

NOTICE OF THE REGULAR MEETING OF THE PLAN COMMISSION

The regular meeting of the Plan Commission is scheduled for
Thursday, July 2, 2020 beginning at 7:00 p.m.

A copy of the agenda for this meeting is attached hereto and
can be found at www.tinleypark.org.

NOTICE - MEETING MODIFICATION DUE TO COVID-19

Pursuant to Governor Pritzker's Executive Order 2020-07, Executive Order 2020-10, Executive Order 2020-18, Executive Order 2020-32, Executive Order 2020-33, and Executive Order 2020-39, which collectively suspends the Illinois Open Meetings Act requirements regarding in-person attendance by members of a public body during the duration of the Gubernatorial Disaster Proclamation, issued on May 29, 2020, the members of the Plan Commission will be participating in the meeting through teleconference.

A livestream of the electronic meeting will be broadcasted at Village Hall. Pursuant to Governor's Executive Order No. 2020-10 and CDC guidelines, no more than 10 people will be allowed in the Council Chambers at any one time. Anyone in excess of 10 people will be asked to wait in another room with live feed to the meeting until the agenda item for which the person or persons would like to speak on is being discussed or until the open floor for public comments.

Public comments or requests to speak may also be emailed in advance of the meeting to clerksoffice@tinleypark.org or placed in the Drop Box at the Village Hall by noon on Thursday, July 2, 2020.

Kristin A. Thirion
Clerk
Village of Tinley Park



**AGENDA FOR REGULAR MEETING
VILLAGE OF TINLEY PARK
PLAN COMMISSION**

**July 2, 2020 – 7:00 P.M.
Council Chambers
Village Hall – 16250 S. Oak Park Avenue**

Regular Meeting Called to Order

Pledge of Allegiance

Roll Call Taken

Communications

Approval of Minutes: Minutes of the June 18, 2020 Regular Meeting

ITEM #1 PUBLIC HEARING – Text Amendment – Adult Use Business Establishments

Consider a proposed text amendment to certain sections of the Tinley Park Zoning Ordinance allowing Adult-Use Cannabis Dispensing Organizations in the B-2 and B-3 zoning districts as a Special Use with certain restrictions and eliminate Medical Cannabis Cultivation facilities as a Special Use in the ORI district. Medical Cannabis Dispensing Organizations will still be allowed in the M-1 district but will not be allowed to sell Adult Use Cannabis at those locations.

Good of the Order

Receive Comments from the Public

Adjourn Meeting



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

June 18, 2020

The meeting of the Plan Commission, Village of Tinley Park, Illinois, was held in the Council Chambers located in the Village Hall of Tinley Park, 16250 Oak Park Avenue, Tinley Park, IL on June 18, 2020.

At this time, CHAIRMAN GRAY, stated the meeting was being held remotely consistent with Governor Pritzker's Executive Order 2020-07, Executive Order 2020-10 and Executive Order 2020-18, which suspends the Open Meetings Act provisions relating to in-person attendance by members of a public body. Specifically, the Governor's Office: (1) suspends the requirement in Section 2.01 that "members of a public body must be physically present," and (2) suspend the limitations in Section 7 on when remote participation is allowed. Chairman Gray confirmed Commissioners and Staff were able to communicate. All replied affirmatively. CHAIRMAN GRAY then addressed ground rules for the effective and clear conduct of Plan Commission business.

Secretary Bennett called the roll.

Present and responding to roll call were the following:

Chairman Garrett Gray (Participated electronically)
Eduardo Mani (Participated electronically)
James Gaskill (Participated electronically)
Mary Aitchison (Participated electronically)
Angela Gatto (Participated electronically)
Steven Vick (Participated electronically)
Lucas Engel (Participated electronically)

Absent Plan Commissioners: Tim Stanton
Kehla West

Village Officials and Staff: Paula Wallrich, Interim Community Development Director (Participated electronically)
Dan Ritter, Senior Planner
Priscilla Cordero, Business Development Manager (Participated electronically)
Barbara Bennett, Commission Secretary

CALL TO ORDER

PLAN COMMISSION CHAIRMAN GRAY called to order the Regular Meeting of the Plan Commission for June 18, 2020 at 7:00 p.m.

COMMUNICATIONS

None

APPROVAL OF MINUTES

Minutes of the June 4, 2020 Regular Meeting of the Plan Commission were presented for approval. A Motion was made by COMMISSIONER ENGEL, seconded by COMMISSIONER MANI to approve the minutes as presented.

AYE: COMMISSIONERS MANI, GATTO, VICK, ENGEL GASKILL, AITCHISON and CHAIRMAN GRAY.

NAY: None.

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 JUNE 18, 2020 REGULAR MEETING

ITEM #1 PUBLIC HEARING: 16651 Theresa Lane – Map Amendment (Rezoning)

Consider recommending that the Village Board grant Aleksandra Ligas (Property Owner) a Map Amendment (Rezoning) from the Zoning Code for the property located at 16651 Theresa Lane. Upon Annexation, the parcel is proposed to be zoned R-6 (Medium-Density Residential).

Present were the following: Chairman Garrett Gray (Participated electronically)
Eduardo Mani (Participated electronically)
James Gaskill (Participated electronically)
Mary Aitchison (Participated electronically)
Angela Gatto (Participated electronically)
Steven Vick (Participated electronically)
Lucas Engel (Participated electronically)

Absent Plan Commissioners: Tim Stanton
Kehla West

Guests: NONE

A Motion was made by COMMISSIONER ENGEL, seconded by COMMISSIONER VICK to open the public hearing of 16651 Theresa Lane. Map Amendment.

AYE: All Commissioners participated electronically

COMMISSIONERS AITCHISON, MANI, GASKILL, GATTO, ENGEL, VICK and CHAIRMAN GRAY.

NAY:

None

CHAIRMAN GRAY declared The Motion Approved.

CHAIRMAN GRAY noted anyone wishing to speak on this matter will be sworn in before they speak after staff's presentation.

The 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.

Dan Ritter, Senior Planner presented the Staff Report. The subject property was developed in 1996 as a four-unit condo building. Its original development occurred with the belief, by both the Village and developer, that the entire property had been previously annexed into the Village of Tinley Park. The subject development was approved and permitted by the Village, is connected to Village utilities, and has received Village services since that time. However, it has been found that the property is actually two parcels and only the out lot (front yard) is currently located in the Village. The second lot, which includes the principal building and parking structure, has remained unincorporated. Since its original development, the property has had the original condo declarations removed; it currently has a single owner.

Upon noticing the situation, Village staff led efforts to contact and discuss the situation with the property owner. To rectify this situation, the owner/Petitioner, Aleksandra Ligas, agreed to voluntarily annex the property and rezone it to comply with the surrounding R-6 (Medium-Density Residential) zoning district. Voluntarily annexing ensures no loss in Village services for the residents living at the property, brings the property into zoning compliance, and avoids the need for the Village to consider other methods of annexation. The Village agreed to prepare the Plat of Annexation for the request. The use and building will be legal and conforming under the proposed

R-6 zoning district that is similar to the surrounding area. No changes to the existing building or site are proposed with the annexation or rezoning.

The subject site originally had a single-family house on it that was constructed in the mid 1940's as part of the area's farmstead. The house was demolished around 1987 and it remained a vacant lot until a developer for the property came forward in 1996. At that time the developer and the Village both believed that the site was annexed into the Village and rezoned R-6, similar to the surrounding neighborhood. This went through the Long-Range Plan Commission and the permit process and all Village utilities were connected and have received Village services since that time.

It was recently found that the property is actually split into two lots, with only one portion (the front yard out lot) being located in the Village. The other lot, that previously had the old house remains in unincorporated Cook County. The county zoning is R-4 which is most similar to the Village's R-2 zoning district and means the site is non-conforming under the current county zoning. Staff reached out to the owner in January to discuss the issue and the owner agreed to submit the appropriate applications to properly annex and zone the property.

The properties to the north and east are similar multi-family buildings zoned R-6 (Medium-Density Residential). To the west is an ATI Physical Therapy business zoned B-4 (Office and Service Business). To the south across 167th Street is a single-family home zoned R-2 (Single-Family Residential) and townhomes zoned R-5 (Low-Density Residential)

The Annexation Ordinance will be scheduled for Village Board consideration at the same time as the rezoning request. No annexation agreement is proposed for the property. There are no plan changes to this site. The only change will be the parking in the back. They have angled the parking so the automobile lights do not shine into the neighbor's windows. There are no property maintenance issues.

CHAIRMAN GRAY inquired if the Petitioner had any comments. Mr. Ritter noted the Petitioner is not present and has left this to staff.

CHAIRMAN GRAY asked for comments from the Commissioners. Commissioners had no comments or concerns with the proposed zoning.

CHAIRMAN GRAY asked for comments from the public

There were none.

A Motion was made by COMMISSIONER AITCHISON, seconded by COMMISSIONER GASKILL to close the public hearing of 16651 Theresa Lane. Map Amendment.

AYE: All Commissioners participated electronically

COMMISSIONERS AITCHISON, MANI, GASKILL, GATTO, ENGEL, VICK and CHAIRMAN GRAY.

NAY:

None

CHAIRMAN GRAY declared The Motion Approved.

Mr. Ritter noted the Standards for rezoning approval:

- a. The existing uses and zoning of nearby property;
 - *The R-6 zoning district will allow the Subject Property to serve as an extension of the existing R-6 designation for the similar surrounding medium-density multi-family buildings.*
- b. The extent to which property values are diminished by the particular zoning;
 - *The property is already developed with a permitted use and is similar to the surrounding area's development. Rezoning to R-6, will maintain zoning that was believed to be there for many years.*

- 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 changes to the property are expected with the rezoning or in the near future. The property was believed to be zoned R-6 during its development, similar to adjacent properties.*
- d. The relative gain to the public as compared to the hardship imposed on the individual property owner;
 - *Hardships of neighboring property owners have not been identified. Lighting, dumpster locations, landscaping, cross-access, and overall site layout were designed to avoid any issues with the neighboring properties. The project will allow the continuation of Village services to the property and will pay its fair share of property taxes to support those services.*
- e. The suitability of the property for the zoned purpose;
 - *The site was previously developed under the belief that it was zoned R-6 and the existing development complies with that zoning district.*
- f. The length of time the property has been vacant as zoned, compared to development in the vicinity of the property;
 - *The lot is not vacant, but was incorrectly identified as being annexed into the Village and zoned R-6. The annexation and this rezoning will correct that error.*
- g. The public need for the proposed use; and
 - *The project will allow the continuation of Village services to the property and its residents. The property will pay its fair share of property taxes to support those services that it utilizes.*
- h. The thoroughness with which the municipality has planned and zoned its land use.
 - *The property is identified as Residential in the 2000 Comprehensive Plan. The property is similar to the surrounding area's development of medium-density multi-family buildings with 4-8 per units per building.*

A motion was made by COMMISSIONER VICK, seconded by COMMISSIONER ENGEL to recommend that the Village Board grant the Petitioner, Aleksandra Ligas (property owner), a Rezoning (Map Amendment) for the property located at 16651 Theresa Lane, upon annexation to the R-6 (Medium-Density Residential) zoning district and adopt the Findings of Fact as proposed by Village Staff in the Staff Report dated June 18, 2020.”

AYE: All Commissioners participated electronically

COMMISSIONERS AITCHISON, MANI, GASKILL, GATTO, ENGEL, VICK and CHAIRMAN GRAY.

NAY:

None

CHAIRMAN GRAY declared The Motion Approved by roll call.

This item will be heard at the Village Board on Tuesday, July 7, 2020.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION

SUBJECT: MINUTES OF THE JUNE 18, 2020 REGULAR MEETING

ITEM #2 PUBLIC HEARING: 6800 159th Street – Delta Sonic – Site Plan, Special Use, Variations

Consider recommending that the Village Board grant James Boglioli, on behalf of Delta Sonic Car Wash System Inc (Property Owner), an amendment to the existing Special Use (Ord. # 88-O-016) and Variations (structure setbacks, lighting, parking, and signage) to allow for the expansion of the Delta Sonic detail center and convenience store on the property located at 6800 159th Street in the B-3 (General Business & Commercial) zoning district. Site Plan Approval is being requested due to the structure changes and to improve site circulation and vehicle stacking.

Present were the following: Chairman Garrett Gray (Participated electronically)
Eduardo Mani (Participated electronically)
James Gaskill (Participated electronically)
Mary Aitchison (Participated electronically)
Angela Gatto (Participated electronically)
Steven Vick (Participated electronically)
Lucas Engel (Participated electronically)

Absent Plan Commissioners: Tim Stanton
Kehla West

Guests: Jeremy Brooks, Delta Sonic, (Participated electronically)

A Motion was made by COMMISSIONER MANI, seconded by COMMISSIONER ENGEL to open the public hearing of Delta Sonic, 6800 159th Street, Site Plan, Special Use, Variations

AYE: All Commissioners participated electronically

COMMISSIONERS AITCHISON, MANI, GASKILL, GATTO, ENGEL, VICK and CHAIRMAN GRAY.

NAY:

None

CHAIRMAN GRAY declared The Motion Approved.

CHAIRMAN GRAY noted anyone wishing to speak on this matter will be sworn in before they speak after the staff's presentation.

