VILLAGE OF ORLAND PARK

14700 Ravinia Avenue
Orland Park, IL 60462
www.orland-park.il.us

Meeting Minutes

Monday, June 23, 2008

7:00 PM

Village Hall

Development Services & Planning Committee

Chairman James V. Dodge, Jr.
Trustees Brad S. O'Halloran and Edward G. Schussler
Village Clerk David P. Maher

CALL TO ORDER/ROLL CALL

The meeting was called to order at 7:18 PM.

Present: 3 - Trustee O'Halloran; Trustee Schussler and Chairman Dodge

APPROVAL OF MINUTES

2008-0402 Approval of the April 28, 2008 Development Services and Planning Committee Minutes

I move to approve the Minutes of the Regular Meeting of the Development Services and Planning Committee of April 28, 2008.

A motion was made by Trustee Edward Schussler, seconded by Chairman James Dodge, Jr., that this matter be APPROVED. The motion CARRIED by the following vote:

Aye: 2 - Trustee Schussler, and Chairman Dodge

Nay: 0

Abstain: 1 - Trustee O'Halloran

ITEMS FOR SEPARATE ACTION

2008-0330 Illinois Tomorrow Grant - 159th Street Corridor

Director of Development Services Karie Friling reported the Village was awarded this $180,000 grant (required match of $20,000) by IDOT to study and plan for the 159th Street Corridor between I-294 and I-355. This project includes Markham, Oak Forest, Tinley Park, Orland Park, Orland Hills and Homer Glen although Orland Park is the lead municipality that applied for and is implementing the grant. The goal of this project is to improve the quality of life in the 159th Street Corridor by strategizing an allocation of resources to maximize returns on improving the appearance and image, improving and highlighting amenities, improving circulation and fostering economic development.

A request for proposal (RFP) was issued and six consultants responded. Three were chosen for interviews and the unanimous recommendation was to hire HNTB. All municipal representatives have agreed to this choice and IDOT has been informed of this recommendation. Subject to approval, the contract will be between HNTB and Orland Park. The grant match of $20,000 will be divided among the six municipalities.

Trustee Schussler asked if this project has a road component where the company will look at the capacity of the road, travel and the possibility of widening the road or adding turning lanes.

Director Friling stated that HTNB will look at the complete street which includes the use of the street in terms of mass transit, personal automobiles and from the pedestrian point of view. HTNB will take a comprehensive look at the 159th Street Corridor from one end to the next.

Chairman Dodge asked how much this project will cost the Village.

Director Friling stated the $20,000 will be divided between the communities.

I move to recommend to the Village Board to hire HNTB as the consultant for the Illinois Tomorrow Grant 159th Street Corridor Project.

A motion was made by Trustee Brad O'Halloran, seconded by Trustee Edward Schussler, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion CARRIED by the following vote:

Aye: 3 - Trustee O'Halloran, Trustee Schussler, and Chairman Dodge

Nay: 0

2008-0188 Land Development Code Amendment - Section 5-101 thru 5-109 and Section 5-111

Director Friling reported the purpose of the amendments is to consolidate the development review process into a more user friendly organization. Currently the Land Development Code partially explains the development review process across multiple sections in Article 5. It makes no mention of the duties and/or responsibilities of the petitioner, the government agent or the decision-making body. It also does not seek to inform the petitioner, the government agent, the appointed official or the elected official of the requirements and regulations that each petition must meet while moving through the development review process. These amendments seek to remedy these deficiencies.

Spread across multiple sections ranging from variances, special uses and rezoning to appearance reviews and subdivision requirements, the Land Development Code current development review is not centrally located in the actual Code. These amendments seek to also remedy this by not only reorganizing the Land Development Code's development review process, but also by centralizing and consolidating it into one new section, 5-101 Development Review Procedures.

Out of 5-101 a reader will be able to understand exactly what is required for each petition and then will be able to navigate to the sections of the Code that pertain to his/her development without having to search aimlessly through multiple Code sections to find what is required.

The new Section 5-101 is significant also in that it clarifies to the reader where each petition goes, what decision-making bodies it moves through, what happens

at each type of meeting at the various decision-making bodies and what the role is of the Development Services Department, which reviews their petitions prior to going forward to the public hearings and meetings.

The better communication of the petitioner's role, responsibilities and requirements, as well as those of the government agents and appointed and elected officials in the decision-making process, provides for an easier and transparent development review process. Amendments to the selected sections are coordinated for this effort in the Land Development Code.

