



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

**June 16, 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 June 16, 2022.

**CALL TO ORDER** – CHAIRMAN GARRETT GRAY called to order the Regular Meeting of the Plan Commission for June 16, 2022, at 7:01 p.m.

Lori Kosmatka, Associate Planner called the roll.

Present and responding to roll call were the following:

Chairman Garrett Gray  
Terry Hamilton  
Kurt Truxal  
Andrae Marak  
James Gaskill  
Eduardo Mani  
Brian Tibbetts

Absent Plan Commissioners:

Angela Gatto  
Ken Shaw

Village Officials and Staff:

Dan Ritter, Planning Manager  
Lori Kosmatka, Associate Planner

Petitioners:

Members of the Public:

CHAIRMAN GRAY noted that COMMISSIONER SHAW is expected later in the meeting. However, there was a quorum without him and they were able to start.

**COMMUNICATIONS-**

Dan Ritter, Planning manager commented that there were no communications at this time.

**APPROVAL OF THE MINUTES**

CHAIRMAN GRAY Requested a motion to approve the minutes of the June 2, 2022 Plan Commission Meeting.

MOTION to approve the minutes of the June 2, 2022 Plan Commission Meeting made by COMMISSIONER TRUXAL. Seconded by COMMISSIONER GASKILL.

The motion carried by way of voice vote; Unanimous

**TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES**  
**FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION**  
**SUBJECT: MINUTES OF THE JUNE 16, 2022 REGULAR MEETING**  
**ITEM #1: PUBLIC HEARING – GROUND RULES JIU JITSU, 17200 OAK PARK AVE – SPECIAL USE PERMIT**

Consider recommending that the Village Board grant David McAndrew, on behalf of Ground Rules Jiu Jitsu (tenant) a Special Use for a Martial Arts Studio (indoor fitness facility) at 17200 Oak Park Avenue in the in the Legacy DC (Downtown Core) Zoning District.

Present Plan Commissioners:	Chairman Garrett Gray Terry Hamilton Kurt Truxal Andrae Marak James Gaskill Eduardo Mani Brian Tibbetts
Absent Plan Commissioners:	Angela Gatto Ken Shaw
Village Officials and Staff:	Dan Ritter, Planning Manager Lori Kosmatka, Associate Planner
Petitioners:	None
Members of the Public:	None

CHAIRMAN GRAY introduced Item #1 then asked for a motion to open the public hearing.

Motion to open the public hearing by COMMISSIONER MANI. Second by COMMISSIONER TIBBETTS.

Motion Carried via voice vote. Unanimous vote.

CHAIRMAN GRAY commented that he has received certification that proper public notice was posted in accordance with legal statutes and anyone wishing to speak will be sworn in for the record after the staff presentation.

Lori Kosmatka, Associate Planner presented the Staff Report

CHAIRMAN GRAY asked the petitioner if he wished to speak and if so approach the lectern.

CHAIRMAN GRAY swore in petitioner, Dave McAndrew.

Dave McAndrew, Petitioner stated that he wanted to start by introducing himself and his business partners.

Mr. McAndrew continued by emphasizing the benefits of jiu-jitsu and explained the differences between this sport and similar sports such as mixed martial arts and mainstream UFC.

Mr. McAndrew then went on to state that he wants to clarify some of the comments from the staff report. He clarified the business operations specifying that although the business hours are extensive, there will be set times for classes with some stagnation between the next course.

CHAIRMAN GRAY thanked the petitioner for his presentation then proceeded to ask COMMISSIONERS if they have any question.

COMMISSIONER TIBBETTS stated that he agrees with the petitioner's statement on the benefits of participating in the sport. Specifically, as it pertains to building relationships. However, parking is a concern due to having experience with a facility like this in another location. Also, Tenant parking is a concern but overall, he thinks it is a good plan.

COMMISSIONER MANI agreed with COMMISSIONER TIBBETS and shared similar concerns.

COMMISSIONER MARAK asked how the petitioner planned to mitigate the sound from the business use.

Petitioner

COMMISSIONER TRUXAL stated that he thinks it's a great plan and he is familiar with the property and thinks the building looks good. The only concern presented is that Tuesday nights in the summer are cruise nights so it was asked if there were any considerations for that.

Dave McAndrew stated that he believes that they can work around it and the event may present an opportunity to market their business.

COMMISSIONER TRUXAL stated that it is great that he is aware of it and just doesn't want it to affect business hours.

COMMISSIONER HAMILTON stated that he thinks it is a great use for that building. It was noted that the former use of the building was a gym facility leading to the question of whether there were any issues that came from the last use.

Dan Ritter, Planning Manager stated there were no documented concerns and that facility that previously occupied the space failed primarily due to the fact the space was not conducive to a full-service gym facility.

COMMISSIONER HAMILTON asked if the two uses would be considered materially different.

Dan Ritter responded that it does operate significantly different from the other use due to the structure and business plan presented.

CHAIRMAN GRAY asked how the petitioner plans to mitigate the sound from music at parties in the space.

Dave McAndrews responded that he does not anticipate the business will be equipped with full sound systems but just a Bluetooth speaker which should not get too loud.

CHAIRMAN GRAY noted that he just wanted to ensure that there won't be disturbances to the residents. It was also noted that there was confusion on the parking plan presented and that there should be specific signage to differentiate between resident and guest parking. Also, it was mentioned that if parking becomes an issue the issue could be revisited.

CHAIRMAN GRAY asked what would be considered maximum capacity.

Dave McAndrew responded forty to fifty for the adult classes. Kids classes would be about the same at maximum success.

CHAIRMAN GRAY reiterated comments of the COMMISSIONERS stating that they should focus on preparing for parking and business disruptions from village events.

Dave McAndrew noted that his business partners have already adjusted the parking plan based on discussions with Lori Kosmatka, Associate Planner. The petitioner noted that the benefit of being a new business is the flexibility of being able to shift classes as they need to.

Dan Ritter noted that there has been conversation on a parking study to happen in the near future.

CHAIRMAN GRAY asks if there are any members of the public wishing to speak.

Melissa Mayne, Instructor was sworn in.

Melissa Mayne commented that the sport has helped her in various ways. Miss Mayne went on to give her background as a special education teacher as her full-time position. Also, it was mentioned that not everyone that drives to the facility will need parking at the facility due to carpooling, drop-offs etc.

CHAIRMAN GRAY asks if there are any remaining comments from COMMISSIONERS.

COMMISSIONER TIBBETTS commented they have sound bat insulation that can be put between the ceiling tiles. The building is a pre-cast concrete building with penetrations so there is the possibility of sound getting through there. The sound bat insulation would help to reduce noise to the residents and it is not that expensive so it may be worth looking into.

COMMISSIONER MANI noted that acoustical tiles could also be an option.

Melissa Mayne noted that this facility is not like a typical gym given that the majority of the floor will be covered in a mat and there will not be the slamming of weights either.

Dan Ritter, Planning Manager noted that it is good that they look into it now but the conditions of the special use permit also outline the requirements concerning the noise.

CHAIRMAN GRAY requested a motion to close the public hearing.

COMMISSIONER GASKILL made a motion to close the public hearing. Second by COMMISSIONER MANI.

The motion carried via unanimous voice vote.

Staff presented the standards.

COMMISSIONER MANI made a motion to recommend that the Village Board grant a Special Use Permit to the Petitioner, Ground Rules Jiu Jitsu, a Special Use Permit to operate a Martial Arts Studio (indoor fitness facility) at 17200 Oak Park Avenue in the Legacy Downtown Core (DC) Zoning District, according to the submitted plans and adopt the Findings of Fact as listed in the June 16, 2022 Staff Report with the following conditions:

1. No noise can travel outside the tenant space. Business must comply with Village noise ordinance regulations.

2. If parking needs cannot be managed to avoid issues in the surrounding area, then the business scheduling and student capacity shall be adjusted accordingly.

The motion was seconded by COMMISSIONER TRUXAL.

The motion carried 7-0.

**TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES**  
**FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION**  
**SUBJECT: MINUTES OF THE JUNE 16, 2022 REGULAR MEETING**  
**ITEM #2: PUBLIC HEARING – PARK LAWN DEVELOPMENTAL EDUCATION FACILITY, 17007 OAK PARK AVE – SPECIAL USE PERMIT**

Consider recommending that the Village Board grant Park Lawn Association, Inc. a Special Use for a Developmental Education Facility (school and activity center) at 17007 Oak Park Avenue in the Legacy NG (Neighborhood General) Zoning District.

Present Plan Commissioners:	Chairman Garrett Gray Terry Hamilton Kurt Truxal Andrae Marak James Gaskill Eduardo Mani Brian Tibbetts
Absent Plan Commissioners:	Angela Gatto Ken Shaw
Village Officials and Staff:	Dan Ritter, Planning Manager Lori Kosmatka, Associate Planner
Petitioners:	None
Members of the Public:	None

CHAIRMAN GRAY introduced Item #2 then asked for a motion to open the public hearing.

Motion to open the public hearing by COMMISSIONER GASKILL. Second by COMMISSIONER MANI.

Motion Carried via voice vote. Unanimous vote.

CHAIRMAN GRAY commented that he has received certification that proper public notice was posted in accordance with legal statutes and anyone wishing to speak will be sworn in for the record after the staff presentation.

Lori Kosmatka, Associate Planner presented the Staff Report.

CHAIRMAN GRAY asked the petitioner if he wished to speak and if so approach the lectern.

CHAIRMAN GRAY swore in petitioners, George Arnold, Fred Hausmann (Director of Finance) and Matt Polson (Director of Community Day Service). George Arnold introduced Mr. Hausmann and Mr. Polson. Park Lawn has operated a number of years. Matt Polson noted he is a resident of Tinley Park and Park Lawn has been in operation since 1955 with longstanding relationships in many communities, providing services to adults with intellectual and developmental disabilities. The mission is to provide access and

choice for them. They are looking to open a training facility for individuals to learn life skills, money management, and have outings in the community.

CHAIRMAN GRAY thanked the petitioner for his presentation then proceeded to ask COMMISSIONERS if they have any question.

COMMISSIONER HAMILTON had no questions.

COMMISSIONER TRUXAL noted he had no concerns or questions. He noted this is a great spot for this service.

COMMISSIONER MARAK noted that he was familiar with the drop-offs when it was the Montessori School, and that it wasn't much of a deal. The fact that you would have people out there managing the drop-offs makes it better. It is already separated from traffic, and there is little traffic going through there.

Matt Polson noted there's always staff assisting individuals getting out of vehicles.

George Arnold clarified each participant does not arrive in a separate vehicle. They usually come in groups of four or five, so likely there will only be about six vehicles during the half hour period. Managing this is part of their plan. We are happy to have the condition.

COMMISSIONER GASKILL agreed with everyone else. It's a nice, local touch to downtown Tinley Park.

COMMISSIONER MANI thanked the petitioner for coming to Tinley Park, and had no other comments.

COMMISSIONER TIBBETTS remarked it is absolutely fantastic they are coming to Tinley Park. Their service is great for those people.

