

Plan Commission

Minutes of the Meeting on
April 1, 2021

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 7:07 PM

2. Pledge of Allegiance to the Flag.

3. Roll Call

Members present: Member McGary, Chairman Kozor, Member Foley, Member Hand, Director Gadde, and Plan Commission Secretary Cassin.

Members Not Present: Member Stanly, Member Verdun and Member Zarebczan

4. Minutes

a) March 18, 2021

Chairman Kozor asked for a motion to approve the minutes from the March 18, 2021 Plan Commission, as written without any changes. Member Foley made the motion, seconded by Member McGary. All in favor, zero (0) opposed. The motion carried.

The Plan Commission Secretary swore in all present, wishing to speak.

5. Public Comment. NONE

6. New Business

a) Case No. HG-2107-S, Culver's, Goodings Grove PUD (*Public Hearing*): Consideration of a request for [1] a Special Use Permit for a Major Amendment to the Goodings Grove Planned Unit Development (PUD) with the following exceptions: (a) to increase the maximum height of a monument sign from ten (10) feet to twenty (20) feet and (b) to reduce the required landscape front yard from twenty-five (25) feet to twelve (12) feet, pursuant to §220-903, Compliance and Amendments, of Chapter 220 Zoning of the Code of the Village of Homer Glen, [2] Special Use Permits for (a) an outdoor seating associated with a permitted restaurant and (b) a drive-through establishment, [3] a Site Plan, and any other exceptions from the Homer Glen zoning Ordinance as may be required, for certain real property generally located in the C-3 General Business District on Lot 11 of the Goodings Grove PUD, Homer Glen, Illinois.

Applicant, Matt Herman is proposing to construct a Culvers restaurant complete with outdoor seating and drive through which includes a forty-seven (47) stall parking lot. The proposed hours are ten (10) AM until ten (10) PM. Staff has not received any public comment and notices were sent to nearby residents.

All of the variances being applied for are part of the PUD. These include Special Use with the following exceptions: applicant is looking to increase the height of the monument sign from ten (10) feet to fifteen feet six inches to improve visibility, to reduce the landscape front yard from thirty (30) feet to twelve (12) feet, to increase the monument from four (4) feet to five (5) feet, and special use permits for an outdoor seating area with fencing and a site plan approval

One of the conditions staff is recommending is that the planting area highlighted on the site plan, be completed within six (6) months of substantial completion of the 143rd Street Road Improvements. The reduction of landscape yard still meets the requirements, and will exceed the current landscape yard of the Bank of America next door. The variance for the sign height increase is to try to help the visibility from the intersection at 143rd and Bell Road. The grade of the road shows nearly a ten (10) foot disparity from the intersection to the property Culvers would be located at. The Variance for the outdoor seating will not be fully enclosed, it will be open for circulation by the building side. The exterior materials will be masonry, nu-tech wood and EIFS. These will be seeking a variance from the Village board for the exterior materials as it is not one-hundred (100) percent masonry. Director Gaddy pointed out that a complete staff review was completed and comments were included.

Director Gadde provided information about the outdoor lighting since the PC packet was sent out. The lighting for this project needs compliance with the gross emission of light, the light trespass, the permitted hours for outdoor lighting, the fully shielded requirement, the install height, and the light source requirements comply with the color and type as stipulated by the Village Code. This concludes Director Gadde's presentation.

The Petitioner Lauren with Arc Design and Matt with Culvers introduced themselves. Matt has been with Culvers for years, was a food runner, and then went to school for food service. Over the years, he stated he developed a passion to serve.

At this time, a motion to open the Public Hearing was made by Member McGary, seconded by Member Hand. All in favor, zero (0) opposed, the motion carried.

John Lobic spoke for public comment, concerned about the outdoor lighting. Nothing specific was indicated in all of the packet. Mr. Lobic stated the lights he sees in the packet pictures appear to be similar to the other Culvers in the area, he said without being a lighting expert, but thinks that they are out of line with the code and shine in all directions. Mr. Lobic added he hopes that Culvers will follow the Village specifications. Director Gadde provided resident John Lobic with the lighting review completed by Farnsworth, and added that the lights will point down. Mr. Lobic added that he is aware, per reading on the internet, that Culvers is aware of and works with lighting ordinances. Mr. Lobic stated doesn't want to see the lighting issue become a delay to this project.

Staff confirmed that Culvers is not looking for a lighting variance. No other comments made.

