

Plan Commission

Minutes of the Meeting on
September 5, 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 Michell.

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

Members present at 7:00 p.m.: Acting Chairman Bryan Kozor, Member McGary, Member Stanly, Member Verdun, Member Hand and Member Mitchell.

Also present were the Director of Planning and Zoning, Vijay Gadde, Village Attorney Eric Hanson and Plan Commission Secretary, Gia Cassin. The minutes were recorded and transcribed by Gia Cassin.

Members absent: Member Broque Backal

Chairman Mitchell spoke up to relinquish his responsibilities as chairman for this meeting and turn it over to Member Kozor due to personal reasons. Chairman Mitchell asked for a motion for this change: Member McGary made the motion, seconded by Member Hand. All in favor – the motion passed unanimously.

Plan Commission Secretary Cassin swore in all who would speak at the meeting.

4. Public Comment.

Acting Chair Kozor stated we would take public comment for Old Business items from closed Public Hearing for HWM Truck Maintenance case HG – 1915 – S, and for any items not on the agenda tonight. Public comment would be held to 3 minutes.

- a. Deima Komskiene spoke, read a letter to the Plan Commission that was prepared by her attorney. She presented items that she was concerned about still being outstanding: fence not fixed, buffer zone not in compliance, trucks over 1.5 tons are still going in and out of the property, soil and air contamination are still unresolved. In response to a FOIA request, she stated that there was evidence provided by Will County for Special Use permit from 1997. She said that there was evidence of a Special Use Permit from 1997 and that the Village of Homer Glen issued the occupancy permit for HWM trucking based on the documentation of the special use permit from Will County from 1997. The former special use permit to PTR trucking was for storage. She stated that no special use permit should be valid for more than 180 days from the date it was granted unless a building permit is obtained within that period and said that special use permit was then void. She further cited property history of various owners, again reiterating the special use permit was void.

Acting Chair stated that Mrs. Komskiene was over the three (3) minute time limit, stated that they did review the same documents, and added that the Plan Commission wanted to provide her with the opportunity to speak. She thanked the Plan Commission.

- b. Saugirdas Komskiene brought in a packet of information including photos and asked the Plan Commission for their opinion on these photos and discussed a letter sent from

his attorney to Village staff. He added he was surprised how quick the Plan Commission was meeting on this matter again, he thought there would be another (2) weeks

- c. Resident Joe Turrise spoke next, on behalf of Homer Glen Auto. Has been a customer for ten (10) years. He knows of many other residents that are customers, all have had a positive experience with Homer Auto. He felt the Village should support long-time businesses because will give The Village a good reputation, more businesses will come here and the Village will grow and prosper.
- d. Next to speak was HWM owner, Heider Alyyoub, who addressed the fuel odor from the last meeting. He stated that incorrect information was provided to the nearby residents by Saugirdas Komiene. The fuel odor was from more than two (2) years ago from a different business. (photos provided as evidence) The residents were not aware of the new existing business, and they were afraid the old dump truck business was returning. HWM has been so quiet that the residents were not even aware that his business was there for this past year. One of the residents that spoke at the September 19 meeting told Heider that she does not mind the business. That resident told Heider that Saugirdas stopped by their home at 9:00 pm and instructed her to say things on their behalf, but she no longer wants him to stop by her home. Saugirdas had visited different neighbors behind the Annico property instructing the residents with what to say at a meeting. Heider quoted some residents with names and numbers stating they are in favor of his business.

Heider stated he has already begun the work the Village has asked of him; he added the cement blocks, he has a plan to create the buffer and already made a five (5) foot adjustment but still has 90 days in which to complete that, he stated that a resident further back in the subdivision behind him hears trucking noise, but it's from the opposite direction, comes from KTS Trucking. She did share with him that she too was provided wrong information about his business by Mr. Komskiene. Lastly, Heider stated he wants to add truck and auto repair to his usage.

Public comment is closed.

5. Minutes.

a) August 15, 2019

Acting Chair Kozor asked for a motion to approve the minutes from August 15, 2019. Member Mitchell made a motion to approve the minutes as written from the August 15, 2019 meeting; seconded by Member Stanly. The motion passed unanimously.

6. Old Business.

- a.) **HG-1915-S, HWM Truck Maintenance, (Continuation – Public Hearing Closed):** Consideration of a request for approval for a Special Use Permit to allow other motor vehicle-related uses, including (1) semi-truck repairs and service, and (2) semi-truck sales, consistent with other special uses in the C-3 General Business District, for certain real property located in the C-3 General Business District at 15761 Annico Drive, Unit A, Homer Glen, Illinois.

