



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

July 5, 2018

The Regular Meeting of the Plan Commission was held in the Council Chambers of Village Hall on July 5, 2018 at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Plan Commissioners: Ken Shaw, Chairman
Eduardo Mani
Chuck Augustyniak
Angela Gatto
Tim Stanton
Lucas Engel
Garrett Gray

Absent Plan Commissioner(s): None

Village Officials and Staff: Kimberly Clarke, Planning Manager
Barbara Bennett, Commission Secretary

Guest(s): Haitham Abuzir

CALL TO ORDER

PLAN COMMISSION CHAIRMAN SHAW called to order the Regular Meeting of the Plan Commission for July 5, 2018 at 7:00 p.m.

COMMUNICATIONS

None at this time

APPROVAL OF MINUTES

Minutes of the June 7, 2018 Regular Meeting of the Plan Commission were presented for approval. A Motion was made by COMMISSIONER AUGUSTYNIK, seconded by COMMISSIONER STANTON, to approve the Minutes as presented. The Motion was approved by voice call. CHAIRMAN SHAW declared the Motion approved as presented.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES
FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION
SUBJECT: MINUTES OF THE JULY 5, 2018 REGULAR MEETING

Item #1 **PUBLIC HEARING: (REMOVE FROM TABLE) TESLA SUPERCHARGING STATION - 7204 W. 191ST STREET SITE PLAN APPROVAL AND SPECIAL USE PERMIT WITH EXCEPTIONS**
Consider granting Site Plan approval and consider a request for a Special Use Permit as a Substantial Deviation with Exceptions to the Brookside Marketplace Planned Unit Development from the Petitioner, Christina Suarez of Black and Veach on behalf of Tesla Motors, to construct a Supercharging Station within the parking area of lot 13 in the B-3 Zoning District with the common address of 7204 W. 191st Street.

Present were the following:

Plan Commissioners: Ken Shaw, Chairman
 Eduardo Mani
 Tim Stanton
 Chuck Augustyniak
 Angela Gatto
 Lucas Engel
 Garrett Gray

Absent Plan Commissioner(s): None

Village Officials and Staff: Kimberly Clarke, Planning Manager
 Barbara Bennett, Commission Secretary

Guest(s): None

A Motion was made by COMMISSIONER GRAY, seconded by COMMISSIONER AUGUSTYNIAK to open the Public Hearing for Tesla Supercharging Station – 7204 W. 191st Street, Tinley Park, IL. The Motion was approved by voice call. CHAIRMAN SHAW declared the Motion approved.

KIMBERLY CLARKE, Planning Manager noted the Petitioner has advised, they will not be proceeding with the construction of the Tesla Supercharging Station at this time and would like to come back next year to be considered.

CHAIRMAN SHAW requested a Motion to close the Public Hearing.

A Motion was made by COMMISSIONER GRAY, seconded by COMMISSIONER AUGUSTYNIAK to close the Public Hearing on the Tesla Supercharging Station. The Motion was approved by voice call. CHAIRMAN SHAW 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 JULY 5, 2018 REGULAR MEETING

Item #2 **WORKSHOP/PUBLIC HEARING: HAITHAM ABUZIR-6787 W. 159TH STREET**
SITE PLAN APPROVAL AND SPECIAL USE PERMIT WITH VARIATIONS
Consider granting Site Plan approval and consider a request for a Special Use Permit from the Petitioner, Haitham Abuzir, to construct a residential apartment on the second floor in the B-3 Zoning District with the common address of 6787 W. 159th Street. Additionally the following Variations are requested:

1. Section V.C.2- To reduce the minimum useable floor area per dwelling by 82 square-feet to permit the construction of a one bedroom apartment that is less than the required 800 square feet to 718 square feet.
2. Section III A.7 - To permit parking within a required front yard along 159th Street and Oak Park Avenue.

Present were the following:

Plan Commissioners: Ken Shaw, Chairman
 Eduardo Mani
 Tim Stanton
 Chuck Augustyniak
 Angela Gatto
 Lucas Engel
 Garrett Gray

Absent Plan Commissioner(s): None

Village Officials and Staff: Kimberly Clarke, Planning Manager
 Barbara Bennett, Commission Secretary

Guest(s): Haitham Abuzir

A Motion was made by COMMISSIONER AUGUSTYNIAK , seconded by COMMISSIONER GATTO to open the Public Hearing for Haitham Abuzir-6787 W. 159th Street. The Motion was approved by voice call. CHAIRMAN SHAW declared the Motion approved.

CHAIRMAN SHAW 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 SHAW 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.

