

Plan Commission

Minutes of the Meeting on
August 15, 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 7:04 p.m. by Chairman Don Mitchell.

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

Members present at 7:04 p.m. were Chairman Don Mitchell, Members Stanly, Member Kozor, Member Verdun, Member McGary and *new* Member Hand.

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: Member Broque Backal

Member McGary spoke up to make an amendment (motion) to the Plan Commission to put in the Oath of Office for John Hand; seconded by Member Verdun. All in favor, zero (0) abstained, the motion carried.

Member McGary swore in new Plan Commissioner John Hand. Mr. Hand was welcomed by the Commission.

4. Public Comment.

None.

5. Minutes.**a) August 1, 2019**

Chairman Mitchell asked for a motion to approve the minutes from August 1, 2019. Member Stanly made a motion to approve the minutes from the August 1, 2019 meeting; seconded by member McGary. The motion passed unanimously.

Chairman Mitchell stated he had a brief conversation with Plan Commission Secretary, Gia Cassin, regarding a correction for miswording his statement about his concern over about the bollards being a condition, and the minutes reflected addition. A voice vote was taken regarding the correction, all were in favor, zero (0) opposed. The correction was noted and minutes were approved unanimously.

6. New Business.

- a) HG – 1915 – S, HWM Truck Maintenance, (Public Hearing):** Consideration of a request for a special use permit to allow (1) automobile repair and service, and (2) automobile sales (outdoor), for certain real property located in the C-3 General Business District at 15761 Annico Drive, Unit A, Homer Glen, Illinois.

Director Gaade presented the case. HWM Truck Maintenance applied for Occupancy in 2018, so based on the previous occupant, XYZ Trucking and Excavating, the Occupancy Permit was issued with the understanding there was documentation from the County related to the previous zoning. As Will County was unable to provide proper documentation indicating the subject property was previously zoned for truck

maintenance, the Village asked the new business owner to bring the property into full compliance with the Village's zoning code by applying for a new Special Use Permit pertaining to unit A at that address. The Special Use Permit would be for truck repair and service. In addition to this, the applicant is looking to add Semi Truck sales. Director Gadde explained to the Plan Commission that the documents they have in front of them are the Finding of Facts Report, and also there is a parking plan attached to the staff report, that outlines the parking between the two (2) tenants. Looking at Unit A, they have 3 service doors which can take four (4) bobtails at a time. The zoning code requires three (3) spaces per service bay with additional employee parking. So based on the parking plan, we have up to twenty-five (25) parking spaces in the rear yard, which is well beyond what is required for the zoning code. Any semi-trucks he would like to bring in, that usage will be limited to available parking. The subject property is zoned C-3 General Business District and the Comprehensive Plan designates the entire park as a Business Park. As far as the new Comprehensive Plan update, staff is recommending the Annico Business Park to be rezoned I-1 because of the variety of legally, non-conforming usages of the park, ultimately, rezoning the properties. If you recall, about two (2) years ago, we had a car rental agency applying for a special use permit because it was in zone C-3 versus I-1.

Director Gadde presented the zoning code table for their review. In the section that refers to Automobile Repair and Service, that would not fully cover what the applicant is looking for because he is servicing semi-trucks. Staff applied the category called "Other Motor Vehicle-related Consistent with Other Special Uses in the Zoning District" in the C-3 Zoning District. That would include repair and service, as well as outdoor sales. This concludes the staff report.

Chairman Mitchell requested that all parties who wished to speak regarding both agenda items be sworn in. Plan Commission Secretary Cassin swore in all those wishing to speak.

Member McGary made the motion to open the public hearing for agenda item 6(a); seconded by Member Stanly. All in favor, zero (0) opposed, the motion carried and the public hearing is open.

Petitioner Alayyoub took the podium and stated that he wants his lease to be respected, and he will be purchasing the property in a couple months. He wants everyone to know what is going on and offers for anyone to correct him if he's wrong. The petitioner stated that he had a private agreement to pay the tenant next door, the sum of twenty-five thousand (\$25,000) dollars, provided everything goes well in this hearing. Mr. Alayyoub had some concern about parking spaces one (1) and two (2), because the dumpster is located there. Spots one (1) and two (2) will be blocking Unit A and also the dumpster. He does not have any issue with parking spots numbered three (3), four (4), five (5) and six (6). Director Gadde provided a diagram of the parking to the Plan Commission.

