



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

**November 3, 2016 – 7:30 P.M.  
AUDITORIUM-CAFETORIUM  
Central Middle School – 18146 S. Oak Park Avenue**

**Special Meeting Called to Order**

**Roll Call Taken**

**Communications**

**Item #1**

## **WORKSHOP: TEXT AMENDMENTS TO SECTION XII (LEGACY CODE) OF THE ZONING ORDINANCE**

Per direction of the Village Board and the Plan Commission, discuss the Legacy Plan and Legacy Code, including the following topics:

- The Legacy Plan – Vision for the Downtown Area
- Understanding the Legacy Code
- Land Uses in the Legacy District

**Good of the Order**

**Receive Comments from the Public**

**Adjourn Meeting**

**STAFF REPORT AND SUPPORTING DOCUMENTS ARE ATTACHED**



# PLAN COMMISSION STAFF REPORT

November 3, 2016

## WORKSHOP: Text Amendments to Section XII (Legacy Code) of the Zoning Ordinance

### Applicant

Village of Tinley Park

### Property Location

Legacy District (167<sup>th</sup>  
Street to 183<sup>rd</sup> Street near  
Oak Park Avenue)

### Zoning

All Legacy Code Zoning  
Districts are impacted  
(DC, DF, DG, NG, NF, and  
CV)

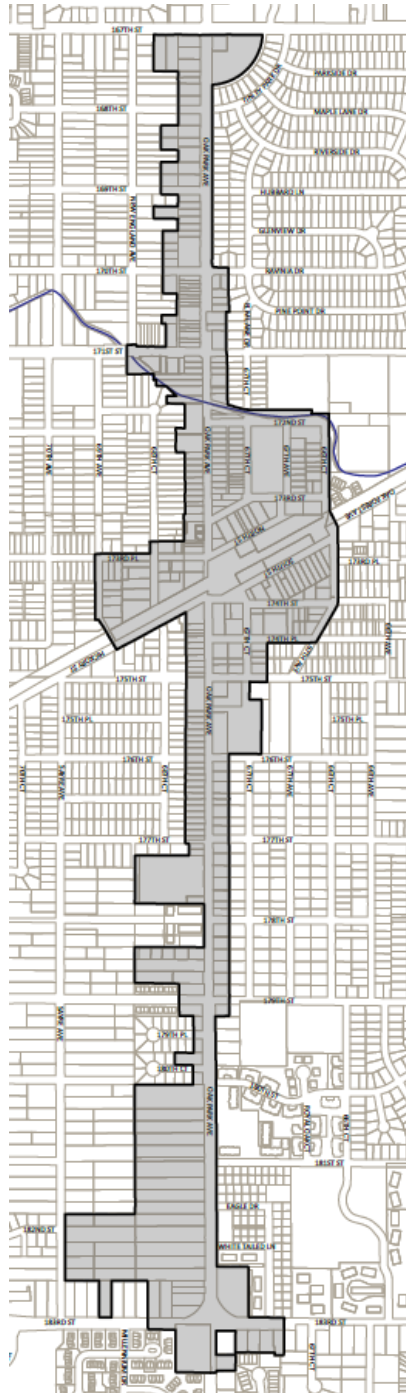
### Approval Sought

Text Amendments to  
Village of Tinley Park  
Zoning Ordinance, Section  
XII (Legacy Code)

### Project Planners

Paula J. Wallrich, AICP  
Interim Community  
Development Director

Stephanie Kisler, AICP  
Planner I



### EXECUTIVE SUMMARY

On May 17, 2016, the Village Board passed Ordinance 2016-O-025 which rescinded Ordinance 2015-O-045, "An Ordinance Making Certain Text Amendments to Section XII (Legacy Code) of the Tinley Park Zoning Ordinance and the Rezoning Property Relative to the Legacy Code Zoning Districts", adopted October 6, 2015. The rescission of these text amendments essentially returned the Legacy Code to its original condition, originally adopted on July 19, 2011. As part of the Village Board's action, Trustee Jacob Vandenberg proposed a thorough review of the 2011 Legacy Code and its potential effect on the downtown corridor. Trustee Vandenberg expressed his desire that the Code be re-examined to see whether it contributes to the Village's vision for the downtown corridor. In addition, he felt it was critical to examine the tax ramifications of land use requirements in the Legacy Code.

Staff was subsequently directed to conduct a review of the Legacy Code and the proposed text amendments. To initiate this analysis, the Plan Commission held a Public Hearing on June 16, 2016 where the agenda for the meeting included the same text amendments from the agenda that was originally posted as part of the public hearing for the now rescinded text amendments on September 3, 2015. The purpose of posting the same agenda was to provide the public with the opportunity to discuss the same text amendments that the Board rescinded in May 2016. There was no action taken at the June 16, 2016 Plan Commission meeting. Staff was directed to take the public comments into consideration as part of their analysis in reviewing the Legacy Code and in particular to analyze "First Floor Uses" and the fiscal impact of land use regulations.

## **EXECUTIVE SUMMARY (CONTINUED)**

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Since the July 16, 2016 Public Hearing, Staff has investigated zoning ordinances from other communities relative to the land use regulations for downtown districts. The Village Treasurer, Brad Bettenhausen, conducted a fiscal impact study which is included as part of this meeting packet. In addition to Staff's research, Staff worked with the Citizen Advisory Committee, created in the spring of 2016, whose mission was "to investigate ways to support development in the downtown area, establish a comprehensive vision for the long term viability of the downtown area, and evaluate any hindrances to development that may result from the enforcement of the Comprehensive Plan, Zoning Ordinance, and/or Legacy Code and their established entitlement processes." Agendas and Minutes of these meetings are also included as part of this meeting packet.

On November 3, 2016, the Plan Commission will hold its first workshop to discuss the Legacy Code and ensure that the regulations within the Legacy Code are consistent with the 2009 Legacy Plan. Various relevant documents, such as meeting minutes from the Plan Commission and the Citizen Advisory Committee, the Village Treasurer's a fiscal impact study, and the H-1 Historic District Ordinance, have been included in the meeting packet to provide background information. Staff has also provided a list of discussion topics and relevant research to help guide the Plan Commissioners in the workshop discussions.

**Public comment will be heard at the conclusion of the Plan Commission's workshop discussion.**

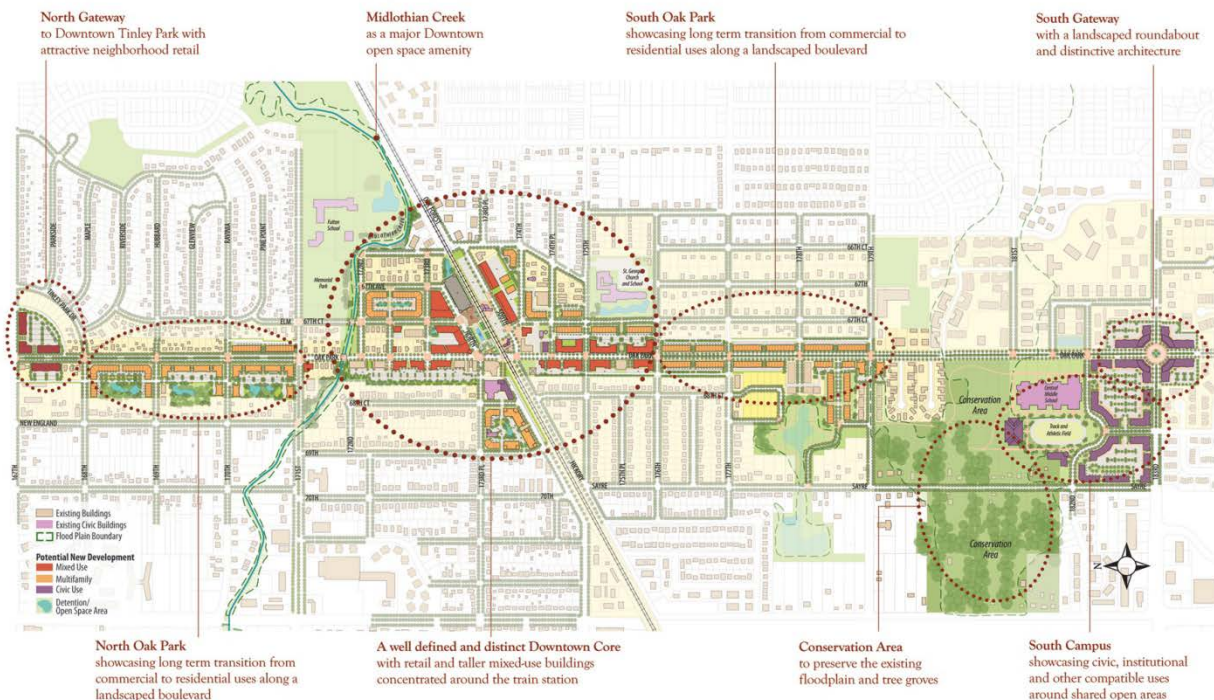
## BACKGROUND ON THE LEGACY PLAN

The Legacy Plan was adopted in December 2009 and was the result of a ten month long public planning process involving community members and stakeholders. The Plan outlines a vision, plan, street framework plan, plans for bike trails, open space, and stormwater management, and discusses how to build upon the legacy of Downtown Tinley Park.

The Legacy Plan envisioned that “Downtown Tinley Park will be known in the Chicagoland Region as a premiere transit-oriented downtown - a vibrant place to live within walking distance of a major train station. Oak Park Avenue will thrive as Tinley’s historic main street, hosting a variety of restaurants, shops and venues to attract people during the day and the evening. Downtown streets will place pedestrians first - with shaded sidewalks, places to sit, and safe crossings. New bike trails will connect Downtown to regional open spaces. Midlothian Creek will be rediscovered as a major downtown amenity, with a creek park, pedestrian bridges and trails. New development will respect the scale of the old historic buildings. A new gateway to the south will connect Oak Park Avenue and Downtown to the Convention and Hotel District. Downtown will continue to be the center of the community - a vibrant enduring place to live, shop, work and visit.”



### Illustrative Master Plan

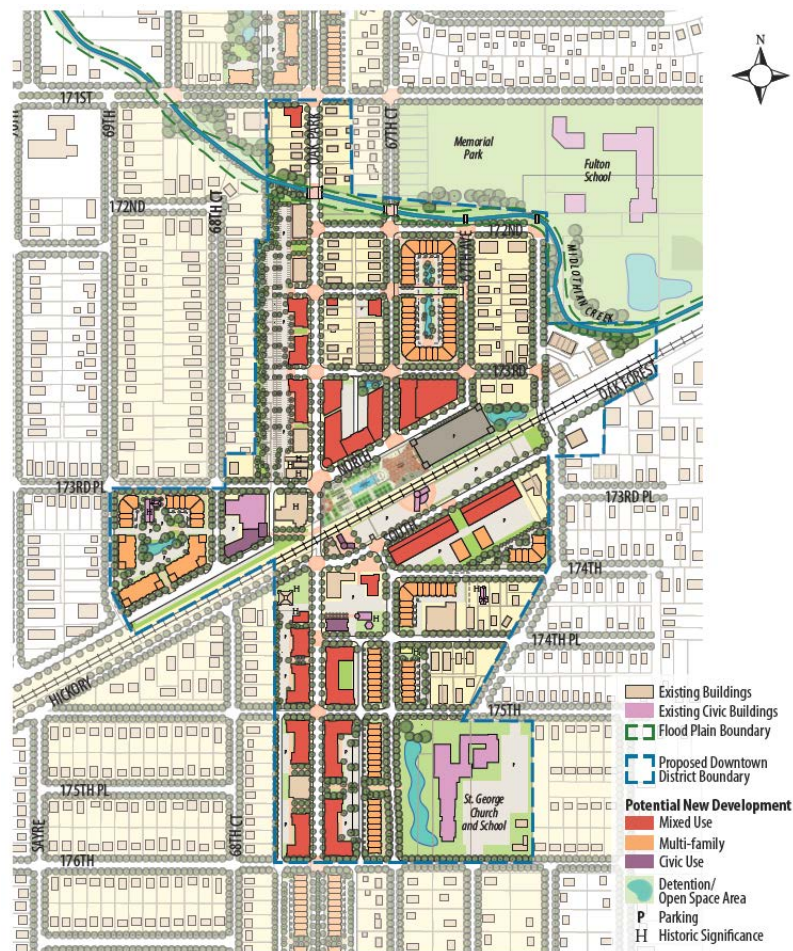


*“A legacy is something that is handed down or remains from a previous generation or time. Tinley Park is fortunate to have the historic legacy of a charming downtown grown from the roots of a train station, handed down from the early 19<sup>th</sup> Century settlers to today’s community.”*



### **Principles of the Legacy Plan**

1. Preserve Tinley Park's unique historic heritage.
2. Ensure that new development respects the historic scale and character of Downtown.
3. Build a strong economic future for Downtown Tinley Park.
4. Maximize the number of people living within walking distance of the train station.
5. Encourage building mass to peak at the downtown core.
6. Transition from commercial uses to residential uses outside the downtown core.
7. Create a walkable downtown where pedestrians come first.
8. Create a connected roadway framework with small walkable blocks.
9. Promote a green showcasing leadership in preservation of natural resources and sustainable practices.
10. Position Downtown as a focal point of the regional bike path system.



Prior to the Legacy Plan, the Village had completed other long-term planning projects for the Downtown Tinley Park area, including the 1998 Camiros Old Town Plan and its 2005 Downtown Plan Update, the 2004 Downtown Parking and Traffic Study, and the 2008 Market Study. To encourage the implementation of many of the recommendations in these plans, the Village developed a variety of incentive programs, including the creation of two Tax Increment Finance (TIF) districts, to encourage such things as new construction and façade improvements throughout the Downtown.

## BACKGROUND ON THE LEGACY CODE

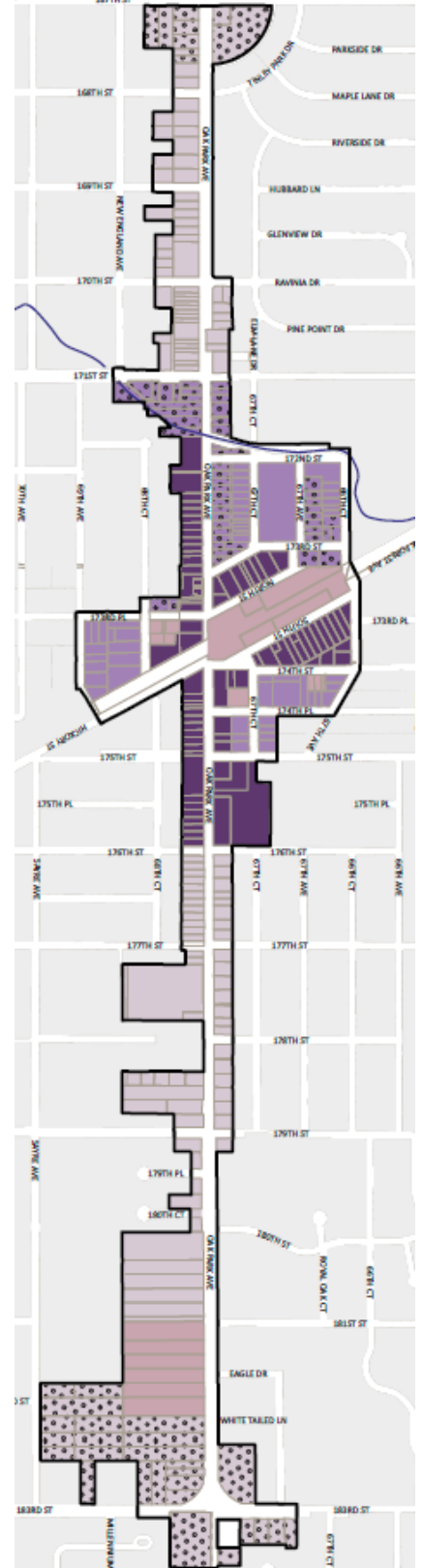
The Legacy Code was adopted in July 2011 and replaced the H-1 Historic District Ordinance as Section XII of the Village's Zoning Ordinance. The Legacy Code is intended to be used to implement the Legacy Plan by codifying Tinley Park's vision with a purposefully specific and precise form-based approach.

The Legacy Code was created to strengthen the aesthetics and economics of the downtown by implementing the principles from the Legacy Plan.

### **Intent of the Legacy Code**

1. Regulating building form to create a street wall of appropriately scaled buildings that address the street and create a pedestrian-oriented setting.
2. Prohibiting the placement of off-street parking in front yards in order to maintain the continuity of buildings along the street, minimize the views of parked cars, and provide adequate sidewalks and amenities for pedestrians and bicyclists.
3. Prohibiting drive-through facilities and other automobile related uses to encourage an environment where pedestrian comfort and safety comes first, residential homes can be established near the street, and curb cuts are minimized.
4. Regulating streets and rights-of-way to encourage landscaped streetscapes and complete streets that accommodate multiple modes of travel.
5. Concentrating commercial development in a walkable downtown core and transition areas outside the core to residential development to create a supportive neighborhood market.
6. Creating architectural standards to ensure that new buildings comply with the community's shared vision.
7. Create a review process that rewards compliance with the Legacy Code and Legacy Plan with a shortened review process.

The Legacy Code includes regulations for different zoning districts, such as Downtown Core, Downtown General, Downtown Flex, Neighborhood General, Neighborhood Flex, and Civic, including how the property can be used, building setbacks, frontages, parking, landscaping, lighting, and thoroughfare standards.



## DISCUSSION TOPICS FOR WORKSHOP 11/3/2016

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Staff has provided an outline of topics to assist the Plan Commission's discussion at the November 3, 2016 Plan Commission meeting, including:

- **The Legacy Plan — Vision for the Downtown Area**
  - Implications and directives for the establishment of land use regulations in the Legacy District
- **Understanding the Legacy Code**
  - How the Code was created
    - H-1 District
    - Land use inventory
    - Zoning analysis
  - Explanation of Legacy Districts
  - Approval Processes
  - Redevelopment Sites and Heritage Sites
- **Land Uses in the Legacy District:**
  - Discussion of first floor uses within the Legacy District
    - Exhibit A: Comparison of First Floor Downtown Regulations from Other Communities
  - Discussion of commercial uses (retail, service, and office uses)
    - Reference Citizen Advisory Committee (CAC) minutes regarding recommended mix of types of commercial uses.
    - Roger Brooks (Roger Brooks International; the Village's Branding Facilitator) mentioned that a special zoning overlay for the downtown may be an option for helping to differentiate between where retail, service, and offices can locate. This overlay can help prioritize the areas where the Village desires to concentrate different business types.
  - Proposed changes to the Permitted, Special, and Prohibited Uses within the Legacy District, as discussed by the Citizen Advisory Committee (CAC).
    - Exhibit B: CAC Recommendation of Changes to the Use Tables (Table 3.A.1 and 3.A.2)
    - Discussion of Use Conditions

## **FUTURE DISCUSSION TOPICS**

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Staff has identified additional topics for future discussion, including but not limited to:

- Heritage Sites
- Public Infrastructure Improvements
- Design Guidelines
- Sign Regulations
- Incentives for Blade Signs
- Boutique Liquor Uses
- Communication/Public Notification



## **ATTACHED DOCUMENTS FOR WORKSHOP 11/3/2016**

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The following documents have been provided in the Plan Commission packet for review:

- Memo: Oak Park Avenue Development Financial Impacts by Brad Bettenhausen, Village Treasurer
- Exhibit A: Comparison of First Floor Downtown Regulations from Other Communities
- Exhibit B: CAC Recommendation of Changes to the Use Tables (Table 3.A.1 and 3.A.2)
- Helpful Links: Legacy Plan, Legacy Code, and Village GIS
- Village Board Minutes from 5/17/2016, as recorded in summary format
- Plan Commission minutes from the 6/16/2016 meeting, as recorded in summary format.
- Plan Commission minutes from the 6/16/2016 meeting, as recorded in verbatim format by the Court Reporter
- Citizen Advisory Committee agenda from 3/24/2016
- Citizen Advisory Committee minutes from 3/24/2016, as recorded in summary format
- Citizen Advisory Committee agenda from 4/11/2016
- Citizen Advisory Committee minutes from 4/11/2016, as recorded in summary format
- Citizen Advisory Committee agenda from 5/2/2016
- Citizen Advisory Committee agenda (expanded version) from 5/2/2016
- Citizen Advisory Committee minutes from 5/2/2016, as recorded in summary format
- Citizen Advisory Committee agenda from 7/25/2016
- Citizen Advisory Committee minutes from 7/25/2016, as recorded in summary format
- Citizen Advisory Committee agenda from 9/12/2016
- Citizen Advisory Committee minutes (Draft) from 9/12/2016, as recorded in summary format
- Citizen Advisory Committee agenda from 10/3/2016
- Citizen Advisory Committee minutes (Draft) from 10/3/2016, as recorded in summary format
- H-1 Historic District Ordinance



# MEMORANDUM



TO: Plan Commission

FROM: Brad Bettenhausen, Treasurer

RE: Oak Park Avenue development financial impacts

DATE: 12 October 2016

Information was requested about the financial impacts of development on Oak Park Avenue.

#### Sales Taxes:

The total sales tax rate applicable to Cook County (applicable to all of Oak Park Avenue and "Downtown" businesses) is 9.75%. Of this rate, the Village receives 1% computed on all taxable sales, and 0.75% (Home Rule Sales Tax) from a subset of all taxable sales that excludes titled property (vehicles), groceries and drugs (all items subject to the "low rate" sales tax of 2.25%).

During calendar 2015, the Village was beneficiary of over \$18,750,000 in sales taxes throughout the entire community. It must be kept in mind that new and used car sales are a significant component of this annual sales tax figure. Of this amount, excluding automotive sales, Oak Park Avenue and "Downtown" businesses (this includes areas both north and south of the Legacy Code Overlay Districts) represented approximately \$715,000 (3.8% of the total calendar year sales taxes).

A common metric used for measuring retail activity is to compute Sales per Square Foot (SPSF). SPSF will vary significantly by location, type of business, and other factors. While Oak Park Avenue is well traveled, it has not been the main thoroughfare through the community for over 50 years. The volume of traffic (vehicle and pedestrian are separate metrics) that passes a location is also a considered factor for retail locations. Accordingly, both the types of businesses and the retail activities can be different than found in other higher traffic locations. It can be expected that most retailers found in the Oak Park Avenue area will typically have taxable sales in the range of \$100-\$250 per square foot annually. Any new commercial spaces added to this area generally would not be expected to produce taxable sales significantly different than this metric. It can also be expected that some newly created commercial spaces will be used for non-retail purposes such as professional offices (accountants, lawyers, insurance agencies, etc.) and thus will not add to the community's sales tax revenues.

#### Property taxes:

The Legacy Code defined several zones to guide development along Oak Park Avenue between 167<sup>th</sup> Street and 183<sup>rd</sup> Street. The breakdown of these zones from a property tax perspective are found on the attached page using information from the most recent 2015 tax year and the Village's GIS mapping.

Property in Cook County, with limited exceptions, is assessed at either 10% (land and residential uses), or 25% (commercial uses), of the fair value for property tax purposes. This resulting computation of the property value times the assessment rate is known as the Assessed Value (AV).

All properties in Cook County are subject to an Equalization Factor (sometimes referred to as a Multiplier) which is designed to bring the taxable value of all property to equal the statutory 1/3 of fair value, which is a requirement of Illinois statutes for property tax purposes. For tax year 2015, the Cook

County Equalization Factor was 2.6685. The AV is multiplied by the Equalization Factor resulting in the preliminary Equalized Assessed Value (EAV). The final EAV will also reflect reductions for any exemptions (typically for residential properties) that are applicable.

Through the two primary assessment percentages (10% or 25%) found in the Cook County Classified System of Assessment, a greater portion of the overall tax burden is shifted and placed on commercial properties. Commercial properties are assessed at 2.5 times the rate of a residential property. After equalization (2015 tax year), a commercial property is effectively paying taxes on nearly 67% of the fair value.

The accompanying table includes the number of parcels that are exempt, vacant land, residential, and commercial for each of the Legacy zones. The table reflects the Assessed Value (AV), Equalized Assessed Value (EAV), total taxes generated, and Village portion of the total taxes. For properties that are currently assessed and taxed as commercial properties, additional figures are provided that reflect the impact if those commercially assessed properties were to be treated as residential. The reduction to the Assessed Value, and the impact (reduction) of Village taxes are also reflected.

However, a number of owners/businesses in the Legacy overlay zoning area have taken advantage of the special “Mom and Pop” assessment classification offered by Cook County. This program’s informal name/reference refers to a traditional practice where a family would live in the same building as their small business (e.g. the old fashioned corner grocery where the proprietor lived upstairs). Under this assessment classification, mixed use properties (containing both commercial and residential units) are afforded the lower residential (10%) assessment treatment instead of as commercial property (25% assessment rate) that would otherwise apply/occur. The benefit to these property/business owners is a reduction in their tax bill of approximately 40% comparatively to if they had been assessed as commercial property. It is very clear why this has been a popular and favored assessment treatment by the small business and property owners along Oak Park Avenue. In review, there are some additional properties within the Legacy zones that appear to meet the qualifications for this special classification but have not currently applied for it with the County Assessor. The “Class 2 Mixed Use” table summarizes the properties within each of the Legacy zones that are reflected and taxed as residential properties in the Summary table even though they also have a commercial use component.

Please note that the newer “mixed use” structures on Oak Park Avenue (Springfort Hall 17200 OPA; PASS/Tinley Park Arms 17212 OPA; and Park Oaks 17318 OPA) have been organized with separate ownership condominium units. Each unit has its own separate PIN (parcel identification number) assignment. In these cases, the ownership of the commercial spaces are not combined with the residential dwelling units. Because of this, the first floor commercial spaces do not qualify for this special reduced assessment treatment. There must be common ownership of the commercial and residential units under a common PIN to receive the benefit of reduced assessment.

The accompanying graph reflects the breakdown of property taxes applicable to all properties within the Legacy Code area. As noted, the last (far right) column of the following table reflects the property tax impacts to the Village if all the commercially taxed property were to be reduced to residential assessment levels. As illustrated by the graph, the Village’s property tax only represents 10% of the overall bill. The collective impact to other taxing bodies would be more significant.

Village of Tinley Park, Illinois  
Summary of Legacy Code Zoning Districts  
Tax Year 2015

	Parcel Count	AV Assessed Value	EAV Equalized Value	Total Tax	Village Tax	Reduced AV if not Commercial	Impact: Reduced Village Tax
<b>Civic</b>	20	\$0	\$0	\$0	\$0	\$0	\$0
<b>Downtown Core</b>							
Exempt	15	0	0	0	0	0	0
Vacant	7	30,555	81,536	12,965	1,247	0	0
Residential	85	1,206,075	2,966,132	471,645	45,352	0	0
Commercial	40	1,844,570	4,922,235	782,684	75,261	(1,106,743)	(45,156)
	147	3,081,200	7,969,903	1,267,294	121,860	(1,106,743)	(45,156)
<b>Downtown Flex</b>							
Exempt	3	0	0	0	0	0	0
Vacant	5	21,983	58,663	9,328	897	0	0
Residential	33	484,777	1,125,616	178,984	17,211	0	0
Commercial	10	372,707	994,569	158,146	15,207	(223,625)	(9,124)
	51	879,467	2,178,848	346,458	33,315	(223,625)	(9,124)
<b>Downtown General</b>							
Exempt	8	0	0	0	0	0	0
Vacant	1	3,618	9,655	1,535	148	0	0
Residential	54	759,370	1,741,850	276,971	26,633	0	0
Commercial	8	749,480	1,999,988	318,018	30,580	(449,688)	(18,348)
	71	1,512,468	3,751,493	596,524	57,361	(449,688)	(18,348)
<b>Neighborhood Flex</b>							
Exempt	2	0	0	0	0	0	0
Vacant	5	78,479	209,420	33,820	3,202	0	0
Residential	10	160,714	324,194	54,811	4,957	0	0
Commercial	9	1,221,174	3,258,702	518,166	49,825	(732,705)	(29,895)
	26	1,460,367	3,792,316	606,797	57,984	(732,705)	(29,895)
<b>Neighborhood General</b>							
Exempt	13	0	0	0	0	0	0
Vacant	6	53,286	142,193	22,610	2,174	0	0
Residential	31	742,629	1,901,876	302,417	29,080	0	0
Class 8 Commercial	1	41,370	110,396	17,554	1,688	0	0
Commercial	79	3,448,218	9,201,573	1,463,142	140,692	(2,068,928)	(84,415)
	130	4,285,503	11,356,038	1,805,723	173,634	(2,068,928)	(84,415)
	445	\$11,219,005	\$29,048,598	\$4,622,796	\$444,154	(\$4,581,689)	(\$186,938)

**Class 2 Mixed Use Commercial & Residential combination - included in Residential totals above**

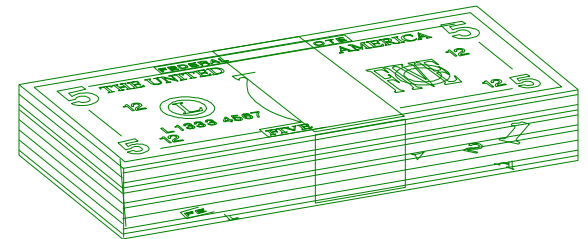
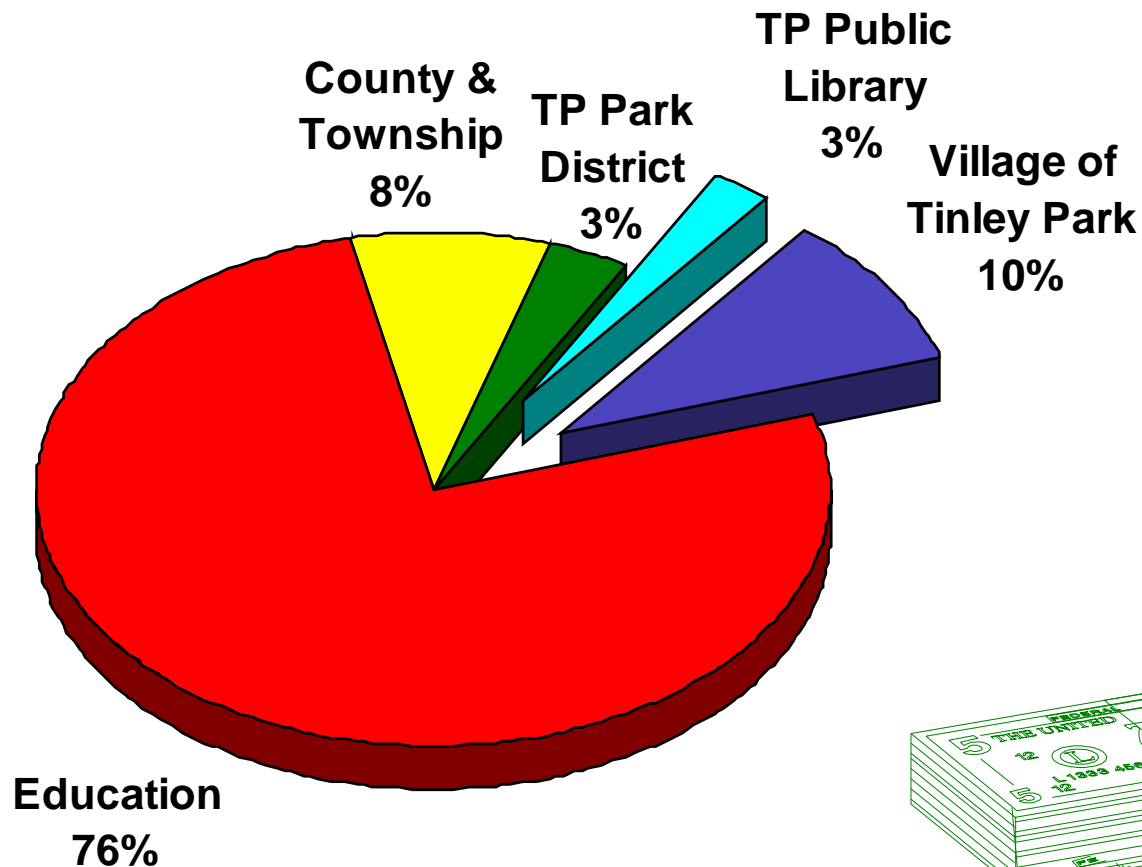
	Parcel Count	AV Assessed Value	EAV Equalized Value	Percentage of Zone	
				AV	EAV
DC	17	482,124	1,279,547	40%	43%
DF	6	133,297	355,703	28%	32%
DG	0	0	0	0%	0%
NF	1	27,296	65,839	17%	20%
NG	14	390,363	1,027,686	53%	54%
	38	\$1,033,080	\$2,728,775	31%	34%

< Percent of all Residential



# Village of Tinley Park, Illinois

## Real Estate Tax Distribution – Bremen Township (Where Property Tax Dollars Go)



Source: Cook County Treasurer  
Tax Year 2015 - Bremen Township (code 13039)

Exhibit A: Comparison of First Floor Downtown Regulations from Other Communities

Community	Tinley Park	Burr Ridge	Frankfort	Hinsdale	Naperville	Elmhurst	Orland Park	Glenview	La Grange
Population	57,000 +	10,000 +	18,000 +	17,000 +	146,000 +	45,000 +	58,000 +	46,000 +	15,000 +
Code Highlights Related to Residential Uses On the First Floor in the Downtown Area	<ul style="list-style-type: none"><li>• Street Level Commercial Required in Downtown Core and Neighborhood Flex</li><li>• Street Level Commercial Permitted in Downtown Flex.</li></ul>	<ul style="list-style-type: none"><li>• Village Center is a Planned Unit Development (PUD)</li><li>• Has Transitional Districts</li><li>• “Residential uses shall not be permitted in the same structure or building as nonresidential uses”</li></ul>	<ul style="list-style-type: none"><li>• “H-1” District</li><li>• “Dwelling unit(s) above first floor commercial use” are permitted</li><li>• “Residence of the proprietor of a commercial use” are permitted</li></ul>	<ul style="list-style-type: none"><li>• Downtown is zoned “B-2”</li><li>• “No dwelling unit shall be located on the first floor of any structure”</li><li>• “No use other than permitted and specially permitted retail trade uses and bank and other credit agency uses shall be allowed on the ground floor of any structure in the B-2 district”</li></ul>	<ul style="list-style-type: none"><li>• “Residential units on the second floor and above of commercial buildings” are permitted</li></ul>	<ul style="list-style-type: none"><li>• Downtown is zoned “C4A” North Downtown Business District</li><li>• “Dwelling units are not permitted below the second floor”</li></ul>	<ul style="list-style-type: none"><li>• Historic District is zoned “OOH”<ul style="list-style-type: none"><li>» Allows “multi-family residences without commercial”</li><li>» Allows “residential units above retail or commercial establishments”</li></ul></li><li>• Village Core is zoned “COR”<ul style="list-style-type: none"><li>» Attached dwellings are Special Uses, provided that “no dwelling units are located on the street level unless the dwelling units are part of a mixed use development” and “If the dwelling units are part of a larger mixed use development that is over 100,000 square feet in floor area, no more than forty (40) percent of the square footage is devoted to residential uses”</li></ul></li></ul>	<ul style="list-style-type: none"><li>• Downtown Districts regulate ground floor uses based on location in the downtown area. Districts include:<ul style="list-style-type: none"><li>» Full Ground Floor Retail</li><li>» Partial/Full Ground Floor Retail</li><li>» Ground Floor Retail/Office/Service/Residential</li><li>» Residential Uses Only</li><li>» Retail/Office/Service Uses Only</li><li>» Institutional Use</li></ul></li><li>• Uses minimum depths for uses. Commercial uses must have a minimum depth (from the front Building Line to the rear of the retail floor area) of 50 feet.</li></ul>	<ul style="list-style-type: none"><li>• Downtown area is zoned “C-1” or “C-1 CR”</li><li>• “Multiple Family Dwellings, but not on the first floor of any structure in the C-1 or C-2 Districts” are permitted</li><li>• Certain uses are not permitted on the first floor unless they are not visible from the outside (such as within office buildings rather than an individual storefront).</li><li>• Certain uses are not permitted on the first floor within a “limited” version of a commercial zoning district. This is similar to having an overlay district or a separate zoning district.</li><li>• Certain uses are considered “regulated uses” and must be spaced at least 400’ from a similar use.</li></ul>

Exhibit B: CAC Recommendation of Changes to the Legacy Code Use Tables  
(Table 3.A.1 and 3.A.2)

Change based on CAC discussion 9/12/2016 or 10/3/2016

Additional review needed

Additional review needed – proposal from Staff

Permitted Uses	
Commercial	<b>Retail/Service/Entertainment/Recreation</b> An enterprise that provides goods and/or services directly to the customer, including but not limited to merchandise shops, eating and drinking establishments, specialty goods/foods stores, <b>boutique alcohol uses</b> , financial institutions, personal services, convenience uses, entertainment, <b>indoor commercial recreational uses (less than 3,500 square feet)</b> , and hotels.
	<b>Office</b> A workplace that conducts business and/or professional services in which goods, wares, or merchandise are not displayed or sold on the premises, including but not limited to general offices, medical services, and for-profit educational uses.
Group Assembly	A building, together with its accessory buildings and uses, where persons regularly assemble for meetings or religious functions and related social events, and which building is operated by a religious institution or private association. Such entities typically restrict access to the general public and own, lease, or hold the building in common for the benefit of its members.
Civic	A use that provides institutional, governmental, and/or public services, including but not limited to publicly owned parking garages, transit facilities, public open space, cultural institutions, libraries, and government offices, and excluding uses/services of public utilities.
Residential	<b>Owner- and renter-occupied dwelling units located within single-family detached, single-family attached, multi-family, and/or mixed-use structures, and including but not limited to senior housing.</b>

