

PLAN COMMISSION STAFF REPORT

January 2, 2020 - Workshop

An English Garden, Mixed-Use Apartment

16800 Oak Park Avenue

Petitioner

Kim McAuliffe, An English Garden LLC

Property Location

16800 Oak Park Avenue

PIN

28-30-107-007-0000

Zoning

NG, Neighborhood General

Approvals Sought

Special Use Permit



EXECUTIVE SUMMARY

The Petitioner, Kim McAuliffe of An English Garden LLC (Property Owner), is seeking approval of a Special Use Permit to convert a Heritage Site from a standalone commercial building to a mixed-use building with a second floor apartment at 16800 Oak Park Avenue in the NG (Neighborhood General) zoning district.

The property was originally constructed as a residential home in 1859 as the home of early Tinley Park settlers John and Jane Fulton. The property is considered a culturally and historically significant property in Tinley Park. Most recently, the property has functioned as a standalone commercial property (law office and GiGi's Playhouse). This property is classified as a Heritage Site in the Legacy Code since the standalone commercial use existed lawfully prior to the adoption of the Legacy Code. The site remains classified as a Heritage Site as long as any voluntary, private-owner initiated modifications to the property do not exceed 50% of the property's market value and does not expand the structure or use. The Legacy Code permits a special use to convert a Heritage Site in the NG district to a mixed-use building.

The Petitioner renovated the first floor of the building for their business, *An English Garden Florist & Gifts*, which opened in November 2019. Some minor interior modifications are required to meet the building code requirements for a second floor residential use and building permits will be applied for following the Special Use Permit approval. The second floor is difficult to rent out to other commercial tenants due to the existing residential layout and compliance with accessibility codes. The addition of an apartment will allow the Petitioner to collect rent on the unit and will allow the property's taxes to be assessed at a lower rate through Cook County. The one apartment will have three bedrooms and is approximately 1,214 sq. ft. in size.