I move to recommend to the Village Board approval of the proposed amendments to Land Development Code Sections 5-101, 5-102, 5-103, 5-104, 5-105, 5-106, 5-107, 5-108, 5-109 and 5-111 as written in the attached Exhibit "A" subject to the following instruction:

1. That in the final draft of the proposed amendments all text with strikethrough is eliminated from the text, all highlighted section reference tags are un-highlighted, and all red text is fully incorporated into the text of the Code as black text.

A motion was made by Trustee Brad O'Halloran, seconded by Trustee Edward Schussler, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion CARRIED by the following vote:

Aye: 3 - Trustee O'Halloran, Trustee Schussler, and Chairman Dodge

Nay: 0

2008-0036 Orland Park Orthopedics

Director Friling stated the petitioner, Blair Rhode is requesting to complete the build out of an existing industrial building into medical offices for Orland Park Orthopedics located at 16450 S. 104th Avenue.

Chairman Dodge asked if this project is almost completed.

Director Friling stated that Orland Park Orthopedics had to reconfigure their parking lot and now they have entered into a shared parking and cross access agreement with the Orland Park Prayer Center that is next to this property.

Trustee Schussler asked if this is the building directly north of the Orland Park Prayer Center.

Director Friling confirmed that this building is directly north of the Orland Park Prayer Center.

I move to recommend to the Village Board approval of the preliminary site plan titled Final Site Plan 16450 S. 104th Avenue by CH Architects Limited sheet number LO and L1, dated 01-01-06, last revised 06-24-08, subject to the following conditions:

1. That a Final Landscape Plan is submitted for separate review and approval within 60 days of final engineering approval.

2. That all final engineering related items are met.

And

I move to recommend to the Village Board approval of the Elevations titled Final Site Plan 16450 S. 104th Avenue by CH Architects Limited sheet number A9, dated 01-01-06, last revised 06-24-08, subject to the following conditions:

1. New windows should match existing windows as closely as possible, in color and window style.

2. That building code requirements are met.

A motion was made by Trustee Edward Schussler, seconded by Trustee Brad O'Halloran, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion CARRIED by the following vote:

Aye: 3 - Trustee O'Halloran, Trustee Schussler, and Chairman Dodge

Nay: 0

2008-0327 Plumbing Code Update

Director Friling reported a Village Plumbing Code amendment is requested from the Public Works Department for a change within Village Code (5-4-3). The proposed code change is to reduce the Village's liabilities for lawn sprinklers repairs that have been placed within the Village rights-of -ways by adjacent land owners. The change is only to item # 4. In this code section and has been highlighted to be easily understood.

The Village of Orland Park currently utilizes the State of Illinois Plumbing Code for its plumbing construction standards set forth in the booklet entitled "2004 State of Illinois Plumbing Code," also identified as Title 77 of the Illinois Administrative Code, Public Health, Chapter 1, Subchapter r, Water and Sewage, Part 890, et seq., including appendices and tables, with the modifications set forth (Ord. 2736, 6-6-95; Amd. Ord. 4067, 9-6-05)

Chairman Dodge asked how the Village's residents will be notified that if they are to install a sprinkler system in the Village's right-of-ways that the Village is not responsible for repairs to the land owner's sprinkler systems.

Director Friling stated the Village allows residents to install sprinkler systems on right-of-ways, but makes sure land owners know that the Village is not responsible

for the sprinkler systems.

Chairman Dodge asked if the Village allows land owners with sprinkler systems to take water from adjacent retention ponds to supply their sprinkler systems and is this regulated by the Village.

Assistant Village Manager Ellen Baer stated that the Village does allow the usage of adjacent retention ponds for sprinkler systems. She also stated that the Village does not regulate this process, but could review that plan for this process in the future.

Chairman Dodge stated he believes there needs to be some type of regulation on using ponds to water their lawns.

Trustee O'Halloran asked how the Village knows which subdivisions are using water from the detention ponds.

Director Friling stated that the Village knows which subdivisions are connected to the domestic water supply because the Village does regulate that usage, but staff would not be able to accurately tell which subdivisions use ponds.

Assistant Village Manager Baer stated that with the drought conditions of the last two summers many residents came to the Village to register that their sprinkler system supply comes from their ponds. This enabled the Village to create a database with these types of users, so the Village has a close estimate of how many pond users we have.

Trustee O'Halloran asked if the Village could send the residents that use pond water, a letter stating the Village's policy on right-of-way sprinkler systems.

Director Friling stated that staff will send a letter to these residents to notify them of the Village's policy.

I move to recommend to the Board to approve the local revisions of Title 5, Chapter 4of the Orland Park Plumbing Code and to implement the latest revision to the Subsection referenced above as shown in the attached text.

