



AGENDA FOR REGULAR MEETING VILLAGE OF TINLEY PARK PLAN COMMISSION

January 5, 2023 – 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 December 1, 2022 Regular Meeting

**ITEM #1 PUBLIC HEARING – PETE’S FRESH MARKET, 16300 HARLEM AVE –
SPECIAL USE FOR PUD DEVIATION AND SITE PLAN AMENDMENT**

Consider recommending that the Village Board grant Petros Drimonas, Pete’s Fresh Market, on behalf of 163rd & Harlem LLC (property owner) a Special Use for a Substantial Deviation of the Park Place Planned Unit Development (89-O-048 and 21-O-050) with Exceptions to the Village Zoning Ordinance located at 16300 S. Harlem Avenue, Tinley Park. The granting of this request will allow for drive aisle realignment and reduction in parking count and extend the deadline of the grocery store occupancy in relation to the warehouse/distribution use to May 15, 2024.

**ITEM #2 PUBLIC HEARING – 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.

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

December 1, 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 December 1, 2022.

CALL TO ORDER –CHAIRMAN GRAY called to order the Regular Meeting of the Plan Commission for December 1, 2022 at 7:00 p.m.

Jarell Blakely, Management Analyst, called the roll.

Present and responding to roll call were the following:

Chairman Garrett Gray
James Gaskill
Terry Hamilton
Andrae Marak
Ken Shaw
Brian Tibbetts
Kurt Truxal

Absent Plan Commissioners:

Eduardo Mani
Angela Gatto

Village Officials and Staff:

Dan Ritter, Interim Community Development Director
Lori Kosmatka, Associate Planner
Jarell Blakey, Management Analyst

Petitioners:

Kate & Andrew Mitchell, Owners of 7800 Joliet Drive North

Members of the Public:

Robert Brown, Owner of 7801 Marquette Drive North

COMMUNICATIONS- None

APPROVAL OF THE MINUTES - Minutes of the November 17, 2022 Regular Meeting of the Plan Commission were presented for approval. A motion was made by COMMISSIONER TIBBETTS, seconded by COMMISSIONER TRUXAL to approve the November 17, 2022 minutes as presented. 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 DECEMBER 1, 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.

Present and responding to roll call were the following:

Chairman Garrett Gray
James Gaskill
Terry Hamilton
Andrae Marak
Ken Shaw
Brian Tibbetts
Kurt Truxal

Absent Plan Commissioners:

Eduardo Mani
Angela Gatto

Village Officials and Staff:

Dan Ritter, Interim Community Development Director
Lori Kosmatka, Associate Planner
Jarell Blakey, Management Analyst

Petitioners:

Kate Mitchell, Owner of 7800 Joliet Drive North
Andrew Mitchell, Owner of 7800 Joliet Drive North

Members of the Public:

Robert Brown, Owner of 7801 Marquette Drive North

CHAIRMAN GRAY introduced Item #1. COMMISSIONER GASKILL made a motion to open the public hearing. Second was made by COMMISSIONER TIBBETTS. 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.

CHAIRMAN GRAY swore in the Petitioner, Kate Mitchell, Owner of 7800 Joliet Drive.

Kate Mitchell stated that there has been an issue over the last six years that they have owned the home with trespassing leading to the desire to have a fence. Originally, it was not planned to have the fence but due to the circumstances they needed to add one.

Kate Mitchell stated the original application put in October 2021 was denied based on the fencing regulations at the time. When contractor was secured, contractor was given denied plans. Fencing contractor placed fence due to the lack of petitioner informing the contractor of the revised plans in place.

Kate Mitchell stated the fencing contractor was approached concerning lack of conformance to zoning regulations. However, at the end of June 2022, a Village code enforcement officer informed Kate Mitchell that the fence was not within regulations. Code Enforcement notified Kate Mitchell that she could apply for a variance that would likely not pass or she could replace the fence within regulation. Kate Mitchell noted that both of those options are not feasible. The replacement of the fence is a financial challenge and not having a fence exacerbates the trespassing issue.

Kate Mitchell clarified that the error was on her part not the contractors because she gave inaccurate plans.

COMMISSIONER GRAY asked the Commissioners if they had any questions or comments, beginning with COMMISSIONER MARAK.

COMMISSIONER MARAK asked when it was amended, if shentended it to be placed on the administratively approved line and would the height need to be adjusted.

Kate Mitchell confirmed that is correct.

COMMISSIONER TRUXAL noted no additional comments and he was in line with the staff report.

COMMISSIONER GASKILL asked if it was all completed in one day.

Andrew Mitchell answered that it was all completed in one day.

COMMISSIONER HAMILTON stated that the end of the fence at the property line meets another non-conforming fence then asked that when the neighboring non-conforming fence needs to be replaced will it need to be replaced by the existing code.

Lori Kosmatka informed the Commissioner that was correct.

COMMISSIONER GASKILL asked was there a fence there previously.

Kate Mitchell stated there was not a fence on the side where there was an issue.

COMMISSIONER GASKILL then asked if she was having a problem with her neighbors to the rear of her property.

Kate Mitchell stated the only fencing that they put in that appears to be the issue is the portion that runs along De Soto Drive.

COMMISSIONER TIBBETTS noted no additional comments.

COMMISSISONER SHAW asked if post hole inspections were done.

Dan Ritter, Interim Community Development Director, informed the Commissioner that we no longer conduct post-hole inspections.

CHAIRMAN GRAY asked the petitioner to expand on the aggressive interaction between the neighbor and fencing contractor.

Kate Mitchell explained that the neighbor to the rear approached the contractor informing the contractor that the fence was not conforming to code.

CHAIRMAN GRAY asks if family was home.

Kate Mitchell commented that her mother and children were at home at that time.

CHAIRMAN GRAY asked the petitioner when did she realize that the fence was not within regulation and when was the Village notified.

Kate Mitchell explained that she did not initially inform the Village due to the fact she did not realize it was not up to code due to the season it was erected and it was aesthetically pleasing.

COMMISSIONER GASKILL asked if the contractor was notified.

Kate Mitchell responded that she did not because she did not immediately notice and does not fault them for the improper erection of the fence.

COMMISSIONER GRAY commented he appreciated her testimony and asked if there was any more comment from the Commission.

COMMISSIONER TIBBETTS asked if there was a physical hardship specifically relating to landscaping, brickwork or architecture.

Kate Mitchell responded that there is a concrete patio and would require pavers to be removed.

COMMISSIONER SHAW clarified that the petitioner could receive administrative approval for 20' from the property line (10' into setback, 5' max open style). He asked what did the issued permit allowed.

Lori Kosmatka clarified that the permit issued was for a 6' fence at the code compliant 30' from the property line.

COMMISSIONER SHAW clarified with the petitioner there was no notification to the contractor.

Kate Mitchell responded that was correct.

COMMISSIONER SHAW stated that if they had informed the installer then there would be no issue. He continued by clarifying that the hardship is the expense involved with the fence not a physical hardship.

Kate Mitchell agreed that the hardship was financial.

COMMISSIONER GASKILL asked if the contractor had a copy of the plan.

CHAIRMAN GRAY clarified that according to Ms. Mitchell she failed to inform the contractor of the revised plans.

COMMISSIONER SHAW stated that a professional fence installer improperly installed a fence.

CHAIRMAN GRAY clarified that he was just explaining the plight of the petitioner.

Dan Ritter informed the Commission that the permit application can be applied for by either the resident or the contractor. He noted that generally contractors will apply for the permit themselves to avoid a situation like this.

COMMISSIONER TIBBETTS asked if the petitioner applied for the permit themselves.

Kate Mitchell responded that they did and that is when they were informed of the need to amend the plans. She noted that she failed to inform the contractor.

CHAIRMAN GRAY asked if the petitioner has anything else to add.

Kate Mitchell thanked the Commission for their time and emphasized that their fence is aesthetically pleasing and accommodating to the neighborhood.

CHAIRMAN GRAY asks if there is public comment.

CHAIRMAN GRAY in Robert Brown, Owner of 7801 Marquette Drive North.

Robert Brown presented information to the Commission noting that he had informed the petitioner several times that the erection of their fence was not legal. Mr. Brown continued to note that a key issue between the two is the lack of access to the drainage easement that exists between the two properties.

CHAIRMAN GRAY asked staff if the plat of survey dated November 2021 was the most updated survey provided.

Lori Kosmatka responded that is the survey they submitted.

CHAIRMAN GRAY asked if the drainage easement is still active.

Dan Ritter informed the chair that it is still an active easement.

CHAIRMAN GRAY stated that the permit states the fence is 5' high and not 6'.

Dan Ritter clarifies that administrative approval is set a 5'.

Robert Brown stated that the issue has been ongoing for over 26 years and he is against the variation.

COMMISSIONER SHAW clarified that Robert Brown is the owner of the property with the legal non-conforming fence. He asked staff if Mr. Brown needed to replace his fence would it need to conform to the current standards.

Lori Kosmatka confirmed that is correct.

COMMISSIONER SHAW asked Robert Brown if he was aware of this regulation.

Robert Brown stated that he was not aware of this because he was granted a variance for that fence.

COMMISSIONER SHAW asked if he was who approached the contractor.

Robert Brown stated that he was and the contractor stated that he got the permit number from the contractor to verify.

Dan Ritter stated that there is no record of the variance for that property that staff knows of.

COMMISSIONER GASKILL commented that the contractors had a copy of the permit before installation.

Dan Ritter clarified they had the permit from the petitioner with the wrong plans.

COMMISSIONER HAMILTON asked what the difference between the fence as it currently stands and the administrative approval specifically regarding access to the easement.

Lori Kosmatka responded that either locations will have a gate that would allow access.

Dan Ritter noted that the easement will be gated in either way. He noted that staff is not opposed to a 6' fence which will give the petitioner the ability to keep the current fence but further setback from its current location.

COMMISSIONER GASKILL asked if the green line in the diagram was the fence as it stands today.

Lori Kosmatka confirmed that it was.

COMMISSIONER MARAK clarified there is no difference between any of the fences in terms of access to the easement.

CHAIRMAN GRAY informed the Commissioner that he was correct. He asked the petitioner if they had adequate access to the easement.

Kate Mitchell confirmed that access is there but there are no utilities in the easement she knows of.

Dan Ritter stated that easements generally go in place and stay there regardless of the use of the easement.

COMMISSIONER HAMILTON stated that he does not see much of a difference between the proposed administrative approval and the fence as it is installed. He continued by stating that he does not feel that the installation was done with malicious intent and the fence is aesthetically pleasing.

CHAIRMAN GRAY requested a motion to close the public hearing. COMMISSIONER SHAW made a motion to close the public hearing. Second by COMMISSIONER TIBBETTS. CHAIRMAN GRAY requested a voice vote hearing no opposition the motion was declared carried.

Lori Kosmatka presented the standards.

COMMISSIONER MARAK stated that the third condition is not applicable to the current situation.

Dan Ritter clarified that the Plan Commission can amend the findings of fact as they see fit.

COMMISSIONER MARAK noted that he does not feel that there is hardship. Then stated that he remembers from the Plan Commissioner training that if a condition does not apply the Commission should move past it.

Dan Ritter responded that the standards are generally in the negative and if someone wanted to vote yes, they would need to vocalize why they meet the standards.

COMMISSIONER TRUXAL asked that if the public hearing is closed can they continue discussion.

Dan Ritter clarified that the Commission can discuss more but there can be no more questions to the petitioner or members of the public once the hearing is closed.

COMMISSIONER SHAW stated that staff has advised that the findings of fact as presented does not support recommending approval. He stated that if they want to approve they will need additional

findings of fact to support recommending approval. He agreed with staff comments on standards on 1 and 2 but agreed with COMMISSIONER MARAK in disagreeing what was written for the third standard. He emphasized that the incorrect installation was due to the Petitioner's action or inaction, and that the hardship is not a result of the property, but rather that the hardship is the expense. If it was installed as permitted, we would not be having this discussion. These are important findings of fact to him that came out of the hearing. He supported Staff's suggestion that the Board consider approving a six foot fence at the administrative variance line.

COMMISSIONER TRUXAL agreed and said it was a good compromise. Though there is potential for damage to the posts as a minor expense, they could otherwise keep the rest of the material.

CHAIRMAN GRAY suggested a straw poll to see who would be open to a new motion that would allow the new motion for a six foot fence at the ten foot encroachment for a variance of a six foot tall fence rather than a five foot tall fence. All Commissioners agreed except COMMISSIONER GASKILL.

COMMISSIONER SHAW clarified that because they have a petition in front of them, they would still have to make a recommendation on what was presented so there is a response to the petition, and then make a new motion.

Dan Ritter responded that is what is recommended by staff. The cleanest way is to vote on what they asked for unless they agree to change it. A second motion could then be brought up.

CHAIRMAN GRAY concurred with COMMISSIONER MARAK as well that Standard 3 doesn't necessarily alter the essential characteristics of the neighborhood. He asked for the first motion what the suggested wording would be for the findings.

Dan Ritter noted that we understood and agreed it could be changed to say it is not going to alter the essential character.

CHAIRMAN GRAY asked for a straw poll on who thought it was not going to alter the essential character. All Commissioners agreed.

Dan Ritter noted that when you make the motion, he recommends they say it as the findings of fact as amended by the Commission, and discussed here at the meeting.

CHAIRMAN GRAY entertained a motion and asked that whomever will read the motion to adjust it to say it is as amended by the Plan Commission.

COMMISSIONER SHAW made 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 discussed and amended tonight." Second by COMMISSIONER HAMILTON.

Present and Voting in the affirmative:

COMMISSIONER HAMILTON

Present and Voting in the negative:

COMMISSIONER GASKILL
COMMISSIONER MARAK
COMMISSIONER TIBBETTS
COMMISSIONER TRUXAL
COMMISSIONER SHAW
CHAIRMAN GRAY

CHAIRMAN GRAY declared the motion as denied. He entertained a second motion as previously discussed in terms of approving the administrative variance line, but with the variation of a six foot high fence instead of a five foot high fence.

COMMISSIONER SHAW made 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 ten 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 adopted Findings of Fact as discussed and amended this evening. Second by TRUXAL.

Present and Voting in the affirmative:

COMMISSIONER GASKILL
COMMISSIONER MARAK
COMMISSIONER TIBBETTS
COMMISSIONER HAMILTON
COMMISSIONER TRUXAL
COMMISSIONER SHAW
CHAIRMAN GRAY

CHAIRMAN GRAY declared the motion as carried. The item will be going to the Village Board December 20th, 2022. He asked the Petitioner to get with Staff on how to attend. He noted that the Commission is recommending that the fence be moved to the administrative line.

Dan Ritter noted that the December 20th meeting will only be for First Reading.

COMMISSIONER SHAW noted that the Village Board could still vote to approve the first motion.

Dan Ritter responded that yes, and they would need a supermajority and their own findings.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION

SUBJECT: MINUTES OF THE DECEMBER 1, 2022 REGULAR MEETING

**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.

Present and responding to roll call were the following:

Chairman Garrett Gray
James Gaskill
Terry Hamilton
Andrae Marak
Ken Shaw
Brian Tibbetts
Kurt Truxal

Absent Plan Commissioners:

Eduardo Mani
Angela Gatto

Village Officials and Staff:

Dan Ritter, Interim Community Development Director
Lori Kosmatka, Associate Planner
Jarell Blakey, Management Analyst

Petitioners:

Members of the Public:

None

CHAIRMAN GRAY introduced Item #2.