Project Planner

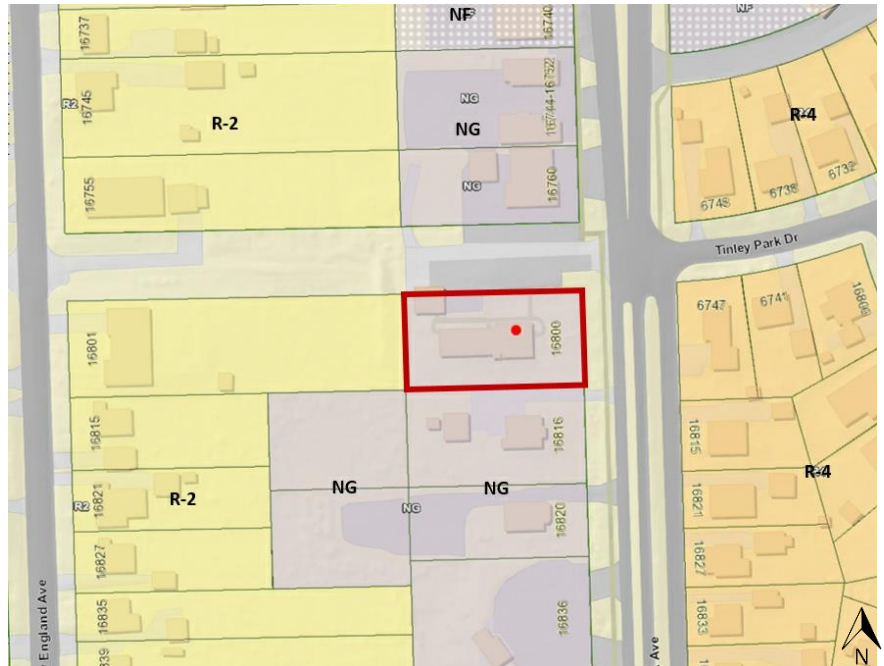
Daniel Ritter, AICP
Senior Planner

EXISTING SITE, HISTORY & ZONING

The subject property was originally constructed as a residential home in 1859 as the home of early Tinley Park settlers, John and Jane Fulton. The structure is considered a culturally and historically significant property according to the Tinley Park Historical Society and the Legacy Plan. A residential addition was added to the original home in 1912. In 2001-2002 a Special Use Permit was approved for a bed & breakfast and the property was heavily renovated, but the business never formally opened. That renovation work included replacement of aluminum siding with more historically appropriate wood siding and a front “wrap-around” porch. Since 2006, the property has functioned as a standalone commercial property (law office and then GiGi’s Playhouse). In early 2019, *An English Garden* purchased the property to expand to its second florist and gift shop location (first location is in Mokena). Following a buildout, structure maintenance, and renovation work, the business opened in November 2019.



The property consists of one lot that is approximately 18,050 sq. ft. in size and consists of the two story principal structure and a two-car detached garage. The detached garage was mistakenly constructed off-site in 2005 and is located partially in the unimproved right-of-way to the north. There are no current concerns about the garage’s location. There are five parking spaces (including garage spaces) located on the lot, however, the property is adjacent to a dead-end right-of-way with ten “on-street” parking spaces. The property has traditionally entered into a Private Parking Lease and Maintenance Agreement for the use of the stalls on the south side of the right-of-way for business parking. The new Parking Lease and Maintenance Agreement will be proposed to the Village Board at the same time as the Special Use request.



This subject property is located in the NG (Neighborhood General) zoning district and is classified as a “Heritage Site” because the commercial use existed lawfully prior to the adoption of the Legacy Code. The site will remain classified as a Heritage Site as long as any voluntary, private-owner initiated modification to the property does not exceed 50% of the property’s market value and does not expand the commercial use. The Legacy Code does permit that a Heritage Site in the NG district to be converted to a mixed-use building with approval of a Special Use. To the north of the subject property is a multi-tenant commercial building (Dairy Palace, Effective Signs, Metro Yellow Cab) zoned NG. To the south is a single-family home zoned NG. To the west is a single-family home zoned R-2, Single-Family Residential and to the east across Oak Park Avenue are single-family homes zoned R-4, Single-Family Residential.



PROPOSED USE & SPECIAL USE PERMIT

The Petitioner's proposal will convert the second floor of the structure to an apartment while the first floor remains commercial space. The building was originally constructed to be a single-family home, and the second floor was partially converted for use as a bed & breakfast, including installation of a bathroom and kitchen. The space has since been used as commercial office space for businesses occupying the first floor. Some renovation work will need to be completed to convert the space to an apartment use including adding a foyer area to the first floor, adding closets, and moving the electrical panel from the bedroom. Following zoning approval, the Petitioner will apply for a building permit, and has already hired an architect to design the construction documents. Staff recommends that a condition be added to the approval clarifying the compliance with any building code requirements prior to occupancy. The resulting apartment will be approximately 1,214 sq. ft. in size have three bedrooms, one bathroom, a kitchen, and a living room. It is expected that the residential tenant will utilize at least half of the existing detached garage to park their vehicles.

The NG zoning district is residentially-focused with a goal of providing sufficient density around the downtown area and train station. The homes help support the businesses within the Legacy District and specifically the Downtown Core. While the proposal will not bring the property completely into the vision of the Legacy Plan, it will help ensure the longevity of a historically significant property in the downtown. The mixed-use building is also closer to the Plan's intent than the standalone commercial building does currently. Staff believes the proposed mixed-use building is the best option to revitalize and preserve the structure for the future of the community.

