



**MINUTES OF THE REGULAR MEETING OF THE
PLAN COMMISSION, VILLAGE OF TINLEY PARK,
COOK AND WILL COUNTIES, ILLINOIS**

JULY 18, 2019

The Regular Meeting of the Plan Commission was held in the Council Chambers of Village Hall on July 18, 2019 at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Plan Commissioners: Garrett Gray, Chairman
 Eduardo Mani
 Stephen Vick
 Lucas Engel
 Angela Gatto
 James Gaskill
 Curt Fielder

Absent Plan Commissioner(s): Tim Stanton,
 MaryAnn Aitchison

Village Officials and Staff: Kimberly Clarke,
 Dan Ritter, Senior Planner
 Douglas Spale, Village Attorney
 Barbara Bennett, Commission Secretary

CALL TO ORDER

PLAN COMMISSION CHAIRMAN GRAY called to order the Regular Meeting of the Plan Commission for July 18, 2019 at 7:00 p.m.

COMMUNICATIONS

None

APPROVAL OF MINUTES

Minutes of the June 20, 2019 Regular Meeting of the Plan Commission were presented for approval. A Motion was made by COMMISSIONER FIELDER, seconded by COMMISSIONER GATTO, to approve the minutes as presented. The Motion was approved by voice call. CHAIRMAN GRAY declared the Motion approved as presented.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES
FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION
SUBJECT: MINUTES OF THE JULY 18, 2019 REGULAR MEETING

Item #1 WORKSHOP/PUBLIC HEARING: TECHEIRA AND ROSATER (OWNERS), 17130 67TH COURT - FENCE VARIATION PLAT OF SUBDIVISION, MASONRY VARIATION

The Petitioners, Erica Techeira and Jason Rosater (Owners) are seeking a Variation from Section III.J. of the Zoning Code (Fence Regulations) at the property located at 17130 67th Court in the R-4 (Single-Family Residential) Zoning District. This Variation would permit the Petitioner to install a four foot (4') tall open design fence to encroach twenty-five feet (25') into the required primary front yard. Recommendations for a Plat of Consolidation and a first-floor Masonry Waiver will be considered as well.

Present were the following:

Plan Commissioners: Garrett Gray, Chairman
Eduardo Mani
Stephen Vick
Lucas Engel
Angela Gatto
James Gaskill
Curt Fielder

Absent Plan Commissioner(s): Tim Stanton
MaryAnn Aitchison

Village Officials and Staff: Kimberly Clarke, Community Development Director
Dan Ritter, Senior Planner
Douglas Spale, Village Attorney
Barbara Bennett, Commission Secretary

Guests: Erica Techeira, Jason Rosater, Petitioners

DAN RITTER, SENIOR PLANNER gave a presentation as noted in the Staff Report. The Petitioners, Erica Techeira and Jason Rosater (owners) are seeking a 25 foot Variation from Section III.J. (Fence Regulations) of the Zoning Ordinance, to permit a four foot high open-design fence to extend 25 feet into the required primary front yard where a fence encroachment is not permitted at 17130 67th Court in the R-4 (Single-Family Residential) Zoning District. Additionally, the Petitioners are requesting that the Plan Commission consider recommending that the Village Board grant Final Plat Approval for a Plat of Consolidation of three lots and a Masonry Waiver.

Mr. Ritter displayed a drawing of the planned home addition of approximately 2,200 sq. ft. in size on the existing brick ranch home. The existing home is approximately 1,452 sq. ft. with a 1 car garage and was built around 1956. The site has 3 separate lots and the home sits on 2 of the lots. The 3rd lot is currently a yard and the expansion will extend on to the 3rd lot. This is part of the Breitbarth's Subdivision which is an older subdivision and area that was part of the Village's original boundaries. To the south of the property is Midlothian Creek.

The lot is heavily wooded with overgrowth. The current front yard fence is in disrepair and runs almost the full length of the lot. There are sections of the fence missing. The plan is to clean up the overgrowth. The zoning is R-4, Single Family Residential. The surrounding properties include, a single-family home zoned R-4, Single-Family Residential to the North; a TP Park District property zoned R-4, Single-Family Residential property to the east; The Midlothian Creek and the VFW Zoned DF, Downtown Flex are located to the south. To the west are 2 single family residential homes that are a mix of single-story ranch and 2-story houses with most constructed before 1960. The homes in the area also have a mixture of exterior materials including brick, stone, fiber cement board, and vinyl siding.

Mr. Ritter discussed the requested Variations:

Fence Variation

The Petitioner is proposing to replace the existing deteriorated wood fence that encroaches into their front yard. The fence would be replaced with a four foot high wrought iron style aluminum fence. A small portion of the fence that extends to the front of the home will be removed. The proposed fence line is indicated in blue on the plan below. The fence is being proposed to be replaced in the front yard because moving the fence back 25 feet would leave access to the adjacent creek open for that distance. The fence will tie into a similar style fence owned by the Village that runs along the sidewalk over the creek.

Alternatively, the fence can be angled back to the required setback from that point. This would lessen the requested Variation and the total encroachment into the front yard while still limiting access to the creek. This alternative option is not preferred by the Petitioner due to the potentially odd angle and appearance. Mr. Ritter displayed one alternative option that would lessen the setback and still close public access to the creek.