KIMBERLY CLARKE, Planning Manager noted this is a request for approval of a Site Plan and Public Hearing to consider a request for a Special Use Permit to construct a residential apartment on the second floor in the B-3 Zoning District with the common address of 6787 W. 159th St.

Ms. Clarke noted in addition there are requests for the following Variations:

1. To reduce the minimum useable floor area per dwelling by 82 square-feet to permit the construction of a one bedroom apartment that is less than the required 800 square feet to 718 square feet
2. To permit parking in a front yard along 159th Street and Oak Park Avenue.
3. To reduce the required off-street parking area setback from the required five (5) feet to zero (0) for the parking lot along Oak Park Avenue and to reduce the required off-street parking area setback from the required five (5) feet to one (1) foot for the parking area along 159th Street.
4. To reduce the required off-street parking spaces by fourteen (14) stalls to permit a total of 29 parking stalls instead of the required 43 stalls.

Ms. Clarke noted the Zoning and History of this site. The building has historically been used for commercial purposes and it is in the Cook County jurisdiction therefore there is some tax advantage for this property being converted to Mixed Use. This is why the applicant and the previous owner was granted a Special Use Permit to allow the construction of a residential unit on the second floor. The request was previously granted per Ordinance No. 2017-O-002 to the then owner, Mack Properties. Mr. Abuzir purchased the property however the Special Uses Permit does not run with the property, so he is required to come before the Plan Commission and Village Board to request a new Special Use Permit.

The property is a single parcel of 0.69 acres in an area with an existing commercial/office. To the east there is forest preserve property. To the northeast is a gas station outside of the Tinley Park jurisdiction. To the northwest and the southwest is in the jurisdiction of Tinley Park and is commercial use.

Ms. Clarke displayed the existing survey which shows nothing is changing with the footprint of the building. Staff will be working with the applicant to address the open items with the the Site Plan. There will be two (2) phases due to the timing of relocating the business's headquarters to this location and getting IDOT approval for work proposed in their Right of Way along 159th St. The current parking lot configuration is considered nonconforming in regards to the parking lot setbacks and landscaping requirements. The parking lot along 159th St. encroaches within the State's Right of Way and cannot continue unless the owner gets a permit from IDOT. In addition, the parking stalls along Oak Park Av. are required to be setback a minimum of five (5) feet and are currently a zero (0) setback. In order to maintain some of the parking, staff is working with the Applicant in making adjustments. Increasing the landscape buffer would only reduce more parking. This Variation is be requested for that purpose. The remaining portion of the parking lot will be restriped and the Petitioner has agreed to install landscape islands to better define traffic lanes and incorporate more landscaping. This is Phase 1 and the only difference with the Site Plan shown and what staff is asking the Petitioner to do is along 159th St. there are stalls that are on private property and staff has asked him to remove them and landscape the area. As he is working with IDOT, the remaining portion can be adjusted in the IDOT right of way. IDOT will have the jurisdiction over those improvements.

Phase 2 shows the section along 159th St. fully landscaped with one curb cut. They are proposing to IDOT to maintain two (2) parking stalls for the benefit of the apartment. The stalls would be identified with signage so no one else can park there. The apartment's primary entrance will be along 159th St. The Petitioner feels that most of business traffic will be along the back of the building. Staff does not believe IDOT will approve this and if so, the stalls will be eliminated. The Petitioner will work with IDOT.

The site originally had forty-one (41) parking stalls, eleven (11) of which are located at the north side of the building. Staff researched the requirements and found that 2.5 parking spaces per dwelling unit is required. The first floor and the basement will be used for professional offices. The requirement for that is one (1) parking space per two hundred fifty (250) square feet of floor space. Per the floorplan given the requirement is for forty-three (43) stalls. In Phase 2 with the updated floorplan there will be a loss of 2 parking spaces if IDOT does not approve the proposed plans. Overall, with it being an office use, and the Petitioner being the predominate user of the first floor, staff does not see that there will be a parking issue at this location. It should be noted that the Petitioner has a private shared parking agreement with the property owner to the south, (Aurelio's Pizza) who has different peak hours than the subject site.

Regarding the landscaping, the Petitioner has invested a large amount of money in this site and plans to make it his long-time home. This will be the only opportunity to bring the property up to standards. It currently lacks some bufferyard along Oak Park Av. and along 159th St. The applicant is working to increase that significantly. He has installed a brick patio paver on the east side of the building and has started planting foundation plantings. The use of landscape islands will better define the pavement parking stalls and guide cars as they drive through this lot. Two light poles are being installed to bring light to the parking lot area. This will be part of the Phase 1 plan.

