

AGENDA
PARK FOREST PLANNING AND ZONING COMMISSION

Park Forest Village Hall
Board Room

7:00 P.M.

TUESDAY
November 16, 2022

1. Planning and Zoning Commission Call to Order
2. Review of Minutes
 - a. October 25, 2022, Regular Planning and Zoning Commission Meeting
3. Petitions - None
4. Audience to Visitors
5. New Business
 - a. Public Hearing: Request for a Special Use Permit in the C-2 Mixed Use Zoning District at 364 South Orchard
 - b. Discussion regarding Amending the Unified Development Ordinance to include Annexation Agreement Review by the Planning and Zoning Commission and Recommendation to the Village Board
6. Old Business – None
7. Communications
 - a. Member Communications
 - b. Trustee Comments
 - c. Staff Communications
8. Adjournment

Any individual with a disability requesting a reasonable accommodation in order to participate in a public meeting should contact the Village Manager's Office at least 48 hours in advance of the scheduled meeting. The Village Manager's Office can be reached via telephone at 708-283-5605 or via email at athurston@vopf.com. Every effort will be made to allow for meeting participation.

**Park Forest
Planning and Zoning Commission Meeting Minutes
Park Forest Board Room
Tuesday, October 25, 2022**

Present: Chair Vernita Wickliffe Lewis; Vice Chair Marguerite Hutchins; Commissioners Samuel Brooks, Cynthia Burton-Prete, Doug Price; Trustee Liaison Maya Hardy

Staff: Andrew Brown, Planner; Sandra Zoellner, Director of Economic Development and Planning

Absent: Denise Poston

Visitors: Paramuir Singh; Shamir Manhani; Christian Kalischefski; Christopher Starke; Janessa Drayton

Call to Order: The meeting was called to order at 7:02 pm.

Review of Minutes September 13, 2022: Burton-Prete stated on page two, the second sentence at the top of the page reads, “email or print” to “print or email” so that the sentence will read “They can print or email the certificate of completion to him.”

On the same page. The third sentence in the second paragraph under Old Business, Item b, Code of Conduct for Planning and Zoning Commission, states “Price asked if any further authority is given to the Village by signing the code of conduct?” The question mark should be changed to a period. This is a statement and not a question.

On page three, under Member Communications where it states “Brooks asked about a company who made a deposit on land in the DownTown to build an apartment building.” The sentence should have area added to it so it reads “DownTown area.” On page three under Staff Communications the first sentence reads “No developments applications have been submitted yet.” Developments should be changed to a singular use. The sentence should be changed to “No development applications have been submitted yet.”

Hutchins stated on page two, paragraph two under Code of Conduct for Planning and Zoning Commission that there is an error where it states “The Commissioners expressed some concerns and ask questions for clarity.” “Ask” should be changed to “asked.”

Hutchins also commented that a lot was left out of the minutes. The conversation Wickliffe Lewis had with the visitor, Alisha, about how the agenda had moved past the visitor portion of the meeting and it was now closed. Wickliffe Lewis also mentioned that Alisha could email her suggestions to Wickliffe Lewis or Tom Mick, the Village Manager. The following was added to the minutes from September 13, 2022, after the last paragraph for Old Business, Code of Conduct for Planning and Zoning Commission:

“After Mick left the meeting at 8:08 pm, the visitor, Alisha began to ask questions of the Commission. During this time, Wickliffe Lewis reminded Alisha that the time to entertain questions from visitors had occurred earlier in the agenda and meeting. Due to the time and where the Commission was at in the meeting Wickliffe Lewis urged Alisha to email any questions to Wickliffe Lewis or Mick after the meeting. She also mentioned to Alisha that if she had agenda items to include on the Planning and Zoning Commissions Agenda that she should contact Brown to include them on the October Planning and Zoning Commission Agenda.”

Hutchins requested there be more added to the discussion on the Code of Conduct with Manager Mick. The minutes under Old Business, Item b, Code of Conduct have been amended to read as follows:

“The floor was handed over to Manager Mick to review the code of conduct volunteer commissioners are being asked to sign. Mick and Brown stated they could not find any code of conduct filed by the previous Planner, Kingma. Mick provided an overview and some background about the code of conduct to provide clarity on why it was developed. Mick stated that the Code of Conduct was officially established in June of 2022 after the Village had not had a Code of Conduct previously. Mick stated that the Code of Conduct was developed with the help of the Village Attorney who reviewed the document and approved the final version in partnership with the Village Manager. Mick stated that the Code of Conduct was developed to eliminate people from using excuses like “I didn’t know the rules.” Mick then highlighted main points from the code of conduct. Mick stated that the Code of Conduct enforces informal parts of Commissioner or Board Member expectations. Mick stated the Code of Conduct states a Commissioner or a Board Member will not receive money for their volunteer work, must apply for the positions, and no future employment was guaranteed from Commission or Board participation.

Commissioners expressed some concerns and ask questions for clarity. Burton-Prete asked if employees have unpaid bills to the Village, could it result in their firing? Mick said yes, the same was true for Village employees. Mick then stated for the Commission’s information, that 47 of the 90 volunteer commissioners or board members have already signed the Code of Conduct. Hutchins then asked Mick if there was a neighboring jurisdiction with a similar document. Mick stated that the Village attorney could not find a neighboring jurisdiction with a similar document.

Price stated that any commission member serves at the pleasure of the Board of Trustees and commissioners were appointed by the Village. However, Price wanted to know the Village’s authority to remove a volunteer commissioner if they were to violate the rules and Price asked if any further authority is given to the Village by signing the code of conduct? Mick stated the Village already has the authority to remove any volunteer commissioner and the Mayor, at his discretion, can dismiss a commissioner. Mick stated the code of conduct does not give additional authority to the Village, but it does describe expectations for volunteer commissioners so that they cannot say they weren’t aware.

Burton-Prete inquired about who will be “policing” those volunteers who are not meeting code of conduct requirements? Mick stated the Trustee Liaison, Staff Liaison, and the Commission

Chair will be in charge of enforcing the code of conduct. These people will know when someone has overstepped.

