



## **MINUTES OF THE VILLAGE PLAN COMMISSION**

### **VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES, ILLINOIS**

**December 1, 2016**

The Regular Meeting of the Plan Commission was held in the Council Chambers of the Village Hall, Tinley Park, Illinois on December 1, 2016 at 7:30 p.m.

#### **ROLL CALL**

Plan Commissioners: Kevin Bergthold  
Anthony Janowski  
Lori Kappel  
Peter Kroner  
Edward Matushek III, Chairman  
Mark Moylan

Absent: John Domina  
Ken Shaw  
Tim Stanton

Village Officials and Staff: Paula Wallrich, Interim Community Development Director  
Patricia Meagher, Commission Secretary

#### **CALL TO ORDER**

CHAIRMAN MATUSHEK called to order the Regular Meeting of the Plan Commission for December 1, 2016 at 7:30 p.m.

#### **ROLL CALL**

#### **COMMUNICATIONS**

There were none.

#### **APPROVAL OF MINUTES**

COMMISSIONER JANOWSKI asked that page 10 of the Minutes of November 17, 2016, be amended to reflect that "Receive Comments From The Public ... CHAIRMAN ED MATUSHEK III ..." be changed to "ACTING CHAIRMAN MOYLAN."

CHAIRMAN MATUSHEK asked for a Motion to approve both the October 20, 2016 Minutes as well as November 17, 2016 Minutes, as amended. COMMISSIONER JANOWSKI made the Motion, seconded by COMMISSIONER MOYLAN; all in favor.

**TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES**  
**FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION**  
**SUBJECT: MINUTES OF THE DECEMBER 1, 2016 SPECIAL MEETING**  
**ITEM #1: PUBLIC HEARING: MACK COMPANIES – 6787 159<sup>th</sup> STREET – SPECIAL USE PERMIT FOR A RESIDENTIAL UNIT COMMERCIAL SPACE**

Consider a request for a Special Use Permit from the Applicant, Kevin McWilliams of MACK Companies, for a residence to be located above a principal use at 6787 159<sup>th</sup> Street within the B-3 (General Business and Commercial) Zoning District. This Special Use Permit would allow the Petitioner to utilize existing space on the second floor of the building for an 800 square foot one-bedroom residential unit above a commercial space.

Present were the following:

Plan Commissioners: Kevin Bergthold  
Anthony Janowski  
Lori Kappel  
Peter Kroner  
Edward Matushek III, Chairman  
Mark Moylan

Absent: John Domina  
Ken Shaw  
Tim Stanton

Village Officials and Staff: Paula Wallrich, Interim Community Development Director  
Patricia Meagher, Commission Secretary

Guest(s): Gene Steinmarch, Representative of Mack Companies

CHAIRMAN MATUSHEK asked for a Motion to open the Public Hearing. COMMISSIONER MOYLAN made the Motion, seconded by COMMISSIONER JANOWSKI; all in favor.

CHAIRMAN MATUSHEK swore in Gene Steinmarch, Representative of Mack Companies.

PAULA WALLRICH, Interim Community Development Director, presented information regarding the Petitioner's request for a Special Use Permit which would allow a residential unit on the second floor of their commercial building. This property is on the southeast corner of Oak Park Avenue and 159<sup>th</sup> Street. She presented the floor plan for the residential unit, a graphic showing the surrounding zoning, and an aerial image of the property. She pointed out that the deterioration of the building has promoted prolonged vacancies. The property owner is looking for tax relief by having a residential unit on the second floor.

MS. WALLRICH then discussed outstanding issues noting issues that Mack Companies has addressed. She highlighted various points from the letter to Mack Companies dated October 18, 2013 that was part of the Commissioners' packet, including:

## Fire

- Depending on use: second floor egress may require two separate distinct ways leading directly to the outside. *This will be completed upon redevelopment of the building.*

## Building

- 2<sup>nd</sup> means of egress required from 2<sup>nd</sup> floor office areas. *This will be completed upon redevelopment of the building.*
- Additional Change of Use inspections required when leasing tenant space. *There is a scheduled inspection for the current leased space this coming Wednesday (December 7, 2016). Any additional items that are found beyond 2013 will be identified at this time.*

MS. WALLRICH also identified that the labeling of electrical panels is being taken care of and there are some minor plumbing issues that also are being taken care of. She stated that the building has sprinklers installed. Also, the Fire Alarm and Fire Protection System are being tested annually.

