



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

**July 15, 2021**

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 July 15, 2021.

**CALL TO ORDER** –CHAIRMAN GRAY called to order the Regular Meeting of the Plan Commission for July 15, 2021 at 7:00 p.m.

CHAIRMAN GRAY stated the meeting was being conducted pursuant to Governor Pritzker’s Disaster Proclamation and Public Act 101-0640 which amends requirements of the Open Meetings Act due to the COVID-19 pandemic. Although remote attendance is an option, for the Plan Commission all board members are present at this time.

Lori Kosmatka called the roll.

Present and responding to roll call were the following:

Chairperson Garrett Gray  
Eduardo Mani  
James Gaskill  
Frank Loscuito  
Ken Shaw  
Jennifer Vargas  
Kehla West

Absent Plan Commissioners: Greg Maniatis

Village Officials and Staff: Kimberly Clarke, Community Development Director  
Dan Ritter, Senior Planner  
Lori Kosmatka, Associate Planner

Petitioners: Randy Ludke representing Ludke Subdivision  
Dr. Toni Scott-Terry representing Allure Wellness Center

Members of the Public: None

**COMMUNICATIONS** – Dan Ritter, Senior Planner, announced the change in the Commissioners. He thanked the Commissioners who have served and welcomed the new Commissioners.

CHAIRMAN GRAY also welcomed and thanked the Commissioners.

**APPROVAL OF MINUTES** - Minutes of the June 17, 2021 Regular Meeting of the Plan Commission were presented for approval.

CHARMAN GRAY asked that a correction of a typographical error be corrected on Page 6, third to last paragraph that it should read “June 17<sup>th</sup>” not “June 3<sup>rd</sup>”.

A motion was made by COMMISSIONER MANI, seconded by COMMISSIONER GASKILL to approve the June 17, 2021 minutes as corrected.

CHAIRMAN GRAY asked for a voice vote; all were in favor. He declared the motion carried.

**TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES**  
**FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION**  
**SUBJECT: MINUTES OF THE JULY 15, 2021 REGULAR MEETING**  
**ITEM #1 WORKSHOP/PUBLIC HEARING – LUDKE, 6303 175<sup>th</sup> STREET – FINAL PLAT OF SUBDIVISION APPROVAL**

Consider recommending the Village Board grant Randy Ludke (property owner) a Variation from Section V.B.Schedule II (Lot Bulk Regulations) to be smaller than the minimum permitted at 6303 175th Street in the R-2 (Single-Family) zoning district. The Variation will allow the subdivision of the property into two lots. Variations for existing principal structure setbacks and a Final Plat of Subdivision will be considered for recommendations as well.

Present Plan Commissioners: Chairperson Garrett Gray  
Eduardo Mani  
James Gaskill  
Frank Loscuito  
Ken Shaw  
Jennifer Vargas  
Kehla West

Absent Plan Commissioners: Greg Maniatis

Village Officials and Staff: Kimberly Clarke, Community Development Director  
Dan Ritter, Senior Planner  
Lori Kosmatka, Associate Planner

Petitioners: Randy Ludke representing Ludke Subdivision

Members of the Public: None

CHAIRMAN GRAY invited staff to start with the presentation of this item for the Workshop.

Dan Ritter, Senior Planner, summarized the Staff Report for the Commission which was available online for the public and the Commission to review and will be a part of the minutes. The Petitioner wishes to subdivide the lot into two lots which led to a variation into the lot sizes and a cleanup for existing variations for the house.

The Petitioner said if he had the extra width he would have more than enough square footage. Also, he noted there is a brush line existing at the 4.75 setback.

COMMISSIONERS LOSCSUITO, WEST, and GASKILL had no comments.

COMMISSIONER SHAW asked if property was owned by current owner since 2017 and was annexed in 1964.

Dan Ritter responded yes.

COMMISSIONER SHAW asked that it was annexed in as that full lot.

Dan Ritter responded yes.

COMMISSIONER SHAW asked if Engineering looked at the topographical drainage for Lot 2. It looks like the elevation drops at the southeast of Lot 1.

Dan Ritter responded yes. When someone comes to build, they will need to go through Engineering. It is a buildable lot. It does not have any major issues. It is not in a flood plain and does not have drainage easements. You cannot subdivide an entirely floodplain property. A new owner would engineer the construction so it drains correctly.

COMMISSIONER WEST asked if that would go through normal building permit process.

Dan Ritter responded yes.

COMMISSIONER SHAW asked if the variances would be on Lot 1, and Lot 2 would not need variances.

Dan Ritter responded yes. Lot 2 will meet all minimum standards.

COMMISSIONER SHAW noted he would have some questions on the finding of fact.

COMMISSIONER MANI had no comments.

COMMISSIONER VARGAS saw the property and had no comments.

CHAIRMAN GRAY had no comments. He asked for a motion to open the public hearing. Motion made by COMMISSIONER GASKILL, seconded by COMMISSIONER SHAW. CHAIRMAN GRAY requested a voice vote asking if any were opposed to the motion; hearing none, he declared the motion carried.

CHAIRMAN GRAY stated he received proof of the Notice of Publication for this Public Hearing,

CHAIRMAN GRAY invited staff to start with the presentation of this item.

Dan Ritter, Senior Planner, noted he had nothing further to add from the Workshop. He has the standards available.

CHAIRMAN GRAY asked if the Petitioner had anything further to add. The Petitioner had no comment.

COMMISSIONER SHAW noted a hesitation regarding the block south which has unincorporated lots which may be dividable. We would not specifically be setting precedent with this case, but I'm interested in the larger picture going forward. The findings of fact #2 mention uniqueness. At least 3, 4, or 5 lots are similar. He is not sure how we define unique in this sense. #3 states smaller lots are across Highland. Anything east of Ridgeland is its own neighborhood. #4 mentions it would not impair property values of neighboring properties. The area is wooded and a different feel from rest of Tinley Park. It is debatable on whether subdividing is improving or reducing the value of the neighboring properties. He asked if we have our minimum lot size for any of these other lots might be subdivided.

Dan Ritter responded we don't have a specific line set. He said this lot is a couple thousand square feet under. The Commission would make that decision based on the specific situation and surrounding area. He is not sure where that line would be if it were a variation for 5,000 or 6,000 square feet. Some might be in comparison to other lots, others might be lot specific.

COMMISSIONER SHAW noted the base zoning is the minimum. There are quite a few lots in the area that are smaller. If he were looking at a smaller subdivision, he would be hesitant for it.

Dan Ritter responded he wasn't sure why it was zoned R-2. Some of it appears it could have been R-3. There were both big and small lots in the area.

COMMISSIONER SHAW stated mitigating factors are that it's on the corner, and there is a similar subdivision across the street.

COMMISSIONERS MANI, VARGAS, GASKILL, WEST, and LOSCSUITO had no comment.

CHAIRMAN GRAY stated the subdivided second lot does conform. The interior lot requirement is 13,00 square feet. The corner lot is unique that it was subdivided 62 years ago into the 100-foot width. It was retroactively given the standard for 115-foot width. You have to consider the history of the parcel. Even the lot as a corner, 14,417 square feet is still greater than the 13,000 square feet of interior lot. It is a little shy of it but is not the fault of the homeowner.

The building already exists. The setbacks are OK. The secondary front yard has been there already. There are smaller lots in the subdivision. I think it would be something reasonable for these variations given the way it was subdivided and annexed in. He asked if anyone from the public wishes to speak on the item. Hearing none, he asked for a motion to close the public hearing. Motion made by COMMISSIONER MANI, seconded by COMMISSIONER GASKILL. CHAIRMAN GRAY requested a voice vote asking if any were opposed to the motion; hearing none, he declared the motion carried. He asked staff to present the Standards.

Dan Ritter reviewed the draft Standards, summarizing the requests, as outlined in the Staff Report.

#### Motion 1-Variations

COMMISSIONER WEST made a motion to recommend that the Village Board grant the following Variations from Section V.B.Schedule II (Lot, Yard, and Bulk Regulations) to the Petitioner, Randy Ludke, at the property located at 6303 175th Street in the R-2, Single-Family Residential zoning district, in accordance with the plans submitted and listed herein and adopt Findings of Fact as proposed in the July 15, 2021 Staff Report.

1. A 1,832.88 sq. ft. Variation to permit a lot that is 14,417.12 sq. ft. instead of the required minimum of 16,250 sq. ft.
2. A 14.76-foot Variation to permit a lot width of 100.24 feet instead of the required minimum of 115 feet.
3. A 0.24-foot Variation to permit a primary front yard setback of 29.76 feet instead of the required minimum of 30 feet.
4. A 4.75-foot Variation to permit a secondary front yard setback of 25.25 feet instead of the required minimum of 30 feet.
5. A 0.22-foot Variation to permit a side yard setback of 9.78 feet instead of the required minimum of 10 feet.”

Motion seconded by COMMISSIONER LOSCUITO. Vote taken by Roll Call; all in favor. CHAIRMAN GRAY declared the motion carried.

#### Motion 2-Final Plat

COMMISSIONER MANI made a motion to recommend that the Village Board grant approval to the Petitioner, Randy Ludke, Final Plat of Subdivision Approval for the property located at 6303 175th Street in accordance with the Final Plat dated April 30, 2021, subject to the condition that it is subject to final approval by the Village Engineer prior to recording

Motion seconded by COMMISSIONER SHAW. Vote taken by Roll Call; all in favor. CHAIRMAN GRAY declared the motion carried.

This item will be reviewed by the Village Board at their August 3rd meeting.

**TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES**

**FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION**

**SUBJECT: MINUTES OF THE JULY 15, 2021 REGULAR MEETING**

**ITEM #1 WORKSHOP – ALLURE WELLNESS CENTER, 7151 183<sup>RD</sup> STREET – SPECIAL USE FOR A DWELLING ABOVE A PRINCIPAL USE AND SITE PLAN/ARCHITECTURAL APPROVAL**

Consider recommending the Village Board grant Jason Terry and Toni Scott-Terry (property owners) a Special Use for a Dwelling located above a principal commercial use and Site Plan/Architectural Approval at 7151 183rd Street in the B-3 PUD (General Business & Commercial, Holiday Inn/Convention Center PUD) zoning district.

Present Plan Commissioners: Chairperson Garrett Gray  
Eduardo Mani  
James Gaskill  
Frank Loscuito  
Ken Shaw  
Jennifer Vargas  
Kehla West

Absent Plan Commissioners: Greg Maniatis

Village Officials and Staff: Kimberly Clarke, Community Development Director  
Dan Ritter, Senior Planner  
Lori Kosmatka, Associate Planner

Petitioners: Dr. Toni Scott-Terry representing Allure Wellness Center

Members of the Public: None

CHAIRMAN GRAY invited staff to start with the presentation of this item.

Lori Kosmatka, Associate Planner, summarized the Staff Report for the Commission. The summarization included a review of the proposed Special Use Permit for the dwelling, site plan details, and the need to request a parking variation. She noted the previously approved landscaping plan and provided staff recommendations for conditions.

CHAIRMAN GRAY invited the Petitioner to speak.

The Petitioner, Dr. Toni Scott-Terry, introduced herself to the Commission and noted that her current medical spa is located across the street from the subject property. She stated her goal is to have a wellness center in the South Suburbs with IV infusions, medical practice, and future massages. She noted the southwest apartment entrance will have a sidewalk as well. It will not be blank. Regarding the east entry which is shared with the med spa, she noted she could close off the door if that is a concern. Her plan is to use it as a personal space rather than to lease it out to a stranger. She noted the apartment would help with tax relief for the building. She asked if there were any questions on that issue.

