



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

**SEPTEMBER 6, 2018**

The Regular Meeting of the Plan Commission was held in the Council Chambers of Village Hall on September 6, 2018 at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Plan Commissioners: Ken Shaw, Chairman  
Tim Stanton  
Eduardo Mani  
Angela Gatto  
Chuck Augustyniak  
Stephen Vick

Absent Plan Commissioner(s): Lucas Engel  
Garrett Gray  
MaryAnn Aitchison

Village Officials and Staff: Michael Glotz, Trustee  
Douglas Spale, Village Attorney  
Paula Wallrich, Community Development Director  
Kimberly Clarke, Planning Manager  
Dan Ritter, Senior Planner  
Barbara Bennett, Commission Secretary

Guest(s): Robert Hansen, Mary McBride, Mark Diedrich, David Sosin, Dan McMillan

**CALL TO ORDER**

PLAN COMMISSION CHAIRMAN SHAW called to order the Regular Meeting of the Plan Commission for September 6, 2018 at 7:00 p.m.

**COMMUNICATIONS**

None at this time

**APPROVAL OF MINUTES**

Minutes of the August 16, 2018 Regular Meeting of the Plan Commission were presented for approval. A Motion was made by COMMISSIONER STANTON, seconded by COMMISSIONER GATTO, 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 SEPTEMBER 6, 2018 REGULAR MEETING**

**Item #1 PUBLIC HEARING: THE BOULEVARD AT CENTRAL STATION-6701-6755 SOUTH STREET SITE PLAN APPROVAL, GRANTING A SPECIAL USE PERMIT, VARIATIONS AND PRELIMINARY/FINAL PLAT APPROVAL**

Consider granting Site Plan Approval and recommending that the Village Board grant the Petitioner, David Sosin, on behalf of South Street Development, LLC, a Special Use Permit to allow residential accessory uses on the Street Level in a mixed-use building and Variations from the Zoning & Legacy Codes to construct a 296,419 square foot 4-story mixed-use development consisting of 165 residential apartments and 29,853 square feet of retail space on the first floor for the property located at 6701-6755 South Street in the DC (Downtown Core) Zoning District. Consider granting preliminary and final plat approval for the subject property.

A Motion was made by COMMISSIONER VICK, seconded by COMMISSIONER AUGUSTYNIAK to open the Public Hearing for the Boulevard at Central Station-6701-6755 South Street Site Plan Approval, Granting a Special Use Permit, Variations and Preliminary/Final Plat Approval. 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, presented her staff report including comments related to Site Plan, Architecture, Phasing, Off-Site Improvements, Access, Parking, Signage, and Lighting. Ms. Clarke highlighted images of the project architecture including its evolution since 2001. She noted the project has always been presented as a mixed-use development.

Ms. Clarke discussed the phasing of the project ((two phases) and explained that the first phase will occupy the southwest corner of South Street and 67<sup>th</sup> Court and will include 66 rental residential units. The first floor will have 23,487 square feet of which 15,130 square feet will be used for commercial space. The remaining part of the first floor 9,357 square feet will be dedicated to mechanical space and accessory residential uses, which includes a fitness gym, bike storage, lobby lounge, mail room, and club room with kitchen, leasing office, conference room and property manager's office. There will also be a surface parking lot with 66 parking stalls behind the building and will be designated for residents only. This lot will be conveyed to the Village for public parking upon completion of Phase 2. The Village will retain ownership of the vacant land to the east until Phase 1 is complete. If Phase 2 is not constructed within the specific time negotiated in the incentive agreement, a condition of the site plan approval will require that the parking lot in Phase 2 will be paved per Village standards by the developer. Staff is recommending elimination of the proposed dog park area in Phase 1 and suggests the use of the vacant lot to the east for the dog area until Phase 2 is completed.

Ms. Clarke displayed a drawing of the proposed Phase 2. After completion of Phase 1 and within two years, Phase 2 will include an additional 99 rental residential units for a total overall project total of 165 residential units. There will be 14,723 square feet of first-floor commercial space and a partial underground parking garage consisting of 181 standard parking stalls. The residential amenities in this phase will include an in-ground pool on top of the parking garage. When this phase is complete the surface parking lot behind Phase 1 will become a public parking lot owned by the Village.

As part of the project, the developer is required to complete specific off-site improvements including the completion of public streets abutting the development site, the realignment of the intersection of South Street and 67<sup>th</sup> Court, the addition of parallel parking spaces on the south side of South Street, and adding parallel parking on both sides of 174<sup>th</sup> Street. There are also plans to bury the existing overhead utilities.

