

Plan Commission

Minutes of the Meeting on
August 1, 2019

**Village of Homer Glen
14240 W 151st Street, Homer Glen, IL 60491
Village Board Room**

1. Call to Order.

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

2. Pledge of Allegiance to the Flag.**3. Roll Call.**

Members present at 7:00 p.m. were Chairman Don Mitchell, Members Broque Backal, Brian Kozor, and Lynn McGary.

Also present were the Director of Planning and Zoning, Vijay Gadde, Senior Planner Melissa King, and Plan Commission Secretary, Gia Cassin. The minutes were recorded and transcribed by Gia Cassin.

Members absent: Jerry Young, Dave Stanly and Beth Verdun.

4. Public Comment.

None.

5. Minutes.

a) June 6, 2019

Chairman Mitchell asked for a motion to approve the minutes from June 6, 2019. Member Backal made a motion to approve the minutes from the June 6, 2019 meeting; seconded by member McGary. The motion passed unanimously.

Plan Commission Secretary, Gia Cassin, swore in persons in attendance who intended to speak during the meeting's public hearing.

Chairman Mitchell asked we change the order in which we hear the cases, asking that the order shift from a, b & c to items b & c first, making the third case we hear item a, and stated this was because items b & c would require very little discussion,

Chairman Mitchell asked for a motion to change the order of the agenda items. Member McGary made the motion to change the first item on the agenda to the third position, seconded by Member Backal. All in favor, zero (0) opposed, the motion carried.

6. New Business.**b) HG – 1913 – V, 13908 S. Elm Street (Public Hearing):** Consideration of a request for:

- i. A Variance to reduce the minimum lot width of a corner lot from one hundred thirty (130) feet to one hundred five (105) feet; and
- ii. A Variance to reduce the minimum lot size from twenty thousand (20,000) square

feet to nineteen thousand, three hundred fifty-two (19,352) square feet for certain real property located in the R-3 Single Family Residential Zoning District at 13920 S. Elm Street, Homer Glen, Illinois.

Chairman Mitchell asked for a motion to open the public hearing for case number HG-1913-V. Member McGary made the motion to open the public hearing, seconded by Member Backal. All in favor, zero (0) opposed, the motion carried.

Chairman Mitchell asked if anyone wished to speak with respect to this case, outside of the petitioner, no one spoke up. Chairman Mitchell added that we will swear everyone in, but at this point, he wanted to ask that everyone hold their comments until the end after we close the public hearing as there would be plenty of time for public comments. No one spoke up.

Chairman Mitchell asked that anyone that wished to speak for any of the cases to stand at this time to be sworn in. Plan Commission Secretary Cassin swore in all those who intended to speak.

Chairman Mitchell stated that since it had already been affirmed that no one wished to speak for the first case, he asked for a motion to close this hearing.

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

Member McGary asked one (1) concern regarding this matter, and stated that it appeared to her that of both the lots, there is one (1) lot with the house on it and another that does not have a house on it, looking for clarification.

The Petitioner Steve Swanson explained that the house was over both lots but it was knocked down and the well and septic were closed down as well.

No further discussion by the Plan Commission.

Chairman Mitchell asked for a motion.

Member Backal made the motion to adopt the attached findings as the findings of the Plan Commission and to recommend for approval with conditions of:

- i. A Variance to reduce the minimum lot width of a corner lot from one hundred thirty (130) feet to one hundred five (105) feet [Table 1B (Site and Structure Bulk Requirements for Residential Districts) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen] for certain real property located in the R-3 Single Family Residential Zoning District at 13908 S. Elm Street, Homer Glen, Illinois, and;
- ii. A Variance to reduce the minimum lot size from twenty thousand (20,000) square feet to nineteen thousand, three hundred fifty-two (19,352) square feet [Table 1B Site and Structure Bulk Requirements for Residential Districts) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen] for certain real property located in the R-3 Single Family Residential Zoning District at 13920 S. Elm Street, Homer Glen, Illinois.