The Open Items to revise the landscape plan includes:

- a. A landscape plan that identifies the proposed plants being installed.
- b. Provide landscaping around the base of the monument sign per code.
- c. Incorporate a minimum of 1 shade tree in each of the proposed landscape islands and one (1) shrub per 200 sq. ft. of island green area.
- d. In general plantings of shrubs and trees should be in groupings of 3-5. Landscaping should be designed to be natural looking while having proportion, balance, unity, variety of species, and variety of color throughout the seasons. It appears the proposed landscape plan only recommends one type of plant material along Oak Park Avenue.

If IDOT does not permit the proposed parking stalls in phase 2 along 159th Street, a revised landscaping plan will need to be submitted to staff for review showing this area being landscaped.

Ms. Clarke displayed photos of the modifications to the architecture showing the roof was replace, the dormers have been covered, the front entrance off of 159th St. has been modified and the exterior has been painted. The Petitioner will be placing a wall sign on the building for his company. There has been significant improvements to the exterior which will bring new life to this corner. The Petitioner has removed the existing nonconforming pole sign and has started construction on a new ten foot (10') high ground base sign that conforms to the current sign regulations.

The Special Approvals needed are:

Section V.B. Schedule I- Requires a residence, when located above or to the rear of a principal use in the B-3 District to be permitted by a Special Use Permit. ***A Special Use Permit is being requested to permit the construction of a residential dwelling unit on the 2nd floor in the B-3 Zoning District.***

Section V.C.2- To reduce the minimum useable floor area per dwelling by 82 square-feet to permit the construction of a one bedroom apartment that is less than the required 800 square feet to 718 square feet. ***A Variation is being requested to allow the one-bedroom apartment to be less than the minimum 800 Sq. Ft.***

Section VIII A.7 - To permit parking in a front yard along 159th Street and Oak Park Avenue. ***A Variation is being requested to maintain the existing parking lot within the front yard along Oak Park Avenue and 159th Street.***

Section VIII C.2- To reduce the required off-street parking area setback from the required five (5) feet to zero (0) for the parking lot along Oak Park Avenue and to reduce the required off-street parking area setback from the required five (5) feet to one (1) foot for the parking area along 159th Street. ***A Variation of five (5) feet from the required off-street parking area***

setback is being requested for the parking lot along Oak Park Avenue and a Variation of one (1) foot from the required off-street parking area setback to permit two (2) parking stalls along 159th Street.

Section VIII.A.10- To reduce the required off-street parking spaces by fourteen (14) parking stalls to permit a total of 29 parking stalls instead of the required 43 parking stalls. **A Variation is being requested to reduce the required number of parking stalls by fourteen (14).**

The proposed use is the Applicant's business, Jackson Hewitt which will occupy approximately 4,115 SF of the first floor and will have ten (10) employees. A State Farm agent will occupy 1,271 SF on the first floor. There is additional office space in the basement of 2,494 SF which currently does not have a tenant.

The proposed residential unit will be a one bedroom space with a secondary access. An exterior staircase is proposed on the east side to allow for an emergency access point. There is an interior staircase that leads to the foyer along 159th St. The building is sprinkled and is being built according to all current building codes.

This will all be contingent on the Applicant getting IDOT approval. No building or occupancy permits will be issued for the 2nd floor apartment until such improvements are approved.

The open Items are:

Open Item #1: Revise the Phase 1 Site Plan parking lot improvements to include the removal of the existing parking stalls on private property along 159 th Street as shown on Phase 2 plans. Plans should be revised prior to Village Board approval.
Open Item #2: The applicant needs to submit plans to IDOT for approval for the phase 2 plans as shown. The approval of Phase 2 Site Plan is conditional on IDOT Approval. If IDOT does not permit the parking stalls as shown, the applicant will be required to landscape the area.
Open Item #3: Revise the landscape plan to include: <ul style="list-style-type: none">a. A landscape plan that identifies the proposed plants being installed.b. Landscaping around the base of the monument sign per code.c. Incorporate a minimum of 1 shade tree in each of the proposed landscape islands and one (1) shrub per 200 sq. ft. of island green area.d. Revise landscaping plan to provide for trees and shrubs in groupings of 3-5. Landscaping should be designed to be natural looking while having proportion, balance, unity, variety of species, and variety of color throughout the seasons. It appears the proposed landscape plan only recommends one type of plant material along Oak Park Avenue in a strict linear layout.
Open Item #4: If IDOT does not permit the proposed parking stalls in phase 2 along 159 th Street, a revised landscaping plan will need to be submitted to staff for review showing this area being landscaped.
Open Item #5: Provide staff with a photometric plan and cut sheets of proposed light fixtures.
Open Items #6 The Special Use and Variations requested will be contingent on the applicant getting IDOT approval for the improvements along 159 th Street. No building nor occupancy permit will be issued for the 2nd floor apartment until such improvements are approved.