MS. WALLRICH discussed the site plan itself and the entrance off of 159<sup>th</sup> Street as being awkward. When there is a redevelopment of the site, the option of closing the 159<sup>th</sup> Street access can be addressed at that time. Also the landscaping issues have been discussed and Mack Companies has provided a Landscape Plan that allows for an expansion of the landscaping at the northwest corner of the property. The Village's Landscape Architect had minor comments regarding their proposed Landscape Plan. She also noted that Mack Companies has agreed to take the non-conforming pole sign down.

MS. WALLRICH discussed the Summary of Open Items:

1. Outstanding Change of Ownership Corrections: *Completion of corrections requested will be a condition of the Special Use Permit; however, the corrections must be completed in order to receive any Certificate(s) of Occupancy. Tenants are not permitted to occupy the building without a Certificate of Occupancy.*
2. Compliance with the Village's Landscape Ordinance: *Final approval of a Landscape Plan will be completed by Staff.*
3. Public sidewalks: *The parcel south of the property is Forest Preserve and there are no plans to extend sidewalks in that area. There is a sidewalk on the west side of Oak Park Avenue except for along the Brown's Chicken property. If and when the Brown's Chicken site is redeveloped there would be sidewalks installed on the west side of Oak Park Avenue that connect south to the existing sidewalk adjacent to the Menards property.*

COMMISSIONER KRONER stated that the area east of the property is Forest Preserve as well and there is an Urgent Care east of that and they do not have sidewalks, therefore, it does not make sense to put sidewalks there.

COMMISSIONER BERGTHOLD inquired about a bus route on the corner of this property. He questioned the safety of pedestrians needing to use this site and their options for walking safely. MS. WALLRICH stated that if pedestrians are coming from the west they would cross at the intersection. COMMISSIONER BERGTHOLD expressed concerned with individuals getting off the bus and not having a safe walkway upon exit. He felt that at least a landing would help in this instance and does not agree that a sidewalk is unnecessary. MS. WALLRICH suggested a walkway into the parking lot of the southeast corner property. COMMISSIONER KRONER added that no one should be being dropped off at the intersection of 159<sup>th</sup> and Oak Park Avenue which is considered a major intersection. COMMISSIONER BERGTHOLD pointed out that people are being dropped off every day by public

transit. MS. WALLRICH stated that there are a number of options such as doing something for the short-term and/or part of the redevelopment of the parcel. COMMISSIONER MOYLAN stated that he agreed with having a landing for individuals exiting the bus to get safely to the corner of Oak Park Avenue and 159<sup>th</sup> Street to use the crosswalks. CHAIRMAN MATUSHEK stated that when the two corners both southeast and southwest redevelop that would be the time to consider sidewalks in these areas. COMMISSIONER JANOWSKI discussed the lack of a walk sign on the traffic light and that is a safety concern as well. He recommended that Staff work with the Village Engineers and IDOT to come up with a plan for that corner. MR. STEINMARCH asked if the Commissioners could make this a consideration versus a condition which would be much easier for the Mack Companies to work on this concern. COMMISSIONER BERGTHOLD concurred with this recommendation.

COMMISSIONER JANOWSKI asked if there are annual inspections of the sprinkler systems. MS. WALLRICH confirmed that yes there are annual sprinkler inspections. COMMISSIONER JANOWSKI referred to the fifth (5<sup>th</sup>) bullet point under Fire on the letter of October 18, 2013 regarding “A separate water low relay is required for the fire alarm system to transmit to the wireless radio alarm monitoring equipment” being out of date with current requirements. MR. STEINMARCH stated that currently they require a telephone and a radio line to the Fire Department.

CHAIRMAN MATUSHEK asked if there were any other comments or questions; there were none. CHAIRMAN MATUSHEK asked for a Motion to close the Public Hearing. COMMISSIONER MOYLAN made the Motion to close the Public Hearing, seconded by COMMISSIONER JANOWSKI; all in favor.

MS. WALLRICH summarized the Standards for a Special Use and entered the written findings into the record. She noted that the request for a Special Use met the standards by protecting the health, safety and welfare of the community and not impacting the enjoyment of the neighboring property. It does not impede normal and orderly development of the surrounding area since most of it is already developed. She also noted that adequate utilities and access as well as ingress and egress are provided to the site. In all other respects it meets the Code and no Variations have been requested.