CHAIRMAN GRAY noted he had no other comments, and that he echoed the sentiment of the Commission. It's a great add and repurposing. It's very similar in terms of classrooms and does a great service to the community. He offered the petitioners to take a seat.

CHAIRMAN GRAY asks if there are any members of the public wishing to speak. Hearing none, with no further comments from the Commission, he requested a motion to close the public hearing.

COMMISSIONER TRUXAL made a motion to close the public hearing. Second by COMMISSIONER GASKILL. The motion carried via unanimous voice vote.

CHAIRMAN GRAY requested staff to present the standards.

Staff presented the standards.

CHAIRMAN GRAY entertained a motion for the Special Use Permit.

Motion 1 - Special Use Permit:

COMMISSIONER GASKILL made a motion to recommend that the Village Board grant a Special Use Permit to the Petitioner, Park Lawn Association a Special Use Permit to operate a Developmental Education Facility (school and activity center) at 17007 Oak Park Avenue in the Legacy NG (Neighborhood General) Zoning District, according to the submitted plans and adopt the Findings of Fact as listed in the June 16, 2022 Staff Report with the following condition:

1. The property owner shall manage parking, drop-offs, and pick-ups on-site to avoid any stacking issues or blockage of roadways.

The motion was seconded by COMMISSIONER TRUXAL. Vote taken by roll call; all voted in favor (7-0). CHAIRMAN GRAY declared the motion as carried.

CHAIRMAN GRAY declared the item carried. It will go to Village Board June 21, 2022. Staff will be in touch with the petitioner.



**TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES**  
**FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION**  
**SUBJECT: MINUTES OF THE JUNE 16, 2022 REGULAR MEETING**  
**ITEM #3: PUBLIC HEARING – 17251 OLCOTT AVENUE, MURPHY – CORNER FENCE VARIATION**

Consider recommending that the Village Board grant Mark Murphy (property owner) a Variation from Section III.J. (Fence Regulations) of the Zoning Code at the property located at 17251 Olcott Avenue in the R-1 Single Family Residential zoning district. This Variation would permit the Petitioner to install a five-foot (5') high open style fence to encroach up to forty feet (40') into the required secondary front yard and located on the property line.

Present Plan Commissioners:	Chairman Garrett Gray Terry Hamilton Kurt Truxal Andrae Marak James Gaskill Eduardo Mani Brian Tibbetts
Absent Plan Commissioners:	Angela Gatto Ken Shaw
Village Officials and Staff:	Dan Ritter, Planning Manager Lori Kosmatka, Associate Planner
Petitioners:	None
Members of the Public:	None

CHAIRMAN GRAY Introduced Item #3, then asked for a motion to open the public hearing.

COMMISSIONER GASKILL made a motion to open the public hearing. The motion was seconded by COMMISSIONER TRUXAL.

Motion carried via unanimous voice vote.

CHAIRMAN GRAY certified that the appropriate legal notice was posted in accordance with state statutes and anyone wishing to speak on the matter could do so after staff's presentation.

Lori Kosmatka, Associate Planner presented the staff report.

Mark, Petitioner stated the village has been very informative throughout the process and he appreciates staff for their efforts. The petitioner continued by stating that the fence that currently exists has been in place for over twenty years and they just want to replace it with a similar fence that will conform with all regulations citing that it is see through and is at the appropriate 16ft set back for the property. In regards to a hardship, the petitioner noted privacy and safety concerns and that neighbors to the north of him and in the rear of his property both have fences that he believes predates the annexation into the village. Petitioner states that they are seeking to conform with the existing

feel of the neighborhood and does not wish to install a fence that is not within the style of the block. Petitioner noted that the new fence would make the housing of utility equipment more visually appealing.

Tarra, Petitioner stated that she is a pleading mother that is losing her family room. She continues by stating that if the fence were to be pulled back, their bedroom window would be exposed to the public and extensive foot traffic in that neighborhood. Tarra states that the space lost will limit the amount of space that can be used for their family to spend quality time stating that is her hardship.

CHAIRMAN GRAY thanked the petitioners for their time and stated that he is going to ask the commissioners for discussion. Asking the petitioners to remain at the lectern.

COMMISSIONER MARAK notes that it is hard to tell the condition of the fence from the pictures then goes on to state that the only apparent way to maintain non-conforming status is to repair the existing fence or to plant hedges for privacy then asks if the petitioner's if they have looked into alternative options.

Mark responded that they recently had discussions about hedging and it appears that it will not work. Petitioner continued to state that the fence is so old that it is falling apart and is in a state of disrepair. Mark continues by saying that repairing an 8ft section each year will require them to spend extensive resources to complete.

Tarra responded that they also have dogs which is why the landscaping option wont work. They need to have privacy to ensure the safety of their animals as well.

COMMISSIONER TRUXAL stated that it is a difficult situation.

COMMISSIONER MANI expressed that he understands their concerns and notes that he is a resident of Tinley Park. He continues by stating that the code is not friendly towards residents. Based on the condition of the fence it is apparent that it needs to be replaced but the code does not allow for it. COMMISSIONER MANI asserts that all non-conforming fences that get to this point will stay in a state of disrepair due to the code not being conducive for residents. He states that he hopes that one day soon the code will be revisited to become more resident friendly. The COMMISSIONER notes that he sees no issues with the proposed fencing as planned, no visibility issues or anything of that nature.

COMMISSIONER TIBBETTS asks what is the percentage of the fence that can be repaired.

Mark responds as he understands it, he cannot replace any posts of the fence.

COMMISSIONER TIBBETTS states, so you would have to replace it with a new fence? The code does state that if you replace it with a new fence that it has to fall within code. I would recommend that we fall within code, I understand that you will lose some of your yard. I also live on a corner lot, I also have a fence that is close to the house causing him to lose some of his yard. However, seeing that the code states what it does, we have to stay within that.

Mark stated I know that there was no known permit for the fence that we have and I think it precedes the code as it is.

CHAIRMAN GRAY stated to your point when it comes to replacement you have to fall within the new code requirements. To COMMISSIONER MANI's point, maybe staff needs to reassess the code as it is if we see enough of these cases. I understand your point you all laid it out pretty well, you don't want to just fix an 8ft section and keep on trucking, you have valid concerns for safety and privacy, but unfortunately the way the current code is for redoing a fence it wouldn't fall under the qualifications for a hardship. If you want to replace it section by section then you can keep it. CHAIRMAN GRAY notes that he is very sympathetic to their plights however, the code requires set remediations to this issue either fix sections or look into landscaping. We are bound to the existing code.

CHAIRMAN GRAY asks if the petitioners have any remaining questions or comments for the commission.

Mark states just to reiterate, although there are no apparent hardships, again the landscaping is a physical component of the property the previous owners spent a lot of time and money to care for their yard that will end up being removed from the yard.

CHAIRMAN GRAY swears in Harrison Noble, neighbor of the petitioners.

Harrison Noble states that the fence as it currently exists is in a very bad condition. He notes that the young kids that live there would be less safe without the fence. He continues that his property will also look odd if the fence is no longer there. His biggest concern though is the small kids and the speeding that occurs on that street.

COMMISSIONER MANI asked staff, just to confirm, the code as it is only allows for the replacement of an 8ft section?

Dan Ritter, Planning Manager responded yes there is no grandfathering in. Continuing by stating that the code was not intended to be a loophole for the existing code. It was intended to be for property maintenance.

COMMISSIONER MANI stated that it would be exhaustive for them to replace the fence section by section and he hopes that they will be able to revisit the codes.

CHAIRMAN GRAY stated that the code as is, is not functional.

Dan Ritter, Planning Manager stated that they are open to suggestions but they still have to evaluate the code as a whole to ensure uniform enforcement.

COMMISSIONER MARAK asks apart from the circumstances of the petitioners, what specifically qualifies as a physical hardship? He asserts that the landscaping and gardening could be considered a hardship since extensive resources and time were expended on that project.

Dan Ritter, Planning Manager commented that in previous approvals there were conditions which required conformance in certain situations. Landscaping in general is not usually seen as a physical hardship since it is put in by the property owner. The code was created in accordance with state statutes.

COMMISSIONER TRUXAL stated that if we consider changing or updating the standards, we need to consider that the neighbor has no objection to this variance request.

Harrison Noble stated he had no objections.

Dan Ritter responded that the standards are state law. The village cannot grant a variation unless the first three standards are met. It cuts out the need for people to agree with people agreeing or not agreeing with personal situations.

COMMISSIONER MANI stated that he feels that there needs to be some compromise with the code so that it is more feasible for residents to make changes.

COMMISSIONER HAMILTON noted that the issue is that the fence is currently existing and the code is looking forward. Essentially stating that the code is seeking to ensure that all fences moving forward comply with these regulations while recognizing that most don't. He asks, is there room to maintain the status quo? Meaning repairing the fence that is already there. This particular property won't be conforming but most of them in this neighborhood aren't. The fact that it is currently there now seems to be common law.

Dan Ritter, Planning Manager stated that it is not legally defensible to maintain something simply because it exists prior to the code. The code does look forward in that it does seek to ensure that moving forward conformance is maintained.

COMMISSIONER TRUXAL stated that it appears that there is nothing that we can do.

Dan Ritter, Planning Manager stated that is a decision for the commission to make. There is also no hardship in accordance with state law that will allow this.

COMMISSIONER TRUXAL stated that he feels that there should be a workshop on this because this has been the third case of this nature.

Tarra asks is there a way to petition for the variance via signatures? The petitioner states that the garden is a staple in the neighborhood and they want to preserve the hard work of the previous owners removing the fence would hinder the ability to protect the landscaping.

CHAIRMAN GRAY to Dan's point, the state attempts to take the personal opinion of the consideration of the standards so that as neighbors change there is still uniformity in what is and is not allowed. However, to COMMISSIONER HAMILTON's point is there a way to maintain the status quo. Staff has already answered that isn't the way the code works. To the COMMISSIONERS points, this is maybe something that we are going to have to revisit since we have seen so many of them in the last few months.

Dan Ritter, Planning Manager states that he will be sure to bring it up to the director. However, it is important to consider the possible issues that will come with modifying the code. However, he will bring it up to start the conversation.

CHAIRMAN GRAY stated that he would request that staff reach out to some petitioners who have been denied in the past so they can be part of the discussion and if anything changes, they can be notified.

Dan Ritter, Planning Manager responded that is there were ever one that were denied, they would be notified.

Tarra asked, In Tinley are these other situations from the older neighborhoods?

Dan Ritter, Planning Manager responded that it is more common in the older neighborhoods because the fence code has changed so much over time.

Tarra asks so is it is always about replacing them?

Dan Ritter, Planning Manager states when it was the least restrictive was back in the 60s-80s there were privacy fences to the property line, chain link fences, etc., in these neighborhoods some of which still exist today.

Tarra asks so if those fences fall into a state of disrepair and need replacing, these people just lose their yards?

Dan Ritter, Planning Manager states yes. It is tough with corner lots.

CHAIRMAN GRAY requests a motion to close the public hearing.

COMMISSIONER MANI made a motion to close the public hearing. Seconded by COMMISSIONER TRUXAL  
Motion carried via unanimous voice vote.

Lori Kosmatka, Associate Planner reviewed the standards.

