



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

**February 7, 2019 – 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 January 3, 2019 Regular Meeting

**Item #1      PLAT APPROVAL: PETER BOBBER, 9055 & 9101 W. 175<sup>TH</sup> ST. –  
PLAT OF RESUBDIVISION**

Consider recommending that the Village Board grant the Petitioner, Peter Bobber, a final Plat of Resubdivision for the properties located at 9055 and 9101 W. 175<sup>th</sup> Street in the R-3 (Single-family Residential) zoning district. The plat would transfer an approximately 8,134 square foot portion of the rear yard from the 9101 W. 175<sup>th</sup> Street property and consolidate it with the neighboring lot addressed 9055 W 175<sup>th</sup> Street.

**Item #2      WORKSHOP: CTF ILLINIOS, 6800-6820 CENTENNIAL DR –  
SPECIAL USE FOR SUBSTANTIAL DEVIATION FROM PUD**

Consider recommending that the Village Board grant a Special Use for a substantial deviation from the Brementowne Mall Planned Unit Development at 6800-6820 Centennial Drive in the B-2 PD (Community Shopping, Brementowne Mall PUD) zoning district to permit exterior storage of vehicles and buses in the front yard.

**Item #3      WORKSHOP: ANYTIME FITNESS, 17823 80<sup>TH</sup> AVE. – SPECIAL USE**

Consider recommending that the Village Board grant the Petitioner, Derek Tucker of Anytime Fitness a Special Use for an Indoor Recreation use (fitness/health center) greater than 3,500 square feet in size at 17823 80<sup>th</sup> Avenue in the B-1 (Neighborhood Shopping) zoning district.

**Item #4      WORKSHOP: SHORT TERM RENTAL – TEXT AMENDMENT**

Consider a proposed text amendment to the Tinley Park Zoning Ordinance. Section II.B (Definitions) and Section V.B. (Schedule of Regulations) for short-term rental uses. The purpose of this amendment is to add definitions and to modify the schedule of use regulations to permit short-term rentals in residential zoning districts and prohibit them in non-residential zoning districts. The Petitioner is the Village of Tinley Park.

**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**

**January 3, 2019**

The Regular Meeting of the Plan Commission was held in the Council Chambers of Village Hall on January 3, 2019 at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Plan Commissioners: Ken Shaw, Chairman  
Eduardo Mani  
Garrett Gray  
Angela Gatto  
Stephen Vick  
Chuck Augustyniak  
Lucas Engel  
MaryAnn Aitchison

Absent Plan Commissioner(s): Tim Stanton

Village Officials and Staff: Kimberly Clarke, Planning Manager  
Dan Ritter, Senior Planner  
Barbara Bennett, Commission Secretary

Guest(s): Emily Bleier, Project Manager, Oculus, INC  
Forest Reeder, Fire Chief and John Urbanski, Asst. Public Works Director.

**CALL TO ORDER**

PLAN COMMISSION CHAIRMAN SHAW called to order the Regular Meeting of the Plan Commission for January 3, 2019 at 8:05 p.m.

**COMMUNICATIONS**

None at this time

**APPROVAL OF MINUTES**

Minutes of the October 18, 2018 Regular Meeting of the Plan Commission were presented for approval. A Motion was made by COMMISSIONER ENGEL, 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.

Minutes of the December 6, 2018 Regular Meeting of the Plan Commission were presented for approval. A Motion was made by COMMISSIONER ENGEL, seconded by COMMISSIONER VICK, to approve the Minutes as presented. The Motion was approved by voice call. CHAIRMAN SHAW declared the Motion approved as presented.

DRAFT

**TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES**  
**FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION**  
**SUBJECT: MINUTES OF THE JANUARY 3, 2019 REGULAR MEETING**

**Item #1 CONTINUED PUBLIC HEARING: JIMMY JOHNS - 7228 W. 191<sup>ST</sup> STREET, BLAKE PURNELL ON BEHALF OF C82 COMMERCIAL LLC, A SPECIAL USE PERMIT FOR A SUBSTANTIAL DEVIATION FROM THE BROOKSIDE MARKETPLACE PLANNED UNIT DEVELOPMENT**

Consider recommending that the Village Board grant the Petitioner, Blake Purnell on behalf of C82 Commercial LLC, a Special Use Permit for a Substantial Deviation from the Brookside Marketplace Planned Unit Development to allow for a 940 square foot building addition, façade changes and to permit a third drive-thru restaurant at 7228 W 191<sup>st</sup> Street within the B-3 PD (General Business and Commercial, Brookside Marketplace Planned Unit Development) Zoning District. The proposed Substantial Deviation would allow a previous bank building to be converted to be a multi-tenant commercial building with a drive-thru restaurant (Jimmy Johns).

Present were the following:

Plan Commissioners: Ken Shaw, Chairman  
Eduardo Mani  
Garrett Gray  
Angela Gatto  
Stephen Vick  
Chuck Augustyniak  
Lucas Engel  
MaryAnn Aitchison

Absent Plan Commissioner(s): Tim Stanton

Village Officials and Staff: Kimberly Clarke, Planning Manager  
Dan Ritter, Senior Planner  
Barbara Bennett, Commission Secretary

Guest(s): Emily Bleier, Project Manager, Oculus, INC

A Motion was made by COMMISSIONER AUGUSTYNIAK, seconded by COMMISSIONER AITCHISON, to open the Public Hearing for the Petitioner, Blake Purnell on behalf of C82 Commercial LLC, a Special Use Permit for a Substantial Deviation from the Brookside Marketplace Planned Unit Development. 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.



Dan Ritter, Senior Planner gave a presentation and displayed photos as noted in the Staff Report to consider granting the Petitioner, Blake Purnell on behalf of C82 Commercial LLC, a Special Use Permit for a Substantial Deviation from the Brookside Marketplace Planned Unit Development to allow for a 940 square foot building addition, façade changes and to permit a third drive-thru restaurant at 7228 W 191<sup>st</sup> Street within the B-3 PD (General Business and Commercial, Brookside Marketplace Planned Unit Development) Zoning District. The proposed Substantial Deviation would allow a previous bank building to be converted to be a multi-tenant commercial building with a drive-thru restaurant (Jimmy Johns).

The adaptive reuse of an existing vacant bank building is likely to create a more economically productive site than another bank. The goal is to convert the bank building into a retail building. The primary tenant will be Jimmy Johns with an additional commercial space. There is no tenant at this time.

The existing site is located in Brookside Marketplace shopping center. The majority of the shopping center was constructed between 2004 and 2010. The subject property was originally designed for Bank of America that occupied the building from 2006 until 2015 and has been vacant since that time. The bank site was designed to be easily converted to a restaurant or another commercial use, including requiring increased parking numbers and completion of a larger trash enclosure. Mr. Ritter displayed photos of the existing site as noted in the Staff Report.

The subject property is located in the B-3 PD (General Business and Commercial, Brookside Marketplace Planned Unit Development.) The land surrounding Brookside Marketplace is primarily undeveloped land. To the east it is zoned B3 (General Business and Commercial), to the west (former Graystone Golf Course) is zoned ORI (Office and Restricted Industrial) and to the south is a mix of unincorporated farmland zoned R1 (Single-Family Residential) and B3 (General Business and Commercial). The area is expected to develop with commercial and entertainment-type uses.

Brookside Marketplace shopping center has had new building additions and façade changes since its original conception. Currently there are two fast food restaurants: Arby's and Taco Bell and three standalone sit-down dining restaurants: TGI Fridays, Hot n' Juicy Crab (previously Boston's) and Panera (standalone restaurants are permitted to have an "ancillary drive-thru"). Due to the restrictions of the PUD in regards to fast food and drive-thru restaurants, a Substantial Deviation is required based upon the proposed building addition, façade changes, and the addition of a third drive-thru restaurant.

The proposed use is expected to include a Jimmy John's sandwich shop with a drive-thru. The drive-thru concept is relatively new for Jimmy John's but has been successful in other locations. The owner has submitted a letter stating outdoor dining is not proposed on the site. Staff recommends a condition of approval clarifying the requirements that any outdoor dining must receive a permit and approval prior to installation to ensure ADA and other code requirements are met.

Mr. Ritter showed a revised rendering of the site plan. Staff has recommended that the goal is to provide a successful traffic flow through the site to avoid traffic conflicts due to vehicle stacking in the drive-thru lane, two entrances and exits at the west of the site and propose one-way entrances. The drive-thru aisle lane on the south side of the site is also proposed to be one-way. There will be striping to show the one-way direction. Signage will be installed to reinforce the traffic flow. The revised plan removes one of the entrances on the west side of the property, adjusting the entrance curb radius and realigning the entrance drive aisle to be straighter, thus allowing for code clearance and a fire truck accessibility.

The petitioner has completed a parking and drive-thru analysis from Kimley-Horn. The parking and drive-thru numbers were collected during mid-day lunch weekday hours at other locations when Jimmy John's has the highest percentage of sales. The average peak parking demand was twelve spaces with a maximum of thirteen spaces. There is a master parking agreement that allows for cross parking in the shopping center. The Kimley-Horn analysis concludes there is expected to be 37 parking spaces for expected demand and complies with the Village's Zoning Code minimum parking requirements. Drive-thru vehicle stacking is expected to accommodate up to six average-sized vehicles with reasonable spacing. Staff has some concerns regarding parking for the future tenant that may have a higher demand or a different service model.

Additional landscaping has been added where the second entrance was removed. The landscaping will be maintained per the original 2006 landscape approval for Bank of American and any dead or missing landscaping from that plan will be

replaced. A sidewalk will be added to allow a connection into the rest of the shopping center. Site lighting meets current lighting standards.

There are no changes to the architecture from the previous submittal.

The signage is a ground sign with a brick base and cabinet. The design indicates raised lettering and logos. No signage has been approved with this project. Separate permits shall be submitted for review.

CHAIRMAN SHAW asked the Petitioner to speak.

Emily Bleier, Project Manager, Oculus, INC explained based on the comments from the previous meeting, the parking has been reworked and they have added three parking spots in the front of the building. Parking lot lights and 2 trees will be relocated to allow for the additional spots.

CHAIRMAN SHAW asked for questions or comments from the Commissioners.

COMMISSIONER MANI noted he likes the revised plan but he has safety concerns regarding the drive-thru. He feels speed tables should be added to slow traffic and a guard rail should be added next to the exit of the drive-thru to keep people from walking out in front of cars exiting the drive-thru.

COMMISSIONER GATTO agreed and noted that McDonalds has a rail next to the drive-thru area to keep people from walking in front of the cars exiting the drive-thru.

Mr. Ritter noted he would look into some type of rail and safety equipment.

COMMISSIONER AITCHISON and COMMISSIONER AUGUSTYNIAK agreed and noted the revised plan is much better than the previous one.

COMMISSIONER GRAY agreed the revised plan is better and agrees with COMMISSIONER MANI regarding the potential safety issue. There is a blind spot at the exit of the drive-thru and it should be addressed. Customers could be distracted and not notice cars exiting the area.

CHAIRMAN SHAW appreciates the significant difference in the plan. The flow of the sidewalk on the ring road around the building does not connect. He noted he would like to see them connect. He also agrees with a rail next to the drive-thru exit to keep customers from walking in front of a car exiting the drive-thru. He also noted the striping on road in front of the building is odd and runs into landscaping.

Ms. Bleier replied the striping was put there to keep people from driving that way, showing it is one-way, rather than walking on it. She also noted they would look at the sidewalk issue and would consider adding a sidewalk as it would be less expensive than the proposed landscaping for the area.

COMMISSIONER GRAY noted he would like to see a curb between the building and the drive-thru exit.

Mr. Ritter noted he would discuss the safety issues with Kimely-Horn and get suggestions of what could be added for safety.

CHAIRMAN SHAW asked for comments from the public. There were none.

CHAIRMAN SHAW asked Mr. Ritter to go through the open items.

Mr. Ritter submitted a summary of the open items.

1. Item #1: Discuss the request for a substantial deviation for a proposed building addition, façade changes and the allowance of a third drive-thru restaurant in Brookside Marketplace.
2. Item #2: Include a condition of approval that any future outdoor dining must receive a permit and approval prior to installation.
3. Item #3: Revised plans are required prior to the Village Board meeting indicating a minimum entrance and drive aisle width of 20 feet around the site.
4. Item #4: Include a condition of approval requiring a new site plan if the drive-thru lane ceases operation or a future tenant will not utilize the drive-thru to ensure the visual appearance remain high and proper site circulation is maintained.
5. Item #5: Include a condition of approval that any future changes in demand or tenants would require a new traffic/drive-thru analysis and prior approval to ensure the drive-thru stacking and on-site parking is sufficient.
6. Open Item #6: No signage has been approved with this project and separate permits shall be submitted for review in compliance with the PUD's sign requirements.

A Motion was made by COMMISSIONER AUGUSTYNIAK, seconded by COMMISSIONER MANI to close the Public Hearing on Jimmy Johns, 7228 W. 191st Street. The Motion was approved by voice call. CHAIRMAN SHAW declared the Motion approved.

CHAIRMAN SHAW asked Mr. Ritter to go through the Standards.

Mr. Ritter noted the Standards as follows:

### **Standards for Special Use Approval**

Section X.J.5. of the Zoning Ordinance lists standards that need to be considered by the Plan Commission. The Plan Commission is encouraged to consider these standards (listed below) when analyzing a Special Use request. Staff will provide draft Findings in the Staff Report for the Public Hearing. It is also important to recognize that a Special Use Permit does not typically run with the land but that Planned Unit Development approvals are the one form of a Special Use that does run with the land (similar to a Variation).

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 proposal will create safe traffic flow and more pedestrian opportunities that continue a similar design as the rest of Brookside Marketplace.*
- 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 proposal will not affect other adjacent properties within Brookside Marketplace and will continue to add to the commercial opportunities that attract customers to the center.*
- 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 site is an existing bank development that has remained vacant for a number of year. The redevelopment and reuse of the property for other commercial uses will not affect any new or future improvements within Brookside Marketplace.*
- d. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided;
  - *The site and Brookside Marketplace have adequate existing utilities, roads, drainage facilities.*
- 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 site layout was designed specifically to accommodate safe vehicle and pedestrian movement through a site with a drive-thru window. The proposal will accommodate all parking and staking on-site and any future changes would require new reviews and approvals.*
- 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 proposal will conform to all other regulations.*
- g. The extent to which the Special Use contributes directly or indirectly to the economic development of the community as a whole.
  - *The redevelopment and adaptive reuse of a vacant bank site for commercial/retail uses will be beneficial to Brookside Marketplace and the community.*

### **Standards for Site Plan Approval**

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.
  - *A Substantial Deviation for changes from the Brookside Marketplace PUD is being requested simultaneously. The proposed commercial uses are permitted uses in the underlying Zoning District.*
- b. That the proposed arrangement of buildings, off-street parking, access, lighting, landscaping, and drainage is compatible with adjacent land uses.
  - *The buildings architecture, landscaping, and overall improvements will be similar and compatible with the existing Brookside Marketplace development.*
- 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 site layout was designed specifically to accommodate safe vehicle and pedestrian movement through a site with a drive-thru window. The proposal will accommodate all parking and staking on-site and any future changes would require new reviews and approvals.*
- d. That the Site Plan provides for the safe movement of pedestrians within the site.
  - *Pedestrian facilities are being added internal to the site and through the site to connect the rest of the shopping center that will improve pedestrian connectivity.*

- 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.
  - *The site has sufficient plantings from the original 2006 approval but will add more. Additional landscaping is being added to the front (west) of the building where an asphalt entrance is being removed.*
- f. That all outdoor trash storage areas are adequately screened.
  - *There is an existing brick trash enclosure on the site.*

CHAIRMAN SHAW asked for a Motion.

**MOTION #1**

A Motion was made by COMMISSIONER GRAY, seconded by COMMISSIONER AUGUSTYNIAK to recommend that the Village Board grant the Petitioner Blake Purnell on behalf of C82 Commercial LLC, Site Plan Approval for the property located at 7228 W. 191st Street in accordance with the plans submitted and listed herein, subject to the following conditions:

1. Any future outdoor dining shall receive a permit and approval prior to installation.
2. If the drive-aisle is not utilized in the future, a new site plan approval is required prior to occupancy of the space or immediately upon the decommissioning of the drive-thru operations.
3. Any changes in drive-thru or parking demand from what was presented would require a new traffic/drive-thru analysis and prior approval to ensure the on-site drive-thru stacking and parking is sufficient.”

AYES: ENGEL, MANI, GRAY, GATTO, AITCHISON, AUGUSTYNIAK, VICK AND CHAIRMAN SHAW.

NAYS: NONE

CHAIRMAN SHAW declared the Motion unanimously approved.

**MOTION #2**

A Motion was made by COMMISSIONER ENGEL, seconded by COMMISSIONER GATTO to recommend that the Village Board grant a Special Use Permit to the Petitioner, Blake Purnell on behalf of C82 Commercial LLC, for a Substantial Deviation from the Brookside Marketplace Planned Unit Development for a building addition, façade changes, and to allow a third drive-thru restaurant on the property located at 7228 W 191<sup>st</sup> Street within the B-3 (General Business and Commercial) Zoning District in accordance with the plans submitted and listed herein, and adopt Findings of Fact submitted as proposed by Village Staff, and as may be amended by the Plan Commission at this meeting, subject to the following conditions:

1. If the drive-aisle is not utilized in the future, a new site plan approval is required prior to occupancy of the space or immediately upon the decommissioning of the drive-thru operations.
2. Any changes in drive-thru or parking demand from what was presented would require a new traffic/drive-thru analysis and prior approval to ensure the on-site drive-thru stacking and parking is sufficient.”

AYES: ENGEL, MANI, GRAY, GATTO, AITCHISON, AUGUSTYNIAK, VICK AND CHAIRMAN SHAW.

NAYS: NONE

CHAIRMAN SHAW declared the Motion unanimously approved.

This will be presented to the Village Board on January 15, 2019 for Adoption.

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

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

**SUBJECT: MINUTES OF THE JANUARY 3, 2019 REGULAR MEETING**

**Item #2 WORKSHOP/PUBLIC HEARING: FIRE STATION #47-7825 W. 167<sup>TH</sup> STREET, VILLAGE OF TINLEY PARK ON BEHALF OF FIRE DEPARTMENT, A SPECIAL USE PERMIT TO PERMIT A FIRE STATION IN THE R-4 ZONING DISTRICT AND VARIATIONS TO CONSTRUCT A 1-STORY, FIRE STATION AT 7825 W. 167<sup>TH</sup> STREET.**

Consider recommending that the Village Board grant the Petitioner, Village of Tinley Park on behalf the Fire Department, a Special Use Permit to permit a Fire Station in the R-4 Zoning District and Variations to construct a new 1-story, 10, 0000 square foot building at 7825 W. 167th Street within the B-3 PD (General Business and Commercial, Brookside Marketplace Planned Unit Development) Zoning District.

Present were the following:

Plan Commissioners: Ken Shaw, Chairman  
Eduardo Mani  
Garrett Gray  
Angela Gatto  
Stephen Vick  
Chuck Augustyniak  
Lucas Engel  
MaryAnn Aitchison

Absent Plan Commissioner(s): Tim Stanton

Village Officials and Staff: Kimberly Clarke, Planning Manager  
Dan Ritter, Senior Planner  
Barbara Bennett, Commission Secretary

Guest(s): Forest Reeder, Fire Chief and John Urbanski, Asst. Public Works Director.

A Motion was made by COMMISSIONER AUGUSTYNIAK, seconded by COMMISSIONER GRAY, to open the Public Hearing for the Fire Station #47-7825 W. 167<sup>th</sup> Street, Village Of Tinley Park on behalf of Fire Department. 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 gave a presentation and displayed photos as noted in the Staff Report to consider granting Site Plan Approval and recommending that the Village Board grant a Special Use Permit to allow a Fire Station in the R-4 Zoning District and Variations from the Zoning Code to construct a 10,000 square foot 1-story Fire Station located

at 7825 W. 167<sup>th</sup> Street. Ms. Clarke noted that due to the timing of this project, the Village is requesting that the workshop be combined with the Public Hearing.

Ms. Clarke displayed a rendering of the proposed new Fire Station #47 facing 167<sup>th</sup> Street. The existing site consists of a 4,260 square foot single story fire station along with a small parking area along Parliament Avenue within a subdivision called Brementowne Estates that was annexed in the mid 70's. The original fire station was constructed circa 1974 and was referred to as Station #2. In April of 2018 the station number was changed to #47. Originally the fire station was a permitted use in the R4, but a few years later the code was amended and now requires a Special Use in the R4 district.

The Village desires to demolish the existing fire station and construct a new one-story, 10,000 square foot fire station with a basement. The subject property is zoned R4 (Single-Family Residential District). Nearby land uses include Centennial Park to the south; Single Family homes to the north and east zoned R4 and single family homes and apartments zoned R6 to the west. Parliament Avenue on the east is a driveway into the large parking lot. Centennial Park is a Village owned property and there is an agreement with the Park District to maintain any apparatuses. There is ample room to the east of the property with the anticipation for the need to grow.

The biggest change on the Site Plan is the new building is being expanded approximately 4,200 square feet. The current parking lot will be relocated to the east side where parking will be used for those servicing this location. The emergency vehicles will come in off 167<sup>th</sup> Street with the ability to use Parliament Avenue to enter into the rear of the station doors, so they are prepped and ready to leave on 167<sup>th</sup> Street as needed.

A landscaping berm is being proposed in between the parking lot and the residential homes to the east. Initially it was going to be a detention pond, but due to MWRD requirements it was discovered that it is necessary to provide for more storm water. A large wet bottom pond is proposed just south of the new parking lot to meet the new MWRD requirements. A berm is one solution to provide privacy to the residential area. A six (6) foot privacy fence is also planned along the property line.

There are three access points into the site. The aprons are large to accommodate the fire trucks. The Village is attempting to utilize the property available to them to improve the facility. There are two existing sheds on the property that are encroaching. In the future, during construction, they may be removed.

The Park District needs an area for storage of materials needed to maintain the park. Locations of the storage areas are being discussed. Ms. Clarke displayed a rendering of the proposed floor plan.

Chief Reeder noted they were anxious to get started as soon as possible with a target completion date of April 2020

CHARIMAN SHAW asked for comments from the Commissioners.

CHAIRMAN SHAW inquired if there are separate parcels. Ms. Clarke replied that there are separate parcels.

COMMISSIONER GRAY asked for clarification regarding the pond. On the A1 Landscape plan there is a concrete drive to the back.

Mr. Urbanski noted the WMO requires a wet bottom pond for sub draining. This is a smaller version of the Freedom Pond. With rough engineering there will be 1-2 feet of water in it.

Mr. Urbanski noted the plan was pre drawn and a title search was done to find out who owned the property. Now that the property has been combined the requirements of under  $\frac{3}{4}$  of an acre have been met for development per the WMO, the bottom drainage is required in this area. The landscape drawing is not updated.

COMMISSIONER AUGUSTYNIAK inquired about the drive in/drive out for the fire trucks.

Chief Reeder replied this is a safety issue as there was a previous accident that damaged the fire truck due to a car trying to go around the truck while they were backing into the fire station. This is a much better traffic flow that keeps everyone safe.

COMMISSIONER VICK noted this is a great addition to the Village.

CHAIRMAN SHAW noted he would like to see the basement of the fire station used for community meetings.

Chief Reeder replied that may be possible. Currently there are 4-5 people staffed there and hope to grow that amount to 8 or 9 with up to 16 people coming and going at shift change. Ms. Clarke noted there is also a parking lot at the park that could be used if necessary.

COMMISSIONER GRAY inquired if there were any safety issues with the wet bottom pond, and asked if a fence would be required around it.

Mr. Urbanski replied that less than 50 feet from that area there is a much larger pond that would be a concern and no fence is required.

CHARIMAN SHAW asked for further questions from the Commissioners, hearing none asked Ms. Clarke to go through the Open Items.

Ms. Clarke submitted a summary of the open items.

1. Investigate the ability to reduce the parking lot driveway width from 40 feet wide to 30 feet wide.
2. Discuss the ability to reduce the parking lot apron along 167<sup>th</sup> Street from 40 feet to 30 feet.
3. The Village should coordinate with the owner of the shed that is on the Village's property and create a plan to have it removed in the near future or part of this project.
4. Further discuss the location of the open storage area to be used by the Park District.
5. A final landscape plan should be submitted for staff to review which identifies the species and includes landscaping on the proposed berm and wet retention pond.
6. A formal photometric plan will need to be submitted to ensure conformance with the Village's lighting standards.
7. Discuss the request for a Special Use Permit for a Fire Station in the R-4 Residential Zoning District.
8. Discuss the requests for Variations.

CHAIRMAN SHAW asked for comments from the Public. There were none.

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

A Motion was made by COMMISSIONER AUGUSTYNIAK, seconded by COMMISSIONER VICK to close the Public Hearing on Fire Station #47, 7825 W. 167<sup>th</sup> Street. The Motion was approved by voice call. CHAIRMAN SHAW declared the Motion approved.

CHAIRMAN SHAW stated the Standards are as noted in the Staff Report.

**Motion 1:**

A Motion was made by COMMISSIONER GATTO, seconded by COMMISSIONER ENGEL to recommend that the Village Board grant the Petitioner, The Village of Tinley Park, Site Plan Approval at the property located at 7825 W. 167<sup>th</sup> Street in accordance with the plans submitted and listed herein subject to the following conditions:

1. Investigate the ability to reduce the parking lot driveway width off 167<sup>th</sup> Street from 40 feet wide to 30 feet wide.



2. The Village should coordinate with the owner of the shed that is on the Village's property and create a plan to have it removed in the near future or part of this project.
3. Further discuss the location of the open storage area to be used by the Park District.
4. A final landscape plan should be submitted for staff to review which identifies the species and includes landscaping on the proposed berm and wet retention pond.
5. A formal photometric plan will need to be submitted to ensure conformance with the Village's lighting standards.

AYES: ENGEL, MANI, GRAY, GATTO, AITCHISON, AUGUSTYNIAK, VICK AND CHAIRMAN SHAW.

NAYS: NONE

CHAIRMAN SHAW declared the Motion unanimously approved.

**Motion 2:**

A Motion was made by COMMISSIONER ENGEL, seconded by COMMISSIONER AUGUSTYNIAK to recommend that the Village Board grant the Petitioner, The Village Board grant a Special Use Permit to the Petitioner, Village of Tinley Park, the following Special Use Permit at the property located at 7825 W. 167<sup>th</sup> Street in accordance with the plans submitted and listed herein and adopt Findings of Facts 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 V.B. of the Zoning Code to permit a Fire Station in the R-4 Zoning District subject to the following conditions:
  - a. A final landscape plan should be submitted for staff to review which identifies the species and includes landscaping on the proposed berm and wet retention pond.
  - b. A formal photometric plan will need to be submitted to ensure conformance with the Village's lighting standards.

AYES: ENGEL, MANI, GRAY, GATTO, AITCHISON, AUGUSTYNIAK, VICK AND CHAIRMAN SHAW.

NAYS: NONE

CHAIRMAN SHAW declared the Motion unanimously approved.

**Motion 3:**

A Motion was made by COMMISSIONER AUGUSTYNIAK, seconded by COMMISSIONER GATTO to recommend that the Village Board grant the Petitioner, The Village of Tinley Park, at the property located at 7825 W. 167<sup>th</sup> Street in accordance with the plans submitted and listed herein and adopt Findings of Facts submitted by the Applicant and as proposed by Village Staff, and as may be amended by the Plan Commission at this meeting.

1. A fourteen-foot front yard Variation from Section VIII.A.7 of the Zoning Code to allow an eleven-foot front yard setback for a parking lot instead of the required twenty-five feet.
2. A sixty-three foot wide Variation from Section VIII.A.6 of the Zoning Code to allow a ninety-three foot wide driveway apron along 167<sup>th</sup> Street instead of the maximum thirty foot width allowed across public property.
3. A ten-foot wide Variation from Section VIII. A.6 of the Zoning Code to allow a second driveway apron along 167<sup>th</sup> Street forty feet wide instead of the maximum thirty foot width allowed across the public property.
4. A ten-foot wide Variation from Section VIII.A.6 of the Zoning Code to allow a third driveway apron along Parliament Avenue forty feet wide instead of the maximum thirty foot width allowed across the public property.
5. A half a foot (.5') Variations from Section VIII.A.5 of the Zoning Code to allow an eighteen foot long parking stall instead of the minimum 18.5 feet required
6. A two-foot Variation from Section VIII.B.Table 2 of the Zoning Code to allow a twenty-four foot parking lot aisle width instead of the minimum twenty-six feet required.

7. A twenty-three foot corner side yard Variation from Section V.B.Schedule 1 of Permitted Uses (By District) to allow a two (2) foot corner side yard setback on Parliament Avenue where the minimum corner side yard setback is twenty-five feet.
8. A waiver from Section 158.18, interior lot landscaping, to allow a two foot wide area of plantings along the west side of the building instead of the required ten feet wide of planting area.
9. A waiver from Section 159.19, Parkway Standards, to reduce the required number of parkway trees along Parliament Avenue to zero instead of the four required and three instead of the six required along 167<sup>th</sup> Street.
10. A waiver from section 158.20, Parking lot landscaping, to allow zero landscaping within the parking lot where a minimum of 15% of the lot is required to be landscaped.

**AYES:** ENGEL, MANI, GRAY, GATTO, AITCHISON, AUGUSTYNIAK, VICK AND CHAIRMAN SHAW.

**NAYS:** NONE

CHAIRMAN SHAW declared the Motion unanimously approved.

This will be presented to the Village Board on January 15, 2019 for Adoption.

Chief Reeder noted after approval from the Village Board on January 15<sup>th</sup> an open house will be scheduled at the existing station showing mock ups of the building layouts. The neighbors will be invited.

He also noted demolition for the existing station is set for the first week of April 2019. Construction time will be approximately 10-12 months.

**GOOD OF THE ORDER:**

1. Small Cell Text Amendments are scheduled for the January 17, 2019 Plan Commission Meeting
2. Short Term Rental Text Amendments are scheduled for the February 7, 2019 Plan Commission Meeting

**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 AUGUSTYNIAK, seconded by PLAN COMMISSIONER ENGEL to adjourn the Regular Meeting of the Plan Commission of January 3, 2019 at 9:42 p.m. The Motion was unanimously approved by voice call. PLAN COMMISSION CHAIRMAN SHAW declared the meeting adjourned.

# PLAN COMMISSION STAFF REPORT

February 7, 2019

## Bobber Resubdivision

9055 & 9101 W. 175<sup>th</sup> Street

### Petitioner

Peter Bobber

### Property Location

9055 & 9101  
W 175<sup>th</sup> Street

### PINs

27-34-205-31-0000,  
27-34-205-32-0000,  
27-34-205-33-0000

### Zoning

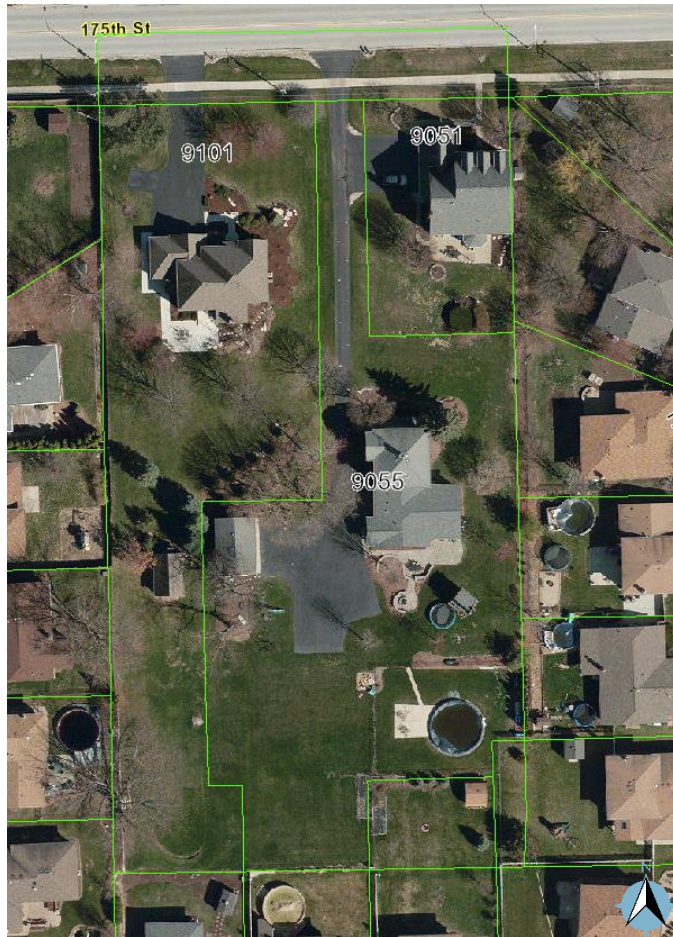
R-3, Single Family  
Residential

### Approvals Sought

Final Plat Approval

### Project Planner

Daniel Ritter, AICP  
Senior Planner



## EXECUTIVE SUMMARY

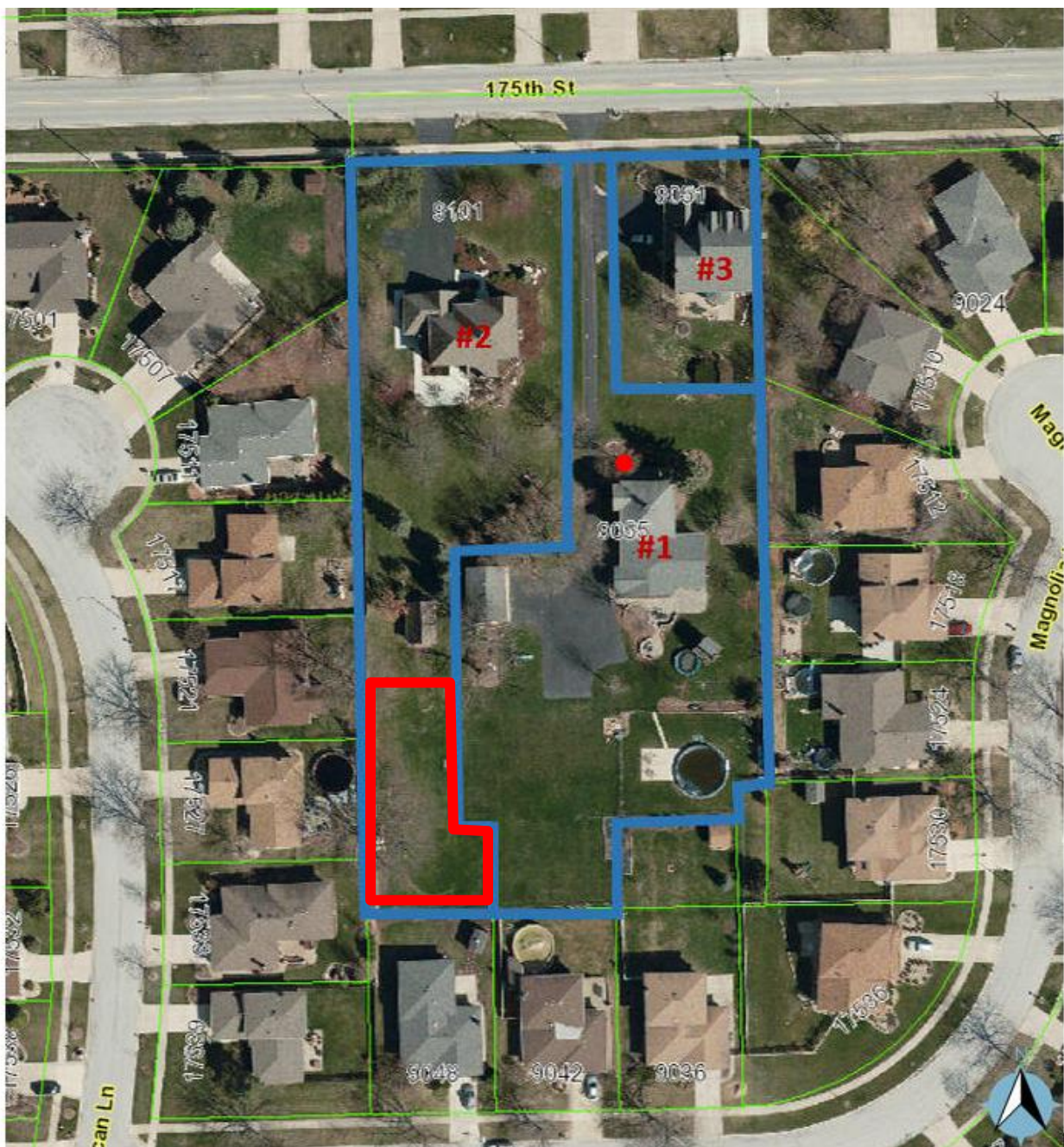
The Petitioner, Peter Bobber, is requesting approval of a Final Plat of Subdivision for the properties located at 9055 and 9101 W. 175<sup>th</sup> Street in the R-3 (Single-family Residential) zoning district. The plat would transfer approximately 8,134 square foot portion of the rear yard from the 9101 W. 175<sup>th</sup> Street property and consolidate it with the neighboring lot addressed 9055 W 175<sup>th</sup> Street.

The Plat approval will formally transfer a portion of property from one lot to an adjacent lot. The sale of the property being transferred was completed in 2016. However, a Plat of Subdivision was never properly approved by the Village or recorded, so the property was never formally transferred to Mr. Bobber's lot. Both resulting lots of the subdivision will comply with the Zoning Code's minimum lot size and width requirements. No Variations or code waivers are required. The Petitioner intends to construct a new detached garage on the property following approval and recording of the new Plat. The sale was completed by a previous owner of the 9101 W 175<sup>th</sup> Street property (Van Bruggen). The new owners (Hanes) have supplied a letter that they were aware of the sale and have agreed to sign the Plat of Subdivision.



## EXISTING SITE & HISTORY

Originally, the two lots in this subdivision along with a third lot to the east, where a very sizable single lot with the old farmhouse site (9101 W. 175<sup>th</sup> St) in the middle (#1 on the map below). The property was annexed into the Village along with the surrounding Timbers Edge Subdivision in 1978 (Ord. 78-O-018). Since the original annexation, the lot has been subdivided two times to create additional buildable lots. The first subdivision was in 1992 which established the lot at 9101 W. 175<sup>th</sup> Street and a new home was constructed on it (#2 on the map below). The second subdivision was approved in 2001 for a third lot and a new home located at 9051 175<sup>th</sup> Street (#3 on the map below). This third lot is in contact with a public right-of-way as required by code. However, to avoid an additional curb cut along 175<sup>th</sup> Street, the two properties agreed to share an apron and driveway as a condition of approval. A cross-access and maintenance agreement is recorded to the two properties. All past subdivisions were “by-right” subdivisions and all resulting lots and homes met the zoning requirements of the R-3 Zoning District and continue to meet those requirements as they exist today. The area being proposed to be transferred between lots is outlined in red below.



## ZONING & NEARBY LAND USES

Both lots affected by the proposed resubdivision (blue stars on the zoning map below) are zoned R-3, Single-Family Residential. Although the current zoning map indicates these lots are zoned as part of the surrounding Timber's Edge Planned Unit Development (PUD), the farmhouse lot was exempt from the PUD as part of the original annexation agreement (Ord. 78-O-018) due to its existing nature and not being part of the new development. The lot (now three separate lots) was given a regular R-3 zoning designation, which is the underlying zoning district for the Timber's Edge PUD. The surrounding lots to the west, east and south are zoned R-3 PD (Single Family Residential, Timber's Edge PUD). The lots to the north across 175<sup>th</sup> Street are zoned R-2, Single Family Residential.





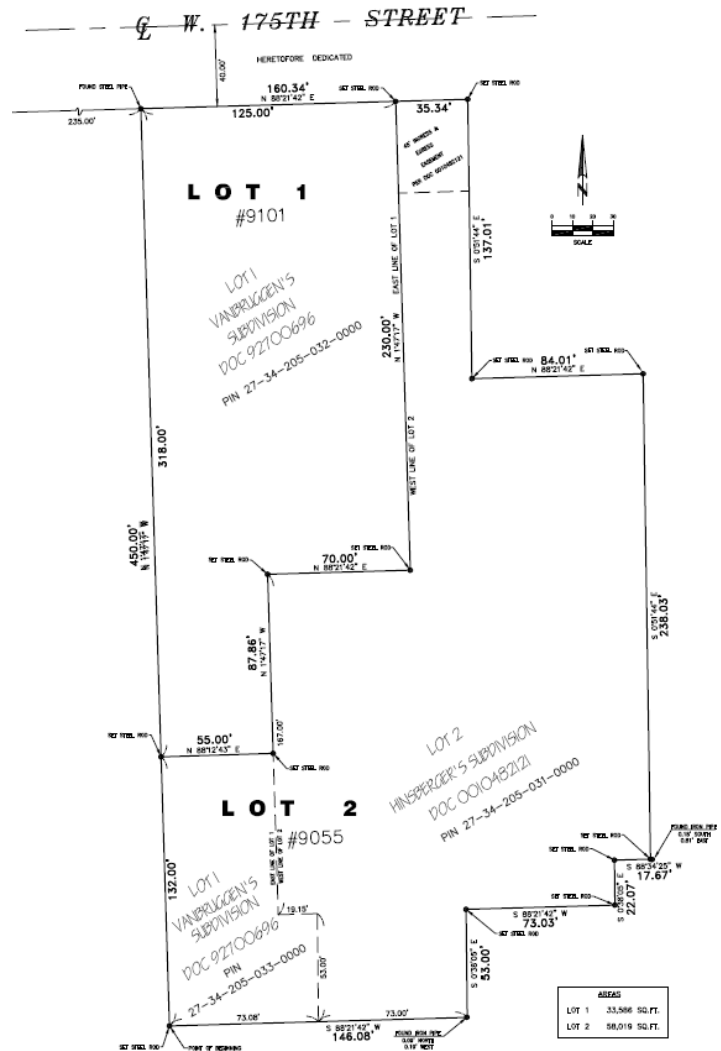
## FINAL PLAT OF SUBDIVISION APPROVAL

In 2016, the then owner of the 9101 W. 175<sup>th</sup> Street property (Van Bruggen) created two taxing lots with separate Property Index Numbers (PINs) for the site. The owner then sold the back portion of the property to his neighbor, 9055 W. 175<sup>th</sup> Street (Bobber) for their private use. It was incorrectly assumed that due to an exemption in the Illinois Plat Act for transfer of property between neighboring lots, that no further approvals were required to formally transfer the property between lots. However, the creation and separate PINs does not formally subdivide the property, nor does it consolidate the two lots. The Village does not require real estate transfer stamps or sales approvals and the sale was unknown until Mr. Bobber began discussions about constructing a second detached garage on the property.

Approval of a Plat of Subdivision is required for any transfer of a portion of land or change in a property's boundaries within the Village (or unincorporated land within 1.5 miles), unless all resulting lots are greater than 5 acres. This ensures that land within the Village of Tinley Park is subdivided in a way that is coordinated with the adopted Zoning Code, Subdivision Code and Comprehensive Plan. While there are not any set standards to review for Plat approval, the most common concerns are that minimum bulk zoning requirements (setbacks, lot width, lot size, etc.) are met, the property has adequate and safe access to public roadways, available access to utilities and proper land dedications are obtained. The review of new Plats for existing lots, prevents situations that are not in the long-term vision or interest of the Village and that could potentially reduce property values. For example, the plat review would prevent land-locked lots that have no access from a public way and utilities; thus the lots cannot be developed without going onto private property. It also prevents odd non-conforming lot situations that would create a substandard lot (someone selling their entire front or rear yard to their neighbor).

Staff was concerned about what the Hanes Family understood as their property due to the property at 9101 W. 175<sup>th</sup> Street being sold from Van Bruggen to the Hanes Family in 2016.. Following discussions and review of the history, sales documents, and proposal with the Village and their attorney, the Hanes' agreed to sign the proposed Plat of Subdivision. A letter was supplied stating their intent to sign the Plat once approved.

While the proposed Plat of Subdivision did not follow a typical path, the lot changes do not create any odd or non-conforming situations. It is not expected the transfer of property from one lot to another will have any effect on neighboring properties or their values. There are no known open items that need to be addressed.



## MOTION TO CONSIDER

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 approval for a Final Plat of Subdivision to the Petitioner, Peter Bobber, for the Bobber Resubdivision that would transfer approximately 8,134 square foot of rear yard property from the property located at 9101 W. 175<sup>th</sup> Street (Hanes) to the neighboring property at 9055 W. 175<sup>th</sup> Street (Bobber) in the R-3 (Single-Family Residential) zoning district.”

*...with the following conditions:*

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

## LIST OF REVIEWED PLANS

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Submitted Sheet Name	Prepared By	Date On Sheet
Bobber Plat of Resubdivision	Landmark Eng. LLC	12/6/2018
Bobber Topographic Survey	Landmark Eng. LLC	12/6/2018
Approval Letter and Intent to Sign Plat	Jennifer & Joshua Haynes	12/20/2018

VILLAGE OF TINLEY PARK, ILLINOIS  
**PLANNING AND ZONING GENERAL APPLICATION**

**REQUEST INFORMATION**

\*Additional Information is Required for Specific Requests as Outlined in Specific Addendums

- ☐ **Special Use for:** \_\_\_\_\_
- ☐ **Planned Unit Development (PUD)** ☐ **Preliminary** ☐ **Final** ☐ **Deviation**
- ☐ **Variation** ☐ **Residential** ☐ **Commercial** for \_\_\_\_\_
- ☐ **Rezoning (Map Amendment) From** \_\_\_\_\_ **to** \_\_\_\_\_
- ☐ **Plat** ☐ **Preliminary** ☐ **Final**
- ☐ **Site Plan**
- ☐ **Landscape Change Approval**

**PROJECT & PROPERTY INFORMATION**

**Project Name:** Bobber Garage

**Project Description:** Second Detached Garage

**Project Address:** 9055 175<sup>th</sup> ST **Property Index No (PIN):** 27-34-205-033-0000  
27-34-205-031-0000

**Zoning District:** \_\_\_\_\_ **Lot Dimensions & Area:** Varied Dimensions  
58,088 SQ. FT.

**Estimated Project Cost:** \$ 40,000<sup>00</sup>

**OWNER OF RECORD INFORMATION**

Please supply proper documentation of ownership and/or designated representative for any corporation.

**Name of Owner:** Peter C. Bobber **Company:** \_\_\_\_\_

**Street Address:** 9055 175<sup>th</sup> ST. **City, State & Zip:** Tinley Park IL 60487

**E-Mail Address:** pbobber317@yahoo.com **Phone Number:** [REDACTED]

**APPLICANT INFORMATION**

☒ **Same as Owner of Record**

All correspondence and invoices will be sent to the applicant. If applicant is different than owner, authorized representative consent section below must be completed.

**Name of Applicant:** \_\_\_\_\_ **Company:** \_\_\_\_\_

**Street Address:** \_\_\_\_\_ **City, State & Zip:** \_\_\_\_\_

**E-Mail Address:** \_\_\_\_\_ **Phone Number:** \_\_\_\_\_



VILLAGE OF TINLEY PARK, ILLINOIS  
**PLANNING AND ZONING GENERAL APPLICATION**

**Authorized Representative Consent**

It is required that the property owner or his designated representative be present at all requests made to the Plan Commission and Zoning Board of Appeals. During the course of a meeting, questions may arise regarding the overall project, the property, property improvements, special conditions attached to recommendations among other aspects of any formal request. The representative present must have knowledge of the property and all aspects of the project. They must have the authority to make commitments related to the project and property. Failure to have the property owner or designated representative present at the public meeting can lead to substantial delays to the project approval. If the owner cannot be present or does not wish to speak at the public meeting, the following statement must be signed by the owner for an authorized representative.

I hereby authorize N/A to act on my behalf and advise that they have full authority to act as my/our representative in regards to the subject property and project, including modifying any project or request. I agree to be bound by all terms and agreements made by the designated representative.

Property Owner Signature: \_\_\_\_\_

Property Owner Name (Print): \_\_\_\_\_

**Acknowledgements**

- Applicant acknowledges, understands and agrees that under Illinois law, the Village President (Mayor), Village Trustees, Village Manager, Corporation Counsel and/or any employee or agent of the Village or any Planning and Zoning Commission member or Chair, does not have the authority to bind or obligate the Village in any way and therefore cannot bind or obligate the Village. Further, Applicant acknowledges, understands and agrees that only formal action (including, but not limited to, motions, resolutions and ordinances) by the Board of Trustees, properly voting in an open meeting, can obligate the Village or confer any rights or entitlement on the applicant, legal, equitable or otherwise.
- Members of the Plan Commission, Zoning Board of Appeals, Village Board as well as Village Staff may conduct inspections of subject site(s) as part of the pre-hearing and fact finding review of requests. These individuals are given permission to inspect the property in regards to the request being made.
- Required public notice signs will be obtained and installed by the Petitioner on their property for a minimum of 10 days prior to the public hearing.
- The request is accompanied by all addendums and required additional information and all applicable fees are paid before scheduling any public meetings or hearings.

Applicant verifies that all outstanding fees owed to the Village of Tinley Park have been paid.

- Any applicable recapture, impact, engineering, review or other required fees and donations shall be paid prior to issuance of any building permits, occupancy permits, or business licenses.
- The Owner and Applicant by signing this application certify that the above information and all supporting addendums and documentation is true and correct.

Property Owner Signature: \_\_\_\_\_

Property Owner Name (Print): Peter B. B...

Applicant Signature:  
(If other than Owner)

Applicant's Name (Print): \_\_\_\_\_

Date: 11/13/2018

## NARRATIVE IN SUPPORT OF APPLICATION

I have been a Tinley Park resident for over 20 years. I reside at 9055 175<sup>th</sup> Street. This lot is a unique lot that was formerly part of a farm and is not part of a "developed," multi-house subdivision.

In 2016, my neighbors at 9101 175<sup>th</sup> Street sold me a portion of their lot which included unimproved land at the south end of their lot totaling approximately 8,299 square feet. I went to the Village to discuss what the Village required as part of this purchase. I was told I did not need to do anything with the Village but rather, Cook County would handle the division of the 9101 lot and consolidation with 9055.

I effectuated the sale of the parcel in March of 2016 and the Deed for that purchase was filed with the county on March 30, 2016.

Because the two parcels subject to the consolidation were in separate subdivisions per the plat, the County divided the parcel from the 9101 lot (PIN 27-34-205-025) and created a new PIN (27-34-205-033). Cook County shows me as the owner of record of 9055 175<sup>th</sup> Street (PIN 27-34-205-031) and the adjacent parcel (PIN 27-34-205-33) and I have been paying property taxes on both properties since my purchase of same.

Now, I want to improve my property, and on the parcel I purchased in 2016, I wish construct a second detached garage in compliance with all zoning regulations. Upon applying for a building permit for same, I learned that I cannot build on the parcel until it is combined or consolidated with the bigger lot so the manner in which to do that is through creation and Village approval of a new subdivision,

Thank you for your consideration,

Pete Bobber

pbobber317@yahoo.com

BOBBER'S RESUBDIVISION

OF PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

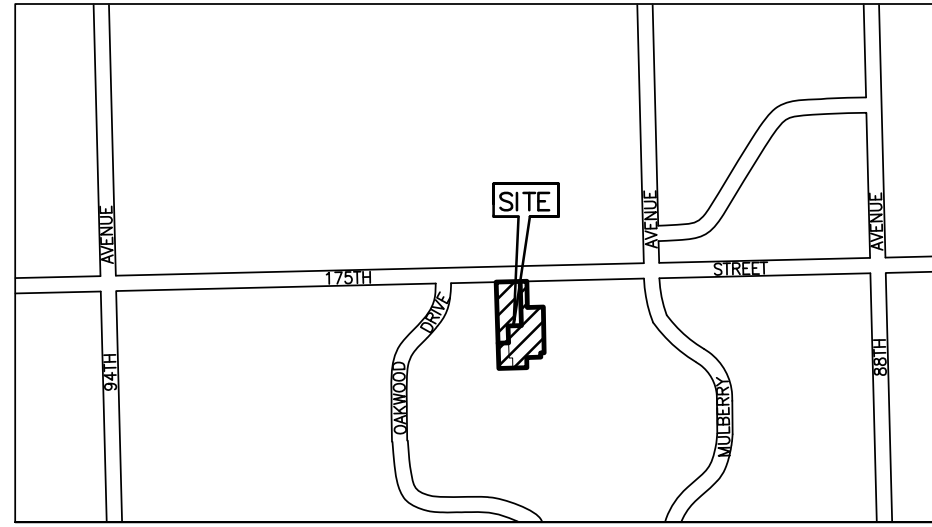
COOK COUNTY  
PERMANENT INDEX NUMBERS  
(P.I.N.s)

27-34-205-031-0000  
27-34-205-032-0000  
27-34-205-033-0000

SEND TAX BILLS TO:

LOT 1  
PETER BOBBER  
9055 W. 175TH STREET  
TINLEY PARK, IL 60487

LOT 2  
JOSHUA HANES  
9101 W. 175TH STREET  
TINLEY PARK, IL 60487



OWNERS

WE, PETER C. BOBBER AND KATHLEEN M. BOBBER, DO HEREBY CERTIFY THAT WE ARE OWNERS OF LOT 2 OF THE LAND DESCRIBED HEREON AND THAT, AS SUCH OWNERS, WE HAVE CAUSED SAID DESCRIBED LAND TO BE SURVEYED AND RESUBDIVIDED AS SHOWN ON THE HEREON DRAWN PLAT AS OUR OWN FREE AND VOLUNTARY ACT AND DEED. WE FURTHER CERTIFY THAT, TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THE LAND DESCRIBED HEREON LIES WITHIN ELEMENTARY SCHOOL DISTRICT 140 AND HIGH SCHOOL DISTRICT 230.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_

PETER C. BOBBER

KATHLEEN M. BOBBER

STATE OF ILLINOIS )  
COUNTY OF COOK ) ss

I, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT PETER C. BOBBER AND KATHLEEN M. BOBBER, PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED THE ANNEXED PLAT AS THEIR OWN FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

NOTARY PUBLIC

WE, JOSHUA HANES AND JENNIFER HANES, DO HEREBY CERTIFY THAT WE ARE OWNERS OF LOT 1 OF THE LAND DESCRIBED HEREON AND THAT, AS SUCH OWNERS, WE HAVE CAUSED SAID DESCRIBED LAND TO BE SURVEYED AND RESUBDIVIDED AS SHOWN ON THE HEREON DRAWN PLAT AS OUR OWN FREE AND VOLUNTARY ACT AND DEED. WE FURTHER CERTIFY THAT, TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THE LAND DESCRIBED HEREON LIES WITHIN ELEMENTARY SCHOOL DISTRICT 140 AND HIGH SCHOOL DISTRICT 230.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_

JOSHUA HANES

JENNIFER HANES

STATE OF ILLINOIS )  
COUNTY OF COOK ) ss

I, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT JOSHUA HANES AND JENNIFER HANES, PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED THE ANNEXED PLAT AS THEIR OWN FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

NOTARY PUBLIC

THE UNDERSIGNED HEREBY CERTIFIES THAT, TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THE DRAINAGE OF SURFACE WATERS WILL NOT BE CHANGES BY THIS RESUBDIVISION OR THAT, IF SUCH SURFACE WATER DRAINAGE WILL BE CHANGES, REASONABLE PROVISION WILL BE MADE FOR COLLECTION AND DIVERSION OF SUCH SURFACE WATERS INTO PUBLIC AREAS OR DRAINS THAT THE OWNER HAS A RIGHT TO USE, AND THAT SUCH SURFACE WATERS WILL BE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF DAMAGE TO ADJOINING PROPERTY OWNERS BECAUSE OF THIS RESUBDIVISION.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

OWNER

ENGINEER

VILLAGE CLERK

I DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT SPECIAL ASSESSMENTS OR UNPAID CURRENT SPECIAL ASSESSMENTS DUE AGAINST THE LAND INCLUDED IN THE HEREON DRAWN PLAT OF RESUBDIVISION.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

VILLAGE CLERK

PLAN COMMISSION

APPROVED BY THE PLAN COMMISSION OF THE VILLAGE OF TINLEY PARK, COOK COUNTY, ILLINOIS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

PLAN COMMISSION CHAIRMAN

SECRETARY

VILLAGE ENGINEER

STATE OF ILLINOIS )  
COUNTY OF COOK ) ss

APPROVED BY THE VILLAGE ENGINEER OF THE VILLAGE OF TINLEY PARK, COOK COUNTY, ILLINOIS.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

VILLAGE ENGINEER

LAND SURVEYOR

STATE OF ILLINOIS )  
COUNTY OF COOK ) ss

I, MARK H. LANDSTROM, ILLINOIS PROFESSIONAL LAND SURVEYOR No. 2625, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND RESUBDIVIDED THE FOLLOWING DESCRIBED PROPERTY:

LOT 1 IN VANBRUGGEN'S SUBDIVISION, A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 22, 1992, AS DOCUMENT 92700696, TOGETHER WITH LOT 2 IN HINSBERGER'S SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 34, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 5, 2001, AS DOCUMENT 0010482121, AND CERTIFICATE OF CORRECTION RECORDED AUGUST 30, 2001, AS DOCUMENT 0010808133, IN COOK COUNTY, ILLINOIS, ILLINOIS.