The project will have two (2) access points. There is a one-way drive aisle off South Street that is approximately 21-22 feet in width that extends south towards 174<sup>th</sup> Street. There is also a full access drive proposed off 174<sup>th</sup> Street closest to 67<sup>th</sup> Court that will allow for full access in and out of the surface parking lot. There will be a reconfiguration of the intersection of South Street and 67<sup>th</sup> Court to a traditional “T” intersection which will allow for safer turning movements. There will also be streetscape improvements along South Street and the perimeter streets. A consultant has been hired to provide a Streetscape Master Plan.

In Phase 1 there will be 66 surface parking spaces which meet the 1:1 ratio requirement per Code. There will also be on-street parallel parking stalls along the south side of South Street and on both sides of 174<sup>th</sup> Street. In Phase 2, there will be construction of a parking garage with 181 parking stalls. The surface parking lot from Phase 1 will be converted to public parking that will be owned by the Village. In the Staff Report, Ms. Clarke provided a graph of provided parking and parking requirements in nearby communities for comparison. The developer suggested using some of the parallel parking on South Street as short-term loading zones for ride-share vehicles. Staff notes this can be addressed as part of final engineering.

A Variation is being requested from the Legacy Code requirement for the percentage of the primary and accent materials. Staff believes this Variation meets the intent of the Legacy Code. Ms. Clarke displayed images of architectural detail changes made due to concerns regarding the proposed architecture.

Ms. Clarke displayed images of the proposed floor plans for each floor. Staff recommended modifications to the floor plan regarding the recycling rooms at the end of the hallways on each floor. The architect has eliminated the rooms. Staff also recommended a condition that the proposed red awnings be replaced if the awning fades more than 40% in color. Staff recommended relocating the fitness gym and the club room to an upper floor looking out to the pool area in the Phase 2 building when it is completed to give additional retail space on the first floor of Phase 1. Ms. Clarke also recommended eliminating the separation between the Phase 2 residential building and the parking deck; the corridor would be maintained but would become interior to the building. She noted a concern for the easternmost commercial unit not having direct access like the rest of the units, especially if it were to be divided into two units.

Ms. Clarke discussed the large projecting wall sign (25' x 4') on the corner of the building at South Street and 67<sup>th</sup> Court noting it required a Variation since it is located above the second floor. She expressed concern about the sign and its proximity to the residential unit's balconies and windows. The signs will not be internally illuminated and lighting would be limited to the building's façade lighting. Ms. Clarke also noted that the Uniform Sign Plan needs modification with respect to the reference to signs such as electronic message boards which are not permitted.

Ms. Clarke discussed the need for parking lot lighting and recommended the photometric plan be amended to provide lighting on the surface parking lot in Phase 1.

With respect to landscaping, Ms. Clarke noted that perimeter landscaping will be provided around the east parking lot as part of Phase 1. In the event Phase 2 is not constructed, landscaping must be provided per the plans around the perimeter of Phase 2, which is shown on the Phase 1 landscape plans. Ms. Clarke displayed an image of the proposed landscaping around the pool area.

Ms. Clark summarized the open items as follows:

1. Phasing Schedule: Time frames are incorporated in the Incentive Agreement. The developer has two (2) years to complete Phase 1 and Phase 2 must start within two (2) years of Phase 1 completion. 1:1 parking ratio for residents will be maintained at all times. If Phase 2 is not constructed within 4 years of the completion of Phase

- 2, Staff recommends a condition of Site Plan approval will require the parking lot (in Phase 2) be required to be paved per Village standards by the Developer.
2. Designate a Dog Area: Dog area is proposed on the far east side of the property adjacent to the future parking garage. Concern about its use during construction. Further discussion is needed regarding the lack of a dog area for Phase 1.
3. Trash Storage and Pickup: Further discussion is needed. Proposed location appears to not be screened.
4. Lower Level Parking Turnaround: Inadequate area to turn around; Staff recommends a condition of the Site Plan approval to revise the plans to allow for a vehicle to turnaround
5. Parking Study: Concerns regarding the adequacy of parking despite meeting code requirement. Discussion about the need for a parking study.
6. Awning color: Staff questions the use of red awning as a color choice. Staff is recommending any approval of the red awning include a condition that requires replacement of the awning when it experiences greater than 40% color fade from the original RBG/Pantone color.
7. Units adjacent to pool: Staff questions the desirability of the 2<sup>nd</sup> floor units and their balconies being at grade with the pool deck. Further discussion needed.
8. East façade windows: The bricked in window in the recycling rooms should either be converted into glass windows or removed. Staff recommends removing the windows from the elevation noting that it does not negatively affect the overall aesthetics of that façade.
9. Phase 2 service corridor: Staff questions the need for the internal service corridor proposed in Phase 2. Staff recommends further discussion on the issue regarding the integration of the parking deck and commercial units instead of spacing them and creating an open walkway.
10. Projecting sign: There has been significant discussion regarding the projecting sign. Staff recommends further discussion.
11. Landscaping: Address the landscaping comments per the Village's landscape review. The developer has noted they will comply with the recent landscape plan review subject to a final streetscape plan completed by the Village. Staff recommends a condition of the Site Plan approval, the perimeter landscaping around the gravel lot be constructed in the event Phase 2 is never constructed.