A roll call vote was taken. In favor, four (4); Members Backal, Kozor, McGary, and Chairman Mitchell. Absent three (3); Members Young, Stanly and Verdun. Abstained (0) none. The motion carried.

Director Gadde stated this matter would go to the Village Board on August 14, 2019.

Chairman Mitchell introduced the next case. (Item C) and asked again if the Petitioner would forego his turn to speak knowing that there will be plenty of time at the end. The Petitioner agreed and was thanked by Chairman Mitchell.

- c) **HG-1914-V, 12208 W. Somerset Road (Public Hearing):** Consideration of a request for:
- i. A Variance to permit an above ground pool as an obstruction in a corner side yard, and;
 - ii. A Variance to increase the maximum height of a fence in a corner side yard from four (4) feet to six (6) feet and;
 - iii. A variance to allow a solid fence in a corner side yard for certain real property located in the R-5 Single Family Residential Zoning District at 12208 W. Somerset Road, Homer Glen, Illinois.

Chairman Mitchell asked for a Motion to open the public hearing for case number HG - 1914-V. Member McGary made a motion to open the public hearing for case number HG-1914-V, seconded by Member Backal. All in favor, zero (0) opposed, the Motion carried.

Chairman Mitchell asked if anyone other than the Petitioner would like to speak. No one spoke.

Chairman Mitchell asked for a motion to close the public hearing.

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

The Plan Commission did not discuss this case after closing the public hearing.

Chairman Mitchell asked for a motion. Member Backal made a motion to adopt the attached findings as the findings of the Plan Commission and to recommend for approval with conditions of:

- (1) A Variance to permit an above ground pool as an obstruction in a corner side yard, and;
- (2) A Variance to increase the maximum height of a fence in a corner side yard, and;
- (3) A Variance to allow a solid fence in a corner side yard, [Table 1B (Site and Structure Bulk Requirements for Residential Districts) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen], for certain real property located in the R-5 Single Family Residential Zoning District at 12208 W. Somerset Road, Homer Glen, Illinois.

A roll call vote was taken. In favor, four (4); Members Backal, Kozor, McGary, and Chairman Mitchell. Absent three (3); Members Young, Stanly and Verdun. Abstained (0) none. The motion carried.

Director Gadde stated this matter would go to the Village Board on August 14, 2019.

Chairman Mitchell thanked the original first Petitioner on the agenda who is now the third case to be heard, for their patience.

- a.) **HG-1912-P, 15761 S. Bell Rd.** Consideration of a request for a Special Use Permit to permit outdoor seating associated with a permitted restaurant for Tavern in the Glen property located at 15761 S. Bell Road, Homer Glen, Illinois in the C-2 Local Business Zoning District.

The case was presented by Senior Planner King. She explained this case was a consideration of a request for a special use permit to permit an outdoor seating area with a permitted restaurant, as required in Section 220.835 of the Village of Homer Glen Zoning Ordinance for Tavern in the Glen. The property is located at 15761 S. Bell Road. The Tavern in the Glen is a permitted restaurant that is currently going through their permitting process with The Village and they are also looking to add this outdoor seating area. The tenant space is located at the south end of the Grove Valley commercial strip center. Currently there is not any outdoor seating space.

Staff included an updated addendum for the Plan Commission showing new information with the site plan. The biggest change is that the existing drive aisle measures thirty-seven (37) feet wide. The proposed seating area is going to be fifteen (15) feet off the south side of the building, leaving a twenty-two (22) foot drive aisle. This information was forwarded to our Development Services department as well as the Fire District for review over the last few days to make sure that they were both still OK with this. The Fire District did give a general approval, and stated they would normally recommend a twenty-four (24) foot drive aisle but they feel in this situation, with there not being any parking adjacent to it, that it would be adequate. Development Services Director Mike Salamowicz also concurred with that. Staff further explained there would be a fresh concrete slab would be poured and would be flush with the existing concrete. Senior Planner King added that a new ADA curb access ramp will be installed which is favorable for this location. She added that also there has been discussion regarding bollards and the final result is there are eleven (11) proposed bollards now and will be running roughly eight (8) feet apart. There will be a black canopy and awning as well. Other outdoor seating amenities include an overhead garage door with a bar that can be accessed by restaurant staff on the inside and outdoor seating is for the patrons. Dark Sky Lighting Ordinance regulations will be met.