Chairman Mitchell clarified that spots one (1) and two (2) are going to be assigned to Unit A and asked if they are supposed to be that way. Director Gadde explained that tenant of unit B is seeking additional parking, and the tenant will explain this in

their testimony. The tenant of Unit A explained again that it will block the garbage and will also occupy some of the property in front of his storefront.

Applicant Alayyoub tried to clarify where the doors are located on his unit A, with respect to parking spots one (1) and two (2). Member Verdun stated she went by the property and is aware of the location of overhead doors and explained what these details to the rest of the commission. She explained that those parking spots one (1) and two (2) would impede on the overhead door openings and also the garbage dumpster. While some of the Plan Commission discussed the overhead doors, Member Kozor asked Director Gadde if this would have anything to do with the Zoning permissions or is this just a property maintenance discussion, or is it tied to some part of the use of the property. Director Gadde replied with a brief history of the property and stated the parking is assigned by the landlord, and there are only twenty (20) feet behind each unit, which is not practical or reasonable. So they are requesting some additional parking spots. Member Kozor clarified about the hearing being for the Special Use Permit and parking is not listed in the original paperwork. Director Gadde added that they could be listed as conditions of the Special Use Permit. Member Kozor asked if the plat is subdivided into 2 lots and this is why there are only twenty (20) feet of parking in the back and the rest belongs to unit A? Director Gadde explained it is one (1) lot with two (2) tenants. Member Kozor asked Director Gadde if he has a copy of the 2007 parking agreement. Director Gadde explained we do not but we do have a parking plan given to us by the landlord for this particular meeting. Member Kozor clarified that because this parking is in the front with the twenty-five (25) foot setback, no parking is allowed there, at all, yet has been striped and they are using it as such. The striped part comes from the County, the only request is now for spots 1 and 2 by the dumpster. Applicant Alayyoub added that both he and the tenants of unit B split the cost of the dumpster, each paying six (6) months of usage. Member Kozor asked if the dumpsters are permitted there in the front? Director Gadde stated they should be in an enclosed area.

Member McGary asked to hear the answer about the legality of the dumpster being in the front lot. Director Gadde said that being in the front they are legally nonconforming at the moment. Chairman Mitchell furthered the discussion by asking for clarification as to what, exactly was being asked of the Commission and the parking and allocation of the spots. Director Gadde said the second party will explain what they are seeking with their testimony.

No further comment from the Applicant Alayyoub.

Mr. and Mrs. Komikis, the other party to this agenda item, took turns speaking at the podium. They are residents of the Village of Homer Glen and are the owners of Homer Auto Repair for thirteen (13) years. They stated the garbage can in front is completely illegal and not acceptable. He stated that permission for the tenants of Unit B being able to use spots one (1) and two (2) is stated in his leasing contract. After further clarification, the explanation in the contract states that spots one (1) and two (2) are to be used for employees or owners only. The Plan Commission discussed various situations brought to the commission on behalf of Mr. and Mrs. Komikis, regarding the tenant of Unit A not having a Special Use Permit, and not having a business license and stated the tenant of Unit A has made a mess in the rear lot. There is another special use permit for this property, with some conditions

pertaining to customers parking in the rear. Director Gadde reminded the Komikis' that they need to address the parking issue. Mrs. Komkis stated in 2007, there was an email agreeing that they could use spots one (1) and two (2). She stated that they need the additional parking because in the rear of the lot, there is not enough space for them to park, no available space.

Chairman Mitchell looked for clarification that the Village did in fact, at some point in the past, allocate parking spots to tenants? Mr. Komikis jumped in to reply that for his business, for auto repair business, he had to get a special use permit to do auto repairs and it only applies to unit B. Chairman Mitchell repeated again for clarification, if this gives him a right to park in certain areas because of the special use permit. Mr. Komikis stated owner of the building allowed the tenant of Unit B to park cars in front of the building.