THIS PLAT CORRECTLY REPRESENTS SAID SURVEY AND RESUBDIVISION IN EVERY DETAIL. DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF, CORRECTED TO 68 DEGREES FAHRENHEIT, AND BEARINGS SHOWN ARE BASED ON THE ILLINOIS EAST STATE PLANE COORDINATE ZONE 1201 (NAD83, AS) DETERMINED BY GPS MEASUREMENT.

I FURTHER CERTIFY THAT ALL THE PROPERTY LYING WITHIN THE BOUNDARY OF THE RESUBDIVISION SHOWN HEREON FALLS WITHIN UNSHADED FLOOD ZONE X, AN AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY ON FLOOD INSURANCE RATE MAP No. 17031C0704J, EFFECTIVE AUGUST 19, 2008.

DATED AT PALOS HILLS, ILLINOIS, THIS 5th DAY OF DECEMBER, A.D. 2018.

MARK H. LANDSTROM  
I.P.L.S. NO. 2625  
LICENSE RENEWAL DATE 11/30/2020

PREPARED FOR:

PETER BOBBER

PREPARED BY:

**LANDMARK**

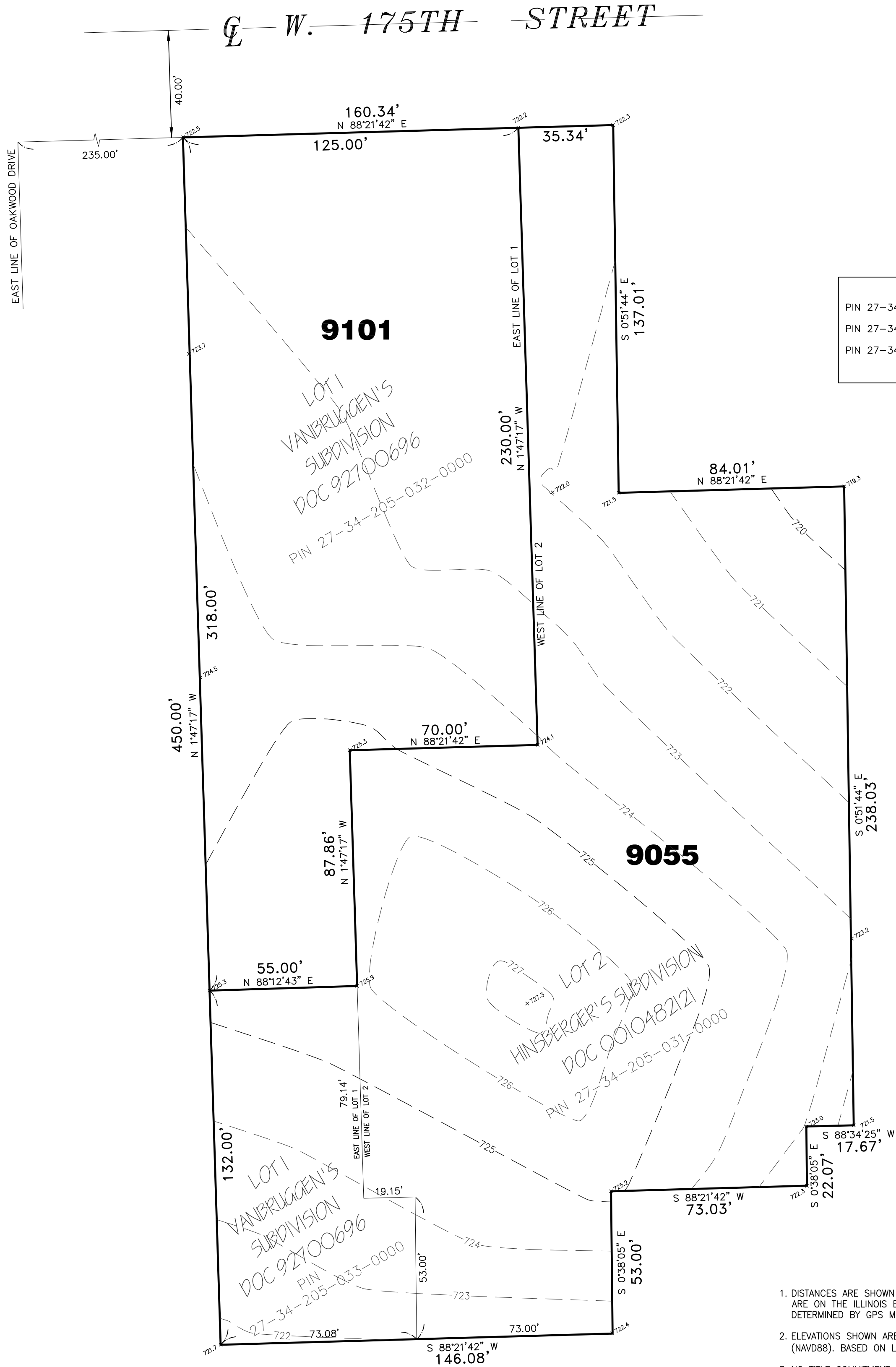
ENGINEERING LLC

DESIGN FIRM REGISTRATION NO. 164-005577

7808 WEST 103RD STREET  
PALOS HILLS, ILLINOIS 60465-1529  
Phone (708) 599-3737

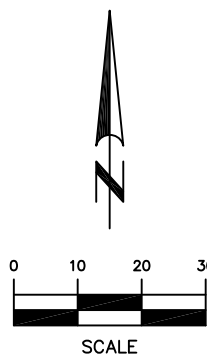
SURVEY No. 16-01-055-RESUB

TOPOGRAPHIC SURVEY  
9055 & 9101 W. 175th STREET  
TINLEY PARK, IL



COOK COUNTY PROPERTY IDENTIFICATION NUMBERS (PINs)	
27-34-205-031-0000	
27-34-205-032-0000	
27-34-205-033-0000	

AREAS		
PIN 27-34-205-031-0000	49,769 SQ.FT.	1.143 AC
PIN 27-34-205-032-0000	33,586 SQ.FT.	0.771 AC
PIN 27-34-205-033-0000	8,251 SQ.FT.	0.189 AC
(more or less)		



NOTES

- DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF. BEARINGS SHOWN ARE ON THE ILLINOIS EAST STATE PLANE COORDINATE ZONE 1201, NAD83, AS DETERMINED BY GPS MEASUREMENT.
- ELEVATIONS SHOWN ARE ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). BASED ON LOCAL C.O.R.S. OBSERVATIONS.
- NO TITLE COMMITMENT WAS PROVIDED FOR USE IN THE PREPARATION OF THIS SURVEY. FOR LEGAL DESCRIPTIONS, BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON, REFER TO DEEDS, ABSTRACTS, TITLE POLICIES, SEARCHES OR COMMITMENTS, CONTRACTS AND LOCAL BUILDING AND ZONING ORDINANCES.
- NO IMPROVEMENTS ARE SHOWN HEREON OR SHOULD BE CONSTRUCTED ON THE BASIS OF THIS SURVEY ALONE. NO DIMENSIONS, LENGTHS OR WIDTHS SHOULD BE ASSUMED FROM SCALING. FIELD MONUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION.

PREPARED FOR:  
PETER BOBBER

PREPARED BY:



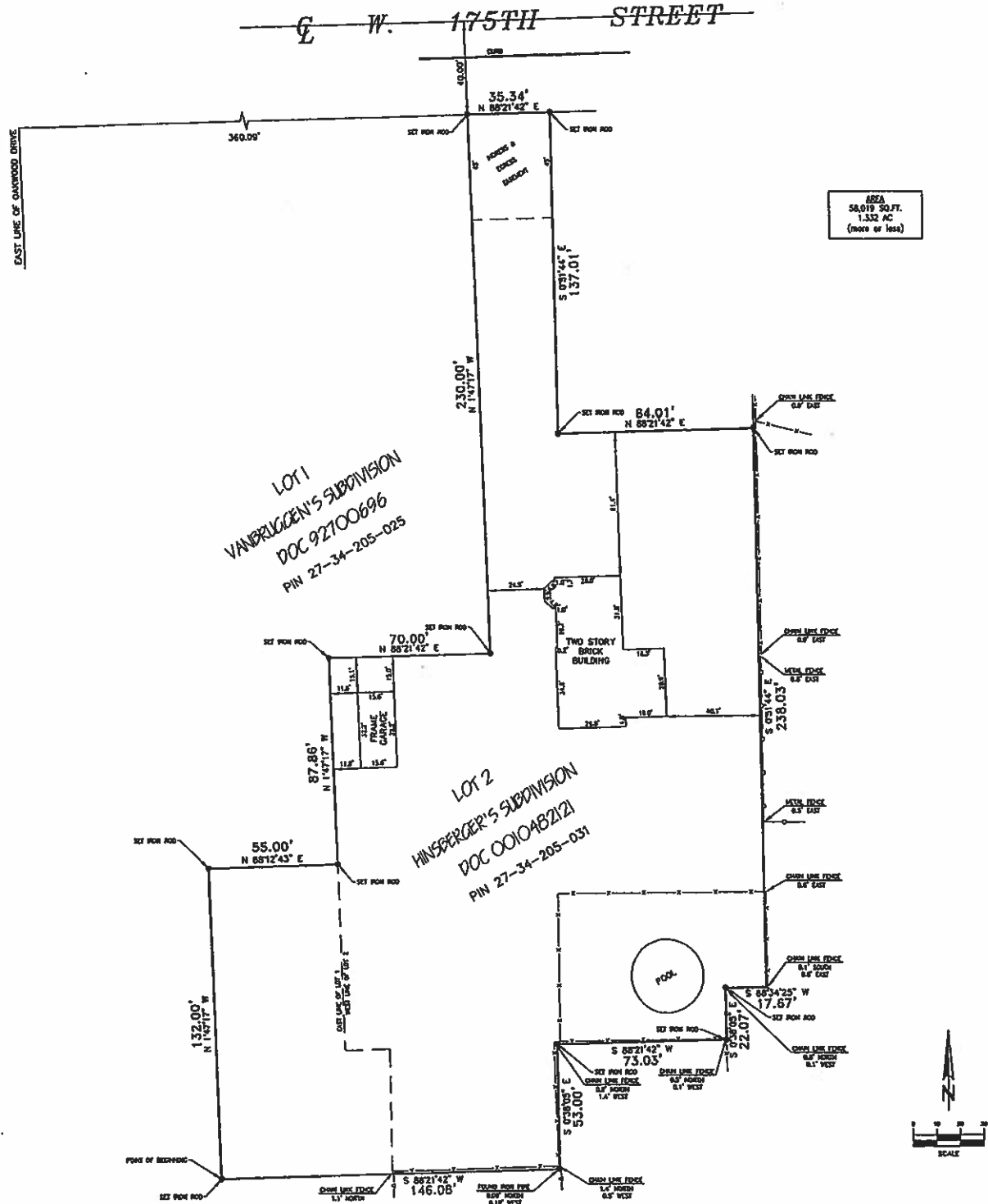
DESIGN FIRM REGISTRATION NO. 184-005577  
7808 WEST 103RD STREET  
PALOS HILLS, ILLINOIS 60465-1529  
Phone (708) 599-3737

SURVEY No. 16-01-055-TOPO

DATED: DECEMBER 6, 2018

# PLAT OF SURVEY

THAT PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 1 IN VANBRUGGEN'S SUBDIVISION, A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 22, 1992, AS DOCUMENT 92700696; THENCE NORTH 1°47'17" WEST 132.00 FEET ALONG THE WEST LINE OF SAID LOT 1; THENCE NORTH 88°12'43" EAST, PERPENDICULAR TO SAID WEST LINE, 55.00 FEET TO A WEST LINE OF LOT 2 IN HINSEBERGER'S SUBDIVISION OF PART OF THE WEST HALF OF SAID NORTHEAST QUARTER, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 5, 2001, AS DOCUMENT 0010482121, AND CERTIFICATE OF CORRECTION RECORDED AUGUST 30, 2001, AS DOCUMENT 0010808133; THENCE NORTH 1°47'17" WEST 87.86 FEET TO A CORNER OF SAID LOT 2; THENCE NORTH 88°21'42" EAST 70.00 FEET TO A CORNER OF SAID LOT 2; THENCE NORTH 1°47'17" WEST 230.00 FEET TO THE SOUTH LINE OF 175TH STREET; THENCE NORTH 88°21'42" EAST, ALONG SAID SOUTH LINE, 35.34 FEET TO A CORNER OF SAID LOT 2; THENCE SOUTH 0°51'44" EAST 137.01 FEET TO A CORNER OF SAID LOT 2; THENCE NORTH 88°21'42" EAST 84.01 FEET TO A CORNER OF SAID LOT 2; THENCE SOUTH 0°51'44" EAST 238.03 FEET TO A CORNER OF SAID LOT 2; THENCE SOUTH 88°21'42" WEST 17.67 FEET TO A CORNER OF SAID LOT 2; THENCE SOUTH 0°36'05" EAST 53.00 FEET TO A CORNER OF SAID LOT 2; THENCE SOUTH 88°21'42" WEST 146.08 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.



PREPARED FOR:  
PETER BOBBER, Attorney at Law

PREPARED BY:

**LANDMARK**  
ENGINEERING LLC

DESIGN FIRM REGISTRATION NO. 184-005577  
7808 WEST 103RD STREET  
PALOS HILLS, ILLINOIS 60465-1529  
Phone (708) 599-3737

SURVEY No. 16-01-055-9055

THAT PART OF THE LOT 1 IN VANBRUGGEN'S SUBDIVISION, A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 22, 1992, AS DOCUMENT 92700696; DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH  $1^{\circ}47'17''$  WEST, ALONG THE WEST LINE OF SAID LOT, 132.00 FEET; THENCE NORTH  $88^{\circ}12'43''$  EAST, PERPENDICULAR TO SAID WEST LINE, 55.00 FEET TO AN EAST LINE OF SAID LOT; THENCE SOUTH  $1^{\circ}47'17''$  EAST, ALONG SAID EAST LINE, 79.14 FEET TO A CORNER OF SAID LOT 1; THENCE NORTH  $88^{\circ}23'27''$  EAST 19.15 FEET TO A CORNER OF SAID LOT; THENCE SOUTH  $0^{\circ}38'05''$  EAST 53.00 FEET TO A SOUTHEAST CORNER OF SAID LOT; THENCE SOUTH  $88^{\circ}21'42''$  WEST, ALONG THE SOUTH LINE OF SAID LOT, 73.08 FEET TO THE POINT OF BEGINNING; IN COOK COUNTY, ILLINOIS.

## EXISTING LEGAL DESCRIPTIONS

9055

2  
1  
LOT 2 IN HINSBERGER'S SUBDIVISION OF PART OF THE WEST HALF OF NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 5, 2001, AS DOCUMENT 0010482121, AND CERTIFICATE OF CORRECTION RECORDED AUGUST 30, 2001, AS DOCUMENT 0010808133, IN COOK COUNTY, ILLINOIS.

9101

1  
LOT 1 IN VANBRUGGEN'S SUBDIVISION, A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 22, 1992, AS DOCUMENT 92700696, IN COOK COUNTY, ILLINOIS.

## NEW LEGAL DESCRIPTIONS

9055

2  
1  
THAT PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 1 IN VANBRUGGEN'S SUBDIVISION, A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 22, 1992, AS DOCUMENT 92700696; THENCE NORTH 1°47'17" WEST 132.00 FEET ALONG THE WEST LINE OF SAID LOT 1; THENCE NORTH 88°12'43" EAST, PERPENDICULAR TO SAID WEST LINE, 55.00 FEET TO A WEST LINE OF LOT 2 IN HINSBERGER'S SUBDIVISION OF PART OF THE WEST HALF OF SAID NORTHEAST QUARTER, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 5, 2001, AS DOCUMENT 0010482121, AND CERTIFICATE OF CORRECTION RECORDED AUGUST 30, 2001, AS DOCUMENT 0010808133; THENCE NORTH 1°47'17" WEST 87.86 FEET TO A CORNER OF SAID LOT 2; THENCE NORTH 88°21'42" EAST 70.00 FEET TO A CORNER OF SAID LOT 2; THENCE NORTH 1°47'17" WEST 230.00 FEET TO THE SOUTH LINE OF 175TH STREET; THENCE NORTH 88°21'42" EAST, ALONG SAID SOUTH LINE, 35.34 FEET TO A CORNER OF SAID LOT 2; THENCE SOUTH 0°51'44" EAST 137.01 FEET TO A CORNER OF SAID LOT 2; THENCE NORTH 88°21'42" EAST 84.01 FEET TO A CORNER OF SAID LOT 2; THENCE SOUTH 0°51'44" EAST 238.03 FEET TO A CORNER OF SAID LOT 2; THENCE SOUTH 88°34'25" WEST 17.67 FEET TO A CORNER OF SAID LOT 2; THENCE SOUTH 0°38'05" EAST 22.07 FEET TO A CORNER OF SAID LOT 2; THENCE SOUTH 88°21'42" WEST 73.03 FEET TO A CORNER OF SAID LOT 2; THENCE SOUTH 0°38'05" EAST 53.00 FEET TO A CORNER OF SAID LOT 2; THENCE SOUTH 88°21'42" WEST 146.08 FEET TO THE POINT OF BEGINNING; IN COOK COUNTY, ILLINOIS.

9101

1  
THAT PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF LOT 1 IN VANBRUGGEN'S SUBDIVISION, A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 22, 1992, AS DOCUMENT 92700696; THENCE NORTH 1°47'17" WEST 132.00 FEET, ALONG THE WEST LINE OF SAID LOT 1, TO A POINT OF BEGINNING; THENCE CONTINUING NORTH 1°47'17" WEST, ALONG SAID WEST LINE, 318.00 FEET TO THE SOUTH LINE OF 175TH STREET; THENCE NORTH 88°21'42" EAST, ALONG SAID SOUTH LINE, 125.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 1°47'17" EAST 230.00 FEET TO A CORNER OF SAID LOT 1; THENCE SOUTH 88°21'42" WEST 70.00 FEET TO A CORNER OF SAID LOT 1; THENCE SOUTH 1°47'17" EAST 87.86 FEET ALONG AN EAST LINE OF SAID LOT 1; THENCE SOUTH 88°12'43" WEST 55.00 FEET, PERPENDICULAR TO THE WEST LINE OF SAID LOT 1, TO THE POINT OF BEGINNING; IN COOK COUNTY, ILLINOIS.

## TRANSFER PARCEL

THAT PART OF THE LOT 1 IN VANBRUGGEN'S SUBDIVISION, A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 22, 1992, AS DOCUMENT 92700696; DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 1°47'17" WEST, ALONG THE WEST LINE OF SAID LOT, 132.00 FEET; THENCE NORTH 88°12'43" EAST, PERPENDICULAR TO SAID WEST LINE, 55.00 FEET TO AN EAST LINE OF SAID LOT; THENCE SOUTH 1°47'17" EAST, ALONG SAID EAST LINE, 79.14 FEET TO A CORNER OF SAID LOT 1; THENCE NORTH 88°23'27" EAST 19.15 FEET TO A CORNER OF SAID LOT; THENCE SOUTH 0°38'05" EAST 53.00 FEET TO A SOUTHEAST CORNER OF SAID LOT; THENCE SOUTH 88°21'42" WEST, ALONG THE SOUTH LINE OF SAID LOT, 73.08 FEET TO THE POINT OF BEGINNING; IN COOK COUNTY, ILLINOIS.

## PLAT ACT AFFIDAVIT

State of Illinois

County of COOK } ss.

LORI D. VAN BRUGGEN being duly sworn on oath, states that she resides at 9101 175th ST., Tinley Park, 60487 That the attached deed is not in violation of 765 ILCS 205/1 for one of the following reasons:

1. Said Act is not applicable as the grantors own no adjoining property to the premises described in said deed;  
- OR -  
the conveyance falls in one of the following exemptions as shown by Amended Act which became effective July 17, 1959.
2. The division or subdivision of the land into parcels or tracts of five acres or more in size which does not involve any new streets or easements of access.
3. The divisions of lots or blocks of less than one acre in any recorded subdivision which does not involve any new streets or easements of access.
- ④ 4. The sale or exchange of parcels of land between owners of adjoining and contiguous land.
5. The conveyance of parcels of land or interests therein for use as right of way for railroads or other public utility facilities, which does not involve any new streets or easements of access.
6. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access.
7. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
8. Conveyances made to correct descriptions in prior conveyances.
9. The sale or exchange of parcels or tracts of land existing on the date of the amendatory Act into no more than two parts and not involving any new streets or easements of access.
10. The sale of a single lot of less than 5.0 acres from a larger tract when a survey is made by an Illinois registered surveyor; provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land. Amended by P.A. 80-318, 1 eff. October 1, 1977.

CIRCLE THE NUMBER ABOVE WHICH IS APPLICABLE TO THE ATTACHED DEED.

Affiant further state that she makes this affidavit for the purpose of inducing the Recorder of Deeds of Cook County, Illinois, to accept the attached deed for recording.

Lori D. Van Bruggen

SUBSCRIBED and SWORN to before me

this 21st day of March, 2016.

Dorota E. Kutyk-Musselman





## STATEMENT BY GRANTOR AND GRANTEE

The **grantor** or his agent affirms that, to the best of his knowledge, the name of the **grantee** shown on the deed or assignment of beneficial interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois, or other entity recognized as a person and authorized to do business or acquire title to real estate under the laws of the State of Illinois.

Dated MARCH 21, 2016



Signature: \_\_\_\_\_

**Grantor or Agent**

Subscribed and sworn to before me

By the said \_\_\_\_\_

This 21st, day of MARCH, 2016

Notary Public Dorota E. Kullig-Musselman

The **grantee** or his agent affirms and verifies that the name of the **grantee** shown on the deed or assignment of beneficial interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois or other entity recognized as a person and authorized to do business or acquire title to real estate under the laws of the State of Illinois.

Date MARCH 21, 2016



Signature: \_\_\_\_\_

**Grantee or Agent**

Subscribed and sworn to before me

By the said \_\_\_\_\_

This 21st, day of MARCH, 2016

Notary Public Dorota E. Kullig-Musselman

**Note:** Any person who knowingly submits a false statement concerning the identity of a **Grantee** shall be guilty of a Class C misdemeanor for the first offense and of a Class A misdemeanor for subsequent offenses.

(Attach to **deed** or **ABI** to be recorded in Cook County, Illinois if exempt under provisions of Section 4 of the Illinois Real Estate Transfer Tax Act.)

# BOBBER'S CONSOLIDATION

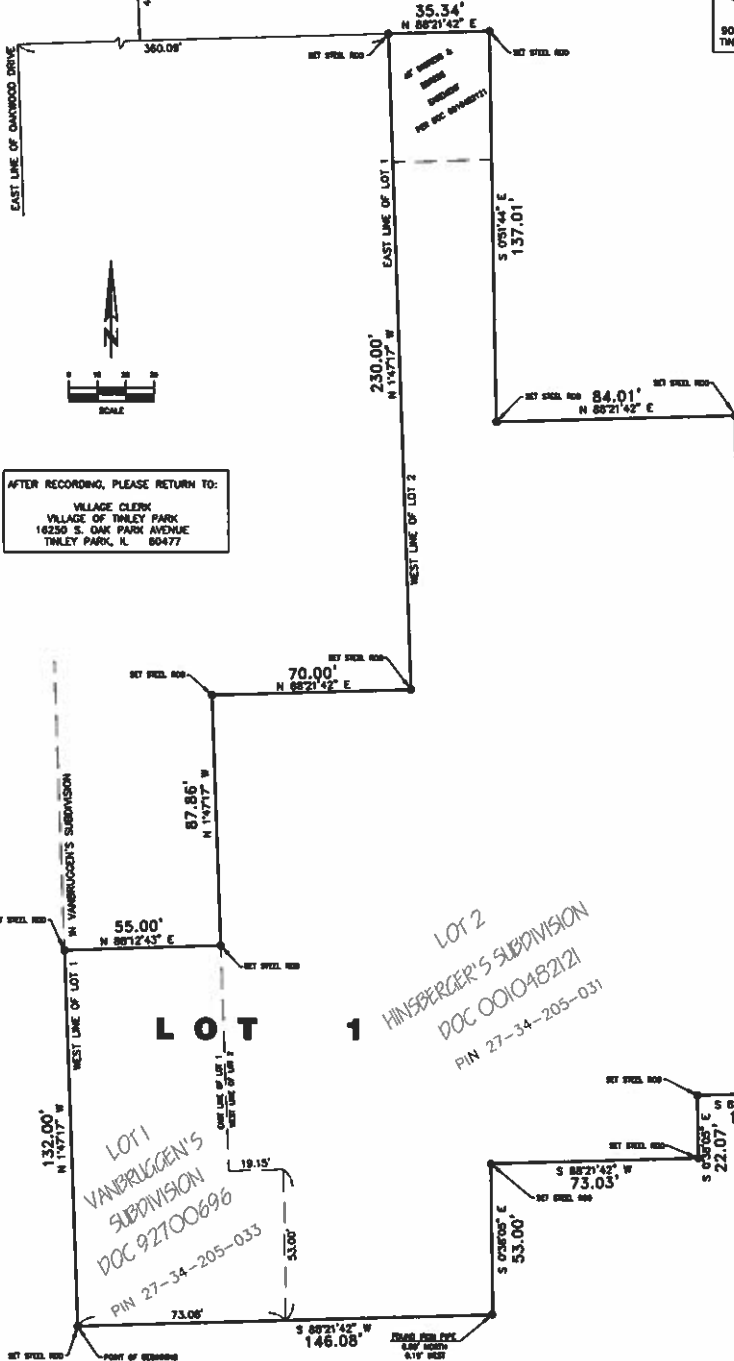
OF PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 34,  
TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN  
COOK COUNTY, ILLINOIS.

COOK COUNTY  
PERMANENT INDEX NUMBERS  
(P.I.N.s)  
27-34-205-031-0000  
27-34-205-033-0000

SEND TAX BILLS TO:  
PETER BOBBER  
9055 W. 175TH STREET  
TINLEY PARK, IL 60487

W. 175TH STREET

HERETOFORE DEDICATED



AFTER RECORDING, PLEASE RETURN TO:  
VILLAGE CLERK  
VILLAGE OF TINLEY PARK  
16250 S. OAK PARK AVENUE  
TINLEY PARK, IL 60477

## PLAN COMMISSION

APPROVED BY THE PLAN COMMISSION OF THE VILLAGE OF TINLEY PARK, COOK COUNTY, ILLINOIS,

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20 \_\_\_\_\_

PLAN COMMISSION CHAIRMAN \_\_\_\_\_ SECRETARY \_\_\_\_\_

## PRESIDENT & BOARD OF TRUSTEES

APPROVED AND ACCEPTED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF TINLEY PARK, COOK COUNTY, ILLINOIS,

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20 \_\_\_\_\_

MAYOR \_\_\_\_\_ VILLAGE CLERK \_\_\_\_\_

## OWNERS

WE, PETER C. BOBBER AND KATHLEEN M. BOBBER, DO HEREBY CERTIFY THAT WE ARE OWNERS OF THE LAND DESCRIBED HEREON AND THAT, AS SUCH OWNERS, WE HAVE CAUSED SAID DESCRIBED LAND TO BE SURVEYED AND CONSOLIDATED AS SHOWN ON THE HEREON DRAWN PLAT AS THEIR OWN FREE AND VOLUNTARY ACT AND DEED. WE FURTHER CERTIFY THAT, TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THE LAND DESCRIBED HEREON LIES WITHIN ELEMENTARY SCHOOL DISTRICT 140 AND HIGH SCHOOL DISTRICT 230.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20 \_\_\_\_\_

PETER C. BOBBER \_\_\_\_\_ KATHLEEN M. BOBBER \_\_\_\_\_

STATE OF ILLINOIS )  
COUNTY OF COOK ) ss

I, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN THE STATE OF ILLINOIS, DO HEREBY CERTIFY THAT PETER C. BOBBER AND KATHLEEN M. BOBBER, PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED THE ANNEXED PLAT AS THEIR OWN FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20 \_\_\_\_\_

NOTARY PUBLIC

THE UNDERSIGNED HEREBY CERTIFY THAT, TO THE BEST OF THEIR KNOWLEDGE AND BELIEF, THE DRAINAGE OF SURFACE WATERS WILL NOT BE CHANGED BY THIS CONSOLIDATION OR THAT, IF SUCH SURFACE WATER DRAINAGE WILL BE CHANGED, REASONABLE PROVISION WILL BE MADE FOR COLLECTION AND DIVERSION OF SUCH SURFACE WATERS INTO PUBLIC AREAS OR DRAINS THAT THE OWNER HAS A RIGHT TO USE, AND THAT SUCH SURFACE WATERS WILL BE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF DAMAGE TO ADJOINING PROPERTY OWNERS BECAUSE OF THIS CONSOLIDATION.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20 \_\_\_\_\_

OWNER \_\_\_\_\_ ENGINEER \_\_\_\_\_

## LAND SURVEYOR

STATE OF ILLINOIS )  
COUNTY OF COOK ) ss

I, MARK H. LANDSTROM, ILLINOIS PROFESSIONAL LAND SURVEYOR No. 2625, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND CONSOLIDATED THE FOLLOWING DESCRIBED PROPERTY:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 1 IN VANBRUGGEN'S SUBDIVISION, A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID NORTHEAST QUARTER, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 22, 1992, AS DOCUMENT 92700696; THENCE NORTH 1 DEGREE 47 MINUTES 17 SECONDS WEST 132.00 FEET TO A CORNER OF SAID LOT 1; THENCE NORTH 88 DEGREES 12 MINUTES 43 SECONDS EAST, PERPENDICULAR TO SAID WEST LINE, 55.00 FEET TO A WEST LINE OF LOT 2 IN HINSEBERGER'S SUBDIVISION OF PART OF THE WEST HALF OF SAID NORTHEAST QUARTER, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 5, 2001, AS DOCUMENT 0010482121, AND CERTIFICATE OF CORRECTION RECORDED AUGUST 30, 2001, AS DOCUMENT 0010808133; THENCE NORTH 1 DEGREE 47 MINUTES 17 SECONDS WEST 87.86 FEET TO A CORNER OF SAID LOT 2; THENCE NORTH 88 DEGREES 21 MINUTES 42 SECONDS EAST 70.00 FEET TO A CORNER OF SAID LOT 2; THENCE NORTH 1 DEGREE 47 MINUTES 17 SECONDS WEST 230.00 FEET TO THE SOUTH LINE OF 175TH STREET; THENCE NORTH 88 DEGREES 21 MINUTES 42 SECONDS EAST, ALONG SAID SOUTH LINE, 35.34 FEET TO A CORNER OF SAID LOT 2; THENCE SOUTH 0 DEGREES 51 MINUTES 44 SECONDS EAST 137.01 FEET TO A CORNER OF SAID LOT 2; THENCE NORTH 88 DEGREES 21 MINUTES 42 SECONDS EAST 84.01 FEET TO A CORNER OF SAID LOT 2; THENCE SOUTH 88 DEGREES 34 MINUTES 25 SECONDS WEST 17.67 FEET TO A CORNER OF SAID LOT 2; THENCE SOUTH 0 DEGREES 38 MINUTES 5 SECONDS EAST 53.00 FEET TO A CORNER OF SAID LOT 2; THENCE SOUTH 88 DEGREES 21 MINUTES 42 SECONDS WEST 73.03 FEET TO A CORNER OF SAID LOT 2; THENCE SOUTH 0 DEGREES 38 MINUTES 5 SECONDS EAST 53.00 FEET TO A CORNER OF SAID LOT 2; THENCE SOUTH 88 DEGREES 21 MINUTES 42 SECONDS WEST 146.08 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS, ILLINOIS.

THIS PLAT CORRECTLY REPRESENTS SAID SURVEY AND CONSOLIDATION IN EVERY DETAIL. DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF, CORRECTED TO 88 DEGREES FAHRENHEIT, AND BEARINGS SHOWN ARE BASED ON THE ILLINOIS EAST STATE PLANE COORDINATE ZONE 1201 (NAD83, AS) DETERMINED BY GPS MEASUREMENT.

I FURTHER CERTIFY THAT ALL THE PROPERTY LYING WITHIN THE BOUNDARY OF THE CONSOLIDATION SHOWN HEREON FALLS WITHIN UNSHADDED FLOOD ZONE X, AN AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY ON FLOOD INSURANCE RATE MAP No. 17031C0704J, EFFECTIVE AUGUST 19, 2008.

DATED AT PALOS HILLS, ILLINOIS, THIS 9th DAY OF NOVEMBER, A.D. 2018.

MARK H. LANDSTROM  
I.P.L.S. NO. 2625

PREPARED FOR:  
PETER BOBBER

PREPARED BY:  
**LANDMARK**  
ENGINEERING & LLC  
DESIGN FIRM REGISTRATION NO. 184-005577  
7808 WEST 103RD STREET  
PALOS HILLS, ILLINOIS 60485-1529  
Phone (708) 599-3737  
SURVEY No. 16-01-055-CONSOL

VILLAGE CLERK

I DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT SPECIAL ASSESSMENTS OR UNPAID CURRENT SPECIAL ASSESSMENTS DUE AGAINST THE LAND INCLUDED IN THE HEREON DRAWN PLAT OF CONSOLIDATION.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20 \_\_\_\_\_

**JENNIFER AND JOSHUA HANES**

**9101 W. 175<sup>th</sup> Street**

**TINLEY PARK, ILLINOIS 60487**

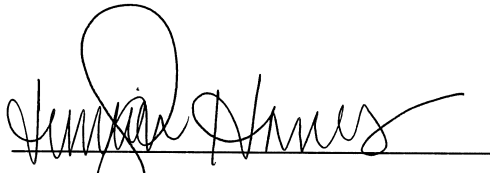
December 10, 2018

Re: Bobber's Resubdivision (9055 175<sup>th</sup> St.)

Village of Tinley Park:

We are the owners of 9101 W. 175<sup>th</sup> Street (PIN 27-34-205-32-0000). We understand that our property was formerly covered by the PIN 27-34-205-25-0000 until the property was divided into two parcels which were assigned the new PIN 27-34-205-32-0000 and PIN 27-34-205-33-0000, the former being owned by us and the latter being owned by Bobbers. We understand that the Bobbers, our neighbors at 9055 175<sup>th</sup> Street (PIN 27-34-205-31-0000 and PIN 27-34-205-33-0000), are seeking to create a new subdivision thus combining their two parcels that are subject their two PINs noted above.

We have reviewed the proposed Plat of the Bobber's Resubdivision and agree that we will sign the final Plat once approved by the Village.

  
JENNIFER HANES

12-20-18  
DATE

  
JOSHUA HANES

12.20.18  
DATE

# PLAN COMMISSION STAFF REPORT

February 7, 2019

## CTF Illinois

6800 – 6820 Centennial Drive

### Petitioner

CTF Illinois

### Property Location

6800 – 6820  
Centennial Drive

### PIN

28-19-100-050-0000 &  
28-19-100-051-0000

### Zoning

B-2 PD (Community  
Shopping, Brementowne  
Mall PUD)

### Approvals Sought

Special Use Permit

### Project Planner

Daniel Ritter, AICP  
Senior Planner



## EXECUTIVE SUMMARY

The Petitioner, CTF Illinois, is seeking approval of a Special Use Permit for a Substantial Deviation from the Brementowne Mall Planned Unit Development (PUD) that would allow for exterior storage of vehicles and buses in the front yard at the properties located at 6800 – 6820 Centennial Drive in the B-2 PD (Community Shopping), Brementowne PUD) zoning district.

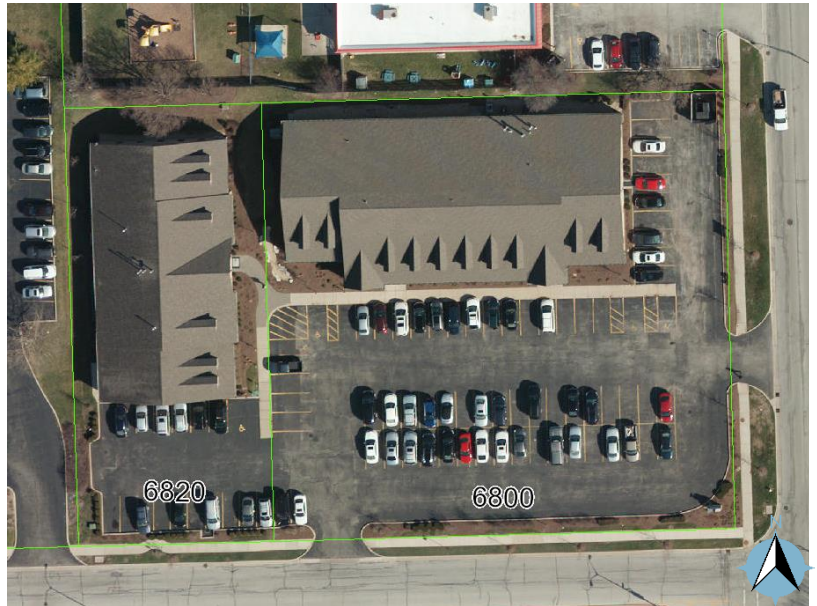
CTF Illinois is a not-for-profit organization that helps to assist people with developmental disabilities and their families. They provide educational, training, vocational and other opportunities that allow people with developmental disabilities to grow and become more independent. CTF Illinois currently operates many programs at 6775 Prosperi Drive in Tinley Park and will be relocating some of their programs to this new location. The organization's use is permitted as a Vocational Education Facility. However, to assist in its mission, they often use vans and 12-15 person buses to transport its students. These buses and vans are typically kept on-site so that staff does not need to retrieve them from off-site locations.

Open Storage is prohibited in all Business Districts including the storage of vehicles over 8,000 lbs.; the CTF buses exceed this weight limit. In addition, open storage is not permitted in front or corner side yards. As part of a Planned Unit Development there are opportunities for more flexibility when considering exceptions to the code; the request has been reviewed by staff in context of the approved PUD.

## EXISTING SITE, HISTORY & PROPOSED USE

CTF Illinois is looking to purchase the buildings at 6800-6820 Centennial Drive. The site includes two buildings that total a little over 20,000 square feet. CTF currently operates at a 40,000 square foot space at 6775 Prosperi Drive and also operates The Painted Turtle art studio at 17459 Oak Park Avenue in downtown Tinley Park. CTF will not be relocating the entire capacity of its Prosperi Drive location to this site. Some of the program's capabilities will be relocated to nearby locations in Orland Park and Homewood.

The proposed location has traditionally been utilized as office space for medical and service uses. The subject site consists of two buildings on two (2) separate lots approved in 1989 and constructed in 1990 for Prudential Insurance. The site was most recently owned and primarily utilized by Mack Companies.



## ZONING & NEARBY LAND USES

The subject parcels are zoned B-2 PD (Community Shopping, Brementowne Mall PUD). One (1) of the parcels appears not to be located in the PUD but this is an error on the Zoning layer and both parcels are located in the Brementowne PUD. The properties to the north (Kindercare) and west (Medical Office) are located in the same B-2 PD (Community Shopping, Brementowne Mall PUD). To the south is Brementowne Manor which is an assisted living development zoned R7 PD (Medium-density residential, Brementowne Manor PUD). To the east is Bremen Woods which is unincorporated land owned by Cook County Forest Preserve District.





## SPECIAL USE PERMIT APPROVAL

The use of the site as a Vocational Educational Facility is a permitted use. However, open exterior storage of a business's vehicles over 8,000 lbs are prohibited in all business zoning districts. They are permitted in the M-1 (Manufacturing) and MU-1 (Duvan Drive Mixed-Use Overlay) zoning districts and with a special use permit in the ORI (Office and Restricted Industrial). The Brentmentowne Mall PUD allows for some flexibility in regards to these open storage requirements due to the unique design and location of the site and the unique characteristics of the proposed organization. Additionally, it is important to note that the vehicle storage is accessory to the principal and permitted use as a vocational educational facility. Vehicle storage is not required to operate the principal use and is only to help assist in the organizational mission. The proposed Substantial Deviation will permit up to eight (8) vehicles to be stored on-site in the front yard. These vehicles include four (4) vans, three (3) 12-person buses, and one (1) 15-person bus. Only the buses exceed the weight limitation.



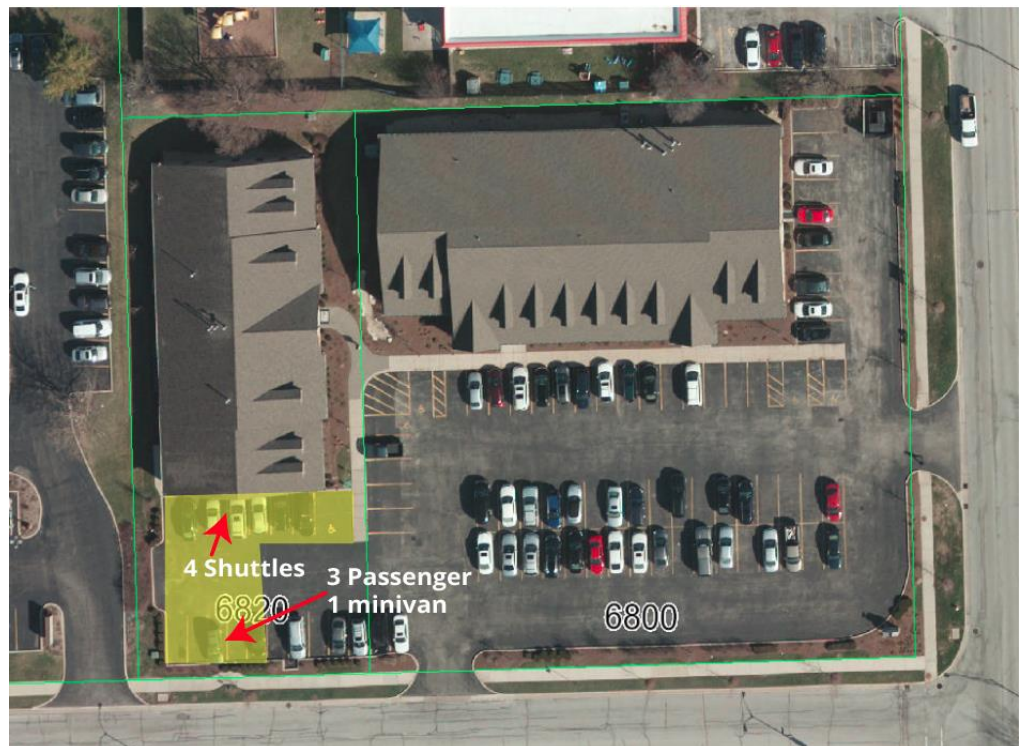
Above: Examples of the van and bus that would be stored on-site at 6800-6820 Centennial Drive.

**Open Item #1: Discuss the Special Use Permit for a Substantial Deviation from the PUD to permit open storage of vehicles over 8,000 lbs.**

## SITE PLAN, LANDSCAPE, ARCHITECTURE, SIGNAGE

### Site Plan and Landscape

There are no immediate changes proposed to the site layout, lighting, landscaping or building architecture. The petitioner has proposed three (3) options for where the buses and vans could be stored on the site within legally stripped parking spaces. Staff recommends parking similar to "Option 2" that would located the vehicles on the southwest side of the property where it is least visible from Oak Park Avenue and separated from the rest of the parking field.



The existing parking lot is entirely located in the primary and secondary front yards of the properties. Due to the existing nature of the site and the current layout, there are no alternative options that would allow the vehicles to be parked in the rear yard; the vehicles will be parked in a front yard regardless of their location on the site.

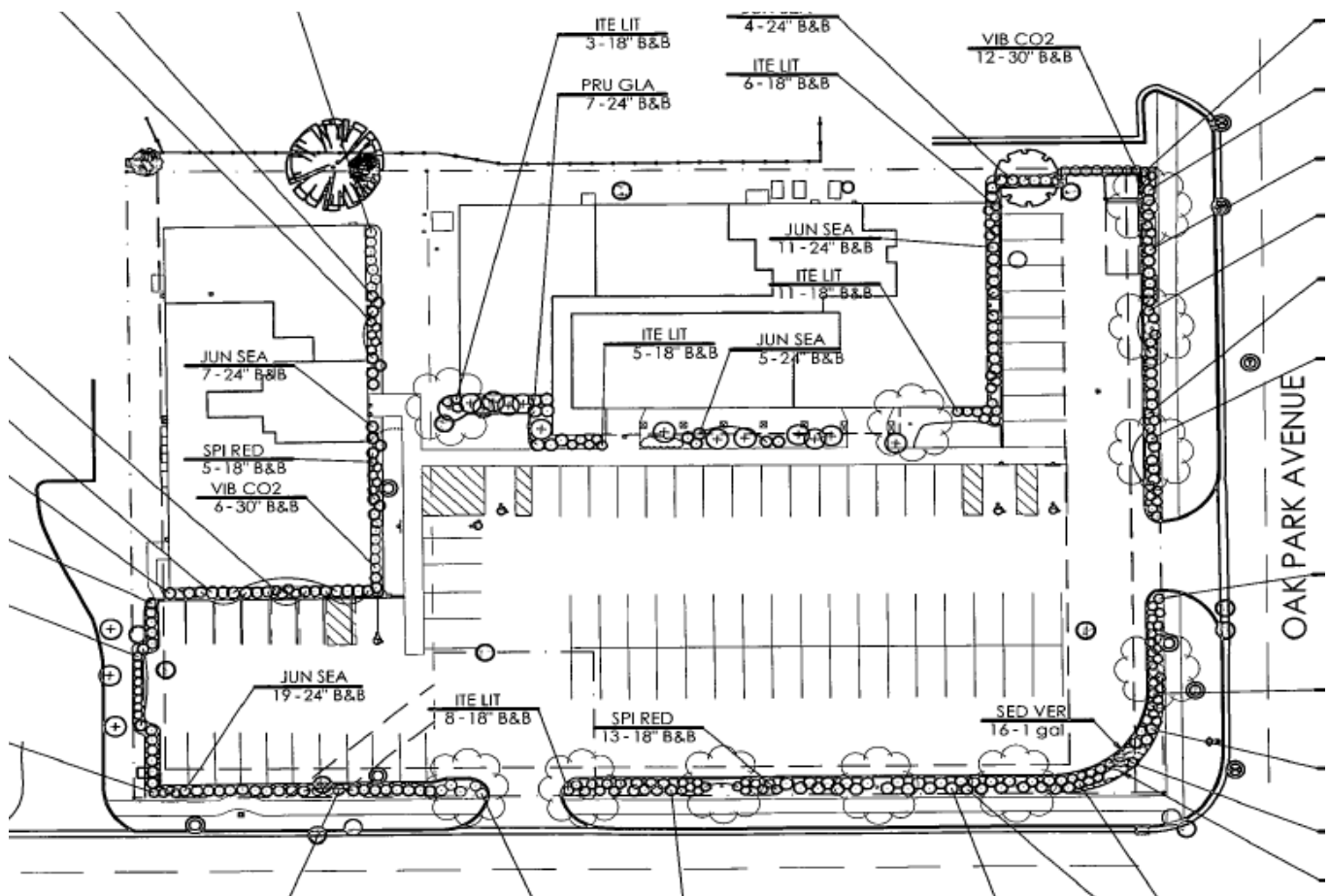
Screening is required around the proposed vehicle storage area to screen it from public view. However, there are no additional locations where trees or bushes can be added that will give them enough room to survive. Additionally, fencing in the front yard is only likely to detract from the site and creates visibility concerns. The site currently has extensive landscaping on the site that is properly maintained. The landscaping was proposed and installed in 2009 (approved Landscape Plan is attached). The landscaping on this site will be required to be maintained at its current high level which will continue to keep the property appealing.

Locating the storage of vehicles exceeding 8,000 pounds in the front yard will require an exception to the PUD. Staff is recommending the Commission approve this exception as part of the Substantial Deviation.

**Open Item #2: Discuss different potential parking locations for 12-15 person buses and vans.**

**Open Item #3: Discuss any potential screening options and adequacy of previously approved Landscape Plan.**

**Open Item #4: Discuss open storage of vehicles in the front yard as an exception to the PUD.**



Above: 2009 Approved Site and Landscape Plan

## **Parking**

Village parking regulations provides little guidance for this unique use. Office uses are based on square footage at a ratio of 1 space per 250 SF of floor space. This results in a requirement of 80 spaces, however the overall site parking is expected to be adequate based on the number of employees and anticipated visitor count. There are currently 86 parking spaces, which will be reduced by 12 spaces due to the proposed bus and van storage. The results in 74 available spaces. Staff is expected to be a maximum of 40 at this location, resulting in approximately 34 available spaces for additional visitors and guests. While CTF has had some parking issues at their current Prosperi Drive location, that site is twice as large as the proposed location and has a very limited parking field (approximately 53 spaces). This new location is expected to better meet their needs in regards to parking and building function.

***Open Item #5: Discuss proposed parking supply and reduction in available spaces from 86 to 74 due to vehicle storage.***

## **Signage**

No signage has been proposed by the petitioner yet. However, any signage is expected to comply with the current zoning code requirements and will be reviewed for conformance during permitting.

## **SUMMARY OF OPEN ITEMS**

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

1. Discuss the Special Use Permit for a Substantial Deviation from the PUD to permit open storage of vehicles over 8,000 lbs.
2. Discuss different potential parking locations for 12-15 person buses and vans.
3. Discuss any potential screening options and adequacy of previously approved Landscape Plan.
4. Discuss open storage of vehicles in the front yard as an exception to the PUD.
5. Discuss proposed parking supply and reduction in available spaces from 86 to 74 due to vehicle storage.



## STANDARDS FOR A SPECIAL USE

---

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

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

- a. That the establishment, maintenance, or operation of the Special Use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
- b. That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- c. That the establishment of the Special Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
- d. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided;
- e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
- f. That the Special Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the Village Board pursuant to the recommendation of the Plan Commission. The Village Board shall impose such conditions and restrictions upon the premises benefited by a Special Use Permit as may be necessary to ensure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the general intent of this Ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this Ordinance.
- g. The extent to which the Special Use contributes directly or indirectly to the economic development of the community as a whole.

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

## RECOMMENDATION

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Following a successful workshop, proceed to a Public Hearing at the February 21, 2019 Plan Commission meeting.

## LIST OF REVIEWED PLANS

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Submitted Sheet Name	Prepared By	Date On Sheet
Parking Options and Drop-off Pattern	CTF Illinois	n/a
Site Plan Narrative	CTF Illinois	n/a



Village of Tinley Park  
Community Development Dept.  
16250 S. Oak Park Ave.  
Tinley Park, IL 60477  
708-444-5100

VILLAGE OF TINLEY PARK, ILLINOIS  
**PLANNING AND ZONING GENERAL APPLICATION**

**REQUEST INFORMATION**

\*Additional Information is Required for Specific Requests as Outlined in Specific Addendums

- ☐ Special Use for: \_\_\_\_\_
- ☐ Planned Unit Development (PUD) ☐ Concept ☐ Preliminary ☐ Final ☐ Deviation
- ☐ Variation ☐ Residential ☐ Commercial for \_\_\_\_\_
- ☐ Annexation
- ☐ Rezoning (Map Amendment) From \_\_\_\_\_ to \_\_\_\_\_
- ☐ Plat (Subdivision, Consolidation, Public Easement) ☐ Preliminary ☐ Final
- ☒ Site Plan
- ☐ Landscape Change Approval
- ☐ Other: \_\_\_\_\_

**PROJECT & PROPERTY INFORMATION**

Project Name: CTF ILLINOIS (24/7)

Project Description: New owner requesting to park 8 vehicles in parking lot

Project Address: 6800-6820 Centennial Dr Property Index No. (PIN): 28-19-100-050-0000

Zoning District: \_\_\_\_\_ Lot Dimensions & Area: 28-19-100-051-0000

Estimated Project Cost: \$ 0

**OWNER OF RECORD INFORMATION**

Please supply proper documentation of ownership and/or designated representative for any corporation.

Name of Owner: Mary Pat Ambrosino Company: Community Services Foundation

Street Address: 18230 Orland Parkway City, State & Zip: Orland Park IL 60467

E-Mail Address: mambrosino@csfil.org Phone Number: [REDACTED]

**APPLICANT INFORMATION**

☐ Same as Owner of Record

All correspondence and invoices will be sent to the applicant. If applicant is different than owner, "Authorized Representative Consent" section must be completed.

