



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

August 15, 2019

The Regular Meeting of the Plan Commission was held in the Council Chambers of Village Hall on August 15, 2019 at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Plan Commissioners: Garrett Gray, Chairman
Tim Stanton
Eduardo Mani
Lucas Engel
Angela Gatto
MaryAnn Aitchison
James Gaskill
Curt Fielder – Arrived at 7:26
Stephen Vick

Absent Plan Commissioner(s): None

Village Officials and Staff: Kimberly Clarke, Community Development Director
Paula Wallrich, Planning Manager
Michael Mueller, Village Trustee
Douglas Spale, Village Attorney
Patrick Connelly, Village Attorney
Barbara Bennett, Commission Secretary

CALL TO ORDER

PLAN COMMISSION CHAIRMAN GRAY called to order the Regular Meeting of the Plan Commission for August 15, 2019 at 7:00 p.m.

COMMUNICATIONS

KIMBERLY CLARKE, COMMUNITY DEVELOPMENT DIRECTOR noted the agenda will be modified. Item #1 will be the Racino. CHAIRMAN GRAY noted the meeting will be adjourned no later than 10:15 due to a planned power outage.

APPROVAL OF MINUTES

Minutes of the August 1, 2019 Regular Meeting of the Plan Commission were presented for approval. A Motion was made by COMMISSIONER GASKILL, seconded by COMMISSIONER AITCHISON, 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 AUGUST 15, 2019 REGULAR MEETING

Item #1 PUBLIC HEARING: RACINO ENTERTAINMENT COMPLEX USE ADDITION – TEXT AMENDMENT

Consider Text Amendments amending Section II.B (Definitions) and Section V.B. (Schedule of Regulations) of the Zoning Ordinance to incorporate a Racino Entertainment Complex use. The purpose of this amendment is to add a definition and to modify the schedule of use regulations to allow a Racino Entertainment Complex in the Office and Restricted Industrial District (ORI) as a Permitted Use.

Present were the following:

Plan Commissioners: Garrett Gray, Chairman
Tim Stanton
Eduardo Mani
Lucas Engel
Angela Gatto
MaryAnn Aitchison
James Gaskill
Curt Fielder – Arrived at 7:26
Stephen Vick

Absent Plan Commissioner(s): None

Village Officials and Staff: Kimberly Clarke, Community Development Director
Paula Wallrich, Planning Manager
Michael Mueller, Village Trustee
Douglas Spale, Village Attorney
Patrick Connelly, Village Attorney
Barbara Bennett, Commission Secretary

Guests: None

A motion was made by COMMISSIONER ENGEL, seconded By COMMISSIONER GATTO, to open the Public Hearing for Racino Entertainment Complex Use Addition – Text Amendment. 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.

Kimberly Clarke, Community Development Director gave a presentation as noted in the Staff Report. ~~With the recent gaming bill that will support and enhance the Illinois Horse racing industry~~ Staff is proposing a text amendment to the Tinley Park Zoning Ordinance, Section II.B (Definitions) and Section V.B (Schedule of Regulations) for a Racino

Entertainment Complex due to the recent gaming bill that will support and enhance the Illinois Horse racing industry. The purpose of the ~~is~~ amendment is to add definitions and to modify the schedule of use regulations to permit a Racino Entertainment Complex in the Office and Restricted Industrial District (ORI) as a Permitted Use. The Mayor ~~and~~ Village ~~and~~ Board have expressed an interest in entertaining the possibility of obtaining a horse track in the Village. The Bill provides for one racetrack to be located in either Bloom, Bremen, Calumet, Orland, Rich Thornton or Worth Townships. Tinley Park Mental Health Center (TPMHC) is a site being considered for the construction of a new racetrack and combined Casino. As part of the gaming application process the Village must demonstrate a racetrack and casino are permitted uses within the Zoning Code. Listing such uses ~~as~~ a permitted use will not automatically approve such development. The development will be required to go through the necessary site plan approval process to critically analyze the design and impacts to the community.

Ms. Clarke presented the following definition ~~Staff is suggesting a revised definition~~ to further articulate what is meant by a Racino Entertainment Complex:-

Racino Entertainment Complex: *A racetrack combined with a casino and other similar and compatible uses included but not limited to spectator events conducted outdoors in open or partially enclosed facilities as a for-profit enterprise which typically charges an entrance fee.*

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Ms. Clarke also noted ~~it~~ is the desire of the Village to allow a Racino ~~and that~~, the Village has two options on how they can permit the use. The easiest way is to list it as a permitted use in the Zoning Code. Currently As of right now, the only viable location within the Village's boundaries is the Tinley Park Mental Health Center (TPMHC) site. This property is approximately 280-acres in size and is zoned Office and Restricted Industrial District (ORI).

Mr. Patrick Connelly, Village Attorney, noted he has worked with staff to revise the definition. The application for race dates has been submitted by the developer and is before the Illinois Horse Racing Board. If and when the Illinois Horse Racing Board ~~would~~ grants a license to the developer, more plans ~~would~~ start to come into fruition. The main reason for the proposed definition is for a horse racing track which is the ~~The~~ intent and primary ~~purpose~~ of the ~~B~~ bill passed by the ~~S~~ state ~~is for a horse racing track~~.

CHAIRMAN GRAY asked for questions from the Commissioners.

COMMISSIONER GASKILL inquired as to what type of horse racing this is for. Attorney Connelly replied this is for ~~standard bed horse racing known as~~ harness racing.

COMMISSIONER STANTON inquired as to what other race tracks are in the area. Attorney Connelly replied there is Hawthorne in Stickney, Arlington in Arlington Heights and one down state in Fairmont. Most of these are thoroughbred racing. Part of this bill is to reinvigorate the harness racing industry.

CHAIRMAN GRAY asked for comments from the audience.

Camille Tess inquired if the Village would be voting on this in the future. Attorney Connelly replied there will be no referendum, but there will be a Public Hearing on any proposal for a track.

Ken Shaw noted he would like to express his support for this concept if it is done correctly and tastefully.

A motion was made by COMMISSIONER STANTON, seconded By COMMISSIONER GASKILL, to close the Public Hearing for Racino Entertainment Complex Use Addition – Text Amendment. The Motion was approved by roll call. CHAIRMAN GRAY declared the Motion approved.

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

NAYS: NONE

CHAIRMAN GRAY declared the Motion unanimously approved

Motion 1: A motion was made by COMMISSIONER STANTON, seconded by COMMISSIONER GASKILL to recommend that the Village Board approve Text Amendments to Section II.B (Definitions) and Section V.B. Schedule I (Schedule of Permitted Uses) of the Village of Tinley Park Zoning Ordinance as indicated in Staff's most recent staff report dated 8/15/2019 as amended. The proposed Text Amendments ~~would~~ create a new definition for "Racino" in Section II (Definitions) and amend portions of Section V.B. Schedule I to allow "Racino" as a ~~P~~ermitted ~~U~~se in the Office, Restricted and Limited Industrial (ORI) Zoning District.

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

NAYS: NONE

CHAIRMAN GRAY declared the Motion unanimously approved.

Motion 2: A motion was made by COMMISSIONER GATTO, seconded by COMMISSIONER ENGEL to recommend that the Village Board approve Text Amendments to Section V.D.3 Rich Township Entertainment and Tourism Overlay District of the Village of Tinley Park Zoning Ordinance as indicated in Staff's most recent staff report dated 8/15/2019. The proposed Text Amendment would amend paragraph A.3. Uses to list a "Racino" as a ~~P~~ermitted ~~P~~rincipal ~~U~~se in the ~~Rich Township Entertainment and Tourism Overlay District~~ ~~overlay district~~.

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

NAYS: NONE

CHAIRMAN GRAY declared the Motion unanimously approved.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES
FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION
SUBJECT: MINUTES OF THE AUGUST 15, 2019 REGULAR MEETING

Item #2 **PUBLIC HEARING: JAMES VROEGH/PARK OAKS COMMERCIAL CONDO ASSOCIATION BUILDING ADDITION, 17322 OAK PARK AVENUE – SITE PLAN AND VARIATIONS**
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
Tim Stanton
Eduardo Mani
Lucas Engel
Angela Gatto
MaryAnn Aitchison
James Gaskill
Curt Fielder – Arrived at 7:26
Stephen Vick

Absent Plan Commissioner(s): None

Village Officials and Staff: Kimberly Clarke, Community Development Director
Paula Wallrich, Planning Manager
Michael Mueller, Village Trustee
Douglas Spale, Village Attorney
Patrick Connelly, Village Attorney
Barbara Bennett, Commission Secretary

Guests: Thomas Courtney, Petitioner Attorney
James Vroegh, Petitioner

A motion was made by COMMISSIONER GATTO, seconded By COMMISSIONER ENGEL, to open the Public Hearing for James Vroegh/Park Oaks Commercial Condominium Association Building Addition located at 17322 Oak Park Avenue. 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.

