



AGENDA FOR REGULAR MEETING VILLAGE OF TINLEY PARK PLAN COMMISSION

March 3, 2022 – 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 17, 2022 Regular Meeting

**ITEM #1 PUBLIC HEARING – DURBIN’S EXPRESS PICKUP WINDOW AND SPEAKER,
18250 OAK PARK AVENUE – SPECIAL USE PERMIT AMENDMENT**

Consider recommending that the Village Board grant Thomas McAuliffe, on behalf of Durbin’s an amended Special Use for Durbin’s Express to permit speaker post with the previously approved Restaurant Pickup Window at 18250 Oak Park Avenue in the NF (Legacy – Neighborhood Flex) zoning district. The amendment is required due to the findings specifically noting no speaker would be present. The speaker will only be used to relay information from customers in line, not to place orders as a drive-thru.

Receive Comments from the Public

Good of the Order

Adjourn Meeting



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

February 17, 2022

The meeting of the Plan Commission, Village of Tinley Park, Illinois, was held in the Council Chambers located in the Village Hall of Tinley Park, 16250 Oak Park Avenue, Tinley Park, IL on February 17, 2022.

CALL TO ORDER –CHAIRMAN GRAY called to order the Regular Meeting of the Plan Commission for February 17, 2022 at 7:00 p.m.

Lori Kosmatka called the roll.

Present and responding to roll call were the following:

Chairman Garrett Gray
James Gaskill
Frank Loscuito
Andrae Marak
Ken Shaw
Kurt Truxal

Absent Plan Commissioners:

Angela Gatto
Eduardo Mani

Village Officials and Staff:

Dan Ritter, Planning Manager
Lori Kosmatka, Associate Planner

Petitioners:

Scott Behe, on behalf of Volvo Trucks North America
Rob Palka, on behalf of Mars2 Management & Brokers, LLC
Ramzi Hassan, on behalf of Cornerstone Centre, LLC
Derek Hassan, on behalf of Cornerstone Centre, LLC
Robyn Jones, on behalf of Francesca Restaurant Group (participated electronically)
Bob Quellos, on behalf of FC Studio (participated electronically)
Rachel Crowl, on behalf of FC Studio (participated electronically)

Members of the Public:

None

COMMUNICATIONS –

Dan Ritter, Planning Manager, noted there were petitioners participating electronically via call-in due to the impacts of the snowstorm. He asked for the participants to mute their phones when they are not speaking.

APPROVAL OF MINUTES - Minutes of the February 3, 2022 Regular Meeting of the Plan Commission were presented for approval. A motion was made by COMMISSIONER LOSCUITO. The motion was seconded by COMMISSIONER SHAW to approve the February 3, 2022 minutes. CHAIRMAN GRAY asked for a voice vote; all were in favor. He declared the motion carried.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION

SUBJECT: MINUTES OF THE FEBRUARY 17, 2022 REGULAR MEETING

ITEM #1 WORKSHOP/PUBLIC HEARING – VOLVO TRUCKS NORTH AMERICA, 8201 183RD STREET, SUITE G - SPECIAL USE PERMIT FOR A TECHNICAL EDUCATIONAL FACILITY

Consider recommending that the Village Board grant Scott Behe, on behalf of Volvo Trucks NA a Special Use Permit for a Technical Educational Facility at 8201 183rd Avenue, Suite G in the M-1 PUD (General Manufacturing, Tinley Crossings) zoning district.

Present Plan Commissioners: Chairman Garrett Gray
James Gaskill
Frank Loscuito
Andrae Marak
Ken Shaw
Kurt Truxal

Absent Plan Commissioners: Angela Gatto
Eduardo Mani

Village Officials and Staff: Dan Ritter, Planning Manager
Lori Kosmatka, Associate Planner

Petitioners: Scott Behe, on behalf of Volvo Trucks North America
Rob Palka, on behalf of Mars2 Management & Brokers, LLC

Members of the Public: None

CHAIRMAN GRAY noted this is a combined workshop and public hearing. He asked staff to proceed with a presentation.

Lori Kosmatka, Associate Planner, summarized the Staff Report for the Commission that was attached to the Plan Commission packet and will be attached to the minutes. She reviewed the location's zoning as M-1 within the Tinley Crossings Corporate Center PUD, annexed in 1999. The PUD's intent was to include corporate and industrial uses. She noted the subject multi-tenant building is over 84,000 square feet, and noted other current tenants. The proposed use is classified as a technical educational facility which requires a special use permit in the M-1 zoning district. She reviewed the definition of that land use as well as the intent of the M-1 zoning district as described in the Village's zoning ordinance. She noted the special use will not run with the land. The proposed use will involve relocation of a training center previously in Joliet for mechanics of Volvo and Mack dealerships. The space is 14,665 square feet, and includes 2 full time employees, weekly cases, and quarterly regional meetings. The anticipated staff hours are 730am-5:00pm with classes 8:30am-4:00pm, Monday through Friday. The maximum number of trainees are up to 12 total. The classes are broken into two sets, and last two days, with two per week. She provided a floor plan of the use in the space. She noted the petitioner confirmed that the use will meet the Zoning Code's Performance Standards for the M-1 Zoning District, which addresses issues such as noise, air pollution, and glare. The use will be handled in a classroom format with some hands-on training involving vehicle repair. There will be no test driving of vehicles. The building's frontage is to the east, and the rear is to the southwest. There will be no changes to the site plan, architecture, landscaping, or lighting. Signage will comply with the sign code. The petitioner's lease has a parking allowance for 25 spaces on-site. No vehicles will be stored outside overnight. The Volvo and Mack trucks are stored in the warehouse only. She noted the petitioners were present.

CHAIRMAN GRAY asked if the petitioner had anything to add.

The petitioner, Scott Behe noted he had nothing to add.

CHAIRMAN GRAY asked the Commissioners for their comments.

COMMISSIONER TRUXAL asked if the trucks would be both diesel and electric.

The petitioner responded yes.

COMMISSIONER TRUXAL asked if the diesel exhaust was vented out.

The petitioner responded that it's not, however the trucks are run very, very little, usually just one to two times a year to make sure they run. The hands-on training is done on stand engines. They also do not need to vent exhaust due to the size of the space.

COMMISSIONER TRUXAL noted it should be a nice addition.

COMMISSIONER SHAW asked who the previous tenant was.

Lori Kosmatka, Associate Planner, responded it was TSI Flooring Company.

COMMISSIONER SHAW noted this will be a nice use with a low impact even if every single trainee comes in their own vehicle.

The petitioner noted that it would be twelve at most. He also ran some quick numbers noting that the Village could expect close to a half million dollars of revenue yearly based on the number of hotel nights, food, and gas stations used by the visiting professionals. Volvo as a whole is known for their safety and philanthropic use, aspiring to be good partners with the community.

COMMISSIONER SHAW asked how many facilities there are across the country.

The petitioner noted that in North America, including the U.S. and Canada there are eight. The Joliet location is moving here. Atlanta, Dallas, and Hayward, California, Allentown, Pennsylvania, and Hagerstown, Maryland, which is where they make their engines, and two in Canada (Toronto and Quebec). He noted Volvo is the only manufacturer that makes all of our Volvo and Mack trucks in the United States.

COMMISSIONER SHAW noted that there are a lot of facilities, but it sounds like they will have a lot of good traffic to keep the facility open.

The petitioner noted they had been in Joliet for over ten years. That facility housed two trucks. With the progression of electric trucks, they had a need to house four trucks, to now include electric as well. This location will be one of two hubs for electric truck training along with the California location.

CHAIRMAN GRAY asked what regions would be supported by Illinois.

The petitioner responded this facility will support from Texas to the east for Volvo electric. Toronto will be the east boundary for Volvo trucks. They have a Mack training facility in Allentown as well as here.

COMMISSIONER GASKILL had nothing to add.

COMMISSIONER LOSCUITO noted this will be a great addition.

COMMISSIONER MARAK had nothing to add.

CHAIRMAN GRAY was glad that the special use permit will not run with the land. It sounded like there will not be issues with noise. He appreciated that the trucks would be inside. He recalled that people would be flying in, likely using Uber or rental cars. He noted that the lease stated that 25 spaces were allowed. He read from the petitioner's

submittal that there were ten spots directly in front the Suite G with three ADA handicap, and two employee spots in the rear of the building, with an additional 15 spots, plus other space for overflow. He didn't think this was an issue, but that if they had 10-12 plus 2 teachers, it is about 14 spots. He asked if these numbers are right.

The petitioner responded yes. He clarified that there are 10 just outside the space, and then there's another nine or ten left of the walkway near the Comed area. In front of the building there are 18 or 19 spaces. They also may park further down as the entire lot is shared. He noted the landlord has an agreement with Comed, where there is paved parking under the towers. In Joliet, they never had more than ten cars. Volvo has made agreements with three local hotels and trainees usually will carpool over since they often have rental vehicles.

CHAIRMAN GRAY acknowledged the clarification on parking since the submittal had mentioned 25 but it looked like there was 12.

Dan Ritter, Planning Manager, noted that those were based on the most convenient stalls, 25 is allocated for them by the owner, but the building overall has shared parking. If this was open to the general public and not pre-scheduled and employees only, there might be more concerns for staff but under the current proposed special use, is not expected to be problematic.

CHAIRMAN GRAY had no further comments and echoed what the other Commissioners said. It looks like a good addition to Tinley Park.

CHAIRMAN GRAY asked for a motion to open the public hearing. Motion made by COMMISSIONER GASKILL seconded by COMMISSIONER LOSCUITO. CHAIRMAN GRAY requested a voice vote asking if any were opposed to the motion; hearing none, he declared the motion carried.