Table 3.A.1

Special Uses		Prohibited Uses	
<ul style="list-style-type: none"><li><b>Accessory residential uses when located on the first floor directly adjacent to a public street in Downtown Core and Neighborhood Flex</b></li><li><del>Amusement and recreation establishments including but not limited to gaming arcades, bowling alleys, billiard parlors, coin-operated amusement devices, gymnasiums, swimming pools, dance halls, banquet halls, health clubs, skating rinks, and other similar places of recreation</del></li><li><b>Animal boarding (such as doggie daycare) – criteria needed</b></li><li>Any establishment with operating hours between 2:00 AM and 6:00 AM</li><li>Automobile and custom van sales (new and used) <b>in the Neighborhood Flex and Neighborhood General Districts</b></li><li>Automobile car wash (either manual or automatic) in the Neighborhood Flex and Neighborhood General Districts</li><li>Automobile/gasoline service stations in the Neighborhood Flex and Neighborhood General Districts</li><li>Automobile repair shops (including body work) in the Neighborhood Flex and Neighborhood General Districts</li><li>Creation of a mixed-use building on a Heritage Site in the Neighborhood General or Neighborhood Flex Districts</li><li>Daycare or child care centers, including home occupation daycare</li><li><del>Drive-through establishments (accessory to restaurants, banks, pharmacies, and all other uses) in Neighborhood Flex and Neighborhood General Districts</del></li></ul>	<ul style="list-style-type: none"><li>Farmer’s market</li><li>Fruit and vegetable stand</li><li><del>Funeral homes, mortuaries, and cremation facilities in the Neighborhood Flex and Neighborhood General Districts</del></li><li><del>Greenhouses, garden centers, and landscape nurseries less than 3,000 square feet</del></li><li><b>Indoor commercial recreational uses greater than 3,500 square feet</b></li><li>Other similar and compatible uses</li><li>Package liquor stores</li><li>Private surface parking lots located on a lot with no other structures or other uses</li><li><del>Secondhand stores less than 3,000 square feet</del></li><li><b>Tattoo parlor – criteria needed</b></li><li>Taverns</li><li>Teen recreation and dance facilities</li><li><b>Video gambling when accessory to a restaurant – criteria needed</b></li><li><del>Winery, distillery, or brewery, including sales and tasting</del></li></ul>	<ul style="list-style-type: none"><li>Adult regulated uses</li><li>Advertising signs and billboards</li><li>Agricultural uses (except for farmer’s markets and private gardens)</li><li>Archery/bow range</li><li>Automobile and custom van sales (new and used) <b>in the Downtown Core, Downtown General, and Downtown Flex Districts</b></li><li>Automobile car wash (either manual or automatic) <b>in the Downtown Core, Downtown General, and Downtown Flex Districts</b></li><li>Automobile/gasoline service stations <b>in the Downtown Core, Downtown General, and Downtown Flex Districts</b></li><li>Automobile repair shops (including body work) <b>in the Downtown Core, Downtown General, and Downtown Flex Districts</b></li><li>Boarding/rooming house</li><li>Building material sales</li><li>Drive-in theaters</li><li><del>Drive-through establishments (accessory to restaurants, banks, pharmacies, and all other uses) in the Downtown Core, Downtown General, and Downtown Flex Districts</del></li><li>Frozen food lockers</li></ul>	<ul style="list-style-type: none"><li><del>Funeral homes, mortuaries, and cremation facilities in the Downtown Core, Downtown General, and Downtown Flex Districts</del></li><li><del>Greenhouses, garden centers, and landscape nurseries greater than 3,000 square feet</del></li><li><del>Gun dealer/shooting range</del></li><li>Industrial facility (heavy or light)</li><li>Kennel/pound</li><li><del>Machinery and equipment sales</del></li><li><del>Model garage display and sales</del></li><li>Motel or motor inn</li><li>Open storage</li><li><b>Other similar and compatible uses</b></li><li>Plumbing, heating, air conditioning sales and service</li><li><b>Residential dwelling units when located on the first floor in the Downtown Core or Neighborhood Flex District, except when located behind or above a commercial, group assembly, or civic use</b></li><li><del>Second-hand stores, flea markets, pawn shops</del></li><li><del>Tattoo parlor</del></li><li>Truck depot/truck stop</li><li>Vehicle rental</li><li><del>Video gambling (standalone)</del></li><li>Warehouse and storage (including mini-storage)</li><li><del>Wireless communications facilities</del></li></ul>

Table 3.A.2

## Helpful Links

**Link to the Legacy Plan (PDF file):**

<http://www.tinleypark.org/DocumentCenter/View/1191>

**Link to the Legacy Code (PDF file):**

<http://www.tinleypark.org/DocumentCenter/View/1875>

**Link to the Village's Online Geographic Information System (GIS):**

<https://apps.gisconsortium.org/MapOfficePublic/Default.aspx?extent=1105823.654,1768404.918,1147379.209,1805071.585>



**MINUTES OF THE SPECIAL BOARD MEETING OF THE TRUSTEES,  
VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES,  
ILLINOIS, HELD May 17, 2016**

The Special meeting of the Board of Trustees, Village of Tinley Park, Illinois, was held in the auditorium located at Victor J. Andrew High School, 9001 W. 171<sup>st</sup> Street on May 17, 2016. Mayor Seaman called this meeting to order at 7:00 p.m. and led the Board and audience in the Pledge of Allegiance.

Present and responding to roll call were the following:

Village Mayor: David G. Seaman

Village Clerk: Patrick E. Rea

Trustees: Brian S. Maher  
T.J. Grady  
Michael J. Pannitto  
Jacob C. Vandenberg  
Brian H. Younker

Also Present:

Village Manager: David J. Niemeyer

Village Attorney: Patrick Connelly

Village Engineer: Jennifer S. Prinz

Motion was made by Trustee Maher, seconded by Trustee Grady, to approve the agenda as written or amended for this meeting. Vote by voice call. Mayor Seaman declared the motion carried.

Motion was made by Trustee Maher, seconded by Trustee Grady, to approve and place on file the minutes of the Regular Village Board meeting held on May 3, 2016. Vote by voice call. Mayor Seaman declared the motion carried.

Mayor Seaman presented the following consent agenda items.

The following Consent Agenda items were read by the Village Clerk:

- A. CONSIDER REQUEST FOR A BLOCK PARTY PERMIT ON SATURDAY, MAY 28, 2016, ON PARKSIDE DRIVE, 6643 THROUGH 6658 FROM 3:00 P.M. TO 10:00 P.M.
- B. PAYMENT OF OUTSTANDING BILLS IN THE AMOUNT OF \$2,861,677.65 AS LISTED ON THE VENDOR BOARD APPROVAL REPORTS DATED MAY 5, MAY 6 AND MAY 13, 2016

**Special Meeting of the Board of Trustees - Minutes**

Motion was made by Trustee Younker, seconded by Trustee Grady, to approve the consent agenda items as amended. Vote on roll call: Ayes: Maher, Grady, Pannitto, Vandenberg, Younker. Nays: None. Absent: None. Mayor Seaman declared the motion carried.

At this time, the Village Board recognized the Victor J. Andrew High School Percussion Team for winning the WGI World Champion, Scholastic A Class in Dayton Ohio.

**A PRESENTATION OF COMMUNITY SERVICE YOUTH SCHOLARSHIP AWARDS SPONSORED BY THE COMMUNITY RESOURCES COMMISSION WAS MADE.**

Eight (8) \$1,000 scholarships will be awarded to students for providing outstanding community service while maintaining academic excellence. Applications were received and reviewed by five (5) judges who chose eight (8) winners as follows:

Christina T. Pham, Victor J. Andrew High School  
Emma M. Przekwas, Victor J. Andrew High School  
Amber S. Holup, Tinley Park High School  
Molly L. Kosche, Victor J. Andrew High School  
Vincent W. Zarate, Mt. Carmel High School  
Sarah E. Yanik, Victor J. Andrew High School  
Ashley M. Galassini, Victor J. Andrew High School  
Semat A. Adekoya, Victor J. Andrew High School

At this time, the Village Board recognized the recent promotion of Sergeant Michael O'Hern. Officer Michael O'Hern has been a patrol officer with the Tinley Park Police Department since 1989. During his tenure, Officer O'Hern has been a Field Training Officer, Motorcycle Officer, Truck Enforcement Officer, Department in-house Instructor, and Crash Reconstruction Officer. Officer O'Hern focused his training and expertise in the area traffic enforcement, DUI, traffic crash investigation and reconstruction. In 1996 Officer O'Hern became the Tinley Park Police Department's first State Certified Reconstruction Specialist. Officer O'Hern is a leader of the Traffic Crash Investigation Unit, which is responsible for investigating serious or fatal traffic crashes. Since 2008, Officer O'Hern held the position of Traffic Safety Officer in the Traffic Safety Unit, which oversees traffic plans, traffic studies and surveys. In 2012, he was awarded the American Legion Regional Officer of the Year. He was further awarded the 2012 American Legion State of Illinois Officer of the Year.

Motion was made by Trustee Maher, seconded by Trustee Grady, to **APPOINT KEVIN SUGGS TO FILL THE UNEXPIRED TERM OF TRUSTEE BERNARD BRADY EFFECTIVE MAY 17, 2016.** A vacancy in the office of Village Trustee was created as a result of the resignation of Bernard Brady as Village Trustee, which was effective April 12, 2016. Pursuant to State law, the vacancy is to be filled by mayoral appointment, subject to the advice and consent of the Board of Trustees. If an appointment is approved by the Village Board, the new Trustee will be sworn in in accordance with State Law. Mayor Seaman stated that this item was in its final adoption stage and asked if anyone cared to address the Board. Trustee Pannitto stated that he felt he was not properly informed regarding this item. Vote on roll call: Ayes: Maher, Grady, Pannitto, Vandenberg, Younker. Nays: None. Absent: None. Mayor Seaman declared the motion carried.

At this time Trustee Vandenberg stated the following:

In 2009 the Village of Tinley Park created the Tinley Park Legacy Plan, which was a vision for the development of our downtown area – a vibrant corridor with shopping, dining, socializing, and living opportunities for our residents. In order to see this Legacy Plan become reality, the Village enacted the 2011 Legacy Code for Downtown Tinley Park, which is a set of regulations that would be used to implement the Legacy Plan.

As part of the Legacy Code, regulations were created to ensure that commercial properties were a part of developments in the Downtown Core and Neighborhood Flex sections of the Downtown Corridor. This requirement was created to ensure a strong business district that could anchor our Legacy Plan.

In October of last year (2015), Ordinance Number 2015-O-045 was presented to, and passed by, this Board to amend Section 12 of the Tinley Park Zoning Ordinance – known as the 2011 Legacy Code for Downtown Tinley Park. This ordinance was supposed to fix scrivener's errors and prevent the addition of certain tobacco based businesses in the business district. This Ordinance also contained a section that, if enacted, would take away the requirement that developments in our Business corridor include First Floor Commercial. Of great concern to me was that this section of the Ordinance was not properly brought to the attention of this Board, was not examined for potential financial and land-use ramifications, and was passed without any public comment or debate.

The manner in which this section of the Ordinance was put before the Board has been the subject of much public comment, but also is the subject of an on-going investigation by the Cook County Sheriff. As a result, I will not comment on how this section of the Ordinance passed, but rather would like to suggest how we fix what already has been done by exercising "Good Government".

Currently, we have 3 potential developments in the business corridor that could be affected by Ordinance Number 2015-O-045, specifically the requirement of first floor commercial. We do not believe it would be fair to make these projects wait, possibly several months, for the conclusion of the Cook County Sheriff's investigation, in order to determine whether any actions took place that should nullify the Ordinance. Nor do I feel that we should move forward in the enforcement of an Ordinance, which at the very least was procedurally compromised during its passage.

Therefore, I am proposing that we rescind Ordinance Number 2015-O-045, and start over with a thorough, but expedited review of the Ordinance and its potential effect on our downtown corridor. Among other things, I believe it is important that we examine whether this Ordinance contributes to our vision for Tinley Park's Downtown Corridor.

Lastly, I believe it is crucial that we determine the tax ramifications of this Ordinance. If developments in our corridor have NO commercial requirement, it could have a significant impact on our Village's finances. I believe these are serious questions that need to be addressed prior to the enactment of any amendment that will have a serious impact on our community.

Motion was made by Trustee Vandenberg, seconded by Trustee Younker, to waive first reading and adopt **ORDINANCE NUMBER 2016-O-025 AUTHORIZING THE RESCISSION OF ORDINANCE NO. 2015-O-045 "AN ORDINANCE MAKING CERTAIN TEXT AMENDMENTS TO SECTION XII (LEGACY CODE) OF THE TINLEY PARK**

**ZONING ORDINANCE, AND REZONING PROPERTY RELATIVE TO THE LEGACY CODE ZONING DISTRICTS.** On October 6, 2015, the above cited Ordinance was Passed by the Board of Trustees. Section 30.15 of the Village Code provides that “The Rules of Parliamentary practice comprised in Robert’s Rules of Order, Revised Edition, shall govern the Board of Trustees in all cases in which they are applicable, and in which they are not inconsistent with the standing rules of the Board.” Section 35 of Robert’s Rules sets forth the characteristics and procedures to bring forth a Motion to Rescind which has the effect of cancelling a previous action. The motion has no time restrictions and requires a majority vote to approve when previous notice of the motion is given. Here, previous notice was given via placement of the item on the Agenda. Mayor Seaman stated that this item was in its final adoption stage and asked if anyone cared to address the Board. No one came forward. Vote on roll call: Ayes: Maher, Grady, Pannitto, Vandenberg, Younker. Nays: None. Absent: None. Mayor Seaman declared the motion carried.

Motion was made by Trustee Maher, seconded by Trustee Grady, to direct the Village Attorney to draft and place on first reading **RESOLUTION NUMBER 2016-R-017 and place on first reading to APPROVE A PLAT OF EASEMENT GRANT AND ABROGATION FOR THE PROPERTIES LOCATED AT 8045 W. 185<sup>TH</sup> STREET AND 18460 S. 80<sup>TH</sup> AVENUE (SPEEDWAY).** Speedway LLC, is proposing an expansion of their existing facility at 18460 80<sup>th</sup> Avenue. To facilitate this expansion, the Village Board approved the annexation of a 1.51 acre parcel immediately south of the existing station (8045 185<sup>th</sup> Street), rezoned the annexed parcel to M-1 General Manufacturing, approved a Special Use for the Substantial Deviation of the Planned Unit Development (PUD), the plat of subdivision and associated site plan at the November 3, 2015, Village Board meeting. Subsequent to these approvals, and as part of the final engineering review, the Applicant’s engineer determined that the existing Public Utility and Drainage Easement conflicted with the location for proposed Com Ed lines. Therefore the existing 7.5’ Public Utility and Drainage Easement is proposed to be vacated (abrogated) and a new 7.5’ Public Utility and Drainage Easement platted with the approval of the Plat. Mayor Seaman asked if anyone cared to address the Board. No one came forward. Vote by voice call. Trustee Vandenberg abstained from voting. Mayor Seaman declared the motion carried.

Motion was made by Trustee Vandenberg, seconded by Trustee Younker, to direct the Village Attorney to draft and place on first reading **RESOLUTION NUMBER 2016-R-018 and place on first reading to APPROVE AND ACCEPT A PLAT OF SUBDIVISION FOR THE UNION SQUARE TOWNHOME PROJECT – 6822-6830 179<sup>TH</sup> STREET AND 17884-17906 OAK PARK AVENUE.** The Plan Commission approved the Site Plan for the Union Square Development at their August 20, 2015, meeting. Applicants, Kevin and Mike Halleran, proposed the construction of four (4) multi-family townhome structures comprising ten (10) 2-bedroom units and seven (7) 3-bedroom units totaling 17 multi-family units. This property is located in the Legacy District and is zoned NG-Neighborhood General. The proposed development meets all Legacy Code requirements for the designated zoning district, including site plan, massing and architectural details; therefore no variances or special approvals were required. The Plan Commission has authority for final approval of the Site Plan. The Plan Commission also recommended the Final Plat for approval to the Village Board at the same meeting conditioned upon final engineering. Final Engineering is now complete and approved



## Special Meeting of the Board of Trustees - Minutes

by the Village Engineer; therefore the Applicant is seeking Final Plat approval from the Village Board. Mayor Seaman asked if anyone cared to address the Board. No one came forward. Vote by voice call. Mayor Seaman declared the motion carried.

Motion was made by Trustee Maher, seconded by Trustee Vandenberg, to **AUTHORIZE A PROFESSIONAL SERVICES AGREEMENT WITH ROGER BROOKS INTERNATIONAL FOR BRANDING TINLEY PARK**. On February 29, 2016, the Village issued a RFP in search of a firm to assist in researching and creating a destination brand for Tinley Park. Eight proposals were received, reviewed and evaluated on qualifications of the firm, experience of the team, approach and fee schedule. The Village has selected Roger Brooks International to develop a comprehensive, feasible brand for Tinley Park and Downtown Tinley to attract business, residents and visitors to our community. The project will kick off in July and is expected to take 15 months to complete. Deliverables will include creation of a brand development team (made up of community leaders and stakeholders who will lead the process), public outreach, research, stakeholder interviews, creation of brand graphics, a brand feasibility test and an action plan. The cost of the branding program is \$85,000 of which \$50,000 was carried over from the FY16 tourism marketing budget. Mayor Seaman stated that this item was in its final adoption stage and asked if anyone cared to address the Board. No one came forward. Vote on roll call: Ayes: Maher, Grady, Pannitto, Vandenberg, Younker. Nays: None. Absent: None. Mayor Seaman declared the motion carried.

Motion was made by Trustee Maher, seconded by Trustee Grady, to adopt and place on file **ORDINANCE NUMBER 2016-O-024 ADOPTING CERTAIN AMENDMENTS TO THE TINLEY PARK MUNICIPAL CODE - 2016 S-030 SUPPLEMENT**. This Ordinance approves the periodic update of the codification that was originally adopted in 1986. This supplement includes all ordinances adopted by the Village Board in 2015. After update, the new version of the Municipal Code will also be available on the Village website. Mayor Seaman stated that this item was in its final adoption stage and asked if anyone cared to address the Board. No one came forward. Vote on roll call: Ayes: Maher, Grady, Pannitto, Vandenberg, Younker. Nays: None. Absent: None. Mayor Seaman declared the motion carried.

Motion was made by Trustee Maher, seconded by Trustee Grady, to remove from the table **ORDINANCE NUMBER 2016-O-008 AMENDING CHAPTER 31 OF TITLE III OF THE TINLEY PARK MUNICIPAL CODE – INTERNAL AUDITOR**. Vote by voice call. Mayor Seaman declared the motion carried.

Motion was made by Trustee Maher, seconded by Trustee Grady, to place on the table to an indefinite date **ORDINANCE NUMBER 2016-O-008 AMENDING CHAPTER 31 OF TITLE III OF THE TINLEY PARK MUNICIPAL CODE – INTERNAL AUDITOR**. Vote by voice call. Trustee Pannitto voted nay, objecting to the table to an indefinite date. Mayor Seaman declared the motion carried.

Motion was made by Trustee Younker, seconded by Trustee Vandenberg, to remove from postponement **ORDINANCE NUMBER 2016-O-016 APPROVING AN AMENDMENT TO THE OFFICIAL COMPREHENSIVE BUILDING CODE FOR THE VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES, ILLINOIS.** Vote by voice call. Mayor Seaman declared the motion carried.

Motion was made by Trustee Younker, seconded by Trustee Vandenberg, to postpone to an indefinite date **ORDINANCE NUMBER 2016-O-016 APPROVING AN AMENDMENT TO THE OFFICIAL COMPREHENSIVE BUILDING CODE FOR THE VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES, ILLINOIS.** Vote by voice call. Mayor Seaman declared the motion carried.

At this time, Clerk Rea swore in Kevin L. Suggs as Village Trustee in accordance with State Law, to fill the unexpired term of trustee Bernard Brady effective May 17, 2016.

At this time, Mayor Seaman asked if anyone from the Board or Staff would care to address the Board.

Trustee Pannitto stated that he felt he was not properly informed as to the appointment that was placed on this agenda and did not have the proper time to prepare. He also recommended that no appointments be placed on the agenda before they come before the entire Board. He also asked that an Ordinance be prepared providing a deadline for agenda items to be placed on the agenda and an Ordinance that no Scan Tron tests are hand graded and no hires are done until it is verified that the tests are machine graded.

Trustee Maher noted that items, such as the appointment of legal counsel, should also be subject to the same kind of scrutiny. Trustee Vandenberg stated there was sufficient time to review the legal counsel proposals. Trustee Maher rebutted that the process was underway in the Finance and Economic Development Committee.

Clerk Rea stated that the Freedom of Information Act (FOIA) Coordinator has submitted his resignation and will be leaving his position at the end of this month. Clerk Rea noted that the Village will not have a designated FOIA Coordinator and may have to exceed the maximum timeframe for FOIA response.

At this time, Mayor Seaman asked if anyone from the Public would care to address the Board.

Mike Fitzgerald asked Clerk Rea to explain about Item # 8, the rescinding of Ordinance Number 2015-O-045 "An Ordinance Making Certain Text Amendments to Section XII (Legacy Code) of the Tinley Park Zoning Ordinance, and Rezoning Property Relative to the Legacy Code Zoning Districts." Clerk Rea asked the Village Attorney to give the legal definition. Village Attorney Connelly stated that an Ordinance was moved and approved to rescind the Ordinance stated above. The Ordinance putting certain text amendments into law is now repealed. This Ordinance will go back to the Plan Commission after proper notice. Mr. Fitzgerald noted that the Board should have better communication between each other.

A citizen from Caledonia Townhomes stated his concerns regarding easements and drainage in regards

to the Great Escape on LaGrange Road. Trustee Vandenberg noted that he has attended meetings on this subject and the Planning Department is working on this.

Bob Katz, a resident of Caledonia Townhomes, stated his concerns with the pumping from the Great Escape on LaGrange Road. He thanked the Public Works Department for the work they have done with this issue. Trustee Vandenberg reiterated his comments that the Planning Department is working on this.

Toni Kusomato stated she is opposed to authorizing a liquor and video gaming license to the car wash at 94<sup>th</sup> Avenue and 171<sup>st</sup> Street and any further video gaming license. She is also opposed to any further building of additional housing in the Village.

Mike Bernardi, owner of VIP Coin Laundry, voiced his support in authorizing Class E liquor and video gaming licensing to businesses in the Village.

Trent Ridgeway inquired as to an update on the investigation done by the Cook County Sheriff's Office on The Reserve development. The Mayor and Trustee Vandenberg stated there is no update at this time. Village Attorney Connelly noted that the Village is not running this investigation. Mayor Seaman stated that the public will be informed as soon as the Village receives the Sheriff's report.

Mike Paus suggested that the Village Board continue to ask for Public Comment at each item that is being adopted. Mayor Seaman stated the Village Board would like this process to continue.

Lucas Hawley congratulated Trustee Suggs on his appointment.

A concerned citizen noted that he would like to see follow up on questions brought to the Village Board at Public Meetings. He also stated his concerns with the speed in which items get voted on through the process and would like to see permitting and inspections be affordable for all.

Mike Glotz stated his concerns with the liquor and gaming licensing process. He also suggested that the timeframe for Public Comment be kept to one (1) hour with five (5) to eight (8) minutes for each speaker. He also stated concerns with the Village using other communities as comparables.

A citizen stated her concerns about the number of video gaming licenses in the Village and recommended there be a limit.

A citizen stated her concerns about video gaming licenses and the number of signs for these establishments along Oak Park Avenue.

Steve Eberhardt stated his concerns about the Police Budget and the use of volunteer help with investigations.

Michael Hess thanked the Village Board for hearing public comment and noted his distresses with development on Oak Park Avenue. Trustee Vandenberg noted that there are proposals for the Village owned land in the center of the downtown area.

## Special Meeting of the Board of Trustees - Minutes

A citizen asked if the hiring of the Fire Chief was underway. Mayor Seaman noted that the recruit process has begun and this will be on a Public Safety Committee meeting agenda soon.

A resident recommended that a citizen panel be put together in regards to the investigation of The Reserve Development and noted that she would like to see a multi-sports complex at the Tinley Park Mental Health Center site. Mayor Seaman stated that the Board is open to all thoughts. Trustee Maher stated that Farr and Associates is looking into the sportsplex idea. Trustee Vandenberg noted that this discussion is in an open forum format at the Steering Committee meetings, as well as various Public meetings. The next Steering Committee meeting is May 24, 2016.

Mike Glotz inquired into the hiring of the Fire Chief. Trustee Grady noted that the process has begun.

Mike Bernardi asked if the Speedway will be receiving a video gaming license. Trustee Vandenberg stated no.

Motion was made by Trustee Maher, seconded by Trustee Younker, at 9:05 p.m. to adjourn to Executive Session to discuss the following:

- A. THE PURCHASE OR LEASE OF REAL PROPERTY FOR THE USE OF THE PUBLIC BODY, INCLUDING MEETINGS HELD FOR THE PURPOSE OF DISCUSSING WHETHER A PARTICULAR PARCEL SHOULD BE ACQUIRED.
- B. THE APPOINTMENT, EMPLOYMENT, COMPENSATION, DISCIPLINE, PERFORMANCE, OR DISMISSAL OF SPECIFIC EMPLOYEES OF THE PUBLIC BODY OR LEGAL COUNSEL FOR THE PUBLIC BODY, INCLUDING HEARING TESTIMONY ON A COMPLAINT LODGED AGAINST AN EMPLOYEE OF THE PUBLIC BODY OR AGAINST LEGAL COUNSEL FOR THE PUBLIC BODY TO DETERMINE ITS VALIDITY.
- C. COLLECTIVE NEGOTIATING MATTERS BETWEEN THE PUBLIC BODY AND ITS EMPLOYEES OR THEIR REPRESENTATIVES, OR DELIBERATIONS CONCERNING SALARY SCHEDULES FOR ONE OR MORE CLASSES OF EMPLOYEES.
- D. LITIGATION, WHEN AN ACTION AGAINST, AFFECTING OR ON BEHALF OF THE PARTICULAR PUBLIC BODY HAS BEEN FILED AND IS PENDING BEFORE A COURT OR ADMINISTRATIVE TRIBUNAL, OR WHEN THE PUBLIC BODY FINDS THAT AN ACTION IS PROBABLE OR IMMINENT, IN WHICH CASE THE BASIS FOR THE FINDING SHALL BE RECORDED AND ENTERED INTO THE MINUTES OF THE CLOSED MEETING.

Vote on roll call: Ayes: Maher, Grady, Pannitto, Vandenberg, Younker, Suggs. Nays: None. Absent: None. Mayor Seaman declared the motion carried.



## Special Meeting of the Board of Trustees - Minutes

Motion was made by Trustee Younker, seconded by Trustee Pannitto, to reconvene the special Board meeting. Vote on roll call: Ayes: Maher, Grady, Pannitto, Vandenberg, Younker, Suggs. Nays: None. Absent: None. Mayor Seaman declared the motion carried and reconvened the Special Board meeting at 9:40 p.m.

Motion was made by Trustee Younker, seconded by Trustee Vandenberg, to adjourn the Special Board meeting. Vote by voice call. Mayor Seaman declared the motion carried and adjourned the special Board meeting at 9:41 p.m.

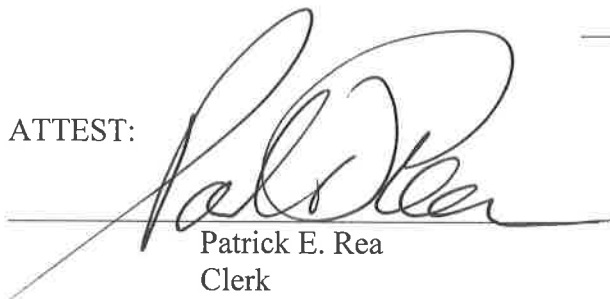
PLEASE NOTE: Where there is no summary of discussion on any items in the minutes, this reflects that no discussion occurred other than the introduction of the item."

APPROVED:



David G. Seaman  
Mayor

ATTEST:



Patrick E. Rea  
Clerk



## **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 the this agenda.

CHARIMAN 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.

VILLAGE OF TINLEY PARK  
PLAN COMMITTEE SPECIAL MEETING  
THURSDAY, JUNE 16, 2016

\* \* \* \* \*

STENOGRAPHIC REPORT OF PROCEEDINGS had in the above-entitled matter before the Village of Tinley Park Long Range Plan Commission, commencing at 7:31 p.m., on the 16th day of June, 2016 at Odyssey Country Club, 19110 S. Ridgeland Avenue, Tinley Park, Illinois.

PLAN COMMISSION BOARD MEMBERS: (Present)

MR. ED MATUSHEK, Board President  
MR. PATRICK CONNELLY, Village Attorney  
MS. LORI KAPPELL, Commissioner  
MR. KEVIN BERGTHOLD, Commissioner  
MR. KEN SHAW, Commissioner  
MR. PETER KRONER, Commissioner  
MR. ANTHONY JANOWSKI, Commissioner  
MR. TIM STANTON, Commissioner  
MS. BARBARA BENNETT, Secretary  
MS. PAULA WALLRICH, Interim Community Development Director  
MS. STEPHANIE KISLER, Planner 1

Members of the Public

\*(No sign-in sheet; all names spelled phonetically.)

REPORTED BY: Eunice Sachs & Associates;  
Lynn Mangan, Certified Shorthand Reporter  
License No. 084-001449

(Time noted: 7:31 p.m.)

CHAIRMAN MATUSHEK: All right. I think we're getting to the time. We're about a minute or so past. I'd like to welcome everyone. It's good to see everyone at our June 16 special meeting for the Plan Commission. I'd like to thank everybody who is here for coming out.

We will begin our meeting with the roll call. The secretary will please take the roll.

MS. BENNETT: Bergthold. (No response.)

Janowski.

COMMISSIONER JANOWSKI: Here.

MS. BENNETT: Kappell.

COMMISSIONER KAPPEL: Here.

MS. BENNETT: Kroner.

COMMISSIONER KRONER: Present.

MS. BENNETT: Moylan. (No response.)

Shaw.

COMMISSIONER SHAW: Present.

MS. BENNETT: Stanton.

COMMISSIONER STANTON: Present.

MS. BENNETT: Matushek.

CHAIRMAN MATUSHEK: Here.



Thank you very much. We have a quorum. The first item on our agenda is the approval of the minutes of our June 2, 2016 regular meeting. Do we have a motion to approve the minutes?

COMMISSIONER STANTON: So move.

COMMISSIONER SHAW: Second.

CHAIRMAN MATUSHEK: Is there any comment from the Board members? Any corrections or additions?

COMMISSIONER KRONER: Yes. I'd like to add a couple of changes here to the original minutes that were sent out regarding the comments on safety concerns on the -- well, this is all regarding the 7-Eleven project.

Regarding safety concerns, what I would like to add in there after my original comments on the minutes is that the measurements for the two, two-way traffic lanes and the parking that's by the gas pumps did not conform to Code precisely. And that was one of my concerns.

Also, on Page 7 under "Commissioner Moylan inquired if a "No Left Turn" or "Right Turn Only" 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 Planning Commissioners as to whether or not to include the stipulation of adding a "No Left Turn" sign at north curb cut. 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 full site approval. And then there was additional comment by the staff which was further called out with Paula Wallrich. I think they sent these over to Paula exact and precise, how we want to say it.

The only other notice I said was on the very last motion was approved, the very last page. The motion was approved unanimously by voice vote. It isn't true, because it was actually 7/2 for approval.

CHAIRMAN MATUSHEK: I think that sounds correct. Any other additions or corrections to the Minutes from any of the other Commissioners?

Well, with those additions and corrections could we have a motion to approve as amended?

COMMISSIONER STANTON: So moved.

CHAIRMAN MATUSHEK: We have a motion. Is there a second?

COMMISSIONER JANOWSKI: Second.

CHAIRMAN MATUSHEK: All those in favor, please signify by saying "aye".

(Commissioners say "aye".)

CHAIRMAN MATUSHEK: Minutes approved.

The first item is a public hearing, and I think counsel would like to make some prefatory remarks here, and he'll proceed.

MR. CONNELLY: Thank you, Mr. Chairman.

Good evening, everybody. Commissioners. First of all, I'm happy to see that so many residents are here tonight. I'm looking forward to a productive hearing.

Before we open the public hearing, I'd like to make a few clarifications that will hopefully inform our discussion tonight. On May 17, 2016 the President and the Board of Trustees approved an ordinance rescinding certain text amendments pertaining to the Tinley Park Legacy Code and directed staff to place the amendments before the Plan Commission. Those amendments are on tonight's agenda. The very same notice that was published when these text amendments were originally considered in 2015 was published for this hearing. As with any text amendment 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, I'm recommending that no action be taken tonight.

Finally it's important to note that tonight's 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 Board cannot discuss items not referenced on the agenda.

So with that, Chairman, hopefully that will clarify a few things as we get into the public hearing. And I would turn it back to you.

CHAIRMAN MATUSHEK: All right. Thank you, Counsel.

In plain English for those who want to get past the legalese, there will be no action taken by the Commission this evening if anyone is unclear. We were asked by the Village Board after they rescinded the Ordinance to conduct an analysis of this. This is quite honestly the first time the Commission has had the opportunity to even look at some of this. So there's going to be some more study done.

I will say that -- well, let me -- I'll tell you what. Let's take a motion to open the public hearing and I'll make some more comments before we get there.

COMMISSIONER STANTON: So moved.

A COMMISSION MEMBER: Seconded.

CHAIRMAN MATUSHEK: A motion has been made to open the public hearing and seconded. All those in favor signify by saying aye.

(Commission members say "aye".)

CHAIRMAN MATUSHEK: Motion carried.

We do have the first item on our public hearing which will involve text amendments to the Legacy Code of the Zoning Ordinance

and the Rezoning on a Map Amendment. And we have several subsections here. As I was stating before we opened the public hearing, the Commission is not taking any action tonight. I know that we have a number of people who perhaps would like to speak to it. And so that the audience understands, this being a public hearing, we'll swear in under oath, anyone who would like to speak during the public hearing part to give testimony whether you are in support or whether you are against it or interested or otherwise.

We'll also have at the end of the meeting some public comment if it's still necessary. It won't require us to swear you in. I will state from my personal opinion -- I know we heard a number of comments concerning a couple of these items. One in particular involved removing the requirement of "Commercial Required" in the Legacy Code. I -- for my part, I didn't have an opportunity to go into any lengthy study or investigation with the rest of the Commissioners. I will let them speak as well, but I don't quite understand the logic. If the purpose of the Code was to encourage commercial development, why you would then remove the requirement in the first place?

So, I guess what we're going to be looking at from staff is what information you can provide us that justifies why that was brought up or even voted on in the first place. I would ask that

staff perhaps do a survey of this round of communities to see if there's any similar type of codes in place; and anyone who has then removed that type of requirement as to what the logic might have been.

But I think -- and I'll let each of the Commissioners speak to this as well, but I'm kind of missing the logic for what occurred in the past. So, we would direct staff that we do some study on that and provide us with the information so we can do a proper analysis.

I guess I'll start at the end here. Commissioner Stanton, would you like to comment?

COMMISSIONER STANTON: Yes, thank you.

Just to piggy-back off of Ed, and this is directed to staff. As a Commissioner, I have grave concerns over the potential economic loss of substantial revenue to the Village of Tinley Park as a result of the proposed changes to the Legacy Code Text Amendments by leaving the term "Street Level Commercial Required" and replacing it with "Street Level Commercial Permitted". I would appreciate you looking into the financial impact of this and getting back to me. Thank you very much.

CHAIRMAN MATUSHEK: Thank you very much. Commissioner Janowski, do you have any comment to make before we start taking testimony?

COMMISSIONER JANOWSKI: Sure. Thank you, Commissioner.

Good afternoon -- or I should say good evening, everybody. Just to clarify something. Our issues are our resident's issues. And we want transparency; and collectively I think the team of Commissioners that are up here and do their due diligence be transparent and work according to, you know, within our powers to make things right for this community. We encourage public comment. We encourage ideas. And again, thank you for coming out. I look forward to hearing comments from everybody.

CHAIRMAN MATUSHEK: Thank you very much. Commissioner Kroner, do you have any comments to make before we take some testimony?

COMMISSIONER KRONER: Yeah. I'd like to piggy-back also what was said here to staff.

As I look at this proposed text amendment change and I look at the different downtowns which we are trying to emulate in my opinion to have a successful and vibrant downtown, whether it be Naperville, whether it's the City of Chicago, whether it's the City of Lake Forest, whether it's the City of LaGrange, which all have very vibrant downtowns, the biggest point that they have is that they have commercial on the first floor of office buildings with residence above some of the buildings and residence not. So for this to be



even brought to us in my opinion, there has to be an overwhelming reason why this should be changed, because this was what the planners who put the Legacy Code together kind of dreamed of for our town. I think the residents believe in that dream. I certainly believe in that dream.