COMMISSIONER TRUXAL made a motion to recommend that the Village Board grant a 40-foot Variation to the Petitioner, Mark Murphy, from Section III.J. (Fence Regulations) of the Zoning Ordinance, to permit a five-foot high open fence encroaching 40-feet into the required secondary front yard, where a fence encroachment is not permitted at 17251 Olcott Avenue in the R-1 (Single-Family Residential) Zoning District, consistent with the Submitted Plans and adopt Findings of Fact as proposed by Village Staff in the June 16, 2022 Staff Report.

Second by COMMISSIONER MANI

Motion did not carry. 2-5 vote against recommendation.

CHAIRMAN Gray informs the petitioner that it will go to Village Board on July 19<sup>th</sup>.

Dan Ritter informed the commission that it is now law that there must be a super-majority of trustees to override the recommendation of the plan commission.

**Receive Comments from the Public**

- NONE

**Good of the Order**

Dan Ritter, Planning manager states that the Hanover fence variation was denied. The 174<sup>th</sup> Place case was approved with the condition that once the patio is removed; the fence will need to be removed as well. Atlas Putty was approved. Pleasant ave variation was approved. DR Horton is looking to start earthwork; Starbucks on Harlem is moving along pretty quickly tenant spaces have submitted plans. Hillgrove tap received liquor license. 350 brewing is being filled by flipside brewing, received liquor license. Owner started career at 350. RJs Seafood resubmitted plans for interior buildout. APA Plan Commission Training is slated for some time in September staff has to make sure that there is nothing else on the agenda. Staff will send out more information.

COMMISSIONER MANI made a motion to adjourn the meeting. Seconded by COMMISSIONER GASKILL.

Meeting Adjourned at 9:01pm

# PLAN COMMISSION STAFF REPORT

June 16, 2022 – Public Hearing

## Petitioner

David McAndrew, on  
behalf of Ground Rules  
Jiu Jitsu

## Property Location

17200 Oak Park Avenue

## PIN

28-30-301-056-0000

## Zoning

Legacy District -DC  
(Downtown Core)

## Approvals Sought

Special Use Permit

## Project Planner

Lori Kosmatka  
Associate Planner

## Ground Rules Jiu Jitsu – Special Use Permit for a Martial Arts Studio (Indoor Fitness Facility)

17200 Oak Park Avenue



## EXECUTIVE SUMMARY

The Petitioner, David McAndrew of Ground Rules Jiu Jitsu, is seeking a Special Use Permit for a Martial Arts Studio (indoor fitness facility) at the Springfort Hall building located at 17200 Oak Park Avenue, in the Legacy DC (Downtown Core) Zoning District. The property was formally occupied by Cardinal Fitness until 2011 and is planned to be divided into 3-4 tenant spaces by the property owner, with the Petitioner business taking the far north unit No. 105& 106.

Founding partners Francis de la Vega, David McAndrew, and Kyle Lindstrom wish to establish a martial arts academy (studio facility) focusing on Brazilian Jiu Jitsu and self-defense for the entire family. They will provide instruction in standard class format, as well as private and semi-private lessons. They have provided operational plans that include their desired Expanded Maximum Operations with expanded hours beginning at 6:00am on weekdays, also offering training in other disciplines, and to hold private parties, seminars, and special events by appointment only. The review for the Special Use Permit shall include the Expanded Maximum Operations, as that will involve the most intense use of the business and its potential impact on the surrounding properties and neighborhood.

The two primary concerns for fitness facilities include noise and varying levels of traffic and parking demand due to heavy peak times and quick customer turnover. The Petitioner has provided detail to help address these concerns and notes these are scheduled classes instead of an “open gym” concept of most fitness centers.

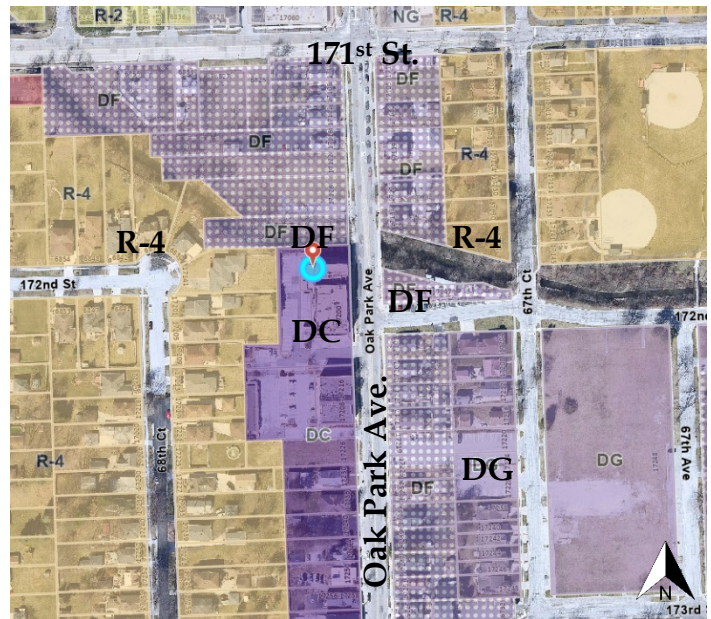


## EXISTING SITE, ZONING & NEARBY LAND USES

The tenant space is located within the Springfort Hall mixed-use building on the west side of Oak Park Avenue, south of 171<sup>st</sup> Street. The building was constructed in 2006. The four-story building includes approximately 9,900 sq. ft. of ground floor commercial space, with 14 residences above. The subject building has underground parking for the residents, and is among approximately 90 outdoor public parking spaces, aside from other parking opportunities in the downtown area. There is an additional building located among these parking spaces to the south of the subject building.

The commercial space was occupied by Cardinal Fitness from 2006 until 2011 and has been vacant since that time due to challenges with reoccupying a large space and the tax burden. The current owner purchased the property in March 2021 and received a tax reclassification. After being unable to find a single tenant user, the plan is now to divide the space between 3-4 tenants. The Petitioner's proposed tenant space is referred to as Units 105 and 106 in the submitted plan documents and is 3,481 sq. ft. and the furthest north unit (see yellow outline in building plan below). An educational center is also planned at Units 101 and 102. Nearby businesses in the building south of the subject property include Crack the Code (escape room), We're Nuts About Mutts (dog grooming), PASS Pregnancy Center, and Arsenal (hair salon). The lot to the north of the subject property include the Midlothian Creek and vacant lots recently purchased by the Village.

The property is at the north end of the Legacy DC (Downtown Core) Zoning District. The property has neighboring Legacy Downtown Core district to the south, and R-4 single family zoning district to the west. The properties to the north and across the street are within the Legacy Downtown Flex district. The Legacy Code describes the intent of the Downtown Flex is to retain the small-scale character of established commercial and residential structures on specific blocks, whereas Downtown Core is to promote taller, mixed-use development.

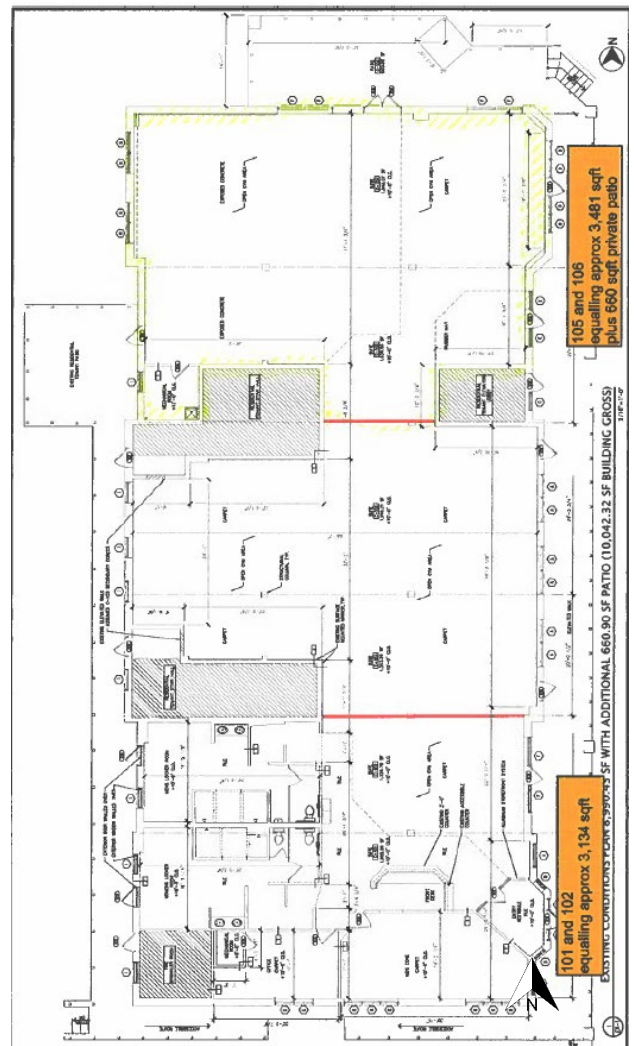
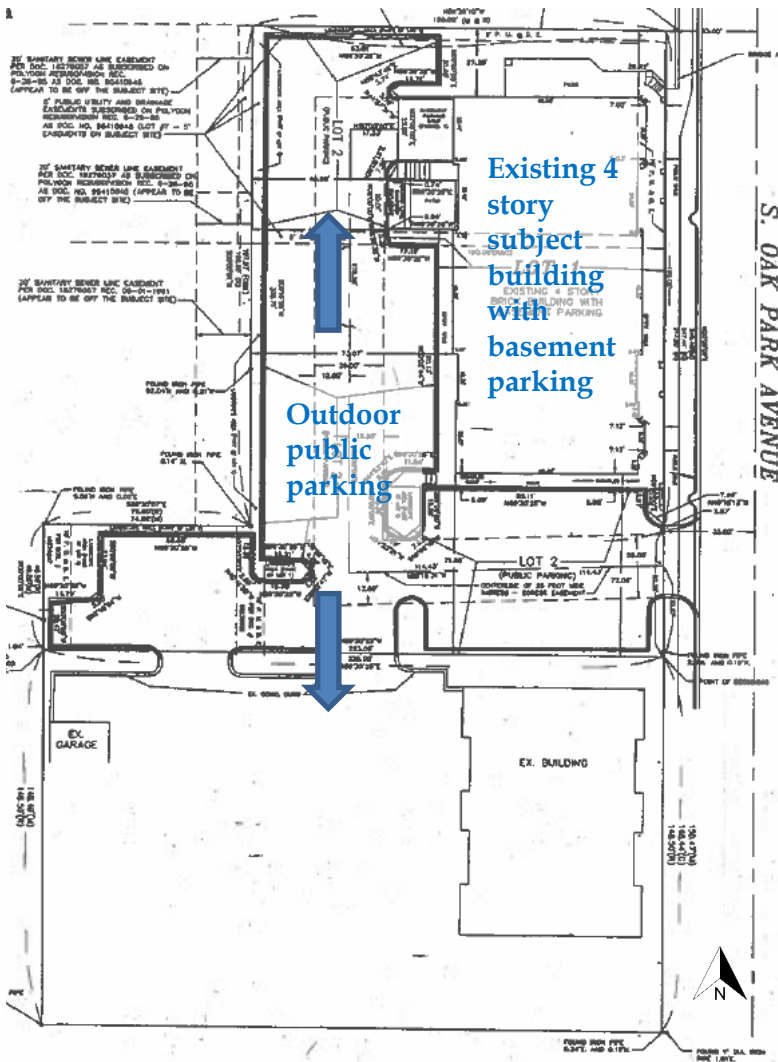


*Aerial of Location Map & Zoning Map*



*Existing Front Facade*





## SPECIAL USE PERMIT

A Special Use Permit is required for the operation of the proposed use as a martial arts studio in the Legacy DC (Downtown Core) Zoning District. Table 3.A.2 in Section XII of the Zoning Ordinance requires a Special Use Permit for listed uses in any area of the Legacy District including *recreation establishments, gymnasiums, and health clubs*, as well as “*other similar or compatible uses*”.

