

VILLAGE OF ORLAND PARK

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



Meeting Minutes

Tuesday, September 8, 2009

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

The meeting was called to order by the Plan Commission's Chairman, Mr. Lou Stephens, at 7:00 p.m.

Present: 5 - Commissioner Dzierwa; Commissioner Aubin; Commissioner Stephens; Commissioner Thompson, Commissioner Parisi

Absent: 1 - Commissioner Jacobs

APPROVAL OF MINUTES

STEPHENS: Entertained a motion to approve the August 25, 2009 Plan Commission minutes as presented.

A motion was made by Commissioner Steve Dzierwa, seconded by Commissioner Paul Aubin, that this matter be APPROVED. The motion CARRIED by the following vote:

Aye: 5 - Commissioner Dzierwa, Commissioner Aubin, Commissioner Stephens, Commissioner Thompson and Commissioner Parisi

Nay: 0

Absent: 1 - Commissioner Jacobs

PUBLIC HEARINGS**2009-0344 Chick-fil-A**

FLOM: Staff presentation made in accordance with the written Staff Report dated September 9, 2009 as presented.

STEPHENS: Commissioner Stephens gave instruction to the audience on the procedures followed by the Plan Commission when hearing agenda items.

STEPHENS: Invited comments from the petitioners.

AUBIN: Swore in Scott Patman
5200 Buffington Road
Atlanta, Georgia 30349

Joe Vavrina
420 North Front Street
McHenry, IL 60050

PATMAN: Briefly I would like to mention a few things, then Mr. Vavrina will speak and we will be happy to answer any questions at that point. Thank you very much for the presentation. We have worked extensively with staff on this project and we just had a couple of things we had to work out on the end; one of them being the landscaping, and we are in agreement that we can provide those trees with the grates in the front of the store. The second was the menu board and what we are

looking at right now is eliminating that linear wall and putting something similar to the piers or the piles that we have at the one fence. One would be at the center of the canopy column and the other piers would be on the sides of the menu column. What we are trying to do is make it blend there with the building. As you can see our menu board canopy, if your not familiar with Chick-Fil-A that is normally a red cover but we are blending that area to match the building so it should blend really nicely there. As to the monument sign we are in agreement that we can rotate that sign over by the pergola. With those three comments we feel really good about the application. I would just like to say a couple things about Chick-Fil-A, we are not in Chicago yet, but we have been around since 1967. To step back a little further in 1946 Truett Cathy, our founder, opened his first restaurant with his brother and for about 21 years he ran that restaurant and in the last ten years or so he started to experiment with the chicken sandwich and in 1967 we like to say we are the home of the original chicken sandwich. He invented a chicken sandwich that is very unique in taste and flavor. That being said in 1967 we started our expansion in mall locations and we went along that course from 1967 to about 1983. At that point we realized we needed to go out into free standing locations so in 1983 we built our first free standing location. Now we have about approximately 1600 locations in 38 states. We have quite a few locations, and what we are most excited about in Atlanta is expansion into the Chicago land area. We have spent the last 6 or 7 years trying to find out when the best time would be and where the best locations would be to enter into the market. We have very qualified brokers with Mid-America that have spent a lot of time working with us. Our strategy coming in is to build a couple stores next year, and we are hoping Orland Park will be one of them and the other will be in Aurora. Jumping forward into 2011 and 2012 really jumping into the market, but we want to get presence in a couple locations and we realize that Orland Park is one of the best retail hubs in the Chicago market and we are very excited about coming here and the community. One of the things things to point out on the drive thru, we have spent a lot of time with Kim and looking at different options and trying to find out what options would fit into the codes so we wouldn't have to get a variance and we kept coming back to this site plan. We have been doing this site plan in a lot of retail centers across America, and we have found that it works very well operationally. We can really move the cars through there from a retail stand point. We average over 100 cars during the drive thru's peak hours, we know that with a ten car stack we can get most of those cars through there with out a problem outside of that stacking lane. We also know that with the main entrance facing the parking lot we create an atmosphere of a sit down restaurant. We are quick serve, and what we try to do, if you go into a Chick-Fil-A across the country we really try to go the second mile in a service initiative. In fact its most common to go into a Chick-Fil-A and have your tray carried to your table, have people clear your table, have people ask if we can come and refresh your beverage. The reason we bring that up is that we know for a second mile service stand point if the drive thru crosses the main entrance, that is not good for people getting in and out of the store whether it be elderly people or young moms with kids; imagine my wife with 3 young kids trying to get across that lane, we realize that its important that we

provide that second mile service for the customers. One of the other things is there is a magazine called QSR, it is a nationally known magazine. They do extensive surveys and from that they rank drive thru's and we have been ranked number 1 in 9 of the last 10 years in QSR Magazine and that is something we strive to do every year. Just a little bit about our operating model is that its unique in the fast food industry. In our situation the operator is a part owner with Chick-Fil-A inc., so they sign an agreement. It's like a franchise except they usually only have one location. Sometimes they have two but for the most part they have one location and what that provides is a situation is that we have great competent folks with great character in the restaurants and they are involved in the community and they are part of the community and they spend a lot of time in that community. I can't stand here today and promise you that they are going to be your best community activist but for the most part all of our Chick-Fil-A operators give back to the community because they know if they give back to the community those folks will come in. What we like to say about our operators is that they are in business for themselves but not by themselves. We have a lot of training, marketing, advertising and a lot of operational excellence stuff that we hope that at the end of the day they are an entrepreneur. At the end of the day they split the profits with us, it's a unique opportunity for them and for us because we know the model works. That operator agreement, not one word of it has changed in the past 42 years Truett has been working with these operators and its very unusual for an operator to shut down, the retention rate is about 98% for operators. Another appeal we like to talk about is that we are closed on Sunday, and we don't expect that to change anytime in the near future. When Truett first started this business he was open for 6 days 24 hours a day and he was just dead tired and he said, I have got to take a day off. He realized that everyone needs a day; the equipment needs a day off so it evolved into being able to honor God on Sunday or worship as you choose, and spend time with your family and employees can be guaranteed that on Sundays they are not going to have to work. I'll be happy to answer any questions about Chick-Fil-A in general or the site plan. We'll be happy to answer any questions that we need to.