So again, I just want to say to staff there has to be an awful large hurdle to jump over to even think about making that change in my opinion.

Going to Counsellor, a question that I don't understand and I think a lot of the citizens might have the same question I have is how we went from not talking about this at all to all of a sudden on a Friday night announcing that we're going to have a public hearing regarding the change -- the proposed changes here to the Legacy Code. I'm hoping you can explain to myself as well as some other members of the audience who want to understand the total synergy of what we're doing.

MR. CONNELLY: Sure. Excellent question. Again, the amendments you see before you tonight were the very same amendments considered by a planning board eight or so months ago. After the board took action on May 17th rescinding those text amendments, they directed staff to place them before you.

Normally the Plan Commission when they are considering any

type of zoning relief, text amendments, special use that would require a public hearing, there is -- by practice there is a workshop agenda, a chance for the Commission to work with staff, if you will, through some of the questions.

On these text amendments that workshop already occurred, we felt it would be best given the public comment out there on these text amendments that the first meeting we have, we Notice it in the very same way that it was Noticed before. So the idea here would be that we wanted it in that workshop setting. It is not a public hearing; there's not testimony from the public. The thought would be that the Commission for the first time hearing this -- and again, there's many text amendments here that this Commission has been tasked with considering.

So the idea was that there would be a chance for the public to testify on these as well. Sometimes agendas -- and I will say this -- sometimes agendas don't give all the information that you would like. The things we've talked about here today, that they are under no obligation to act. And in fact, I've recommended to this body that due to deficiencies in that Zoning Notice that they do not act. So that's kind of how we got here.

These text amendments again, were through the rescission of the board. They asked you to look at them. So that's how we got

here. I don't know if I answered that.

COMMISSIONER KRONER: Yeah, I think that gives us a little bit of a basis here. Can you explain the chronological order of what the next steps are after tonight's hearing and comment from the public? What are the next steps that you are looking for?

MR. CONNELLY: Well, as you've heard, the Chairman has already directed staff to do research. And one of our Commissioners has added to that. So after this, we think there's going to be certain issues that need to be looked into more. These text amendments may not come before the Board in the very same form as they are now. Staff, based on direction of the Board and comment tonight are going to go back. We're going to look at these. And the next time we are before this Board we will have that workshop, and then we would go to public hearing and move from there.

So, I see tonight as the start of a fact finding process where both the residents have a chance to testify and the Commission has a chance to ask their questions.

CHAIRMAN MATUSHEK: And I guess I would concur, Peter, that the real issue is we were directed by the Village Board to do an analysis of what's in front of us and what had been rescinded. Certainly it would make no sense I think to take any action tonight. With all respect to counsel, I think, you know, just common sense

would dictate that we do collect information first and study.

So as I see, the next step will be that we'll have a workshop, a special meeting if you will. There will be no action taken, but an opportunity for us to take the information that has been gathered by staff and our own individual research and investigation so we can have a, you know, a cogent discussion.

Again for the public, this is not about any specific development or anything else. I mean, we have a Code in place that should be intelligently looked at for the benefit of the whole Village and something we can live with going forward that makes good sense and I think something that will concur with the stated purpose of the Code, which is to foster commercial development.

And that's, you know, basically what I'm hearing so far. Do you have anything else to enlighten us on?

COMMISSIONER KRONER: Just to assure the citizens here that what we're saying is that all this public comment will be taken into text, memorialized, and there will be a workshop for the Planning Commission. Before anything is to happen, we will follow the normal procedure and protocol which would be to have a 1st Reading, make the announcement to everybody what's going on. There would be an agenda published first obviously. You'll have your 1st Reading with whatever changes the Commission decides to move forward on. Then

there will be a Public Hearing Notice published in the newspaper properly with the public hearing scheduled for additional public comment before any actions are taken by the Commission.

So I just want everyone here to know that there's nothing going on behind the scenes whatsoever. We were caught off guard as much as you were when the Agenda was published on Friday. I just want to assure you that we're trying to figure it out. Counsellor has done, I think, a very good job of the 40,000-mile here. I'm trying to bring it to where I can understand. And if I can understand, most of you guys hopefully can understand too, because I'm way down here when it comes to understanding things.

So I just want to assure you from all of us here we were all caught off guard. Proper protocol will be followed before any action will be taken on this. This is merely a fact finding meeting tonight, and we value your input.

CHAIRMAN MATUSHEK: Thank you. All right.  
Commissioner Shaw, do you have any comments?

COMMISSIONER SHAW: I'll keep them brief in the interest of time here so we can move forward.

A couple of points here. I'm not going to go through and echo what everybody on this side has already said. I'll tell you I will agree. Clearly there's one item that's not contained within

the first agenda item. I'm going to make a bit of an assumption that the vast majority of people already have an opinion on it, and that we definitely want to hear. For my part there are many other aspects of the Code that are relevant -- it's contained within the agenda for this evening -- that perhaps are not as clear; and I think hearing from the public is very important on those.

Something that was stated a couple of times here, and I've see throughout this entire -- since probably about the last six months -- is process. And I think I, myself, and most of the people in the community have learned quite a bit more than they knew about process within the Village, this process. And Commissioner Kroner just went through quite a bit of it there.

I would say for my part for this meeting, I think that this meeting here is a big part of the process. And this demonstrates the process working. I think perhaps where the process was a little bit deficient was in the communication about what was actually going on here. And I think as we move forward, that part of the process will improve where we improve the communication to the public about what actually is going on so that there are not assumptions going on.

CHAIRMAN MATUSHEK: Thank you very much. Commissioner Kappel, do you have any comments?

MS. KAPPEL: I would just like to say I'm looking forward to going through the due diligence here, and looking at the amendments from all angles. And I think we'll all use the workshop and the meetings to come to approach a conclusion. That's it.

CHAIRMAN MATUSHEK: Thank you very much. Commissioner Bergthold, any comment on your part?

COMMISSIONER BERGTHOLD: Yeah, just something quick.

Given the importance of this item, I think it would be appropriate to have more time to review other than 6 or 7 days.

CHAIRMAN MATUSHEK: Oh, I don't think we're talking 6 or 7 days.

COMMISSIONER BERGTHOLD: I understand that nothing is being decided on today, but just to go into a public hearing with a bit more time to review, especially with the complexity and the importance of this item, more time would be appreciated. So if we can look into the process to quantify that, to change that, if it's not a part of the process, I think that that's important.

CHAIRMAN MATUSHEK: Thanks very much. At this time, this is a public hearing, and I know I've heard of a number of people who were not in favor of some of this before. I guess I'm curious. First off, is there anyone -- you've have to show. We have swear you in to testify since it is a public hearing.

Is there anyone who is in favor of the proposed amendment



as we stand here? I don't know if we have anyone on that side of it.

MR. CONNELLY: Which, Commissioner?

CHAIRMAN MATUSHEK: Oh, I'm sorry. As to deleting the term "Street Level Commercial Required" from the downtown core. Those who would like to object to that, if they want to speak tonight, can you please raise your hand?

And I appreciate that. Those of you raising your hand then, do you solemnly swear that the testimony that you will give is true, so help you God?

(Audience members are sworn in.)

CHAIRMAN MATUSHEK: All right. Thank you very much. I note that there were some comments about the legal notice. At least as to the subject matter, notice was provided as required in the newspapers. That's why obviously many of you are here. I think as you've heard from a number of the Commissioners, we're going to try to do better as to indicate the action that may or may not be occurring.

But we do have to move forward with the Village government, so we do want to get started on this. But there will be more study done by the Commission. At this juncture, I guess we can allow Village staff to come forward and speak to the initial proposed text

amendment which would amend Section XII of the Tinley Park Zoning Ordinance which is the 2011 Legacy Code, Section 2, Subsection A of the Downtown Core Regulating Plan by deleting the term "Street Level Commercial Required" in the Legend of the figure 2.A.2 and replacing it with "Street Level Permitted".

Paula, you can go ahead.

MS. WALLRICH: Good evening. Hi. Thank you. As I look out the windows, I really appreciate your dedication coming out on a night like tonight. You probably all wish you were out there rather than sitting in here, but it's a testament to the dedication of the citizens in Tinley Park to make sure that we have all the appropriate comments and testimony regarding this somewhat controversial issue.

I will say in some of the conversations I've had with residents over the last couple of weeks, I've been really impressed with the amount of understanding of what I think is a very complex Code. But the importance of tonight, my recitation -- and with your permission I was going to go through the entire Code amendments because it's all related to the Legacy Code and try to put a little more explanation on this complex Planning Code.

My name is Paula Wallrich. I'm the Interim Community Development Director, and I have with me this evening Stephanie Kissler. She's our Planner 1. Both of us arrived after the Legacy

Code was created. We were not part of the creation of the Legacy Code, and neither one of us actually was part of these amendments that we're working with here tonight. So in some ways we are in the same boat that you are in in terms of trying to understand the reasons behind -- and I know there was some questions of the Commission -- the reasons behind some of these amendments.

We have the staff reports. We've given them to you in the packet. And those are the original staff reports, both of them. And so, I think there is certainly a lot of investigation and analysis that we can help the Commission with, and we're looking forward to the public helping direct us to what they consider are the most important aspects of the Code.

So, the first item was actually just describing what the district is. And most of you again, I'm impressed with how much study everyone has done. This extends from 167th Street to 183rd Street. As the Chairman mentioned, the very first Amendment that was discussed was taking the Downtown Core area.

And just again, I want to explain. I don't mean to talk down; everybody has already studied this. But in that district, there are several districts within that district. Everything in the gray area is the boundaries of the Legacy Code; but they are not under all of the same requirements. There is the Downtown Core. We'll

talk about this first amendment which is depicted in this plan, but there's also Downtown General, Neighborhood Flex, Neighborhood General. So there's several districts within that overall Legacy Code.

The nature of these two amendments only affected two districts. That was the Downtown Core and the Neighborhood Flex. And that's really the subject of the majority of our comments this evening.

So this first one as the Chairman mentioned, took the first exhibit, Exhibit 2.A.2, where it originally said "Street Level Commercial Required". And the amendment that was recommended for approval by the Plan Commission and subsequently approved by the Board changed that to "Street Level Permitted". Now, it wasn't the entire district, everything you see in this boundary. It was the areas that were highlighted in red. That's a little easier to see.

So, again, this is the section that was changed. And it was for those areas that you see the dotting in red.

The second amendment had to do with just sort of a boundary issue. And I can just tell you from experience I have been in this field for over 30 years, and I've read a lot of Code; and they never get it right the first time. You write Code, and what happens after that, an issue that you hadn't thought through or scrivener errors,

or in this case an actual legal description error happened. So I don't want you to think that this is highly unusual, that aspects of this whole incident might be unusual. But Code often is looked at and re-looked at and analyzed to make right. We are always looking at our Zoning Code and making text amendments.

So this area that is the subject of change, from that to this, includes the Old Midwest Bank, Midwest Bank property that's vacant now and what was originally described in the Code, this parcel where the dotted line is. Just like that.

So it obviously was an error. That wasn't the intent. So one of the amendments, Number 2, is where we took care of that legal description.

COMMISSIONER KRONER: Paula.

MS. WOOLRICH: Yes.

COMMISSIONER KRONER: Before we go to C, can we go back to A for a second? If we can go back to the slide with the red? That one there is fine.

When you're saying "red", there's two sections of red. There's Oak Park Avenue, and that has a big red dot. But you're talking "Street Level Commercial Required" as in all the small dots which includes North Street, South Street, all of Oak Park Avenue there within that district. Correct?

MS. WALLRICH: Correct. The district is outlined, and then these dotted red lines, the red dots, were the areas I believe the intent was the frontage.

COMMISSIONER KRONER: Right.

CHAIRMAN MATUSHEK: And I think that it's perhaps difficult to see, Peter, on the Power Point. But for the benefit of the audience, there is an outline in black around the area that's encompassed in the Downtown Core area that Paula just described.

And I think before we get too far, Paula, I hate to cut you off, but I think perhaps it might be easiest to take public comment on each section.

MS. WOOLRICH: Do you want to? That's fine.

CHAIRMAN MATUSHEK: I think that would be --

MR. CONNELLY: Could I make a suggestion? Because when we get to the next one, that's some of the Notice deficiencies that I was speaking about that will be in the next one. And the fact that we're in a special meeting, I'd like to address that a little bit before we go too far.

CHAIRMAN MATUSHEK: All right. And you're right. It does incorporate some of the same texts there. So I'm sorry.

MS. WOOLRICH: And some of these are scrivener errors, the legal descriptions. I have a feeling the public is probably mostly

concerned about two of all these items is my suspicion.

CHAIRMAN MATUSHEK: So let's cover A, B, C at this point, and then we'll take testimony from those who were sworn in.

MS. WALLRICH: So C on your agenda, for those of you following along with the Agenda is sort of the same issue taking what was originally called "Street Level Commercial Required".

Now we've got the Neighborhood Flex District. And under the proposed figure 2.E.2., it was taking that and changing it to "permitted". Again, it's the red dotted lines that mean that.

MR. CONNELLY: And I'll add at this point that one of the deficiencies in this Agenda Notice occurs in this section. And you'll see what was noticed prior both for legal zoning purposes -- and maybe I should probably tell you a little bit about that.

Before a public hearing can occur, the Plan Commission is required by law to publish Notice at least 15 days prior to the public hearing in a newspaper of general circulation within the Village. So this is -- the Notice that you're seeing, that was published back then, and the same exact Notice was published.

Here, these Notices, there's no specific reference to the Downtown Flex area, and the Agenda copied that Notice both then and now. This being a special meeting, one of the rules of the Open

Meetings Act is we can only handle what's on the agenda.

Now clearly there's enough, as Paula has been going through, the agenda talks about "Commercial Permitted" versus "Commercial Required", so that's fine. But discussions specifically on the Downtown Flex zones, since in my opinion it was improperly noticed back then and improperly noticed now, we are a little bit restricted on how much of that we can discuss. So I just want to add that.

STEVE EBERHART: Point of order. Is a question on a point of order appropriate now?

CHAIRMAN MATUSHEK: I'm sorry, what?

STEVE EBERHART: Is a question on a point of order appropriate now based on Mr. Connelly's comments?

CHAIRMAN MATUSHEK: I don't know. Were you sworn in to testify at this point?

STEVE EBERHART: Yes.

MR. CONNELLY: Can we get his name?

CHAIRMAN MATUSHEK: At this point what I would ask, normally we would have people sign in. If you'd just kindly step up and state your name? Will everybody state their name so the secretary can take proper minutes?

We can start the public comment now, and we can include



your point of order comment as well.

COURT REPORTER: I didn't hear your name, sir.

STEVE EBERHART: Well, my name is Steve Eberhart. You can't demand my name, but that's a different issue. Everybody knows me.

This Notice was basically copied off the old Notice. This Notice for public hearing tonight is deficient. Can I ask the Commission why they're proceeding, or is it just as an accommodation to the folks who have shown up? Or isn't it appropriate to shut it down and say we've had improper Notice?

You've talked about having a public hearing in the future, so everything that we do here is ineffectual. And my concern is looking down the road giving up a claim. Anything that's presented here that the folks want to present, giving up a potential claim that listening to this was improper.

CHAIRMAN MATUSHEK: Well, Mr. Eberhart, I don't think that -- what is stated by the Village Attorney, as I understand it is, there was some problems with item C. And you're right. As an accommodation to everyone since we did give public notice here, there's still going to be a public hearing with the correction included for what counsel was speaking about as we go forward. But I think what we, as a Commission, wanted to do is to hear from the public as part of our study and review and analyze going forward at

this point so we can at least kick off our study.

And I don't agree with you that this is ineffectual, because number one we're not taking any action tonight. So if you want to argue we're totally ineffectual by not taking action, that's your prerogative. I don't necessarily agree that we want to just disband everyone and tell them to go home. I think it's valuable for us to hear public comment on these issues as we begin the study.

MR. EBERHART: That's what I really wanted to clarify. I don't want these folks to have to go home either. But there's a point of order; and the Village Attorney, his opinion is this Notice was improper for this public hearing. We had the same problem before, and we need to mull over what is the effect of this really-not-legal public hearing. That's all I want to bring up.

CHAIRMAN MATUSHEK: No, I think that's only as to Item C if I understand correctly.

MR. CONNELLY: That's correct. Fair point, Mr. Eberhart. And that is why I recommended that no final action be taken tonight other than closing this public hearing and directing staff to further research these issues.

CHAIRMAN MATUSHEK: And actually it's a little formal for us to do our initial fact gathering, but since it was advertised as a public hearing, we're going to hold one. And we appreciate everyone

coming, and we value your opinions. That's why we're here.

MR. EBERHART: See, that's where I disagree with you now. I don't think it is a public hearing, but we may have to argue that later. But I'm glad that people are listening -- or the Commission is listening to the people.

COMMISSIONER KRONER: Steve, do you want to start with public comment maybe?

MR. CONNELLY: While we're on A, B, and C, I think it's appropriate to start the public comment.

CHAIRMAN MATUSHEK: That's fine.

STEVE EBERHART: Let me get my notes.

CHAIRMAN MATUSHEK: As long as you're here, go ahead and grab your notes and come back up.

STEVE EBERHART: If I can have a moment.

COMMISSIONER SHAW: While he's having a moment, a question for counsellor. Just for my own clarification, so I know what we're talking about or not talking about, if I understood, is it fair to say that we're talking about the concept of "Street Level Permitted" and "Street Level Required" as a concept not necessarily specific to one zone or another? Is that right?

MR. CONNELLY: That's what I said. Yes. That's correct. That's a good way to put it.

MR. EBERHART: I noticed in the Plan Commission Staff Report, and I've attached all the old staff reports from previous (inaudible) hearings. At the August 6, 2015 Staff Report starting on Page 2 and continuing on Page 3, it notes: "Additionally, we believe that the required unfairly burdens the properties within these districts with the requirement that may make single use residential development difficult." Using a, quote "framer's argument", unquote, staff cannot remember why we need to be so strict with requiring "Street Level Commercial", but only saying that some type of commercial use will be appropriate or allowed at the street level.

First thing that I would ask the Commissioners to consider is I don't think we have any staff left who was involved in the 2008/2009 preparation of the Legacy Plan and Legacy Code. So I'm going to ask the Commissioners to take a very strict look at that, because out of the clear blue sky now we have new staff saying as framers they can't remember.

So I'll point the Commission to the 2009 Legacy plan at Page 31, where it reads: "The Downtown Core is the hub and catalyst of this plan. The vision for the Code includes a concentrated central retail area featuring dense residential development, access to regional transit, recreational and entertainment amenities" and then it goes on and on.

Next paragraph: "The core will accommodate greater residential densities, much of which will be housed in multi-story, mixed-use buildings with retail restaurants and service businesses anchoring the lower floors." In essence "Commercial Required".

Continuing on to Paragraph 3: "Due to the diagonal concentration of train facilities that bisect the downtown, there exists numerous irregular block shapes. The previously approved North Street lot makes the most of an unusually shaped block to create traditional storefronts on the ground floor with higher density residential condos on the upper floors."

I think all of that in the Legacy Plan militates against even former staff coming in here and saying, "Well, we kind of fudged, and we want to change our minds now and get "Street Level Commercial".

I will then ask the Commission to look at the 2009 Legacy Plan started on Page 41 and I think 42 and maybe on 43 where they talk about a dramatic southern gateway. And the renderings that are thereon and the renderings with first floor commercial -- and I compliment the Commission on what I'm generally hearing about the major concern about getting away from the "Street Level Commercial" because I suggest it's the Code. The plan was put together, and as the Code was put together, it defies the logic of the statement that was put in that staff report.

There is also a market study done specifically with regard to the Hanson Project. It's on the Village website. And I'd ask the Commission to go to Page 58 of that market study. I don't know all the ins and outs of the Hanson Project, but it has been stalled for a variety of reasons, some of which I understand are finance. And when the loan application was made to have HUD guarantee that loan on behalf of Mr. Hanson and his developers, a market study was demanded by HUD. And in Page 58 of that market study, their final conclusion -- a conclusion of the feasibility -- overall there appears to be sufficient demand to support a rental project as there appears to be a sufficient pool of renter households with sufficient income levels.

However, in our opinion the subject's proposed commercial space appears to be excessive for the location on a secondary thoroughfare. So my concern that I'm suggesting to the Commission is now you have Mr. Hanson and the South Street development coming in and saying, you know, I don't think I'm going to get my loan guaranteed by HUD if I have to file this requirement of first floor commercial.

And I think again, that it is totally inappropriate to take that requirement out of there based on the plan and the Code.

CHAIRMAN MATUSHEK: Thank you, Mr. Eberhart, I think we --

MR. EBERHART: Oh, I'm not done. If you want me to sit down, I'll say "I object."

CHAIRMAN MATUSHEK: No. I mean, I thought you spoke very well on those points. That's kind of what we raised at the outset of the meeting. I don't quite follow the logic of what occurred before we got here, either. So do you have another juicier point for us to consider?

MR. EBERHART: Excuse me. It's juicier.

Mr. Hanson is the South Street Development Corporation; and Mr. Hanson -- a concern that I think needs to be brought up, and I can't quote it because when "The Southtown" changed over to "Tribune", they lost a lot of their online stories.

Phil Kadner wrote an article probably about two, three, four, five years ago, and he talked about campaign contributions, and right or wrong, how business people have some type of an expectation or whatever from elected officials when they give campaign contributions. And you're never going to get an elected official to admit, yeah, I took that campaign contribution to help him out because he's going to be indicted and he's going to be spending time in jail with the George Ryans of this world.

But I ask the Commissioners to go look at the State Board of Elections site, and you will see things like South Street

Development. This one -- South Street Development is kind of interesting. It almost makes me wholeheartedly agree with Phil Kadner that there's an expectation on the part of businessmen. Because on April 9, 2015 South Street Development gave a \$500 campaign contribution to Team Tinley. On 11-5-12 a \$300 contribution to Citizens for Ed Zabrocki. On 4-6-13, which I think was election day or close to it, \$300 Citizens to Elect Tinley Park Village Officials. On January 18, 2012, a thousand dollars to Friends of Greg Hanna, at that time Trustee Hanna.

CHAIRMAN MATUSHEK: And I get your drift, Mr. Eberhart, but I know a number of people want to -- and really the issue here and what the Commission is concerned with are the text amendments and the purpose. And I really appreciate your comments earlier on as to rationale or not for "Commercial Required"; but I think that's really the focus of the issue here.

And I also appreciate your comments in another forum, I think, as to some of those things. But I don't think that really goes to the Amendment. The politics of it, I have no use for. I'm not an elected official.

MR. EBERHART: And I made sure that the Commission is going to look into it and not consider any of those considerations.

CHAIRMAN MATUSHEK: You're absolutely right.



MR. EBERHART: Final comment. If this Amendment is recommended by you ladies and gentlemen of the Commission and it's ultimately approved by the Board, it's just another example of old town politics, their admission that they failed in attracting commercial, their continued failure to attract and maintain a strong commercial in our downtown community for our benefit.

I urge you -- and I know it's not binding to tell the Village Board -- basically to forget it. Thank you.

CHAIRMAN MATUSHEK: All right. Thank you very much. I know we have some others who wanted to testify. Please be kind enough for the record to state your name so we can get this on the record.

MIKE PAWS: Mike Paws. I'm testifying.

It's hard to follow Counsellor Steve; he's so good, but I'm going to make an attempt.

I first got involved in Tinley Park politics in 2006 on the North Street Project. I was not opposed to it based on the fact that, you know, it's a good idea on a commercial base level, street level. You know, it was a little bit high, 15 set stories. I thought it was pretty excessive, but I thought, hey, cool. I thought the theater was a little bit questionable, but I was opposed (inaudible). It wasn't that the general idea of it was bad. You know, I think a lot of what was going on with North Street got folded into what

came to Legacy Code. They enjoyed the spirit of the original North Street Development which went into limbo in the great recession; but I think they wanted to keep the spirit of it. And I agree with the spirit of North Street. I want a vibrant downtown. I want something that -- you know, the commercial level will bring people in, keep people in, go to the existing businesses and have the synergy to work together. You know, bring people in and keep people and attract people.

You know, when I see these Text Amendments coming up, I actually went into shock when I saw downtown when I first saw it on Friday night. Maybe some of us were hyper-reacted, over-reacted, but I mean, I'm like, they're doing this to the downtown? I'm like, you're going to surrender? You're going to go and say, you know what? We just can't bring any commercial. We're just going to throw as many apartments up as we can because we give up.

That's what this says to me. This text amendment says that you guys have given up on trying to bring people commercial development downtown. It's suspect that would you give up so easily. I know we're in a great recession. I know we're in an apocalyptic economy. I get it. We have suffered the last ten years. I get that because it's been ten years since North Street.

But when I see this stuff coming in from you guys -- and

it comes from you, by the way. You guys write --

CHAIRMAN MATUSHEK: Mr. Paws, this was only at the direction of the Board that we take another look at what was done. I don't think the staff that's sitting here --

MIKE PAWS: No. Chairman. Chairman. You were the one that said you don't write the Agenda, they do.

CHAIRMAN MATUSHEK: No. I think we -- yes, we have--

MR. CONNELLY: I can answer that.

CHAIRMAN MATUSHEK: We'll let counsel speak to that.

MIKE PAWS: Oh, Counsellor. You're a sharp man. I appreciate your words.

MR. CONNELLY: The thought -- this Agenda, this Notice, after the rescission by the Board the direction was to place this, what had happened previously, right back before this Commission. Many of the members on this Commission were not here when that happened. So the Text Amendment and the idea, the Notice that went out, the Agenda that went out is exactly the same as what came before --

MIKE PAWS: I'm sorry. I apologize. I believe you misunderstand what I'm trying to say. I'm not saying this specific one that went out Friday. I'm not saying that. I understand this was at the direction of the May Board. I'm talking about in general. These Text Amendments are written by them. Are they not?

MS. WOOLRICH: No, Mr. Paws.

MIKE PAWS: Okay. Then for the record, who wrote this stuff? Who wrote the words on the paper back in July? Who wrote it?

MS. WALLRICH: Mr. Paws, I think I explained that earlier. This is the exact same Amendments that were brought to the Plan Commission last August.

MIKE PAWS: By who?

MS. WALLRICH: By the prior planning director.

MIKE PAWS: That's what I'm saying. That's what I'm talking about. Okay?

MS. WALLRICH: I --

CHAIRMAN MATUSHEK: Hold on.

MIKE PAWS: Hold on for one second, okay? Because I'm trying to make a point here.

CHAIRMAN MATUSHEK: We would like to hear it.

MIKE PAWS: Here's my idea. You know, this is what I don't get. I know it kind of goes a little out of the scope. A little -- I apologize where I'm going -- but the fact of the matter is this. Your predecessor -- not you. I'm sorry, I kind of like pointed. I'm sorry. The "royal you" of the planning department. Okay? You guys write this stuff. It wasn't you. I understand you weren't here. Your predecessor was here writing this stuff. So the Plan Department

previously writes this stuff. Correct?

MS. WALLRICH: Correct.

MIKE PAWS: Thank you.

CHAIRMAN MATUSHEK: Okay --

MIKE PAWS: Now that we're on the same page here, your predecessors wrote this stuff. Okay? All right? And they go and bring it to these guys with not much notice as to what's going on, okay? And basically what happens is, you know, you -- I'm sorry, the Planning Department -- the Plan Department, okay -- writes this stuff. Unelected officials write these amendments that become Code and they're basically affecting the law of Tinley Park. Okay? Unelected, unaccounted-for bureaucrats.

CHAIRMAN MATUSHEK: And I think --

MS. WALLRICH: But it does go to a Planning Committee.

MIKE PAWS: I understand there's a few. What I'm saying is it ticks me off that the Plan Department wrote this stuff last year and it's a surrender. It's a surrender.

CHAIRMAN MATUSHEK: Well, Mr. Paws, I think I gather your point. And if you recall, I was one of the people who spoke up at the hearing during the tenure of the --

MIKE PAWS: You did.

CHAIRMAN MATUSHEK: -- of the prior Commission because I would

agree with you. It's not -- at least in my view, and I'm -- you know I'm just Ed Matushek. But in my view, it's not the purpose of the staff to make policy, which I think is your point. That's what we elect our Village officials, elected officials for. And they do have expertise in the planning area. That doesn't mean we just give it carte blanche and a blanket approval, but we have to start to rely upon at least people with the technical expertise in that area objectively.

And then we look at "if". If it's changing policy which is what I think your point was, and my point was, prior to this meeting back in --

MIKE PAWS: And just for everybody's clarification, I spoke with you at the end of the first reconvening of the Commission, and I said, "Hey, who is putting the agenda together? You? And that's one point that the other people on the Commission have input on it." And you were kind of like, "Well, it's mostly the Plan Department."

And I was really disappointed with that answer. "I think it's the Plan Department." You know, they do their thing, but when it comes to writing actual text amendments, it should be coming from you guys.

CHAIRMAN MATUSHEK: Well, and that's exactly why we're starting this process, because if there is a recommendation to the

Board, that's precisely what this Commission will be doing -- modifying or drafting or just recommending outright denial or approval if it was well-written or poorly written or we don't agree with the policy. And that's the way the process should work.

Unfortunately, I think a lot of us had concerns whether that was what was working. So we're here to try to correct that and to make sure that the policies that are supposed to be in play are put in play by people who speak for us as citizens, and that is our elected officials. And in this situation because the Legacy Code was supposed to be approved by the Commission, we know what happened.

But I think we agree with you, and we understand what you're getting at, but I want to disabuse you of any notion that we're just going to take whatever the staff gives us and give it carte blanche.

MIKE PAWS: All eyes of Tinley Park are upon you. Of course that's not going to happen. There's more people on there, and quite frankly I think the people of Tinley Park trust to watch over us.

CHAIRMAN MATUSHEK: I think quite honestly knowing the Commissioners as well as I do, our eyes are on things anyway. That's why we're all here. That's why we volunteer.

So again, I appreciate your point. But I guess what I'd like to get to is I'm in total agreement with you on your points, but did you have any other comments as to the proposed amendment?

And you touched on some of that, to remove the concept of commercial requirement. You spoke on some of that. I understand, and I agree with you.

MIKE PAWS: In general, the areas in question, more specifically the downtown, I think twice in the Downtown Core but all of it, Tinley Park needs as much commercial as it can get because we need a tax base.

CHAIRMAN MATUSHEK: I agree. And thank you.

MIKE PAWS: So that's my --

CHAIRMAN MATUSHEK: I agree with you 100%. I agree.

MIKE PAWS: I have a couple other things I would say, but basically what counsellor said about keeping in the scope, I'm going to defer that to the next Board meeting.

CHAIRMAN MATUSHEK: Thank you so much. Those were good comments at the end, too. That's the kind of thing we're looking for on that particular amendment, so I appreciate it.

All right. State your name and we'll go ahead.

DON SACOFF: My name is Don Sacoff. I'm a resident of the Village of Tinley Park for 28 years; so I've been around a while. I don't quite understand how this came about in the first place. Planning Commission isn't responsible for writing ordinances, are they? Isn't that the Zoning Board? The Village Board?



MR. CONNELLY: For writing ordinances?

DON SACOFF: Well, basically that's what you got here. What we had in the past. I'm trying to figure out what happened in the past so I can go forward. I don't understand how this came about for the Planning Commission. I was on the Planning Commission in Hazel Crest for four years. We didn't do stuff like this. We looked at things that came into the Village. We were asked to look at it whether we felt it was something that the Village needed or not. But it was our decision to make whether it would happen or not, whether it would be brought into the village. And ordinances were usually done by Zoning Board.

CHAIRMAN MATUSHEK: Well, in this particular situation, what we're looking at is the Legacy Code. That's because of what was created there. It's not in the purview of the Zoning Board. But as to your point of preparing ordinances and things, at any level of government, you're going to have staff assisting in drafting things. But the people who are responsible are the elected officials who pass the laws and the ordinances of course in municipal law.

So in this particular situation we make -- or I should say the Plan Commission -- is supposed to make and we certainly intend to make recommendations to the Board so that they have input from other citizens who've tried to study things. Now, I can't speak to

what occurred before. That's one of the reasons that I said I wanted to do this really about as much as a root canal. And I've lived here seven years longer, and I don't plan on moving. So I'd like to bring some common sense back here and get things on track again, and that's one of the things we're looking at.

DON SACOFF: My question -- one of my questions was the Ordinance came into being through the Planning Commission. Is that correct?

CHAIRMAN MATUSHEK: That's correct.

DON SACOFF: And there was no review by anybody else other than by the department -- by the Commission. Is that correct? So they wrote an Ordinance and it became in fact law?

COMMISSIONER KRONER: It went to the Board; and the Board voted on it, yes.

DON SACOFF: Right. And the purpose of this Legacy was to expedite projects to the Village. Is that correct?

CHAIRMAN MATUSHEK: As I understand it, sir, I think that seems to be the focus of the Code. I look back at some of the -- and I haven't been a trustee in 25 years, so I've been out of the picture for a while, but I did some research on the news articles on the thing; and you know, I'd forgotten in 2010 the Village was actually given an award from the Illinois Chapter of American Planning Association

about the Legacy Plan for downtown. And it certainly seemed -- and Mr. Eberhart spoke to a lot of this -- that the focus was to improve commercial development. Yes, sir.

DON SACOFF: And I have no issue with that. I'm just trying to understand the whole process that took place before, and now we're -- which is good, which is good. We're just trying to get this right. And we're trying to do what's best for the Village, not what's best for certain individuals.

CHAIRMAN MATUSHEK: Absolutely.

DON SACOFF: I commend you for that. I really do. And hopefully you can go forward and present something that we can accept, and your recommendation would be something that we can accept as well. I think that's all we're asking for.

CHAIRMAN MATUSHEK: That's all we're trying to do, sir.

DON SACOFF: Again, I don't understand how this process got through.

CHAIRMAN MATUSHEK: That makes two of us. And I think that's one of the --

COMMISSIONER KRONER: The entire Commission is with you on that.

CHAIRMAN MATUSHEK: Yeah, the whole group of us. But I appreciate your comments, and that's one of the things I think, and

one of the reasons I'm happy to see people here; because I can tell you, you know, a quarter century ago when I would be sitting at a Village Board meeting, I was lucky if I saw one or two people show up. It's nice to see people that care and get involved. And again, I just want to thank everybody for taking the interest and being here as well. Because again, you need to have people that are responsive to our interest. And one way of doing that is to voice your opinion on things. And this is what's going on here, and I appreciate it.

DON SACOFF: Well, not only at this level but at state level which is also (inaudible) and federal level which has its issues as well.

CHAIRMAN MATUSHEK: Thank you very much. We have one more.

DIANE VALENTE: Diane Valente is my name.

So if somebody came into downtown Tinley and it's required of them to have commercial, if they wanted to build without commercial, could they submit plans of some sort, or can they try to get approval to do that? Is there a way around that?

MR. CONNELLY: There's different variance parts in the Code, and it's a good question. And generally in zoning, yes. There are variances available after proper hearings and things of that nature. So yeah, generally in zoning --

DIANE VALENTE: They could. So if the best opportunity comes

to us --

MR. CONNELLY: Yeah, I'm not going to talk about specific areas or things like that, but generally speaking, that's what zoning relief is for. If the property I'm on has a hardship not caused by me, there's various standards for granting of variances and special uses.

DIANE VALENTE: Because the first time I came to a Board meeting was after I started reading all the stuff that was going on. I started reading up on the company, and I had concerns for my half of it. And because of the company and the federal --

CHAIRMAN MATUSHEK: And, ma'am --

DIANE VALENTE: I know. I know you can't help me so that's why I came out. But when I asked the question to the mayor, why would we be here? How did we get here today? I said, "Why did you allow this?" And his answer was, "It's out of our control."

The Commission -- this, Planning Commission makes this decision?

CHAIRMAN MATUSHEK: Well, let's put it this way, ma'am. I think what we're trying to do is make sure we have things back in control.

DIANE VALENTE: I understand. I wanted to get this point out that why in the world would we ever -- and I'm confused on this. And

honestly I'm going to take some classes in government, accounting, and everything else to understand this better. I'm confused who sends it to you and why you were talking about this again, because I was shocked to read this in the paper.

CHAIRMAN MATUSHEK: I think as I explained in the beginning, what happened was as I think a lot of people have read --

DIANE VALENTE: No, I understand. I get it. And I feel confident that you guys are all in the same place I am. It's not going to happen. This should not happen, but I just want that voice as a voter. I have the right to vote in people who can make decisions. And for the mayor and the trustees to give their vote away is -- I don't understand it.

CHAIRMAN MATUSHEK: I think what we want to make sure is people understand what they're voting on, and people pay attention. I appreciate your comments, too. And I take it from your comments that you're in favor of retaining the "Commercial Required" element, what we're conducting some of this on.

DIANE VALENTE: I don't understand why people consider taking it out. It's a way for us to make sure of everything. You can always -- if the best opportunity comes up, you can have them go through and put in for a variance, and they can still have it; but it's going to slow that down. It's not going to be something that

happens out of their control. Because I want to be able to vote in who is making the decisions in my town. It shouldn't be the way people can hand money off to somebody if they want to get business in here.

