



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

April 21, 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 April 21, 2022.

CALL TO ORDER – CHAIRMAN GRAY called to order the Regular Meeting of the Plan Commission for April 21, 2022 at 7:00 p.m.

Lori Kosmatka called the roll.

Present and responding to roll call were the following:

Chairman Gray
James Gaskill
Frank Loscuito
Ken Shaw
Eduardo Mani
Kurt Truxal

Absent Plan Commissioners:

Angela Gatto
Andrae Marak

Village Officials and Staff:

Dan Ritter, Planning Manager
Lori Kosmatka, Associate Planner
Jarell Blakey, Management Analyst

Petitioners:

Darren Freihage, McDonalds USA, LLC
Paul Spass, Primal Cut
Ameer Ihmud, Drip Drop Smokes

Members of the Public:

None

COMMUNICATIONS- Daniel Ritter, Planning Manager, noted that CHAIRMAN GRAY will be recusing himself from the first item due to him having done work for McDonalds in the past. CHAIRMAN SHAW will be stepping in as ACTING CHAIR for the first item.

APPROVAL OF MINUTES - Minutes of the April 7, 2022 Regular Meeting of the Plan Commission were presented for approval. A motion was made by COMMISSIONER TRUXAL. The motion was seconded by COMMISSIONER LOSCUITO to approve the April 7, 2022 minutes. CHAIRMAN GRAY asked for a voice vote; all were in favor. He declared the motion carried.

CHAIRMAN GRAY recused himself and requested COMMISSIONER SHAW to step in.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES
FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION
SUBJECT: MINUTES OF THE APRIL 21, 2022 REGULAR MEETING
ITEM #1 : PUBLIC HEARING – MCDONALD’S WALL SIGN ADDITION, 15920 HARLEM AVENUE – SPECIAL USE FOR PUD SUBSTANTIAL DEVIATION

Consider recommending that the Village Board grant Darren Freihage, on behalf of McDonald’s USA, LLC a Substantial Deviation from the Planned Unit Development with an Exception from the Zoning Ordinance to permit an additional wall sign (for a total of two) on the south elevation at 15920 Harlem Avenue in the B-3 PD (General Business & Commercial, Park Center PUD).

Present Plan Commissioners:	Acting Chairman Shaw James Gaskill Frank Loscuito Eduardo Mani Kurt Truxal
Absent Plan Commissioners:	Garrett Gray (recused) Angela Gatto Andrae Marak
Village Officials and Staff:	Dan Ritter, Planning Manager Lori Kosmatka, Associate Planner Jarell Blakey, Management Analyst
Petitioners:	Darren Freihage, McDonalds USA, LLC
Members of the Public:	None

ACTING CHAIRMAN SHAW introduced the 1st item and requested a motion to open up the public hearing. Motion was made by COMMISSIONER TRUXAL, seconded by COMMISSIONER LOSCUITO. ACTING CHAIRMAN SHAW requested a voice vote; all in favor, the motion was declared as carried. ACTING CHAIRMAN SHAW then deferred to staff for the report.

Daniel Ritter, Planning Manager, summarized the staff report and presented the standards for special use.

ACTING CHAIRMAN SHAW informed the applicant that he was entitled to speak if he wished to do so and explained to the applicant the procedures required in the event that he wanted to speak.

The petitioner declined to speak unless any COMMISSIONERS had questions for him.

ACTING CHAIRMAN SHAW went around the dais asking if COMMISSIONERS had any questions, none were observed. COMMISSIONER TRUXAL commented that he thinks it is appropriate. COMMISSIONER MANI noted that he agrees with COMMISSIONER TRUXAL in that, the design is a good use and understands the necessity of it.

ACTING CHAIRMAN SHAW commented that he feels that it is appropriate and he agrees with his fellow COMMISSIONERS. Then asks for comment from the public. Seeing none, he requested a motion to close the public hearing. Motion made by COMMISSIONER MANI, seconded by COMMISSIONER TRUXAL. The chair requested a voice vote; hearing no opposition the motion carried.

Dan Ritter gave a summary of the standards for a special use.

ACTING CHAIRMAN SHAW requested a motion to recommend this item.

Motion – Special Use for a Substantial Deviation

COMMISSIONER MANI made a motion to recommend that the Village Board grant the Petitioner, Darren Freihage, on behalf of McDonald's USA, LLC, a Special Use Permit for a Substantial Deviation from the Park Center PUD with an Exception from the Zoning Ordinance to permit a total of seven wall signs on the building façades at 15920 Harlem Avenue in the B-3 PD zoning district, in accordance with the plans submitted and adopt Findings of Fact as proposed by Village Staff in the April 21, 2022 Staff Report.

Motion seconded by COMMISSIONER LOSCUITO. ACTING CHAIRMAN SHAW requested a roll call vote; all commissioners voted in favor. ACTING CHAIRMAN SHAW declared the motion as carried.

ACTING CHAIRMAN SHAW requested staff inform applicant of next steps.

Dan Ritter proceeded to inform applicant that the item is anticipated to go to Village Board on Tuesday, May 3rd, 2022. He informed the applicant that in the case of the unanimous recommendation the item should only need to be addressed at one board meeting.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION

SUBJECT: MINUTES OF THE APRIL 21, 2022 REGULAR MEETING

ITEM #2: PUBLIC HEARING – PRIMAL CUT FRONT PATIO ENCLOSURE, 17344 OAK PARK AVENUE – VARIATIONS AND SITE PLAN/ ARCHITECTURAL APPROVAL

Consider recommending that the Village Board grant Paul Spass on behalf of Primal Cut (tenant) Variations from Section XII (Legacy Code) of the Zoning Code to allow for a one-story building addition which does not comply with the requirements of minimum building height, building materials, and architectural guidelines located at 17344 Oak Park Avenue in the Legacy DC (Downtown Core) Zoning District. Site Plan and Architectural Approval is also being requested.

Present Plan Commissioners:

Chairman Gray
James Gaskill
Frank Loscuito
Ken Shaw
Eduardo Mani
Kurt Truxal

Absent Plan Commissioners:

Angela Gatto
Andrae Marak

Village Officials and Staff:

Dan Ritter, Planning Manager
Lori Kosmatka, Associate Planner
Jarell Blakey, Management Analyst

Petitioners:

Paul Spass, Owner of Primal Cut

Members of the Public:

None

CHAIRMAN GRAY introduced Item #2, and asked for a motion to open the public hearing. Motion made by COMMISSIONER SHAW seconded by COMMISSIONER MANI. CHAIRPERSON GRAY requested a voice vote asking if any were opposed to the motion; hearing none, he declared the motion carried.

CHAIRPERSON GRAY noted he received certification that the public hearing notice was published in a local newspaper. Anyone wishing to speak on this matter will be sworn in to speak but after staff's presentation. He asked staff to proceed with the presentation.

Lori Kosmatka, Associate Planner, presented the report. She summarized the history of the site, provided the Legacy Code zoning regulations, the proposed changes to the building, and went over general zoning uses by surrounding businesses. She noted the structure encroaches into the village right-of-way which will trigger the need for a revised encroachment agreement.

CHAIRMAN GRAY asked the petitioner if there is anything that he would like to add. He informed the petitioner that he will be sworn in if he does choose to approach the lectern. He asked the COMMISSIONERS for comments.

COMMISSIONER TRUXAL commented it's going to be nice looking. He liked the roof and glass. The awning would go which would be an improvement. Nothing against it, but it's a step in the right direction. However, my one concern is what staff has already mentioned; The way the windows project out when they are collapsed is the only thing that has stuck out to me at this point. Not meaning to hold it back, but it needs to be addressed.

Dan Ritter, Planning Manager, noted we had our building official reach out to Paul regarding this as well. It is conditioned but I believe they are working on a solution for this problem.

CHAIRMAN GRAY commented he adds to the concerns that COMMISSIONER TRUXAL presented. The outward motion of the windows presents a safety concern being in the public right-of-way. If someone is walking and not paying attention they could potentially injure themselves. The staff report has 19 inches and you want to try and reduce that with what? More paneling?

Dan Ritter noted there are a couple options they could do to meet the minimal building code clearance heights, but they will also have to make sure that this is okay from an encroachment agreement perspective as well. The Community Development Director will be coordinating that process. However, from a building code perspective, 7 feet clearance will be required. This is just something in the initial proposal staff noted that may result in a slight change from what is being presented today. It'll all be fixed in the building plan side of it.

CHAIRMAN GRAY noted it is conditional.

COMMISSIONER MANI noted that he agreed with his fellow COMMISSIONERS and the CHAIRMAN. He commented the petitioner should try to reduce that projection for life safety concerns.

COMMISSIONER SHAW stated he didn't want to repeat anything the fellow COMMISSIONERS have said about the projection. Its been covered and he knows that they are working on it. He just noted for the record that he had similar concerns. It is an attractive addition, so that's good in terms of being a more permanent structure as opposed to the canopy. He disagreed with the language in the Legacy Code itself which makes me more inclined to vote in favor of the variance. One of the issues is that the language has a preference for consistent building materials as opposed to a mix. He disagreed with that because that seems to me that is almost the opposite of what we are seeking to achieve in rebuilding the downtown. He noted he believed that a mix of styles mimics a traditional development style more so than having a cookie cutter face. He liked that it has a mix. It gives it some character. He asked how far off were we from the percentages of standing seam versus masonry requirements.

Dan Ritter responded we have not yet received building plans that specify exact percentages. It was clear they were not going to meet the exact percentage. It will be based on these plans that they have to meet.

