



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

October 4, 2018

The Regular Meeting of the Plan Commission was held in the Council Chambers of Village Hall on October 4, 2018 at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Plan Commissioners: Ken Shaw, Chairman
Chuck Augustyniak
Eduardo Mani
Lucas Engel
Garrett Gray

Absent Plan Commissioner(s): Stephen Vick
Tim Stanton
Angela Gatto
MaryAnn Aitchison

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

Guest(s): Michael Matthys, Brad Hoepfner, Kyle Fread

CALL TO ORDER

PLAN COMMISSION CHAIRMAN SHAW called to order the Regular Meeting of the Plan Commission for October 4, 2018 at 7:03 p.m.

COMMUNICATIONS

None at this time

APPROVAL OF MINUTES

Minutes of the September 20, 2018 Regular Meeting of the Plan Commission were presented for approval. A Motion was made by COMMISSIONER MANI, seconded by COMMISSIONER GRAY, 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 OCTOBER 4, 2018 REGULAR MEETING

Item #1 PUBLIC HEARING: VETERINARY CLINIC - 17745-17749 OAK PARK AVENUE SITE PLAN APPROVAL AND GRANTING VARIATIONS

Consider granting Site Plan Approval to modify the exterior of the existing one-story commercial building and consider recommending that the Village Board grant the Petitioner, Cynthia Cecott, the following Variations requested:

1. A Variation from Section XII.2.D.10.b to apply the Heritage Site Standards exceeding 50% of the property's market value in site improvements.
2. A 19 parking stall Variation from Section XII.2.D.10.c. (Table 2.D.7) to reduce the required number of street level commercial parking to eight (8) parking stalls where the required number is 26 parking stalls.

Present were the following:

Plan Commissioners: Ken Shaw, Chairman
Chuck Augustyniak
Eduardo Mani
Lucas Engel
Garrett Gray

Absent Plan Commissioner(s): Stephen Vick
Tim Stanton
Angela Gatto
MaryAnn Aitchison

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

Guest(s): Michael Matthys, Brad Hoepfner, Kyle Fread

A Motion was made by COMMISSIONER AUGUSTYNIAK, seconded by COMMISSIONER ENGEL, to open the Public Hearing for The Veterinary Clinic - 17745-17749 Oak Park Avenue site plan approval and granting variations. 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 gave a presentation and displayed photos as noted in the Staff Report. Dr. Cynthia Cecott is requesting Site plan approval and Variations from the Legacy Code. The Variations will permit the petitioner to complete site improvements that exceed the maximum 50% property value threshold for the property to remain classified

as a Heritage Site and a Variation of 19 parking spaces from the 27 required parking spaces. These Variations will allow the petitioner to modify the existing façade, remodel the interior space to expand the Veterinary Clinic, add an additional 2,565 square feet within the existing footprint of the building, install signage and lighting and make the necessary landscape improvements consistent with Code requirements. The costs of the Voluntary improvements exceeds the 50% property value threshold for Heritage Sites located at 17745-17749 Oak Park Avenue in the Neighborhood General (NG) Zoning District.

The property is situated at the corner of Oak Park Avenue and 178th Street. Nearby land uses include single-family residential and commercial properties to the north and east, a vacant lot to the south, single-family attached and commercial properties to the west. The vacant lot to the south was previously a commercial building that was an Italian restaurant from 1994 to 2008 and in 2011 changed ownership and became a different restaurant called Carms Beef. The property was issued a demolition permit in 2017 and has remained vacant. There were two structures on the parcel immediately to the north, which was once occupied by a Plumbing Supply Company. This property was purchased by the owners of Bailey’s Restaurant and Bar in 2012 and shortly thereafter razed the structures, consolidated the lots and constructed the parking lot that exists today.

The Petitioner purchased this property last year and has been occupying the property for almost nine years as a Veterinary Clinic. This is a full service clinic with hours of operation as noted in the Staff Report.

The main Variation request is being triggered by the Legacy Code. As listed in the chart below change in ownership triggers certain required improvements.

d. Required Improvements

Action	Landscaping		Front Yard Parking		Access Drive	Alley
	Public Frontage	Private Lot	Modify	Remove	Modify	Dedication
Change of Owner	•	•	•		•	•
Change of Use > 50% of Building		•				
Structure Expansion		•	•		•	•
Special Use	•	•	•		•	•
Map Amendment (Rezoning)	•	•	•		•	•
	see pages 62-63		see pages 58-59		see page 61	see page 60

Table 2.D.8

The proposed site has been updated from the workshop. The Petitioner has provided parkway trees and has identified the species. The north side of the property currently has concrete curb wheel stops and flower pots. Initially the architect was providing a planter box that would replace the concrete curb stops, but the owner has indicated she would like to retain those due to possible damage to the building while vehicles are backing out to the parking stalls. Staff is happy to see the overall building is being improved.

