



AGENDA FOR REGULAR MEETING VILLAGE OF TINLEY PARK PLAN COMMISSION

**March 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 February 21, 2019 Regular Meeting

Item #1 PUBLIC HEARING: 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 as an accessory use and prohibit them in non-residential zoning districts. The Petitioner is the Village of Tinley Park.

**Item #2 WORKSHOP: SECONDARY FRONT YARD / CORNER FENCE HEIGHT
– TEXT AMENDMENT**

Consider a proposed text amendment to the Tinley Park Zoning Ordinance. Section II.H (Permitted Encroachments in Required Yards) of the Zoning Ordinance related to regulations for the height of fences located in a secondary front yard. The purpose of this amendment is to align the height requirements for pools and all fences permitted in the Village. The text amendment would increase the maximum height of a fence permitted in a secondary front yard through administrative approval by one foot (1') in height from four feet (4') to five feet (5'). The Petitioner is the Village of Tinley Park.

Item #3 DISCUSSION/REVIEW: ANNUAL ZONING MAP APPROVAL

Staff has worked with the Village's GIS Consultant, MGP, Inc., to review the Village's Zoning Map and identify all updates and corrections through December 31, 2018. Per the Illinois Municipal Code, municipalities must adopt an Official Zoning Map by March 31st of each year. No properties are being rezoned as part of the adoption of the official zoning map, it is only updating the previous year's changes. At that time the Plan Commission must provide a recommendation to the Village Board as to whether or not to approve the official zoning map as proposed by Staff.

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**

February 21, 2019

The Regular Meeting of the Plan Commission was held in the Council Chambers of Village Hall on February 21, 2019 at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Plan Commissioners: Tim Stanton, Acting Chairman
Angela Gatto
Lucas Engel
MaryAnn Aitchison – Arrived at 7:15
Stephen Vick

Absent Plan Commissioner(s): Garrett Gray
Eduardo Mani
Ken Shaw, Chairman
Chuck Augustyniak

Village Officials and Staff: Kimberly Clarke, Planning Manager
Barbara Bennett, Commission Secretary

CALL TO ORDER

PLAN COMMISSION ACTING CHAIRMAN STANTON called to order the Regular Meeting of the Plan Commission for February 21, 2019 at 7:16 p.m.

COMMUNICATIONS

None at this time

APPROVAL OF MINUTES

Minutes of the February 7, 2019 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. ACTING CHAIRMAN STANTON declared the Motion approved as presented.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES
FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION
SUBJECT: MINUTES OF THE FEBRUARY 21, 2019 REGULAR MEETING

Item #1 PUBLIC HEARING: 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 Brentowne Mall Planned Unit Development at 6800-6820 Centennial Drive in the B-2 PD (Community Shopping, Brentowne Mall PUD) zoning district to permit exterior storage of buses exceeding 8,000 lbs. in the front yard.

Present were the following:

Plan Commissioners: Tim Stanton, Acting Chairman
Angela Gatto
Lucas Engel
MaryAnn Aitchison – Arrived at 7:15
Stephen Vick

Absent Plan Commissioner(s): Garrett Gray
Eduardo Mani
Ken Shaw, Chairman
Chuck Augustyniak

Village Officials and Staff: Kimberly Clarke, Planning Manager
Barbara Bennett, Commission Secretary

Guests: Mary Pat Ambrosino

A Motion was made by COMMISSIONER ENGEL, seconded by COMMISSIONER GATTO, to open the Public Hearing for CTF, Illinois at 6800-6820 Centennial Drive. The Motion was approved by voice call. ACTING CHAIRMAN STANTON declared the Motion approved.

ACTING CHAIRMAN STANTON 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.

ACTING CHAIRMAN STANTON 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 as noted in the Staff Report. CTF 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 currently operates many programs at 6775 Prosperi Drive in Tinley Park and will be relocating some of its programs to this new location. The organizations' 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 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 the context of the approved PUD.

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.

Ms. Clarke displayed a photo of the proposed location which 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.

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.

The use of the site as a Vocational Educational Facility is a permitted use. However, open exterior storage of a business' vehicle over 8,000 lbs. is 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 Brementowne Mall PUD allows for some flexibility in regard 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. Being a corner lot they are considered to have two (2) front yards. These vehicles include four (4) vans, three (3) 12-person buses, and one (1) 15-person bus. Only the buses exceed the weight limitation and must receive approval. Ms. Clarke displayed photos of the buses and vans that will be used. There will be no signage on any of the vehicles.

Ms. Clarke displayed a photo of the site plan and landscape. In the workshop, there were options presented as to where the buses and vans could be parked on the site. Option 2, on the south side of the site was the preferred location as it would provide for the buses being as far away from Oak Park Avenue as possible and there is existing vegetation that would screen the buses.