Director Gadde read from a document with conditions from 2007. Director Gadde passed the document through the Plan Commission. There was parking, limited to two (2) spaces in the front of the building and the rest of the parking is to be behind the building. They are seeking new additional parking in the front.

Staff and the Plan Commission clarified the property in the rear would need to be paved by the landlord to create more parking, if so requested. It was also clarified that the tenant of unit B has two (2) spots in the front and they are looking to add an additional eight (8), and lastly, the Commissioners felt that it appears he hardship is self-imposed because there could be parking in the back if the landlord paved it, or if there is an agreement to pave it. Director Gadde stated that the landlord decided to give eighty percent (80%) of the parking to unit A and leave the remaining twenty percent (20%) of that area for unit B which is not practical. It is a bad usage agreement that the Plan Commission is trying to fix.

Member Kozor read through an old agreement and his translation is that the garbage is supposed to be in the back, and that only two (2) spots in total are allowed to be in the front and no resale of vehicles.

Chairman Mitchell and the Commissioners discussed it seems the tenants of Unit B are looking for considerations in light of the Special Use permit of 2007. He added that it sounds like the dumpsters should not be out front, but they are out front, so that doesn't seem to be an issue, unless they are going to make an additional condition on the dumpster being in front. The dumpster right now, is in the spot that Tenant B would like for parking spots one (1) and two (2).

Chairman Mitchell then reiterated his interpretation from Member Verdun's explanation, and asked Mr. Komikis if they are asking the Plan Commission to add special conditions to this request, if approved, to be allowed to do A, B, and C (to be defined), would this be correct? Mr. Komikis replied no. What he is asking for is that for his existing special use permit, his existing business, to expand his parking in the front to be legal so that cars can park in front.

Member Verdun stated her assumption is that because we have two (2) tenants on one (1) property, we are going to do special use permits that will apply to both tenants. Owner of unit B said he's talking about unit B only. Member Verdun clarified that

neither one of the tenants are the owner, there is one owner, and this has to be looked at as one single property. Member Kozor stated that the purpose for this special use is for Unit A to get permission to do repairs and service like unit B.

Member McGary stated that while there is plenty of room for the garbage dumpsters in the rear of the lot, the drive along the side of the building to the rear is very narrow.

Member Verdun stated she agrees that we have a legal nonconforming situation for tenant of unit A for his operations and that is the primary special use permit that is being proposed tonight.

The tenant of unit A asks to approach the desk to show pictures to the Plan Commission various pictures while quiet conversations took place between the tenant of unit A and the plan commission. (inaudible)

One of the members of the Plan Commission asked if there is a permit required for striping the parking lot. Director Gadde said that the parking lot is all legal non-conforming and there we do not have a site plan for that.

Plan Commission carried on multiple lengthy discussions at the dais amongst themselves and with Mr. Komikis, the owner of unit A. (inaudible)

Member Verdun asked for clarification about the 2007 parking agreement, stating that the agreement just lists two (2) parking spots in front of the building but doesn't state they are designated for one specific tenant. Director Gadde agreed that is the case. Any designation is not the Plan Commission jurisdiction, it is between the owner and the tenant. Director Gadde added that the agreement states the customer parking is in the rear. Mr. Komikis stated the back of the building is for storage, and also for his personal boats. This was agreed with per the owner, according to Mr. Komikis.

Member Verdun stated the tenant in unit B just admitted he is using the 20 parking section in the back for his own vehicles and toys, and added this is a self-imposed hardship. The spots that the tenant does have in back, which are for customer parking, are being used for his own vehicles and recreational items.

Member Kozor asked what the outside storage restrictions for this zoning use, for when it comes to property maintenance. Director Gadde said that with I-1, they will be allowed to do repairs and they will be allowed to have this legal nonconforming storage of parts and vehicles.

Mrs. Komikis, said it's not just a parking problem. She wanted to added her other concerns about this neighbor, said they are operating a business without a special use permit, they are messy tenants which is bad for business, and there is diesel exhaust that carries over into unit B because this building doesn't have proper ventilation. Mrs. Komikis continued to speak at the podium while there is discussion with her husband at the dais.

