

# VILLAGE OF ORLAND PARK

*14700 Ravinia Avenue  
Orland Park, IL 60462  
[www.orland-park.il.us](http://www.orland-park.il.us)*



## **Meeting Minutes**

**Tuesday, October 13, 2009**

**7:00 PM**

**Village Hall**

## **Plan Commission**

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

**CALL TO ORDER/ROLL CALL**

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

**Present:** 5 - Commissioner Jacobs; Commissioner Dzierwa; Commissioner Aubin; Commissioner Thompson, Commissioner Parisi

**Absent:** 1 - Commissioner Stephens

**APPROVAL OF MINUTES**

The September 8, 2009 minutes were approved with the following corrections.

Page 5 – under Dzierwa's 1st paragraph, line 13, change "clear story" to clerestory

- under Dzierwa's 2nd paragraph, line 2, change "a" to at

Page 6 – 1st paragraph, line 4, change ... "in there its too"... to ,,in there if its too...

- Under the 3rd Paragraph of Patman, line 5, change "clear story" to clerestory

Page 7 - Under the 1st paragraph, line 6, change ... "effect people LaGrange"... to ... affect people on LaGrange...

Page 9 - 2nd paragraph under motion, change motioner to Paul Aubin and 2nd to Steve Dzierwa.

Page 10 –Under Stephens, Line 3, change ... "like to issues"... to like to hear issues

- Under Tufo, line 5, change mater to matter.

Page 11 – Under the 3rd Tufo paragraph, line 2, change "to" to of

Page 12 – Under 1st paragraph – Tufo, line 8, change "their" to they

- Under 1st paragraph – Tufo, line 11, change " specks" to specs

Page 14 - Under Tufo's 2nd paragraph, line 3, strike the word "no"

Page 19 - Under the 2nd Goodman paragraph, line 4, change "form" to from

Page 21 – Under Goodman's 2nd paragraph, line 9, change ... "owner here is"... to ...owner here in...

- Under the 3rd paragraph of Stevens strike the word "what"

- Under the 1st paragraph of Mullen, line 1, change "store" to stores.

Page 23 – Under the 1st paragraph, line 6, change " They have a hotline 403-2277,..." to They have a hotline, 403-2277, where you can find out where your child's car has been towed,...

- Under Aubin, line 8, change "dirt cars" to dirt, cars.

Page 25 - Under the motion change motion made by Dzierwa to Parisi and from 2nd by Aubin to Thompson.

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

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

**Nay:** 0

**Abstain:** 1 - Commissioner Jacobs

**Absent:** 1 - Commissioner Stephens

## APPROVAL OF MINUTES

AUBIN: Entertained a motion to continue the September 22, 2009 minutes.

**A motion was made by Commissioner Steve Dzierwa, seconded by Commissioner Patricia Thompson, that this matter be CONTINUED to the Plan Commission, due back on 10/27/2009. The motion CARRIED by the following vote:**

**Aye:** 5 - Commissioner Jacobs, Commissioner Dzierwa, Commissioner Aubin, Commissioner Thompson and Commissioner Parisi

**Nay:** 0

**Absent:** 1 - Commissioner Stephens

## PUBLIC HEARINGS

### 2009-0437 Meijer ORL

TURLEY: Staff presentation made in accordance with the written Staff Report dated October 13, 2009 as presented.

DZIERWA: Swore in:

John Heidt, SSOE Architects & Engineers, 1050 Wilshire Dr, Ste 260, Troy, Michigan, 48084

Darren Gort, Rockford Construction Co., 5540 Glenwood Hills Parkway, Grand Rapids, Michigan, 49509

HEIDT: It was a very well put together presentation, which outlined the proposal in a very detailed method. A couple of items just to point out. There is a request to retain the existing ornamental trees set in the front foundation and to add 3 more trees in the bed on the south side, where the pharmacy drive up is proposed, and we might request consideration that maybe that those do not go in or do not remain in place. MEIJER has found tree plantings like that in front of their store to be a bit of a maintenance issue over time in terms of rubbing on the building, causing deterioration of paint or surface, that sort of thing. It creates a problem with maintenance, the roots sometimes can be problematic for foundation systems, so we would like consideration, to maybe not have to retain those two trees on the north side and add three others on the south side. We are, as Ms Turley pointed out, putting an extensive amount of landscaping in those areas, so we are landscaping and dressing those up, so that would be one request. And the island plantings, the request for some additional trees, we understand the request for those and just ask if that to be considered that the building sits quite a distance from any of the main roadways. We are just concerned with loss of additional

visibility of the facility from other areas. Other than that, I think it was a well put together presentation which outlines our request. I'll be happy to answer any questions also.

AUBIN: I have a question. Would you be willing to work with staff on both of those issues?

HEIDT: Definitely.

AUBIN: The trees and the shrubbery in the islands?