COMMISSIONER SHAW noted personally, he liked the standing seam look. It may be too much of a variance from the requirements, so wherever the Commissioners land on that is fine. From his standpoint he didn't feel this needs to adhere exactly to the percentage of the code.

Dan Ritter noted all three of those variations are not picturing this situation with a patio in the front. They are picturing a more permanent solid addition. That is likely more the intent of that code. We cannot get around this being a building addition, though as it has three walls and a roof. You would want a traditional building addition such as off the side to look like it blends and belongs. Rather, this addition is in front with glass. This is a special case as this is not the traditional building addition which means that there will be a need for variance from the code due to the fact that this is still classified as an addition.

COMMISSIONER SHAW noted that he understands the need for variance from the code. It is a nice contrast to the current style of the building as opposed to a random mix of style. He felt similarly for the three story variance.

Dan Ritter noted the goal is if you're going to put a large addition, then you would want to be more verbatim to the code. In this case it is odd because it is just a small patio in front.

COMMISSIONER SHAW noted that if it was a three story addition with a front sidewalk, it might not meet the character of the block.

Dan Ritter noted the historic significance of the site and acknowledged that the proposed addition maintains the historic preservation of the building. It could be taken down and the integrity of the building would still be there.

COMMISSIONER SHAW noted it was a consideration for him as well is that it retains the character when it is open; he liked that it does not alter the character of the building itself. He is good with it and likes it.

COMMISSIONER GASKILL asked how wide is the area being enclosed, projecting out toward the street, and size of window panes.

Lori Kosmatka responded the patio is 32ft 10in by 6ft 9in, and believed the panes were about 26 inches based on staff calculating it by the two sets of six panes shown in the drawings. The projection out from the face of the brick below, based on the staff calculations, appeared to be 19 inches. The patio is 6 feet 9 inches to the window frame, plus about 10 ½ inches from the window frame to the face of the brick, and then 19 inches to the face of the brick.

COMMISSIONER GASKILL asked if beyond that is public walkway.

Dan Ritter noted that a portion of the patio is in the public right-of-way explaining the need for the encroachment agreement.

COMMISSIONER GASKILL: You have the sidewalk down below and in front of this building there isn't or never was an entrance in the front of the building so what is the purpose of that walkway up on top?

Dan Ritter explained that the idea is that it was always a patio.

COMMISSIONER GASKILL: However, there is no need to have it a public walkway, there's no place to go.

Lori Kosmatka asked if he was referring to the sidewalk street level.

GASKILL: No, the upside walkway. We're worried about the windows encroaching on the public walkway and I am wondering why that's even a public walkway because it doesn't take you anywhere.

Dan Ritter noted it's encroaching over the sidewalk that is next to it further.

Lori Kosmatka referred to the drawings on the presentation.

GASKILL: I believe we are referring to different things. I'm talking about the walkway leading from the stairs that takes you to the south of the building.

COMMISSIONER SHAW: Isn't that what they wanted to enclose?

COMMISSIONER LOSCUITO: Yes, I think that is the patio that you are referring to.

Dan Ritter reiterated that the elevated portion is all art of the proposed patio enclosure.

COMMISSIONER GASKILL: So the windows would be swinging our over the lower sidewalk?

Lori Kosmatka: Correct.

CHAIRMAN GRAY commented that the structure has been raised and existent since the space belonged to Bettenhausen hardware.

COMMISSIONER GASKILL: However, Bettenhausen Hardware had an entrance in the front.

Dan Ritter noted that they are not familiar with the entire history of the structure but reiterated that a new encroachment agreement is being drafted and outlined the necessity of it.

COMMISSIONER LOSCUITO agreed with the fellow Commissioners. The window projection is a key point of concern. Make sure that none of the windows are protruding too closely to the lamppost.

CHAIRMAN GRAY commented a lot was said and he shares a lot of those concerns. He noted the building looks attractive and clean and the ability to use all year round is beneficial. He asked for clarification of the renderings of the project, if the North/South windows are fixed or will those be moving as well.

Dan Ritter answered that the drawings do not specify and there are no egress concerns per the Chief Building Official.

CHAIRMAN GRAY: Those are all my comments. It does look clean and I think it's a good idea. It sounds like there are still some things that need to be addressed and finalized with the village engineer.

CHAIRMAN GRAY asks the petitioner if he would like to speak. He swore in petitioner PAUL SPASS, owner of Primal Cut.

PAUL SPASS: In regards to the percentage of materials used for the Legacy Code, one thing that I would not be opposed to doing is doing the bottom portion as brick. I know a lot of this is all metal and glass with the windows again, the whole purpose is so that we can utilize it year-round. We've really grown, within the past year, we have doubled our sales and we are running out of space. By enclosing this front space, not only does it give us the opportunity to have more seating; it gives us the opportunity to utilize the patio for what it is yet still have the ability to offer extra seating when the weather is not accommodating. It's a great fit for everybody and I feel it's a great look for the downtown area. I want to try to keep the consistency of the black storefront glass, but also not lose the consistency of what it is and that space to me is going to be used as much as possible to offer the outdoor dining experience as much as possible. However, when the weather is not permitting, we can still have a great look and good views for customers. We will also potentially use the area as a potential private event space since we will be keeping the overhead doors that are already in place. Nothing that is existing right now is going to be changed except for the awning and my only thought in regard to the percentage used, I would not be opposed to implementing full brick to the windows' ledge. I spoke with the building engineer prior to this meeting and the biggest thing was that we stay within the 84 inches or 7ft which is to the bottom of the windows to the existing walkway.

CHAIRMAN GRAY: Excellent Paul. It's great to hear that your business is booming.

PAUL SPASS: It's a lot of hard work but its been rewarding not only for me, but for the town. I appreciate the opportunity to bring back the old tradition of having a steakhouse here in town. We also have three sets of additional drawings with renderings that are complete its just a matter of the phase we do them in. This particular phase will match the next phase which will be doing a rooftop over the corner unit where you see the triangle. These glass windows actually mimic the ones enclosing the patio. That's a future project but we already have plans that have been submitted and approved, its just a matter of me pulling the trigger on those. I will just do this in phases that best suit me financially. The next step that we want to do in a few years is doing an outdoor patio in the back. I think it's a great corner, I think we draw a lot of attention and

with these renderings, I did a lot myself. I think that the plan presented achieves the desires of the downtown area.

Dan Ritter noted that the possibility of raising the brick wall should be tabled until further discussions are had regarding building materials.

CHAIRMAN GRAY asked for comment from the public. Seeing none he proceeded to ask for comment from the COMMISSIONERS. Noting no further comment, CHAIRMAN GRAY requested a motion to close the public hearing. Motion made by COMMISSIONER GASKILL, seconded by COMMISSIONER LOSCUITO. CHAIRMAN GRAY requested a voice vote. Hearing no opposition, the motion carried.

CHAIRMAN GRAY asked staff to present the standards.

Lori Kosmatka presented the standards.

CHAIRMAN GRAY requested the first motion.

Motion 1 - Variations

COMMISSIONER SHAW made a motion to recommend that the Village Board grant the Petitioner, Paul Spass on behalf of Primal Cut, at 17344 Oak Park Avenue in the Legacy Downtown Core (DC) Zoning District, three (3) Variations from Section XII (Legacy Code) of the Village Zoning Ordinance for building materials, architectural design guidelines, and minimum building height as listed and according to the submitted plans, and adopt the Findings of Fact as listed in the April 21, 2022 Staff Report, with the following condition:

1. There must be executed and active right-of-way encroachment agreement in place with the Village. If the right-of-way encroachment agreement expires and becomes defaulted, the variation becomes void.
2. All plans are subject to final staff review with the building permit for building code compliance and public safety review.

Motion seconded by COMMISSIONER GASKILL. Vote taken by roll call; all voted in favor. CHAIRMAN GRAY declared the motion as carried.

CHAIRMAN GRAY requested the second motion.

Motion 2 – Site Plan / Architectural Approval

COMMISSIONER TRUXAL made a motion to grant the Petitioner Paul Spass on behalf of Primal Cut, Site Plan and Architectural Approval for a front patio enclosure at 17344 Oak Park Avenue in the Legacy Downtown Core (DC) Zoning District, in accordance with the plans submitted and adopt Findings of Fact as proposed in the April 21, 2022 Staff Report, subject to the following conditions:

1. Site Plan/Architectural Approval is subject to approval of the requested Variations and right-of-way encroachment agreement by the Village Board.
2. All plans are subject to final staff review with the building permit for building code compliance and public safety review. The number of operable windows and extent of projection encroaching into the Village right-of-way are subject to review and approval by Village staff.
3. The bottom of the projecting edge of the window system to the finished grade of the paver pavement must be at least 7'-0" (84").

4. The final materials of the north and south side elevations are subject to review and approval by Village staff to match the proposed front/east elevation.
5. Any awning or structure over the northern raised stairway landing be subject to review and approval by Village staff.

Motion seconded by COMMISSIONER MANI.

COMMISSIONER SHAW noted that the petitioner's name in the motion provided in the staff report is incorrect. The petitioner's name was corrected in the motion as presented.

CHAIRMAN GRAY asked Staff for a roll call vote. All voted in favor. CHAIRMAN GRAY declared the motion as carried.

Dan Ritter explained that it is anticipated that this item will go before the Village Board on May 17th, 2022. There is one extra meeting because they have to get the encroachment agreement addressed so the items can go at the same time.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES
FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION
SUBJECT: MINUTES OF THE APRIL 21, 2022 REGULAR MEETING
ITEM #3: PUBLIC HEARING – DRIP DROP SMOKES, 17133 HARLEM AVENUE – SPECIAL USE FOR TOBACCO STORE

Consider recommending that the Village Board grant Ameer Ihmud on behalf of Drip Drop Smokes (tenant) a Special Use for a Tobacco Store at 17133 Harlem Avenue in the B-3 (General Business and Commercial) zoning district.