The property is zoned DC (Downtown Core) and is within the Legacy District. A more detailed Zoning Analysis Chart was provided per staff request and is included in the Staff Report. Ms. Clarke noted all the variation requests, as well as the Special Use request and Final Plat approval are outlined in the Staff Report.

CHAIRMAN SHAW asked the Petitioner to make a presentation.

David Sosin, Attorney for the Petitioner noted he has been involved in this project for 12-13 years.

Marc Diedrich, Architect displayed a PowerPoint presentation indicating images of proposed amenities and explained outstanding items and details of the project. He noted that the balconies near the pool will not be an issue due to the sizable landscape buffer around the pool area. The marquee sign on the building is an architectural feature that is not self-illuminated. Identifying this building to retail tenants is important. The sign has been lowered per staff request. Ride-share parking and electric vehicle charging stations are being considered. Parking should not be an issue as there are many different ways of getting around without a car. Per the image in the Staff Report, alterations have been made to the building at staff request.

Mr. Sosin noted at the request of staff he has inquired regarding comparing square foot size of units required in other neighboring villages per the International Building Code requirements. He noted even though the unit size is below the 800 square foot requirement, there are balconies and additional storage that will be additional space available to tenants. The parking in the downtown area should have one space per unit in order to encourage other means of transportation. The use of Zip Cars is being considered. Three parking spaces will be provided for electric charging and the plan is to rough-in electric for additional charging stations in the future. The dog area is not an issue as a temporary spot can be used

until Phase 2 is built. The sign is a very important issue as it is a way to identify the building for retail tenants. He would prefer no condition to move the health club upstairs as it may not be necessary. He will eliminate the recycling rooms.

CHAIRMAN SHAW asked for question and comments from the Commissioners.

COMMISSIONER MANI inquired about the trash enclosure and the pickup of trash. Mr. Diedrich replied there will be no trash cans outside. There is a hatched area along the driveway as a loading zone for trash pickup.

CHAIRMAN SHAW asked the Commissioner's to comment on the open items on page 23 of the Staff Report.

CHAIRMAN SHAW inquired about the timing of the construction schedule and if there is a time requirement. Ms. Clarke replied construction on Phase 2 would be within 2 years of the completion of Phase 1 occupancy.

CHAIRMAN SHAW asked about parking for motorcycles and scooters. Mr. Diedrich replied he is considering compact car spaces. The rule for turnaround areas is 5 feet. There are 3 ½ feet in this parking area and compact spaces could be used for this area to allow more room for a turnaround area.

COMMISSIONER AUGUSTYNIAK inquired where retail customers would park. Mr. Sosin replied there would be street parking in front of the retail and the Metra parking lot would also be available after 5:00.

CHAIRMAN SHAW inquired why the building material variation was presented as a range. Mr. Diedrich replied it is a range depending on the individual facade of the building.

COMMISSIONER GATTO agrees with staff regarding 40% fading replacement of the red awnings. CHAIRMAN SHAW noted this would be difficult to enforce. Mr. Sosin noted he wanted a vibrant streetscape to encourage customers for the retail. Ms. Clarke noted staff is looking for a uniform look. It was discussed that it could be enforced as a property maintenance issue. Paula Wallrich, Community Development Director noted that fading is not a property management issue, however, pantone color references measurements could be used instead.

CHAIRMAN SHAW requested further information regarding 2<sup>nd</sup>-floor units and their balconies being at grade level with pool deck. COMMISSIONER VICK noted there is a landscaping buffer and he feels it can be a selling point for those units. COMMISSIONER STANTON asked if the pool area would be policed. Mr. Diedrich noted there is a fence around the pool. COMMISSIONER MANI, GATTO, & AUGUSTYNIAK agreed there is no issue.

CHAIRMAN SHAW inquired about removing windows in the recycling area; Mr. Diedrich replied the recycling rooms have been removed and the windows are no longer an issue.