Name of Applicant: Mary Pat Ambrosino CEO Company: CTF ILLINOIS

Relation To Project: Tenant

Street Address: 18230 Orland Parkway City, State & Zip: Orland Park IL 60467

E-Mail Address: mambrosino@ctfillinois.org Phone Number: [REDACTED]





Village of Tinley Park  
Community Development Dept.  
16250 S. Oak Park Ave.  
Tinley Park, IL 60477  
708-444-5100

VILLAGE OF TINLEY PARK, ILLINOIS  
**PLANNING AND ZONING GENERAL APPLICATION**

**Authorized Representative Consent**

It is required that the property owner or his designated representative be present at all requests made to the Plan Commission and Zoning Board of Appeals. During the course of a meeting, questions may arise regarding the overall project, the property, property improvements, special conditions attached to recommendations among other aspects of any formal request. The representative present must have knowledge of the property and all aspects of the project. They must have the authority to make commitments related to the project and property. Failure to have the property owner or designated representative present at the public meeting can lead to substantial delays to the project approval. If the owner cannot be present or does not wish to speak at the public meeting, the following statement must be signed by the owner for an authorized representative.

I hereby authorize Mary Pat Ambrosino (print clearly) to act on my behalf and advise that they have full authority to act as my/our representative in regards to the subject property and project, including modifying any project or request. I agree to be bound by all terms and conditions.  
Property Owner Signature: [Redacted] Jean E. Thompson Authorized Representative

Property Owner Name (Print): MB1815 LLC & MB1853 LLC

**Acknowledgements**

- Applicant acknowledges, understands and agrees that under Illinois law, the Village President (Mayor), Village Trustees, Village Manager, Corporation Counsel and/or any employee or agent of the Village or any Planning and Zoning Commission member or Chair, does not have the authority to bind or obligate the Village in any way and therefore cannot bind or obligate the Village. Further, Applicant acknowledges, understands and agrees that only formal action (including, but not limited to, motions, resolutions, and ordinances) by the Board of Trustees, properly voting in an open meeting, can obligate the Village or confer any rights or entitlement on the applicant, legal, equitable, or otherwise.
- Members of the Plan Commission, Zoning Board of Appeals, Village Board as well as Village Staff may conduct inspections of subject site(s) as part of the pre-hearing and fact finding review of requests. These individuals are given permission to inspect the property in regards to the request being made.
- Required public notice signs will be obtained and installed by the Petitioner on their property for a minimum of 10 days prior to the public hearing. These may be provided by the Village or may need to be produced by the petitioner.
- The request is accompanied by all addendums and required additional information and all applicable fees are paid before scheduling any public meetings or hearings.
- Applicant verifies that all outstanding fees and monies owed to the Village of Tinley Park have been paid.
- Any applicable recapture, impact, engineering, contracted review or other required fees and donations shall be paid prior to issuance of any building permits, occupancy permits, or business licenses.
- The Owner and Applicant by signing this application certify that the above information and all supporting addendums and documentation is true and correct to the best of their knowledge.

Property Owner Signature: [Redacted] Jean E. Thompson Authorized Representative

Property Owner Name (Print): MB1815, LLC & MB1853 LLC

Applicant Signature:  
(If other than Owner) (MPA) [Redacted]

Applicant's Name (Print): Mary Pat Ambrosino

Date: 1-25-2019

## **SITE PLAN ADDENDUM NARRATIVE**

<b>Property:</b>	6800-6820 Centennial Drive
<b>Purchaser:</b>	Community Services Foundation
<b>Lessee:</b>	CTF ILLINOIS
<b>Proposed Use:</b>	Day Training Programing for Adults with Intellectual Disabilities
<b>Hours of Operation:</b>	6:30 am - 5:00 pm
<b>Hours of Supports:</b>	7:30 am - 3:00 pm

### **History**

Community Service Foundation (Foundation) has been rooted in the Tinley Park community since the early 80's when Southwest Community Services opened its doors on Duvan Drive. In 2001, we moved our program space to Prosperi Drive where we remain to occupy today and in 2014 became an Oak Park vendor when we opened the Painted Turtle. The Foundation has been and continues to be a proud member of the Tinley Park Chamber of Commerce.

Recently, the Foundation received an offer to sell its Prosperi building and hence began our search to occupy new space. We are leaving a 40,000 square foot building in order to provide enhancements to our supports and therefore our search to locate smaller building ensued.

### **Proposed Use**

The Foundation is currently perusing the above property to become a day training support for our adult with high physical and sensory needs. Once fully occupied, each building will have approximately 40 individuals and 15 staff.

Most of the individuals will be transported by their residential facility or PACE, however, the individuals that live with family members will be transported by the CTF ILLINOIS transportation system. Our current fleet is 8 vehicles that will require overnight parking.

The 6820 Centennial Drive Building currently has two tenants. Once their lease is expired, CTF will be the sole lessee.



Centennial  
6800 6820



3 - 12 passengers 12,500<sup>#</sup>

1 15 passenger 14,500<sup>#</sup>



3- 9,000

1 minivan 6,050<sup>#</sup>

---

8 overnights

80 parking spaces

80 regular

6 ADA

Staffing = 40 max



# MILLENNIUM PROPERTIES R/E

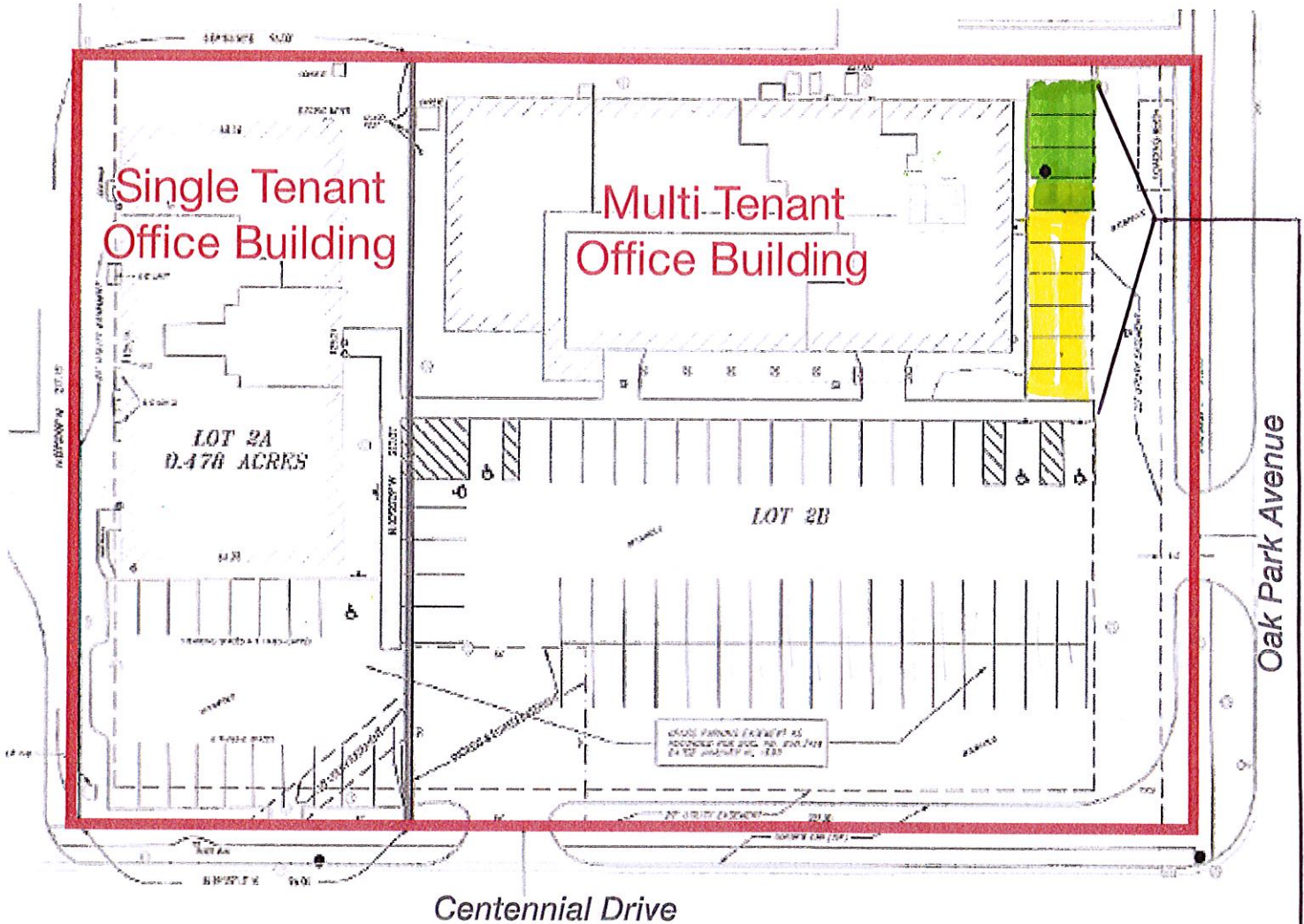
## Two Updated Office Build- ings with Upside Potential

6800-20 Centennial Dr., Tinley Park, IL

**\$1,850,000**

### Plat of Survey

Parking option 1



convert 10 parking spaces for 4 shuttles (1 1/2)  
and 3 passenger vans + 1 minivan

**Susan B. Silver**

President

(312) 338 - 3001

ssilver@mpirealestate.com

**mpirealestate.com**

All information provided herein is from sources deemed reliable. No representation is made as to the accuracy thereof and it is limited subject to errors, omissions, changes, purchase or lease or with double without notice. Properties, buildings, structures and estimates are presented as is, without warranty and may not represent actual performance. Consult tax and legal advisors to perform your own investigation. No commission will be paid to a broker that is representing themselves, their company, another broker or representative of their company, or a member of the brokerage family. An allowance will







# MILLENNIUM PROPERTIES R/E

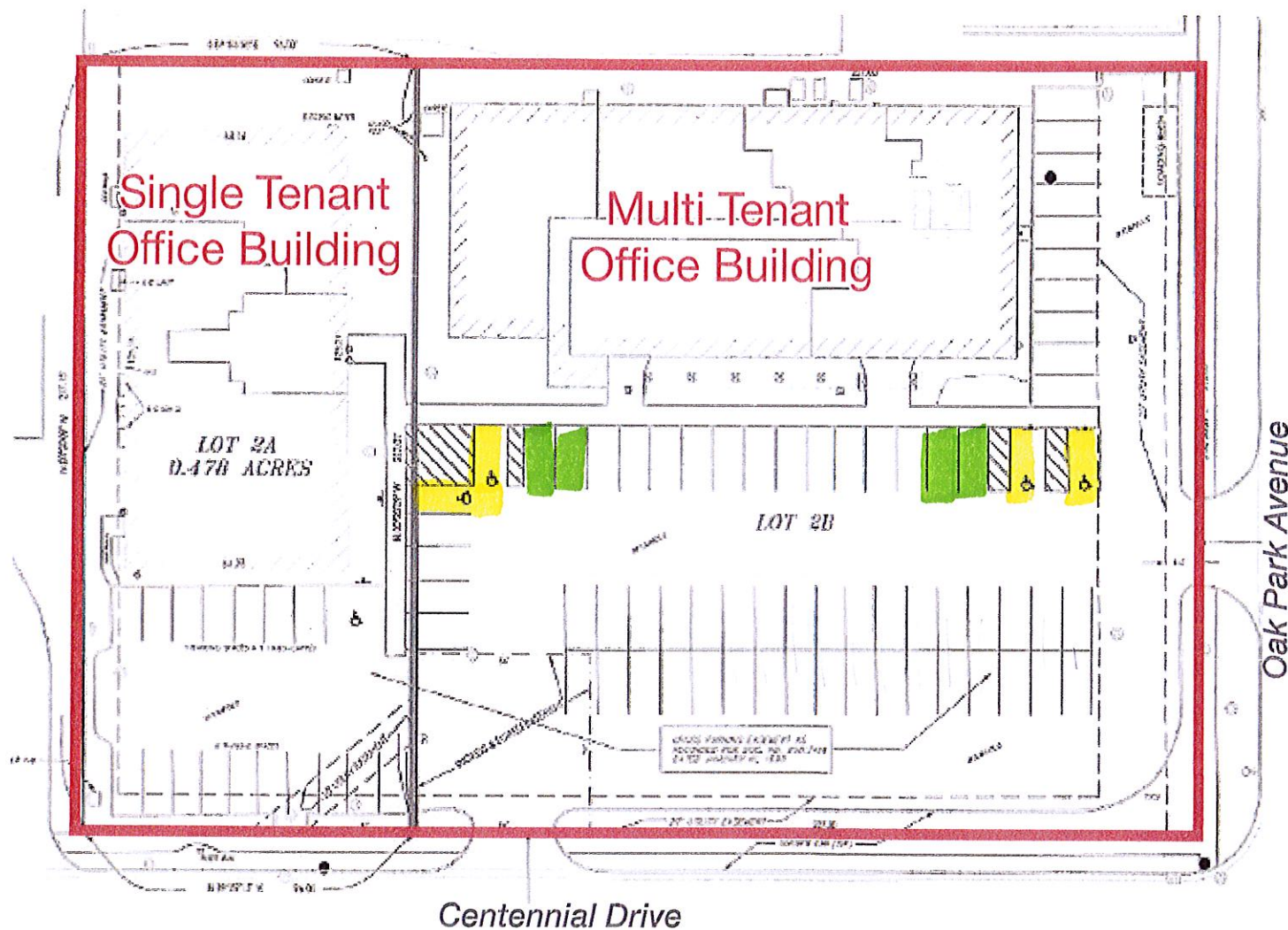
## Two Updated Office Build- ings with Upside Potential

6800-20 Centennial Dr., Tinley Park, IL

**\$1,850,000**

### Plat of Survey

Parking Option 3



- 4 Shuttles
- 3 12-15 passenger
- 1 minivan

**Susan B. Silver**

President

(312) 338 - 3001

ssilver@mpirealestate.com

**mpirealestate.com**

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# MILLENNIUM PROPERTIES R/E

## Two Updated Office Build- ings with Upside Potential

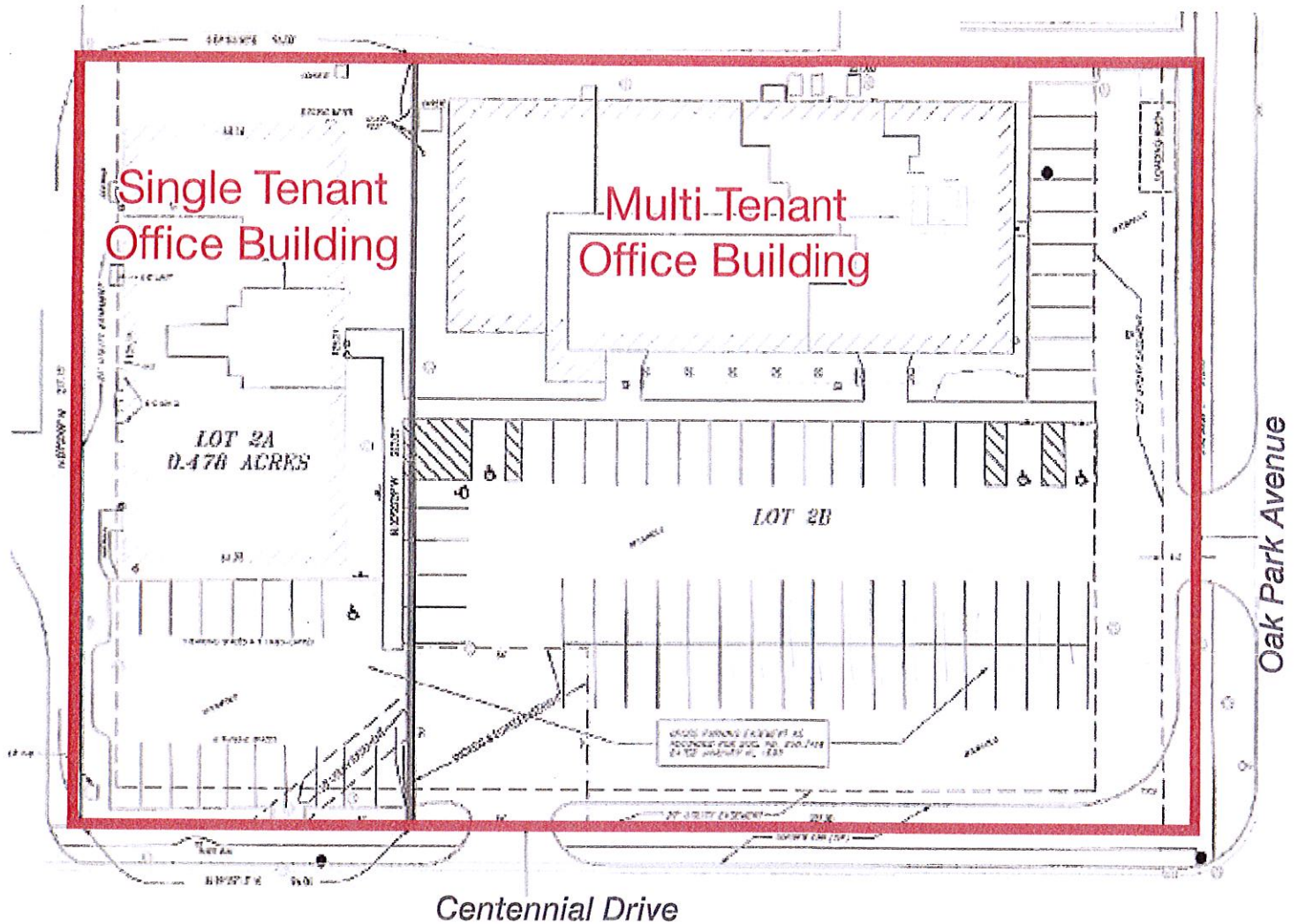
6800-20 Centennial Dr., Tinley Park, IL

**\$1,850,000**

### Plat of Survey

Parking option 4

open to suggestions



**Susan B. Silver**

President

(312) 338 - 3001

ssilver@mpirealestate.com

**mpirealestate.com**

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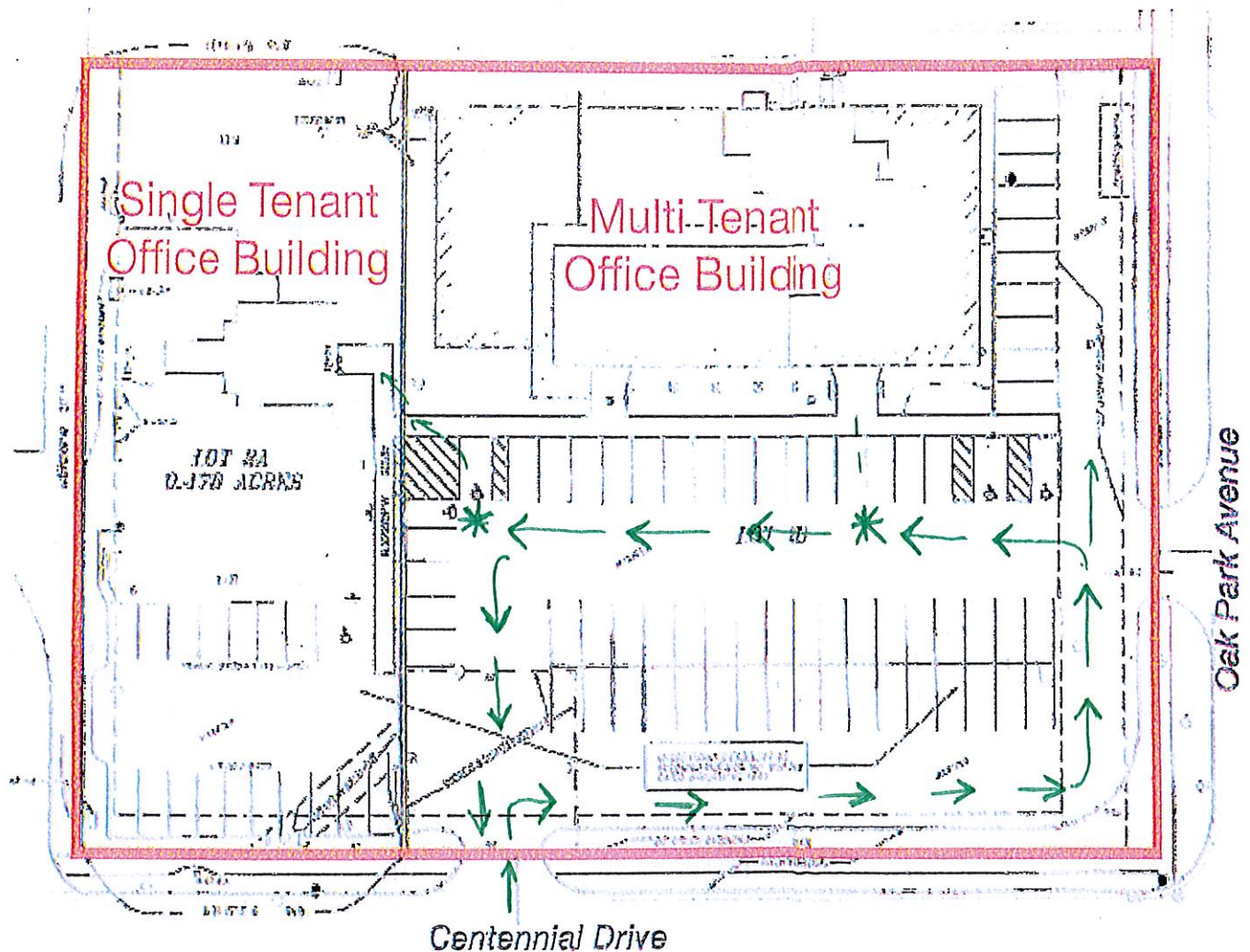


ings with upside potential  
6300-20 Centennial Dr, Tinley Park, IL

\$1,850,000

## Plat of Survey

Drop-off pattern



Susan B. Silver

President

(312) 338-3001

ssilver@mpirealestate.com

mpirealestate.com



CSF - 6800 Centennial Dr.



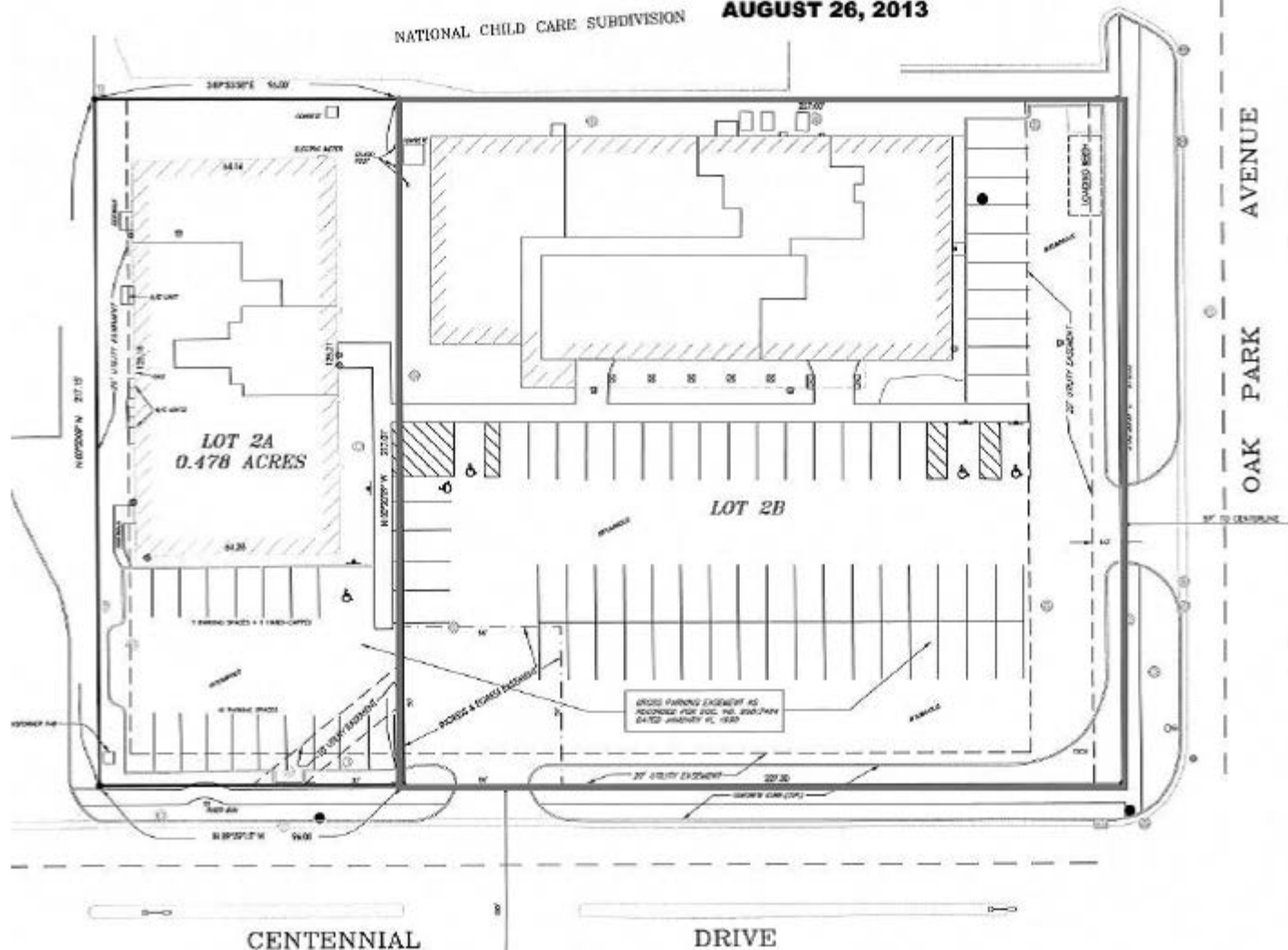
- Parking Analysis
  - o Supply
  - o Demand
  - o Issues @ current?
- Vehicle/Vol
  - Storage
  - location
  - Screening?
  - Size/Weight

# PLAT OF SURVEY

### TINLEY PARK, ILLINOIS

**AUGUST 26, 2013**

NATIONAL CHILD CARE SUBDIVISION

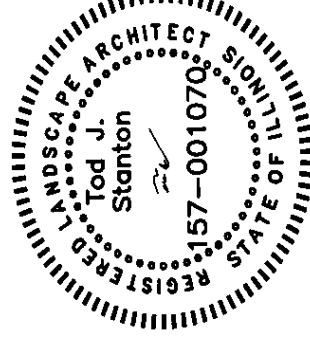






# PLANT SCHEDULE

TREES	QTY	BOTANICAL/COMMON	CONT
ACE FRA	1	Acer rubrum `Franksred` TM / Red Sunset Maple	3" B&B
SHRUBS	QTY	BOTANICAL/COMMON	CONT
ITE LIT	70	Itea virginica `Little Henry` TM / Virginia Sweetspire, Itea var. `Sprich`	18" B&B
JUN SEA	123	Juniperus chinensis `Sea Green` / Sea Green Juniper	24" B&B
PRU GLA	29	Prunus glandulosa `Rosea Plena` / Pink Flowering Almond	24" B&B
SPI RED	52	Spiraea x bumalda `Dart's Red` / Dart's Red SPirea	18" B&B
VIB CO2	33	Viburnum carlesii `Compactum`	30" B&B
GROUND COVERS	QTY	BOTANICAL/COMMON	CONT
SED VER	35	Sedum acre `Vera Jameson` / Vera Jameson Sedum	1 gal@ 18" oc



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BLUIONS DESIGN ARM NO. 184-0C1260

[illegible]

# PLAN COMMISSION STAFF REPORT

February 7, 2019

## Petitioner

Derek Tucker,  
Anytime Fitness

## Property Location

17823 80<sup>th</sup> Avenue

## PIN

27-36-121-031-0000

## Zoning

B-1, Neighborhood  
Shopping

Urban Overlay District

## Approvals Sought

Special Use Permit

## Project Planner

Daniel Ritter, AICP  
Senior Planner

## Anytime Fitness

17823 80<sup>th</sup> Avenue



## EXECUTIVE SUMMARY

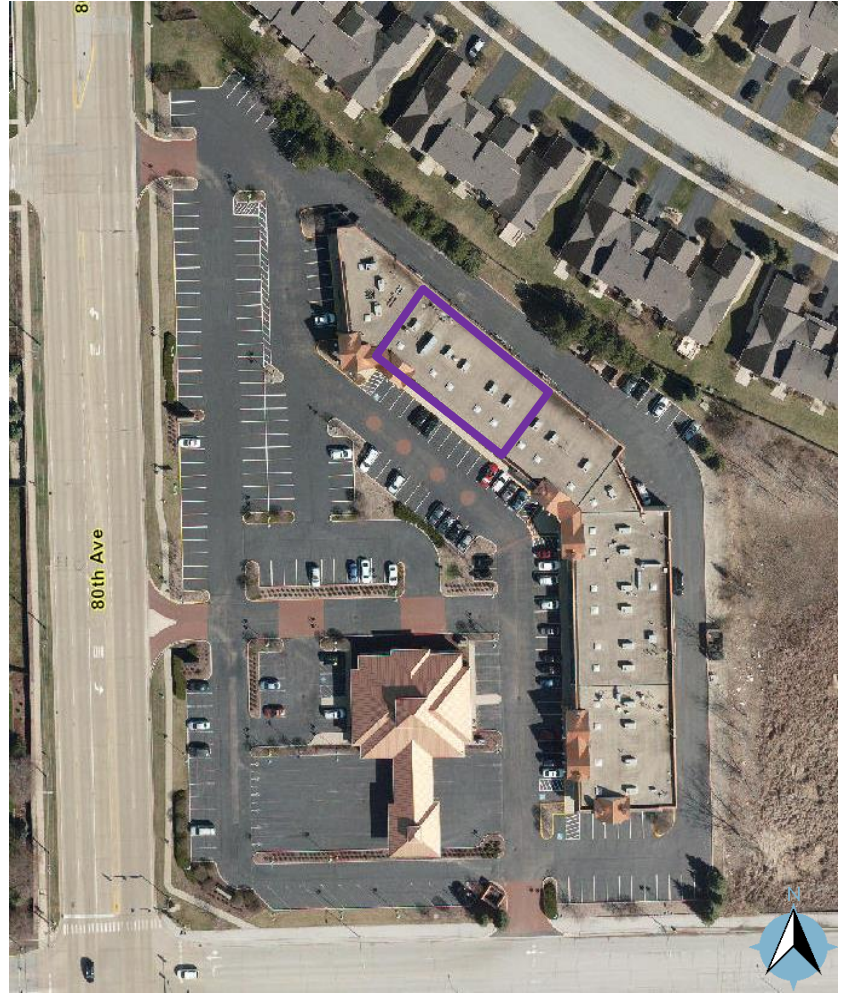
The petitioner, Derek Tucker of Anytime Fitness, is seeking a Special Use Permit for a Fitness Center (Commercial Indoor Recreation) location that is greater than 3,500 square feet in floor space. The Anytime Fitness location would be located at 17823 80<sup>th</sup> Avenue in The Junction at 80th Ave Shopping Center in the B-1 (Neighborhood Shopping) Zoning District. The proposed Special Use Permit will allow the previous Sanfrantello's Pizza & Banquet space to be converted to a fitness and health club.

Anytime Fitness is a chain of fitness centers that focus on availability to members 24 hours a day, 365 days a year. Currently, there are over 2,700 Anytime Fitness locations including nearby locations in Oak Forest, Frankfort, and Orland Park. This location will be approximately 6,000 square feet in size. There will be various workout equipment and additional services such as group classes, personal training, tanning, and hydro-massage. The center is open 24 hours a day for members with key card access. There are many safety and security measures Anytime Fitness puts in place at all locations to make sure members feel safe at all times including emergency panic buttons and security cameras.

The primary concern with fitness centers and other commercial indoor recreational uses is a potential for high levels of traffic and parking due to heavy peak times and quick customer turnover (less than 1 hour), particularly in locations with multiple commercial tenants. The proposed location appears to have an adequate parking supply and traffic access based upon the projected peak parking demand.

## EXISTING SITE & HISTORY

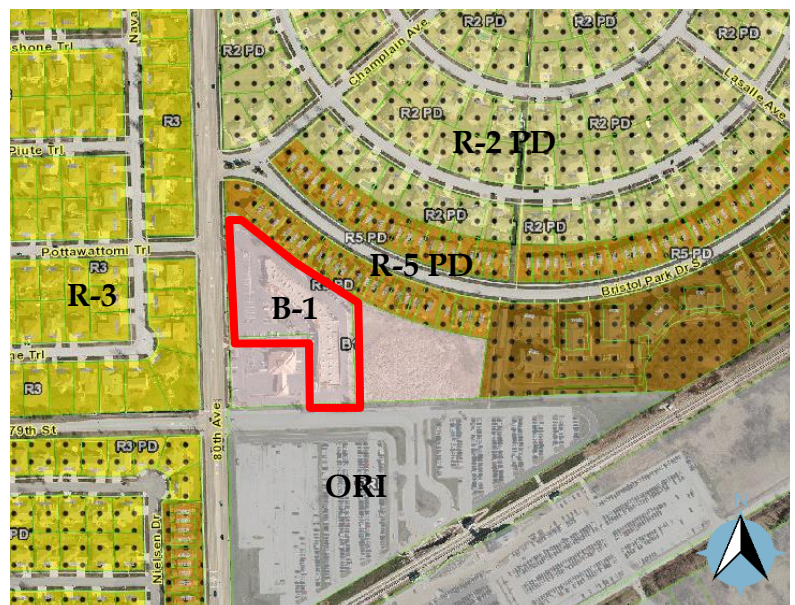
The tenant space is located within The Junction at 80<sup>th</sup> Avenue Shopping center which includes approximately 25,000 square feet of commercial space and is located just north of the 80<sup>th</sup> Avenue train station. The shopping center was approved in 1997 and constructed in 1998. The architecture, site layout and high-quality materials used throughout the center were required to complement the location near the train station. The center currently includes many tenants including a Chinese restaurant, travel agent, cleaners, dentist, salon, physical therapist and an accountant service. Additionally, there is a bank out lot (currently CIBC) on the southwest corner of the site. The bank and shopping center have an existing cross parking agreement that was required during the initial development approvals. The proposed Anytime Fitness tenant space was previously Sanfrantello's Pizza, a casual Italian restaurant and banquet facility, which opened in 2001 and closed in 2015. The approximately 6,000 square foot tenant space is the largest tenant space in the shopping center. Four other tenant spaces are currently vacant (including both end-cap spaces).



## ZONING & NEARBY LAND USES

The shopping center is zoned B-1 Neighborhood Shopping. The B-1 zoning district only permits low intensity uses so that traffic generation and other negative effects on surrounding residential areas are limited. The shopping center is located within the Urban Design Overlay district, but was developed before its adoption into the zoning code. The Urban Design Overlay's intends to promote development that is walkable, utilizes alternative forms of transportation and limits the undesirable effects of automobiles.

The surrounding area includes single-family homes zoned R-3 (Single-Family Residential) to the west across 80<sup>th</sup> Avenue. To the south is the Tinley Park 80<sup>th</sup> Avenue Metra Station parking lot zoned ORI (Office and Restricted Industrial). To the east are single-family attached townhomes zoned R-5 PD (Low-Density Residential, Bristol Park PUD).





## SPECIAL USE PERMIT APPROVAL

Anytime Fitness is a fitness and health club use that is covered under the Commercial Indoor Recreation use group. In addition to fitness and health clubs, commercial indoor recreation includes uses such as racquetball, baseball cages, trampoline parks, dance/yoga studios, bowling, miniature golf and more. The use group is further separated based on a business's floor space being above and below 3,500 square feet. While there is nothing specific about the 3,500 square foot number, a limit was included because concerns tend to emerge when a recreation space becomes too large. There are generally fewer concerns for smaller spaces such as personal training or a small group dance studio. The primary concern is in regards to the number of customers that can utilize the indoor recreation space and its effects on parking demand and traffic generation. Depending on the specifics of the business, there is the possibility for very high peak parking demand and large traffic flows in and out of the site due to the quick turnover (typically 30mins - 1hr). This means hours of operation, parking supply, curb access, and site layout can all play a significant role in the acceptability of a use in a Neighborhood Shopping district. Other concerns can include general safety, security, noise generation and compliance with building and fire code requirements.

Commercial Indoor Recreation above 3,500 square feet is a Special Use in the B-1 (Neighborhood Shopping) and B-2 (Community Shopping) zoning districts. The use would be permitted in B-3 zoning district because those properties have typically been designed with heavy vehicle traffic in mind. B-1 (Neighborhood Shopping) districts are typically more neighborhood and pedestrian-oriented with smaller parking fields, limited access points, and "non-objectionable" businesses. Commercial Indoor Recreation uses are permitted in any business district if the business is below 3,500 square feet in size.

USE	Zoning District							
	B-1 (Neighborhood)	B-2 (Community)	B-3 (General)	B-4 (Office/ Service)	B-5 (Auto)	ORI	M-1	MU-1 (Duvan)
Recreation, commercial indoor (< 3,500 square feet)	P	P	P	P	P	X	X	P
Recreation, commercial indoor (> 3,500 square feet)	S	S	P	P	P	X	X	P

Key: S = Special Use, P = Permitted Use, X = Prohibited Use

*Table from Section V-B-Schedule I (Schedule of Permitted Uses) of the Zoning Code.*

**Open Item #1: Discuss Petitioner's request for a Special Use Permit for a 6,008 square foot fitness/health club (Commercial Indoor Recreation).**

## PROPOSED USE

Anytime Fitness will be taking approximately 6,000 square feet of floor space. However, compared to similar fitness locations such as LA Fitness or Planet Fitness, Anytime Fitness is expected to have a more intimate and smaller club feel. Additional services at the club include small group sessions, personal training, tanning and hydro-therapy. Anytime Fitness is open 24 hours a day, so they also tend to have many customers that might have odd work schedules. This location is expected to draw from a wide range of customers in the area including interest from Metra commuters who want to work out before or after work. The business model is described further in the attached submittals provided by the petitioner.

## ARCHITECTURE, LANDSCAPE AND SIGNAGE

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No changes to the exterior of the building architecture, site layout, lighting or landscaping are proposed with the new business and are all existing. There are some existing property maintenance issues in the shopping center; these are being addressed with the property owner and include: peeling paint, broken garbage cans, broken light fixtures, and missing landscaping. Code Enforcement will be reaching out to the owner to address these violations as soon as possible.

The petitioner has not supplied any proposed exterior signage. It is expected that any wall signs and ground sign panel changes will meet the Zoning Code requirements, similar to the shopping center's existing businesses.

***Open Item #2: Supply proposed signage information. If no signage is proposed, all signs will need to conform to the existing Zoning Code requirements.***

## PARKING

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The petitioner has supplied a parking summary completed by Matt Gaunt, PE of SE3 Engineering. The shopping center includes a field of 157 parking spaces (not including CIBS parking lot). Due to the layout of the shopping center, the parking field is not evenly dispersed among tenants, with the majority of the parking located on the north side of the site. There is also some parking in the rear of the property, primarily for the business's employees. The site currently has an observed peak parking of 28 spaces during evening hours (5pm - 7pm), although it should be noted that five tenant's spaces including the Anytime Fitness space are currently vacant. Based on the proposed size, Anytime Fitness has been allotted 29 parking spaces per their lease with the landlord.

The expected peak parking demand for Anytime Fitness is based off a similar location in Oak Forest (slightly larger in size at 6,900 square feet). The expected customer information was based on how many members swiped into the Oak Forest facility during their peak times between 5pm and 7pm. The peak demand is expected to be 17 vehicles based upon 15 members/customers and two employees. The number of vehicles could be less because members often drive together or take alternative forms of transportation (walk, bike, dropped off or ride-sharing services are some examples). However, to create a conservative estimate, it is being assumed that each person is driving to the business in a separate vehicle. There are slight morning rushes, however these are typically less than the evening rush and the majority of the shopping center's businesses are not open yet.

With the addition of Anytime Fitness, the shopping center's peak parking estimate is expected to be 45 vehicles (28 existing + 17 additional) out of the available 157 parking spaces. When projecting typical parking demand of 5-7 parking spaces per 1,000 square feet of commercial space for the four vacant spaces (approximately 9,700 square feet), there is still expected to be an excess of parking spaces. Previously when Sanfrantellos Pizza operated, parking was be tight due to heavy traffic form their banquet business. However, Anytime Fitness is expected to have a much lower peak parking demand than a large restaurant and banquet facility.

In addition to the shopping center parking field, there is an existing cross-parking easement between the shopping center and the bank properties. The bank closes at 5pm on most days which allows for addition parking if there was any overflow in the future. Cross-parking easements were a requirement of the original Plat of Subdivision and Site Plan approvals to ensure there was enough available parking during evening hours and because of the lack of convenient parking adjacent to the south side of the shopping center building.

***Open Item #3: Review and discuss parking supply and demand as indicated in the parking analysis.***

## SUMMARY OF OPEN ITEMS

---

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

1. Discuss Petitioner's request for a Special Use Permit for a 6,008 square foot fitness/health club (Commercial Indoor Recreation).
2. Supply proposed signage information. If no signage is proposed, all signs will need to conform to the existing Zoning Code requirements
3. Review and discuss parking supply and demand as indicated in the parking analysis.

## STANDARDS FOR A SPECIAL USE

---

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

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

- a. That the establishment, maintenance, or operation of the Special Use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
- b. That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- c. That the establishment of the Special Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
- d. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided;
- e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
- f. That the Special Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the Village Board pursuant to the recommendation of the Plan Commission. The Village Board shall impose such conditions and restrictions upon the premises benefited by a Special Use Permit as may be necessary to ensure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the general intent of this Ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this Ordinance.
- g. The extent to which the Special Use contributes directly or indirectly to the economic development of the community as a whole.

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



## RECOMMENDATION

---

Following a successful workshop, proceed to a Public Hearing at the February 21, 2019 Plan Commission meeting.

## LIST OF REVIEWED PLANS

---

Submitted Sheet Name	Prepared By	Date On Sheet
Existing Land Survey	Tech 3 Consulting	10-15-97
Existing Site Plan and Parking Layout	Tech 3 Consulting	8-27-98
Existing Shopping Center Layout	Unknown	Unknown
Internal Floor Plan (Compliance Drawing)	Wilkus Architects	12-13-18
Anytime Fitness Parking Study (Tinley Park)	SE3 Engineers	1-28-19
Anytime Fitness Brochure (Lets Make Happy Healthy)	Anytime Fitness	2019
Anytime Fitness Brochure (Overview)	Anytime Fitness	2014

JAN 11 2019

**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: Anytime Fitness Dan Tucker & Ayala Weinstein  
Mailing Address: 15570 W. 159<sup>th</sup>  
City, State, Zip: Oak Forest IL 60452  
Phone Numbers: [REDACTED] (Day) Fax Number: \_\_\_\_\_  
(Evening) \_\_\_\_\_  
(Cell) \_\_\_\_\_  
Email Address: DTAdvantage@gmail.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):

**B. Property Information:**

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

Property Owner(s): Roosevelt-Central, LLC  
Mailing Address: 520 West End #1400  
City, State, Zip: Chicago, IL 60654  
Property Address: 17821-17861 So. 80<sup>th</sup> Avenue  
Permanent Index No. (PINs): ~~17-113-033-0000~~ 27-36-121-021-0000  
Existing land use: Commercial  
Lot dimensions and area: irregular lot size - 143,000 sq ft of land

**C. Petition Information:**

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

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

Yes ☒ No ☐

If yes, identify the proposed use: \_\_\_\_\_

155 parking  
spots, not  
including  
CIBC

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.

[REDACTED]

1.10.2019  
Date

- A. Anytime Fitness is the largest global fitness brand that focuses on Wellness and coaching. We have been in business for over 20 years and are currently operating on every continent. Unlike other 24 hour gyms, every facility is required to purchase approx. \$40,000 in security from Provision. This includes cameras covering every square inch of the gym (besides restrooms and tanning) cameras outside the front entrance door, a tailgate system over the door which notifies staff when someone has entered the gym without a key. Anytime caters primarily to adults and children 16-18, must be accompanied by an adult. At a price point of approx. \$40 a month, we are focused on clientele who are willing to pay for privacy, access and some of the best equipment in the industry.
- B. Anytime typically operates in neighborhood centers. Orland Park, New Lenox, Dyer, Indiana, Homer Glen, LockPort are just some of the towns which currently enjoy an Anytime Fitness in smaller centers. Frankfort and Oak Forest are in slightly larger centers next to grocery stores. Since we only average 8-10 members at a time, we prefer to be located closer to the population. With the train across the street, this center is well suited for Anytime Fitness. The majority of our 800 members per store live within a mile of the gym.
- C. Anytime would enhance the subject property as well as the surrounding area, by filling a vacant space that has not been occupied for several years.
- D. The existing infrastructure is adequate for our use. We only have single stall restrooms with one private shower in each.
- E. With multiple ingress and egress to the property and the fact we have few members using the facility, we have never experienced any issues with ingress and egress.
- F. We have approximately 50 locations in the Chicagoland area. We have never had issues with conforming to regulations, however we will comply to any current or future request.
- G. More detail attached in Media Guide. Our clubs draw people from surrounding communities of Orland and Mokena. These people will shop in Tinley, but their gas in Tinley and maybe even use the Tinley train instead of other towns.

RT

JAN 16 2019

## **WHY ARE ANYTIME FITNESS GYMS SO POPULAR?**

### **The basics:**

- Join one Anytime Fitness gym and you can use any of the 4,500 Anytime Fitness gyms worldwide at no extra cost.
- Anytime Fitness gyms are open 365 days a year, 24 hours a day. Members are given a key fob that gives them access to all 4,500 Anytime Fitness gyms – anywhere in the world, anytime of day.
- Anytime Fitness is a franchise. Thus, each Anytime Fitness gym is independently owned and operated. So, monthly membership fees vary slightly from gym to gym. But the average monthly membership fee at an Anytime Fitness gym is about \$40. (U.S. dollars.)

### **What differentiates Anytime Fitness from other gyms:**

- Every new member is given a free “fitness assessment” to help determine their strengths, limitations, exercise experience, workout preferences and goals.
- Following the fitness assessment, each member is given a free 30-day “Get Started Plan.” Why? Because a goal without a plan is merely a wish. At *other* gyms, new members frequently give up and quit because they lack support and guidance from trainers and staff. Anytime Fitness’ personalized “Get started Plan” helps members achieve and build upon “little victories” – which motivates them to keep working until they reach their ultimate goals.
- Anytime Fitness gyms are smaller and less intimidating than traditional “big box” gyms. The average number of members at each Anytime Fitness gym is about 800. This allows trainers and staff to get to know members on a personal level which is key to helping them achieve their goals.
- The atmosphere at Anytime Fitness gyms is “friendly and supportive.” Trainers and managers at many Anytime Fitness gyms know the names of every single one of their members. In fact, we like to think of Anytime Fitness as “*Cheers* without the beers” – a place where everybody knows your name.
- The “neighborhood feel” that members sense at Anytime Fitness is a large part of the reason why Anytime Fitness has been the “fastest-growing fitness club in the world” for ten consecutive years – averaging 300 new gyms per year over that time. Anytime Fitness trainers and staff are taught to “Coach, care and connect” with their members.
- Some people mistakenly believe that you need to “fit” *before* joining a fitness club. But regular Joes and Janes who walk past an Anytime Fitness gym see people exercising inside the gym who look just like they do – ordinary, busy people who appreciate the importance of regular exercise for anyone who wants to enjoy an active, fulfilling lifestyle.

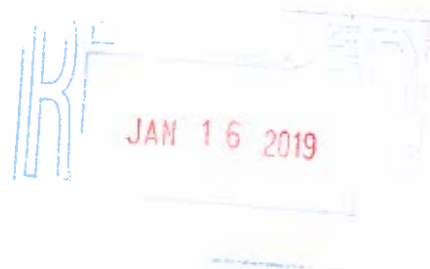
### **Value and results:**

- Anytime Fitness is not the cheapest gym in town. But our members are loyal because they get the support and guidance they need to achieve their fitness goals. Other gyms may be cheaper, but it’s true that you get what you pay



for. Anytime Fitness members are willing to pay a little bit more than what they'd pay at "discount gyms" – because Anytime Fitness does a better job of helping members achieve their stated goals.

- Here's what we mean by "Coaching, Caring and Connecting" –



**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.**
  
  
  
  
  
  
  
  
  
  
- B. That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.**
  
  
  
  
  
  
  
  
  
  
- C. That the establishment of the Special Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.**
  
  
  
  
  
  
  
  
  
  
- D. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided.**
  
  
  
  
  
  
  
  
  
  
- E. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.**

**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.**

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



# SANITARY MANHOLE CHART

MANHOLE NUMBER	INVERT ELEVATION	INVERT	OUTLET	INVERT	EAST INVERT	WEST INVERT
1	708.5				708.00	705.00
2	704.5				704.00	704.00
3	704.5	704.5			704.00	704.00
4	704.5	704.5			704.00	704.00
5	704.5	704.5			704.00	704.00
6	704.5	704.5			704.00	704.00
7	704.5	704.5			704.00	704.00

NOTE: ALL SANITARY MANHOLES ARE 4' DIAMETER TYPE "A" CASTING SHALL BE EAST JORDAN IRON WORKS NO. 1050 WITH TYPE "A" SELF-SEALING SOLO COVER OR APPROVED EQUAL WITH "SANITARY" ON COVER.

## UTILITY CROSSING CHART

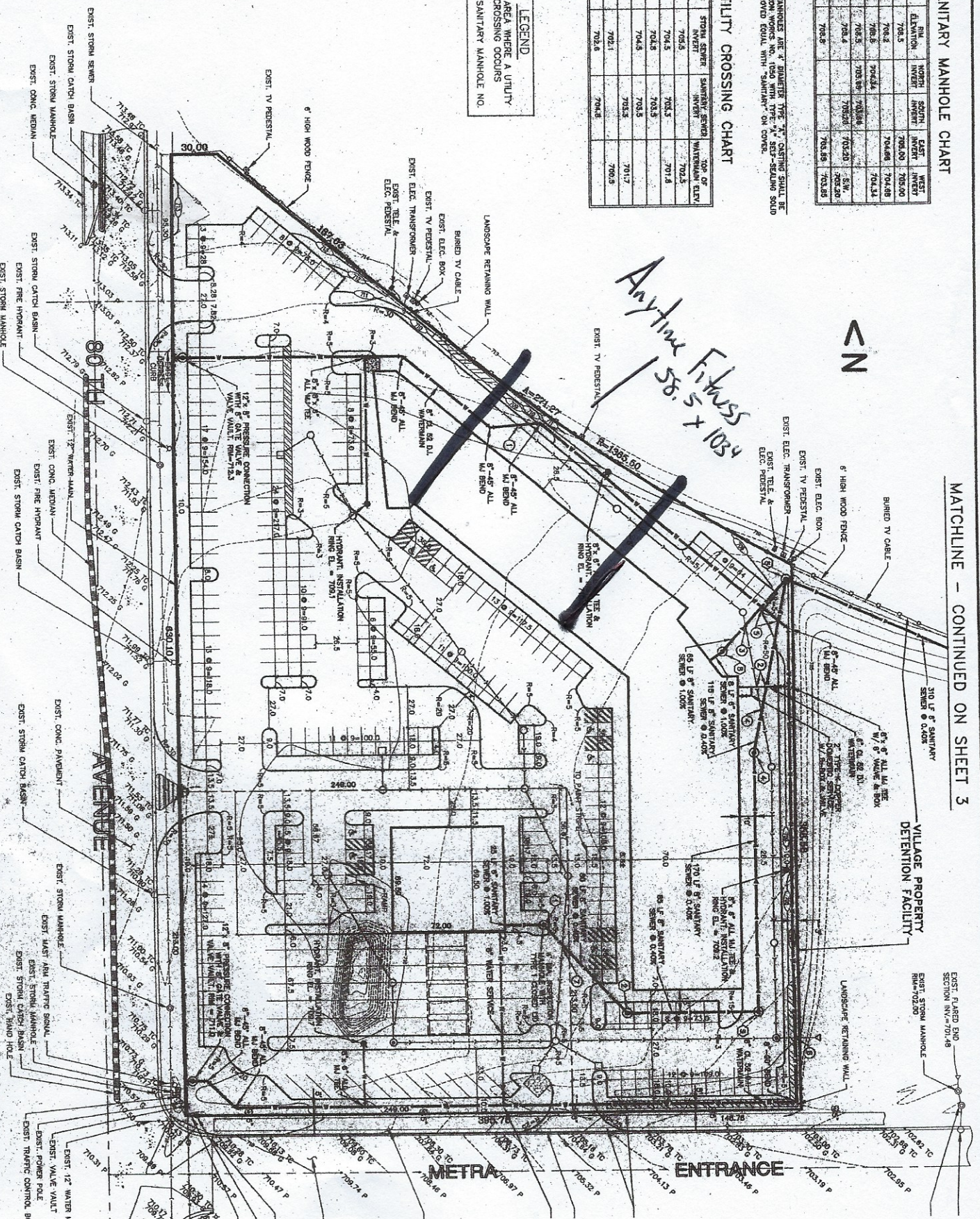
CROSSING NUMBER	STORM SEWER	SANITARY SEWER	TOP OF WATERMAIN ELEV.
1	704.5	704.5	701.4
2	704.5	704.5	701.4
3	704.5	704.5	701.4
4	704.5	704.5	701.4
5	704.5	704.5	701.4
6	704.5	704.5	701.4
7	704.5	704.5	701.4

**LEGEND**  
 (10) = AREA WHERE A UTILITY CROSSING OCCURS  
 (10) = SANITARY MANHOLE NO.

# MATCHLINE - CONTINUED ON SHEET 3

<N

Anytime Fitness  
58.5' x 103'



GIERCZYK CONSTRUCTORS  
J. PALMER ARCHITECTS

TECH 3 CONSULTING GROUP, INC.  
ENGINEERS, SURVEYORS, PLANNERS  
BNS C HAIN STREET GTE. LUNDS  
700 672-9994

DESIGNED BY: J.C.  
DRAWN BY: J.C.  
CHECKED BY: J.C.

NO DATE OF DESCRIPTION  
ALL WORK NOT REVIEWED PER TECH-3  
ALL WORK NOT REVIEWED PER TECH-3  
ALL WORK NOT REVIEWED PER TECH-3

THE JUNCTION  
UTILITY AND G  
DATE: AUGUST 22, 1997  
SCALE



**SHOWER FINISHES:**  
WALLS: T-3  
FLOOR: T-4


EXISTING BACKGROUND, INCLUDING DIMENSIONS, ARE PROVIDED BY THE FRANCHISEE - VERIFY ALL DIMENSIONS IN FIELD AND NOTIFY ARCHITECT OF ANY DISCREPANCIES PRIOR TO START OF ANY CONSTRUCTION.


