

VILLAGE OF ORLAND PARK

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



Meeting Minutes

Tuesday, June 10, 2008

7:00 PM

Village Hall

Plan Commission

Louis Stephens, Chairman

*Commissioners: Judith Jacobs, Paul Aubin, Steve Dzierwa, Patricia Thompson, and
Nick Parisi*

CALLED TO ORDER/ROLL CALL

Present: 6 - Commissioner Jacobs; Commissioner Dzierwa; Commissioner Aubin;
Commissioner Stephens; Commissioner Thompson, Commissioner Parisi

APPROVAL OF MINUTES

A motion was made by Commissioner Thompson, seconded by Commissioner Aubin and carried to approve the minutes of the May 13, 2008 Plan Commission Meeting as presented with the following revisions: (1) within the eighth sentence in the fourth paragraph on page 7, replace the word "perimeters" with the word "parameters"; (2) within the first sentence in the first paragraph on page 9, replace the word "award" with the word "avoid"; and (3) within the: (a) second statement made by "Hallek", replace "porte cache" with "port cochere"; and (b) 11th paragraph (GREEN), insert the word "am" in the first sentence so that it reads "I am so glad you brought that up."

This matter was APPROVED

Aye: 6 - Commissioner Jacobs, Commissioner Dzierwa, Commissioner Aubin,
Commissioner Stephens, Commissioner Thompson and Commissioner Parisi

Nay: 0

NON-PUBLIC HEARINGS**2008-0036 Orland Park Orthopedics**

Chester Chlebek, Project Architect for the Site

TURLEY: Staff presentation made in accordance with the written Staff Report dated June 10, 2008, as presented.

STEPHENS: Invited comments and/or questions from the petitioner.

CHLEBEK: Stated that he did the layout and the front entrance vestibule design. Pointed out that they not only changed the appearance of the elevation of the west and north side of the building but added a lot of new improvements to the site. Noted that the major entrance to the entire development will be on the west side. Added a few additional islands with trees and small islands with improvement to the landscaping. This rendering does not show the very nice, existing tree and benches. We are trying to take care of the existing environment before we start with new ideas. We are providing buffers around the transformers and side entrance where the garbage area will be.

STEPHENS: Invited comments and/or questions from the Plan Commissioners.

DZIERWA: Indicated that yesterday he visited the site and spoke with the petitioner, Dr. Blair Rhode. Staff mentioned adding an extra island next to parking

spot #68. Dr. Rhode expressed a desire not to do that which I agree with. I think that is just an extra cost. Those curbs are all brand new it seems. Stated he took a number of pictures he indicated he would share with his fellow Plan Commissioners. I understand you say there is a great expanse there and you need to do something there. Maybe you (directing his comment to Mrs. Turley) are looking for an island to terminate the parking on that end.

TURLEY: Yes. Actually, the Site Plans that came with the Appearance Reviews did not show the pavement flaring out there. I don't know how it was built that way, however...

DZIERWA: If you want to dissuade people from parking there, you can just increase the lines on the handicap spot. Asked Mr. Chlebek if those handicap parking spots are going to disappear from there.

CHLEBEK: No, we cannot delete them. We moved them to the north side of the parking lot.

DZIERWA: They are not shown as handicap on the Site Plan.

CHLEBEK: Right, we moved them to the north side.

DZIERWA: So you will have the same number of handicap parking spaces, they have just been moved.

CHLEBEK: Yes.

DZIERWA: Then there is no reason for lines there to eliminate cars from parking there.

CHLEBEK: We propose to strip out the paint on the asphalt then relocate those handicap parking spaces.

DZIERWA: And Staff is looking for an island to end the parking there and Dr. Rhode was thinking that that is going to cost an awful lot of money and it is a shame to ruin all that curb by ripping it out. That is simply my opinion. Requested whoever is going to make the motion to please consider that.

CHLEBEK: Pointed out that the main entrance to the new development is going to be on the west side of the building.

DZIERWA: Asked Mr. Chlebek to please detail the Elevation Sheet to reflect the main entrance (the west elevation); the rear elevation (the east); the right elevation (south) and the left elevation (north).

CHLEBEK: Yes.

STEPHENS: The Site Plan needs to be re-marked appropriately.

CHLEBEK: Will do.

STEPHENS: Asked Staff to address the request for the sidewalk.

