



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

JUNE 28, 2017

The Special Meeting of the Plan Commission was held in the Auditorium of Andrew High School, 9001 W. 171st Street, on June 28, 2017 at 7:30 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Plan Commissioners: Mark Moylan
Peter Kroner
Anthony Janowski
Lori Kappel
Kevin Bergthold
Tim Stanton
Ed Matushek III, Chairman

Absent Plan Commissioner(s): Ken Shaw

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

COMMISSIONER STANTON stated he will abstain from voting.

CALL TO ORDER

PLAN COMMISSION CHAIRMAN MATUSHEK called to order the Special Meeting of the Plan Commission for June 28, 2017 at 7:30 p.m.

COMMUNICATIONS

There were none.

APPROVAL OF MINUTES

Minutes of the June 15, 2017 regular meeting of the Plan Commission were presented for approval. A Motion was made by COMMISSIONER MOYLAN, seconded by COMMISSIONER STANTON, to approve the Minutes. The Motion was approved unanimously by voice call. CHAIRMAN MATUSHEK 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 JUNE 28, 2017 SPECIAL MEETING

Item #1: PUBLIC HEARING: THE RESIDENCE AT BROOKSIDE GLEN – SOUTHWEST CORNER OF MAGNUSON LANE AND 191ST STREET – SPECIAL USE PERMIT FOR A SUBSTANTIAL DEVIATION WITH SITE PLAN APPROVAL

Consider recommending that the Village Board grant the Petitioner, Andrea Crowley of Griffin & Gallagher, LLC on behalf of Karli Mayher and KJM-Vandenberg Brookside Joint Venture, a Special Use Permit for a Substantial Deviation from the Brookside Glen Planned Unit Development with Site Plan Approval and any related Exceptions to develop a one hundred forty-four (144) unit multi-family residential project with associated amenities and clubhouse for the properties generally located west of Magnuson Lane and John Michael Drive.

Plan Commissioners: Mark Moylan
Peter Kroner
Anthony Janowski
Lori Kappel
Kevin Berghold
Tim Stanton, (Abstain)
Ed Matushek III, Chairman

Absent Plan Commissioner(s): Ken Shaw

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

Petitioner: Andrea Crowley, Griffin & Gallagher, LLC
Karli Mayher, KJM-Vandenberg Brookside Joint Venture
Scott Shalvis, The Shalvis Group, Architect
Stephen Gregory, Landscape Architect
Mike Walsh, ATMI Precast
Justin Frosh, ATMI Precast
Tracy Cross, Tracy Cross Associates, Inc.
Carole Ruzich

A Motion was made by COMMISSIONER KRONER, seconded by COMMISSIONER JANOWSKI, to open the Public Hearing on THE RESIDENCE AT BROOKSIDE GLEN – SOUTHWEST CORNER OF MAGNUSON LANE AND 191ST STREET – SPECIAL USE PERMIT FOR A SUBSTANTIAL DEVIATION WITH SITE PLAN APPROVAL. The Motion was approved unanimously by voice call. CHAIRMAN MATUSHEK declared the Motion approved.

CHAIRMAN MATUSHEK noted that 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.

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.

PATRICK CONNELLY, Village Attorney, stated at the last meeting there was an issue regarding zoning. Some of the documents are missing from Village files for the years 1990 to 2000. It is recommended that the petition before you be reviewed as Substantial Deviation regardless of the zoning designation and the Commissioners review the application using the Standards as outlined in the Zoning Ordinance.

CHAIRMAN MATUSHEK noted letters have been received from residents and will be made part of the Public Record.

PAULA WALLRICH, Interim Community Development Director, presented a PowerPoint and stated Applicant will respond to concerns from the Commission and the Public following her presentation.