Director Gadde presented the summary. This item was tabled at the August 15, 2019 Plan Commission meeting, so the applicant could begin to address some of the issues raised at the meeting. There was a short list of conditions established at the September 5, 2019 meeting.

1. Establish a Buffer Zone between the subject property and the neighbor residents. There is a five (5) foot wide buffer zone between the cement barriers and the north property line of the subject property. The applicant has agreed to install five-foot tall arborvitaes in this buffer zone to provide additional screening for the abutting residential properties. In addition, the applicant has also agreed to install nine parking bumpers to create additional buffer between the cement wall and the parking spaces along the northern property line.
2. Remove all unauthorized items (based on property maintenance inspection report). A property maintenance inspection was conducted on August 21st with a follow-up inspection on August 30th.
3. Agree to no truck-idling on the subject property, and the applicant agreed to this condition.
4. An issue with Homewood Disposal saying they would not drive to the rear of the building. This is an opportunity for the Plan Commission to put conditions on how the dumpster should be stored on the back side of the property.

Village attorney Hanson stated he appreciated the people speaking up and offering their public comment. He said that in reviewing this situation, there has been a trucking business that's been operating on that property since before 1997. There was a special use permit from 1997 issued by the County. At that time, the property was zoned Industrial. Trucking was permitted. The Special Use that is being discussed pertained to allowing outdoor storage. Whether they did outdoor storage or not, they were still allowed to operate a trucking business since 1997. They were grandfathered. Village attorney Hanson added:

- 1) The Village is not in the business of shutting down businesses that are claiming to be errors from over 30 years ago;
- 2) Many of the objections that have been raised are not relevant to the matter in front of the Plan Commission today. They are code violations. They are not relevant to this Special Use and Zoning case.
- 3) Even though they are permitted to do the trucking business based on the County Special Use permit, it was recommended to HWM to tie this up with the Village of Homer Glen and so they (HWM Trucking), were instructed to get the new Special Use permit with the Village.

Mr. Hanson continued that this petitioner is well within their rights to operate their business. Also, with respect to the trucks being on the property for a trucking business, you can't state that there are no trucks permitted on this property while it is a trucking business, whether it is a 1.5ton truck or not. Also, he clarified there is nothing in the current code under the existing zoning that would prohibit truck sales as a special use.

Member Hand expressed concern over the buffer zone. He thought this would be the opportunity to address the buffer zone to what the current requirements would be, and after inspecting the property himself in its current condition, he wanted to know why the 5' arborvitae is sufficient.

Mr. Komskiene spoke up asking about rights in this matter – he was deemed out of order. He was reminded the public hearing and public comment on this matter were both closed.

The Plan Commission directed their discussion to the dumpster. Currently the dumpster has been moved inside the applicant's unit. There was discussion about having a portion paved for the dumpster.

Member Hand asked if the petitioner would be willing to plant taller arborvitae and the petitioner agreed he would do whatever is necessary. The Plan Commission felt eight (8) feet would be a sufficient start and the petitioner agreed. The petitioner added with respect to the dumpster, the two (2) tenants have been sharing the dumpster each splitting the cost by each paying six (6) months apiece. He would prefer to keep his own dumpster and pay a full year and have the other tenant get their own. The Plan Commission can consider this as a condition, and the Village Board will finalize how they would want this to conclude.

Acting Chair Kozor asked what the maximum space in feet is needed to turn the trucks, hoping to get up to a total of ten (10) feet of buffer. The petitioner agreed to the ten (10) feet. The ten (10) foot buffer would be between the residential property line and his truck parking. The cement barriers would be moved closer to the building by a few feet for this to work. If the property is rezoned industrial, the correct code would require a bigger distance but that cannot apply in this case on this older property. The code will only work on new properties moving forward. The broken fence above the cement blocks that is in the buffer zone was discussed.

Member McGary made the motion to recommend for approval with conditions, of a Special Use Permit to allow other motor vehicle-related uses, including (1) semi-trucks repairs and service, and (2) semi-trucks sales consistent with other special uses in the C-3 General Business District for certain real property located in the C-3 General Business District at 15761 Annico Drive, Unit A, Homer Glen, Illinois.

Conditions:

1. Dumpster shall be located either inside the building or on a paved surface if outside in the rear of the building;
2. Increase the buffer zone to a minimum of ten (10) feet with the planting arborvitae that have a starting height of eight (8) feet within 90 days of approval of the Special Use Permit;
3. All customer vehicles shall be stored in the rear of the building;
4. Automobile sales are allowed only for the business occupying Unit A;
5. Any semi-trucks for sale would be limited to the available parking in the rear yard.