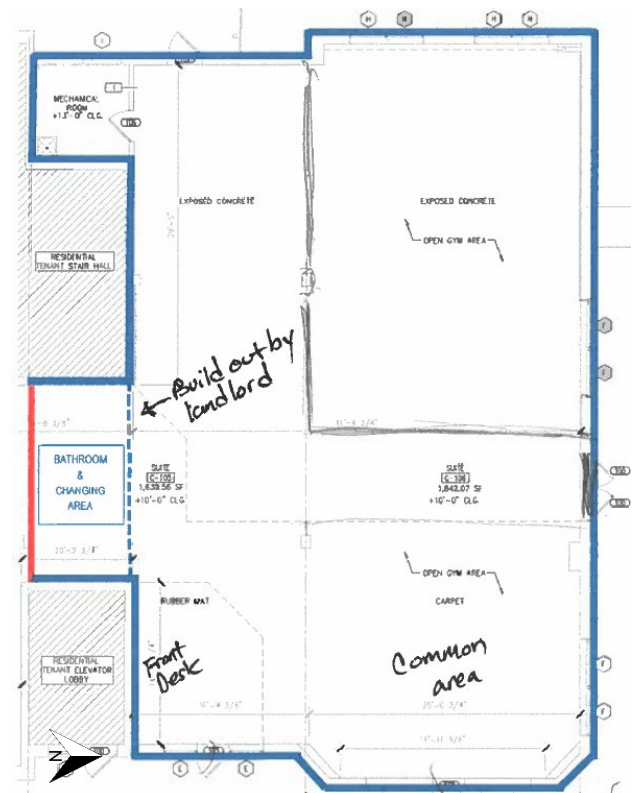
Special Use Permits are required for uses that may or may not be acceptable in the specific zoning district based on the unique nature of the use. The Special Use Permit will only apply to the proposed business based on their business plan and information submitted with the request, and will not run with the land. With recreation establishments, gymnasiums, health clubs, and other similar uses there is often a wide range of what those uses could entail. Two primary concerns are potential noise and parking/access needs associated with the operations of the businesses which may include large amounts of people at peak times coming and going from the site.



## PROPOSED USE

The Petitioner proposes a martial art studio with the mission to become Tinley Park's first family-oriented Martial Arts Academy, focusing on Brazilian Jiu Jitsu and self-defense for the entire family. The Petitioner states that the facility provides an important service to families in the community. The Petitioner's narrative provides some background on the experience among the three founding partners Francis de la Vega, David McAndrew, and Kyle Lindstrom. All three are versed in Brazilian Jiu Jitsu and Judo. Francis de la Vega has actively trained and competed since 2013 and holds eight years coaching experience. David McAndrew has actively trained and competed since 2016 and holds three years coaching experience. Kyle Lindstrom has actively trained and competed since 2015 and has six years coaching experience.

The studio will be a tenant within the existing mixed-use building. The landlord will make interior changes including a wall and a single unit bathroom, and the Petitioner will provide mats to conduct lessons. The tenant space will include a common area and seating arrangement. No changes are proposed to the site plan or architecture of the building. The Petitioner has provided a detailed submittal of operational plans and plan drawings.



Proposed Floor Plan

### Capacity and Hours of Operation

The Petitioner has provided a three-phase operations strategy, beginning with "Starting Operations" (limited hours and classes), up to the desired "Expanded Maximum Operations". The review for the Special Use Permit shall include the Expanded Maximum Operations, as that will involve the most intense use of the business and its impact on the surrounding properties and neighborhood.

The business will start with a total of five instructors, including the three founding partners, and will add more assistant instructors as class times and sizes grow. The Petitioner has stated they anticipate four instructors at most on-site concurrently for classes. Two instructors will be present for youth classes, and up to two classes can be held concurrently.

The hours at Expanded Maximum Operations are proposed to range from Mondays through Fridays 6:00am to 8:45pm, Saturdays 9:30am to 7:00pm by appointment only, and Sundays 10:00am to 6:00pm by appointment only. In addition to jiu jitsu lessons for youth, adults, and women-only, the facility may also provide yoga, striking, Filipino martial arts, Judo in standard class formats as well as offerings for private and semi-private lessons. Additionally, the Expanded Maximum Operations could include private parties, seminars, and special events related to these activities. However, staff notes that anything that would be considered a banquet or group assembly facility will require further review and approval. The Petitioner has provided maximum student capacity limits for students: 15 for ages 3-5, 25 for ages 6-10, 30 for ages 11-15 as well as for adults, and 40 for expansion classes, private parties, private lessons, seminars, and special events. Private kids' parties will be available for booking with a maximum of 30 children, lasting 2-3 hours. The concurrent youth classes will have a maximum of 40 students. Classes and events with children often include parents observing within the facility. The Petitioner anticipates the peak times to be on weekdays at 4:45pm, and Saturdays at 10:00am.

The Petitioner acknowledged a couple instances of tight turnovers for students departing and arriving. One is at approximately 5:15 to 5:30pm on weekdays, where two youth classes have staggered endings, and another youth class begins at 5:30pm. Another is on Saturday afternoons where the Jiu Jitsu 11:00am-2:00pm training block of 30

students maximum overlaps with a proposed Women-Only class 1:00pm-3:00pm of 30 students maximum. The Petitioner noted that the Jiu Jitsu class only consists of formal instruction in the first hour, and is followed by sparring where students typically leave at staggered times. Additionally, the Petitioner noted that classes and class times are subject to change based on needs of the members, the community, and instructors.

### Noise

The Petitioner does not anticipate noise to be an issue due to the building construction and the operations plan. The Petitioner has stated that the facility will not violate the Village's standard noise ordinance. The Petitioner and property owner have stated that the existing building consists of an eight-inch concrete layer between the facility's ceiling and the second floor (first floor of the residents above). The Petitioner and property owner also note that there are also drop ceiling panels to help dampen the sound. Furthermore, the class areas will have floor mats. Furthermore, the facility will not have any weights or other fitness equipment (elliptical machines, treadmills, etc.) which could otherwise tend to generate sound. The Petitioner has stated that though there will be music played occasionally (during sparring when no instruction is happening), the music will be kept a reasonable volume not audible to any residential units.

In order to address any potential noise issues, particularly in consideration of Expanded Maximum Operations weekday opening hours of 6:00am, staff recommends a condition to clarify that no noise can travel outside the tenant space, and that business must comply with all Village noise ordinance regulations.

### Parking

The Petitioner states there are approximately 90 adjacent outdoor public parking spaces. These spaces are to the west (rear) and south of the building, accessed by Oak Park Avenue. The Petitioner has also provided a few factors of consideration. The residential tenants in the building have underground parking reserved aside from the outdoor public parking. Secondly, additional parking opportunities are possible in the vicinity, due to the facility's location near the downtown area. Thirdly, the Petitioner anticipates approximately 25% of parents to drop-off their children for youth classes (thus not remaining on-site), and many members will be family members living in the same household and likely to travel in one vehicle. These are all assumptions that over time many change due but it gives some points of reference to understanding how the business will operate and its impacts on parking.

The Petitioner noted that as the business becomes established, they will keep parking needs in mind by helping members identify the adjacent outdoor public parking as well as other opportunities in the neighborhood, and if needed, consider adjusting scheduling and capacity to manage parking issues. Staff recommends a condition that if parking needs cannot be managed, then the business scheduling and student capacity shall be adjusted accordingly.

The goal of the Legacy Plan is to provide public parking opportunities in consolidated lots off the main streets and behind buildings. Each building and use in the downtown are not required to have onsite parking. However, with unique uses such as a fitness facility, it is helpful to take an analysis of the nearby parking that customers are likely to use. The Petitioner believes they have adequate parking with existing and future commercial uses nearby. There is also an advantage of having scheduled classes that can be adjust if there were unexpected issues in the future.



*Outdoor Public Parking (approximately 90 spaces, west and south of property)*

## 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. Findings of Fact have been drafted by staff and outlined below for Plan Commission consideration.

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

- a. That the establishment, maintenance, or operation of the Special Use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
  - ***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. As a fitness center, the business promotes health within the community and will happen within an commercial tenant space.***
- b. That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
  - ***The proposed use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The proposed use is expected to maintain the property values and provide a customer base to existing businesses in the neighborhood.***
- c. That the establishment of the Special Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
  - ***The establishment of the proposed use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. The building is existing and no changes are proposed to the exterior. The proposed use will enhance the development of the neighborhood by filling a long-term vacancy, and not be a disruption to surrounding properties.***
- d. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided;
  - ***The structure is already existing with adequate utilities, access roads, drainage, and/or other necessary facilities.***
- e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
  - ***Adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. The existing parking surrounding the building as well as additional parking opportunities in the nearby downtown area will adequately handle the proposed traffic of the use. The facility previously utilized the entire space as a fitness center without issue.***
- f. That the Special Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the Village Board pursuant to the recommendation of the Plan Commission. The Village Board shall impose such conditions and restrictions upon the premises benefited by a Special Use Permit as may be necessary to ensure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the general intent of this Ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this Ordinance.
  - ***The Petitioner has indicated they will meet all other Village regulations.***

- g. The extent to which the Special Use contributes directly or indirectly to the economic development of the community as a whole.
- ***The business benefits the economic development of the community. The proposed use will provide a new service offering to the surrounding community and fills a long-term vacancy in the downtown.***

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.

## ADDITIONAL LEGACY CODE STANDARDS

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

- a. The proposed improvement meets the Legacy Plan and its Principles, as presented in Section 1.A-B: Purpose and Intent, of this ordinance;
  - ***The proposed use will occur within part of the ground floor of a mixed-use four-story building, and will meet the Legacy Plan and its Principles. The existing building's street wall will remain, and the proposed commercial use is appropriately situated and scaled for the area.***
- b. The new improvement is compatible with uses already developed or planned in this district and will not exercise undue detrimental influences upon surrounding properties;
  - ***The proposed use as a martial arts studio (indoor fitness facility) is compatible with uses already developed or planned in this district, and will not exercise undue detrimental influences upon surrounding properties. The conditions pertaining to noise and parking management will help the proposed use thrive and maximize its compatibility within the community.***
- c. Any improvement meets the architectural standards set forth in the Legacy Code;
  - ***The proposed use meets the architectural standards set forth in the Legacy Code. No exterior façade changes have been proposed.***
- d. The improvement will have the effect of protecting and enhancing the economic development of the Legacy Plan area.
  - ***The proposed use will fill a long-term vacancy in the downtown, and thereby protecting and enhancing the economic development of the Legacy Plan area. The use fills a need in the community, thereby increasing the value of the community as a whole.***



## MOTION TO CONSIDER

If the Plan Commission wishes to act on the Petitioner's request, the appropriate wording of the motion is listed below. The protocol for the writing of a motion is to write it in the affirmative so that a positive or negative recommendation correlates to the Petitioner's proposal. By making a motion, it does not indicate a specific recommendation in support or against the plan. The Commission may choose to modify, add, or delete from the recommended motions and any recommended conditions.