CHAIRMAN MATUSHEK asked for the Motion to be read. COMMISSIONER KRONER made the Motion to consider recommending that the Village Board grant the Petitioner, Mack Companies, a Special Use Permit to allow for an 880 square foot, one-bedroom residence located above a principal use at 6787 159<sup>th</sup> Street in the B-3 (General Business and Commercial) Zoning District, based on the evidence provided that the Petitioner has provided evidence establishing that they have met the standards within Section X.J.5., of the Zoning Ordinance, with the following conditions:

1. That the outstanding Change of Ownership conditions be completed by the property owner prior to receiving a Certificate of Occupancy.
2. That a Landscape Plan be submitted to Staff by December 15, 2016 and an escrow or bond be provided to guarantee the installation of the landscaping by June 1, 2017; and
3. That the existing nonconforming freestanding sign be altered to meet the Village’s current Sign Regulations or be replaced with a new sign meeting the Village’s current Sign Regulations.

COMMISSIONER JANOWSKI seconded the Motion.

AYE: Plan Commissioners Kevin Bergthold, Lori Kappel, Mark Moylan, Anthony Janowski, Peter Kroner, and Chairman Ed Matushek

NAY: None

ABSENT: John Domina, Ken Shaw, and Tim Stanton

THE MOTION WAS APPROVED by roll call. CHAIRMAN MATUSHEK declared the Motion approved.

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

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

**SUBJECT: MINUTES OF THE DECEMBER 1, 2016 SPECIAL MEETING**

**ITEM #2: PUBLIC HEARING: UNITED ATHLETICS – 6805 W. 159<sup>TH</sup> STREET – SPECIAL USE PERMIT FOR A COMMERCIAL INDOOR RECREATION USE GREATER THAN 3,500 SQUARE FEET.**

Consider a request for a Special Use Permit from the Petitioner, Michael Kociolek of United Athletics, for a commercial indoor recreation use greater than 3,500 square feet at 6805 W. 159<sup>th</sup> Street within the B-2 PD (Community Shopping, Bementowne Mall Planned Unit Development) Zoning District. This Special Use Permit would allow the Petitioner to utilize an existing 15,000 square foot tenant space for a gymnastics training facility.

Present were the following:

Plan Commissioners: Kevin Berghold  
Anthony Janowski  
Lori Kappel  
Peter Kroner  
Edward Matushek III, Chairman  
Mark Moylan

Absent: John Domina  
Ken Shaw  
Tim Stanton

Village Officials and Staff: Paula Wallrich, Interim Community Development Director  
Patricia Meagher, Commission Secretary

Guest(s): Michael Kociolek, Representative of United Athletics

CHAIRMAN MATUSHEK requested a Motion to open the Public Hearing. COMMISSIONER MOYLAN made the Motion, seconded by COMMISSIONER JANOWSKI; all in favor.

CHAIRMAN MATUSHEK swore in Michael Kociolek of United Athletics.

PAULA WALLRICH, Interim Community Development Director, began her presentation stating that a Special Use request is required for indoor recreation uses greater than 3,500 SF in the B-2 Zoning District. She presented diagrams of the site stating that to the west of the proposed tenant space is the Amish Furniture Store and to the south is the Menard's warehouse and delivery/pick-up. She also noted the access to the facility will be on the east (Oak Park Avenue) side of the building rather than the north side of the building.

MS. WALLRICH noted concerns from the last Workshop. The first concern was safe access due to the majority of clients being children, ages two (2) to eighteen (18). There had been discussion of stop signs and/or crosswalks. Staff is recommending two (2) crosswalks at this time. Also represented in the

diagram were the security cameras that the Petitioner has agreed to install. She then discussed the parking ratios and stated they satisfy the parking requirement. Their hours of business are Monday through Friday, 9:00 a.m., to 9:00 p.m., Saturday 8:00 a.m., to 7:00 p.m., and Sundays, when birthday parties are held, 9:00 a.m., to 5:00 p.m. They anticipate ten (10) employees. The ratio is 8:1, eight (8) children to a class with no more than four (4) classes at a time. There is no food service on site. There is a small amount of retail which includes equipment/gear but is not substantial. At the last Workshop, the economic impact was discussed and MS. WALLRICH included an email from BRAD BETTENHAUSEN, Village Treasurer, of November 22, 2016 in the PC packet for review. In this email it stated that the Village is not allowed to request any single businesses' tax returns. Also discussed was secondary economic impact as parents drop off their children for classes may in fact visit another business in the area.

CHAIRMAN MATUSHEK asked if there were any provisions for a stop sign for this site for traffic heading east in front of the building on the north side and children will be crossing in that area to get to the north side parking lot. He felt that this should be a condition placed on this request. MICHAEL KOCIOLEK stated that Menards, the property owner, does not object to putting a stop sign in.