Chairman Mitchell asked about a gate within the fenced barrier, and staff clarified there is a proposed gate on the west side in line with the ADA curb access.

Member Backal asked Senior Planner King about the addendum, with the 22 feet approval, and asked what he was looking at [on page six (6) of nine (9)] with the drawing showing twenty-eight (28) feet and she replied that was the original site plan and this last week it was made aware that the original forty-three (43) feet actually measures all the way to the property line, and the true driving aisle is thirty-seven (37) feet, hence the addendum. Chairman Mitchell asked for a motion to open the public hearing.

Member Backal made a motion to open the public hearing, seconded by Member McGary. All in favor, the motion carried, the public hearing was open.

Chairman Mitchell asked to hear from the petitioner first and Greg Stefanon, with the ownership of Tavern in the Glen stepped up to speak. He stated they have been working closely with the Village Staff to make sure they were meeting the expectations of the Village. He added he was pleased with the presentation provided by Senior Planner King.

Chairman Mitchell asked if the drive aisle is not meeting the code requirements now with the change as presented, why is a variance not being applied for. Staff replied that currently nothing is defined in the code. Senior Planner King added that she and Director Gadde reviewed the ordinance as written which has language regarding drive aisles with perpendicular and angled parking, but nothing regarding drive aisles without parking. She stated that she and Director Gadde plan to work together to add wording in the future to encompass this scenario.

Owner Stefanon added that the landlord would be discussing this with the other existing tenants to make sure they are comfortable with their changes around that turn.

Chairman Mitchell expects that when the code is adjusted to accommodate this situation, that you would anticipate there would be a 24' width. Staff stated that per her experience, the twenty-two (22) feet does typically become a variance.

Owner Stefanon does not have any further comments/questions and neither does anyone else.

Chairman Mitchell requests a motion to close the public hearing.

Member McGary made the motion to close the public hearing, seconded by Member Backal. All are in favor, the motion passed, the hearing is closed.

Plan Commission discussed a few items.

Member Backal addressed the twenty-two (22) foot situation, since we do not have an ordinance. He stated the fact the Fire Department was brought it and reviewed this was good. That would have been the biggest concern, to be sure that their emergency vehicles can make that turn.

Chairman Mitchell stated it would be a very infrequent situation to have 2 way traffic in that area. He added that we do not have any evidence or documentation as to how often that would occur, but we do not see much traffic there at all.

Chairman Mitchell asked if there is a way to mitigate this without causing undue stress. He said there is an area to the south of this property and asked who owns it, and or could we make this a one way traffic pattern. Staff stated that after reviewing with Director Salamowicz that it would be difficult to make it one way and the traffic would go all the way around the building and this situation is isolated to this one area. Chairman Mitchell suggested sign posting of some kind.

Chairman Mitchell asked about the land area to the south of this strip mall. Staff confirmed it's a different owner.

The Plan Commission discussed there being an additional six (6) foot parcel, per the plat, that could potentially be used to widen the driveway and eliminate any concern. Staff stated the current setback for the driveway is six (6) feet. So with needing that extra two (2) feet a variance would be required.

Member Kozor stated that in the parking section with the drive aisle requirements, it does state that twenty-one (21) feet for sixty (60) degree angle parking would be allowed. So in this case without any parking, as a single drive aisle, this seems very adequate. Cars are typically eight (8) feet wide and streets are typically 16 feet wide curb to curb so again he feels this would be plenty of space for two (2) cars to pass.

Plan Commission concluded discussions.