Kimberly Clarke, Community Development Director gave a presentation as noted in the Staff Report.

Ms. Clarks noted ~~(This is a continued hearing from the August 1, 2019 Plan Commission Meeting. The Petitioner, Dr. James Vroegh (Authorized Agent), on behalf of Park Oaks Commercial Condominium Association (Owner) is seeking Variations to permit the construction of a 376 sq. ft. 1-story addition of 23.5 feet by 16 feet in size on the existing patio area of 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.~~

Ms. Clarke noted there were comments in favor of the request at the last meeting noting that there was not much left that could be done with this space if there was not an addition to the building. There were also other comments ~~were~~ that expressed there was concern about the one-story addition and how it looked on the streetscape and that it was not in compliance with the Legacy Code requirements. At the last meeting ~~(The Commission requested/asked~~ the applicant to go back and make some revisions. Ms. Clarke displayed renderings of the revisions including that have been made to the plans. ~~The main a~~ change to is the roof line. The addition was also setback from the adjacent building and there were also ~~comments on setting back the building slightly. It is now~~ approximately 2 feet ~~set back~~ to align more with the next door Wyman's storefront. She noted that the ~~The~~ roof parapet does appear to block the view from the two windows on the second floor residential unit. She recommended ~~(The Commission should further~~ discuss this further and noted that there should be an opportunity for the residential unit owners to comment on it since they were not aware of this change in roof design that has potential to block their view. ~~They were notified and none have notified the Village.~~

The building setback is noted in the revised rendering but the site plan was not updated. The revised dimensions of the addition is now 22 feet by 16 feet resulting in a total area of giving it 352 sq. ft. in size. This also changes the variation for the commercial space depth. They have also added a door on the south side of the addition that would ~~opens~~ up into the alley.

Ms. Clarks noted that the Commissioner's had questioned if approval of this Variation ~~There were comments on how this~~ could be applied to other properties in the downtown. This list was not compiled ~~but because it would essentially it~~ could include every property in the downtown. Some properties with similar conditions are Springfort Hall and the PASS/Crack the Code building, existing historic buildings such as Ed & Joes, Holstein's, Teehan's and Mickey's as well as future developments such as The Boulevard at Central Station, Bremen Station and Encore Crossing (North Street).

Ms. Clarke displayed renderings of how the addition will look in relation to adjacent buildings ~~respect to the streetscape.~~ She also presented ~~showed~~ a view of the parapet of the roof front to back. The floor plan will house a break room, an exam room and a dispensary.

CHAIRMAN GRAY asked for comments from the Commissioners.

COMMISSIONER AITCHISON noted she liked the new renderings. She does not like the view being obstructed for the residential unit. The biggest objection is the ownership of the area. If the Petitioner was able to own this spot, she would be more apt to be open to the idea.

COMMISSIONER GASKILL noted he does not think it is a good use of the property. He does not think the addition looks nice. The setback of the building looks worse than it did before. It looks more like a shed.

COMMISSIONER STANTON doesn't think it looks that bad. He would like to see the gangway have getting an agreement for maintenance. He inquired if Dr. Vroegh got formal approval from the homeowners and the businesses in the building. He also asked if he does not get approval for this addition, would he be moving his business out of Tinley Park. Dr. Vroegh replied there is unanimous approval from the residential units and 3 of ~~the 4~~ approved from the businesses. Dr. Vroegh replied that currently the over flow ~~throw~~ patients are being sent to Orland Park and he would continue to do that. COMMISSIONER STANTON inquired if there would be additional cost to the other owners in the building. Dr. Vroegh replied it would not increase the taxes and he did not want to have ownership and have an appraisal of the property down ~~because it could trigger a entire building that would make the property tax increasing.~~ He stated that he doesn't want to go through an ownership change for this reason. This is why we want to do it this way.

CHAIRMAN GRAY noted the Limited Common Element is owned by the 4 commercial owners. Dr. Vroegh noted that is correct. He also noted he does not want to block the windows above.

COMMISSIONER ENGEL likes the drawing showing the streetscape and it gives a better perspective. He does not like the addition of the door to the alley. Dr. Vroegh replied he also does not prefer the door.

COMMISSIONER MANI noted he like the additional setback. This is still against the Legacy Code and it sets a precedent.

COMMISSIONER VICK likes the new drawings. The biggest problem is setting the precedence. This looks weird and does look like a shed.

COMMISSIONER GATTO agrees with the other Commissioners about the ownership. She had previous experience with this. She has read the 1st amendment declaration of the Condo Association. Not one owner signed this and it was not filed with the Recorder of Deeds. Mr. Courtney replied this was an action of the Board of Directors and does not require each individual to sign it. The Board members have the power to amend. He would like to address the ownership issue. A condo owner only owns a percentage of the building. The occupancy under the law grants separate use for each of the spaces. Any condo building has separate reassigned spaces. The owners buy their air space and have the right to do things inside the unit. This space could have been completed as part of the commercial units. Dr. Vroegh already owns an interest in the footprint, just like he does of the common elements that he occupies.

CHAIRMAN GRAY noted that from the bylaws of the Park Oaks Condominium Association, Article III #4, Transfer of Common Limited Elements, - states the use of the Limited Common Elements may be transferred between unit owners at their expense provided that the transfer may be made only in accordance with condominium instruments and provisions of the act. Each transfer shall be made by an amendment to the declaration executed by ALL unit owners who are party to the transfer and consent to by ALL the units who have the right to use the Limited Common Elements affected.

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On the last page it states the Board of Directors of the Park Oaks Commercial Condominium and the consent of ALL the owners of the condominiums, herein referred to as the Association. He agrees with some of the Commissioners that you do not have the consent of all the Commercial owners.

CHAIRMAN GRAY read a letter to the Commission dated August 15, 2019 from Chiropractic Wellness of Tinley Park.

To Whom It May Concern:

I am the owner of the business condo unit at 17314 Oak Park Avenue. I am a chiropractor with a practice that operates out of the above location. I have been approached multiple times by Dr. James Vroegh, as well as his attorney, Thomas Courtney, in attempts to persuade me to approve an addition being built on our building's common element.

I am strongly opposed to this construction taking place for several reasons. I am concerned about parking, the appearance of the addition, and an increase in my property taxes.

Parking is already limited in our shared public parking lot, which is owned by the Village of Tinley Park. I am concerned that extra retail space will created a bigger demand for parking, which is already limited at times due to the building's upstairs resident, the businesses in the building and especially the customers of Ed and Joes.

I am also very concerned about the appearance of our building being altered. In my opinion, a three story building should not have a one-story addition on one side. It is also my understanding that the Legacy Code of Tinley Park prohibits the construction of new one-story buildings in the Downtown area of Oak Park Avenue.

The proposed building addition would be placed on the common element of our building. According to our business condo association bylaws (which he just read), this common element belong to all four condo owners. An increase in building square footage will cause an increase in taxes. I am unwilling to be held responsible for any additional tax expense. Dr. Vroegh has announced his retirement within the next year or so, and I am not interested in assuming any financial burden that he may leave me with when he leaves his practice.

I firmly oppose the construction of any structure being built on our building's common element.

Thank you,
Dr. Jeffrey R. Hoekstra
Chiropractic Wellness of Tinley Park

~~Mr. Courtney CHAIRMAN GRAY~~ noted with that said they are not transferring Limited Common Elements so the signatures are not necessary. In the declaration there are two permissions that establish the right to improve that. In the declaration for the space in particular for improvements it actually contemplated improvements ~~to~~ the Limited Common Element. ~~He noted they~~We took it a step further and felt it was important to have the owners on board to know what is going on and the bylaws were amended. Dr. Vroegh already owns these Limited Common Elements. He has exclusive right. He could put a wall up around those Limited Common Elements. Dr. Hoekstra talked about added tax on parking and all they are going to do is enhance their current space. They are doing nothing to add employees. In terms of scheduling there is no additional impact. When you look at the building, the beauty is in the eye of the beholder. The architect did a significant change to the flat roof and it is not my job to comment on how it looks and what it was before. The window issue causes no decrease in the amount of light that goes to that unit. Yes the view is partially obstructed, but we don't know if there is any adverse effect on the ownership. The residential owners unanimously consented. We do not need everyone to sign the amendment, we only need the Board of Directors action on it. We respectfully submit that we don't need the consent of all the owners.

