

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

READING OF AGENDA – ADDITIONS, DELETIONS

NEW BUSINESS

1. ZC #19-005 George’s Rib House – Parking Variation: **PUBLIC HEARING** - The applicant, Debbie Geer of George’s Rib House, LLC, requests review and recommendation of approval of a variation request to allow the reduction of parking stalls by 1 stall where 8 are required at 15157-59 Cicero Avenue in the C3 – Central Business District, in accordance with Section 11-403(D) of the Zoning Ordinance.
2. ZC #19-006 Warren Automotive – Special Use Permit: **PUBLIC HEARING** – The applicant, Robert Warren of Warren Automotive, requests review and recommendation of approval of a Special Use Permit to allow an automotive mechanical and electrical repair and maintenance shop and such other and further zoning relief as may be required in the C1 – Local Commercial District at 5135 W. 159th Street, in accordance with Section 11-502(E) of the Zoning Ordinance.

APPROVAL OF THE MINUTES

May 15, 2019

CITIZEN PARTICIPATION

ADJOURNMENT



CITY OF OAK FOREST
PLANNING & ZONING COMMISSION
Staff Report

June 5, 2019

TITLE: GEORGE'S RIB HOUSE PARKING VARIATION

CASE NUMBER: ZC #19-005

REQUESTS: VARIATION APPROVAL
The applicant requests review and recommendation of approval of a variation request to allow the reduction of parking stalls by 1 stalls where 8 are required at 15157-59 Cicero Ave in the C3 – Central Business District, in accordance with Section 11-403(D).

LOCATION: 15157-59 Cicero Avenue
Northeast corner of Cicero Ave & 152nd St

APPLICANT INFORMATION

APPLICANT: Deborah Geer, George's Rib House, LLC

MEETING DATE: June 5, 2019

NOTICE PUBLISHED: May 21, 2019
Daily Southtown

STAFF: Travis Bandstra, Director of Economic and Community Development

- ATTACHMENTS:**
1. Plat of Survey
 2. Proposed Floor Plan
 3. Adjoining Property Parking Lot Use Authorization Letter
 4. Responses to Standards

I. REQUEST

The applicant requests review and recommendation of approval of a variation request to allow the reduction of parking stalls by 1 stalls where 8 are required at 15157-59 Cicero Ave in the C3 – Central Business District, in accordance with Section 11-403(D).

The Planning and Zoning Commission shall approve, approve with conditions, or deny the request and has the authority to grant this request per Section 11-403(A).

II. BACKGROUND

The applicant purchased this property in 2017 and combined the two existing units into a single-user commercial building. The property has been vacant for a number of years with its most recent use being retail. Improvements made to the property since acquisition include an interior renovation, addition of a privacy fence along the rear property line and reconfiguration of the existing parking lot to accommodate additional parking spaces. The City's Phase 2 Streetscape improvement project also consolidated the property's two Cicero Ave curb cuts down to one.

Eating and drinking places require one parking stall per two employees plus one stall per three persons design capacity. Design capacity is typically determined by a floor plan illustrating the number of seats, with the number of employees provided by the business owner. It was determined that the existing parking stalls provided on the subject property is inadequate, rendering the need for a parking variation.

III. EXISTING CONDITIONS

Zoning	C3 – Central Business District
Current Use	Vacant, free-standing commercial building
Future Land Use	Commercial
Area & Dimensions	<u>Frontage:</u> approximately 84 feet <u>Total area:</u> approximately 0.24 acres (10,547 square feet) <u>Total depth:</u> approximately 125 feet
Existing Site Features - Property	<u>Property</u> According to the plat of survey and associated legal description, the subject property currently consists of one parcel. <u>Buildings</u> One existing building is proposed to remain on the property. It is an approximately 1,200 sq. ft. single story commercial building. <u>Parking</u> The paved area was modestly expanded in 2018 with no current striped configuration. The current parking plan reviewed by staff indicates room for 7 spaces. As part of this request, the applicant proposes to share the adjacent commercial property to the north's parking lot comprised of 5 spaces. This adjacent property is owned by Michael Smith, who is also co-owner of petitioner's property.