CHAIRMAN GRAY stated he received proof of the Notice of Publication for this Public Hearing. He noted that staff could add to the previous presentation if desired.

Dan Ritter, Planning Manager, responded no. In general, the Village is excited for Volvo to be here. Staff appreciates their cooperation. He noted that many things can be different in an educational facility such as outside truck driving or open to the public. This use is a great fit.

CHAIRMAN GRAY asked if the Petitioner would like to add anything in the public hearing.

The petitioner, Scott Behe, responded no.

CHAIRMAN GRAY asked if anyone from the public wished to speak. Hearing none, he asked if the Commission had any further comments. Hearing none, he entertained a motion to close the public hearing.

Motion to close the public hearing made by COMMISSIONER SHAW, seconded by COMMISSIONER GASKILL. CHAIRMAN GRAY requested a voice vote asking if any were opposed to the motion; hearing none, he declared the motion carried.

CHAIRMAN GRAY asked for the standards.

Lori Kosmatka, Associate Planner, provided the standards.

There was one motion for this item.

Motion 1-Special Use Permit

COMMISSIONER SHAW made a motion to recommend that the Village Board grant the Petitioner, Scott Behe of Volvo Trucks North America, a Special Use Permit to operate a Technical Educational Facility at 8201 183rd Street, Suite G in the M-1 PUD (General Manufacturing, Tinley Crossings Corporate Center) Zoning District, according to the submitted plans and adopt the Findings of Fact as listed in the February 17, 2022 Staff Report.

Motion seconded by COMMISSIONER GASKILL. Vote taken by Roll Call; all in favor. CHAIRMAN GRAY declared the motion carried.

CHAIRMAN GRAY noted this item is anticipated to go to Village Board on March 1st, 2022.

DRAFT

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION

SUBJECT: MINUTES OF THE FEBRUARY 17, 2022 REGULAR MEETING

ITEM #2 PUBLIC HEARING – RJ’S SEAFOOD BUILDING ADDITION AND PATIO, 18201 HARLEM AVENUE – SPECIAL USE FOR PUD AND SITE PLAN/ARCHITECTURAL APPROVAL

Consider recommending that the Village Board grant Scott Harris, on behalf of RJ’s Seafood LLC, a Special Use for a Substantial Deviation from the Cornerstone Centre Planned Unit Development with Exceptions from the Zoning Ordinance located at 18201 Harlem Avenue in the B-4 (Office and Service) Zoning District. The granting of this request will allow for site modifications including the construction of a 525 SF building addition with a restaurant patio for RJ’s Seafood to the north of the existing building. Site Plan and Architectural Approvals are also required as part of the redevelopment.

Present Plan Commissioners:

Chairman Garrett Gray
James Gaskill
Frank Loscuito
Andrae Marak
Ken Shaw
Kurt Truxal

Absent Plan Commissioners:

Angela Gatto
Eduardo Mani

Village Officials and Staff:

Dan Ritter, Planning Manager
Lori Kosmatka, Associate Planner

Petitioners:

Ramzi Hassan, on behalf of Cornerstone Centre, LLC
Derek Hassan, on behalf of Cornerstone Centre, LLC
Robyn Jones, on behalf of Francesca Restaurant Group (participated electronically)
Bob Quellos, on behalf of FC Studio (participated electronically)
Rachel Crowl, on behalf of FC Studio (participated electronically)

Members of the Public:

None

CHAIRMAN GRAY asked for a motion to open the public hearing. Motion made by COMMISSIONER LOSCUITO, seconded by COMMISSIONER TRUXAL. CHAIRMAN GRAY requested a voice vote asking if any were opposed to the motion; hearing none, he declared the motion carried.

CHAIRMAN GRAY stated he received proof of the Notice of Publication for this Public Hearing. He invited staff to start with the presentation of this item.

Lori Kosmatka, Associate Planner, summarized the Staff Report for the Commission that was attached to the Plan Commission packet and will be attached to the minutes. She reviewed the background and proposal. Background included the existing site’s history, zoning, and land uses. She noted it was part of the Cornerstone Centre PUD. The proposed use will be a new concept by Francesca’s Restaurant Group including a building addition, trellised patio, lighting, landscaping, several planters, and building modifications including a new folding Nanawall operable door partition, and removal of one trash enclosure on the Cornerstone Centre development. The addition would allow for more space for a cooler, ice, point of sales station, and a trash holding area. The changes to the PUD includes an increase in building density, changes to site plan, and reduction in setbacks. The north setback will be reduced to 10

feet. MWRD WMO permit is not required at this time. Waste management and logistics were noted. She explained that the restaurant staff would move trash nightly from a holding area inside the proposed building addition, and walk it to the designated space in the existing trash enclosure south of the building. The property owner provided Village staff documentation that the development complies. The property owner has a service agreement with a single waste hauler, Homewood Disposal, for the whole Cornerstone Centre development. The receptacles are reduced, shared, and labeled, with room for the grease container for RJ's Seafood all to fit in the two remaining trash enclosures. All tenants are accounted for using the single waste hauler, and tenants receive billing invoices only from the hauler. The property owner will monitor the waste management and has full control in adjusting service as needed. The plantings, including four 45' tall deciduous oak trees and 10'-2" privacy fence wall are intended to help screen the area and help mitigate and buffer any potential noise of the proposed use from the Glen Swilly residences. The three existing overgrown evergreens, located further east in the area of the addition, are proposed for removal. Rows of shrubs and other plantings will accompany the new oak trees. Planter boxes are also proposed in the patio area as well as further south along the building walkway. Materials have not yet been proposed for the planters along the building walkway. She noted at the Workshop there was a concern that a tenant might wish to remove the fence wall and/or landscape, and this will be addressed by a condition that it remain if the patio is occupied. She also noted that the petitioner currently does not plan to have live entertainment, but if it changes, then it must meet the Village's noise ordinance code. She also noted that the planters on the west wall of the addition will only have small plantings set up to 18 inches high in the boxes. Architectural renderings and material descriptions were also presented. The trellis and planters will be black to provide a contrast to the building's brick and stone, while matching the black awnings. The building addition will be similar to or matching the existing building, and the Nanawall partition will have a framing system in the same reddish brown as the existing storefront. There is a recommended condition that the walkway planters have materials equal to or complementary to existing brick/stone, that potential additional planters be in the same style, receive owner approval, and be subject to review and approval by staff per a building permit process. Overall the design received positive feedback from the Plan Commission at the Workshop. Lighting will meet code and include downlights and wall sconces. There will be no up-lighting. Signage will include a wall sign at the west entry and will comply with the sign plan and zoning code. She noted that Robyn Jones of Francesca's Restaurant Group, and the architects Bob Quellos and Rachel Crowl of FC Studio have called in, and the property owners Derek and Ramzi Hassan are present in the audience.

CHAIRMAN GRAY asked if anyone from the Petitioner's team wish to speak. Hearing none, he asked the Commissioners for their comments.

COMMISSIONER MARAK asked about the grease traps and barrels. He noted they are typically taken care of by a separate entity other than waste management.

Dan Ritter, Planning Manager, responded that typically restaurants have their own arrangement where they get paid for their used grease. There is a separate condition noting those are maintained in the enclosure as well. That is up to the individual restaurants to have their own contracts.

COMMISSIONER MARAK asked if the patios are one (summer) or three (Spring, Summer, Fall) seasons of use, and if they'd have any heat lamps or partial enclosures in the fall and spring.

Robyn Jones, on behalf of Francesca Restaurant Group was sworn in. She noted the patio's ceiling is mechanically louvered to allow to close. She noted there are ceiling fans and heating mechanisms built into the patio ceiling to provide additional longevity beyond summer use. She hopes to use it in the fall and spring as much as possible in addition to summer.

COMMISSIONER MARAK asked if some parking would be lost with the additions. He noted there's also more square footage for more people to occupy.

Dan Ritter, Planning Manager, responded that there is no reduction in parking. Only the trash and loading areas was removed. He believes the owner is cognizant that the space already is tight on parking from when Tin Fish was there. Sometimes patrons might have to park further away and/or utilize shared parking in the center. You might not be able to park immediately in front of the business in this case due to the layout. One positive is that this business's peak hours are not the peak hours for the other building tenants of the physical therapy and AT&T businesses. Stacks is also closed at their dinner time rush.

COMMISSIONER LOSCUITO noted that the conditions placed on the waste management addresses his concerns from the last meeting.

COMMISSIONER GASKILL had no comment.

COMMISSIONER SHAW felt that most of the concerns were covered at the last meeting. The modifications made to address those open items are adequate and reasonable.

COMMISSIONER TRUXAL agreed. It will be a nice addition to the Village. All of his concerns were addressed.

CHAIRMAN GRAY concurred with the Commission. His big concern was the grease as Commissioner Loscuito mentioned. It's going to be a nice addition with an aesthetically pleasing design. Seeing no members of the public present in the audience, he entertained a motion to close the public hearing.

Motion to close the public hearing made by COMMISSIONER TRUXAL, seconded by COMMISSIONER SHAW. CHAIRMAN GRAY requested a voice vote asking if any were opposed to the motion; hearing none, he declared the motion carried.

CHAIRMAN GRAY asked for the standards.

Lori Kosmatka, Associate Planner, provided the standards. There were two motions for this item.

