

VILLAGE OF ORLAND PARK

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Orland Park, IL 60462
(708) 403-6150*



Meeting Minutes

Tuesday, January 9, 2007

7:00 PM

Village Hall

Plan Commission

Louis Stephens, Chairman

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

INTRODUCTION OF NEW PLAN COMMISSIONER

Vice Chairman Aubin introduced Mr. Nick Parisi, the newly-appointed Plan Commissioner and welcome addition who comes to us from the Traffic & Parking Advisory Board. He has also been involved with the OYA for many years.

COMMENCEMENT

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

Present: Judith Jacobs, Steve Dzierwa, Paul Aubin, Mike Culligan, Patricia Thompson and Nick Parisi

Absent: Louis Stephens

Consideration of November 21, 2006 Minutes

A motion was made and carried to continue consideration of the minutes of the November 21, 2006 Plan Commission meeting to the January 23, 2007 meeting due to testimony included in that particular set of minutes and the Chairman's absence this evening .

A motion was made by Commissioner Thompson, seconded by Commissioner Dzierwa, to CONTINUE to the Plan Commission. The motion carried unanimously.

Consideration of November 28, 2006 Minutes

A motion was made and carried to approve the minutes of the November 28, 2006 Plan Commission meeting as presented, however, with the following correction: (1) under file #2006-0611 Carrick Hill, replace the spelling of the Chairman's name where written from "STEVENS" to "STEPHENS".

A motion was made by Commissioner Thompson, seconded by Commissioner Dzierwa, to APPROVE. The motion carried unanimously.

Consideration of December 12, 2006 Minutes

A motion was made and carried to approve the minutes of the December 12, 2006 Plan Commission meeting minutes as presented.

APPROVE

PUBLIC HEARINGS

2006-0536 Olympus Trail Subdivision

AUBIN: Entertained a motion for a continuance from the Plan Commissioners.

I move to continue the public hearing for file number 2006-0536, Olympus Trail Subdivision, to the January 9, 2007 Plan Commission as preliminary engineering has not yet been approved.

A motion was made by Commissioner Dzierwa, seconded by Commissioner Thompson, that this matter be CONTINUED to the Plan Commission. The motion carried unanimously.

2006-0691 Fountain Hills Condos

AUBIN: Entertained a motion for termination from the Plan Commissioners.

I move to continue the public hearing for case number 2006-0691, Fountain Hills Condos, to the January 9, 2007 Plan Commission.

A motion was made by Commissioner Thompson, seconded by Commissioner Dzierwa, that this matter be TERMINATED. The motion carried unanimously.

2006-0750 John Humphrey Drive Office Condos

AUBIN: Entertained a motion for a continuance from the Plan Commissioners.

I move to continue the public hearing for file number 2006-0750, John Humphrey Drive Office Condos, to January 23, 2007.

A motion was made by Commissioner Dzierwa, seconded by Commissioner Thompson, that this matter be CONTINUED to the Plan Commission. The motion carried unanimously.

2006-0780 Land Development Code Amendments I (2007)

AUBIN: Entertained a motion for a continuance from the Plan Commissioners.

I move to continue the public hearing for file number 2006-0780, Land Development Code Amendments I (2007), to January 23, 2007.

A motion was made by Commissioner Dzierwa, seconded by Commissioner Thompson, that this matter be CONTINUED to the Plan Commission. The motion carried unanimously.

2006-0766 Ambassador Car Carriers

Robert Skrocki, 9123 West 147th Street, Orland Park - Ambassador Car Carriers

TROPPER: Staff presentation made in accordance with the written Staff Report dated January 9, 2007. Noted she circulated a revised motion which has already been presented and reviewed by the petitioner that includes a modification to condition #2, the revised Site Plan. Specifically, what I had prepared in my Staff Report indicated that a vinyl chain link fence would need to be installed. However, that requirement has been met with the chain link fence on the property so there is no need to require that again. You may have noticed as well on the Site Plan that there is a parking stall at the western-most side of the parking lot that is right beside the chain link fence for the outdoor storage area. We request that the petitioner replace that stall with landscaping and curb it to allow safer vehicular access to and from that parking stall. It is my understanding that the petitioner does not object to this condition, and the revised motion that you have before you has this item highlighted. This

concludes my presentation. Thank you.