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CHAIRMAN GRAY noted that in the workshop it was discussed that it would be cleaner if Dr. Vroegh was able to purchase that property. This way, down the line if any of the other ~~three~~ owners, who own 25% equally, would change ~~it wouldn't be a problem~~. ~~It could be a problem if y~~You have a common element that ~~others~~they own a part of ~~and they~~ want to have a different use for it.

Mr. Courtney replied that they cannot do that. Condominium law assigns a Limited Common Element unless the bylaws are amended by all the owners, so they would not have any right to control it. That space would be owned and controlled exclusively by the adjoining unit. This would be correct if they were transferring it, but it is locked forever in the ownership of that unit.

CHAIRMAN GRAY inquired what the purpose was to send out a letter in October to all the owners to get signatures. Mr. Courtney replied he did not send it out to get signature. He only sent a letter to make them completely informed. There are no ~~residential~~ owners here tonight. ~~He stated further that~~ Dr. Hoekstra's letter parrots what the Plan Commission is saying.

~~On the other hand, in terms of any tax changes, he did not want the building to be reassessed. If we transfer ownership or amend the floorplan and file an amendment to the survey, it will cause a reassessment. What we are doing will not. If the assessor looks at this unit now based on the floor area, there is nothing to prevent the assessor from now increasing the floor area and increasing the assessment on this unit. We don't want to record this area because it will trigger and will result in a reassessment. We hope you understand that this is simple the use of space by enclosing it, nothing else.~~

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COMMISSIONER GATTO noted she understands that Dr. Vroegh has already sold the practice ~~and plans to retire in a year~~. Mr. Courtney replied this is not common knowledge. Dr. Vroegh replied he sold the practice to Dr. Rosen ~~but~~and he is not retiring in one year.

COMMISSIONER GASKILL noted that the Applicant stated they said this addition would have no impact on traffic or parking because he is just using this for his own personal use of the business. However hHe wants the room to bring clients in so he does not have to send them to Orland Park. He stated this is conflicting. Dr. Vroegh replied the parking is not an issued as long as the people taking the train do not park in our lot. There is a line of cars using the lot and taking our parking up. Ideally we will get more patients but it will not be an issue if the people running to the train did not park there. Mr. Courtney replied the additional parking resulting from this addition would be minimal.

Ms. Lisa Laferre, Office Manager explained the need for the extra room. There is a machine that is called an OPTEST Machine that we use for imagery. We need the room for the use of this machine so patients will not have to wait. This will make the flow work better with the use of another room. We will be able to see more patients.

Ms. Clarke noted that when we receive a building permit, it is sent to the county and wouldn't that then cause an assessment as part of an addition to the building. Mr. Courtney replied that Common Elements are not taxed with the value of the land, they are taxed in the unit price itself. Those assessments share 25% of the unit itself, so in this case the assessment would share 25% of the value of the real estate. In this case the use of the Limited Common Elements is only going to impact the value of the unit. In this case Vroegh is paying about 30% of the lowest assessed unit out of the four units. This is an anomaly and it shouldn't happen but the assessor may have done it because he has an outside wall. This will not affect other owners. Paula Wallrich, Planning Manager replied that the building will have to have a new assessment as it is new construction. Mr. Courtney replied this will be like any other addition. If you put an addition on your house, they do not reassess it. In terms of cycle, your building permit would increase the value of this unit. There is no separate tax ID for this Limited Common Element. Ms. Wallrich noted she felt it will increase the taxes. Mr. Courtney replied most likely only for this unit, not the whole building.

CHAIRMAN GRAY noted he said "most likely". One of things we heard from the dissenter was that he was worried about the increase in taxes. There are no assurances unless you want to put something in writing and even then it would not be a wise thing to do. Mr. Courtney replied there are only two things in life that are true, death and taxes. It may not be fair but these unit owners will pay an assessed valuation of the fair market value that the assessor sees on their unit and will be taxed accordingly. This addition is like any addition and will be added on to this unit. When the assessor comes out he will most likely reassess this unit and will not have to reassess the other units. Yes the building permit will trigger a look at the assessed valuation. They will look at the amendment also and he would expect that this will not impact the other units.

COMMISSIONER FIELDER inquired if they have had any conversations with the assessor. The south suburbs will be reassessed within the next year. The reassessments of the properties on the north side have seen a large increase. They have been increased between 30% and 70% of the assessed value. He understands the concerns of the increased taxes irrespective if this goes through. He does not feel that Mr. Courtney can say this will not affect the other owners. If every owner has 25% interest then they have 25% responsibility on the taxes. If the assessor disagrees with the interpretation and decides to do it that way, he can.

COMMISSIONER FIELDER noted he was concerned about what other properties in the downtown doing the same thing. Just about every building on Oak Park Avenue could do this. Teehan's is tearing down their addition to comply with the code and then we will switch back and with this limited circumstance, sets a precedence and will start to creep into other buildings. We want businesses to expand but not at the expense of our downtown area. This is not something that should take place as it will cause problems down the line. Mr. Courtney replied this is a tiny footprint that could have been part of the original building. When you look at the drawing you will see it is an extension of the building foundation that is not improved and will not open the floodgates. This is a unique circumstance trying to develop the building that is already there. This predates the Legacy Code.

Ms. Clarke replied any new addition has to comply with the code and this is why they are asking for the Variations.

CHAIRMAN GRAY echoes the comments to not set a precedence.

CHAIRMAN GRAY asked for comments from the Public.

Ken Shaw commented that staff did an excellent job of outlining the major concerns are. Many of the issues are not relevant to the Plan Commission. There is more than enough to show it would be a complete disservice to the community if the Plan Commission voted to recommend approval. The ownership issue is not relevant to the Legacy Plan. If this ~~is~~ project is recommended it would be a giant step backwards from the Legacy Plan. There are flaws in the Legacy Code but the Legacy Plan is solid. Taxes are not relevant. Parking is not relevant because the Legacy Code does not require any parking. The Plan Commission should be thinking more in consistency rather than precedence. Staff has done an excellent job of siting the Legacy Plan in the staff report. The Plan Commission must think long term. Enclosing the patio area is a net negative for the community and the downtown core. The Variations will alter the downtown core. This does not meet a single Standard for Variations. Everything is in the staff report.

COMMISSIONER STANTON mentioned that the patio area is not being maintained by the Village. Ms. Clarke replied that the patio does not belong to the Village and it is the pathway between the buildings. Mr. Shaw replied this is a property maintenance issue.

CHAIRMAN GRAY noted he agrees with many of Mr. Shaw's comments.

Kathy & Dan Wyman noted they are the business owner next door and feels the patio area has never been maintained other than by them. We are getting business from them. This is a wonderful idea for a business to expand. We understand the concerns, but we would hate to see a business leave the community. There will still be ample space to walk back between the buildings and it will be lighted. No one uses ~~ed~~ this space. All the other people in the building are for this except for the one.

A motion was made by COMMISSIONER STANTON, seconded By COMMISSIONER fielder, to close the Public Hearing for James Vroegh/Park Oaks Commercial Condominium Association Building Addition located at 17322 Oak Park Avenue. The Motion was approved by roll call.

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

NAYS: NONE

CHAIRMAN GRAY declared the Motion unanimously approved.

Ms. Clarke went through the 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;
 1. *The proposed improvement does not meet the intent of the Legacy Plan or its principals.*
- 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.
 1. *The improvement is not compatible with planned improvements in the downtown core that include the development of a street wall and removal of other one-story additions that do not accomplish the Legacy Plan's vision or principals.*
- c. Any improvement meets the architectural standards set forth in the Legacy Code.
 1. *While the addition extends the existing first-story architecture, the addition does not meet the architectural principals due to the minimum requirement of a three-story building along the primary frontage. While the addition of the roof element addresses concerns of the Commission regarding a*

consistent roof line it raises additional concerns regarding blocking or negatively impacting the view from the residential condo above the Vroegh Family Eye care unit.