Motion to close the Public Hearing made by Member Hand, seconded by Member Foley. All in favor, zero (0) opposed, the motion carried.

Plan Commission discussed the signage, the packet shows at a height of 15'6" and also the wall sign facing the residential property. The placement of the sign took into consideration the retaining walls and the Bank of America sign, as well as the grading.

The fence on the retaining wall has a short fence, Commissioner Hand asked if that was staying in place. The petitioner indicated that they had not had any discussion to remove that fence at this time. The applicants would be willing to work with staff if there was a different suggestion. The retaining wall extending further to the east, will not be higher than three (3) feet. If it goes higher than 3 feet, they will ensure the appropriate safety precautions

are in place. Bell Road turn lane will be widening, and the pedestrian walk on 143rd will be widened. There will be a full lane being added toward the proposed Culvers property, and then with the crest of the road and the parcel for Culvers showing four (4) feet, the petitioners are asking that they not place the landscape until the construction is complete including the sidewalk on the North side of 143rd Street. Lauren added the intersection of the private drive will be redone, the raised median will be removed. It will still be right in, right out, but the porkchop in the middle will be removed. Lauren added that the landscaping will be based off of where Will County indicated the new roadway would be placed. Commissioner Hand stated for clarification that there will be a street, some landscaping, a retaining wall with the fence, and wondered what kind of trees would be planted, that would not block the building. Lauren stated it is a concern, and they are considering crabapples which do not get too high and some shade trees but those are to be placed further off the road.

Commissioner Foley asked about the outside seating area, there are not many bollards there on the east side where the cars come around from the drive through. Lauren explained that the seating area has several layers of protection, including a fence along the north and west side is one layer. The sidewalk leading toward the drive through is all open, and wondered if it would stay open and he wondered if bollards or planters would be included. Lauren indicated that area of the open sidewalk is where the servers will come through, and cannot be blocked, it will remain open. The Plan Commission is asking for some bollards or an additional planter to barricade the seating area on the inner side toward the building. She indicated there will be consideration to add another 3 bollards covering another 12 feet for added protection.

Chairman Kozor said he saw in staff report that there was consideration to relocate the dumpster, away from the building, and wondered if the fence needs to be 16 feet wide? Could there be an extra pillar put in to make it less unsightly, compared to the rest of the building. Lauren clarified that the doors are visible from the private drive, not the public road. She added that this is standard for Culvers and offered to look at this further. Applicant Matt stepped up to say that it's important that the dumpster be attached to the building for safety of the staff. Matt added that there is also video recording to monitor the safety of the staff at the dumpster location area. The dumpster is all volume based, with 3 dedicated for trash, and 2 for recycling, and this is why a large area with large doors.

Chairman Kozor asked that the sign is being located on the south side of the property. He confirmed that the signage for the dollar tree up on 143rd is ten (10) feet tall. Director Gadde confirmed that the monument sign is ten (10) feet tall. The White Castle sign is lower than the ten (10) feet and he feels it is very visible. He feels that the 15 feet does not match the area and said that elevation of the parcel is not conducive to a hardship. He understands there are some unique items pertaining to the parcel however, and Chairman Kozor does feel the White Castle sign is visible enough. Chairman Kozor also discussed the porkchop for the right in, right out entrance, is that curb line what will be proposed after the construction work on the road is complete. Lauren stated the curb line visible in the exhibits are current conditions. Lauren indicated that the new county plan comes in an additional 12 feet toward the building, but does not enter the property. Chairman is wondering how close the drive through will be to the road after all of the road work is complete. Lauren indicated it appears that there are forty feet currently between the lot line and the road. Looking at removing the twelve (12) feet, it appears there would still be 20 feet between the active road and the

property line, with an additional twelve (12) feet between the edge of the property and the drive through.

Member McGary asked if they would like to defend their 15-foot-tall sign. There are several retaining walls and feel this area is unique with challenges. The applicant noted they will respect the decision, and appreciate the consideration.

