



AGENDA FOR REGULAR MEETING VILLAGE OF TINLEY PARK PLAN COMMISSION

December 1, 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 November 17, 2022 Regular Meeting

**ITEM #1 PUBLIC HEARING –7800 JOLIET DRIVE NORTH, MITCHELL –
CORNER FENCE VARIATION**

Consider recommending that the Village Board grant Kate Mitchell a Variation from Section III.J. (Fence Regulations) of the Zoning Code at the property located at 7800 Joliet Drive North in the R-2 PD (Single Family Residential, Bristol Park PUD) zoning district. This Variation would permit a six-foot (6') high open style fence to encroach up to seventeen feet five inches (17'-5") into the required 30-foot secondary front yard.

**ITEM #2 WORKSHOP – MASSAGE ESTABLISHMENTS –
ZONING ORDINANCE TEXT AMENDMENT**

Consider recommending that the Village Board adopt a proposed text amendment to the Tinley Park Zoning Ordinance amending Section II and Section V defining massage establishment uses and designating them as a Special Use within certain zoning districts.

**ITEM #3 WORKSHOP/PUBLIC HEARING – GAS N WASH, 18301 LAGRANGE RD –
SPECIAL USE, FINAL PLAT, VARIATIONS, AND SITE PLAN/
ARCHITECTURAL APPROVAL**

Consider recommending that the Village Board grant Leonard McEnery on behalf of Gas N Wash a Special Use for a Automobile Service Station and Variations (Urban Design Overlay, Parking Minimum, Parking Locations, Wall/Ground Signs, etc.) to permit an gas station with a convenience store, car wash, and two drive-thru restaurant uses at the property located at 18301 LaGrange Road (SEC LaGrange Rd and 183rd St) in the B-3 (General Business and Commercial) zoning district.

***Requested to continue to 12/15/2022 meeting.*

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

November 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 November 17, 2022.

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

Lori Kosmatka, Associate Planner called the roll.

Present and responding to roll call were the following:

Chairman Garrett Gray
James Gaskill
Angela Gatto
Eduardo Mani
Andrae Marak
Ken Shaw
Brian Tibbetts
Kurt Truxal

Absent Plan Commissioners: Terry Hamilton

Village Officials and Staff: Lori Kosmatka, Associate Planner
Jarell Blakey, Management Analyst

Petitioners: Melissa Christensen, Owner of Brady-Gill Funeral Home
Carey Buxbaum (Architect), CB Designs
Mark Ford, DesignTek Engineering, Inc.
Patricia Halikias, Intercontinental Real Estate & Development Corporation
Anthony DeAngelis, Intercontinental Real Estate & Development Corporation

Members of the Public: Andrew Macleod
Dr. Damon Arnold
Kathryn Surge

COMMUNICATIONS- None

APPROVAL OF THE MINUTES - Minutes of the November 3, 2022 Regular Meeting of the Plan Commission were presented for approval. A motion was made by COMMISSIONER GASKILL, seconded

by COMMISSIONER SHAW to approve the November 3, 2022 minutes as presented. CHAIRMAN GRAY asked for a voice vote; all were in favor. He declared the motion carried.

DRAFT

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION

SUBJECT: MINUTES OF THE NOVEMBER 17, 2022 REGULAR MEETING

ITEM #1 PUBLIC HEARING – BRADY GILL FUNERAL HOME ADDITION, 16600 OAK PARK AVENUE – SPECIAL USE FOR A DWELLING ABOVE A PRINCIPAL USE AND SITE PLAN/ARCHITECTURAL APPROVAL

Consider recommending that the Village Board grant Melissa Christensen on behalf of Brady Gill Funeral Home & Cremation Services a Special Use for a Dwelling located above a principal commercial use and Site Plan/Architectural Approval at 16600 Oak Park Avenue in the B-3 (General Business & Commercial) zoning district.

Present Plan Commissioners: Chairman Garrett Gray
James Gaskill
Angela Gatto
Eduardo Mani
Andrae Marak
Ken Shaw
Brian Tibbetts
Kurt Truxal

Absent Plan Commissioners: Terry Hamilton

Village Officials and Staff: Lori Kosmatka, Associate Planner
Jarell Blakey, Management Analyst

Petitioners: Melissa Christensen, Owner of Brady-Gill Funeral Home
Carey Buxbaum (Architect), CB Designs
Mark Ford, DesignTek Engineering, Inc.

Members of the Public: None

CHAIRMAN GRAY introduced Item #1. COMMISSIONER GATTO made a motion to open the public hearing. Second was made by COMMISSIONER GASKILL. CHAIRMAN GRAY requested a voice vote. Hearing no opposition, the motion was declared carried.

CHAIRMAN GRAY confirmed that he received certification of public legal notice being posted. He invited staff to present their report.

Lori Kosmatka, Associate Planner presented the staff report.

CHAIRMAN GRAY asked if the Petitioner had anything to add.

The Petitioner did not have anything to add at this time.

CHAIRMAN GRAY proceeded to ask the commissioners for comment.

COMMISSIONER MARAK noted he liked the idea of more density in the area and had no additional comments.

COMMISSIONER TRUXAL stated that the comments were positive from the workshop and that he likes the proposed project.

COMMISSIONER GASKILL had no comment.

COMMISSIONER SHAW asked if the easement was shown on the plan.

CHAIRMAN GRAY swore in Carey Buxbaum.

Carey Buxbaum, architect representing the Petitioner, commented that the parking lot went onto the public easement by about 2 feet in a triangle placing the lot right against it not on it. That is the reason for the cutoff shown on the plat.

COMMISSIONER SHAW stated that he just wanted to clarify that issue.

Carey Buxbaum responded that they made the change in accordance with the comments from the workshop meeting.

CHAIRMAN GRAY noted that as long as architect and engineer agree it is okay.

Carey Buxbaum stated that the driveway is twenty-four feet wide so there is more than enough space to back maneuver.

COMMISSIONER MANI stated that he thinks the proposed project looks good.

COMMISSIONER GATTO added no additional comment.

COMMISSIONER TIBBETTS noted that he agrees with his fellow commissioners.

CHAIRMAN GRAY stated that he appreciates the material samples being brought in.

Carey Buxbaum mentioned that the brick is the same as the existing however they may appear different due to the weathering of the building over the years. He stated the entire roof will be totally redone with new materials.

CHAIRMAN GRAY asks if the public wants to add anything. Seeing none he asks the commission. Commission had nothing to add.

COMMISSIONER SHAW made a motion to close the public hearing. Second by

COMMISSIONER TRUXAL. CHAIRMAN GRAY requested a voice vote. Hearing no opposition, the motion was declared carried then invited staff to present the standards.

Lori Kosmatka, Associate Planner, presented the standards.

Motion 1 – Special Use for a Dwelling Located Above a Principal Commercial Use

COMMISSIONER GATTO made a motion to recommend that the Village Board grant Melissa Christensen on behalf of Brady Gill Funeral Home & Cremation Services a Special Use for a Dwelling located above a principal commercial use at 16600 Oak Park Avenue in the B-3 (General Business & Commercial) zoning district, in accordance with the Findings of Fact as proposed in the November 17, 2022 Staff Report.

Motion was seconded by COMMISSIONER GASKILL.

CHAIRMAN GRAY requested a roll call vote. Commissioners present and responding in the affirmative:

COMMISSIONER GASKILL
COMMISSIONER GATTO
COMMISSIONER MANI
COMMISSIONER MARAK
COMMISSIONER SHAW
COMMISSIONER TIBBETTS
COMMISSIONER TRUXAL
COMMISSIONER GRAY

Hearing no opposition, the motion was declared carried.

Motion 2 – Site Plan/Architectural Approval

COMMISSIONER GASKILL made a motion to grant the Petitioner Melissa Christensen on behalf of Brady Gill Funeral Home & Cremation Services, Site Plan and Architectural Approval at 16600 Oak Park Avenue in the B-3 (General Business and Commercial) zoning district, in accordance with the plans submitted and adopt Findings of Fact as proposed in the November 17, 2022 Staff Report, subject to the following conditions:

1. *Approval is subject to final engineering review and approval by the Village Engineer.*
2. *Approval is subject to approval of the requested Special Use Permit by the Village Board.*
3. *Final color and materials shall be subject to review and approval by Village staff prior to issuance of a building permit.*

Motion was seconded by COMMISSIONER TRUXAL.