HEIDT: Absolutely.

AUBIN: Ms Turley, do you agree?

TURLEY: Yes.

AUBIN: If the motioner tonight would take that into consideration when the motion is made. If you could make that adjustment for the petitioner to work with staff in regards to those two issues.

AUBIN: Invited the public to speak to the petition.

DZIERWA: Swore in: Patrick Turner, 2 N LaSalle Ste 1800, Chicago, IL, 60602

TURNER: First of all I would like to thank Jane; she has been very helpful up to this time, in providing us copies of site plans, staff reports, agenda for this evening, and elevations and such, so she has been very helpful up till now. I am an attorney with a small firm in the city called Maurides Foley & Tabangay, L.L.C., and I happen to be a good friend with one of the surrounding property owners. I think for purposes of my discussion with the commission, Jane could we go back to the photograph of the detention pond and the fencing? There is actually another one that shows some of the homes across the street. It gives a pretty good indication of the change in grade. So again I'll express some of our concerns, and when I say myself I am speaking strictly for Mr. Zervos, who owns the home in the right side of that photo right there. There are other property owners here that Mr. Zervos are also here that can testify if need be about some of the other concerns that we have. Some of the big concerns are, number 1 you can see the change in grade, so we have a site line issue that is kind of difficult to alleviate and some of the things we have asked for are, some trees that are going to further screen the trash compactors, because we are going to have trash compactors on the left side of this photograph. You can see how close some of the homes are.

AUBIN: May I read the third sentence to you in the picture, evergreen trees to screen to screen the compactors.

TURNER: I understand that, that was actually done at our request and Jane was kind enough with the petitioners to do that. And we appreciate that, but we still have some other concerns.

AUBIN: I just want to make sure that one was taken care of.

TURNER: Absolutely. We do appreciate that and that is one of the first things that Jane sent back to me was the revised site plan showing those evergreens, I think 15 foot on center, I don't know how many there are there, but that is a wonderful first step. But what we have, one of our biggest concerns is, first of all, with the fencing. It's a dilapidated fence, and I know the staff report has indicated that it was going to be repaired where needed. Well what we have on just the other side of that telephone pole, about in the middle of that photograph is 157th street. It T's into the fence and what has occurred routinely when Value City was open and even after that was that people would come and pull the slats down off the fence so they could go to the various commercial establishments around this area. So once MEIJER is in there we are going to have a huge problem because it was on if not a weekly basis, a daily basis on some of the spring and summer days where pedestrians would come and pull the fence down. I mean it's an old enough fence where you don't even need a hammer you can take these slats of wood and literally pull that off. And they would pull off several of them so that they could go through the fence. The other thing is that the height of the fence, as you can see, especially because of the grade, we have what we believe is going to be an easy fix along Sayer Avenue. And this is just Mr. Zervos, and he's got one of the new homes here, if I'm not mistaken, and again the grade, you can see two of his windows are looking right down. Granted we are going to have some evergreen screening, we are going to have trash compactors though. And on the other side of the building here are their delivery docks. So what we are asking this commission to consider is, number one, a reasonable restriction on delivery and trash pick up hours. We are asking for a new fence along Sayre Avenue that will accommodate our concerns, safety concerns, screening concerns, other concerns. That will avoid having these problems with having pedestrians pulling the fence down and getting through and we are going to have to live with the other nuisances that we consider the lighting that is going to come through. The noise that they certainly are going to have to deal with, I mean, especially with this grade. There is not much screening can do with noise. And we are going to have trash compactors literally outside of Mr. Zervos and some of these other folks' homes. When I hear trash compactors, I am assuming that these are motorized machines that are going to compact this trash, and lets face it, Meijer's, everyone loves a Meijer's and everyone is excited, but having this empty big box filled is going to be good for the Village, but on the other hand this is a much more intense use commercially than a Value City. At Value City all they had was boxes, I am thinking and they could dispose of the boxes, but we are going to have wet garbage, we are going to have rodent issues, we are going to have noise, we are going to have smell. So I think what we are asking for are reasonable measures that should be imposed with the delivery restrictions to reasonable hours, trash

pick up; reasonable hours, certainly the new fencing that will alleviate our concerns, and I think that the landscaping that is proposed in addition to the fencing will go along way to appease some of these folks and again I am speaking strictly for, I have done a study for Mr. Zervos. I would invite these folks to come up and elaborate on anything I have missed, because the Commission doesn't want to hear anything repeated. Once again I appreciate the Commission's time and I hope you will consider our reasonable requests to address our concerns.

AUBIN: Thank you and we will do that right now. The one concern that you have in regards to the fence, where we have citizens removing the planks and that kind of thing. My question would be, and what we are going to require the petitioner to do is to put that fence back into working order. If indeed what they are going to do is going to prevent what you have described in the future, so....