- d. The improvement will have the effect of protecting and enhancing the economic development of the Legacy Plan area.
 1. *The resulting tenant space will be utilized by the existing staff to have separate offices and a break area. While it may create a better working environment, the addition will not add additional visitors or tax generation as proposed. The space will remain under ownership of the Condo Association and will not be usable by a different tenant due to lack of separate utilities, entrances, restrooms and the small amount of space*

Ms. Clarke 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.
 - a. *The property in question can yield a reasonable return meeting the current regulations. The property was originally constructed as it exists today, with a patio area that is in compliance with the Code and the intent of the original plan. The Petitioner purchased this property at market rate with the patio existing as a limited common element.*
2. The plight of the owner is due to unique circumstances.
 - a. *Condo ownership is not a unique circumstance as it can be applicable to almost any building in the Village and Legacy District. The building was constructed with a uniform and intentional design along with the existing patio area to remain under common association ownership. The Variations are not connected with any unique physical property characteristics.*
3. The Variation, if granted, will not alter the essential character of the locality.
 - a. *The Variations if granted will alter the character of the Downtown Core and will not be consistent with recently approved and proposed projects within the district. The proposed addition does not comply with a number of the characteristics and goals outlined in the Legacy Plan, including the development of a consistent street wall along Oak Park Avenue.*
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.

Motion 1 (Site Plan) - COMMISSIONER FIELDER, seconded by COMMISSIONER AITCHISON made a motion to grant the Petitioner, James Vroegh (Petitioner), on behalf of Park Oaks Commercial Condominium Association (Owner), Site Plan Approval to construct an approximately 352 sq. ft. one-story addition on an existing three-story Park Oaks Condominium mixed-use development located at 17322 Oak Park Avenue in the DC (Downtown Core) Zoning District, in accordance with the plans submitted and listed herein and subject to the following conditions:

- a) A Landscape Plan be submitted indicated all existing and proposed landscaping. Installation of a parkway tree as required by the Legacy Code and Village's streetscape plan shall be indicated on the plan.
- b) The engineering plans indicate placement of sidewalk at the location of the existing parkway tree in compliance with the Village Engineer's standards for public sidewalks.
- c) Plans are revised to install adequate lighting along the south side where an alley will be created in compliance with the Village lighting standards.
- d) Plans shall be revised to indicate a two foot setback of the front façade along Oak Park Avenue with updated grading and site plans.
- e) All final staff review and engineering comments shall be addressed.

AYES: STANTON, ENGEL

NAYS: MANI, GATTO, GASKILL, FIELDER, AITCHISON, VICK AND CHAIRMAN GRAY

CHAIRMAN GRAY declared the Motion DECLINED.

Motion 2 (Variations) - COMMISSIONER ENGEL, seconded by COMMISSIONER STANTON made a motion to recommend that the Village Board grant five Variations, as listed in the August 1, 2019 Staff Report, to the Petitioner, James Vroegh (Petitioner), on behalf of Park Oaks Commercial Condominium Association (Owner), at the property located at 17322 Oak Park Avenue in the DC (Downtown Core) Zoning District, in accordance with the plans submitted and listed herein and adopt Findings of Fact as proposed by Village Staff and recommended conditions as listed in the August 15, 2019 Staff Report.

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 28 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 22 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".

Subject to the following conditions:

- a) No signage shall be allowed on the exterior of the proposed building addition.
- b) All final staff review and engineering comments shall be addressed.
- c) The condition space will not be used for storage.

AYES: STANTON, ENGEL

NAYS: MANI, GATTO, GASKILL, FIELDER, AITCHISON, VICK AND CHAIRMAN GRAY

CHAIRMAN GRAY declared the Motion DECLINED.

This will be heard at the September 3, 2019 Village Board Meeting.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION

SUBJECT: MINUTES OF THE AUGUST 15, 2019 REGULAR MEETING

Item #3 PUBLIC HEARING; LENNY'S GAS & WASH, 19420 HARLEM AVE – REZONING, ANNEXATION AND SPECIAL USE

Consider the application of, Leonard McEnery, for a map amendment rezoning property located at 19420 Harlem Avenue, from R-1 (Single Family Residential) to B-3 (General Business and Commercial District) with Special Uses to allow the continuation of the existing Automobile Service Station and Automobile Car Wash

Present were the following:

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

Absent Plan Commissioner(s): None

Village Officials and Staff: Kimberly Clarke, Community Development Director

Paula Wallrich, Planning Manager
Michael Mueller, Village Trustee
Douglas Spale, Village Attorney
Patrick Connelly, Village Attorney
Barbara Bennett, Commission Secretary

Guests: Leonard McEnery, Petitioner
Lyman Tieman, Attorney
Cass Wennlund, Attorney
Michael Werthmann, Traffic Consultant

A motion was made by COMMISSIONER STANTON, seconded by COMMISSIONER GASKILL, to open the Public Hearing for Lenny's Gas & Wash, 19420 Harlem Ave – Rezoning, Annexation and Special Use. The Motion was approved by roll call.

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

NAYS: NONE

CHAIRMAN GRAY declared the Motion unanimously 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.

PAULA WALLRICH, PLANNING MANAGER gave a presentation as noted in the Staff Report. Mr. Leonard McEnery, Lenny's Food N Fuel Harlem Avenue, LLC, has petitioned the Village of Tinley Park to annex his 4.87-acre parcel located at 19420 Harlem Avenue. Mr. McEnery is requested a rezoning his property upon y to B-3 (General Business and Commercial) and grant a Special Use Permit for the existing uses on the property (service station and the car wash).

This property did come before the Plan Commission in April 2018. The annexation, rezoning and special use requests were previously reviewed by the Plan Commission. At that meeting the Commission made the following recommendations to the Village Board:

1. Motion to deem the property unsuitable for annexation – Motion failed 4-4
2. Rezoning to B-3 – Motion passed 6-2
3. Special Use for a Service Station – Motion Failed 5-3
4. Special Use for a Car Wash – Motion Failed 5-3

The annexation and zoning entitlements were then reviewed by the Village Board at their July 17, 2018 meeting. A motion at the Village Board meeting authorizing the execution of an annexation agreement failed with a 3 to 2 vote, therefore, the project did not move forward. There are copies of the minutes from the previous meetings included in the packet.

Since that time the business has continued to operate as it exists today. The applicant continues to desire to come into the Village so he has resubmitted his application. There have been no substantial changes on the property and he has not suggested that there will be any changes to the property.

Ms. Wallrich displayed photos of the property as it exists showing the contiguity to the Village of Tinley Park. Immediately to the west is one single family home and to the north is a commercial property. The county property is surrounded to the south and Cook County is to the east.

The subject property is currently zoned C-2 (Local Commercial) in Will County. There are single family residential uses to the west of the subject parcel; those in Tinley Park are zoned R-2, (Single-Family Residential) those in Will County are zoned R-4 (Single-Family Residential). To the north there is an office in Tinley Park zoned B-4 (Office and Service Business) and another office use zoned C-2 (Local Commercial) in Will County. To the south the property is all in Will County with a bank zoned C-2 (Local Commercial). There is Tinley Park B-3 zoning along the Harlem Avenue corridor north of the subject property leading to the I-80 intersection. The Comprehensive Plan indicates commercial uses in this area. The car wash was built in 2017 and the gas station was built in 2015.

In considering the zoning assignment for this parcel, Staff considered both the B-3 (General Business and Commercial) District and the B-5 (Automotive Service District) District. After researching all permitted and special uses in both districts, Staff recommends a zoning of B-3 (General Business and Commercial) upon annexation with Special Use Permits for the Service Station and Car Wash. Even though a Service Station and Car Wash are permitted uses in the B-5 (Automotive Service District), there are other uses (auto repair, on-site repair, light equipment sales/rental, vehicle sales/rental) that are also permitted uses in the B-5 and special uses (Body Shop) that are not desirable uses in close proximity to residential uses.

The subject property is currently zoned C-2 (Local Commercial) in Will County. Staff analyzed the zoning districts to determine which zoning district is most appropriate and determined B-3 (General Business and Commercial) was more compatible with adjacent land uses.