A front yard fence would typically not be acceptable based on current development patterns, visual preferences, and effects on neighboring property owners. However, the existing lot is a unique setup with a creek being the adjacent property to the south. The fence will tie into an existing fence in the Village's right-of-way that separates the sidewalk and creek. There are no visibility issues from the proposed driveway due to having no adjacent properties to the south that could have a driveway. It should be noted that if the fence Variation is approved, the fenced-in area will remain a required front yard, which will not permit a pool, shed or other accessory structures to be located in it.

Final Plat of Consolidation Approval

Buildings or additions are not permitted to be constructed over property lines. By doing so, future zoning, setback, and ownership issues can arise. The Petitioner is proposing to construct the addition on all three existing lots and therefore must consolidate them to meet the appropriate setbacks. The Plat of Consolidation was reviewed by Planning Staff, the Village Attorney and Village Engineer. The Consolidation will help to ensure that different portions of the lot aren't sold off separately in the future.

Masonry Waiver

The existing ranch home is constructed entirely of masonry. The Building Code requires that additions on homes constructed of masonry use matching brick color, size and design on any additions or alterations. The petitioner explored the home's design and their ability to meet this requirement but determined their preferred style (Farmhouse) and their budget worked best if they utilized fiber cement board siding instead of masonry. The fiber cement board is generally considered more durable and higher quality than vinyl siding. Additionally, because the area has a large mix of home materials including siding and brick, the home will fit in visually with the surrounding neighborhood. Some of the existing brick will remain on the home around the entrance and garage. A technique called German schmear will be used on the brick to give a lighter and unique appearance to the home's front façade. German schmear mimics the look of irregular stones and heavy mortar joints to give the brick a more rustic or aged appearance.

Masonry waivers have not typically come before the Plan Commission for review. However, due to the other required reviews and possible future changes that would make the masonry requirements part of the Zoning Code, the Plan Commission is being asked to provide a recommendation to the Community Development Committee, whom will review the Masonry Waiver at their July 23, 2019 meeting.

Mr. Ritter displayed photos of neighboring homes in the area and showed the mix of different housing styles and materials.

CHAIRMAN GRAY asked for comments from the Commissioners.

COMMISSIONER ENGEL inquired if the new fence would be constructed in the same location along the street. Mr. Ritter replied that the fence would be in the same location but that some of the fence that is located in the front of their house now is being removed and will not be replaced.

COMMISSIONER FIELDER inquired if any of the other properties had fences along the front of the house. Mr. Ritter replied that most fences are in the rear and sides of the homes. A few old front yard fences still exist in the Village but there are not many. Front yard fences are not preferred for aesthetic, maintenance, and safety concerns. This property is unique due to the creek to the south and that no driveway or development will occur there.

COMMISSIONER GASKILL inquired if the current fence is in disrepair and if the fence goes across the whole front of the house and with the alternative fence location would it be 5' from the front of the house. Mr. Ritter replied the new fence would be proposed along the front of the home but could come forward 5 feet and still meet the required front yard setback. The alternative fence would be 5' from the front of the house and they could legally put the fence there and angle it back to the creek to keep people from accessing the creek. This would bump it out as far as it would be legally acceptable in the front yard. That is only one alternative option but there many different locations and angles that would allow the fence to encroach less into the front yard.

CHAIRMAN GRAY noted the homeowners would try to closely match the fence by the creek. With the park across the street, it is important to have the protection of the fence in front of the creek. CHAIRMAN GRAY passed out examples of the German Schmeier, which he had not heard of before, to the Commissioners.

CHAIRMAN GRAY asked for a motion to open the Public Hearing.

A Motion was made by COMMISSIONER MANI, seconded by COMMISSIONER FIELDER, to open the Public Hearing for the property located at 17130 67th Court in the R-4 (Single-Family Residential) Zoning District. The Motion was approved by voice call. CHAIRMAN GRAY declared the Motion approved.

CHAIRMAN GRAY noted that Village Staff provided confirmation that appropriate notice regarding the Public Hearing was published in the local newspaper in accordance with State law and Village requirements.

CHAIRMAN GRAY requested anyone present in the audience, who wished to give testimony, comment, engage in cross-examination or ask questions during the Hearing stand and be sworn in.

CHAIRMAN GRAY asked the Petitioner to speak.

Ms. Techeira noted that Board and Batten look is what they are looking to obtain with their home addition and remodel. The ranch-style house without steps is also important as she has medical needs. They live directly across the street now in a 2-story home and want to stay in the neighborhood. They want this to be their "forever home" and are investing in the property. The cost of building a ranch is more than that of a 2-story home. They are picking a good quality material, Hardie Board, for the home but want to keep the cost down and would like you to take that into consideration for the Masonry Waiver. Mr. Rosater stated they are comfortable with any fence location as long as it protects the area in front of the creek.

However, they prefer would like to replace the fence with the current location, but whatever is required by the Commission that closes off access to the creek is acceptable.

CHAIRMAN GRAY asked for additional comments from the COMMISSIONERS.

COMMISSIONER MANI noted the home looks good in the renderings. The budget issue is understandable. The open style fence following the angle of the creek is good.

COMMISSIONER ENGEL noted he agrees and the design is great and complements the area.

COMMISSIONER GATTO agrees.

COMMISSIONER VICK agrees with the design and feels the Hardie Board is a good choice rather than the vinyl. The fence line is acceptable.

COMMISSIONER FIELDER agrees the design is good and is agreeable to the proposed fence.

COMMISSIONER GASKILL agrees with the design of the house, but he is against the proposed fence line as it sticks out too far from the house and into the front yard. He would prefer the alternate fence recommendation that is more even with the front of the home. This is a similar to most homes in the Village.

