



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

**July 7, 2016 – 7:30 P.M.  
Council Chambers  
Village Hall – 16250 S. Oak Park Avenue**

**Regular Meeting Called to Order**

**Roll Call Taken**

**Communications**

**Approval of Minutes:** Minutes of the June 16, 2016 Special Meeting

### **Item #1**

#### **PUBLIC HEARING**

##### **BAILEY’S BAR & GRILL – 17731 OAK PARK AVENUE – VARIATION FOR A GROUND SIGN WITHIN THE LEGACY DISTRICT**

Consider a proposal from Ronald Bailey, on behalf of Bailey’s Bar & Grill, for the following Variations concerning ground signage on an existing site located at 17731 Oak Park Avenue, Tinley Park, Illinois:

1. A one foot, six-inch (1’6”) Variation from the required setback from the south property line;
2. A one foot, six-inch (1’6”) Variation from the required setback from the entry/access drive (to the north of the proposed sign); and
3. A nine foot (9’) Variation from the required setback from the west property line.

All of which constitute Variations from Section XII.4.E., Table 4.E.1. (Legacy Code, Sign Regulations) of the Zoning Ordinance, where a “Monument – Ground” type sign is required to be located ten feet (10’) from all property lines and entry/access drives.

### **Item #2**

#### **PUBLIC HEARING**

##### **THE ATTIC DOOR – 17424 OAK PARK AVENUE – VARIATION FOR A GROUND SIGN WITHIN THE LEGACY DISTRICT**

Consider a proposal from Wade Randolph of Effective Signs, on behalf of The Attic Door, for the following Variation concerning ground signage on an existing site located at 17424 Oak Park Avenue, Tinley Park, Illinois:

1. A nine foot (9’) Variation from Section XII.4.E., Table 4.E.1. (Legacy Code, Sign Regulations) of the Zoning Ordinance, where a “Monument – Ground” type sign is required to be located ten feet (10’) from all property lines and entry/access drives.

**Item #3**

**THE TRAIN STATION – 16902 OAK PARK AVENUE – SPECIAL USE PERMIT  
FOR A RECREATIONAL USE AND HOURS OF OPERATION (New Item)**

Consider a proposal from Julianna Grover of The Train Station, for a Special Use Permit to operate a business involving recreational uses (including group personal training, fitness, and nutritional education) and operating between the hours of 5:00am and 10:00pm at 16902 Oak Park Avenue, Unit 3 in the NG (Neighborhood General) Zoning District and Elmore's Oak Park Avenue Estates subdivision.

**Good of the Order**

**Receive Comments from the Public**

**Adjourn Meeting**



## **MINUTES OF THE PLAN COMMISSION**

### **VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES, ILLINOIS**

**JUNE 16, 2016**

The Special Meeting of the Plan Commission was held at Odyssey Country Club, 19110 Ridgeland Avenue, on June 16, 2016 at 7:30p.m.

#### **ROLL CALL**

Plan Commission: Kevin Bergthold (arrived at 7:35)  
Anthony Janowski  
Lori Kappel  
Peter Kroner  
Ken Shaw  
Tim Stanton  
Ed Matushek III, Chairman

Village Officials and Staff: Paula Wallrich, Interim Community Development Director  
Stephanie Kisler, Planner I  
Barbara Bennett, Commission Secretary  
Patrick Connelly, Village Attorney  
Jacob Vandenberg, Trustee

#### **CALL TO ORDER**

PLAN COMMISSION CHAIRMAN MATUSHEK called to order the Special meeting of the Plan Commission for June 16, 2016 at 7:30 p.m.

#### **APPROVAL OF MINUTES**

Commissioner Kroner asked for corrections regarding comments on safety concerns on the 7-Eleven project. He would like to add after his original comments that the measurements for the two two-way traffic lanes and the parking that is by the gas pumps did not conform to code precisely. Also, on page 7 under "Commissioner Moylan inquired if a no left turn sign could be placed on the site without IDOT approval", one thing that was left out was that there was a poll taken among the Plan Commissioners as to whether or not to include the stipulation of adding the "No Left Turn" sign. The vote was 5 to 3 in favor of making that condition part of our approval and to add the "No Left Turn" sign as a condition of the full site plan approval and then there was additional comment by Staff.

KRONER also noted that on the last page, the motion was approved "unanimously" by voice vote and was not true, it was actually 7 to 2 for approval of the vote.

A motion was made by COMMISSIONER JANOWSKI, seconded by COMMISSIONER KRONER to approve the revised minutes as amended of the June 2, 2016 meeting of the Plan Commission. Vote by voice. PLAN COMMISSION CHAIRMAN MATUSHEK declared the Motion approved.

Village Attorney, PATRICK CONNELLY, made some opening remarks on the Public Hearing. He stated on May 17, 2016, the President and Board of Trustees (Village Board) approved an ordinance rescinding certain Text Amendments pertaining to the Village's Legacy Code and directed Staff to bring the rescinded Text Amendments back before the Plan Commission. The very same notice that was published when these Text Amendments were originally considered in 2015 was published for this Public Hearing. As with any Text Amendments or other request for zoning relief, the Plan Commission is under no obligation to vote to recommend or not recommend any item tonight. In fact, due to certain deficiencies in the notice, he recommended that no action be taken tonight. Finally, it is important to note that the agenda does not contain any reference to any specific projects anywhere in the Village. As this meeting is a Special Meeting, under the Open Meetings Act, the Plan Commission cannot discuss items not referenced on the agenda.

CHAIRMAN MATUSHEK noted that the Plan Commission was asked by the Village Board, after they rescinded the ordinance, to conduct an analysis on these rescinded Text Amendments and it is the first time the Commission has had a chance to look at them and there will be more study done before action is taken.

A motion was made by COMMISSIONER SHAW, seconded by COMMISSIONER KRONER, to open the Public Hearing at 7:35 p.m. The motion was approved unanimously by voice call. PLAN COMMISSION CHAIRMAN MATUSHEK declared the Motion approved.

Village Staff provided confirmation that appropriate notice regarding the Public Hearing was published in the local newspaper in accordance with State law and Village requirements.

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

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

**SUBJECT: MINUTES OF THE JUNE 16, 2016 SPECIAL MEETING**

**ITEM #1: PUBLIC HEARING**

**TEXT AMENDMENTS TO SECTION XII (LEGACY CODE) OF THE ZONING ORDINANCE AND REZONING (MAP AMENDMENT)**

Consider proposed Text Amendments to Section XII (2011 Legacy Code) of the Tinley Park Zoning Ordinance and Rezoning (Map Amendment) certain properties relative to the Legacy Code Zoning Districts along with any necessary conforming amendments to figures within the Code. The proposed Text Amendments include the following:

- A. Amending Section XII of the Tinley Park Zoning Ordinance (2011 Legacy Code), Section 2 (District Regulations), subsection A (Downtown Core), Figure 2.A.2 – Downtown Core Regulating Plan, by deleting the term “Street Level Commercial Required” in the legend of Figure 2.A.2 and replacing it with “Street Level Commercial Permitted.”
- B. Amending Section XII of the Tinley Park Zoning Ordinance (2011 Legacy Code), Section 2 (District Regulations), subsection A (Downtown Core), by deleting the existing Figure 2.A.6, and replacing it with the revised Figure 2.A.6 showing a change to the boundaries of the Downtown Core District and fully zoning a parcel with address 17533 S. Oak Park Avenue as Downtown Core.
- C. Amending Section XII of the Tinley Park Zoning Ordinance (2011 Legacy Code), Section 2 (District Regulations), subsection D (Neighborhood General), Figure 2.E.2 – Neighborhood General Regulating Plans by deleting the term “Street Level Commercial Required” in the legend of Figure 2.E.2 and replacing it with “Street Level Commercial Permitted.”
- D. Amending Section XII of the Tinley Park Zoning Ordinance (2011 Legacy Code), Section 3 (General Provisions), subsection A (Uses), Table 3.A.2. by deleting “Package liquor stores” from the list of special uses and adding “Package liquor stores” to the list of prohibited uses, by deleting the words “and used” from the “Automobile and custom van sales (new and used)” special use entry, and by adding “Automobile and custom van sales (used)” to the list of prohibited uses, and by adding “Tobacco, hookah, cigarette, cigar, e-cigarette, and vapor sales establishments, and any related on-site consumption, as a primary use” and “medical marijuana dispensing facility” to the list of prohibited uses.
- E. Amending Section XII of the Tinley Park Zoning Ordinance (2011 Legacy Code), Section 3 (General Provisions), subsection F.10.d. (Landscaping, Bufferyards, Properties Adjacent to Non-Legacy Code Area), to read in its entirety as follows:
  - “d. Properties Adjacent to Non-Legacy Code Area: A bufferyard is required between an alley and a parcel located outside of the Legacy Code Area and/or between the rear of any property that has a surface parking lot and a parcel outside of the Legacy Code Area. The minimum standard shall be a minimum*

*bufferyard of 5'."*

- F. Amending the official zoning map of the Village of Tinley Park, Cook and Will Counties, Illinois, to be consistent with the legal description corrections and rezoning of certain properties legally described and reflected in illustrations included in the proposed Ordinance.
- G. Amending the official zoning map of the Village of Tinley Park, Cook and Will Counties, Illinois, so as to be in conformance with the legal description corrections and rezoning of certain properties as legally described and reflected in the illustrations included in the proposed Ordinance.
- H. Amending Section XII of the Tinley Park Zoning Ordinance (2011 Legacy Code), Section 4 (Signage) to increase the maximum sign face area and maximum height of Hanging – Freestanding signs and changing lighting and location requirements of said signs.