CHAIRMAN SHAW inquired about the internal corridor. Ms. Clarke noted there is a walkway between the garage and the Phase 2 building. In the Phase 1 building, the retailers have access out to the surface parking lot. In the Phase 2 building, there is access but it opens up into a narrow corridor. Ms. Clarke stated that Staff did not know how desirable it is and if there is an ability to do a full interior corridor. She felt this also impacts how the buildings are connected. Mr. Diedrich replied this could be considered as an option for discussion. He does not see residents using this. There is also an advantage to not engaging the parking garage from a fire standpoint and along the corridor there are gas meters. He would prefer this would not be a condition. Also, this could be a dirty corridor as the retailers would be going out with the trash in this area. CHAIRMAN SHAW inquired if the walkway is completely covered and would it be open to the general public. Mr. Diedrich replied it is not completely covered and it would be possible to gate it with a keypad for the residents. COMMISSIONER VICK inquired if the internal service corridor would be extended to the end units so they can access the trash without going outside. Ms. Clarke noted there is still one area that does not open up and a door could be provided. Mr. Diedrich replied this will be addressed.

CHAIRMAN SHAW inquired about the sign. COMMISSIONER VICK noted originally he had reservations but with the changes made it is fine now and he understands it is a good identifier of the building. COMMISSIONERS STANTON, AUGUSTYNIAK, GATTO, MANI AND SHAW agreed. COMMISSIONER SHAW inquired about the ‘CENTRAL STATION’ on the sign, noting this is not the name of the Metra station. Mr. Sosin replied there are 2 train stations in Tinley Park and this is the downtown area or the Central Station. Mr. Hansen stated he would like to keep the name.

CHAIRMAN SHAW inquired about relocating the fitness gym and clubroom to the second floor. Mr. Diedrich replied that if the first phase of retails fills up then he would move the fitness gym to the second floor of Phase 2. Market conditions will determine whether it should be moved. If the lobby and clubroom are combined on the first-floor it would give more room for parties. If the gym and clubroom are not moved to the second floor, then there would be 2 additional apartment units. CHAIRMAN SHAW noted the fitness gym would be desirable next to the pool. Ms. Clarke noted the pool area is the activity area. If the gym and clubroom are vacant on the first floor it would not look good from the street and this is something to avoid. There is 9,000 square feet of residential amenities on the first floor taking away from retail. CHAIRMAN SHAW noted the Legacy Plan requires first floor retail. He would recommend approval of the Variations with the conditions of moving them up unless there is a way to weigh the demand. He noted a vacant store on the first floor would not look good. Robert Hansen noted the gym and clubroom on the first floor serve as ‘eye candy’ and help market the apartments to renters. COMMISSIONER VICK noted the party room next to the lobby would be good for people hanging out, but he likes the fitness gym near the pool. If the party room is on the second floor you would have to bring people through the hallways by the apartments to get to the room.

COMMISSIONER VICK inquired about the dog walk area – what will be the procedure for clean-up for the dogs and will there be clean-up material available to residents. Mr. Diedrich replied there would be clean up materials and also a dog washing area.

COMMISSIONER STANTON inquired if there will be security cameras inside and outside. Chairman Shaw inquired about Gates being put at the walkway with lighting. Mr. Diedrich replied there would be security cameras and he would agree that there could be gates and lighting.

COMMISSIONER AUGUSTYNIAK inquired if there was any retail interest for the large space on the west end of the building. Mr. Diedrich replied that space is a 5000 square foot area for a restaurant. There is current interest.

CHAIRMAN SHAW inquired about current work being done by the Village now. Ms. Clarke replied there has been some engineering of the intersection and utilities, but South Street will be doing the physical construction of the roadway and streetscape improvements.

CHAIRMAN SHAW inquired about the principles for the 800 square foot minimum on the apartment size. Ms. Clarke replied she was not able to find anything except the regulations of the property maintenance code explaining the minimum bedroom size, minimum living room size and there is an efficiency unit that is required to be 220 square foot unit for up to two occupants or 320 square feet for up to three occupants. This would be the smallest acceptable size based on the property maintenance code. In 2006 minimum single-family home size was adopted to create a certain standard. CHAIRMAN SHAW noted the balconies do make a big difference as additional living space. Ms. Clarke noted on the original Variation request for the square footage it was listed as 730 square feet and that has been revised to 749 square feet. Mr. Diedrich requested the square footage to be 745. CHAIRMAN SHAW agreed.