Motion 1 - Special Use for PUD Approval:

COMMISSIONER LOSCUITO made a motion to recommend that the Village Board grant a Special Use Permit for a Substantial Deviation with Exceptions to the Zoning Ordinance from the Cornerstone Centre PUD to Scott Harris, on behalf of RJ's Seafood LLC, to permit site modifications including the construction of a building addition and restaurant patio at 18201 Harlem Avenue in the B-4 PD (Office and Service Business, Cornerstone Centre PUD) zoning district, in accordance with the plans submitted and adopt Findings of Fact as proposed in the February 17, 2022 Staff Report, subject to the following conditions:

1. All current and future trash, recycling, and grease containers on the Cornerstone Centre development will continue to be fully enclosed in the two existing enclosures, effective immediately.
2. All waste for the Cornerstone Centre development will continue to be serviced by a single waste hauler per a single service agreement managed by the property owner with the waste hauler. Tenants are permitted to be invoiced separately by the single waste hauler. Property owner shall have full control and assume responsibility of waste management on the Cornerstone Centre development. Property owner shall monitor waste management, and shall make adjustments to service as needed in order to remain in code compliance.
3. The path from the trash holding area to the trash enclosure shall be properly maintained on a regular basis and shall remain clean and free of grease/garbage at all times.

Motion seconded by COMMISSIONER GASKILL. Vote taken by Roll Call; all in favor. CHAIRMAN GRAY declared the motion carried.

Motion 2 - Site Plan/Architectural Approval:

COMMISSIONER TRUXAL made a motion to grant Scott Harris on behalf of RJ's Seafood LLC, Final Site Plan and Architectural Approval to permit site modifications including the construction of a building addition and restaurant patio at 18201 Harlem Avenue in the B-4 PD (Office and Service Business, Cornerstone Centre PUD) zoning district, in accordance with the plans submitted as referenced in the February 17, 2022 Staff Report and subject to the following conditions:

1. Site Plan Approval is subject to the approval of the Special Use for a Substantial Deviation from the PUD by the Village Board.
2. Site Plan Approval is subject to final engineering and building department approvals.

3. When the patio will be occupied then the screening of landscaping and fencing are to remain as approved.
4. All current and future trash, recycling, and grease containers on the Cornerstone Centre development will continue to be fully enclosed in the two existing enclosures, effective immediately.
5. All waste for the Cornerstone Centre development will continue to be serviced by a single waste hauler per a single service agreement managed by the property owner with the waste hauler. Tenants are permitted to be invoiced separately by the single waste hauler. Property owner shall have full control and assume responsibility of waste management on the Cornerstone Centre development. Property owner shall monitor waste management, and shall make adjustments to service as needed in order to remain in code compliance.
6. The path from the trash holding area to the trash enclosure shall be properly maintained on a regular basis and shall remain clean and free of grease/garbage at all times.
7. The three large walkway planters proposed on the walkway west of the existing tenant space shall be equal or complementary to the existing building's materials, and that potential additional walkway planters in the Cornerstone Center development will be in the same style. These planters will require approval by the property owner, and is subject to Village staff building permit review and approval, including Planning, Building, Fire, and Engineering Departments.

Motion seconded by COMMISSIONER LOSCUITO. Vote taken by Roll Call; all in favor. CHAIRMAN GRAY declared the motion carried.

CHAIRMAN GRAY noted this item is anticipated to go to Village Board on March 1st, 2022.

Dan Ritter, Planning Manager, confirmed the date and that staff will be in contact with the petitioner regarding the Village Board meeting and how to attend it. He noted that the petitioner can submit the building permit to expedite any reviews if they have the plans ready. He offered the petitioner to contact Lori Kosmatka for any questions. He noted the Village has been excited to have this restaurant from the Francesca's come to the Village for residents and guests to utilize; it was a high quality restaurant type needed in that area.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES
FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION
SUBJECT: MINUTES OF THE FEBRUARY 17, 2022 REGULAR MEETING
ITEM #3 WORKSHOP/RECOMMENDATION – ZONING MAP UPDATE

Consider recommending that the Village Board adopt the Village's Official Zoning Map reflecting map amendments through December 31, 2021.

Present Plan Commissioners: Chairman Garrett Gray
James Gaskill
Frank Loscuito
Andrae Marak
Ken Shaw
Kurt Truxal

Absent Plan Commissioners: Angela Gatto
Eduardo Mani

Village Officials and Staff: Dan Ritter, Planning Manager
Lori Kosmatka, Associate Planner

Petitioners: None

Members of the Public: None

CHAIRMAN GRAY noted this is a combined workshop and public hearing. He asked staff to proceed with a presentation.

Lori Kosmatka, Associate Planner, summarized the Staff Report for the Commission that was attached to the Plan Commission packet and will be attached to the minutes. Every year the Village updates the Village Zoning Map according to the map amendments approved from the previous year through December 31st. Staff went through the approvals and has proposed the updated map. Changes included 2 annexations, 3 rezonings, 4 subdivisions, and corrections. Corrections included adjusting a missing parcel, removing an erroneous PUD designation, correcting the legend name and other parcel lines. If acceptable to the Commission, it will go to Village Board March 1st.

Dan Ritter, Planning Manager, clarified there is no action happening here. There is a state law that technically does not apply to incorporated municipalities, but it is good practice to have a date set to update the map. The Commission can discuss, or if they don't have any issues, they can do a voice vote as a recommendation for the Village Board.

COMMISSIONER SHAW asked if the Village has a new GIS partner this year.

Dan Ritter, Planning Manager, responded that it is the same partner, but they have a new system that allows more customization. They changed the GIS systems, but it is the same consortium.

COMMISSIONER SHAW noted there were a few corrections from things that had dropped off, and was curious if some of that came out from the data transfer.

Dan Ritter, Planning Manager, responded yes. Some of it like the Edenbridge one was previously corrected. He noted staff double checked to make sure items from the previous year were corrected.

CHAIRMAN GRAY asked for a voice vote. He stated that if the Commissioners are okay with the zoning map updates as presented in the February 17, 2022 staff report, then to say aye. All Commissioners stated aye.

Dan Ritter, Planning Manager,, noted that the zoning map update will go to Village Board March 1st and be adopted as a resolution.

DRAFT

COMMENTS FROM THE PUBLIC –CHAIRMAN GRAY asked if there were comments from the public. Hearing none, he asked to for the Good of the Order.

GOOD OF THE ORDER –

Dan Ritter reviewed the following Good of the Order items:

- Next Plan Commission meeting is March 3rd.
- The Dunkin at 171st and 80th already has their permit in.
- The Village has hired a new Village Engineer who was previously with Village of Plainfield. This in-house position will further help assist the Village and residents.
- The individual offered the role for the Village's new Management Analyst role has accepted the job offer and will be appointed soon. This position will help with administration, code updates, research, analysis, policies, and much more with the overall department.

Lori Kosmatka noted that the Village Clerk recently advised that a Statement of Economic Interest would be sent to each Commissioner either via email or USPS mail. Commissioners should complete the statement per instructions in the mailing. It will be forthcoming soon and will have a deadline date, likely May 1. Commissioners can contact the Clerk's Office if there are any questions.

CHAIRMAN GRAY entertained a motion to close the meeting.

CLOSE MEETING -

A Motion was made by COMMISSIONER GASKILL, seconded by COMMISSIONER SHAW to adjourn the February 17, 2022 Plan Commission meeting.

ACTING CHAIRMAN SHAW asked for a voice vote; all were in favor. He declared the motion carried and adjourned the meeting at 8:09 P.M.

PLAN COMMISSION STAFF REPORT

March 3, 2022- Public Hearing

Petitioner

Thomas McAuliffe, on
behalf of Durbin's

Property Location

18250 Oak Park Avenue

PIN

28-31-307-017-0000 &
28-31-307-018-0000

Zoning

NF (Legacy –
Neighborhood Flex)

Approvals Sought

Special Use Permit

Durbin's Express Speaker Box

18250 Oak Park Avenue



EXECUTIVE SUMMARY

The Petitioner, Thomas McAuliffe on behalf of Durbin's Express (tenant), is requesting consideration to recommend Village Board approval of an amended Special Use Permit for a Restaurant Pickup Speaker Box at 18250 Oak Park Avenue in the NF (Legacy – Neighborhood Flex) zoning district.

The proposed Restaurant Pickup Speaker Box will accompany the existing restaurant pickup window which was previously approved by Village Board as Ordinance 2021-O-015. The Restaurant Pickup Window was approved simultaneously with a zoning text amendment that allowed a Special Use for a restaurant pickup window in the Legacy - Neighborhood Flex zoning district.

