

Village of Homer Glen

**14933 S. Founders Crossing
Homer Glen, Illinois 60491**

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PLAN COMMISSION REGULAR MEETING

**Monday, February 4, 2016
7:00 PM**

**Village Council Chamber
14917 S. Founders Crossing
Homer Glen, Illinois 60491**

A. Call the Plan Commission to Order

The meeting of the Homer Glen Plan Commission was called to order by Acting Chairman Locacius at 7:00 P.M.

B. Pledge of Allegiance to the Flag**C. Roll Call; Establish Quorum**

Present were Acting Chairman Locacius, Members Eileen Crement, Broque Backal, Kevin O'Donnell, and Lynn McGary. Present on behalf of the Village of Homer Glen was Director of Planning and Zoning, Michael Schwarz. The minutes were recorded and transcribed by Administrative Analyst, Sean Keane.

D. Public Comment

There was no public comment.

E. Approval of Minutes

There were no minutes for the Committee to consider for approval.

F. Agenda Items**1. HG-1601-S CBR Fitness Company d/b/a Anytime Fitness (*Public Hearing*):**

Consideration of a request for (1) a Special Use Permit for health club, which is similar to an indoor recreation and entertainment use, which is an allowable special use in the C-2 Local Business District (Table 2A of the Zoning Ordinance); and (2) a Special Use Permit for hours of operation beyond normal 6:00 a.m. to 11:00 p.m. business hours (for a 24-hour business), as required in Section 7.9-1(K) of the Village of Homer Glen Zoning Ordinance, for certain real property located at 12513, 12517, and 12521 W. 159th Street, Homer Glen, Illinois.

Acting Chair Locacius asked Mr. Schwarz to swear in anyone wishing to speak. Ms. Jennifer Ritolo, 16117 Syd Creek Drive, Homer Glen, was sworn in by Mr. Schwarz.

A motion to open the public hearing in Case No. HG-1601-S was made by Member Backal, seconded by Member McGary. Voice vote taken, all in favor, none opposed. *Motion Carried.*

Mr. Schwarz provided background on Case No. HG1601-S. The applicant is requesting the following actions: (1) A Special Use Permit for a health club in the C-2 District and (2) a Special Use Permit for hours of operation beyond normal 6:00 a.m. to 11:00 p.m. business hours for a 24-hour business. The subject property is located at 12513, 12517 and 12521 W. 159th Street in the newly-constructed Glen Oaks Center. The property makes up three of the five tenant spaces in the center. The building is the first of three buildings to be built as part of the Glen Oaks Center. The three combined spaces will comprise approximately 4,468 sf and will require minor interior modifications to meet the applicant's needs.

Mr. Schwarz stated that during the daytime hours, the business would have one on-site employee. During the overnight hours, the business would only be accessed via a unique key fob assigned to each member of Anytime Fitness. The business will operate 24 hours a day, 7 days a week and 365 days a year. Furthermore, Mr. Schwarz stated that the applicant has provided the Commission with an information packet that provides more detailed information about the safety and operational aspects of the facility.

There are adjacent residential properties to the south of the subject property, with a 25-foot landscape buffer yard located between the commercial parking lot and the common lot line shared between the subject property and the adjacent single-family homes. Mr. Schwarz commented that there is a grade change between the subject property and the adjacent residential properties, with the commercial area being slightly higher than the homes (approximately 6-8' higher). Several residences have privacy fences, however the approved Glen Oaks Center PUD did not require a fence between the commercial property and the residential properties. Furthermore, Mr. Schwarz commented that the Glen Oaks Center includes brick trash enclosures on either side of the building that could help to block light and noise that may impact the adjacent homes. Additional screening will also be provided by evergreen and deciduous trees and shrubs located within the 25-foot rear buffer yard that are required per the approved Landscape Plan for the Glen Oaks Center PUD. Mr. Schwarz noted that in speaking with the developer, the landscaping has not yet been planted. Depending on the weather, the landscaping will be planted in late March or early April.

To further mitigate potential noise from vehicles, Mr. Schwarz stated that staff recommends the following condition be added to the Special Use Permits:

1. The applicant shall install and maintain parking signs in the east and west parking lots of the subject building, with said signs stating "No Customer Parking on this side of Building from 11:30 p.m. to 6:00 a.m." or similar abbreviated language subject to Village staff review.