CHAIRMAN SHAW inquired about the “Green” certification or use of solar on the project. Mr. Diedrich replied at this time there are no plans to make the project LEED. Most of the LEED projects are institutional. The building codes today are much more efficient and you will end up with much more cost-effective buildings. He has not looked at any solar, due to the fact that you must have a solar partner. CHAIRMAN SHAW inquired about the roof screening and if solar became attractive in the future, would they consider it. Mr. Diedrich replied there is room on the roof if that was a future consideration.

CHAIRMAN SHAW asked for comments from the public.

Don McNealy, resident, inquired about the phase schedule. In the event the housing market goes down, is there going to be anything in escrow to assure the parking lot in Phase 2 gets built? Ms. Clarke replied that in the incentive agreement there is language obligating them to pave the surface parking lot per Village standards. They will also have to provide the letter of credit for public improvements. Mr. McNealy inquired about the 2 year grace period and will the site remain a construction site for 2 years or will it be cleaned up prior to them starting Phase 2. Mr. Sosin replied there is no grace period. It is 2 years and 2 years for 4 years from the time the permit is issued to finish the project with a letter of credit. In Phase 2 the land that he owns will be deeded to the Village. Ms. Wallrich noted the incentive agreement is crafted so there is an incentive for them to move quickly. Mr. McNealy noted the 50 square foot size Variation is a small area. He also asked about outside dining for the retail restaurants. Ms. Clarke noted part of the façade has been pushed inward to create alcoves allowing for public dining on the private property. Mr. McNealy noted Tinley Park needs this project. He also hopes this project will be built with union labor.

Wilma Penny, resident, inquired about a traffic study being done and what does the Village intend to do about the congestion in this area. There are no bicycle lanes in Tinley. The bike lane on Oak Park Avenue it too small. The Comprehensive Plan was done in 2000 and nothing has been done with it. The proportions are off for the one bedroom apartment compared to the two bedroom apartments. Ms. Clarke replied in the past traffic studies were done, but nothing recent. The TIF district will hopefully give the money to improve this area. Ms. Wallrich noted a meeting was held regarding adding a Bicycle Master Plan to the budget. The Legacy Plan is the basis of the Legacy Code; the Plan establishes the Vision for the Village and the Code is meant to enforce that. However, as with all newly written codes they have to be tested and if flaws are found the Code can be modified. CHAIRMAN SHAW asked the developer if in Phase 2, the experience in Phase 1 shows 2-bedroom units are more desirable than 1-bedroom units, would they consider changing the plan for more two bedroom units. Mr. Diedrich replied that is likely what would happen.

Peg Danowitz, resident, noted the first-floor of the project should be all commercial and the Village should stand firm on that for tax purposes. A traffic study is needed now. She asked how many parking spaces are available now. Parking is an issue and where will guests and customers park. She wants to keep the overnight parking restriction. Can we require that the first-floor commercial be filled before they go on to Phase 2? Ms. Wallrich noted the incentive agreement addresses this.

Ron Centenny, resident, is concerned with the look of the building. He would like to see Old Tinley preserved. The Heritage of Tinley Park should be promoted rather than a modern building design. He belongs to a National Group for Historic Preservation and they have a Main street program that helps villages develop the downtown areas to make them look historic and encourage economic development.

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

A Motion was made by COMMISSIONER AUGUSTYNIAK, seconded by COMMISSIONER STANTON to close the Public Hearing on the Boulevard at Central Station-6701-6755 South Street The Motion was approved by voice call. CHAIRMAN SHAW declared the Motion approved.

Ms. Clarke noted the Standards for Site Plan Approval as noted in the Staff Report.

- a. That the proposed Use is a Permitted Use in the district in which the property is located.  
*A Mixed-Use Development is permitted in the DC (Downtown Core) Zoning District. The incorporation of residential amenities on the first floor requires a Special Use Permit to be granted.*
- b. That the proposed arrangement of buildings, off-street parking, access, lighting, landscaping, and drainage is compatible with adjacent land uses.  
*The property has been vacant for over ten (10) years with little redevelopment in the immediate area. This development will be the first of its scale in the Downtown. It will be the largest mixed-use building subject to the*

**Legacy Code. Although it is not compatible with the existing single-family homes that abut the property to the south, these properties will most likely redevelop over time. The project is consistent with the vision of the Legacy Plan and Transit Oriented Development (TOD) principals by providing residential density in close proximity to mass transportation. There will be public and private parking constructed as part of this development. The property access, lighting, landscaping will improve the area and are designed to meet the intent of the all Village codes.**