Ms. Wallrich went on to discuss the issues that were part of the discussion with the original petition in 2018. One of the issues was the existing signs on the property. She noted that as part of annexation process the existing signs are rendered legal non-conforming. Essentially the property can be annexed with the signs as they exist even though they do not conform to Village code. At the previous meeting Mr. McEnery agreed to make some adjustments to the signs to bring the vast majority of signs into the conformance with the Village code. Ms. Wallrich then went over the existing signs and identified those that Mr. McEnery agreed to bring into compliance.

The chart below identifies signs that are not in conformance and Mr. McEnery’s proposal

	Sign Name	Deficiency	Mr. McEnery’s Proposal
A.	C-Store east	3 signs over limit, 28 SF over allowance(not counting 39.6 SF of changeable copy)	Remove 2 wall signs (“No Cook County taxes” and second “Dunkin sign”) Changeable copy sign on east façade to remain.
	C-Store north	Size is ok- changeable copy sign is prohibited	Agreed to remove changeable copy sign
B.	Car Wash - east	6 SF over limit	No change
C.	Car Wash -north	conforms	No change
	Car Wash -south	Size ok, 1 additional sign	Agreed to remove “Pet Wash” sign
D.	Gas N Wash Canopy – east	3.31 SF over limit	No change
	Gas N Wash Canopy- N & S	conforms	No change
E.	Car Wash Canopy	conforms	No change
F.	Truck Canopy/Directional signage	2.33 SF over or considered directional	No change

G.	Car Wash-Monument	Size is ok, 10" too tall; changeable copy is prohibited	No change
H.	Gas N Wash Monument	1'10" too tall; size is ok, Changeable EMC is ok	No Change

At the workshop there was discussion regarding allowing the manual changeable signs. The Village did allow them for some time. Ms. Wallrich displayed photos of other manual changeable signs that exist today in the Village. The do exist and we do not allow them new.

The site is well maintained with improvements since the last submission. Staff's presentation continued noting the landscape architecture was done in conformance with the Will County code. The buffer yard to the west between the subject parcel and the single-family homes exceeds the Village's landscape requirements. The buffer yard is 119 feet wide exceeding the maximum buffer yard requirement of 60 feet. While the planting standards are different between the County and the Village, the eight foot brick wall reduces the Village's requirements by 50%. Ms. Wallrich displayed photos of 22 evergreen trees along the east side of the neighboring residential properties on the west side of the brick wall. Some of the street trees have died and these replacements are included as a condition in the annexation agreement.

Will County's Transition Yard	Tinley Park Bufferyard 'D'	Existing Transition Yard
10 Feet wide	30-60 feet wide	119 Feet
Offers 3 options for screening: A. Provide a landscape area with a certain amount of trees. B. Landscape area plus a 6-foot solid wood fence. C. Landscape berm with a certain amount trees.	4.8 Canopy trees, 2.4 understory, 19 shrubs per 100 linear feet Reduced by 50% if a wall is provided. Required plantings: 645' frontage 6.45 x 4.8 = 31/2=16 canopy trees 6.45 x 2.4 = 15/2=8 understory 6.45 x 19 = 123/2=62 shrubs	Installed 8 foot fence; 3 foot berm, landscaping on both sides of the fence and both sides of the pond. Provided: 35 Canopy trees 22 Evergreen 13 understory/shrubs

The Petitioner has provided a traffic study prepared by KLOA, Transportation and Parking Planning consultants with their original Petition. A copy was included in the Commissioner's packet. The consultant has estimated an average of about 12 – 13% increase in traffic and parking as a result of 5 gaming seats and the sale of alcohol.

Ms. Wallrich noted 42 parking spaces are required and there are 52 parking spaces on the site. There are 2 parking spaces in the back for semi-trucks. The Village Zoning ordinance provides some guidance for required parking for various uses however there is no specific reference for a convenience store associated with a gas station, a car wash or video gaming. The table below provides the number of required parking spaces.

	USE CLASSIFICATION	MIN PARKING PER CODE	DATA	TOTAL REQUIRED
Dunkin Donut w/drive thru	Eating or drinking place	1 space for each 3 seats plus 1 for each employee	7 people per largest shift. 8 seats provided	10 parking stalls
C-STORE (including packaged liquor)	Retail Store or Personal Service Establishment	1 space for each 150 sf of gross leasable floor area.	3570 SF	24 parking stalls

CAR WASH	Retail Store or Personal Service Establishment	1 space for each 150 sf of gross leasable floor area. If we just use employees this would be 3 at largest shift	4,584 SF This doesn't seem a like a good way measurement for this use for determining parking. Especially because the car wash is mostly automated	3 Parking Stalls
VIDEO GAMING	Our code does not address this use. It will be part of the C-Store use.	Could require that an additional 5 stalls be added in addition to the C-Store requirements	5 Video Gaming Machines	5 parking stalls
Parking Required				42 stalls
Existing Parking				52 stalls
Extra parking				10 stalls

The neighbors have complained about the idling of trucks and cars. There is a "no idling" sign in the lot. As a point of comparison, staff visited the Lenny's on 191st St. that has gaming and packaged liquor sales. Staff has provided in the staff report the most recent table of the amount of cars on the lot at given times during the day. As indicated in the table there is adequate parking available on site. The greatest occupancy was 25 spaces leaving 27 spaces available. In 2018 there was an average of 12.6 cars and in 2019 the average was 17.84. There are 52 parking spaces and there is only about 50% occupancy.

Truck parking has also been documented. In 2018 there were 4 trucks waiting to be refueled. In 2019 there was no greater than 2 trucks at any given time.

There were questions as to what could happen with the addition of packaged liquor sales and gaming. Staff compared the location at 191st Street that is also one of his facilities. There is 5 gaming seats and packaged liquor sales at this location. Trucks are not the typical client at this location. In 2018 the highest traffic count was 20 with 5 seats being occupied and at several times there were less.

At the previous Public Hearing and workshop there were also concerns about public safety with the additional uses. Police activity reports from Will County, Mokena and Tinley Park were obtained. As a point of comparison for the facility at 8810 W. 191st St. there have been no notable police issues. The station is always very clean and well stocked. The Dunkin Donuts drive thru does very well. Police reports were supplied in the packet.

Property values were discussed. In the packet there is a spread sheet showing EAV's from the past year on the adjacent residential area done by Brad Bettenhausen, Village Treasurer. The neighborhood remains very stable, only one new sales transaction since the last analysis from October 2017. There was overall growth of the EAV in Tinley Trails in the past 4 years. The rate of growth exceeded the rest of the Will County portion of Tinley Park. The EAV is better than the counterpart in Cook County, Tinley Park overall. The only decrease in EAV noted was the result of a tax appeal.

The revenue anticipated from the site was stated to be a little over \$400,000.00 resulting from his projections for video gaming, liquor sales and existing sales. Mr. Bettenhausen commented that these numbers are sound. The Mokena site is one of the highest in the state as it exists now.

There are no existing service station adjacency sites in the Village for single-family homes. There are sites for multi-family homes. At this site there is 133 feet from the truck canopy to the nearest home, there is 205 feet from the nearest home to the C-store and there is 252 feet to the car wash.

The chart below shows the Adjacency to Single Family Homes and Packaged Liquor Sales.

PACKAGED LIQUOR SALES WITH ADJACENCY TO SINGLE FAMILY HOMES			
Name of Business	Address of Business	Zoning/ Use	Distance (Ft)±
Lenny's	19420 Harlem	R-2 /SF Home	138' to canopy/210'
CVS Pharmacy #3693	16701 S Harlem Ave	R-2/SF Home	73
Famous Xpress	16658 S Oak Park	R-6/SF Home	209
George's Wine & Spirits	7032 W 183rd St	R-3 /SF Home	200
The Corner Store	9410 179th St	R-3 /SF Home	100
Walgreens #09331	8400 W 171st St	R3 /SF Home	200
7-Eleven #33834B	17055 S Oak Park Ave	R4/SF Home	87

The chart below shows the Adjacency to Single Family Homes and Video Gaming

VIDEO GAMING WITH ADJACENCY TO SINGLE FAMILY HOMES					
Name of Business	Address of Business	# of Machines	Abutting Zoning	Abutting Use	Distance (FT) ±
Lenny's	19420 Harlem	5	R-2	SF Home	138' to canopy/210'
Little Joe's Restaurant & Pizza	7976 167th St	3	B1 & R4	SF Home	152
The Station Pub	6657 W South St	5	R4	SF Home	156
Harald Viking Lodge #13	6730 175th St	3	DG & R-6	SF Home	67
Bamboo Garden	16733 S Oak Park	3	R-4	SF Home	141
Nick's BBQ at Tinley Park	16638 S Oak Park Ave	5	DC	SF Home	191

There were 2 gas stations in the Village that sell packaged Liquor.

