



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

**March 3, 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 March 3, 2022.

**CALL TO ORDER** –ACTING CHAIRMAN SHAW called to order the Regular Meeting of the Plan Commission for March 3, 2022 at 7:00 p.m.

Lori Kosmatka called the roll.

Present and responding to roll call were the following:

Acting Chairman Ken Shaw  
James Gaskill  
Angela Gatto  
Eduardo Mani  
Andrae Marak  
Kurt Truxal

Absent Plan Commissioners:

Garrett Gray  
Frank Loscuito

Village Officials and Staff:

Dan Ritter, Planning Manager  
Lori Kosmatka, Associate Planner

Petitioners:

Tom McAuliffe, on behalf of Durbin's Express  
John McAuliffe, on behalf of Durbin's Express

Members of the Public:

None

**COMMUNICATIONS –**

There were no communications from Village Staff.

**APPROVAL OF MINUTES** - Minutes of the February 17, 2022 Regular Meeting of the Plan Commission were presented for approval. A motion was made by COMMISSIONER TRUXAL. The motion was seconded by COMMISSIONER GASKILL to approve the February 17, 2022 minutes. ACTING CHAIRMAN SHAW 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 MARCH 3, 2022 REGULAR MEETING**  
**ITEM #1 PUBLIC HEARING – DURBIN’S EXPRESS PICKUP WINDOW AND SPEAKER, 18250 OAK PARK AVENUE - SPECIAL USE PERMIT AMENDMENT**

Consider recommending that the Village Board grant Thomas McAuliffe, on behalf of Durbin’s an amended Special Use for Durbin’s Express to permit speaker post with the previously approved Restaurant Pickup Window at 18250 Oak Park Avenue in the NF (Legacy – Neighborhood Flex) zoning district. The amendment is required due to the findings specifically noting no speaker would be present. The speaker will only be used to relay information from customers in line, not to place orders as a drive-thru.

Present Plan Commissioners: Acting Chairman Shaw  
James Gaskill  
Angela Gatto  
Eduardo Mani  
Andrae Marak  
Kurt Truxal

Absent Plan Commissioners: Garrett Gray  
Frank Loscuito

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

Petitioners: Tom McAuliffe, on behalf of Durbin’s Express  
John McAuliffe, on behalf of Durbin’s Express

Members of the Public: None

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

ACTING CHAIRMAN SHAW 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 that was attached to the Plan Commission packet and will be attached to the minutes. She reviewed the background which included the site location and previous approval from last year. The previous approval was conditioned to not permit any on-site ordering. She noted the nature of the proposed use, that the speaker will work in conjunction with the previously approved pickup window for pre-ordered pickups only. She noted that the amended proposal would continue to not be for on-site ordering. She noted that there will not be a menu board. The speaker would be used when there is more than one car in line, and would help expedite in getting orders ready. She noted the petitioner is present to answer any questions.

Dan Ritter, Planning Manager, noted this item for consideration is a cleanup of the previous approval. The prior ordinance was specific in saying there would not be a speaker post. The plan proposed is to make the operation work better. It will not be a standard drive-through.

ACTING CHAIRMAN SHAW noted to the Petitioner that he has the option to speak. He noted he would go through the questions and comments by each Commissioner, but that the Petitioner could choose to speak now beforehand if preferred.

The Petitioner responded no, not at this time.

ACTING CHAIRMAN SHAW stated he was not on the Commission for the previous consideration. He also noted that some of the Commissioners are also newer. He felt it would be useful for any commentary that would have gone into consideration for those findings of fact.

COMMISSIONER MARAK noted he is around this area all the time, but he didn't notice it was here. He commented it doesn't seem there would be a lot of cars stacked, but also doesn't look very good with gravel. He asked how often is there more than one car stacked. He asked how often a customer would talk into the window versus the speaker box.

Dan Ritter, Planning Manager, responded that it is new and though they've opened on the inside, they haven't yet opened this outside part of the operation for the pre-order pickup. He believes the applicant is waiting for this zoning approval to go through before opening this operation. The base was put in the middle of winter. It has some additional work needed like seeding and topsoil. The main concerns from the beginning were that a true drive-through would stack up to Oak Park Avenue very quickly. The key for the Plan Commission's previous consideration was that they were only allowing for pre-ordered pickups, not for ordering on-site, and it was still required to get special use approval to ensure it would work specifically in the Legacy District zoning, which has a focus on walkability. This site however is on the outside edge of the Legacy District.

COMMISSIONER MARAK noted the walking area is really on the other side of the street.