Wickliffe Lewis asked what due process rights are for an individual who is being recommended for dismissal. Mick stated that there is a Local Volunteer Board Removal Act that is already in place. Mick stated that if there was a situation, the Village Board would first look at when it happened and how soon the term of the offender ends. If their term is almost up, they will not be reappointed. If they have six (6) months or more on their term, information will be gathered to determine immediate removal for said commissioner. Wickliffe Lewis requested a copy of the Local Volunteer Board Removal Act. Mick stated he would provide the Commission with a copy.

Wickliffe Lewis asked if the first line of the last paragraph of the Code of Conduct should say “for” instead of “or.” Mick stated that Wickliffe Lewis’ was correct and the Code of Conduct should say “for” instead of “or” on the first line of the last paragraph of the Code of Conduct. Wickliffe Lewis then asked why the Village attorney did not have to sign the document. Price stated he took deference to the Village attorney signing, stating that this was meant to be a form acknowledging receipt of the policy. Price stated he would prefer the document be an acknowledgement of receipt. Mick pointed out that the Village Board and President still have the authority to dismiss Commissioners. Wickliffe Lewis stated she understood the answer.

Price stated that there have been times where it has been difficult to recruit and hoped that this Code of Conduct did not act as an impediment to that. Mick stated that signing this document would be part of the paperwork as a new member of a Board or Commission.

Burton-Prete asked what would happen to volunteers who did not want to sign. Mick stated that some Boards and Commissions meet at different intervals and it would take some time to get all of the volunteers to sign.

Hutchins asked Mick if the Trustees have to sign something like the Code of Conduct. Mick responded by saying it has been discussed. Hutchins stated she think that Trustees should also sign this or a similar document. Price stated that he believes signing such a document is inappropriate for a Trustee since citizens could remove a Trustee. Hutchins stated she disagreed with Price and thought Trustees should sign.

Wickliffe Lewis asked Mick when the form needed to be signed. Mick stated that by the end of the calendar year all the forms should be signed by all the Boards and Commission volunteers.

After Mick left the meeting at 8:08 pm, the visitor, Alisha began to ask questions of the Commission. During this time, Wickliffe Lewis reminded Alisha that the time to entertain questions from visitors had occurred earlier in the agenda and meeting. Due to the time and where the Commission was at in the meeting Wickliffe Lewis urged Alisha to email any questions to Wickliffe Lewis or Mick after the meeting. She also mentioned to Alisha that if she had agenda items to include on the Planning and Zoning Commissions Agenda that she should contact Brown to include them on the October Planning and Zoning Commission Agenda.”

A motion as made to approve minutes with corrections by Price. Seconded by Hutchins. All in favor.

Petitions: None

Audience to Visitors: None. Visitors attended to discuss New Business during the public hearings.

New Business:

- a. Public Hearing: Text Amendment to Table III-2-A. (Use Table), Section III-3 (Use Standards), and Section XII-2 (Definition of Terms) to the UDO to define and permit Retail Tobacco Store and Smoking Lounges within C-2 and C-3 zoning districts with use standards.**

Brown reviewed the Unified Development Ordinance (UDO) regarding Tobacco Shops. He stated “Tobacco Shops” are not defined in the UDO and do not have Use Standards found in Section XII-2. The term “Retail Tobacco Store,” however, is defined in Chapter 50, Health and Sanitation, Article III and Chapter 22, Business, Article II Business Registration Certificates, Division 11, Section 22-401. Retail Tobacco Store is defined in Chapter 22 as “any person selling, offering for sale, exposing for sale, or keeping with the intention of selling or exchanging at retail cigarettes or tobacco in any form or any alternative nicotine product or electronic cigarette.” Section 22-402 also requires a retail tobacco dealer to apply for a tobacco license through the village clerk.

Brown stated the proposed text amendment will amend three parts of the UDO. They include updating Table III-2-A (Use Table), Section III-3 (Use Standards), which will define the Use standards for Retail Tobacco Stores and Smoking Lounges, and Section XII-2 (Definition of Terms) to introduce and define Retail Tobacco Store and Smoking Lounge instead of using the phrase Tobacco Shop.

Wickliffe Lewis opened the floor to the visitors to speak. Zoellner spoke about Drayton opening up a tobacco retail shop and cigar lounge. She stated that she was here to support Drayton’s application and to support the passing of this Text Amendment. Zoellner stated that she referred her to a few commercial property owners and Drayton was able to acquire a space close to the Subway at Central Park Plaza. Zoellner also stated that Drayton had completed everything required to open up the shop. Zoellner stated that when she researched the Village Ordinances and saw a private club or lodge was a place where smoking was not regulated, the space could work. Zoellner suggested to Drayton that if she opened a private club, she would be able to operate a cigar lounge at that location. Upon hearing this guidance, Ms. Drayton continued to develop the space (e.g. complete a lease, speak with contractors, et cetera). However, Zoellner discovered private clubs and lodges had to be in existence for at least three years and have a membership roll of more than 50 bona fide members. Zoellner stated she went back to look at the UDO and noticed a misalignment with the definition for tobacco sales and retail tobacco stores and not allowing a use like a cigar lounge. On behalf of Department of Economic Development

and Planning, Zoellner was there to support Drayton in opening her smoking lounge and support the passing of this Text Amendment.

Drayton then introduced herself and thanked the Commissioners for listening. Drayton gave her background and stated she is looking forward to bringing a good business to Park Forest and is looking forward with working with the Commission.

A motion was made to close the public hearing by Price. Seconded by Hutchins. All in favor. The public hearing was closed.

Burton-Prete asked Brown for some clarity on Tobacco Shops being too broad of a term in the UDO. Brown stated that tobacco shop was not defined in the UDO and the proposed Text Amendments would define a Retail Tobacco Store and Smoking Lounge. Additionally, it would allow both of them as uses. The use was originally omitted from the UDO use table and use standard but Brown does not believe it was done on purpose. Aligning the definition of retail tobacco store with other parts of the Village ordinance will help align the code. Burton-Prete then asked if Tobacco Shop was placed under retail business establishment. Brown stated the term Tobacco Shop was only used to define what a retail business establishment was not. Burton-Prete asked if a person needed to be a dealer to sale tobacco. Brown stated that it is to his understanding that a person does need a business license to sale tobacco. Burton-Prete then asked if they are allowed beverages like water. Brown stated yes, as long as it's not alcohol and it only accounts for up to twenty percent of sales.