There are no 24 hour video gaming establishments in the Village.

CHAIRMAN GRAY asked for comments from the Commissioners.

COMMISSIONER ENGEL noted he is all for this and thinks this is a great business moving into our Village. If they are in the Village we can control any further buildings or signs that are requested.

COMMISSISONER MANI noted the Petitioner is telling us what he wants to do change and what not to change. If he want to come into the Village he should be willing to conform to our codes. He was told before by previous mayors and trustees what he would have to do to be annexed. This property is not suitable for Tinley Park.

COMMISSIONER VICK inquired what we were considering tonight. Ms. Wallrich replied the Commission is only considering the Special Uses of the Gas Station and the Car Wash. COMMISSIONER VICK noted he is for this. He has

reservations on the manual changeable signs. The other signs are nice looking signs.

COMMISSIONER STANTON echoes COMMISSIONER ENGEL'S thoughts. He feels it is good.

COMMISSIONER GASKILL agrees that this is a good idea.

CHAIRMAN GRAY inquired about the buffer yard. Ms. Wallrich replied as the buffer yard expands less and less landscaping is required. What exists now are predominately evergreen trees and they carry a lot of points in the code. This meets the integrity of the code mainly because of the separation and a solid masonry wall. Our code allows you to take the numbers and cut them in half if there is a solid wall. CHAIRMAN GRAY noted the trees are planted on the resident's side and that really helps with not having to stare at a big wall. Ms. Wallrich replied that this helps visually and with the noise. CHAIRMAN GRAY noted that the 191st Street station is very clean. The Speedway station is not clean in comparison. The signs are not a point of contention with me.

COMMISSIONER MANI noted it is unfortunate that this location is in unincorporated County. This is poor planning. He read a sentence from former Mayor Seaman's letter regarding the B-3 zoning district is the most intense commercial zoning district allowing uses that are less associated with a residential neighborhood unless it is well screened. This is not a well screened area. This is not good for the residents in the area. If he wants to annex he should be willing to change all the signs according to the codes.

COMMISSIONER ENGEL noted there is already screening. This business is already there. With annexations the signs that are already there and they do not have to be changed to move into the Village.

COMMISSIONER STANTON noted Mr. McEnery is a good businessman and has great relationships.

COMMISSIONER GATTO noted that since he is not in the Village we cannot say anything about what he does if he annexes we will be able to control what he does. If there are issues we can help the residents.

COMMENTS FROM THE PUBLIC

Andy Tess, Resident noted there is no doubt the Petitioner will paint a beautiful picture. The experts speaking do not live in the community. Previously every government body voted no in the past 7 years. This should never been built between 2 streets that serve a residential community. This is deemed hazardous and inappropriate. This was zoned as a gas station and the homes were built before the gas station was. In spite of the objections, the Petitioner built his truck stop under the idea of an automobile fueling facility. He now has regrets and he has said he wished he never bought the property. Will County declined his request for liquor sales and gaming. Most of his reasons are for profit and total disregard for the residents. 100 homes were poled and the response was no liquor and no gaming and no more traffic. The expert has said the traffic will increase 12-13% this represents 1,200 – 1,300 car a day primarily coming down 194th Street. He went through the projected revenues. This building should never have been built. Children must walk directly in front of turning trucks to get to the station. This is an extreme hazard. The last vote was 21 to 5 saying no.

Ken Shaw noted in 2008 he supported annexation but voted against the Special Use Permits. In the last year since this measure failed at the Board level, he has paid attention to this. Although he had concerns about the Special Use, they have not materialized in the last year. One of the thing that stood out to him was the Brad Bettenhausen report stating the property values were not negatively impacted, but in general the values are trending above many of the other areas of the community. This exists and having watched this over the past year, some of his concerns have faded over time. He is not in favor of gaming expansion and would like to see a better definition of gaming in the community. He is in favor of the Racino. In closing, while he has concerns, he recommends approval of Annexation and Special Use Permits.

Camille Tess, Resident if your annex Lenny's into Tinley Park you will be setting a precedent for more 24 hour gambling establishments. The Hollywood Amphitheater folks will easily be able to access liquor on their way to the show. She read a letter from the resident of Tinley Trails that were unable to be at this meeting. The letter explains gambling in Illinois.

Sandra Rennie, Resident noted she is in the neighborhood watch group. Since 2012 the residents have opposed the annexation. We went door to door and got 700 signatures of people who oppose it. We have the support of the Brookside Glen Homeowners Association who also oppose this. The Special Use Permits have been denied in the past. Our concerns remain the same. The traffic into our area has increased. It could take 4-5 minutes to make a left turn out of the subdivision. She displayed photos of the stacking in the area. We will need more police with the increase in traffic. The past mayors and trustees have opposed this. The noise affects the residents both day and night. Crime and safety is an issue. With liquor sales crime will be increased. The buffer yard wall that has been constructed is a plastic fence. The trees are sparse. The property values have declined. There is no need for gaming or packaged liquors in our neighborhood.

CHAIRMAN GRAY asked the Petitioner to speak.

Cass Wennlund, Attorney for the Petitioner noted staff has noted in the staff report that the Standards are met. As stated by Mr. Shaw a former Plan Commission Chairman the concerns he had one year ago did not materialize. A Will County judge found that the resident's concerns were largely unsubstantiated. They were mostly about what might be. We are dealing with a business that exists now. It is a well-run, well maintained business. If this Village annexes this business it will have over \$400,000 in tax revenue. These numbers are substantiated. There will be more compliance with the Village Ordinances. The packaged liquor is simply another product, it is not a tavern. Crime with gambling in his other locations has not occurred.

Len McEnery, Petitioner stated he would really like to have his business in Tinley Park. He lived in Tinley Park and now lives in Orland Park. He is a local businessman and if things aren't right at the site, I am in the neighborhood. He is active in the business and he takes care of it. This location was zoned properly for a gas station and built according to all the proper building permits. There was nothing that was not done correctly. He has always believed this is the right thing to do at this location.

COMMISSIONER ENGEL inquired if when that residential subdivision was built, was the property zoned for a gas station?

Mr. McEnery replied yes it was. This property was owned by Gas City for some time. It was controlled by petroleum companies for quite some time. The gaming produced \$37,000 in the month of July, so if you run that out for 7 months it is \$257,000. When we were turned down in the county, he got signatures. He had 3,000 signatures from customers who supported liquor and the car wash. 158,000 people live within 5 miles of this location. We are good neighbors, we will take care of any problems. The security that comes from video gaming is important. We pay higher salaries and have people around all the time. We now have 7 gaming licenses and 9 liquor licenses and we have not had any issues with it.

CHAIRMAN GRAY asked for comments from the traffic consultant.

Michael Werthman, KLOA Traffic Consultant gave a presentation regarding the traffic. There are 4 access drives on 3 different roads that provides the site with excellent flexibility and helps to distribute the traffic over different access drives and different roadways. This minimized the impact. When the station was built several important roadway improvements were incorporated as part of the development. 194th Avenue was widened to provide a separate right and left turn lane. A separate right turn lane was provided on Harlem Avenue serving the right in right out access drive. These were installed to minimize the impact on the roadway system. The last count was in March of last year. During the peak hours 97 – 98% of the traffic was passenger vehicles and only about 1-3% was truck traffic. On average the truck trips per day was around 53. The majority of the traffic is passenger traffic. 88% of the traffic is coming from Harlem Avenue. The other 12% was coming to and from the neighborhood. With the annexation the increased liquor, most of the traffic will be from existing customers. There will be 5 gaming positions, which will not generate a significant amount of traffic. The 10-12% increase is the worst case scenario, as most of the traffic will be from existing customers to multi-purpose trips. The expectation would be half of this. 75-80% of gas station traffic is already on the road. In general the roadways have sufficient capacity to accommodate the traffic. 194th Street is stop sign controlled and it can be difficult to make a left turn onto a high volume road like Harlem Avenue. The average que is 1-2 cars. The traffic signal north and south help with the gaps in traffic.