The parking lot is existing and has been since the property has been documented. At some point the Village required the parking along Oak Park Avenue be removed. This was partially encroaching on the right-of-way and the landscaping was installed. On the south side there are parking stalls that are on the Village’s right-of-way. Previous ownership entered into a Parking Use and Maintenance Agreement with the Village to indemnify the Village from any liability and putting the maintenance requirement on the owner. This will be continued with the current owner. There are also additional opportunities to enter into a shared parking agreements with Bailey’s Restaurant to the north. If there are parking issues in the future this will be something the owner will have to entertain. The ADA stall has been relocated to the north parking area.

The elevations have not changed from the workshop. The Petitioner will be repainting the face brick and adding screening on the roof to screen the HVAC units from view. The Petitioner will comply with the Village Sign Code.

Ms. Clarke displayed an image of the proposed floor plan showing expansion to the middle portion of the building leaving the other end portion for a future tenant. The Petitioner will remove all nonconforming lighting on the exterior and will provide lighting that will conform to the Village’s lighting standards.

Ms. Clarke presented an image of how the market value is determined as follows per the Assessor's page.

28-31-208-006-0000 =	\$39,513 (2018 Assessed Value)
28-31-208-007-0000 =	<u>\$39,399</u> (2018 Assessed Value)
Total Assessed Value is =	<u>\$78,912</u>
Level of Assessment is =	<u>divide by .25</u>
Market Value =	\$315,648
Heritage Site 50%	<u>\$157,824</u>
<u>Proposed Voluntary Improvements</u>	<u>\$274,140</u>

Ms. Clarke noted two Variation Requests:

1. **A Variation from Section XII.2.D.10.b to allow the Heritage Site Standards to exceed 50% of the property's market value in site improvements.** The subject property and its current use as a Veterinarian Clinic is a conforming use as a Heritage Site; however, the proposed improvements will exceed the 50% threshold as a Heritage Site thereby prohibiting the property to continue its use as a stand-alone commercial property. In order for the Petitioner to continue its use as a stand-alone commercial use, a Variation is required.

This will be the first Variation request from the 50% threshold for a Heritage Site. As such, staff created some standards to consider for this particular type of Variation. When reviewing this request Staff took into consideration the following:

- The condition of the existing building: The building is in sound condition with the exception of some maintenance issues related to the fascia.
- The ownership of the property (owner-occupied): The new property owner will continue to operate their business in this location.
- The longevity of the existing non-conforming use: The property owner has occupied the building for nine (9) years.
- The ability for the property to be converted to function as mixed-use: Discussions with the Architect suggests that a second-story to accommodate residential uses is cost prohibitive. It is also questionable if living above a Veterinarian Clinic would be desirable due to the potential for noise from the animals.
- The impact of the continuation of the non-conforming use on the redevelopment potential of the area: The property is located at the end of the block and if it were to remain as a commercial property it would not interfere with the rest of the block's ability to redevelop following the code requirements. It is also important to note that the property directly to the north is a viable business that in 2012 purchased additional property to expand their parking lot. It is likely this property will remain a commercial use for a long time. The residential properties to the east of this property are screened from the property by a privacy fence. The townhomes to the west across Oak Park Avenue are screened from this property with the landscaping that was installed when the subdivision was created. The proposed landscaping improvements and rooftop screening will further reduce any impacts of this commercial property from adjacent residential homes.

Based on the above factors, Staff supports a Variation of the 50% threshold for Heritage Sites and allow the property to continue to operate under the Heritage Site status.

2. **A nineteen (19) parking stall Variation from Section XII.2.D.10.c. (Table 2.D.7) to reduce the required number of street-level commercial parking to eight (8) parking stalls where the required number is**

twenty-seven (27) parking stalls. Although the site is unable to provide adequate parking per Code, there are 10 on-street parking spaces that can be dedicated to this use through a Parking Use and Maintenance Agreement. This will reduce the deficiency to nine (9) parking spaces. It is unknown if or when 178th Street will be continued easterly, and until then it remains a dead end street. Allowing on-street parking on this portion of 178th Street will not increase the traffic or congestion on the roads and will help to provide the necessary parking for the property. It should be noted that the existing parking condition will limit the type of business that may lease the vacant unit. At the workshop the Petitioner stated due to the vacancies in the building, there are no parking issues.

