



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

August 19, 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 19, 2021.

CALL TO ORDER –CHAIRMAN GRAY called to order the Regular Meeting of the Plan Commission for August 19, 2021 at 7:00 p.m.

Lori Kosmatka called the roll.

Present and responding to roll call were the following:

Chairman Garrett Gray
James Gaskill
Frank Loscuito
Eduardo Mani
Ken Shaw
Jennifer Vargas

Absent Plan Commissioners:

Angela Gatto
Greg Maniatis

Kehla West

Village Officials and Staff:

Kimberly Clarke, Director of Community Development
Lori Kosmatka, Associate Planner

Petitioners:

Parth Patel, on behalf of Parth37 LLC, representing Smoothie King
Edgar Montalvo, Frank Swiech, Pastor Adam Malak, representing Faith
United Presbyterian Church

Members of the Public:

None

COMMUNICATIONS – There were no communications from Village Staff.

APPROVAL OF MINUTES - Minutes of the August 5, 2021 Regular Meeting of the Plan Commission were presented for approval. A motion was made by COMMISSIONER SHAW, seconded by COMMISSIONER LOSCUITO to approve the August 5, 2021 minutes as presented. CHAIRMAN GRAY asked for a voice vote; all were in favor. He 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 19, 2021 REGULAR MEETING

**ITEM #1 PUBLIC HEARING – 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 Ordinance (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 Smoothie King restaurant with site upgrades and a dual drive-thru.

Present Plan Commissioners: Chairman Garrett Gray
James Gaskill
Frank Loscuito
Eduardo Mani
Ken Shaw
Jennifer Vargas

Absent Plan Commissioners: Angela Gatto
Greg Maniatis

Kehla West

Village Officials and Staff: Kimberly Clarke, Director of Community Development
Lori Kosmatka, Associate Planner

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

Members of the Public: None

CHAIRMAN GRAY asked for a motion to open the Public Hearing. Motion made by COMMISSIONER GASKILL, seconded by COMMISSIONER MANI. CHAIRMAN GRAY requested a voice vote asking if any were opposed to the motion; hearing none, he declared the motion carried.

CHAIRMAN GRAY stated he received proof of the Notice of Publication for this Public Hearing.

CHAIRMAN GRAY invited staff to start with the presentation of this item.

Kimberly Clarke, Director of Community Development, summarized the Staff Report for the Commission. This included background information and a review of the Workshop and currently proposed plans. She noted Smoothie King has over 1,000 locations nationwide, including in nearby Orland Park and Mokena. She described the business model's focus on fresh fitness, and its application driven capabilities to allow customers to order in advance. She noted that staff feels B-3 Zoning District can support this use. Issues were predominantly addressed at the previous Workshop. She noted the exception that the full island would not be possible, but that the traffic flow will appear to accommodate for this. She described proposed site elements including the perimeter landscaping, lighting, and the clean look of the architecture. The foundation of the existing building will be reused. She noted staff feels the signage is appropriate for the proposal. She also noted that although the parking is slightly short, staff does not foresee issues. She reviewed the full list of variations requested, and provided a summary of the standards.

CHAIRMAN GRAY asked if the applicant had anything to add.

The Petitioner, Parth Patel was sworn in. He stated the removal of the proposed full island wasn't meant for the stacking, but it was for the possibility of cars to exit as well as enter Oak Park Avenue. He noted that technically the island isn't needed, but propose to install as large an island as possible. With this smaller island, with snow, it can help stop someone from crashing into the adjacent parking space, as well as provides a place for the one-directional signage. He also pointed out this design will be the first Smoothie King of this type. Typically, the prototype is block with metal and wood panels. To alleviate that and provide an upscale look, we are providing utility brick with limestone and metal accent material. He noted staff was supportive of the metal accent material and helps the look of the building and bring out the signage on the corner.

CHAIRMAN GRAY asked if there were any questions and comments.

COMMISSIONER SHAW asked if the option of a right-in-right-out was discussed for the two entry points off 159th and Oak Park Avenue. He noted there is a physical barrier on 159th Street.

The Petitioner answered, yes, both are right-in-right-outs, though someone could approach northbound on Oak Park Avenue and make a left into the site. The goal is to have one directional traffic.

COMMISSIONER SHAW asked whose jurisdiction 159th Street falls under.

Kimberly Clarke answered IDOT controls 159th Street, and the Village controls Oak Park Avenue.

COMMISSIONER SHAW asked if there was a crosswalk there.

Kimberly Clarke answered no. She has tried to get a bus shelter pad there, but there were grading issues.

COMMISSIONER SHAW noted this looks like a great business. He noted that kiddie corner, next to Shell, is Stage Dance Academy. When they get a break, they go to Shell. When Smoothie King opens, there may be a flood of business. It is a busy intersection. He appreciates the addition of the sidewalk.

The Petitioner noted he discussed with Priscilla about the Pace bus shelters. He put her in contact with Pace, but doesn't know the outcome. If they were to put the shelter between the trees, they would have to add the concrete themselves. There is room for the shelter.

Kimberly Clarke said she will follow up with the request.

COMMISSIONER MANI did not have comments except to say he appreciated the plan and that the Petitioner selected Tinley Park to do his business.

COMMISSIONER VARGAS stated she's happy this business is coming.

CHAIRMAN GRAY asked for a motion to close the Public Hearing. Motion made by COMMISSIONER MANI, seconded by COMMISSIONER GASKILL. CHAIRMAN GRAY requested a voice vote asking if any were opposed to the motion; hearing none, he declared the motion carried.

COMMISSIONER GASKILL had no comment.

COMMISSIONER LOSCUITO stated the project looks good, and will be a great addition to the neighborhood and will upgrade the corner.

CHAIRMAN GRAY stated he appreciated the revitalization of the corner, reusing of the foundation, and the letter included with the staff's packet. Jeff Dunn, the construction manager had given written verification of the parking with twelve stalls and stacking would be no more than six. This has space for nine. This quelled concerns that stacking would be an issue. His benchmark for bad stacking would be Starbucks at 159th & Harlem. You may get some kids walking across the street though to patron the business. He asked how many vehicles are parking at any one time.

The Petitioner answered that the sites vary in parking usage, with employees maxing out at about five to six. Many of his sites have tight parking. He mentioned his property at Rt. 59th and Black Forest in Shorewood which shares a building with Noodles & Co., who typically takes up most of the parking, leaving only two to three stalls for his customers. However, a lot of people order ahead on the app. They will come in and leave. There's not much standing traffic. Another site in Schererville at Main & 41 shares a shopping center with a Starbucks and has a right-in drive-thru so that the stack goes in front of the parking. That site has no dedicated parking, yet the customers can still get in and out. We are not seeing more than two to three stalls needed for customers, and about five for the employees.

CHAIRMAN GRAY noted he agrees with staff on the standardized signs. This helps with clarity and universal understanding. He also noted that if the site's parking ever needs to be revisited, it will need a traffic study. That is a condition in the motions.

COMMISSIONER SHAW recalled that five spaces are required for employees. He asked if the Petitioner had any discussions with the Menards shopping center for any shared parking next to the subject property. Those spaces are rarely used.

The Petitioner stated that is something to consider if needed. He clarified that the southern stalls on the site plan would probably be for the employees. The stalls facing Oak Park would probably be for consumer. About 90% of traffic would be at the drive-thru. He mentioned most of this customer base quickly stops by on their way from other activities or errands. The drive-thru would be the majority of sales traffic. He clarified that the drive-through is not just two lanes for stacking but also two points of order. A lot of concepts don't currently have this yet. Two orders can be placed at the same time and help any backstop of traffic.

CHAIRMAN GRAY noted that the double-drive-thru has recently become popular in the last five years or so, especially in many rebuilds of restaurants. He then asked if the Commissioners had any questions or comments for the Petitioner. Hearing none, he asked if anyone from the public wished to speak. Hearing none, he entertained a motion to close the Public Hearing.

Motion made by COMMISSIONER MANI, seconded by COMMISSIONER GASKILL. CHAIRMAN GRAY requested a voice vote asking if any were opposed to the motion; hearing none, he declared the motion carried.

Kimberly Clarke reviewed the draft Standards of Approval on these requests, summarizing the Variations and Site Plan/Architectural Approval as indicated in the Staff Report.

There were two motions for this item.

Motion 1-Site Plan Architectural Approval:

COMMISSIONER LOSCUITO made a motion to grant the Petitioner, Parth Patel on behalf of Parth37 LLC, Site Plan and Architectural Approval for site and building renovations for a new Smoothie King at 6801 159th Street in the B-3 (General Business and Commercial) zoning district, in accordance with the submitted plans and subject to the following conditions:

1. Site Plan Approval is subject to approval of the required Variations by the Village Board.
2. The dumpster enclosure shall be constructed of masonry matching the principal building.
3. Any changes in drive-thru or parking demand from what was presented requires a new traffic/drive-thru analysis to be submitted and prior approval to ensure the on-site drive-thru stacking and parking is sufficient.

Motion seconded by COMMISSIONER MANI. Vote taken by Roll Call; all in favor. CHAIRMAN GRAY declared the motion carried.

Motion 2- Variations:

COMMISSIONER SHAW made a motion to recommend that the Village Board grant four (4) Variations from the Zoning Ordinance to the Petitioner, Parth Patel on behalf of Parth37 LLC, as listed in the August 19, 2021 Staff Report for parking requirements, exterior masonry requirements, ground sign setback, and wall sign allowances, at the property located at 6801 159th Street in the B-3 (General Business and Commercial) zoning district, in accordance with the plans submitted and adopt Findings of Fact listed in the Staff Report.”

Motion seconded by COMMISSIONER GASKILL. Vote taken by Roll Call; all in favor. CHAIRMAN GRAY declared the motion carried.

CHAIRMAN GRAY noted the request will be reviewed by the Village Board at their September 7th meeting.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES
FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION
SUBJECT: MINUTES OF THE AUGUST 19, 2021 REGULAR MEETING
ITEM #2 PUBLIC HEARING – FAITH UNITED PRESBYTERIAN, 6200 167TH STREET SIGN VARIATIONS

Consider recommending that the Village Board grant the Petitioner, Edgar Montalvo on behalf of Faith United Presbyterian Church, Variations from the Zoning Ordinance at the property located at 6200 167th Street in the R-1 (Single Family Residential) zoning district. The granting of this Variation will permit a freestanding ground sign that is larger than the 30 sq. ft. maximum size, with an Electronic Message Center Sign to exceed the maximum size of 20% of the total sign area of a freestanding sign, and to encroach within the ten-foot minimum setback from the south property line.

Present Plan Commissioners: Chairman Garrett Gray
James Gaskill
Frank Loscuito
Eduardo Mani
Ken Shaw
Jennifer Vargas

Absent Plan Commissioners: Angela Gatto
Greg Maniatis

Kehla West
Village Officials and Staff: Kimberly Clarke, Director of Community Development
Lori Kosmatka, Associate Planner

Petitioners: Edgar Montalvo, Frank Swiech, Pastor Adam Malak, representing Faith United Presbyterian Church

Members of the Public: None

CHAIRMAN GRAY asked for a motion to open the Public Hearing. Motion made by COMMISSIONER GASKILL, seconded by COMMISSIONER LOSCUITO. CHAIRMAN GRAY requested a voice vote asking if any were opposed to the motion; hearing none, he declared the motion carried.

CHAIRMAN GRAY stated he received proof of the Notice of Publication for this Public Hearing.

CHAIRMAN GRAY invited staff to start with the presentation of this item.

Lori Kosmatka, Associate Planner, summarized the Staff Report for the Commission. This included a review of the site's background and proposed signage. She noted the zoning and nearby land uses, including the visibility to residences. She provided photographs of the site with the similarly located existing sign. She noted other recent freestanding church signs with electronic message centers (EMCs), and stated the Village amended the sign code in 2017, decreasing the EMC area to 20% of the total sign face area. She mentioned unique site conditions, including the right-of-way lawn, topography, and vehicle speed. She reviewed the variations requested, and provided details on the proposed signage, including location, materials, and dimensions. She noted that the Petitioner proposed to turn the sign off from 11pm to 6am, and that staff recommended adding this as a condition of approval.

The Petitioner, Edgar Montalvo, was sworn in. He stated the church is replacing the old sign to meet their needs. He pointed out the existing sign is larger than Village requirements. He noted the key element is to not try to get the new

sign further into the property. It is already setback over twenty feet from the curb line, and there is a lot of vegetation to the east and west. Regarding drivers, the nearest traffic control devices are at Oak Park Avenue or the railroad tracks at Central Avenue. Drivers are going no slower than the speed limit. The vegetation, setback, and topography of a hill means drivers only get two to four seconds maximum to see the sign. In order to read any messaging, the lettering has to be larger. In many cases other signs in the Village such as St. George they are in entirely residential areas with a lower speed limit of about 25mph or at an intersection with a traffic light. Those cases allow drivers to more easily see the messages. The subject site does not have those conditions, thus the request for the variances.

CHAIRMAN GRAY asked if anyone else representing as the Petitioner wished to speak.

Adam Malak, Pastor of Faith United Presbyterian Church was sworn in. He mentioned this is a small church without large aspirations. The church is only looking for a way to stay relevant and connected to the community. The church's garden and pavilion are meant for community outreach, so the sign would be an extension of the outreach. The sign would mention services offered beyond worship like free community meals and vacation bible school. He noted the variations are because the church has difficult geography and wants to ensure the message being offered is shared well.

CHAIRMAN GRAY asked why was the sign being offered to be on until 11pm, and not 10pm. He asked if there were any activities going on.

Pastor Adam Malak answered if the limitation needs to be 10pm, he would agree to it. He indicated there were not any special events.

The Petitioner Edgar Montalvo said the church picked those hours. The sign will only blink and not make any noise. If the sign needs to be turned off at 10pm, then it's 10pm. Regardless, the proposed sign will be one of the key ways to get their message out. They are making a concerted effort to reach out to the community, with the community meals and the recently built pavilion. They want to be more completely integrated with the neighbors without causing an undue nuisance to them. This is why they proposed hours at night to turn the sign off.

COMMISSIONER LOSCUITO agreed with Chairman Gray in regards to the timing. He's not really familiar with that part of 167th and if there's any street lighting. He felt that if someone puts a blinking sign in a darker area it could affect bedroom windows that face out to the street. He doesn't know how bright the sign will be, and how much of a light nuisance it would be. He would like to see the sign turned off 10pm to 6am.

The Petitioners responded. Edgar Montalvo stated it has an automatic dimmer and is actually brighter in the day and goes down in the evening hours. Mr. Montalvo did not see an issue with turning it off at 10pm. Pastor Adam Malak also agreed to 10pm. He noted he lives next to the church and is familiar with the area. He stated there is a streetlight at the corner of Gaynelle & 167th, and another at the other corner where Gaynelle jogs and meets the south side of 167th. The church parking lot is also illuminated. The area for the sign is already has some nearby illumination with those three light sources.

COMMISSIONER LOSCUITO noted his father lives by a CVS where a sign was put up, and the light can catch off the windows of the house. It can be a nuisance. If the proposed sign is limited from 10pm to 6pm, it should help alleviate the issue.

CHAIRMAN GRAY noted staff has some clarifications.

Lori Kosmatka noted that the Village sign code has a provision that electronic message centers may not have instantaneous blinking or flashing, and must have a minimum of two seconds of transition between messages. There is also a maximum brightness limit. The Petitioners would have to comply with these types of code requirements.

COMMISSIONER GASKILL had no comment.

COMMISSIONER SHAW asked if the residents across the street of 167th on Laurel and to the west on Gaynelle Rd. were notified.

Lori Kosmatka responded yes. She noted staff included notification beyond the minimum 250' requirement to any properties within reasonable line of sight.

COMMISSIONER SHAW asked if any of those residents were here. There was no response. He did not have an issue with 11pm being too late, but had only wondered if there was a rationale for it. He noted the street is well lit. He also noted the size of the sign as it was compared to St. George. He asked if the St. George had a size comparison.

Lori Kosmatka answered the size of the St. George sign was very similar, but it was by-right at the time.

COMMISSIONER SHAW acknowledged the sign was by-right, but the context was different. He stated this is a much larger lot than St. George. He asked what the property to the east was. Typically, if it is a government entity it does not show up in the property records.

The Petitioner responded that it the strip of land belongs to the school.

COMMISSIONER MANI liked the proposal and community outreach. He noted the property is large and the sign is in the middle and the light fall off will diminish. Foliage will also help. He did not have any qualms about turning it off.

COMMISSIONER VARGAS stated that shutting the sign off at 10pm seems to be more reasonable than 11pm because it is in a residential area.

CHAIRMAN GRAY noted most of his own comments were already discussed. He understands staff sent letters to residents nearby to notify them of this meeting. He had wanted to ensure that those addresses listed in the report were notified and present. He remarked that no one from those addresses appeared to be present. He, like Commissioner Loscuito, wanted to make sure that the blinking light would not bother a neighbor. He would champion for the turning off to be at 10pm to be a good neighbor. He noted a few key differences to the similarly designed freestanding sign at St. George Church include slower speeds of vehicle traffic on a small residential street. He feels placing the new sign two feet back from the existing sign resulting in a five-foot setback is reasonable in order to possibly reuse the electrical line and also due to the disadvantage of the slope and the depth of the right-of-way. As long as the sign is not a nuisance, it is OK with him. The electronic sign will allow the church to change the messaging without having to access it through the snow. The new sign will also help the church be in line with the times.

CHAIRMAN GRAY asked if the Commissioners had any questions or comments. Hearing none, he asked if anyone from the public wished to speak. Hearing none, he entertained a motion to close the Public Hearing.

Motion made by COMMISSIONER SHAW, seconded by COMMISSIONER GASKILL. CHAIRMAN GRAY requested a voice vote asking if any were opposed to the motion; hearing none, he declared the motion carried.

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

CHAIRMAN GRAY asked if the Petitioner would agree to turning off the sign between 10pm to 6am, and if so, for the Commission to adjust the reading of the motion to reflect 10pm.

The Petitioner Edgar Montalvo responded affirmatively.

There was one motion for this item.

Motion 1-Variations:

COMMISSIONER GASKILL made a motion to recommend that the Village Board grant the following Variations from the Zoning Ordinance to the Petitioner, Edgar Montalvo on behalf of Faith United Presbyterian Church, at the property located at 6200 167th Street in the R-1 (Single-Family Residential) zoning district, consistent with the Submitted Plans and adopt the Findings of Fact as proposed in the August 19, 2021 Staff Report, with the condition that the sign's illumination will be switched off between the hours of 10:00pm to 6:00am.

Motion seconded by COMMISSIONER LOSCUITO. Vote taken by Roll Call; all in favor. CHAIRMAN GRAY declared the motion carried.

CHAIRMAN GRAY noted the request will be reviewed by the Village Board at their September 7th meeting.

GOOD OF THE ORDER –

Kimberly Clarke noted The Boulevard submitted construction drawings for Phase II. The development is about 100% leased in Phase I with move-ins to be completed around October. The Village is hearing positive feedback from the business community, hearing they are receiving more visits during times they ordinarily would not see people. People are becoming engaged in the events. Pete's Fresh Market is working on their warehouse and getting their racking system. Floor & Décor will be coming soon. Burlington is doing final inspections. The landlord for Hobby Lobby will be replacing the entire flat roof. . Hobby Lobby recently signed a new lease to continue being in the community. The Village Board reviewed the cannabis consideration, nothing new came out of it. The Village is getting a lot of interest as more licensing is becoming available from the State. The sign code also had its first reading with Village Board. One Trustee had a concern about the sign height, but it was noted other regulations such as maximum square footage and placement on facades would remain in place and would help dictate the height. She also noted the Village currently does not have a Building Official, and are working with a candidate. Following that, the Village will work on hiring a full-time Building Inspector which will help support the Building Official, as well as another Code Enforcement Officer.

Lori Kosmatka noted the Allure Wellness Center and Local One sign items were approved by Village Board. Staff is working with both applicants on the permitting process now.

COMMENTS FROM THE PUBLIC – CHAIRMAN GRAY asked if there were comments from the public. Hearing none, he asked to adjourn the meeting.

CLOSE MEETING -

A Motion was made by COMMISSIONER GASKILL, seconded by COMMISSIONER SHAW to adjourn the August 19, 2021 Plan Commission meeting.

CHAIRMAN GRAY asked for a voice vote; all were in favor. He declared the motion carried and adjourned the meeting at 8:14 P.M.

PLAN COMMISSION STAFF REPORT

August 19, 2021 – Public Hearing

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.

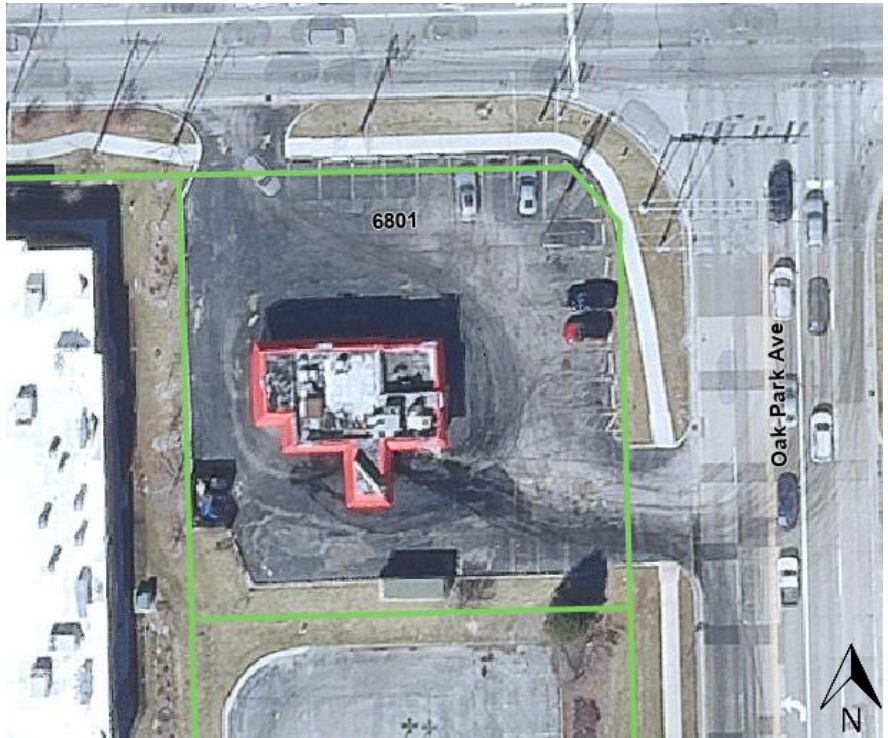
The Petitioner proposes to demolish the existing deteriorated and vacant former Brown's Chicken building. The existing foundation will be utilized to construct a new structure with a similar footprint. The site will have dual drive-thru lanes with one-way circulation around the site. Overall landscaping 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 in the Chicagoland and Northwest Indiana area and is working towards having 20 locations by 2023. The Petitioner has noted that the site is small and without space to expand the property's footprint. The set foundation also gives limited options on changes to 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.

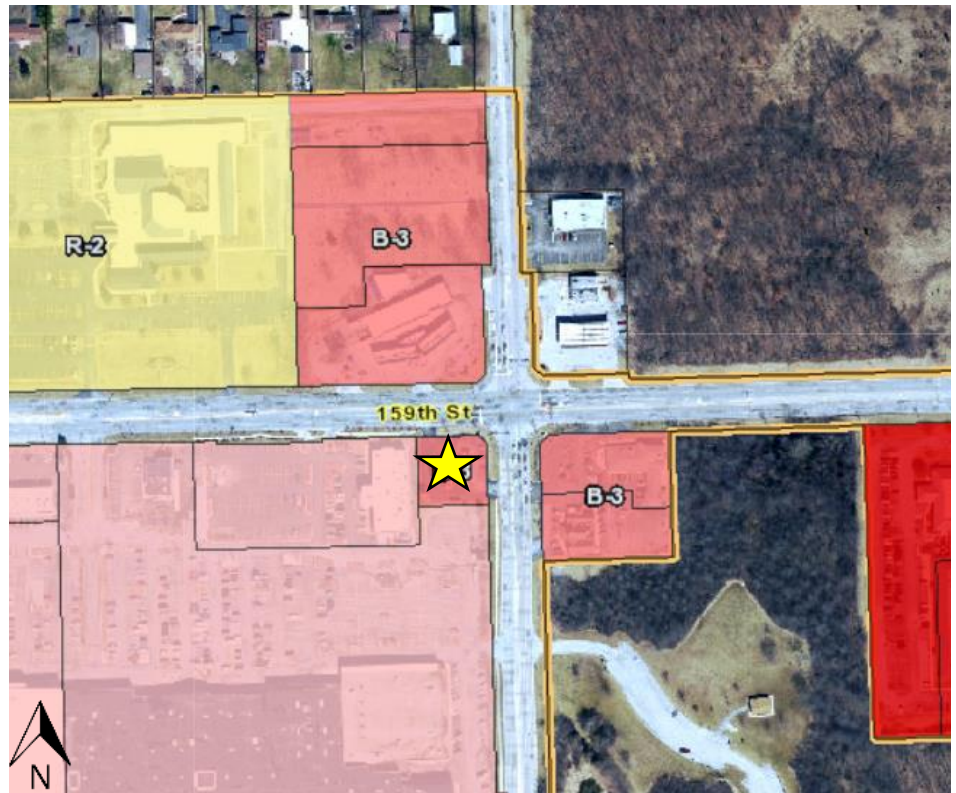
Updates from the August 5, 2021 Plan Commission Workshop Staff Report are in **RED**.

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 Bremmentowne 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 (Bremmentowne 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

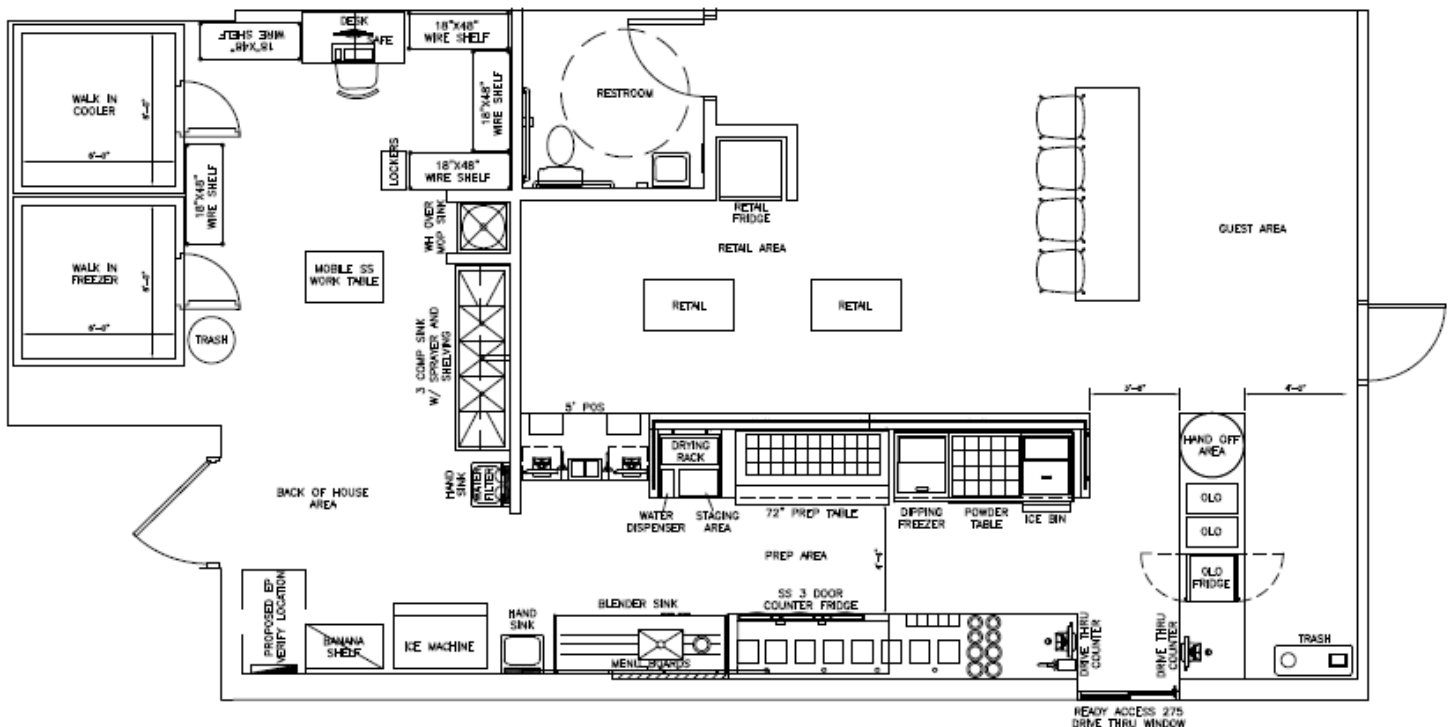
The proposed structure will be a standalone single-tenant building that will operate as a Smoothie King franchise (www.smoothieking.com). Smoothie King has over 1,000 locations across the United States, with the closest locations in Orland Park and Mokena. Smoothie King's business model is dedicated 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.

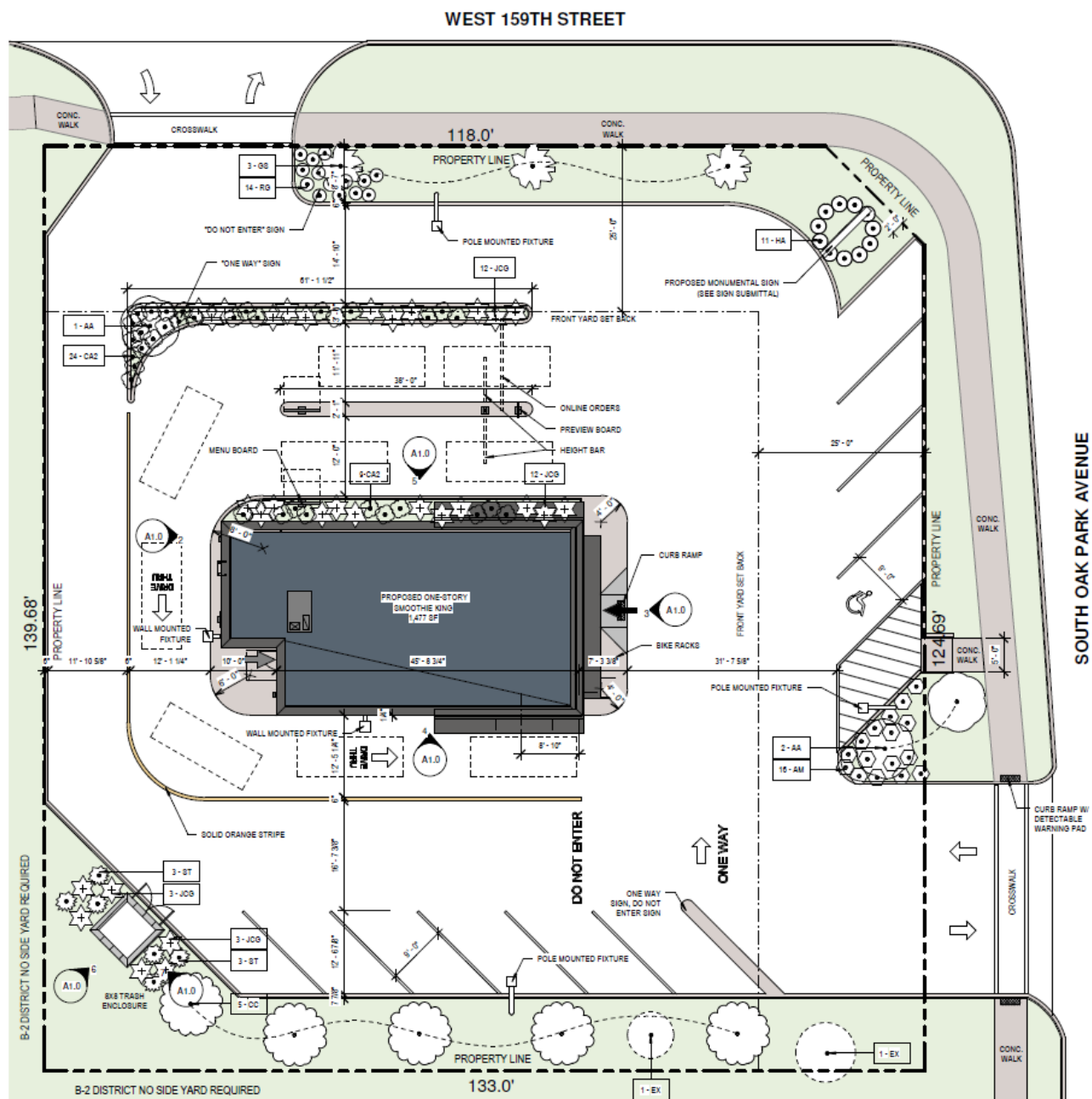


Above: Concept smoothie King floor plan.

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.



Above: Revised Site Plan.



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 façades as shown on the image to the right.



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

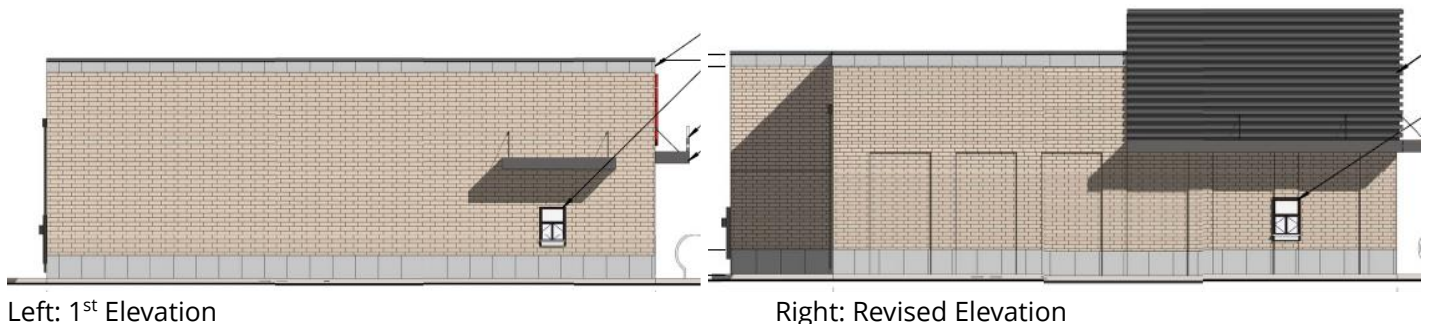
The areas where the brick and stone based is recessed 2-inches is mixed in terms of the reviews on what it adds to the façade. Staff is looking to discuss these additions of inset brick/stone further and which wall look is preferred. While the walls are a bit blank on the original plans, the building 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



South 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)



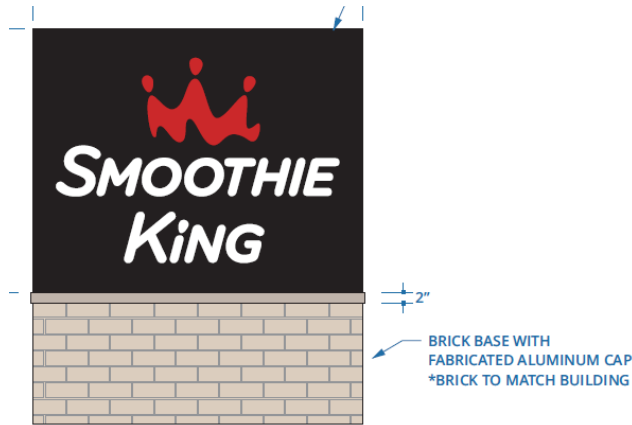
Open Item #9: Discuss proposed Variations for wall sign number and size on the east and north elevations.

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

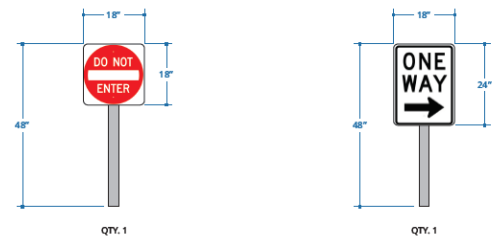


Right: Proposed Monument Sign

~~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. **Directional signs revised (image on the right).**



~~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. **Photometric plan and spec sheets submitted and meet code requirements.**

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



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 has prepared draft responses for the Findings of Fact below. The Commission may choose to modify the findings as they choose or based on the evidence received at the public hearing.

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.
 - *The property is an existing site with existing dimensions and foundation that limit the ability to expand the site. The overall appearance of the site will be greatly enhanced but complying with the code requirements would make the site very difficult to redevelop and reoccupy.*
2. The plight of the owner is due to unique circumstances.
 - *The site and building is an existing redevelopment site that will be brought closer to compliance with the code requirements. The specific site design, proposed drive-thru and parking will work based on the proposed user that has a unique service with shorter customer wait times than many other food establishments.*
3. The Variation, if granted, will not alter the essential character of the locality.
 - *The proposed site, use, and building will be an improvement over the existing deteriorating property and fit into the surrounding developments along a heavily traveled commercial corridor.*
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.

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.

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. The Commission may choose to modify or add to staff's recommended motions and recommended conditions as they choose.

Motion 1 - Site Plan and Architectural Approval:

"...make a motion to grant the Petitioner, Parth Patel on behalf of Parth37 LLC, Site Plan and Architectural Approval for site and building renovations for a new Smoothie King at 6801 159th Street in the B-3 (General Business and Commercial) zoning district, in accordance with the submitted plans and subject to the following conditions:

- 1. Site Plan Approval is subject to approval of the required Variations by the Village Board.*
- 2. The dumpster enclosure shall be constructed of masonry matching the principal building.*
- 3. Any changes in drive-thru or parking demand from what was presented requires a new traffic/drive-thru analysis to be submitted and prior approval to ensure the on-site drive-thru stacking and parking is sufficient.*
- 4. Site Plan Approval is subject to Engineering and Building Department permit review and approval of final plans including any grading or drainage changes."*

Motion 2 - Variations:

"...make a motion to recommend that the Village Board grant four (4) Variations from the Zoning Ordinance to the Petitioner, Parth Patel on behalf of Parth37 LLC, as listed in the August 19, 2021 Staff Report for parking requirements, exterior masonry requirements, ground sign setback, and wall sign allowances, at the property located at 6801 159th Street in the B-3 (General Business and Commercial) zoning district, in accordance with the plans submitted and adopt Findings of Fact listed in the Staff Report."

LIST OF REVIEWED PLANS

Submitted Sheet Name	Prepared By	Date on Sheet
Narrative	Petitioner	7.9.21
Parking and Stacking Study/Information	Petitioner	7.23.21
Site Plan and Architectural Renderings	Domenella Architects Ltd.	8.9.21
Smoothie King Sign Plans	Atlantic Sign Co.	8.12.21
Photometric Plans and Fixture Cut Sheets	PG Enlighten	8.9.21

PLAN COMMISSION STAFF REPORT

August 19, 2021 – PUBLIC HEARING

Faith United Presbyterian Church Sign Variations

6200 W. 167th Street

Petitioner

Edgar Montalvo, on
behalf of Faith United
Presbyterian Church

Property Location

6200 W. 167th Street

PIN

28-20-308-028-0000

Zoning

R-1 Single-Family
Residential Zoning
District

Approvals Sought

Variations

Project Planner

Lori Kosmatka
Associate Planner



EXECUTIVE SUMMARY

The Petitioner, Edgar Montalvo, on behalf of Faith United Presbyterian Church, are requesting Variations from the Sign Code at the property located at 6200 W. 167th Street in the R-1 (Single-Family Residential) zoning district. The three sign Variations include:

- Section IX.E.1 (Dimensional Regulations for Wall and Freestanding Signs) to permit a 38.67 sq. ft. freestanding ground sign, exceeding the 30 sq. ft. maximum size.
- Section IX.J.4 (Electronic Message Center Regulations) to permit an Electronic Message Center Sign that is 41.38 percent of the total sign area of a freestanding sign, exceeding the maximum size of 20 percent.
- Section IX.D.2.c. (Freestanding Sign Location) to encroach five-feet within the ten-foot minimum setback from the south property line.

The proposed freestanding sign will have an aluminum cabinet with Electronic Message Center (EMC) and be surrounded with a brick on the base and frame. The Petitioner has noted that the existing manual changeable display is dated and deteriorating. The existing sign was approved while under Cook County jurisdiction prior to its annexation in the Village. The variations are requested because the sign regulations for residential zoning district make it difficult for people to see the sign or messages displayed. The property is also large and has frontage on a heavily traveled road with high speeds.

EXISTING SITE & HISTORY

The subject site is a 2.02-acre parcel at the northeast corner of 167th Street and Gaynelle Road. The Faith United Presbyterian Church is at this site, and includes the church building, pavilion, parking lot, garage, and a garden. The church building was built in 1960 and is a mid-century modern style with brick facing set back approximately 90 feet from the south property line. The property was annexed in 2001 (Ord. 2001-O-034). A variation was granted in 2017 (Ord. 2017-O-068) to allow a pavilion in the required front yard that exceeded the property's floor area ratio.

The existing nonconforming sign is located three feet from the south property line, thus encroaching seven feet into the ten-foot required setback. The sign's face area is 32 sq. ft., and is supported by two posts. The sign is over 30 years old, and was approved prior to Village annexation. It has exterior lighting and contains manual changeable letters, which the Petitioners state are deteriorating and making it difficult to update the message, especially in inclement weather. There is landscaping around the sign, surrounded by a low brick wall which is approximately 9" tall, but varies in height due to the sites grade changes.

The property line is setback 20 feet from the curb of 167th Street. There is no sidewalk along the north side of 167th Street, and the parkway area is entirely grass.

ZONING & NEARBY LAND USES

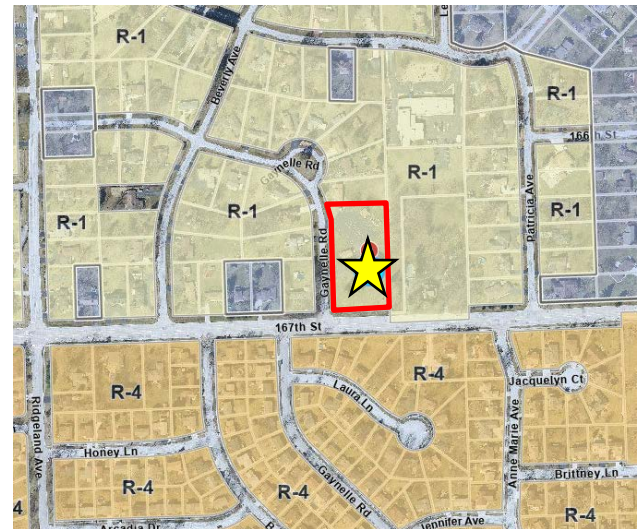
The property is zoned R-1 (Single Family Residential), and is within the William G. Groebe & Company's Kimberly Heights Addition to Tinley Park subdivision. The adjacent properties are mostly single-family homes. A school is located to the northeast of the property along Kimberly Drive. The properties on the north side of 167th St. are zoned R-1, while the properties on the south side of 167th St. are R-4.

Code Requirements

Dimensions and locations of signs are regulated by the Sign Code. Section IX.E.1 divides properties in residential zoning districts into two categories: residential and Non-Residential/Institutional. Churches, schools, and parks are common non-residential uses that are located in residential zoning districts. The code limits freestanding sign dimensions for non-residential uses in the R-1 zoning district to 30 sq. ft. in total sign area (excluding the base and pillars), and 6'-0" height. Section IX.D.2.c. requires that all freestanding signs be set back a minimum of ten feet from all property lines.



Location Map



Zoning Map



Looking West Showing Sign's Relation to Right-of-Way

Section IX. J.4 (Sign Regulations for Electronic Message Centers/Dynamic Variable Electronic Message) was amended in 2017 to modify the percentage of a sign occupied by electronic messaging. The ordinance reduced the percentage from 50 percent of the total sign area to 20 percent. The Plan Commission discussed the need to be more restrictive in an effort to limit the construction of new electronic message center (EMC) signs that had become comparatively large and distracting. The preference was for LED message centers to function subordinately to the freestanding sign that identifies a business. Prior to this amendment, the sign at St. George Catholic Church (6707 175th Street), which has a similar design, was approved by-right. In June 2021, under the current code, Trinity Lutheran Church (6850 159th St.) received variation approvals for a sign of 104 sq. ft. area with an EMC 22.49% of the area. That approval however was a like-for-like replacement of an existing sign with a reduction in the size of the EMC. In the findings of fact, it was noted that the site was located in a heavily-traveled commercial corridor and had no surrounding residential properties with visibility to the sign.



St. George Sign Approved by-right Prior to Code Amendment

St.) received variation approvals for a sign of 104 sq. ft. area with an EMC 22.49% of the area. That approval however was a like-for-like replacement of an existing sign with a reduction in the size of the EMC. In the findings of fact, it was noted that the site was located in a heavily-traveled commercial corridor and had no surrounding residential properties with visibility to the sign.

Visibility to Residences

The Sign Code stipulates *"illumination from an Electronic Message Center shall not encroach onto or create a visual nuisance to residential properties"*. The surrounding properties were noted to have varying levels of impact. It is understood that the location of the new sign would be very similar to that of the existing sign, set back an additional two feet. There is thick foliage to the east and west, largely obscuring the sign from those residences on 167th Street, though there is a direct view of the sign at the property to the west (6210 W. 167th St.) from the driveway accessing Gaynelle Rd. The principal structure, however, is alongside the foliage, north of the driveway, and approximately 175 feet from the sign.

Also, the rear yards of the residences on Laura Lane are along 167th Street and may be in the line of sight of the sign but only from the second story of the homes. Two of the homes have privacy fencing. The properties at 6200-6132 Laura Lane do not have privacy fencing, but the rear yards of these principal structures are situated more than 165 feet from the sign, and do not appear they will be significantly impacted. Properties on the south side of 167th Street would also have some visibility to the sign and its displays.



Looking North: View from 167th St. sidewalk, north of 6200 Laura Lane

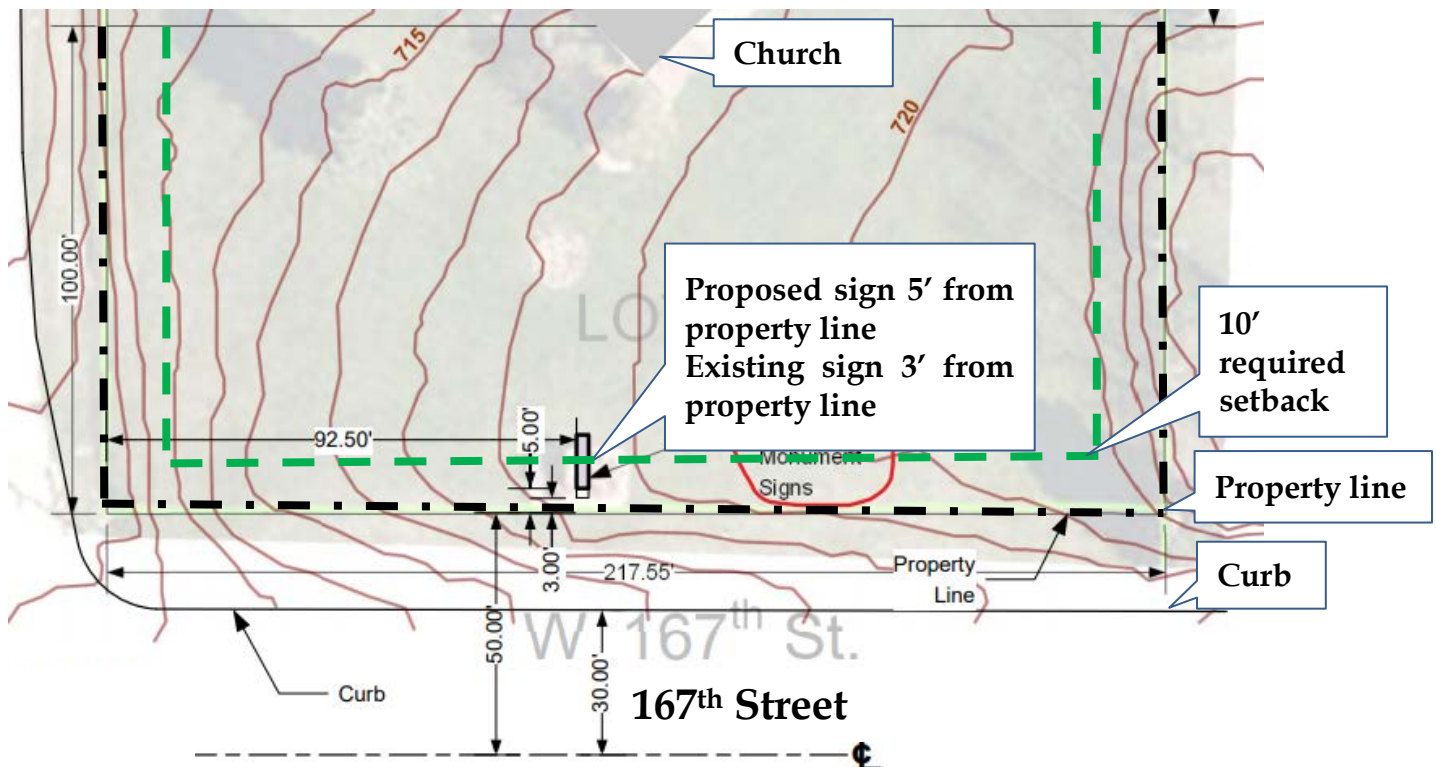


Looking East: View from driveway off Gaynelle at 6210 167th Street

VARIATIONS

The Petitioners request variations to allow a new freestanding ground sign that will be larger than the 30 sq. ft. maximum size, with an EMC to exceed 20% of the sign face area, and constructed within the ten-foot minimum setback. The proposed sign face area is 38.67 sq. ft. (96"x58") with 41.38% of the area as an EMC. It is proposed to encroach five feet into the setback and located 5 feet from the property line.

Staff has noted that the alternate location to meet the ten-foot setback code requirement is possible, but may diminish sightlines, due to the existing 20 feet of lawn between the property line and the curb of 167th Street. 167th Street is a busy arterial where traffic often exceeds 40 mph. The Petitioners state upon cresting a hill on 167th Street, westbound traffic has approximately three seconds of visibility to the sign, and eastbound traffic has approximately four seconds.



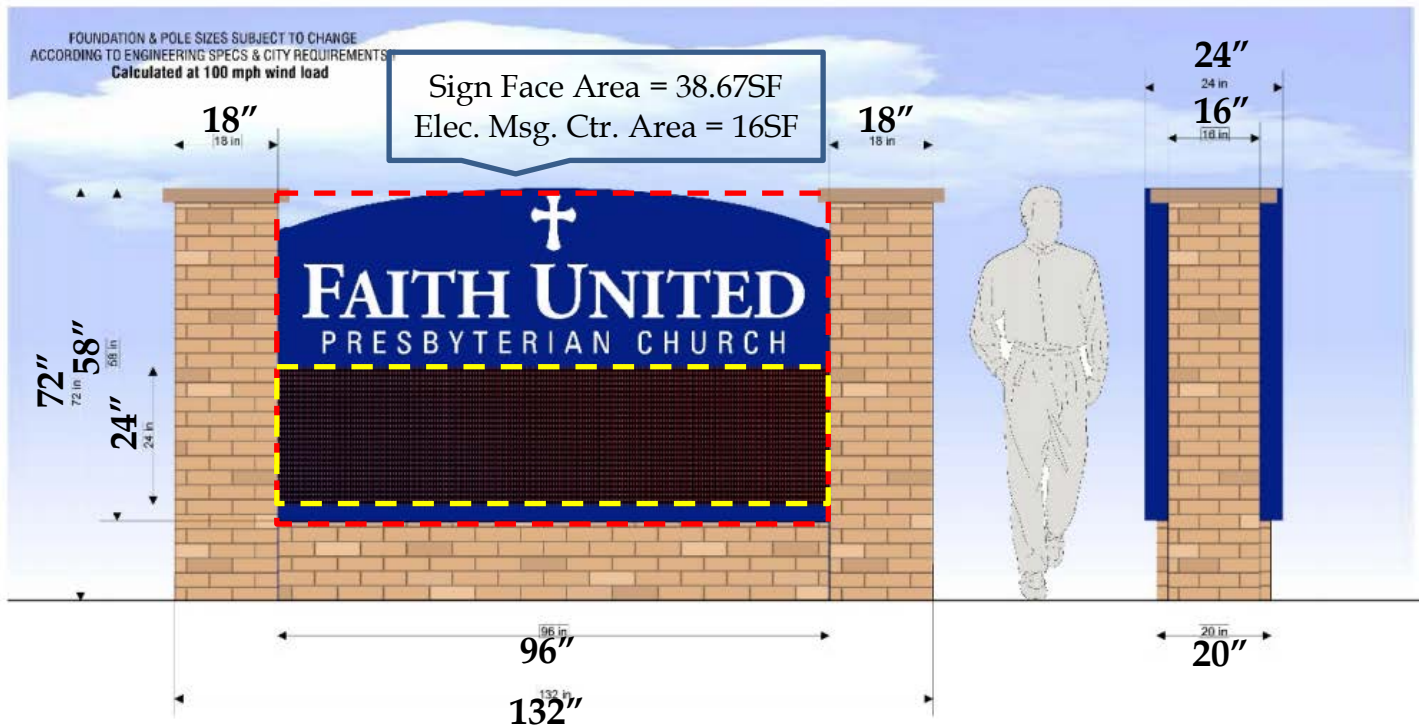
Site Plan Excerpt Marked with Existing and Proposed Sign Locations, Required Setback, Property Line, and Street Curb

PROPOSED SIGNAGE

The Petitioner proposes to remove the existing, deteriorating freestanding ground sign and construct a new freestanding ground sign. The Petitioner intends to re-use the existing electric line and reduce the existing sign's nonconforming location by two feet. The sign will only encroach five feet into the ten-foot setback.

The sign will have a double-faced illuminated cabinet with an EMC below the cabinet. The sign will be surrounded with a face brick on the base and pillars flanking each side of the sign cabinet and EMC. The color of the face brick will be compatible with the existing church building's brick. The 38.67 sq. ft. sign face area includes the 16 sq. ft. EMC. Including the brick elements, the overall structure is 6'-0" x 11'-0". The EMC will allow for increased capabilities in messaging. The Petitioner has stated the sign will be switched off overnight between 11pm and 6am, and the light intensity levels will be protected from end user manipulation by password protected software. The Petitioner has agreed to make the approval conditioned upon the sign being turned off during these hours to help avoid any potential issues with neighboring properties. Staff has included it as a recommended condition of the approval.

The Petitioner will provide ground landscaping as required by code. The Petitioner wishes to use low-maintenance plantings rather than bushes, and is currently considering options similar to creeping juniper. The Petitioner does not intend to change or remove the existing surrounding low wall unless necessary for the nearby excavation of the old sign and installation of the new sign. The Petitioner has offered to provide a final landscaping design with the permit application in compliance with the requirements. Additionally, the Petitioner is looking into options to include the address number on the sign, which are preferred for emergency response purposes.



Proposed Sign Design Marked With Area Boundaries

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 has prepared draft responses for the Findings of Fact below. The Commission may choose to modify the findings as they choose or based on the evidence received at the public hearing.

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.
 - ***The location of the proposed freestanding sign along a heavily traveled arterial street would make it difficult for its content to be legible if limited to the size and setback requirements. There is a large setback of twenty feet between the roadway and the property line making the signs legibility more difficult.***
2. The plight of the owner is due to unique circumstances.
 - ***There is a large twenty-foot of right-of-way area between the curb and the property line that sets back the sign further and reduces its visibility to fast traveling vehicular traffic on 167th Street. The site is larger than most residential lots with direct frontage on a major arterial roadway. The site's topography and higher vehicle speeds along 167th Street additionally limit the length of time in which a sign may be read.***
3. The Variation, if granted, will not alter the essential character of the locality.
 - ***The proposed freestanding sign's area will be similar in scale to the existing sign, and will have surrounding brick which will complement the church's architecture. The impact of the sign will be minimized by the distance to surrounding residences as well as the existing mature trees east and west of the property. The signs hours will be limited, with a condition that it be turned off between 11pm and 6am.***
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.

MOTION TO CONSIDER

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

Variations:

“...make a motion to recommend that the Village Board grant the following Variations from the Zoning Ordinance to the Petitioner, Edgar Montalvo on behalf of Faith United Presbyterian Church, at the property located at 6200 167th Street in the R-1 (Single-Family Residential) zoning district, consistent with the Submitted Plans and adopt the Findings of Fact as proposed in the August 19, 2021 Staff Report, with the condition that the sign’s illumination will be switched off between the hours of 11:00pm to 6:00am.

1. *A Variation from Section IX.J.4. (Electronic Message Centers Maximum Allowable Size Regulations) of the zoning Ordinance with an Electronic Message Center Sign that is 41.38 percent of the total sign area, instead of the maximum of 20 percent.*
2. *A Variation from Section IX.E.1 (Dimensional Regulations for Wall and Freestanding Signs) of the Zoning Ordinance to permit a freestanding sign that is 38.67 sq. ft. in size, instead of the maximum of 30 sq. ft.*
3. *A Variation from Section IX.D.2.c. (Freestanding Sign Location) of the Zoning Ordinance to encroach five feet into the ten-foot minimum property line setback.”*

LIST OF REVIEWED PLANS

Submitted Sheet Name	Prepared By	Date On Sheet
Application, Narrative, Photographs, & Response to Standards	Edgar Montalvo	7.9.21
Plat of Survey	Edgar Montalvo	n/a
Site Plan	Edgar Montalvo	7.7.21
Proposed Sign Design	Edgar Montalvo	7.21.21