At the workshop, the Plan Commission discussed potential adjacent property concerns and visual appearances. The property is on a corner lot and only has parking in the front yards with no ability to place the vehicles in the rear or side yards. The Commission agreed the best location for the bus storage is to park them in the southwest corner of the property up against the building. The parking spaces will be restriped to accommodate the bus width and will be signed to prevent visitor or employees from parking at those locations. The vans can be parked closer to the street near the buses. These vans do comply with the weight limit and could be moved if there are any visual concerns with them in the future. CTF Illinois will occupy most of the property, with two existing tenants remaining in the building until their leases expire. The approved landscaping buffer will be inspected in the spring and required to be restored if anything is lacking.

Ms. Clarke displayed photos of the east, west, and north surrounding views of the parking lot showing the different site lines of the proposed area where the buses and vans will be parked.

The Petitioner has clarified they are expecting approximately 30 staff member at this location, the maximum would not exceed 40 staff members. Students do not transport themselves and are typically dropped off or transported to the site with the buses and vans. This location is expected to have adequate parking to serve their needs. They will have enough parking for employees, vehicle storage and visitors. The number of visitors are fairly limited in regards to numbers and frequency. The hours of operation were discussed at the workshop. The buses and vans will leave the site by 3:00 – 4:00 in the afternoon. There is a need to store the vehicles on-site.

No signage has been proposed by the Petitioner yet. Signage will comply with the current zoning code requirements and will be reviewed during permitting. The buses and vans will be plain white and will not have any signage, identification or graphics located on them.

ACTING CHAIRMAN STANTON asked the Commissioners if there were questions or comments.

ACTING CHAIRMAN STANTON asked for comments from the public.

Resident Ms. Ubaldo noted she lives 200 feet from the location of the site. She asked why the buses cannot be parked closer to Oak Park Avenue where she would not be able to see them from her residence. If that is not possible, would it be possible to plant some taller trees to shield the area where the buses will be parked? The current bushes around this area a small and would not screen the area.

Ms. Clarke asked the Petitioner if she would be open to adding more landscaping to the area to screen the buses. Ms. Ambrosino replied, she would consider it, but there may be an issue with the Orthopedic Office Sign in the area and the landscaping could block it.

ACTING CHAIRMAN STANTON asked for a Motion to Close the Public Hearing

A Motion was made by COMMISSIONER ENGEL, seconded by COMMISSIONER GATTO to close the Public Hearing on CTF, Illinois, 6800-6820 Centennial Drive. The Motion was approved by voice call. ACTING CHAIRMAN STANTON declared the Motion approved.

ACTING CHAIRMAN STANTON asked Ms. Clarke to present the Standards for Special Use.

Ms. Clarke presented the Standards for a Special Use as follows:

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;
 - a. *The Substantial Deviation for open storage of buses and vans used by the Vocational Educational Facility will not be detrimental to the health and welfare of the public.*
- 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;
 - a. *The Substantial Deviation for open storage of buses exceeding 8,000 lbs. used by the Vocational Educational Facility will not affect surrounding properties or their values.*
- 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;
 - a. *The buildings and site are existing. The storage of small buses and vans on the facility will not affect surrounding property development.*

- d. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided;
 - a. *The buildings and site are existing and already connected to adequate existing utilities, roads, and drainage systems.*
- 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
 - a. *The facility is existing and has an adequate existing site layout and access to minimize traffic congestion on public streets. All loading and unloading of students will take place on private property.*
- 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.
 - a. *The use of the facility as a Vocational Educational Facility is a permitted use and the business will otherwise comply with all Village regulations.*
- g. The extent to which the Special Use contributes directly or indirectly to the economic development of the community as a whole.
 - a. *The Facility will utilize the entirety of an office center that has been largely vacant over the last few years. The service provided by the organization is needed and beneficial to the community.*

ACTING CHAIRMAN STANTON asked for a Motion.

A Motion was made by COMMISSIONER GATTO, seconded by COMMISSIONER ENGEL to recommend that the Village Board grant the Petitioner, CTF Illinois, a Special Use Permit for a Substantial Deviation from the Bementowne Mall Planned Unit Development (PUD) to allow for open 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, Bementowne Mall PUD) zoning district and adopt the Findings of Fact proposed by Village Staff and the Plan Commission at this meeting, subject to the following condition:

1. The storage of the proposed four buses be located at the southwest corner of the site up against the building, as depicted in the attached site plan identified as Option 2.”
2. The Petitioner will consider taller trees or higher bushes to block the buses on the west side of the building.

