



AGENDA FOR REGULAR MEETING VILLAGE OF TINLEY PARK PLAN COMMISSION

**August 17, 2017 – 7:00 P.M.
Council Chambers
Village Hall – 16250 S. Oak Park Avenue**

Regular Meeting Called to Order

Pledge of Allegiance

Roll Call Taken

Communications

Approval of Minutes: Minutes of the August 3, 2017 Regular Meeting

Item #1

**WORKSHOP: TEXT AMENDMENT TO THE VILLAGE OF TINLEY PARK
ZONING ORDINANCE – SECTION III.N.6. – OUTDOOR SALES DISPLAY**

Consider recommending that the Village Board approve Text Amendments to Section III.N.6. (Outdoor Display) of the Village of Tinley Park Zoning Ordinance. The proposed Text Amendments include but are not limited to: allowing outdoor sales display areas on non-residential properties.

Item #2

**WORKSHOP: TEXT AMENDMENT TO THE VILLAGE OF TINLEY PARK
ZONING ORDINANCE – SECTION V.B. – TRUCK RENTAL IN THE MU-1
(MIXED-USE DUVAN DRIVE) OVERLAY DISTRICT**

Consider recommending that the Village Board approve Text Amendments to Section V.B. Schedule I (Schedule of Permitted Uses) of the Village of Tinley Park Zoning Ordinance. The proposed Text Amendments include but are not limited to: allowing truck rental as a Special Use in the MU-1 (Mixed-Use Duvan Drive) Overlay District.

Good of the Order

Receive Comments from the Public

Adjourn Meeting



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

AUGUST 3, 2017

The Regular Meeting of the Plan Commission was held in the Council Chambers of Village Hall on August 3, 2017 at 7:30 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Plan Commissioners: Peter Kroner
Lucas Engel
Eduardo Mani
Garrett Gray
Ken Shaw, Chairman

Absent Plan Commissioner(s): John Curran
Tim Stanton
Angela Gatto
Bill LeMonnier

Village Officials and Staff: Paula Wallrich, Interim Community Development Director
Stephanie Kisler, Planner I
Barbara Bennett, Commission Secretary

CALL TO ORDER

PLAN COMMISSION CHAIRMAN SHAW called to order the Regular Meeting of the Plan Commission for August 3, 2017 at 7:30 p.m.

COMMUNICATIONS

STEPHANIE KISLER, Planner I, reminded the Commissioners that the American Planning Association's Illinois Chapter (APA-IL) is holding their annual State conference in Naperville on September 13-15, 2017. If any Commissioners are interested in the conference there is a limited budget that would allow for some Plan Commission members to attend.

APPROVAL OF MINUTES

Minutes of the July 20, 2017 Regular Meeting of the Plan Commission were presented for approval. A Motion was made by COMMISSIONER KRONER, seconded by COMMISSIONER ENGEL, to approve the Minutes. The Motion was approved by voice call. CHAIRMAN SHAW declared the Motion approved.

Minutes of the July 13, 2017 Special Joint Meeting of the Plan Commission and Zoning Board of Appeals were presented for approval. A Motion was made by COMMISSIONER KRONER, seconded by COMMISSIONER ENGEL, to approve the Minutes. The Motion was approved by voice call. CHAIRMAN SHAW declared the Motion approved.

DRAFT

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES
FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION
SUBJECT: MINUTES OF THE AUGUST 3, 2017 REGULAR MEETING

PUBLIC HEARING: INNOVATIVE DECKS – 6926 183RD STREET – SIGN VARIATIONS

Consider recommending that the Village Board grant the Petitioner, Ken Zomparelli on behalf of Innovative Decks, the following Variations for a ground sign at 6926 183rd Street in the NF (Neighborhood Flex) Zoning District:

1. A two foot (2') Variation from Section XII.4.E. of the Zoning Ordinance to allow a twelve foot (12') tall ground sign where ten feet (10') is the maximum allowable height;
2. A ten foot (10') Variation from Section XII.4.E. of the Zoning Ordinance to allow for a ground sign where the required setback for a ground sign is ten feet (10') from the property line; and
3. A ten foot (10') Variation from Section XII.4.E. of the Zoning Ordinance to allow for a ground sign where the required setback for a ground sign is ten feet (10') from the access drive.

The sign was altered without a permit and these Variations would allow the Petitioner to keep the sign as it was installed. The sign is twelve feet (12') tall, has a sign face area of 30.5 square feet, is located two feet, six inches (2'6") into the public right-of-way, and contains a manual changeable copy sign (which is prohibited).

Present were the following:

Plan Commissioners: Peter Kroner
Lucas Engel
Eduardo Mani
Garrett Gray
Ken Shaw, Chairman

Absent Plan Commissioner(s): John Curran
Tim Stanton
Angela Gatto
Bill LeMonnier

Village Officials and Staff: Paula Wallrich, Interim Community Development Director
Stephanie Kisler, Planner I
Barbara Bennett, Commission Secretary

Petitioner: Ken Zomparelli, Innovative Decks

A Motion was made by COMMISSIONER MANI, seconded by COMMISSIONER GRAY, to open the Public Hearing on Innovative Decks – 6926 183rd Street – for sign variations. The Motion was approved unanimously by voice call. CHAIRMAN SHAW declared the Motion approved.

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

CHAIRMAN SHAW 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.