Dan Ritter, Planning Manager, noted this proposal didn't reduce walkability. There was no reduction of walkways or patios.

COMMISSIONER GASKILL commented that the speaker makes sense for communication of outside and inside.

COMMISSIONER TRUXAL stated that the proposal seems clear, and he had no concerns.

COMMISSIONER GATTO commented that the proposal is great. She noted that it is difficult to find parking at the other Oak Park Avenue location to pickup pizza. There are usually five or six cars parked for pickups.

COMMISSIONER MANI commented that the speaker is good for when a customer arrives. He stated he was on the Commission when this previously came for consideration, and recalled that the speaker was not part of it at that time. He observed that based on this photo, the speaker has already been installed. Like some other projects, this was done without approval, which is disappointing. Overall, however, he felt the setup works.

ACTING CHAIRMAN SHAW commented it sounds like there aren't any concerns because the pickup window isn't open yet. He felt that logically this makes perfect sense, and echoed the other Commissioner comments. It sounded like it had been explicitly excluded, and had wondered if was a reason or concern for excluding it. He noted the pre-order pickup concept is new, but it makes sense to help the queue if a customer is waiting. By the time a customer gets to the window, the order is ready. He noted that as far as noise, there is a vacant lot there and a school. He asked if it was all school property and if it's all zoned commercial.

Dan Ritter, Planning Manager, responded it's a separate lot, but owned by the same underlying property owner. It's still Legacy District which means it could be residential or commercial.

ACTING CHAIRMAN SHAW stated there are condominiums across the street. Potentially there could be a noise concern. He asked if the hours were covered under the original special use.

Dan Ritter, Planning Manager, responded no, it wasn't limited. There was no exterior component to this. The only hour limitations would typically be per the Village's liquor licensing limits to around 1 or 2 AM.

ACTING CHAIRMAN SHAW commented that the only issue could be if it's late at night and those from the condominiums across the way might hear it.

Dan Ritter, Planning Manager, responded that there was never a specific conversation about the speaker post during that consideration. It was more about thinking a speaker would be associated with a full menu board. It wasn't specific to not wanting a speaker post, but it was rather just a different context than what we have here. However it was specific in the findings, thus it therefore needs to be addressed.

ACTING CHAIRMAN SHAW commented that it makes sense, and this is a new paradigm for everyone. He noted there would be a prohibition on on-site ordering. He wondered how enforcement would happen if ordering happened on site, and what penalties would be. Whether or not the Commission comments on that, it would be outside their purview, but is a consideration moving forward.

Dan Ritter, Planning Manager, responded that Village staff made it a condition to make it very clear. He also noted it is in the definitions of pickup window and drive through lanes. There cannot be any on-site ordering. The Village is not searching for violations, but if there are issues with vehicles stacking, then it could get flagged.

ACTING CHAIRMAN SHAW commented that we are not looking to nit-pick if the operation is not causing a nuisance. He did not have any other questions and that the proposal makes sense. He offered the Petitioner to speak or make a comment. He asked the Petitioner to approach the microphone.

The Petitioner, Tom McAuliffe, was sworn in. He introduced himself and stated he's been in town for 16 years, and also owns Darla's located next door. He thanked the Village and apologized about the speaker. He stated it was his fault and thought he could have a little speaker to go with the window. He didn't know how he missed it before, and that otherwise he would have approached the Village. If you have a customer at the window and someone behind could get anxious. The worst thing you can do is not acknowledge a waiting customer. The speaker is low volume, just enough to get the name and ordered information, and that they will be with the customer shortly. He's been in business for 45 years and knows this communication is important in this business. He doesn't think they will have cars lined up to pickup food. He noted that we do have a rough time with parking at our other location. Here, if we know someone's arrived we can get their order ready. If someone asks to add a drink, you could end up talking another three minutes and have the customer behind wondering what is happening. He said we know we can't allow ordering at the window, and we accept that. We don't have people ordering off the street at 173<sup>rd</sup>. We don't know how much of our business it is, but it won't be a problem anyways.

Dan Ritter, Planning Manager, noted operationally there were originally a couple discussion points on how they'd operate if there were multiple cars. They have a couple stalls in the back for people to go to and wait if they show up too early, or else they can pull up front like how Nick's Barbeque works.

ACTING CHAIRMAN SHAW noted that most restaurants he has seen have some kind of forward queue. If there's something going on, they need to keep it moving, and direct them where to park.