### Special Use Permit:

"...make a motion to recommend that the Village Board grant a Special Use Permit to the Petitioner, Ground Rules Jiu Jitsu, a Special Use Permit to operate a Martial Arts Studio (indoor fitness facility) at 17200 Oak Park Avenue in the Legacy Downtown Core (DC) Zoning District, according to the submitted plans and adopt the Findings of Fact as listed in the June 16, 2022 Staff Report with the following conditions:

1. No noise can travel outside the tenant space. Business must comply with Village noise ordinance regulations.
2. If parking needs cannot be managed to avoid issues in the surrounding area, then the business scheduling and student capacity shall be adjusted accordingly.

## LIST OF REVIEWED PLANS

Submitted Sheet Name		Prepared By	Date On Sheet
	Application (Redacted)	Property Owner & Applicant	5/12/2022
	Response to Standards for a Special Use	Applicant	N/A
	Narrative: Business Plan	Applicant	5/29/2022 (received 6/4/2022)
	Additional Narrative: Hours of Operation 5 Year Plan	Applicant	N/A (received 6/4/2022)
	Spring Fort Hall Condominium Plat, Sheet 1 of 2 (1 page)	Landtech	1/19/07
	Spring Fort Hall Condominium Plat / Building Interior, Sheet 2 of 2 (1 page)	Landtech	1/19/06
	General Notes, Site Plan, Drawing Index (1 page)	Capilla	1/16/2021
	Proposed Floor Plan of Tenant Space (1 page)	Applicant	N/A (received 5/2022)

\* Landtech = Landtech Consultants, Inc.

\* Capilla = Mario A. Capilla

# PLAN COMMISSION STAFF REPORT

June 16, 2022 – Public Hearing

## Petitioner

George Arnold, on behalf  
of Park Lawn  
Association, Inc.

## Property Location

17007 Oak Park Avenue

## PIN

28-30-200-007-0000 &  
28-30-200-011-0000

## Zoning

Legacy District -NG  
(Neighborhood General)

## Approvals Sought

Special Use Permit

## Project Planner

Lori Kosmatka  
Associate Planner

## Park Lawn Association – Special Use Permit for a Developmental Education Facility (School and Activity Center)

17007 Oak Park Avenue



## EXECUTIVE SUMMARY

The Petitioner, Park Lawn Association, Inc., is seeking a Special Use Permit for a Developmental Education Facility (School and Activity Center) at the single-tenant building at 17007 Oak Park Avenue, in the Legacy NG (Neighborhood General) Zoning District. The property most recently operated as a Montessori School for grade school children.

Park Lawn Association, Inc., is a social service agency with extensive experience dating back to 1955, and currently includes several locations in the south suburbs. Park Lawn provides developmental education facilities (school and activity center) for intellectually and developmentally disabled adults. The Petitioner proposes program hours Monday-Friday 8:30am-3:00pm (employee hours 8:00am-5:00pm), with a maximum of 11 employees and 35 participants on site. Program offerings will include life skills and training as well as enriching activities (yoga, social clubs, community outings, etc.).

The primary concern for this use is a potential for high levels of traffic and parking due to heavy peak times during drop-offs and pick-ups. However, the Petitioner has provided an operational plan with scheduling and traffic routing in place to help address the parking concern. The facility operated as a school for many years with similar planned drop off and pickup operations without any known issues. A recommended condition clarifies that the property owner is responsible to manage parking, drop-offs, and pick-ups on-site to avoid any stacking issues or blockage of roadways.

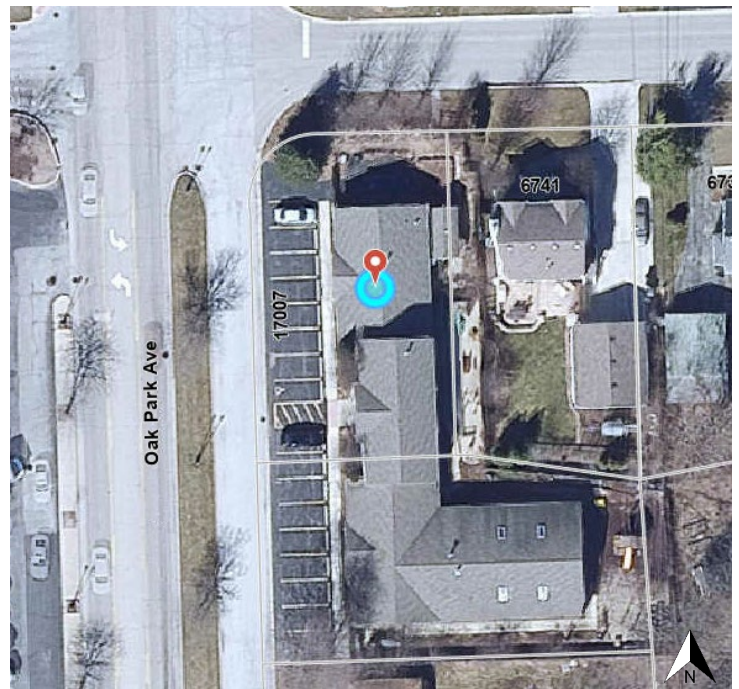


## EXISTING SITE, ZONING & NEARBY LAND USES

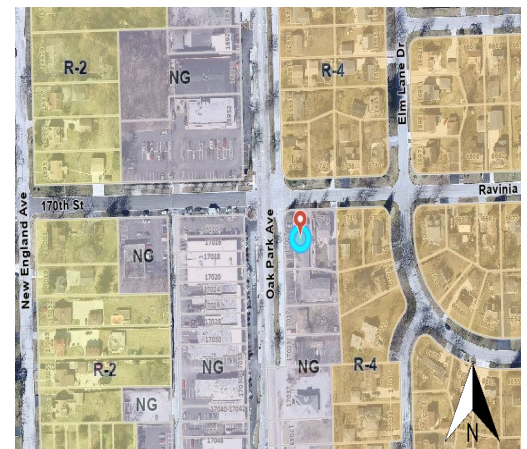
The subject property is located on the southeast corner of 170<sup>th</sup> Street and Oak Park Avenue. The two-story single-tenant building is oriented toward Oak Park Avenue and situated east of the frontage road on the east side of Oak Park Avenue. The building is situated on two parcels. The structure was completed as it looks today in 2007 when it expanded an existing structure on the northern parcel and updated the exterior appearance of the building. It previously operated as Hope Montessori school until May 2020 and is currently vacant. Parking consists of 16 total existing spaces in the front yard, arranged as a single row along the building's façade, and accessed by the frontage road. A shed is located toward the northern rear part of the property and an outdoor children's play set at the rear of the property.

The property is in the Legacy NG (Neighborhood General) zoning district. The property has neighboring Legacy Neighborhood General district to the west and south, and R-4 single family zoning district to the east and north. There is a single-family residence abutting the property to the south.

The Legacy Code characterizes the Downtown Core area of the Legacy District as “a variety of lot sizes and building scales, with multi-family dwellings as the primary use; street frontages have steady tree plantings and can include lawns, and buildings form a continuous street wall set close to sidewalks”. The intent of the Neighborhood General as to help transition existing single-family houses and commercial uses into multi-family uses. The site is considered a “Heritage Site” a sit was developed prior to implementation of the Legacy Code. The property is permitted to operate with commercial uses to remain operating at the space until redevelopment occurs.



*Aerials Showing Location Map & Property*



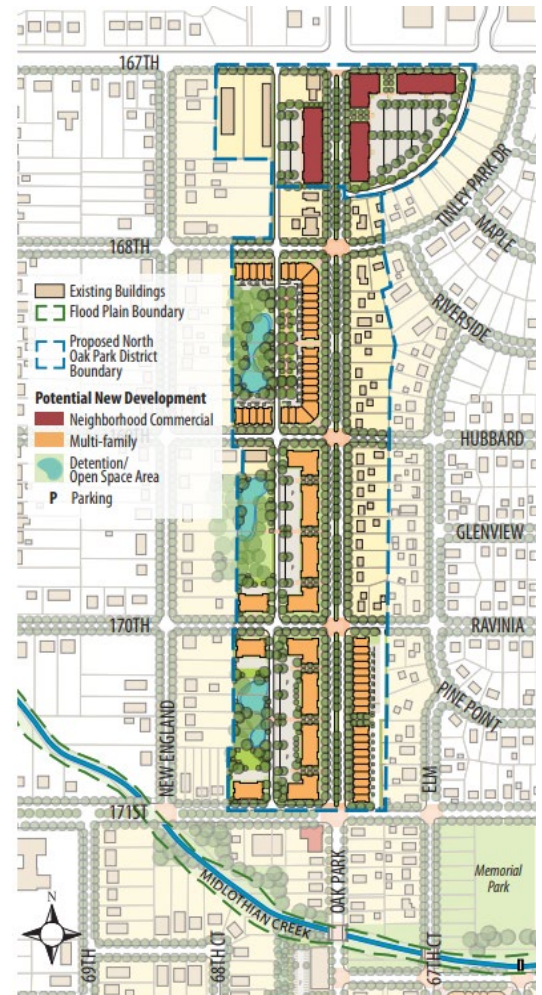
*Zoning Map*

## Legacy Plan

The site is located within the Legacy District and is part of the Village's 2009 Legacy Plan. The Legacy Code is intended to work in conjunction with the Legacy Plan. The Legacy Plan describes the immediate neighborhood as part of the North Oak Park Avenue area. The Legacy Plan includes an Illustrative Master Plan, both for the overall Legacy District as well as detail for the North Oak Park Avenue area. The Legacy Plan denotes Multi-Family use for this area. The accompanying language describes this area as *"showcasing long term transition from commercial to residential uses along a landscaped boulevard"*, and specifically to *"encourage multi-family residential development in areas that are currently single-site commercial development"*.

However, this denoted use is described within respect to potential new development. The existing building is functional and appears structurally sound, and thus is proposed for re-use with minimal changes to the site.

Furthermore, though the site's existing front yard parking does not align with Legacy Code standards, no alternative space exists for parking, and the Petitioner does not propose to expand the existing front yard parking. The public frontage would require a much larger redevelopment of the block in order to adjust the overall look and feel of the public frontage, which currently has a frontage road separate from Oak Park Avenue.