TURNER: The height of the fence is another big issue.

AUBIN: Well the height of the fence is going to be there (if MEIJER comes in) or not, its going to stay the same.

TURNER: Well, I think a new higher fence. It can be repaired, anything can be repaired, but what we are asking for as a reasonable fix to a major problem is a more secure and a higher fence.

AUBIN: Ok. That is a request and we are going to take that into consideration right now. For the petitioner, Ms. Turley in her report, part of the condition of moving forward is to put the fence back into repair and operating condition. You are going to do that. And the way they are going to do that, Ms. Turley, is satisfactory to staff? As far as the condition it's going to be in when they are done fixing it, as far as the security of letting pedestrians pulling planks away and go in there?

TURLEY: It has to meet the Village's maintenance codes for items such as that.

AUBIN: What they are proposing to do to that fence is well with in our maintenance codes?

TURLEY: Right.

AUBIN: Ok, thank you. They're within code and part of the responsibility of this Commission is to make sure that they are within code, not go any further than that.

TURNER: Also, correct me if I am wrong, I don't know if this is under the purview of this board but if you look at the standards of the special use, and that maybe under the next step with the ZBA, but some of the Special Use standards are that the special use will be consistent with the community character of the immediate

parcel core development. So we have an issue with that, because we think that in a perfect world the trash compactors would be located around a different corner, than adjacent to the residential area. This could not be in a worse spot for these folks, especially Mr. Zervos. He is going to have trash compactors out his side of his house. One of the other standards and I think that this is something this commission does consider is; that the proposed that the proposed use will not have an adverse affect on the value of adjacent properties. When for instance Mr. Zervos lists his home for sale say 5 years from years now, and there is a showing and it just happens to be when the compactors are going and wind is blowing and there is a smell in the air, I think that these are legitimate requests for an easy fix to a major problem. That imposing, that this Village is going to consider this request to, and let's face it the Village wants it, everyone wants it. But I think that a new fence is going to go along way to alleviate a lot of problems, and a higher fence and a more secure fence. Trust me when this fence is repaired and unless they bolt them down with titanium bolts these slats are going to be pulled off and we don't know how it's going to be maintained and when repairs will be made. My client will testify that he has gotten up and nailed these slats back in.

AUBIN: We have a commitment from the petitioner that the fence is going to be put back into working order. It's committed to.

TURNER: I understand, but what I am hearing is that this commission will not impose this reasonable restriction in a new fence.

AUBIN: This Commission doesn't have the authority to impose anything. All we are taking is a petition and making sure it is to code, and once we determine that it's to code it will go onto Committee. Once it goes to Committee, the Committee then passes it on to the Board.

TURNER: But this plan (Commission) can certainly hear reasonable requests?

AUBIN: We could recommend, we can't impose....

TURNER: That is what we'd like you to do is to recommend to the Committee members.

AUBIN: Understood.

TURNER: I appreciate your time ladies and gentleman, and thank you. Thanks for your time.

HEIDT: Mr. Chairman, Can I address some of those concerns?

AUBIN: I'd be happy for you to do that for sure.

HEIDT: First off regarding the fencing, I do have some photos I'd like to enter into

the record if I could. Which indicate the fence is in much better repair than what was previously stated. There are some areas that need to be replaced, some slats that need to be replaced and we are willing to make sure that we meet the maintenance requirements of the Village, including using screws where necessary to adhere the slats as it may be that they won't be as easily pulled up. Would it ok to approach the Chair and give you some photos?

AUBIN: Sure, if you have pictures to give to the commissioners, we can enter that as an exhibit for sure.

HEIDT: (inaudible) the petitioner's property which shows the 3 houses that front this property and it gives you an idea of what you actually see from the MEIJER property. It gives you a little better idea of what you see from the MEIJER property, the photo that is being held over here (refers to photo held by Commissioner Dzierwa), which is Mr. Zervos' house, I believe was mentioned. He mentioned about a couple of the windows that front right on the back of the MEIJER store and the trash compactors. The two windows you see on the rear of that home actually face south; we are to the west of that site. There is a small half round window that does face the property directly. But from that house prospective those two windows actually face south, away from the property. I want to address some concerns about the trash compactors. The compactors are in enclosed compactors into enclosed containers. Any subsequent odors are all contained within the unit and with in the containers themselves. The containers are typically swapped out every 7-10 days when full. They will be done so in a daytime setting rather than in the evening when it might disturb some people. The compactor noise question that was raised, the compactors are only 73-76 decibels. They do not run continuously they only run when they achieve a full status. To give you an idea of what 73 to 76 decibels is like; a couple of people holding a normal conversation would be about 60-70 decibel range, a telephone dial tone is about 80 decibels, someone playing a piano is about 60-70 decibels, a lawnmower approximately 3 feet away from you would be 107 decibels, and a motorcycle with a stock muffler system would be about 100 decibels. So that gives you a little bit of an idea that these are really quite quiet and they don't run continuously. I think that is quite important. The pine trees were moved close to the compactor locations to provide better screening for the surrounding properties. The closer you have a screening element to the object you are trying to screen the much more effective the method is. If you place those trees on the property line they would be much less representation for screening, for that. In terms of lighting and any nuisances from that, there is currently no pole lighting in the rear of this store and there will be none added. The only lighting that will be on the rear of this store will be for any exits that maybe required. You are required to provide emergency lighting at exits in case of emergency, so that would be the only lighting that would be on the rear of the store. Just down lighting it would be shielded per ordinance requirements. In terms of values of properties and this potentially hurting the value of properties; you currently have a situation where you have a site that is obviously not being used and in fact the premises to the north of