STEPHANIE KISLER, Planner I, presented a PowerPoint and stated Petitioner, KEN ZOMPARELLI, has requested Variances for the freestanding sign that was already erected on the site at 6926 183rd Street. There are three Variation requests. In summary, the location of the sign is currently 2.5' into the public right-of-way from the south property line and also it is within the access drive. Code requires a 10' setback from both those aspects. The 3rd Variation is for the height of the sign because it is 12' rather than the maximum of 10'. At the last meeting it was discussed that there may be a compromise on the location of the sign if the height and the landscaping on the base of the sign is brought into compliance. On the PowerPoint and the Staff Report there is an image of a potential change to the sign to bring it into compliance by bringing it down to 10' in height and add landscaping at the base.

MS. KISLER stated the Petitioner's property is zoned Neighborhood Flex within the Legacy District. The properties adjacent to it on the east and west are unincorporated. This area considered the "southern gateway" into the downtown district.

MS. KISLER noted the Petitioner has already erected the sign and changes were made to the sign without permits. Staff would like to make sure that the sign becomes properly permitted and the sign meets regulations or becomes legal by the granting of a variation. The history is noted in the Staff Report.

MS. KISLER showed a photo of the site and noted the sign is within the circle drive and the Petitioner has cited one of the reasons for wanting the higher sign is in order to see the sign over vehicles that park next to it. Staff suggested that the Petitioner ask his employees to park elsewhere so as not to block the sign. MS. KISLER displayed photos of the signs at the property since 1998 showing the sign changes and the landscaping changes throughout time. A previous signs in 2008 had a message board and the current sign has a message board, which is prohibited. The message board would have to be removed. There are not any permits on file that reflect approval of the signs in the photos. The Petitioner was looking to make improvements to the sign but the changes that were made do not meet current code. Due to the unique layout of the site with the driveway and the access points it might not be feasible to move the sign to meet the setback requirements. It has been discussed with Public Works as to whether or not they would approve an encroachment waiver for the sign to remain within the public right-of-way. Public Works did say they could approve it; however, the Petitioner would have to sign off saying if for some reason the right-of-way was needed he would have to move the sign at his own expense. Staff also suggested a more cost effective option of adding landscaping would be to put freestanding planters at the base of the sign. The intent is to have 2 sq. ft. of landscaping per every 1 sq. ft. of sign face area.

MS. KISLER noted the three Standards for Variations that must be considered are:

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.

MS. KISLER noted the following recommendations from the Staff Report:

- Consider the best location for the sign on the property.
- Consider if the sign should be allowed to be within the public right-of-way.
- Consider if the sign should be allowed to be taller than 10'.
- Consider if landscaping should be added to the base of the sign.
- Consider some type of compromise between height and location.

CHAIRMAN SHAW asked for comments from the Petitioner.

KEN ZOMPARELLI, Innovative Decks, stated the Staff's rendering of the potential changes to the sign has given him an idea of what he could do to change the sign; however, he prefers to leave the sign as it is now. MR. ZOMPARELLI voiced concerns regarding parking and visibility of the sign if he was to move it back and lower the height. Making the sign smaller will cheapen it and reduce the functionality of it. The purpose of the sign is to be visible. The Petitioner is willing to remove the message board on the sign and put flowers at the base. The sign has always been there and the Village annexed me with that sign there and it should be grandfathered in. This decision is totally up to your Commission.

CHAIRMAN SHAW stated this Public Hearing is only to recommend to the Village Board our findings. This Commission does not ultimately make the decision to grant or deny variances.

PAULA WALLRICH, Interim Community Development Director, stated the role of the Plan Commission is also to work with the Petitioner to see if there is some spirit of compromise that makes it a more approvable project. One of the biggest complaints here is that cars park in the way of the sign. If the Petitioner was to change the circle drive to provide a parking lot in the front area cars would not have to park in front of the sign. The sign could be moved to make it consistent with setbacks. The Commission and Staff have been trying to work with this Petitioner to help with the existing condition and get it to the most approvable state. The Petitioner should work to reduce the height of the sign.

MR. ZOMPARELLI stated he would prefer not to change the sign. It took all day to do that sign and it would take a couple days to tear it down and rebuild it. The posts are the same posts that have been there. All that was done was improvement of the sign to make it safe because it was smashed into with the bobcat. I try to make my business look as respectable as possible.

MS. KISLER stated no one is arguing the fact that you improved the sign and maintained it, but it was done without a permit and now we are here tonight to make sure whatever gets approved is a legal sign on your property.

COMMISSIONER KRONER asked how many times the Petitioner had redone the sign since 1989. MR. ZOMPARELLI replied at least three times. COMMISSIONER KRONER asked if each time he got a permit with the exception of this one. MR. ZOMPARELLI stated yes he did get permits. The last time was in 2008 and prior to that was with Cook County which was complicated with the Highway Department. He said he changed the posts one time.

MS KISLER stated the permit that was found was from 2008 depicts a sign that was triangular where a post would have been added. That sign does not exist today, so it should be noted that the approved sign was not erected. MR. ZOMPARELLI stated he pulled a permit for that sign, but decided not to erect that sign. MS. KISLER stated that is the only sign that we have a permit for in our files. The point we are trying to make is that he needs a permit to make changes to a sign. In the future he needs to check to make sure you have the correct permits before making changes.

COMMISSIONER KRONER stated we appreciate the business and you are well respected in the town. Your sign says everything for you, this is a nice sign. I would like to ask a couple questions. I would not have a problem with granting the Variations for the setbacks but I do have a problem with the height Variation. I have an issue making special consideration for any business especially in the Legacy District, where we are trying to maintain strict set of standards being business-friendly at the same time making sure everyone follows within the same parameters of each other. My question is if we pass a Motion on some of the Variations would you agree to add the landscaping that Staff requests within 30 days of approval by the Village of your Variances? Would you also agree to remove the message portion of the sign within 30 days of the Village passing the Variance?