AYES: VICK, ENGEL, GATTO, ACTING CHAIRMAN STANTON

RECUSED: AITCHISON has recused herself based on the fact that she has a relationship with CTF employees.

NAYS: NONE

ACTING CHAIRMAN STANTON declared the Motion unanimously approved.

The will be presented to the Village Board on March 5, 2019

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION

SUBJECT: MINUTES OF THE FEBRUARY 21, 2019 REGULAR MEETING

Item #2 PUBLIC HEARING: ANYTIME FITNESS, 17823 80TH 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 80th Avenue in the B-1 (Neighborhood Shopping) zoning district.

Present were the following:

Plan Commissioners: Tim Stanton, Acting Chairman
Angela Gatto
Lucas Engel
MaryAnn Aitchison – Arrived at 7:15
Stephen Vick

Absent Plan Commissioner(s): Garrett Gray
Eduardo Mani
Ken Shaw, Chairman
Chuck Augustyniak

Village Officials and Staff: Kimberly Clarke, Planning Manager
Barbara Bennett, Commission Secretary

Guests: Derek Tucker

Kimberly Clarke, Planning Manager gave a presentation as noted in the Staff Report. The Petitioner, Derek Tucker of Anytime Fitness 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 location is 17823 80th Avenue in The Junction of 80th Avenue 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 in the United States and Canada while there are over 4,200 locations worldwide 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 in 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.

Ms. Clarke displayed a photo of the existing site at the junction of 80th Avenue and 171st St. Shopping Center which includes approximately 25,000 square feet of commercial space and is located just north of the 80th Avenue train station. The shopping center was approved in 1997 and constructed in 1998. The 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 surrounding areas include single-family homes zoned R-3 (Single-Family Residential) to the west across 80th Avenue. To the south is the Tinley Park 80th 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).

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.

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. This use is permitted in the B-3 zoning district because those properties have typically been designed with heavy vehicle traffic in mind. B-1 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.

The Commission had some parking and security concerns that were outlined and addressed by the Petitioner at the workshop. The Petitioner explained there were no parking issues at their surrounding locations, which are similar in size and in similar multi-tenant shopping centers. There are no other 24-hour businesses in the shopping center (with the closest 24-hour business being Speedway on 80th Avenue and Super Wash on 175th Street). There are many security procedures to ensure their customers feel safe and secure including 911-call button lanyards, cameras, and a "tailgating system" to ensure only one person is entering the facility for each key swipe. The location is also very close to the Tinley Park Police Department. The proposed use of the space was generally supported by the Commission and will fill a large vacancy in an existing neighborhood shopping center.

The Petitioner clarified there are two to four staff members during their staffed hours which are typically Monday-Thursday 10am-7pm with more limited hours on Friday and Saturday. Personal trainers may also be at the facility beyond those typical staffed hours based on their appointments. Based on expected peak parking demand, existing parking supply, and existing tenant hours parking concerns are minimal based upon the unique operations (open 24 hours) and proposed size (slightly less than 6000 sq. ft.) of the proposed business. Even with other vacancies in the shopping projected to be occupied, there appears to be an adequate supply of parking to handle this use based upon the Petitioner's parking analysis and experience when the shopping center was full. The Petitioner conducted their own parking analysis as requested by staff.

ACTING CHAIRMAN STANTON asked the Commissioners if there were questions or comments.

ACTING CHAIRMAN STANTON asked for comments from the public.

Resident #1 – Beverly Gregor – Asked the Commission how many fitness centers does the Village need? There are several here now. This is a 24-hour fitness center. She lives across the street and would not like to listen to car doors slamming and horns honking in the night. She went through that when it was Sanfrantello's and 7/11. How does the Village justify

a 24-hour fitness center across the street from residential homes? There are plenty of storefronts where that can go not across the street from residential. Noise will be worse in the summer, when windows are open. The lights will be lit up all night. When she complained before, the Village just told her to hang something on her window to block the light. The 7-11 light shines right in our window.

Ms. Clarke replied there would not be any additional lighting on the building.

COMMISSIONER GATTO noted she lives across the street from LA Fitness which is also 24-hours and she has no problem with noise or lights. Sanfrantello's has been vacant for a while and this is a good thing to fill a vacant space in an existing shopping center.

Resident #2 – Audrey Onyszko - She also lives across the street and is concerned about the noise, garbage, and robberies in the area. This is a residential neighborhood with small children in the area. 24-hours is not a good thing. She also asked for a left turn lane to be added for the turn into the shopping center.