Village Legacy Plan (2009)

## SPECIAL USE PERMIT

A Special Use Permit is required for the operation of the proposed use as a *Developmental Education Facility* in the Legacy NG (Neighborhood General) Zoning District. Table 3.A.2 in Section XII of the Zoning Ordinance requires a Special Use Permit for listed uses in any area of the Legacy District including *day or childcare centers*, as well as *"other similar or compatible uses"*. While the facility will be utilized by adults, it operates in a similar manner with their participants utilizing supervised educational and training opportunities and similar dropped off/picked up operations.

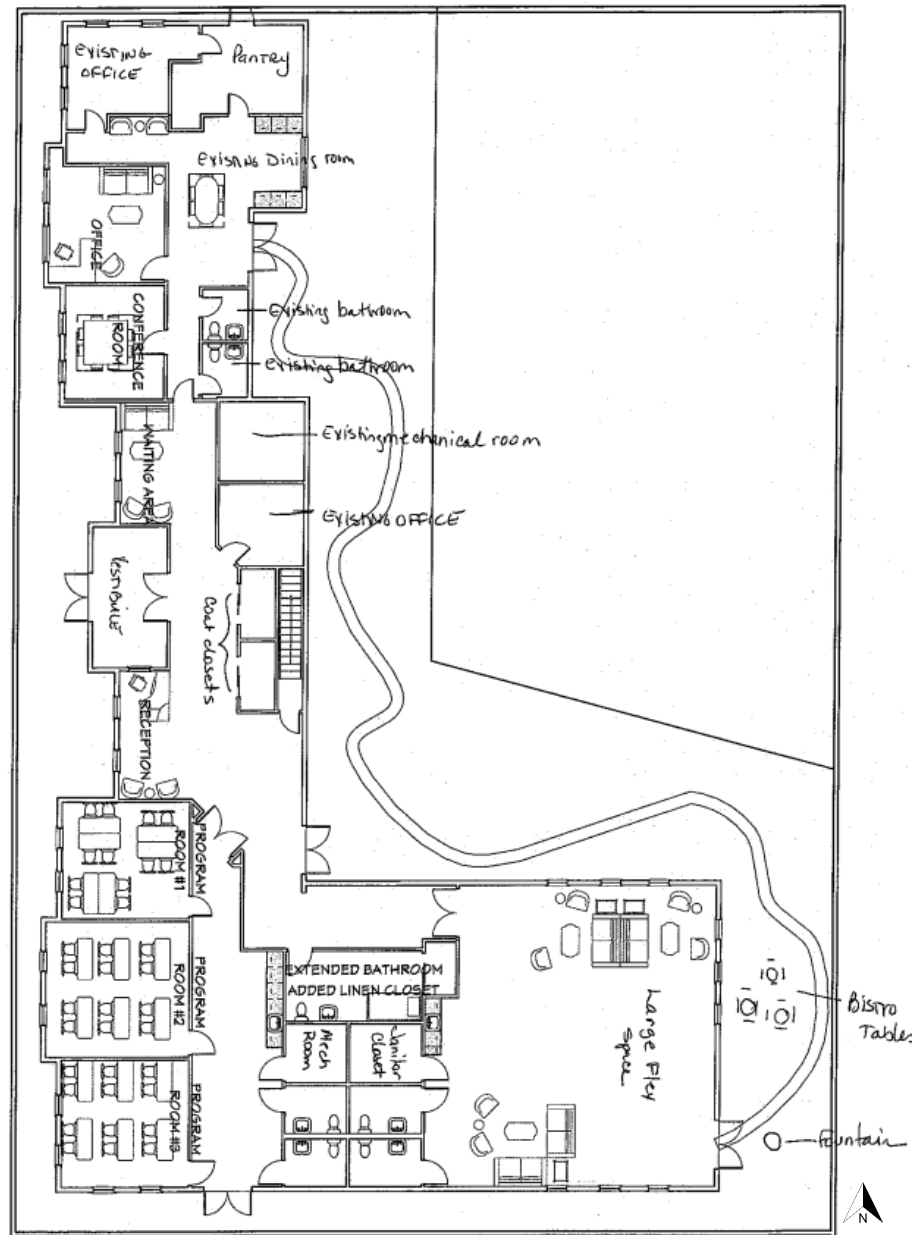
Special Use Permits are required for uses that may or may not be acceptable in the specific zoning district based on the unique nature of the use. The Special Use Permit will only apply to the proposed business based on their business plan and information submitted with the request and will not run with the land. In this situation, the primary concern is related to parking and drop-off/pick-up needs associated with the operations of the business. It is also worth noting that the use itself appears to be something that can fit within the long-term vision for the area which is primarily residential.



## PROPOSED USE

The Petitioner, Park Lawn Association, Inc. is proposing a not-for-profit developmental education facility. The facility will consist of a school and activity center for intellectually and developmentally disabled adults over age of 22, generally ranging from ages 30 to 65. On their website, (<https://www.parklawn.com>) Park Lawn identifies itself as a social service agency, and per the mission statement, it provides "services that promote choice and access to community living for people with intellectual and developmental disabilities". Park Lawn has extensive experience, as they have been in operation since 1955. Other existing locations in the area include Oak Lawn, Alsip, Chicago Ridge, and Worth.

The proposed facility will be open Monday through Friday, 8:00am to 5:00pm, and accommodate 35 participants who would attend program hours from 8:30am to 3:30pm. All participants will be dropped off and picked up between 8:00-8:30am and 3:00-3:30pm. Staffing is anticipated to be seven full time and eight part-time employees, with 11 employees maximum at peak time on site concurrently. The Petitioner expects very few guests, often none and no more than four in a given week. In that case, guests would usually be scheduled for mid-morning, and not during arrival or dismissal times.

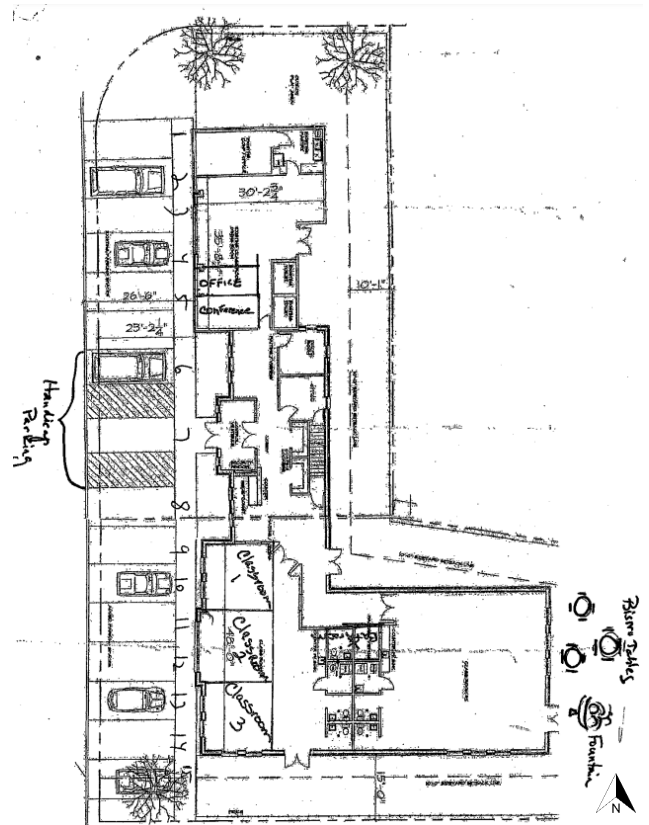


*Floor Plan 1st Fl. Showing Interior Spaces*

The programs include social interaction with peers as well as structured daily activities focusing on life skills and training. Money management, job searches, health and wellness programs are included as well as enriching activities such as yoga and movement classes, art, wood crafting, social clubs, reading, and opportunities to engage the community via outings (lunches, walks, museum visits, etc.). The Petitioner's narrative has clarified levels of participation. Participants do not "graduate". Their participation is ongoing until they or their guardian determines that they should discontinue their attendance. Participants who become successfully employed will reduce their attendance based upon their work schedule. The property is solely for day service and no participants will reside in the building.

The Petitioner has provided floor plans of the first floor. One shows the breakdown of the building's interior spaces. The other shows the parking. Most changes will be to the interior of the building. The Petitioner has stated the ground floor is 6,284 square feet, and the second floor is 1,000 square feet. The building's existing open spaces will be converted to smaller classrooms by installing interior walls and doors to decrease noise and permit different programs to be presented to participants concurrently. A conference room will also be established for family and participant meetings. The bathrooms will be modified to adult ADA standards. The Petitioner further states the second-floor space will only be used as a common office area for employees.

Only a couple minor adjustments to the exterior of the site. They propose to remove one parking space overall to provide an additional handicap accessible space. The change will be from existing 16 total spaces where 15 are standard and one is handicap accessible, to proposed 15 total spaces where 14 are standard and two are handicap accessible. Also, the children's play set will be removed from the backyard. Bistro tables, chairs and a fountain will be added for a small sitting area.



Floor Plan - 1st Floor Showing Parking

#### Parking, Drop-offs / Pick-ups

The site has very limited parking, which has made reuse of the property difficult for most potential tenants. However, the proposed use has limited parking needs and has provided an operational plan that supports their plan to manage parking and drop-off/pick-up. The Petitioner has clarified to Village Staff that no participants will park nor drive a vehicle to the site. The Petitioner's narrative explains that 11 of the proposed 15 parking spaces will be for the employees. The remaining four spaces (two standard spaces and two handicap accessible spaces) will be used for drop-off and pick-up as well as guest/visitor parking. The participants will be dropped off and picked up during set half-hour windows. Guests are never scheduled during these arrival or dismissal times. The traffic routing procedure for drop-offs and pick-ups will be to exit Oak Park



Looking North, Frontage Road & Parking Spaces

Avenue just south of the building onto the frontage road, then drop off or pickup participants using the four parking spaces, and finally to exit the frontage road via 170<sup>th</sup> Street. All vehicles will travel northbound on the frontage road.

Having the above-mentioned operational plan with scheduling and traffic routing in place will help address the parking concern. Staff recommends a condition stating that the property owner shall manage parking, drop-offs, and pick-ups on-site to avoid any stacking issues or blockage of roadways.

## 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. Findings of Fact have been drafted by staff and outlined below for Plan Commission consideration.

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

- a. That the establishment, maintenance, or operation of the Special Use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
  - ***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 as the proposed use will be conducted in a manner consistent with the current operation of the Petitioner. The proposed use will promote the general welfare of the public by providing essential services of life skills and training for adults with intellectual and developmental disabilities.***
- b. That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
  - ***The proposed 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 as the use as a developmental education facility (school and activity center) is compatible with the surrounding neighborhood and residential uses as it was designed for school/training use.***
- 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 establishment of the proposed use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district in that it is compatible with existing said development. The proposed facility will reuse the existing building and site.***
- d. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided;
  - ***Adequate utilities, access roads, drainage, and/or other necessary facilities currently exist at the property.***
- 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
  - ***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 proposed facility will utilize the existing frontage road parallel to Oak Park Avenue with traffic routing northbound. Drop-offs and pick-ups will utilize the available parking spaces, and occur during set half-hour windows.***
- 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 proposed use will comply with all other Village codes and regulations.***

- g. The extent to which the Special Use contributes directly or indirectly to the economic development of the community as a whole.
- ***The proposed use indirectly contributes to the economic development of the community as a whole as it fills a need in the community, thereby increasing the value of the community as a whole. The proposed use will provide essential services of life skills and training for adults with intellectual and developmental disabilities. The use fills and existing vacancy at a unique property with few alternative uses.***

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.

