>th</sup> street expansion. The pool was approved back in 2009. He added they worked with staff to find a location that would work best. The pool will only be accessible via the show-room. The petitioner Jim Eiler spoke to re-iterate his purpose for rebuilding the pool, wanting to replace what he had.

Member McGary made a motion to close the public hearing, seconded by Member Hand. All in favor, zero (0) opposed.

The Plan Commission held a brief discussion regarding this case. The pool was confirmed to be three (3) feet deep and also to note, the original pool was ten (10) feet off of 159<sup>th</sup> prior to the road construction/expansion, and again with this request, the pool will again be ten (10) feet off of the newer, wider 159<sup>th</sup> street. There is historical evidence to show there wasn't an issue with the ten (10) foot set back. The pool disposition remains the same.

There was some discussion and clarification about the wording of the motion as it was worded. A decision was made to adjust the wording of the motion as originally written. A motion was not required much like a motion is not required when adding a condition to a motion. It was discussed and agreed to adjust the wording as it was originally written.

Member Foley made a motion to adopt the staff's findings are the findings of the Plan Commission and to recommend for approval of (i) A Variance to reduce the required front building setback from eighty (80) feet to ten (10) feet, [Chapter 220, Attachment 2, Table 2A of the Village of Homer Glen Zoning Ordinance] (ii) a Special Use Permit to allow a swimming pool in the side yard, [Section 220-807 of the Village of Homer Glen zoning Ordinance], (iii) A Variance to reduce the required side yard setback for a swimming pool from twenty (20) feet to as little as seven (7) feet, [Section 220-812C.1 and Chapter 220, Attachment 2, Table 2A of the Village of Homer Glen Zoning Ordinance]; (iv) a Variance to reduce the required side yard setback for a patio from twenty (20) feet to as little as three (3) feet [Chapter 220, attachment 2], located at 13445 W. 159<sup>th</sup> Street, Homer Glen, Illinois, [Aqua Pools, Case No. HG-2005-SV].

The motion was seconded by Member McGary. A roll call vote was taken. All members present (*Chairman Kozor, Member McGary, Member Stanly, Member Verdun, Member Foley and Member Hand*) all voted in favor, zero (0) opposed. The motion passed unanimously. This is scheduled to be heard at the Village Board meeting on July 8, 2020.

#### **7. Reports of Plan Commissioners and Staff (includes Old Business):**

Director Gadde stated there would be a Stakeholder Meeting on Tuesday June 23, 2020 regarding the Village Branding. He further announced that the July 2, 2020 meeting is cancelled and that we do have a case on the books for the July 16 Plan Commission.

Member Verdun stated that the Steering Committee plans to resume meetings in July to review updates to the Comprehensive Plan.

Chairman Kozor stated his son is interested to learn about the status of the Chicken and Bee update with respect to enforcement of the Village Code.

**8. Adjournment:**

Chairman Kozor asked for a motion to adjourn. A motion to adjourn was made by Member Foley, seconded by Member Stanly. All in favor, zero (0) opposed, the motion carried and the meeting adjourned at 8:26 p.m.

Minutes transcribed and respectfully submitted by Gia Cassin.

Gia Cassin (Plan Commission Secretary): \_\_\_\_\_

*Gia Cassin*  
7-16-20

Approved (Date): \_\_\_\_\_