Member Verdun stated that the concerns she is bringing forth to the Plan Commission on behalf of the owner of Unit B, are items that should be handled through the Building Department Code Enforcement Officer.

Chairman Mitchell stated that Mr. Komikis has been talking with two of the Commissioners directly at length, and asked him to clearly state what it is he is asking of the Plan Commission. Mr. Komikis stated that wants the Village to take care of this matter. Chairman Mitchell stated he is in the wrong place for this. Mr. Komikis said that he is not in the wrong place. Chairman Mitchell stated the Plan Commission is together to consider or not consider recommendations for the Village Board. The Plan Commission is not to resolve Code Enforcement issues.

Mr. Komikis then started to discuss misinformation regarding a Special Use permit and Business Licensing.

Mrs. Komikis jumped in to say her husband showed the Plan Commission these pictures of the property with the mess because they don't want this neighbor or this kind of neighbor and they wanted to make people aware of the diesel smoke issue. She is concerned about the circle drive not being used properly by the owner of Tenant A also.

Chairman Mitchell asked her what she is asking the Plan Commission to do. She stated she is asking the Plan Commission to reject the Special use permit for unit A, because trucks will be entering and violating traffic laws. She contacted Will County for their zoning regulations for commercial property. C-3 doesn't permit truck repairs or parking at all and should be in I-1 only. She stated this application should not even be considered because that business doesn't work with this type of zone.

Chairman Mitchell asked if there was a hardship to her business for traffic violations. She indicated that when trucks are entering, it could mean traffic accidents because now they go straight through the circle. Mr. Komikis said his building shakes when the trucks come close.

Chairman Mitchell stated they brought up many concerns, and there has been many pictures and things to consider, feels we need to put everything in writing so as not to miss any valid points. Mr. Komikis asked Director Gadde who's mistake it was to allow this business to operate there. Director Gadde said he wouldn't say it's a mistake. Mr. Komikis wanted to know who was supposed to check these documents, who is responsible for issuing the permit. Director Gadde stated that's part of the permitting process.

Residents Venezia and Tollard approached. Resident Venezia said the diesel fumes are so bad, she has her grandchildren she watches, and the smell of diesel is very strong. The trucks are backed up to that wall. It has been knocked over and replaced in the past several years. The wall is ready to crumble again. Resident Tollard stated the yard floods constantly. Resident Venezia's husband has medical conditions prohibiting him from sitting on the deck due to the fumes. The cussing from over the wall is excessive and she has to hear it. She was under the impression this was only for use of cars, not diesel trucks. She received the notice about this hearing and this is why she is here. She doesn't want to deal with this anymore.

The issue of the flooding was discussed further, the time frame for the flooding extends several years, the speakers could not put an exact time on it but it was greater than a year. They feel that the placement of the cement wall is the cause of the flooding.

The residents approached the dais to show flooding pictures. Residents left and will be contacted based on information they left on their sign in sheet.

Director Gadde discussed a couple items based on their testimony: he discussed the unsafe wall, and also there is something in the code regarding truck parking in C-3 which is limited to 1.5 ton capacity. The Plan Commission will need info on the existing trucks.

Petitioner Alayyoub approached the podium one final time, he said that originally unit B was also a Truck Repair, and he has papers that he can bring to show it was once a single unit with one owner. PTR Truck Repair had a special use permit. Parking spots one (1) and two (2) are a problem since we cannot move the garbage to the back. He stated the driver does not want to drive the truck on the garbage trucks on gravel, and he will see if he can produce a document stating this from the disposal service. Creating parking spots one (1) and two (2) spots will make it impossible for him to do business. He said he hadn't had a lot of business in the past year. He said he had three (3) inspections, passed all three (3), also he would like to see these pictures showing where it is messy.

Chairman Mitchell called for the public hearing to be closed. Mrs. Komikis, spoke up and asked how many years back was there a permit issued to the entire building. Mr. Komikis asked where does he go with all the paperwork, documents, who can read and see the exact information who can see the misinformation. Chairman Mitchell told the owner again that he would need to take these concerns to the Code Enforcement officer in the building department who can issue citations and take the matter to court.