Price asked if there are any other businesses the UDO allows in C-2 and C-3 zoning districts where there is a limit as far as where the nearest schools and daycare were located. Brown stated that this is the only one that he knows of currently. Price stated that it's stated under youth standard, no one under the age of 18 is allowed in the store. He asked if there are any other uses in C-2 and C-3 zoning districts where their location is limited from how far they can be to schools and daycare facilities. Brown stated Cannabis uses were the only one. Brown stated that it is 500 feet for cannabis and 100 feet for retail tobacco stores and smoking lounges. Price asked if there were to be a potential development in the Rich East area, could the location of the school exclude certain business. Brown stated that even with 100 feet of a buffer, the entire Orchard Park Plaza would be unaffected by a school locating at the former Rich East facility.

Brooks asked what the five (5) businesses that sale tobacco in Park Forest currently. Brown named the five that sell tobacco in Park Forest.

Price made a motion to amend the Text Amendment to add a third Use Standard under Retail Tobacco Store that states "Entrance shall not be permitted to anyone under the age of 21." Additionally, to add a fourth Use Standard for Smoking Lounge that states "Entrance shall not be permitted to anyone under the age of 21." Seconded by Burton-Prete. All in favor.

The Planning and Zoning Commission then worked through the Zoning Text and Map Amendment Standards for Zoning Amendments Worksheet. Each standard was read aloud and each Commissioner was given the opportunity to discuss the standard if they felt it necessary. The following are the standards and how the Commission voted on each.

1. The proposed amendment will not endanger the health, safety, comfort, convenience, and general welfare of the public. *The Commission voted four to one that this standard was met. Brooks voted no.*
2. The proposed amendment is compatible with the existing uses, character, and zoning of adjacent properties and other property within the immediate vicinity of the proposed amendment. *The Commission unanimously concurred that this standard is met.*
3. The proposed amendment provides a relative gain to the public, as compared to any hardship imposed upon an individual property owner. *The Commission voted four to one that this standard was met. Burton-Prete voted no.*
4. The proposed amendment makes it more feasible to develop property relative to the present zoning classification of the property. *The Commission unanimously concurred that this standard is met.*
5. The proposed amendment addresses the community need for a specific use. *The Commission unanimously concurred that this standard is met.*
6. The proposed amendment corrects an error, adds clarification, or reflects a change in policy. *The Commission unanimously concurred that this standard is met.*
7. The proposed amendment rectifies existing nonconformities and, if so, the extent of such nonconformities. *The Planning and Zoning Commission determined that this standard is not applicable.*
8. The proposed amendment is consistent with the intent of the elements of the Comprehensive Plan, this Unified Development Ordinance, and the other land use policies of the Village. *The Commission unanimously concurred that this standard is met.*

Price moved to approve the Text Amendment with the amendment. The motion was seconded by Brooks. Wickliffe Lewis called for a roll call vote. All commissioners voted in favor of passing the amended Text Amendment.

Price made a motion to open the second public hearing. Seconded by Burton-Prete. All Commissioners were favor.

b. Public Hearing: Text Amendment to Section XII-2 (Definition of Terms) to the UDO to define Drive-Through Facility in combination with Gas Station.

Brown went over the UDO for Drive-Through Facility in combination with Gas Station. He went over how the UDO defines Drive-Through Facilities and listed businesses like restaurants, financial institution, and retail goods establishments as being businesses that are eligible to combined uses. He also went over how the UDO defines Gas Stations.

Wickliffe Lewis turned the floor turned over to the visitors. Zoellner introduced the developers Singh and Manhani. She stated that they express interest in opening a gas station in unincorporated Will County adjacent to Park Forest.

Kalischefski, the architect and engineer for the developers spoke and talked about how the gas station industry has changed. Kalischefski stated how it's no longer a single or two pump station where there may be a repair garage. He stated that the business is moving towards food service

market and convenient store. The actual profit for the business will be a combination of all of the businesses on site. Approximately, 70-80% of revenue for the restaurant comes from drive-through facility and not from sit-down patrons.

Kalischefski then proceeded with a digital presentation showing the location of the Gas Station on the corner of Western Avenue and Steger Road. He showed how the station will be built on the land and pointed out where the drive through will be place.

Manhani, one of the owners of the gas station, stated that the request is for a drive-through to provide a quick service restaurant to customers. They're goal is to have a big name restaurant like McDonalds, Dunkin Donuts, or Jimmy Johns be part of the gas station and operate the drive-through facility. They do not want to bring in any a mom and pop store. As a result of the pandemic, more people have been using drive-through facilities.

Brooks asked if the entrance to the property will be on Steger Road, Western Avenue, or both. Manhani stated the entrance will be on both right-of-ways to because they want to create a safe in and out for their customers.

Burton-Prete asked if they perceived any issues in getting a national restaurant if they don't offer drive-through service. Shamir stated that yes, it would be a big problem. Burton-Prete then asked if they have any companies interested in the drive-through restaurant business. Shamir stated yes. They already have Dunkin Donuts and Jimmy Johns on the list that are interested.

Wickliffe Lewis asked if the customer will still be able to make purchases inside of the store. Manhani stated that they will be able to make purchases inside of the store.

Price made a motion to close public hearing. The motion was seconded by Hutchins. All approved. The public hearing was closed.

The Commissioners had some questions for Brown regarding the zoning for gas stations and drive-through facilities.

Price asked if this would affect C-2 and C-3 zoning or just C-3. Brown stated that this definition change would only effect the combination of uses within C-3 zoning districts. Price then asked what the corner lot requirement was for. Brown stated that the corner lot requirement was for Gas Station Use Standards. Price then asked if this change would provide context for opening all C-3 zoning districts to gas station uses. Brown clarified and stated that gas stations are already permitted in C-3, but this change would allow for gas stations and drive-through facilities to be used in combination. Price asked if drive-through facilities are allowed in C-3 but not with gas stations. Price asked if that was the clarification staff was seeking. Brown said Price was correct.

