



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

January 2, 2020

The Regular Meeting of the Plan Commission was held in the Council Chambers of Village Hall on January 2, 2020 at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Plan Commissioners: Garrett Gray, Chairman
 Tim Stanton
 Stephen Vick
 Lucas Engel
 Mary Aitchison

Absent Plan Commissioner(s):
 Eduardo Mani
 Curt Fielder
 James Gaskill
 Angela Gatto

Village Officials and Staff: Paula Wallrich, Planning Manager
 Dan Ritter, Senior Planner
 Barbara Bennett, Commission Secretary

CALL TO ORDER

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

COMMUNICATIONS

None

APPROVAL OF MINUTES

Minutes of the December 19, 2019 Regular Meeting of the Plan Commission were presented for approval. A Motion was made by COMMISSIONER VICK, seconded by COMMISSIONER ENGEL to approve the minutes as presented. CHAIRMAN GRAY declared the Motion approved by voice call.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION

SUBJECT: MINUTES OF THE JANUARY 2, 2020 REGULAR MEETING

ITEM #1 WORKSHOP: KIM MCAULIFFE, ON BEHALF OF AN ENGLISH GARDEN LLC - 16800 OAK PARK AVENUE

Consider a request to recommend that the Village Board grant Kim McAuliffe, on behalf of An English Garden LLC (property owner), a Special Use Permit to convert a Heritage Site from a standalone commercial building to a mixed-use building with a second floor apartment at 16800 Oak Park Avenue in the NG (Neighborhood General) zoning district.

Present were the following:

Plan Commissioners: Garrett Gray, Chairman
Tim Stanton
Lucas Engel
MaryAnn Aitchison
Stephen Vick

Absent Plan Commissioner(s): Eduardo Mani
Curt Fielder
James Gaskill
Angela Gatto

Guests: Kim McAuliffe, Petitioner
Mike McAuliffe

Daniel Ritter, Senior Planner gave a presentation as noted in the Staff Report. The Petitioner, Kim McAuliffe is seeking approval of a Special Use Permit to convert a Heritage Site from a standalone commercial building to a mixed-use building with a second floor apartment at 16800 Oak Park Avenue in the NG (Neighborhood General) zoning district.

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

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

The property consists of one lot that is approximately 18,050 sq. ft. and consists of the two story principal structure and a two-car detached garage. The detached garage was mistakenly constructed off-site in 2005 and is located partially in the unimproved right-of-way to the north. There are currently no concerns about the location of the garage. There are five

parking spaces (including garage spaces) located on the lot, however the property is adjacent to a dead-end right-of-way with ten “on-street” parking spaces. The property has traditionally entered into a Private Parking Lease and Maintenance Agreement for the use of the stalls on the south side of the right-of-way for business parking. The new Parking Lease and Maintenance Agreement will be proposed to the Village Board at the same time as the Special Use request.

The Legacy Code does permit that a Heritage Site in the NG district to be converted to a mixed-use building with approval of a Special Use. To the north of the subject property is a multi-tenant commercial building (Dairy Palace, Effective Signs, Metro Yellow Cab) zoned NG. To the south is a single-family home zoned NG. To the west is a single-family home zoned R-2 (Single-Family Residential) and to the east across Oak Park Avenue are single-family homes zoned R-4 (Single-Family Residential).

The Special-Use Permit is being requested because the Petitioner’s business does not have a use for the second floor space. Any commercial tenants are unlikely to meet the Americans with Disabilities (ADA) or Illinois Accessibility Code requirements for their employees or customers based on the current layout.

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

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

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

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

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

Mr. Ritter identified the open items:

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

CHAIRMAN GRAY asked for comments from the Petitioner:

Ms. McAuliffe replied she is a resident of Tinley Park and has admired this home for thirteen years. She noted they have invested \$8,000 since she purchased the home to bring it up to code. The upstairs apartment is almost complete. It will be necessary to do some minor changes. Mr. Ritter noted there are a few things that need to be done to bring it up to code. It is missing some closets and some walls need to be moved to avoid going through one bedroom to get to another bedroom. There is an electrical box that will need to be moved. They are fully aware of what needs to be done.