The 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.

Dan Ritter, Senior Planner presented the Staff Report. The Petitioner, James Boglioli, on behalf of Delta Sonic Car Wash System, Inc., is requesting an amendment to the existing Special Use Permit, Variations, a Site Plan Amendment, and a Plat of Easement. The requests are being made due to site upgrades at the existing Delta Sonic Car Wash site at 6800 159th Street in the B-3 (General Business & Commercial) zoning district. The existing site includes a car wash, detail center, fuel pumping stations, and a convenience store. The proposed plan will expand the interior detail center at the north side of the property, expand the convenience store to allow for ADA accessible public bathrooms, demolish a pre-rinse canopy, and make site changes to provide for improved vehicle circulation and stacking.

Mr. Ritter displayed a rendering of the proposed expansion and upgrades.

The site is known to be very busy and congested when there is a high demand for car washes. The proposal will not add any additional services and is not expected to create any additional traffic demand. The proposal addresses some significant issues on the site, including pay booths that align with an entrance/exit, poor stacking, lack of public sidewalks, an extra-wide curb cut on Oak Park Avenue, and limited landscaping. A traffic study was conducted by KLOA as part of the improvements to help identify critical issues and recommendations for improvement.

The subject site is a single 1.59-acre lot located on the northwest corner of 159th Street and Oak Park Avenue. The site was originally developed and approved in 1988 for the Delta Sonic Car Wash. The project's goal is to clean up the site, help the site circulation, expand the detail center, and add an ADA compliant bathroom to the convenience store.

In 1988 the company expanded into the Chicagoland area and this site was expected to be primarily used as a car wash with the ability to buy gas and convenience items. In 1995, the rear interior detail addition was proposed and approved with an amendment to the Special Use with certain Variations.

The site is located in the B-3 (General Business & Commercial) zoning district. To the north of the site is the Trinity Lutheran Cemetery that is zoned B-3. To the west of the site, is the Trinity Lutheran Church & School zoned R-2 (Single-Family Residential). To the south is Brown's Chicken zoned B-3 and Golden Corral zoned B-2 (Community Shopping). To the east is Shell gas station located in the City of Oak Forest and zoned most similarly to the B-3 zoning district.

The Petitioner is proposing to modernize the site, meet existing demand, meet accessibility codes, and improve site circulation. In the past few years, they have upgraded the canopy as well as the pumps and replaced the tanks and asphalt in the parking lot. The same services will be offered, and no increase in traffic is expected. Staff is recommending adding a condition to the Special Use approval clarifying the existing services and prohibiting oil change or automotive services due to the size limitations of the site.

They do have the existing Special Use granted in 1988. They are proposing to make changes to expand the convenience store building and tear down and replace the detail center in the rear with a larger building. Automobile Service Stations and Car Washes are Special Uses in B-3. Expansion or change in a proposal of a Special Use requires a new approval.

Mr. Ritter displayed an overview of the existing site. The existing convenience store is 1,295 sq. ft. and the proposal include a 131 sq. ft. addition for a new total of 1,426 sq. ft. The addition is located in an existing concrete walkway area. The convenience store addition will allow for an expansion of the existing restroom to be ADA accessible. The cashier area will also be moved near the exits and will allow for better views of the fueling areas.

The detailing area is used for interior detailing services, which a number of service levels are offered. The existing detail shop is approximately 2,456 sq. ft. and is proposed to be demolished. The new detail shop building will be 7,834 sq. ft., and while the same services will be offered, it will allow more space for equipment and increased efficiencies in servicing vehicles. There will be updated restrooms, waiting area, and mechanical/equipment room.

The structure's expansion will reduce set back to the side and rear property lines to five feet. The structure is not immediately adjacent to any structures on the neighboring cemetery property and will be screened by a six-foot privacy fence and landscaping. A five-foot setback is proposed to allow for maintenance of the building and area between the fence and building.

The pre-wash canopy located west of the car wash building will be demolished and the pay booths for the car wash are located further north toward the car wash. This allows for more vehicle stacking space and also eliminates the dangerous adjacency between the pay booths and the western curb cut. The express lane for the car wash has also been moved to the outside lane which reduces the potential of blocking vehicles queuing for a pay booth. A traffic study was done and some of the changes that were recommended were implemented by the Petitioner to help the circulation.

The width of the curb cut and driveway on Oak Park Avenue has been reduced. Along with the increased setback of the new detail building from Oak Park Avenue, the new configuration of the curb cut minimizes the potential for conflict between cars queuing for service, exiting the carwash and entering the property.

As part of the redevelopment and changes in the Special Use, a public sidewalk is required to be installed along 159th Street and Oak Park Avenue. The sidewalk will extend along 159th Street from the curb cut just west of the subject site that connects to the church's parking lot all the way east to the intersection. However, at the intersection, the sidewalk must cross onto the existing property. The petitioner has requested a public sidewalk easement as compared to a formal dedication to avoid changes in deeds and financing. The

easement option also avoids the need to request a ground sign setback variation. Similar sidewalk easements were approved on the 7-Eleven (171st Street & Harlem Ave.) and Food N Fuel (183rd St & West Creek Dr.)

The Petitioner has a parking agreement with the adjacent church and has been working to provide a sidewalk connection to the church parking for employees. The sidewalk will allow for a more direct paved walk for employees who park at the church parking lot since the Petitioner will install the sidewalk on their property and are committed to connecting it to the church parking lot if and when the church approves those plans. Until the sidewalk can be installed the Petitioner will construct a public sidewalk along the 159th Street frontage of the church between the subject property and the east entrance to the church.

The Petitioner will be installing underground detention as part of the project to compensate for any increased stormwater runoff. The engineering plans still have revision and comments that need to be made. Staff recommends conditioning all approvals based upon final engineering plan approval by the Village Engineer. Some engineering corrections were made to the public sidewalk layout, including creating a connection at the intersection. Those changes altered the sidewalk easement slightly.

The site has very little existing landscaping, except for shrubs near light poles along the roadway frontage and along the north property line. A planter area along the south side of the car wash building (and north of the convenience store) was removed following tank replacement. The planter was elevated and made it difficult to grow and maintain plantings. A tree and small planting area near the existing pre-wash canopy is also proposed to be removed.

The new landscape plans work to offset the few areas where landscaping has been removed by increasing the parkway and perimeter landscaping, including 40 canopy trees and 16 small/ornamental trees. Specific species of trees and shrubs were chosen due to their ability to survive in confined areas, are salt-tolerant, and do not create visibility concerns. The property is separated from the cemetery to the north by an existing privacy fence. The western property that is adjacent to the church is also buffered by a naturalized buffer along a creek.

The site does not comply with many of the current landscape ordinance requirements, such as required bufferyard widths and interior parking lot landscaping. However, as with other aspects of redevelopment sites, the goal is to improve the site, while allowing the project to be economically and functionally feasible. Any additional landscaping will result in a loss of parking/fuel stations, or require an extensive reconfiguration of the site layout, which are not feasible at this time. The Petitioner has prioritized the placement of attractive landscaping in areas not utilized for parking or site circulation. While there are waivers, the Petitioner's proposal significantly improves the site compared to its current condition. The landscaping proposal is very similar to the development of the property on the southeast corner of the intersection with a heavy use of trees and shrubs placed around the street frontages. Plan Commission indicated no concerns with the proposed landscaping and noted the increase in tree and shrubs was sufficient on the site with limited locations to expand the landscaping or meet current code requirements.

Mr. Ritter displayed an overview of the proposed changes to the architecture. The changes maintain the current design which includes a heavy use of brick and metal fascia components. The convenience store will include a matching brick base and windows, similar to the existing building.

The most significant architectural changes are in regards to the Detail Center and the Oak Park Avenue frontage. The new detail center will include a two-story tower with a façade using primarily windows. This design was utilized to bring in existing aspects of the car wash building, but also creating a more modern and attractive facade along Oak Park Avenue.

Mr. Ritter displayed photos of the proposed signs. Most of the signage on the site was approved with a Variation in 1988 and will remain on site. The proposal includes new signage for the detailing center. The proposed wall sign is permitted with respect to size and is on a separate elevation from the front pillar signs. The drive-thru menu boards are also permitted as they are below 16 sq. ft. in size for each lane. However, the new directional signs exceed the maximum six sq. ft. for a wall-mounted directional sign. The "detailing" sign is proposed at 18.25 sq. ft. The overhead car wash lane signs are 28 sq. ft. The additional size is needed to increase the visibility that helps to direct vehicles to these different locations from any point in the site and even from the roadway before they enter. The drive-thru oval lane signs were reduced in size prior to the workshop from 28 sq. ft. to 17.55 sq. ft. in size. The Plan Commission noted they appreciated this change to reduce the size. They believe that the proposed sizes, while larger than the code requirements, served an important purpose on this site because it is tight and direction is needed to keep order on the site.

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 and car wash. In these situations where a specific use is not listed, the Plan Commission has authority to approve the parking based on the Petitioner's proposal and similar uses noted in the ordinance. A professional parking

study is typically required to be supplied to assist the Plan Commission in their review. The site is already known to be significantly under-parked and the Petitioner has an existing cross-parking agreement with the neighboring church that allows them the use of the adjacent parking lot for their employees. Therefore, due to the existing conditions and agreement, a parking study was not required for the proposed site changes.

Convenience stores are most commonly considered a “retail use” which requires one parking stall for every 150 sq. ft. With a total of 1,426 sq. ft. proposed, this results in a requirement of nine parking spaces per the Zoning Ordinance requirements. Automobile service (gas) stations require parking for each employee and that can be used for both the detailing and car wash services as well. The petitioner has stated up to 10 employees work on the site at any given time. This requires a total of 19 parking stalls for the proposed uses.

Currently, there are four parking stalls; however, one is being converted to an ADA compliant stall and will reduce the parking stalls to a total of three. Additionally, the site has twelve fueling stations. There is a unique nature of a gas station where some of the retail customers may be parked at the pumps (which is not included in the parking count) while they access the convenience store, thereby essentially providing twelve additional parking spaces. Due to its size and limited item selection, the convenience store typically only serves someone who is fueling and only rarely used by customers stopping solely for a convenience item. Additionally, customers are usually on the site for short periods of time, resulting in high turnover and thereby lowering the demand for parking. The Petitioner has had a cross-parking agreement with Trinity Lutheran Church for a number of years and recently extended it allowing employees to park in the church parking lot during their shifts. Staff does not have concerns with the parking variation, subject to a parking agreement with an adjacent property. The Plan Commission did not have concerns with the parking as long as the parking agreement was in place with the neighboring church. They encouraged Delta Sonic and the church to work on an agreement for the sidewalk connection.

Mr. Ritter displayed photos of the proposed light fixture. A new lighting ordinance was recently adopted in September 2019. The lighting plan for the proposed development complies with the new lighting standards with respect to fixture type, illumination intensity, and light intensity at the property lines. The Petitioner will be installing new lights around the expanded car wash entrance. They will also be replacing the existing light poles on the site that have angled box fixtures with similar poles and light fixtures that will be parallel to the ground.

CHAIRMAN GRAY asked the Petitioner to make comments.

Mr. Jeremy Brooks, Delta Sonic had no comment.

CHAIRMAN GRAY asked for comments from the public

There were none.

A Motion was made by COMMISSIONER GATTO, seconded by COMMISSIONER AITCHISON to close the public hearing of Delta Sonic, 6800 159th Street, Site Plan, Special Use, Variations

AYE: All Commissioners participated electronically

COMMISSIONERS AITCHISON, MANI, GASKILL, GATTO, ENGEL, VICK and CHAIRMAN GRAY.

NAY:

None

CHAIRMAN GRAY declared The Motion Approved.

Mr. Ritter noted the Standards for Special Use as follows:

- 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 proposed use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare because the business has operated at this location for over 30 years and the largest change in the use is an expansion of the detail center. The proposed plans reflect adequate dimensions for safe traffic maneuvers throughout the site.*

The proposed plans also include improvements to the landscaping at the site to make it more attractive and in compliance with the intent of the Village's current Landscape Ordinance.