CHAIRMAN GRAY stated the Commission will hear comments from the Petitioner, and as the Commission has questions, she could answer them at that time.

Petitioner noted the existing is located past the building. Once you get to the sign, you miss the building. She noted in her current practice location that she never paid attention to the subject building. There are a lot overgrown weeds.

She wants to move the sign before one misses the building. She would like to remove the existing monument sign and place a new sign at a new location. Her landscaper believes a new sign could be located ten feet from the property line before the entrance into the driveway. She would like the new monument sign to have an LED message center. She has spoken to at least three sign contractors. Her landscaper has been to the site, but has not yet completed the plan. She would like to keep plans with previous landscaping but still have visibility of the main structure. The fitness center/garage overhead doors will be tinted. This will be a boutique fitness center without much equipment, to be for clients with everything all in one space. Regarding parking, and the anticipated intensity of use, she noted her submitted narrative had listed the total hours that the business phones are turned on. She clarified that all clients come by appointment only and thus will not have a large number of clients at the site. Parking will be managed in that manner. On certain days, they may not open until noon.

CHAIRMAN GRAY asked what are the hours for the Wellness Center.

The Petitioner stated her office will have different hours than the medical spa. She sees her patients Mondays, Tuesdays, Fridays, and every other Saturday. Her staff is there the other days doing patient callbacks. The Spa will not open Monday and Sunday, and will be by appointment. All employees will be part-time and there on different days. The rooms will not be 100% in use 100% of the time. Some of the rooms will be for taking pictures or relaxation and not in "active use".

CHAIRMAN GRAY asked COMMISSIONER VARGAS for questions. COMMISSIONER VARGAS said she visited the property, and the landscaping looked overgrown. The building was hard to see, and she had passed it. She agreed with the Petitioner on those aspects. She had no questions at this time.

CHAIRMAN GRAY asked COMMISSIONER MANI for questions. COMMISSIONER MANI had no comment. He stated that the Petitioner had already answered his questions.

CHAIRMAN GRAY asked COMMISSIONER SHAW for questions. COMMISSIONER SHAW clarified with the Petitioner that she is in the Tinley Point building across the street with Dunkin'. She would like to expand her business. He mentioned the Petitioner noted she plans to use the apartment space for personal use rather than leasing it out. He noted the concern is that the second apartment entrance is a shared entrance in that the apartment leads into the office space. He didn't think closing it up would be an option if there were safety concerns with egress.

Dan Ritter, Senior Planner, stated they might be able to do locking mechanisms that allow the residential space an entrance but no access to the commercial space, which would still have an egress path.

COMMISSIONER SHAW noted that would be security for resident not for the business.

Dan Ritter stated it could be so the resident could not get into the office space. Staff has seen some of these apartments approved. English Garden had an apartment. She runs her business on the first floor and there is no separate entrance there. There is a shared area where you can go up the stairs to the apartment or to the left to the office. The preference is to be separate or have an ability to be. We are making it a livable space, which can be legally occupied. The Petitioner might want to lease it out and put a door there so the resident could not go into the medical space. If there's an ability to put a door there, then maybe that is sufficient enough at this time rather than completing the work now. If she leases it out, she can always put one there with a building permit and that will likely be driven by her businesses needs for privacy.

COMMISSIONER SHAW said as we consider the special use, we do not differentiate between owner-occupied and leased space. He asked if we have to design it as though it were leased.

Dan Ritter said it could be either.

Petitioner said we could close it off at the entrance going into the spa space and make it a wall.

Dan Ritter said the Petitioner would need to ask her architect if there is a need for an egress point there. There are certain distances you have to meet. If the architect draws it on the plans which get approved and it meets code you could do that, or it could be a door that locks from the foyer area which you could still get out at. You would have

presumably another door at some point to the apartment that would lock, too. The employees would not be able to get into the apartment and the tenant could not get into the business.

COMMISSIONER SHAW wanted to understand what was the nature of concern.

Dan Ritter said with the business owner occupying the property, it is helpful that would want to block the space off and make the choice herself. If you didn't know who was going to be in the commercial space and if it wasn't owner-occupied, you may want to push for it more upfront. The special use permit is tied to the property owner and this proposal. It does not run with the land. If it is sold as a new business or owner, they would have to go back through this process again to ensure it still makes sense with the new situation.

COMMISSIONER SHAW if this was approved under the assumption it would be owner-occupied and then down the road it would be leased out, then we are back in the same situation. It is best to approach with assumption it is not owner-occupied or could be at some point. He also noted it is off Convention Center Drive. Other than development to the east, there is no residential or mixed use nearby. In terms of pedestrian access to site, there are no sidewalks on 183rd.

Dan Ritter said the sidewalk goes up to Convention Center Drive to the point with the multi-use path. Everything west from that point to Burger King does not have a sidewalk or path yet.

COMMISSIONER SHAW asked for confirmation that there's no crossing at Convention Center Drive, and if it was a state-owned roadway.

Dan Ritter responded 183<sup>rd</sup> Street was county roadway, but believes it is owned by the Village now. He believes sidewalks go up to Culver's now as well on the other side of 183<sup>rd</sup> Street. 183<sup>rd</sup> Street has been a priority for sidewalks but does cost money and take time. It stops at or soon after that intersection.

COMMISSIONER SHAW asked the outlots to the east of Convention Center Drive were zoned the same and if it is also envisioned for potential mixed-use development. The single apartment is like an island.

Kimberly Clarke, Community Development Director, stated that there have been inquiries on developing that lot. The Village encourages this as a potential mixed-use development. The Village was approached with a townhome proposal, but noted they did not think that was a good fit at that location in an outlot to the convention center, but again would consider mixed-use like there is across the street.

Dan Ritter said standalone commercial is permitted there as well, but staff has encouraged potential mixed-use there.

COMMISSIONER GASKILL had no comment.

COMMISSIONER WEST concurred with COMMISSIONER SHAW with the assumption it is not to be owner-occupied because circumstances can change. She asked if there are any concerns about noise, smell, or toxicity that would impact the residential unit.

Petitioner answered no. They are quiet and not using chemicals that emit odors.

COMMISSIONER LOSCUITO agreed with COMMISSIONERS SHAW and WEST regarding the entranceway preventing access of the residential unit to the commercial space. In the future you could lease it out. There would be safety concerns for your business and the resident. Locking mechanisms would ensure there wouldn't be access. He also agreed with the Petitioner on the parking. He doesn't see parking being an issue since the Petitioner will have appointments. He suggested there be two parking spaces designated for the apartment.

CHAIRMAN GRAY noted the Petitioner had already answered his questions on the open items. He stated we still need more information on the ground sign including location and dimensions. He would like to see what it would look like. He also noted that Open Item #3 requires the trash enclosure gate replacement.

Petitioner answered yes, that her builder is aware.

CHAIRMAN GRAY noted Staff would need the exact style and framing of the clear overhead doors.

Petitioner said the overhead doors would have a tint so you cannot readily look completely through.

CHAIRMAN GRAY asked when the Petitioner will hone down the overhead door specifications.

Petitioner said the door specifications and color should hopefully be selected next week.

CHAIRMAN GRAY said to share that information with Staff.

Petitioner agreed.

Mr. Ritter noted it would be required with the permit review and approval.

CHAIRMAN GRAY noted there are several small businesses within one building with a dedicated sign. He asked if it would be "Allure Wellness Center".

Petitioner said it will read "Allure Wellness Center" with list of the medical spa, office, infusion center, and fitness center, and if they add a dermatologist or plastic surgeon.

CHAIRMAN GRAY noted that on Open Item #1 he noted the special use permit for the apartment was approved in 2005. You are changing out the balcony. He concurs with COMMISSIONER SHAW and WEST that if it changes owners, then it would have a separate user and be a concern. He concurs with COMMISSIONER LOSCUITO. He noted the Petitioner seems she has a good management on the hours of the business, and the boutique center would be contained. He does not believe the deficient 11 spaces will be an issue. He agrees with COMMISSIONER SHAW on the sidewalks. If there is any opportunity with Staff, you can connect the community little by little with sidewalks. He asked if there are any other comments. He asked if the Commissioners had any other comments.

COMMISSIONER SHAW said the designated parking spaces for the apartment sound like a good idea.

Dan Ritter said the Village has made that a condition on previous items. He thinks Avocado Theory has that as well as George Faycurry. It helps a resident know that they can park near the apartment entrance and will have the stalls available at all times.

COMMISSIONER SHAW said this sounds like a reasonable condition and not burdensome, but would not be a deciding factor for him.

CHAIRMAN GRAY asked if Staff would like to run through the open items.

Dan Ritter said Staff has received some good feedback.

CHAIRMAN GRAY said the Petitioner should keep in touch with staff. He noted the Public Hearing would be on August 5<sup>th</sup> at the Plan Commission. He noted she should plan to attend, if not in person, then virtually by phone.



**TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES**

**FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION**

**SUBJECT: MINUTES OF THE JULY 15, 2021 REGULAR MEETING**

**ITEM #1 WORKSHOP – TEXT AMENDMENT – ADULT-USE RECREATIONAL CANNABIS DISPENSARY LOCATION CHANGES**

Consider a proposed text amendment to certain sections of the Tinley Park Zoning Ordinance for Adult-Use Cannabis Dispensing Organizations to be additionally permit in the B-1, ORI, M-1, MU-1, and Rich Township Entertainment Districts. Also to eliminate requirements requiring their location in a standalone building and along designated commercial corridors (159th St, Harlem Ave, and LaGrange Rd).

Present Plan Commissioners: Chairperson Garrett Gray  
Eduardo Mani  
James Gaskill  
Frank Loscuito  
Ken Shaw  
Jennifer Vargas  
Kehla West

Absent Plan Commissioners: Greg Maniatis

Village Officials and Staff: Kimberly Clarke, Community Development Director  
Dan Ritter, Senior Planner  
Lori Kosmatka, Associate Planner

Petitioners: None

Members of the Public: None

CHAIRMAN GRAY invited staff to start with the presentation of this item.

Dan Ritter, Senior Planner, summarized the Staff Report for the Commission which was available online for the public and the Commission to review and will be a part of the minutes. This text amendment proposes to make changes from last year's approval to permit cannabis dispensaries. Staff brought this to Committee of the Whole on the 29<sup>th</sup> which had the direction to move forward with a text amendment to the Plan Commission. The consideration is to allow it in multi-tenant buildings, remove the corridor requirements, and allowing it as a special use in additional zoning districts. He showed a use chart, noting growing and processing is prohibited. The concerns from the zoning districts can be covered through the special use process, allowing dispensary operators to find more locations.

CHAIRMAN GRAY asked if there were any questions.

COMMISSIONER LOSCUITO had no questions.

COMMISSIONER WEST had a concern on co-tenancy that removing language on being a stand-alone building. She noted her experience working with the Veteran's Affairs in Aurora, which had a large multi-tenant building built around the 1980's with a large central courtyard. It was a struggle for the clinic to not smell of cannabis. It was an older building that might have had ventilation issues. She suggested that language be put in that if it is multitenant, then the dispensary must own the building. If they owned the building, they could be more selective on who else goes in the building. If the dispensary doesn't own the building and moves in next door and impacts the other businesses, that is not in everyone's interests.

Kimberly Clarke, Community Development Director, said that was one of her concerns as well. She suggested that a condition be applied to require an HVAC system submittal showing upgraded ventilation. She also noted on the licensing end, there could be a maximum number of complaints allowed similar to liquor licenses.

COMMISSIONER WEST noted even with an HVAC system, the smell has to go somewhere such as the parking lot. She asked what benefit does co-tenancy provides.

