



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

**September 20, 2018 – 7:00 P.M.  
Council Chambers  
Village Hall – 16250 S. Oak Park Avenue**

**Regular Meeting Called to Order**

**Pledge of Allegiance**

**Roll Call Taken**

**Communications**

**Approval of Minutes:** Minutes of the September 06, 2018 Regular Meeting

**Item #1      WORKSHOP/PUBLIC HEARING: FERGUSON ENTERPRISES, INC. -7950 UNIT A, B, C 185<sup>TH</sup> STREET, GRANTING A SPECIAL USE PERMIT**

Consider recommending that the Village Board grant the Petitioner, Ferguson Enterprises, Inc a Special Use Permit to allow to allow a retail show room at 7950 W. 185<sup>th</sup> Street Suite A,B,C in the ORI (Office and Restricted Industrial) District.

**Item #2      WORKSHOP: VETERINARY CLINIC- 17745-17749 OAK PARK AVENUE SITE PLAN APPROVAL AND GRANTING VARIATIONS**

Consider granting Site Plan Approval to modify the exterior of the existing one-story commercial building and consider recommending that the Village Board grant the Petitioner, Cynthia Cecott, the following Variations requested:

1. A Variation from Section XII.2.D.10.b to apply the Heritage Site Standards exceeding 50% of the property's market value in site improvements.
2. A 19 parking stall Variation from Section XII.2.D.10.c. (Table 2.D.7) to reduce the required number of street level commercial parking to eight (8) parking stalls where the required number is 26 parking stalls.

**Good of the Order**

**Receive Comments from the Public**

**Adjourn Meeting**



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

**SEPTEMBER 6, 2018**

The Regular Meeting of the Plan Commission was held in the Council Chambers of Village Hall on September 6, 2018 at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Plan Commissioners: Ken Shaw, Chairman  
Tim Stanton  
Eduardo Mani  
Angela Gatto  
Chuck Augustyniak  
Stephen Vick

Absent Plan Commissioner(s): Lucas Engel  
Garrett Gray  
MaryAnn Aitchison

Village Officials and Staff: Michael Glotz, Trustee  
Douglas Spale, Village Attorney  
Paula Wallrich, Community Development Director  
Kimberly Clarke, Planning Manager  
Dan Ritter, Senior Planner  
Barbara Bennett, Commission Secretary

Guest(s): Robert Hansen, Mary McBride, Mark Diedrich, David Sosin, Dan McMillan

**CALL TO ORDER**

PLAN COMMISSION CHAIRMAN SHAW called to order the Regular Meeting of the Plan Commission for September 6, 2018 at 7:00 p.m.

**COMMUNICATIONS**

None at this time

**APPROVAL OF MINUTES**

Minutes of the August 16, 2018 Regular Meeting of the Plan Commission were presented for approval. A Motion was made by COMMISSIONER STANTON, seconded by COMMISSIONER GATTO, to approve the Minutes as presented. The Motion was approved by voice call. CHAIRMAN SHAW declared the Motion approved as presented.

**TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES**  
**FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION**  
**SUBJECT: MINUTES OF THE SEPTEMBER 6, 2018 REGULAR MEETING**

**Item #1 PUBLIC HEARING: THE BOULEVARD AT CENTRAL STATION-6701-6755 SOUTH STREET SITE PLAN APPROVAL, GRANTING A SPECIAL USE PERMIT, VARIATIONS AND PRELIMINARY/FINAL PLAT APPROVAL**

Consider granting Site Plan Approval and recommending that the Village Board grant the Petitioner, David Sosin, on behalf of South Street Development, LLC, a Special Use Permit to allow residential accessory uses on the Street Level in a mixed-use building and Variations from the Zoning & Legacy Codes to construct a 296,419 square foot 4-story mixed-use development consisting of 165 residential apartments and 29,853 square feet of retail space on the first floor for the property located at 6701-6755 South Street in the DC (Downtown Core) Zoning District. Consider granting preliminary and final plat approval for the subject property.

A Motion was made by COMMISSIONER VICK, seconded by COMMISSIONER AUGUSTYNIK to open the Public Hearing for the Boulevard at Central Station-6701-6755 South Street Site Plan Approval, Granting a Special Use Permit, Variations and Preliminary/Final Plat Approval. The Motion was approved by voice call. CHAIRMAN SHAW declared the Motion approved.

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

CHAIRMAN SHAW requested anyone present in the audience, who wished to give testimony, comment, engage in cross-examination or ask questions during the Hearing stand and be sworn in.

Kimberly Clarke, Planning Manager, presented her staff report including comments related to Site Plan, Architecture, Phasing, Off-Site Improvements, Access, Parking, Signage, and Lighting. Ms. Clarke highlighted images of the project architecture including its evolution since 2001. She noted the project has always been presented as a mixed-use development.

Ms. Clarke discussed the phasing of the project ((two phases) and explained that the first phase will occupy the southwest corner of South Street and 67<sup>th</sup> Court and will include 66 rental residential units. The first floor will have 23,487 square feet of which 15,130 square feet will be used for commercial space. The remaining part of the first floor 9,357 square feet will be dedicated to mechanical space and accessory residential uses, which includes a fitness gym, bike storage, lobby lounge, mail room, and club room with kitchen, leasing office, conference room and property manager's office. There will also be a surface parking lot with 66 parking stalls behind the building and will be designated for residents only. This lot will be conveyed to the Village for public parking upon completion of Phase 2. The Village will retain ownership of the vacant land to the east until Phase 1 is complete. If Phase 2 is not constructed within the specific time negotiated in the incentive agreement, a condition of the site plan approval will require that the parking lot in Phase 2 will be paved per Village standards by the developer. Staff is recommending elimination of the proposed dog park area in Phase 1 and suggests the use of the vacant lot to the east for the dog area until Phase 2 is completed.

Ms. Clarke displayed a drawing of the proposed Phase 2. After completion of Phase 1 and within two years, Phase 2 will include an additional 99 rental residential units for a total overall project total of 165 residential units. There will be 14,723 square feet of first-floor commercial space and a partial underground parking garage consisting of 181 standard parking stalls. The residential amenities in this phase will include an in-ground pool on top of the parking garage. When this phase is complete the surface parking lot behind Phase 1 will become a public parking lot owned by the Village.

As part of the project, the developer is required to complete specific off-site improvements including the completion of public streets abutting the development site, the realignment of the intersection of South Street and 67<sup>th</sup> Court, the addition of parallel parking spaces on the south side of South Street, and adding parallel parking on both sides of 174<sup>th</sup> Street. There are also plans to bury the existing overhead utilities.

The project will have two (2) access points. There is a one-way drive aisle off South Street that is approximately 21-22 feet in width that extends south towards 174<sup>th</sup> Street. There is also a full access drive proposed off 174<sup>th</sup> Street closest to 67<sup>th</sup> Court that will allow for full access in and out of the surface parking lot. There will be a reconfiguration of the intersection of South Street and 67<sup>th</sup> Court to a traditional “T” intersection which will allow for safer turning movements. There will also be streetscape improvements along South Street and the perimeter streets. A consultant has been hired to provide a Streetscape Master Plan.

In Phase 1 there will be 66 surface parking spaces which meet the 1:1 ratio requirement per Code. There will also be on-street parallel parking stalls along the south side of South Street and on both sides of 174<sup>th</sup> Street. In Phase 2, there will be construction of a parking garage with 181 parking stalls. The surface parking lot from Phase 1 will be converted to public parking that will be owned by the Village. In the Staff Report, Ms. Clarke provided a graph of provided parking and parking requirements in nearby communities for comparison. The developer suggested using some of the parallel parking on South Street as short-term loading zones for ride-share vehicles. Staff notes this can be addressed as part of final engineering.

A Variation is being requested from the Legacy Code requirement for the percentage of the primary and accent materials. Staff believes this Variation meets the intent of the Legacy Code. Ms. Clarke displayed images of architectural detail changes made due to concerns regarding the proposed architecture.

Ms. Clarke displayed images of the proposed floor plans for each floor. Staff recommended modifications to the floor plan regarding the recycling rooms at the end of the hallways on each floor. The architect has eliminated the rooms. Staff also recommended a condition that the proposed red awnings be replaced if the awning fades more than 40% in color. Staff recommended relocating the fitness gym and the club room to an upper floor looking out to the pool area in the Phase 2 building when it is completed to give additional retail space on the first floor of Phase 1. Ms. Clarke also recommended eliminating the separation between the Phase 2 residential building and the parking deck; the corridor would be maintained but would become interior to the building. She noted a concern for the easternmost commercial unit not having direct access like the rest of the units, especially if it were to be divided into two units.

Ms. Clarke discussed the large projecting wall sign (25' x 4') on the corner of the building at South Street and 67<sup>th</sup> Court noting it required a Variation since it is located above the second floor. She expressed concern about the sign and its proximity to the residential unit's balconies and windows. The signs will not be internally illuminated and lighting would be limited to the building's façade lighting. Ms. Clarke also noted that the Uniform Sign Plan needs modification with respect to the reference to signs such as electronic message boards which are not permitted.

Ms. Clarke discussed the need for parking lot lighting and recommended the photometric plan be amended to provide lighting on the surface parking lot in Phase 1.

With respect to landscaping, Ms. Clarke noted that perimeter landscaping will be provided around the east parking lot as part of Phase 1. In the event Phase 2 is not constructed, landscaping must be provided per the plans around the perimeter of Phase 2, which is shown on the Phase 1 landscape plans. Ms. Clarke displayed an image of the proposed landscaping around the pool area.

Ms. Clark summarized the open items as follows:

1. Phasing Schedule: Time frames are incorporated in the Incentive Agreement. The developer has two (2) years to complete Phase 1 and Phase 2 must start within two (2) years of Phase 1 completion. 1:1 parking ratio for residents will be maintained at all times. If Phase 2 is not constructed within 4 years of the completion of Phase

2. Staff recommends a condition of Site Plan approval will require the parking lot (in Phase 2) be required to be paved per Village standards by the Developer.
2. Designate a Dog Area: Dog area is proposed on the far east side of the property adjacent to the future parking garage. Concern about its use during construction. Further discussion is needed regarding the lack of a dog area for Phase 1.
3. Trash Storage and Pickup: Further discussion is needed. Proposed location appears to not be screened.
4. Lower Level Parking Turnaround: Inadequate area to turn around; Staff recommends a condition of the Site Plan approval to revise the plans to allow for a vehicle to turnaround
5. Parking Study: Concerns regarding the adequacy of parking despite meeting code requirement. Discussion about the need for a parking study.
6. Awning color: Staff questions the use of red awning as a color choice. Staff is recommending any approval of the red awning include a condition that requires replacement of the awning when it experiences greater than 40% color fade from the original RBG/Pantone color.
7. Units adjacent to pool: Staff questions the desirability of the 2<sup>nd</sup> floor units and their balconies being at grade with the pool deck. Further discussion needed.
8. East façade windows: The bricked in window in the recycling rooms should either be converted into glass windows or removed. Staff recommends removing the windows from the elevation noting that it does not negatively affect the overall aesthetics of that façade.
9. Phase 2 service corridor: Staff questions the need for the internal service corridor proposed in Phase 2. Staff recommends further discussion on the issue regarding the integration of the parking deck and commercial units instead of spacing them and creating an open walkway.
10. Projecting sign: There has been significant discussion regarding the projecting sign. Staff recommends further discussion.
11. Landscaping: Address the landscaping comments per the Village's landscape review. The developer has noted they will comply with the recent landscape plan review subject to a final streetscape plan completed by the Village. Staff recommends a condition of the Site Plan approval, the perimeter landscaping around the gravel lot be constructed in the event Phase 2 is never constructed.

The property is zoned DC (Downtown Core) and is within the Legacy District. A more detailed Zoning Analysis Chart was provided per staff request and is included in the Staff Report. Ms. Clarke noted all the variation requests, as well as the Special Use request and Final Plat approval are outlined in the Staff Report.

CHAIRMAN SHAW asked the Petitioner to make a presentation.

David Sosin, Attorney for the Petitioner noted he has been involved in this project for 12-13 years.

Marc Diedrich, Architect displayed a PowerPoint presentation indicating images of proposed amenities and explained outstanding items and details of the project. He noted that the balconies near the pool will not be an issue due to the sizable landscape buffer around the pool area. The marquee sign on the building is an architectural feature that is not self-illuminated. Identifying this building to retail tenants is important. The sign has been lowered per staff request. Ride-share parking and electric vehicle charging stations are being considered. Parking should not be an issue as there are many different ways of getting around without a car. Per the image in the Staff Report, alterations have been made to the building at staff request.

Mr. Sosin noted at the request of staff he has inquired regarding comparing square foot size of units required in other neighboring villages per the International Building Code requirements. He noted even though the unit size is below the 800 square foot requirement, there are balconies and additional storage that will be additional space available to tenants. The parking in the downtown area should have one space per unit in order to encourage other means of transportation. The use of Zip Cars is being considered. Three parking spaces will be provided for electric charging and the plan is to rough-in electric for additional charging stations in the future. The dog area is not an issue as a temporary spot can be used

until Phase 2 is built. The sign is a very important issue as it is a way to identify the building for retail tenants. He would prefer no condition to move the health club upstairs as it may not be necessary. He will eliminate the recycling rooms.

CHAIRMAN SHAW asked for question and comments from the Commissioners.

COMMISSIONER MANI inquired about the trash enclosure and the pickup of trash. Mr. Diedrich replied there will be no trash cans outside. There is a hatched area along the driveway as a loading zone for trash pickup.

CHAIRMAN SHAW asked the Commissioner's to comment on the open items on page 23 of the Staff Report.

CHAIRMAN SHAW inquired about the timing of the construction schedule and if there is a time requirement. Ms. Clarke replied construction on Phase 2 would be within 2 years of the completion of Phase 1 occupancy.

CHAIRMAN SHAW asked about parking for motorcycles and scooters. Mr. Diedrich replied he is considering compact car spaces. The rule for turnaround areas is 5 feet. There are 3 ½ feet in this parking area and compact spaces could be used for this area to allow more room for a turnaround area.

COMMISSIONER AUGUSTYNIAK inquired where retail customers would park. Mr. Sosin replied there would be street parking in front of the retail and the Metra parking lot would also be available after 5:00.

CHAIRMAN SHAW inquired why the building material variation was presented as a range. Mr. Diedrich replied it is a range depending on the individual facade of the building.

COMMISSIONER GATTO agrees with staff regarding 40% fading replacement of the red awnings. CHAIRMAN SHAW noted this would be difficult to enforce. Mr. Sosin noted he wanted a vibrant streetscape to encourage customers for the retail. Ms. Clarke noted staff is looking for a uniform look. It was discussed that it could be enforced as a property maintenance issue. Paula Wallrich, Community Development Director noted that fading is not a property management issue, however, pantone color references measurements could be used instead.

CHAIRMAN SHAW requested further information regarding 2<sup>nd</sup>-floor units and their balconies being at grade level with pool deck. COMMISSIONER VICK noted there is a landscaping buffer and he feels it can be a selling point for those units. COMMISSIONER STANTON asked if the pool area would be policed. Mr. Diedrich noted there is a fence around the pool. COMMISSIONER MANI, GATTO, & AUGUSTYNIAK agreed there is no issue.

CHAIRMAN SHAW inquired about removing windows in the recycling area; Mr. Diedrich replied the recycling rooms have been removed and the windows are no longer an issue.