CHAIRMAN MATUSHEK: Yeah, that's not why we're here. What we're looking for, it's something -- the intent was of the Legacy Code to promote commercial development. And we're interested. If anybody thinks there's reason to detract from that, I haven't heard it yet. And I think when I asked for a show of hands of anybody who wasn't, I didn't see any; and I didn't hear any up here.

So, no. We're happy to make your comments part of the record. And thank you again.

COMMISSIONER KRONER: Chairman, could I say one thing? Could I address one of the -- in defense of the mayor, he told you the truth. I believe according to the Legacy Code, the Planning Commission has approval for -- the onus for approval or disapproval of the project falls on the Planning Commission based on the Legacy Code, the way it's written.

So I'm going to defend the mayor here because it was out of his control.

DIANE VALENTE: I'd like to speak to that.

CHAIRMAN MATUSHEK: Hold on. Right now what we're on is the

Amendment. At this point, if we can just stay on that agenda. I appreciate what you're saying, but we're kind of required to follow the Agenda.

DIANE VALENTE: Who would vote if there's a variance to the Code? You still vote on that, too?

MR. CONNELLY: Yes. This is a recommending body. They would recommend or not recommend to the Village Board.

DIANE VALENTE: So even regardless of if it's required or not, it doesn't go back to the trustees and the mayor to vote on.

MR. CONNELLY: Any action taken by this Commission on any text amendments, that will always go to the Board. Always.

CHAIRMAN MATUSHEK: That's as to the text amendments. And then --

DIANE VALENTE: I'm sorry. I meant if you guys keep it as required, would you decide if a good opportunity came up and you wanted to -- you know, they were going to go ahead and file an amendment or to get a variance --

CHAIRMAN MATUSHEK: Oh, you mean an extra variance?

DIANE VALENTE: Do you guys vote on that, or does it go to the mayor?

CHAIRMAN MATUSHEK: If you're talking about the Legacy Code as its structured, I think right now that's one of the interesting



things that I found. The purpose was to foster an expeditious approval of commercial development. And I think as I look at the Legacy Code, that's one of the reasons that was interesting. That is something within the purview of the Planning Commission, yes.

But any changes in the ordinance or the local law on that, that would have to be approved by the Village Board. And ordinarily any other type of zoning variance would also have to be voted on by the Village Board. But from what I gather, what occurred in the past on this was somehow we set something up that was supposed to foster quick commercial development which would encourage commercial development by enacting this and giving the Plan Commission the power to approve it and kind of short-circuit it so that we could get more commercial development in town. And somehow it got off track.

DIANE VALENTE: Thank you.

COMMISSIONER SHAW: Mr. Chairman, if I could make a quick comment here just to emphasize the point you're making. I think it's very important to talk about the concept again as a concept of "Commercial Required" versus "Commercial Permitted". As Mr. Eberhart brought up there, he read from the Legacy Plan which is the document that kind of gives the vision. All right? And to your point about the rationale that was used in the original proposed text amendment was that requiring commercial on the first floor was

somehow, you know, tying the hands of somebody who wanted to do a single use residential development there.

You brought up an excellent point here in that if somebody wanted to propose something like that, it would require a variance. But that, by definition, would be an exception. We want to make sure we don't change for the exception. Where we have a rule and if you want to do something different and it makes sense, we can get variance.

CHAIRMAN MATUSHEK: Of course there's public hearings any time there's a request for that. So that's the whole point, that it gets done. It's not a problem.

DIANE VALENTE: Okay.

CHAIRMAN MATUSHEK: And I take it from your comments again that you're in favor of retaining that commercial requirement in the downtown area?

DIANE VALENTE: Yes, I am.

CHAIRMAN MATUSHEK: Appreciate it. Thank you. Thank you very much.

BILL BURTONS: My name is Bill Burtons. Two quick questions, and maybe you can clarify some ignorance on my part.

Prior to all these issues with the changing of the Legacy Code, before that time did the Legacy Code say "Commercial Required"

for the entire Legacy district, or were there out-held sections within that district?

CHAIRMAN MATUSHEK: I believe it was the entire --

MS. WALLRICH: The entire district isn't identified as first floor. There are some sections that actually target for residential.

BILL BURTONS: Okay. Thank you.

Now what I've been hearing tonight is that the Sections A, B, and C here that we're not going to really talk about tonight or take any action on, these proposed amendments are very similar to the original amendments that started all this last September. So -- but they're coming back up to us now. And my question is who is proposing these changes?

MS. WALLRICH: These are the same, the exact same.

CHAIRMAN MATUSHEK: They're not similar. They are identical to what was there. But --

BILL BURTONS: But they were proposed by the prior Planning Department? And we won't go really into detail about that, but they're gone, thankfully, the people that ran that department. Is the current Planning Department pushing these amendments? I'm wondering who is proposing these. I mean, who's proposing these?

MR. CONNELLY: I can answer. They are back here as a result

of rescission by the Board. They are the very same amendments. As you've heard this Board tonight, they've already directed staff to do more research on these, bring it back, and then we'll have further meetings, public hearings, on these and potentially other amendments as well.

BILL BURTONS: Can somebody tell us who proposed these changes in the first place since it is apparently the same as the current changes?

CHAIRMAN MATUSHEK: I don't understand, sir. What we've been directed to do by the Board after they rescinded these was to take a look at these with a fresh look, proper notice, proper public hearing, and proper comment from everyone and then make their recommendations.

BILL BURTONS: Understood. I appreciate that. Again, I'm still a little unclear on where did the original proposed changes come from?

CHAIRMAN MATUSHEK: Well, I share your question there; and like I said, I question the logic on some portions of these myself; so I can't concern myself with that. As a Commissioner, and my fellow Commissioners, all we can do is --

BILL BURTONS: Well, with all due respect, may I say that maybe somebody ought to take a long look into the history of how that

developed the first time? If that was improperly done the first time -- excuse the French -- why the hell are we even thinking about it the second time around? So as well as looking at this, why was this brought up in the first place? Is this just a "Well, no plan is subject to no change and everything is possibly going to change"?

I understand that concept. But I think maybe there should be some time and effort spent into why these original amendments were proposed in the first place? What was the desire? Where did they come from? Who came up with these? Why were they done, and consider that while we're looking at it the second time.

Because if the foundation from the first time is shaky, it's not going to be any better the second time around.

CHAIRMAN MATUSHEK: Well, I disagree there, but that's already under investigation by a number of entities. So we'll all find out.

BILL BURTONS: Understood. But these three items are in your lap right now.

CHAIRMAN MATUSHEK: Correct.

BILL BURTONS: So we can't just say, "Well, we're going to let the Sheriff's Department look at this." These three items are back in your lap. And if you're going to do your due diligence on it, I think I would-- the first question I would ask if I'm on the Board with you ladies and gentlemen, why were these proposed in the first

place?

CHAIRMAN MATUSHEK: Well, I think if you were here at the beginning, I did ask those very same questions. And we've directed staff to provide us with some information that would justify just what you said. And if we can't find any justification, I guess we all know what the answer would be.

BILL BURTONS: That's the first clear statement I've heard on that all night long. Thank you, sir.

CHAIRMAN MATUSHEK: I'm trying not to use any legalese.

NANCY DuCHARME: Nancy DuCharme, D-u-C-h-a-r-m-e.

I have two items. First, I want to thank the Board for taking a fresh look at the rescinded and somehow resurrected amendment. I don't understand the fact what the status was. As it was rescinded to me, that means it was killed, dead, off the table. It should get the full scrutiny and not just sort of looked at as a technicality. We should sort of give it quick overview, too. So I'm very impressed by the feedback and the indication that there's going to be complete staff consideration of all the issues and a full review.

My second point concerns this meeting tonight itself. I understand, Counsel, there were some flaws in the Notice. I'd like to know how that happened. I'd like to know how it can be prevented

from happening again. I'm glad that we're all here and we're able to proceed, but taxpayers are paying for the rental of this room, no doubt. I don't think it's free.

So, to avoid additional unnecessary expense in the future, I hope that everyone is clear on the protocols and due process requirements so that we can avoid unnecessary taxpayer expense. Thank you.

CHAIRMAN MATUSHEK: All very good comments. Is there anyone we have missed that was sworn in? Yes, sir?

LUCAS HAWLEY: My name is Lucas Hawley. So I just wanted to talk about Section D, and I'm just trying to get what I perceive --

CHAIRMAN MATUSHEK: Wait. I'm sorry. We haven't reached Section D yet.

LUCAS HAWLEY: Oh. I'm sorry. I thought --

CHAIRMAN MATUSHEK: No. We thought we'd do the first three. The first three kind of had some connection together, but we'll get to that in a moment. If you have no comments on A, B, or C that are different, we'll allow you to speak as we get there. Sure.

Okay. Anyone else on A, B, or C that we haven't heard from that was sworn in? Yes, sir.

BOB VIRAVEC: My name is Bob Viravec, and as I attempted to use the Internet as some of my neighbors did today, I notice there was

490 homes for sale in Tinley Park, and 98 of them are in foreclosure. That's 19.6%.

Then I did a little bit of research on apartments, and I couldn't tell how many were in Tinley Park, but in or near Tinley Park there's 983 units available for rent. How near Tinley Park these apartments are, I don't know. Many are running specials to get renters. That's 1,473 units that are available now in or near Tinley Park.

CHAIRMAN MATUSHEK: Okay. And I --

BOB VIRAVEC: I understand, and I'll get to the point.

CHAIRMAN MATUSHEK: And I guess the point is the text amendment would be on "Commercial Required"?

BOB VIRAVEC: That's correct. My point will be made further on.

CHAIRMAN MATUSHEK: I'm with you. Thank you.

BOB VIRAVEC: Just another question; what would make them want to come to Tinley Park? My opinion is not to have any more multi-family units built until we can reduce our current inventory and start enforcing our Village property codes. Because if you drive through the Village you're going to see a lot of units, a lot of homes in various stages of disrepair. Okay?

We need to have an open debate, brain-storming sessions



open for public discussion and ideas just like we had for the Howe (phonetic) property before we do anything else.

The areas have been underdeveloped for years. What's the rush now? It's been eight years since the Legacy Code has been written, and all of a sudden you've got to pass it through. Let's see what our new members of our Planning Commission do to attract people to our town and again, give the citizens time to examine and comment on new projects.

One other thing. I have a part time job that I go throughout the city and suburbs. I go to downtown Chicago, Bucktown, various other neighborhoods, Downers Grove. And every place I go, there is first floor commercial. People walk to the 7-Eleven. Sometimes there are independent supermarkets, barber shops. That's what's going to attract them. So if we just build more units and we don't put any commercial in there, what's going to make them want to come to Tinley Park?

Now, one of the areas that I drive through is on Jackson and Racine. First floor commercial everywhere, and those condos start at \$565,000. But there's one thing you always see, people walking on the streets all times of the day.

The second thing that I got to ask you guys, when you got the email or whatever correspondence you did for this meeting,

someone had to send it out and somebody had to put a name on it. It didn't come anonymous. Who proposes to have all these meetings on a Friday night?

And another thing for the Planning Commissioners, because you and I had a conversation over at the Convention Center where, gee, here we are. Friday night these were sent out; these are what the Plan Commission was going to propose. Somebody has to put a name to something. Somebody said, "Please have this meeting", because I think the Friday night ambushes, I think that's a strategy. That is not something that happens by accident.

AUDIENCE MEMBER: Suspect.

CHAIRMAN MATUSHEK: Well, number one, as I understand it, today is Thursday which is the regular time for Commission meetings. And I'll be honest; I was on vacation when some of this was coming through, and I understood that the Board said we should take another look at this. So you can have my personal apology that I didn't see the exact description of how this was going forward.

But again, the concept was that we have an open meeting to begin the study and review of this and do an analysis so we can make a proper recommendation to the Village Board. Again, I want to have everyone's comment on the record as to whether or not they favor retaining the language of "Commercial Required" or any other.

I take it from your comments again, that you retain a strong --

BOB VIRAVEC: For "Commercial Required". But again, somebody had --

CHAIRMAN MATUSHEK: Appreciate it.

BOB VIRAVEC: -- to put that name on that email on Friday night that said we're going to have a special meeting on this Thursday at the Odyssey. Who was that person?

MR. CONNELLY: I can answer that. As Commissioner Matushek pointed out, Thursday night -- what are we on, the third Thursday?

CHAIRMAN MATUSHEK: That's right.

MR. CONNELLY: This Plan Commission, as published by law, has a schedule of regular meetings, the first and third Thursday of every month. The Village has to publish that full list at the beginning of the calendar year I believe for all their boards. When you deviate from that either by day, location -- so that list will say they probably meet in the Council Center of the Village. When you deviate from that, you have a special meeting.

That's the reason we have a special meeting is because we're not over at Village Hall, and we knew we were going to have a big crowd, and rightfully so and we're glad we have it.

So that's what gave us a special meeting. The packets

going out Friday night, that's the practice of -- the Commission gets their packets the Friday night prior to their Thursday meeting. I don't know if that helps.

COMMISSIONER MATUSHEK: Again, there should be no surprise. The Plan Commission meets every other Thursday unless there's some holiday or something unusual.

BOB VIRAVEC: I do understand all that. And I concur, and I knew that there was going to be a meeting tonight. But somebody wanted to talk about these text amendments. Again, somebody had to put their name to it, because anybody that works for somebody always has somebody that gives the last order, and that somebody always has a name.

CHAIRMAN MATUSHEK: The Ordinance that was rescinded by the Village Board included language that we should study.

BOB VIRAVEC: So the Board of Trustees and the mayor put this out?

CHAIRMAN MATUSHEK: They passed the Ordinance rescinding and requesting our assistance in studying that proposal to make a recommendation in a proper way. And that's what we're doing.

BOB VIRAVEC: The Village Board does that, correct?

CHAIRMAN MATUSHEK: Well, the Village Board rescinded the Ordinance. Again, we had to start somewhere. We can't just stop

government. So --

BOB VIRAVEC: So are you telling me that you guys put this together to talk about the Ordinance?

MR. CONNELLY: Can I answer that, Mr. Chairman?

CHAIRMAN MATUSHEK: Surely.

MR. CONNELLY: Once the Ordinance was rescinded, this Commission with direction to review that Ordinance -- or excuse me, to review those Text Amendments -- that what you have there in the agenda, the Text Amendments, were placed before this Commission in exactly the same way they were eight months ago. It was an idea for this Commission to see them, see what was proposed, see the staff reports because many up here didn't see them.

So we wanted them to see them and begin the study and fact-finding process on those Text Amendments.

BOB VIRAVEC: But can you still answer the question? Who brought this up, and who said let's start studying these Text Amendments again? That's all I'm asking. Somebody has to say they did this.

COMMISSIONER KRONER: Staff sent out the email at the direction of the Board.

BOB VIRAVEC: So it was the Village Trustees.

COMMISSIONER KRONER: It was the staff who was directed by the

Board to send this to us to talk.

BOB VIRAVEC: And who was the staff?

COMMISSIONER KRONER: The Planning Commission -- Planning Department, not Planning Commission. Planning Department and counsel.

CHAIRMAN MATUSHEK: Yeah, it was part of the Board meeting where they rescinded the Ordinance; and that was with instructions for us to take a look at it. So that's what we're doing.

BOB VIRAVEC: Yeah, but you know, when you work for a living, you have a boss. And he's either a manager, general manager, vice-president, somebody. So when you get an order down that says "from the Office of the Vice-President", and they'll have a name on there -- that's all I'm asking. Somebody had to put a name to it.

What is so difficult about getting that name?

MR. CONNELLY: I will say this. On advice of counsel, right? Myself. This process had to start with someone. With the agenda being placed, we felt it appropriate after referral back from the Board that this Board see exactly what happened, exactly the same things to start the fact-finding process.

So did I advise that? Yes. Did I advise them to approve this? Not approve it? Look at it? No. This is the start of the fact-finding process. Does that --

BOB VIRAVEC: That was simple enough. I don't know why we have to go through all this rigamarole to get to that answer.

CHAIRMAN MATUSHEK: It's kind of in the same fashion it always was.

BOB VIRAVEC: That's all I want to know. That's all I have.

CHAIRMAN MATUSHEK: Thank you, sir. Okay. Yes, ma'am?

BEVERLY CASELSKI: My name is Beverly Caselski. I came in late to the meeting, but I just want to say in reading the article in the Southtown today, we thought that this whole thing was out the window. But now the guy is willing to pay more money for this property --

CHAIRMAN MATUSHEK: Bev, we can't hear --

BEVERLY CASELSKI: -- and changing this to permitted instead of required, you're bowing down before them.

CHAIRMAN MATUSHEK: No, Bev, we're not. And quite honestly, we're not talking about specific developments at this meeting. What this meeting is about is to look at the Code as a whole.

BEVERLY CASELSKI: But this whole thing is regarding that.

CHAIRMAN MATUSHEK: Well, it's not. This meeting is about the Legacy Code as a whole. How that affects any individual -- it affects every developer equally regardless of what it may be. That's not our concern.

BEVERLY CASELSKI: I've been a resident for 48 years here, and

Tinley Park is going down the tubes. I'm sorry. They don't think anything of the residents. Our taxes keep going up. You keep giving the (inaudible) districts the businesses. And what about the people? Our taxes are ridiculous.

CHAIRMAN MATUSHEK: I also share some of those concerns, Bev, but I'll tell you that's one of the reasons we're trying to take a look at these things to get it on track and see if we can raise commercial development and stay true to the spirit as it was well-spoken by a number of the speakers here.

BEVERLY CASELSKI: Why do we need the Legacy Code? We never had a Legacy Code before.

CHAIRMAN MATUSHEK: That's one of the things we're looking at as well in terms of whether or not it's going to foster better commercial development. That's a good point. We do need more.

I know particularly my parents are still here in town for as long as you've been, and they're interested in the same things. A lot of people don't want to be taxed out of their houses and everything else.

So one of the things that we're concerned with is does this Code stay to the spirit, and can we do something to increase commercial development.

BEVERLY CASELSKI: But basically this is all regarding that



property at 183rd.

MR. CONNELLY: Absolutely not.

CHAIRMAN MATUSHEK: No, not at all.

MR. CONNELLY: This is about the Legacy District --

BEVERLY CASELSKI: They had until June 1st. This is June 16 and still --

CHAIRMAN MATUSHEK: Bev, that's not directed to the Agenda that we have on the Legacy Code issues.

BEVERLY CASELSKI: But according to the Southtown, he is willing to pay more money.

CHAIRMAN MATUSHEK: I will be happy to look at the newspaper article with you, but that's something that's not the purpose of this meeting.

BEVERLY CASELSKI: You know, they went to other villages and they told them no and that they're out. Tinley is bowing down. I'm sorry.

CHAIRMAN MATUSHEK: Thank you. I think we've covered everyone on those three points. We can proceed to --

COMMISSIONER KRONER: Could I just ask a question before we leave it?

CHAIRMAN MATUSHEK: Sure.

COMMISSIONER KRONER: If I could just ask the citizens, this

is just for my own edification. I know some of you don't like to come up and speak publicly. Can I just see by a show of hands who would be in support of changing the text amendment to "Commercial Permitted" from "Commercial Required"? Does anybody show their hands?

Then can I ask the second question seeing none, who would be in favor in this crowd of citizens to maintain "Street Level Commercial Required" in the --

AUDIENCE MEMBER: Yeah.

AUDIENCE MEMBER: Good.

COMMISSIONER KRONER: And just for the record, there's about a hundred-plus citizens here. If you could just enter that for the record. Okay? Thank you very much.

CHAIRMAN MATUSHEK: Thank you. One final point, Mr. Shaw, on the first amendment.

COMMISSIONER SHAW: Well, unfortunately this is about neither A nor B nor C. I just want to get a quick clarification here.

As I read the staff report, this came about because somewhere along the way there's an error where a property was half in and half out. So I get that. So it appears that the proposal was to bring it all in. And as I see, it could have been all out or all in. And I'm just curious about whether or not the owner of

the property was consulted on that and what the impact is of being all in or all out.

I don't necessarily need an answer now. I just -- as staff reviews this I want to make sure that we're making a decision that, if it's going to impact the property owner, let's make sure that we're considering that since we have to make a decision anyway.

MS. WALLRICH: Yeah.

CHAIRMAN MATUSHEK: And I think that's a good point. There are probably a couple items that make good sense to recommend to the Board. Like one for instance, a scrivener's error that divides somebody's property in illogical half for zoning.

So, again, those are one of the reasons we're looking at this as a comprehensive whole. But I think we have covered those three items, and if staff would like to proceed with part D, I think we're ready to go.

MS. WALLRICH: Thank you. I did hear a couple things. I know it gets confusing and maybe frustrating. And I believe I heard the Chairman say -- and I'd like to have a dollar for every time you said this while we're here this evening. The Code that exists right now is the original Code. Right now the Code has first floor "Commercial Required". So I just want to make sure everyone understands that.

And the only reason we're here tonight is because the Board

remanded it back to the Planning Commission to look at it again. We wanted to get your comments. That is the whole point of doing this. Nothing has been changed. It's the original amendments that were written the first time around back in August.

There's also one other review. I know there's a lot of questions. How does it get to this Board? It does go to a committee first, a Planning and Zoning Committee. And that's a committee of Board members, so there's a few steps. It goes to that committee. It's talked about in the text amendment because it's amending the Zoning Code, and that is the jurisdiction and the purview of the people here. It has to come to this Board. They do a workshop, and then they do a public hearing, and then it goes back to Board.

So there's a few steps that it has to go through. So, D --

MIKE PAWS: Please, can I ask her a question about this?

CHAIRMAN MATUSHEK: Is it regarding --

MIKE PAWS: It's regarding what she just said.

CHAIRMAN MATUSHEK: Okay. Do you want to step up and for the benefit of the reporter identify yourself. Make sure everybody can hear you.

MIKE PAWS: Testifying again, Mike Paws.

Regarding the Planning and Zoning Committee, just so I can have the sequence of events right. They initiated all this? Or do

you start, and then it goes to Planning and Zoning Committee, and then it goes to them? What is the sequence of events?

MS. WALLRICH: I honestly don't know how it's initiated.

MIKE PAWS: How is --

CHAIRMAN MATUSHEK: We're getting way off track. I don't know if it's appropriate to talk about how the committees work at the Village Board level at this meeting.

MIKE PAWS: Well, I think we need to get to the bottom of this at some point.

CHAIRMAN MATUSHEK: I'll be happy to talk about what I remember from my time a quarter of a century ago, the elements of how that thing works. But this is a public hearing on these items. So, if you don't mind, Michael, I'll be happy to talk to you after.

MS. WALLRICH: So Section D had to deal with looking at specific uses. In that Legacy Code, we have special uses, prohibited uses and permitted uses. There were certain uses that were looked at to move. For example, we had "used cars". There was a recommendation to take that out of the special use and put it into the prohibited uses and packaged liquor as well. And then a third item, tobacco, hookah cigarettes, cigars, e-cigarettes for sale. And then the last was medical marijuana.

This was the original proposal that was in the legal

description. At the workshop there was some discussion, and what actually went to the public hearing was the Commission directed staff that there needed to be additional research on the packaged liquor and automobile and custom van sales. So those items did not go forward, and they did not make it into the final ordinance requirement.

You want me to stop?

CHAIRMAN MATUSHEK: No. You can proceed.

MS. WALLRICH: Okay. This section E had to do with the landscaping issue. Actually, this had come up -- when we went through the Union Square project, it had come up. And just as I mentioned before, sometimes when you write a Code, you don't think of all the unique situations.

So the original Code had a requirement for a buffer yard between an alley and a parcel that might be outside of the Legacy Code.

We realize there's also a situation where you might have a parcel in the Legacy Code next to a parcel that is outside of the Legacy Code, and we wanted to make sure there was a minimum buffer yard, five-foot landscaping. So that is what the current section and proposed section are.

CHAIRMAN MATUSHEK: I guess before we go any further, we can

take these two items. I know we had one gentleman who wanted to speak to D. Is there anyone else sworn in that wants to testify on D?

Okay. Step up. State your name.

LUCAS HAWLEY: Hi, my name is Lucas Hawley. I'm just speaking on Item D. Just some of the stuff is quite critical on section D.

As I read through it and changing some items from special use to permitted, and one problem that I think personally is quite critical is that on one hand -- and this is probably well within the Legacy district -- like you have establishments that sell tobacco products such as hookah bars. However on the other hand, there's other vices within Tinley Park such as electronic gambling. That's very prevalent on Oak Park Avenue, especially Oak Park Avenue bars, which I myself have no personal problem, but I guess my concern is that it's leaving a space for a future -- you know, a future cafe, hookah bar.

And I guess my point here is that it's really critical that certain vices are through this section with the ban, but yet others would be in the future permitted. I guess, my whole thing is it's either you ban all the vices in the vice district or we allow all of them. I guess I'll leave it at that.

CHAIRMAN MATUSHEK: Thank you, sir. I appreciate it. Thank you, sir.

MR. CONNELLY: Mr. Chairman, I would just like to add as you bring up video gaming, as many of you know who attend a lot -- most of the Board meetings, Committee meetings, the Village Board, the mayor and the Village Board have been for about the last month and a half, two months working on legislation regarding video gaming. And I believe you will see that pretty soon on an agenda through the Liquor Code.

However, I know Commissioner Kroner was there at our last committee to hold meeting, and I believe the mayor specifically wants the Plan Commission to look at zoning aspects of video gaming. So as we're talking about these kind of amendments, he had previously directed staff to locate and research more, I think, as we're researching D and those types of uses. I think the video gaming and other types of uses are absolutely appropriate for this Commission to tell staff to take a look at as well.

CHAIRMAN MATUSHEK: Those are good points to raise, and I think that's another reason the Commission wants to look at all these things. And that may be a factor we want to take into account when we make recommendations back to the Village Board. Thank you, sir. And, Mr. Paws?

MIKE PAWS: When these Text Amendments were proposed, do they call them up to the Board as one entity or are they voted on



individually?

MR. CONNELLY: I believe one ordinance.

MIKE PAWS: One ordinance. Yeah, see, so that brings me to my point as to why this is even in at all. Because the (inaudible), of the powerful against the uninitiated, but as you can see now, we're initiated. This here is how you sold everything else in the ordinances. It distracted us from the other stuff because it's like oh, that's bad. You got to vote against hookah. When this was put together you guys put this because of hookah? You want hookah? That gave the cover to the Board.

CHAIRMAN MATUSHEK: Well, Mr. --

MR. PAWS: This shouldn't even be in. They should be separate. It should be looked at individually.

CHAIRMAN MATUSHEK: We can certainly make recommendations and to remind the Board that they should look at each part of any ordinance they vote on, but I can't control if people can't read. And I know --

MIKE PAWS: But see, this is how politics works. This sounds sketchy. Okay? Because when you put stuff like this in, it distracts people from everything else that's in there, because it's like, oh, man. Blah, blah, blah. Trustee. Man, he's like --

CHAIRMAN MATUSHEK: Well, I appreciate that, and we can --

MIKE PAWS: It should all be considered individually.

CHAIRMAN MATUSHEK: -- and we can critique the way that our state government and county government and local government conducts business. But in terms of the actual Ordinance amendment --

MIKE PAWS: To be honest, if you want to go and put hookah and tobacco through, I don't care. That's just me.

CHAIRMAN MATUSHEK: No, I just wondered if --

MIKE PAWS: There's my take on Section D.

CHAIRMAN MATUSHEK: Okay. No, that's all I needed to know if you had a position on it, on Section D.

COMMISSIONER KRONER: Chairman, can I just say one thing?

Mike, to your point -- and I'm just going to speak for this half of the Commission table here, and I think probably the others will agree too. We would have no problem once we get through what we have to get through here making a recommendation to the Board that they look at each amendment, whatever comes through this Commission, individually and vote them up or down individually, not as a package.

MIKE PAWS: Thank you, I appreciate that. Thank you.

AUDIENCE MEMBER: Just a point of clarification. Section D would amend prohibited uses now to include package liquor stores. Is that correct? I see a couple nods. But, yes? Package stores would not be prohibited use in the Legacy area?

MS. WALLRICH: That's what was proposed in this section.

AUDIENCE MEMBER: Right. And that's what I'm asking what the amendment is proposing. In addition, instead of special use for used and new autos, used autos would now become also on prohibited list.

MS. WALLRICH: Just the used. That was what was originally proposed, but just so you understand that never even made it to the Board. Those two items as I mentioned were taken off of the recommendation of the Planning Commission going to the Village Board.

So the only thing that went to the Village Board back then was the grouping of their hookah lounges and that sort of thing, the package liquor sales. Just because I was at that meeting, what the Planning Commission says is that we have a lot of different types of liquor uses that we'd like staff to investigate. And so subsequent to that, staff prepared a recommended -- or staff prepared a text amendment that talked about boutique alcohol sales. It included things like microbreweries and artisan distilleries, those kind of things. And those did go to the Plan Commission, but they've never gone all the way to the Board yet.

AUDIENCE MEMBER: Well, I guess I'm a little confused then, because this is a proposed amendment to the Zoning Ordinance? D?

MS. WALLRICH: D was originally proposed in the legal description, but when it got to the Planning Commission back in August, the Planning Commission said, You know what? We think you

need to study these two items more, so we're not going to include it in their motion that they made in the final ordinance that went to the Board.

AUDIENCE MEMBER: I'm sorry. They were not to include D in its entirety or not going to include those two items?

MS. WALLRICH: No, just those two items.

CHAIRMAN MATUSHEK: The thing we're interested in, sir, is do you have a position on whether new or used vehicle sales should be, or one or the other, or both? That's what this is.

AUDIENCE MEMBER: Well, it's kind of hard because I'm a little confused as to what is actually being proposed here; because reading this suggests that package liquor stores and used autos won't be in the prohibited list. Yet now I'm hearing it's not going to be in the proposal. So I don't know the position.

MS. WALLRICH: Can I explain? What is before this Commission, what the Board told them to look at was the original legal -- or the legal notice that was posted for the Ordinance. And so the legal notice included those items. However, what happened at the Planning Commission, they took -- they made some changes to it. The actual ordinance that was adopted by the Village Board did not include those two items. And I can understand why you're confused. Staff and I talked about this before. I really questioned why we even should

have that.

AUDIENCE MEMBER: Well, I think that goes right to my point here. Because it looks like it's part of the proposed amendment. And my question -- or my position is what do the existing businesses who fall under those two items think about this potential prohibition where they get grandfathered out. Yet now I'm hearing they're not even --

MS. WALLRICH: That's exactly why they would pull that out. I believe that was why it was pulled out.

AUDIENCE MEMBER: Okay. Thank you. That's what I wanted to know. Thank you.

CHAIRMAN MATUSHEK: Is there anyone here who wishes to offer testimony on part E which refers to the landscaping and buffer yard? I don't think that's terribly controversial, but hearing none we'll move on.

Paula, would you like to present part F, which I believe corrected some legal descriptions if I'm not mistaken?

MS. WALLRICH: Yes. This is also kind of just technical. Back when this amendment was going to the Plan Commission, there were some -- you know, you take an opportunity when you bring something to the Plan Commission and you discover some other problems. So there was actually just one property that staff had discovered the

legal description was wrong, so it made them suspect of the rest of the legal descriptions. So then they went and had Rock Engineering do a complete review again of all the properties, and there were these separate -- all the mapping was correct. It was absolutely correct. But the engineering department -- or the consulting engineer found -- some of it was fairly minor in the legal description, but since they had an opportunity to make everything just perfect, that's what they did.

CHAIRMAN MATUSHEK: And that was going to be my question to you and to staff. Are we certain that we've caught all those scrivener's errors or legal description errors at this point based upon what we've heard from --

MS. WALLRICH: I have some confidence that the legal descriptions are all correct because it was reviewed yet again.

CHAIRMAN MATUSHEK: Okay. I would prefer that we not hear week after week that somebody found a new one. So I think if we can at least take a look that we've made an effort to see if we found them all is what I was pointing --

MS. WALLRICH: I've been involved in comprehensive zonings of large areas, and I can tell you we have so many parcels. I don't know what the number of parcels is.

Do you by any chance know how many parcels are in the Legacy

district?

MS. KISLER: The total Legacy District? I don't know.

MS. WALLRICH: There's hundreds of parcels, so --

COMMISSIONER SHAW: Yeah. I have a quick question. As I was reading the language of F and G, they are almost identical except one says "to be consistent with", and the other one says "so as to be in conformance with". Is that semantics? Why do we have two? Is that --

MS. WALLRICH: I can't tell you, but here's what we're thinking. One was a legal description, and one was a graphic representation. So I think that might have been what they were doing.

AN AUDIENCE MEMBER: Okay. I wanted to be clear as this is all reconsidered, and --

MS. WALLRICH: I certainly would have written it differently, but I can't read people's minds. But you know, there is a legal description and then there's a graphic representation. So with all of these amendments, after they were done the first time, they had to come back, some exhibits had to be changed, some language had to be changed, so that's what I'm suspecting.

CHAIRMAN MATUSHEK: Is there any member of the public who has issue with their legal description and that happens to be located in this particular district?

Hearing none, is there anyone else who wishes to speak to this? Again, this sounds like something that would be logical to do to clean up. We can then move on to -- I guess we've kind of covered G based on Commissioner's Shaw's comments. So again, no one has any comment on that.

That leaves us with section H which refers to signage.

MS. WALLRICH: Which ended up not being changed. So it's worth knowing again, because it was in the legal Notice.

So no one is confused, there is a separate section. We have a signed ordinance that covers all signs in the Village, but the Legacy Code has their own sign regulations. And there was discussion about -- it's called free-standing paning sign. I'm showing a picture. It's a sign like that.

And there was a lot of discussion. I know it went to the Main Street Commission about should those dimensions being changed. But when it came to the Plan Commission the first time for the workshop, there was a lot of discussion. We said, "Hey, staff, we think you need to look at all the signs." And we are doing that, and it has come up before, so it never made it into the final ordinance.

CHAIRMAN MATUSHEK: So that the public is aware, we did have some requests for sign variances at our last meeting; and that was



one of the directions we did give to staff.

One of the things that uniformly the Commission wanted to see accomplished apart from the fact that we don't want to hear a variance every week, was the fact that we want to have a sign ordinance that will allow businesses to come into place without having to wait month after month to get a variance for signs and have some uniformity to the look and the feel of what we have in the downtown area.

So that's one of the things just to make you aware of what we're looking at. If anyone has any particular comment on signage, we would welcome hearing that as well, because that's going to be one of the issues that we do in review as we move forward as newly commissioned members of the Commission.

So, that being the case, I guess we'll -- unless there's anyone who wants to testify concerning signage in the public? Hearing none, I will entertain a motion to close the public hearing.

COMMISSION MEMBER: So moved.

CHAIRMAN MATUSHEK: It's been so moved. Is there a second?

MS. KAPPEL: Second.

CHAIRMAN MATUSHEK: Moved and seconded. All those in favor of closing the public hearing signify by saying aye.

(Commissioners say "aye".)

CHAIRMAN MATUSHEK: Motion carries. And again, we're

certainly happy to take any more comments from the public. I know we've heard many, many good ones. Is there anyone else?

Sir, do you want to step up? We're happy to hear from you.

RON BAILEY: My name is Ron Bailey. I own Bailey's, and I when I built out Bailey's, it was the first project we did in the Legacy building. When you guys were first passing the Legacy Code, I can tell you the idea of the Legacy Code was to improve Oak Park Avenue. And I'm going to tell you, it's done nothing but hurt it.

I think the whole Legacy Code should be scrapped, and I can tell you that the buffering, landscape buffering, used to be what? Six feet? It's six feet now; you're changing it to five feet? You didn't say what you're changing it from; you just say you're changing it to five feet. Correct? What was the buffering we're changing it from to five feet?

MS. WALLRICH: The part that was actually in this amendment wasn't changing the width. It was changing where it was going to be required. Originally it was just between an alley and a property that was not in the Legacy District, and all this Amendment did was add the clause that it could also be between a parking area and a non-legacy.

RON BAILEY: Okay. Let me go through all the restrictions you had up there. You had an archery shop, a gun range. We had an

archery shop there, Freddie Bear Sports. What's going to happen to him now?

MR. CONNELLY: I can answer just from a legal standpoint. When businesses that have been there for years, things like that and there's a Code change, there's a term called legal non-conforming use. They would be non-conforming.

RON BAILEY: He's grandfathered.

MR. CONNELLY: Correct. That would leave that in place in the district before zoning.

RON BAILEY: So he could never sell that place as an archery range. He could never walk away and sell it. He's out of business. He's never going to be able to put a dime into the place. It's going to deteriorate even more than it already is.

AUDIENCE MEMBER: That's what's happening on Oak Park Avenue.

RON BAILEY: That's what's happening on Oak Park Avenue. You're right. I think this Legacy Code is terrible for Oak Park Avenue. I think it should be scrapped. I'm telling you, it's a deterrent. You know, we know it's a secondary thoroughfare, so the only people that can survive business-wise on Oak Park Avenue is mom and pops. There's just too many codes. You got to go through the Building Code. You got to go through the Landscaping Code. You got to go through the Main Street Commission, and now you got to go through

the Legacy Code. There's way too many layers of codes for mom and pops to have an open business.

CHAIRMAN MATUSHEK: That's a very good point.

RON BAILEY: Can I tell you something? Three years I've been waiting for a sign. Three years that was already approved in my original design. I know my wife was here a month ago trying to get it.

CHAIRMAN MATUSHEK: And we met her.

RON BAILEY: Three years trying to get it through.

