Agenda
Village of Homer Glen
PLAN COMMISSION
Thursday, May 7, 2020 – 7:00 p.m.
Village Board Room, 14240 W. 151st Street, Homer Glen

1. Call to Order.
2. Pledge of Allegiance to the Flag.
3. Roll Call.
4. Public Comment.
5. Minutes.
   a) March 19, 2020
   b) April 2, 2020
   a) HG-2002-V, Bell Tower Plaza (Public Hearing): Consideration of a Variance to Section 75-56(D) of the Outdoor Lighting Regulations for the parking lot light improvements at 15750 S. Bell Road, Homer Glen, Illinois.

   b) HG-2003-S, Mugshots Bar & Grill (Public Hearing): Consideration of a Special Use 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 143rd Street, Homer Glen, Illinois in the C-1 Neighborhood Commercial Zoning District.

7. Reports of Plan Commissioners and Staff (includes Old Business).
8. Adjourn.

IMPORTANT NOTE: DUE TO COVID-19, REMOTE PARTICIPATION IS AN OPTION AT THIS TIME. SEE INSTRUCTIONS TO PARTICIPATE.

To remotely attend or participate in the Plan Commission Meeting, please use the following link to join the meeting.

https://us02web.zoom.us/j/85016580630?pwd=eVJ3Sm45MTJjSkx6VERGQjh2UUJndz09
Password: 401008

Or dial (301) 715-8592 or (312) 636-6799
Webinar ID: 850 1658 0630         Password: 401008

If you plan to participate in public comment or the public hearing portion of the meeting, please inform Plan Commission Secretary Gia Cassin at gcassin@homerglenil.org. Comments and questions may also be submitted prior to the meeting and will be read into the record at the meeting.

DISABLED: Any individual requiring special accommodations as specified by the Americans with Disabilities Act is requested to notify the Village Manager of Homer Glen at 708-301-0632 at least 24 hours in advance of the meeting date.
1. Call to Order.

   The meeting was called to order at 7:02 p.m. by Chairman Backal.

2. Pledge of Allegiance to the Flag.

3. Roll Call.

   Members present at 7:01 p.m. were Chairman Backal, Member Kozor, Member Verdun, Member Stanly, and Member McGary.

   Also present were Senior Planner, Melissa King, and the Plan Commission Secretary, Gia Cassin. The minutes were recorded and transcribed by Gia Cassin.

   Members absent: John Hand and Dan Foley

4. Public Comment.

   None

5. Minutes

   January 16, 2020 Minutes

   Chairman Backal asked if there was a motion to approve the minutes as written. Member McGary made the motion, seconded by Member Stanly. All were in favor, zero (0) opposed, the motion carried.

6. New Business

   a) HG – 2001-S, 17045 S. Parker Road (Public Hearing): Consideration of a Special Use Permit for an existing single-family home (approximately 4,100 square foot), (i) on a lot of less than five (5) acres of land area, but at least one (1) acre in size when topographic or other geographic considerations make the active farm use of the property impractical; to permit an addition with an attached garage to the existing single-family home (approximately 7,900 square foot); and (ii) an exception to decrease the minimum side yard setback, on the west side of the property along the proposed addition, from fifty (50) feet to fourteen (14) feet, for certain real property located in the A-1 Agricultural District at 17045 S. Parker Road, Homer Glen Illinois.

   Senior Planner King presented the background for this case. The applicant, Brian Pemberton, lives on the subject property location at 17045 S. Parker Road on the S-curve, on a two and a half (2.5) acre wooded parcel. The property is situated adjacent to and directly south of Spring Creek and features wetlands, significant floodplain and is heavily wooded. The property is developed with an approximately four-thousand
one hundred (4,100) square foot home, built prior to 1997, with a deck off the north/rear. The home is serviced by well and septic.

In 2011, the applicant was granted a variance for a reduction in the required masonry material for the renovation of the existing single-family home and for the construction of a detached accessory structure; and a variance to permit the detached accessory structure to be location beyond the front wall of the principle structure. This project did not go through any preliminary review as it was not practice or policy at that time.

To date, the renovation of the existing principal structure, nor the construction of the detached accessory structure have been completed.