CHAIRMAN SHAW asked for questions from the Commissioners.

COMMISSIONER GRAY inquired about the parking spaces for the residential apartment being moved to the west. Ms. Clarke responded the total parking would be reduced by two to accommodate the apartment parking if IDOT did not approve the current plan for the spaces.

COMMISSIONER MANI inquired about the Building Permit review.

CHAIRMAN SHAW asked the Petitioner to give his presentation.

COMMISSISONER GRAY inquired if the Petitioner has applied for the IDOT approval.

Mr. Abuzir stated he has not yet applied to IDOT for approval, but will be applying within the next week and it will take approximately three weeks for approval.

Mr. Abuzir is planning extensive work and anticipates completion in approximately 60 days. He noted when he purchased the building from Mack, he understood the apartment permit would transfer and found out later it would not. He is adding the apartment to reduce his property taxes. He will be seeking permits later to completely remodel the lower level of the building.

COMMISSIONER STANTON asked about adding a sign as this is the gateway to the Village on the north side. Ms. Clarke responded the Marketing Department is currently working on a Wayfinding project for the whole Village and they would be addressing this.

CHAIRMAN SHAW asked about security cameras. Mr. Abuzir replied he would be putting in 24 security cameras, 7 of which would be outside.

CHAIRMAN SHAW inquired about plans for sidewalks. Ms. Clarke noted the Engineering Department has no plans at this time to add sidewalks.

COMMISSIONER AUGUSTYNIAK asked about the occupancy of the apartment and if the Petitioner would have to have it occupied in order to receive the tax advantage. Mr. Abuzir replied his intension was to have it rented out.

COMMISSIONER GRAY inquired about the shared parking. Mr. Abuzir replied there is not a heavy flow of traffic in the lot as he is a seasonal business and Aurelios Pizza has 20 spots to share. The office space that will be rented out for off-site businesses. The 10 employees will be parking in the rear of the Aurelios Pizza.

COMMISSIONER GATTO asked if the previous owner rented out the apartment. Mr. Abuzir replied the previous owner had to make changes that were never done and so the apartment was never rented.

CHAIRMAN SHAW asked about the configuration in the parking lot. Mr. Abuzir replied he would have his Engineer take a look at it. Ms. Clarke replied this will also depend on the IDOT response.

CHAIRMAN SHAW asked for clarity on the two phases. When approval is given on Phase 1 of a project, Phase 2 never gets done. Ms. Clarke replied Phase 2 will depend on the IDOT response and what they will require.

CHAIRMAN SHAW asked for additional comments from the Commissioners, Petitioner and the Public.

None were heard and CHAIRMAN SHAW asked for a Motion to close the Public Hearing.

A Motion was made by COMMISSIONER STANTON, seconded by COMMISSIONER AUGUSTYNIAK to close the Public Hearing on the Special Use permit and Variations for Haitham Abuzir – 6787 W. 159th St. The Motion was approved by voice call. CHAIRMAN SHAW declared the Motion approved.

Ms. Clarke went through the Standard for Site Plan Approval, Special Use and Variations as noted in the Staff Report.

A Motion was made by COMMISSIONER GRAY seconded by COMMISSIONER AUGUSTYNIAK to recommend to the Village Board the granting to the Petitioner Haitham Abuzir., located at 6787 W. 159th Street, Site Plan Approval in accordance with the plans submitted and listed herein with the following conditions:

1. Phase 1 plans shall include the following improvements:
 - i. Installation of curbed landscape islands at the end of each drive-aisle as recommended by staff.
 - ii. Removal of the existing asphalt parking stalls on private property on the north side of the building adjacent to 159th Street and replace with landscaping.

2. Provide a revised landscape plan that includes:
 - i. A plan that identifies the proposed plants being installed.
 - ii. Landscaping around the base of the monument sign that meets code.
 - iii. Incorporate a minimum of 1 shade tree in each of the proposed landscape islands and one (1) shrub per 200 sq. ft. of island green area.
 - iv. In general plantings of shrubs and trees should be in groupings of 3-5. Landscaping should be designed to be natural looking while having proportion, balance, unity, variety of species, and variety of color throughout the seasons. It appears the proposed landscape plan only recommends one type of plant material. The proposed spacing of the plantings only serves to increase this formal/rigid character.

3. The approval of Phase 2 Site Plan is conditional on IDOT approval. If IDOT does not permit the access and parking stalls as shown, the applicant will be required to submit a revised landscape plan for staff to review.