CHAIRMAN GRAY asked for comments from the Commissioners.

COMMISSIONER STANTON noted he has admired this home and was glad to see the new business in it.

COMMISSIONER AITCHISON noted this is a great use of the space.

COMMISSIONER VICK AND COMMISSIONER ENGEL agreed that it is a good use.

CHAIRMAN GRAY noted this is a great fit for the neighborhood. Having the use of the apartment is a great use.

Mr. Ritter identified the open items:

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

The Public Hearing will be held on January 16, 2020.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES
FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION
SUBJECT: MINUTES OF THE DECEMBER 19, 2019 REGULAR MEETING

Item #2 PUBLIC HEARING: 7-ELEVEN GAS STATION – 171ST STREET & HARLEM AVENUE

Consider a request to recommend that the Village Board consider granting Vequity, LLC (Contract Purchaser) a map amendment to rezone the subject properties from B-4 (Office and Service Business) and R-1 (Single-Family Residential) to a B-1 (Neighborhood Shopping) zoning district. Additionally, the Petitioner is requesting a special use for an automobile service (gas) station with a convenience store and a variation from the Zoning Ordinance to permit a reduced ground sign setback. The requests will permit a 7-Eleven gas station and convenience store to be constructed at the properties located at 17100 - 17110 Harlem Avenue. Site Plan and Final Plat approval will also be considered at the meeting.

Present were the following:

Plan Commissioners: Garrett Gray, Chairman
Stephen Vick
Tim Stanton
Lucas Engel
MaryAnn Aitchison

Absent Plan Commissioner(s): Eduardo Mani
Angela Gatto
James Gaskill
Curt Fielder

Guests: George Arnold, Attorney
Chris Ilekis, Petitioner
Dan Aykroyd, Sr. Real Estate Rep. – 7-Eleven
Ivan Nockov, Developer
William Perry, Engineer
Javier Millan, KLOA Traffic Consultant

A Motion was made by COMMISSIONER STANTON, seconded by COMMISSIONER ENGEL to open the Public Hearing for 7-ELEVEN GAS STATION – 171ST & HARLEM 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.

Daniel Ritter, Senior Planner gave a presentation as noted in the Staff Report. The Petitioner is here with his design team; they will be available for questions. The site will be a 7- Eleven convenience store and a gas station with 10 fueling stations. The site is on the southwest corner of 171ST and Harlem Avenue. The subject property consists of two lots. The lot furthest

north is vacant and is currently zoned B-4 (Office and Service Business). The site was previously home to an office building that was demolished in 2016. The south portion of the subject property is zoned R-1 (Single-Family Residential) with a vacant single-family home and detached garage located on the property, both slated for demolition. There are two vacant single-family home lots zoned R-1 to the south of the subject properties as well, and are not part of this development. The developer has agreed with the property owner (who is the owner of all four lots) and staff to demolish those two homes as well as part of the 7-Eleven project and the lots. Staff recommended the demolition be a condition of the approval for the rezoning and special use requests as a substitution for completing a concept plan approval for the remaining lots.

The general history of that western block along Harlem Avenue is that it was developed as R-1 single family homes back to the 1950's and 1960's. Over time it has converted to commercial uses starting in the 1980s due to the high traffic volumes along Harlem Avenue. As they have redeveloped it has either been B-4 (Service and Office) or B-1 (Neighborhood Shopping). To the north of the subject property is the Tinley Park Post Office, and to the west is a bank both zoned B-4 (Office and Service Business). To the northeast is a multi-tenant office building and car wash zoned B-3 (General Business). Directly to the east of the property is a Shell gas station/car wash, Jewel-Osco, and Tinley Park Commons Shopping Center zoned B-3 (General Business). To the west is single-family residential zoned R-1, which was a strong consideration in the site design and layout.