CHAIRMAN MATUSHEK: Good point, and one of the reasons that we think that we should look at -- the Commission should look at that from a comprehensive viewpoint; because one of the things we're in favor of is encouraging business to come to stay. And what we don't want to have, just to your point, is as you said things that are grandfathered in so people are discouraged. You know, if I change my sign or do anything to it, I won't be able to do it as it was in the old way.

You don't want things to start going decrepit because people are afraid to improve or change it. And in the same way, we don't need to slow things down for new businesses by saying -- you know, you shouldn't have to wait that long to put a sign up. I agree with you.

RON BAILEY: Three years.

CHAIRMAN MATUSHEK: I think that's unacceptable. We need to take a good look at that, and if there's things we can recommend to the Board, that's what our mission is to look forward and to do in that area.

RON BAILEY: Okay. So back to Freddie Bear Sports. I mean, that guy, now you're basically telling him he's out of business. He can't sell that place so there's no incentive for him to fix the place up. He's going to walk away, and it's going to be a vacant building because he can't pass it onto his kids. He can't sell it. He can't sell it and retire. Now, that deters a mom and pop from even coming to Oak Park Avenue. It's not just the archery shop. It's any business. It's like I'm going to open a business, and now all of a sudden you're going to tell me from this Legacy Code, you guys are changing it all the time. I thought it was forever, but you're changing it so now you're afraid to open a business out on Oak Park Avenue because now you're going to say you put your whole life into it. Ed's Body Shop, that guy spent his whole life there. Now that property, it's sitting there vacant. They don't even know what to do with it. That's just a couple examples.

CHAIRMAN MATUSHEK: And your point is well-taken on it and the concept of non-conforming use and what's the practical effect of

that. Again, that's one of the things the Commission has to look at.

AUDIENCE MEMBER: He was doing great, and then this Legacy Code came in to help Oak Park Avenue; and I really think it's bad for Oak Park Avenue.

CHAIRMAN MATUSHEK: We'll take that into consideration going forward, too. Thank you, Mr. Bailey.

AUDIENCE MEMBER: It's refreshing to see a group of Village leaders at one table with a polite demeanor, accommodating. It's a nice change of pace for the regular Village Board. Thank you.

MIKE PAWS: All right. So, okay. I apologize. I kind of touched on things earlier that were outside the lines. I forgot this is a regular meeting, and there is regular public comment which is my favorite part.

Anyhoo (sic), so now I'm going to talk about stuff that I couldn't talk about before.

CHAIRMAN MATUSHEK: Okay.

MIKE PAWS: And the first thing I'm going to talk about -- is Jake still here? Dam it, Jake.

Anyways, the first thing that has to be done, and this falls under Trustee Jake VanDerBerg's purview is Legacy Code Page 82 in regards to precise compliance. If someone is under precise

compliance that you guys have the final say.

Now, as you had alluded to earlier, this was done to expedite things, you know, commercial development. But, you know, clearly this is being abused. And it's being abused because the elected officials, the Board, they can go and wipe their hands. You know, when we were talking with the Board earlier, oh, you know we can't do anything about it because, you know, they got final say.

And then, Peter, with all due respect when you were defending the mayor, I wanted to chime in then and you go we're not going to talk about that. Well, now we're going to talk about it because you were right technically. By the letter of the law he was bound at the time, but let's not leave out the fact that as a trustee, a trustee voted the Legacy Code through, binding himself later. So he's partially responsible, and he doesn't have a say on it. So it's time to hold the Board accountable.

And that's why I wanted to reach out to Jake, Trustee Jake VanDerBerg. Jake, I want you to write an ordinance, and I would like your assistance in that, Attorney Connelly, to write it to amend Page 82, to yank it out. Everything goes to the full Board.

If somebody has to go through two meetings with the full Board to get their variance on the fence, then they can go through two full Board meetings for a project downtown or wherever else in

the Legacy. Okay? I think it's a travesty that there's this complete difference on how we look at things. It's like, oh, my pool is this. I need a fence, and now I have to go through two Board meetings and I have to grovel to the Board.

Well, you know what? When people go and develop, it should be equal. Okay? And I don't know what say you guys have in that, because in the end the Board has to write it. But you know -- and there's nothing against any of you guys up there -- but you guys should not have final say for something besides (inaudible). So getting back to the Text Amendments.

So here's the deal. A Developer comes in and they are not in precise compliance, but all of a sudden it's like, hey, you know what? Maybe uh, you can get this text amendment through (inaudible) precise compliance, and I don't have to go through the Board. Suspect! That's bunk! But that's what goes on.

They put the Text Amendments through. People are reading this stuff not knowing what's going on. Okay? And then they're in precise compliance. That's wrong. Okay? And that has to stop. That's why there's got to be Board review, because you guys are going to have these Text Amendments in, and you get final say.

You know, there's this sequence of events where people can get around something without getting a variance, like what normal



people do.

CHAIRMAN MATUSHEK: Well --

MIKE PAWS: And I can't believe that we're already now in May -- or June. You know? And we've known about this crazy thing where you guys get final say on stuff and nothing has been done about it. And I hope that the wheels get put into motion very, very soon on this because this has been something that we've been trying to fight for a long time, and nothing has been done on it.

And I know that you guys have only an X amount of say on it, but I've always been irked by it. Nothing against you guys, but let's say what's good for the person with their little fence, variance or whatever, it should be good for whoever wants to develop on Oak Park Avenue. I want development. I do. But I want everybody to abide by the same rules.

CHAIRMAN MATUSHEK: Thank you. Anyone else have public comment?

EDUARDO MANI: I have a question. Has the Board been given a certain time limit to -- or not time limit -- but given a scheduled amount of time to review the amendments?

CHAIRMAN MATUSHEK: Not at this point. This is the first look that the Commissioners have had to examine this, and we haven't had the opportunity to even have staff supply us with the information

that we can do to analyze things. So in terms of a set schedule, I can't give you a definitive date until we have sufficient information.

EDUARDO MANI: No, I'm just saying the Board said okay, you guys have --

CHAIRMAN MATUSHEK: No, at any time that it should come up in the future, there will be public notice given, and we will have -- before our final recommendation is made, we'll have another public hearing on it and we'll go from there.

COMMISSIONER SHAW: Chairman, I think there's something that's really important, and nobody mentioned it tonight. But as everybody should note that the Mayor has a citizen's advisory committee already looking at the Legacy Code overall. And so I would assume that the input -- or I guess the output of that committee would be put together with anything that comes out of here, anything else that's being considered as either a series of recommendations or you know, one big recommendation.

CHAIRMAN MATUSHEK: And that's a good point, Mr. Shaw. As you well-pointed out, there are a number of committees and things going on. I think the Plan Commission's purview is to make a recommendation on the plan as a whole, and so that may be a factor as well.

We're waiting to hear from some of these sub-committee things, if you will, to gather enough information so we can make an intelligent decision that makes common sense. And it's not that I'm trying to evade your question as to time, but there are so many factors that come into play. Good point by the Commissioner.

EDUARDO MANI: I just wanted to make sure it's something that's not rushed.

CHAIRMAN MATUSHEK: Oh, no. Believe me, we have concerns that sometimes things were rushed last time, and we don't want to see that repeated at all. Thank you very much.

CHRIS CIVIK: My name is Chris Civic. One thing I have a question on, I heard you guys talking about committees. It seems like now there's always a committee doing something. We're up here discussing this and this. I'm wasting my time and I think a lot of other people's time because we're not able to sit down and talk about the substance of what's really going on here because of, you know, other people being here.

So, the thing is that when we try as a town, because let's face it, everybody, if you live in town I think everybody is starting to figure out that we've got serious issues going on here that if we don't start watching what we're doing, we're going to be in a crisis here economically. All these Codes, all these Legacy Codes, they

keep on changing. It's complete garbage.

What does it do? It drives all the other business out of our town. And guess what? We're all in the same place that the mayor likes to always say, we're like Orland Park. We're nowhere near Orland Park. We're a joke to Orland Park because of the same people who have been running this town for a very long time.

Now, I'm not sitting here blaming anybody here. You know, what needs to be noticed and what needs to be challenged is instead of sitting here talking to you guys, you guys should be here along as our Village Board. Because at the end of the day, the Village Board is going to vote on it, and it's going to determine whether stuff like this keeps on going on.

So, you know, I guess what I'm trying to say is that it's nothing but corruption, plain and simple. I look at this, and I can sit here and tell you right now that I just saw something similar to the same type of maps that were going on at the last Board meeting, and something is not adding up. There's some type of conspiracy going on with this stuff.

You know, I can't sit here and say certain things.

CHAIRMAN MATUSHEK: I understand --

CHRIS CIVIK: But you know what I'm talking about.

CHAIRMAN MATUSHEK: I think your point is well taken though

that there needs to be some predictability for business owners in town, and you can't keep changing things. All of us need to know what the rules are and that people stand by them. And that's part and parcel of what we intend to do in making recommendations forward to the Board. That's all we can do from this Commission. We're just a volunteer Commission.

CHRIS CIVIC: Most of the people are average people here. Unless you're a lawyer or unless you're not involved in politics, we have no -- a lot of people here probably don't have any idea what you're talking about.

CHAIRMAN MATUSHEK: I appreciate that. Guilty on both counts.

CHRIS CIVIC: You know, I understand where you guys are coming from. That's why I try to keep it common sense, just because it makes more -- you know, it helps everybody understand. Because, let's face it; this is kind of a big issue for our town. We have a lot of land still underdeveloped. We have (inaudible). Let's face it, it goes east coast to west coast. You got tons of traffic, millions of people that come in and out of town, and we're sitting here with certain areas of town that are still -- we're missing businesses. I mean, Oak Park Avenue to me is a complete failure. It's a complete failure because there's been too many people trying to dig their hands in

our politicians that we've elected on the Board, and we get nowhere with it other than the same old thing.

Our town gets blasted in the newspaper, "The Tribune", you know. And it's an embarrassment. And that's one thing I want the Board to really start to understand is this; it's that some of us are not going to stop digging. And some of us are not going to stop going out and trying to find out what's the root of the problems. And the root of the problem really, truthfully is greed. And it's been that way for a long time.

That's why the state is in debt. That's why they can't get a budget. That's why the Federal government is in debt. And that's why we have problems in this town is because for years and years and years it's been the same thing. You scratch my back and I'll scratch yours, and everybody else gets excluded.

CHAIRMAN MATUSHEK: Well, it's been a long time since I've been on a Board, but I can tell you at least 25 years ago, I had no skin in the game. I'm just a trial lawyer, insurance defense; and I didn't have any advantage here. But I agree with you that we do need some statesmen and not just some politicians. We do need people that do the right thing for the people that are their constituents, and we need people to pay attention.

COMMISSIONER KRONER: Chairman, can I say something here to

Chris if I may?

I just want to assure you and a lot of you, I've met most of these Commission members for the first time at the first Commission meeting. And one thing that I've been taking aback with is by the commitment to the responsibility that we all have to the citizens of Tinley Park.

I can assure you, each and every one of you, that we will do our best to ensure that your voices are heard and that this town moves forward from here. We can't speak to what happened in the past. I understand that. But I can assure you of one thing, that the commitment that every one of these Board members led by the Chairman is to do the best job that we can for the citizens of Tinley Park.

None of us has skin in the game. We're not looking to get elected to anything. And so I can assure you that one thing you will have in this Commission is honesty and integrity. And to Eduardo's point, we're going to do our due diligence and get this issue from our perspective figured out as quickly as possible. But we're not going to rush through it. It's a fair thing to say there is no timeline because we don't know. We have to wait for staff to get us back information.

But I'm looking at you, and I'm saying to you you have our commitment that we will do the best we can for the citizens of Tinley

Park.

AUDIENCE MEMBER: And you know what, Peter? I appreciate that. I've had experience in talking and bringing up some controversial issues. And most people, if they've been to some of the Board meetings, they've understood that. I tried to sit up hear and bring up comments, and I've been nothing but (inaudible). You know, I grew up here. I've been here for 30 years, and I'm 30 years old. And you know what's crazy is that you sit there and you try to maybe see a difference in maybe what some of you see. I think we're all different. We all got different opinions.

But the thing is to try and get those opinions out there and not be belittled when it comes to people who are going to vote on this stuff.

Let's face it. You got three trustees right now I can tell you that are going to go one way, three are going to go the other way. Guess what? It's all going to get down to the main man, and that's the mayor. And it's his vote if he determines, because he likes -- he's got friends as we all know. He goes and votes on certain issues. Guess what? He's going to pass, and guess who is going to get stuck with the tax? Who's going to get stuck with a town that they're trying to almost -- it seems like to me in some ways, you know, it almost seems like certain people in here are trying to make



this town go the opposite of what it was always intended to.

In 2009 it was a top town in the nation; now we don't look like that no more.

CHAIRMAN MATUSHEK: Well, a lot of that is negativity in the press and the perception becomes reality, too.

And I think we all need to work together to make sure that we get returned to the top, award winning town time after time. And I think again, there are a lot of positives here. I think a lot of people maybe mean well. Some people maybe haven't been paying attention as much as they should. And thank God we have enough people here to ensure that doesn't happen in the future.

AUDIENCE MEMBER: That's what it has always been though. A lot of us, let's face it. This is like a blue collar town. So a lot of us are working two or three jobs. And when we don't have time to come to these like events or sit down and talk and give a voice, then guess what? Now we come up here and try to talk and it's like, well, you don't even have a real clear understanding.

Because last Friday all of a sudden this gets put in. Nobody really knew about it, and then all of a sudden we come here because we hear there's some controversy going on. And then the next thing, we're sitting through all these slides. And it's great and all, but at the end of the day it's basically seeing a bunch of, you

know, prime time area that has been around for over a hundred years. And what are we doing with it?

We're putting more and more restrictions on businesses that have been here for a while. And guess what? They go somewhere else.

CHAIRMAN MATUSHEK: We appreciate your comments on that. You made some good points. That's one of the things we want to do is make a recommendation that makes common sense. So thank you very much. Very good points.

SVEN THIRION: Hi. My name is Sven Thirion. I just have a recommendation to make, kind of a form of a question. I'm just wondering who makes this recommendation of what should be limited and what is not? The reason for that is that you said earlier I think we should ban all vices or allow all vices. Because alcohol is my vice. I can go to bar. I can drink alcohol. Smoking cigar is my vice. So I'm wondering who makes the decisions. And my recommendation would be that we don't vote on this as a whole amendment, but individually and that each individual kind of explain why you think it should be put in there so that you can discuss advantage and disadvantage and you can have informed choice.

CHAIRMAN MATUSHEK: Good point.

COMMISSIONER SHAW: I just want to echo that. And I'm trying

to recall who brought it up earlier. It might have been like way at the beginning where we were referencing the Legacy Plan itself. But to my mind, I was looking over all these prohibited and special use categories. And I don't understand it myself either. And as part of the overall comprehensive review of the Legacy Code, I agree that for each and every one of these prohibited or special use categories, there should be a consistent rationale, a basis for why it's in or it's out or it's a special use.

So, I totally agree with that, and I think that, you know, the guidance of the Legacy Plan itself, that should be our guide so that just about any nine out of ten people coming here, if it was put in front of you, we'd all look at the Legacy Plan and you would say nine out of ten of us would come to the same conclusion -- not from our personal bias, but based on what's in the plan. So, absolutely behind you on that.

CHAIRMAN MATUSHEK: All right. I think we've heard from -- oh. Yes, Mr. Bailey.

RON BAILEY: I got one more point that I want to bring up. And that's -- when the Legacy Plan, I (inaudible) I put a lot of money into it. I fixed it up. And then they tax this Legacy Plan. And now this Legacy Plan in my area of Legacy Plan, they changed it to multi-family. So if my building burns down, they're not going to

let me rebuild. I get a permit, and I get to rebuild up to 50% of the assessed valuation. I brought this up when they first passed the Legacy Plan. At the Convention Center they had a big screen and I don't know if anybody is original from the Planning Commission, and it was on that.

So they had a meeting at the Convention Center. They invited all the businesses to come out and talk about this Legacy Code. I'm the only business that showed up. And I brought this up, and I says we're talking about a deterrent for somebody -- a mom and pop business that's going to buy these places on Oak Park Avenue, put their whole life savings into fixing it up, and now a Legacy Plan comes and tells you, it says if a tornado comes or you have a fire or a natural disaster, you're out. You're gone. You've lost everything because this Legacy Code is not going to let you rebuild.

So that's another big deterrent why the Legacy Code is going to keep people from investing on Oak Park Avenue.

I just wanted to make that point.

CHAIRMAN MATUSHEK: Thank you. I think we've got a lot of good comments tonight.

Hearing no other comments, do we have a motion to adjourn?

COMMISSIONER STANTON: Move.

CHAIRMAN MATUSHEK: So moved. Is there a second?

BOARD COMMISSIONER: Second.

CHAIRMAN MATUSHEK: All those in favor, signify by saying aye.

(Board members say "aye".)

CHAIRMAN MATUSHEK: And thank you, everyone, for attending tonight. I appreciate your comments. Thank you.

(Close of meeting.)

(Time noted: 9:50 p.m.)

STATE OF ILLINOIS )

) SS:

COUNTY OF C O O K )

I, LYNN MANGAN, a Notary Public within and for the County of Lake, State of Indiana, and a Certified Shorthand Reporter, CSR No. 84-001449, of the State of Illinois, do hereby certify:

That previous to the commencement of the meeting, the members of the public wishing to speak were duly sworn to testify the whole truth concerning the matters herein;

That the foregoing transcript was reported stenographically by me, and was thereafter reduced to typewriting under my personal direction, and constitutes a true record of the testimony given and the proceedings had;

That the said meeting was taken before me at the time and place specified;

That I am not a relative or employee or

attorney or counsel, nor a relative or employee of  
such attorney or counsel for any of the parties  
hereto, nor interested directly or indirectly in  
the outcome of this action.

IN WITNESS WHEREOF, I do hereunto set my  
hand and affix my seal of office at Tinley Park, Illinois, this 16th  
day of June, 2016.

---

Lynn Mangan, C.S.R.

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Notary Public-Lake County, Indiana.

My commission expires March 9, 2023.

DRAFT



**NOTICE OF A MEETING OF THE**  
**ZONING ORDINANCE RESIDENT ADVISORY COMMITTEE**

Notice is hereby given that a meeting of the Zoning Ordinance Resident Advisory Committee of the Village of Tinley Park, Cook and Will Counties, Illinois, will begin at 5:45 p.m. on Thursday, March 24, 2016, in the Kallsen Center Rooms C & D at the Village Hall of Tinley Park, 16250 South Oak Park Avenue, Tinley Park, IL

1. OPEN THE MEETING.
2. OVERVIEW OF CURRENT LEGACY PLAN & CODE.
3. OVERVIEW OF CURRENT VILLAGE ZONING ORDINANCE
4. DEFINE AREAS OF FOCUS FOR REVIEW
  - A) SHOULD THE LEGACY PLAN BE MODIFIED
    - I) ENLARGED
    - II) REDUCED
    - III) CHANGED
  - B) SHOULD THE LEGACY PLAN BE MODIFIED
    - IV) MORE RESTRICTIVE;
    - V) MORE BUSINESS FRIENDLY
    - VI) PERMITTED AND PROHIBITED USES
5. SHOULD THE VILLAGE BOARD AUTHORIZE ALL SITE PLANS.
6. OTHER ITEMS AS RECOMMENDED



**MINUTES OF THE ZONING ORDINANCE  
CITIZEN ADVISORY COMMITTEE**

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

**MARCH 24, 2016**

A meeting of the Zoning Ordinance Citizen Advisory Committee began at 5:51 p.m. in the Kallsen Center.

Present were the following:

Village Staff: Dave Seaman, Mayor  
Dave Niemeyer, Village Manager  
Mike Mertens, Asst. Village Manager  
Jacob Vandenberg, Trustee  
Paula Wallrich, Deputy Planning Director  
Stephanie Kisler, Planner  
Lisa Beck, Planning and Building Clerk  
Debra Kotas, Recording Secretary

Citizens Committee: Roxane DeVos Tyssen  
Beth McKernan  
Trent Ridgway  
Matt Coughlin, via teleconference

MAYOR DAVE SEAMAN thanked the citizens in attendance. He stated it is important to have citizens understand the zoning code because the recent contentious issue may be due to people not understanding the zoning process vs. unintended consequences of the zoning changes made. He explained the Legacy Plan adopted in 2009 and a form-based code adopted in 2011 Code, had not been tested since not much development was occurring due to the recession. More recently, projects have presented to the Village where some of the elements of the Code were proving burdensome. He stated it was intended to provide assistance to developers and be slightly more flexible than the previous H-1 District.

MIKE MERTENS indicated today's meeting was to provide an introductory course on zoning, understanding the Code and basic planning.

MATT COUGHLIN inquired about the role of the Committee. He questioned if orientation of the Code was designed to support, encourage, and drive development and how to apply it in that direction. MAYOR SEAMAN reported every Village has a Comprehensive Plan to identify general areas of uses within a community, including business and residential. The Comprehensive Plan serves as a guide for development. He explained the Plan must have a place for every legal thing that occurs; a village cannot prohibit a legal use but have a space for it.

PAULA WALLRICH explained typical zoning is referred to as "Euclidian zoning" whereby areas are zoned by use, meaning every piece of property is meant to do something, a separation of uses. She reviewed the various zoning districts including residential, business, industrial, and overlay districts. She contrasted the Zoning Ordinance with the Legacy Code which is considered a "form-based code".

MR. COUGHLIN questioned if the purpose of the Legacy Code was to attract certain types of businesses to certain areas of the Village and create an easier way for people to invest in the Village. MS. WALLRICH noted that MR. COUGHLIN is confusing plan vs. code. She explained the Legacy Code is a list of rules, however, the Legacy Plan and Comprehensive Plan are documents that set policy, intent, purpose, goals, objectives and vision. She elaborated stating a Plan is established first then rules are composed to ensure these things happen. MAYOR SEAMAN explained a development project begins at the Planning and Building departments and as a result, Staff must have guidelines to refer to.

MR. COUGHLIN inquired if the role of this Committee was a review of the Code and relating functions to understand what is prohibiting investment in our town. He inquired if the Code is being proactively marketed to businesses we would like to attract here.

MR. MERTENS stated the zoning code is a regulatory tool in order to prevent things from happening. He explained the Legacy Plan and Code is a proactive approach to be more business friendly and steer what the community would like to see in certain areas. He explained the purpose of this Committee is to address any areas of Code or Plan that need to be examined and seek recommendations for adjustment. He further elaborated explaining economic development is much more than the Plan and Code but also involves policy, economics, leadership, and community image.

MS. WALLRICH explained the three (3) types of uses within Zoning Districts: Permitted, Special, and Non-Conforming.

MS. WALLRICH proceeded to explain the process, referencing the two (2) recommending Boards, the Zoning Board of Appeals (ZBA) and the Plan Commission. She explained ZBA consists of seven (7) members that are responsible for variations to an ordinance. She reported the process takes approximately 2-4 months and consists of one (1) public hearing and two (2) readings at the Village Board. She explained the Plan Commission consists of nine (9) commissioners addressing special uses, text amendments that change the Zoning Ordinance, map amendments for rezoning of a property, plat approval, and long range planning. The process is also estimated at 2-4 months having two (2) meetings (one of which would typically be a public hearing) and two (2) meetings at the Village Board level. She noted an application receives Staff review including planning, police, fire, public works, and engineering. Compared with many other communities, despite a project meeting the Code perfectly, she reported the Village has allotted for an additional layer of approval by requiring site plan approval with the Plan Commission and if approval is granted, no Village Board approval is necessary. She noted this can be viewed as an economic development tool.

MR. MERTENS proceeded to provide an overview of the Legacy Plan. He explained in 2008, the Main Street Commission requested a marketing plan to spur redevelopment in the Oak Park Avenue. He reported a company was retained, several public hearings were held, and in 2009 the Legacy Plan was developed with the basic concept of Oak Park Avenue from 167<sup>th</sup> to 183<sup>rd</sup> Streets, having a combination of both commercial and residential properties. He elaborated that the Plan envisioned a concentration of commercial in the downtown core district with the goal of adding more housing to add density on the north and south ends. He explained the intent was to create an urban environment whereby visitors to the downtown area would park then walk. He explained it would also encourage current business owners to evolve and redevelop. He proceeded to show a rendering of the recently approved Union Square townhome development, a previous commercial property located at 179<sup>th</sup> Street. MS. WALLRICH noted that not many people are aware of this project because it did not go to the Village Board. She further explained that this is an example of a developer using the Legacy Plan and Code, with the assistance of the Planning Department.

MR. MERTENS proceeded to review the various core districts including Downtown, North Oak Park Avenue, South Oak Park Avenue, and Gateway. MS. WALLRICH again explained the vision is to concentrate

commercial in downtown core and transition the outskirts to residential. ROXANNE DEVOS TYSSSEN expressed concerns regarding how this affects existing businesses. MR. MERTENS stated Government has controls regarding small businesses including incentives, policies, and rules.

MR. MERTENS showed how Tinley Park is unique, being located within two (2) counties, Cook and Will, and having four (4) townships (Bremen, Orland, Rich and Frankfort). He noted that Rich Township is the worst economic development area due to the real estate tax. He proceeded to show a tax comparison of the various townships. He referred to several properties along Oak Park Avenue, explaining their classification incentives of either Class 2, 3 or 8 and the various tax consequences. He added Cook County has some incentive programs to business owners including those structures that add residential. He noted the Village Board can proactively intervene in changing a tax classification in order to attract and keep businesses, however, certain criteria must apply including length of vacancy, and whether it is an expansion or new development.

MR. COUGHLIN inquired if certain business types have been identified to make the Plan viable and how to proactively use the Code and Plan to attract these businesses, particularly to the core district. MR. MERTENS stated certain businesses have been targeted, including microbreweries. MAYOR SEAMAN explained the Main Street Commission has done this by identifying various businesses that would be appropriate which are high margin, small volume businesses. He noted with Oak Park Avenue being a secondary street, high revenue businesses are difficult to attract. MR. COUGHLIN expressed concerns with concentration on high margin, low volume businesses. He suggested the North Avenue corridor could be an outlet mall. MS. DEVOS TYSSSEN referred to the planned outlet development on 175<sup>th</sup> and Cicero Avenue which has yet to be constructed.

MR. COUGHLIN referred to the town of Westfield, Indiana which he believes has many similar characteristics of Tinley Park. He suggested redevelopment of the Howe Center, a trolley system, Shop Tinley, and getting external money into the Village. He noted Westfield is centered around a railroad, similar to Tinley Park.

From a planning perspective, MS. WALLRICH reported the current vision for downtown areas is entertainment districts with retail as a supplement. She mentioned that many communities strive for a 25-hour downtown which requires high density housing and an entertainment district with supportive commercial.

A discussion ensued regarding the 50% rule. The following projects were also discussed: Bailey's/Jim's Inn, Oak Park Center, animal hospital, Liberty Building, Union Square.

TRENT RIDGWAY inquired what the failures are and what was list in the past 5-10 years.

MAYOR SEAMAN discussed the remodel of Chick's and Used Car Auto Sales. He noted people want rentals and having the right rate could support that.

MR. MERTENS mentioned South Street is a good hybrid of what is occurring including the development of the old Central Middle School site. He questioned if Village codes are too restrictive.

The next meeting of the Zoning Ordinance Citizen Advisory Committee is scheduled for Monday, April 11, 2016. TRUSTEE JACOB VANDENBERG suggested members email questions to the Committee to be addressed at the next meeting. MAYOR SEAMAN added that by that time, more insight should follow, especially with budget time approaching.

## **ADJOURNMENT**

The meeting of the Zoning Ordinance Citizen Advisory Committee of March 24, 2016 was adjourned at 7:45 p.m.

**NOTICE OF A MEETING OF THE**  
**CITIZEN ADVISORY COMMITTEE**

Notice is hereby given that a meeting of the Zoning Ordinance Resident Advisory Committee of the Village of Tinley Park, Cook and Will Counties, Illinois, will begin at 5:45 p.m. on Thursday, April 11, 2016, in the Kallsen Center at the Village Hall of Tinley Park, 16250 South Oak Park Avenue, Tinley Park, IL

1. OPEN THE MEETING
2. RECEIVE ECONOMIC OVERVIEW
3. REVIEW PAST PROJECTS & LESSONS LEARNED
4. REVIEW DEVELOPMENT OPPORTUNITIES
5. OPEN ITEMS



**MINUTES OF THE ZONING ORDINANCE  
CITIZEN ADVISORY COMMITTEE**

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

**April 11, 2016**

A meeting of the Zoning Ordinance Citizen Advisory Committee began at 5:45 p.m. in the Kallsen Center.

Present were the following:

Village Staff: Dave Seaman, Mayor – Arrived at 6:45 p.m.  
Dave Niemeyer, Village Manager  
Jacob Vandenberg, Trustee - Arrived at 5:55 p.m.  
Ivan Baker, Economic Development Director  
Paula Wallrich, Deputy Planning Director  
Stephanie Kisler, Planner  
Barbara Bennett, Recording Secretary

Citizens Committee: Roxane DeVos Tyssen  
Trent Ridgway  
Matt Coughlin  
Charley Smith

Others: Eduardo Mani

**Item #1 – OPEN THE MEETING**

Deputy Planning Director Paula Wallrich called the meeting to order at 5:45 p.m.

**Item #2 – APPROVAL OF MINUTES FROM THE CITIZEN ADVISORY COMMITTEE MEETING  
ON THURSDAY MARCH 24, 2016.**

Motion was made by Trustee Vandenberg, seconded by Committee Member Ridgway to revise the minutes to show that Committee Member Matt Coughlin attended the meeting by teleconference. Vote by voice. Trustee Vandenberg declared the motion carried.

**Item #3 – PRESENTATION BY IVAN BAKER, ECONOMIC DEVELOPMENT DIRECTOR ON  
ECONOMIC DEVELOPMENT OVERVIEW.**

Ivan Baker gave a PowerPoint presentation on the Economic Development Overview of Tinley Park.

Mr. Coughlin asked about the types of businesses desirable to have in the Village and the Economic Development's role in recruiting these types of businesses. Ivan Baker explained that his department works with the SBA and various brokers to recruit potential new businesses. Ivan is the only full-time person in the department to help to market Tinley Park. He explained his part-time Business Retention Specialist spends approximately 20 hours per week on Business Retention. There is also a part-time Administrative Assistant and a part-time person to handle the website. Primary marketing is done through his office to attract businesses.

Discussion continued regarding the solicitation of businesses that meet certain standards of the Village. Ivan stressed the importance of business retention as part of an economic development program.

The Committee discussed other opportunities within the Village to bring in more investment into the Village; the Mental Health Center Development was suggested as a viable option to help bring investment to the downtown area. Matt Coghlan recommended a sports complex similar to Westfield, Indiana could help to bring tourism dollars to the Village. It was also suggested that revisions to the Fire Code could also encourage more aggressive development.

The group discussed possible visions for creating an economic 'engine' for the downtown and suggested that committee members bring ideas to the next meeting. The Committee also requested staff to identify problems areas in the Legacy Code for discussion at the next meeting.

There also was discussion regarding the use of developers in the area to provide input to strengths and weakness of the Village Code.

The next meeting will be announced by email as the schedule is checked for possible room scheduling conflicts.

### **ADJOURNMENT**

The meeting of the Zoning Ordinance Citizen Advisory Committee of April 11, 2016 was adjourned at 8:45 p.m.



**AGENDA FOR  
CITIZEN ADVISORY COMMITTEE  
VILLAGE OF TINLEY PARK**

**May 2, 2016 – 5:45 P.M.  
Kallsen Center, Village Hall  
16250 S. Oak Park Avenue**

**Meeting Called to Order**

**Roll Call Taken**

**Approval of Minutes:** Minutes of the April 11, 2016 Meeting

**Item #1**      **STATEMENT OF PURPOSE-** *Present draft statement*

**Item #2**      **VISION BRAINSTORMING-** *Discuss ideas for an 'economic engine' that will support  
downtown development. **45 minute discussion***

**Item #3**      **LEGACY CODE-** *Investigate how the Legacy Code supports or hinders development in the  
downtown area. **45 minute discussion***

**Receive Comments from the Public**

**Good of the Order**

**Adjourn Meeting**



# Citizens Advisory Committee

May 2, 2016

5:45 - 7:30 PM

## Item #1 STATEMENT OF PURPOSE

*The Committee was established to investigate ways to support development in the downtown, establish a comprehensive vision for the long term viability of the downtown area, and evaluate any hindrances to development that may result from enforcement of the Comprehensive Plan, Zoning Ordinance and/or Legacy Code and their established entitlement processes.*

## Item #2 VISION BRAINSTORMING (45 minute discussion)

Discuss ideas for an 'economic engine' that will support downtown development.

1. Provide an economic engine that brings investment and money from the outside and is integrated into the viability of the downtown.
2. Past plans that support the increase of residential density and walkability in the downtown.
  - a. Camiros 1998
  - b. Comprehensive Plan 2000
  - c. H-1 Historic District 2005
  - d. Legacy Plan 2009
  - e. RTA Study 2014
3. This is not just visioning for the TPMHC site.
4. Discuss Ideas – document ideas on flip chart
5. Discuss how to integrate these ideas into the downtown area.
6. Goals:
  - a. Create an active core
  - b. Establish a sense of place
  - c. Provide a unique character

## Item #3 LEGACY CODE (45 minute discussion)

Investigate how the Legacy Code supports or hinders development in the downtown area.

1. Do we support the vision statements for downtown?
  - a. Increased Walkability
  - b. Increased Density
2. Legacy Code Land Uses
  - a. Zoning Ordinance vs. Legacy Code
  - b. Legacy Plan/Code established goals related to land use
  - c. Legacy Code: List of Permitted, Special Uses and Prohibited Uses (table)
  - d. Where do we prioritize commercial uses?
  - e. Where do we prioritize residential uses?

## Agenda Items for Next Meeting

1. Approval Processes
2. Legacy Code: Heritage Sites



## **MINUTES OF THE CITIZENS ADVISORY COMMITTEE**

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

**MAY 2, 2016**

A meeting of the Citizens Advisory Committee began at 5:55 p.m. in the Kallsen Center at Village Hall.

Present were the following:

Village Staff: Dave Seaman, Mayor  
Dave Niemeyer, Village Manager  
Paula Wallrich, Interim Community Development Director  
Ivan Baker, Economic Development Director  
Stephanie Kisler, Planner  
Debra Kotas, Recording Secretary

Citizens Committee: Matt Coughlin  
Roxane DeVos Tyssen  
Beth McKernan  
Eduardo Mani

### **APPROVAL OF MINUTES**

A motion was made by MATT COUGHLIN, seconded by ROXANE DEVOS TYSSSEN to approve the minutes of April 11, 2016 as presented. THE MOTION WAS APPROVED UNANIMOUSLY by voice vote. MAYOR DAVE SEAMAN declared the motion approved.

### **STATEMENT OF PURPOSE**

MAYOR DAVE SEAMAN stated he had a clear vision as to what he intended by creating this Committee, particularly the issue of process. He added this Committee will add another perspective to the development process in order for projects to move ahead however, should not impede developers. Referencing the Mental Health Center project, he noted with such diversity of opinion, it is often difficult to create a common vision.

Based on that perspective, PAULA WALLRICH, Interim Community Development Director, proceeded to review the following Statement of Purpose:

“The Committee was established to investigate ways to support development in the downtown area, establish a comprehensive vision for the long term viability of the downtown area, and evaluate any hindrances to development that may result from the enforcement of the Comprehensive Plan, Zoning Ordinance and/or Legacy Code and their established entitlement processes.”

She emphasized the focus should not just be the Mental Health Center site but the Village at large and how any vision can be incorporated into the downtown area. Following discussion, it was the consensus of the Committee to proceed with no amendments, deletions or changes to the Statement of Purpose.

## VISION BRAINSTORMING

At the last meeting, MS. WALLRICH requested the Committee members to gather ideas for an economic engine that will support downtown development and bring outside investment, with Staff instructed to identify deficiencies in the Legacy Code and how the Legacy Code supports or hinders development in the downtown area.

Village Staff proceeded to review past plans that supported the increase of residential density and walkability in the downtown. IVAN BAKER, Economic Development Director, explained the purpose of a plan is to achieve the highest and best use, attract more diversity, and attract more development beneficial to the community. He proceeded to review the Camiros Plan from 1998, a transit-oriented development plan with the location of residential development within reasonable walking distance of the train station. He explained this was based on proven development successful in other metropolitan areas with the downtown as a community gathering place.

STEPHANIE KISLER, Planner I, reviewed the history of the Comprehensive Plan from 2000, highlighting Tinley Park as a community with small town charm. She noted that Oak Park Avenue assisted with the development of the successful downtown on both a local and regional level by making the area more pedestrian friendly, meshing commercial development with residential living units. She then proceeded to summarize the H-1 Historic District Ordinance from 2005 that emphasized pedestrian orientation within an intimate streetscape design and de-emphasizing automobile uses. She noted that some of this Ordinance is reflected in the 2011 Legacy Code. In conclusion, she described the Legacy Plan from 2009 stressed developing the downtown as a vibrant place to live by maximizing the number of people living within walking distance of the train station.

DAVE NIEMEYER, Village Manager, explained the RTA Study from 2014 was built upon all the previous plans to-date and specifically involved the Central Middle School site, North Street, and South Street as key sites for the short term. MS. WALLRICH elaborated by stating this was incumbent upon developing a comprehensive stormwater pond on the Panduit site because of the new MWRD requirements for the stormwater needs of downtown.