TURLEY: Stated a sidewalk was put in in front of the mosque and extends almost the entire way down to Orland Parkway. We feel this is a good opportunity to have the sidewalk extended.

DZIERWA: I explained that to Dr. Rhode yesterday that most developers when they come in, we require they put in the sidewalk. I agree with Staff in that regard. I do think the sidewalk should exist.

JACOBS: Asked what this building was used as previously.

CHLEBEK: A warehouse.

JACOBS: Is it the intention that one orthopedic group will operate the whole building?

CHLEBEK: Yes.

JACOBS: That is the Center for Sports Medicine?

CHLEBEK: Yes.

PARISI: Noted his observation that this is an orthopedic facility yet there are very few handicap spaces.

TURLEY: Maybe that is something to be looked at.

AUBIN: Does this meet code?

CHLEBEK: Yes.

THOMPSON: Indicated she and her husband visited this site on Sunday and noticed that for an Orthopedic center, it seemed lacking in handicap spaces especially given the fact that most of the people who go to an orthopedic facility are going to be handicapped. That is my concern.

AUBIN: No questions, thank you.

STEPHENS: Asked Staff how many handicap spaces are required.

CHLEBEK: One per 500 occupants.

TURLEY: According to the chart, the minimum requirement is four.

STEPHENS: Although this complies with the minimum requirement, suggested that Mr. Chlebek speak with the property owner.

TURLEY: The only issue that I can see is that they have met their parking numbers. If we start combining them, to be handicap spaces, it will impact their parking numbers.

STEPHENS: It might wind up being beneath their requirement?

TURLEY: Yes.

STEPHENS: Okay. I have no questions. Entertained a motion from the Plan Commissioners.

AUBIN: Moved to accept as findings of fact of this Plan Commission, the findings of fact set forth in the Staff Report dated June 10, 2008 and moved to recommend to the Village Board, approval of the Preliminary Site Plan entitled "Preliminary Site Plan 16450 S. 104th Avenue by CH Architects Limited" sheet number LO and L1, with the latest revision dated 4/28/08, subject to the following conditions: (1) that a Final Landscape Plan, meeting all Village Codes and previous Appearance Review approvals, is submitted for separate review and approval within 60 days of final engineering approval. Preservation of existing healthy trees is to be included. Deciduous trees are to be added in the planting islands. Actual plant selection and placement will be refined at the time of the Final Landscape Plan; (2) that all final engineering-related items are met; and (3) that a sidewalk is installed along 104th Avenue right-of-way to align with the Prayer Center sidewalk.

DZIERWA: Second.

AUBIN: Moved to recommend to the Village Board, approval of the Elevations entitled "Preliminary Site Plan 16450 S. 104th Avenue by CH Architects Limited" sheet number A9, with the latest revision dated 4/28/08 subject to the following conditions: (1) that new windows should match the existing windows as closely as possible in color and in window style; and (2) that building code requirements are met.

DZIERWA: Second.

This matter was RECOMMENDED FOR APPROVAL to the Development Services & Planning, due back on 6/23/2008

Aye: 6 - Commissioner Jacobs, Commissioner Dzierwa, Commissioner Aubin, Commissioner Stephens, Commissioner Thompson and Commissioner Parisi

Nay: 0

PUBLIC HEARINGS**2008-0271 Little Town Pizza**

Maria Linares, petitioner

Roberto Madera, Attorney for the petitioner, 6602 S. Pulaski, Chicago

TURLEY: Staff presentation made in accordance with the written Staff Report dated June 10, 2008, as presented.

AUBIN: Swore in Mr. Madera.

STEPHENS: Invited comments and/or questions from the petitioner.

MADERA: Pointed out that Mrs. Linares presently owns a beauty salon at 2722 West Cermak in Chicago. She has been a business owner for eight years. Her husband will primarily be operating the pizza restaurant. He has ten years of experience in the pizza business. These are entrepreneurs. They have been successful. They know how to run a successful business. It will have a minimal impact as they would be running only a carry-out business and the hours of operation will be Monday through Thursday from 10:00 a.m. until 11:00 p.m., Friday and Saturday, 10:00 a.m. until 12:00 a.m. and Sunday from 10:00 a.m. until 10:00 p.m. There is a three-year commitment on their lease. We ask the Board to approve their special use permit.

STEPHENS: Do they know that Jalapenos is right next door – a little competition from the Mexican restaurant there.