Automobile service (gas) stations are a special use in all commercial zoning districts, with the exception of B-5 (Automotive Service). The proposed gas station site is .961 acres and includes a 3,511 sq. ft. convenience store building, vehicle fueling area/canopy, vehicle parking, walkways, exterior storage areas, landscaping, and a dumpster enclosure. There will be no truck/diesel fueling available at this site. Access to the site will primarily be through two curb cuts, one on Harlem Avenue and one on 171st Street. Additionally, there will be cross-access for vehicles to the west through the existing First Merchants Bank and a future cross-access to the south. The cross-access through the bank will only be used for personal vehicles; truck access will be prohibited. Fueling trucks will primarily access the site from 171st Street and exit southbound onto Harlem Avenue.

The access points on both Harlem Avenue and 171st Street will be limited to right-in/right-out turns. The median at Harlem Avenue is likely to make any illegal turns unlikely at that location. The 171st Street access includes limited access and a raised island to discourage illegal or dangerous turning movements. The geometrics of the access has been altered slightly to allow for fuel truck and fire engine access. Drive aisles will meet the 26 foot width minimum with the exception of one on the north of the property that connects to the existing bank cross-access. 24 feet is standard in many situations, including in the Legacy District, and staff has no concerns with matching the existing bank aisle width to the west. There is a Variation to reduce a drive aisle to 24 feet. The Village code is 26 feet, typically for extra width in case there are multiple trucks. 24 feet is typical for most communities. This site is tight and they have requested the reduction. Staff and Fire have no concerns.

The parking and traffic were a primary concern staff and the developer has been reviewing and revising the plans to best address those concerns. The intersection can be very busy and has a history of traffic issues. There was originally a full access on 171st Street. Staff did not feel this worked and pushed for the right-in/right-out with raised curbing to prevent vehicles from making turns they should not be and that could create traffic issues on 171st Street. Staff feels this plan will work with Cook County Dept. of Transportation requirements and the Village Engineer.

A Gas Station and convenience store is not a specific use listed in the Zoning Ordinance parking requirements. With the 3,511 sq. ft. proposed convenience store would require 23 parking spaces if analyzed under the "retail store" requirements. The proposed site plan provides 17 total spaces based on the similar retail requirements. Due to the unique nature of a gas station where some of the retail users may be stationed at the pumps, it yields the potential for 10 additional parking spaces. Customers are usually on the site for short very periods as opposed to typical retail stores with longer shopping periods. This results in high turnover and thereby lowering the demand for parking stalls. Staff believes that the parking supply is adequate on the proposed site.

The Plan Commission did not have concerns about the parking supply on the site due to the experiences with other locations and the expected quick turnover of customers. The Commission did request a review of the traffic analysis findings by the Petitioners' traffic consultant (KLOA). There are some deficiencies in the landscaping. The Village's Landscape Architect has reviewed the plan and finds it to be in general conformance with the Village's Landscape Ordinance with a few exceptions due to the site's constraints. The Petitioner has indicated that they have worked to meet the landscape requirements to the greatest extent possible and focused their available bufferyard width and landscaping to adequately buffer views from the residential properties to the west. The deficiencies are outlined in the table below.

Table A

Please note the following abbreviations: CT = Canopy Tree, US = Understory Tree, SH = Shrub, T = Tree.

