



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

August 5, 2021

The meeting of the Plan Commission, Village of Tinley Park, Illinois, was held in the Council Chambers located in the Village Hall of Tinley Park, 16250 Oak Park Avenue, Tinley Park, IL on August 5, 2021.

CALL TO ORDER –ACTING CHAIRPERSON WEST called to order the Regular Meeting of the Plan Commission for August 5, 2021 at 7:00 p.m.

Lori Kosmatka called the roll.

Present and responding to roll call were the following:

Acting Chairperson Kehla West
Eduardo Mani
James Gaskill
Kehla West
Greg Maniatis

Absent Plan Commissioners:

Garrett Gray
Frank Loscuito
Ken Shaw
Jennifer Vargas

Village Officials and Staff:

Dan Ritter, Senior Planner
Lori Kosmatka, Associate Planner

Petitioners:

Dr. Toni Scott-Terry representing Allure Wellness Center
Dan Fitzgerald representing Local One Restaurant / Even Hotel
Parth Patel, on behalf of Parth37 LLC, representing Smoothie King

Members of the Public:

None

COMMUNICATIONS – Dan Ritter, Senior Planner, announced the Village Board has combined the Zoning Board of Appeals with the Plan Commission at last Tuesday's meeting. This commission will likely become the Planning & Zoning Commission. New items to the Plan Commission might include items such as fence variations and sign variations. Generally, items are things the Plan Commission has seen before in some capacity.

COMMISSIONER GASKILL asked why the two were combined.

Dan Ritter stated it was for efficiency purposes. The ZBA had very few meetings and it was averaging only 1 agenda item per meeting they did have. An entire meeting would sometimes be pulled for just one fence variation. It takes a lot of time to set up meetings with packets and notices. It will be more efficient for staff and to get a group to meet consistently.

COMMISSIONER MANI asked how we are handling scheduling the cases, and when the meeting would end.

Dan Ritter replied all the cases would be here per usual. Typically, 10pm has been a time limit to wrap up the meeting. If there's an item being finished up, it may go a little after 10pm. If there's too many agenda items on a meeting, then it's full and we stop it at a certain point. Meetings are generally on a first applied, first heard basis. It might mean fewer cancellations of meetings though.

APPROVAL OF MINUTES - Minutes of the July 15, 2021 Regular Meeting of the Plan Commission were presented for approval. A motion was made by COMMISSIONER GATTO, seconded by COMMISSIONER MANI to approve the July 15, 2021 minutes as presented. ACTING CHAIRPERSON WEST asked for a voice vote; all were in favor. She declared the motion carried.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION

SUBJECT: MINUTES OF THE AUGUST 5, 2021 REGULAR MEETING

ITEM #1 PUBLIC HEARING – ALLURE WELLNESS CENTER, 7151 183RD STREET – SPECIAL USE FOR A DWELLING ABOVE A PRINCIPAL USE, PARKING VARIATION AND SITE PLAN/ARCHITECTURAL APPROVAL

Consider recommending the Village Board grant Jason Terry and Toni Scott-Terry (property owners) a Special Use for a Dwelling located above a principal commercial use, a Parking Variation, and Site Plan/Architectural Approval at 7151 183rd Street in the B-3 PUD (General Business & Commercial, Holiday Inn/Convention Center PUD) zoning district.

Present Plan Commissioners: Acting Chairperson Kehla West
Eduardo Mani
James Gaskill
Kehla West
Greg Maniatis

Absent Plan Commissioners: Garrett Gray
Frank Loscuito
Ken Shaw
Jennifer Vargas

Village Officials and Staff: Dan Ritter, Senior Planner
Lori Kosmatka, Associate Planner

Petitioners: Dr. Toni Scott-Terry representing Allure Wellness Center

Members of the Public: None

ACTING CHAIRPERSON WEST asked for a motion to open the Public Hearing. Motion made by COMMISSIONER GASKILL, seconded by COMMISSIONER GATTO. ACTING CHAIRPERSON WEST requested a voice vote asking if any were opposed to the motion; hearing none, she declared the motion carried.

ACTING CHAIRPERSON WEST invited staff to start with the presentation of this item.

Lori Kosmatka, Associate Planner, summarized the Staff Report for the Commission. This included the proposed Special Use Permit for the dwelling, site plan details, and the need to request a parking variation. She reviewed the updates made by the Petitioner following the previous Workshop with the Plan Commission at the July 15th meeting. A key change included plan adjustments to keep the apartment entirely separate from the business uses. Both apartment entrances will have a vestibule, stairway to the apartment, exterior door, and interior door to the business uses. The Petitioner stated that both interior doors to the business uses will have a two-way lock installed with the key held only by the Petitioner. In order to create the vestibule at the apartment's east entrance, one treatment room was removed. This removal reduced the required number of parking spaces, and thus changed the requested parking variation from a shortage of 11 stalls to 9 stalls. She also noted the Petitioner does not yet have a sign plan ready, and will either comply or come back with a future variation request. She noted the previously approved landscaping plan, and that the Petitioner's landscaper is in the process of providing a landscaping plan. She provided staff recommendations for conditions.

ACTING CHAIRPERSON WEST stated she received proof of the Notice of Publication for this Public Hearing.

ACTING CHAIRPERSON WEST asked if there were any questions and comments for staff. There were none.

Dan Ritter asked the Petitioner if she had anything she wanted to state. She did not have anything to state.

ACTING CHAIRPERSON WEST asked for a motion to close the Public Hearing. Motion made by COMMISSIONER GATTO, seconded by COMMISSIONER GASKILL. ACTING CHAIRPERSON WEST requested a voice vote asking if any were opposed to the motion; hearing none, she declared the motion carried.

Lori Kosmatka reviewed the draft Standards of Approval on these requests, summarizing the Special Use, Parking Variation, and Site Plan/Architectural Approval as indicated in the Staff Report.

There were three motions for this item.

Motion 1-Special Use Permit for a Dwelling Above A Principal Use:

COMMISSIONER GATTO made a motion to recommend that the Village Board grant Jason Terry and Toni Scott-Terry (property owners) a Special Use for a Dwelling located above a principal commercial use, at 7151 183rd Street in the B-3 (General Business & Commercial) zoning district in accordance with the plans submitted and adopt Findings of Fact as proposed by Village Staff in the August 5, 2021 Staff Report.

Motion seconded by COMMISSIONER MANI. Vote taken by Roll Call; all in favor. ACTING CHAIRPERSON WEST declared the motion carried.

Motion 2-Parking Variation:

COMMISSIONER MANI made a motion to recommend that the Village Board grant Jason Terry and Toni Scott-Terry (property owners) a Parking Variation for nine parking spaces to permit a total of 76 parking spaces where 85 are required at 7151 183rd Street in the B-3 (General Business & Commercial) zoning district, in accordance with the plans submitted and adopt Findings of Fact as proposed by Village Staff in the August 5, 2021 Staff Report, subject to the condition that parking demand is monitored by the property owner and all parking is accommodated on-site.”

Motion seconded by COMMISSIONER GATTO. Vote taken by Roll Call; all in favor. ACTING CHAIRPERSON WEST declared the motion carried.

Motion 3-Site Plan Architectural Approval:

COMMISSIONER GATTO made a motion to grant Jason Terry and Toni Scott-Terry (property owners) Site Plan and Architectural Approval at 7151 183rd Street in the B-3 (General Business & Commercial) zoning district, in accordance with the plans submitted and adopt Findings of Fact as proposed by Village Staff in the August 5, 2021 Staff Report, and subject to the following conditions:

1. Approval is subject to final engineering plan review and approval by the Village Engineer.
2. Approval is subject to staff review of the overhead door and exterior design remaining in substantial compliance with the existing building and architectural standards.
3. Approval is subject to compliance with the previously approved Landscaping Plan prior to building occupancy. Landscaping in new areas near the fitness center expansion shall be subject to staff review and approval.

Motion seconded by COMMISSIONER GASKILL. Vote taken by Roll Call; all in favor. ACTING CHAIRPERSON WEST declared the motion carried.

ACTING CHAIRPERSON WEST noted the request will be reviewed by the Village Board at their August 17th meeting.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION

SUBJECT: MINUTES OF THE AUGUST 5, 2021 REGULAR MEETING

ITEM #2 PUBLIC HEARING – LOCAL ONE (EVEN HOTEL), 18501 CONVENTION CENTER DRIVE – SPECIAL USE FOR A SUBSTANTIAL DEVIATION

Consider recommending that the Village Board grant Daniel Fitzgerald, on behalf of Even Hotel – Tinley Park Convention Center a Substantial Deviation from the Planned Unit Development with an Exception from the Zoning Ordinance to permit one restaurant (Local One) sign (previously permitted under Ord. 2000-O-088) to extend up to nine feet from the building façade instead of the maximum of one foot at 18501 Convention Center Drive in the B-3 PUD (General Business & Commercial, Convention Center/Holiday Inn Planned Unit Development).

Present Plan Commissioners: Acting Chairperson Kehla West
Eduardo Mani
James Gaskill
Kehla West
Greg Maniatis

Absent Plan Commissioners: Garrett Gray
Frank Loscuito
Ken Shaw
Jennifer Vargas

Village Officials and Staff: Dan Ritter, Senior Planner
Lori Kosmatka, Associate Planner

Petitioners: Dan Fitzgerald representing Local One Restaurant / Even Hotel

Members of the Public: None

ACTING CHAIRPERSON WEST asked for a motion to open the Public Hearing. Motion made by COMMISSIONER GASKILL, seconded by COMMISSIONER GATTO. ACTING CHAIRPERSON WEST requested a voice vote asking if any were opposed to the motion; hearing none, she declared the motion carried.

ACTING CHAIRPERSON WEST invited staff to start with the presentation of this item.

Lori Kosmatka, Associate Planner, summarized the Staff Report for the Commission. This included the proposed Special Use Permit for a Substantial Deviation from the PUD with an Exception. She noted the property is part of the Convention Center/Holiday Inn PUD, and that deviations from the Zoning Ordinance are considered exceptions rather than Variations when located in a PUD. She provided history on the property, site characteristics, and details of the proposed signage. She noted there is a landscape bed between the building and sidewalk, and the sign would not extend over the sidewalk. The sign is proposed to be perpendicularly mounted as it is intended for foot traffic along the sidewalk. Also, the existing tree would block the view of a traditional flat-mounted sign. She noted that for the permitting process, the Village's Building Division will require architectural/engineer stamped design drawings to be submitted with the building permit to ensure the structural integrity of the building façade and sign.

COMMISSIONER GATTO asked for confirmation that the sign was not going to come over the sidewalk.

Lori Kosmatka responded that specific dimensions are not available for exactly how far the sign will project. She noted the Petitioner originally proposed the sign to be 48"x96" but is now considering a slightly smaller option.

ACTING CHAIRPERSON WEST asked if there were any other questions or comments for staff. COMMISSIONERS MANI, GASKILL, AND MANIATIS responded no comment.

The Petitioner, Dan Fitzgerald, thanked staff and noted they are putting the finishing touches on the project that was delayed by COVID.

Dan Ritter, Senior Planner, noted this is a rare situation to have blade signs. This is a unique case where a lot of traffic drives in without good visibility from the roadways. This is the first request that had been received of this kind. As the Village tries to become more pedestrian-friendly, allowing blade signs may be something to look into going forward. It could work in some shopping centers.

COMMISSIONER GATTO noted in the four years she served on the Plan Commission, she has not seen a sign like this come in yet. She believes the blade sign is a great idea here.

Lori Kosmatka reviewed the draft Standards of Approval on this request, as outlined in the Staff Report.

ACTING CHAIRPERSON WEST asked for a motion to close the Public Hearing.

Motion made by COMMISSIONER GASKILL, seconded by COMMISSIONER MANI. ACTING CHAIRPERSON WEST requested a voice vote asking if any were opposed to the motion; hearing none, she declared the motion carried.

There was one motion for this item.

Motion 1-Special Use for a Substantial Deviation:

COMMISSIONER MANIATIS made a motion to recommend that the Village Board grant the Petitioner, Daniel Fitzgerald on behalf of Even Hotel – Tinley Park Convention Center, a Special Use Permit for a Substantial Deviation from the Convention Center/Holiday Inn PUD with an Exception from the Zoning Ordinance to permit one projecting wall sign to extend up to nine feet from the building façade instead of the maximum of one foot at 18501 Convention Center Drive in the B-3 PD zoning district, in accordance with the plans submitted and adopt Findings of Fact as proposed by Village Staff in the August 5, 2021 Staff Report.

Motion seconded by COMMISSIONER GATTO. Vote taken by Roll Call; all in favor. ACTING CHAIRPERSON WEST declared the motion carried.

ACTING CHAIRPERSON WEST noted the request will be reviewed by the Village Board at their August 17th meeting.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION

SUBJECT: MINUTES OF THE AUGUST 5, 2021 REGULAR MEETING

ITEM #3 WORKSHOP – SMOOTHIE KING, 6801 159th STREET – VARIATIONS AND SITE PLAN/ARCHITECTURAL APPROVAL

Consider recommending that the Village Board grant Parth Patel, on behalf of Parth37 LLC (d/b/a Smoothie King) Variations from the Zoning Code (minimum parking requirements, exterior material requirements, ground sign setback, maximum number of wall signs, maximum wall sign size) at 6801 159th Street in the B-3 (General Commercial and Business) zoning district. Site Plan and Architectural Approval is also being requested. The requests allow for the redevelopment of the property to accommodate a new restaurant (Smoothie King) with dual drive-thru.

Present Plan Commissioners: Acting Chairperson Kehla West
Eduardo Mani
James Gaskill
Kehla West
Greg Maniatis

Absent Plan Commissioners: Garrett Gray
Frank Loscuito
Ken Shaw
Jennifer Vargas

Village Officials and Staff: Dan Ritter, Senior Planner
Lori Kosmatka, Associate Planner

Petitioners: Parth Patel, on behalf of Parth37 LLC, representing Smoothie King

Members of the Public: None

ACTING CHAIRPERSON WEST invited staff to start with the presentation of this item.

Dan Ritter, Senior Planner, summarized the Staff Report for the Commission. This included the proposed Variations and Site Plan/Architectural Approval. He provided site history, and noted that the proposal will re-use the existing foundation of the 1,400 sq. ft. existing building which previously operated as Brown's Chicken. The site's size and opportunities for landscaping are constrained. He mentioned sidewalk work was done in 2018 per the Village's sidewalk gap program. Part of the proposal involves a dual-lane drive-thru. He addressed vehicle stacking concerns by noting the proposed operation will not involve much hot food, and will allow for customers to pre-order. He provided a staff suggestion to have an enclosed island on the south end of the site to help define and protect the parking area as well as provide a place for directional signage and possibly a tree. He noted snow could cover up striping if there was no island. He noted the ADA access aisle will help provide a sidewalk connection from Oak Park Avenue. He summarized the architecture which currently includes a proposed black aluminum vertical trellis that wraps around the sides of the building that face Oak Park Avenue and 159th. He compared this to a previous proposal which did not include much detailing. Staff's preference is for the black architectural wrap as it is visually appealing and helps screen the roof from the road. This architectural wrap will require variation from the Village's code on exterior materials. He summarized the other variations required for signage and parking. He noted there are currently no photometric plans or lighting cut-sheets.

COMMISSIONER GATTO noted the proposal looks great and she is happy to see this land redeveloped and cleaned up.

COMMISSIONER MANI echoed COMMISSIONER GATTO'S comments. He said this corner needs to be revitalized. He thinks the circulation and vehicle stacking will work and that the angled parking will help confirm the one-way direction along with directional signage.

COMMISSIONER GATTO stated she agreed that she agrees regarding the exterior metal accent panel. She likes the look and feels it gives the building dimension. It helps break up the brick.

COMMISSIONERS GASKILL and MANIATIS had no comment.

ACTING CHAIRPERSON WEST echoed COMMISSIONER GATTO'S comment that she liked the metal. The shift from 15% to 18% is insignificant. The renderings look good especially with it contrasting the sign. She asked if the parking lot connects to the adjacent shopping center.

Dan Ritter responded no. The sites are separated by an elevation change.

ACTING CHAIRPERSON WEST stated she is not worried about the parking variation as the operations will have a quick throughput.

The Petitioner spoke. He noted he grew up in Blue Island and knew of Brown's Chicken. He has stores in Crestwood, Chicago Ridge, Plainfield, & Shorewood. He plans to open two in Tinley Park. One would be further south near 183rd and Harlem.

He addressed some of the points about the building's proposed appearance. He mentioned the insets on the building help differentiate it and could provide placement for promotional items. On the side facing 159th Street, there also will be two menu boards. He noted about 4 to 5 feet of landscaping will help screen and break up the continuous brick. Regarding the staff suggested parking island, he noted that upon discussing with his architect, he can only do a two-foot curb in order to maintain the 24' bi-directional clearance. Otherwise, it would turn into only 19' clearance, making it tight for two cars. People exiting the drive-thru will be going out onto Oak Park Ave. He does not want to make it difficult to have crossing traffic. He stated he could have a two-foot curb to protect the last parking space or if there is snow. He noted it would look better than a bollard.

Dan Ritter noted it is better to have something there for vehicle protection and directional signage.

His operations are 90-95% carryout. Most people will not congregate there. Most Smoothie Kings only have one drive-thru. Digital ordering can help them maneuver more easily. They could configure one as a lane for online pickup orders only. The brick and metal look and the double drive-thru will make this a modern location. Typical Smoothie King prototypes use fiber cement boards and painted block. He mentioned photometrics might be in next week, and that he may consider Colonial 9' tall poles like the store in Munster. He asked staff if he needed to provide any public notification for the Public Hearing.