Jarell Blakey, Management Analyst presented the staff report.

CHAIRMAN GRAY asked for comments from the commission.

COMMISSIONER SHAW asked for clarification regarding the special use designation.

Dan Ritter, Interim Community Development Director, clarified that currently it is only allowed in B-1 and B-2 classified as a general service industry.

COMMISSIONER SHAW stated that this is essentially creating a class for the use.

Dan Ritter confirmed that is the case similar to other text amendments that have been proposed in the past.

COMMISSIONER SHAW stated that he appreciates the research that staff has completed and the fact that there are clear exceptions are clear in the definition. He asked how is the 25% established.

Jarell Blakey responded that it would be 25% of the service floor not the entire facility which would be monitored through the change of use application process.

Dan Ritter noted it is Usable Floor Area definition which doesn't include areas like sprinkler or electric rooms. Some areas may be shared. Staff makes the best interpretation. If someone disagrees, there is a whole process to that to come before you to disagree with Staff's interpretation.

CHAIRMAN GRAY asked if the text amendment should add more specificity to the definition to include the usable floor space or service floor designation should be added to avoid vagueness in the future.

Dan Ritter responded yes. It is good to add something that is defined in the Zoning Code.

CHAIRMAN GRAY asked if there were minimum square footage requirements for these uses.

Dan Ritter responded that there are not minimum square footage requirements. He also noted someone would not be able to do this in their house. It is not an allowable home-based use, but someone could take a 400 sq. ft. space in a shopping center such as one room in a Walmart. It could be very small or someone could have 1000 sq. ft. with many rooms. A massage room in a Chiropractor's Office could be an exception.

COMMISSIONER SHAW commented that the reason this is being considered is to avoid any further incidents with inappropriate business activity. This amendment is an attempt to create language to permit legitimate massage businesses to operate, and hones in on the ones otherwise not. He noted the types of businesses that are seeking to act unlawfully will be discouraged with more administrative red-tape and would likely go to another town.

CHAIRMAN GRAY noted that he appreciates that this will dissuade unlawful businesses from occupying spaces in the town.

COMMISSIONER SHAW stated that he appreciated that it makes it difficult for illegitimate businesses but not so complicated that legitimate businesses won't go through the process.

Dan commented this was what was in another community Hoffman Estates. People would come up to the Plan Commission and talk about their history, otherwise if they didn't wish to do that then they'd move on and go somewhere else. It also gives Police a chance to look into any background history setting a point in time as opposed to just business licenses. Our job isn't to prevent massage businesses or be concerned with the distance between them. Rather it's more to see if it is a legitimate business. He has seen this type of regulation work before and believes it is a good option given issues in the past here.

CHAIRMAN GRAY asked what is the recourse for repeat offenders.

Dan Ritter informed the chair that a condition would be added that states the special use permit could be revoked in the event of repeat offenses.

COMMISSIONER SHAW noted that it would not be placed in the code but added in by condition.

COMMISSIONER TIBBETTS stated that if it is conditional, it needs to be difficult to truly discourage unlawful actors.

Dan Ritter responded that in those cases the petitioner will have to come in front of the plan commission to explain the incident.

COMMISSIONER SHAW stated that by adding the process and requirement to be reviewed it would not be an issue if they are willing to come in and testify to the legitimacy of their business.

CHAIRMAN GRAY noted when people violate the village code they generally will back off.

Dan Ritter commented that he feels it is a start and gives the village another mechanism to control the issues. He continued to note that the expansion into the B-1 and B-4 districts can be aided by allowing these businesses in the strained zoning districts.

COMMISSIONER TIBBETTS stated he had no additional comments

COMMISSIONER HAMILTON stated he had no additional comments.

COMMISSIONER GASKILL asked who would perform the background check on these individuals.

Dan Ritter informed the Commissioner that the police department can run full background checks on the ownership and if ownership were to change they would have to come in front of the plan commission.

COMMISSIONER HAMILTON asked if that is due to the special use being permitted to the owner and not the land.

Dan Ritter informed COMMISSIONER HAMILTON that is correct.

COMMISSIONER TIBBETTS asked about name changes.

Dan Ritter stated that name changes are allowed without a change of ownership.

COMMISSIONER TIBBETTS asked what happens if a business tries to change its name after getting caught.

Dan Ritter stated that if it is the same underlying business owners, they would still need to explain the incident.

COMMISSIONER TRUXAL stated he thinks it is a good idea.

COMMISSIONER MARAK commented that the suggested amendment is a balanced regulation that will still encourage legitimate businesses while minimizing non-legitimate businesses.

Dan Ritter stated that this should also help to mitigate any unflattering reputations that exist in the massage industry.

CHAIRMAN GRAY stated that he does not mind the expansion into the B-1 and B-4 zoning districts as long as there is this process. He is OK with the legitimate businesses. Public hearing is scheduled for December 15th.

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 12/15/2022 meeting.*

Present and responding to roll call were the following:

Chairman Garrett Gray
James Gaskill
Eduardo Mani
Ken Shaw
Brian Tibbetts
Kurt Truxal

Absent Plan Commissioners:

Eduardo Mani
Angela Gatto

Village Officials and Staff:

Dan Ritter, Interim Community Development Director
Lori Kosmatka, Associate Planner
Jarell Blakey, Management Analyst

Petitioners:

Members of the Public:

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

COMMISSIONER GASKILL made a motion to continue the Workshop and Public Hearing for Item #3 to the December 15, 2022 Plan Commission Meeting. Second by COMMISSIONER TRUXAL. CHAIRMAN GRAY requested a voice vote. Hearing no opposition, the motion was declared carried.

Good of the Order

Dan Ritter, Interim Community Development Director, presented the following:

- Dunkin Donuts on 171st is close to being opened.
- Crumbl Cookies is close to opening.
- Smoothie King is waiting on utilities.
- Starbucks on 171st and Harlem is open
- Amazon Fresh should be opening within the next week.
- Pete's Fresh Market is beginning sitework. They will be coming back in front of the plan commission to change their site plan.
- Ascend has obtained permits and work will beginning soon.

COMMISSIONER SHAW requested that the Commission revisit the fencing regulations within the Village.

Receive Comments from the Public

- None

COMMISSIONER GASKILL made a motion to adjourn the Meeting. Second by COMMISSIONER SHAW. CHAIRMAN GRAY requested a voice. Hearing no opposition, he declared the Meeting Adjourned at 9:03pm.

PLAN COMMISSION STAFF REPORT

January 5, 2023 – Workshop / Public Hearing

Petitioner

Petros Drimonas of
Pete's Fresh Market on
behalf of 163rd & Harlem
LLC

Property Location

16300 Harlem Ave

PIN

27-24-202-020-0000 &
27-24-202-021-0000

Zoning

B-3 PD (General Business
and Commercial, Park
Place PUD)

Approvals Sought

Special Use Permit for a
Substantial Deviation
from PUD
Site Plan/Architectural
Approval

Project Planner

Lori Kosmatka
Associate Planner

Michael Whalen
Associate Planner

Pete's Fresh Market Site Plan Changes and Extended Occupancy Deadline

16300 Harlem Avenue



EXECUTIVE SUMMARY

The Petitioner, Petros Drimonas of Pete's Fresh Market on behalf of 163rd & Harlem LLC for Pete's Fresh Market, is requesting Site Plan/Architectural Approval and a Special Use Permit for a Substantial Deviation from the Park Place Planned Unit Development (PUD) with Exceptions. The requests would permit changes to previously approved site plan for a drive aisle realignment and reduction in parking count, and extension of the deadline for the grocery store occupancy in relation to the condition for the warehouse/distribution use.

The previously approved 2020 Ordinance Ord. #20-O-061 conditioned the warehouse/distribution use upon grocery store occupancy by September 1, 2022. The current proposal will allow for extension to May 15, 2024. The Petitioner has cited delays due to post-COVID events and labor & material shortages that have made predicting the completion date difficult. However, it should be noted the permit has been issued and underground utility work on the project has begun.

The most recent previously approved 2021 plans (Ord. #21-O-050) included allowance to construct an 88,608 sq. ft. grocery store and 51,831 sq. ft. attached in-line retail tenant space, a reduced and reorganized parking lot, landscaping plan and architectural design approval, and horizontal development of 3-4 outlots. The Petitioner now proposes a revised site plan with reduced parking and drive aisle realignment to allow for additional width for the anticipated adjacent future development of a new Chick-fil-A drive-through outlet between the grocery store parking and Harlem Avenue. The outlot will require its own final site plan/architecture and Plat of Subdivision approvals.

EXISTING SITE & HISTORY

Pete's Fresh Market currently operates 17 different existing locations with ongoing plans to open more stores in the Chicagoland area. Pete's purchased the former K-Mart property in September 2019. The subject site comprises 24.2 acres and is being developed in three phases.

Phase 1, approved in September of 2020 (Ord. 2020-O-061), included the granting of a Special Use for a Substantial Deviation to allow a small/ temporary warehouse and distribution use in the B-3 zoning district allowing the overnight storage of five delivery vehicles parked at the loading dock, subject to the following conditions:

1. The special use for the warehouse/distribution use is conditioned upon occupancy of the grocery store by September 1, 2022, and thereafter the warehouse/distribution shall be an accessory use to the grocery store. The special use for the warehouse/distribution use shall not operate independent of the occupancy of the grocery store after September 1, 2022.
2. Prohibition of outdoor storage; and
3. The planting of street trees prior to Phase 1 occupancy

Phase 2 of the project was approved by the Village Board in July 2021 (Ord. 2021-O-050) and January 2022 (Ord. 2022-O-005). The 2021 changes included the construction of an 88,608 sq. ft. Pete's Fresh Market store; ~51,831 sq. ft. of in-line retail tenant space north of the grocery store; a +12,400 sq. ft. expansion of the warehouse; an expansion of the existing dock area on the south side of the warehouse building to accommodate additional trucks, and the addition of a new dock area on the warehouse addition. Exceptions included reducing the parking ratio to 4.7 spaces per 1,000 sq. ft., allowing for overnight storage of no more than ten trucks and six cabs, allowing exception from the required turning radius for trucks exiting the site subject to final engineering, allowing Level 1 Outdoor Sales Display without limitation to the time of year within the designated areas to a height no greater than 5', and an additional Exception for signage relating to the ground sign, wall sign, and electronic message display sign.

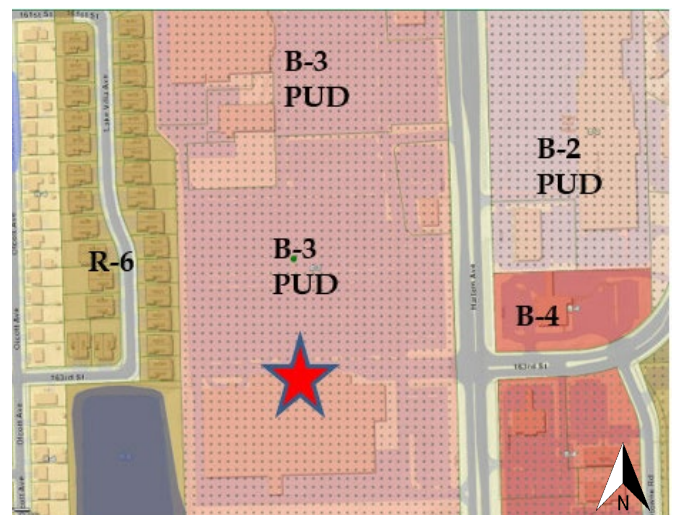
The 2022 amendment ("Phase 2.5") included two 1,790 sq. ft. additions to the adjacent Pete's warehouse building for additional office space. An Exception was approved permitting the building material to match the existing CMU instead of brick or stone. Permits have been issued for the warehouse expansion (Phase 2). The permits for the new Pete's Fresh Market store (Phase 2) and site work were issued in December 2022. The underground utility and site work has started already and building work for the Pete's Fresh Market store expected to begin in early 2023.

Phase 3 is planned to involve the subdivision of property along Harlem Avenue for outlot development upon completion of the grocery store building and site work.

ZONING & NEARBY LAND USES

The subject parcel is in the Park Place PUD within the underlying B-3 General Business & Commercial Zoning District. It is located along Harlem Avenue, one of the Village's major commercial corridors.

The property to the north is also zoned B-3 PD (Park Center Plaza PUD) and is developed with various commercial uses. The property to the west is developed with residential duplexes, zoned R-6. To the east, across Harlem Avenue, the property is zoned B-4 (Office and Service Business District) and is occupied by a medical office building. Just north of the medical office building is the Tinley Park Plaza retail center and is zoned B-2 PUD. South of the subject property is an



unincorporated and undeveloped parcel that has been used for various recreational uses (frisbee golf and dog park) that is operated by the Tinley Park-Park District.

PROPOSED USE WITH EXCEPTION

The Petitioner currently proposes a drive aisle realignment of the Pete's Fresh Market property to allow additional lot width for the anticipated adjacent development of a new Chick-fil-A drive-through outlot between the grocery store parking and Harlem Avenue. The Petitioner has provided narratives and letters providing description of the scope and further details. The current proposal's reduction of parking triggers a new Exception from the Zoning Ordinance where the parking ratio per 1,000 sq. ft. is 6.5 required by code, 4.7 as a previously allowed Exception (Ord. 21-O-050), and 4.4 as currently proposed.

The Petitioner also is proposing adjustment on the required timeline of the grocery store's occupancy from September 1st, 2022, as currently conditioned under the warehouse use approval (Ord. 20-O-061), to a proposed extension by May 15, 2024. The Petitioner hopes it can open before that date but has cited delays due to post-COVID events and economic conditions including labor & material shortages that make anticipating the completion date very difficult.

PLAT OF SUBDIVISION

A proposed Plat of subdivision is not included in this submittal. The Petitioner has provided the existing plat of subdivision and the ALTA plat of survey for reference. The Petitioner has indicated new property lines as a result of the drive aisle realignment. The Pete's Fresh Market subject property can be conditioned upon the approval of the Plat of Subdivision and Site Plan for the adjacent outlot development to be operated by Chick-fil-A. It is anticipated Chick-fil-A will be coming forward with those requests in 2023 for their development.