	<p><u>Access</u> The subject property currently provides three points of access in total. One access point is off of Cicero with cross access also provided to the North property's lot. The third access point exits to 152nd Street.</p>
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IV. CONTEXT

<p><u>Surrounding Zoning & Uses</u></p>	<p><u>North:</u> C3 – Central Business District (mixed-use commercial jewelry repair) <u>South:</u> C3 – Central Business District (vacant land) <u>West (across Cicero Avenue):</u> C3 – Central Business District (retail strip center) <u>East:</u> C3 – Central Business District (single-family residence)</p>
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Exhibit 1: Aerial



Exhibit 2: Current Zoning



V. ANALYSIS

The applicant has modified the paved area on site to allow for 7 parking spaces. 5 spaces will serve customers in the front parking lot and employee parking will be located in the rear with 2 striped spaces and additional stacking available, as needed. The applicant also has secured permission from the adjacent property (15139 Cicero), home to a Michael's Watch & Jewelry and a rear attached dwelling unit which is occupied by the proprietor of the business, Michael Smith. This adjoining lot offers 5 spaces in its front lot, with rear parking available for the owner. Michael Smith is a co-owner of this 15157-59 Cicero Ave property but does not have an ownership interest in the George's Rib House business.

Subject Property: 15157-59 Cicero

The proposed floor plan has a design capacity maximum of 18, with plans for a maximum of four employees. Eating and drinking places require one parking stall per two employees plus one stall per three persons design capacity. The resulting parking requirement is 6 spaces for customers and 2 for employees totaling 8 required spaces.

Shared Property: 15139 Cicero Ave

This property offers room for 4-5 parking stalls to be striped in front of the commercial building. The owners lives on site and parks in the rear of the property. The building is approximately 750 SF, which requires 3 parking spots by code (1/250SF), leaving a surplus of 1-2 spaces.

Exhibit 3: Subject Property Proposed Parking Layout & Circulation



VI. CONCLUSION

STANDARDS FOR VARIATIONS	
General Standard	<p>No variation shall be granted pursuant to this Section unless the applicant shall establish that carrying out the strict letter of the provisions of this Code would create a particular hardship or a practical difficulty. Such a showing shall require proof that the variation being sought satisfies each of the standards set forth in this Subsection F.</p> <p>Met. Applicant has demonstrated practical difficulty in meeting strict letter of code and satisfies variation standards.</p>
Unique Physical Condition	<p>The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property</p>

	<p><i>that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.</i></p> <p>Met. The subject property was developed with a parking load for a less intensive retail use and the applicant has secured additional parking in the adjacent lot to meet the required spaces for limited service eating establishments.</p>
<i>Not Self-Created.</i>	<p><i>The aforesaid unique physical condition is not the result of any action or inaction of the owner or his predecessors in title and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid.</i></p> <p>Met. The applicant has not modified the site in any way that has contributed in any way to its current lack of parking.</p>
<i>Denied Substantial Rights</i>	<p><i>The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.</i></p> <p>Met. The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision by limiting the applicant's ability to use the space for any use beyond retail or office.</p>
<i>Not Merely Special Privilege</i>	<p><i>The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the sale of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.</i></p> <p>Met. The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the sale of the subject property given that there is an overall large amount of spaces provided on the property.</p>
<i>Code Plan and Purposes</i>	<p><i>The variation would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan.</i></p> <p>Met. The proposed use matches current zoning regulations as well as the future land use plan.</p>
<i>Essential Character of the Area</i>	<p>Met. The requested variation will not negatively impact the character of the area and shared parking with the neighbor will serve the interest of the public by preventing the removal of rear yard greenspace for superfluous additional pavement to accommodate the parking spaces required by code.</p>
<i>No Other Remedy</i>	<p><i>There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.</i></p>

	Met. There is room to expand the parking lot on site, but the adoption of a shared parking arrangement negates the need for the construction of additional parking.
TOTAL MET: 7 of 7 standards	

VII. PZC MOTION

Motion recommending approval of a variation request to allow the reduction of parking stalls by 1 stall where 8 are required at 15157-59 Cicero Ave in the C3 – Central Business District, in accordance with Section 11-403(D) with the following conditions:

1. That the variation run with the use and not with the land.
2. That the parking agreement language with the adjoining property be reviewed and approved by the City Attorney.
3. That the variation would be subject to revocation if the shared parking is revoked.
4. That the variation be subject to review if either property's design capacity is expanded in any way.
5. That the gravel added to the site during pavement work be removed and converted back to grass or landscaped area prior to occupancy.
6. That the subject property be striped in general conformance with the proposed parking layout, and that striping be added to the adjoining property that is sharing parking.
7. The variation shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure.