DZIERWA: Swore in Mr. Skrocki.

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

SKROCKI: Indicated he is not very happy with the retention, however, I'm going to have to live with it. Noted he stores a lot of cars for the Village of Orland Park that have been involved in accidents, arrests, everything. Stated that storage is vital to his livelihood as a tower and recovery. It looks like I'll have to lose the property I have for the retention. If that has to be, that has to be, however, I wish I didn't have to lose it. I fell into a position where I own 1.4 acres. It is just 1,500 feet over the limit that the Village wants for one acre. This additional 1,500 feet I have will cause me to lose a lot of storage which equates to a lot of money I'll lose. Is there anything thing I can do about this? If not, I will be happy with the retention.

AUBIN: Addressing Ms. Tropper, stated he is sure our engineers have looked at this and the retention is required via the code.

TROPPER: Yes, that is correct.

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

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

CULLIGAN: No questions.

JACOBS: No questions.

DZIERWA: Asked Ms. Tropper what the maximum allowed lot coverage is on this particular piece of property.

TROPPER: Clarified there is no maximum or minimum lot coverage in the manufacturing district.

DZIERWA: Therefore, if the petitioner wanted to pave the entire thing, he could.

TROPPER: With reservation from the Village Staff. However, yes he could.

DZIERWA: I was just under the impression that we were somewhere in vicinity of 75%. However, that is more for retail?

TROPPER: That is correct.

DZIERWA: Basically what I was thinking is that if you take the gravel lot, the parking lot, the building footprint and everything that is considered impervious surface, where would

we be at, percentage wise?

TROPPER: I would have to run the calculations, however, perhaps on this Site Plan, in the site data table, that has already been calculated. Approached the Site Plan on the presentation easel to see if that, indeed, had been done. Stated it is a bit confusing. It appears that the impervious surface area coverage is roughly 23%. The only green space, basically, is at the northeast side of the property, partially along the front, you have a landscape area being provided with islands and trees, and eventually the green space around the detention facility. That's not a lot.

DZIERWA: Thank you. That leads me to my next question. If you could relate back on your experience in areas similar to this, could you give me an idea of the percentage of lot coverages the majority of the petitioners have used in the past?

TROPPER: Generally 75%.

DZIERWA: Basically what is happening here is that if we were to follow along those lines we would be looking for this petitioner to go no more than 75% because that seems to be the trend even though there is no minimum or maximum, whether or not he has the pond on his property or not, we'd still be at what we'd like him to be. I've spoken with Mr. Skrocki and he said he is agreeable with the seven-foot setback as opposed to the 25 that we were requiring. I think this is going to work.

THOMPSON: No questions.

PARISI: No questions.

AUBIN: Entertained a motion for a continuance from the Plan Commissioners.

I move to accept as findings of fact of this Plan Commission the findings of fact set forth in this staff report, dated January 9, 2007,

And

I move to recommend to the Village Board approval of a Variance to allow a reduction in the required detention area setback from 25-feet to no less than 7-feet, and an increase in the permitted size of the outdoor storage area from 25% to up to 41.3% of the area of the lot at 16242 S. 107th Avenue (Lot #39 in the Beemsterboer Industrial Park).

And

I move to recommend to the Village Board approval of the Revised Site Plan titled, "Site Plan - Lot 39, Beemsterboer Industrial Park," prepared by Geotech Inc., Job No. 16698, dated April 1, 2005, last revised November 3, 2006, Sheet No. 2, subject to the following conditions:

1. That this be subject to final engineering approval;

2. That the western-most parking stalls be converted into a landscape island with curbs to facilitate vehicular parking movements in the area; and
3. That a Landscape Plan based on final engineering drawings is submitted within 60 days of final engineering approval.

And

I move to recommend to the Village Board approval of the Elevations Plan titled, "Elevations - Ambassador Car Carrier Inc.," prepared by Farhad Niroumand-Rad Architects, dated January 8, 2006, Sheet No. A-3, subject to the following condition:

1. That building code requirements are met.

A motion was made by Commissioner Dzierwa, seconded by Commissioner Jacobs, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion carried unanimously.

NON-PUBLIC HEARINGS

2006-0621 White Castle

Craig Eilers, 555 West Goodale Street, Columbus, Ohio

TROPPER: Staff presentation made in accordance with the written Staff Report dated January 9, 2007, as presented.