CHAIRMAN GRAY requested a roll call vote. Commissioners present and responding in the affirmative:

COMMISSIONER GASKILL
COMMISSIONER GATTO
COMMISSIONER MANI
COMMISSIONER MARAK
COMMISSIONER SHAW
COMMISSIONER TIBBETTS
COMMISSIONER TRUXAL
COMMISSIONER GRAY

Hearing no opposition, the motion was declared carried.

COMMISSIONER GRAY informs project will go to the Village Board on December 6, 2022.

DRAFT

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION

SUBJECT: MINUTES OF THE NOVEMBER 17, 2022 REGULAR MEETING

**ITEM #2 PUBLIC HEARING – ODYSSEY CLUB TOWNHOMES MODEL
CHANGE – SPECIAL USE FOR PUD SUBSTANTIAL DEVIATION AND
SITE PLAN/ARCHITECTURAL APPROVAL**

Consider recommending that the Village Board grant Anthony DeAngelis on behalf of Inter-Continental Real Estate & Development a Special Use for a Substantial Deviation to the Odyssey Club Planned Unit Development at Olympus Drive & Apollo Court in the R-5 PD (Low Density Residential, Odyssey Club PUD) zoning district.

Present Plan Commissioners: Chairman Garrett Gray
James Gaskill
Angela Gatto
Eduardo Mani
Andrae Marak
Ken Shaw
Brian Tibbetts
Kurt Truxal

Absent Plan Commissioners: Terry Hamilton

Village Officials and Staff: Lori Kosmatka, Associate Planner
Jarell Blakey, Management Analyst

Petitioners: Patricia Halikias, Intercontinental Real Estate &
Development Corporation
Anthony DeAngelis, Intercontinental Real Estate &
Development Corporation

Members of the Public: Andrew Macleod
Dr. Damon Arnold
Kathryn Surge

CHAIRMAN GRAY introduced Item #2. He entertained a motion to open the public hearing.

COMMISSIONER GASKILL made a motion to open the public hearing. Second was made by COMMISSIONER GATTO. CHAIRMAN GRAY requested a voice vote. Hearing no opposition, the motion was declared carried.

CHAIRMAN GRAY confirmed that he received certification of public legal notice being posted. He added that anyone wishing to speak on the case could do so but only after staff presents the

report.

Lori Kosmatka, Associate Planner presented the Staff Report.

CHAIRMAN GRAY asked the petitioner if they have anything to add. Noting none he asks the commission.

COMMISSIONER GASKILL noted he has no questions and is satisfied with the changes.

COMMISSIONER TRUXAL noted that the plat has not changed and it appears that there is only one way in and out of this new section. If that is the case he is concerned about EMS vehicles, but other than that the designs, materials, and density look acceptable to him.

COMMISSIONER MARAK stated he has nothing to add.

COMMISSIONER TIBBETTS commented that he thinks the change is consistent with market demand and architecturally is sufficient.

COMMISSIONER GATTO noted that she agrees with COMMISSIONER TIBBETTS and that it is a much-needed addition to the market in the Village.

COMMISSIONER MANI agreed with the rest of the commissioners.

COMMISSIONER SHAW asked if there is something driving the rationale behind the different lengths of homes with and without basements. He also asked if those will be spec homes.

CHAIRMAN GRAY swore in Anthony DeAngelis of Intercontinental Real Estate

Anthony DeAngelis, the Petitioner, stated it is mainly being driven by engineering. The determination was made through their engineer surveying the as-built existing conditions including the topography, roads, and utilities. In addition to this, the plan was determined by the intent to develop a plan that offered the least amount of disturbance to the existing landscape and is still in compliance with the grades for driveways and also maximize the number of units with basements. The first 26 units built all have basements. 51 more will have basements, and 40 will have slab. A total of 66% will have basements. He confirmed these are spec homes. He noted the site plan shows the A and B units with configuration of each building on each lot, and identifying which will have basements.

COMMISSIONER SHAW stated that he appreciates that it is updated architecture and noted that existing owners may perceive the development to be a drag on property values however, the use of high-quality materials and delivering a market need will improve that. He commented that though he appreciates the front elevation and mix of gables, he thinks that the rear elevation appears to be a sea of shingles and there should be alternative materials or faux gables to break up that look.

Anthony DeAngelis stated it is important to keep in mind that there are only four buildings that back up to another. The rest are surrounded by the golf course so it should not present a problem.

COMMISSIONER SHAW agrees that it will only backup to the golf course but there is a certain image of the neighborhood. The homeowners may feel that the rear elevation takes away from the neighborhood. He continued by suggesting that the developer could utilize alternative materials such as faux gables to mitigate some of the issues. He clarifies that he is not conditioning approval on this item, but it is a concern of his. He ended by commenting that overall, he is okay with the project excluding the rear elevations then mentions that on the existing ones he has a similar issue with the excessive siding.

Anthony DeAngelis responded that he and his team feel that the proposed front elevations are an improvement from the existing citing that was an explicit intention when preparing the plans. He continues by stating that they are not opposed to looking into remedying the rear elevations on the 4-unit buildings.

COMMISSIONER SHAW noted that the Petitioner is correct. It is only on the 4-unit buildings that the excessive shingling is an issue.

Anthony DeAngelis responded that he feels that this will not be an issue in the other units. He notes that there are cathedral ceilings in the ranch models so they want to make sure they do not limit the design by modifying the existing design.

COMMISSIONER SHAW responded that there is still the possibility to use alternative materials while maintain the integrity of the design.

CHAIRMAN GRAY asked if there were no changes to the plat or lot lines then what took so long to begin Phase 7.

Anthony DeAngelis responded that there are several factors that went into that and they have been working with the village to come up with a plan for the area. He mentioned that they had 12 existing foundations intended to be models that had sat due to the financial crisis that occurred in 2008. The project gained interest once they reassessed market conditions and lifestyle changes that occurred. Additionally, there was a justification to invest the necessary capital due to the heightened activity in the leasing market. Anthony suggests that the development team is very confident in its ability to get this project completed in two phases with 44 units in the first phase and 47 in the second phase for a total investment of about \$40 million dollars completing the subdivision and the remaining improvements.

CHAIRMAN GRAY asked if they are looking at a two-year time-table.

Anthony DeAngelis responded yes, a 24-month time table beginning in the upcoming spring. He feels that the aggressive timeline will be beneficial for everyone to complete this project.

CHAIRMAN GRAY commented that he agrees that changing with the time is important for development.

Anthony DeAngelis noted that they are also offering a comprehensive package with the amenities of being a private gated golf course community and these homes as they will be equipped with digital equipment systems such as Ring doorbell systems and smart thermostats.

CHAIRMAN GRAY stated that he agrees that the need for this project is there and feels open item one is reasonable. In regards to open item two he has no issues to that and then agrees with the landscape waiver for the trees.

Anthony DeAngelis stated that he believes they will exceed the fifty feet landscape requirement once the project is finished.

CHAIRMAN GRAY noted he had no outstanding issues. Then asks if there is anything else the petitioner would like to add. Hearing none the chair asks the commission if there is anything else to be added.

CHAIRMAN SHAW requested that an informal poll since he was the only petitioner that brought up an issue with the roof on the 4-unit rear elevation.

COMMISSIONER MARAK comments that when comparing the two units he has no noted concerns about the rear facades due to the vaulted ceilings.

Anthony DeAngelis commented that the rear elevations on the existing units are similar with the exception of the vaulted ceilings in the new units.

COMMISSIONER SHAW noted that if it is only his opinion then they can move on.

CHAIRMAN GRAY requested for an informal poll to be taken regarding the issue of the materials used on the rear elevations.

The following Commissioners did not think it was an issue:

COMMISSIONER GASKILL
COMMISSIONER MARAK
COMMISSIONER GATTO
COMMISSIONER MANI
CHAIRMAN GRAY

The following Commissioners did think the proposed rear additions were an issue:

COMMISSIONER TRUXAL
COMMISSIONER TIBBETTS
COMMISSIONER SHAW

COMMISSIONER GATTO noted that she feels there could be some modification to the 4-unit building.

COMMISSIONER MANI noted that if you put gable on some of the properties it will make it an atypical unit suggesting that if it will be added it will need to be added to be consistent.

CHAIRMAN GRAY asked if the public had anything to add for this item. He swore in Andrew Macleod, member of the Fairway Townhome Association.

Andrew Macleod spoke about confusion with what association this townhome will be part of and cited other issues with the establishment of prior developments that have come in. In addition to this, there were noted concerns about the enforcement of HOA covenants.

Anthony DeAngelis informed Andrew Macleod that there were provisions in place for the new development and that anything further would need to be discussed at a later date.