CITY OF OAK FOREST

PLANNING / ZONING COMMISSION MEETING MINUTES

Wednesday, May 15, 2019

The Planning & Zoning Commission meeting was called to order at 7:00 p.m. with Roll Call.

The Pledge of Allegiance was said at that time.

PRESENT: Chairman Jim Stuewe
Commissioner Michael Ziak
Commissioner Ken Keeler
Commissioner Wayne Schroder
Commissioner Chuck Wolf
Staff Member Travis Bandstra

ABSENT: Commissioner Jason Riha
Commissioner Chuck Poulin
Commissioner Dave Kerr
Commissioner Nick Zembruski

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1. **DR #19-003** **5525 159th Walgreens – Level 2 Design Review Permit: PUBLIC MEETING** – The applicant, Kieffer & Co., requests review and approval of a Level 2 Design Review Permit for a change of sign type to install a new ground sign at 5525 W. 159th Street in the C2 – General Service Commercial District, in accordance with Sections 9-401, 9-402, and 11-505 of the Zoning Ordinance.

Chairman Stuewe introduced the case

Travis Bandstra: The sign contractor has come before this commission on behalf of Walgreens located on 159th Street. There currently exists a pylon sign, they had approached the city about making some changes to that sign. Per our ordinance, it is a non-conforming sign so no changes can be made. So we worked with them to craft a new construction sign that met our ordinances. The case was on hold for some time because the electronic message center that they were proposing was slightly larger than what our ordinance allowed at the time. With our recent ordinance change for signage that also included expanding the percentage of size that you can have for an electronic message center we approached them again, and they came forward with this petition, so you'll see in the exhibits as well as in the staff report, that the sign is to be located at the same location as the existing pylon which will come down.

They are proposing to construct a brick monument sign that meets all of our size requirements, and has an accompanying electronic message center, that is about 38% of the sign face. Staff has reviewed the design review criteria and finds that it meets the city's code as well as our design review standards.

Chairman Stuewe: The only question I had was why they did not seek the entire allowed heights of 10 feet and hide (silence) nine feet-

Chuck Wolf: I think it looks great.

Chairman Stuewe: The floor is now open for the public comment testimony cross examination of the applicant, please come to the front one at a time and read your name and address into the record. All speakers will be limited to one turn each to speak for and encouraged to stay under five minutes to voice questions, concern or other evidence related to this specific project, the speaker may now come forward, as I see none coming forward.

Chairman Stuewe requested a motion to Approve PZC Resolution 19-6 approving the Level 2 Design Review Permit

Mr. Keeler motioned

Mr. Schroeder seconded

AYES	NAYS	ABSTAIN	ABSENT
			Mr. Kerr
			Mr. Riha
			Mr. Poulin
Mr. Ziak			
Mr. Keeler			
Mr. Schroder			
Mr. Wolf			
			Mr. Zembruski
Chairman Stuewe			

The motion to adopt PZC Resolution 19-6 carried 5-0, with 4 ABSENT.

Chairman Stuewe requested a motion to Approve the meeting minutes from April 17

Mr. Ziak motioned

Mr. Schroeder seconded

AYES

NAYS

ABSTAIN

ABSENT

Mr. Kerr
Mr. Riha
Mr. Poulin

Mr. Ziak
Mr. Keeler
Mr. Schroder
Mr. Wolf

Mr. Zembruski

Chairman Stuewe

The motion to approve meeting minutes carried 5-0, with 4 ABSENT.

Chairman Stuewe requested a motion to adjourn the meeting.

Mr. Keeler motioned.

Mr. Ziak seconded.

Motion carried by voice vote.

Meeting Adjourned at 7:10 p.m.

CHAIRMAN JAMES STUEWE