MADERA: They are aware.

STEPHENS: Invited comments and/or questions from the public.

AUBIN: Swore in Denise Polak.

POLAK, resides at 15820 S. 112th Court, one of the homes immediately behind this center. Stated that when the last pizza place was there, we had a constant problem with noise from the delivery cars that were parked behind the establishment, waiting for their next delivery. Stated that her husband had to go there on numerous occasions because the cars had the thumping radios with a lot of kids hanging out back there. If this is strictly and solely delivery, I foresee that becoming even more of a problem than it was in the past. I have a concern with noise. Sometimes it was so loud you could hear the noise when in the basement.

STEPHENS: Okay. That is a valid concern. That was a previous operator. We will ask them to come back up and address that.

MADERA: Stated they can prepare a corporate policy for any of the drivers in order to maintain minimal noise. Stated he can help the petitioner with a policy for employees in regard to noise concerns. Right now three full-time employees and two part-time employees are projected. Stated that obviously, if noise becomes a nuisance to the community, the Orland Police are the ones who would enforce any violations of excessive noise.

STEPHENS: Yes, however, that becomes a pain in the neck when you are living back there and say every Saturday night you have to keep calling the Police. I'm a little familiar with some of these pizza places around and unfortunately, the drivers will park in the back, crank up the radio, and you hear loud rhythm of the bass, while they wait for the next pizza to be ready for delivery. It can be a nuisance.

MADERA: I don't think that is a reason to deny these petitioners...

STEPHENS: I'm not saying we are going to deny them, however, maybe we need to make this a condition. Asked if the drivers have to sit in the back.

MADERA: I don't think so, however, there may be something with the actual owner of the plaza where they don't want them to use the customer parking spaces in the front. I can have my client incorporate a corporate policy for their employees so they can handle that and any complaints filed with the owner, they would address it with their employees.

STEPHENS: So you are on record that in that regard.

MADERA: Yes. That is what my recommendation would be to resolve any noises.

STEPHENS: So you will establish a policy with your client that will not allow their employees to create a noise disturbance.

MADERA: Okay.

STEPHENS: Invited comments and/or questions from the Plan Commissioners.

PARISI: Recommended the policy address noise levels between certain hours

THOMPSON: Agree that if the owners have a policy in place and they police their employees, I think everything will be fine.

AUBIN: Concurred with his fellow Plan Commissioners that this be suggested. Noted that Mrs. Polak always has the option of calling the police when there are problems.

DZIERWA: Asked Ms. Turley what she knows about the noise ordinance/nuisance.

TURLEY: There are certain decibel levels in the Village Code. However, I'm not entirely familiar with what that says.

DZIERWA: To Mrs. Polak, stated that ideally, they are going to be a good tenant and will keep their drivers in check and not play loud radios in the back. Calling the police is one way to do things. If they are cited, they get tickets, and the problem stops. It should start with the owner who should dictate to his drivers/personnel that this is not allowed. If they need to put a sign up back there so that if there is a noise disturbance, when the police arrive, they can point to the sign and say "here, look at the sign, here is your ticket". By enforcement it will stop. By working with petitioners and working with their drivers, it will stop. It may happen from time to time, however, I think we can curb it. Thank you. That is all I have.

JACOBS: Nothing to add, thank you.

STEPHENS: I think everything that needs to be said has been said. Entertained a motion from the Plan Commissioners.

PARISI: Moved to accept as findings of fact of this Plan Commission, the findings of fact set forth in the Staff Report dated June 10, 2008 and moved to recommend to the Village Board, approval of a Special Use Permit to operate a carry out restaurant at 15832 Wolf Road in the County West Plaza Shopping Center subject to the condition that the dumpster is located in the recessed area at the rear of the building.

THOMPSON: Second.

This matter was RECOMMENDED FOR APPROVAL to the Board of Trustees, due back on 6/16/2008

Aye: 6 - Commissioner Jacobs, Commissioner Dzierwa, Commissioner Aubin, Commissioner Stephens, Commissioner Thompson and Commissioner Parisi

Nay: 0

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

PITTOS: Staff presentation made in accordance with the written Staff Report dated June 10, 2008, as presented.

STEPHENS: Invited comments and/or questions from the public and received none.

STEPHENS: Invited comments and/or questions from the Plan Commissioners and received none.