The Petitioner noted that if they were majorly having a problem with the customer, the employees could run out the front door to give them a package before it gets cold. The speaker was never meant to be anything other than to help take care of customers.

ACTING CHAIRMAN SHAW reiterated this operation is a whole new paradigm for everyone.

The Petitioner thanked everyone for their time.

ACTING CHAIRMAN SHAW asked if anyone from the public wished to speak. Hearing none, he entertained a motion to close the public hearing.

Motion to close the public hearing made by COMMISSIONER GASKILL, seconded by COMMISSIONER GATTO. ACTING CHAIRMAN SHAW requested a voice vote asking if any were opposed to the motion; hearing none, he declared the motion carried. He asked if there was a summary of the standards available.

Dan Ritter, Planning Manager, responded yes, and that they are for the most part just slightly being adjusted from before. They are on the slides and in the packet.

Lori Kosmatka, Associate Planner, provided the standards.

ACTING CHAIRMAN SHAW entertained a motion for this item.

There was one motion for this item.

Motion 1-Special Use Permit

COMMISSIONER MANI made a motion to recommend that the Village Board make a motion to grant the Petitioner, Thomas McAuliffe on behalf of Durbin's (Tenant), a Special Use for a speaker box at 18250 Oak Park Avenue in the NF (Neighborhood Flex) zoning district, in accordance with the plans submitted and adopt Findings of Fact as proposed in the March 3, 2022 Staff Report, subject to the following conditions:

1. The speaker box shall be used for picking up previously placed orders only, and shall not permit any on-site ordering. Additional exterior signage (temporary or permanent) related to the pickup window remains prohibited.

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

ACTING CHAIRMAN SHAW noted this item is anticipated to go to Village Board on March 15, 2022.

Dan Ritter, Planning Manager, noted that the Petitioner could choose to go or be on standby via phone if any questions arise at the Village Board meeting.

**COMMENTS FROM THE PUBLIC** –ACTING CHAIRMAN SHAW asked if there were comments from the public. Hearing none, he asked to for the Good of the Order.

**GOOD OF THE ORDER –**

Dan Ritter reviewed the following Good of the Order items:

- March 17<sup>th</sup> is the next meeting, but staff is unsure if the meeting will happen. Currently only a text amendment is scheduled. Unless something comes up soon, staff may push the text amendment to the next meeting. The text amendment involves moving items from the Building Code to the Zoning Code, which should be in the Zoning Code. This includes items such as garages, accessory structures, and driveways. Other items such as exterior masonry requirements were already moved to the Zoning Code.
- Volvo Special Use, RJ's Seafood, and the Zoning Map were all approved last Tuesday by the Village Board.
- An application has been submitted for Ascend Cannabis which will come to Plan Commission and Village Board as a Special Use. It will probably come to Plan Commission in April. It is proposed to be in the former Applebees/Bandana's location on Harlem. It's not in other locations in town. Some people were thinking it would go in downtown where it's not permitted. They have their items submitted to the state, but the licenses haven't been issued yet.
- There will be an Irish Parade on Sunday with a Village float. Commissioners should have received an email from Marketing. Commissioners and their families are welcome to be on the float.
- Popus Popcorn in The Boulevard is moving along with their work, and should be finished in that space within the next couple months. This will be the first tenant to open there. They have permits to do the build-out. The owner was doing some initial white-box work, but now the full build-out is happening.
- The restaurant space on the corner of The Boulevard is something that we are very particular in wanting it to be a nice restaurant. The Village is still looking. The owner is also looking for the right fit in terms of the tenant.

ACTING CHAIRMAN SHAW entertained a motion to close the meeting.

**CLOSE MEETING -**

A Motion was made by COMMISSIONER GATTO, seconded by COMMISSIONER MANI to adjourn the March 3, 2022 Plan Commission meeting.

ACTING CHAIRMAN SHAW asked for a voice vote; all were in favor. He declared the motion carried and adjourned the meeting at 7:31 P.M.

# PLAN COMMISSION STAFF REPORT

March 3, 2022- Public Hearing

## Petitioner

Thomas McAuliffe, on  
behalf of Durbin's

## Property Location

18250 Oak Park Avenue

## PIN

28-31-307-017-0000 &  
28-31-307-018-0000

## Zoning

NF (Legacy -  
Neighborhood Flex)

## Approvals Sought

Special Use Permit

## Durbin's Express Speaker Box

18250 Oak Park Avenue



## EXECUTIVE SUMMARY

The Petitioner, Thomas McAuliffe on behalf of Durbin's Express (tenant), is requesting consideration to recommend Village Board approval of an amended Special Use Permit for a Restaurant Pickup Speaker Box at 18250 Oak Park Avenue in the NF (Legacy - Neighborhood Flex) zoning district.