Resident #3 – Al Siegers – He has been a Tinley Park Resident for over 40 years and a local business owner and Community Volunteer. He recommends approval of the Special Use Permit. He has been a business owner in this plaza for over 18 years. He is aware of some of the issues and knows that the property owner has adjusted their lighting so it is not visible from any residential buildings. Some of the parking lot lights have been disabled so they do not shine into the homes. The lights on the back of the buildings have been pointed down. There may be some parking issues that need to be addressed due to the layout. He would like to see the awkward island green space in the lot be removed to allow more parking. 18 years ago when this plaza was built, this Shopping Center won the award for Gold Standard for future Tinley Park Development. Many other commercial properties have replicated the design and landscaping this center has. There are some maintenance issues now that the property owner needs to address and make required repairs.

COMMISSIONER VICK thanked the residents for their concerns. Indicated he thought a fitness center was hopefully a much quitter use on that property than the previous businesses that were there. Hopefully, the concerns or any future issues they have will be addressed by the business and property owner as needed.

ACTING CHAIRMAN STANTON asked for a Motion to Close the Public Hearing

A Motion was made by COMMISSIONER VICK, seconded by COMMISSIONER ENGEL to close the Public Hearing on Anytime Fitness, 17823 80th Avenue. The Motion was approved by voice call. ACTING CHAIRMAN STANTON declared the Motion approved.

ACTING CHAIRMAN STANTON asked Ms. Clarke to present the Standards for Special Use.

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;
 - a. *The business will have a multitude of safety and security measures in place to protect its member when the location is not staffed. The business not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the Community.*
- 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;
 - a. *The business will not harm surrounding properties and is expected to increase the property's value and customer base of existing businesses in the shopping 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;
 - a. *The shopping center is existing and no changes are proposed to the exterior. The business will have no effect on the surrounding development.*
- d. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided;
 - a. *The shopping center is existing and no changes are proposed to the exterior. The site is adequately supplied with utilities, roads, and 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
 - a. *The existing shopping center access and site layout is adequate to handle the proposed traffic of the use and will not cause increased traffic congestion on or around the site.*
- 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.
 - a. *The Petitioner has indicated they will meet all other Village regulations and cannot change or expand from what has been present at the public hearing.*
- g. The extent to which the Special Use contributes directly or indirectly to the economic development of the community as a whole.
 - a. *The business is expected to benefit the economic development of the community by bringing additional traffic to a struggling neighborhood retail center. Anytime Fitness fill the largest tenant space that has been vacant since 2015 and provided a needed service to the surrounding community.*

ACTING CHAIRMAN STANTON asked for a Motion.

A Motion was made by COMMISSIONER ENGEL, seconded by COMMISSIONER AUGUSTYNIK to recommend that the Village Board grant the Petitioner, Derek Tucker of Anytime Fitness, a Special Use Permit to operate a Fitness Center (Commercial Indoor Recreation) that is greater than 3,500 square feet in floor space at 17823 80th Avenue in the B-1 (Neighborhood Shopping) Zoning District and adopt the Findings of Fact proposed by Village Staff and the Plan Commission at this meeting.”

AYES: VICK, ENGEL, GATTO, AITCHISON AND ACTING CHAIRMAN STANTON

NAYS: NONE

ACTING CHAIRMAN STANTON declared the Motion unanimously approved.

The will be presented to the Village Board on March 5, 2019

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION

SUBJECT: MINUTES OF THE FEBRUARY 21, 2019 REGULAR MEETING

Item #3 PUBLIC HEARING: 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 as an accessory use and prohibit them in non-residential zoning districts. The Petitioner is the Village of Tinley Park.

Present were the following:

Plan Commissioners: Tim Stanton, Acting Chairman
Angela Gatto
Lucas Engel
MaryAnn Aitchison – Arrived at 7:15
Stephen Vick

Absent Plan Commissioner(s): Garrett Gray
Eduardo Mani
Ken Shaw, Chairman
Chuck Augustyniak

Village Officials and Staff: Kimberly Clarke, Planning Manager
Barbara Bennett, Commission Secretary

Guests: None

A Motion was made by COMMISSIONER ENGEL, seconded by COMMISSIONER GATTO, to open the Public Hearing for Short Term Rental – Text Amendment. The Motion was approved by voice call. ACTING CHAIRMAN STANTON declared the Motion approved.

Staff has requested that this Public Hearing be continued to March 7, 2019 in order to finalize additional research and questions that have been raised.

A Motion was made by COMMISSIONER ENGEL, seconded by COMMISSIONER GATTO, to continue the Public Hearing for Short Term Rental – Text Amendment to March 7, 2019. The Motion was approved by voice call. ACTING CHAIRMAN STANTON declared the Motion approved.

AYES: VICK, ENGEL, GATTO, AITCHISON AND ACTING CHAIRMAN STANTON

NAYS: NONE

ACTING CHAIRMAN STANTON declared the Motion unanimously approved.