CHAIRMAN SHAW inquired about the internal corridor. Ms. Clarke noted there is a walkway between the garage and the Phase 2 building. In the Phase 1 building, the retailers have access out to the surface parking lot. In the Phase 2 building, there is access but it opens up into a narrow corridor. Ms. Clarke stated that Staff did not know how desirable it is and if there is an ability to do a full interior corridor. She felt this also impacts how the buildings are connected. Mr. Diedrich replied this could be considered as an option for discussion. He does not see residents using this. There is also an advantage to not engaging the parking garage from a fire standpoint and along the corridor there are gas meters. He would prefer this would not be a condition. Also, this could be a dirty corridor as the retailers would be going out with the trash in this area. CHAIRMAN SHAW inquired if the walkway is completely covered and would it be open to the general public. Mr. Diedrich replied it is not completely covered and it would be possible to gate it with a keypad for the residents. COMMISSIONER VICK inquired if the internal service corridor would be extended to the end units so they can access the trash without going outside. Ms. Clarke noted there is still one area that does not open up and a door could be provided. Mr. Diedrich replied this will be addressed.

CHAIRMAN SHAW inquired about the sign. COMMISSIONER VICK noted originally he had reservations but with the changes made it is fine now and he understands it is a good identifier of the building. COMMISSIONERS STANTON, AUGUSTYNIAK, GATTO, MANI AND SHAW agreed. COMMISSIONER SHAW inquired about the 'CENTRAL STATION' on the sign, noting this is not the name of the Metra station. Mr. Sosin replied there are 2 train stations in Tinley Park and this is the downtown area or the Central Station. Mr. Hansen stated he would like to keep the name.

CHAIRMAN SHAW inquired about relocating the fitness gym and clubroom to the second floor. Mr. Diedrich replied that if the first phase of retails fills up then he would move the fitness gym to the second floor of Phase 2. Market conditions will determine whether it should be moved. If the lobby and clubroom are combined on the first-floor it would give more room for parties. If the gym and clubroom are not moved to the second floor, then there would be 2 additional apartment units. CHAIRMAN SHAW noted the fitness gym would be desirable next to the pool. Ms. Clarke noted the pool area is the activity area. If the gym and clubroom are vacant on the first floor it would not look good from the street and this is something to avoid. There is 9,000 square feet of residential amenities on the first floor taking away from retail. CHAIRMAN SHAW noted the Legacy Plan requires first floor retail. He would recommend approval of the Variations with the conditions of moving them up unless there is a way to weigh the demand. He noted a vacant store on the first floor would not look good. Robert Hansen noted the gym and clubroom on the first floor serve as 'eye candy' and help market the apartments to renters. COMMISSIONER VICK noted the party room next to the lobby would be good for people hanging out, but he likes the fitness gym near the pool. If the party room is on the second floor you would have to bring people through the hallways by the apartments to get to the room.

COMMISSIONER VICK inquired about the dog walk area – what will be the procedure for clean-up for the dogs and will there be clean-up material available to residents. Mr. Diedrich replied there would be clean up materials and also a dog washing area.

COMMISSIONER STANTON inquired if there will be security cameras inside and outside. Chairman Shaw inquired about Gates being put at the walkway with lighting. Mr. Diedrich replied there would be security cameras and he would agree that there could be gates and lighting.

COMMISSIONER AUGUSTYNIAK inquired if there was any retail interest for the large space on the west end of the building. Mr. Diedrich replied that space is a 5000 square foot area for a restaurant. There is current interest.

CHAIRMAN SHAW inquired about current work being done by the Village now. Ms. Clarke replied there has been some engineering of the intersection and utilities, but South Street will be doing the physical construction of the roadway and streetscape improvements.

CHAIRMAN SHAW inquired about the principles for the 800 square foot minimum on the apartment size. Ms. Clarke replied she was not able to find anything except the regulations of the property maintenance code explaining the minimum bedroom size, minimum living room size and there is an efficiency unit that is required to be 220 square foot unit for up to two occupants or 320 square feet for up to three occupants. This would be the smallest acceptable size based on the property maintenance code. In 2006 minimum single-family home size was adopted to create a certain standard. CHAIRMAN SHAW noted the balconies do make a big difference as additional living space. Ms. Clarke noted on the original Variation request for the square footage it was listed as 730 square feet and that has been revised to 749 square feet. Mr. Diedrich requested the square footage to be 745. CHAIRMAN SHAW agreed.

CHAIRMAN SHAW inquired about the "Green" certification or use of solar on the project. Mr. Diedrich replied at this time there are no plans to make the project LEED. Most of the LEED projects are institutional. The building codes today are much more efficient and you will end up with much more cost-effective buildings. He has not looked at any solar, due to the fact that you must have a solar partner. CHAIRMAN SHAW inquired about the roof screening and if solar became attractive in the future, would they consider it. Mr. Diedrich replied there is room on the roof if that was a future consideration.

CHAIRMAN SHAW asked for comments from the public.

Don McNealy, resident, inquired about the phase schedule. In the event the housing market goes down, is there going to be anything in escrow to assure the parking lot in Phase 2 gets built? Ms. Clarke replied that in the incentive agreement there is language obligating them to pave the surface parking lot per Village standards. They will also have to provide the letter of credit for public improvements. Mr. McNealy inquired about the 2 year grace period and will the site remain a construction site for 2 years or will it be cleaned up prior to them starting Phase 2. Mr. Sosin replied there is no grace period. It is 2 years and 2 years for 4 years from the time the permit is issued to finish the project with a letter of credit. In Phase 2 the land that he owns will be deeded to the Village. Ms. Wallrich noted the incentive agreement is crafted so there is an incentive for them to move quickly. Mr. McNealy noted the 50 square foot size Variation is a small area. He also asked about outside dining for the retail restaurants. Ms. Clarke noted part of the façade has been pushed inward to create alcoves allowing for public dining on the private property. Mr. McNealy noted Tinley Park needs this project. He also hopes this project will be built with union labor.

Wilma Penny, resident, inquired about a traffic study being done and what does the Village intend to do about the congestion in this area. There are no bicycle lanes in Tinley. The bike lane on Oak Park Avenue is too small. The Comprehensive Plan was done in 2000 and nothing has been done with it. The proportions are off for the one bedroom apartment compared to the two bedroom apartments. Ms. Clarke replied in the past traffic studies were done, but nothing recent. The TIF district will hopefully give the money to improve this area. Ms. Wallrich noted a meeting was held regarding adding a Bicycle Master Plan to the budget. The Legacy Plan is the basis of the Legacy Code; the Plan establishes the Vision for the Village and the Code is meant to enforce that. However, as with all newly written codes they have to be tested and if flaws are found the Code can be modified. CHAIRMAN SHAW asked the developer if in Phase 2, the experience in Phase 1 shows 2-bedroom units are more desirable than 1-bedroom units, would they consider changing the plan for more two bedroom units. Mr. Diedrich replied that is likely what would happen.

Peg Danowitz, resident, noted the first-floor of the project should be all commercial and the Village should stand firm on that for tax purposes. A traffic study is needed now. She asked how many parking spaces are available now. Parking is an issue and where will guests and customers park. She wants to keep the overnight parking restriction. Can we require that the first-floor commercial be filled before they go on to Phase 2? Ms. Wallrich noted the incentive agreement addresses this.

Ron Centenny, resident, is concerned with the look of the building. He would like to see Old Tinley preserved. The Heritage of Tinley Park should be promoted rather than a modern building design. He belongs to a National Group for Historic Preservation and they have a Main street program that helps villages develop the downtown areas to make them look historic and encourage economic development.

CHAIRMAN SHAW asked for a motion to close the Public Hearing.

A Motion was made by COMMISSIONER AUGUSTYNIAK, seconded by COMMISSIONER STANTON to close the Public Hearing on the Boulevard at Central Station-6701-6755 South Street. The Motion was approved by voice call. CHAIRMAN SHAW declared the Motion approved.

Ms. Clarke noted the Standards for Site Plan Approval as noted in the Staff Report.

- a. That the proposed Use is a Permitted Use in the district in which the property is located.  
***A Mixed-Use Development is permitted in the DC (Downtown Core) Zoning District. The incorporation of residential amenities on the first floor requires a Special Use Permit to be granted.***
- b. That the proposed arrangement of buildings, off-street parking, access, lighting, landscaping, and drainage is compatible with adjacent land uses.  
***The property has been vacant for over ten (10) years with little redevelopment in the immediate area. This development will be the first of its scale in the Downtown. It will be the largest mixed-use building subject to the***



*Legacy Code. Although it is not compatible with the existing single-family homes that abut the property to the south, these properties will most likely redevelop over time. The project is consistent with the vision of the Legacy Plan and Transit Oriented Development (TOD) principals by providing residential density in close proximity to mass transportation. There will be public and private parking constructed as part of this development. The property access, lighting, landscaping will improve the area and are designed to meet the intent of the all Village codes.*

- c. That the vehicular ingress and egress to and from the site and circulation within the site provides for safe, efficient, and convenient movement of traffic, not only within the site but on adjacent roadways as well.  
*The proposed site layout provides access to South Street and 174<sup>th</sup> Street. All adjacent roadways will be reconstructed and provide for new sidewalks that currently do not exist today. There will be a public surface parking lot with 64 parking stalls and a private parking garage with 181 parking stalls for the new residents occupying the apartments.*
- d. That the Site Plan provides for the safe movement of pedestrians within the site.  
*The plan provides seven-foot (7') wide public sidewalks along South Street and 67<sup>th</sup> Court and six (6) foot sidewalks along 174<sup>th</sup> Street. Within the site, there center drive aisle with a five (5) foot sidewalk that provides access at the east end of the property. There are also sidewalks at the rear of the commercial areas in Phase 1 to accommodate pedestrian traffic from the parking area.*
- e. That there is a sufficient mixture of grass, trees, and shrubs within the interior and perimeter (including public right-of-way) of the site so that the proposed development will be in harmony with adjacent land uses and will provide a pleasing appearance to the public; any part of the Site Plan area not used for buildings, structures, parking, or access-ways shall be landscaped with a mixture of grass, trees, and shrubs.  
*A Landscape Plan has been submitted that meets the Ordinance requirements. A Streetscape Master Plan has been commissioned by the Village and once approved will be incorporated into the Boulevards Landscape Plan. The plan provides for a significant amount of landscaping within the Streetscape of South Street, 174<sup>th</sup> Street and 67<sup>th</sup> Court. A 14' buffer yard is provided behind the parking garage in Phase 2 along with landscaping within the surface parking lot. The proposed landscaping will be an improvement to what is there now.*
- f. That all outdoor trash storage areas are adequately screened.  
*The outdoor trash is located in the interior of the buildings. The trash is wholly enclosed in Phase 1 adjacent to the loading dock area. Staff has concerns regarding how the garbage will be removed from Phase 2 interior trash area. The Architect stated the garbage will be rolled out to the interior curb area just outside the entrance to the parking deck. There does not appear to be adequate room in this area that does not encumber traffic. Staff also questions the garbage pickup schedule and if several times a week may prove to be unsightly.*

Ms. Clarke noted the Legacy Code Standards as noted in the Staff Report.

- a. The proposed improvement meets the Legacy Plan and its Principles, as presented in Section 1.A-B: Purpose and Intent, of this ordinance;  
*The Legacy Plan specifically calls for maximizing the number of people living within walking distance of the train station. The project will have the potential to bring at a minimum 165 new residents to the downtown. The proposed 29,853 square feet of new commercial storefronts and overall site design are in conformance with the goal of having a walkable downtown with a strong economic center.*
- b. The new improvement is compatible with uses already developed or planned in this district and will not exercise undue detrimental influences upon surrounding properties;  
*The mixed-use building is permitted and is compatible with the retail and service uses existing and expected in the downtown.*
- c. Any improvement meets the architectural standards set forth in the Legacy Code.  
*The two (2) buildings provides for a consistent style of architecture. The first floor retail storefront provides for varying materials with the use canvas and metal awnings, gooseneck light fixtures, and recessed doorways. The upper floors utilize balconies and a mixture of brick and Hardie panel siding to create interest. There is a rounded corner feature that creates a signature architectural feature at the prominent southeast corner of South Street and 67<sup>th</sup> Court. There is an archway that will bridge Phase 1 and Phase 2 that provides for a unique access to the parking areas behind the building and provides a break in the long expanse of the building's façade. Along the*

*front façade there are enclaves for future outdoor dining opportunities that also help to provide some visual breaks in the façade; the Legacy Plan encourages this type of façade treatment as part of the Permitted Private Frontages for this District. Each of the residential units will have balconies; some are recessed into the unit while others extend out from the wall. The commercial units will have either a metal or red canvas awning projecting five (5) feet out.*

- d. The improvement will have the effect of protecting and enhancing the economic development of the Legacy Plan area.  
*The proposed improvements will provide new retail space that meets the needs of retailers. The Village will be able to attract commercial uses that will serve residents of the project, the community and beyond, thereby contributing to the economic health of the downtown area.*

Ms. Clarke then presented the Variation Standards:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.

*The Variation to reduce the square footage of a one-bedroom apartment is needed to compete with the existing market. However, the property has built in additional residential amenities such as fitness gym, pool, bike storage, individual storage units on each floor and a club room with kitchen, that make up for the loss in square footage of the apartment size.*

2. The plight of the owner is due to unique circumstances.

*The building plan and concept are unique to the property. This project has evolved with substantial input from the Village Staff. These variances are necessary to comply with the Village's requirement for indoor parking and to allow for a unique building with contrast which can be facilitated by the use of different materials.*

3. The Variation, if granted, will not alter the essential character of the locality.

*The project as a whole is being presented as one unified development. The developer is bringing forth a modern design that meets the intent of the Legacy Plan. The developer is working on a constrained site and trying to build a product that is comparable in size and price to existing mixed-used developments in the region. The project itself is going to transform the image of the downtown. This will be the first large-scale, mixed-use development that will be the catalyst for redevelopment in the downtown.*

Ms. Clarke noted additional Standards for Variations are listed in the Staff Report. She proceeded with outlining the Special Use standards referring to the Staff Report that provided a complete list as follows:

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

*The incorporation of the residential amenities (fitness gym, club room with kitchen, conference room, and leasing office will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The uses are incorporated with the overall design of the first floor lobby area and will built to meet all building codes.*

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

*The inclusion of residential uses on the first floor will not be injurious to the use and enjoyment of other properties in the immediate vicinity. There is a train station across the street and a mix of commercial and residential uses surrounding the property.*

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

*Having some residential amenities on the first floor will not impede the normal development of the downtown, however these uses will not provide the necessary sales tax the Community is hoping to achieve with redevelopment in the downtown.*

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

***As part of this development, the developer will be reconstructing all the adjacent roadways the site abuts. The new regional pond, which was established out on the Panduit Site, is providing the necessary stormwater management that normally would have been required. Volume control measures are being installed within the surface parking lot of Phase 1 to address any additional drainage issues.***

- e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and

***The residential amenities will only be accessed from the interior lobby area of Phase 1. Since these areas will only be utilized by the residents living in the apartments, there will not be any issues of increased traffic on the public streets to accommodate these uses.***

- f. That the Special Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the Village Board pursuant to the recommendation of the Plan Commission. The Village Board shall impose such conditions and restrictions upon the premises benefited by a Special Use Permit as may be necessary to ensure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the general intent of this Ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this Ordinance.

***The DC (Downtown Core) District for this area requires first floor commercial retail. The accessory residential uses are permitted with the granting of a Special Use Permit.***

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

***The DC (Downtown Core) District requires that commercial uses be on the first floor. This development will be reducing the available retail space on South Street by allowing residential amenities on the first floor in Phase 1. Staff is concerned that from the street view, these “store fronts” will be vacant most of the time. The residential amenities will not draw people to this area to shop.***

CHAIRMAN SHAW asked for a Motion.