**BRAND MATTERS!** This document was created to ensure each club within the Anytime Fitness family embodies the spirit of the brand. The information provided conveys the aesthetics as well as the functionality of the club, including, but not limited to: materials, finishes, design elements and layout. This document is not to be used for construction. A qualified design professional(s) should be engaged to prepare detailed construction documents and ensure compliance with all applicable codes and regulations.


CA = Carpet Floor  
T = Porcelain Tile  
VCT = Vinyl Composite Tile  
RF = Rubber Floor  
VP = Vinyl Plank Floor  
WF = Wood Floor  
SC = Sealed Concrete Floor  
STC = Stained Concrete Floor  
P# = Paint  
WC = Wallcovering  
ST = Manufactured Stone  
TURF = ECORE Turf  
X = Existing Flooring

 = Existing Wall  
 = New Wall  
 = Demo Wall

E = Existing Door




 A = Existing Door close off, Remove Hardware and Exit Sign

 = New Door

 = Demo Door

— — — — = Wall Protection  
(Required)

FINISH FLOOR KEY:

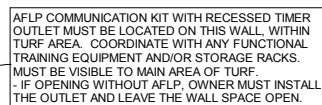
	RF-1
	CA-1
	OTHER FLOORING AS NOTED

The color of the paint for each wall is identified by a paint code (PL-5, PG-2, etc.). The corresponding paint color is specified in the design manual.

PROJECT NO:2018-1158

NEW

NOT FOR CONSTRUCTION  
**COMPLIANCE  
DRAWING**  
FLOOR PLAN



FUNCTIONAL  
TRAINING  
TURF  
720 SE

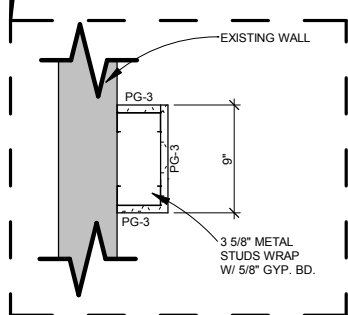
REQUIRED PRE-MANUFACTURED  
SOFFIT - REFER TO DESIGN MANUAL  
DETAIL & INTERIOR SIGNAGE  
PROGRAM - PRE-FINISHED

ST-1 WRAPS ENDS OF WALL -  
REFER TO DESIGN MANUAL

VERIFY LOCATION OF  
EXISTING STOREFRONT

RESTROOM FINISHES:  
TOILET WALL: T-3/PG-5  
ALL OTHERS: T-3/PG-1

10' - 5"  
'AFIT NATION'  
GRAPHIC REQUIRED  
- REFER TO  
INTERIOR SIGNAGE  
PROGRAM



PROJECT LOCATION:  
TINLEY PARK, IL AF#3492 6,200SF  
Square Footage shown is a graphic representation based on the data  
received and may vary from the square footage as defined in the lease  
DESIGN SCHEME: GALLERY DESIGN MANUAL - OCTOBER 2018


REV:	DESCRIPTION:	DATE:
-	Compliance Layout	2018-12-13



# Memorandum

January 28, 2019

TO: Derek Tucker

FROM: Matt Gauntt, PE 

SUBJECT: Anytime Fitness, Tinley Park, IL  
Parking Study

Anytime fitness proposes to build out a facility in an existing shopping center at the northeast corner of 179<sup>th</sup> Street and S. 80<sup>th</sup> Avenue in the Village of Tinley Park. This memo is to outline the parking conditions. See the aerial map shown below.



The shopping center is partially occupied with a variety of businesses. They include:

Tenant	Use	Approximate Size	Hours
<b>Athletico</b>	Physical Therapy	4,660 SF	M-Th: 7-8PM F: 7-6:30 Sat: 7-noon
<b>Array of Design Salon Day Spa</b>	Day Spa	1,200 SF	M: Closed T: 10-8 W: 10-9

# Memorandum

Tenant	Use	Approximate Size	Hours
			Th: 9-9 F: 9-6 Sat: 9-3
<b>DS Services</b>	Accountants	3,009 SF	By Appointment
<b>GO Travel</b>	Travel Agency	884 SF	M-F: 9-5 Sat: 9-12
<b>Chen's Chinese</b>	Restaurant	2,013 SF	M-Th: 11-9 F-Sun: 11-10
<b>Cambridge Dental Care</b>	Dentist	1,818 SF	M: 12-8 T: 9-5 W: 11-6 Th: 9-5 F: 8-12

Anytime Fitness proposes to take 6,008 SF of the shopping center. Per the landlord, they are granted a parking count of 5:1, or 29 parking spaces.

Currently there are 157 parking spaces in the center. This does not include the CIBC Banking Center. With 29,319 SF for the center, that is a parking ratio of approximately 5.35:1

A parking survey was conducted on the site for two PM Peak periods and one AM Peak. Both the AM and the PM counts looked at the time from of 5:00 – 7:00. The total vehicles parked the parking lot at each time interval are shown below.

Time Frame (AM/PM)	1/17/19 – PM Peak	1/22/19 – AM Peak	1/22/19 – PM Peak
5:00	28	0	18
5:15	24	0	18
5:30	20	2	22
5:45	22	3	19
6:00	22	3	16
6:15	20	4	15
6:30	20	4	14
6:45	18	6	12
7:00	16	7	13

With the current tenants, at most 1/5<sup>th</sup> of the available parking is being utilized.

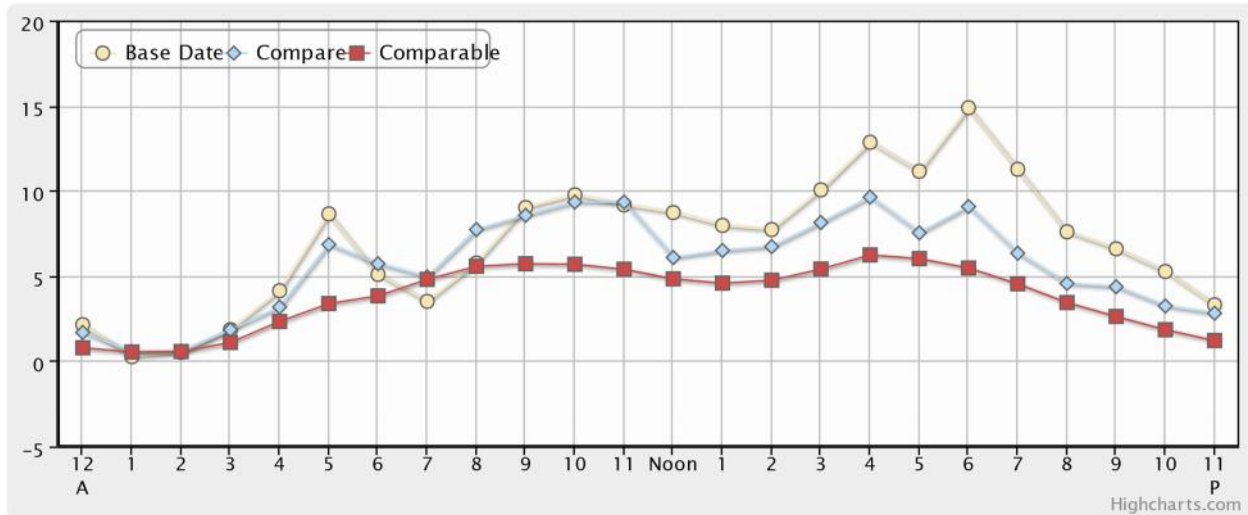
## Proposed Conditions:

As stated above, Anytime Fitness proposes to occupy approximately 6,008 SF of the shopping center. In order to understand the impact of the proposed facility on the parking, we obtained

# Memorandum

member key-swipe data from the existing Oak Forest facility. Oak Forest is approximately 6,900 SF, so a slightly larger facility than is being proposed at Tinley Park.

## Club at a Glance - ANYTIME FITNESS OAK FOREST Usage (Average per Hour)



What the data represents is that for instance, from 6:00 -7:00 PM, 15 patrons would come into the facility. The average stay time for a patron would be between 30-60 minutes. Therefore, we would expect that at any one time, 15 would be the average maximum number of patrons in the facility. In addition to the patrons, there would be 2 employees.

Furthermore, the key swipes may be slightly elevated. If a patron comes into the facility, leaves to get something in their car and then returns, then that would count as two key swipes.

It is also important to note that the peak times for the facility would be offset by peak times for other shopping center uses. For instance, Friday nights and Saturday nights would be a low usage time for the Anytime Fitness, but that would be a peak time for a restaurant. Thus, the peaks will offset.

Given that the facility would occupy only about half of the allotted parking, we believe that there will be no negative impact to the available parking at the shopping center.





## DEMOGRAPHICS

	POPULATION	HOUSEHOLDS	AVG HH INCOME
--	------------	------------	---------------

1 Mile 8,427 3,001 \$122,396

3 Mile 79,601 30,511 \$103,266

5 Mile 190,112 71,948 \$107,007

## AREA ATTRACTIONS

Whitewater Canyon Water Park & Recreation Center  
Tinley Park Convention Center, First Midwest Bank Amphitheatre.

## SPACE AVAILABLE FOR LEASE

1,390 Sq Ft | 1,569 Sq Ft | 3,443 Sq Ft

## TOTAL GLA

29,319 Sq Ft

## PROPERTY HIGHLIGHTS

- Endcap available with potential drive-thru.
- Located at NEC of 80th Ave & 179th St.
- Conveniently located within walking distance to the Tinley Park Metra Station.
- Move-in ready office space available.
- Traffic Counts on 80th Avenue are 21,000 VPD.
- Positioned strategically near high density residential and industrial/office parks.

FOR MORE  
INFORMATION  
CONTACT:

**Ves Pavlovic**  
630.572.5607  
vpavlovic@edgemarkllc.com

**Matt Smetana**  
630.572.5632  
msmetana@edgemarkllc.com

**EDGEMARK COMMERCIAL  
REAL ESTATE SERVICES LLC**  
2215 York Road, Suite 503  
Oak Brook, Illinois 60523  
P 630.472.1010 F 630.472.1019  
www.edgemarkllc.com





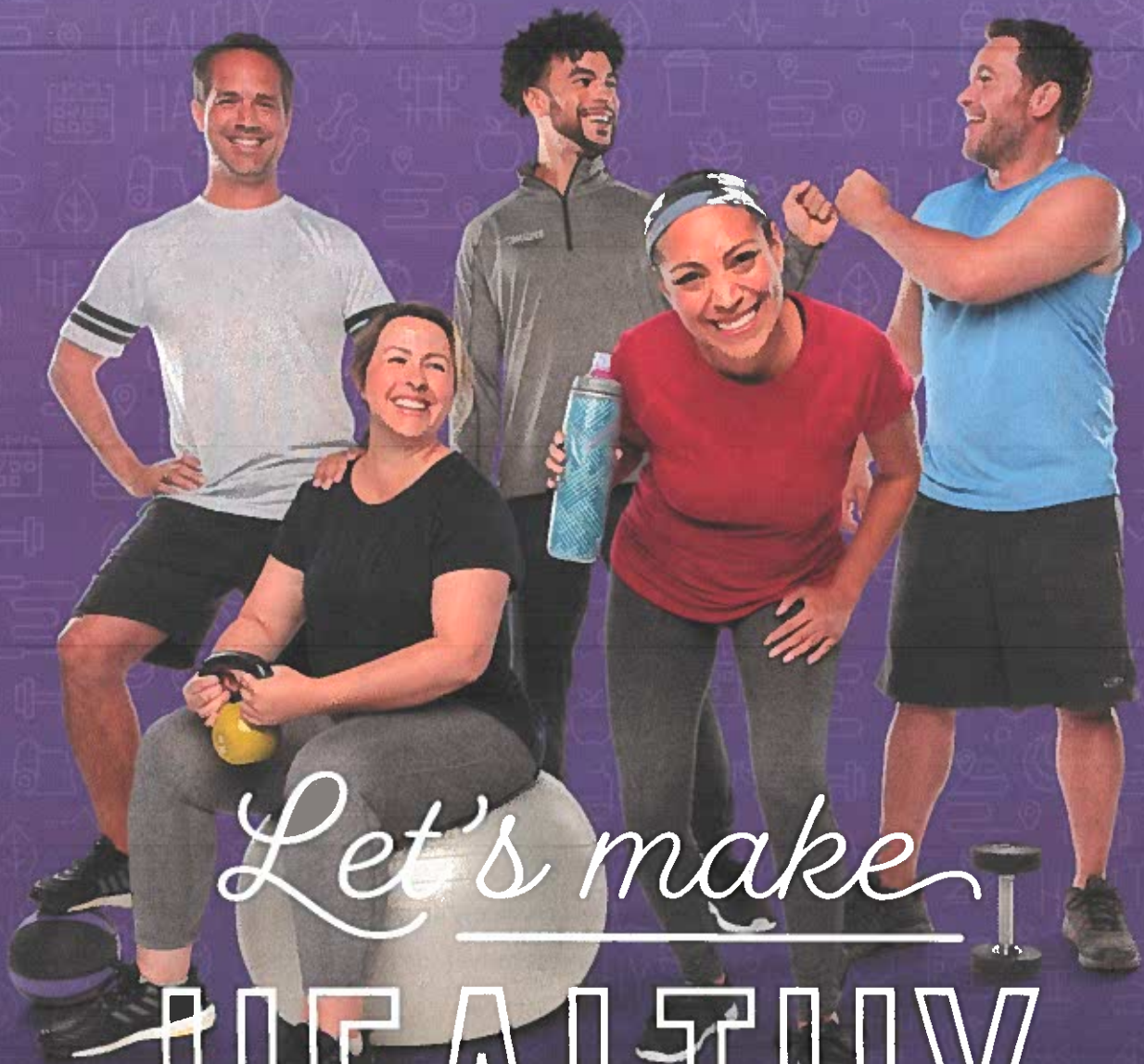
SPACE	SQ FT	TENANT	SPACE	SQ FT	TENANT
17823	3,325	<b>LEASE OUT</b>	17849	884	Go Travel
17825	6,008	Anytime Fitness	<b>17851</b>	<b>1,390</b>	<b>AVAILABLE</b>
<b>17833</b>	<b>1,569</b>	<b>AVAILABLE</b>	17853	1,818	Cambridge Dental Care
17835	1,200	Array of Design Salon	17855	2,013	Chen's Chinese Restaurant
17837	4,660	Athletico Sports Medicine	<b>17859</b>	<b>3,443</b>	<b>AVAILABLE</b>
17845	3,009	DS Services	<b>Total GLA</b>		<b>29,319 Sq Ft</b>

FOR MORE  
INFORMATION  
CONTACT:

**Ves Pavlovic**  
630.572.5607  
[vpavlovic@edgemarkllc.com](mailto:vpavlovic@edgemarkllc.com)

**Matt Smetana**  
630.572.5632  
[msmetana@edgemarkllc.com](mailto:msmetana@edgemarkllc.com)





*Let's make*

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# HEALTHY HAPPEN

More than 4,000 Gyms and 4 million members!



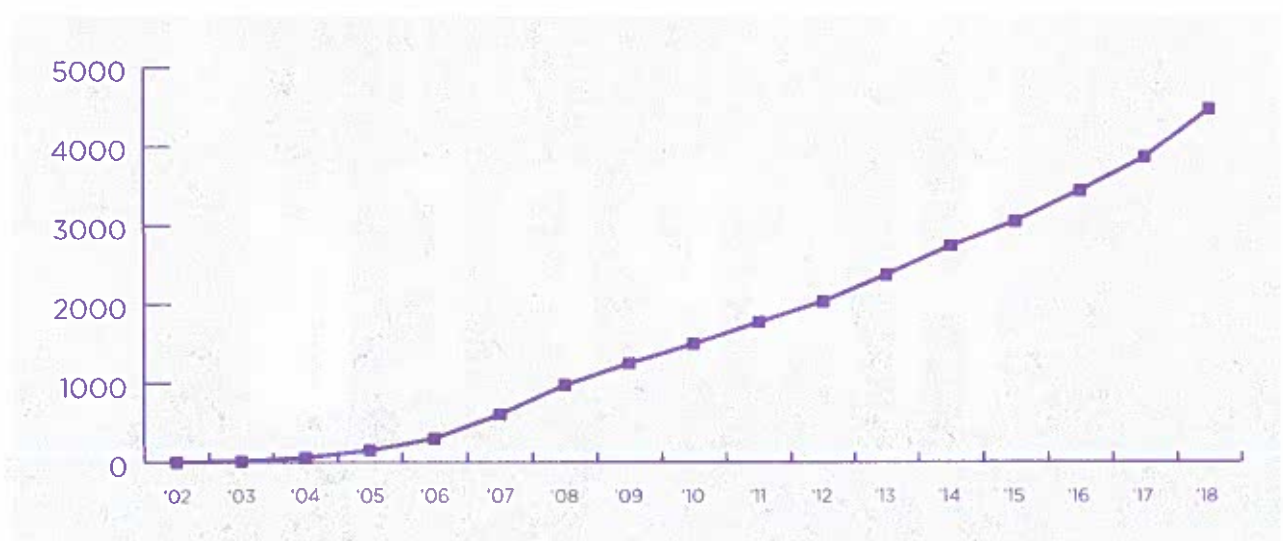


## OVERVIEW

### FAST FACTS

- Founded in 2002
- The first gym opened May 30, 2002 in Cambridge, MN
- More than 4,000 gyms are now open in 50 states and nearly 40 countries
- The worlds "fastest-growing fitness club" and "largest co-ed fitness franchise"
- An average of 300 new gyms each year for 12 the past years

### ACTIVE LOCATIONS



Let's Make Healthy Happen | [VIDEO](#)





RANKED #1

## HISTORIC ACHIEVEMENTS

Anytime Fitness has been ranked a Top Global Franchise by Entrepreneur magazine for 11 consecutive years. Entrepreneur also has ranked Anytime Fitness #1 in the Fitness Franchise category, on its prestigious Franchise 500® list, 8 years in a row.

According to Entrepreneur, the most important factors for inclusion on its Top Global Franchise list are:

- Financial Strength and Stability
- Growth Rate
- Size of the Franchise System
- Franchise 500® Ranking
- International Size and Growth



Entrepreneurs of the Year: Anytime Fitness co-founders Chuck Runyon and Dave Mortensen | [VIDEO](#)  
Top Global Franchise | [VIDEO](#)

# PRESS

**Forbes**

**Entrepreneur**

**THE  
WALL STREET  
JOURNAL**

**Inc.**



**CNNMoney**



**BUSINESS  
INSIDER**

**FranchiseTimes**

## HEADLINES

[Meet the Man Taking Anytime Fitness Global](#)

[The 4 Values Driving the World's Fastest Growing Gym](#)

[How This Company Got 4,000 People to Tattoo Themselves - With the Company Logo](#)

[EY Announces Winners for the Entrepreneur Of The Year](#)

[MSNBC: Anytime Fitness CEO has tips for success](#)

[Anytime Fitness raises \\$120,000 for A Special Wish Cleveland with 24 in 24 Challenge \(video\)](#)

[In a World Divided, Anytime Fitness Finds Common Truth](#)

[How Chuck Runyon of Anytime Fitness Creates Loyal Customers](#)

[Why Fitness Franchises are Booming](#)

[Nice Tattoo! I Didn't Know You Worked at Walmart](#)

[What can gyms do if they think someone has an eating disorder](#)

[How the son of a McDonald's manager built a franchise company that generates \\$1 billion in revenue](#)

## PRESS RELEASES

[Anytime Fitness Celebrates Its 4,000th Gym In Shanghai, China](#)

[Spreading Love and Health Throughout Africa](#)

[You'll Never Guess Which Gym Has Been the World's Fastest-Growing For 10 Consecutive Years](#)



*Let's make*  
**HEALTHY HAPPEN**

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### **GETTING STARTED**

Healthy. It doesn't happen on its own. There's no magic potion. Or silver bullet. And, despite what others may tell you, no detox tea, fad diet or superfood will transport you from here to healthy. The truth is, it's tough. To get started. To stay committed. And it's even harder to do it on your own. But together, we can make healthy happen.

### **WE CARE ABOUT YOU AND YOUR HEALTH**

Healthy happens with the right help. That comes at the right times. In the right ways. Help that gets you going. Flowing. Learning. Laughing. Lifting. And lunging. That gets you motivated. Keeps you moving. And making healthier choices. That makes every rep—and every step—really count. Whether you're at the gym, on the go or off the grid.

### **AND WE'LL TAKE THE TIME TO HELP YOU SUCCEED**

Healthy happens when you have an ally. Who truly listens to you and takes the time to help you succeed. And develops a program based on your goals and your personality. Who knows what sets you off, gets you down, and fires you up. Who will stay in touch. So you can stay on track. Because whether it arrives by coach, or by group. By app or by inbox. At 2 p.m. or 2 a.m. On New Year's Day or every Tuesday. The right help is a real life-changer. So let's do this thing. Whatever that "thing" is to you.

That thing that feels good. That brings you joy. Whether you want to tone up, slim down, stress less or lift more. Let's get to doing. Let's get to moving. And let's get you to your healthier place. **Together. For you.**



## *Global* BUSINESS MODEL

### INTERNATIONAL EXPANSION

Currently, about 60% of all Anytime Fitness gyms are located in the United States. By the end of the year 2020, we anticipate that figure will be closer to 50% -- approximately 3,000 gyms in the U.S. and another 3,000 Anytime Fitness gyms located in nearly 40 countries, serving 4,000,000 members on all seven continents.

When members join one gym, they have access to them all – including gyms located in Canada, Mexico, Australia, New Zealand, England, Scotland, The Republic of Ireland, Wales, Grand Cayman, Poland, the Netherlands, Spain, Qatar, Bahrain, India, Chile, Japan, Singapore, Malaysia, Hong Kong, China, Taiwan, Thailand, Belgium, Italy, Sweden and the Philippines.

[Spreading Love and Health Throughout Africa](#)





## TOP FRANCHISE OPPORTUNITY

### **A THRIVING CONCEPT**

Anytime Fitness offers entrepreneurs a convenient and affordable recurring-revenue business model, even in tough economic times. Franchisees enjoy the luxury of being their own boss, and are given the resources and support needed to achieve a healthy work/life balance.

### **IMPROVING THE LIVES OF OTHERS**

Anytime Fitness is the perfect fit for entrepreneurs seeking the opportunity to run a business that has the potential to make a profound difference in people's lives.

### **LOW LABOR COSTS**

Franchisees benefit from a turn-key system that minimizes payroll costs while maximizing security and enjoyment for club members. State-of-the-art integrated billing and security systems allow Anytime Fitness gyms to run smoothly and worry-free, even during non-staffed hours. Payroll typically comprises a significantly lower percentage of the operating costs, compared to the payroll costs of other franchising ventures.

### **HELPING REAL PEOPLE OVERCOME THE BARRIERS TO BUSINESS OWNERSHIP**

Anytime Fitness owners don't have to worry about things like polluted pools, messy locker rooms, or day care disasters. Instead, they focus on creating the optimal experience for members. With Anytime Fitness, there's no need to reinvent the wheel – our comprehensive support systems are in place to help franchisees succeed, some of which include: a network of loyal preferred vendors who supply owners with quality products at the best prices, franchise business consultants who offer strategic guidance and advice for every level of growth, and corporate staff members who provide year-round training with regional workshops, teleconferencing and a wide array of online support tools.

[OWN A GYM](#)



## SUCCESS STORIES

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### JEANNE TARVER

Any way you look at it, Jeanne is a survivor. Sexually abused as a child, Jeanne sought refuge in unhealthy foods and ultimately reached a maximum weight of 336 pounds. Reluctant at first, Jeanne joined Anytime Fitness and, with unconditional support from a loving manager and great coaching from a patient personal trainer, Jeanne lost a tremendous amount of weight and gained an immeasurable amount of confidence.

[VIDEO](#)

### CYNDI WARD

After battling weight issues most of her life, Cyndi knew it was time to seek help when she was diagnosed with multiple sclerosis. Cyndi refused to accept the news that she would need a wheelchair the rest of her life and, with guidance and support from a compassionate personal trainer, Cyndi lost 120 pounds in ten months and dramatically improved her strength and mobility. The best part, Cyndi says, is that she now gets to play her beloved "grandbabies."

[VIDEO](#)



## SUCCESS STORIES

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### STANLEY HOLLAR

At age 39, weighing more than 650 pounds, Stanley was told by his doctor that he had only months to live – unless he lost a significant amount of weight and kept it off. Complicating matters, Stanley's right leg had been amputated nearly 20 years earlier. Desperate, Stanley joined Anytime Fitness and, with guidance from a trainer, he began working out six days a week. Stanley now weighs less than 200 pounds and he recently completed a grueling obstacle course race.

[VIDEO](#)

### LYDIA DZIUBANEK

Moments away from committing suicide, a mysterious detour led Lydia Dzuibaneck to an Anytime Fitness gym in Beaumont, CA where, she says, a personal trainer saved her life. Prior to asking the trainer for help, Lydia weighed 250 pounds and she covered the mirrors in her home with towels because she couldn't bear to look at herself. These days, Lydia's a completely different person. She's lost nearly 100 pounds. She's fit, strong and fearless.

[VIDEO](#)





## EXECUTIVE OVERVIEW

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### **CHUCK RUNYON | CEO & CO-FOUNDER**

With more than 25 years of experience managing, owning and franchising health clubs, Chuck Runyon has distinguished himself as a leading authority in the field of fitness. Runyon revolutionized the industry when he and Dave Mortensen co-founded Anytime Fitness in 2002. In contrast to traditional “big-box” fitness centers, Runyon and Mortensen designed smaller, neighborhood gyms featuring the things members want most: convenience, affordability, quality equipment and surprisingly personable service in friendly, non-intimidating facilities.

For his unprecedented and unique contributions to the fitness industry, Chuck was honored as the “Visionary of the Year” by the International Health, Racquet, and Sportsclub Association (IHRSA). He and Dave Mortensen also were recently named “Entrepreneurs of the Year” by Ernst & Young.

Central to Chuck’s leadership philosophy is the concept of “ROEI” – the return on emotional investment – which is characterized by an emphasis on People, Purpose, Profits and Play®.

In fact, Chuck recently co-authored a book called “Love Work: Inspire a high-performing work culture at the center of People, Purpose, Profits and Play®.”

Under Runyon’s leadership, Anytime Fitness has earned numerous industry accolades, including the “#1 Franchise in the world,” “One of America’s Most Promising Companies,” and the “Fastest-Growing Fitness Club in the world.” Additionally, Anytime Fitness has been honored as a “Top Franchise for Minorities” and “The Best Place to Work in Minnesota” four years in a row.





## EXECUTIVE OVERVIEW

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### **DAVE MORTENSEN | PRESIDENT & CO-FOUNDER**

From cleaning exercise equipment to selling memberships to co-founding the world's fastest-growing fitness club franchise, Dave Mortensen has done just about everything you can do in the fitness industry. That wide-ranging experience has helped him become one of the world's leading experts on "Making Healthy Happen." His heartfelt practice of emotional intelligence has earned Mortensen a reputation, amongst his co-workers and throughout the entire fitness industry, as a thoughtful and generous leader. And it's just part of the reason he was recently named an "Entrepreneur of the Year" by Ernst & Young.

In the early days of Anytime Fitness, Mortensen helped spur the company's growth by overseeing the development and implementation of its integrated security, surveillance, usage-tracking and reciprocity systems. These days, he's heavily involved in Anytime Fitness' evolution from a gym that emphasizes simple convenience to one that offers round-the-clock coaching services, utilizing the latest technology to provide members with support, nutritional information, and a wide array of new fitness training programs. Mortensen also continues to play an important role in leading the expansion of Anytime Fitness worldwide, frequently traveling to consult with master franchisees in faraway countries like Australia, Japan and China.

The first Anytime Fitness gym opened its doors in Cambridge, MN in May of 2002. In the years since, Anytime Fitness has quickly become an international powerhouse -- with more than 4,000 gyms located in all 50 states and 30 countries on six continents, serving nearly 4 million members.

A vertical decorative bar on the left side of the page, transitioning from blue at the top to green at the bottom. It features a large white silhouette of a person in a dynamic pose at the top, and various small, faint white icons related to fitness and health (like a calendar, apple, dumbbell, heart, etc.) scattered throughout.

# FRANCHISEE SPOTLIGHT

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## **KARMEN SMITH NENAHLO**

Pursuing her personal passion, Karmen left a desk job at an investment banking firm in Minneapolis at age 24 to open an Anytime Fitness franchise. What she lacked in industry experience Karmen made up for in hard work and business acumen. In just three years, she grew her operation from one location to 10 highly-successful gyms across eastern Wisconsin. In 2009, Karmen was honored as the Anytime Fitness "Club Operator of the year."



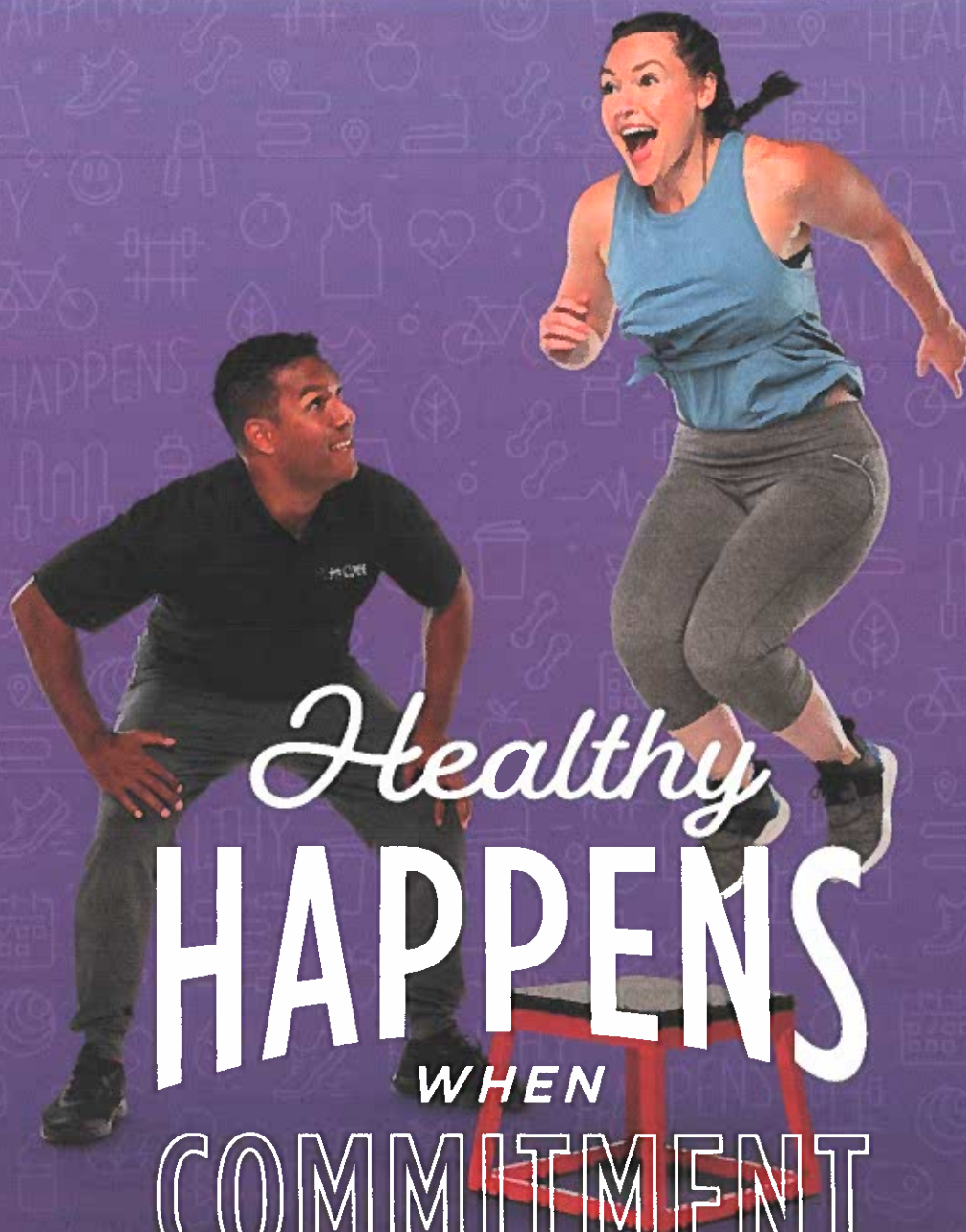
## **ANNA DEY AND VON HOLLINGSWORTH**

This amazing daughter-father team does more than simply operate an incredibly popular gym, they are vital community leaders, serving the people of Concord Township, OH. In recent years, Anna and Von's "24-in-24" challenge has helped raised nearly \$250,000 for "A Special Wish Cleveland" – a non-profit organization that makes dreams come true for children with life-threatening illnesses.



## **CLAY HARRIS**

The Anytime Fitness "Club Operator of the Year" for 2018, just a few years after opening his gym in Windermere, FL, Clay had to nearly double its size to meet consumer demand. Reviews posted on the gym's social media pages include comments like: "I love this gym. The equipment and space is always clean and in great condition. From the owner to the staff and trainers, everyone is always helpful and encouraging you to reach your fitness goals."



*Healthy*  
**HAPPENS**  
*WHEN*  
**COMMITMENT**  
— COMES WITH A —  
**COACH**

MARK DALY | NATIONAL MEDIA DIRECTOR

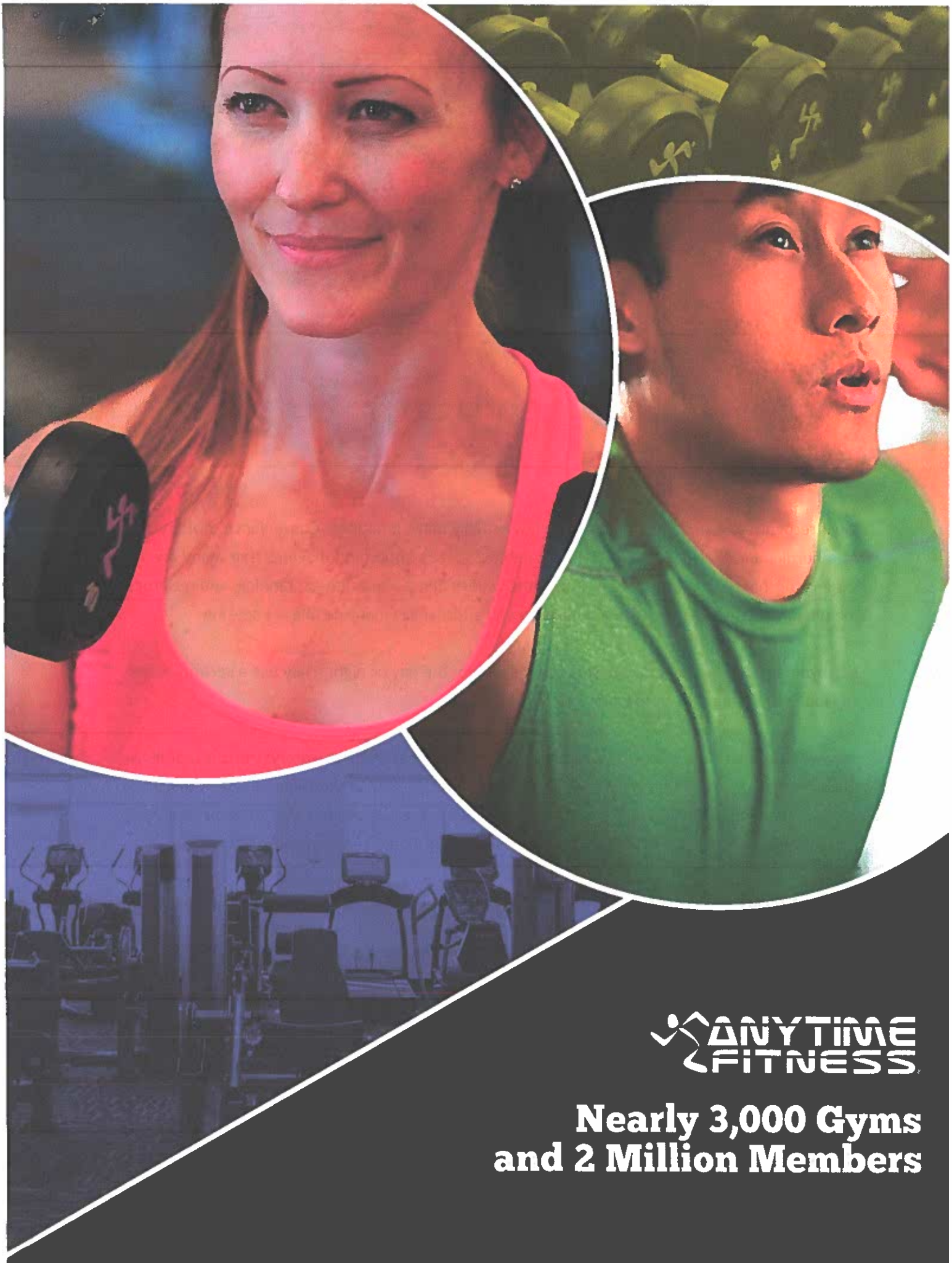
800-704-5004 | MARK.DALY@ANYTIMEFITNESS.COM

 **ANYTIME  
FITNESS.**  
*Let's make* **HEALTHY HAPPEN**

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 **ANYTIME  
FITNESS**

**Nearly 3,000 Gyms  
and 2 Million Members**



# IMPROVING PUBLIC HEALTH

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Most recognize the need for exercise, but few actually make it happen. Convenience is often cited as a hurdle, and finding a club that is affordable is just as important. It seems that many are still looking for that perfect fit. Anytime Fitness, the world's first 24-hour fitness, tanning, and reciprocal membership franchise offers the convenience and affordability many people are seeking.

At Anytime Fitness, members can workout any time of the day or night. They use a security-access key fob to enter the club, even when it is not staffed.

Convenience is the number one member benefit at Anytime Fitness. With a territory structure that allows clubs to be placed every three miles in densely populated areas, 90% of club members live within 0.5 to 5 miles of their home club – an advantage for all members, especially seniors. Many members can walk to their club from home or work, reducing their dependence on driving or using mass transit.

Inside each club, members will find top-notch equipment that is easy-to-use. Our strength-training equipment use plate-loaded systems, which allow for solo workouts. While increasing safety and reducing injuries, this type of equipment also spans the varying fitness levels of our members, which ranges from beginner to elite.

With membership dues typically less than \$49 dollars a month, our clubs offer an affordable fitness option for everyone. Despite the low cost of membership, Anytime Fitness clubs are bright and clean, with expertly-designed workout areas that offer a full view of the club's external surroundings.

Plus, Anytime Fitness offers private restrooms and changing areas.

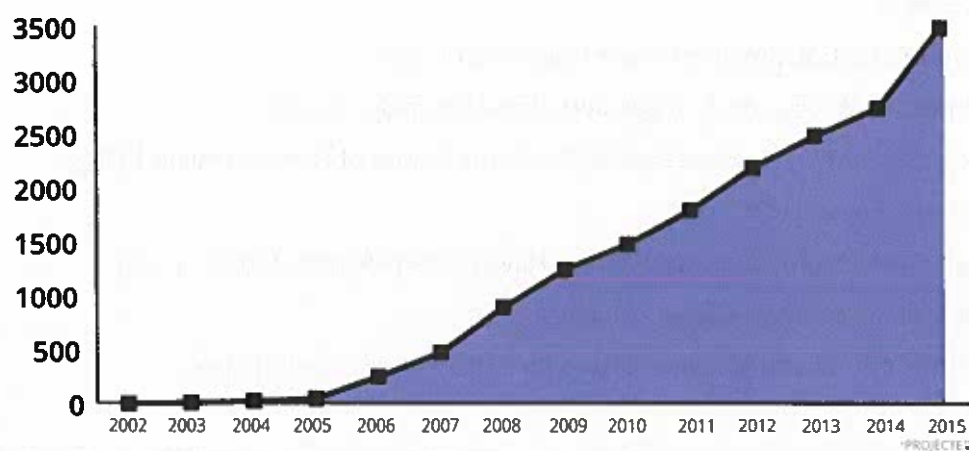


## OVERVIEW

### FAST FACTS

- Founded in 2002
- The first gym opened May 30, 2002 in Cambridge, MN
- Nearly 3,000 gyms are now open in 50 states and more than 20 countries
- The worlds "fastest-growing fitness club" and "largest co-ed fitness franchise"
- An average of 300 new gyms each year for the past eight years

### ACTIVE LOCATIONS



Empathy | [LINK](#)

Results | [LINK](#)





## ACCOLADES

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### HONORS

One of "America's Most Promising Companies" | [LINK](#)

One of "10 Great Franchise Bets" | [LINK](#)

"Best Franchises" in America | [LINK](#)

#1 Best Company to Work for in Minnesota | [LINK](#)

**Forbes**

**CNNMoney**

**Forbes**

**minnesota  
BUSINESS**

### HEADLINES

Meet the World's Fastest-Growing Fitness Club Chain | [LINK](#)

Anytime Fitness Looks Past Body Image In National Campaign | [LINK](#)

The Netflix of Gyms? Why Anytime Fitness Thinks the Future of Gyms is Online | [LINK](#)

Anytime Fitness: Beyond ROI | [LINK](#)

Brand Loyalty: Why More Than 2,000 People Have Anytime Fitness Tattoos | [LINK](#)

Anytime Fitness Grows into a Global Franchise | [LINK](#)

Anytime Fitness CEO Chuck Runyon's 4 rules for Tattoo-Level Loyalty | [LINK](#)





## TESTIMONIALS

Safety is the #1 priority at Anytime Fitness, which is why every club is equipped with the latest access, security, and surveillance systems, as noted by well-respected safety officials:

**ALLEN EASON** *Lieutenant, Jacksonville Sheriff's Office*

**Multiple Club Owner, Anytime Fitness**

"As a lieutenant with the local police department, I certainly understand the concerns for some individuals who may come in after staffed hours. We have been in business now for several years and we have not had one incident concerning security.

The security that is in place in the Anytime Fitness facilities is second-to-none. The security system alone has sold many memberships for our club. Just as important as the integrated security system is to the club, it is also the 'security' your members give to the club. My members will notify me if there is someone that tries to come into the club after hours. They act, in conjunction with the cameras, as an extra set of eyes in the facility."

**TINA KILL** *Sergeant, St. Paul Police Department*

"I compared Anytime Fitness with other available clubs in the area, and we ultimately chose Anytime Fitness for several reasons. I believe the facility has taken necessary and reasonable precautions to protect the safety of patrons, particularly during non-staffed hours.

As a police officer, I cannot make official endorsements. However, my husband and I feel that the Anytime Fitness club in St. Paul does provide members with a reasonable degree of safety and security during non-staffed hours."



## TESTIMONIALS

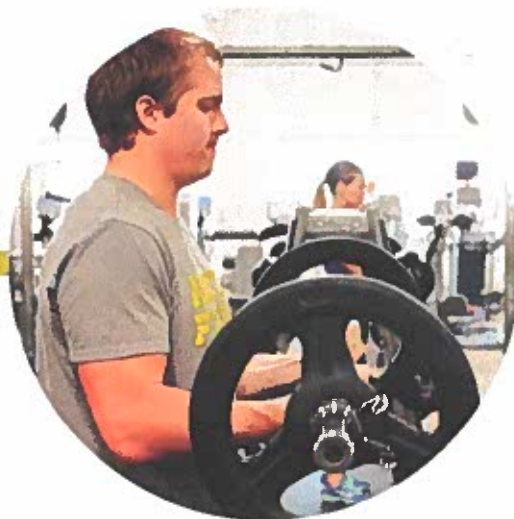
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**JAMES BUSSELL** *Patrol Sergeant/Shift Commander, Traverse City Police Department*  
Multiple Club Owner, Anytime Fitness

"I have been a full-time law enforcement officer for over 15-years. Criminals are like water, they take the path of least resistance. Anytime Fitness Clubs not only have security systems in place, but state-of-the-art security systems that are functional, effective, and user friendly.

I'm not aware of any other fitness center in Northern Michigan with security systems and procedures even remotely close to what Anytime Fitness offers. We've been in operation for several years now. In that time, we've had NO thefts, NO assaults, [and] NO injuries.

It's 1:11am as I write this letter (I'm working late again). I have one 25 year old female in the gym right now. She's here 3 nights a week around this time. I just asked her how this is working for her. She said she loves it. She works afternoons and goes to college during the day. If it wasn't for our facility, she'd have nowhere to workout. I asked her if she's ever felt vulnerable in our club. She laughed and said no. I asked her why. She said because of all the security we have. Everything is on camera."

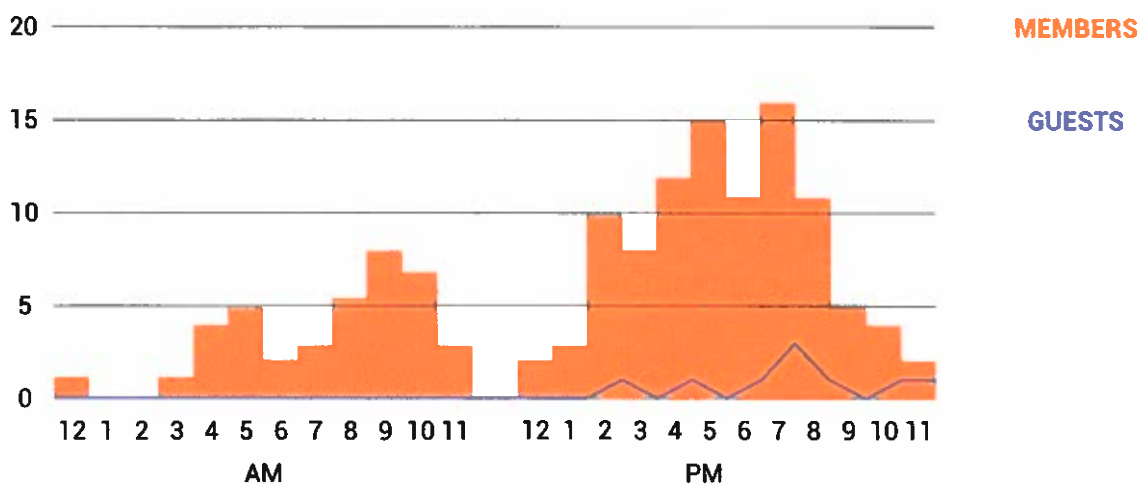


## USAGE PATTERNS

Anytime Fitness provides round-the-clock convenience to accommodate the busy lifestyles of our members. Although most of our members workout between 8:00am and 9:00pm, it's important that clubs remain open 24-hours a day to meet the needs of nurses, police officers, and others who work unusual hours.

Our study concludes that relatively few members visit the clubs between 10:00pm and 5:00am. Thus, noise and traffic during nighttime hours are not an issue.

Because many of our members visit the clubs in pairs, arriving together, our clubs do not require many parking spaces – typically 10 or fewer – even during peak hours.





## SECURITY

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Using a proprietary access system, Anytime Fitness clubs are open to their members on a 24-hour basis. The access system is fully-integrated with our member check-in software and on-site security systems, which include closed-circuit television and tailgate detection for entry doors.

On average, our clubs have 800 members, and approximately 10% occasionally choose to workout between 10:00pm and 5:00am. Using advanced member tracking software, we know there is rarely only one person in the club during those hours. Even so, the use of personal security devices is strongly encouraged by club owners during non-staffed hours.

We are proud to state that with thousands of clubs in operation across the nation, the custom-designed security and surveillance systems within our clubs have worked to ensure member safety. The following information details the typical procedures for entry, remote monitoring, security, tanning, and exit.

### CLUB ENTRY

The member entrance door is equipped with a proximity access control system. To gain entrance, the member holds their key fob in front of the proximity reader, which gathers information from the member's key fob and transmits it to a computer inside the fitness center. The computer system will then determine if the key is valid and if the member should be admitted to the club.

If valid, the computer transmits an "OK" signal back to the proximity access controller. The receipt of an "OK" signal triggers a release mechanism in the door, either a door strike or a magnetic lock.

continued ...



# SECURITY

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## CLUB ENTRY, CONT.

As members enter, they pass by a mechanism called a tailgate detection system. This system allows only one person to enter the facility at a time. If more than one person tries to enter the facility, an audible alarm is triggered by the tailgate system to notify the member that someone has entered the facility behind them.

The tailgate system also triggers another alarm on the Digital Video Recorder (DVR), which will speed up the images per second on the member entrance door camera. The DVR then creates an alarm log within itself to notify the club owner that a tailgate violation had occurred, allowing for easier review.

Each club is equipped with a number of surveillance cameras. They offer adaptable camera positions using a three-axis system. For added security, a smoke-colored dome is placed over each camera to conceal the direction its lens is pointing. A dedicated high resolution camera is positioned by the member entrance door for added security.

## REMOTE MONITORING (CCTV & DVR)

The main purpose of the CCTV (Closed Circuit Television) system is for the member's safety and piece-of-mind. The components of the CCTV system are the Digital Video Recorder (DVR), security cameras, and software/hardware integration with the club's computer system.

Typically, member activities are recorded over each day, unless an incident or emergency requires further review or investigation. If this is the case, the owner of a facility will have the ability to review selected video footage and extract it from the DVR for future reference. No audio recordings of any kind are used in our facilities.

# SECURITY

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## SECURITY SYSTEM

Anytime Fitness clubs make use of a multi-zone security system. These 24-hour zones are active at all times, and burglary zones are armed manually. A 24-hour zone is continuously active, and can secure areas of your club that are vulnerable during your operating hours or supply immediate help in case of emergency or injury.

The 24-hour zone includes wired and wireless personal security devices (PSD). PSDs offer instant emergency notification in the event of a serious accident or illness. When a PSD button is pressed, the security monitoring company will immediately call local authorities, and next they will contact the facility/club owner. If emergency personnel are dispatched to the club when it is not staffed, they may obtain a key from a knock box – a small box installed on the exterior of the club, near the entry door.

The burglary zone includes the motion detector, wireless door contacts, and glass break detectors. The exterior doors of the club are protected with wireless door contacts. Installing this type of detector will deter club members from opening a service or employee entrance door to allow nonmembers into the club when it is not staffed. The club's business office is secured using a passive infrared motion detector. This type of detector will not register movement from outside a window, eliminating false alarms. When a burglary zone is tripped, the security monitoring company will call the facility/club owner first, followed by a call to local authorities, if requested by club personnel.

## TYPICAL TANNING PROCEDURES

Members enter the tanning suite (without use of their key-fob) and lock the door from inside. Once inside, a member can begin their tanning session by scanning their key fob at the proximity reader, which is located inside the tanning suite. Our computer systems will verify their eligibility for tanning services. This system will also verify that the member has not made-use of this service within the past 24-hours\*. Following these checks, the system will activate the tanning bed and allow it to run for a predetermined amount of time.

\*STATE TANNING REGULATIONS MAY VARY. OUR MANAGED TANNING PROGRAM CAN ACCOMMODATE THESE REGULATION VARIATIONS.

# SECURITY

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## CLUB EXIT

Members exit through the same door from which they enter. As they leave, a free-exit mechanism will engage. Examples of this mechanism include a paddle or crash bar. Regardless of the type of mechanism that is installed, it will be a mechanical device, not an electrical one, which means that a loss of power will not affect a member's ability to exit the facility.

The tailgate system is also equipped with a free-exit control, which means that a member does not have to use their key fob to exit.

## EMERGENCY EQUIPMENT

Anytime Fitness, LLC, requires all locations to have an Automated External Defibrillator (AED) installed on-site in such a manner that it is accessible to and in clear view of all members.

In-addition to the security system components, the following items must be installed at all of our clubs:

- A telephone for 911/Emergency calls and a sign that labels it as such A sign in plain view with an advisory warning that indicates members of a non-staffed health spa should be aware that working out alone may pose risks to their health and safety
- A sign in plain view providing instruction in the use of the Automated External Defibrillator (AED) and cardiopulmonary resuscitation





## SUCCESS STORIES

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### **SANDY SIMMERS**

The first time Sandy went on a diet, she was just six years old. "I've always been heavy, never healthy," Sandy said. She dreamed of having a child, but didn't think she was fit to be a mother because she was too heavy and taking antidepressants. When Sandy found the supportive staff at Anytime Fitness in Hermitage, PA, she began running 150 miles a month – both inside and outside – even while pregnant. She quit taking meds, lost 100 pounds, and recently gave birth to Miles – her healthy baby boy.

[VIDEO](#)

### **ROY DAVIS**

After suffering a serious illness that left him without legs or fingertips, Roy was turned away from several gyms because staff members didn't think they could help. At Anytime Fitness in West Carrollton, OH, Roy found compassionate trainers and staff who found creative ways to help Roy rebuild his strength and get the most out of life. Together, they recently participated in two "mud-runs" that you must see to believe.

[VIDEO](#)





## SUCCESS STORIES

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### DANIELL NIELSEN

As the mother of five children, Daniell's life was completely turned upside down when her husband – a police officer – was killed in the line of duty. While still grieving, Daniell realized she needed to be strong for her kids – and she found that strength at Anytime Fitness in Destrehan, LA. "I knew that she had lost her place and we had the team here to help her heal," said club co-owner Michelle Oubre. "I wanted her to know that she was loved here," added co-owner Jennifer Perkins. "We're here to help, whatever she needs."

[VIDEO](#)

### MADDIE AUGUSTIN

More than 350,000 people worldwide suffer from serious depression. As a young teenager, Maddie Augustin says she felt "worthless and hopeless." Instead of medication, Maddie's mother asked her to try 30 days of regular exercise at Anytime Fitness in New Ulm, MN. In no time at all, Maddie got physically stronger and both her mood and self-esteem improved dramatically. She's now thriving in college as a student and an elite athlete.

[VIDEO](#)



## PERMITS AND ZONING

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Many municipalities use terms like “gymnasium” or “health club” to define certain facilities for usage permit and/or zoning classification purposes. Issues may arise if those definitions presume that the applicant gym or health club is a large facility, occupying tens of thousands of square feet, serving thousands of members, and requiring dozens or hundreds of parking spaces.

Anytime Fitness clubs typically occupy less than 6,000 square feet, serve approximately 800 members, and require less than a dozen parking spaces. Thus, care should be taken so that appropriate usage permits and zoning classifications are applied.

We recommend using terms like “studio” or “boutique,” being that the customer profile, time spent in the facility, and foot-traffic are similar to that of a personal spa or salon.

To avoid unnecessary confusion or delays, these factors should be considered and discussed before a usage permit is completed and filed with municipal officials.

# COMMENDATION

## INSURANCE PROGRAM FOR ANYTIME FITNESS FRANCHISEES

Dear Mr. Runyon,

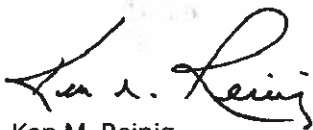
I wanted to take this opportunity to thank you and your team for the fantastic work you do with your franchisees regarding training and systems. The Anytime Fitness model has not only proven to be an excellent business opportunity for a future club owner, it has also developed into one of the safest business operations this industry has ever known.

