



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

**May 5, 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 May 5, 2022.

**CALL TO ORDER** – CHAIRMAN GRAY called to order the Regular Meeting of the Plan Commission for May 5, 2022 at 7:00 p.m.

Lori Kosmatka called the roll.

Present and responding to roll call were the following:

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

Absent Plan Commissioners: None

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

Petitioners: Eric Schmidt, 7501 Hanover Drive  
Jim Stulga, 7240 174<sup>th</sup> Place  
Steven Novak, Anytime Fitness  
James Truesdell, DR Horton  
Steve Vernon, Atlas Putty  
Dave Payton, Atlas Putty

Members of the Public: None

**COMMUNICATIONS**- Daniel Ritter, Planning Manager, noted that CHAIRMAN GRAY will be recusing himself from the fifth item due to him having done work for Steve Vernon and Atlas Putty in the past. CHAIRMAN SHAW will be stepping in as ACTING CHAIR for the fifth item.

**APPROVAL OF MINUTES** - Minutes of the April 21, 2022 Regular Meeting of the Plan Commission were presented for approval. A motion was made by COMMISSIONER GASKILL. The motion was seconded by COMMISSIONER TRUXAL to approve the April 21, 2022 minutes. COMMISSIONER SHAW noted a correction needed on Page 3 which erroneously stated CHAIRMAN GRAY had declared the motion carried, when it should in fact read ACTING CHAIRMAN SHAW. CHAIRMAN GRAY acknowledged the correction was needed. He asked for a voice vote to approve the minutes with the correction needed; 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 MAY 5, 2022 REGULAR MEETING**  
**ITEM #1: PUBLIC HEARING – 7501 HANOVER DRIVE, SCHMIDT – CORNER FENCE VARIATION**

Consider recommending that the Village Board grant Eric Schmidt (property owner) a Variation from Section III.J. of the Zoning Code (Fence Regulations) at the property located at 7501 Hanover Drive in the R-3 Single Family Residential zoning district. This Variation would permit the Petitioner to install a six-foot (6') high closed privacy style fence to encroach ten feet (10') into the required secondary front yard where a privacy fence is not permitted.

Present Plan Commissioners:

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

Absent Plan Commissioners: None

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

Petitioners: Eric Schmidt, 7501 Hanover Drive

Members of the Public: None

CHAIRMAN GRAY introduced Item #1 and asked for a motion to open the public hearing. Motion made by COMMISSIONER GASKILL seconded by COMMISSIONER GATTO. CHAIRMAN GRAY requested a voice vote asking if any were opposed to the motion; hearing none, he declared the motion carried.

CHAIRMAN 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 and existing conditions of the site, provided the zoning regulations, the proposed fence variation, background considerations for corner fence variations, and code compliant options. She noted that the Petitioner is present.

CHAIRMAN GRAY asked the Petitioner to approach the lectern.

Eric Schmidt, Petitioner, was sworn in. He explained that his neighbor's fence is a white 6-foot vinyl privacy fence that is only 14 years old, and that the useful life of a vinyl privacy fence is approximately 30 years. By removing his fence and moving it in on the setback, he felt it will create a massive hardship and a tense situation with my neighbor as the fence along the back is ours, and that would be replaced too. Thus, it would create a ten-foot gap in their fence that under the current zoning regulations, they would not be able to repair a fix. It would force them to have to replace their entire fence to close off their yard. That neighbor just recently put a hot tub in their yard. He said because that gap is bigger than eight feet, they will not be able to repair it. He said, however, being allowed to put the fence where

the fence exists now creates no gap, it's congruent and it's in keeping with the neighborhood in general. Along Olcott, there are ten corner lots, currently six have six-foot vinyl privacy fences, and of that six, one has one that's at the required setback per the zoning, but there's no fence that abuts that. The people behind left their back yard open. As far as closing it off, we have three children at home, which is the reason for privacy. Sometimes it's easier to have them in the back yard do their thing. Olcott does get a lot of traffic. It's the only major artery between Harlem and 80<sup>th</sup> Avenue that runs from 171<sup>st</sup> to 167<sup>th</sup>. The Tinley Park Police Department has conducted at least two traffic studies over the last six years on the street. It's a main artery for the kids walking to the elementary school, and we are right next to the retention pond where there's flag football and lacrosse practice, general playing, and golfing. The biggest concern for him was the neighbors to the rear because that creates a massive hardship for them. That fence is nowhere near needing to be replaced. It was installed in 2008.

CHAIRMAN GRAY thanked the Petitioner and asked the Commissioners for some of their comments.

COMMISSIONER GASKILL had no questions.

COMMISSIONER TRUXAL asked if the rear neighbors have an existing six-foot-high fence.

The Petitioner responded yes.

COMMISSIONER TRUXAL noted the fence between the Petitioner and his rear neighbor is the Petitioner's fence, so when he will replace fence if we change the setback, then there would be a ten-foot gap.

The Petitioner responded yes, at the back on the north.

COMMISSIONER TRUXAL asked if the Petitioner's fence would be the same material and color as the neighbor's existing fence.

The Petitioner responded it would be the same material, different colors. Theirs is white, ours is a stone slate color just in keeping with the color of our home. It's a little bit darker than khaki by about one shade.

Dan Ritter, Planning Manager, noted that in talking with our Director, they can replace the ten-foot gap with the six-foot solid fence. We've offered that solution as a kind of a temporary solution until the neighbor would move their fence when they go to replace it. We would essentially allow them to move that portion of the fence to their neighbor's yard.

COMMISSIONER TRUXAL noted that the rear section of the fence would match up with the neighbor's existing side fence.

Dan Ritter, Planning Manager, noted the Village allows eight-foot sections to get replaced. This is a ten-foot one so our Director and Village Manager would approve of it as a temporary solution so that way it still matches the neighbor's fence so that can be replaced with the permit.

CHAIRMAN GRAY asked who would pay for the ten-foot gap fence.

Dan Ritter, Planning Manager, responded that it would be up to them, whoever wanted to pay for it and whatever side they wanted to put it on. There's an existing fence out there now which they can keep, or if they were going to put a new one in there, to match what they were doing.

CHAIRMAN GRAY noted they could leave what's existing there and when they take down the fence, they would leave the ten-foot section of existing and then replace with the slate fence.

Dan Ritter, Planning Manager, noted they could alternatively do a new one that matches either theirs or their neighbors. Whatever they want to do for that ten-foot, we could approve that temporarily, because when the neighbor goes to replace theirs then that will go away.

COMMISSIONER TRUXAL asked if the rear neighbor replaces their fence, would they have to conform with the setbacks and pull theirs back, too.

Dan Ritter, Planning Manager, responded yes. When you move codes to become stricter, you can get some of these awkward situations. It could be fences, home setbacks. If you make it stricter at any point, you have things that are nonconforming out there and next to each other that can be different with ones meeting it and ones not. The goal is eventually over time you would be conforming over the years. It is tough with home setbacks because homes generally don't get demolished and replaced every ten or fifteen years. Those can go hundreds of years where fences would be a quicker turnaround.

CHAIRMAN GRAY asked the Petitioner if he's just requesting the variation so he can meet the fence line with his existing rear neighbor.

The Petitioner responded that is a main part of it. He asked to address what Mr. Ritter said. Arbitrarily granting a ten-foot extension is in direct violation of the zoning code. Where you can replace eight-foot sections, you just said we could grant a ten-foot permit, but that would require a variance under the same guidelines as this. He asked if this was correct.

Dan Ritter, Planning Manager, responded it would allow you to move the fence from your side.

The Petitioner asked if it would still require a variance for that neighbor.

Dan Ritter, Planning Manager, responded no. They are basically allowing it to shift if it would be one foot over, but the fence is there.

The Petitioner commented that seemed arbitrary. The code says 8-foot sections can be repaired, but Mr. Ritter just stated they'll allow a 10 foot one.

Dan Ritter, Planning Manager, noted that it would be temporary.

The Petitioner commented that would be another 14 years.

Dan Ritter, Planning Manager, clarified at that point it would go away. It's not a variance that would run with the land.

The Petitioner commented that he looked up a couple of the past ones. Last summer, there were variances granted on Carlsbad and Arcadia, near Ridgeland Avenue south of 167<sup>th</sup>. In one of those cases, the staff recommended a twelve-foot variance instead of a ten-foot variance because one of the houses already had a 12 foot variance. The spirit of the regulation and the code requirement was aesthetics. If the houses are setback far enough there's not a visibility issue, there's no abutting driveways. Being a corner lot, we're set back far enough that you can make a turn. We're not coming to the front of the house. In keeping with the spirit of the code change, which at that point becomes aesthetics, the Commission has previously granted twelve-foot variations to match a neighbor's nonconforming fence when they only requested 10 so it abuts and remains congruent with the existing neighbor's fence. That occurred at 6342 Carlsbad.

Dan Ritter, Planning Manager, clarified that we did not recommend that.

The Petitioner commented that he has placed thousands of dollars into this property he just purchased in September to keep it looking nice. Corner houses set the tone for the neighborhood. He does not want to put a hardship on his neighbor. The lines remain congruent. It's not out of place in the neighborhood. There are multiple homes in the area that fences went in in 2014-2017 on the corner of Olcott and 171<sup>st</sup> and 174<sup>th</sup> that are at the ten-foot line.

COMMISSIONER GASKILL noted that now the ten-foot section can be repaired, and we're talking about a variance that you want to move the fence.

The Petitioner commented it is about aesthetics at that point which is the spirit of the code change. Now you're going to have a fence that comes back at 25 feet, jogs over 10 feet and then goes back to the front of the neighbor's property. This team has previously granted variances that are beyond the ten foot to keep congruency between the fences. The spirit of the code change was aesthetics. It looks bad if everybody has mismatched fences and things are out of whack

and out of line. Generally, aesthetics are subjective but we can agree what looks appropriate and what doesn't. A ten-foot lag looks out of place.

COMMISSIONER GASKILL asked why he didn't just come in for that actual reason.

The Petitioner noted that was the primary reason and was in his written response.

COMMISSIONER TRUXAL asked to see page 2 on the slides to see the images of the existing fences. He noted it's to replace the existing white five-foot high fence. You can see down the fence line to the rear where it goes up to six feet. He asked if this is for a ten-foot variance. There are two panels coming out. Taking those away would bring you to basically the window well to the corner of the home.

The Petitioner noted there's about six inches as it is setback 25.42 feet from the side of the house to the approximate 1 foot from the sidewalk.

Dan Ritter, Planning Manager, clarified the 12-foot request was the other way. They had requested 12 feet variance, and what was recommended from the Plan Commission and approved was 10 feet. They requested 12 feet and got approval for 10.

COMMISSIONER MARAK asked if we go with the current code, would the hookup be an angle. He has a hard time visualizing what the hookup to the neighbor's fence would be. He asked if it would end up connecting the two by dissecting it at an angle.

Dan Ritter, Planning Manager, clarified it would only be a couple inches. They could drop it down and bring it over. It wouldn't be a hard angle, but they could it a little on an angle or they could flatten it and do a little connection piece between. It would look like their fences bumped out ten feet or at least until they replace it.

COMMISSIONER GATTO had no questions.

COMMISSIONER MANI noted he understood the concerns regarding aesthetics and expanding the playground area for the children. He likes it and is good for him.

COMMISSIONER SHAW had no questions.

CHAIRMAN GRAY appreciated the Petitioner's testimony. He noted Staff had a concern about setting a precedent. In 14 years or whenever the neighbor has to replace their fence, they may point to your fence and say it doesn't match up and you get this domino effect of neighbors getting variations down the line. The code did change after 2017. He understood the Petitioner's concerns and feels there is a good argument for this. He asked if the Petitioner has talked to his neighbor possibly about it. He asked who would pay for it.

The Petitioner said they have spoken and haven't decided who would pay. The neighbor was very displeased on it being a gap and affecting the general look. A lot of this is aesthetics for the community. Fairfield Village is kind of tight. We moved in September but just from the other side of 171<sup>st</sup> on Ottawa. A lot of our friends are there. The aesthetics are important to everybody. When the legal notices came out, people came up and asked what they were supposed to do. A couple people called and wanted everything to look clean.

CHAIRMAN GRAY noted he understood. In terms of unique physical properties, there's not a uniqueness, but he can't imagine a neighbor would put up money to erect a ten-foot section when it's not his project to begin with. There has to be another conversation or something. This puts a twist into it. He had no other comments. He asked if there were any other comments from the Commissioners. Hearing none, he offered the Petitioner to take a seat.

The Petitioner thanked everyone for their time.

CHAIRMAN GRAY entertained a motion to close the public hearing.

Dan Ritter, Planning Manager, noted that if the Commissioners want to discuss at all to see where you're at because for the most part when Staff drafted the standards, we didn't have anything that would meet those standards. It's fairly

negative because we don't have something that is unique related to the property. If you're thinking that you're going to recommend approval, then we need direction from a response from the Commission on each of those standards. That's ultimately what you guys are voting and then sending to the Village Board. We want that go to along with what you recommend. If someone feels it does meet the standards, then vocalize that a little bit.

CHAIRMAN GRAY asked that if there were any Commissioners that would vote yes for the variation.

COMMISSIONER GATTO responded she would, that it would conform with the neighbors, and is a vinyl fence which will last years. Most people are going to come back in 15 years and ask for a variance to meet up to the one that he puts in if he does have to redo it. She agrees with it. There are variations for everything. You want it to conform and not put a neighbor out and cause any tiff between neighbors. It just causes problems. She didn't see there being an issue with this at all.

COMMISSIONER MANI concurred with COMMISSIONER GATTO. It goes with the whole neighborhood. If it was a new development that everyone was doing fences at the setback and nobody was any different, and all were the same cookie cutter, then it may look out of place. But since this neighborhood has a mixture of fences up to the zero setback to ten or twelve, to him it falls in and makes it a neighborhood. Having the Petitioner meet the fence aesthetically and not having to jog, is great, plus he wants a larger area for his children. He would vote yes.

CHAIRMAN GRAY reminded that the ordinance that went in 2018. The fence is six-foot high so it would match it, as privacy style for his three little children. It would encroach on the ten feet, but it would be matching the existing. He wanted to make sure that is clear from what the new code requires.

COMMISSIONER SHAW appreciated the Petitioner's concerns and interests, as well as the Commissioner's comments. He agrees with Staff in that he doesn't see a compelling argument here in line with the code. When the new code was adopted, there was quite a bit of discussion, public hearing. Many of these types of situations were considered. While he sympathizes, he doesn't find it compelling under the code and would not support it.

COMMISSIONER GASKILL agrees and has no support for this.

COMMISSIONER TRUXAL feels it would be an improvement to the existing fence and it would match the neighbor's fence line. It would not look as good if you had that ten-foot section stick out. He would be in approval for the request.

COMMISSIONER MARAK is with COMMISSIONER SHAW. If one could run an angle fence from the one to the other one, he doesn't think that would be aesthetically unpleasing. Nobody mentioned about it having a larger yard. He finds that compelling as a property owner having a bigger back yard that you could use in that space. He does not support it.

CHAIRMAN GRAY noted he agrees with COMMISSIONERS SHAW, GASKILL, & MARAK. The code isn't always forgiven for what was done in the past, but is trying to set new rules for a precedent. He agrees with the staff report. It will cause a domino effect even 14 years from now if your neighbor wants to swap out their fence. If you got a variance, then he's going to get a variance. When we came together for these fence regulations and looking at whether there's a unique physical property. Just because it's a corner lot doesn't fulfill that. The Petitioner makes a compelling case on having a hardship with the neighbor on if something changes with that gap, but there's not a concrete solution on how that'd be resolved in his opinion. He would say no to it as well. This is informal as we haven't voted on it.

COMMISSIONER SHAW noted each situation has to be considered on its own merits. While it's important to be neighborly and be considerate of the impact on the neighbor, any property owner would be within the rights to remove their fence on their own. In that case, that would leave the neighbor's entire rear yard unfenced. While it might be considered unneighborly, it is an owner's prerogative to make that decision for their own property. It's positive and good to be considerate of the impact on your neighbor. In the end it's the neighbor's responsibility for their own yard.

COMMISSIONER MANI asked staff for clarification. If people want to replace a fence that is nonconforming, can you only do an eight-foot section?

Dan Ritter, Planning Manager, responded yes, you can do maintenance and replace up to eight feet. In this one we're saying this is a unique situation.

COMMISSIONER MANI felt that if people want to update their fences, it will start to look patchy, if one section is repaired one year, and another replaced another year.

Dan Ritter, Planning Manager, responded the goal would be they have to replace it if it needs complete replacement and has deteriorated. The maximum amount allowed is there just to allow some small maintenance to the posts. A fence is required to be a consistent design and look.

COMMISSIONER MANI noted when we updated the code in 2018, he was one of the persons against it. Having property, I want to enjoy my property, I want to add a fence to contain my back yard. If I have dogs or cats, I'll know they are within the confines. It's your property. The Petitioner is keeping with the theme of the neighborhood and within the characteristics. If everyone wanted to replace it with the current code, then there would be a lot of homes that will have no fences because they have to comply, and it doesn't work anymore. In his opinion, this code section is detrimental, personally and as an aesthetic of neighborhoods and such.

Dan Ritter, Planning Manager, responded that if a commissioner believed a request didn't meet the standards but thought it was an acceptable proposal, the best thing would be to vocalize what they would like to see changed in the code for everyone in the village. A Commissioner could say the code is not what they like either and maybe here's a recommendation of how you could tweak it that would apply everywhere. If most of the commission liked the idea, then staff could complete some research on making that potential text amendment. We still allow the fence to go where they have a fence now, it's just not privacy. That's where it was decided, if you're going to bump out it's got to be open because with all the situations of corner lots, you could get situations where that fence could be out in someone's front yard. It's difficult because you're balancing a lot of situations. If it's only two homes back-to-back, we may feel those situations are different, then that's the type of feedback we'd like to hear to maybe discuss separate from an actual case, you could give us some guidance if you guys had a recommendation to change fence requirements. We're getting these variations so we see a situation that makes sense why we would want a fence there but it's not meeting the standards. Maybe we do a discussion when we have time about changing the code as it exists today.

COMMISSIONER SHAW stated we do have a code for a reason. There's no code that can be perfect. It's not going to be right sized in each situation. When we revised the code, one of the pieces of research done was the number of variances that had come through and approved for rather common-sense reason. We have a variance process because the code is not perfect. If the code was perfect, then there would be no such thing as a variance. If we have an application that meets hardship standards, then a variance can be granted. When we went through the process, one of the things that was added to it was giving greater administrative approval so that things that fell within what would be deemed reasonable by staff did not have to go for an official variance as it could be an administrative variance. From reading the report, staff has determined that there are a few different avenues to meet the administrative approach if not the code itself. The existing fence could be replaced as is with a spaced five-foot fence. A newer version of what's there could be an administrative approval. It could be pulled back to the line for a six-foot privacy. There's a number of options to meet code. He doesn't see a hardship. He sympathizes the desire to be consistent and aesthetically pleasing, but he can't see it within the confines of the code.

Dan Ritter, Planning Manager, noted that fence codes are difficult. One would think there is a universal code that keeps everyone happy for every town, but if you give more flexibility to have people do fences that can go all the way out to sidewalks, then you start getting visibility concerns. You start having fences that are really prominent in subdivisions that can take away from the overall look. Some towns don't allow any encroachment into those front yards, such as Frankfort. New Lenox allows 20 feet, but it has to be open design, and if not it has to be setback. Joliet lets you do a privacy fence all around the property wherever you want, but then you have someone looking out their picture window and there's a fence out there if you're the second one in. You take all those options and ask where our community is going to fit in. In 2018 it sounds like there was a lot of discussion and different possibilities of what each looked like. He thinks we picked a middle-ground. It is unique to each town. He asked if we should allow privacy fences wherever we want or dial it back and see homes we don't want fences to stand out and be the most prominent visible part. It's difficult to look at all the situations.

COMMISSIONER MANI agreed there can't be one code to make everyone happy. The Petitioner did his research on fences granted and just asked for something similar. Based on the poll it seems this won't pass. He feels the fence code should be relooked at because it's flawed.

CHAIRMAN GRAY asked if the Petitioner had anything to add.

The Petitioner noted the points made were abundantly clear that the code was in place for aesthetic reasons. Routinely variations are granted for open style fences. Radcliffe Place on the other side of 175<sup>th</sup>, open style fences are allowed to come to the sidewalk. 17501 Humber was approved in the summer. It becomes arbitrary at that point. I asked about an administrative approval without going through this process. I read the code and saw there is a path for an administrative variance. I was told that "we never use that, we talked to our lawyers and that shouldn't even be in there because everything needs to come to the commission"

Dan Ritter, Planning Manager, clarified that it was not an administrative one. That would be them approving that and it ending here. It's for the ZBA cases. What you were quoting was a side yard setback which is related to a principal structure. It doesn't meet state law.