Jarell Blakey, Management Analyst, informed Andrew Macleod that the Village does not enforce private covenants for HOAs and that they could exchange contact information to discuss the matter further.

CHAIRMAN GRAY requested that we move past this issue as the HOA designation is not part of the request before the Plan Commission.

Andrew Macleod noted that he has a concern with the construction traffic and asked how the developer will mitigate risks.

CHAIRMAN GRAY swore in Dr. Damon Arnold.

Dr. Damon Arnold, noted concerns with construction traffic, infrastructure, and property taxes. He went on to comment that if the homes are targeted for retirees there is no way to guarantee that retirees will be the ones to purchase these homes.

COMMISSIONER GASKILL clarified that the development is being built with seniors and empty nesters in mind but it was not said that only retirees will occupy the units.

Dr. Damon Arnold responded that the impression he was given was it was intended to be a retirement community.

COMMISSIONER SHAW commented that he was not under the impression that it was a retirement community.

Dr. Damon Arnold raised a concern that the one-story home will negatively affect property values.

COMMISSIONER GATTO noted that currently that is not the case.

Dr. Damon Arnold asked about how the single-story development will affect taxes.

COMMISSIONER GATTO clarified that the homes are only slightly smaller.

Dr. Damon Arnold noted that it was said that there will be a smaller footprint on the newer development.

Anthony DeAngelis, commented that it will only be slightly smaller.

COMMISSIONER SHAW asked Lori Kosmatka, Associate Planner, to show the exact figure for square footage on the presentation.

Jarell Blakey, Management Analyst, informed Dr. Damon Arnold that the subdivision maintains a maintenance deposit and surety bond to cover any infrastructure repairs needed.

Dr. Damon Arnold asked if it covers damage to the home.

Jarell Blakey, Management Analyst, informed him that it covers public infrastructure ending in the public easement.

Dr. Damon Arnold asked how this will affect their property taxes.

COMMISSIONER GATTO responded that property taxes are assessed based on square footage of your home.

Jarell Blakey, Management Analyst, informed that the Village does not assess property taxes so we cannot make an accurate projection of the affect of the taxes and can only refer him to the other agency.

Dr. Damon Arnold made a statement about the rear elevations not being appealing appearing as one long roof with no aesthetic appeal. He noted he golfs and will be looking at them as well. He noted concerns with open access to the community due to lower costs.

Lori Kosmatka, Associate Planner, commented that the configuration of the unit is not changing. 25 of the lots are vacant, and 17 of them remain as 4-unit type, 7 of them as 3-unit type and 1 as 2-unit type.

Dr. Damon Arnold stated that he is looking to obtain a clearer picture regarding the development.

Lori Kosmatka, Associate Planner, responded that unit density would not be coming down, but floor area ratio would be slightly adjusted as in respect to lot size is what's changing.

Dr. Damon Arnold asked to be clear the only change that is happening is going from a two story to a one-story townhome.

Lori Kosmatka, Associate Planner, responded yes, previous approvals had different model types but the only change being requested is the move from two-stories to one.

Dr. Damon Arnold noted a concern with the construction traffic.

Lori Kosmatka, Associate Planner, informed Dr. Damon Arnold that as the project goes through the permit process, there will be a process in place to mitigate nuisances. Additionally, the phasing of the project will attempt to mitigate nuisances as well.

Jarell Blakey, Management Analyst, informed Dr. Damon Arnold that there is a preconstruction meeting that where the building official will address any concerns and inspectors will be on-site daily.

Dr. Damon Arnold asked if the golf course operations would be interrupted.

Jarell Blakey, Management Analyst, responded no.

Anthony DeAngelis informed the Petitioner that the benefit in phasing the project will mitigate risk. Also, this phase is self-contained so there should be minimal disturbances.

CHAIRMAN GRAY swore in Kathryn Surge.

Kathryn Surge asked if these will primarily be rentals.

Lori Kosmatka, Associate Planner, responded that the Village does not regulate ownership of residential units.

Kathryn Surge noted concerns with some units not having basements. Also, a concern with the rear elevation on the four-unit building.

CHAIRMAN GRAY asked if anyone else from the public wished to speak on the item. Hearing none, he asked the Commissioners if they had anything to add. Hearing none, he entertained a motion to close the public hearing.

COMMISSIONER TRUXAL made a motion to close the public hearing. Second by COMMISSIONER GASKILL. CHAIRMAN GRAY requested a voice vote. Noting no opposition, the motion was declared carried.

Lori Kosmatka, Associate Planner, presented the standards.

Motion 1 – Special Use for a Substantial Deviation to the Planned Unit Development

COMMISSIONER GASKILL made a motion to recommend that the Village Board grant a Special Use Permit for a Substantial Deviation from the Odyssey Club Planned Unit Development to the Petitioner Anthony DeAngelis on behalf of Inter-Continental Real Estate & Development to permit single story ranch townhomes at Olympus Drive & Apollo Court (Odyssey Club Phase 7) in the R-5 PD (Low Density Residential, Odyssey Club PUD) zoning district, in accordance with the plans submitted and adopt Findings of Fact as proposed in the November 17, 2022 Staff Report.

1. *Approval is subject to final engineering plan review and approval.*
2. *Either model type (single-story or two-story) to be constructed on Phase 7 of the PUD.*

The motion was seconded by COMMISSIONER TRUXAL.

COMMISSIONER SHAW clarified that the Plan Commission was a recommending body meaning that they are not approving or denying anything. It just makes a recommendation to the

Village Board and they make the final decision. As far as the association issues, staff will have to confer with village attorneys.

CHAIRMAN GRAY requests a roll call vote. Commissioners present and responding in the affirmative:

COMMISSIONER GASKILL
COMMISSIONER GATTO
COMMISSIONER MANI
COMMISSIONER MARAK
COMMISSIONER SHAW
COMMISSIONER TIBBETTS
COMMISSIONER TRUXAL
COMMISSIONER GRAY

Hearing no opposition, the motion was declared carried.

Motion 2 – Site Plan/Architectural Approval

COMMISSIONER TRUXAL made a motion to grant the Petitioner Anthony DeAngelis on behalf of Inter-Continental Real Estate & Development Site Plan / Architectural Approval for single story ranch townhomes at Olympus Drive & Apollo Court (Odyssey Club Phase 7) in the R-5 PD (Low Density Residential, Odyssey Club PUD) zoning district, in accordance with the plans submitted and listed herein, subject to the following conditions:

1. *Site Plan/Architectural Approval is subject to approval of the Special Use for a Substantial Deviation to the PUD by the Village Board.*
2. *Site Plan/Architectural Approval is subject to Engineering and Building Department permit review and approval of final plans including any grading or drainage changes.*
3. *Physical material samples shall be provided during the permit process for staff review and approval. Final color and materials shall be subject to review and approval by Village staff prior to issuance of a building permit.*

The motion was seconded by COMMISSIONER GATTO.

CHAIRMAN GRAY requested a roll call vote. Commissioners present and responding in the affirmative:

COMMISSIONER GASKILL
COMMISSIONER GATTO
COMMISSIONER MANI
COMMISSIONER MARAK
COMMISSIONER SHAW
COMMISSIONER TIBBETTS
COMMISSIONER TRUXAL
COMMISSIONER GRAY

Hearing no opposition, the motion was declared carried.

CHAIRMAN GRAY informed the Petitioner this item will go the Village Board on December 6th, 2022.

DRAFT

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION

SUBJECT: MINUTES OF THE NOVEMBER 17, 2022 REGULAR MEETING

ITEM #3 WORKSHOP/PUBLIC HEARING – GAS N WASH, 18301 LAGRANGE RD – SPECIAL USE, FINAL PLAT, VARIATIONS, AND SITE PLAN/ ARCHITECTURAL APPROVAL

Consider recommending that the Village Board grant Leonard McEnery on behalf of Gas N Wash a Special Use for a Automobile Service Station and Variations (Urban Design Overlay, Parking Minimum, Parking Locations, Wall/Ground Signs, etc.) to permit an gas station with a convenience store, car wash, and two drive-thru restaurant uses at the property located at 18301 LaGrange Road (SEC LaGrange Rd and 183rd St) in the B-3 (General Business and Commercial) zoning district.

***Requested to continue to 12/1/2022 meeting.*

Present Plan Commissioners:

Chairman Garrett Gray
James Gaskill
Angela Gatto
Eduardo Mani
Andrae Marak
Ken Shaw
Brian Tibbetts
Kurt Truxal

Absent Plan Commissioners:

Terry Hamilton

Village Officials and Staff:

Lori Kosmatka, Associate Planner
Jarell Blakey, Management Analyst

Petitioners:

None

Members of the Public:

None

CHAIRMAN GRAY introduced Item #3. He entertained a motion to continue this item.