A motion was made by Trustee Brad O'Halloran, seconded by Trustee Edward Schussler, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion CARRIED by the following vote:

Aye: 3 - Trustee O'Halloran, Trustee Schussler, and Chairman Dodge

Nay: 0

2007-0324 Walsh Property - Variance

Director Friling reported the petitioner originally requested a reduction in lot size

requirements in order to make this property eligible for setback variances to allow a home to be built on the site at some point in the future. The petitioner is currently requesting direction regarding the purchase of the adjacent right of way, which would make the lot large enough to negate the need for a reduction in lot size requirement.

If the purchase of the adjacent right of way is approved and pursued, the Walsh lot would still need to return through the process to request setback variances in order to provide a large enough building envelope to construct a single family home per the Village Attorney.

Background

This property is located on the southeast corner of 144th and the Lemoyne Street, right of way and is considered Lot 23 of 26 within the Raney Subdivision, recorded in 1920. The 29' Lemoyne Street right of way, which is adjacent to the west property line, has never been improved to a public roadway.

Twelve years ago, the Walsh Family bought two contiguous pieces of property from a single owner at the corner of Raney's Lane and 144th Street. An existing home rested on the east property and although both properties together still lacked the minimum required R-3 lot width, the combined area of 15,836 helped provide a usable property for one single family home. The Walsh's sold the property with the existing home and kept the small vacant lot to the west.

The Plan Commission unanimously denied the request to reduce the lot size requirements. The Committee did not vote on the request but instead directed the petitioner to work with the adjacent property owner to reach agreement regarding the adjacent right of way. Purchasing the adjacent right of way would make the Walsh lot eligible for setback variances, therefore negating the need for approval of the lot size reduction. Increasing the Walsh lot with the adjacent right of way would, however, land locks the existing lot directly south of the Walsh lot. This lot currently serves as the backyard for the resident at 14410 Raney's Lane.

The Development Services and Planning Committee encouraged the petitioner to work with the property owner to the south to come to an agreement regarding the petition. The Village received a memo from the petitioner that indicates the property owner to the south had reached an agreement with the petitioner to consolidate his two lots with the adjacent right of way, therefore negating the potential for a landlocked parcel. This memo is signed by the adjacent property owner. The petitioner would consolidate the Walsh lot with the adjacent right of way to create a parcel large enough to apply for setback variances. The Village Board would ultimately approve the sale of any Village owned land.

Next Steps

If the Walsh's pursue the purchase of the adjacent right of way, this petition would be terminated because a variance to reduce the lot size would not be required. There are however, numerous steps required to allow for a home to be constructed on this new parcel, which would still have a nonconforming lot depth. These include:

Appraisal of the adjacent right of way.
Agreement on the purchase price of the adjacent right of way.
Village Board approval of the sale of the adjacent right of way.
Lot consolidation.
Request for variance to reduce setbacks to construct a single family home.

The newly created lot would be conforming in lot area and width but not depth. In the past, the Village Board denied a nearby request to create a nonconforming lot at 10255 143rd Street. Village Code requires a 30' front and rear yard setback for homes which results in a building envelope only 14' deep on the Walsh lot. Most homes in the area are approximately 50' in depth. A 50' deep home on this lot would require variances to reduce the front and rear setback to 12' each. The setback variance request currently does not have approval from the Village Board or staff.

Upon purchase of right of way, the petitioner is responsible for providing a consolidation of the lots and the application for setback variances. The Village can process lot consolidations/subdivisions and variances in the same petition.

Director Friling stated that the petitioner and their attorney are aware that they are doing this at their risk and that there is no guarantee that the Village of Orland Park is going to agree to sell the right-of-way. There is also no guarantee that if the Village sells the right-of-way that the petitioner will be approved for their variances. The standard R-3 lot size is 80'X125' and the petitioner will be asking for a reduction to 107'X74' which is significant.

Director Friling stated that when this item came before the committee eight months ago the Village was advised by Klein, Thorpe and Jenkins that the first step was to resolve the issue of the lot size.

Trustee Schussler stated that the Village can't say upfront that the petitioner will be approved for this variance, but the Village has given the petitioner the indication that we will be amendable at the end of the process.

Director Friling stated that if the Committee is uncomfortable with anything tonight this is the time to make a change.

Andrea Crowley, Griffin and Gallagher, 10001 S. Roberts Road, Palos Hills, IL 60465, attorney for the petitioner, stated her client certainly does not want to take

this process to the end and then not be approved for a variance. Her client does know that this is a multi-step process and that was laid out in the very beginning from Klein, Thorpe and Jenkins and the Village staff. After the meeting in November 2007 she and her client spent a lot of time working with the neighbor and their attorney to come to this agreement. She and her client would like a recommendation from the committee tonight and if the consensus is that the variance will not be approved they would like to know that sooner rather than later.