MS. WALLRICH stated that there were some questions about the signage. United Athletics will meet Village codes and agreed to put an awning over the east doorway. United Athletics presented a diagram of a white awning and by MS. WALLRICH'S recommendation United Athletics has agreed to change it to a blue awning.

MS. WALLRICH also addressed the security cameras that United Athletics has agreed to by placing them at all three (3) corners of their business. MR. KOCIOLEK stated that this will allow them to view every angle of the building on the three (3) sides and interiors as well.

COMMISSIONER KRONER inquired about the windows and if they will have an open view versus covered as they currently are. MR. KOCIOLEK stated that they will become open.

MS. WALLRICH showed a picture of the existing lighting at night time and noted that it will be adequate. She also presented pictures of United Athletics' Frankfort facility.

MS. WALLRICH addressed the soundproofing concern. She stated that there is a provision in the Zoning Ordinance that if there were a complaint the Village could investigate the issue at that time as a Nuisance. The Petitioner has supplied information regarding the walls being 1.5" drywall with insulation, which provides a sound barrier and that the music played is only played as background music.

MS. WALLRICH addressed the stop signs/crosswalks and that she will make a change to the Plan and the Commissioners can refer back to the Plan in their conditions.

MS. WALLRICH also addressed the tax revenue and the estimated amount for Hancock Fabrics when they were there was about \$12,200 annual sales tax.

CHAIRMAN MATUSHEK asked if there were any questions or further testimony. COMMISSIONER JANKOWSKI referred to the pictures of the Frankfort location of United Athletics and noted the height of that ceiling versus the Tinley Park site. He inquired if the ceiling would be raised to reflect the ceiling in Frankfort. Mr. Kociolek stated that yes, they will be taking the current ceiling out and raising it; it will be about 17.5' to the bottom of the joist and all sprinkler accommodations will be raised with that ceiling. COMMISSIONER JANKOWSKI inquired about the sound transmission and that United Athletics' transmission was right around fifty (50) decibels. He would like to make a condition that the decibels, according to the ASTM Standard, does not exceed seventy (70) decibels. MS. WALLRICH stated that

right now noise is regulated by Code and can be addressed in a more consistent fashion in this way. She expressed concern about establishing a standard for this one facility without adequate research and that isn't uniformly applied to all property. She also stated that this could be something considered when working on the Text Amendments. COMMISSIONER JANKOWSKI stated that due to this Special Use a Standard he felt it could be on a case-by-case basis. MS. WALLRICH stated that Staff will work on a comparison to other communities to present background information to all of the Commissioners. This could also be a condition that this information be studied by Staff and present to the Commission once that is completed.

COMMISSIONER KRONER brought up an idea regarding the Bremen Township Youth Services Agency just north on Oak Park Avenue. He would like MR. KOCIOLEK to consider providing use of the facility to the children free of charge. MR. KOCIOLEK stated that they would absolutely do that. He also stated that they were approached by the Illinois Special Olympics for use as well and they will be moving forward with their request.

CHAIRMAN MATUSHEK asked if there were any other comments or questions; there were none. He requested a Motion to close the Public Hearing. COMMISSIONER KRONER made the Motion, seconded by COMMISSIONER MOYLAN; all in favor.

MS. WALLRICH summarized the Standards for a Special Use and entered the written findings into the record. She stated that the proposed use would not negatively impact the adjacent property or get in the way of the orderly development of the area. There is adequate ingress and egress by the discussion of crosswalks and she will make the change regarding a stop sign. There are no Variations being requested. United Athletics has agreed to put up an awning, open up the windows, and the signage will have to conform to Village codes.

COMMISSIONER MOYLAN made the Motion to consider recommending that the Village Board grant the Petitioner, United Athletics, a Special Use Permit for a commercial indoor recreation use greater than 3,500 square feet at 6805 W. 159<sup>th</sup> Street within the B-2 PD (Community Shopping, Bremetowne Mall Planned Unit Development) Zoning District. This Special Use Permit would allow the Petitioner to utilize an existing 15,000 square foot tenant space for a gymnastics training facility, based on the evidence provided at this hearing and that the Petitioners have provided evidence establishing that they have met the standards within Section X.J.5., of the Zoning Ordinance, and any other facts or unique circumstances that the Plan Commission will allow, with the following conditions:

1. That the Petitioner provide security cameras;
2. That the Petitioner make improvements to the façade, including the erection of an awning on the access door on the east façade and the removal of the opaque covering on all windows; and
3. That crosswalks be implemented on the exterior of the tenant space per Staff recommendations and a stop sign be located on the northeast corner controlling the east/west traffic.

