



MINUTES OF THE PLAN COMMISSION

VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES, ILLINOIS

APRIL 2, 2015

The regular meeting of the Plan Commission was held in the Council Chambers of Village Hall on April 2, 2015 at 7:30 p.m.

ROLL CALL

Plan Commissioners: Jeff Ficaro
Tom Mahoney
Bob McClellan
Art Pierce
Bill Reidy
Rita Walker, Chairman

Absent Plan Commissioners: Maureen McLeod
Mark Moylan

Village Staff: Amy Connolly, Planning Director
Paula Wallrich, Deputy Planning Director
Stephanie Kisler, Planner
Debra Kotas, Commission Secretary

CALL TO ORDER

Plan Commission Chairman Walker called to the meeting to order at 7:31 p.m.

APPROVAL OF MINUTES

Minutes of the March 19, 2015 Plan Commission Meeting were presented for approval. A motion was made by COMMISSIONER REIDY seconded by COMMISSIONER FICARO to approve the Minutes as presented.

THE MOTION WAS APPROVED UNANIMOUSLY by voice call. PLAN COMMISSION CHAIRMAN WALKER declared the motion approved.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES
FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION
SUBJECT: MINUTES OF THE APRIL 2, 2015 MEETING

PUBLIC

HEARING #1: DAVITA DIALYSIS CENTER (former Eiche Turner property) – 16767 S. 80TH AVENUE – SITE PLAN APPROVAL, RE-SUBDIVISION PLAT APPROVAL, AND VARIATIONS FOR A NEW MEDICAL FACILITY (Commissioners McClellan and Ficaro)

Consider a proposal from Sam Sarbacker of OGA, representing DaVita Dialysis, for Site Plan approval, Re-Subdivision Plat approval and variations for a 6,700 SF medical facility that provides dialysis services. The project will involve the demolition of the Eiche Turner facility located at 16767 S. 80th Avenue, the construction of a new medical building, and site improvements. The property is zoned B-1.

The proposal requires that the Plan Commission consider recommending that the Village Board grant the following Variations:

1. A 65 foot front yard setback variation from the required 125 foot front yard setback to allow the proposed 60 foot front yard setback;
2. A 1.66 acre variation of the 4.0 acre minimum lot area to allow for an existing lot area of 2.34 acres; and,
3. A 289.93 foot variation from the 600 foot lot width requirement to allow for an existing lot width of 310.07 feet.

Present were the following:

Plan Commissioners: Jeff Ficaro
Tom Mahoney
Bob McClellan
Art Pierce
Bill Reidy
Rita Walker, Chairman

Absent Plan Commissioners: Maureen McLeod
Mark Moylan

Village Staff: Amy Connolly, Planning Director
Paula Wallrich, Deputy Planning Director
Stephanie Kisler, Planner
Debra Kotas, Commission Secretary

Guest(s): Sam Sarbacker, Vice President – OGA

CHAIRMAN WALKER opened the Public Hearing at 7:32 p.m. requesting anyone present who wished to give testimony, comment, engage in cross-examination, or ask questions during the Hearing stand and be sworn in.

Village Staff provided confirmation that appropriate notice regarding the Public Hearing was published in the local newspaper in accordance with State law and Village requirements with notice also being sent to properties within 250' of the project.

SAM SARBACKER, Vice President of OGA, developer and real estate company specializing in dialysis projects, appeared on behalf of their client, DaVita Dialysis, who seeks to demolish the existing Eiche Turner building located at 16767 S. 80th Avenue and construct a medical facility that provides dialysis services. He believes all significant issues have been resolved and are ready to proceed with an anticipated construction start date sometime in May or June 2015 with completion within 6 months. He complimented the Village and Staff thanking them for their time and efforts.

PAULA WALLRICH, Deputy Planning Director, presented the Staff report. She reported that the property consists of 2 parcels totaling 2.34 acres, that were never legally subdivided since the Eiche Turner property was tax-exempt and the lot configuration never questioned by the County. With the transfer of ownership to DaVita, MS. WALLRICH reported the Applicant has agreed to consolidate the 2 lots and will then be placed on the tax roll.