MR. ZOMPARELLI agreed; however, he needs 60 days to do it. COMMISSIONER KRONER asked if he would also agree to sign the Public Works encroachment document within 60 days of being granted the Variance. MR. ZOMPARELLI agreed. He noted the posts are the same as they were before. COMMISSIONER KRONER disagreed as there are now added decorations on the top of the posts which increased the height. I understand what you are saying but we have to follow within the standards of the Village. This is strictly my opinion; I don't want to speak for anyone else. I think the sign is an outstanding sign and I don't want you to take it down and put up the old sign. That would be counterproductive to your business and counterproductive to the Village as well.

CHAIRMAN SHAW asked for any questions from the Commissioners. COMMISSIONER MANI asked for clarification regarding the previous sign that was permitted in 1994 when the County and IDOT sent a letter regarding the sign being in the right-of-way. MR. ZOMPARELLI replied that was when we removed the cedar posts because they were rotten. The Village was aware of the change of posts and the location and the inspectors signed off on it. COMMISSIONER MANI noted we should not set a precedent of allowing the sign to be location in the right-of-way.

COMMISSIONER ENGEL asked how long the sign has been there and that the previous sign looks considerably lower than the current sign and the sign did not negatively affect the business. MR. ZOMPARELLI replied at least 10 years and in 2008 was about the time we changed the posts to the vinyl posts and the reason we raised it was because of people parking in front of it. There are also large trucks that need to drive by it.

CHAIRMAN SHAW noted the property was annexed into the Village in 1994. The earliest photo and permit we have is 1998. Is that the sign that was there when it was annexed into the Village? Since that time every part of the sign has been replaced since 1998. Since 2008 the pavers were redone and you would not have had people parking in front of it. There are three Variations being requested, two are regarding the setback. With respect to the height Variation as previously pointed out the sign was much lower and because of parking you raised it. With the additional requirements regarding removing the message board, adding the landscaping and signing the Public Works encroachment document and in the spirit of compromise would you consider lowering the sign? MR. ZOMPARELLI replied he thought the sign was on the property line and stated he would do it if necessary, but he would not be happy about it and would prefer the sign being higher because of the parking.

CHAIRMAN SHAW noted that some of the Findings of Facts by the Applicant are not accurate and we want to make sure we do not accept those.

CHAIRMAN SHAW asked for comments from the public. Hearing none, he asked for the Petitioner's rebuttal. MR. ZOMPARELLI stated the sign has been the same for the last decade. I will be losing the message board. This will hurt my business. Give 60 days and I will try to take care of it.

Motion was made by COMMISSIONER KRONER, seconded by COMMISSIONER GRAY, to close the Public Hearing. Vote by voice. CHAIRMAN SHAW declared the Motion carried.

There was discussion on separating the motions into the variance requests for location and the variance request for sign height.

Motion was made by COMMISSIONER KRONER, seconded by COMMISSIONER GRAY, to grant the Petitioner, KEN ZOMPARELLI on behalf of Innovative Decks, the following Variations for a ground sign at 6926 183rd Street in the NF (Neighborhood Flex) Zoning District.

1. A ten foot (10') Variation from Section XII.4.E. of the Zoning Ordinance to allow for a ground sign where the required setback for a ground sign is ten feet (10') from the property line; and
2. A ten foot (10') Variation from Section XII.4.E of the Zoning Ordinance to allow for a ground sign where the required setback for a ground sign is ten feet (10') from the access drive.

These Variations would allow the Petitioner to keep the sign in the current location as it was installed. The sign has a sign face area of 30.5 square feet, is located two feet, six inches (2'6") into the public right-of-way.

With the following conditions:

1. That landscaping is added to the base of the sign within 60 days of approval by the Village Board
2. That the manual changeable copy must be removed within 60 days of approval by the Village Board.
3. Owner would need to sign the Public Encroachment document as put forth by the Public Works Department of the Village of Tinley Park within 60 days of approval by the Village Board.

AYES: PLAN COMMISSIONERS KRONER, GRAY, ENGEL, and CHAIRMAN SHAW

NAYS: PLAN COMMISSIONER MANI

CHAIRMAN SHAW declared the Motion approved.

Motion was made by COMMISSIONER ENGEL, seconded by CHAIRMAN SHAW, to grant the Petitioner, KEN ZOMPARELLI on behalf of Innovative Decks, the following Variation for a ground sign at 6926 183rd Street in the NF (Neighborhood Flex) Zoning District.

1. A two foot (2') Variation from Section XII.4.E. of the Zoning Ordinance to allow a twelve foot (12') tall ground sign where ten feet (10') is the maximum allowable height.

This Variation would allow the Petitioner to keep the sign at the current height of twelve feet (12') tall.

AYES: NONE

NAYS: PLAN COMMISSIONERS KRONER, GRAY, ENGEL, MANI, and CHAIRMAN SHAW.

CHAIRMAN SHAW declared the Motion failed.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES
FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION
SUBJECT: MINUTES OF THE AUGUST 3, 2017 REGULAR MEETING

M. BLOCK AND SONS, INC. – 18800 OAK PARK AVENUE – SITE PLAN APPROVAL, MINOR DEVIATION FROM THE TINLEY PARK CORPORATE CENTER/FIRST INDUSTRIAL PLANNED UNIT DEVELOPMENT & EXCEPTION FROM THE ZONING ORDINANCE

Consider granting the Petitioner, Jeff Musielewicz of Peak Construction Company on behalf of M. Block and Sons, Inc., Site Plan Approval and approving a Minor Deviation from the Tinley Park Corporate Center/First Industrial Planned Unit Development and an Exception from the Zoning Ordinance to allow for security improvements at the site including: fencing, gates, security guard houses, and related site improvements.