Kimberly Clarke responded that many of the Village's shopping centers have a management company and currently will not lease to these types of uses if they have a mortgage, the bank prohibits renting to these types of uses. She doesn't think it will be a lot of requests, but doesn't know about the future. The currently available locations permitted by code are limited. This is to provide more options. Standalone is the best control, but many of them are not able to build from the ground up due to timing or financing.

Dan Ritter noted there are separate outlot buildings as part of the same parcel. There is also multitenant shopping centers with connected sections. He noted there was a change with the state regulating medical versus recreational cannabis. A lot more limits were set which may have included HVAC upgrades and things like not having pot leaf images as a logo.

CHAIRMAN GRAY asked if smell is an issue even when cannabis is not being smoked.

COMMISSIONER WEST responded yes, there is a smell in storage of cannabis as well she had experienced at her previous job site.

Dan Ritter recalled there were a couple of operators who had previously explained their business. He noted for recreational cannabis, the product packaging regulations are stricter, requiring it to be behind counters, packaged a certain way, and not opened regularly. It is a little more controlled than it was with medical cannabis in that way.

CHAIRMAN GRAY said if you're an existing tenant it could negatively impact your business.

COMMISSIONER WEST noted the regulation of a certain number of complaints and that there are residents who will be opposed anywhere, anytime, regardless. That may bring nuisance complaints.

Dan Ritter stated the Commission could consider separate conditions you can review for a Special Use Permit. We can make it specific to ventilation and HVAC. He noted Staff can call some other communities, Joliet, etc.

CHAIRMAN GRAY asked if COMMISSIONER GASKILL had a comment.

COMMISSIONER GASKILL had no comment.

COMMISSIONER SHAW noted he was not here for the previous consideration. He noted the ordinance states intentions which include 1) improving the health, safety and welfare, 2) economic development, and 3) foster the intent and purpose of the Zoning Ordinance being in the best interest of the Village. He felt the first and second intentions seem to compete. You could limit one by going too far in the direction of the other. He is looking at this from the perspective of what is changing. As the ordinance sits we are limiting potential sites. He is looking at the objectives relating to limiting it to a corridor and stand-alone building. He doesn't know enough to form an opinion. There have been other types of businesses impose on neighbors, not necessarily cannabis. He stated he did not understand the limiting to corridors. He questioned the intent of that if it was for health and safety.

Kimberly Clarke noted that Village of Lombard did a deep dive in their review of cannabis. They, similar to Tinley, had major roads traversing into town which drew people from other areas into town. They chose to keep cannabis in the high-traffic areas instead of on smaller collector roads going into neighborhoods. Major roads in Tinley would be 159<sup>th</sup>, Harlem, LaGrange where there already is high traffic. The users there are retail and want to be seen. That approach seemed to be supported by the community. The Chief of Police preferred to have uses highly visible and not tucked away in industrial parks in order to keep eyes on it. She noted corridors are not really necessary anymore.

COMMISSIONER SHAW asked if cannabis is a Special Use Permit everywhere with the standards addressed.

Kimberly Clarke responded yes.

COMMISSIONER SHAW noted the Special Use Permit could address proposals off the beaten path. When he looks at objectives in the original ordinance, it seems perhaps too restrictive up front. Even with striking language now, the Special Use Permit is still a safety valve. He would have to hear more to decide about the standalone building. He understands reasons to keep it and eliminate it. Eliminating would be solely for economic development. He is not saying any of these changes further improve health and safety. He asked if we had a larger PUD with an outlot as a single building, would that be considered a standalone.

Kimberly Clarke responded it would be standalone. She noted the lot in front of the convention center on 183<sup>rd</sup> Street was not included as part of the corridor and someone in theory could have a standalone building there with the removal of the corridor limitations.

COMMISSIONER SHAW noted the potential for corridors was to eliminate or expand and the recommendation was to eliminate. Other than a few major roads we would have to stretch to further define the corridors.

COMMISSIONER MANI agreed we want it to be more flexible. The language on ownership may limit it though. Eliminating the corridors may help. It may be best to do baby steps with this type of business and adjust it per comments from some of the community. There may be requirements for other businesses going into a strip center such as pollution control units for restaurants to limit the smell of food in the neighborhood. There must be some filtering systems to eliminate the odor outside.

COMMISSIONER VARGAS noted concerns about co-tenancy. Specifically, foot traffic is an issue by Harlem at Worth. In the evening there's always lines at standalone locations. How will it impact other businesses if they are cotenants and there is a line blocking off their entry? Would it put people off from accessing their businesses?

COMMISSIONER WEST asked if it is possible to impose a Special Use condition to not have a line obstructing another business when there are cotenants.

COMMISSIONER VARGAS suggested it could if it was at the end of a strip mall. She asked if there were any increased crime with the dispensaries. She asked if it would put other businesses at risk if it were a co-tenancy.

Kimberly Clarke noted she can follow-up with Chief Walsh.

Dan Ritter noted the line could be addressed as part of the Special Use Permit. Access is one of the standards. Traffic and pedestrians are considered. If a Special Use is unique, there may be a long list of conditions.

COMMISSIONER SHAW asked if we know how long the extreme demand is anticipated. He noted Krispy Kreme doughnut demand eventually died down.

COMMISSIONER WEST noted she would see a line at the Worth dispensary at Harlem around 430-600pm, but not a line after 630pm. She understands that sales initially skyrocketed, then slightly dropped off, but not drastically. It might be steady.

Kimberly Clarke noted Sunnyside encourages customers to pre-order online. She noted Worth Dispensary is a small site that might have parking issues.

COMMISSIONER WEST noted there was an Enterprise Car Rental nearby that moved out. She doesn't know whether or not they were driven out from traffic and smell.

Kimberly Clarke noted some customers are now savvy with ordering online.

COMMISSIONER SHAW noted this needs to be managed upfront. He questioned if this business pattern would remain high or settle down.

Dan Ritter noted with more dispensary licenses issued, the demand should spread out further. It is probably at peak when it first started and now.

CHAIRMAN GRAY recalled PF Chang's used to be hard to get in, but not now.

Kimberly Clarke noted Aldi sometimes has lines.

Dan Ritter noted Rise Dispensary in Joliet is a large, standalone building which had a lot of traffic initially and had people parking in the nearby mall lot. Lately he has not seen anybody in the lined areas, even on the weekends, so it seems the initial rush of demand has faded.

CHAIRMAN GRAY noted the Village Manager's memo mentioned dispensary owners wanting 25 parking spots. It may be prudent to reach out to cities that have it implemented. He asked if Lombard regulations were for co-tenancy. He thinks it is OK to eliminate the corridor. The few buildings that are candidates He recapped Commission concerns on nuisances for odor, lines, and crime. He suggested that in addition to having staff reach out to the Chief, and if possible to an existing co-tenant or neighbor. We want to increase business but not hurt established businesses. He feels COMMISSIONER WEST has good insight with her VA experience. We have to ask the right people the right questions to get more information. More information is needed on item #8 regarding co-tenancy before a decision can be made.

COMMISSIONER SHAW noted he is leaning toward removing corridor requirements. He doesn't know yet about the standalone. Consider those as separate items potentially. If we recommend to remove the corridor requirements, but don't recommend changing the standalone, over time we will learn more.

CHAIRMAN GRAY asked if there were anymore comments. Hearing none, he asked Staff to draft an ordinance, available for the public hearing at the August 5<sup>th</sup> meeting. He suggested staff reach out to public entities if possible on questions by the Commission.

**TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES**  
**FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION**  
**SUBJECT: MINUTES OF THE JULY 15, 2021 REGULAR MEETING**  
**ITEM #1 WORKSHOP – TEXT AMENDMENT – SIGN REGULATIONS CHANGES**

Consider a proposed text amendment to certain sections of the Tinley Park Zoning Ordinance for Adult-proposed text amendment to Section IX (Sign Regulations) of the Tinley Park Zoning Ordinance. Proposed changes would allow a second sign accessory to an approved drive-thru lane. Additionally, some clarifications and minor adjustments are proposed for simpler regulation and enforcement of the code).

Present Plan Commissioners: Chairperson Garrett Gray  
Eduardo Mani  
James Gaskill  
Frank Loscuito  
Ken Shaw  
Jennifer Vargas  
Kehla West

Absent Plan Commissioners: Greg Maniatis

Village Officials and Staff: Kimberly Clarke, Community Development Director  
Dan Ritter, Senior Planner  
Lori Kosmatka, Associate Planner

Petitioners: None

Members of the Public: None

CHAIRMAN GRAY invited staff to start with the presentation of this item.

Dan Ritter, Senior Planner, summarized the Staff Report for the Commission which was available online for the public and the Commission to review and will be a part of the minutes. When variation approvals reoccur, it could indicate the existing code may not work. The main driver for this current amendment is due to variations needed for preview menu boards. They have become an industry standard. He noted other sign code clarifications are being considered too that include eliminating maximum sign height, letter height, lines of lettering which may be overregulation on signs that otherwise looked fine.

COMMISSIONER VARGAS asked if there was a regulation for maximum square footage.

Dan Ritter responded yes, we already have that regulation based on the frontage. Currently, you could have a logo that fits within a space and looks fine stacked, but it is not allowed due to the height. Recent sign variances included Burlington Coat Factory, the Grocer, Floor & Décor, Menards, and Aldi.

COMMISSIONER MANI noted Aldi's original sign was very large and we shrunk it down.

Dan Ritter clarified we are not eliminating the maximum size overall. Aldi had 100 feet of frontage so they still would have only been allowed 100 square feet. The sign height aspect doesn't really limit the overall size of the sign.

COMMISSIONER MANI expressed a concern that the signs may look weird if the maximum height is eliminated.

Kimberly Clarke noted the signs will have to align with the centerline of the façade.

COMMISSIONER MANI stated a current project he is working on considers the percentage of the square footage of the store's elevation with a maximum cap.

COMMISSIONER SHAW stated he agrees with the recommendation to eliminate the maximum letter and overall height. If someone had the vertical clearance they could have a narrow sign like a letter "T". Managing square footage makes sense. In the end we achieve the same objective without overregulating. He agrees the language is good for not interfering with architectural features. He asked if the top of the building is considered an architectural feature, if the sign could extend over it.

Dan Ritter noted the code states you cannot go over the roofline and if there's a cornice like Brookhaven it could be an architectural feature.

COMMISSIONER SHAW noted that Menards and Dicks is not as obvious. It is good the code regulates margins.

CHAIRMAN GRAY asked if the Whole Food's curl on the "O" is one foot below the architectural feature.

Dan Ritter noted that sign was in Orland Park, and would be unique and in for a variance anyways for size where it would be reviewed for its overall fit and appearance on the building.

CHAIRMAN GRAY also noted the Dicks Sporting Goods apostrophe appeared to be above the margin constraints of the architectural features.

Dan Ritter noted that shopping center developments typically come with sign plans, and in those maximum letter heights might make sense to keep the signs consistent across the shopping center. However, Brixmoor facades are being developed with where signs might go. We could tailor the request to the specific shopping center. Letter heights even apply to large industrial buildings along I-80. You would not be able to see the signs if not for the variations.

COMMISSIONERS GASKILL, WEST, and LOCSCUITO had no comment.

CHAIRMAN GRAY stated the preview menu boards have come to the Plan Commission recently and has become redundant. It's a good tweak to reduce the need for these variations. He echoed comments by the other Commissioners. As long as signs don't interfere with architectural elements, he does not mind eliminating the maximum sign height. He echoed COMMISSIONER MANI's comment that you may want to keep signage uniform.

CHAIRMAN GRAY asked Staff to draft an ordinance, available for the public hearing at the August 5<sup>th</sup> meeting.