Present Plan Commissioners:

Chairman Gray
James Gaskill
Frank Loscuito
Ken Shaw
Eduardo Mani
Kurt Truxal

Absent Plan Commissioners:

Angela Gatto
Andrae Marak

Village Officials and Staff:

Dan Ritter, Planning Manager
Lori Kosmatka, Associate Planner
Jarell Blakey, Management Analyst

Petitioners:

Ameer Ihmud, Drip Drop Smokes

Members of the Public:

None

CHAIRMAN GRAY introduced Item 3, and asked for a motion to open the public hearing. Motion made by COMMISSIONER LOSCUITO, seconded by COMMISSIONER GASKILL. The chair requested a voice vote, hearing no opposition, the motion carried.

CHAIRMAN GRAY confirmed that the public hearing had been posted in the local newspaper. Then proceeded to turn it over to staff for presentation.

Lori Kosmatka, Associate Planner summarized the staff report highlighted zoning and surrounding uses.

CHAIRMAN GRAY asks if the applicant has anything to add. Petitioners declined; CHAIRMAN GRAY deferred to COMMISSIONERS for comment.

COMMISSIONERS LOSCUITO and GASKILL had no comment.

COMMISSIONER TRUXAL had no comments. He stated it looks like a great place to put a smoke shop.

COMMISSIONER MANI had no comment.

COMMISSIONER SHAW asked where is the nearest similar use to this location. He recalled there is a concentration near 183rd and 80th. He agreed that there is not a concentration of similar businesses in the area. Jewel only has an accessory use for tobacco.

Lori Kosmatka responded that the applicant had a few addresses of other tobacco stores.

Dan Ritter, Planning Manager, noted there was one on 159th. 183rd Street might have a couple.

CHAIRMAN GRAY concurred with COMMISSIONER SHAW. It appears to be in line with the ordinance presented in November 2021. It's a good location, I think it's good that the tenant spaces are not sitting empty for extended periods of time. However, whatever proposed signage you all have must comply with the zoning ordinance. Other than that I think it's a good fit.

CHAIRMAN GRAY asked the applicants if there is anything they would like to add. Applicants declined. CHAIRMAN GRAY then acknowledged the public and offered them the chance to speak. Noting there was no public a request for a motion to close the public hearing was presented. Motion made by COMMISSIONER TRUXAL, seconded by COMMISSIONER GASKILL. Voice vote was conducted; All in favor. The motion carried.

Lori Kosmatka, Associate Planner, presented the standards.

CHAIRMAN GRAY requested a motion for the special use for this item.

Motion – Special Use Permit

COMMISSIONER LOSCUITO a motion to recommend that the Village Board grant the Petitioner, Ameer Ihmud on behalf of Drip Drop Smokes, a Special Use Permit to operate a Tobacco Store at 17133 Harlem Avenue in the B-3 (General Business & Commercial) Zoning District, according to the submitted plans and adopt the Findings of Fact as listed in the April 21, 2022 Staff Report.

Motion seconded by COMMISSIONER GASKILL. Roll call vote completed; All voted in favor. CHAIRMAN GRAY declared the motion as carried.

CHAIRMAN GRAY informed the applicant that the item is anticipated to go to Village Board on May 3rd, 2022.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION

SUBJECT: MINUTES OF THE APRIL 21, 2022 REGULAR MEETING

ITEM #4: WORKSHOP – BUILDING CODE TO ZONING CODE TRANSFER (DRIVEWAYS, ACCESSORY STRUCTURES. AND MISCELLANEOUS) - TEXT AMENDMENT

Consider recommending that the Village Board amend certain sections of the Zoning Ordinance to carry over portions of the current building code into the zoning ordinance where they are better served. Regulations include driveway location, driveway width, storage shed size, accessory structure locations, and other miscellaneous regulations.

Present Plan Commissioners:

Chairman Gray
James Gaskill
Frank Loscuito
Ken Shaw
Eduardo Mani
Kurt Truxal

Absent Plan Commissioners:

Angela Gatto
Andrae Marak

Village Officials and Staff:

Dan Ritter, Planning Manager
Lori Kosmatka, Associate Planner
Jarell Blakey, Management Analyst

Petitioners:

None

Members of the Public:

None

CHAIRMAN GRAY introduced Item 4, and asked staff for the presentation.

Daniel Ritter Planning Manager, stated that this is not a major change but more so just a clean-up of the old code and specify what driveway width should be and limitations therein. He continued to summarize the changes to the zoning code changes. The majority of the changes are simply moving the requirements from the Building Code to the Zoning Code.

COMMISSIONER TRUXAL asked if we have minimum green space requirements.

Dan Ritter responded we don't. We have maximum lot coverages, but it is specific to the principal and accessory structures. Some communities have that, but it is extremely hard to regulate.

Dan Ritter deferred to the Plan Commission for comment.

COMMISSIONER TRUXAL asked where does all the stuff the Zoning Board of Appeals used to handle go.

Dan Ritter responded it now goes to the Plan Commission.

COMMISSIONER TRUXAL asked if we just not had any.

Dan Ritter noted that in the next meeting you will have two fences. Typically, we discourage variations unless you need it.

COMMISSIONER SHAW noted that staff has done a lot of work to analyze the most common requests and the ones that get approved, and over the years make adjustments.

Dan Ritter responded that staff listens on if the Commission grants a variation and asks staff to look at the code, then we take that into account. We will try to get to it if we see something reoccurring and hear from the Plan Commission or Village Board. We did that with the fence code, upping the height of the fence to align with the pool requirements. He noted that corner fence requirements do have aesthetic, visual, and safety elements involved. These cases would be seen by you guys now. The reason for this is we are doing a full revamp of our building code. We had our own separate building code as the Tinley Park Comprehensive Building Code. That is not how most municipalities do this. You typically adopt the international codes and have a separate list of local amendments to it. We instead had a separate code with too much information in it. We are one of the first communities around here to go to the 2021 building code. Some of the items are just being moved rather than listed as amendments to the building code. Thus if someone wants an 80 foot driveway, they will now go to the Plan Commission, which makes more sense than being in the Building Code and going to Village Board.

CHAIRMAN GRAY commented that he noted some typos for the proposed text. Just to correct them, for section 211 for private detached garages there is a missing “d” in hundred.

Dan Ritter asked if we are referring to the excel spreadsheet?

CHAIRMAN GRAY: Yes, the excel.

Dan Ritter noted that the excel spreadsheet is just a rough draft and they will review thoroughly before adoption.

CHAIRMAN GRAY asked for clarification on the accessory structure regulation which will limit the amount of garages allowed on private property.

Dan Ritter commented to CHAIRMAN GRAY that under the current code, residents can technically have three detached garages so long as the setback and space requirements are met.

COMMISSIONER TRUXAL asked if there would be any major content changes.

Dan Ritter suggested that at this time there will not be significant changes without further analysis.

GOOD OF THE ORDER

Dan Ritter: Goodbye and thank you to COMMISSIONER LOSCUITO this is his last meeting. Besides that, Ascend was approved by the Village Board. Popus Popcorn has a grand opening coming up the 1st week of May. Floor and Décor is also looking at the first week of May.

CHAIRMAN GRAY took the time to thank COMMISSIONER LOSCUITO for his service and wished him luck.

PUBLIC COMMENT - NONE

Motion to adjourn the meeting made by COMMISSIONER SHAW, seconded by COMMISSIONER GASKILL. Voice vote, all in favor. The motion carried.

Meeting Adjourned at 8:30pm

PLAN COMMISSION STAFF REPORT

April 21, 2022 – Public Hearing

Petitioner

Darren Freihage, on
behalf of McDonald's
USA, LLC

Property Location

15920 Harlem Avenue

PIN

27-24-201-012-0000

Zoning

B-3 PD (General Business
& Commercial, Park
Center PUD)

Approvals Sought

Special Use for
Substantial Deviation
from PUD

Project Planner

Daniel Ritter, AICP
Planning Manager

McDonald's Wall Sign Addition

15920 Harlem Avenue



EXECUTIVE SUMMARY

The Petitioner, Darren Freihage, on behalf of McDonald's USA, LLC, is requesting a Special Use for a Substantial Deviation from the Park Center Plaza Planned Unit Development with an Exception from the Zoning Ordinance to permit an additional wall sign on the existing McDonalds at 15920 Harlem Avenue.

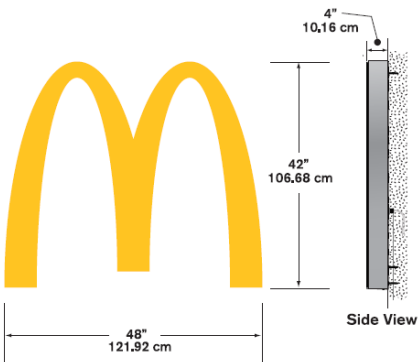
The site's redevelopment was originally reviewed and approved by Plan Commission in 2018 (January 18, 2018 Staff Report attached). The project was delayed by timing difficulties and then the COVID pandemic, but was completed in 2021. The project included substantial site, landscaping, and façade upgrades in addition to a full interior remodel. As part of the redevelopment proposal, a number of signs were reviewed and approved. The site was generally permitted six walls signs at a total of approximately 108.71 sq. ft. As part of the development, only five wall signs were proposed and installed. The additional wall signs approved were deemed reasonable as part of the redevelopment request because while the total number of signs was increased, the total signage size did not exceed the maximum total size. The smaller signs fit in with the overall site and standalone building design better than a larger, single wall sign on each façade. The additional signage also helped to advertise the PlayPlace as an amenity as well.