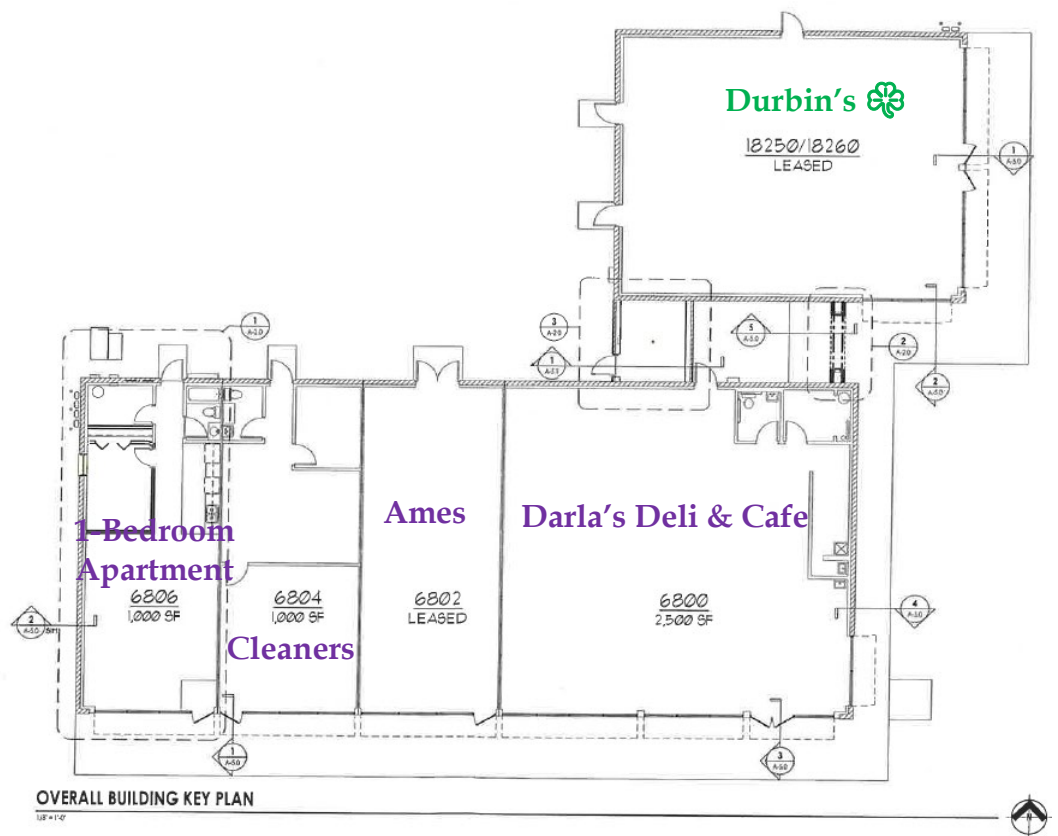
The proposed speaker box is located northeast of the building, alongside a directional sign. As was approved for the pickup window, the speaker box will function only to serve previously placed phone and online orders. Per the proposed Special Use requirements, there are no new curb cuts created and no on-site ordering permitted with vehicles in the pickup lane.

Project Planner

Lori Kosmatka
Associate Planner

EXISTING SITE & HISTORY

The subject site is located on two lots that function as a single mixed-use property and located at the northwest corner of 183rd Street and Oak Park Avenue. There are currently 5 tenant spaces on the property. One space is utilized as a 1,000 sq. ft. 1-bedroom apartment approved by a special use in 2013 (Ordinance 2013-O-058). The largest space is occupied by Darla's Deli & Café, which is also operated by the applicant. The other two tenant spaces are occupied by Ames (contractor/tool sales) and a dry cleaner. In addition to the shopping center, the property owner owns the two vacant lots to the north of the property. Durbin's Express recently opened earlier this year, after receiving Village approval of a Special Use Permit for a restaurant pickup window per Ordinance 2021-O-015.



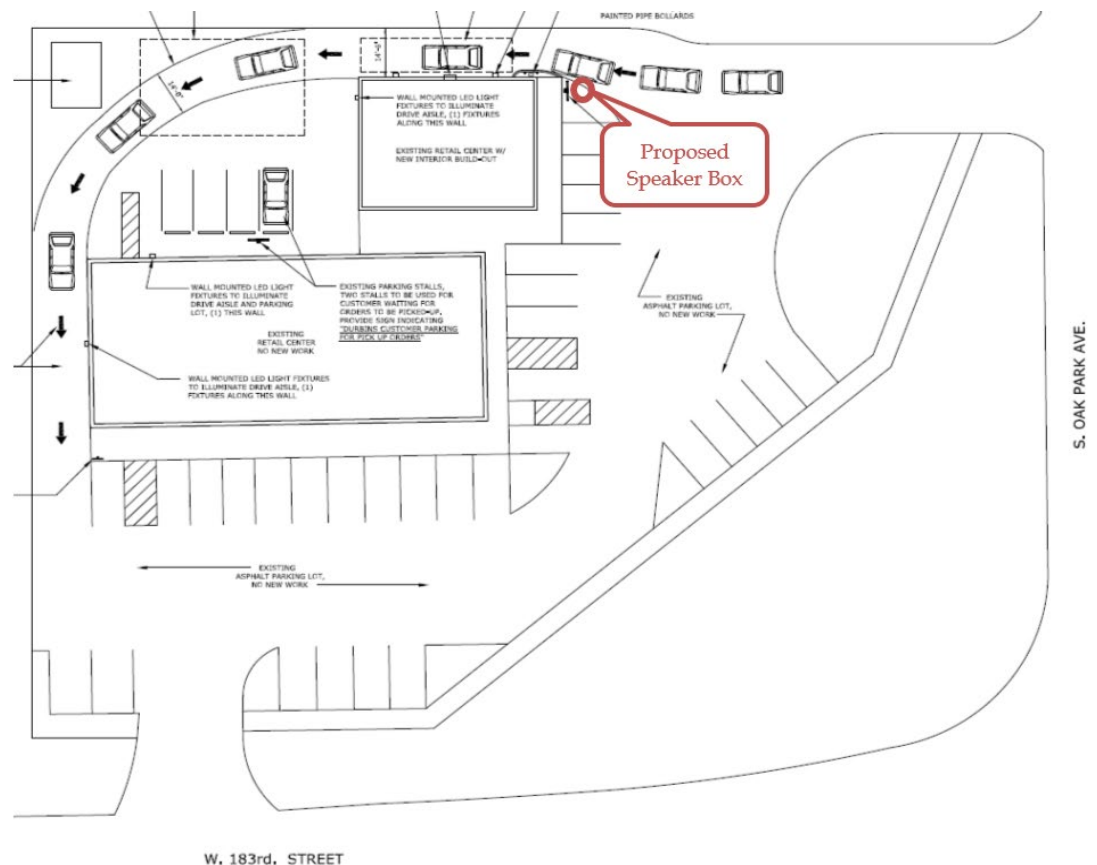
PROPOSED USE

The Petitioner recently opened this second location for Durbin's in Tinley Park (7th overall). The 2,000 sq. ft. space has a similar menu to their "full-scale" location, but has limited seating. Durbin's has had success with takeout and delivery at their other locations even before the COVID-19 pandemic. However, the pandemic has made delivery and contactless takeout options more important for the success of their restaurant locations. The applicant believes this flexibility ensures they can remain competitive. Thus, the pickup window has made distribution of pre-ordered food easier than having the customer or employee enter/exit the building to bring the food to customer parked in a traditional parking space.

The petitioner has proposed a speaker box to operate in conjunction with the pre-order pickup window. The speaker box will be utilized when more than one car is in line to relay information to the next vehicle. The customer can notify their arrival and allow employees to prepare and have the customer's pre-ordered food order ready for pickup. The speaker box will further assist in the pre-order pickup operation by Durbin's Express. The previous special use approval was specific to noting in the Findings of Fact that no speaker or menu board would be present to avoid vehicle stacking issues. Any change that was specific to approval requires a request to amend the approval and ordinance.

SITE PLAN AND ARCHITECTURE

The proposed speaker box is the only change to the site plan. The pickup window received site plan review in the previous approval and has been constructed per the plans. Unlike typical drive-thru windows, there is no on-site ordering permitted and all food orders must be placed ahead of time. Though that operational setup is designed to avoid stacking, a speaker box will help expedite the process if there is more than one car in line. This will allow the employees to better prepare and ready the pre-ordered food. The proposed location allows for up to 3 vehicles to be stacked without blocking site circulation.



The architecture, landscaping, signage, and lighting will all remain as existing and previously approved. A directional sign indicates the location of the pickup window, and is at the beginning of the drive-through lane, alongside the speaker box. There are no exterior signs for ordering. Per the Legacy Code, exterior signs for ordering or relaying menu items (menu board) remain prohibited as it is not a drive-thru lane.

LEGACY CODE STANDARDS

In addition to any other specific standards set forth herein the Plan Commission shall not recommend a Special Use, variance, appeal, or map amendment from the regulations of this ordinance unless it shall have made findings of fact, based upon evidence presented to it, in each specific case that:

- a. The proposed improvement meets the Legacy Plan and its Principles, as presented in Section 1.A-B: Purpose and Intent, of the Legacy Code ordinance;
 - *The proposal improves economic development by assisting in the operation of a pre-order pickup operation by a restaurant tenant. The speaker box helps further limit vehicle stacking since all takeout food will be ordered ahead of time. The requests do not decrease walkability on the site or within the overall Legacy District.*
- b. The new improvement is compatible with uses already developed or planned in this district and will not exercise undue detrimental influences upon surrounding properties;
 - *The speaker box works in conjunction with the pickup-only window and will not add any additional signage to the site. It is compatible with uses in the center and the NF (Neighborhood Flex) district, which helps transition other commercial areas of the Village to the Legacy District and Downtown Core.*
- c. Any improvement meets the architectural standards set forth in the Legacy Code.
 - *No building façade changes or building additions are proposed.*
- d. The improvement will have the effect of protecting and enhancing the economic development of the Legacy Plan area.
 - *The speaker box will further assist in the pre-order pickup operation by the restaurant tenant. It is expected this will help the success of the subject business and nearby businesses now and in the future.*

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;
 - *The speaker box works in conjunction with the existing pickup window. Overall site traffic control has been designed for safe pedestrian and vehicle access on the site.*
- 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 speaker box will only be used for previously placed orders and not include any signage. The speaker box will help limit stacking, and will not negatively affect adjacent properties.*
- 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 speaker box at the proposed location does not burden neighboring properties from developing or redeveloping within the code requirements.*

- d. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided;
 - *The building and site are existing and have all existing utilities, roads, and drainage required to operate.*
- 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 speaker box can help avoid excessive stacking that can cause traffic circulation or off-site issues. Additionally, proposed "overflow" pickup/takeout spaces for the tenant at the rear allows for vehicles to wait for food that may not be ready yet, without blocking traffic flow.*
- 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 includes a previously approved variation for the proposed light fixture style and will in all other ways meet Village zoning and building code requirements.*
- g. The extent to which the Special Use contributes directly or indirectly to the economic development of the community as a whole.
 - *The speaker box will further assist in the pre-order pickup operation by the restaurant tenant. It is expected this will help the success of the subject business and nearby businesses now and in the future.*

It is 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.