The proposed Restaurant Pickup Speaker Box will accompany the existing restaurant pickup window which was previously approved by Village Board as Ordinance 2021-O-015. The Restaurant Pickup Window was approved simultaneously with a zoning text amendment that allowed a Special Use for a restaurant pickup window in the Legacy - Neighborhood Flex zoning district.

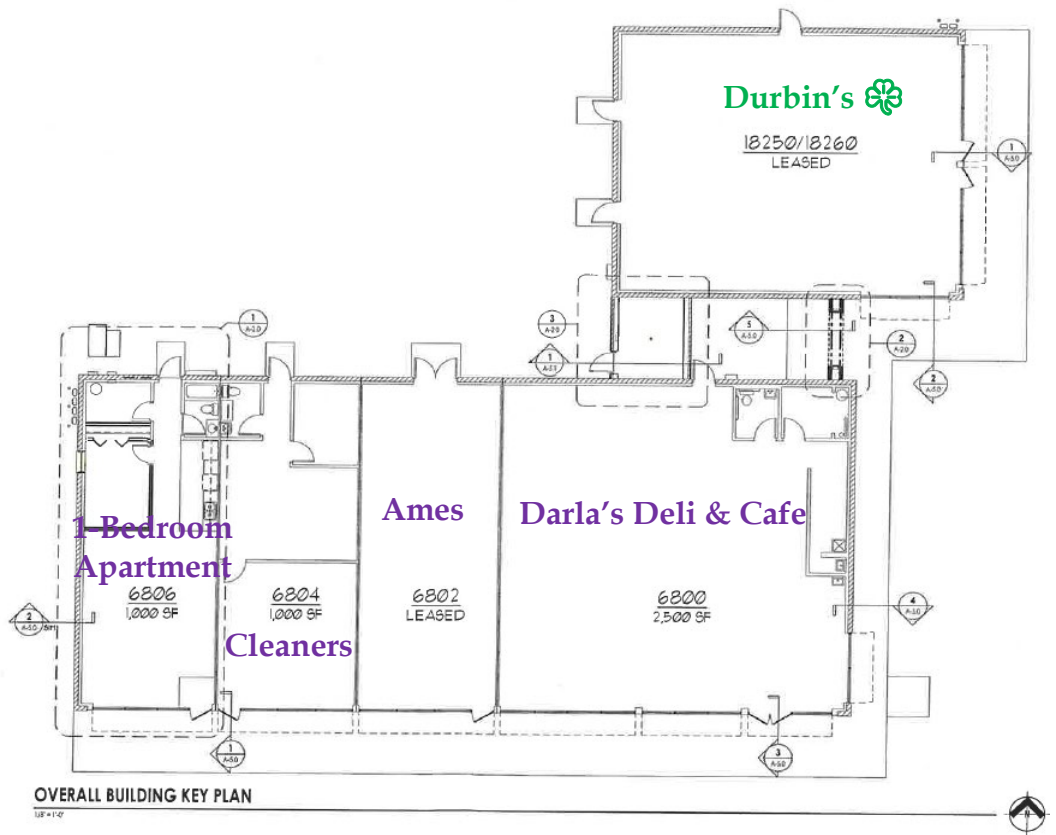
The proposed speaker box is located northeast of the building, alongside a directional sign. As was approved for the pickup window, the speaker box will function only to serve previously placed phone and online orders. Per the proposed Special Use requirements, there are no new curb cuts created and no on-site ordering permitted with vehicles in the pickup lane.

## Project Planner

Lori Kosmatka  
Associate Planner

## EXISTING SITE & HISTORY

The subject site is located on two lots that function as a single mixed-use property and located at the northwest corner of 183<sup>rd</sup> Street and Oak Park Avenue. There are currently 5 tenant spaces on the property. One space is utilized as a 1,000 sq. ft. 1-bedroom apartment approved by a special use in 2013 (Ordinance 2013-O-058). The largest space is occupied by Darla's Deli & Café, which is also operated by the applicant. The other two tenant spaces are occupied by Ames (contractor/tool sales) and a dry cleaner. In addition to the shopping center, the property owner owns the two vacant lots to the north of the property. Durbin's Express recently opened earlier this year, after receiving Village approval of a Special Use Permit for a restaurant pickup window per Ordinance 2021-O-015.