Member McGary motioned to close the public hearing, seconded by Commissioner Stanly. All in favor, zero (0) opposed. Motion carried.

Member Kozor asked if it is part of the Comprehensive Plan to change all this or part of this property to I-1. Director Gadde stated it is recommended to be I-1. This will take place when the Comprehensive Plan is updated (in approximately twelve (12) months). That is when all the zoning changes will take place. Member Kozor also asked what are the rear yard allowances for C-3 and I-1. He asked because the appearance of the trucks in pictures appear to be larger the 1.5 ton.

Director Gadde stated that rear yard, for C-3, if next to residential area, needs to be 50 ft from rear of year, and if I-1, the requirement is to be 80 feet from the rear of the yard, if there is residential property.

Member Kozor asked if rear parking is allowed legally, based on the current parcel in discussion, 15761 Annico Drive, adjacent to the residential neighborhood. Director

Gadde stated it is legal, but when you have residential property next door – but if this was brand new, a buffer area would be required.

Member Stanly, asked of the trucks currently in the back, are they leasing the spots out. Applicant stated these are his own trucks – the picture is older – those are not his actual trucks. Those trucks are not currently on the property. Trailers and trucks are being stored in the back. Trailers are there because some of the drivers don't have any place to park the trailer so they come with the rigs for repair. There are currently three (3) trailers.

Member Hand, asked for clarification if the trucks are just there for repair and not for sale. Applicant Alayyoub stated that he does store his own separate business trucks there on the lot. Those trucks that are his, are not part of the repair business they belong to a separate Corporation that is run out of his home. He is not running two businesses out of the property on Annico Drive. It was also confirmed that the class license for these trucks parked there are Class A, in which these are forty (40) ton trucks being parked in an area where a max of one point five (1.5) ton trucks.

Member McGary asked if the C-3 to I-1 zoning change takes place, the special use permit is still required. Director Gadde stated that was correct.

Chairman Mitchell feels that this matter needs to be tabled, the Plan Commission is not ready to make a decision. There is much information that was brought to the commission tonight that was not in the packet, and there are concerns from the neighbors that were brought before the Commission. This entire area, plus the discovery of other uses by both tenants on this property, a lot of the hardships are self-imposed hardships, storing personal recreational vehicles on the property and the storage of the work vehicles fall out of the scope of the required weight allowance. The safety concerns stand out; the lack of the proper buffer, the concerns by the neighbors. There were many special use permits granted over the years, it would be helpful to have that history of those special use permits for all to review. There are questions that need response from the landlord as well. The owner of the property has to be involved.

Director Gadde asked if we can table this for up to 2 months until we resolve these issues. Member Kozor would like to see it tabled, and would like to see the Landlord and the Petitioner do their due diligence and remove items that are not allowed there, and provide something showing what they propose to do for the buffer, in good faith, and to be a good neighbor to the business partners here, there needs to be a little bit of good faith that can be done rather quickly, even with a photograph. The Plan Commission was in agreement with member Kozors statement.

Member McGary added that the fence, the buffer, and some system needs to be in place for the exhaust and this needs to be addressed by the landlord.

It's agreed that nothing will be voted on this evening.

Motion to table made by Member Stanly, seconded by Member McGary. Roll Call vote taken. All in favor, zero (0) opposed. Motion to table carried. Staff will touch base with petitioner to see where they are at and establish a time line, but this cannot

be an extended amount of time. Plan Commission is looking to revisit this on September 19, 2019. Applicant agreed, and Member Kozor asked for applicant to bring in all documents supporting his case. Director Gadde asked for up to 60 days, and then stated we would try to get this resolved in about 30 days.

- b) HG-1916-S, Enzo's Pizza (Public Hearing):** Consideration of a request for approval of a Special Use Permit to permit outdoor seating associated with a permitted restaurant, as required in Section 20.835 of the Village of Homer Glen Zoning Code, for Enzo's Pizza property located at 13001 W. 143rd Street, Homer Glen, Illinois, in the C-1 Neighborhood Commercial Zoning District.