this is currently not being used right now and I think that over time we have all learned that its better to have a good use of a building to help to maintain and enhance the values of the surrounding properties rather than having buildings that are empty and becoming dilapidated. So I really think its obvious will actually enhance the neighborhood and the surrounding properties. I think I have addressed most of those concerns so if there is anything else let me know.

AUBIN: Thank you. We appreciate it. Ladies and gentleman hopefully Mr. Heidt has answered some of the questions in regards to your needs or concerns.

DZIERWA: Swore in: Efsthios Zervos, 6959 W 157th Street, Tinley Park, Il

ZERVOS: A couple comments I have, both traffic from pedestrian and trucks. We have sort of a secluded neighborhood just off of Oak Park Avenue that currently is accessible just through Oak Park Avenue. And what we have on multiple occasions, people using the addresses for the businesses, we are talking about big trucks, we are talking about cars, or anything else that are coming up and down Oak Park Avenue using their GPS and trying to get through our neighborhood and it's a huge problem. At this point there is just one way in and one way out and that is Oak Park Avenue. I think that is going to be a major issue we have several kids in the neighborhood and from a safety concern I am not really sure that we have addressed that. Maybe some signage at Oak Park Avenue, a little bit higher, a little bit more visible. Currently we have a 2x2 sign that says no outlet; I don't think that is sufficient because we continue to have both truck and pedestrian traffic. Meijer's inherently being a grocery store I am assuming that the delivery versus what we had become accustom with Value City. You have fresh produce that is going to be delivered daily, you have fresh dairy that is going to be delivered daily, and you have fresh milk. So I don't necessarily know that from a delivery stand point, if it's even comparable. When we talked about noise, we talked about the noise from the compactor that is not even remotely close to noise that we are going to get from the trucks delivering at all hours of the morning. It's very loud, and I am not really sure that comparing it to a lawn mower that you are 3 feet away from is really fair. Windows, one on the points that was addressed there is that those windows are facing to the south. I completely agree. This picture right here depicts a photo from the property toward my house. I can see the windows, which leads me to believe that if you were in the window you could certainly see the property. So saying that it's facing the south, that's kind of silly. Also at the end of the fence, first off if that fence is in working order... and I don't want to be redundant and waist anybody's time.

AUBIN: Thank you.

ZERVOS: Is because Mr. Zervos weekly is nailing up slats, screwing them in, trying to keep them in good working condition, because somebody is going to get hurt there. One of the kids is absolutely going to be trying to cut through there and get hurt.

AUBIN: What will be nice to know is that you won't have to do that anymore.

ZERVOS: I am a little suspect that, that is going to happen.

AUBIN: Its part of the condition for these people to move on.

ZERVOS: I understand, but it's never happened. Different levels of fencing are another issue. This picture doesn't really depict it but if you were to go to the end of that property line there, there is a gap of about 15" between one fence and the other. And that is another accessible place for people to squeeze through. Right at the end of this, you really can't see it in the photo.

PARISI: To the north?

ZERVOS: Yes, it's right at the end of this. Right about there. So clearly that fence is in a different spot. The other issue is who is actually going to be policing that area? I mean right now I am assuming this is Orland's jurisdiction, right at that fence, is that correct?

AUBIN: Anything that is within the confines of Orland Park, is our jurisdiction, yes.

ZERVOS: Well I have been in that home for 7 years; I was just up the block 9 years prior to that. I have never seen an Orland Park official anywhere near the neighborhood.

ZERVOS: The point I am trying to make is that this is Orland Park and we are coming to you, and we are not asking for anything major, we are asking to be a good neighbor.

AUBIN: Thank you sir, for you comments. If there is no one else who wants to speak or comment I am going to get the Commissioner opinions on this and whether or not it meets code. Which is our job. Excuse me, we have another resident.

DZIERWA: Swore in: Dennis Malloney, 6958 157th Street.