The Petitioner rebutted that it's still in there.

Dan Ritter, Planning Manager, noted it also says if something's not compliant with state law. That would have just said if they said this is approved, it would have been approved tonight, but you still would have had to go through a public hearing.

The Petitioner noted it would have seemed more genuine for the Commission if you don't like privacy fences, then say that because variations are routinely granted. 6342 Arcadia and 6342 Carlsbad was approved, and the underlying reason was the aesthetics and keeping in the form with what was already there. What didn't come up in the staff report is the three houses in a row, so my neighbor to the rear and the neighbor across the street from them. Across the street from the neighbor, it abuts to 171<sup>st</sup> and down Olcott, their privacy fence is brick. It's more than 10 feet off the property and it has ten feet sections in between each brick column. That fence isn't going anywhere. As far as a hardship, having an issue with your neighbor is a hardship. Telling your neighbor, they need to replace a section to close an area off is a very uncomfortable situation. It is a massive financial hardship for them. Denying the request, you're going against the spirit of the code, it's to keep things looking nice because the Commission routinely approves fence variations.

CHAIRMAN GRAY noted to the Petitioner the report had options to comply by code or meet administrative approval. One of the options would be to bring the fence back in, so you would effectively lessen your backyard. There are other options. He understands the aesthetics. He asked if the Petitioner considered the options.

The Petitioner responded yes. Olcott Avenue is an artery as it is the only way in and out to the elementary school. The buses go down, there's walkers, golfers, and the lacrosse team practices, the flag football practices. He likes to eat dinner with his family in the summer outside. That's why he wants a privacy fence. As far as other options, arborvitaes go up all the time. He has about 12 holes alongside the fence along the house where arborvitaes had been planted multiple times in talking to the neighbors. Part of the utility and drainage easement is that secondary front yard is incredibly wet. When Lori came to take pictures, it was wet. Arborvitaes will not grow there. Building a berm would actually change the flow of water in the area, bring water back onto the property and put more water back toward the street. That's not an option. Regarding him not mentioning the size of the yard, it is in the staff report. His lot is 1,100 square feet smaller than what are typically required for corner lots on houses being built. The required lot size for a corner house were part of the discussions when the new fence requirements were put in place. He thinks his is 11,343 square feet, and the required corner lot size for homes going up now in R-3 and R-4 is 12,500. There's still 15 feet to the street. He's not coming forward on the house and is not closing anything off. He's changing landscaping a little bit on the side of the house to put a swing there, so when the boys are playing football, we can sit out there and watch them. He's not looking to close himself off from the neighborhood. He's just looking to close off his backyard and keep things looking nice. It's the most important thing to the zoning board. It was based on aesthetics. To say it's not is disingenuous. Routinely, variations are approved and documented to keep congruency between the fences.



Dan Ritter, Planning Manager, noted aesthetics is part of it. The concern is that the hardship still needs to be something related to the property. Otherwise, if it's whether you have dogs or kids, it starts to become a personal hardship, which everyone understands. That's where making decisions on personal hardships can start to erode the code because it depends on the person's situation. It is a hardship, but it's a personal one.

The Petitioner responded having to force his neighbor's hand is a hardship and that could spill over. It's a personal one for now, but if the neighbor becomes very angry and then the police are involved, then it's a community hardship.

Dan Ritter, Planning Manager, responded personal hardships are people-oriented rather than related to the property. It depends on who is standing up here and what's their personal situation which could change. The zoning code has to by state law not make it personal. It can't be whether a person has kids.

The Petitioner responded noting the addresses 6342 Arcadia, 6342 Carlsbad, 6350 181<sup>st</sup> Street, 17501 Humber Lane. Those were done in 2020. He appreciated the time and thanked everyone.

CHAIRMAN GRAY noted each case is different. He is unsure what the uniqueness is or not. He noted Lori had shaken her head and asked her if the trees were very wet along the interior of that fence and trees that would be able to shroud or screen aren't able to successfully find root.

Lori Kosmatka, Associate Planner, responded that it was wet recently, and she saw the holes. The ground was soft.

CHAIRMAN GRAY asked the Petitioner when he had tried planting the trees.

The Petitioner responded he never did. The people he purchased the house from did. You can see them on Google Earth as that wasn't updated yet. They were golden. When he spoke to his neighbors before he knew about the arborvitaes, he asked what the holes were. The neighbor said the previous owner put up arborvitaes and then again four years later. They turned golden because it's consistently wet. There's a drainage easement on the back side that kind of runs off onto the secondary yard there too. It's consistently wet.

CHAIRMAN GRAY noted he was curious because that is part of the property. He asked staff how they view it if there's an issue where they can't do a work around with the existing.

Dan Ritter, Planning Manager, responded he doesn't know if there's a solution such as different plantings that would survive there. If you could say nothing could live there, then that is something more related to the property and not a personal circumstance, but you could still have a solid fence on the property that meets the code.

CHAIRMAN GRAY asked the Petitioner if moving the fence line in along the brick line of the house along the yard is not an option.

The Petitioner responded no, that it would look terrible. We're talking almost 90 feet by 10 feet it cuts off almost 1,000 square feet from the backyard now. He's not looking to build there or put a patio in that ten feet or extend the house or building line, but it is usable space. He apologized that he didn't reiterate that. We are 1,110 square feet smaller than what current requirements are in place for corner lots of 12,500 square feet. We're 11,343 square feet. That was definitely a factor when the new fencing requirements went into place.

CHAIRMAN GRAY asked if anyone on the Commission had a change in their informal vote. There was no response.

The Petitioner thanked everyone.

CHAIRMAN GRAY asked if there's no further discussion, then he would like to entertain a motion to close the public hearing. Motion made by COMMISSIONER SHAW, seconded by COMMISSIONER GASKILL. CHAIRMAN GRAY requested a voice vote; hearing no opposition, the motion carried. He asked Staff to present the Standards.

Lori Kosmatka, Associate Planner, presented the Standards. She noted the drafted findings are not in support of the variation.

Dan Ritter, Planning Manager, clarified that the first three are state law required standards, and the others are just considerations which the Village has adopted.

CHAIRMAN GRAY requested a motion for the variations.

Motion 1 – Variation for Fence

COMMISSIONER MANI made a motion to recommend that the Village Board grant a 10-foot Variation to the Petitioner, Eric Schmidt, from Section III.J. (Fence Regulations) of the Zoning Ordinance, to permit a six-foot high privacy fence encroaching 10-feet into the required secondary front yard, where a fence encroachment is not permitted at 7501 Hanover Drive in the R-3 (Single-Family Residential) Zoning District, consistent with the Submitted Plans and adopt Findings of Fact as proposed by Village Staff in the May 5, 2022 Staff Report.”

Motion seconded by COMMISSIONER GATTO. Vote taken by roll call; the vote was 3-4. Ayes were by COMMISSIONERS GATTO, MANI, & TRUXAL. Nays were by COMMISSIONERS GASKILL, MARAK, SHAW, and CHAIRMAN GRAY. CHAIRMAN GRAY declared the motion as not carried. He noted that this item ends here, and asked Staff for further instructions.

Dan Ritter, Planning Manager, noted this will still go to Village Board Tuesday May 17<sup>th</sup> for First Reading. Since it’s not unanimous it would have to go to two meetings at the Board. He noted the Petitioner is welcome to attend. We can be in contact with you. He noted that with a 3-4 vote that may catch their attention and they may ask if you have anything to add.

CHAIRMAN GRAY wished him luck and thanked him for his time.

**TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES**  
**FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION**  
**SUBJECT: MINUTES OF THE MAY 5, 2022 REGULAR MEETING**  
**ITEM #2: PUBLIC HEARING – 7240 174<sup>th</sup> PLACE, STULGA – CORNER FENCE VARIATION**

Consider recommending that the Village Board grant Jim Stulga (property owner) a Variation from Section III.J. of the Zoning Code (Fence Regulations) and Section III.H. (Permitted Encroachments) at the property located at 7240 174th Place in the R-4 Single Family Residential zoning district. This Variance would permit the Petitioner to install a five-foot (5') high open-style fence to encroach up to twenty-five (25') feet into the required secondary front yard (located on the property line around the existing patio). A Variation is also requested for the existing patio to be located in the secondary front yard and closer than 5 feet to a property line where a patio is not permitted.

Present Plan Commissioners:

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

Absent Plan Commissioners: None

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

Petitioners: Jim Stulga, 7240 174<sup>th</sup> Place

Members of the Public: None

CHAIRMAN GRAY introduced Item #2, and asked for a motion to open the public hearing. Motion made by COMMISSIONER GASKILL seconded by COMMISSIONER TRUXAL. 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 and existing conditions of the site, provided the zoning regulations, the proposed fence variation, background considerations for corner fence variations, and code compliant options. She noted that the Petitioner is present.

CHAIRMAN GRAY asked the Petitioner to approach the lectern.

Jim Stulga, Petitioner, was sworn in. He noted Staff clarified what he wanted to do. He has an existing patio. He wants to replace his existing fence, and if he does it by code, he would have to slice his patio with 15' of the patio outside the fence line.

CHAIRMAN GRAY asked the Commissioners for some of their comments.

COMMISSIONER MARAK asked if it was possible to approve the variance for the fence but not for the patio. Are they two separate things?

Dan Ritter, Planning Manager, responded that it is entirely possible. We drafted the motions together because they are obviously connected.

COMMISSIONER MARAK noted that by leaving a patio in, and not having to remove it, you would not run a fence through a patio.

Dan Ritter, Planning Manager, responded that you could have two separate findings for each of the two variation requests.

COMMISSIONER TRUXAL stated that he saw in the notes the Petitioner would have to relocate AC units and some ventilation. He asked the Petitioner to provide more detail.

The Petitioner responded it was at the rear of the house. Financially, it is not possible for him to move the patio. If he did have the funds, he would have to move the air conditioner, a tankless water heater exhaust, and a dryer vent. There are a lot of obstructions that would have to be moved to the west side of the house.

COMMISSIONER TRUXAL acknowledged that he sees that in the picture.

Dan Ritter, Planning Manager, noted that if the Commission denies the patio variation, he does not have to remove the patio. It gets to remain until he wants to replace it.

COMMISSIONER GASKILL reviewed the marked-up plat of survey as presented showing proposal and option by code.

Dan Ritter, Planning Manager, clarified the green line is the proposed portion that would meet the code.

COMMISSIONER GASKILL asked what the dotted line was.

Dan Ritter, Planning Manager, answered that's where he could continue the fence by-right.

COMMISSIONER GASKILL asked if the red line was where he wants to put the fence up by the sidewalk.

Lori Kosmatka, Associate Planner, clarified that the red line is what triggers the variation. The open design fence runs along the property line at zero feet

Dan Ritter, Planning Manager, noted the replacement is where the variation is triggered.

COMMISSIONER GASKILL noted that the Petitioner would pick up on the old fence, jog out to the sidewalk, come down, and back and pick up at the old fence on the side of the house.

Dan Ritter, Planning Manager, noted some of the history of this. The Petitioner originally proposed it from the driveway all the way down where the fence is now. Staff had suggested he request the least amount of variation as part of this. This is why part of the fence is pulled back to meet the code and then just jogs around the patio. The recommendation was to request as little as you need.

COMMISSIONER GASKILL asked what the patio is made of.

The Petitioner responded it is concrete.

COMMISSIONER SHAW asked if there was a permit on file from 1987.

Lori Kosmatka, Associate Planner, responded yes.

COMMISSIONER SHAW noted that when he went by, he couldn't really tell if it is the same patio from 1987. He asked if it is, as far as you know, the same patio.

Lori Kosmatka, Associate Planner, responded yes, that the permit had a plat in the file, and it has the same matching location footprint and dimensions.

CHAIRMAN GRAY asked the Petitioner if he had owned the home since the patio was installed, and to his knowledge he thinks it is the same as originally permitted.

The Petitioner responded no did not own it when the patio was installed.

CHAIRMAN GRAY asked the Petitioner if to his knowledge he thinks it is the same.

The Petitioner responded yes, it all appears to be the same age.

COMMISSIONER SHAW noted that when he looked at the standards, the one that really stands out was the ability to yield a reasonable return given the footprint of the property. He has trouble reconciling. It is possible to have a complying fence administratively as shown with the purple line, but as a practical matter it goes right down the middle of the patio. He liked the compromise staff proposed in putting conditions on a variance, that a fence variance remains in place only so long as the patio remains, and the patio can't be replaced. It would need to be taken out at which time the fence variance would cease to be approved. The agreement that if he's understanding that would be that at such time the patio was removed, the fence variance would no longer be in effect and would therefore have to be pulled back. He thinks that is a reasonable compromise. His only concern on that is that given the patio is already 35 years old, how far off are we from that, and if we grant it under those conditions, that to him would actually be an incentive not to replace the patio and it would therefore potentially fall into disrepair. He does see a bit of a hardship primarily with the circumstance here with size of the lot and the options under the code. He asked if the green line that jogs over is the same style of fence throughout. He welcomed the Petitioner to comment.

The Petitioner responded that is correct. He noted the patio is still in great condition. It just has two minor stress cracks with no buckling and no chipping.

COMMISSIONER SHAW noted that when he went by, it didn't seem to be sinking, breaking, or shifting, but it's 35 years old so it must have been a decent job when it was put in.

Dan Ritter, Planning Manager, clarified that we are not recommending that. We just pointed that out as an option if the Commission somehow connects them. He wants the Commission to have all the tools.

COMMISSIONER SHAW acknowledge that as a technical matter, Staff is not recommending that, but he appreciates that was put forth as an option.

Dan Ritter, Planning Manager, agreed it is an option, but there are still problems with that too. You could point back at that time and say I got a fence there so now I want the patio to stay.

COMMISSIONER SHAW noted that whether it is Plan Commissioners or Zoning Board of Appeals, there's the functional approval and then there's enforcement. Down the road while there might be conditions on the variance, then it becomes an enforcement and monitoring thing down the road.

COMMISSIONER MANI noted that this was something he was talking about on the previous agenda item. With fences, you should be able to replace it to whatever materials. He wants to do a nice wrought iron fence. It makes the property look better and to their liking.

COMMISSIONER GATTO commented that she's ok with it and it looks way better than what it does right now. The five-foot open style fence with wrought iron will look great. She agrees with Staff's recommendation to do after the patio to jog in to where the property line is in adjacent with the sidewalk. She asked if that's what was proposed.

Dan Ritter, Planning Manager, responded yes, that is what the Petitioner proposed. They jog it in so that it's only nonconforming just around the patio.

COMMISSIONER GATTO affirmed she is okay with that. That is a great compromise.

CHAIRMAN GRAY noted that most of the Commission has echoed sentiments that he has. Looking at Staff's option through the code or administrative approval, he thinks COMMISSIONER MARAK or TRUXAL had mentioned, we know you're not going to put a fence right down the patio and leave the other portion open. He recalled the Petitioner also had stated moving the patio to the north would be cost prohibitive, and that he has some utilities and other structures that reside there so there is limited options here because of that patio that was approved in 1987. He had no other comments. The options here are a little bit more limited based on what Staff gave in the report on page four of seven. He asked if there were any other comments from the Commission. Hearing none, he asked the Petitioner to sit down.

Dan Ritter, Planning Manager, offered the Commission to look at the Standards. These are just Staff's drafted ones. This is what the Commission sends to the Village Board. If you say you don't like as a group, you're saying you don't like the way this is worded, or we have something else for this, try and vocalize that so we can actually send what your recommendation is, and what your thoughts are to the Village Board. That gets carried into the ordinance as well.

CHAIRMAN GRAY asked for a motion to close the public hearing. Motion made by COMMISSIONER GATTO, seconded by COMMISSIONER GASKILL. CHAIRMAN GRAY requested a voice vote; hearing no opposition, the motion carried. He asked Staff to present the Standards.

Lori Kosmatka, Associate Planner, presented the Standards.

CHAIRMAN GRAY requested a motion for the variations.

COMMISSIONER MARAK asked if the motions could be separated.

Dan Ritter, Planning Manager clarified these are two separate motions. The first one is the fence, and the patio is the second.

CHAIRMAN GRAY requested a motion for the fence.

#### Motion 1 – Variation for Fence

COMMISSIONER SHAW made a motion to recommend that the Village Board grant the following Variation to the Petitioner, Jim Stulga a 25-foot Variation from Section III.J. (Fence Regulations) of the Zoning Ordinance, to permit a five-foot high open fence encroaching 25 feet into the required secondary front yard, where a fence encroachment is not permitted at 7240 174th Place in the R-4 (Single-Family Residential) Zoning District, consistent with the Submitted Plans and adopt Findings of Fact as proposed by Village Staff in the May 5, 2022 Staff Report.

Motion seconded by COMMISSIONER GATTO. Vote taken by roll call; the vote was 6-1 in favor. Ayes were by COMMISSIONERS GASKILL, GATTO, MANI, MARAK, SHAW, TRUXAL. Nays were by CHAIRMAN GRAY. CHAIRMAN GRAY declared the motion as carried.

CHAIRMAN GRAY requested the second motion.

#### Motion 2 – Variation for Patio

COMMISSIONER TRUXAL made a motion to recommend that the Village Board grant the following Variation to the Petitioner, Jim Stulga a 25-foot Variation from Section III.H.1 (Permitted Encroachments) of the Zoning Ordinance, to permit an existing 682 square foot (22 feet by 31 feet) patio to be located in the secondary front yard encroaching 25 feet into the required secondary front yard, where a patio encroachment is not permitted at 7240 174th Place in the R-4 (Single-Family Residential) Zoning District,

consistent with the Submitted Plans and adopt Findings of Fact as proposed by Village Staff in the May 5, 2022 Staff Report.

Motion seconded by COMMISSIONER GATTO.

COMMISSIONER SHAW asked if the motion could be amended.

Dan Ritter, Planning Manager responded that there is a motion on the floor, and you could have discussion on it but it would need to be amended by the person who made it if it was to change.

COMMISSIONER SHAW noted he'd like to clarify the conditions because for the fence motion there weren't conditions specified. He noted his preference on the patio variation would be to include the condition discussed that if the patio were to be removed, then the nonconforming fence should be removed.

COMMISSIONER MARAK asked if that would be a third motion.

Dan Ritter, Planning Manager noted that the Commission could vote to amend that on. He suggested the Commission vote on the patio as presented and then consider going back to amend the first motion on the fence to include the condition separate from the patio motion that has been moved.

COMMISSIONER SHAW noted he was the only one who mentioned it so he didn't know if it was a moot point.

CHAIRMAN GRAY suggested a third motion because we may not have the same vote.

Dan Ritter, Planning Manager, noted we could do a third motion with the condition on it if everyone agrees they want to override the first motion. If it's separate, then we can send both motions to the Board, and they can choose which one they like best.

CHAIRMAN GRAY noted to COMMISSIONER SHAW that he'll have him restate the third motion. CHAIRMAN GRAY noted that we do have a motion on the floor right now.

Vote taken by roll call; the vote was 4-3 in favor. Ayes were by COMMISSIONERS GATTO, MANI, TRUXAL, and CHAIRMAN GRAY. Nays were by GASKILL, MARAK, SHAW. CHAIRMAN GRAY declared the motion as carried.

CHAIRMAN GRAY requested the third motion.

COMMISSIONER SHAW asked if we should revisit the same motion with the condition or just simply amend the previous one.

Dan Ritter, Planning Manager, responded you could make either of those motions but was cleaner to make a new separate motion.

COMMISSIONER SHAW noted to CHAIRMAN GRAY that procedurally he didn't know if it was necessary to go through the motion. He asked CHAIRMAN GRAY if he would entertain a straw poll. If there's no consensus on the point, there's no reason to go there.

CHAIRMAN GRAY asked who would be in favor, as COMMISSIONER SHAW mentioned, if the patio ceases to exist, if there was a fence that receives a variation it would have to be pulled back so that it would

have to conform to the setback. Seeing reactions from the Commissioners, he noted he saw all in favor his recommended third motion with the exception of COMMISSIONER MANI.

### Motion 3 – Variation for Fence with Condition

COMMISSIONER SHAW made a new motion to amend the previous motion regarding the 25-foot Variation for the fence on the subject property to include the condition that if the concrete patio were to be removed or in disrepair, then the fence and patio would have to be removed and comply with the Zoning Ordinance at that time and the Variation would be voided.

CHAIRMAN GRAY noted that in the straw poll, the only “No” was from COMMISSIONER MANI. The majority was “Yes” for the amendment and a majority “Yes” for the Motion #1 on the fence. He wanted to ensure that was in the record.

Dan Ritter, Planning Manager, noted that you will still have to get a second to that and take the vote.

