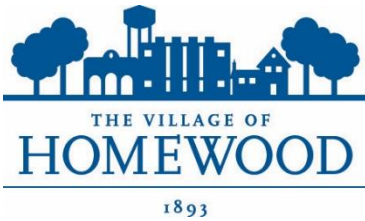


MEETING AGENDA



Planning and Zoning Commission

Village of Homewood

May 11, 2023

Meeting Start Time: 7:00 PM

Village Hall Board Room

2020 Chestnut Road, Homewood, IL

Commission Meetings will be held as in-person meetings. In addition to in-person public comment during the meeting, members of the public may submit written comments by email to pzc@homewoodil.gov or by placing written comments in the drop box outside Village Hall. Comments submitted before 4:00 p.m. on the meeting date will be distributed to all Commission members prior to the meeting.

Please see end of agenda for virtual meeting information.

1. Call to Order

2. Roll Call

3. Minutes:

Approve minutes of the April 27, 2023 Planning and Zoning Commission meeting.

4. Public Comments

5. Regular Business:

6. Old Business:

A. Case 23-09: Continued Public Hearing for Special Use Permit for a Spa at 18350 Kedzie Avenue

B. Case 23-12: Continued Public Hearing for a Map Amendment to Rezone Limited Properties from R-1 to R-2

7. New Business:

8. Adjourn

The public is invited to the meeting using the link below to join Webinar:

<https://us06web.zoom.us/j/99184811606?pwd=UkU5TjBQcityOTd0QXkxektpaGRYdz09>

To listen to the Meeting via phone: Dial: 1-312-626-6799
Webinar ID: 991 8481 1606 Passcode: 573812

VILLAGE OF HOMEWOOD



MEETING MINUTES

DATE OF MEETING:

April 27, 2023

PLANNING AND ZONING COMMISSION

7:00 pm

Village Hall Board Room
2020 Chestnut Street
Homewood, IL 60430

CALL TO ORDER:

Chair Pro Tem Bransky called the meeting to order at 7:00 pm.

ROLL CALL:

In attendance were members Cap, Johnson, O'Brien, Castaneda, and Chair Pro Tem Bransky. Member Alfonso and Chair Sierzega were absent. Present from the Village were Director of Economic and Community Development Angela Mesaros and Building Division Secretary Darlene Leonard. There were two people in the audience. The public was able to listen and watch the meeting via Zoom webinar.

APPROVAL OF MEETING MINUTES:

Chair Pro Tem Bransky asked if there were any changes or corrections to the minutes of April 13, 2023.

Member O'Brien made a correction on page 2 to include "because it is an opinion, not a fact" at the end of the sentence amending the findings of fact, and a correction on page 3 to read "that there is a required setback from the interior side lot line." Member Castaneda corrected the use of the title "commissioner" in lieu of "member" for consistency.

A motion was made by Member O'Brien to approve the minutes of April 13, 2023, as corrected; seconded by Member Castaneda.

AYES: Members O'Brien, Johnson, Castaneda, Chair Pro Tem Bransky

NAYS: None

ABSTENTIONS: Member Cap

ABSENT: Member Alfonso, Chair Sierzega

REGULAR BUSINESS:

CASE 23-11 – Public Hearing for Special Use Permit for a Salon at 1918 Ridge Road

Chair Pro Tem Bransky read aloud a description of the case and materials provided, then swore in the applicant, Chanell Dillard. Ms. Dillard re-stated her request to operate a salon.

Member Johnson noted that the proposed business hours are to operate until 10:00 pm and asked the applicant to provide further information. Ms. Dillard explained that some of her services can last several hours and she serves clients who may come after their work hours. She explained that employees may be finishing up and cleaning up until 10:00 pm; she does not typically take a client after 7:00 pm.

Member Johnson expressed concern for the safety and welfare of patrons coming/going later. Ms. Dillard agreed that she would limit her last appointment time to 7:00 pm.

Member O'Brien stated that he shared the same question asked by Member Johnson.