Dan Ritter responded no, that staff already sent out the public notifications. Staff can look at the lighting. If it's still open at the public hearing, it could be conditioned for approval. The Village does have some standards for not seeing the lens.

The Public Hearing for this item will be at the August 19th meeting of the Plan Commission.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION

SUBJECT: MINUTES OF THE AUGUST 5, 2021 REGULAR MEETING

ITEM #4 PUBLIC HEARING – TEXT AMENDMENT – ADULT-USE RECREATIONAL CANNABIS DISPENSARY LOCATION CHANGES

Consider a proposed text amendment to certain sections of the Tinley Park Zoning Ordinance for Adult-Use Cannabis Dispensing Organizations to be additionally permit in the B-1, ORI, M-1, MU-1, and Rich Township Entertainment Districts. Also to eliminate requirements requiring their location in a standalone building and along designated commercial corridors (159th St, Harlem Ave, and LaGrange Rd).

Present Plan Commissioners:	Acting Chairperson Kehla West Eduardo Mani James Gaskill Kehla West Greg Maniatis
Absent Plan Commissioners:	Garrett Gray Frank Loscuito Ken Shaw Jennifer Vargas
Village Officials and Staff:	Dan Ritter, Senior Planner Lori Kosmatka, Associate Planner
Petitioners:	None
Members of the Public:	None

ACTING CHAIRPERSON WEST stated she received proof of the Notice of Publication for this Public Hearing,

ACTING CHAIRPERSON WEST asked for a motion to open the Public Hearing. Motion made by COMMISSIONER GATTO, seconded by COMMISSIONER GASKILL. ACTING CHAIRPERSON WEST requested a voice vote asking if any were opposed to the motion; hearing none, she declared the motion carried.

ACTING CHAIRPERSON WEST invited staff to start with the presentation of this item.

Dan Ritter, Senior Planner, summarized the Staff Report for the Commission that will be attached to the minutes and available on the Village's webpage for the record. This text amendment proposes to make changes from last year's approval to permit cannabis dispensaries. The consideration is to allow it in multi-tenant buildings, remove the corridor requirements, and allowing it as a special use in additional zoning districts. The concerns from the zoning districts can be covered through the special use process, allowing dispensary operators to find more locations. He addressed the main concerns of the Plan Commission from the Workshop on July 15th, which were odor and lines at multitenant buildings.

He had contacted other municipalities and noted most do allow multi-tenant buildings. He mentioned Mokena, Arlington Heights (next to a supermarket), and Schaumburg (next to a pizza restaurant) as examples. Air filtration has been a requirement as part of the state approval process and each site has air filtration and separate HVAC systems. Staff has drafted these standards as well into the Village ordinance, so upon submission for a Special Use, they would have to submit that air filtration and HVAC information to the Village. Schaumburg and Homewood have not had any odor complaints from tenants. He believes the state air filtration requirement may have started with the introduction

of recreational cannabis. He noted an existing older building with medical cannabis may not have the same odor control. Police Chief Walsh had explained to staff that odor was previously an issue with storage of the product in the police station's evidence locker, but was no longer an issue once a HEPA air filter was installed. Dan Ritter also looked at Google reviews of neighboring restaurants and did not see any negative reviews relating to the smell of marijuana. The other issue of concern from the Plan Commission Workshop was lines blocking access and taking up parking. Schaumburg and Homewood said there were originally complaints of lines blocking access and limited parking, but the complaints have faded now. Lines may be a little longer on weekends, but the initial wave has died down. Also, there are a lot more dispensaries out there now. It used to be that you would pull from a larger geographic area. He further noted that interior designs have also improved, allowing more space for people to wait inside. As part of the Special Use, the Village can review how many people can wait inside versus outside. For people waiting outside, we could look at where they would wait and limit the number. He summarized the Workshop updates and called out new air filtration and ventilation as part of the submittal requirements. He noted there are no standards to present for text amendments.

ACTING CHAIRPERSON WEST asked if there were any questions and comments. Hearing none, she asked for a motion to close the Public Hearing.

Motion made by COMMISSIONER GATTO, seconded by COMMISSIONER MANI. ACTING CHAIRPERSON WEST requested a voice vote asking if any were opposed to the motion; hearing none, she declared the motion carried.

There was one motion for this item.

Motion 1-Text Amendment:

COMMISSIONER GASKILL made a motion to recommend the Village Board amend various sections of the Zoning Ordinance to as described in the August 5, 2021 Staff Report and draft ordinance to permit Adult-Use Cannabis Dispensing Organizations to be allowed in the following zoning districts as a Special Use: B-1 (Neighborhood Shopping), ORI (Office and Restricted Industrial District), M-1 (General Manufacturing), MU-1 (Duvan Drive Overlay District), and Rich Township Entertainment and Tourism Overlay District, in addition to their current allowances. Additionally, the restrictions for location in a standalone single-tenant building and corridor restrictions be removed; an additional requirement for submittal of HVAC and air treatment systems be required with any submittal for a Special Use.

Motion seconded by COMMISSIONER GATTO. Vote taken by Roll Call; all in favor. ACTING CHAIRPERSON WEST declared the motion carried.

This will be reviewed by the Village Board at their August 17th meeting for the first reading. The following meeting will be for adoption.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES
FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION
SUBJECT: MINUTES OF THE AUGUST 5, 2021 REGULAR MEETING
ITEM #5 PUBLIC HEARING – TEXT AMENDMENT – SIGN REGULATIONS CHANGES

Consider a proposed text amendment to Section IX (Sign Regulations) of the Tinley Park Zoning Ordinance. Proposed changes would allow a second sign accessory to an approved drive-thru lane. Additionally, some clarifications and minor adjustments are proposed for simpler regulation and enforcement of the code.

Present Plan Commissioners: Acting Chairperson Kehla West
Eduardo Mani
James Gaskill
Kehla West
Greg Maniatis

Absent Plan Commissioners: Garrett Gray
Frank Loscuito
Ken Shaw
Jennifer Vargas

Village Officials and Staff: Dan Ritter, Senior Planner
Lori Kosmatka, Associate Planner

Petitioners: None

Members of the Public: None

ACTING CHAIRPERSON WEST stated she received proof of the Notice of Publication for this Public Hearing,

ACTING CHAIRPERSON WEST asked for a motion to open the Public Hearing. Motion made by COMMISSIONER GATTO, seconded by COMMISSIONER GASKILL. ACTING CHAIRPERSON WEST requested a voice vote asking if any were opposed to the motion; hearing none, she declared the motion carried.

ACTING CHAIRPERSON WEST invited staff to start with the presentation of this item.

Dan Ritter, Senior Planner, summarized the Staff Report for the Commission that will be attached to the minutes and available on the Village's webpage for the record. He noted there were not too many concerns from the previous Workshop meeting. The main driver for this current amendment is due to the number of variations needed for preview menu boards. When variation approvals reoccur, it could indicate the existing code may not work. Preview menu boards have become an industry standard. Previous approvals for preview menu boards would meet the currently proposed requirements. He noted other sign code clarifications are being considered too that include eliminating maximum sign height, letter height, lines of lettering. The overregulation on signs did not really lead to any positive outcomes. He noted size restrictions are still there as well as requirements to fit the sign into the building's envelope. Locations for signs on the building are to stay aligned. The requirements for not interfering with architectural features will be strengthened. Thus far it was only a recommendation.

ACTING CHAIRPERSON WEST asked for a motion to close the Public Hearing. Motion made by COMMISSIONER GATTO, seconded by COMMISSIONER GASKILL. ACTING CHAIRPERSON WEST requested a voice vote asking if any were opposed to the motion; hearing none, she declared the motion carried.

There was one motion for this item.

Motion 1-Text Amendment:

COMMISSIONER GASKILL made a motion to recommend the Village Board amend Section IX (Signage Regulations) of the Zoning Ordinance to as described in the August 5, 2021 Staff Report and attached draft ordinance. The proposed text amendment permits additional accessory drive-thru signage, eliminates maximum wall sign and letter heights, and various other code clarifications.

Motion seconded by COMMISSIONER GATTO. Vote taken by Roll Call; all in favor. ACTING CHAIRPERSON WEST declared the motion carried.

This will be reviewed by the Village Board at their August 17th meeting for the first reading. The following meeting will be for adoption.

GOOD OF THE ORDER –

Dan Ritter noted the commission will be the Planning & Zoning Commission going forward. He thanked those who had served on the Zoning Board of Appeals, and mentioned the Village would keep them in mind for future Planning & Zoning Commission vacancies. He provided an update on recent projects. He noted the Ludke Subdivision/Variations and Pete's Fresh Market were approved by Village Board. Burlington is closer to opening and there is still some site work held up by IDOT. Floor & Décor has a permit ready to start work once Burlington leaves their current location and Hobby Lobby has been in contact with the Village about freshening up their façade as well.

COMMENTS FROM THE PUBLIC – ACTING CHAIRPERSON WEST asked if there were comments from the public. Hearing none, she asked to adjourn the meeting.

CLOSE MEETING -

A Motion was made by COMMISSIONER MANI, seconded by COMMISSIONER GATTO to adjourn the August 5, 2021 Plan Commission meeting.

ACTING CHAIRPERSON WEST asked for a voice vote; all were in favor. She declared the motion carried and adjourned the meeting at 8:35 P.M.

**Petitioner**

Dr. Toni Scott-Terry, on
behalf of Get Cet LLC

Property Location

7151 183rd Street

PIN

31-06-100-016-0000

Zoning

B-3, General Business &
Commercial

Approvals Sought

Special Use Permit
Site Plan Approval
Variation

Project Planner

Lori Kosmatka
Associate Planner

PLAN COMMISSION STAFF REPORT

AUGUST 5, 2021 – PUBLIC HEARING

Allure Wellness Center Mixed-Use Redevelopment (Former Heartland Memorial Center)

7151 183rd Street



EXECUTIVE SUMMARY

The Petitioner, Dr. Toni Scott-Terry on behalf of Get Cet LLC, is proposing to redevelop the former Heartland Memorial Center funeral home property located at 7151 183rd Street. The proposed redevelopment requires Site Plan Approval, a parking Variation, and a Special Use Permit for a second-floor apartment. The proposed project includes demolition work within the building, interior renovations, new signage, as well as minor façade and site upgrades that include additional parking and updates to existing landscaping.

The existing building will be redeveloped as a multi-tenant building with various medical and service-related businesses. Additionally, an existing 1,243 sq. ft. second-floor three-bedroom apartment that was constructed with the funeral home is proposed to be maintained. Since Special Uses run with a specific Petitioner, a new Special Use is required for the apartment to remain with the new owner and proposed uses.

The proposal as currently submitted will require a parking variation. The Petitioner is proposing to add some parking and believes their unique mix of businesses will not lead to any parking issues.

Changes from the July 15, 2021 Plan Commission workshop meeting are indicated in **Red**.

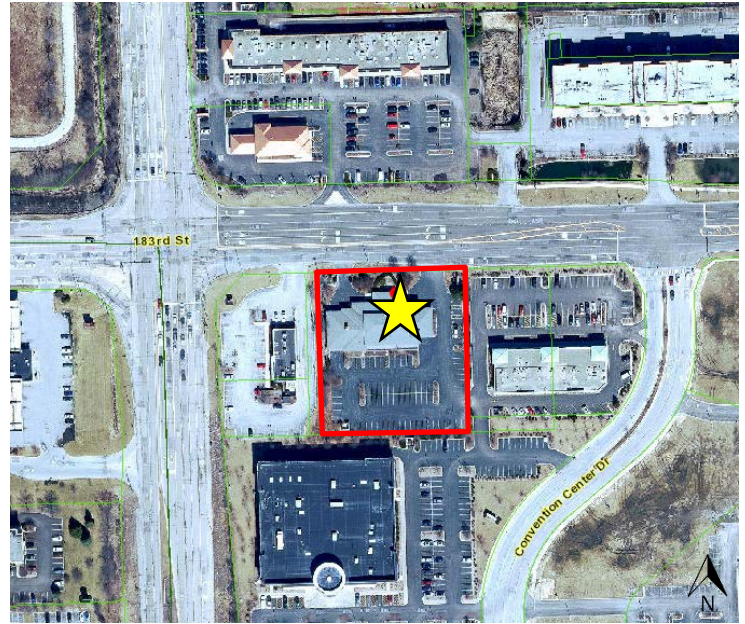
EXISTING SITE, HISTORY & ZONING

The original 5,376 sq. ft. footprint of the building was constructed on the site around the early 1970s under Cook County jurisdiction as a funeral home. The building, then known as Hirsch Memorial Chapel, was annexed into the Village in 1985 (85-O-050). In 2005, there was a 3,650 sq. ft. building addition footprint to the west consisting of a garage and a Special Use granted formalizing the second-floor apartment use (typical of funeral homes to have a living quarter on-site). An updated landscaping plan was also approved in 2005 with the proposed changes. The property was most recently operated as Heartland Memorial Center, which closed around 2017 and has been vacant since that time.

Since Heartland Memorial's closing, the site has deteriorated due to lack of regular maintenance on the building and site. The Petitioner recently purchased the property (June 2021), and has plans to rehab the existing building and site. The property currently has code compliance issues with property maintenance identified in the inspection for the proposed Change of Use. The Petitioner has already worked on some of the maintenance items including a structurally unsound deck on the property. The remaining issues will be addressed as part of the Change of Owner process prior to any occupancy.

The property is zoned B-3 General Business & Commercial and is located on the south side of 183rd Street, one lot east of Harlem Avenue. The neighboring properties to the west (Burger King), east (a small multi-tenant strip center building), and south (LA Fitness) are also similarly located in the B-3 zoning district. On the zoning map above, the site appear to be incorrectly shown as being located in the Convention Center PUD.

The site contains a ground sign near the northeast corner of the site that appears to have a non-conforming setback. No Variations appear to have been granted for the sign.



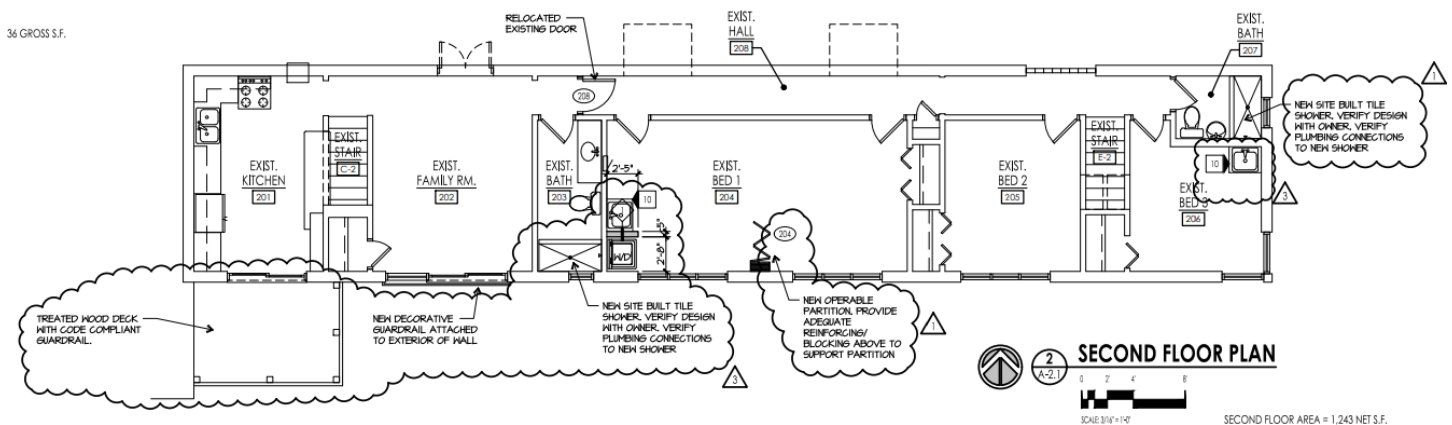
PROPOSED USE

The Petitioner is looking to redevelop the building with multiple medical, office, and personal service-related uses. The Petitioner's narrative outlines the current proposal. The businesses within the building will be *Scott-Terry Female Health Associates*, a medical OB/gynecology practice (currently operating in Frankfort, IL), *Allure Laser & Med Spa* (currently operating across the street at 7062 183rd Street in Tinley Park), *Allure Wellness & Fitness Center*, a meeting room for small seminars, and also available leasable space expected to be used by similar medical/service-related users.

The project proposes the addition of a second-floor 1,243 sq. ft. three-bedroom apartment at the rear of the building. The apartment will have two entrances, one of which is a separate entrance at the rear of the building. The apartment allows for the site to be classified as a mixed-use property and maintain the applicable tax rate. If the building was to be classified as a standalone commercial property with the current tax burden, the redevelopment project is likely not financially feasible.

SPECIAL USE FOR APARTMENT

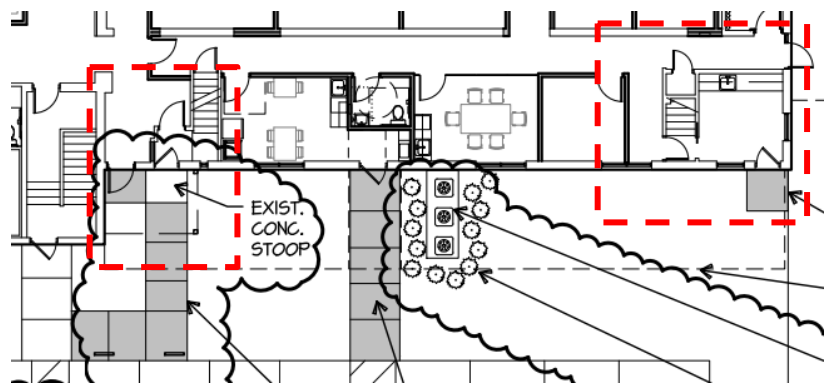
The establishment of a residential unit above or to the rear of a principal commercial use requires the approval of a Special Use Permit. This special use allowance has existed in the B-1, B-2, and B-3 districts since 2005. The change was made to better align with current planning development trends towards mixed-use properties and also to assist struggling commercial properties in obtaining some property tax relief from classification as mixed-use in Cook County. However, staff has expressed concerns regarding the possibility of permitting substandard or unpreferable housing units. Therefore, to avoid issues, it has been staff's recommendation for residential units to be located above commercial uses, have separate entrances, and have a balcony or exterior living area when possible. Additionally, the mix of surrounding uses and the site layout is important to consider when evaluating the request for mixed uses to ensure noise, pollution, smells, glare, or other nuisances won't affect the proposed residential unit.