MALLONEY: My house is directly to the north of Mr. Zervos. Definitely the fence is in major disrepair especially by my house, which that is kind of on the lot of Orland Park, but that is a different property owner, I believe. But because the back of our house faces Bramblewood, which is a big section in Oak Forest a lot of people cut through our yard to access the stores in Orland, so there has been definitely a lot of people that have used our yard as a short cut and have access through the fence. Which is a concern for me and my wife for safety.

AUBIN: Thank you, so noted. Mr. Parisi, may I hear from you sir.

PARISI: It's safe to assume that all those homes, I thought correctly those are all Oak Forest, correct?

AUDIENCE: No, it's Tinley.

PARISI: It's Tinley, ok. I just wanted to know if it's in the Village or not basically. Unincorporated Tinley. Bremen Township, unincorporated. That is just a point of information for me. I sympathize with the fact that people traveling through the neighborhood with their GPS and everything, but quite frankly when you built your house, you have commercially zoned property to your west, you have industrial property to your north, and you have commercial property to your south. I mean that's not an issue that's a result of this particular commercial development that's something that's been there and is always going to be there. If indeed you do have those types of trespassing problems that is more of a police issue, as far as people trespassing on your property and going through your neighborhood. Whether you agree with that or not that is a fact. As far as the fencing, you know they have met with our Plan commission they have agreed to make the necessary repairs, they have agreed to fix that gap, I am just wondering, I don't know that a higher fence would necessarily solve a problem of people trying to take out slats. I understand, I have a similar situation. They have planted a number of trees to try and shelter a little bit more than what you have right now between your home and the retention pond and the building, other than that obviously each individual homeowner can do additional things, put shrubbery on the back of their property. I take the petitioner at their word that they are going to repair that fence and maintain that fence and fill the gap like they just told us they would. Just on the project itself, quite frankly, I am thrilled to death to see Meijer's go in there. Just as a consumer, my wife and I have gone to a number of them in different areas. I'll tell you we could have a lot worse neighbors, every store I've ever been to they do a really nice job. And I think if you look at those photos as I have and what is there now to look at and what there is going to be to look at, I am very happy about it. I'm happy that they are going to the steps of putting in many additional tree islands to increase the impervious area. I think that is going to really enhance that property. I don't have any problems with the stacking in that drive thru, there has been a study, a KLOA traffic study and I tend to agree with them. And I think removing those additional parking spaces there and putting a walkway is another aesthetically pleasing thing you're doing. The loading docks were something that was brought up. I thought those loading docks that they had there were a terrible eyesore and a mess, I am really happy to see that the area is going to be cleaned up. That loading dock is going to be improved, something that is going to be more pleasing to the eye, I know we are going to have 7' tall evergreens, simply a tall compactor with the taller evergreens going to be shielding it right up to the evergreen as opposed to from a distance, because I think that makes more sense, because if it was at a distance a higher elevation, it wouldn't help putting trees at the lot line. That was done precisely for the neighboring homes. All in all I think it's a really nice improvement. I like to see the trees stay in front of the store

actually. A couple of the things I was concerned about, I think the appearance is going to be 1,000 times nicer than we see right now. I think it's a good use of the property, its going to increase the tax base. It's probably the highest and best use of that property, but I think those trees provide a little screening from what other wise what might be a bland façade in the front of the building. Thank you that is all I have to say.

JACOBS: Thank you. What are your delivery hours? Times of delivery? What time of day does the product get delivered?

GORT: It varies, to be honestly with you. Generally produce, dairy is in the morning more and general merchandise is more of an afternoon delivery. So it generally, the trucks get parked there and then they get unloaded. So it could be sitting there for a couple of hours.

JACOBS: But they will be unloading in those docks, right?

GORT: Yes.

JACOBS: Those are on the end of the building?

GORT: Yes.

JACOBS: So it could be early in the morning and then not so early in the morning.

GORT: Yes, I'd say anywhere from 6am till 2pm. And that is kind of a guess at this point because this is a fairly new atmosphere where it is not open 24 hours a day.

JACOBS: Do you have a local distribution center or does it come from everywhere?

HEIDT: It's not local; we do not have a local distribution center that serves this area. We should have the majority of the deliveries are by MEIJER drivers so they do know their way in and out of the facility. We get some other deliveries from pop vendors and bread vendors that sort of thing. But the majority of their deliveries are from MEIJER vendors. They do not have a distribution center in this area.

JACOBS: So we are thinking 6 to 2. How about the hours of compacting, is there a typical time of day or night that that happens?

HEIDT: The compactors only run, and they run automatically once they get full. There is a chute in the compactor itself that can take a lot of material, once it gets to a certain amount of material in there is an automatic switch that kicks the compacter on so that it pushes the material, compacts it and pushes it into the enclosed dumpster. You shouldn't get any of that in overnight hours because the building is not being used for that type of activity. The reason there is two

compactors one is a regular trash compactor, one is for cardboard. For recycling purposed. There is no consistent time, it's just once its full it will then compact and has about a few minute operation and that's it.