MS. WALLRICH stated the Petitioner's request is for approval of a Substantial Deviation from the Brookside Glen PUD which was annexed and adopted in 1990. There was a Substantial Deviation in 2000 which provided for a total of 22 structures with 16 dwelling units in each of them. There were a total of 13 condominiums built, leaving 9 structures still to be developed on the subject property. The Applicant's request is to deviate from the approved nine (9) structures with 144 units to two (2) structures of 72 units each for a total of 144 units as approved in the 2000 Substantial Deviation. A third building is proposed for a clubhouse with a pool and other residential amenities.

MS. WALLRICH then explained Planned Unit Developments, noting the following:

- Master Planning Zoning Technique – applicants can ask for a Substantial Deviation
- Provides flexibility for Planning and Zoning
- Suspends underlying Zoning District regulations
- Guided by the overall intent of the PUD

She noted the Site Plan has changed due to questions and concerns raised by the public and the Plan Commission at previous meetings. The roof terrace was moved from the south end to the north end of Building #2. There were also questions regarding the location of the dog park and the hours of operation, and the location of the banked parking with concerns of headlights shining into the existing townhouses. She noted that the developer will discuss these changes later in the meeting.

Staff reviewed identified two (2) exceptions to Zoning Ordinance with the proposed Site Plan; one is regarding setback and the other is building height. MS. WALLRICH noted that the Urban Design Overlay District requires a maximum front yard setback no greater than 20'. The existing condos on Greenway Boulevard are setback 30'. Building #1 has a front yard setback ranging from 14' to 24' and Building #2 ranges from 22' to 36'. They vary due to the curvature of the street. Regarding building height, MS. WALLRICH stated that Staff requested the developer to raise the roof for improved articulation of the roof line. The main ridge is 62', the maximum height is 69', but because of the way roofs are measured, by building height definition, the mid-point of the slope is at 62'. The property slopes approximately 10' from the existing condos on Greenway Boulevard. Final engineering is not complete so the exact measurement is unknown at this time. The existing condominium roof ridge is at 62' and the lower ridge is at 55'.

Staff noted the following Open Items:

- Security Cameras

- Property maintenance and on-site management residency
- Number of buildings
- Viability – will this product be successful in the marketplace?
- Timing, staff recommends assurances that the amenities are completed at the same time as the buildings are completed – there will be no occupancy until all amenities are completed.

MS. WALLRICH noted that after Plan Commission discussion and public testimony the Plan Commission will review the Standards by which they will judge this project.

CHAIRMAN MATUSHEK asked for a presentation from the Petitioner.

ANDREA CROWLEY, Griffin & Gallagher, LLC, introduced the Development Team. She thanked Staff, the Commission and residents for all their helpful comments and suggestions and noted that the team will address previous questions and concerns. MS. CROWLEY stated that the rental issue is not an issue due to case law. The Developer is seeking Site Plan Approval and a Special Use for Substantial Deviation. She noted that the question is about how the 144 units sit on the site and how much green space can fit on the property. She stated that the Developer feels this is a better product and looks better and has much more value than the original approval.

STEPHEN GREGORY, Landscape Architect and Land Planner, presented a PowerPoint and stated the team has worked diligently with staff regarding changes to the original plan. The Petitioner is requesting a Substantial Deviation regarding the changes from nine (9) buildings to two (2) buildings, and changing the footprint to allow for more green space. The Petitioner is asking for a Variation on the height of the buildings. They have incorporated the change on roof height per Staff's request, which added interest to the overall plan. Regarding the setback, the Urban Design Overlay District allows a zero lot line, but the building will be pushed back to reflect the character of the street.

There were concerns regarding the patio area being close to the townhouses. The Petitioner was able to flip the orientation so it is located closer to the clubhouse rather than the townhouses. Additionally, we were asked to look at the land banked parking which we were able to put in an interior site and if the parking is needed, the headlights will not shine on the townhouses. This will also increase the amount of landscaping. The distance between the townhomes and the buildings is 200' with no parking. The dog park area hours are dusk to dawn and the residents will have to have a security fob to enter.