MAYOR SEAMAN explained the importance of having a specific plan is to give Staff direction for how to move forward and find developers with the same vision. MR. COUGHLIN stressed the importance of identifying why previous plans did not succeed.

The use of eminent domain was discussed. Committee members stressed in order to enforce the use of eminent domain it is critical to communicate the plans/concepts to the public and what is envisioned as an economic benefit.

The Committee proceeded to individually present their suggestions of possible economic engines that would work toward providing incentive to the downtown area including:

- Continue to build on a safe entertainment district destination but still allow for parking;
- Linking a plaza of food with a parking structure at 183<sup>rd</sup> & Oak Park Avenue/Mental Health Center property/Hollywood Casino Amphitheater/Convention Center;
- sports complex;
- trolley system;
- promote the Village's German heritage via branding, including an Oktoberfest-type celebration;
- micro-breweries;
- rooftop/outdoor dining;
- food trucks;
- rotating storefront for artists/pop up sales;
- artisan shops; and
- renovation of existing roller rink.

MS. WALLRICH reported that a text amendment to the Legacy Code has been proposed regarding boutique liquor-type uses to incentivize development such as micro-breweries, wineries, and distilleries. The proposed text amendment has received a recommendation from the Plan Commission and will be presented to the Village Board later in May.

## **ADJOURNMENT**

The consensus of the Committee was to continue to hold meetings on the first Monday of every month at 5:45 p.m., except July and September due to holidays. MS. WALLRICH indicated the next meeting of the Citizens Advisory Committee will be June 6, 2016 with the intention of dissecting the Legacy Code and land uses. She requested Citizens study and be prepared to comment on information previously provided regarding Permitted, Special and Prohibited Uses. MS. KISLER noted that approval processes and communication will also be discussed.

MR. COUGHLIN requested it be defined at the next meeting what the outcome of this Committee will be, whom it will be presented to, and how it will be utilized.

The meeting of the Citizens Advisory Committee of May 2, 2016 was adjourned at 7:45 p.m.

# **Citizens Advisory Committee**

## **Village Hall – Kallsen Center**

**July 25, 2016**

**5:45 - 7:30 PM**

**Item #1**      **LEGACY CODE** – Investigate how the Legacy Code supports or hinders development in the downtown area.

1. Do we support the vision statements for downtown?
  - a. Increased Walkability
  - b. Increased Density
2. Legacy Code Land Uses
  - a. Zoning Ordinance vs. Legacy Code
  - b. Legacy Plan/Code established goals related to land use
  - c. Legacy Code: List of Permitted, Special Uses and Prohibited Uses (table)
  - d. Where do we prioritize commercial uses?
  - e. Where do we prioritize residential uses?

**Item #2**      **HERITAGE SITES** – What is it and how should we regulate non-conforming properties?

**Item #3**      **ENTITLEMENT PROCESSES** – What does it take (and how long does it take) to get a project approved?

1. Overview of Processes
2. Timeline Chart
3. Site Plan Review

**Item #4**      **COMMUNICATION/NOTIFICATION PROTOCOLS** – Recommendations for Improved Transparency

1. Village Website
2. Monthly Reports
3. Communication Preferences
4. On-Site Signage



## **MINUTES OF THE ZONING ORDINANCE CITIZEN ADVISORY COMMITTEE**

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

**July 25, 2016**

A meeting of the Zoning Ordinance Citizen Advisory Committee began at 5:45 p.m. in the Kallsen Center.

Present were the following:

Village Staff:	Dave Niemeyer, Village Manager Paula Wallrich, Interim Community Development Director Stephanie Kisler, Planner I Dan Riordan, Interim Fire Chief Denise Maly-Politano, Recording Secretary
Present Committee Members:	Roxane DeVos Tyssen Eduardo Mani Beth McKernan Charley Smith
Absent Committee Members:	Trent Ridgway Matt Coughlin
Visitor:	MaryAnn Czarnecki

### **OPEN THE MEETING**

Interim Community Development Director PAULA WALLRICH called the meeting to order at 5:45 p.m.

### **Item #1 – LEGACY PLAN & CODE: INTENT AND USES**

MS. WALLRICH distributed the Village of Tinley Park Zoning Ordinance *As Amended Through July 5, 2016*. The pages that were distributed will update the committee members' Zoning Ordinances. This is a new version, which has updates to Section II, V, IX, and XII. She noted that Staff is trying to work through the Legacy Code to see what is good and what should be changed. She added that on June 16, the Plan Commission held a public hearing to discuss the rescinded text amendments to the Legacy Code (adopted October 2015, rescinded May 2016).

MS. WALLRICH further stated this committee has been charged with evaluating the Legacy Code. She noted that, overwhelmingly, the public wants first floor commercial to be required in some of the districts. The Legacy Code was all based on the Legacy Plan, which was adopted in 2009. She stressed the need to make sure the Code is reflective of the Plan. She noted that the Plan Commission directed Staff to research what other suburbs are doing in their downtown area. She also inquired about what uses were appropriate for the downtown. Thus, MS. WALLRICH asked the following questions:

1. Do we support the vision statements that were in the Legacy Plan?
  - a. Walkability – maximize the number of people living within walking distance of the train station. Have a walkable downtown where pedestrians come first.
  - b. Increased Density.
2. Legacy Code Land Uses
  - a. What should be Permitted Uses?
  - b. What should be Special Uses?
  - c. What should be Prohibited Uses?

BETH MCKERNAN thinks it make sense. Thinks you need to make commercial at the larger intersections. Concern is that you build all of these apartments and condominiums but are they going to be filled?

DAVE NIEMEYER suggested that maybe the “maximize” word needs to be softened.

PAULA WALLRICH stated the downtown area typically consists of properties along Oak Park Avenue from 167<sup>th</sup> Street to 183<sup>rd</sup> Street. There are different market needs and different uses as you get farther away from the train station. There is a big emphasis on infrastructure. Talking about what the physical aspects are of the infrastructure for improvements for the whole Legacy district. When the Legacy Plan was written, infrastructure was really a high priority but when it got to the Code it was not necessarily integrated. Problem is you have private vs. public improvements.

ROXANE DEVOS TYSSEN does not think 183<sup>rd</sup> to 167<sup>th</sup> would be considered walkable by most commuters.

CHARLEY SMITH does not think it is walkable.

PAULA WALLRICH said the Plan did a good job in terms of bringing the buildings up to the right-of-way, keeping parking in rear, sidewalks in front, walkability a priority, public improvements. Legacy Code is very specific in terms of improvements.

ROXANE DEVOS TYSSEN thinks if you are seriously looking at walkability, you would not go out more than six blocks. And you need decent sized parking. Also need to place things in the downtown area that are essential such as a small grocery store, dry cleaners, pharmacy to attract people who want to buy in the downtown area. We have enough restaurants and bars.

BETH MCKERNAN suggested a half mile would be considered walkable.

STEPHANIE KISLER noted the south end has better walkability with trails, sidewalks, bike paths, etc. more so than the north end. If there were more sidewalks, people would be able to walk up to the Dairy Palace.

PAUL WALLRICH reiterated that the Commission wants to support walkability in the Legacy Plan in the downtown core within six blocks.

BETH MCKERNAN thinks the 183<sup>rd</sup> and Harlem building is perfect in size, has coffee shop, pizza place, martini bar, residential upstairs.

PAULA WALLRICH the whole concept behind TOD (Transit Orientated Development) is that you have to have the amenities to attract to the downtown area.

CHARLEY SMITH suggested having a trolley to drive up/down Oak Park Avenue and bring more people to the area. Also thinks the buildings for commercial on Oak Park Avenue are too small. The retail, multi-use units are too small.

DAVE NIEMEYER stated that your best chance of success if the trolley servicing the downtown and the hotels at 183<sup>rd</sup>.

STEPHANIE KISLER went on a tour of downtown Glenview which has 1<sup>st</sup> floor commercial and luxury apartments. There is a variety of looks all in one building with attractive gables and brick color. They have a great code in place and encouraged everyone to read it.

PAULA WALLRICH stated the sign code is being amended to have blade signs. The village has budgeted money as an incentive for businesses to change their signs. Looking at the Legacy Code, we are for increasing walkability, six blocks either way. A question would be where do you prioritize those commercial uses or where do you see those uses going? Where do we prioritize residential? We want to maximize commercial uses where we can and have renting.

BETH MCKERNAN asked how you can increase density and have it remain affordable and how much can you have on Oak Park Avenue? You can't have commercial on the first floor and residences all the way down Oak Park Avenue. Main concern is increasing density. Hopefully we have affordable townhomes that will be sold.

PAULA WALLRICH stated the idea is to give a consistent character that looks commercial. Also used Burr Ridge downtown as an example which have shop windows with parking available. Vacancies have window films to keep it looking commercial on the first floor. Retailers have dual entrances and residential are stepped back behind the retail. Also stated that Elmhurst has a good mix of old and new.

BETH MCKERNAN asked how we get businesses to come to Tinley.

ROXANE DEVOS TYSEN stated that Ivan Baker explained that Tinley Park courts specific businesses and we also have businesses come and inquire about Tinley. It is a whole other department to attract businesses.

CHARLEY SMITH suggested looking at Holland, Michigan for ideas. It is very walkable with parking in front and back, cobblestone streets, one-way and it is titled "Malling Holland". A lot of specialty retail. Inquired about South Street and North Street status.

DAVE NIEMEYER explained that financing is being finalized for South Street. There will be 167 rental apartments with pool, gym, b-b-que grills, and a center for private parties for residents of the buildings. It is a multi-family rental development with average income levels. The village is trying to create momentum with upscale rentals. You have to make it an experience so people want to visit the retail. Not total sure about North Street. Trying to put plans together for a multi-family development which leads to the question about whether or not the downtown can support more rentals. Not as far along on the North Street development. Today there is definitely a market that would support South Street. Ten years from now it could be different.

ROXANE DEVOS TYSEN asked what size a building would need to be to have an elevator.

DAN RIORDAN stated it depends on the size but usually more than three floors.

CHARLEY SMITH inquired if you take the downtown walkability area, how many people do you need in that area to support retail?



DAVE NIEMEYR stated the more people you have the more attractive you are going to be to retailers. Trader Joe's looks at number of people, income levels, etc. Whole Foods won't go anywhere with less than \$92,000.00 income level.

BETH MCKERNAN thinks a dry cleaners, butcher, Starbucks is needed.

ROXANE DEVOS TYSEN suggested concentrating on certain areas and not the area as a whole. Focus energy on a small area to show momentum. Thinks there already is a commercial corridor and one-way streets should be used.

PAULA WALLRICH suggested looking at the permitted uses which you can do without any review; special review which you need a review of and approval for; prohibited uses are how the Code was rescinded. Some things were changed. Talked about breweries, boutiques, taverns. You have to be prepared to deny it if it's labeled special use.

STEPHANIE KISLER stated packaged liquor by itself was a special use and is now prohibited along with tobacco. She also stated there is a need for more affordable rental units.

ROXANE DEVOS TYSEN does not think we need to add more drive-thru businesses inside the core area.

Visitor MARYANN CZARNECKI stated that she does not think that certain businesses far off the main core would be a problem at all.

BETH MCKERNAN thinks anything prohibited is a scary word. Thinks an auto shop would be an eyesore with vehicles needing repairs sitting out.

EDUARDO MANI thinks auto repair shops should be off the main core. It would remain prohibited for Oak Park Avenue.

STEPHANIE KISLER inquired about any thoughts on the Collision Center on Oak Park Avenue which is set back off the main street behind a parking lot.

PAULA WALLRICH reiterated what the commission wanted: drive-thru - special use outside of downtown core; gas/service stations - special; car wash prohibited; dog kennel/boarding- special; secondhand resale shop - special use. Very difficult to apply same standards for downtown core as you do the other districts. The Code applies to all districts and areas. Vehicle rentals, cell towners, warehouse mini-storage facilities allowed but not in Legacy District. Tattoo parlors ok in downtown. Recommendations will be reviewed and decided on.

CHARLEY SMITH does not see why you would want/need gas stations or car services in the downtown area when you are trying to increase walkability.

ROXANE DEVOS TYSEN thinks an auto body shop needs a smaller sign and specific landscaping in order to look attractive for the downtown area. Put the service station/repair shop into special use outside of the core. Comfortable with secondhand store in downtown area but as special use.

STEPHANIE KISLER asked if you want to have your downtown entryway a gas station. Is that the look you would want?

PAULA WALLRICH stated the homework for next meeting is to figure out what would be special or prohibited based on ideas and what other downtown areas have. Lots of uses we have had requests for such as cross-fit

places and micro-breweries. Think about what uses you want, what you want to see in the downtown area, and the consensus on Oak Park Avenue.

**Item #2 – HERITAGE SITES – tabled to next meeting**

**Item #3 – ENTITLEMENT PROCESSES – tabled to next meeting**

**Item #4 – COMMUNICATION/NOTIFICATION PROTOCOLS – tabled to next meeting**

The next meeting will be August 15<sup>th</sup> and be announced by email for those not present.

**ADJOURNMENT**

The meeting of the Zoning Ordinance Citizen Advisory Committee of July 25, 2016 was adjourned at 7:45 p.m.

/dmp



## **AGENDA FOR REGULAR MEETING VILLAGE OF TINLEY PARK CITIZENS ADVISORY COMMITTEE**

**September 12, 2016 – 5:45 P.M. to 7:30 P.M.  
Kallsen Center  
Village Hall – 16250 S. Oak Park Avenue**

**Item #1        USES**

Discuss the homework: What uses should be permitted, special, or prohibited in the Legacy District?

**Item #2        HERITAGE SITES**

How should we regulate non-conforming properties?

**Item #3        ENTITLEMENT PROCESSES**

What does it take and how long does it take to get a project approved?

1. Overview of Processes
2. Timeline Chart

**Item #4        COMMUNICATION/NOTIFICATION PROTOCOLS**

Recommendations for Improved Transparency

1. Overview of Current Communications
2. Recommendations for Improved Transparency



**MINUTES OF THE ZONING ORDINANCE  
CITIZEN ADVISORY COMMITTEE**

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

**September 12, 2016**

Village Staff: Paula Wallrich, Interim Community Development Director  
Stephanie Kisler, Planner I  
Pat Meagher, Recording Secretary

Present: Matt Coughlin (*arrived at 6:40 p.m.*)  
Roxane DeVos Tyssen  
Eduardo Mani  
Beth McKernan

Absent: Charley Smith  
Trent Ridgway

**OPEN THE MEETING**

PAULA WALLRICH, Interim Community Development Director, asked for a Motion to open the meeting of the Zoning Ordinance Citizen Advisory Committee at 6:00 p.m. Motion was made by ROXANE DEVOS TYSSEN and seconded by BETH MCKERNAN.

MS. WALLRICH stated that the Committee recommendations will be brought to the Plan Commission as requested. The Plan Commission charged Staff with compiling information regarding first floor uses (commercial or otherwise) from other communities with similar downtown areas.. Also requested was the economic impact and tax ramifications of first floor issues t. The Text Amendment that was adopted in October 2015 was discussed at the Plan Commission meeting at the Odyssey in June 2016 included technical concerns, such as Scrivener's errors in the legal descriptions, landscape buffers, and land uses. MS WALLRICH would like to bring the Committee recommendations to the Plan Commission.. MS. WALLRICH also wanted to discuss the current requirements within the Legacy District for new developments (Heritage Sites).

**ITEM #1 - USES**

MS. WALLRICH began the discussion with a continuation of the use table discussion and referenced page 55 of the Legacy Code. Discussion ensued regarding various uses including drive-ups which are a prohibited use. MS. WALLRICH questioned the group if they wish to allow them as a permitted or a special use.. MS. DEVOS TYSSEN stated that some areas could not handle the traffic from drive-ups. MS. MCKERNAN stated that some streets in the downtown core are too narrow for that type of traffic unless there was a back entrance. MS. WALLRICH mentioned Mickey's has a drive up and is located in the Downtown Core District. MS. DEVOS TYSSEN expressed the prohibition of drive ups may lessen businesses' interest. She believes if a business were to come with a great plan and a traffic plan as well this would allow for increased tax revenue. MS. WALLRICH stated in a case like that the ordinance could be amended to require a Special Use for a drive up. MS. DEVOS TYSSEN stated that nothing should be so concrete that a Variance can't be applied for. MS. MCKERNAN stated that such rigidity is a deterrent to want to do business here. MS.

MCKERNAN raised the question if a Starbucks with a drive up would want to do business on Oak Park Avenue we would want to accommodate them. MS. DEVOS TYSEN stated that you would want this type of business to be near the train station because they would be a large part of the consumers as well as foot traffic in nice weather as well. This type of business would do well.

MS. WALLRICH encouraged the Committee to discuss the Downtown Core boundaries. MS. DEVOS TYSEN stated that there is heavy traffic on 171<sup>st</sup>. Also, there is very little parking on Oak Park Avenue. MS. DEVOS TYSEN also pointed out South Street and North Street are the center of the District. MS. WALLRICH stated that north of 173<sup>rd</sup> and east of Oak Park Avenue is Downtown Flex. In regards to the existing houses along these areas MS. KISSLER stated that there is a 50% rule and when the value of reconstruction on an existing structure reaches 51% that property must conform to District Use requirements. MS. WALLRICH directed the Committee to page twenty (20) of the Code regarding allowed uses for Downtown Flex. MS. MCKERNAN expressed concern regarding the Roller Rink and the impact of using 50% of their value to upgrade. MS. KISLER stated that Downtown Flex allows mixed-use but not stand alone commercial. MS. MCKERNAN stated that it doesn't make sense to stick with a plan that isn't welcoming to businesses. MS. DEVOS TYSEN inquired about the old Central Middle School property. MS. WALLRICH stated that that property is designated Downtown General and only allows residential uses. MS. DEVOS TYSEN inquired if it would ever be commercial and MS. WALLRICH stated that no, it will not per the current code.

MS. WALLRICH returned the discussion to the Downtown Core. The consensus of the Committee was to define it as the area between 171<sup>st</sup> and 175<sup>th</sup>. MS. WALLRICH then proceeded to discuss other uses listed on page 55. The Committee discussed second-hand stores which were listed as a prohibitive use. There was concern expressed regarding the size of a second hand store. MS. WALLRICH stated that there could be certain criteria regarding size and other specifications. The Committee expressed support for this. MS. WALLRICH discussed free-standing video gaming as a possible prohibited use. MS. MCKERNAN brought up the issue of video gaming within establishments are okay when the gaming isn't the main draw. MS. WALLRICH stated that stand-alone video gaming could be added to prohibitive uses. MS. DEVOS TYSEN stated that we should establish Core uses first and work from there. MS. WALLRICH asked if all were in favor of tattoo parlors as a special uses; all were in favor. There was discussion regarding gasoline stations and automotive repair as a special use. MS. DEVOS TYSEN stated that these are better situated outside the downtown core. MS. WALLRICH asked MS. KISLER if she could make lists of probative uses. MS. WALLRICH listed businesses that might be allowed outside the Downtown Core, such as funeral homes, but could be a special use outside of the Downtown Core. MS. WALLRICH continued to list items from the table on page 55. MS. WALLRICH asked if gun dealers should be prohibited. MS. MCKERNAN brought up Freddy Bear. MS. DEVOS TYSEN stated that this type of business should be outside the Downtown Core. MS. WALLRICH asked if this should be a special use outside of the Downtown Core. MS. DEVOS TYSEN agreed. MATT COUGHLIN inquired about Freddy Bear. MS. DEVOS TYSEN pointed out that is not a shooting range at Freddy Bear. MS. WALLRICH stated, for clarification, that a gun dealer could be prohibited in the Downtown Core and a special use outside the Downtown Core. There was agreement by the Committee. MR. COUGHLIN asked if Breweries would be considered industrial. MS. WALLRICH stated that currently is allowed under special use. MS. WALLRICH asked about doggie daycare, dog grooming or kennel pound specifications. MS. DEVOS TYSEN stated that they should be outside the Downtown Core. MS. KISLER brought up the point if someone living in the Downtown Core and wanted this type of facility within walking distance. MS. WALLRICH stated that that market is a growing market. MS. DEVOS TYSEN agreed that it will continue to grow. MS. WALLRICH stated that if it has any type of outside use the Committee might wish to consider it a special use. MS. KISLER was directed to draft language for this. MS. WALLRICH brought up machinery and equipment sales and recommended there be better definitions provided in the code. MR. COUGHLIN inquired of a storage facility being built on South Street. MS. KISLER directed MR. COUGHLIN to the listing of warehouse, storage and mini-storage uses being prohibited. MS. WALLRICH mentioned flea markets and pawn shops. She stated that since flea markets are often conducted outdoors they are listed as prohibited; she stated that MS. WALLRICH questioned whether or not Tattoo Parlors would be prohibited in the Downtown Core. MS. DEVOS TYSEN stated that now these parlors are high end. MS. WALLRICH stated that these require a special use in the Downtown Core.

MS. WALLRICH directed everyone to the Comparison Downtown chart. At the Odyssey meeting Staff was asked to research what other communities are doing for first floor. Most every city was concerned about commercial and making sure that residential wasn't taking up prime commercial space. MS. WALLRICH stated that before regulating commercial the Committee may wish to discuss the definition of commercial and determine if it includes such things as retail, service, personal services or parking serving commercial uses. MS. WALLRICH stated that planners often prioritized the "street view" of a land use and prioritize how things are viewed from a streetscape. When doing this you want to design structures and uses to encourage individuals to keep walking versus stopping at a non-commercial use. This concept is often employed for shopping malls. MS. KISLER brought everyone's attention to the chart which compared (8) different communities. She also presented a PowerPoint with photos of some of the Communities. MS. KISLER stated Tinley Park requires commercial in Downtown Core and Neighborhood Flex. Burr Ridge, having a smaller population, has Planned Unit Developments in their downtown which offers additional opportunity for regulating uses outside of their zoning code. She stated that in Burr Ridge the Code requires "Residential uses shall not be permitted in the same structure or building as nonresidential uses", therefore the downtown has used Planned Unit Developments to allow for mixed uses. MATT COUGHLIN asked if this is only their downtown. MS. KISLER said yes, this is only their downtown area. MS. KISLER moved on to Frankfort where their population is 18,000+. They have an "H-1" District which is our Legacy District. They stated that "Dwelling unit(s) above first floor commercial use" as well as the "Residence of the proprietor of a commercial use" is permitted. Hinsdale's population is 17,000+ and their downtown is zoned a "B-2". They stipulate that "No dwelling unit shall be located on the first floor of any structure" and "No use other than permitted and specially permitted retail trade uses and bank and other credit agency uses shall be allowed on the ground floor of any structure in the B-2 district." Naperville's population is 146,000+ and stipulates that "Residential units on the second floor and above commercial buildings" are permitted. MATT COUGHLIN asked if that language is consistent with "commercial required" on the bottom. MS. KISLER stated that it is more specific than ours is. MS. WALLRICH stated, to clarify, that these communities don't specify first floor commercial required, instead they state that there will no residential on the first floor. She recommended that the Committee define first floor commercial. MS. KISLER continued with Elmhurst's population is 45,000+ and their downtown is zoned "C4A" North Downtown Business District and "Dwelling units are not permitted below the second floor." Here again they are talking about where residential cannot go. Orland Park's population is 58,000+ and their Historic District is zoned "OOH". They allow "multi-family residences without commercial" and also allows "residential units above retail or commercial establishments." MS. WALLRICH pointed out that this is located in the older section of the community. MS. KISLER stated that the new Village Core is zoned "COR". They state that attached dwellings are Special Uses, provided that "no dwelling units are located on the street level unless the dwelling units are part of a mixed use development" and "If the dwelling units are part of a larger mixed use development that is over 100,000 square feet in floor area, no more than forty (40) percent of the square footage is devoted to residential uses." Glenview's population is 46,000+ and the Downtown Districts regulate ground floor uses based on location in the Downtown Area. This means that the community concentrates certain uses in certain areas. Districts include Full Ground Floor Retail, Partial/Full Ground Floor Retail, Ground Floor Retail/Office/Service/Residential, Residential Uses Only, Retail/Office/Services Uses Only and Institutional Use.

MR. COUGHLIN inquired about the Code and strategy work together to attract what we want to have happen in certain locations. MS. WALLRICH explained that we may want to concentrate on the Downtown Core uses first deciding on what we want to concentrate there that may not include things like drive-ups that we would allow outside of the Downtown Core. Also, as discussed earlier, there has been some criticism that the Legacy Plan is too rigid and that more flexibility might be possible to allow a case-by-case basis if a business was a great addition. For example if a project outside the Downtown Core, requests a Drive-Up then maybe through the Special Use process it could be allowed. MR. COUGHLIN raised the question of creating an identity for the Downtown Core and walkability. How does the Code influence making a huge concentration of certain businesses that makes it a destination? He directed the Committee to the map and questioned if there is any benefit of being more restrictive for areas along North Street and South Street. MS. WALLRICH stated that first there must be a Plan which is a precursor to the Code which would identify what we want to see happen in those areas. We need to make sure we are listening to the market as to the new trends in retail and sometimes a code is so restrictive it can't react quickly to the marketplace. MS. KISLER continued with the comparison of the last city being LaGrange with a population of 15,000+ and the Downtown area being zoned "C-1" or "C-1 CR".

Also, “Multiple Family Dwellings, but not on the first floor of any structure in the C-1 or C-2 Districts” are permitted. In summary, they are all very specific with not allowing residential on the first floor. MS. WALLRICH stated that it is important for use to specify what commercial is. Right now the Code states first floor commercial required. She asked the group if there are any more qualifiers to add to that. MATT COUGHLIN asked about a leasing office or a laundry mat used by the tenants of a residential building. MS. WALLRICH stated that a commercial would be open to the public. MS. DEVOS TYSEN suggested that the first floor may be divided into sections to accommodate more than one (1) commercial project. MS. WALLRICH stated that we also have to specifically define what commercial means. MS. MCKERNAN pointed out that having a convenient store on the first floor which would be open to the tenants as well as the community is a great plan. MR. COUGHLIN suggested 75% commercial and 25% amenities to the tenants. MS. WALLRICH stated that that is what she is trying to get from the group. She asked the group to think about what those percentages would be. MS. MCKERNAN brought up the point of a certain percentage for the Downtown Core and another percentage outside the Downtown Core. MR. COUGHLIN brought up the thought of keeping businesses that go hand-in-hand with each other close to one another. MS. MCKERNAN asked, in regards to this thought process, could we contact a certain developer that would fit in that mix. MS. WALLRICH stated that we could do that.

MS. WALLRICH asked the group to schedule another meeting soon to discuss these issues further. All agreed on Monday, September 26<sup>th</sup> at 6:00 p.m. Meeting adjourned at 8:08 p.m.



## **AGENDA FOR REGULAR MEETING VILLAGE OF TINLEY PARK CITIZENS ADVISORY COMMITTEE**

**October 3, 2016 – 6:00 P.M. to 7:30 P.M.  
Kallsen Center  
Village Hall – 16250 S. Oak Park Avenue**

**Item #1            CONTINUE DISCUSSION ON USES**

Discuss the homework: What uses should be permitted, special, or prohibited in the Legacy District?

**Item #2            HERITAGE SITES**

How should we regulate non-conforming properties?

**Item #3            ENTITLEMENT PROCESSES**

What does it take and how long does it take to get a project approved?

1. Overview of Processes
2. Timeline Chart

**Item #4            COMMUNICATION/NOTIFICATION PROTOCOLS**

Recommendations for Improved Transparency

1. Overview of Current Communications
2. Recommendations for Improved Transparency





**MINUTES OF THE ZONING ORDINANCE  
CITIZEN ADVISORY COMMITTEE**

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

**October 3, 2016**

Village Staff: Paula Wallrich, Interim Community Development Director  
Stephanie Kisler, Planner I  
David Niemeyer, Village Manager

Present: Matt Coughlin  
Roxane DeVos Tyssen  
Eduardo Mani (*arrived at 6:10 p.m.*)  
Beth McKernan  
Charley Smith

Absent: Trent Ridgway

PAULA WALLRICH, Interim Community Development Director, began the meeting of the Citizen Advisory Committee (CAC) at 6:05 p.m.

MS. WALLRICH discussed the schedule of the next meeting and a goal of having discussion of the Legacy Code at the 11/3/2016 Plan Commission meeting.

MS. WALLRICH discussed goals of talking about research and determinations for first floor commercial requirements. She introduced the committee to the revised use table that was prepared by Staff based on the last CAC meeting discussion.

MS. WALLRICH requested the boundary of the Legacy District be discussed. She noted that there is the core area, which is walkable, and then the transitional districts north, south, east, and west of the core. She stated that we will revisit the discussion of boundaries later tonight.

MS. WALLRICH led the discussion on the topic of the changes to the use table. Boutique alcohol was proposed as a permitted use and concerns were made by committee members that it would be difficult to enforce regulations not allowing typical packaged beers (Coors, Miller, Budweiser, etc.) but allow craft beers. There was a point made about consumption versus take-away sales; a committee member noted that maybe tasting of typical beers should be allowed but only craft liquor be able to be purchased. She located the previously recommended Boutique Liquor amendments and cited definitions and regulations from the document. She noted that she will revisit the Boutique Liquor amendments and plans to bring it before the PC again.

MS. WALLRICH discussed residential uses. She noted the allowable locations for residential dwellings per the discussion at the last meeting. There was also discussion about accessory residential uses. She noted the difficulty with assigning percentages due to possible range of sizes for future projects and that the assignment of percentages could result in larger portions that desired, or unusable spaces. She used the example of the former Bremen Cash Store, South Street and Subway to explain scale of commercial spaces. She discussed potential arguments for and against having percentage requirements for accessory residential uses. Based on conversations with the committee, the following recommendation was made:

- A Special Use Permit should be required for a project >20,000 square feet using more than 10% of the linear frontage along the street frontage for non-commercial space.

There was discussion of parking and location of parking within a development. The presence of parking along the street face within a structure was discussed. Committee members did not like the possibility of having the parking area visible from the front of the building. MS. WALLRICH noted that she will think of some conditions for facades along the adjacent public right-of-way, including:

- Requiring a commercial look to the façade. Facades along these corridors should look like a commercial façade. First floor residential prohibited. Accessory residential uses are allowed on the first floor if less than 10% of the linear frontage of the building (>20,000 sf project only).

MS. WALLRICH spoke about changes to the Special Uses section. There was some discussion about amusements and arcades. Committee members noted that it would be good to add “banquet halls” as a Special Use. There was discussion about conversion into a mixed-use building. STEPHANIE KISLER, Planner I, said she would look over the conversion processes again and find a better way to clarify the processes.

MS. WALLRICH gave a brief opinion of the Heritage Site concept. She noted how it is difficult to determine the value of the proposed improvements and the market value for the property. She mentioned that it makes it difficult for redeveloping properties that are vacant but previously had commercial uses and now the code only allows residential uses when improvements exceed 50%.

There was discussion about consistency with aesthetics along the Main Street corridor. Design guidelines were discussed and Staff noted that it may be beneficial to adopt guidelines to preserve the character of the area.

The committee and Staff discussed boundaries again amidst discussion about location of commercial versus residential uses. Some committee members and staff outlined areas on the printed map. Tattoo parlors were discussed. The committee added conditions for size and for hours. Parlors outside the determined size/hours are prohibited.

MS. KISLER noted that staff will work on rephrasing some of the first floor regulations for next time. Discussion was completed on the proposed use table.

A committee member began a discussion about economic development and attracting certain target businesses. Staff discussed how this will relate to the Village’s branding campaign. There was more discussion about creating more walkability and converting streets into pedestrian ways or creating one-way streets along North Street and South Street. MS. WALLRICH noted that eliminating traffic in front of commercial spaces can be harmful for business. There was talk of establishing a destination and concentrating certain uses in the downtown area. Staff noted that there are opportunities for incentives for different types of businesses.

*Minutes of the Zoning Ordinance Citizen Advisory Committee  
October 3, 2016*

MS. WALLRICH noted a presentation about Mount Prospect from the APA-IL Conference last week where they spoke about how to get new businesses into their city. She suggested that possibly these speakers could come to Tinley Park and give their presentation.

MS. WALLRICH invited the Citizen Advisory Committee to attend the Plan Commission meeting on 11/3 when staff will present the recommendations of the Committee.

MS. WALLRICH asked for each committee member to state their objectives and goals for future meetings going forward:

- MATT COUGHLIN asked if we could tie in the work from the CAC to the branding and the economic development plan going forward. Wants to link to other plans and help foster economic development in the downtown area.
- ROXANE DEVOS TYSEN liked the idea of aesthetic consistency in the downtown. She had some comments about the geographic location of the core.
- EDUARDO MANI suggested building out from the focus of the core. He also liked the idea of concentrating the uses. He agreed about having design criteria with architecture.
- BETH MCKERNAN said making the downtown a destination is important. She wants to add restaurants and quality housing options. She noted that there will need to be basic uses for the new residents and more mixed uses. She said it needs to be a destination and a home. She wants to increase the density so that residents in the downtown don't need to leave to get errands done.
- CHARLEY SMITH likes the idea of a vision and the events that the Village puts on currently. He thinks there needs to be something more than eating and drinking. He discussed a recent trip to Grand Rapids. This city is booming with craft beers and arts and a lake. He is cautious of seasonal attractions. He wants to promote families in Tinley Park. He wants to attract specialty shops.

MR. COUGHLIN brought up a business named Belly that incorporates local businesses into a loyalty program. He mentioned how the program can allow for extra funds for events.

MS. WALLRICH said we will add the committee members to the Plan Commission email distribution list so that they get the Plan Commission packet for when the Legacy Code is discussed.

# **H-1 HISTORIC DISTRICT**

## **SECTION XII OF THE TINLEY PARK ZONING ORDINANCE**

### **A. PURPOSE AND INTENT:**

1. The Village of Tinley Park seeks to strengthen the aesthetics and economics of the historic downtown by enabling the development and/or redevelopment of quality retail, commercial, office and residential uses in an historic setting. Consistent with this objective, Tinley Park has created an H-1 Historic Business District zoning classification that provides a regulatory framework that will:
  - a. Enable the unique, turn-of-the century buildings that exist generally between 168<sup>th</sup> Street and 175<sup>th</sup> Street to be preserved.
  - b. Create an environment that is unique within and to Tinley Park, and which draws residents of Tinley Park and its neighboring communities to work, shop, live and recreate.
  - c. Encourage new development that is compatible with existing and planned uses and the character of existing buildings.
  - d. Balance business interests within the historic district with those of adjacent neighborhoods.
  - e. Blend the different designs of building, landscaping and signs that exist within the historic district together to create a cohesive environment.
  - f. Maintain and enhance property values, thereby increasing the economic base of the Village of Tinley Park.
2. This H-1 Historic Business District designation is intended to allow for the continued function of contemporary land uses, while emphasizing pedestrian orientation within an intimate streetscape design, and de-emphasizing automobile uses. The H-1 Historic Business District regulations have been developed to accomplish this by:
  - a. Regulating building location with setbacks that frame streets in the District, providing a strong architectural statement by keeping buildings close to sidewalks.
  - b. Prohibiting the placement of off-street parking lots in front yards in the historic downtown core of the H-1 Historic Business District, in order to maintain the continuity of buildings along the street, and to minimize views of parked cars.
  - c. Prohibiting drive-through facilities and automobile-related uses to encourage an environment where the automobile does not compromise pedestrian safety or the shopping experience disrupted by frequent curb cuts.
  - d. Requiring sidewalks in front of businesses that are wide enough to:
    - 1 Allow pedestrians with children or wheeled carriages to comfortably pass one another.

- 2 Accommodate benches, planters and other street furniture that offers the shopper an opportunity to relax and to gather with friends, encouraging longer stays and increased purchases.

**B. DESIGNATION OF THE DISTRICT/APPLICABILITY:**

1. The H-1 Historic Business District shall apply to the area of land along Oak Park Avenue between 168<sup>th</sup> Street and 175<sup>th</sup> Street, as depicted on Exhibit A, and as designated H-1 on the Official Zoning map of Tinley Park. The historic downtown core and the commercial/residential transitional areas shall be as follows:
  - a. Historic Downtown Core — The Historic Downtown Core includes properties bounded by Midlothian Creek at 172<sup>nd</sup> Street, heading south along Oak Park Avenue, including the properties on the west side of the street until 173<sup>rd</sup> Place, then the western boundary is formed by 68<sup>th</sup> Court, and including properties on the east side of the street. The core also includes those properties south of the railroad tracks along Hickory Street heading back to Oak Park Avenue including 6811 Hickory Street and 17424 Oak Park Avenue, then on the south along 174<sup>th</sup> Street until 67<sup>th</sup> Court (parcels on both sides of the street) The boundary proceeds north to South Street, including properties on either side of the street to 66<sup>th</sup> Court, including 17301 66<sup>th</sup> Court and 6601 South Street. The boundary then proceeds north on 66<sup>th</sup> Court to 172<sup>nd</sup> Street, but only including properties on the west side of the street. It then proceeds along 172<sup>nd</sup> Street; binding only south side addresses until it meets back with Oak Park Avenue.
  - b. Commercial/Residential Transitional Areas — The transitional area is made of clusters of parcels around the Historic Downtown Core. These include the properties on both sides of Oak Park Avenue north of Midlothian Creek at 172<sup>nd</sup> Street until 170<sup>th</sup> Street, wherein only properties on the west side of Oak Park Avenue are included up to 168<sup>th</sup> Street. Also included is the area bound by the west side of 68<sup>th</sup> Court, the north side of Hickory Court, the east side of 69<sup>th</sup> Avenue, and the south side of 173<sup>rd</sup> Place. Another area includes parcels on the west side of Oak Park Avenue starting at 17432 south to 175<sup>th</sup> Street. A final area is bound by Oak Park Avenue on the east starting at 17451 south to 175<sup>th</sup> Street, then following the north side of 175<sup>th</sup> Street binding the northwest properties of 67<sup>th</sup> Avenue to 174<sup>th</sup> Street including 17348 66<sup>th</sup> Court, then following 174<sup>th</sup> Street to 6730 174<sup>th</sup> Street and all properties bound inside.
2. The standards set forth herein shall be applied to properties in this District, regardless of their zoning classification, when any the following actions are proposed:
  - a. New development.
  - b. Redevelopment.
  - c. Exterior modifications, including but not limited to:
    - 1 Building additions.
    - 2 Façade improvements that equal or exceed 50% of the assessed value of the building.
    - 3 New or replacement landscaping.
    - 4 New or replacement signs.