COMMISSIONER STANTON noted that as a Commissioner he is concerned about the potential economic loss of tax revenue to the Village of Tinley Park as the result of those changes to the Legacy Code Text Amendments deleting the term "Street Level Commercial Required" and replacing it with "Street Level Commercial Permitted". He would appreciate Staff looking into the financial impact of this possibility.

COMMISSIONER JANOWSKI noted that the Commission's issues are the same as the resident's issues. He noted that they also want transparency and will do their due diligence to make things right for this community. He noted that the Commission encourages public comment and ideas and looks forward to hearing comments from everyone.

COMMISSIONER KRONER noted that other successful downtowns have commercial businesses on the first floor and residential uses are located above. He stated that he felt that the vision of the Legacy Code was to have commercial uses on the first floor.

COMMISSIONER KRONER also stated that he would like to know how the rescinded Text Amendments were suddenly brought to the Plan Commission. He asked for further explanation.

MR. CONNELLY explained that the Text Amendments on the agenda are the same amendments considered by the Plan Commission in the fall of 2015. After the Village Board took action on May 17, 2016 rescinding the Text Amendments to the Legacy Code, they directed Staff to bring them back before the Plan Commission. He noted that normally, when the Plan Commission is considering any type of zoning relief/Text Amendment/special use it would require a Public Hearing following an introductory meeting or workshop, which is a chance for the Commission to work with Staff on some of the outstanding items or to ask questions. For these Text Amendments, an initial workshop already occurred in the fall of 2015 and the Village felt that it would be best to notice the Text Amendments the same way it was noticed before. By holding a Public Hearing rather than a workshop, the public is able to provide testimony to each proposed Text Amendment. He also stated that the meeting agendas may not give all the information that the Staff Report would present. He noted that he previously mentioned the Commission is under no obligation to act, in fact he had recommended that they do not take action at this meeting due to deficiencies in the notice. These Text Amendments rescinded by the Village Board, and they asked the Plan Commission to examine them again.

MR. CONNELLY continued by stating that the chronological order is that CHAIRMAN MATUSHEK has directed the Staff to do further research into the proposed Text Amendments. He stated that the Text Amendments will be further evaluated and will be brought back to the Plan Commission for a workshop and another Public Hearing. He noted that this meeting is the start of the fact-finding process and this meeting gives the residents and Commissioners a chance to voice their opinions and ask questions.

CHAIRMAN MATUSHEK noted that the Plan Commission was asked by the Village Board to do an analysis of the proposed Text Amendments. He added that the Commission must collect the information first and study the findings. The next step will be a workshop and then a Public Hearing. He noted that the Commission wants to foster commercial development.

COMMISSIONER KRONER stated that all this public comment will be memorialized. There will be an agenda published for a subsequent meeting where there will be a workshop, then there will be a Public Hearing notice published in the newspaper with the schedule for additional public comment before any action is taken by the Plan Commission. He added that there is nothing going on behind the scenes.

COMMISSIONER SHAW noted the vast majority of the people have an opinion and some aspects of the code are not clear. This meeting is part of the public process and demonstrates the process working. He noted that there may have been a deficiency in the communication and added that improvements will be made in communication.

COMMISSIONER KAPPEL stated that she is looking forward to the due diligence and looking at all angles. She stated that the Commission will consider the findings from the future workshop and Public Hearing meetings and will arrive at a conclusion on the Text Amendments.

COMMISSIONER BERGTHOLD added it would be appropriate to have more time to review these Text Amendments due to the complexity of the issues.

Seeing no other comments from the commissioners, CHAIRMAN MATUSHEK requested anyone present in the audience who wished to give testimony, comment, engage in cross-examination or ask questions during the Hearing stand and be sworn in.

CHAIRMAN MATUSHEK Requested Staff to make a presentation. Paula Wallrich, Interim Community Development Director, gave an overview of the proposed Text Amendments to the Legacy Code. She noted she was impressed with the resident's understanding of the Legacy Code. She noted she and STEPHANIE KISLER, Planner I, were not part of the creation of the 2011 Legacy Code or the proposed Text Amendments.. She presented the Text Amendments' original Staff Reports from Fall 2015 for review. She noted that she is looking forward to the public input on what they consider the important aspects of the Legacy Code.

MS. WALLRICH noted the first amendment, "A", designates commercial uses on the first floor of a building. There are several different zoning districts in the Legacy Code. The two districts that will generally be the subject of discussion are the Downtown Core and the Neighborhood Flex districts. The potential Text Amendment was to change the diagram from indicating "Street Level Commercial Required" to "Street Level Commercial Permitted".

MS. WALLRICH then noted that the second amendment, "B", has to do with changing the boundaries of the Downtown Core district to include a parcel that was split in half with two different zoning districts unintentionally.

MS. WALLRICH continued by stating that the third amendment, "C", has to do with the same issue as "A" but within the Neighborhood Flex district.

MR. CONNELLY interjected that one of the deficiencies in the agenda notice occurs in section "C". Before a Public Hearing can occur, the Village is required by law to publish notice at least fifteen (15) days prior to the Public Hearing in a newspaper of general circulation within the Village. The notice has no specific reference to the Neighborhood Flex area. This being a Special Meeting, due to the location of the meeting, one of the rules of the Open Meetings Act dictates that only items on the agenda can be discussed. Discussions specifically relating to the Neighborhood Flex district are restricted since it was improperly noticed in the fall of 2015 and improperly noticed on this agenda.

CHAIRMAN MATUSHEK requested testimony on the proposed Text Amendment A, B, and C.

STEVE EBERHARDT noted a Point of Order. He stated that this notice was copied from the previous notice and that this notice for this Public Hearing tonight is deficient. He questioned why the Commission was proceeding with public testimony. He asked if the continuation of this meeting was an accommodation to the people who have shown up. He stated everything we do here is ineffectual, so everything presented would give up a potential claim that everything was improper.

CHAIRMAN MATUSHEK responded that the Public Hearing would still go on, as the problem was with item "C" with the correction noted. He stated that the Commission wanted to hear from the public so that they can kick off the study on the proposed Text Amendments. He further clarified that this is not ineffectual, as we are not taking action tonight.

MR. EBERHARDT cited several paragraphs from the August 6, 2015 Plan Commission Staff Report. He requested for the Commission to consider that there is no Planning Department staff left from the preparation of the Legacy Code. He also provided a quote from the 2009 Legacy Plan. He stated that the Legacy Plan seems to call for street level commercial and the proposed Text Amendments to the Legacy Code regarding street level commercial went against the intent of the Legacy Plan.

MIKE PAUS stated that he wants a vibrant downtown to bring people in. He believes that this Text Amendment says that the Village has given up bringing commercial development to the downtown. He inquired about who wrote the Legacy Code in the beginning and voiced that Text Amendments should come from the Plan Commission.

CHAIRMAN MATUSHEK stated it's not the purpose of the Staff to make policy; instead, the Village's residents elect officials to make policy. He noted that Staff has expertise in the planning area, although that does not mean that we give Staff carte blanche and our blanket approval. He noted that the Commission has to rely upon people with the technical expertise in that area objectively. He noted that the Commission will not just take action on whatever Staff provides to the Commission without extensive review and deliberation. He asked for MR. PAUS to provide clarification on his feelings on street level commercial.

MR. PAUS offered his opinion that Tinley Park needs as much commercial as possible as we need the tax base.

DON SACTOFF stated that he does not understand how this came about in the first place. He questioned who is responsible for writing ordinances and asked if the Text Amendments were reviewed by anyone other than the Plan Commission. He believes that the purpose of the Legacy Code was to expedite projects to the Village.



CHAIRMAN MATUSHEK responded that the people responsible for passing ordinances are the elected officials (the Village Board). In this particular situation, the Plan Commission makes recommendations to the Village Board. The purpose of these Text Amendments was to improve commercial development within the Legacy District.

DIANE GALANTE asked if it was possible for someone to come into downtown Tinley and build something without commercial. She inquired about who is making the decisions in our town. She noted that she is in favor of the street level commercial requirement.

MR. CONNELLY responded there is a variance process depending on the circumstances and requires a proper Public Hearing and adoption of an ordinance.

CHAIRMAN MATUSHEK noted that the intent of the Legacy Code was to promote community development.

BILL BURTONS asked about whether street level commercial is required for the entire Legacy District or just certain areas. He also inquired about who is proposing these Text Amendments.

MS. WALLRICH, CHAIRMAN MATUSHEK, and MR. CONNELLY all replied the entire Legacy District is not subject to the street level commercial requirement, in fact, there are some sections that actually target residential uses only. They noted that these Text Amendments are the same Text Amendments that were brought to the Plan Commission and approved by the Village Board last fall. The Village Board rescinded the Text Amendments in May 2016 and requested that the Plan Commission look at the rescinded Text Amendments and make recommendations. Staff has been requested to do further research on these Text Amendments. There will be further meetings on these Text Amendments.

