



MINUTES OF THE PLAN COMMISSION

VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES, ILLINOIS

JUNE 16, 2016

The Special Meeting of the Plan Commission was held at Odyssey Country Club, 19110 Ridgeland Avenue, on June 16, 2016 at 7:30p.m.

ROLL CALL

Plan Commission: Kevin Bergthold (arrived at 7:35)
Anthony Janowski
Lori Kappel
Peter Kroner
Ken Shaw
Tim Stanton
Ed Matushek III, Chairman

Village Officials and Staff: Paula Wallrich, Interim Community Development Director
Stephanie Kisler, Planner I
Barbara Bennett, Commission Secretary
Patrick Connelly, Village Attorney
Jacob Vandenberg, Trustee

CALL TO ORDER

PLAN COMMISSION CHAIRMAN MATUSHEK called to order the Special meeting of the Plan Commission for June 16, 2016 at 7:30 p.m.

APPROVAL OF MINUTES

Commissioner Kroner asked for corrections regarding comments on safety concerns on the 7-Eleven project. He would like to add after his original comments that the measurements for the two two-way traffic lanes and the parking that is by the gas pumps did not conform to code precisely. Also, on page 7 under "Commissioner Moylan inquired if a no left turn sign could be placed on the site without IDOT approval", one thing that was left out was that there was a poll taken among the Plan Commissioners as to whether or not to include the stipulation of adding the "No Left Turn" sign. The vote was 5 to 3 in favor of making that condition part of our approval and to add the "No Left Turn" sign as a condition of the full site plan approval and then there was additional comment by Staff.

KRONER also noted that on the last page, the motion was approved "unanimously" by voice vote and was not true, it was actually 7 to 2 for approval of the vote.

A motion was made by COMMISSIONER JANOWSKI, seconded by COMMISSIONER KRONER to approve the revised minutes as amended of the June 2, 2016 meeting of the Plan Commission. Vote by voice. PLAN COMMISSION CHAIRMAN MATUSHEK declared the Motion approved.

Village Attorney, PATRICK CONNELLY, made some opening remarks on the Public Hearing. He stated on May 17, 2016, the President and Board of Trustees (Village Board) approved an ordinance rescinding certain Text Amendments pertaining to the Village's Legacy Code and directed Staff to bring the rescinded Text Amendments back before the Plan Commission. The very same notice that was published when these Text Amendments were originally considered in 2015 was published for this Public Hearing. As with any Text Amendments or other request for zoning relief, the Plan Commission is under no obligation to vote to recommend or not recommend any item tonight. In fact, due to certain deficiencies in the notice, he recommended that no action be taken tonight. Finally, it is important to note that the agenda does not contain any reference to any specific projects anywhere in the Village. As this meeting is a Special Meeting, under the Open Meetings Act, the Plan Commission cannot discuss items not referenced on the agenda.

CHAIRMAN MATUSHEK noted that the Plan Commission was asked by the Village Board, after they rescinded the ordinance, to conduct an analysis on these rescinded Text Amendments and it is the first time the Commission has had a chance to look at them and there will be more study done before action is taken.

A motion was made by COMMISSIONER SHAW, seconded by COMMISSIONER KRONER, to open the Public Hearing at 7:35 p.m. The motion was approved unanimously by voice call. PLAN COMMISSION CHAIRMAN MATUSHEK declared the Motion approved.

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.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION

SUBJECT: MINUTES OF THE JUNE 16, 2016 SPECIAL MEETING

ITEM #1: PUBLIC HEARING

TEXT AMENDMENTS TO SECTION XII (LEGACY CODE) OF THE ZONING ORDINANCE AND REZONING (MAP AMENDMENT)

Consider proposed Text Amendments to Section XII (2011 Legacy Code) of the Tinley Park Zoning Ordinance and Rezoning (Map Amendment) certain properties relative to the Legacy Code Zoning Districts along with any necessary conforming amendments to figures within the Code. The proposed Text Amendments include the following:

