



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

January 16, 2020

The Regular Meeting of the Plan Commission was held in the Council Chambers of Village Hall on January 16, 2020 at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Absent Plan Commissioner(s): Stephen Vick

Village Officials and Staff: 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 January 16, 2020 at 7:00 p.m.

COMMUNICATIONS

None

APPROVAL OF MINUTES

Minutes of the January 2, 2020 Regular Meeting of the Plan Commission were presented for approval. A Motion was made by COMMISSIONER AITCHISON, seconded by COMMISSIONER STANTON 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 16, 2020 REGULAR MEETING

ITEM #1 PUBLIC HEARING: 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
Eduardo Mani
Curt Fielder
James Gaskill
Angela Gatto

Absent Plan Commissioner(s): Stephen Vick

Guests: Kim McAuliffe, Petitioner/Owner
Mike McAuliffe, Petitioner/Owner

A Motion was made by COMMISSIONER FIELDER, seconded by COMMISSIONER GATTO, to open the Public Hearing for Kim McAuliffe, on behalf of An English Garden LLC - 16800 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.

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 at 16800 Oak Park Avenue is currently being operated as An English Garden Florists & Gifts which opened in November 2019. This is their second location. The first location is in Mokena, Illinois. The property was originally constructed as a residential home in 1859 as the home of early Tinley Park Settlers John and Jane Fulton. There was an addition in 1912. The property is considered a culturally and historically significant property in Tinley Park. In 2001 and 2002 there was a Special Use Permit for a Bed and Breakfast. This is when most of the exterior improvements occurred and the second floor was renovated with a kitchen and was going to be the Bed and Breakfast. The business never formally opened. In 2006, it had functioned as a standalone commercial law and real estate office. Most recently it was Gigi's Playhouse that has relocated to 159th St. and Harlem Ave. The English Garden purchased the property last

November and they are occupying the first floor with their florist and gift shop. 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 to a mixed-use in the NG district with the 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 subject property is located in the NG (Neighborhood General) zoning district and is classified as a Heritage Site. This is what you would see in the downtown core. It gives you the rooftop and the density to support primarily promoting commercial with residential around it. There is existing commercial and mixed-use. This will maximize the population that lives around the train station in the downtown area.

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 Americans with Disabilities (ADA) or Illinois Accessibility Code requirements for their employees or customers based on the current layout. 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, kitchen, living room, and bathroom and is approximately 1,214 sq. 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 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.

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.

No wall signs are proposed at this time. Although the permit for the ground sign has been approved, the Petitioner is considering coming back at a later time for a Variance to be able to install the ground sign closer to the street to make it easier to see.

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 is very happy and excited to open An English Garden Flowers and Gifts and this will help with the property.

CHAIRMAN GRAY asked for comments from the Commissioners.

COMMISSIONER STANTON noted he is impressed with the shop and very happy to see it.

COMMISSIONER GASKILL, FIELDER, ENGEL, AITCHISON, MANI AND GATTO agreed.

CHAIRMAN GRAY noted he agrees and feels the building and it fits both the residential and commercial aspects of the area.

A Motion was made by COMMISSIONER FIELDER, seconded by COMMISSIONER GASKILL, to close the Public Hearing for Kim McAuliffe, On Behalf Of an English Garden LLC - 16800 Oak Park Avenue.

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

NAYS: NONE

CHAIRMAN GRAY declared the Motion unanimously approved by Roll Call

Mr. Ritter identified 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 convert the second floor to an apartment with the first floor remaining a florist and gift shop. The uses are compatible with one another and neighboring uses.*

- 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 allow the unused second floor to be converted to a residence. The project will further promote the reuse of a historically and culturally significant property in Tinley Park. This mix of uses are similar and compatible with existing nearby uses along Oak Park 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 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. The project will be constructed meeting current Village building codes and is among the highest and best uses for the site. The addition of an apartment to the property more closely complies with the Legacy Plan than a standalone commercial property.*
- d. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided;
- *The site and building are existing and has all appropriate existing utilities, roads, and drainage facilities that are not proposed to be changed. Drainage has been accounted for on the site and utilizes the existing storm sewer system.*
- 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 site and building are existing. The site uses a right-of-way extension with on-street parking for access to their site. The site incorporates existing 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. The proposed commercial and residential uses are consistent with other properties within along Oak Park Avenue.*
- g. The extent to which the Special Use contributes directly or indirectly to the economic development of the community as a whole.
- *The proposed residential apartment will help bring additional revenue and tax relief to the property compared to a standalone commercial use. The addition of an apartment is consistent with the Legacy Plan's goal increasing population density around the Downtown Core and train station to support a strong economic center.*

Mr. Ritter identified the additional Legacy Code Standards

- a. The proposed improvement meets the Legacy Plan and its Principles, as presented in Section 1.A-B: Purpose and Intent, of this ordinance;
 - *The proposal more closely complies with the Legacy Plan principles than the existing standalone commercial use. The proposal maximizes the amount of people within proximity of the Downtown Core. The reuse of the space for a residential use, helps to ensure a historically and culturally significant property in the Village is maintained.*
- 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;
 - *A mixed-use building works well with the existing and planned developments along that block of Oak Park Avenue, which has a mix of uses existing and expected in the future.*
- c. Any improvement meets the architectural standards set forth in the Legacy Code;
 - *No improvements to the building are proposed with the Special Use. The building is a historically and culturally significant property that is retaining its original character.*
- d. The improvement will have the effect of protecting and enhancing the economic development of the Legacy Plan area.
 - *The proposed residential apartment will help bring additional revenue and tax relief to the property compared to a standalone commercial use. The addition of an apartment is consistent with the Legacy Plan's goal increasing population density around the Downtown Core and train station to support a strong economic center.*

A motion was made by COMMISSIONER FIELDER, seconded by COMMISSIONER GASKILL to recommend that the Village Board grant the Petitioner, Kim McAuliffe of An English Garden LLC, a Special Use Permit to convert a Heritage Site from a standalone commercial building to a mixed-use building with a 1,214 sq. ft. second floor apartment at 16800 Oak Park Avenue in the NG (Neighborhood General) 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, MANI, GATTO, AITCHISON, GASKILL, FIELDER & CHAIRMAN GRAY

NAYS: NONE

CHAIRMAN GRAY declared the Motion unanimously approved by Roll Call

This will be heard at the Village Board for one reading on February 4, 2020 along with the Parking Lease and Maintenance Agreement which will go to Committee beforehand.

GOOD OF THE ORDER:

Mr. Ritter, Senior Planner noted the following:

1. SIP Wine Bar is expecting to open in February.
2. Pekoe and Bean Tea Room has opened on Oak Park Avenue south of Olde Tinley Pub and Together We Cope. There is Love's Sweet Arrow, a romance book store that has also opened on Oak Park Avenue nearby.
3. The Boulevard on South Street has their foundation in and will be working with MWRD and will start building when the permit has been approved.
4. 7-Eleven will go to the Village Board on January 21st for review. An additional letter was sent out to all the residents on the block behind due to possible resident concerns.
5. Union Square Townhomes have put in the foundation for the third townhome building. Those units have been selling well, some as high as \$290,000 and \$300,000 for the units. Hopefully, this will set the market for this type of unit.

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 January 16, 2020 at 7:25 p.m. The Motion was unanimously approved by voice call. PLAN COMMISSION CHAIRMAN GRAY declared the meeting adjourned.