COMMISSIONER KRONER seconded the Motion.

AYE: Plan Commissioners Kevin Bergthold, Lori Kappel, Mark Moylan, Anthony Janowski, Peter Kroner, and Chairman Ed Matushek

NAY: None

ABSENT: John Domina, Ken Shaw, and Tim Stanton



THE MOTION WAS APPROVED by roll call. CHAIRMAN MATUSHEK declared the Motion approved.

CHAIRMAN MATUSHEK asked MR. KOCIOLEK when they anticipate opening. MR. KOCIOLEK stated that they are anticipating February 6, 2017 with everything going smoothly.

## **RECEIVE COMMENTS FROM THE PUBLIC**

CHAIRMAN MATUSHEK asked if there were comments from the public.

A TINLEY PARK RESIDENT addressed the Commissioners. First, he asked PATRICIA MEAGHER to confirm that she was the Commission Secretary. MS. MEAGHER confirmed that. He also inquired if MS. MEAGHER was the Commission Secretary last year. MS. MEAGHER stated that no, she is new to this position. The Resident had a number of questions:

1. Are the meetings recorded? CHAIRMAN MATUSHEK stated that yes they are.
2. Was the meeting of September 3, 2015 recorded? MS. WALLRICH stated that past meeting recordings are typically recorded but are erased once they are formally approved by the Commission. She stated that the Commission Secretary will write the Minutes in draft form. They will come before the Commissioners for approval. Once they are approved, the audio is deleted. She referred THE RESIDENT to LAURA GODETTE, Deputy Clerk, at the Village Hall to inquire about the certainty of this process.
3. Do the Public Hearings get notice in the newspaper? CHAIRMAN MATUSHEK stated that the Commission is required by Ordinance to post every Public Hearing in the newspaper per State law. MS. WALLRICH stated that the Chairman has a blue folder that provides evidence of Public Notice at every meeting. THE RESIDENT inquired about who actually puts the Notice in the paper. MS. WALLRICH stated that Clerical Staff does this. THE RESIDENT stated that the reason for his question on this topic is that for the September 3, 2015 Plan Commission Meeting the Notice was not published correctly and that COMMISSIONER KRONER made the observation that this was the case.
4. THE RESIDENT brought up the subject of Text Amendments and what the process is. MS. WALLRICH stated that the Professional Staff includes herself and STEPHANIE KISLER, Planner I, whose jobs are to support the Plan Commission, the Zoning Board of Appeals, and the Village Board. There could either be an initiative such as tonight's request by COMMISSIONER JANOWSKI wanting a Text Amendment for Performance Standards for noise/sound. For an instance such as this, Staff will research and bring examples to the Commissioners and discussion will be held towards a possible Text Amendment. If a Text Amendment is confirmed they will approve it and it will then be brought to the Village Board for final approval. Currently, Staff is working on Text Amendments for regulations for signs, fences and the Legacy Code. COMMISSIONER KRONER addressed two prior meetings regarding Text Amendments at which there was discussion amongst the Commissioners and with audience members—the first meeting being held at the Odyssey Country Club and the second being at Central Middle School. The information received was discussed and then brought to Staff. For example, information has been brought back to Staff for more diverse information from surrounding communities to best create Text Amendments. MS. WALLRICH pointed out that for those two meeting the Minutes were verbatim via court reporters as well as our Commission Secretary. She also pointed out that there is a Citizens Advisory Committee that also provides recommendations.
5. THE RESIDENT inquired about one (1) parking space per unit still being in Legacy Code and why? MS. WALLRICH stated that this is typical for downtown areas. THE RESIDENT strongly stated that this issue needs to be addressed for the possibility of a Text Amendment in the future.

**GOOD OF THE ORDER**

COMMISSIONER KRONER addressed the topic of signs that the Commissioners and Staff have been working on and asked if this could start to be addressed one piece at a time versus big picture all at once. MS. WALLRICH stated that this can be done.

**ADJOURN MEETING**

A Motion was made by COMMISSIONER JANOWSKI, seconded by COMMISSIONER MOYLAN, to adjourn the Regular Meeting of the Plan Commission of December 1, 2016 at 8:40 p.m. The Motion was approved by voice call. CHAIRMAN MATUSHEK declared the Meeting adjourned.