- 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 proposed use will not be injurious to the use and enjoyment of other property in the immediate vicinity and will not substantially diminish and impair properties within the neighborhood because this particular use has been in operation since 1988. The changes are only in the size of the convenience store, size of the detail center, and an improvement in site circulation.*
- 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 proposed use will not impede the normal and orderly development and improvement of surrounding property because the use is just expanding the structures without adding additional services. The surrounding properties are already developed with a church and cemetery that are set back from the subject site.*
- d. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided;
 - *The site currently exists in its present configuration and adequate utilities, access roads, drainage, etc. have already been provided. The public infrastructure will not be negatively impacted during the construction process.*
- 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 proposal makes changes to improve traffic congestion, circulation, and safety both on-site and off-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 Petitioner has applied for applicable Variations on the site, but the proposal will otherwise conform to all other applicable regulations for the site.*
- g. The extent to which the Special Use contributes directly or indirectly to the economic development of the community as a whole.
 - *The use contributes directly and indirectly to the economic development of the community because it allows for the existing site to add needed space for the businesses existing services. The project also modernizes the appearance of the building and brings the site into conformance with the Illinois accessibility code. The changes ensure the site remains successful with an improved appearance and site plan.*

Mr. Ritter noted the Standards for Variation as follows:

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 existing site being redeveloped and with limited ability to expand its size, dimensions, and setbacks. The Variations allow the fairly small and limited sized lot to be reasonably redeveloped to maintain the existing use and improve the overall site circulation. The parking has been successfully mitigated by a cross-parking agreement.*
2. The plight of the owner is due to unique circumstances.
 - *The property is limited in size with very little unused space and offers a challenging situation for redevelopment and site circulation. The Variations have been minimized and the site more closely meets the intent of the current requirements.*

3. The Variation, if granted, will not alter the essential character of the locality.
 - *The setback Variations are not visible from the roadways and the structures will not be near any neighboring structures. The directional sign sizes will allow for proper site circulation but blend in the with signage and commercial nature of the 159th Street corridor.*
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:
 - 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;
 - The conditions upon which the petition for a Variation is based would not be applicable, generally, to other property within the same zoning classification;
 - The purpose of the Variation is not based exclusively upon a desire to make more money out of the property;
 - The alleged difficulty or hardship has not been created by the owner of the property, or by a previous owner;
 - 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
 - The proposed Variation will not impair an adequate supply of light and air to an adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Mr. Ritter noted the Standards for Plan Approval & Architectural Review as follows:

Architectural

- a. **Building Materials:** The size of the structure will dictate the required building materials (Section V.C. Supplementary District Regulations). Where tilt-up or pre-cast masonry walls (with face or thin brick inlay) are allowed vertical articulation, features are encouraged to mask the joint lines. Concrete panels must incorporate architectural finishes that comply with “Building Articulation” (Section III.U.5.h.) standards. Cast in place concrete may be used as an accent alternate building material (no greater than 15% per façade) provided there is sufficient articulation and detail to diminish it’s the appearance if used on large, blank walls.
- b. **Cohesive Building Design:** Buildings must be built with approved materials and provide architectural interest on all sides of the structure. Whatever an architectural style is chosen, a consistent style of architectural composition and building materials are to be applied on all building facades.
- c. **Compatible Architecture:** All construction, whether it be new or part of an addition or renovation of an existing structure, must be compatible with the character of the site, adjacent structures and streetscape. Avoid architecture or building materials that significantly diverge from adjacent architecture. Maintain the rhythm of the block in terms of scale, massing and setback. Where a development includes out lots they shall be designed with compatible consistent architecture with the primary building(s). Site lighting, landscaping and architecture shall reflect a consistent design statement throughout the development.
- d. **Color:** Color choices shall consider the context of the surrounding area and shall not be used for purposes of “attention getting” or branding of the proposed use. Color choices shall be harmonious with the surrounding buildings; excessively bright or brilliant colors are to be avoided except to be used on a minor scale for accents.
- e. **Sustainable architectural design:** The overall design must meet the needs of the current use without compromising the ability of future uses. Do not let the current use dictate an architecture so unique that it limits its potential for other uses (i.e. Medieval Times).

- f. **Defined Entry:** Entrance shall be readily identifiable from public right-of-way or parking fields. The entry can be clearly defined by using unique architecture, a canopy, overhang or some other type of weather protection, some form of roof element or enhanced landscaping.
- g. **Roof:** For buildings 10,000 sf or less a pitched roof is required or a parapet that extends the full exterior of the building. For buildings with a continuous roof line of 100 feet or more, a change of at least five feet in height must be made for every 75 feet.
- h. **Building Articulation:** Large expanses of walls void of color, material or texture variation are to be avoided. The use of material and color changes, articulation of details around doors, windows, plate lines, the provision of architectural details such as “belly-bands” (decorative cladding that runs horizontally around the building), the use of recessed design elements, exposed expansion joints, reveals, change in texture, or other methods of visual relief are encouraged as a means to minimize the oppressiveness of large expanses of walls and break down the overall scale of the building into intermediate scaled parts. On commercial buildings, facades greater than 100 feet must include some form of articulation of the façade through the use of recesses or projections of at least 6 inches for at least 20% of the length of the façade. For industrial buildings efforts to break up the long façade shall be accomplished through a change in building material, color or vertical breaks of three feet or more every 250 feet.
- i. **Screen Mechanicals:** All mechanical devices shall be screened from all public views.
- j. **Trash Enclosures:** Trash enclosures must be screened on three sides by a masonry wall consistent with the architecture and building material of the building it serves. Gates must be kept closed at all times and constructed of a durable material such as wood or steel. They shall not be located in the front or corner side yard and shall be set behind the front building façade.

Site Design

- a. **Building/parking location:** Buildings shall be located in a position of prominence with parking located to the rear or side of the main structure when possible. Parking areas shall be designed so as to provide continuous circulation avoiding dead-end parking aisles. Drive-through facilities shall be located to the rear or side of the structure and not dominate the aesthetics of the building. Architecture for canopies of drive-through areas shall be consistent with the architecture of the main structure.
- b. **Loading Areas:** Loading docks shall be located at the rear or side of buildings whenever possible and screened from view from public rights-of-way.
- c. **Outdoor Storage:** Outdoor storage areas shall be located at the rear of the site in accordance with Section III.O.1. (Open Storage). No open storage is allowed in front or corner side yards and are not permitted to occupy areas designated for parking, driveways or walkways.
- d. **Interior Circulation:** Shared parking and cross access easements are encouraged with adjacent properties of similar use. Where possible visitor/employee traffic shall be separate from truck or equipment traffic.
- e. **Pedestrian Access:** Public and interior sidewalks shall be provided to encourage pedestrian traffic. Bicycle use shall be encouraged by providing dedicated bikeways and parking. Where pedestrians or bicycles must cross vehicle pathways a cross walk shall be provided that is distinguished by a different pavement material or color.

Motion 1 (Site Plan):

A Motion was made by COMMISSIONER GASKILL, seconded by COMMISSIONER VICK to grant the Petitioner, James Boglioli on behalf of Delta Sonic Car Wash System Inc, a Site Plan Amendment to modify the Delta Sonic automobile service (gas) station, convenience store, and car wash at 6800 159th Street in the B-3 (General Business & Commercial) zoning district, in accordance with the plans submitted and listed herein and subject to the following conditions:

- 1. The existing fence shall be maintained by Delta Sonic in good repair and any damage or deteriorating sections replaced.
- 2. Site Plan Approval is subject to approval of the Special Use Amendment and Variations by the Village Board.

3. Site Plan Approval is subject to final engineering plan approval by the Village Engineer, MWRD, IDOT, and any other applicable outside agencies.”

AYE: All Commissioners participated electronically

COMMISSIONERS AITCHISON, MANI, GASKILL, GATTO, ENGEL, VICK and CHAIRMAN GRAY.

NAY:

None

CHAIRMAN GRAY declared The Motion Approved by roll call.

Motion 2 (Variations):

A Motion was made by COMMISSIONER ENGEL, seconded by COMMISSIONER MANI to recommend that the Village Board grant the four (4) Variations as listed in the June 18, 2020 Staff Reports, to the Petitioner, James Boglioli on behalf of Delta Sonic Car Wash System Inc, at the property located at 6800 159th Street in the B-3 (General Business & Commercial) 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, subject to the following condition:

The parking Variation is approved subject to an active cross-parking agreement with an adjacent property owner

AYE: All Commissioners participated electronically

COMMISSIONERS AITCHISON, MANI, GASKILL, GATTO, ENGEL, VICK and CHAIRMAN GRAY.

NAY:

None

CHAIRMAN GRAY declared The Motion Approved by roll call.

Motion 3 (Special Use):

A Motion was made by COMMISSIONER ENGEL, seconded by COMMISSIONER GATTO to recommend that the Village Board grant an amendment to and existing Special Use Permit (Ord. #88-O-016) to the Petitioner, James Boglioli on behalf of Delta Sonic Car Wash System Inc, to permit Delta Sonic automobile service (gas) station, convenience store, and car wash at 6800 159th Street in the B-3 (General Business & Commercial) zoning district, in accordance with the plans submitted and listed herein and adopt Findings of Fact as proposed by Village Staff in the June 18, 2020 Staff Report, subject to the following condition:

1. The approval is limited to the uses as presented at the public hearing. No automotive repair/service or additional uses are permitted without an amendment to the Special Use Permit.

AYE: All Commissioners participated electronically

COMMISSIONERS AITCHISON, MANI, GASKILL, GATTO, ENGEL, VICK and CHAIRMAN GRAY.

NAY:

None

CHAIRMAN GRAY declared The Motion Approved by roll call.

Motion 4 (Final Plat):

A Motion was made by COMMISSIONER AITCHISON, seconded by COMMISSIONER GASKILL to recommend that the Village Board grant approval to the Petitioner, James Boglioli on behalf of Delta Sonic Car Wash System, Inc, a Final Plat of Easement for a public sidewalk to be installed on private property at 6800 159th Street, 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.”

AYE: All Commissioners participated electronically

COMMISSIONERS AITCHISON, MANI, GASKILL, GATTO, ENGEL, VICK and CHAIRMAN GRAY.

NAY:

None

CHAIRMAN GRAY declared The Motion Approved by roll call.

This item will be heard at the Village Board on Tuesday, July 7, 2020.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION

SUBJECT: MINUTES OF THE JUNE 18, 2020 REGULAR MEETING

ITEM #3 WORKSHOP/PUBLIC HEARING: 17302 Oak Park Avenue – Avocado Theory Restaurant - Site Plan, Variations, Final Plat

Consider recommending that the Village Board grant Krunal Patel, on behalf of Avocado Theory Inc. (Property Owner) Variations from the Zoning Code (Heritage Site investment threshold, minimum height of additions, and covered residential parking) to allow for the redevelopment and expansion of the property located at 17302 Oak Park Avenue in the DC (Downtown Core) zoning district for a mixed-use property with a restaurant and second-floor apartment. Site Plan Approval and a Plat of Easement are also being requested.

Present were the following:

Chairman Garrett Gray (Participated electronically)
Eduardo Mani (Participated electronically)
James Gaskill (Participated electronically)
Mary Aitchison (Participated electronically)
Angela Gatto (Participated electronically)
Steven Vick (Participated electronically)
Lucas Engel (Participated electronically)

Absent Plan Commissioners:

Tim Stanton
Kehla West

Guest:

Krunal Patel, Petitioner/Owner
Al Arns, Architect

Dan Ritter, Senior Planner presented the Staff Report. The Petitioner, Krunal Patel (Owner), is requesting a Site Plan Amendment, Variations, and a Final Plat of Easement for the property at 17302 Oak Park Avenue (formally Electric Blue Entertainment) in the DC (Legacy District - Downtown Core) zoning district.

Mr. Ritter displayed a drawing of the proposed mixed-use building with a restaurant, patio area, and second-floor apartment.

The petitioner purchased the building to operate their new restaurant. The existing building has a total of approximately 1,142 sq. ft. of floor area with a small second-floor space primarily used for storage. The interior of the structure is dated, but the structure itself is in good condition despite its age (circa 1913). The newly proposed building will be a total of 3,516 sq. ft. including additions for a larger building footprint for the restaurant, an enclosed patio with roll-up doors, and a second-floor residential unit. The proposal utilizes the existing structure, but allows it to be repurposed for a mixed-use building. The site will remain a Heritage Site that does not comply with the Legacy Code's redevelopment requirements. However, it will come closer to the intent of code while keeping with the scale of the existing building that is indicated as historically significant in the Legacy Plan.

The existing site is located at 17302 Oak Park Avenue in the Village's Legacy District. The site is 10,039 sq. ft. (.23 acres) in size with a 1,142 sq. ft. principal structure and a detached garage in the rear. The principal structure has two portions to it, including a single-story east portion closest to Oak Park Avenue and a two-story rear portion with a small second-floor area primarily used for storage. The property currently has six parking stalls along the south side of the structure served by the shared entrance to the public parking lot located immediately to the south of the subject parcel. There is an existing two-car detached garage that is in a deteriorating condition and is proposed to be demolished.

The structure has historically been referred to by the original business that operated in the building: Hick & Messenbrink's Meat Market. The original structure was constructed circa 1913 for the butcher shop. The building has been noted in the Legacy Plan as historically significant due to architectural character and building scale. The building has housed a number of businesses over the years including

Frank's Market, Evon's Trophy Shop, Cozy Flame fireplace store, a record shop, Systech Audio & Electronics, and most recently Electric Blue Entertainment. While the building was designed and has always operated as a commercial structure, the architecture has a residential and utilitarian style to it. A small front porch area was removed and the existing brick veneer façade installed in the 1970s.

The site is located in the Legacy District and zoned DC (Downtown Core). The properties to the south (Park Oaks Mixed-Use and public parking lot), north (residential homes), and southeast across Oak Park Ave (We're Nuts About Mutts Mixed-Use) are all in the Legacy District and zoned DC as well. To the Northeast across Oak Park Avenue is Durbin's located in the NF (Neighborhood Flex) district. The property to the west is a currently vacant property zoned R-4 (Single-Family Residential). While the lot is currently vacant, the owners are actively working on applying for a building permit to construct a new single-family home.

The characteristics of the DC district are described in the Legacy Code as, "The Downtown Core District consists of the highest density and height, with the greatest variety of uses. Street frontages have steady street plantings and pedestrian amenities, and buildings form a continuous street wall set along wide sidewalks".