Mr. Schwarz stated that staff is not recommending any further conditions, however the Plan Commission can add, at its discretion, further conditions that would mitigate potential impacts of a 24-hour business.

Regarding parking, Mr. Schwarz stated that staff believes the existing 51 on-site parking spaces will be adequate to serve the proposed health club.

Regarding conformance with the Village's Lighting Ordinance, the Glen Oaks Center PUD was previously approved by the Village and includes fully-shielded parking lot light fixtures. These lights are located approximately 25 feet from the adjacent residential property line. Staff is not recommending a condition be added to the proposed Special Use Permit(s) that would limit the hours of the lights. Furthermore, Mr. Schwarz noted that these lights could be set to operate on a timer, or set to operate based on darkness via a photocell, or operated manually. It was also indicated that the parking lot lights are wired as a group and the exterior building lights are wired as a group so that either all or none of the lights may be switched on/off.

The proposed health club is in conformance with the Village's Comprehensive Plan, which designates the subject parcel as commercial.

Mr. Schwarz stated that, per the brochure provided by the applicant, very few members visit the health club between the hours of 10:00 p.m. and 5:00 a.m.

Other 24-hour anytime Fitness locations in the Chicago area include the following:

Orland Park- 11033 W. 179th Street
Frankfort- 21134 S. LaGrange Road
Romeoville- 54 S. Weber Road

Based on the submitted application, and subject to any testimony received at the Public Hearing, Village staff recommends approval of (1) a Special Use Permit for health club, which is similar to an indoor recreation and entertainment use, which is an allowable special use in the C-2 Local Business District (Table 2A of the Zoning Ordinance); and (2) a Special Use Permit for hours of operation beyond normal 6:00 a.m. to 11:00 p.m. business hours for a 24-hour business, as required in Section 7.9-1(k) of the Village of Homer Glen Zoning Ordinance, for certain real property located at 12513, 12517, and 12521 W. 159th Street, Homer Glen, Illinois, 60491. (Case No. HG-1601-S; CBR Fitness Company d/b/a Anytime Fitness), subject to the following condition:

1. The applicant shall install and maintain parking signs in the east and west parking lots of the subject building, with said signs stating "No Customer Parking on this side of Building from 11:30 p.m. to 6:00 a.m." or similar abbreviated language subject to Village staff review.

Mr. Schwarz added that the condition regarding parking restrictions between the hours of 11:30 p.m. to 6:00 a.m. is a “policing issue” and would rely, in part, on the observations of the neighboring residential properties.

Acting Chairman Locacius asked that the applicant, Ms. Jennifer Ritolo (16117 Syd Creek Drive, Homer Glen), provide an overview of the proposed Anytime Fitness facility. Ms. Ritolo was joined by Mr. Nick Terzick who will manage the facility, as well as her two sons who will also be employees.

Ms. Ritolo stated that pages 9, 10 and 11 of the facility brochure outline the security specifications of the health club facility. The tailgate system ensures that only one person enters the facility at a time. The system uses heat-sense technology. An audible alarm is triggered to notify the member that someone has entered the facility behind them. The tailgate system also triggers the DVR, creating an alarm log within itself to notify the club owner that a tailgate violation has occurred.

Ms. Ritolo stated that the facility has three gender-neutral restrooms. Two of these three restrooms have a shower stall. There is no locker room in the facility, however “cubbies” are available for members to place their personal belongings.

Mr. Terzick commented that Anytime Fitness facilities are equipped with 15-20 security cameras.

Ms. Ritolo added that the facility includes two personal security devices (PSD) for members. Wired and wireless personal security devices offer instant emergency notification in the event of a serious accident or illness. When this device is activated, the security company will immediately notify local authorities, and next they will contact the facility/club owner.

Acting Charmain Locacius asked Ms. Ritolo how more than one member could enter the facility at the same time. Ms. Ritolo stated that a member would be authorized to enter using their FAB key and then the door would have to fully close before another member could be authorized. If two members entered the facility from one FAB authorization, the alarm would be triggered.