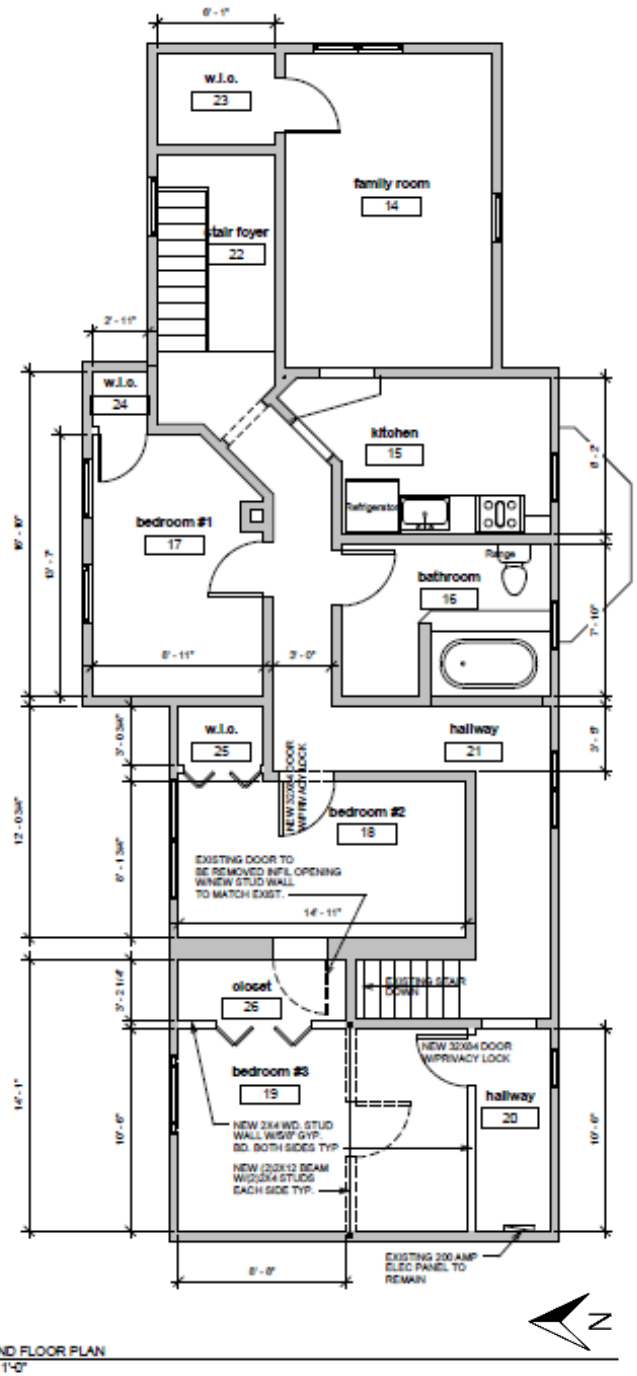
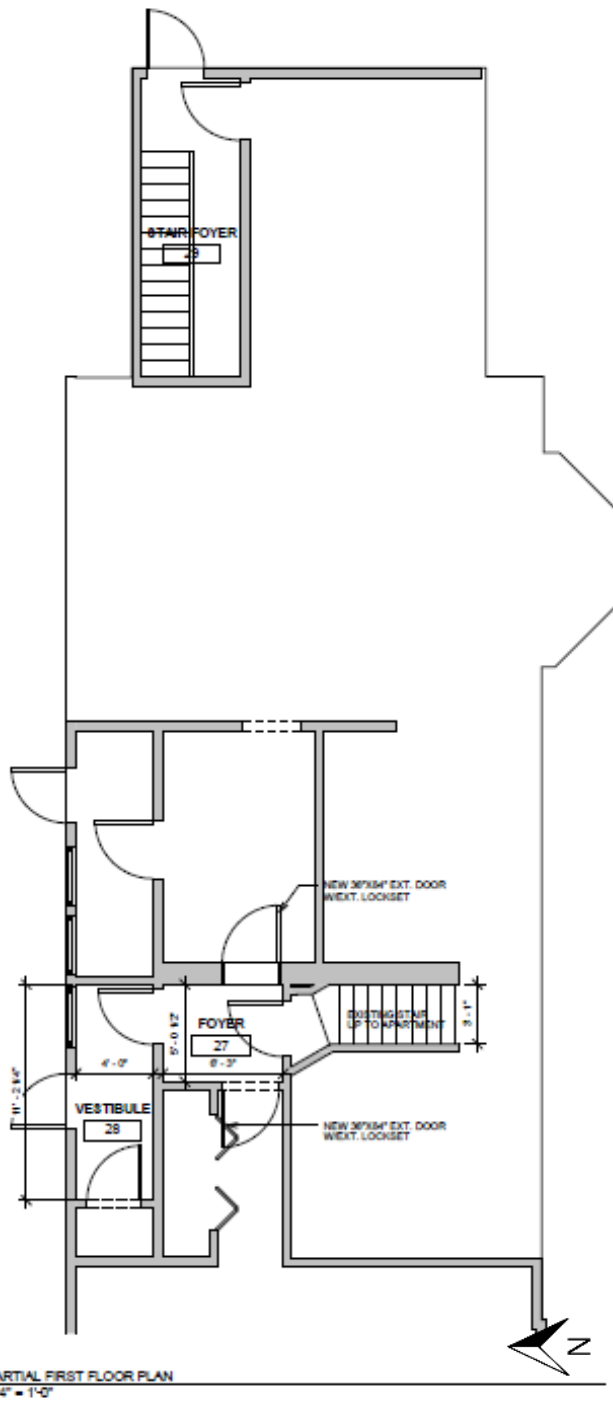
The Special Use Permit is being requested because the Petitioner's business does not currently have a use for the second floor space. The second floor is difficult to use for other commercial businesses because it is designed like a residential unit (bedrooms, hallways, bathroom with tub, etc.) Additionally, any commercial tenants are unlikely to meet the Americans with Disabilities Act (ADA) or Illinois Accessibility Code requirements for their employees or customers based on the current layout.