Member McGary offered to make a motion to recommend for approval of a Special Use Permit for outdoor seating associated with a permitted restaurant [§220-835 (Outdoor seating associated with a permitted restaurant) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen] for Tavern in the Glen located in the C-2 Local Business District at 15761 S. Bell Road, Homer Glen, Illinois, subject to the following condition:

- a. Install eleven (11) bollards around the perimeter of outdoor seating area, as shown on Attachment 3 in the staff report.

Chairman Mitchell wanted clarification from staff as to why we need the bollards as a condition? Staff explained that there was feedback at a Trustee level that they strongly wanted these bollards and staff made these a condition for approval. Not required by code, this is why it is listed as a condition.

The motion was seconded by Member Backal.

A roll call vote was taken. In favor, four (4); Members Backal, Kozor, McGary, and Chairman Mitchell. Absent three (3); Members Young, Stanly and Verdun. Abstained (0) none. The motion carried.

Director Gadde stated this matter would go to the Village Board on August 14, 2019.

Chairman Mitchell asked if the board has safety concerns. Director Gadde replied that there was some concern on the part of the board, and this is why the bollards have been requested.

Chairman Mitchell stated before we move on to public business, he wanted to express his concern over the need to make outdoor seating safe as they are popping up more and cited Pelican Harry as an example.

Chairman Mitchell asked two (2) women who remained after all the hearings were opened and closed, if they were there to observe. They stated they were new to the process, and they were hoping to comment on the Elm Street agenda item. They were looking for clarification about the lot size being reduced. Chairman Mitchell explained that this was

formerly a one (1) parcel lot and has since been divided into two (2) lots and they wanted to sell them as such, two (2) buildable lots. Both of these residents are neighbors to the property in question. Chairman Mitchell stated he was glad they came, that the Plan Commission is always happy to hear what neighbors have to say since they are the ones most affected by these variances. They stated they would not have come if they didn't have any concerns and added the post cards they received did not provide them with adequate information. Also, they were confused by the opening of the procedure. She stated for people who are not familiar with the process and are concerned about their property, if there could be further clarification or instruction as to when they could speak and ask their questions. Chairman Mitchell apologized and Director Gadde explained that the phone number is listed for purpose of calling prior to the hearing. They stated their goal was to be able to be present and publicly express their concerns. Chairman Mitchell did state that the format for this meeting was not typical and they asked for in the future to clearly state when it would be ok to speak.

7. Reports of Plan Commissioners and Staff (includes old business).

Director Gadde went over some updates from the Comprehensive Plan; the consulting team concluded the stakeholder interviews and the open house is complete. The next step in the process is they are trying to finish the process with Chapter One (1) about Existing Conditions and Issues Analysis. They are beginning to research the next phase which is Sign Regulations and as part of that they are doing a workshop with the Village Board on August 28, 2019 at 7 p.m. There will be another workshop in October to evaluate some of the landscaping standards and conservation design standards and tree preservation. Date and time has not been determined.

We have two (2) cases for the August 15, 2019 Plan Commission meeting:

- 1) 15761 Annico Drive. This is regarding two (2) auto repair shops and a special use permit.
- 2) Enzo's Pizza at 13001 W. 143rd is looking for Special Use for outdoor seating. No formal site plan has been submitted to date but outdoor seating will go under the existing alcove.

No reports from Commissioners. Chairman Mitchell stated he has one (1) item to discuss and even though it is not directly a function of this commission, he stated there was a petitioner in front of them many months ago about a property located on the corner of Hadley Road and South Bell, the Plan Commission denied their request and it never went to the board and they are operating a business without any permission. Chairman Mitchell has counted more than 12 commercial vehicles on the property at one (1) time at night. He would like to formerly request a response from either the Building Department or the Mayor. No address was provided.

8. Adjournment

Chairman Mitchell asked for a motion to adjourn the meeting. Member Backal made the motion to adjourn, seconded by member McGary. All in favor, zero (0) opposed. The motion passed, and the meeting adjourned at 7:46 p.m.

Respectfully Submitted: Gia Cassin

Chairman Mitchell:

[Handwritten Signature]

Approved (Date):

9-17-19