Following the completion of the project, which made for a more modern exterior, it has become apparent to the Petitioner that some additional wall signage is needed. Some of the wall signage existing is for the advertisement of the PlayPlace but does not specifically indicate it is a McDonald's. The Petitioner is proposing two additional "M" logo wall signs, one of which is already permitted under the past PUD approval. This request includes approval for an additional "M" logo wall sign on the west and south façades. The total number of wall signs will be seven with a total size of around 123 sq. ft. The total size will remain below the maximum allowable total size (approximately 175 sq. ft.)

SUBSTANTIAL DEVIATION / ZONING EXCEPTION

The Zoning Ordinance permits for one wall sign per elevation at a maximum size of 1 sq. ft. per lineal foot of tenant building frontage. The previous PUD Deviation that was approved for the site’s redevelopment allowed for six wall signs as outlined below. Only five wall signs were installed, so a new request will only require the allowance for one additional wall sign. The total size of the proposed “M” logo is slightly larger than the currently approved signs at being 14 sq. ft. as opposed to 10.75 sq. ft. The total sq. footage of all wall signs will remain under the maximum size allowed.

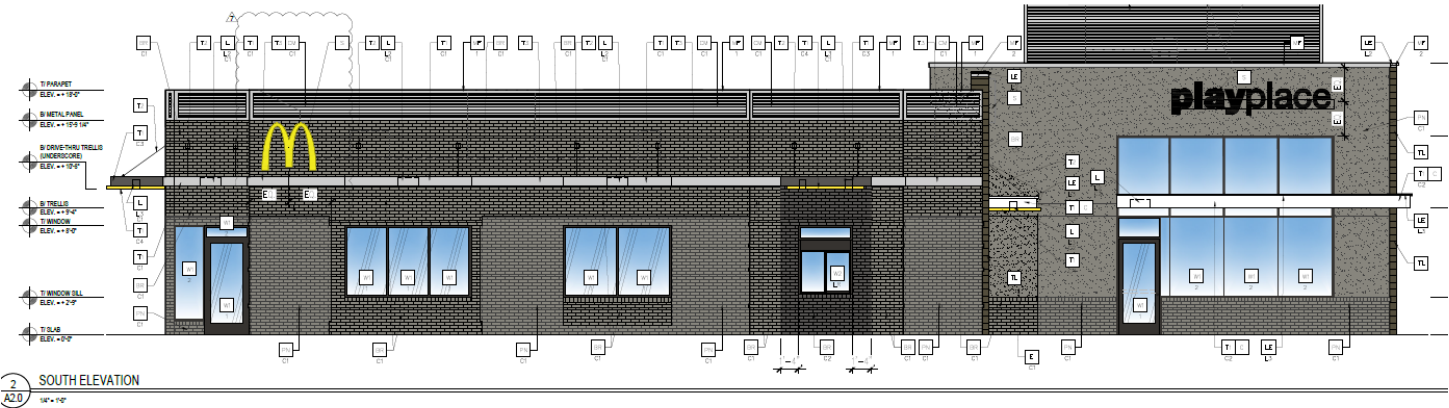
While the Petitioner is requesting more wall signage, the smaller signs blend in better with the new modern façade as opposed to fewer but larger signs. The signs allow the McDonald’s “M” logo to be visible from all sides that customers may be approaching the building. They also can still advertise the PlayPlace amenity as well since it is less visible with the new façade design.



	Allowed by Code	Approved - 2018	Proposed
Number of Wall Signs	4	6	7
Maximum Sign Face Area for Wall Signs (square feet = SF)	N/S: About 90 SF E/W: About 85 SF Total= 175 SF	N: 32.5 SF S: 32.5 SF E: 43.7 SF Total= 108.7	N: 32.5 SF S: 35.5 SF E: 43.7 SF W: 14 SF Total = 125

Since the Petitioner’s proposed wall signs will not meet the Sign Code in the Zoning Ordinance or previously approved sign deviation and is located within a PUD, it requires a Special Use for a Substantial Deviation with an Exception to be permitted. Deviations from Village’s Zoning Ordinance are considered Exceptions rather than Variations when located within a PUD and do not require the standard Findings of Fact, as required with a Variation. Alternatively, Exceptions are looked at in terms of their conformance to their overall PUD’s design and goals.

Additional information on the existing site, signage allowances (before and after the remodel), and the overall redevelopment is located in the attached staff report from January 18, 2018.



STANDARDS FOR A SPECIAL USE

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

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

- a. That the establishment, maintenance, or operation of the Special Use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
 - *The additional wall sign is visible only to commercial-related traffic and not to residential neighborhoods. The sign's orientation helps better identify the restaurant business to people traveling from different locations within the larger shopping center.*
- 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 additional sign is smaller in size and visibility to surrounding properties. The sign is most proximate to the Park Center Shopping Center and total wall sign size remains below the maximum permitted.*
- c. That the establishment of the Special Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
 - *The property within this area is already developed for commercial purposes.*
- d. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided;
 - *Additional wall signage does not require any additional utilities, drainage, or roadway access.*
- 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 wall sign will not impact or change the function of access to the site.*
- f. That the Special Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the Village Board pursuant to the recommendation of the Plan Commission. The Village Board shall impose such conditions and restrictions upon the premises benefited by a Special Use Permit as may be necessary to ensure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the general intent of this Ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this Ordinance.
 - *The Special Use conforms to all other applicable regulations of the Planned Unit Development and the Village's ordinances and codes.*
- g. The extent to which the Special Use contributes directly or indirectly to the economic development of the community as a whole.
 - *The additional wall sign will help identify the restaurant business to persons traveling to the site from multiple directions. The signage will help identify the specific business, which has a more modern exterior. The increased business identification will assist the business in continuing to contribute to the economic development of the community as a whole.*

MOTION TO CONSIDER

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. The Commission may choose to modify, add, or delete from the recommended motions and any recommended conditions.

"...make a motion to recommend that the Village Board grant the Petitioner, Darren Freihage, on behalf of McDonald's USA, LLC, a Special Use Permit for a Substantial Deviation from the Park Center PUD with an Exception from the Zoning Ordinance to permit a total of seven wall signs on the building façades at 15920 Harlem Avenue in the B-3 PD zoning district, in accordance with the plans submitted and adopt Findings of Fact as proposed by Village Staff in the April 21, 2022 Staff Report."

PLAN COMMISSION STAFF REPORT

April 21, 2022 – Public Hearing

Primal Cut – Front Patio Enclosure

17344 Oak Park Avenue

Petitioner

Paul Spass, on behalf of
Primal Cut

Property Location

17344 Oak Park Avenue

PIN

28-30-313-008-0000

Zoning

Legacy District - DC
(Downtown Core)

Approvals Sought

Variations
Site Plan & Architectural
Approval



EXECUTIVE SUMMARY

The Petitioner, Primal Cut (tenant) is requesting Variations and Site Plan/Architectural Approval at 17344 Oak Park Avenue. The granting of these requests will allow for a raised one-story building addition, that allows for the existing front patio to be enclosed. The property is located in the Legacy DC (Downtown Core) Zoning District. The Petitioner is seeking variations from Section XII (Legacy Code) of the Zoning Ordinance for requirements of minimum building height, building materials, and architectural guidelines.

The design proposal is on the front of the restaurant's east elevation facing Oak Park Avenue. The building addition will comprise of enclosing the existing front patio which spans the private lot and encroaches into the Village right-of-way. The brick base of the patio will remain. The proposed exterior materials of the building addition include a standing seam metal roof, steel columns, a telescoping Nanawall window system, and a guardrail with a structural safety glass railing.

The Petitioner's goal is to provide dining on more days of the year in that space. The addition will provide a better dining experience for customers who have coverage from weather and bugs. However, on nice days the windows will be able to be opened. Due to the location of the patio partially in the Village's right-of-way, the Property Owner is simultaneously pursuing a revised easement agreement with the Village Board that would allow for the enclosure

Project Planner

Lori Kosmatka
Associate Planner

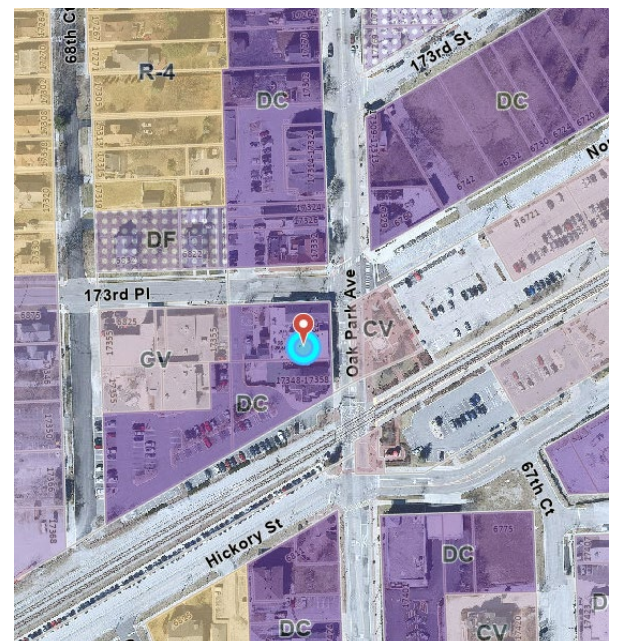
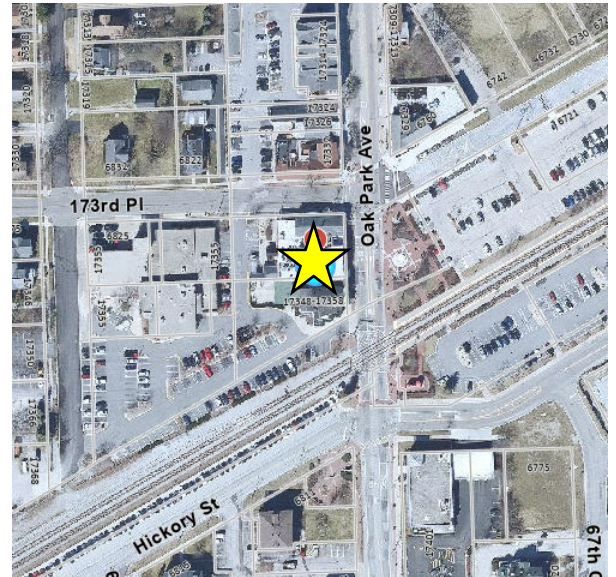
EXISTING SITE, HISTORY, ZONING, & LAND USES