CHAIRMAN GRAY agrees the design is good. He inquired about the 3 properties being consolidated and how that works with the permitting of the addition. Ms. Techeira replied that they have the paperwork and it only needs to be signed. Mr. Ritter noted the permit can only be issued when it is signed by all parties and recorded with the Cook County Recorder of Deeds. The permit could be reviewed before that time but would remain on hold.

CHAIRMAN GRAY asked for comments from the Public and Commissioners.

A Motion was made by COMMISSIONER VICK, seconded by COMMISSIONER MANI, to open the Public Hearing for the property located at 17130 67th Court in the R-4 (Single-Family Residential) Zoning District. The Motion was approved by voice call. CHAIRMAN GRAY declared the Motion approved.

Mr. Ritter went through the Standards for Variation.

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.
 - ***The subject parcel has options for a fence that are code compliant and will not limit the owner's ability to yield a reasonable return on their property. The desire to limit public access to the adjacent creek and the visual appearance of the property will be increased by the proposed fence without causing visual site line issues.***
2. The plight of the owner is due to unique circumstances.
 - ***The lot is adjacent to a creek that runs the full extent of the south property line. The property is extremely wide and has an existing fence in the front yard.***
3. The Variation, if granted, will not alter the essential character of the locality.
 - ***Due to the unique development pattern of the block and the adjacent creek, the proposed fence will carry the existing fence line that runs next to the sidewalk and over the creek. The proposed fence and lot improvements will increase the visual appearance of the property and tie it into the surrounding neighborhood.***

4. Additionally, the Plan Commission shall also, in making its determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the Petitioner have been established by the evidence:
 - a. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
 - b. The conditions upon which the petition for a Variation is based would not be applicable, generally, to other property within the same zoning classification;
 - c. The purpose of the Variation is not based exclusively upon a desire to make more money out of the property;
 - d. The alleged difficulty or hardship has not been created by the owner of the property, or by a previous owner;
 - e. The granting of the Variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
 - f. The proposed Variation will not impair an adequate supply of light and air to an adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

CHAIRMAN GRAY asked for a Motion.

Motion 1 (Variation):

Motion was made by COMMISSIONER ENGEL, seconded by COMMISSIONER GATTO to grant the Petitioners, Erica Techeira and Jason Rosater, from Section III.J. (Fence Regulations) of the Zoning Ordinance, to permit a four foot (4') high open design fence to extend 25 feet into the required primary front yard where a fence encroachment is not permitted at 17130 67th Court in the R-4 (Single-Family Residential) Zoning District, consistent with the List of Submitted Plans as attached herein and adopt Findings of Fact as proposed by Village Staff, and as may be amended by the Plan Commission at this meeting.

AYES: MANI, FIELDER, VICK, GATTO, ENGEL AND CHAIRMAN GRAY

NAYS: GASKILL

CHAIRMAN GRAY declared the Motion approved.

Motion 2 (Final Plat of Consolidation):

Motion was made by COMMISSIONER GATTO, seconded by COMMISSIONER ENGEL to recommend that the Village Board grant a Final Plat of Consolidation Permit to the Petitioners, Erica Techeira and Jason Rosater, for the Lourdes-Staackmann Subdivision/Consolidation of three lots at 17130 67th Court in the R-4 (Single-Family Residential) zoning district.”

AYES: MANI, VICK, FIELDER, GASKILL, ENGEL, GATTO AND CHAIRMAN GRAY

NAYS: NONE

CHAIRMAN GRAY declared the Motion unanimously approved.

Motion 3 (Masonry Waiver):

Motion was made by COMMISSIONER FIELDER, seconded by COMMISSIONER GATTO to recommend that the Village Board the following Variations to the Petitioner, Erica Techeira and Jason Rosater, for the property at 17130 67th Court in the R-4 (Single-Family Residential) zoning district, consistent with the List of Submitted Plans as attached herein.”

AYES: MANI, VICK, FIELDER, GASKILL, ENGEL, GATTO AND CHAIRMAN GRAY

NAYS: NONE

CHAIRMAN GRAY declared the Motion unanimously approved.

This will go before the Community Development Committee for the Masonry Variation on July 23, 2019.
The Fence will go before the Village Board for First Reading and Final Plat for approval on August 6, 2019.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION

SUBJECT: MINUTES OF THE JULY 18, 2019 REGULAR MEETING

Item #2 **WORKSHOP: JAMES VROEGH (AUTHORIZED AGENT), ON BEHALF OF PARK OAKS COMMERCIAL CONDOMINIUM ASSOCIATION (OWNER) 17322 OAK PARK AVENUE, SITE PLAN, VARIATION**

The Petitioner, James Vroegh (Authorized Agent), on behalf of Park Oaks Commercial Condominium Association (Owner) is seeking the following Variations to permit the construction of a 376 sq. ft. 1-story addition on an existing 3-story Park Oaks Condominium mixed-use development on the property located at 17322 Oak Park Avenue in the DC (Downtown Core) Zoning District

Present were the following:

Plan Commissioners: Garrett Gray, Chairman
 Eduardo Mani
 Stephen Vick
 Lucas Engel
 Angela Gatto
 James Gaskill
 Curt Fielder

Absent Plan Commissioner(s): Tim Stanton,
 MaryAnn Aitchison

Village Officials and Staff: Kimberly Clarke,
 Dan Ritter, Senior Planner
 Douglas Spale, Village Attorney
 Barbara Bennett, Commission Secretary

Guests: James Vroegh, Petitioner
 Thomas Courtney, Attorney

DANIEL RITTER, SENIOR PLANNER gave a presentation as noted in the Staff Report. The Petitioner, James Vroegh on behalf of Park Oaks, Commercial Condominium Association (owner), is seeking Variations from the Zoning Code related to building height, building depth, percent of street-level glazing, building materials, and architectural style to construct an approximately 376 sq. (16 feet x 23.50 feet) 1-story addition on an existing 3-story Park Oaks Condominium mixed-use development located at 17322 Oak Park Avenue in the DC (Downtown Core) Zoning District.