- A. Amending Section XII of the Tinley Park Zoning Ordinance (2011 Legacy Code), Section 2 (District Regulations), subsection A (Downtown Core), Figure 2.A.2 – Downtown Core Regulating Plan, by deleting the term “Street Level Commercial Required” in the legend of Figure 2.A.2 and replacing it with “Street Level Commercial Permitted.”
- B. Amending Section XII of the Tinley Park Zoning Ordinance (2011 Legacy Code), Section 2 (District Regulations), subsection A (Downtown Core), by deleting the existing Figure 2.A.6, and replacing it with the revised Figure 2.A.6 showing a change to the boundaries of the Downtown Core District and fully zoning a parcel with address 17533 S. Oak Park Avenue as Downtown Core.
- C. Amending Section XII of the Tinley Park Zoning Ordinance (2011 Legacy Code), Section 2 (District Regulations), subsection D (Neighborhood General), Figure 2.E.2 – Neighborhood General Regulating Plans by deleting the term “Street Level Commercial Required” in the legend of Figure 2.E.2 and replacing it with “Street Level Commercial Permitted.”
- D. Amending Section XII of the Tinley Park Zoning Ordinance (2011 Legacy Code), Section 3 (General Provisions), subsection A (Uses), Table 3.A.2. by deleting “Package liquor stores” from the list of special uses and adding “Package liquor stores” to the list of prohibited uses, by deleting the words “and used” from the “Automobile and custom van sales (new and used)” special use entry, and by adding “Automobile and custom van sales (used)” to the list of prohibited uses, and by adding “Tobacco, hookah, cigarette, cigar, e-cigarette, and vapor sales establishments, and any related on-site consumption, as a primary use” and “medical marijuana dispensing facility” to the list of prohibited uses.
- E. Amending Section XII of the Tinley Park Zoning Ordinance (2011 Legacy Code), Section 3 (General Provisions), subsection F.10.d. (Landscaping, Bufferyards, Properties Adjacent to Non-Legacy Code Area), to read in its entirety as follows:
“d. Properties Adjacent to Non-Legacy Code Area: A bufferyard is required between an alley and a parcel located outside of the Legacy Code Area and/or between the rear of any property that has a surface parking lot and a parcel outside of the Legacy Code Area. The minimum standard shall be a minimum

bufferyard of 5'."

- F. Amending the official zoning map of the Village of Tinley Park, Cook and Will Counties, Illinois, to be consistent with the legal description corrections and rezoning of certain properties legally described and reflected in illustrations included in the proposed Ordinance.
- G. Amending the official zoning map of the Village of Tinley Park, Cook and Will Counties, Illinois, so as to be in conformance with the legal description corrections and rezoning of certain properties as legally described and reflected in the illustrations included in the proposed Ordinance.
- H. Amending Section XII of the Tinley Park Zoning Ordinance (2011 Legacy Code), Section 4 (Signage) to increase the maximum sign face area and maximum height of Hanging – Freestanding signs and changing lighting and location requirements of said signs.

COMMISSIONER STANTON noted that as a Commissioner he is concerned about the potential economic loss of tax revenue to the Village of Tinley Park as the result of those changes to the Legacy Code Text Amendments deleting the term “Street Level Commercial Required” and replacing it with “Street Level Commercial Permitted”. He would appreciate Staff looking into the financial impact of this possibility.

COMMISSIONER JANOWSKI noted that the Commission’s issues are the same as the resident’s issues. He noted that they also want transparency and will do their due diligence to make things right for this community. He noted that the Commission encourages public comment and ideas and looks forward to hearing comments from everyone.

COMMISSIONER KRONER noted that other successful downtowns have commercial businesses on the first floor and residential uses are located above. He stated that he felt that the vision of the Legacy Code was to have commercial uses on the first floor.

COMMISSIONER KRONER also stated that he would like to know how the rescinded Text Amendments were suddenly brought to the Plan Commission. He asked for further explanation.