MOTION FOR CONSIDERATION

If the Plan Commission wishes to act on the Petitioner's request, the appropriate wording of the motion is listed below. The protocol for the writing of a motion is to write it in the affirmative so that a positive or negative recommendation correlates to the Petitioner's proposal. By making a motion, it does not indicate a specific recommendation in support or against the plan.

Motion 1 (Special Use):

"...make a motion to grant the Petitioner, Thomas McAuliffe on behalf of Durbin's (Tenant), a Special Use for a speaker box at 18250 Oak Park Avenue in the NF (Neighborhood Flex) zoning district, in accordance with the plans submitted and adopt Findings of Fact as proposed in the March 3, 2022 Staff Report, subject to the following conditions:

1. *The speaker box shall be used for picking up previously placed orders only, and shall not permit any on-site ordering. Additional exterior signage (temporary or permanent) related to the pickup window remains prohibited.*

LIST OF REVIEWED PLANS

Submitted Sheet Name		Prepared By	Date on Sheet
	Application (Redacted)	Petitioner	2-11-22
	Plan Commission Staff Report for Previously Approved Pickup Window	Staff	3-18-21
	Previously Approved Ordinance 2021-O-015 for Pickup Window	VB	4-13-21
	Image of Proposed Speaker Box	Staff	2-23-22



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: Durbins Express
- ☐ 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: Durbins Express

Project Description: Build out

Project Address: 18250 Oak Park Property Index No. (PIN): 23-31-307-018-0000

Zoning District: _____ Lot Dimensions & Area: _____

Estimated Project Cost: \$ _____

OWNER OF RECORD INFORMATION

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

Name of Owner: Thomas McAuliffe Company: Durbins

Street Address: _____ City, State & Zip: _____

E-Mail Address: _____ Phone Number: _____

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: _____ Company: _____

Relation To Project: _____

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 repetitive.

I hereby authorize Thomas McAuliffe (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 agreements made by the designated representative.

Property Owner Signature:

Property Owner Name (Print): Jay JiWani

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:

Property Owner Name (Print): Dr Jay JiWani

Applicant Signature:
(If other than Owner)

Applicant's Name (Print): Thomas McAuliffe

Date: 2/11/2022

SPEAKER USE

THE SPEAKER WILL BE UTILIZED BASICALLY WHEN MORE THAN ONE CAR IS IN LINE, TO PREPARE AND HAVE READY THE CUSTOMERS PRE ORDERED FOOD ORDER.

PLAN COMMISSION STAFF REPORT

March 18, 2021- Public Hearing

Petitioner

Thomas McAuliffe, on
behalf of Durbin's

Property Location

18250 Oak Park Avenue

PIN

28-31-307-017-0000 &
28-31-307-018-0000

Zoning

NF (Legacy –
Neighborhood Flex)

Approvals Sought

Special Use Permit

Project Planner

Daniel Ritter, AICP
Senior Planner

Durbin's Express Pickup Window

18250 Oak Park Avenue



EXECUTIVE SUMMARY

The Petitioner, Thomas McAuliffe on behalf of Durbin's (tenant), is requesting Site Plan Approval and consideration to recommend Village Board approval of a Special Use Permit for a Restaurant Pickup Window at 18250 Oak Park Avenue in the NF (Legacy – Neighborhood Flex) zoning district.

The request is being reviewed simultaneously with the text amendment that allows a Special Use for a restaurant pickup window in the NF district. The window will be located on the north wall of the building and function only as a pickup window for previously placed phone and online orders. Per the proposed Special Use requirements, there are no new curb cuts created and no on-site ordering permitted. Two stalls will be dedicated to pickup orders to avoid any significant stacking at the window.

Site Plan Approval will allow for the pickup window and site changes required for proper circulation around the building. Changes include one-way drive aisle circulation, traffic control signage, and lighting improvements. Deteriorated pavement will be repaired and replaced at the rear of the building that will be more heavily used by the public due to the proposed pickup window.

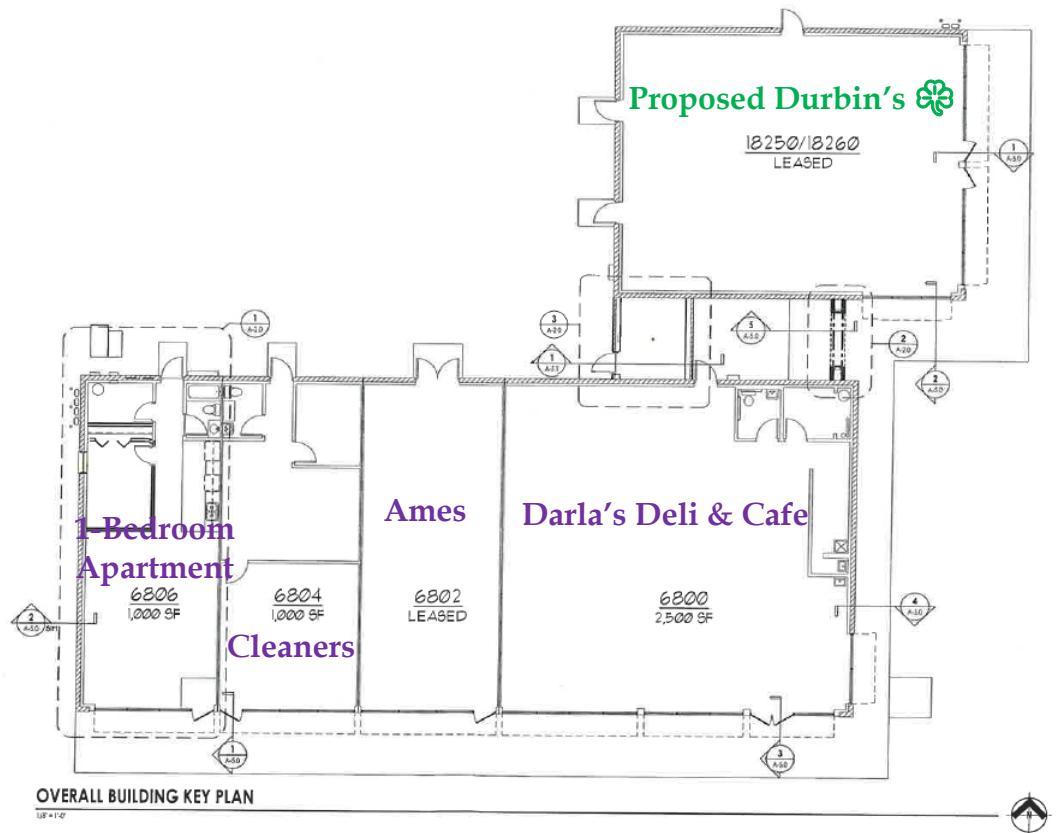
Changes from the March 4, 2021 Workshop Staff Report are indicated in Red.

EXISTING SITE & HISTORY

The subject site is located on two lots that function as a single mixed-use property and located at the northwest corner of 183rd Street and Oak Park Avenue. There are currently 5 tenant spaces on the property. One space is utilized as a 1,000 sq. ft. 1-bedroom apartment approved by a special use in 2013 (Ordinance 2013-O-058). The largest space is occupied by Darla's Deli & Café, which is also operated by the applicant. The other two tenant spaces are occupied by Ames (contractor/tool sales) and a dry cleaner. In addition to the shopping center, the property owner owns the two vacant lots to the north of the property. The tenant space proposed for Durbin's was formally occupied by Ames (before downsizing to their current location in the center), and most recently a t-shirt screen printing business.



The center underwent several site and façade upgrades from 2013-2014 as part of the Special Use approval for the apartment. These included sprinkling the buildings, creating a more modern facade look, restriping the parking lot, increasing landscaping, and replacement of the light poles. The upgrades were completed and approved in 2014. Some minor property maintenance concerns will be addressed separately by code enforcement; issues related to the pickup window request will be addressed as part of the Special Use.



ZONING & NEARBY LAND USES

The subject property is a mixed-use property (first-floor apartment) located in the Legacy District and zoned NF (Neighborhood Flex.) The Legacy Code, adopted in 2011, was “intended to allow for the continued function of contemporary land uses, while emphasizing pedestrian orientation within an intimate streetscape design, and de-emphasizing automobile uses.” The intent of the Legacy Code is to strengthen the aesthetics and economic vitality of the downtown by implementing principles such as “creating a walkable downtown where pedestrians come first”. The Legacy Districts were organized to provide for the greatest density and walkability in the centralized Downtown Core (DC) with areas to the north and south of the DC providing for more flexibility and encouraging residential uses in certain areas to support the commercial uses in the DC. At the north and south ends of the Legacy area are the Neighborhood Flex (NF) Districts which are “intended to help create a mix of commercial and multi-family uses to anchor the north and south ends of the Legacy Code Area”. The NF districts function as gateways to the downtown core and help transition from typical auto-oriented commercial and tourist areas to the pedestrian-friendly downtown. The NF districts areas are the subject of the proposed restaurant pickup window text amendment which distinguishes a pickup window from a typical drive-thru window that involves onsite ordering and waiting as the food is prepared.