- c. That the vehicular ingress and egress to and from the site and circulation within the site provides for safe, efficient, and convenient movement of traffic, not only within the site but on adjacent roadways as well.  
**The proposed site layout provides access to South Street and 174<sup>th</sup> Street. All adjacent roadways will be reconstructed and provide for new sidewalks that currently do not exist today. There will be a public surface parking lot with 64 parking stalls and a private parking garage with 181 parking stalls for the new residents occupying the apartments.**
- d. That the Site Plan provides for the safe movement of pedestrians within the site.  
**The plan provides seven-foot (7') wide public sidewalks along South Street and 67<sup>th</sup> Court and six (6) foot sidewalks along 174<sup>th</sup> Street. Within the site, there center drive aisle with a five (5) foot sidewalk that provides access at the east end of the property. There are also sidewalks at the rear of the commercial areas in Phase 1 to accommodate pedestrian traffic from the parking area.**
- e. That there is a sufficient mixture of grass, trees, and shrubs within the interior and perimeter (including public right-of-way) of the site so that the proposed development will be in harmony with adjacent land uses and will provide a pleasing appearance to the public; any part of the Site Plan area not used for buildings, structures, parking, or access-ways shall be landscaped with a mixture of grass, trees, and shrubs.  
**A Landscape Plan has been submitted that meets the Ordinance requirements. A Streetscape Master Plan has been commissioned by the Village and once approved will be incorporated into the Boulevards Landscape Plan. The plan provides for a significant amount of landscaping within the Streetscape of South Street, 174<sup>th</sup> Street and 67<sup>th</sup> Court. A 14' buffer yard is provided behind the parking garage in Phase 2 along with landscaping within the surface parking lot. The proposed landscaping will be an improvement to what is there now.**
- f. That all outdoor trash storage areas are adequately screened.  
**The outdoor trash is located in the interior of the buildings. The trash is wholly enclosed in Phase 1 adjacent to the loading dock area. Staff has concerns regarding how the garbage will be removed from Phase 2 interior trash area. The Architect stated the garbage will be rolled out to the interior curb area just outside the entrance to the parking deck. There does not appear to be adequate room in this area that does not encumber traffic. Staff also questions the garbage pickup schedule and if several times a week may prove to be unsightly.**

Ms. Clarke noted the Legacy Code Standards as noted in the Staff Report.

- a. The proposed improvement meets the Legacy Plan and its Principles, as presented in Section 1.A-B: Purpose and Intent, of this ordinance;  
**The Legacy Plan specifically calls for maximizing the number of people living within walking distance of the train station. The project will have the potential to bring at a minimum 165 new residents to the downtown. The proposed 29,853 square feet of new commercial storefronts and overall site design are in conformance with the goal of having a walkable downtown with a strong economic center.**
- b. The new improvement is compatible with uses already developed or planned in this district and will not exercise undue detrimental influences upon surrounding properties;  
**The mixed-use building is permitted and is compatible with the retail and service uses existing and expected in the downtown.**
- c. Any improvement meets the architectural standards set forth in the Legacy Code.  
**The two (2) buildings provides for a consistent style of architecture. The first floor retail storefront provides for varying materials with the use canvas and metal awnings, gooseneck light fixtures, and recessed doorways. The upper floors utilize balconies and a mixture of brick and Hardie panel siding to create interest. There is a rounded corner feature that creates a signature architectural feature at the prominent southeast corner of South Street and 67<sup>th</sup> Court. There is an archway that will bridge Phase 1 and Phase 2 that provides for a unique access to the parking areas behind the building and provides a break in the long expanse of the building's façade. Along the**



*front façade there are enclaves for future outdoor dining opportunities that also help to provide some visual breaks in the façade; the Legacy Plan encourages this type of façade treatment as part of the Permitted Private Frontages for this District. Each of the residential units will have balconies; some are recessed into the unit while others extend out from the wall. The commercial units will have either a metal or red canvas awning projecting five (5) feet out.*

- d. The improvement will have the effect of protecting and enhancing the economic development of the Legacy Plan area. *The proposed improvements will provide new retail space that meets the needs of retailers. The Village will be able to attract commercial uses that will serve residents of the project, the community and beyond, thereby contributing to the economic health of the downtown area.*

Ms. Clarke then presented the Variation Standards:

1. 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 Variation to reduce the square footage of a one-bedroom apartment is needed to compete with the existing market. However, the property has built in additional residential amenities such as fitness gym, pool, bike storage, individual storage units on each floor and a club room with kitchen, that make up for the loss in square footage of the apartment size.*

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

*The building plan and concept are unique to the property. This project has evolved with substantial input from the Village Staff. These variances are necessary to comply with the Village's requirement for indoor parking and to allow for a unique building with contrast which can be facilitated by the use of different materials.*