The Petitioner is looking to do a 1-story building addition to continue the first-floor design of the Park Oaks building but is not proposed to match the existing building in scale due to the difficulties of doing so with the building's existing condo ownership. The Legacy Code's height and commercial depth requirements are in place to create an active and consistent street wall along primary corridors to create an intriguing urban environment.

The Park Oaks condominium building is an existing 3-story, approximately 15,000 sq. building that includes eight residential and four commercial condominiums. There are separate condo associations for the residential and the

commercial units. The commercial units are currently occupied by Vroegh Eye Care, (17322), Apothecary Pharmacy (17320), Tinley Park Chamber of Commerce (17316), and Tinley Park Chiropractic Wellness (17314). The nearby properties to the subject site include a municipally owned parking directly to the west in the DC (Downtown Core) zoning district that separates the subject property from the R-4 (Single-Family Residential) zoning district. The properties to the north (Electric Blue Entertainment), South (Wyman's Framing & Art Gallery and Ed n' Joes Pizza) and east (We're Nuts About Mutts and Teehan's Tavern) are also located in the DC (Downtown Core) zoning district. All of these properties are considered "Heritage Sites" as they were approved and constructed prior to the implementation of the Legacy Code. Heritage sites are permitted to maintain their existing site configuration and uses but may be required to perform certain upgrades when there is changing uses, building or site.

The patio area on the south side of the subject property is the proposed location of the Vroegh addition. At a previous Plan Commission meeting in 2001 the patio area was discussed and was noted as important to encourage outdoor dining opportunities at the building and to help offset the building from the neighboring Wyman's building and ensure the walkway between the properties did not become an unlit or unsafe alleyway. The patio area is considered a "limited common element" per the approved declarations that is owned by the Condominium Association that has some exclusive use rights assigned to the adjacent 17322 (Vroegh Eye Care) unit. The right for the use of the "limited common element" can be sold or divided to other units of the association based on the declaration rules.

The Downtown Core zoning district allows for varying building heights depending on the specific location. The minimum height for any new building or new building additions in the Downtown Core is 3-stories. The minimum building height is required to help create a continuous street wall and an urban environment that peaks in terms of density in the Downtown Core. The maximum building height ranges from 4-stories along Oak Park Avenue to 7-stories in height for the properties directly to the south and north of the train station.

The Park Oaks building was constructed prior to the implementation of the Legacy Code and Legacy Plan. However, the development was used as an example of the kind of developments the Village was looking to encourage in the downtown when the Legacy Plan and Legacy Code were being developed.

The proposed 1-story addition will be added to an existed 3-story structure. Since the addition will not be meeting the existing building length or height, there are a number of Variations required to meet approval.

Mr. Ritter displayed a photo of the patio space between the Park Oaks and Wyman's sites. The Legacy Code promotes zine development to create a consistent street wall along the primary corridors. If the addition is developed to the property line, the remaining space between the buildings will be approximately 6 feet wide in which the majority of the space will be the Village-owned walkway. There is no lighting or landscaping proposed in this area. To the west of this patio is a transformer and the building's mechanical equipment. There are 2nd and 3rd-floor windows on the residential area and there are windows on the main floor for the commercial area.

Mr. Ritter went through the proposed Variations:

1. A 2-story Variation from Section 2-A-9, Table 2.A.6 of the Legacy Code to permit a 1-story building addition on an existing 3-story building where the minimum building height is 3-stories.
2. A 26.5 foot Variation from Section 2-A-4, Table 2.A.1 of the Legacy Code to permit a commercial space that only has a depth of 23.5 feet instead of the required commercial space depth of 50 feet where street-level commercial is permitted.
3. A Variation from Section 3-B-6-a of the Legacy Code to permit a building addition with less than the required 60 percent of the street-level façade to be glazed.
4. A Variation from Section 3-B-7 of the Legacy Code to permit the building addition to not have brick or masonry where a new building or addition is required to consist of 75 percent brick, stone, or fiber cement siding.

5. A Variation from Section 3-B-8 of the Legacy Code to permit a building addition to be constructed that does not comply with the required Architectural Guidelines including, “A consistent style of architectural composition should be applied throughout a structure”.