Price asked if alcohol sales were permitted in drive-through facilities. Brown stated he did not believe that was allowed, but would have to research the question in light of Village Ordinances. Price then asked if drive-through facilities are also allowed on corner lots. Brown stated that drive-through facilities are allowed to be on corner lots. Price stated that there's no question that when you have a drive-through facility, you increase certain traffic. We are saying that every gas

station on a corner lot in any C-3 could now add the traffic of the drive-through facility. Brown stated that with this Text Amendment that scenario could be a possibility.

Price asked if we currently allow alcohol sales at gas stations. Brown stated the Village currently does not allow alcohol sales at gas stations. Price then asked if the Village could allow the developer to have a liquor store to be a part of the establishment. Brown stated they would have to go the permitting process to acquire the license. Price asked if the Village will permit gas stations to have a permit to sell liquor would the Village, by law, be getting a gas station that has a relationship with a liquor store and operate a liquor store drive-through facility. Brown stated that if the current liquor ordinance was amended to allow gas stations and sale liquor, than it may be possible that a gas station in combination with a drive-through could sell liquor. Brown stated that right now, the liquor ordinance states that a liquor license will become null and void if that same license is given to a licensed gas station operator.

Price stated that the Village liquor licensing and ordinance preclude any liquor store and gas station combination. Brown stated he was correct. Price stated that this text amendment would not allow a gas station establishment to say “you’re violating my rights to freely associate with all businesses” and we’re saying no, “you just can’t have a liquor license because we have an ordinance stating as such.” Brown stated that Price was correct in his example and stated this will only allow the drive-through and gas station combination. The liquor ordinance would override a potential liquor license and gas station license being held by the same person.

Zoellner stated that as a reference, both Walgreens and CVS have a drive-through and both have liquor licenses. Hardy stated that she was unsure if the developers knew how many employees they may have at this time, but was wondering if they would try to hire within the community. Manhani stated that at the gas station we currently have now, our employees live within five to ten minutes from the station. Manhani stated that what we do is put up a hiring sign three months before opening and we’ll receive about 30 to 40 applications. Manhani stated that he loves to hire locally because they like it when a customer comes in and they are familiar with the workers at the gas station.

Burton-Prete asked if the Text Amendment would remove gas station from the last sentence, but also not put it anywhere else. Burton-Prete asked where would it fall in where it states that “A ‘Drive-Through Facility’ may be established in combination with other uses, such as a ‘Financial Institution,’ ‘Personal Services Establishment,’ ‘Restaurant,’ or ‘Retail Goods Establishment.’ Is it clear that it falls in one of these categories or should we add the words “gas station” there? Brown stated that he thought Burton-Prete’s amendment would be helpful and make the definition more clear. Brown recommended to include it in that sentence.

Price made a motion to amend the Text Amendment so the second sentence would read “A ‘Drive-Through Facility’ may be established in combination with other uses, such as a ‘Financial Institution,’ ‘Personal Services Establishment,’ ‘Restaurant,’ ‘Retail Goods Establishment,’ or ‘Gas Station.’” The motion was seconded by Brooks. All in favor.

The Planning and Zoning Commission then worked together through the Zoning Text and Map Amendment Standards for Zoning Amendments Worksheet. Each standard was read aloud and each Commissioner was given the opportunity to discuss the standard if they felt it necessary.

1. The proposed amendment will not endanger the health, safety, comfort, convenience, and general welfare of the public. *The Commission unanimously concurred that this standard is met.*
2. The proposed amendment is compatible with the existing uses, character, and zoning of adjacent properties and other property within the immediate vicinity of the proposed amendment. *The Planning and Zoning Commission voted four to one that this amendment meets this standard. Price voted no.*
3. The proposed amendment provides a relative gain to the public, as compared to any hardship imposed upon an individual property owner. *The Commission unanimously concurred that this standard is met.*
4. The proposed amendment makes it more feasible to develop property relative to the present zoning classification of the property. *The Commission unanimously concurred that this standard is met.*
5. The proposed amendment addresses the community need for a specific use. *The Commission unanimously concurred that this standard is met.*
6. The proposed amendment corrects an error, adds clarification, or reflects a change in policy. *The Commission unanimously concurred that this standard is met.*
7. The proposed amendment rectifies existing nonconformities and, if so, the extent of such nonconformities. *The Planning and Zoning Commission determined that this standard is not applicable.*
8. The proposed amendment is consistent with the intent of the elements of the Comprehensive Plan, this Unified Development Ordinance, and the other land use policies of the Village. *The Commission unanimously concurred that this standard is met.*

A motion was made by Price to recommend the amended Text Amendment change to the Board. Seconded by Brooks. All Commissioners were in favor of passing the Text Amendment as amended.

Old Business:

a. Planning and Zoning Commission Technical Training

Brown stated that he did talk to the South Suburban Land Bank and Development Authority and they were willing to present to the Commission via zoom. Brown mentioned the Commissioners can receive the presentation at their next meeting in November. However, there will be a special use permit application presented at the November meeting too. If November does not work in the schedule, Brown would keep everyone updated as to when they will have it.

b. Code of Conduct for Planning and Zoning Commission

Brown stated that he had received the signed Code of Conduct from some of the Commissioners. He stated there were printed copies for those that still needed to sign.

c. Sexual Harassment Prevention Training

Brown will send the link again for the training for those who still need to complete it. The training and training certificate need to be completed and submitted to Brown by the end of November.

Communications:

- a. Member Communications:** Price wants to revisit annexation agreements and how the Commission interacts and functions with the Board of Trustees. Price stated as the agenda would allow, the Commission should have discussion on the topic and make a recommendation to the Board.

Price made a motion to extend the meeting by 15 minutes to 9:15 pm. The motion was seconded by Brooks. All were in favor. The meeting was extended for another 15 minutes.

- b. Trustee Comments:** Hardy stated the mural for the missing women was completed the past weekend. The mural is located at the end of Logan Park, under the Old Plank Trail via Orchard Drive. The Safe Halloween event will be held this Saturday from 3:00 pm to 8:00 pm. The Veteran Commission is having their Veterans program at Freedom Hall on November 10, 2022. The business breakfast will be on December 8, 2022, at Dining on the Green. Hardy stated she would not be at the November 16, 2022, meeting because she will be out of town. Hutchins inquired when the Huey helicopter will be landing during the Veteran's program. Hardy would check on the time but did state the helicopter would land in Central Park.