Apartment Proposed Floor Plan

The proposed apartment will be a remodel of the existing apartment. The existing apartment was approved as part of a Special Use Permit in 2005 (Ord. #2005-O-064), which allowed it to continue along with a funeral home and crematorium use onsite.

The proposed apartment is located on the second floor. It is oriented to the rear south of the property and is set back from 183rd Street to the north. The Petitioner removed a wood deck that was deteriorated and structurally unsound that spanned the length of the apartment. They are proposing a smaller deck with a code complaint guardrail at the west end with the current proposal. It has two existing entrances. The proposed floor plan shows the west entrance as separate from the business with a vestibule of two doors. However, walkway pavement is not indicated on the site plan for this entry point and must be added to the plans. The second apartment entrance is to the east, accessed on the southeast end of the building, and is shared with the employee medical space.



Apartment Revised Entrances

The Petitioner will designate two parking spaces with signage for the apartment's use, which has been indicated on the plans.

Open Item #1: Discuss the request for a Special Use Permit for the addition of a residential unit above a principal commercial use. Clarify security measures and separation of business and apartment spaces.

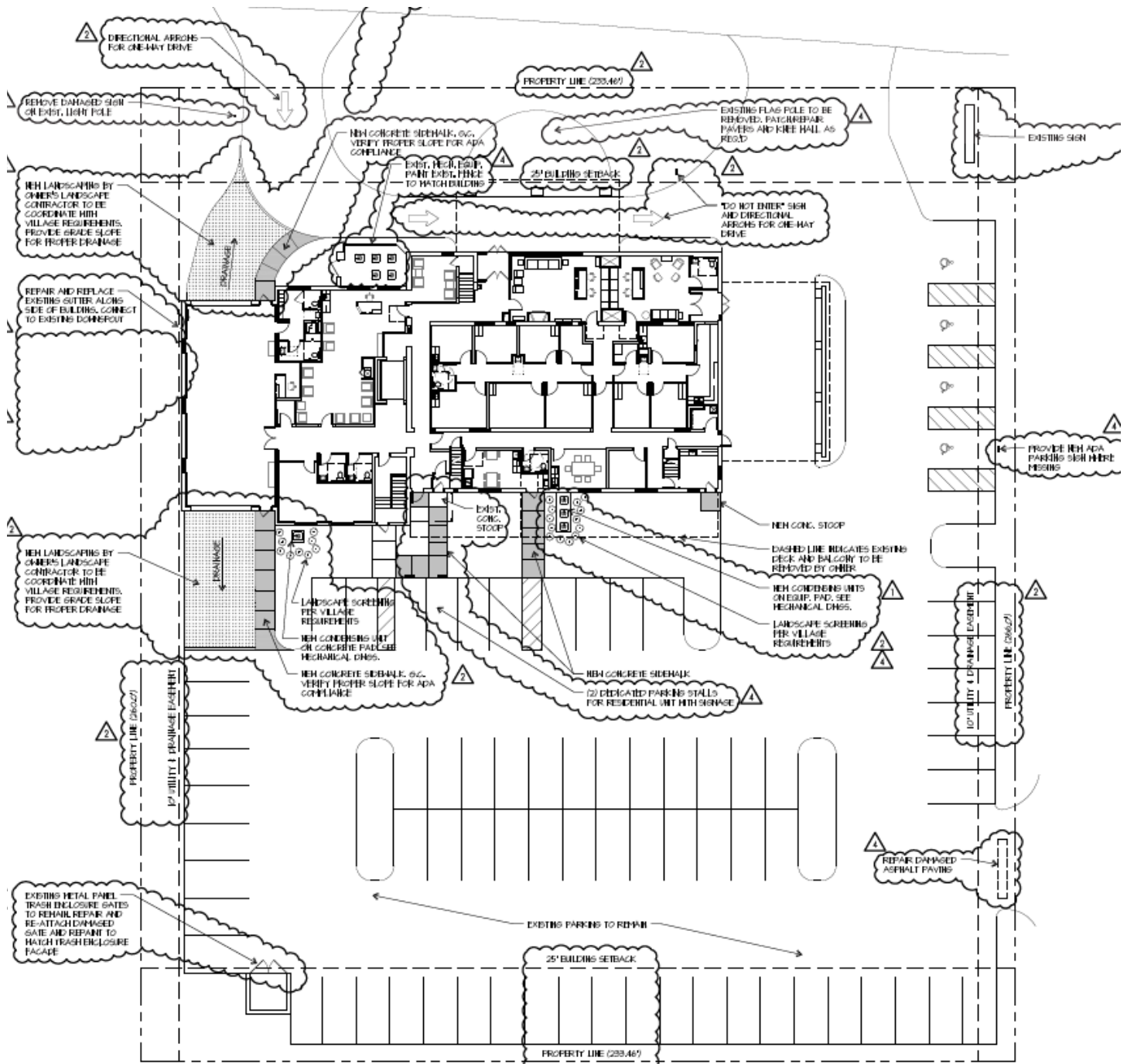
The Petitioner will have two apartment entrances at the rear of the building and separate from the business use. Both entrances are to serve as egress routes with a ground-floor vestibule stairway, exterior door, and interior door to the business use. The Petitioner states that in order to keep the apartment and business uses separate, each interior door to the business portion will have a two-way lock with a key only in her possession. The Petitioner intends to have a two-way lock with one key kept by her for the interior business doors in both entrances.

Open Item #2: Revise plans to add a walkway to the separate apartment entrance door.

A walkway has been added to the west apartment entrance door.

SITE PLAN

The building frontage is to the north along 183rd Street and consists of existing landscaping throughout the site and parking to the side and rear. The proposed site plan includes improvements to the existing building, condenser unit placement, signage, vehicle parking, walkways, dumpster enclosure, and new foundational landscaping areas. Some existing landscaping features to remain are the brick pavers, brick knee wall, flagpole, and low boulder wall all located at the front of the site.



Revised Site Plan

Access to the site is primarily through the curb cuts on 183rd Street. There is also existing cross-access on the east connecting to the multi-tenant strip mall. The eastern 183rd Street curb cut functions as a two-way entrance and exit to the site. The western 183rd Street curb cut is a one-way entrance only and will include proposed arrow pavement markings and traffic control signage at the entry. A “do not enter” traffic control sign is proposed at the east end of the porte-cochere to ensure traffic does not exit through the one-way entrance. The Petitioner proposes to remove the current ground sign at the northeast property corner and replace it with a new sign closer to the west driveway entry. However, no details of the sign or setbacks have been supplied. No approvals with the sign location have been included in the request due to the lack of detail supplied on the sign.

The most substantial site plan changes are due to converting the existing garage space to a fitness center. The conversion involves installing new overhead doors, new pedestrian doors, installing walkways, and converting the

land abutting the north and south ends to new curbed landscape areas. Three new parking stalls will be striped and added at the west side of the site due to the removal of the garage driveway pavement. Compliance with ADA requirements is required and includes walkway slope, signage, and parking aisle widths will need to be met on the site. The existing dumpster enclosure consists of masonry walls with a nonfunctioning metal gate that requires repair or replacement as part of the Change of Use and code enforcement requirements prior to occupancy. Existing lighting on the property is exists and is not proposed to be changed.

The site plan has been reviewed by engineering but additional information may be needed with the permit. Staff recommends that the site plan approval be conditioned upon final engineering review and approval by the Village Engineer.

The site plan has been updated for the public hearing. Revisions reflect existing signage to remain, trash enclosure to remain and be repaired, landscape screening around the condenser units, and site maintenance improvements per the Village's Change of Use inspection.

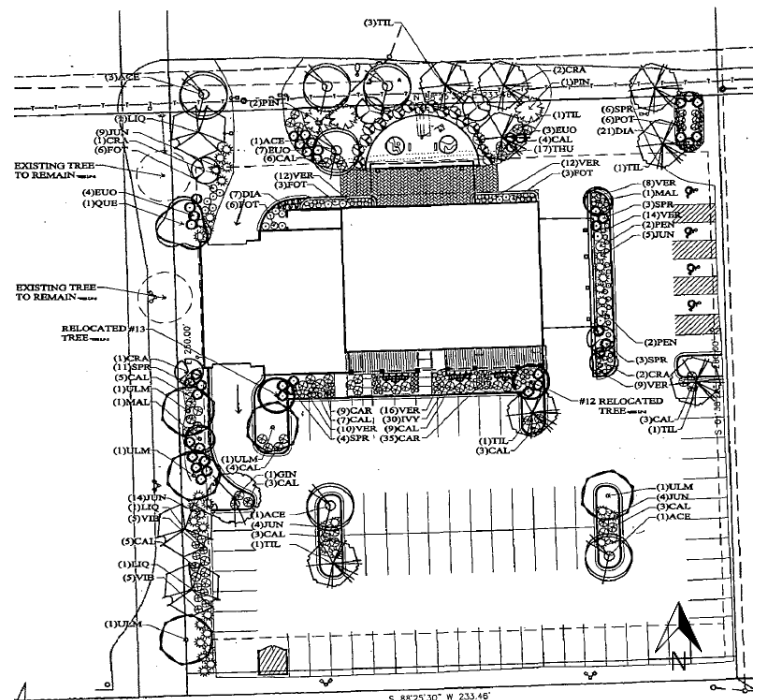
Open Item #3: Confirm removal of existing sign and provide location and details of the proposed sign. If the sign is set back is less than 10 ft. a Variation is required to be requested.

The Petitioner has removed any changes to signage from the plans. The Petitioner does not yet have a sign plan ready. When the Petitioner does, she will either comply with the sign regulations or will need to request a separate Variation at that time.

LANDSCAPE

In 2005, the property received a landscaping plan approval (*sheet LP-1, dated July 20, 2005*). The site's existing landscaping is overgrown in some areas, and the plantings do not appear to completely match the previous approval. The proposal will include additional landscaping areas to the north and south sides of the existing garage. These areas are not shown with specific plantings but will require foundational plantings of shrubs and bushes based on the Landscape Ordinance requirements.

The Petitioner will have a landscaper evaluate and compare the existing conditions to the previous approval, and update the plantings as needed to match the quantities and types of the plantings per the previous approval. Staff is recommending a condition to clarify that compliance with the approved landscape plan is met prior to building occupancy.



Previously Approved 2005 Landscape Plan



Open Item #4: Discuss staff's recommended condition requiring compliance with the previously approved Landscape Plan prior to building occupancy.

The landscaper has noted that two trees on site are dying. The landscaper has prepared a proposal detailing cleanup of landscape beds, flag pole removal, fixing and cleaning of existing pavers, assessing the water feature, and providing landscape screening around the new condenser units. It was also noted the low boulder wall is a water feature and the Petitioner proposes to bring the water feature back to functioning order.

The Petitioner's landscaper is preparing a Landscaping Plan. Staff recommends a condition requiring compliance with the previously approved Landscaping Plan prior to building occupancy and review by staff of any new or changed landscaping locations.

ARCHITECTURE

The existing façade was designed to create a contemporary prairie-style look by utilizing a variety of materials and design elements. The existing building has two porte-cocheres, deep overhangs, and a second story setback that creates a visually appealing depth to the structure. The primary entry is an existing storefront glazing system under the north porte-cochere. The existing materials include a brick façade with stone columns. The existing exterior masonry presents a high-quality and attractive-looking façade. Due to the building being designed for a single-tenant, the building has limited locations for wall signage to be installed.



Central Portion of Front Elevation Showing North Porte-Cochere

Clear overhead doors are proposed to replace the existing residential-style garage doors at the west end of the front façade. This aluminum sectional overhead door was chosen for its contemporary appearance. The Petitioner's architect notes that these types of doors are very often used in finished commercial spaces, including grocery stores and restaurants. The Petitioner's architect states the proposed doors will be sealed to prevent water, bugs, and rodents from getting in. The Petitioner has provided the cut sheet for the proposed model of overhead door, but has not specified the precise size, style, framing, color, and finish.



Garage Portion of Front Elevation

The proposed apartment will have a new treated wood deck with a guardrail at the west end, as well as decorative guardrails attached to the south rear exterior wall. The new deck will be substantially smaller than the previously existing deck.



Rear Elevation (excluding east porte-cochere & west garage)

There are existing mechanical units in a fenced enclosure at the front of the building. The Petitioner has not indicated any proposed changes for that equipment and fencing. The Petitioner has proposed two new exterior condenser units with concrete pads. The screening requirements for this mechanical equipment must be either solid fencing (such as PVC or wood) or thick landscaping that buffers views of the equipment. The Petitioner wishes to screen with shrub landscaping, but has not identified the condenser unit height nor the plant species type and height. Staff notes that the proposal only shows partial screening for the east condenser unit. The proposal does not show screening between the east condenser unit and the walkway.



Previously Supplied Sample of Overhead Door

Staff recommends a condition that clarifies that the mechanical equipment visibility and placement will be reviewed as part of the building permit.

The Petitioner is working with vendor Haas Door on specifications for the two overhead doors at the fitness center. The doors will be 16' wide by 8' tall with four panels & four sections and brown aluminum extrusions. The doors will have a vinyl weather-seal. The Petitioner is obtaining glass specifications from the vendor, including tint and energy compliance information. A recommended condition has been added requiring staff review and approval of the doors and any exterior changes.

Open Item #5: Identify any proposed changes to the existing mechanical equipment and fencing at the front of the property. Review a recommended condition that landscape screening be reviewed by staff with the building permit prior to permit issuance.

The Petitioner has confirmed from her builder that the height of the new condenser units will be under three feet tall. The Petitioner's landscaper intends to screen the units with either Hick Yews which are installed at 30" tall and mature at four to five feet tall, or Arborvitae which mature at six feet tall. The Petitioner will paint the fencing at the front of the property that is currently screening mechanical units.

SIGNAGE

Ground Sign

The property has an existing freestanding ground sign that is currently located at the northeast corner of the site, a few feet in from the north property line along 183rd Street. The specific setback is unknown as it is not indicated on the most recent survey of the property. However, it is believed to be non-conforming and closer than the required 10-foot setback from the north property line.

The Petitioner's plans propose to remove the existing ground sign and install a new ground sign closer to the west driveway entry. No details on the setback or the proposed sign have been supplied. If the proposed setback is less than 10 feet, a Variation is required. The Petitioner has multiple options to locate the sign within the code requirements or to reutilize the existing sign with a face replacement. Detailed ground sign information must be submitted to proceed with any Variation request otherwise the site will need to comply with code requirements.

~~Open Item #6: Provide information on proposed signage and clarify any desire by petitioner for Variations related to signage.~~

As noted above in the staff report, the Petitioner does not yet have a sign plan ready. When the Petitioner does, she will either comply with the sign regulations or request a Variation as a separate consideration at that time. One compliant option could be to reface the existing ground sign. Staff has recommended that she consider branding the signage as "Allure Wellness Center" and not individual tenants due to the nature of the development and increase visibility of the words on the sign.

Wall Signs

The building will be fairly unique since there will be shared entrances for multiple tenants and businesses within the building. Additionally, the building was designed for a single-tenant funeral home and signage space is limited to a few small areas on the façade. Only one sign is permitted on each elevation and individual tenants won't be able to all advertise with a wall sign. Staff recommends the Petitioner use the signage to brand the building overall that helps identify the site for customers (for example, "Allure Wellness Center").

