
**THE VILLAGE OF HOMER GLEN
WILL COUNTY, ILLINOIS**

**ORDINANCE
NUMBER 24-032**

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR OUTDOOR SEATING ASSOCIATED WITH A PERMITTED RESTAURANT FOR CERTAIN REAL PROPERTY LOCATED IN THE C-1 NEIGHBORHOOD COMMERCIAL DISTRICT AT 12320 W 143RD STREET, HOMER GLEN, ILLINOIS. [HG-2412-SP]

**CHRISTINA NEITZKE-TROIKE, Village President
CANDICE BIELSKI, Village Clerk**

**Village Trustees
JENNIFER CONSOLINO
DAN FIALKO
CURT MASON
CJ MCNAUGHTON
ROSE REYNDERS
SUSANNA E. STEILEN**

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR OUTDOOR SEATING ASSOCIATED WITH A PERMITTED RESTAURANT FOR CERTAIN REAL PROPERTY LOCATED IN THE C-1 NEIGHBORHOOD COMMERCIAL DISTRICT AT 12320 W 143RD STREET, HOMER GLEN, ILLINOIS. [HG-2412-SP]

WHEREAS, the Village of Homer Glen, Will County, Illinois (the “Village”) is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the “Home Rule Powers”); and,

WHEREAS, an application has been filed by Phillip Musa for Sam’s Bar and Gaming for a Special Use Permit for outdoor seating associated with a permitted restaurant for certain real property located in the C-1 Neighborhood Commercial District at 12320 W 143rd Street, Homer Glen, Illinois; and,

WHEREAS, the parcels that are the subject of the aforesaid application and of this Ordinance (“Subject Property”) are legally described in “Exhibit A;” and,

WHEREAS, pursuant to a public notice published in a newspaper of general circulation within the Village as required by the Code of the Village of Homer Glen, the Plan Commission of the Village held a public hearing with regard to said application on June 18, 2024 and rendered its findings of fact and recommendations to the Board of Trustees of the Village; and,

WHEREAS, the Plan Commission after due consideration of the issues, exhibits and testimony, made findings of fact and a recommendation to the Board of Trustees which are incorporated into the record of its proceedings attached hereto as “Exhibit B” and which include the specific findings as required by §220-1209D of the Code of the Village of Homer Glen; and,

WHEREAS, the Village President and Board of Trustees carefully considered public commentary and the recommendations of the Plan Commission which are incorporated into the record of its proceedings; and,

WHEREAS, the Village President and Board of Trustees, after due consideration have determined that granting of a Special Use Permit for outdoor seating associated with a permitted restaurant for certain real property located in the C-1 Neighborhood Commercial District at 12320 W 143rd Street, Homer Glen, Illinois, is in conformance with the Village’s Comprehensive Plan and in the best interests of the public health, safety and welfare of the Village’s residents.

NOW, THEREFORE, BE IT ORDAINED by the Village President and Village Board of Trustees of the Village of Homer Glen, Will County, Illinois, by and through its Home Rule Powers, as follows:

Section 1. Incorporation of Recitals. That the recitals and findings set forth above and in the recommendation of the Plan Commission, attached hereto as Exhibit “B” are incorporated

herein by reference the same as if they were fully set forth herein verbatim and they are adopted as the recitals of the Village Board.

Section 2. Special Use Permit. The Village hereby grants a Special Use Permit for outdoor seating associated with a permitted restaurant for certain real property located in the C-1 Neighborhood Commercial District at 12320 W 143rd Street, Homer Glen, Illinois [Case No. HG-2412-SP], subject to the following terms and conditions:

1. Bollards around the entire perimeter.
2. Permit the use of Vinyl fencing.
3. That no landscape planters be required.

Section 3. Severability. The various portions of this Ordinance are hereby expressly declared to be severable, and the invalidity of any such portion of this Ordinance shall not affect the validity of any other portions of this Ordinance, which shall be enforced to the fullest extent possible.

Section 4. Repealer. All Ordinances or portions of Ordinances previously passed or adopted by the Village of Homer Glen that conflict with or are inconsistent with the provisions of this Ordinance are hereby repealed.

Section 5. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval.

Section 6. Notice to Applicant. That the Village Clerk is further directed to forward a copy of this Ordinance to the applicant as notification of the passage and approval of this Ordinance.