The property is classified as a Heritage Site and is subject to the general standards listed in Table 2.A.7 and required improvements in Table 2. A.8. within Section XII.2.A (pgs. 16-17). As defined, "Heritage Sites are those lots with structures or uses that lawfully existed prior to the adoption of the *Legacy Code*. Heritage Sites are generally classified as such until they incur voluntary, private-owner initiated site improvements that exceed 50% of the property's market value, at which time they shall be reclassified as redevelopment sites and subject to the pertinent provisions within its district. Absent such voluntary, private-owner initiated site improvements, Heritage Sites may retain their Heritage Site status in perpetuity, and can change owner and/or use, be maintained and repaired as part of normal upkeep, undergo site improvements that do not exceed 50% of the property's market value, and be rebuilt following an Act of God, all without altering this status".

The expansion of the Avocado Theory structure, exterior façade improvements, and interior buildout are voluntary, private owner-initiated site improvements that will exceed 50% of the property's market value. The Petitioner is seeking a Variation to exceed the 50% threshold based upon their current plans. When the Petitioner purchased the property, it was their desire to occupy the building as it stood with only the addition of the patio and façade changes. However, the limited building space, and the extent of the interior renovations necessitated an expansion of the building's footprint. They also wished to improve the curb appeal of the structure, but continuing to utilize the existing foundation and "bones" of the original structure. The Variation process provides the Plan Commission the opportunity to place certain conditions on the Variation to mitigate any concerns with the proposed improvements. Absent the Variation, the project would need to limit its scope to be below the 50% threshold or would likely need to demolish the existing building completely to comply with the redevelopment standards.

The Petitioner is an entrepreneur who operates various businesses including selling fresh guacamole at local farmer's markets. Having a passion for fresh and healthy food they chose downtown Tinley Park to start their dream restaurant because of their success selling guacamole at the downtown farmers market. The hope was to move into the building with just minor exterior work and a covered patio addition. However, after working with an architect regarding minimum space requirements it soon became evident that the building needed more significant renovation and more space.

Mr. Ritter displayed a drawing of the proposed main level restaurant plan. The business will include a variety of avocado-based, fresh, and healthy foods for breakfast, lunch, and dinner. They also plan to have a catering aspect to the business for parties. Specific employee totals and business hours are not yet set. The restaurant will be a great addition to the Village's restaurant line-up and provide a new option in the growing health/fresh food category.

Additionally, there was a need to add an apartment to the property to take advantage of Cook County's tax rates for mixed-use structures. Without that classification, it would likely not be possible to operate at this location. The move from an existing standalone commercial to a mixed-use building more closely aligns with the intent and guiding principles of the Legacy Code. The apartment is proposed to be a one-bedroom apartment at approximately 800 sq. ft. of usable floor space that will comply with the zoning code's minimum usable floor area requirements. The apartment will have a separate entrance off the back of the building with a small private deck area.

The overall site plan will remain close to the existing layout with the building additions to be constructed on existing paved areas. The addition of the patio area at the southeast corner of the site provides additional seating space and creates a more attractive commercial frontage on the building. The addition in the back of the building will be primarily on the west but wrap to the south side of the building as well. This addition provides more room for the restaurant's operations and a second-floor apartment meeting the minimum 800 sq. ft. size requirement. The primary entrance to the business will remain along Oak Park Avenue but has been redesigned to allow for a

ramped entrance to the south. A second business entrance to the patio area is located on the south side of the building and also provides stairs and a ramp. The access to the apartment will be at the rear/west of the building through a private stairwell.

A drive-aisle with cross-access to the north and south is located west of the structure and provides access to the rear parking area. Parking is also located along the shared drive aisle on the south of the property. A walkway will connect the rear parking lot to the rear doors and second-floor apartment entrance. A trash enclosure constructed of matching brick is proposed in the southwest portion of the site at the rear of the property. An existing ComEd utility pole with a guidewire is located behind the building and is proposed to be relocated to allow for enough space for the building addition, drive aisle, and parking spaces.

The petitioner will be installing volume control measures and upgraded utilities (water and sewer) as part of the project. The engineering plans still have revisions from the Village Engineer and MWRD that will need to be made before final engineering approval. Staff recommends conditioning the site plan approval based upon final engineering plan approval by the Village Engineer and MWRD.

The Legacy Plan encourages the dedication of shared access drives and alley systems throughout the district. While the development of a true alley at this location is difficult to complete, the Village has had success requiring cross-access driveway dedications at the rear of properties. The cross-access reserves the parking to be private but allows for the free flow of traffic between various properties that all benefit from the increased access and development opportunities. Cross-access promotes less driveway curb cuts along Oak Park Avenue, which promotes walkability and the creation of an urbanized "street-wall". Cross-access was previously allowed to the property to the south that is now a public parking lot owned by the Village. The Petitioner will extend a cross-access easement to the north and south along their drive aisle. This will allow the properties to the north to utilize this connection when they are redeveloped in the future.

As with many downtown sites where the preference is to maximize the buildable area, the ability to landscape is limited. However, the petitioner has added a significant amount of landscaping to the site where available space exists. Landscaping was added to the required five-foot-wide landscape buffer on the west side that separates the subject property from the single-family home lot (zoned R-4) to the west. This landscape buffer is required to separate Legacy Code districts from non-legacy code zoning districts and includes the use of shrubs and canopy trees. A solid privacy fence will be installed along the western property line as well to separate the subject property from the single-family residential property.

A mixture of plantings has been placed along the south and west sides of the structure to separate the drive aisle and parking lot from the building and pedestrian walkway. Shrubs were chosen to have a variety of different seasons and to be salt-tolerant near the parking lot and drive aisle. The existing trees on the site will be removed. The trees have not been properly maintained or pruned and offer little landscape value. Further, the existing tree will have a large percentage of their root zones disturbed by the construction and are unlikely to survive. The planting of new trees offers increased value to the overall landscaping for the long term.

The petitioner is requesting a Waiver from Section XIII.3.E.7.a. that requires a parkway tree to be installed at least every 25' of street frontage as required within the applicable Heritage Site improvement section. Due to the location of a curb cut on the property, only one parkway tree is required to be installed in a tree grate.

The Petitioner has noted that the existing parkway has a very limited ability to place a tree at this location the existing parkway is all paved public sidewalk. Currently existing in the public street frontage adjacent to the subject site are a planter pot, street light, and a utility manhole. Of these objects, only the planter can be reasonably relocated. However, the location of the planter is still likely cause conflict with utilities, the streetlight, and driveway visibility. Additionally, the area is small and located between two driveway curb cuts, one of which also has a pedestrian crosswalk. Staff agrees and is supportive of this landscape waiver request because the adjacent parkway is not currently suitable for a tree.

Mr. Ritter displayed 3D renderings of the elevations. The existing building has very little detail or architectural character. Thus, the petitioner has worked to utilize some new design elements throughout the building facade. The goal of the design is to improve the architecture so that the building appears to have been constructed at one time, and not in separate phases. The overall design is meant to be attractive and modern yet still be compatible with the existing downtown's historic and classic aspects.

The proposed structure largely utilizes a brick knee wall around the base of the north, west and south elevations. Brick is also used around the primary east entrance and as an accent wall on the south side by the patio entrance. Fiber cement board (Hardie Board) siding is used for the rest of the structure. There is also trim utilized that will be of fiber cement board material and will be a darker color than

the siding. The front facade also utilizes trim, bracketing at the gable, and a metal awning to be painted green. Skylights are used to bring light into the restaurant and also add to the exterior appearance.

The most notable change is the addition of the covered patio area to the south of the building. This extends the first-floor commercial frontage (east elevation) visible along Oak Park Avenue. The new addition was designed to match the existing building's scale so that it looks to be original to the building and not an after-the-fact addition. Extending this frontage helps to create the urbanized street wall that meets the spirit of the Legacy Plan and Legacy Code. The new addition has utilized low window sills and heavy use of windows. The east and south sides of this patio area will have rolling garage doors that allow that space to function as an open-air patio but also be utilized year-round.

The south elevation will be the other highly visible façade; it includes an accent wall, planter area, and pergola at the secondary entrance/exit. Along the north elevation, windows have been added along with skylights. Window types are restricted on this elevation due to the building's proximity to the north property line and must meet specific fire-rating requirements.

Mechanical units and rooftop equipment have been hidden behind a mansard roof on the second-floor addition. The proposed roof design allows for the equipment to be roof mounted and fully screened so it is not visible from Oak Park Avenue or neighboring properties. Staff worked with the architect to explore a variety of different roof designs and found this to be the most attractive option.

The Petitioner has proposed three wall signs including traditional wall signs on the south and east elevation near the entrances that will be illuminated with gooseneck lighting. Additionally, a projecting blade sign is proposed that will assist with pedestrian and vehicle visibility on Oak Park Avenue. The specific sizes of the signs have not been finalized but are all expected to comply with the Legacy Code's signage requirements.

Street-level commercial spaces are not required to have a minimum number of parking spaces on the site. These are anticipated to use existing and future public parking including on-street, various public parking lots, and Metra commuter lot (open to the public after 10am). There is a requirement for residential uses to have one parking space per unit, therefore the total required parking based on the proposed uses is one parking stall. Despite the availability of public parking nearby, the Petitioner prefers to have some additional parking flexibility on their site to be used for employees, customers and the apartment tenant. Based on the proposal there is a total of 12 parking stalls, one of which is an ADA accessible stall. One stall will be dedicated to the apartment tenant and the others will remain flexible.

The Petitioner is expected to have truck deliveries take place at the rear of the building during times that the business is closed. These deliveries will also be coordinated with the residential tenant.

The petitioner will be installing new lighting on the site in compliance with the Legacy Code's lighting level and fixture standards. The lighting will be gooseneck for the wall signs and barn-style fixtures mounted to the building to illuminate the surrounding area. These fixtures are similar to those used elsewhere in the downtown. One pole light has also been proposed to help illuminate the rear parking lot area. This will be a lantern-style column light similar to the decorative light poles along the Oak Park Avenue frontage. All lighting is compliant with the lighting requirements outlined in the Legacy Code (Section XII.3.I.)

Mr. Ritter displayed the list of all Variations being requested as part of the overall project.

1. **50% Heritage Site Threshold:** *A Variation from Section XII.2.A.10.b. to allow the Heritage Site Standards to exceed 50% of the property's market value in site improvements.*

By improvements exceeding 50% of the value of the property, the Petitioner would typically need to meet all redevelopment standards including height, setback, use, parking location, and other requirements that would likely necessitate the demolition of the entire building. The Petitioner does not find that economically or technically feasible on this site.

This will be the second Variation request from the 50% threshold for a Heritage Site. The first request was for The Veterinary Clinic of Tinley park (17745-17749 Oak Park Avenue). During that initial request, staff created some standards to consider for this particular type of Variation. When reviewing these requests Staff took into consideration the following:

- The condition of the existing building: The existing building is in sound condition with the exception of some minor maintenance issues. The structure is over 100 years old and is worthy of preserving from a historic, economic, and environmental perspective.
- The ownership of the property (owner-occupied): The new property owner has purchased the property and will operate their business in this location.
- The longevity of the existing non-conforming use: The property owner expects to occupy the structure long-term. The improvements to convert the structure to a restaurant will remain with the building; they add value and the ability for the structure to remain a restaurant in the future.
- The ability for the property to be converted to function as mixed-use: The petitioner will be converting the structure to have a residential unit located on the second floor. While the structure will still not fully comply with the redevelopment standards, it will more closely meet those standards and the intent of the code by widening the commercial frontage and adding a residential unit.
- The impact of the continuation of the non-conforming use on the redevelopment potential of the area: The property is located north of the Park Oaks building. While there is potential for a larger redevelopment, the existing site, is likely unable to meet the full extent of the redevelopment code by itself. The continuation of the subject property as a Heritage Site does not interfere with the rest of the blocks (to the north) ability to redevelop following the code requirements. Specifically, the two properties to the north can be redeveloped with parcel assemblage. The proposal will add additional commercial frontage along Oak Park Avenue and a patio that is likely to continue to activate the street frontage. The proposed landscaping and facade improvements will further reduce any impacts of this commercial property from adjacent residential homes.

Based on the above factors, Staff supports a Variation of the 50% threshold for Heritage Sites and allow the property to continue to operate under the Heritage Site status.

2. **Minimum Height of Addition**: *A one-story Variation from Section 2.A.9 of the Legacy Code to permit and addition to be two stories instead of the minimum three stories.*

The addition ranges from one to two stories and matches the existing structure's scale in its design. There is limited opportunity to economically make the current structure three stories without additional property acquisition or complete redevelopment including demolition of the existing structure.

3. **Covered Residential Parking**: *A Variation from Section 3.C.3.d of the Legacy Code to permit the required residential parking space to not be covered and to be open to the sky.*

The Petitioner has noted it is not technically or economically feasible to construct an attached covered parking structure for one parking space with a connection to the apartment at this location. They will have a dedicated resident parking space and have additional parking flexibility on the site for visitors and apartment parking.

CHAIRMAN GRAY asked for comments from the Commissioners.