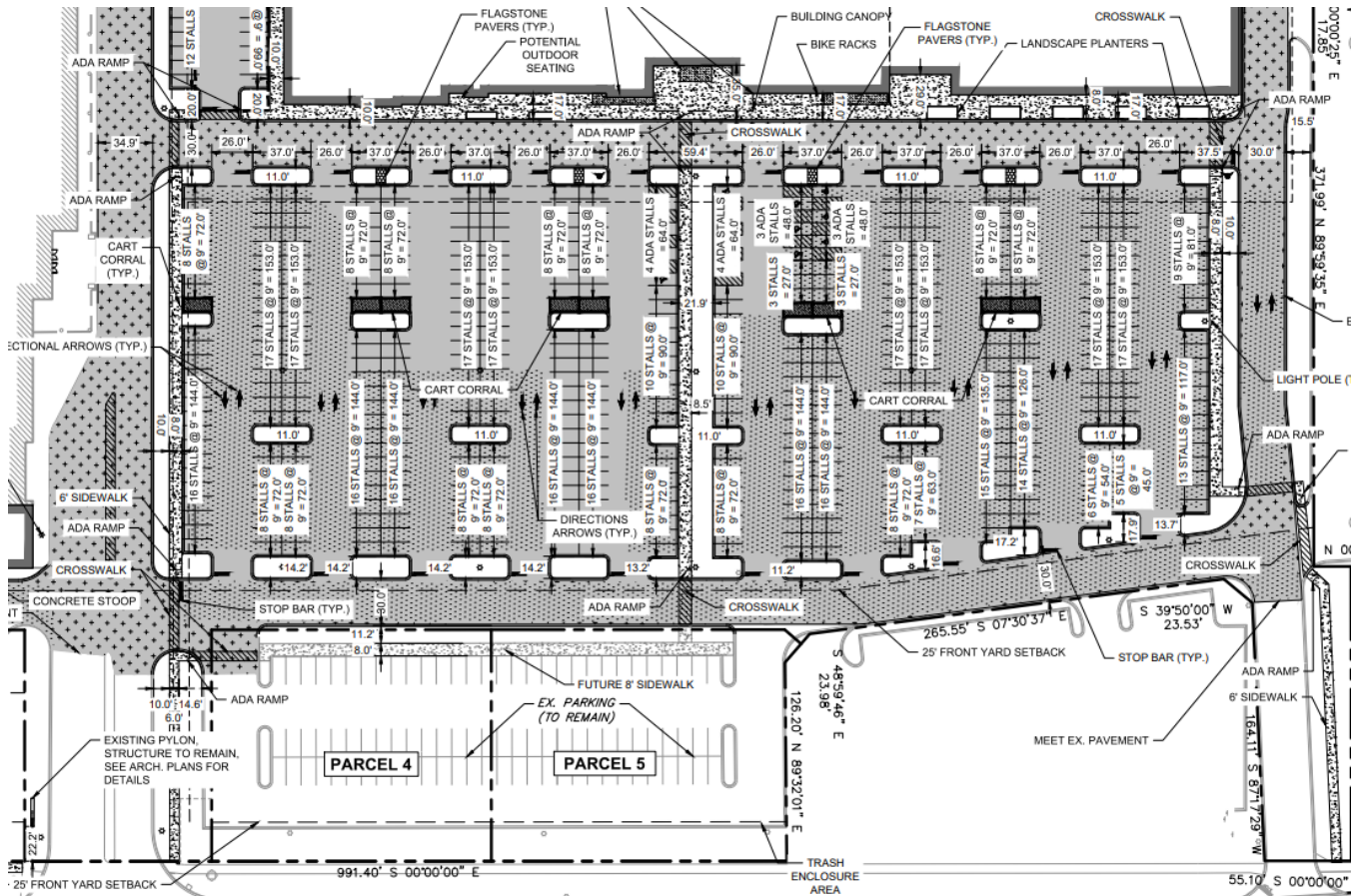
SITE PLAN

The proposed Site Plan includes realignment of the east drive aisle at the Pete's Fresh Market property (identified as "Parcel 1"). The proposed Site Plan also identifies a layout for the adjacent Chick-fil-A development (identified as "Parcel 4"), however, that adjacent future development is not yet proposed for consideration and is only added to help understand the context of the current request. The scope for this consideration is limited to the subject property "Parcel 1". The Petitioner has provided a Site Plan and semi-trailer truck turning exhibit in this submittal. Other development drawings such as plat, , landscape, lighting, and signage have not been provided.

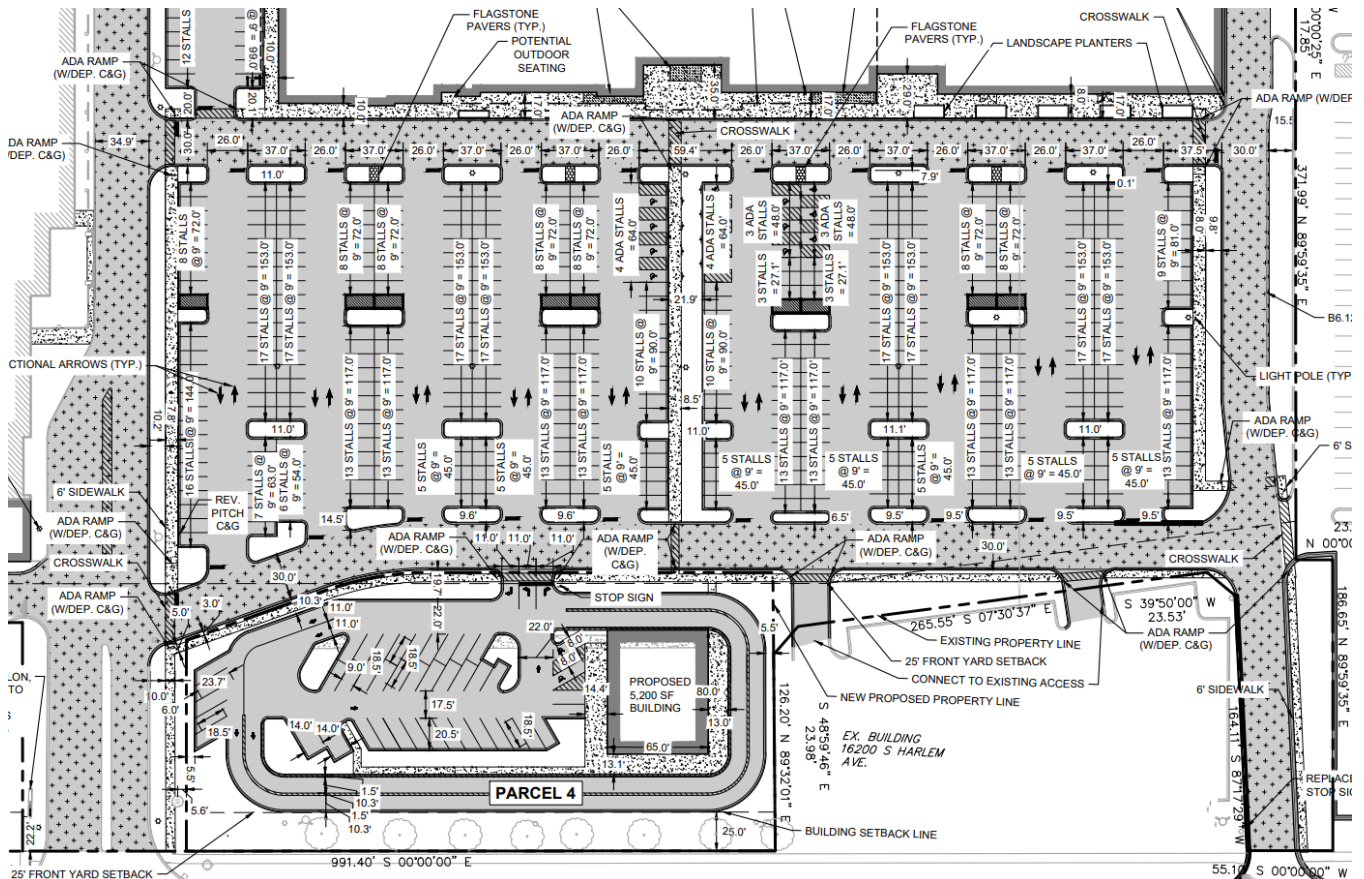
The previous 2021 approval had the east drive aisle running north-south throughout the property perpendicularly meeting 163rd Street to the south, and at an angle to the north. The proposed Site Plan now shifts the 30-foot-wide drive aisle slightly west and with an angle to meet 163rd Street, and perpendicularly meeting to the north.

The proposed Site Plan shows dimensions for the property, with various details including parking end islands, pedestrian walkways, and parking stalls. The quantity of the end islands remains the same as previously approved. The proposed location and size of the islands adjacent to the east drive aisle have shifted slightly west from the previous approval, resulting in a slight reduction of parking, and appear to be reduced in width for some of the end islands. End island dimensions are provided on both the previously approved and propose site plans. The proposal retains the three pedestrian walkways running east-west throughout the parking lot in front of the grocery store. The walkways are relatively direct, straight accessible routes consisting of ramps and crosswalks throughout the property connecting the grocery store to the outlots and ultimately to Harlem Avenue. The site plan will required to meet Illinois Accessibility Code requirements at the permitting process.

Pete's Fresh Market Site Plan Changes and Extended Occupancy Deadline- 16300 Harlem Avenue



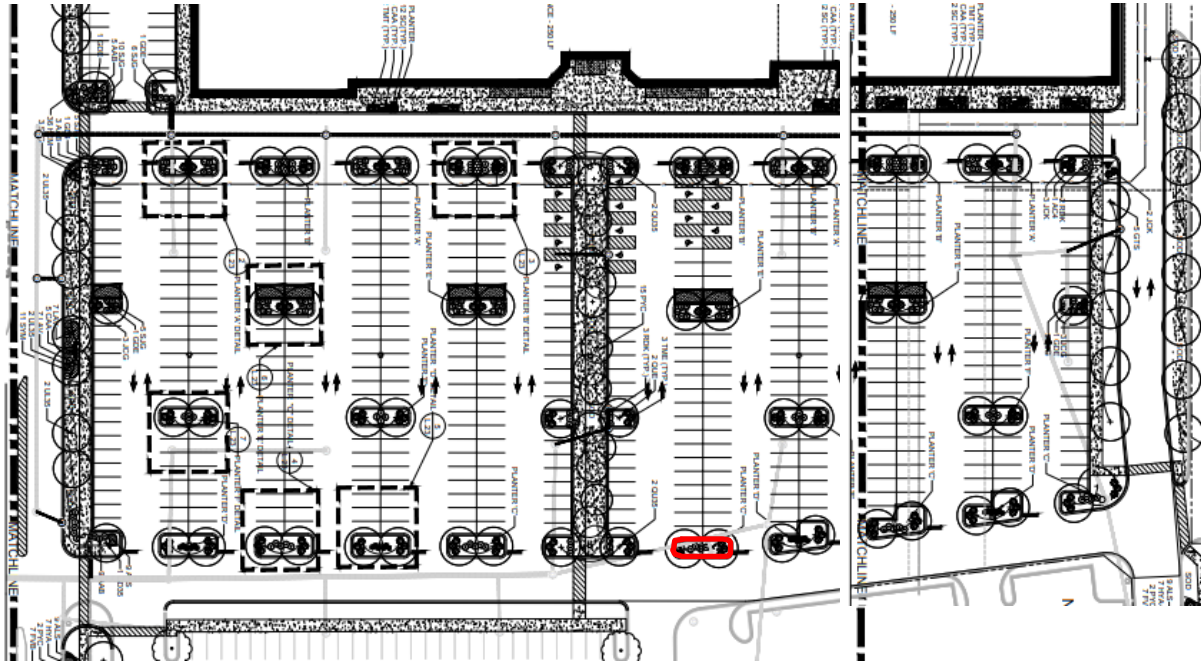
Previously Approved Site Plan (2021)



Proposed Site Plan (rec'd 12/29/2022)

LANDSCAPE

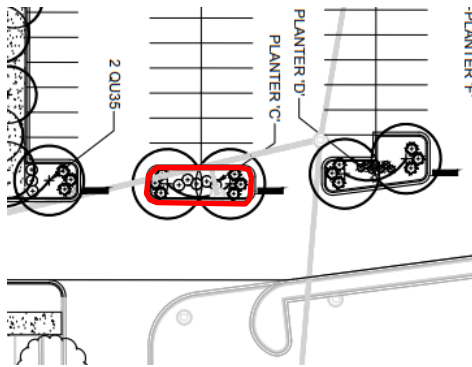
The Petitioner did not provide a revised landscaping plan as part of this submittal. The previous 2021 approval's landscaping plan showed landscaping throughout the site, including end islands in the front parking lot. Six island planting types ("A" through "F") were illustrated on the previously approved plan.



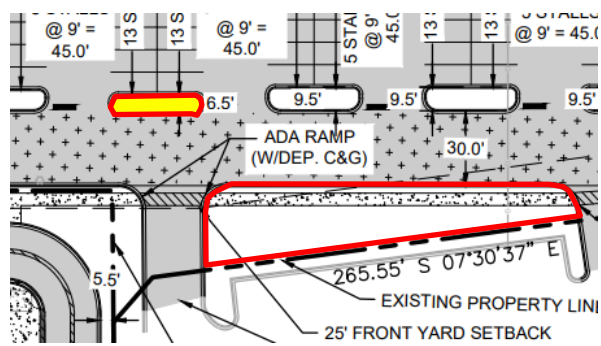
Previously Approved Landscape Plan: Excerpt Front Parking Lot

The parking end islands as shown on the proposed Site Plan do not identify landscaping. Some of the islands are narrower. The end island immediately north of the long central island was reduced from 11.2' wide to 6.5' wide (highlighted). The Petitioner's team has stated that the quantities of plants will be adjusted to meet Village requirements, with all calculations to be rerun and included in a new landscaping drawing. They note the revision will probably have a small reduction in landscaping area due to the alignment and would be the only anticipated waiver.

The proposal also now includes a triangular area east of the east drive aisle toward the north adjacent to an existing development, which also would be subject to landscaping requirements. The Petitioner's team has noted existing landscape in this area will be preserved as feasible by necessary construction activities, with restoration of disturbed plantings and groundcover as needed. They note previous landscape plans for the adjacent site included a hedge and canopy trees. They state that once confirmed on site, any additional plantings required in this area will be provided to meet the buffer yard requirement. They anticipate this to include 3.6 canopy trees, 1.2 understory, and 20 shrubs per 100 LF.



Prev. Approd. Landscaping: Island Excerpt



Currently Proposed Site Plan: Island Excerpt & Adjacent Area

Staff recommends conditioning Site Plan Approval to not include approval of any landscaping plans as they are not yet available. The Petitioner must submit updated landscaping plans at the permitting stage and shall conform with all applicable Village landscaping codes and regulations.

PARKING

The previous 2021 approval included an Exception from Section VIII to allow 4.7 parking spaces per 1,000 sq. ft. The Zoning Ordinance requires 6.5 parking spaces per 1,000 sq. ft. The current proposal requests 4.4 spaces per 1,000 sq. ft. The current proposal reduces the subject property's ("Parcel 1") standard parking stalls from 638 to 601, while the 14 additional accessible stall count remains the same. The reduction in parking is within the eastern portion of the rows as a result of the drive aisle realignment. Parking end islands are still provided, however.

No changes have been requested to the previously approved Exception from Section V allowing for overnight storage of no more than ten trucks and six cabs.

Open Item #1: Discuss the appropriateness of a reduced parking ratio.

LIGHTING

The Petitioner did not provide a revised lighting or photometric plan as part of this submittal. Lighting shown on the proposed Site Plan is not complete as the site plan does not include some of the parking lot lighting from the previously approved photometric plans (2021-07-20). The proposed Site Plan similarly does not include foot candles. The Petitioner's team intends to place lights in the same locations on the shifted islands. They state the new photometric plans will be provided during permit submittal concurrent with the Chick-fil-A final design. They also state that if additional lighting is necessary to remain code compliant, then it will be determined during permit submittal. The previous 2021 approval included lighting plans with a photometric identifying parking lot light locations. Some of the parking lot lighting pole locations were at the east end islands.

Staff recommends conditioning Site Plan Approval to not include approval of any lighting or photometric plans. The Petitioner must submit lighting and photometric plans at the permitting stage. Lighting shall conform with all applicable Village lighting codes and regulations.