COMMISSIONER SHAW made a motion to continue the Workshop and Public Hearing for Item #3 to the December 1, 2022 Plan Commission Meeting. Second by COMMISSIONER GASKILL. CHAIRMAN GRAY requested a voice vote. Hearing no opposition, the motion was declared carried.

Good of the Order

- Lori Kosmatka, Associate Planner, provided Staff feedback from the APA Plan Commissioner Training session at the last meeting. Staff felt the training was very helpful, serving as a refresher as well as an opportunity to learn new information. She reiterated that as suggested in the training, Staff encourages Commissioners to contact Staff prior to the meeting if there are any major questions on a case that Staff can help answer or research.

Receive Comments from the Public

- None

COMMISSIONER GASKILL made a motion to adjourn the Meeting. Second by COMMISSIONER TRUXAL. CHAIRMAN GRAY requested a roll call vote. Hearing no opposition, he declared the Meeting Adjourned at 8:53pm.

PLAN COMMISSION STAFF REPORT

December 1, 2022 –Public Hearing

Mitchell – Corner Lot Fence Setback Variation

7800 Joliet Drive

Petitioner

Kate & Andrew Mitchell

Property Location

7800 Joliet Drive

PIN

27-36-105-016-0000

Zoning

R-2 PD (Bristol Park PUD)

Approvals Sought

Variation



EXECUTIVE SUMMARY

The Petitioner, Kate Mitchell, is seeking a Variation from Section III.J. (Fence Regulations) of the Zoning Ordinance to permit a six-foot-high, open-style fence encroaching up to 17'-5" into the required 30-foot secondary front yard, where a fence encroachment is not permitted at 7800 Joliet Drive. The Petitioner has already installed the fence at the requested location and is looking to resolve the zoning violation. A permit had been issued and the approved plans were compliant but the fence was installed at the incorrect location, which was identified upon inspection.

The Petitioner has requested the fence setback Variation to protect the property from damage due to previously alleged trespassing on the property. The Petitioner installed the fence to align with the neighbor's existing nonconforming fence, and had it run at jogging angles along mature landscaping.

Secondary front yard fences are required to be located at the building setback line of 30 feet in the R-2 zoning district. The Petitioner could comply by code to have the six-foot high open-style fence at the 30-foot Required Setback Line of the secondary front yard. Also, five-foot open style fences may, with administrative approval, encroach up to ten feet in the Required Setback Line of the secondary front yard. If the Variation request is denied, the Petitioner would be required to remove or relocate the installed fence or be subject to code violation citations and fines.

Project Planner

Lori Kosmatka
Associate Planner

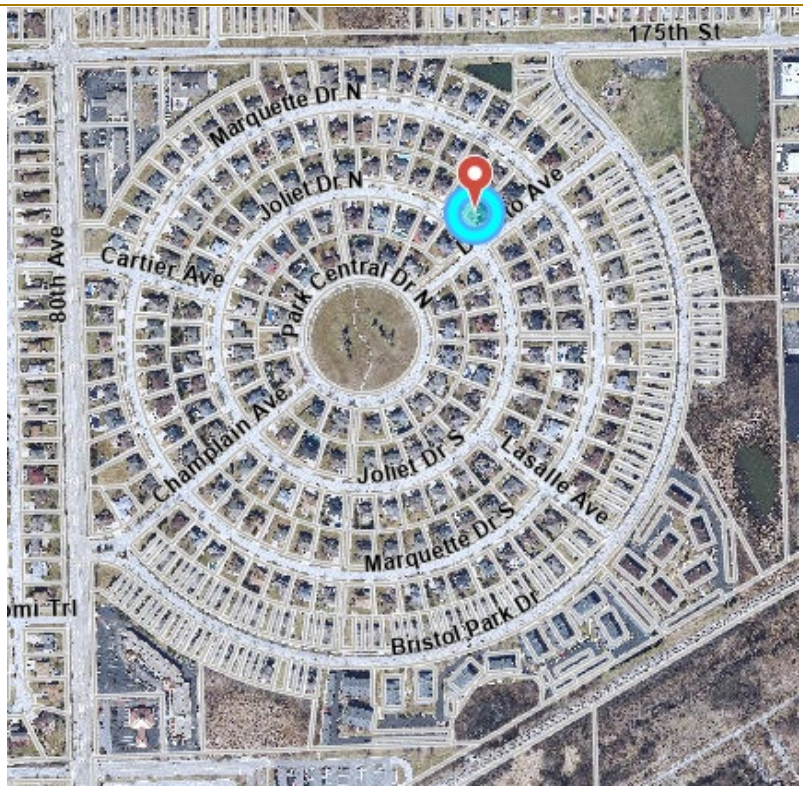
EXISTING SITE & HISTORY

The subject property is a corner lot, located on the north corner of Joliet Drive N and Desoto Avenue in the Bristol Park Planned Unit Development (PUD). The subdivision as part of the PUD was annexed into the Village in 1990. The development contains concentric rings of single-family residential with commercial, townhomes, and multi-family on the surrounding exterior areas.

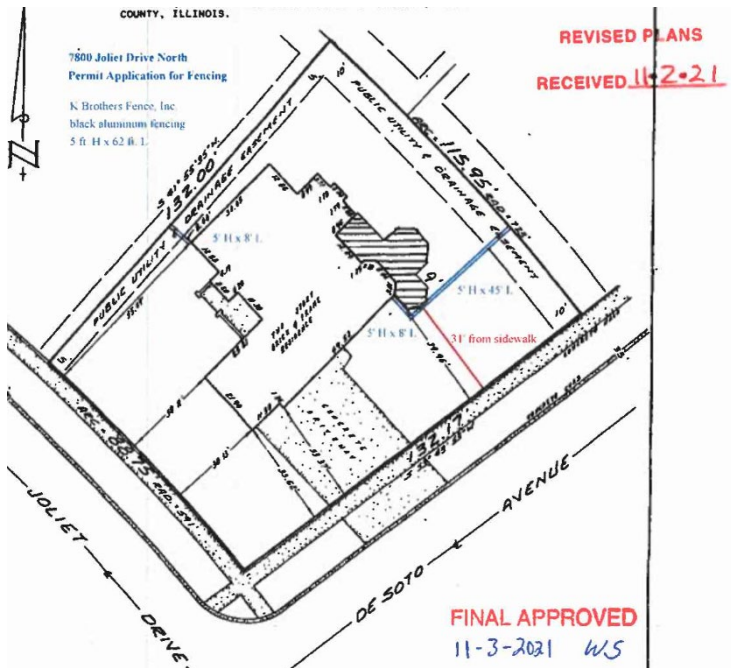
The lot has 88.75' of primary frontage on Joliet Drive, with the rear property line parallel to Joliet Drive being 115.95 feet. There is 132.17 feet secondary frontage on Desoto Avenue with the parallel rear property line being 132.00 feet. When averaging the property lines per the plat of survey, the property is approximately 13,519 sq. ft. Approximate parcel area is 12,550 sq. ft. The side of the house along the secondary front yard is situated along Desoto Avenue at a slight angle, where it is 39.96 feet from the property line at its northeastern corner and 33.62 feet from its southeastern corner.

The Petitioner recently installed the requested fence at the northeastern corner of the house. The Petitioner states there were issues with trespassing on the subject property, and the Petitioner installed a fence to protect the property from damage. The homeowner's initial submittal for the fence permit application depicted a proposed fence 20 feet from the sidewalk within the 30-foot secondary front yard. The Village notified the Petitioner that the proposal did not meet fence code regulations and the homeowner revised the proposal to depict the proposed fence 31 feet from the sidewalk. The revised proposal thus met fence code regulations and the fence permit was issued (approved November 3, 2021).

The Petitioner worked with a fence contractor to install the fence. Upon inspection, it was discovered that the fence was not installed in the approved code compliant location, but rather within the secondary front yard at jogging angles with varied distance from the property line (see photos and plat below). The Village provided a deadline for the Petitioner to either decide to move the fence to the permitted location or request relief through a Variation if they believed there was a unique hardship. The Petitioner is aware that if the Variation is denied they will need to comply with the code requirements. Staff has recommended that they have a plan in place prior to the decision to avoid code enforcement action.