The subject property at 17344 Oak Park Avenue is an existing tenant space operating as a steakhouse restaurant. The business is highly visible in the center of the downtown core of the Village, located on the southeast corner of 173rd Place and Oak Park Avenue, near the Metra train station. The business is currently well-frequented dining destination within the area. The second floor of the building includes two residential units and a storage space.

The site is part of the “Andres Block” development and is one of the most historic and visible area in downtown Tinley Park. The subject building was constructed around 1868 and functioned as a general store. Over the years the building has also housed a grocery store, Bettenhausen Hardware store, Bogarts Charhouse, and a bicycle shop, among other businesses. In 1998 the exterior façade underwent extensive renovations to the interior and exterior prior to the opening of Bogart’s. The exterior was restored close to the early 1900’s appearance with the guidance of the Village’s Historic Commission and help of a Village grant.

The property is in the Legacy DC (Downtown Core) Zoning District. The Legacy Code includes architectural requirements for the zoning district. The property has neighboring Legacy Downtown Core district to the north and south, and Legacy Civic district to the east (Train Station and Zabrocki Plaza) and west (Public Safety Building/Fire Station 46). There is R-4 Zoning District on 68th Court, north of 173rd Place. Nearby businesses include J.W. Hollstein’s Saloon (south), Ed & Joe’s Restaurant (north), Teehan’s (northeast).

A portion of Primal Cut’s existing patio area is within the Village’s right-of-way. The history of the raised brick patios is unclear but have been permitted to be used by the adjacent businesses through the use of encroachment agreements with the property owners. Changes to the encroachment agreement are being sought by the Petitioner and will be presented to the Village Board at the same times as the zoning request.



PROPOSED USE AND APPROVALS NEEDED

The Petitioner wishes to enclose the existing front patio in order to provide dining on more days of the year in that space, given the variable climate conditions. The Petitioner estimates that approximately 19 dining patrons will be able to accommodate the space.

Variations and Site Plan/Architectural Approval are required for the proposed addition.

Based on the proposed design, three Variations are required from the Legacy Code requirements, which regulate redevelopment and additions on existing structures:

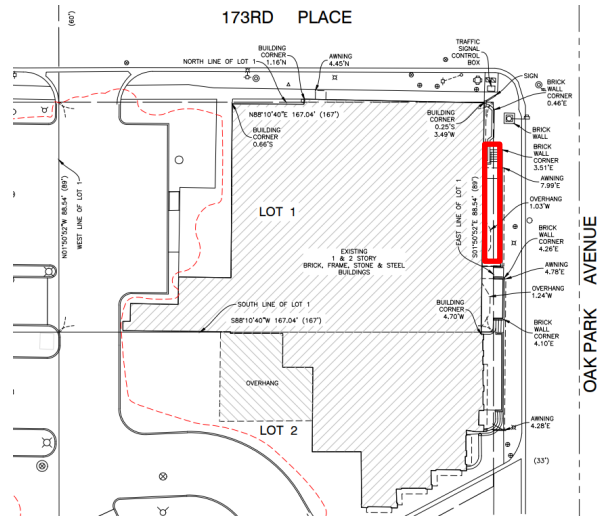
1. Building Materials per Section XII.3.B.7. (Legacy Code) of the Village Zoning Ordinance, where the minimum 75% of listed Primary Materials are not provided.
2. Architectural Guidelines per Section XII.3.B.8. (Legacy Code) of the Village Zoning Ordinance, where the style of architectural composition is not consistent throughout the structure.
3. Minimum Building Height per Section XII.2.A.9. (Legacy Code) of the Zoning Ordinance, where the minimum building height of three-stories is not provided.

SITE PLAN

The Petitioner proposes to enclose the existing raised east front patio facing Oak Park Avenue. The 222 square foot patio footprint (32'-10" long x 6'-9" deep) and the slightly deeper brick base (approximately 37.5" high at the south end) would remain unchanged, but the proposed operable windows would extend overhead into the sidewalk area approximately 19" from the brick veneer. Based on staff field measurements, the width of the sidewalk would remain unchanged at approximately 7'-8" from the brick wall's face to the back of the curb. The plan exhibit per the encroachment agreement, dated 7/7/2020 shows the front patio area in relation to the lot line.

The existing patio has a narrow planter box, mounted to the top of the wrought iron railing, which sits atop a low brick wall base. The planter box is shown in the proposed rendering, but not detailed in the architectural line drawings of the proposed elevation and section. It is staff's understanding that the proposal will not include planter boxes as they would difficult to attach to the proposed structure. The Petitioner's drawings do not indicate any proposed exterior lighting, signage, or parking.

Open Item #1: Drawings of the proposal show a discrepancy on whether the planter box will remain. Petitioner will need to clarify and update construction drawings accordingly with the building permit.



Plan Exhibit per Encroachment Agreement, Dated 7/7/2020, Marked up to show area of improvement



Existing Front Patio (Overall View)



Existing Pedestrian Experience

ARCHITECTURE

The Petitioner proposes to enclose the existing raised front patio, thereby creating a one-story building addition as the area of improvement. The patio sits atop a brick wall base, approximately 3 ½ feet high from the sidewalk. The architectural drawings show existing fill and a concrete grade beam behind the brick veneer. The Petitioner proposes to insert concrete piers for the new columns within the existing fill, but does not propose to change the brick veneer. The overall design of the structure is modern in appearance but the heavy use of glazing/windows helps to blend the addition in with the historic building's architecture, while also being functional for Primal Cut's restaurant use.



Proposed per Petitioner's Color Rendering

Building Materials

The proposed exterior materials include a black standing seam metal roof, steel columns, a 4'-6" high operable telescoping Nanawall window system, atop a 3'-6" high guardrail assembly with structural safety glass railings and balusters, and new storefront panels on the side walls. The existing low brick veneer base wall will remain.

Section XII.3.B.7. of the Legacy Downtown Core District code requires that a minimum of 75% of all facades and roofs exclusive of glazing shall be comprised of any of the following Primary Materials: a) brick, stone, & fiber cement siding, b) cedar, slate & asphalt shingles (roof only), or c) copper & stainless steel. The code states a maximum of 25% of all facades and roofs exclusive of glazing may be comprised of a) concrete panels & decorative block, b) EIFS & stucco, c) wood, or d) standing seam roofs. The proposal's materials will require a Variation from this requirement.

The drawings do not identify if the northern raised stairway landing north of the patio will be open to the sky or not. The existing awning covers this space as well as the length of the patio. Staff recommends a condition stating that any awning or structure over the northern raised stairway landing be subject to review and approval by Village staff.

Nanawall Windows

A significant portion of the proposed materials include Nanawall windows. The drawings do not indicate how far the proposed Nanawall operable windows will project outward into the sidewalk area. The Petitioner has provided a Nanawall brochure for the SL60 model. The brochure illustrates this in door form, showing the telescoping to pivot completely to the outdoors, exterior from the system's track. The brochure does not specify the window panel widths. The drawings show six panes over a length of 15'-11", which staff calculates would be project 29 3/8" from the enclosure. There is 10 ½" between the outside of the enclosure to the face of the brick veneer where the sidewalk begins. The windows appear to project 19" outwards from the face of the brick veneer when opened. The window projection would thus further encroach in the Village's right-of-way than the current patio. The window projection encroachment could possibly be reduced by increasing the number of windows to produce a smaller unit width that have a smaller projection into the right-of-way. The Village's Building Official noted that the required minimum headroom from the bottom of the projecting edge of the window system to the finished grade of the paver pavement (sidewalk) is 7'-0" per the means of egress requirements in the International Building Code, based on estimates of the current wall height and plans, it appears the windows would be less than that required height.



Telescoping Operation of Nanawall SL60 Model (brochure)

Staff recommends a condition that the number of operable windows and extent of projection encroaching into the Village right-of-way are subject to review and approval by Village staff as part of the building permit because it is currently unclear how this would comply with the building code or Public Works maintenance of the right-of-way based on the current design.

Open Item #2: Petitioner to clarify “paneling” materials on the north and south sides. Staff recommends a clear, dual glazed storefront system to closely match the east elevation and a condition on the material approval by staff be placed on any approvals.

Open Item #3: Staff recommends a condition stating that the bottom of the projecting edge of the window system to the finished grade of the paver pavement must be at least 7'-0" (84").