COMMISSIONER ENGEL noted this looks great and it will be a good addition to Oak Park Avenue. Welcome to Tinley.

COMMISSIONER MANI noted the overall architecture will look very nice and the landscaping waiver would be acceptable due to the limited space. Glad they could reuse the building. This will be a good addition to Tinley Park.

COMMISSIONER GATTO noted the building looks very good.

COMMISSIONER AITCHISON noted the building will be a beautiful addition to Oak Park Avenue.

COMMISSIONER VICK noted he echoes the other comments and feels the landscaping waiver is not an issue. The other waivers are also acceptable and make sense.

CHAIRMAN GRAY noted he echoes the other comments and feels it is good for Tinley Park. The building was in much need of a face lift and the architecture looks beautiful. He also likes the front accessibility at the patio and the roll up doors are a good idea for

downtown. He also noted he was glad that staff laid out these issues and noted the precedent for going over the 50% on existing building with specific standards/considerations that make this location a good fit. There are no issues with the Variations or waivers.

A Motion was made by COMMISSIONER VICK, seconded by COMMISSIONER ENGEL to open the public hearing of Avocado Theory, 17302 Oak Park Avenue.

AYE: All Commissioners participated electronically

COMMISSIONERS AITCHISON, MANI, GASKILL, GATTO, ENGEL, VICK and CHAIRMAN GRAY.

NAY:

None

CHAIRMAN GRAY declared The Motion Approved.

CHAIRMAN GRAY noted anyone wishing to speak on this matter will be sworn in before they speak after staff's presentation.

The 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 asked if staff had anything to add.

Mr. Ritter noted that it has been a pleasure to deal with the Petitioner, who is very passionate in terms of the restaurant opening. This will be a great addition to the restaurant lineup in town. He is also excited to try some of the food.

CHAIRMAN GRAY asked if the Petitioner had any comments.

Mr. Patel noted he had no comments.

CHAIRMAN GRAY asked for comments from the public.

There were none.

A Motion was made by COMMISSIONER MANI, seconded by COMMISSIONER ENGEL to close the public hearing of Avocado Theory, 17302 Oak Park Avenue.

AYE: All Commissioners participated electronically

COMMISSIONERS AITCHISON, MANI, GASKILL, GATTO, ENGEL, VICK and CHAIRMAN GRAY.

NAY:

None

CHAIRMAN GRAY declared The Motion Approved.

Mr. Ritter noted the Standards for Variations:

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 variations are being requested to allow the reuse of an existing building that is over 100 years in age and identified as significant in the Legacy Plan. The additions will maintain the existing scale of the building. The structure is in good condition, proposed to be occupied by the owner, and the proposal brings the site into closer compliance with the Legacy Plan and redevelopment requirements. Redevelopment or reuse of the property is not economically and technically feasible without the requested Variations.*

2. The plight of the owner is due to unique circumstances.
 - a. *The variations are being requested to allow the reuse of an existing building that is over 100 years in age and identified as significant in the Legacy Plan. The site is small and leaves little opportunity for full redevelopment. Additionally, the building is structurally sound, making reuse economically, technically, and environmentally beneficial.*
3. The Variation, if granted, will not alter the essential character of the locality.
 - a. *The Variations will maintain the existing building scale and design with a uniform appearance throughout the building. The style of architecture is designed to blend in with the historic Downtown Core while creating an attractive street-level commercial frontage.*
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:
 - 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;
 - The conditions upon which the petition for a Variation is based would not be applicable, generally, to other property within the same zoning classification;
 - The purpose of the Variation is not based exclusively upon a desire to make more money out of the property;
 - The alleged difficulty or hardship has not been created by the owner of the property, or by a previous owner;
 - 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
 - The proposed Variation will not impair an adequate supply of light and air to an adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Mr. Ritter noted the Legacy Code Standards:

- The proposed improvement meets the Legacy Plan and its Principles, as presented in Section 1.A-B: Purpose and Intent, of this ordinance;
Granting the Variation to allow the owner to exceed the maximum threshold of 50% of voluntary site improvements will allow the property owner to operate their business as intended and contribute to the economic welfare of the overall district. The commercial street frontage will be widened, the total buildable area increased, and walkability improved. The proposed improvements create a more inviting appearance to the property. In addition, the building and site improvements utilize an existing structure indicated as historically significant and maintain the existing scale of the building.
- The new improvement is compatible with uses already developed or planned in this district and will not exercise undue detrimental influences upon surrounding properties;
The exterior improvements will improve the curb appeal from Oak Park Avenue and compliments both historic and modern buildings within the Downtown Core. The building will become a mixed-use building that will be more in-line with the residential density and transit-oriented development (TOD) principles outlined in the Legacy Plan.
- Any improvement meets the architectural standards set forth in the Legacy Code.
The proposed architecture will enhance the curb appeal of the property from Oak Park Avenue by utilizing a more consistent and attractive design throughout the building. The building will give it a uniform look and tie into the overall color scheme of the improvements.

- The improvement will have the effect of protecting and enhancing the economic development of the Legacy Plan area.
The proposed improvements will help to make the site a viable commercial space for a restaurant while still protecting the character of the site. The improvements will be beneficial for the current owner to operate their business, but any future users of the space as well.

Mr. Ritter noted the Site Plan and Architectural Review Standards:

Architectural

- k. **Building Materials:** The size of the structure will dictate the required building materials (Section V.C. Supplementary District Regulations). Where tilt-up or pre-cast masonry walls (with face or thin brick inlay) are allowed vertical articulation, features are encouraged to mask the joint lines. Concrete panels must incorporate architectural finishes that comply with “Building Articulation” (Section III.U.5.h.) standards. Cast in place concrete may be used as an accent alternate building material (no greater than 15% per façade) provided there is sufficient articulation and detail to diminish it’s the appearance if used on large, blank walls.
- l. **Cohesive Building Design:** Buildings must be built with approved materials and provide architectural interest on all sides of the structure. Whatever an architectural style is chosen, a consistent style of architectural composition and building materials are to be applied on all building facades.
- m. **Compatible Architecture:** All construction, whether it be new or part of an addition or renovation of an existing structure, must be compatible with the character of the site, adjacent structures and streetscape. Avoid architecture or building materials that significantly diverge from adjacent architecture. Maintain the rhythm of the block in terms of scale, massing and setback. Where a development includes out lots they shall be designed with compatible consistent architecture with the primary building(s). Site lighting, landscaping and architecture shall reflect a consistent design statement throughout the development.
- n. **Color:** Color choices shall consider the context of the surrounding area and shall not be used for purposes of “attention getting” or branding of the proposed use. Color choices shall be harmonious with the surrounding buildings; excessively bright or brilliant colors are to be avoided except to be used on a minor scale for accents.
- o. **Sustainable architectural design:** The overall design must meet the needs of the current use without compromising the ability of future uses. Do not let the current use dictate an architecture so unique that it limits its potential for other uses (i.e. Medieval Times).
- p. **Defined Entry:** Entrance shall be readily identifiable from public right-of-way or parking fields. The entry can be clearly defined by using unique architecture, a canopy, overhang or some other type of weather protection, some form of roof element or enhanced landscaping.
- q. **Roof:** For buildings 10,000 sf or less a pitched roof is required or a parapet that extends the full exterior of the building. For buildings with a continuous roof line of 100 feet or more, a change of at least five feet in height must be made for every 75 feet.
- r. **Building Articulation:** Large expanses of walls void of color, material or texture variation are to be avoided. The use of material and color changes, articulation of details around doors, windows, plate lines, the provision of architectural details such as “belly-bands” (decorative cladding that runs horizontally around the building), the use of recessed design elements, exposed expansion joints, reveals, change in texture, or other methods of visual relief are encouraged as a means to minimize the oppressiveness of large expanses of walls and break down the overall scale of the building into intermediate scaled parts. On commercial buildings, facades greater than 100 feet must include some form of articulation of the façade through the use of recesses or projections of at least 6 inches for at least 20% of the length of the façade. For industrial buildings efforts to break up the long façade shall be accomplished through a change in building material, color or vertical breaks of three feet or more every 250 feet.
- s. **Screen Mechanicals:** All mechanical devices shall be screened from all public views.

- t. **Trash Enclosures:** Trash enclosures must be screened on three sides by a masonry wall consistent with the architecture and building material of the building it serves. Gates must be kept closed at all times and constructed of a durable material such as wood or steel. They shall not be located in the front or corner side yard and shall be set behind the front building façade.

Site Design

- f. **Building/parking location:** Buildings shall be located in a position of prominence with parking located to the rear or side of the main structure when possible. Parking areas shall be designed so as to provide continuous circulation avoiding dead-end parking aisles. Drive-through facilities shall be located to the rear or side of the structure and not dominate the aesthetics of the building. Architecture for canopies of drive-through areas shall be consistent with the architecture of the main structure.
- g. **Loading Areas:** Loading docks shall be located at the rear or side of buildings whenever possible and screened from view from public rights-of-way.
- h. **Outdoor Storage:** Outdoor storage areas shall be located at the rear of the site in accordance with Section III.O.1. (Open Storage). No open storage is allowed in front or corner side yards and are not permitted to occupy areas designated for parking, driveways or walkways.
- i. **Interior Circulation:** Shared parking and cross access easements are encouraged with adjacent properties of similar use. Where possible visitor/employee traffic shall be separate from truck or equipment traffic.
- j. **Pedestrian Access:** Public and interior sidewalks shall be provided to encourage pedestrian traffic. Bicycle use shall be encouraged by providing dedicated bikeways and parking. Where pedestrians or bicycles must cross vehicle pathways a cross walk shall be provided that is distinguished by a different pavement material or color.

Motion 1 (Site Plan):

A Motion was made by COMMISSIONER GATTO, seconded by COMMISSIONER AITCHISON to grant the Petitioner, Krunal Patel on behalf of Avocado Theory Inc. (Property Owner), a Site Plan Amendment to modify the property located at 17302 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:

1. The existing fence shall be maintained by the property owner in good repair and any damage or deteriorating sections replaced.
2. Site Plan Approval is subject to the approval of the Variations and Plat of Easement by the Village Board.
3. Site Plan Approval is subject to final engineering plan approval by the Village Engineer, MWRD, and any other applicable outside agencies.”

AYE: All Commissioners participated electronically

COMMISSIONERS AITCHISON, MANI, GASKILL, GATTO, ENGEL, VICK and CHAIRMAN GRAY.

NAY:

None

CHAIRMAN GRAY declared The Motion Approved by roll call.

Motion 2 (Variations):

A Motion was made by COMMISSIONER GASKILL, seconded by COMMISSIONER VICK to recommend that the Village Board grant the three (3) Variations as listed in the June 18, 2020 Staff Reports, to the Petitioner, Krunal Patel on behalf of Avocado Theory Inc. (Property Owner), at the property located at 17302 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 in the Staff Report.

AYE: All Commissioners participated electronically

COMMISSIONERS AITCHISON, MANI, GASKILL, GATTO, ENGEL, VICK and CHAIRMAN GRAY.

NAY:

None

CHAIRMAN GRAY declared The Motion Approved by roll call.

Motion 3 (Final Plat):

A Motion was made by COMMISSIONER ENGEL, seconded by COMMISSIONER MANI to recommend that the Village Board grant approval to the Petitioner, Krunal Patel, on behalf of Avocado Theory Inc. (Property Owner), a Final Plat of Easement for public cross-access to be granted on the property at 17302 Oak Park Avenue, in accordance with the Final Plat submitted and listed herein, subject to the following condition:

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

AYE: All Commissioners participated electronically

COMMISSIONERS AITCHISON, MANI, GASKILL, GATTO, ENGEL, VICK and CHAIRMAN GRAY.

NAY:

None

CHAIRMAN GRAY declared The Motion Approved by roll call.

Mr. Patel noted he is very excited to get the restaurant open.

Mr. Arns also noted he wanted to thank Dan and Paula for their help.

This item will be heard at the Village Board on Tuesday, July 7, 2020.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES
FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION
SUBJECT: MINUTES OF THE JUNE 18, 2020 REGULAR MEETING

ITEM #4 WORKSHOP – Text Amendment – Adult Use Cannabis Dispensary and Cultivation

Consider a proposed text amendment to certain sections of the Tinley Park Zoning Ordinance allow for Adult-Use Cannabis Dispensing Organizations in the B-2 and B-3 zoning districts as a Special Use with certain restrictions and eliminate Medical Cannabis Cultivation facilities as a Special Use in the ORI district. Medical Cannabis Dispensing Organizations will still be allowed in the M-1 district but will not be allowed to sell Adult Use Cannabis at those locations.

Present were the following: Chairman Garrett Gray (Participated electronically)
Eduardo Mani (Participated electronically)
James Gaskill (Participated electronically)
Mary Aitchison (Participated electronically)
Angela Gatto (Participated electronically)
Steven Vick (Participated electronically)
Lucas Engel (Participated electronically)

Absent Plan Commissioners: Tim Stanton
Kehla West

Paula Wallrich, Acting Community Development Director presented the Staff Report. The *Cannabis Regulation and Tax Act* (Public Act 101-0027), hereafter termed as the “Act”, was signed into law by Governor JB Pritzker on June 25, 2019 (amended and adopted as Public Act 101-0593 December 4, 2019). Effective as of January 1, 2020, the Act legalized the possession and private use of cannabis for Illinois residents over 21 years of age. With the adoption of the Act, municipalities may not restrict the private consumption of cannabis that is authorized by the Act. However, municipalities can adopt and enforce local ordinances to regulate the possession and public consumption of cannabis so long as the regulations and penalties are consistent with the Act.