In 2019, the applicant, Brian Pemberton, re-applied to construct a detached accessory structure in a very similar location to the original proposed project in 2011. An engineering review took place and it was discovered that the location of the proposed garage was in a wetland. Two (2) wetlands were discovered on the property, one near the southeast corner of the home and the other on the east side of the property near Parker Road. These wetlands, in conjunction with the well and septic, and the flood plain areas on this parcel provide significant hardship on this property.

At the beginning of this year, the applicant resubmitted a new plan showing the previously detached accessory structure as an attached structure, allowing for an addition to his home and to the garage. By attaching the structure to the principle structure, the legality of the principle structure became a concern. The underlying zoning of the property is A-1 Agricultural. In that zoning district, for a single-family home to be permitted by right, it needs to be constructed on at least ten (10) acres of property. A Special Use Permit is required for a single-family home to be on a lot of less than five (5) acres of land area, but at least one (1) are in size when the topographic or other geographic considerations make the active farm use of the property impractical. This property measures approximately 2.66 acres, thus requiring the Special Use Permit.

Also, the existing family home and the proposed addition are triggering an exception / variance to the required side yard setback. The applicant is asking for a reduction from the required setback of fifty (50) feet to fourteen (14) feet along the West property line. The applicant is proposing to landscape to landscape around the addition on both the South and West sides by planting large evergreens to provide a buffer. It is important to note that in light of the heavy woods on this parcel, this will not be very visible from the road. Melissa concluded the presentation of this case.

A motion was made to open the public hearing by Member Verdun, seconded by member McGary. All in favor, zero (0) opposed, the motion carried.

Kevin Droz, the General Contractor for this project attended the meeting on behalf of Mr. Pemberton. He added only that the purpose for this large garage is for Mr. Pemberton’s car collection. He stated that the addition was to expand the master bedroom and to add a play area for the kids. Mr. Droz also added that the exterior of the home would be updated with top of the line elements.
The Plan Commission discussed the project. At this time, grading plans were pending review as they were only received within hours of the scheduled Plan Commission meeting, and the Plan Commission was made aware of this. The petitioner stated they would get creative with the engineering and the placement of the Best Management Practice (BMP) as it pertains to storm water by either placing it under the garage or under the driveway, if needed. The Plan Commission discussed the setback as proposed, some offered a compromise but in the end agreed that this addition would not overlap the neighbors view as it was not in alignment with the rear of the neighboring residence.

A motion was made to close the hearing by Member McGary, seconded by Member Stanly. All were in favor, zero (0) opposed, the motion carried.

The Plan Commission continued their discussion briefly and the purpose for the garage was more specifically clarified. The purpose for this large garage is not for any business purpose, Mr. Pemberton owns 35 collector vehicles. There will be lifts installed for the capability of increasing storage of vehicles on two (2) levels, not for any mechanics.

Chairman Backal asked if we had a motion. Member Kozor made the motion to adopt the findings of the Plan Commission and to recommend for approval, of a request for (i) a Special use Permit for an existing single-family home (approximately 4,100 square foot) and (ii) an exception to decrease the minimum side yard setback, on the west side of the property along the proposed addition, from fifty (50) feet to fourteen (14) feet for certain real property located in the A-1 Agricultural District at 17045 S. Parker Road, Homer Glen, Illinois [Chapter 220 (Zoning) of the Code of the Village of Homer Glen] The motion was seconded by Member McGary.

No specific date set for this to be heard before the Village Board due to the pending proposed grading review.

A roll call vote was taken, all in favor, zero (0) opposed. The motion passed unanimously.

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

   None at this time.

8. **Adjournment.**

   Chairman Backal asked for a motion to adjourn the meeting. Motion to adjourn was made by Member Stanly, seconded by Member Verdun. All in favor, zero (0) opposed. The Motion Carried and the meeting was adjourned at 7:48 p.m.
Respectfully Submitted: Gia Cassin

Chairman Backal: _____________________________________________

Approved (Date): _____________________________________________
Plan Commission

Minutes of the Meeting on
April 2, 2020

DRAFT

Village of Homer Glen
14240 W 151st Street, Homer Glen, IL 60491
Community Room
1. **Call to Order.**
   The meeting was called to order at 7:00 p.m. by Vice Chair Kozor.