Present were the following:

Plan Commissioners:	Peter Kroner Lucas Engel Eduardo Mani Garrett Gray Ken Shaw, Chairman
Absent Plan Commissioner(s):	John Curran Tim Stanton Angela Gatto Bill LeMonnier
Village Officials and Staff:	Paula Wallrich, Interim Community Development Director Stephanie Kisler, Planner I Barbara Bennett, Commission Secretary
Petitioner:	Jeff Musielewicz, Peak Construction Co. Bob Reynolds, M. Block & Sons, Inc.

CHAIRMAN SHAW stated it is possible to approve this project tonight.

STEPHANIE KISLER, Planner I, stated the Petitioner is requesting a Site Plan Approval, a Minor Deviation, and an exception. This is based on the need for security improvements for the building located at 18801 Oak Park Avenue.

MS. KISLER displayed photos of the site and noted that this business has been at this location since 2012. They have had some issues with theft in the past. Staff spoke to the Police Department, who confirmed that they had eight (8) cases of theft reported since 2014. They currently have their own security staff and this project would add physical security improvements to the site. They are proposing to install guard rail, fencing, barrier gates, and two (2) guard stations. Trucks would have to enter and exit at the security houses.

MS. KISLER note the zoning of the site is M-1 PD (General Manufacturing, Planned Unit Development) and is part of the Tinley Park Corporate Center/First Industrial Planned Unit Development (PUD). The nearest residential area is north of I-80.

MS. KISLER stated there is a diagram in the Staff Report that shows the proposed the alteration of the southeast entrance drive to allow a wider turning radius for trucks. There is a need for increased width to accommodate multiple trucks entering and exiting the site. Additionally, this business will be sharing this particular access point with the adjacent 300,000 square foot building that will be under construction in the coming months. She also noted that employees use this entry drive to get to an employee parking lot on the east side of the building. She added that the Petitioner informed Staff this evening of the need to increase the proposed width from the original plan showing 38' to 60' wide.

COMMISSIONER GRAY stated he measured the current drive, which is 28' from edge of asphalt to edge of asphalt and 31' from back of curb to back of curb. From the back of curb there is 3' with a water main and 4' directly west is a fire hydrant. In one of their plans there is hydrant relocation and a light fixture that needs to be relocated. The grade is bermed up so there would also have to be some modification to the berm. He stated he would like to hear more details as to how they plan to deal with the relocations if they plan to widen the drive to 60'.

MS. KISLER noted this was sent to Engineering and nothing was mentioned about it the relocations; however, they may have reviewed the plan showing the 38' wide access drive rather than the 60' wide access drive.

MS. KISLER presented photos of the proposed fence, which is the requested exception from the front yard setback requirements for fencing. This line of fencing will be set back about 4' from the south property line.

CHAIRMAN SHAW asked for comments from the Commission the Petitioner.

JEFF MUSIELEWICZ, Peak Construction Company, stated in answer to the question about the hydrant and utility relocations the water main is coming directly from the east and all that would be required is extending the feed to the hydrant. We would also do the same this with the light pole.

MS. KISLER noted the location of the water main on the presentation.

CHAIRMAN SHAW noted that any Site Plan Approval will be subject to engineering approval at building permit stage.

COMMISSIONER KRONER asked about security cameras. MR. MUSIELEWICZ replied there are security cameras on the top of building. COMMISSIONER KRONER asked about extending the fence to the whole length of the building. MR. MUSIELEWICZ stated the idea was to be able to see the pond. We would not be opposed to that, but the fact is that we are tenants leasing the property and we have already expended a significant dollar amount, in conjunction with the landlord, to do all the improvements. We would have to discuss this with the landlord. We chose a more decorative fence and to extend beyond the pond would double the amount of fencing. We are also doing a significant amount of improvements on the inside of the building.

CHAIRMAN SHAW noted this fencing provides security from vehicular traffic rather than pedestrian traffic. If they were concerned about foot traffic, they probably would have proposed extending the fencing further. He asked if the guard houses will be manned. He added, for aesthetics, if it would be

possible to add landscaping at the end of the fence. MR. MUSIELEWICZ replied they will be manned during two shifts. They would consider a landscape feature at the end of the fence.

MS. KISLER stated the Standards for Site Plan Approval as noted in the Staff Report:

- a. That the proposed Use is a Permitted Use in the district in which the property is located.
- b. That the proposed arrangement of buildings, off-street parking, access, lighting, landscaping, and drainage is compatible with adjacent land uses.
- c. That the vehicular ingress and egress to and from the site and circulation within the site provides for safe, efficient, and convenient movement of traffic, not only within the site but on adjacent roadways as well.
- d. That the Site Plan provides for the safe movement of pedestrians within the site.
- e. That there is a sufficient mixture of grass, trees, and shrubs within the interior and perimeter (including public right-of-way) of the site so that the proposed development will be in harmony with adjacent land uses and will provide a pleasing appearance to the public; any part of the Site Plan area not used for buildings, structures, parking, or access-ways shall be landscaped with a mixture of grass, trees, and shrubs.
- f. That all outdoor trash storage areas are adequately screened.

CHAIRMAN SHAW noted hearing no further comments from the Commission or the Public asked for a Motion.

MOTION was made by COMMISSIONER KRONER, seconded by COMMISSIONER ENGEL, to grant the Petitioner, Jeff Musielewicz of Peak Construction Company on behalf of M. Block and Sons, Inc., the following approvals:

1. Site Plan Approval;
2. A Minor Deviation from the Tinley Park Corporate Center/First Industrial Planned Unit Development; and
3. A forty-six foot (46') Exception from Section V.B. of the Zoning Ordinance to allow an ornamental fence at a four foot (4') setback from the south property line where the required setback is fifty feet (50').