- c. Staff Communications:** Brown stated that at the November 16, 2022, meeting, there will be a public hearing for a special use permit. The Forest Preserve of Cook County did contact him to present in future meetings and he would coordinated with the Forest Preserve on future presentations or reports. The DownTown Master Plan would be presented at the December 13, 2022, meeting. Brown stated that he did not get any feedback from the September 24, 2022, Forest Preserve event. There was an open house today for the South Suburban Trades Initiative at the next house being rehab by Park Forest and its partners. The Trades Initiative and open house were organized by David Tracy who is the project manager for the Village.

Adjournment: A motion to adjourn was made by Price. Seconded by Hutchins. All in favor. The meeting adjourned at 9:09 pm.

PLANNING AND ZONING COMMISSION MEMORANDUM

TO: Planning and Zoning Commission

FROM: Andrew Brown, AICP
Planner

DATE: November 9, 2022

RE: NEW BUSINESS – Planning & Zoning Commission Meeting of November 16, 2022,
Public Hearing to consider a Request for a Special Use Permit in C-2, Mixed-Use
Commercial Zoning District to permit Multi-Family at 364 South Orchard

Application for Special Use Permit

A request has been submitted by Dena Bell, of Access South Cook I, LLC (applicant) for a Special Use Permit in C-2, Mixed-Use Commercial Zoning District to permit a multi-family dwelling at 364 South Orchard (also known as “the property”). Multi-family dwelling is defined in the Unified Development Ordinance (UDO) in the following manner:

Multi-Family Dwelling: A building that contains three or more dwelling units where each unit has an individual entrance to a common stairway, hallway, or to the outdoors. “Multi-Family Dwelling” does not include “Rowhouse Dwelling” or “Two-Family Dwelling.”

The application also included the following exhibits:

- Exhibit A – Access South Cook Site Plan
- Exhibit B – Landscape Plan
- Exhibit C – Subdivision Plan
- Exhibit D – ALTA/NSPS Land Title and Topographic Survey

Process for Consideration of a Special Use Permit

As required by the UDO, notice of this public hearing was published in the *Daily Southtown Newspaper* on October 30, 2022. In addition, notice of the public hearing was sent to all property owners (11 in total) within 250 feet of the property via United States Postal Service, and a sign noting the date, time, and purpose of the public hearing was posted on both Orchard Drive and Indianwood Boulevard frontages of the property. As of the date of this memorandum, no public comment has been received regarding this application. Any additional comments received prior to the Public Hearing will be reported at the Planning and Zoning Commission (PZC) meeting.

Table III-2.A. (Use Table) of the UDO specifies the permitted and special uses permitted in each zoning district. The Use Table notes Multi-Family Dwelling as a Special Use in the C-2, Mixed-Use Zoning District. Therefore, Multi-Family Dwelling requires a Special Use Permit. There are no Use Standards for Multi-Family Dwelling. In describing the process for approval of special uses, Article VIII-3.C. notes that "the purpose of this special use application is to provide for uses that may have a special, unique, or unusual impact on the use of neighboring property". This Article of the UDO also emphasizes that "each proposed special use shall be evaluated on an individual basis with regard to the applicable standards of

this Ordinance to determine whether approval of the special use is appropriate at the particular location in the manner proposed".

The PZC is required to hold a public hearing on all requests for Special Use Permits and to make its recommendation to the Board of Trustees. The required standards for Special Use Permits are noted below, and a worksheet has been attached to assist the PZC in drafting its findings related to the requested Special Use. If the PZC recommends approval of the requested Special Use, it may include "conditions upon the establishment, location, construction, maintenance, and operation of the special use as deemed necessary to protect the public interest". In addition, the PZC may require guarantees from the applicant to assure compliance with the stipulated conditions of approval. The PZC must make specific written findings "based on each of the standards".

- a) The proposed special use will not endanger the health, safety, comfort, convenience and general welfare of the public.
- b) The proposed special use is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed special use.
- c) The proposed special use will not impede the normal and orderly development and improvement of adjacent properties and other property within the immediate vicinity of the proposed special use.
- d) The proposed special use will be provided with adequate utilities, access roads, drainage, and/or other necessary facilities.
- e) The proposed special use is consistent with the intent of the elements of the Comprehensive Plan, this Unified Development Ordinance, and the other land use policies of the Village.

As evidenced by the required standards for Special Use Permits, when evaluating each request for a Special Use, the PZC and Board of Trustees should consider such issues as on-site parking and loading facilities, vehicular and pedestrian access, proper protection of adjacent properties, and other site development issues. In addition, the PZC and Board should consider the compatibility of the proposed use and its location with the purpose of the zoning district in which it is located.

Applicant's Proposal and Consistency with Special Use Application Requirements

Applicant's Proposal

The applicant, Access South Cook I LLC, proposes to purchase approximately two (2) acres of property from the Village of Park Forest, generally located at the northeast corner of Orchard Drive and Indianwood Boulevard. The applicant has had several pre-application consultations with Village Staff to receive feedback on design elements of the site and understand Village zoning and subdivision processes. Due to the parcel's current disposition, the applicant proposes that the purchase property be subdivided from the larger parcel. A minor subdivision application has been submitted by the applicant for this subdivision and the proposed subdivision is also depicted in Exhibit C.

The development will include one (1) two story, 12 unit apartment building and four (4) two story, 8 unit apartment buildings totaling 44 apartments located on a property approximately two (2) acres in size. A site plan for the development is included in the Exhibit A. Note, the site plan (Exhibit A), subdivision plan (Exhibit C), and ALTA/NSPS Land Title and Topographic Survey (Exhibit D) are either in their completed or near completed form. The landscape plan (Exhibit B), per UDO requirement, should be considered conceptual as a licensed landscape architect must prepare and stamp the final landscape plan.

The site proposed for acquisition is located in the Village-owned parking lot west of Cunningham Drive, south of Victory Drive, east of Orchard Drive, and north of Indianwood Boulevard. The main access to

the site would be from of Cunningham Drive and would require a curb cut. This curb cut would be permitted per Village Staff review. Additionally, any previous access from the parking lot to the northwest of the property or from Victory Drive would cease.