MR. CONNELLY explained that the Text Amendments on the agenda are the same amendments considered by the Plan Commission in the fall of 2015. After the Village Board took action on May 17, 2016 rescinding the Text Amendments to the Legacy Code, they directed Staff to bring them back before the Plan Commission. He noted that normally, when the Plan Commission is considering any type of zoning relief/Text Amendment/special use it would require a Public Hearing following an introductory meeting or workshop, which is a chance for the Commission to work with Staff on some of the outstanding items or to ask questions. For these Text Amendments, an initial workshop already occurred in the fall of 2015 and the Village felt that it would be best to notice the Text Amendments the same way it was noticed before. By holding a Public Hearing rather than a workshop, the public is able to provide testimony to each proposed Text Amendment. He also stated that the meeting agendas may not give all the information that the Staff Report would present. He noted that he previously mentioned the Commission is under no obligation to act, in fact he had recommended that they do not take action at this meeting due to deficiencies in the notice. These Text Amendments rescinded by the Village Board, and they asked the Plan Commission to examine them again.

MR. CONNELLY continued by stating that the chronological order is that CHAIRMAN MATUSHEK has directed the Staff to do further research into the proposed Text Amendments. He stated that the Text Amendments will be further evaluated and will be brought back to the Plan Commission for a workshop and another Public Hearing. He noted that this meeting is the start of the fact-finding process and this meeting gives the residents and Commissioners a chance to voice their opinions and ask questions.

CHAIRMAN MATUSHEK noted that the Plan Commission was asked by the Village Board to do an analysis of the proposed Text Amendments. He added that the Commission must collect the information first and study the findings. The next step will be a workshop and then a Public Hearing. He noted that the Commission wants to foster commercial development.

COMMISSIONER KRONER stated that all this public comment will be memorialized. There will be an agenda published for a subsequent meeting where there will be a workshop, then there will be a Public Hearing notice published in the newspaper with the schedule for additional public comment before any action is taken by the Plan Commission. He added that there is nothing going on behind the scenes.

COMMISSIONER SHAW noted the vast majority of the people have an opinion and some aspects of the code are not clear. This meeting is part of the public process and demonstrates the process working. He noted that there may have been a deficiency in the communication and added that improvements will be made in communication.

COMMISSIONER KAPPEL stated that she is looking forward to the due diligence and looking at all angles. She stated that the Commission will consider the findings from the future workshop and Public Hearing meetings and will arrive at a conclusion on the Text Amendments.

COMMISSIONER BERGTHOLD added it would be appropriate to have more time to review these Text Amendments due to the complexity of the issues.

Seeing no other comments from the commissioners, CHAIRMAN MATUSHEK requested anyone present in the audience who wished to give testimony, comment, engage in cross-examination or ask questions during the Hearing stand and be sworn in.

CHAIRMAN MATUSHEK Requested Staff to make a presentation. Paula Wallrich, Interim Community Development Director, gave an overview of the proposed Text Amendments to the Legacy Code. She noted she was impressed with the resident's understanding of the Legacy Code. She noted she and STEPHANIE KISLER, Planner I, were not part of the creation of the 2011 Legacy Code or the proposed Text Amendments.. She presented the Text Amendments' original Staff Reports from Fall 2015 for review. She noted that she is looking forward to the public input on what they consider the important aspects of the Legacy Code.

MS. WALLRICH noted the first amendment, "A", designates commercial uses on the first floor of a building. There are several different zoning districts in the Legacy Code. The two districts that will generally be the subject of discussion are the Downtown Core and the Neighborhood Flex districts. The potential Text Amendment was to change the diagram from indicating "Street Level Commercial Required" to "Street Level Commercial Permitted".

MS. WALLRICH then noted that the second amendment, "B", has to do with changing the boundaries of the Downtown Core district to include a parcel that was split in half with two different zoning districts unintentionally.

MS. WALLRICH continued by stating that the third amendment, "C", has to do with the same issue as "A" but within the Neighborhood Flex district.

MR. CONNELLY interjected that one of the deficiencies in the agenda notice occurs in section "C". Before a Public Hearing can occur, the Village is required by law to publish notice at least fifteen (15) days prior to the Public Hearing in a newspaper of general circulation within the Village. The notice has no specific reference to the Neighborhood Flex area. This being a Special Meeting, due to the location of the meeting, one of the rules of the Open Meetings Act dictates that only items on the agenda can be discussed. Discussions specifically relating to the Neighborhood Flex district are restricted since it was improperly noticed in the fall of 2015 and improperly noticed on the this agenda.