STEPHENS: Entertained a motion from the Plan Commissioners.

JACOBS: Moved to accept as findings of fact of this Plan Commission, the findings of fact set forth in Staff's Report dated June 10, 2008, and moved to recommend to the Village Board of Trustees, approval of the proposed amendments to the 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.

THOMPSON: Second.

This matter was RECOMMENDED FOR APPROVAL to the Development Services & Planning, due back on 6/23/2008

Aye: 6 - Commissioner Jacobs, Commissioner Dzierwa, Commissioner Aubin, Commissioner Stephens, Commissioner Thompson and Commissioner Parisi

Nay: 0

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

PITTOS: Staff presentation made in accordance with the written Staff Report dated June 10, 2008, as presented.

STEPHENS: Invited comments and/or questions from the public.

AUBIN: Swore in Mr. Schoenbeck.

SCHOENBECK, Attorney with Sosin and Arnold, 11800 S. 75th Avenue, Palos Heights, here on behalf of the South Suburban Home Builders' Association: On behalf of the Home Builders', we have taken much time in reviewing the code revisions. We have commented throughout the process and have been working with the Planning Department and providing them feedback from our organization. There are numerous changes; some of which we have objected to, however, they are reasonable and we are agreeable to them. The only change that we find significantly objectionable and are here tonight to object to, is the park exaction section. The current code provides for a village ratio of seven acres per thousand people. As just discussed, that would go up to ten acres per thousand people whether it is through an incremental increase over a number of years or if it is

through a shorter period of time. In any event, that is an increase of 42% -- the amount of park exaction that is required. Stated that developers have a difficult enough time as it is in this market right now. Having such a substantial increase in the exactions is something we feel is unreasonable and a little over aggressive. This is Orland Park. Orland Park has a substantial amount of park space -- a lot of open space. If you look behind you, it is apparent. I grew up here. I know the area. Obviously, everyone here does. We feel this would be an unnecessary burden on the building community and is unnecessary in this location. Those are all of the comments that I have. Thank you.

AUBIN: Where did we come up with the ten?

PITTOS: That is a National Planning Standard.

STEPHENS: Is that a National Planning Standard by the American Planners' Association?

PITTOS: I believe so.

STEPHENS: That is their recommended standard.

PITTOS: Right.

AUBIN: So we have been lagging behind on that standard.

STEPHENS: This is a lofty ideal to shoot for. That does not mean we have to agree with that standard. That does not mean that it is set in stone.

STEPHENS: Invited comments and/or questions from the Plan Commissioners.

DZIERWA: Asked Mr. Pittos if he has any idea as far as what goes on in the communities around here as far as their park exaction is concerned?

PITTOS: I do not have that information.

DZIERWA: I was just curious. If we had something that was more local or even just regional. We are taking a national standard.

STEPHENS: A recommended national standard.

DZIERWA: If we could find out what goes on more locally -- even Northern Illinois if you want to use that as an example. I think it is a bit excessive to go to ten acres. We don't have much land left. We all know what is going on out west -- about what went on in the 1990's with the Annexation Agreement. That is probably going to be grandfathered in. Spring Creek. That is not going to go to ten acres. If we

change it now, they are going to be grandfathered in.

PITTOS: Actually, the Spring Creek agreement is not very detailed in terms of the actual amount of open space parkland.

DZIERWA: I know that is vague in itself, however, I'm sure they are going to come in and say that hey, you let me in at this particular time – I only want to do seven acres. There are a lot of homes that could go in there. There are a lot of residents that could go in there. I think what is happening in the Real Estate market now, this is just putting another burden on home builders. Are we trying to create a balance in our community or are we trying to meet a national, recommended standard.

PITTOS: I don't have the information in terms of what Oak Forest is doing or Tinley Park or whoever, however, I can say that the Parks Department here in Orland Park has been making the case that they are already short on the number of ball fields they have for people to play at. There is high competition for scheduling events and games.

DZIERWA: I'm very aware of that. I was on the Parks Commission for nine years. I know as you go east, there is a lot less parks and as you go west it seems as though they are more plentiful. I see the attempt here by the Village of Orland Park to try to balance something that does not need balancing. I think that if you were to keep that formula the way it is now, what areas we do have to build, we are going to have nicer and bigger parks in that area – there is no way to make the parks bigger out east. That has been all built out. I think that if you just leave it the same, those ball fields that the Parks Department and all the sports teams are looking for – they are all going to happen. They are going to happen with the formula that we have here. I think it is a bit excessive to go to the ten acres. That is just my opinion. I could be wrong. That is all I have. Thank you.