A Motion was made by COMMISSIONER GATTO, seconded by COMMISSIONER AUGUSTYNIAK to grant the Petitioner, David Sosin, on behalf of South Street Development, LLC, Site Plan Approval at the property located at 6701-6755 W. South Street in accordance with the plans submitted and listed herein subject to the following conditions:

- 1) A minimum of 1:1 parking will be provided on site throughout the construction process.
- 2) The developer will obtain the necessary construction easements from the Village for the use of their property during construction.
- 3) The eastern surface parking lot illustrated in Phase 1 will be constructed per Village’s standards in the event the developer does not commence construction of Phase 2.
- 4) The final design of the dog run in Phase 2 will be reviewed by staff prior to construction.
- 5) The final landscape plans will be subject to the final Streetscape Plans approved by the Village.
- 6) If additional parking spaces are needed for the residential units, the residential tenants may lease spaces from the Village’s public surface parking lot.
- 7) The final number of bike racks and locations will be subject to the final Streetscape Plan approved by the Village.
- 8) The owner will be required to replace any red awning when it experiences greater than 40% color fade from the original CBG/Pantone color.
- 9) Final approval of the photometric plan will include lighting in the surface parking lot in Phase 1.
- 10) The perimeter landscaping around the Phase 2 gravel lot, must be installed in the event Phase 2 is not started within two (2) years of Phase 1 completion.

The Motion as amended by COMMISSIONER GATTO, seconded by COMMISSIONER AUGUSTYNIAK to include condition #11:

#11) Any plan changes are completed as discussed in the Public Hearing.

AYES: STANTON, MANI, VICK, AUGUSTYNIAK, GATTO and CHAIRMAN SHAW

NAYS: NONE

CHAIRMAN SHAW declared the Motion unanimously approved.

A motion was made by COMMISSIONER STANTON, seconded by COMMISSIONER AUGUSTYNIAK to recommend that the Village Board grant a Special Use Permit to the Petitioner, David Sosin, on behalf of South Street Development, LLC, the following Special Use Permit at the property located at 6701-6755 W. South Street in accordance with the plans submitted and listed herein and adopt Findings of Fact submitted by the Applicant and as proposed by Village Staff, and as may be amended by the Plan Commission at this meeting.

1. A Special Use Permit from Section XII.3. A. (Table 3.A.2) of the Legacy Code requires *Accessory Residential Uses* on the Street Level in a mixed-use building be granted a Special Use Permit.

Subject to the following conditions:

- (a) The first floor amenities (fitness gym and clubroom) will be relocated to Phase 2.

The Motion as amended by COMMISSIONER STANTON, seconded by COMMISSIONER VICK to include condition:

- (b) As discussed in the Public Hearing, the first floor amenities (fitness gym) will be relocated to Phase 2 upon its completion.

AYES: STANTON, MANI, VICK, AUGUSTYNIAK, GATTO and CHAIRMAN SHAW

NAYS: NONE

CHAIRMAN SHAW declared the Motion unanimously approved.

A motion was made by COMMISSIONER AUGUSTYNIAK, seconded by COMMISSIONER GATTO to recommend that the Village Board grant the Petitioner, Petitioner, David Sosin, on behalf of South Street Development, LLC, the following Variations at the property located at 6701-6755 W. South Street in accordance with the plans submitted and listed herein and adopt Findings of Fact submitted by the Applicant and as proposed by Village Staff, and as may be amended by the Plan Commission at this meeting.

1. A 70 square foot Variation from Section V.C.2 of the Zoning Code to allow a 745 square foot one-bedroom apartment where the minimum useable floor area for a one-bedroom apartment is 800 square feet.
2. A residential parking Variation from Section XII.3.C.d. of the Legacy Code which requires parking for residential uses to not be open to the sky to allow for the development in Phase 1 to have an open to the sky parking lot for the residential uses.
3. A four (4) foot wide Variation from Section XII.3.E.4.c of the Legacy Code to allow a 24-foot wide two-way driveway instead of the maximum 20 feet allowed for a two-lane driveway.

4. An eight (8) foot wide Variation from Section XII.3.E.4.c of the Legacy Code to allow a 20-foot wide one-lane driveway instead of the maximum 12 feet allowed for a one-lane driveway.
5. A one (1) foot and a five (5) foot front yard Variations from Section XII.2.A.9 (Table 2.A.6) of the Legacy Code to allow a six (6) foot front yard setback on South Street and a ten (10) foot front yard setback on 67<sup>th</sup> Court where the maximum front yard setback is five (5) feet.
6. A two (2) foot side yard Variation from Section XII.2.A.9 (Table 2.A.6) of the Legacy Code to allow a seven (7) foot interior side yard setback where the maximum interior side yard setback is five (5) feet.
7. A 68 square foot Variation from Section XII.4.E (Table 4.E.1) of the Legacy Code to allow a one-hundred square foot projecting sign where the maximum sign permitted is 32 square feet. \
8. A Variation from Section XII.4.E (Table 4.E.1) of the Legacy Code to allow a projecting sign to extend past the 2<sup>nd</sup> floor.
9. A 2 foot Variation from Section XII.3.C.4 to allow an 8.5' X 16.5' parking stall in the parking garage for compact cars stall instead of the required nine 9'x18' with the condition that the parking stalls only can be reduced for any stalls above the 165 standard stalls required.
10. A 9.3% material Variation from Section XII.3.B.7.a to reduce the percentage of primary materials on the external elevations to allow for 65% where 75% is required in order to accommodate the use of architectural precast/block on the first floor.
11. A 9.3% material Variation from Section XII.3.B.7.a to allow up to 34.3% accent material where the maximum is 25%.

AYES: STANTON, MANI, VICK, AUGUSTYNIAK, GATTO and CHAIRMAN SHAW

NAYS: NONE

CHAIRMAN SHAW declared the Motion unanimously approved.

A motion was made by COMMISSIONER VICK, seconded by COMMISSIONER AUGUSTYNIAK to grant the Petitioner, David Sosin, on behalf of South Street Development, LLC, Final Plat Approval at the property located at 6701-6755 W. South Street in accordance with the plat submitted and listed herein subject to the following conditions:

1. Final Plat conditioned upon Final Engineering approval.

AYES: STANTON, MANI, VICK, AUGUSTYNIAK, GATTO and CHAIRMAN SHAW

NAYS: NONE

CHAIRMAN SHAW declared the Motion unanimously approved.

**GOOD OF THE ORDER:**

None at this time

**COMMENTS FROM THE COMMISSION**

None at this time.

**PUBLIC COMMENT:**

None at this time.

**ADJOURNMENT:**

There being no further business, a Motion was made by PLAN COMMISSIONER STANTON, seconded by PLAN COMMISSIONER AUGUSTYNIAK, to adjourn the Regular Meeting of the Plan Commission of September 6, 2018 at 10:40 p.m. The Motion was unanimously approved by voice call. PLAN COMMISSION CHAIRMAN SHAW declared the meeting adjourned.

**Petitioner**

Ferguson Enterprises,  
Inc.

**Property Location**

7950 W. 185<sup>th</sup> Street,  
Suites A-C

**PIN**

19-09-01-101-009-0000

**Zoning**

ORI PD (Office and  
Restricted Industrial,  
Hickory Creek PUD)

**Approvals Sought**

Special Use Permit

**Project Planner**

Daniel Ritter, AICP  
Senior Planner

# PLAN COMMISSION STAFF REPORT

September 20, 2018

**Ferguson Enterprises**

7950 W. 185<sup>th</sup> Street, Suites A-C

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**EXECUTIVE SUMMARY**

The Petitioner, Ferguson Enterprises, Inc. is seeking approval for Special Use Permit to operate a business involving a retail showroom and sales. The use is incidental, similar and compatible to the permitted principal use (warehousing, wholesale, and/or distribution) at 7950 185<sup>th</sup> Street, Suites A-C in the ORI PD (Office and Restricted Industrial, Hickory Creek Planned Unit Development) Zoning District.

The proposed business would occupy 32,458 square feet of space in the industrial building. 10,494 square feet of the space will be utilized as a showroom for bath, kitchen, plumbing and lighting supplies and 3,148 square feet will be utilized as a sales and will call pickup counter for the company's products. The rest of the space will be used as office and warehouse space.

Wholesale and distribution uses are permitted in the ORI zoning district. However, the proposed on-site showroom and retail sales requires approval of a Special Use Permit. Retail uses open to the public are traditionally restricted in the ORI zoning district because the area is typically not designed for regular public use and has heavy truck traffic. The proposed showroom would not operate like a traditional retail use and would be very similar to many of the industrial operations that take place within the Hickory Creek Planned Unit Development. The showroom and sales components of the business will be primarily used by contractors, designers, and other professionals, but the space will be open to the public.

## EXISTING SITE & HISTORY

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The property consists of a single parcel of five (5) acres in area with an 81,200 square foot light industrial building that was constructed in 2002 to function as a distribution facility. The building space was originally divided into six (6) tenant spaces but is currently only four (4) spaces with three (3) of the tenant spaces (units A, B, and C) being combined into a single space for use by the Petitioner. The tenants who are leasing the south end of the building are Rodgers Supply Company (HVAC and electrical), Lansing Building Products (exterior building products) and Trane Supply (HVAC materials and equipment).

The site has frontage on 185<sup>th</sup> Street and 80<sup>th</sup> Avenue. The primary entrances and exits are off 185<sup>th</sup> Street with a partial access on 80<sup>th</sup> avenue through a shared drive aisle located on the parcel to the north. The site contains approximately 156 parking spaces and multiple loading areas at the rear (east) side of the building.

## ZONING & NEARBY LAND USES

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The zoning of the site at 7950 185<sup>th</sup> Street is indicated with a yellow star on the map to the right and is ORI PD (Office and Restricted Industrial, Hickory Creek Planned Unit Development). The Zoning Ordinance states that the ORI Zoning District is “intended to provide land for medium to large office buildings, research activities, and non-objectionable industrial activities which are attractively landscaped and designed to create a “park-like” setting. The low intensity and limiting restrictions are intended to provide for permitted uses which will be compatible with adjacent residential and commercial developments.”



Nearby land uses include other properties zoned ORI, some of which are also within the same Planned Unit Development. The businesses park’s stormwater retention facilities and a creek are located directly to the east of this site. To the west is Speedway gas station zoned M1 PD (Tinley Crossings Corporate Center PUD). To the south is unincorporated agricultural land with a residential home on it that will likely develop similar to the surrounding ORI zoning once annexed into the Village. A nearby business at 18475 Thompson Court (Hilti North America) received a similar special use approval in 2016 for accessory retail sales and is indicated with a green triangle on the image to the above.



## PROPOSED USE

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The Applicant proposes to open a business that conducts retail and wholesale sale, demonstration, service, warehousing, and distribution of lighting, plumbing and other items used in kitchen and bathrooms. The hours of operation for the retail sale and showroom component are proposed to be 8am – 6pm, Monday through Friday.

The principal use is considered “warehousing, wholesale establishments and distribution facilities”, which is a permitted use within the Hickory Creek Planned Unit Development (Ordinance 2006-O-028). The proposed Ferguson Enterprises use conforms to the uses outlined in the Zoning and PUD ordinances. Due to the retail component of the business, the Village’s Zoning Ordinance requires that the Applicant obtain a Special Use Permit. According to Section V.B. Schedule I (Schedule of Permitted Uses by District), “retail and wholesale, incidental to a principal use in the ORI Zoning District” requires a Special Use Permit. The retail sales and showroom are typically utilized by contractors or other design professionals who are going to the site as a destination. However, the showroom and sales are also expected to be open to the public.

The primary entrance to the business will be on the northwest corner of the building, located as far away from the existing businesses as possible. The building is located on the far west side of the Hickory Creek industrial park and is located off 80th Avenue, which has more of a commercial and office feel than industrial. The building is currently divided among four (4) users: Rodgers Supply Company (HVAC and electrical), Lansing Building Products (exterior building products), Trane Supply (HVAC materials and equipment) and the Petitioner’s proposed Ferguson Enterprises space. All of these uses have similar wholesale and distribution services but only Ferguson Enterprises would have a showroom or onsite retail component. Most of the truck traffic to the existing businesses access the rear of the site where there are truck docks and parking spaces utilized by employees. Visitors to the proposed Ferguson Enterprises showroom and other businesses typically utilize the front parking area on the northwest corner of the site near the business’s entrance. There will be limited interaction between customers and site traffic on site because of the access off of 80<sup>th</sup> Avenue and separate entrances off of 185<sup>th</sup> Street. No changes to the site plan or building architecture are proposed with this use change.

## PARKING

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The site has a total of approximately 156 parking spaces. Of those, 101 parking spaces including required ADA parking, are located in the front of the building. There are 55 additional spaces located in the rear of the building and primarily utilized by employees.

The Petitioner has noted that they would have up to four (4) showroom employees, two (2) counter associates, two (2) warehouse associates, two (2) drivers and 12 office associates for a total of 22 employees on the site. Additionally, it is expected that up to eight (8) customers may be on the site at any given time to view, purchase, or pick up products. Total expected parking demand is 30 parking spaces. According to the Zoning Ordinance parking requirements, the proposed use could be considered a warehouse/distribution facility and a retail use. The code requires one (1) parking space for every two (2) employees for the warehouse/distribution use and the code does not have a parking calculation similar to the proposed showroom use. The closest use is likely to be an “Appliance or Furniture Store” which requires one (1) parking space for every 600 square feet of floor space. The total required parking spaces based upon these Zoning Code calculations would be 29.

Parking is expected to be sufficient because Ferguson Enterprises will occupy slightly less than half of the overall building space but will not utilize near half of the parking spaces (29-30 spaces required, 156 total on-site spaces). Additionally, the majority of the front parking that will be used by the business’s customers are located far from any of the existing businesses, who primarily utilize the rear parking for their employee and business needs. Staff did not notice any parking issues or concerns during site visits.

## LANDSCAPE

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The site appears to have landscaping that meets the intent of the Village's Landscape Ordinance. Staff will work with the property owner to ensure that any deficiencies or dead plant material is addressed as a part of the Change of Use process. The site must also comply with general property maintenance standards.

## SIGNAGE

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Although a formal sign plan has not yet been submitted for permit, it is expected that the Zoning Code allowances for wall signs on industrial properties will be sufficient. All other tenants on the subject property have complied with these requirements. Per Section IX.H.1. of the Zoning Ordinance, one (1) wall sign is permitted per tenant frontage in the ORI and M-1 Districts and the allowable wall sign face area permitted is one (1) square foot for every two (2) lineal foot of site frontage; however, in no case shall a sign exceed 120 square feet.

## SUMMARY OF OPEN ITEMS

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Staff has not identified any open items for additional discussion.

## STANDARDS FOR A SPECIAL USE

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Section X.J.5. of the Zoning Ordinance lists standards that need to be considered by the Plan Commission. The Plan Commission is encouraged to consider these standards (listed below) when analyzing a Special Use request. Attached please find the standards provided by the Petitioner in defense of the requested Special Use. Staff has supplied Findings of Fact for each standard below. The Plan Commission is encouraged to alter or incorporate additional Findings of Fact at the Public Hearing that they feel necessary.

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

- a. That the establishment, maintenance, or operation of the Special Use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
  - *The Special Use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare because it is generally compatible with other uses in the same building and within the surrounding area. Other uses in the Hickory Creek Planned Unit Development include several warehouse-type businesses.*
- b. That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
  - *The Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity because the use is compatible with the other business uses nearby. All business will be conducted within the building. The Special Use will not substantially diminish or impair property values because it will occupy a tenant space that has been vacant and the tenant will abide by Village ordinances and applicable codes.*
- c. That the establishment of the Special Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
  - *The Special Use will not impede the normal and orderly development and improvement of surrounding property because the immediately surrounding area is already improved and the proposed use will be conducted wholly within the tenant space leased to the Petitioner. The building already exists and the Petitioner will only be making modifications to the interior of the tenant space. The only exterior modification would be signage that is compliant with the Zoning Code allowances.*
- d. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided;
  - *Adequate utilities, access roads, drainage, etc. have been provided for the site when it was constructed in 2002. There have been no known issues and no changes are proposed to the existing utilities, roads, drainage, or other infrastructure at or near the site. The customer base is typically destination-driven and will likely be construction and design professionals.*
- e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
  - *Adequate measures have been taken to provide ingress and egress to minimize traffic congestion in the public streets by providing adequate parking at the site. The site has 156 parking stalls that are shared between the four (4) tenant spaces, which meet the intent of the Village's standards for off-street parking. The tenant will use less than their applicable share of parking stalls on the site and there are no known issues with parking or traffic in the area.*
- f. That the Special Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the Village Board

pursuant to the recommendation of the Plan Commission. The Village Board shall impose such conditions and restrictions upon the premises benefited by a Special Use Permit as may be necessary to ensure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the general intent of this Ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this Ordinance.