Mr. Ritter identified the following open items for discussion at the workshop:

1. Discuss the five requested Variations and the desirability of a 1-story building addition on a 3-story building that does not comply with the code requirements. Discuss how this relates to the Standards for a Variation and Legacy Code Standards that must be met to approve a Variation.
2. Discuss the potential future consequences/effects of the proposed addition that is owned and controlled by the POA.
3. Discuss the space and effects of the property continuing to be considered as a “limited common element” in the approved and recorded Condominium Declarations when only accessed and controlled by a single property owner. The space can also be sold in whole or part to other unit owners.
4. Due to the ability for the space to be used by a separate tenant or unit in the future, discuss the effects and quality of potential future tenants in a unit that has a depth of 23.5 feet and is 376 sq. ft. in size.
5. Discuss removing the patio area as a “limited common element” in the Declarations, purchased from the POA by the owner of the 17322 unit, and the two parcels be consolidated into one lot and PIN.
6. Discuss the requirement that the parkway tree location is moved to a more suitable location along the Oak Park Avenue street frontage in accordance with the Legacy Code requirements, Public Works Department recommendations, and the downtown streetscape plan.
7. Submittal of a plan for the required parkway tree replacement and sidewalk work is required.
8. Submittal of a landscape plan showing the existing and proposed landscaping is required.
9. Discuss whether to incorporate a white or brown/tan color cornice.
10. Discuss the proposed architectural appearance of a 1-story addition on a 3-story building and the possibility of setting a precedent for other notable building downtown sites.
11. Discuss the proposed site layout and the resulting five foot unlit and non-landscaped alleyway that will be present between the buildings.
12. Plans will need to be revised based on final staff review comments.
13. Discuss the potential signage impact of any future tenant changes and the possibility of a condition prohibiting an exterior sign from being placed on the addition.

Mr. Ritter went through the Standards for a Variation that need to be considered for each Variation:

Additional Legacy Code Standards

- 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.

Variation Standards

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.
2. The plight of the owner is due to unique circumstances.
3. The Variation, if granted, will not alter the essential character of the locality.
4. Additionally, the Plan Commission shall also, in making its determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the Petitioner have been established by the evidence:
 - g. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
 - h. The conditions upon which the petition for a Variation is based would not be applicable, generally, to other property within the same zoning classification;
 - i. The purpose of the Variation is not based exclusively upon a desire to make more money out of the property;
 - j. The alleged difficulty or hardship has not been created by the owner of the property, or by a previous owner;
 - k. The granting of the Variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
 - l. The proposed Variation will not impair an adequate supply of light and air to an adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Mr. Ritter noted that the space they are developing is an expansion of the Vroegh Eye Care Facility with an examination room, workspace, and an employee break room. This that should be considered is how the ownership of this property will work. This will still be owned by the POA and will still be covered as a common element. Under the condo declarations, there is some concern regarding the common element. This will be clearly proposed as a privately utilized addition only used by this Petitioner. The POA will have to ability to do alterations and demolitions. They will have control of the site and will be seen as the property owners. This addition will be the Park Oaks Commercial Property Owners Association. The space can be bought and sold by any of the other unit owners. There are concerns with taxes, liability, and maintenance. The Petitioner has agreements with some of the other unit owners, but owners can change. Staff's recommendation is to separate this area off in terms of ownership and formerly sell it from the POA to the unit owner.

There is relatively limited landscaping on this site. No landscape plan was submitted. There is a parkway tree that needs removal. Sidewalk would need to be replaced. The Legacy Code requires that the tree be replaced.

The Petitioner's proposed building addition continues the existed first-floor design style which included a matching decorative paneling. The roof cornice cap is proposed as tan in color to match the corner stones on the existing building. Staff recommends the cornice color to be white to match the color scheme of the rest of the addition. The Legacy Code requires that any addition to an existing building match the existing building in scale, design and materials which allows the addition to look as if it was constructed with the original building rather than something added on after-the-fact.

Mr. Ritter showed examples of buildings in the downtown that have one-story additions. With the North Street redevelopment, it has been recommended and proposed that these non-conforming additions on the Teehan's building be torn off.

There is no signage proposed with this addition. A condition can be added prohibiting signage in the event the addition is used by another tenant in the building. First-floor commercial space in the Downtown Core does not require parking. There is a public parking lot in the rear of this building.

CHAIRMAN GRAY requested that the Petitioner present their requests.

Thomas Courtney, Attorney for the Petitioner, noted the residential and commercial owners have the right to use this space. This patio area is a Limited Common Element. Vroegh is required to follow the association documents and has the exclusive right to possession. It is possible that another tenant would like to use this space, but not likely. Vroegh is running out of space because his business has thrived. The entire first-floor looks the same and the materials that are there now are pressed board. The hardship is not being able to build a three-story addition because there are windows in the residential units above. The commercial and residential associations in the building have approved this. They support the plan that has been submitted. This is a beautiful addition to this building. None of the past or current owners have used the patio.

Dr. Vroegh noted that the only use of this patio now is for broken beer bottles from the weekend, no one is taking care of the bushes on the property and weeds are growing. No one else could use this space because there is no exit door coming off that space from the building. Without a door there could be no separate tenant. He would be glad to add an extra light in the alleyway area. He would like to think that Tinley Park would be appreciate businesses that are successful. He would have no problem changing the color of the cornice.

CHAIRMAN GRAY asked for comments from the Commissioners.

COMMISSIONER GASKILL noted the addition looks like a shed slapped onto the building. The building is three stories and this looks like a one-story shed added on. It does not meet any of the standards of the Legacy Code and it just does not fit with the look they want to see in the downtown.

COMMISSIONER FIELDER noted the letters from other tenants are not from all the tenants. Dr. Vroegh replied the letters are from all but one of the commercial tenants. COMMISSIONER FIELDER noted the patio is a shared space and all the other units pay for that space. Mr. Courtney replied that there are two associations and they all contribute to a fund. There is a common element charge. The petitioner agrees that this addition is totally the responsibility of the unit. COMMISSIONER FIELDER asked about the drainage in the area. Dr. Vroegh replied it will go directly to the sewer. COMMISSIONER FIELDER inquired if Vroegh were to move, would this space be convertible? Dr. Vroegh replied it would not because the heat is part of his unit and there is no door and no plumbing. Mr. Ritter noted a door could always be added with a building permit in the future and that the absence of one does not prohibit the space from being occupied by another tenant in the future. The Village engineer is reviewing the drainage information and will supply comments.