CHARIMAN MATUSHEK requested testimony on the proposed Text Amendment A, B, and C.

STEVE EBERHARDT noted a Point of Order. He stated that this notice was copied from the previous notice and that this notice for this Public Hearing tonight is deficient. He questioned why the Commission was proceeding with public testimony. He asked if the continuation of this meeting was an accommodation to the people who have shown up. He stated everything we do here is ineffectual, so everything presented would give up a potential claim that everything was improper.

CHAIRMAN MATUSHEK responded that the Public Hearing would still go on, as the problem was with item "C" with the correction noted. He stated that the Commission wanted to hear from the public so that they can kick off the study on the proposed Text Amendments. He further clarified that this is not ineffectual, as we are not taking action tonight.

MR. EBERHARDT cited several paragraphs from the August 6, 2015 Plan Commission Staff Report. He requested for the Commission to consider that there is no Planning Department staff left from the preparation of the Legacy Code. He also provided a quote from the 2009 Legacy Plan. He stated that the Legacy Plan seems to call for street level commercial and the proposed Text Amendments to the Legacy Code regarding street level commercial went against the intent of the Legacy Plan.

MIKE PAUS stated that he wants a vibrant downtown to bring people in. He believes that this Text Amendment says that the Village has given up bringing commercial development to the downtown. He inquired about who wrote the Legacy Code in the beginning and voiced that Text Amendments should come from the Plan Commission.

CHAIRMAN MATUSHEK stated it's not the purpose of the Staff to make policy; instead, the Village's residents elect officials to make policy. He noted that Staff has expertise in the planning area, although that does not mean that we give Staff carte blanche and our blanket approval. He noted that the Commission has to rely upon people with the technical expertise in that area objectively. He noted that the Commission will not just take action on whatever Staff provides to the Commission without extensive review and deliberation. He asked for MR. PAUS to provide clarification on his feelings on street level commercial.

MR. PAUS offered his opinion that Tinley Park needs as much commercial as possible as we need the tax base.

DON SACTOFF stated that he does not understand how this came about in the first place. He questioned who is responsible for writing ordinances and asked if the Text Amendments were reviewed by anyone other than the Plan Commission. He believes that the purpose of the Legacy Code was to expedite projects to the Village.

CHAIRMAN MATUSHEK responded that the people responsible for passing ordinances are the elected officials (the Village Board). In this particular situation, the Plan Commission makes recommendations to the Village Board. The purpose of these Text Amendments was to improve commercial development within the Legacy District.

DIANE GALANTE asked if it was possible for someone to come into downtown Tinley and build something without commercial. She inquired about who is making the decisions in our town. She noted that she is in favor of the street level commercial requirement.

MR. CONNELLY responded there is a variance process depending on the circumstances and requires a proper Public Hearing and adoption of an ordinance.

CHAIRMAN MATUSHEK noted that the intent of the Legacy Code was to promote community development.

BILL BURTONS asked about whether street level commercial is required for the entire Legacy District or just certain areas. He also inquired about who is proposing these Text Amendments.

MS. WALLRICH, CHAIRMAN MATUSHEK, and MR. CONNELLY all replied the entire Legacy District is not subject to the street level commercial requirement, in fact, there are some sections that actually target residential uses only. They noted that these Text Amendments are the same Text Amendments that were brought to the Plan Commission and approved by the Village Board last fall. The Village Board rescinded the Text Amendments in May 2016 and requested that the Plan Commission look at the rescinded Text Amendments and make recommendations. Staff has been requested to do further research on these Text Amendments. There will be further meetings on these Text Amendments.

NANCY DUCHARME stated that we need to take a fresh look at the rescinded Text Amendments. It should get the full scrutiny and not just looked at as a technicality. She questioned how the Legal Notice was flawed and inquired about how the error could be avoided in the future.

BOB VIRAVEC offered his opinion, stating that he saw many homes for sale and units for rent in Tinley Park. He stated that he doesn't feel that any more multi-family residential units should be built in the Village. He stated that he sees many properties in disrepair. He also felt concerned about the short notice for the meeting since the meeting agenda was published the Friday before the meeting. He clarified that he would like to retain the requirement for street level commercial.