AYES: MANI, GATTO, STANTON, ENGEL, GRAY, AUGUSTYNIAK AND CHAIRMAN SHAW

NAYS: NONE

CHAIRMAN SHAW declared the Motion unanimously approved.

A Motion was made by COMMISSIONER STANTON, seconded by COMMISSIONER AUGUSTYNIAK to consider recommending that the Village Board grant the Petitioner, Haitham Abuzir, a Special Use Permit to allow for one-bedroom residence located above a principal use at 6787 159th Street in the B-3 (General Business and Commercial) Zoning District with the following conditions”:

1. The Special Use Permit requested will be contingent on the applicant getting IDOT approval for the improvements along 159th Street. No building nor occupancy permit will be issued for the 2nd floor apartment until such improvements are approved.

2. The applicant provide evidence to staff that they have submitted their plans to IDOT for the proposed changes to the curb cut on 159th Street no later than July 30th, 2018.

3. Phase 1 plans shall include the following improvements:
 - a. Installation of curbed landscape islands at the end of each drive-aisle as recommended by staff.

 - b. Removal of the existing asphalt parking stalls on private property on the north side of the building adjacent to 159th Street and replace with landscaping.

AYES: MANI, GATTO, STANTON, ENGEL, GRAY, AUGUSTYNIAK AND CHAIRMAN SHAW

NAYS: NONE

CHAIRMAN SHAW declared the Motion unanimously approved.

A Motion was made by COMMISSIONER AUGUSTYNIAK, seconded by COMMISSIONER GATTO to consider recommending that the Village Board grant the Petitioner, Haitham Abuzir, the following Variations at the property located at 6787 159th Street in the B-3 (General Business and Commercial) Zoning District.”

1. Section V.C.2- To reduce the minimum useable floor area per dwelling by 82 square-feet to permit the construction of a one bedroom apartment that is less than the required 800 square feet to 718 square feet.
2. Section VIII A.7 - To permit parking within a required front yard along 159th Street and Oak Park Avenue. The proposed parking stalls along 159th Street is subject to IDOT approval.
3. Section VIII C.2- To reduce the required off-street parking area setback from the required five (5) feet to zero (0) for the parking lot along Oak Park Avenue and to reduce the required off-street parking area setback from the required five (5) feet to one (1) foot for the parking area along 159th Street subject to IDOT approval.
4. Section VIII.A.10- To reduce the required off-street parking spaces by fourteen stalls to permit a total of 29 parking stalls instead of the required 43 stalls.
5. All Variations will be subject to the applicant revising the Phase 1 plans to incorporate the landscaping as recommended by staff in the parking lot.

AYES: MANI, GATTO, STANTON, ENGEL, GRAY, AUGUSTYNIAK AND CHAIRMAN SHAW

NAYS: NONE

CHAIRMAN SHAW declared the Motion unanimously approved.

Ms. Clarke noted the Village Board First Reading will be on July 17, 2018 with adoption on August 21, 2018.

GOOD OF THE ORDER

1. CHAIRMAN SHAW noted he received a letter of resignation from COMMISSIONER CURRAN who has been appointed to the Village Board. He has thanked Paula and staff for their excellent work. CHAIRMAN SHAW thanked and congratulated him for his service on the Plan Commission and future on the Village Board.
2. Ms. Clarke noted there will be a Small Cell Ordinance brought to the CD Committee on July 10, 2018 and then brought to the Village Board on August 1, 2018
3. 2 Men and a Truck will come to the Plan Commission for Variations and Site Plan Approval on July 19, 2018
4. Banging Gavel to Plan Commission for Variations and outdoor bathrooms on July 19, 2018
5. SIP to Plan Commission for Variances on July 19, 2018
6. South Street to Plan Commission on August 2, 2018
7. Paula is working on the Legacy Code – CHAIRMAN SHAW requested looking at the requirement for the residential Requirement on redevelopment
8. CHAIRMAN SHAW noted the Commission has 2 open seats hopefully will be filled shortly. Ms. Clarke replied the Village Board will be appointing on July 17, 2018

COMMENTS FROM THE COMMISSION

None at this time.

PUBLIC COMMENT:

None at this time.

ADJOURNMENT:

There being no further business, a Motion was made by PLAN COMMISSIONER STANTON, seconded by PLAN COMMISSIONER GRAY, to adjourn the Regular Meeting of the Plan Commission of July 5, 2018 at 8:24 p.m. The Motion was unanimously approved by voice call. PLAN COMMISSION CHAIRMAN SHAW declared the meeting adjourned.