No further discussion by the Plan Commission. Member McGary made a motion to adopt the staff's findings as the findings of the Plan Commission and to recommend approval of a request for [1] a Special Use Permit for a Major Amendment to the Goodings Grove Planned Unit Development (PUD) with the following exceptions: (a) to increase the maximum height of a monument sign from ten (10) feet to fifteen (15) foot six (6) inches, (b) to reduce the required landscape front yard from thirty (30) feet to twelve (12) feet, (c) to increase the base of a monument sign from a maximum four (4) feet to five (5) feet, and (d) to allow a wall sign on a building elevation adjacent to a residentially property, pursuant to §220-903, Compliance and Amendments, of Chapter 220 Zoning of the Code of the Village of Homer Glen, [2] Special Use Permits for (a) an outdoor seating area associated with a permitted restaurant with an exception to allow a reduction in the amount of fencing where outdoor seating areas are required to be fully enclosed, and (b) a drive-through establishment, and [3] a Site Plan for certain real property generally located in the C-3 General Business District on Lot 11 of the Goodings Grove PUD, Homer Glen, Illinois, subject to the following conditions:

1. The Plantings in the area identified in yellow on sheet L01 be installed within six (6) months of substantial completion of the County 143rd Street Roadway Improvement Project;
2. Increase three (3) more bollards on the east side of the seating area.

Member Hand seconded the Motion.

A Roll Call vote was taken. The Motion passed with a vote of three (3) to one (1), with Members Foley, McGary and Hand voting in favor of, and Chairman Kozor voting against for the reasons of item (a) and (c) of the item [1] in the motion. This case will go before the Village Board on April 14, 2021 provided the lighting information is updated and presented before the board.

b) Case No. HG-2108-AS, 15761 S. Annico Drive (Public Hearing-Continued): Consideration of a request for [1] Rezoning the subject property from C-3 General Business District to I-1 Industrial, and [2] a Special Use Permit to allow repair, maintenance, and storage of truck tractors and trailers for certain real property located at 15761 Annico Drive, Units A and B, Homer Glen, Illinois.

Director Gadde reminded staff that this Special use has been before the Commission in the past, and provided a background timeline, and explained this property has a long history with the County. This property was purchased by Daniel Pew in 1988 and was used for a dump truck business. Special Use Permits were issued to Mr. Pew in 1996 and 1997 through Will County, to bring the usage of the property into conformity.

On September 25, 2007, the tenant of Unit B received approval from the Village of Homer Glen to operate an auto repair business via Ordinance 07-045. In addition, Ordinance 07-046 was a Variance to allow front yard parking for Unit B.

On September 5, 2019, the Homer Glen Plan Commission voted six (6) to zero (0) to approve a Special use Permit to allow other motor vehicle-related uses including semi-truck repair and services and sales for Unit A. The business owner for Unit A withdrew the zoning application prior to the Village Board consideration.

Now, 15761 Annico Drive, LLC has purchased the subject property and wishes to return the property back to a unified truck repair and maintenance use, which predates the Village incorporation.

Staff has not received any comments directly since the notices were mailed.

The code does require screening and landscaping for abutting residential property. The applicant is proposing to replace the fence that runs along the rear of the property with eight (8) foot fencing, they are proposing to add a drainage swale, will clean up the rear of the property containing cement blocks and debris. The four (4) spaces in front of each of the units should be adequate for employee parking. Current approvals include storing of the trucks only. Director Gadde concluded his presentation.

Attorney All Domanskis came forward; the owner, Andrius Butkevicius and engineer Aurimas Spucy were also present. He stated they are not seeking any variances, they are looking to comply with all of the recommendations included in the staff report. He added there will be indoor repair and no idling. It is an established commercial area since 1978. This particular building has been for truck repair since 1978, and they are asking to terminate the auto repair portion of the special use. The building is 237 feet from the residential properties. He has been in communication with a couple of the residents about the project, and noted he will be happy to answer any questions of those residents that are present. Currently, there are three (3) residents that boarder this property. Two (2) of the residents have fences, of whom he has been in contact with prior to this meeting. The current fence is 5' onto the Annico property by the residents, and they are ok with this remaining this way as there is sufficient space. They would like to add the eight (8) foot privacy fence with the bottom open to allow for drainage. There are concrete blocks preventing the drainage, those will be removed. And they plan to add further buffering by adding arborvitae starting at 6 feet, growing 3' per year, getting up to 18 feet tall. They will be planted thick to provide good block.

Director Gadde, pointed out that there will need to be a recommendation for the 8' fence, that does not need public hearing, but does need Plan Commission approval.

Chairman called for a motion to open the public hearing. Member Foley motioned to open the public hearing, seconded by Member Hand. All in favor, zero (0) opposed, the motion carried.

Public hearing – resident Donna Tollard had a couple questions for the applicants. Her home is directly behind, they just put a new fence up and wanted to make sure that the fence will not be moved, and it will not. If the trees that are put up die, will they be replaced?