### **GOOD OF THE ORDER –**

Dan Ritter noted the new and existing Commissioners can reach out to staff with any questions. He stated we may consider Commissioner training with the APA to give a broader perspective on what to do. He provided a status update on projects including recent approvals. He noted Pete's Fresh Market goes to Village Board July 20<sup>th</sup>. He mentioned he reached out to the residents on the public hearing's date and location. Scannell was approved by Village Board. The Boulevard is having people move in on the 2<sup>nd</sup> floor, and hopefully commercial tenants soon. The next meeting is August 5<sup>th</sup>.

**COMMENTS FROM THE PUBLIC** – CHAIRMAN GRAY asked if there were comments from the public. Hearing none, he asked to adjourn the meeting.

COMMISSIONER SHAW stated the Village recently lost a long-term servant Edmund Matushek who had served as Plan Commission Chairman in 2016. He noted Ed's name was on the plaque outside and was also a longtime Village Trustee. He appreciated and respected him as a public servant.

CHAIRMAN GRAY acknowledged COMMISSIONER SHAW's words.

### **CLOSE MEETING -**

A Motion was made by COMMISSIONER WEST, seconded by COMMISSIONER SHAW to adjourn the July 15, 2021 Plan Commission meeting.

CHAIRMAN GRAY asked for a voice vote; all were in favor. He declared the motion carried and adjourned the meeting at 9:25 P.M.

# PLAN COMMISSION STAFF REPORT

July 15, 2021 – Workshop/Public Hearing

## Ludke - Residential Subdivision and Variations

6303 175<sup>th</sup> Street

### Petitioner

Randy Ludke (Property Owner)

### Property Location

6303 175<sup>th</sup> Street

### PIN

28-32-100-006-0000

### Zoning

R-2 (Single-Family Residential)

### Approvals Sought

Variations  
Final Plat Approval

### Project Planner

Daniel Ritter, AICP  
Senior Planner



## EXECUTIVE SUMMARY

The Petitioner, Randy Ludke (property owner), is requesting a Final Plat of Subdivision to subdivide an existing single-family lot into two lots on the property at 6303 175<sup>th</sup> Street. The Plat of Subdivision requires a Variation due to the minimum lot size and lot width requirements in the R-2 (Single-Family Residential) zoning district. Additionally, Variations for the existing home's non-conforming setbacks are being requested so all aspects of the property will be legal following this request.

While one of the proposed lots (Lot 1) is smaller than the R-2 zoning district permits, the subdivision was developed in the county following different zoning requirements that did not require additional lot size for corner lots at that time. There are multiple situations of similar lot sizes in the surrounding neighborhood, including the properties directly to the east of the subject site. The requested lot size Variation is specific to the proposed corner lot size, which has an existing home that the Petitioner resides in. The "new" developable lot that will be sold, will comply with the zoning code's minimum interior lot requirements.



## EXISTING SITE & ZONING

The subject site is an approximately 27,438 sq. ft. lot on the southwest corner of Highland Avenue and 175<sup>th</sup> Street. The site has an existing one-story single-family home with an attached garage. The home was constructed around 1959 and annexed into the Village in 1964 (Ord. 64-O-040). The property is located in the Ridgeland Avenue Estates Subdivision (commonly referred to as the “Highland” area), which is an older section in town originally subdivided under Cook County jurisdiction. Some lots in the subdivision remain unincorporated. The lot is heavily wooded with extensive vegetation around the home. There are no previous Variations granted to the site.

The property is located in the R-2 (Single-Family Residential) zoning district. The surrounding properties to the west, south, and east are also similarly zoned R-2, with single-family homes located on them. To the north across 175<sup>th</sup> Street is the Panduit Innovation Center and Village-owned Freedom Pond both zoned ORI (Office and Restricted Industrial).



*Above: Zoning Map of subject site.*



*Above: Picture of Existing homes front façade (facing south from 175<sup>th</sup> Street).*

## PLAT OF SUBDIVISION

The Petitioner currently resides on the subject property. The property is rather large and the rear portion of the property is mostly unused. They are proposing to subdivide the rear of the lot to be able to sell off a separate developable lot for someone to construct a new single-family home. The new lot will have primary frontage on Highland Avenue and a proposed address of 17506 Highland Avenue. The division and size of the lots will be similar to their neighboring property to the east across Highland Avenue. The zoning is remaining R-2, Single-Family Residential on both lots.

The zoning code's lot requirements change depending on whether a lot is a corner lot or an interior lot. Corner lots are required to be larger and wider by code due to having two front yards (a primary and a secondary) that limits available rear yard and developable space. However, the requirement for the additional width and size is a newer requirement placed in the Village's code in the mid-1970s. Many older areas of town, including those developed under county jurisdictions like the subject property, did not require corner lots with additional width and size at that time.

To legally subdivide a property all resulting lots must meet the Village's Zoning Code in regards to lot "bulk" regulations; this is commonly called a "by-right" subdivision. Most notably are minimum lot size and minimum lot width requirements. Other zoning regulations need to be met as well, but most of those are more specific to the proposed structure and is reviewed with the building permit, and not a Plat of Subdivision. If a proposed subdivision does not meet those lot requirements, then Variations must be approved for the Plat of Subdivision to be able to be considered and approved. The proposed Plat has been reviewed by the Village's planning staff and the Village Engineer and received approval.

**Open Item #1: Review the proposed Final Plat of Subdivision and the two proposed residential lots.**



Above: Proposed Plat of Subdivision for lots (full Plat attached to Staff Report).



## VARIATIONS (LOT 1 ONLY)

### Lot Size and Width

The minimum lot sizes for the R-2 zoning district are 13,000 sq. ft. for interior lots and 16,250 for corner lots. With those requirements, the minimum total size needed is 29,250 sq. ft. for the two proposed lots (one corner and one interior). With the existing lot size of 27,438 sq. ft., there is a shortage of 1,812 sq. ft. and a Variation is needed regardless of where the two lots are divided.

Following staff's recommendation, the Petitioner has proposed that the vacant lot that will be sold (Lot 2) will meet all zoning requirements in regards to minimum lot size and width. Dividing the lots this way ensures the future purchaser/developer of the vacant lot will not have any difficulties meeting setbacks or other zoning requirements regardless of the structure proposed. The Variation is only being requested for the corner lot (Lot 1), which has an existing home occupied by the Petitioner.

This Variation is primarily related to the lack of additional lot width when the lot was originally subdivided. The lot is 110.24 ft. wide along 175<sup>th</sup> Street. If the lot was the currently required minimum of 115 ft. wide, the minimum lot size would be met. The proposed lot sizes are similar to the neighboring lots across Highland Avenue. Other lots within the subdivision have even smaller lot sizes. Staff believes that the new and existing lots will remain marketable and both be able to be developed in compliance with all other zoning code requirements. Lot 1 requires Variations but all are existing and will be known to the future purchaser of Lot 2.

### **Open Item #2: Review Request Variation for Lot 1 Requirements for Min. Lot Size and Min. Lot Width.**

	Min. Lot Size	Proposed Lot Size	Min. Lot Width	Proposed Lot Width
Lot 1 (Corner/Developed)	16,250 SF	14,417.12 SF (-1,832.88 SF)	115'	100.24' (-14.76')
Lot 2 (Interior/Undeveloped)	13,000 SF	13,022.27 SF (+22.27 SF)	90'	130' (+40')

### Existing Home/Lot Variations

The existing single-family home located on proposed Lot 1 has various legal non-conforming aspects in regards to structure setbacks. While the house is permitted to remain with these setbacks, the goal is to resolve any outstanding non-conforming situations when a property is subdivided or otherwise substantially altered by a zoning request. If the Variations are denied, the house can still remain as-is but then is required to be replaced meeting code if ever destroyed beyond 50% of its value.

Similar to the non-conforming lot width, these variations are a result of the property being developed under a different zoning code. The setback requests are fairly minor as outlined in the chart below, and are similar to existing nonconforming setbacks throughout the subdivision. The largest request is for the secondary front yard; having a different setback for the secondary front yard was common at the time of its development. One result of that secondary front yard Variation is that the new home along Highland (on Lot 2) will be set back 4.75 ft. behind the side of the existing home located on Lot 1. However, the setback difference is fairly minor compared to the overall 30 ft. setback. Additionally, the homes will be more than 100 feet and due to that separation, the setback will not be very noticeable.

	Required Setback	Existing Setback	Requested Variations
Primary Front Yard	30'	29.76'	-0.24'
Secondary Front Yard	30'	25.25'	-4.75'
Interior Side Yard	10'	9.78'	-.22'

### **Open Item #3: Review Requested Variations for Existing Lot 1 Principal Structure's Setbacks for the Primary Front Yard, Secondary Front Yard, and Interior Side Yard.**

## STANDARDS FOR A VARIATION

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Section X.G.4. of the Zoning Ordinance states the Plan Commission shall not recommend a Variation of the regulations of the Zoning Ordinance unless it shall have made Findings of Fact, based upon the evidence presented for each of the Standards for Variations listed below. The Plan Commission must provide findings for the first three standards; the remaining standards are provided to help the Plan Commission further analyze the request. Staff has prepared draft responses for the Findings of Fact below to be reviewed and adopted by the Plan Commission. These draft findings can be amended by the Plan Commission as they deem necessary.

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 can yield a reasonable return as a single lot but will be similar the existing development pattern in the neighborhood that was the result of being developed under a different jurisdiction (Cook County) and zoning ordinance. The principal structure's setbacks are existing and reasonable based on the existing subdivision's development patterns.*
2. The plight of the owner is due to unique circumstances.
  - *The property was subdivided and developed under a different jurisdiction and zoning requirements. Additional lot width and lot size were not typical during the property's development.*
3. The Variation, if granted, will not alter the essential character of the locality.
  - *Similar subdivisions, lot sizes, and reduced structure setbacks exist throughout the subdivision and area. The lot division will be similar to the neighboring lots across Highland Avenue.*
4. Additionally, the Plan Commission shall also, in making its determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the Petitioner have been established by the evidence:
  - a. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
  - b. The conditions upon which the petition for a Variation is based would not be applicable, generally, to other property within the same zoning classification;
  - c. The purpose of the Variation is not based exclusively upon a desire to make more money out of the property;
  - d. The alleged difficulty or hardship has not been created by the owner of the property, or by a previous owner;
  - e. The granting of the Variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
  - f. The proposed Variation will not impair an adequate supply of light and air to an adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

## MOTION TO CONSIDER

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If the Plan Commission wishes to act on the Petitioner's requests, the appropriate wording of the motions is listed below. The protocol for the writing of a motion is to write it in the affirmative so that a positive or negative recommendation correlates to the Petitioner's proposal/request. By a Commissioner making a motion, it does not indicate a specific recommendation in support or against the plan.