On-Site Parking and Loading Facilities

The site plan submitted with the Special Use Permit application included off-street parking spaces, bicycle parking, and a loading facility.

Off-Street Parking

The site plan submitted with the application included 13 compact parking spaces and 28 typical or full size spaces. One of the typical or full size spaces also included an electric vehicle charging station. This totals 41 actual parking spaces. The site plan could have up to 15 compact spaces or 35% of the total parking requirement as compact spaces. The current 13 compact parking spaces are in compliance with the UDO. The 28 typical or full sizes spaces are also in compliance with the UDO. Further, the space that is also an electric vehicle charging station counts for three spaces per the UDO. Therefore, the total number of *counted* spaces is 43 parking spaces. This is one fewer than the required 44 spaces. If the special use permit was approved by the Board of Trustees, a minor variation would need to be approved by the Zoning Administrator for the one (1) space or two percent decrease in parking spaces.

Notably, the applicant has stated the community building is a non-residential use, which would mean it would be exempt from off-street parking requirements due to its vicinity to DownTown Park Forest. However, without any guarantees to ensure this building will not be privately used for the explicit use of the property, it cannot be excluded from the parking calculations.

The final determination of the number of parking spaces will be established when the full site plan is submitted for review and approval consistent with Article VIII-3.B. (Zoning Application/Site Plan Review).

Long-Term Bicycle Parking

The site plan submitted with the application provided 44 long-term bicycle parking/storage locations. This complies with the UDO requirement for one long-term bike parking/storage for each multi-family unit.

Short-Term Bicycle Parking

The site plan submitted with the application provided four short-term bicycle parking locations. This amount complies with the UDO requirement of 1 parking location per 20 dwelling units.

Off-Street Loading Space

The site plan submitted with the application provided one off-street loading space that is 10 feet by 25 feet. The UDO requires at least one loading facility for a multi-family development that exceeds 20,000 square feet or more. While the site plan does account for the required off-street loading space, the loading space is one foot short of the required dimensions in the UDO. A change from the prescribed dimension in the UDO would require a Major Variation Application if the site plan cannot be amended to meet UDO requirements.

Vehicular and Pedestrian Access

Vehicular Access

Vehicular access around and near the property will improve. Originally the entry to the parking lot from Main Street and Indianwood Boulevard via Victory Drive and Cunningham Drive would have to support approximately 270 vehicles with a full parking lot. With the inclusion 41 parking spaces, the theoretical intensity of use of this areas decreases by 229 vehicles. Additionally, the northern portion of the property

and the southern portion of Victory Drive would be developed as a Neighborhood Street per UDO street requirements. This could then be extended northward towards Main Street if the parking lot west of the Village Green and northwest of the property were to be developed. Developing this portion of Victory Drive should have traffic calming effects on vehicles that utilize Victory Drive between Main Street and Lester Road as a bypass.

Pedestrian Access

Pedestrian access adjacent to the property would improve significantly with the development constructed as proposed. The site plan submitted with the application includes the construction of a sidewalk along the east side of Orchard Drive. Currently, this sidewalk does not exist and such an improvement would enhance pedestrian accessibility to DownTown and for the residents who would live at the property. Additionally, a cut-through like pathway would lead from the sidewalk on Orchard Drive to the Village Green. As the current site plan illustrates, this would be developed as a public improvement for the Village by the developer and would support better pedestrian access along a longer and less accessible Orchard Drive block.

Lastly, the sidewalk along the northern portion of the property along Victory Drive would be constructed. This sidewalk does not currently exist and would aid in the access and circulation of pedestrians from residential areas to businesses in Orchard Park Plaza, the Village Green, and Village Hall. Overall, pedestrian access improves with this development and pending final approval of a landscape plan, most of the pedestrian walkways would be shaded, which will further enhance a resident or visitors walk near the proposed development and DownTown.

Means for the Protection of Abutting Properties

The proposed site plan is situated on an irregular corner lot, which means the property would only abut a Village-owned parking lot. Based on the conceptual landscape plan submitted with the site plan, the proposed tree canopy should provide enough cover for residents at the property and potential residents utilizing the adjacent parking lot.

Other Site Development Issues

Utility Easement

As noted in the site plan submitted with the application, there is a Village sewer line that transects the northern third of the property from east to west. Through discussion with the Village Department of Public Works and the applicant, a proposed 15 foot wide utility easement is illustrated to incorporate into the site plan. The easement would mitigate any future costs to the property should maintenance or improvements need to be made to the sewer line.

Street Frontage

Including this utility easement precludes the required street frontage of 95% for a C-2 zoning district to be met along Orchard Drive. Additionally, the required street frontage percentage is not met along Indianwood Boulevard. Neither current street frontage is less than 85%, however, the site would require a Minor Variation for the site plan to be approved.

Remaining Outlot Parcel

The remaining parcel that could be purchased and/or developed to the northwest of this property would be approximately one and half (1.5 acres) in size for a future development. This is the minimum size a developer would want to purchase and develop based on parking and current gross floor area for commercial businesses.

Conditions of Approval

Staff recommends that if the PZC recommends approval of the requested Special Use Permit, the following items should be made conditions of the recommendation:

- The property must be constructed in compliance with all building code, fire code, code enforcement, UDO, and health codes related to the specific occupancy, and it will be maintained in compliance with these codes as long as the business is in operation.
- The applicant must submit a minor zoning variance for parking reduction from the Zoning Administrator.
- The applicant shall develop an agreement with the Village to coordinate for the use of Community Building space for community groups, Village Staff, and/or other specified groups
- Applicant must receive a minor zoning variance for street frontage from the Zoning Administrator
- Applicant must receive approval of a minor subdivision application through the Zoning Administrator and Village Staff.
- Landscaping must be designed to conform to the Village's landscaping standards established by Article VI of the UDO.
- Exterior lighting must conform to the Village's standards for outdoor lighting established by Article VI-8 of the UDO.
- Exterior signage, if any, must comply with the Village's sign design standards as established by Article VII of the UDO.

Planning and Zoning Commission Action

After conducting the public hearing, the Planning and Zoning Commission is asked to consider this request for a Special Use Permit to permit Multi-Family Dwelling at 362 Orchard Drive and make a recommendation to the Board of Trustees on this request.