Chairman Dodge stated that the committee would work out the procedural issue tonight and figure out how to move this item forward.

Director Friling stated that the Village will begin the process of receiving an appraisal.

Chairman Dodge stated the Village will consolidate the questions and expedite the process.

Director Friling agreed.

Ms. Crowley stated she and her client would like to get feedback from the committee on any setbacks they foresee.

Director Friling stated that the Village needs to set up an appraisal and figure out a purchase price first and once that is finished then we will have to go back to the Planning Commission before Board action can happen.

Assistant Village Manager Baer stated that the Village can get the appraisal and bring that to the Board if the Committee is comfortable with that and that would speed up the process.

Director Friling stated with a variance you have to bring a variance to a public hearing before bringing a variance to the Board level. You can't make a decision before a public hearing is held because then there are legal issues.

Ms. Crowley stated she understands the procedure. Her basic question is if there is potential support for this variance.

Trustee O'Halloran stated the only answer they have is that they have the potential support of the three trustees on the committee tonight.

Assistant Village Manager Baer asked the committee if they were comfortable if staff reviews the Don Martin appraisal, this would save a month of time for the petitioner.

I move to terminate the request for a variance for 10255 144th Street in Orland Park to reduce the minimum lot size from 80’x125’ (10,000 sq. ft.) to 107’x74’

(7,918 sq. ft).

A motion was made by Trustee Edward Schussler, seconded by Trustee Brad O'Halloran, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion CARRIED by the following vote:

Aye: 3 - Trustee O'Halloran, Trustee Schussler, and Chairman Dodge

Nay: 0

2008-0324 Mechanical Code Update

Director Friling reported the Development Services Department has reviewed the latest edition of the International Mechanical Code (IMC) for code updates and have inserted our existing local ordinances (revisions) in the appropriate code sections of the new 2006/IMC. Revisions to Title 5, Chapter 6 of the Village Code are in Exhibit A.

The Village of Orland Park currently utilizes the 2000 edition of the International Mechanical Code (IMC) as the basis for its Mechanical construction regulations. This is a national model code written by experts in 3 year cycles that is used for reference.

The Illinois Building Commission has been notified of Orland Park's intention to adopt a new mechanical code with amendments as required by a recent act of the 92nd General Assembly.

A major reason for our updating to a more recent edition of the Mechanical Code is to maintain The Village's ISO (Insurance Service Organization) grading classification rating for both residential and commercial properties. These ratings affect insurance premiums.

The local changes to this new code have inserted model code revisions and are limited as much as possible. The local revisions are intended to clarify exiting rules and to remove outdated amended construction standards. Staff has highlighted the code changes for your review. See Exhibit B.

Trustee Schussler asked for this item to be continued to the July 28, 2008 Development Services Committee meeting.

I move to continue this item to the July 28, 2008 Development Services and Planning Committee meeting.

A motion was made by Trustee Edward Schussler, seconded by Trustee Brad O'Halloran, that this matter be CONTINUED to the Development Services & Planning. The motion CARRIED by the following vote:

Aye: 3 - Trustee O'Halloran, Trustee Schussler, and Chairman Dodge

Nay: 0

2008-0358 Village's Elevator/Escalator Contractor Authorization

Director Friling reported Elevator Plan reviews and inspections are done by an outside contractor for the Village of Orland Park. The Village currently has 255 existing elevators that require inspections twice a year. The Village has an agreement with the State of Illinois Fire Marshall to oversee a program for these inspections, which requires documented monthly and yearly reports.

On April 28, 2008, the Development Services Department sent out a Request for Proposals to eight Illinois Licensed Elevator Inspection/Review Contractors. The Village received three proposals. The three proposals were evaluated on the following criteria and are in Exhibit A.

Additional services were to include, but not be limited to:

- Reviews and inspections for accessibility per Illinois Accessibility Code
- Signature on Elevator/Escalator Certificates
- Written Code Section Violation information for follow up enforcement by Village Staff
- Electronic access to an updated inspection results database
- Preparation of reports for the State of Illinois Fire Marshall's Office

After evaluation of each proposal, it is the recommendation of the Development Services staff to contract the services of E. I. S. to perform the Villages semi-annual elevator/escalator inspections, review of new elevator/escalator construction plans, and inspection and acceptance inspections of newly installed elevators and escalators.

On June 23, 2008 the Development Services & Planning Committee moved 3-0 to recommend to the Village Board of Trustees approval of E.I.S as the Village's Elevator/Escalator contractor and authorize the Village Manager to execute the necessary contract.

The contract shall commence on the date it is signed and end on December 31, 2009, with the option to renew for four additional one-year terms, unless either party, at its sole option, shall have given the other party at least thirty days prior written notice of its intent not to extend the contract.