Ms. Clarke inquired if a light could be added at the 194th location. Mr. Werthman replied it will probably not be added until

the land to the east is developed.

COMMISSIONER VICK inquired if there have been traffic wrecks at this location. Mr. Werthman replied in 2017 there were 7-8 accidents. Most other years there were only 1-2 accidents with only one injury and no fatalities.

Jerry Petrowski, resident noted the traffic is highly understated. He has had occasion to sit for 5 minutes trying to make a left hand turn. This is a lot bigger issued. Many years back Lenny said he would not build the gas station if he could not have a car wash. He built it anyway. The residents have not been happy with Lenny. The amount of noise coming out of there exceeds the noise standard. Truck noise and large boom boxes go on all day and night.

COMMISSIONER VICK noted that what we are looking for tonight has nothing to do with the gambling or liquor sales. This has to do with the gas station and car wash and annexing into Tinley Park. Ms. Wallrich replied this is for zoning and 2 special uses.

Sandra Rennie inquired if he annexes into Tinley Park, he can go directly for the gaming and liquor sales.

A motion was made by COMMISSIONER ENGEL, seconded by COMMISSIONER GATTO to close the Public Hearing for Lenny's Gas & Wash, 19420 Harlem Ave – Rezoning, Annexation and Special Use. The Motion was approved by roll call.

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

NAYS: NONE

CHAIRMAN GRAY declared the Motion unanimously approved.

Ms. Wallrich went through the Rezoning Standards.

- A. *The existing uses and zoning of nearby property;* The property currently functions as a service station with a car wash and drive-in restaurant. Properties to the north function as commercial properties and are zoned B-4, B-3 (Tinley Park) and C-2 (Will County); single-family uses are to the west and are zoned R-2 (Tinley Park) and R-4 (Will County). Property to the south operate as commercial property and are zoned C-2 (Will County). The property to the east is undeveloped farmland and is zoned R-4 Cook County. The Village's Comprehensive Plan identifies the subject property as commercial.
- B. *The extent to which property values are diminished by the particular zoning;* A review of the EAV for the neighboring subdivision (Tinley Trails) by the Village Treasurer, Brad Bettenhausen, reveals :
1. Neighborhood remains very stable. Only one new sales transaction since last analysis. That sale occurred in October 2017.
 2. There has been overall growth in the Tinley Trails EAV over the past 4 tax years.
 3. The rate of growth in the Tinley Trails EAV exceeded the rate for the entire Will County portion of Tinley Park.
 4. The rate of growth in the Tinley Trails EAV was better than, or in line with, the rates for Cook County and Tinley Park overall (factoring in that 2017 was a triennial reassessment year for Cook County properties)
 5. The only decrease in EAV noted within Tinley Trails between 2017 and 2018 was clearly the result of a tax appeal.
- C. *The extent to which the destruction of property values of the complaining party benefits the health, safety, or general welfare of the public;* Destruction of property values has not been proven by the opposing party. Existing conditions exist which include the service station, car wash and drive-thru restaurant. Per a traffic study, the impact of proposed

uses do not have a significant impact on service levels of adjacent intersections; parking surveys reveal adequate parking. Anticipated revenue from the existing and proposed uses total in excess of \$400,000/year.

- D. *The relative gain to the public as compared to the hardship imposed on the individual property owner;* Annexation to the Village of Tinley will provide local zoning and public safety control of an existing use. Impacts from the current uses will continue regardless of annexation and rezoning.
- E. *The suitability of the property for the zoned purpose;* The Comprehensive Plan identifies the property as commercial; the property is located immediately adjacent to a 4-lane arterial roadway with ADT of 26,300 (IDOT 2017)
- F. *The length of time the property has been vacant as zoned, compared to development in the vicinity of the property;* The property is currently developed as a service station, car wash and drive-thru restaurant.
- G. *The public need for the proposed use; and* the property is successfully operating with an anticipated revenue to the Village of over \$400,000 annually.
- H. *The thoroughness with which the municipality has planned and zoned its land use.* The Comprehensive Plan identifies the property for commercial uses; the B-3 District provides for the Service station and Car Wash as a Special Use; the drive in and C-store are permitted uses.

Ms. Wallrich went through the Special Use Standards.

- 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;* The Special Use is for existing uses that were lawfully approved as part of the Will County zoning process. Copies of police activity, traffic studies and parking studies have not revealed significant negative impact that will be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the area. Comparisons have been provided regarding the existing buffer between the subject property and adjacent homes which exceed County requirements and meet the integrity of the Village Code; a property value analysis indicates that the existing uses have not resulted in decreased property value.
- 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;* The Special Uses under review (Service Station and Car Wash) are existing uses. A property value analysis was provided which indicates that the existing uses have not resulted in decreased property value. A buffer yard has been provided that exceeds Will County and Tinley Park requirements. Regarding the addition of video gaming and packaged liquor sales which are under consideration as part of the annexation agreement, a traffic study estimate these new uses will produce less than 21 to 25 round trips during the weekday morning and evening peak hours. No additional buffer or screening is proposed as part of the Application.
- 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;* The majority of the property in the area is currently developed; the granting of the Special Uses are consistent with the Comprehensive Plan for commercial uses. The subject property was developed legally under Will County regulations; any future development will be subject to Tinley Park regulation.
- D. *That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided;* A traffic study presented no negative impact resulting from the approval of the existing special uses. The property is located adjacent to a major 4-lane commercial corridor with 26,300 ADT (2017 IDOT).

- 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; The Special Uses under consideration are for existing uses that have functioned at the site since 2015 (service station) and 2017 (carwash).
- 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; and The annexation of the subject parcel will render the existing signs legal non-conforming. The Applicant has agreed to bring some of the existing signs into conformance with Village Code. A negotiated schedule for bringing any building non-conformities into conformance will be included in the annexation agreement.
- G. The extent to which the Special Use contributes directly or indirectly to the economic development of the community as a whole. The annexation of the subject parcel is anticipated to bring in over \$400,000 in annual revenue to the Village of Tinley Park.

Motion #1:

COMMISSIONER GATTO, seconded by COMMISSIONER FIELDER made a motion to recommend that the Village Board grant the Petitioner, Leonard McEnery, on behalf of Lenny’s Food N Fuel Harlem Avenue, LLC, a rezoning (Map Amendment) of the property located at 19420 Harlem Avenue, upon annexation to B-3 (General Business and Commercial) and adopt Findings of Fact submitted by the Applicant and Findings of Fact proposed by Village Staff and the Plan Commission at this meeting.”

AYES: STANTON, ENGEL, GATTO, GASKILL, FIELDER, AITCHISON, VICK AND CHAIRMAN GRAY

NAYS: MANI

CHAIRMAN GRAY declared the Motion approved.

Motion #2:

COMMISSIONER FIELDER, seconded by COMMISSIONER STANTON made a motion to recommend that the Village Board grant the Petitioner, Leonard McEnery, on behalf of Lenny’s Food N Fuel Harlem Avenue, LLC, property located at 19420 Harlem Avenue, a Special use for a Service Station and adopt Findings of Fact submitted by the Applicant and Findings of Fact proposed by Village Staff and the Plan Commission at this meeting consistent with the submitted plans with the following conditions:

- 1. Bring the following signs into conformance with Village Sign Regulations:

	Sign Name	Mr. McEnery’s Proposal
A.	C-Store east	Remove 2 wall signs (“No Cook County taxes” and second “Dunkin sign”)
	C-Store north	Remove changeable copy sign

	Car Wash -south	Remove "Pet Wash" sign
C.	Remove any temporary signs or banners in exchange for keeping the manual changeable copy sign on the convenience store and the car wash monument sign.	

2. Stripe the truck parking spaces.

AYES: STANTON, ENGEL, GATTO, GASKILL, FIELDER, AITCHISON, VICK AND CHAIRMAN GRAY

NAYS: MANI

CHAIRMAN GRAY declared the Motion approved.

Motion #3:

COMMISSIONER ENGEL, seconded by COMMISSIONER AITCHISON made a motion to recommend that the Village Board grant the Petitioner, Leonard McEnery, on behalf of Lenny's Food N Fuel Harlem Avenue, LLC, property located at 19420 Harlem Avenue, a Special use for a Car Wash and adopt Findings of Fact submitted by the Applicant and Findings of Fact proposed by Village Staff and the Plan Commission at this meeting consistent with the submitted plans."