STEPHENS: With no comments from the public, Commissioner Stephens turned to the Commissioners for questions and comments.

DZIERWA: I was surprised to hear that this was one of your first locations in Chicago land. If I wanted to see one of your buildings I'd have been driving around a long time. Can I point out on the plan that the street is labeled incorrectly? It's labeled 95th and its 156th Street. As far as pedestrian access, which is always a big thing for me, the connection that is supposed to happen is the connection between this development and Orland Park Place, which is not your problem. At some point there is going to be a pedestrian crossing connection that goes to the Kohl's property behind the TGIF Fridays. That was something that was promised to us a long time ago and that is not your fault. I see a fence on 156th street and there really isn't pedestrian access without people hopping the fence. I am thinking they will have to approach from the LaGrange road side of the building or

they will have to approach from the parking lot, which is normal. I noticed that according to your floor plan you have 122 seats. Is that correct? Mr. Sullivan or Mrs. Flom we need 1 parking space for every 3 seats, is that correct?

FLOM: The parking ratio is in the report under the parking section; they are meeting our code requirements exactly. The property next door exceeds code requirements. When the strip center came in, in 2006 they actually had another building on their southeast corner and they were approved with parking under code requirements. The idea was that this lot would accommodate that short fall of parking. Well the building on the southeast corner went away which allowed the strip center to expand their parking when they built their building and they are now over parked by about 15 stalls. They have 67 stalls and this has 66 so it gives them as a whole block with shared parking. They exceed the parking requirement.

DZIERWA: The reason I brought that up is again going back to the pedestrian access. Its kind of like you're at your own risk when parking in front of the restaurant, so I was just looking for some kind of delineation so when customers come from 95th or Lowes or Kohl's or from the east that if they are slightly over parked they could loose some parking spaces along the lanes, and I thought maybe just stripe those. But there would be 6 spaces if you took my idea, take it for what its worth. Do we still have that book in the office with the Community Development Awards that showed signage and monument signs? That might be something good for the petitioner to look at for designs for the brick work. There were some really good designs for subdivisions and Orland Crossing and I just think there might be ideas for something staff is looking for if they had that to look at as a reference. I think your elevations are wonderful, what you have done with the building, the clerestory windows, it's really interesting to look at on all four sides. Typically we get petitioners giving us two good sides and two blank sides and I appreciate something that is really nice to look at. As far as the dumpster being behind the pergola, whose idea was that?

PATMAN: Well it was to screen it.

DZIERWA: I like the idea of the pergola there, and its probably a good idea to screen the dumpster, but I looked at the pergola as an architectural feature and you can't see through it with the dumpster there. The feature is something you can enjoy and the dumpster is actually screening it, it's just my opinion. As far as Mr. Patman, I just have a couple of questions. As far as this restaurant, have you done something this ornate before or is this just kind of a standard.

PATMAN: This is more ornate than we have done before. What we have done in the past, this is similar to the footprint but all the architecture on the street side as well as the awnings is a little bit unique. But from a foot print, inside in the store, it is very similar to other locations we have done.

DZIERWA: As far as your drive thru goes I can see how it works and how it avoids

people crossing through it to get into the restaurant. Have you driven around the area to see how some of the other drive thru's work, for example say Portillo's at 159th and Harlem. I see cars stacked in their drive thru all the time and I think I don't want to go in there if its too crowded. Now that could be a good thing or not for some people. I just wondered if you'd see that.

PATMAN: I have not seen that particular Portillo's, but I am familiar with their concept. Theirs is similar to ours with one exception, their menu is much more extensive than our so we can have a speed of service that is much quicker than theirs. I am not discrediting Portillo's with the face to face ordering they do, we do some of that as well, especially during busy times. They are just extremely busy and at lunch time I don't know how they keep up with the varied menu that they have.

DZIERWA: They are a little bit lower so they are screened but you can still see the headlights. I think staff has a great idea with having extra landscaping there and I like the idea of the fence, if there was just a way a pedestrian could get onto your property...

PATMAN: I think we left an opening in the fence where Kim is pointing out (Mrs. Flom points to a section of fencing on the rendering). Right across there is an opening where the pedestrians can get out to the sidewalk.

DZIERWA: I see it now. Thank you.

PATMAN: Just to mention the architecture on the side of the street, this side here, I have to be honest we are fast food, quick service folks and we have had a dilemma for years on how to make the back side look better and your staff really helped us to push the envelope and try some things out. We have never entertained having clerestory windows in the kitchen and this is an opportunity where we are going to be able to try it out and we think it will be very successful. That is very unique and we have not done that before with additional daylight for the employees, it could be a good thing.

STEPHENS: I would like to make a comment. I think your rendering of the building is beautiful and staff has done a heck of a job working with you on that. What I have a real problem with is that I don't like that drive thru between the building and LaGrange Road. I have a real problem with that and I am not in favor of this what so ever. Everything else is fine, those are the only problems I have. I am in favor of the building the building works very well there. I think staff has done a great job trying to work with you. But I disagree with staff regarding the drive thru being in the front facing LaGrange and I would like to see you go back with staff to work out a better plan where we would not see the drive thru on LaGrange Road.