However, with the expansion of the Veterinarian Clinic and the future occupancy of the vacant unit, parking issues may arise. Therefore staff recommends a condition of the Variation is if parking issues arise based on the existing use or any change of uses; the owner is to enter into a shared parking agreement with adjacent properties or supply an alternative parking plan.

Staff identified the following remaining open items:

1. The applicant prepare a plat of easement to provide for a 25' alley easement in the rear of the property to be approved by the Village Board.
2. Staff recommends a condition of Site Plan Approval, the Petitioner enters into a parking use agreement with the Village for the parking stalls along 178th Street.
3. Staff recommends a condition of the Site Plan Approval require all nonconforming exterior light fixtures are replaced with lights that conform to the Villages regulations for glare.

CHAIRMAN SHAW asked the Petitioner to speak.

No comments at this time.

CHAIRMAN SHAW asked for questions or comments from the Commissioners.

CHAIRMAN SHAW inquired if any Commissioners had concerns about the concrete bumpers remaining.

No concerns at this time.

COMMISSIONER AUGUSTYNIAK inquired if there were any complaints from neighbors in the last nine years.

Ms. Clarke replied that there were no complaints or Code Violations

CHAIRMAN SHAW asked for comments from the public.

None at this time.

A Motion was made by COMMISSIONER AUGUSTYNIAK, seconded by COMMISSIONER ENGEL to close the Public Hearing on The Veterinary Clinic - 17745-17749 Oak Park Avenue site plan approval and granting variations. The Motion was approved by voice call. CHAIRMAN SHAW declared the Motion approved.

Ms. Clarke noted the Standards as follows:

Site Plan Approval Standards

Section III.T.2. of the Zoning Ordinance requires that Planning Staff must find that the conditions listed below must be met. Staff will prepare draft responses for these conditions within the next Staff Report.

- a. That the proposed Use is a Permitted Use in the district in which the property is located.
A Veterinarian Clinic is considered a permitted use and is classified as a legal nonconforming use in the NG District. When the Legacy Code was adopted, the property was zoned to NG (Neighborhood General) District which is intended to be for residential use only. However, the commercial building and uses were established prior to the adoption of the Legacy Code and therefore are allowed to remain as a Heritage Site.
- b. That the proposed arrangement of buildings, off-street parking, access, lighting, landscaping, and drainage is compatible with adjacent land uses.
The existing arrangement of the building, parking, access, lighting and landscaping is a product of the codes at the time the site was constructed. Little can be done to provide for additional parking however, there is existing on-street parking on 178th Street that has been historically used by this property. The parking can remain as long as the owner agrees to enter into a parking use agreement with the Village. The owner is trying to meet the intent of the landscaping requirements by incorporating additional landscaping in the front yard by removing the asphalt and planting shade trees and bushes. The existing wall pack lights are being replaced with a full cut off lights and the owner has agreed to provide a 25' easement in the rear of the property for a future alley.
- 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.
Little can be done to improve the ingress and egress and circulation from the site. The owner plans to repair the parking lot and a condition of site plan approval is to relocate the handicap parking stall on private property. To meet the intent of the Legacy Code, the owner has agreed to provide a 25' easement in the rear of the property for a future alley.
- d. That the Site Plan provides for the safe movement of pedestrians within the site.
The site plan proposes removing the asphalt in the front of the building and installing a five (5) foot concrete sidewalk that will connect to the public sidewalk along Oak Park Avenue.
- 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.
The owner is attempting to improve the landscaping where possible without further reducing the parking or impede access around the site. The front yard will be enhanced with the addition of shade trees and removal of the asphalt in the front lawn area. Additional planters will be placed on the north side of the building to provide for foundation planting.
- f. That all outdoor trash storage areas are adequately screened.
There is an existing trash enclosure located at the northeast corner of the site that is screened with a privacy fence. The location of the trash enclosure is in the way of the future alley that is proposed per the Legacy Plan however, there are no immediate plans at this time to construct the alley.