2. **Roll Call – not taken, only 2 members present.**
   Members Present at 7:00 p.m. were Vice Chair Kozor and Plan Commission Secretary Gia Cassin
   
   Members not present: Chairman Backal, Member McGary, Member Stanly, Member Verdun, Member Hand, Member Foley, Planning & Zoning Staff

3. **Public Hearings:** The Plan Commission meeting scheduled for April 2, 2017 was cancelled as a quorum was not established. The items scheduled for this public hearing are tabled until further notice.

4. **Adjournment.**
   
   This meeting concluded at 7:02 p.m.

Respectfully Submitted: Gia Cassin

Vice Chair Kozor

Approved (Date):
To: Chairman and Members of the Homer Glen Plan Commission
From: Vijay Gadde, Director of Planning & Zoning
Meeting Date: May 7, 2020
Agenda Item Number: 6.a
Subject: Bell Tower Plaza, Case No. HG-2002-V

Item Title: Consider for Approval a Variance to Section 75-56(D) of the Outdoor Lighting Regulations for the parking lot light improvements at 15750 S. Bell Road, Homer Glen, Illinois [Bell Tower Plaza, Case No. HG-2002-V].

Property Information
Location: 15740-15800 S. Bell Road (Bell Tower Plaza)
Property Size: 13,373 square feet
Existing Zoning/Use: C-2 Local Business District
Adjacent Zoning/Use:
N: R-5 Single-Family Residential/Meadowview Subdivision
E: C-2 Local Business District
S: C-3 General Business District/Stock and Field
W: ComEd ROW

Background
The lighting fixtures at Bell Tower Plaza have been replaced without securing an outdoor lighting permit. An outdoor lighting permit was submitted in late November 2019 and the photometric plan was sent to Farnsworth for review. Farnsworth has identified the following outdoor lighting requirements to be met to satisfy the Village’s outdoor lighting code requirements as it pertains to replacement of luminaires and supporting structures and the comments were forwarded to the applicant.

Section (75-59)(D) – FINAL PLAN SUBMISSION
• 12/09/19 FGI Comment: Provide documentation / revisions for:
  ▪ Gross Emission of Light calculation to comply with 100,000 lumens/acre.
  ▪ Site photometric calculation line at 36” above the property line and compliance with the light trespass requirements of 0.5 ft/c.
  ▪ Revised cut sheets to indicate 3000K CCT.
  ▪ Revised cut sheets for wall mounted fixture Types WPG and WPR to indicate a full cut-off type fixture.
**Variance Requested:** A response letter was received in March 2020 (see Attachment 1) addressing all of the above items except for meeting the following light source requirement. The applicant stated that he was unaware of this requirement and the replacement cost would be approximately $30,000. The applicant further requested a variance to Section 75-56(D) of the Outdoor Lighting Regulations for all the lighting fixture that have been installed.

**Section (75-56)(D) – LIGHT SOURCE REQUIREMENTS**
- **12/09/19 FGI Comment:** Submitted cut sheets indicate that the wall mounted fixture Types WPG and WPR have a CCT of 5000K and the pole mounted fixture Types A, B, C and D have a CCT of 5000K. All lighting fixture types shall have a CCT of 3000K to comply with the Ordinance.

**Plans Reviewed:** Photometric Plan (Attachment 3)

**Conformance with the Outdoor Lighting Code (Chapter 75, Article II)**
The Lighting regulations apply to this request as exterior lighting has been replaced which does not fully comply. The applicant is seeking the above-mentioned variance as permitted by Section 75-61 – Appeal for Variances.

**Findings of Fact**
Section 220-1207C(1-3) of the Code of the Village of Homer Glen states the required standards for making findings of fact for a Variance. The Code requires that the Plan Commissioners consider these standards in making its finding and determining a recommendation to send to the Village Board. Without further public hearing, the Village Board may grant, deny or amend the recommendation for variance.

Please see the applicant’s response to the variance factors in Attachment 1. The plight of the applicant is due to the replacement of the light fixtures without securing an outdoor lighting permit. The replacements are projected to achieve an annual energy savings of $14,500. However, the variance between what was installed (5000K) and what is permitted by code (3000K) is significant. Although Homer Glen’s Dark Sky ordinance is very unique, the applicant should have at least checked with the Building Department before the installation rather than treating it as a maintenance project. Therefore, staff does not support this significant variance.