AUBIN: Thank you and congratulations. I am saying that because, thank you for choosing Orland Park, we are getting an opportunity to get a Chick-Fil-A during a

time with the business conditions what they are. Congratulations come in that you have 1500 stores and success in the time we're in and your still building. Something must be right, how you go about doing it, how you have dealt with our staff. From what I understand we have turned this thing around 770 degrees trying to fit in the building in the area. What I have heard from staff and what I have heard from you, it's not going to affect people LaGrange road. Also, as Kim mentioned, we have other companies with drive thru's - Walgreens and such have drive thru's that are between the building and the street. In the conditions that we have, Chick-Fil-A is an A-1 company and in my opinion it would be good for us. I would say this motion will be carried.

THOMPSON: I also concur with my fellow commissioners. My husband and I are very happy to see you as my husband used to service you and he has nothing but good things to say about your company. I like the plan and I agree with Commissioner Aubin. I think that the best thing that we can do with the drive thru and I can't think of another way to turn it and if the building is aesthetically pleasing, I agree with Commission Aubin.

PARISI: I also agree with Commissioner Aubin and Commissioner Thompson. As they mentioned its fast food quick service, we don't expect this beautiful of a building. I do appreciate that you have stayed with the architecture around there. I think with in the parameters of the property I think you have done the best that you can there. I am pleased that you have been so agreeable to work with staff to make any adjustments there. Also like the windows. I wish you a lot of luck.

PATMAN: I would like to make a comment. Its unusual comment in the fact that over half of our restaurants are free standing and we have been building since 1986 and there has only been one that was closed down. That was because the DOT took that for a road relocation and we built one right down the road and a part of that is that we work with the operator model, our operators are like family to us and most of them don't ever leave until retirement. That is a very exciting thing for me to stand up in front of a commission and say that because you guys don't want closed down restaurants and retail establishments in your city. Sure it's exciting for us, and we are buying the spot not leasing it and we are expecting to be in Orland Park for a very long time.

STEPHENS: Chair will entertainment a motion.

AUBIN: I move to accept as findings of fact of this Plan Commission the findings of fact set forth in this staff report, dated September 8, 2009,

and

I move to recommend to the Village Board approval of the site plan and building elevations for the Chick-Fil-A restaurant as shown on the following drawings,

Site plan titled 'Concept Plan - F', prepared by SEC Group, Inc., job number 090105, dated 08-19-09, sheet titled CON-F;

Building elevations titled 'Exterior Elevations', 'Refuse Enclosure', and 'Site Walls' prepared by E & H Architects, store number 2638, dated 07-08-09, sheets A2.1 and A3.5-A3.7;

And

Architectural rendering titled 'Chick-Fil-A, Menu Board Perspective', dated August 19, 2009, subject to the following conditions:

- 1) That the petitioner revise the landscape plan to provide more evergreen screening from the menu board and to provide a minimum of four canopy trees in grates along the parking lot/outdoor seating area, prior to the Committee Meeting.
- 2) That the petitioner revise the site plan to rotate the proposed monument sign so that it is either parallel or perpendicular to the proposed pergola feature, prior to the Committee Meeting.
- 3) That the petitioner provide detailed elevations of the menu board, height canopy, and pre-sell boards and work with staff to better design this area to integrate into the architecture of the building and contextual design of the site, prior to the Committee Meeting.
- 4) That all final engineering related items are met.

DZIERWA: Second.

And

AUBIN: I move to recommend to the Village Board approval of the Special Use Permit to allow for a drive through lane, subject to the same conditions as outlined in the site plan motion.

DZIERWA: Second.

and

AUBIN: I move to recommend to the Village Board approval of the variances to reduce the side yard setback along the south property from 15'-12' and to allow the drive through between the building and the street, subject to the same conditions as outlined in the site plan motion.

DZIERWA: Second.

A motion was made by Commissioner Aubin that in paragraph 4 of the motion sheet, where A2.1 is written twice, to strike the second A2.1.

DZIERWA: Second.

A motion was made by Commissioner Aubin, seconded by Commissioner Dzierwa, that this matter be RECOMMENDED FOR APPROVAL to the Development Services & Planning Committee, due back on 9/28/2009. The motion CARRIED by the following vote:

Aye: 4 - Commissioner Dzierwa, Commissioner Aubin, Commissioner Thompson and Commissioner Parisi

Nay: 1 - Commissioner Stephens

Absent: 1 - Commissioner Jacobs

2009-0364 Southmoor Commons Special Use Amendment and Annexation Agreement Amendment

STEPHENS: Chairman Stephens again explained what format is followed for the hearing. He then opened the Comments to Mr. Sullivan.

SULLIVAN: Staff presentation made in accordance with the written Staff Report dated September 9, 2009 as presented. He also stated that staff is willing to speak to anyone with questions and concerns regarding this petition as it goes forward to Committee or Board.

AUBIN: Swore in Andrew Goodman
GMX Development Group
3000 Dundee Road 408
Northbrook, IL 60062

SULLIVAN: I would also like to add that we did speak to the Homeowners Association regarding some maintenance issues on this site and we did forward those to Mr. Goodman and another gentleman by email. We let them know we would like to have these issues addressed. We have also notified our inspectors and the Village staff as well. These are issues related to the maintenance and not to the land development issues. We just wanted to assure the residents that the petitioners and inspectors have been made aware.