BUFFERYARD REQUIREMENTS						
Bufferyard Location	Required Width	Proposed Width	Length	Required Plantings	Proposed Plantings	Deficit
North ("C" Bufferyard)	10'	10'	117'	6 CT 3 US 24 SH	4 CT 2 US 24 SH	-2 CT - +9 SH
East ("C" Bufferyard)	10'	10'	149'	8 CT 3 US 30 SH	4 CT 3 US 30 SH	-4 CT - -
South ("B" Bufferyard)	20'	20'	154'	4 CT 1 US 19 SH	4 CT 3 US 8 SH	0 +2 US -11 SH
West (top) ("B" Bufferyard)	10'	10'	83'	3 CT 1 US 14 SH	3 CT 1 US 12 SH	- - +1 SH
West (bottom) ("D" Bufferyard)	30'	30'	82'	6 CT 3 US 23 SH	5 CT 1 US 23 SH	-1 CT -2 US -

PARKWAY STANDARDS					
Location	Requirement	Required Trees	Proposed Trees	Deficit	Comments
Parkway	1 tree per 25 lineal ft.	9	0	-9	Adequate room does not exist. CT in bufferyards could be further upsized to compensate for this deficiency.

PARKING LOT LANDSCAPING STANDARDS				
Location	Requirement	Provided	Deficit	Comments
Parking Lot	15% of parking lot area to be landscaped or 3,130 sq. ft.	1,425 sq. ft.	-1,705 sq. ft.	20,870 sq. ft. of parking lot shown on landscape plan

Parking Lot	Screening of adjacent properties and streets.	Continuous screening not provided.	~40 lineal ft.	Parking in northwest corner of site not screened along drive aisle – this could also help with Parking Lot deficit outlined above
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The Village’s consultant supports the bufferyard and parkway requests with a couple of recommendations/changes listed below. Staff recommends these few revisions be made to reduce the landscape waivers were possible.

1. They have only upsized shade trees to a combination of 3” and 4” cal. It is recommended that all CT trees be increased to a minimum of 4.5” cal.
2. Add some shrubs along the north drive aisle in the NW corner of the site to help offset the deficiencies.
3. Revise the west bufferyard design to add two additional shrubs.

A fence is proposed running between the site and the parcels to the west. The fence is proposed to match the adjacent bank’s fence (beige PVC fence). Plans currently show a six foot high fence. The bank’s existing fence is eight foot high. Eight foot high fences are recommended for the separation of commercial and residential uses.

The north and west bufferyards were revised to better meet the Landscape Code’s requirements. The revised waivers are listed in the table above. The Petitioner agreed to utilize a minimum tree caliber of 4-inches at installation to help offset some of the deficiencies and ensure a buffer is established quickly. They also agreed to revise the fence height to 8 feet and to match the existing bank. These two changes (tree caliber and fencing) were made to plan details but there are also some contradicting notes left on the plans due to the quick resubmittal timeframe. To clarify, the requirements were added as recommended conditions of Site Plan Approval and will be revised prior to permitting. The Plan Commission did not have concerns at the workshop in regards to the interior landscaping and parkway tree waivers due to the limited space on the site and auto-oriented use. The proposed landscaping is expected to meet or exceed the neighboring commercial properties.

The design of the convenience store building and gas station canopy utilizes high-quality materials, including face brick (76% of the exterior, excluding glazing) with fiber cement and metal cornice architectural treatments. All mechanical equipment on the rooftop will be screened by the parapet. The face brick will be a beige/grey color and the fiber cement accents will be dark brown/espresso in color. The proposed structure will have metal architectural canopies on the front façade over windows and doors. The fueling canopy and dumpster enclosure are also proposed to match the building’s materials, colors, and style.

Staff recommended a more residential roof for the convenience store building, utilizing more residential elements such as shingles and peaks. A peak was added to the front entrance and caps to the architectural treatments to give a more traditional look to the building. The architectural design is prototypical of 7-Eleven’s new branding initiative. The Plan Commission did not have concerns about the proposed building or canopy designs and preferred the peaked roof element at the entrance.

The Petitioner is requesting a Variation for a 5 foot sign setback. Due to the tight space, a ground sign size and location were presented. The proposed location will require a five foot setback Variation to allow the sign to be setback 5 feet from the property line instead of 10 feet. The Petitioner has decided to leave the final proposal up to the 7- Eleven operator and it will meet the zoning code. Staff is comfortable with the proposed 5 foot setback Variation.