NANCY DUCHARME stated that we need to take a fresh look at the rescinded Text Amendments. It should get the full scrutiny and not just looked at as a technicality. She questioned how the Legal Notice was flawed and inquired about how the error could be avoided in the future.

BOB VIRAVEC offered his opinion, stating that he saw many homes for sale and units for rent in Tinley Park. He stated that he doesn't feel that any more multi-family residential units should be built in the Village. He stated that he sees many properties in disrepair. He also felt concerned about the short notice for the meeting since the meeting agenda was published the Friday before the meeting. He clarified that he would like to retain the requirement for street level commercial.

MR. CONNELLY responded, stating the regular meeting schedule for the Plan Commission is every first and third Thursday of the month. By law, the Village has to publish this regular meeting schedule at the beginning of the year and if you deviate from that it has to be called a Special Meeting. Because this was at a different location, due to expecting a larger crowd than the Council Chambers can accommodate, it had to be called a Special Meeting. The Commission gets their packets the Friday prior to their Thursday meeting.

CHAIRMAN MATUSHEK responded that the ordinance that was rescinded by the Village Board had language that we should study. The Village Board passed the ordinance rescinding the Text Amendments and requested our assistance in studying that proposal to make a recommendation in a proper way. We can't just stop government. At the direction of the Village Board, the Planning Department sent out the notice. This is the start of the fact finding process.

BEVERLY CASELSKI stated that she has been a resident of Tinley Park for 48 years and in her opinion, the Village is going downhill and the taxes are ridiculous. She questioned needing the Legacy Code. The resident stated that basically this is all about the property on 183<sup>rd</sup> and Oak Park Avenue.

COMMISSIONER KRONER asked for a show of hands as to who would be in support of changing “Street Level Commercial Required” to “Street Level Commercial Permitted”. No one raised their hands. He then asked who would be in support of “Street Level Commercial Required”. The majority of the crowd (about 120 people) raised their hands.

COMMISSIONER SHAW noted he wants a clarification on Part “B”. He noted that he read the Staff Report and saw that the property has been zoned half way in one zoning district and half way in another zoning district. He asked if the property owner was made aware of the change in the zoning and expressed that the Plan Commission must make sure that property owners are aware of the changes.

MS. WALLRICH continued on with part “D”, stating that the code that exists right now is the original code, not the amended version. Right now the code has Street Level Commercial Required for the Downtown Code and Neighborhood Flex districts. She stated the reason we are here is because the Village Board asked the Plan Commission to look at the proposed Text Amendments again after they were rescinded. The proposed Text Amendments have been brought back in their original form and have not been changed since fall 2015. She noted that there were questions about how the Text Amendments get to the Plan Commission and the Village Board. She added that there is also a Planning and Zoning Committee composed of Village Board members. She noted that there are several steps involved with Text Amendments since it involves changing the regulations within the Zoning Ordinance.

MS. WALLRICH went on to discuss section “D”, stating it has to do with looking at specific uses. She noted that there are certain uses that were originally looked at to move to the Prohibited Uses category, such as sales of used cars and packaged liquor sales, but there was a recommendation to further research these uses rather than to include them in this Text Amendment. Those two aspects were not part of the final Text Amendment that was adopted in October 2015 and then rescinded in May 2016. However, the Plan Commission had recommended adding tobacco, hookah, cigarette, cigar, e-cigarette, and vapor sales establishments and any related on-site consumption as a primary use, and medical marijuana dispensing facility to the Prohibited Use category.

MS. WALLRICH went on to discuss section “E”, which had to do with landscaping issues and creating a landscape bufferyard between parcels within and outside of the Legacy District boundary.

LUCAS HAWLEY stated a concern about changing items from Special Uses to Prohibited Use. He expressed concern about gambling cafes and hookah bars.

MR. PAUS asked if the Text Amendments were brought up individually or as a package when they were discussed in the fall of 2015. He said that he believes that hookah uses should be brought up individually.

COMMISSIONER KRONER responded that the Plan Commission can make recommendation to the Village Board to look at each Text Amendment individually.

DON SACOFF inquired if Section D would amend the list of Prohibited Uses to include packaged liquor stores and used auto sales. He asked what the existing businesses that fall under those categories think about this potential prohibition.

MS. WALLRICH responded that this is what was proposed. These two items (package liquor sales and used auto sales) were taken out of the recommended text amendment at the recommendation of the Plan

Commission back in fall 2015. Section D was originally proposed in the Legal Notice, but when it got to the Plan Commission the Plan Commission requested Staff study these two uses more and not include them in the final ordinance that went to the Village Board. She reiterated that what is before this Commission now was the original Legal Notice for the ordinance. She further explained that the Plan Commission had a lot of different types of liquor uses that they wanted Staff to investigate. Staff prepared a recommendation for a Text Amendment that talked about boutique alcohol sales, which went to the Plan Commission and received recommendation but have not been adopted by the Village Board yet.

There was no one in the audience that offered comment for section "E".

MS. WALLRICH described section "F", stating that this Text Amendment was regarding Scrivener's Errors in the legal description for the legacy district boundaries. The Village Engineer did a complete review of all the properties and has offered corrected legal descriptions.

COMMISSIONER SHAW noted that sections "F" and "G" are almost identical.

MS. WALLRICH noted that one section is related to legal descriptions and the other related to the graphic representation of the Legacy District.

There was no one in the audience that offered comment for section "F" and "G".

MS. WALLRICH described section "H", which related to signage. She explained that this particular Text Amendment also was not incorporated in the final recommendation of the Plan Commission because Staff wanted to conduct further research on hanging signs. Staff was also asked to look at all of the signage regulations.

There was no one in the audience that offered comment for section "H".

A motion was made by COMMISSIONER SHAW, seconded by COMMISSIONER KAPPEL to close the Public Hearing at 9:43 p.m. THE MOTION WAS APPROVED UNANIMOUSLY by voice call. PLAN COMMISSION CHAIRMAN MATUSHEK declared the Motion approved.

## **PUBLIC COMMENT**

RON BAILEY, owner of Bailey's Bar & Grill, stated that he thought that the idea of the Legacy Code was to improve Oak Park Avenue. In his opinion, the Legacy Code has done nothing but hurt it. He stated that he thought that the whole Legacy Code should be scrapped. He expressed concerns about businesses being able to sell their property and the lack of incentive for improvements to the property. He stated that he has been waiting several years for approval for a new sign.

CHAIRMAN MATUSHEK noted that this Commission wants to encourage businesses to stay and we don't want businesses to wait three years to have a sign improved.

A RESIDENT stated that they thought that it is refreshing to see a group of leaders with a polite demeanor.

MR. PAUS stated that the Legacy Code needs to be changed to require all projects to receive final approval from the Village Board instead of the Plan Commission having the power to grant final Site Plan Approval.

EDUARDO MANI inquired about the timeline for future discussion of the proposed Text Amendments.

CHAIRMAN MATUSHEK noted this is the beginning of the process and that there will be future workshops and that public notice will be given for any public hearing on this subject that appear on the Plan Commission agenda.

COMMISSIONER SHAW noted the Mayor has a Citizen's Advisory Committee looking at the Legacy Code and this committee will make a series of recommendations also.

CHRIS Cwik stated that there are too many committees. He believes that this is a waste of time and that there are serious issues going on. He stated that too many codes drive businesses out of town and he believes that there is corruption.

CHAIRMAN MATUSHEK noted there needs to be some predictability for business owners in town and that everyone needs to know what the regulations are. He stated that we need statesmen and not politicians.

COMMISSIONER KRONER noted we have a commitment to voices being heard. He stated that we will do the best job we can with honesty and integrity and that we will do our due diligence and there is no rush.

SVEN THIRION recommended a ban on liquor licenses and spoke about vices.

COMMISSIONER SHAW noted we are looking over Special Uses as part of these proposed Text Amendments. He stated that he doesn't understand them either and would like more information for why each use is categorized Permitted, Special, or Prohibited.

MR. BAILEY stated that he bought a building on Oak Park Avenue and fixed it up. He expressed concern that if his building burns down, he will not be able to rebuild my building because of the Legacy Code and how it regulates commercial and residential uses. He stated that he believes that the Legacy Code will keep people from investing in Tinley Park businesses.

## **ADJOURNMENT**

There being no further business, a Motion was made by COMMISSIONER SHAW, seconded by COMMISSIONER KRONER to adjourn the Special Meeting of the Plan Commission of June 16, 2016 at 9:50 p.m. THE MOTION WAS UNANIMOUSLY APPROVED by voice call. PLAN COMMISSION CHAIRMAN MATUSHEK declared the meeting adjourned.