Chairman Dodge asked if this company is licensed by the State of Illinois.

Director Friling confirmed that E.I.S. is licensed by the State of Illinois. She also stated that the reason the Village requested proposals was because the cost for elevator inspections are on the rise, but staff was happy to find that E.I.S. had the lowest cost of all the proposals that were submitted.

Chairman Dodge asked how long the contract will be with E.I.S.

Director Friling stated the there will be a three year contract with E.I.S.

Director Friling reported the Development Services Department has reviewed the latest edition of the International Mechanical Code (IMC) for code updates and have inserted our existing local ordinances (revisions) in the appropriate code sections of the new 2006/IMC. Revisions to Title 5, Chapter 6 of the Village Code are in Exhibit A.

The Village of Orland Park currently utilizes the 2000 edition of the International Mechanical Code (IMC) as the basis for its Mechanical construction regulations. This is a national model code written by experts in 3 year cycles that is used for reference.

The Illinois Building Commission has been notified of Orland Park's intention to adopt a new mechanical code with amendments as required by a recent act of the 92nd General Assembly.

A major reason for our updating to a more recent edition of the Mechanical Code is to maintain The Village's ISO (Insurance Service Organization) grading classification rating for both residential and commercial properties. These ratings affect insurance premiums.

The local changes to this new code have inserted model code revisions and are limited as much as possible. The local revisions are intended to clarify exiting rules and to remove outdated amended construction standards. Staff has highlighted the code changes for your review. See Exhibit B.

Trustee Schussler asked for this item to be continued to the July 28, 2008 Development Services Committee meeting.

I move to recommend to the Village Board of Trustees approval of E.I.S as the Village's Elevator/Escalator contractor and authorize the Village Manager to execute the necessary contract.

A motion was made by Trustee Edward Schussler, seconded by Trustee Brad O'Halloran, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion CARRIED by the following vote:

Aye: 3 - Trustee O'Halloran, Trustee Schussler, and Chairman Dodge

Nay: 0

2008-0399 Village Code Updates - Nuisances

Director Friling reported the purpose of these proposed code changes is to

address the current climate of foreclosed/vacant homes and lots. Costs for maintaining these properties by the Village need to be updated to collect the total costs incurred by the Village. Additionally, the time frame to maintain these properties needs to be changed to enable the Village to respond more quickly to the concerns of the neighborhood. Additionally, these changes will help to maintain home values and prevent blighting conditions in the neighborhood. The code change also addresses repeat offenders throughout the spring/summer season so the Village may more quickly address the problem/nuisance properties.

Director Friling stated that right now when a home goes into foreclosure the Village has Mid America Tree and Landscape maintain the grass and landscaping until the home is maintained by the proper home owner. She also stated that staff is researching a $500 fee/lien on foreclosed houses for this service.

The second proposed amendment addresses an issue brought to our attention by some of our residents. Ground feeding can cause many problems, including attracting rodents, bird droppings, etc. Residents have complained about decks, BBQ grills, lawn furniture, etc. covered with bird droppings from neighbors ground feeding large birds, such as sea gulls, geese, ducks and pigeons. Additionally, bird feed is also noted to attract rodents in neighborhoods. These concerns are currently not addressed in the existing code.

This ordinance gives staff the authority to address this issue when a complaint is received by a neighboring business or residence.

Trustee Schussler asked how much Mid America Tree and Landscaping charges the Village to maintain foreclosed homes lawns.

Director Friling stated the cost depends on the condition of the landscaping. The first call out to a house for major maintenance $100 - $150, by routine maintenance is only $20 to cut the lawn.

Trustee Schussler asked how staff arrived at the $500 fee for this service.

Director Friling stated that she and staff added up all of the administrative time, inspectors time and the hearing officers time and the total came to around $500 for the cost of the lien.

Chairman Dodge asked if this Village Code update is a way to solve the problem of repeat offenders and asked if the Village can collapse the cycle time from the initial call to the homeowner and the first maintenance date.

Director Friling stated the code requires the Village to send the certified mailing to

the last known address, so it does take time from the initial notice, but after the initial notice the Village will handle these issues in a quicker manner.

Chairman Dodge asked if it is relatively inexpensive for the Village to get the property cleaned up does the Village have the authority to give the homeowner a high fee right away to stop continued offenses.

Director Friling stated that the Village consulted with Ken Friker on this issue and one of the things is that if the Village was ever challenged on the Village Code, the Village would have to demonstrate in court that these were actual reasonable costs incurred by the Village. The costs cannot be punitive by themselves, so that's why staff went back and figured out the administrative costs.