AUBIN: Asked the petitioner if he has had an opportunity to review Staff's Report and the new, revised sketch with the new design of parking on it; any comments or anything you would like to add?

EILERS: Indicated he has seen the revised sketch that was provided early on when this came before as an Appearance Review. We were approved with these conditions and we agreed to all of the conditions except this one. We have some strong opinions in regard to the cross access here. We view it as a detriment and a risk to our business. We realize that cross access is put in to relieve traffic congestion from public roads, however, from a business standpoint, the cross access should also be a reciprocal point for customers from one business to another business. In this case, Panera Bread does have access to both 158th Street and 159th Street and they have a cut onto Harlem. Any cut through on our property, we don't see it as generating any additional business or benefit to us. We are already proposing to reduce the number of parking spaces. Currently we have 48 parking spaces. With the new layout, we will have 35 parking spaces which is a reduction of 13 spaces. That does accommodate a better circulation for our drive through business and that would make our site comply with the current impervious/pervious surface requirements. We are adding a lot of green space to this. Any additional cross access removal of curbing - we feel we are going to lose four more spaces which at this point, we are getting our parking down to where we think we need to have a sufficient number to sustain our business.

When Panera Bread was built we experienced a lot of Panera Bread customers parking on our lot. We had a lot of customer complaints. Our customers could not find a parking space especially at busy times such as the lunch hour. Panera Bread's parking lot was filled so their patrons would come onto our parking lot and use our parking spaces. We relieved that somewhat by reluctantly posting "Tow Away" signs, something we really do not like to do to keep good relations with customers, however, we had to do that. After taking that measure, we have seen a reduction in the amount of Panera Bread customers on our lot. We feel that with a cross access that would just invite spill over parking which again would take away from our customer parking. One of the biggest things we have against this cross access is our drive through customer safety and traffic safety on our lot. Being a fast food restaurant, we are very conscious about circulation on our lot. Typically, all of our stores have a counter-clock-wise circulation. A loading zone; a stacking space with the menu and a pick-up window. We are doing some modifications. The original store did not have a drive through. It was built in 1980. In approximately 1986-87, we added a drive through. It is somewhat efficient, however, with the new kitchen layout that we are doing, we are modifying the pick up window basically by just shifting the drive through about 90 degrees around the other side of the building. Most of our modifications are right here around the store. Staff's Report indicated something about us redoing all of the curbing. We are not doing anything with the perimeter curbing other than where we are adding green space. We are very concerned about safety. That is why all the recently laid out stores are designed and laid out with directional parking; one-way circulation; counter-clockwise around the building. This allows for the drive through, stacking at the pick up window and traffic exiting. What we have been experiencing since Panera opened up for business, their customers come through here and go back against our traffic flow. We have had customer instances with leaving the drive-through window and having traffic come against our flow. I think that is one of the big reasons we are against this cross access. With the traffic safety and all that goes with that, you have insurance liabilities, personal property damage and other things that we don't feel will benefit White Castle from a sales standpoint. We will actually incur more risks having additional traffic on our property. We lease this property. We do not own it. The owner is a separate developer from the Panera Bread development. We did contact him just to get his thoughts. That owner is not willing to have a cross access encumber his property as well. Even if we wanted to have this, we would have to go to the owner for his approval and he is against this. We have a letter stating that he is against this.

AUBIN: Entertained a motion for a continuance from the Plan Commissioners.

PARISI: I drove the property and I've had some previous experience on the Traffic Board and I tend to agree with the petitioner. My concern is that this would present more of a traffic hazard than a benefit.

THOMPSON: I look forward to an updated White Castle. This White Castle restaurant has really been here for awhile and needs to be updated. I totally agree with the petitioner and my fellow Commissioner. I can't see that access being there. Your lot is not that large. I've gone through your lot and the drive through. You really have to watch when you come around there. If there were a cross access I would be afraid. You are watching for people

coming out of the restaurant. With the cross access, you would have to watch another way for cars coming. I totally agree with the petitioner.

CULLIGAN: Requested the petitioner provide some general details in regard to the interior renovations planned.