Motion seconded by COMMISSIONER MARAK. Vote taken by roll call; the vote was 6-1 in favor. Ayes were by COMMISSIONERS GASKILL, GATTO, MARAK, SHAW, TRUXAL, and CHAIRMAN GRAY. Nays were by COMMISSIONER MANI. CHAIRMAN GRAY declared the motion as carried.

Dan Ritter, Planning Manager, asked COMMISSIONER MANI just to clarify he preferred the less restrictive motion, without the condition allowing the fence and patio to remain as is.

COMMISSIONER MANI responded yes.

Dan Ritter, Planning Manager, noted he will make sure the Board knows why there were two motions and the general feeling expressed at the meeting.

CHAIRMAN GRAY noted that this item will go to Village Board on May 17<sup>th</sup>.

Dan Ritter, Planning Manager, noted it will go for First Reading on that day since there was no a unanimous consensus. He noted Lori Kosmatka will follow up with the Petitioner to let him know how to attend.



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

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

**SUBJECT: MINUTES OF THE MAY 5, 2022 REGULAR MEETING**

**ITEM #3: PUBLIC HEARING – ANYTIME FITNESS, 17823 80<sup>th</sup> AVENUE – SPECIAL USE FOR A FITNESS CENTER**

Consider recommending that the Village Board grant Steven Novak of Anytime Fitness a Special Use for a Commercial Indoor Recreation use greater than 3,500 square feet in size at 17823 80th Avenue in the B-1 (Neighborhood Shopping) zoning district. The request would allow transfer of the existing special use to a new owner with no changes proposed to the current operations.

Present Plan Commissioners:

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

Absent Plan Commissioners: None

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

Petitioners: Steven Novak, Anytime Fitness

Members of the Public: None

CHAIRMAN GRAY introduced Item #3, and asked for a motion to open the public hearing. Motion made by COMMISSIONER GATTO seconded by COMMISSIONER SHAW. 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 and surrounding businesses and zoning. She noted the business is an Anytime Fitness franchise previously had a Special Use Permit approval in 2019 under another owner, and that was recently purchased by a new owner. She noted that Commercial Indoor Recreation Uses over 3,500 square feet require a Special Use while those under 3,500 square feet are Permitted. She noted that the Commercial Indoor Recreation Use can include many other activities such as racquetball, bowling, etc. She noted that Special Uses do not run with the land, and are required for uses that may or may not be acceptable in the specific zoning district based on the unique nature of the use. She noted the new owner has successfully operated two other locations and does not propose any changes in operations or intensity of use. The previous parking allotment of 29 spaces remains the same, and the new owner has observed that peak times only utilize approximately 15 parking spaces. She noted that the Petitioner is present.

CHAIRMAN GRAY asked the Petitioner to approach the lectern.

Steven Novak, Petitioner, was sworn in. He thanked everyone for their consideration. He's been an Anytime Fitness franchisee since 2018. It's been his passion to help people reach their fitness goals. Personally, he lost over 100 pounds and he understands how impactful that is in people's lives for their physical and mental health. He loves being able to serve the community and help others. In 2018 he had the opportunity to acquire the Homer Glen location and then in 2020 he acquired the Oak Forest location. Both of those locations are rated in the top 500 of Anytime Fitness's franchises, and are very successful. In March of this year, he had the opportunity to buy the Tinley Park location, but did not know he had to have a Special Use Permit. That was news to him and the seller. He proposes to carry over the previous permit and continue operations in the community. It is a vital business in the community. He's had countless times of people sitting in his office in tears based on something that's happened in their lives, and how important the gym is to them. To have a gym in Tinley Park is very impactful. Two weeks ago a lady cried in his office saying how the gym at Tinley Park has helped her get through the loss of her son. This business is a positive for the community.

COMMISSIONER SHAW noted it was good to hear the positive statements about the thankfulness in particular and the Petitioner's passion for it. He recalled the original Special Use discussion. The good thing is that it being a franchise, some of the concerns that were voiced in the previous discussion sounds to him, sounds like everything in the history as it was presented as expected. There haven't been any negatives coming out of it. It's fair to say that nothing has really materialized from those reservations expressed back then.

Dan Ritter, Planning Manager, responded yes, that we have never heard of any complaints. There were a couple residents that had shown up to the previous discussion. Since that time, Union Bar & Grill is also open, and they use the largest amount of parking in the center, and we still have not heard of any parking issues. He believes their peak times are different than some of the other businesses.

COMMISSIONER SHAW stated that along with that, and the Petitioner having no intent to change the nature of the operations, it carries weight because it is also a franchise.

The Petitioner stated there are regulations of what I can and cannot do. He cannot have a pool, daycare, or smoothie bars. It is all based on corporate regulations.

COMMISSIONER SHAW stated that assuming the previous owner was operating according to franchise rules, and the Petitioner intends to follow suit, it seemed fairly straightforward to him. He is in favor of approving this request. Regarding monitoring and enforcement, he doesn't know what we do as a community when we have these transfers of ownership. During the process it's made abundantly clear that it doesn't go with the ownership.

Dan Ritter, Planning Manager, stated that this isn't our preferred way to do this, but when somebody signs leases and sells a business, there's nothing that comes before us until we get to the business license transfer where it gets flagged. The Village struggles with this situation but rarely does it happen with Special Uses.

COMMISSIONER SHAW noted that it's tough and it's not Staff's fault.

Dan Ritter, Planning Manager, noted our concern for Special Uses is normally with owners transferring without a corporate structure that keeps operations consistent. A dog daycare operated by one person could be operated completely different by another person. The operations could change. This one, with the corporate structure in place, will likely have no noticeable change so they'll have their customers.

COMMISSIONER SHAW noted that lends stability in his opinion. In terms of him being supportive of it, he finds it less risky as opposed to it being a completely new business.

COMMISSIONER MANI commented that he appreciates the Petitioner wanting to keep the fitness center there and running it like mentioned. It's great for the community and helps everyone.

COMMISSIONERS GATTO and GASKILL were in agreement.

COMMISSIONER TRUXAL asked what is existing there today, if it is the same Anytime Fitness, if the Petitioner is taking over the same franchise as a new franchise owner.

The Petitioner responded yes. Everything including the business structure will stay the same, just with a different owner.

Dan Ritter, Planning Manager, noted that 2018 is when they moved n for the first time. Previously it was the restaurant Sanfrantello's before.

CHAIRMAN GRAY had no other comments other than what was already said. He is glad there is enough parking. It doesn't seem like that is an issue though you might have fewer spaces because you are so successful with the other locations. He congratulated the Petitioner for having the two businesses in the top 500. He felt this, and the Petitioner's weight loss was impressive. He had no other comments and offered the Petitioner to sit down.

CHAIRMAN GRAY asked if the public had any comment. Seeing none, he entertained a motion to close the public hearing. Motion to close the public hearing made by COMMISSIONER GASKILL, seconded by COMMISSIONER TRUXAL.

CHAIRMAN GRAY requested a voice vote; hearing no opposition, the motion carried. He asked Staff to present the Standards.

Lori Kosmatka, Associate Planner, presented the Standards.

CHAIRMAN GRAY requested a motion for the Special Use Permit.

#### Motion – Special Use Permit

COMMISSIONER GASKILL made a motion to recommend that the Village Board grant the Petitioner, Steven Novak of Anytime Fitness, a Special Use Permit to operate a Fitness Center (Commercial Indoor Recreation) that is greater than 3,500 square feet in floor space at 17823 80th Avenue in the B-1 (Neighborhood Shopping) Zoning District, according to the submitted plans and adopt the Findings of Fact as listed in the May 5, 2022 Staff Report.

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

CHAIRMAN GRAY noted that this item will go to Village Board May 17<sup>th</sup>, and that the Petitioner should plan to attend.

Dan Ritter, Planning Manager, clarified the first reading and adoption would happen together on May 17<sup>th</sup> due to the unanimous recommendation.

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

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

**SUBJECT: MINUTES OF THE MAY 5, 2022 REGULAR MEETING**

**ITEM #4: PUBLIC HEARING – OAK RIDGE SUBDIVISION (DR HORTON) – SPECIAL USE FOR FINAL PUD APPROVAL AND FINAL PLAT OF SUBDIVISION**

Consider recommending that the Village Board grant DR Horton Inc - Midwest, a Special Use Permit for Final Planned Unit Development (PUD) Approval, on property located at the southeast corner of Ridgeland Avenue and Oak Forest Avenue. A Final Plat of Subdivision is also requested as part of the development approval.

Present Plan Commissioners:

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

Absent Plan Commissioners: None

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

Petitioners: James Truesdell, DR Horton

Members of the Public: None

CHAIRMAN GRAY introduced Item #4, and asked for a motion to open the public hearing. Motion made by COMMISSIONER GATTO seconded by COMMISSIONER SHAW. CHAIRMAN GRAY requested a voice vote asking if any were opposed to the motion; hearing none, he declared the motion carried.

CHAIRMAN 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.

Dan Ritter, Planning Manager, presented the report. Staff summarized the planned development, explained the different steps in the PUD process then summarized the staff report.

CHAIRMAN GRAY asks if the applicant is in the audience and wants to add anything. Then proceeds to instruct the applicant to sign his name in the book and swears in applicant.

The Petitioner, James Truesdell, was sworn in. He stated I'm glad to be back since we were here in December. I think Dan did a pretty good job at summarizing everything. Basically, everything in front of you tonight is virtually identical to what was approved in the preliminary plan. Dan did bring up a few things, one of the changes was the introduction of a phasing plan. Initially we said we're going to come in and do everything in one phase. We're still going to plat it in one phase and we're still going to put up our performance guarantees for the improvements all at one time so that the village has that control to make sure that everything does get completed. However, as time has passed and they have looked at the reality of the market i.e., labor shortages, supply chain issues, etc., there was a concern on Horton's

part. Can they get all of the crews out there and get all the materials they need to create a subdivision of this size in one phase. The goal is still to do this as quickly as possible, but they want to have the ability to break it into these two phases in case there are issues of that nature as they move forward. Regarding the cul-de-sac that goes to the ABC Supply, we're agreeable to that. We will make sure that goes in if anything should happen on that site in the near future, so we will make sure that's a commitment on our part. As far as the walkway connections to Freedom Pond, we're fine with the recommendation of the staff to add a second walk, an easement over that second walk to make sure everyone has the ability to get down there. We are agreeable to everything being subject to finalized engineering review and approval regarding the engineering and the final plat. In regards to the fence, it will be owned and maintained by the homeowner's association. Petitioner stated that they want to proceed with the wooden fence as that best fits the aesthetic and was part of the preliminary approval.

CHAIRMAN GRAY thanks the petitioner for his presentation then proceeds to ask other commissioners if they have any questions beginning with COMMISSIONER GASKILL.

COMMISSIONER GASKILL expressed that he thinks the proposed development looks good.

COMMISSIONER TRUXAL stated that he thinks it makes sense for the development to be completed in two phases.

COMMISSIONER MARAK asks if the ABC property zoned for residential and if not, is the village open to zoning it residential and expanding the project? He also asks if Panduit is still open.

Daniel Ritter, Planning Manager responded yes, that is their innovation center. They still have a corporate headquarters, but this location is for their testing as an office kind of research type facility.

COMMISSIONER MARAK noted there's much less traffic at it now than there used to be in the past.

Daniel Ritter, Planning Manager, noted the ABC property is vacant for sale. The discussion of this area has been that it is a unique situation where you are transitioning from industrial type uses to residential. That is what this area is going to become. This area is right by a high school.

COMMISSIONER MARAK noted he loved the idea of having sidewalks there. It would be an improvement not only for there but for everybody else who lives in that area.

COMMISSIONER SHAW had a question about the phasing. He understood the need for it. He didn't question why there was phasing but just wanted to understand if the intent to do all the infrastructure and grading all at once.

The Petitioner responded yes.

COMMISSIONER SHAW asked if the roads for phase two would be graded but not built during phase one. He asked about the underground infrastructure.

The Petitioner responded the storm sewers would be put in as necessary to drain the site and get down to Freedom Pond. Anything that would be required to build any of that would be installed in phase one, the green area, any storm sewers necessary to drain the site to get the detention basin would have to be put in, any sewer and water lines that would have to come to the site would all have to be put in with phase one. The blue area, phase two, we would hold off on doing the underground sewer and water and streets in that area until we get through the first phase.

COMMISSIONER SHAW asked what the rationale was to put the five lots into phase two as opposed to phase one.

The Petitioner responded that in phase one they want to make sure they had two ways in and out of the subdivision to make a loop so we can get in from both ends and for emergency vehicles. We didn't feel we had the need to build that little cul-de-sac in there as it really didn't serve anything. He noted Staff had brought up the point about the concern on ABC so we agreed if something would happen on ABC and want to build it, then we'll put that road in.

Daniel Ritter, Planning Manager, noted the thought was that whether DR Horton did or somebody else was developing that, what is it and how does it relate to this might change what happens there. The only thing he thinks would be additional is you wouldn't build the cul-de-sac, it would just go straight. It would be wasted if somebody else came

in there and redeveloped it, but it was just how do those relate. Holding off until phase two was in the case they do get it, then it would make sense to do that all at once.

COMMISSIONER SHAW noted he understood the practical reasons for it, as it makes sense. He asked if procedurally the approvals being sought are for phase one and phase two from the beginning.

The Petitioner responded yes.

COMMISSIONER SHAW noted that if things accelerate, then there is no phase one or phase two, you would just go.

The Petitioner agreed and noted this is just a concern in case there's an issue. If things go well and sales are going well and they can get the supplies then we will just keep going. He doesn't believe this is going to be a problem.

COMMISSIONER SHAW noted he's optimistic. The five lots would seem logical because they could hit right away as it's somewhat of a desirable corner. If you would come in for phase two approval, he would almost say to throw it in there, but if phase one and phase two are going concurrently in terms of approvals then it's kind of a moot point.

The Petitioner noted the guarantees would be in place.

Daniel Ritter, Planning Manager, noted that even final engineering has gone in pretty extreme detail at this point. Engineering is being done for everything and is all interconnected. The Commission is approving both phases here. The Petitioner won't be back and will not have a separate permit. We will have it all happen at once.

COMMISSIONER SHAW noted if everything goes well then as a practical matter there is no phase one and phase two, however by phasing it, you have the option to pause.

Daniel Ritter, Planning Manager, noted that it allows us to plan practicality of the phases. If they were just deadending two roads that weren't connected then that would be a concern. This is kind of a natural looped area.

COMMISSIONER SHAW noted that construction traffic doesn't seem to be a concern for phase one and the townhouse section for phase two because you have a separate entrance, it doesn't seem like construction traffic would be a problem. It's the back, east loop for phase two. He doesn't see that as being a major concern. He asked what their logistic thoughts would be on construction traffic. Instead of coming down the Ridgeland entrance, it would be more Oak Forest Avenue when you have phase two construction.

The Petitioner noted they'll work with the Village on that. Typically they'll try to work that street so they get homes done in one area along there so they don't have to keep going over the area of where the new homes are being built and work our way back out of the subdivision.

COMMISSIONER SHAW noted that makes sense. He doesn't really have any concerns about those things. He noted that he did bring up the option of connecting to Freedom Pond. He appreciated they have tried to accommodate that. He recognized what Dan Ritter said about the potential for homeowner's association to say no and put up a fence to not get through. Having lived in townhomes, he can see it from that perspective. He is practically indifferent a little bit. That proposed connection is just so close to Ridgeland anyway as opposed to it being in the middle of the development. Even though he brought it up, he wouldn't see it being a sticking point. He thinks it's good if they could work something out. It wouldn't be an obstacle for me.

The Petitioner noted they'd be agreeable to provide it and put an easement over it.

COMMISSIONER MANI noted he likes the project. It looks great and he's excited to see it come to fruition.

COMMISSIONER GATTO noted she had a question on the phases. Interest rates are going up every week. Housing market is going to start coming down at some point. We all know that. Her concern is that in doing phase one and grading all that land out, we've already seen issues with that on 191<sup>st</sup> Street where that development was supposed to go up and they just up and ran from it. We had major complaints about people not upkeeping the land. That's her concern. Phase one can go in six months and then maybe something happens in the market and phase two doesn't get to start, but everything was graded, and the property is not upkept. That's her concern with the two different phases.

She doesn't want to see things like that but wants to make sure we are realistic. Let's say phase one gets completed, do we have a stipulation on how long phase two can take to start?

Daniel Ritter, Planning Manager, responded the grading itself wouldn't be a problem. If it's just dirt that's been nicely placed, you don't have foundations in the ground that's not the worst thing. However, we do have financial guarantees in place for that reason. DR Horton is agreeable to that for the entire subdivision coming in at once. What that means is anything that's a public improvement is covered by the financial guarantees. Otherwise, we would not allow them to plat for the entire phase we would require them to plat phase one then come back with a plat for phase two when they are ready.

COMMISSIONER TRUXAL asked where the surface level of topsoil will go once removed.

The Petitioner stated, unfortunately I can't answer that question right now. I know the engineers are still working on that. We typically do try to find a spot that is hidden from public view.

COMMISSIONER TRUXAL noted that he would like to see that as an added stipulation so that it does not become unsightly.

CHAIRMAN GRAY stated, that in his experience, topsoil is staged onsite due to the cost of transporting it to bring it back to the site once construction is complete. He agreed with COMMISSIONER TRUXAL'S point that it needs to be strategically placed.

Staff mentioned that part of the financial guaranty agreements includes the disposal of dirt left on a site in the event that the construction is not completed.

CHAIRMAN GRAY noted that if something like that happened and there were pads built, there would still be a desire for topsoil to be filled back in so rather than buying topsoil its already in place.

Staff stated that the location of the topsoil will be dependent on factors such as elevation to avoid erosion.

The Petitioner stated that he would bring it up to their engineer as well to ensure it is not an issue.

CHAIRMAN GRAY states that he is okay with open item 1. He also informs the petitioner that he appreciates the willingness of the developer to enter into agreements to ensure certain protections. He continues to state that he is okay with open item 13 due to the workshop meeting. He states, it looks pretty good and it will improve that area in Tinley Park.

CHAIRMAN GRAY asked for a motion to close the public hearing. Motion made by COMMISSIONER SHAW seconded by COMMISSIONER TRUXAL. CHAIRMAN GRAY requested a voice vote, hearing no opposition the motion was declared carried.

Staff summarized the standards for a special use.

CHAIRMAN GRAY requested the first motion.

#### Motion 1 – Special Use for Final PUD Approval

COMMISSIONER SHAW made a motion to recommend that the Village Board grant a Special Use Permit to the Petitioner, DR Horton Inc - Midwest, for Final Planned Unit Development Approval for the Oak Ridge Subdivision located at the southeast corner of Ridgeland Ave. & Oak Forest Ave (excluding 17201 Ridgeland Ave), zoned R-5 (Low-Density Residential) and developed with 81 detached single-family and 162 attached single-family units, in accordance with all plans/documents submitted and listed herein and adopt the Findings of Fact as proposed by in the May 5, 2022, Staff Report, subject to the following conditions:

1. The PUD exceptions and restrictions from the Zoning Ordinance, as listed in the staff report, shall be included within the Preliminary and Final PUD ordinance documents.

2. Final conditions, covenants, and restrictions (CC&Rs) shall be recorded prior to any transfer of ownership or any lots, closings, or occupancy permits are issued.
3. The project shall be subdivided at one time with a single Plat of Subdivision. All performance guarantees for public improvements for all phases due prior to starting Phase 1 site or construction work. Site grading work may begin prior to the Plat recording but no road, utility, drainage, or other development work shall begin until the Plat is fully signed, all property taxes paid, and in the process of being recorded with Cook County Recorder of Deeds Office.
4. The completion of adjacent public improvements (utilities and Leinster Lane roadway) will need to be completed for the Leinster Lane right-of-way adjacent to lots 77-81, within 1 year after approval of any redevelopment plan of the former ABC Supply property (17201 Ridgeland Ave) that requires such improvement connections.
5. A Special Service Area (SSA) shall be established over the development to begin at the time of Final Approval. This shall be finalized with the county prior to any transfer of ownership or any lots, closings, or occupancy permits being issued.
6. The public park shall be completed and approved prior to beginning any phase 2 work. The expectation is future approval and acceptance by the Village and to be transferred to the Tinley Park – Park District. This transfer may happen anytime from completion/acceptance of the park and completion of the subdivision (or at any point there is a “turnover” from the developer to the association that is triggered.) However, if the Park District does not accept the park’s dedication, the park shall remain owned/maintained by the Oak Ridge Homeowner Association.
7. A cash-in-lieu payment for the sidewalks on Ridgeland Ave and Oak Forest Ave be submitted prior to issuance of any permits. The payment is currently estimated by the engineer at \$82,279 but is subject to changes related to increases in construction or material cost.
8. The final Addressing Plan requires final review and approval by the Village, Public Safety, and Post Office.
9. The final approval of all plans is subject to final engineering approval of all plans by the Village Engineer and any other jurisdictional approvals, including but not limited to Cook County DOT, MWRD, and IEPA.