This Public Hearing will be continued to the March 7, Plan Commission Meeting.

GOOD OF THE ORDER:

None at this time.

COMMENTS FROM THE COMMISSION

None at this time.

PUBLIC COMMENT:

None at this time.

ADJOURNMENT:

There being no further business, a Motion was made by PLAN COMMISSIONER GATTO, seconded by PLAN COMMISSIONER ENGEL to adjourn the Regular Meeting of the Plan Commission of February 21, 2019 at 8:30 p.m. The Motion was unanimously approved by voice call. PLAN COMMISSION ACTING CHAIRMAN STANTON declared the meeting adjourned.

PLAN COMMISSION STAFF REPORT

March 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.

Changes to the February 7, 2019 Workshop Staff Report are in Red.

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

No.	Rooms/House	Reviews	Cost	Gust No.	Zoning District	Owner Occupied
1	7 rooms	46	\$60/night	2	R-3	yes
2	1 room with 3 beds in a basement	18-22	\$65/night	4-6	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

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 definitions **be amended and** added to Section II.B (Definitions):

(Amended) 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. The term "bed-and-breakfast" does not include short-term rental properties.*

(New) 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's direction 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 as their primary residence. 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

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.

If the Village's desire is to permit STRs, Staff suggests allowing it 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 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.

The consensus of the Plan Commissioners agreed with establishing regulations in the Zoning Code to address short-term rentals. No one opposed permitting short-term rentals as an accessory use in all residential zoning districts. There was a comment made by a Commissioner suggesting if the use could be restricted to certain areas in town. The only way to do that would be if the Village established an overlay district or prohibited it from specific residential zoning district. If that were the direction, staff will need further investigation for which specific residential zoning districts it would be permitted in.

Staff was requested by the Commissioners to provide the approach other communities in the region have taken to regulating (or not regulating) STRs. Such research had already been conducted for the Community Development Committee, and the summary provided to the Committee has been attached to this staff report and updated. As stated by staff, there is no clear regulatory response STR. Staff has found professional research on best practices, which has guided staff in their recommendation to regulate STR.

Staff suggested establishing some quota or distance requirements from STRs to reduce the concern that an entire block could have STRs. Establishing a distance requirement is a common practice utilized in Zoning Codes by municipalities to eliminate concentrations of certain uses that may affect the overall character of a neighborhood. Staff calculated the average lot width of the R-1 thru R-5 residential zoning districts to be 80 linear feet for detached homes. Using that as a measure, if a distance of 500 feet were required that would allow for one (1) STR per every 6th home on a block. It should be noted, the 500-foot distance measurement will include any R.O.W. For single-family attached this would be approximately one townhome unit for every 6th townhome unit. Staff's opinion is this is a reasonable distance to ensure that a neighborhood's character remains intact and the distance of 500 feet be the threshold for both single-family attached and detached homes.

Staff was not able to identify any community that place a limitation the percentage of short-term rentals permitted in a multi-family complex. However, based on recommended best practices, a percentage should be required for multi-family. The intent is to ensure that an entire building, or the majority of the units in an apartment complex, cannot be converted to short-term rentals. Staff is recommending limiting multi-family buildings to 25%. It will be difficult to enforce STRs in multi-family because it is less obvious than in traditional single-family neighborhoods. Nonetheless, it is better to have something in the code limiting the number than not having any language at all.

OPEN ITEM:

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
Other Uses															
Short-Term Rental, accessory to a dwelling unit (p)(q)	P ^p	P ^p	P ^p	P ^p	P ^p	P ^q	P ^q	X	X	X	X	X	X	X	X

Schedule of Uses Endnotes

- n Hotel, motel, or motor inn is to be on a lot no less than five (5) acres in area.
- o Meeting halls are permitted as a Special Use only when located above or below the ground floor or when located fifty (50) feet or more back from the front of the building.
- p Short-term rentals are only permitted when separated 500 feet from all property lot lines from another short-term rental's property lines.
- q Short-term rentals in a multi-family building cannot exceed 25% of the total number of units.

SUMMARY OF OPEN ITEMS

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

1. Discuss staff's recommendation to require a minimum of 500-foot separation for STRS from one another. In regards to multi-family units, discuss requiring only 25% of the total number of units be allowed.

RECOMMENDATION

In summary, the proposed Text Amendment would make the following changes:

1. **(Amended) 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. The term "bed-and-breakfast" does not include short-term rental properties.*
2. **(ADD) 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.*
3. Add in Section V.B. Schedule I, short-term rental as an accessory use to a primary residential use.
4. In Section V.B. Schedule I add a footnote "p" after "Short-Term Rental" and allow this use in R-1 thru R-5 and footnote "q" in R-6 thru R-7 with the following notes and conditions:
 - p Short-term rentals are only permitted when separated 500 feet on all property lot lines from another short-term rental's property line.
 - q Short-term rentals in a multi-family cannot exceed 25% of the total number of units.