The motion was seconded by Member Verdun.

Roll call vote taken, the motion passed unanimously with six (6) in favor, zero (0) opposed. This item will go to the Village Board on September 25, 2019.

Mr. Komskiene spoke up asking for the packets he brought in that evening to be returned. The Plan Commission returned them. He stated he wanted to discuss this further, but the Village Attorney stated he would speak with him outside. Mr. Komskiene insisted he wanted to speak publicly in the Plan Commission meeting and he was told again the Village Attorney would speak with him outside, and that Mr. Komskiene was now interrupting the current Plan Commission meeting.

7. New Business.

a) HG – 1919 – V, 12834 W. Pheasant Court (Public Meeting):

Consideration of a request for approval of a Minor Variance to build a fence eight (8) feet in height above grade, as stipulated in Section 220.812.A (3) of the Village of Homer Glen Zoning Code, for certain real property located at 12834 W. Pheasant court, Homer Glen, Illinois in the R-4 Single-Family Residential District.

This is not a public hearing and does not need to be opened/closed. This is a public meeting which is a discussion between the petitioner and the plan commission. This is for the purpose of a Minor Variance which will not need to be presented to the Village Board.

Director Gadde presented the background. The applicant, Pat Cleary, is requesting an eight (8) foot high fence. He has a pool in the backyard which is further exposed to 159th Street as a result of the elevation of the street being raised with the road improvements.

Mr. Cleary spoke to the Plan Commission and explained the drawings that Commission was reviewing. He is seeking only fifty-five (55) feet of the one-hundred and eighteen (118) feet length of his property to be have the eight (8) foot high fence. He is building a two (2) foot retaining wall below and putting a six (6) foot fence on top to provide the height he needs to re-establish some privacy in his yard and to help hold back silt run off due to the road expansion as the slop of the road is now steeper than previously. Resident Cleary stated that he spoke with both Chief Building Official Baber and Mayor Yukich by phone and that Mr. Baber will handle this permit upon submittal.

Member Verdun made the motion to adopt staff's findings as the findings of the Plan Commission and to recommend for approval of a Minor Variance to build a fence eight (8) feet above grade, as stipulated in Section 220.812.A (3) of the Village of Homer Glen Zoning Code, for certain real property located at 12834 W. Pheasant court, Homer Glen, Illinois in the R-4 Single-Family Residential District. The motion was seconded by Member McGary.

Roll call vote taken, the motion passed unanimously with six (6) in favor, zero (0) opposed. This will not need to go to the Village Board.

b.) HG – 1918-V, 15144 S. Mackenzie Drive (Public Hearing):

Consideration of a request for approval of a Variance to reduce the minimum required lot area from 15,000 SF to 14,039 SF [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-3A Single Family Residential Zoning District at 15144 S. Mackenzie Drive (Lot 6), Homer Glen, Illinois.

Director Gadde introduced the case where Mora Builders has requested to re-subdivide lots six (6) and seven (7) in the Cypress Cove subdivision, so the builder can build a larger footprint single-family ranch home on lot seven (7).

President of Mora Builders, Patrick Connelly spoke regarding the re-subdivision of the property, and provided a hand out with the rendering of the future home and elevations to the Plan Commission for lot seven (7). Mr. Connelly stated the home will not be able to be built if not approved. The lot size will become 160'w by 140' feet deep upon approval of the variance. Both future homes will meet all setbacks.

A motion was made to open the public hearing by Member Mitchell, seconded by Member McGary. All in favor, zero opposed – the motion carried.

No additional comments added. Acting chair Kozor asked for a motion to close the public hearing.

Member McGary made the motion to close the public hearing, seconded by member Stanly. All in favor, zero opposed. The Public Hearing was closed.

The Plan Commission discussed the black dirt piles that sit on both lots, and asked how long they would be there. Mr. Connelly explained he is in the process of giving the dirt away and is in contact with a company called Black Dirt Inc. He has turned twenty (20) loads of dirt over to the Village of Homer Glen property since it was needed. There is currently a silt fence around the piles of dirt. He's willing to donate the black dirt to anyone that needs it, for free. No further discussion.

Member McGary made the motion to adopt staff's findings as the findings of the Plan Commission and to recommend for approval of a Variance to reduce the minimum required lot area from 15,000 SF to 14,039 SF [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-3A Single Family Residential Zoning District at 15144 S. Mackenzie Drive (Lot 6), Homer Glen, Illinois. The motion was seconded by Member Mitchell.