The Special Use Permit to convert Heritage Sites to mixed-use buildings serves a couple purposes. First, is to ensure that the commercial and residential uses being proposed work in harmony with each other and that the conversion is not creating substandard housing for future Tinley Park residents. This is particularly relevant in properties that were not specifically designed to have both residential and commercial uses. Staff does not have concerns with the mix of uses based on the use of the first floor as a florist and gift shop. The property was originally designed as a residential home and this will be reintroducing the residential use. Secondly, the request is in harmony with the intent and vision of the Legacy Plan. Similar to Variations for improvements that are greater than the 50% investment threshold, staff created the following standards when looking at particular properties for expansion or Special Uses.

- The condition of the existing building: The building is in sound condition, particularly for a historically and culturally significant building exceeding 100 years in age. The reuse of the property as mixed-use is expected to keep the property profitable in the future due to the lower tax rate for mixed-use buildings.
- The ownership of the property (owner-occupied): The new property owner will continue to operate florist and gift shop business at this location while renting the apartment out.
- The longevity of the existing non-conforming use: The property owner plans to occupy the first floor of the structure for the foreseeable future. A mixed-use building with commercial and residential uses can remain successful in the future and help to keep the historic structure in stable condition.
- The ability for the property to be converted to function as the permitted use and comply with other Legacy Code redevelopment requirements: While the structure is not entirely residential, the mixed-use design will permit an additional residential unit along Oak Park Avenue and help to promote the viability of the Downtown Core. The historic structure was originally designed as a single-family home and will remain in harmony with the surrounding area. The property otherwise complies with the Legacy Code's exterior requirements for heritage sites. The Special Use Permit does not prevent the first floor from being converted to residential (apartment) in the future and being in compliance with the Legacy Code's use allowances.
- The impact of the continuation of the non-conforming use on the redevelopment potential of the area: The property is located at the end of the block and a mixed-use property will not interfere with the rest of the block's ability to redevelop following the code requirements. The majority of the block has stable commercial uses and not expected to redevelop in the near future.