Senior Planner King noted this is a permitted restaurant located at an end unit in tenant space in the Orland Oak commercial shopping center. This location does not currently have outdoor seating. There is a building alcove that comes out along the entire frontage area, approximately nine (9) feet deep with 9 feet between the columns. The owner is proposing a fenced in area under the alcove. King wanted to make sure there was egress most direct and the plan is to clip a portion of the small landscaping area that comes in front of the outdoor eating area. There is a proposal for a three (3) foot high fence between the columns. This concluded the staff presentation.

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

The petitioner didn't have comment but stated he was available for questions.

A motion was made to close the public hearing by Stanly; seconded by Commissioner Hand. All in favor, zero (0) opposed. The motion carried, and the public hearing was closed.

The Plan Commission discussed with the owner of Enzo's the amount of seating, which it was determined there would be seating for twelve (12) in the form of picnic benches. There is no intention to expand the outdoor seating area even though there is space. The owner doesn't want to impede on neighboring businesses. The Owner envisions if kids want to park their bikes and have a slice. Owner has owned Enzo's for almost twenty (20) years.

Chairman Mitchell brought up the Smoke-free Illinois Act, where there cannot be smoking for fifteen (15) feet from the entry of the establishment. The owner will post signage for this being a completely non-smoking area.

Member Hand inquired about any curb there for safety purposes. Bollards were briefly discussed as they were used for a previous outdoor seating establishment, but it was later decided to paint the pavement to indicate it's a fire lane, to mitigate any temptation to drive or park in that space. Owner of Enzo's Mr. Fortino, indicated there use to be "no parking" signs out there, prior to the updating of the facade but they were not replaced. The owner will add no parking signs. Mr. Fortino would like to see this be uniform throughout the plaza, lots of deliveries are done for the liquor store in the front.

Chairman Mitchell stated that the Plan Commission has asked the owner of Enzo's for plenty with having him add the signs for no smoking and no parking, and if we add that as a condition, we are ready for a motion.

Member Verdun made the motion do adopt staff's findings as the findings of the Plan Commission and to recommend for approval with conditions of a Special Use Permit to permit outdoor seating associated with permitted restaurant (as required in Section 220.835 of the Village of Homer Glen Zoning Ordinance), for Enzo's Pizza located at 13001 W. 143rd Street, Homer Glen, Illinois, in the C-1 Neighborhood Commercial Zoning District, subject to the following conditions:

- a. No smoking signs for the outdoor patio;
- b. No parking signs adjacent to that area.

The motion was seconded by Member McGary. A roll Call Vote was taken, all in favor, zero (0) opposed. The motion passed.

Staff noted this will likely go to the Village Board August 28, 2019.

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

Director Gadde handed out the updated Plan Commission roster. At the next meeting, which will be September 5, 2019, Gadde noted, so far, we have only one (1) application for GoodLife Physical Therapy in Founders Crossing.

He added that the Steering Committee also has a workshop on Sign Regulations set for August 28, 2019. There will also be a Landscape and Tree Preservation workshop set for October 9, 2019. There will also be a workshop on Cannabis businesses with date and time to be determined. There will need to be a decision made whether our Village will ban or approve Cannabis businesses. The workshop will be presented by staff and consultants.

Chairman Mitchell discussed recreational usage of marijuana is nearly upon us and we are behind on this issue in contrast to other municipalities that are getting ready to vote on banning or not. The villages and municipalities have a lot of lee-way on this matter. We need to where we stand on the issue, ban or allow them to open a bunch of candy stores. Suggests we get this handled and get it in front of the board soon, even if it requires a special public hearing. Would like to hold this special meeting very soon. Director Gadde and Senior Planner King will talk with Village Manager Friling to establish the date for this meeting. The Plan Commission stated this has to move fast.

No other comments, motion to adjourn made by member McGary, seconded by Member Stanly. All in favor, zero (0) opposed.

8. Adjournment

Chairman Mitchell asked for a motion to adjourn the meeting. Member McGary made the motion to adjourn, seconded by member Stanly. All in favor, zero (0) opposed. The motion passed, and the meeting adjourned at 9:11 p.m.

Respectfully Submitted: Gia Cassin

Chairman Mitchell: 

Approved (Date): 9-17-19