Aerials of Property (location of parcel lines is approximate)



Previously Approved Fence Permit 11/3/21, Code Compliant



Installed fence, Noncompliant; 12'-7" to property line, angled jogging



Left: Fence and landscaping in relation to sidewalk. Right: Fence with angled jogging to meet existing neighbor's fence

ZONING & NEARBY LAND USES

The subject property is a corner lot within the R-2 Zoning District and part of the Bristol Park PUD. Surrounding nearby residences are also part of the PUD and have the same underlying zoning district. Beyond the concentric rings of single-family detached residential, the PUD's zoning contains R-5, R-6, B-1, and B-4 zoning districts. The Zoning Ordinance requires primary and secondary yard setbacks of 30 feet each within the R-2 zoning district.

The lot of approximately 13,519 sq. ft. is below the required minimum corner lot size of 16,250 sq. ft. per the Zoning Ordinance, however, the property was developed as part of the PUD's specifications and is not unique from surrounding properties. Available square footage parcel areas from the Village's GIS map are only roughly approximate, but the subject property's 12,550sq. ft. is comparable to surrounding corner properties (12,443 sq. ft. at 7801 Marquette Dr., 13,090 sq. ft. at 7801 Joliet Dr., 12,584 sq. ft. at 7700 Marquette Dr.; 12752 sq. ft. at 7701 Joliet Dr.; 11,422 sq. ft. at 7700 Joliet Dr.)

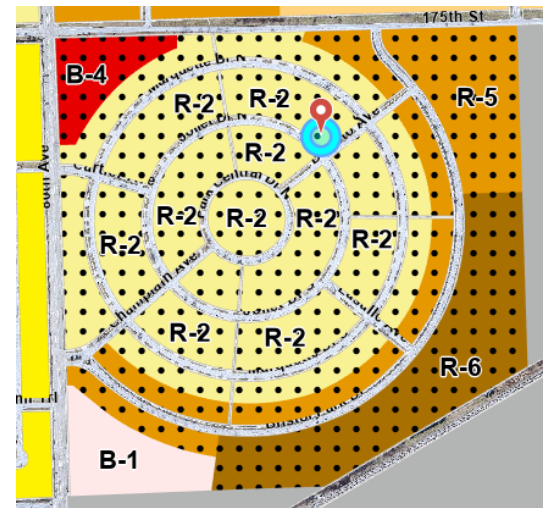
The majority of corner properties in the Bristol Park neighborhood have an essential character where fences are generally not located in the front yards. Some such as 7700 Marquette Dr. S comply by aligning with the side of the house's façade along the secondary front yard. Village records indicate only one previous fence variation in the Bristol Park PUD at 7800 Marquette Dr. N. Other fences in neighborhood include the adjacent north neighbor at 7801 Marquette Dr. N and a few other Bristol Park locations observed including 7877 Marquette Dr. S and 7948 Joliet Dr. N. Aside from the one property with the variation, those properties with non-conforming fences will need to come into conformance when they are eventually replaced.

Current Fence Regulations

After months of discussion between the Zoning Board of Appeals, Plan Commission, and Community Development Committee, the Village Board adopted an ordinance in January 2018, amending the fence regulations for fences within a secondary front yard. The amendment provided clarification to the Code. Previously, the Code was not uniformly enforced, created aesthetic issues in streetscapes, and resulted in many non-conforming fences. It was known when adopting these newer regulations that many existing fences would become legal non-conforming and would be required to come into conformance with the current codes when replacement is necessary.

Section III.J. "Fence Regulations" states that for corner lots, fences are only permitted at or behind the Required Setback Line in the primary front yard and secondary front yard, though, per Section III.J.3.a. (*Administrative Approvals of Secondary Front Yard*), administrative approvals may be granted

for fences in secondary front yards when they are open style fences with a maximum of five feet (5') in height could encroach up to 10 feet into the Required Setback Line in the secondary front yard in the R-1 Zoning District. This administrative approval option requires that the fence must not obstruct sight lines and cannot abut a neighboring primary front yard. The subject property appears to not have sight line obstruction issues nor abuts a primary front yard, however, the installed fence is located beyond the allowable 10 feet encroachment and it exceeds the maximum five foot allowable height for this administrative approval.

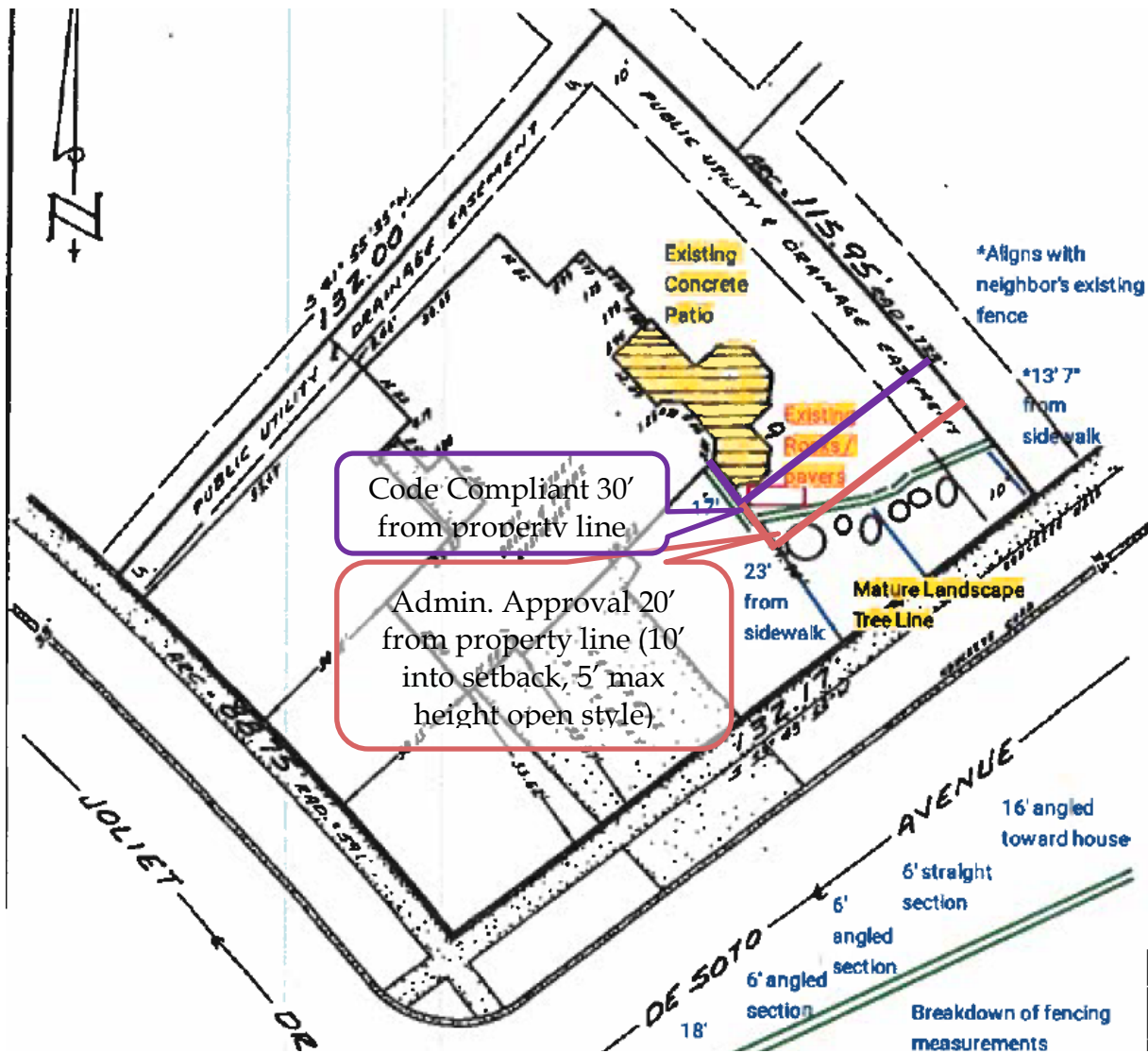


VARIATION REQUEST

The Petitioner requests the variation to allow the recently installed fencing at the existing location. The fence is a six-foot (6') high, open-style fence which the Petitioner states at its closest (greatest encroachment) is 13'-7" from the sidewalk, thus 12'-7" from the property line, (as the property line is offset one foot from the sidewalk) and encroaching up to 17'-5" into the Required Setback Line of the 30-foot secondary front yard. The fence has a varied distance from the property line due to its angled jogging which the Petitioner notes at its furthest (least encroachment) is 23 feet from the sidewalk. The Petitioner shows the fence run, in green, dimensions in blue, and circle/ellipses as mature landscaping. The Petitioner has marked up the plat of survey, providing dimensions from the sidewalk rather than the property line. Variation requests must be calculated from the property line. The Petitioner installed the fence to align with the neighbor's existing nonconforming fence, and had it run at jogging angles along mature landscaping. The Petitioner's narrative provides additional detail and photographs.