We have been able to track the claims activity for the Anytime Fitness franchisees for several years now and we are happy to report that claim frequency and claim severity are both extremely low. This has enabled us to restructure the premium pricing with the insurance company underwriters on behalf of your franchisees which has translated into premium savings amounting to several hundred and, in some cases, thousands of dollars in insurance costs.

The combination of a smaller health club physical plant, minimal wet areas, easy to use equipment, and digital surveillance enables us to provide you with the best insurance policy available at a very low cost to your franchisees.

We are committed to continue to provide your club owners with excellent coverage, great premium pricing, and the very best customer service for many years to come. Thank you again for your support and please let me know if there is anything you need from us to help your franchisees going forward.

Sincerely,



Ken M. Reinig,

Senior Vice President, EI Advisors





MARK DALY | NATIONAL MEDIA DIRECTOR

800-704-5004 | [MARK.DALY@ANYTIMEFITNESS.COM](mailto:MARK.DALY@ANYTIMEFITNESS.COM)



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# PLAN COMMISSION STAFF REPORT

February 07, 2019

**Petitioner**

Village Tinley Park

**Municipal Code**

Zoning Code

**Approvals Sought**

Text Amendment

**Project Planner**

Kimberly Clarke  
Planning Manager

**Text Amendment-Short Term Rental (STR)  
Zoning Code****EXECUTIVE SUMMARY**

At the January 8, 2019 Community Development Committee meeting, staff presented research on how municipalities can regulate short-term rentals (STR). Specifically, staff discussed options of licensing, taxation and zoning requirements. A draft licensing ordinance was presented and was viewed favorably for recommendation to the Village Board. The second step to regulating STRs is to amend the Zoning Code to define short-term rental and identify which zoning districts they may be permitted in.

Staff is proposing a text amendment to the Tinley Park Zoning Ordinance. Section II.B (Definitions) and Section V.B. (Schedule of Regulations) for short-term rental uses. The purpose of this amendment is to add definitions and to modify the schedule of use regulations to permit short-term rentals in residential zoning districts and prohibit them in non-residential zoning districts.

## Background

According to a recent presentation by a company (shareable.net) which has followed Airbnb since inception, the home share economy has evolved from a small cottage industry of “staying at a person’s place for a night” to 50-70% of listings are now whole unit rentals. “The home share market is now a \$32 billion dollar industry with about 1/3 of Americans having stayed in a short-term rental” (APA Addressing the Growth in Short-Term Rentals). These home share companies now have a significant financial reason to get their way and fight back against any regulations that would hurt their bottom line.

Airbnb was founded in 2008. Its website describes itself as a “trusted community marketplace for people to list, discover, and book unique accommodations around the world-online or from a mobile phone or tablet...Airbnb connects people to unique travel experiences, at any price point, in the more than 34,000 cities and 191 countries. And with world-class customer service and a growing community of users, Airbnb is the easiest way for people to monetize their extra space and showcase it to an audience of millions.” (<https://www.airbnb.com/about/about-us>).

Airbnb is just one of several STR websites, but it is one of the more well-known sites. Proponents of short-term rental claim they allow ordinary citizens to earn extra money that helps them make mortgage payments or pay bills. Airbnb claims that they bring visitors and money into the community, with Airbnb visitors staying longer and spending more money locally than traditional hotel guests do. Opponents of STR focus on the absentee landlord that leverages the neighborhood for their personal profit while guests disrupt the neighborhood with parties, excessive parking, potential security risks and failure to pay their fair share of taxes.

Home sharing has the potential to change the character of established residential areas, therefore, many communities are taking a closer look at how best to accommodate the demand for new types of lodging without undermining goals related to housing, land use, or transportation. There are three basic varieties of STRs: (1) hosted sharing, where the primary occupants of a residence remain on-site with guests; (2) unhosted sharing, where the primary occupants of a residence vacate the unit while it is rented to short-term guests; and (3) dedicated vacation rentals, where there are no primary occupants. Home sharing and vacation rental services can provide residents and landlords an easy way to make some extra income and, in some cases, offering residences exclusively as short-term rentals can be far more lucrative than traditional leases. Meanwhile, the properties marketed through home sharing and vacation rental sites often appeal to travelers looking for a more authentic local experience or affordable alternatives to downtown hotels and motels (APA PAS Report No. 56).

## Short-Term Rental in Tinley Park

In December of 2018, the Village received a complaint regarding a disturbance at a home that was being rented out for the weekend. After speaking with a few of the residents in this neighborhood, it was discovered this was not the first time this property has created a nuisance due to the behavior and actions of the individuals renting the home for the weekend. Staff has identified seven STR units advertised for STR use in Tinley Park. Table 1 includes the results of staff’s research. It should be noted that the number of STRs may vary by season based on activities that are happening in the area.

**Table 1: Short-Term Rentals in Tinley Park, December 2018**

<b>No.</b>	<b>Rooms/House</b>	<b>Reviews</b>	<b>Cost</b>	<b>Gust No.</b>	<b>Zoning District</b>	<b>Owner Occupied</b>
1	7 rooms	46	\$60/night	2	R-3	yes
2	2 rooms	18	\$65/night	4	R-3	yes
3	2 rooms	33	\$75/night	4	R-6	not sure
4	1 room	16	\$49/night	3	R-2	not sure
5*	rooms or house	34	\$399/night	8	R-2	no
6	1 room	62	\$70/night	2	R-1	yes
7	house	0	\$750/night	10	R-2	no

*\*Two documented complaints from neighbors have been received by the Village regarding traffic and noise from guests renting the home. See exhibit A for photos.*

## Definition of Short Term Rental

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Currently the only permitted use in the Zoning Ordinance similar to Short Term Rentals is “Bed and Breakfast which is only permitted in the B-3 Zoning District.

**BED AND BREAKFAST:** *A Bed and Breakfast facility is a transient lodging establishment, generally in a single-family dwelling or detached guesthouses, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation.*

In order to differentiate STR from a Bed and Breakfast, Staff recommends the following definition be added to Section II.B (Definitions):

**SHORT-TERM RENTAL:** *A dwelling unit that is used as a primary residence by owners or renters, or portion of such a unit, that is rented for less than 30 days at a time, with the exception of dwelling units owned by the federal government, the state, or any of their agencies or political subdivisions and facilities licensed by the state as health care facilities*

The Community Development Committee directed to staff was to limit STR to owner-occupied dwelling units. Therefore, to be considered a STR, a dwelling unit or portion of a dwelling unit, must be occupied by the owner. For example, a single-family homeowner who rents out a spare bedroom or other facilities within his/her own house meets the definition however the short term rental of an apartment by someone who does not live in it full-time will not fit the definition. The 30-day limit is intended to exclude relatively long-term rent contracts. For example, if someone rents out a second home to a businessman who will be working in the area for a year, that would not be considered a STR.

## Permitted Use Chart

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Staff has researched regulatory best practices for STRs and provide the following recommendations for regulating STR property:

- Only allow permanent residents to operate STRs and disallow rentals in subsidized housing
- Set neighborhood quotas
- Ban signs
- Require adequate parking and garbage disposal
- Require hosts to post noise regulations
- Require a local contact person
- Require physical safety and habitability inspections

Many of the recommendations listed above can be regulated through a licensing program. The zoning Ordinance can regulate location and minimum distances between STRs..

Staff’s recommendation is to permit STRs in all residential zoning districts as an accessory use to a dwelling unit. The STR use would be accessory to the principal use, similar to a home occupation or home daycare operation. One approach to ensuring that STRs do not become a dominant use in any one neighborhood is to regulate the distance between STRs or in the case of multi-family units, establish a maximum percentage of units in a building that can be used as STRs. In multi-family buildings typically there is are associations that may regulate STRs and therefore it may

not be as much of a concern compared to a single-family subdivision. Limiting the number of STRs in proximity to another will reduce concern for an entire neighborhood's character changing.

**Open Item #1: Discuss permitting STRS in all residential zoning districts as an accessory use.**

**Open Item #2: Discuss how to further regulate STRS by requiring a minimum distance from one another. In regards to multi-family units, discuss requiring a percentage how many would be allowed.**

#### SCHEDULE I- SCHEDULE OF PERMITTED USE (BY USE TYPE)

	R-1	R-2	R-3	R-4	R-5	R-6	R-7	B-1	B-2	B-3	B-4	B-5	ORI	M-1	MU-1
<b>Other Uses</b>															
Short-Term Rental, accessory to a dwelling unit	P	P	P	P	P	P*	P*	X	X	X	X	X	X	X	X

#### SUMMARY OF OPEN ITEMS

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

1. Discuss permitting STRS in all residential zoning districts as an accessory use.
2. Discuss how to further regulate STRS by requiring a minimum distance from one another. In regards to multi-family units, discuss requiring a percentage how many would be allowed.

#### RECOMMENDATION

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Following a successful workshop, proceed to a Public Hearing at the February 21, 2019 Plan Commission meeting.





# Memo

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**Date:** December 11, 2018  
**To:** Community Development Committee  
**From:** Kimberly Clarke, Planning Manager  
**Subject:** Short Term Rentals

## **Background:**

There have been recent events in the community that have given rise for the need to discuss short-term rentals in the Village. There is one home in particular that is causing disruption to the neighborhood. See Exhibit A for photos regarding this home that is rented on the Airbnb site. According to the neighbors, the owner of the property does not reside at the home and issues with traffic and noise from the guests have been going on for over a year. The Village's attorney is drafting a letter to this property owner to cease and desist renting the home until further notice. Due to this complaint, staff has been requested to provide research to the Village Board on how communities have regulated short-term rentals.

## ***Short-Term Rentals***

Airbnb was founded in 2008. It's website describes itself as a "trusted community marketplace for people to list, discover, and book unique accommodations around the world-online or from a mobile phone or tablet...Airbnb connects people to unique travel experiences, at any price point, in the more than 34,000 cities and 191 countries. And with world-class customer service and a growing community of users, Airbnb is the easiest way for people to monetize their extra space and showcase it to an audience of millions." (<https://www.airbnb.com/about/about-us>).

Airbnb is but one of several short-term rental websites but it is one of the more well-known sites. Proponents of short-term rental claim they allow ordinary citizens to earn extra money that helps them make mortgage payments or pay bills. Airbnb claims that they bring visitors and money into the community, with Airbnb visitors staying longer and spending more money locally than traditional hotel guests do. Opponents of short-term rental focus on the absentee landlord that leverages the neighborhood for their profit while guests disrupt the neighborhood with parties, excessive parking, potential security risks and fail to pay their fair share of taxes.

## **Discussion:**

To facilitate the discussion, staff has provided recent articles on short-term rentals and examples of ordinances passed by other communities. The definition of short-term rental can be defined differently amongst municipalities but the general concept is *"the renting of any dwelling or portion*

thereof for overnight or vacation lodging for a period of less than 30 days". An ever-increasing number of communities across the country are examining this issue and adopting ordinances addressing short-term rentals. There are multiple ways to regulate this use such as establish licensing, permitting, or taxation requirements, as well as operational or procedural standards to protect safety and mitigate potential nuisances. No clear regulatory response to short-term rentals has emerged in the region and ultimately each municipality has their own unique view on the use.

### **Short-Term Rentals in Tinley Park**

The Village of Tinley Park regulates "bed and breakfast". Staff has interpreted the use to be similar to the definition of a bed and breakfast use which is only permitted in the B-3 Zoning District.

*BED AND BREAKFAST: A Bed and Breakfast facility is a transient lodging establishment, generally in a single-family dwelling or detached guesthouses, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation.*

Using various sources, staff identified seven short-term rental units in Tinley Park. Table 1 below includes the results of staff's research.

**Table 1: Short-Term Rentals in Tinley Park, December 2018**

<b>No.</b>	<b>Rooms/House</b>	<b>Reviews</b>	<b>Cost</b>	<b>Gust No.</b>	<b>Zoning District</b>	<b>Owner Occupied</b>
1	7 rooms	46	\$60/night	2	R-3	yes
2	2 rooms	18	\$65/night	4	R-3	yes
3	2 rooms	33	\$75/night	4	R-6	not sure
4	1 room	16	\$49/night	3	R-2	not sure
5*	rooms or house	34	\$399/night	8	R-2	no
6	1 room	62	\$70/night	2	R-1	yes
7	house	0	\$750/night	10	R-2	no

*\*Two documented complaints from neighbors have been received by the Village regarding traffic and noise from guests renting the home. See exhibit A for photos.*

### **Ways to Regulate**

**Licensing.** Require short-term rentals to be licensed. This would allow the Village to track and collect fees to operate the program but also improve enforcement of zoning, city codes, and reporting. The Zoning Ordinance will also need to be amended to specify the use and identify the appropriate districts they would be allowed in. Licensing can be very strict such as only allowing a property to rent one time a year or it can be a license to rent any number of times for the entire year.

**Zoning.** Renting out rooms in a residential zone essentially allows commercial uses in an area that prohibits that type of use. Similar to why you don't want a neighbor running an automotive shop out of their garage, residential neighborhoods need to be protected from the potential



impacts of short-term rentals. The Village may want to consider limiting which zoning districts short-term rentals can be permitted to protect traditional single family detached neighborhoods.

**Fees.** The reason short-term rentals are so much less expensive than traditional hotels is because they are not subject to the same city fees and taxes. Some communities such as Schaumburg and Oak Park are applying the same hotel tax charged to traditional hotels to short-term rentals. Collecting this tax can be cumbersome and it may require the Village to enter into an agreement with Airbnb.

Staff has summarized regulations from other communities on short-term rentals in Table 2 below.

**Table 2: Communities regulating short-term rentals**

<b>Municipality</b>	<b>Population (2010 census)</b>	<b>Ordinance re: Short-term rentals</b>	<b>Crime Free Housing Program (rentals licensed/registered)</b>
Oak Park	51,878	YES Agreement with Airbnb : 4% tax of the gross rental receipts	NO (B&B's get business license)
Schaumburg	74,227	YES 8% tax of the gross rental receipts	YES
New Lenox	24,394	NO	NO
Lockport	24,839	NO	NO
Frankfort	17,782	NO	NO
Naperville	141,853	YES 5.50% tax	NO
Rockford	152,871	YES 5% tax	YES
Joliet	147,433	NO	YES
Evanston	74,486	YES "Vacation Rental Ordinance"	YES
Oak Lawn	56,690	YES- License required	Yes
Chicago	2,695,598	YES License and annual fee. Limits number of units to be rented on short-term basis in multi-family buildings	Not sure

Staff is further researching how a tax can be collected if there is no specific agreement with Airbnb to do so.

**Request:**

Staff is looking for direction from the Village Board on how they wish to regulate Short-term rentals in the Village.



**Exhibit A**



Complaint received 7.29.18 from neighbors of this short-term rental.



2<sup>nd</sup> complaint received 12.3.18 from neighbors regarding traffic and noise from this short-term rental from the same house as the photo above.





Same house as above from 12.3.18.  
Police were called regarding this  
complaint.

WATCH

## Man finds hidden cameras in bedroom of Florida Airbnb rental

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00:00

02:16

EMBED &lt;/&gt;

MORE VIDEOS

Liz Cho reports on the hidden cameras found in a Florida Airbnb rental.

Sunday, January 20, 2019

**MIAMI, Fla. -- A man vacationing in Florida was shocked to find hidden cameras inside his Airbnb rental, and now police are investigating.**

## WATCH

"It's an uncomfortable feeling to know that I was being watched in the bedroom," he said.

The Gainesville resident says he booked a room for the week through Airbnb. He checked into the apartment Sunday and before he went to bed, he noticed black boxes plugged into the wall.

"I wasn't sure what they were," he said. "So I unplugged them and looked them up and found out they were hidden cameras."

Vest quickly packed up and left with the memory cards in hand and took them to the Miami Police Department.

Investigators say Vest is not in any of the recordings on the card, but they say other people are -- and they are now trying to identify them.

Officers add it is illegal for anyone to record someone where there is an expectation of privacy, like in a bedroom.

"The cameras were facing the bed," Vest said. "So I'm sure he was seeing footage of anybody changing clothes, when they came out of the shower, or sleeping, or anything else you'd do in a bed."

In a statement, Airbnb says, "Our community's privacy and safety is our priority. We are working to fully support Mr. Vest, including a refund for the reservation. We require hosts to clearly disclose any security cameras in writing on their listings, and we have strict standards governing surveillance devices in listings. This host has been removed from our community."

## Report a Typo

### Related Topics:

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# Airbnb renters in Schaumburg to start paying 8 percent tax



Carl Court / Getty

By **Lee V. Gaines**  
Chicago Tribune

MAY 26, 2017, 6:15 PM

**S**chaumburg is the latest Illinois community to enter into an agreement with Airbnb that will allow the village to begin receiving taxes from the online vacation rental giant.

Starting Thursday, an 8 percent hotel and motel tax will be added to the cost of Airbnb rentals in the village, according to the home-sharing business and Schaumburg officials.

News of the agreement comes nearly a year after the village board approved an ordinance to make it clear that short-term vacation rental properties advertised on sites like Airbnb and Vacation Rentals by Owner are subject the same tax as local hotels and motels.

Schaumburg officials were prompted to consider village-wide regulations of such rentals after learning about an Airbnb.

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out his treehouse — which includes a fireplace, air-



Airbnb and similar online platforms match up travelers with property owners who rent out rooms or entire homes.

Alexander said he encouraged village officials to hammer out a tax remittance agreement with Airbnb because financial transactions between hosts and renters are all handled through the online platform. Without the agreement, hosts would have to collect and remit the tax to the village themselves, which Alexander said "doesn't work with the Airbnb scenario where we don't exchange money."

Airbnb spokesman Ben Breit said the agreement ensures the village will recoup 100 percent of the taxes they're owed from company bookings.

"I think an important thing to keep in mind when considering Airbnb hosts is the vast majority are not professional vacation rental people," he said. "They're just regular folks sharing a room. ... (The agreement) just makes it easy for everyone."

Though the village passed the ordinance requiring Airbnb hosts to pay the tax, Lisa Happ, Schaumburg's finance director, said it took some effort to just to reach the appropriate company representatives to begin negotiations.

She said village officials finally began talks with the company this spring and the taxation agreement was finalized over the course of a few weeks. Happ said she's not sure how much the village can expect to receive in tax revenue from Airbnb because "we don't have any estimates as far as how often the listings are actually being rented."

The agreement is not retroactive, meaning the village won't receive any taxes from bookings prior to June 1, Breit said.

There are about 15 Schaumburg homeowners currently renting rooms or entire houses, including Alexander's treehouse, on the platform, Breit said, adding the number has grown over the past couple of years.

The company has similar agreements with other Illinois municipalities, including Oak Park and Chicago, though the Chicago ordinance, which both regulates and taxes home-sharing rentals, was delayed by lawsuits and continues to face legal challenges.

Travelers booking Airbnb stays in Chicago are subject to a 4.5 percent hotel accommodation tax and a 4 percent shared housing surcharge. Oak Park officials approved a 4 percent tax on Airbnb rentals last fall. According to the company's website, some listings in Cook County are also subject to a 1 percent county tax.

Breit said the tax agreements vary depending on the state. In Illinois, he said, hotel and motel occupancy taxes are typically assessed by individual municipalities and "we don't have the resources to reach out to everyone."

"What we try to do is make it known far and wide this is important to us that we want to help our hosts pay their fair share and help local governments collect what they're owed," Breit said.

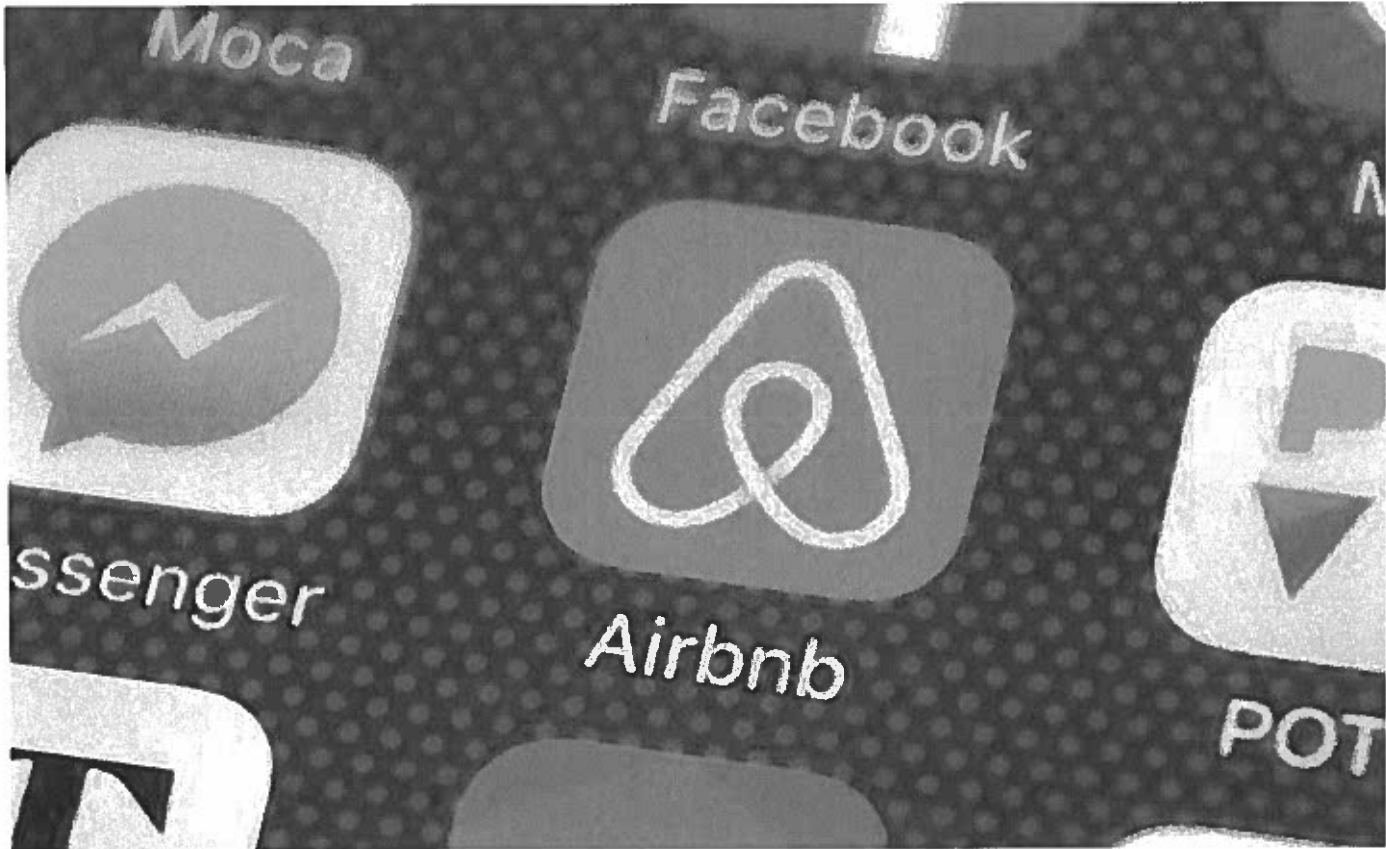
While Alexander thinks Schaumburg's 8 percent tax "is a little high," he said he's happy to contribute to the village's finances so long as he's not the only Airbnb host paying it. He's still renting out his treehouse on Airbnb, and it's won't hurt business.

The village wants their cut, and they're going to get it."

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## Hotel tax hike, new Airbnb tax on Naperville council docket



Naperville City Council members will consider raising the city's hotel/motel tax and applying it to online rental companies such as Airbnb.

(Carl Court / Getty Images)

**Erin Hegarty** Contact Reporter Naperville Sun

The City of Naperville's hotel/motel tax could be increasing this year, and short-term home rentals through online companies like Airbnb may be added to the list of taxable businesses.

City Council members Tuesday are to discuss raising the city's hotel/motel tax from 4.4 percent to 5.5 percent and, for the first time, imposing the tax on companies that rent properties for short-term stays via websites.

"Online rental companies are more widely used now, and so since we were making an ordinance change, it just makes sense to include them," said Linda LaCloche, spokeswoman for the City of Naperville.

While the State of Illinois and Cook County impose a hotel tax on online rental companies, not all municipalities do. Among the towns that have a hotel or vacation rental tax are Chicago, Oak Park, Evanston, Rockford and Schaumburg, according to Airbnb.

Those municipalities have an agreement with Airbnb under which the online rental company collects and remits the tax on behalf of the Airbnb host. Such is also the case in Illinois, where the company collects and remits the State of Illinois hotel tax for Naperville residents who rent out their home through the platform.

Airbnb has 350 such agreements across the country, officials said.

"Asking someone who is not a professional hotel accountant to figure out all of the taxes, who to pay them to and how much is a lot," said Ben Breit, Airbnb's Midwest spokesman. But when a municipality sets up an agreement with Airbnb to collect and remit the taxes, "it takes the responsibility away from hosts so they don't have to worry about this," he said.

Online rental companies want to make home-sharing accessible for "regular folks" and support the municipal tax, Breit said.

"It's a very important part of our public policy agenda and it represents opportunities to bring in new tax revenue for the cities," he said. "We'll work with any city in the State of Illinois that has taxes that apply to short-term rental and wants to work with us on a tax agreement."

If Naperville City Council members approve imposing the tax on online rental companies, it would be applied directly to the guest and would appear as a separate line item on the bill.

"The host wouldn't see this change their income in any way," Breit said. "And the prices are set by the host, that's the beauty of the platform. Prices are always fluctuating."

Naperville has imposed the tax on room rental rates in hotels and motels since 1985, and currently collects taxes from 21 hotels operating in the city, according to city documents. The tax is administered by the city's finance department and collected through quarterly receipts paid by the hotel and motel owners.

The city has agreements with four of the hotels in which 100 percent of the hotel/motel taxes collected are rebated. "Any increase in the hotel and motel use tax would increase the rebates pursuant to the incentive agreements," according to city documents.

Under the current hotel/motel tax rate, the City of Naperville collects about \$2.64 million annually from hotels and motels before rebates. The rate increase, paired with the application to online rental companies, is projected to bring in an additional \$600,000 in hotel/motel taxes — or \$350,000 after rebates annually. If implemented April 1, the increase would mean an additional \$280,000 in revenue for 2018.

Additional revenue from the tax hike and a proposed increase to the simplified municipal telecommunications tax would contribute to the \$2.1 million in budget changes needed to help reduce the city's property tax levy to an amount less than last year's levy, as requested by the City Council.

The Naperville Development Partnership Executive Board agreed to support the changes at its Dec. 21 meeting, according to city documents.

[chgearty@tribpub.com](mailto:chgearty@tribpub.com)



# Homesharing

BY ALLISON SCHRAUB, PUBLIC POLICY MANAGER, AIRBNB

August 21, 2017, on what otherwise would have been considered an average Monday afternoon, turned into a tourism extravaganza, as tens of thousands of visitors flooded into our state to experience the historic solar eclipse.

While Chicago is typically the top tourism hub for Illinois, the eclipse flipped that trend on its end, with the eyes of the country instead turning to Southern Illinois. Specifically, Carbondale was anticipated to experience the eclipse for longer than any other American city.

Predictably, the region's limited supply of hotel rooms quickly sold out. Southern Illinois still took full economic advantage of this once in a generation event through pre-existing resources — people's homes.

The Airbnb home sharing platform — which connects guests to homeowners sharing an additional room or even their full house — created expanded lodging capacity during the eclipse, allowing well over 800 additional eclipse-goers to spend the night in southern Illinois and authentically experience the region. Those guests infused a meaningful economic impact, with residents in Illinois cities like Carbondale, Marion, Murphysboro, Belleville and others in the path of totality earning a combined \$131,000 in supplemental income just on the night of August 21 alone. The presence of those extra guests generated a trickle down effect for the local merchant community, with an estimated \$85,000 in guest spending towards local restaurants, shops and other small businesses that day as well.






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IN THIS ISSUE:

[Could You Bnb My Neighbor?](#)

☒

## Could You Bnb My Neighbor?

A planner's take on the sharing economy.

*By Jeffrey Goodman*

Since I live in New Orleans, I live near a bar. People are always walking by my house to this bar, so perhaps one day I start offering beer to passersby from my porch. Maybe I sell a beer or two — I could always use the money — and people here have always sold drinks as a hustle during Mardi Gras, so what is the difference?

Perhaps eventually I sell beer all the time and people start coming to my house instead of the bar and maybe I pick up a sponsorship and a little press. Soon, people are coming from miles around to my house, spending money at shops in my neighborhood; everything's great. If I were then to go my local alcohol board, or my zoning board, or my neighborhood association, and argue that since my house-bar is so popular, the rules need to be rewritten to accommodate me — well, I would be run out of town on a rail.

Yet in some ways, this is the path taken in regulating another controversial industry: short-term rentals. Backed by billions of investment dollars and an aggressive strategy of "disruption" that favors expansion above cooperation, companies like Airbnb, VRBO, and others have generated as much controversy as they have profits, stubbornly resisting cities' attempts to rein the industry in.

Of course, what these platforms offer is nothing new; home owners have taken in lodgers since the first settlement of cities. But with such a huge scope — over 34,000 cities on Airbnb alone — how do we balance the potential benefits of these businesses with their real impacts on our communities?

<https://www.planning.org/planning/2016/feb/bnb.htm>

12/4/2018

There is no monolithic "short-term host" but a spectrum of users (couch-surfing holdovers, empty nesters, young couples, and, yes, speculators and profiteers) and a spectrum of uses (occasional hosting, seasonal hosting, and, yes, the faux-hotel.) All of them, to some degree or another, have taken advantage of a regulatory Wild West in order to make money without proper oversight and without proper accountability.



An Airbnb-financed group put this billboard up in San Francisco before a ballot initiative in November that would have limited the home-sharing service. After helping defeat Proposition F, Airbnb pledged to cooperate with local governments. Jason Henry/The New York Times.

#### Getting past the noise

In order to regulate an industry effectively, planners need to understand how these platforms are being used and by whom, and what kinds of impacts they have on neighborhoods.

This is somewhat easier said than done; Airbnb and other companies do not freely release data, citing privacy concerns. When they do use data, the companies present a glowing picture of their activity, one that seems irresistible: Airbnb guests stay twice as long and spend twice as much as a typical visitor, with nearly half of all spending occurring in local neighborhoods.

According to the company, more than half of its hosts are "low to moderate income" and say hosting helped them stay in their homes. In New York City, Airbnb claims to have generated \$632 million in economic activity in one year alone. Opponents note, however, that the company has no reason to release numbers that paint their activity and their tactics in a negative light.

In order to get a clearer picture of the realities on the ground, researchers have had to rely on other means of gathering information, largely by "scraping" the public listings of these websites. (Airbnb, in turn, claims that this type of data collection is flawed.) Another option is to sue for access to the data, which is what the New York State Attorney General did, discovering that as many as 72 percent of Airbnb reservations violated New York law. Despite an effort to be "open and transparent" with cities, even under subpoena Airbnb only releases anonymized data to city governments — no addresses, no names.

Either by automated tools or through simple spreadsheets, trolling through Airbnb can give planners at least a broad outline of their local market, from average price per night (useful in calculating tax revenue) to the characteristics of the units available, like number of bedrooms, amenities, and safety equipment. Even a general map view can help planners see which neighborhoods are most affected or need greater enforcement.

Using these approaches, researchers have undercut Airbnb's narrative. The *Real Deal*, a New York-based real estate journal, found short-term rentals caused residents of some neighborhoods to pay up to an extra \$825 a year in rent by removing units from the market. In New Orleans, far from helping a broad group of residents, nearly 50 percent of all bookings came from just six percent of listings, with some hosts making hundreds of thousands of dollars from dozens of properties without paying a cent in occupancy tax, according to one report.

Similarly, Airbnb has slowly evolved on the issue of insurance, shifting some responsibility away from the hosts. In late 2015, the company augmented a "million dollar host guarantee" to protect against damage caused by its service — which does not cover personal liability, shared or common areas (a big issue for condos) and is specifically described as "not insurance" — to a limited million-dollar policy backed by Lloyd's of London. This system creates a strange network of legal entanglements as Airbnb is both the policyholder and claims administrator for local hosts, who themselves have their own separate insurance.

But because many home insurance companies consider short-term renting a commercial use — and thus not covered under the standard policies — hosts may find themselves at the center of a huge and complicated fight that would make a trial lawyer drool; if a guest booked on Airbnb burns down a condo building and a firefighter is injured in the process, how is that legal mess going to sort itself out? Additionally, any damages and liabilities beyond a million dollars — assuming Airbnb even pays out — will fall on the hosts. The easiest solution is to require short-term renters to carry the appropriate insurance, one that specifically covers their activity and their level of risk.

But being a good host also means taking steps to avoid imposing on your neighbors' quality of life. No one wants to deal with loud guests, or litter, or parking issues, whether from a long term or a short-term tenant.

Beyond strengthening and enforcing existing nuisance laws, some cities such as Portland, Oregon, and Santa Monica, California, have tried to include more direct accountability into their regulations; basic ideas like having hosts give out contact information to neighbors to report bad guests or only allowing owner-occupied rentals. In this scheme, serial offenders could face punishments that disincentivize their behavior, such as the loss of short-term rental or commercial permits, escalating fines, or code enforcement actions.

Ultimately, despite all the hype about the so-called "sharing economy," short-term rentals are fundamentally a commercial use, one that cities have regulated successfully in the past as bed-and-breakfasts, inns, motels, hotels, or SROs. In places that have traditional bed-and-breakfasts, innkeepers complain that competing with unregulated Airbnb units harms them doubly — as small-business owners and as residents.

Since the act of hosting is the same regardless of how a unit is booked, then the issues — from safety to zoning to garbage fees to taxes — are as well. Planners should simply hold a short-term rental unit to the same standards as any other similar business.

## **PART 2**

Move past simply yes or no. When pressure to "do something" about short-term rentals comes down from City Hall or up from neighbors, the debate is often framed as a yes or no; "anything goes" or "not in my backyard." The answer will be probably be somewhere in between, and while it can be a laborious process, tailoring regulation to your city's particular situation can pay dividends.

As I learned at last year's APA conference in Seattle, the experience of a few Colorado destinations can serve as examples of adapting regulation to local needs.

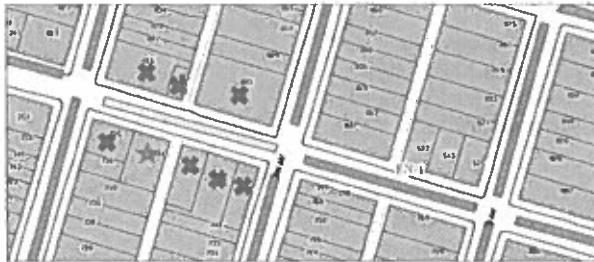
Durango, a small city that serves as a regional center for the Four Corners, faced tremendous housing pressures after growing rapidly over the past decade. With vacancy rates dipping below one percent in some neighborhoods, and rents high and incomes flat, groups like college students, retirees, and service industry workers had increasingly limited options within the city.

At the same time, Durango welcomes thousands of tourists each year, drawn to the nearby natural beauty, redeveloped downtown, and seasonal festivals. Short-term rentals catered to some visitors, and the popularity (and notoriety) of these units led Durango's city government to develop new regulation. Through research and a series of community meetings, Durango's planners were able to identify three main areas that needed addressing in their city: impacts on tourism, impacts on neighborhoods, and — most important — impacts on housing.

## Durango's Street Segment Cap

IN ORDER TO MITIGATE the effects of short-term rentals and preserve housing availability, Durango's Land Use and Development Code creates density limits for these rentals in residential zones. Only one permit is allowed per street segment. (For corner lots, the permit counts against both adjacent street segments and the intersection.) While there is no citywide cap on permits, there is a maximum number of permits available in residential districts.

- ★ PERMITTED VACATION RENTAL
- ✖ NOT ALLOWED TO HAVE A VACATION RENTAL
- AFFECTED STREET SEGMENT(S)
- OTHER STREET SEGMENTS



STREET FRONTAGE



AVENUE FRONTAGE



CORNER FRONTAGE

SOURCE: DURANGO PLANNING DEPARTMENT

Source: Durango Planning Department

Both Durango and Aspen found the key to controlling these concerns was treating short-term rentals as small businesses, allowing them to justify the use of their regulatory tools like zoning and licensing in ways that were consistent, understandable, and enforceable.

### PART 3

Ensure enforcement on the ground and online. For short-term rentals, as for anything, regulation is only as good as its enforcement. Cities have struggled in this regard, creating huge opportunities for abuse while frustrating city officials and neighbors alike when long-debated ordinances do little to quiet complaints.



Innovative app developers came up with a solution to this dilemma by creating a slew of apps to rent out spaces to parking-hungry drivers. However, app designers soon discovered a hitch: It was illegal in many locations.

Most of these early apps and parking space brokers worked on the premise that a driver about to leave their public, on-street parking space would log on and let other app users know the location of the soon-to-be vacant spot, giving another user first dibs (for a fee) on snagging the spot. The new parker's fee, typically between \$5 and \$30, would be split between the departing motorist and the app company.

Since many of these apps were essentially renting out public, on-street parking spaces, municipalities worked quickly to block them. In San Francisco the big players were MonkeyParking, Sweetch, and ParkModo, and the city attorney sent several such apps cease-and-desist letters in 2014, threatening to fine drivers up to \$300 and the companies up to \$2,500 per violation. The letters also noted a lawsuit was imminent if the apps continued operation in the city.

Then a new — legal — wave of apps came to the city, including SpotHero, ParqEx, and ParkWhiz, allowing people to rent or exchange private parking spaces, including those in parking garages. Paul Rose, chief spokesperson for the San Francisco Municipal Transportation Agency, notes these transactions aren't a concern if they don't impinge on public safety.

"Any [safety] concerns will come out of blocking the right of way, preventing people from walking on the sidewalks, or if parking going on in a driveway causes people to walk out into the street," he says.

However, the transaction itself isn't an issue for the agency. "[If] they're leasing spaces that are a part of private property, that's not something that we would necessarily get involved in," Rose says.

Likewise, Boston officials aren't too concerned about apps that rent out private property. Public property, however, is another matter. In 2014, the city passed an ordinance effectively banning the Haystack app, which let users notify other users — who paid a fee — when they were about to leave a public parking space. The app claimed it was in the business of exchanging information rather than selling public property, but the city disagreed.

However, as long as apps comply with city regulations, they're not a problem, according to the Boston Press Office, which said, "Generally, parking apps that allow a private property owner to rent his or her parking space facilitate a private transaction that does not implicate the city's rules and regulations."

Portland, Oregon, has a far more restrictive policy than Boston or San Francisco. Its zoning rules deem residential neighborhoods — all single-family and most multifamily zones — unfit for many types of commercial activity, including renting out parking spots.

However, Jill Grenda, supervising planner for Portland's Bureau of Development Services, notes that enforcement is driven by complaints. "Like any other zoning violation, it's a complaint-driven enforcement system," she says. "So the city wouldn't know about it unless a grumpy neighbor called our code enforcement line and said, 'My neighbor has different people parking in their driveway every single day, and I know because I live next door. Can you come and investigate?'"

*Kristen Pope is a Jackson, Wyoming-based freelance writer and editor who writes about planning, science, conservation, and the outdoors, among other topics. Visit her at [kepope.com](http://kepope.com).*

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# QUICKNOTES

Planning fundamentals  
for public officials and  
engaged citizens

This PAS QuickNotes was prepared by  
David Morley, ACP, senior research associate  
at APA and APA's PAS coordinator.

## Regulating Short-Term Rentals

The concept of renting rooms or homes on a short-term basis is not new. Many cities have boarding houses that rent rooms by the week or month, just as many small towns and rural areas host bed and breakfasts. And in some tourist hotspots, dedicated vacation rentals are common. However, new online services that facilitate short-term rentals have led to a rapid proliferation of home sharing as an alternative to more traditional visitor lodging arrangements in communities across the country. In many places, this trend has sparked debates about whether or not new regulatory or enforcement mechanisms are necessary to mitigate potential effects on host communities. While different localities are likely to draw varying conclusions about the necessity of new standards or procedures, the following sections provide some context and recommendations for local policy.

### Background

In many communities, home sharing is one facet of a larger trend commonly referred to as the "sharing economy." This phrase often encompasses a wide range of transactions mediated by websites or mobile technology related to sharing property or services. Because home sharing has the potential to change the character of established residential areas, many communities are taking a closer look at how best to accommodate the demand for new types of lodging without undermining goals related to housing, land use, or transportation.

There are three basic varieties of short-term rentals: (1) hosted sharing, where the primary occupants of a residence remain on-site with guests; (2) unhosted sharing, where the primary occupants of a residence vacate the unit while it is rented to short-term guests; and (3) dedicated vacation rentals, where there are no primary occupants. Home sharing and vacation rental services can provide residents and landlords an easy way to make some extra income and, in some cases, offering residences exclusively as short-term rentals can be far more lucrative than traditional leases. Meanwhile, the properties marketed through home sharing and vacation rental sites often appeal to travelers looking for a more authentic local experience or affordable alternatives to downtown hotels and motels.

For communities with a mature short-term rental market, new regulations or enforcement mechanisms may seem unnecessary. Many of these cities and counties either already have standards and procedures addressing short-term rentals on the books or have decided, based on experience, that such provisions are unnecessary. Similarly, communities with an abundance of affordable rental housing and relatively inelastic demand for conventional short-term lodging space may not feel the need to add new standards or procedures to their codes. This is because home sharing is unlikely to create housing shortages or provide direct competition for hotels and motels. However, in places with a surge in home sharing combined with a shortage of affordable rental housing or unmet demand for rooms in hotels or motels, new standards and procedures may be appropriate.

### Clarify Use Definitions

Many localities explicitly prohibit the rental of rooms or dwelling units for periods shorter than one month, unless owners comply with all applicable local regulations for boarding houses, hotels, motels, or bed and breakfasts. Meanwhile, many other cities and counties explicitly permit the short-term rental of dwelling units, subject to specific operational or location restrictions. However, few localities address short-term rentals in instances where a unit is occupied as a primary residence for the majority of the year. Often this means hosted or unhosted home sharing is either explicitly or implicitly prohibited. Given the prevalence of home sharing, it may make sense to consider adding new definitions for different types of sharing situations, such as hosted or unhosted accessory home sharing and vacation rentals as a primary use.



*In some communities with especially high demand for short-term rentals, landlords may be tempted to take units out of the long-term rental market.*



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## Identify Appropriate Locations

Some cities and counties with mature short-term rental markets permit full-time sharing in zoning districts that include a mix of primary residences and vacation rentals. Others restrict vacation rentals to tourist-oriented districts. One potential risk of permitting home sharing in residential districts is that it may incentivize landlords to take rental properties off the market, creating a shortage of affordable rental housing. Another potential risk is that frequent unhosted sharing and vacation rentals may lead to increased complaints related to noise, traffic, or parking. In areas with high concentrations of home-sharing or vacation rentals, there is also a chance that the fundamental character may change from residential to quasi-commercial.

## Consider New Zoning or Licensing Standards

While some cities and counties have elected to explicitly prohibit home sharing altogether, several others have made recent code amendments to accommodate short-term rentals in residential districts, subject to specific zoning or licensing standards intended to mitigate community impacts. These standards address topics such as registration and record keeping, advertising, fees or taxes, annual limits on the total number of short-term rental nights, spatial concentration, inspections, and insurance coverage.

For example, San Francisco prohibits dedicated vacation rentals and requires residents or landlords to register all hosted and unhosted short-term rental units. It limits unhosted rentals to 90 days per year and requires registrants to pay hotel taxes and carry liability insurance for claims up to \$500,000 (\$41A.5.g).

Meanwhile, Portland, Oregon, recently added new standards for accessory short-term rentals to address hosted and unhosted home sharing. For units where no more than two bedrooms are offered as short-term rentals, residents or landlords must obtain an administrative permit and limit unhosted sharing to a maximum of 95 days per year. Accessory short-term rentals offering more than two bedrooms are subject to a conditional use approval process. In both cases, no more than 25 percent of units in multifamily buildings can be used as short-term rentals (§33.207).

In Aspen, Colorado, short-term vacation rentals are permitted by right in most residential districts, provided owners obtain a business license and a vacation rental permit, designate a local property manager, notify any affected home owners association, and pay sales and lodging taxes (§26.575.220).

## Evaluate Enforcement Alternatives

Without data from home-sharing and vacation rental services, communities may be dependent on complaint-driven enforcement of regulations for short-term rentals. Instead, cities and counties may find it beneficial to establish a proactive enforcement system to ensure that registered properties are complying with applicable standards. This may involve routine monitoring of listings on home-sharing service websites. In communities with short-term rental regulations, violators are typically subject to fines or the revocation of registrations or permits.

## Summary

Home-sharing and vacation rental services are growing trends that show no sign of slowing down. While some communities may ultimately decide that short-term rentals do not have a place in established residential districts, there may be no effective enforcement mechanism for a blanket prohibition. Practically speaking, the key is making regulations that are clear, easily enforced, and do not make residents or landlords out to be scofflaws unnecessarily.

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Planning May 2017

IN THIS ISSUE:

Legal Lessons



## LEGAL LESSONS

# Regulating Short-Term Rentals

By Edward Sullivan

It has been less than a decade since short-term rentals came onto the municipal scene, but the impacts of allowing them have reverberated through cities nationwide.

At face value, STRs look like a win-win-win. Hosts can use the rental income to pay down mortgages, pay their property taxes, and improve their quality of life; guests get a nice room, often for a lower price than a hotel, and chambers of commerce cite increased tourism's positive effect on the local economy.

But it's more complicated than that, particularly for planning departments and elected officials, who are responsible for code compliance, land-use and zoning conflicts, and budgetary concerns associated with enforcement and taxes. (See "[Could You BnB My Neighbor? \(/planning/2016/feb/bnb.htm\)](#)" February 2016.)

### Finding middle ground

While some cities are trying to prohibit STRs, for most there is simply too much voter pressure to ban them outright. The boldest reaction has been from New York City, which uses state law prohibiting advertising to outlaw STRs, but the room rental differentials between hotels and private residences make evasion very tempting.

More recently the conversation has turned to how the various interests may be accommodated. Cities have a few options when looking to effectively — and legally — regulate short-term rentals.

**LICENSING.** Requiring STRs to be licensed, and establishing a process for the withdrawal of that licensing, not only allows the city to track STRs and collect regulatory fees to operate the program, but also makes enforcement of zoning, city codes, and reporting — possibly the biggest challenge cities face — easier.

*Edward Sullivan is a retired attorney who teaches, writes, and speaks on land-use law matters. He is also a member of APA's Amicus Curiae and Legislative and Policy Committees.*



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# Oak Park seeks to tax Airbnb rentals



The Airbnb app logo is displayed on an iPhone. The village of Oak Park is seeking to impose a 4 percent user tax on the rental service. (Carl Court / Getty Images)

By **Steve Schering**

Pioneer Press

SEPTEMBER 7, 2016, 11:31 AM

**H**oping to "level the playing field," the Oak Park Village Board announced its intention to tax Airbnb renters at a similar rate as hotel and traditional bed and breakfast guests.

During the Aug. 7 village board meeting, trustees held a first reading of an ordinance that would recognize "transient occupancy rental units" in private residences and tax them at a rate of 4 percent, which is the same as the village's hotel/motel tax rate.

According to village staff, the request to regulate or tax Airbnb rentals came from existing bed and breakfast owners in the village.

Those using the Airbnb service create an account online and begin searching for rental properties in their desired location. They can connect with Airbnb hosts, who determine a price and agreement for the duration of the visit.

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rents who spoke against the proposed user tax. According to Oak Park in 2006 and began renting their unused space

to short-term renters.

"It has been an enormous pleasure to host families from Oak Park and across the country and across the world," Timinger said. "These people are coming to Oak Park to spend money here. They use grocery stores, retail shops and restaurants. The reality is the guests who have stayed with us would not have stayed at a local hotel due to the costs. Short-term rentals are bringing a lot of benefits to our village. Please don't penalize us."

Under the proposal, the village's tax dollars would be collected by Airbnb, which would then relay those dollars to the village. Similar to hotel/motel tax dollars, Airbnb taxes would be given to Visit Oak Park for the promotion of local tourism, officials said.

Several village board members said they have used Airbnb in the past and stressed the plan is not to ban the service, but tax it at a rate of similar-use properties.

"We're not going into the landlords' books or paperwork," Mayor Anan Abu-Taleb said. "All we're doing is having a relationship with Airbnb. Airbnb collects that tax we're thinking about imposing and sends it to the village, and we will use that for tourism and to attract people to the village of Oak Park."

Prior to adopting the ordinance, trustees asked village staff just how many Airbnb rental units were available in Oak Park, an answer staff said was difficult to track down.

"We don't know that information and can't get that information from Airbnb," said Tammie Grossman, Oak Park's development customer services director. "Airbnb will not just give us the list and number of people renting and type of space."

Trustee Glenn Brewer said if village staff were to be in contact with Airbnb, he had some issues with the service amid reports of some people claiming to be denied rentals due to their race.

"I have negative views [about Airbnb] in that this community stands for inclusion, and Airbnb has run into some problems with inclusion," Brewer said. "If Airbnb decides to weigh in, they can also tell us what they've been doing in terms of weeding out discrimination. If we are going to get Airbnb in here, they need to address that issue for me."

In neighboring River Forest, the practice of short-term rental properties has been banned by the village. In January, the River Forest Village Board approved a plan to further clear up its policy.

"I have no interest in trying to restrict the use," Oak Park Trustee Andrea Ott said. "I'm not convinced a 4 percent tax will have a negative impact on the use of Airbnb. I think taxing it the same as a hotel or a regular bed and breakfast is fair. That makes sense to me."

The village intends to hold a second reading of its proposed ordinance at the Sept. 19 village board meeting. It is expected trustees will vote to approve that tax that same evening.

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March 18, 2015

# Overview of Sharing Economy and Short-Term Rentals

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LEGISLATIVE ANALYST'S OFFICE

Prepared for:  
Committee on Local Government  
Hon. Brian Maienschein, Chair

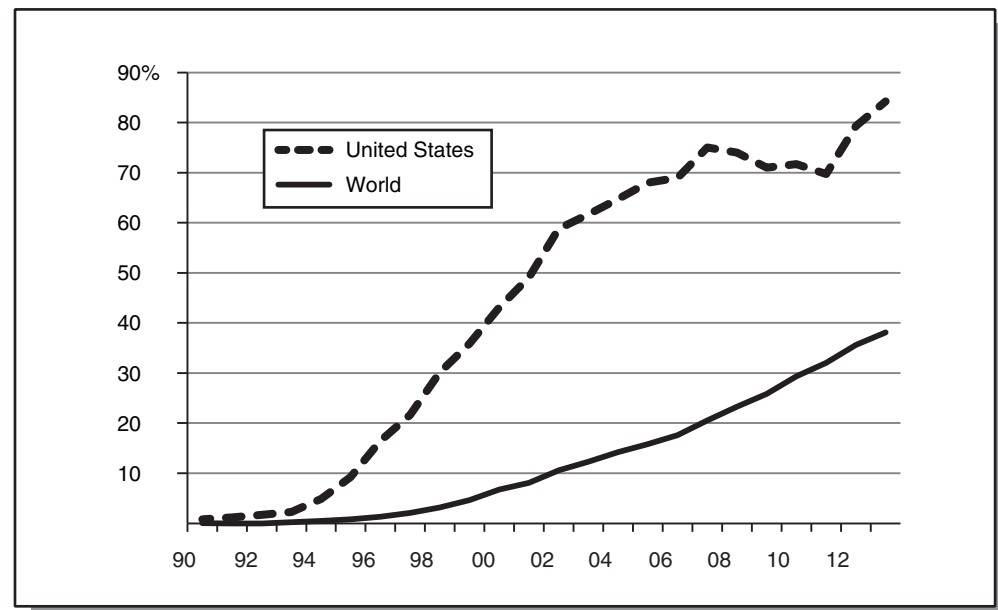
Assembly Revenue and Taxation Committee  
Hon. Phil Ting, Chair





## Internet Use Drives Societal and Economic Change

### *Percent of Population Using the Internet*



#### **First Wave of Change**

- Most of the Internet-driven societal and economic change between 1990 and early 2000s pertained to how people and organizations shared information and bought things.
- Wave examples: Facebook, Amazon, Ebay, and email.



#### **Recent Wave of Change**

- Beginning a decade ago, a new wave of change started called the “sharing economy” or “peer-to-peer” (P2P) market.
- This wave relies on the strengths of the Internet to allow consumers and suppliers to complete transactions easily.
- Wave examples: Airbnb, HomeAway, and FlipKey (lodging); Uber and Lyft (transportation); and Kickstarter, Prosper, and Lending Club (financial services).



## A Look at the Sharing Economy

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**Key Characteristics.** Renting goods and contracting for short term services is nothing new. In the past, however, some desired transactions did not occur due to information limits or other barriers. Sharing economy businesses use the strengths of the Internet so that:

- Consumers can quickly search among myriad suppliers, compare information and reviews on suppliers, and complete transactions efficiently.
- Suppliers have wide access to consumers interested in using underutilized assets such as vacation homes and vehicles.
- The focus shifts from ownership of physical and human assets (like time, space, and skills) to access to these assets.



### **Technological Change Frequently Triggers Public Policy Questions**

- The first wave of Internet changes prompted government to examine regulatory structures about data privacy and tax laws related to purchases of retail goods from businesses outside of California.
- Sharing economy changes are prompting policy debate in part because many of the affected businesses are in industries where government (1) has established a significant regulatory framework, including land use, business, and consumer protection regulations, and/or (2) collects taxes, such as transient occupancy taxes and business license taxes, that pay for government programs.