## PLAN COMMISSION STAFF REPORT

July 7, 2016

### BAILEY'S BAR & GRILL (17731 Oak Park Avenue)

Variations from the Legacy Code Sign Regulations (Sign Setback)

#### Petitioner

Ronald Bailey on behalf of  
Bailey's Bar & Grill

#### Property Address

17731 Oak Park Avenue

#### PINs

28-31-208-004-0000,  
28-31-208-015-0000,  
28-31-208-016-0000

#### Parcel Size

0.60 acres ±  
(26,264 square feet)

#### Zoning

NG (Neighborhood  
General)

#### Subdivision

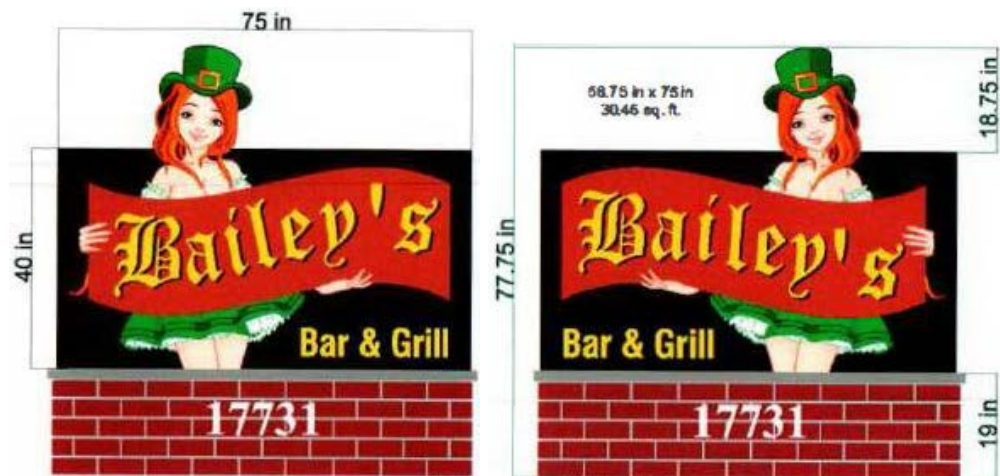
O. Rueter and Company's  
Tinley Park Gardens  
Subdivision

#### Approval Sought

Variation for a sign setback

#### Project Planner

Stephanie Kisler  
Planner I



*Proposed Ground Sign (showing both sides)*

### SUMMARY OF VARIATION REQUESTS

The Petitioner, Ronald Bailey on behalf of Bailey's Bar & Grill, is requesting the following Variations concerning a proposed ground sign:

1. A one foot, six-inch (1'6") Variation from the setback requirement from the south property line;
2. A one foot, six-inch (1'6") Variation from the setback requirement from the entry/access drive (to the north of the proposed sign); and
3. A nine foot (9') Variation from the setback requirement from the west property line.

All of these requests are Variations from Section XII.4.E., Table 4.E.1. (Legacy Code, Sign Regulations) of the Zoning Ordinance, where a "Monument – Ground" type sign is required to be located ten feet (10') from all property lines and entry/access drives.

These Variations would allow the Petitioner to construct a new ground sign that would be located at an eight foot, six-inch (8'6") setback from the south property line, an eight foot, six-inch (8'6") setback from the entry/access drive, and a one foot (1') setback from the west (Oak Park Avenue) property line at 17731 Oak Park Avenue in the NG (Neighborhood General) Zoning District.

**UPDATES FROM THE JUNE 2, 2016 STAFF REPORT ARE IN RED**

## BACKGROUND

The subject property is located in the Neighborhood General District in the Legacy District. The Petitioner, Ron Bailey, owner of Bailey's Bar and Grill, wishes to erect an aluminum and Lexon sign that will be externally illuminated. **The proposed sign will be 6'-5 5/8" in height and have 30.59 square feet (SF) of sign face area.**

The proposed sign is considered a *Ground – Monument* sign (see Section XII.4.d.) and therefore is limited to 10' in height in this District. The area of a sign is limited to 1 SF (per sign face) for each linear foot (LF) of frontage along a front lot line with a maximum area of 32 SF. The subject parcel has a 108 LF frontage along Oak Park Avenue, therefore a total of 108 SF would be the maximum sign area but for the 32 SF limitation. The proposed sign meets code with respect to sign height and area.



The Petitioner is proposing to locate the sign 1' from the west property line. The required setback for a ground mounted sign is 10'; therefore a Variation is required for the proposed setback.

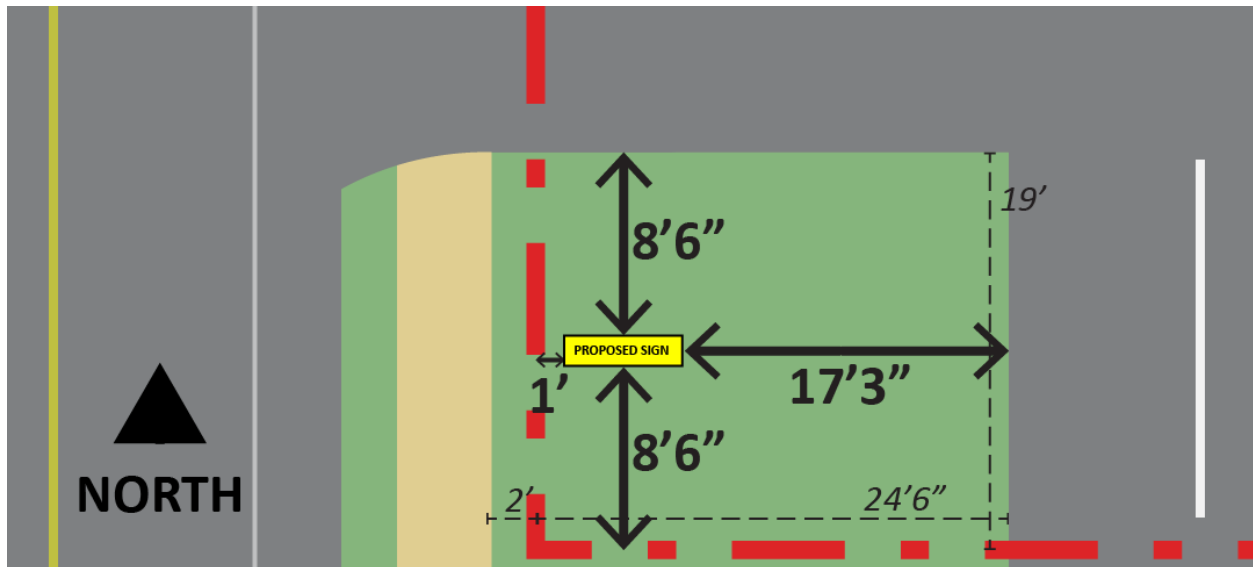
## VILLAGE STAFF COMMENTS

Staff has reviewed the petition for Variations from the required setback for a ground sign. It is important for the Plan Commission to note that signs for properties within the Village's Legacy District must adhere to the sign regulations of the Legacy Code (Section XII.4. of the Zoning Ordinance) which takes precedence over the sign regulations in the Zoning Ordinance (Section IX) and further that Variations from the Legacy Code are required to come before the Plan Commission rather than the Zoning Board of Appeals.

Staff from the Public Works, Engineering, Building, Fire, and Police Departments reviewed the Petitioner's request; no concerns were noted for the Variation request.



**Diagram 1: Proposed Sign Location**



*Diagram 2: Dimensions*

#### **Variation #1: Setback from the South Property Line**

The Petitioner proposes to install the ground sign eight feet, six inches (8'6") from the south property line instead of the required ten feet (10').

Due to the north-south dimension (19'), meeting the ten foot (10') setback requirement is not possible if the setback of 10' from the access drive is also met. The Petitioner has requested placing the sign in the middle of the island, which allows for greater opportunity to landscape around the sign, but requires Variations from both the south property line and the access drive setbacks. Locating the sign in this manner will require a 1'6" Variation of the south property setback.

#### **Variation #2: Setback from the Entry/Access Drive**

As discussed with Variation #1, the limited north-south dimension eliminates the possibility of the sign meeting both the south property line required setback (10') and the access drive setback (10'). The Petitioner proposes to install the ground sign eight feet, six inches (8'6") from the entry/access drive and therefore requires a 1'6" Variation.

#### **Variation #3: Setback from the West Property Line**

The Petitioner proposes to install the ground sign one foot (1') from the west property line instead of the required ten feet (10'). Note that the property line is two feet (2') east of the sidewalk, so the proposed sign will be located about three feet (3') east of the edge of the sidewalk.

The east-west dimension of the landscape island is 24'6", therefore there is ample room for the sign to be located to meet the required 10' setback (from the west property line). The Petitioner has stated that the visibility of the sign would be significantly compromised if the sign were located to meet the 10' setback from the west property line. Staff notes that sign placement closer to Oak Park Avenue is consistent with existing ground signs that are nonconforming to the current setback requirement.

## **EXISTING GROUND SIGNAGE**

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Staff has been investigating the feasibility of setback requirements for ground signs within the Legacy District. The majority of the existing ground signs along Oak Park Avenue do not meet the ten foot (10') setback requirement and are considered legal nonconforming signs since they were erected prior to the adoption of the Legacy Code. If an owner of an existing legal nonconforming sign wishes to alter their sign, the sign has to be brought into conformance with the current regulations, including the setback requirement, or must receive a Variation. Staff notes that Variations are not a practical or expedient solution when there are a large number of existing nonconforming signs. A large number of Variations to the same regulation typically indicates that something in the code is not effective or appropriate for the conditions of the district and a revision may need to be considered. Staff anticipates recommending Text Amendments to the Sign Regulations (Section IX) of the Zoning Ordinance and the Legacy District's sign regulations (Section XII.4.) in the near future.