EILERS: It will be a complete remodel. The kitchen will have all new equipment. The interior will be all new. Essentially, we are going to gut the store down to the steel. The exterior will be completely redone like one of our newer stores. It will actually be an upgrade from the prototypical split-face block. We will have decorative stone, architectural CMU. It will be very attractive. The number of seats will be reduced, however, the entire interior will look like one of our new decors. When we walk away, this is going to look like a brand new building. There will be approximately 50 seats. The old store was built before there were drive throughs so it was all dine-in. There are probably 75 seats in there currently.

CULLIGAN: What type of windows will there be on the outside. Will they be clear like they are now or will they be tinted?

EILERS: The windows will be clear. The green tinting shown on the rendering was incorrect. There are light fixtures on the outside.

CULLIGAN: Before you go into cross access, asked the petitioner if he has any plans to match up the garbage shelter better than it is now.

EILERS: Stated that the trash enclosure will be completely done and the construction material will match the building.

CULLIGAN: That will be a great improvement. Stated he believes that when Panera was going up, I believe I had an opinion at that time that I had no idea that White Castle was coming in to do any rehabbing or anything. With everything being set up as it is, it was my opinion that Panera should not have provided a cross access at this time even though we are looking to do more in the Village. At this time, my opinion remains the same. If the petitioner were moving the building or doing something different or selling the property to a developer of a different type of building, then I would see the need for a cross access. Due to the area just behind Panera and a little bit to the southeast of the petitioner's property, the retention area makes an odd-shaped lot which pushes Panera's lot up. I think this is an odd location for a cross access. The only good way to make this flow go through would be one loop around the White Castle restaurant and to get into Panera and then come out and exit north and then east to that ring drive. That does not benefit the petitioner in any way. I would agree with the petitioner that I do not see the need for the cross access here myself. The way this is set up, this could be an issue with bringing traffic going due east and then traffic going south and leaving just east of the drive through. See no benefit of the cross access. Thank you.

JACOBS: In regard to the rear or east side of the building on the other side of the dumpster

area, there is a small section which has a tree and a bench - what is that?

EILERS: That is just a green space area.

JACOBS: Would it be of any benefit to take that out - would it help you at all in enlarging that drive area in moving cars around because if it is not used for anything in particular other than at one point in time, some aesthetic value ...

EILERS: ... this is the existing edge of the curb and we just were not going to do any developing beyond that. Enlarging that - I still think you'd have traffic flowing against our preferred counter clock-wise circulation around the building. We would still have conflict areas around here. As I stated earlier, when Panera Bread first opened up and their traffic was coming in here, we had already had incidents with our drive through customers and we just do not want to invite any problems onto our property.

JACOBS: Asked the petitioner if this is a pretty profitable store for White Castles.

EILERS: Yes, it is a good location. It is very busy. We need all the parking we can get.

JACOBS: Asked if most of this restaurant's business is inside or at the drive through.

EILERS: Typically, it is approximately 55-60% drive through, however, at peak times, the parking lot is full.

JACOBS: Thank you.

DZIERWA: I think I will be in the minority here when it comes to cross access. I do realize the petitioner does make some valid points about safety; about navigating on the property. I've been to this restaurant many times. I live a half-mile from it. Since I've received this petition I've been in there three-or-four times. I counted the Panera's space and determined they have 69 spaces. I counted 46 and you said there is 48. As far as building code is concerned, you have 75 seats now you stated and that would require you to have 25 parking spaces (one for every three people). The petitioner indicates they will go down to 50 seats which would require you to have 17 spaces which would be one space for every three patrons. I don't disagree with the fact that there are people going to Panera's but parking in the White Castle parking lot. Panera is a busy place. I do believe with signage you could control your lot. Obviously, we don't have a shared parking agreement here. What I do not understand is what is the seating of Panera.

TROPPER: I do not have that information.

DZIERWA: It seems to me that Panera is over parked. Why is White Castle always crowded at certain times when they can only seat 75 people and they have 46 or 48 parking spaces. They should have more than enough parking spaces than they need yet they don't. The Village policy in regard to stub roads and connectivity to parcels has always been a big safety issue. Asked Mr. Eihlers if he is a regular visitor to this store.

EIHLERS: I am from Columbus, Ohio, however, I have been to this store numerous times.