GOODMAN: Thank you Mr. Sullivan, Mrs. Flom, and Plan Commission members. I'd like to turn to the residents because I think 100% of them are signed in to talk about this topic. When we put this plan together we worked extensively with the Village staff to bring together interactive tenants, we had at the time the had the president of the Southmoor Homeowners Association, who I don't see here, I don't know if he is still with us or if he has relinquished his duties. We worked very closely with the neighbors first in an open public forum, frankly we didn't find that

very productive. We did get concerns from Mr Euanic and other representatives that put a list together list of concerns and we addressed those items one by one. Mr. Sullivan had forwarded to me a list of concerns that had progressed and were given to him. In the past 5 years we have worked with representatives as a group and right now I don't really know who I should be talking to. One additional point I'd like to make to the Plan Commissioners, having sat through the nicest Chick-Fil-A in the country and I happen to have been involved with (inaudible) developed around the country and especially in the down economic environment, and given the difficulty we have in our recent project not just in this Village but around the country the proposed amendment is wonderful just to pick up additional uses. And over here there have been problems before and in the 5 years since we have purchased the project, we have been approached by numerous users that would only consider the site with drive thrus. For example at one point we were actively involved with Caribou Coffee, but they would only consider our site with a drive thru. So we understand the need to regulate the uses and that we back up to a very exclusive neighborhood, which we actually worked with in the past to add a lot of upgrades, such as; the wrought iron fencing and we have added stone piers and upgraded landscaping and such. We would respectfully request some reconsideration on the drive thru. We have no issue with the pets, no issue with car wash, or other uses that would be deemed obnoxious uses. I just sat through the presentation itself a very architecturally integrated Chic-Fil-A with a drive thru that seemed work just fine, at least in my opinion, in that site with a lot of extensive work and I would just be remiss if I didn't say anything here tonight and to see you for go that opportunity. Thank you and I stand here to answer any questions that come up tonight. Thank you for your time.

STEPHENS: The petition that we are discussing is just to amend the Southmoor Special use ordinance that governs the Southmoor commercial area. We are going to call on the public and we would like to hear issues related to what the petition is. Please if somebody has already asked the same kind of question in regards to traffic or anything else, in hopes to keep the time limits down we ask you not to ask the same question two or three times.

AUBIN: Swore in Peg Tufo, 9513 Callan Drive, Orland Park, IL 60462

TUFO: I am a member of the board of directors at Southmoor and as Bob did mention we did meet for almost an hour and a half last week, to discuss our situation at Southmoor Commons. First of all we would like to just say up front that we have traffic problems just from the High School being there and that adds a lot to the matter and any sort of a drive thru if we should get to it. Right off the bat, on behalf of the board of directors we would like to say that we do not support consideration now or in the future for adding any sort of a drive thru to that strip mall.

STEPHENS: Is the problem trying to get out or get in?

TUFO: Both ways.

STEPHENS: Is that because of the commercial that feeds out to your main roadway?

TUFO: Mr. Goodman actually addresses that, I do have a copy of that 2006 agreement that the association made with V Land and GMX. A variety of matters included in that agreement have not been addressed and its been a few years. One of them was to add at the developers cost traffic signs that would say no stopping or parking on Southmoor Drive. The important thing there is that the High School lets out and all the cars fill both sides of Southmoor Drive with standing cars. You have kids running across the busy street to get into these cars, that is one. Two the number six parking lot that they put up to north of Aldi apparently has to do with building six that is not built. That parking lot is apparently unadministered. This morning there were 21 Sandburg students parking there. At three o'clock I stood there today and there was two or three kids running across LaGrange Road per car. Say 120 kids running across LaGrange Road to get into their cars. Adding a drive thru to this congestion would just be a tremendous traffic situation.

STEPHENS: Ms. Tufo, have you shared these comments with staff?

TUFO: Yes.

STEPHENS: So have they already taken measures to try and correct that?

SULLIVAN: Peg and I talked and we are going to go to the Traffic advisory board and police committee and they can get the signs paid for or get an ordinance passed if necessary to address that, so we will go to that group.

STEPHENS: Do we have any control over the parking?

SULLIVAN: The management of the site really has to address who parks in their parking lot. We are going to have to....

TUFO: Unfortunately before our gates were installed we had a tremendous amount of Sandburg students parking in the subdivision and when we put the gates in it curtailed it somewhat. We do engage the services of a towing company and unfortunately one unlucky student per year gets the \$175.00 tow, and after that word seems to get out.

STEPHENS: Aren't your gates always open?

TUFO: No.

STEPHENS: I actually drove through there to look at some townhouses a couple

of weeks back and the gates were open.

TUFO: Well at that time they sometimes are working on the motor or they are broken, but they are not supposed to be open.

STEPHENS: Ok.

TUFO: And we will get your license number too. The good thing is the turn into Southmoor Commons is a very sharp turn; we have islands filled with landscaping. Another issue we have is the commercial trucks. The agreement was that commercial trucks were to come in and out from 131st street only and we have commercial trucks coming in off LaGrange Road tearing up the curbs and tearing up the landscaping. We have asked for assistance with that most recently, I think, this spring. I personally have walked into Aldi and asked them about the trucks and they say no one has ever told them they can not go in and out LaGrange Road. So we have some communication breakdowns and obviously some matters to get together. We also have the impassable streets with weeds. The landscaping was supposed to be installed to specs and it was, but the trees are dying and the plants are dying. Its actually very nice landscaping but its not watered. We do have a lot of weeds on the walking path that goes from Aldi to the homeowners and it is impassable. It goes through 2 lots that have piles of dirt and it's my understanding that they have to level dirt after 4 years, that is what our annexation agreement says.

STEPHENS: Mr. Sullivan is that what is in the annexation agreement?

SULLIVAN: Yes, that is in theirs. The area from the sidewalk to the residential area is blocked.

TUFO: We also think there should be more stop signs within the strip mall. There are no stop signs between Chase and Aldi and they don't, and there are people walking. We are very concerned about Sandburg Students using the parking and running across LaGrange Road. We are very concerned about the parking and standing people, the kids just run and its just really dangerous. We just don't think there should be any consideration for a drive thru.

STEPHENS: Ms. Tufo, let me just go over this, what your comments were that you wanted to address. One was a drive thru, two parking lots being used by the kids, and commercial trucks should only come in off 131st.

TUFO: That was actually part of an agreement in 2006.

STEPHENS: I remember that. I was on the commission at that time. Also the dirt pile on the commercial area and more stop signs in the commercial area. Does that about cover it?

TUFO: Oh the sewers shrouds are still there and are covered with junk and beer cans.