- *The Petitioner has indicated that they will meet all other Village ordinances and codes.*
- g. The extent to which the Special Use contributes directly or indirectly to the economic development of the community as a whole.
- *The Special Use will contribute to economic development within the Village because it will occupy a vacant tenant space and provide goods and services that complement the surrounding area's businesses and increase area employment.*

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

## MOTION TO CONSIDER

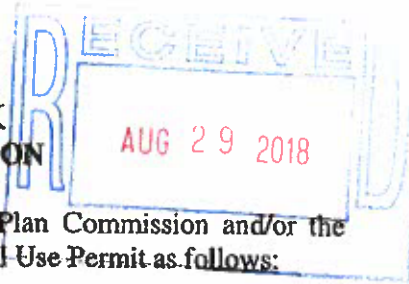
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If the Plan Commission wishes to take action, an appropriate wording of the motions would read:

“... make a motion to recommend that the Village Board grant the Petitioner, Ferguson Enterprises, Inc., a Special Use Permit to operate a business involving retail and wholesale, incidental, similar and compatible to a permitted principal use (warehousing, wholesale, and/or distribution) at 7950 185<sup>th</sup> Street, Suite A-C in the ORI PD (Office and Restricted Industrial, Hickory Creek Planned Unit Development) Zoning District and adopt the Findings of Fact proposed by Village Staff and the Plan Commission at this meeting.”

*...with the following conditions: [any conditions that the Commissioners would like to add]*

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



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

**A. Petitioner Information:**

Name: Ferguson Enterprises, Inc. ATTN: Andrew Joseph  
Mailing Address: 12500 Jefferson Avenue  
City, State, Zip: Newport News, VA 23602-4314  
Phone Numbers: [REDACTED] (Day) Fax Number: \_\_\_\_\_  
\_\_\_\_\_(Evening)  
\_\_\_\_\_(Cell)  
Email Address: andrew.joseph@ferguson.com

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

~~Lessee~~

**B. Property Information:**

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

Property Owner(s): Gramercy Property Trust  
Mailing Address: 90 Park Avenue, 32nd Floor  
City, State, Zip: New York, NY 10016

Property Address: 7950 W. 185th Street Tinley Park, IL 60477  
Permanent Index No. (PINs) 18-04-01-01-009-0000 7950 185th St 18-04-01-101-007-0000, 7950 185th St A 18-04-01-101-009-0000, 7950  
Existing land use: Industrial/ Warehouse  
Lot dimensions and area: 350' x 600' / 216,158.44 Square Feet

**C. Petition Information:**

Present Zoning District: ORI PD (Office and Restricted Industrial District)  
Requested Zoning District: ORI PD with accessory B-3 Retail use for a furnishing and fixture showroom

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

Yes ☒ No ☐

If yes, identify the proposed use: To build a showroom for bath & kitchen furnishing and fixtures as an accessory to the main use.

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

Yes ☐ No ☒

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

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

8/29/18  
Date

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

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

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

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

Tenant desires to operate a bath and kitchen fixture & appliance showroom as an accessory to the primary use of the lease premises. The proposed Special Use will not be detrimental, or endanger public health, safety, morals, comfort or welfare of Tinley Park citizens but will enhance the shopping options for those remodeling. ■

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

The proposed use would enhance the current building interior and present a substantial financial investment by Tenant to the building.

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

The proposed Special Use will be contained to the interior the demised premises, and therefor not impede the normal and orderly development of surrounding properties.

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

The proposed special use will not require any additional capacity to service the space other than potentially power requirements for lighting displays.

- E. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.**

The proposed special use is a destination retail use, and will not generate trips/traffic beyond that of an ordinary office tenant.

- F. That the Special Use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the Village Board pursuant to the recommendation of the Plan Commission.**

The proposed special use shall conform to existing zoning laws and PUD requirements

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

Ferguson Enterprises, Inc. showrooms provide a bath/kitchen & fixture solution to surrounding populations of property owners, tenants, tradesman and contractors.



Ferguson Enterprises, Inc.

Special Use Application  
10,494/SF Bath, Kitchen & Lighting  
Gallery

7950 W. 185<sup>th</sup> St. Suites A & C  
Tinley Park, IL

 **FERGUSON®**

# I-80 Commerce LLC Special Use Permit Authorization

Hey Tom,  
If Ferguson will sign the lease now with similar language, then yes, Gramercy will allow them to pursue the special use permit. Please have Ferguson's counsel spin a draft back and let's target to have executed no later than the end of the week. Agreed?

Joshua Hearn, SIOR  
Principal

One Lincoln Centre | 18W140 Butterfield Rd, Suite 120 | Oakbrook Terrace, IL 60181

[www.gramercy.com/800.746.1481](http://www.gramercy.com/800.746.1481)

Confidentiality Note: This email may contain confidential and/or private information. If you received this email in error please delete and notify sender.

On Aug 28, 2018, at 10:35 AM, Sorrell, Tom @ Baltimore <[Tom.Sorrell@cbre.com](mailto:Tom.Sorrell@cbre.com)> wrote:

Josh,

Good solution. Ferguson agrees. Can you get me a confirmation from Gramercy that we can pursue the Special Use for their property? It's a requirement of the application.

Thanks

Tom Sorrell | Senior Transaction Manager  
CBRE | Advisory & Transaction Services | Occupier  
100 East Pratt Street 17th Floor | Baltimore, MD 21202

[tom.sorrell@cbre.com](http://tom.sorrell@cbre.com) | [LinkedIn](#) | [Twitter](#) | [Weibo](#)

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# Owner of Record– I-80 Commerce Center LLC AKA Gramercy Property Trust

Default view | Print view | Text view

**County**  
(Name)  
Weld

**Parcel PIN**  
(PIN with County Information link, Address)  
19-09-01-101-009-0000, 7950 185th St  
19-09-01-101-009-0000, 7950 185th St A  
19-09-01-101-009-0000, 7950 185th St C  
19-09-01-101-009-0000, 7950 185th St D  
19-09-01-101-009-0000, 7950 185th St F

**Parcel Area**  
(Geographic)  
2.96 158.44 Square Feet

**Community**  
(Name, Government Type)  
Triley Park, Village

**Address**  
(Address, PIN with County Information link)  
7950 185th St A, 19-09-01-101-009-0000  
7950 185th St C, 19-09-01-101-009-0000  
7950 185th St D, 19-09-01-101-009-0000  
7950 185th St F, 19-09-01-101-009-0000  
7950 185th St, 19-09-01-101-009-0000

**County Information Group:**

**Property**  
(Owner, Square Footage, Assessed Value)

<b>Assessment Year</b>	2017
<b>Owner Name</b>	I-80 Commerce Center Llc
<b>Land Square Footage</b>	5.07
<b>Building Square Footage</b>	
<b>Building Assessed Value</b>	\$654,624
<b>Land Assessed Value</b>	\$239,132
<b>Total Assessed Value</b>	\$1,093,756

(Click here for county information)

**Service Group:**

**Fire Protection Service Area**

## Ferguson Bath & Showroom Narrative

- Ferguson is pursuing a lease of 32,458/SF at the subject property to build-out of 10,494/SF bath, kitchen & lighting gallery, 15,341/SF wholesale distribution warehouse, 3,148/SF sales/will call counter and 2,091/SF of administrative offices. Operating between 8am – 6pm, the showroom component of the operation will primarily cater to contractors, designers and their customers as a premier destination for the sale of the latest concepts of quality home fixtures and appliances.
- Showroom employment staff will consist of four (4) dedicated sales associates to assist customer in the selection, twelve (12) office associates including managers, two (2) Counter associates, two (2) warehouse associates, and two (2) drivers; for a total of (22) when fully staffed.
- The Ferguson showroom presents customers with a concierge-quality shopping experience, The opportunity to see products in action, unrivaled access to the widest selection of products, one-on-one consultation with a dedicated product expert, industry-leading service after the sale, and dependable order delivery where and when you need it. This location will be similar to other Ferguson plumbing branches that have a showroom component attached.

# Property Plat & Legal Description



## TRACT 1:

LOTS 1 THRU 6 IN TIDLEY PARK CORPORATE CENTER, BEING A SUBDIVISION OF PART OF FRACTIONAL SECTION 6, TOWNSHIP 35 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN LYING NORTH AND SOUTH OF THE INDIAN BOUNDARY LINE, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 19, 2017 AS DOCUMENT 1710929052, IN COOK COUNTY, ILLINOIS.

## TRACT 2:

### PARCEL 1:

LOTS 9 AND 10, (HEREINAFTER, RESPECTIVELY, "LOT 9", AND "LOT 10" AND COLLECTIVELY, THE "LAND") IN HICKORY CREEK CORPORATE CENTER UNIT 2, BEING A SUBDIVISION OF THAT PART OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 35 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 31, 2001, AS DOCUMENT NUMBER R2001-148202 AND AMENDED BY CERTIFICATE OF CORRECTION NUMBERS R2001-157981, R2001-161606, R2001-161607 & R2001-161608, (HEREINAFTER, THE "PLAT") IN WILL COUNTY, ILLINOIS.

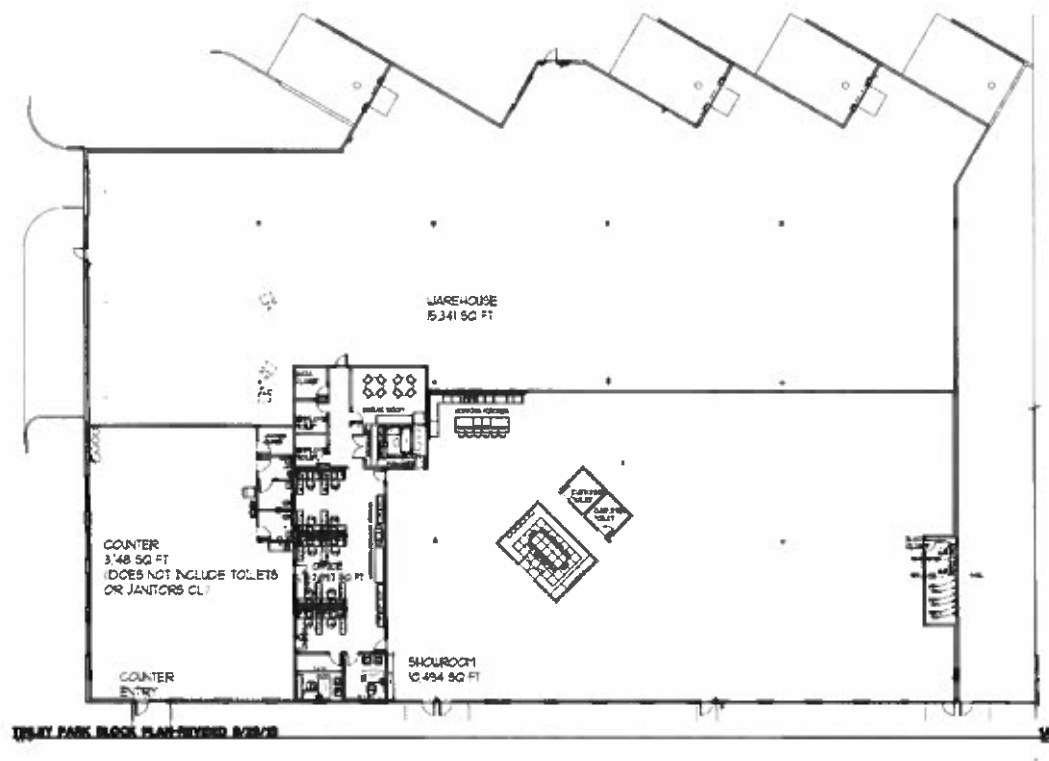
### PARCEL 2:

A NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY THE PLAT AFORESAID FOR THE PURPOSE OF DRAINAGE OVER LOT 8 IN HICKORY CREEK CORPORATE CENTER UNIT 2, AFORESAID.

### PARCEL 3:

NON-EXCLUSIVE EASEMENTS FOR THE BENEFIT OF PARCEL 1, TRACT 2 AS CREATED IN A DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR HICKORY CREEK CORPORATE CENTER RECORDED DECEMBER 15, 1999 AS DOCUMENT NO. R1999152476 AND SUPPLEMENTAL DECLARATION OF COVENANTS, EASEMENTS AND RESTRICTIONS FOR HICKORY CREEK CORPORATE CENTER RECORDED DECEMBER 20, 2001 AS DOCUMENT NO. R2001179234, IN WILL COUNTY, ILLINOIS.

## Conceptual Space Plan – Showroom Location





# Tinley Park Distribution Center

7950 W. 185th St | Tinley Park, Illinois

## Highlights

- Class A pre-cast industrial building
- Professional management
- Newer construction
- Ample parking
- Low Will County taxes
- Well located right off I-80 with 4-way interchange at Harlem

## Details

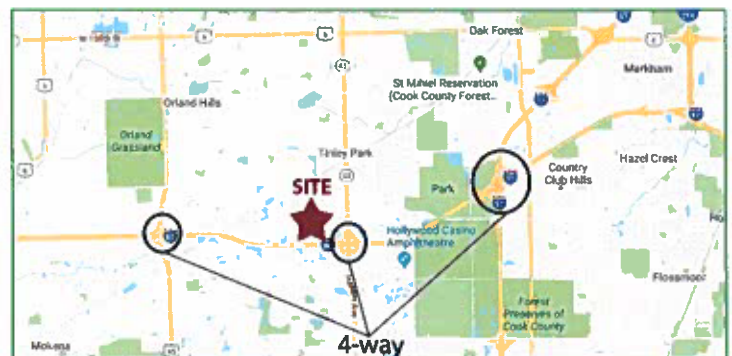
- Total Bldg: 79,022 SF
- Clear Height: 24'
- Columns: 36' x 43'
- Parking: 2,071,000 SF
- Year Built: 2002
- Lights: T5's on motion sensors
- Sprinklers: ESFR

## Available

- Unit A & C: 32,417 SF
- Office: 2,500 SF
- Docks: 3
- Drive in Doors: 4 total (3 - 12'x14' and 1 - 9'x10')
- Power: 250 Amps / 480 Volt / 3 phase

## Pricing

- Lease Rate: \$6.25 PSF Net



For More Information, Contact:

Joshua Hearne, SIOR

jhearne@cawleychicago.com

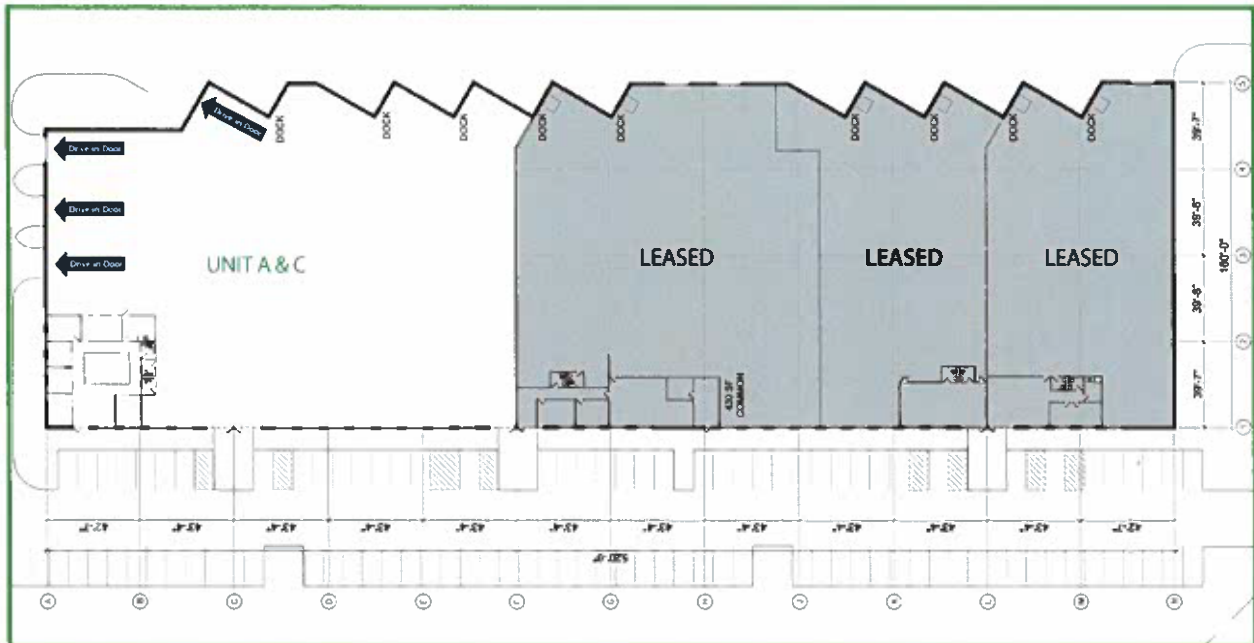
Michael O'Leary

moleary@cawleychicago.com



# Building Plan

7950 W. 185th St | Tinley Park



For More Information, Contact:

Joshua Hearne, SIOR

jhearne@cawleychicago.com

Michael O'Leary

moleary@cawleychicago.com





# PLAN COMMISSION STAFF REPORT

SEPTEMBER 20, 2018

## Veterinary Clinic of Tinley Park

17745-17749 Oak Park Avenue

### Petitioner

Dr. Cynthia M. Cecott

### Property Location

17745-17749 Oak Park Avenue

### PIN

28-31-208-007-0000

28-31-208-006-0000

### Zoning

Neighborhood General (NG)

### Approvals Sought

Site Plan  
Variations

### Project Planner

Kimberly Clarke  
Planning Manager



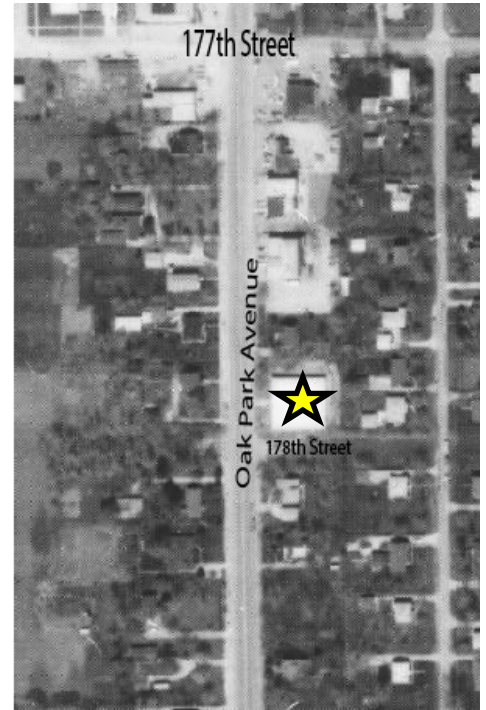
## EXECUTIVE SUMMARY

The Petitioner, Dr. Cynthia M. Cecott, is requesting Site Plan approval and Variations from the Legacy Code. The Variations will permit the petitioner to complete site improvements that exceed the maximum 50% property value threshold for the property to remain classified as a Heritage Site and a Variation of 19 parking spaces from the 27 required parking spaces. These Variations will allow the petitioner to modify the existing façade, remodel the interior space to expand the Veterinary Clinic, add an additional 2,565 square feet within the existing footprint of the building, install signage and lighting and make the necessary landscape improvements consistent with Code requirements. The costs of the Voluntary improvements exceeds the 50% property value threshold for Heritage Sites located at 17745-17749 Oak Park Avenue in the Neighborhood General (NG) Zoning District.

## EXISTING SITE & HISTORY

The subject site consists of two (2) parcels 15,827 square foot in total area with a 6,720 square foot single-story building constructed sometime before 1970 that is currently divided into three (3) tenant spaces. The only tenant currently is the Veterinary Clinic which is looking to expand into the second unit and rent out the third unit to another commercial tenant. It does not appear the exterior of the building has been modified since its original construction.

The site is located at the northeast corner of Oak Park Avenue and 178<sup>th</sup> Street. There is a small parking area at the north side of the property and on-street parking on the south side of the building. In 2008, the Village and the then owner entered into a Parking Use and Maintenance Agreement to allow the continued use of the parking on the west and south side of the property that encroached on the Village's R.O.W. The agreement allowed the owner of the property and its tenants the non-exclusive use of the parking. The owner was responsible for maintaining these parking stalls free of litter, snow, and debris. In 2015, the parking stalls in the front of the building along Oak Park Avenue were removed and replaced with the landscaping that exists today (See Google Earth images below). A change of use triggered the site to meet the intent of the Village's Landscape and Zoning ordinances but by doing that, it reduced the off-street parking for the property by approximately seven (7) stalls. The intent of removing front yard parking is to increase pedestrian and vehicle safety by limiting vehicles that back out directly onto a sidewalk and public street. It should be noted the front parking stalls were partially on the Villages R.O.W. and the parking stalls along 178<sup>th</sup> Street are entirely on R.O.W.



Source: CMAP 1970 Aerial Photo



Source: Google Earth 4.2.13



Source: Google Earth 4.30.15



## ZONING & NEARBY LAND USES

The subject property (see the yellow star on the graphic below) is zoned Neighborhood General (NG) and is within the Legacy District. According to Section XII.2.D.1. of the Village of Tinley Park Zoning Ordinance, the NG Zoning District is characterized by a variety of lot sizes and building scales, with multi-family dwellings as the primary use and is *"intended to help transition existing single-family houses and commercial uses into multi-family uses."* This property is classified as a Heritage Site since its commercial use existed lawfully prior to the adoption of the Legacy Code. It will remain classified as a Heritage Site as long as any voluntary, private-owner initiated modification to the property does not exceed 50% of the property's market value. If the proposed improvements exceed the 50% threshold the property will be considered a Redevelopment Site and due to the regulations of the NG District, it can no longer operate as a stand-alone commercial structure.

Nearby land uses include single-family residential and commercial properties to the north and east (zoned R-3 in yellow and NG in purple), a vacant lot to the south (zoned NG in purple), single-family attached and commercial properties to the west (zoned R-6 in brown and NG in purple). The vacant lot to the south was previously a commercial building that was an Italian restaurant from 1994 to 2008 and in 2011 changed ownership and became a different restaurant called Carms Beef. The property was issued a demolition permit in 2017 and has remained vacant. There were two structures on the parcel immediately to the north, which was once occupied by a Plumbing Supply Company. This property was purchased by the owners of Bailey's Restaurant and Bar in 2012 and shortly thereafter razed the structures, consolidated the lots and constructed the parking lot that exists today.

The 178<sup>th</sup> Street right-of-way (ROW), located on the south side of the subject property is only improved to the eastern edge of the property. Despite the dedication of 178<sup>th</sup> Street from the eastern edge of the subject property east to 66<sup>th</sup> Court, there are no plans for its improvement or connection.



## PROPOSED USE

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Early this year, the business owner of the Veterinary Clinic, Dr. Cynthia M. Cecott, purchased the building she has been leasing since June of 2009. A condition of the financing for the purchase of the building requires the Veterinary Clinic to occupy 50% of the building to satisfy their small business loan; therefore the Vet Clinic will be expanded their business into the adjacent tenant space and occupy approximately 66% of the building.

The Petitioner has been operating their Veterinarian Clinic at 17745 Oak Park Avenue for the past nine (9) years. They are a full-service veterinary medical facility providing services such as dental care, vaccinations, wellness exams, surgery, radiology, ultrasounds, pain management, puppy and kitten care and microchipping. The owner wishes to expand their existing Veterinarian clinic an additional 2,072 square feet into the adjacent vacant unit. The proposed expansion of space will provide for more exam rooms, increased storage, an improved surgery room and a larger lobby area. Currently, there is a total of four (4) employees employed at the clinic comprised of one (1) doctor, two (2) veterinary technicians and one (1) receptionist. With the expansion, the total number of employees is expected to increase up to eight (8) employees. Their proposed hours of operations are as follows:

Hours of Operation are:

- Monday-Friday: 8:00am to 6:00pm
- Sat: 8:00am-12:00pm
- Sunday: Closed

## HERITAGE SITES AND NEED FOR A VARIATION

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

The expansion of the Veterinarian Clinic and the proposed exterior façade improvements are voluntary, private owner initiated site improvements that will exceed 50% of the property’s market value. The Petitioner is seeking a Variation to exceed the 50% threshold based upon their current plans. When the Petitioner purchased the property, it was their desire to expand their current space to meet the needs of their client demand and to provide for better animal care. In addition, they wished to improve the curb appeal by painting the façade and screen the rooftop air units from Oak Park Avenue. The Variation process provides the Plan Commission the opportunity to place certain conditions on the Variation to mitigate any concerns with these proposed improvements.

## SITE PLAN

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The proposed Site Plan as shown on Sheet A-0.1. proposes few modifications to the site, other than those required per Section XII.2.D.11.d. of the Zoning Ordinance. A change of owner triggers certain required improvements as listed in the image of Table 2.D.8. below.

*d. Required Improvements*

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

Table 2.D.8

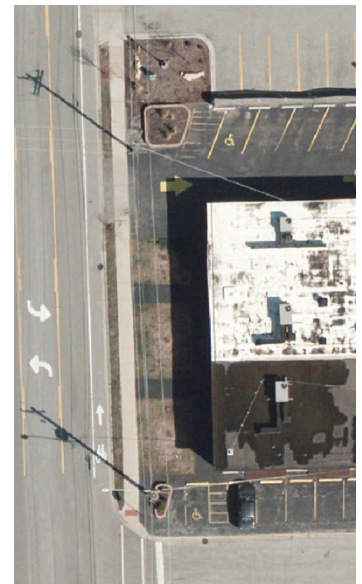
Staff inspected the site and noted areas where the required improvements can be made. Per the chart above, the change of ownership requires an alley dedication at the rear of the building. Currently, both the subject site and the immediate property to the north have their dumpsters located in the area where the future alley will be constructed. The purpose of the alley system is to provide rear access to the entire block and reduce the number of curb cuts on Oak Park Avenue which increases the walkability and safety of the area. As with other redevelopment projects in the Legacy District, the Village has required a 25' alley easement in lieu of the dedication until such time the alley is fully dedicated or improved.

**Open Item #1: Staff recommends a condition of the Site Plan Approval and Variations require the granting of a 25' alley easement in the rear of the property.**

## LANDSCAPE

The property is void of any significant landscaping with the exception of two (2) planter beds located at the northwest and southwest corners of the property. The front yard landscape includes asphalt walkways connecting the public sidewalk with tenant entryways. The new landscape plan proposes the removal of the two (2) asphalt paths and replace it with a lawn area and install three (3) new shade trees. (The Landscape Plan does not specify tree species and therefore is considered incomplete). The concrete parking wheel stops that line the north side of the building will be removed and replaced with new planter boxes under the windows. The Plan does not provide for parkway trees which are required to be placed no greater than 25' apart.

**Open Item #2: Revise Landscape Plan to include tree species and installation specifications which includes parkway trees along Oak Park Avenue.**



## ARCHITECTURE

The exterior façade needs maintenance on the existing fascia. The owner plans to replace the existing fascia with a new metal gray fascia and construct a new ribbed metal parapet to screen rooftop HVAC units that are highly visible from Oak Park Avenue. Lastly, the entire building's existing brick façade will be painted gray. These façade improvements are minor but will give the building some additional dimension and curb appeal.

## SIGNAGE



The Petitioner is proposing a new wall sign for the Veterinary Clinic along the top of the new metal fascia on the front of the building. A secondary sign is proposed on the front wall of the building which is a silhouette of a dog and cat. It is unclear if the signage on the fascia is illuminated and if the silhouette of the dog and cat is a painted image. The Legacy Code allows a wall sign to be 1 square foot in sign area for each lineal foot of primary or entry side building width. The Veterinary Clinic's frontage is approximately 160 lineal feet. Signs may be backlit, or illuminated by spotlights. The Commission may wish to discuss the opportunity for a projecting or blade sign that might be illustrative of the veterinary use of the building, such as a sign in the shape of a dog. If the silhouette is painted on the brick wall it is considered a mural; mural signs are prohibited in the Legacy District.



**Open Item #3: Discuss appropriateness of proposed signs.**

## PARKING

Per Section XII.2.D.10.c., the site is required to have 27 parking stalls (4 spaces per 1,000 s.f.). The site has eight (8) angled parking stalls on the north side of the building and ten (10) on-street parking stalls just south of the building along 178<sup>th</sup> Street. The on-street parking on the south side of the building includes one (1) ADA stall closest to the front of the building. The on-site parking area will need to comply with ADA requirements and provide one (1) ADA stall. The parking south of the building is entirely on the Village's R.O.W. and cannot be included in the parking calculations for the site. As mentioned earlier, the previous owner was required to enter into a Parking Use and Maintenance Agreement to be permitted to utilize the parking stalls that encroached on the Village's R.O.W. Staff is working with the Village Attorney to determine if a new agreement will be required with the new owner.

**Open Item #4: The on-site parking lot must be ADA compliant.**

**Open Item #5: Investigate the need for a Parking Use and Maintenance Agreement**

The property owner is required to install a bike rack that allows parking for one (1) bike per Section X11.2.D.10.c. of the Zoning Ordinance.

**Open Item #6: Staff recommends a condition of the Site Plan approval require the installation of a bike rack to provide parking for at least one (1) bike.**

## LIGHTING

The existing light fixtures on the building are older and do not comply with current Village's standards for glare (see image to the right). Staff recommends that all the wall mounted light fixtures be replaced with lights that conform to the *Legacy Code*. The architect has agreed to make revisions to the elevations that propose new light fixtures.

**Open Item #7: Staff recommends a condition of the Site Plan approval require all nonconforming exterior light fixtures be replaced with lights that conform to the Villages regulations for glare.**



## VARIATION

1. **A Variation from Section XII.2.D.10.b to allow the Heritage Site Standards to exceed 50% of the property's market value in site improvements.** The subject property and its current use as a Veterinarian Clinic is a conforming use as a Heritage Site; however, the proposed improvements will exceed the 50% threshold as a Heritage Site thereby prohibiting the property to continue its use as a stand-alone commercial property. In order for the Petitioner to continue its use as a stand-alone commercial use, a Variation is required.