MOTION TO CONSIDER

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

“...make a motion to recommend that the Village Board approve Text Amendments to Section II (Definitions) and Section V.B. Schedule I (Schedule of Permitted Uses) of the Village of Tinley Park Zoning Ordinance as indicated in Staff’s most recent staff report dated 03/07/2019. The proposed Text Amendments would amend the definition for “short-term rental” in Section II (Definitions) and amend portions of Section V.B. Schedule I to allow “short-term rental” as an accessory use to Residential dwelling units in the residentially zoned districts subject to certain conditions listed in a new footnote “p” and “q”. The proposed Text Amendment would further clarify Section V.B. Schedule I by limiting the distance of short-term rentals in single-family detached homes and creating a percentage of the number of short-term rentals permitted in a multi-family building.

Summary of Short-Term Rental Regulations

Lincolnwood	Short-term rental properties. No property may be used more than once per calendar year as a short-term rental property. (Adopted 2016)
Lockport	Does not regulate Short Term Rental
New Lenox	Does not regulate Short Term Rental
Frankfort	Does not regulate Short Term Rental
Mokena	Does not regulate Short Term Rental
Oak Park	Yes, agreement with Airbnb; 4% tax of the gross receipts
Schaumburg	Yes 8% tax of the gross rental receipts
Naperville	Yes 5.50% tax
Rockford	Yes 5% tax
Joliet	NO
Evanston	Yes, "Vacation Rental Ordinance"
Oak Lawn	Yes, license required
Chicago	Yes, license and annual fee. Limits number of units to be rented on short-term basis in multi-family buildings. Currently under court review
Morton Grove	No-looking into the process
Arlington Heights	No-no need
Des Plaines	No- legal department is reviewing potential regulations
Glenview	No-enforcement is complaint driven
Mt. Prospect	No, currently working on ordinance to prohibit
Rosemont	No, looking into the process
Skokie	No, looking into amending the zoning ordinance

Location

Village-wide

Approval Sought

Text Amendments to
Section II and Section
III.H. of the Zoning
Ordinance

Project Planner

Daniel Ritter, AICP
Senior Planner

PLAN COMMISSION STAFF REPORT

March 7, 2019

Workshop & Public Hearing

Text Amendments: Corner Fence Height Regulations



EXECUTIVE SUMMARY

Consider recommending that the Village Board approve a Text Amendment to Section III.H. (Permitted Encroachments in Required Yards) of the Zoning Ordinance related to the permitted height for secondary front yard fences that encroach into the required front yard setback.

Staff has proposed a draft Text Amendment to the Fence Regulations. The amendment would permit a fence located in a secondary front yard approved through an administrative variation, to be permitted to be up to five feet (5') in height. The change would increase the maximum height by one foot (1'), up from the currently permitted maximum of four feet (4').

The changes have been proposed by staff due to a discrepancy between the pool fence requirements which require a minimum five foot (5') high fence and the existing secondary front yard fence requirements. The changes were initiated by staff due to feedback from residents, as well as the approval of two variances last year (16421 Ridgeland Avenue and 17031 Woodstock Drive) with a justification based upon having or soon having a pool. The change can also help control any animals from entering or leaving yards leaving the yard.

BACKGROUND

Staff worked extensively on drafting comprehensive text amendments for fence regulations in 2017. The amendments included review and feedback from both the Zoning Board of Appeals and Plan Commission that eventually lead to final Village Board approval in January 2018. The amendments were proposed in order to reduce the number of variance requests for fences on residential properties and to clarify the requirements for both residents and staff. The primary issue addressed was the location of fences on single-family residential corner lots and on older lots that do not meet the current setback requirements. Additionally, the amendments included clarified requirements for administrative review for fences proposed within a secondary front yard on a corner lot (commonly referred to as the “corner side yard”). Such fences must meet certain requirements in order to be approved administratively; otherwise, the fences must be approved through a variance process. One of these requirements included a maximum height of four feet (4'). The limited height was included to help decrease the dominating visual appearance that fences in the secondary front yard can have in a neighborhood.