DZIERWA: Today I went to White Castles right after my regular job. I went to that parking lot, walked around, took some pictures, looked at the detention, looked at the property the Village owns and I saw some people who looked as though they might not be from around here. They pulled in off of that circle drive going the wrong way and they went into White Castle. These are people who were not going to Panera. Noted that White Castles' signage is not very clear in regard to the traffic flow being one way, counter clockwise. I totally understand where you are coming from about having two ways. I think with proper signage (even though I realize how often people do not pay attention to signs), if you had a stop sign and you had a line dividing that back road on the east of your property to show people how to get to the cross access, I think that could work. I think as people come out of the drive through, there should be a stop sign there. Right now there isn't anything to inhibit sight, in other words, you can see people right now. There is not a wall or anything. I'm torn. I really am. I really want to stick to what the Village wants here and I can see that it could work provided the signage was put in there. I understand my fellow Commissioners and their comments. If this cross access were allowed, the way I see it, we would lose three-to-four spots. I do agree with Staff adding the perpendicular parking in the back if this cross access is allowed. If this cross access were allowed, I'd have "Do Not Enter" signs at the exit of the drive through (you'd only be able to see it if you were using the cross access as you are coming out of the drive through - the other side of those "Do Not Enter" signs would be stop signs. I would have stop signs on that two-way traffic where those parking spaces are at in the back to show that if you are going to go through there and go into Panera, you must come to a stop. That is as well as you can police that. I'm going to stick to my guns and say that I think the cross access can work provided the proper signage is put up.

AUBIN: In listening to the Commissioners, I concur with a lot of what Commissioner Dzierwa has said about the cross access. It has been policy in Orland Park between businesses to have this cross access. We at this time would be setting a precedent if we were to go in another direction than what has been recommended.

AUBIN: Entertained a motion from the Plan Commissioners.

JACOBS: I move to approve the Appearance Review proposal for the White Castle Restaurant as shown on the Site Plan entitled "White Castle System Inc. - Chicago", prepared by ms consultants, inc., project number 15342-SD3 dated 08/22/2006, sheets entitled Site Dimension Plan and Landscape Plan and the building elevations entitled "Proposed White Castle Restaurant", prepared by White Castle Management Co., date stamped 12-27-06, subject to the following conditions: (1) that the petitioner provide a cross access from the White Castle Parking lot to the existing parking stub on the property

directly to the south; (2) that the petitioner consider a dumpster screening material and design that is more consistent with the building architecture; and (3) that all building code-related items are met.

DZIERWA: Second.

ROLL CALL:

PARISI: Nay.

THOMPSON: Nay

AUBIN: Nay

DZIERWA: Aye.

JACOBS: Aye.

CULLIGAN: Nay.

AUBIN: Motion failed 4-2.

AUBIN: Entertained a revised motion.

JACOBS: Moved to approve the Appearance Review proposal for the White Castle Restaurant as shown on the Site Plan entitled "White Castle System Inc. - Chicago", prepared by ms consultants, inc., project number 15342-SD3 dated 08/22/2006, sheets entitled Site Dimension Plan and Landscape Plan and the building elevations entitled "Proposed White Castle Restaurant", prepared by White Castle Management Co., date stamped 12-27-06, subject to the following conditions: (1) that the petitioner consider a dumpster screening material and design that is more consistent with the building architecture; and (2) that all building code-related items are met.

THOMPSON: Second.

A motion was made by Commissioner Jacobs, seconded by Commissioner Thompson, that this matter be APPROVED. The motion carried by the following vote:

Aye: 4 Commissioner Jacobs, Commissioner Culligan, Commissioner Parisi and Commissioner Thompson

Nay: 2 Commissioner Dzierwa and Commissioner Aubin

Absent: 1 Commissioner Stephens

OTHER BUSINESS

DZIERWA: The new laws that were passed January 1, 2007 - one was public officials (not sure Plan Commissioners are as we are appointed not elected) meeting on the outside and discussing Village business. I was under the impression that as long as we did not constitute a quorum we could do that. However, the way the law has been stated in the internet, the news and in the newspaper, it is actually very vague. Would like clarification in this regard.

TROPPER: Will look into that.

DZIERWA: Provided a reminder that the State requires CO detectors in all residential units.

ADJOURNMENT

AUBIN: There being no further business before the Plan Commissioners, the meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Teri Dougherty
Recording Secretary