Assistant Village Manager Baer stated the Village does not want to get into the business of mowing residents lawns; the Village does not have the resources to provide this type of business. It is very difficult for the Village to get repaid even after putting a lien on the property many times the banks have much larger liens than the value of the home has left.

Trustee Schussler asked if the majority of the problems are with individual home owners or banks.

Director Friling stated that a lot of homes are in some process of foreclosure and there is no clear cut person or institution responsible for the home. So the major problem is the initial phasing into the foreclosure process is when the Village has problems with the maintenance of the landscaping.

Chairman Dodge asked if in a year staff could bring this item back to the committee and figure out if administratively the Village is handling this in the most cost effective manner.

Director Friling stated that she could bring this back in six months because unfortunately with the state of the economy the list of foreclosed houses in Orland Park is getting longer and longer.

I move to recommend the Village Board approve the recommended changes and additions to the Orland Park Village Code Title 6 Chapter 2 (Nuisances).

A motion was made by Trustee Brad O'Halloran, seconded by Trustee Edward Schussler, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion CARRIED by the following vote:

Aye: 3 - Trustee O'Halloran, Trustee Schussler, and Chairman Dodge

Nay: 0

2008-0125 Sunrise Senior Living

Director Friling reported the petitioner is proposing to construct a three story, 80-unit senior living facility with accessory surface parking on a five-acre parcel located at 10920 W 159th Street. Application requests approval for site plan, Special Use Permit with modifications, and rezoning.

Project Description and General Design

The preliminary site plan shows an 'L' shaped building oriented at an angle facing 159th Street. Vehicular entry to the site is provided via a full access curb cut along 159th that aligns with the entrance to the existing school to the south. Upon entering the site, a visitor can turn right into a circular drop off area or turn left into a meandering single bay parking lot.

The three-story, 80 unit building is positioned so that residents have views of open space on the north side of the property or 159th Street on the south side of the property. The preliminary site plan shows a gazebo at the southeast corner of the site that connects to a walking path surrounding the building. The north part of the site consists of a large open space that includes the walking path, a garden area, a trellis structure, a detention area and a natural preserved wetland.

As noted on the site plan, the petitioner is dedicating 72' of frontage along the front property line to IDOT for the future expansion of 159th Street. Additionally, the petitioner is dedicating right of way on the north side of the property to the Village for a potential future road connection. Essentially, almost 1 acre of the property is being dedicated for future transportation improvements. The preliminary site plan also shows the parking lot connecting into the potential future road.

The detention pond does not have the required 15' of flat maintenance area around the entire perimeter of the pond. Maintenance area is provided along the west edge of the pond and along the path on the north side of the building. The petitioner is requesting a modification to the special use permit to reduce the maintenance area from 15' to 0'. Similar modifications have been approved for Autumn Leaves Senior Living, Parkview Christian Church and the Orland Park Prayer Center.

The petitioner is requesting to rezone the property from E-1 Estate Residential to R-4 Residential. The property was default zoned to E-1 after the Village forced annexed it in 2007. The Comprehensive Plan designates this area as low intensity residential, which corresponds to an E1, R1, R2 or R3 Residential District. The location along the busy 159th Corridor however, merits the consideration of a more intense use that could function as a transition to the single-family homes to the north.

The project as designed requires modifications from Village Code to allow for a

reduction in the detention pond maintenance area and to allow for parking and a drop off between the building and the street. Overall, however, the proposed project meets the Village goals and policies for this piece of property.

Chairman Dodge asked if anyone in the audience had questions regarding this item.

Gene Esposito, 10911 Glenlake Drive, stated his concern with this project is with the right-of-way to the north of the lot. His concern is two-fold; the first concern is that there will be a road added that will be connected to his subdivision which will bring cut through traffic that would eventually be connected to 159th Street. His second concern is that the right-of-way is cutting through a wet land and is tearing up cherry trees that are irreplaceable at this point in time. He is asking if there is a way of getting rid of this altogether or if there is a way of Open Lands to take this wet land area over to protect it from being torn apart.

James Degrado, 15736 Glenlake Drive, stated he feels the same way as Mr. Esposito. Part of the reason he and his family built a home in Orland Park eight years ago was because of its philosophy with regards to wet lands and open space areas. He believes that if this project takes that area away it would be going against the Village of Orland Park's philosophy.

Pete Nickleson, 10851 Glenlake Drive, stated he agrees with Mr. Esposito and Mr. Degrado. He stated that this right-of-way is going directly through the mature cherry trees that are at least fifty feet in height and it will disrupt the wild life that comes to the wet land. He also stated that the cherry trees as they are right now provide an excellent buffer to the residents right now for the multi-family project that is proposed.