The Act also preserves local zoning authority and authorizes municipalities to prohibit or significantly limit the location of cannabis businesses by ordinance. Municipalities have the authority to enact reasonable zoning regulations that are not in conflict with the act, including the adoption of regulations designating the time, place, manner, and number of cannabis business operations, including minimum distances between cannabis locations through Special Use Permits.

Subsequent to the legalization of cannabis in Illinois, the Village of Tinley Park actively researched, discussed, and enacted local regulations regarding the use and sale of cannabis within corporate limits, including two citizen surveys on whether the Village should allow for the sale of cannabis. On December 17, 2019, the Village Board adopted an ordinance establishing a moratorium on cannabis business establishments. However, at the March 3, 2020 Village Board meeting staff was directed to prepare the necessary amendments to provide appropriate Zoning Ordinance text amendments, licensing, and taxing opportunities to allow for Adult-Use Cannabis Dispensing Facilities within the Village. This memo will address the zoning text amendments, while the recommendations for licensing and taxing will be addressed at the Finance Committee.

Staff has worked closely with the Village attorneys to research current legislation and zoning of other Illinois communities such as Deerfield, Shorewood, Bourbonnais, Oak Forest, and the City of Chicago that have adopted local legislation related to the adult-use of cannabis. Staff also referenced the Illinois Municipal Leagues Model Ordinance (**Exhibit A**) as a guide for the recommended text amendments.

With the adoption of the Act, Adult-Use Cannabis Dispensing Organizations and Adult-Use Cannabis Cultivation Centers may include the sale and growing of medical cannabis. However, Medical Cannabis Dispensing Facilities and Medical Cannabis Cultivation Facilities may not include the sale or growing of adult-use cannabis without reclassifying the definitions as they currently exist in our zoning code. In addition, the Act states the Village cannot prohibit Medical Cannabis Dispensing Facilities in our zoning ordinance but the Village

can prohibit Medical Cannabis Cultivation Facilities. Therefore, staff is recommending the more prudent strategy in considering Adult-Use Cannabis uses by allowing the continuation of Medical Cannabis Dispensing Facilities (in the M-1 district) and eliminate or delete regulations allowing Medical Cannabis Cultivation Facilities in the ORI district since they have the ability to grow adult-use cannabis as well. Further, staff is recommending that Adult-Use Cannabis Dispensing Organizations be allowed in B-2 (Community Shopping District) and B-3 (General Business and Commercial District) districts as a Special Use. Further discussion of the appropriate zoning districts and regulations are discussed below.

Staff recognizes the commercial nature of a dispensary and therefore recommends providing for the sale of Adult-Use Cannabis in the business districts instead of the M-1 district as previously designated for Medical Cannabis Dispensing Facility. In review of the business zoning districts, it is apparent that the B-1 (Neighborhood Shopping District) is not an appropriate district for this use primarily due to its proximity to residential uses. The B-1 district is characterized as providing “*convenience goods or personal services for the daily needs of the residents living in adjacent residential neighborhoods*”. The B-3 (General Business and Commercial District) and the B-2 (Community Shopping District) more closely align with the scope and nature of a Cannabis Dispensing Organization.

Of these two commercial districts, the B-3 District is the more compatible district for Adult-Use Cannabis Dispensing Organizations in that it is designed to *accommodate a wide range of specialized commercial uses, including highway-oriented services and commercial types of establishments to serve the needs of motorists. This district is intended to include those uses which would not be compatible in a neighborhood or community-type shopping center.* There are several properties zoned B-3 which are primarily located along major commercial corridors, such as 159th Street, Harlem Avenue, LaGrange Road, 191st Street, and Oak Park Avenue north of 167th Street and south of I-80. Some of these B-3 sites are more appropriate for an Adult-Use Cannabis Dispensing Organization than others due to their proximity to residential uses. Staff is recommending that Adult-Use Cannabis Dispensing Organizations be allowed only on properties with frontage on 159th Street, Harlem Avenue, and LaGrange Road because of the commercial nature of these corridors.

The B-2 District may also provide some compatibility with Adult-Use Cannabis Dispensing Organizations, albeit to a lesser extent than the B-3 district due to its definition and the limited amount of property currently zoned B-2 in the Village. The B-2 district is intended to “*provide for a wide variety of related retail-type businesses along with personal uses and other complementary uses. The permitted uses would serve not only nearby residential areas, but also people in neighboring communities and transients for goods and services usually found in larger shopping centers.*” The only properties currently zoned B-2 is located along 159th Street and Harlem Avenue frontages (Bremontowne Shopping Center and the Tinley Park Plaza).

Due to the range and variety of locations in the B-2 and B-3 zoning districts and the unique characteristics associated with Adult-Use Cannabis Dispensing Organizations, Staff is recommending they only be approved as a Special Use. By definition, Special Uses (SUP) “cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.” The Village’s Zoning Ordinance further recognizes that private uses are of such nature they are best regulated as Special Uses due to the fact “that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities”.

The Zoning Ordinance provides standards for consideration when adopting a Special Use, however due to the unique characteristics of an Adult-Use Cannabis Dispensing, Staff is recommending additional standards to consider when reviewing this SUP as follows:

1. Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
2. Proposed structure in which the facility will be located, total square footage, security installations/security plan, and building code compliance.
3. Hours of operation and the anticipated number of customers/employees.
4. Anticipated parking demand based on Section VIII.A.10 for retail uses and available private parking supply.
5. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
6. Overall site design, including access points and internal site circulation.
7. Proposed signage plan and conformance with Section IX (Sign Regulations) and regulations as outlined in Section V.C.13.
8. Compliance with all requirements provided in Section V.C.13 Adult-use Cannabis Business Establishment, as applicable.
9. Other criteria determined to be necessary to assess compliance with Section V.J. (Special Uses) of this Title.
10. In addition to the Special Use Standards outlined in Section X.J.5., no Special Use for an Adult Cannabis Business Establishment shall be recommended by the Plan Commission unless said Commission shall find:
 - a. That there is sufficient distance (or setback) between the operations of the Special Use and the public right-of-way so that the operations of the SUP do not dominate nor alter the essential character of the street frontage or be detrimental to the overall character of the commercial corridor; and

- b. That opportunities exist for shared parking to accommodate unexpected parking needs associated with the Special Use.

Adult Use Cannabis Dispensing Organization Requirements

In addition to these Special Use standards, staff is recommending certain criteria be met by any business in order to apply for a SUP for an Adult-Use Cannabis Dispensing Organization. The proposed use must satisfy the following criteria to be approved:

1. Facility may not be located within 400 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school or daycare center. This shall not include a daycare home (daycare conducted within a residence) or residential care home. Learning centers or technical and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
2. Facility may not be located in a dwelling unit or within 100 feet of the property line of a pre-existing property zoned or used for residential purposes.
3. Adult-Use Cannabis Dispensing Organization will be limited to locations with frontage on 159th Street, Harlem Avenue, and LaGrange Road.
4. Facility must be located in a standalone building as the sole use of that structure; no co-tenancy with other uses allowed.
5. Facility shall not sell food for consumption on the premises.
6. Facility shall not allow on-site consumption or smoking of cannabis.
7. Facility shall be restricted to the following hours of operation: Monday through Saturday (8:00 a.m. to 9:00 p.m.); Sundays (12:00 p.m. to 6:00 p.m.)
8. Facility shall not be allowed to have a drive-through window or service.
9. Signage shall be limited to: one flat wall sign that does not exceed ten (10) sq. ft. in area; and one identifying sign that does not exceed two sq. ft in area, which identifying sign may include only the dispensary's address. Such signs shall not be directly illuminated; obstruct the entrance or windows of the recreational cannabis dispensary; include an electronic message sign or any temporary signs on the exterior of the property. No signage on the exterior of a recreational cannabis dispensary may contain cannabis imagery such as cannabis leaves, plants, smoke, cannabis paraphernalia, or cartoonish imagery oriented towards youth, or any language terms referencing cannabis, or any slang or street terms commonly associated with cannabis. Notwithstanding anything to the contrary, a recreational cannabis dispensary must post a sign with text that is clearly legible and conspicuous immediately adjacent to all entrances that includes the following language: "Persons under the age of 21 are prohibited from entering unless a qualifying patient with a prescription issued under the Compassionate Use Medical Cannabis Program Act."
10. The exterior of all bags, sacks, totes or boxes provided to customers to carry cannabis out of the recreational cannabis dispensary must be opaque and without text or graphics advertising or identifying the contents of the products contained within.
11. Facility shall install building enhancements, such as security cameras, lighting, or other improvements, as set forth in the Special Use permit, to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for an Adult-Use Cannabis Business Establishment and the site on which it is located, consistent with the requirements of the Act.
12. For purposes of determining required parking, said facilities shall be classified as a "Retail Store" per VIII A.10. (Number of Parking Spaces Required) provided, however, that the Village may require that additional parking be provided as a result of the analysis completed through Section X.J. (Special Uses).
13. Petitioner shall file an affidavit with the Village affirming compliance with Section V.C.13.d. (Adult-Use Cannabis Dispensing Organization) as provided herein and all other requirements of the Act.

Staff is also recommending that no more than one Adult-Use Cannabis Dispensing Organizations be permitted within the Village of Tinley Park corporate limits and that they shall register annually with the Village of Tinley Park pursuant to the Village Municipal Code.

Staff is recommending the Zoning Ordinance be amended to allow Adult-Use Cannabis Dispensing Organizations in B-2 (Community Shopping District) and B-3 (General Business and Commercial District) districts as a Special Use and delete regulations allowing Medical Cannabis Cultivation Facilities in the ORI district. A draft ordinance reflecting these amendments is attached for review. A Public Hearing has been scheduled for July 2, 2020.

CHAIRMAN GRAY asked for comments from the Commissioners.

COMMISSIONER ENGEL noted he agrees with the staff presentation.

COMMISSIONER VICK noted staff did an excellent job and the efforts to make it friendly to the neighborhood. This is important to people that are not in agreement with this item.

CHAIRMAN GRAY noted staff did an excellent job being proactive in making sure the neighborhoods are protected and reduce any negative aspects. The hours of operations, setbacks, dedicated roads and no cartoon signage are excellent recommendations.

CHAIRMAN GRAY asked for comments from the Public.

There were none.

This item will be heard as a Public Hearing at the 7/2/20 Plan Commission and at the Committee of the Whole on 7/7/2020 and then will be heard at the Village Board on 7/21/2020.

GOOD OF THE ORDER.

1. Mr. Ritter noted the next PC meeting will be on July 2nd and there will be changes to the meeting format. It will be open to the Public with a limit of 10 people. He will follow up with the format to commissioners as it gets closer.
2. The Boulevard at Central Station in downtown is now vertical and is moving along. The plan is to be completed by this time next year.
3. Mr. Ritter thanked the Commissioners and various staff for all the hard work on the last few meetings that were done electronically. Everything has been going smoothly.

A Motion was made by COMMISSIONER ENGEL, seconded by COMMISSIONER GATTO to adjourn the July 18, 2020 Plan Commission Meeting AT 8:48 pm

AYE: All Commissioners participated electronically

COMMISSIONERS AITCHISON, MANI, GASKILL, GATTO, ENGEL, VICK and CHAIRMAN GRAY.

NAY:

None

CHAIRMAN GRAY declared The Motion Approved.

PLAN COMMISSION CHAIRMAN GRAY declared the meeting adjourned.



PLAN COMMISSION STAFF REPORT

July 2, 2020 – Public Hearing

Zoning Code Text Amendment – Adult-Use Cannabis Business Establishments

Petitioner

Village Tinley Park

Municipal Code

Zoning Code

Approvals Sought

Text Amendment

Project Planner

Paula J. Wallrich, AICP
Acting Community
Development Director

BACKGROUND

The *Cannabis Regulation and Tax Act* (Public Act 101-0027), hereafter termed as the “Act”, was signed into law by Governor JB Pritzker on June 25, 2019 (amended and adopted as Public Act 101-0593 December 4, 2019). Effective as of January 1, 2020, the Act legalized the possession and private use of cannabis for Illinois residents over 21 years of age. With the adoption of the Act, municipalities may not restrict the private consumption of cannabis that is authorized by the Act. However, municipalities can adopt and enforce local ordinances to regulate the possession and public consumption of cannabis so long as the regulations and penalties are consistent with the Act.

The Act also preserves local zoning authority and authorizes municipalities to prohibit or significantly limit the location of cannabis businesses by ordinance. Municipalities have the authority to enact reasonable zoning regulations that are not in conflict with the act, including the adoption of regulations designating the time, place, manner, and number of cannabis business operations, including minimum distances between cannabis locations through Special Use Permits.