The Petitioner can conform with the Village's fence code regulations aside from having no fence. The Petitioner can outright comply with the code requirements, as previously permitted, by having the fence (up to six feet tall, either open or privacy style permitted) relocated so it is at least 30 feet from the property line (*purple solid line on the plat below*). Alternatively, the Petitioner could be allowed an administrative approval to install an open-style fence up to five feet in height to encroach up to ten feet into the setback thus locating 20 feet from the property line (*pink solid line on the plat below*), however this is one foot shorter than the installed fencing. Since the northeastern corner of the home is 39.96' from the property line, nearly ten feet greater than the 30' secondary front yard minimum, these options would still allow for some enclosure of land beyond the face of the house along Desoto Avenue.

Staff is concerned about setting a precedent for future variation requests if there is no clear physical hardship or uniqueness of property identified. Hardships for a Variation must be related to the physical characteristics of the property and cannot be created by the owner (or previous owners) of the property. If the Variation is granted, if the north neighbor eventually wishes to replace their fence, that neighbor will need to meet the code, which would cause a gap in the fencing. The majority of corner properties in the Bristol Park neighborhood have fences that are generally not located in the front yards. A few corner properties in the neighborhood have fences, and most of which appear to conform to the code. For the few fences that don't comply, they will need to come into compliance upon their replacement.



Marked Up Plat of Survey by Applicant (in green) and conforming options by Staff (in purple and pink)

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 has drafted Findings of Fact which do not support recommending approval of the Variation as presented. If the Plan Commission would like to recommend this Variation for approval, these Findings of Fact will need to be amended.

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 subject parcel can still yield a reasonable return under the conditions of the district it is located. The Petitioner has options to comply with code, including locating the fence outside of the front yard, or seeking administrative approval for a five-foot-tall fence encroaching ten feet. None of these compliant options limits the owner's ability to yield a reasonable return on their property.***
2. The plight of the owner is due to unique circumstances.
 - ***The subject property does not present a clear, physical hardship related to the property. The Petitioner could have a fence outside of the secondary front yard.***
3. The Variation, if granted, will not alter the essential character of the locality.
 - ***The Variation, if granted, will alter the essential character of the locality. The majority of corner properties in the Bristol Park neighborhood have an essential character where fences are generally not located in the front yards. Few corner properties in the neighborhood have fences, and most of which appear to conform to the code. Properties with non-conforming fences that do not have a variation will need to come into conformance when they are eventually replaced.***
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.

MOTION TO CONSIDER

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. The Commission may choose to modify, add, or delete from the recommended motions and any recommended conditions.

"...make a motion to recommend that the Village Board grant a Variation to the Petitioner, Kate Mitchell, from Section III.J. (Fence Regulations) of the Zoning Ordinance, to permit a six-foot high open fence encroaching up to seventeen feet five inches (17'-5") into the required 30 foot secondary front yard, where a fence encroachment is not permitted at 7800 Joliet Drive N in the R-2 (Single-Family Residential) Zoning District, consistent with the Submitted Plans and adopt Findings of Fact as proposed in the December 1, 2022 Staff Report."

LIST OF REVIEWED PLANS

Submitted Sheet Name		Prepared By	Date On Sheet
	Application (Redacted)	Applicant	10/19/22
	Response to Standards for Variation	Applicant	Rec'd 10/19/22
	Applicant Narrative and Photos	Applicant	Rec'd 11/22/22
	Plat of Survey (Marked by Applicant)	Applicant	Rec'd 10/19/22

VILLAGE OF TINLEY PARK, ILLINOIS
PLANNING AND ZONING GENERAL APPLICATION

REQUEST INFORMATION

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

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

PROJECT & PROPERTY INFORMATION

Project Name: _____

Project Description: _____

Project Address: _____ Property Index No. (PIN): _____

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: Kate & Andrew Mitchell Company: _____

Street Address: 7800 Joliet Drive North City, State & Zip: Tinley Park, IL 60477

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
Community Development Dept.
16750 S. Oak Park Ave.
Tinley Park, IL 60477
(708) 444-5100

VILLAGE OF TINLEY PARK, ILLINOIS PLANNING AND ZONING GENERAL APPLICATION

Authorized Representative Consent

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

I hereby authorize _____ (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): _____

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.

Property Owner Signature: _____

Property Owner Name (Print): _____

Applicant Signature:
(If other than Owner)

Applicant's Name (Print): _____

Date: _____

October 19, 2022



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

VILLAGE OF TINLEY PARK, ILLINOIS VARIATION ADDENDUM

APPLICATION & SUBMITTAL REQUIREMENTS

A complete application consists of the following items submitted in a comprehensive package. If materials are submitted separately or are incomplete they will not be accepted and may delay the review and hearing dates until a complete application package is received. The following information is being provided in order to assist applicants with the process of requesting a **Variation** from the terms of the Zoning Ordinance. This information is a summary of the application submittal requirements and may be modified based upon the particular nature and scope of the specific request.

Depending upon meeting schedules, legal notification requirements, and the specific type and scope of the request, this process generally takes between 45 to 60 days from the date of submission of a complete application package. Please schedule a pre-application meeting with Planning Department staff to review the feasibility of the proposal, discuss applicable Ordinance requirements, discuss submittal requirements and receive preliminary feedback on any concept ideas or plans prior to making a submittal.

X General Application form is complete and is signed by the property owner(s) and applicant (if applicable).

X Ownership documentation is submitted indicating proper ownership through a title report or title policy. If a corporation or partnership, documentation of the authorized agent must be supplied as well. All beneficiaries of a property must be disclosed.

X A written project narrative detailing the specific variation(s) from code requirements that are being requested, the reasoning for requiring the variation, the general nature and specific aspects of the proposal being requested. Any additional requests such as a Special Use or Site Plan approval should be indicated in the narrative as well.

X A Plat of Survey of the property that is prepared by a registered land surveyor and has all up-to-date structures and property improvements indicated. All proposed improvements shall be indicated on the survey and be appropriately scaled with all setbacks and dimensions clearly indicated.

X Any applicable site plan, engineering/grading plans, exterior elevations or interior layout plans that indicate the full scope of the project and the Standards for a Variation.

X Responses to all Standards for a Variation on the following page (can be submitted separately along with the narrative, but all standards must be covered).

X Residential Variation Hearing Fee - **\$250** + \$75 per additional Variation
Commercial Variation Hearing Fee - \$500 + \$75 per additional Variation

STANDARDS AND CRITERIA FOR A VARIATION

Updated 12/18/2018 1 | Page

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

additional space is required, you may provide the responses on a separate document or page.

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

The home was built in 1994 and the neighborhood is 30+ years old. Adding a fence to an existing home with mature landscape and hard landscaping to match the neighboring properties was a challenge. The way the fence was put up was the best "match up" with the already existing fences that neighbors had put up in the past, while working around a mature property. We moved into the home 6+ years ago.

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

The current zoning regulations would cause our home to look out of place and does not match the mature nature of the landscape or neighborhood. We have the fence matching up to the existing neighbors' fences in proximity to the street on both sides where we added a fence (on two sides of our property). The other two sides of our property have been previously closed off by neighbors. The big change that was made different from our neighbors, was using black aluminum instead of a beige PVC privacy fence.

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

The hardship is dealing with a mature neighborhood and landscape. We also have existing fencing on two sides of our property already.

We put up a fence due to a neighbor hiring a contractor and instructing them to pipe their sump pump drainage under their fence and into our backyard. The village was called and knew about this ongoing situation.

The neighbor continued to want to use our property for their drainage and hired two additional contractors to dig in our yard. We reported both instances and/or stopped those instances from occurring.

After these situations, we decided we needed to protect our property and our family. While we were waiting for our fence to be installed (6+ months), we had to put up cameras around the perimeter of our home. We were thrilled in December of 2021 to have a fence! The issue with the neighbor's drainage in our yard has still not been removed or addressed.

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

The variance is unique to the property due to the mature landscape around the home and the neighborhood. The fence matches the home aesthetically and matches neighboring fences with its height and location.

This is also unique because we are adding fencing to fences that are already in place and by our neighbors. We added fencing to enclose our yard on four sides, instead of just the two sides.