MS. WALLRICH noted the subject property is zoned B-1 (Neighborhood Shopping District) and is surrounded by commercial properties zoned B-1, and also abuts residential properties zoned R-4 PD and R-6 PD that is surrounded by a chain link fence to the south that will remain and a wooden fence directly behind the building that will be removed. She reported the new building will be a single-story medical facility consisting of 16 dialysis stations with 13 employees on-site.

MS. WALLRICH proceeded to review the three (3) variations that are required due to the B-1 Zoning and include front yard setback, lot area, and lot width.

MS. WALLRICH noted that although the property does not fall within the Urban Design Overlay District, the Applicant has cooperated in aligning their project with these principles and locating the parking area to the side and rear of the building, decreasing the front yard setback. She stated the parking lot will consist of 45 parking spaces, with the amount of accessible spaces exceeding requirements. A crosswalk and covered canopy (port-cochere) have been provided for safe and easy drop off of patients. She reported the parking lot will be adequately lit with three (3) light poles. Per a recommendation from COMMISSIONER MCCLELLAN, the Applicant has also agreed to upgrade these lights to a more decorative light fixture.

In anticipation of the redevelopment of the parcel to the north, MS. WALLRICH stated the Village requested a cross-access easement that will ultimately benefit both properties. She reported the Applicant has complied and agreed to place this easement on the Plat. She reported a legal review of the easement language on the Re-Subdivision Plat is being negotiated by both the Village Attorney and the attorney for the Applicant and will be resolved prior to issuance of a building permit.

MS. WALLRICH reviewed the landscape plan. She commended the Applicant for being very accommodating with Staff requests including removal of plant material from the cross access easement area, providing additional shade trees and evergreen screening in the parking lot, and the recommended spacing of shrubs.

MS. WALLRICH showed a rendering of the building with the originally proposed architecture and the revised architecture. She noted the gabled port-cochere that did not correlate with the roof lines of the main structure, therefore, the Applicant agreed to having a flat roof on the porte-cochere with a full parapet element. Concerns were also expressed by Staff regarding a lack of awnings over all the windows on the north façade with only two (2) of the four (4) windows east of the porte-cochere having awnings. As a result, she reported the Applicant has agreed to provide awnings for all 4 windows.

MS. WALLRICH reported the Petitioner has verified that the rooftop HVAC equipment will not be visible from the public right-of-way or at ground level of the adjacent residential properties.

MS. WALLRICH showed the proposed monument sign that consists of blue aluminum with white cut-out lettering spelling out the business name "DaVita Dialysis" noting only the white lettering will be illuminated in the evening.

In summary, MS. WALLRICH advised Commissioners of resolution of all outstanding items. CHAIRMAN WALKER opened the Public Hearing to questions or comments from the Public Body.

MARGARET SWALLOW, 7944 Paxton, inquired what the wooden fence was being replaced with. MR. SARBACKER and MS. WALLRICH reported that a substantial amount of new landscaping was being added to that area that will provide a significant improvement aesthetically.

ESTER MIKULA, 16736 Paxton, inquired into the facility's hours of operation. MR. SARBACKER reported the facility will be open from 4:30 a.m., for staff arrival and preparation, through 7:00 p.m., Monday through Saturday. He stated the facility will operate quietly with light traffic use since most patients are typically at the facility for 4-6 hours. He also stated that some patients will be transported via medical transport; however, no sirens will be used.

There being no further questions or comments from the Public Body, CHAIRMAN WALKER opened the Public Hearing to questions or comments from the Plan Commissioners.

COMMISSIONER FICARO complimented MS. WALLRICH and Staff on their efforts and a thorough presentation.

COMMISSIONER MCCLELLAN stated it is a beautiful building. He proceeded to welcome MR. SARBACKER and DAVITA DIALYSIS to Tinley Park.

CHAIRMAN WALKER thanked the Applicant for accommodating all of Staff's requests. She complimented the beautiful appearance of the building and stated it will fit well with the surrounding area.