COMMISSIONER KRONER asked why they did not move the dog park area to a different location so it is not close to the townhouses. MR. GREGORY replied they felt spatially it did not work out and that the size and location did not fit. He stated that they felt the dog park needs a larger area. COMMISSIONER KRONER asked how often the dog park would be cleaned and by who. MR. GREGORY replied that it would be cleaned by maintenance, but have not worked out the details yet. COMMISSIONER KRONER stated he did not understand why they could not flip the dog park with the arboretum, questioned the difference in the square footage of both areas, and stated he felt it would be an easy fix so the dog park would not be close to the existing townhouses. He also noted that a decision has not been made as to whether there will be on-site maintenance. He wanted to make sure this was addressed. MS. WALLRICH noted the location of the dog park could be a condition of the approval.

After much discussion MR. GREGORY agreed that they would revisit this and the dog park could be moved to the other side of the site where the arboretum is currently located on the Site Plan. MR. GREGORY offered to delete the dog park and replace the dog park with a kid's park.

MR. GREGORY then explained that the Rules and Regulations take the place of Declarations and Covenants. The leases will be one year leases. The owner of the property will make sure there is maintenance on the property. There will be 288 parking spaces for the 144 units. There will be 72 spaces land banked for 2.5 spaces per unit, noting that they have doubled the required open space to comply with the required screening.

MR. GREGORY noted that they will have security cameras which will be monitored by the management company. Management will be there from 9am-5pm daily and arrangements will be made to monitor the cameras after hours.

MR. GREGORY presented a picture of the existing streetscape and the proposed view of the two buildings and the clubhouse.

TRACY CROSS, Tracy Cross Associates, Inc., gave a presentation explaining the Market Study that was presented to the Commission and posted on the Village Website. MR. CROSS noted the Market Potential revealed a 1.8% vacancy rate for rental property. The units are upward of 1,200 sq. ft. with a rate of \$1.60 per sq. ft. The potential residents would require an income of approximately \$65,000 to afford the rental rate. The profile of the renter would be 45% singles and couples under 35 years old.

There was much discussion from the Commissioners regarding the Tracy Cross Market Study.

CHAIRMAN MATUSHEK asked what would make a person rent in Tinley Park as opposed to Downtown Chicago? MR. CROSS replied the Downtown Chicago rentals are approximately \$3.25 per sq. ft. and the rents are higher and would require an income of approximately \$100,000. He noted there is strong growth in Will County and employment is up in that area.

COMMISSIONER KRONER questioned MR. CROSS about the study, specifically comparable properties, target market, population projections, vacancy rates, proximity to transportation, and price point. COMMISSIONER KRONER asked about the property values of homes in the area decreasing when this project uses precast building materials and why didn't the study include the Orland Park apartments. COMMISSIONER JANOWSKI questioned MR. CROSS on the locations of the properties used as comparables.

MR. CROSS replied to COMMISSIONER KRONER by stating the statistics noted in his Study explained how he arrived at the data in the Study. He noted the amounts of projects in the local area are limited. He used comparables that included newer construction even if they were not in the immediate area. He noted that property values will not be affected by the precast construction and there are no homes within two blocks of the Orland Park apartments.

COMMISSIONER JANOWSKI asked what would drive a person to live in Tinley Park. MR. CROSS replied 42% of the existing renters in Tinley Park are 35 years of age or younger.

COMMISSIONER MOYLAN questioned MR. CROSS if regarding true market is what someone is willing to pay. He asked why someone would rent an apartment for \$2,500.00 per month when they can rent a townhouse in the same area for less. MR. CROSS replied the apartment will have amenities and the townhouses would not.

MIKE WALSH and JUSTIN FROSH, ATMI Precast, presented pictures of buildings in the area that have used the precast material in their construction.

COMMISSIONER KRONER noted that of the 13 properties previously presented to the Commission, only 1 was a residential property. COMMISSIONER KRONER also asked about the HVAC units.

COMMISSIONER JANOWSKI asked where the precast product is manufactured.

MR. WALSH and MR. FROSH presented pictures of two additional residential properties using the precast material. They stated the precast is concrete and the advantages are:

- Increased fire protection
- Less noise
- Life-cycle is longer

MR. FROSH replied that that precast product is manufactured in Aurora, IL. MR. WALSH replied the HVAC units are called Magic Packs and they are self-contained ducted units.