## Lodging: Part of the Leisure and Hospitality Industry

### Share of Wages and Business Income by Major Industry

2013

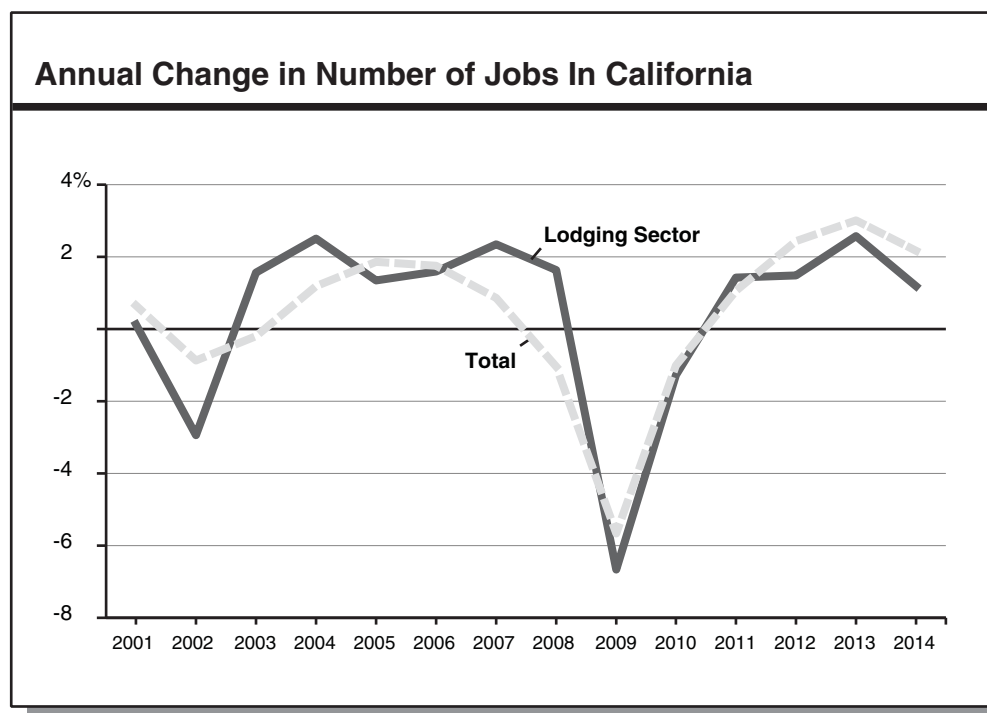
Sector	California	United States
Finance, Insurance, and Real Estate	8.8%	9.2%
Government	17.4	17.1
Health Care and Social Assistance	9.5	10.9
Manufacturing	9.5	9.7
Professional and Technical Services	12.0	9.8
Wholesale and Retail Trade	10.5	11.0
Leisure and Hospitality	4.7	4.2
<i>Food service</i>	2.4	2.4
<i>Arts, entertainment, and recreation</i>	1.6	1.1
<i>Lodging</i>	0.7	0.7

- **Many Visitors.** Industry experts estimate California had about 230 million “person-trips” in 2013. About 80 percent of these trips were for leisure.
- **California Residents Accounted for About Three-Quarters of These Trips.** Residents of other states accounted for about one-fifth of these trips and visitors from other countries accounted for about 7 percent. Travelers from Mexico and Canada accounted for more than half of the international trips.
- **Tourism Spending.** Visitors are estimated to have spent over \$110 billion in 2013. This includes spending for lodging, food services, recreation, transportation, and retail businesses. Foreign visitors accounted for about 20 percent of this spending.





## Employment Growth in State's Lodging Industry



***Lodging Industry Employment Growth Generally Tracks State Employment.***

Nearly 210,000 people worked in the lodging industry in 2014, up from about 197,000 in 2000. (The employment data in this figure is drawn from employer surveys and likely excludes many people offering lodging through Internet sites.) While employment in the lodging industry generally tracks growth in overall state jobs, growth in total state employment has outpaced job growth in the lodging industry



***Industry Wages Are Below the State's Average.*** In 2012, the average earnings for a private sector worker in California was about \$54,000. The average pay for a person in the lodging industry was almost \$28,000. Part of this difference in annual wages may reflect a greater likelihood that lodging industry employees work part-time.



## Changes to Lodging Industry: Short-Term Rentals

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***Historically, Many Alternatives to Hotels.*** California has long had vacation home rentals, time-shares, bed and breakfasts, hostels, boarding homes, extended stay facilities, and campgrounds. In addition, many travelers stay with relatives and friends.



***The Internet Has Made it Easy to Rent Residential Lodging for a Short Stay.*** It has allowed for the creation of a two-sided marketplace that matches people who rent out their homes (“hosts”) with people looking for a place to stay (“guests”). Searching, information gathering, and contract completion is simple.



***How it Works.*** Host creates a listing that describes the room or residence offered, price, location, and house rules. The host usually posts photographs.

- Potential guests message hosts directly. When a potential guest puts in a reservation request, the host has a day or so to accept or decline it.
- If a host accepts a reservation, the host and guest coordinate meeting times. After the visit, users (and, sometimes, the hosts) post reviews of one another. Reviews provide references for other guests and hosts. The site also may examine reviews to assess whether to bar a host or guest from using the site in the future.



## Growth in Short-Term Rental Sector

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- ☒ **Airbnb.** Started in 2008, this privately held company reports that it has over 1 million listings in 190 counties, including room rentals and rentals of entire homes. Airbnb states that it made its millionth booking in 2011 and its 25 millionth booking in 2014. Various media accounts estimate Airbnb's 2013 revenue at \$250 million.
  
- ☒ **HomeAway.** Started in 2004, this company held its initial public offering in 2011. Like Airbnb, HomeAway reports that it has over 1 million listings in 190 countries. HomeAway's listings are primarily entire homes, not rooms. Total revenues grew by 23 percent in 2014 to over \$119 million. HomeAway acquired and operates many other short-term rental sites, including VRBO.com, VacationRentals.com, and BedandBreakfast.com.
  
- ☒ **Major Traditional Lodging Providers.** In 2014, Marriot had more than 3,900 properties, with over 700,000 rooms in 79 countries, and reported revenues of nearly \$14 billion. In 2014, Hyatt reported having nearly 600 hotels, over 150,000 rooms, and revenues of over \$4 billion.



## Short-Term Rentals From a Public Policy Standpoint: Attributes

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### Generates Income for Providers

- ***Most Rental Income Remains With Hosts.*** Combined administrative fees (paid by host and guest) typically are in range of up to 10 percent to 15 percent of rental costs.
- ***Provides Supplemental Income for Many Households.*** Two studies of Airbnb usage—one of a four-year period in New York City and one of single day in San Francisco—found that roughly 90 percent of hosts had two or fewer properties. Households typically rented out their own residence (in part or in full) or a second property. There is some evidence that these households have lower than median income.
- ***Ongoing Business Income for Other Hosts.*** Some property owners rent many properties year round and are using these sites to facilitate their property management business operations. The New York City study estimated that these hosts received about a third of Airbnb rental income in the city.



### Visitors Save Money

- Short-term renters may save 20 percent or more, relative to the cost of a hotel. These savings can allow visitors to stay longer, or spend more on other leisure and tourism activities.



### Community's Lodging Infrastructure Expands

- Repurposing idle capacity in a community expands the community's lodging infrastructure without new construction.
- This can be particularly advantageous if a community experiences unusually high demand for lodging (such as during a major sporting event), or is located in an area where new construction poses environmental concerns.





## Short-Term Rentals From a Public Policy Standpoint: Concerns

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### **Despite Prevalence of Short-Term Rentals, Their Legal Status Is Murky**

- Short-term rentals have been called “illegal hotels” because some are inconsistent with local land use or business regulatory policies.
  - While many California communities have land use policies that limit or bar rentals of less than 30 days, short-term rental companies show listings throughout the state.
  - The New York State Attorney General estimated that over 70 percent of the Airbnb properties rented in New York City violated one or more local planning or business regulations.
  - The New Orleans Times-Picayune reported finding hundreds of short-term rentals listed for the French Quarter, despite a local law banning rentals of fewer than 60 days in the neighborhood.
- Governments worldwide are reconsidering their policies to more clearly allow, regulate, or prohibit short-term rentals.
  - France legalized short-term rentals of primary residences throughout the country.
  - Amsterdam adopted a law allowing residents to rent their homes for up to two months of the year to up to four people at a time, provided they pay the relevant taxes.
  - San Francisco’s new ordinance allows permanent residents to rent rooms if they register with the city, carry liability insurance, pay the city’s 14 percent hotel tax, and satisfy other criteria.
  - Burbank enacted rules banning short-term vacation rentals in residential zones.



## **Short-Term Rentals From a Public Policy Standpoint: Concerns** *(Continued)*

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### **Short-Term Rentals Can Disrupt Community Expectations About Residential Neighborhoods**

- Many land use policies aim to separate residential properties from areas used for transient lodging. As a result, neighbors may be surprised if a residential property is used for business purposes.
- Although a host may screen prospective guests, neighbors may not have access to this information or know where to complain if problems arise on the property.



### **Hosts May Not Pay Business and Tourism Taxes**

- Short-term rental companies typically advise hosts that they need to comply with local tax laws, but actual practices vary.
  - A study by the San Diego City Treasurer's Office in September 2014 found that 50 percent of short-term rental owners did not pay hotel occupancy taxes.
  - Some companies collect transient occupancy taxes directly from the customer. Airbnb collects these taxes only in six cities: San Francisco, San Jose, Amsterdam, Portland, Chicago, and the District of Columbia.
- Because California cities charge relatively high transient occupancy taxes, noncompliance can result in significantly reduced tax revenues.
- Resolving taxation issues related to short-term rentals is difficult without resolving the related regulatory issues. It is difficult to collect taxes from an industry sector that a city does not permit to operate.



## Potential Changes to Economy

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### **Growth in Short-Term Rentals Might Affect Traditional Lodging Sector**

- Economic theory suggests that prices fall when supply increases or substitutes become available. While research is limited, there are some signs that growth in the short-term rental sector has placed downward pressure on the traditional lodging sector's prices and gross revenues.
- A recent Boston University study found that every 10 percent increase in the number of Airbnb rentals in Texas resulted in a 0.35 percent reduction in monthly hotel revenue. In the City of Austin, where Airbnb supply is large, the study concluded that this was equivalent to a 13 percent reduction in hotel revenue, with the effect concentrated among lower-cost hotels and hotels not catering to business travel.



### **Changes to Employment Patterns and Tax Revenues Possible**

- ***Employment Patterns May Change.*** If more tourists stay in short-term rentals and fewer in traditional hotels, jobs in the traditional lodging sector might be negatively affected. At the same time, however, tourists and hosts involved in the short-term rental sector might spend their savings/earning on other goods and services, leading to increased jobs in these other sectors.
- ***Tax Revenues May Change.*** If a greater percentage of travelers stay in short-term rentals, tourism taxes might decline because these rentals typically cost less and some hosts currently do not pay taxes as required. The net effect on state and local tax revenues, however, would depend on the extent to which (1) visitors travel more or stay longer in response to these cost savings, (2) travelers and hosts spend their savings on items subject to other taxes, and (3) hosts' personal income tax liabilities increase due to their rental income earnings.

## Lash / Condo Law

# Chicago Ordinance Regulates and Restricts Short-Term Rentals of Condominiums

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 [lashcondolaw.com/chicago-ordinance-regulates-and-restricts-short-term-rentals-of-condominiums/](http://lashcondolaw.com/chicago-ordinance-regulates-and-restricts-short-term-rentals-of-condominiums/)

Denise Lash

March 16, 2017

The explosive growth of on-line short-term rental websites has caused considerable controversy and concerns for governments, hotel operators and condominiums. Condominium corporations have safety and security concerns with the arrival and departure of strangers who have no interest in the condominium as a community. The hotel industry is facing unfair competition by short-term rental accommodations that are not subject to the same licencing, regulatory and tax requirements imposed on hotels. Governments are concerned about the negative effects of short-term rentals on the availability of affordable accommodations for long-term renters.

The City of Chicago recently enacted an ordinance to regulate and restrict short-term rentals of single-family homes and condominiums. The Chicago ordinance includes the following provisions:

- Requirement for companies like Airbnb ("rental intermediaries") to obtain a licence and pay an annual fee of \$10,000 plus a fee of \$60 per unit. These fees would be used to enforce the ordinance.
- Requirement for short-term rental units to be registered.
- Requirement for hosts with multiple shared-housing units to obtain a licence and be subject to inspections.
- Community associations (i.e. condominiums) are allowed to prohibit short-term rentals and be added to a "prohibited buildings" list, which is available on-line to the public.
- A limit on the number of units that can be rented on a short-term basis. For buildings with more than 5 units, the limit would be ¾ of the total units or 6 units, whichever is less.
- A 4% surcharge on short-term rentals.
- Imposition of fines on rental hosts and rental intermediaries that violate the ordinance. The fines would range from \$1500 to \$3000 per offence, with each day that a violation exists being treated as a separate offence.
- "One strike and you're out" rule resulting in licence revocation for egregious conditions such as violent acts, drug trafficking, gang-related activity, large parties or public nuisance, plus a penalty of \$2500 to \$5000 per offence.
- Ability for the City to determine that a rental unit is a public nuisance in the case of 3 instances of noise, drunkenness, harassment, loitering or overcrowding in 12 months.
- Establishment of minimum insurance requirements.
- Requirement for rental intermediaries to remove internet listings that are in violation of the ordinance.

Since short-term rentals can be quite lucrative for rental hosts, not surprisingly, Chicago's short-term rental ordinance has resulted in lawsuits being filed against the City by unhappy homeowner hosts.



While short-term rental websites such as Airbnb may have started out with homeowner hosts trying to generate extra income by renting out a spare bedroom, things have certainly changed. A recent study conducted on behalf of the American Hotel and Lodging Association reveals that the majority of short-term rental accommodation listings and revenue come from hosts who are commercial operators running a full-time rental business from their residential units.

Condominiums located in municipalities that do not have regulations and restrictions on short-term rentals have a difficult time trying to stop short-term rentals, even if there are provisions in their declarations that either prohibit short-term rentals or specify that residential units are for single-family use only. Unfortunately, in Ontario condominiums do not have the ability to impose fines on owners that violate the condominium documents. The ability to impose fines would certainly help condominiums eliminate short-term rentals that violate the condominium documents, as the fines would cut into the profits generated by short-term rentals.



## **NEW REPORT REVEALS MORE THAN HALF OF AIRBNB'S PHILADELPHIA REVENUE COMES FROM COMMERCIAL ACTIVITY, EMPHASIZING NEED FOR STATE ACTION**

Operators listing multiple units for rent drove over one-third (36%) of Airbnb's revenue in the Philadelphia region – over \$5 million. Pennsylvania House of Representatives Tourism and Recreational Development Committee hearing on Short-Term Rentals and Airbnb's impact in the state set for Wednesday, September 14, 2016.

**WASHINGTON, D.C., September 14, 2016** – Ahead of a Pennsylvania House of Representatives Tourism and Recreational Development Committee hearing on short-term rentals in York, PA, the American Hotel & Lodging Association is releasing a new detailed look at the growth of Airbnb's operations in Philadelphia, as Pennsylvania lawmakers begin to consider new rules aimed at short-term rentals across the state. The study, part of a detailed analysis of Airbnb's commercial operations, was conducted by John O'Neill, MAI, ISHC, Ph.D., Professor of Hospitality Management and Director of the Center for Hospitality Real Estate Strategy at Pennsylvania State University and examined activity on Airbnb between October 2014 and September 2015.

The study builds on the national analysis released earlier this year that shows a troubling trend: a growing number of commercial operators are using Airbnb to run unregulated, and often illegal, lodging businesses.

The hearing and study will give lawmakers an opportunity to learn more about the

"Illegal hotels operating in residential areas in the Philadelphia area present serious concerns for travelers and residents alike," said **AH&LA President and CEO Katherine Lugar**. "From disrupting communities and neighborhoods to creating potential health and safety hazards for guests, the issues generated by commercial operators are pervasive. In Philadelphia, as in cities around the country, we have seen that Airbnb is unwilling to be transparent with its data and be a partner in creating safe environments for its users and the communities in which it operates. And now we know why: a growing portion of Airbnb's revenue comes from commercial landlords using the platform to operate unregulated and often illegal lodging businesses. Policymakers in Philadelphia, in Pennsylvania and across the country should act to ensure a fair travel marketplace by closing the illegal hotel loophole."

Philadelphia is one of 14 cities profiled in a series of reports that comprise a second phase of an analysis into the commercial activity being transacted on Airbnb's platform. The initial analysis ("*From Air Mattresses to Unregulated Business: An Analysis of the Other Side of Airbnb*") was released in January 2016.



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## **ORDINANCE**

### **AN ORDINANCE AMENDING CHAPTER 23A ("TAXES"), ARTICLE 4 ("HOTEL/MOTEL TAX") OF THE OAK PARK VILLAGE CODE TO INCLUDE TRANSIENT OCCUPANCY RENTAL UNITS**

**WHEREAS**, the Village of Oak Park ("Village") as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970 has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

**WHEREAS**, pursuant to its home rule powers and Section 8-11-6a of the Illinois Municipal Code, 65 ILCS 5/8-11-6a, the Village may enact a tax based on the use of a hotel or motel room or similar facility; and

**WHEREAS**, pursuant to said authority and the Village's home rule powers, the Village has determined to amend Chapter 23A ("Taxes"), Article 4 ("Hotel/Motel Tax") of the Oak Park Village Code as set forth in this Ordinance.

**NOW THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

**Section 1. Recitals Incorporated.** The above recitals are incorporated herein as though fully set forth.

**Section 2. Village Code Amended.** Chapter 23A ("Taxes"), Article 4 ("Hotel/Motel Tax") of the Oak Park Village Code is hereby amended by adding the underlined language and deleting the overstricken language to read as follows:

#### **Article 4**

#### **HOTEL/MOTEL AND TRANSIENT OCCUPANCY RENTAL UNIT TAX**

**23A-4-1: DEFINITIONS:**

**23A-4-2: TAX IMPOSED:**

**23A-4-3: DUTY TO COLLECT TAX FROM USER:**

**23A-4-4: BOOKS AND RECORDS:**

**23A-4-5: TRANSMITTAL OF TAX REVENUE:**

**23A-4-6: COLLECTION:**

**23A-4-7: PROCEEDS TO BE PAID TO VILLAGE FINANCE DIRECTOR:**

**23A-4-8: TERMINATION OF TAX:**

**23A-4-9: PENALTY:**



#### **23A-4-1: DEFINITIONS:**

For the purpose of this Article, whenever any of the following words, terms or definitions are used herein, they shall have the meaning ascribed to them in this Section:

**HOTEL/MOTEL:** Every building or structure within the Village kept, used, maintained as or advertised and held out to the public to be a place where lodging or lodging and food or other accommodations are offered for a consideration to guests including "bed and breakfast" establishments. Accommodations within said buildings or structures which are leased to the same occupant for a period of more than thirty (30) consecutive days shall be exempt from the tax provisions of this Article.

**OWNER:** Any person having an ownership interest in or conducting the operation of a hotel/motel ~~or motel~~ room, or transient occupancy rental unit or receiving consideration for the rental of such hotel/motel room or transient occupancy rental unit ~~motel room~~.

**PERSON:** Any natural person, receiver, administrator, executor, conservator, assignee, trust in perpetuity, trust, estate, firm, co-partnership, joint venture, club, company, business trust, domestic or foreign corporation, association, syndicate, society or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, whenever the term "person" is used in any clause prescribing and imposing a penalty, the term as applied to associations shall mean the owners or part-owners thereof, and as applied to corporations, the officers thereof.

**TRANSIENT OCCUPANCY RENTAL UNIT:** A dwelling unit or a habitable unit that is offered for rent, lease or hire that is rented, leased or hired for which an owner receives consideration from a person for a period of thirty (30) days or less and that person has the right to use, occupy or possess the dwelling unit or habitable unit for said period.

#### **23A-4-2: TAX IMPOSED:**

A tax is hereby levied and imposed upon the use and privilege of renting, leasing or letting of rooms in a hotel/motel or transient occupancy rental unit ~~or motel~~ in the Village at a rate of four percent (4%) of the gross rental receipts from such rental, leasing or letting. The ultimate incidence or and liability for payment of said tax shall be in addition to any and all other taxes.

#### **23A-4-3: DUTY TO COLLECT TAX FROM USER:**

The owner and operator of each hotel/motel or transient occupancy rental unit ~~and/or motel~~ and the person who operates said hotel/motel or transient occupancy rental unit ~~or motel~~ shall bear jointly and severally the duty to act as trustee for and account of the Village and to collect the tax from each user, lessee or tenant of rooms in such hotel/motel or transient occupancy rental unit ~~or motel~~ and to pay over to the Village Finance Director the tax under procedures prescribed by the Village Finance Director or as otherwise set forth in this Article; provided,

however, that the person collecting the tax as trustee for and account of the Village, may retain two percent (2%) of the tax due as compensation for services rendered in the collection and payment of such tax. Every person required to collect the tax levied by ordinance shall secure said tax from the user, lessee or tenant of a room or rooms at the time that such person collects the price, charge or rent to which it applies.

#### **23A-4-4: BOOKS AND RECORDS:**

The Finance Director, or the Director's authorized representative, may enter the premises of any hotel/motel or transient occupancy rental unit ~~or motel~~ for inspection and examination of records in order to effectuate the proper administration of this Chapter, and to assure the enforcement of the collection of the tax imposed. It shall be unlawful for any person to prevent, hinder, or interfere with the Finance Director or the Director's authorized representative in the discharge of the Director's duties in the performance of this Chapter. It shall be the duty of every owner to keep accurate and complete books and records to which the Finance Director, or the Director's authorized representative, shall at all times have full access, which records shall include a daily sheet showing the number of hotel/motel rooms or transient occupancy rental unit ~~or motel rooms~~ rented during the twenty four (24) hour period, including multiple rentals of the same hotel/motel room or transient occupancy rental unit ~~or motel room~~ where such shall occur and the actual hotel/motel or transient occupancy rental unit ~~or motel~~ tax receipts collected for the date in question.

#### **23A-4-5: TRANSMITTAL OF TAX REVENUE:**

A. The owner of each hotel/motel or transient occupancy rental unit ~~or motel~~ room within the Village shall file tax returns showing tax receipts received with respect to each hotel and motel room during each one month period commencing on February 1, 1995, and continuing on the first day of every month thereafter on forms prescribed by the Village Finance Director. The monthly return for each completed calendar month shall be due within fifteen (15) days of the completion of the calendar month. A separate return shall be filed for each place of business within the Village regardless of ownership.

B. The first taxing period for the purpose of this Article shall commence on February 1, 1995, and the tax return and payment for such period shall be due on or before March 15, 1995. Thereafter reporting periods and tax payments shall be in accordance with the provisions of this Article. At the time of filing such tax returns, the owner shall pay to the Village all taxes due for the period to which the tax return applies.

C. If for any reason any tax is not paid when due, a penalty at the rate of two percent (2%) per thirty (30) day period, or portion thereof, from the day of delinquency shall be added and collected.

#### **23A-4-6: COLLECTION:**

Whenever any person shall fail to pay any tax as herein provided, the Village ~~Attorney shall, on the request of the Finance Director,~~ bring or cause to be brought an action to enforce the payment of the tax on behalf of the Village in any court of competent jurisdiction.

#### **23A-4-7: PROCEEDS TO BE PAID TO VILLAGE FINANCE DIRECTOR:**

All proceeds resulting from the imposition of the tax under this Article, including penalties, shall be paid to the Finance Director of the Village of Oak Park and shall be credited to and deposited in a separate fund of the Village and shall be used only for the purpose of promoting tourism, meetings, conventions or other events within the Village or otherwise attracting nonresidents to visit the Village and patronize Village businesses and in furtherance of that purpose, all proceeds from the tax necessary to fulfill the Village's financial obligation to the Visitors Bureau in accordance with the Village's then-existing agreement with the Visitors Bureau will be transmitted to the Visitors Bureau. If the proceeds from the tax exceed the Village's financial obligation under its agreement with the Visitors Bureau for the year in which the tax is collected, such surplus funds will be deposited in the special fund to be used for the promotion of tourism, meetings, conventions or other events within the Village or otherwise attracting nonresidents to visit the Village and patronize Village businesses.

#### **23A-4-8: TERMINATION OF TAX:**

Upon the dissolution of the Visitors Bureau 501 C 6 not-for-profit corporation or the termination of the Visitors Bureau annual agreement with the Village of Oak Park for the provision of tourism promotional services, the President and Board of Trustees of the Village of Oak Park, at its next regularly scheduled Village Board meeting subsequent to such dissolution or subsequent to the termination of the existing agreement, shall rescind the ordinance establishing the tax upon the privilege of renting, ~~easing~~ leasing or letting rooms in a hotel/motel or transient occupancy rental unit ~~or motel~~ within the Village of Oak Park.

#### **23A-4-9: PENALTY:**

Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with or resisting or opposing the enforcement of any of the provisions of this Article, except when otherwise specifically provided, upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00). Each day of violation shall constitute a separate and distinct offense.

**Section 3. Severability and Repeal of Inconsistent Ordinances.** If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4. Effective Date.** This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law on November 1, 2016.

**ADOPTED** this 16<sup>th</sup> day of September, 2016, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Abu-Taleb				
Trustee Barber				
Trustee Brewer				
Trustee Button Ott				
Trustee Lueck				
Trustee Salzman				
Trustee Tucker				

**APPROVED** this 16<sup>th</sup> day of September, 2016.

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Anan Abu-Taleb, Village President

**ATTEST**

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Teresa Powell, Village Clerk

Published in pamphlet form this 16<sup>th</sup> day of September, 2016.

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Teresa Powell, Village Clerk



**VOLUNTARY COLLECTION AGREEMENT  
FOR  
VILLAGE OF OAK PARK TRANSIENT OCCUPANCY TAX**

**THIS VOLUNTARY COLLECTION AGREEMENT** (the “**Agreement**”) is dated \_\_\_\_\_, 2016 and is between **AIRBNB, INC.**, a Delaware corporation (“**Airbnb**”) and the **Village of Oak Park, an Illinois home rule municipal corporation** (the “**Taxing Jurisdiction**”). Each party may be referred to individually as a “**Party**” and collectively as the “**Parties**.”

**RECITALS:**

WHEREAS, Airbnb represents that it provides an Internet-based platform (the “**Platform**”) through which third parties offering accommodations (“**Hosts**”) and third parties booking such accommodations (“**Guests**”) may communicate, negotiate and consummate a direct booking transaction for accommodations to which Airbnb is not a party (“**Booking Transaction**”);

WHEREAS, the Taxing Jurisdiction and Airbnb enter into this Agreement voluntarily in order to facilitate the reporting, collection and remittance of alleged applicable transient occupancy taxes (“**TOT**”) imposed under applicable the Oak Park Village Code (the applicable “**Code**”) for Booking Transactions completed by Hosts and Guests on the Platform for accommodations located in Oak Park, Illinois (the “**Taxable Booking Transactions**”);

NOW THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS, PROMISES AND AGREEMENTS CONTAINED HEREIN, THE PARTIES AGREE AS FOLLOWS:

(A) Solely pursuant to the terms and conditions of this Agreement, including only for periods in which this Agreement is effective (defined below), and solely for Taxable Booking Transactions completed on the Platform, Airbnb agrees contractually to assume the duties of a TOT collector as described in the Code (hereinafter referred to as a “**Collector**”).

(B) Starting on January 1, 2017 (the “**Effective Date**”), Airbnb agrees to commence collecting and remitting TOT, pursuant to the terms of this Agreement, at the applicable rate, on Taxable Booking Transactions. Except as set forth in Paragraph (L) below, Airbnb shall not assume any obligation or liability to collect TOT for any period or for any transaction prior to the Effective Date or termination of this Agreement.

## **REMITTANCE OF TOT**

(C) Airbnb agrees reasonably to report aggregate information on the tax return form prescribed by the Taxing Jurisdiction, including all TOT that is subject to the provisions of this Agreement, and it shall remit all TOT collected from Guests in accordance with this Agreement and Airbnb's Terms of Service ([www.airbnb.com](http://www.airbnb.com)) (the "TOS") in the time and manner described in the Code or as otherwise agreed to in writing.

## **AIRBNB LIABILITY**

(D) Pursuant to the terms of this Agreement, Airbnb agrees contractually to assume liability for any failure to report, collect and/or remit the correct amount of TOT, including, but not limited to, penalties and interest, lawfully and properly imposed in compliance with the Code. Nothing contained herein nor any action taken pursuant to this Agreement shall impair, restrict or prevent Airbnb from asserting that any TOT and/or penalties, interest, fines or other amounts assessed against it were not due, are the subject of a claim for refund under applicable law or otherwise bar it from enforcing any rights accorded by law.

(E) During any period for which Airbnb is not in breach of its obligations under this Agreement, the Taxing Jurisdiction agrees to audit Airbnb on the basis of TOT returns and supporting documentation, and agrees not to directly or indirectly audit any individual Guest or Host relating to Taxable Booking Transactions unless and until an audit of Airbnb by the Taxing Jurisdiction has been exhausted with the matter unresolved. The Taxing Jurisdiction reserves the right to audit any individual Airbnb Host for activity that has been brought to the attention of the Taxing Jurisdiction in the form of a complaint or other means independent of this Agreement or independent of data or information provided pursuant to this Agreement.

(F) The Taxing Jurisdiction agrees to audit Airbnb on an anonymous numbered account basis for Taxable Booking Transactions. Except as otherwise agreed herein, Airbnb shall not be required to produce any personally identifiable information relating to any Host or Guest or relating to any Booking Transaction without binding legal process served only after completion of an audit by the Taxing Jurisdiction of Airbnb with respect to such users. The Taxing Jurisdiction agrees that it will not audit or issue an assessment against Airbnb more than once per any consecutive forty-eight month period and that such audit or assessment will be limited to a consecutive twelve-month period within the forty-eight month period.

(G) Airbnb, Inc. agrees to register as a Collector for the reporting, collection and remittance of TOT under this Agreement and will be the registered Collector on behalf of any affiliate or subsidiary collecting TOT.

#### **GUEST AND HOST LIABILITY**

(H) During any period in which this Agreement is effective relating to Taxable Booking Transactions, Hosts shall be permitted but not required to register individually with the Taxing Jurisdiction to collect, remit and/or report TOT, provided Airbnb is in compliance with its obligations herein. Nothing in this Agreement shall relieve Guests or Hosts from any responsibilities with respect to TOT for transactions completed other than on the Platform, or restrict the Taxing Jurisdiction from investigating or enforcing any provision of applicable law against such users for such transactions.

#### **WAIVER OF LOOK-BACK**

(I) The Jurisdiction expressly releases, acquits, waives and forever discharges Airbnb, its current or past affiliated parent or subsidiary companies, directors, shareholders investors, employees and other agents, and/or Hosts or Guests from any and all actions, causes of action, indebtedness, suits, damages or claims arising out of or relating to payment of and/or collection of TOT or other tax indebtedness, including but not limited to penalties, fines, interest or other payments relating to TOT on any Taxable Booking Transactions prior to the Effective Date. Nothing contained in this Paragraph of this Agreement will constitute a release or waiver of any claim, cause of action or indebtedness that the Jurisdiction may have or claim to have against any Host or Guest unrelated to Taxable Booking Transactions under this Agreement.

#### **NOTIFICATION TO GUESTS AND HOSTS**

(J) Airbnb agrees, for the purposes of facilitating this Agreement, and as required by its TOS, that it will notify (i) Hosts that TOT will be collected and remitted to the Taxing Jurisdiction as of the Effective Date pursuant to the terms of this Agreement; and (ii) Guests and Hosts of the amount of TOT collected and remitted on each Taxable Booking Transaction.

#### **LIMITATION OF APPLICATION**

(K) This Agreement is solely for the purpose of facilitating the administration and collection of the TOT with respect to Taxable Booking Transactions and, except with respect to the rights and liabilities set forth herein, the execution of or actions taken under this Agreement shall not be considered an admission of law or fact or constitute evidence thereof under the

Code or any other provisions of the laws of the United States of America, of any State or subdivision or municipality thereof. Neither Party waives, and expressly preserves, any and all arguments, contentions, claims, causes of action, defenses or assertions relating to the validity or interpretation or applicability of the Code, regulations or application of law.

#### **DURATION/TERMINATION**

(L) This Agreement may be terminated by Airbnb or the Taxing Jurisdiction for convenience on 30 days written notification to the other Party. Any termination under this Paragraph shall not affect the duty of Airbnb to remit to the Taxing Jurisdiction any TOT collected from Guests up through and including the effective date of termination of this Agreement, even if not remitted by Airbnb to the Taxing Jurisdiction as of the date of termination.

#### **MISCELLANEOUS**

(M) CHOICE OF LAW. This Agreement, its construction and any and all disputes arising out of or relating to it, shall be interpreted in accordance with the substantive laws of the State of Illinois without regard to its conflict of law principles.

(N) MODIFICATION. No modification, amendment, or waiver of any provision of this Agreement shall be effective unless in writing and signed by both Parties.

(O) MERGER AND INTEGRATION. This Agreement contains the entire agreement of the Parties with respect to the subject matter of this Agreement, and supersedes all prior negotiations, agreements and understandings with respect thereto.

(P) COUNTERPARTS. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, and all of which, when taken together, shall constitute one and the same instrument. The Agreement shall become effective when a counterpart has been signed by each Party and delivered to the other Party, in its original form or by electronic mail, facsimile or other electronic means. The Parties hereby consent to the use of electronic signatures in connection with the execution of this Agreement, and further agree that electronic signatures to this Agreement shall be legally binding with the same force and effect as manually executed signatures.

(Q) RELATIONSHIP OF THE PARTIES. The Parties are independent contractors. This Agreement does not create nor is it intended to create a partnership, franchise,



joint venture, agency, or employment relationship between the Parties. There are no third-party beneficiaries to this Agreement.

(R) **WAIVER AND CUMULATIVE REMEDIES.** No failure or delay by either Party in exercising any right under this Agreement shall constitute a waiver of that right or any other right. Other than as expressly stated herein, the remedies provided herein are in addition to, and not exclusive of, any other remedies of a Party at law or in equity.

(S) **FORCE MAJEURE.** Neither Party shall be liable for any failure or delay in performance under this Agreement (other than for delay in the payment of money due and payable hereunder) for causes beyond that Party's reasonable control and occurring without that Party's fault or negligence, including, but not limited to, acts of God, acts of government, flood, fire, civil unrest, acts of terror, strikes or other labor problems (other than those involving Airbnb employees), computer attacks or malicious acts, such as attacks on or through the Internet, any Internet service provider, telecommunications or hosting facility. Dates by which performance obligations are scheduled to be met will be extended for a period of time equal to the time lost due to any delay so caused.

(T) **ASSIGNMENT.** Neither Party may assign any of its rights or obligations hereunder, whether by operation of law or otherwise, without the prior written consent of the other Party (which consent shall not be unreasonably withheld). Notwithstanding the foregoing, Airbnb may assign this Agreement in its entirety without consent of the other Party in connection with a merger, acquisition, corporate reorganization, or sale of all or substantially all of its assets.

(U) **MISCELLANEOUS.** If any provision of this Agreement is held by a court of competent jurisdiction to be contrary to law, the provision shall be modified by the court and interpreted so as best to accomplish the objectives of the original provision to the fullest extent permitted by law, and the remaining provisions of this Agreement shall remain in effect.

#### **NOTICES**

(V) All notices under this Agreement shall be in writing and shall be deemed to have been given upon: (i) personal delivery; (ii) the third business day after first class mailing postage prepaid; or (iii) the second business day after sending by overnight mail or by facsimile with telephonic confirmation of receipt. Notices shall be addressed to the attention of the following persons, provided each Party may modify the authorized recipients by providing written notice to the other Party:

To Airbnb:

Airbnb, Inc.  
Attn: General Counsel  
888 Brannan Street, 4<sup>th</sup> Fl.  
SF, CA 94103  
[legal@airbnb.com](mailto:legal@airbnb.com)

Airbnb, Inc.  
Attn: Global Head of Tax  
888 Brannan Street, 4<sup>th</sup> Fl.  
SF, CA 94103  
[tax@airbnb.com](mailto:tax@airbnb.com)

To the Taxing Jurisdiction:

Village Manager  
Village of Oak Park  
123 Madison Street  
Oak Park, Illinois 60302  
Email: [villagemanager@oak-park.us](mailto:villagemanager@oak-park.us)

***IN WITNESS WHEREOF***, Airbnb and the Taxing Jurisdiction have executed this Agreement effective on the date set forth in the introductory clause.

**AIRBNB, INC.**, a Delaware corporation

By: \_\_\_\_\_  
Signature of Authorized Representative  
  
**Beth Adair, Global Tax Director**  
\_\_\_\_\_  
Name and Title of Authorized Representative

**VILLAGE OF OAK PARK**

By: \_\_\_\_\_  
Cara Pavlicek  
Village Manager

**RESOLUTION**

**A RESOLUTION APPROVING A VOLUNTARY COLLECTION AGREEMENT  
FOR VILLAGE OF OAK PARK TRANSIENT OCCUPANCY TAX  
WITH AIRBNB, INC. AND AUTHORIZING ITS EXECUTION**

**BE IT RESOLVED** by the President and Board of Trustees of the Village of Oak Park, Cook County, State of Illinois, in the exercise of their home rule powers, that the Voluntary Collection Agreement for Village of Oak Park Transient Occupancy Tax with Airbnb, Inc. ("Agreement") is approved and the Village Manager is authorized to execute the Agreement in substantially the form attached.

**THIS RESOLUTION** shall be in full force and effect from and after its adoption and approval as provided by law.

**ADOPTED** this 19<sup>th</sup> day of September, 2016 pursuant to a roll call vote as follows:

Voting	Aye	Nay	Abstain	Absent
President Abu-Taleb				
Trustee Barber				
Trustee Brewer				
Trustee Button Ott				
Trustee Lueck				
Trustee Salzman				
Trustee Tucker				

**APPROVED** this 19<sup>th</sup> day of September, 2016.

\_\_\_\_\_  
Anan Abu-Taleb, Village President

**ATTEST**

\_\_\_\_\_  
Teresa Powell, Village Clerk

**PUBLICATION OF:**

**ORDINANCE NO. 16-**

**AN ORDINANCE AMENDING TITLE 3, CHAPTER 36, SECTION 36.051 AND TITLE  
11, CHAPTER 123, SECTION 123.02(B)(7)(f) REGARDING HOTEL AND MOTEL TAX  
FOR SHORT TERM RENTALS**

**ADOPTED: JUNE 28, 2016**

**PUBLISHED IN PAMPHLET FORM PURSUANT TO AUTHORIZATION AND  
DIRECTION OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE  
OF SCHAUMBURG ON JUNE 29, 2016**

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**ORDINANCE NO. 16-****ORDINANCE AMENDING TITLE 3, CHAPTER 36, SECTION 36.051 AND TITLE 11, CHAPTER 123, SECTION 123.02(B)(7)(f) REGARDING HOTEL AND MOTEL TAX FOR SHORT TERM RENTALS**

**WHEREAS**, the Village of Schaumburg, as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970, has the authority to exercise any power and perform any function pertaining to its government and affairs, except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; an

**WHEREAS**, the Village of Schaumburg currently imposes a Hotel and Motel Tax on all buildings or structures, or portion thereof, where accommodations are offered for guests for a period of thirty (30) consecutive days or less; and

**WHEREAS**, the Village of Schaumburg desires to amend those regulations to clearly indicate that such regulations apply to Short Term Rentals, as defined in Title 11 Chapter 123, Section 123.01 of the Village Code; and

**WHEREAS**, the Village of Schaumburg finds it in the best interests of the Village to amend the Village Code to provide for the same:

**NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF SCHAUMBURG:**

**SECTION ONE:** That Title 3, Chapter 36, Section 36.051 be amended to read as follows:

"The word "hotel" and the word "motel" within the meaning of this subchapter include every building or structure, or portion thereof, kept, used, maintained, advertised and held out to the public to be a place where lodging, or lodging and food, or apartments, or suites, or other accommodations are offered for a consideration to guests, including but not limited to such buildings or structures, or portions thereof, booked through online travel companies. This shall include Short Term Rentals, as defined and regulated under the Village Code, as may be amended from time to time. Accommodations within said buildings or structures which are leased to the same occupant for a period of more than thirty (30) consecutive days regardless of the initial lease commitment shall be exempt from the tax provisions of this subchapter."

**SECTION TWO:** That Title 11 Chapter 123, Section 123.02(B)(7)(f) be amended to read as follows:

- (f) Any Short Term Rental shall comply with the following criteria:
1. No rental or advertisement for rental for a period of time shorter than twenty (20) hours.

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**ORDINANCE NO. 16-****ORDINANCE AMENDING TITLE 3, CHAPTER 36, SECTION 36.051 AND TITLE 11, CHAPTER 123, SECTION 123.02(B)(7)(f) REGARDING HOTEL AND MOTEL TAX FOR SHORT TERM RENTALS**

2. No Short Term Rental may provide for food or beverage to any guests with the exception of pre-packaged food and drink items.
3. No more than one (1) Short Term Rental at a specific location during the one-year period commencing on the date a license is issued.
4. Any Short Term Rental shall be subject to the Hotel and Motel Tax set forth in the Village Code, as may be amended from time to time.

**SECTION THREE:** That this ordinance shall be in full force and effect, after passage, approval and publication as required by law.

AYES:

NAYS:

ABSENT:

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Village President

ATTEST:

\_\_\_\_\_  
Village Clerk

APPROVED:

\_\_\_\_\_  
Assistant Village Attorney

364061\_1

PUBLICATION OF:

ORDINANCE NO. 16-073

ORDINANCE REGARDING HOTEL AND MOTEL TAX  
(AMENDING TITLE 3, CHAPTER 36)

ADOPTED: AUGUST 9, 2016

PUBLISHED IN PAMPHLET FORM PURSUANT TO AUTHORIZATION AND  
DIRECTION OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE  
OF SCHAUMBURG ON AUGUST 10, 2016

**ORDINANCE 16-073****ORDINANCE REGARDING HOTEL AND MOTEL TAX  
(AMENDING TITLE 3, CHAPTER 36)****ORDINANCE REGARDING HOTEL AND MOTEL  
TAX (AMENDING TITLE 3, CHAPTER 36)**

**WHEREAS**, the Village of Schaumburg, as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970, has the authority to exercise any power and perform any function pertaining to its government and affairs, except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

**WHEREAS**, the Village of Schaumburg currently imposes a Hotel and Motel Tax on all buildings or structures, or portion thereof, where accommodations are offered for guests for a period of thirty (30) consecutive days or less; and

**WHEREAS**, the Village of Schaumburg desires to amend those regulations to clearly indicate that such regulations apply to all persons engaged in the business of renting, leasing or letting rooms in a hotel, including on-line rental companies; and

**WHEREAS**, the Village of Schaumburg finds it in the best interests of the Village to amend the Village Code to provide for the same;

**NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND  
BOARD OF TRUSTEES OF THE VILLAGE OF SCHAUMBURG:**

**SECTION ONE:** That Title 3, Chapter 36, Section 36.050 be amended to read as follows:

"A tax is hereby levied and imposed upon all persons engaged in the business of renting, leasing, or letting rooms in a hotel or motel in the village at a rate of eight percent (8%) of the gross rental receipts from such rental, leasing or letting. The ultimate incidence of and liability for payment of said tax shall be borne by the user, lessee or tenant of said rooms. The tax herein levied shall be in addition to any and all other taxes."

**SECTION TWO:** That Title 3, Chapter 36, Section 36.052 be amended to read as follows:

"The owner and operator of each hotel and or motel, the person to whom the license to operate said hotel or motel shall have been issued by the village, and any other persons engaged in the business of renting, leasing, or letting rooms in a hotel or motel shall bear jointly and severally the duty to collect the tax from each user, lessee or tenant of rooms in such hotel or motel. Every person required to collect the tax levied by ordinance shall secure said tax from the user,

**ORDINANCE 16-073****ORDINANCE REGARDING HOTEL AND MOTEL TAX****(AMENDING TITLE 3, CHAPTER 38)**

lessee or tenant of a room or rooms at the time that he collects the price, charge or rent to which it applies."

**SECTION THREE:** That Title 3, Chapter 36, Section 36.053 be amended to read as follows:

"(A) **Enforcement Officer:** The finance director hereby is designated as the administration and enforcement officer of the tax hereby imposed on behalf of the village. It shall be the responsibility and duty of the finance director to collect all amounts due the village from the owners, operators and licensees of motels and hotels in the village, and any other persons engaged in the business of renting, leasing, or letting rooms in a hotel or motel.

(B) **Tax Return Filing:** A sworn hotel and motel occupancy tax return shall be filed by each owner, operator or licensee of each hotel or motel in the village, or by any other persons engaged in the business of renting, leasing, or letting rooms in a hotel or motel in the village, with the finance director, on forms prescribed by him, showing all receipts from each renting, leasing or letting of rooms during the reporting period. Effective with the reporting period beginning April 1, 2007, and for all subsequent reporting periods, the tax returns are to be prepared and submitted on a monthly reporting period basis. The tax return and payment of the tax due shall be received or postmarked on or before the last day of the month succeeding the reporting period.

(C) **Payment:** Each tax return shall be accompanied by payment to the village of all taxes due and owing for the reporting period covered by the tax return, provided, however, that the owner, operator, or licensee, or any other persons engaged in the business of renting, leasing, or letting rooms in a hotel or motel in the Village filing said return may retain an amount of money equal to one percent (1%) of the tax due as compensation for services rendered in the collection and payment of such tax.

(D) **Books and Records:** The finance director or any person certified by him as his deputy or representative may enter the premises of any hotel or motel, or may request access from any other persons engaged in the business of renting, leasing, or letting rooms in a hotel or motel for the purposes of inspection and examination of its books and records for the proper administration of this subchapter, and for the enforcement of collection of the tax hereby imposed. It is unlawful for any person to prevent, hinder or interfere with the finance director or his duly authorized deputy or representative in the discharge of his duties hereunder.

(E) **Duty to Maintain Records:** The owner and operator of each hotel and/or motel and the person to whom the license to operate said hotel or motel shall have been issued by the village, and any other persons engaged in the business of renting, leasing, or letting rooms in a hotel or motel shall bear jointly and

**ORDINANCE 16-073****ORDINANCE REGARDING HOTEL AND MOTEL TAX  
(AMENDING TITLE 3, CHAPTER 36)**

severally the duty and responsibility to maintain records of hotel taxes collected from each user, lessee or tenant of the rooms of said hotel or motel for a period of three (3) years from the time the tax is due and owing. Any records in excess of three (3) years may be disposed.

**SECTION FOUR:** That Title 3, Chapter 36, Section 36.054 be amended to read as follows:

"(A) Whenever any person shall fail to pay any taxes herein provided, or when any owner, operator or licensee of a hotel or motel in the village, or any other persons engaged in the business of renting, leasing, or letting rooms in a hotel or motel in the Village shall fail to collect the tax hereby imposed from any person who has the ultimate liability for payment of the same, the village attorney shall, upon request of the finance director, bring or cause to be brought an action to enforce the payment of said tax on behalf of the village in any court of competent jurisdiction.

(B) If the village manager or designee, after a hearing held by or for him, shall find that any hotel or motel owner, operator or licensee, or any other persons engaged in the business of renting, leasing, or letting rooms in a hotel or motel in the Village has willfully evaded his responsibility to collect the tax imposed by this subchapter, he may suspend or revoke all village licenses held by such tax evader. Said person shall have an opportunity to be heard at such hearing, to be held not less than five (5) days after notice of the time and place thereof, addressed to him at his last known place of business. Any suspension or conviction resulting from such hearing shall not relieve or discharge any civil liability for nonpayment of the tax due."

**SECTION FIVE:** That Title 3, Chapter 36, Section 36.057 be amended to read as follows:

"Each and every owner and operator of any hotel and/or motel within the Village of Schaumburg, and any other persons engaged in the business of renting, leasing, or letting rooms in a hotel or motel in the Village shall designate an individual, either by name or job title, to receive any written communication from the village regarding the hotel/motel tax here imposed. Each person so designated shall be employed at a facility located within the Village of Schaumburg, and, for purposes of this section, be referred to as "agent".

Each owner and operator of each hotel and/or motel, and any other persons engaged in the business of renting, leasing, or letting rooms in a hotel or motel in the Village may additionally designate an individual, either by name or job description, outside of the corporate limits of the Village of Schaumburg to receive the same information or inquiries provided to the person designated within the village.



**ORDINANCE 16-073****ORDINANCE REGARDING HOTEL AND MOTEL TAX  
(AMENDING TITLE 3, CHAPTER 36)**

It shall be the obligation of each owner or operator of the hotel and/or motel, or any other persons engaged in the business of renting, leasing, or letting rooms in a hotel or motel in the Village to notify the village in writing via certified mail of any change of persons so designated within ten (10) days of any change."

**SECTION SIX:** That this ordinance shall be in full force and effect, after passage, approval and publication as required by law.

**AYES:** (6) Trustee: Kozak, Connelly, Sullivan, Dunham, Madej, Dailly

**NAYS:** (0) None

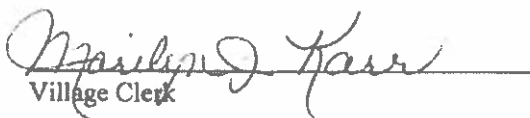
**ABSENT:** (0) None

**ADOPTED** this 9<sup>th</sup> day of August, 2016



\_\_\_\_\_  
Village President

**ATTEST:**

  
Village Clerk

**APPROVED:**

  
Assistant Village Attorney

**ORDINANCE NO. 18-\_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 10 (HOTEL AND MOTEL USE TAX) OF  
TITLE 3 (BUSINESS AND LICENSE REGULATIONS)  
OF THE NAPERVILLE MUNICIPAL CODE  
INCREASING THE HOTEL AND MOTEL USE TAX RATE TO 5.50% AND  
CLARIFYING SAID TAX APPLIES TO THE USE OF ONLINE RENTAL COMPANIES**

**WHEREAS**, the City of Naperville is a home rule unit of local government pursuant to the provisions of Article VII, Section 6 of the Constitution of the State of Illinois; and

**WHEREAS**, pursuant to Article VII, Section 6(a), of the Illinois Constitution, the City of Naperville ("City") may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare which includes the broad general power to tax; and

**WHEREAS**, the City of Naperville currently imposes a hotel and motel use tax upon the use and privilege of renting any building to the public for living quarters for 30 days or less at a rate of 4.40% of the room rental rate;

**WHEREAS**, desires and this Ordinance is intended to increase the City of Naperville's hotel and motel use tax from 4.40% percent to 5.50% and amends the hotel and motel use tax regulations to clearly indicate that such regulations apply to all persons engaged in the business of renting, leasing or letting rooms, including online rental companies.

**WHEREAS**, the taxes and regulations imposed by Section 3-10 of the Naperville Municipal Code shall be administered, collected and enforced by the City of Naperville; and

**WHEREAS**, the City of Naperville finds that it is in the best interests of the City and the public to amend the Naperville Municipal Code to increase the City of Naperville's hotel and motel use tax from 4.40% percent 5.50% and amend the hotel and motel use tax regulations to clearly

indicate that such regulations apply to all persons engaged in the business of renting, leasing or letting rooms, including online rental companies; and

**WHEREAS**, to increase the City of Naperville's hotel and motel use tax from 4.40% percent 5.50% and amend the hotel and motel use tax regulations to clearly indicate that such regulations apply to all persons engaged in the business of renting, leasing or letting rooms, including online rental companies, an ordinance must be adopted for the City of Naperville to administer and enforce said regulations as of April 1, 2018;

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule authority that:**

**SECTION 1: Recitals.** The facts and statements set forth above in the preamble to this Ordinance are found to be true and correct and are hereby adopted and incorporated herein as part of this Ordinance in their entirety by reference.

**SECTION 2: Increase of Tax Rate and Amend Owner Definition to Include Online Companies.** Chapter 10 (Hotel and Motel Use Tax) of Title 3 (Business And License Regulations) of the Naperville Municipal Code is hereby amended by deleting the stricken language and adding the underlined language as follows:

## **CHAPTER 10 – HOTEL AND MOTEL USE TAX**

Section:

### **3-10-1: - DEFINITIONS:**

Hotel or Motel: Any building or ~~buildings~~ structure, or portion thereof, kept, used, maintained, advertised and held out to ~~in which the public to be a place where lodging, or lodging and food, or apartments, or suites, or other accommodations are offered for a consideration to guests, including but not limited to such buildings or structures, or portions thereof, booked through online travel companies, businesses or websites, including on airbnb.com, vrbo.com, craigslist.org or similar websites. may, for rent, obtain living quarters, sleeping or housekeeping accommodations.~~ The term includes

short-term rentals, inns, motels, tourist homes or courts, lodging houses, rooming houses, and apartment houses, and residential homes, , including but not limited to any buildings or structures, or portions thereof, booked through online travel companies, businesses or websites, including on airbnb.com, vrbo.com, craigslist.org or similar websites.

Hotel or Motel Room:  
through  
Resident Employee:

\*

\*

\*

### **3-10-2: - TAX; INCIDENCE; PAYMENT; COLLECTION:**

1. Tax Imposed: A tax is hereby levied and imposed upon the use and privilege of renting, leasing, or letting a hotel or motel room within the City at a rate of ~~four point four percent (4.4%)~~ five and one half percent (5.50%) of the room rental rate (not including taxes or other nonroom rental charges added to the hotel or motel bill), for each such hotel or motel room rented for every 24-hour period or fraction thereof.
2. Incidence Of Tax: The ultimate incidence of and liability for payment of the tax is to be borne by the person who seeks the privilege of occupying the hotel or motel room, such person hereinafter referred to as rentor. Notwithstanding, the owner of each hotel or motel any other persons engaged in the business of renting, leasing, or letting rooms in a hotel or motel shall bear jointly and severally the duty to collect the tax from each user, lessee or tenant of rooms in such hotel or motel. Every person required to collect the tax levied by ordinance shall secure said tax from the user, lessee or tenant of a room or rooms at the time that he collects the price, charge or rent to which it applies.
3. Payment Of Tax: The tax herein levied shall be paid in addition to any and all other taxes and charges. It shall be the duty of the owner of every hotel or motel to secure the tax from the rentor of the hotel or motel room and to pay the tax over to the City Finance Director under the procedures prescribed by the Finance Director, or as otherwise provided in this Chapter.
4. Collection: Every person required to collect the tax levied by this Chapter shall secure the tax from the rentor at the time he collects the rental payment for the hotel or motel room. The amount due under the tax provided in this Chapter shall be stated separately upon the invoice, receipt or other statement or memorandum given to the rentor at the time of payment.

### **3-10-3: - BOOKS RECORDS; INSPECTIONS; CONTENTS: through 3-10-10: - SEVERABILITY:**

\*

\*

\*

**SECTION 3: Severability.** If any section, paragraph, or provision of this Ordinance, or

the application of any section, paragraph, or provision of this Ordinance, is held unconstitutional

or otherwise invalid or unenforceable for any reason, such occurrence shall not affect other sections, paragraphs, or provisions of this Ordinance or any other City ordinance or resolution, or their application, that can be given effect without the unconstitutional, invalid, or unenforceable section, paragraph, or provision or its application. Each unconstitutional, invalid, or unenforceable provision, or application of such section, paragraph, or provision, is severable, unless otherwise provided by this Ordinance.

**SECTION 4: Conflicts.** All ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

**SECTION 5: Effective Date.** The 5.50% hotel and motel use tax rate and the regulations to clearly indicate that such regulations apply to all persons engaged in the business of renting, leasing or letting rooms, including online rental companies established herein shall take effect on the first day of April next following its adoption by the City Council.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2018.