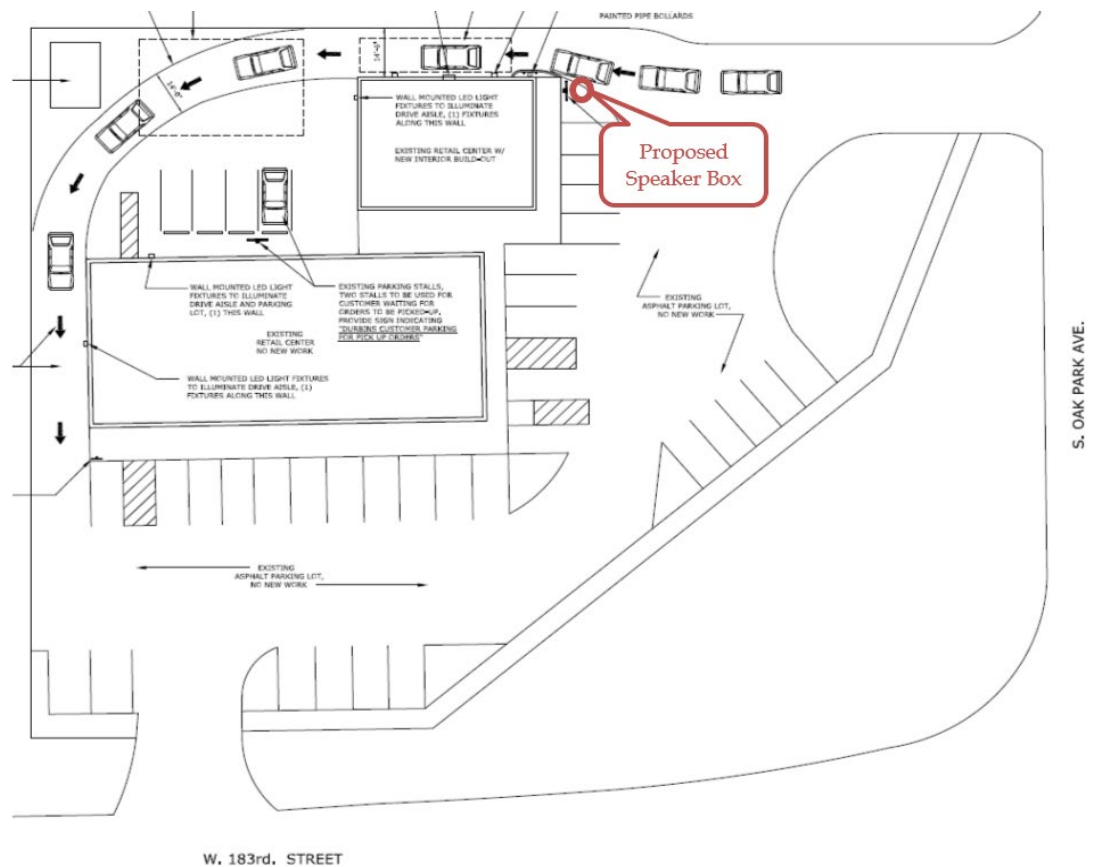
## PROPOSED USE

The Petitioner recently opened this second location for Durbin's in Tinley Park (7<sup>th</sup> overall). The 2,000 sq. ft. space has a similar menu to their "full-scale" location, but has limited seating. Durbin's has had success with takeout and delivery at their other locations even before the COVID-19 pandemic. However, the pandemic has made delivery and contactless takeout options more important for the success of their restaurant locations. The applicant believes this flexibility ensures they can remain competitive. Thus, the pickup window has made distribution of pre-ordered food easier than having the customer or employee enter/exit the building to bring the food to customer parked in a traditional parking space.

The petitioner has proposed a speaker box to operate in conjunction with the pre-order pickup window. The speaker box will be utilized when more than one car is in line to relay information to the next vehicle. The customer can notify their arrival and allow employees to prepare and have the customer's pre-ordered food order ready for pickup. The speaker box will further assist in the pre-order pickup operation by Durbin's Express. The previous special use approval was specific to noting in the Findings of Fact that no speaker or menu board would be present to avoid vehicle stacking issues. Any change that was specific to approval requires a request to amend the approval and ordinance.