COMMISSIONER GASKILL inquired about the space as it sits right now being a common area and it is owned by the condo association and under his control. Isn't it the association or him that is not maintaining it currently? Dr. Vroegh

replied that is true the association owns it but all the other tenants have given him permission to use it. COMMISSIONER GASKILL inquired about how bad that area is and why doesn't the association clean it up. Dr. Vroegh replied that no one cares about it because it isn't used. Mr. Ritter noted that Mr. Vroegh is the authorized representative for the condo association, while he may not be able to agree to everything he is authorized to speak on their behalf according to the documentation supplied to staff.

COMMISSIONER GATTO noted the association should be taking care of the area and that is not an excuse for the Variations. She is not sure the look is what the Village is looking for on their main street in the downtown.

COMMISSIONER ENGEL inquired about the possibility of adding more than one-story to the units above because the proposal does not meet the Legacy Code's 3-story requirement. Mr. Ritter replied this could be possible to add onto the condos on the second and third stories but that would need to be an agreement about how it is done and who is paying for it worked out privately.

Mr. Courtney noted there will be a reassessment of the property taxes with the project and new PINs assigned. Mr. Ritter noted the entire common area PIN will be reassessed and it is one of their concerns that due to the commercial use on common property that the taxes could increase for the entire common area under that PIN.

COMMISSIONER MANI noted the addition does look architecturally unbalanced added on the existing building. If you are unable to do this addition would you consider moving your business? Dr. Vroegh replied he would not move the business, as he is too old to move now, but would send some of his patients to his Orland location.

COMMISSIONER FIELDER inquired if he has contacted any of the other tenants to see if they would consider allowing Vroegh to use or purchase their locations. Dr. Vroegh replied that he thought of it but has not looked into it since he does not want another \$21,000.00 property tax bill.

CHAIRMAN GRAY noted he appreciates the business in Tinley Park and flexibility of adding a light in the alley. In terms of the Legacy Code and all the changes in the Downtown Core, this will not match the future look of downtown. This will not fit in with the overall vision of the Legacy Code. He would also like Dr. Vroegh to consider other options with the possibility of expanding to the west/rear of the building. Mr. Ritter replied this is not possible due to the property line ending at the sidewalk and the public parking lot being owned separately.

CHAIRMAN GRAY asked for additional comments from the Commissioners.

COMMISSIONER ENGEL asked staff to get a better view of the rendering showing the Wyman's location next to the patio.

KIMBERLY CLARKE, COMMUNITY DEVELOPMENT DIRECTOR noted staff has struggled with this request. We very much want to help the downtown businesses. This building is difficult because it has a very specific design and the ability to expand upon it was not taken into account during its original proposal. With the new downtown projects coming, we foresee some of the existing businesses moving to the new space being created because they can't expand at their existing locations. This is not uncommon when downtowns have a restriction such as this, to take into consideration the architecture. We wanted to bring the best foot forward for this individual and did offer some suggestions to make their proposal work a little better than the original plan.

Dr. Vroegh noted everyone has stated they are "pro-business", but when you try to go in that direction, he does not think that is the case. He would like to see that the Commission is in favor of the business.

COMMISSIONER GASKILL inquired if everyone came into the Village and on their main street and built "Willy-Nilly" without restrictions, is that what he is suggesting they allow? If this is allowed it would set a precedent for everyone. Dr. Vroegh noted it is not everyone else asking now, just for him.

Mr. Ritter noted to summarize the open items that for the most part it is has been requested by the Commissioners that the Petitioner explore other options to meet the Code such as a three-story addition, expanding to another tenant space or relocating nearby in downtown. The look of the proposal and the effect of the Variations on existing buildings and future projects is not what they would like to see. The Commission does not like the design and keeping with the Legacy Code Standards. The potential issues were discussed regarding the ownership by the POA. While it may not change support, there needs to be a Landscape Plan supplied, lighting added and changes to the cornice design if they proceed.

The Public Hearing for this matter will be at the August 1, 2019 Plan Commission Meeting.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION

SUBJECT: MINUTES OF THE JULY 18, 2019 REGULAR MEETING

Item #3 WORKSHOP: BANQUET USE REQUIREMENTS – TEXT AMENDMENT

Consider recommending that the Village Board approve Text Amendments to Sections II.B (Definitions), V.B. (Schedule I (Schedule of Permitted Uses), VIII.A.10. (Number of Parking Spaces Required), and VII (Legacy Code) Section 3, Table 3.A.2 (Prohibited Uses) of the Village of Tinley Park Zoning Ordinance, to regulate Banquet Facilities as a Special Use, Permitted Use or Prohibited Use.

Present were the following:

Plan Commissioners: Garrett Gray, Chairman
Eduardo Mani
Stephen Vick
Lucas Engel
Angela Gatto
James Gaskill
Curt Fielder

Absent Plan Commissioner(s): Tim Stanton,
MaryAnn Aitchison

Village Officials and Staff: Kimberly Clarke,
Dan Ritter, Senior Planner
Douglas Spale, Village Attorney
Barbara Bennett, Commission Secretary

Guests: None

KIMBERLY CLARKE, COMMUNITY DEVELOPMENT DIRECTOR gave a presentation as noted in the Staff Report. Tinley Park currently regulates Banquet Use as a Permitted Use in the Office and Restricted Industrial and General Manufacturing Zoning Districts. It is not identified as a Permitted or Special Use in any other district. In addition, there is no definition provided for Banquet Facilities.