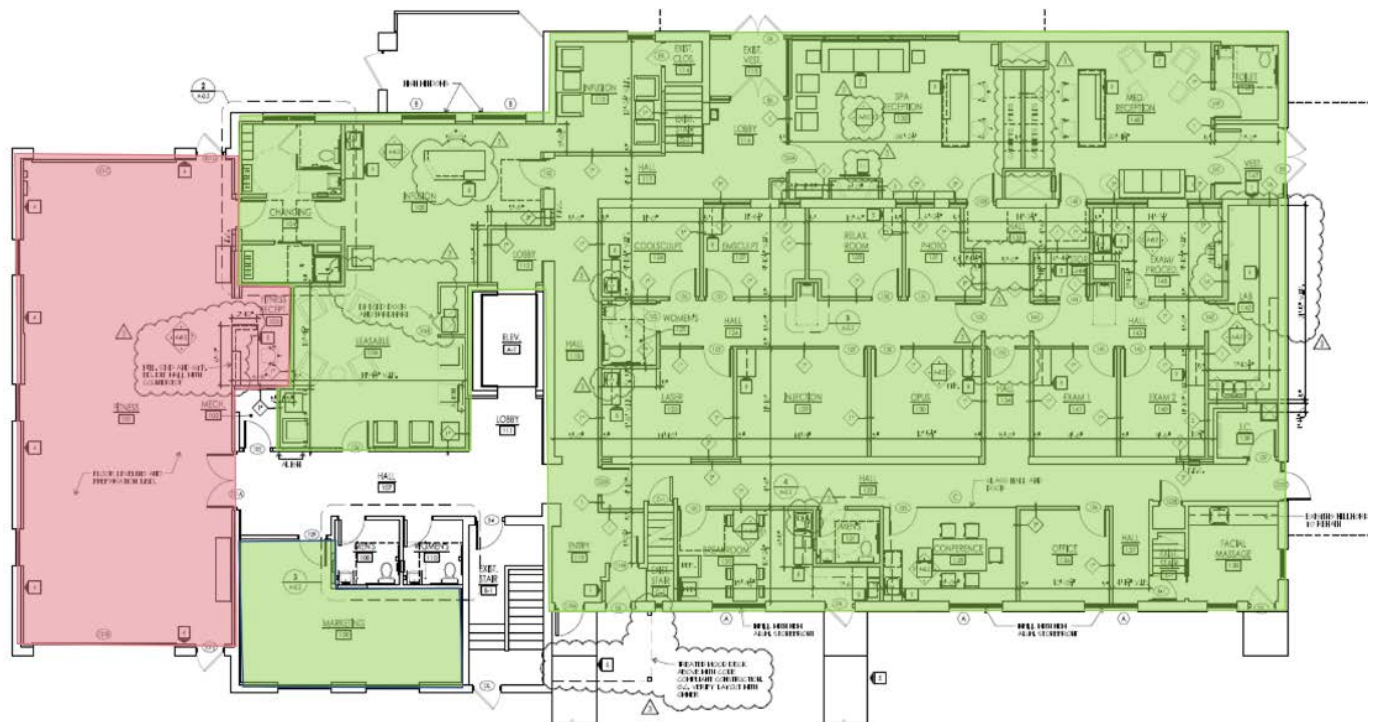
PARKING

The Petitioner provided a break down the different proposed uses within the building and their floor area. Staff has determined the parking requirement for the proposed uses will exceed the Zoning Ordinance's minimum parking requirements.

The property's proposed multiple uses require various classifications within the current parking regulations. For *Medical or Dental Office* uses, the zoning code requires two (2) spaces for each office, examination room, or treatment room, plus one (1) space for each employee. For *Personal Service Establishments in a planned shopping area*, the zoning code requires six-and-one-half (6.5) spaces per one thousand (1,000) sq. ft. of gross leasable floor area. The *Apartment* requires 2.5 parking spaces per dwelling unit (partial stall amounts are rounded down by code).



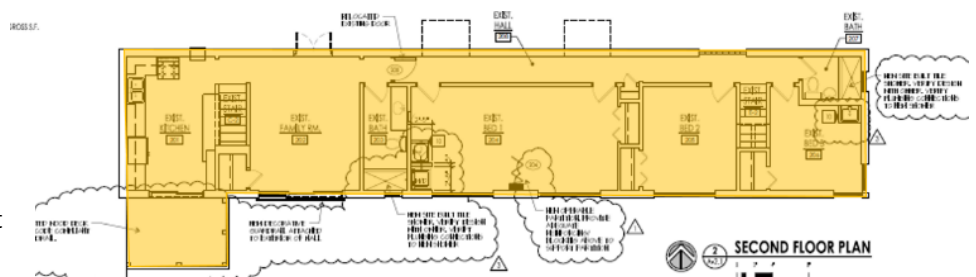
Color Coded Use Diagram of Basement



Color Coded Use Diagram of 1st (Ground) floor

Legend of Proposed Uses

- Medical or Dental Office
- Personal Services Establishment
- Apartment



Color Coded Use Diagram of 2nd Fl Apartment

The Scott Terry Female Health Associates, P.C. and the Allure Laser & Med Spa, LLC, qualify as the *Medical or Dental Office*, and together contains 15 Medical Offices with 15 employees. The basement leasable space for a future medical office tenant contains 2 Medical Offices with anticipated 3 employees. Thus, the Medical or Dental Office Use totals 17 offices and 18 employees, requiring 52 parking spaces. The remainder of the building's leasable square footage on the ground floor and basement will be classified as *Personal Service Establishments in a planned shopping area* totaling 5,093 sq. ft., requiring a minimum of 33 parking spaces. With the *Apartment's* two required spaces, the sum of the minimum required parking is 87 parking spaces. The existing site has 73 parking spaces but the proposed site plan improves the situation, by adding three parking stalls for a total of 76 stalls. The total proposed shortage is 11 spaces, requiring the Variation request.

The existing parking requirements established in the Zoning Ordinance are unique to Tinley Park; every community creates its own parking ratios, which is an imperfect science. In addition, parking characteristics change over time and the current parking ratios date back to the 80's and early 2000s when parking demand was at its highest. Over-parking can also be damaging due to the high costs of having unproductive land and negative environmental impacts.

The Petitioner plans to actively manage the parking situation since they will own and operate the majority of the businesses within the building. Solutions to any parking issues may involve modified hours of operation for some uses which do not conflict with other use peak times.

Use Type	Code Requirements	Required #	Proposed
<i>Medical Office</i>	2 spaces for each office, exam or treatment room plus 1 space per employee	52 (17 office/rooms + 18 employees)	
<i>Personal Service Establishment</i>	6 ½ spaces per 1,000 gross leasable floor area	33 (5,093 SF)	
<i>Apartment</i>	2 ½ per dwelling unit	2	
TOTAL		87	76
SHORTAGE			-11

While it is not a preferred situation, parking availability has been maximized on the site, and there is no land to expand parking and limited shared parking opportunities. A concern with parking Variations is that parking can spill over onto public streets, affecting the neighborhood appearance and residential properties. However, there is no on-street parking permitted on 183rd Street or Harlem Avenue and there are no adjacent residential neighborhoods to this development. The owner will ultimately need to actively manage the situation so that their businesses or leasable space rents are not negatively affected by a lack of parking availability.

A 11-parking stall Variation from Section VIII.A.10. of the Zoning Ordinance to permit 76 parking stalls instead of the required minimum of 87 stalls for the proposed mixed-use building.

Open Item #7: Discuss the requested parking Variation for a reduction in the minimum required parking by 11 stalls.

As noted above in the Special Use section of this report, the Petitioner will designate two parking spaces with signage for the apartment's use. The Petitioner is also removing one treatment room, previously indicated in the First Floor Plan as "Facial Massage ID #138" on the originally submitted plans. The area will now be a separate vestibule space at the east apartment entrance. This will reduce the parking stall Variation from a shortage of 11 stalls to a shortage of 9 stalls. A condition was added to clarify all parking must be accommodated on-site for the proposed uses and monitored by the owner.

STANDARDS FOR A SPECIAL USE

Section X.J.5. of the Zoning Ordinance lists standards that need to be considered by the Plan Commission. The Plan Commission is encouraged to consider these standards (listed below) when analyzing a Special Use request. Staff will provide draft responses at to the Findings of Fact for the Commission's review at the Public Hearing.

X.J.5. Standards: No Special Use shall be recommended by the Plan Commission unless said Commission shall find:

- 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 apartment is already existing as a second-floor unit on the building and will not be detrimental or endanger the public.
- 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 apartment is already existing as a second-floor unit on the building and will not be injurious to the use and enjoyment of other properties in the vicinity. The proposed commercial uses are compatible with the residential unit.
- 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;
The existing use of the apartment will not impede on the normal and orderly development in the surrounding area. The uses are compatible with one another and neighboring uses.
- d. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided;
Adequate utilities, access roads, drainage, and/or other necessary facilities are existing without any changes required.
- 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
Adequate measures have been provided for ingress and egress and minimization of traffic congestion. The apartment will have separate entrances and will have two designated parking spaces.
- 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 apartment will comply with all other regulations of the Village Code.
- g. The extent to which the Special Use contributes directly or indirectly to the economic development of the community as a whole.
The apartment will contribute to the viability of a commercial use on the property as compared to a standalone commercial use. The overall economic development of the community is improved by filling a currently vacant building and adding employment.

It is also important to recognize that a Special Use Permit does not run with the land and instead the Special Use Permit is tied to the Petitioner. This is different from a process such as a variance, since a variance will forever apply to the property to which it is granted. Staff encourages the Plan Commission to refer to Section X.J.6. to examine the conditions where a Special Use Permit will expire.

STANDARDS FOR SITE PLAN AND ARCHITECTURAL APPROVAL

Section III.T.2. of the Zoning Ordinance requires that the conditions listed below must be met and reviewed for Site Plan and Architectural Review approvals. Specific findings are not required, however the proposed site plan and building architectural design shall be used by the Commission to review the proposal and ensure compliance with the standards.

Architectural

- a. Building Materials: The size of the structure will dictate the required building materials (Section V.C. Supplementary District Regulations). Where tilt-up or pre-cast masonry walls (with face or thin brick inlay) are allowed vertical articulation, features are encouraged to mask the joint lines. Concrete panels must incorporate architectural finishes that comply with “Building Articulation” (Section III.U.5.h.) standards. Cast in place concrete may be used as an accent alternate building material (no greater than 15% per façade) provided there is sufficient articulation and detail to diminish it’s the appearance if used on large, blank walls.
- b. Cohesive Building Design: Buildings must be built with approved materials and provide architectural interest on all sides of the structure. Whatever an architectural style is chosen, a consistent style of architectural composition and building materials are to be applied on all building facades.
- c. Compatible Architecture: All construction, whether it be new or part of an addition or renovation of an existing structure, must be compatible with the character of the site, adjacent structures and streetscape. Avoid architecture or building materials that significantly diverge from adjacent architecture. Maintain the rhythm of the block in terms of scale, massing and setback. Where a development includes outlots they shall be designed with compatible consistent architecture with the primary building(s). Site lighting, landscaping and architecture shall reflect a consistent design statement throughout the development.
- d. Color: Color choices shall consider the context of the surrounding area and shall not be used for purposes of “attention getting” or branding of the proposed use. Color choices shall be harmonious with the surrounding buildings; excessively bright or brilliant colors are to be avoided except to be used on a minor scale for accents.
- e. Sustainable architectural design: The overall design must meet the needs of the current use without compromising the ability of future uses. Do not let the current use dictate an architecture so unique that it limits its potential for other uses (i.e. Medieval Times).
- f. Defined Entry: Entrance shall be readily identifiable from public right-of-way or parking fields. The entry can be clearly defined by using unique architecture, a canopy, overhang or some other type of weather protection, some form of roof element or enhanced landscaping.
- g. Roof: For buildings 10,000 sf or less a pitched roof is required or a parapet that extends the full exterior of the building. For buildings with a continuous roof line of 100 feet or more, a change of at least five feet in height must be made for every 75 feet.
- h. Building Articulation: Large expanses of walls void of color, material or texture variation are to be avoided. The use of material and color changes, articulation of details around doors, windows, plate lines, the provision of architectural details such as “belly-bands” (decorative cladding that runs horizontally around the building), the use of recessed design elements, exposed expansion joints, reveals, change in texture, or other methods of visual relief are encouraged as a means to minimize the oppressiveness of large expanses of walls and break down the overall scale of the building into intermediate scaled parts. On commercial buildings, facades greater than 100 feet must include some form of articulation of the façade through the use of recesses or projections of at least 6 inches for at least 20% of the length of the façade. For industrial buildings efforts to

break up the long façade shall be accomplished through a change in building material, color or vertical breaks of three feet or more every 250 feet.

- i. Screen Mechanicals: All mechanical devices shall be screened from all public views.
- j. Trash Enclosures: Trash enclosures must be screened on three sides by a masonry wall consistent with the architecture and building material of the building it serves. Gates must be kept closed at all times and constructed of a durable material such as wood or steel. They shall not be located in the front or corner side yard and shall be set behind the front building façade.

Site Design

- a. Building/parking location: Buildings shall be located in a position of prominence with parking located to the rear or side of the main structure when possible. Parking areas shall be designed so as to provide continuous circulation avoiding dead-end parking aisles. Drive-through facilities shall be located to the rear or side of the structure and not dominate the aesthetics of the building. Architecture for canopies of drive-through areas shall be consistent with the architecture of the main structure.
- b. Loading Areas: Loading docks shall be located at the rear or side of buildings whenever possible and screened from view from public rights-of-way.
- c. Outdoor Storage: Outdoor storage areas shall be located at the rear of the site in accordance with Section III.O.1. (Open Storage). No open storage is allowed in front or corner side yards and are not permitted to occupy areas designated for parking, driveways or walkways.
- d. Interior Circulation: Shared parking and cross access easements are encouraged with adjacent properties of similar use. Where possible visitor/employee traffic shall be separate from truck or equipment traffic.
- e. Pedestrian Access: Public and interior sidewalks shall be provided to encourage pedestrian traffic. Bicycle use shall be encouraged by providing dedicated bikeways and parking. Where pedestrians or bicycles must cross vehicle pathways a cross walk shall be provided that is distinguished by a different pavement material or color.

STANDARDS FOR A VARIATION

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.

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.
 - *If the parking met code, the Petitioner would not be able to operate the uses she is proposing or redevelop the property to a viable use. The parking needs associated with this parking variation will be managed by the Petitioner through scheduling of business hours and visits by appointment only.*
2. The plight of the owner is due to unique circumstances.
 - *The property's site configuration of parking is existing and does not have the ability to expand parking on-site, due to the existing building structure and landscaping requirements. The proposed mix of businesses and uses provides flexibility with the parking availability. Businesses take clients by appointment only.*
3. The Variation, if granted, will not alter the essential character of the locality.
 - *The parking lot configuration is not changing except for the addition of three spaces in place of drive aisle pavement near the existing garage. This parking addition is located behind the building. The essential character of the locality will not change and thus will not detract from the overall area.*
4. 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.

MOTIONS TO CONSIDER

If the Plan Commission wishes to act on the Petitioner's requests, the appropriate wording of the motions is listed below. The protocol for the writing of a motion is to write it in the affirmative so that a positive or negative recommendation correlates to the Petitioner's proposal. By making a motion, it does not indicate a specific recommendation in support or against the plan, it simply brings the requested motion forward for a vote. The conditions listed below are recommended by staff, but can be added to, changed, or removed by the Commission based on their discussion and what they wish to approve or recommend.

Motion 1 (Special Use Permit)

"...make a motion to recommend that the Village Board grant Jason Terry and Toni Scott-Terry (property owners) a Special Use for a Dwelling located above a principal commercial use, at 7151 183rd Street in the B-3 (General Business & Commercial) zoning district in accordance with the plans submitted and adopt Findings of Fact as proposed by Village Staff in the August 5, 2021 Staff Report."

Motion 2 (Parking Variation)

"...make a motion to recommend that the Village Board grant Jason Terry and Toni Scott-Terry (property owners) a Parking Variation for nine parking spaces to permit a total of 76 parking space where 85 are required at 7151 183rd Street in the B-3 (General Business & Commercial) zoning district, in accordance with the plans submitted and adopt Findings of Fact as proposed by Village Staff in the August 5, 2021 Staff Report, subject to the condition that parking demand is monitored by the property owner and all parking is accommodated on-site."

Motion 3 (Site Plan):

"...make a motion to grant Jason Terry and Toni Scott-Terry (property owners) Site Plan and Architectural Approval at 7151 183rd Street in the B-3 (General Business & Commercial) zoning district, in accordance with the plans submitted and adopt Findings of Fact as proposed by Village Staff in the August 5, 2021 Staff Report, and subject to the following conditions:

- 1. Approval is subject to final engineering review and approval by the Village Engineer.*
- 2. Approval is subject to staff review of the overhead door and exterior design remaining in substantial compliance with the existing building and architectural standards.*
- 3. Approval is subject to compliance with the previously approved Landscaping Plan prior to building occupancy. Landscaping in new areas near the fitness center expansion shall be subject to staff review and approval."*

LIST OF REVIEWED PLANS

Submitted Sheet Name		Prepared By	Date On Sheet
	Application	Dr. Toni Scott-Terry	06/04/2021
	Narrative	Dr. Toni Scott-Terry	Received 07/07/2021
	Plat of Survey	L. R. Pass & Assoc.	06/03/2021
	Proposed Medical Buildout Architectural Plans, 45 sheets	Linden Group Architecture & Urban Planning	Revision Date 07/01/2021, Issued for Permit 07/07/2021, Received 07/08/2021
	Aluminum Door Systems: Aluminum Sectional Doors Brochure (Cut Sheet for Overhead Doors)	N/A	N/A

PLAN COMMISSION STAFF REPORT

AUGUST 5, 2021 – PUBLIC HEARING

Local One Gastropub (Even Hotel) Blade Sign Deviation

18501 Convention Center Drive

Petitioner

Daniel Fitzgerald, on
behalf of Even Hotel –
Tinley Park Convention
Center

Property Location

18501 Convention
Center Drive

PIN

31-06-100-027-0000

Zoning

B-3 PD (General Business
& Commercial,
Convention
Center/Holiday Inn PUD)

Approvals Sought

Special Use for
Substantial Deviation
from PUD

Project Planner

Lori Kosmatka
Associate Planner



EXECUTIVE SUMMARY

The Petitioner, Daniel Fitzgerald, on behalf of Even Hotel – Tinley Park Convention Center, is requesting a Special Use for a Substantial Deviation from the Planned Unit Development with an Exception from the Zoning Ordinance to permit one restaurant (Local One) projecting wall sign to extend up to nine feet from the building façade.

The proposed projecting (also known as “blade”) sign will be mounted perpendicularly to the dormer of the restaurant’s west elevation. The sign will be an oval shape of 48”x96” excluding the bracket. It will be double-faced and oriented to be most visible to customers that are entering the hotel property. A standard wall sign orientation would not be visible due to the location on the wall and a tree nearby that blocks the view. The sign will be internally illuminated.