### **Motion 1 (Variations)**

*"...make a motion to recommend that the Village Board grant the following Variations from Section V.B.Schedule II (Lot, Yard, and Bulk Regulations) to the Petitioner, Randy Ludke, at the property located at 6303 175<sup>th</sup> Street in the R-2, Single-Family Residential zoning district, in accordance with the plans submitted and listed herein and adopt Findings of Fact as proposed in the July 15, 2021 Staff Report.*

1. *A 1,832.88 sq. ft. Variation to permit a lot that is 14,417.12 sq. ft. instead of the required minimum of 16,250 sq. ft.*
2. *A 14.76-foot Variation to permit a lot width of 100.24 feet instead of the required minimum of 15 feet.*
3. *A 0.24-foot Variation to permit a primary front yard setback of 29.76 feet instead of the required minimum of 30 feet.*
4. *A 4.75-foot Variation to permit a secondary front yard setback of 25.25 feet instead of the required minimum of 30 feet.*
5. *A 0.22-foot Variation to permit a side yard setback of 9.78 feet instead of the required minimum of 10 feet."*

*[any conditions that Commissioners would like to add]*

### **Motion 2 (Final Plat)**

*"...make a motion to recommend that the Village Board grant approval to the Petitioner, Randy Ludke, Final Plat of Subdivision Approval for the property located at 6303 175<sup>th</sup> Street in accordance with the Final Plat dated April 30, 2021, subject to the condition that it is subject to final approval by the Village Engineer prior to recording."*

# PLAN COMMISSION STAFF REPORT

JULY 15, 2021 – WORKSHOP

## Petitioner

Dr. Toni Scott-Terry, on  
behalf of Get Cet LLC

## Property Location

7151 183rd Street

## PIN

31-06-100-016-0000

## Zoning

B-3, General Business &  
Commercial

## Approvals Sought

Special Use Permit  
Site Plan Approval  
Variation

## Project Planner

Lori Kosmatka  
Associate Planner

## Allure Wellness Center Mixed-Use Redevelopment (Former Heartland Memorial Center)

7151 183<sup>rd</sup> Street



## EXECUTIVE SUMMARY

The Petitioner, Dr. Toni Scott-Terry on behalf of Get Cet LLC, is proposing to redevelop the former Heartland Memorial Center funeral home property located at 7151 183<sup>rd</sup> Street. The proposed redevelopment requires Site Plan Approval, a parking Variation, and a Special Use Permit for a second-floor apartment. The proposed project includes demolition work within the building, interior renovations, new signage, as well as minor façade and site upgrades that include additional parking and updates to existing landscaping.

The existing building will be redeveloped as a multi-tenant building with various medical and service-related businesses. Additionally, an existing 1,243 sq. ft. second-floor three-bedroom apartment that was constructed with the funeral home is proposed to be maintained. Since Special Uses run with a specific Petitioner, a new Special Use is required for the apartment to remain with the new owner and proposed uses.

The proposal as currently submitted will require a parking variation. The Petitioner is proposing to add some parking and believes their unique mix of businesses will not lead to any parking issues.



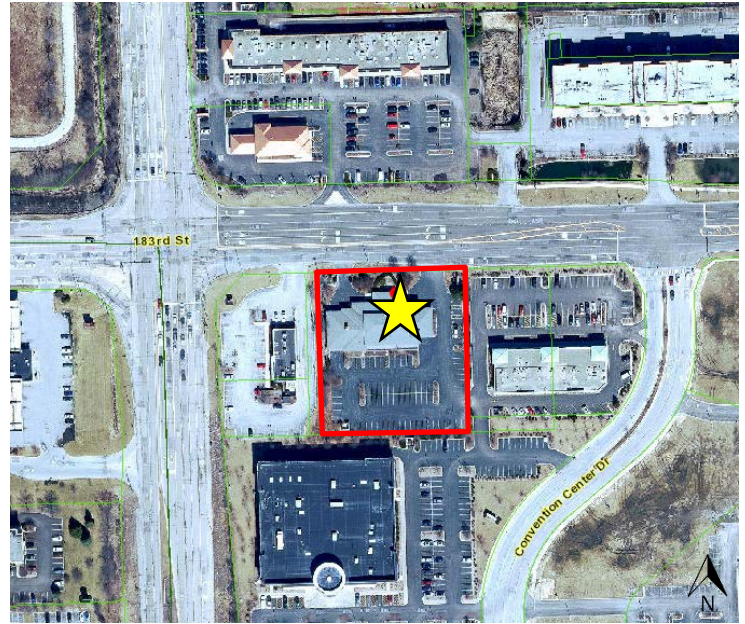
## EXISTING SITE, HISTORY & ZONING

The original 5,376 sq. ft. footprint of the building was constructed on the site around the early 1970s under Cook County jurisdiction as a funeral home. The building, then known as Hirsch Memorial Chapel, was annexed into the Village in 1985 (85-O-050). In 2005, there was a 3,650 sq. ft. building addition footprint to the west consisting of a garage and a Special Use granted formalizing the second-floor apartment use (typical of funeral homes to have a living quarter on-site). An updated landscaping plan was also approved in 2005 with the proposed changes. The property was most recently operated as Heartland Memorial Center, which closed around 2017 and has been vacant since that time.

Since Heartland Memorial's closing, the site has deteriorated due to lack of regular maintenance on the building and site. The Petitioner recently purchased the property (June 2021), and has plans to rehab the existing building and site. The property currently has code compliance issues with property maintenance identified in the inspection for the proposed Change of Use. The Petitioner has already worked on some of the maintenance items including a structurally unsound deck on the property. The remaining issues will be addressed as part of the Change of Owner process prior to any occupancy.

The property is zoned B-3 General Business & Commercial and is located on the south side of 183<sup>rd</sup> Street, one lot east of Harlem Avenue. The neighboring properties to the west (Burger King), east (a small multi-tenant strip center building), and south (LA Fitness) are also similarly located in the B-3 zoning district. On the zoning map above, the site appear to be incorrectly shown as being located in the Convention Center PUD.

The site contains a ground sign near the northeast corner of the site that appears to have a non-conforming setback. No Variations appear to have been granted for the sign.



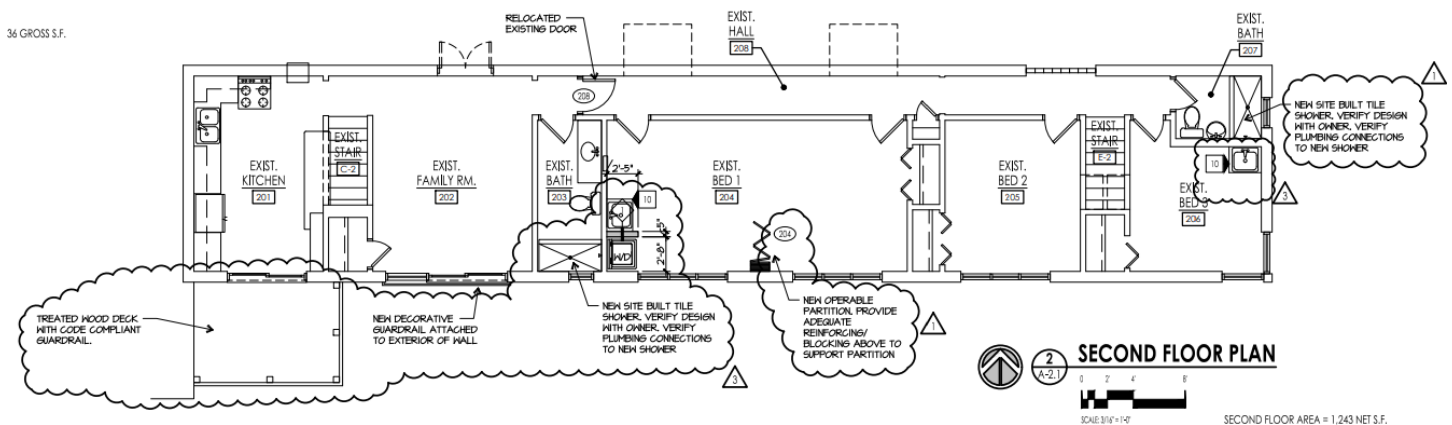
## PROPOSED USE

The Petitioner is looking to redevelop the building with multiple medical, office, and personal service-related uses. The Petitioner's narrative outlines the current proposal. The businesses within the building will be *Scott-Terry Female Health Associates*, a medical OB/gynecology practice (currently operating in Frankfort, IL), *Allure Laser & Med Spa* (currently operating across the street at 7062 183<sup>rd</sup> Street in Tinley Park), *Allure Wellness & Fitness Center*, a meeting room for small seminars, and also available leasable space expected to be used by similar medical/service-related users.

The project proposes the addition of a second-floor 1,243 sq. ft. three-bedroom apartment at the rear of the building. The apartment will have two entrances, one of which is a separate entrance at the rear of the building. The apartment allows for the site to be classified as a mixed-use property and maintain the applicable tax rate. If the building was to be classified as a standalone commercial property with the current tax burden, the redevelopment project is likely not financially feasible.

## SPECIAL USE FOR APARTMENT

The establishment of a residential unit above or to the rear of a principal commercial use requires the approval of a Special Use Permit. This special use allowance has existed in the B-1, B-2, and B-3 districts since 2005. The change was made to better align with current planning development trends towards mixed-use properties and also to assist struggling commercial properties in obtaining some property tax relief from classification as mixed-use in Cook County. However, staff has expressed concerns regarding the possibility of permitting substandard or unpreferable housing units. Therefore, to avoid issues, it has been staff's recommendation for residential units to be located above commercial uses, have separate entrances, and have a balcony or exterior living area when possible. Additionally, the mix of surrounding uses and the site layout is important to consider when evaluating the request for mixed uses to ensure noise, pollution, smells, glare, or other nuisances won't affect the proposed residential unit.

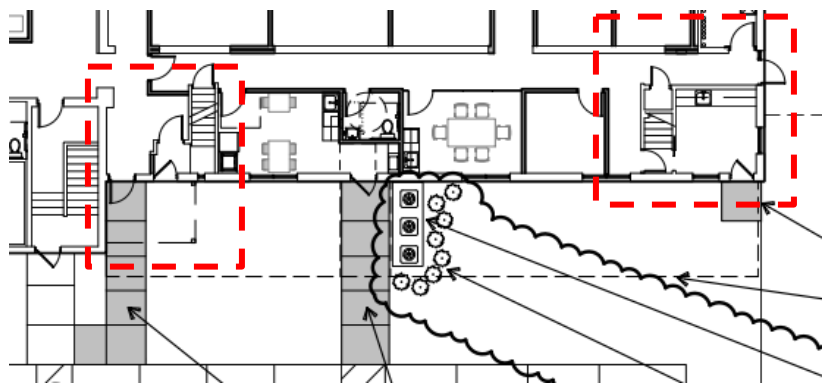


*Apartment Proposed Floor Plan*

The proposed apartment will be a remodel of the existing apartment. The existing apartment was approved as part of a Special Use Permit in 2005 (Ord. #2005-O-064), which allowed it to continue along with a funeral home and crematorium use onsite.



The proposed apartment is located on the second floor. It is oriented to the rear south of the property and is set back from 183<sup>rd</sup> Street to the north. The Petitioner removed a wood deck that was deteriorated and structurally unsound that spanned the length of the apartment. They are proposing a smaller deck with a code complaint guardrail at the west end with the current proposal. It has two existing entrances. The proposed floor plan shows the west entrance as separate from the business with a vestibule of two doors. However, walkway pavement is not indicated on the site plan for this entry point and must be added to the plans.



*Apartment Points of Entry*

The second apartment entrance is to the east, accessed on the southeast end of the building, and is shared with the employee medical space.