In a recent meeting with the MainStreet Commission, Staff discussed the setback issues for freestanding signs. It was the consensus of the group to revise the current regulations to a one foot (1') setback from property lines and determine a proper setback from entry/access drives on a case-by-case basis during the Building Permit process to ensure safety and visibility. This requirement would create the least amount of nonconformities in the Legacy District while still maintaining some distance from the property lines and sidewalks. (See Appendix A for a summary of the MainStreet Commission comments). Draft minutes from the MainStreet Commission meeting have also been provided within the meeting packet. Staff will be reviewing this recommendation and provide a comprehensive recommendation to the Plan Commission at a future meeting. In the meantime, the Plan Commission may wish to consider this recommendation from the MainStreet Commission when reviewing the Petitioner's Variation request.



## STANDARDS FOR GRANTING A VARIATION

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Per Section X.G.4. and Section XII.5.H. of the Zoning Ordinance, the Plan Commission shall not recommend a Variation from 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.

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.**
  - There are limited alternate locations for the proposed ground sign that would have adequate visibility from Oak Park Avenue except for the proposed site which requires a Variation.
2. **The plight of the owner is due to unique circumstances.**
  - The Petitioner planned to erect a freestanding sign within the specified landscaped area when he redesigned the parking lot configuration in 2013. This landscaped island cannot accommodate the proposed ground sign without a Variation.
3. **The Variation, if granted, will not alter the essential character of the locality.**
  - There are other ground signs along Oak Park Avenue that do not meet the 10' setback requirement.
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.

## APPROPRIATE MOTION

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If the Plan Commission wishes to make a motion, the following motion is written in the affirmative for the Commission's consideration:

"...make a motion to consider recommending that the Village Board grant the Petitioner, Ronald Bailey on behalf of Bailey's Bar & Grill, the following Variations concerning a proposed ground sign at 17731 Oak Park Avenue:

1. A one foot, six-inch (1'6") Variation from the setback requirement from the south property line;
2. A one foot, six-inch (1'6") Variation from the setback requirement from the entry/access drive (to the north of the proposed sign); and
3. A nine foot (9') Variation from the setback requirement from the west property line.

All of these requests are Variations from Section XII.4.E., Table 4.E.1. (Legacy Code, Sign Regulations) of the Zoning Ordinance, where a "Monument – Ground" type sign is required to be located ten feet (10') from all property lines and entry/access drives.

These Variations would allow the Petitioner to construct a new ground sign that would be located at an eight foot, six-inch (8'6") setback from the south property line, an eight foot, six-inch (8'6") setback from the entry/access drive, and a one foot (1') setback from the west (Oak Park Avenue) property line at 17731 Oak Park Avenue in the NG (Neighborhood General) Zoning District and within O. Rueters and Company's Tinley Park Gardens Subdivision."

...With the following conditions:

1. *[any conditions that the Plan Commission would like to recommend.]*

...Based on the evidence provided at this hearing and the following:

1. That the Petitioners have provided evidence establishing that they have met the standards for Variations contained in Section X.G.4. of the Zoning Ordinance.
2. *[any other facts or unique circumstances that the Plan Commission would like to mention.]*

## APPENDIX A.

### MAINSTREET COMMISSION COMMENTS

---

Staff discussed ground sign setback requirements with the MainStreet Commission at their May 18, 2016 meeting in the Fulton Conference Room at Village Hall. Draft minutes from this meeting have been provided in the Plan Commission Packet with this Staff Report. The MainStreet Commission had a conversation with Staff about signage in the Legacy District as a whole as well as speaking about specific issues, such as ground sign setback requirements. Staff provided a short slideshow of some of the existing ground signs within the Legacy District to aid in discussion. Some of the main discussion points within the meeting were:

- Overall Concerns:
  - Wanting the sign regulations to be more business-friendly.
  - Wanting consistency with signage within the Legacy District (sign face area, sign height, and sign setback).
  - Wanting better maintenance of existing signage.
- Ground Signs:
  - Concerns with safety if there is not any setback standard.
  - Ideas about using an average setback after studying the existing signage.
  - Ideas about not allowing properties with zero to five foot (0-5') building setbacks to have any ground sign.
  - Ideas about having a one foot (1') setback requirement and then having Staff review for safety concerns at the permit stage.

## PLAN COMMISSION STAFF REPORT

July 7, 2016

### THE ATTIC DOOR (17424 Oak Park Avenue)

Variation from the Legacy Code Sign Regulations (Sign Setback)

#### Petitioner

Wade Randolph of Effective Signs, on behalf of The Attic Door

#### Property Address

17424 Oak Park Avenue

#### PINs

28-30-314-003-0000,  
28-30-314-004-0000

#### Parcel Size

0.25 acres ±  
(11,250 square feet)

#### Zoning

DC (Downtown Core)

#### Approval Sought

Variation for a sign setback

#### Project Planner

Stephanie Kisler, AICP  
Planner I



*Existing Ground Sign (left) and Proposed Ground Sign*

### SUMMARY OF VARIATION REQUEST

The Petitioner, Wade Randolph of Effective Signs, on behalf of The Attic Door, are requesting the following Variation concerning ground signage on an existing site located at 17424 Oak Park Avenue, Tinley Park, Illinois:

1. A nine foot (9') Variation from Section XII.4.E., Table 4.E.1. (Legacy Code, Sign Regulations) of the Zoning Ordinance, where a "Monument - Ground" type sign is required to be located ten feet (10') from all property lines and entry/access drives.

This Variation would allow the Petitioner to replace an existing ground sign with a new ground sign that would be located at a one foot (1') setback from the east (Oak Park Avenue) property line at 17424 Oak Park Avenue in the DC (Downtown Core) Zoning District.

**UPDATES FROM THE JUNE 2, 2016 STAFF REPORT ARE IN RED**

## BACKGROUND

The subject property is located in the Downtown Core District in the Legacy District. The owners of the Attic Door wish to replace their existing non-conforming sign with a new Medium Dense Overlay (MDO) wood sign. **The proposed sign will be 5'2" in height and have 17.17 square feet (SF) of sign face area.**

The proposed sign is considered a *Ground – Monument* sign (see Section XII.4.d.) and therefore is limited to 8' in height. The area of a sign in this area is limited to 1 SF (per sign face) for each linear foot (LF) of frontage along a front lot line with a maximum area of 32 SF. The subject parcel has 75 LF of frontage along Oak Park Avenue, therefore a total of 75 SF would be the maximum sign area but for the 32 SF limitation. The proposed sign meets code with respect to sign height and area.

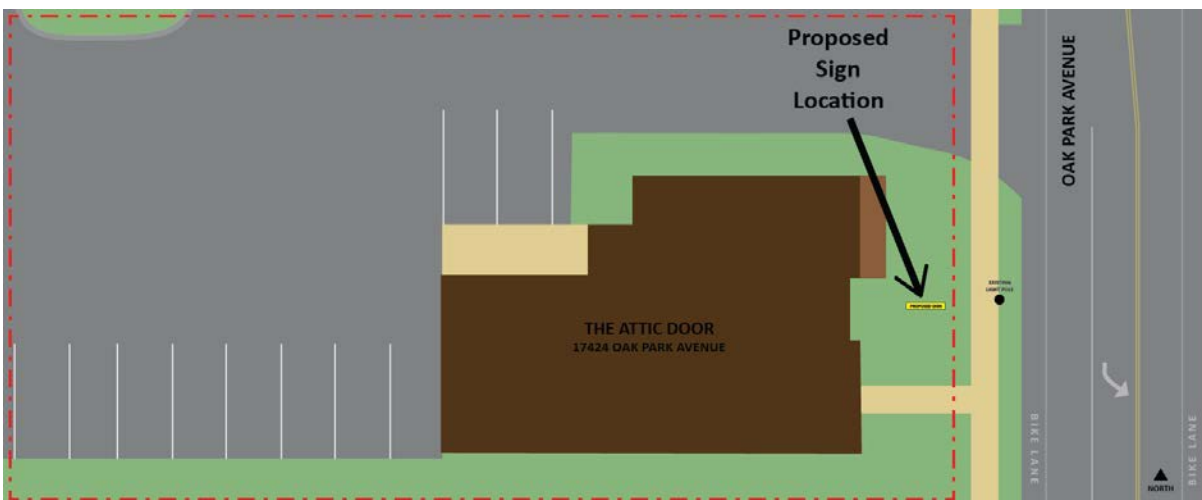


The Petitioner is proposing to locate the sign 1' from the east property line. The required setback for a ground mounted sign is 10'; therefore a Variation is required for the proposed setback.