## **ADDITIONAL LEGACY CODE STANDARDS**

---

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

- a. The proposed improvement meets the Legacy Plan and its Principles, as presented in Section 1.A-B: Purpose and Intent, of this ordinance;
  - ***The proposed use will occur as a Heritage Site and will largely meet the Legacy Plan and its Principles. The existing building's street wall will remain, and the two-story building is appropriately scaled for the area. Though the Legacy Plan envisions potential new development as multi-family use at this area, the existing building is functional and appears structurally sound. Additionally, the use is one that would not detract from the residential vision of the area. The single row of front yard parking along the frontage road is already existing and is not being expanded upon.***
- b. The new improvement is compatible with uses already developed or planned in this district and will not exercise undue detrimental influences upon surrounding properties;
  - ***The proposed use as a developmental education facility (school and activity center) is compatible with residential uses already developed or planned in this district and will not exercise undue detrimental influences upon surrounding properties. The proposed facility will reuse the existing building. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.***
- c. Any improvement meets the architectural standards set forth in the Legacy Code;
  - ***The structure is existing and no exterior façade changes have been proposed.***
- d. The improvement will have the effect of protecting and enhancing the economic development of the Legacy Plan area.
  - ***The proposed use will have the effect of protecting and enhancing the economic development of the Legacy Plan area as it fills a need in the community, thereby increasing the value of the community as a whole. The proposed use will provide essential services of life skills and training for adults with intellectual and developmental disabilities. The use fills and existing vacancy at a unique property with few alternative uses.***

## MOTION TO CONSIDER

---

If the Plan Commission wishes to act on the Petitioner's request, the appropriate wording of the motion is listed below. The protocol for the writing of a motion is to write it in the affirmative so that a positive or negative recommendation correlates to the Petitioner's proposal. By making a motion, it does not indicate a specific recommendation in support or against the plan. The Commission may choose to modify, add, or delete from the recommended motions and any recommended conditions.

### Special Use Permit:

"...make a motion to recommend that the Village Board grant a Special Use Permit to the Petitioner, Park Lawn Association a Special Use Permit to operate a Developmental Education Facility (school and activity center) at 17007 Oak Park Avenue in the Legacy NG (Neighborhood General) Zoning District, according to the submitted plans and adopt the Findings of Fact as listed in the June 16, 2022 Staff Report with the following condition:

1. The property owner shall manage parking, drop-offs, and pick-ups on-site to avoid any stacking issues or blockage of roadways.

## LIST OF REVIEWED PLANS

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Submitted Sheet Name		Prepared By	Date On Sheet
	Application (Redacted)	Property Owner & Applicant	5/24/2022
	Response to Standards for a Special Use	Applicant	Rec'd 5/24/2022
	Narrative	Applicant	Rec'd 5/24/2022
	Proposed Floor Plan 1 <sup>st</sup> Fl. with Parking	Applicant	Rec'd 6/3/2022
	Proposed Floor Plan 1 <sup>st</sup> Fl. Interior Spaces	Rigsby Builders	Rec'd 6/10/2022



# PLAN COMMISSION STAFF REPORT

June 16, 2022 – Public Hearing

## Murphy – Corner Lot Fence Setback Variation

17251 Olcott Avenue

### Petitioner

Mark Murphy

### Property Location

17251 Olcott Avenue

### PIN

27-25-405-012-0000

### Zoning

R-1 (Single Family  
Residential)

### Approvals Sought

Variation



## EXECUTIVE SUMMARY

The Petitioner, Mark Murphy, is seeking a 40-foot Variation from Section III.J. (Fence Regulations) of the Zoning Ordinance to permit a five-foot-high, open-style fence encroaching 40 feet into the required secondary front yard (0' from the property line), where a fence encroachment is not permitted at 17251 Olcott Avenue. The proposed fence variation abuts the neighboring primary front yard to the east (7408 173<sup>rd</sup> Street).

The Petitioner has requested the fence setback Variation to replace the existing wood fence which is nonconforming per the current Village Zoning Ordinance. The Petitioner has requested the fence variation due to privacy concerns and to provide security from through-traffic along 173<sup>rd</sup> Street.

Secondary front yard fences are required to be located at the building setback line, which is 40 feet in the R-1 zoning district. Five-foot open style fences may, with administrative approval, encroach up to ten feet in the Required Setback Line of the secondary front yard, but only if the fence does not abut a neighboring primary front yard as it does here. However, because the house has a non-conforming setback, a fence (open or privacy) is permitted to be run at the home's existing setback line and not set in the full 40 feet. Privacy and security at the lot line could be addressed via other code compliant options for a new fence. Additionally, repairing/maintaining the existing fence or adding landscaping can help alleviate some of the Petitioner's concerns.

### Project Planner

Lori Kosmatka  
Associate Planner

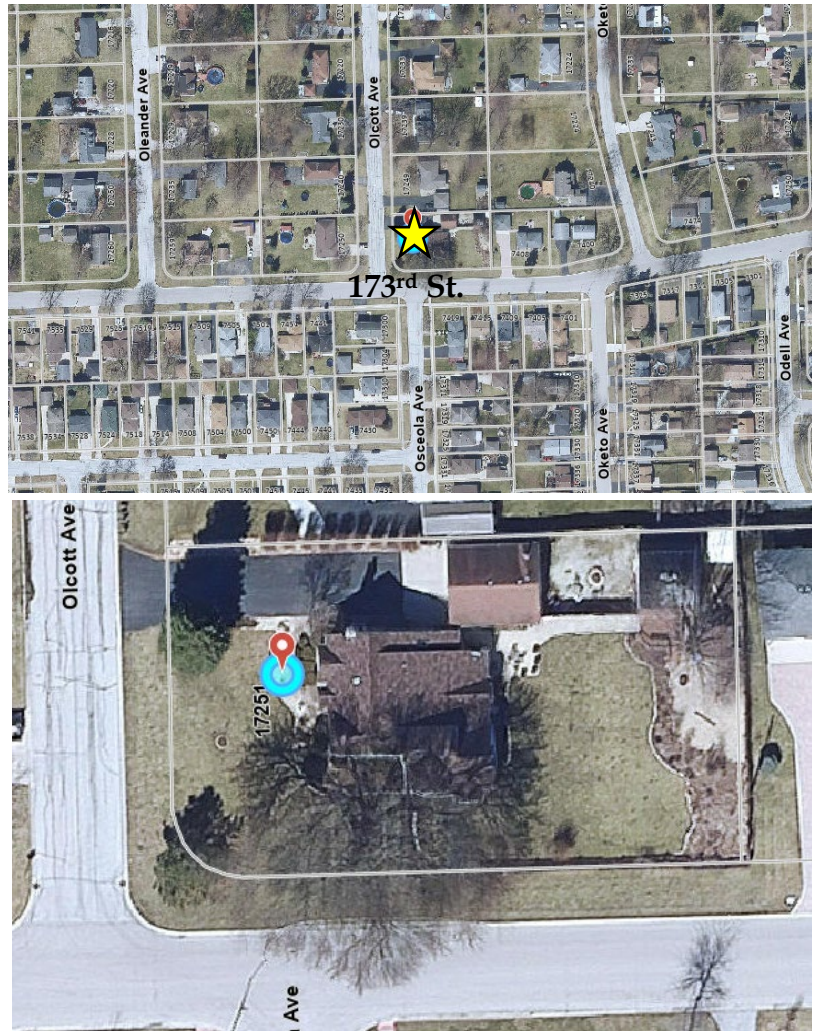


## EXISTING SITE & HISTORY

The subject property is a corner lot, located on the northeast corner of Olcott Avenue and 173<sup>rd</sup> Street in The Southlands Subdivision. The subdivision is an older subdivision developed under county jurisdiction in the 1950s-1960s and annexed into the Village in 1976. The lot is approximately 20,306 sq. ft., with 110 feet primary frontage on Olcott Avenue, and 184.6 feet secondary frontage on 173<sup>rd</sup> Street. The lot area and width do not conform to the current corner lot zoning requirements for the R-1 zoning district, which are a minimum lot area of 25,000 sq. ft., and a minimum lot width of 125 feet. The home is oriented toward Olcott Avenue. The Petitioner notes the home has a protruding bay window to the south along Olcott. From the bay window, the home is setback 23.83' from the south property line, thus nonconforming and encroaching 16.17 feet into the required 40 foot minimum secondary front yard. To the east, the subject property abuts a neighboring interior lot (rather than another corner lot), which has a primary front yard that front 173<sup>rd</sup> Street.

Currently, there is approximately 16 feet of right-of-way between the curb and the west and south property lines, as measured from the plat of survey. There is no existing sidewalk on the right-of-way. The Petitioner has noted that their corner serves as a bus stop for grade and high school students. In addition to students waiting at the corner, the Petitioner notes that multiple vehicles park nearby for drop-offs and pick-ups. The Petitioner also describes the 173<sup>rd</sup> Street as highly trafficked with vehicles exceeding the speed limit.

The property currently has an existing wood fence that is on the property line encroaching the full 40 feet into the required setback along the 173<sup>rd</sup> Street secondary frontage. The fence is in disrepair with portions of the fence leaning or falling over. The fence is nonconforming to the current Village Zoning Ordinance and Village staff did not find any record of a permit for the fence.



*Aerials of Property (location of parcel lines is approximate)*

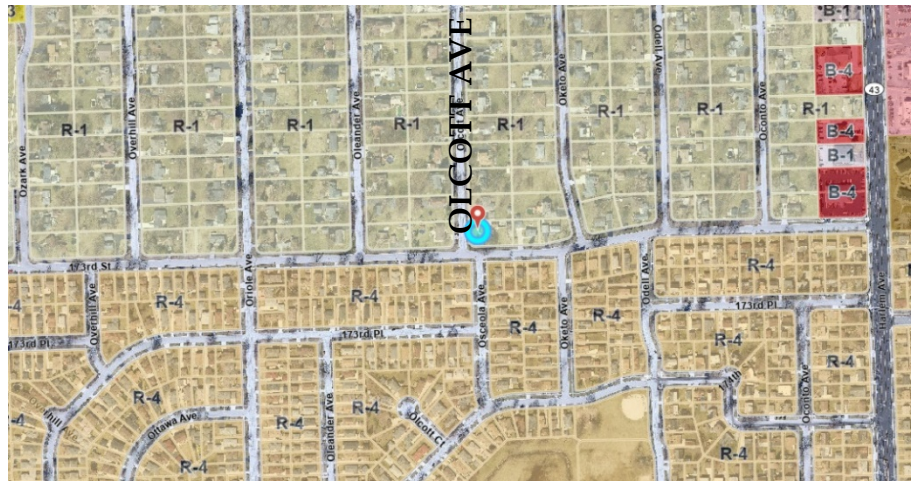


*Views of existing fence and ROW – Looking East (L), Looking West (center), and Looking North Abutting Neighboring Primary Front Yard (R)*



## ZONING & NEARBY LAND USES

The subject property is a corner lot within the R-1 Zoning District. Nearby residences in the neighborhood on the north side of 173<sup>rd</sup> Street are in the R-1 Zoning District. South of 173<sup>rd</sup> Street, the residences are in the R-4 Zoning District. The Zoning Ordinance requires primary and secondary yard setbacks of 40 feet each within the R-1 zoning district, and 25 feet within the R-4. The lot of approximately 20,306 sq. ft. is below the required minimum corner lot size of 25,000 sq. ft. per the Zoning Ordinance.