These approvals will allow for security improvements at 18801 Oak Park Avenue including: fencing, gates, security guard houses, and related site improvements in accordance with plans as noted within the List of Submitted Plans within the Staff Report.

...with the following conditions:

1. Add landscaping at the end of the decorative fencing.
2. The project is subject to Building Permit Review.

AYES: PLAN COMMISSIONERS KRONER, MANI, GRAY, ENGEL, and CHAIRMAN SHAW

NAYS: NONE

CHAIRMAN SHAW declared the Motion approved.

RECEIVE COMMENTS FROM THE PUBLIC

There were none.

GOOD OF THE ORDER

PAULA WALLRICH, Interim Community Development Director, reminded the Commissioners that the start time for the next meeting will be 7:00 p.m. She also noted the following project updates:

1. There will be a meeting regarding The Residences of Brookside Glen tomorrow.
2. Committee of Whole meeting will be next Tuesday. COW Meetings are now being held quarterly.
3. She is working on a Text Amendment to the municipal code on Chickens
4. Staff is working on Text Amendments for Outdoor Sales Display and Truck Leasing and these will come to the Plan Commission at the next meeting.
5. Waiver of the Building Code regarding sheds to allow a greenhouse without a concrete foundation.
6. Request for a temporary planner to cover Stephanie's honeymoon and Paula's medical leave.
7. B&B Warehousing has had complaints about odor. They have installed ozone machines.
8. Demo of Roger's Salon
9. Met with Banging Gavel and waiting to receive their site plan and landscape plan to bring before the Plan Commission.
10. Met with Trustee Glotz to talk about fences. Text Amendments will be coming before the Commission in the future.

CHAIRMAN SHAW reminded the Commissioners to respond to requests for attendance to make sure there is a quorum at the meetings.

ADJOURNMENT

There being no further business, a Motion was made by COMMISSIONER GRAY, seconded by COMMISSIONER MANI, to adjourn the Regular Meeting of the Plan Commission of August 3, 2017 at 9:12 p.m. The Motion was unanimously approved by voice call. PLAN COMMISSION CHAIRMAN SHAW declared the meeting adjourned.

PLAN COMMISSION STAFF REPORT

August 17, 2017

Text Amendments to the Zoning Ordinance: Outdoor Sales Display Regulations



WORKSHOP MEMO

In response to the Village's direction to amplify our business-friendly approach, Staff seeks direction for updating the regulations for Outdoor Sales Display areas. The current regulations within Section III.N.6. of the Zoning Ordinance only allow for outdoor display of seasonal gardening products. These regulations have not been strictly enforced in the past and Staff would like to formalize new regulations that would allow other displays of products.

Staff encourages the Plan Commission to drive around the Village (and other communities) and make note of different outdoor sales display areas. Commissioners should consider what the Village's vision for outdoor sales display areas should be going forward and think about how to strengthen the regulations for outdoor sales display areas to accomplish this vision.

CURRENT OUTDOOR SALES DISPLAY AREAS

Businesses like American Sale and The Great Escape have inquired about displaying their products outside their buildings. Other businesses, such as Five Below, Dick's Sporting Goods, Sear's, and many others already have various products displayed outside their stores. A Text Amendment to the Zoning Ordinance would assist these businesses in legally displaying their products outside the store to attract customers and aid in increasing sales and tax revenue.



RESEARCH & ANALYSIS

Staff reviewed regulations in other communities, both in the Chicagoland area and in other states, to see how other municipalities regulate outdoor sales displays. Staff continues to research other comparable regulations but provides below the following summaries from the research so far:

- Orland Park, IL: Seasonal sales are allowed on large lots with at least 250' of frontage along a road. The display must be set back at least 30'. The display can last for up to six months. Temporary sales (such as sidewalk sales and tent sales) must also be set back 30' but are limited to three days of display once per month. Staff notes that despite these regulations, it appears that some businesses are not consistent with these regulations, i.e. American Sales on Route 45. It is possible they received a variation or special use for their outdoor display.
- Naperville, IL: Restricts the outdoor sales display to seasonal items that are normally used within the season of the display. Outlines a specific area where products can be displayed. Notes that any sales area not meeting the regulations must be approved by the City Council.
- Richmond, IN: Does not restrict the type of merchandise that can be displayed. Gives specific standards for location, size, and screening.
- Glenview, IL: Allows seasonal goods to be displayed under plastic or canvas coverings. The maximum size for this display is 20' x 40' and 15' tall. The display has to be approved by the Appearance Commission. Christmas trees, pumpkins, and plants are allowed to be displayed without a covering for certain numbers of days but cannot be within a required setback.
- Evanston, IL: Allows the following in non-residential districts:
 - Indoor And Outdoor Festivals, Sidewalk Sales, Art, Craft And Plant Shows, Exhibits And Sales: Indoor and outdoor festivals, sidewalk sales, art, craft and plant shows, exhibits and sales shall be limited to three (3) consecutive days in length, and limited to six (6) special sales per year. Displays shall not encroach into required parking or yards.
 - Christmas Tree, Pumpkin And Garden Material Sales: Christmas tree, pumpkin and garden material sales shall be limited to nonresidential districts and shall be limited to a duration of forty-five (45) days.