Drawings were not provided for the north and south side elevations. The section drawing notes a new storefront paneling beyond, but does not call out the proposed material, whether it is opaque (solid) or clear, and whether it is fixed or not. In order to provide a more transparent, open experience for pedestrians, and consistent materials, Staff recommends the north and south side elevations are to be clear, dual glazed storefront system to match the east elevation, and a condition stating the final materials of the north and south side elevations are subject to review and approval by Village staff.

Architectural Guidelines

Section XII.3.B.8. of the Legacy Downtown Core District code details the Architectural Guidelines, stating that “a consistent style of architectural composition should be applied throughout a structure. A mix of styles is discouraged”. The code states that the architectural qualities and details shall be deemed desirable by the Village for projects in the Legacy Code area. The proposal's materials do not match the existing building since it functions as an enclosed front patio that is meant to be as open as possible, and not as a typical building addition. The structure does require a Variation from this requirement that requests consistency of building additions.



Existing streetscape.

The proposed glass (windows & guardrail wall), metal (roof), and steel (columns), are modern in design with minimal ornamentation, differing from the older, varied, traditional design of the existing streetscape. However, the glass will provide a sense of transparency to the area. Also, glass and storefront systems are typical in downtown areas. The proposed black metal roof will have a slight slope with a prefinished aluminum fascia as part of the front elevation. This color and material appear to complement Primal Cut's existing first-story frontage immediately north of the existing patio. The existing brick veneer base wall will remain. The brick veneer is slightly over three feet high, and runs beyond to the north and south. Comparatively, the existing patio has brick veneer with setback glazing that is shadowed under a black and white cloth awning. Though the scale of the building addition is similar to the patio, the massing will extend beyond the other facades of enclosed structures. There is another patio immediately south of the patio, but it is open in nature similar to Primal Cut's existing patio. The building addition will maintain an open feel of transparency with the operable glass. Heavy use of glass and storefront systems are typical in downtown areas along the main street frontages. This building addition is less intrusive to the architectural integrity of the existing building frontages. This building addition could more easily be removed than a typical building addition since it involves enclosing the patio on an existing footprint offset from the existing building frontages.

Open Item #4: Any awning or structure over the northern raised stairway landing be subject to review and approval by Village staff.

Building Heights

The drawings identify the height of the proposed one-story building addition as 10'-10" from the top of the brick base wall to the peak of the roof, with the roof sloping downward to the sidewalk. The height of the existing patio with awning is not provided, but is similar in size and location to the proposed roof. The existing surrounding structures are two-stories. A large second-story bay window is directly above the area of improvement. However, the Legacy Downtown Core District code requires that buildings have a minimum height of three stories, which requires a Variation to Section XII.2.A.9. (Legacy Code) of the Zoning Ordinance. Given the size, location, context, partial location in the public right-of-way and spatial constraints, a one-story addition at this location appears to be more appropriate than an addition of three-stories in height.

Open Item #5: Discuss Variation requests for the building addition's required materials, building height and consistent design with the principal structure.

SUMMARY OF OPEN ITEMS

Staff identified the following open items for discussion:

1. Drawings of the proposal show a discrepancy on whether the planter box will remain. Petitioner will need to clarify and update construction drawings accordingly with the building permit.
2. Petitioner to clarify "paneling" materials on the north and south sides. Staff recommends a clear, dual glazed storefront system to closely match the east elevation and a condition on the material approval by staff be placed on any approvals.
3. Staff recommends a condition stating that the bottom of the projecting edge of the window system to the finished grade of the paver pavement must be at least 7'-0" (84").
4. Any awning or structure over the northern raised stairway landing be subject to review and approval by Village staff.
5. Discuss Variation requests for the building addition's required materials, building height and consistent design with the principal structure.

STANDARDS FOR A VARIATION

Section X.G.4. of the Zoning Ordinance states the Plan Commission shall not recommend a Variation of the regulations of the Zoning Ordinance unless it shall have made Findings of Fact, based upon the evidence presented for each of the Standards for Variations listed below. The Plan Commission must provide findings for the first three standards; the remaining standards are provided to help the Plan Commission further analyze the request. Findings of Fact have been drafted by staff and outlined below for Plan Commission consideration.

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.
 - ***The new one-story building addition can yield a reasonable return. However, the addition is within the same footprint of the business's existing patio and not being completed for property return purposes.***
2. The plight of the owner is due to unique circumstances.
 - ***The one-story building addition is located in a spatially constrained area among existing two-story buildings with varied, traditional design. Given the size, location, context, and spatial constraints, a one-story addition at this location appears to be more appropriate than an addition of three-stories in height.***
3. The Variation, if granted, will not alter the essential character of the locality.
 - ***The new one-story building addition is within appropriate scale to the surrounding two-story buildings, and will maintain an open feel of transparency with the operable glass. Glass and storefront systems are typical in downtown areas. The color and materials of the proposed design elements appear to complement the existing streetscape. The existing brick veneer base wall will also remain.***
4. Additionally, the Plan Commission shall also, in making its determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the Petitioner have been established by the evidence:
 - a. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
 - b. The conditions upon which the petition for a Variation is based would not be applicable, generally, to other property within the same zoning classification;
 - c. The purpose of the Variation is not based exclusively upon a desire to make more money out of the property;
 - d. The alleged difficulty or hardship has not been created by the owner of the property, or by a previous owner;
 - e. The granting of the Variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
 - f. The proposed Variation will not impair an adequate supply of light and air to an adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

ADDITIONAL LEGACY CODE STANDARDS

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

- a. The proposed improvement meets the Legacy Plan and its Principles, as presented in Section 1.A-B: Purpose and Intent, of this ordinance;
 - ***The one-story building addition provides dining on more days of the year in the space. The addition will provide a better dining experience for customers and a more active streetscape that creates an inviting urban experience in the Downtown Core.***
- 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 glass in the one-story building addition will provide a sense of transparency to the area. Also, glass and storefront systems are typical in downtown areas. The color and material complement Primal Cut's existing first-story frontage immediately north of the existing patio. The existing brick veneer base, which runs beyond the property to the north and south and visually links the streetscape, will remain.***
- c. Any improvement meets the architectural standards set forth in the Legacy Code;
 - ***The new one-story building addition is for a patio dining area and is less intrusive to the architectural integrity of the existing building frontages. This building addition could more easily be removed than a typical building addition since it involves enclosing the patio on an existing footprint offset from the existing building frontages.***
- d. The improvement will have the effect of protecting and enhancing the economic development of the Legacy Plan area.
 - ***The one-story building addition is expected this will help the success of an existing business now and in the future by providing a better customer experience and attractive frontage.***

STANDARDS FOR SITE PLAN & ARCHITECTURAL APPROVAL

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

Architectural

- a. Building Materials: The size of the structure will dictate the required building materials (Section V.C. Supplementary District Regulations). Where tilt-up or pre-cast masonry walls (with face or thin brick inlay) are allowed vertical articulation, features are encouraged to mask the joint lines. Concrete panels must incorporate architectural finishes that comply with "Building Articulation" (Section III.U.5.h.) standards. Cast in place concrete may be used as an accent alternate building material (no greater than 15% per façade) provided there is sufficient articulation and detail to diminish it's the appearance if used on large, blank walls.
- b. Cohesive Building Design: Buildings must be built with approved materials and provide architectural interest on all sides of the structure. Whatever an architectural style is chosen, a consistent style of architectural composition and building materials are to be applied on all building facades.
- c. Compatible Architecture: All construction, whether it be new or part of an addition or renovation of an existing structure, must be compatible with the character of the site, adjacent structures and streetscape.

Avoid architecture or building materials that significantly diverge from adjacent architecture. Maintain the rhythm of the block in terms of scale, massing and setback. Where a development includes outlots they shall be designed with compatible consistent architecture with the primary building(s). Site lighting, landscaping and architecture shall reflect a consistent design statement throughout the development.

- d. Color: Color choices shall consider the context of the surrounding area and shall not be used for purposes of “attention getting” or branding of the proposed use. Color choices shall be harmonious with the surrounding buildings; excessively bright or brilliant colors are to be avoided except to be used on a minor scale for accents.
- e. Sustainable architectural design: The overall design must meet the needs of the current use without compromising the ability of future uses. Do not let the current use dictate an architecture so unique that it limits its potential for other uses (i.e. Medieval Times).
- f. Defined Entry: Entrance shall be readily identifiable from public right-of-way or parking fields. The entry can be clearly defined by using unique architecture, a canopy, overhang or some other type of weather protection, some form of roof element or enhanced landscaping.
- g. Roof: For buildings 10,000 sf or less a pitched roof is required or a parapet that extends the full exterior of the building. For buildings with a continuous roof line of 100 feet or more, a change of at least five feet in height must be made for every 75 feet.
- h. Building Articulation: Large expanses of walls void of color, material or texture variation are to be avoided. The use of material and color changes, articulation of details around doors, windows, plate lines, the provision of architectural details such as “belly-bands” (decorative cladding that runs horizontally around the building), the use of recessed design elements, exposed expansion joints, reveals, change in texture, or other methods of visual relief are encouraged as a means to minimize the oppressiveness of large expanses of walls and break down the overall scale of the building into intermediate scaled parts. On commercial buildings, facades greater than 100 feet must include some form of articulation of the façade through the use of recesses or projections of at least 6 inches for at least 20% of the length of the façade. For industrial buildings efforts to break up the long façade shall be accomplished through a change in building material, color or vertical breaks of three feet or more every 250 feet.
- i. Screen Mechanicals: All mechanical devices shall be screened from all public views.
- j. Trash Enclosures: Trash enclosures must be screened on three sides by a masonry wall consistent with the architecture and building material of the building it serves. Gates must be kept closed at all times and constructed of a durable material such as wood or steel. They shall not be located in the front or corner side yard and shall be set behind the front building façade.