Zoning Map

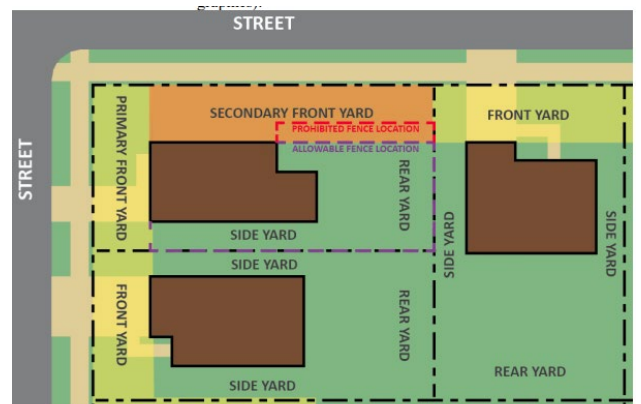
The Petitioner has noted a few nearby corner lot properties appear to have fences in their front yards at 17250 Olcott Ave. (a chain link fence across the street to the west), 17250 Odell Ave., 7301 Odell Ave., and 7296 173<sup>rd</sup> Pl.



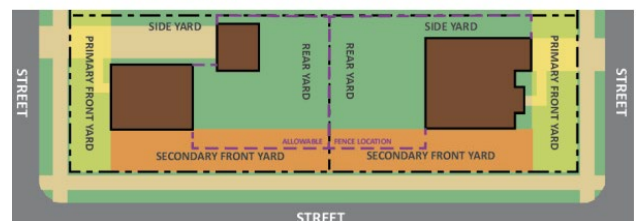
17250 Olcott, 17250 Odell, 7301 Odell, 7296 173<sup>rd</sup> Pl.

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, though, per Section III.J.3.a. (*Administrative Approvals of Secondary Front Yard*), administrative approvals may be granted for fences in secondary front yards when they are open style fences with a maximum of five feet (5') in height could encroach up to 10 feet into the Required Setback Line in the secondary front yard in the R-1 Zoning District. However, to have the fence encroachment, it requires that the fence must not obstruct sight lines and cannot abut a neighboring primary front yard.

Per Section III.J.3.a.2, if a residential structure is nonconforming to the required front yard setback, a fence (privacy or open design) may be permitted to encroach into the required front yard setback to align with the established setback of the residential structure as long as it does not cause a negative impact to safety of pedestrians or vehicles.



Graphic: Prohibited Fence Location in Secondary Front Yard



Graphic: Allowable Fence Location in Secondary Front Yard

Graphic per Section III.J.3.a.1

## VARIATION REQUEST

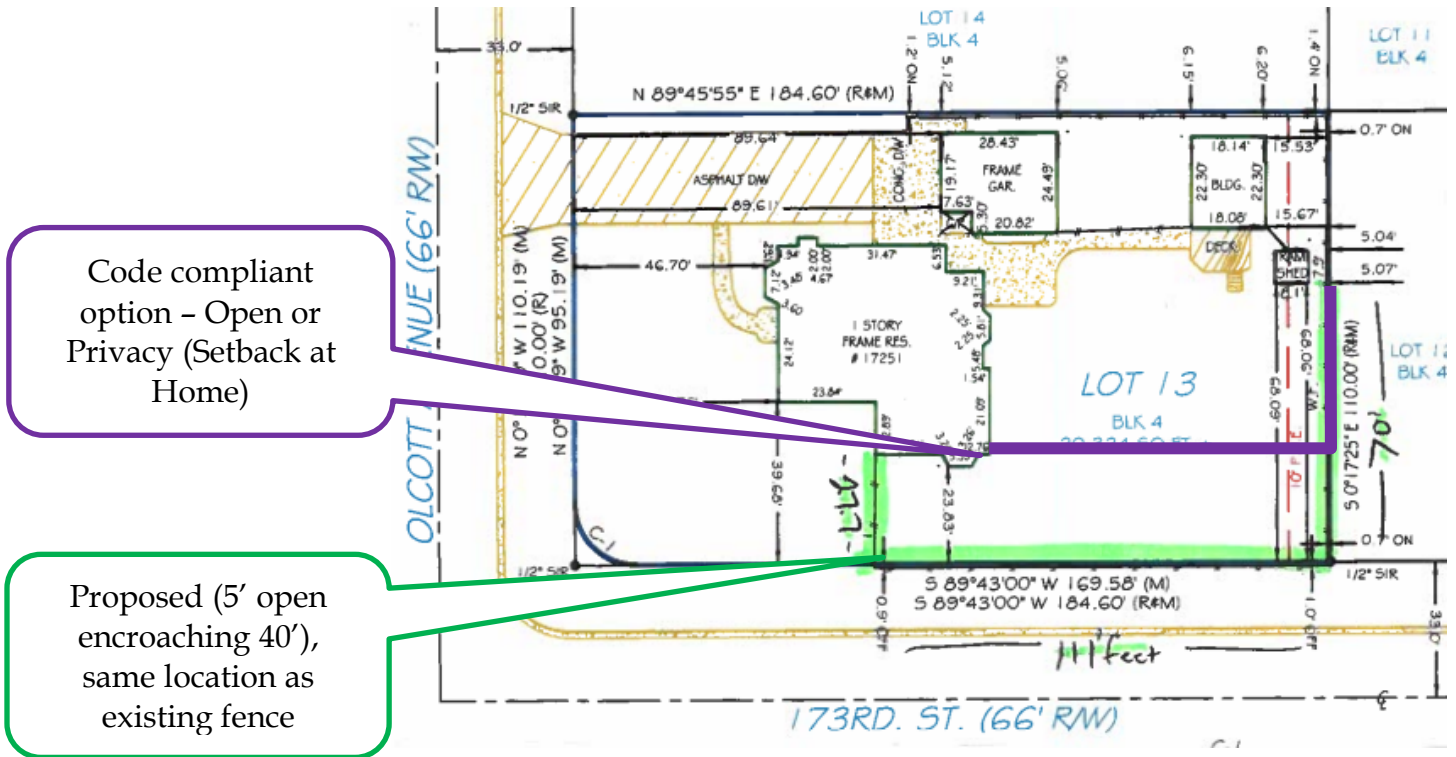
The Petitioner proposes to remove the existing fence and construct new fencing in the same location. The Petitioner is requesting a Variation to construct a five-foot (5') high, open-style fence to encroach forty feet (40') into the required secondary front yard and placed up to the property line (*green on the plat below*). The Petitioner has requested the fence



setback Variation privacy concerns and to provide security from through-traffic along 173<sup>rd</sup> Street. The Petitioner notes the privacy concerns arise from not having a clear indication of a boundary along the right-of-way lawn as a sidewalk does not currently exist, and people frequently waiting for school buses at their corner. The Petitioner also notes that the bay window's proximity to 173<sup>rd</sup> Street would cause them to feel vulnerable if a fence were not present.

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 can comply with the code by constructing the fence (open or privacy style permitted) at the homes existing setback line (*purple solid line on the plat below*). Delineating the lot line could be further addressed via other code compliant options such as landscaping or maximum two-foot-high fencing at the lot's corners. The non-conforming fence could also be maintained by straightening support posts and fixing broken portions to extend the useful life of the fence.

Aside from the home's proximity to 173<sup>rd</sup> Street (encroaching up to 16.17 feet into the secondary front yard) a clear, physical hardship and uniqueness of property do not appear to be present. The lot is smaller than the current code requirements, but due to the house's existing encroachment into the setback, the fence can already encroach into the setback a substantial amount (can align with the home's non-conforming setback instead of being 40 feet back). The code already allows for the fence to encroach into the setback as much as the home if there are no safety or line-of-site concerns. Furthermore, the effects on having a fence in a neighbor's primary front yard should be considered. The proposed Variation abuts a neighboring front/primary yard to the east. Though the Petitioner is requesting a proposal that goes beyond an administrative approval that allows for a 10' encroachment, it should be noted that abutting a neighboring front/primary yard is prohibited for administrative approvals in a secondary front yard. Fences are not permitted in primary front yards due to visibility concerns and the negative visual appearance of having fences extent into primary front yards. Lastly, the character of the neighborhood should be considered. Though some corner lot properties do have nonconforming fences, most in the neighborhood do not. Since it is an older subdivision, it can take time for those non-conforming situations to come into conformance. Granting the Variation may set a precedent for future variation requests in which there is no clear physical hardship or uniqueness of property.



### Marked Up Plat of Survey

## 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 to comply with code, including aligning the fence with the home's setback, repairing/maintaining the existing fence, or installing additional landscaping. None of these compliant options will not limit the owner's ability to yield a reasonable return on their property.***
2. The plight of the owner is due to unique circumstances.
  - ***The subject property does not present a clear, physical hardship related to the property. The Petitioner could build to align with the homes existing non-conforming setback. Privacy and security at the lot line could be addressed via other code compliant options such as maintenance of the existing fence and additional landscaping.***
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. Though some corner lot properties do have nonconforming fences, most in the neighborhood conform to the code. Those properties with non-conforming fences will similarly need to come into conformance when they are eventually replaced. Furthermore, the property abuts an interior neighboring interior lot, which has a primary front yard. Fences are not permitted to extend into primary front yards due to visibility concerns and the negative visual appearance of having fences extend into primary front yards.***
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 act on the Petitioner's request, the appropriate wording of the motion is listed below. The protocol for the writing of a motion is to write it in the affirmative so that a positive or negative recommendation correlates to the Petitioner's proposal. By making a motion, it does not indicate a specific recommendation in support or against the plan. The Commission may choose to modify, add, or delete from the recommended motions and any recommended conditions.

***"...make a motion to recommend that the Village Board grant a 40-foot Variation to the Petitioner, Mark Murphy, from Section III.J. (Fence Regulations) of the Zoning Ordinance, to permit a five-foot high open fence encroaching 40-feet into the required secondary front yard, where a fence encroachment is not permitted at 17251 Olcott Avenue in the R-1 (Single-Family Residential) Zoning District, consistent with the Submitted Plans and adopt Findings of Fact as proposed by Village Staff in the June 16, 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)	Applicant	4/27/2022
	Response to Standards for Variation	Applicant	Rec'd 4/27/2022
	Applicant Narrative	Applicant	5/23/2022
	Plat of Survey (Marked)	Applicant	Rec'd 4/27/2022
	Applicant Existing Fence Photos	Applicant	Rec'd 5/23/2022
	Applicant Additional Photos	Applicant	Rec'd 6/9/2022