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

The fence is needed because of one neighbor. We are currently still dealing with the neighbor's drainage in our yard and are trying to protect our property from further damage. We are also trying to protect our three young children (6, 4, and 1 years old). One child has special needs and a health issue, so their protection is paramount, especially in this situation.

F. Describe how granting this Variance request will not be detrimental to the public welfare or injurious to other properties or improvements in the neighborhood in which the property is located.

The fence will add safety to the neighborhood and our children from a trespassing and damaging neighbor.

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

The fence adds to the home and neighborhood aesthetically. We have also received no complaints and many compliments on what it adds to the home and neighborhood.

H. Describe how the requested Variance will not:

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

properties.

14

The requested variance is for an existing fence that is a black aluminum. The design of the fence allows air and light to

flow through freely.

15

16

17
18

2. Substantially increase the congestion of the public streets.

The fence is a black aluminum. The design of the fence and color allows the fence to blend into the landscape and is

able to be seen through by both drivers and pedestrians when navigating the corner while on the street and sidewalk.

3. Increase the danger of fire.

The fence is a black aluminum, so it does not increase the danger of fire.

4. Impair natural drainage or create drainage problems on adjacent

property.

The fence is along two sides of the home to close off the backyard. The design of the fence is aluminum and allows for

drainage. All adjacent properties have PVC fences that are 6 feet tall already, so our added fence would not impede

anything for their properties.

5. Endanger the public safety.

Being that the fence is black aluminum, it is able to be seen through by both drivers and pedestrians when navigating

the corner while on the street and sidewalk.

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

This type of fence (black aluminum) was chosen because it is aesthetically pleasing and adds to the design of the home. It matches the height of the neighboring and existing fencing, which are PVC privacy fences. The fence would only add value to the home and neighborhood.

Thank you for taking the time to read this narrative and appreciate your thoughtful review.

Please reach out if you have any further questions.

Andy & Kate Mitchell

Our need for a fence began on April 1, 2021 in an effort to keep our neighbor and multiple contractors from coming into and damaging our property. In an effort to keep him out of our yard, minimize property damage, and to protect our three children, we had to go through the process and invest in a fence.

We secured a contractor (August of 2021) and were told it would be nine months to a year before installation and submitted our permit application (October of 2021). After submitting our application, our permit application was denied because of new changes to the fence code that now considered the side of our home a second front yard since we are located on a corner. The paperwork was re-submitted and approved.

At the end of December of 2021 the fence was installed by K Brothers. It was a frigid day and the installers were approached by the neighbor as they were working. The neighbor interrupted the installers and informed them that they were not allowed to put in a fence and was berating them. I offered to call the police on their behalf in an effort to stop the harassment. K Brothers handled the situation themselves and had other installers come to assist so that the job could progress and be completed.

The fence ended up being in line with the post of the fence that is behind us. Our fence post starts in line with theirs (their side front yard) and then angles towards our house. This angle is exaggerated due to the subdivision being designed in a circular pattern. The variance would be needed for the point that is in line with the existing and neighboring fencing (14 feet from the sidewalk). The post on the opposite side of the fence is 23 feet from the sidewalk (where it then turns to connect to the side of the home).

Besides being in line with the neighboring fence, the fence follows along the inside line of mature landscaping, stone, pavers, and a concrete patio. The fence is in place and does not disturb these existing features of the now 28 year old home.

We were happy with how the fence looked installed and were thrilled to have a fence for the safety of our three young children (one with special needs) and the security of our property. We had hoped to be able to focus on fixing the damage caused by our neighbor to our yard that is a current and ongoing issue.

To blend in with the neighborhood and home, we chose a black aluminum fence. Since we never planned on adding a fence to our property, we tried to choose the least obtrusive type of fence, so we could still enjoy the property and landscape. You can easily see in and out of the fence and the black seems to blend in the background. We have received numerous compliments from neighbors and passersby on the added fence.

The fence was installed as is aesthetically pleasing. It encloses two sides of our yard. The other sides had been previously enclosed by the fencing of the surrounding neighbors between 1994-1996. These fences are six foot tall pvc privacy fences. We were hoping to enclose the remainder of the yard, without disrupting the aesthetic of the home and yard by adding a fence in the 27th year of the home's existence. The fence also allows a clear line of sight for cars navigating the corner, driveways, as well as any pedestrians on the sidewalk or street.

We were notified that there was an issue with our fence on June 29, 2022. When I followed up with Jason Zorena, I was told that I had two options, to remove the fence or apply for a variance that I would not be granted. I confirmed that neither were viable options and again was told that was it as far as options, other than removing all of the mature landscaping, concrete and stones. I stated that it was not logical to take down our mature landscaping and to change the landscape of an almost 30 year old home for the sake of a 2 year old ordinance. I assured Jason that the fence was aesthetically pleasing if that was the spirit of the ordinance. I also stated that the cost of taking down a fence and having it reinstalled was cost prohibitive.

In July, I followed up with Ken Karczewski who we had previously worked with and he said he would come by the house to see the fence and talk with Jason. On Saturday, October 8, we received Initial Notice Complaint #CE-2022-06-00540. Again, my options were to take the fence down within the week or apply for a variance. We met with Lori on October 18 and submitted the necessary paperwork on October 19 with the \$250 application fee.

We hope to be granted a variance since the existing position of the fence fits the home and neighborhood. Since the fence is a late addition to the property, there was a lot to "work around" in terms of the installation, 27 years after the home was built and almost

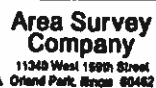
30 years since the subdivision began. Having the fence “fit in” was a challenge, especially with the recent changes to the ordinance in terms of the fencing of a second front yard of a corner home. The variance would allow the fence to be a positive addition to the home and established neighborhood.

CURRENT ISSUE - PICTURES OF FENCE AND SIDE YARD:



(taken from neighbors fence - behind along DeSoto Ave.)

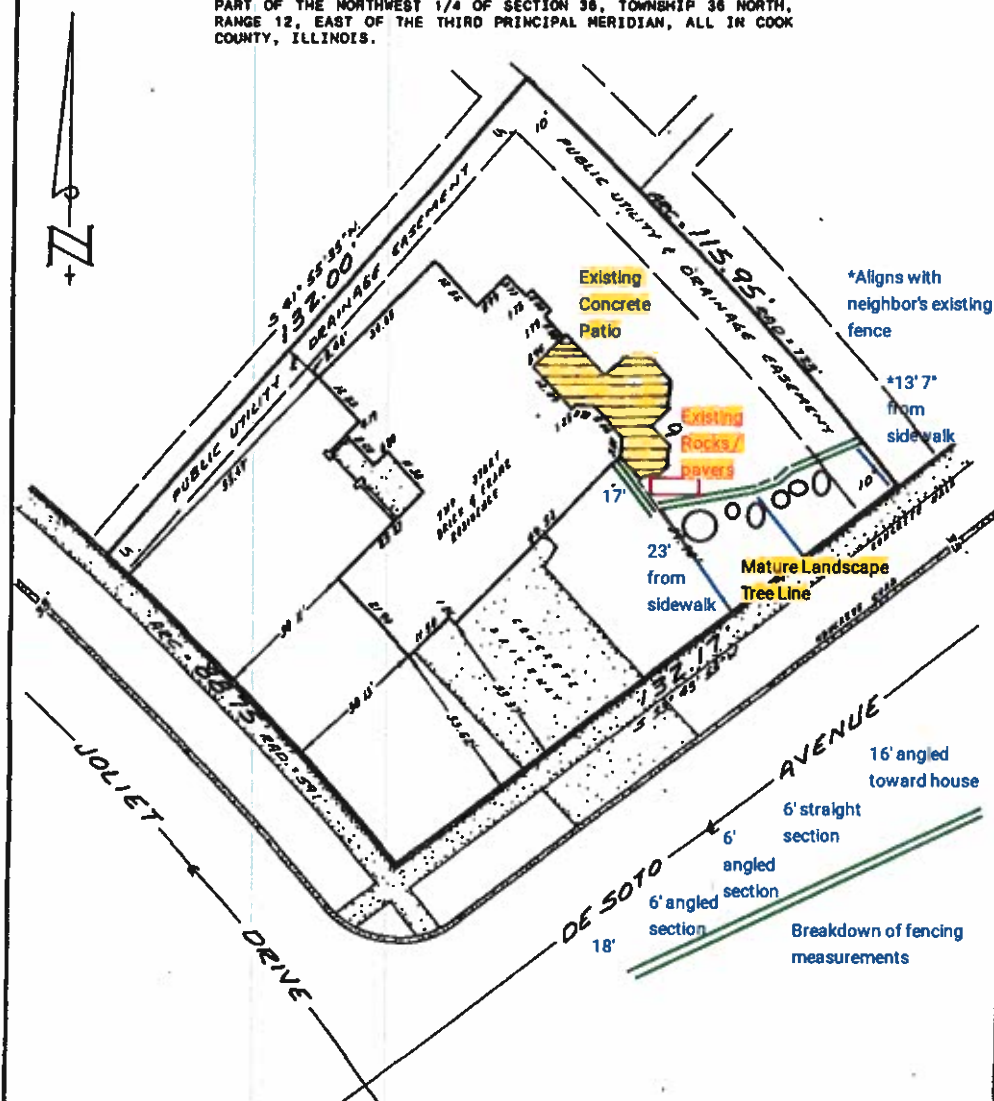




PLAT OF SURVEY

Phone
(708) 349-7364
Fax
(708) 349-7372

LOT 76 IN BRISTOL PARK UNIT ONE-A, BEING A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL IN COOK COUNTY, ILLINOIS.