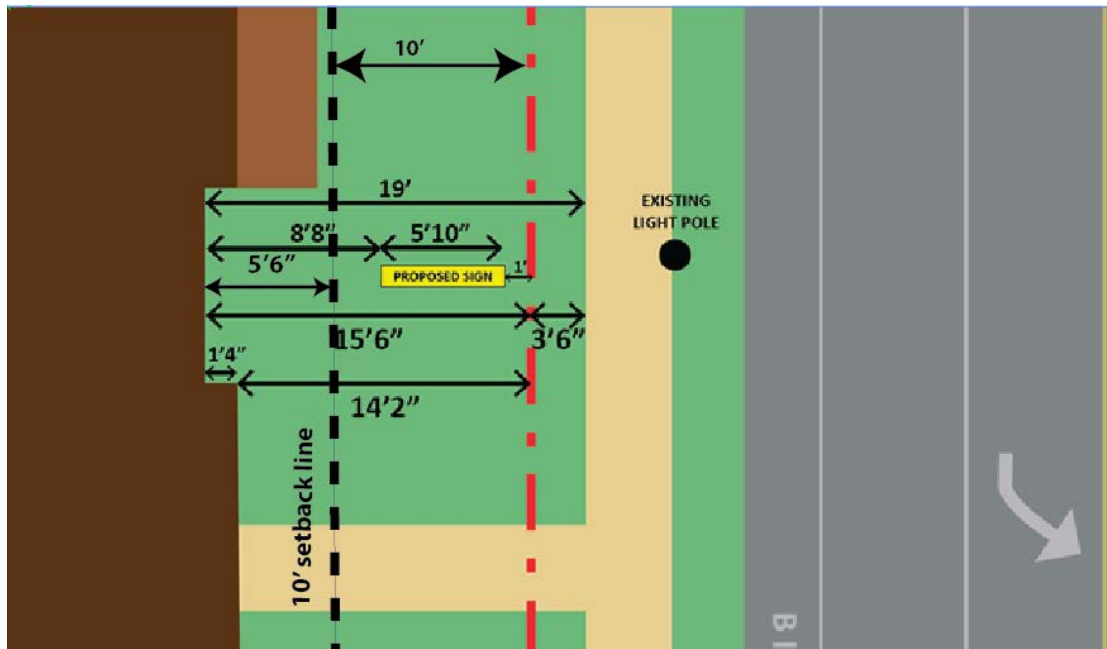
## VILLAGE STAFF COMMENTS

Staff has reviewed the petition for a Variation from the required setback for a ground sign. It is important for the Plan Commission to note that signs for properties within the Village's Legacy District must adhere to the sign regulations of the Legacy Code (Section XII.4. of the Zoning Ordinance) which takes precedence over the sign regulations in the Zoning Ordinance (Section IX) and further that Variations from the Legacy Code are required to come before the Plan Commission rather than the Zoning Board of Appeals.

Staff from the Public Works, Engineering, Building, Fire, and Police Departments reviewed the Petitioner's request; no concerns were noted for the Variation request.



**Diagram 1: Proposed Sign Location**



**Diagram 2: Site Dimensions for Proposed Sign**

#### **Variation Request: Setback from the East Property Line**

The Petitioner proposes to install a new ground sign, (5' 10" in width) one foot (1') from the east property line instead of the required ten feet (10'). Note that the property line is three feet, six inches (3'6") west of the sidewalk, so the proposed sign will be located about four feet, six inches (4'6") west of the edge of the sidewalk.

The Attic Door building has varying setbacks (ranging from 11' – 16') from their east property line. As indicated in the above diagram, there is inadequate area for the Petitioner to meet the required ten foot (10') setback since there is only, 5'6" space available between the required setback and the building. The Petitioner is concerned about the visibility of the sign if it were to be located any further west than the existing sign. Staff notes that the proposed sign placement which is closer to Oak Park Avenue is consistent with existing ground signs that are nonconforming to the current setback requirement.

Additionally, it is important to note that the proposed sign complies with other setback regulations (entry/access drive and south property line) and does not require a Variation for these other dimensions.

#### **EXISTING GROUND SIGNAGE**

Staff has been investigating the feasibility of setback requirements for ground signs within the Legacy District. The majority of the existing ground signs along Oak Park Avenue do not meet the ten foot (10') setback requirement and are considered legal nonconforming signs since they were erected prior to the adoption of the Legacy Code. If an owner of an existing legal nonconforming sign wishes to alter their sign, the sign has to be brought into conformance with the current regulations, including the setback requirement, or must receive a Variation. Staff notes that Variations are not a practical or expedient solution when there are a large number of existing nonconforming signs. A large number of Variations to the same regulation typically indicates that something in the code is not effective or appropriate for the conditions of the district and a revision may need to be considered. Staff anticipates recommending Text Amendments to the Sign Regulations (Section IX) of the Zoning Ordinance and the Legacy District's sign regulations (Section XII.4.) in the near future.



In a recent meeting with the MainStreet Commission, Staff discussed the setback issues for freestanding signs. It was the consensus of the group to revise the current regulations to a one foot (1') setback from property lines and determine a proper setback from entry/access drives on a case-by-case basis during the Building Permit process to ensure safety and visibility. This requirement would create the least amount of nonconformities in the Legacy District while still maintaining some distance from the property lines and sidewalks. (See Appendix A for a summary of the MainStreet Commission comments). Draft minutes from the MainStreet Commission meeting have also been provided within the meeting packet. Staff will be reviewing this recommendation and provide a comprehensive recommendation to the Plan Commission at a future meeting. In the meantime, the Plan Commission may wish to consider this recommendation from the MainStreet Commission when reviewing the Petitioner's Variation request.

## **STANDARDS FOR GRANTING A VARIATION**

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Per Section X.G.4. and Section XII.5.H. of the Zoning Ordinance, the Plan Commission shall not recommend a Variation from 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.

- 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.**
  - If the Petitioner installed a sign meeting the ten foot (10') setback requirement, the new sign would not fit between the required setback and the building since the sign is 5'10" wide and the available space between the required setback and the building is 5'6".
  - The sign could be reduced in size to fit within that 5'6" wide area; however, a sign meeting the required setback would be 13'6" from the sidewalk, which is substantially further away from the street than the existing sign, which is about 3'11" from the sidewalk, and the ability for potential customers to see the sign is diminished.
- 2. The plight of the owner is due to unique circumstances.**
  - The Petitioner's request is unique because they propose to replace an existing sign with a new sign in relatively the same location. The Petitioner is not asking to have a sign closer to the property line than the existing sign; in fact, the new sign would be 7" further west from the existing sign in order to meet a 1' setback from the property line.
  - The Petitioner's building does not provide much space for a freestanding sign that would meet the setback requirement due to the building setback being closer to Oak Park Avenue. Staff notes that there are many signs within the Legacy District that do not meet the 10' sign setback requirement so the placement of the sign is not unique.
- 3. The Variation, if granted, will not alter the essential character of the locality.**
  - The sign will not alter the character of the locality since it will be in roughly the same place as the existing sign. Other freestanding signs within the Legacy District do not meet the current requirement for a 10' setback.
- 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.



## APPROPRIATE MOTION

---

If the Plan Commission wishes to make a motion, the following motion is written in the affirmative for the Commission's consideration:

"...make a motion to consider recommending that the Village Board grant the Petitioner, Wade Randolph of Effective Signs, on behalf of The Attic Door, the following Variation concerning a proposed ground sign at 17424 Oak Park Avenue:

1. A nine foot (9') Variation from Section XII.4.E., Table 4.E.1. (Legacy Code, Sign Regulations) of the Zoning Ordinance, where a "Monument – Ground" type sign is required to be located ten feet (10') from all property lines and entry/access drives.

This Variation would allow the Petitioner to replace an existing ground sign with a new ground sign that would be located at a one foot (1') setback from the east (Oak Park Avenue) property line at 17424 Oak Park Avenue in the DC (Downtown Core) Zoning District."

...With the following conditions:

1. *[any conditions that the Plan Commission would like to recommend.]*

...Based on the evidence provided at this hearing and the following:

1. That the Petitioners have provided evidence establishing that they have met the standards for Variations contained in Section X.G.4. of the Zoning Ordinance.
2. *[any other facts or unique circumstances that the Plan Commission would like to mention.]*

## APPENDIX A.

### MAINSTREET COMMISSION COMMENTS

---

Staff discussed ground sign setback requirements with the MainStreet Commission at their May 18, 2016 meeting in the Fulton Conference Room at Village Hall. Draft minutes from this meeting have been provided in the Plan Commission Packet with this Staff Report. The MainStreet Commission had a conversation with Staff about signage in the Legacy District as a whole as well as speaking about specific issues, such as ground sign setback requirements. Staff provided a short slideshow of some of the existing ground signs within the Legacy District to aid in discussion. Some of the main discussion points within the meeting were:

- Overall Concerns:
  - Wanting the sign regulations to be more business-friendly.
  - Wanting consistency with signage within the Legacy District (sign face area, sign height, and sign setback).
  - Wanting better maintenance of existing signage.
- Ground Signs:
  - Concerns with safety if there is not any setback standard.
  - Ideas about using an average setback after studying the existing signage.
  - Ideas about not allowing properties with zero to five foot (0-5') building setbacks to have any ground sign.
  - Ideas about having a one foot (1') setback requirement and then having Staff review for safety concerns at the permit stage.



# PLAN COMMISSION STAFF REPORT

July 7, 2016

## The Train Station – Special Use Permit

16902 Oak Park Avenue, Unit 3

### Applicant

Julianna Grover of The Train Station

### Property Location

16902 Oak Park Avenue, Unit 3

### PIN

28-30-111-019-0000

### Tenant Space

2,100 SF  $\pm$

### Building Size

5,773 SF  $\pm$

### Parcel Size

0.24 ac  $\pm$

### Zoning

NG (Neighborhood General)

### Approval Sought

Special Use Permit

### Project Planner

Stephanie Kisler, AICP  
Planner I



*Rendering of the Building with Proposed Signage*

## EXECUTIVE SUMMARY

The Applicant, Julianna Grover of The Train Station, is seeking approval for a Special Use Permit to operate a business involving recreational uses (including group personal training, fitness, and nutritional education) and operating between the hours of 5:00am and 10:00pm at 16902 Oak Park Avenue, Unit 3 in the NG (Neighborhood General) Zoning District and Elmore's Oak Park Avenue Estates subdivision.