**Motion for Consideration**
Is there a motion to adopt staff’s findings as the findings of the Plan Commission and to recommend _____________ (approval / approval with conditions / denial) of a Variance to Section 75-56(D) of the Outdoor Lighting Regulations for the parking lot light improvements at 15750 S. Bell Road, Homer Glen, Illinois [Bell Tower Plaza, Case No. HG-2002-V]?

**Attachments**
1. Variance Request & Variance Factors
2. Bell Tower Plaza Aerial Map
3. Bell Tower Plaza Photometric Plan
Attachment 1 – Variance Request & Variance Factors

March 4, 2020

Village of Homer Glen
14240 W. 151st Street
Homer Glen, IL. 60491

Attn: Vijay Gadde
Director of Planning and Zoning

Vijay,

Now that the village ordinance has been brought to our attention. It is and will continue to be, our intention to rectify this situation to the best of our ability. We have recalculated and corrected several items after receiving the villages review.

Regarding Section (75-55) (A) Gross Emission of Light
The original calculations were factored on parking space and area lighting only, not factoring the entire property. Therefore, recalculated the scalable acreage from 3.80 Acres to 6.55 Acres, we adjusting the calculated lumens from 180,994 to 105,003 per acre. If it is felt that the overage needs to be adjusted by the 5% that exceeds the 100,000 lumen per acre requirement it is our intent to remove the two parking lot heads in the Nicks parking lot facing north and south (which is the brightest areas of the lot) to reduce the average to 99,398. This will still provide an acceptable number of lumens in this area. (SEE ACRE POLYGON ATTACHEMENT AND REVISED LIGHTING PERMIT)

Regarding Section (75-55) (D) Light Trespass
The originally submitted Photometric plan was calculated at a (work plane or 36") therefore the photometric data is accurate as submitted. However, we found that in (3) areas the heads needed to be adjusted by 15 deg to conform with the excess of 0.5 F.C. along the property line. It is not necessary to provide house side shields to meet these requirements as the he highest F.C level along the property will now be decreased to 0.04.

Regarding Section (75-55) (E) Permitted Hours for Outdoor Lighting
All Fixtures are on photocell and timeclock control. Timers are set to operate between the hours of 4PM and 1:00 AM to allow for employee clean up and departure at Chesdan’s. Photocell control will over ride early turn on of lighting during summer months. There are various fixtures on night light circuits to provide for security which are separately controlled via photocell.

Regarding Section (75-56) (A) Fully Shielded Requirement
It was found that due to the locations of the existing poles, there were inadequate light levels directly in front of the building. The pre-existing lighting, required twice as many fixtures to compensate this.

The property owner opted to improve this area to improve safety and quality. The poles in the lot are approximately 65’ away from the building front and approximately 170’ apart from each other. Which would not provide for even disbursement of light. Additionally, the building front is 350’
away from Bell Road, so there is no glare or spill beyond the property line. We are requesting special circumstances be considered here. (SEE WALLPACK ATTACHMENT)

**Regarding Section (75-56) (D) Light Source Requirements**

As stated in previous emails, we were unaware of the village requirement regarding color temperature and lumen output, as our typical scopes are for lighting maintenance and replacement, not new construction. As sales manager, I accept full responsibility for not educating our sales force to review local ordinances. We fully understand the requirements made by the village and will certainly conform on future projects. However, we are asking for consideration, as replacing the system to meet the 3000k requirement would cost approximately $30,000.00 to correct. The new lighting far exceeds the quality of what was existing. **We are ultimately requesting a variance on 3000k requirements per above section.**

**Response to Variance Factors**

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.

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.

   With the existing infrastructure being as it is, and the fixtures being already installed at 5000k, the cost to modify would be in excess of $30,000.00

   (b) That the plight of the owner is due to unique circumstances.

   With this originally constructed prior to the ordinance being in place, there would be inadequate and unsafe light levels for this environment without substantial financial burden.

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

   The adjacent properties are similar in color to the 5000k

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.
As stated, the financial burden would be tremendous. Additionally, full cutoff wallpacks set significantly from the road, would not allow the amount of appropriate light in front of the stores.

(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.

If this project was done in smaller phases, this project would be complying as lighting maintenance, is this truly was.

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

This project only moved forward due to the assistance of a significant Com Ed incentive for wattage reduction. It would have been un affordable without that assistance.

(d) That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.