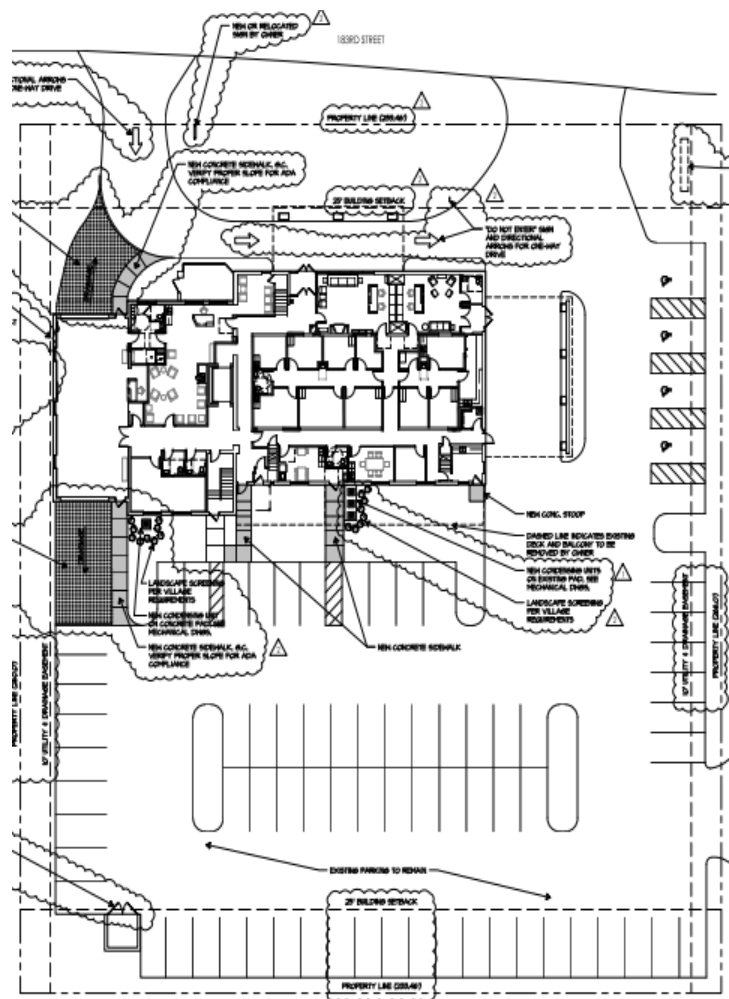
**Open Item #1: Discuss the request for a Special Use Permit for the addition of a residential unit above a principal commercial use. Clarify security measures and separation of business and apartment spaces.**

**Open Item #2: Revise plans to add a walkway to the separate apartment entrance door.**

## SITE PLAN

The building frontage is to the north along 183<sup>rd</sup> Street and consists of existing landscaping throughout the site and parking to the side and rear. The proposed site plan includes improvements to the existing building, condenser unit placement, signage, vehicle parking, walkways, dumpster enclosure, and new foundational landscaping areas. Some existing landscaping features to remain are the brick pavers, brick knee wall, flagpole, and low boulder wall all located at the front of the site.

Access to the site is primarily through the curb cuts on 183<sup>rd</sup> Street. There is also existing cross-access on the east connecting to the multi-tenant strip mall. The eastern 183<sup>rd</sup> Street curb cut functions as a two-way entrance and exit to the site. The western 183<sup>rd</sup> Street curb cut is a one-way entrance only and will include proposed arrow pavement markings and traffic control signage at the entry. A “do not enter” traffic control sign is proposed at the east end of the porte-cochere to ensure traffic does not exit through the one-way entrance. The Petitioner proposes to remove the current ground sign at the northeast property corner and replace it with a new sign closer to the west driveway entry. However, no details of the sign or setbacks have been supplied. No approvals with the sign location have been included in the request due to the lack of detail supplied on the sign.



*Previously Approved 2005 Landscape Plan*

The most substantial site plan changes are due to converting the existing garage space to a fitness center. The conversion involves installing new overhead doors, new pedestrian doors, installing walkways, and converting the land abutting the north and south ends to new curbed landscape areas. Three new parking stalls will be striped and added at the west side of the site due to the removal of the garage driveway pavement. Compliance with ADA requirements is required and includes walkway slope, signage, and parking aisle widths will need to be met on the site. The existing dumpster enclosure consists of masonry walls with a nonfunctioning metal gate that requires repair or replacement as part of the Change of Use and code enforcement requirements prior to occupancy. Existing lighting on the property exists and is not proposed to be changed.

The site plan has been reviewed by engineering but additional information may be needed with the permit. Staff recommends that the site plan approval be conditioned upon final engineering review and approval by the Village Engineer.

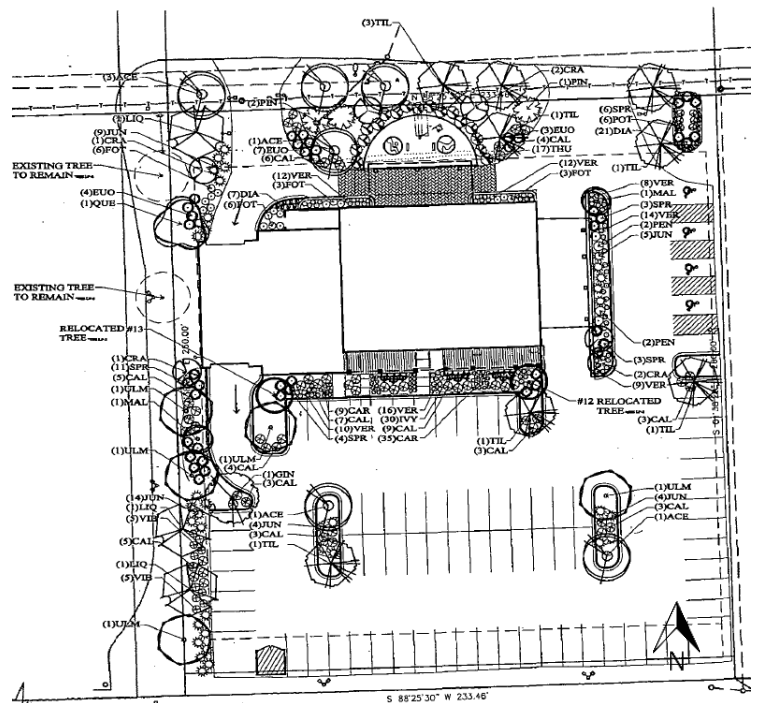
**Open Item #3: Confirm removal of existing sign and provide location and details of the proposed sign. If the sign is set back is less than 10 ft. a Variation is required to be requested.**

## LANDSCAPE

In 2005, the property received a landscaping plan approval (sheet LP-1, dated July 20, 2005). The site's existing landscaping is overgrown in some areas, and the plantings do not appear to completely match the previous approval. The proposal will include additional landscaping areas to the north and south sides of the existing garage. These areas are not shown with specific plantings but will require foundational plantings of shrubs and bushes based on the Landscape Ordinance requirements.

The Petitioner will have a landscaper evaluate and compare the existing conditions to the previous approval, and update the plantings as needed to match the quantities and types of the plantings per the previous approval. Staff is recommending a condition to clarify that compliance with the approved landscape plan is met prior to building occupancy.

**Open Item #4: Discuss staff's recommended condition requiring compliance with the previously approved Landscape Plan prior to building occupancy.**





## ARCHITECTURE

The existing façade was designed to create a contemporary prairie-style look by utilizing a variety of materials and design elements. The existing building has two porte-cocheres, deep overhangs, and a second story setback that creates a visually appealing depth to the structure. The primary entry is an existing storefront glazing system under the north porte-cochere. The existing materials include a brick façade with stone columns. The existing exterior masonry presents a high-quality and attractive-looking façade. Due to the building being designed for a single-tenant, the building has limited locations for wall signage to be installed.



*Central Portion of Front Elevation Showing North Porte-Cochere*

Clear overhead doors are proposed to replace the existing residential-style garage doors at the west end of the front façade. This aluminum sectional overhead door was chosen for its contemporary appearance. The Petitioner's architect notes that these types of doors are very often used in finished commercial spaces, including grocery stores and restaurants. The Petitioner's architect states the proposed doors will be sealed to prevent water, bugs, and rodents from getting in. The Petitioner has provided the cut sheet for the proposed model of overhead door, but has not specified the precise size, style, framing, color, and finish.



*Garage Portion of Front Elevation*

The proposed apartment will have a new treated wood deck with a guardrail at the west end, as well as decorative guardrails attached to the south rear exterior wall. The new deck will be substantially smaller than the previously existing deck.



*Rear Elevation (excluding east porte-cochere & west garage)*

There are existing mechanical units in a fenced enclosure at the front of the building. The Petitioner has not indicated any proposed changes for that equipment and fencing. The Petitioner has proposed two new exterior condenser units with concrete pads. The screening requirements for this mechanical equipment must be either solid fencing (such as PVC or wood) or thick landscaping that buffers views of the equipment. The Petitioner wishes to screen with shrub landscaping, but has not identified the condenser unit height nor the plant species type and height. Staff notes that the proposal only shows partial screening for the east condenser unit. The proposal does not show screening between the east condenser unit and the walkway.

Staff recommends a condition that clarifies that the mechanical equipment visibility and placement will be reviewed as part of the building permit.



*Sample Image of Proposed Overhead Door*

***Open Item #5: Identify any proposed changes to the existing mechanical equipment and fencing at the front of the property. Review a recommended condition that landscape screening be reviewed by staff with the building permit prior to permit issuance.***

## SIGNAGE

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### Ground Sign

The property has an existing freestanding ground sign that is currently located at the northeast corner of the site, a few feet in from the north property line along 183<sup>rd</sup> Street. The specific setback is unknown as it is not indicated on the most recent survey of the property. However, it is believed to be non-conforming and closer than the required 10-foot setback from the north property line.

The Petitioner's plans propose to remove the existing ground sign and install a new ground sign closer to the west driveway entry. No details on the setback or the proposed sign have been supplied. If the proposed setback is less than 10 feet, a Variation is required. The Petitioner has multiple options to locate the sign within the code requirements or to reutilize the existing sign with a face replacement. Detailed ground sign information must be submitted to proceed with any Variation request otherwise the site will need to comply with code requirements.

***Open Item #6: Provide information on proposed signage and clarify any desire by petitioner for Variations related to signage.***

### Wall Signs

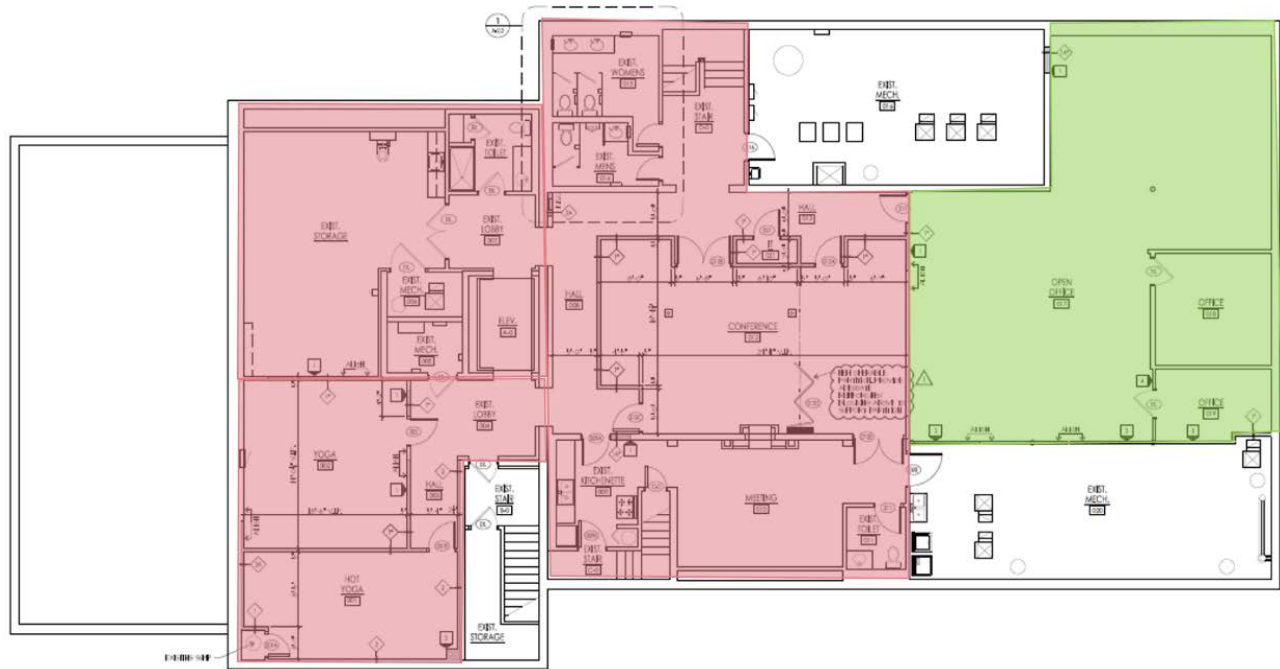
The building will be fairly unique since there will be shared entrances for multiple tenants and businesses within the building. Additionally, the building was designed for a single-tenant funeral home and signage space is limited to a few small areas on the façade. Only one sign is permitted on each elevation and individual tenants won't be able to all advertise with a wall sign. Staff recommends the Petitioner use the signage to brand the building overall that helps identify the site for customers (for example, "Allure Wellness Center").