STANDARDS FOR SPECIAL USE PERMITS

WORKSHEET

The Unified Development Ordinance requires that the Planning and Zoning Commission, Board of Trustees, and Zoning Administrator evaluate each request for based on a specific set of standards. This worksheet is provided to assist the Applicant and the Planning and Zoning Commission with drafting a response to each of the required standards for Special Use Permits that will be sent to the Board of Trustees with a recommendation on the requested Special Use Permit. The required standards are as follows:

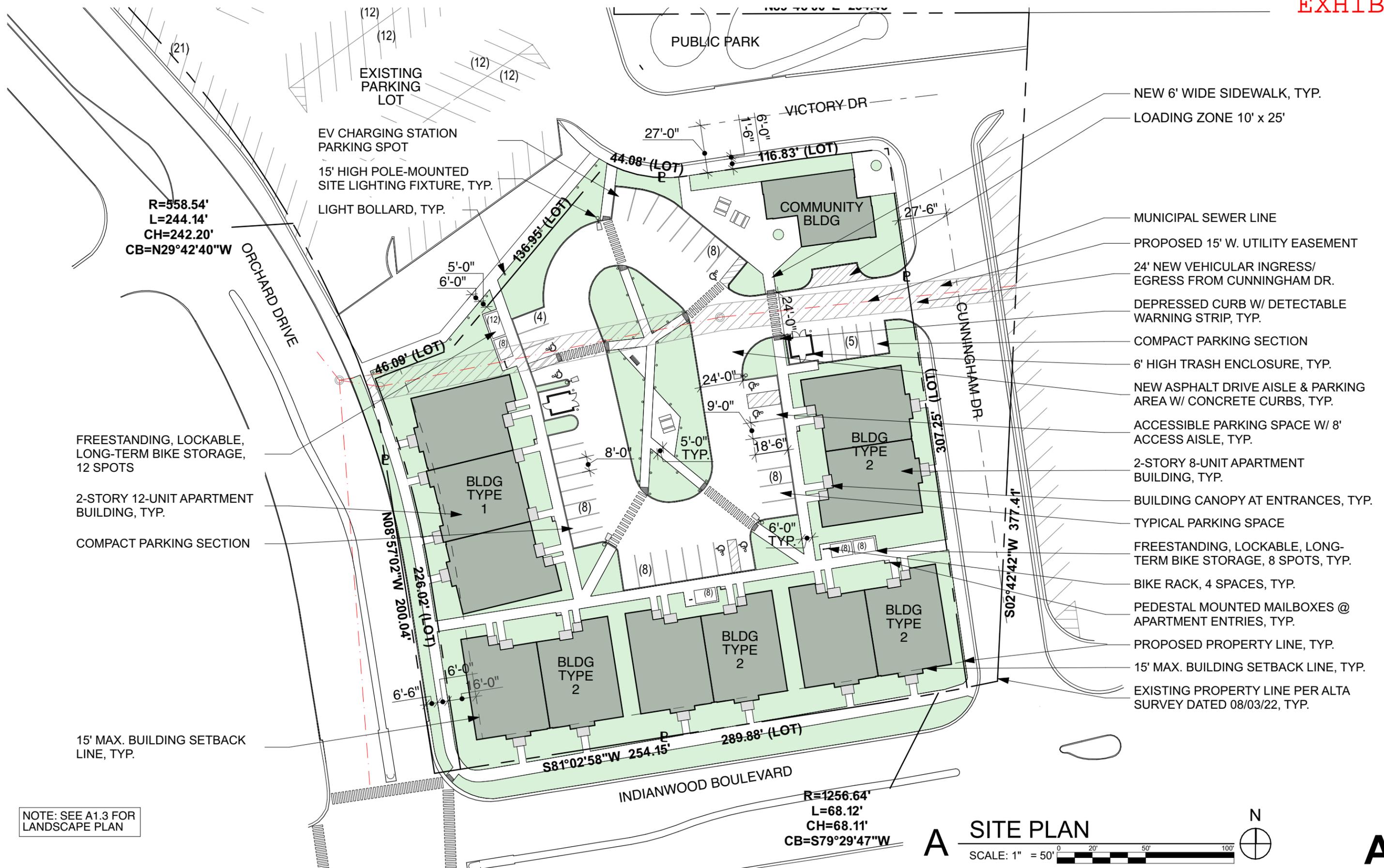
1. *The proposed special use will not endanger the health, safety, comfort, convenience, and general welfare of the public.*

2. *The proposed special use is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed special use.*

3. *The proposed special use will not impede the normal and orderly development and improvement of adjacent properties and other property within the immediate vicinity of the proposed special use.*

- 4. The proposed special use will be provided with adequate utilities, access roads, drainage, and/or other necessary facilities.*

- 5. The proposed special use is consistent with the intent of the elements of the Comprehensive Plan, the Unified Development Ordinance, and other land use policies of the Village.*



- NEW 6' WIDE SIDEWALK, TYP.
- LOADING ZONE 10' x 25'
- MUNICIPAL SEWER LINE
- PROPOSED 15' W. UTILITY EASEMENT
- 24' NEW VEHICULAR INGRESS/EGRESS FROM CUNNINGHAM DR.
- DEPRESSED CURB W/ DETECTABLE WARNING STRIP, TYP.
- COMPACT PARKING SECTION
- 6' HIGH TRASH ENCLOSURE, TYP.
- NEW ASPHALT DRIVE AISLE & PARKING AREA W/ CONCRETE CURBS, TYP.
- ACCESSIBLE PARKING SPACE W/ 8' ACCESS AISLE, TYP.
- 2-STORY 8-UNIT APARTMENT BUILDING, TYP.
- BUILDING CANOPY AT ENTRANCES, TYP.
- TYPICAL PARKING SPACE
- FREESTANDING, LOCKABLE, LONG-TERM BIKE STORAGE, 8 SPOTS, TYP.
- BIKE RACK, 4 SPACES, TYP.
- PEDESTAL MOUNTED MAILBOXES @ APARTMENT ENTRIES, TYP.
- PROPOSED PROPERTY LINE, TYP.
- 15' MAX. BUILDING SETBACK LINE, TYP.
- EXISTING PROPERTY LINE PER ALTA SURVEY DATED 08/03/22, TYP.