The Petitioner has provided a Photometric Plan that provides lighting via 8 LED light poles, 12 LED canopy fixtures, and 6 LED wall mount fixtures throughout the site. The light spillage will be less than one foot candle at the roadway and zero at the south and western property lines, which are adjacent to the residential uses. All light fixtures are full cut-off and downcast to prevent glare on adjacent properties and roadways. Particular thought was put into the light placement and height to avoid their visibility from the residential properties to the west. Lighting appeared to be placed approximately to avoid off-site light spillage and glare. There is also an 8 foot fence that matches the bank fence that will block light to the residents.

Due to the rezoning of the lots to a B-1 zoning district, three lot bulk variations are required for the following:

1. Lot size of .961 acres instead of the required min. of 4 acres.
2. Lot width of 186.53 feet instead of the required min. of 600 feet.
3. Lot depth of 198.52 feet instead of the required min. of 250 feet.

An automobile service (gas) station is a special use in B-1, B-2, and B-3 commercial zoning districts. Gas stations are a special use in all commercial zoning districts except B-5. Gas stations are generally in high traffic areas and the sites require a unique site design that accounts for safe/efficient access, proper circulation, sufficient parking, and adequate light levels.

The proposed Plat of Subdivision will consolidate two existing lots (17100 and 17110 Harlem Avenue) resulting in a single lot that is .961 acres in size. Existing drainage and utility easements will remain on the property. Easements for the public sidewalk and cross-access to east and south have been included in the Final Plat of Subdivision. However, the public sidewalk easement need to be extended across the north property line. The Plat of Subdivision will need to be revised to add a sidewalk easement covering the full length of the sidewalk along the northern property line. The Final Plat of Subdivision was revised with the appropriate public sidewalk easements in place. Staff has no further concerns.

CHAIRMAN GRAY asked for comments from the Commissioners.

There were none.

CHAIRMAN GRAY asked the Petitioner to speak.

George Arnold, Attorney for the Petitioner thanked staff for a thorough presentation. He introduced his project team and noted they are available for any questions. They would have their traffic consultant give an overview of the existing and proposed traffic situation.

Javier Millan, KLOA Traffic Consultant noted the development will be served by two right-in/right-outs, one on Harlem Avenue and the other on 171st Street. The one on 171st Street will be constructed with a raised triangular island to enforce the turn restrictions. It will also be enhanced with larger radius to accept the tanker trucks. In addition to the access drives there will be additional cross-access connectivity to the west with the First Merchants Bank. The Bank has a full access on 171st Street and they also have a right-in/right-out access on Oconto Drive. This will ensure efficient flexibility with access. There will also be cross-access to the south when that land is developed in the future.

Also in the traffic study he observed the traffic in the area. 171st Street during the peak traffic time backs up quite a bit travelling east bound. The reason for the backup is that Harlem Avenue gets the majority of the green time with three times the amount of traffic than 171st Street. More often than not, the que/backup clears or gets significantly reduced and allows people to get out. Most of the trips will be from pass-by traffic. They are already on the road and just looking for a convenient gas station. It is our professional opinion that the traffic will be dispersed in an efficient manner. Both intersections, Harlem Avenue and 171st Street will operate in an acceptable level of service. The county and the state have preliminarily reviewed the site plan and are in agreement with an acceptable level of service. In conclusion, the proposed development of the gas station is only proposed to increase traffic 1-2%. This is so minimal that it will not have a large impact.

CHAIRMAN GRAY agreed with the benefit of cross-access to the other sites to the west and south. What does 1-2% equate to in terms of vehicles? Mr. Millan replied during the peak hours there will only be approximately 15 vehicles per hour.

CHAIRMAN GRAY inquired about the curb cuts on Harlem Avenue. Mr. Ritter replied that final details would be decided and permitted by IDOT. At this point IDOT is okay with this and the Village does not have significant concerns.