## PARKING

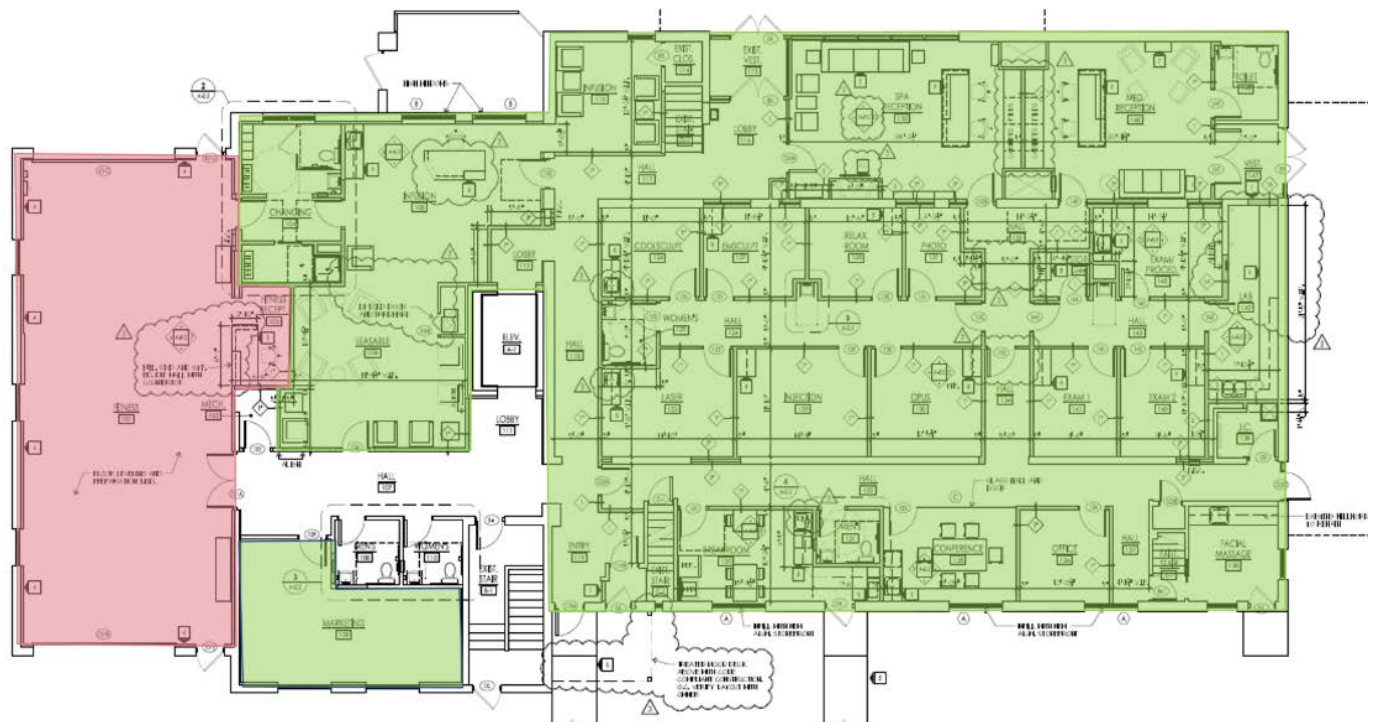
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The Petitioner provided a break down the different proposed uses within the building and their floor area. Staff has determined the parking requirement for the proposed uses will exceed the Zoning Ordinance's minimum parking requirements.

The property's proposed multiple uses require various classifications within the current parking regulations. For *Medical or Dental Office* uses, the zoning code requires two (2) spaces for each office, examination room, or treatment room, plus one (1) space for each employee. For *Personal Service Establishments in a planned shopping area*, the zoning code requires six-and-one-half (6.5) spaces per one thousand (1,000) sq. ft. of gross leasable floor area. The *Apartment* requires 2.5 parking spaces per dwelling unit (partial stall amounts are rounded down by code).



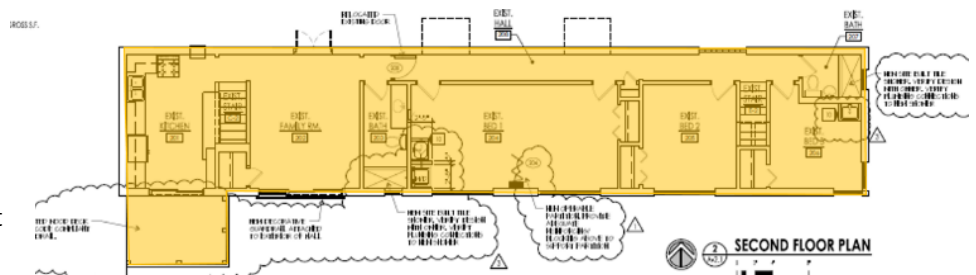
Color Coded Use Diagram of Basement



Color Coded Use Diagram of 1st (Ground) floor

### Legend of Proposed Uses

- Medical or Dental Office
- Personal Services Establishment
- Apartment



Color Coded Use Diagram of 2nd Fl Apartment



The Scott Terry Female Health Associates, P.C. and the Allure Laser & Med Spa, LLC, qualify as the *Medical or Dental Office*, and together contains 15 Medical Offices with 15 employees. The basement leasable space for a future medical office tenant contains 2 Medical Offices with anticipated 3 employees. Thus the Medical or Dental Office Use totals 17 offices and 18 employees, requiring 52 parking spaces. The remainder of the building's leasable square footage on the ground floor and basement will be classified as *Personal Service Establishments in a planned shopping area* totaling 5,093 sq. ft., requiring a minimum of 33 parking spaces. With the *Apartment's* two required spaces, the sum of the minimum required parking is 87 parking spaces. The existing site has 73 parking spaces but the proposed site plan improves the situation, by adding three parking stalls for a total of 76 stalls. The total proposed shortage is 11 spaces, requiring the Variation request.

The existing parking requirements established in the Zoning Ordinance are unique to Tinley Park; every community creates its own parking ratios, which is an imperfect science. In addition, parking characteristics change over time and the current parking ratios date back to the 80's and early 2000s when parking demand was at its highest. Over-parking can also be damaging due to the high costs of having unproductive land and negative environmental impacts.

The Petitioner plans to actively manage the parking situation since they will own and operate the majority of the businesses within the building. Solutions to any parking issues may involve modified hours of operation for some uses which do not conflict with other use peak times.

Use Type	Code Requirements	Required #	Proposed
<i>Medical Office</i>	2 spaces for each office, exam or treatment room plus 1 space per employee	52 (17 office/ rooms + 18 employees)	
<i>Personal Service Establishment</i>	6 ½ spaces per 1,000 gross leasable floor area	33 (5,093 SF)	
<i>Apartment</i>	2 ½ per dwelling unit	2	
<b>TOTAL</b>		<b>87</b>	<b>76</b>
<b>SHORTAGE</b>			<b>-11</b>

While it is not a preferred situation, parking availability has been maximized on the site, and there is no land to expand parking and limited shared parking opportunities. A concern with parking Variations is that parking can spill over onto public streets, affecting the neighborhood appearance and residential properties. However, there is no on-street parking permitted on 183<sup>rd</sup> Street or Harlem Avenue and there are no adjacent residential neighborhoods to this development. The owner will ultimately need to actively manage the situation so that their businesses or leasable space rents are not negatively affected by a lack of parking availability.

A 11-parking stall Variation from Section VIII.A.10. of the Zoning Ordinance to permit 76 parking stalls instead of the required minimum of 87 stalls for the proposed mixed-use building.

**Open Item #7: Discuss the requested parking Variation for a reduction in the minimum required parking by 13 stalls.**

## SUMMARY OF OPEN ITEMS

Staff identified the following open items for discussion or clarification at the workshop:

1. Discuss the request for a Special Use Permit for the addition of a residential unit above a principal commercial use. Clarify security measures and separation of business and apartment spaces.
2. Revise plans to add a walkway to the separate apartment entrance door.

3. Confirm removal of existing sign and provide location and details of the proposed sign. If the sign is set back is less than 10 ft. a Variation is required to be requested.
4. Discuss staff's recommended condition requiring compliance with the previously approved Landscape Plan prior to building occupancy.
5. Identify any proposed changes to the existing mechanical equipment and fencing at the front of the property. Review a recommended condition that landscape screening be reviewed by staff with the building permit prior to permit issuance.
6. Provide information on proposed signage and clarify any desire by petitioner for Variations related to signage.
7. Discuss the requested parking variation for a reduction in the minimum required parking by 11 stalls.

## **STANDARDS FOR A SPECIAL USE**

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Section X.J.5. of the Zoning Ordinance lists standards that need to be considered by the Plan Commission. The Plan Commission is encouraged to consider these standards (listed below) when analyzing a Special Use request. Staff will provide draft responses at to the Findings of Fact for the Commission's review at the Public Hearing.

X.J.5. Standards: No Special Use shall be recommended by the Plan Commission unless said Commission shall find:

- 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;
- 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;
- 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;
- d. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided;
- 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
- 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.
- g. The extent to which the Special Use contributes directly or indirectly to the economic development of the community as a whole.

It is also important to recognize that a Special Use Permit does not run with the land and instead the Special Use Permit is tied to the Petitioner. This is different from a process such as a variance, since a variance will forever apply to the property to which it is granted. Staff encourages the Plan Commission to refer to Section X.J.6. to examine the conditions where a Special Use Permit will expire.



## **STANDARDS FOR A VARIATION**

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Section X.G.4. of the Zoning Ordinance states the Plan Commission shall not recommend a Variation of the regulations of the Zoning Ordinance unless it shall have made Findings of Fact, based upon the evidence presented for each of the Standards for Variations listed below. The Plan Commission must provide findings for the first three standards; the remaining standards are provided to help the Plan Commission further analyze the request. Staff will provide draft responses at to the Findings of Fact for the Commission's review at the Public Hearing.

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

## STANDARDS FOR SITE PLAN AND ARCHITECTURAL APPROVAL

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Section III.T.2. of the Zoning Ordinance requires that the conditions listed below must be met and reviewed for Site Plan and Architectural Review approvals. Specific findings are not required, however the proposed site plan and building architectural design shall be used by the Commission to review the proposal and ensure compliance with the standards.

### 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 outlots 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.

## **RECOMMENDATION**

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Following a successful workshop, proceed to a Public Hearing at the August 5, 2021 Plan Commission meeting.