MR. CONNELLY responded, stating the regular meeting schedule for the Plan Commission is every first and third Thursday of the month. By law, the Village has to publish this regular meeting schedule at the beginning of the year and if you deviate from that it has to be called a Special Meeting. Because this was at a different location, due to expecting a larger crowd than the Council Chambers can accommodate, it had to be called a Special Meeting. The Commission gets their packets the Friday prior to their Thursday meeting.

CHAIRMAN MATUSHEK responded that the ordinance that was rescinded by the Village Board had language that we should study. The Village Board passed the ordinance rescinding the Text Amendments and requested our assistance in studying that proposal to make a recommendation in a proper way. We can't just stop government. At the direction of the Village Board, the Planning Department sent out the notice. This is the start of the fact finding process.

BEVERLY CASELSKI stated that she has been a resident of Tinley Park for 48 years and in her opinion, the Village is going downhill and the taxes are ridiculous. She questioned needing the Legacy Code. The resident stated that basically this is all about the property on 183rd and Oak Park Avenue.

COMMISSIONER KRONER asked for a show of hands as to who would be in support of changing “Street Level Commercial Required” to “Street Level Commercial Permitted”. No one raised their hands. He then asked who would be in support of “Street Level Commercial Required”. The majority of the crowd (about 120 people) raised their hands.

COMMISSIONER SHAW noted he wants a clarification on Part “B”. He noted that he read the Staff Report and saw that the property has been zoned half way in one zoning district and half way in another zoning district. He asked if the property owner was made aware of the change in the zoning and expressed that the Plan Commission must make sure that property owners are aware of the changes.

MS. WALLRICH continued on with part “D”, stating that the code that exists right now is the original code, not the amended version. Right now the code has Street Level Commercial Required for the Downtown Code and Neighborhood Flex districts. She stated the reason we are here is because the Village Board asked the Plan Commission to look at the proposed Text Amendments again after they were rescinded. The proposed Text Amendments have been brought back in their original form and have not been changed since fall 2015. She noted that there were questions about how the Text Amendments get to the Plan Commission and the Village Board. She added that there is also a Planning and Zoning Committee composed of Village Board members. She noted that there are several steps involved with Text Amendments since it involves changing the regulations within the Zoning Ordinance.

MS. WALLRICH went on to discuss section “D”, stating it has to do with looking at specific uses. She noted that there are certain uses that were originally looked at to move to the Prohibited Uses category, such as sales of used cars and packaged liquor sales, but there was a recommendation to further research these uses rather than to include them in this Text Amendment. Those two aspects were not part of the final Text Amendment that was adopted in October 2015 and then rescinded in May 2016. However, the Plan Commission had recommended adding tobacco, hookah, cigarette, cigar, e-cigarette, and vapor sales establishments and any related on-site consumption as a primary use, and medical marijuana dispensing facility to the Prohibited Use category.

MS. WALLRICH went on to discuss section “E”, which had to do with landscaping issues and creating a landscape bufferyard between parcels within and outside of the Legacy District boundary.

LUCAS HAWLEY stated a concern about changing items from Special Uses to Prohibited Use. He expressed concern about gambling cafes and hookah bars.

MR. PAUS asked if the Text Amendments were brought up individually or as a package when they were discussed in the fall of 2015. He said that he believes that hookah uses should be brought up individually.

COMMISSIONER KRONER responded that the Plan Commission can make recommendation to the Village Board to look at each Text Amendment individually.

DON SACOFF inquired if Section D would amend the list of Prohibited Uses to include packaged liquor stores and used auto sales. He asked what the existing businesses that fall under those categories think about this potential prohibition.

MS. WALLRICH responded that this is what was proposed. These two items (package liquor sales and used auto sales) were taken out of the recommended text amendment at the recommendation of the Plan

Commission back in fall 2015. Section D was originally proposed in the Legal Notice, but when it got to the Plan Commission the Plan Commission requested Staff study these two uses more and not include them in the final ordinance that went to the Village Board. She reiterated that what is before this Commission now was the original Legal Notice for the ordinance. She further explained that the Plan Commission had a lot of different types of liquor uses that they wanted Staff to investigate. Staff prepared a recommendation for a Text Amendment that talked about boutique alcohol sales, which went to the Plan Commission and received recommendation but have not been adopted by the Village Board yet.