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

*The project as a whole is being presented as one unified development. The developer is bringing forth a modern design that meets the intent of the Legacy Plan. The developer is working on a constrained site and trying to build a product that is comparable in size and price to existing mixed-used developments in the region. The project itself is going to transform the image of the downtown. This will be the first large-scale, mixed-use development that will be the catalyst for redevelopment in the downtown.*

Ms. Clarke noted additional Standards for Variations are listed in the Staff Report. She proceeded with outlining the Special Use standards referring to the Staff Report that provided a complete list as follows:

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

*The incorporation of the residential amenities (fitness gym, club room with kitchen, conference room, and leasing office will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The uses are incorporated with the overall design of the first floor lobby area and will built to meet all building codes.*

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

*The inclusion of residential uses on the first floor will not be injurious to the use and enjoyment of other properties in the immediate vicinity. There is a train station across the street and a mix of commercial and residential uses surrounding the property.*

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

*Having some residential amenities on the first floor will not impede the normal development of the downtown, however these uses will not provide the necessary sales tax the Community is hoping to achieve with redevelopment in the downtown.*

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

***As part of this development, the developer will be reconstructing all the adjacent roadways the site abuts. The new regional pond, which was established out on the Panduit Site, is providing the necessary stormwater management that normally would have been required. Volume control measures are being installed within the surface parking lot of Phase 1 to address any additional drainage issues.***

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

***The residential amenities will only be accessed from the interior lobby area of Phase 1. Since these areas will only be utilized by the residents living in the apartments, there will not be any issues of increased traffic on the public streets to accommodate these uses.***

- f. That the Special Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the Village Board pursuant to the recommendation of the Plan Commission. The Village Board shall impose such conditions and restrictions upon the premises benefited by a Special Use Permit as may be necessary to ensure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the general intent of this Ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this Ordinance.

***The DC (Downtown Core) District for this area requires first floor commercial retail. The accessory residential uses are permitted with the granting of a Special Use Permit.***

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

***The DC (Downtown Core) District requires that commercial uses be on the first floor. This development will be reducing the available retail space on South Street by allowing residential amenities on the first floor in Phase 1. Staff is concerned that from the street view, these "store fronts" will be vacant most of the time. The residential amenities will not draw people to this area to shop.***

CHAIRMAN SHAW asked for a Motion.

A Motion was made by COMMISSIONER GATTO, seconded by COMMISSIONER AUGUSTYNIAK to grant the Petitioner, David Sosin, on behalf of South Street Development, LLC, Site Plan Approval at the property located at 6701-6755 W. South Street in accordance with the plans submitted and listed herein subject to the following conditions:

- 1) A minimum of 1:1 parking will be provided on site throughout the construction process.
- 2) The developer will obtain the necessary construction easements from the Village for the use of their property during construction.
- 3) The eastern surface parking lot illustrated in Phase 1 will be constructed per Village's standards in the event the developer does not commence construction of Phase 2.
- 4) The final design of the dog run in Phase 2 will be reviewed by staff prior to construction.
- 5) The final landscape plans will be subject to the final Streetscape Plans approved by the Village.
- 6) If additional parking spaces are needed for the residential units, the residential tenants may lease spaces from the Village's public surface parking lot.
- 7) The final number of bike racks and locations will be subject to the final Streetscape Plan approved by the Village.
- 8) The owner will be required to replace any red awning when it experiences greater than 40% color fade from the original CBG/Pantone color.
- 9) Final approval of the photometric plan will include lighting in the surface parking lot in Phase 1.
- 10) The perimeter landscaping around the Phase 2 gravel lot, must be installed in the event Phase 2 is not started within two (2) years of Phase 1 completion.

The Motion as amended by COMMISSIONER GATTO, seconded by COMMISSIONER AUGUSTYNIAK to include condition #11:

**#11)** Any plan changes are completed as discussed in the Public Hearing.

AYES: STANTON, MANI, VICK, AUGUSTYNIAK, GATTO and CHAIRMAN SHAW

NAYS: NONE

CHAIRMAN SHAW declared the Motion unanimously approved.

A motion was made by COMMISSIONER STANTON, seconded by COMMISSIONER AUGUSTYNIAK to recommend that the Village Board grant a Special Use Permit to the Petitioner, David Sosin, on behalf of South Street Development, LLC, the following Special Use Permit at the property located at 6701-6755 W. South Street in accordance with the plans submitted and listed herein and adopt Findings of Fact submitted by the Applicant and as proposed by Village Staff, and as may be amended by the Plan Commission at this meeting.