STEPHENS: In the commercial area?

TUFO: Yes

STEPHENS: Ok. Have you had a meeting with the petitioner? I know you had a meeting with staff.

TUFO: Not recently. We have sent emails.

STEPHENS: Have they been answered?

TUFO: That they'd be taken care of.

STEPHENS: Does that about cover it?

TUFO: Yes.

STEPHENS: That you very much. Sir please come up to be sworn in.

AUBIN: Swore in Tom Brogan
13345 Lahinch Drive
Orland Park, IL 60462

BROGAN: Before any decisions are made I think the people, my neighbors, don't know any of the details of what is being raised by the Planning Commission. Before you make any decisions I would like to be informed on what the changes on zoning would be. That hasn't been discussed.

STEPHENS: I believe it has been discussed but we will ask staff to reiterate it.

BROGAN: If it's just drive thru....

STEPHENS: Well what the comment was is that our staff has had conversations with the homeowners association and they agreed to exclude restaurant drive thrus early on.

BROGAN: What I want to know....

STEPHENS: What will be prohibited is; animal hospitals, pound shelters and overnight animal boarding, any additional drive in service windows, vehicle repair, car washes. All theses items will be excluded from the permitted uses in this area.

BROGAN: What are we allowing? What are we changing?

STEPHENS: Its section 6-207, BIZ General Business District.

BROGAN: We need to see that, my neighbors and I.

STEPHENS: I'll give you a copy.

SULLIVAN: The Homeowners Association officers have it.

BROGAN: This came as an issue, maybe in the paper. I was not aware that there was.... Really what I want to know is what is happening and I don't know that so far.

STEPHENS: (Gave Mr. Brogan a copy of Section 6-207 and showed him again the list of what is not being allowed.)

TUFO: All this information was provided to all Southmoor homeowners, it's called an annexation agreement dated February 2003. Everyone that was an original homeowner was given it by Pulte, which is where I found it and read through it. We were all notified of this when we first bought.

BROGAN: Not of the change.

TUFO: Notified that there was an agreement made with the Village and Pulte and the Homeowners Association of what would be allow there. The big difference here is that the original agreement listed what was allowed and to make things simpler now they just want to indicate what is not allowed. What is being excluded?

STEPHENS: Will there be a change to the Code?

SULLIVAN: Mr. Chairman if I could answer that one. I think the confusion is that there is already a BIZ district existing in our zoning districts. In most of the smaller commercial districts in the Village have BIZ zoning. That is what most people have and is what we use on a day to day basis. It's unusual for a commercial area to have its own list of uses, like Southmoor Commons did, because it's an agreement. It's just very unusual. So all the businesses going, or basically doing the same thing everyone else does in the Village, in the small zoning of the BIZ district. Like I said earlier there will be two more meetings and we will be happy to explain things or if you go on the Villages website. The BIZ zoning district is in there and you can just call if you have trouble finding it. But it's nothing new or unusual, it's an existing code.

BROGAN: This sounds like it's done.

STEPHENS: No sir it's not done. We are hearing this for the first time this

evening, then it goes to a committee that meets in two weeks, and then it has to go to the Board for final approval, which will be a month from today. Planning Commission is nothing more than a recommending body we don't make decisions, the Board does.

SULLIVAN: I am a staff member, my name is Bob Sullivan and I am the Planning Director.

BROGAN: I will read this. It does seem that our Village employee does think this is something that should be done; he seems to have already agreed. I think that's early.

STEPHENS: He makes a recommendation from staff to us. We can either follow it or not. They are simply making a recommendation, but I don't see anything wrong with the recommendation that they are making.

BROGAN: And you are the Planning Commission?

STEPHENS: The Planning Commission who makes recommendations to the Village Board.

BROGAN: It seems to me that you....

STEPHENS: We are not paid, we are not elected we are residents just like you. I have lived here for 32 years. I come up here of my own free will and give up my time for free. We are just like you, we live in this town.

BROGAN: What I think is that this recommendation is close to being accepted, and I'd like you to slow down.

STEPHENS: Any more comments from the audience?

AUBIN: Swore in Patricia Mullen
9528 Tramore court
Orland Park, IL 60462

MULLEN: My confusion was when I received a letter. I called the staff and asked what is the difference of what is currently being approved and what is requested to be approved? And the current approval is 3719 exhibit D, which is 2 pages and the proposed 6-207 BIZ is 5 or more pages and what we are concerned with I think is the different businesses that would be allowed. I think that would take a lot of reading to determine what would be the pros and the cons. Now if they say from all of these we are going to restrict 5, will that be from the perpetuity or is that just for the current....

STEPHENS: If we make a recommendation and pass it, it goes to committee

and they pass it and its goes to Village Board and they pass it, it can not be changed unless you come back again.

MULLEN: So that is the one thing we have to understand, and it is quite a long list. Its not just a couple different ones. The other thing is that when we had an agreement 3 years ago I don't feel the builder lived up to his part of the agreement. Sure they did to the letter but not to the spirit of what was going on. We have had a lot of concerns about the lights coming on. I live right across from where the driveway is and my bedroom window and my neighbor's bedroom window have had the lights shining in for the last 3 years. We have been planting trees out of our own pocket as well as pestering the landscape committee to get some protection from these lights, because the bank is there and people are going through the ATM all night long so that is a problem. The second thing is that the driveway has lights like airport lights; it's a runway straight across from my bedroom and my neighbor's bedroom. They keep saying they are going to dim the lights and they never do and I don't know that you can because they may be security lights. The other thing Peg was mentioning was no watering and these lots are not being maintained. There are huge boulders, rocks, and weeds. And the other thing is there was one lot that was never designated as to what was going to go in it, and that is the lot nearest to us. It was always said that there is going to be a rendering but we never saw it.