This will be the first Variation request from the 50% threshold for a Heritage Site. As such, staff created some standards to consider for this particular type of Variation. When reviewing this request Staff took into consideration the following:

- The condition of the existing building: The building is in sound condition with the exception of some maintenance issues related to the fascia.
- The ownership of the property (owner-occupied): The new property owner will continue to operate their business in this location.
- The longevity of the existing non-conforming use: The property owner has occupied the building for nine (9) years.
- The ability for the property to be converted to function as mixed-use: Discussions with the Architect suggests that a second-story to accommodate residential uses is cost prohibitive. It is also questionable if living above a Veterinarian Clinic would be desirable due to the potential for noise from the animals.
- The impact of the continuation of the non-conforming use on the redevelopment potential of the area: The property is located at the end of the block and if it were to remain as a commercial property it would not interfere with the rest of the block's ability to redevelop following the code requirements. It is also important to note that the property directly to the north is a viable business that in 2012 purchased additional property to expand their parking lot. It is likely this property will remain a commercial use for a long time. The residential properties to the east of this property are screened from the property by a privacy fence. The townhomes to the west across Oak Park Avenue are screened from this property with the landscaping that was installed when the subdivision was created. The proposed landscaping improvements and rooftop screening will further reduce any impacts of this commercial property from adjacent residential homes.

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

***Open Item #8: Consider granting a Variation to exceed the 50% site improvements on a Heritage Site in the NG (Neighborhood General) Zoning District.***

2. **A nineteen (19) parking stall Variation from Section XII.2.D.10.c. (Table 2.D.7) to reduce the required number of street-level commercial parking to eight (8) parking stalls where the required number is twenty-seven (27) parking stalls.** Although the site is unable to provide adequate parking per Code there are 10 on-street parking spaces that can be dedicated to this use through a Parking Use and Maintenance Agreement. This will reduce the deficiency to nine (9) parking spaces. It is unknown if or when 178<sup>th</sup> Street will be continued easterly, and until then it remains a dead end street. Allowing on-street parking on this portion of 178<sup>th</sup> Street will not increase the traffic or congestion on the roads and will help to provide the necessary parking for the property. It should be noted that the existing parking condition will limit the type of business that may lease the vacant unit.

***Open Item #9: Considering granting a Variation to reduce the required number of parking stalls.***

## **SUMMARY OF OPEN ITEMS**

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

1. *Staff recommends a condition of the Site Plan Approval and Variations require a 25' alley easement in the rear of the property.*
2. *Consider placing parkway trees along Oak Park Avenue.*
3. *Provide staff with more details of the proposed signs.*
4. *The on-site parking lot must be ADA compliant.*
5. *Investigate the need for a Parking Use and Maintenance Agreement with the new owner to maintain parking stalls on 178<sup>th</sup> Street.*
6. *Require the installation of a bike rack to provide parking for at least one (1) bike.*
7. *Condition the Site Plan approval on requiring all nonconforming exterior light fixtures be replaced with lights that conform to the Villages regulations for glare.*
8. *Consider granting a Variation to exceed the 50% threshold for cost of site improvements on a Heritage Site in the Neighborhood General (NG) Zoning District.*
9. *Considering granting a Variation to reduce the required number of parking stalls.*

## RECOMMENDATION

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Following a successful workshop, proceed to a Public Hearing at the October 04, 2018 Plan Commission meeting.

## STANDARDS FOR SITE PLAN APPROVAL

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Section III.T.2. of the Zoning Ordinance requires that Planning Staff must find that the conditions listed below must be met. Staff will prepare draft responses for these conditions within the next Staff Report.

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

## **STANDARDS FOR A VARIATION**

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

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.
2. The plight of the owner is due to unique circumstances.
3. The Variation, if granted, will not alter the essential character of the locality.
4. Additionally, the Plan Commission shall also, in making its determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the Petitioner have been established by the evidence:
  - a. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
  - b. The conditions upon which the petition for a Variation is based would not be applicable, generally, to other property within the same zoning classification;
  - c. The purpose of the Variation is not based exclusively upon a desire to make more money out of the property;

- d. The alleged difficulty or hardship has not been created by the owner of the property, or by a previous owner;
- e. The granting of the Variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
- f. The proposed Variation will not impair an adequate supply of light and air to an adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

**Additional Standards Specific to a Parking Variance:** The number of off-street automobile and/or bicycle parking spaces required in all districts may be reduced by a variance reviewed by the Plan Commission and approved by the Village Board following the variance standards in Section 3.C and when all of the following standards are met:

- a. The development does not have the benefit of shared or collective parking;
- b. The applicant proves that adequate parking exists for such use, based on the unique number, type and use characteristics (i.e., peak hour or day) of those businesses or residences that currently use such a lot;
- c. A municipal or commuter parking lot exists within 300 feet of the development that has adequate parking to accommodate all or a portion of the number of required spaces for the use;
- d. The owner of the building makes a payment equal to \$1,000 per required automobile and bicycle parking space that cannot be provided on the subject lot. The fees collected for the payment in lieu of parking will be used only for the acquisition of land or construction of municipally owned or leased off street parking facilities for automobiles or bicycles; landscape or streetscape; bike trails, lanes, or paths; or maintenance or illumination of off-street parking facilities.

## LIST OF REVIEWED PLANS

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Submitted Sheet Name		Prepared By	Date On Sheet
A0.1	Preliminary Site Plan	LG	7-17-18
A4.0	Preliminary Elevations	LG	7-17-18
A1.0	Preliminary Floor Plan	LG	
	Plat of Survey		9-15-01
	LG = Linden Group		

**VILLAGE OF TINLEY PARK**  
**APPLICATION FOR ZONING ORDINANCE VARIANCE**

The undersigned hereby Petitions the Village of Tinley Park Zoning Board of Appeals and/or Plan Commission to consider a Variation from the terms of the Zoning Ordinance as follows:

**PETITIONER INFORMATION**

Name: Cynthia M. Cecott, Veterinary Clinic of Tinley Park

Mailing Address: 17745 Oak Park Ave.

City: Tinley Park State: IL Zip: 60477

Day Phone [REDACTED] Evening Phone [REDACTED]

Cell Phone [REDACTED] Fax Number [REDACTED]

Email Address: opa17745@sbcglobal.net

Nature of Petitioner's Interest in the property and/or relationship to the owner:  
(Applications received on behalf of the owner of record must be accompanied by a signed letter of authorization).

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**PROPERTY INFORMATION**

Street Address: 17745 - 17749 Oak Park Avenue

Owners: Cynthia M. Cecott

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**SPECIFIC TYPE OF VARIANCE REQUESTED (See Examples Below):**

We are requesting relief from the 50% site improvement threshold for non conforming Heritage Sites located in Neighborhood General District of the Legacy Plan. This relief is being requested for the following improvements:

1. Facade and landscape improvements to the exterior.
2. Build-out expansion of the existing veterinary clinic into currently vacant space (2,480s.f.).
3. New tenant build-out for remaining vacant space (1,925 s.f.).

Examples of Specific Type of Variance Requested:

This refers to the exact number of feet, the exact dimensions of a structure, exact height/type of fence.  
For example:

"A 15 foot Variance to the Front Yard Setback on the East side of the property to allow for a 6-foot tall cedar fence on this corner lot."

"A 180 square foot variance to the 720 square foot maximum allowable size of an accessory structure to allow for a 30 foot or 900 square foot garage on this residential property."

"A 10 foot variance to the 10 foot maximum allowable height for a sign to allow for a 20 foot high monument sign on this commercial property."

This variation is being requested because the proposed improvements exceed the value/cost restriction placed on non conforming heritage sites located in the neighborhood general district. Improvements are restricted to 50% of market value (\$315,648), allowing only for \$157,824 in voluntary improvements. Note proposed improvements listed below:

1. Facade and landscape improvements to the exterior valued at \$75,000. These improvements are being proposed to provide much needed maintenance to facade materials and to help curb appeal of the building on Oak Park Avenue.
2. Build-out expansion of the existing veterinary clinic into currently vacant space (2,480s.f.) is valued at \$300,000. The build-out expansion is being proposed for the following reasons: A. Building Owner/Veterinary Clinic of Tinley Park is required to occupy 50% of the building to satisfy their small business loan requirement established when building was purchased in early 2018. B. To allow the Veterinary Clinic of Tinley Park to expand their existing business to meet the needs of their client demand and to better meet the current standards of animal care services.
3. New tenant build out for remaining vacant space (1,925 s.f.) valued at \$150,000. This build-out tenant value is being requested to allow the property owner to market the remaining vacant leasable space to prospective businesses.

Total estimated value of proposed improvements is \$525,000 which exceeds the maximum allowed improvements of \$157,824.

“We would like to build an oversized garage on our property so that we may store our antique vehicle, snow mobiles, riding lawn mower, etc., inside, as well as our two other cars, which are currently parked in the driveway”

Date: 8-24-2018

Printed Name: Cynthia Cecotti

Current Zoning on Property _____	Present Use _____
----------------------------------	-------------------

## Notes

## **FINDINGS OF FACT**

### **ADDITIONAL INFORMATION TO BE PRESENTED TO SUPPORT A VARIATION REQUEST FROM THE TERMS OF THE VILLAGE OF TINLEY PARK ZONING ORDINANCE**

Section X.G.1 of the Village of Tinley Park Zoning Ordinance requires that the Zoning Board of Appeals determine compliance with the following standards and criteria. In order for a variance to be approved, the Petitioner must respond to all the following questions with facts and information to support the requested Variation:

- A. Describe the difficulty that you have in conforming with the **current** regulations and restrictions relating to your property, and describe how this hardship is not caused by any persons presently having an interest in the property. (Please note that a mere inconvenience is insufficient to grant a Variation). For example, does the shape or size of the lot, slope, or the neighboring surroundings cause a severe problem in completing the project in conformance with the applicable Ordinance requirement?

The current regulations restrict the Operating Business /Land Owner from being able to maintain their business, from meeting the requirements of their purchase loan agreement, from maintaining and improving the exterior of the building, and from accommodating possible future tenant needs.

- B. Describe any difficulties or hardships that **current** zoning regulations and restrictions would have in decreasing your property value compared to neighboring properties.

The 50% heritage site improvement restriction reduces the ability to maintain the building's value. It limits the capabilities of the existing veterinary practice to improve and maintain their business/building and reduces the likelihood of the building owner accommodating a new tenant in the vacant space of the building.

- C. Describe how the above difficulty or hardship was created.

The hardship was created by the rezoning of the property in the Legacy Code to Neighborhood General creating existing nonconforming commercial properties with-in the district. This has placed restrictions on the ability of the building owner to maintain their businesses and properties.

## FINDINGS OF FACT (CONTINUED)

- D. Describe the reasons this Variance request is unique to this property only and is not applicable, in general, to other properties within the same Zoning District.

This variance request is unique for the following reasons:

1. The building is a non conforming heritage site with an established business occupant/property owner
2. The occupant/property owner is required to occupy 50% of the building to meet the terms of their bank loan.
3. The building requires build-out improvements to accommodate prospective renters in vacant area.

- E. Explain how this Variance **would not** be regarded as an attempt at financial gain, but only because of personal necessity. For example, the intent of the Variance is to accommodate related living for an elderly relative as opposed to adding an additional income source.

This variance is of personal necessity to allow the building owner to protect recent purchase of the building by allowing it to be built-out and occupied by proposed users.

- F. Describe how granting this Variance request will not be detrimental to the public welfare or injurious to other properties or improvements in the neighborhood in which the property is located: (Example: fencing will not obstruct view of automobile traffic).

The requested variance will allow applicant to make required improvements and enhancements to the existing building and the site. It will not be detrimental to the public welfare or injurious to other properties.

- G. Explain how granting this Variance will not alter the essential character of the neighborhood or locality:

The requested variance will not alter the essential character of the neighborhood or locality. There are no proposed major changes to the existing site other than facade and landscape improvements.

## **FINDINGS OF FACT (Continued)**

H. Describe how the requested Variance **will not**:

1. Impair an adequate supply of light and air to adjacent properties.

The improvements to the building will not impair the supply of light or air to any adjacent property.

2. Substantially increase the congestion of the public streets.

No additional square footage has been added to the building and the overall occupant load of the building is to remain the same to the original design of the building.

3. Increase the danger of fire.

None of the improvements to the building would add to the danger of fire. As part of the proposed improvements the building will receive a new water service and Fire Suppression System.

4. Impair natural drainage or create drainage problems on adjacent property.

All changes made will not affect the drainage on the site. There will not be a change in impervious area proposed.

5. Endanger the public safety.

No changes to the building will affect endanger the public safety.

6. Substantially diminish or impair property values within the neighborhood.

The variance will allow us to make improvements to the property and the businesses within increasing the property value of the building and the neighborhood.



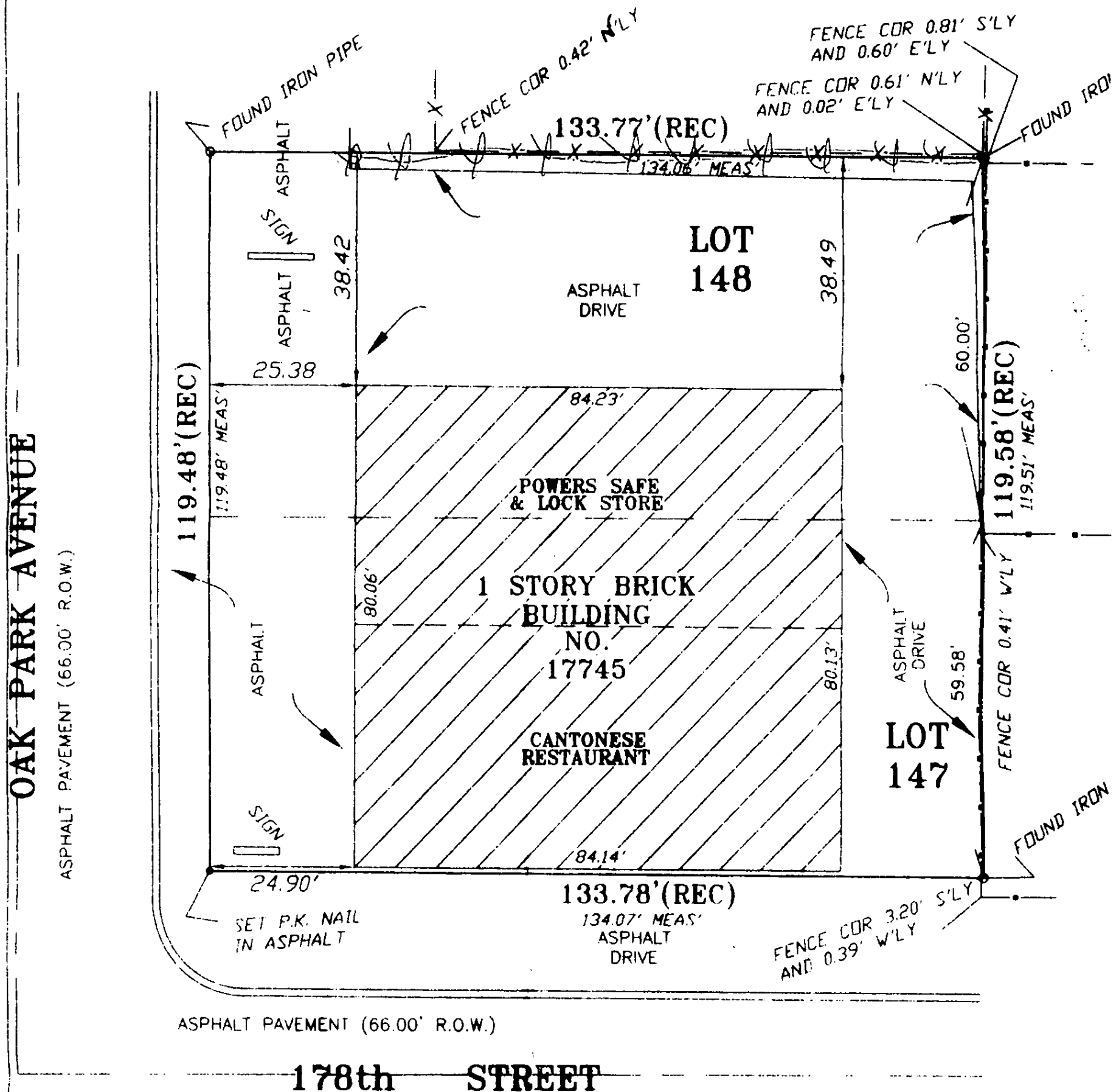
# CERTIFICATE OF SURVEY

8441 W. 191ST. STREET UNIT #5  
MOKENA, ILLINOIS 60448

BY  
MARSURCO, INC  
LAND SURVEYORS  
REGISTERED ILLINOIS LAND SURVEYORS

1-815-464-7070

LOTS 147 AND 148 IN O. REUTER AND COMPANY'S TINLEY PARK GARDENS, A SUBDIVISION OF THE SOUTH 60 ACRES OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 36 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



## GENERAL NOTES:

- 1) ALL DIMENSIONS ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF.
- 2) BEFORE STARTING ANY CONSTRUCTION OF IMPROVEMENTS OR FENCES, FIELD MONUMENTATION SHOULD BE ESTABLISHED.
- 3) COMPARE ALL DIMENSIONS BEFORE BUILDING AND REPORT ANY DISCREPANCIES AT ONCE. REFER TO DEED OR TITLE POLICY AND LOCAL ORDINANCES FOR RESTRICTIONS, BUILDING LINES AND EASEMENTS.
- 4) NO DIMENSIONS SHALL BE DERIVED FROM SCALE MEASUREMENTS.