## LIST OF REVIEWED PLANS

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Submitted Sheet Name		Prepared By	Date On Sheet
	Application	Dr. Toni Scott-Terry	06/04/2021
	Narrative	Dr. Toni Scott-Terry	Received 07/07/2021
	Plat of Survey	L. R. Pass & Assoc.	06/03/2021
	Proposed Medical Buildout Architectural Plans, 45 sheets	Linden Group Architecture & Urban Planning	Revision Date 07/01/2021, Issued for Permit 07/07/2021, Received 07/08/2021
	Aluminum Door Systems: Aluminum Sectional Doors Brochure (Cut Sheet for Overhead Doors)	N/A	N/A



# PLAN COMMISSION STAFF REPORT

July 15, 2021 – Workshop

## Petitioner

Village of Tinley Park

## Code Section

Sec. of Zoning Ordinance

## Approvals Sought

Text Amendment

## Project Planner

Daniel Ritter, AICP  
Senior Planner

## Zoning Code Text Amendment - Adult-Use Cannabis Dispensary Locations

### EXECUTIVE SUMMARY

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The Cannabis Regulation and Tax Act ("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.

On August 4, 2020 the Village adopted Ord. 2020-O-038 (attached) regulating adult-use recreational cannabis establishments and allowing dispensaries to operate in the Village with limitations on their locations. Since that time no licenses have been available for a Cannabis Dispensary to locate in the Village. Staff has had discussions with dispensary groups and received feedback that with the current zoning regulations, finding a location was proving difficult.

With the potential of more licenses to be issued by the State and feedback from the Village Board, Staff has re-examined the regulations to determine what changes can be made that would make it easier for a dispensary to locate in the Village.

Proposed changes for recreational dispensaries include:

- Allowing in multi-tenant structures and not just standalone structures.
- Remove corridor requirements that limit locations along 159<sup>th</sup> St, Harlem Ave, and LaGrange Rd)
- Allowing as a Special Use in additional commercial districts beyond B-2 and B-3, including B-1, ORI, M-1, and Overlay Districts.

## EXISTING ALLOWANCES

### Use Chart

The current allowances for adult-use cannabis are indicated in the chart below (located in Section V.B.Schedule I (schedule of Permitted Uses – By Use Type) and in the attached Ordinance (2020-O-038). In addition to this chart, it is noted that all cannabis businesses are prohibited in the Legacy Code Districts.

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.

### Additional Location Regulations in Sec. V.C.13. (Supplementary Business Regulations – Adult Cannabis Business Establishments)

Below is a list of existing location regulations for adult-use cannabis dispensing organizations. Other requirements of Adult-Use Cannabis Dispensing Organizations, such as submittal information, Special Use procedures, operating requirements, licensing, and the maximum of one location in the Village are not being changed or analyzed with this text amendment.

- 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 159<sup>th</sup> Street, Harlem Avenue and LaGrange Road.
  - iv. Facility must be located in a standalone building; no co-tenancy with other uses allowed.

## PROPOSED CHANGES

### Use Chart (Proposed Code Changes Indicated in Red)

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	<b>S*</b>	<b>S*</b>	<b>S*</b>	X	X	<b>S*</b>	<b>S*</b>	<b>S*</b>
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

### Additional Location Regulations in Sec. V.C.13. (Supplementary Business Regulations – Adult Cannabis Business Establishments)

- c. 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:
- v. 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.
  - vi. 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.
  - ~~vii. Adult-Use Cannabis Dispensing Organization will be limited to locations with frontage on 159<sup>th</sup> Street, Harlem Avenue and LaGrange Road.~~
  - ~~viii. Facility must be located in a standalone building; no co-tenancy with other uses allowed.~~

## RECOMMENDATION

Based on Village Trustee direction, Staff is recommending, the Zoning Ordinance be amended to allow Adult-Use Cannabis Dispensing Organizations to be allowed in the following zoning districts: B-1 (Neighborhood Shopping), ORI (Office and Restricted Industrial District), M-1 (General Manufacturing), and MU-1 (Duvan Drive Overlay District) as Special Uses in addition to their current allowances. Additionally, that restriction for location in a standalone building and corridor restrictions be removed. An ordinance will be drafted reflecting these amendments available for the Public Hearing at the Plan Commission meeting scheduled for August 5, 2021.

# PLAN COMMISSION STAFF REPORT

July 15, 2021 - Workshop

## Petitioner

Village of Tinley Park

## Code Section

Section IX of the Zoning Ordinance

## Approvals Sought

Text Amendment

## Project Planner

Daniel Ritter, AICP  
Senior Planner

## Text Amendment – Preview Menu Boards and Sign Code Clarifications



## EXECUTIVE SUMMARY

Based on results of prior Variation requests and discussions during Plan Commission meetings, staff has proposed amendments to Section IX – Sign Regulations of the Zoning Ordinance to accommodate a second smaller sign accessory to a drive-thru lane. The changes will permit “preview menu board” signs that have become standard practice in the restaurant industry.

Additionally, staff has proposed some other minor changes to the sign regulations that will allow for more clarity and simpler enforcement of the code. These changes include:

- Eliminating Maximum Wall Sign Height
- Eliminating Maximum Wall Sign Letter Height
- Eliminating Lines of Lettering Maximum on Wall Signs
- Clarify/Strengthen requirements for signs not interfering with architectural features on buildings.
- Clarify minimum distance of ground/freestanding signs from walkways, drive aisles, and parking stalls.
- Clarify total square footage of temporary sign size calculations.
- Clarify EMC message change minimum timing.



## SIGN CODE BACKGROUND

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The current sign regulations were an overhaul from the previous code. Adoption of the regulations included consultation with the Zoning Board of Appeals, Plan Commission, and Village Board. The new sign regulations were adopted by the Village Board on July 11, 2017 (Ord. # 2017-O-033). Like many new codes or code updates, it is sometimes hard to know exactly how new regulations will affect proposals since it is hard to anticipate every possibility. Using the code usually reveals some unanticipated concerns or issues over time that may need to be addressed with a text amendment.

## DRIVE-THRU PREVIEW MENUS BOARDS

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Before and since the 2017 code update there has been multiple zoning relief requests (Variations or PUD Deviations) for additional signage accessory to a drive-thru. The requests have allowed for a second sign that is used as a “preview menu board” that is visible to stacked vehicles in a drive-thru. The signs allow restaurants to market seasonal items or specials to vehicles waiting to order. The signs are often much smaller than the traditional menu board signs needed for drive-thrus. Approvals have been given to the following properties most recently:

- Starbucks (New Construction Strip Center by Vequity), 17126 Harlem Avenue – June 2021
- Do Rite Donuts (In Gas N Wash), 7451 183<sup>rd</sup> Street – Jan. 2021
- McDonald's, 15920 Harlem Avenue (not completed yet) – Feb. 2018
- McDonald's, 17171 Harlem Avenue – June 2017
- Wendy's, 7251 183<sup>rd</sup> Street – 2014
- Panera, 7204 191<sup>st</sup> Street – 2014

The reoccurring requests were discussed at the most recent Plan Commission meetings with the requests (Vequity/Starbucks and Do-Rite Donuts & Chicken). Plan Commissioners were generally in favor of revisiting the requirements when noted as a possibility at those meetings. Preview menu board signs have become standard practice in the industry as they allow advertising of specials and seasonal menu items. Doing so can help expedite ordering time as well. Currently, there is one permit submitted (Popeye's) and two other known projects that would be requesting relief from the current code to have a preview menu board.

Staff is proposing a smaller sign be permitted for the additional sign than is allowed for the main accessory drive-thru sign which is currently permitted at a maximum 35 sq. ft. in size and 7 ft. in height. Staff is proposing the 7 ft. max height remain, and that a 15 sq. ft. size limit be given to the second sign. All previously approved signs would fit within this allowance as they range from 5-6.25 ft. in height and 7-12 sq. ft. in size. Drive-thru accessory signage is only permitted on a drive-thru lane that is approved through the Site Plan Approval granted by the Plan Commission.

***Open Item #1: Review proposal to permit a second sign accessory to an approved drive-thru lane to be a maximum of 7 ft. in height and 15 sq. ft. in size for a preview menu board.***

## OTHER CLARIFICATIONS AND MODIFICATIONS

While approving text amendments to the sign section for the preview menu board, staff is also proposing some minor changes that would allow for clarification of codes and easier enforcement.

### Overregulation of Lettering

The most substantial changes include the elimination of a few regulations related to wall signs. These regulations have ultimately been seen as “overregulation” and not leading to better design or aesthetics of signage, but have become issues for some signs that otherwise would have been acceptable. The changes include: Maximum Wall Sign Height, Maximum Wall Sign Letter Height, and Maximum lines of Lettering. Other regulations in the sign code already help control desirable sign placement and appealing design on single tenant and multi-tenant buildings. Such regulations include requirements for maximum allowable size (based on the tenant frontage) and placement of the sign (1-foot away from edges, not on architectural features, vertically and horizontally centered, etc.)

The maximum lines of lettering/logos are often a requirement of traffic control signs as they allow for easiest and quickest readability. However, for wall signs, they are not relaying regulatory information and many traditional business signs and logos have more than 2 lines of lettering/logos for businesses (The Whistle Bar & Grill, Pete’s Fresh Market, Cracker Barrel Country Store, Comfort Inn & Suites, The Primal Cut Steakhouse, etc. By having more lines of lettering, the words and letters naturally get smaller. Permitting more than two lines may help allow additional design options such as stacked wording with a more vertical layout. It is typically within a business’s interest to make their sign as visible/readable as possible while relaying the information they need to for customers to identify it. The requirements are thus self-regulating when applied with other sign regulations like maximum size and location. A few examples of existing signs with more than two lines are shown below.



### Architectural Feature Clarification

In combination with the reduction in regulations listed above, it is a preference to strengthen wording regarding signage interfering or covering architectural features. While signs might be for a specific space within a building, it is important to ensure they are installed on a building attractively. Signs are best placed in regards to the architecture of the building and not based on internal spacing layouts, particularly in multi-tenant buildings. Staff has strengthened the wording to make it clear not interfering with the architectural features is a requirement and not a suggestion. If there is a hardship, petitioners do have the ability to request a variation from this requirement.



### Ground/Freestanding Sign Setback Distance

Staff proposes adding a clear minimum distance of Ground/Freestanding Signs from walkways, drive aisles, and parking stalls. This requirement ensures that vehicles (parked or moving), pedestrians, and bicyclists cannot make incidental contact with signs. Staff has utilized a minimum distance of 2 feet from the context of traffic/public safety since that is a minimum distance to open a car door and that mirrors can extend from vehicles. While there has been little pushback on a common-sense requirement, staff is recommending adding this to the code to make it clear for businesses and property owners going forward.



### Temporary Sign Size Total

A minor clarification has been added to make it clear the intent of the temporary sign requirements is to add the sign face total of all signs together to determine the allowable display period for temporary signs.

### EMC Message Timing

There are contradicting sections in the Electronic Message Center (EMC) display regulations for how long a message must stay static on the display before transitioning (commonly called hold, dwell, or static timing). In one section of the code it is indicated as a minimum of 2 seconds and another it is indicated as 8 seconds.

Hold times are difficult to regulate because the proper hold time for a message can depend on the size of the EMC and the distance from the targeted audience, and vehicle travel speed. For example, some displays are smaller and may only display a few words at a time; therefore, the transition needs to be fairly quick to get a simple message (like 50% off sale today”) to someone who may be driving or walking by. On the other hand, longer messages or those that have times and dates may need more time for the reader to comprehend the message. Staff believes a minimum of 2 seconds is sufficient enough to avoid a non-objective way to determine if a display is using motion that can be distracting to drivers. Ultimately the precise timing to get a message across to the public will need to be determined by the owner based on those other factors.

***Open Item #2: Review minor sign code clarifications listed as indicated in the attached proposed code draft.***

## **RECOMMENDATION**

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Following a successful workshop, direct staff to draft an ordinance for review and proceed to a Public Hearing at the August 5, 2021 Plan Commission meeting.