(PHOTOCOPY - NOT TO SCALE)

SPOTTED: APRIL 24, 1995

Compare all points before building and at once report any differences to the surveyor. For building lines, easements, and other restrictions not shown hereon, refer to your abstract, deed, contract, and zoning ordinance. No dimension shall be assumed by scale measurement upon this plat.

STATE OF ILLINOIS)
COUNTY OF COOK) S.S.

I, Thomas J. Cesat, an Illinois Professional Land Surveyor, hereby certify that I have surveyed the above described property and that this Plat is a true and correct representation of said survey. All dimensions are given in feet and decimal parts thereof, corrected to 68 degrees Fahrenheit.

Dated this 21st day of May 1994

PLAN COMMISSION STAFF REPORT

December 1, 2022 – Workshop

Zoning Text Amendment – Massage Establishments

Petitioner

Village of Tinley Park

Zoning Code Sections

Section II (Rules and Definitions) and Section V (District Regulations)

Approvals Sought

Text Amendment

Project Manager

Jarell Blakey
Management Analyst



EXECUTIVE SUMMARY

The Village of Tinley Park Zoning Ordinance currently regulates massage use establishments as part of Personal Service Establishments zoning use classification. The municipal code mentions a specific definition for purposes of business licensing however, there is no specific definition in the zoning code. Due to recent violations of the municipal code by multiple business, there is a need to create a separate definition and use allowances for massage-related businesses.

The proposed text amendment is specific to massage establishments which are service-based businesses by nature but focus on massages as the primary function. The proposed amendment will define what a massage is, what constitutes a massage establishment, what a massage therapist is, who is defined as a patron, and exceptions. In addition to providing definitions, the ordinance will modify the current zoning regulations to require a Special Use Permit for massage establishments in certain districts to ensure they have proper licensing, a clear businesses model, and can comply with all other municipal and state regulations. Currently, under the Personal Services Establish zoning use classification, the use is permitted in the B-2 (Community Shopping) and B-3 (General Business & Commercial) Zoning Districts. Direction is needed to understand if any other districts would be appropriate to locate in with a Special Use permit.

Staff is proposing the text amendment to the zoning ordinance to allow the village greater oversight of these establishments. Staff's intent is to mitigate further violations of the Village Code of Ordinances by requiring the applicant to be subject to the Special Use approval process.

EXISTING DEFINITION AND REGULATION

Currently, massage use establishments are not specifically defined within the zoning ordinance. As it is currently written, these uses are considered to be part of Personal Service Establishments, which are permitted only in the B-2 (Community Shopping) and B-3 (General Business and Commercial) Zoning Districts. In addition to massage, similar service uses without specific definitions would fall into this category. Barbershops, beauty parlors, salons, and day spas are considered a separate, more permissive category additionally permitted in the B-1 (Neighborhood Shopping) and B-4 (Office and Service Business) Zoning Districts. The Plan Commission and Village Board may consider if it is appropriate to include a Special Use in the B-1 and B-4 Zoning Districts.

PERSONAL SERVICES	R-1 thru R-7	B-1	B-2	B-3	B-4	B-5	ORI	M-1	MU-1
Service establishments, personal – which services are performed on the premises	X	X	P	P	X	X	X	X	X
Barbershops, Beauty Parlors, and Day Spas	X	P	P	P	P	X	X	X	X

The Zoning Ordinance describes the intents of the Village's Zoning Districts. The B-2 (Community Shopping) Zoning District as "intended to provide for a wide variety of related retail-type businesses along with personal uses and other complementary uses", not only serving nearby residents, but also neighboring communities. The B-3 (General Business & Commercial) Zoning District is "designed to accommodate a wide range of specialized commercial uses. intended to include those uses which would not be compatible in a neighborhood or community-type shopping center".

Comparatively, the B-1 (Neighborhood Shopping) Zoning District and B-4 (Office & Service Business) allow for less intense commercial use. The B-1 district is "intended to provide areas for retail and service establishments to supply convenience goods or personal services for the daily needs of the residents living in adjacent residential neighborhoods". Neighborhood centers in these districts are among the hardest hit with vacancy due to a downturn in traditional retail, they also have some of the most restrictive use allowances due to location near residential. These are typically located in residential areas and have lower traffic volumes that lead to additional difficulties in leasing. A massage use that complies with all laws and ordinances would not create any external negative affects like noise, parking, odors, etc. and could be a good fit in these districts.

The B-4 district is "intended to provide areas used primarily to provide office space for service-type businesses . . . as a buffer or transition between residential and commercial areas". Similarly, to B-1, these office districts suffer from higher vacancy than the traditional business zoning districts and have been designed for service uses like massage.

Open Item #1: Discuss allowing massage uses to apply for a Special Use Permit in B-1 and B-4 zoning districts where they are currently prohibited.

PROPOSED NEW DEFINITION AND REGULATION

Staff has proposed the following definitions based on research from comparable communities. The proposed definitions will be located in Section II "Rules and Definitions" Subjection B "Definitions"

MASSAGE: Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with hands or with aid of any mechanical electrical apparatus or appliances, with or without rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations used in this practice, under such circumstances that it is reasonably expected that the person to whom treatment is provided, or some third-party on such person's behalf, will pay money or give other consideration or any gratuity therefore.

MASSAGE ESTABLISHMENT: A corporation, partnership, limited liability company (LLC), or business having a source of income or compensation derived from the practice of massage as defined above, and which has affixed place of business where any person, firm, association or corporation engages in or carries on any of the activities described above as twenty-five (25) percent or more of the primary function of the business, and is not owned by licensed massage therapist as defined by the laws of the State of Illinois. For purposes of corporations, partnerships, and limited liability company, an owner is defined as any person or other legal entity who owns fifty (50) percent of the corporation, partnership or limited liability company.

EXCEPTIONS:

- Hospitals, nursing homes, specialty physicians, or similar uses
- Any barber, cosmetologist, esthetician or nail technician lawfully carrying on their respective businesses to the extent authorized under a valid unrevoked license or certificate of registration issued by the State of Illinois. Provided, this exemption is only intended to permit normal and customary barbering, cosmetology, esthetic and nail technology services which involve incidental physical contact, such as scalp rubs, facials, and hand manipulations which otherwise qualify as massage activities. This exemption is not intended, and does not permit, general massage activities as part of any barber, cosmetologist, esthetician or nail technician business beyond that authorized by their state license or certification.
- Any athletic trainer registered in the State of Illinois who administers such athletic-related massage in the normal course of training duties.
- Having less than twenty-five (25) percent of business square footage for massage use.

The proposed changes would be housed in the following area; Section V "District Regulations" Subjection B "Schedules of Regulations, Schedule I – Schedule of Permitted Uses (By Use Type)"

PERSONAL SERVICES	R-1 thru R-7	B-1	B-2	B-3	B-4	B-5	ORI	M-1	MU-1
<u>Massage Establishment</u>	<u>X</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

RECOMMENDATION

Upon completion of a successful Plan Commission Workshop, proceed to a Public Hearing scheduled for December 15, 2022, at the regular Plan Commission meeting.



Village of Tinley Park

Memo

Date: December 1, 2022

To: Plan Commission

From: Daniel Ritter, AICP
Interim Community Development Director

Subject: Continuation of Item 3 - Gas N Wash

Item 3 on the meeting agenda for a workshop/public hearing for Gas N Wash at 18301 LaGrange Road has been requested for a continuation by the Petitioner. They continue to work through coordinating final staff review comments and update plans. Continuation is requested to the December 15, 2022 Plan Commission meeting.