The subject property is surrounded by properties also zoned NF including vacant lots and the Central Middle School to the north, a detached single-family home to the west, and vacant lots to the east and south.

PROPOSED USE

The Petitioner is looking to open a second location for Durbin's in Tinley Park (7th overall) in the proposed 2,000 sq. ft. space. The new location will have a similar menu to their “full-scale” location. However, this will be an “express” location with limited seating and table service (6-8 tables expected with an emphasis on pickup and delivery options. A gaming area is also planned for this location and the layout is expected to be similar to the neighboring Darla's location, but with Durbin's atmosphere and food.

Durbin's has had success with takeout and delivery at their current locations even before the COVID-19 pandemic. However, the pandemic has made delivery and contactless takeout options more important for the success of their restaurant locations. The applicant believes they need to have this flexibility in the future to ensure they can remain competitive if restrictions are re-implemented. Thus, the requested pickup window makes distribution of pre-ordered food easier than their current operations, which requires the customer or employee to enter/exit the building to bring the food to customer parked in a traditional parking space.

A restaurant use is permitted within all Legacy Districts but the proposed pickup window requires the approval of a Special Use Permit and Site Plan Approval for the layout to ensure it is safe and in line with the principles set out in the Legacy Plan.

Open Item #1: Discuss the proposed Special Use for a restaurant pickup window and coordination with the Legacy Plan/Code principles.

Legacy N-F Districts

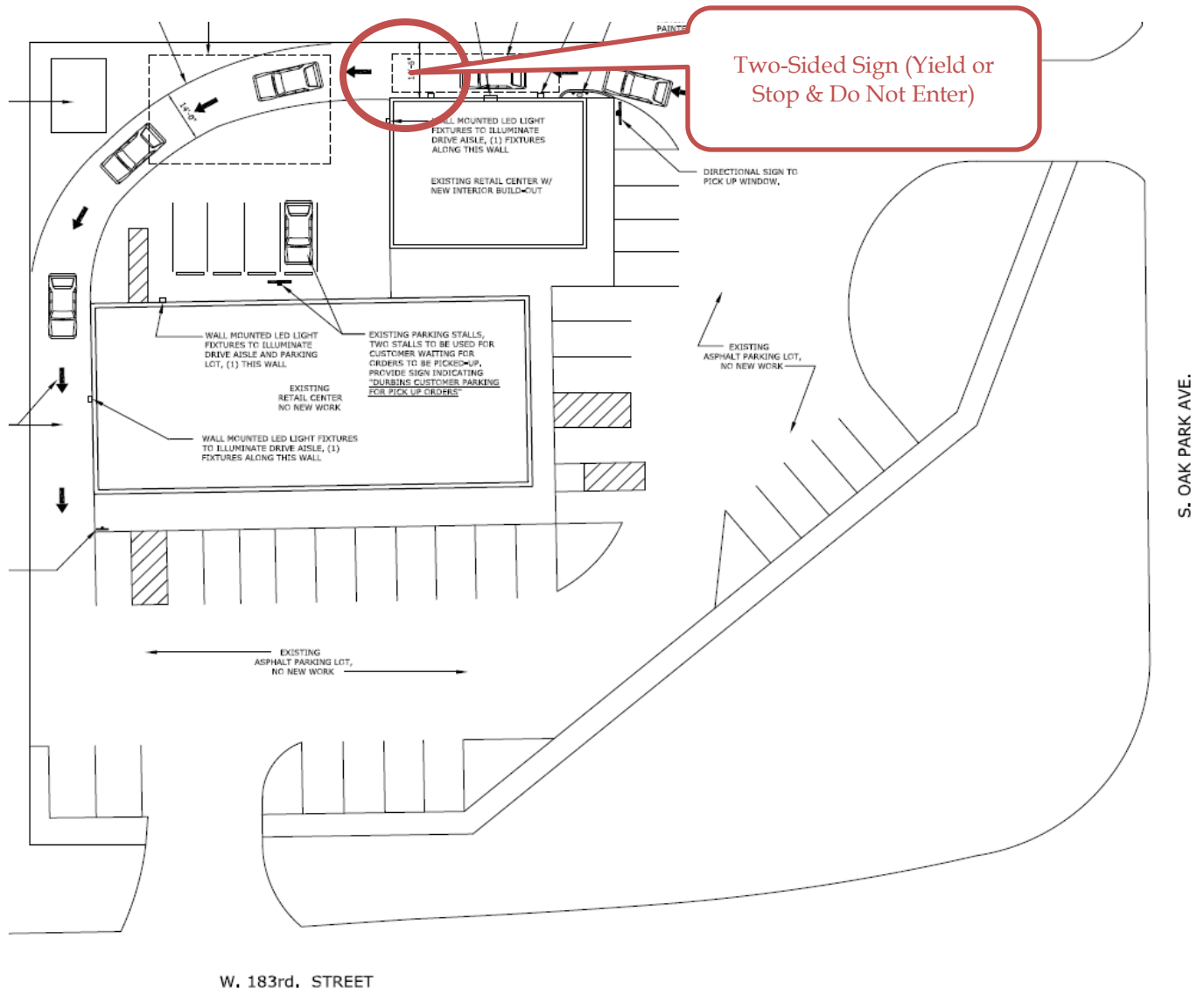


SITE PLAN & CIRCULATION

Pickup Circulation & Stacking

To install a pickup or drive-thru window in the Village requires site plan review. The review is important to understand how site circulation and vehicle stacking will work on the site. With drive-thru windows, a traffic and stacking study is typically required due to the complexity of the demand and operations unique to individual users. However, with this proposal, there is no on-site ordering permitted and all food orders must be placed ahead of time. That operational setup is designed to avoid stacking or long wait times. The concept of a pickup-only window has gained popularity with the effects of COVID-19. The proposed location allows for up to 3 vehicles to be stacked without blocking site circulation. The Petitioner has planned to dedicate two of the parking stalls at the rear of the building for situations when an order is not ready when a customer arrives. These stalls will have signage indicating they are for pickup order waiting only. Employees will bring the orders out to the vehicles once they are ready. While it is not expected to be an issue, due to the excess number of required parking spaces on the site, further stalls on the site can be dedicated (behind or in front of the building) if any issues arise.

Vehicles accessing the pickup window circulate the site in a counterclockwise fashion and exit heading south on the west side of the center. The circulation and one-way flow of traffic will be emphasized by signage at the entrance and exits of the drive aisle as well as striping on the pavement.



At the recommendation of the Plan Commission signage will be added to the northwest corner of the building that will be visible to vehicles leaving the pickup window. The yield or stop sign will slow vehicles leaving the window and help avoid a potential conflict with vehicles exiting the rear parking spaces. Additionally, a "One Way - Do Not Enter" sign will face the rear parking area to avoid parked vehicles exiting the wrong direction. Arrows will be striped to further indicating the one-way access around the building. These items have been added as a recommended condition of approval and are required to be submitted and reviewed by staff with the permit.

Open Item #2: Discussion of order pickup circulation around the rear of the building.

Gas Meter Locations

Staff has noted a concern regarding the location of gas meters along the drive aisles to the north and west sides of the building and may present a safety hazard. The gas meters are existing and currently protected by bollards. However, the increase in traffic from the general public around the building and the prominence of the gas meter location before the pickup window led to initial staff concerns with their location. Relocation was explored but the Petitioner has noted this is cost prohibitive, therefore, staff is recommending that the bollards be replaced and adequate curbing be added to help guide vehicles around the path (as shown on the plans). A condition is also recommended to clarify that the layout and spacing around the gas meters are subject to Fire Department approval.

~~Open Item #3: Discussion of the gas meter and bollards locations within the drive aisles. Discuss a condition requiring adequate curbing and new bollards acceptable to the fire and building departments.~~

Asphalt Quality

Staff has also expressed a concern regarding the quality of the asphalt along the north side of the building and the rear of the building. It has had a number of asphalt patches over the years and continues to deteriorate. The front parking area was resurfaced more recently (around 2012) but the rear portion was not completed.) These asphalt conditions are not only unsightly but can create safety concerns as well. It is likely with increased traffic the deterioration will only be accelerated. Staff recommends some large patching or resurfacing for the portions that will be heavily traveled. The general locations of these replacements have been indicated on the attached site plan. Staff recommends a deadline of May 31, 2021 to complete the asphalt work.

~~Open Item #4: Discussion of asphalt condition, replacement areas, with a deadline of May 31st as a condition of approval.~~

Parking

The Legacy Code has a simple requirement of 4 spaces per 1,000 sq. ft. of commercial space and 1.5 spaces per dwelling unit in the NF zoning district. The simpler parking allowances allow for some flexibility in use changes over time and places more responsibility on the property owner and tenants to ensure that the parking on the site is adequate for the mix of uses.

Parking Required	
Residential (1.5 spaces per unit)	2
Commercial (4 spaces per 1,000 sq. ft.)	26
Total Required	28
Parking Provided	
Total	37 (including 2 ADA and 2 Durbin's pickup)

The site has approximately 6,500 sq. ft. of commercial space and one residential unit. The total required parking on the site is 28 spaces (26 for commercial uses and 2 for the apartment). The subject site has 37 parking stalls, including the two dedicated stalls for Durbin's pickup Customers.

The Petitioner and property owner have noted they believe that there is adequate parking on the site due to the limited seating of this location and the mix of tenants. The peak parking times will be at lunch, in the evenings, and on the weekends. The main competition for parking at those peak times will be from Darla's. However, the Petitioner also operates that business and believes the parking can be adequately coordinated to accommodate both businesses. The other two tenants (Ames and Cleaners) have few employees (1-2 each) and limited parking demand from customers. If customer parking did become an issue for those smaller tenants, "15-Minute Parking" signs can be installed so that customers staying long periods park in less convenient spaces.