There being no questions or concerns from the Commissioners, COMMISSIONER FICARO and CHAIRMAN WALKER proceeded to review the following Findings of Fact and respective responses with regards to the proposed Variations.

Variation:

A sixty-five foot (65') Variation to the required one hundred twenty five foot (125') front yard setback requirement (Section V.B. Schedule II – Schedule of District Regulations) for properties located in a B-1, Neighborhood Shopping Zoning District, to allow for a sixty foot (60') front yard setback along 80th Avenue.

- 1. That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.**

The proposed structure will have a greater front yard setback (60') than the current structure (former Eiche Turner building) which has a 50' front yard setback. The setbacks of surrounding commercial structures vary between 50' and 80'; the proposed setback of 60' reflects the design principals of the urban overlay district which prioritizes the architecture of the development versus the parking field. The site could accommodate a greater setback; however it would not reflect the context of the surrounding commercial area which has lesser setbacks.

- 2. The plight of the owner is due to unique circumstances.**

The Applicant has responded to Staff's request to recognize the design principals of the Urban Overlay District and the context of the surrounding properties. In doing so the Applicant has located the building closer to the street and designed the parking field to the side of the building so that it does not dominate the frontage of the property. The B-1 district front yard setbacks have not been followed in this area; front yard setbacks of adjacent commercial property range between 50-80'. The existing building is vacant and has a 50' front yard setback.

- 3. The variation, if granted, will not alter the essential character of the locality.**

The granting of this variation will not alter the essential character of the area because the setback of the existing structure (to be demolished) is 50' and the front yard setbacks of the commercial properties (Zoned B-1) in the surrounding area have front yard setbacks ranging between 50-80'.

4. Where there are practical difficulties or particular hardships, taking into consideration the extent to which the following facts favorable to the applicant have been established by evidence.

a. The particular physical surroundings, shape or topographical condition of the specific property would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of law was carried out;

The Applicant has responded to Staff's request to respect the Urban Overlay design guidelines and the setbacks of the surrounding area. If the proposed structure met the 125' front yard setback of the B-1 District it would be inconsistent with the site planning of the surrounding area and would compromise the development potential of the site representing a particular hardship rather than a mere inconvenience. The topography of the site lends itself to locating the storm water basin to the east side of the property. If the building were to be located further east it would impact the ability of providing storm water management for the property representing a hardship upon the owner.

b. The conditions upon which the petition for a variation is based would not be applicable, generally, to other property within the same zoning classification;

The adjacent properties have similar setbacks as the proposed development; they are also zoned B-1. Other property within the Village zoned B-1 will not have the same site planning context as the subject property. It is unlikely that any other property will have similar contextual site planning conditions.

c. The purpose of the variation is not based exclusively upon a desire to make more money out of the property;

The Applicant located the proposed building in the same general location as the previous Eiche Turner building. The proposed setback was a recommendation of Staff and recognized the setbacks of surrounding B-1 property and is not based exclusively upon a desire to make more money out of the property. The property has been vacant for some time and the property owner will develop the property in conformance with all other zoning requirements with the exception of lot area and lot width.

d. The alleged hardship was not created by the owner of the property, or by a previous owner;

The hardship was created out of a request by Staff to have the front yard setback reflect the design principles of the Urban Overlay District and the average setbacks of adjacent properties.

e. The granting of the variation will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood upon which the property is located;

The granting of the variation will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood because the front yard setback is greater than the existing building and is consistent with the setbacks of surrounding property.

f. The proposed variation will not impair an adequate supply of light and air to the adjacent property or substantially increase congestion in the public streets, or increase the danger of fire, or endanger public safety, or substantially diminish or impair property values within the neighborhood.

The project was reviewed by the Fire Department, Police Department, and Village Engineer, who did not find that the variation would create any public safety or danger to the general public. The granting of the variation will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood because the front yard setback is consistent with the setback that previously existed and is consistent with the setback of surrounding properties. The point of access from 80th Avenue is in the same approximate location as the previous use. A cross-access easement to the property to the north will be granted as part of the Re-Subdivision Plat.