STEPHENS: Let me stop you for a minute. This not a petition for what is going on in the neighborhood or what is already going on in the commercial area. That has already been discussed with Mr. Sullivan and I think he has passed it on to the committees that handle that. This is strictly a petition as to, are we going to allow the zoning change. We do not have the authority to address the comments about the lot that you're talking about or the landscaping or those kinds of things that is not our charge. But I believe a lot of these comments have been brought forward to Mr. Sullivan and will be dealt with.

MULLEN: Well I don't know that.

STEPHENS: He made the statement earlier that he has passed this information along to the staff and committees, I don't know if you heard him. I can ask him to restate it.

MULLEN: No, he doesn't have to. I believe him and I believe you. The point is we are concerned that we are going to give up more when we didn't get what we were promised the first time.

STEPHENS: I understand that.

MULLEN: Thank you.

SULLIVAN: The bright light part we didn't have that before and we will add that.

Just so you know the zoning district it is longer and does list more because it addresses more like lot coverage, height, lot setbacks. So the zoning district is different - this is a list of agreement. The list in the annexation agreement is simply a list of uses in an agreement. The zoning district is more of a regulatory chapter of the land development code that regulates a lot more things, different types of things, and is more comprehensive. So by nature it's going to be longer and it regulates a lot more things and is not just a list of uses.

MULLEN: The only other comment I would have is that when we do have a problem we don't know who to contact. If there are kids running through and parking in the lot, I have gone to Aldi and they pay no attention. If there is no supervision of that property we don't know who to address our concerns to.

STEPHENS: Good question. Mr. Sullivan?

SULLIVAN: We have a gentleman here, Mr. Goodman from GMX. I would assume you are the one to contact.

STEPHENS: We are going to call Mr. Goodman up to address a lot of these questions. But in the mean time, Mr. Sullivan who would we contact?

SULLIVAN: That would be Mr. Goodman or V Land.

STEPHENS: And if they do nothing about it?

SULLIVAN: Then they can come to us and we will help them try to contact them.

STEPHENS: Community Development and you'd take it from there?

SULLIVAN: Yes. We would ask you to go through your homeowners association so that its coordinated and we do not receive 30 calls on the same thing. We just ask you to go through them.

STEPHENS: I would like to ask Mr. Goodman to come to address some of the homeowners concerns. Parking in the lots by the kids.

GOODMAN: I'd like to take a step back in general before we talk specifically about the issues. I received the list last week for the first time in email. So Ms. Tufo you said you have reached out to people in the past but this is the first time I have seen anything.

TUFO: (stated that she has emails that have been sent in the past)

GOODMAN: I like to see them because this is the first time I have received anything from anyone resembling your email address.

TUFO: (states it comes from the property manager, Melissa Brooks PSI)

STEPHENS: Would you like to write that down.

GOODMAN: Yes.

STEPHENS: Wouldn't it make sense for you to meet with their property manager to address these issues?

GOODMAN: Absolutely. I'd be happy to do it, sir.

STEPHENS: Let me just go down the list maybe some of these you can answer and some you can't.

GOODMAN: I'll do my best.

STEPHENS: Ok. Well what about the kids parking in the parking lots during school.

GOODMAN: First and foremost with respect to the High School. I know some High Schools have a closed campus policy. Is this a closed campus?

TUFO: Yes it is.

GOODMAN: Ok. So is this happening before school, after school?

TUFO: Before and after they park there.

GOODMAN: We do enjoy doing business in the Village of Orland Park; I just want to say that for the record. That said I'm sure there is something we can do with a parking program, which maybe towing which would mean if people are parking there but not using the services in your shopping center. We could probably set up a towing service with that regard. What we can't do is monitor the kids running across LaGrange with the 60,000 cars going down it a day. I would respectfully ask the Village to coordinate that with the High School.

STEPHENS: In regards to the parking maybe we could put up signs in the parking area that say Sandburg High School students are not permitted to park here or something like that. Mr. Sullivan, is there anything he can do, like to sign an agreement with the Village Police so that kids that are parking there would be ticketed.

SULLIVAN: Absolutely.

STEPHENS: Maybe you'd like to forward something like that so there would be signs and cooperation with the Village of Orland Park so the people who come

into your commercial area have places to park other than where the kids have taken up their spaces.

GOODMAN: We'll be happy to look into that type of a program.

STEPHENS: Commercial trucks. I was on the plan commission when we approved this whole community and there was one of the conditions at that time of the approval that the commercial trucks should be coming in off 131st street and not the main entrance off LaGrange road.

GOODMAN: We agree.

STEPHENS: So you need to put up signs again. Put up signs along that area, or put it in your leases so that they are aware they have to come in off 131st street.

GOODMAN: To that, we received the email from Mr. Sullivan last week and we have already contacted the real estate director at Aldi and communicated that with him. It happens to be a new director since we received approval for the project from the board. He has since spoken to the stores staff. We are aware of that provision. Aldi owns their own pad. Maybe if I could take a step back.

STEPHENS: Is there a agreement with the association with that complex?

GOODMAN: Yes there is a governing document that is recorded with the property and all subsequent owners.

STEPHENS: That document must probably spell in there that commercial trucks must enter and exit on 131st street.

GOODMAN: I believe the conditions are there. I stood with the representative of Aldi's so I am sure they are aware of that.

STEPHENS: Hopefully then they will resolve that. So the problem will still be the other businesses there that they also have to use 131st street.

GOODMAN: That is correct, but I believe the primary culprit is Aldi.

STEPHENS: Alright. The question came up about signs. The developer is supposed to put up signs that can not be parking or standing on Southmoor Drive. Don't you have to put up those signs? I am asking this for the public record.

GOODMAN: Yes. We need to work out a sign program with the Village that will be acceptable.

STEPHENS: You also have a lot with a dirt pile is there a problem with that? If you have an agreement that says that after 4 years you have to remove a dirt pile

then you have to do it.