LIGHTING

The Petitioner was tasked with reviewing the lighting on the site for safety and visibility especially at the rear of the building where customers will be traveling more frequently. The new lighting photometric plan is attached and proposes adding 5 wall-mounted lights to the sides and the rear of the building that will increase visibility on the site for customers and employees.

The lighting complies with the maximum lighting levels required by the Legacy Code (max .5fc at the property line). However, the Petitioner has proposed a lighting fixture type not permitted in the Legacy District, which are more traditional/historic-looking fixtures. To meet the code requirements and provide uniformity on the building, the Petitioner can use gooseneck fixtures similar to the front façade of the building, however, the proposed fixtures mostly not visible from the roadways. The provide additional light coverage than a traditional gooseneck light fixture which is important in this area. Staff is recommending the Commission consider a Variation of the code for the proposed lights.



Left: Proposed lighting fixture



Right: Existing front façade lighting.

Open Item #5: Discuss proposed lighting and light fixture Variation.

A Variation is being requested to allow the proposed fixtures, which are mostly not visible from the public roadways and are more appropriate for the rear and sides of the building, as opposed to gooseneck fixtures.

ARCHITECTURE, LANDSCAPE, SIGNAGE

The subject site will remain in compliance with all of the other aspects of the 2013 site plan and architectural approvals attached to this staff report. No changes are proposed with this project and any deficiencies will be addressed by code enforcement with the property owner.

LEGACY CODE STANDARDS

In addition to any other specific standards set forth herein the Plan Commission shall not recommend a Special Use, variance, appeal, or map amendment from the regulations of this ordinance unless it shall have made findings of fact, based upon evidence presented to it, in each specific case that:

- a. The proposed improvement meets the Legacy Plan and its Principles, as presented in Section 1.A-B: Purpose and Intent, of the Legacy Code ordinance;
 - *The proposal improves economic development by assisting in the occupancy of a vacant building with a restaurant tenant. The pickup-only window limits vehicle stacking since all takeout food will be ordered ahead of time. The requests do not decrease walkability on the site or within the overall Legacy District.*
- b. The new improvement is compatible with uses already developed or planned in this district and will not exercise undue detrimental influences upon surrounding properties;
 - *The pickup-only window is compatible with uses in the center and the NF (Neighborhood Flex) district, which helps transition other commercial areas of the Village to the Legacy District and Downtown Core.*
- c. Any improvement meets the architectural standards set forth in the Legacy Code.
 - *No building façade changes or building additions are proposed.*
- d. The improvement will have the effect of protecting and enhancing the economic development of the Legacy Plan area.
 - *The requests assist in the occupancy of a currently vacant unit. The pickup window assists with restaurant success during a difficult time in a pandemic. It is expected the pickup window will help the success of the businesses in that unit both now and in the future.*

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;
 - *The pickup window and overall site traffic control have been designed for safe pedestrian and vehicle access on the site.*
- 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 pickup window will only be used for previously placed orders and will not have a speaker. Without orders placed on-site, vehicle stacking will be limited and will not negatively affect adjacent properties.*
- 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 pickup window at the proposed location does not burden neighboring properties from developing or redeveloping within the code requirements.*

- d. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided;
 - *The building and site are existing and have all existing utilities, roads, and drainage required to operate.*
- 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 pickup window avoids excessive stacking that can cause traffic circulation or off-site issues. Additionally, proposed "overflow" pickup/takeout spaces for the tenant at the rear allows for vehicles to wait for food that may not be ready yet, without blocking traffic flow.*
- 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 includes a variation for the proposed light fixture style and will in all other ways meet Village zoning and building code requirements.*
- g. The extent to which the Special Use contributes directly or indirectly to the economic development of the community as a whole.
 - *The pickup window assists in the occupancy of a currently vacant unit. The pickup window assists with restaurant success during a difficult time in a pandemic. It is expected the pickup window will help the success of the businesses in that unit both now and in the future.*

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.

STANDARDS FOR A VARIATION

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

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.
 - *The proposed light fixtures have been designed to be economical, attractive, and to safely illuminate the rear parking lot and drive aisles for customers to access. They are not highly visible from the public right of way with the goal of making them appear more inconspicuous and neutral.*
2. The plight of the owner is due to unique circumstances.
 - *The location of the lights will not be easily visible or detract from the building's front façade design. The proposed lights will better blend into the building and better illuminate the access aisle for increased safety and visibility at the sides and rear of the building.*
3. The Variation, if granted, will not alter the essential character of the locality.

- *The lights will only be minimally visible from Oak Park Avenue or adjacent properties with off-site light or glare on residentially-used properties.*
4. Additionally, the Plan Commission shall also, in making its determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the Petitioner have been established by the evidence:
- a. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
 - b. The conditions upon which the petition for a Variation is based would not be applicable, generally, to other property within the same zoning classification;
 - c. The purpose of the Variation is not based exclusively upon a desire to make more money out of the property;
 - d. The alleged difficulty or hardship has not been created by the owner of the property, or by a previous owner;
 - e. The granting of the Variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
 - f. The proposed Variation will not impair an adequate supply of light and air to an adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

STANDARDS FOR SITE PLAN APPROVAL

Section III.T.2. of the Zoning Ordinance requires that the conditions listed below must be met and reviewed for Site Plan approval. The Architectural Standards are not included since the proposal does not propose architectural changes to the façade. Specific responses are not required for each item but each shall be met and considered for approval by the Plan Commission.

Site Design

- a. Building/parking location: Buildings shall be located in a position of prominence with parking located to the rear or side of the main structure when possible. Parking areas shall be designed so as to provide continuous circulation avoiding dead-end parking aisles. Drive-through facilities shall be located to the rear or side of the structure and not dominate the aesthetics of the building. Architecture for canopies of drive-through areas shall be consistent with the architecture of the main structure.
- b. Loading Areas: Loading docks shall be located at the rear or side of buildings whenever possible and screened from view from public rights-of-way.
- c. Outdoor Storage: Outdoor storage areas shall be located at the rear of the site in accordance with Section III.O.1. (Open Storage). No open storage is allowed in front or corner side yards and are not permitted to occupy areas designated for parking, driveways or walkways.

- d. Interior Circulation: Shared parking and cross access easements are encouraged with adjacent properties of similar use. Where possible visitor/employee traffic shall be separate from truck or equipment traffic.
- e. Pedestrian Access: Public and interior sidewalks shall be provided to encourage pedestrian traffic. Bicycle use shall be encouraged by providing dedicated bikeways and parking. Where pedestrians or bicycles must cross vehicle pathways a cross walk shall be provided that is distinguished by a different pavement material or color.

MOTIONS FOR CONSIDERATION

If the Plan Commission wishes to take action on the Petitioner's requests, the appropriate wording of the motions is listed below. The protocol for the writing of a motion is to write it in the affirmative so that a positive or negative recommendation correlates to the Petitioner's proposal. By making a motion, it does not indicate a specific recommendation in support or against the plan.

Motion 1 (Special Use):

"...make a motion to grant the Petitioner, Thomas McAuliffe on behalf of Durbin's (Tenant), a Special Use for a restaurant pickup window at 18250 Oak Park Avenue in the NF (Neighborhood Flex) zoning district, in accordance with the plans submitted and adopt Findings of Fact as proposed in the March 18, 2021 Staff Report, subject to the following conditions:

- 1. The pickup window shall not permit any on-site ordering and is for picking up previously placed orders only.*
- 2. The Special Use is subject to completion of all work outlined in the Site Plan Approval.*

[any conditions that the Commission would like to add]

Motion 2 (Variation):

"...make a motion to recommend that the Village Board grant a Variation from Section XII.3.I - Table III.I.1 of the zoning code (Legacy Code – Lighting), to the Petitioner, Thomas McAuliffe on behalf of Durbin's (Tenant), to permit a light fixture style not otherwise permitted to be located on the rear and sides of the building, at the property located at 18250 Oak Park Avenue in the NF (Neighborhood Flex) zoning district, in accordance with the plans submitted and adopt Findings of Fact as proposed by Village Staff in the March 18, 2021 Staff Report."