Subsequent to the legalization of cannabis in Illinois, the Village of Tinley Park actively researched, discussed, and enacted local regulations regarding the use and sale of cannabis within corporate limits, including two citizen surveys on whether the Village should allow for the sale of cannabis. On December 17, 2019, the Village Board adopted an ordinance establishing a moratorium on cannabis business establishments. However, at the March 3, 2020 Village Board meeting staff was directed to prepare the necessary amendments to provide appropriate Zoning Ordinance text amendments, licensing, and taxing opportunities to allow for Adult-Use Cannabis Dispensing Facilities within the Village. This memo will address the zoning text amendments, while the recommendations for licensing and taxing will be addressed at the Finance Committee.

Staff has worked closely with the Village attorneys to research current legislation and zoning of other Illinois communities such as Deerfield, Shorewood, Bourbonnais, Oak Forest, and the City of Chicago that have adopted local legislation related to the adult-use of cannabis. Staff also referenced the Illinois Municipal Leagues Model Ordinance (**Exhibit A**) as a guide for the recommended text amendments.

WORKSHOP DISCUSSION

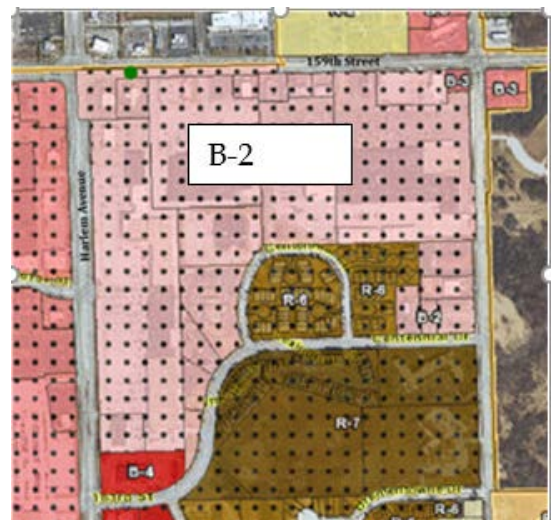
With the adoption of the Act, Adult-Use Cannabis Dispensing Organizations and Adult-Use Cannabis Cultivation Centers may include the sale and growing of medical cannabis. However, Medical Cannabis Dispensing Facilities and Medical Cannabis Cultivation Facilities may not include the sale or growing of adult-use cannabis without reclassifying the definitions as they currently exist in our zoning code. In addition, the Act states the Village cannot prohibit Medical Cannabis Dispensing Facilities in our zoning ordinance but the Village can prohibit Medical Cannabis Cultivation Facilities. Therefore, staff is recommending the more prudent strategy in considering Adult-Use Cannabis uses by allowing the continuation of Medical Cannabis Dispensing Facilities (in the M-1 district) and eliminate or delete regulations allowing Medical Cannabis Cultivation Facilities in the ORI district since they have the ability of growing adult-use cannabis as well. Further, staff is recommending that Adult-Use Cannabis Dispensing Organizations be allowed in B-2 (Community Shopping District) and B-3 (General Business and Commercial District) districts as a Special Use. Further discussion of the appropriate zoning districts and regulations are discussed below.

Zoning

Staff recognizes the commercial nature of a dispensary and therefore recommends providing for the sale of Adult-Use Cannabis in the business districts instead of the M-1 district as previously designated for Medical Cannabis Dispensing Facility. In review of the business zoning districts, it is apparent that the B-1 (Neighborhood Shopping District) is not an appropriate district for this use primarily due to its proximity to residential uses. The B-1 district is characterized as providing “*convenience goods or personal services for the daily needs of the residents living in adjacent residential neighborhoods*”. The B-3 (General Business and Commercial District) and the B-2 (Community Shopping District) more closely align with the scope and nature of a Cannabis Dispensing Organization.

Of these two commercial districts, the B-3 District is the more compatible district for Adult-Use Cannabis Dispensing Organizations in that it is designed to *accommodate a wide range of specialized commercial uses, including highway-oriented services and commercial types of establishments to serve the needs of motorists. This district is intended to include those uses which would not be compatible in a neighborhood or community-type shopping center.* There are several properties zoned B-3 which are primarily located along major commercial corridors, such as 159th Street, Harlem Avenue, LaGrange Road, 191st Street, and Oak Park Avenue north of 167th Street and south of I-80. Some of these B-3 sites are more appropriate for an Adult-Use Cannabis Dispensing Organization than others due to their proximity to residential uses. Staff is recommending that Adult-Use Cannabis Dispensing Organizations be allowed only on properties with frontage on 159th Street, Harlem Avenue, and LaGrange Road because of the commercial nature of these corridors.

The B-2 District may also provide some compatibility with Adult-Use Cannabis Dispensing Organizations, albeit to a lesser extent than the B-3 district due to its definition and the limited amount of property currently zoned B-2 in the Village. The B-2 district is intended to “*provide for a wide variety of related retail-type businesses along with personal uses and other complementary uses. The permitted uses would serve not only nearby residential areas, but also people in neighboring communities and transients for goods and services usually found in larger shopping centers.*” The only properties currently zoned B-2 is located along 159th Street and Harlem Avenue frontages (Bremontowne Shopping Center and the Tinley Park Plaza) as depicted on the image to the right.



Special Use & Review Standards

Due to the range and variety of locations in the B-2 and B-3 zoning districts and the unique characteristics associated with Adult-Use Cannabis Dispensing Organizations, Staff is recommending they only be approved as a Special Use. By definition, Special Uses (SUP) *“cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.”* The Village’s Zoning Ordinance further recognizes that private uses are of such nature they are best regulated as Special Uses due to the fact *“that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities”*.

The Zoning Ordinance provides standards for consideration when adopting a Special Use, however due to the unique characteristics of an Adult-Use Cannabis Dispensing, Staff is recommending additional standards to consider when reviewing this SUP as follows:

1. Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
2. Proposed structure in which the facility will be located, total square footage, security installations/security plan, and building code compliance.
3. Hours of operation and the anticipated number of customers/employees.
4. Anticipated parking demand based on Section VIII.A.10 for retail uses and available private parking supply.
5. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
6. Overall site design, including access points and internal site circulation.
7. Proposed signage plan and conformance with Section IX (Sign Regulations) and regulations as outlined in Section V.C.13.
8. Compliance with all requirements provided in Section V.C.13 Adult-use Cannabis Business Establishment, as applicable.
9. Other criteria determined to be necessary to assess compliance with Section V.J. (Special Uses) of this Title.
10. In addition to the Special Use Standards outlined in Section X.J.5., no Special Use for an Adult Cannabis Business Establishment shall be recommended by the Plan Commission unless said Commission shall find:
 - a. That there is sufficient distance (or setback) between the operations of the Special Use and the public right-of-way so that the operations of the SUP do not dominate nor alter the essential character of the street frontage or be detrimental to the overall character of the commercial corridor; and
 - b. That opportunities exist for shared parking to accommodate unexpected parking needs associated with the Special Use.

Adult Use Cannabis Dispensing Organization Requirements

In addition to these Special Use standards, staff is recommending certain criteria be met by any business in order to apply for a SUP for an Adult-Use Cannabis Dispensing Organization. The proposed use must satisfy the following criteria to be approved:

1. Facility may not be located within 400 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school or daycare center. This shall not include a daycare home (daycare conducted within a residence) or residential care home. Learning centers or technical and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
2. Facility may not be located in a dwelling unit or within 100 feet of the property line of a pre-existing property zoned or used for residential purposes.
3. Adult-Use Cannabis Dispensing Organization will be limited to locations with frontage on 159th Street, Harlem Avenue, and LaGrange Road.
4. Facility must be located in a standalone building as the sole use of that structure; no co-tenancy with other uses allowed.
5. Facility shall not sell food for consumption on the premises.
6. Facility shall not allow on-site consumption or smoking of cannabis.

7. Facility shall be restricted to the following hours of operation: Monday through Saturday (8:00 a.m. to 9:00 p.m.); Sundays (12:00 p.m. to 6:00 p.m.)
8. Facility shall not be allowed to have a drive-through window or service.
9. Signage shall be limited to: one flat wall sign that does not exceed ten (10) sq. ft. in area; and one identifying sign that does not exceed two sq. ft. in area, which identifying sign may include only the dispensary's address. Such signs shall not be directly illuminated; obstruct the entrance or windows of the recreational cannabis dispensary; include an electronic message sign or any temporary signs on the exterior of the property. No signage on the exterior of a recreational cannabis dispensary may contain cannabis imagery such as cannabis leaves, plants, smoke, cannabis paraphernalia, or cartoonish imagery oriented towards youth, or any language terms referencing cannabis, or any slang or street terms commonly associated with cannabis. Notwithstanding anything to the contrary, a recreational cannabis dispensary must post a sign with text that is clearly legible and conspicuous immediately adjacent to all entrances that includes the following language: "Persons under the age of 21 are prohibited from entering unless a qualifying patient with a prescription issued under the Compassionate Use Medical Cannabis Program Act."
10. The exterior of all bags, sacks, totes or boxes provided to customers to carry cannabis out of the recreational cannabis dispensary must be opaque and without text or graphics advertising or identifying the contents of the products contained within.
11. Facility shall install building enhancements, such as security cameras, lighting, or other improvements, as set forth in the Special Use permit, to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for an Adult-Use Cannabis Business Establishment and the site on which it is located, consistent with the requirements of the Act.
12. For purposes of determining required parking, said facilities shall be classified as a "Retail Store" per VIII A.10. (Number of Parking Spaces Required) provided, however, that the Village may require that additional parking be provided as a result of the analysis completed through Section X.J. (Special Uses).
13. Petitioner shall file an affidavit with the Village affirming compliance with Section V.C.13.d. (Adult-Use Cannabis Dispensing Organization) as provided herein and all other requirements of the Act.

Staff is also recommending that no more than one Adult-Use Cannabis Dispensing Organizations be permitted within the Village of Tinley Park corporate limits and that they shall register annually with the Village of Tinley Park pursuant to the Village Municipal Code.

RECOMMENDATION

Staff is recommending sections of the Zoning Ordinance be amended as follows:

- Section II.B (Definitions) be amended by deleting the definition for "Medical Cannabis Cultivation Facility" and by adding definitions for Adult-Use Cannabis Business establishment, Adult-Use cannabis craft grower, Adult-Use Cannabis Cultivation Center, Adult-Use Cannabis Dispensing Organization, Adult-Use Cannabis Infuser Organization or Infuser, Adult-Use Cannabis Processing Organization or Processor, Adult-Use Cannabis Transporting Organization or Transporter, and Person in alphabetical order.
- Section V.B (Schedule of Regulations) Schedule I (Schedule of Permitted Uses-By Use Type) be amended by deleting "Medical Cannabis Cultivation Facility" under the heading of "OTHER USES ", and adding Adult-Use Cannabis Dispensing Organization" in the B-2 (Community Shopping District) and B-3 (General Business and Commercial) as a Special Use. All other "Adult-Use Business Establishments" are prohibited.
- Section V.B. Schedule I (Schedule of Permitted Uses-By District) be amended by deleting "Medical Cannabis Cultivation Facility" and the reference "S" (denoting a Special Use), under the heading "ORI Office and Restrict Industrial".

- Section V.B. Schedule I (Schedule of Permitted Uses-By District) be amended by adding “Adult-use cannabis dispensing organization” under the heading “B-2 Community Shopping” and “B-3 General Business & Commercial” with a “S” to denote a Special Use.
- Section XII, Section A. Table 3.A.2. (Prohibited Uses) be amended by adding, “Adult Cannabis Business Establishments” under the heading “Prohibited Uses”.
- Section V.C. (Supplementary District Regulations) be amended to add Section 13 “Adult Cannabis Business Establishment” outlining Adult-use Cannabis Business Establishment components to consider when reviewing a Special Use application along with specific criteria for Adult-Use Cannabis Dispensing Organizations that must be met in order to be approved.

MOTIONS TO CONSIDER

If the Plan Commission wishes to take action on the proposed Text Amendment, the appropriate wording of the motion is listed below.

Motion 1 : “...make a motion to recommend the Village Board amend various sections of the Zoning Ordinance to delete references to Medical Cannabis Cultivation Facility and add appropriate amendments to the Zoning Ordinance as described in this staff report to provide for Adult-Use Cannabis Dispensing Organization in the B-2 (Community Shopping District) and the B-3 (General Business & Commercial District) as a Special Use.