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Steve Chirico  
Mayor



STATE OF ILLINOIS       )  
                                  ) SS  
COUNTY OF WINNEBAGO   )

**CERTIFICATE OF PUBLICATION IN PAMPHLET FORM**

I, the undersigned, do hereby certify that I am the duly qualified and acting Legal Director and ex officio Keeper of the Records and Seal of the City of Rockford, Winnebago and Ogle Counties, Illinois (the "City"), and as such official I am the keeper of the official journal of proceedings, books, records, minutes and files of the City and of the City Council (the "City Council") thereof.

I do further certify that on the 19<sup>th</sup> day of April, 2017, there was published in pamphlet form, by authority of the City Council, a true, correct and complete copy of Ordinance No. **2017-69-O** and said resolution was so published on said date readily available for public inspection and distribution, in sufficient number, at my office as Legal Director and ex officio Keeper of the Records and Seal located in the City.

IN WITNESS WHEREOF I have affixed hereto my official signature and the seal of the City, this 19<sup>th</sup> day of April, 2017.

[SEAL]

  
\_\_\_\_\_  
LEGAL DIRECTOR AND EX OFFICIO  
KEEPER OF THE RECORDS AND SEAL

AH:sa Committee Report Passed: 4/17/17

ORDINANCE NO. 2017-69-0

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKFORD,  
ILLINOIS, THAT:

The Mayor and Legal Director are authorized to execute the attached amendments to Sections 5-70 through 5-76, Hotel/Motel Tourism Tax Ordinances in the City of Rockford Code of Ordinance.

All orders, resolutions, or ordinances in conflict herewith are hereby repealed insofar as such conflict exists, and this Ordinance shall take effect immediately upon its passage, approval, and publication, as required by law.

A full, true and complete copy of this Ordinance shall be published within ten (10) days after passage in pamphlet form by and under authority of the Corporate Authorities.

APPROVED: April 19, 2017.

  
MAYOR

AYES: DURKEE, GETCHIUS, MCNAMARA, FROST, HERVEY, CONNELL,  
THOMPSON-KELLY, ODDO, NEWBURG, BEACH, CHIARELLI

NAYS: \_\_\_\_\_

ABSENT: ELYEA, BECK, MCNEELY

ABSTAIN: \_\_\_\_\_

ATTESTED:

  
LEGAL DIRECTOR

PASSED: 4/17/17

APPROVED: 4/19/17

PUBLISHED: 4/19/17

FILED in my office this 19th day of April, 2017, and published in pamphlet form this 19th day of April, 2017 by order of the City Council of the City of Rockford, Illinois.

  
Legal Director and ex officio  
Keeper of the Records and Seal

APPROVED BY:

  
Kerry Partridge, Interim Legal Director

RECOMMENDED BY:

  
Angela Hammer, City Attorney

### DIVISION 3. - HOTEL/MOTEL TOURISM TAX

#### Sec. 5-70. - Tax imposed.

(a) There is hereby imposed upon all persons engaged in the city in the business of renting, leasing, or letting rooms in a *hotel* (as defined in subsection (b)) ~~the hotel operator's occupation tax act (35 ILCS 145/1 et seq.)~~ at a rate of five percent of the gross room rental rate as defined in subsection (b). ~~Receipt from such renting, leasing or letting of rooms.~~

(b) Definitions. The following terms used in this Division shall be defined as follows:

*Hotel* means a building or structure kept, used, or maintained as, or advertised, or held out to the public to be an inn, family hotel, apartment hotel, lodging house, dormitory, or place where sleeping or rooming accommodations are furnished for hire to rent, whether with or without meals, in which one (1) or more sleeping rooms are used and maintained for the accommodation of guests, lodgers, or roomers.

*Online Travel Company (OTC)* means an organization that books reserves, or rents hotel rooms and makes other travel arrangements for consumers via the world wide web, internet or other digital means.

*Room Rental Rate* means both (a) the "Net Rate" paid to the hotel by the OTC for room occupancy by the consumer and (b) the amount "retained by the OTC for travel-related services it provided to the traveler (sometimes referred to as a 'facilitation fee')," and any additional amounts retained by the OTC as compensation for its travel services to the consumer for the individual transaction, or in the instance of a direct rental of a room by the consumer with the hotel the room rental rate shall mean the amount charged by the hotel directly to the consumer for the occupancy of the room.

(Code 1970, § 7-64.1; Ord. No. 1984-173-O, 12-17-1984; Ord. No. 1990-335-O, 11-19-1990; Ord. No. 1993-312-O, 11-22-1993; Ord. No. 1996-294-O, 12-16-1996; Ord. No. 1997-109-O, 6-16-1997; Ord. No. 1998-108-O, 5-26-1998)

#### Sec. 5-71. - Exemptions.

The gross rental receipts room rental rate upon which the tax imposed in section 5-70 is based shall not include ~~gross rental receipts~~ the room rental rate of any hotel room leased for more than 30 consecutive days to one person, or ~~gross rental receipts~~ the room rental rate of any hotel room that is leased to a person as a condition of his employment at the same hotel.

(Code 1970, § 7-64.2; Ord. No. 1984-173-O, § 2, 12-17-1984)

#### Sec. 5-72. - Reimbursement.

Persons subject to the tax imposed in section 5-70 may reimburse themselves for their tax liability for such tax by separately stating such tax as an additional charge in the rental of the

hotel room, which charge may be stated in combination, in a single amount, with state tax imposed under the hotel operator's occupation tax act (35 ILCS 145/1et seq.).

(Code 1970, § 7-64.3; Ord. No. 1984-173-O, § 3, 12-17-1984)

**Sec. 5-73. - Transmittal of tax; transmittal of reports; inspection of records.**

(a) Any person engaged in the renting of hotel rooms shall transmit to the finance director, in a manner chosen by the finance director, on or before the last day of each calendar month, a sum of money equal to the tax imposed on the renting of hotel rooms for the preceding calendar month; and simultaneously therewith, shall transmit a report upon forms supplied by the finance director indicating the ~~gross receipts~~ room rental rate from the renting of hotels rooms, and such other information as the finance director may reasonably require for the enforcement of this division.

(b) Any person engaged in the renting of hotel rooms shall keep complete and accurate books and records, including a daily sheet showing the ~~gross receipts~~ room rental rate for the hotel room rentals for the day reported, and the tax imposed on the receipts for that day.

(c) For the purposes of administering and enforcing this division, the finance director shall, after providing reasonable notice, have access during normal business hours to the books and records of persons engaged in the renting of hotel rooms.

(Code 1970, § 7-64.4; Ord. No. 1984-173-O, § 4, 12-17-1984)

**Sec. 5-74. - Penalties.**

Any person who violates this division, upon conviction thereof, shall be punished by a fine of not less than \$200.00 for the first offense, and not less than \$300.00 for the second and each subsequent offense in any 180-day period. A separate and distinct offense shall be regarded as having been committed each day upon which said person shall continue any such violation.

(Code 1970, § 7-64.5; Ord. No. 1984-173-O, § 5, 12-17-1984)

**Sec. 5-75. - Proceeds of tax for tourism.**

(a) The proceeds of the tax shall be retained by the finance director in a separate fund that shall be expended solely to promote tourism, conventions and other special events within the city, or otherwise attract nonresidents to visit the city.

(b) Any agreements to fund the activities of any organization or governmental agency for the promotion of tourism, conventions, special events and other attractions with the proceeds of the tax imposed in section 5-70 shall be in writing and shall be approved by the city council.

(Code 1970, § 7-64.6; Ord. No. 1984-173-O, § 6, 12-17-1984; Ord. No. 1998-108-O, 5-26-1998)

**Sec. 5-76. - Term.**



The tax imposed by this division shall be paid on the basis of gross receipts the room rental rate from the rental of hotel rooms through and including December 31, 2018, unless this termination date is extended by ordinance of the city council.

(Code 1970, § 7-64.7; Ord. No. 1984-173-O, § 7, 12-17-1984; Ord. No. 1987-265-O, 11-23-1987; Ord. No. 1990-335-O, 11-19-1990; Ord. No. 1993-312-O, 11-22-1993; Ord. No. 1996-294-O, 12-16-1996; Ord. No. 1997-109-O, 6-16-1997; Ord. No. 1998-108-O, 5-26-1998)

**Secs. 5-77—5-95. - Reserved.**

## Vacation Rental License

A Vacation Rental is defined as a dwelling unit or portion thereof offered for rent for a period shorter than thirty (30) consecutive days to any person other than a member of the owner's family, as those terms are defined in Section 6-18-3 of this Code. The term "vacation rental" shall not include hotels or motels, licensed pursuant to Title 3, Chapter 2 of this Code, lodging establishments, licensed pursuant to Title 5, Chapter 2 of this Code, bed and breakfast establishments, licensed pursuant to Title 8, Chapter 19 of this Code, and/or home sharing in accord with Subsection 6-4-1-14-(B) of this Code. *AirBnb and similar short term rentals fall under this license category.*

To obtain a Vacation Rental License the following is required:

- Submit a [Vacation Rental License Application](#)
- A pre-approval licensing inspection for life and safety matters of the dwelling
- Approval by the Planning & Development Committee and City Council
- Annual license fee \$50.00

To renew online go to: [Vacation Rental License Renewal Application](#)

Please refer to [City Ordinance - Chapter 9](#) [Vacation Rentals](#) for detailed information.

## CHAPTER 9 - VACATION RENTALS

### SECTION:

#### 5-9-1. - PURPOSE.

The purpose of this Chapter is to promote the public health, safety, and welfare by licensing the operation of vacation rentals within the City of Evanston.

(Ord. No. 50-O-13, § 2, 6-10-2013)

#### 5-9-2. - DEFINITIONS.

For the purposes of administering this Chapter, the following definition(s) shall apply:

<b>VACATION RENTAL:</b>	A dwelling unit or portion thereof offered for rent for a period shorter than thirty (30) consecutive days to any person other than a member of the owner's family, as those terms are defined in Section 6-18-3 of this Code. The term "vacation rental" shall not include hotels or motels, licensed pursuant to Title 3, Chapter 2 of this Code, lodging establishments, licensed pursuant to Title 5, Chapter 2 of this Code, bed and breakfast establishments, licensed pursuant to Title 8, Chapter 19 of this Code, and/or home sharing in accord with Subsection 6-4-1-14-(B) of this Code.
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(Ord. No. 50-O-13, § 2, 6-10-2013)

#### 5-9-3. - LICENSE REQUIRED; LICENSE TERM; EXEMPTIONS.

- (A) It shall be unlawful to operate a vacation rental within the City of Evanston without a current, valid license issued pursuant to the terms of this Chapter.
- (B) Each license issued pursuant to this Chapter shall be valid for one (1) year, subject to renewal per Section 4 of this Chapter.
- (C) Subsection (A) of this Section notwithstanding, no license shall be required to operate a vacation rental for no more than one (1) rental period per dwelling unit per twelve-month period for:
  - 1. Any dwelling unit;
  - 2. A rental agreement executed pursuant to or in conjunction with a contract to sell the dwelling unit containing the vacation rental;
  - 3. Vacation rental guest(s) who is/are displaced from his/her/their own dwelling unit so that it may be renovated and/or repaired;
  - 4. An operator who will suffer demonstrable hardship.

(Ord. No. 50-O-13, § 2, 6-10-2013)

#### 5-9-4. - APPLICATION; NOTICE; STANDARDS AND PROCEDURES; RENEWAL; FEES.

- (A) *Applications.* A property owner who seeks a vacation rental license pursuant to this Chapter shall submit a written application that contains all information required for a registration statement pursuant to Chapter 8 of this Title.
- (B) *Notice.* Each application shall be accompanied by proof the applicant mailed notice thereof to all owners, whose addresses appear on the current tax assessment list, of real property located within a radius of two hundred fifty feet (250') of the subject property, inclusive of public streets, alleys and other public ways. The notice shall contain the applicant's name, the address of the subject property, the matter under consideration, and the date, time, and location of the relevant meeting of the Planning and Development Committee.
- (C) *Standards and Procedures for License Approval.* The Planning and Development Committee will review all applications for vacation rentals and will report to the City Council upon each application with respect to the standards set forth below. The City Council after receiving said report, may refer the application back to that body for additional review, or, by motion, may approve, approve with conditions, or disapprove, an application for a vacation rental license, upon findings of fact with respect to each of the standards set forth below:
1. The proposed vacation rental will not cause a negative cumulative effect when its effect is considered in conjunction with the effect of other vacation rentals in the immediate neighborhood.
  2. The vacation rental will not have a substantial adverse impact on the use, enjoyment, or property values of adjoining properties.
  3. The proposed vacation rental will comply with all the rules and regulations contained herein.
  4. The proposed vacation rental is not likely to have an adverse effect upon the public health, welfare, or safety.
- Regardless of its finding on any or all of the foregoing standards, the City Council may deny a vacation rental license upon a finding that such denial is in the public interest.
- (D) *Renewal.* If a vacation rental license was issued for the prior year, the approval for a renewal license shall be obtained from the City Manager or his/her designee, provided the previously-issued license was not revoked or suspended, and the vacation rental did not receive citation(s) from any City Inspector or Police Officer during said prior calendar year. Every renewal application shall satisfy all requirements set forth in Section 4 of this Chapter.
- (E) *License Fee.* The annual fee for a license issued pursuant to this Chapter shall be fifty dollars (\$50.00).

(Ord. No. 50-O-13, § 2, 6-10-2013)

#### 5-9-5. - REQUIREMENTS AND STANDARDS.

- (A) No vacation rental operator shall:
1. Rent or lease any vacation rental for any period of time shorter than twenty-four (24) consecutive hours;
  2. Rent or lease any vacation rental more than once within any consecutive twenty-four-hour period measured from the commencement of one rental to the commencement of the next;
  3. Advertise an hourly rate or any other rate for a vacation rental based on a rental period of fewer than twenty-four (24) consecutive hours; and/or
  4. Serve or otherwise provide any food or beverage to any guest.

5. Cause or permit, by action or failure to act, the vacation rental or its use to suffer from and/or create any violation of the following portions of the City Code: Title 4, "Building Regulations"; Title 5, "Housing Regulations"; Title 6, "Zoning"; Title 8, "Health and Sanitation"; or Title 9, "Public Safety."
- (B) Every vacation rental shall be subject to inspection by staff members of the City's Fire, Health, and Community and Economic Development Departments.
- (C) Every vacation rental operator shall keep a register in which shall be entered the name of every guest and his/her arrival and departure dates. The operator shall make said register freely accessible to any officer of the City's Police, Fire, Health, and/or Community and Economic Development Departments.
- (D) Every vacation rental operator shall post, in a conspicuous place within the vacation rental, the name and telephone number of the operator's authorized agent identified pursuant to Code Section 5-8-3(A)2.
- (E) Any kitchen in a vacation rental shall be cleaned and sanitized between guests and all food and beverages shall be discarded. All dishes, utensils, pots, pans and other cooking utensils shall be cleaned and sanitized between guests.
- (F) The operator of every vacation rental shall change supplied bed linens and towels therein at least once each week, and prior to the letting of any room to any new guest. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

(Ord. No. 50-O-13, § 2, 6-10-2013)

5-9-6. - PENALTY.

- (A) Any owner, tenant or other person who shall be found to have violated any of the provisions of this Chapter shall be guilty of an offense punishable as follows:
  1. The fine for a first violation is two hundred dollars (\$200.00).
  2. The fine for a second violation is five hundred dollars (\$500.00).
  3. The fine for a third or subsequent violation is seven hundred fifty dollars (\$750.00).
- (B) Each day a provision of this Chapter is found to have been violated constitutes a separate violation subject to the fine schedule set forth in this Section.
- (C) Any fines shall be debts due and owing to the City that the City may collect by any means allowed by law, including, but not limited to, filing a lien against the vacation rental or the premises containing the vacation rental.
- (D) The fines provided for herein shall not be construed as limiting the power of a court of competent jurisdiction or an administrative hearing officer to impose other penalties and/or remedies as provided for by applicable legislation. In addition, a licensee found to have violated any provision of this Chapter may be subject to license revocation, suspension, or nonrenewal.

(Ord. No. 50-O-13, § 2, 6-10-2013)

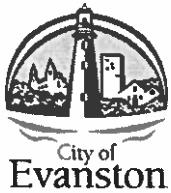
5-9-7. - REVOCATION; SUSPENSION; PROCEDURES.

- (A) The City Manager may revoke or suspend a license issued pursuant to the terms of this Chapter for any of the following reasons:
  1. If the owner of the relevant vacation rental or his/her agent violates any of the terms of this Chapter;



2. If the owner of the vacation rental or his/her agent is deemed to have maintained a nuisance premises therein, in violation of Section 9-5-4 of this Code;
  3. If, pursuant to Title 4, Chapter 16 of the City Code, the Director of Community and Economic Development ("Director") deems the vacation rental, or the premises wherein it is located, to be a vacant building, as defined therein; and/or
  4. If the City or other governmental agency condemns the vacation rental or the premises wherein it is located.
- (B) Not less than fourteen (14) business days prior to a revocation hearing for a license issued pursuant to the terms of this Chapter, the Director shall send, via First Class U.S. mail, a notice of revocation hearing to the owner or his/her authorized agent at the address provided on the most recent license application. Notice shall be sufficient if sent to the address of the authorized agent indicated on the license application. Said notice shall include the following:
1. Description of the vacation rental, sufficient for identification;
  2. A statement that the license is subject to revocation;
  3. A statement of the reasons for the revocation;
  4. The date and time upon which a revocation hearing shall occur; and
  5. The location for said revocation hearing.
- (C) If the Director certifies to the City Manager that he/she has reason to believe that immediate suspension of the license is necessary to prevent the threat of immediate harm to the community, the City Manager may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, order the license suspended for not more than seven (7) days. The City Manager may extend the suspension during the pendency of a hearing upon a written determination that doing so is necessary to prevent the aforesaid harm to the community.
- (D) Hearings shall be conducted by the City Manager in accordance with procedures drafted by the Corporation Counsel.
- (E) Within ten (10) business days after the close of the hearing, the City Manager shall issue a written decision that shall constitute a final determination for purposes of judicial review pursuant to the Illinois Administrative Review Law, 735 ILCS 5/3-101 et seq., as amended. In reaching a decision, the City Manager may consider any of the following:
1. The nature of the violation;
  2. The nature and extent of the harm caused by the licensee's action or failure to act;
  3. The factual situation and circumstances surrounding the violation;
  4. Whether or not the action or failure to act was willful;
  5. The record of the licensee with respect to violations.
- (F) A licensee whose license has been revoked shall not be eligible to reapply for a new license.

(Ord. No. 50-O-13, § 2, 6-10-2013)



Department of Health & Human Services  
2100 Ridge Avenue  
Evanston, Illinois 60201-2798  
Telephone : 847/448-4311  
FAX: 847-448-8134  
www.cityofevanston.org

## VACATION RENTAL LICENSE APPLICATION

A property owner who seeks a Vacation Rental License shall submit a written application that contains all of the information requested below (City Code §5-9-4-(A), as amended).

All vacation rentals are for a duration of less than 30 consecutive days.

**PLEASE FILL IN ALL SECTIONS. IF APPROPRIATE, MARK "NOT APPLICABLE" OR "N/A."**

**Dwelling Unit Address:** \_\_\_\_\_

**PIN:** \_\_\_\_\_ **Total # of dwelling units in the building:** \_\_\_\_\_

**Please provide a short summary explaining how the rental will operate (how often, how many rooms, etc.)**

**1. Unit Owners** (If a partnership, corporation, or other entity, include its name and the name of the responsible party):

**Names:** \_\_\_\_\_

**Address including City, State, Zip Code:** \_\_\_\_\_

**Phone(s):** \_\_\_\_\_ **Email address(es):** \_\_\_\_\_

**2. Name of natural person twenty-one (21) years of age or older, designated by the owner as the authorized agent for receiving notices of city code violations and for receiving process, in any court proceeding or administrative enforcement proceeding, on behalf of such owner in connection with the enforcement of this code.** The foregoing notwithstanding, this person may be between eighteen (18) and twenty-one (21) years of age provided that the applicant attaches, to this form, proof that said person has a valid realtor's license issued pursuant to the Illinois Real Estate License Act, 225 ILCS 454/1-1 *et seq.*, as amended. This person must maintain an office in Cook County, Illinois, or must actually reside within Cook County, Illinois. An owner who is a natural person and who meets the requirements of this subsection as to location of residence or office may designate himself/herself as agent:

**Name of Designated Agent for above purpose:** \_\_\_\_\_

**Address, including City, State, ZIP:** \_\_\_\_\_

**Phone(s):** \_\_\_\_\_ **Email address:** \_\_\_\_\_

**3. Name of owner's agent for the purpose of managing, controlling or collecting rents, and any other person who is not an owner but who controls such dwelling unit, if any:**

**Name of Designated Agent for above purpose:** \_\_\_\_\_

**Address, including City, State, ZIP:** \_\_\_\_\_

**Phone(s):** \_\_\_\_\_ **Email address:** \_\_\_\_\_

**4. Name of each company that provides an insurance policy for the dwelling unit:**

\_\_\_\_\_  
Address, including City, State, ZIP: \_\_\_\_\_

Phone(s): \_\_\_\_\_ Email address: \_\_\_\_\_

**Inspection:**

A pre- approval licensing inspection for life and safety matters of the dwelling is required. All issues found during the inspection must be corrected before the issuance of a license.

**Notice:**

Each applicant must submit prior to the Planning and Development Committee, P&D, proof of mailed notices to all owners whose addresses appear on the current tax assessment list of real estate property located within radius of 250 feet of the subject property, inclusive of public streets, alleys and other public ways.

The notice must include applicant's name, the address of the subject property, the matter under consideration, and the date, time and location of the meeting of the Planning and Development Committee.

You will be informed by the Health Department when to distribute the notices after the P & D Committee and City Council meeting date for your application is confirmed.

**Approval:**

Each application must be reviewed by P & D Committee and City Council before approval is granted.

*Please submit completed application and required documents to: Licensing, Dept. of Health & Human Services  
2100 Ridge Ave., Evanston, IL 60201 or email to: [egolden@cityofevanston.org](mailto:egolden@cityofevanston.org)*

State	Regulation Description	Internet link:
	AirBNB has a list of which states require an occupancy transient tax to be paid	<a href="#">occupancy-tax-collection-and-remittance-by-airbnb-available</a>
Alabama	No state preemption statutes	
Alaska	No state preemption statutes	
Arizona	Has state preemption statute	5076/; <a href="http://law.justia.com/codes/arizona/2016/title-9/section-5076/">http://law.justia.com/codes/arizona/2016/title-9/section-</a>
Arkansas	No state preemption statutes	
California	platform	through all 2016 legislation and propositions (2016 Regular
Colorado	No state preemption statutes	
Connecticut	No state preemption statutes	
Delaware	No state preemption statutes	
Florida	No state preemption statute	<a href="http://floridarevenue.com/Forms_library/current/gt800034.pdf">http://floridarevenue.com/Forms_library/current/gt800034.pdf</a>
Georgia	No state preemption statute	
Hawaii	2017 HI H.B. 1470;	<a href="http://www.capitol.hawaii.gov/session2017/bills/HB1470_.PDF">http://www.capitol.hawaii.gov/session2017/bills/HB1470_.PDF</a>
Idaho	Introduced State Preemption Legislation in 2017 ID H.B. 66	<a href="http://4643-893d-2eee2b76f0ee/10/doc/">4643-893d-2eee2b76f0ee/10/doc/</a>
Illinois	No state preemption statutes	
Indiana	state sup. ct. permitted a locality to enforce zoning regulation that forbade STR of single-	
Iowa	<a href="https://legiscan.com/IA/bill/HF161/2015">https://legiscan.com/IA/bill/HF161/2015</a>	
Kansas	No state preemption statute or case law	
Kentucky	No state preemption statute or case law	
Louisiana	No state preemption statute or case law	
Maine	No state preemption statute or case law	
Maryland	to Montgomery County, MD Planning Commission stating that STRs for less than one month	
Massachusetts	am assuming that regulation is left to the localities:	
	No state preemption or case law. News article (from 2015) noting that no state law exists; only munis regulate: <a href="http://www.detroitnews.com/story/business/2015/12/14/airbnb-laws-room-rentals-tourist-travel/77267022/">http://www.detroitnews.com/story/business/2015/12/14/airbnb-laws-room-rentals-tourist-travel/77267022/</a>	
Michigan	No state preemption. Some cities have limited availability, (e.g. cannot rent out residential zone for less than 15 days. <a href="http://www.kare11.com/news/mn-cities-starting-to-regulate-airbnb/31904731">http://www.kare11.com/news/mn-cities-starting-to-regulate-airbnb/31904731</a> ) --- St. Paul considered regulations in July 2016; article notes that Minneapolis had not passed any regualtion on point as there were not yet problems with STRs <a href="http://www.startribune.com/st-paul-considers-regulations-on-short-term-rentals-like-airbnb/385777301/">http://www.startribune.com/st-paul-considers-regulations-on-short-term-rentals-like-airbnb/385777301/</a>	
Minnesota	No state preemption or case law.	
Mississippi	No state preemption or case law. State House passed a bill protecting AirBnB from local regulations: <a href="http://www.washingtontimes.com/news/2016/may/2/missouri-house-passes-legislation-to-protect-airbn/">http://www.washingtontimes.com/news/2016/may/2/missouri-house-passes-legislation-to-protect-airbn/</a> No news since; doesn't seem that it was enacted into law.	
Missouri	<a href="http://www.house.mo.gov/bill.aspx?bill=HB2662&amp;year=2016&amp;code=R">http://www.house.mo.gov/bill.aspx?bill=HB2662&amp;year=2016&amp;code=R</a>	
	No enacted preemption or case law. However, Mont. Code Ann. § 50-51-102(12) defines “[t]ourist home” [as] a private home or condominium that is not occupied by an owner or manager and that is rented, leased, or furnished in its entirety to transient guests on a daily or weekly basis." which requires that "a person engaged in the business of conducting or operating an establishment shall annually procure a license issued by the department [of public heath and human services.]" Mont. Code Ann. § 50-51-201. Apparently, these operators are subject to inspection and report by "[s]tate and local health officers, sanitarians-in-training, and registered sanitarians . . . ." Mont. Code Ann. § 50-51-301. But, again, no finding of an express preemption of local regulation.	
Montana		

Nebraska	"an act to prohibit ordinances and resolutions prohibiting short-term rentals of residential property"	<a href="http://nebraskalegislature.gov/FloorDocs/105/PDF/Intro/LB628.pdf">http://nebraskalegislature.gov/FloorDocs/105/PDF/Intro/LB628.pdf</a>
Nevada	No preemption statute currently; however, legislature just convened on Feb 6th, they meet on odd years or have a special session	<a href="https://www.leg.state.nv.us/Session/79th2017/">https://www.leg.state.nv.us/Session/79th2017/</a> <a href="http://gencourt.state.nh.us/bill_status/billText.aspx?sy=2017&amp;id=287&amp;txtFormat=html">http://gencourt.state.nh.us/bill_status/billText.aspx?sy=2017&amp;id=287&amp;txtFormat=html</a>
New Hampshire	Passed HB531 2015; HB654 and S173 Pending 2017 regarding taxation	
New Hampshire	"Radiator Cap" amendment to HB 654 would replace text of bill and create study commission on regulating short term rentals A215 did not pass: The "Seaside Lodging and Rental District Act"; imposes tax on certain lodging properties for tourism promotion therein.	<a href="http://gencourt.state.nh.us/bill_status/billtext.aspx?sy=2017&amp;txtFormat=amend&amp;id=2017-0374H">http://gencourt.state.nh.us/bill_status/billtext.aspx?sy=2017&amp;txtFormat=amend&amp;id=2017-0374H</a>
New Jersey		<a href="https://legiscan.com/NJ/bill/A215/2014">https://legiscan.com/NJ/bill/A215/2014</a>
New Mexico	No current preemption statute; a couple of STR Occ Tax bills are pending It's complicated: "Last October, New York Governor Andrew Cuomo signed legislation that effectively banned short-term rentals within the state." <a href="https://panampost.com/editor/2017/02/13/anti-airbnb-legislation-reaches-ridiculous-level-in-nyc/">https://panampost.com/editor/2017/02/13/anti-airbnb-legislation-reaches-ridiculous-level-in-nyc/</a>	<a href="https://www.nmlegis.gov/Legislation/Legislation?chamber=H&amp;legType=B&amp;legNo=266&amp;year=17">https://www.nmlegis.gov/Legislation/Legislation?chamber=H&amp;legType=B&amp;legNo=266&amp;year=17</a> After discussing the situation with the state of New York, Airbnb agreed to abandon their lawsuit and in return, the state promised to only prosecute those listing their homes on the site, instead of the company itself.
New York	2016 Special Session free-for all. Who knows. (still looking) H347 listed on map, from 2105 session was a single county occupancy tax authorization <a href="http://www.ncleg.net/Applications/BillLookUp/LoadBillDocument.aspx?SessionCode=2015&amp;DocNum=1664&amp;SeqNum=0">http://www.ncleg.net/Applications/BillLookUp/LoadBillDocument.aspx?SessionCode=2015&amp;DocNum=1664&amp;SeqNum=0</a>	<a href="http://www.ncleg.net/Sessions/2015/Bills/Senate/PDF/S842v1.pdf">http://www.ncleg.net/Sessions/2015/Bills/Senate/PDF/S842v1.pdf</a>
North Carolina	Nope	
North Dakota		
Ohio	No state pre-emption; local regulations are tax-oriented	<a href="http://www.policymattersohio.org/blogpost-airbnb-march2016">http://www.policymattersohio.org/blogpost-airbnb-march2016</a> <a href="http://www.oklegislature.gov/SubjectIndex.aspx?Default=A&amp;Session=Current">http://www.oklegislature.gov/SubjectIndex.aspx?Default=A&amp;Session=Current</a>
Oklahoma	Nope	
Oregon	No statewide preemption; notable cities have bans or restrictions; no known pending statewide leg. 2015 tax collection bill HB2067 held in committee	<a href="https://www.airbnb.com/help/article/875/portland--or">https://www.airbnb.com/help/article/875/portland--or</a> <a href="http://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=PDF&amp;sessYr=2015&amp;sessInd=0&amp;billBody=H&amp;billTyp=B&amp;billNbr=1314&amp;pn=1777">http://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=PDF&amp;sessYr=2015&amp;sessInd=0&amp;billBody=H&amp;billTyp=B&amp;billNbr=1314&amp;pn=1777</a> <a href="https://www.google.com/url?sa=t&amp;rct=j&amp;q=&amp;esrc=s&amp;source=web&amp;cd=1&amp;ved=0ahUKEwibt6yZqlbSAhUC3GMKHQEfCdIQFggcMAA&amp;url=http%3A%2F%2Fwww.tax.ri.gov%2FTax%2520Website%2FTAX%2Fnotice%2FShort-term%2520residential%2520rentals%2520--%2520FAQs%2520--%252007-15-15%2520final.pdf&amp;usg=AFQjCNHsGkD4fRNkY-7GRntB_Ydu-HdT8w&amp;cad=rja">https://www.google.com/url?sa=t&amp;rct=j&amp;q=&amp;esrc=s&amp;source=web&amp;cd=1&amp;ved=0ahUKEwibt6yZqlbSAhUC3GMKHQEfCdIQFggcMAA&amp;url=http%3A%2F%2Fwww.tax.ri.gov%2FTax%2520Website%2FTAX%2Fnotice%2FShort-term%2520residential%2520rentals%2520--%2520FAQs%2520--%252007-15-15%2520final.pdf&amp;usg=AFQjCNHsGkD4fRNkY-7GRntB_Ydu-HdT8w&amp;cad=rja</a>
Pennsylvania	3 pending bills H1314 H794 H1316; all failed and all were to enforce tax collections	
Rhode Island	For anyone renting out an entire home/cottage/condo/etc., for 30 days or less, must register with the Division of Taxation and oay a \$10 fee annually and are charged 7% sales tax and 1% hotel tax. If renting rooms for 30 days or less must register for a sales permit with the division and pay the \$10 fee but be charged 7% sales tax, 5% hotel tax; and 1% tax on all transactions.	
South Carolina	no state premption statute	
South Dakota	nope	
Tennessee	Currently the state is letting the counties/cities make their own legislation. However, state legislature is attempting to keep counties from making their laws too over reaching. Nashville has created a system that hinders short-term rentals such as Airbnb, and this new law if accepted will help such rentals.	<a href="http://www.tennessean.com/story/news/politics/2017/02/09/state-bill-would-override-nashville-short-term-rental-rules-block-ban/97699934/">http://www.tennessean.com/story/news/politics/2017/02/09/state-bill-would-override-nashville-short-term-rental-rules-block-ban/97699934/</a>
Texas	Short erm Rental regulations are left up to the cities to regulate or de-regulate. Texas court's have been leaning on limiting restrictions on STR's.	



Utah	No state law preempting local gov't from adopting ordinances	
Vermont	Renters are subject to a meals and room tax	<a href="http://tax.vermont.gov/business-and-corp/meals-and-rooms-tax/short-term-rentals">http://tax.vermont.gov/business-and-corp/meals-and-rooms-tax/short-term-rentals</a>
Virginia	Virginia allows local municipalities to tax short term renters as they wish. They also defined what a short term renter is in this legislation attached.	<a href="http://law.lis.virginia.gov/vacode/title58.1/chapter35/section58.1-3510.4/">http://law.lis.virginia.gov/vacode/title58.1/chapter35/section58.1-3510.4/</a>
Washington	Washinton applies at 6.5% state sales tax on short term rentals. However, local laws can add to that.	<a href="http://www.dor.wa.gov/Content/GetAFormOrPublication/PublicationBySubject/TaxTopics/ShortTermRentals.aspx">http://www.dor.wa.gov/Content/GetAFormOrPublication/PublicationBySubject/TaxTopics/ShortTermRentals.aspx</a>
West Virginia	No state preemption statute	
Wisconsin	No state preemption statute	
Wyoming	No state preemption statute	



"Radiator cap" means to take off a car's radiator cap, drive the car out from under it, drive a whole new car under it, and put the cap back on. Thus, to "radiator cap" a bill is to retain only the bill's number or parts of the title. This has been done a few times in Idaho.

<https://www.idahoednews.org/kevins-blog/the-dark-art-of-radiator-capping/>

[http://www.njleg.state.nj.us/2014/Bills/A0500/215\\_11.PDF](http://www.njleg.state.nj.us/2014/Bills/A0500/215_11.PDF)

<https://www.nmlegis.gov/Legislation/Legislation?chamber=S&legType=B&legNo=254&year=17>

<http://www.ncleg.net/sessions/2015e4/bills/house/html/h3v1.html>

Unlike Idaho, North Carolina is apparently unconstrained with requirements for legislation to have a "single subject"

<https://www.legislature.ohio.gov/legislation?15&pageSize=500&start=1&sort=LegislationNumber&dir=asc&keywords=rental&statusCode&generalAssemblies=131>

<https://olis.leg.state.or.us/liz/2015R1/Measures/Overview/HB2067>

<https://blog.princelaw.com/2016/07/25/private-room-rentals-under-30-days-are-subject-to-pas-6-hotel-occupancy-tax/>

# Addressing the Growth of Short- Term Rentals

Nicole DuPuis, Principal Associate for  
Urban Innovation, National League of  
Cities

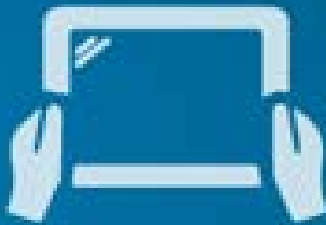
# SHARING AND THE CITY



**Urbanization**



**Economics**



**User Preference  
/Lifestyle**



# SHARING AND THE CITY

## City Sentiment regarding Homesharing & Ridesharing



# Cities, the Sharing Economy, and What's Next

CITIES, THE SHARING ECONOMY  
and WHAT'S NEXT



# Cities, the Sharing Economy, and What's Next

**Innovation**

**Economic  
Development**

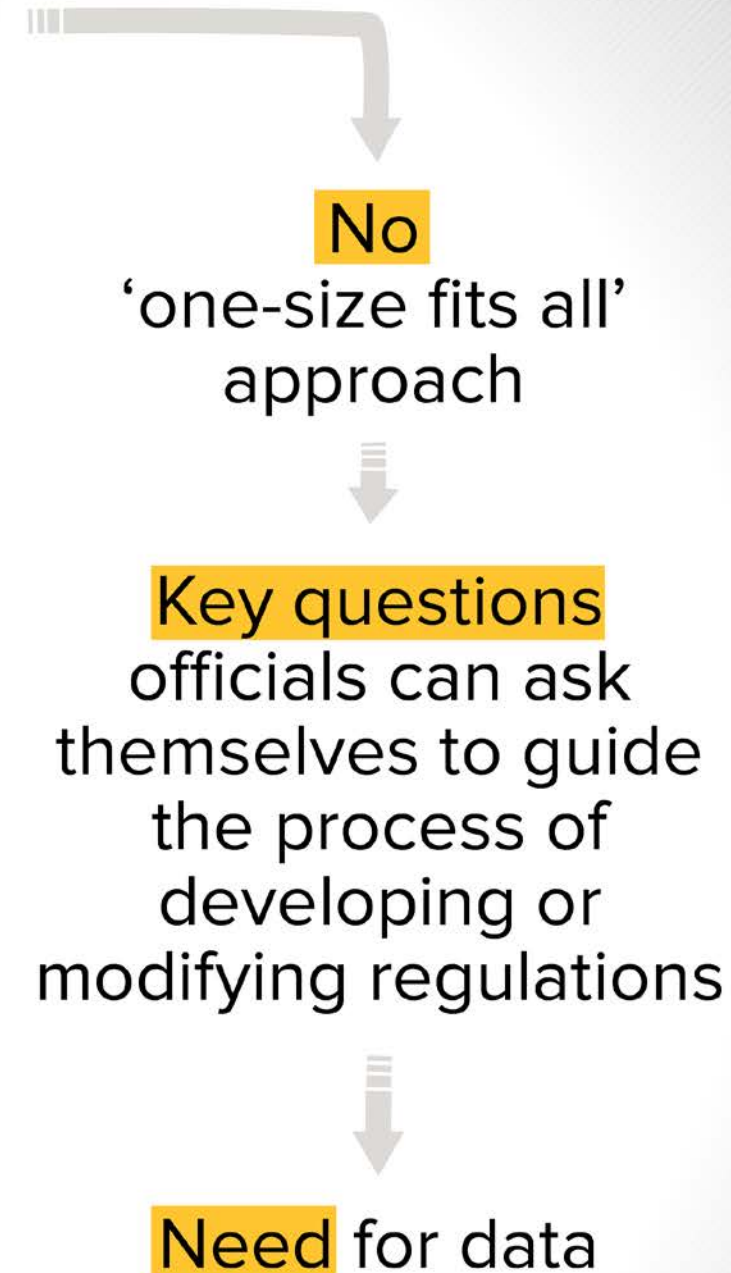
**Equity and  
Access**

**Safety**

**Process/  
Implement**



# Cities, the Sharing Economy, and What's Next



# Shifting Perceptions of Collaborative Consumption



Shared Office



Homeshare

Shifting Perceptions of Collaborative Consumption

Bikeshare



Rideshare



→ A National League of Cities survey on the sharing economy



# Shifting Perceptions of Collaborative Consumption

## Concerns about the sharing economy include:

Public safety, lack of  
insurance, general  
safety concerns

61%

Protection of  
traditional service  
providers and  
industry participants

10%

Non-compliance with  
current standards

9%

## Benefits of the sharing economy include:

Improved services

22%

Increased economic  
activity

20%

Increased  
entrepreneurial activity

16%

# Shifting Perceptions of Collaborative Consumption

## City growth in sharing economy businesses

Rapid Growth

Growth

Combined

16%

39%

55%

19%

34%

53%

11%

35%

46%

## Local government support of sharing economy growth

No

Yes

29%

71%

34%

66%

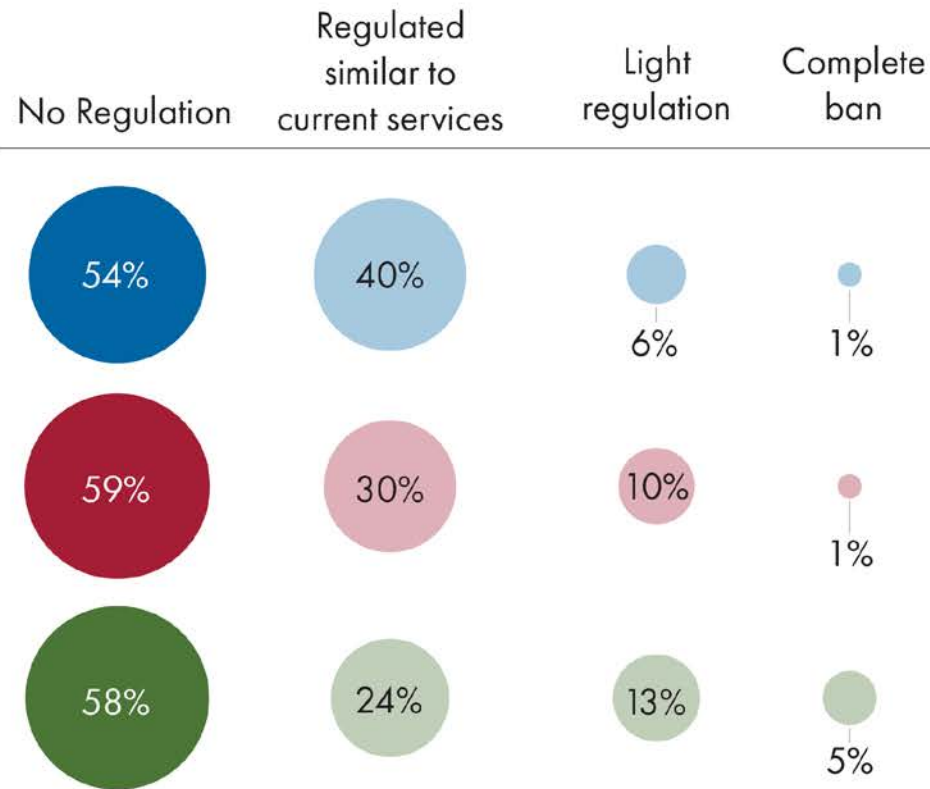
56%

44%

Overall Sharing Economy Ridesharing Homesharing

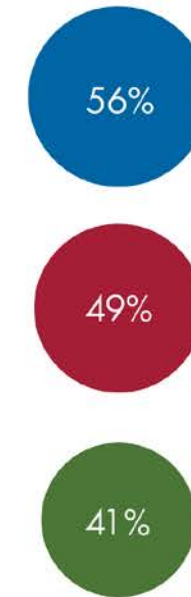
# Shifting Perceptions of Collaborative Consumption

## Cities' regulatory response to the sharing economy



## Cities rate the importance of developing new sharing economy policies

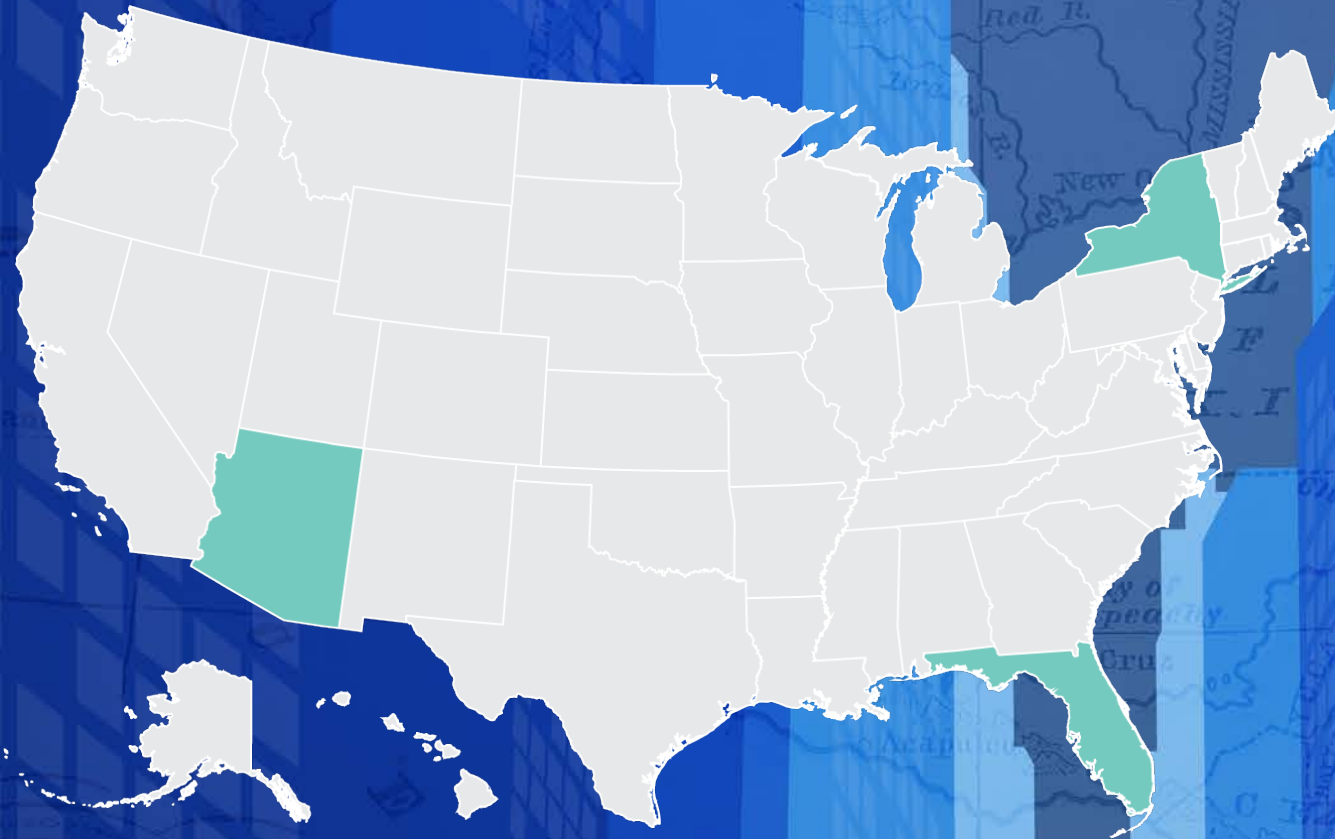
Important



Overall Sharing Economy Ridesharing Homesharing



# States Preempt Local Control on Home Sharing



3

states have laws  
preempting city  
authority over  
home sharing



No one size fits all solution





**This might look and work  
different in communities of  
different sizes, with different  
needs**



**Be aware of other regulations  
(state level)**





Flexibility is key



# NLC

## NATIONAL LEAGUE OF CITIES

---

**CITIES STRONG TOGETHER**



# I Stayed in a Cabin Inside a Loft



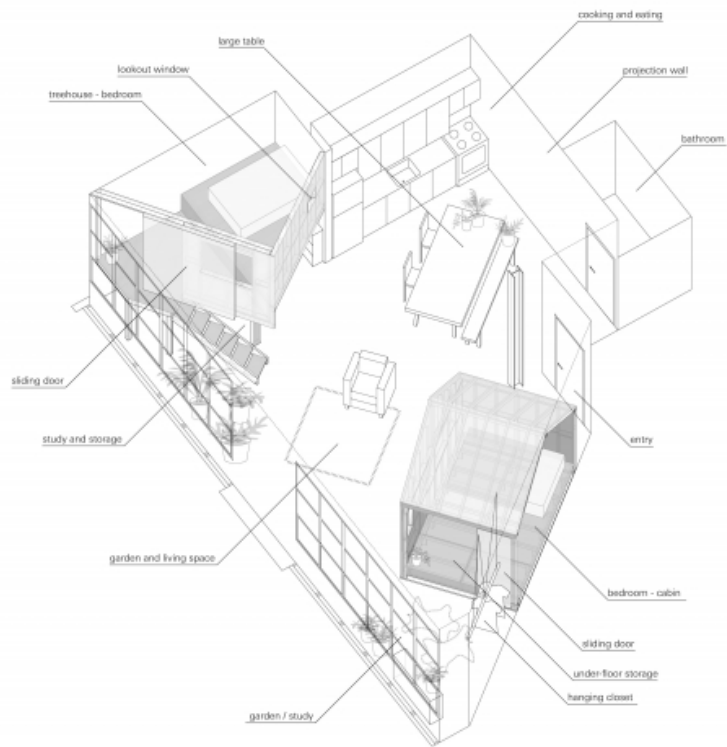
Share on Facebook



Share on Twitter





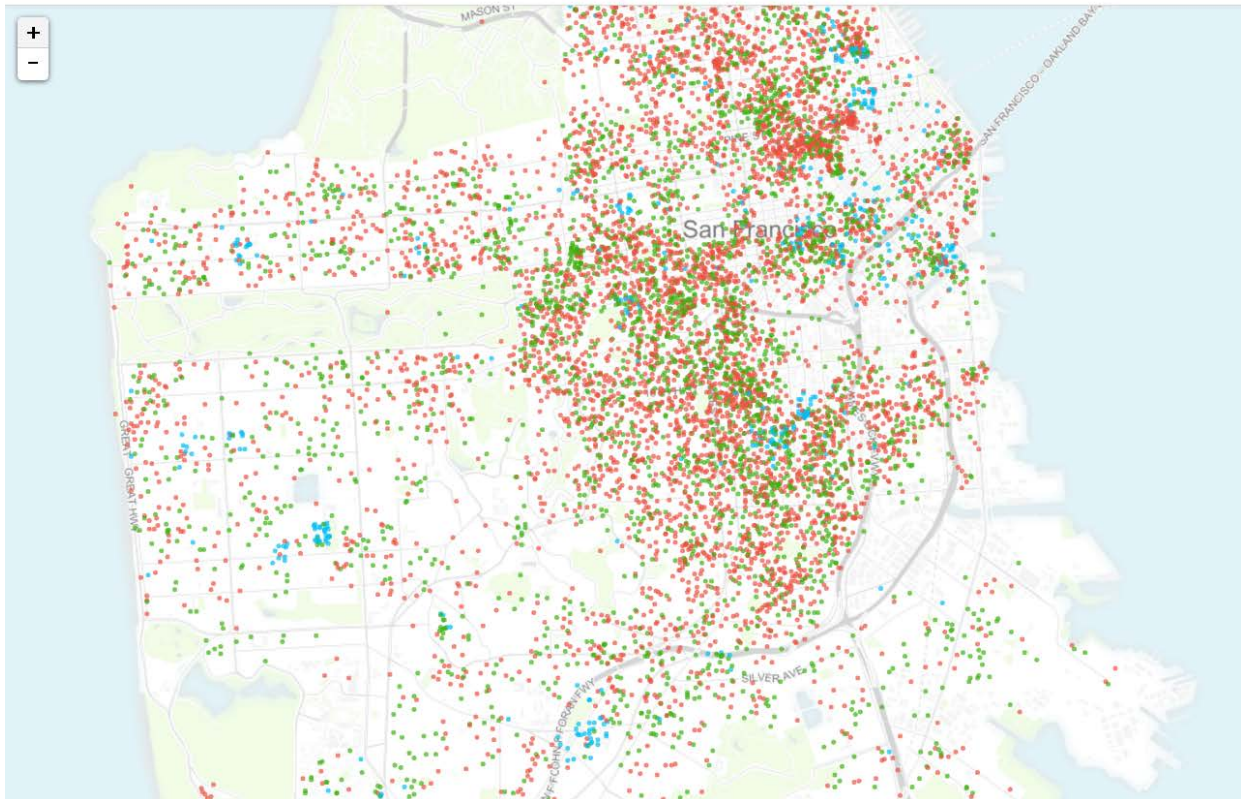


SHaReaBLE

# From Homestays to Illegal Hotels

- Homestay (couchsurfing, true spare room)
- Whole unit available only some of the time
- Whole unit available all the time / vacation rental
- **Converted residential room into STR room**
- **Whole urban unit available all of the time for STR / illegal hotel**

SHaReaBLE



## San Francisco

Filter by:

San Francisco

8,665

out of 8,665 listings (100%)

[About Airbnb in San Francisco](#)

How is Airbnb really being used in and affecting your neighborhoods?

### Room Type

☐ Only entire homes/apartments

Airbnb hosts can list entire homes/apartments, private or shared rooms.

Depending on the room type, availability, and activity, an Airbnb listing could be more like a hotel, disruptive for neighbors, taking away housing, and illegal.