R=558.54'
L=244.14'
CH=242.20'
CB=N29°42'40"W

FREESTANDING, LOCKABLE, LONG-TERM BIKE STORAGE, 12 SPOTS

2-STORY 12-UNIT APARTMENT BUILDING, TYP.

COMPACT PARKING SECTION

15' MAX. BUILDING SETBACK LINE, TYP.

NOTE: SEE A1.3 FOR LANDSCAPE PLAN

R=1256.64'
L=68.12'
CH=68.11'
CB=S79°29'47"W

A SITE PLAN

SCALE: 1" = 50'

A1.2

DRAFT - NOT FOR CONSTRUCTION

IFF
333 South Wabash Ave., Suite 2800
Chicago, IL 60604

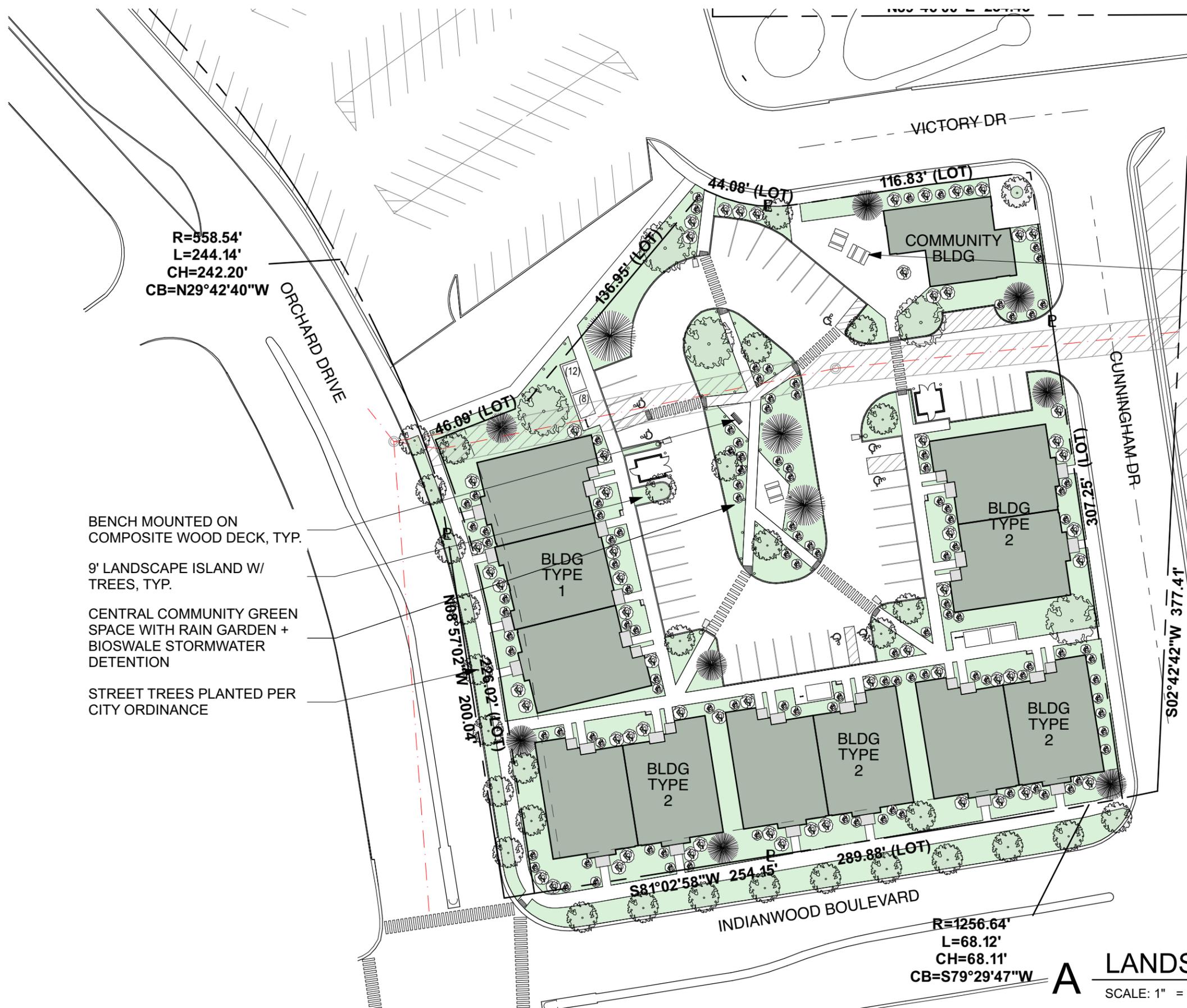
ACCESS SOUTH COOK
THE CORNER OF S. ORCHARD DR AND INDIANWOOD BLVD.
PARK FOREST, IL 60466
10/13/22

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312-642-5587 www.wjwarchitects.com

LANDSCAPE LEGEND	
	NEW DECIDUOUS TREE
	NEW CONIFEROUS TREE
	NEW DECIDUOUS BUSH

R=558.54'
L=244.14'
CH=242.20'
CB=N29°42'40"W

- BENCH MOUNTED ON COMPOSITE WOOD DECK, TYP.
- 9' LANDSCAPE ISLAND W/ TREES, TYP.
- CENTRAL COMMUNITY GREEN SPACE WITH RAIN GARDEN + BIOSWALE STORMWATER DETENTION
- STREET TREES PLANTED PER CITY ORDINANCE



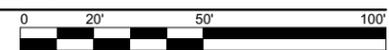
(2) PICNIC TABLES

S02°42'42"W 377.41'

R=1256.64'
L=68.12'
CH=68.11'
CB=S79°29'47"W

A LANDSCAPE PLAN

SCALE: 1" = 50'



A1.3

DRAFT - NOT FOR CONSTRUCTION

IFF
333 South Wabash Ave., Suite 2800
Chicago, IL 60604

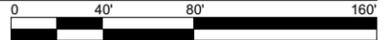
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A SUBDIVISION PLAN

SCALE: 1"=80'



A1.1

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