It is the contractor who would field the burden of the required changes.

(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.

It is felt that the system installed greatly improved the environment and was designed professionally with the intent to do so.

(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.

Appeal of the property was improved.

(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.

No impairment was created.

I am asking if there can be any consideration in this matter. I would be willing to meet onsite after dark to review at your convenience.

Sincerely,

Terry Smith
Subdivision: Bell Tower Plaza
Style: 2.0 Story
Living Area: 13,373 Sq. Feet

Parcels: 1605144100130000 & 1605144100140000
Address: 15740-15800 S. BELL RD, HOMER GLEN, IL, 60491
To: Chairman and Members of the Homer Glen Plan Commission

From: Melissa King, Senior Planner/Project Manager

Meeting Date: May 7, 2020

Agenda Item Number: 6.b.

Subject: Mugshots Outdoor Seating, Case No. HG-2003-S

**Item Title:** Consider a request for 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 143rd Street, Homer Glen, Illinois in the C-1 Neighborhood Commercial Zoning District.

**Property Information**

Location: 13031 W 143rd Street, Homer Glen, Illinois

PIN: 16-05-11-200-028-0000

Property Size: 3.79 acres

Existing Zoning/Use: C-1 Neighborhood Commercial, Mixed Commercial

Adjacent Zoning/Use: 

N: C-2 Local Business / Restaurant (The Purple Onion)
N: C-2 Local Business / Vacant
E: C-3 General Business / Animal Hospital/Clinic (Animal Care Clinic)
E: I-1 Industrial / Agriculture and Utility (Comed)
S: C-1 Neighborhood Commercial / Mixed Office and Financial Institutions (PNC Bank)
S: R-4 Single-Family Residential / Old Oak Subdivision
W: C-1 Neighborhood Commercial / Mixed Office, Commercial and Personal Service
NW: A-1 Agricultural / Single Family Residential and Agricultural

**Background Information**

Mugshots Bar & Grill is a permitted restaurant located in a west end unit tenant space in one of the primary buildings of the “Orland Oak” commercial shopping center. The restaurant is currently undergoing a commercial build-out and the tenant space does not currently have an outdoor seating area. Refer to the Attachment 1 for the location of the current tenant space.
applicant is proposing an outdoor seating area directly outside of the tenant space and underneath an existing alcove.

**Conformance with the Zoning Code**

**Code Requirements:** Per §220-835 (Outdoor seating associated with permitted restaurant) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen, outdoor seating areas such as this must be enclosed by a fence or wall at least three (3) feet in height and, when adjacent to a public walkway, at least five (5) feet of the walkway must remain unobstructed.

**Proposed Outdoor Seating Area:** *Attachment 1* is an existing conditions aerial that shows the context of the property, adjacent zoning and the existing tenant space. *Attachment 2* shows images of the existing conditions on site. *Attachment 3* includes a site plan, which depicts the proposal for the outdoor seating area.

As shown on *Attachment 3*, the applicant is proposing an outdoor seating area that measures approximately fifty (50) feet by ten (10) and will be located under an existing building alcove on an existing pedestrian area. The outdoor seating area will extend ten (10) feet out from the building leaving no pedestrian sidewalk clearance. This tenant space is an end unit and the existing ADA ramp north of the proposed outdoor seating area will be maintained to allow for access from the parking lot to building/tenant spaces. As shown on *Attachment 3*, the proposed outdoor seating area will be fully enclosed with fencing and two gates. There is currently not any new lighting proposed as part of this petition; any future lighting must meet the dark sky lighting regulations.

**Public Comment:** The outdoor seating area proposed is less than one hundred (100) feet from adjacent residential properties in the Old Oak Subdivision directly south of the subject property. Staff has received comments from the neighbor located at 14412 Erin Ct, see *Attachment 1*. The resident concerns include the proximity of the outdoor seating area to their property, the noise associated with restaurant patrons, the smell from smoking/food, the possibility of boisterous behavior so close to their backyard. The email from the resident has been included, see *Attachment 5*.

**Findings of Fact:** Section 220-1207C(1-3) of the Code of the Village of Homer Glen states the required standards for making findings of fact for a Variance. The Code requires that the Plan Commissioners consider these standards in making its finding and determining a recommendation to send to the Village Board. See *Attachment 4* for staff-suggested Findings of Fact.