Member Cap asked several questions with Ms. Dillard providing responses to clarify the following:

- The space has been previously operated as a salon.
- Ms. Dillard will be leasing the space.
- During the school year, peak hours are early in the day followed by after-work hours. The afternoon, during school pick-up time, is most quiet. During the summer, appointments tend to be more consistent throughout the day.
- Ms. Dillard has several years of experience in different formats and locations.

Member Castaneda stated that she had the same questions posed by the other commission members. She noted that there was a legibility issue with the application's special use standard responses #6 and 7. [Staff has addressed this issue in the pdf form.]

Chair Pro Tem Bransky asked several questions with Ms. Dillard providing responses to clarify the following:

- The other service providers will rent space from Ms. Dillard. The demand for services, such as make-up may fluctuate.
- Ms. Dillard intends to accept walk-ins.
- Ms. Dillard anticipates that during average days of operations, all service providers will not be there concurrently. However on some days, such as Mother's Day, the salon may be at the peak capacity described in the application.

Chair Pro Tem Bransky restated Member Johnson's suggested limitation to accept no new patrons after 7:00 pm. The Commission and applicant discussed further the best way to construct an earlier closing time to balance the needs of clientele, services provided, and public safety.

A motion was made by Member Johnson to recommend approval of Case 23-11 to grant a Special Use Permit for a Salon in B-2 Downtown Transition District for "Beauty Junkie Studios" at 1918 Ridge Road, and incorporate the findings of fact to include recommending that the hours of operation are Monday 8:00 am - 4:00 pm; Tuesday – Saturday 8:00 am – 7:00 pm; closed on Sunday. Seconded by Member O'Brien.

AYES: Members Cap, O'Brien, Johnson, Castaneda, and Chair Pro Tem Bransky

NAYS: - None

ABSTENTIONS: - None

ABSENT: Member Alfonso, Chair Sierzega

Chair Pro Tem Bransky stated that he supported the application because the tenant space was formerly operating as a salon.

OLD BUSINESS:

CASE 23-09 – Continued Public Hearing for Special Use Permit for a Spa at 18350 Kedzie, Suite 200

Chair Pro Tem Bransky read aloud a description of the case and materials provided, then swore in the applicant, Sekia Garrett. Ms. Garrett introduced her request for a special use to operate a spa.

Member Cap asked how long the applicant was operating in the space before becoming aware that she needed permits from the Village. Ms. Garrett explained that she was in the space for two months but on leave with an employee operating the business when the Fire Department conducted inspections, informing her of the need for approvals from the Village.

Member Cap asked where she had operated previously. Ms. Garrett replied in Worth and Hinsdale.

Member O'Brien asked for the applicant to provide her certificates and licenses for conducting her services. Ms. Garrett provided some background on non-invasive body sculpting and contouring, explaining that a license is not required. She explained that she is licensed as an esthetician and has certificates in body sculpting. She stated that there is no state licensing requirement for body sculpting.

Member O'Brien asked Staff what the State requires for the operation of this business. Staff Liaison Mesaros replied that Staff has reached out to the State to ascertain this information and continues to follow up and gather information to understand the requirements. Staff Liaison Mesaros stated that the applicant has begun the Village's business operations certificate application process.

Member O'Brien suggested that the Commission postpone making a recommendation to acquire the outstanding information. Member Johnson suggested that a recommendation could be made contingent on completing the requirements of the State. Member O'Brien stated concerns about the liability the Village may take on by approving a special use permit without fully understanding the State's licensing requirements.

Member Johnson stated that the Village does not have control of the licenses required by the State, only the zoning matter.

Ms. Garrett explained that the non-invasive body contouring services do not require a license from the state and that other spas in the Village and surrounding communities are providing the same services.

Member Johnson requested more specific information about the non-invasive services and what they entail and suggested that the Commission first consider the matters related to zoning, such as the building itself, parking, and hours of operation.