3. Where conflicts occur between the development standards or requirements in this Section XI of the Zoning Ordinance, and those set forth in other sections of the Zoning Ordinance, the standards or regulations included in this Section XI shall supersede those included in other Sections of the adopted Zoning Ordinance of the Village of Tinley Park to the extent of any such conflict.
4. Should any section or provision of this Section XI of the Zoning Ordinance be declared to be unconstitutional or invalid, such decision shall not affect the validity of any other part of this Section XI or the Zoning Ordinance as a whole.
5. Should this Section of the Zoning Ordinance be found by the Zoning Administrator or his designee to be silent on any issue that is otherwise provided for in any other Section of the Zoning Ordinance, the other applicable provisions of the Zoning Ordinance shall apply.

**C. DEFINITIONS:**

In addition to the definitions included in Section II of this Ordinance, the definitions that follow shall apply to projects or improvements proposed in this District. Where applicable, definitions in this Section XI shall supersede those that are presented in Section II.

**ALTERATION:** Any act or process requiring a building permit that changes the exterior architectural appearance of a site, structure, improvement or object which has either been designated as a Historic Landmark or is located within an area designated as a Historic District, or the interior architectural or historic features of any structure or object when such interior appearance has been specifically included in the designation of that structure or object.

**BRACKETS:** Projecting support members found under eaves or overhangs that may be plain or decorative.

**CORNICE:** The projection at the top of a wall or the top course or molding of a wall when it serves as a crowning member.

**DEVELOPMENT:** The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; and any new use or extension of the existing use of land.

**EXTERIOR ARCHITETURAL**

**FEATURES:** The architectural style, design, general arrangement and components of all of the outer surfaces of an improvement (as distinguished from the interior surfaces), enclosed by the exterior surfaces including, but not limited to, the building material; the type and style of all windows and doors; lights; signs; and other fixtures appurtenant to such improvement that are visible from public streets.

<b>EXTERIOR WALL:</b>	Any wall that defines the exterior boundaries of a building or structure.
<b>FAÇADE:</b>	The front or face of a building, or any side of a building facing a street or other public space.
<b>GABLE TRIM:</b>	The ornamental trim on the gable of a building that ranges from simple sawn wood or patterned shingle ornamentation to elaborate spindle work.
<b>HISTORIC PRESRVATION COMMISSION:</b>	A Commission created by local ordinance of the Village of Tinley Park that is created by local ordinance and charged with enforcing provisions of local laws governing historic districts and buildings.
<b>IMPROVEMENT:</b>	Any building, structure, place, parking facility, landscaping, fence, gate, wall, signs or other object constituting a physical addition to or betterment of real property, or any part of such addition or betterment.
<b>LINTEL:</b>	A horizontal structural member that supports a load over an opening (i.e. a window or door) that may, or may not be decorative in its design.
<b>ORDINARY REPAIRS AND MAINTENANCE:</b>	Any work that is done to an existing improvement for which a permit from any department of the Village of Tinley Park is not required to carry out such work, and when the purpose of such work is to correct any deterioration, decay, or damage.
<b>OWNER:</b>	Any person, group of persons, partnership, corporation, or other legal entity holding legal or equitable title to real estate located within the Village of Tinley Park, including but not limited to, contract purchasers and all of the beneficiaries under a land trust.
<b>MAIN STREET BUSINESS DISTRICT:</b>	All property in the Tinley Park Historic District and all parcels of land adjacent to Oak Park Avenue and parcels of land that touch or adjoin parcels adjoining Oak Park Avenue according to Exhibit "A" of Ordinance 97-0-035, with the exception of land within a tax increment financing district, so long as the tax increment financing district remains in effect.
<b>MAIN STREET COMMISSION:</b>	A Commission created by local ordinance of the Village of Tinley Park that is created by local ordinance and charged with the responsibility for developing a plan for the Main Street Business District.
<b>PALLADIAN WINDOW:</b>	A window that is composed of a central arched sash that is flanked on either side by smaller sidelights.
<b>PEDIMENT:</b>	A triangular structure that is used as a decorative crowning element for detailing windows and doors.

**PLANNED  
DEVELOPMENT:**

A Planned Development is a 2 ½ acre or larger parcel or tract of land under single ownership or control in the H-1 Historic Business District that is planned and constructed as a unified development where the specific regulations of the H-1 Historic Business District may be modified by the Village Board through the issuance of a special use permit.

**REDEVELOPMENT:**

To develop again, or renovation of a blighted area.

**REHABILITATION:**

The process of returning a property to good condition or a state of utility through repair or alteration, which makes possible an efficient contemporary use incorporating present day minimum standards of sanitation, fire and life safety, and building codes, while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

**RENOVATION:**

The act or process of restoring a building, structure or site to an earlier condition or improve by repairing or remodeling including the process of bringing a building and its facilities to conform to present day minimum standards of sanitation, fire and life safety, and building codes while adapting for current uses that may be different than those for which it was originally constructed.

**RESTORATION:**

The act or process of putting a building, site or structure into a prior position, place or condition including the creation of an authentic reproduction of a building, structure, site or feature thereof to a certain condition of good repair as of a period in time beginning with existing parts of an original object or building.

**REPLACEMENT  
LANDSCAPING:**

An action that involves the removal and replacement of more than 50% of the existing landscaping in the front or corner side yard on an individual parcel or the boundaries of a planned development.

**TENANT:**

An occupant of land or premises who occupies, uses and enjoys real property for a fixed time, usually through a lease arrangement with the property owner and the owner's consent.

**YARD:**

A Yard is an open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the mean horizontal distance between the lot line and the main building shall be used.

**YARD, CORNER:**

A Corner Side Yard is a yard extending across the side of a lot adjacent to a street and located between the front lot line and the rear lot line, and being the minimum horizontal distance between



the street line and the main building, or any projections thereof, other than the projection of the usual steps, entranceway, unenclosed balconies, or open porch.

**YARD, FRONT:**

A Front Yard is a yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building, or any projections thereof, other than the projection of the usual steps, entranceway, unenclosed balconies, or open porch.

**YARD, REAR:**

A Rear Yard is a yard extending across the rear of a lot measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the front yard.

**YARD, SIDE:**

A Side Yard is a yard between the main building and the side line of the lot, and extending from the front lot line to the rear yard line.

**D. PLANNED DEVELOPMENTS:**

1. Planned Developments — Although there is a minimum size requirement for a Planned Development of 2 ½ acres, in extreme circumstances where physical limitations or site design will not allow for this size parcel(s) as truly defined as a hardship, rather than a mere inconvenience, developer design or land cost, any parcel or tract or land can be processed as a Planned Development with a variation, pursuant to regulations, standards and criteria of this Section XI. In no circumstance does this subsection assure a guarantee of a variation, based upon the findings of fact from the Plan Commission with input from the Main Street and Historic Preservation Commissions where necessary and Village Board of the Village of Tinley Park.
2. Planned Development Required — All development or redevelopment activities proposed to take place on parcels or tracts of land under single ownership that are 2 ½ acres and larger shall be processed as Planned Developments, pursuant to regulations and review criteria that follow. Such regulations are intended to:
  - a. Allow flexibility on parcels or tracts of land that are 2 ½ acres or larger to ensure development that is consistent with the goals and objectives of the H-1 Historic Business District.
  - b. Ensure that development achieves the objectives set forth in Section XI (S) STANDARDS AND CRITERIA of this Ordinance.
  - c. Control the development of parcels or tracts of land that are 2 ½ acres or larger according to an approved plan, rather than the strict regulations of this zoning district.

3. Pre-Application Conference:

- a. Prior to the official submittal of an application for consideration of a Planned Development, the developer shall meet informally with Village staff for a preliminary discussion as to:
  1. The scope and nature of the proposed development.
  2. The types of uses proposed.
  3. The approximate land allocation contemplated for each of the uses.
- b. The developer shall be prepared to present any conceptual plans, maps, sketches or other information that may be necessary to clearly explain the proposed planned development, including specific requests (if any) to deviate from the underlying standards of this Section XI and other codes and Ordinances of Village of Tinley Park.
- c. At this meeting, the Village representative will provide general information and direction relative to the long-range goals of the Village with respect to the H-1 Historic Business District.
- d. The development shall address storm water control and detention/retention in accordance with the overall storm water detention plan of the Village of Tinley Park.
- e. After such a meeting, the developer will submit fifteen (15) sets of site plans, landscape plans, infrastructure plans, proposed plats, photometric and lighting plans, renderings and signage plans, along with any other plans/documentation that is deemed necessary to the Director of Planning for a full staff review for a specific proposal. Such plans are to be submitted in an 11' x 17" format, with one (1) full sized set for the official records of the Village.
- f. Once the staff review is complete, a written listing of comments and/or questions will be forwarded to the developer for a return response in writing sent to the Planning Director for review. If the review comments are deemed acceptable, either by modifications in the plans and/or other documentation, the proposal may continue in conformance with the remainder of this section. In no circumstances will a proposed plan be placed on any agenda until the staff review is completed and the plans and/or developer responses are accepted to comply with Village Codes. In certain instances, particular items may need to be addressed further in the development process, such as final engineering and fire suppression systems. Based upon Village staff review and approval, the developer may sign a letter of intent with regard to these specific matters stating that they are aware of these items and will ensure that Village Code will be met before an Occupancy Permit is granted.

4. Application for Site Plan Review:

- a. A Planned Development in the H-1 Historic Business District shall be granted as a special use, according to procedures that follow.
- b. Application for Site Plan Review shall be made according to Section XI (E)(3)(d)2, below, plan review for Planned Developments will be carried out by Village staff, the Historic Preservation Commission, Main Street Commission, Plan Commission and Village Board pursuant to process and procedures that are described in this section.

5. Design Flexibility: from Regulations of this Section XI:

- a. Design flexibility from any standard or requirement of this Ordinance may be granted, but only in those instances where the Plan Commission with input from the Main Street and Historic Preservation Commissions where necessary and Village Board determine that such flexibility is warranted to achieve the objectives of this Ordinance as they relate to the maintaining the general historical integrity in the H-1 Historic Zoning District as they relate to development in the H-1 Historic Business District.
- b. Such flexibility may be granted only after:
  1. The Plan Commission and Village Board review the proposed project against standards in place and find that the proposal meets the criteria set forth in Section XI (S), 1 through 12 of this Ordinance in addition to those presented in Section X (I) (f) for special uses.
  2. The Planned Development shall, in all other respects, conform to the applicable regulations of the H-1 Historic Business District, except as such the Village Board may in each instance modify regulations.

6. Changes to a Planned Development:

- a. Major Changes — Any changes that include an increase in density, increases in the height and/or bulk of buildings, major reductions in the size of proposed buildings, increases or major decreases in the number of buildings and/or lots, major reductions in the amount of proposed open space, significant roadway changes or changes in the final governing agreements, provisions or covenants, or other major changes which change the concept of the development shall be deemed a major change warranting review and approval by the Plan Commission with input from the Main Street and Historic Preservation Commissions where necessary and Village Board, pursuant to procedures set forth in Section XI (E)(3)(d) of this Ordinance.
- b. Minor Changes — Minor changes in the Planned Development that do not change the concept of the development may be approved by the Director of Planning or assigned designee. Minor changes shall be any changes not defined as a major change.

7. Expiration — Unless an extension is applied for and approval of preliminary plans are accepted by the Village Manager, a developer must submit final plans within 12 months after receiving Village Board Approval.

8. Additional Requirements and Standards:

- a. No application for a Planned Development will be accepted or approved unless all of the property included in the application is under unified ownership or a single entity's control.
- b. The Plan Commission, with input from the Main Street and Historic Preservation Commissions where necessary, may recommend, and the Village Board may impose, other conditions and standards as deemed necessary to ensure consistency with the purposes of this Section XI and those of the Village's Zoning and Subdivision Ordinances. Such conditions may include, but not be limited to, the following:

1. Limitations on the types of uses, structures or building types to be allowed in the planned development.
2. Increased building setbacks.
3. Increased parking requirements, including number of spaces and/or fees for constructing public parking.
4. Reduced residential densities.
5. Increased amenities for densities that are higher than those set forth in this Section XI
6. Reduced building height.
7. Additional landscaping.
8. Cash in lieu of landscaping, where requirements for landscaping set forth in this Section XI cannot be met.
9. Design excellence (i.e., architecture and site design).
10. Amenities beyond those specified in this Section XI.

c. Landscaping: The burden of proof lies solely upon the developer to show why and how they can not meet the landscaping requirements.

1. Landscaping shortcomings must be distinguished as a true hardship for a particular development, rather than a mere inconvenience.
2. Landscaping regarding new developments and/or buildings will have a larger burden of proof versus the redevelopment of an existing structure.
3. Public amenities may be considered as a partial substitute for landscaping when it has been shown that such amenities are in the public interest and that the practicality of the placement of landscaping would prove a danger to the public or would not survive due to the physical characteristics of the area. Such items as benches, paved walkways, planters, etc. could be considered as such amenities.
4. Innovative landscaping is to be incorporated into the design of the building itself.
5. Any amounts where cash in lieu of landscaping is found to be acceptable by the Village will be set by the Village's contract landscape architect at the time that a developer is seeking approval for a project.

**E. SITE PLAN REVIEW:**

1. Application for Site Plan Review — All applications for any new development or redevelopment proposal, alteration of an existing structure or façade or other improvement in this District that require approval by, or a permit from, the Village of Tinley Park shall be filed with the Director of Planning. The Director of Planning shall transmit a copy of the application to the Plan Commission and the Chairman of the Historic Preservation Commission and the Chairman of the Main Street Commission for their review, when such review is required pursuant to this Section XI (E). All applications shall be accompanied by plans, drawings, documents and other information typically required for Planned Developments, the Village's Building Code, the Village's Subdivision Regulations, or other such information that may be requested by the Director of Planning pursuant to the particular request.
2. Improvements in the H-1 Historic Business District that Do Not Require Site Plan Review — Actions that follow shall not require site plan review by Village staff, the Historic Preservation Commission, the Main Street Commission, or the Long Range Planning Commission, or the Village Board. Notwithstanding the above, any such action that requires a building or occupancy permit shall require review and approval by the Director of Planning or appointed designee and the Building Commissioner.
  - a. Any ordinary repair or maintenance to the exterior of a building, structure or improvements that exist on a developed lot (i.e., parking lot, sidewalks, etc.) that restores it to its original condition.
  - b. Landscaping that does not involve the removal of vegetation and replanting of 50% or more of a front or corner side yard of an individual lot or boundaries of a planned development. Where landscaping that involves the removal of vegetation and replanting of 50% or more of front or corner side yard of an individual lot or boundaries of a planned development is proposed, it shall be considered replacement landscaping and shall require review and approval by staff shall be required, pursuant to Section XI (D)(3)(a)(2), below.
3. Improvements that Require Site Plan Review by Village Staff, the Historic Preservation Commission and Main Street Commission — Actions that shall require review and approval by Village staff and/or review and recommendation of approval from the Historic Preservation Commission and Main Street Commission as set forth below, but which may not require review and approval by the Plan Commission or Village Board include the following:
  - a. Village Staff Review Only:
    1. A change in the existing use of a building is proposed provided such change does not require a text amendment, planned development, and/or special use.
    2. Replacement landscaping, provided such landscaping complies with requirements of Section XI (N) of this Ordinance. Landscaping that does not comply with Section XI (N) shall be reviewed and approved by the Plan Commission in conjunction with recommendations of the Historic Preservation Commission and Main Street Commission according to Section XI (D)(3)(c) below.
  - b. Village Staff and the Historic Preservation Commission and the Main Street Commission Actions that follow shall require review and approval by Village Staff and review and

recommendation of approval by the Historic Preservation Commission and the Main Street Commission, but shall not require review and approval by the Plan Commission:

1. Signs that comply with Section XI (Q) of this Ordinance. Signs that do not comply with standards and criteria of this Section also shall require review and approval by the Zoning Board of Appeals.
2. Street furniture (i.e., benches, trash receptacles, planters and decorative lighting) proposed to be installed for an existing business or in conjunction with a change in use.
3. Decorative walls or fencing proposed for an existing business (including outdoor dining), or in conjunction with a change in use.
4. The installation of awnings, decorative lighting, or other decorative elements that do not substantially alter the building (see definition for **ALTERATION** in Section XI (C), above).
5. Color styling of a building or a group of buildings.
6. Ornamental parking lot lighting.
7. Screening of roof-mounted mechanical equipment.
8. Rehabilitation, renovation or restoration of a building.

c. Improvements that Also Require Site Plan Review by the Plan Commission —Actions that follow shall require review and recommendation of approval by Village Staff, the Historic Preservation Commission and the Main Street Commission and review and approval by the Plan Commission. Should the development need to go before the Plan Commission for formal recommendation or approval, the developer is required to submit twelve (12) sets of site plans, landscape plans, infrastructure plans, proposed plats, photometric and lighting plans, renderings and signage plans, along with any other plans/documentation that is deemed necessary at the first Plan Commission meeting to be distributed to each Plan Commissioner and the secretary of the Commission. Such plans are to be submitted in an 11' x 17" format. Village staff shall notify the Historic Preservation and Main Street Commissions of the time place and date of the meetings scheduled for Plan Commission review:

1. Outdoor dining areas. Such facilities that serve alcoholic beverages also shall require review and approval by both the Building Commissioner and Liquor Commissioner.
2. Outdoor storage.
3. Alterations to an existing building.
4. New construction.

d. Improvements that Also Require Site Plan Review by the Plan Commission and Village Board

1. Actions Requiring Review — To ensure compliance with the applicable provisions of this H-1 Historic Business District, the actions that follow shall require site plan review and recommendation by the Plan Commission, with input from Village staff and input and recommendations from the Historic Preservation Commission and the Main Street Commission (as described in Section XI (D)(3)(d)(2) below) and review and approval by the Village Board. . Should the development need to go before the Plan Commission for formal recommendation or approval, the developer is required to submit twelve (12) sets of site plans, landscape plans, infrastructure plans, proposed plats, photometric and lighting plans, renderings and signage plans, along with any other plans/documentation that is deemed necessary at the first Plan Commission meeting to be distributed to each Plan Commissioner and the secretary of the Commission. Such plans are to be submitted in an 11' x 17" format. Village staff shall notify the Historic Preservation and Main Street Commissions of the time place and date of the meetings scheduled for Plan Commission review and consideration by the Village Board:
  - a. Subdivision that involves two or more parcels of land with new street or easement access.
  - b. The action includes a request for:
    - i. Map amendment (rezoning).
    - ii. Text amendment.
    - iii. Special use.
    - iv. Planned development (by special use).
2. Process for Historic Preservation Commission and Main Street Commission Review — The Village of Tinley Park finds that review and input from Village staff and input and recommendations from the Historic Preservation Commission and the Main Street Commission on improvements or development proposals that require site plan review before the Plan Commission and Village Board according to Section XI (D)(3)(d)(1), above, is critical to ensure that the objectives of the Village of Tinley Park established for this Historic District, as expressed in this Ordinance and the standards and review criteria in Section XI (S), below, are fully met. Therefore:
  - a. The Historic Preservation Commission and Main Street Commission may review the application, plans and related data submitted to the Village according to Section XI (D)(1), above before the meeting or hearing on the improvement, new development or redevelopment is scheduled to be presented to the Plan Commission. However, review by the Plan Commission shall not be contingent upon such a meeting, in the event that the Historic Preservation Commission or the Main Street Commission (or both) cannot meet to review an improvement or development proposal before the scheduled meeting or hearing of the Plan Commission.
  - b. Review comments shall be prepared in a written document that can be distributed to the Plan Commission and petitioner before the meeting or hearing that has been scheduled to review the improvement, new

development or redevelopment proposal. Such review comments are advisory, and shall be processed as recommendations to the Plan Commission.

- c. The Historic Preservation Commission and Main Street Commission may send a representative to the scheduled meeting with the Plan Commission.
- d. Drawings and support documentation that are revised to respond to comments by Village staff, the Plan Commission, the Historic Preservation Commission and Main Street Commission shall be transmitted to the Historic Preservation Commission and the Main Street Commission for subsequent review and comment according to procedures in Section XI (D)(2) through Section XI (D)(3), above, until such time as a recommendation on the improvement, new development or redevelopment proposal is forwarded by the Plan Commission to the Village Board.
- e. Representatives of the Historic Preservation Commission and Main Street Commission may prepare formal recommendations for Village Board consideration on any improvement, new development or redevelopment proposal proposed in the H-1 Historic Business District that was recommended for approval by the Plan Commission and which does not address requested changes or conditions of approval proposed by these Commissions, or in the event that such Plan Commission recommendation for approval is contrary to the recommendations proposed by these Commissions.

**F. USES:**

1. Permitted Uses — Permitted uses of structures and land as set forth in the table that follows shall be allowed in the H-1 Historic Business District according to the regulations that follow. Permitted uses that are associated with an improvement, development, or redevelopment proposal that require site plan review may be reviewed by Village staff, the Plan Commission, the Historic Preservation Commission, and the Main Street Commission at a public meeting (no public hearing shall be required). Only those uses specifically listed in this Section XI shall be considered permitted uses, and no structure or land shall be devoted to any other use other than a use that is permitted herein, with the exception of:
  - a. Uses that were lawfully established prior to the effective date of the H-1 Historic Business District Ordinance.
  - b. Accessory uses, in compliance with this Ordinance.
2. Special Uses — Special uses that are listed as permitted special uses on the table that follows. Petitions for uses that are listed as special uses shall be reviewed at a public hearing according to procedures set forth in Section X (J) Administration and Enforcement, of this Ordinance, and shall incorporate review, input and recommendations by the Historic Preservation Commission and Main Street Commission as described in Section XI (D)(3) of this Ordinance.
3. Planned Developments:
  - a. Planned developments shall be considered as a special use, pursuant to all procedures and requirements set forth in Section VII Planned Developments of this Ordinance, including



the general provisions that are included in Section VII(C)(1), except where superseded by Section XI of this Ordinance. This includes::

1. Residential Planned Developments — Standards for development of a residential planned development that are presented in Section VII(C)(2) of this Ordinance shall be superseded by regulations in this Section XI when a residential planned development is proposed in the H-1 Historic Business District.
  2. Commercial Planned Developments — Standards for development of a commercial planned development that are presented in Section VII(C)(3) of this Ordinance shall be superseded by regulations in this Section XI when a commercial planned development is proposed in the H-1 Historic Business District.
  3. Industrial Planned Developments — Industrial planned developments shall not be allowed in the H-1 Historic Business District.
- b. A planned development may consist of a single land use (i.e., residential or commercial), or may include multiple land uses (i.e., residential and commercial).
4. Prohibited Uses — Some commercial uses that would otherwise be permitted in the Village's B-1, B-2, B-3 and B-4 Districts shall not be allowed in the H-1 Historic Business District. This is because the nature of these uses is inconsistent with the intent and the purpose of this Section XI and the adopted plans and policies of the Village of Tinley Park for this District. These uses are clearly identified on the table that follows:

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## SCHEDULE OF USES FOR THE H-1 HISTORIC BUSINESS DISTRICT VILLAGE OF TINLEY PARK

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### List of Permitted Uses:

#### ***Retail:***

Antique shop  
Apparel store  
Art supply store  
Art gallery  
Bakeries  
Bath and kitchen stores (retail sales, displays  
and design services)  
Book store  
Bicycle sales, rental and repair  
Café  
Candy store  
Canoes, kayaks and non-motorized watercraft store  
Camera shop  
Card shop  
Cellular phone store  
China and glassware store  
Cigar store  
Clock shop  
Coin and philatelic stores  
Coffee shop  
Computer and computer equipment sales  
Cooking supplies store  
Custom dressmaking establishment  
Craft store

#### ***Retail, Continued***

Delicatessen  
Dry goods store  
Drug store (excluding drive-in)  
Fabric store  
Floor covering, including carpets and rugs  
Florist  
Furniture and home furnishing stores  
Fresh produce  
Furrier shops (including the incidental storage of)  
General store  
Gift shop  
Grocery store  
Hardware store  
Health food store  
Hobby shop  
Household appliance store, including repair  
Ice cream shop  
Import store  
Jewelry store (including repair)  
Leather goods store  
Lighting fixture store  
Luggage store  
Meat and fresh fish markets  
Millinery  
Music store, including sheet music and  
instruments

#### ***Retail, Continued***

Native American store  
Novelty store  
Paint, glass and wallpaper store  
Pet shop  
Pottery  
Quilt shop  
Record, tape and disc rentals and sales  
Recreation, commercial indoor  
Restaurant, carryout (excluding drive-in)  
Restaurant, quality sit-down  
Scrapbook store  
Sewing machine sales and service  
Shoe store  
Specialty (gourmet) food shop  
Specialty garden center  
Specialty retail store  
Sporting goods store  
Stationery stores  
Temporary uses (as approved by the Village  
Board)  
Toy store  
Video sales or rental store  
Vintage clothing store  
Window covering stores

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## SCHEDULE OF USES FOR THE H-1 HISTORIC BUSINESS DISTRICT VILLAGE OF TINLEY PARK

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### List of Permitted Uses Continued

#### *Personal Services*

Barber shop  
Beauty parlor  
Clock repair  
Costume rental store  
Currency exchange  
Dress-making  
Dry cleaning (fewer than five employees)  
General repair shop  
Hair salon  
Interior decorating store  
Laundromat (coin operated)  
Locksmith  
Millenary shop  
Photographic studio  
Residence, when on 2<sup>nd</sup> or 3<sup>rd</sup> floor  
Shoe repair shop  
Spa (including licensed massage therapists)  
Tailor  
Tuxedo and other evening attire rental

#### *Business Service*

Banks/financial institutions (excluding drive-in)  
Better business bureau  
Catering  
Chamber of Commerce  
Charitable organization  
Dancing school/study  
Employment agency

#### *Business Service, Continues*

Government offices  
Insurance agent  
Investment company  
Museum  
Music school  
Office equipment  
Office supplies  
Performing arts  
Pet grooming, excluding animal hospitals or kennels)  
Photocopy and printing store  
Picture framing  
Political organization  
Post office  
Real estate office  
Social service and fraternal association  
Software/computer programming  
Tanning salons  
Theatres, indoor  
Travel agent  
Upholstery shop

#### *Professional/Medical Office*

Accountant  
Architect  
Artist and industrial design studio  
Attorney  
Chiropractor

#### *Professional/Medical Office, Continued*

Doctor, surgeon/or physician  
Engineer  
Land surveyor  
Landscape architect  
Optician  
Osteopath  
Podiatrist  
Professional consultant  
Professional offices

#### **Permitted Special Uses**

Amphitheater  
Branch library  
Business and commercial schools (excluding dancing or music)  
Clubs, membership  
Day care center  
Farmers' market  
Fruit and vegetable stands  
Multiple-family uses in the R-4, R-5 and R-6 Districts  
Outdoor ice skating rinks  
Package liquor store  
Public utilities and governmental service uses  
Similar and compatible uses to those listed as permitted or special uses in this District, as determined by the Village Administrator

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## SCHEDULE OF USES FOR THE H-1 HISTORIC BUSINESS DISTRICT VILLAGE OF TINLEY PARK

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### *Special Uses, Continued*

Taverns  
Teen recreation and dance centers  
Theatres, outdoor  
Winery, including sales and tasting

### **Permitted Accessory Uses:**

Off-street parking and loading  
(according to Section VIII)  
Other accessory uses customarily incidental to  
the principal use  
Signs (according to Section IX)

### **List of Prohibited Uses**

Automobile/gasoline service stations  
Adult regulated uses  
Advertising signs  
Amusement and recreation establishments,  
including bowling alleys, billiard parlors,  
coin-operated amusement devices,  
gymnasiums, swimming pools, dance halls,  
skating rinks and other similar places of  
recreation  
Animal hospitals, kennels and pounds  
Automobile car wash, either manual or  
automatic  
Automobile repair shops (including bodywork)  
Automobile service stations  
Archery/Bow Range  
Bank, drive-in  
Building material sales  
Convention centers  
Drive-in theatres

### *List of Prohibited Uses Continued*

Fraternal, philanthropic and eleemosynary  
Frozen food lockers  
Funeral home and mortuary  
Greenhouses, garden centers, and landscape  
nurseries  
Gun dealer/shooting range  
Hotel, motel or motor inn  
Machinery and equipment sales  
Mail-order business  
Meeting halls  
Model garage display and sales  
New automobile and custom van sales  
Plumbing, heating air-conditioning sales and  
services  
Second-hand stores and flea markets  
Theatres, with a 15-screen minimum  
Vehicle rental  
Wedding chapel

**G. SPECIAL CONDITIONS, COMMERCIAL USES:**

1. One of the objectives of this District is to develop the H-1 Historic Business District with businesses that deal directly with the consumer and encourage shopping, dining, and gathering with friends and family. Therefore, outdoor dining is encouraged, and shall be allowed as a permitted use, provided the outdoor dining area meets the objectives of this ordinance as expressed in the review criteria in XII (S) and regulations that follow:
  - a. The size and configuration of the outdoor dining area must be approved by both the Building Department and the Liquor Commissioner, in addition to Village staff, pursuant to recommendations of the Historic Preservation Commission and Main Street Commission, when alcoholic beverages are to be served.
  - b. The facility shall be so designed and sized such that it does not obstruct pedestrian traffic or extend onto an adjacent property or in front of an adjacent building.
  - c. Liquor shall only be served in conjunction with food.
  - d. There shall be no bar of any type in any outdoor dining facility.
  - e. Tables that are used shall be of the dining type, and not the higher cocktail type.
  - f. Entrances to any outdoor dining area that serves alcoholic beverages shall be from the inside of the main restaurant only.
  - g. Screening and fencing shall be required where alcoholic beverages are served to prevent the handing off of drinks to people on the sidewalk.
  - h. No music of any type shall be allowed in any outdoor dining facility without approval from the Liquor Commissioner.
  - i. Outdoor dining shall conclude by 10:00 p.m. unless otherwise approved by the Liquor Commissioner.
  - j. If noise complaints are received from neighboring residential properties, then the outdoor dining area shall be further limited, restricted, or removed at the recommendation of staff and/or the Liquor Commissioner.
  - k. All necessary and appropriate permits and inspections from the Building, Public Safety and Health Departments shall be made before liquor can be served.
2. Outdoor storage shall be allowed in the H-1 District, provided such storage is:
  - a. Located in an interior side or rear yard.
  - b. Screened from public view or an adjoining property by an enclosed wall or fence that is at least 6' in height.

- c. Reviewed and approved pursuant to XII (D)(3)(c) of this Ordinance.
- d. Ancillary or accessory to a principle use.

**H. SPECIAL CONDITIONS, PLANNED DEVELOPMENTS** — Any property within the H-1 Historic Business District may be granted a special use for a planned development, subject to procedures identified in Section VII of the Zoning Ordinance. The following shall apply to any planned development that is proposed to include residential uses:

1. Commercial/Residential Buildings — Buildings that are constructed in the downtown historic core of the H-1 Historic Business District that include both commercial and residential uses shall comply with the following:
  - a. Location of Uses:
    1. The commercial use shall be located on the ground floor, but may also be located on the second floor, unless residential dwellings already exist on the second floor.
    2. Residential uses shall be located either:
      - a. Above the commercial uses, on either the second or third floors of the building.
      - b. Behind a first-floor commercial use, when such dwelling is accessible from the rear of the building in which it is located. However, access to such residential dwelling shall not be through a long, narrow corridor between two buildings. If access cannot be provided to a residential dwelling unit without requiring passage between two buildings, such dwelling shall not be allowed.
  - b. Residential Use Requirements
    1. In order to ensure a living environment that meets the needs of residents in this District, private, outdoor living area shall be provided for residential dwellings. Such outdoor living area shall be comprised of one or more of the following:
      - a. Individual balconies, patios or decks.
      - b. A common yard with amenities such as tables, benches, and/or recreational equipment.
      - c. Other features or uses that are determined to be acceptable by the Village of Tinley Park that provide outdoor amenities for residents (i.e., plazas, play fields, gardens, etc.).
    2. Any required exterior stairway shall be located in a rear or side yard.
- c. Off-Street Parking — Required off-street parking shall be calculated for each component of the planned development pursuant to requirements set forth in Section VIII of the Zoning Ordinance provided, however:

1. Parking for retail uses shall be provided at a ratio of one space for each 200 square feet of gross leaseable floor area.
  2. Parking provided for multiple-family dwellings need not exceed 2.0 spaces per unit.
  3. Shared parking, collective parking, or cash in lieu of parking may be provided according to procedures and regulations in Section XI (K) below.
2. Residential Buildings — Buildings that are constructed in the Commercial/Residential transitional area of the H-1 Historic Business District that include both commercial and residential uses shall comply with the following:
- a. Residential Use Requirements:
    1. A residential planned development shall include four or more residential dwelling units.
    2. In order to ensure a living environment that meets the needs of residents in this District, private, outdoor living area shall be provided for residential dwellings. Such outdoor living area shall be comprised of one or more of the following:
      - a. Individual balconies, porches or patios.
      - b. A common yard with amenities such as tables, benches, and/or recreational equipment.
      - c. Other features or uses that are determined to be acceptable by the Village of Tinley Park that provide outdoor amenities for residents (i.e., plazas, play fields, gardens, etc.).
    3. Decorative barriers may be permitted in side and rear yards, provided such barriers comply with the following
      - a. 6-foot maximum height.
      - b. A maximum length equal to the length of the terrace or patio to which it is adjacent, but not to exceed 30% of the yard depth, or a maximum of 16 feet, whichever is less.
    4. Decorative walls, or fences and landscaping shall be provided to enclose required outdoor living areas that face a street thereby providing visual and physical separation from the adjacent sidewalks and street. Such walls or fences and landscaping may be solid or open, but shall not exceed a height of four feet.
    5. Any required exterior stairway shall be located in a rear or side yard.
  - b. Off-Street Parking — Required off-street parking shall be calculated for each component of the planned development pursuant to requirements set forth in Section VIII of the Zoning Ordinance provided, however:

1. Parking provided for multiple-family dwellings need not exceed 2.0 spaces per unit.
2. Shared parking, collective parking, or cash in lieu of parking may be provided according to procedures and regulations in Section XI (K) below.

## I. BULK REGULATIONS

1. Yards, Height and Coverage — The table that follows provides standards for required yards, maximum building height and building coverage in the H-1 Business District:

Table 1 YARDS, HEIGHT AND COVERAGE		
<b>Standard, Historic Downtown Core</b>	<b>Building</b>	<b>Pavement</b>
<b><i>Front and Corner Side Yards:</i></b>		
• <i>Commercial building (with or without residential units):</i>		
— When adjacent buildings are at front lot line:	0 feet, max.	N/A
— When outdoor dining area or plaza is proposed:	10 feet, max.	N/A
— When adjacent buildings are not at the front lot line:	½ combined setbacks of adjacent structures	N/A
— When part of a PUD without an established building line	0 to 10 feet	N/A
• <i>Residential structures (without first floor commercial):</i>		
— Minimum setback:	10 feet	N/A
— Minimum setback, with decks, patios or balconies:	15 feet	N/A
— Maximum setback (with open space/amenities)	30 feet	N/A
<b><i>Interior Side Yards, Commercial (with or without residential units):</i></b>		
• If building code related firewall:	0 feet	0 feet
• If non-rated firewall with windows:	5 feet	0 feet
• If next to a residential use in the District:	10 feet	0 feet
• If next to a residential use outside the District:	15 feet	0 feet
<b><i>Interior Side Yards, Residential (without first floor commercial):</i></b>		
• If next to a residential or commercial use in the District:	5 feet	5 feet
• If next to a residential or commercial use outside the District:	10 feet	10 feet
<b><i>Rear Yard, Commercial (with or without residential units):</i></b>		
• If building code related firewall:	0 feet	5 feet
• If non-rated firewall with windows:	5 feet	5 feet
• If next to a residential use in the District	20 feet	5 feet
• If next to a residential use outside the District	30 feet	10 feet
	<b>Building</b>	<b>Pavement</b>



<b>Table 1</b> <b>YARDS, HEIGHT AND COVERAGE</b>		
<b><i>Rear Yard, Residential</i></b> (without first floor commercial):		
• If next to a residential or commercial use in the District:	20 feet	10 feet
• If next to a residential or commercial use outside the District:	30 feet	10 feet
<b>Standard, Commercial/Residential Transitional Area</b>		
<b><i>Front Yards</i></b> (Commercial or Residential Use):	25 feet	20 feet
<b><i>Corner Side</i></b> (Commercial or Residential Use):	20 feet	10 feet
<b><i>Interior Side Yards</i></b> (Commercial or Residential Use):		
• If next to commercial or residential use in the District:	10 feet	5 feet
• If next to commercial or residential use outside the District:	10 feet	10 feet
<b><i>Rear Yards</i></b> (Commercial or Residential Use):		
• If next to a commercial or residential use in the District:	20 feet	5 feet
• If next to commercial or residential use outside the District:	30 feet	10 feet
<b>Standard, Historic Core and Transitional Areas:</b>		
<b><i>Height (Four Stories, Maximum)</i></b>		
Residential:	45 feet	N/A
Commercial:	35 feet	N/A
<b><i>Maximum Building Coverage:</i></b>		
Historic Downtown Core:	50%	N/A
Commercial/Residential Transitional District:	35%	N/A
** All buildings, modified in any manner, within the H-1 Historic Zoning District, shall maintain a <i>minimum</i> 10' line-of-sight triangle from the nearest corner of the structure to any driveway or property line for public safety **		

2. Residential Densities:

- a. Historic Core — Maximum residential densities in the Historic Downtown Core of the H-1 Historic Business District shall be 16 dwelling units per gross acre.
  - b. Commercial/Residential Transitional District — Maximum residential densities in the Commercial/Residential Transitional District shall be 12 dwelling units per gross acre.
3. Minimum Floor Area — Minimum floor area for residences constructed in the Historic Core or Commercial Residential Transitional District shall be according to regulations presented in Section V(C)(2) of the Zoning Ordinance.