John Green, Groundwork Architects, Engineers and Planners who represents Sunrise Senior Living, stated if property were to develop north of the lot a road would have to come through that area to service that development. His understanding after discussions with Village staff is that if a property developed to the north of Sunrise Senior Living a road would have to come through that land to service that area. That strip of land is approximately 160 feet long. The staff has requested that he and his client consider providing a right-of-way dedication in order to help provide for that road to be even further away from adjacent neighbors. He and his client have agreed to provide that right-of-way and with discussions with the staff have organized the right-of-way so that as it moves towards the west it actually becomes 60 feet to help guide it around larger wet land. This is a provision so that if a road is built in the future. The Sunrise Senior Living development is not proposing to modify any part of the wet lands at this time.

Director Friling stated Sunrise is staying completely out of the wet lands. This

poses a unique issue with the Village because the Village does not know when or if the property from the north will be developed. The Village tries to put together a concept for future roadwork, such as where a road can be located when and if that property to the north is developed. She also stated that staff looked at a couple different variations when trying to determine the location of where that road should be built. Currently there is a dead end road where the proposed road may be built. The Village recognizes that there is a wet land there, but there is a much larger wet land to the west that the Village believes has a much higher quality in terms of getting a core determination on it. The Village did not require Sunrise Senior Living to get a core determination of the property because they are not adversely impacting the wet lands. The issues before the Committee tonight are really future issues that the Village has to resolve and get some initial answers on to preserve the quality of the wet lands. Also how does the Village then put the road through to avoid the larger wet land that is immediately off to the west. The Village would also like to make sure that the road is built as far away from the single family homes as possible.

Trustee Schussler asked depending on the development to the north this road may never be built.

Director Friling stated that the Village needs a plan now in case the road is built in the future.

Trustee O'Halloran asked why is there a connection between the road and Sunrise Senior Living parking lot.

Director Friling stated the Village wanted to make sure that there was another connection to the possible street for an emergency exit.

Assistant Village Manager Baer stated that the Village always looks for a second point of access for safety reasons and emergency exits.

Chairman Dodge asked if the road issues need to be voted on tonight.

Director Friling stated that with out knowing what and when will be developed to the north it would be hard to make a decision tonight. She also stated when that development occurs any decisions will have to come before the Committee and then the Board of Trustees.

Chairman Dodge addressed the residents who spoke and stated that the Committee has heard their concerns, they are sympathetic and that this is an issue that the Committee can't necessarily settle tonight. He stated that the Clerk has taken the residents names and that the Village will reach out to these residents when and if this road will need to be built.

Chairman Dodge asked the residents to leave their email addresses with staff and the Village will send them a PDF of the landscape plan so they can see how deeply sensitive the Village is when it comes to buffering subdivisions from developments like Sunrise Senior Living.

I move to recommend to the Village Board approval of the preliminary site plan titled 'Sunrise Assisted Living,' prepared by Groundwork, Ltd., job number N114, dated 02-19-08, most recent revision 04-21-08, including the sheet with no number notation and sheet C2.0 subject to the following conditions:

1) That all final engineering related items are met.

2) That the petitioner submit a landscape plan for separate review and approval within 60 days of final engineering approval.

3) That all building code related items are met.

4) That the petitioner submit signage drawings to the Building Department for separate review
and approval.

5) That the petitioner extend the parking lot drive aisle 10' to the north and agree to extend the parking lot to the future R.O.W. in the future upon approval from the Board of Trustees.

And

I move to recommend to the Village Board approval of the building elevations titled 'Sunrise Senior Living Orland Park,' prepared by BeeryRio Architecture and Interiors, dated 04-21-08, sheet 201a and sheet 202a subject to the same conditions as highlighted in the preliminary site plan approval motion.

And

I move to recommend to the Village Board approval of the Special Use Permit for Sunrise Senior Living Facility to operate an 80 unit nursing home/residential care facility at 10920 W 159th Street with modifications to reduce the detention maintenance area from 15' to 0' and to allow for parking and a drop off area in the setback between the building and the street, subject to the same conditions as highlighted in the preliminary site plan approval motion.

And

I move to recommend to the Village Board approval of the request to rezone the five acre parcel at 10920 W 159th Street, P.I.N number 27-17-301-004, from the E-1 Estate Residential Zoning District to the R-4 Residential District subject to the

same conditions as highlighted in the preliminary site plan approval motion.