Members Johnson and O'Brien suggested that the Village Attorney weigh in on the licensing requirements for these particular services. Both members referenced that the staff memo first indicated a concern about licensing requirements. Staff Liaison Mesaros provided context that five applications for body contouring services have come into the Village and Staff were unfamiliar with the procedures and therefore conducting due diligence to better understand the requirements of the State before issuing business operations certificates.

Member Castaneda and Chair Pro Tem Bransky restated the information provided in the memo to affirm that the parking complies with the requirements of the Zoning Ordinance.

Chair Pro Tem Bransky asked several questions with Ms. Garrett providing the following responses:

- Restrooms are provided in the common area of the building, outside the suite.
- Hazardous materials, such as chemical peeler and anything with blood, is collected in a specific container for such. This is a requirement for sanitation associated with an esthetician's license.

Ms. Garrett shared with the Commission that she has operated and provided these services in several other communities and finds it unfair that Staff is unfamiliar with the requirements of providing such

services. She noted that she had spoken with an attorney who confirmed she had the necessary certifications and licenses to operate.

Chair Pro Tem Bransky advised the applicant to provide any information she has on the required licensing from the state to aid in the discussion.

A motion was made by Member Johnson to continue Case 23-09 to the next meeting [May 9, 2022] for the purpose of clarifying some of the uses pertinent to the special use permit; seconded by Member Cap.

AYES: Member Cap, O'Brien, Johnson, Castaneda, Chair Pro Tem Bransky.

NAYS: -

ABSTENTIONS: -

ABSENT: Member Alfonso, Chair Sierzega

CASE 23-12 – Continued Public Hearing for Map Amendment to Rezone Limited Properties from R1 to R2

Chair Pro Tem Bransky read aloud a description of the case. He asked Member Cap, who owns a parcel within the subject property area if he plans to recuse himself. Member Cap stated his opposition to the Village's petition and stated his intention to participate fully in the discussion and vote on the matter.

Chair Pro Tem Bransky clarified that the Commission is continuing the public hearing from the previous meeting, which was continued to include more members of the commission and gather additional information, provided in the packet.

Member Castaneda summarized her understanding of the proposal, to bring non-conforming lots into compliance with the zoning ordinance by changing their designated classification, as a further refinement of the recent comprehensive amendments. She identified the potential concern of stormwater flooding raised by some homeowners in response to notification of the potential rezoning and articulated a curiosity to know more from the perspective of the homeowners.

Member Johnson echoed the same concerns as Member Castaneda and stated that he did not see other outstanding issues with the information provided. He stated that the proposed change to bring these parcels into closer alignment with their zoning requirements seemed logical.

Member O'Brien identified that the flooding is known to occur in lots to the west which were not included in the proposed limited rezoning. Members and Staff affirmed. Member O'Brien questioned why this matter has become relevant now when it was not proposed as a part of the comprehensive updates throughout 2022. Member O'Brien expressed concerns that the homeowner whose request catalyzed the limited rezoning of 16 properties chose not to attend the previous meeting and speak on his own behalf. Member O'Brien stated that any money paid by the applicant should be returned. [The homeowner never filed an official application and paid no fee to the Village.] Member O'Brien suggested that Staff encourage homeowners to request individual actions rather than combining like properties for map amendments such as this.

Chair Pro Tem Bransky summarized his understanding that on the one hand, this proposed rezoning is a clear cut clean up to the zoning map, but on the other hand the ability of homeowners to increase lot coverage without requiring a variance.

Staff Liaison Mesaros presented that the new information provided was adding labels to the exhibits for clarity and providing background information on the catalyst for the proposed rezoning, a pending request from an owner of one of the subject properties.

Member Cap stated he lives in the area affected by the proposed rezoning and asked several questions about what prompted the proposed rezoning. Member Cap stated there have been issues with flooding in the affected area and that Public Works has made improvements and added that increasing the impervious surface coverage could affect the flooding issues.

Chair Pro Tem Bransky summarized the issues as concerns with the process and how the proposed change would negatively or positively affect properties and asked if re-zoning to R-2 allows the properties to ease the process.