**Conformance with Other Code Standards**

**Exterior Construction Standards (Chapter 75, Article II):** The Exterior Construction Standards do **not apply** to this request as the outdoor seating area’s expansion includes additional fencing exclusively.

**Lighting (Chapter 75, Article II):** The Lighting regulations do **not apply** to this request as no exterior lighting has been proposed as part of outdoor seating area’s expansion. Any proposed lighting shall meet the dark sky lighting regulations.

**Conservation Design (Chapter 107, Article IV):** The Conservation Design regulations do **not apply** to this request because the applicant has not proposed the development of a residential subdivision greater than ten (10) acres in area, nor have they proposed the development of a residential subdivision made up of lots less than one and one-half (1.5) acres in size.
Tree Preservation (Chapter 107, Article III): The Tree Preservation regulations do not apply to this request as the applicant has not requested the approval of a Preliminary Plat of Subdivision or proposed the division of the subject property, and the subject property is less than five (5) acres in size.

Subdivision & Stormwater (Chapter 138, Article I): The Subdivision regulations do not apply to this request as the applicant has not proposed the division of the subject property at this time. The Stormwater regulations do not apply to this request.

Park Donation (Chapter 138, Article II): The Park Donation regulations do not apply to this request as these regulations only apply when the final Plat for a residential subdivision or development has been approved, or when the final Plat for a Planned Unit Development has been approved.

Conformance with Adopted Plans
Comprehensive Land Use Plan: The Comprehensive Plan designates the subject property as Commercial.

Transportation Plan: The applicant’s proposal and requested Special Use Permit conform to the regulations and recommendations set forth within the Village of Homer Glen Transportation Plan.

Motion for Consideration
Is there a motion to adopt staff’s findings as the findings of the Plan Commission and to recommend ______________ (approval / approval with conditions / denial) 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 143rd Street, Homer Glen, Illinois in the C-1 Neighborhood Commercial Zoning District [Mugshots Outdoor Seating, Case No. HG-2003-S].

Attachments
1. Existing Conditions – Aerial
2. Existing Conditions – Site Images
3. Site Plan of Proposed Outdoor Seating Area
4. Staff-Suggested Findings of Fact
5. Email from Adjacent Property Owner
Attachment 1: Existing Conditions – Aerial and Plat

Attachment 2: Existing Conditions – Site Images
Attachment 3: Site Plan of Proposed Outdoor Seating Area
Attachment 3: Site Plan of Proposed Outdoor Seating Area

Existing ramp access to parking lot
Attachment 4: Staff-Suggested Findings of Fact

Standards for Special Use Permit

Section 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.

   The Special Use Permit to establish an outdoor seating area for Mugshots Bar & Grill is within close proximity to adjacent residential properties where there is some concern about the use, noise, smell, etc. The proposed outdoor seating area will be canopied and fenced per all relevant regulations and standards.

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.

   The Special Use Permit to establish an outdoor seating area for Mugshots Bar & Grill is within close proximity to adjacent residential properties where there is some concern about the use, noise, smell, etc. Mugshots Bar & Grill is located in an area of mixed commercial that includes other restaurants, retail, and other mixed commercial uses.

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.

   The Special Use Permit to establish an outdoor seating area for Mugshots Bar & Grill is within close proximity to adjacent residential properties where there is some concern about the use, noise, smell, etc. The proposal will maintain pedestrian access throughout the site and will not significantly impact the access or availability for patrons to the area. The proposed site plan does not impact vehicular traffic.

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 Special Use Permit will expand upon a restaurant facility that is of interest to the public for its convenience and “place-making” value and will add value to the restaurant use.

5. The proposed special 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 Special Use Permit is to be located in the C-1 Local Business District, a “community shopping district” whose purpose is to meet weekly needs in areas that are centrally located.
Restaurants, particularly full-service establishments, are typically not places of daily importance to consumers, making the restaurant use an appropriate match for the C-1 Local District. Furthermore, outdoor seating is a complementary use to restaurant establishments, making the requested Special Use Permit suitable for this location.

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.

The establishment of the Special Use Permit requested will not impede the normal and orderly development and improvement of the surrounding property, particularly because an outdoor seating area is compatible with other retail and restaurant uses already present in the area.

7. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either 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.