CHAIRMAN MATUSHEK asked for testimony from the public.

LINDA JEFFREY stated she is a 20+ year resident of Brookside Glen and she is concerned about safety.

MARGE CAHILL is a representative of the community group “United Against Brookside Glen Apartments”. The group consists of residents of Brookside Glen and there are over 900 members on Facebook. The group will present Objections to the Development.

JOHN WEGNER presented Objection #1 – Character of the Neighborhood. Per section II, Planned Unit Developments, B.6.a.:

Substantial Deviation: Any changes which include increases in density, increases in the height and/or bulk of building, or other changes which change the concept or intent of the development, shall be deemed a substantial deviation.

He stated these buildings are extremely oversized and not compatible with the surrounding low-density neighborhood.

MICHELLE PALUMBO presented Objection #2 – Traffic Concerns. She stated this development will create significant traffic congestion. We believe the increased traffic is not in compliance with Zoning Ordinance SECTION VII-Planned Unit Developments, Section C. STANDARDS AND CRITERIA FOR PLANNED UNIT DEVELOPMENTS, Sub-Section I. General Provisions For All Planned Unit Developments, item (f) which states:

The street system serving the Planned Unit Development is adequate to carry the traffic that will be imposed upon the streets by the proposed development, and that the streets and driveways on the site of the Planned Unit Development will be adequate to serve the residents or occupants of the proposed development.

Objection #3 – Trust with the Developer – She stated the developer, on several occasions, has acted in a manner that has soured the trust of this commission and the community as a whole.

MIKE FITZGERALD – presented Objection #4 – Supply of light and air on adjacent properties. Zoning Ordinance SECTION X. ADMINISTRATION AND ENFORCEMENT, Section G VARIATIONS: 4. Standards for Variations, Item D-6 states:

The proposed variation will not impair an adequate supply of light and air to an adjacent property.

Objection #5 – Variations are not allowed solely to increase profit.

Tinley Park does not allow a developer to ask for a variance to increase their profit.

Zoning Ordinance SECTION X. ADMINISTRATION AND ENFORCEMENT, Section G VARIATIONS: 4. Standards for Variations, Item D-3 states:

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

BRIAN GOOLESTE – presented Objection #6 – Impact on Property Values – Zoning Ordinance SECTION X. ADMINISTRATION AND ENFORCEMENT, Section G VARIATIONS: 4, Standards for Variations, Item D-6 states:

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

RESIDENT – presented Conclusion of 6 Objections – They stated this project is too large for the existing low density community, it will change the character of the neighborhood, create traffic problems, there are trust issues with the developer, it will have a negative impact on the air and light of adjacent properties, these variations are not allowed to based solely on increased profit and it will negatively impact surrounding property values. This project is better suited for a higher density mixed use area near a commuter train station, not a low-density residential neighborhood across from a dog shelter and shooting range. Request a hard copy be made part of the official minutes.

MIKE STUCKLEY – There is a security issue. Have you considered a Courtesy Officer with a discounted rental rate? How many people will occupy the green space? Precast could need painting.

CAROL BATES – The turnover of rental units is unacceptable.

DEBRA HUNTER – Regarding the Market Study, I am concerned with the comparables used. The Orland Park development is very nice and I would consider living there. They do not compare to this development.

GERALD STASZAK – I am a realtor and no one has ever asked me for a property that is behind a 144 unit apartment building.

RESIDENT – The train station is not 1.3 miles from the propose development as mentioned in the Tracy Cross Study. I drove it and it is 2.1 miles away.

RESIDENT – A few weeks ago the Commissioners were sent letters saying their services were no longer needed. The Mayor can now hand pick his Commissioners. I want to thank the current Commissioners for their service and hard work.

JOHN MILOSOVIC – Tinley has changed dramatically. Why hasn't the closing of Lincoln-Way North been mentioned in the Study?