There was no one in the audience that offered comment for section "E".

MS. WALLRICH described section "F", stating that this Text Amendment was regarding Scrivener's Errors in the legal description for the legacy district boundaries. The Village Engineer did a complete review of all the properties and has offered corrected legal descriptions.

COMMISSIONER SHAW noted that sections "F" and "G" are almost identical.

MS. WALLRICH noted that one section is related to legal descriptions and the other related to the graphic representation of the Legacy District.

There was no one in the audience that offered comment for section "F" and "G".

MS. WALLRICH described section "H", which related to signage. She explained that this particular Text Amendment also was not incorporated in the final recommendation of the Plan Commission because Staff wanted to conduct further research on hanging signs. Staff was also asked to look at all of the signage regulations.

There was no one in the audience that offered comment for section "H".

A motion was made by COMMISSIONER SHAW, seconded by COMMISSIONER KAPPEL to close the Public Hearing at 9:43 p.m. THE MOTION WAS APPROVED UNANIMOUSLY by voice call. PLAN COMMISSION CHAIRMAN MATUSHEK declared the Motion approved.

PUBLIC COMMENT

RON BAILEY, owner of Bailey's Bar & Grill, stated that he thought that the idea of the Legacy Code was to improve Oak Park Avenue. In his opinion, the Legacy Code has done nothing but hurt it. He stated that he thought that the whole Legacy Code should be scrapped. He expressed concerns about businesses being able to sell their property and the lack of incentive for improvements to the property. He stated that he has been waiting several years for approval for a new sign.

CHAIRMAN MATUSHEK noted that this Commission wants to encourage businesses to stay and we don't want businesses to wait three years to have a sign improved.

A RESIDENT stated that they thought that it is refreshing to see a group of leaders with a polite demeanor.

MR. PAUS stated that the Legacy Code needs to be changed to require all projects to receive final approval from the Village Board instead of the Plan Commission having the power to grant final Site Plan Approval.

EDUARDO MANI inquired about the timeline for future discussion of the proposed Text Amendments.

CHAIRMAN MATUSHEK noted this is the beginning of the process and that there will be future workshops and that public notice will be given for any public hearing on this subject that appear on the Plan Commission agenda.

COMMISSIONER SHAW noted the Mayor has a Citizen's Advisory Committee looking at the Legacy Code and this committee will make a series of recommendations also.

CHRIS CWIK stated that there are too many committees. He believes that this is a waste of time and that there are serious issues going on. He stated that too many codes drive businesses out of town and he believes that there is corruption.

CHAIRMAN MATUSHEK noted there needs to be some predictability for business owners in town and that everyone needs to know what the regulations are. He stated that we need statesmen and not politicians.

COMMISSIONER KRONER noted we have a commitment to voices being heard. He stated that we will do the best job we can with honesty and integrity and that we will do our due diligence and there is no rush.

SVEN THIRION recommended a ban on liquor licenses and spoke about vices.

COMMISSIONER SHAW noted we are looking over Special Uses as part of these proposed Text Amendments. He stated that he doesn't understand them either and would like more information for why each use is categorized Permitted, Special, or Prohibited.

MR. BAILEY stated that he bought a building on Oak Park Avenue and fixed it up. He expressed concern that if his building burns down, he will not be able to rebuild my building because of the Legacy Code and how it regulates commercial and residential uses. He stated that he believes that the Legacy Code will keep people from investing in Tinley Park businesses.

ADJOURNMENT

There being no further business, a Motion was made by COMMISSIONER SHAW, seconded by COMMISSIONER KRONER to adjourn the Special Meeting of the Plan Commission of June 16, 2016 at 9:50 p.m. THE MOTION WAS UNANIMOUSLY APPROVED by voice call. PLAN COMMISSION CHAIRMAN MATUSHEK declared the meeting adjourned.