The adopted fence text amendments were used throughout 2018 and like many code changes, it is difficult to anticipate all potential effects until the code is applied. Throughout 2018, staff noticed a recurring concern from residents in regards to existing or future pools on corner lots. Residents with pools cannot place a fence into their secondary front yard, which is limited to four feet, without a variance due to the pool fence minimum height requirement of five feet (5') in the building code. The alternative option would be to install fencing around the pool and have a latching or locking ladder in addition to the fencing around the lot. This option was not popular due to the added costs and visual appearance of a fence attached to the pool. Two (2) secondary front yard fence variations were approved in 2018 (16421 Ridgeland Avenue and 17031 Woodstock Drive) that had a hardship primarily based upon the need for a five foot (5') high fence due to an existing or proposed pool. Additional concerns for variations requesting five-foot (5') fence heights included increased fence height for animals. The proposed amendment would permit some additional flexibility on these concerns without eroding the intent of the code to create safe and visually appealing neighborhoods.



Left: Four-foot (4') high open design wood fence.



Right: Five-foot (5') high open design PVC fence.

Staff initially researched changing the minimum five-foot (5') pool fence height requirement found in the Village's Comprehensive Building Code. This requirement exceeds the four-foot (4') requirement in the International Residential Code (IRC). However, a similar minimum height of five feet (5') was found to be a common requirement in nearby communities (New Lenox, Mokena, Orland Park, Frankfort, Lemont, etc.) The additional fence height prevents young children from easily entering a yard that has a pool and presents a danger of drowning. Based upon the history of this pool fence code requirement being applied in the Village and its similar application in many other nearby communities, staff believes it is best to leave the pool fence regulations as they are and instead change the secondary front yard fencing requirements as proposed above.



— Max 6' Privacy Fence Permitted

— 5' Privacy Fence Variation Request
(4' Open Style Permitted w/ Admin Approval)

Above: 17031 Woodstock Drive lot previously approved for 5-foot corner fence height variation

RECOMMENDATION

After a successful workshop, proceed to Zoning Board of Appeals for review on March 14, 2019 and a Public Hearing with Plan Commission on March 21, 2019.

PLAN COMMISSION STAFF REPORT

March 7, 2019

Applicant

Village of Tinley Park

Approvals Sought

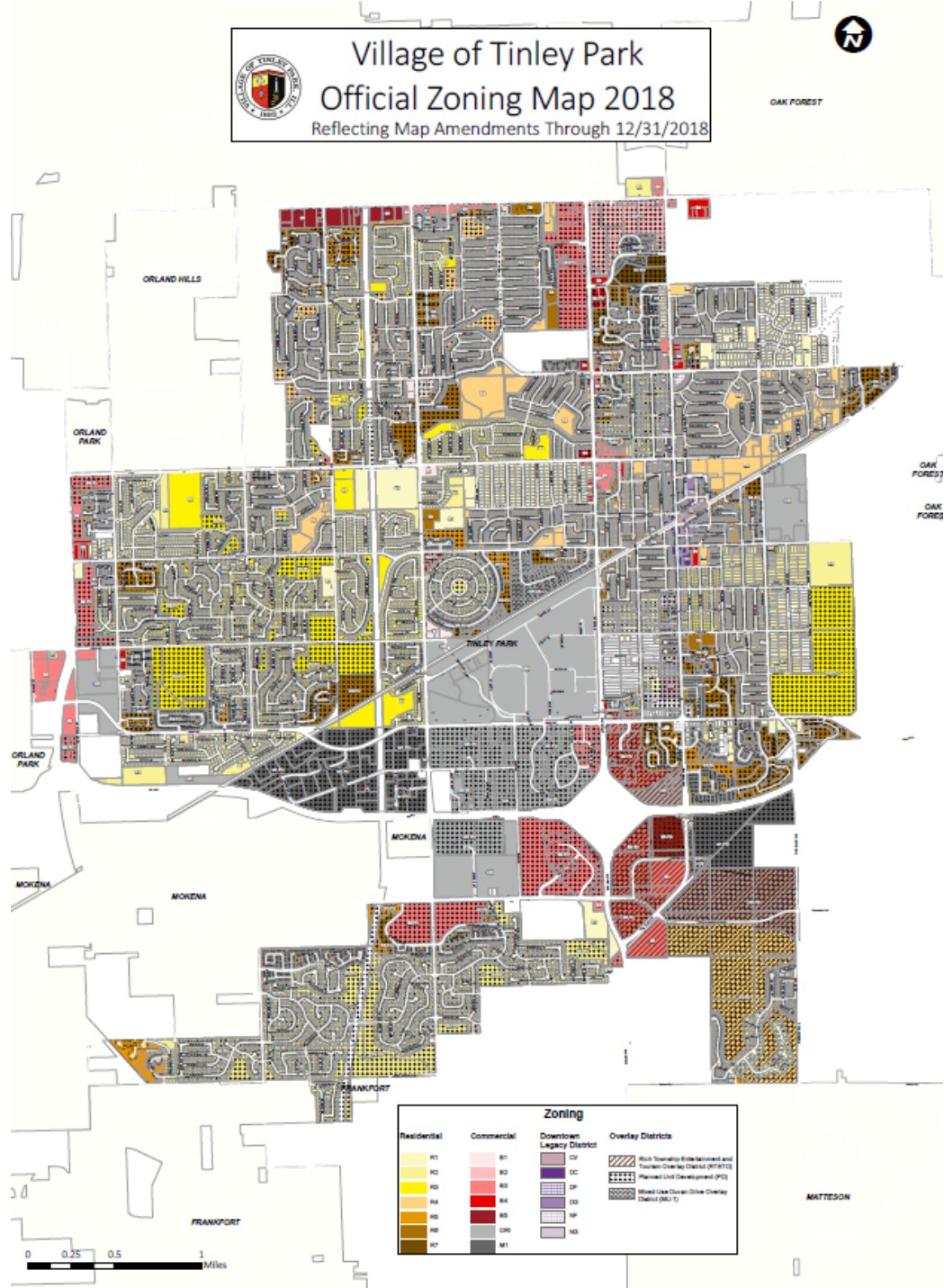
Official Zoning Map
recommendation to the
Village Board