Motion seconded by COMMISSIONER MANI. CHAIRMAN GRAY then asked for the roll call. All Commissioners voted in favor; motion was declared carried.

CHAIRMAN GRAY requested the second motion.

#### Motion 2 – Final PUD Plat

COMMISSIONER GATTO made a motion to recommend that the Village Board grant approval to the Petitioner, DR Horton Inc – Midwest, Final PUD Plat Approval for the Oak Ridge Subdivision in accordance with the Oak Ridge Final Plat of Subdivision submitted (dated April 15, 2022), subject to the condition that the approval is subject to the final review and approval by the Village Engineer and Village Attorney.

Motion seconded by COMMISSIONER TRUXAL. CHAIRMAN GRAY asked for a roll call. All Commissioners were in favor, motion declared carried.

CHAIRMAN GRAY noted that this item will go to Village Board May 17<sup>th</sup>, and that the Petitioner should plan to attend.



**TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES**  
**FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION**  
**SUBJECT: MINUTES OF THE MAY 5, 2022 REGULAR MEETING**  
**ITEM #5: WORKSHOP – ATLAS PUTTY NEW WAREHOUSE, 8301 185<sup>TH</sup> STREET**

Consider recommending that the Village Board grant Steve Vernon of Vernon Development Inc., (Petitioner/Developer) on behalf of Atlas Putty Products Co. (Owner), a Special Use for a Substantial Deviation from the Northstar Business Center PUD at property located at 8301 185th Street in the M-1 PD (General Manufacturing, Northstar Business Center PUD). Site Plan/Architectural Approval and Final Plat of Subdivision Approval is also request as part of the development. The development proposes demolition of an existing building at 8231-33 185th Street and reconfiguration of the existing lots to allow for construction of a new 87,267 sq. ft. warehouse building.

Present Plan Commissioners:

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

Absent Plan Commissioners: Chairman Gray (recused)

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

Petitioners: Steve Vernon  
Dave Payton

Members of the Public: None

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

ACTING CHAIRMAN SHAW introduced Item #5. He asked staff to proceed with the presentation.

Dan Ritter, Planning Manager, summarized the staff report.

ACTING CHAIRMAN SHAW went around requesting commentary from the Commissioners.

COMMISSIONER MARAK commented it looks good.

COMMISSIONERS TRUXAL & GASKILL had no comment.

COMMISSIONERS MANI & GATTO commented it looks great.

ACTING CHAIRMAN SHAW proceeded to ask about the requirement of sidewalks in the UDOD overlay district.

Dan Ritter, Planning Manager, responded that sidewalks are required. Engineering suggested that a cash-in-lieu be put in place since there are no adjacent sidewalks to connect.

ACTING COMMISSIONER SHAW noted that he would prefer to see the sidewalk instead of the cash-in-lieu but it is not a major sticking point for him. It is a good-looking building, but the long stretch of it needs something. The flat view of the elevation drawings makes it look words.

Steve Vernon noted the 3D rendering does it better justice. The burgundy-colored portion comes out about three feet and are five feet wide. They may consider raised panels, but not offsets in the middle of the building. Bumpouts are very expensive. The proposal already has three. The potential future tenant could do the west side of the building. There is no intention to lease now, but we want to make it universally leasable for investors.

ACTING CHAIRMAN SHAW asked staff if there was any more discussion on open items that needed to happen.

Dan Ritter, Planning Manager, responded, the biggest changes that are being sought out are architectural changes which staff feels can be worked out internally.

Steve Vernon noted the doors were a change for more office and FACP room. He didn't need the two doors. He moved the second door closer to the other side of the building. It is more acceptable as a tenant space.

Dan Ritter, Planning Manager, noted that a good discussion point is the addition of a dock to the proposed building. A dock could go there in the future.

Steve Vernon noted the changes were made per the comments, including front yard parking. They want to make the northeast office accessible and could use the southwest corner too.

Dan Ritter, Planning Manager, noted the landscaping item.

Steve Vernon noted that was more an oversight.

Dan Ritter, Planning Manager, noted that we can work with you. Everything else was addressed in the initial staff review.

ACTING CHAIRMAN SHAW noted to the applicant that he appreciated them staying this late.

**TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES**  
**FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION**  
**SUBJECT: MINUTES OF THE MAY 5, 2022 REGULAR MEETING**  
**ITEM #6: PUBLIC HEARING – BUILDING CODE TO ZONING CODE TRANSFER (DRIVEWAYS, ACCESSORY STRUCTURES AND MISC.) – 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  
Angela Gatto  
Andrae Marak  
Eduardo Mani  
Ken Shaw  
Kurt Truxal

Absent Plan Commissioners:

None

Village Officials and Staff:

Dan Ritter, Planning Manager  
Lori Kosmatka, Associate Planner

Petitioners:

None

Members of the Public:

None

CHAIRMAN GRAY called for a voice vote to continue the public hearing to the next regular meeting on May 19<sup>th</sup>. . Motion made by COMMISSIONER SHAW seconded by COMMISSIONER MANI. Vote taken by roll call; all in favor. CHAIRMAN GRAY declared the motion carried.

## **GOOD OF THE ORDER**

Dan Ritter, Planning Manager noted Floor & Décor is open. Popus has its grand opening on Saturday. Magnuson Apartments and RJ's Seafood both submitted for their permits. RJ's will be at the old Tin Fish location. RJ's is not doing the building addition due to shortages, but will just be remodeling the existing footprint for now. If they come back for the addition, only a separate permit will be needed. Drip Drop Smokes and McDonald's Sign were approved by Village Board.

## **PUBLIC COMMENT - NONE**

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

**Meeting Adjourned at 10:08 pm**

# PLAN COMMISSION STAFF REPORT

May 5, 2022 – Public Hearing

**Petitioner**

Eric Schmidt

**Property Location**

7501 Hanover Drive

**PIN**

27-25-228-001-0000

**Zoning**

R-3 Zoning District

**Approvals Sought**

Variation

**Schmidt – Corner Lot Fence Setback Variation**

7501 Hanover Drive

**EXECUTIVE SUMMARY**

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The Petitioner, Eric Schmidt, is seeking a 10-foot Variation from Section III.J. (Fence Regulations) of the Zoning Ordinance to permit a six-foot-high, privacy-style fence encroaching 10 feet into the required secondary front yard, where a fence encroachment is not permitted at 7501 Hanover Drive.

The Petitioner has requested the fence setback Variation to align with the neighbor's existing fence, provide security from through-traffic along Olcott Avenue, and help conceal two air conditioner units.

Secondary front yard fences are required to be located at the building setback line of 25 feet in the R-4 zoning district if it is a privacy fence. Five-foot open style fences may, with administrative approval, encroach up to ten feet in the Required Setback Line of the secondary front yard. Code compliant options could include constructing the six-foot high privacy fence at the 25 foot setback line, or else remain as existing per the previous approval for the five-foot-high open-style fence ten feet into the secondary front yard.

**Project Planner**

Lori Kosmatka,  
Associate Planner



## EXISTING SITE & HISTORY

The subject property is located on the southwest corner of Hanover Drive & Olcott Avenue. The lot is approximately 11,340 sq. ft., with 90 feet primary frontage on Hanover Drive, and 126 feet secondary frontage on Olcott Avenue. The home is oriented toward Hanover Drive.

The property currently has an existing 5' tall open style fence that is encroaching ten feet into the 25 foot Required Setback Line on Olcott Avenue (secondary frontage). The existing fence received a ten-foot variance from the Zoning Board of Appeal in 2004.

The corner lot home abutting to the south at 7500 Prestwick Drive has an existing six-foot tall privacy fence which currently aligns with the Petitioner's existing fence. That fence was permitted in 2008 under the previous fence regulations. Further south, the home at 7501 Prestwick also has an existing fence.



Left: View Looking South SW at East Property Line to Sidewalk, Right: View Looking South at 10' into Required Setback Line of secondary front

## ZONING & NEARBY LAND USES

The subject property is a corner lot within the R-3 Zoning District. Residences in the neighborhood are similarly zoned within the R-3 Zoning District. South of 171<sup>st</sup> Street, there are residences in the R-1 Zoning District. The Zoning Ordinance requires primary and secondary yard setbacks of 25 feet each within the R-3 zoning district. The lot of 11,340 sq. ft. is below the required minimum corner lot size of 12,500 sq. ft. per the Zoning Ordinance, however it is a corner lot platted with additional lot width to help accommodate the corner front yard setback requirements similar to other corner lots in the area.

### 2018 Fence Regulations

After months of discussion between the Zoning Board of Appeals, Plan Commission, and Community Development Committee, the Village Board adopted an ordinance in January 2018, amending the fence regulations for fences within a secondary front yard.

The amendment provided clarification to the Code. Previously, the Code was not uniformly enforced, created aesthetic issues in streetscapes, and resulted in many non-conforming fences. It was known when adopting these newer regulations that many existing fences would become legal non-conforming and would be required to come into conformance with the current codes when replacement is necessary. The attached Staff Exhibit (A) indicates a timeline of the corner fence variation history.



Section III.J. "*Fence Regulations*" states that for corner lots, fences are only permitted at or behind the Required Setback Line in the primary front yard and secondary front yard, however, per Section III.J.3., open style fences with a maximum of five feet (5') in height can, per administrative approval, encroach up to 10 feet into the Required Setback Line in the secondary front yard in the R-4 Zoning District.



## VARIATION REQUEST

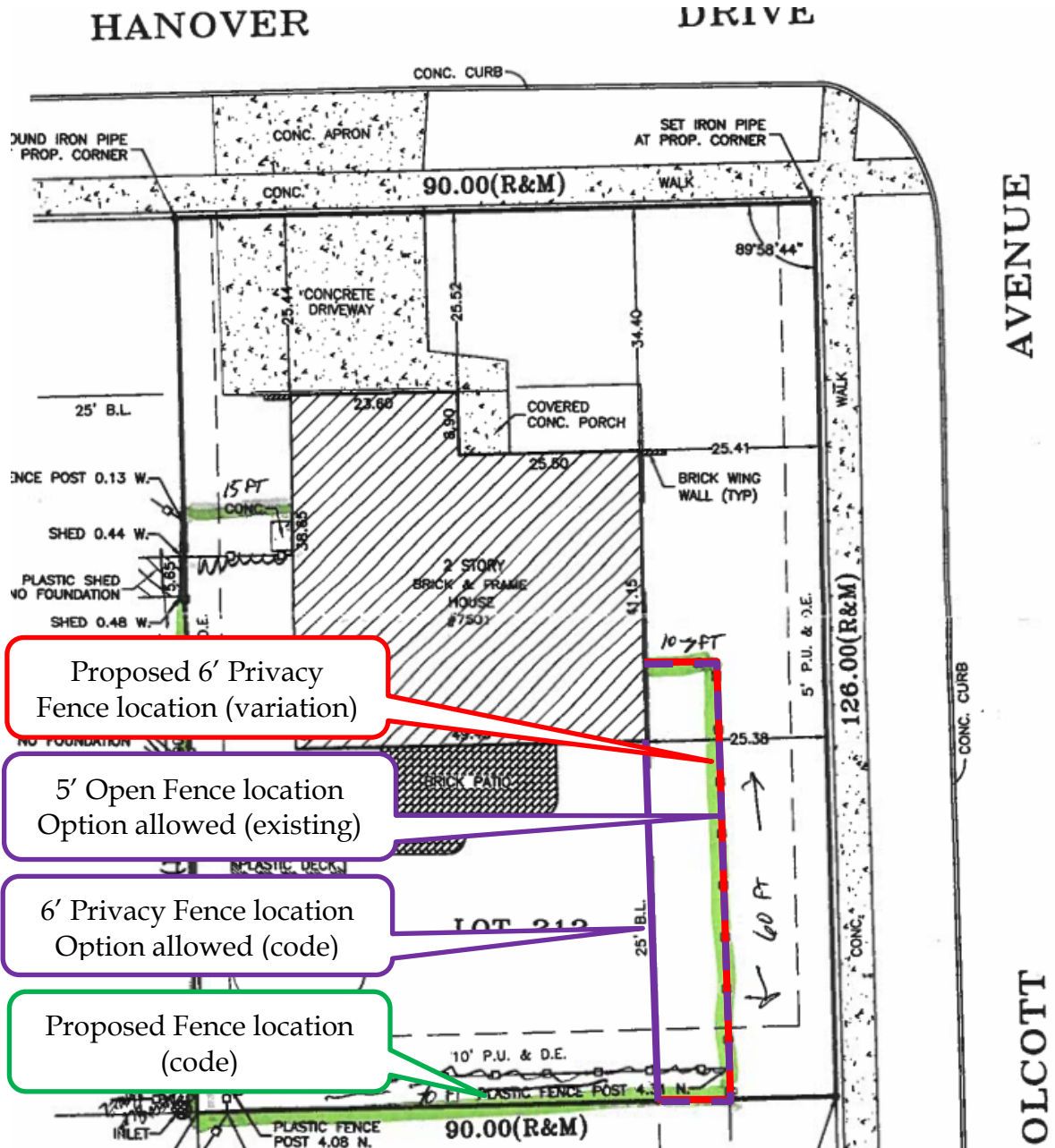
The Petitioner proposes to remove the existing fence and construct new fencing. The Petitioner is requesting a Variation to construct a six-foot (6') high privacy-style fence to encroach up to ten feet (10') into the required secondary front yard (*red on the plan below*). The Petitioner has requested the fence setback Variation to aesthetically align with the neighbor's existing fence, provide security from through-traffic along Olcott Avenue, and help conceal two air conditioner units (one of which is proposed) at the southeast corner of the home. The Petitioner notes that if complying by code for a six-foot tall privacy fence, it would misalign to the south neighbor, thus creating a ten-foot gap.

Staff is concerned about setting a precedent for future variation requests in which there is no clear physical hardship or uniqueness of property. Hardships for a Variation must be related to the physical characteristics of the property and cannot be created by the owner (or previous owners) of the property. The Petitioner has multiple options to comply by code, either by constructing the six-foot high privacy fence at the 25 foot setback line (*purple solid line on the plan below*), or else remain as existing per the previous approval for the five-foot-high open-style fence ten feet into the secondary front yard (same location as proposed variation; *purple dashed line on the plan below*). Landscape buffering has been recommended if more privacy is desired with an open-design fence, however the Petitioner has noted previously installed arborvitae had challenges surviving and were removed. Also, while Olcott Avenue serves through-traffic, the adjacent section is residential in nature and not a heavily travelled arterial street. Lastly, a clear, physical hardship is also not present. Aside from the non-conforming current connection point to the south neighbor's fence, the property is not unique. Furthermore, if the Variation is granted, if the south neighbor eventually wishes to replace their fence, that neighbor will need to meet the code, which would cause a ten-foot gap in the fencing. While new fence meeting code requirements will either misalign or be a different style (open as opposed to privacy) than the neighbor's non-conforming fence at this time, upon replacement of the neighbor's fence, that fence will have to comply with code and will have an opportunity to match the subject site's fence, without needing their own Variation at that time. Granting the Variation may set a precedent for future variation requests in which there is no clear physical hardship or uniqueness of property.



Aerial





Proposed Fence Locations

## STANDARDS FOR A VARIATION

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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.

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 subject parcel can still yield a reasonable return under the conditions of the district it is located. The Petitioner has multiple options for a fence that are compliant with the code. In any of the compliant fence scenarios, the location of the fence will not limit the owner's ability to yield a reasonable return on their property. The Variation does create a more useful property by expanding rear yard.***
2. The plight of the owner is due to unique circumstances.  
***The subject property does not present a clear or physical hardship related to the property that makes it unique from any other corner lot. It is a corner lot platted with additional lot width to help accommodate the corner front yard setback requirements similar to other corner lots in the area. While a new fence meeting code requirements will either misalign or be a different style (open as opposed to privacy) than the neighbor's non-conforming fence at this time, upon replacement of the neighbors fence, that fence will have to comply with code and will have an opportunity to match the subject site's fence, without needing their own Variation at that time.***
3. The Variation, if granted, will not alter the essential character of the locality.  
***The Variation, if granted, will alter the essential character of the locality. Aside from the two properties to the south on Olcott Avenue, the majority of other corner lot properties in the neighborhood do not have any fencing or have fencing that complies with the required setbacks. Those that have been granted Variations have distinguishable differences in their locations addressed with those cases, such as aligning with rear yards. The existing lot is similar to other corner lots in the neighborhood and throughout the Village. The granting of a Variation may establish a precedent that may result in additional Variation requests of similar situations.***
4. Additionally, the Plan Commission shall also, in making its determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the Petitioner have been established by the evidence:
  - a. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
  - b. The conditions upon which the petition for a Variation is based would not be applicable, generally, to other property within the same zoning classification;
  - c. The purpose of the Variation is not based exclusively upon a desire to make more money out of the property;
  - d. The alleged difficulty or hardship has not been created by the owner of the property, or by a previous owner;
  - e. The granting of the Variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and

- f. The proposed Variation will not impair an adequate supply of light and air to an adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

## MOTION TO CONSIDER

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

Variation:

***“...make a motion to recommend that the Village Board grant a 10-foot Variation to the Petitioner, Eric Schmidt, from Section III.J. (Fence Regulations) of the Zoning Ordinance, to permit a six-foot high privacy fence encroaching 10-feet into the required secondary front yard, where a fence encroachment is not permitted at 7501 Hanover Drive in the R-3 (Single-Family Residential) Zoning District, consistent with the Submitted Plans and adopt Findings of Fact as proposed by Village Staff in the May 5, 2022 Staff Report.”***

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

## LIST OF REVIEWED PLANS

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Submitted Sheet Name		Prepared By	Date On Sheet
	Application (Redacted) & Response to Standards	Applicant	3/30/22
	Applicant Narrative	Applicant	4/2022
	Plat of Survey (Marked)	Applicant	4/2022

## Staff Exhibit A

## History of Fence Regulations Related to Corner Lots

1956-2005	<i>"Fences in which the opening between the materials of which the fence is constructed represent less than seventy (70) percent of the total surface may be erected to a height not exceeding four (4) feet along the boundaries of a lot, except that no such fence shall be erected within thirty (30) feet of a street intersection. Wire fences and other fences in which the openings between the materials of which the fence is constructed represent more than seventy (70) percent of the total fence area may be erected to a height of six (6) feet, except within thirty (30) feet of a street intersection."</i>
2007-2009	<p>Corner fences are allowed 10 feet into the required side yard similar to the current regulations and allowed to be 6 foot solid with Zoning Administrator review of visibility.</p> <p><i>"Fences not exceeding six (6) feet in height above natural grade level projecting not more than ten (10) feet into the required front setback on the side yard street frontage of a corner lot in a residential zoning district, provided that the Zoning Administrator or his designee determines that the provisions of Section III.G of this Ordinance will be maintained and that there will be no obstruction to the visibility of vehicular or pedestrian traffic. If the Zoning Administrator deems that such a visibility obstruction would occur, he may require that portions of or all of the fence be constructed of an open design, or of a shorter height, or a combination of both, or the Zoning Administrator may deny the request. The determination of the Zoning Ordinance may be appealed to the Zoning Board of Appeals pursuant to Section X.F of this Ordinance."</i></p>
2011-2017	A chart was created which determined what accessory uses and structures could encroach within a required yard under certain situations. It was here when fences 6 feet in height were permitted as an obstruction within 10 feet of the required secondary front yard. The Zoning Administrator was left to determine if the fence was a visibility obstruction and if it was required to obtain a Variation or not. This process and the standards attached resulted in the inconsistent enforcement of the zoning code requirements and numerous issues that created aesthetic and visibility concerns.
2017-Present	Code Changes were initiated to determine what fences in the secondary front yard should be permitted going forward and to make the regulations clear to residents and staff. The new regulations were reviewed and revised by the Zoning Board of Appeals, Community Development Committee, and the Plan Commission. They were approved by the Village Board in January 2018. The result of the text amendments reduced allowable fences extending into the required secondary front yard to be a maximum 4 feet in height (4'6" posts) and open style (50% open to light and air). When approved it was known that there would be numerous fences that would become legal non-conforming in the Village and would need to come into compliance when their fence needed replacement or adjustment.

# PLAN COMMISSION STAFF REPORT

May 5, 2022 – Public Hearing

## Petitioner

Jim Stulga

## Property Location

7240 174<sup>th</sup> Place

## PIN

27-25-416-022-0000

## Zoning

R-4 Zoning District

## Approvals Sought

Variations

## Stulga – Corner Lot Fence Setback and Patio Variations

7240 174<sup>th</sup> Place



## EXECUTIVE SUMMARY

The Petitioner, Jim Stulga, is seeking two Variations at 7240 174<sup>th</sup> Place. The first request is a 25-foot fence setback Variation from Section III.J. (Fence Regulations) of the Zoning Ordinance to permit a five-foot-high open-style fence encroaching 25 feet into the required secondary front yard, where a fence encroachment is not permitted. The second request is to allow the existing patio in the secondary front yard, closer than five feet to a property line, where a front yard patio encroachment is not permitted.