Site Design

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

MOTIONS TO CONSIDER

If the Plan Commission wishes to act on the Petitioner's requests, the appropriate wording of the motions 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. The Commission may choose to modify, add, or subtract to staff's recommended motions and recommended conditions as they choose prior to voting on the motion.

Motion 1 – Variations

"...make a motion to recommend that the Village Board grant the Petitioner, Paul Spass on behalf of Primal Cut, at 17344 Oak Park Avenue in the Legacy Downtown Core (DC) Zoning District, three (3) Variations from Section XII (Legacy Code) of the Village Zoning Ordinance for building materials, architectural design guidelines, and minimum building height as listed and according to the submitted plans, and adopt the Findings of Fact as listed in the April 21, 2022 Staff Report, with the following condition:

1. *There must be executed and active right-of-way encroachment agreement in place with the Village. If the right-of-way encroachment agreement expires and becomes defaulted, the variation becomes void.*
2. *All plans are subject to final staff review with the building permit for building code compliance and public safety review."*

Motion 2 - Site Plan/Architecture Approval

"...make a motion to grant the Petitioner Ascend Illinois, LLC, Site Plan and Architectural Approval for redevelopment of an outlot to have an Adult-Use Cannabis Dispensing Organization at 16200 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 in the April 21, 2022 Staff Report, subject to the following conditions:

1. *Site Plan/Architectural Approval is subject to approval of the requested Variations and right-of-way encroachment agreement by the Village Board.*
2. *All plans are subject to final staff review with the building permit for building code compliance and public safety review. The number of operable windows and extent of projection encroaching into the Village right-of-way are subject to review and approval by Village staff.*
3. *The bottom of the projecting edge of the window system to the finished grade of the paver pavement must be at least 7'-0" (84").*
4. *The final materials of the north and south side elevations are subject to review and approval by Village staff to match the proposed front/eats elevation.*
5. *Any awning or structure over the northern raised stairway landing be subject to review and approval by Village staff."*

LIST OF REVIEWED PLANS

Submitted Sheet Name		Prepared By	Date On Sheet
	Application Redacted & Response to Standards	Applicant	3/29/22
	Architectural Drawings	Ideal Designs	12/31/19
	Nanawall Brochure (SL60 Model)	Nanawall	n/a
	Tinley Park Historic Guide Andres Development	Tinley Park Historical Society	n/a

PLAN COMMISSION STAFF REPORT

April 21, 2022 – Public Hearing

Petitioner

Ameer Ihmud, on behalf
of Drip Drop Smokes
(tenant)

Property Location

17133 Harlem Avenue

PIN

28-30-300-024-0000

Zoning

B-3 (General Business &
Commercial)

Approvals Sought

Special Use Permit

Project Planner

Lori Kosmatka
Associate Planner

Drip Drop Smokes – Special Use Permit for a Tobacco Store

17133 Harlem Avenue



EXECUTIVE SUMMARY

The Petitioner, Ameer Ihmud, on behalf of Drip Drop Smokes is requesting a Special Use Permit for a *Tobacco Store* as a tenant occupying 17133 Harlem Avenue within the Tinley Park Commons, a multi-tenant commercial shopping plaza. The property is within the B-3 (General Business & Commercial) zoning district.

On January 4, 2022, the Village approved regulations (Ord. # 21-O-091) related to tobacco and nicotine related retail uses. The approved ordinance included specific definitions to the Zoning Ordinance and included restricted the use of a Tobacco Store to require a Special Use Permit in the B-2 and B-3 Zoning Districts, where it was previously permitted. The Staff Report from the text amendment (November 18, 2021) is attached to the packet for review of the considerations and concerns related to Tobacco uses.

The proposed location does not have any other immediately surrounding tobacco stores or uses previously mentioned as having concerns for public health such as schools, daycares, churches, or other businesses marketed towards children.

The Drip Drop Smokes business will operate as retail for tobacco products including vapes, hookahs, glass accessories, and tobacco. The Petitioner does not propose any changes to the site, building's architecture, landscaping, or lighting. The business will have employees verify identification of customers to ensure that all purchases are only made by those 21 years of age and older, as required under state law. Smoking or vaping is not permitted indoors nor within 15 feet from the tenant space as regulated by Village and state law. Parking is not expected to be a concern as the petitioner only anticipates to have two employees and an average of one to two customers at a time.

EXISTING SITE, ZONING, AND NEARBY LAND USES

The subject property at 17133 Harlem Avenue is an existing 1,166 sq. ft. tenant space in a multi-tenant commercial shopping plaza known as Tinley Park Commons, located on the southeast corner of 171st Street and Harlem Avenue.

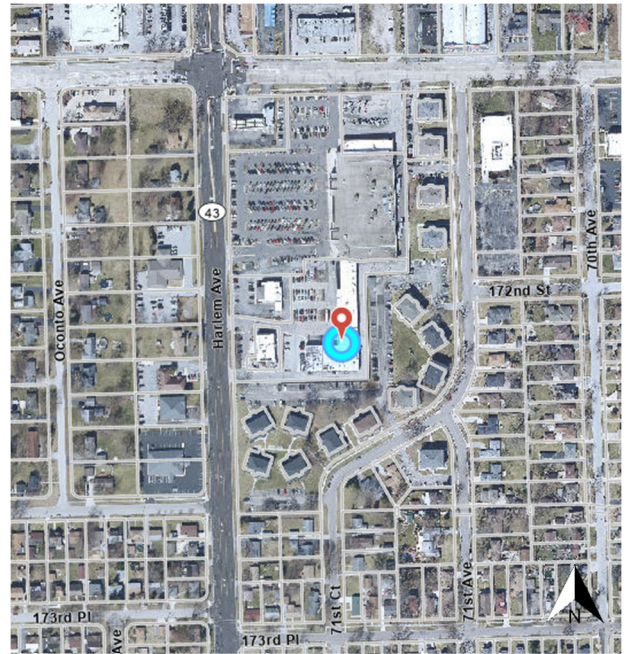
The tenant space was previously occupied by Brow & Lash Studio, and is located within a row of several tenants that make up a large strip mall. The adjacent tenant spaces are currently DuPage Medical Group and Rob's Aquatics. The strip mall's other tenants are currently Jewel-Osco, Goodyear Tire, Hair Cuttery, Stella's (gaming café), Top Nails, Cosmo Prof (cosmetics store), Quick Wash (cleaners), Pooches N' Purrs (pet grooming), and Family Pet (veterinary clinic). Additionally, there are three other outlots on the corner: Shell (service station), McDonald's, and Chase Bank. There are no existing Tobacco Stores in the shopping plaza but accessory sales do occur with at Jewel Osco and Shell gas station convenience store.

The shopping plaza is within the B-3 (General Business & Commercial) Zoning District. The northeast corner of the intersection is also in the B-3 Zoning District, while the west side of Harlem Avenue is a combination of B-1 (Neighborhood Shopping), B-4 (Office & Service Business), and R-1 (Single-Family Residential) Zoning Districts. The back of the shopping plaza is adjacent to residences in the R-6 (Medium-Density Residential) Zoning District. The Zoning Ordinance states that the B-3 Zoning District is *"designed to accommodate a wide range of specialized commercial uses, including highway-oriented services and commercial types of establishments to serve the needs of motorists. . . intended to include those uses which would not be compatible in a neighborhood or community-type shopping center"*.

No schools, child care facilities, or other buildings used for educational or recreational programs for persons under the age of 18 years are located within 100 feet of the tenant space. This complies with the Village's Municipal Code Section 120.10 "Proximity to Certain Institutions". A wider radius and different existing uses that might be incompatible with a Tobacco Store can be considered as part of the special use process review of the use as well.

Village Zoning Regulations

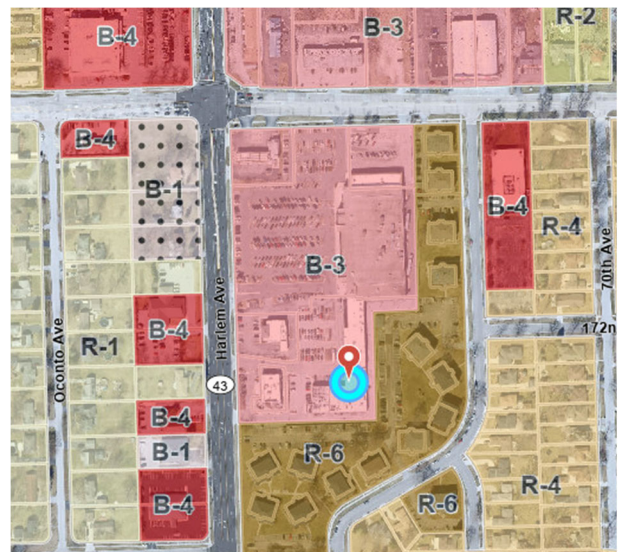
On January 4, 2022, the Village approved Ordinance #21-O-091 amending the Village's Zoning Ordinance for the purpose of regulating tobacco and nicotine related retail uses. Staff prepared a report for the Plan Commission's public hearing on November 18, 2021 and is attached to the Plan Commission packet for review. The approved ordinance included specific definitions to the Zoning Ordinance and included restricted the use of a Tobacco Store to require a Special Use Permit in the B-2 and B-3 Zoning Districts, where it was previously permitted. Tobacco stores are prohibited in the other zoning districts.