GOODMAN: I am not aware of that. Is that a general requirement?

SULLIVAN: No. It's in the Annexation Agreement.

STEPHENS: I realize it's expensive to remove a dirt pile and then put it back, but maybe if you talk to Mrs. Tufo and the Association you could work out something favorable to both of you.

GOODMAN: That is a fair request. I will leave my business card here on the table for Mrs. Tufo.

STEPHENS: The comment was more stop signs in the commercial area. Is that a possibility?

GOODMAN: Sure it's a possibility. There is a certain point when the signs become counter productive so it has to be a plan that would be for the whole development and would have to be mutually acceptable.

STEPHENS: I think there is some way you can work that out with the police department to give them permission to help with that. Sewer shrouds?

MULLEN: I think there is landscape material that keeps debris from falling in.

STEPHENS: If they haven't taken them out yet, is there still a letter of credit on file with the subdivision?

SULLIVAN: I don't know off hand.

STEPHENS: If a letter of credit is still on file with the Village for subdivision improvements these improvements don't get completed until the Village accepts them. If the letter of credit is still on file and they do nothing about it the Village can draw on that letter of credit for remaining work. The way Mrs. Mullen spoke about the lighting going into her bedroom, there are codes as to how much lighting they can have coming out there. Can you check that Mr. Sullivan.

SULLIVAN: We will.

STEPHENS: If that lighting is in compliance with the Village code there isn't much we can do about it, unless they can put some kind of shrouds over it so it kind of deflects it so it stays in the parking lot. Which is a possibility. Mr. Sullivan would you follow through on that.

SULLIVAN: Yes.

GOODMAN: If I can go back to the fabric filters comment.

STEPHENS: Of course you can.

GOODMAN: There are rules the Illinois EPA for example, when a site is opened up that filter fabric is required so the debris doesn't enter into the sewer system. When the site is complete and can be driven over, if you will, that is the typical point that we remove that filter fabric. So I am not sure where that is.

STEPHENS: Are you just involved in the commercial area?

GOODMAN: Yes.

STEPHENS: Well I would assume that within that commercial area and the development is not completed and if the fabric is still up you don't have an obligation yet at this point to clear that up because it does stop debris from falling into the sewers. So I think on that point I would agree with you.

GOODMAN: If I may just add more additional point, because there is some confusion in amongst our owners within the subdivision itself. The three lots that are currently front LaGrange are all owned by different groups. We put the development together and we put some deals together and we ended up (Inaudible). In a lot of developments of this nature you sell off individual lots, in the case of the lot north of Chase bank and to the north of the strip center, we don't own those lots. I drove by them today before the hearing, obviously with the heightened concern in email by Mr. Sullivan and in preparation for this meeting I did see some pretty good (inaudible) on those lots. There is an owner here in Palos that I did make aware that he needs to get his lots cleaned up. And I have forwarded his personal contact information to Mr. Sullivan, if it is deemed he needs to be contacted.

STEPHENS: I don't think that was part of it.

GOODMAN: I heard a comment about debris and I just wanted to clear that up.

STEPHENS: Ok. We have pretty much covered that. Mr. Sullivan if you would follow through and Mr. Goodman if you'd contact the management company with the association and maybe work out some of these things we could all move on.

GOODMAN: Ok.

STEPHENS: Mrs. Mullen you have something further?

MULLEN: The stores that are already furnished, already in place. The new stores that are facing 131st street, there seems to be no uniformity on what they put on their windows or their signage. It's just a mismatch. I am just thinking we as

homeowners have to keep uniformity, white or off white facing out the street on our homes. It might be nice if they had uniformity there.

STEPHENS: I think that is a matter that's..... Mr. Sullivan can you address that?

SULLIVAN: Sure. The way the Villages code reads for signs, you can pretty much do as you want in windows, as long as they don't flash. Your free to put clearance or what ever, you can't do that outside, but you can in your window.

STEPHENS: Are you talking about the signs over the tops.

MULLENS: There are signs over the tops but I think it's a nail place that has some very strange window curtains or something in there and then the restaurant to the south of that, the Big Tuna, and it has something strange in the window. It doesn't bother me because I am not facing that, but it is a bad reflection on Orland Park, it's a Gateway to Orland Park and you go, wow look at this mess.

STEPHENS: I don't think we have control of that. That would be controlled by the developer or the owner of the shopping center. The site does comply with the Village codes, so if they want to do something that doesn't threaten Village Codes they can go ahead and do it. Mr. Brogan, do you have something more you wanted to say?

BROGAN: The current usage list numbers 42 offers, other uses as approved by the Village, so the petitioner would always be able to come in and ask for uses, the way it is now. If we go to the general Business district we open it up to a wide amount of uses. We already have something that is useful....

STEPHENS: No we are opening up in the motion that we are with what's allowed in the BIZ district with the exception of the items that I have already reiterated twice. I will say it again. What will not be allowed will be; animal hospitals, pound shelters and overnight animal boarding, any additional drive in service windows, vehicle repair, car washes.

BROGAN: What is wrong with leaving what we have....

STEPHENS: We are getting into a debate and we are not going to debate.

BROGAN: I am offering a suggestion you don't have to work on it just leave it like it is. There is a provision to make changes.

STEPHENS: I guess we don't have anymore comments all have been spoken. Commissioner Dzierwa do you have any comments?

DZIERWA: First of all does everybody understand that this is part of the land development code right now? It is law, its what we follow. It's very very extensive.