The Petitioner has requested the fence setback Variation to enclose the existing patio. The patio previously received a permit by the Village in 1987, but is now legal nonconforming per the current Village Zoning Ordinance, and thus would not be able to be replaced by-right. If the patio encroachment variation is not approved, the fence encroachment variation would not have a purpose if the patio is removed in the future. The Petitioner has requested the patio Variation due to its adjacency to the side door. The Petitioner states the rear yard has existing ground mechanical equipment, and the adjacent wall to the rear yard does not have a door.

Secondary front yard fences are required to be located at the building setback line of 25 feet in the R-4 zoning district if it is a privacy fence. Five-foot open style fences may, with administrative approval, encroach up to ten feet in the Required Setback Line of the secondary front yard. As a 5' open style, the proposed fence would not cause visibility concerns from the intersection. However, a code compliant option could include relocating the patio and receiving administrative approval for the 5' open style extending ten-feet into the secondary front yard.

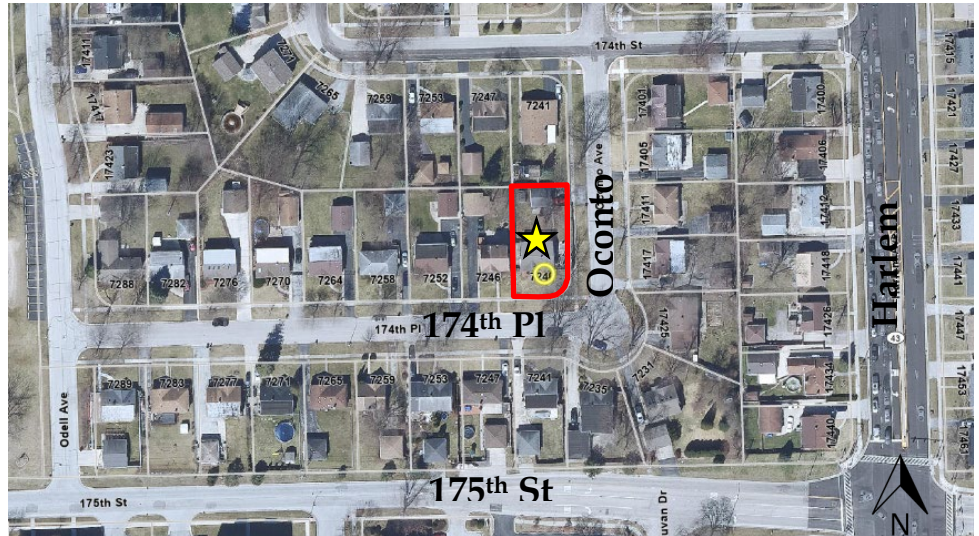
## Project Planner

Lori Kosmatka,  
Associate Planner



## EXISTING SITE & HISTORY

The subject property is located on the northwest corner of 174<sup>th</sup> Place & Oconto Avenue. The lot is approximately 8,069 sq. ft., with 65 feet primary frontage (45.49 ft. of which is parallel) on 174<sup>th</sup> Place, and 105 feet secondary frontage on Oconto Avenue. The home is oriented toward 174<sup>th</sup> Place with a second door on the east side toward Oconto Avenue. The home has a detached garage at the north end of the lot. There is rear yard area between the home and the garage.



The property currently has an [Location Map](#) existing 4' tall wooden picket fence that is situated alongside the home's property line on Oconto Avenue (secondary frontage). The sidewalk is adjacent to the property line. The Village does not have a permit record on file for this existing nonconforming fence.

The existing 682 sq. ft. patio was previously permitted by the Village in 1987, but is now legal nonconforming per the current Village Zoning Ordinance, and thus would not be able to be replaced by-right.

The majority of the homes in the neighborhood do not have nonconforming fences or patios.



*Rear yard area between the home and detached garage*



*Left: View Looking West at Existing Patio (East Side) from Oconto Avenue; Right: View Looking South at East Property Line to Sidewalk*



## ZONING & NEARBY LAND USES

The subject property is a corner lot within the R-4 Zoning District. Residences in the neighborhood are similarly zoned within the R-4 Zoning District. South of 175<sup>th</sup> Street, there are properties in the R-6 and ORI Zoning Districts. The Zoning Ordinance requires primary and secondary yard setbacks of 25 feet each within the R-4 zoning district. The east side of the principal structure encroaches three feet into the secondary front yard (setback 22 feet). The lot of 8,069 sq. ft. is below the required minimum corner lot size of 10,000 sq. ft. per the Zoning Ordinance, however it is a corner lot platted with additional lot width to help accommodate the corner front yard setback requirements similar to other corner lots in the area.



*Zoning Map*

### 2018 Fence Regulations

After months of discussion between the Zoning Board of Appeals, Plan Commission, and Community Development Committee, the Village Board adopted an ordinance in January 2018, amending the fence regulations for fences within a secondary front yard. The amendment provided clarification to the Code. Previously, the Code was not uniformly enforced, created aesthetic issues in streetscapes, and resulted in many non-conforming fences. It was known when adopting these newer regulations that many existing fences would become legal non-conforming and would be required to come into conformance with the current codes when replacement is necessary. The attached Staff Exhibit (A) indicates a timeline of the corner fence variation history.

Section III.J. "*Fence Regulations*" states that for corner lots, fences are only permitted at or behind the Required Setback Line in the primary front yard and secondary front yard, however, per Section III.J.3., open style fences with a maximum of five feet (5') in height can, per administrative approval, encroach up to 10 feet into the Required Setback Line in the secondary front yard in the R-4 Zoning District.

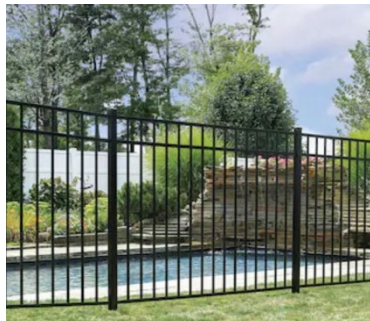
Section III.H.1. "*Permitted Encroachments In Required Yards*" states that patios are not permitted to encroach in front yards, and in no case shall a patio be placed closer than five (5) feet to any property line.

## VARIATIONS REQUEST

The Petitioner proposes to remove the existing fence and construct new fencing. Part of the fencing, north of the patio, will meet Zoning Ordinance administrative approval requirements, and part of the fencing surrounding the existing patio will require a Variation. Also, the Petitioner proposes to keep the existing concrete patio per a Variation which would allow the Petitioner to replace it in the future. The Petitioner is requesting two (2) Variations.

### Requested Fence Variation

The first requested Variation is to construct a five-foot (5') high open-style fence to encroach up to twenty-five feet (25') into the required secondary front yard, located on the property line around the existing patio, where a fence is not permitted (*red on the plan below*). Rather than proposing a six-foot tall privacy-style fence, the Petitioner' is attempting to minimize the degree of the variation's request



*Sample Design of Proposed Fence*



*Aerial*





## STANDARDS FOR A VARIATION

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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.

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.  
***The property can yield a reasonable return under the conditions of the district it is located. The Petitioner has an option for a fence and patio that are compliant with the code.***
2. The plight of the owner is due to unique circumstances.  
***The subject property does not present a clear or physical hardship related to the property that makes it unique from any other corner lot. The existing patio could be relocated to a code compliant location.***
3. The Variation, if granted, will not alter the essential character of the locality.  
***The Variations, if granted, will alter the essential character of the locality. The majority of other corner lot properties in the neighborhood do not have any fencing or have fencing that complies with the required setbacks. Also, though the subject patio is existing, the other properties nearby do not appear to have patios in front yards. The existing lot similar to other corner lots in the neighborhood and throughout the Village. The granting of a Variation may establish a precedent that may result in additional Variation requests of similar situations.***
4. Additionally, the Plan Commission shall also, in making its determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the Petitioner have been established by the evidence:
  - a. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
  - b. The conditions upon which the petition for a Variation is based would not be applicable, generally, to other property within the same zoning classification;
  - c. The purpose of the Variation is not based exclusively upon a desire to make more money out of the property;
  - d. The alleged difficulty or hardship has not been created by the owner of the property, or by a previous owner;
  - e. The granting of the Variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
  - f. The proposed Variation will not impair an adequate supply of light and air to an adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

## MOTION TO CONSIDER

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

### Variations:

***“...make a motion to recommend that the Village Board grant the following Variation(s) to the Petitioner, Jim Stulga:***

- a) a 25-foot Variation from Section III.J. (Fence Regulations) of the Zoning Ordinance, to permit a five-foot high open fence encroaching 25 feet into the required secondary front yard, where a fence encroachment is not permitted at 7240 174<sup>th</sup> Place in the R-4 (Single-Family Residential) Zoning District, consistent with the Submitted Plans and adopt Findings of Fact as proposed by Village Staff in the May 5, 2022 Staff Report.***

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

- b) a 25-foot Variation from Section III.H.1 (Permitted Encroachments) of the Zoning Ordinance, to permit an existing 682 square foot (22 feet by 31 feet) patio to be located in the secondary front yard encroaching 25 feet into the required secondary front yard, where a patio encroachment is not permitted at 7240 174<sup>th</sup> Place in the R-4 (Single-Family Residential) Zoning District, consistent with the Submitted Plans and adopt Findings of Fact as proposed by Village Staff in the May 5, 2022 Staff Report”***

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

## LIST OF REVIEWED PLANS

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Submitted Sheet Name		Prepared By	Date On Sheet
	Application (Redacted) & Response to Standards	Applicant	3/30/22
	Applicant Narrative	Applicant	4/2022
	Plat of Survey (Marked)	Applicant	4/2022
	Proposed Sample Fence Image	Applicant	4/2022
	Applicant Photos	Applicant	4/2022

Staff Exhibit A

History of Fence Regulations Related to Corner Lots

1956-2005	<i>"Fences in which the opening between the materials of which the fence is constructed represent less than seventy (70) percent of the total surface may be erected to a height not exceeding four (4) feet along the boundaries of a lot, except that no such fence shall be erected within thirty (30) feet of a street intersection. Wire fences and other fences in which the openings between the materials of which the fence is constructed represent more than seventy (70) percent of the total fence area may be erected to a height of six (6) feet, except within thirty (30) feet of a street intersection."</i>
2007-2009	<p>Corner fences are allowed 10 feet into the required side yard similar to the current regulations and allowed to be 6 foot solid with Zoning Administrator review of visibility.</p> <p><i>"Fences not exceeding six (6) feet in height above natural grade level projecting not more than ten (10) feet into the required front setback on the side yard street frontage of a corner lot in a residential zoning district, provided that the Zoning Administrator or his designee determines that the provisions of Section III.G of this Ordinance will be maintained and that there will be no obstruction to the visibility of vehicular or pedestrian traffic. If the Zoning Administrator deems that such a visibility obstruction would occur, he may require that portions of or all of the fence be constructed of an open design, or of a shorter height, or a combination of both, or the Zoning Administrator may deny the request. The determination of the Zoning Ordinance may be appealed to the Zoning Board of Appeals pursuant to Section X.F of this Ordinance."</i></p>
2011-2017	A chart was created which determined what accessory uses and structures could encroach within a required yard under certain situations. It was here when fences 6 feet in height were permitted as an obstruction within 10 feet of the required secondary front yard. The Zoning Administrator was left to determine if the fence was a visibility obstruction and if it was required to obtain a Variation or not. This process and the standards attached resulted in the inconsistent enforcement of the zoning code requirements and numerous issues that created aesthetic and visibility concerns.
2017-Present	Code Changes were initiated to determine what fences in the secondary front yard should be permitted going forward and to make the regulations clear to residents and staff. The new regulations were reviewed and revised by the Zoning Board of Appeals, Community Development Committee, and the Plan Commission. They were approved by the Village Board in January 2018. The result of the text amendments reduced allowable fences extending into the required secondary front yard to be a maximum 4 feet in height (4'6" posts) and open style (50% open to light and air). When approved it was known that there would be numerous fences that would become legal non-conforming in the Village and would need to come into compliance when their fence needed replacement or adjustment.

# PLAN COMMISSION STAFF REPORT

May 5, 2022 – Public Hearing

## Petitioner

Steven Novak, on behalf  
of Anytime Fitness

## Property Location

17823 80<sup>th</sup> Avenue

## PIN

28-36-121-031-0000

## Zoning

B-1, Neighborhood  
Shopping

Urban Overlay District

## Approvals Sought

Special Use Permit

## Project Planner

Lori Kosmatka  
Associate Planner

## Anytime Fitness – Special Use Permit for Fitness Center (Commercial Indoor Recreation >3,500 Square Feet)

17823 80<sup>th</sup> Avenue



## EXECUTIVE SUMMARY

The Petitioner, Steven Novak of Anytime Fitness, is seeking a Special Use Permit for a Fitness Center (Commercial Indoor Recreation) location that is greater than 3,500 square feet. The Anytime Fitness is an existing business at 17823 80<sup>th</sup> Avenue in The Junction at 80th Avenue Shopping Center in the B-1 (Neighborhood Shopping) Zoning District. The proposed Special Use Permit will allow the Petitioner who recently acquired the business, to continue its operation. A Special Use Permit was granted to the previous owner in 2019 (Ordinance 19-O-011) prior to opening, Special Uses are granted to specific businesses and applicants and do not run with the property. To transfer ownership of a Special Use requires a new approval.

Anytime Fitness is a national chain of fitness centers that focus on availability to members 24-hours a day, 365 days a year. This location is approximately 6,000 sq. ft. in size. There are various workout equipment and additional services such as group classes and personal training. The center is open 24 hours a day for members with key card access. There are many safety and security measures Anytime Fitness puts in place at all locations to make sure members feel safe at all times. The primary concern with fitness centers and other commercial indoor recreational uses is a potential for high levels of traffic and parking due to heavy peak times and quick customer turnover (less than 1 hour). However, the existing business has operated without any known parking issues. The new owner proposes no changes to the intensity of use and will still function the same as under the old ownership.



## EXISTING SITE & NEARBY LAND USES

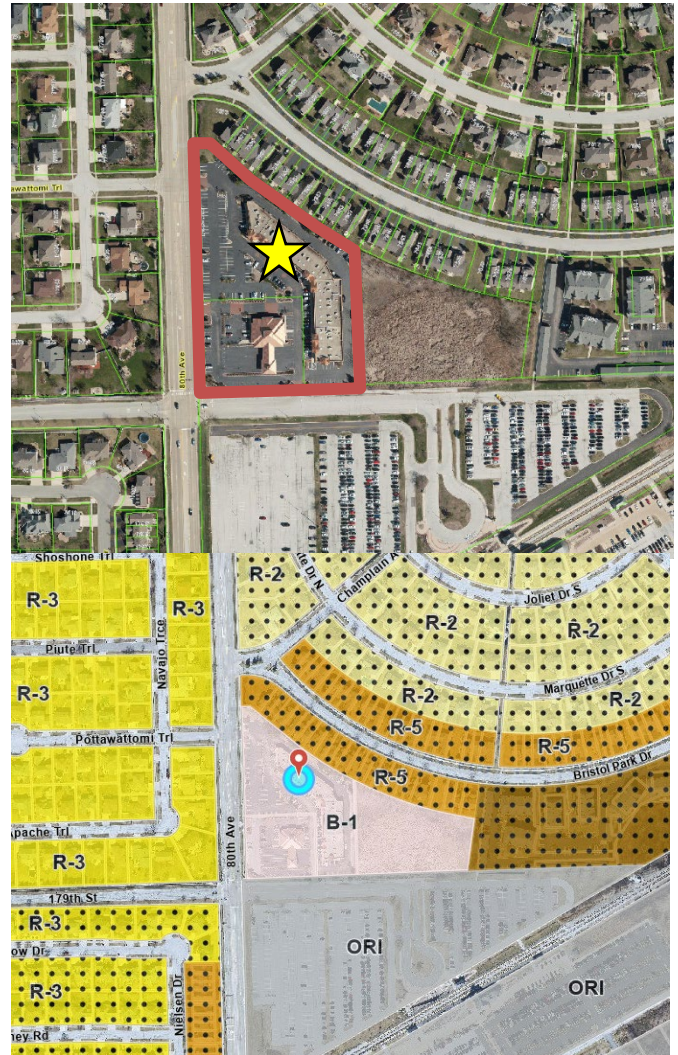
The tenant space is located within The Junction at 80<sup>th</sup> Avenue shopping center which includes approximately 25,000 square feet of commercial space. The tenant space is approximately 6,000 sq. ft., the largest in the shopping center. The shopping center is located just north of the 80<sup>th</sup> Avenue train station. It was approved in 1997 and constructed in 1998.

In 2019, the previous owner of Anytime Fitness was granted a Special Use Permit (Ordinance 19-O-011) to operate as a Fitness Center (Commercial Indoor Recreation) greater than 3,500 square feet.

Current co-tenants include Union Bar & Grill, Chen's (restaurant), Athletico Physical Therapy, Tinley Travel (travel agent), and Cambridge Dental Care.

The shopping plaza is within the B-1 (Neighborhood Shopping) Zoning District. The Zoning Ordinance states that the B-1 Zoning District is *"intended to provide areas for retail and service establishments to supply convenience goods or personal services for the daily needs of the residents living in the adjacent residential neighborhoods"*. B-1 (Neighborhood Shopping) districts are typically more neighborhood and pedestrian-oriented with smaller parking fields, limited access points, and "non-objectionable" businesses.

The surrounding area includes single-family homes zoned R-3 (Single-Family Residential) to the west across 80<sup>th</sup> Avenue. To the south is the Tinley Park 80<sup>th</sup> Avenue Metra Station parking lot zoned ORI (Office and Restricted Industrial). To the east are single-family attached townhomes zoned R-5 PD (Low Density Residential, Bristol Park PUD).



## SPECIAL USE PERMIT

A Special Use Permit is required to continue the operation under new ownership for the existing use as a *Commercial Indoor Recreation >3,500 Square Feet* in the B-1 (Neighborhood Shopping) Zoning District. Commercial indoor recreation uses <3,500 square feet are otherwise permitted in the B-1 Zoning District. Anytime Fitness is a fitness and health club covered under the Commercial Indoor Recreation use group. Commercial indoor recreation can also include other uses such as racquetball, baseball cages, trampoline parks, dance/yoga studios, bowling, miniature golf, and more. While there is nothing specific about the 3,500 square foot number, a limit was included because concerns tend to emerge when a recreation space becomes too large. There are generally fewer concerns for smaller spaces such as personal training or a small group dance studio. 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. For fitness centers, the primary concern is a potential for high levels of traffic and parking due to heavy peak times and quick customer turnover (less than 1 hour).

Special Uses are granted to a specific business and operator. If those change, then a new special use must be granted. The review ensures nothing has deviated from the original approval, any changes to the operations is considered, and any known issues with the use are addressed with the new business owner.

## PROPOSED USE

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The Petitioner, Steven Novak, recently acquired the existing Anytime Fitness location, and was unaware a Special Use Permit was required until submitting a Change of Owner application with the Village. The Petitioner has successfully operated other Anytime Fitness franchise locations, operating locations in Homer Glen and Oak Forest as further explained in the attached narrative.

The Petitioner has reviewed the subject property's operations, and, importantly, proposes no changes to the intensity of use. There are no expansions or additional classes proposed. The workout equipment and group classes, and personal training will remain. He states the business will still function the same as under the old ownership. He notes that under the previous approval, 29 parking spaces were noted and allocated by the property landlord, but has observed that the peak times thus far have only utilized approximately 15 parking spaces. He states the parking allocation with the landlord remains the same. The hours of operation will remain as 24 hours/day, and he will employ 3 staff members, in addition to himself. Parking in this situation is not expected to be a concern as this is an existing business which has operated without any known parking issues, and the new owner has experience in the industry. The existing safety and security measures of key card access, emergency panic buttons, and security cameras will remain. Aside from removing a section of interior wall, no physical changes are proposed.

The Staff Report and attachments for the original approval are attached for the commissions reference about the details of the original approval. Since the new owner is proposing "no changes", these documents will be exhibits to the current approval as well.

## STANDARDS FOR A SPECIAL USE

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Section X.J.5. of the Zoning Ordinance lists standards that need to be considered by the Plan Commission. The Plan Commission is encouraged to consider these standards (listed below) when analyzing a Special Use request.