Location Map



Front (West) Elevation of Tenant Space



Zoning Map

SPECIAL USE PERMIT

A Special Use Permit is required for the operation of the proposed use as a *Tobacco Store* in the B-3 (General Business & Commercial) Zoning District. The Zoning Ordinance defines “*Tobacco Store*” as “*A retail establishment that derives 65% or more of its gross revenue from the sale of Tobacco Products and Alternative Nicotine Products, and in which the sale of other products is merely incidental.*”

Special Use Permits are required for uses that may or may not be acceptable in the specific zoning district based on the unique nature of the use. In this situation, the primary concern is public health. In the adoption of the stricter regulations two main concerns arose that were noted as a desire to review the use under the standards of a special use:

1. Relation to other Tobacco Stores to avoid one area having a high concentration of tobacco stores that are highly visible to the public and may limit other preferred or by-right uses from locating to the area.
2. Relation to “Certain Institutions” that are geared toward children and people under 18 years of age. For example, schools, daycares, churches, pediatric offices, etc.

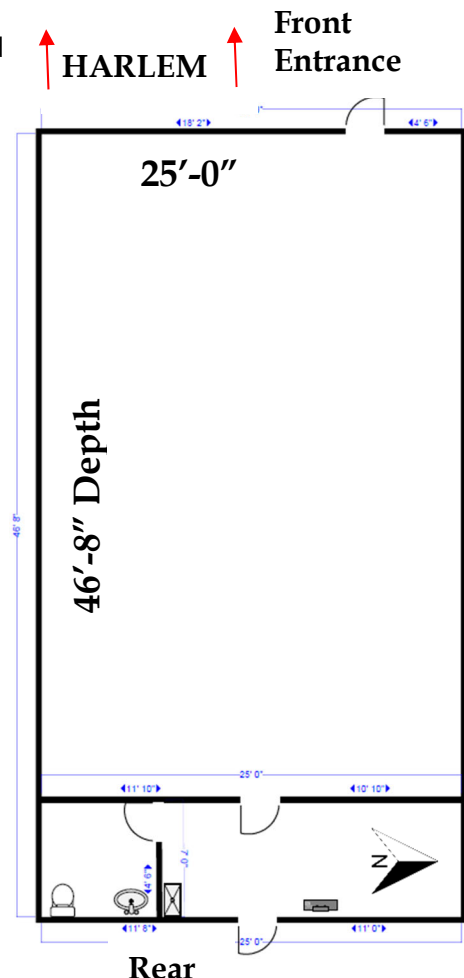
PROPOSED USE

The Petitioner proposes the business Drip Drop Smokes to operate as retail for tobacco products including vapes, hookahs, glass accessories, and tobacco. The specific location is desired because it is a heavily traveled commercial corridor and there are no immediate tobacco stores near the area.

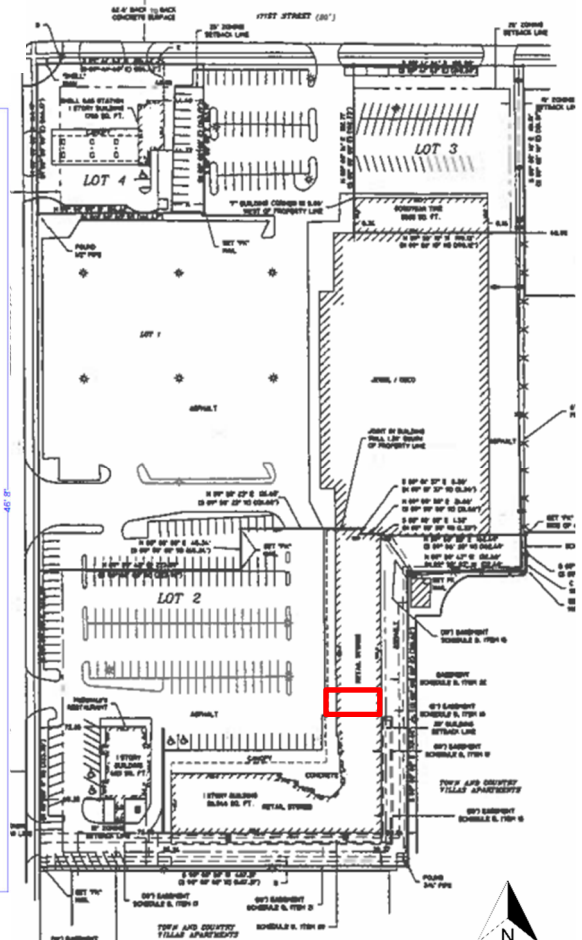
Employees will be required verify identification of customers to ensure that all purchases are only made by those 21 years of age and older, as required under state law. The Petitioner will not allow smoking indoors nor within 15 feet from the tenant space, as it is prohibited under the state and local smoking regulations.

The proposed hours of operation are daily from 9am to 10pm. The operation will have two employees staffed, a manager and a cashier. The Petitioner does not anticipate more than five people in the store at a given time. The Petitioner has also stated that loitering will not be permitted, and the store will be kept clean and aesthetically pleasing.

No changes are proposed to the site, building's



Tenant Space Floor Plan



Plat of Survey (Tenant Space Marked Up)

architecture, landscaping, lighting, or parking on the site. Parking in the multi-tenant parking lot is not expected to be a concern as the center was designed for a variety of retail and commercial uses. The Petitioner has not proposed any signage yet but will need to comply with Zoning Ordinance.

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. Findings of Fact have been drafted by staff and outlined below for Plan Commission 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;
 - ***Identification of customers will be verified to ensure all purchases are only made by those 21 years of age and older, as required by law. Smoking and vaping will not be permitted indoors nor within 15 feet of the establishment. No schools, child care facilities, churches, or other buildings used for educational or recreational programs for persons under the age of 18 years are adjacent to the proposed use. No tobacco stores exist on the subject property or adjacent sites currently.***
- 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 operation will be professional in nature, and occur within the tenant space. The operation will not permit loitering, and the store will be kept clean and aesthetically pleasing. Smoking or vaping will not occur within the space and odors will not present to neighboring tenants. The hours of operation will occur from 9:00am to 10:00pm.***
- 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 building is existing and no changes are proposed to the exterior of the site.***
- d. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided;
 - ***The building and utilities are existing and no changes are proposed to the exterior of the site.***
- 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 operation will have a single frontage for customer access, and is anticipated to only generate traffic that is similar to other commercial and retail uses.***
- 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 Petitioner has indicated they will meet all other Village regulations.***

- g. The extent to which the Special Use contributes directly or indirectly to the economic development of the community as a whole.
 - ***The operation as a retail business is expected to contribute revenue to the surrounding area and fill an existing commercial vacancy.***

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

MOTION TO CONSIDER

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. The Commission may choose to modify, add, or subtract to staff's recommended motions and recommended conditions as they choose prior to voting on the motion.

"... make a motion to recommend that the Village Board grant the Petitioner, Ameer Ihmud on behalf of Drip Drop Smokes, a Special Use Permit to operate a Tobacco Store at 17133 Harlem Avenue in the B-3 (General Business & Commercial) Zoning District, according to the submitted plans and adopt the Findings of Fact as listed in the April 21, 2022 Staff Report."



PLAN COMMISSION STAFF REPORT

April 21, 2022 – Workshop

Petitioner

Village of Tinley Park

Code Section

Section III (General Provisions) and VIII (Off-Street Parking and Loading) of the Zoning Ordinance

Approvals Sought

Text Amendment

Project Planner

Daniel Ritter, AICP
Planning Manager

Zoning Code Text Amendment – Building Code to Zoning Code Transfer (Driveway, Accessory Structure, and Misc. Regulations)

EXECUTIVE SUMMARY

The Building Division has worked to update and amend the Village's Building Code and adopt updated International Code Council (ICC) codes (building, residential, energy, fire, etc.) The proposed Building Code changes will not only update the codes to the newest 2022 versions but also make the regulations more user-friendly. The adoption of the new codes and amendments will go to the Village Board on April 19, 2022, and implemented on new permits going forward.

As part of the Building Code update review, certain sections have been identified that are not typically addressed in a Building Code and are more traditionally regulated by a Zoning Code. These items typically do not directly relate to life safety or construction quality and are more aesthetic or location-based in nature. They may also have situations that could result in the need for a Variation request if there is a unique situation or hardship where a code requirement cannot be met. One such section of the Building Code was the exterior masonry and building material regulations. These exterior material regulations had some more in-depth discussions associated with the changes and were previously reviewed by the Plan Commission and moved into the Zoning Ordinance in 2019 (Ord. # 2019-O-074).

The goal of this proposed Zoning Code text amendment is to bring the current regulations in the Building Code into an appropriate section of the Zoning Ordinance. However, with a few regulations staff has noted some issues and are making small changes or additions that would help clarify the regulation's intent and avoid miscommunication in the future. Any proposed changes are meant to be rather simple as to not require too much analysis of the potential effects. The most significant changes and clarifications from the current regulations are with regards to driveways. Currently, driveways have few controls on size or front yard coverage on residential lots. The changes proposed are typical in suburban zoning ordinances to maintain attractive streetscapes, keep consistent driveway patterns, and avoid stormwater drainage issues in the future from overly large driveways.

Staff has researched and drafted amendments for the Commission's discussion. Attached is an Excel spreadsheet summary of regulations from the Building Code that need to be transferred, where they are proposed to be located, and the proposed text. Additionally, attached is the existing and proposed (red-lined) versions of Section III (General Provisions) and Section VIII (Off-Street Parking and Loading) for the Commission's review.

RECOMMENDATION

Upon completion of a successful Plan Commission Workshop staff will draft an ordinance reflecting the amendments as discussed. A Public Hearing has been scheduled for May 5, 2022 at the regular Plan Commission meeting.