SIGNAGE

No changes are proposed to signage. A sign permit request will be submitted after the approval of this petition. The previous 2021 approval included an Exception from Section IX to allow a ground sign 20' in height with a total sign area of 256 Sq. Ft. in area; allow a wall sign of 147 Sq. Ft. in size along each of the grocery stores two frontages; allow for an electronic message display sign measuring 85.28 Sq. Ft. in size, which represents 33% of the overall sign area.

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. Specific findings are not required but all standards shall be considered to have been met upon review from the Plan Commission.

Architectural

- a. **Building Materials:** The size of the structure will dictate the required building materials (Section V.C. Supplementary District Regulations). Where tilt-up or pre-cast masonry walls (with face or thin brick inlay) are allowed vertical articulation, features are encouraged to mask the joint lines. Concrete panels must incorporate architectural finishes that comply with "Building Articulation" (Section III.U.5.h.) standards. Cast in place concrete may be used as an accent alternate building material (no greater than 15% per façade) provided there is sufficient articulation and detail to diminish it's the appearance if used on large, blank walls.
- b. **Cohesive Building Design:** Buildings must be built with approved materials and provide architectural interest on all sides of the structure. Whatever an architectural style is chosen, a consistent style of architectural composition and building materials are to be applied on all building facades.
- c. **Compatible Architecture:** All construction, whether it be new or part of an addition or renovation of an existing structure, must be compatible with the character of the site, adjacent structures and streetscape. Avoid architecture or building materials that significantly diverge from adjacent architecture. Maintain the rhythm of the block in terms of scale, massing and setback. Where a development includes outlots they shall be designed with compatible consistent architecture with the primary building(s). Site lighting, landscaping and architecture shall reflect a consistent design statement throughout the development.
- d. **Color:** Color choices shall consider the context of the surrounding area and shall not be used for purposes of "attention getting" or branding of the proposed use. Color choices shall be harmonious with the surrounding buildings; excessively bright or brilliant colors are to be avoided except to be used on a minor scale for accents.
- e. **Sustainable architectural design:** The overall design must meet the needs of the current use without compromising the ability of future uses. Do not let the current use dictate an architecture so unique that it limits its potential for other uses (i.e. Medieval Times).
- f. **Defined Entry:** Entrance shall be readily identifiable from public right-of-way or parking fields. The entry can be clearly defined by using unique architecture, a canopy, overhang or some other type of weather protection, some form of roof element or enhanced landscaping.
- g. **Roof:** For buildings 10,000 sf or less a pitched roof is required or a parapet that extends the full exterior of the building. For buildings with a continuous roof line of 100 feet or more, a change of at least five feet in height must be made for every 75 feet.
- h. **Building Articulation:** Large expanses of walls void of color, material or texture variation are to be avoided. The use of material and color changes, articulation of details around doors, windows, plate lines, the provision of architectural details such as "belly-bands" (decorative cladding that runs horizontally around the building), the use of recessed design elements, exposed expansion joints, reveals, change in texture, or other methods of visual relief are encouraged as a means to minimize the oppressiveness of large expanses of walls and break down the overall scale of the building into intermediate scaled parts. On commercial buildings, facades greater than 100 feet must include some form of articulation of the façade through the use of recesses or projections of at least 6 inches for at least 20% of the length of the façade. For industrial buildings efforts to break up the long façade shall be accomplished through a change in building material, color or vertical breaks of three feet or more every 250 feet.
- i. **Screen Mechanicals:** All mechanical devices shall be screened from all public views.

- j. Trash Enclosures: Trash enclosures must be screened on three sides by a masonry wall consistent with the architecture and building material of the building it serves. Gates must be kept closed at all times and constructed of a durable material such as wood or steel. They shall not be located in the front or corner side yard and shall be set behind the front building façade.

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.

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.

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

- a. That the establishment, maintenance, or operation of the Special Use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
 - *The proposal will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The proposed Exception is safe for the public, employees, and neighboring properties.*
- b. That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
 - *The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity nor substantially diminish and impair property values within the neighborhood. The drive aisle realignment will provide additional width for development of the adjacent outlot property.*
- c. That the establishment of the Special Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
 - *Neighboring properties are either already developed or currently under development and the proposal will not negatively affect any future development or redevelopment of the neighboring properties.*
- d. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided;
 - *The site is already developed with adequate utilities and no additional utilities are needed.*
- 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
 - *Site layout is designed to allow for safe circulation by delivery trucks, employees, and the general public within the site and on adjacent public streets*
- f. That the Special Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the Village Board pursuant to the recommendation of the Plan Commission. 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.
 - *All other Village code requirements will be met.*
- g. The extent to which the Special Use contributes directly or indirectly to the economic development of the community as a whole.
 - *The proposal will allow Pete's Fresh Market to open as anticipated due to post-COVID events and economic conditions, and operate successfully. The proposal will generate sales tax revenue for the Village as well as re-activating a vacant, high visibility property.*

MOTIONS TO CONSIDER

If the Plan Commission wishes to act on the Petitioner's requests, the appropriate wording of the motions are 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, it only moves the request to a vote. The conditions listed below are recommended by staff but can be added to, changed, or removed by the Commission based on their discussion of the approval of recommendation.

Motion 1 (Special Use for a Substantial Deviation)

"...make a motion to recommend that the Village Board grant a Special Use Permit for a Substantial Deviation from the Park Place PUD, to the Petitioner, Petro Drimonas of Pete's Fresh Market, on behalf of 163rd & Harlem LLC (property owner), to permit site plan changes including parking reduction and drive aisle reconfiguration and extension of the grocery store occupancy deadline per Ordinance 20-O-061 Section 4.1 from September 1, 2022 to May 15, 2024 at 16300 Harlem Avenue in the B-3 PD (General Business and Commercial, Park Place PUD) zoning district, in accordance with the plans submitted and adopt Findings of Fact as proposed by Village Staff in the January 5, 2023 Staff Report.

Motion 2 (Site Plan Approval)

"...make a motion to grant the Petitioner, Petros Drimonas of Pete's Fresh Market on the behalf of 163rd & Harlem LLC, Final Site Plan Approval for various site changes including a realignment of the east drive aisle at 16300 Harlem Avenue in the B-3 PD (General Business and Commercial, Park Place PUD) zoning district, in accordance with the plans submitted 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 plan review and approval including truck turning throughout the site.*
- 3. Site Plan Approval is subject to Final Approval of the Plat of Subdivision and Site Plan for the adjacent outlot development east of the property.*
- 4. Site Plan Approval does not include approval of any landscaping or lighting plans. Site Plan Approval is subject to review and approval of updated Landscaping and Lighting plans at permit submittal. Lighting shall conform with all applicable Village codes and regulations. Landscaping shall comply with all code requirements, except for allowing for end island reductions as shown on the plans.*

LIST OF REVIEWED PLANS

Submitted Sheet Name	Prepared By	Date On Sheet
Application (Redacted)	Petitioner	11/22/22
Narratives and Letters	Petitioner and CAGE*	Received 12/2022
Existing ALTA Survey	Joseph A. Schudt	Received 12/29/2022
Revised Site Plan Sheet C1.1	CAGE*	Revision received 12/29/2022, plan dated 10/20/22
Truck Turning Exhibit	CAGE*	Received 12/29/2022
Existing Subdivision Plat	Petitioner	Received 12/29/2022

* CAGE = CAGE Civil Engineering, Inc.



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

VILLAGE OF TINLEY PARK, ILLINOIS PLANNING AND ZONING GENERAL APPLICATION

REQUEST INFORMATION

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

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

PROJECT & PROPERTY INFORMATION

Project Name: _____

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: _____ Company: _____

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

VILLAGE OF TINLEY PARK, ILLINOIS
PLANNING AND ZONING GENERAL APPLICATION

Authorized Representative Consent

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

I hereby authorize _____ (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:

[Redacted 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 _____ knowledge.

Property Owner Signature:

[Redacted Signature]

Property Owner Name (Print):

Applicant Signature:

(If other than Owner)

[Redacted Signature]

Applicant's Name (Print):

Date:



VILLAGE OF TINLEY PARK, ILLINOIS SPECIAL USE 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 may 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 **Special Use** permit from the terms of the Zoning Ordinance (Section 5-B). 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 some preliminary feedback on any concept plans prior to making a submittal.

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

☐ 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.

☐ A written project narrative detailing the general nature and specific aspects of the proposal being requested. Details on any employee numbers, parking requirements, property changes, existing uses/tenants, hours of operation or any other business operations should be indicated. Any additional requests such as Site Plan approval or a Variation should be indicated in the narrative as well.

☐ 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.

☐ Site Plan and/or Interior layout plans that indicate how the property and site will be utilized.

☐ Responses to all Standards for a Special Use on the following page (can be submitted separately along with the narrative, but all standards must be addressed).

☐ \$500 Special Use hearing fee.

STANDARDS AND CRITERIA FOR A SPECIAL USE

Section X.J. of the Village of Tinley Park Zoning Ordinance requires that no Special Use be recommended by the Plan Commission unless the Commission finds that all of the following statements, A-G listed below, are true and supported by facts. Petitioners must respond to and confirm each and every one of the following findings by providing the facts supporting such findings. The statements made on this sheet will be made part of the official public record, will be discussed in detail during the public meetings and will be provided to any interested party requesting a copy. Please provide factual evidence that the proposed Special Use meets the statements below. If additional space is required, you may provide the responses on a separate document or page.

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

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

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

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

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

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

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

PMR

To: Village of Tinley Park
16250 South Oak Park Avenue
Tinley Park, Illinois 60477
Attention: Pat Carr, Village Manager
Attention: Daniel Ritter, Community Development Director

Peterson, Johnson & Murray Chicago, LLC
Attention: Kevin Kearney
200 West Adams Street, Suite 2125
Chicago, Illinois 60606

Re: Pete's Fresh Market-Tax Increment Financing Redevelopment Agreement, 16300 South Harlem Avenue, Tinley Park, IL ("RDA")/ Project Completion Date- Force Majeure

Messrs. Carr and Ritter:

Pursuant to Section 2.1 A. of the RDA, the Developer is required to use commercially reasonable efforts to complete the Project (as defined in the RDA) on or before December 31, 2022 ("Project Completion Date"), subject to any Force Majeure Delays (as defined in the RDA) and atypical construction delays. While this Section inherently provides flexibility for the Developer regarding the completion of the Project, I wanted to provide an update on the status of the completion of the Project and request an amendment to the Project Completion Date in the RDA.

On behalf of the Developer, throughout the year I have met with the Village staff to advise them that the Developer has encountered and continues to encounter major delays due to conditions resulting from post-Covid events and economic conditions (including labor and material shortages) and that, as a result, the Developer will not be able to complete the Project or open a Pete's Fresh in 2022.

I have communicated the following reasons for the delays beyond the Developer's control to the staff:

- Delays in material procurement + 30-50 weeks
- Extreme material price increases- ranges of increase + 100-500%
- Operational end user equipment delays + 50-75 weeks
- Utility companies' delays + 50-65 weeks
- Lack of workers to deliver goods and services

It is no surprise to anyone that the reasons presented have never been witnessed to this degree in recent history. Vendors supplying materials and services will not guarantee dates, thus additional hardships in scheduling, and providing a completion date.

Peter Michael Realty Inc.
4333 S. Pulaski
Chicago, IL 60632

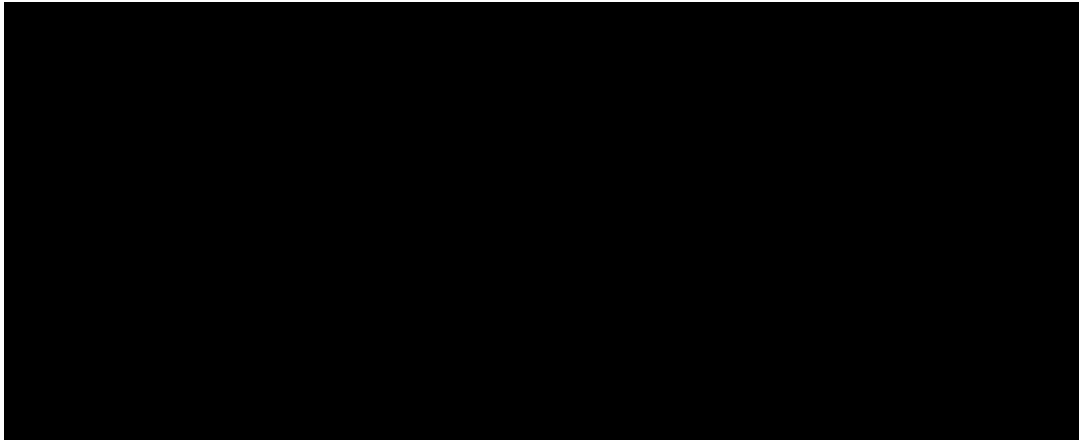
Ph. 773-843-1400
6579789/2/17668.012

Fax: 773-843-1400

PMR

In accordance with Section 6.3 of the RDA, I believe the occurrence of the above events, among others, constitute Force Majeure Delays, which are sufficient reason for the Developer and Village to extend the Project Completion Date in the RDA.

At this time, the Developer can comfortably project a Project Completion Date of Spring, 2024. While I will provide updates regarding this situation at six month intervals in person, and via written letter, I ask that the RDA be amended to provide a spring, 2024 Project Completion Date or sooner.



Peter Michael Realty Inc.
4333 S. Pulaski
Chicago, IL 60632

Ph. 773-843-1400
6579789/2/17668.012

Fax: 773-843-1400

PROJECT NARRATIVE

FEBRUARY 5, 2021

**PETE'S FRESH MARKET DEVELOPMENT
16300 S. HARLEM AVENUE
TINLEY PARK IL**

Preliminary approval of the development of a 24.2-acre site, including, expansion of an existing warehouse (by approximately 12,400 sf with 6 new loading docks and truck cab parking), a new Pete's Fresh market Grocery store (88,608 sf) and a proposed inline retail store (51,831 sf) adjacent to the proposed grocery store. Development will also include 4 future outlot development sites.

Pete's Fresh Market is headquartered in Chicago IL. They currently operate 17 different existing locations in the metropolitan area with ongoing plans to open even more stores in the Chicagoland area. Pete's Fresh Market (Pete's) distinguishes itself from its competition by demanding the best quality produce and merchandise at a price that is affordable to its clientele. Pete's stores consistently reflect this demand for quality in their stores as well, providing a bright and welcoming atmosphere, that presents itself in clean, modern, and accessible designs. Pete's maintains a vibrancy in all their stores with seasonal displays complimented with festive seasonal adornments. Pete's offers fresh juice bars, cafes, specialty cheese islands, hot bars with multiple made-to-order stations, and other amenities that the community desires but unfortunately does not currently have.

This proposed facility in Tinley Park is intended to be the best in their chain. Pete's will take all the details that it has incorporated in its development of their previous stores and craft them into what will be their most unique shopping experience to date. The residents of Tinley Park will experience a store, outside to in, that will welcome them and serve them as no other store has. Pete's strives to better serve each of the communities it becomes a part of. This destination is intended to lift this locale to an even higher level and serve the greater Tinley Park community.