A motion was made by Trustee Brad O'Halloran, seconded by Trustee Edward Schussler, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion CARRIED by the following vote:

Aye: 3 - Trustee O'Halloran, Trustee Schussler, and Chairman Dodge

Nay: 0

2008-0190 Land Development Code Amendment - Section 5-112

BACKGROUND
The purpose of the proposed amendments to Section 5-112 is to update the development and subdivision requirements of the Village of Orland Park. As in other sections that have proposed amendments, this section has content regarding the decision-making process and development review process clarified and/ or moved to the proposed Section 5-101. The result is a restructuring of 5-112 so that the section focuses on the various financial requirements for development in Orland Park.

The proposed Section 5-112 also establishes and explains the lines of communication between the petitioner and the Village Engineer, the Village's consulting engineers, the Public Works Department and the Village Manager's Office-- all the entities which participate in the review of projects for the disbursement of funds held in letters of credit. Section 5-112 amendments clarify and update the provisions regarding review fees.

DISCUSSION

Exactions
Transportation, school and library exactions are not increased. There is, however, a proposed amendment for an increase in the amount of Park exaction/ donation. Currently the Land Development Code requires developers to donate 7 acres per 1,000 people. The national standard is 10 acres of park land per 1,000 people according to the National Parks and Recreation Association. Also, the Village of Orland Park Parks and Recreation Department has indicated a chronic deficiency of playing fields.

At Plan Commission the case was made to increase the park land donation from 7 acres per 1,000 people to 10 acres. The increase in land donation is consistent with the requirements of the Comprehensive Plan to have 10 acres of park space/ open space for 1,000 residents in new developments (Chapter IV Land Use of the Comprehensive Plan). Similarly, cash donations equal to the capital improvement cost of park land for every 1,000 people is updated from 7 acres to 10 acres in the following provisions. Consistency between the Land Development Code and the Comprehensive Plan and then between the Village and the national standard is important to fulfilling the long-term goals and objectives of the Comprehensive Plan of the Village of Orland Park and in order for the Village to meet the national standards on park/ open space.

The Plan Commission recommended denial of this proposed amendment to increase the park land donation from 7 acres to 10 acres. The Chairman referenced a slumping economy and the potential increase in the cost of homes that are already difficult to sell in the current economy. The Plan Commission also

questioned why newer areas would get more park space than older areas.

An alternative to one large acreage increase is an incremental increase from 7 to 8, 9, and 10 acres over a period of three years.

Motion 1, Elimination of 10 Acre Park Standard

I move to recommend to the Village Board approval of the proposed amendments to Land Development Code Sections 5-112 as written in the attached Exhibit "C" subject to the following instruction:

1. That in the final draft of the proposed amendments all text with strikethrough is eliminated from the text, all highlighted section reference tags are un-highlighted, and all red text is fully incorporated into the text of the Code as black text; and
2. That on the third line from the top of Subsection paragraph 5-112.F.1 and the third line from the top of Subsection paragraph 5-112.F.2, 'Land Ratio' and 'Cash Ratio' respectively, on page V-112-23, the amendments to change the words from "7 acres" to "10 acres" is canceled.

Motion 2, Keeping the 10 Acre Park Standard

I move to recommend to the Village Board approval of the proposed amendments to Land Development Code Sections 5-112 as written in the attached Exhibit "C" subject to the following instruction:

1. That in the final draft of the proposed amendments all text with strikethrough is eliminated from the text, all highlighted section reference tags are un-highlighted, and all red text is fully incorporated into the text of the Code as black text.

Motion 3, Incrementally Increasing to the 10 Acre Park Standard

I move to recommend to the Village Board approval of the proposed amendments to Land Development Code Sections 5-112 as written in the attached Exhibit "C" subject to the following instruction:

1. That in the final draft of the proposed amendments all text with strikethrough is eliminated from the text, all highlighted section reference tags are un-highlighted, and all red text is fully incorporated into the text of the Code as black text; and
2. That the provisions in Section 5-112.F.1 'Land Ratio' and 5-112.F.2 'Cash Ratio' be amended to incrementally increase the park land/ cash donation by one (1) acre per 1,000 people per year until reaching ten (10) acres per 1,000 people starting in August 2008 and every August until 2010.

A motion was made by Trustee Brad O'Halloran, seconded by Trustee Edward Schussler, that this matter be CONTINUED to the Development Services & Planning. The motion CARRIED by the following vote:

Aye: 3 - Trustee O'Halloran, Trustee Schussler, and Chairman Dodge

Nay: 0

ADJOURNMENT - 8:25 PM

A motion was made by Trustee Brad O'Halloran, seconded by Trustee Edward Schussler, that this matter be ADJOURNED. The motion CARRIED by the following vote:

Aye: 3 - Trustee O'Halloran, Trustee Schussler, and Chairman Dodge

Nay: 0

/sb

APPROVED: July 28, 2008

Respectfully Submitted,

/s/ David P. Maher

David P. Maher, Village Clerk