Staff was recently approached by a banquet facility in the Neighborhood Shopping District. Per the current code, this is not permitted. In review of other zoning codes in similar communities, Banquet Facilities are often permitted in business districts with the size of the facility dictating whether it is considered a Permitted or Special Use.

Staff presented the proposed text amendment to the Community Development Committee at their June 24th meeting where it was received with general support. There were some concerns expressed regarding their allowance in the B-1 District

with regards to parking and proximity to residential properties; therefore staff reduced their original proposal for the maximum size of a banquet facility from 5,000 sq. ft. to 4,000 sq. ft.

The Code lists it as a use but does not define it, so as part of this text amendment, we will use this commonly used definition of ‘Banquet Facility’ which will be incorporated in the text amendment.

BANQUET FACILITY: “A facility that is available for lease for private events including, but not limited to weddings, anniversaries, corporate or family parties and other similar celebrations. Such use may or may not include on-site kitchen or catering facilities”.¹

When analyzing any text amendment, we are cautious not to amend the code for any single circumstance that can be carried elsewhere. Staff saw that there was a flaw in the Code and addressed it. Staff looked at the Code and tried to address it. The only two uses thought to be considered at the time were private clubs, lodges and meeting halls yet neither provided the adequate direction for the placement of banquet facilities in the various business districts. After much debate, it became obvious that it needed to be addressed as a distinct use with distinct characteristics that may or may not be compatible with other zoning districts.

The B-1 zoning district as defined is typically a neighborhood shopping center and is generally located on a corner surrounded by residential uses. It serves the immediate area with a lot of personal services. There are limited areas currently zoned B-1; the majority are located on 80th Ave and the intersections of 167th, 171st and 179th Streets and at the intersection of 171st and 88th Avenue—all of which are in close proximity to residential areas. The other parcel zoned B-1 is at the intersection of 159th Street and 76th Avenue (Bremontowne mini-mall). This property is unique in that it fronts one of our major commercial corridors (159th Street) which has a 4-lane cross-section but also close to residential. The Commission will want to be assured that there is no overflow parking in residential neighborhoods as a consequence of approving a banquet facility. Staff is recommending any facility located in the B-1 be limited to 4,000 sq. ft. in size and a Special Use.

The B-2 zoning district offers a wide variety of related retail-type businesses with larger shopping centers. The only area zoned B-2 in Tinley Park is the area fronting 159th Street between Harlem and Oak Park Avenues. This area includes the Bremontowne Mall (Menard’s) and Tinley Plaza (Walt’s). Both properties front major commercial corridors (159th Street and Harlem Avenue). These properties were developed as Planned Unit Developments (PUD), which provide additional flexibility with zoning regulations. Staff recommends this also be Special Use provided the use will occupy a structure no greater than 7,500 sq. ft.

The B-3 zoning district is designed to accommodate a wide range of specialized commercial uses, including highway-orientated services and commercial types of establishments. These do have a lot of parking with people coming and going. The Village has several areas zoned B-3 which are primarily located along major transportation systems, such as LaGrange Road and Harlem Avenue. These properties are typically larger and have been developed as part of a larger center or PUD such as Brookside Marketplace or the Convention Center. There are several large vacant properties zoned B-3 including property along LaGrange Road at 183rd Street, south of I-80 and east of Harlem Avenue and the area on the south side of 191st Street at 80th Avenue. There are also some large vacant buildings that are zoned B-3 such as the K-Mart building on Harlem Avenue. Staff is comfortable to recommend this a Permitted Use provided the use is located in a stand-alone structure and is no greater than 30,000 sq. ft. A Special Use will be required for Banquet Facilities in the following situations: Located in multi-tenant structures and are less than 30,000 sq. ft. in size or are greater than 50,000 sq. ft. in size.

The B-4 zoning district is intended for areas used primarily to provide office space for service-type businesses. The majority of the areas zoned B-4 have been developed with office uses (with the exception of Rubino’s Plaza at Oak Park Ave and 167th) and are located along Harlem Ave at 163rd, 167th, and 171st Streets and along LaGrange Rd at 175th Street. There are no significant vacant parcels zoned B-4. Staff is recommending Banquet Facilities be allowed in the B-4 District as a Special Use provided the use will occupy a structure no greater than 4,000 sq. ft.

The B-5 zoning district is intended to provide areas for automotive service and related types of uses. Staff recommends Banquet Facilities be prohibited in the B-5 District.

Legacy Code is intended to be used in conjunction with the Legacy Plan, which establishes a clear vision and preferred urban design arrangements for the downtown and beyond. The Legacy Code implements the Legacy Plan by codifying Tinley Park's vision with a purposefully specific and precise form-based approach. Staff recommends Banquet Facilities be prohibited in the Legacy District at this time.

Staff has conducted preliminary research on parking requirements for *Banquet Facilities*. Orland Park and Oak Brook require 1 space/100 sq. ft. of banquet use. The American Planning Association cites parking requirements for several communities in their publication *Parking Standards*, American Planning Association, Planning Advisory Service (PAS) Report 510/511 with ranges from 1 space/100 sq. ft. to 1 space/200 sq. ft. Some communities base their requirements on seating capacity, however unless it is fixed seating this number will fluctuate and is difficult to enforce. Parking requirements are often the issue that can impact adjacent uses in a negative way; therefore staff believes that parking requirements must reflect the context of the area and ensure that adequate on-site parking can be accommodated in those districts most adjacent to residential uses.