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 business will have a multitude of safety and security measures in place to protect its members. The business not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the Community. As a fitness center, the business promotes health within the community.***
- 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 business will not harm surrounding properties and is expected to maintain the property's value and customer base of existing businesses in the shopping center.***
- 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 shopping center is existing and no changes are proposed to the exterior. The existing business thus far has not had any known negative effect on the surrounding development. The business under new ownership will continue to not have a negative effect on the surrounding development.***
- d. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided;

***The shopping center is existing and no changes are proposed to the exterior. The site is adequately supplied with utilities, roads, and drainage facilities.***

- e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and  
***The existing shopping center access and site layout is adequate to handle the proposed traffic of the use and will not cause increased traffic congestion on or around the site. The existing business thus far has adequately handled traffic and has not caused increased traffic on or around 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 Petitioner has indicated they will meet all other Village regulations and cannot change or expand from what has been present at the public hearing.***
- g. The extent to which the Special Use contributes directly or indirectly to the economic development of the community as a whole.  
***The business benefits the economic development of the community. Anytime Fitness fill the largest tenant space, and provides a needed service to the surrounding community.***

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

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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.

### Special Use Permit:

"...make a motion to recommend that the Village Board grant the Petitioner, Steven Novak of Anytime Fitness, a Special Use Permit to operate a Fitness Center (Commercial Indoor Recreation) that is greater than 3,500 square feet in floor space at 17823 80<sup>th</sup> Avenue in the B-1 (Neighborhood Shopping) Zoning District, according to the submitted plans and adopt the Findings of Fact as listed in the May 5, 2022 Staff Report."

## LIST OF REVIEWED PLANS

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Submitted Sheet Name	Prepared By	Date On Sheet
Application (Redacted)	Applicant	Rec'd 4/13/22
Response to Standards	Applicant	Rec'd 4/13/22
Narrative	Applicant	Rec'd 4/13/22
Existing Land Survey	Tech 3 Consulting Group	10-15-97 Rec'd 4/18/22
Tenant Floor Plan (Mark Up)	Wilkus Architects	Rec'd 4/18/22
Anytime Fitness Business Overview (Gyms)	Anytime Fitness	Rec'd 4/18/22
Anytime Fitness Color Brochure	Anytime Fitness	2019 Rec'd 4/18/22
Anytime Fitness Parking Study (Tinley Park)	SE3 Engineers	1-28-19 (Original Approval)
2019 Anytime Fitness Staff Report	Village Staff	2/21/19

# PLAN COMMISSION STAFF REPORT

May 5, 2022 – Public Hearing

## Oak Ridge Subdivision (DR Horton) – Final PUD Approval

SEC Ridgeland Ave. & Oak Forest Ave.

### Petitioner

DR Horton Inc - Midwest

### Property Location

SEC Ridgeland Ave. &  
Oak Forest Ave.

### PINs

28-29-200-030-0000

28-29-200-036-0000

28-29-300-041-0000

### Zoning

R-5 (Low Density  
Residential)

### Approvals Sought

- Special Use for a  
Final PUD
- Final Plat Approval

### Project Planner

Daniel Ritter, AICP  
Planning Manager



## EXECUTIVE SUMMARY

The Petitioner, DR Horton Inc - Midwest, is a national home builder and developer proposing to develop a ±39.19 acres of vacant land for Oak Ridge Subdivision. The location of the development is on a portion of the former Panduit Corporation property located on the southeast corner of Ridgeland Avenue and Oak Forest Avenue. The development includes 162 attached single-family townhomes and 81 detached single-family homes. The Petitioner received rezoning (to R-5) and preliminary PUD approvals from the Village Board on January 18, 2022 for the development. The Petitioner is presenting final documents, including HOA covenants and Plat of Subdivision, in substantial compliance with the Preliminary Approvals.

The December 12, 2021 Staff Report from the Preliminary PUD Approval is attached as a reference for the overall project, site history, zoning, etc. This Staff Report addresses the final documents and any significant changes or clarifications made between the preliminary and final approvals.

## FINAL PUD APPROVAL

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### **Special Use for a PUD**

The Special Use is being requested so that the PUD allows some additional control of the development for the Village in the future but also provides flexibility in the zoning regulations that are sometimes difficult to adhere to on infill development projects.

There are various approval levels that bring different review processes and entitlements with PUDs. Most often, PUD changes are minor and they can go straight to final approval. However, in bigger and multi-phased development “Conceptual” and “Preliminary” approvals are important. By spreading out the review into different categories, the level of detail becomes clearer. This is a benefit to the Plan Commission and Village Board to better understand the specific PUD’s proposal and purpose. It also benefits the developer by having them only spend time and money developing plans they need. Preliminary and Final approvals, including a public hearing and a recommendation, will then be forwarded from the Plan Commission to the Village Board of Trustees for final action.

Conceptual approval was not requested by the developer and instead they went directly to the Preliminary Approvals which give specific assurances on zoning. The preliminary approvals were given on January 18, 2022. The final plans, plats, and CC&R’s are all presented and must be in substantial compliance with the preliminary plans, and public hearing discussions. Preliminary approval essentially gave them the ability to construct what they are proposing and the final PUD plans and Final Plat approval are further detailed and give a clearer sense of the development.

The Petitioner noted at the preliminary approval they will start the project in Spring/Summer 2022 with site development and utilities taking around a year to complete. The project will be built at the same time the site development was being completed. The sales program is expected to be 3-4 years until completion but is market-dependent.

### **Phasing**

The Preliminary Approval had noted the development to be subdivided and constructed in one phase. However, one change from the preliminary approval is the development will be constructed in two phases with only certain utilities installed under the first phase (phasing plan attached in packet). The reasoning behind the phasing is the difficulty in getting materials and length of time with construction. However, the Petitioner has agreed to supply a Letter of Credit (LOC) guarantee for all public improvements on both phases. Additionally, the entire development will be platted at one time. The plan is still subject to final engineering review and approval, particularly in regards to utility routing.

***Open Item #1: Review request to change from a single phased development to two phases. Staff recommends a condition for future clarification that the LOC submitted shall include guarantees for the whole project, the project shall be platted at one time, and the phasing plan is subject to final engineering approval.***

Staff has reviewed the phasing plan and had one concern with regards to lots 77-81 and the adjacent public roadway (Leinster Lane) and utility work. If there was no potential for redevelopment of the former ABC Supply parcels (17201 Ridgeland Ave), the preference is to have this work completed as part of Phase 1 so that the work around the public park is completed to avoid active construction around it for an extended number of years. There are concerns that if someone came to redevelop the lot and tie into the proposed roadway and utilities (separate from DR Horton), this would be delayed an indefinite amount of time with a disconnected utility/roadway network. However, by constructing those specific public improvements with Phase 1, there is some added time and costs with the additional cul-de-sac roadway work that may not be needed if the ABC site is redeveloped.

As an alternative, staff has proposed, and the Petitioner agreed, to making a condition that adjacent public improvements (utilities, roadway, sidewalks, etc.) will need to be completed for the right of-way adjacent to lots 77-

81, within 1 year after approval of any redevelopment plan of the former ABC Supply property. In that situation, the cul-de-sac and utility connection can be coordinated with that redevelopment.

***Open Item #2: Review suggestion to condition the approval on the completion of all adjacent public improvements (utilities and streets) will need to be completed for the right-of-way adjacent to lots 77-81, within one year after approval of a redevelopment plan of the former ABC Supply property (17201 Ridgeland Ave).***

### **Exceptions Requested**

Any items that don't meet the Zoning Ordinance are considered "Exceptions" instead of Variations and covered by the PUD approval. While it is not necessary to call out every Exception shown in the corresponding PUD Exhibits and plans, staff often outlines these so that the Plan Commission, Village Board, and future owners can understand what specific flexibility is being given to the development through the PUD process. The three exceptions below were reviewed and approved with the preliminary approval.

1. Waiver of First-Floor Rear Brick on Townhomes
2. Partial Waiver of First-Floor Side Brick on Townhomes
3. Detached Single-Family Lot Coverage – Allow lot coverage of up to 40% on all lots is proposed, as opposed to a maximum of 35% permitted by the Zoning Ordinance.

### **PUD Restrictions Proposed**

In addition to Exceptions from the Zoning Ordinance, PUDs can conversely have additional restrictions and requirements. Most detached single-family neighborhoods are in R-1 to R-4 zoning districts, so most of the restrictions included in this PUD are proposed to help note certain issues and control any negative consequences of denser detached single-family home developments. Some of these "restrictions" are already Zoning Code requirements but have been added to the list for clarity purposes. The additional restrictions were reviewed and approved with the preliminary approval unless otherwise noted and are listed below.

1. The detached single-family home portion of the development is only permitted to have detached single-family homes and does not permit attached single-family, semi-detached single-family, or two-family residences typically permitted in R-5 zoning.
2. A minimum combined side yard setback of 15' between two neighboring principal structures is required, as opposed to the R-5 requirements of 5' minimum side yard setback and minimum 10' combined between structures.
3. Public right-of-way aprons and private driveways shall be limited to a width of 22' for two-car garages and 28' for three-car garages. These widths shall include any "flares" at the roadway.
4. No detached garages shall be permitted within the development.
5. Attached garages shall not be permitted to be converted to living space.
6. Any single-family home additions shall be constructed of matching masonry on the first floor, including sunrooms and three-season rooms.
7. Townhomes shall not be permitted any future building/structure additions including sunrooms, three-season rooms, etc.
8. Only detached single-family home and townhome elevations approved with the original PUD shall be constructed. Any other elevations shall require approval of a substantial deviation.
9. The association shall be required to enter into a parking enforcement agreement with the Village to allow Police enforcement of parking and traffic violations on any private roadways.
10. Parking restrictions on all private streets shall be the same as public streets and limited to one side of the roadway to allow for fire department and emergency response access.
11. A minimum of 50% of the front yard for single-family homes shall be pervious surface (landscaping, turf, etc.)
12. Key lots as indicated in the submittal shall upgrade exterior elevations, full width front porches, windows on the second front yard elevation, and a foundational landscaping package on the front and corner side yards of the home.



13. All utilities are required to be run in the rear yards whenever possible within developments. This may require installation of conduit to be completed by the developer for ComEd electrical service, which will be the developer's requirement to coordinate and install.

### **Special Service Area (SSA)**

A dormant SSA is recommended to be established by the developer and required to be in place for all future property owners. The intent is to ensure that the associations maintain all common areas as proposed within the PUD. If an association is dissolved or fails to maintain certain requirements like landscape buffers, fences, private roadways, private utilities, open space, etc. the Village can activate the SSA to pay for the associated costs for the development. This protects the Village's general fund from being utilized to maintain areas that primarily benefit only a small group of residents and designed to be paid for by a future association. The process of establishing an SSA can take a few months due to a required extended "waiting/notification period" and is in the process. The hope is that the process will be completed prior to issuance of building permits for homes. However, the PUD has been conditioned that the SSA must be fully established prior to any changes in property ownership or closings to give a little flexibility if the SSA establishment is delayed slightly.

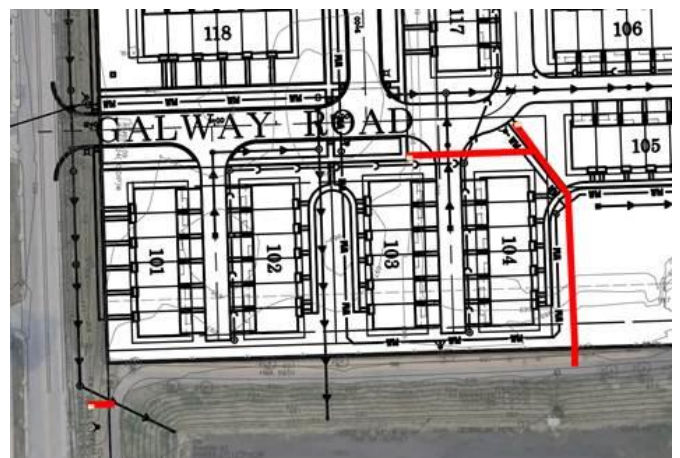
### **SITE PLAN**

The overall site plan has not changed with regards to layout, road configuration, access, structure setbacks, parking, or signage. The private portion of what was previously noted as Galway Road has been given a new name of Ulster Drive to avoid confusion by residents on the name, ownership, and maintenance responsibilities of the street.

### **Sidewalks**

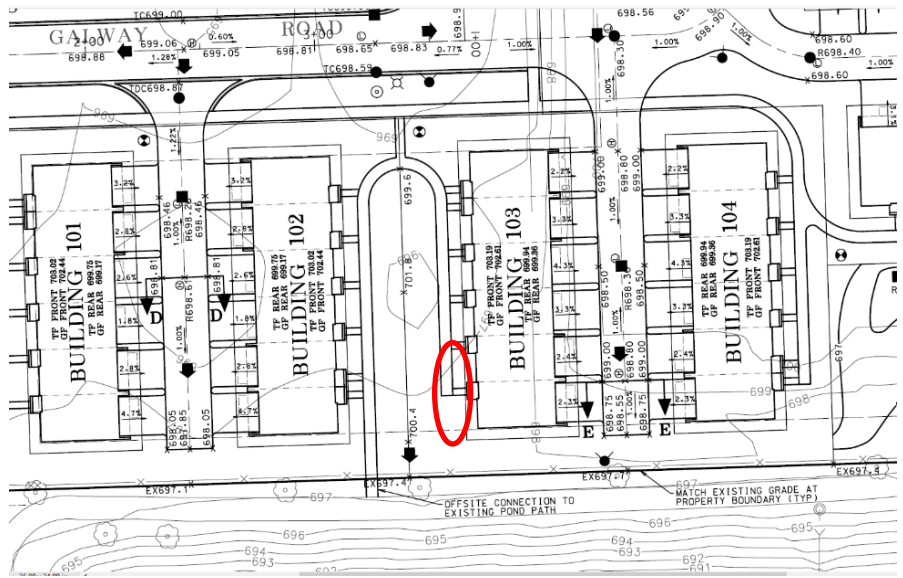
Sidewalks are proposed on all new internal public streets. The development is also required to install sidewalks on any adjacent public streets or rights-of-way. However, the Village and county are already working towards plans to install a multi-use path along Ridgeland Avenue. Additionally, there will be some changes to Oak Forest Avenue, which currently has swales, and the utilities in the area. To avoid installing sidewalks in a manor not in the long-term interest of the area. Village Planning and Public Works staff suggested a cash-in-lieu payment for the required sidewalks that can be used by the public works department in the best way possible for the area. The Village Engineer has estimated a cost of \$82,279 for the required sidewalks that will be required to be paid prior to the issuance of any site permits. A recommended condition was added clarifying this cash-in-lieu payment for some sidewalk requirements, same as the preliminary approval. The amount is subject to any increases in construction costs over time. The payment is due before the issuance of any site work permits.

At the Preliminary workshop, it was noted a preference to see a more direct walking route to the Freedom Pond path (as opposed to walking all the way out to Ridgeland Ave) as this gives residents a path to the park and to the nearby Tinley Park High School. One route was explored that removes lot 39 and brings a path directly from the detached home area to Freedom Pond along the east side of the townhomes. However, there is a steep grade differential and utilities located there with little space flexibility. The Petitioner proposed a potential alternative route through the townhomes (as seen on the image to the right) with an agreement to explore it further before the final plans were approved. One concern of this route was too much public foot traffic going in front of those specific units, even though it would be known to the purchasers ahead of time.



The proposed Final Plan indicates a walkway connection proposed in front of building 102 that connects to the Freedom Pond path. Staff has a few concerns with the current proposal outlined below:

1. The overall appearance and usage at the proposed location. It would be staff's recommendation to connect the path from Building 103 as well, so that both could be used to access the park and path.
2. There is no easement over the walkway that would ensure this can be used by the public. This may lead to the public not being able to rightfully use these walkway connection points in the future, or them being removed. Staff recommends that the Plat be revised to include a public walkway easement at the proposed location to avoid concerns or conflicts later.



**Open Item #3: Review walkway paths and connection from the Oak Ridge development to the Freedom Pond park/detention area. Review staff concerns with needing to add a connection point and easement over the walkways intended for the public walkway connections.**

## ENGINEERING

Publicly dedicated roadways include typical canopy trees, street lights, and traffic control signage. The proposed design generally shows it is compliant with the Village's standard details. Specifics of the roadway details, stormwater, and public utilities are currently under review for final engineering and final approval. A recommended condition has been added clarifying that this approval is not approving final engineering and that final engineering approval is still required with the site development permit.

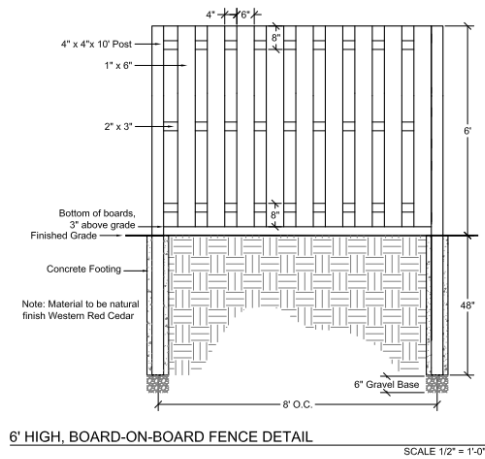
**Open Item #4: Final Engineering Review and approval has not been completed yet, all approvals are to be conditioned upon engineering approval.**

## LANDSCAPE

The Landscaping will remain as proposed during the Preliminary approval with only minor waivers granted to landscape code requirements with that approval. The waivers were granted due to offsetting the specific requirements with other types and locations of landscaping.

The Commission discussed the fencing materials and locations in detail at the Preliminary PUD approvals. Most commissioners prefer PVC fencing over wood board-on-board "shadow box" fencing due to less need for maintenance and a more consistent look over time. However, due to the increase in cost, limited availability, and location near the heavily wooded forest preserve areas, DR Horton requests using a wood privacy fence as opposed to PVC. They used the wood fences at previous development locations that have been well-constructed with little need for repair or maintenance over time. The pictures supplied are a fence that was installed in 2005 (regularly maintained) and owned by an HOA. The PVC fencing was still to be considered and these details decided with the final approval.

**Open Item #5: Discuss proposed fence to be owned by the future homeowner association to utilize cedar wood shadow box style fence as opposed to PVC.**



## ARCHITECTURE

### Single Family Home Design

Models have stayed consistent with those supplied during the preliminary approvals (attached in the Plan Commission packet). First-floor brick or stone exists on all models. During the workshop and public hearing, the details of the anti-monotony plan and “Key Lot” home enhancements were explained in more detail. Color renderings were given for a few of the model types as well to better understand how they will look.



### Proposed Anti-Monotony Provisions

#### Elevations:

- The same elevation of the same floor plan cannot be repeated within two lots on the same side of the street.
  - Must be two different elevations between each home. A different elevation is not only defined as a different letter, but must be different in terms of roofline and fenestration.
- The same elevations cannot be put “directly across the street” from one another.
- Like elevations can be erected across the street from one another as long as the lot boundaries do not overlap by more than 25%; this is not considered “directly across the street.”
- In the case of a small cul-de-sac (eight sites or less), no duplication of elevations should occur.

#### Exterior Colors:

- The same exterior siding color shall not be repeated within two lots on the same side of the street.
  - Two different siding colors between each house.
  - The siding color should not be the same on any house across the street.
- Trim, roof and brick colors will not be duplicated more than twice if side by side;
  - i.e., there will not be three homes alongside each other with the same trim color.
- There is no monotony code for Townhomes.



### Key Lots

Certain “Key Lots” have been indicated by the developer. These lots will be some of the most visible lots due to their locations on corners or being in line with roadways. The developer has noted these lots have some upgraded design options that benefit the overall appearance and feel of the subdivision. Revised plans with the new layout will need to be supplied, along with the details on the model upgrades prior to the public hearing. The Petitioner reviewed the key lot criteria in the meeting including requiring the following “upgrades.” These items are included as a requirement of the PUD development.

#### **Key Lot Criteria**

- An upgraded elevation (not the base elevation)
- The home would include a full width porch on the front elevation
- The corner side of the home must include a window
- Foundation landscape package on the front and corner side of the home.



### Townhomes

Similar to other townhomes developments, the design of the townhomes will be consistent across all buildings. Brick has been brought up vertically in several areas along with varying entrance styles to give it an appealing appearance. Brick has only been proposed on the partial first floor on the side elevations, requiring a request for an Exception as part of the PUD as previously noted and approved with the preliminary approval.







## FINAL PLAT APPROVAL

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Unlike the Preliminary Plat, the Final Plat of Subdivision formally creates lots of record, denotes easements, and what land is to be dedicated to public uses. The proposed Final Plat is in substantial conformance with the previously reviewed preliminary plat. A separate exhibit to the Subdivision is included due to the need of abandoning a utility easement that served the Panduit property previously. As previously noted in this Staff Report, staff has recommended a public walkway easement be included to connect the subdivision walkways to the Freedom Pond Park. Due to final engineering reviews not being completed, this Plat may have some minor changes that still need to be made and has a recommended condition clarifying that it is still subject to final engineer and Village Attorney review prior to recording.