CONSIDERATIONS

Staff took notes from the current Section III.N.6. and regulations in other communities and derived the following Important factors for consideration:

1. Approval Methods
 - a. Can outdoor sales display be approved administratively or should the Plan Commission and/or Village Board be the final authority?
 - b. Is there an opportunity for Staff to approve smaller-scale displays within specified parameters while the Plan Commission and/or Village Board could approve larger or more unique displays on a case-by-case basis?
2. Location of the Display
 - a. What zoning districts are appropriate for outdoor sales displays?
 - b. Need for proper accessibility around the displays
 - c. Are there certain areas that we do or do not want to see displays?
 - i. Should they be close to the building?
 - ii. Should they be directly adjacent to the street?
 - iii. Can they be off-site?

3. Size of the Display

- a. Should there be a maximum area for the display?
 - i. Is it different for a business in a multi-tenant building versus a standalone building?
- b. Should there a maximum height for the display?

4. Time of Display

- a. Should there be a limit on how long outdoor displays should occur? Seasonal only? During open hours only?

5. Other Considerations

- a. Screening from residential properties
- b. Lighting
- c. Cleanliness/orderliness of the display

COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

The Community Development Committee discussed the proposed Text Amendments at their August 8, 2017 meeting and concurred with Staff's recommendation to provide increased opportunity for outdoor display and level the 'play field' with retailers in adjacent communities.

STAFF RECOMMENDATION

Staff recommends a two-tiered approach to outdoor sales displays:

1. The first tier would be displays of seasonal goods or special sales. These displays may include, but are not limited to: sale of potted plants, mulch, clothes racks, propane, ice, and small product display racks.
2. The second tier would be displays of seasonal goods or special sales that do not meet the regulations within the Level 1 Outdoor Sales Display Section. These displays may include, but are not limited to: large products or equipment, appliances, seasonal recreational items (pools, play equipment, etc.), accessory structures (sheds, gazebos, etc.) or display of building materials (fencing, pavers, etc.).

The first tier of outdoor sales display would be subject to regulations for location, size, and time of display and could be approved administratively. Any proposals for outdoor sales displays that would not meet the regulations within the first tier would be required to be reviewed and approved by the Plan Commission and/or the Village Board.

These amendments to the Zoning Ordinance would allow for more typical, smaller scale outdoor displays (with products other than just garden items) to be approved administratively and would give the Plan Commission and/or Village Board the authority to approve the larger displays. Staff would like to get the Commission's direction and input on the appropriate regulations for outdoor sales displays within the Village of Tinley Park.

A draft of a proposed Text Amendment for outdoor sales display regulations is included in the Plan Commission meeting packet for review.

Following a successful workshop, this item will proceed to Public Hearing at the September 7, 2017 Plan Commission meeting.

TEXT AMENDMENT: OUTDOOR SALES DISPLAYS

Section III.N. of the Zoning Ordinance

6. Outdoor Sales Display Standards:

- a. **Intent:** The intent of the Outdoor Sales Display Standards is to permit the use of outdoor areas for display and sales of merchandise, but to ensure that such displays are sensitive to the character of the Village and do not jeopardize the health, safety, and welfare of the people within the Village of Tinley Park.
- b. **Applicability:**
- (1) Outdoor areas that a business or organization wants to use on a regular or seasonal basis for outdoor displays shall meet the regulations within this Section.
 - (2) This Section does not include outdoor sales display related to automotive dealerships.
- c. **Requirements for Level 1 Outdoor Sales Display:**
- (1) **Description of Level 1 Outdoor Sales Display:** Level 1 Outdoor Sales Display includes the display of seasonal goods or special sales. These displays may include, but are not limited to: sale of potted plants, mulch, clothes racks, and small product display racks.
 - (2) **Approval:**
 - (A) A permit application (including plans for the display) must be submitted to the Community Development Department prior to displaying products outside. The submittal shall include the following:
 - (i) Application form
 - (ii) Plat of Survey
 - (iii) Dimensioned plans showing the display area
 - (iv) Information about what types of products will be displayed
 - (v) Display time plan outlining when the outdoor display period will occur
 - (B) The Zoning Administrator or their designee shall review the application and determine if the criteria within this Section have been met.
 - (C) The Applicant will pay a fee of \$50.00 for the permit upon approval.
 - (3) **Location:**
 - (A) Zoning:
 - (i) Outdoor sales display is limited to non-residential properties only.
 - (B) Accessibility:
 - (i) An outdoor sales display area shall not block any accessibility ramp, parking space, door, fire hydrant, drive aisle, or driveway.
 - (ii) A minimum of thirty-six inches (36") shall be maintained for sidewalks and pedestrian ways in front of the outdoor sales display area.
 - (C) Setbacks:
 - (i) Front Yard: An outdoor display area can encroach up to five feet (5') into the required front yard setback standard identified in the applicable Zoning District in Section V. of the Zoning Ordinance.
 - (ii) Side and Rear Yards: An outdoor display area shall meet the accessory structure side yard and rear yard setback standard identified in the applicable Zoning District in Section V. of the Zoning Ordinance.
 - (D) Proximity to Primary Structure:
 - (i) An outdoor sales display area shall be either:
 - (i.a) Fifteen feet (15') or less from the front façade of the primary structure; or
 - (i.b) Forty feet (40') or less from a side façade of the primary structure

TEXT AMENDMENT: OUTDOOR SALES DISPLAYS

(E) Placement:

- (i) An outdoor sales display area shall be located at grade level and shall not be allowed on top of the roof.
- (ii) An outdoor sales display shall not create any visibility hazard or obstruction to vehicles or pedestrians.
- (iii) An outdoor sales display area shall be located on the same parcel as the principal structure.

(4) Size:

(A) Maximum Area:

- (i) Standalone Building: The cumulative area of all outdoor display area shall not exceed fifteen percent (15%) of the footprint of the principal structure to which the outdoor display area is associated.
- (ii) Within Multi-Tenant Building: The cumulative area of all outdoor display area shall not exceed twenty-five percent (25%) of the tenant frontage of the tenant space to which the outdoor display area is associated.