Variation:

A 1.66 acre Variation to the required 4 acre minimum lot area requirement (Section V.B. Schedule II – Schedule of District Regulations) for properties located in a B-1, Neighborhood Shopping Zoning District, to allow for a lot area of 2.34 acres.

- 1. That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.**

The existing parcel consists of two lots, both or which are non-conforming. The Applicant has agreed to consolidate the lots; however they will remain non-conforming. The variation, if approved, will recognize the legal non-conformity of the property. If the variation were not granted the lots would be rendered undevelopable and any new development would need to utilize the existing structure.

- 2. The plight of the owner is due to unique circumstances.**

The existing parcel consists of two lots, both or which are non-conforming with respect to lot area. Despite common ownership the lots were never consolidated, most likely because they were tax-exempt and did not receive the same scrutiny at the County level. The Applicant has agreed to consolidate the lots; however they will remain non-conforming. The variation, if approved, will recognize the legal non-conformity of the property.

- 3. The variation, if granted, will not alter the essential character of the locality.**

The existing parcel consists of two lots, both or which are non-conforming with respect to lot area. The granting of the variation will recognize the non-conformity of the property. The surrounding area has co-existed with the former land use (Eiche Turner) on the same lot area. The essential character of the locality will not be altered; the proposed structure will be located in generally the same location as the previous structure. The size of the lots will remain the same, however the Applicant has agreed to consolidate the lots thus eliminating the land locked configuration of "Parcel 2".

- 4. Where there are practical difficulties or particular hardships, taking into consideration the extent to which the following facts favorable to the applicant have been established by evidence.**

a. The particular physical surroundings, shape or topographical condition of the specific property would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of law was carried out;

The existing parcel is non-conforming. The granting of the variation will recognize the non-conformity of the property. If the variation were not granted, the property would be undevelopable because it could not meet the current lot area standard, representing a particular hardship for the owner, rather than a mere inconvenience.

b. The conditions upon which the petition for a variation is based would not be applicable, generally, to other property within the same zoning classification;

The nonconforming lot area is unique to the subject property. Newly subdivided lots are required to meet current lot area requirements of the B-1 District. The lot area existed with the previous development; the granting of the variation recognizes the non-conformity of the existing lot.

c. The purpose of the variation is not based exclusively upon a desire to make more money out of the property;

The granting of the variation recognizes the existing non-conformity of the subject property and is not based exclusively upon a desire to make more money out of the property. The Applicant is working with an existing condition and must provide storm water detention which previously was not provided. With the exception of lot width and front yard setback, the project meets all other zoning requirements.

d. The alleged hardship was not created by the owner of the property, or by a previous owner;

The hardship was not created by the property owner. It is an existing lot predating the construction of the Eiche Turner building.

e. The granting of the variation will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood upon which the property is located;

The variation will not be detrimental or injurious because it is a pre-existing lot that predates the prior use. The lot accommodated the needs of the previous uses and functioned harmoniously with the neighborhood.

f. The proposed variation will not impair an adequate supply of light and air to the adjacent property or substantially increase congestion in the public streets, or increase the danger of fire, or endanger public safety, or substantially diminish or impair property values within the neighborhood.

The project was reviewed by the Fire Department, Police Department, and Village Engineer, who did not find that the variation would create any public safety or danger to the general public. The granting of the variation will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood because the lot area is the same as with the previous use. The Applicant has agreed to consolidate the parcels in the Re-Subdivision Plat which eliminates the land-locked parcel.

Variation:

A two hundred eighty foot (280') Variation to the required six hundred foot (600') lot width requirement (Section V.B. Schedule II – Schedule of District Regulations) for properties located in a B-1, Neighborhood Shopping Zoning District, to allow for a lot width of three hundred twenty feet (320').

1. That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.

The existing lot width (320') is non-conforming. The former Eiche Turner building was constructed in 1983 on the non-conforming lot. No variation was granted at that time. The variation, if approved, will recognize the legal non-conformity of the property.