Member Johnson stated that no residents from the proposed area are in attendance at the meeting, other than Member Cap. And that staff motivation is to try to address an issue that was found.

Staff Liaison Mesaros stated the consultants were engaged to do an analysis of the zoning text and size (width and square footage) of the residential lots throughout the village, and summarized the work that was performed. Ms. Mesaros stated no changes to the new code have resulted in this issue. The consultants were not asked to address the issue of nonconforming properties and map amendments.

Member Cap and Johnson summarized the issues with the nonconforming properties.

Member Johnson recommended that the case be continued to the next meeting so the absent members can attend and stated he has not heard anything to convince him with how it came before the commission and he has no issue with discussing it further when all commission members can be present.

Chair Pro Tem Bransky summarized the issue that had been discussed regarding the motivations and dismissiveness of the staff and consultant, but had not heard clarity on how this would negatively affect the residents and that it clears up existing nonconformities.

A motion was made by Member Johnson to continue Case 23-12 to amend the Zoning Map to rezone limited properties from R-1 to R-2 to the meeting on May 11, 2023; seconded by Member Cap.

AYES: Member Cap, Castaneda, Johnson, O'Brien, and Chair Pro Tem Bransky

NAYS: - None

ABSTENTIONS: - None

ABSENT: Member Alfonso, Chair Sierzega

ADJOURN:

Chair Pro Tem Bransky asked for a motion to adjourn the meeting. Member Johnson moved to adjourn the meeting at 9:27 p.m., seconded by Member Cap.

AYES: Member Cap, Castaneda, Johnson, O'Brien, and Chair Pro Tem Bransky

NAYS: - None

ABSTENTIONS: - None

ABSENT: Member Alfonso, Chair Sierzega

Respectfully submitted,

Angela Mesaros

Director of Economic and Community Development

VILLAGE OF HOMEWOOD



MEMORANDUM

DATE OF MEETING: May 11, 2023

To: Planning and Zoning Commission

From: Valerie Berstene, Village Planner

Through: Angela Mesaros, Director of Economic and Community Development

Topic: Case 23-09: Special Use Permit for a Spa at 18350 Kedzie Avenue, Suite 200
Additional Information on Licensure

Please refer to the April 27, 2023 packet for the information previously provided.

ADDITIONAL INFORMATION

Following the discussion at the Planning and Zoning Commission meeting on April 27, 2023, Staff received additional information related to the required licenses for the proposed body contouring services:

1. The Illinois Department of Financial and Professional Regulation provided a response to the Village's inquiry, indicating that these services are regulated in the same manner as cosmetology, esthetician, and massage – only one of these licenses is required.
2. Staff consulted with Village Attorney, Chris Cummings, who confirmed that licensing for these services is handled exclusively by the State of Illinois. For both non-Home Rule and Home Rule communities, licensing is the exclusive jurisdiction of the State. The Village may regulate the use, but not the licensing. This is similar to child care centers, or professions such as a dentist or engineer, all of which are licensed by the State, but the land use regulated by the local municipality.

FINDINGS OF FACT

Staff has prepared the *draft* findings of fact in accordance with the standards set forth in Section 44-07-11 of the Zoning Ordinance for a Special Use. The findings of fact, as proposed or as amended, may be entered into the record.

1. The subject property is a tenant space located in Suite 200 of a two-story multi-tenant building at 18350 Kedzie Avenue in the B-3 General Business District.
2. A spa is classified as a special use in the B-3 district, per Table 44-03-04 of the Homewood Zoning Ordinance.
3. The proposed business will operate within an existing building that is adequately served by utilities and access.
4. The existing property provides 30 off-street parking spaces in a parking lot. Additionally, there are nine on-street parking spaces adjacent to the property. The property has been continuously operating as a multi-tenant building and meets the parking requirements.

- 5. Village Staff will confirm that all required licenses and certifications for the services are provided prior to issuance of a business operations certificate.