FIELD WORK COMPLETED: 9/15/2001

SURVEY NO. 01-17473M

ORDERED BY CHEN.

SCALE 1" = 20'

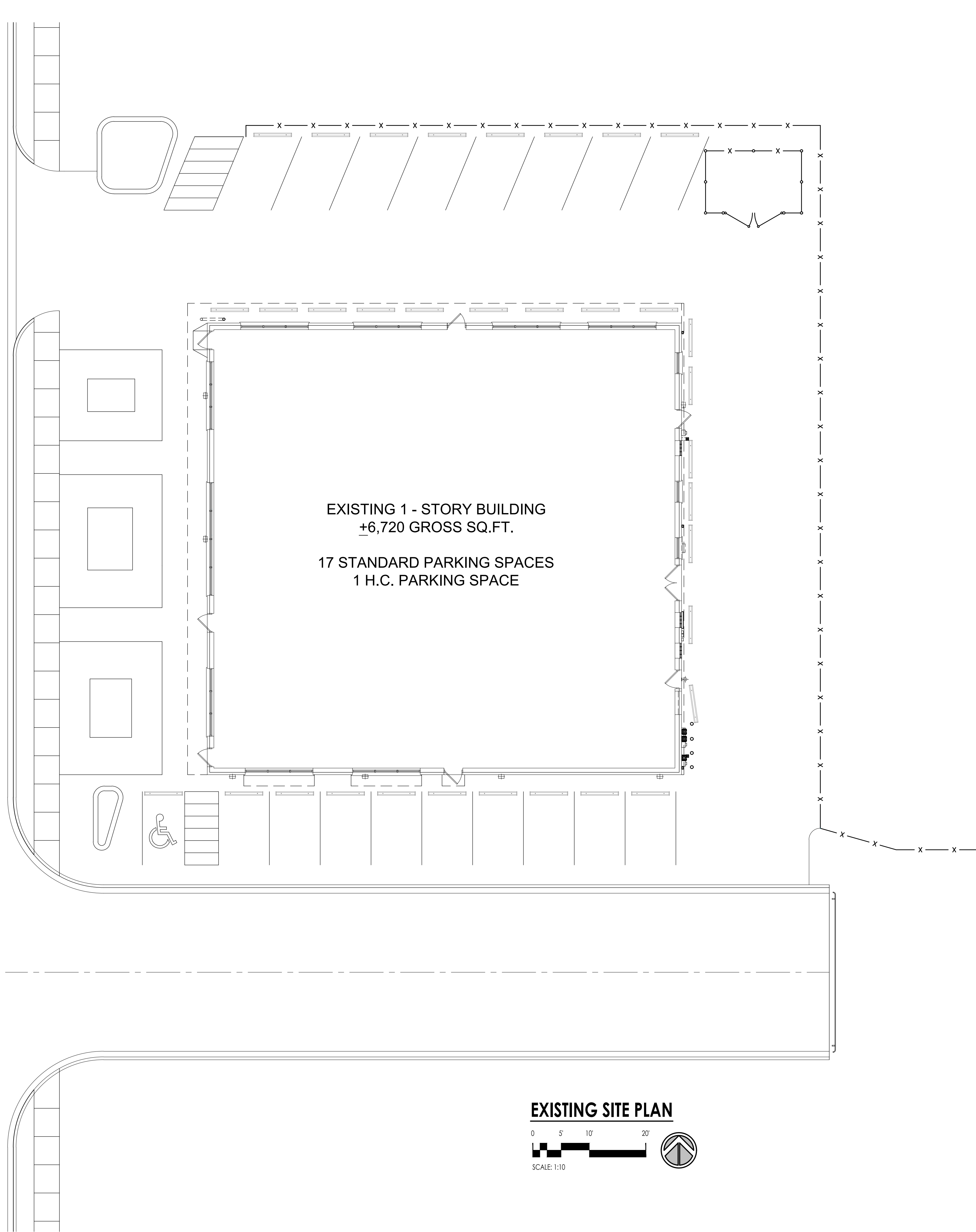
STATE OF ILLINOIS  
COUNTY OF WILL } SS:

WE, MARSURCO, INC LAND SURVEYORS, DO HEREBY CEI  
THAT WE HAVE SURVEYED FOR THE ABOVE DESCRIBED TRAC  
LAND AND THAT PLAT IS A CORRECT REPRESENTATION (C  
SURVEY

GIVEN UNDER MY HAND AND SEAL THIS 18TH  
DAY OF SEPTEMBER, A.D. 2001

ILLINOIS LAND SURVEYOR NO. 35-3054

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COMPANY  
16 W 361 S. Frontage Rd., Suite 106  
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(630) 734-0883  
JASON@RWE MANAGEMENT.COM

Veterinary Clinic  
of Tinley Park  
17745 - 17749 Oak Park Ave.  
Tinley Park, IL

DRAWN DESCRIPTION  
DATE

2018-0044  
PROJECT NUMBER

FILE NUMBER  
5-22-2018  
DATE

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FINAL REVIEW

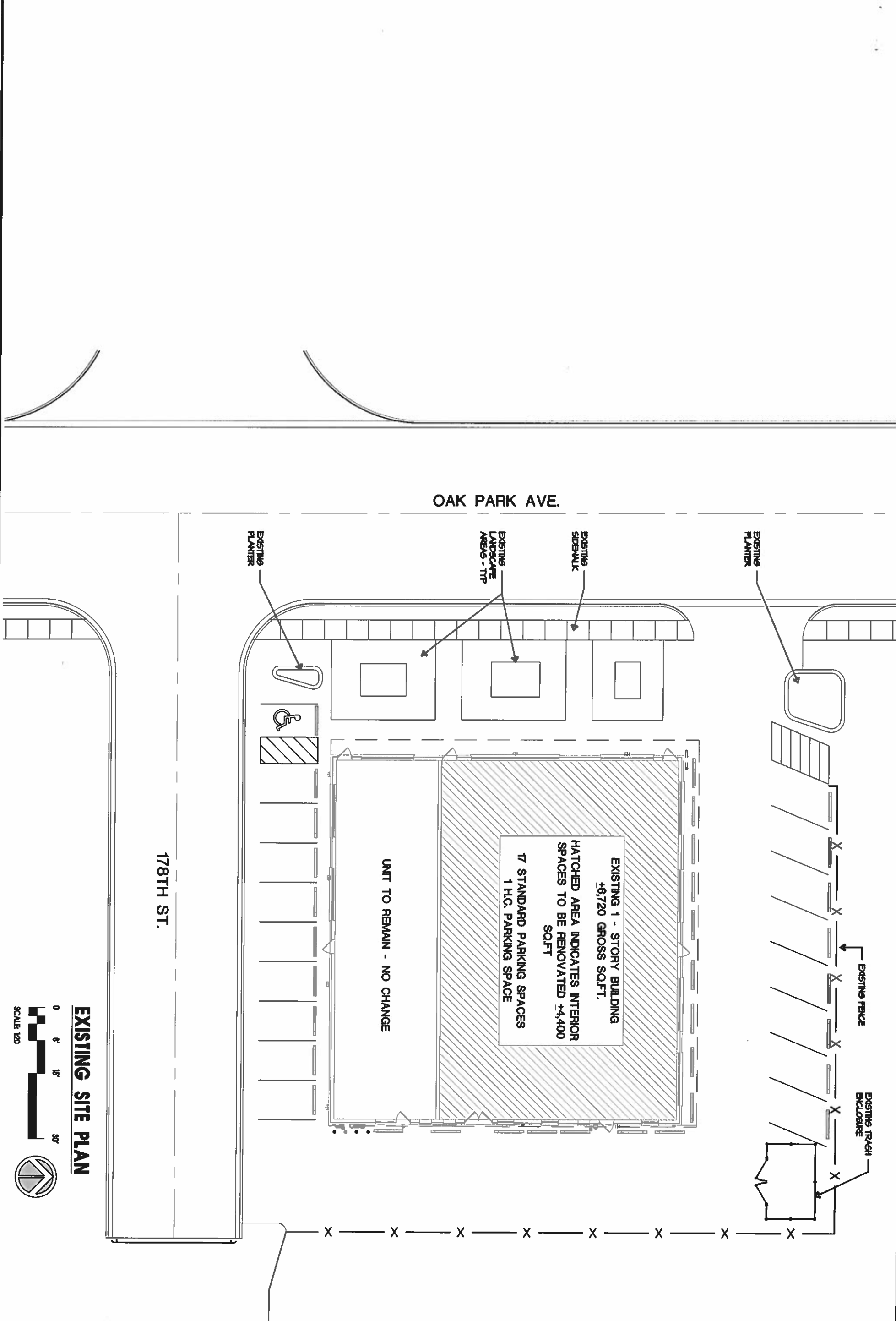
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SHEET NAME

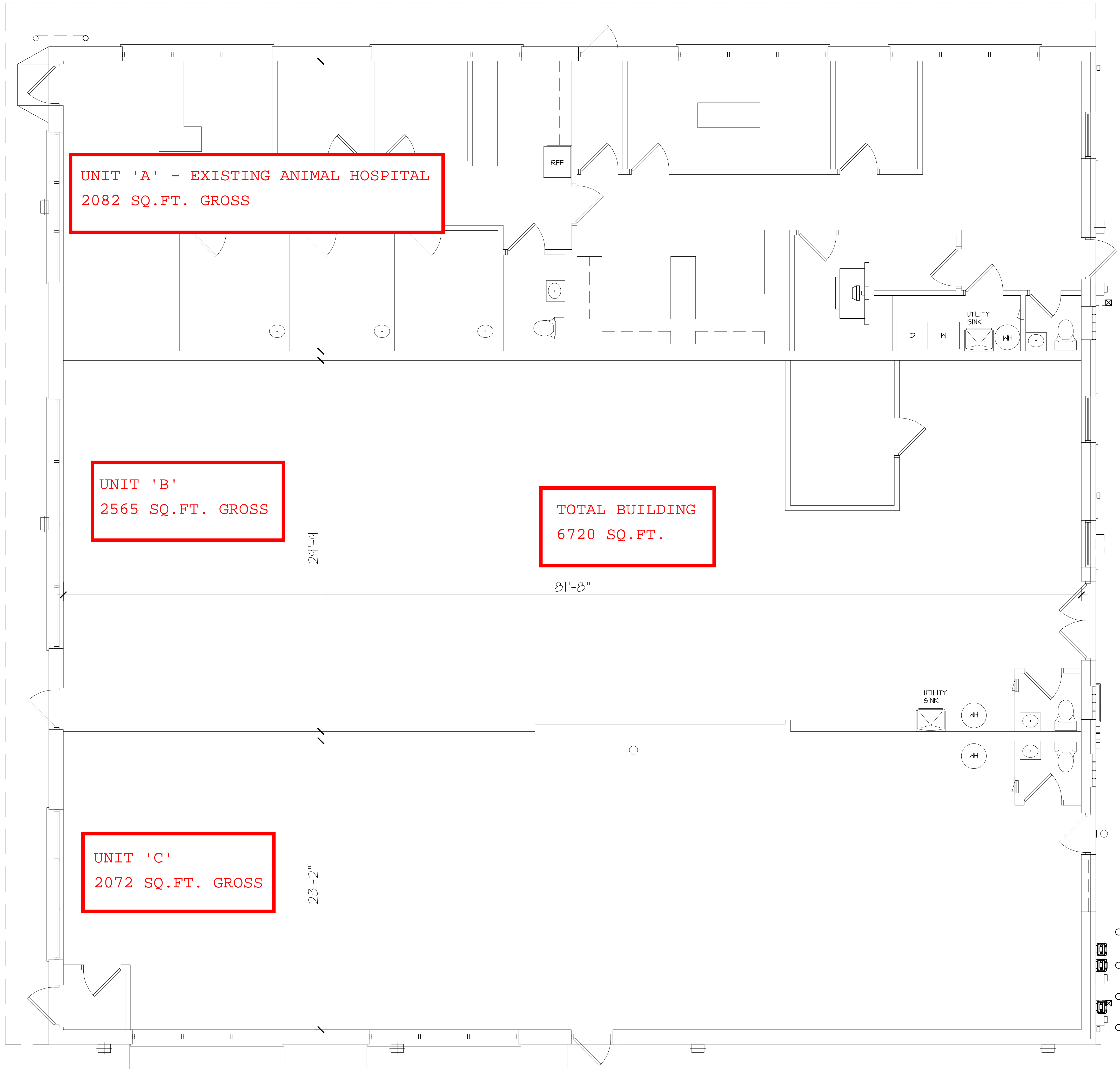
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<b>L</b> <b>G</b> <b>LINDEN GROUP</b>	<b>ARCHITECTURE</b> LAND PLANNING INTERIOR ARCHITECTURE LANDSCAPE ARCHITECTURE 2000 OAK PARKWAY SUITE 100 OAK PARK, ILLINOIS 60467 (708) 799-4400 WWW.LINDENGROUP.COM	<b>RWE   MANAGEMENT COMPANY</b> 16 W 361 S. Frontage Rd., Suite 106 Burr Ridge, IL 60527 (630) 734-0883 JASON@RWE-MANAGEMENT.COM		<b>Veterinary Clinic of Tinley Park</b> 17745 - 17749 Oak Park Ave. Tinley Park, IL		
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		2018-0044	PROJECT NUMBER			
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PRELIMINARY SITE PLAN		A-0.1 REFERENCE DET. / SHEET				

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**EXISTING FLOOR PLAN**

0 2' 4' 8'

SCALE: 1/4" = 1'-0"