Legacy Code Standards

In addition to any other specific standards set forth herein the Plan Commission shall not recommend a Special Use, variance, appeal, or map amendment from the regulations of this ordinance unless it shall have made findings of fact, based upon evidence presented to it, in each specific case that:

- a. The proposed improvement meets the Legacy Plan and its Principles, as presented in Section 1.A-B: Purpose and Intent, of this ordinance;
Granting the Variation to allow the owner to exceed the maximum threshold of 50% of voluntary site improvements will allow an existing business to remain and contribute to the economic welfare of the overall district. In addition, the improvements may attract a new business in the vacant unit which has been vacant for a few years.
- 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 exterior improvements will improve the curb appeal from Oak Park Avenue and compliment the improvements the commercial building to the north (Bailey's Restaurant and Bar).
- c. Any improvement meets the architectural standards set forth in the Legacy Code.
The proposed ribbed metal rooftop screen will enhance the curb appeal of the property from Oak Park Avenue by screening the several rooftop HVAC units that are currently visible from the street. The painting of the building will give it a uniform look and tie into the overall color scheme of the improvements.
- d. The improvement will have the effect of protecting and enhancing the economic development of the Legacy Plan area.
The proposed improvements will help to make the site a viable commercial space while still protecting the character of the site. The existing business can remain and expand and the improvements will attract a new business in the remaining vacant unit.

Variation Standards

Section X.G.4. of the Zoning Ordinance states the Plan Commission shall not recommend a Variation of the regulations of the Zoning Ordinance unless it shall have made Findings of Fact, based upon the evidence presented for each of the Standards for Variations listed below. The Plan Commission must provide findings for the first three standards; the remaining standards are provided to help the Plan Commission further analyze the request. Staff will prepare draft responses for the Findings of Fact within the next Staff Report.

2. 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 Veterinarian Clinic has been operating out of this location for approximately nine (9) years. The other remaining tenant spaces have had businesses come and go. The Veterinarian Clinic can continue to operate as is and the remaining vacant spaces can be leased by other commercial uses. The Variation to exceed the maximum 50% of site improvements will allow more freedom for the Veterinarian Clinic to improve their space and improve the exterior of the building. In addition, a condition of the Veterinarian Clinic's loan for purchasing the property is they are required to occupy at least 50% of the building. This will allow the clinic to expand their services and provide for the better care of their animals but will require significant investment into the property.
3. The plight of the owner is due to unique circumstances.
The Heritage site status and limitation to the percentage of site improvements is not unique to this property. Many properties within the Legacy Plan were rezoned to Neighborhood General and are subject to the same restrictions.
4. The Variation, if granted, will not alter the essential character of the locality.

The Variation will not alter the essential character of the locality. The Veterinarian Clinic has been operating out of this location for approximately nine (9) years and is looking to expand within the existing footprint of the building. The proposed exterior improvements will update the building's curb appeal and screen the existing unsightly HVAC units on the roof. There are existing commercial uses to the north and west that have been existing along with this property with no issues. The property is located at the end of the block and if it were to remain as a commercial property, it would not interfere with the rest of the block's ability to redevelop following the code requirements.

5. Additionally, the Plan Commission shall also, in making its determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the Petitioner have been established by the evidence:
 - a. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
 - b. The conditions upon which the petition for a Variation is based would not be applicable, generally, to other property within the same zoning classification;
 - c. The purpose of the Variation is not based exclusively upon a desire to make more money out of the property;
 - d. The alleged difficulty or hardship has not been created by the owner of the property, or by a previous owner;
 - e. The granting of the Variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
 - f. 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.

Additional Standards Specific to a Parking Variance

The number of off-street automobile and/or bicycle parking spaces required in all districts may be reduced by a variance reviewed by the Plan Commission and approved by the Village Board following the variance standards in Section 3.C and when all of the following standards are met:

- a. The development does not have the benefit of shared or collective parking;
The property is benefiting from the on-street parking on 178th Street. If that parking were to be removed by the Village in the future, the property owner would need to enter into a shared parking agreement with the adjacent property to the north, which is Bailey's Restaurant & Bar or the Tinley Center office complex to the west across the street. Based on statements from the owner at the workshop, there currently is an informal agreement with the property to the north but it is not formal.
- b. The applicant proves that adequate parking exists for such use, based on the unique number, type and use characteristics (i.e., peak hour or day) of those businesses or residences that currently use such a lot;

The parking for the existing veterinarian clinic is adequate however once they expand; they will be reliant on the on-street parking provided on 178th Street for customers. There may be future issues when the vacant unit is leased. This future tenant will need to demonstrate that the site provides adequate parking based on their hours of operation, number of employees and operation of the business.