THE VILLAGE OF TINLEY PARK

Cook County, Illinois

Will County, Illinois

ORDINANCE

NO. _____

ORDINANCE NO. 2020-O-___

**AN ORDINANCE AMENDING THE
TINLEY PARK ZONING ORDINANCE FOR THE PURPOSE OF REGULATING
ADULT-USE CANNABIS BUSINESS ESTABLISHMENTS**

**JACOB C. VANDENBERG, PRESIDENT
KRISTIN A. THIRION, VILLAGE CLERK**

**CYNTHIA A. BERG
WILLIAM P. BRADY
WILLIAM A. BRENNAN
DIANE M. GALANTE
MICHAEL W. GLOTZ
MICHAEL G. MUELLER
Board of Trustees**

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Tinley Park
Peterson, Johnson, & Murray Chicago, LLC, Village Attorneys
200 W. Adams, Suite 2125 Chicago, IL 60606

VILLAGE OF TINLEY PARK

Cook County, Illinois

Will County, Illinois

ORDINANCE NO. 2020-O-___

**AN ORDINANCE AMENDING THE TINLEY PARK ZONING ORDINANCE
FOR THE PURPOSE OF REGULATING ADULT-USE CANNABIS BUSINESS
ESTABLISHMENTS**

WHEREAS, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that any municipality which has a population of more than 25,000 is a home rule unit, and the Village of Tinley Park, Cook and Will Counties, Illinois, with a population in excess of 25,000 is, therefore, a home rule unit and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, On June 25, 2019, the Governor of the State of Illinois signed into law Public Act 101-0027, establishing the Cannabis Regulation and Tax Act (hereinafter referred to as “Act”); and

WHEREAS, The Act legalizes the possession and use of cannabis for recreational purposes by adults over the age of 21, authorizes the sale of recreational cannabis at dispensaries, permits the expansion of cultivation centers previously only authorized to supply medical cannabis sales, and authorizes new types of cannabis businesses, such as craft growers, infusers and processors; and,

WHEREAS, pursuant to the Act, the Village may enact reasonable zoning ordinances or resolutions not in conflict with the Act, regulating cannabis business establishments, including rules adopted governing the time, place, manner and number of cannabis business establishments, and minimum distance limitations between cannabis business establishments and locations the Village deems sensitive; and

WHEREAS, On March 3, 2020, the Village Board discussed the results of the Citizen Survey regarding the sale of cannabis within the Village and directed staff to research regulations and zoning text amendments related to the sale of sale of cannabis; and

WHEREAS, The Village currently provides for the sale and growing of Medical Cannabis as a Special Use is defined zoning districts; and

WHEREAS, under the Act, “Adult Use Cannabis Dispensing organizations,” as that term is defined by the Act (“Recreational Dispensaries”), will be authorized to sell cannabis to eligible medical card holders and all adults over the age of 21 starting January 1, 2020; and

WHEREAS, Amendments to the Tinley Park Zoning Ordinance have been proposed and processed in accordance with the provisions of the Tinley Park Zoning Ordinance; and

WHEREAS, after due notice as required by law the Plan Commission of the Village held a Public Hearing on July 2, 2020, on said amendments and submitted its findings and recommendation that the proposed amendments be adopted, and this President and Board of Trustees has duly considered said findings and recommendations; and

WHEREAS, the President and Board of Trustees have reviewed the matter herein and have determined that amending the Zoning Ordinance to regulate Adult-Use Cannabis Business establishments is in the best interest of the Village of Tinley Park.

NOW, THEREFORE, Be It Ordained BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES, ILLINOIS, AS FOLLOWS:

Section 1: That the report and findings and recommendation of the Plan Commission of this Village are herein incorporated by reference as the findings of this Board of Trustees, as completely as if fully recited herein at length.

Section 2: That this President and Board of Trustees, after considering the report and findings and recommendation of the Plan Commission and other matters properly before it, finds, in addition to the findings set forth in Section 1 hereof as follows:

- (a) That the purpose of the proposed text amendments is to define and regulate Adult-Use Cannabis Dispensing Organizations as a Special Use in certain zoning districts; and
- (b) That the proposed text amendments are designed to improve the health, safety and welfare of the Village of Tinley Park and its residents; and
- (c) That the proposed text amendments will contribute favorably to the economic development of the Village as a whole; and
- (d) That the proposed text amendments foster the intent and purpose of the Zoning Ordinance as set forth in Section I of the Zoning Ordinance and are in the best interests of the Village and its residents.

Section 3: That Section II.B (Definitions) is hereby amended by deleting the definition for “Medical Cannabis Cultivation Facility” and by adding the following in alphabetical order as follows:

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT: A cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

ADULT-USE CANNABIS CRAFT GROWER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS DISPENSING ORGANIZATION: A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER:
An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

PERSON: Any person, firm, corporation, association, club, society or other organization, including any owner, manager, proprietor, employee, volunteer or agent.

Section 4: That Section V.B. (Schedule of Regulations) Schedule I (Schedule of Permitted Uses-By Use Type) is hereby amended by deleting “Medical Cannabis Cultivation Center” under the heading of “OTHER USES”.

Section 5: That Section V.B. (Schedule of Regulations) Schedule I (Schedule of Permitted Uses-By Use Type) is hereby amended by adding various “Adult-Use Cannabis Business Establishments” in alphabetical order under the heading of “OTHER USES” thereby indicating the use “Adult-Use Cannabis Dispensing Organization” is allowed in the B-2 (Community Shopping District) or B-3 (General Business and Commercial) districts as a Special Use and that all other “Adult-Use Business Establishments” are prohibited, to read as follows:

USE	R-1 thru R-7	B-1	B-2	B-3	B-4	B-5	ORI	M-1	MU-1
Adult-use cannabis craft grower	X	X	X	X	X	X	X	X	X
Adult-use cannabis cultivation center	X	X	X	X	X	X	X	X	X
Adult-use cannabis dispensing organization	X	X	S*	S*	X	X	X	X	X
Adult-use cannabis infuser organization or infuser	X	X	X	X	X	X	X	X	X
Adult-use cannabis processing organization or processor	X	X	X	X	X	X	X	X	X
Adult-use cannabis transporting organization or transporter	X	X	X	X	X	X	X	X	X

*only one SUP for Adult-Use Cannabis Dispensing Organization will be approved within the Village of Tinley Park.

Section 6: That Section V.B. Schedule I (Schedule of Permitted Uses-By District) is hereby amended by deleting “Medical Cannabis Cultivation Facility” and the reference “S” (denoting a Special Use), under the heading “ORI Office and Restrict Industrial”.

Section 7: That Section V.B. Schedule I (Schedule of Permitted Uses-By District) is hereby amended by adding certain terms under the heading “B-2 Community Shopping” in alphabetical order to read as follows: “Adult-use cannabis dispensing organization” with a “S” to denote a Special Use.

Section 8: That Section V.B. Schedule I (Schedule of Permitted Uses-By District) is hereby amended by adding certain uses under the heading “B-3 General Business & Commercial”

in alphabetical order to read as follows: “Adult-use cannabis dispensing organization” with a “S” to denote a Special Use.

Section 9: That Section XII, Section A. Table 3.A.2. (Prohibited Uses) is hereby amended by adding in alphabetical order, “Adult Cannabis Business Establishments” under the heading “Prohibited Uses”.

Section 10: That Section V.C. (Supplementary District Regulations) is hereby amended to add Section 13 “Adult Cannabis Business Establishment” to read as follows:

Adult-Use Cannabis Business Establishments: It is the intent and purpose of this Section to provide regulations regarding the dispensing of adult-use cannabis occurring within the corporate limits of the Village of Tinley Park. Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (Act), as it may be amended from time-to-time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply. Adult-Use Cannabis Business Establishment facilities, as defined herein, requiring approval of a Special Use in the respective districts in which they are requested shall be processed in accordance with Section X.J (Special Uses) of the Tinley Park Zoning Ordinance and as provided herein.

- a. **Adult-use Cannabis Business Establishment Components:** In determining compliance with Section X.J. (Special Uses), the following components of the Adult-Use Cannabis Establishments shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties:
 - i. Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - ii. Proposed structure in which the facility will be located, total square footage, security installations/security plan and building code compliance.
 - iii. Hours of operation and anticipated number of customers/employees.
 - iv. Anticipated parking demand based on Section VIII.A.10 for retail uses and available private parking supply.
 - v. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - vi. Site design, including access points and internal site circulation.
 - vii. Proposed signage plan and conformance with Section IX (Sign Regulations) and regulations as outlined in Section V.C.13.
 - viii. Compliance with all requirements provided in Section V.C.13 (Adult-use Cannabis Business Establishments), as applicable.
 - ix. Other criteria determined to be necessary to assess compliance with Section V.J. (Special Uses) of this Title.
 - x. In addition to the Special Use Standards outlined in this section no Special Use for an Adult Cannabis Business Establishment shall be recommended by the Plan Commission unless said Commission shall find:

- aa. That there is sufficient distance (or setback) between the operations of the Special Use and the public right-of-way so that the operations of the SUP do not dominate nor alter the essential character of the street frontage or be detrimental to the overall character of the commercial corridor; and
 - bb. That opportunities exist for shared parking to accommodate unexpected parking needs associated with the Special Use.

- b. Adult-Use Cannabis Dispensing Organization: In those zoning districts in which an Adult-Use Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:
 - i. Facility may not be located within 400 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school or day care center. This shall not include a daycare home (daycare conducted within a residence) or residential care home. Learning centers or technical and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
 - ii. Facility may not be located in a dwelling unit or within 100 feet of the property line of a pre-existing property zoned or used for residential purposes.
 - iii. Adult-Use Cannabis Dispensing Organization will be limited to locations with frontage on 159th Street, Harlem Avenue and LaGrange Road.
 - iv. Facility must be located in a standalone building; no co-tenancy with other uses allowed.
 - v. Facility shall not sell food for consumption on the premises.
 - vi. Facility shall not allow on-site consumption or smoking of cannabis.
 - vii. Facility shall be restricted to the following hours of operation: Monday through Saturday (8:00 a.m. to 9:00 p.m.); Sundays (12:00 p.m. to 6:00 p.m.)
 - viii. Facility shall not be allowed to have a drive-through window or service.
 - ix. Signage shall be limited to: one flat wall sign that does not exceed ten (10) sq. ft. in area; and one identifying sign that does not exceed two sq. ft in area, which identifying sign may include only the dispensary's address. Such signs shall not be directly illuminated; obstruct the entrance or windows of the recreational cannabis dispensary; include an electronic message sign or any temporary signs on the exterior of the property. No signage on the exterior of a recreational cannabis dispensary may contain cannabis imagery such as cannabis leaves, plants, smoke, cannabis paraphernalia, or cartoonish imagery oriented towards youth, or any language terms referencing cannabis, or any slang or street terms commonly associated with cannabis. Notwithstanding anything to the contrary a recreational cannabis dispensary must post a sign with text that is clearly legible and conspicuous immediately adjacent to all entrances that includes the following language: "Persons under the age of 21 are prohibited from

entering unless a qualifying patient with a prescription issued under the Compassionate Use Medical Cannabis Program Act”

- x. The exterior of all bags, sacks, totes or boxes provided to customers to carry cannabis out of the recreational cannabis dispensary must be opaque and without text or graphics advertising or identifying the contents of the products contained within.
- xi. Facility shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the Special Use permit, to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for an Adult-Use Cannabis Business Establishment and the site on which it is located, consistent with the requirements of the Act.
- xii. For purposes of determining required parking, said facilities shall be classified as a “Retail Store” per VIII A.10. (Number of Parking Spaces Required) provided, however, that the Village may require that additional parking be provided as a result of the analysis completed through Section Section X.J. (Special Uses).
- xiii. Petitioner shall file an affidavit with the Village affirming compliance with Section V.C.13. (Adult-Use Cannabis Dispensing Organization) as provided herein and all other requirements of the Act.

c. Additional Requirements

- i. No more than one Adult-Use Cannabis Dispensing Organization shall be permitted within the Village of Tinley Park corporate limits.
- ii. Adult-Use Cannabis Establishments must comply with all applicable rules and regulations enacted by the State of Illinois, including licensing and registration requirements. When such state regulations are amended, such regulations control over this Ordinance.
- iii. All Cannabis Business Establishment shall register annually with the Village of Tinley Park pursuant to the Village Municipal Code.

Section 14: That the Village Clerk be and is hereby directed to publish this Ordinance in pamphlet form.

Section 15: That this Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form.

PASSED THIS , 2020.

AYES:

NAYS:

ABSENT:

APPROVED THIS , 2020.

VILLAGE PRESIDENT

ATTEST:

VILLAGE CLERK

STATE OF ILLINOIS)
COUNTY OF COOK) SS
COUNTY OF WILL)

CERTIFICATE

I, KRISTIN A. THIRION, Village Clerk of the Village of Tinley Park, Counties of Cook and Will and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. _____, “AN ORDINANCE AMENDING THE TINLEY PARK ZONING ORDINANCE FOR THE PURPOSE OF REGULATING ADULT-USE CANNABIS BUSINESS ESTABLISHMENTS.” which was adopted by the President and Board of Trustees of the Village of Tinley Park on _____, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Tinley Park this _____, 2020.

KRISTIN A. THIRION, VILLAGE CLERK

PAMPHLET

FRONT OF PAMPHLET

ORDINANCE NO. 2020-O-__

**AN ORDINANCE AMENDING THE
TINLEY PARK ZONING ORDINANCE FOR THE PURPOSE OF REGULATING
ADULT-USE CANNABIS BUSINESS ESTABLISHMENTS**

Published in pamphlet form this _____ day of _____, 2020, by Order of the Corporate Authorities of the Village of Tinley Park, Cook and Will Counties, Illinois.

By: _____
KRISTIN A. THIRION
Village Clerk

PAMPHLET
BACK OF PAMPHLET

ORDINANCE NO. 2020-O-___

**AN ORDINANCE AMENDING THE
TINLEY PARK ZONING ORDINANCE FOR THE PURPOSE OF REGULATING
ADULT-USE CANNABIS BUSINESS ESTABLISHMENTS**

Published in pamphlet form by Order of the Corporate Authorities of the Village of Tinley Park,
Cook and Will Counties, Illinois.