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JASON@RWE MANAGEMENT.COM

**Veterinary Clinic  
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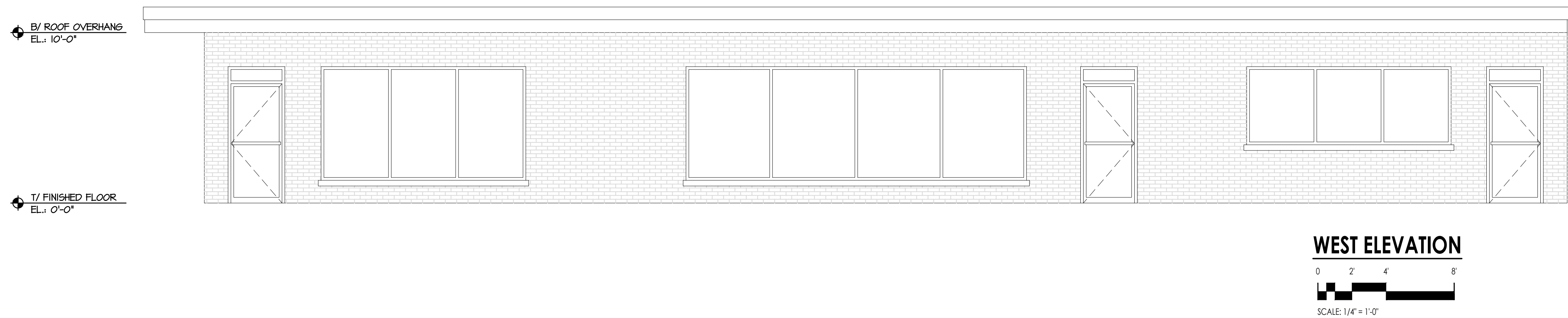
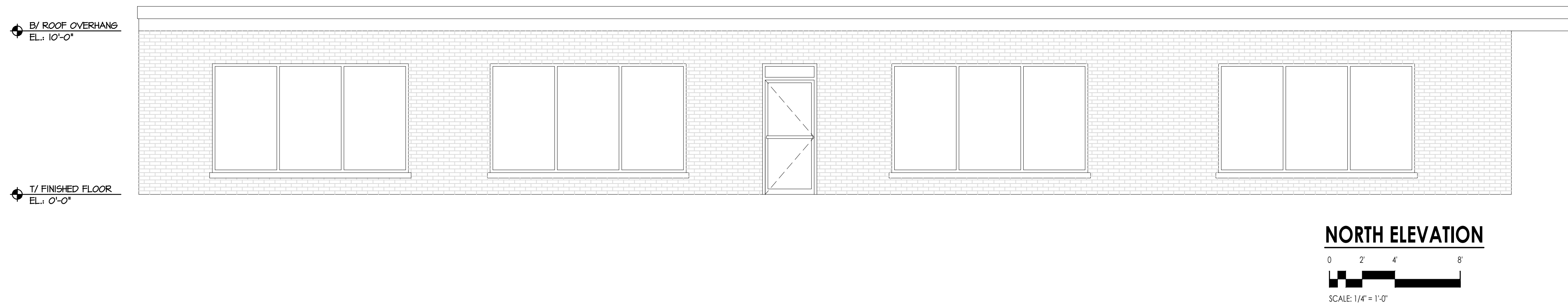
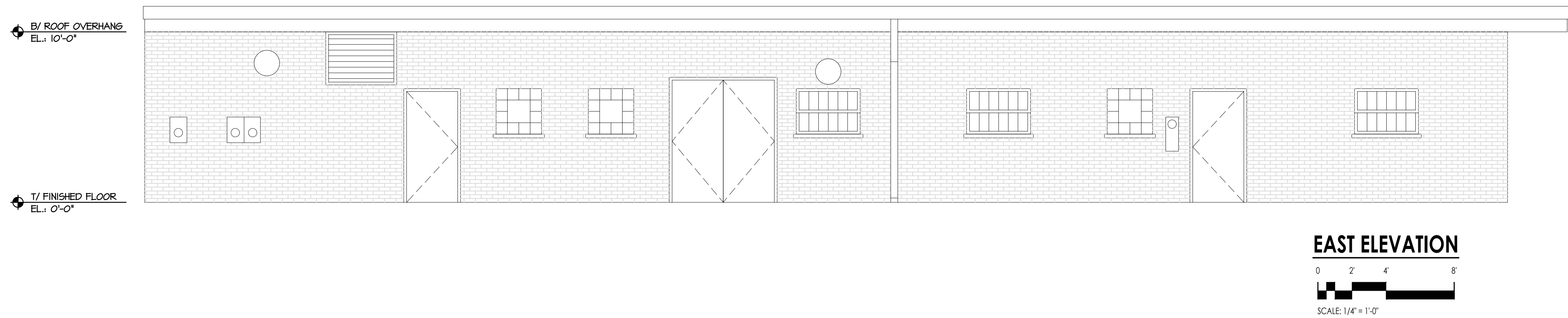
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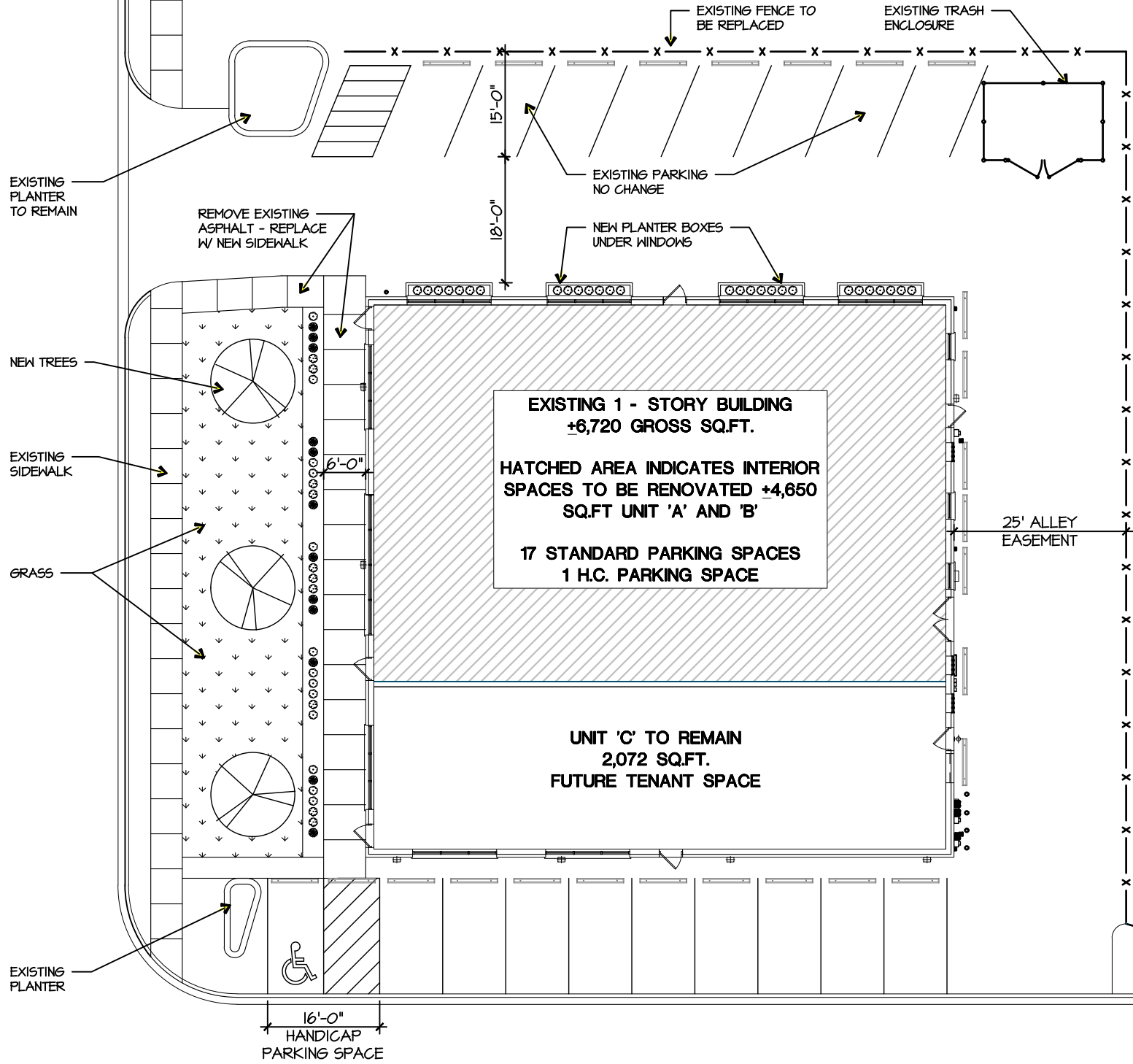
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OF

OAK PARK AVE.



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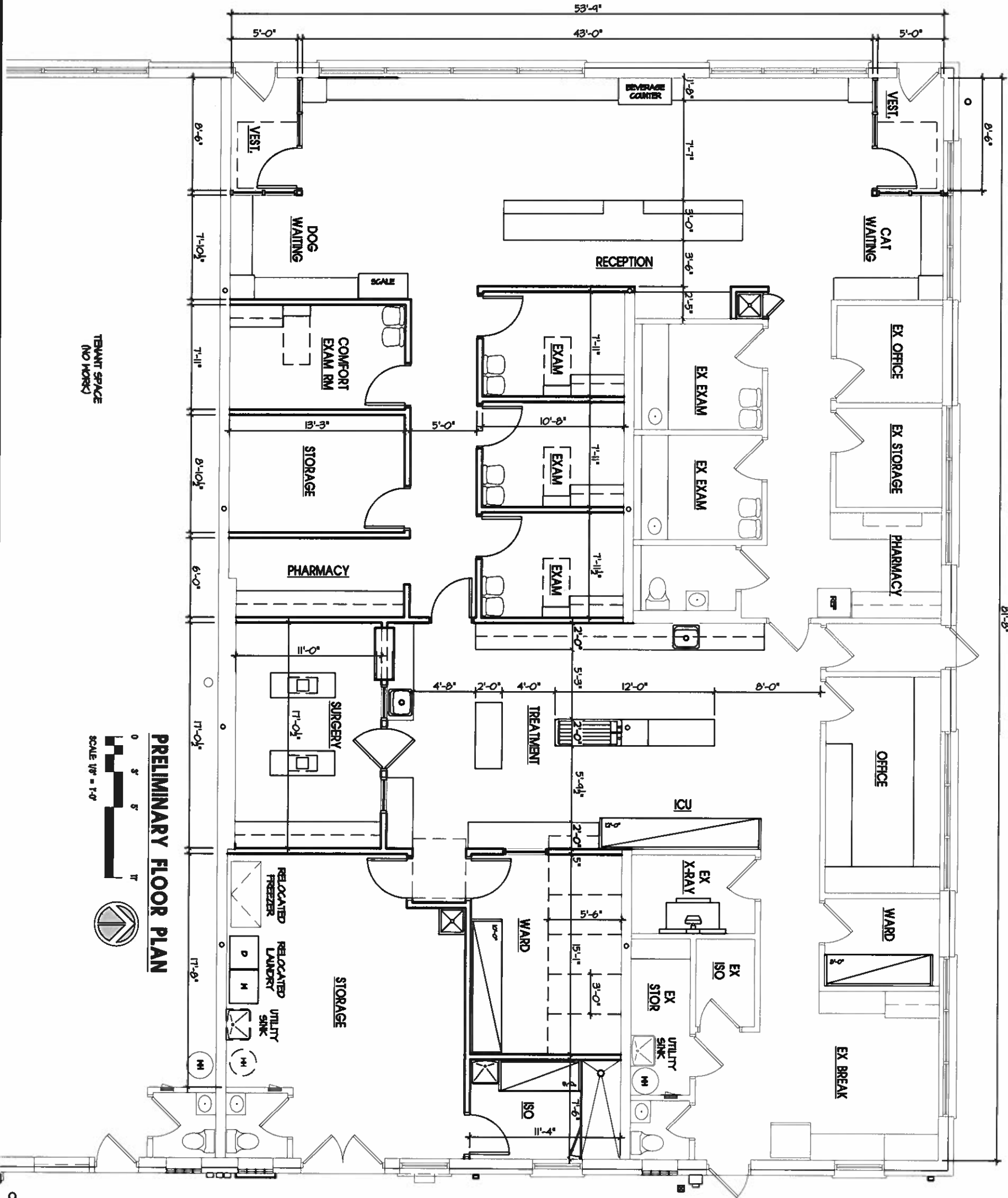
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PRELIMINARY FLOOR PLAN  
SCALE 1/8" = 1'-0"

A-1.0  
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PRELIMINARY FLOOR PLAN  
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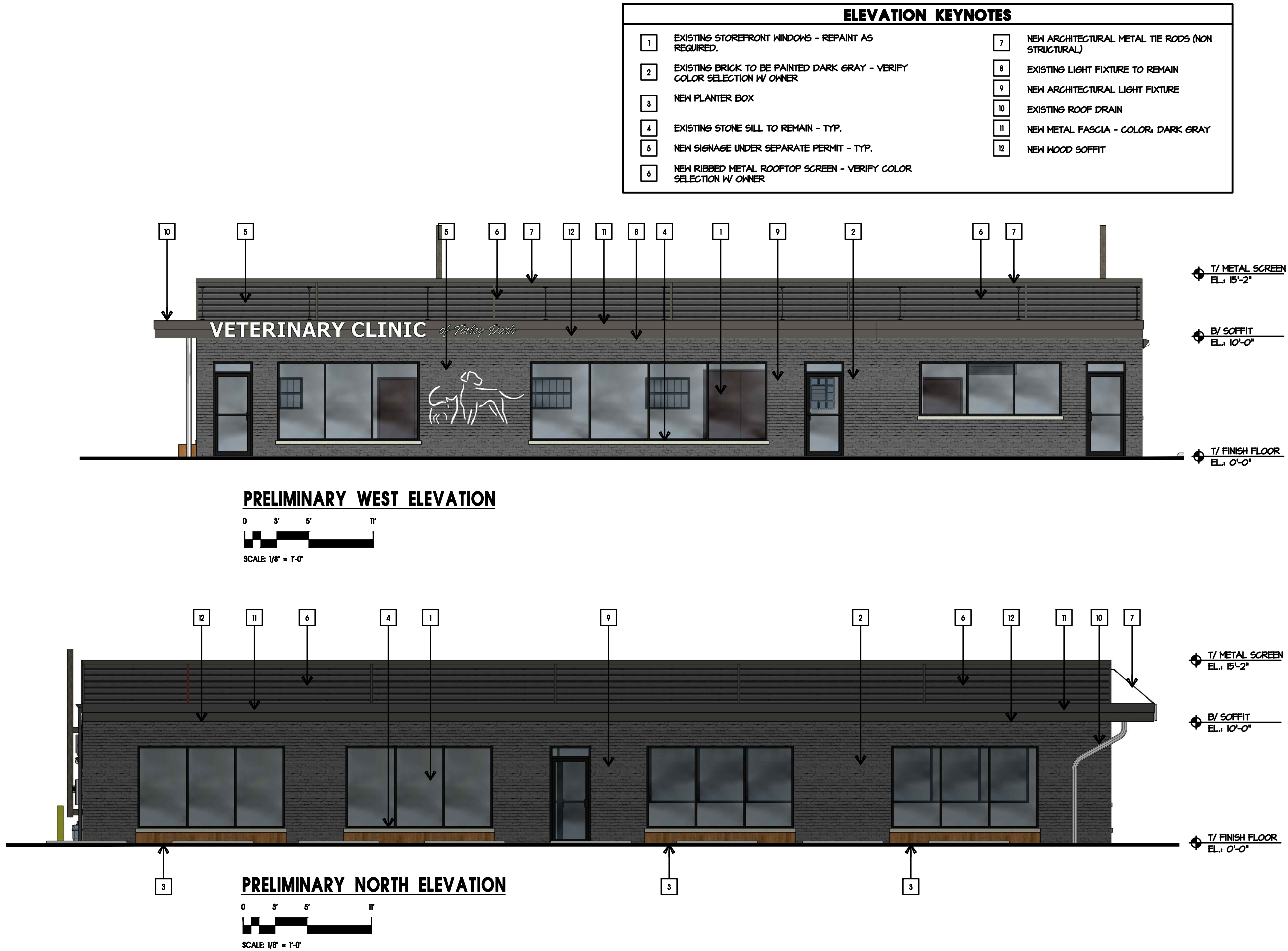
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