Architecturally, the success of this design is intended to transcend raw utility. Instead, it is intended to combine the energy and dynamics of a crafted exterior that carries the same quality and experience into the store with a program that encourages the user to enjoy the complete shopping experience. The architecture of the center represents a forward-looking design comprised of traditional materials (brick) that will be used in a timeless way. Colors, textures, and patterns will mesh to create dynamic surfaces that will give the building a unique character, both during the day and at night.

At night, light will emanate from a veil of screening and the masonry projections will appear to dance along the facade as light and shadow give this design its signature loftiness. During the day, contrasting shades of deep charcoal gray brick and pearl white brick will create a delicately modeled facade. The interplay of these contrasting hues and textures will break down the massing, creating a sense of individual "charrettes" meant to engage and welcome the customer. The design takes full advantage of the durability and timelessness of these materials.

This center departs from the typical formulaic designs of the past favoring longevity, performance, and a well-planned design. Pete's Fresh Market has always taken pride in the structures they create and the marriage of quality design and superior product. These qualities remain paramount to their success.

Pete's will likely also contribute to Tinley Park in other ways. Pete's employees 120-130 people for their store and 10 to 20 for their warehouse. Parking for these employees shall be dedicated at the west of the site (the warehouse has dedicated parking at its northwest corner) and enforced by signage and store management.

This development has three phases:

The first phase is the redevelopment of the former vacant and distressed Kmart store at the south of the lot. Pete's will adaptively reuse this store as a warehouse for their products for distribution to their other local stores. Pete's may eventually incorporate some administrative offices into this warehouse space, but this will be Phase II work. As far as truck traffic, only Pete's and its vendors will load and unload at this facility.

The second phase is the development of the rest of the site for the new Pete's Grocery store and the new inline retail to its north (to be built at the same time). This phase will include the reorientation of the entire parking field to serve the Pete's and the retail, as well as all its associated infrastructure, landscaping (at the front of the store and in the parking fields), and lighting. Also, in this phase, Pete's shall expand to the south of the existing warehouse structure to expand the warehouse to better suit their needs (12,400 sf). Pete's will also assure that the storefront on the east (entry) side of this facility shall be cleaned up to avoid the look of "vacancy" but will also de-emphasize its appearance as an entry. Pete's will add masonry screen walls at the trash compacting units and at the truck docks to comply with their ordinances for screening. Finally, Pete's will add any required screening to roof top units, rack houses and condensers that are not obscured by parapets or other means as the code may require. Landscaping improvements will include significant improvements to the fencing at the western property line, additional plantings at the West and South buffer-yards, additional trees to meet or exceed code requirements, additional hedges along Harlem, and parking lot islands have been revised to be 10' wide.

The third phase will be the development of the out lots along Harlem Avenue. This design work has not yet begun and will not be a part of this submission other than the allocation for these lots on the civil plans.

Pete's will assure that the flow of traffic (vehicular, pedestrian and truck) will be with as little conflict as possible, as they know this is first, and foremost, a Grocery store shopping center. The secondary associated uses shall not impede this primary use.

Pete's Fresh Market looks forward to a long history with the Village of Tinley Park!





December 28, 2022

Project Narrative

Pete's Fresh Market Development
16300 S. Harlem Avenue
Tinley Park, IL

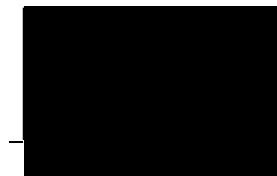
On behalf of Peter Michael Realty, CAGE Engineering, Inc. (CAGE) is proposing various improvements to the subject property located at 16300 S. Harlem Avenue in Tinley Park, IL. Previous improvements including the development of a Pete's Fresh Market grocery store, redevelopment creating a Pete's Fresh Market distribution building, and the subdivision of 4 out lots, have been previously approved. The original project narrative has been included in this submittal for reference.

Page 2 of the project narrative outlines the phases of this development. The third phase is the developments of the out lots along Harlem Avenue. The proposed improvements of this will be the design of two of these out lots.

The proposed development will occur in lots four and five of the previously approved plan. The development is of Chick-Fil-A restaurant with two drive thru lanes. The development of this site will require certain deviations from the previously approved plans. The size of a Chick-Fil-A building with it's associated parking and hardscape areas will require a new plat of subdivision to be provided. This plat of subdivision will consolidate parcels four and five into one and realign the private drive aisle on site. Due to the drive thru lanes, the drive aisle will need to be shifted approximately 30' to the west.

These improvements will need to have final civil, landscape, and photometric design upon approval of the site plan. Should you have any questions or comments upon completion of your review, please do not hesitate to contact me at 630-957-7039 or jgnowak@cagecivil.com.
Sincerely,

CAGE ENGINEERING, INC.



John Nowak

Project Engineer



December 28, 2022

Lori Kosmatka
Village of Tinley Park

RE: Pete's Fresh Market

Dear Ms. Kosmatka,

CAGE Engineering, Inc. (CAGE) is in receipt of the Village of Tinley Park's email, dated December 21, 2022, regarding the above-mentioned project. CAGE offers the following itemized responses:

Comment #1

Dimensions are missing for the lot lines and the end island widths. Can you please provide an updated site plan?

Response to Comment #1: Additional site dimensions for the Pete's parking & islands have been provided per your request.

Comment #2

The east end island immediately north of the long central island appears narrower than the others. It was previously approved as a landscaping Typical Planter Island "C" (out of "A" through "F"). Why is it now so narrow? Can your team confirm that this and all the other planters will at least accommodate the previously approved planter island types, and that there are no waivers being requested from the Landscape Code? If you have an updated landscaping plan, please provide. Otherwise, you'll need to provide the updated landscaping plan for permit submittal.

Response to Comment #2: Landscape will be updated accordingly to allow for the new site configuration and will be included during permit submittal. Only the east planter islands will change from the original approved planter islands. Quantities of plants will be adjusted to meet Village requirements for the new islands. All calculations provided for the approved plans previously will be rerun and included on the new Landscape set. The previous set of approved plans included upsizing all trees on-site from the Village required 2.5" Caliper to 3.5" & 4.0" Caliper for a shortage of Parking Lot Landscape (15%). We will probably have a small reduction in Landscape area because of the new alignment and pavement area once final numbers are run. This would be the only waiver we would request pertaining to Landscape, and we would hope the previous plan of upsizing all trees on site will still mitigate any additional shortage.

Comment #3

The Pete's property now includes the triangular area east of the east drive aisle toward the north. This area needs to be landscaped. What landscaping are you placing there?

Response to Comment #3: Existing landscape in this area will be preserved as feasible by necessary construction activities. Restoration of any disturbed plantings and groundcovers/lawn will take place. The triangular area should require a "Class B" buffer by our interpretations. Previous landscape plans for the adjacent site included a hedge and canopy trees. Once confirmed on site, any additional plantings required in this area to meet the buffer yard requirement of: 3.6 canopy trees, 1.2 Understory and 20 Shrubs, per 100 L.F. will be provided.

Comment #4

Lighting will have to be adjusted since the islands are moving. The Site Plan happens to show some but not all of the locations. Are you intending to place lights in the same locations with the shifted islands? If you have an updated landscaping plan, please provide. Otherwise, you'll need to provide the updated lighting/photometric plans/specs for permit submittal.

Response to Comment Note #4: This is correct. The intent is to place light in the same locations with shifted islands. New photometric plans will be provided during the Chick-Fil-A final design. If additional lighting is necessary to remain compliant with code, it will be determined during the permit submittal.

Comment #5



Plans need to meet 2018 Illinois Accessibility Code. Planning Staff has not performed a formal, full accessibility review but notes the following: The eastern part of the central walkway needs to be accessible like other areas with ADA ramp and crosswalk and run straight. Proposed plan shows it bending and without ADA & crosswalk. I also saw a couple locations where the ADA ramp note was missing. Detectable warnings are also missing. Please advise if your team will be updating the plans accordingly now or else for permit submittal.

Response to Comment #5: Additional callouts for ADA ramps have been added to show accessible continuity throughout the site.

Comment #6

Will you have 2 or 3 seasonal outdoor display areas? One was removed from the latest plan. You can add it back to the site plan if you're updating that.

Response to Comment #6: The previous leader was removed for clarity. It has been added back in. 3 outdoor display areas will be provided.

Comment #7

Can you please provide missing parts of the application:

- A plat of survey,
- An overall narrative describing the scope of the project, reasoning for the realignment and how far west the drive aisle is shifting (for the occupancy extension we will also include the letter your team previously submitted to Dan Ritter and Village Manager Pat Carr as attached) and
- Respond to the Special Use Standards (Sec. X.I.5. of the Zoning Code, see attached Special Use Addendum page 2)?

Response to Comment #7: An ALTA survey, as well as a recently recorded plat of subdivision have been provided in this submittal. During the final design phase of the project a new plat of subdivision will be required.

A narrative describing the scope of project along with the reasoning for the realignment is included in this submittal for your review. The original project narrative has been included for reference.

The special use standards have been answered and included in this submittal.

Comment #8

Please confirm you are not seeking any additional Exceptions or relief from Village regulations.

Response to Comment #8: No additional exceptions besides those shown in the site plan are being requested at this time.

SITE PLAN MARKUP COMMENTS

Comment #1

Confirm Island Size

Response to Comment #1: Island sizes have been set based on the constraints of the site to maximize landscape areas and parking within reason.

Comment #2

Show crosswalk.

Response to Comment #2: Crosswalks are now shown.

Comment #3

Provide dimensions in between islands typical.

Response to Comment #3: Additional dimensions for the Pete's Fresh Market parking lot are now shown.

Comment #4

Landscape clarification due to site modifications.

Response to Comment #4: See responses #2 & #3 from the previous section for landscaping responses.



Comment #5

Parking Lot Lighting – updated photometric.

Response to Comment #5: See comment #4 from the previous section for photometric response.

Comment #6

ADA Ramp with depressed curb & gutter – show leader lines typical, or note flush-even grade.

Response to Comment #6: Additional ADA ramp callouts have been added.

Comment #7

Chick Fil A parking count.

Response to Comment #7: The Chick-Fil-A parking can be found in the bottom left corner of the page in the “Parcel 4 Summary Table.”

Comment #8

Truck turning maneuvers or narrative.

Response to Comment #8: A truck turn maneuver showing that a WB-65 truck can navigate the site has been included in this submittal. This is the most conservative vehicle the site will see.

Comment #9

Pavement changes i.e. HD

Response to Comment #9: The drive aisle has been changed to heavy duty pavement.

Comment #10

Show signage i.e. stop, yield, ect.

Response to Comment #10: A stop sign has been added to the exit of the Chick-Fil-A.

Comment #11

Season displays – original showed three leaders

Response to Comment #11: The three leaders are now shown calling out the seasonal displays.

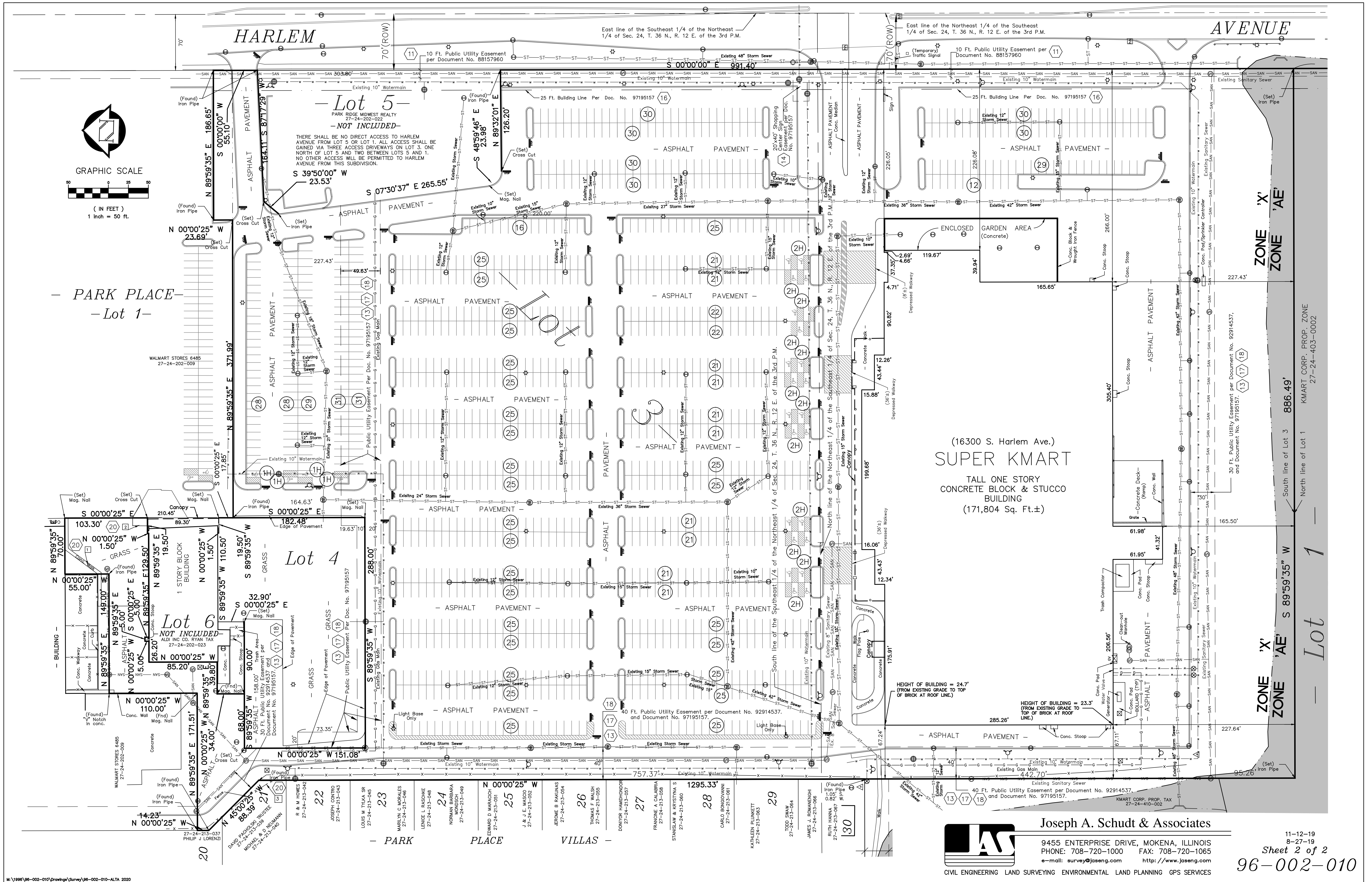
Comment #12

Clarify triangular area new from old..

Response to Comment #12: The existing curb and gutter has been added to show the triangular area more clearly. The area will be landscaped in accordance with the response in comment #3 from the previous section.

Matt Schumacher, P.E.