- Hours of Operation: 5:00am – 10:00pm (Monday – Friday)  
7:00am – 1:00pm (Saturday)  
7:00am – 12:00pm (Sunday)
- Number of Employees: 4
- Business Functionality: According to the Applicant, they will provide clients with recreation and health services, including:
  - meal planning
  - nutritional counseling
  - teaching clients how to effectively use their body to provide optimal results
  - group fitness training classes

A Public Hearing is required for Special Use Permit and has been scheduled for the regular Plan Commission meeting on Thursday, July 21, 2016.

## SUMMARY OF OPEN ITEMS

OPEN ITEMS
1. Consider conditions related to sound.
2. Consider conditions related to class sizes.
3. Consider required improvements to landscaping, parking, access drive, and alley.

## EXISTING SITE

The property consists of a single parcel 0.24 acres in area with a 5,773 square foot mixed-use building that was constructed in about 1960 that is currently divided into five (5) tenant spaces. The current tenants are Best One Nail & Massage and Imagine Peace Studio (salon) with the remaining two (2) vacant commercial spaces being combined for the proposed Special Use. There is also one (1) three-bedroom apartment that is occupied. The apartment is located on the second floor above the occupied units and not above the proposed tenant space for The Train Station.

The site has frontage on 169<sup>th</sup> Street to the north and Oak Park Avenue to the east. The site has seventeen (17) parking spaces, eleven (11) of which are located at the rear (west side) of the building (including two (2) enclosed garage spaces) and six (6) which are located at the front (east side) of the building. There is also on-street parking permitted along 169<sup>th</sup> Street, which is directly adjacent to the north of the site and can accommodate four to six (4-6) vehicles on the south side of the street in front of the building.



**Diagram 1: Subject Property with Unit 3 Starred**

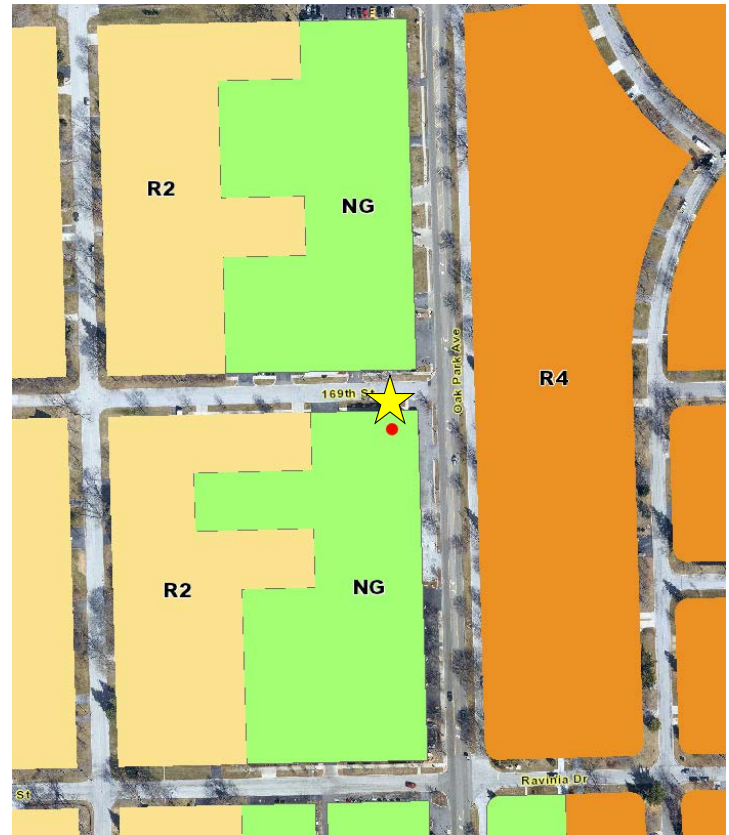


## ZONING & NEARBY LAND USES

The zoning of the site at 16902 Oak Park Avenue is NG (Neighborhood General) and is within the Legacy District. According to Section XII.2.D.1. of the Village of Tinley Park Zoning Ordinance, the NG Zoning District is “intended to help transition existing single-family houses and commercial uses into multi-family uses.” However, this particular property exists as a mixed-use building, which incorporates commercial and residential uses into a single structure.

Because the property owner and tenants are not seeking substantial improvements, the site is looked at as a “Heritage Site” rather than a “Redevelopment Site” – the difference being that “Redevelopment Sites” are classified by improvements exceeding 50% of the property’s market value and “Heritage Sites” being improvements less than 50% of the property’s market value. Since the site is a “Heritage Site”, mixed-use buildings are permitted. See Section XII.2.D. of the Zoning Ordinance for more information on regulations for sites within the Neighborhood General Zoning District.

Nearby land uses include other properties zoned NG within the Legacy District to the north and south (shown in green at the image on the right), single-family residential uses zoned R-2 to the west (shown in pale yellow), and single-family residential uses to the east (shown in orange).



## PROPOSED USE

The Applicant proposes to open a business that involves recreational uses, including group personal training, fitness, and nutritional education. The Train Station currently has 325+ clients at the Oak Lawn location and seeks a location in Tinley Park to help promote healthy lifestyles in a new area. The proposed facility is privately operated and appointments are required. The typical business schedule allows for four (4) clients per hour and clients instructed by two (2) trainers. The business proposes to operate from between 5:00am – 10:00pm Monday through Friday with limited hours on weekends.

The Applicant has provided the following list of services that they would like to provide to clients:

- meal planning
- nutritional counseling
- teaching clients how to effectively use their body to provide optimal results
  - TRX for bodyweight functioning
  - resistance bands
  - core stability movements such as Pilates or Bosu
  - stretch bands for leg development

Businesses operating between the hours of 2:00 a.m.-6:00 a.m. require a Special Use Permit (Section XII.3.A.). In addition, it is Staff's interpretation that the proposed use (group fitness training classes) is 'similar and compatible' to a Special Use category and required that the Applicant obtain a Special Use Permit. Per Table 3.A.2. within Section XII.3.A., "Amusement and recreation establishments including bowling alleys, billiard parlors, coin-operated amusement devices, gymnasiums, swimming pools, dance halls, health clubs, skating rinks and other similar places of recreation" is a Special Use. These types of uses are considered as Special Uses because of the possible impacts of such things as parking, loud music playing during training classes, and hours of operation. The Special Use Permit process provides the Plan Commission the opportunity to place certain conditions on the Special Use to mitigate these concerns.

The Applicant plans on operating in a limited capacity pending the approval of the requested Special Use with only those services that are allowed as a Permitted Use in this District (nutrition counseling, meal planning, one-on-one sessions). There will be no group fitness training sessions; only personal service on a one-on-one basis is permitted, such as a salon where one employee would be working with one customer at a time (ex. hairstylist cutting hair or nail technician giving a manicure).

Regarding the Applicant's request to operate between the hours of 2:00am and 6:00am, the Applicant has stated that the earlier hours of operation accommodate client's schedules for morning sessions. As stated above, there is a residential unit within the building albeit not above the proposed training facility. The Plan Commission may wish to consider whether the noise levels of music or hours of business impact the residential use and whether certain conditions should be placed to mitigate potential impacts such as times where music is allowed to be played at levels that can be heard outside the tenant space.

***Open Item #1: Consider conditions related to sound.***

## **PARKING**

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The site has seventeen (17) parking spaces, eleven (11) of which are located at the rear (west side) of the building (including two (2) enclosed garage spaces) and six (6) which are located at the front (east side) of the building. There is also on-street parking permitted along 169<sup>th</sup> Street (except parking on-street is prohibited from 2:00am to 5:00am), which is directly adjacent to the north of the site.

Staff researched the requirements for parking for the site within Section XII.2.D.10.c. of the Zoning Ordinance and found that the regulations call for four (4) parking spaces per 1,000 square feet of tenant space for commercial uses and one and a half (1 ½) parking spaces per dwelling unit. The commercial units comprise 3,366 square feet; therefore, fifteen (13.46) parking spaces are required for the commercial uses and one and a half (1 ½) parking spaces are required for the residential unit for a total parking requirement of fifteen (15) parking stalls. The site exceeds ordinance requirements by two (2) parking spaces.

Despite the proposed use meeting ordinance requirements, Staff has expressed concern if large group training were to occur, it may result in a higher demand for parking. The Applicant has stated that classes will not be greater than two (2) clients at a time with no more than two (2) trainers working at any given time. The Plan Commission may wish to place this as a condition of approval of the Special Use.

***Open Item #2: Consider conditions related to class sizes.***

## REQUIRED SITE IMPROVEMENTS

Per Section XII.2.D.11.d. of the Zoning Ordinance, a Special Use triggers certain required improvements. See the image of Table 2.D.8. below.