The proposal for a Special Use Permit for an outdoor seating area includes a perimeter fence. The materials for the outdoor seating area are not regulated by the exterior materials standards, but are appropriate for the space and relate to the architecture of the building. In addition, the proposal will certainly match the functional plan of the overall structure within which Mugshots Bar & Grill is located.

8. That the adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

The adequate utilities, access roads, drainage and/or necessary facilities for the purposes of the Special Use Permit requested have been or are being provided as part of the request.

9. 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.

The Special Use Permit requested will not impact vehicular traffic throughout the site, as the outdoor seating area is being proposed in an existing expanded pedestrian area.

10. 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 Special Use Permit requested has been considered in relation to the location, goals and objectives of the Village’s Comprehensive Plan and is indeed in general accord with the guidelines of the plan.
Attachment 5: Email from Adjacent Property Owner

**Subject:** Concern from a Homer Glen Resident

Hello, My name is Cynthia Saenger, I live at 14412 S Erin Ct in Homer Glen. We moved here in 2013 and couldn’t be happier. My husband and I have 3 young children 8, 10 and 14. I am writing you with the concern of a new business they are opening about 20 feet from my back yard. It is a Bar called Mugshots. My family has been through some trying times these past few years. My daughter Hailee Saenger just got over a battle with Cancer. Lymphoma..... she has had a rough go the past few years. (The Town of Homer Glen was and is AMAZING the support everyone gave us is so humbling) And before this my husband has had a Major Heart Attack that nearly killed him called the Widow Maker and now has a pace maker and defibrillator in his chest at 44. I come from a Family of Bar Owners. My parents own a bar in Hickory Hills, My Brother Owns a bar in Palos Heights and My other Brother owns a bar in Rockford. So I am writing to you to see if there is anything we can do about the Zoning they are requesting for an outdoor Seating Area. As this will definitely affect our little strip of homes. We love to sit in our yard and swim, BBQ, Hang with neighbors and I feel the last thing the QUIET town of Homer glen Needs is an out door area of people Eating Drinking and SMOKING right outside my backyard and the backyard of a few other homes. I get that these guys want a Booming Bar Business..... My Family was all about it as I said they own bars I manage a Bar! However what they are asking to do so close to community homes and out in the open can and will affect many of us. Especially the health of my family or any of my wonderful neighbors..... the last thing any of us needs is added noise and pollution from Cigarettes, Cigars or Marijuana! I am very concerned!!! Its bad enough we will have constant traffic now in and out and for God knows how early into the morning hours possibly 2 a.m. But they need to consider the family neighborhood they are so close to. With children. Families that need sleep to work the next day Etcetera. I tell you of the health issues my daughter and husband have because they are doing ok now but extra pollutions from this place and Smoke from people smoking outside will affect them. Not to mention we have to already deal with the smell of Dumpsters out back and junk these business owners have thrown out their back doors and into our view. Don’t get me wrong I understand We bought this house knowing there is a strip mall behind it. But NEVER in a Million Years did I think we would have a Loud Noisy BAR in out yard. This is the area of the old village hall. Had normal and decent business hours an closed on weekends. This is all going to change for us and a few others that this new Bar Mugshots is not considering. I ask that you please direct me in some way how I can help this out door zoning not happen. Myself and some other neighbors have received a letter about Case No HG-2003-s for a meeting April 2nd. Which I don’t think will happen now due to the Covid-19 Lockdown but I am very concerned. I get they want a Bar and Pub there and that’s going to be bad enough til 2 am. But an outdoor area will be Aweful for these young family’s to have to put up with. I Love Homer Glen and I am so happy we decided to move here and I don’t want to Move ever! I am so sad that this is even an option for these guys. Ok thank you for reading. I hope you and your family is well. Stay safe sorry to bother you with something that may NOT seem like that big of an issue right now but it weighs on my heart as a Mother and Wife and Resident and as I said I bartend I know the bar industry and I am not OK with this at all. It will affect us in a big way Believe Me I KNOW ok Thank You Again for reading. Stay Healthy and let me know How We can make our voices heard as the hearing will be cancelled now I’m sure!

Take Care!

Sincerely

Cynthia Saenger

**Note:** The homeowner also submitted a request to add a designated smoking area out front of the restaurant due to the proximity of the rear exit of the restaurant to the adjacent residential properties.