Director of Operations



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Joseph A. Schudt & Associates

9455 ENTERPRISE DRIVE, MOKENA, ILLINOIS
PHONE: 708-720-1000 FAX: 708-720-1065
e-mail: survey@jaseng.com http://www.jaseng.com

CIVIL ENGINEERING LAND SURVEYING ENVIRONMENTAL LAND PLANNING GPS SERVICES

11-12-19
8-27-19
Sheet 2 of 2
96-002-010

PAVEMENT LEGEND	
	STANDARD DUTY BITUMINOUS PAVEMENT
	HEAVY DUTY BITUMINOUS PAVEMENT
	HEAVY DUTY CONCRETE PAVEMENT
	REMOVAL SURFACE
	ASPHALT TO STONE BASE, AND REPLACE IN KIND
	PCC SIDEWALK



REVISIONS	

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PETE'S FRESH MARKET REDEVELOPMENT
16300 S. HARLEM AVENUE
TINLEY PARK, ILLINOIS

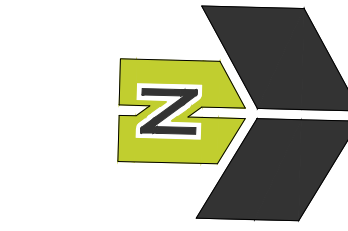
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ENG. JGN, MCK
DATE: 10.20.2022

SHEET TITLE

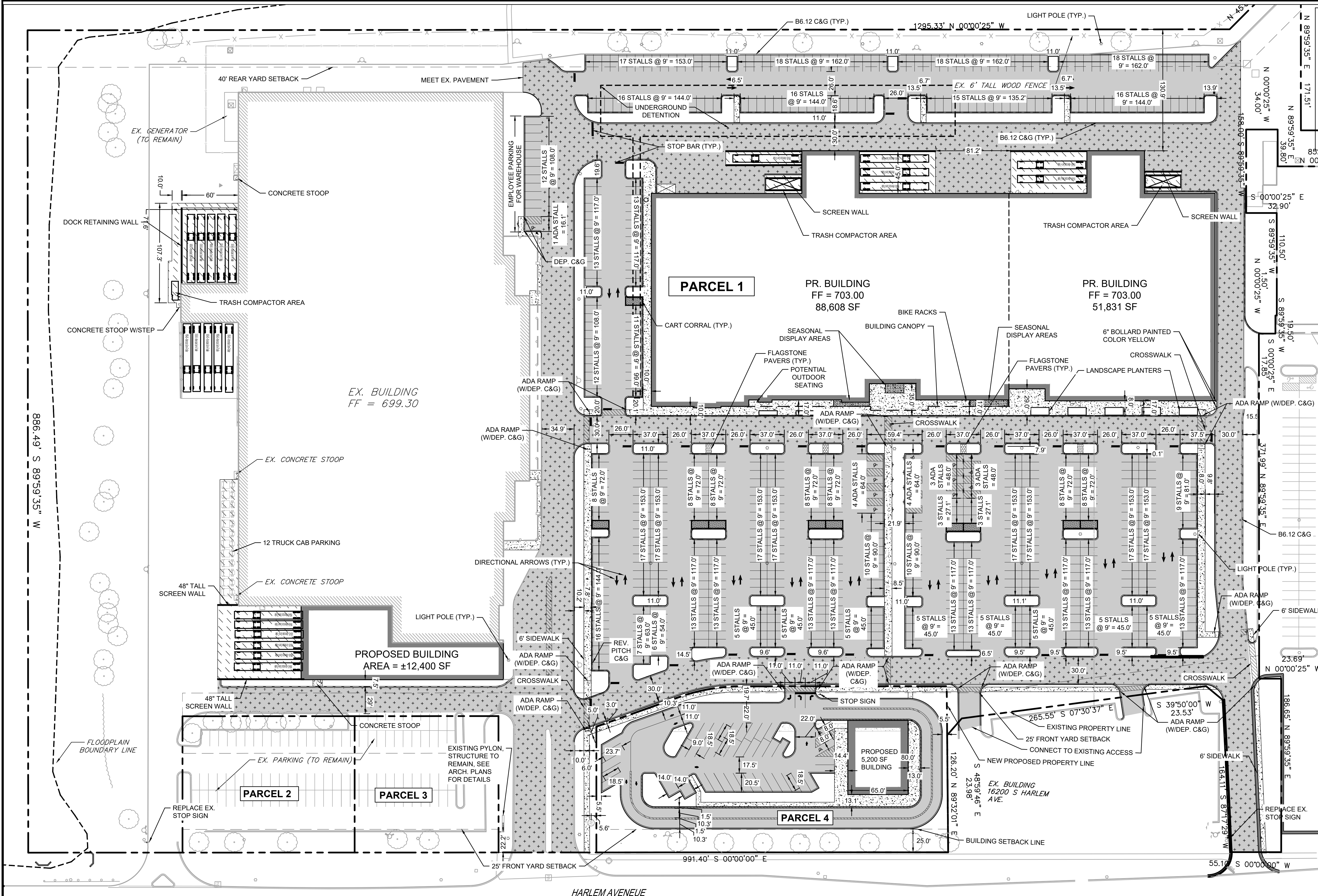
OVERALL SITE PLAN

SHEET NUMBER

C1.1
7 OF 1



0 50' 100'
1" = 50' (HORIZONTAL)



ZONING ANALYSIS TABLE	
EXISTING ZONING	B-3
PROPOSED ZONING	B-3
PERCENTAGE OF GREENSPACE	17%
SETBACKS	
FRONT	25'
SIDE	NONE*
REAR	40'

*NO SIDE YARD SHALL BE REQUIRED, EXCEPT IF A SIDE YARD IS PROVIDED, IT SHALL NOT BE LESS THAN TEN (10) FEET; AND, IF ADJOINING A RESIDENTIAL DISTRICT, A MINIMUM SIDE YARD AT LEAST FIFTEEN (15) FEET IN WIDTH SHALL BE PROVIDED.

PARCEL 1 SUMMARY TABLE	
LAND AREA	±967,103 SF
EX. WAREHOUSE+ADDITION	±184,200 SF
PR. BUILDING (GROCERY STORE)	±88,608 SF
PR. BUILDING (RETAIL)	±51,831 SF
FLOOR AREA RATIO	0.34
LOT COVERAGE	34%
PARKING STALLS	
EXISTING APPROVED STANDARD STALLS	638
ADA STALLS	15
PROVIDED STALLS	613
STANDARD STALLS	613
ADA STALLS	15

PARCEL 4 SUMMARY TABLE	
LAND AREA	±65,067 SF
PR. BUILDING (RESTAURANT)	±5,200 SF
PARKING STALLS	
REQUIRED STALLS	35 STALLS
1 STALL PER 150 SF OF BUILDING	
PROVIDED STALLS	39 STALLS
STANDARD STALLS	2 STALLS
ADA STALLS	41 STALLS

SHEET NOTES

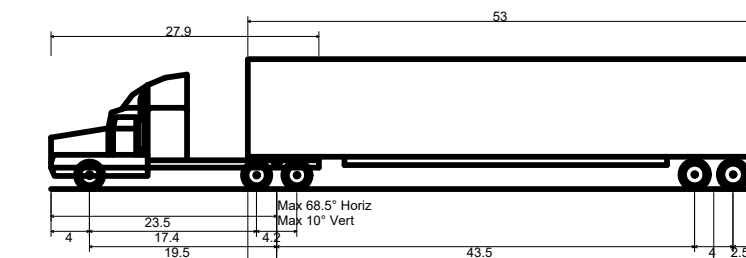
- A BLANKET CROSS ACCESS & PARKING EASEMENT IS PROVIDED WITHIN THE SITE.

PARKING REQUIREMENTS

WAREHOUSE - ONE (1) SPACE FOR EACH TWO (2) EMPLOYEES, PLUS ONE (1) SPACE FOR EACH VEHICLE USED IN THE CONDUCT OF THE BUSINESS.

RETAIL - ONE (1) SPACE FOR EACH ONE HUNDRED FIFTY (150) SQUARE FEET OF GROSS LEASABLE FLOOR AREA, OR WHEN L.O.C. IS WITHIN A PLANNED SHOPPING AREA, SIX AND ONE-HALF (6 1/2) SPACES PER ONE THOUSAND (1,000) SQUARE FEET OF GROSS LEASABLE FLOOR AREA.

- GENERAL NOTES**
- PROPOSED CROSSWALKS SHALL CONSIST OF 6" SOLID WHITE PAINT PERIMETER LINES WITH 12" SOLID WHITE PAINT LINES WITH A 45 DEGREE ANGLE, SPACED AT 3 FT O.C. CROSSWALK WIDTHS SHALL NOT BE LESS THAN THE WIDTH OF THE UPSTREAM AND DOWNSTREAM SIDEWALKS.
 - ALL ADA RAMP SHALL HAVE DEPRESSIONED CURBS IN ACCORDANCE WITH CURRENT ADA REQUIREMENTS.
 - ALL ADA PARKING STALLS SHALL HAVE ADA SIGNAGE IN ACCORDANCE WITH CURRENT ADA REQUIREMENTS.
 - CONTRACTOR SHALL CONFIRM THAT AREAS OF MILL AND OVERLAY HAVE ADEQUATE SUBSURFACE. IF THE SUBSURFACE IS NOT ADEQUATE ADDITIONAL MAINTENANCE MAY BE REQUIRED IN THOSE AREAS.
 - ALL DIMENSIONS ARE MEASURED FROM THE FLOWLINE.
 - FOR PORTIONS WHERE MILL & OVERLAY ARE PROPOSED, CONTRACTOR SHALL PROVIDE PAVEMENT CORES TO THE VILLAGE TO ENSURE ADEQUATE PAVEMENT BASE.
 - SEE CIVIL LEGEND ON SHEET C0.0 FOR STANDARD AND REVERSE PITCH CURB AND GUTTER.
 - ALL CURB AND GUTTERS SHALL BE ASSUMED TO BE CARRY CURBS, UNLESS SPECIFICALLY NOTED TO BE REVERSE PITCH ON THE PLANS.
 - AT ALL CURB RAMPS, DEPRESSIONED CURB & GUTTER SHALL BE PROVIDED FOR THE WIDTH OF THE SIDEWALK.



WB-67 - Interstate Semi-Trailer	
Overall Length	73.50ft
Overall Width	8.500ft
Overall Body Height	13.500ft
Min Body Ground Clearance	1.334ft
Max Track Width	8.500ft
Lock-to-lock time	6.00s
Max Steering Angle (Virtual)	28.40°



Petes
— MARKET —



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PETE'S FRESH MARKET REDEVELOPMENT

16300 S. HARLEM AVENUE

PROJ NO:200135

ENG : JGN, MCK

DATE : 10.20.2021

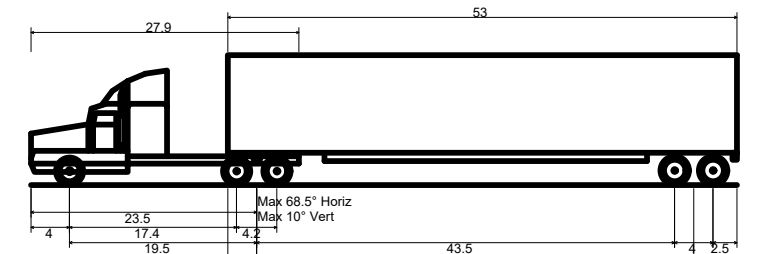
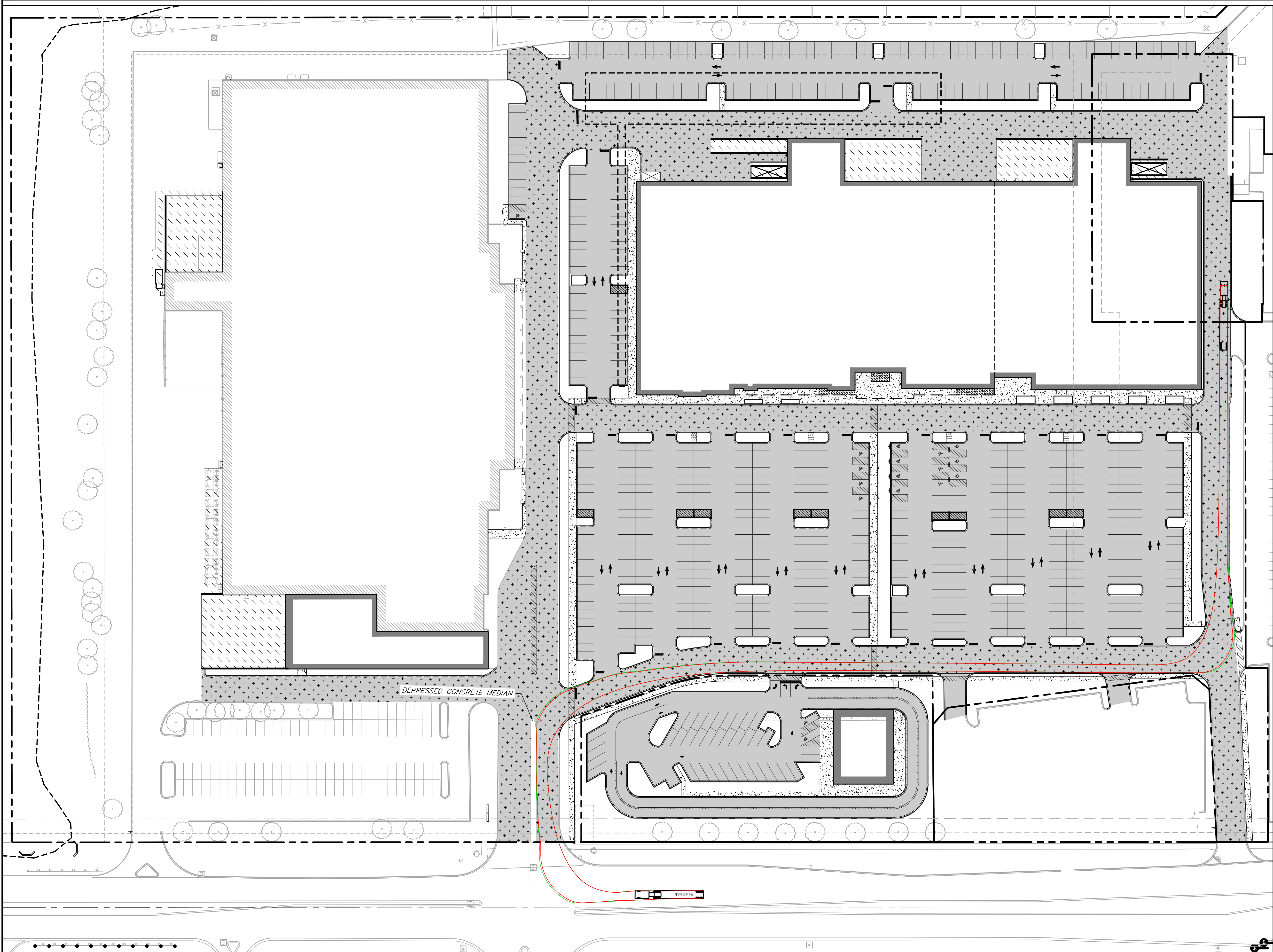
SHEET TITLE

TRUCK TURN
EXHIBIT

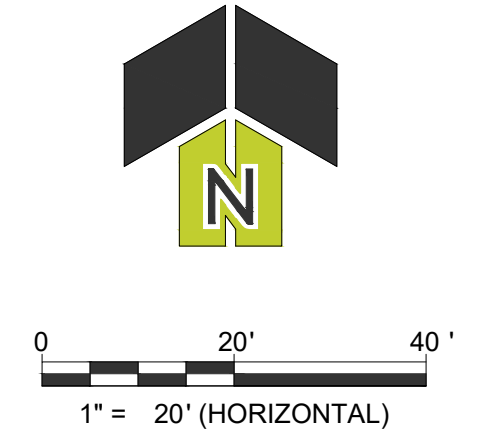
SHEET NUMBER

EX-1

1 OF 1



WB-67 - Interstate Semi-Trailer
Overall Length 73.50ft
Overall Width 8.50ft
Overall Body Height 13.50ft
Min Body Ground Clearance 1.33ft
Max Track Width 8.50ft
Lock-to-lock time 6.00s
Max Steering Angle (Virtual) 28.40°