(B) Maximum Height:

- (i) Products displayed outside the principal structure shall not exceed ten feet (10') in height.

(5) Time for Display:

- (A) Outdoor sales displays shall occur only between April 15th and October 15th of each year, unless otherwise approved in writing by the Zoning Administrator or their designee.
- (B) Outdoor sales displays shall only be displayed during the business or organization's hours of operation, unless otherwise approved in writing by the Zoning Administrator or their designee.

(C) ANY LENGTH OF TIME?

d. Requirements for Level 2 Outdoor Sales Display:

- (1) Description of Level 2 Outdoor Sales Display: Level 2 Outdoor Sales Display includes the display of year-round goods that are subordinate and customarily incidental to the principal use. These displays may include, but are not limited to: propane, ice, and vending machines.

(2) Approval:

- (A) A permit application (including plans for the display) must be submitted to the Community Development Department prior to displaying products outside. The submittal shall include the following:
 - (i) Application form
 - (ii) Plat of Survey
 - (iii) Dimensioned plans showing the display area
 - (iv) Information about what types of products will be displayed
 - (v) Display time plan outlining when the outdoor display period will occur
- (B) The Zoning Administrator or their designee shall review the application and determine if the criteria within this Section have been met.
- (C) The Applicant will pay a fee of \$50.00 for the permit upon approval.

(3) Location:

(A) Zoning:

- (i) Outdoor sales display is limited to non-residential properties only.

(B) Accessibility:

- (i) An outdoor sales display area shall not block any accessibility ramp, parking space, door, fire hydrant, drive aisle, or driveway.
- (ii) A minimum of thirty-six inches (36") shall be maintained for sidewalks and pedestrian ways in front of the outdoor sales display area.

TEXT AMENDMENT: OUTDOOR SALES DISPLAYS

(C) Setbacks:

- (i) Front Yard: An outdoor display area can encroach up to five feet (5') into the required front yard setback standard identified in the applicable Zoning District in Section V. of the Zoning Ordinance.
- (ii) Side and Rear Yards: An outdoor display area shall meet the accessory structure side yard and rear yard setback standard identified in the applicable Zoning District in Section V. of the Zoning Ordinance.

(D) Proximity to Primary Structure:

- (i) An outdoor sales display area shall be either:
 - (i.a) Fifteen feet (15') or less from the front façade of the primary structure; or
 - (i.b) Forty feet (40') or less from a side façade of the primary structure

(E) Placement:

- (i) An outdoor sales display area shall be located at grade level and shall not be allowed on top of the roof.
- (ii) An outdoor sales display shall not create any visibility hazard or obstruction to vehicles or pedestrians.
- (iii) An outdoor sales display area shall be located on the same parcel as the principal structure.

(4) Size:

(A) Maximum Area:

- (i) Standalone Building: The cumulative area of all outdoor display area shall not exceed five percent (5%) of the tenant frontage of the tenant space to which the outdoor display area is associated.
- (ii) Within Multi-Tenant Building: The cumulative area of all outdoor display area shall not exceed ten percent (10%) of the tenant frontage of the tenant space to which the outdoor display area is associated.

(B) Maximum Height:

- (i) Products displayed outside the principal structure shall not exceed ten feet (10') in height.

(5) Time for Display:

- (A) Due to the nature of these types of goods, the display shall be permitted permanently unless otherwise noted in writing by the Zoning Administrator or their designee.

e. Requirements for Level 3 Outdoor Sales Display:

- (1) Description of Level 3 Outdoor Sales Display: Level 3 Outdoor Sales Display includes the display of goods that do not meet the regulations within the Level 1 or Level 2 Outdoor Sales Display Sections. These displays may include, but are not limited to: large products or equipment, appliances, seasonal recreational items (pools, play equipment, etc.), accessory structures (sheds, gazebos, etc.) or display of building materials (fencing, pavers, etc.).

(2) Approval:

- (A) A permit application (including plans for the display) must be submitted to the Community Development Department prior to displaying products outside. The submittal shall include the following:
 - (i) Application form
 - (ii) Plat of Survey
 - (iii) Dimensioned plans showing the display area
 - (iv) Information about what types of products will be displayed
 - (v) Display time plan outlining when the outdoor display period will occur

TEXT AMENDMENT: OUTDOOR SALES DISPLAYS

(B) The Village Planner or their designee shall review the application and present the information to the Plan Commission for Approval.

(C) The Applicant will pay a fee of \$150.00 for the permit upon approval.

f. Signage:

- (1) Any signage affiliated with an Outdoor Sales Display is subject to the regulations within Section IX of the Zoning Ordinance.

g. Appeals:

- (1) Appeals to this Section shall be heard by the Village Board.

h. Penalty:

- (1) Outdoor sales displays without permits must be removed immediately upon notice of the violation.
- (2) If an outdoor sales display is exhibited without a permit, then the business owner is subject to a fine equal to double the permit fee and a permit still must be obtained.



Project Planner

Stephanie Kisler, AICP
Planner I

PLAN COMMISSION STAFF REPORT

August 17, 2017

Text Amendments to the Zoning Ordinance: Truck Rental in MU-1

WORKSHOP MEMO

There is interest in truck rental in the area near 175th Street and Duvan Drive. This area is zoned ORI (Office and Restricted Industrial) and is part of the Mixed-Use Duvan Drive (MU-1) Overlay District. Similar types of businesses are permitted or allowed as a Special Use in this district, but this specific type of business is not distinguished within the current Schedule of Permitted Uses in Section V.B. of the Zoning Ordinance.