Adopted this 25th day of June, 2024 pursuant to a roll call vote as follows:

	<u>YES</u>	NO	ABSENT	PRESENT
Consolino			X	
Fialko	X			
Mason	X			
McNaughton			X	
Reynders	X			
Steilen	X			
Neitzke-Troiike (Village President)				
TOTAL	4		2	

APPROVED by the Village President on June 25, 2024



 Christina Neitzke-Troiike
 Village President

ATTEST:


 Candice Bielski
 Village Clerk

Legal Description – “Exhibit A”

COMMON ADDRESS: 12332 W. 143rd Street, Homer Glen, Illinois
PIN: 16-05-01-400-019-0000

That part of the West 20 acres of the South 90 acres of the Southeast 1/4 of Section 1, Township 36 North, Range 11 East of the Third Principal Meridian, lying Southeasterly of the following described parcel of land: Beginning at the Southwest corner of the said West 20 acres of the South 90 acres; thence East along the South line of the said Southeast 1/4, a distance of 254.85 feet to a point; thence Northeasterly along a diagonal line a distance of 596.71 feet to a point on the East line of the said West 20 acres of the South 90 acres which is 491.69 feet North of the Southeast corner thereof; thence North along the East line of the said West 20 acres of the South 90 acres, a distance of 368.44 feet to the point of intersection of said East line with a straight line which extends Southwesterly from a point on the East line of the Northeast 1/4 of Section 1, which is 1241.60 feet North from the Southeast corner of the Northeast 1/4 to the Southwest corner of the Southeast 1/4 of said Section 1; thence Southwesterly along said straight line a distance of 1043.82 feet to the point of beginning, in Will County, Illinois.

PIN: 05-01-400-019

Commonly known as: 12320-12330 West 143rd Street, Homer Glen, IL 60491

Findings of Fact-“Exhibit B”

Standards for a Special Use Permit

Chapter 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 maintenance and operation of the proposed outdoor seating area will not be detrimental to, or endanger, the public health, safety, morals, comfort or general welfare. There will be appropriate safety barriers for vehicle protection and fencing for noise and visual buffers. The patio is also located in the rear of the commercial building.

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 proposed outdoor patio will be located behind the principle commercial structure in the rear of the property and not be visible to the 143rd Street ROW.

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 proposed outdoor patio will not affect the use and enjoyment of surrounding properties. The residential properties are already developed and the other adjacent parcel is Com Ed ROW. The proposed patio meeting site setback requirements from property lines. The patio area is also approximately 160 feet from the nearest residential home.

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.

Outdoor seating for a restaurant is a desirable use and the design will allow for noise and visual buffers and safety from cars.

5. The proposed 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.

True. Outdoor seating as an accessory use to a permitted restaurant is suitable for commercial districts.

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 proposed outdoor patio will not impede the normal and orderly development and improvement of the surrounding property. The surrounding residential properties are already developed and the other adjacent parcel is Com Ed ROW. The proposed patio meeting site setback requirements from property lines. The patio area is also approximately 160 feet from the nearest residential home.

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 applicant is not proposing any exterior architectural modifications to the existing building.

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

The location for the proposed outdoor seating area has access to adequate utilities, access roads, drainage and/or necessary facilities.

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.

There is existing ingress/egress to the site with no proposed changes.

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 proposed outdoor seating as an accessory use to a permitted restaurant is in concert with the goals, and objectives of the Village's Comprehensive Plan. The subject property is currently zoned C-1 Neighborhood Commercial District and the 2005 Comprehensive Plan designates this property as Commercial.

Plan Commission Recommendation

Chairman Hand asked for a motion. Vice-Chair McGary made a motion for approval with conditions for a request for a Special Use Permit for outdoor seating associated with a permitted restaurant for certain real property located in the C-1 Neighborhood Commercial District at 12320 W 143rd Street, Homer Glen, Illinois [HG-2412-SP] subject to the following conditions:

1. Bollards around the entire perimeter.

The motion was seconded by Commissioner Foley. A roll call vote was taken with Commissioners Stanly, Foley, Bugos-Komperda, Vice-Chair McGary and Chairman Hand voting in favor five (5) to zero (0). The motion passed unanimously and will go before the Village Board on June 25, 2024.

Chairman Hand asked for a motion. Vice-Chair McGary made a motion to adopt staff's findings as the findings of the Plan Commission. The motion was seconded by Commissioner Stanly. A roll call vote was taken with Commissioners Bugos-Komperda, Foley, Stanly, Vice-Chair McGary and Chairman Hand voting in favor five (5) to zero (0). The motion passed unanimously and will go before the Village Board on June 25, 2024.