## SITE PLAN AND ARCHITECTURE

The proposed speaker box is the only change to the site plan. The pickup window received site plan review in the previous approval and has been constructed per the plans. Unlike typical drive-thru windows, there is no on-site ordering permitted and all food orders must be placed ahead of time. Though that operational setup is designed to avoid stacking, a speaker box will help expedite the process if there is more than one car in line. This will allow the employees to better prepare and ready the pre-ordered food. The proposed location allows for up to 3 vehicles to be stacked without blocking site circulation.



The architecture, landscaping, signage, and lighting will all remain as existing and previously approved. A directional sign indicates the location of the pickup window, and is at the beginning of the drive-through lane, alongside the speaker box. There are no exterior signs for ordering. Per the Legacy Code, exterior signs for ordering or relaying menu items (menu board) remain prohibited as it is not a drive-thru lane.

## LEGACY CODE STANDARDS

---

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

- a. The proposed improvement meets the Legacy Plan and its Principles, as presented in Section 1.A-B: Purpose and Intent, of the Legacy Code ordinance;
  - *The proposal improves economic development by assisting in the operation of a pre-order pickup operation by a restaurant tenant. The speaker box helps further limit vehicle stacking since all takeout food will be ordered ahead of time. The requests do not decrease walkability on the site or within the overall Legacy District.*
- b. The new improvement is compatible with uses already developed or planned in this district and will not exercise undue detrimental influences upon surrounding properties;
  - *The speaker box works in conjunction with the pickup-only window and will not add any additional signage to the site. It is compatible with uses in the center and the NF (Neighborhood Flex) district, which helps transition other commercial areas of the Village to the Legacy District and Downtown Core.*
- c. Any improvement meets the architectural standards set forth in the Legacy Code.
  - *No building façade changes or building additions are proposed.*
- d. The improvement will have the effect of protecting and enhancing the economic development of the Legacy Plan area.
  - *The speaker box will further assist in the pre-order pickup operation by the restaurant tenant. It is expected this will help the success of the subject business and nearby businesses now and in the future.*

## STANDARDS FOR A SPECIAL USE

---

Section X.J.5. of the Zoning Ordinance lists standards that need to be considered by the Plan Commission. The Plan Commission is encouraged to consider these standards (listed below) when analyzing a Special Use request. Staff will provide draft 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;
  - *The speaker box works in conjunction with the existing pickup window. Overall site traffic control has been designed for safe pedestrian and vehicle access on the site.*
- 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 speaker box will only be used for previously placed orders and not include any signage. The speaker box will help limit stacking, and will not negatively affect adjacent properties.*
- 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;
  - *A speaker box at the proposed location does not burden neighboring properties from developing or redeveloping within the code requirements.*

- d. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided;
  - *The building and site are existing and have all existing utilities, roads, and drainage required to operate.*
- 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
  - *A speaker box can help avoid excessive stacking that can cause traffic circulation or off-site issues. Additionally, proposed "overflow" pickup/takeout spaces for the tenant at the rear allows for vehicles to wait for food that may not be ready yet, without blocking traffic flow.*
- 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 includes a previously approved variation for the proposed light fixture style and will in all other ways meet Village zoning and building code requirements.*
- g. The extent to which the Special Use contributes directly or indirectly to the economic development of the community as a whole.
  - *The speaker box will further assist in the pre-order pickup operation by the restaurant tenant. It is expected this will help the success of the subject business and nearby businesses now and in the future.*

It is important to recognize that a Special Use Permit does not run with the land and instead the Special Use Permit is tied to the Petitioner. This is different from a process such as a variance, since a variance will forever apply to the property to which it is granted.

## MOTION FOR CONSIDERATION

---

If the Plan Commission wishes to act on the Petitioner's request, the appropriate wording of the motion 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.

### Motion 1 (Special Use):

*"...make a motion to grant the Petitioner, Thomas McAuliffe on behalf of Durbin's (Tenant), a Special Use for a speaker box at 18250 Oak Park Avenue in the NF (Neighborhood Flex) zoning district, in accordance with the plans submitted and adopt Findings of Fact as proposed in the March 3, 2022 Staff Report, subject to the following conditions:*

1. *The speaker box shall be used for picking up previously placed orders only, and shall not permit any on-site ordering. Additional exterior signage (temporary or permanent) related to the pickup window remains prohibited.*

## LIST OF REVIEWED PLANS

---

Submitted Sheet Name	Prepared By	Date on Sheet
Application (Redacted)	Petitioner	2-11-22
Plan Commission Staff Report for Previously Approved Pickup Window	Staff	3-18-21
Previously Approved Ordinance 2021-O-015 for Pickup Window	VB	4-13-21
Image of Proposed Speaker Box	Staff	2-23-22