Mr. Ritter noted that Mr. Ilekis was proactive and met with the neighbors to show the proposal and receive feedback. The car wash was removed from the plan to avoid neighbor concerns about noise and the proximity to the lot line. The adjacent residential was one of the biggest concerns taken into account by the developer in regards to the design of lighting and landscaping.

COMMISSIONER VICK inquired about adding trees in the back on the west side of the property. Mr. Ritter replied this has been taken care of along the west property line.

CHAIRMAN GRAY asked for comments from the public. There were none.

A Motion was made by COMMISSIONER ENGEL, seconded by COMMISSIONER VICK, to close the Public Hearing for 7-ELEVEN GAS STATION – 171st & HARLEM AVENUE. The Motion was approved by voice call. CHAIRMAN GRAY declared the Motion approved.

Mr. Ritter reviewed the Standards for rezoning:

- a. The existing uses and zoning of nearby property;
 - *The area is in a transition from residential to commercial uses. The surrounding areas and other corners of the intersection are all commercial zoning districts (B-4 and B-3). The area south of the subject property has similar infill/redevelopment properties that have been rezoned to similar low-intensity commercial districts (B-1 and B-4) upon their redevelopment.*
- b. The extent to which property values are diminished by the particular zoning;
 - *The area along Harlem Avenue transitioning from residential to commercial uses and is indicated as commercial/office in the Village's Comprehensive Plan. The development of the vacant properties will not diminish property values.*
- c. The extent to which the destruction of property values of the complaining party benefits the health, safety, or general welfare of the public;
 - *No negative effects on property values are expected. The project will contribute directly to the economic development of the community by providing fuel, retail, and food services to visitors, providing additional jobs, and providing additional property and sales tax revenue where the existing vacant property is generating minimal tax revenue and convenience for residents and visitors.*
- d. The relative gain to the public as compared to the hardship imposed on the individual property owner;
 - *No hardship is expected from neighboring properties due to the landscape and fence buffering provided. Lighting, dumpster locations, and overall site design was designed to avoid any issues with the neighboring residential properties. The project will contribute directly to the economic development of the community by providing fuel, retail, and food services to visitors, providing additional jobs, and providing additional property and sales tax revenue where the existing vacant property is generating minimal tax revenue and convenience for residents and visitors.*
- e. The suitability of the property for the zoned purpose;
 - *The proposed use as a convenience store and gas station is suitable for the subject property due to the availability of high traffic volumes and available access points.*
- f. The length of time the property has been vacant as zoned, compared to development in the vicinity of the property;

- *The existing R-1 zoning house has remained vacant for 4-5 years and is not expected to be suitable for residential use. The B-4 zoned parcel had a vacant office building on it from 2014-2016 and has been vacant since the building's demolition in 2016.*
- g. The public need for the proposed use; and
- *There is a demand for additional automotive service (gas) stations and convenience stores in the area. Competition is limited at the two nearest gas stations (Shell and Speedway).*
- h. The thoroughness with which the municipality has planned and zoned its land use.
- *The property is shown as a Commercial/Office use in the Comprehensive Plan. The rezoning as a B-1, Neighborhood Shopping zoning district limits the ability for non-desirable uses to be located adjacent to residential properties.*

Mr. Ritter reviewed the Standards for Special Use:

- 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 will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare because the proposed project will encompass the development of an automobile service (gas) station and convenience store that will service for visitors and residents of the community. The project will be constructed meeting current Village building codes and is among the highest and best uses of a parcel at a heavily traveled intersection.*
- 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 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 because the proposed project will develop land that is currently vacant and provide services for visitors and residents of the community. The site will be well-landscaped and will have an eight-foot fence to buffer the property from the residential homes to the west. The building will be constructed with quality materials. This proposed use is similar and compatible with existing nearby uses along Harlem Avenue.*
- 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 Special Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district because the majority of the property within this area has already been developed. Landscape buffers have been supplied to the west and cross-access has been supplied for the vacant lots to the south.*
- d. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided;
- *The proposed plans provide evidence of existing utilities, roads, and drainage facilities and any necessary modifications to be accommodated on the 7-Eleven site. Drainage has been accounted for on the site and utilizes the existing storm sewer system. All on-site and accepted existing off-site drainage has been accounted for within the plans.*
- e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and