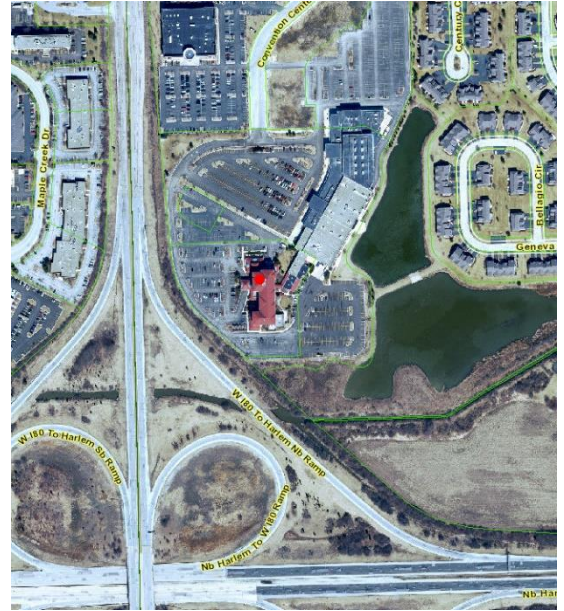
EXISTING SITE & ZONING

The subject site is a 4.8-acre (209,403 sq. ft.) parcel located at the northeast corner of the Harlem and I-80 interchange. The area is characterized by intense, highway-oriented uses. The property is accessed from 183rd Street to the north and at the south end of Convention Center Drive. The building is oriented to the west toward Harlem Avenue but is setback substantially and there is no access directly from Harlem Avenue. The property consists of the Even Hotel (formerly the Holiday Inn), with the new Local One Gastropub restaurant attached on the north side of the hotel. The building is situated on the east side of the site and is largely surrounded by parking. The Tinley Park Convention Center is a separate property but is linked to the northeast portion of the hotel. There is a pond further to the east. The LA Fitness gym and vacant land are to the north along Convention Center Drive, beyond the adjacent parking lots.

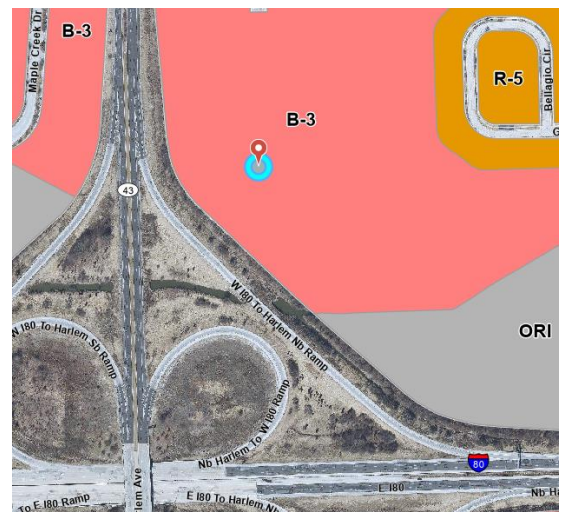
The property was developed in 2000 as a Planned Unit Development (PUD), through Ordinance 2000-O-088. The original PUD allowed signage variations for the property including a 40 ft. high sign and a total of 1,252 square feet of overall signage for seven wall signs on the property. Three of the wall signs were for the restaurant. The proposed sign location was previously permitted as a standard wall-mounted sign under the PUD.

The convention center underwent an expansion in 2010, connecting it to the hotel. The hotel's building is six stories, approximately 116,000 sq. ft. In 2020, the hotel, including the restaurant, underwent a remodeling that converted the hotel from a Holiday Inn to an Even Hotel brand. The restaurant changed from Banana's Bar & Grill to Local One and completed a soft open in February 2021. Currently, Local One Gastropub does not have signage on the building. The Tinley Park Convention Center has an existing freestanding sign with an Electronic Message Center with rotating messages. Local One is currently being advertised on the freestanding sign, however, this sign is intended for visibility of traffic on Harlem Avenue rather than for persons on the property in closer proximity to the building and the sign also advertises convention center events.

The property is within and surrounded by the B-3 (General Business & Commercial) zoning district. The R-5 zoning district is further to the east beyond the pond, but is not directly accessible to the property. The property is also part of the Convention Center / Holiday Inn Planned Unit Development. That PUD was adopted as Ordinance 98-O-009 on February 3, 1998, and included the hotel, convention center, and residential component among 91 acres. The PUD was expanded in 2009 per an Ordinance Approving a Substantial Deviation to the PUD (Ord. 2009-O-052).



Location Map



Zoning Map

SUBSTANTIAL DEVIATION / ZONING EXCEPTION

The Zoning Ordinance defines a Projecting Sign as *a sign, other than a wall sign, which projects (usually perpendicularly) from and is supported by a wall of a building or structure*. However, the Sign Code within the Zoning Ordinance considers projecting/blade signs as a type of Wall Sign. Section IX.D.1.c.ii. of the code regulates that *no wall sign shall project into the public right-of-way, or extend more than twelve inches outward from the face of the building*. Projecting signs extending more than 12" from the building are only permitted within the Legacy District. Projecting signs are more typical in pedestrian-oriented areas and requests for the sign type in more auto-oriented areas are not common.



Proposed Projecting/Blade Sign Design

Since the Petitioner's proposed projecting/blade sign will not meet the Sign Code in the Zoning Ordinance and is located within a PUD, it requires a Special Use for a Substantial Deviation with an Exception from the Zoning Ordinance to be permitted. Deviations from Village's Zoning Ordinance are considered Exceptions rather than Variations when located within a PUD and do not require the standard Findings of Fact, as required with a Variation. Alternatively, Exceptions are looked at in terms of their conformance to their overall PUD's design and goals. The Petitioner is requesting a Special Use Permit for the Exception from Zoning Ordinance Section IX.D.1.c.ii. (Wall Signs- Location) to permit one wall sign to extend up to nine feet from the building façade, instead of the maximum of one foot.

PROPOSED SIGNAGE

The Petitioner is currently proposing two signs at the Local One restaurant. One of the signs is a standard wall sign to be mounted to the north elevation, which will meet the code requirements. The other sign is a projecting/blade sign which will extend beyond the maximum allowable 12 inches from the face of the building. This does not comply with the Sign Code's regulations within the Zoning Ordinance or existing PUD sign regulations.

The proposed projecting/blade sign will be mounted perpendicularly to the dormer of the restaurant's west elevation. The sign will be an oval shape of 48"x96" excluding the bracket. It will be double-faced oriented to the north as customers enter the property, and to the south from the hotel's walkway. The sign will be internally illuminated. The Petitioner does not have a precise measurement of how far the proposed sign will extend beyond the dormer's wall and sloped roofline below but has been estimated to be not more than an additional foot from the building wall. Staff notes that the Village's Building Division will require architectural/engineer stamped design drawings to be submitted with the building permit to ensure the structural integrity of the building facade and sign.



Sign Location Diagram on Building Aerial

The Petitioner's sign contractor has provided photo renderings of the proposed sign's anticipated extension. The rendering depicts the sign overhanging part of the landscape planting bed and not the sidewalk which both run parallel to the west building wall. The petitioner noted the projecting sign will increase the visibility of the restaurant to the hotel customers checking in at the main entrance. Additionally, a traditionally-mounted wall sign would have limited visibility due to an established tree located in front of the building.



Front Photo Rendering by Petitioner



North & South Photo Renderings by Petitioner



STANDARDS FOR A SPECIAL USE

Section X.J.5. of the Zoning Ordinance lists standards that need to be considered by the Plan Commission. The Plan Commission is encouraged to consider these standards (listed below) when analyzing a Special Use request. Staff draft Findings of Fact are provided below for the Commission's review and approval.

X.J.5. Standards: No Special Use shall be recommended by the Plan Commission unless said Commission shall find:

- 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 projecting blade sign is visible only to commercial-related traffic and not to residential neighborhoods. The sign's orientation helps better identify the restaurant business to persons visiting the Convention Center or staying at the hotel.*
- 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 projecting blade sign is minimal in size and visibility to surrounding properties. The sign is most proximate to the convention center, hotel, and parking lot, and all other properties around the site are commercial developments.*
- 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;
 - *The property within this area is already developed for commercial purposes.*
- d. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided;
 - *The electric utilities are already in place from the previously existing wall sign at that location. The sign will not require additional utility installation.*
- 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 projecting blade sign is located on a building away from public streets. The sign will not impact or change the function of access to the site.*
- 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 Special Use conforms to all other applicable regulations of the Planned Unit Development and the Village's ordinances and codes.*
- g. The extent to which the Special Use contributes directly or indirectly to the economic development of the community as a whole.
 - *The proposed projecting blade sign will help identify the restaurant business to persons visiting the Convention Center or staying at the hotel. The projecting blade sign will be visible from the sidewalk in front of the restaurant and near the hotel, as well as the parking lot area serving the convention center. The increased business identification will contribute to the economic development of the community as a whole.*

MOTION TO CONSIDER

If the Plan Commission wishes to act, an appropriate wording of the motions would read:

Special Use Permit:

"...make a motion to recommend that the Village Board grant the Petitioner, Daniel Fitzgerald on behalf of Even Hotel – Tinley Park Convention Center, a Special Use Permit for a Substantial Deviation from the Convention Center/Holiday Inn PUD with an Exception from the Zoning Ordinance to permit one projecting wall sign to extend up to nine feet from the building façade instead of the maximum of one foot at 18501 Convention Center Drive in the B-3 PD zoning district, in accordance with the plans submitted and adopt Findings of Fact as proposed by Village Staff in the August 5, 2021 Staff Report."

[any conditions that the Commissioners would like to add]

LIST OF REVIEWED PLANS

Submitted Sheet Name	Prepared By	Date On Sheet
EVEN Hotel & Tinley Park Convention Center Local One Restaurant Conceptual Sign Design Drawing	Jones Signs	N/A, Received revision

PLAN COMMISSION STAFF REPORT

August 5, 2021 - Workshop

Petitioner

Parth Patel, on behalf of
Parth37 LLC

Property Location

6801 159th Street

PIN

28-19-100-019-0000

Zoning

B-3 (General Business &
Commercial)

Approvals Sought

- Site Plan &
Architectural
Approval
- Variations

Project Planner

Daniel Ritter, AICP
Senior Planner

Smoothie King Redevelopment

6801 159th Street (Former Brown's Chicken)



EXECUTIVE SUMMARY

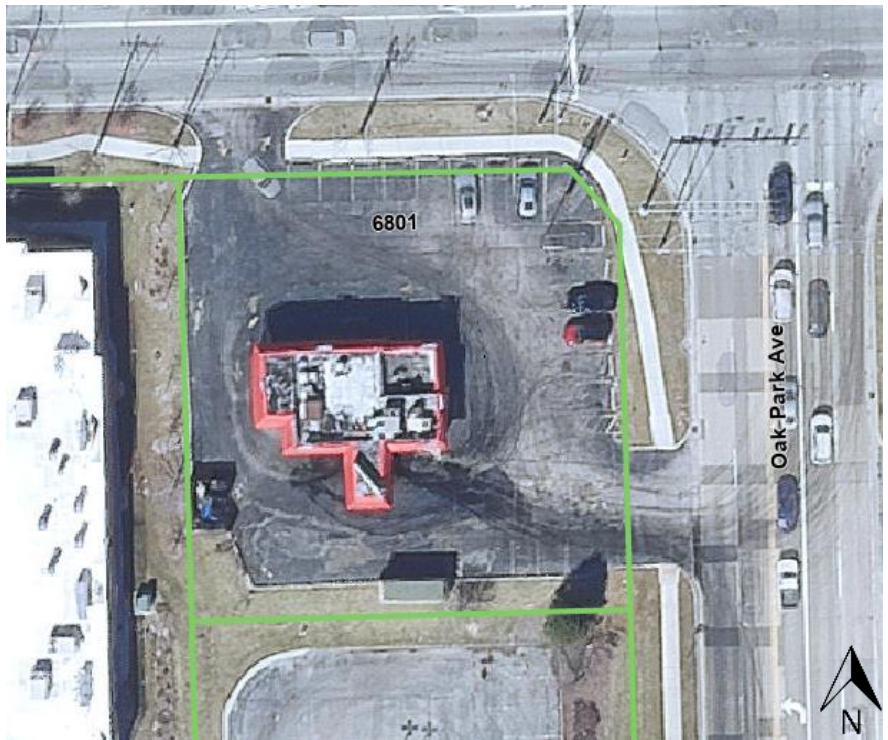
The Petitioner, Parth Patel on behalf of Parth37 LLC (property owner), is requesting Variations from the Zoning Ordinance for minimum parking requirements, exterior material requirements, ground sign setback, and wall sign allowances. Additionally, Site Plan and Architectural Approval is requested for the changes to the building's structure and site layout.

The Petitioner proposes to demolish the existing deteriorated and vacant former Brown's Chicken building. The existing foundation will be utilized to construct a new structure with a similar footprint. The site will have dual drive-thru lanes with one-way circulation around the site. Overall landscaping and signage improvements are proposed which are expected to upgrade a blighted property at a prominent entrance into the Village. This property is within the Village's 159th Street & Harlem Avenue TIF District.

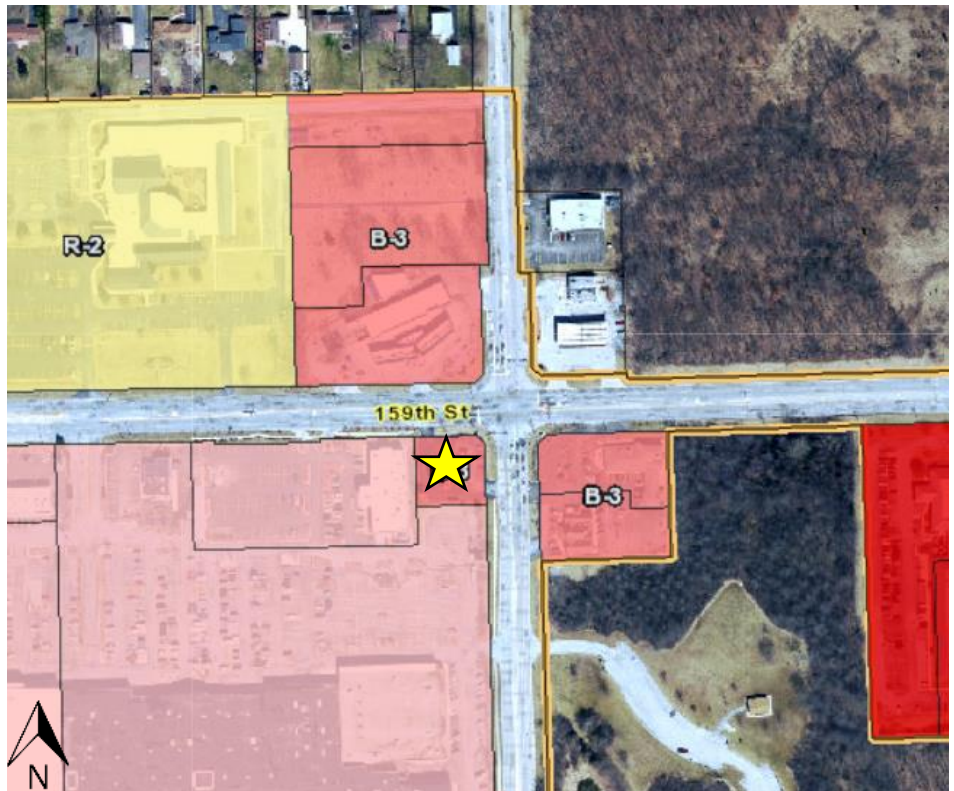
The Petitioner operates as a franchisee for Smoothie King with seven current locations and working towards having 20 locations by 2023. The Petitioner has noted that the site is small without space to expand the property's footprint. The set foundation also gives limited options on the proposed site layout. The proposed parking and drive-thru stacking numbers meet or exceed what typical Smoothie King locations require. Smoothie King's concept is unique and results in lower parking demand and quick customer turnaround times. Additionally, many customers now order ahead using their website and phone app to place their order, further expediting wait times.

EXISTING SITE & ZONING

The existing site is approximately 18,165 sq. ft. in size and is located on the southwest corner of 159th Street and Oak Park Avenue. The property previously functioned as a gas station that was originally developed in unincorporated Cook County for many years. The site was annexed into the Village in 1968 along with the neighboring area that was developed into the Bremementowne Mall. Eventually, the site was redeveloped into a Brown's Chicken. The Brown's Chicken was mostly take-out orders but had a few tables and a drive-thru lane available. The building and site have been in disrepair for a few years. Brown's Chicken closed in January 2020 and the property went up for sale soon after. The Petitioner purchased the property in June 2021.



The existing site has an approximately 1,400 sq. ft. building with a canopy over the drive-thru window. The site also has a small shed along the south property line, a dumpster enclosure at the southwest corner of the lot, and a pole sign at the northeast corner of the site. Most of the site is paved with the exception of a small strip at the south end of the property. Public sidewalks were installed in the public rights-of-way surrounding the site in 2019 as part of the Village's sidewalk gap program.



The subject site is zoned B-3 (General Business and Commercial) and predates most of the surrounding development in the area. To the north (Delta Sonic Gas Station and Car Wash) and East (multi-tenant building with an apartment) are similarly zoned B-3. The properties to the south (Bremementowne Mall/ Menards) and west (Golden Corral) are zoned B-2 (Community Shopping District). The property on the northeast corner of the intersection (Shell Gas Station) is located in the City of Oak Forest.

PROPOSED USE

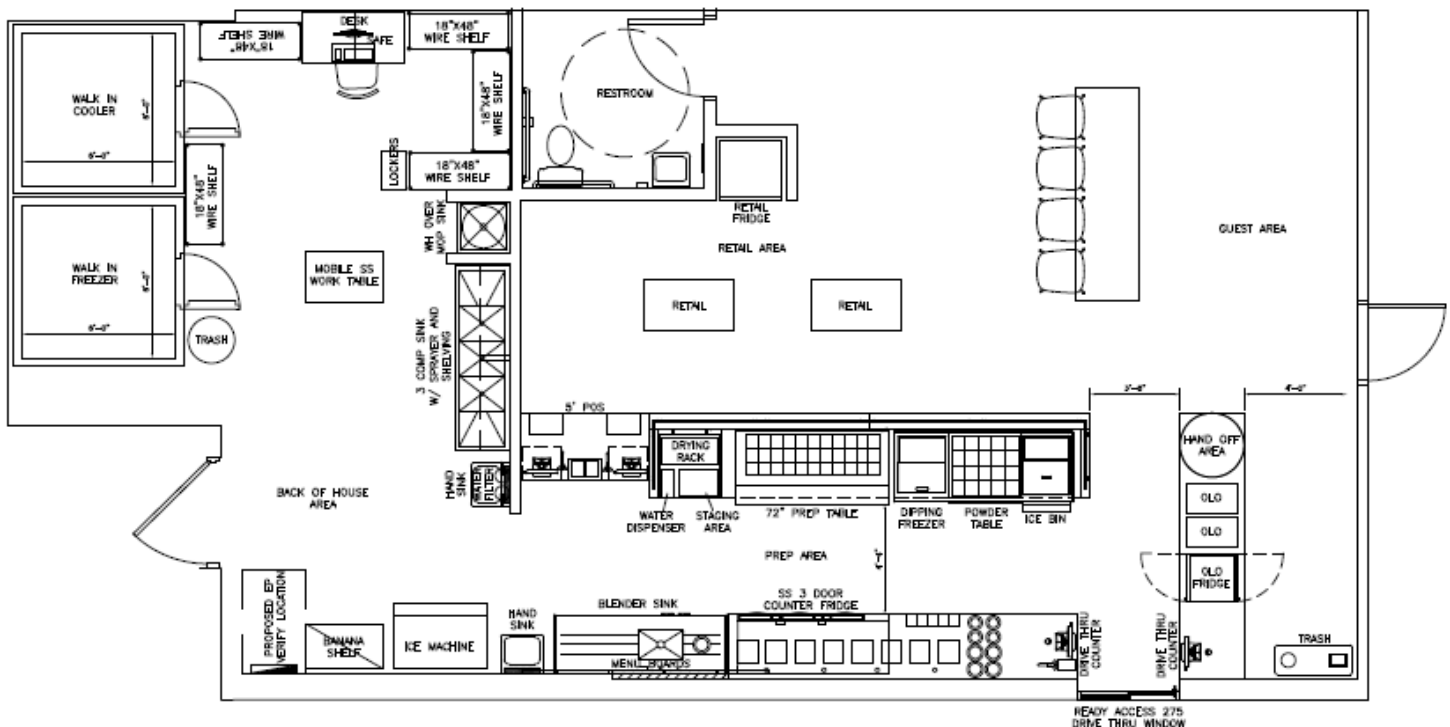
The proposed structure will be a standalone single-tenant building that will operate as a Smoothie King franchise (www.smoothieking.com). Smoothie King has over 1,000 locations across the United States, with the closest locations in Orland Park and Mokena. Smoothie King's business model is dedicated almost entirely to freshly made smoothies for desserts/snacks, meal replacement, and fitness. No food service beyond smoothies is prepared on the site but other prepackaged goods and merchandise are available for sale.



A drive-thru is proposed at this location with dual ordering lanes. Drive-thrus have become a strong priority in opening new locations for Smoothie King since the pandemic. The dual lanes allow for additional vehicles to stack in the drive-thru lane so that it doesn't block any site circulation and to process more orders in a quicker fashion. The drive-thru and food service times are much different for Smoothie King than compared to typical fast food or even coffee shops like Starbucks or Dunkin'. The customer turnaround time is fairly quick from the initial order to completion.



"Restaurants, including drive-thru facilities" are listed as a permitted use in the B-3 zoning district. However, the drive-thru layout and demand is subject to review through the Site Plan Approval process to ensure safe circulation and that the stacking is sufficient to avoid traffic issues.

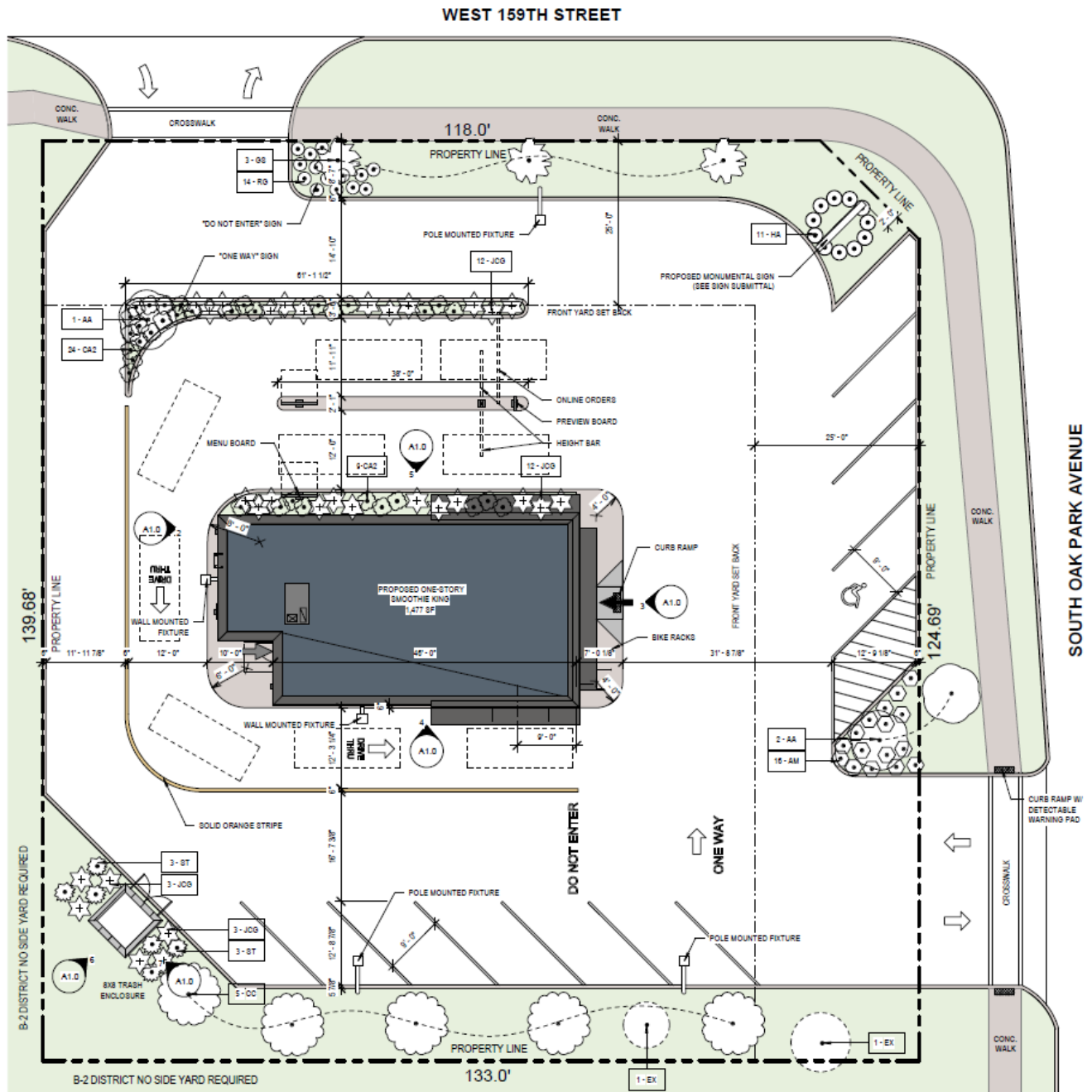


Above: Concept smoothie King floor plan.

SITE PLAN

The proposed site plan includes the principal building along with dual drive-thru lanes that start on the northeast corner of the building and merge into one lane after the order boards (similar to the McDonald's location at 17171 Harlem Ave.) The site circulation runs one-way counterclockwise through the site with angled parking on the east and south sides. The site has two existing full access entrances along 159th Street and Oak Park Avenue that will remain unchanged. Signage and striping at the entrances are proposed to relay the one-way circulation information to customers. New curbing and landscaping areas are proposed along the north and east property lines to give some separation between vehicles and the public sidewalk. The new curbing will allow for the removal of the damaged parking blocks currently utilized on the site. A new dumpster enclosure that will match the building's exterior is proposed at the southwest corner of the property. The main entrance to the building will be on the east side facing Oak Park Avenue. Cross-access with the Menards shopping center to the south is preferred, but the existing grade difference between the sites makes that transition infeasible.

Open Item #1: Review the overall proposed site plan, circulation pattern, and drive-thru layout.



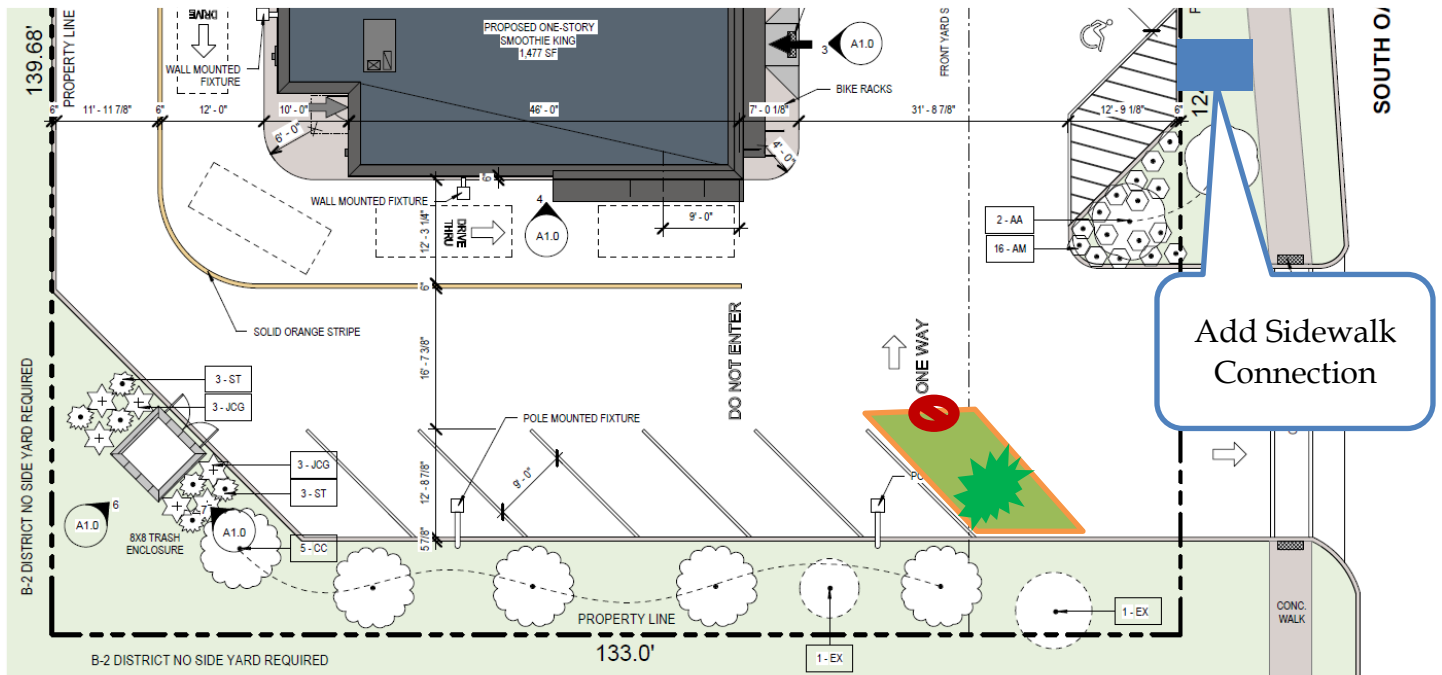
Staff suggests adding an end island on the southeast corner next to the row of parking. This curbed island will help to guide vehicles entering the site from Oak Park Avenue to turn right and follow the one-way directional pattern. Additionally, this provides protection to the vehicles parked there, additional space to add directional signage, and additional landscaping. Regardless of the additional island, directional signage needs to be added beyond striping at Oak Park Avenue entrance including a “One Way Do Not Enter” sign to prevent wrong-way circulation around the building (see the illustration below).



Open Item #2: Revise plans with staff's recommendations for a curbed end island with a tree and directional signage to help avoid wrong-way circulation of vehicles entering from Oak Park Avenue.

Sidewalks were previously installed in 2019 surrounding the property. However, there is no required sidewalk connection to the site. A sidewalk connection shall be proposed from the public sidewalk. Staff recommends utilizing the ADA stall's access aisle as a means to connect the public sidewalk to the site (see the illustration below).

Open Item #3: Revise plans with a public sidewalk connection to the site.



Details were not provided on the construction of the dumpster enclosure. However, the plans do note it will be matching materials to the building façade. Details can be provided or staff is agreeable to conditioning it that the details be provided with matching materials prior to building permit issuance.

Open Item #4: Provide dumpster enclosure details or add staff's recommended condition that the details be provided prior to permit issuance.

The plans are still under review from the Village Engineer and are subject to their final review and approval in regards to traffic control, utilities, and grading. Staff notes that all signage and striping are required to meet MUTCD requirements on the final permitted plans. Staff has recommended a standard condition that the approval be subject to Final Engineering Plan review and approval.

Open Item #5: Staff is recommending the site plan approval be conditioned upon final engineering review and approval.

VARIATIONS

Five Variations are required per the submitted plans as listed below. These variations are covered in further detail in the related sections below:

1. Parking: A Variation from Section VIII.A.10 (Parking - Number of Required Spaces) of the Zoning Ordinance to permit a total of 10 parking stalls where a minimum of 12 parking stalls is required.
2. Masonry: A Variation from Section V.C.7.F.G. To permit the structure to have 18% of the exterior façade be a metal accent panel instead of the required maximum of 15%.
3. Ground Sign Setback: A Variation from Section IX.D.2.c. (Freestanding Signs – Location) of the Zoning Ordinance to permit a ground sign setback of 2 feet where the required minimum is 10 feet.
4. Wall Sign Number: A Variation from Section IX.F.1 (Business Districts – Wall Signs) of the Zoning Ordinance to permit two walls signs on the east and north elevations where a maximum of one on each elevation is permitted.

5. Maximum Wall Sign Size: A Variation from Section IX.F.1 (Business Districts – Wall Signs) of the Zoning Ordinance to permit:
 - a. Wall signage on the east elevation that totals 101 sq. ft. in size where the maximum permitted is 28.5 sq. ft. is permitted.
 - b. Wall signage on the north elevation that totals 101 sq. ft. in size where the maximum permitted is 53.33 sq. ft. is permitted.

LANDSCAPING

The Landscape Plan is shown with the overall Site Plan. As with many infill and redevelopment sites, the Landscape Ordinance is often difficult or impossible to meet. The Village's goal is to improve sites by meeting the intent of the code as much as possible and providing for an improvement to the existing site. The focus for landscaping enhancements is often on the perimeter landscaping, street trees, and adding islands in undefined paved areas. The proposed landscape and site plan provide for many of those items. Additionally, foundational landscaping is proposed along the building's north façade that fronts 159th Street and to separate the drive-thru and main drive aisles. Foundational landscaping along the north façade will help break up the monotony of that façade and provide visual interest.

On the subject site, most required street trees are not possible due to the small right-of-way widths and overhead power lines. Trees have been proposed along the southern property line and at entrances where there is enough width to plant. Additional trees have been proposed on the private frontage. Overall there is an increase of 12 trees on the site and additional shrubs and bushes. Staff has recommended one additional tree can be planted in the end island. For a small and challenging site staff believes the overall proposal increases the overall appearance of the site and area.

Open Item #6: Review the proposed Landscape Plan.

ARCHITECTURE

The existing deteriorated building will be demolished with a new building constructed in its place. The proposed building is mostly tan face brick (72% of exterior) with "limestone wainscot" at the base (8% of exterior) and 4' limestone cap with aluminum trim (2% of exterior) at the top of the building. Additionally, a custom metal architectural element wraps the front of the building (18% of exterior). The materials used mostly comply with the masonry requirement outlined for commercial districts in Section V.C.F-H. However, accent materials, such as the metal architectural element are limited to 15% of the building exterior, requiring a reduction in its size or a Variation. If the Commission believes a Variation is not warranted for the exterior materials, staff recommends reducing the height of the metal element slightly to be a similar level as the rest of the roofline.

Open Item #7: Review the proposed materials and request for a Variation on exterior materials.

The façade itself is rather simple and modern in style. Staff's original comments included a request for additional dimension or detailing on the building, particularly on the north and south elevations that will be highly visible. Changes include adding the metal architectural element, carrying the canopy on the north and south sides, and setting in some areas to appear as faux window insets. Overall, staff likes the addition of the architectural element and expansion of the canopies that bring some dimension to the building and accentuates the front entrance of the building. The design will be custom but is similar to newer Taco Bell facades as shown on the image to the right.

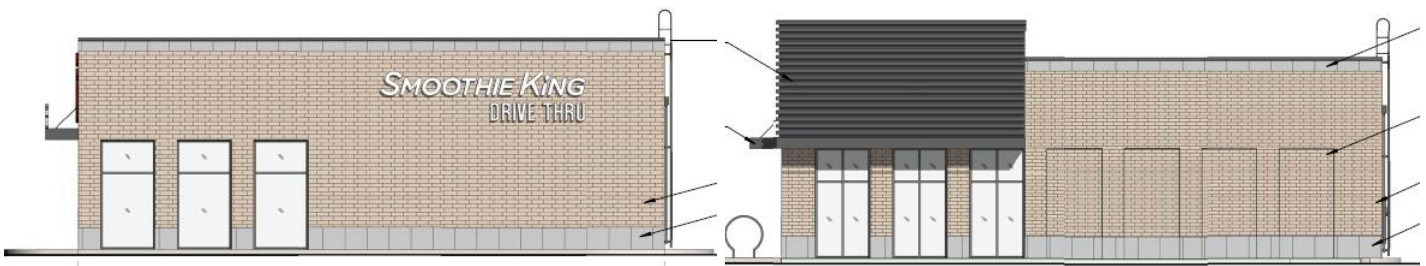


Above: Similar front metal architectural element on a Taco Bell.

The areas where the brick and stone based is recessed 2-inches is mixed in terms of the reviews on what it adds to the façade. Staff is looking to discuss these additions of inset brick/stone further and which wall look is preferred. While the walls are a bit blank on the original plans, the building is fairly small and signage proposed helps to break it up. The original and revised façade options are shown below for review of the different changes.

Open Item #8: Review the proposed architecture and preference for 2-inch brick/stone insets on the north and south elevations.

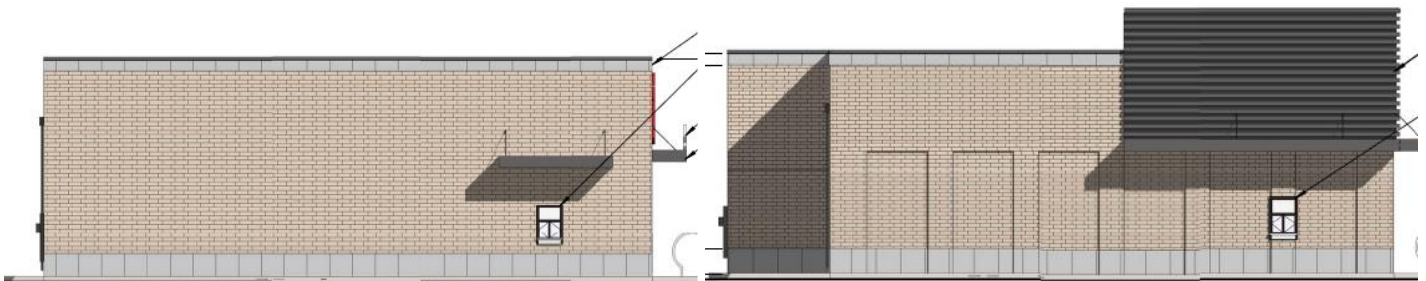
North Elevation



Left: 1st Elevation

Right: Revised Elevation

South Elevation



Left: 1st Elevation

Right: Revised Elevation

SIGNAGE

Wall Signs

Wall signs are proposed on the north, south, and east elevations. The Zoning Ordinance permits one wall sign on each elevation that is a maximum of one sq. ft. in size per lineal foot of building frontage. Variations are being requested for the number of signs and size on the north and east elevation as well as the overall signage size. The petitioner has noted the number and size increases are proposed to give the best overall appearance to the building and visibility of signage. The building is rather small on a busy corner, and complying with the size requirements results in signage not easily visible to customers and small in comparison to the developments neighboring it.

Smoothie King Signage			
	Number of Signs	Max Size Permitted	Total Size Proposed
North	2 (+1)	53.33 sf	53+48=101 sf (+47.66 sf)
East	2 (+1)	28.5 sf	53+48=101 sf (+72.5 sf)
South	1	53.33 sf	48 sf (-5.33 sf)



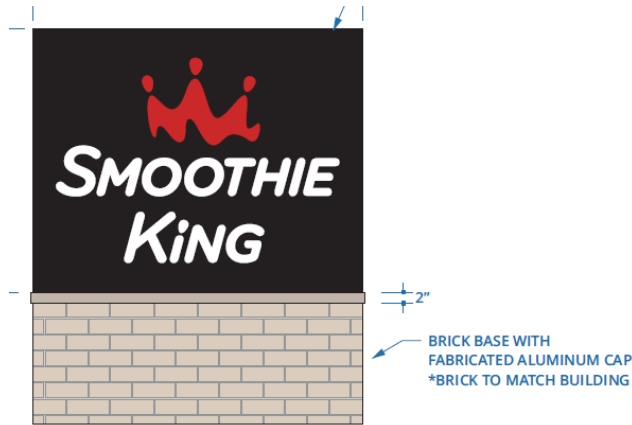
Open Item #9: Discuss proposed Variations for wall sign number and size on the east and north elevations.

Ground Sign

The proposed monument-style sign will have an internally illuminated cabinet and brick base to match the building's exterior. The sign will comply with the design, size, and height requirements of the Zoning Ordinance. However, a setback Variation is being requested due to the small lot size and lack of available space. The sign is proposed to be 2 feet from the property line where the minimum required is 10 feet. The existing sign is between 2-3 feet from the property line, so the sign is being proposed in a similar location as that existing pole sign. At a minimum a 2-foot setback from property lines and drive aisles ensures there are no conflicts with pedestrians, bicyclists, or vehicles. The Petitioner is proposing the 2-foot setback and proposing a more attractive sign than currently exists on the site. Similar Variations have been considered on other infill and redevelopment sites in the Village. Most recently the 7-Eleven gas station ground sign at 171st St. & Harlem Ave. was approved for a similar 2 foot setback on a redevelopment infill site.



Left: Existing Pole/Pylon Sign

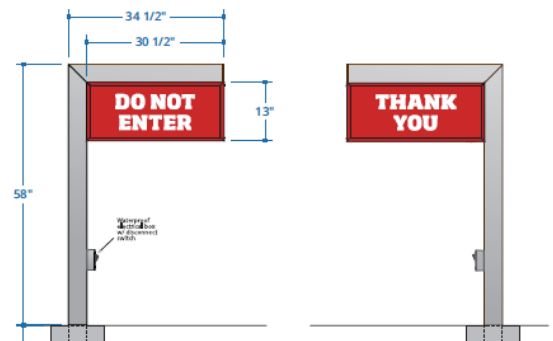


Right: Proposed Monument Sign

Open Item #10: Discuss proposed Variation to permit a 2-foot setback where 10-feet is required.

Accessory Signs

Directional and drive-thru signage is proposed. Staff has requested two changes to the directional signage. First, directional signs are limited to a maximum height of 48" and the proposed signs are 58" in height. This height requirement can be met. Second, is that any signs used for traffic control must meet MUTCD standard details. MUTCD-approved signs are standard across the nation, so they are more recognizable and enforceable. This comment is specifically related to "One Way" and "Do Not Enter Signage" on the plans.



Open Item #11: Revise directional sign heights to be 48" or below. Utilize MUTCD-approved signage for any traffic control signage.

The proposed drive-thru signage complies with the code. However, a second accessory drive-thru "preview menu board" is proposed. A text amendment to the sign regulations specific to preview menu boards is being considered by the Plan Commission and Village Board currently. Those changes would be in effect if passed prior to issuance of the building permit for this development.

PARKING & DRIVE-THRU STACKING

Drive-Thru

The Petitioner has described their overall drive-thru and parking demands in the attached traffic analysis. Overall the site has spacing for 9 vehicles to stack in the dual drive-thru lanes (4 at the ordering boards and 5 between the menu boards and the pickup window). While not part of the plan, there is room for another 3 more vehicles to stack on the east side of the building without blocking site circulation or spilling off-site (for a total of 12). The proposed stacking is typical of many Smoothie King locations and is expected to exceed the number of stacking spaces. The number of stacking spaces is similar to many drive-thru locations in the Village, but demand is expected to be lower and service times faster than typical fast food options due to limited food options and quick prep time. Thus, no stacking issues are expected. Staff recommends a condition of approval that requires any future tenants or changes to the parking demand or operations be required to submit an updated parking and traffic analysis at that time.

Open Item #12: Review overall proposed drive-thru stacking and traffic analysis and staff's recommendation that future users or operational changes submit a new parking and traffic analysis.

Parking

The existing site has approximately 19 parking stalls while the changes to the site including the additional drive-thru lane and landscaping reduced the parking to 10 stalls. It should be noted many of the existing stalls and aisles on the site do not comply with current width standards. The Zoning Ordinance's required minimum number of stalls is 12 based on the required number for indoor and carryout dining. The minimum requirements in Section VIII.A.10 (Number of Parking Spaces Required) includes the following:

- Min. 1 stall for each employee - The number of employees on the site is typically 2-3, with a peak of 5 during peak times or special events (5 stalls required).
- Min. 1 stall for every 3 seats - The floor plan is not finalized yet but 4-8 seats are expected (2 stalls required).
- Min. 5 stalls for carryout food establishments (5 stalls required).

Similar to other recent commercial projects, staff has noted parking is more of an art than a science. There is no standard practice and parking requirements can change over time depending on overall vehicle usage and based upon the specific tenants and business operations. While the parking minimums can act as a guide, they are also outdated as much of the data dates back to the 1970's and 80's. While adequate parking is needed, it is often left to developers and property owners to ensure they will have enough parking spaces. Without enough parking, it is most often to the detriment of the property owner if the site doesn't have adequate parking availability for customers.

As previously noted and in the Petitioner's narrative, the customer turnover times are faster than typical carryout or drive-thru food establishments since hot food is not served on-site and order times are fairly short. Additionally, pre-orders on the Smoothie King website and phone app, have grown considerably with close to 30% at many stores. That number is expected to be a bit lower at this location due to the drive-thru convenience but remains high overall compared to many other food service establishments. The Petitioner has also noted some other successful and comparable drive-thru locations with similar layouts and parking that have been successful.

Parking can be added to the north side of the property but would require removal of the second drive-thru lane. The drive-thru staking and dual ordering screens is the preference over additional parking stalls due to increased drive-thru demand since the pandemic.

Open Item #13: Review requested parking Variation to permit 10 parking stalls where a minimum of 12 are required.

LIGHTING

New light poles are proposed on the plan. However, no photometric plan or details on the light fixture were supplied. No building lights are also indicated on the plans. A photometric plan and pole/fixture specification cut sheets shall be submitted showing adequate lighting in compliance with the light coverage requirements. If plans are not received prior to the public hearing, it is recommended that a condition be added requiring they be submitted and reviewed for code compliance by staff prior to permit issuance.

Open Item #14: Submit a proposed photometric plan and cut sheets for the pole and proposed light fixtures.

SUMMARY OF OPEN ITEMS

Staff identified the following open items for discussion at the workshop:

1. Review the overall proposed site plan, circulation pattern, and drive-thru layout.
2. Revise plans with staff's recommendations for a curbed end island with a tree and directional signage to help avoid wrong-way circulation of vehicles entering from Oak Park Avenue.
3. Revise plans with a public sidewalk connection to the site.
4. Provide dumpster enclosure details or add staff's recommended condition that the details be provided prior to permit issuance.
5. Staff is recommending the site plan approval be conditioned upon final engineering review and approval.
6. Review the proposed Landscape Plan.
7. Review the proposed materials and request for a Variation on exterior materials.
8. Review the proposed architecture and preference for 2-inch brick/stone insets on the north and south elevations.
9. Discuss proposed Variations for wall sign number and size on the east and north elevations.
10. Discuss proposed Variation to permit a 2-foot setback where 10-feet is required.
11. Revise directional sign heights to be 48" or below. Utilize MUTCD-approved signage for any traffic control signage.
12. Review overall proposed drive-thru stacking and traffic analysis and staff's recommendation that future users or operational changes submit a new parking and traffic analysis.
13. Review requested parking Variation to permit 10 parking stalls where a minimum of 12 are required.
14. Submit a proposed photometric plan and cut sheets for the pole and proposed light fixtures.

STANDARDS FOR SITE PLAN AND ARCHITECTURAL APPROVAL

Section III.T.2. of the Zoning Ordinance requires that the conditions listed below must be met and reviewed for Site Plan approval. Specific findings are not required but all standards shall be considered to have been met upon review from the Plan Commission.

Architectural

- a. **Building Materials:** The size of the structure will dictate the required building materials (Section V.C. Supplementary District Regulations). Where tilt-up or pre-cast masonry walls (with face or thin brick inlay) are allowed vertical articulation, features are encouraged to mask the joint lines. Concrete panels must incorporate architectural finishes that comply with “Building Articulation” (Section III.U.5.h.) standards. Cast in place concrete may be used as an accent alternate building material (no greater than 15% per façade) provided there is sufficient articulation and detail to diminish it’s the appearance if used on large, blank walls.
- b. **Cohesive Building Design:** Buildings must be built with approved materials and provide architectural interest on all sides of the structure. Whatever an architectural style is chosen, a consistent style of architectural composition and building materials are to be applied on all building facades.
- c. **Compatible Architecture:** All construction, whether it be new or part of an addition or renovation of an existing structure, must be compatible with the character of the site, adjacent structures and streetscape. Avoid architecture or building materials that significantly diverge from adjacent architecture. Maintain the rhythm of the block in terms of scale, massing and setback. Where a development includes outlots they shall be designed with compatible consistent architecture with the primary building(s). Site lighting, landscaping and architecture shall reflect a consistent design statement throughout the development.
- d. **Color:** Color choices shall consider the context of the surrounding area and shall not be used for purposes of “attention getting” or branding of the proposed use. Color choices shall be harmonious with the surrounding buildings; excessively bright or brilliant colors are to be avoided except to be used on a minor scale for accents.
- e. **Sustainable architectural design:** The overall design must meet the needs of the current use without compromising the ability of future uses. Do not let the current use dictate an architecture so unique that it limits its potential for other uses (i.e. Medieval Times).
- f. **Defined Entry:** Entrance shall be readily identifiable from public right-of-way or parking fields. The entry can be clearly defined by using unique architecture, a canopy, overhang or some other type of weather protection, some form of roof element or enhanced landscaping.
- g. **Roof:** For buildings 10,000 sf or less a pitched roof is required or a parapet that extends the full exterior of the building. For buildings with a continuous roof line of 100 feet or more, a change of at least five feet in height must be made for every 75 feet.
- h. **Building Articulation:** Large expanses of walls void of color, material or texture variation are to be avoided. The use of material and color changes, articulation of details around doors, windows, plate lines, the provision of architectural details such as “belly-bands” (decorative cladding that runs horizontally around the building), the use of recessed design elements, exposed expansion joints, reveals, change in texture, or other methods of visual relief are encouraged as a means to minimize the oppressiveness of large expanses of walls and break down the overall scale of the building into intermediate scaled parts. On commercial buildings, facades greater than 100 feet must include some form of articulation of the façade through the use of recesses or projections of at least 6 inches for at least 20% of the length of the façade. For industrial buildings efforts to break up the long façade shall be accomplished through a change in building material, color or vertical breaks of three feet or more every 250 feet.
- i. **Screen Mechanicals:** All mechanical devices shall be screened from all public views.

- j. Trash Enclosures: Trash enclosures must be screened on three sides by a masonry wall consistent with the architecture and building material of the building it serves. Gates must be kept closed at all times and constructed of a durable material such as wood or steel. They shall not be located in the front or corner side yard and shall be set behind the front building façade.

Site Design

- a. Building/parking location: Buildings shall be located in a position of prominence with parking located to the rear or side of the main structure when possible. Parking areas shall be designed so as to provide continuous circulation avoiding dead-end parking aisles. Drive-through facilities shall be located to the rear or side of the structure and not dominate the aesthetics of the building. Architecture for canopies of drive-through areas shall be consistent with the architecture of the main structure.
- b. Loading Areas: Loading docks shall be located at the rear or side of buildings whenever possible and screened from view from public rights-of-way.
- c. Outdoor Storage: Outdoor storage areas shall be located at the rear of the site in accordance with Section III.O.1. (Open Storage). No open storage is allowed in front or corner side yards and are not permitted to occupy areas designated for parking, driveways or walkways.
- d. Interior Circulation: Shared parking and cross access easements are encouraged with adjacent properties of similar use. Where possible visitor/employee traffic shall be separate from truck or equipment traffic.
- e. Pedestrian Access: Public and interior sidewalks shall be provided to encourage pedestrian traffic. Bicycle use shall be encouraged by providing dedicated bikeways and parking. Where pedestrians or bicycles must cross vehicle pathways a cross walk shall be provided that is distinguished by a different pavement material or color.

STANDARDS FOR A VARIATION

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.

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.
2. The plight of the owner is due to unique circumstances.
3. The Variation, if granted, will not alter the essential character of the locality.
4. 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.

RECOMMENDATION

Following a successful workshop, proceed to a Public Hearing at the August 19, 2021 Plan Commission meeting.

**Petitioner**

Village of Tinley Park

Code Section

Sec. of Zoning Ordinance

Approvals Sought

Text Amendment

Project Planner

Daniel Ritter, AICP
Senior Planner

PLAN COMMISSION STAFF REPORT

August 5, 2021 – Public Hearing

Zoning Code Text Amendment - Adult-Use Cannabis Dispensary Locations

EXECUTIVE SUMMARY

The Cannabis Regulation and Tax Act ("Act"), was signed into law by Governor JB Pritzker on June 25, 2019 (amended and adopted as Public Act 101-0593 December 4, 2019). Effective as of January 1, 2020, the Act legalized the possession and private use of cannabis for Illinois residents over 21 years of age. With the adoption of the Act, municipalities may not restrict the private consumption of cannabis that is authorized by the Act. However, municipalities can adopt and enforce local ordinances to regulate the possession and public consumption of cannabis so long as the regulations and penalties are consistent with the Act. The Act also preserves local zoning authority and authorizes municipalities to prohibit or significantly limit the location of cannabis businesses by ordinance.

On August 4, 2020 the Village adopted Ord. 2020-O-038 (attached) regulating adult-use recreational cannabis establishments and allowing dispensaries to operate in the Village with limitations on their locations. Since that time no licenses have been available for a Cannabis Dispensary to locate in the Village. Staff has had discussions with dispensary groups and received feedback that with the current zoning regulations, finding a location was proving difficult.

With the potential of more licenses to be issued by the State and feedback from the Village Board, Staff has re-examined the regulations to determine what changes can be made that would make it easier for a dispensary to locate in the Village.

Proposed changes for recreational dispensaries include:

- Allowing in multi-tenant structures and not just standalone structures.
- Remove corridor requirements that limit locations along 159th St, Harlem Ave, and LaGrange Rd)
- Allowing as a Special Use in additional commercial districts beyond B-2 and B-3, including B-1, ORI, M-1, and Overlay Districts.

Changes to the July 15, 2021 Workshop Staff Report are indicated in Red.

EXISTING ALLOWANCES

Use Chart

The current allowances for adult-use cannabis are indicated in the chart below (located in Section V.B.Schedule I (schedule of Permitted Uses – By Use Type) and in the attached Ordinance (2020-O-038). In addition to this chart, it is noted that all cannabis businesses are prohibited in the Legacy Code Districts.

USE	R-1 thru R-7	B-1	B-2	B-3	B-4	B-5	ORI	M-1	MU-1
Adult-use cannabis craft grower	X	X	X	X	X	X	X	X	X
Adult-use cannabis cultivation center	X	X	X	X	X	X	X	X	X
Adult-use cannabis dispensing organization	X	X	S*	S*	X	X	X	X	X
Adult-use cannabis infuser organization or infuser	X	X	X	X	X	X	X	X	X
Adult-use cannabis processing organization or processor	X	X	X	X	X	X	X	X	X
Adult-use cannabis transporting organization or transporter	X	X	X	X	X	X	X	X	X

*only one SUP for Adult-Use Cannabis Dispensing Organization will be approved within the Village of Tinley Park.

Additional Location Regulations in Sec. V.C.13. (Supplementary Business Regulations – Adult Cannabis Business Establishments)

Below is a list of existing location regulations for adult-use cannabis dispensing organizations. Other requirements of Adult-Use Cannabis Dispensing Organizations, such as submittal information, Special Use procedures, operating requirements, licensing, and the maximum of one location in the Village are not being changed or analyzed with this text amendment.

- b. Adult-Use Cannabis Dispensing Organization: In those zoning districts in which an Adult-Use Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:
 - i. Facility may not be located within 400 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school or day care center. This shall not include a daycare home (daycare conducted within a residence) or residential care home. Learning centers or technical and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
 - ii. Facility may not be located in a dwelling unit or within 100 feet of the property line of a pre-existing property zoned or used for residential purposes.
 - iii. Adult-Use Cannabis Dispensing Organization will be limited to locations with frontage on 159th Street, Harlem Avenue and LaGrange Road.
 - iv. Facility must be located in a standalone building; no co-tenancy with other uses allowed.

PROPOSED CHANGES

Use Chart (Proposed Code Changes Indicated in Red)

USE	R-1 thru R-7	B-1	B-2	B-3	B-4	B-5	ORI	M-1	MU-1
Adult-use cannabis craft grower	X	X	X	X	X	X	X	X	X
Adult-use cannabis cultivation center	X	X	X	X	X	X	X	X	X
Adult-use cannabis dispensing organization	X	S*	S*	S*	X	X	S*	S*	S*
Adult-use cannabis infuser organization or infuser	X	X	X	X	X	X	X	X	X
Adult-use cannabis processing organization or processor	X	X	X	X	X	X	X	X	X
Adult-use cannabis transporting organization or transporter	X	X	X	X	X	X	X	X	X

Additional Location Regulations in Sec. V.C.13. (Supplementary Business Regulations – Adult Cannabis Business Establishments)

- b. Adult-Use Cannabis Dispensing Organization: In those zoning districts in which an Adult-Use Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:
- i. Facility may not be located within 400 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school or day care center. This shall not include a daycare home (daycare conducted within a residence) or residential care home. Learning centers or technical and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
 - ii. Facility may not be located in a dwelling unit or within 100 feet of the property line of a pre-existing property zoned or used for residential purposes.
 - ~~iii. Adult-Use Cannabis Dispensing Organization will be limited to locations with frontage on 159th Street, Harlem Avenue and LaGrange Road.~~
 - ~~iv. Facility must be located in a standalone building; no co-tenancy with other uses allowed.~~

WORKSHOP FOLLOW-UP

Commissioners generally noted they did not have concerns with opening up the allowance of dispensaries to other commercial zoning districts and removing the corridor/roadway restrictions. The concerns that could come with allowing them in more locations are mitigated by the requirement that only one location is permitted and that all locations require Special Use review and approval that considers the overall site compatibility and surrounding uses. The Commission's main concern was in regards to allowing dispensaries in multi-tenant buildings. Specifically, how it could affect other existing businesses in the building in terms of odors and foot traffic.

Staff did some research into the requirements for these organizations. The dispensary locations are scored and approved partially based on a requirement to submit the following information: "A detailed description of air treatment systems that will be installed to reduce odors". Specific standards do not exist since the correct solution may differ widely based on the existing building's air systems, design, and layout. However, it is required as part of any submittal at the state and available to the Village as well.

While standalone buildings are often the preference of both municipalities and dispensary owners, multi-tenant locations are common for dispensary locations. As noted in the workshop meeting, some commercial owners have noted that they cannot lease to cannabis tenants due to restrictions with federally-back mortgages. Whether a property owner leases to a dispensary is completely up to them to determine if it benefits their overall property. A list of some notable and surrounding multi-tenant dispensaries are listed below:

1. Curaleaf – Mokena (Medical-only)
2. CuraLeaf – Justice
3. Curaleaf - Deerfield
4. Windy City Cannabis – Posen
5. Windy City Cannabis – Homewood
6. Verilife – Romeoville
7. Verilife – Arlington Heights



8. Verilife – North Aurora
9. Verilife – Galena
10. Verilife – Schaumburg
11. Verilife – Rosemont
12. Sunnyside – Rockford

13. Sunnyside – Schaumburg



14. Mission – Calumet City



15. ZenLeaf – Lombard



Common reasons for use of multi-tenant buildings are low availability of standalone/single-tenant buildings and insufficient time permitted to wait on new development. Multi-tenant buildings also give some flexibility to the dispensary in regards to needing upfront cash, rent amount, and the ability to expand in the future if needed. In no cases did staff find a multi-tenant center owned by a dispensary organization. This is likely because the company is not in the business of being a landlord. However, sometimes the properties are held in a trust or separate company with many of the same beneficiaries as the dispensary. However, it is not technically the same owner.

Staff discussed the locating of dispensaries in multi-tenant buildings with staff at the Villages of Schaumburg and Homewood. Each noted that the state required submittal of information related to adequate ventilation and air cleaning systems that each village reviewed as well with their approvals. No noted that there were no odors exterior to the buildings that were regular or received any complaints on. Within the buildings, there was some odor in the tenant space but none known in separate tenant spaces. Exterior lines on the sites were not noted as a major issue after the initial surge when they first opened. It appears customers are mostly handled inside but occasionally a line needs to be formed at peak times since there are limits to the number of people within the building. Whether a standalone structure or multi-tenant structure, it was recommended that the lines be looked at as part of a Special Use process.

The Tinley Park Police Department was also consulted and did not have concerns about smell if proper ventilation and filtration was installed. It was noted a smell issue existed at the Police Departments' evidence room previously but a HEPA filtering system has resolved the issue. In regards to any issues with crime, they did not have any new or updated information. They were not aware of any major issues though. It was noted there are strong controls for security and product availability.

To clarify the items related to odor in multi-tenant buildings, staff recommends adding an additional submittal component of a Special Use review. This requirement would be under Section V.C.13. (Adult-Use Cannabis Business Establishments) and require the information to be submitted and reviewed with each request. Since each site is unique and HVAC technology is changing, the Special Use review of the ventilation and air filtration is recommended over a set standard. The submittal can then be analyzed by Village staff and the Plan Commission to ensure it does not create any nuisances. The drafted additional language is:

- xi. *HVAC and air treatment systems that will be installed to reduce odors to the exterior of the building and internal to the building if located in a multi-tenant building.*

MOTION TO CONSIDER

If the Plan Commission wishes to act on the proposed Text Amendment, the appropriate wording of the motion is listed below.

"...make a motion to recommend the Village Board amend various sections of the Zoning Ordinance to as described in the August 5, 2021 Staff Report and draft ordinance to permit Adult-Use Cannabis Dispensing Organizations to be allowed in the following zoning districts as a Special Use: B-1 (Neighborhood Shopping), ORI (Office and Restricted Industrial District), M-1 (General Manufacturing), MU-1 (Duvan Drive Overlay District), and Rich Township Entertainment and Tourism Overlay District, in addition to their current allowances. Additionally, the restrictions for location in a standalone single-tenant building and corridor restrictions be removed; an additional requirement for submittal of HVAC and air treatment systems be required with any submittal for a Special Use."

PLAN COMMISSION STAFF REPORT

August 5, 2021 – Public Hearing

Petitioner

Village of Tinley Park

Code Section

Section IX of the Zoning Ordinance

Approvals Sought

Text Amendment

Project Planner

Daniel Ritter, AICP
Senior Planner

Text Amendment – Preview Menu Boards and Sign Code Clarifications



EXECUTIVE SUMMARY

Based on results of prior Variation requests and discussions during Plan Commission meetings, staff has proposed amendments to Section IX – Sign Regulations of the Zoning Ordinance to accommodate a second smaller sign accessory to a drive-thru lane. The changes will permit “preview menu board” signs that have become standard practice in the restaurant industry.

Additionally, staff has proposed some other minor changes to the sign regulations that will allow for more clarity and simpler enforcement of the code. These changes include:

- Eliminating Maximum Wall Sign Height
- Eliminating Maximum Wall Sign Letter Height
- Eliminating Lines of Lettering Maximum on Wall Signs
- Clarify/Strengthen requirements for signs not interfering with architectural features on buildings.
- Clarify minimum distance of ground/freestanding signs from walkways, drive aisles, and parking stalls.
- Clarify total square footage of temporary sign size calculations.
- Clarify EMC message change minimum timing.

Changes to the July 15, 2021 Workshop Staff Report are indicated in Red.

SIGN CODE BACKGROUND

The current sign regulations were an overhaul from the previous code. Adoption of the regulations included consultation with the Zoning Board of Appeals, Plan Commission, and Village Board. The new sign regulations were adopted by the Village Board on July 11, 2017 (Ord. # 2017-O-033). Like many new codes or code updates, it is sometimes hard to know exactly how new regulations will affect proposals since it is hard to anticipate every possibility. Using the code usually reveals some unanticipated concerns or issues over time that may need to be addressed with a text amendment.

DRIVE-THRU PREVIEW MENUS BOARDS

Before and since the 2017 code update there has been multiple zoning relief requests (Variations or PUD Deviations) for additional signage accessory to a drive-thru. The requests have allowed for a second sign that is used as a “preview menu board” that is visible to stacked vehicles in a drive-thru. The signs allow restaurants to market seasonal items or specials to vehicles waiting to order. The signs are often much smaller than the traditional menu board signs needed for drive-thrus. Approvals have been given to the following properties most recently:

- Starbucks (New Construction Strip Center by Vequity), 17126 Harlem Avenue – June 2021
- Do Rite Donuts (In Gas N Wash), 7451 183rd Street – Jan. 2021
- McDonald's, 15920 Harlem Avenue (not completed yet) – Feb. 2018
- McDonald's, 17171 Harlem Avenue – June 2017
- Wendy's, 7251 183rd Street – 2014
- Panera, 7204 191st Street – 2014

The reoccurring requests were discussed at the most recent Plan Commission meetings with the requests (Vequity/Starbucks and Do-Rite Donuts & Chicken). Plan Commissioners were generally in favor of revisiting the requirements when noted as a possibility at those meetings. Preview menu board signs have become standard practice in the industry as they allow advertising of specials and seasonal menu items. Doing so can help expedite ordering time as well. Currently, there is one permit submitted (Popeye's) and two other known projects that would be requesting relief from the current code to have a preview menu board.

Staff is proposing a smaller sign be permitted for the additional sign than is allowed for the main accessory drive-thru sign which is currently permitted at a maximum 35 sq. ft. in size and 7 ft. in height. Staff is proposing the 7 ft. max height remain, and that a 15 sq. ft. size limit be given to the second sign. All previously approved signs would fit within this allowance as they range from 5-6.25 ft. in height and 7-12 sq. ft. in size. Drive-thru accessory signage is only permitted on a drive-thru lane that is approved through the Site Plan Approval granted by the Plan Commission.

~~Open Item #1: Review proposal to permit a second sign accessory to an approved drive-thru lane to be a maximum of 7 ft. in height and 15 sq. ft. in size for a preview menu board.~~

OTHER CLARIFICATIONS AND MODIFICATIONS

While approving text amendments to the sign section for the preview menu board, staff is also proposing some minor changes that would allow for clarification of codes and easier enforcement.

Overregulation of Lettering

The most substantial changes include the elimination of a few regulations related to wall signs. These regulations have ultimately been seen as “overregulation” and not leading to better design or aesthetics of signage, but have become issues for some signs that otherwise would have been acceptable. The changes include: Maximum Wall Sign Height, Maximum Wall Sign Letter Height, and Maximum lines of Lettering. Other regulations in the sign code already help control desirable sign placement and appealing design on single tenant and multi-tenant buildings. Such regulations include requirements for maximum allowable size (based on the tenant frontage) and placement of the sign (1-foot away from edges, not on architectural features, vertically and horizontally centered, etc.)

The maximum lines of lettering/logos are often a requirement of traffic control signs as they allow for easiest and quickest readability. However, for wall signs, they are not relaying regulatory information and many traditional business signs and logos have more than 2 lines of lettering/logos for businesses (The Whistle Bar & Grill, Pete’s Fresh Market, Cracker Barrel Country Store, Comfort Inn & Suites, The Primal Cut Steakhouse, etc. By having more lines of lettering, the words and letters naturally get smaller. Permitting more than two lines may help allow additional design options such as stacked wording with a more vertical layout. It is typically within a business’s interest to make their sign as visible/readable as possible while relaying the information they need to for customers to identify it. The requirements are thus self-regulating when applied with other sign regulations like maximum size and location. A few examples of existing signs with more than two lines are shown below.



Architectural Feature Clarification

In combination with the reduction in regulations listed above, it is a preference to strengthen wording regarding signage interfering or covering architectural features. While signs might be for a specific space within a building, it is important to ensure they are installed on a building attractively. Signs are best placed in regards to the architecture of the building and not based on internal spacing layouts, particularly in multi-tenant buildings. Staff has strengthened the wording to make it clear not interfering with the architectural features is a requirement and not a suggestion. If there is a hardship, petitioners do have the ability to request a variation from this requirement.



Ground/Freestanding Sign Setback Distance

Staff proposes adding a clear minimum distance of Ground/Freestanding Signs from walkways, drive aisles, and parking stalls. This requirement ensures that vehicles (parked or moving), pedestrians, and bicyclists cannot make incidental contact with signs. Staff has utilized a minimum distance of 2 feet from the context of traffic/public safety since that is a minimum distance to open a car door and that mirrors can extend from vehicles. While there has been little pushback on a common-sense requirement, staff is recommending adding this to the code to make it clear for businesses and property owners going forward.



Temporary Sign Size Total

A minor clarification has been added to make it clear the intent of the temporary sign requirements is to add the sign face total of all signs together to determine the allowable display period for temporary signs.

EMC Message Timing

There are contradicting sections in the Electronic Message Center (EMC) display regulations for how long a message must stay static on the display before transitioning (commonly called hold, dwell, or static timing). In one section of the code it is indicated as a minimum of 2 seconds and another it is indicated as 8 seconds.

Hold times are difficult to regulate because the proper hold time for a message can depend on the size of the EMC and the distance from the targeted audience, and vehicle travel speed. For example, some displays are smaller and may only display a few words at a time; therefore, the transition needs to be fairly quick to get a simple message (like 50% off sale today") to someone who may be driving or walking by. On the other hand, longer messages or those that have times and dates may need more time for the reader to comprehend the message. Staff believes a minimum of 2 seconds is sufficient enough to avoid a non-objective way to determine if a display is using motion that can be distracting to drivers. Ultimately the precise timing to get a message across to the public will need to be determined by the owner based on those other factors.

Open Item #2: Review minor sign code clarifications listed as indicated in the attached proposed code draft.

The Plan Commission generally supported the proposed changes to permit the preview menu board to be permitted as a second sign accessory to an approved drive-thru lane. Commissioners also agreed that the small changes to the code that were proposed were common sense and mostly clarifications. It was noted that removing the letter and sign height maximums made sense because of the other regulations that delineate the signage area, maximum size, and placement on buildings.

MOTIONS TO CONSIDER

If the Plan Commission wishes to act on the proposed Text Amendment, the appropriate wording of the motion is listed below.

“...make a motion to recommend the Village Board amend Section IX (Signage Regulations) of the Zoning Ordinance to as described in the August 5, 2021 Staff Report and attached draft ordinance. The proposed text amendment permits additional accessory drive-thru signage, eliminates maximum wall sign and letter heights, and various other code clarifications.”