Furthermore, Acting Chairman Locacius questioned whether members were required to wear the personal security devices (PSD) while using the facility. Ms. Ritolo stated that there is a sign posted at the facility that recommends members wear the PSD while in the facility, however there is no means for the club owner or club staff to enforce a policy requiring members to wear the PSD.

Member McGary asked whether there were ever security incidences at other Anytime Fitness facilities. Ms. Ritolo stated that she believes there have been very

few incidences at other facilities, however she has heard from many other club owners that there have been false alarms and a “unresolved incidence”.

Mr. Schwarz asked Ms. Ritolo what security company or local authority would be alerted when alarms are triggered. Ms. Ritolo stated that the protocol for alarms depends on which device triggers the alarm. If the PSD device is activated, local authorities will immediately be contacted. If the tailgate system is activated, the security company will simultaneously contact the owner of the facility as well as the club member. If the owner of the facility determines the security threat to be possible, local authorities will be contacted. If the owner does not respond to the security alert, and the security company cannot rule out a security threat, local authorities will automatically be notified.

Member Backal asked Ms. Ritolo how far she resided from the proposed facility. Ms. Ritolo stated that she lives at the cross roads of 159th and Cedar Road in Homer Glen, which is approximately 3 miles from the facility.

Acting Chairman Locacius asked Ms. Ritolo if her facility would include tanning services, as indicated in the Anytime Fitness Brochure. Ms. Ritolo confirmed that the facility would include tanning services.

Acting Chairman Locacius asked Ms. Ritolo how long the battery back-up on the tailgate entry system would last. Mr. Terzick stated that the battery back-up would last for eight hours in the incident of a power outage.

Member McGary asked Ms. Ritolo during what hours the facility will be staffed. Ms. Ritolo stated that while she and her team still need to finalize the staff's hours, she will likely have staff on-site during the hours of 6:00 a.m. to 11:00 p.m.

Acting Chairman Locacius asked if the facility would be staffed during Holidays. Ms. Ritolo stated that the facility would be staffed on Holidays during the daytime hours. Furthermore, Ms. Ritolo stated that the staffed hours of the facility may change based on the needs of the members, however the hours of the facility will be posted on the front door when they are finalized.

Member Backal asked Ms. Ritolo if the facility would offer personal training and other fitness-related classes. Ms. Ritolo confirmed that the facility would have personal training and other classes. A copy of the proposed floor plan is was distributed to the members of the Plan Commission.

Member Crement asked Ms. Ritolo if the personal trainers and fitness instructors would be considered employees of Anytime Fitness or if they would be subcontractors. Ms. Ritolo stated that these individuals would be sub contracted, however they would still go through all of the proper screening.

Member McGary asked Ms. Ritolo if the three doors indicated on the floor plan would be accessible for members. Ms. Ritolo stated that only "Door E" would be an entrance / exit to the facility.

Member Backal asked if the other two doors in the facility would be able to be opened /closed. Ms. Ritolo stated that the other two doors could not be opened / closed by a member. Acting Chairman Locacius questioned whether this would be permitted by the Fire District. Ms. Ritolo stated that the interior build-out still needs to be approved by the Fire District, pending final architectural drawings.

Mr. Terzick stated that the facility will include an emergency fire exit, located near the rear of the facility.

Member Crement asked if there would only be one PSD device in the facility. Ms. Ritolo stated that a minimum of one PSD device is required, but more devices could be added. Given the square footage of the facility, Member Crement asked Ms. Ritolo if she would consider adding more PSD units throughout the facility. Mr. Terzick stated that there will likely be two "hot buttons" as well as an emergency phone that directly contacts local authorities.

Mr. Schwarz stated that the facility would have to comply with the Life Safety Code.

Member McGary asked how many wireless PSD devices are available in a facility. Mr. Terzick stated that there are typically four devices available.

Member O'Donnell asked if there was a way for a member to deactivate an alarm if they accidentally activate the alarm. Mr. Terzick stated that there is no way for a member to deactivate an alarm.

Acting Chairman Locacius asked if there was anyone from the public wishing to comment.