Roll call vote taken, the motion passed unanimously with six (6) in favor, zero (0) opposed. This item will be presented to the Village Board on September 25, 2019.

- c.) HG-1917-S, Goodlife Therapy RE, Inc. (Public Hearing):** Consideration of a request for approval of a request for a (1) Special Use Permit for major changes to a Planned Unit Development and (2) Site Plan approval for Lot 1B of the founders Crossing Planned Unit Development located at 14751 S. Founders Crossing Road in Homer Glen, Illinois.

The applicant, Goodlife Therapy RE, Inc., is proposing a 6,000 square foot medical building on Lot 1B of the Founders Crossing PUD.

Outdoor parking was discussed as designed there are 28 parking spaced, but staff recommends adding (2) handicapped spaced making a total of 30 parking spaces which will then make it (5) spaces per 1000 SF which is reasonable in a PUD.

Ray Dignan, the General Contractor for the project, stepped up to introduce himself and the owner of the property, Mickey Shaw. Dr. Shaw is present to answer any questions.

The Plan Commission asked staff about the exterior of the building, thinking that the proposed structure was frame and stone. Staff stated that the entire project is stone and brick. These are replicas of approximately 30 buildings in Orland Park (Winterset Park for example at 167th and 108th avenue by the ice rink), all are brick and limestone on the bottom.

Staff and the petitioner confirmed that parking will not be an issue, based on the hours of operation for the Goodlife location.

The owner is agreeable to allow parking from the neighboring restaurants on his property after the medical facility is closed. There is a previous agreement per the developer, that there is permitted cross parking throughout the lots for that area of development, which includes the Goodlife project. Judlau, (who is working on the 159th street project), does park their construction vehicles near there as they are leasing the space directly behind Pelican Harrys but that will not be an issue as they can park in the back.

Deliveries will be worked through Founders Crossing Road and the access road by the bank side. Discussion about signs showed all parties are on same page. [Lot coverage is ok, they will need to potentially increase the retention area, per staff.]

Motion to open public hearing made by Member Mitchell, seconded by Member Stanly. All in favor, zero opposed – the motion carried.

The developer discussed detention, when Founders Crossing was approved, that included lot 1B. As soon as approval from board comes through, they plan to tie it to existing storm sewer.

No public comments. Member Mitchell made the motion to close the public hearing, seconded by Member McGary. All in favor, zero (0) opposed. Motion carried.

Member Verdun made the motion to adopt staff's findings as the findings of the Plan commission and to approve of a (1) special Use Permit for major changes to a Planned Unit Development and (2) Site Plan approval for Lot 1B of the founders Crossing Planned Unit Development located at 14751 S. Founders Crossing Road in Homer Glen, Illinois. The motion was seconded by Member McGary.

Roll call vote was taken, the motion passed unanimously with six (6) in favor, zero (0) opposed.

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

Director Gadde mentioned that on September 19, 2019, we would have our next Plan Commission meeting. There will be two items: Booth Orthodontics looking for additional parking and also there will be a case for a variance for a garage.

On October 3, 2019, the gas station proposal at Gouger and 159th Street is coming back for a third time. The recent applicant decided not to move forward with the project. The original applicant will be bringing revised plans back to the Plan Commission.

The Comprehensive Plan Steering Committee met to discuss sign regulations and they held a sign regulation workshop. Those notes will be available at a later date. Next workshop is on October 9, 2019 to discuss landscape and tree preservation at the Village Board meeting. You can find the link for everything being worked on the Village web site. Also, on September 11, 2019 there will be a cannabis workshop at 7pm at the Village Board meeting.

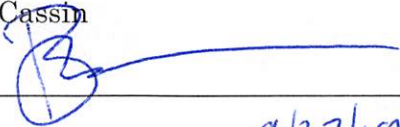
Member Mitchell discussed his need to step down as Chairman due to personal matters. He feels that at this time, the Plan Commission should keep Member McGary on as Vice Chair, and that Member Kozor stay on as acting Chair for the rest of his term. He made a motion, seconded by Member Stanly. All in favor, zero opposed. Motion carried.

9. Adjournment

Motion to adjourn made at 8:37 pm by member Kozor, seconded by member Stanly. All in favor, zero (0) opposed. The motion passed.

Respectfully Submitted: Gia Cassin

Acting Chair Kozor:



Approved (Date):

9/27/19