[any conditions that the Commissioners would like to add]

Motion 3 (Site Plan):

"...make a motion to grant the Petitioner, Thomas McAuliffe on behalf of Durbin's (Tenant), Site Plan Approval to modify the property located at 18250 Oak Park Avenue in the NF (Neighborhood Flex) zoning district, in accordance with the plans submitted and subject to the following conditions:

- 1. Proper protection and curbing shall be installed around the gas meter in accordance with Building and Fire Department requirements.*
- 2. Site Plan Approval is subject to the approval of the Variation and Special Use by the Village Board.*
- 3. Site Plan Approval is subject to final traffic control plan approval by Village Staff, including revisions to add a yield or stop sign at the northwest corner of the building and specific arrow locations. A separate permit shall be submitted for this parking lot and traffic control work.*
- 4. Asphalt patching as indicated on the plan shall be completed by May 31, 2021."*

[any conditions that the Commission would like to add]

THE VILLAGE OF TINLEY PARK

Cook County, Illinois

Will County, Illinois

ORDINANCE NO. 2021-O-015

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A RESTAURANT
PICKUP WINDOW AT CERTAIN PROPERTY LOCATED AT 18250 OAK PARK
AVENUE**

**JACOB C. VANDENBERG, PRESIDENT
KRISTIN A. THIRION, VILLAGE CLERK**

**CYNTHIA A. BERG
WILLIAM P. BRADY
WILLIAM A. BRENNAN
DIANE M. GALANTE
MICHAEL W. GLOTZ
MICHAEL G. MUELLER
Board of Trustees**

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Tinley Park

VILLAGE OF TINLEY PARK

Cook County, Illinois
Will County, Illinois

ORDINANCE NO. 2021-O-015

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A RESTAURANT
PICKUP WINDOW AT CERTAIN PROPERTY LOCATED AT 18250 OAK PARK
AVENUE**

WHEREAS, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that any municipality which has a population of more than 25,000 is a home rule unit, and the Village of Tinley Park, Cook and Will Counties, Illinois, with a population in excess of 25,000 is, therefore, a home rule unit and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, a petition for the granting of a Special Use Permit to allow a “restaurant pickup window” on property located at 18250 Oak Park Avenue, Tinley Park, Illinois 60477 (“Subject Property”) has been filed by Thomas McAuliffe on behalf of Durbin’s (“Petitioner”) with the Village Clerk of this Village and has been referred to the Plan Commission of the Village and has been processed in accordance with the Tinley Park Zoning Ordinance; and

WHEREAS, said Plan Commission held a public hearing on the question of whether the Special Use Permit should be granted on March 18, 2021 at the Village Hall of this Village at and by teleconference per Gubernatorial Executive Order 2020-18 and the “Village of Tinley Park Temporary Public Participation Rules & Procedures”, at which time all persons were afforded an opportunity to be heard; and

WHEREAS, public notice in the form required by law was given of said public hearing by publication not more than thirty (30) days nor less than fifteen (15) days prior to said public hearing in the Daily Southtown, a newspaper of general circulation within the Village of Tinley Park; and

WHEREAS, after hearing testimony on the petition, the Plan Commission found that the petition met the requisite standards enumerated in the Tinley Park Zoning Ordinance for granting the Special Use and voted 6-0 to recommend to the Village Board of Trustees approval of the Special Use with conditions; and

WHEREAS, the Plan Commission has filed its report and findings and recommendations regarding the Special Use Permit with the President and Board of Trustees, and this Board of Trustees has duly considered said report, findings and recommendations; and

WHEREAS, the Corporate Authorities of the Village of Tinley Park, Cook and Will Counties, Illinois, have determined that it is in the best interest of the Village of Tinley Park and its residents to approve said Special Use Permit; and

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES, ILLINOIS, STATE AS FOLLOWS:

SECTION 1: The foregoing recitals shall be and are hereby incorporated as findings of facts as if said recitals were fully set forth herein.

SECTION 2: That the report of findings and recommendations of the Plan Commission are herein incorporated by reference as the findings of this President and the Board of Trustees, as complete as if fully set forth herein at length. This Board finds that the Petitioner has provided evidence establishing that they have met the standards for granting the Special Use Permit as set forth in Section X.J.5 of the Zoning Ordinance, and the proposed granting of the Special Use Permit as set forth herein is in the public good and in the best interest of the Village and its residents and is consistent with and fosters the purpose and spirit of the Tinley Park Zoning Ordinance.

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 pickup window and overall site traffic control have been designed for safe pedestrian and vehicle access on the site.*
- 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 pickup window will only be used for previously placed orders and will not have a speaker. Without orders placed on-site, vehicle stacking will be limited and will not negatively affect adjacent properties.*
- 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 pickup window at the proposed location does not burden neighboring properties from developing or redeveloping within the code requirements.*
- d. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided;
 - *The building and site are existing and have all existing utilities, roads, and drainage required to operate.*
- 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 pickup window avoids excessive stacking that can cause traffic circulation or off-site issues. Additionally, proposed "overflow" pickup/takeout spaces for the tenant at the rear allows for vehicles to wait for food that may not be ready yet, without blocking traffic flow.*

- 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 includes a variation for the proposed light fixture style and will in all other ways meet Village zoning and building code requirements.*
- g. The extent to which the Special Use contributes directly or indirectly to the economic development of the community as a whole.
 - *The pickup window assists in the occupancy of a currently vacant unit. The pickup window assists with restaurant success during a difficult time in a pandemic. It is expected the pickup window will help the success of the businesses in that unit both now and in the future.*

SECTION 3: The Special Use Permit set forth herein below shall be applicable to the following described property:

LEGAL DESCRIPTION:

LOT 5 AND 6 IN BLOCK 10 IN ELMORE'S HARLEM AVENUE ESTATES, BEING A SUBDIVISION IN THE WEST ½ OF SECTION 31, TOWNSHIP 36 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL IDENTIFICATION NUMBERS: 28-31-307-017-0000 and 28-31-307-018-0000

COMMONLY KNOWN AS: 18250 Oak Park Avenue, Tinley Park, Illinois

SECTION 4: That a Special Use Permit for a Restaurant Pickup Window, as defined in the Village of Tinley Park Zoning Ordinance, at the Subject Property is hereby granted to the Petitioner, Thomas McAuliffe, on behalf of Durbin's, with the following conditions:

1. The pickup window shall not permit any on-site ordering and is for picking up previously placed orders only.
2. The Special Use is subject to completion of all work outlined in the Site Plan Approval.
3. A 6-foot-high privacy fence shall be installed along the western property line prior to operating the pickup window. A separate fence permit shall be obtained by the Building Department prior to installation.

SECTION 5: Any policy, resolution, or ordinance of the Village that conflicts with the provisions of this Ordinance shall be and is hereby repealed to the extent of such conflict.

SECTION 6: That this Ordinance shall be in full force and effect from and after its adoption and approval.

SECTION 7: That the Village Clerk is hereby ordered and directed to publish this Ordinance in pamphlet form, and this Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

PASSED THIS 13th day of April, 2021.

AYES: Berg, Brady, Brennan, Glotz, Mueller

NAYS: Galante

ABSENT: None

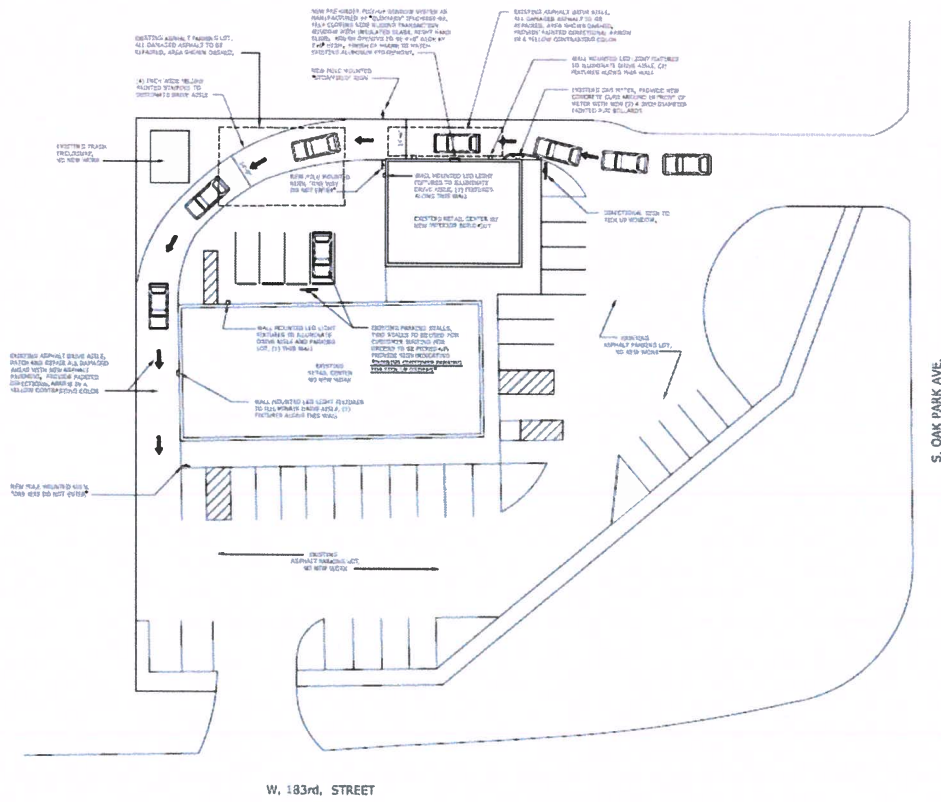
APPROVED THIS 13th day of April, 2021.

ATTEST:


VILLAGE CLERK


VILLAGE PRESIDENT

Exhibit 1



1 SITE PLAN
1/16" = 1'-0"



INTERIOR REMODEL: DURBIN'S

18750 S. Oak Park Ave.
Tinley Park, IL 60477

CAPITAL
ARCHITECTS, LLC

PLANNING & DESIGN

422 N. Hough Street
Birmingham, AL 35210
Tel: (205) 205-1125



Project No. 2002

	VILLAGE RESERVE	7-6-2008
Site:	Diamond Lake	Date:

SITE PLAN

Sheet No.

T2.0

STATE OF ILLINOIS)
COUNTY OF COOK)
COUNTY OF WILL) SS

CERTIFICATE

I, KRISTIN A. THIRION, Village Clerk of the Village of Tinley Park, Counties of Cook and Will and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2021-O-015, "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A RESTAURANT PICKUP WINDOW AT CERTAIN PROPERTY LOCATED AT 18250 OAK PARK AVENUE," which was adopted by the President and Board of Trustees of the Village of Tinley Park on April 13, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Tinley Park this 13th day of April, 2021.


KRISTIN A. THIRION, VILLAGE CLERK

PICK UP WINDOW



STOP