- *The proposed plans include site access by utilizing two curb cuts on Harlem Avenue and 171st Street that allow for ingress/egress to the site and efficient site circulation. Cross-access for passenger vehicles is also provided by a cross-access easement to the east through the neighboring bank property. Cross-access is also supplied to the vacant lots to the south for possible future cross-access as well. The site incorporates proposed public and private walkways for safe pedestrian travel to and from the site.*
- 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.
- *The Special Use conforms to all other applicable regulations of the Zoning Ordinance and Village regulations except for certain Variations applied herein related to the redevelopment of an existing infill site. These Variations are consistent with other properties within along Harlem Avenue and the intent of the regulations are met where possible.*
- g. The extent to which the Special Use contributes directly or indirectly to the economic development of the community as a whole.
- *The proposed 7-Eleven project will contribute directly to the economic development of the community by providing fuel, retail, and food services to visitors, providing additional jobs, and providing additional property and sales tax revenue where the existing vacant property is generating minimal tax revenue.*

Mr. Ritter reviewed 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 property is an infill site with limited ability to expand its size, dimensions, and setbacks. The overall area on the west side of Harlem Avenue will eventually meet the intent of the Zoning Code's minimum lot requirements upon its full redevelopment. The Variations allow the fairly small and limited sized lot to be reasonably developed with a commercial use.*
2. The plight of the owner is due to unique circumstances.
 - *The small properties offer a challenging situation for redevelopment as they were originally residential lots. Residential uses on the lots are no longer preferred or marketable along the heavily traveled Harlem Avenue commercial corridor.*
3. The Variation, if granted, will not alter the essential character of the locality.
 - *The lot Variations will be similar to other properties that have redeveloped along Harlem Avenue in regards to the lot size and sign setbacks. The drive aisle width is a standard width in many other municipalities and is not expected to be noticeable.*
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 Motions:

Motion 1 (Site Plan):

A Motion was made by COMMISSIONER VICK, seconded by COMMISSIONER AITCHISON to grant the Petitioner, Vequity LLC, Site Plan Approval to construct an automobile service (gas) station and a 3,511 sq. ft. 7-Eleven convenience store building at 17100 Harlem Avenue in the B-1 (Neighborhood Shopping) Zoning District, in accordance with the plans submitted and listed herein and subject to the following conditions:

- 1. The two vacant single-family homes to the south of the subject property (17118 & 17130 Harlem Avenue) owned by the same property owner shall be demolished as proposed by the Petitioner.
- 2. The proposed fence shall be a minimum of 8 feet in height and match the existing fence on the neighboring bank property (7231 171st Street) in height, color, and style.
- 3. All Canopy Trees on the site shall be installed at a minimum of 4” trunk caliper.
- 4. Site Plan Approval is subject to approval of the Rezoning, Special Use, and Variations by the Village Board.
- 5. Site Plan Approval is subject to final engineering plan review and approval.”

AYES: STANTON, ENGEL, AITCHISON, VICK & CHAIRMAN GRAY

NAYS: NONE

CHAIRMAN GRAY declared the Motion unanimously approved by Roll Call

Motion 2 (Rezoning):

A Motion was made by COMMISSIONER STANTON, seconded by COMMISSIONER ENGEL to recommend that the Village Board grant the Petitioner, Vequity LLC, a rezoning of the properties located at 17100 and 17110 Harlem Avenue from their existing B-4 (Office and Service Business) and R-1 (Single-Family Residential) zoning districts to the B-1 (Neighborhood Shopping) zoning district and adopt the Findings of Fact submitted by the applicant and as proposed by Village Staff in the Staff Report.”