Based on the above factors, Staff supports a Special Use Permit to permit the commercial Heritage Site to be converted to a mixed-use building and allowing the property to continue to operate under the Heritage Site status.

Open Item #1: Discuss the proposed Special Use Permit to allow the conversion of a standalone commercial heritage site in the Neighborhood General (NG) zoning district to a mixed-use building with a second floor apartment.



SITE PLAN & EXTERIOR SITE IMPROVEMENTS

The exterior of the property is not expected to change with the addition of the second floor apartment unit, and all changes to convert the second floor to an apartment will happen internally to the structure. No exterior architectural or lighting changes are proposed. The landscaping was renovated with the commercial buildout for *An English Garden*. Two new parkway trees were installed along the Oak Park Avenue frontage to comply with the Landscape Code.

The permit for *An English Garden's* ground sign has been approved and is expected to be installed when weather permits. No wall signs are proposed at this time. No signage will be required for the addition of a residential unit, with the exception of a unit number on the door and mailbox, which is permitted by code.

Open Item #2: Discuss the existing site and the need for any additional changes to permit a residential use to be added.



SUMMARY OF OPEN ITEMS

Staff identified the following open items for discussion at the workshop:

1. Open Item #1: Discuss the proposed Special Use Permit to allow the conversion of a standalone commercial heritage site in the Neighborhood General (NG) zoning district to a mixed-use building with a second floor apartment.
2. Discuss the existing site and the need for any additional changes to permit a residential use to be added.

STANDARDS FOR A SPECIAL USE

Section X.J.5. of the Zoning Ordinance lists standards that need to be considered by the Plan Commission. The Plan Commission is encouraged to consider these standards (listed below) when analyzing a Special Use request. Staff will provide draft Findings in the Staff Report for the Public Hearing.

X.J.5. Standards: No Special Use shall be recommended by the Plan Commission unless said Commission shall find:

- a. 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;
- b. 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;
- c. That the establishment of the Special Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
- d. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided;
- e. 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; and
- f. That the Special Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the Village Board pursuant to the recommendation of the Plan Commission. The Village Board shall impose such conditions and restrictions upon the premises benefited by a Special Use Permit as may be necessary to ensure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the general intent of this Ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this Ordinance.
- g. The extent to which the Special Use contributes directly or indirectly to the economic development of the community as a whole.

It is also important to recognize that a Special Use Permit does not run with the land and instead the Special Use Permit is tied to the Petitioner. This is different from a process such as a variance, since a variance will forever apply to the property to which it is granted. Staff encourages the Plan Commission to refer to Section X.J.6. to examine the conditions where a Special Use Permit will expire.

ADDITIONAL LEGACY CODE STANDARDS

In addition to any other specific standards set forth herein the Plan Commission shall not recommend a Special Use, variance, appeal, or map amendment from the regulations of this ordinance unless it shall have made findings of fact, based upon evidence presented to it, in each specific case that:

- a. The proposed improvement meets the Legacy Plan and its Principles, as presented in Section 1.A-B: Purpose and Intent, of this ordinance;
- b. The new improvement is compatible with uses already developed or planned in this district and will not exercise undue detrimental influences upon surrounding properties;
- c. Any improvement meets the architectural standards set forth in the Legacy Code.
- d. The improvement will have the effect of protecting and enhancing the economic development of the Legacy Plan area.

RECOMMENDATION

Following a successful workshop, proceed to a Public Hearing at the January 16, 2020 Plan Commission meeting.

LIST OF REVIEWED PLANS

Submitted Sheet Name		Prepared By	Date On Sheet
	Application and Findings/Standards Responses	KM	10/9/2019
	Plat of Survey	Studnicka	6/26/2019
	Photos of Apartment	KM	N/A
A101	English Garden Plans, Details and Notes	PH	N/A
KM = Kim McAuliffe (Owner) Studnicka = Studnicka and Associates, LTD (Surveyor) PH = Paul C Hardison (Architect)			