1. A Special Use Permit from Section XII.3. A. (Table 3.A.2) of the Legacy Code requires *Accessory Residential Uses* on the Street Level in a mixed-use building be granted a Special Use Permit.

Subject to the following conditions:

- (a) The first floor amenities (fitness gym and clubroom) will be relocated to Phase 2.

The Motion as amended by COMMISSIONER STANTON, seconded by COMMISSIONER VICK to include condition:

- (b) As discussed in the Public Hearing, the first floor amenities (fitness gym) will be relocated to Phase 2 upon its completion.

AYES: STANTON, MANI, VICK, AUGUSTYNIAK, GATTO and CHAIRMAN SHAW

NAYS: NONE

CHAIRMAN SHAW declared the Motion unanimously approved.

A motion was made by COMMISSIONER AUGUSTYNIAK, seconded by COMMISSIONER GATTO to recommend that the Village Board grant the Petitioner, Petitioner, David Sosin, on behalf of South Street Development, LLC, the following Variations at the property located at 6701-6755 W. South Street in accordance with the plans submitted and listed herein and adopt Findings of Fact submitted by the Applicant and as proposed by Village Staff, and as may be amended by the Plan Commission at this meeting.

1. A 70 square foot Variation from Section V.C.2 of the Zoning Code to allow a 745 square foot one-bedroom apartment where the minimum useable floor area for a one-bedroom apartment is 800 square feet.
2. A residential parking Variation from Section XII.3.C.d. of the Legacy Code which requires parking for residential uses to not be open to the sky to allow for the development in Phase 1 to have an open to the sky parking lot for the residential uses.
3. A four (4) foot wide Variation from Section XII.3.E.4.c of the Legacy Code to allow a 24-foot wide two-way driveway instead of the maximum 20 feet allowed for a two-lane driveway.

4. An eight (8) foot wide Variation from Section XII.3.E.4.c of the Legacy Code to allow a 20-foot wide one-lane driveway instead of the maximum 12 feet allowed for a one-lane driveway.
5. A one (1) foot and a five (5) foot front yard Variations from Section XII.2.A.9 (Table 2.A.6) of the Legacy Code to allow a six (6) foot front yard setback on South Street and a ten (10) foot front yard setback on 67<sup>th</sup> Court where the maximum front yard setback is five (5) feet.
6. A two (2) foot side yard Variation from Section XII.2.A.9 (Table 2.A.6) of the Legacy Code to allow a seven (7) foot interior side yard setback where the maximum interior side yard setback is five (5) feet.
7. A 68 square foot Variation from Section XII.4.E (Table 4.E.1) of the Legacy Code to allow a one-hundred square foot projecting sign where the maximum sign permitted is 32 square feet. \
8. A Variation from Section XII.4.E (Table 4.E.1) of the Legacy Code to allow a projecting sign to extend past the 2<sup>nd</sup> floor.
9. A 2 foot Variation from Section XII.3.C.4 to allow an 8.5' X 16.5' parking stall in the parking garage for compact cars stall instead of the required nine 9'x18' with the condition that the parking stalls only can be reduced for any stalls above the 165 standard stalls required.
10. A 9.3% material Variation from Section XII.3.B.7.a to reduce the percentage of primary materials on the external elevations to allow for 65% where 75% is required in order to accommodate the use of architectural precast/block on the first floor.
11. A 9.3% material Variation from Section XII.3.B.7.a to allow up to 34.3% accent material where the maximum is 25%.

AYES: STANTON, MANI, VICK, AUGUSTYNIAK, GATTO and CHAIRMAN SHAW

NAYS: NONE

CHAIRMAN SHAW declared the Motion unanimously approved.

A motion was made by COMMISSIONER VICK, seconded by COMMISSIONER AUGUSTYNIAK to grant the Petitioner, David Sosin, on behalf of South Street Development, LLC, Final Plat Approval at the property located at 6701-6755 W. South Street in accordance with the plat submitted and listed herein subject to the following conditions:

1. Final Plat conditioned upon Final Engineering approval.

AYES: STANTON, MANI, VICK, AUGUSTYNIAK, GATTO and CHAIRMAN SHAW

NAYS: NONE

CHAIRMAN SHAW declared the Motion unanimously approved.

**GOOD OF THE ORDER:**

None at this time

**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 AUGUSTYNIAK, to adjourn the Regular Meeting of the Plan Commission of September 6, 2018 at 10:40 p.m. The Motion was unanimously approved by voice call. PLAN COMMISSION CHAIRMAN SHAW declared the meeting adjourned.