REVISIONS	Δ

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PETE'S FRESH MARKET
REDEVELOPMENT
16300 S. HARLEM AVENUE
TINLEY PARK, ILLINOIS

PROJ NO. 200135
ENG: JGN, MCK
DATE: 10.20.2022

SHEET TITLE
TRUCK TURN
EXHIBIT

SHEET NUMBER
EX-2
1 OF 1

FINAL PLAT OF 163rd & HARLEM LLC SUBDIVISION

BEING A RESUBDIVISION OF LOTS 3 AND 4 IN SUPER-K SUBDIVISION, BEING A RESUBDIVISION OF LOTS 4 THROUGH 11, IN PARK PLACE, A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER AND PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PINS: 27-24-202-020-0000 AND 27-24-202-021-0000

LOT AREA

LOT 1 1,159,035 SQ. FT. (26.808 ACRES)

EASEMENT PROVISIONS
An easement for serving the subdivision and other property with electric and communication service is hereby reserved for and granted to
The Village of Tinley Park
Commonwealth Edison Company
SBC Telephone Company,
Authorized C.A.T.V. Franchise, Grantee,

their respective licensees, successors and assigns jointly and severally, to construct, operate, repair, maintain, modify, reconstruct, replace, supplement, relocate and remove, from time to time, poles, guys, anchors, wires, cables, conduits, manholes, transformers, pedestals, equipment cabinets or other facilities, used in connection with overhead and underground transmission and distribution of electricity, communications, sounds and signals in, over, under, across, along and upon the surface of the property shown within the dashed or dotted lines (or similar designation) on the plat and marked "Easement", "Utility Easement", "Public Utility Easement", "P.U.E." (or similar designation), the property designated in the Declaration of Condominium and/or on this plat as "Common Elements", and the property designated on the plat as "common area or areas", and the property designated on the plat for streets and alleys, whether public or private, together with the rights to install required service connections over or under the surface of each lot and common area or areas to serve improvements thereon, or on adjacent lots, and common area or areas, the right to cut, trim or remove trees, bushes, roots and saplings and to clear obstructions from the surface and subsurface as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. Obstructions shall not be placed over Grantee's facilities or in, upon or over the property within the dashed or dotted lines (or similar designation) marked "Easement", "Utility Easement", "Public Utility Easement", "P.U.E." (or similar designation) without the prior written consent of Grantee. After installation of any such facilities, the grade of the subdivided property shall not be altered in a manner so as to interfere with the proper operation and maintenance thereof. The term "Common Elements" shall have the meaning set forth for such term in the "Condominium Property Act", Chapter 765 ILCS 805/2(c), as amended from time to time.

The term "common area or areas" is defined as a lot, parcel or area of real property, the beneficial use and enjoyment of which is reserved in whole or as an appurtenance to the separately owned lots, parcels or areas within the planned development, even though such be otherwise designated on the plat by terms such as "outlots", "common elements", "open space", "open area", "common ground", "parking" and "common area". The term "common area or areas", and "Common Elements" include real property surfaced with interior driveways and walkways, but excludes real property physically occupied by a building, Service Business District or structures such as a pool, retention pond or mechanical equipment. Relocation of facilities will be done by Grantee at cost of the Grantor/Lot Owner, upon written request.

MUNICIPAL UTILITY EASEMENTS

Non-exclusive, perpetual easements are hereby reserved for and granted to the Village of Tinley Park, Illinois, its successors and assigns over all areas marked "Public Utility and Drainage Easement" on the Plat for the perpetual right, privilege, authority to construct, reconstruct, install, remove, repair, inspect, maintain, and operate overland drainage services and storm water volume control routes, storm and/or sanitary sewers and services, and water mains and services, together with any and all necessary manholes, catch basins, connections, appliances and other structures and appurtenances as may be deemed necessary by said Village in, over, upon, along, under and through said indicated easement, together with right of access across and upon the property for necessary personnel and equipment to do any of the above work. The right is also granted to cut down and trim or remove any fences, temporary structures, trees, shrubs, roots or other plants and appurtenances without obligation to restore or replace and without need for providing compensation therefore on the easement that interfere with the operation of the sewers, mains, and services provided. No permanent buildings, structures or other obstructions shall be placed on said easements without the prior written consent of the Village, but same may be used at the risk of the owner for gardens, shrubs, landscaping, and other purposes that do not then or later interfere with the aforesaid uses or rights. Where an easement is used for both sewer and other utilities, the other utility installation shall be subject to the ordinances of the Village of Tinley Park and to Village approval as to design and location.

An easement is hereby reserved for and granted to
NI-COR GAS COMPANY

its respective successors and assigns ("NI-COR") to install, operate, maintain, repair, replace and remove, facilities used in connection with the transmission and distribution of natural gas in, over, under, across, along and upon the surface of the property shown on this plat marked "Public Utility and Drainage Easement", "Common Area or Areas" and streets and alleys, whether public or private, and the property designated in the Declaration of Condominium and/or on this plat as "Common Elements", together with the right to install required service connections over or under the surface of each lot and Common Area or Areas to serve improvements thereon, or on adjacent lots, and Common Area or Areas, and to serve other property, adjacent or otherwise, and the right to remove obstructions, including but not limited to, trees, bushes, roots and fences, as may be reasonably required incident to the rights herein given, and the right to enter upon the property for all such purposes. Obstructions shall not be placed over NI-COR facilities or in, upon or over the property identified on this plat for utility purposes without the prior written consent of NI-COR. After installation of any such facilities, the grade of the property shall not be altered in a manner so as to interfere with the proper operation and maintenance thereof. The term "Common Elements" shall have that meaning set forth for such term in Section 805(2)(e) of the "Condominium Property Act" (Illinois Compiled Statutes, Ch. 765, Sec. 805(2)(e)) as amended from time to time. The term "Common Area or Areas" is defined as a lot, parcel or area of real property, including real property surfaced with interior driveways and walkways, the beneficial use and enjoyment of which is reserved in whole as an appurtenance to the separately owned lots, parcels or areas within the property, even though such areas may be designated on this plat by other terms.

BLANKET EASEMENT NOTES:

- AS NOTED ON THE PLAT OF SUBDIVISION OF PARK PLACE, RECORDED DECEMBER 7, 1992 AS DOCUMENT 92914537, ALL LAND SHOWN ON THE PARK PLACE SUBDIVISION PLAT AS LOTS 1, 2, 4, 5, 6, 7, 8, AND 9, NOT INCLUDING THE BUILDING SITES (OF WHICH LOTS 3 AND 4 OF SUPER-K SUBDIVISION ARE A PART OF LOTS 4, 5, 6, 7, 8 AND 9 OF PARK PLACE SUBDIVISION), IS GRANTED AS A BLANKET EASEMENT AND IS SUBJECT TO THE PUBLIC UTILITY EASEMENT PROVISIONS ON THE PARK PLACE SUBDIVISION PLAT.
- A BLANKET CROSS ACCESS AND PARKING EASEMENT IS HEREBY GRANTED TO ALL ADJACENT PROPERTIES. BLANKET ACCESS AND PARKING EASEMENTS ARE LIMITED TO THE FOLLOWING:
 - INGRESS / EGRESS AND PARKING FOR SHOPPING OR BUSINESS RELATED ACTIVITIES FOR ADJACENT PROPERTIES.
 - EXTENDING PARKING OR OVERNIGHT PARKING FOR ADJACENT PROPERTIES IS NOT ALLOWED.
 - CROSS ACCESS AND PARKING FOR ADJACENT PROPERTIES SHALL BE LIMITED TO PASSENGER CAR TRAFFIC ONLY. NO TRUCK TRAFFIC OR DELIVERY TRAFFIC TO OR FROM ADJACENT PROPERTIES SHALL BE ALLOWED.
- A BLANKET ACCESS EASEMENT IS HEREBY GRANTED TO THE VILLAGE OF TINLEY PARK FOR ACCESS TO THE STORMWATER MANAGEMENT FACILITIES LOCATED ONSITE. THE VILLAGE OF TINLEY PARK IS GRANTED ACCESS TO INSPECT AND MONITOR THE STORMWATER MANAGEMENT FACILITIES, BUT ALL MAINTENANCE RESPONSIBILITY RESIDES WITH 163rd & HARLEM LLC., THEIR SUCCESSORS AND/OR ASSIGNS.
- 163rd & HARLEM LLC HEREBY GRANTS A BLANKET DRAINAGE EASEMENT TO ALL ADJACENT PROPERTIES FOR EXISTING SURFACE FLOW AND EXISTING STORM SEWER SYSTEMS. NO NEW STORM SEWER SYSTEMS MAY BE ADDED OR INSTALLED WITHOUT WRITTEN APPROVAL FROM 163rd & HARLEM LLC, THEIR SUCCESSORS AND/OR ASSIGNS.
- THE VILLAGE OF TINLEY PARK SHALL BE REQUIRED TO PROVIDE WRITTEN APPROVAL FOR ANY POTENTIAL MODIFICATIONS TO THE BLANKET EASEMENT.

MAIL FUTURE TAX BILLS TO:
163rd AND HARLEM LLC
4333 SOUTH PULASKI ROAD
CHICAGO, IL 60632

OWNERS CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF COOK) SS

163RD AND HARLEM LLC, DOES HEREBY CERTIFY THAT IT IS THE OWNER OF THE HEREON DESCRIBED PROPERTY AND THAT IT, AS SUCH OWNER, HAS CAUSED THE SAID PROPERTY TO BE SURVEYED AND RESUBDIVIDED WITH THE DEDICATIONS AND EASEMENTS AS SHOWN ON THE HEREON DRAWN PLAT.

DATED THIS 3 DAY OF February, A.D. 2021.

4333 SOUTH PULASKI ROAD
CHICAGO, IL 60632

BY: [Signature]

TITLE: OWNER / PRESIDENT

SCHOOL DISTRICT CERTIFICATE

THIS IS TO CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, WE, THE ABOVE, AS OWNERS OF THE PROPERTY HEREIN DESCRIBED IN THE SURVEYOR'S CERTIFICATE, WHICH WILL BE KNOWN AS 163RD AND HARLEM, LLC SUBDIVISION IS LOCATED WITHIN THE BOUNDARIES OF COMMUNITY CONSOLIDATED SCHOOL DISTRICT 146, VICTOR J. ANDREW HIGH SCHOOL DISTRICT 230, AND MORAIN VALLEY COMMUNITY COLLEGE DISTRICT 524, IN COOK COUNTY, ILLINOIS.

DATED THIS _____ DAY OF _____, A.D. 2021.

BY: [Signature]

TITLE: OWNER / PRESIDENT

NOTARY PUBLIC

STATE OF ILLINOIS)
COUNTY OF COOK) SS

I, Vasiliki Oremovas, A NOTARY PUBLIC IN AND FOR THE COUNTY IN THE STATE AFORESAID, DO

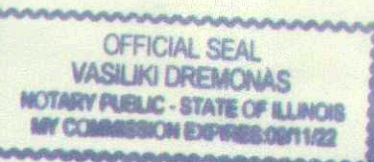
HEREBY CERTIFY THAT

Tommy Oremovas OF 163RD AND HARLEM LLC, PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE FOREGOING INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID LIMITED LIABILITY COMPANY.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 16 DAY OF February, A.D. 2021.

NOTARY PUBLIC

MY COMMISSION EXPIRES: 09/16/22



Doc# 2206922031 Fee \$133.00

RHSP FEE: \$9.00 RPFP FEE: \$1.00

KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 03/10/2022 12:37 PM PG: 1 OF 8

Doc# Fee \$12.00

KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 03/10/2022 12:37 PM PG: 8

UPON RECORDING RETURN PLAT TO:



Joseph A. Schudt & Associates

9455 ENTERPRISE DRIVE MOKENA, IL 60448

PHONE: 708-720-1000 FAX: 708-720-1065

e-mail: survey@jaseng.com http://www.jaseng.com

CIVIL ENGINEERING LAND SURVEYING ENVIRONMENTAL LAND PLANNING GPS SERVICES

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DRAINAGE CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF COOK) SS

TO THE BEST OF OUR KNOWLEDGE AND BELIEF THE DRAINAGE OF SURFACE WATERS WILL NOT BE CHANGED BY THE CONSTRUCTION OF SUCH SUBDIVISION OR ANY PART THEREOF, OR, THAT IF SUCH SURFACE WATER DRAINAGE WILL BE CHANGED, REASONABLE PROVISIONS HAVE BEEN MADE FOR THE COLLECTION AND DIVERSION OF SUCH SURFACE WATER INTO PUBLIC AREAS OR DRAINS WHICH THE SUBDIVIDER HAS THE RIGHT TO USE, AND THAT SUCH SURFACE WATERS WILL BE PLANNED IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF DAMAGE TO ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THE SUBDIVISION.

DATED THIS 13 DAY OF JANUARY, A.D. 2021.

Matthew P. Schell
REGISTERED PROFESSIONAL ENGINEER

[Signature]
OWNER OR ATTORNEY

VILLAGE ENGINEER'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF COOK) SS

I, Colby Zemitis, ENGINEER OF THE VILLAGE OF TINLEY PARK, DO HEREBY APPROVE THIS PLAT WHICH MEETS THE MINIMUM REQUIREMENTS OF SAID VILLAGE.

ON 11th DAY OF February, A.D. 2021.

BY: MC Zymant, PE, CFM
VILLAGE ENGINEER

PLAN COMMISSION

APPROVED BY THE PLAN COMMISSION OF THE VILLAGE OF TINLEY PARK, COOK COUNTY, ILLINOIS, AT A MEETING HELD ON THE 17th DAY OF January, A.D. 2021.

BY: Shantel Z. Day
CHAIRMAN

BOARD OF TRUSTEES

APPROVED AND ACCEPTED THIS 3rd DAY OF August, A.D. 2021, BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF TINLEY PARK, COOK COUNTY, ILLINOIS.

BY: Michael A. Mos
VILLAGE PRESIDENT
ATTEST: Nancy McConor
VILLAGE CLERK

VILLAGE CLERK

THIS IS TO CERTIFY THAT I, VILLAGE CLERK OF THE VILLAGE OF TINLEY PARK, COOK COUNTY, ILLINOIS, FIND NO DEFERRED INSTALLMENTS OF OUTSTANDING OR UNPAID SPECIAL ASSESSMENTS DUES AGAINST THE HEREON DRAWN PROPERTY.

DATED THIS 3rd DAY OF August, A.D. 2021.

Nancy McConor
VILLAGE CLERK

SURVEYORS CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF WILL) SS

This is to certify that I, D. Warren Opperman, Illinois Professional Land Surveyor No. 3152, have surveyed and resubdivided the above described property and further described as follows:

LOTS 3 AND 4 IN SUPER-K SUBDIVISION, BEING A RESUBDIVISION OF LOTS 4 THROUGH 11, IN PARK PLACE, A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER AND PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

This property contains 26.808 acres, more or less, all within the Corporate limits of the Village of Tinley Park, Cook County, Illinois.