2. The plight of the owner is due to unique circumstances.

The existing lot width (320') is non-conforming. The former Eiche Turner building was constructed in 1983. Per the Comprehensive Rezoning of 1978, which amended the Zoning Ordinance of 1956, the B-1 Zoning District required a 600' lot width. Staff could not locate evidence of a variance approving a lot width variation for the

Eiche Turner building. The variation, if approved, will recognize the legal non-conformity of the property.

3. The variation, if granted, will not alter the essential character of the locality.

The lot width will remain the same as existed with the prior use of the property. The access will remain essentially in the same location and the proposed structure will be in the approximate location of the prior Eiche Turner building. The essential character of the locality will not be altered that lot width remains the same.

4. Where there are practical difficulties or particular hardships, taking into consideration the extent to which the following facts favorable to the applicant have been established by evidence.

a. The particular physical surroundings, shape or topographical condition of the specific property would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of law was carried out;

The lot width will remain the same as existed with the prior use of the property. The access will remain essentially in the same location and the proposed structure will be in the approximate location of the prior Eiche Turner building. The hardship upon the owner would be rendering the property undevelopable if a variation for lot width were not granted.

b. The conditions upon which the petition for a variation is based would not be applicable, generally, to other property within the same zoning classification;

The nonconforming lot width is unique to the subject property and not generally applicable to other B-1 property. A newly created lot would be required to meet ordinance requirements; the lot width is the same as what existed with the previous development (Eiche Turner)

c. The purpose of the variation is not based exclusively upon a desire to make more money out of the property;

The purpose of the variation for lot width is to recognize the existing non-conformance of the subject property. The previous use (Eiche Turner) was constructed on the parcel with the same lot width. The purpose of the variation is not based exclusively upon a desire to make more money, but rather to grant legal non-conformance status to the property.

d. The alleged hardship was not created by the owner of the property, or by a previous owner;

The hardship was not created by the property owner. It is an existing lot predating the construction of the Eiche Turner building.

e. The granting of the variation will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood upon which the property is located;

The variation will not be detrimental or injurious because it is a pre-existing lot that predates the prior use and it has not negatively impacted the neighborhood in its current configuration.

f. The proposed variation will not impair an adequate supply of light and air to the adjacent property or substantially increase congestion in the public streets, or increase the danger of fire, or endanger public safety, or substantially diminish or impair property values within the neighborhood.

The project was reviewed by the Fire Department, Police Department, and Village Engineer, who did not find that the variation would create any public safety or danger to the general public. The granting of the variation will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood because the lot width is the same as with the previous use. The point of access from 80th Avenue remains in the same general location as the previous use.

There being no further questions or comments regarding the Findings of Fact, COMMISSIONER FICARO made a motion to grant Site Plan Approval for the proposed redevelopment of 2.34 acres at 16767 80th Avenue, to include a new 6,700 square foot medical facility and related site improvements for use by DaVita Dialysis.

Additionally, we recommend that the Village Board grant, to DaVita Dialysis at 16767 80th Avenue, the following approvals and adopt findings of fact submitted by the Applicant and Findings of Fact made by Village Staff and the Plan Commission at this meeting, specifically:

1. A sixty-five foot (65') foot Variation from the required one-hundred twenty-five foot (125') foot front yard setback requirement (Section V.B. Schedule II-Schedule of District Regulations) for properties located in the B-1, Neighborhood Shopping Zoning District to allow for a sixty foot (60') front yard setback along 80th Avenue;
2. A 1.66 acre Variation to the required 4.0 acre minimum lot area requirement (Section V.B. Schedule II-Schedule of District Regulations) for properties located in a B-1 Neighborhood Shopping Zoning District to allow for a lot area of 2.34 acres; and,
3. A two hundred eighty foot (280') Variation to the 600 foot (600') lot width requirement (Section V.B. Schedule II-Schedule of District Regulations) for properties located in a B-1 Neighborhood Shopping Zoning District to allow for a lot width of 320 feet;
4. Plat of R-Subdivision of Turner Subdivision Lots 1 and 2.