To clear up another matter, please correct me if I'm wrong Mr. Sullivan, these are permitted uses that were just picked out of there and used as examples. We also said we did not want kennels and dog pounds and all the rest of that stuff, just to make it a little more desirable to live there. So I think a lot of you people might not understand that and I have always been respectful, and I kept my mouth shut while everyone else was talking and I let you speak. This is code right now. We are not changing anything we are not voting on anything in here, we are making a recommendation. You will have two more instances to come in and plead your case at committee and then at Village Board. As far as a lot of what your talking about, we are technically supposed to list to them, but they have been heard. Staff listens to them and passes them on the police or inspectors. If Sandburg kids are parking there call the Village there. They have a hotline 403-2277 where you can call to find out where your child's car has been towed. My kid's car had been towed out of the Jewel parking lot when they went to Sandburg so I know what that's like. You guys have recourse, call the management company, and if they don't do anything you can call us. A lot of things you are upset about, that you don't like they are not our charge, we are residents too, there is a lot that goes on in our lives that we don't like, we want to listen to you but we can only do so much our hands are tied. All I can say if you are diligent and call the Village and the Homeowners Association you'll be able to get a lot done.

AUBIN: I don't have a whole lot to say here. But when you do your homework, as our staff has done here, you will see that in the BIZ district there are setbacks and codes and landscaping like that. This agreement that you have on this one page and at the end it says and other uses as approved by the Village. As Mr. Sullivan said earlier, in the BIZ District, that sentence isn't there. Now even in the motion tonight there is going to be additional things that could not be there. As to the other things discussed tonight, Mr. Dzierwa is right we have no charge there. It sounds like to me, A- you have to talk to people about dirt cars and other things and if those people don't react, and then you go further. Tonight we are going to recommend to the Village board this change of taking that area that is in your area and putting it in this district code which is in your favor. They won't add anything that is ugly, we think this is right. There are three trustees that are going to sit down and go over this again and if they think this is right they are going to recommend it to the Village Board. Then it becomes the rule, law. Tonight I think if you look into this you'll see it's really restrictive and it's in your favor.

PARISI: First of all the purpose of this petition here tonight is for permitted uses and we talked about parking and traffic. Obviously it's got some momentum but it's really not our charge. But as an 8 year member of the traffic advisory board that is really where you should go. Your problems on your public streets and in maybe doing that I'd caution you that putting too many stop signs, you'll actually find out that people actually accelerate between stop signs to make up for the time. I understand that you originally expected an upscale shopping center but the conditions have changed so you are getting something probably different than what you originally thought you were. But what we are trying to do here like

Commissioner Aubin said very well is that we are trying to really regulate this.

SULLIVAN: Could I make one quick comment?

STEPHENS: Ok, sure Mr. Sullivan.

SULLIVAN: It seems like it's a little bit confused here. The Business zoning district is currently the district for Southmoor Commons that is what is on here now. What's changing is the permitted uses, your agreement is only permitted uses The business zoning district is a little bit different in its permitted uses. It is zoned that now. The Southmoor district is zoned that now. Just what is being changed is not the zoning but permitted uses in the zoning district. You now go to your agreement and we suggest you go back to the zoning district. So I apologize if that wasn't clear enough.

STEPHENS: Thank you Mr. Sullivan. I may differ from my fellow commissioners in that I think that when there is a change like this, that there is a good thing that the people come out to listen to what is going on here. And I really take the time here to listen to your questions and I hope that this will create some sort of spirit of cooperation with the developer. So with that I personally have no problem listening to all the comments that you've made. I think they are good for the community. We do listen. Hopefully Mr. Goodman has heard our point and we'll ask Mr. Sullivan will stay on top of this so something can be done. But again like the rest of the commissioners pointed out this really isn't our charge, our charge is to listen to what the petition is and determine whether or not to recommend it. Again I wish more people would come out and listen to what is going on in their own neighborhood, like you people did. So I really do thank you for coming in and voicing your opinions. I agree with my commissioners that this is probably a good thing what we're doing. We do have concerns from the Association and we're going to limit the kind of uses you don't want to be there and we are going to make this recommendation to pass this forward so it limits the things you don't want there that are permitted in other areas with this district. I will now ask for a motion.

PARISI: I move to accept as findings of fact of this Plan Commission the findings of fact set forth in this staff report, dated September 8, 2009,

and

I move to amend Southmoor Special Use Ordinance # 3719 approved in 2002 and the associated Annexation Agreement that govern the Southmoor Commons commercial area to delete the current land use restrictions and replace with uses and special uses allowed in the BIZ Business District, with the exception of the following uses that will be prohibited: animal hospitals, pound shelters and overnight animal boarding; any additional drive in service windows, vehicle repair, car washes.

THOMPSON: Second.

STEPHENS: Informed Mr. Brogan that if he wished to follow up with this matter, it will go before the Committee on the 4th Monday of the month.

A motion was made by Commissioner Steve Dzierwa, seconded by Commissioner Paul Aubin, that this matter be RECOMMENDED FOR APPROVAL to the Development Services & Planning Committee, due back on 9/28/2009. The motion CARRIED by the following vote:

Aye: 5 - Commissioner Dzierwa, Commissioner Aubin, Commissioner Stephens, Commissioner Thompson and Commissioner Parisi

Nay: 0

Absent: 1 - Commissioner Jacobs

2009-0396 Land Development Code Amendment - Lot Coverage

STEPHENS: Entertained a motion for continuance.

I move to continue the public hearing for file number 2009-0396, Land Development Code Amendment - Lot Coverage, to the September 22, 2009 Plan Commission.

A motion was made by Commissioner Parisi, seconded by Commissioner Dzierwa, that this matter be CONTINUED to the Plan Commission, due back on 9/22/2009. The motion CARRIED by the following vote:

Aye: 5 - Commissioner Dzierwa, Commissioner Aubin, Commissioner Stephens, Commissioner Thompson and Commissioner Parisi

Nay: 0

Absent: 1 - Commissioner Jacobs

OTHER BUSINESS

No other business was discussed.

ADJOURNMENT

There being no further business before the Plan Commission for discussion, the Chairman adjourned the meeting at 9:03 p.m.

Respectfully submitted,

Linda White
Recording Secretary