Project Planner

Kimberly Clarke
Planning Manager

Official Zoning Map Approval – 2018 Map

Village of Tinley Park



EXECUTIVE SUMMARY

Staff has worked with the Village's GIS Consultant, MGP, Inc., to review the Village's Zoning Map and identify all updates and corrections through December 31, 2018. Per the Illinois Municipal Code, municipalities must adopt an Official Zoning Map by March 31st of each year.

Village Board approval is scheduled for March 19, 2019 to review and approve the draft version of the 2018 Official Zoning Map. The Plan Commission must provide a recommendation to the Village Board as to whether or not to approve the official zoning map as proposed by Staff.

Staff notes that **no properties are being rezoned** as part of the adoption of the official zoning map. All zoning changes included a public hearing at the time of their approval and the request is simply ensuring the map correctly reflects any of the previous year's changes. The corrections made to the map reflect either map amendments (rezonings), annexations, and subdivisions approved in 2018, or corrections that were previously approved but not accurately documented.

BACKGROUND

The Illinois Municipal Code (65 ILCS 5/11-13-19) requires municipal authorities to annually publish an Official Zoning Map by March 31st each year.

*(65 ILCS 5/11-13-19) (from Ch. 24, par. 11-13-19) Sec. 11-13-19. Except as otherwise provided in this section, **the corporate authorities shall cause to be published no later than March 31 of each year a map clearly showing the existing zoning uses, divisions, restrictions, regulations and classifications of such municipality for the preceding calendar year. The map published by the corporate authorities shall be the official zoning map.***

Throughout the year the Village's GIS Consultant maintains the on-line map and keeps it current; however an official map must still be approved each year. Staff has reviewed the current Zoning Map, made corrections based on map amendments through December 31, 2018, and provided a proposed draft of the Official Zoning Map for the Plan Commission's review.

CORRECTIONS TO THE ZONING MAP

Staff has also identified various corrections to the Official Zoning Map for 2018, including:

- The property at 6820 Centennial Drive was left out of the Brementowne Mall PUD and was previously shown as only B-2 zoning. This has been corrected to show the lot in the surrounding B-2 PD zoning. This error was noted in the February 21, 2019 staff report for a Substantial Deviation requested by CTF Illinois.

There were no annexations or rezoning approval in 2018. The Village's GIS Consultant, MGP, Inc., has provided an updated map that reflects the correction noted by Staff. The updated map has been included in the Plan Commission packet in draft form.

RECOMMENDATION

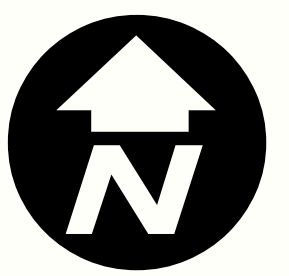
Following a successful review, proceed to Village Board on March 19, 2019.



Village of Tinley Park

Official Zoning Map 2018

Reflecting Map Amendments Through 12/31/2018



OAK FOREST

ORLAND HILLS

ORLAND PARK

OAK FOREST

OAK FOREST

TINLEY PARK

MOKENA

ORLAND PARK

MOKENA

MOKENA

FRANKFORT

FRANKFORT

MATTESON

Zoning

Residential

R1
R2
R3
R4
R5
R6
R7

Commercial

B1
B2
B3
B4
B5
ORI
M1

Downtown Legacy District

CV
DC
DF
DG
NF
NG

Overlay Districts

	Rich Township Entertainment and Tourism Overlay District (RTETO)
	Planned Unit Development (PD)
	Mixed-Use Duvan Drive Overlay District (MU-1)