The Plan Commission recommends these approvals with the following condition, which can be satisfied prior to appearance at the Village Board:

1. Removal of the second paragraph as proposed on the plat

The Motion was seconded by COMMISSIONER MCCLELLAN.

AYE: Plan Commissioners Jeff Ficaro, Tom Mahoney, Bob McClellan, Art Pierce, Bill Reidy, and Chairman Rita Walker

NAY: None

ABSENT: Plan Commissioners Maureen McLeod and Mark Moylan

THE MOTION WAS APPROVED UNANIMOUSLY by voice vote. PLAN COMMISSION CHAIRMAN WALKER declared the Motion approved.

CHAIRMAN WALKER thanked the Petitioner for a concise, well presented development, indicating this will be presented to the Village Board for final approval on April 28, 2015.

A motion was made by COMMISSIONER PIERCE, seconded by COMMISSIONER MAHONEY to close the Public Hearing at 8:10 p.m. THE MOTION WAS APPROVED UNANIMOUSLY by voice call. PLAN COMMISSION CHAIRMAN WALKER declared the motion approved.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION

SUBJECT: MINUTES OF THE APRIL 2, 2015 MEETING

ITEM #2: E&B LIQUORS (formerly Family Video Store) – 16948 OAK PARK AVENUE – SITE PLAN APPROVAL AND SPECIAL USE PERMITS FOR A PACKAGE LIQUOR STORE AND A MIXED USE BUILDING (New Item)

Consider a proposal from Paul (Pravin) Patel of E&B Liquors for Site Plan approval and Special Use Permits to create a package liquor store and add one residential apartment to create a mixed-use building. The project will include the renovation of an existing building at 16948 Oak Park Avenue and will be completed in two phases with phase one being a façade improvement and phase two involving demolition of a portion of the building to create the required parking at the rear and related site improvements, along with construction of a residential unit within the building. The property is zoned NG (Neighborhood General) within the Village’s 2009 Legacy Code.

Present were the following:

Plan Commissioners:	Jeff Ficaro Tom Mahoney Bob McClellan Art Pierce Bill Reidy Rita Walker, Chairman
Absent Plan Commissioners:	Maureen McLeod Mark Moylan
Village Staff:	Amy Connolly, Planning Director Paula Wallrich, Deputy Planning Director Stephanie Kisler, Planner Debra Kotas, Commission Secretary
Guest(s):	Pravin Patel, Applicant

PRAVIN PATEL presented a request to start a business, E&B Liquors, at 16948 Oak Park Avenue.

STEPHANIE KISLER, Planner, presented the Staff report regarding Site Plan Approval and Special Use Permits on behalf of the Applicant to relocate his business to 16948 Oak Park Avenue, the site of a former video store which has been vacant for many years.

MS. KISLER showed photographs of the parcel and reviewed the surrounding zoning areas, noting the small, non-regulated wetland area behind the property that provides a natural bufferyard between the parcel and the residential properties to the west.

MS. KISLER proceeded to show photographs of the buildings current façade and photographs of the proposed façade improvements noting the improvements will help this space blend in with the businesses directly adjacent by using similar color palettes and materials. She also reviewed renderings for the rear façade stating the Applicant has provided options for materials ranging from a darker brick, lighter brick, and a mixture of darker and lighter. Staff is requesting Commissioners opinions in this regard.

MS. KISLER reviewed the Phasing Plan noting that Phase I will be completed immediately, prior to obtaining a Certificate of Occupancy for the tenant space. She stated the Applicant will then open the liquor store, complete the tenant space build-out, façade improvement, add planters along the façade, and cross-parking, cross-access agreements with the property to the south to ensure temporary parking. She stated Phase II consists of demolition of the rear portion of the building in order to make the size more usable for a tenant, addition of a residential unit for tax benefit purposes, addition of a rear parking lot in order to conform to parking standards deemed by the Legacy Code, rear landscape improvements, and a designated alley and cross-access improvements. She reported that a timeline for Phase II has not been established.