By design the proposed text amendments limit the size of a Banquet Facility depending on the district it is located. According to various websites, there are "calculators" provided to determine the necessary room size based on the number of guests at a banquet. Ratios range between 15-20 sq. ft. of banquet room space needed per seated guest. Staff used this information along with the size limitations proposed in each zoning district to determine an appropriate parking ratio for Banquet Facilities per district. Staff is recommending greater parking requirements for those districts in close proximity to residential uses and less requirements in the more intense business districts that have opportunities for shared parking.

Staff recommends a parking requirement of 1 space/100 sq. ft. in the B-1 and B-4 districts, and 1 space/200 sq. ft. in the ORI, M-1 Districts and 1 space/200 sq. ft. in the B-2 and B-3 provided there is shared parking opportunities with adjacent uses. If shared parking opportunities are not available in the B-2 and B-3 districts then parking is required at the higher rate of 1 space/100 sq. ft.

CHAIRMAN GRAY asked for comments for the Commissioners.

COMMISSIONER FIELDER inquired if any business that opens a banquet facility should have a business plan as a requirement. In the B-3 zoning district where it could be permitted, is there a way to limit the distance from residential. Ms. Clarke replied she would look into it.

COMMISSIONER VICK agreed it is good to add the text amendment.

CHAIRMAN GRAY concurs with the Commissioners.

This will proceed to the Public Hearing at the August 1, 2019 Plan Commission Meeting.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES
FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION
SUBJECT: MINUTES OF THE JULY 18, 2019 REGULAR MEETING

Item #4 PUBLIC HEARING: MASONRY REQUIREMENTS FOR MULTI-FAMILY, COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS – TEXT AMENDMENT

Consider Text Amendments amending Section V.C.4. (Elevations and Facades), Section V.C.7 (General Requirements/All Business & Commercial Districts) and Section V.C.10 (Site Development Standards for Industrial Uses) of the Zoning Ordinance to incorporate masonry requirements for residential, commercial and industrial zoning districts.

Present were the following:

Plan Commissioners: Garrett Gray, Chairman
Eduardo Mani
Stephen Vick
Lucas Engel
Angela Gatto
James Gaskill
Curt Fielder

Absent Plan Commissioner(s): Tim Stanton,
MaryAnn Aitchison

Village Officials and Staff: Kimberly Clarke, Community Development Director
Dan Ritter, Senior Planner
Douglas Spale, Village Attorney
Barbara Bennett, Commission Secretary

Guests: None

Staff has requested that this Public Hearing be continued to the August 1, 2019 Plan Commission meeting in order to finalize the research and better prepare the recommendations.

Motion was made by COMMISSIONER ENGEL, seconded by COMMISSIONER GASKILL to continue the Text Amendments amending Section V.C.4. (Elevations and Facades), Section V.C.7 (General Requirements/All Business & Commercial Districts) and Section V.C.10 (Site Development Standards for Industrial Uses) of the Zoning Ordinance to incorporate masonry requirements for residential, commercial and industrial zoning districts to the August 1, 2019 Plan Commission Meeting.

AYES: ENGEL, MANI, GATTO, GASKILL, FIELDER, VICK AND CHAIRMAN GRAY

NAYS: NONE

CHAIRMAN GRAY declared the Motion unanimously approved.

GOOD OF THE ORDER:

Kimberly Clarke, Community Development Director noted:

1. Ms. Clarke welcomed the two new Commissioners: James Gaskill, who comes from the Zoning Board of Appeals and Curt Fielder, who previously worked on ECC.
2. Harmony Square is moving forward with the Site Plan. The subcontractors are moving forward for the specific work. They are working towards an early 2020 bid with a spring 2020 groundbreaking. The Architect is under contract and they have initiated some concepts for stage and building design. They are working with the acoustic engineer for sound design. In the fall, we will be presenting the Plaza Committee and CD Committee with status reports. They have hired some companies for lighting around the rink and security cameras. There are concept plans for the fountain design. The North Street pavers have started with crosswalks to look like piano keys. The Plaza will be rezoned for Civic Use. There is still a piece of property that will need to be acquired. The Plaza will be tied with the Encore project. That is scheduled come to the Plan Commission on September 5, 2019. The Plaza Committee will be meeting again in August.
3. South Street project (The Boulevard at Central Station) has their MWRD permits, which is a large hurdle. Will start more meetings on this with them as they prepare to pour the foundation.
4. July 23, CD Committee will see Lenny's Gas Station on Harlem Ave, petitioning to annex and for a special use. Text Amendment to zoning code for a Racino. The Mental Health Center is a serious candidate for that project. The Text Amendment will come before the PC on August 1 for workshop and August 15 for public hearing.

COMMENTS FROM THE COMMISSION

None at this time.

PUBLIC COMMENT:

None at this time.

ADJOURNMENT:

There being no further business, a Motion was made by PLAN COMMISSIONER FIELDER, seconded by PLAN COMMISSIONER VICK to adjourn the Regular Meeting of the Plan Commission of JULY 18, 2019 at 9:40 p.m. The Motion was unanimously approved by voice call. PLAN COMMISSION CHAIRMAN GRAY declared the meeting adjourned.