Basis of bearings is the Super-K Subdivision.

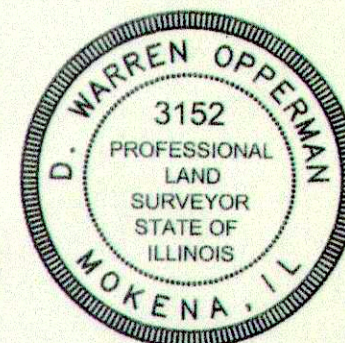
I further certify that I have resubdivided the same into one lot as shown. This plat correctly represents said survey. All exterior corners of the Subdivision have been monumented prior to the recordation of the plat. Interior corners not previously set, to be set. Dimensions are in feet and decimal parts thereof.

This is to certify that we have examined FIRM Map Number 17031C0706 J, and 17031C0708 J Effective date August 19, 2008, as issued by the Federal Emergency Management Agency for Cook County, with reference to the above named tract, by elevation, and find the property to be in Zone X (No shading) which is an area determined to be outside the 0.2% annual chance (500-year) flood and plain and Zone AE which is a Special Flood Hazard Area subject to inundation by the 1% annual chance (100-Year) flood, also known as the base flood, where base flood elevations have been determined. This statement is for Flood Insurance purposes only and does not necessarily indicate all areas subject to flooding.

Dated: DECEMBER 21st, A.D. 2021.

Engineer & Surveyor: Joseph A. Schudt & Associates (184-001172)
9455 Enterprise Drive
Mokena, IL 60448
1-708-720-1000

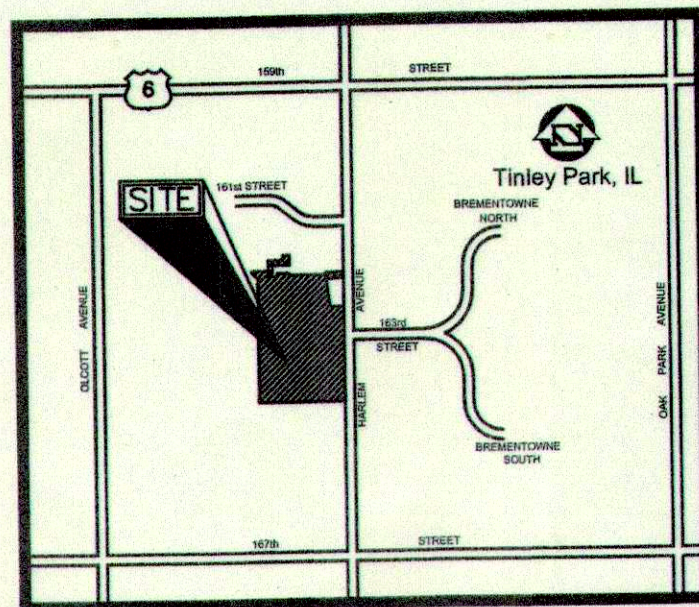
By: [Signature]
Illinois Professional Land Surveyor No. 3152 (Exp. 11-30-22)



7-30-21
10-01-21 5-30-21
9-08-21 5-27-21
8-11-21 2-03-21

Sheet 2 of 2

96-002-010 SP

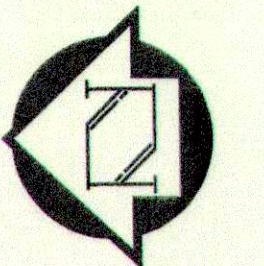


VICINITY MAP
(NOT TO SCALE)
INDICATES SITE LOCATION

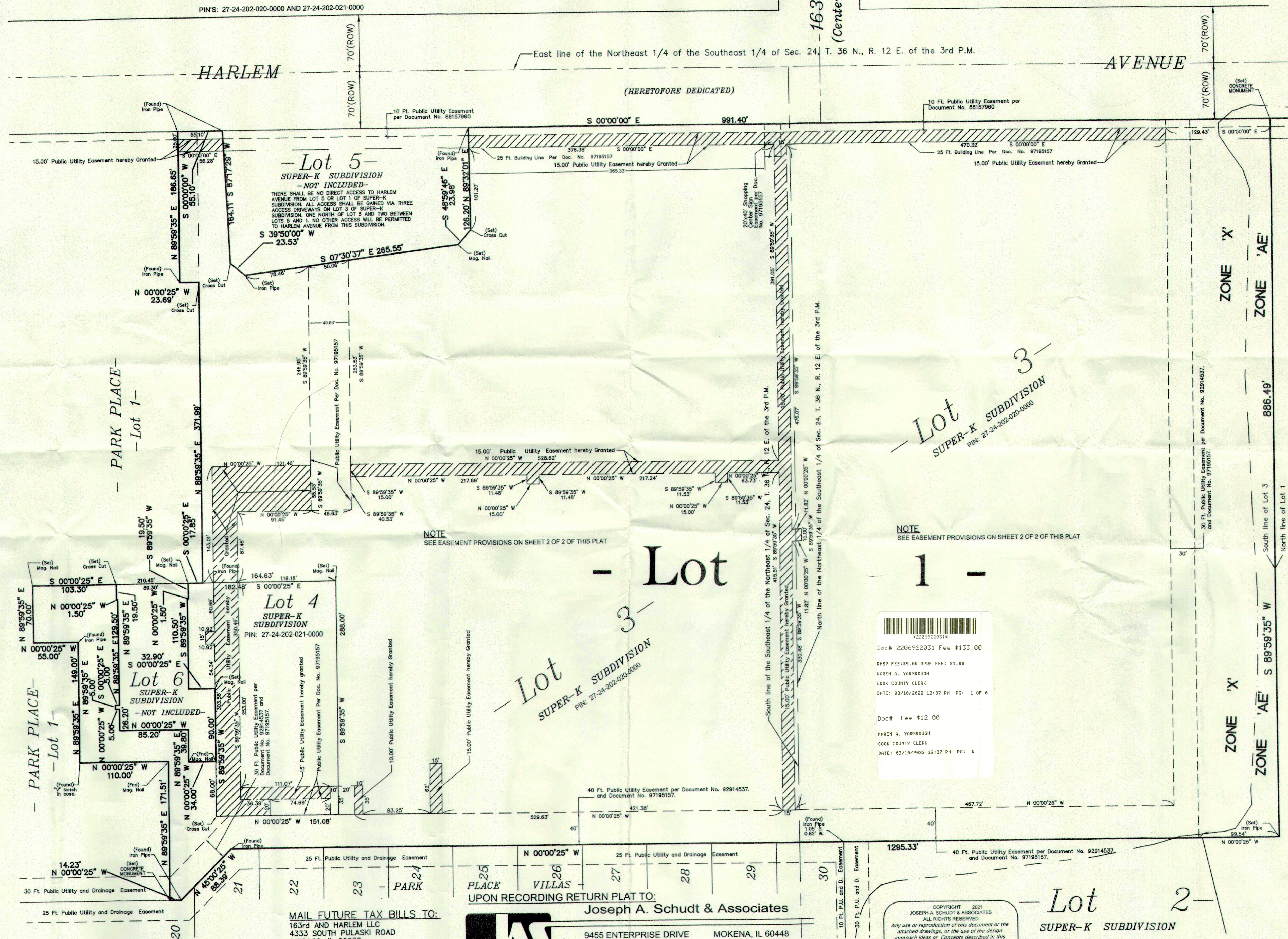
FINAL PLAT OF 163rd & HARLEM LLC SUBDIVISION

BEING A RESUBDIVISION OF LOTS 3 AND 4 IN SUPER-K SUBDIVISION, BEING A RESUBDIVISION OF LOTS 4 THROUGH 11, IN PARK PLACE, A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER AND PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 27-24-202-020-0000 AND 27-24-202-021-0000



GRAPHIC SCALE
(IN FEET)
1 inch = 60 ft.



Doc# 2206922031 Fee \$133.00
RHPF FEE: \$9.00 RPPF FEE: \$1.00
KAREN A. YARBROUGH
COOK COUNTY CLERK
DATE: 03/18/2022 12:37 PM PG: 1 OF 6

Doc# Fee \$12.00
KAREN A. YARBROUGH
COOK COUNTY CLERK
DATE: 03/18/2022 12:37 PM PG: 6

UPON RECORDING RETURN PLAT TO:
Joseph A. Schudt & Associates
9455 ENTERPRISE DRIVE MOKENA, IL 60448
PHONE: 708-720-1000 FAX: 708-720-1065
e-mail: survey@jaseng.com http://www.jaseng.com



CIVIL ENGINEERING LAND SURVEYING ENVIRONMENTAL LAND PLANNING GPS SERVICES

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MAIL FUTURE TAX BILLS TO:
163rd AND HARLEM LLC
4333 SOUTH PULASKI ROAD
CHICAGO, IL 60632

10-01-21 7-30-21
9-08-21 5-27-21
8-11-21 2-03-21

Sheet 1 of 2

96-002-010 SP

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. VERIFY ALL POINTS BEFORE BUILDING AND REPORT ANY DISCREPANCIES. CONSULT DEED OR TITLE REPORT FOR EASEMENTS AND RESTRICTIONS.

PLAN COMMISSION STAFF REPORT

January 5, 2023 – Public Hearing

Zoning Text Amendment – Massage Establishments

Petitioner

Village of Tinley Park

Zoning Code Sections

Section II (Rules and Definitions)

Section V (District Regulations)

Section XII

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, **requiring a Special Use Permit in B-1, B-2, B-3, B-4, and Legacy Zoning Districts.** 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.

Changes to the December 1, 2022 Workshop Staff Report are indicated in Red.

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), B-3 (General Business and Commercial), and Legacy 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	Legacy
Service establishments, personal – which services are performed on the premises	X	X	P	P	X	X	X	X	X	P
Barbershops, Beauty Parlors, and Day Spas	X	P	P	P	P	X	X	X	X	P

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.

The Legacy district is part of the Village's 2009 Legacy Plan. The Legacy Code (Section XII of the Zoning Ordinance) is intended to work in conjunction with the Legacy Plan. The Legacy Plan identifies a preferred urban design arrangement for the downtown and beyond using a form-based approach.

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 Usable Floor Area of the business, and is 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 Usable Floor Area 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)”. Staff has added Legacy District as another area of consideration for allowance by Special Use Permit.

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

WORKSHOP DISCUSSION

Commissioners generally noted that the changes made sense and were in response to an emerging rise in violations of the municipal code that has been a cause for concern. It was noted that the proposed regulations make the process more difficult to deter illegal businesses yet not too difficult for legitimate massage use establishments. Overall the Commissioners were in support of the regulations and expanding into B-1 and B-4 zoning districts to attempt to address high vacancy rates. The Commission may additionally consider the Legacy District.

MOTION TO CONSIDER

If the Plan Commission wishes to act on the proposed Text Amendment, the appropriate wording of the motion is listed below:

“...make a motion to recommend the Village Board amend Sections II.B. (Definitions), Section V.B.1. Schedule 1 (Schedule of Permitted Uses – By Use Type), and Section XII, Section 3.A., Table 3.A.2. (Legacy Code – Special Uses) of the Zoning Ordinance as described in the January 5, 2023 Staff Report and drafted Ordinance by defining and regulating massage use establishments “to allow Massage Use Establishments as a Special Use in the B-1 (Neighborhood Shopping), B-2 (Community Shopping), B-3 (General Business and Commercial), B-4 (Office and Service Business), and Legacy Zoning Districts.”

THE VILLAGE OF TINLEY PARK

Cook County, Illinois

Will County, Illinois

ORDINANCE
NO. 2023-O-XXX

**AN ORDINANCE AMENDING THE VILLAGE OF TINLEY PARK ZONING
ORDINANCE FOR THE PURPOSE OF REGULATING MASSAGE ESTABLISHMENT
USES**

MICHAEL W. GLOTZ, PRESIDENT
NANCY O’CONNOR, VILLAGE CLERK

WILLIAM P. BRADY
WILLIAM A. BRENNAN
DIANE M. GALANTE
DENNIS P. MAHONEY
MICHAEL G. MUELLER
COLLEEN M. SULLIVAN
Board of Trustees

VILLAGE OF TINLEY PARK
Will County, Illinois

ORDINANCE NO. 2023-O-XXX

**AN ORDINANCE AMENDING THE VILLAGE OF TINLEY PARK ZONING
ORDINANCE FOR THE PURPOSE OF REGULATING MASSAGE ESTABLISHMENT
USES**

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, the Village of Tinley Park (“Village”) desires to amend (“Amendments”) its Zoning Ordinance to define and regulate Massage Establishments; and

WHEREAS, amendments to the Tinley Park Zoning Ordinance have been proposed and processed in accordance with the provisions of the Tinley Park Ordinance; and

WHEREAS, after due notice as required by law the Plan Commission of the Village held a Public Hearing on said Amendments on January 5, 2023, at which time all persons were afforded an opportunity to be heard; and

WHEREAS, the Plan Commission voted _____ in favor to recommend said Amendments to the Tinley Park Zoning Ordinance; and

WHEREAS, the Plan Commission of this Village has filed its report of findings and recommendations that the proposed Amendments be granted with this President and Board of Trustees, and this Board of Trustees has duly considered said report of 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 Amendments to the Tinley Park Zoning Ordinance;

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: That the report and findings and recommendations of the Plan Commission of this Village are herein incorporated by reference as the findings of this Board of Trustees, as completely, as if fully recited herein at length.

SECTION 2: That Section II.B. (Definitions) is hereby amended to include the following definitions in alphabetical order as follows:

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 usable floor area of the business, and is 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 usable floor area for massage use.

SECTION 3: That Section V.B. Schedule 1 (Schedule of Permitted Uses – By Use Type)i is hereby amended by adding certain terms (in bold) under the heading of “Personal Services” to indicate the use “Massage Establishment” as a Special Use in the B-1 (Neighborhood Shopping), B-2 (Community Shopping), B-3 (General Business and Commercial), and B-4 (Office and Service) zoning districts to read as follows:

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>

SECTION 4: That Section V.B. Schedule I (Schedule of Permitted Uses-By District) is hereby amended by adding a certain term under the heading “B-1 Neighborhood Shopping”, “B-2 Community Shopping”, “B-3 Neighborhood Business and Commercial”, and “B-4 Office and Service” in alphabetical order to read as follows: “Massage Establishment” with a “S” to denote a Special Use.

SECTION 5: That Section XII, Section 3.A., Table 3.A.2. (Legacy Code – Special Uses) is hereby amended by adding a certain term under the heading “Special Uses” to read as follows: “Massage Establishment” with a “S” to denote a Special Use.

SECTION 6: 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 7: That this Ordinance shall be in full force and effect from and after its adoption and approval.

SECTION 8: 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 7th day of February, 2023.

AYES:

NAYS:

ABSENT:

APPROVED THIS 7th day of February, 2023.

VILLAGE PRESIDENT

ATTEST:

VILLAGE CLERK

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

CERTIFICATE

I, NANCY O’CONNOR, 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. 2023-O-XXX, “**AN ORDINANCE AMENDING THE VILLAGE OF TINLEY PARK ZONING ORDINANCE FOR THE PURPOSE OF REGULATING MASSAGE ESTABLISHMENT USES**” which was adopted by the President and Board of Trustees of the Village of Tinley Park on February 7, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Tinley Park this 7th day of February, 2023.

VILLAGE CLERK