AYES: STANTON, ENGEL, AITCHISON, VICK & CHAIRMAN GRAY

NAYS: NONE

CHAIRMAN GRAY declared the Motion unanimously approved by Roll Call

Motion 3 (Variations):

A motion was made by COMMISSIONER AITCHISON, seconded by COMMISSIONER STANTON to recommend that the Village Board grant the following Variations to the Petitioner, Vequity LLC, at the property located at 17100 Harlem Avenue in the B-1 (Neighborhood Shopping) Zoning District, in accordance with the plans submitted and listed herein and adopt Findings of Fact as proposed by Village Staff in the Staff Report.

1. A five foot Variation from Section IX-D-2-c. to permit a freestanding sign to be located five feet from the property instead of the required minimum of ten feet.
2. A two foot Variation from Section VIII-C-Table 2 (Parking Lot Dimension Guidelines) to permit a 24 foot wide two-way drive aisle instead of the required 26 foot minimum.
3. A 3.039 sq. ft. Variation from Section V-B-Schedule II (Schedule of District Requirements) to permit a lot size of .961 acres, instead of the required minimum of 4 acres.
4. A 413.47 foot Variation from Section V-B-Schedule II (Schedule of District Requirements) to permit a lot width of 186.53 feet instead of the required minimum of 600 feet.
5. A 51.48 foot Variation from Section V-B-Schedule II (Schedule of District Requirements) to permit a lot depth of 198.52 feet instead of the required minimum of 250 feet.

AYES: STANTON, ENGEL, AITCHISON, VICK & CHAIRMAN GRAY

NAYS: NONE

CHAIRMAN GRAY declared the Motion unanimously approved by Roll Call

Motion 4 (Special Use):

A Motion was made by COMMISSIONER ENGEL, seconded by COMMISSIONER AITCHISON to recommend that the Village Board grant a Special Use Permit to the Petitioner, Vequity LLC, to permit an automobile service (gas) station and a 3,511 sq. ft. convenience store on the property located at 17100 Harlem Avenue in the B-1 (Neighborhood Shopping) Zoning District, in accordance with the plans submitted and listed herein and adopt Findings of Fact as proposed by Village Staff in the Staff Report.

AYES: STANTON, ENGEL, AITCHISON, VICK & CHAIRMAN GRAY

NAYS: NONE

CHAIRMAN GRAY declared the Motion unanimously approved by Roll Call

Motion 5 (Final Plat):

A Motion was made by COMMISSIONER ENGEL, seconded by COMMISSIONER STANTON to recommend that the Village Board grant approval to the Petitioner, Vequity LLC, Final Plat of Subdivision Approval for Southlands First Consolidation in accordance with the Final Plat submitted and listed herein, subject to the following condition:

1. The Final Plat approval is subject to Final Engineering Plan approval by the Village Engineer.

AYES: STANTON, ENGEL, AITCHISON, VICK & CHAIRMAN GRAY

NAYS: NONE

CHAIRMAN GRAY declared the Motion unanimously approved by Roll Call

This will be heard by the Village Board on January 21, 2020 meeting

GOOD OF THE ORDER:

Paula Wallrich, Community Development Planning Manager noted the following:

1. Happy New Year to all.
2. Two Marriot-brand hotels may be on the agenda for the next Plan Commission meeting.
3. There is construction on the Convention Center hotel. There will be a change in the management from Holiday Inn to Even, which is more of a fitness and health focused hotel.

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 VICK, seconded by PLAN COMMISSIONER STANTON to adjourn the Regular Meeting of the Plan Commission of January 2, 2020 at 8:00 p.m. The Motion was unanimously approved by voice call. PLAN COMMISSION CHAIRMAN GRAY declared the meeting adjourned.