4. Exceptions:

- a. When a project is processed as a planned development, the Plan Commission may recommend, with input from the Main Street and Historic preservation Commissions where appropriate, and the Village Board may approve exceptions to the bulk regulations and other standards of this Section XI and other codes and ordinances of the Village, provided, however that the Village Board::

1. Finds that the standards set forth in Section XI (T), 1 through 12 of this Ordinance in addition to those presented in Section X (I) (f) for special uses.
  2. May impose additional standards or conditions on the development, as described in Section XI (D) (8), above.
- b. Notwithstanding the above, the Plan Commission and/or Plan Commission and Village Board may approve exceptions to the bulk regulations presented in this Section H (pursuant to the site plan review process described in Section XI (D)(3)(c) and (d) where necessary to achieve the objectives of this Ordinance without review and approval from the Zoning Board of Appeals at a public hearing provided, however, that the relief that is granted from standards in this Ordinance:
3. Does not apply to building code requirements.
  4. Does not exceed 15% of the applicable standard (i.e., an 8.5-foot setback when 10 feet is required).
  5. Shall not be based solely on the developer or owner's desire to increase the intensity of development beyond that which would be allowed by adhering to applicable standards. When reviewing requests for exceptions, the Plan Commission shall consider the following:
    - a. The size and shape of the subject property.
    - b. The trend of development immediately surrounding the subject property, including:
      - i. Uses.
      - ii. Building setbacks.
      - iii. Pavement setbacks.
      - iv. Building heights.
      - v. Proposed landscaping and buffering.
    - c. The particular needs of the proposed use that warrant consideration of the relief requested.
    - d. Amenities that may be provided that enhance living or shopping environments, thereby minimizing the impacts otherwise created by the particular relief requested. Such amenities may include, but are not limited to the following:
      - i. Plazas.
      - ii. Clubhouses.
      - iii. Courtyards.
      - iv. Patios.
      - v. Landscaped gardens.
      - vi. Street furniture (i.e., benches, trash receptacles, planters, lighting, etc.)
      - vii. Landscaping.

- c. Notwithstanding the above, the Plan Commission may recommend, and the Village Board may approve, exceptions that exceed 15% of the applicable zoning regulation when the request is considered as part of public hearing for a map amendment, text amendment, or special use. When such exceptions are proposed the Director of Planning or appointed designee shall notify adjacent property owners, by certified mail, of such exception and the time, date and place of the meeting for which such exception is to be presented to the Plan Commission for consideration.

**J. BUILDING ORIENTATION/SETBACKS:** Buildings in this H-1 Historic Business District are to be used to define the street, creating a pedestrian-oriented street environment for walking and shopping that is typical of a traditional downtown.

1. Commercial Structures — The following shall apply to all commercial buildings, or to commercial buildings that have residential dwellings on the second or third floor:
  - a. Buildings shall be oriented with their main entrance facing the street. No structures shall be constructed such that their rear elevations face any street in this District.
  - b. Buildings that are located at the intersection of two streets shall be constructed with an entrance that is at or near the corner, with one or two entrances within 15 feet of the corner or the building.
2. Residential Structures — The main entrance of the building shall be oriented to the street. Where first-floor units are proposed, decorative walls or fences and landscaping shall be provided to enclose required outdoor living areas, thereby providing visual and physical separation from the adjacent sidewalks and street.

**K. SIDEWALKS/RECREATIONAL PATHS/PEDESTRIAN WAYS** — A main objective for the H-1 Historic Business District is to reduce the dependency on the automobile, and to provide opportunities for pedestrians to walk past shops on their way to their original destination. The responsibility and cost of providing sidewalks, recreational paths, and walks internal to a development or redevelopment proposal shall be the sole responsibility of the owner or developer of property for which development or redevelopment is planned.

1. Sidewalks — A minimum five-foot wide, concrete sidewalk shall be provided along all public streets. Where possible, a walk that abuts a building shall be 10 or more feet wide to provide:
  - a. Adequate separation between the front façade of a building and the street for pedestrians to safely pass one another.
  - b. Room for outdoor dining or street furniture that serves customers shopping in the district and creates spaces for shoppers to relax, thereby extending the visit.
2. Internal Pedestrian Ways — Walkways that lead customers from sidewalks or recreational paths along public roadways or from parked cars to the front of a building shall be provided. Such walks shall be:
  - a. Five or more feet wide, and constructed of concrete or decorative pavers.
  - b. Separated from vehicular traffic by a parkway, where possible.

- c. Improved with landscaping, where interior to a development or redevelopment proposal, to provide visual and physical separation from adjacent traffic lanes.
- 3. Storefronts: All buildings that include multiple tenants (two or more), but which are not located at the front lot line, also shall be improved with concrete sidewalks that are 10 or more feet wide, where possible, to accommodate pedestrians walking between shops and provide opportunities for the installation of street furniture.

**L. OFF STREET PARKING AND LOADING** — Section VIII of this Ordinance provides requirements related to off-street parking and loading. The following modifications to regulations included in this Section XI shall apply to properties in the H-1 Historic Business District:

- 1. Required Off-Street Parking, Historic Downtown Core — The number of off-street parking spaces required in the historic downtown core of the H-1 Historic District may be reduced in number or eliminated within the downtown business core when there is inadequate lot area to provide for required parking, and when all of the following conditions are met:
  - a. There is a change in tenant or use proposed that does not require more parking than the prior tenant or use.
  - b. A municipal lot exists within 300 feet of the business that has adequate parking to accommodate all or a portion of the number of required spaces for a new tenant or use that cannot be provided on site and it is determined by Village staff that:
    - 1. Adequate parking exists for such use, based on the number, type and use characteristics (i.e., peak hour or day) of those businesses that currently use such a lot.
    - 2. The development does not have the benefit of collective parking.
    - 3. The proof of the on-site parking shortage lies solely upon the developer and the overall plan for the development. Such instances may include physical limitations with the characteristics of the land and/or building, creative design, underground parking for a development or a municipal parking structure in the immediate area. In all cases, the developer should attempt to meet at least a minimum criterion for off-street parking when applicable.
    - 4. Commuter parking lots may be used by patrons of businesses in the Historic Downtown Core on weekends and weekdays (after 11:30 a.m.), and can be used to satisfy required parking in certain scenarios, unless otherwise required by the Village Board.
  - c. The owner of the building makes a one-time payment equal to \$500 per required parking space that cannot be provided on the subject lot:
    - 1. The Village shall provide such additional required off-street parking, the cost of which shall be partially offset by the petitioner's payment per space fee.

2. Such off-street parking, as may be provided by the Village, shall be in lieu of petitioner provided parking.
3. This decision shall be made by the Village Manager in those instances where site plan review by the Plan Commission and Village Board is not required pursuant to the site plan review process set forth in Section XI (D) above, unless it is determined that the public interest requires review by the Village Board, in which case the Manager shall refer the matter to the Village Board.
- 4) All fees collected, and all interest earned thereon, under the provisions of this Section XI shall be placed in a Parking Facilities Fund established by the Village Board. Such fees shall be used only for the acquisition of land or construction of municipally owned or leased off-street parking facilities for the benefit of owners and tenants of buildings, structures and uses in the downtown core of the H-1 Historic Business District, or used to landscape, maintain or illuminate such parking facilities.

2. Required Parking Commercial/Residential Transitional Areas:

- a. Parking in the commercial/residential transitional areas of the H-1 Historic Business District shall comply with requirements of Section VIII of the Zoning Ordinance and Section XI (L)(3) Collective and Shared Parking and Section XI (L)(4) Off-Site Parking Facilities, below.
- b. The Plan Commission may approve exceptions to the number of parking spaces required by Section VIII of the Zoning Ordinance and Section XI (L)(3) and XII (L)(4) (pursuant to the review process described in Section XI (D)(3)(c) and (d) above) where necessary to achieve the objectives of this Ordinance without review and approval by the Zoning Board of Appeals at a public hearing provided, however, that the:
  1. Relief that is granted does not exceed 15% of the applicable standard.
  2. The property or business owner shows that parking can be created on site to comply with the underlying codes and ordinances if it is determined by Village staff and/or the Chief of Police that additional parking is required to serve the business or use.
  3. The property is not being processed as a planned development.

3. Collective and Shared Parking:

- a. Off-street parking facilities for separate uses may be provided collectively if: the total number of spaces provided is not less than the sum of the spaces required for each permitted use.
- b. In the event that an owner of a new business cannot provide required parking according to Section VIII of this Zoning Ordinance due to site constraints (i.e., size, topography, physical conditions and shape of the parcel), and the new use is of a substantially different nature than the use for which parking is proposed to be shared, then the owner may request consideration of shared parking. Should the lease agreement determine that it is the responsibility of the tenant to comply with the parking requirement, then the

tenant shall be required to act as the owner with regard to the above. which may be authorized by the Plan Commission and Village Board, provided the following criteria are met:

1. The peak hour parking demand associated with each business is substantially different, as documented by a traffic engineer.
2. There is adequate parking proposed to serve two or more businesses during the peak hour associated with each use.
3. The owner, or tenant as may be in the case noted above, agrees to pay cash according to Section XI (L)(1), above to compensate for parking that cannot be provided when:
  - a. One or more uses change, and the subject parking facility can no longer support required parking.
  - b. The Village determines that additional parking is needed to serve multiple uses that were approved with shared parking, based on operations and field observations.
4. Off-Site Parking Facilities — Off site parking may be provided within 300 feet of a business in the downtown core of the H-1 Historic Business District. In cases where parking facilities are permitted on a lot other than the zoning lot on which the building or use served is located:
  - a. The party in possession of such lot shall be the same as the party in possession of the zoning lot occupied by the building or use to which the off-site parking facilities are accessory.
  - b. Possession of the off-site parking facilities may be either by deed or lease, the term of such deed or lease to be approved by the Village Board and such deed or lease shall be filed in the Office of the Recorder of Deeds of Cook County.
  - c. The deed or lease shall require such possessor and his, her or its successors, heirs, and assigns to maintain the required number of parking facilities on the off-site lot for the duration of the use served or of the deed or lease, whichever shall terminate later.
5. Off-Street Loading — Requirements for a separate loading zone pursuant to Section VIII of this Ordinance may be waived for those businesses in the downtown core that do not have sufficient land area on site to provide for a designated loading zone. In that case, off-street loading may occur in an alleyway, or in a parking lot drive aisle, provided off-street loading does not:
  - a. Occur between the hours of 8:00 a.m. to 4:00 p.m.
  - b. Disrupt traffic flow for adjacent uses.

**M. ACCESS AND CIRCULATION:**

1. Trip Generation and Required Traffic Report — Vehicular access from public streets shall be designed to accommodate peak hour traffic volumes without disrupting traffic flow. A traffic report shall accompany all development or redevelopment proposals that are three acres or larger.

Such report shall evaluate the number of trips and makes recommendations for the location and design of all points of access from public streets, including:

- a. Acceleration and deceleration lanes.
  - b. Design of entrances and exit points (i.e., stop control, number of lanes, lane width, stacking distances, etc.).
2. Vehicular Access — The number of access points provided to an individual property shall be limited to that which is determined to be essential for serving a project.
3. Cross Access — Cross access among properties within a planned development or between individual lots that abut one another shall be required so that motorists do not need to use adjacent streets each time an individual wishes to shop at an adjacent business.

**N. ARCHITECTURE:**

1. Commercial, Historic Downtown Core — The H-1 Historic Business District zoning is intended to provide a mechanism whereby those structures, sites and neighborhoods in the Village of Tinley Park that are determined to have historic, architectural and aesthetic significance may be preserved and enjoyed. Furthermore, it is the purpose of this District to strengthen the economy of the Village by stabilizing and enhancing property values in historic areas, and to encourage new, restoration of, renovation of, and rehabilitation of existing buildings that will be harmonious with historic sites and structures. Accordingly:
  - a. Every reasonable effort shall be made to provide a compatible use for a property in the historic downtown core that requires minimal alteration of a building or structure that has historic or architectural value, as identified by the Historic Preservation Commission.
  - b. Changes that may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
  - c. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure or site shall be maintained.
  - d. Deteriorated exterior architectural features shall be repaired and restored rather than replaced, where possible. In the event replacement is necessary, the new material shall match the material being replaced in composition, design, color and texture. Such replacement features shall be based on accurate duplication that can be substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
  - e. The surface cleaning of structures shall be undertaken with the gentlest means possible. Cleaning methods that will damage historic building materials shall not be undertaken.
  - f. Contemporary design for alterations and additions to existing properties shall not be discouraged, when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color material and character of the property, neighborhood or environment.

- g. Where possible, new additions or alterations to structures shall be carried out in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
- h. New structures or alterations to existing structures in the downtown core of the H-1 Historic Business District shall be consistent with the architectural character of this area, and shall be compatible with the size, scale, color scheme (as recommended by the Historic Preservation Commission), material and character of the neighborhood and environment. Also:
  - 1. Storefront glass shall be used on the front and corner side elevations of all structures used for commercial purposes.
  - 2. Buildings shall primarily be constructed of brick. The use of stucco, e.i.f.s. (i.e., dryvit), wood, glazed tile or decorative concrete block shall be limited to accent the brick building.
  - 3. Multiple-family residential projects consisting of six or more dwellings shall include a design to create streetscapes that are diverse. At a minimum, they should address the following:
    - a. The design of 50% or more of the units in a building type (i.e., duplex, townhome, low-rise and high-rise) shall consist of a different architectural styling. This requirement may be increased so that more than two different architectural styles are proposed by the Plan Commission, with input from the Main Street and Historic Preservation Commissions where appropriate, and Village Board as part of a residential or mixed-use planned development that primarily consists of multiple-family dwellings. This requirement is not intended to make the appearance of one structure look out of character with the intended design, but rather to add architectural enhancements and variations in the structure for appearance sake.
    - b. Subtle color variation between buildings (including townhome buildings).
  - 4. Long unarticulated building elevations or the extensive use of parapet walls (more than 50% of a building) shall be prohibited.
  - 5. New structures, or alterations to existing structures shall result in a design that includes five or more of the following elements:
    - a. Storefront glass.
    - b. Customer entry door(s).
    - c. Decorative cornice and trim.
    - d. Decorative brackets.
    - e. Varied rooflines.



- f. Gable trim.
- g. Turret.
- h. Porch.
- i. Palladian window.
- j. Decorative lintels.
- k. Pedimented entrance doors.
- l. Pedimented windows.
- m. Shutters.
- n. Awnings.
- o. Decorative brickwork.
- p. Decorative art glass.
- q. Other ornamentation that helps a building fit within the context of the downtown core of the H-1 Historic Business District.

2. Commercial/Residential Transitional Area — The intent of the requirements that follow is to provide visually interesting facades that relate to the Historic Downtown Core of the H-1 Historic Business District and to enhance the shopping experience. The architectural styling and materials selected for new or renovated or restored structures shall complement the architecture of the existing historic downtown core by adhering to the following guidelines:

- a. Storefront glass shall be used on the front and corner side elevations of all structures used for commercial purposes.
- b. Buildings shall be constructed primarily of brick. The use of stucco, e.i.f.s. (i.e., dryvit), wood, glazed tile, or decorative concrete block shall be limited to accent the brick building.
- c. Long, unarticulated building elevations, or the extensive use of parapet walls (more than 50% of a building) associated with either residential or commercial structures shall be prohibited. Buildings shall be articulated through four or more of the following elements:
  - 1. Decorative entry doors.
  - 2. Decorative cornice and trim.
  - 3. Decorative brackets.
  - 4. Varied rooflines.
  - 5. Gable trim.

6. Front porch.
  7. Palladian window.
  8. Decorative lintels.
  9. Shutters.
  10. Awnings.
  11. Decorative brickwork.
  12. Decorative art glass.
  13. Other ornamentation that helps a building fit within the context of the downtown core of the H-1 Historic Business District.
3. **HVAC** — All roof-mounted mechanical equipment shall be screened from public view by the roof structure or parapet wall. Such screening shall be as tall as, or taller than the tallest equipment that is installed on the roof, provided such screen does not exceed the maximum height limitation in this District (35 feet, commercial structures and 45 feet residential structures).

**O. LANDSCAPING:**

1. **Applicability** — Landscaping, screening, and/or paving according to standards that follow shall be required when any one of the following is proposed:
  - a. Fifty (50) percent or more of a building is renovated.
  - b. A building addition.
  - c. New construction.
  - d. A special use for an existing or proposed building or lot.
  - e. A special use planned development.
  - f. A map amendment.
2. **Public Rights-of-Way:**
  - a. **Downtown Historic Core** — Plantings in public rights-of-way within the historic core H-1 Historic Business District shall include:
    1. Decorative paving that is coordinated in color and style with those that already have been selected or installed by the Village of Tinley Park.
    2. Shade trees spaced on 25-foot centers, and installed within the sidewalk area in raised planting pits with perennials and annual plantings. Trees shall be a minimum three (3) inches in caliper, as measured six (6) inches above grade.

- b. Commercial/Residential Transition Area — Parkway shall be planted with trees, grass and perennials:
    - 1. Perennial plantings placed in the parkway shall not exceed two (2) feet in height.
    - 2. Shade trees shall be spaced on 25-foot centers. All parkway trees shall be a minimum three (3) inches in caliper, as measured six (6) inches above grade.
    - 3. Seventeen- (17) inch soldier course of decorative pavers, installed in back of the curb.
  - c. Cash in Lieu of Landscaping — There may be instances when the required planting of parkway trees can not be accomplished due to inadequate space or conflicts that may affect the general public health, safety and/or welfare (such as inadequate sight lines, planting setbacks and overhead utilities). In those instances, the Village of Tinley Park may accept cash equal to the installed value of the landscape improvements to be used in the implementation of public improvements (i.e., landscaping, decorative paving, or street furniture) in the H-1 Historic Business District.
3. Parking Lot/Loading/Service Area Landscaping:
- a. Screening:
    - 1. Parking lots, loading zones, trash enclosures and outdoor storage areas shall be screened from view of adjacent properties and streets.
    - 2. Parking lot screening shall consist of evergreen shrubs and/or decorative walls and fences according to the following:
      - a. Landscape screening shall be installed at a minimum height of three feet.
      - b. Decorative walls used for screening shall be at least three feet tall, and constructed of brick or stone. Color and material sample shall be submitted to the Village's building department for approval.
      - c. Decorative fencing shall be a minimum three feet in height and a maximum of four feet. The color and style of fencing shall be submitted to the Village's building and planning department for review and approval.
  - b. Service Areas — Loading zones, trash enclosures and outdoor storage shall require additional height in plant material, decorative walls or fencing in order to adequately screen them from public view. Such screens shall be as tall as or taller than the truck, trash enclosure, or outdoor storage area that requires screening.
4. Interior Parking Lot Landscaping — All areas designated as “parking” shall have landscaping that is evenly distributed throughout the lot. Interior parking lots shall be landscaped in accordance with Section 158.20.1-i of the Village of Tinley Park's Landscape Ordinance.
5. Bufferyard Plantings:

- a. Identical Land Use Classification — Buffering of similar land uses (i.e., commercial to commercial or residential to residential) within the H-1 Historic Business District shall follow the “Bufferyard B” designation as identified in the appendix of Chapter 158 of the Village of Tinley Park Municipal Code entitled “Landscaping and Bufferyards”.
  - b. Residential and Commercial Use Bufferyards — Buffering of commercial uses from adjacent residential uses within the H-1 Historic Business District Core shall follow the “Bufferyard C” designation as identified in the appendix of Chapter 158 of the Village of Tinley Park Municipal Code entitled “Landscaping and Bufferyards”.
6. Residential Landscaping:
- a. The lot area remaining after providing for off-street parking, off-street loading, sidewalks, driveways, building site and/or other requirements shall be landscaped with ornamental grass, shrubs, trees or other acceptable vegetation or treatment.
  - b. At a minimum, landscaping shall consist of the following:
    - 1. Parkway trees, pursuant to Title XV of the Tinley Park Municipal Code, Section 158.19 PARKWAY STANDARDS.
    - 2. Foundation plantings, consisting of trees, shrubs and perennials planted in edged beds not less than 10 feet wide. Landscaping shall be designed to create massings of natural colors and shapes to offset the mass of the building and to provide visual relief to the straight lines of building architecture, residential parking lots and other man-made features.
    - 3. Softening of fences and walls, by planting trees and shrubs in clusters along long walls (greater than 50 feet) and fences to soften the visual effect of the horizontal lines.
    - 4. Screening of trash receptacles with masonry walls softened by landscaping. At least one tree (ornamental, shade, or evergreen) and five shrubs shall be provided.
    - 5. Bufferyard plantings, consistent with requirements set forth in Chapter 158 of Title XV of Tinley Park’s Municipal Code.
    - 6. Parking lot landscaping, where such parking is provided to serve multiple-family residential developments, consistent with requirements set forth in Section 158.20.1-i of the Village of Tinley Park’s Landscape Ordinance.
    - 7. Softening of parking decks and structures, through the planting of large trees and shrubs along all facades of the deck or structure, in beds not less than 10 feet wide, and where appropriate, improved with planters with shrubs, flowers and ornamental grasses whenever possible.
  - c. The size of plant material shall conform to regulations set forth in Fences or walls may be installed, provided in Title XV of the Tinley Park Municipal Code Chapter 158 entitled “Landscaping and Bufferyards.”

- d. All landscaping, including mulching and seeding, shall be completed in accordance with the approved site plan or special use approval prior to issuance of an occupancy permit for the site. The Village may issue a temporary occupancy permit until the earliest planting season if landscaping is delayed due to unusual conditions, such as drought, ice, over-saturated soil (deep mud), or inappropriate planting season for the plant species, unavailability of plant species, or other circumstances beyond the applicant's control, provided that the developer or property owner provides the village with a letter of credit approved by the Village ensuring the installation of the remaining landscape materials.
  - e. In such instances where rooftop landscaping is provided, it shall count toward the requirements of the landscape plan.
7. Plant Selection and Specifications — All landscape improvement associated with the development, redevelopment or improvement of properties within the H-1 Historic Business District shall comply with the specifications of Title XV of the Tinley Park Municipal Code Chapter 158 entitled “Landscaping and Bufferyards” as related to responsibilities, plant selection and installation.

**P. LIGHTING:**

- 1. Lighting proposed for any residential or commercial use that is proposed to illuminate any off-street parking area, off-street loading area, or used for security shall be designed to reflect light away from adjoining properties and to prevent glare visible to the general public:
  - a. Glare — Decorative fixtures that replicate turn-of-the century designs, where light is visible to the public in a clear or frosted lamp (i.e., carriage or acorn-style fixtures) shall be equipped with refractors to direct light downward and prevent glare. House-side shields shall be installed where such fixtures are approved next to existing homes.
  - b. Spillage — All fixtures shall include refractors to direct light away from property lines. The maximum allowable footcandles at any property line (other than at an entry drive) shall be 0.5 footcandles, unless it is can be demonstrated to the satisfaction of the Village that:
    - 1. Additional illumination is required for security, outdoor dining, or other use.
    - 2. Such illumination can be provided without negative impacts to adjacent properties.
  - c. Style — The style of lighting shall be harmonious with surrounding existing historic sites and structures and/or compatible with the architecture of the building.

**Q. OVERHEAD UTILITIES:**

All overhead utilities in front yards shall be relocated to rear yards. Where overhead utilities exist along any public road in the H-1 Historic Business District, the developer or owner shall be asked to relocate the utilities, or contribute his or her fair share of costs toward a comprehensive utility relocation program.

**R. SIGNS:**

1. Purpose and Applicability — The H-1 Historic Business District sign provisions that follow are intended to provide for the establishment of sign criteria related to sign bulk, area, number and architectural incentives. The purpose of these regulations is to:
  - a. Authorize the use of signs that are:
    1. Compatible with their surroundings.
    2. Appropriate to the activity to which they refer.
    3. Expressive of the identity of individual proprietors.
    4. Legible in the circumstances in which they are seen.
  - b. Preserve, protect, and promote the public health, safety and welfare.
  - c. Enhance the economy, business and industry of the H-1 Historic Business District by promoting the reasonable, orderly and effective display of signs.
  - d. Preserve the aesthetic value and historic authenticity of the H-1 Historic Business District.
  - e. Protect the general public from damage and injury that may be caused by faulty, uncontrolled construction or use of signs in the H-1 Historic Business District.
  - f. Protect pedestrians and motorists from damage or injury caused by distractions, obstructions or hazards created by such signs.
2. Architectural Style — Signs installed in this district shall be in scale with existing buildings and adjacent structures, pursuant to the regulations that follow.
3. Location of Signs — All signs shall comply with the following:
  - a. Freestanding Signs — Freestanding signs shall be placed on private property, 10 feet off the property line, when possible, and set back the following distance from an access or entry drive so that it shall not interfere with any line-of-sight triangles for vehicular or pedestrian traffic:

Downtown Historic Core & Commercial/Residential Transitional Area: 10 feet.
  - b. Wall Signs :
    1. Wall signs shall not project more than 8 inches from the wall, nor project higher than the bottom of the window sills of the second floor or other second floor architectural features of a building, whichever is lower.
    2. Wall signs shall not extend within 2 feet of the edge of a wall.
    3. Murals shall be prohibited on front facades.
  - c. Projecting Signs:

1. Projecting signs shall have minimum vertical clearance of 8 feet above a sidewalk.
  2. If a building has no front yard setback, projecting signs may extend up to, but no more than ½ the width of the sidewalk.
  3. If a building is set back from a property line, a projecting sign may extend up to 8 feet from the wall, but in no case shall it extend more than ½ the width of the sidewalk.
  4. Projecting signs shall not extend past second floor windows or the bottom of any architectural cornice.
- d. Hanging Signs — Hanging signs shall be allowed when such signs have a minimum vertical clearance of 8 feet and do not extend beyond the awning or canopy projection.
  - e. Awning/Canopy/Marquee Signs — Awning, canopy or marquee signs shall be allowed when such signs are painted or applied flat against the awning, canopy or marquee surface:
    1. The actual awning, canopy or marquee shall have a headroom of not less than 8 feet, and in no case shall it extend more than ½ the width of the sidewalk.
    2. Measurements shall be taken from the lowest point under the awning, canopy or marquee.
4. Size of Signs — All signs in the H-1 Historic Business District shall comply with the following:
    - a. Freestanding Signs:
      1. The maximum sign area shall not exceed 1 square-foot for each lineal foot of frontage along a front lot line, with a maximum sign area of 32 square feet per sign face.
      2. Overall height from the ground to the top of the sign shall not exceed:
 

Downtown Historic Core:	8 feet
Commercial/Residential Transitional Area:	10 feet
    - b. Wall Signs:
      1. The maximum allowable area of a wall sign shall be as follows:
        - a. Not more than one (1) square foot of sign area for each lineal foot of primary or entry side building width.
        - b. Wall signs on secondary, side street, or alley frontage that may be allowed by this frontage shall not exceed the size of the wall signs on the primary or entry-side frontage.

2. No wall sign shall project above or below the floor (story) of the business that it is intended to identify.
3. Murals shall not be placed on a primary façade, only on secondary and/or rear walls. Such signs do not have area limitations.
- c. Projecting Signs — The size of a projecting sign face (2 faces, maximum) shall be based upon the lineal footage of the front building wall. Maximum area shall be as follows:
  1. Up to 30 lineal feet of front wall — 8 square feet per sign face.
  2. Greater than 30 lineal feet, but less than 50 lineal feet — 16 square feet per sign face.
  3. Fifty (50) lineal feet or more — 32 square feet per sign face.
- d. Hanging Signs — Each face of a hanging sign shall be not more than 8 square feet in size (maximum 2 faces).
- e. Awning/Canopy/Marquee Signs:
  1. Awning, canopy or marquee signs shall not exceed 20% of the surface area of the awning, canopy or marquee.
  2. Illumination of awnings, canopies and marquees shall be from the top down. Lights shall be focused downward and so designed to avoid glare.
  3. Awnings, canopies or marquees shall not be translucent and/or lighted from the underside or interior such that the entire fabric or structure is illuminated.
- f. Window Signs:
  1. Window signs shall cover not more than 25% of the greatest outer dimensions of the total glass area of the window on which they are placed.
  2. The sign coverage shall be calculated by drawing an imaginary square or rectangle around the window sign graphics or material upon which such graphics are located.
  3. A series of windows that are separated by frames and supporting material of less than 6 inches in width shall be considered a single window for the purpose of calculating sign area.
5. Allowable Materials — The Village of Tinley Park has adopted the following design elements for all signs erected in the H-1 Historic Business District. The following architectural elements shall be followed for all signs in this District:
  - a. Materials shall be in keeping with the architecture of the building, and shall conform to all applicable building codes:



- b. The following materials shall be prohibited:
    - 1. Fluorescent materials (excluding lighting) and paints.
    - 2. Paper products as a permanent sign (paper, cardboard, poster board, and construction paper).
  - c. Only canvas or cloth awnings shall be allowed.
6. Lighting — All signs in the H-1 Historic Business District shall comply with the following standards:
- a. Signs may be backlit, or illuminated by spotlights, subject to item 6(C), below.
  - b. The use of exposed neon tubing shall be limited to interior hanging window signs, provided, however, that window signs that include exposed neon tubing do not exceed 10% of the total glass area of the window on which they are placed. Neon “OPEN” signs that are 2 square feet or smaller shall be excluded from this area limitation.
  - c. All light sources shall be located or shielded to ensure that the light source is not visible to the public from the sidewalk, street or adjacent property to prevent glare.
7. Lettering Standards — All signs in the H-1 Historic Business District shall comply with the following:
- a. Lettering shall be consistent and harmonious with the architecture of the building and its surroundings.
  - b. Lettering shall be proportional to the relative size of the sign area.
  - c. Sign lettering shall be of a professional quality.
  - d. The copy proposed for marquees, canopy signs, awnings or projecting signs that project into the right-of-way, pursuant to the provisions of this Ordinance, shall be limited to the display of the name and/or address of the establishment located on the premises.
8. Prohibited Signs — The following signs shall be prohibited in the H-1 Historic Business District:
- a. Flashing signs.
  - b. Pennant signs.
  - c. Festoon lighting.
  - d. Roof signs.
  - e. Beacons.
  - f. Internally illuminated awnings or canopies.
  - g. Changeable copy signs.

- h. Portable Signs.
9. Number of Signs — Each building in the H-1 Historic Business District shall be allowed signs according to the following:
- a. Primary Façade (street frontage) — Two signs shall be allowed per primary façade. All business window signs are classified as one sign when calculating the number of allowable signs.
  - b. Secondary Facades (side and rear walls) — Each secondary façade shall be allowed the display of one sign.
10. Temporary Signs:
- a. Temporary signs and attention-getting devices, such as banners, pennants, valances, decorative lighting, or advertising display constructed of cloth, canvas, light, fabric, cardboard, wall board or other light material may be permitted in the H-1 Historic Business District for promoting special community activities, special promotional sales, special events, or activities subject to the following provisions:
    - 1. Seasonal (Holiday) Signs and Decorative Lighting:
      - a. Winter holiday signs and decorative lighting shall be allowed from November 1st to January 15th.
      - b. All other seasonal (holiday) signs are allowed 30 days before and 10 days after the holiday.
    - 2. Special Sale Signs:
      - a. Special sale signs may be displayed for 30 days.
      - b. After 30 days, a different temporary sign may be displayed, provided at least 30 days intervenes between the displays of such temporary signs for differing special sales.
    - 3. Special Event Signs — Regulations for special sales signs shall be applied to Special Event signs. However, if such signs are located in the public right-of-way, then a permit for such sign shall be obtained from the Village of Tinley Park.
  - b. Temporary signs, such as real estate and construction signs, shall be allowed in accordance with Section IX of the Zoning Ordinance.
11. Sign Exemptions — The following exemptions shall be permitted in the H-1 Historic Business District:
- a. Traffic or other municipal street signs, such as railroad crossing signs, legal notices, and such temporary emergency signs that may be authorized by the Village of Tinley Park.

- b. Directional, information, or public service signs not pertaining to private enterprise (excluding public utilities) erected for the convenience of the public, such as signs identifying entrances, exits, parking areas, no parking areas, restrooms, public telephones, walkways and similar features or public facilities.
- c. Public signs and other signs incidental thereto for identification, information, or directional purpose erected or required by governmental bodies, or authorized for a public purpose by any law, statute or ordinance.

12. Non-Conforming Signs — All non-conforming signs shall be replaced when:

- a. There is a change in use.
- b. There is a change in the name of the business.
- c. The sign is replaced for any reason whatsoever.
- d. Repair of the sign exceeds 50% or more the value of the sign.

**S. MAINTENANCE AND REPAIR REQUIRED** — Neither the owner of, nor the person in charge of, any improvement located in the H-1 Historic Business District shall permit any improvement, new development or redevelopment of property to fall into a state of disrepair such that it creates a detrimental effect upon the character of the District as a whole.

**T. STANDARDS AND CRITERIA:** An improvement, development or redevelopment proposal in the H-1 Historic Business District shall be reviewed against the following standards and criteria:

1. The proposed improvement, new development or redevelopment proposal meets the objectives adopted for the District, as presented in the Section XI (A), **PURPOSE AND INTENT** of this Ordinance.
2. The improvement, new development or redevelopment proposal is compatible with uses already developed or planned in this District and will not exercise undue detrimental influence upon surrounding properties.
3. Plans for the improvement, new development or redevelopment proposal include provisions relating to the bulk, location, density and architectural styling of a building or buildings as necessary to protect the design intent of the District and serve the best interests of the entire Village.
4. The improvement, new development or redevelopment proposal is compatible with the surrounding area with respect to size, scale and building mass.
5. Public services or facilities that will be required as a result of the proposed improvement, development, or redevelopment proposal, exist or will be provided.
6. Adequate off-street parking and loading will be provided.
7. Safe and efficient movement of vehicles and pedestrians will be provided, and pedestrians and vehicular traffic patterns will be separated wherever possible.

8. The improvement, new development or redevelopment proposal includes adequate lot sizes in order to accommodate setbacks, landscaping, parking and other amenities as provided in this Ordinance.
9. Neighboring properties will be protected from potential negative impacts that may result from an improvement, new development or redevelopment proposal, such as noise, odor, glare, refuse and traffic.
10. The historical and architectural value of adjacent buildings is maintained or enhanced by the proposed improvement, new development or redevelopment proposal, through its architectural design, materials and colors.
11. The improvement, new development, or redevelopment proposal will have the effect of protecting, enhancing and perpetuating commercial development within the H-1 Historic Business District and the design standards created for this District.
12. Reductions from standards in this Section XI that are requested for consideration are due to site constraints, such as size, shape, or existing improvements, and are not for the sole intent of increasing the intensity of development on a lot above that which would otherwise be achieved by adhering to the standards and regulations set forth in this Ordinance.

**U. APPEALS**— The Plan Commission or Village Board shall hear and decide upon all appeals from decisions or actions related to this Chapter as follows:

- a. Appeals from a decision that is made by Village staff pursuant to Section (D)(3)(a) (1) of this Ordinance shall be heard and decided upon by the Plan Commission.
  1. Appeals from a decision that is made by Village staff (with input from the Historic Preservation Commission and the Main Street Commission) pursuant to Section (D)(3)(b) of this Ordinance shall be heard and decided upon by the Plan Commission.
  2. Appeals from a decision that is made by the Plan Commission (with input from the Village staff, the Historic Preservation and/or Main Street Commission) pursuant to Section (D)(3)(c) and Section (D)(3)(d) of this Ordinance shall be heard and decided upon by the Village Board.