MS. KISLER reviewed the Site Plan for the first floor and ground level that includes the tenant space and liquor store followed by a mezzanine level that includes two (2) residential units. She reported that though the submitted plans include two (2) residential units, the Applicant has subsequently indicated only a single residential unit; therefore, a new floor plan will need to be submitted.

MS. KISLER reviewed the parking space requirements per the Legacy Code that also requires a certain number of bike stalls. With the information currently provided, 26-27 vehicle parking spaces will be required along with 3-4 bike stalls, however, only 23 parking stalls will be provided at the completion of both Phases. She reported a formal floor plan has not yet been submitted so Staff is unable to accurately calculate the useable tenant space that would determine square footage to calculate the required parking count. She noted the number of bike stalls must also be indicated on the plan.

MS. KISLER reported signage and lighting plans are conceptual at this time; however, Staff has suggested the building's aesthetic quality could benefit from using non-illuminated signage with goose neck lighting. She noted Police Department comments include the addition of security cameras and better lighting since the business is a liquor store.

In conclusion, MS. KISLER summarized the following open items:

1. A timeline for Phase II;
2. Clarify if 1 or 2 units are proposed and submit plans accordingly;
3. Selection of materials for the rear façade;
4. Installation of 3 bike stalls;
5. Moving the goose neck lighting on the front façade upward to create a more defined area for a sign band for the liquor store and tenant space;
6. Consider other options for creating sign band areas along the façade that would be more versatile for varying tenant sizes;
7. Consider prohibiting tenants to use signage that requires a lighting source other than goose neck lighting;
8. Address outstanding Staff Review comments.

MR. PATEL stated the number of residential units will be determined by the number of parking spaces he will have available and that he is working with his architect in this regard. He added that once permits are obtained, he will open the liquor store then begin Phase II.

COMMISSIONER MCLELLAN inquired as to the liquor store's hours of operation. MR. PATEL responded with hours of Sunday through Thursday 10:00 a.m.-10:00p.m. and Friday/Saturday 10:00 a.m. to 11:00 pm.

COMMISSIONER PIERCE inquired if the Applicant's architect is studying the Legacy Code and is aware of the County's 50% rule in terms of marketability. MR. PATEL stated he will provide appropriate records in this regard. He suggested contacting Economic Development regarding a façade grant. MS. KISLER reported the Applicant is working on an application with the Main Street Commission.

COMMISSIONER REIDY inquired if the residential area will be on the footprint and also inquiring about the total square footage. MS. KISLER reported the site is approximately 12,000 square feet is being reduced to approximately 6,000 square feet following demolition of the rear of the building. MR. PATEL confirmed his architect has assured him this is feasible. AMY CONNOLLY, Planning Director, also reported Staff has suggested demolition of the rear portion and is working closely with the architect who has read and understands the Legacy Code.

A discussion ensued regarding parking availability. MS. CONNOLLY reported the Applicant currently has a shared parking/shared cross-access agreement with the business to the south, renting parking spaces from EggHeadz, in order to meet current parking demand.

CHAIRMAN WALKER inquired about the alleyway. MS. CONNOLLY reported Staff is working on an alleyway dedication with the property owner to the south, EggHeadz. She also reported the Applicant is also working with his attorney to obtain a full cross-access to ensure access from 170th Street to his property that will function like a dedicated alleyway. She noted a property to the north with a detached garage with no current plans for relocating. She also reviewed the existing dedicated alleyways with the three (3) various businesses to the north.

There being no further questions or comments, CHAIRMAN WALKER assigned COMMISSIONER MAHONEY and COMMISSIONER FICARO to work with Staff and Applicant.

ADJOURNMENT

There being no further business, a motion was made by COMMISSIONER PIERCE seconded by COMMISSIONER REIDY to adjourn the regular meeting of the Plan Commission of April 2, 2015 at 8:49 p.m. THE MOTION WAS UNANIMOUSLY APPROVED by voice call. PLAN COMMISSION CHAIRMAN WALKER declared the meeting ADJOURNED.