### *d. Required Improvements*

<i>Action</i>	<i>Landscaping</i>		<i>Front Yard Parking</i>		<i>Access Drive</i>	<i>Alley</i>
	Public Frontage	Private Lot	Modify	Remove	Modify	Dedication
Change of Owner	•	•	•		•	•
Change of Use > 50% of Building		•				
Structure Expansion		•	•		•	•
Special Use	•	•	•		•	•
Map Amendment (Rezoning)	•	•	•		•	•
	see pages 62-63		see pages 58-59		see page 61	see page 60

Table 2.D.8

Staff has identified possible improvements to the landscaping by adding street trees along Oak Park Avenue and potentially another street tree along 169<sup>th</sup> Street where a new landscape area may be installed. Modifications proposed for the parking and access drives include reducing the width of the driveways and adding green space and sidewalk to help formalize the access drives and parking areas. The current access drives are very wide and do not meet current standards for access drives, which are 12' for a one-lane driveway and 20' for a two-lane driveway. Staff has previously prepared a Plat of Easement for an alley at the rear of the building, so the property owner will need to sign and record the plat to formalize the ingress and egress occurring between the adjacent properties at the rear of the buildings.

Staff has discussed these required improvements with the property manager and has created a rough diagram showing the potential site improvements. It is important to note the Plan Commission is able to grant a waiver that would either postpone the improvements, require cash-in-lieu-of improvements, or waive improvements (in part or in whole) based on feasibility. See Section XII.2.D.11.c. for further explanation on waivers for public and private improvements for Heritage Sites in the NG Zoning District.

***Open Item #3: Consider required improvements to landscaping, parking, access drive, and alley.***



***Diagram 2: Showing Potential Required Site Improvements***

## SIGNAGE

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The Applicant has not provided any plans for temporary or permanent signage. Staff notes that the site does not currently have any freestanding signage, so any permanent signage would be installed on the façade of the building.

## STANDARDS FOR A SPECIAL USE

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Section X.J.5. lists standards that need to be considered by the Plan Commission. Attached please find the standards provided by the Applicant in defense of the requested Special Use. Staff will prepare Findings of Fact based on these standards for the Public Hearing. As part of the Public Hearing Process, the Findings of Fact – either as presented by the Applicant or as proposed by Staff (which are subject to revision upon hearing all testimony given during the Public Hearing) – shall be entered as part of the record for the Public Hearing. The Plan Commission is encouraged to consider these standards (listed below) when analyzing a Special Use request.

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 Applicant. 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.

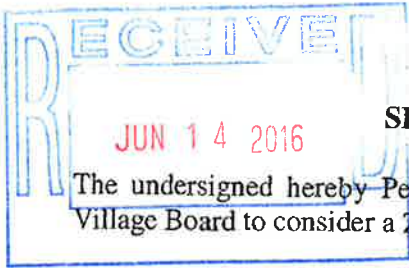


## **RECOMMENDED ACTION**

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Receive comments from the Plan Commission in relation to the proposed request for a Special Use Permit.

A Public Hearing for the Applicant's request for a Special Use Permit is scheduled for the Plan Commission meeting on July 21, 2016.



**VILLAGE OF TINLEY PARK  
SPECIAL USE PERMIT APPLICATION**

The undersigned hereby Petitions the Tinley Park Long Range Plan Commission and/or the Village Board to consider a Zoning Map Amendment and/or Special Use Permit as follows:

**A. Petitioner Information:**

Name: Julianne Graver  
Mailing Address: 50816 Wick Dr.  
City, State, Zip: Oak Lawn, IL 60453  
Phone Numbers: (708) 253-5005 (Day) Fax Number: \_\_\_\_\_  
(Evening) \_\_\_\_\_  
(Cell) \_\_\_\_\_  
Email Address: thetransition45@yahoo.com

The nature of Petitioner's interest in the property and/or relationship to the owner  
(Applications submitted on behalf of the owner of record must be accompanied by a signed letter of authorization):

Co Owner of Company

**B. Property Information:**

The identity of every owner and beneficiary of any land trust must be disclosed.

Property Owner(s): Tony Kutkias  
Mailing Address: PO Box #10  
City, State, Zip: Mokena, IL 60448

Property Address: 16902 S. Oak Park Ave.  
Permanent Index No. (PINs) \_\_\_\_\_  
Existing land use: Vacant  
Lot dimensions and area: \_\_\_\_\_

**C. Petition Information:**

Present Zoning District : \_\_\_\_\_  
Requested Zoning District: \_\_\_\_\_

Is a Special Use Permit being requested (including Planned Developments):

Yes ☒ No ☐

If yes, identify the proposed use: The Train Station would like to open at 5am Monday through Friday. We are also requesting a ratio of 2 clients to 1 coach.

Will any variances be required from the terms of the Zoning Ordinance?

Yes ☐ No ☒

If yes, please explain (note that Variation application will be required to be submitted):

The Applicant certifies that all of the above statements and other information submitted as part of this application are true and correct to the best of his or her knowledge.

Julianne Graver  
Signature of Applicant

6/16/16  
Date

**FINDINGS OF FACT**  
**SPECIAL USE PERMIT – (Including Planned Developments)**  
**PURSUANT TO THE VILLAGE OF TINLEY PARK ZONING ORDINANCE**

Section X.J. of the Village of Tinley Park Zoning Ordinance requires that no Special Use be recommended by the Plan Commission unless the Commission finds that all of the following statements, A-G listed below, are true and supported by facts. Petitioners must respond to and confirm each and every one of the following findings by providing the facts supporting such findings. The statements made on this sheet will be made part of the official public record and will be discussed in detail during the Plan Commission meetings and will be provided to any interested party requesting a copy.

Please provide factual evidence that the proposed Special Use meets the statements below and use as much space as needed to provide evidence.

- A. That the establishment, maintenance, or operation of the Special Use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.**

The Train Station is just the opposite. We provide an atmosphere where people can learn to live a healthy lifestyle through nutritional counseling and body resistance coaching. Clients are encouraged to explore their farmers markets and local gyms to advance their progress.

- B. That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.**

The coaching is done inside the facility. No property will be damaged. In fact, we will enhance the community by filling a vacant lot and focusing our efforts on curb appeal. (ie flowers, bright colors) We will focus our attention on bringing more traffic to Oak Park Avenue.

- C. That the establishment of the Special Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.**

We are presently in an existing building. The properties adjacent to us, which are a Nail Salon/Massage Parlor and a Hair Salon are already developed. Therefore, we will be filling a vacant part of the building.

- D. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided.**

We presently have 18 parking spots that are our use. If we employ 3 coaches with 2 clients each coach, we will utilize 6 spots. There are 2 bathrooms in our facility which is plenty for our client ratio.

- 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.**

Our parking is behind our building in a large lot. We are on Oak Park Avenue so our minimal traffic will not be in the community. At most we will see 6 vehicles at a time ever. There is no heavy traffic flow coming from our studio.

- 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 Train Station is in full compliance with any applicable regulations. We will continue to strive to not only meet the communities expectations, but the villages as well through attending board meetings and keeping educated.

- G. The extent to which the Special Use contributes directly or indirectly to the economic development of the community as a whole.**

The Train Station supports the local community directly through referring clients to healthy food options such as local farmers markets or restaurants such as Egg Headz that serve local organic foods. We promote local gyms so that clients can hit cardio numbers. Our sponsor is Capitol Nutrition in Tinley Park. All of our clients shop there. Through the use of referrals for gym attire, accessories, supplements, etc., we support the growth economically of our local communities.

H & N Management  
JUNE 20, 2016  
TINLEY PARK VILLAGE BOARD

Dear Village Board Members,

My name is Angie Kritikos Liveris and I represent property at 16902 South Oak Park Avenue Tinley Park, IL 60477 in downtown Tinley Park. I have open spaces ( units 3 & 4) for a business in the strip mall I represent and the name of the management company is H & N Management. The business I am proposing on this property is a personal training company called The Train Station. This would be the second location for this business, the first being in Oak Lawn. The goal of this business is a private training studio that specializes in nutritional counseling and full body movement to achieve fitness results and overall health.

I believe this is the type of business to bring clientele into Tinley Park concerned about their overall well being and good health. Not fa from the strip mall is Egg Headz, focused on juicing and organic foods. A nice tie in and draw for people concerned about their health and fitness to come to our community.

I would appreciate you attention to this matter at your earliest convenience and am happy to answer any additional questions you may have. You can contact me via email at [angie\\_xios@yahoo.com](mailto:angie_xios@yahoo.com), or via phone at 1708-557-3914. Thank you in advance for your consideration.

Sincerely,

Angie Kritikos Liveris

LEGAL DESCRIPTION  
16902 Oak Park Avenue

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LOT 1 (EXCEPT FOR THE SOUTH 40 FEET THEREOF) IN BLOCK 7 IN ELMORE'S OAK PARK AVENUE ESTATES, BEING A SUBDIVISION OF THE NORTHWEST  $\frac{1}{4}$  OF SECTION 30, TOWNSHIP 36 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THAT PART OF DRAINAGE DITCH CONVEYED BY DOCUMENT 377190) IN COOK COUNTY, ILLINOIS

The Real Property or its address is commonly known as 16902 S. Oak Park, Tinley Park, IL 60477. The Real Property tax identification number is 28-30-111-019-0000