- c. A municipal or commuter parking lot exists within 300 feet of the development that has adequate parking to accommodate all or a portion of the number of required spaces for the use;
There are ten (10) on-street parking stalls on the south side of the property on Village's right-of-way. The owner will be required to enter into a parking use agreement with Village. They will be responsible for maintaining these parking stalls.
- d. The owner of the building makes a payment equal to \$1,000 per required automobile and bicycle parking space that cannot be provided on the subject lot. The fees collected for the payment in lieu of parking will be used only for the acquisition of land or construction of municipally owned or leased off street parking facilities for automobiles or bicycles; landscape or streetscape; bike trails, lanes, or paths; or maintenance or illumination of off-street parking facilities.
A condition of approval will be for the owner to enter into a parking agreement with the Village to continue to use the on-street parking along 178th Street.

MOTION #1

A motion was made by COMMISSIONER GRAY, seconded by COMMISSIONER ENGEL to recommend that the Village Board grant the Petitioner, Dr. Cynthia M. Cecott of Veterinarian Clinic of Tinley Park, Site Plan approval for the property at 17745-17749 Oak Park Avenue in the NG (Neighborhood General) Zoning District and in accordance with the plans submitted and listed herein, subject to the following conditions:"

1. The Petitioner prepares a plat of easement to provide a 25' wide alley easement in the rear of the property for future ingress/egress to be approved by Village Board and Recorded with the Cook County Recorder of Deeds prior to issuance of any permits.
2. The Petitioner enters into a Parking Use Agreement with the Village.
3. The Petitioner removes all nonconforming exterior building light fixtures and submits cut-sheets of light fixtures to confirm they conform to the Villages regulations for glare.

AYES: MANI, GRAY, ENGEL, AITCHISON, GATTO AND CHAIRMAN SHAW.

NAYS: NONE

CHAIRMAN SHAW declared the Motion unanimously approved.

MOTION #2

A motion was made by COMMISSIONER AUGUSTYNIAK, seconded by COMMISSIONER ENGEL to recommend that the Village Board grant the Petitioner, Dr. Cynthia M. Cecott of Veterinarian Clinic of Tinley Park, the following Variations:

1. A Variation from Section XII.2.D.10.b to allow the Heritage Site Standards to exceed 50% of the property's market value in site improvements
2. A nineteen (19) parking stall Variation from Section XII.2.D.10.c. (Table 2.D.7) to reduce the required number of street-level commercial parking to eight (8) parking stalls where the required number is twenty-seven (27) parking stalls at 17745-17749 Oak Park Avenue in the NG (Neighborhood General) Zoning District and adopt the

Findings of Fact proposed by Village Staff and the Plan Commission at this meeting with the following conditions:"

1. The Petitioner prepares a plat of easement to provide a 25' wide alley in the rear of the property for future ingress/egress to be approved by Village Board and Recorded with the Cook County Recorder of Deeds prior to issuance of any permits.
2. The Petitioner enters into a Parking Use Agreement with the Village prior to issuance of a building permit.
3. The Petitioner removes all nonconforming exterior building light fixtures and submits cut-sheets of light fixtures to confirm they conform to the Villages regulations for glare.

AYES: MANI, GRAY, ENGEL, AITCHISON, GATTO AND CHAIRMAN SHAW.

NAYS: NONE

CHAIRMAN SHAW declared the Motion unanimously approved.

MOTION #3

A motion was made by COMMISSIONER ENGEL, seconded by COMMISSIONER AUGUSTYNIAK to recommend that the Village Board grant approval of a Plat of Easement to the Petitioner, Dr. Cynthia M. Cecott of Veterinarian Clinic of Tinley Park, for the property at 17745-17749 Oak Park Avenue in the NG (Neighborhood General) Zoning District and in, subject to the following condition:"

1. Petitioner's final Preparation of a Plat of Easement providing a 25' easement in the rear of the property has shown on the approved Site Plan.

AYES: MANI, GRAY, ENGEL, AITCHISON, GATTO AND CHAIRMAN SHAW.

NAYS: NONE

CHAIRMAN SHAW declared the Motion unanimously approved.

This will be presented to the Village Board on October 16, 2018 for First Reading/Adoption.

GOOD OF THE ORDER:

1. The Boulevard going to COW on 10/9/18 for Incentive
2. The Bremen Station to Plan Commission on 10/18/18
3. Ferguson was approved at the Village Board Meeting.
4. Commissioner are currently going through the Fair Housing Training

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 AUGUSTYNIAK, seconded by PLAN COMMISSIONER GRAY to adjourn the Regular Meeting of the Plan Commission of October 4, 2018 at 7:42 p.m. The Motion was unanimously approved by voice call. PLAN COMMISSION CHAIRMAN SHAW declared the meeting adjourned.