JACOBS: But it doesn't usually happen at night?

HEIDT: No because the store is planned to be open at night.

JACOBS: What are the hours?

HEIDT: Planned hours, right now, are 6:00am to Midnight.

JACOBS: For the store.

HEIDT: Correct.

JACOBS: Those loading docks currently have a fence around them.

HEIDT: We are removing that fence.

JACOBS: Are you going to re-fence the area or not?

HEIDT: No. It's not required.

JACOBS: You mentioned that you are going to repair the service drive. Is that going to be repaved completely?

HEIDT: Well, it depends, we haven't done a full evaluation yet, but any areas that are deteriorated will either be repaired or replaced, yes. It's not suitable for our use either so, it needs to look nice too and be functional.

THOMPSON: I can sympathize with the residents that live back there. My one question is that you said your unincorporated Bremen Township. Has anyone notified Bremen Township about the people running through your area, breaking the fence or have you notified the Cook County Sherriff's police, because I believe they (have jurisdiction)...

THOMPSON: My other concern about that fence is that no matter what you put there they are going to find a way to get through that fence. You put a chain link they are going to bend the bottom and crawl underneath. If they put one of those high end vinyl fences they are going to do the same thing that they are doing to the fence that exists. So, somewhere you need somebody to patrol the area. If you need to get the police to be there more, I think you need to contact your township, they do that. They can request the county police patrol your area more. Let me go on. That is my suggestion to you. And I do sympathize with you the fence does look bad, I can see it does need repair and I appreciate Mr. Zervos taking the time

and his energy to repair that fence. Hopefully we can deal with the issue. My other concern is the compactor. Mrs. Turley, maybe you can answer the question, but why can't that have a brick wall around it? Not all the way up but around the compactors that would kind of buffer some the sound. The same with the dock areas where they are taking the chain link fence down, why can't a wall be put up there? If you know where Stein Mart is in the back, they have done that and it helps with the buffering of the sound.

TURLEY: I think it's probably best to address that to the petitioner. I mean that is one way of dealing with it. We haven't required it up to this point.

HEIDT: I can address those two items separately. The compactors, the problem is we attempted to put in a screen fence up around the compactors. The problem is the orientation that is required for the compactors. They have to be on a slight skew, they need to be on that slight skew so that the material can be pushed into the compactor then into the enclosed dumpster. They can not be at a 90 degree fashion. Actually we have spoken with the compactor company attempting to get them at a 90 degree fashion so we could do that. We can't. Those containers get swapped out so you have to be able to back a truck up in order to remove the container and put a new container in place. Any fence to try to screen those would block off the entire rear access drive. (Goes to the screen to point out the area for the commissioners) these are the two compactors and you can see that they are on a slight skew right now.

THOMPSON: Right.

HEIDT: We tried to extend fencing out like this to hide to hide these compactors in a 90 degree fashion like this, and in doing so it reduces.... If we try to screen these 2 compactors with a fence, as you could see the fence would extend way out and pinch off this rear drive to almost no use. These compactors are not able to be in a 90 degree pattern so that is why we added the pine trees in order to screen those. In fact our proposal would be rather than putting a wall along here, we'd rather extend the Pine trees a little further to also screen the loading dock, rather than putting a wall along here. I think that would make more sense and would be more consistent with the screening that is being proposed is back there.

THOMPSON: Ok, I understand what you are saying about the compactors, but where the loading dock is to the east area there you couldn't put a wall that....

HEIDT: We certainly could. My suggestion is though, that since we are already providing evergreen screening for the compactors maybe we could just extend that evergreen screening to protect that.

THOMPSON: I would rather see you do a wall that would buffer the sound of some of the trucks, because the trucks are going to be there more than you are going to be using the compactors.

HEIDT: That is true.

THOMPSON: So I think that would deaden some of the sound, but I don't know for sure I am not an engineer. But I have seen it done before in some of the stores in the area and I think it would aesthetically pleasing to the neighbors. So I would like you to consider that.

HEIDT: Ok, we will take that into consideration.

THOMPSON: I also have another concern, and it's where your pharmacy is and I noticed you have two stop signs and then to the south end there is a landscape island and people could around the back of your building and around. There isn't a stop there, and I know you're not going to get a lot of traffic, but it can only happen one time. Somebody is going to come around there and not stop and somebody is going to pull out of the pharmacy and crash.

HEIDT: This is the pharmacy driveway. I am not sure where your concern is.

THOMPSON: To the right, right there (refers to rendering), there is no stop in that area.

HEIDT: There will be a stop sign here (refers to rendering). For traffic that is coming this way.

THOMPSON: Our drawing only indicated 2 stops signs, one with the island coming in from the parking lot where the arrow comes in, and they turn blind here.

HEIDT: You're talking about at the crosswalk for the new crosswalk that is being brought in? We can place a stop there also.

THOMPSON: I would appreciate that because you know somebody is going to come flying around the corner and....

HEIDT: That is a good idea. Plus you have pedestrians crossing there, that's a good idea.

THOMPSON: I also think you're a major asset to that area, if you clean up that parking lot. It's just a major concrete slab out there and it looks horrible. I like your building, it looks good. So if we could work on the fence, the wall where the dock is, I think that is a major concern, and that stop sign. And I welcome you to Orland Park.

DZIERWA: Thank you. My fellow commissioners have brought up a lot that I was going to say. I apologize if I do repeat anything. First of all, compactors, my personal preference are compactors. They may make noise, but they are cleaner

they are much more efficient. You don't have a dumpster area behind the building that is unkempt with a fence and a brick wall around it where rodents can hide. Compactors are nice neat and clean. Yeah they make noise. Looking at the sight plan, just taking a guess by using the scale on the sight plan, the outer most edge on the southern most compactor is approximately 200 feet from Mr. Zervos' house. I am just guesstimating. That is an awful long way. To me that would be ambient noise if I lived there, and believe me we live in Orland Park. We come out and see what goes on back by you. We were all out there. I've been out there 3 times. I've been out there before for other projects. I have actually picked up a couple of my friends who have cut through that fence, when I have given them a ride to work. So I know that that's an issue and it something you don't like and I wouldn't like it either. Those are your neighbors that are cutting through that fence. Whether they're kids, whether they're your neighbors, they are people that live in your neighborhood. If they park there, they are not supposed to park there, like my fellow commissioner said that is policing issue. I feel bad you have to call Cook County or Bremen or whatever and you can't get a Tinley cop there right away because (not being incorporated they) usually municipality cops respond much more quickly. We can't deal with policing issues. If the fence is unkempt you basically have to get after who ever is occupied there now to fix it. Nobody is occupied there now. These people here are coming in to rebuild that fence, fix it anyway they can to make it suitable for business. The minute MEIJER doesn't keep up that fence, we have people that go around and check for code violations. Violations of fences that are basically falling apart can be reported to the Village. Because they are our tenant, they belong to us, you can call our Village and say Meijer's fence is falling down, would you have somebody please fix it. If you don't get help from say a manager, for instance. That would be what I would do. As far as the loading issues, a loading dock, maybe a screening, yeah, that could possibly work but I think that would be very difficult for truck to maneuver around there. I'd prefer to see the space open, but if I or somebody else does make a motion and they want to put in there to work with staff that would be adequate. As far as delivery times are concerned, Mr. Heidt, if the store closes at midnight, I would think that restocking would be going on after midnight, there would be employees there. So basically, it's safe to say if you're going to restock the store you don't want to do it while people are shopping, there are going to be conditions, and I have seen it before – I am not going to say it's actually going to happen, but people maybe unloading trucks to restock the store. I would think that as a courtesy to the neighbors that there would be some internal memo done by MEIJER to limit that, I don't know that we require it; I am just making a suggestion. I have a few other things. The fact that MEIJER has 189 stores; it's a relatively small operation for somebody that has a pretty good reputation. I have personally been in Meijer's stores, I have never ever seen a store, a MEIJER that I have walked into, that I didn't like. That is just my own personal opinion. I am thinking that when I first heard about this in the newspaper, we usually hear about it a bit before that, but I didn't hear it until it went into the newspaper and I thought geez, this is a really good tenant, this is a really good fit for this spot. The fact that the store is a little bit smaller than their prototype stores I think is even better for us

because, they are not adding a garden center, which means they'd require more space, and the fact that they might even be using some of that space around the back would be even more of a burden on the residents for what they'd have to look at. I am excited about the fact that MEIJER is coming in and cleaning up all the precast concrete and they're going to paint it, because the back is in awful shape, I mean its really bad. That rusted stairway, on the northern end in the back, I hope that goes too. I think the residents concerns are valid; I appreciate that fact that they came out, because nobody comes to these meetings, but I have seen this time and time again, the people that what's going on in your back yard you are concerned about, you should be. But I am telling you these items can be worked out. We can come to some reasonable solution. If I lived, say where Mr. Zervos was, my own personal opinion, and not because I like MEIJER, is I'd deal with it. Bless you for fixing that fence, you fix it because you care, you don't have to. Orland isn't requiring you to. Tinley is not requiring you to. You do it because you want to, you do it for the safety of the kids in the neighborhood, and I think that's great. The fact that you are all out here and you actually brought somebody to represent you, that was your personal preference, but I don't think it was necessary. But if you haven't spoken before boards like this before, you might be a little apprehensive. But the fact that we have a good fit here, I am real confident about what could happen here, I think they're going the extra mile by adding the landscape islands, it gives direction to the parking lot. Can I ask you one more question Mr. Heidt? Are you removing that parking in the back of the building, because it's not showing on the site plan but they are designated spaces now?

HEIDT: Sure.

DZIERWA: So that is going to be a spot where nobody congregates, your not going to be having employees parking there, being there after hour? It's basically going to be a relatively quiet spot in the evenings, so employees will be parking in the front or on the side. I think, Mr. Chairman, with what my fellow commissioners have covered previously that is all I have to say.

AUBIN: Thank you. My comments are going to be very brief. For the same sake of not being repetitious. I am very confident that when Meijer's came to Orland Park and went before our staff and, number one, our staff and I can tell you this for sure, on their list was the consideration for the neighbors, that were next to this Meijer's property. I can tell you that from experience. Number two, the issues that were discussed tonight in regards to parking and noise, in Orland Park, we take all that stuff very seriously. There are idling codes for trucks that have to be adhered to. The fence has to be maintained. Traffic has to be in order; signs have to be put up, so that all of these issues we talked about are taken care of. Otherwise this does not go forward; it doesn't get out of staff. It doesn't come to us. So I would feel very comfortable with the way things are going to go with Meijer's as they come into your neighborhood. Number 3, economics plays a big role, this company may come into your town and come across the street and hire 100 of your people. It very well could happen, there will be a lot of jobs that comes

from this Meijer's, where people are going to be able to work. As it stands now, that is going to be vacant building that is not going to have any maintenance what so ever. Orland will push and prod and write their tickets, because whoever has got the property is not taking care of it, now its guaranteed its going to be taken care of. The issues the Commissioners brought up about policing; there is nothing we can do outside of Orland Park, with our police or taking care of people that are going through that fence or whatever. It's not our responsibility. I am very confident that once we read this motion, with some of the things that we are going to ask the petitioner to do to go beyond what was originally proposed in the original motion; I think you'll be satisfied with. I am sure that they are going to agree to it, they already have. This is a good thing for the whole region. Rather than have that building that is sitting there right now. It doesn't do anybody any good. So those are my comments and the Chair will entertain a motion in regards to Meijer's petition.

DZIERWA: I move to accept as findings of fact of this Plan Commission the findings of fact set forth in this staff report, dated October 13, 2009,

and

I move to recommend to the Village Board approval of the "Preliminary Site Plan Store # ORL" by SSOE Inc, and dated September 11, 2009, revised October 5, 2009, subject to the following conditions:

1. A Final Landscape Plan is submitted for separate review and approval within 60 days of final engineering approval that includes at a minimum the new plant material shown on Site Plan and with the following conditions:
  - a. Add a minimum of two shade trees to each tree island;
  - b. Add a minimum of six shrubs to each new tree island to supplement shown perennials;
  - c. Work with staff to find suitable building foundation plantings on the western end of northern building foundation as opposed to removing 2 ornamental trees;
  - d. Work with staff on the southern building foundation at the drive thru for suitable foundation plantings as opposed to what was previously requested;
  - e. All existing trees and shrubs are to be preserved & protected during construction unless otherwise indicated on the Site Plan; and
  - f. Diseased or dead existing plant material is to be replaced.
2. Add a bicycle rack near the entry to meet Code requirements.
3. All Engineering and Building Code items are to be met.
4. Work with staff to find a suitable screening for the loading dock.
5. Work with staff on traffic control measures.

And

I move to recommend to the Village Board approval of the elevations titled "Meijer ORL" and dated September 11, 2009, by SSOE Inc, subject to the following conditions:

1. All new mechanical equipment is required to be screened, either at grade level with landscaping or hidden behind the roofline; and
2. Sign Code must be met and sign permits obtained.

and

I move to recommend to the Village Board approval of a Special Use Permit for a commercial retail facility that exceeds a floor area of 50,000 square feet and that includes a deli with on site food preparation and a drive-through pharmacy with a modification for the number of stacking spaces from seven to four.

THOMPSON: Second.

**A motion was made by Commissioner Steve Dzierwa, seconded by Commissioner Patricia Thompson, that this matter be RECOMMENDED FOR APPROVAL to the Development Services & Planning Committee, due back on 10/26/2009. The motion CARRIED by the following vote:**

**Aye:** 5 - Commissioner Jacobs, Commissioner Dzierwa, Commissioner Aubin, Commissioner Thompson and Commissioner Parisi

**Nay:** 0

**Absent:** 1 - Commissioner Stephens

## OTHER BUSINESS

DZIERWA: I spoke with Mrs. Turley before the meeting and I said with that new turbine that is sitting out front wouldn't it be nice if they had a light that was powered by it for people to see it.

## ADJOURNMENT

There being no further business before the Plan Commission for discussion, the Chairman adjourned the meeting at 8:18 p.m.

Respectfully submitted,

Linda White  
Recording Secretary