MS. CROWLEY gave a rebuttal to the resident's comments. She stated this will be a better project than the previous proposed project and rental is not an issue. A traffic study was done as part of the initial approval. The sun will not be blocked by the building. On the Orland Park development the commercial came after the apartments were built.

RESIDENT – I have investment property in Tinley Park and I have a hard time getting \$1,300.00 per month. How do they expect to get \$2,500.00?

CHAIRMAN MATUSHEK asked for a motion to close the Public Hearing.

A Motion was made by COMMISSIONER KRONER, seconded by COMMISSIONER MOYLAN, to close the Public Hearing on THE RESIDENCE AT BROOKSIDE GLEN – SOUTHWEST CORNER OF MAGNUSON LANE AND 191ST STREET – SITE PLAN APPROVAL AND SPECIAL USE PERMIT. The Motion was approved unanimously by voice call. CHAIRMAN MATUSHEK declared the Motion approved.

CHAIRMAN MATUSHEK stated there are Finding of the Facts in the Commissioner's packets.

MR. CONNELLY stated if the Commission feels it is appropriate, this is the time for a Motion.

A Motion was made by COMMISSIONER KRONER, seconded by COMMISSIONER MOYLAN to recommend that the Village Board DENY a Special Use Permit to the Applicant, Andrea T. Crowley, on behalf of Karli Mayher and KJM-Vandenberg Brookside Joint Venture, for a Substantial Deviation from the Brookside Glen Planned Unit Development to allow for the construction of two (2) four-story multi-family structures with semi-underground parking containing seventy-two (72) units in each building for a total of 144 dwelling units on the subject site and a 3,495 square foot clubhouse, generally located in the southwest corner of Magnuson Lane and 191st Street in the Brookside Glen Planned Unit Development, in accordance with plans as noted on the List of Reviewed Plans within the Staff Report.

AYE: COMMISSIONERS BERGTHOLD, JANOWSKI, KAPPEL, KRONER
MOYLAN, AND CHAIRMAN MATUSHEK

ABSTAIN: COMMISSIONER STANTON

ABSENT: COMMISSIONER SHAW

CHAIRMAN MATUSHEK declared the Motion approved.

COMMISSIONER KRONER stated to the Petitioner if they return to the Plan Commission with another plan, we do ask that you are better prepared and more accurate. He also noted he has been involved with the Plan Commission for 1 ½ yrs. and the amount of time that each Commissioner has put into this project is impressive and it has been an absolute enjoyment to be on the Commission. COMMISSIONER KRONER announced the 5 of the 6 current Planning Commissioners would be replaced after this meeting. Staff has also put in a lot of time and I would like to thank the Commissioners leaving, for their service to the town and residents of Tinley Park.

GOOD OF THE ORDER CHAIRMAN MATUSHEK stated the Commissioners are the finest people and I would like to thank Staff for their hard work.

COMMISSIONER MOYLAN stated he would like to thank the Staff and the Commission.

COMMISSIONER JANOWSKI stated it has been an honor and privilege. We have had a lot of obstacles of the last year. This Commission and Staff have worked diligently to try and make this a better community in good faith. Each of these individuals has brought a lot of diversity and we have taken this Commission to a whole different level. Stay involved and if you have an issue, talk to your Trustees. I am proud to be a resident of Tinley Park. I will stay involved.

RECEIVE COMMENTS FROM THE PUBLIC

RESIDENT #1 – I am a resident of the School District 210. They are on the watch list at the lowest level of the State. They get 2 out of 4, and are at the bottom 10%. This is a big deal for tax payers in the State.

RESIDENT #2 – This Commission is all the people we should keep.

ADJOURNMENT

There being no further business, a Motion was made by COMMISSIONER JANOWSKI, seconded by COMMISSIONER MOYLAN, to adjourn the Special Meeting of the Plan Commission of June 28, 2017 at 9:59 p.m. The Motion was unanimously approved by voice call. PLAN COMMISSION CHAIRMAN MATUSHEK declared the meeting adjourned.