Plan Commission asked if landscaping is a part of the special use permit, it would be complaint based, but because it is part of the parcel? Director Gadde said that it would always need to be screened, so any time the screen is lacking, the owner could be cited. Landscape is required, if resident reports the dead tree, the owner will be cited and they will replace.

Plan Commission told the Ms. Tollard as an FYI, if this property on Annico changes ownership, the new owner could require the resident to move the fence and shed on to their own property. Mr. Domanskis re-iterated that there is plenty of space for his client's purpose and his client does not object to these fences being on his property. The only concern that could exist is that their fences go to the ground, which could pose drainage issue.

Resident Nathan Hartwig resident, approached, said just moved here 2 years ago. He has 2 kids, he has concern over the idling of the trucks. No idling is allowed and none is being proposed per the Plan Commission. Now he wants to get a new fence as well, he would like to make sure that he can put the fence off his property by 3 feet. Chairman Kozor asked the resident if he was aware he needed to go up to his property line with the fence. The resident is aware. Chairman Kozor stated that typically, if the fence is legal non-conforming, the fence can stay. But if replacing, you cannot put back where it was, it has to get placed back on your own property. Resident said there is a concern about a smaller tree directly on the property line, and wonders who is responsible if the tree is thirty-three (33) percent on his property line and sixty-six (66) percent on the Annico property side, he wanted to know who would remove the tree. He stated the other option would be to put his fence to the north of the small tree and leave the small tree to be the concern of the Annico property owner. Attorney Domanskis said he has spoken with this property owner before, and he agrees their fence needs to be replaced. He said they would work with the owner if he wanted his fence to encroach on the Annico property a little bit as well, but will work with the Village and follow what is recommended. Chairman Kozor said if the owners want to claim part of the fence as their own that is on their property, that is an option but then the resident would be responsible for the rest, but the fence location is not part of this meeting. Attorney Domanskis said he would continue to work with the resident separately.

No other comments.

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

Commissioner Hand asked what the resident Donna's sight lines would be if sitting on her first floor to hide the property behind. Al Domaskis said the planting will be thick and they will grow in. Starting at 6' from grade, trailer height can go up to 13 feet. Arborvitae will not be on the berm, because the berm would interfere with drainage. The fence will have a gate so that the property between can be maintained accordingly.

The owner of the Annico property intends to begin upon immediate approval of the Board.

Aurimas, the project engineer, discussed the possible growth of the trees. The area will be excavated to get the appropriate soils in for the landscape to survive. Current conditions are bad. Re-engineered swale will be submitted for review at construction time.

2007 Ordinance that allowed front parking will continue because the pre-existing parking was in place. Striping will be done upon approval. Approved plan will go into the public record.

The concerns raised by the neighbors were for view and noise, and both were addressed during the public hearing. Both residents have fences that cross their property lines and were concerned about needing to move them. Potential drainage issues could remain with the resident fences being solid privacy being set to grade.

No other comments.

Member Foley made a motion to adopt the staff's findings as the findings of the Plan Commission and to recommend approval of [1] Rezoning the subject property from C-3 General Business District to I-1 Industrial, and [2] a Special Use Permit to allow repair, maintenance and storage of truck tractors and trailers for certain real property located at 15761 S. Annico Drive, Units A and B, Homer Glen, Illinois, subject to the following conditions:

1. The proposed outdoor storage is limited to truck tractors and trailers only.
2. No truck idling is permitted on the subject property.
3. The arborvitae must be planted at 6' height.
4. The Plan Commission approves the proposed 8'-high fence.

A Roll Call vote was taken. The Vote passed unanimously with Commissioners McGary, Hand, Foley and Chairman Kozor all voting in favor with seven (4) to zero (0) opposed. This case will go before the Village Board on April 14, 2021.

7. Reports of Plan Commissioners and Staff

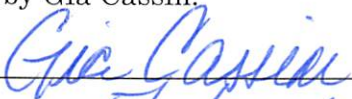
Director Gadde stated that the April 15, 2021 Plan Commission meeting would be cancelled. No other comments from the Commissioners.

8. Adjournment

Member Foley made the motion to adjourn, seconded by member Hand. All in favor, zero (0) opposed. The meeting was adjourned at 8:15 pm.

Minutes transcribed and respectfully submitted by Gia Cassin.

Gia Cassin (Plan Commission Secretary):



5/6/2021

Approved Date: