



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

**January 6, 2022**

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 January 6, 2022.

**CALL TO ORDER** – CHAIRMAN GRAY called to order the Regular Meeting of the Plan Commission for January 6, 2022 at 7:00 p.m.

Lori Kosmatka called the roll.

Present and responding to roll call were the following:

Chairman Garrett Gray  
James Gaskill  
Angela Gatto  
Frank Loscuito  
Eduardo Mani  
Andrae Marak  
Ken Shaw  
Kurt Truxal

Absent Plan Commissioners: None

Village Officials and Staff: Kimberly Clarke, Community Development Director  
Dan Ritter, Planning Manager  
Lori Kosmatka, Associate Planner  
Kevin Kearney, Village Attorney, PJM Chicago

Petitioners: Scott Shalvis, Architectural Studio, Ltd.  
Andrea Crowley, Griffin Gallagher  
Peter Paraskis, Peter G. Paraskis Architect, Ltd.  
Richard Mommsen, Daley-Mommsen Enterprise (d/b/a Dunkin' Donuts)

Members of the Public: Michael Stocklose

**COMMUNICATIONS –**

There were no communications from Village Staff.

**APPROVAL OF MINUTES** - Minutes of the December 16, 2021 Regular Meeting of the Plan Commission were presented for approval. A motion was made by COMMISSIONER SHAW. The motion was seconded by COMMISSIONER GASKILL to approve the December 16, 2021 minutes. 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 JANUARY 6, 2022 REGULAR MEETING**

**ITEM #1 PUBLIC HEARING – RESIDENCES AT BROOKSIDE GLEN/MAGNUSON APARTMENTS, SPECIAL USE FOR A PUD SUBSTANTIAL DEVIATION**

Consider recommending that the Village Board grant the Petitioner, Karli Mayer on behalf of One Magnuson Lane, LLC, a Special Use Permit for a Substantial Deviation from the Brookside Glen Planned Unit Development (a.k.a. The Residence at Brookside Glen) to modify the elevations of the residential structures at the properties 19248-88 Magnuson Lane in the R-6 PD (Medium Density Residential) Zoning District.

Present Plan Commissioners:	Chairman Garrett Gray James Gaskill Angela Gatto Frank Loscuito Eduardo Mani Andrae Marak Ken Shaw Kurt Truxal
Absent Plan Commissioners:	None
Village Officials and Staff:	Kimberly Clarke, Director of Community Development Dan Ritter, Planning Manager Lori Kosmatka, Associate Planner Kevin Kearney, Village Attorney, PJM Chicago
Petitioners:	Scott Shalvis, Architectural Studio, Ltd. Andrea Crowley, Griffin Gallagher
Members of the Public:	Michael Stocklose

CHAIRMAN GRAY noted this is a continuation of the public hearing.

CHAIRMAN GRAY stated he received proof of the Notice of Publication for this Public Hearing. He invited staff to start with the presentation of this item.

Lori Kosmatka, Associate Planner, summarized the Staff Report for the Commission. She briefly provided the PUD and project history. She reviewed highlights of the previous approval. The petitioner has proposed design changes which require a substantial deviation to the PUD. The PUD has evolved over time due to market demands and a change in exterior wall construction. She briefly compared the previously approved exceptions to the new proposal, including the new setback information. She clarified the setbacks as consistently calculated from the building's face as opposed to calculations from the canopy piers as submitted at the last meeting. At the previous Plan Commission meeting on December 16, 2021, the Plan Commission recommended the petitioner clarify missing or unclear items in their submittal, and calculate setbacks in the same manner as previous approval. She noted the petitioner has not made any changes to the drawings proposed at the December 16<sup>th</sup> meeting. She reviewed the major proposed building changes which include modification of the length and height of the buildings as well as other elements. The façade materials, offsets, windows, and balconies are being reconfigured, and glazing is being reduced notably in the clubhouse. She reviewed other new information and open items as noted in the Staff Report. She provided a table of

the setbacks, noting that the maximum setback from building #3 of 69'-11" is one of the missing elements from the drawings. She noted the piers were verbally confirmed as stone by the petitioner. She provided the balcony information, noting that a mid-grade AAMA #2604 powder coat finish is provided by the manufacturer. She noted the petitioner agrees to match the color of exterior mechanicals to those of surrounding material, with brick being a reddish brown and color of roof shingles and siding not identified. She noted staff received Commissioner feedback following posting of the Staff Report, which included concerns on the removal of the outdoor trash enclosures, screening of mechanical rooftop units, and maintenance of the balcony paint. She noted the petitioner agreed the ½" adhered and 4" anchored brick veneers will visually match, and that the balcony color will be dark bronze. She noted the petitioner also agreed canopy piers on the residential front and rear entries will be covered with brick, and that the clubhouse's rear horizontal separator will be stone and not soldier-course brick. She noted the petitioner stated that other than this, the clubhouse façade will remain as proposed. She noted staff had new open items, and had inquired to the petitioner as to how the decking tile will drain and avoid freeze-thaw issues, and if the freestanding cabanas will withstand high winds. She noted that staff recommends the petitioner revise the documents and submit to staff for review, prior to being heard by the Village Board.

CHAIRMAN GRAY asked if the applicant had anything to add.

Scott Shalvis, of Architectural Studio, Ltd. and Andrea Crowley, representing the Petitioner, were sworn in. Andrea Crowley noted Scott will handle all architectural items. Out of the nine conditions listed in the staff report, they were in general agreement with the first four conditions. She noted they cannot do Condition #5 because the foundation that is currently existing does not support 4-inch brick. She noted Scott can address Condition #6 regarding the balconies. It was her understanding that he called the company, and the recommendation for the higher grade is not for this region, and was for oceanfront regions, thus is not something done for this area. She noted they cannot do Condition #7, as she is unaware of any construction lender who will allow a letter of credit to destroy their collateral to exist with construction financing in place. She stated that condition is an impossibility. She noted they can be flexible on the terms of Conditions #8 & #9. They are not opposed, but it just depends on how the timing works with Village Board meetings. She noted that Scott would best be able to answer the remaining open items.

Scott Shalvis stated he spoke with the manufacturer of the balconies, and he did research on the ratings. The higher rating is more for a coastal use such as in Florida rather than in the Midwest based on types of environmental impacts such as salt. They have not had any issues such as product recalls.

CHAIRMAN GRAY asked if they noted that the mid-range is appropriate for the Midwest

Scott Shalvis responded that the testing for both products is done in the site's Florida climate. The higher end one is more set-up for coastal use.

CHAIRMAN GRAY asked what the issues are for maintenance.

Scott Shalvis responded he asked the manufacturer, but they had not yet gotten back to him with a document on the maintenance of the decks.

CHAIRMAN GRAY asked that when the petitioner does receive this document, to provide it to staff.

Scott Shalvis agreed. He noted that the color will match the PTEC units. The rooftop units are referred so that the ductwork goes straight down in the building. Putting them down and or screening them would be an issue for us. We can't really build them into the roof themselves. We can see if we can drop it down a little bit further. We can try to match the material and background with the color of the roof. We can put the same roofing material on the vertical surface so visibility would be reduced down. The color of the HVAC units can be painted to match the roof materials. Regarding the cabanas, we'd like to keep some of the ones shown as options. At this point of time in the market, we don't know what's going to be available a year from now when they're ready for looking at the finishes to the clubhouse and the pool. What's available today isn't available tomorrow. They want something similar as to what's shown, but they don't want to be locked in until they're ready to buy it. They don't want to be stuck on something that is a long-term-lead item, which isn't available when they're ready for it. They want the flexibility of one that can be taken down and put back up in the winter so it's not being damaged, or if they have special events

where they don't want to have all the cabanas out there, or in the future if the tenants want to have additional cabanas. They want flexibility to shift those around, and allow for more cabanas if that's what the tenants are looking for. They would be anchored to concrete via anchor bolts. They are done in the same way as they are done in Florida. It is not something that is unusual for those types of products.

CHAIRMAN GRAY noted that you still have to ensure to factor safety in against uplift with the right tension and bolts.

Scott Shalvis agreed.

COMMISSIONER TRUXAL asked for clarification if the terrace would be tile and not concrete.

Scott Shalvis clarified that the main cabanas are on the pool level. There are some cabanas on the upper level, which are not the ones we are talking about. Those would be a different, more permanent structures. The ones down by the pool would be a system more easily broken down. As far as terraces and how it performs with water, it would either be tile on adjustable pedestals with roofing material below, and roof drains underneath to drain off the water. When you are looking at those elevations, you are not seeing the drains because they are underneath the tile itself. There is a gap between the tiles to allow water in there. Green roofs will have semi-intense plantings with some intense bermed up toward Magnuson. This would allow bigger plans for screening. As far as seating, there are one or two chairs missing, we can add those back as well. That is flexible based on the usage of the tenants at the time. It might adjust from time to time, based on tenant use. They would not be out during winter. We wanted more tables toward the center clubhouse and making it more of a gathering focal point. The tables could be adjusted. He asked if there any additional outstanding items.

Lori Kosmatka, Associate Planner, asked for confirmation that the deck tiles will have spacing.

Scott Shalvis responded the pedestals will be adjustable with caps on top which gives a uniform look whether you are placing tiles or pallets on top. The gap allows the water to drain between the tiles. The pedestals are about 6 inches in diameter so water drains around them. The deck below would be insulated with single ply roof on top.

Lori Kosmatka noted that regarding the samples, that the brick was provided, but it would be helpful to also see the stone sample. The renderings provided are not showing true to what the proposal is. It is supposed to be a dark reddish brown as per the sample, but it looks like a light orange. The balconies are also supposed to be dark bronze.

Scott Shalvis responded that for the color in the rendering, he took a Photoshop material from the approved submittal, and put it on, and it came off differently. It was meant to be the same color, and really is just more of a program issue.

Lori Kosmatka noted in regards to the rooftop units, staff's Building Official reviewed the roof plan sheet, which is not part of this submittal, notes that for the residential units, there is a recessed open area meant to house a makeup air unit for positive pressurization of the corridors. Upon looking at the drawings, it appears it is a sort of wall. This appears awkward.

Scott Shalvis responded it would be behind the unit, not in front of the unit because the unit is dropped down for the most part in the well. You are probably seeing the background of that well. We can try to use the roofing material itself to disguise that as a material.

Lori Kosmatka displayed the submitted elevations and noted it looks like a light gray. She asked what that material is.

Scott Shalvis responded we were looking originally at it being the same material as over the clubhouse, it being Hardieboard. We could do shingles.

Kimberly Clarke, Community Development Director, asked if it was a wall.

Scott Shalvis responded that is a back wall. It is a hole in the roof, dropped down, so you can put the rooftop units in out of sight as much as possible.

Dan Ritter, Planning Manager, asked if they could be relocated to the attic.

Scott Shalvis responded that no, you cannot put them inside. They have intakes. Also, if you want to replace it, you need to tear the roof off. We have to think about ten years from now if they need to replace the unit. Here, they just need a crane to lift it off. As far as maintenance, these are not little house furnaces, these are sizeable rooftop units.

Lori Kosmatka asked for clarification if that the reason for the location is for efficiency so the CFMs can travel straight.

Scott Shalvis responded it would have minimal loss there and in the amount of makeup air they can bring in on the outside. If you have furnaces, you're trying to bring other systems to bring outside air in. Rooftop units bring in a lot more makeup air.

Lori Kosmatka noted that it is an awkward configuration on how it cuts across the roofline, and is situated lengthwise so you see more instead of the other way. Staff would like to know if there are other locations and how to make it look less awkward. It is proposed a light gray. Even if it were brick, it would look better.

Scott Shalvis responded it would not be brick because there is no structure below it. We could do a material like architectural roofing shingle going down the vertical surface to match the color. We are looking at this flat on, versus looking at a building five stories up from a distance where you would see more of a little shadow.

Lori Kosmatka asked about the option of having it on the ground.

Scott Shalvis responded they looked at that, but it would require getting ductwork up through the building. It would require sizeable ducts. The most efficient way is to drop the ducts straight down, not pulling the duct twenty feet over before going up.

Dan Ritter noted that staff has never seen rooftop units on pitched roofs like this. They have been on flat roofs with parapets. He referred to the condos across the street.

Scott Shalvis responded he had seen them.

Dan Ritter noted that staff struggles to see what this would look like in real life.

CHAIRMAN GRAY asked if the petitioner had a plan view looking down.

Scott Shalvis responded he could do one. He could find another site that has this. He has seen it before.

CHAIRMAN GRAY noted that this would help. From the flat perspective, it does look awkward.

COMMISSIONER GASKILL noted this is totally incomplete. The questions being asked should have been done in private with the petitioner. We don't need to go through all that here. There are things that are undecided and haven't been shown. There are still too many questions. He suggested we set this aside until you get together and iron this out.

COMMISSIONER MANI agreed. There is a lack of communication and missing holes.

Andrea Crowley noted that some of the items being discussed were not part of the original PUD, like cabana materials. We have had an enormous amount of communication from staff that is sometimes contradictory. Staff has been great, but if this is your position, then we need to get out of here. It is fine if we go to the Board with a no recommendation, but we request a vote tonight.

COMMISSIONER MANI noted he's an architect himself and knows the process. When I submit something, we spell out everything from the get-go. Some materials will change which doesn't affect life safety. There is some leeway. He could see it if they bring something to the Board showing we have all the answers and that some things like color may change, finetuning it.

Andrea Crowley noted there are no architectural plans submitted. This is a site plan approval. Some of the things we are discussing were not requested, required, or the subject matter of the original PUD. Some of those things get fleshed out later on. Some of the things being asked for now were never a matter of the original PUD. She understands the concern and is not an architect, but at this point, we are largely in agreement with the staff report. There is not a huge distance between us and staff. Some of their questions are things that can be easily answered. The cabana materials are all international commercial grade, bolted down like they are in hurricane zones. A lot of the things we are talking about are minor and architecturally laden. From our perspective, we have done everything that staff has asked. We agreed to meet the conditions that we can meet. We are happy to answer questions, but we don't want to continually come back here.

COMMISSIONER GASKILL asked if this is totally new construction, and if the previous approval had 4-inch brick.

Andrea Crowley responded it was thin brick. She noted that the architectural consultant Farnsworth said it looked virtually identical.

CHAIRMAN GRAY noted it was for one face only.

Andrea Crowley noted it was the east façade and by and large the façades are the same.

COMMISSIONER GASKILL asked if the foundation does not support the 4-inch brick.

Andrea Crowley clarified that the foundation does not support the precast, which is what was originally approved. The original approval contained a foundation that would bear a precast structure.

Scott Shalvis noted the foundation can support the brick above. They are asking to add brick onto the face of the exposed side of the foundation wall itself. What we proposed initially was stamped and stained concrete. What we are proposing is more of a thin stone over the existing stone or a thin brick. To add a 4-inch brick on top of it you have to bolt it on and pour another foundation. The 4-inch brick above is supported by the foundation. For the distance from the top of the foundation down to grade is the area we are talking about, that cannot support the brick because there's no foundation underneath.

Andrea Crowley noted the building is a 4-inch brick building, and we are talking about the surface beneath.

CHAIRMAN GRAY asked the petitioner if they can come to an agreement on items #8 and #9. Number 9 is all revised documents to be submitted to staff for review prior to being heard by the Village Board. All contract documents, not just the specifications but also the project plans.

Andrea Crowley noted that that was not what staff told them. Staff had said it did not include architectural plans.

Kimberly Clarke responded that whatever had been submitted, we are reviewing as part of the packet. If there are tweaks to those documents that need to be made, that is what ultimately will be forwarded to Village Board and part of the future ordinance. We like to bring complete documents to Village Board. That is what our goal was. There are items that Lori has called out that need to be identified. We want that to be corrected for the Village Board to see.

Andrea Crowley noted she emailed and called Lori and spoke with Kimberly to confirm that architectural plans are not what are being looked for.

Dan Ritter noted it would be needed for architectural level, but not for construction level.

Andrea Crowley noted she was told it was everything in the submittal that Scott would have to tweak, like the elevations. We have no objection to submitting the tweaked documents for this.

CHAIRMAN GRAY noted that at the last portion of the last public hearing in December, there are question marks. Regarding the printer, one shows more of an orange and another shows a fire-engine red versus a dark brown. We appreciated the sample, but if someone only gets that printout, it should match so that someone knows what the color is, being color-correct while being clear and concise to avoid any confusion. In terms to what we have been presented at the Plan Commission, some drawings are not updated. You're saying they don't have to be, but whatever is submitted should be clear. Maybe what's available for the cabanas may change down the line. We understand that. However in terms of clarity for construction with these exceptions, it should be clear to us as the Plan Commissioners prior to moving it to the Village Board.

COMMISSIONER GASKILL noted he certainly cannot vote yes for something he is unclear on.

Andrea Crowley responded that we are agreeing to the four conditions as posted in the list of 1 to 9. We will change our renderings and elevations prior to Village Board to reflect those. We are asking for an approval subject to these conditions. We will make the modifications prior to the Village Board's second reading as per what Kimberly said to her today. We are happy to do that. We don't think continuing to come back has been productive. We are agreeing to make these changes. These haven't largely shifted as the last staff report. Most of these are identical. We have had discussion. It is my client's position that we would like to be moved on.

Kevin Kearney, Village Attorney, PJM Chicago, noted you can add conditions of approval to the motion. They are making an affirmative statement that the materials are going to match and that any difference in plans are due to issues with the printer's program made to prepare the plans. We can include as a condition that it is approved subject to that affirmation that the materials are consistent throughout and that they provide updated documents for the Village Board. We can include statements like that in the motion.

CHAIRMAN GRAY stated he doesn't have an issue with the thin brick because it is based structurally. He is a P.E., and understands that. As long as it can match, and it looks uniform. We will go through some of these open items. In terms of #7 on the motions to consider, perhaps we can get an alternate type of motion that we are all in agreement on. We will go to the Commissioners for comments.

COMMISSIONER GASKILL had no comment.

COMMISSIONER LOSCUITO asked for clarification from staff on the requirement for #7 the letter of credit. He asked what the purpose for it is.

Kimberly Clarke responded that for the PUD in the Zoning Code, it says the Plan Commission can request additional guarantees to ensure that the project is completed as presented. There is that general language there. Now the Village has a more formal policy on foundations. Unfortunately, in the recession we had to deal with zombie subdivisions with foundations sitting out there. The policy puts into place that if something goes stale, the foundation could be removed and the property restored. It is a newer policy, so it isn't known to staff if it causes issues from a financial construction loan standpoint. Our attorney and I have discussed and understand that we think the PUD allows for a guarantee to be in place. Maybe it is more of a vague guarantee and not specific to the removal of the foundation which we are not looking to jeopardize the construction loan, but it does allow that to be in place. We were open to some other conversations on how that could be put in place before. We all hope that the developer has every intention to move this forward and wants to go vertical, but we want to ensure that if a what-if happens we don't have only foundation walls for the next decade.

COMMISSIONER TRUXAL noted his main concern is with removal of the trash enclosures. The maintenance guy is going to have to run out into the parking lot with the bins when the trash hauler shows up. Not having outdoor trash enclosures doesn't make sense.

Andrea Crowley responded she believes the Brookside East project across the highway has internal trash enclosures.

COMMISSIONER TRUXAL asked how that works.

Andrea Crowley responded the trash companies have a system. We have staff who will be coordinating this. Brookside East has this. She's not the association at Brookside so she doesn't know. She noted it's part of the service.

Scott Shalvis said they probably pay the hauler additional fees to come in to pull the bins.

COMMISSIONER GATTO noted that she has condos across the street from her, and every Thursday, the trash haulers go back and pull the cans or dumpsters onto the street. It must be part of the contract.

COMMISSIONER MARAK had no comment.

COMMISSIONER GATTO felt like there's a better option for the HVAC unit, if it can be better screened. She's concerned how it will look from the street. She tried googling pictures of other buildings. The only thing she could find are buildings downtown with greenery around the rooftop units, but she's never seen it in the suburbs. She thinks there should be another option for that.

COMMISSIONER MANI noted he did something similar by creating a pocket or hole in the roof, but in this case there is something on the roof.

Scott Shalvis responded it's recessed into the roof.

COMMISSIONER MANI responded it looks odd. A parapet might be weird looking and not aesthetically pleasing. Regarding the foundations being high, he still grapples with the length on the building and how it grew. At the last meeting, it was clarified that the foundation drawings were submitted, looked at, and permitted. His question for staff is whether staff became aware it became longer.

Scott Shalvis responded he believed there were comments in the original permit review that mentioned the length of the building. It did have some comments about setbacks. He would have to go back and look.

COMMISSIONER MANI noted that in his experience, if there are changes, he provides a narrative. This came up. This is a PUD and we have to stick to the original footprint. He asked where the checks and balances are. You need to let staff know once it becomes larger and the plan comes in to be permitted and reviewed. It should have been taken care of there and brought back to us to see if it still fits in the vision of the project. It seems to him that it was made bigger and now coming to ask for forgiveness.

Andrea Crowley responded she didn't think it was fair to say they made a mistake. The dimensions were shown. The difference in the distance to the townhomes is 1.3 feet, less than 1 percent on a nearly 200-foot building. She has townhomes that go over more than that for a single family residence. The approval was in the hands of the people issuing the permit. They came out over the course of almost a year and inspected. Everything was disclosed. We didn't not build what we asked the building department for. If she had been told then that it was a substantial deviation and that they'd need to come back, they would have come back, but that wasn't what the Village said when they went in for the permit, they issued it. Now she was told it was a substantial deviation so they are here. The foundation that is in the ground necessitates a majority of these changes. It was asked for and the permit issued.

COMMISSIONER MANI asked if the space inside the trash enclosures will be conditioned so there will not be a foul smell from rotting food. You want to keep the food fresh until the haulers come.

Scott Shalvis responded that we have a compactor with multiple bins in the room.

COMMISSIONER SHAW echoed some of the comments about the mechanical screening. The originally approved drawings did not show the mechanicals. Now they are being shown. He doesn't understand what changed, or if it hadn't been figured out yet. Today, he thinks it looks odd assuming the plan is to put in a pocket. That is a critical point.

Scott Shalvis responded there would be a pocket.



COMMISSIONER SHAW asked for clarification on which conditions the petitioner is OK on. He noted that the petitioner had stated they were OK with conditions 1 through 9, and didn't think that was what was meant.

Andrea Crowley responded she was referring to conditions 1 through 4 out of referencing the list of 1 through 9. We can meet conditions 1 through 4 with no problem. Number 6 we are generally OK with, and Scott can address the maintenance for the balconies. Numbers 5 and 7 we cannot do. Numbers 8 and 9 are time dependent.

COMMISSIONER SHAW doesn't know the appropriate mechanism, but would be in strong favor of a performance bond or as appropriate the Village Board can do. He asked when the project will be done, assuming approval from the Village Board without delay, and assuming weather and labor market.

Andrea Crowley responded construction is expected to last 24 to 36 months as soon as the permit issued. Her client is ready to go and has \$5 million in. Every day costs him money.

COMMISSIONER SHAW noted he didn't recall the original timeline.

A member of the audience noted it was 18 months, four years ago.

COMMISSIONER SHAW notes the time that it's taken from original approval until now, looking at an optimistic 24 to 36 month completion is the reason for his strong favor of some sort of condition for performance bond. He notes the petitioner says it's not possible. He defers to the Village Board and attorneys.

CHAIRMAN GRAY echoed some of the comments said. It's been a while since the foundation has been in and since the original approval. He thinks Commissioner Shaw's point is reasonable, and you have in the language here for the motion that pending approval you will start April 1<sup>st</sup> and that you have 24 to 36 months and you will adhere to the construction schedule as established. He feels it would be in the best interest to have a form of guarantee, only because of the time of the previous approval about five years ago.

Andrea Crowley clarified that it was November 2017. It was well over a year that the Village was illegally dumping from the commercial piece on the roadway of Magnuson. They asked us to clean it up. We negotiated with the pipeline to accommodate the water from the commercial piece on Magnuson that was being illegally dumped by the Village into the creek. We spent over a year cleaning up an issue that was not ours. The delays are not all on one side. Some of these issues are a two-way street. We spent a very long time negotiating to cross an easement so that we could accommodate the Village's water.

Kevin Kearney noted for clarification sake, in the original motion, the letter of credit was to secure removal of the foundation. Your comments are discussing performance bonds to secure completion of the project. That is a difference than what's listed in the motion. He asked if that's something the developer has thought through.

Andrea Crowley noted she has to discuss it with him. You're asking whatever value is being put on top of it to be posted.

Kevin Kearney noted that would be for a letter of credit.

Andrea Crowley stated that a letter of credit would be a problem because it would be cash cleared at 100% so it would be 200%. There's not a lender who would do that because you're asking them to collateralize 200%.

Kimberly Clarke asked the petitioner to return to the podium.

Andrea Crowley stated that a letter of credit would be 100% cash secured, so it is sitting in a bank account. It is fully grabbed by the bank. You pay them a fee annually for the ability to draw. You are asking for double the value and for us to be a cash builder. If we can post the cash for a letter of credit and we've got a loan, it is a \$30 million project.

Kevin Kearney noted a performance bond for completion could be considered rather than removal of the structure, or else some sort of security for completion.

Andrea Crowley responded she hasn't spoken with her client as the bond has just come up tonight. She knows that a letter of credit would not work.

Dan Ritter noted it is typically a percentage, not the entire project cost.

Andrea Crowley responded typically you don't post letters of credit for completion of private things. Typically they are for public improvements. The norm on a letter of credit or maintenance or performance bond is on public improvements, then you pull from it if it's not done. She asked if the Village has ever required a developer to put up a bond for a project.

Kevin Kearney responded our code specifically allows, not in the foundation only.

Andrea Crowley noted that it's not common. She noted that it's common for public improvements. They posted one for the street. It's not usual that it would be posted for private improvements for going vertical. She is curious if the Village has ever required it, because it is not typically done.

Dan Ritter noted it might be for bigger projects.

Andrea Crowley noted it's typically not required for private improvements. The person that has the most money to lose is the one with his money in the ground. If we mess up the public improvements, that is a problem for the Village.

Kevin Kearney responded it's a way to keep the developer on a timeline. He has used it to keep developers on timelines. It can be something to discuss with the developer.

CHAIRMAN GRAY asked for clarification on conditions 8 and 9.

Andrea Crowley noted that the question was on what documents are meant on Condition 9. Now we know it is the submittals and not the full architectural plans. Scott says he can turn that around in roughly a week. Kimberly said that if we have it by final board meeting, that would be something she'd be OK with. She has no problem submitting with the conditions and corrections drawn and depicted. That is fair. The concern was if it involved architectural plans or not. We can do the elevations in this submittal.

CHAIRMAN GRAY asked what language the petitioner has an issue with in Condition 8. It gives a start date of April 1<sup>st</sup> contingent on approval.

Kimberly Clarke clarified that it would be the building permit submittal by April 1<sup>st</sup>.

Andrea Crowley responded they are fine with sentences 1 and 2. The only issue with April 1<sup>st</sup> is if for some reason they didn't get on a Board meeting in time to petition for approval. Assuming this goes quickly, it isn't a problem.

Kevin Kearney responded we could add a condition that pending approval by Village Board.

Andrea Crowley noted it's not a date, but the vagueness of the prior timespan. Her concern is just on the date.

COMMISSIONER SHAW asked about the language for Condition 7, if there is language to replace to have the conversation continue. The Commission has made feelings clear for the Board.

Kevin Kearney responded that if the Plan Commission feels that a security of some form is necessary for completion of the project rather than for removal of the unfinished structure, it's a condition that you can have. The Board can modify or reject it or add their own condition. In the interim, we can work with the developer to see if we can come to an agreement satisfactory to the Village. For the purpose of memorializing the Plan Commission's feelings, if you want some form of security on the project, include that as a condition so the Board understands.

CHAIRMAN GRAY asked if there should be any pending language as Andrea Crowley has to discuss with her employer and have other conversations with Village staff.

Andrea Crowley responded she is happy to have a conversation with Kevin Kearney. She cannot speak for her client.

CHAIRMAN GRAY asked Kevin Kearney if he can draft up condition's language for the Commissioner who will read the motion.

Kevin Kearney responded yes, and that he will have additional modifications.

CHAIRMAN GRAY noted with respect to Condition #6's railing system, he looked at the links provided. They look decent. The petitioner gave a good rebuttal to the questions and he is confident in terms of this as an open item. He asked if there are any comments from the Commissioners.

Dan Ritter suggested that a recommendation for Condition #8 could be instead of a formal date, rather have it read as three months from Village Board approval. This would resolve concern if the case got continued at a Board level.

CHAIRMAN GRAY asked if that seems reasonable for the client.

Andrea Crowley responded she is fine with that. Her hesitation to commit with a date is if she finds it is the 3<sup>rd</sup> week of March and getting kicked back to the Village.

CHAIRMAN GRAY noted that whoever reads the motion should note that instead of it being April 1<sup>st</sup>, 2022, it should read as three months from Village Board approval. He asked if there is anyone from the public wishing to comment.

Michael Stocklose was sworn in. Four years ago they were at Plan Commission. He is president of the Brookside Glen Townhouse Association which abuts this project. When it went to the Plan Commission the first time, with Commissioner Shaw as a Commissioner, it failed, then it passed. We sat with the developers, Mayor Glotz, and Trustee Mueller who at the time was not a trustee, but an advocate for our group. The plan was supposed to have a drive-through garage from end to end. When they came up with the difference with the length of the building, that should have been a red flag. After this was approved the second time, I discussed the height with Karli who agreed it didn't need to be that high. Karli had said her lawyer said if we change the height then we have to go back to Plan Commission. When the building length changed, it should have been brought back to the Plan Commission before they got their construction permit. Four years later, we've been looking at this. There is rebar all over. I have to call once a month to have the grass cut. The hill behind the foundation is overgrown with weeds and trees. Branches from the trees are lying on the property. The wind storm knocked over the outhouse. They used to have a construction board and EPA permits have disappeared. This summer, they dug electrical which he doesn't know if they have a permit for. They damaged our sprinkler lines to the association. Our sprinkler lines can't be marked with JULIE. They are 20 years old. They refuse to pay the \$410 bill. The ground sat for four months. Before the last meeting, I sent an email to Kimberly and received a response from Karli saying that ComEd had dug it up. Mike Podtek was there digging it up and refuses to pay the bill because it wasn't marked. They also hit a gas line. I have to live with this foundation. Their construction foreman is not following guidelines to not use Greenway for entrance and exit. Every day he and the other employees drive down Greenway to 80<sup>th</sup> Avenue. ComEd and other trucks also do it. They tore up the streets. Greenway is going to be a pot-hole in the next year. It was repaved five years ago and is already cracked from trucks. For the size of this project, why are we using river rock for the landscaping? That is the cheapest, dirtiest rock you can buy. Upgrade it to something more substantial. The Boulevard had drainage issues on the sidewalks where they had to put grates in for the slope. Here they should put retaining wall to cut the slope of the grass planted so the slope can alleviate drainage onto the sidewalk. The north side of the sidewalk will not get sunlight and easily freeze. The staff reports were hard to read, and it was hard to hear Kimberly at the last meeting. He understands that some of the grill stations are being removed, but it wasn't in the second staff report. This is supposed to be a high-end structure. Why are we eliminating this? Four years ago, Mr. Cronin mentioned this occupancy for this project shouldn't be granted until the project is 100% complete. He heard a rumor earlier this summer that they would be granted occupancy if two buildings were done. I could go along with 80% finished, but there is no incentive for them if only two buildings are finished, unless there is a performance bond. There has to be a timeline set up, stating occupancy can't be granted until the project is 80% done. I'd prefer 100%. Previously, they stated construction timeline was 18 months. Even taking the year delay for

illegal dumping, we are four years into this. Now we are talking two to three years even if approved. I'd like it if they do get approved, they start on the south end of the project so the townhomes don't have to look at the foundations for much longer. I would appreciate if the final grade slopes toward the creek and not slope toward the townhouses. We do not need extra water coming in. Now the water sits there by the construction fence. The site should be cleaned up. There's no reason cut rebar, wood forms, and tree branches should be there. I shouldn't have to call the Village every three weeks because the grass grows to a foot high.

CHAIRMAN GRAY entertained a motion to close the public hearing.

Motion to close the public hearing 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 asked staff to go through the Standards.

Lori Kosmatka reviewed the drafted Standards for a Special Use on this request, as indicated in the Staff Report.

CHAIRMAN GRAY asked that whoever reads the motion, to read what has been drafted by the Village Attorney.

There was one motion for this item.

Kevin Kearney noted that a Commissioner who makes a motion does not have to approve affirmatively of it. It just opens discussion.

CHAIRMAN GRAY noted that Condition #6 remains, and Condition #5 was stricken.

Motion 1- (Special Use for a Substantial Deviation):

COMMISSIONER SHAW made a motion to recommend that the Village Board grant the Petitioner, Karli Mayer on behalf of One Magnuson Lane LLC, a Special Use Permit for a Substantial Deviation from the Brookside Glen Planned Unit Development with Exceptions from the Zoning Ordinance to permit exterior design changes in accordance with the plans submitted and adopt Findings of Fact as proposed by Village Staff in the January 6, 2022 Staff Report and subject to the following conditions:

1. *The development's exterior mechanicals including rooftop units, PTEC units, intake and exhaust vents shall match the color of the surrounding material.*
2. *The ½" thin brick and 4" brick veneers shall visually match (to be burned and colored in the same manner).*
3. *Canopy pier materials on the residential front and rear entry points shall be coordinated and be covered on all sides with brick.*
4. *Clubhouse rear (west) elevation's horizontal separation between the lower and upper level shall solely be continuous cut stone sill.*
5. *The balcony and railing system shall be bolt-on aluminum in a powder coat finish complementary to the building's design, to be reviewed and approved by Staff prior to issuance of the building permit.*
6. *A Letter of Credit, performance bond, or other security deemed acceptable by the Village Board to secure completion of the project consistent with the approved submittals.*
7. *The Petitioner shall adhere to the construction schedule as established. Construction is estimated to commence within 60 days of the issuance of a permit. Petitioner will be required to submit for a building permit three months after approval by the Village Board. Construction is estimated to last for 24-36 months from the issuance of a building permit. Construction of clubhouse and amenities to be completed prior to or simultaneously with the first residential building.*
8. *All revised submittals shall be submitted to staff for review and prior to being heard by the Village Board.*

Motion seconded by COMMISSIONER GATTO. Vote taken by Roll Call; COMMISSIONERS GATTO, LOSCUITO, TRUXAL, MARAK, and CHAIRMAN GRAY were in favor (aye). COMMISSIONERS GASKILL, MANI, and SHAW voted against (nay). CHAIRMAN GRAY declared the motion carried.

CHAIRMAN GRAY noted that the petitioner is anticipated to go to Village Board January 18<sup>th</sup>. He noted there may be offline conversations for portions of the motion.

**TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES**

**FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION**

**SUBJECT: MINUTES OF THE JANUARY 6, 2022 REGULAR MEETING**

**ITEM #2 WORKSHOP/PUBLIC HEARING – PETE’S FRESH MARKET WAREHOUSE OFFICE EXPANSION - SPECIAL USE FOR PUD SUBSTANTIAL DEVIATION, SITE PLAN/ARCHITECTURAL APPROVAL**

Consider recommending that the Village Board grant Petros Drimonas of Pete’s Fresh Market, on behalf of 163rd & Harlem LLC (property owner) a Special Use for a Substantial Deviation of the Park Place Planned Unit Development located at 16300 S. Harlem Avenue, Tinley Park. The granting of this request will allow for the construction of two building additions on the warehouse (located on the former K-Mart building) totaling 3,580 sq. ft. for additional office space. Final Site Plan/Architecture Approval is also requested as part of the development approval.

Present Plan Commissioners: Chairman Garrett Gray  
James Gaskill  
Angela Gatto  
Frank Loscuito  
Eduardo Mani  
Andrae Marak  
Ken Shaw  
Kurt Truxal

Absent Plan Commissioners: None

Village Officials and Staff: Kimberly Clarke, Director of Community Development  
Dan Ritter, Planning Manager  
Lori Kosmatka, Associate Planner  
Kevin Kearney, Village Attorney, PJM Chicago

Petitioners: None

Members of the Public: None

CHAIRMAN GRAY asked for a motion to open 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.

CHAIRMAN GRAY stated he received proof of the Notice of Publication for this Public Hearing. He invited staff to start with the presentation of this item.

Dan Ritter, Planning Manager, summarized the Staff Report for the Commission which is in the packet and attached as part of the minutes. This is a fairly straightforward request to make two small building additions on the warehouse building. They would be under the existing canopy and roof structure and be used for office space. The additions make for a consolidated office area at the front of the building and allows for a more open warehouse/distribution area in the building. The exterior materials will match the existing painted CMU and have windows matching the previously approved warehouse addition. The additions will make the entrances look less like a commercial entrance for the public to use. No changes are being made to the site plan or truck routing from what was previously approved. Pete’s had some issues with engineering and MWRD approvals but plans to move forward with the warehouse and grocery store (and additional retail space) building in spring when the weather breaks. He noted the applicant is not present,

but this is a fairly straightforward request. He noted it is up to the Commission on whether they feel comfortable proceeding without the applicant present.

COMMISSIONER GATTO and COMMISSIONER MANI had no comments.

COMMISSIONER SHAW commented that he liked what is being proposed.

COMMISSIONER GASKILL and COMMISSIONER LOSCUITO had no comments.

COMMISSIONER TRUXAL noted that considering the additional office space, the only restroom in the whole facility is in the back by the loading docks.

Dan Ritter responded that he has not seen the build-out plans. The state's plumbing code has a requirement for the number of facilities they have total but doesn't note where they need to be located. It is not like exit doors where they have to be spaced out. They just need a certain number of facilities.

COMMISSIONER TRUXAL noted the drawing submittal is very small and hard to enlarge to view. The whole front section appears to be office space and that females would have to go to the back where the truck drivers are, which would not be optimal. He also questioned if there would be enough facilities for the number of people present.

Dan Ritter responded that the internal buildout plans are currently under review by the building official and would need to meet state and local codes. However, the internal operations and locations of bathrooms are not typically under the purview of a site plan review.

COMMISSIONER SHAW commented that he believed there were restrooms up front from when it was the old K-Mart.

COMMISSIONER GATTO commented she recalled that as K-Mart it had restrooms up front to the right. Her husband was the GM for that. She commented they were previously all the way to the right. It looks like it is not on this plan now. Previously there was a Little Caesar's, a deli, and restrooms to the right in the corner.

Dan Ritter noted that area is now shown as all racking for storage. Staff will ensure that the proposal meets state plumbing code and Village building code requirements.

COMMISSIONER MARAK had no comment.

CHAIRMAN GRAY noted the design looks clean, and he likes how the exit door is hidden on the west side. He had no further comments. He asked if anyone from the public wishes to speak. Seeing none, he entertained a motion to close the public hearing.

Motion to close the public hearing 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.

Dan Ritter reviewed the drafted Standards for a Special Use on these requests, as indicated in the Staff Report. There were two motions for this item.

Motion 1- (Special Use for a Substantial Deviation):

COMMISSIONER LOSCUITO made a motion to recommend that the Village Board grant a Special Use Permit for a Substantial Deviation from the Park Place PUD to the Petitioner, Petros Drimonas of Pete's Fresh Market on behalf of 163rd & Harlem LLC, to permit additional building development changes at 16300 Harlem Avenue in the B-3 PD (General Business and Commercial, Park Place PUD) zoning district, in accordance with the plans submitted and adopt Findings of Fact as proposed by Village Staff in the January 6, 2022 Staff Report.

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

Motion 2- (Site Plan and Architectural Approval):

COMMISSIONER TRUXAL made a motion to grant the Petitioner, Petros Drimonas of Pete's Fresh Market on behalf of 163rd & Harlem LLC, Final Site Plan and Architectural Approval to construct two 1,790 sq. ft. building additions (for a total of 3,580 sq. ft. of additional floor area) on the warehouse building at 16300 Harlem Avenue in the B-3 PD (General Business and Commercial, Park Place PUD) zoning district, in accordance with the plans submitted and subject to the following conditions:

1. Site Plan Approval is subject to the approval of the Special Use for a Substantial Deviation from the PUD by the Village Board.
2. Site Plan Approval is subject to final engineering plan review approval.

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

CHAIRMAN GRAY noted that this item would move forward to the Village Board meeting January 18<sup>th</sup>.



**TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES**

**FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION**

**SUBJECT: MINUTES OF THE JANUARY 6, 2022 REGULAR MEETING**

**ITEM #3 WORKSHOP – DUNKIN’ OUTLOT REDEVELOPMENT (TINLEY DOWNS) - SPECIAL USE FOR PUD SUBSTANTIAL DEVIATION AND SITE PLAN/ARCHITECTURAL APPROVAL**

Consider recommending that the Village Board grant Richard Mommsen on behalf of Daley-Mommsen Enterprises (d/b/a Dunkin’ Donuts) a Special Use for a Planned Unit Development for Tinley Downs Plaza located at 7901-7951 171st Street, Tinley Park. The granting of this request will allow for site modifications and the allowance use allowance of a drive-thru restaurant in the existing outlot building. Site Plan and Architectural Approvals are also requested as part of the redevelopment.

Present Plan Commissioners: Chairman Garrett Gray  
James Gaskill  
Angela Gatto  
Frank Loscuito  
Eduardo Mani  
Andrae Marak  
Ken Shaw  
Kurt Truxal

Absent Plan Commissioners: None

Village Officials and Staff: Kimberly Clarke, Director of Community Development  
Dan Ritter, Planning Manager  
Lori Kosmatka, Associate Planner  
Kevin Kearney, Village Attorney, PJM Chicago

Petitioners: Peter Paraskis, Peter G. Paraskis Architect, Ltd.  
Richard Mommsen, Daley-Mommsen Enterprise (d/b/a Dunkin’ Donuts)

Members of the Public: None

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

Dan Ritter, Planning Manager, noted this is a workshop, and is more of a discussion. He stated he will review the items generally and identify open items staff sees for the Commission to consider. He summarized the Staff Report for the Commission. The petitioner is looking to have a drive-thru. They are currently located at 80<sup>th</sup> & 171<sup>st</sup> Street. They are in the in-line tenant space at Tinley Downs Plaza and are shifting to the outlot building on the development. They propose to punch a hole in the outlot building to create a drive-thru. They provided examples of how this was done before. Tinley Downs Plaza is a fairly large neighborhood plaza, approximately 43,000 square feet. The outlot building is approximately 4,800 square feet (before reduction in size). The development’s anchors are Family Dollar, Southwest Synergy Dance Studio, and Dunkin’. There are 14 other tenants. The building is largely occupied. It was annexed in 1991. At some point there was a taking of the land for roadway expansion. There was never a formal resubdivision after those takings. The zoning is B-1 and is adjacent to residential uses. B-1 limits noise, smells, and heavy vehicle traffic. He discussed the surrounding land uses. The petitioner wishes to expand with a drive-thru.. Covid has also made it a priority. They are requesting a Planned Unit Development on this property which doesn’t now. To add a drive-thru, they would either have to request a PUD or else rezone it to something like a B-3 zoning district, which staff didn’t feel was most appropriate next to single-family residential. The PUD could allow that type

of use for a specific building based on specific plans. There are also some site nonconformities out there that can be cleaned up. Staff feels this is the best approach. They are requesting the allowance of a drive-thru restaurant only in the outlot building and for parking below the minimum requirement. Parking is already below the minimum requirement, but the proposal will reduce it further. The existing site plan shows the outlot in relation to the inline building with only a few end islands. On the site, they propose new curbed islands, a dumpster enclosure with landscaping, and converting access to on-way on one point of the site. Circulation patterns will be created in the site to allow for appropriate drive-thru stacking and avoiding spillover into the roadways. The parking islands will be beneficial for landscaping, circulation, and help surround the existing parking lot lights. The conversion to one way on the south side of the drive-thru exit is to avoid backup for people entering from 80<sup>th</sup> Avenue trying to make a left to the drivethru. The drive-thru's counterclockwise circulation will have a large turning radius to allow to turn. Those open items are the site plan changes, the circulation, with a condition, that a new report would be required if any major changes are made to stacking. Most recently this was done at the Chipotle at Brookside Marketplace, and the Durbin's Express which will have a pickup window. When you are designing the drive-thrus, they are usually with a specific tenant in mind. Dunkin typically has higher stacking demands. He discussed parking. He noted staff and some Commissioners have noted the parking requirements are dated and probably over-parked. Our code requires 296 stalls, but it is currently 186 stalls, which is 110 stalls below code requirements. The petitioner proposes to reduce another 27 stalls for the drive-thru. They produced a parking analysis which takes into account someone occupying the space, likely a fast-casual restaurant. The analysis showed they are comfortable with the amount of parking. There are four additional accessible stalls above what is needed by code. Staff notes an alternative option could involve converting those to traditional stalls and pickup four stalls overall. Landscaping review is not for the whole site, but to what is being changed with this proposal of the outlot building and drive-thru. Landscaping has been added on the end islands, drive-thru to stop headlight glare and beautify the area to buffer that auto-oriented use. They also landscaped around the dumpster enclosure. The enclosure is proposed over existing parking. All of the enclosures were previously in the back of the shopping center. The food-service use of Dunkin has a higher trash demand. The enclosure will have brick matching the outlot building. Landscaping is an open item. Architecturally, not much is changing other than the hole being made through the building. The design of the outlot building mostly mirrors the inline tenant building. They will be painting it two shades of gray. The new walls around the hole in the building will have brick matching the rest of the building. There is fire and electrical equipment on the side of the building which is why they are not chopping the whole side of the building. There are not many changes to signage. One open item is that directional signs can't have logos. The petitioner needs to revise the packet. There are also two existing signs on 80<sup>th</sup> Avenue which staff recommends be removed. There is no permit history on them, they don't meet code requirements, they do not serve much of a directional purpose, and they don't match the development. Also, there are many other businesses in the development that do not have their own sign there.

The Petitioner, Peter Paraskis, the architect, and Richard Mommsen, the owner. Punching through the building is no different than a drive-thru bank. Peter Paraskis note they did a traffic study and parking analysis to hone in on the critical issues. Richard Mommsen thanked staff to help make this project work.

COMMISSIONER SHAW likes this design conceptually. It is unique and will add value. On the southwest corner, it wasn't clear that parking spaces were being removed. That looks good. Having trees along with the portion of the building both help screen the drive-thru itself. He asked if the trees will be planted at maturity.

Peter Paraskis responded that we maintained the existing mature trees. The others are interspersed where the parking was removed. The rest of the trees on 80<sup>th</sup> Avenue are mature.

Dan Ritter noted most of them are existing and if any die, they will need to replace them. We usually enforce a more mature tree to be planted in that case. For the new trees here, they could put in mature ones, but they are usually 2 1/2" diameter.

COMMISSIONER SHAW noted he does not have a problem with the parking reduction. Being a frequent customer of Dunkin, he finds the existing parking lot unsafe. The new islands and flow of circulation will be a massive improvement. The parking lot is empty most of the time. He asked if they considered a double-stack option for the drive-thru lane. This has been the latest trend with drive-thrus.

Peter Paraskis responded that we are limited at this location because of the drive-thru lane. We have done a couple two menu board systems in Indiana, and we are finding they do not work as well as anticipated because more

employees are needed. One person must be dedicated to operate cash and a second person to operate the dispersal. The Cane's chicken place in Orland has two menu boards, but only one is operational. There is not much speed in it. What would better, if we had room, would be a dedicated on-the-go mobile app ordering. Otherwise, a person on an app is stuck in the same line as someone ordering there. This location is a neighborhood operation. The client base is established. The single menu board works well.

COMMISSIONER SHAW noted the stacking coming into the middle of the lot seems reasonable. It seems a lot of work was put in to avoid overflow onto 171<sup>st</sup> or 80<sup>th</sup>. The one-way conversion at the south might be a concern. He can envision someone turning there. He asked what signage and visual cues would look like to help direct drivers.

Peter Paraskis responded it will be done with signage. If someone is visiting from out of town, there may be a challenge, but for regular clients it will be better.

Dan Ritter noted there's no guarantee that someone would drive in the wrong way, but the goal is that most of the time it will work, and the large bar should help as well. The hope is to get everyone to circulate one way.

COMMISSIONER SHAW noted it would not be a large concern because even if someone does go the wrong way it is not a real chokepoint.

COMMISSIONER MANI echoed Commissioner Shaw's comment on the chokepoint. He asked that if they could match the new median being created to what's there, and make it skinnier, so that it could be double-way. Possibly the trash enclosure could be shifted to create that opening. Otherwise, as one-way if you take 80<sup>th</sup> Avenue then you have to go all the way around and come back. People might drive between parked cars, creating a hazard. Making a larger opening would allow for people to go both ways.

Dan Ritter noted they are trying to avoid that. You could have 3 or 4 cars waiting to turn a fairly dangerous left onto 80<sup>th</sup>. That could create a line. You might then have someone trying to make a left through those cars which could cause a backup on 80<sup>th</sup>. Cars would be coming from multiple directions to go there.

COMMISSIONER MANI agreed there would be some people coming from 80<sup>th</sup> Avenue creating a backup. This could have congestion at that spot.

Peter Paraskis noted there is another issue with that. If cars start stacking and you come in off 80<sup>th</sup>, and you make a quick left, you are hoping there not many cars stacked. If there are, you will have people waiting there. Also, their traffic engineer noted that you may get people coming northbound taking first driveway which is the service drive for the south portion of the plaza which lines up. It could create a mess at that intersection.

Dan Ritter noted that directional signs could help get the proposal to work. The hope is to avoid the double-way to avoid stacking both ways.

COMMISSIONER MANI noted the plan looks good. He noted one of the elevations has two doors. He asked if those doors are functional. He suggested a railing be added.

Dan Ritter noted those are public entries. He showed the elevation facing 171<sup>st</sup> Street which is facing the drive-thru stacking.

Peter Paraskis noted the door on the right is the service door, where they get their deliveries.

COMMISSIONER MANI noted his concerns that as drivers have their coffee, they are not paying attention to pedestrians such as employees taking out the garbage. Hopefully a car could see them. His concern was at the area with the landscaping at the edge of the building. A railing there could help with safety issues.

Dan Ritter noted they might not be functioning doors. They don't appear to be egress.

Peter Paraskis noted the door on the right is for deliveries. That is at the rear.

COMMISSIONER MANI noted he was referring to the door shown to the right of the car illustrated on the elevation. This elevation is where the cars come out. He asked what that door is used for.

Peter Paraskis responded this would be the south face of the building next to the ADA space.

COMMISSIONER MANI asked if the door on the island to the left of that ADA space is a functioning door.

Peter Paraskis asked which elevation he was referring to, if it was the one facing south.

CHAIRMAN GRAY noted that it appeared there was landscaping leading up to that door, as well as on the east side.

Dan Ritter noted they appear to be existing doors that are not being used, and there are no sidewalks leading up to them. It would either be replacing them with a storefront system or if it needed to be a functioning door for someone to go out then you would need a pathway.

Peter Paraskis noted the service door is on the east side of the building towards the back. He noted if there is any worry, they could put up a decorative railing.

COMMISSIONER MANI noted a railing would be helpful for cars leaving the pickup area.

Peter Paraskis noted there is 5 feet of landscaping there at the corner of the building.

Richard Mommsen asked if they meant immediately next to the drive-thru.

Peter Paraskis noted a railing could be placed, but someone would have to walk along that landscaping.

Dan Ritter noted that you can get to the northeast door with a sidewalk.

Peter Paraskis noted the other door could be removed.

COMMISSIONER GASKILL asked if the south elevation was the front of the building.

Peter Paraskis responded yes.

COMMISSIONER GASKILL asked where the foot traffic is entering the building. He asked which is the active door.

Peter Paraskis responded on the right door.

CHAIRMAN GRAY noted it is the door with the pink "D".

Peter Paraskis responded the door on the right is the entrance.

COMMISSIONER GATTO asked if the drive-thru is going parallel with that side of the wall.

Peter Paraskis responded yes.

COMMISSIONER GATTO asked if people park on the side, then how would they get across if people in the drive-thru line. She lives near a Dunkin and said it is 20 cars deep. She asked how they would get through to get to the door through the drive-thru line.

Peter Paraskis responded that there is a walkway. You would be able to from the cars that are on the other side of the drive-thru lane on the righthand sign. It is an 8.5 foot sidewalk. The patrons are on the righthand side. They would walk down that sidewalk and cross over the first car in the lane.

COMMISSIONER SHAW asked if it would be marked crosswalk.

Peter Paraskis responded yes.

COMMISSIONER MANI asked if that door was utilized. He noted it was just a concern about the safety.

COMMISSIONER GATTO noted that for the Chipotle project, there were railings put up so people did not walk into the traffic. She clarified the concern here was at the southwest of the Dunkin.

COMMISSIONER MANI noted they would not be paying attention. There would be landscaping there, but it would still help.

COMMISSIONER GATTO noted the concern was about walking into the outbound drive-thru lane where the landscaping is.

Dan Ritter noted then you would not want to have someone walk there. Then you are having to walk through the main drive-thru.

COMMISSIONER MANI noted that there is a door shown with landscaping.

Dan Ritter asked if he was referring to the southeast corner.

COMMISSIONERS GATTO and SHAW clarified it was the southwest side, just east of the exit side of the drive-thru next to the handicap lane.

Peter Paraskis responded that door is not for customers, but it serves a purpose. Our equipment line goes north and south. If someone is ordering too many items, an employee could exit that door. If you look at the island you have two spaces designated at the south as Pickup 1 and Pickup 2. That is the place for them to pull up. The operator can come out of that door instead of out through a public door where all the patrons go through.

COMMISSIONER SHAW asked if the interior behind that door is not in the public space.

Peter Paraskis responded yes, it is in the service line. We could still put a railing there.

COMMISSIONER SHAW noted that realistically, someone coming out of that door could maybe cut the corner to get to the dumpster and step in front of cars.

Dan Ritter noted if you're an employee, you would know hopefully.

COMMISSIONER SHAW noted a four-foot railing might be a good idea. He doesn't know if it should be a condition, but it would make sense.

Dan Ritter noted if you blocked it off, you could still go through the ADA space aisle and then out.

COMMISSIONER SHAW noted that if you're throwing away garbage, you will have to cross. If they come out the door and immediately step out, it's a blind corner for the drivers, versus if they go the longer way it is slightly safer.

Dan Ritter responded that we can look at that.

CHAIRMAN GRAY noted it looks like there is landscaping there so you cannot go there. It is good that's there to force them to go south.

COMMISSIONER GASKILL noted that often in parking lots, people walk through the landscaping.

COMMISSIONER SHAW noted when it's built out it might be a moot point. It is hard to tell.

CHAIRMAN GRAY commented that the landscaping on the dedicated exit has grow-low sumac and some others. As long as that is not visually impairing for when a person looks to their left to the east to oncoming traffic. You don't want to create a blindspot with the landscaping.

Dan Ritter responded the plantings are low and tight to the ground. The plantings on the north side are taller.

COMMISSIONER MARAK noted that when you come out onto 80<sup>th</sup> Avenue, it is hard to turn left. If you funnel people out there, some will go right and left. Taking a left is across a raised central space. Often the traffic backs up. Some people stop to create a space, other people do not. The parking study looked to be more about how many spaces were left as opposed to the safety of people doing that. He also asked about the impact on other tenants in the development. When you stop and park a car, you get out and might go to multiple places, but if you use the drive-thru then you are just going to one place. Also having more traffic run through there, it might make one less likely want to go to the other spaces as a result. He also noted as the report says, along with the rise of Covid, this is the result of the rise in people shopping online, and in order to make the B-1 zoned areas commercially viable it makes sense to make changes. He wondered if that is the case, if we need to have more drive-thrus in more spaces in B-1, considering the neighbors around it. If B-1 is meant to be made a place where there is less traffic, but adding in drive-thrus can make more traffic. Either the exception should be made to all B-1 or you should be B-3. That is a bigger picture question in thinking of the future design of plazas in the Village.

Peter Paraskis responded there is a separate traffic study. The traffic consultant took counts of people going left and south and continuing north on 80<sup>th</sup>. The normal client base drivers going north would go to the southern driveway in the back. Regarding the other businesses in the plaza, a customer typically goes to Dunkin for coffee or donuts in the afternoon. There is really no other competition that we have there. The landlord wouldn't want competition. As for people wanting to walk to other businesses, it is their personal decision. In the inner city, some people are Uber or Lyft oriented, they go and do what they want to do.

COMMISSIONER MARAK noted that businesses are often grouped together so you can take advantage of multiple places.

Dan Ritter noted a small business wants to be by an anchor store so people would walk over or see your business. In this situation, they see all the businesses. It might be convenient for someone to then visit another business. It might still draw them. He didn't know if it would be better or worse with Dunkin being a drive-thru. Regarding the B-1, the staff report was about neighborhood shopping centers in general. This one has been fairly successful being on a busy corner. It's been a discussion on whether we need to be flexible on how we look at them. This one is unique with the outlot which is not abutting residential, which is why it could work here with the PUD route. Usually it would not work well in a B-1.

COMMISSIONER GATTO asked what the busy hours if it is 6am-10am.

Richard Mommsen responded they Monday through Friday it is 6 to 9, Saturday and Sunday is mostly 7 to 10 or 11.

COMMISSIONER GATTO noted that she thinks most of the businesses don't open up at that time.

Dan Ritter noted the dance studio is probably one of the bigger traffic drivers might have odd hours with customers coming and leaving at once, but that is even later in the afternoon.

CHAIRMAN GRAY asked what the petitioner sees for maximum stacking at similar sites.

Peter Paraskis responded that at some stores he has seen 25-30 cars stacking which can be an issue. It is all driven by speed of service and how the operator runs it. You will have people go out of their way to a particular Dunkin store because they know they will get it right. We ask the franchisee owner if they are doing anything wrong, because usually it should only take about a minute and a half. But you see people gravitate toward a store because they know they will get the right service. Other stores have stacking lanes for 10 to 12 and the most they ever get is 5. It is mind boggling.

Kimberly Clarke, Community Development Director, noted she experienced the Orland Park one near Harlem and 159<sup>th</sup> going southbound. There are people coming off Harlem trying to turn right, and there are people coming in from the interior shopping center. We want to reduce the amount of multiple ways to get in. I will bypass that particular location or make the turn and go around the stacking people, and people do not play nice. I avoid this store because there are too many points of entry. It can be scary at prime time to just grab coffee.

Dan Ritter noted there is some gray area. At the location in Shorewood there are maybe 25 car stacking spaces, which are used, but people fly through. At busy times it can back up. Originally this project went along 171<sup>st</sup> Street, and once you hit 13 cars, the next car would stack up on 171<sup>st</sup> Street. This however has the gray area for if it does get busy then traffic is on the site. They will move pretty quickly.

CHAIRMAN GRAY noted that if they are in the interior of the parking lot, that would not be an issue as many of the other businesses are not even open at the time.

Dan Ritter noted if someone was parked there and got blocked, they would not be there long since Dunkin has a high turnover time. The cars are moving.

COMMISSIONER TRUXAL noted he liked the design.

COMMISSIONER LOSCUITO echoed Commissioner Gatto's point. The plan is to have it stack in the middle lane of the lot which is not an issue since the other businesses aren't open that early in the morning. He agrees with staff to remove the existing nonconforming signs. The new Dunkin location will be more exposed at the corner spot.

Noted they may have originally been Walgreens signs.

Dan Ritter thought Walgreens might have had a drive-thru pharmacy.

Kimberly Clarke stated no, that there were only discussions about it.

Dan Ritter thought that made sense since they were one of the drivers of the development. We don't have permits on the signs though.

COMMISSIONER GASKILL had no comment.

CHAIRMAN GRAY did not feel the ADA stalls should be removed. He echoed Paula Wallrich's stance that parking is more of an art than a science. He noted that sometimes the stores in this development may get crowded at weird areas, but has never really seemed at capacity. Your peak time however is morning time. He doesn't think the four ADA spots should be removed just to get the additional parking spots which might not get used.

Dan Ritter responded that they are there now, and converting them is only an option if there ever becomes an issue. There is some flexibility to play with.

CHAIRMAN GRAY asked the petitioner if there is anything else to add.

Peter Paraskis thanked the Commission for their time.

CHAIRMAN GRAY noted there are no public audience members present to comment. He asked staff if the open items should be reviewed or not.

Dan Ritter thanked the Commission for their feedback and will look into the few comments.

CHAIRMAN GRAY noted there will be a public hearing at the next Plan Commission meeting January 20<sup>th</sup>.

## **GOOD OF THE ORDER –**

Dan Ritter reviewed the following Good of the Order items:

- He welcomed new Commissioner Andrae Marak. He was on ZBA for a short while.
- January 20<sup>th</sup> is the next meeting.

- He went to the Barkery downtown. His dog approves since there are treats and toys there. It is next to Village Pizza. It was a popcorn place before. It's nice to have some small, family-oriented retail there. They have some natural products there.
- Avocado Theory Express opened 171<sup>st</sup> and 80<sup>th</sup> Avenue. He is expanding quickly. This location will have some grab-n-go items.
- We have a new Covid map online. There may be a few more locations being posted online the Village's website.

**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 GATTO, seconded by COMMISSIONER LOSCUITO to adjourn the January 6, 2022 Plan Commission meeting.

CHAIRMAN GRAY asked for a voice vote; all were in favor. He declared the motion carried and adjourned the meeting at 9:47 P.M.



# PLAN COMMISSION STAFF REPORT

January 6, 2022 – PUBLIC HEARING

## Petitioner

Karli Mayer, on behalf of  
One Magnuson Lane LLC

## Property Location

SW Corner of 191<sup>st</sup> Street  
and Magnuson Lane

## PINs

19-09-11-200-015-0000  
19-09-11-200-013-0000

## Zoning

R-6 PD

## Approvals Sought

Special Use Permit for a  
Substantial Deviation  
from the Brookside Glen  
Planned Unit  
Development

## Project Planners

Kimberly Clarke, AICP  
Community Development  
Director

Lori Kosmatka  
Associate Planner

## The Residence of Brookside Glen

Southwest corner of 191<sup>st</sup> Street and Magnuson Lane



## EXECUTIVE SUMMARY

The Petitioner, Karli Mayer, on behalf of One Magnuson Lane LLC, seeks a Special Use Permit for a Substantial Deviation from the Brookside Glen Planned Unit Development (PUD) to permit design changes to the previously approved Residences at Magnuson multifamily residential development.

The Petitioner previously received approval in December 2017 to construct the Residences at Magnuson, which includes four (4) multi-family residential structures with thirty-six (36) dwelling units per building for a total of 144 dwelling units. This proposal also includes a 5,320± square foot club house, landscaping, and various amenities throughout the development. The Petitioner now proposes changes to the exterior architecture of the buildings which differ from the appearance of the previously approved plans. The exterior design changes are due in part to some building reconfiguration in the development.

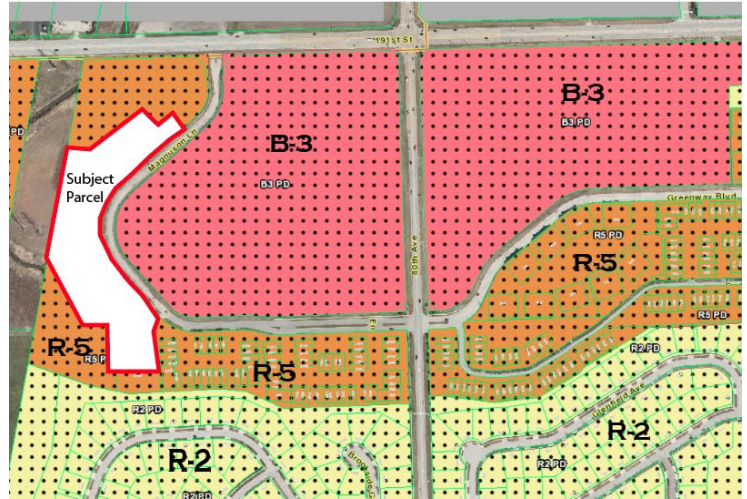
Changes from the December 16, 2021 Plan Commission public hearing are indicated in **Red**.

## EXISTING SITE & HISTORY

The subject site is a 7.65-acre parcel within the Brookside Glen Planned Unit Development (PUD). The Brookside Glen PUD was approved as part of an annexation of 828 acres in 1990. Since that time there have been amendments to the Agreement as well as several PUD modifications and rezonings. The subject property was originally planned for a mixture of commercial, office/restricted industrial, and residential uses (single-family detached, townhomes, and condo/apartments).

In February, 2016, the Village was approached by the Petitioner to develop the 7.65-acre parcel. Multiple meetings were held between July and October 2017 which included Staff, elected officials, the Petitioner, and representatives from the Brookside Glen subdivision.

The participants discussed plans that would address concerns about the scale of the buildings while maintaining valuable amenities and high-quality aesthetics.



Zoning Map

The site is bordered by the ComEd transmission lines to the west, B-3 PD (General Business and Commercial District) to the east, R-5 PD to the south and southeast and R-2 PD (Single-Family Residential) to the far south. The site is located within the Urban Design Overlay District (UD-1) that is intended to regulate non-residential buildings to “accommodate the automobile, but are primarily designed to promote non-motorized and public transportation movements to, within, and among properties”. UD-1 attempts to create a streetscape that is defined by buildings rather than parking lots. Although this is a residential building, it has some “commercial character” due to its scale, surface parking, and recreational component (club house). Additionally, there will eventually be commercial development to the east which will need to comply with the regulations for the UD-1 Overlay District.

Surrounding land uses include vacant property to the east that is planned and zoned for commercial uses. A municipal pumping station is located immediately to the south and a townhome development exists to the southeast with two-story structures housing 4-6 units per structure.

East of 80<sup>th</sup> Avenue there are other planned commercial uses that are vacant in addition to townhomes and 4-story multi-family condominium buildings of 16 units each. These multi-family structures are designed similarly to the proposed project in that they are effectively 5-story buildings due to the semi-underground parking garage. A detention pond is located to the north of the subject site and functions as a buffer to 191<sup>st</sup> Street. The Wolverine Pipeline traverses the site (east to west) just north of the pumping station.

As a Planned Unit Development, deviations from these requirements are considered ‘exceptions’ and are not reviewed as a ‘true’ variation from the Zoning Ordinance; instead, they are reviewed in context of the approved PUD. The Commission may wish to evaluate these deviations using the PUD Standards and Criteria for a PUD (Sections VII.C.1. and VII.C.3). As a Special Use, Staff will provide Findings of Fact at the Public Hearing consistent with the Special Use standards in Section X.J.5 of the Zoning Ordinance. Any exceptions that Staff has noted during the review are identified throughout this report.

## SUBSTANTIAL DEVIATION REQUEST

The issue before the Plan Commission is approval of a Substantial Deviation from the Brookside Glen Planned Unit Development (PUD). The PUD was initially approved in 1990 with subsequent Substantial Deviations in 2000 and 2017. Over the years, this PUD has evolved; reacting to market demands and economics. See the attached timeline for specific references to approvals and ordinances related to this property. The original PUD of 828 acres provided for a mix of uses.

The Petitioner's request is to deviate from Ordinance 2017-O-072 (Substantial Deviation from the Brookside Glen PUD). The approved PUD included four (4) structures of thirty-six (36) dwelling units each for this property (total of 144 units) and a club house with a pool and other various residential amenities. The approved PUD contained Exceptions for building setback and building height. The proposed Substantial Deviation will allow for design changes to the project primarily as a result in change of exterior wall construction. The proposal will reconfigure the façade and materials with adjustments in elevation offsets, windows, and balconies. The current proposal will reduce the residential overall building heights by 5'-0 1/8", increase the building lengths from 174'-10" to 188'-2", adjust building setbacks. Proposed changes specific to the clubhouse include a reduction of glazing, new elevation offsets, and reconfiguration of space with additional amenities due to modification of the underground parking garage and relocation of restrooms. The proposal also includes a shift in parking type, removal of the exterior trash enclosures, and addition of two exhaust sheds on the terraces.

## EXCEPTIONS

The previously approved Planned Unit Development ordinance included three Exceptions from the Zoning Ordinance. The Petitioner requests amending the following Exceptions from the Zoning Ordinance based on their revised elevations.

### 1. Building Height

A nine-foot (9') exception to the maximum building height requirement within Ordinance 2000-O-006 allowed the structures at a building height of 65' where 56' was the maximum height allowed. In the 2017 consideration of the project, Village staff noted that although the height of the buildings were approximately ten feet (10') taller at the highest point (the middle roof), the actual elevation would be consistent with Brookside Place since the elevation at the subject site is approximately ten feet (10') lower than the elevation at Brookside Place. The Maximum Overall Height of Building was noted as 72'-3.75", however staff noted the Mean Roof Height of 64'-11.75" as the "Building Height" (defined in Section II of the Zoning Ordinance). The Petitioner currently proposed plans will reduce the Exception's nonconformity of height by 5'-0 1/8" which is due to the reduction of 2'-0" in the garage and floor construction thickness.



*Renderings of Previously Approved Residence of Brookside Glen and Building at Brookside Place*

### 2. Building Setbacks

An exception to the Village requirement for the front yard setback allowed the residential structures to be set back about 18' to 27'. **The previously approved drawings showed a range from 17'-9 5/8" to 63'-0 3/8".** The Petitioner noted that the currently proposed setbacks will range from 9'-2" to 69'-11", **however, when calculating in the same manner as the previous approval, from the building face rather than the piers, the new proposed setbacks range from 16.6' to 69'-11"**

3. Building Floor Area Ratio

An exception of 0.056 to the Village requirement for floor area ratio (FAR) allowed a FAR of 0.656 where 0.6 was the maximum FAR allowed. The Petitioner has noted that the currently proposed FAR will now be 0.655.

## **ARCHITECTURE**

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### **2017 Previously Approved PUD Plans**

The previously approved plans consisted of four (4) architecturally identical proposed residential precast structures with precast balconies and a centrally located club house. The structures included a semi-underground parking garage and four (4) stories of residential dwellings. Terraces above the parking level connected the structures. Pedestrian access was provided at the east and west sides of both the residential buildings and club house. Vehicular access ran the length of the development with two garage entries and drive-through in the clubhouse. The approved building height was noted as approximately 65' as defined by "Building Height" in Section II of the Zoning Ordinance. The overall building height was noted as 72'-2 5/8" as measured from the parking level. The approved construction type was exterior walls constructed with precast concrete and thin embedded bricks, and standard brick and block construction.

#### *Building Materials*

The previously approved exterior cladding included a 1/2" thin brick veneer precast into a panel with horizontal seams. The ground/parking level included a precast stained and stamped stone foundation material. The precast balconies were approved with steel railings and wire mesh infill panels

#### *Architecture*

The architecture included some aspects of a Prairie style with the slope of the roof and transom windows. The floor to ceiling windows added distinction reflective of loft type architecture. The roof line was varied to provide enhanced architectural interest helping to break up the expanse of the roof. Articulation was provided along all building facades to create visual interest and shadow lines. Landscaped berms were also shown at the base of the structures at varied heights to minimize exposure of the parking level. The approval also indicated the roof terraces would have green roofs with landscaping screening from Magnuson Lane. The club house's architecture also encompassed some aspects of Prairie architecture consistent with the residential buildings. The club house also included an expansive arrangement of windows with a canopy on the east side and an extension of cabanas and restrooms on the west side.

### **Proposed Plans**

The Petitioner is currently proposing a new construction type with revised dwelling unit layouts, resulting in exterior design changes. The Petitioner has provided a letter itemizing these changes along with updated drawings. The drawings include line drawings for each façade of a typical residential building and the clubhouse, as well as color elevations comparing the previously approved and currently proposed facades of a typical residential building and the clubhouse. The Village consulted architectural firm Farnsworth Group to do an architectural design review comparing the residential building east elevation's previous approval to the current proposal. Farnsworth Group has provided a statement of findings which included opinions made upon their professional judgement based on their experience in the field of architecture (*see attached*).



At the December 16, 2021 public hearing, the Plan Commission recommended the Petitioner provide clarity to missing or unclear items in their submittal. The Petitioner has not made any changes to the drawings proposed at the December 16, 2021 public hearing.

#### Construction Type of Exterior Walls:

The new exterior wall construction type will be noncombustible brick veneer construction which mostly includes full four-inch brick veneer with steel stud wall backup where applicable, ½" thin brick veneer adhered (noted at the 5<sup>th</sup> floor of each end of each residential building and on parts of the clubhouse), and natural stone veneer along the ground level of the residential buildings. The Petitioner proposes this change due to this construction type becoming an allowable option per a recent revision of the Tinley Park Building Code change.

#### Heights:

The Petitioner states the residential overall heights will be reduced by 5'-0 1/8" due to lowering the height of the semi-underground garage (ground/parking level) and the reduction of floor thickness. The Petitioner notes the resulting height is 70'-4 7/8", as identified on the residential east elevation. The Petitioner however does not identify the elevation from which that point is referenced. The shorter overall height of the residential buildings still includes an elevated top floor of 14'-0" as measured from the top of subfloor to the roof truss bearing height, and the residential floor heights of the remaining stories are substantially similar (current 10'-1 ¾" versus approved 10'-0"). The clubhouse is proposed as 35.2" along the rear façade. The previously approved drawings did not show an overall height for the clubhouse.

#### Building Lengths, Setbacks & Floor Area Ratio:

The building lengths will be increased from 174'-10" to 188'-2". However, the Petitioner notes the connector (terrace) sections were modified to reduce the impact of the overall length. The Petitioner has noted the currently proposed building setbacks will change from a range of 18 to 27 feet to a range of 9'-2" to 69'-11". The low end of this setback range is measured from the newly proposed piered canopies. At the December 16, 2021 public hearing, the Plan Commission recommended the setbacks be calculated in the same manner as per the previous approval. When calculating in this manner from the building face, not accounting for the piered canopies, the new building setbacks will range from 16.6' to 69'-11". The proposed building face does have deeper offset projections than the flatter, previously approved façade. The previously approved drawings showed a range from 17'-9 5/8" to 63'-0 3/8". The Petitioner has noted the previous PUD approval showed a maximum of 63'-0 3/8", which contradicts the approved Exception of 18 to 27 feet.

	Bldg 1		Bldg 2		Clubhouse		Bldg 3		Bldg 4	
	Apprvd	Prop.	Apprvd	Prop.	Apprvd	Prop.	Apprvd	Prop.	Apprvd	Prop.
Min.	22'-11 3/8"	17.1' (9.2' from pier)	20'-11 1/4"	16.8' (9.6' from pier)	50'-4"	53.4'	18'-6 3/8"	17.1' (9.9' from pier)	17'-9 5/8"	16.6' (9.8' from pier)
Max.	26'-9"	26.7'	45'-2 3/8"	57.1'	50'-4"	66.0'	63'-0 3/8"	69'-11" <u>missing</u>	17'-9 5/8"	28.4'

The currently proposed floor area ratio will be reduced from 0.656 to 0.655. The distance to the nearby townhome measured 198'-9 ¾" in the previous approval, but is now 197'-6 3/4", a reduction of 1'-3".

#### Architecture - Façade Reconfiguration of Bays, Windows, Doors, Canopies, Balconies, and Mechanical Equipment:

Some reconfiguration is proposed to the architecture and facades. Due to a modification in the building footprint, the proposed façade offsets (projections) will somewhat change the layout of the windows, doors, balconies, and PTEC wall units. The Petitioner notes the currently proposed residential window arrangement is based on the refinement of unit layouts which included the coordination with the mechanical plans. The residential front (east) facades continue to have two entries, but now will have canopies with piers. These front entries, previously approved as double doors, are now proposed as single doors with sidelights (storefront) on both sides. The Petitioner states this change is due to recommendation by a security consultant. The presence of the clubhouse's east canopy remains as approved, but is now specified as prefinished aluminum. The new proposal also introduces shed roof style canopies above the two garage doors located at the north and south ends of the development. The garage canopies were proposed to help break up the façade.

The balconies will be bolt-on aluminum tube frame and aluminum deck. The Petitioner believes this will be a maintenance free noncombustible construction allowable due to the change in exterior wall construction. The Petitioner also notes the aluminum balconies are in lieu of precast due to the weight consideration of the new construction type. The Petitioner noted stone piers are provided as needed to support the balconies. The drawings show what appear to be short stone piers projecting from the facade, but some of them are not aligned below the balconies, and are not all identified and colored as stone. **The Petitioner confirmed at the public hearing that the stone piers will be identified and colored as stone.** The Petitioner has stated the aluminum decks on the balconies will be powder-coated with a dark bronze color, however this is not specified in the drawings. **The Petitioner provided a manufacturer's website link: <https://mwstairs.com/prefabricated-balcony-system/> Excerpts from the website are attached to this report.**

The proposal also has additional PTEC units due to the height of the 4<sup>th</sup> floor end units and the 5<sup>th</sup> floor units. Intake vents are also identified on the garage door side of the residences as well as on the rear of the clubhouse. The west façade has rooftop units on the clubhouse's rear (west) façade and appear to have a form of exterior mechanical on top of the residential buildings. The Petitioner has not identified any screening, however these are at the rear of the building, not visible from Magnuson Lane. Rooftop units and exterior mechanicals were not shown on the previous approvals, however, full MEP engineering was not coordinated at that time.

#### *Other Architectural & Site Changes:*

A few other notable architectural changes have been identified. Stairs and ramps are being added from the clubhouse to its two central flanking terraces and the relocation of the restrooms from extending in the pool area to now be within the clubhouse's general footprint. The Petitioner notes the restroom relocation allows a more usable pool deck for tenants to enjoy. The interior drive through which previously separated the east and west parts of the clubhouse's lower level will now be removed to allow for the restroom relocation, additional space for other amenities, and improves pedestrian flow throughout the clubhouse. A large party area with a warming kitchen and fireplace, a golf simulator, a pet spa, and a larger fitness center have all been added. The lobby space in each residential building also decreased in order to allow for a larger package delivery room, more bike storage, and other reconfiguration.

A few site changes are noted. The exterior trash enclosures were moved indoors. A pedestrian drop-off area from Magnuson Lane is being added to the clubhouse's front façade. The dog park at the north of the property has been narrowed by 20.1'. The Petitioner is also coordinating with ComEd and Nicor on screening for the transformer pads and gas meters on the property.

***Open Item #1: Discuss overall façade reconfiguration of bays, windows, doors, canopies, balconies, and stone piers. Discuss screening for rooftop units and exterior mechanicals. Consider conditioning exterior mechanicals (rooftop units, PTEC units, intake and exhaust vents) to color match the surrounding materials.***

**The Petitioner has agreed to match the color of the exterior mechanicals including rooftop units, PTEC units, intake and exhaust vents to the color of the surrounding material (*Condition #1 in the Motion*). The brick is a reddish brown as displayed at the December 16, 2021 public hearing, however the color of the roof shingles and Hardieboard lap siding have not been identified.**

*Clubhouse Glazing/Windows:*

The clubhouse is now proposed with less glazing. Most noticeably on the front (east) façade, the total glazing, window pane counts and transoms have all been reduced, and some window areas previously approved as large expanses are now visually broken up by brick and aluminum fascia elements. The middle of front elevation's upper level previously had triple continuous transoms, and now is proposed with a single separated transom. In contrast, the rear (west) façade's upper level, does retain large continuous expanse of glazing at the center, but has lost glazing near the ends due to reconfiguration of stairs. The lower level of the rear façade has noticeably changed. The previous approval had a combination of windows and door all with transoms, whereas the current proposal has removed the transoms and is all glass mullion doors. The Petitioner explains transoms are not possible due to the relocation and expansion of the fitness center. The Petitioner notes that the structural podium and mechanical design for proper airflow in the fitness center required additional ceiling height. The south side of the clubhouse also has lost two sets of window areas due to stair reconfiguration.

***Open Item #2: Discuss exterior glazing (transparency) area and configuration for windows and doors, which have been noticeably reduced on the clubhouse and adjusted on the residential buildings.***

*Exterior Facade Materials:*

The proposed residential exterior facade materials include a natural thin stone veneer along the ground/parking level and brick veneer on the upper levels, separated by a continuous cut stone sill. Most of the brick veneer is full four-inch brick veneer with steel stud wall backup, and will consist of utility size bricks with a natural color mortar. The fifth (top) floor of the residential buildings will have a 1/2" thin adhered brick veneer. The Petitioner has explained that due to the building's layout of a smaller fifth floor footprint, this section of wall on the fifth floor sits on top of interior walls which do not provide the structural support to withstand the weight of the full four-inch bricks. The Petitioner states the two brick types will meet flush on the residential buildings. The previous PUD approval detail sheet A121 identifies 1/2" brick applied over the precast wall construction.

The Petitioner has provided some changes and specifications to the residential entries. The previously approved residential entries showed vertical brick accents and glazing that flanked both the front and rear entry points. The two entry points on the front (east) façade will now have canopies with a continuous cut stone sill and prefinished aluminum gravel stops above supported by piers. The color and line elevations identify them as brick piers punctuated with a 6" high stone accent strip, but the floor plan calls them out as "steel tube columns primed and painted (architectural exposed column)" surrounded by a "stone pier with four way stone cap". However, on the rear (west) elevation, the one canopied large entry point no longer has flanking brick accent. The structural columns are now proposed to be covered on all sides with thin stone, thus it loses the visual differentiation of material as shown in the previous approval. The Petitioner has now specified the glazing for all the residential entry points will be a storefront system with black prefinished aluminum.

## Residential Building Elevation Comparison:



Front/East Facade: Currently Proposed (top), Previously Approved (bottom) – Not to scale



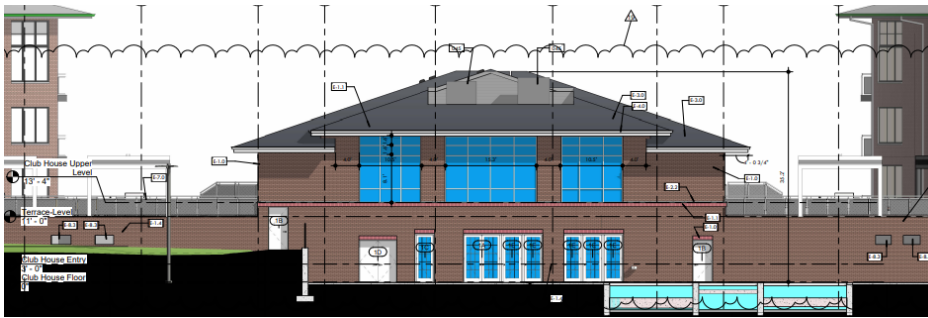
Rear/West Facade Currently Proposed (top), Previously Approved (bottom) - Not to scale



**Clubhouse Elevation Comparison:**



*Clubhouse Front/East Façade Currently Proposed (top), Previously Approved (bottom), Not to scale*



*Clubhouse Rear/West Façade Currently Proposed (top), Previously Approved (bottom), Not to scale*

The clubhouse's two stories appear to have a brick pattern similar to the previous approval. The roofline is tagged as soldier course brick. The front façade's upper level is tagged as the thicker brick veneer, but the lower level is tagged as thin stone veneer. The separation between the floors appears to show a solid material, which may be the correct location for the continuous cut stone sill, but has no tag. Meanwhile on the rear façade, the front gable material around the rooftop units has HardieBoard lap siding, and though the upper level has the thicker brick veneer, the lower level instead has the ½" thin brick veneer. The separation between the levels on the rear façade now has brick soldier coursing with a thinner continuous cut stone sill instead of solely a continuous stone material per the previous approval. Soldier coursing is also above the lower level's doorways.

The colors and materials for the mechanical equipment should be confirmed. The PTEC units and exhaust vent color is identified to match the brick, but the intake vents and clubhouse rooftop units and residential rooftop mechanicals don't specify the material to match.

**~~Open Item #3: Discuss the 4" brick veneer and ½" thin brick and how they will match. Discuss brick colors. Consider conditioning the two materials to be matched (burned and colored in the same manner) on the residential top floor to the rest of the building below. Discuss balcony color.~~**

The Petitioner has agreed the ½" adhered thin brick veneer and 4" anchored brick veneers will visually match, and be burned and colored in the same manner (*Condition #2 in the Motion*).

A dark reddish brown 4" brick veneer sample was displayed at the December 16, 2021 Public Hearing. Samples of ½" thin brick veneer and the natural stone veneer were not displayed.

The Petitioner provided a manufacturer's link to the balcony/railing system (*see brochure attachment*). The Petitioner verbally identified the powder coat color as Dark Bronze.

Clay
Bronze
RAL7037
Sandstone
RAL7045
Satin Black
Anodize Silver
RAL8007
Bone White

Balcony/Railing Options

**~~Open Item #4: Discuss and clarify the canopy pier materials on the residential front and rear entry points. Consider conditioning they be coordinated and covered on all sides with brick.~~**

The Petitioner has agreed the canopy pier materials on the residential front and rear entry points will be coordinated and covered on all sides with brick (*Condition #3 in the Motion*).

**~~Open Item #5: Discuss clubhouse materials. Confirm location and type of brick & stone veneers, separations between levels, and brick soldier coursing. Consider conditioning the ½" thin brick and Hardieboard lap siding on the clubhouse all be changed to 4" brick veneer, and the rear separation between levels solely be continuous cut stone sill.~~**

The Petitioner has confirmed the Clubhouse's rear (west) elevation's horizontal separation between the lower and upper story will solely be continuous cut stone sill (*Condition #4 in the Motion*). The Petitioner has noted that the clubhouse façade, inclusive of the rear/west lower level (*currently proposed ½" thin brick veneer*) and the rear (west) front gable (*currently proposed Hardieboard lap siding*) will remain as currently proposed and will not be changed to all 4" brick veneer (*Condition #5 in the Motion*).

#### Green Roofs:

The Petitioner has provided additional detail on the previously approved terrace green roofs. The green roof areas will include a masonry knee wall with a railing on top and a river rock (vegetative free) accessing the new exhaust sheds and along the perimeter. The green roofs will have roof drains and be a combination of semi-intensive and

intensive. The Petitioner confirmed the green roof will still provide landscape screening from Magnuson Lane as discussed in the previous consideration.

*Pergolas, Firepits, Grill/Sinks, and Terrace Surface:*

The Petitioner is now proposing four pergolas at ground level and eight pergolas on the terrace (an increase of one from seven previously approved). The four ground level pergolas each have a firepit, and a 5<sup>th</sup> firepit is located adjacent to the pool. Double center grills with sinks will be provided at each of the terrace pergolas. The terraces will have deck tile with adjustable pedestals. **Per a Commissioner request, Staff has inquired to the Petitioner on details of the terrace deck tiles, on how moisture will drain and whether the tiles will become uneven due to the freeze/thaw process.**

*Seating:*

The Petitioner's proposal has a few changes in common seating. The common seating area on each floor of the residential is now removed due to the reconfiguration of the floor plan and the Petitioner's desire to instead make the clubhouse the focal point of activity in the development. The outdoor terrace seating is shown on the Connector & Exhaust Fan Enclosure plan as 18 tables, whereas the previous approval showed a total of 20 tables. Seating will remain available at the ground level pergolas and dog park.

***Open Item #6: Discuss absence and/or removal of seating.***

*Cabanas:*

The Petitioner proposes the two cabanas to be freestanding alongside a retaining wall adjacent to the clubhouse. The previous approval had the cabanas located within stone walls. The Petitioner has not yet selected a specific size or style, but has illustrated potential options.

**Per a Commissioner request, Staff has inquired to the Petitioner on if the freestanding cabanas will withstand high winds. No comments have been provided as of date.**

*Parking:*

The Petitioner states the total parking count will remain as approved as 360 spaces upon landbank installation, but with adjustments in parking types. The proposal includes a reduction of indoor parking by eight spaces (163 indoor spaces proposed vs. 171 approved), 136 outdoor spaces (vs. 125 approved) which will be reduced by an additional three spaces (landbank spaces #10, 11, 12) to 133 outdoor spaces for the drive aisle upon landbank installation, and the same count of 64 landbank spaces. The reduction in indoor parking is due to the removal of the drive through on the lower level of the clubhouse. Along with the ADA spaces indoors and to the west of the development, the parking count now also includes an exterior ADA parking space at the front passenger loading area. The development will have four interior electric vehicle charging spaces for each residential building, and the Petitioner specified that the development will have two exterior electric charging spaces.

*Addition of Exhaust Sheds:*

Two brick sheds are proposed on the terraces in order to accommodate garage exhaust fans. The sheds will be placed between Buildings 1 and 2, and between Buildings 3 and 4. They will be located flush to the east residential facades, and will be within the green roof area. This location is along the front of the property, however, the location within the green roof area may be considered appropriate since the landscaping will help screen along Magnuson Lane and will allow room for the pergolas and seating on the west side. The sheds are shown as 9'-3" high and 13.3' long, but the depth is not identified. The Petitioner verbally notes they are 5 feet deep. The Petitioner notes that the mechanical code requires exhaust discharge to be ten feet above the adjoining grade.

***Open Item #7: Discuss exhaust shed location and show depth measurement. Discuss how freestanding cabanas will withstand high winds.***

*Signage:*

The two ground signs will keep the same 4'-0" setback but the south sign has been slightly shifted south toward the southern drive aisle. The drawings note it will be 22'-10 1/8". The Petitioner has provided additional specification on the material which now includes a cast stone cap with 4-way wash and thin stone to match the building.

*Key Design Elements Remaining:*

Some key design elements will remain as previously approved. The roof slope and the Prairie-style four (4) foot deep eaves will remain consistent. Also, the club house will remain centrally located, and each building entry shown as a focal point with the center of the structure being the tallest. The windows on the top floor will still have a double transom which will provide a verticality to break up and accent the horizontal nature of the buildings.

**Analysis**

In November, 2021, architectural consultant Farnsworth Group provided a statement of findings analyzing the two design schemes of the east residential façade only from a recent previous submittal. Farnsworth Group found that the elevations on this portion of the development were essentially identical with only a few minor differences. The overall proportions were very similar (3% height decrease, 7% width increase) and the roof slopes and eaves remained consistent. The massing components (central area under high roof, flanked area under low roof, and bands of stone veneer and grade at the base appeared nearly identical, and considered a visual difference would be marginal once constructed. The vertical dimensions of floor-to-floor heights were observed as essentially identical with exception that the currently lowest level is two feet less. The window sizes, mullions, and pattern were also noted essentially identical, with exception that there is a different horizontal rhythm of windows under the high roof. They noted this is likely caused by the plan changes in the unit layouts. They believed the exterior materials appeared to be the same, however they were not provided the most recent, more detailed resubmittal.

The current proposal has the same general layout and orientation and appearance of materials and glazing to the previously approved plans, but contains some reconfigurations. Staff has noted open items, most notably the reduction of glazing on the clubhouse, and outstanding points on exterior materials.

**Staff recommends the Petitioner revise documents and submit to staff for review, prior to being heard by the Village Board.**

## **STANDARDS FOR A SPECIAL USE**

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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 provided draft Findings in the Staff Report below for the Plan Commission's consideration.

**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 proposed design changes are largely aesthetic with no major changes to the site plan, thus will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Additional factors were considered in the previous PUD approval.*
- 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 proposed design changes include a proposed architectural façade primarily of brick and stone veneer with double transom windows on the residential top floor. These architectural features, along with the*

*reduction in 5'-0 1/8" of building height will not be injurious to the use and enjoyment of other property in the immediate vicinity nor substantially diminish and impair property values in the neighborhood.*

- 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 proposed design changes are largely aesthetic with no major changes in the site plan, thus will not impede the normal and orderly development and improvement of surrounding property.*
- d. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided;
  - *The proposed design changes do not affect changes to utilities, access roads, drainage and/or other necessary facilities.*
- 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 proposal will not change the previously approved ingress and egress. The density has not changed from the previous approval within Ordinance 2017-O-072.*
- 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 proposal will adjust the currently approved building setbacks from 17'-9 5/8" to 63'-0 3/8" (noted in the ordinance as 18-27 feet) building setbacks to allow 16.6' to 69'-11". Other previously approved exceptions which will remain are building height and floor area ratio.*
- g. The extent to which the Special Use contributes directly or indirectly to the economic development of the community as a whole.
  - *The proposed design changes are largely aesthetic. The scale of the project remains the same from the previous approval per Ordinance 2017-O-072, which contributes to the economic development of the community as a whole.*



## MOTION TO CONSIDER

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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.

**"... make a motion to recommend that the Village Board grant the Petitioner, Karli Mayer on behalf of One Magnuson Lane LLC, a Special Use Permit for a Substantial Deviation from the Brookside Glen Planned Unit Development with Exceptions from the Zoning Ordinance to permit exterior design changes in accordance with the plans submitted and adopt Findings of Fact as proposed by Village Staff in the **January 6, 2022** Staff Report and subject to the following conditions:**

- 1. The development's exterior mechanicals including rooftop units, PTEC units, intake and exhaust vents shall match the color of the surrounding material.*
- 2. The ½" thin brick and 4" brick veneers shall visually match (to be burned and colored in the same manner).*
- 3. Canopy pier materials on the residential front and rear entry points shall be coordinated and be covered on all sides with brick.*
- 4. Clubhouse rear (west) elevation's horizontal separation between the lower and upper level shall solely be continuous cut stone sill.*
- 5. The clubhouse's façade, which is inclusive of the rear (west) lower level and the rear (west) front gable to all be 4" brick veneer.*
- 6. The balcony and railing system shall be bolt-on aluminum in a powder coat finish complementary to the building's design, to be reviewed and approved by Staff prior to issuance of building permit.*
- 7. A Letter of Credit in an amount to be deemed acceptable by the Village Board to secure the removal of the unfinished structure, regrading and restoration of the site in the event the project fails to be completed.*
- 8. The Petitioner shall adhere to the construction schedule as established. Construction is estimated to commence within 60 days of the issuance of a permit. Petitioner will be required to submit for a building permit by no later than April 1, 2022. Construction is estimated to last for 24-36 months from the issuance of a building permit. Construction of clubhouse and amenities to be completed prior to or simultaneously with the first residential building.*
- 9. All revised documents shall be submitted to staff for review and prior to being heard by the Village Board.*

*[any conditions that the Commissioners would like to add]*

## ATTACHMENTS

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1. Previously Approved PUD Plan Set Ordinance 2017-O-072
2. Drawing Submittal, 24 sheets, dated December 8, 2021, received December 10, 2021.
3. List of changes from Petitioner received December 9, 2021.
4. Statement of Findings From Architectural Design Review
5. Balcony System Excerpts from Manufacturer's Website: <https://mwstairs.com/prefabricated-balcony-system/> Accessed December 29, 2021.

## LIST OF REVIEWED PLANS

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Submitted Sheet Name		Prepared By	Date On Sheet
	Previously Approved PUD Plan Set – Ordinance 2017-O-072	ASL	12/5/2017
	Drawing Submittal, 24 sheets, received December 10, 2021	ASL	12/8/2021
	List of changes from Petitioner received December 9, 2021	ASL	N/A
	Statement of Findings from Architectural Design Review ( <i>East Façade Elevation Only</i> )	Farnsworth	11/11/2021
	Balcony System Excerpts from Manufacturer's Website <a href="https://mwstairs.com/prefabricated-balcony-system/">https://mwstairs.com/prefabricated-balcony-system/</a>	Staff	Accessed 12/29/2021

ASL – Architectural Studio, Ltd.

# PLAN COMMISSION STAFF REPORT

January 6, 2022 – Workshop/Public Hearing

## Petitioner

Petros Drimonas of  
Pete's Fresh Market on  
behalf of 163rd &  
Harlem LLC

## Property Location

16300 Harlem Avenue

## PIN

27-24-202-020-0000 &  
27-24-202-021-0000

## Zoning

B-3 PD (General Business  
and Commercial, Park  
Place PUD)

## Approvals Sought

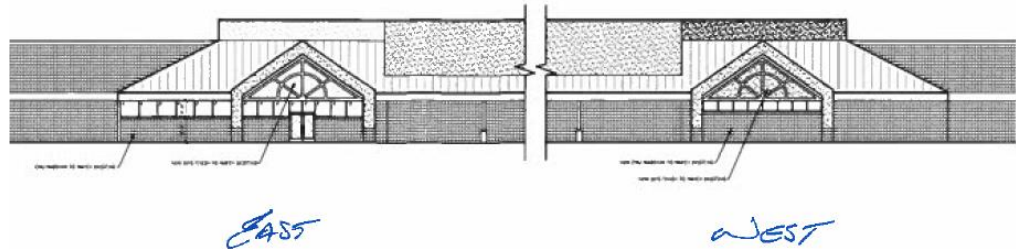
- Special Use Permit  
for a Substantial  
Deviation from PUD
- Site Plan/  
Architectural  
Approval

## Project Planner

Daniel Ritter, AICP  
Planning Manager

## Pete's Fresh Market Warehouse – Office Additions

16300 Harlem Avenue



## EXECUTIVE SUMMARY

The Petitioner, Petros Drimonas of Pete's Fresh Market on behalf of 163<sup>rd</sup> & Harlem LLC for Pete's Fresh Market, is requesting Site Plan/Architectural Approval and a Substantial Deviation from the Park Place Planned Unit Development (PUD). The requests would permit building additions on the previously approved Pete's Fresh Market warehouse building at 16300 Harlem Avenue (former Super K-Mart building).

The proposal includes two separate 1,790 sq. ft. additions (for a total of 3,580 sq. ft. of additional floor area) at the existing building entrances. The areas already have roof overhangs and the floor space will be used for additional office space. The additions would utilize matching exterior materials and colors as the existing building. The changes will also make the front façade less commercially prominent, which will help avoid customers walking to the building thinking it is an open commercial business.



## BACKGROUND

Pete's Fresh Market currently operates 17 different existing locations with ongoing plans to open more stores in the Chicagoland area. Pete's purchased the former K-Mart property in September 2019. The subject site comprises 24.2 acres and is being developed in three phases.

Phase 1, approved in September of 2020, included the granting of a Special Use for a Substantial Deviation to allow a small/ temporary warehouse and distribution use in the B-3 zoning district. The approvals were conditioned upon occupancy of the grocery store and allowed for the overnight storage of five (5) delivery vehicles. The Petitioner has cleaned up the site and landscaping, and recently painted the building. The new color represents a great improvement to the façade and complements the new proposed market.

Phase 2 of the project was approved by the Village Board in July 2021 (Ord. 2021-O-050) and includes the construction of an 88,608 sq. ft. Pete's Fresh Market store; 51,831 sq. ft. of in-line retail tenant space north of the grocery store; a +12,400 sq. ft. expansion of the warehouse; an expansion of the existing dock area on the south side of the warehouse building to accommodate additional trucks, and the addition of a new dock area on the warehouse addition. Phase 3 is planned to involve the subdivision of property along Harlem Avenue for outlot development upon completion of the grocery store building and site work.

Permits have been issued for the warehouse expansion (Phase 2). The permits for the new Pete's Fresh Market store (Phase 2) and site work are pending final MWRD approval, contractors, and Final Plat recording. The plan is to start the site and building work for the Pete's Fresh Market store in early 2022.



Before

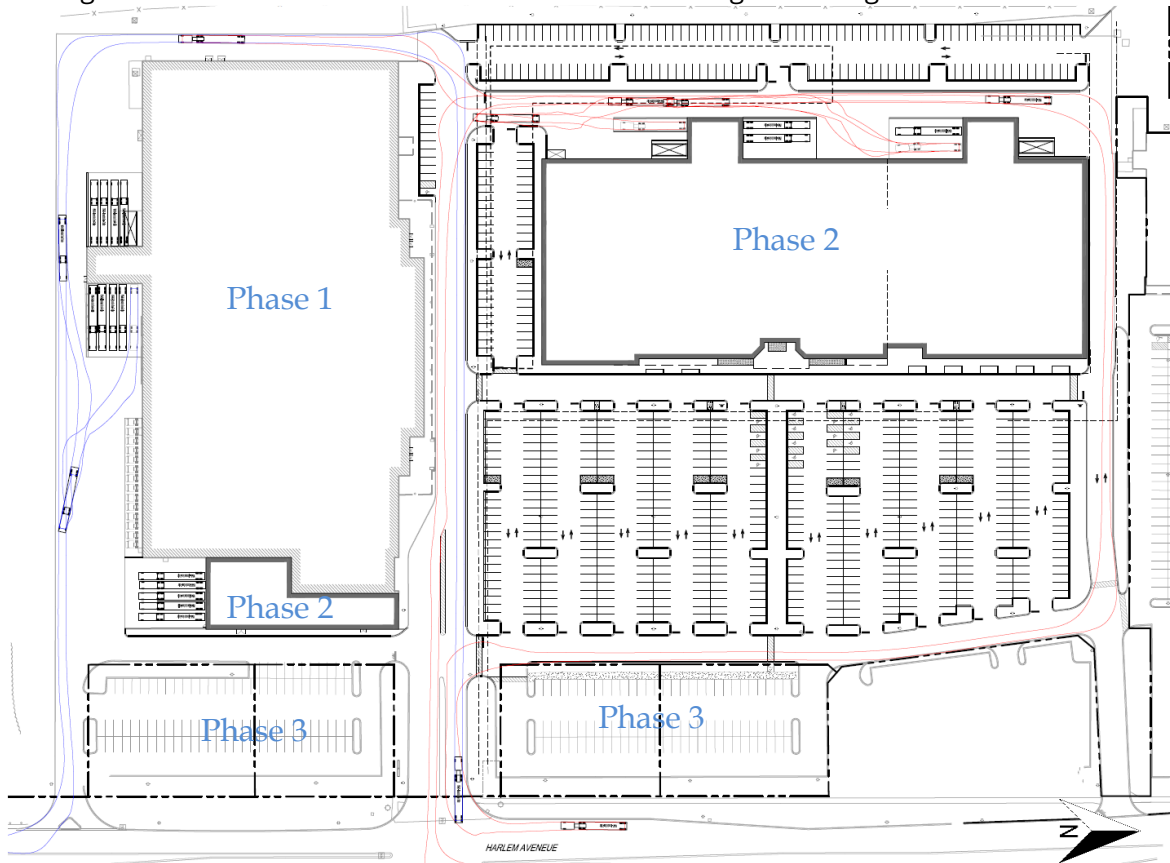


After



Left: Existing East Entrance Area

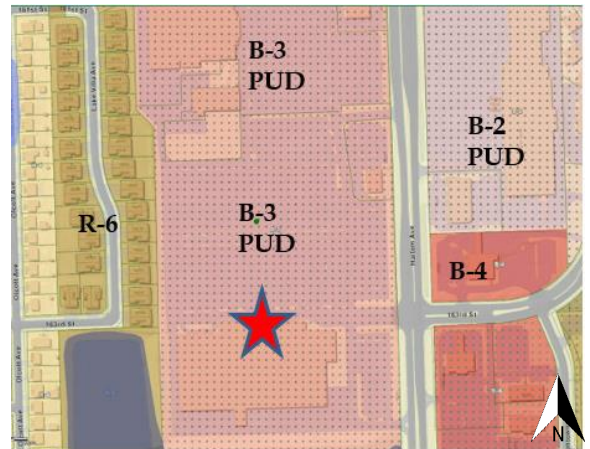
Right: Existing West Entrance Area



## ZONING & NEARBY LAND USES

The subject parcel is located in the Park Place PUD with the underlying zoning of B-3. It is located along Harlem Avenue, one of the Village's major commercial corridors.

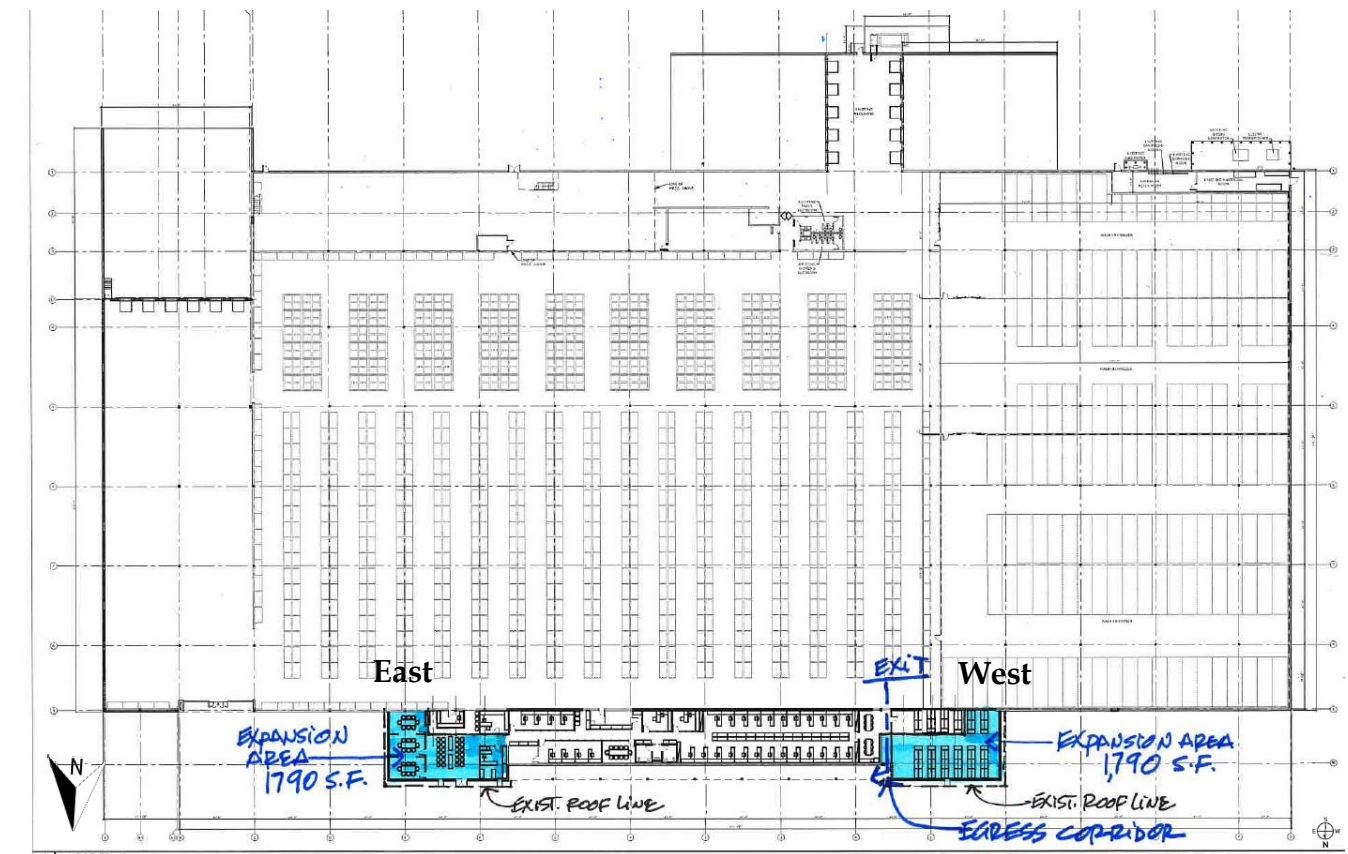
The property to the north is also zoned B-3 PUD (Park Center Plaza PUD) and is developed with various commercial uses. The property to the west is developed with residential duplexes, zoned R-6. To the east, across Harlem Avenue, the property is zoned B-4 (Office and Service Business District) and is occupied by a medical office building. Just north of the medical office building is the Tinley Park Plaza retail center and is zoned B-2 PUD. South of the subject property is an unincorporated and undeveloped parcel that has been used for various recreational uses (frisbee golf and dog park) that is operated by the Tinley Park-Park District.



## SITE PLAN AND LAYOUT (New Warehouse Office Additions Only)

There will be no changes to the overall approved site plan in terms of pedestrian and vehicle circulation. The additions would be under the existing building overhang near the two entrances. The additions would allow additional space for offices and a main entrance lobby to the warehouse space and be completed within "Phase 2" of the project. As part of the original Substantial Deviation approval for Phase 2, it was required that the Pete's Fresh Market grocery store be completed in order for the warehouse use to be permitted. The timing and other requirements of that approval will remain, with the only change being the new office additions.

The new additions would not be open to the general public, and will just be used for employees who work in the warehouse/distribution aspects of Pete's Fresh Market. The eastern addition will have doors facing north that will function as the main office entrance for pedestrians. The western addition will have a door that is less noticeable and for egress purposes only. Walkways will remain around the additions for pedestrian foot traffic. Delivery and pickup of warehouse inventory will not occur at the two new office additions, but will continue to be at the south and eastern dock areas previously approved for the building.



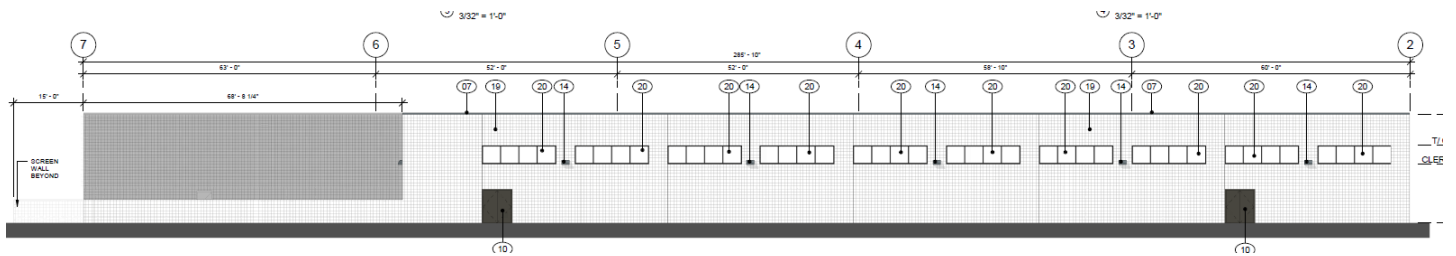


## ARCHITECTURE (New Warehouse Office Additions Only)

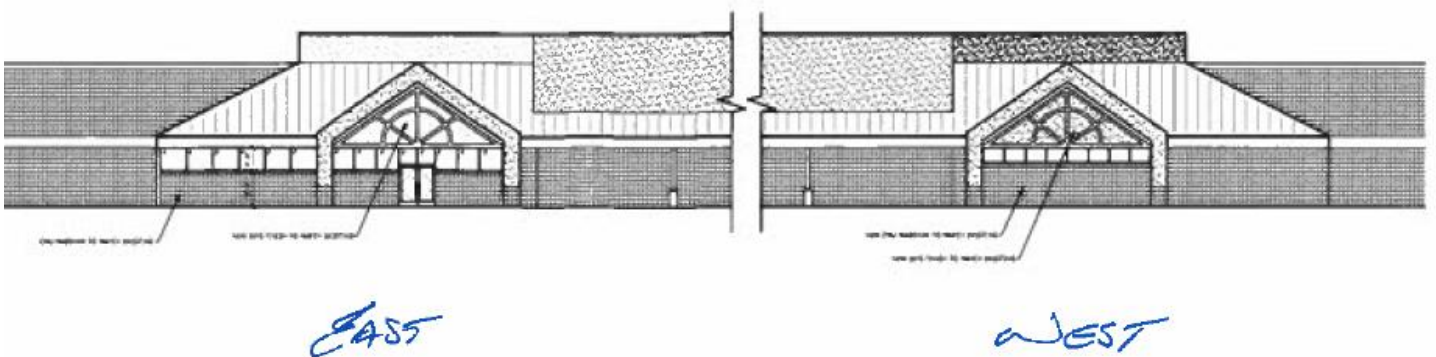
There was a previously approved 12,400 sq. ft. addition proposed for the eastern end of the building that provided space for administrative offices and warehousing. The offices will now primarily be at the front/north end of the building to allow for easier maneuvering of goods throughout the warehouse. Similar to the previously approved warehouse addition, the architect has attempted to match the existing façade in architecture, building material, and color. The material will be a square split face block similar to what is on the existing building. Clerestory windows have been added to break up the expanse of the masonry and allow for natural light within the building. The windows are the same design as the windows proposed on the previously approved east warehouse addition.

In addition to providing additional office space, the additions will make the entrances less prominent so as not to attract the general public from entering them. There will not be a storefront glazing system typically found in more customer-oriented commercial building entries. There will only be one set of double doors facing towards the primary parking lot for the grocery store on the east addition, and a single egress door on the side of the west elevation.

### Previously Approved East Warehouse Addition (Looking West):



### Proposed Office/Entrance Warehouse Addition (Looking South):



## STANDARDS FOR A SPECIAL USE

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Section X.J.5. of the Zoning Ordinance lists standards that need to be considered by the Plan Commission when analyzing a Special Use request. Staff will provide draft Findings for the Commission's 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 proposed Exceptions are safe for the public, employees, and neighboring properties.*
- 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 additions allow for a better internal layout and more space for storage without any significant changes to the site plan.*
- 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;
  - *Neighboring properties are already developed and the proposal will not negatively affect any future development or redevelopment of the neighboring properties.*
- d. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided;
  - *The site is already developed with adequate utilities and no additional utilities are needed for an office addition. The area already has a roof structure and is accounted for with regard to stormwater.*
- 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;
  - *Site layout is designed to allow for safe circulation by delivery trucks, employees, and the general public within the site and on adjacent public streets. No changes to the approved circulation are proposed.*
- 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; and
  - *All other Village code requirements will be met.*
- g. The extent to which the Special Use contributes directly or indirectly to the economic development of the community as a whole.
  - *The additions allow for Pete's Fresh Market to operate the distribution and warehouse space with more efficiency and helps with the overall development of the site with a new grocery store and commercial space.*

## **STANDARDS FOR SITE PLAN & ARCHITECTURAL APPROVAL**

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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

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If the Plan Commission wishes to act on the Petitioner's requests, the appropriate wording of the motions are 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 only moves the request to 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 of the approval of recommendation.

### **Motion 1 (Special Use for a Substantial Deviation):**

*"...make a motion to recommend that the Village Board grant a Special Use Permit for a Substantial Deviation from the Park Place PUD to the Petitioner, Petros Drimonas of Pete's Fresh Market on behalf of 163rd & Harlem LLC, to permit additional building development changes at 16300 Harlem Avenue in the B-3 PD (General Business and Commercial, Park Place PUD) zoning district, in accordance with the plans submitted and adopt Findings of Fact as proposed by Village Staff in the January 6, 2022 Staff Report."*

### **Motion 2 (Site Plan and Architectural Approval):**

*"...make a motion to grant the Petitioner, Petros Drimonas of Pete's Fresh Market on behalf of 163rd & Harlem LLC, Final Site Plan and Architectural Approval to construct two 1,790 sq. ft. building additions (for a total of 3,580 sq. ft. of additional floor area) on the warehouse building at 16300 Harlem Avenue in the B-3 PD (General Business and Commercial, Park Place PUD) zoning district, in accordance with the plans submitted and subject to the following conditions:*

- 1. Site Plan Approval is subject to the approval of the Special Use for a Substantial Deviation from the PUD by the Village Board.*
- 2. Site Plan Approval is subject to final engineering plan review approval.*

## LIST OF REVIEWED PLANS - Pete's Fresh Market Warehouse Office Additions

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Submitted Sheet Name		Prepared By	Date On Sheet
	Special Use Standard Responses	Applicant	11.24.21
A1.0	Floor Plan/Layout (Marked)	CT	11.24.21
A4.0	Exterior Elevations	CT	11.24.21

CT – Camburas & Theodore, LTD (Architect)



# PLAN COMMISSION STAFF REPORT

January 6, 2022 – Workshop

## Dunkin' Donuts Drive-Thru Redevelopment

7901-7951 171<sup>st</sup> Street (Tinley Downs Plaza)

### Petitioner

Richard Mommsen on  
behalf of Daley -  
Mommsen Enterprises  
(d/b/a Dunkin' Donuts)

### Property Location

7901-1951 171<sup>st</sup> Street  
(Tinley Downs Plaza)

### PIN

27-25-316-014-0000

### Zoning

B-1, Neighborhood  
Shopping

### Approvals Sought

- Special Use for a PUD
- Site Plan &  
Architectural Approval

### Project Planner

Daniel Ritter, AICP  
Planning Manager



## EXECUTIVE SUMMARY

The Petitioner, Richard Mommsen on behalf of Daley-Mommsen Enterprises (d/b/a Dunkin' Donuts), is requesting a Special Use for a Planned Unit Development (PUD) with Exceptions from the Zoning Ordinance and Site Plan/Architectural Approval. The requests are for the proposed redevelopment of an outlot building with a drive-thru for Dunkin' Donuts. The site changes and PUD approval include the entire Tinley Downs Plaza site located at 7901-7951 171<sup>st</sup> Street. The structural changes are only proposed on the outlot building is 7941 171<sup>st</sup> Street. The property is located in the B-1 (Neighborhood Shopping) zoning district.

Dunkin' Donuts will move from their existing in-line tenant location to the outlot building to have a drive-thru that better serves their customers' needs and will increase sales. The redevelopment would utilize the existing outlot structure (most recently professional business offices) and have the drive-thru circulate counterclockwise through the existing building. This will create a covered canopy area. Additionally, there are changes required to the overall shopping center site including realignment of drive aisles and removal of parking spaces.

The PUD is required to permit a drive-thru restaurant in the B-1 zoning district, where it is typically prohibited. The drive-thru will only be permitted in the outlot building and no other drive-thru would be permitted for the in-line tenants. The PUD will also allow for existing non-conforming aspects of the development to come into conformance and allow for the reduction in parking. The redevelopment will bring additional convenience to Dunkin's customers and result in the reuse of a building that has been vacant for a few years. Overall the site is being designed with sufficient drive-thru stacking, safe site circulation, and improved landscaping as a priority.

## EXISTING SITE & HISTORY

The property is located on the southeast corner of 171<sup>st</sup> Street and 80<sup>th</sup> Avenue and is commonly known as Tinley Downs Plaza. The commercial shopping center has a large in-line building that is approximately 43,000 sq. ft. in size and an existing outlot building that is approximately 4,800 sq. ft. in size that has most recently been used as professional offices. The center is anchored by a Family Dollar (formerly Walgreens), Southwest Synergy Dance Studio, and Dunkin' Donuts with a variety of other commercial uses in 14 other tenant spaces. The center is fully occupied except for the outlot building.



The property was annexed into the Village and development was approved in 1991. The center has shared parking between all tenants. The lot is 3.67 acres with certain areas of the 5-acre original lot taken for the expansions of the 80<sup>th</sup> Avenue and 171<sup>st</sup> Street roadway expansions. The roadway expansions happened before the site development. The site has not been formally resubdivided to remove the areas taken by Cook County for roadway purposes.

## ZONING & NEARBY LAND USES

The property is located in the B-1 (Neighborhood Shopping) zoning district. The B-1 zoning district is the lowest intensity commercial zoning district. B-1 zoning are most commonly adjacent to residentially-zoned property and restricts some commercial uses that may be "offensive" by creating excessive noise, smells, traffic, light, or other problems that can negatively affect the neighboring residential properties.

Surrounding zoning:

- South: R-2, Single Family Residential (vacant lots were temporary detention for the subdivision)
- East: R-2, Single Family Residential
- North (Across 171<sup>st</sup> Street): R-3, Single-Family Residential
- West (Across 80<sup>th</sup> Avenue): R-1, Single Family Residential (Tinley Park - Park District Bettenhausen Recreation Center/Water Park)



## PROPOSED USE

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The proposal will move an existing Dunkin' Donuts (Dunkin') from the 1,946 sq. ft. in-line tenant space in Tinley Downs Plaza to a redeveloped outlot building that will be 2,551 sq. ft. in size. The new space will have indoor seating, a small outdoor patio, and a drive-thru with space for at least 13 vehicles to stack. The redevelopment is driven by Dunkin' looking to add a drive-thru at their existing location to add convenience to their customers and boost sales.



Dunkin' primarily operates as a donut and coffee shop. However, over the last 5-10 years the range of menu options available has increased to help draw customers for breakfast, lunch, dinner, and dessert. The changes in the menu have increased their sales but also have expanded their drive-thru demand and peak times from what was previously mostly a morning/breakfast rush. Dunkin' now functions similarly to more typical "fast-food restaurants" now in terms of demand and service times. The donuts are not made on-site and thus the kitchen/prep areas remain small in comparison to many other fast-food restaurants.

"Restaurants" are a permitted use in the B-1 zoning district but drive-thru restaurants are prohibited. This is because B-1 districts are expected to be neighborhood service-oriented and less auto-oriented in nature. Locations with drive-thrus usually need proper planning for vehicles to safely enter and exit, while keep a pedestrian focus in mind.

## SPECIAL USE FOR A PLANNED UNIT DEVELOPMENT

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### Planned Unit Development

B-1 zoning districts are often located adjacent to single-family residential development and the most restrictive commercial zoning district. The B-1 district limits high-intensity and other "objectionable uses" (loud noise, smells, high vehicle traffic, liquor/tobacco sales, etc.) The goal is to have uses which support the surrounding neighborhood while remaining pedestrian-focused. However, many of these neighborhood centers have struggled the most as shopping and services have moved online or to more regional locations. The changes in commercial activity at a national-scale have meant most communities need to rethink how smaller neighborhood centers function since they tend to be less desirable due to lower adjacent roadway traffic counts.

The Petitioner is an existing tenant and the drive-thru is a critical component of their business to remain competitive. The request is only to allow a drive-thru use at the outlot building, and no other drive-thrus would be permitted in the inline building or on the property. The Petitioner will keep the development under one lot and ownership since there is no desire to subdivide the property and plat easements for shared utilities, access, parking, etc. The existing B-1 zoning will be maintained to avoid other potentially "objectionable" uses typically only allowed in B-3 (General Business and Commercial) zoning district from being permitted in the in-line spaces.

Staff has noted that the development is fairly unique because B-1 developments are typically only permitted one principal building per lot. Typically, any outlot development would be a separate lot and zoned B-3 (General Business and Commercial) because they are not immediately adjacent to residential. The outlot building is over 200 feet away from the adjacent residential lots to the south and north and 150 feet away from the residential to the north (across 171<sup>st</sup> Street).

***Open Item #1: Review the requested establishment of a PUD on the Tinley Downs Plaza property. Review maintaining the existing B-1 zoning and allowing a drive-thru restaurant in the redeveloped outlot building.***

### Exceptions

The proposed PUD includes Exceptions to the Zoning Code for a number of items that are existing or changing on the site. As a PUD these deviations from code are considered “Exceptions” and not “Variations” and therefore do not follow the standard findings required of Variations. There are eight Exceptions identified on the parcel. Many Exceptions are existing on the site and were approved with the original development, with others required based on the specific redevelopment proposal to occur. The Exceptions are listed below.

Staff notes that a PUD is required to be a minimum of 5 acres to allow for unique planning and development to happen. However, meeting that requirement can be difficult on infill or redevelopment sites. Flexibility has been given to the requirement to make unique redevelopment work. Staff also notes that the development previously met the minimum 5-acre PUD requirement and other B-1 zoning district lot size requirements. However, it was reduced in size due to past roadway takings from Cook County.

### Existing Exceptions

- a. PUD Size – Permit a PUD on a lot that is 3.67 acres, instead of the minimum 5-acre size.
- b. Minimum Lot Size – Permit a lot that is 3.67 acres, instead of the 4-acre minimum in the B-1 zoning district.
- c. Front Yard Setbacks - Permit a front yard setback of approximately 20-60 feet for the outlot and inline principal structures, instead of the minimum of 125 ft.
- d. Front Yard Parking - Permit Parking in the required front yard.
- e. Monument Sign - Permit the monument sign size and setback as it exists (around 2-foot setbacks).
- f. Permit existing exterior material/masonry coverage on both principal structures (in-line and outlot), with both structures having matching brick.

### Increased/New Exceptions

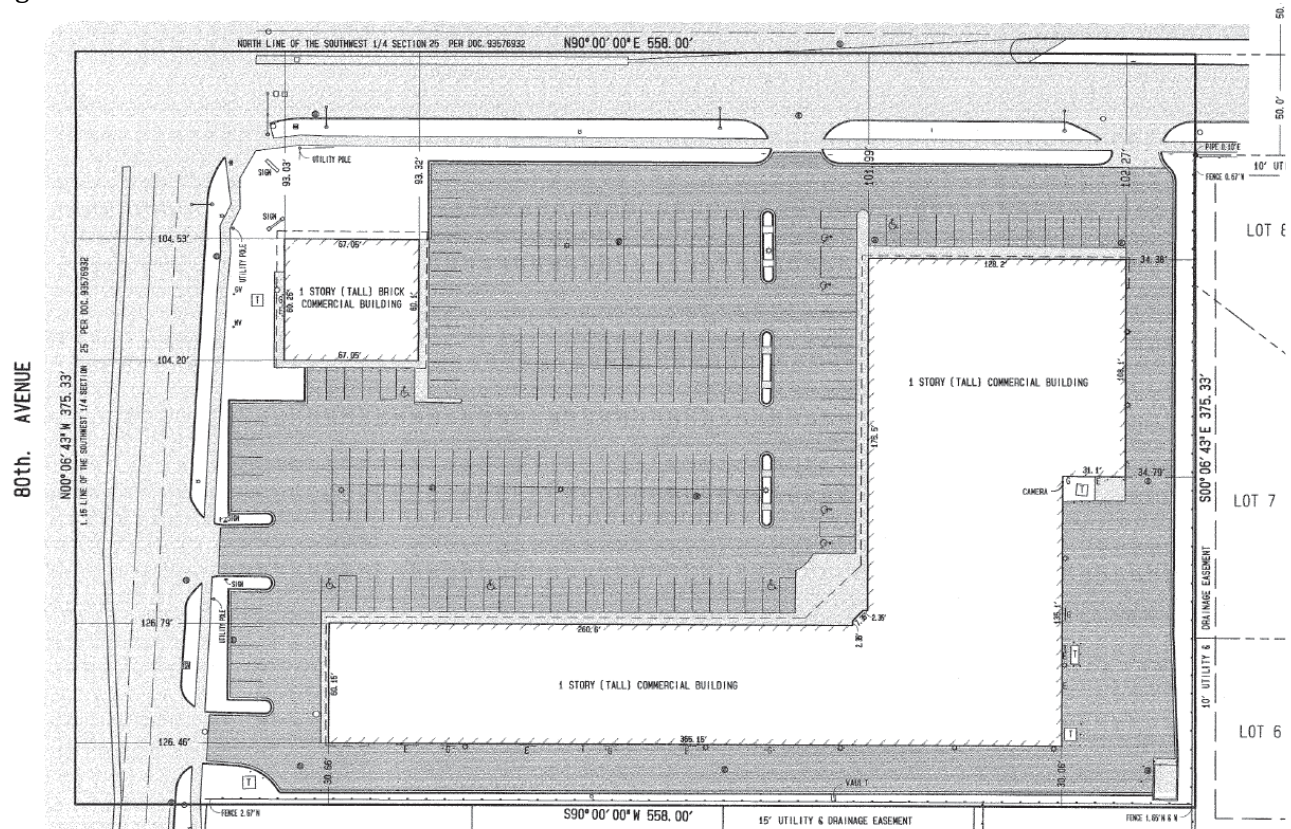
- a. Minimum Parking - Permit 159 parking stalls instead of the minimum requirement of 296 stalls.
- b. Drive-thru Restaurant - Allow for a Restaurant with a drive-thru as a permitted use in the standalone outlot building (remains prohibited in the in-line building).

***Open Item #2: Review the requested Exceptions from the Zoning Ordinance as part of the PUD Approval.***

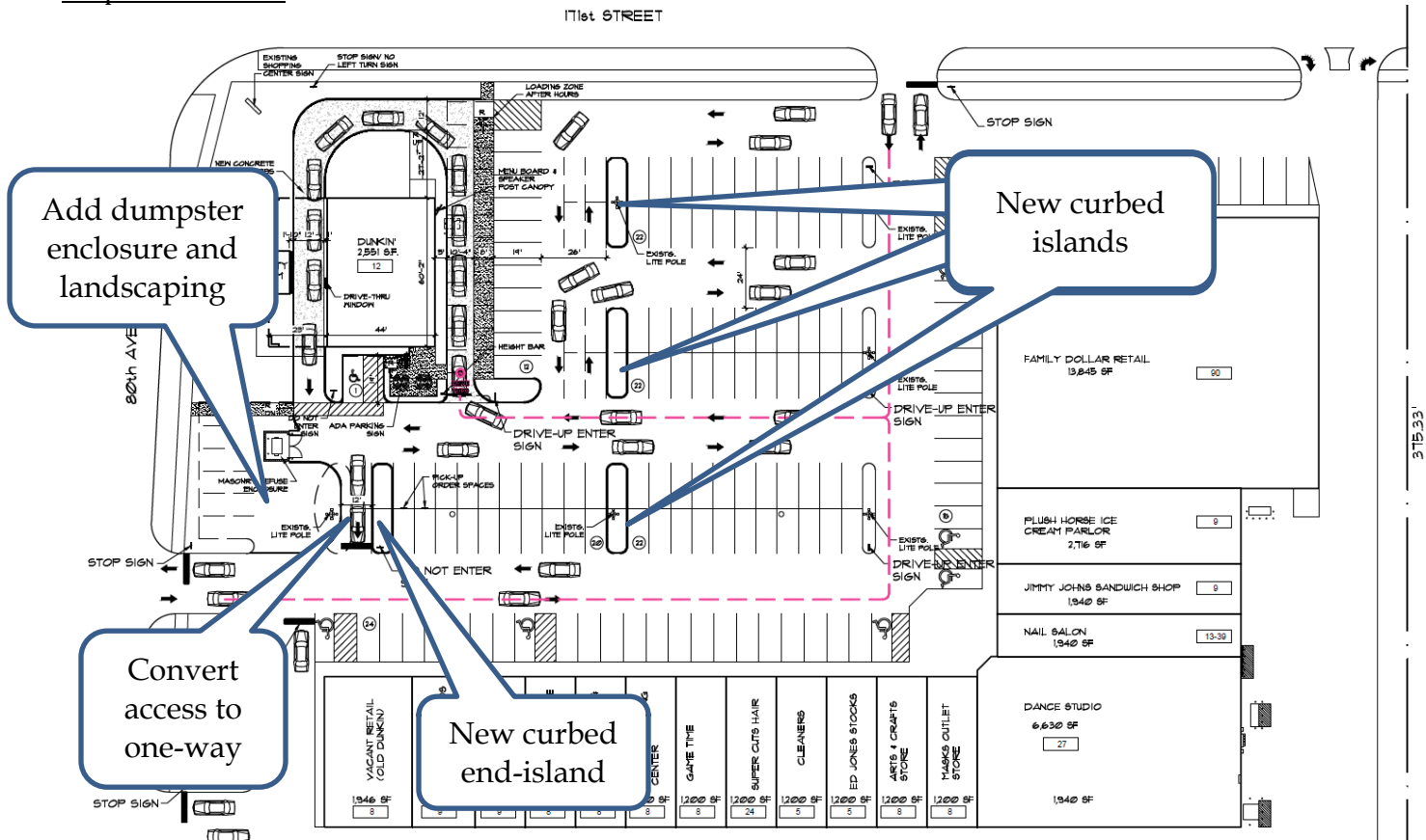


SITE PLAN AND CIRCULATION

Existing - Overall



Proposed - Overall



### Drive-Thru Development Background

As businesses, particularly restaurants, look at ways to increase stable sales since the start of the Covid-19 pandemic, the additions of drive-thrus on existing commercial sites have become an increasingly popular option. However, drive-thrus can become problematic due to traffic volumes and stacking concerns. If not properly planned, vehicles can block customer and emergency access not only on the property but on public roadways. This is particularly true on sites not originally designed to have a drive-thru. Many of the issues can spill over and negatively affect neighboring businesses and properties.

Drive-thrus are also typically designed for specific tenants and their traffic demands. The demand for different types of businesses differs greatly. As demand increases, so can the potential for traffic issues. Similar to the demand for drive-thru windows, the Village recently approved “pickup windows” (without ordering onsite available) at two locations (Chipotle and Durbin’s Express). However, when properly planned, some sites can be redeveloped with a drive-thru addition and can make it much more appealing to potential tenants. Careful consideration needs to be made when retroactively approving drive-thrus on existing sites not previously designed for it.

### Site Proposal

The Petitioner worked with staff to go through various different potential options and ultimately determined the best way to have a drive-thru operate on the site safely, without negatively affecting other tenants in the center. The proposed design was a result of a number of different staff reviews and revisions, along with feedback from the Petitioner’s traffic consultant (KLOA).

The drive-thru circulates counterclockwise around the building. The entrance will be at the southeast corner of the outlot building and has an internal stacking allowance of at least 12 vehicles. To accommodate a dedicated drive-thru lane, new dumpster enclosure, and safe vehicle circulation, the main change proposed is a reduction in parking on the site. The overall site circulation was designed to avoid conflict points despite being two heavily used entrances on the site. The circulation forces customers to enter the drive-thru primarily from one-way in the shopping center. By doing this, vehicle conflicts are avoided; it also ensures that if there is additional vehicle stacking occurring beyond the dedicated lane, it occurs within the shopping center parking lot and not on public roadways. Staff recommends a condition similar to other drive-thru and pickup window approvals that requires staff review and approval of the traffic demand of any future tenants. Any increases or concerns requires that a new traffic and stacking analysis is performed at that time.

Four new curbed islands will be added to help direct traffic through the parking lot. The islands have also been located where there are existing parking lot light poles, which can help avoid vehicle conflict with the poles in the future. Additionally, the access to the south of the drive-thru exit was changed to one-way only to avoid vehicles entering the site from 80<sup>th</sup> Avenue waiting to turn left and take a shortcut to the drive-thru entrance.

Due to the location of the dumpsters behind the existing building, a new dumpster enclosure location is needed closer to the building. Due to the layout of the site and drive-thru all sides of the building are fairly visible. The proposed location was determined to be the least obtrusive and easiest for the waste hauler to access. While it is located in the front yard, it will be set in further than the previously existing parking. No changes to the lighting on the site are proposed. Sidewalk connections to the Dunkin Donuts site are proposed at two points (80<sup>th</sup> Avenue and 171<sup>st</sup> Street) that will make the building more walkable and compliant with the Illinois Accessibility Code requirements.

***Open Item #3: Review the proposed site plan changes and overall site circulation with regards to the drive-thru and the existing businesses within the shopping center.***

***Open Item #4: Discuss including a condition of approval that any changes in drive-thru demand or future tenants, will require a new traffic/drive-thru analysis to ensure the drive-thru stacking is sufficient prior to issuance of any permits or occupancy.***





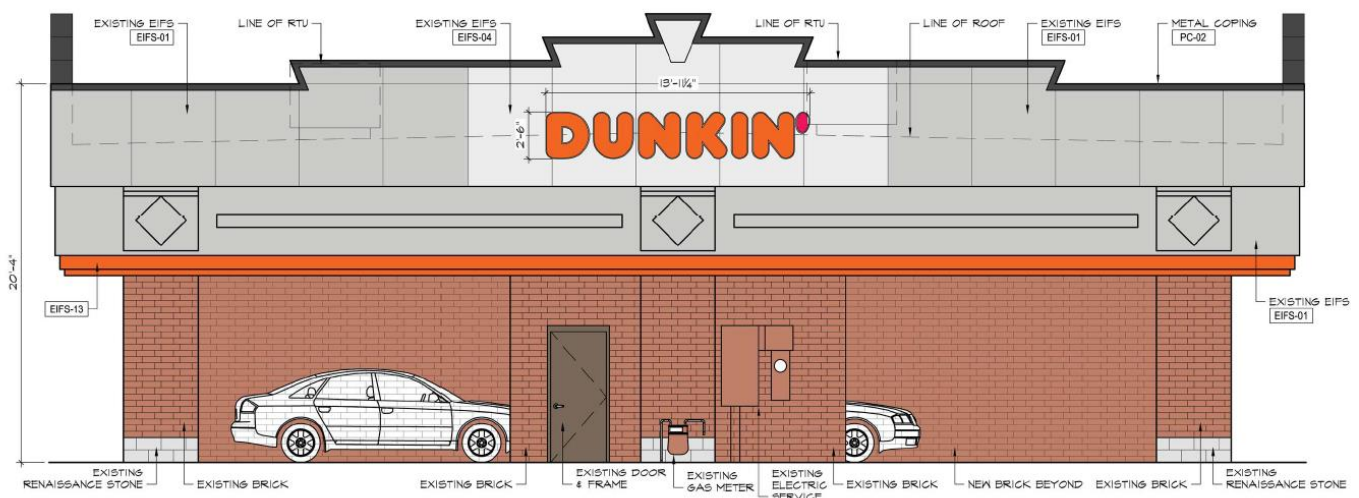
## ARCHITECTURE

The outlot building architecture is mostly staying the same as it exists. The building's design closely matches the in-line buildings with matching brick and a parapet design. The majority of the parapet will be painted a light grey (currently a tan/beige) with a portion of it behind the sign being painted a lighter shade of grey. A small portion of the parapet area around the bottom will be painted orange as well. The area of the building being converted to the drive-thru lane will require new brick material inside of the covered lane. This brick is proposed to match the existing brick material in design, texture, and color. The existing rooftop units are screened by the existing parapet. Any new rooftop equipment is expected to be small venting equipment and will be fully screened by the existing parapet.

Staff has noted the existing in-line Dunkin space also had a portion of the parapet painted orange that was not previously approved. It is recommended that a condition be added to this approval/project requiring that it be painted to match the other in-line tenant spaces.



1 SOUTH ELEVATION  
1/4" = 1'-0"



2 WEST ELEVATION  
1/4" = 1'-0"

**Open Item #7: Review the proposed architectural design and colors.**



## SIGNAGE

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### Monument Sign

Ground signage will remain on the existing shared monument sign at the intersection. The sign is existing and appears it may not meet the current zoning code's height and setback dimensions. However, due to the size of the center, number of tenants, existing status, and limited alternative locations. The sign has been included as it exists as part of the PUD approval. Meaning it will be legal as it exists and could be replaced as well in the future.

### Wall Signs

Wall signs are proposed on each elevation of the outlot building. They are centered on the façade and architectural elements. The signs will have a background of the parapet painted a lighter shade of grey. The proposed signs comply with the number and size of wall signs permitted.

### Drive-thru Signage

Drive-thru signage includes a menu board, preview menu board, speaker post, and height restriction post. All proposed drive-thru signage will comply with the zoning code allowances.

### Directional Signs

New directional signs are being placed at multiple "decision points" within the center to direct customers to the drive-thru. The new directional signs will not include logos or business advertising, which are not permitted on directional signs. However, using a sign that simply has "drive-thru →" are permitted at decision-making points. A previous plan did show logos and have not been revised yet.

### ***Open Item #8: Petitioner to supply revised plan for directional signs with no business name or logos.***

Two existing signs at the entrance to the center along 80<sup>th</sup> Avenue serve little directional purpose and do not comply with current or previous regulations (have logos, exterior electrical equipment, rusting, etc.) It does not appear these signs were approved with permits. Staff has recommended that the two entrance signs be removed as each business in town cannot be expected to have entrance signs along a roadway. Allowing these signs would be particularly problematic in multi-tenant properties. Further, these signs do not match the proposed directional signs for the drive-thru that will serve a purpose on the site.

### ***Open Item #9: Discuss requiring the removal of the two existing non-conforming directional signs at the 80<sup>th</sup> Avenue entrance.***

## SUMMARY OF OPEN ITEMS

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

1. Review the requested establishment of a PUD on the Tinley Downs Plaza property. Review maintaining the existing B-1 zoning and allowing a drive-thru restaurant in the redeveloped outlot building.
2. Review the requested Exceptions from the Zoning Ordinance as part of the PUD Approval.
3. Review the proposed site plan changes and overall site circulation with regards to the drive-thru and the existing businesses within the shopping center.
4. Discuss including a condition of approval that any changes in drive-thru demand or future tenants, will require a new traffic/drive-thru analysis to ensure the drive-thru stacking is sufficient prior to issuance of any permits or occupancy.
5. Discuss the Exception from the Zoning Ordinance and proposed reduction in overall parking for Tinley Downs Plaza.
6. Discuss the proposed landscape changes/improvements.
7. Review the proposed architectural design and colors.
8. Petitioner to supply revised plan for directional signs with no business name or logos.
9. Discuss requiring the removal of the two existing non-conforming directional signs at the 80th Avenue entrance.

## STANDARDS FOR A SPECIAL USE

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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 Findings in the Staff Report for 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;
- 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;
- 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;
- d. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided;
- 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
- 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.
- g. The extent to which the Special Use contributes directly or indirectly to the economic development of the community as a whole.

## STANDARDS FOR PLANNED UNIT DEVELOPMENTS

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Section VII.C.1. requires that no Planned Unit Development shall be authorized by the Village Board unless the following standards and criteria are met:

General Provisions for All Planned Unit Developments:

- a. The site of the proposed Planned Unit Development is not less than five (5) acres in area, is under single ownership and/or unified control, and is suitable to be planned and developed, or redeveloped, as a unit and in a manner consistent with the purpose and intent of this Ordinance and with the Comprehensive Plan of the Village;
- b. The Planned Unit Development will not substantially injure, or damage the use, value, and enjoyment of the surrounding property, nor hinder or prevent the development of surrounding property in accordance with the Land Use Plan of the Village;
- c. The uses permitted in the development are necessary or desirable and that the need for such uses has been clearly demonstrated;
- d. The proposed development will not impose an undue burden on public facilities and services, such as sewer and water systems, police, and fire protection;
- e. The proposed development can be substantially completed within the period of time specified in the schedule of development submitted by the developer;
- f. The street system serving the Planned Unit Development is adequate to carry the traffic that will be imposed upon the streets by the proposed development, and that the streets and driveways on the site of the Planned Unit Development will be adequate to serve the residents or occupants of the proposed development;
- g. When a Planned Unit Development proposes the use of private streets, common driveways, private recreation facilities, or common open space, the developer shall provide and submit, as part of the application, the method and arrangement whereby these private facilities shall be operated and maintained;
- h. The general development plan shall contain such proposed covenants, easements, and other provisions relating to the bulk, location, and density of residential buildings, non-residential uses and structures, and public facilities as are necessary for the welfare of the Planned Unit Development and the Village. All such covenants shall specifically provide for enforcement by the Village of Tinley Park in addition to the landowners within the development;
- i. The developer shall provide and record easements and covenants, and shall make such other arrangements as furnishing a performance bond, escrow deposit, or other financial guarantees as may be reasonably be required to assure performance in accordance with the development plan and to protect the public interest in the event of abandonment of said plan before completion; and
- j. Any exceptions or modifications of the zoning, subdivision, or other regulations that would otherwise be applicable to the site are warranted by the design of the proposed development plan, and the amenities incorporated in it, are consistent with the general interest of the public.

## STANDARDS FOR SITE PLAN & ARCHITECTURAL APPROVAL

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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.

## RECOMMENDATION

Following a successful workshop, proceed to a Public Hearing at the January 20, 2022 Plan Commission meeting.

## LIST OF REVIEWED PLANS

Submitted Sheet Name		Prepared By	Date On Sheet
	Tinley Downs Existing Survey		
SP-1	Site Plan	PP	11.15.21
SP-2	Dumpster Enclosure Details	PP	1.22.20
SP-3	Signage Details	PP	9.15.21
A-1 and A1.1	Exterior Elevations and Schedules	PP	12.13.21
C-1 to C-5	Dunkin Drive-Thru Site Improvements (Civil Plans)	MG2A	11.16.21
L-1 & L-2	Landscape Plan	Upland	11.16.21
16pgs	Parking and Traffic Study	KLOA	10.15.21
	Patio Examples	Petitioner	

PP = Peter G Paraskis Architect, LTD

MG2A = M Gingerich Gereaux & Associates (Engineering and Surveying)

Upland = Upland Design (Landscape Architects)

KLOA = Kenig, Lindgren, O'Hara, Aboona, Inc. (Traffic Consultants)