RECOMMENDED PLANNING & ZONING COMMISSION ACTION

If the Commission finds that the request meets the standards for special use, the Planning and Zoning Commission may consider the following motion, written in the affirmative:

Recommend approval of Case 23-09 to grant a Special Use Permit for a Spa in B-3 General Business District for “Glamour 1 Productions” at 18350 Kedzie Avenue, Suite 200; and
Incorporate the findings of fact into the record.

VILLAGE OF HOMEWOOD



MEMORANDUM

DATE OF MEETING: May 11, 2023

To: Planning and Zoning Commission

From: Valerie Berstene, Village Planner

Through: Angela Mesaros, Director of Economic and Community Development

Topic: Case 23-12: Limited Map Amendment Rezoning Select R-1 Properties to R-2

Please refer to the April 27, 2023 packet for the information previously provided.

PROCESS TO MOVE FORWARD

Discussion on Case 23-12 was held at the regular meetings of the Planning and Zoning Commission on April 13, 2023, and April 27, 2023. During these meetings, the members of the Commission have not reached a clear consensus; therefore, the Staff and the Village Attorney reviewed the Zoning Ordinance to advise the Commission on options to move this case forward. Section 44-07-10 "Zoning Text and Map Amendments" states:

"The Planning and Zoning Commission shall review the proposed amendment, any oral and written comments received at the public hearing, and responses by the applicant to the standards and make findings of fact to specify the reasons for their recommendation. The Planning and Zoning Commission shall then forward to the Village Board its findings of fact and recommendation to approve, approve with conditions, or deny the proposed amendment."

Below are each of the options before the Commission for a recommendation to the Village Board. When voting for or against the proposed map amendment, please be sure to share your reasons, as related to the standards for a Zoning Map Amendment to be included in the findings of the recommendation.

FINDINGS OF FACT

The staff has prepared draft findings of fact in accordance with the standards set forth in Section 44-07-10 of the Zoning Ordinance for a Map Amendment. The findings of fact, as proposed or as amended, may be entered into the record.

1. The subject properties include 12 parcels that are non-compliant with the minimum lot width and area regulations for the R-1 Single Family Zoning District and which, through rezoning to R-2, will be in conformance with the regulations.
2. The subject properties include two parcels that are non-compliant with the zoning requirements of both residential districts but have a lesser degree of non-conformity with the R-2 requirements.
3. The subject properties include two parcels that conform with the R-1 minimum requirements but are proposed for rezoning to ensure consistency in the map and a logical transition from

higher intensity R-3 zoning along Park Avenue, to lower intensity R-1 zoning adjacent to the golf course.

4. The proposed rezoning of the subject properties is consistent with the Comprehensive Plan and reflects the built condition and character of the properties.
5. The proposed map amendment will not result in a change in land use.
6. **[Add any findings related to vote or conditions, refer to Standards for a Map Amendment]**

RECOMMENDATION:

As stated above, the Commission may take the following actions:

1. Recommendation for approval: If the Commission finds that the request meets the standards for map amendment, the Planning and Zoning Commission may consider the following motion, written in the affirmative:

Recommend approval of Case 23-12 for a map amendment to rezone the subject properties from R-1 Single Family Residence District to R-2 Single Family Residence District; and
 Incorporate the findings of fact into the record.

2. Recommendation for approval with conditions: If the Commission finds that the request meets the standards for map amendment, the Planning and Zoning Commission may consider the following motion, written in the affirmative:

Recommend approval of Case 23-12 for a map amendment to rezone the subject properties from R-1 Single Family Residence District to R-2 Single Family Residence District, **subject to the condition[s] that [provide conditions];** and
 Incorporate the findings of fact into the record.

3. Recommendation for denial: If the Commission finds that the request does not meet the standards for map amendment, the Planning and Zoning Commission may consider the following motion:

Recommend denial of Case 23-12 for a map amendment to rezone the subject properties from R-1 Single Family Residence District to R-2 Single Family Residence District; and
 Incorporate the findings of fact into the record.