***Open Item #6: Review the proposed PUD Final Plat of Subdivision to be subject to final engineering and attorney review.***

## STANDARDS FOR A SPECIAL USE

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Section X.J.5. of the Zoning Ordinance lists standards that need to be considered by the Plan Commission when analyzing a Special Use request. Staff will provide draft Findings for the Commission's review in the next Staff Report.

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;
  - *There is no danger to the public with additional residential housing and open space proposed per the final PUD plans, allowances, and restrictions.*
- 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;
  - *Residential housing surrounds the development and residential uses are less intense than the former commercial and light industrial uses. The proposed zoning is a better fit for the area and has sufficiently buffered future residents from existing neighboring non-commercial uses.*
- 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 remaining land has been planned in concept to tie into the surrounding area's roads, utilities, sidewalks, and other development aspects. The remaining commercial areas have been planned for potential residential development in concept with the proposed development as well.*
- d. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided;
  - *There are adequate roadways, utilities, and drainage existing around the site and proposed throughout the new development. The final plans are subject to final engineering review and approval.*
- 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;
  - *The ingress and egress access points have been reviewed by the Village Engineer for their best placement on the site and for overall traffic flow for the area.*
- f. That the Special Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the Village Board pursuant to the recommendation of the Plan Commission. The Village Board shall impose such conditions and restrictions upon the premises benefited by a Special Use Permit as may be necessary to ensure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the general intent of this Ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this Ordinance; and
  - *All buildings will comply with all other code requirements of the Village not covered by an Exception to the Zoning Ordinance indicated in the PUD documents and plans.*
- g. The extent to which the Special Use contributes directly or indirectly to the economic development of the community as a whole.
  - *The development will add additional residents that help support surrounding businesses and add additional property taxes where the vacant land currently provides minimal support to various public bodies and is an eyesore to the overall area.*

## STANDARDS AND CRITERIA FOR A PLANNED UNIT DEVELOPMENT

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Section VII.C. of the Zoning Ordinance lists standards that need to be considered by the Plan Commission for a Planned Unit Development (PUD). The Plan Commission is encouraged to consider these standards (listed below) as well as the Applicant's responses (attached) when analyzing the PUD request. Staff will provide draft Findings for the Commission's review in the next Staff Report.

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

## MOTIONS TO CONSIDER

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If the Plan Commission wishes to act on the Petitioner's requests, the appropriate wording of the motions 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 for Final PUD Approval):**

*"...make a motion to recommend that the Village Board grant a Special Use Permit to the Petitioner, DR Horton Inc - Midwest, for Final Planned Unit Development Approval for the Oak Ridge Subdivision located at the southeast corner of Ridgeland Ave. & Oak Forest Ave (excluding 17201 Ridgeland Ave), zoned R-5 (Low-Density Residential) and developed with 81 detached single-family and 162 attached single-family units, in accordance with all plans/documents submitted and listed herein and adopt the Findings of Fact as proposed by in the May 5, 2022, Staff Report, subject to the following conditions:*

- 1. The PUD exceptions and restrictions from the Zoning Ordinance, as listed in the staff report, shall be included within the Preliminary and Final PUD ordinance documents.*
- 2. Final conditions, covenants, and restrictions (CC&Rs) shall be recorded prior to any transfer of ownership or any lots, closings, or occupancy permits are issued.*
- 3. The project shall be subdivided at one time with a single Plat of Subdivision. All performance guarantees for public improvements for all phases due prior to starting Phase 1 site or construction work. Site grading work may begin prior to the Plat recording but no road, utility, drainage, or other development work shall begin until the Plat is fully signed, all property taxes paid, and in the process of being recorded with Cook County Recorder of Deeds Office.*
- 4. The completion of adjacent public improvements (utilities and Leinster Lane roadway) will need to be completed for the Leinster Lane right-of-way adjacent to lots 77-81, within 1 year after approval of any redevelopment plan of the former ABC Supply property (17201 Ridgeland Ave) that requires such improvement connections.*
- 5. A Special Service Area (SSA) shall be established over the development to begin at the time of Final Approval. This shall be finalized with the county prior to any transfer of ownership or any lots, closings, or occupancy permits being issued.*
- 6. The public park shall be completed and approved prior to beginning any phase 2 work. The expectation is future approval and acceptance by the Village and to be transferred to the Tinley Park – Park District. This transfer may happen anytime from completion/acceptance of the park and completion of the subdivision (or at any point there is a "turnover" from the developer to the association that is triggered.) However, if the Park District does not accept the park's dedication, the park shall remain owned/maintained by the Oak Ridge Homeowner Association.*
- 7. A cash-in-lieu payment for the sidewalks on Ridgeland Ave and Oak Forest Ave be submitted prior to issuance of any permits. The payment is currently estimated by the engineer at \$82,279 but is subject to changes related to increases in construction or material cost.*
- 8. The final Addressing Plan requires final review and approval by the Village, Public Safety, and Post Office.*
- 9. The final approval of all plans is subject to final engineering approval of all plans by the Village Engineer and any other jurisdictional approvals, including but not limited to Cook County DOT, MWRD, and IEPA.*

### **Motion 2 (Final PUD Plat):**

*"...make a motion to recommend that the Village Board grant approval to the Petitioner, DR Horton Inc – Midwest, Final PUD Plat Approval for the Oak Ridge Subdivision in accordance with the Oak Ridge Final Plat of Subdivision submitted (dated April 15, 2022), subject to the condition that the approval is subject to the final review and approval by the Village Engineer and Village Attorney."*

## LIST OF REVIEWED PLANS

Submitted Sheet Name		Prepared By	Date On Sheet
14pgs	Preliminary Workshop Presentation (key lot exhibit, parking exhibit, anti-monotony standards, etc.)	DRH	12-2-21
8pgs	Application and Standards	DRH	2-21-22
1pg	Project narrative	DRH	10-15-21
2pgs	Plat of Topography	Mackle	6-23-21
2pgs	Alta Survey	Mackle	8-5-21
1pg	Site Data and Site Plan	GRWA	n/a
1pg	Phasing Plan	Mackie	2-21-22
5pgs	Final Landscape Plan	GRWA	4-18-22
2pgs	Photometric Exhibit	Mackle	2-18-22
16pgs	Final Engineering Plans	Mackle	2-21-22
1pg	Signage Plans (Same as Preliminary)	GRWA	10-15-21
72pgs	Single Family Detached Model Elevations (B&W) (Same as Preliminary)	Premier	11-5-21
7pgs	Single Family Detached Elevation Select Color Renderings (Same as Preliminary)	Premier	n/a
5pgs	Townhome Elevations and Renderings (Same as Preliminary)	Premier	11-5-21
4pgs	Final Plat of Subdivision and Easement Exhibit	Mackle	4-15-22
1pg	Roadway Naming and Address Exhibit	Mackie	4-15-22
51pgs	Traffic Study (Same as Preliminary)	GHA	8-31-21
1pg	Monotony Plan and Key Lot Exhibit for Single Family Detached (Same as Preliminary)	DRH	n/a
1pg	Subdivision Specifications (Same as Preliminary)	DRH	n/a
1pg	Estimated Child Generation (Same as Preliminary)	DRH	8-31-21
7pgs	Market Study (Same as Preliminary)	HT	n/a
3pgs	Fence Details and Pictures (Same as Preliminary/In Staff Report)	DRH	n/a

DRH = DR Horton (Petitioner/Developer)

Mackle = Mackle Consultants, LLC (Surveying)

GRWA = Gary R. Weber Associates, Inc. (Land Planning, Landscape Arch.)

Premier = Premier Architecture, Inc. (Architect)

GHA = Gewalt Hamilton Associates, Inc. (Consulting Engineers)

HT = Housing Trends LLC (Market Consultant)



# PLAN COMMISSION STAFF REPORT

May 5, 2022 - Workshop

## Petitioner

Steve Vernon of Vernon Development Inc., on behalf of Atlas Putty Products Co.

## Property Location

8301 185<sup>th</sup> Street

## PINs

19-09-02-200-028-0000  
& 19-09-02-201-001-0000

## Zoning

M-1 PD (General Manufacturing, Northstar Business Center)

UDOD (Urban Design Overlay District)

## Approvals Sought

- Special Use Permit for PUD Deviation
- Site Plan/Architecture Approval
- Final Plat Approval

## Project Planner

Daniel Ritter, AICP  
Planning Manager

## Atlas Putty New Warehouse

8301 185<sup>th</sup> Street



## EXECUTIVE SUMMARY

The Petitioner, Steve Vernon of Vernon Development Inc., (Petitioner/Developer) on behalf of Atlas Putty Products Co. (Owner), is seeking a Special Use Permit for a Substantial Deviation from the Northstar Business Center Planned Unit Development, Final Plat Approval, and Site/Architectural Approval to allow for the construction of a new 87,267 sq. ft. warehouse building to be used by Atlas Putty on the property at 8301 185<sup>th</sup> Street.

Atlas Putty is an existing business in the Village and has two current building locations in Tinley Park at 8351 185<sup>th</sup> Street and 8301 183<sup>rd</sup> Street. They are looking to expand their available space nearby these existing locations to allow for the most efficient movement between the different sites. As part of the new warehouse structure being built, an existing office building at 8231-33 185<sup>th</sup> Street will be demolished to combine that property with the vacant land on the adjacent Atlas Putty site.

This proposed project has a few exceptions from the approved Planned Unit Development and Urban Design Overlay District requirements. The Special Use for a Substantial Deviation will approve these Exceptions, the lot changes to the existing PUD, and additional structure density.



## EXISTING SITE & HISTORY

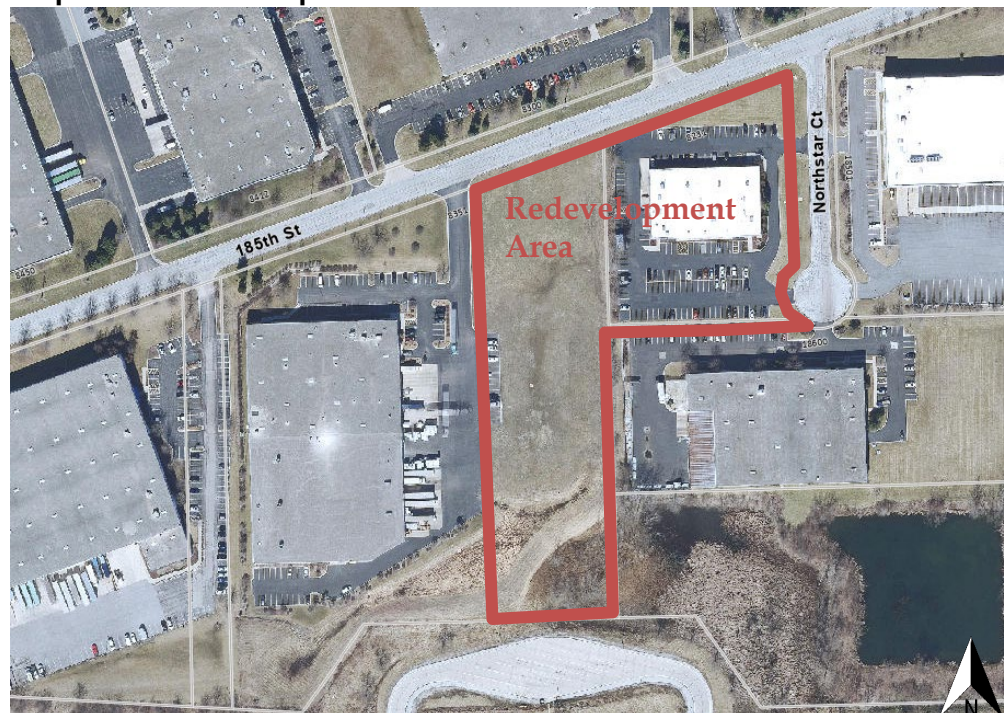
The subject property consists of two existing parcels. The first parcel (8351 185<sup>th</sup> Street) is an approximately 9.62-acre parcel that was originally developed for Atlas Putty's headquarters and was an approximately 46,800 sq. ft. building. The original building was approved in 2000 and completed in 2001 with a concept plan of having an addition on the first building and a potential second building on the vacant land to the east. The approximately 50,000 sq. ft. building addition was approved in 2007 and completed in 2008. The land for the second building has remained vacant since and remains part of the same parcel as the portion with the building. This land area will be subdivided off to combine with the second parcel for a new lot as part of this proposed redevelopment.

The second parcel of land is approximately 2.28 acres directly to the east of the first parcel at 8231-33 185<sup>th</sup> Street. This is an existing 20,000 sq. ft. "flex space" building (with parking, landscaping, and loading areas) that was designed to be used for a mix of purposes but has primarily used as offices. The building was approved in 1996 and completed in 1997. The building was purchased in early 2022 and existing tenants are going to be moving out to prepare for the building's demolition.

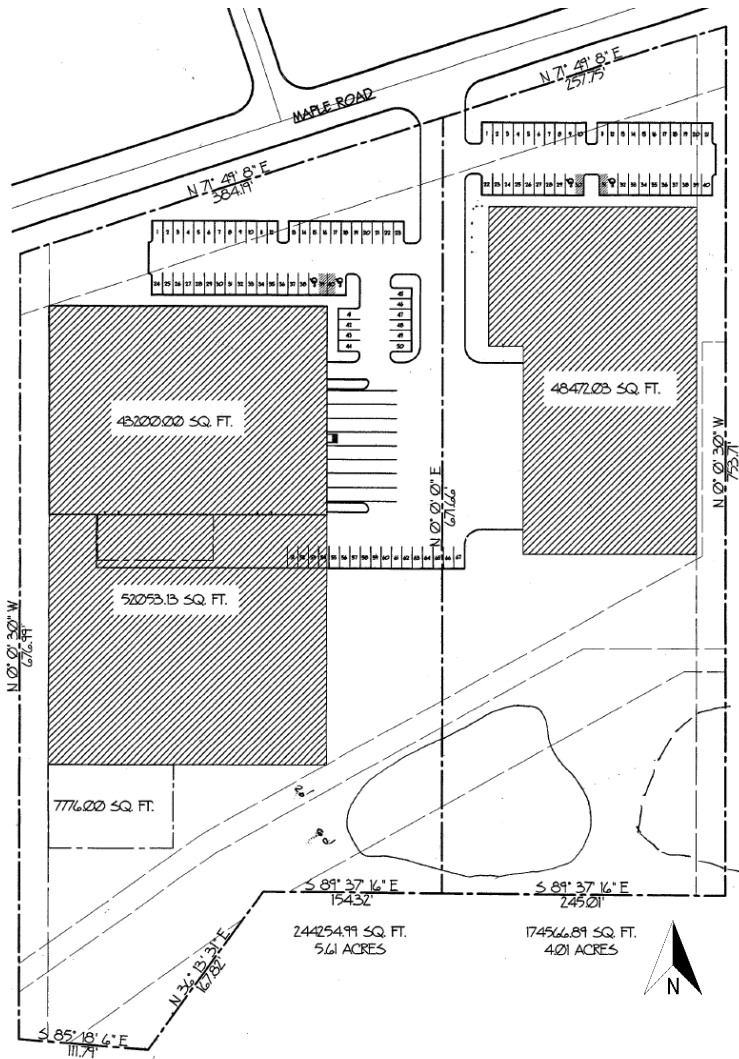
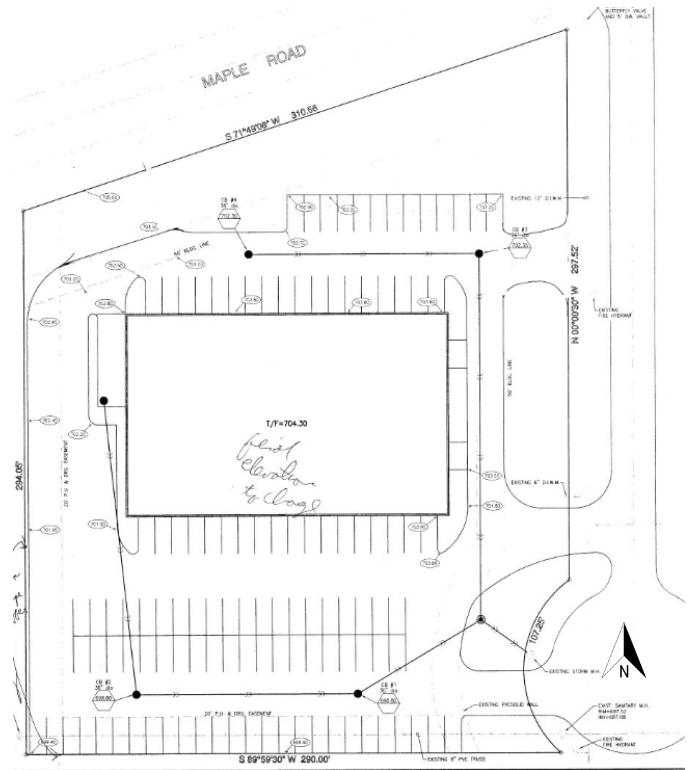
**Existing Parcels:**



**Proposed New Development Area:**





**Original Site Plans:**Left: Lot 1 - 2007 Concept Plan – 8351 185<sup>th</sup> StRight: Lot 2 - 1996 Site Plan – 8231-33 185<sup>th</sup> St**ZONING & NEARBY LAND USES**

The property is zoned M-1, General Manufacturing and is part of the Northstar Business Center Planned Unit Development (PUD). The PUD was originally approved in 1994 (Ord. 94-O-041) with the M-1 base zoning covering the full area. The PUD was developed over time in phases, some as speculation builds and some as build-to-suit for specific tenants. The PUD includes a mixture of office, light industrial and warehouse/distribution uses. The subject sites are at the southwest corner of 185<sup>th</sup> Street (previously referred to as Maple Road) and Northstar Court. The overall area was developed from 1995 to the mid-2000s. The Northstar development is very similar to the nearby Tinley Crossings Corporate Center that came in with a similar zoning and development pattern in 1998.





To the west of the subject site is the existing Atlas Putty headquarters (8351 185<sup>th</sup> Street) and the American Sales Distribution Center and Outlet Store (8401 185<sup>th</sup> Street). To the north and east are similar industrial warehouse buildings. The PUD is fully developed despite the ability for some building additions. All surrounding sites are zoned M-1 and located in Northstar, Mercury, or Tinley Crossings PUDs. To the south of the site is I-80 and a truck weigh station with the Village of Mokena on the south side of the expressway.

The site is also located within the Urban Design Overlay District (UDOD), which promotes walkability, lesser front yard setbacks, and overall a more urbanized look. These regulations override the underlying zoning regulations when applicable. The UDOD regulations only apply to buildings less than 100,000 sq. ft. While the proposed building will be less than that, it is relevant they noted that the intent of the regulations is hard to meet with larger industrial and commercial developments, which should be looked at on their own merit. Due to the inconsistencies between the intent of the UDOD and the industrial truck-oriented development pattern of the existing development within the Northstar Business Center Planned Unit Development, staff relied primarily on the PUD development pattern to guide the review of the project.

## PROPOSED USE

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Atlas Putty produces a number of different chemicals and products for industrial and commercial applications ([www.putty.com](http://www.putty.com)). Areas of expertise include Do It Yourself Patch and Repair products, Sealants and Adhesives, Paints and Coatings, and Specialty OEM Compounds. Additionally, they have experience in Automotive Care and Janitorial/Housekeeping, serving mid- to large-size manufacturers, including divisions of Fortune 500 companies and companies looking to outsource production. The petitioner has three locations now: their existing HQ building at 8351 185<sup>th</sup> Street in Tinley Park, a second building nearby at 8301 183<sup>rd</sup> Street in Tinley Park, and then a temporary location they currently lease in Mokena. The Petitioner proposes to construct a new 87,267 sq. ft. warehouse building for production and storage of the goods they produce that is adjacent to their largest building and headquarters. This new building allows them to continue to grow while keeping their production and warehouse facilities near each other in the Village of Tinley Park.

## PUD EXCEPTIONS

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The Applicant is requesting a Special Use Permit for a Substantial Deviation from the Planned Unit Development. Deviations from Village's Zoning Ordinance are considered Exceptions rather than Variations and do not require the standard Findings of Fact as required with a Variation. Exceptions are looked at in terms of their conformance to their overall PUD's design and goals. While it is not necessary to call out every Exception shown in the corresponding PUD Exhibits and plans, staff outlines anything significant so that the Plan Commission, Village Board, and future owners can understand what specific flexibility is being given to the development through the PUD process. The Exceptions include:

1. UDOD (Sec. V.D.2.) – Increased primary (north) and secondary (east) front yard setbacks
2. UDOD (Sec. V.D.2.) - Allowing parking in the front yards (north and east)
3. UDOD (Sec. V.D.2.) - Maximum of one curb cut access per site
4. Off-Street Parking (Sec. IX) - Allowing Parking in the front and side yards

The Northstar Business Center PUD was designed prior to the approval of the Urban Design Overlay District. The setbacks move the building closer than was previously permitted under the M-1 zoning (min. 50' setback) Due to the unique nature of the site and the existing development patterns within the PUD, these exceptions help to retain the character of the PUD and provide adequate access for trucks. Cross-access has been planned with the existing Atlas Putty location to the west that will allow for the building footprint to be maximized but also for operational efficiencies with the two building's docks nearby to each other.