Staff seeks input from the Plan Commission as to whether this type of use should be allowed and whether certain conditions should apply. Staff will prepare a Text Amendment to the Zoning Ordinance in accordance with direction from the Community Development Committee, the Plan Commission, and the Village Board.

CURRENT TRUCK RENTAL IN MU-1

Staff notes that one business, Tinley Auto Repair at 17600 Duvan Drive, already operates a U-Haul rental service in addition to their auto repair business. Staff could not locate past approvals for the U-Haul component of the business. Their business license only indicates “auto repair shop/towing” in the business description.

B&B Warehousing is now inquiring about renting Budget trucks from their location at 7351 Duvan Drive.



Current Photo of U-Haul Rentals at Tinley Auto Repair (17601 Duvan Drive)



Google Street View Images of U-Hauls at Tinley Auto Repair (17601 Duvan Drive)

ANALYSIS OF CURRENT CODE

Currently, Section V of the Zoning Ordinance lists the following uses that are similar to a truck rental business and whether they are permitted, Special Uses, or prohibited.

USE	Allowed in MU-1?
Equipment rental and leasing services	Permitted
Heavy equipment sales/rental	Special Use Permit Required
Vehicle sales/rental	Prohibited
Vehicle sales/rental (internal display only)	Special Use Permit Required

Summary from Section V.B. Schedule I of the Zoning Ordinance

There isn't a clear distinction for truck rental within this Section, so Staff is seeking direction from the Commission on whether we should add a category specific to truck rental, make it a permitted or a Special Use, and if there are any conditions that should be required for this type of business. Here is a draft of what a new regulation might look like:

USE	Allowed in MU-1
Truck rental*	Special Use Permit Required

* Conditions:

1. The rental vehicles must be parked on a paved surface meeting all applicable Village codes.
2. The rental vehicles cannot be parked within the parking spaces that are required for the business per Section VIII of the Zoning Ordinance.
3. The rental vehicles must be screened from view (by vinyl privacy fencing, landscaping, or a combination of both) or located in such a way that the vehicles cannot be seen from the public right-of-way.
4. The rental vehicles must be parked in a manner that does not block entrances, drive aisles, or other access ways.

Staff notes that these types of conditions could greatly improve the aesthetics associated with this type of outdoor use. The conditions would also ensure that the trucks do not occupy required parking spaces for other needs within the site nor would they block access throughout the site.

In addition to adding the new category, Staff proposes to make a small change to make the other categories more clear. Since "heavy equipment sales/rental" is called out specifically, the category of "equipment rental and leasing services" should be clarified as "light equipment sales/rental" in order to remain consistent. Both "heavy equipment" and "light equipment" are defined in Section II of the Zoning Ordinance.

A sample of what the changes to the table would look like is displayed below (amendments in red):

USE (continued)	R-1	R-2	R-3	R-4	R-5	R-6	R-7	B-1	B-2	B-3	B-4	B-5*	ORI	M-1	MU-1
AUTOMOTIVE, BOAT, RECREATIONAL VEHICLE, AND GENERAL EQUIPMENT USES															
Equipment rental and leasing services												P			P
Light equipment sales/rental												P			P
Heavy equipment sales/rental												S			S
Towing services															P
Towing services (excluding vehicle storage)												S			
Truck rental *															S
Vehicle sales/rental												P	X	X	X
Vehicle sales/rental, internal display only															S
Other similar or compatible uses, as recommended by the Plan Commission and approved by the Village Board												S			

* Conditions:

1. The rental vehicles must be parked on a paved surface meeting all applicable Village codes.
2. The rental vehicles cannot be parked within the parking spaces that are required for the business per Section VIII of the Zoning Ordinance.
3. The rental vehicles must be screened from view (by vinyl privacy fencing, landscaping, or a combination of both) or located in such a way that the vehicles cannot be seen from the public right-of-way.
4. The rental vehicles must be parked in a manner that does not block entrances, drive aisles, or other access ways.

COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

The Community Development Committee discussed the proposed Text Amendments at their August 8, 2017 meeting and concurred with Staff's recommendation to allow truck rental as a Special Use.

STAFF RECOMMENDATION

Staff recommends allowing truck rental as a Special Use with certain conditions that encompass where the trucks can be parked and proper screening of the trucks.

A draft of a proposed Text Amendment for truck rental regulations is included in the Plan Commission meeting packet for review.

Following a successful workshop, this item will proceed to Public Hearing at the September 7, 2017 Plan Commission meeting.

TEXT AMENDMENT: TRUCK RENTAL

USE (continued)	R-1	R-2	R-3	R-4	R-5	R-6	R-7	B-1	B-2	B-3	B-4	B-5 ^a	ORI	M-1	MU-1
AUTOMOTIVE, BOAT, RECREATIONAL VEHICLE, AND GENERAL EQUIPMENT USES															
Equipment rental and leasing services												P			P
Light equipment sales/rental												P			P
Heavy equipment sales/rental												S			S
Towing services															P
Towing services (excluding vehicle storage)												S			
Truck rental *															S
Vehicle sales/rental												P	X	X	X
Vehicle sales/rental, internal display only															S
Other similar or compatible uses, as recommended by the Plan Commission and approved by the Village Board												S			

* Conditions:

1. The rental vehicles must be parked on a paved surface meeting all applicable Village codes.
2. The rental vehicles cannot be parked within the parking spaces that are required for the business per Section VIII of the Zoning Ordinance.
3. The rental vehicles must be screened from view (by vinyl privacy fencing, landscaping, or a combination of both) or located in such a way that the vehicles cannot be seen from the public right-of-way.
4. The rental vehicles must be parked in a manner that does not block entrances, drive aisles, or other access ways.