PITTOS: The requirement is not set in stone. We can increase to eight acres if we absolutely had to. It could go from seven acres to eight acres.

DZIERWA: Perhaps you could research what is going on in the area and get back to us with your findings.

PITTOS: That is fine.

JACOBS: Concurred with Commissioner Dzierwa that we should research the surrounding towns to see what they are doing. I am an advocate of open lands and are soon to be out of them and things that we can control. Until we have further review, I reserve my opinion. Thank you.

THOMPSON: Concurred with her fellow Plan Commissioners. I too would like to hear what our neighboring communities also do. Thank you.

PARISI: I don't particularly feel the need to conform to our surrounding communities. In fact, their standards are deficient, we don't need to be deficient. However, I do understand what some of the Plan Commissioners have said. It is a bit late in the development game here in Orland Park. We have acquired a lot of open lands. To review what everyone else around us is doing I suppose is good information to have. However, again, we do not need to conform to what might prove to be an inferior standard. Thank you.

AUBIN: My questions have been asked and answered. Thank you.

STEPHENS: It seems like what I am hearing from the Plan Commissioners is that maybe our standard of going up to ten acres may be excessive. I think at this time, I would agree that that is an excessive situation. In talking with Staff as well as doing some research on my own, it appears that we are light on the east side but on the west side of town we certainly have more than enough open space for park areas, etc. We don't have that much land left to be developed in the town. Most of the parcels other than the Spring Creek parcel, are all much smaller parcels. If we increase from seven to ten acres, we are going to put an unduly larger financial burden on these smaller developments that will then increase the cost of housing. I think the way the housing market is going at this point in time, I don't think we should do anything to increase the cost of housing within our community. I look at the high-priced homes that we have and question where the resale market or the values are going to be within five-to-ten years from now. In light of the fact that there is not that many more large parcels left and they are all in the west side, I disagree with increasing the park exaction to the ten acres. I am in favor of leaving it at the seven acres as it is. If in the future, Staff does some research as some of the Plan Commissioners talked about and we have more information as to what the surrounding communities around us have done or are doing, if in the future we have more information, we can re-visit this part of the code at another time in the future. At this point in time, we want to consider moving forward with these new codes but my recommendation is to leave the park exaction at the seven acres where it currently is.

STEPHENS: Entertained a motion from the Plan Commissioners.

AUBIN: Moved to accept as findings of fact of this Plan Commission, the findings of fact set forth in Staff's Report dated June 10, 2008, and moved to recommend to the Village Board of Trustees, approval of the proposed amendments to the Land Development Code Section 5-112 as written in the attached Exhibit "C" subject to the following instructions: (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; (2) that on the sixth line from the bottom of Subsection paragraph 5-112.E.3.a.2 'Terms', on page V-112-9, the amendment to change the word "will" to "may" is cancelled; (3) that on third line from the top of

Subsection paragraph 5-112.E.9.e.1 'Engineering Plan Review', on page V-112-15, the words "Development Services Department" be added after the word "Village"; (4) that on the third line from the top of Subsection paragraph 5-112-E.10.e 'Return of Funds', on page V-112-18, the words "pay over" are replaced with the word "release"; (5) that on the first line of Subsection paragraph E-112.F.3 'Resolution', on page V-112-21, the amendment is changed to read from "Public Works Department letter of acceptance" to "Village Manager's Office letter of acceptance"; (6) that Subsection paragraph V-112, H1 and 2 on page V-112-23, the amendment to change the words "ten" is cancelled.

DZIERWA: Second.

This matter was RECOMMENDED FOR APPROVAL to the Development Services & Planning, due back on 6/23/2008

Aye: 6 - Commissioner Jacobs, Commissioner Dzierwa, Commissioner Aubin, Commissioner Stephens, Commissioner Thompson and Commissioner Parisi

Nay: 0

OTHER BUSINESS

There was no other business to be discussed.

ADJOURNMENT

STEPHENS: There being no further business before the Plan Commissioners, the Chairman adjourned the meeting at 8:16 p.m.

Respectfully submitted,

Teri Dougherty
Recording Secretary