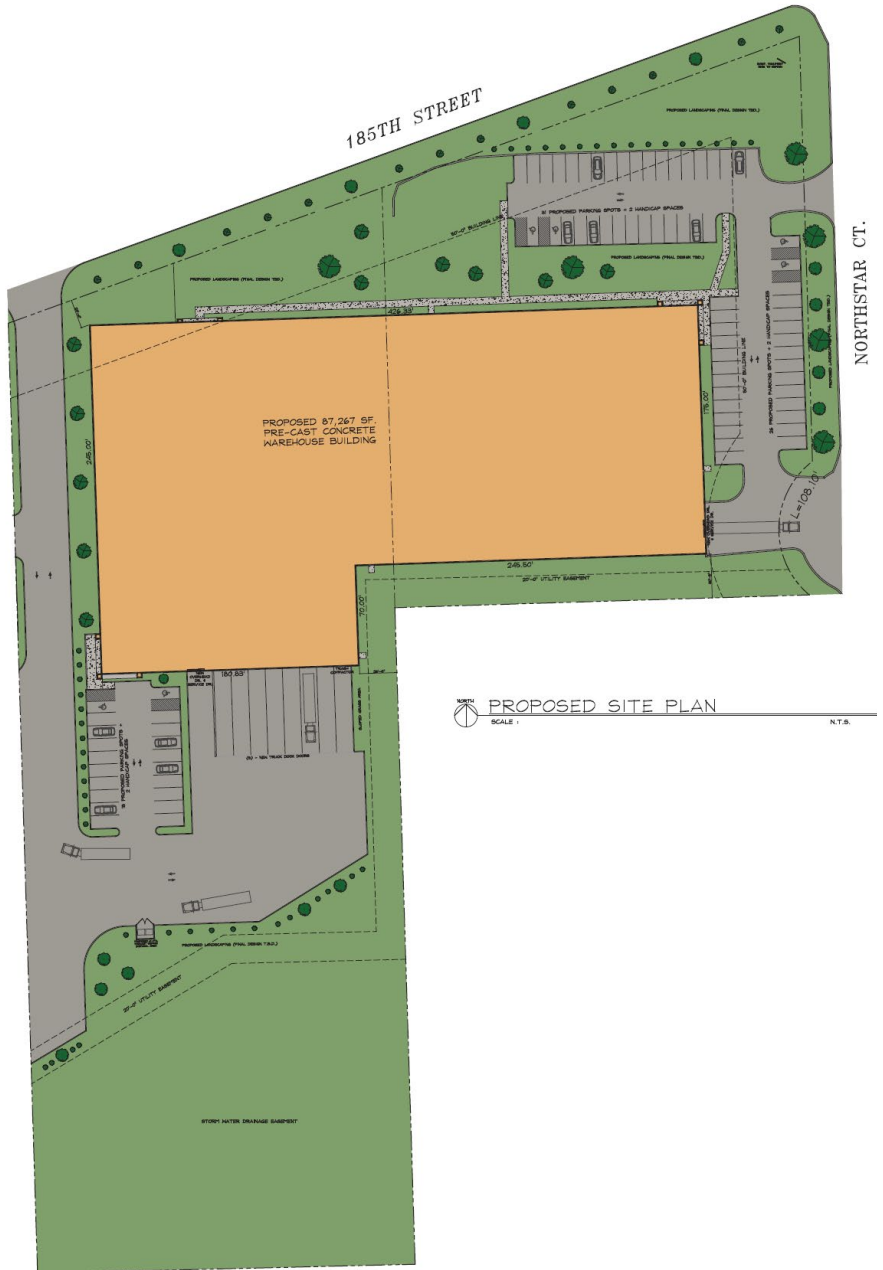
**Open Item #1: Discuss the requested Substantial Deviation with Exceptions from Zoning Ordinance regulations and Urban Design Overlay District.**

## SITE PLAN

The development is unique in that it will be one lot with one large building but will have two different entrances and parking areas. To get from one side to the other, vehicles and trucks will need to go on to 185<sup>th</sup> Street and Northstar Court. It is typically preferred these areas be connected on the site to avoid traffic using public roadways for circulation. However, the design of the site is unique due to the complexity of combining two separate lots and maximizing the building footprint. The proposed site design is not expected to generate more traffic than two separate industrial buildings would produce.

The primary employee and visitor entrance will be on the northeast corner where the majority of the parking is located. There is a smaller dock area that will be used for some limited deliveries depending on the internal warehouse layout. The southwest corner will be the primary dock area for receiving and shipping. There is a rear parking area that can be utilized by employees who may work in that side of the warehouse. Each parking lot has a 5-foot extension at the end to allow vehicle to reverse out and turn around.

The dual parking and dock proposal work best for Atlas Putty but may also provide flexibility in the future if the building has multiple tenants. Accessible pedestrian connections in compliance with the Illinois Accessibility Code are proposed to connect the parking field to the building entrances.



### Exterior Storage

No exterior storage or materials is proposed and is similar to the surrounding developments that have limited or small exterior storage areas. If any exterior storage is proposed in the future, it will need to meet the location (only rear yards), size (maximum 30% of lot), and screening (screened by a solid fence or acceptable buffer landscaping).

### Dumpster Enclosure

A dumpster enclosure location is shown, but is conceptual and not expected to be constructed at this time. The enclosure location is shown in the event that part of the building is rented or owned separately in the future. The current tenant prefers interior trash compactors which is placed within one of the recessed docks. This is an option that provides a better exterior look, less maintenance, closer to staff who do not need to walk outside, and also limits the promotion of “fly dumping” which can be problematic in industrial areas. The proposed location also allows flexibility to expand the enclosure a significant amount if there is larger trash producing tenant in the building.

**Open Item #2: Review proposed site plan, location of parking fields, and overall site circulation.**Sidewalks

The Subdivision Code requires any new development or redevelopment to install a public sidewalk on adjacent rights-of-way per engineering standards. However, there is no existing sidewalk network in the area. While sidewalk systems do need to start somewhere, staff left the option to the Petitioner to either install the sidewalk or provide a cash-in-lieu payment instead of installing the sidewalk. The Petitioner preferred the option of a cash-in-lieu payment as opposed to a sidewalk on a roadway with no sidewalk present. The Village Engineer will need to estimate a cost to be paid prior to start of construction work. The Petitioner may always still elect to design and install the sidewalk with this project if they wish, but the cash-in-lieu payment has been recommended at this location. Staff is recommending the Plan Commission include this condition as part of their recommendation to the Village Board for clarification purposes.

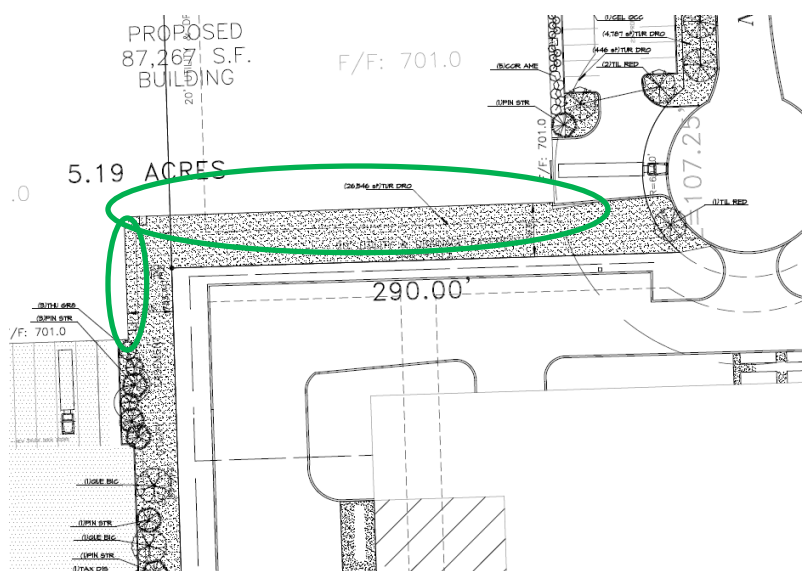
Engineering

The proposed design and revised plan have not been re-reviewed by Engineering. Final engineering will be reviewed as part of the final development permit. A recommended condition has been added clarifying that this approval is not approving final engineering and that approval is still required with the site development permit.

**Open Item #3: Final Engineering Review and approval has not been completed yet, all approvals are to be conditioned upon engineering approval.****LANDSCAPE**

The propose Landscaping Plan is attached in the staff report and in substantial conformance with the Landscape Ordinance with regards to planting locations, amounts, and species types. The development is attractively landscaped and will exceed most existing/older properties in the area.

The one waiver that is requested is to the south side between the subject site and the Steiner Electric property (18600 Northstar Ct.) This area has no landscaping proposed where a rear bufferyard planting and foundation landscaping is required. While this area won't be highly visible to the public, it remains visible to the subject site and neighboring property. It is noted that there is a utility easement with a sanitary main located in it. While plantings are permitted in the easement, certain types like large trees or deep roots are not recommended. To meet the intent of the landscaping regulations, staff feels the best option is to only install foundational landscaping along the south portion of the façade. Since this area has limited visibility, low maintenance shrubs, bushes, are recommended to help break up a large flat façade.

**Open Item #4: Review and discuss the proposed Landscape Plan and staff recommendation to place foundational landscaping where there is none currently on the south side of the building.**

## ARCHITECTURE

The building will be constructed of pre-cast concrete panels. As a structure over 80,000 sq. ft. in size in the M-1 zoning district, the precast panels comply with the masonry requirement. However, with precast panels comes a unique challenge with regards to architectural design. The design is often similar to other industrial buildings with limited ability to differentiate it. There can also be large expanses of flat areas with little character or design elements. When possible, good design of these large footprint buildings incorporates differing design elements that create vertical and horizontal articulation, as well as other visual changes in the façade (color, material type, canopies, etc.)

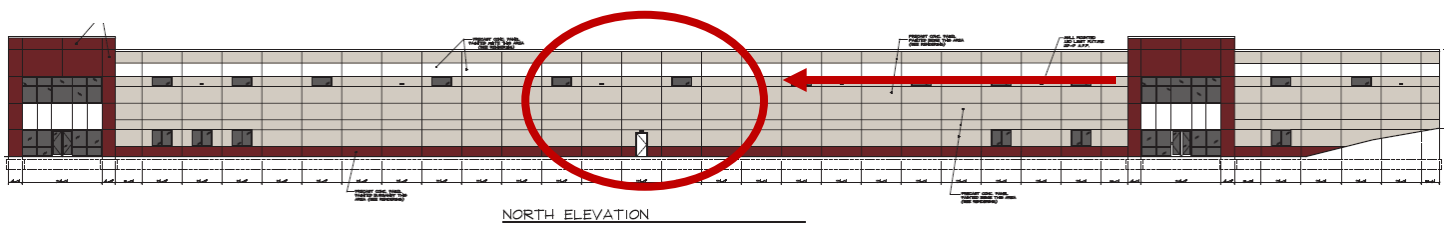


*Above: Rear/Southwest Corner 3D Rendering.*

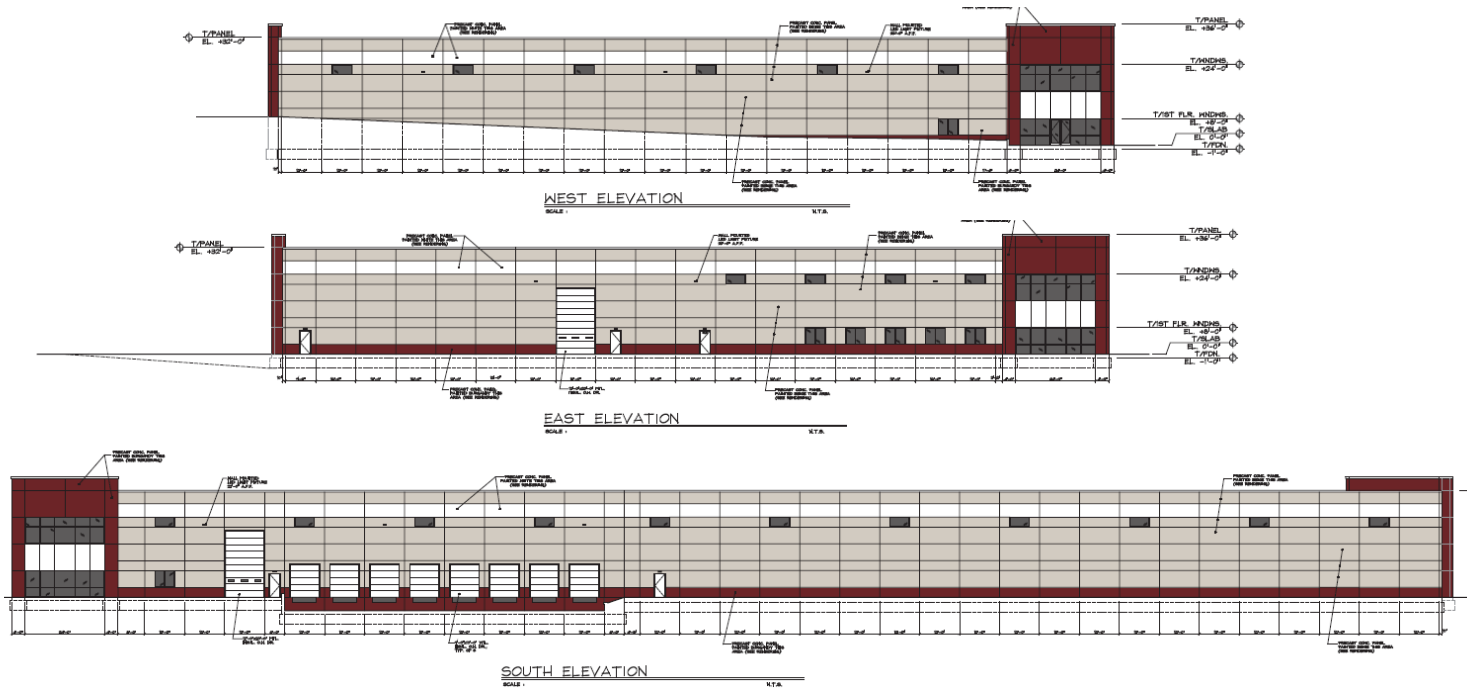
With the proposal there are raised red architectural elements located at different areas of the building. These elements are most often located on the corner of a building and include use of glazing. However, as you can see on the elevations below, it was a challenge to locate that at the northwest corner due to a steep grade difference, which shifts the architectural element east from that corner.

The main concern with the design relates to the north elevation which will be visible from 185<sup>th</sup> Street. That elevation has a large expanse of over 300 feet of flat wall. Staff recommends adding one more raised red architectural element over the proposed door area that is half way between the two proposed elements on that façade. The change will bring an additional break along the most visible and front façade of the building.

***Open Item #5: Review proposed architecture and provide any suggestions for interesting/detailed design. Review recommendation to add an additional raised architectural element spaced between the two existing elements on the north/front façade.***







Lastly there is some clarification needed between the 2D drawings and 3D renderings:

1. Top Panel Color - With clarifying colors of the top panels in the architectural element area. The 2D plans show red with the 3D rendering showing white/cream color matching the band around the top of the building.
2. Offset Architectural Areas - Clear indication of what areas are to be raised/offset away from the building. This appears flat on the 2D plans. A note or indication with a thicker line where there is an offset is helpful.
3. East Overhead Doors - 2D plans show one overhead door on the east elevation, with the 3D rendering showing two overhead doors.



**Open Item #6: Petitioner to provide clarity on differences between 2D color drawings and 3D renderings.**

## SIGNAGE

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The existing ground sign on the 8231-33 185<sup>th</sup> Street will be reused by Atlas Putty with a panel change. The sign is non-conforming due to the lack of a solid base matching the principal structure materials and design and will need to be replaced in the future with a conforming sign or base if any structural elements require replacement. However, the sign is low in profile, in good structural conditions, and similar to other ground signage in the area. Landscaping that is required at the base will be replaced per the proposed Landscape Plan.



Specific Wall signage has not been proposed but will need to comply with the Section IX (Signs) of the Zoning Ordinance or request a variation/exception separately. It is noted that wall signs facing I-80 are permitted to be larger than typical wall signs in the M-1 zoning district to allow for some visibility from the expressway. However, only one wall sign is still permitted per elevation, and the size and location of the signs may be impacted by the architectural design of the building.

## PARKING

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Parking requirements are always an inexact science and this is particularly noticeable on industrial buildings which have a wide range of users and a wide range of parking and truck access needs. The concern is that by over requiring parking, it can lead to a less desirable and useful site with unused pavement area. On the other hand, developments designed so specifically to a user with parking or docking needs, leaves limited reuse of the building. The goal is usually to hit somewhere in the middle where it is not too uniquely design for a specific user, but allows them some flexibility for their proposed operation.

The Zoning Ordinance requires the following for warehouse uses: “One (1) space for each two (2) employees, plus one (1) space for each vehicle used in the conduct of the enterprise”. The Petitioner has noted they only require a maximum of 30 spaces for the employees that work at this location. However, to ensure they have flexibility of the parking supply as Atlas Putty grows at this property and the neighboring sites (and for any future tenants/owners), a total of 84 parking spaces is proposed. The total complies with the Zoning Ordinance and appears sufficient for current and most future users of the space.

## LIGHTING

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Lighting is proposed to be downcast, full-cutoff fixtures, mounted on poles in the parking lot. The lighting is compliant with the lighting regulations for the fixture and minimum/maximum lighting levels. The Photometric plan and lighting cutsheets are attached to the packet.

## FINAL PLAT OF SUBDIVISION

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The two existing lots are proposed to be resubdivided through approval of a Final Plat of Subdivision that alters the lot configuration to accommodate the proposed development. Appropriate easements are being recorded for cross-access (shared drive with the property to the west), and public utilities as part of the final plat approval. Additionally, a utility easement will need to vacated where the new building is proposed, with new utility easements proposed at the new western property line. The vacation will need to be approved by any utilities located within the easement.

As with most plats, they are subject to minor changes as utilities or other items are reviewed. The Plat is still subject to final review, changes, and approval by the Village Engineer or Village Attorney prior to recording, and a standard condition clarifying that is recommended

***Open Item #7: Review the Final Plat of Subdivision and recommended condition of approval for final engineering and attorney review.***

## STANDARDS FOR A SPECIAL USE

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

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

- a. That the establishment, maintenance, or operation of the Special Use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
- b. That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- c. That the establishment of the Special Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
- d. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided;
- e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
- f. That the Special Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the Village Board pursuant to the recommendation of the Plan Commission. The Village Board shall impose such conditions and restrictions upon the premises benefited by a Special Use Permit as may be necessary to ensure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the general intent of this Ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this Ordinance.
- g. The extent to which the Special Use contributes directly or indirectly to the economic development of the community as a whole.



## STANDARDS FOR SITE PLAN & ARCHITECTURAL APPROVAL

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

### Architectural

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

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

### Site Design

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

### RECOMMENDATION

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Following a successful workshop, proceed to a Public Hearing at the May 19, 2022 Plan Commission meeting.

**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

# PLAN COMMISSION STAFF REPORT

May 5, 2022 – Public Hearing

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

### EXECUTIVE SUMMARY

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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.

## MOTION TO CONSIDER

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

**“...make a motion to recommend the Village Board amend various sections of the Zoning Ordinance to as described in the May 5, 2022 Staff Report and listed of attachments as drafted “red-lined” text amendments of Section III (General Provisions) and Section VIII (Off-Street Parking) regulating driveways, accessory structures, and other items previous regulated by the Tinley Park Comprehensive Building Code.”**

This Plan Commission recommendation is scheduled to go to the next regular Village Board meeting for First Reading on May 17, 2022.

## ATTACHMENTS

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Description		Prepared By
1	Text Amendment Summary	Village Staff
2	Section III (General Provisions) Zoning Code - EXISTING	Village Staff
3	Section III (General Provisions) Zoning Code – PROPOSED/ RED-LINED	Village Staff
4	Section VIII (Off-Street Parking and Loading) Zoning Code - EXISTING	Village Staff
5	Section VIII (Off-Street Parking and Loading) Zoning Code – PROPOSED/RED-LINED	Village Staff