Mr. Schwarz stated that the applicant met the legal requirements of issuing notices for the public hearing including the sign, legal notice in the local paper and the mailing of notices to properties within 250' of the subject property. *[Refer to follow-up discussion at the bottom of Page 8 of these minutes].*

Member McGary asked if the adjacent residential property owners were aware that they would back up to future commercial uses. Mr. Schwarz concurred.

Member Crement commented that she likes the landscaping plan. Furthermore, she questioned if the plantings would be mature or young. Mr. Schwarz stated that the approved Landscaping Plan for the PUD, which was included in the Commissioner's packets, must be followed.

A motion to close the Public Hearing in Case No. HG-1601-S was made by Member Backal, seconded by Member Crement. Voice vote taken, all in favor, none opposed. *Motion Carried.*

Acting Chairman Locacius stated that the Commission received the Packet for this case one day prior to the Plan Commission Meeting. Furthermore, he stated that Mr. Schwarz gathered a list of businesses within the Village that operate 24 hours a day. Mr. Schwarz stated that Meijer and Circle K operate 24 hours a day.

Acting Chairman Locacius requested that Village staff research nearby Anytime Fitness facilities. Furthermore, he would like to visit one of the facilities to ensure that this facility is a good fit for the Homer Glen community. This would require delaying the approval of the Special Use Permits to the next Plan Commission Meeting, which is scheduled for February 18.

Mr. Schwarz stated that Village staff has not received any calls regarding this case. The applicant followed legal requirements for notification regarding the public hearing.

Ms. Ritolo stated that she signed a lease to begin March 1 and this delay could delay construction and opening of the facility.

Member O'Donnell stated that he is in favor of approving the Special Use Permits at tonight's meeting. Member Backal concurred.

Member Backal made a motion to adopt staff's findings as the findings of the Plan Commission, and to recommend the approval of (1) a Special Use Permit for a health club, which is similar to an indoor recreation and entertainment use, which is an allowable special use in the C-2 Local Business District (Table 2A of the Zoning Ordinance); and (2) a Special Use Permit for hours of operation beyond normal 6:00 a.m. to 11:00 p.m. business hours for a 24-hour business, as required in Section 7.9-1(K) of the Village of Homer Glen Zoning Ordinance, for certain real property located at 12513, 12517, and 12521 W. 159th Street, Homer Glen, Illinois, 60491. (Case No. HG-1601-S; CBR Fitness Company d/b/a Anytime Fitness), subject to the following condition:

The applicant shall install and maintain parking signs in the east and west parking lots of the subject building, with said signs stating "No Customer Parking on this side of Building from 11:30 p.m. to 6:00 a.m." or similar abbreviated language subject to Village staff review.

After further inspection, Mr. Schwarz stated that the receipts of the mailing notifications sent by the applicant do not indicate "signature required". Certified Mail has extra services that require additional fees, including a signature required option. Per past Village practice, and per his direction to the applicant via an e-mail dated 1/18/16, the notices must be mailed via Certified Mail with return

receipt and signature requested. The applicant admitted that her staff did not check the box for the signature required option. To protect both the Village and the applicant from any potential legal or procedural challenge, and out of an abundance of caution, Mr. Schwarz recommended that the Plan Commission continue the public hearing so that the notices could be re-sent with signatures required.

The Committee was in agreement to schedule a Special Plan Commission Meeting on Monday, February 22 at 7:00 p.m. to ensure that the applicant's case is not delayed any further.

Member Backal made a motion to withdraw his previous motion, seconded by Member McGary. Voice vote taken, all in favor, none opposed. *Motion Carried.*

A motion to re-open and continue the public hearing in Case No. HG-1601-S was made by Member McGary, seconded by Member Backal. Voice vote taken, all in favor, none opposed. *Motion Carried.*

Acting Chairman Locacius stated that a Special Meeting of the Plan Commission will be held on Monday, February 22 at 7:00 p.m. regarding case HG-1601-S.

G. Other/New Business

There was no new business.

H. Adjournment

A motion to adjourn at 8:22 pm was made by Member Backal, seconded by Member O'Donnell. Voice vote taken, all in favor, none opposed. *Motion Carried.*

Approved on March 17, 2016

Acting Chairman Locacius