AYES: STANTON, ENGEL, GATTO, GASKILL, FIELDER, AITCHISON, VICK AND CHAIRMAN GRAY

NAYS: MANI

CHAIRMAN GRAY declared the Motion approved.

This will be heard by the Village Board tentatively on 9/3/2019

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION

SUBJECT: MINUTES OF THE AUGUST 15, 2019 REGULAR MEETING

Item #4 PUBLIC HEARING: ZONING CODE FEE CHANGES – TEXT AMENDMENT

Consider Text Amendments amending Section III-0-6-(2)-(C) (Outdoor Display Fees), Section IX.B.2. (Sign Fees), and Section X (Administration and Enforcement) of the Zoning Ordinance to update fee levels to cover initial upfront costs accrued by the Village while maintaining fees that are competitive with nearby communities. The text amendment will also move fees currently locate in the Zoning Code to a Comprehensive Fee Schedule containing all Village fees that will be located in the Village's Code of Ordinances.

Present were the following:

Plan Commissioners: Garrett Gray, Chairman
Tim Stanton
Eduardo Mani
Lucas Engel
Angela Gatto
MaryAnn Aitchison

James Gaskill
Curt Fielder
Stephen Vick

Absent Plan Commissioner(s): None

Village Officials and Staff: Kimberly Clarke, Community Development Director
Paula Wallrich, Planning Manager
Michael Mueller, Village Trustee
Douglas Spale, Village Attorney
Patrick Connelly, Village Attorney
Barbara Bennett, Commission Secretary

Guests: None

A Motion was made by COMMISSIONER FIELDER, seconded by COMMISSIONER MANI, to open the Public Hearing for Zoning Code Fee Changes – Text Amendments. 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.

KIMBERLY CLARKE, COMMUNITY DEVELOPMENT DIRECTOR gave a presentation as noted in the Staff Report. Staff is in the process of doing a comprehensive building code update and while they are doing that staff has recognized that there are other things that need to be adjusted. The fees in the zoning code need to be brought over to another section in the zoning code. The fees are throughout various code and they would like to have one comprehensive section of the municipal code that brings all fees in one section so they are easier to review and easier to update. Staff was directed to proceed with the fee changes as proposed at the June 25, 2019 Community Development Committee meeting. Other department fee changes are in the process of going through their respective Committees before the final text amendments are drafted. As part of the adoption of the new comprehensive fee schedule ordinance. Amendments to the Zoning Code are necessary to remove the fees currently listed there.

There will be some additional fees added which will be discussed at the Village Board Level. For information purposes they did look at some of the fees and noted some need to be increased. Because this is in the zoning code and they are removing it there must be a Public Hearing for the Text Amendment. This will be brought together in one comprehensive building code update. A municipal fee code section will be created.

Proposed Planning/Zoning Fee Levels

Fee Type	Code location/ Ordinance #	Current Fee	Proposed Fee	Comments	Comparable (O = Orland Park, F= Frankfort, M = Mokena, N = New Lenox)

Annexation	Zoning Code - N/A	\$0	\$750 > 1 acre \$1500 1-5 acres \$3000 < 5 acres	Raise - based on staff time, upfront costs and comparable communities.	O: \$750 - 1,350 N: \$1350 - 4100+ (+ \$200 Annexation Agreement) F:750-3000+ M: \$800+
Variance - Commercial	Zoning: Sec. X-G-2 (2007-O-024)	\$200	\$500 + \$75 per additional Variation	Raise - based on staff time, upfront costs, and comparable communities. Avoids repetitive or arbitrary requests. Clarify multi-request fees.	O: \$500 N: \$850 F: \$300 M: \$1400 (includes separate Public hearing fee that can be split among multiple applicants)
Variance - Residential	Zoning: Sec. X-G-2 (2007-O-024)	\$150	\$250 + \$75 per additional Variation	Raise - based on staff time, upfront costs, and comparable communities. Avoids repetitive or arbitrary requests. Clarify multi-request fees.	O: \$500 N: \$350 F: \$200 M: \$1025 (includes separate Public hearing fee that can be split among applicants)
Rezoning	Zoning: Sec. X-K (2007-O-024)	\$400	\$750	Raise - based on staff time, physical changes to maps and comparable communities.	O: \$500 N: \$600 - 2000+ F: \$800 M: \$1400-1800 (includes separate hearing fee)
Special Use Permit / PUD	Zoning: Sec. X-J-3 (2007-O-024)	\$400	\$500	Raise - based on comparable communities.	O: \$500 N: \$850+ F: \$500 M: \$800
Site Plan (Includes site layout, architectural, landscaping and lighting)	Zoning: Sec. III-U (1987-O-002)	\$0	\$500 New/First Approval \$300 Amendment	Raise - based on staff time, upfront costs, and comparable communities. Removal of other	O: \$600-1500 + Landscape review fees \$2500-5000 N: \$250 + Landscape review fees of \$500-1050+

				unused development fees below.	F: \$700 (\$100-300 amendment) M: \$350
Plats (Preliminary/Final Subdivision, Easement, etc.)	Subdivision: Sec. XIII-F (2007-O-041)	\$1 per lot (min. \$100 for preliminary; \$50 for final)	\$500 + \$5 per lot for multi-lot plats	Raise - based on staff time, upfront recording costs and comparable communities.	O: \$500 + 25 per lot N: \$150 + 25 per lot F: \$500 - 4000+ M: \$1600
New Development Approval Not Including Public Improvements	Subdivision: Sec. XIII-E (2007-O-041)	\$300 acre, \$1000 min.	Eliminate	Eliminate – Not Utilized. Combined with Site Plan and Plats.	N/A
Zoning or Subdivision Code Text Amendment	Zoning and Subdivision Codes - N/A	\$0	\$500	Raise - based on staff time, upfront costs and comparable communities. Avoids repetitive or arbitrary requests.	N/A

COMMISSIONER FIELDER inquired all will be listed under one section. He also inquired if the fees will still be a little lower than other communities so we are competitive. Ms. Clarke replied that the zoning code will refer to a specific chapter. She also noted the fees will be competitive. What they are proposing will not be excessive.

CHAIRMAN GRAY inquired as to why the New Development was being eliminated. Ms. Clarke replied this was buried in the subdivision code and we noted it was not being applied. We now have an in-house engineer and some of those fees were not being applied.

A Motion was made by COMMISSIONER FIELDER, seconded by COMMISSIONER GASKILL, to close the Public Hearing for Zoning Code Fee Changes – Text Amendments. The Motion was approved by voice call. CHAIRMAN GRAY declared the Motion approved.

COMMISSIONER FIELDER, seconded by COMMISSIONER ENGEL made a motion to recommend that the Village Board approve Text Amendments to Section III-O-6-(2)-(C) (Outdoor Display Fees), Section IX.B.2. (Sign Fees), and Section X (Administration and Enforcement) of the Village of Tinley Park Zoning Ordinance as indicated in Staff's most recent Staff Report dated 8/15/2019. The proposed Text Amendments increase a number of planning and zoning-related fees and move all fees to a Comprehensive Fee Schedule located in the Village of Tinley Park's Code of Ordinances."

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

NAYS: NONE

CHAIRMAN GRAY declared the Motion unanimously approved.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION

SUBJECT: MINUTES OF THE AUGUST 15, 2019 REGULAR MEETING

Item #5 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
Tim Stanton
Eduardo Mani

Lucas Engel
Angela Gatto
MaryAnn Aitchison
James Gaskill
Curt Fielder
Stephen Vick

Absent Plan Commissioner(s): None

Village Officials and Staff: Kimberly Clarke, Community Development Director
Paula Wallrich, Planning Manager
Michael Mueller, Village Trustee
Douglas Spale, Village Attorney
Patrick Connelly, Village Attorney
Barbara Bennett, Commission Secretary

Guests: None

Staff has requested that this Public Hearing be removed from the agenda until further notice. Staff is working through the text amendment in conjunction with the overall building code update. It is staff's intention to bring forth these amendments through at the same time. Staff will republish.

GOOD OF THE ORDER:

None at this time.

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 AITCHISON to adjourn the Regular Meeting of the Plan Commission of August 15, 2019 at 10:11 p.m. The Motion was unanimously approved by voice call. PLAN COMMISSION CHAIRMAN GRAY declared the meeting adjourned.