57.2%  
entire homes/apartments

\$252  
price/night

4,959 (57.2%)  
entire home/apartments

3,256 (37.6%)  
private rooms

450 (5.2%)  
shared rooms

### Activity

☐ Only **recent** and **frequently** booked

Airbnb guests may leave a review after their stay, and these can be used as an indicator of Airbnb

125  
estimated nights/year

# SHaReaBLe

## New SELC Report: How to Equitably Regulate Airbnb-style Short-term Rentals



Share on Facebook



Share on Twitter







<http://shareable.net>

# Neal Gorenflo

neal@shareable.net

@gorenflo







**American Planning Association**

*Making Great Communities Happen*



**HOST COMPLIANCE**

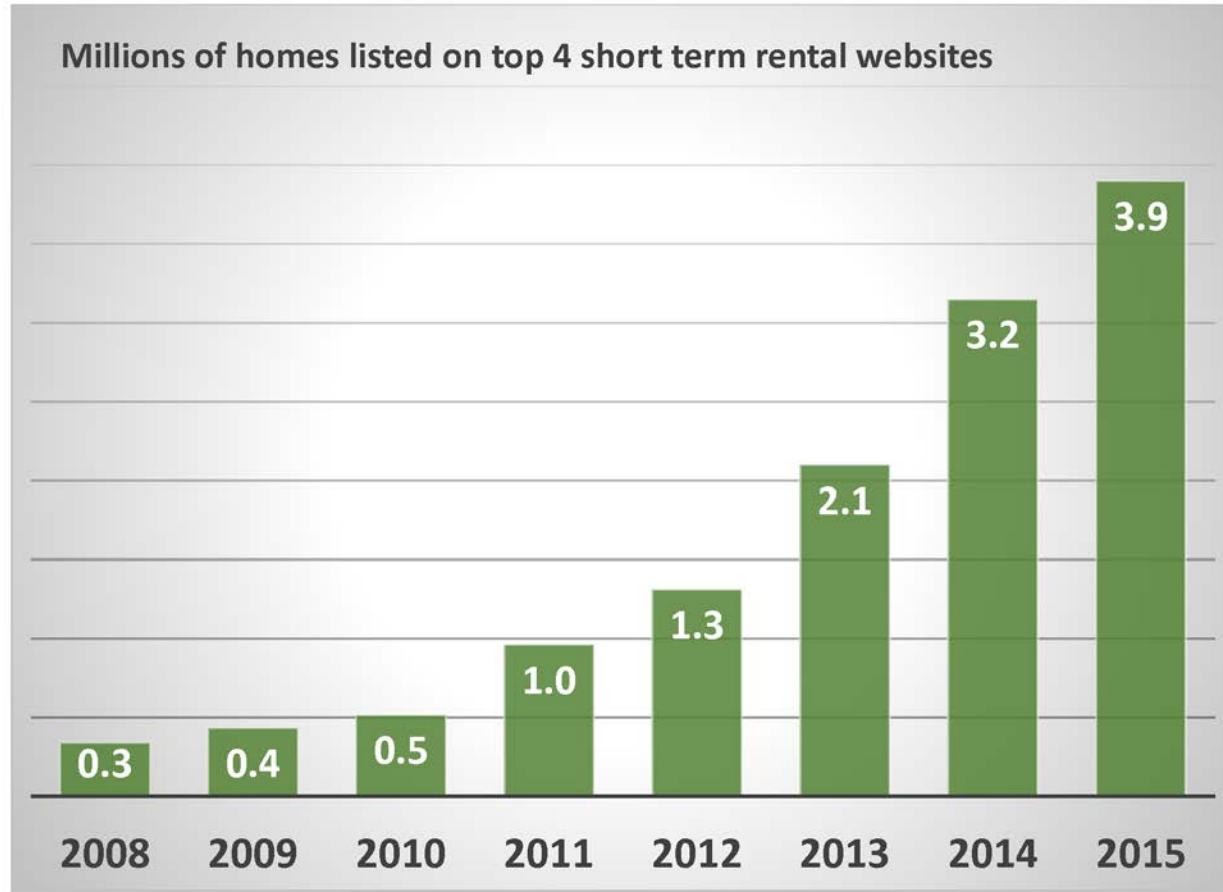
# Addressing the Growth of Short-Term Rentals

Context, enforcement best practices and tools

# AGENDA

- Market Context
- Regulatory Best Practices
- Enforcement Challenges
- Compliance Monitoring and Enforcement Tools Overview

# AIRBNB, VRBO AND 100'S OF OTHER VACATION RENTAL WEBSITES HAVE TURNED VACATION RENTALS INTO A BOOMING (UNDERGROUND) ECONOMY



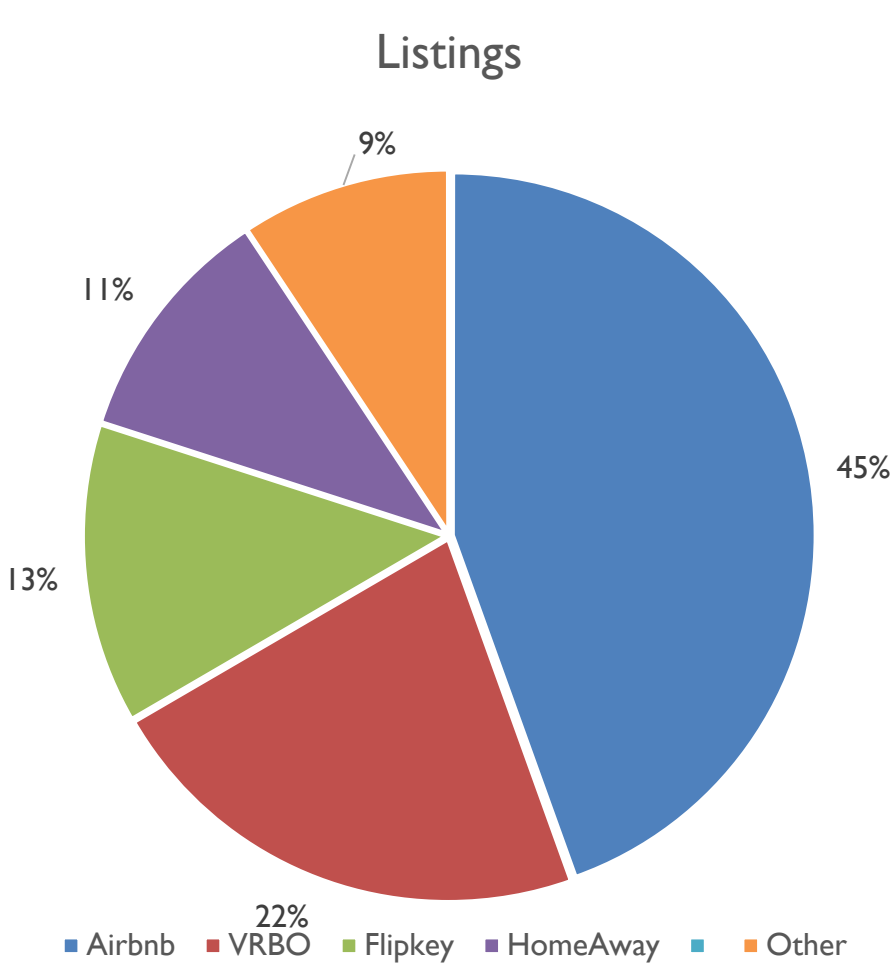
Sources: AirBnB, HomeAway, VRBO and Flipkey

**\$32 Billion**  
annual market in U.S.  
alone

**1/3 Americans have  
now stayed at a STR**  
(up from 1/10 in 2015)



# WHILE AIRBNB AND VRBO GETS ALL THE PRESS, THEY ARE ONLY TWO OF THE PLAYERS IN A FRAGMENTED MARKET

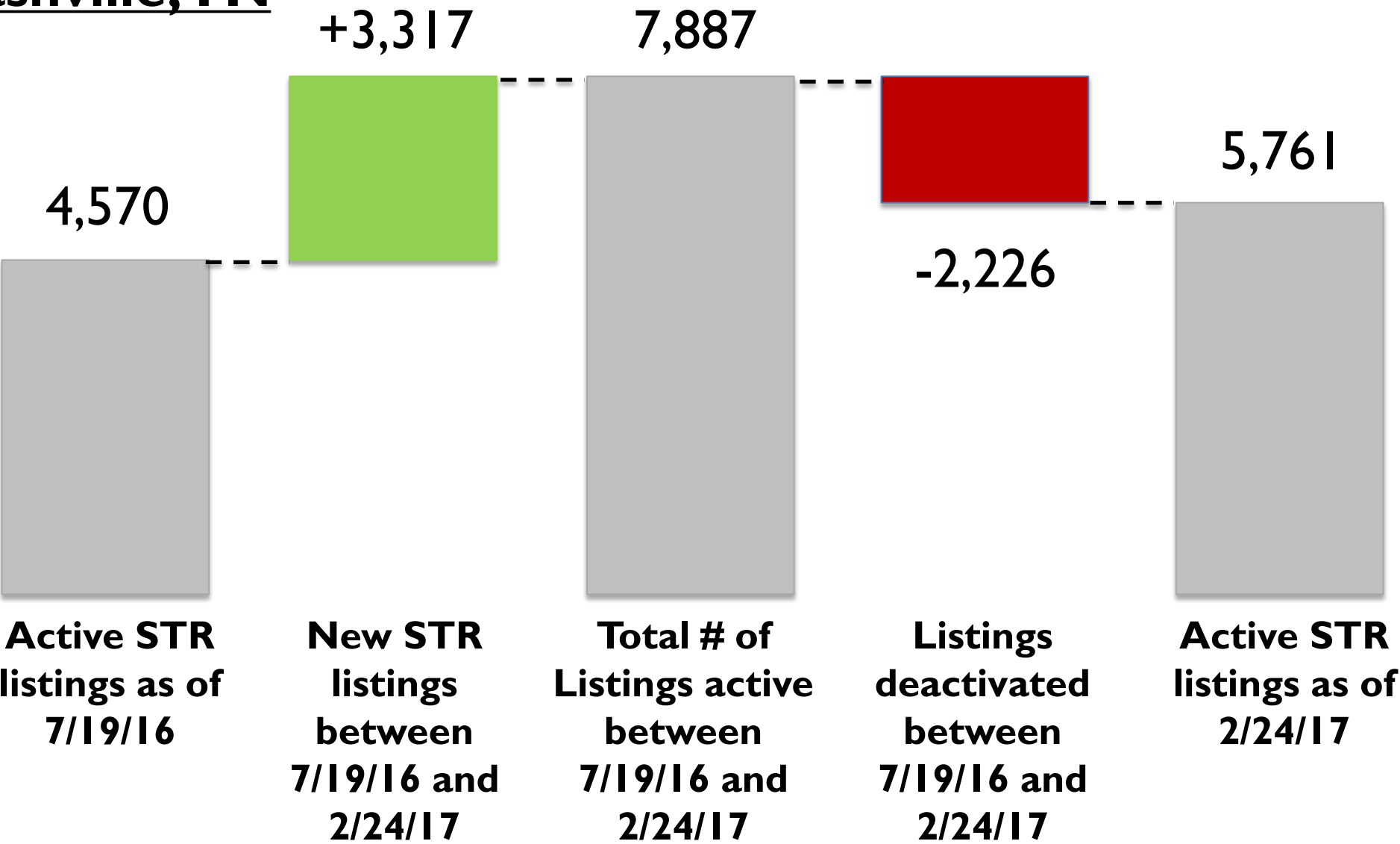


Source: Host Compliance



# THE STR MARKET IS VERY DYNAMIC AND SEASONAL

## Nashville, TN

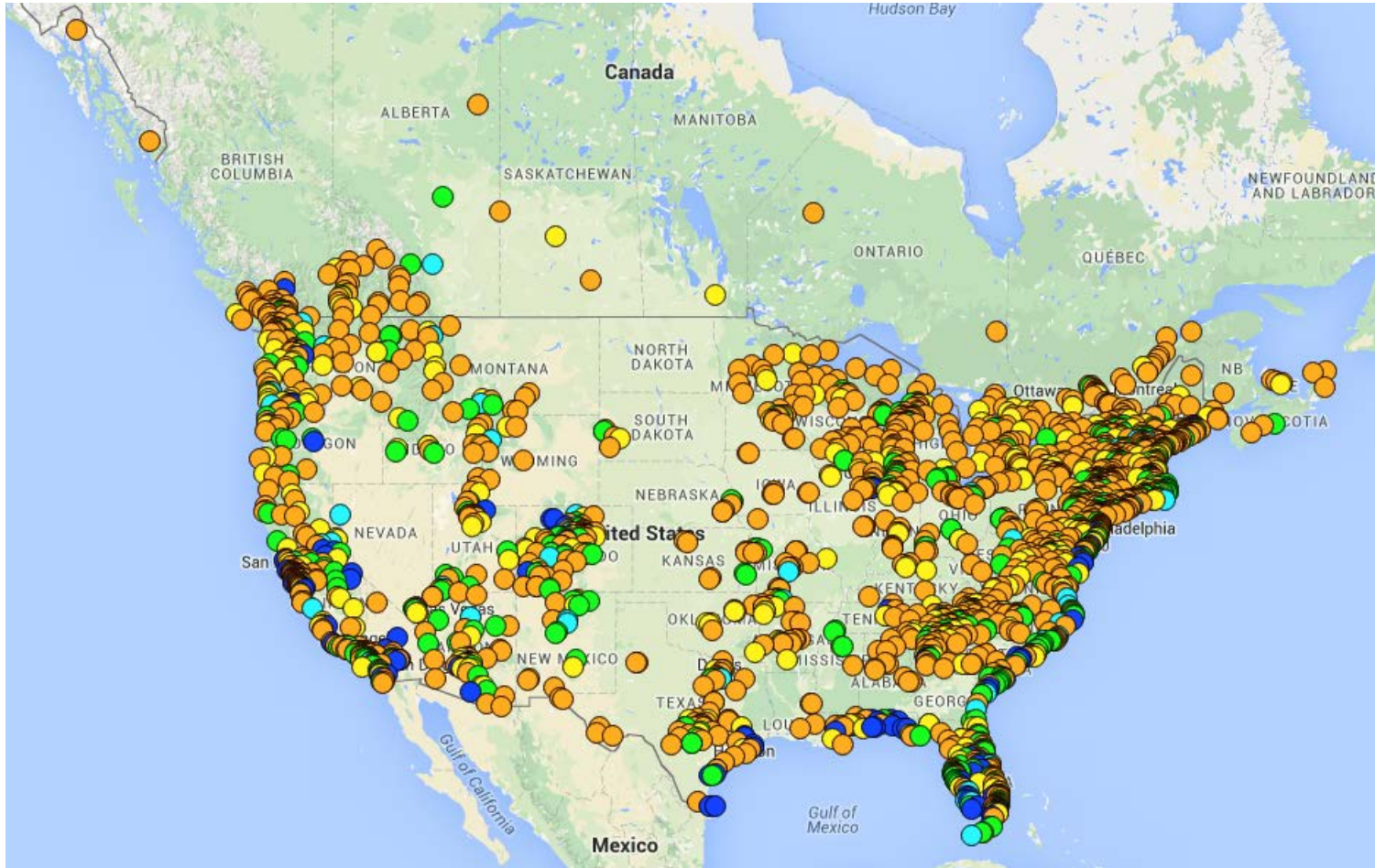


***New STRs  
as a % of  
Active STRs  
on 7/19/16  
= 72%***





# SHORT-TERM RENTALS ARE BECOMING A REAL ISSUE IN THOUSANDS OF COMMUNITIES ACROSS NORTH AMERICA.



**# of North  
American Cities &  
Counties with  
More than 50 STR  
listings**

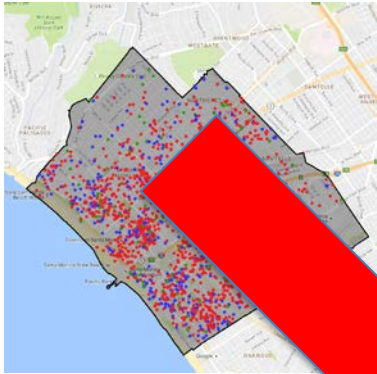
**2,727**

# AGENDA

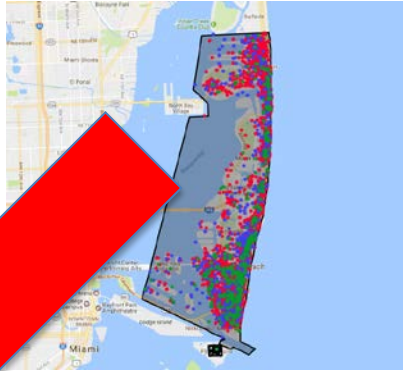
- Market Context
- Regulatory Best Practices
- Enforcement Challenges
- Compliance Monitoring and Enforcement Tools Overview

# FULL OUT SHORT-TERM RENTAL BANS HAVE PROVEN TO BE INEFFECTIVE AND EXPENSIVE TO ENFORCE.

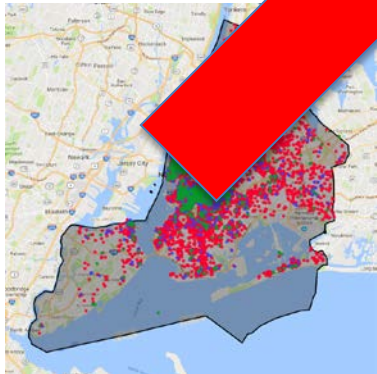
**Santa Monica, CA**  
**1,252 STRs**



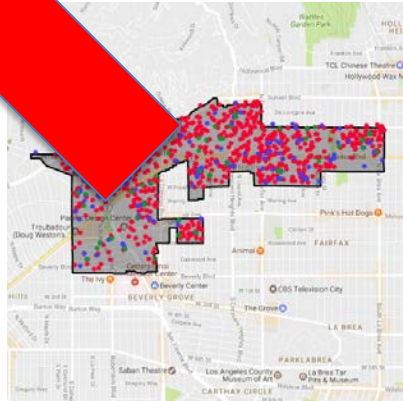
**Miami Beach, FL**  
**7,112 STRs**



**New York, NY**  
**45,433 STRs**



**West Hollywood, CA**  
**1,324 STRs**



**Bans  
don't  
work!**



# LOCAL GOVERNMENTS ARE FINDING WAYS TO MITIGATE THE NEGATIVE CONSEQUENCES OF STRS THROUGH THOUGHTFUL LEGISLATION

## **STR Policy Objective**

- Housing Availability
- Neighborhood Preservation
- Protect Quality of Life
- Economic Development
- Safety

## **Regulatory Best Practices**

- Only allow permanent residents to operate STRs
- Disallow rentals in subsidized housing
- Set neighborhood quotas
- Ban signs
- Require adequate parking and garbage disposal
- Require hosts to post noise ordinance
- Require a local contact person
- Encourage hosting in certain areas and time frames
- Require physical safety and habitability inspections

# AGENDA

- Market Context
- Regulatory Best Practices
- Enforcement Challenges
- Compliance Monitoring and Enforcement Tools Overview



# ORDINANCE COMPLIANCE HAS TRADITIONALLY BEEN LACKING IN MOST CITIES WITH SHORT-TERM RENTAL RULES

## Permit Compliance Rate Examples:





STR PROPERTY LISTINGS ARE SPREAD ACROSS  
100s OF DIFFERENT WEBSITES



# LISTINGS (AND DUPLICATES) CHANGE, COME AND GO ALL THE TIME

## HomeAway Listing


HomeAway® US Login ▾ Help ▾ [List Your Property](#)

Stuart, FL, USA  Arrive  Depart

[See more properties in this area](#) Rental 313821

### Treasure Coast Waterfront Home with Private Pool and Deep Water Dock

[Overview](#) [Reviews](#) [Map](#) [Photos](#) [Rates](#) [Availability](#) [Amenities](#) [Favorite](#)



**\$184**  
avg/night

Enter dates to see total

Arrive  Depart

2 adults

[Request to Book](#)

[Send a Message](#)

[How to pay safely](#)


★★★★★ 5 Reviews

## FlipKey Listing

Treasure Coast Waterfront Pool Home with Dock [Send to a friend](#)

Pay on FlipKey to get Payment Protection for this rental. Never pay by bank or wire transfer.

[Overview](#) [Map](#) [Availability](#) [Amenities](#) [Reviews 1](#)



**Excellent**  
1 review

**Ready to book?**

From **\$235** /night

Enter dates to see your price

Check-in  Check-out

Guests

[Book now](#)

Book on FlipKey and get payment protection.

**Need more information?**


Check-in \*  Check-out \*

Guests \*

First and last name \*

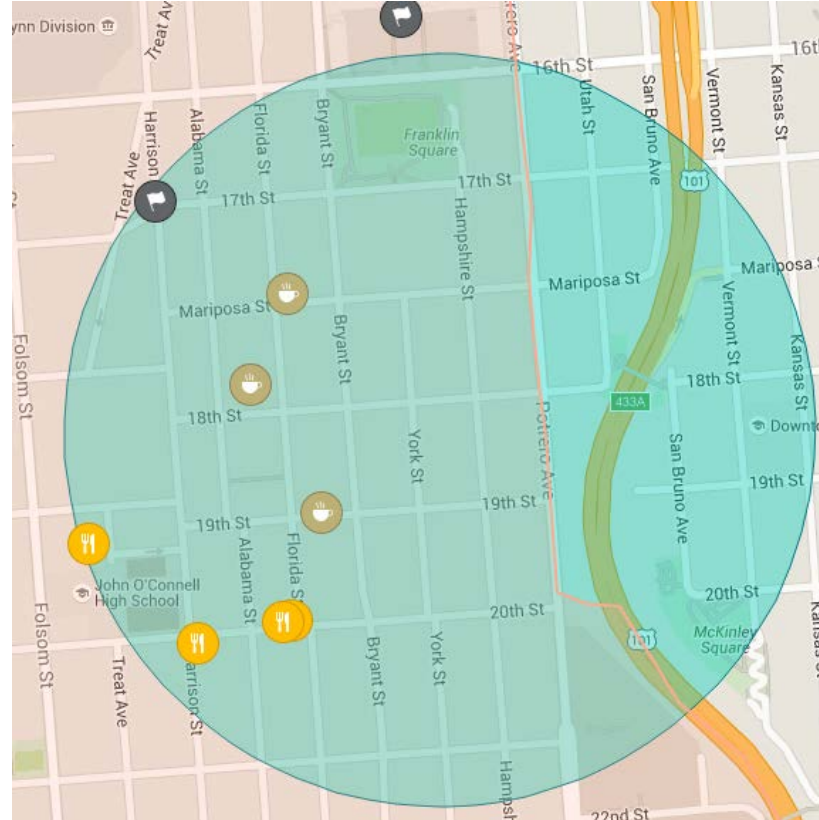
Description from the owner

# ADDRESS AND CONTACT INFO IS HIDDEN FROM LISTINGS, MAKING IT TIME-CONSUMING OR IMPOSSIBLE TO LOCATE THE PROPERTIES



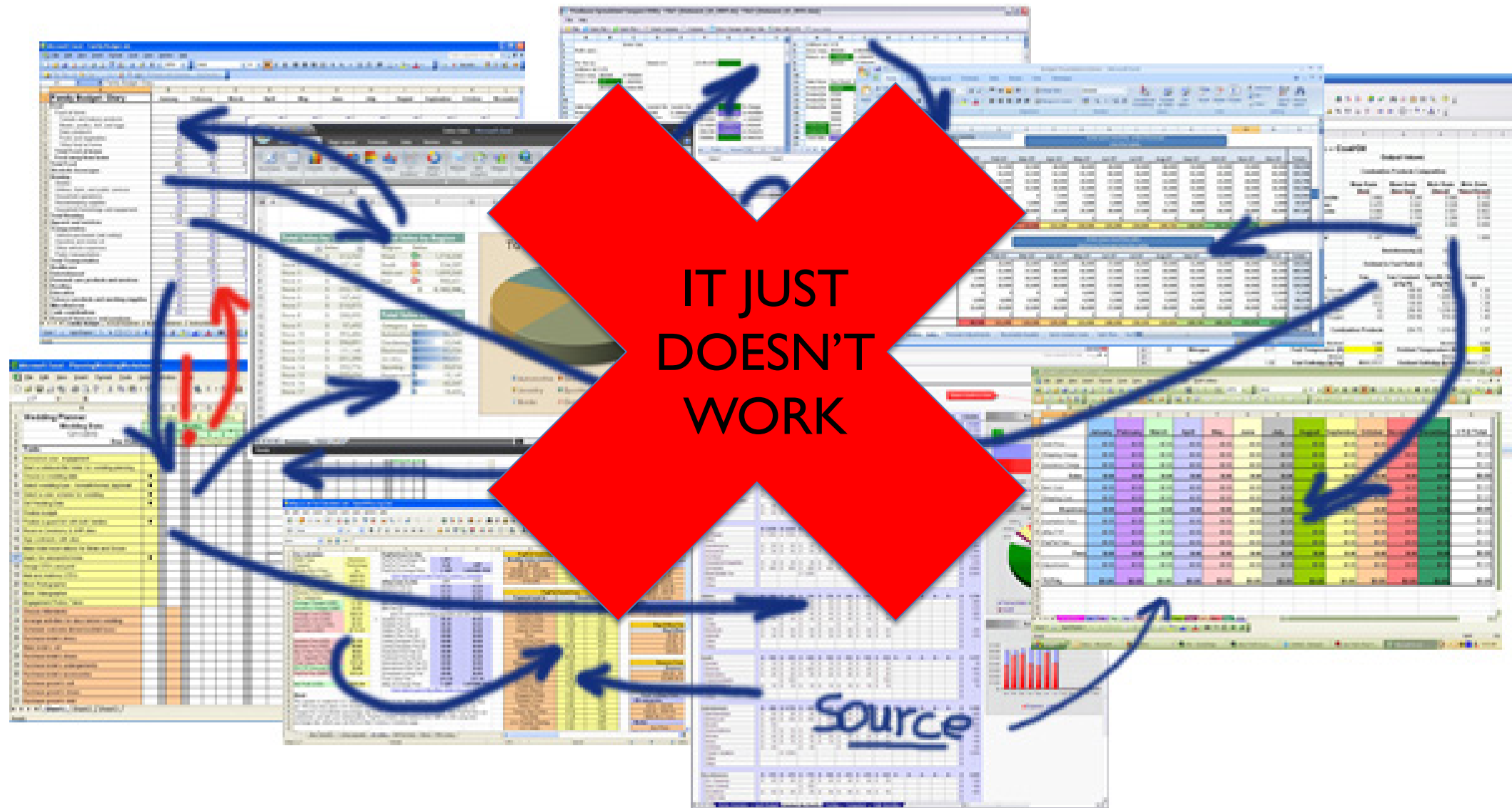
Verified ID

- ✓ Email address Verified
- ✓ Phone number 63
- ✓ Online ID Verified
- ✓ Reviewed 124 Reviews
- ✓ Offline ID Personal Info
- ✓ Offline ID Driver License
- ✓ Offline ID Personal Info





# KEEPING TRACK OF 100S OR 1,000S OF STR LISTINGS IS A SPREADSHEET NIGHTMARE





# THE VACATION RENTAL PLATFORMS REFUSE TO EXCHANGE DETAILED USER DATA WITH LOCAL GOVERNMENTS

## Airbnb Sues Its Hometown Over Latest Short-Term Rental Crackdown

by Kia Kokalitcheva @imkialikethecar JUNE 27, 2016, 8:56 PM EDT



The company is fighting recently passed ordinance aimed at illegal rentals.

The Airbnb logo.  
Photograph by Getty Images

## HomeAway threatens suit over Airbnb proposal for N.Y.

Kaja Whitehouse, USA TODAY 9:39 p.m. EST January 21, 2015



(Photo: Airbnb)

Airbnb's already convoluted battle with New York over the legality of its rentals here just got more complex.

Airbnb competitor HomeAway, the owner of VacationRentals.com and VRBO, said it will likely sue New York if the Empire State adopts Airbnb's proposal to allow people to rent out their primary residences for less than 30 days.

"We would probably take legal action if they wrote such a restrictive law," Carl Shepherd, co-founder of HomeAway, which also owns VRBO.com, told USA TODAY.

Airbnb's proposal, presented to New York lawmakers last week, is the San Francisco start-up's answer to growing controversy about its practices in New York.

A report by Attorney General Eric Schneiderman found that one-third of Airbnb's revenues in NYC were going to commercial operators who were renting out numerous apartments. This has sparked outrage, including a day-long hearing in City Hall on Tuesday, over whether Airbnb is contributing to a shortage of affordable housing in NYC.

Airbnb has sought to quell the outrage by agreeing that commercial operators should be stopped.

At the same time, Airbnb's head of policy, David Hantman, has asked New York to change its laws to allow people to rent out their primary residences on occasion for extra cash.



### The Lodge at Tiburon

Located on the scenic Tiburon Peninsula, this Marin County hotel is set on 3 landscaped acres, only 17...

\$337  
**\$291**

Tiburon

[BOOK NOW](#)

# “DRIVE-BYS” IS NOT A COST-EFFECTIVE METHOD TO IDENTIFY ILLEGAL SHORT-TERM RENTALS AND RENTERS

## Drivebys provide limited value:

- Difficult to spot the presence of short-term renters and rentals as they generally do not stand out
- Requires a lot of luck to actually catch “people in the act”



# CONDUCTING STRING OPERATIONS TO CATCH ILLEGAL SHORT-TERM RENTALS IS VERY TIME CONSUMING AND POLITICALLY SENSITIVE

Sting operations are challenging:

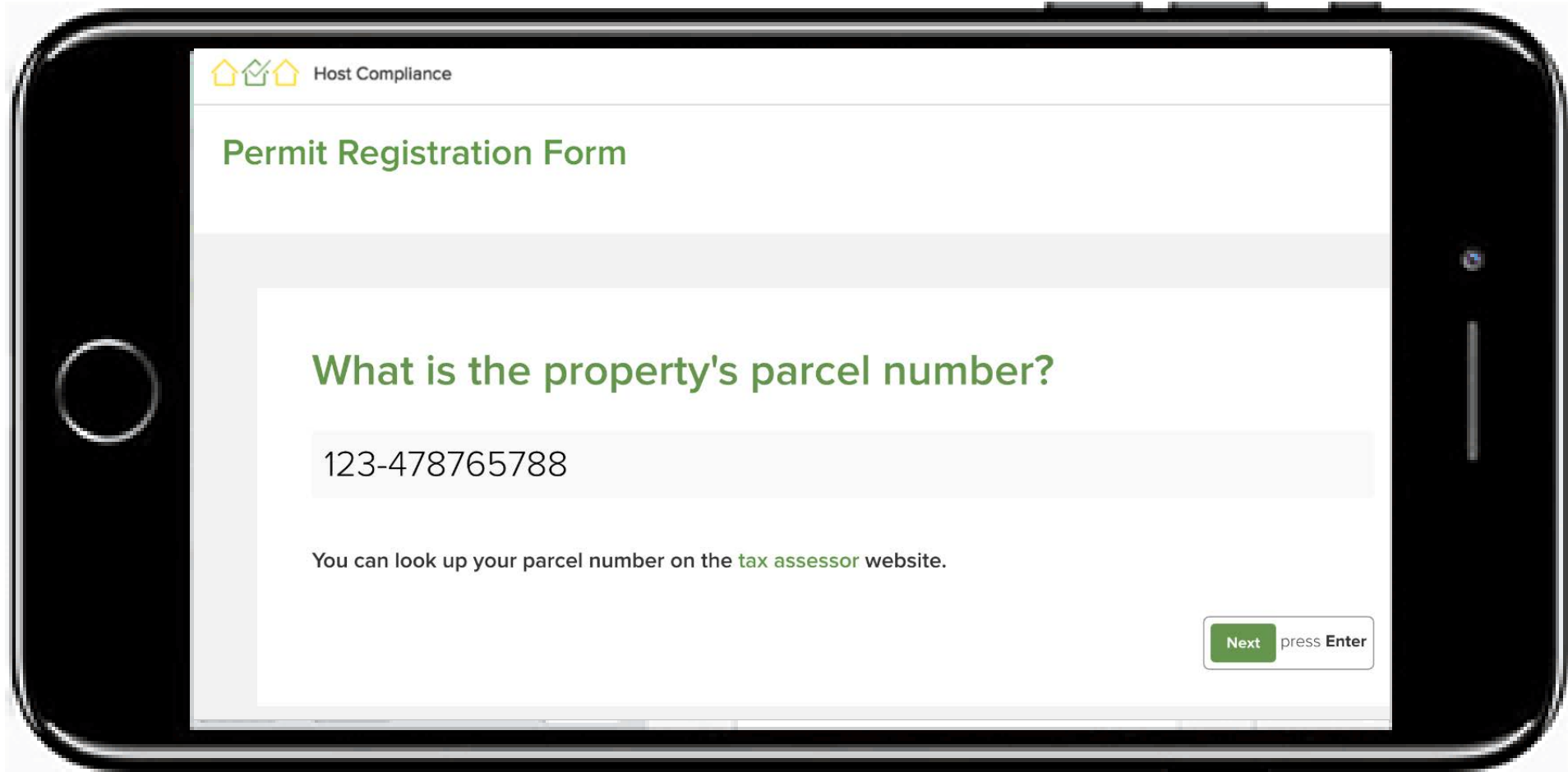
- Politically difficult!
- Takes a lot of time (~1 week per listing)
- Requires a large number of non-city credit cards



# AGENDA

- Market Context
- Regulatory Best Practices
- Enforcement Challenges
- Compliance Monitoring and Enforcement Tools Overview

# MOBILE ENABLED ONLINE PERMITTING AND REGISTRATION SYSTEMS CAN MINIMIZE PERCEIVED RED-TAPE AND REDUCE BACK-OFFICE PAPERWORK

A black smartphone is shown horizontally, displaying a web application. The app's header features a logo of three houses with checkmarks and the text "Host Compliance". Below the header, the title "Permit Registration Form" is displayed in green. The main content area contains a question in green: "What is the property's parcel number?". Below the question is a light gray input field containing the text "123-478765788". Underneath the input field, a line of text reads: "You can look up your parcel number on the [tax assessor](#) website." In the bottom right corner of the form, there is a green button labeled "Next" and the text "press Enter".

Host Compliance

## Permit Registration Form

What is the property's parcel number?

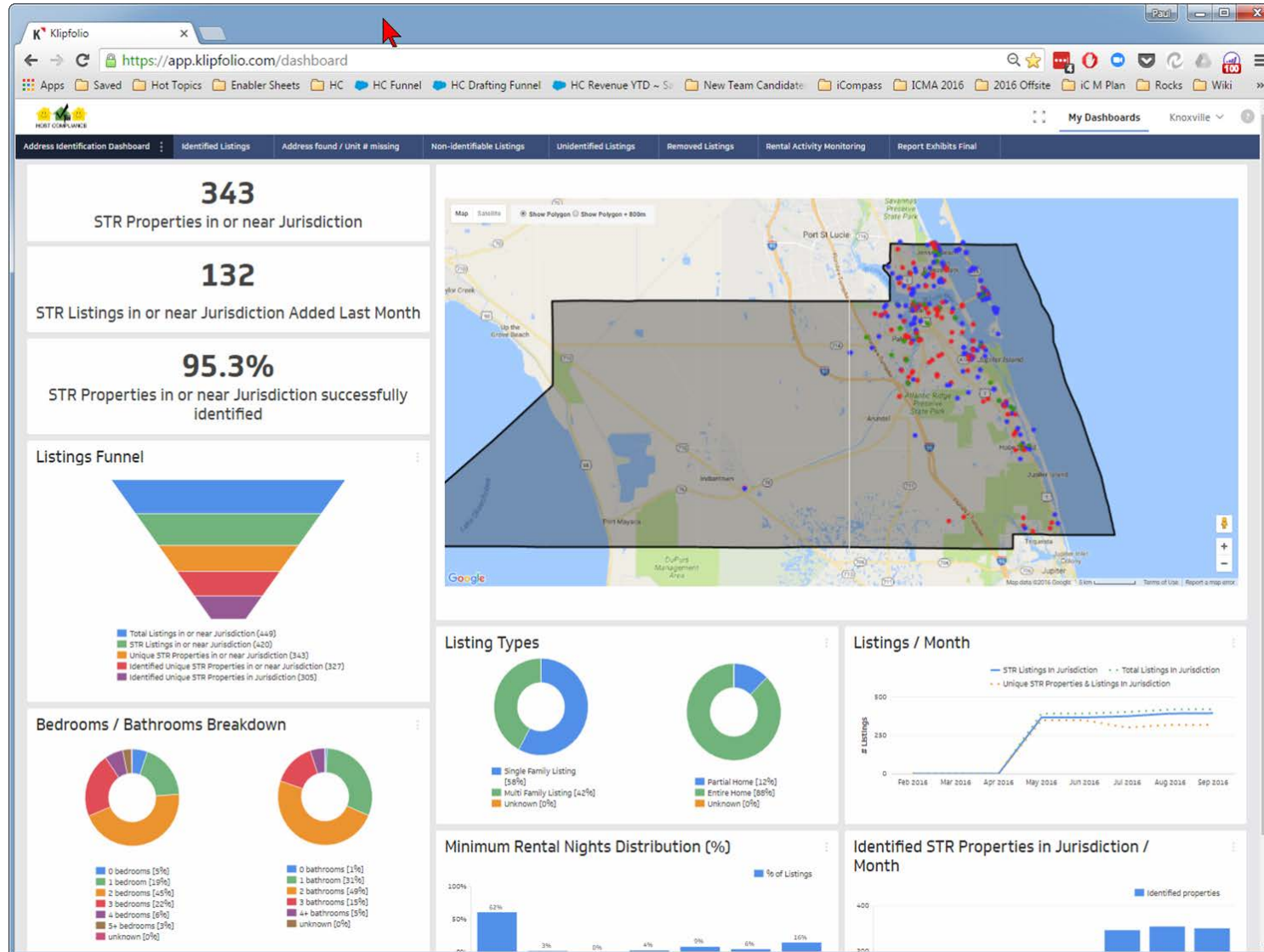
123-478765788

You can look up your parcel number on the [tax assessor](#) website.

Next press Enter



# ADDRESS IDENTIFICATION SOFTWARE AND SERVICES CAN HELP CITIES QUICKLY PINPOINT STR ADDRESSES AT SCALE



## Listings that have been identified:

Host Compliance Listing...	Meets STR Definition	Listing's First Activity D...	Listing Site	Listing Title	Listing URL	Address Identified	Owner Name	Identified Address	Listing's Minimum Night...	Listing Room Type	Match Validation Page
air12088847	true	May 14, 2016	air	B&B Room for 3	https://www.airbnb.co..	true			1	Private room	Validation URL
air12736819	true	May 14, 2016	air	Room with Two Single Beds	https://www.airbnb.co..	true			1	Private room	Validation URL
air12088890	true	May 14, 2016	air	3 Bedroom Home	https://www.airbnb.co..	true			1	Entire home/apt	Validation URL
air12287266	true	May 14, 2016	air	Hosted Tenting - Site #4	https://www.airbnb.co..	true			1	Private room	Validation URL
air11067679	true	May 14, 2016	air	Sunny family-friendly 500 sqft. ap.	https://www.airbnb.co..	true			3	Entire home/apt	Validation URL
air12266901	true	May 14, 2016	air	Hosted Tenting - Site #1	https://www.airbnb.co..	true			1	Private room	Validation URL
air12268964	true	May 14, 2016	air	Hosted Tenting - Site #6	https://www.airbnb.co..	true			1	Private room	Validation URL
air12268463	true	May 14, 2016	air	Hosted Tenting - Site #2	https://www.airbnb.co..	true			1	Private room	Validation URL
air9064206	true	May 14, 2016	air	Jensen's Bay Loft House	https://www.airbnb.co..	true			2	Entire home/apt	Validation URL
air12088828	true	May 14, 2016	air	B&B room for 2	https://www.airbnb.co..	true			1	Private room	Validation URL
air9071863	true	May 14, 2016	air	Jensen's Bay Sweet Suite	https://www.airbnb.co..	true			2	Entire home/apt	Validation URL
air12269015	true	May 14, 2016	air	Hosted Tenting - Site #3	https://www.airbnb.co..	true			1	Private room	Validation URL
air12288195	true	May 14, 2016	air	Hosted Tenting - Site #5	https://www.airbnb.co..	true			1	Private room	Validation URL
air2691956	true	May 14, 2016	air	Tofino Retreat	https://www.airbnb.co..	true			2	Entire home/apt	Validation URL
air12389556	true	May 14, 2016	air	Wet Coast Tofino Retreat	https://www.airbnb.co..	true			1	Private room	Validation URL
air7294407	true	May 14, 2016	air	#36 - South Chesterman	https://www.airbnb.co..	true			2	Entire home/apt	Validation URL
air12535450	true	May 14, 2016	air	Water Front Condo15 Downtown Tofino	https://www.airbnb.co..	true			2	Entire home/apt	Validation URL
air10254784	true	May 14, 2016	air	Maris - New Tofino Waterfront Suite Tranquil	https://www.airbnb.co..	true			3	Entire home/apt	Validation URL

# SOFTWARE CAN AUTOMATE THE COLLECTION OF EVIDENCE

Host Compliance

Address Match (V) Tucson Report

Oceanside, CA, United States

Matched Details

Analyst: AUC

Explanation: This beachfront backyard seen in Airbnb photo #6 contained A/C. This beachfront backyard seen in Airbnb photo #6 contained A/C. This beachfront backyard seen in Airbnb photo #6 contained A/C.

Some backyard

Zip Code Match

City Name Match

Listing Details

Listing URL

Listing Status: Active

Host Compliance Listing ID

Listing Title: Gorgeous Beachfront Mansion on the Sand

Identified Address: Oceanside, CA, United States

Identified Unit Number: None

Identified Latitude, Longitude

Permit Number

Owner Name

Owner Address: Oceanside, CA 92054, US

Registration / Permit Number: None

Revenue: Documented, Last 12 Months: \$24,900; Estimated, Last 12 Months: \$25,000

Timeline of Activity

View the status of events and documentation pertaining to this property

HomeAway

Scratchpad Login Help List Your Property May 2, 2017 5:05pm PT

East Fort Lauderdale, Fort Lauderdale, FL, USA

Arrive Depart Search

< See more properties in this area East Fort Lauderdale, Fort Lauderdale, FL, USA Rental 649181vb

5/5 - ★★★★★ (4 traveler reviews)

Waterfront with Boat Dock Luxurious Oasis By The Beach

Overview Amenities Reviews Map Photos Rates Availability

Share Favorite

Book Online or call HomeAway Booking Assistance 888-640-7927

\$500 avg/night

Enter dates for accurate pricing

Arrive Depart

Guests (required)

Request to Book

Send a Message

Report this listing

Views from the balcony 20 of 24

Details

House 3,900 Sq Ft

Sleeps 9

Bedrooms 3

Bathrooms 3

Half Baths 1

Minimum Stay 6 Nights

About the property

Luxurious Waterfront Home With A Sparkling Pool And Many Extra Amenities.

The moment you walk into this mini mansion estate you will feel right at home. From the original art pieces to the pool table and poker table. Sit and relax in front of the 65" television or relax poolside while watching a parade of boats and yachts cruise by. The home is located on a private, deep water channel connected to the Intercoastal Canal. A

Meer erfahren

ANCE

# AUTOMATED COMPLIANCE MONITORING AND MAILING SERVICES CAN ELIMINATE 90% OF THE INTERNAL WORK ASSOCIATED WITH MAILING OUT NOTICES OF VIOLATIONS

TOWN OF TRUCKEE  
10 33 TRUCKEE AIRPORT ROAD  
TRUCKEE, CA 96161-3306

XXXXXX  
PROPERTY OF TOWN OF TRUCKEE  
SHEARER GRANT F TRSTE ETAL  
9900 SPRING 11 LL JS  
ANCHORAGE, AK 99507

2016-11-03

Dear SHEARER GRANT F TRSTE ETAL:

It has come to our attention that the property located at 10015 Rock St, Truckee, CA, United States has been posted as available for short-term rental without complying with the Town of Truckee's requirements, including property registration and reporting and remittance of tax. Enclosed is a screenshot of one of your online listings for this property.

As the registered owner of the property, we kindly request you submit the enclosed property registration form upon receipt of this letter. In addition, please use the enclosed tax return form to report and remit the appropriate tax from the period October 1, 2015 to current. If these taxes are reported and remitted by no later than 60 days from receipt of this letter, the Town will waive penalties and interest due based on your lack of registration and timely reporting. If you do not complete the registration process and provide payment, the Town will calculate estimated taxes due including penalties and interest and impose that amount for collection. Continued non-compliance will result in the placement of a lien on your property for the amounts due. Beginning on November 10, 2016, it will be required to include the property Registration Certificate Number (RCN) on all online rental listings.

If the property is being rented through a property management company, the enclosed forms are not necessary. Contact your property management company to ensure compliance. Compliance with short-term rental requirements is ultimately the responsibility of the property owner.

For questions or if you believe you are receiving this letter in error, please contact us at [TOT@townoftruckee.com](mailto:TOT@townoftruckee.com) or 530-582-5280.

More information regarding the duties and obligations of managing a short-term rental property in the Town of Truckee can be located at [www.townoftruckee.com/TOT](http://www.townoftruckee.com/TOT).

Sincerely,

Administrative Services Department  
Town of Truckee

Enclosures: Online listing screenshot, Registration Form, Tax Return

10183 Truckee Airport Road, Truckee, CA 96161-3306  
[www.townoftruckee.com](http://www.townoftruckee.com)  
Administration: 530-582-7700 / Fax: 530-582-7700 / email: [TOT@townoftruckee.com](mailto:TOT@townoftruckee.com)  
Community Development: 530-582-7830 / Fax: 530-582-7889 / email: [cd@townoftruckee.com](mailto:cd@townoftruckee.com)  
Animal Services/Vehicle Abatement: 530-582-7830 / Fax: 530-582-7889 / email: [animal@townoftruckee.com](mailto:animal@townoftruckee.com)  
Police Department: 530-550-2328 / Fax: 530-550-2326 / email: [police@townoftruckee.com](mailto:police@townoftruckee.com)

Pool Table & Hot Tub at Donner Lake  
Truckee, CA, United States ★★★★★ 16

Like · 1 night · 1 Private room · 3 Guests · 2 Beds

About this listing

Our lovely home is just a stones throw from Donner Lake, a great walk to the lake, and right across the street from our neighborhood market. When you arrive, you'll find everything you need to enjoy your stay, from pool table, hot tub, and relaxing bath.

Contact Host

The Space	Accommodates 8	Bedroom 1 (King)
Guests: 8	Bedroom 2 (Queen)	Property type: House
Bath: 2	Room 3 (Private room)	Room type: Private room
Private Room		

Reviews

Family-friendly · Superhost · Instant Book · 4.9 (16)

Price

Per night: \$155 / Nightly fee: \$155  
Cleaning fee: \$25  
Security deposit: \$250

When you book, you'll see the total price, including all fees and taxes. No hidden charges.

Description

The Space

There are two bedrooms, one in the main house, and one in the detached garage. The main house has a pool table and hot tub, and the detached garage has a pool table and hot tub. The detached garage is a separate building, and it's a great place to relax and enjoy the view. The detached garage is a great place to relax and enjoy the view. The detached garage is a great place to relax and enjoy the view.

House Rules

No smoking  
No parties or events  
No pets or animals  
No short-term rentals (less than 30 days)



# RENTAL ACTIVITY MONITORING SERVICES CAN HELP IDENTIFY TAX FRAUD AND IDENTIFY VIOLATIONS OF RENTAL NIGHT CAPS



HOST COMPLIANCE



My Dashboards

Florida County

Address Identification Dashboard

Identified Listings

Non-identifiable Listings

Unidentified Listings

Removed Listings

Rental Activity Monitoring

## Monthly Revenue Estimate

Select Month: Last 12 Months

Host Compliance Listing ID	Identified Address	Identification Status	Listing Site	Listing URL	Month	Documented Number of Stays	Minimum Rental Nights	Effective Nightly Rate in USD	Documented Number of Nights Occupied	Documented Gross Revenue Estimate in USD	Match Validation Page
hma611.1752750.346..	918 Southeast Macarthur Boulevard, Stuart, FL, United States	has been identified	hma	<a href="https://www.homeaw...rental/p1752750">https://www.homeaw...rental/p1752750</a>	Last 12 Months	6	7	\$845	42	\$35,490	<a href="#">Validation Page</a>
hma321.255280.2552..	669 Northeast Plantation Road, Stuart, FL, United States	has been identified	hma	<a href="https://www.homeaw...rental/p255280vb">https://www.homeaw...rental/p255280vb</a>	Last 12 Months	4	28	\$167	112	\$18,704	<a href="#">Validation Page</a>
hma121.3922364.429..	245 Northeast Macarthur Boulevard, Stuart, FL 34996, United States	has been identified	hma	<a href="https://www.homeaw...rental/p3922364">https://www.homeaw...rental/p3922364</a>	Last 12 Months	2	30	\$256	60	\$15,360	<a href="#">Validation Page</a>
hma121.4145595.454..	713 Southeast Macarthur Boulevard, Stuart, FL, United States	has been identified	hma	<a href="https://www.homeaw...rental/p4145595">https://www.homeaw...rental/p4145595</a>	Last 12 Months	6	4	\$532	24	\$12,768	<a href="#">Validation Page</a>
hma121.4041570.443..	1856 Northeast River Court, Jensen Beach, FL, United States	has been identified	hma	<a href="https://www.homeaw...rental/p4041570">https://www.homeaw...rental/p4041570</a>	Last 12 Months	1	90	\$117	90	\$10,530	<a href="#">Validation Page</a>
hma321.646497.1194..	577 Southwest 11th Court, Palm City, FL, United States	has been identified	hma	<a href="https://www.homeaw...rental/p646497vb">https://www.homeaw...rental/p646497vb</a>	Last 12 Months	3	7	\$489	21	\$10,269	<a href="#">Validation Page</a>
hma321.508049.1091..	4417 Northeast Ocean Boulevard, Jensen Beach, FL 34957, United States	has been identified	hma	<a href="https://www.homeaw...rental/p508049vb">https://www.homeaw...rental/p508049vb</a>	Last 12 Months	1	90	\$110	90	\$9,900	<a href="#">Validation Page</a>
hma321.697178.1245..	1565 Southeast Saint Lucie Boulevard, Stuart, FL, United States	has been identified	hma	<a href="https://www.homeaw...rental/p697178vb">https://www.homeaw...rental/p697178vb</a>	Last 12 Months	3	7	\$439	21	\$9,219	<a href="#">Validation Page</a>
hma321.115873.1158..	379 Northeast Tradewind Lane, Stuart, FL, United States	has been identified	hma	<a href="https://www.homeaw...rental/p115873vb">https://www.homeaw...rental/p115873vb</a>	Last 12 Months	6	7	\$203	42	\$8,526	<a href="#">Validation Page</a>
	2338 SW Golden Bear			<a href="https://www.homeaw...">https://www.homeaw...</a>							



# OUTSOURCED 24/7 STR HOTLINE SERVICES CAN MAKE IT EASY TO CAPTURE, PROVE AND RESOLVE NON-EMERGENCY STR RELATED PROBLEMS IN REAL-TIME

## Step 1

Concerned neighbor calls 24/7 short-term rental hotline



## Step 3

If property is registered, Host Compliance immediately calls host to seek resolution



## Step 2

Complainant provides info on alleged violation and is asked to provide photo, video or other proof of alleged violation



## Step 4

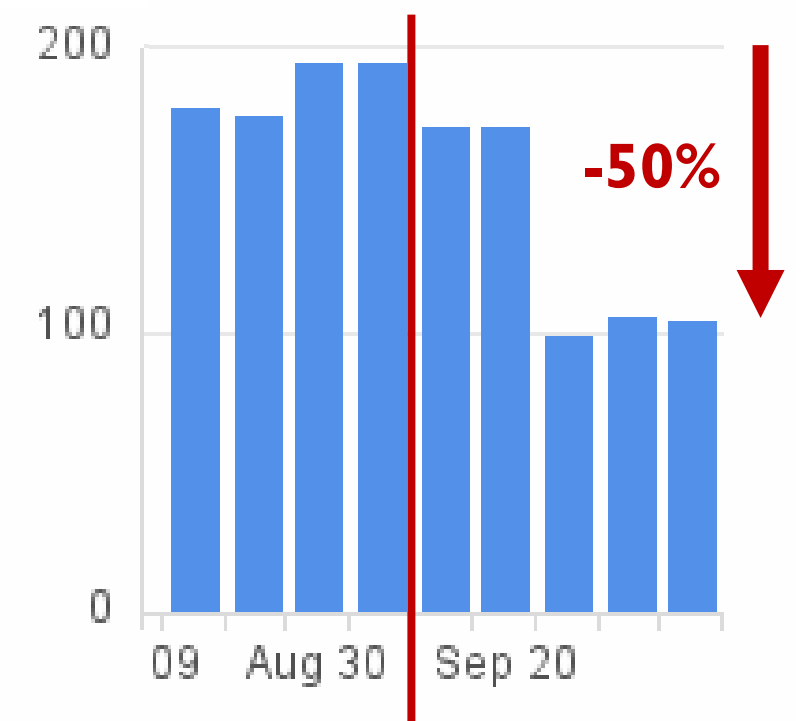
Problem solved or escalated – Complaints saved in database so serial offenders be held accountable



# COMMERCIALLY AVAILABLE ENFORCEMENT TOOLS HAVE PROVEN TO BE VERY EFFECTIVE

## Hermosa Beach, CA Case Study

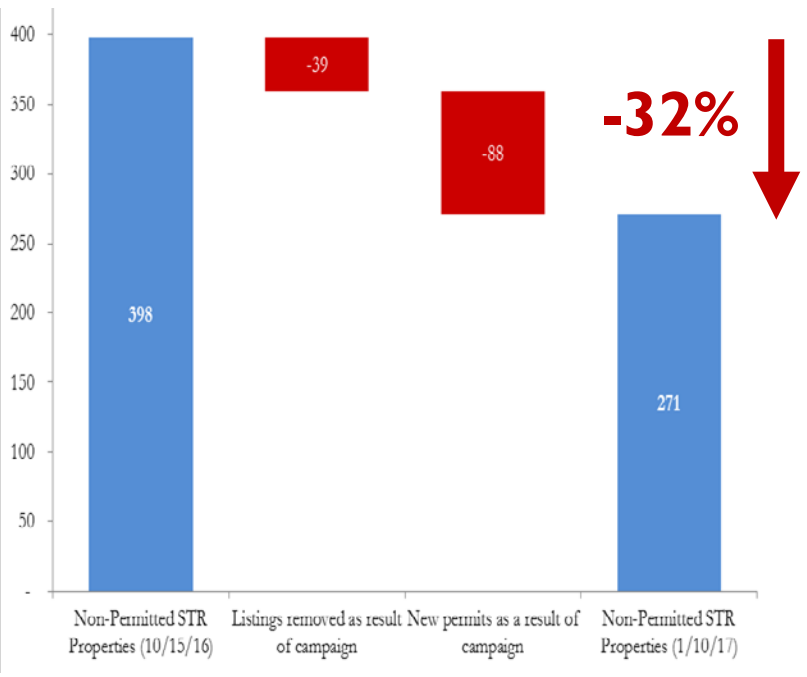
Illegal STRs in Hermosa Beach



*Host Compliance Begin Sending Letters to Illegal STR operators*

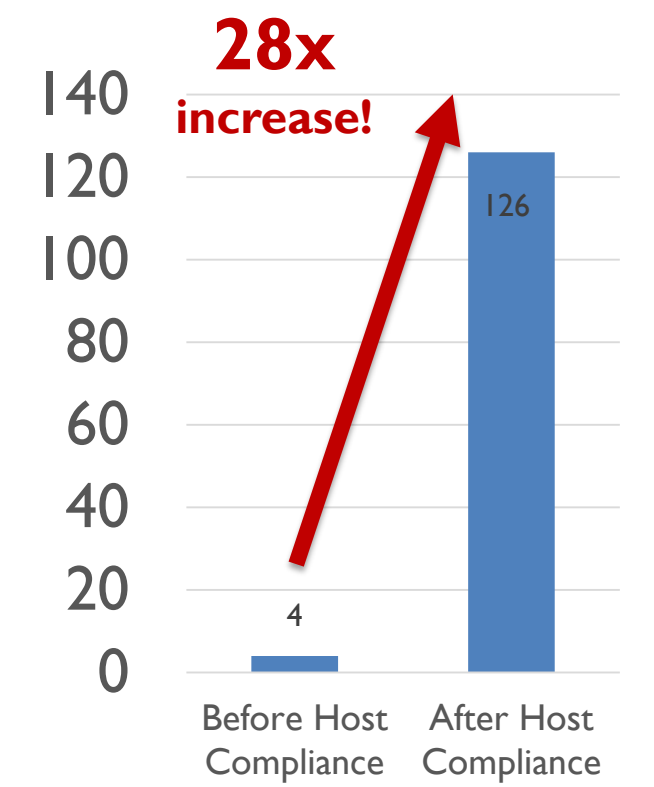
## Truckee, CA Case Study

Non-compliant STRs in Truckee



## Asheville, NC Case Study

# of Notices of Violations Issued





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