

VILLAGE OF ORLAND PARK

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



Meeting Minutes

Tuesday, December 11, 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*

CALLED TO ORDER/ROLL CALL

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

Present: 7 - Commissioner Jacobs; Commissioner Dzierwa; Commissioner Aubin; Commissioner Stephens; Commissioner Culligan; Commissioner Thompson, Commissioner Parisi

APPROVAL OF MINUTES

The Chairman noted that prior to the meeting's commencement, he, the Recording Secretary, and the Plan Commissioners, discussed the fact that the version of the November 27, 2007 Plan Commission Meeting minutes, included in the meeting's packet reflected motions that had been recommended by Staff in their Staff Report, instead of those motions that had actually been made by the Plan Commissioners at the November 27, 2007 meeting. The Recording Secretary had informed the Chairman and the Plan Commissioners that the motions reflected in the November 27, 2007 Plan Commission Meeting minutes included in the meeting's packet were not the motions she had submitted; that the motions she had submitted to the Village's Planning Department apparently, and most assuredly unintentionally, had not been transferred into Legistar, from which her minutes are finalized and mailed to the Chairman and the Plan Commissioners, prior to the next-scheduled meeting. The Recording Secretary noted that in the version of minutes she had submitted, the names of the Plan Commissioners who made and seconded the motions had been included for each petition, however, that information had not been transferred into Legistar either. The Recording Secretary had stated for the record that motions made in the October 9, 2007 and October 23, 2007 Plan Commission Meeting minutes, as submitted by the Recording Secretary who prepared said minutes, had not been transferred into Legistar but instead reflected what Staff had recommended in Staff's Report. The Recording Secretary had apologized for all of the confusion, however, assured the Chairman and the Plan Commissioners that the motions made at the meetings have been taken down accurately in her shorthand notes; carefully checked against the Village's recorded tape; and correctly typed into the minutes she prepared and submitted to the Village's Planning Department. The Recording Secretary had clarified that once she submits her minutes to the Planning Department, she does not see the minutes again, in the final version prepared in Legistar, until she receives her meeting packet. She does not transfer them into Legistar. The Planning Department's Secretary does that.

A motion was made by Commissioner Thompson, seconded by Commissioner Dzierwa and carried to approve the minutes of the November 27, 2007 Plan Commission Meeting: (1) with the stipulation that the motions throughout the minutes are double-checked and corrected by the Planning Department Secretary; (2) that the names of the Plan Commissioners that made and seconded the motions are included; (3) that the word "log" which appears in the first paragraph on page 7, be replaced with the word "lock"; (4) that in the fourth condition in the second motion on page 14 be revised with the insertion of the

words "and west" so that it reads "4. South and west building elevations..."; (5) on page 15, in the last paragraph under Mr. Krad's comments, in the sixth sentence, replace the word "regard" with the word "regrade"; and (6) on page 16, wherever the street name "Julian Road" appears, replace it with "Jillian Road".

(Recommended for approval...5-0, with Commissioner Jacobs abstaining from vote due to her absence at said meeting and without the inclusion of a vote from Commissioner Parisi who would arrive shortly.)

This matter was APPROVED

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

Nay: 0

Abstain: 1 - Commissioner Jacobs

PUBLIC HEARINGS

2007-0717 Heritage Bank (Costco Outlot)

STEPHENS: Entertained a motion for a continuance.

DZIERWA: Moved to continue file number 2007-0717, Heritage Bank, to the January 8, 2008 Plan Commission meeting.

THOMPSON: Second.

This matter was CONTINUED to the Plan Commission, due back on 1/8/2008

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

Nay: 0

Absent: 1 - Commissioner Parisi

2007-0490 Charleton Highlands

David B. Sosin, Attorney at Law, 11800 s. 75th Avenue, Palos Heights
Kevin Chaffin, KDC Consultants, 16144 S. Bell Road, Homer Glen

TURLEY: Staff presentation made in accordance with the written Staff Report dated December 11, 2007 as presented.

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

AUBIN: Swore in Mr. Chaffin (Mr. Sosin was previously sworn).

SOSIN: Stated that when they were previously before the Plan Commission, the Plan Commission made it clear to us that they were really not in favor of our request for a variation and that we should explore the subdivision or resubdivision of the property. The first thing we did was contact the Engineering Department of the Village. We obtained from them, some ideas as to how to draw the subdivision. That is something I did personally. I then put them in touch with Kevin Chaffin. We received direction that two things should happen with the subdivision. One thing is that the subdivision should comply with the Land Development Code in all essential matters (size, configuration, etc.). We have done that (as they always do). Another thing is not to put any portion of this lot within the high water area of the detention pond. We then went out and looked at the site, based on that, and found a very workable way of doing this. The problem is that when you read the Staff Report, I am not sure they understand this. I've never really met with them on this. The facts are that we are not asking for a variation. That variation was an original request that has been continued. It is not 25 feet. We are asking for a resubdivision of the lots and having the lot lines on the line of this very large retaining wall that is already in place. It is eight-feet high. With that kind of a configuration, the houses are going to get a little smaller and we can shrink them a couple of feet, however, the statement that this would require a variation of approximately five feet is just incorrect. It is real hard when you go out there to figure out what is what. When you see that drawing, there are relief lines on it. The line that we are on is right at the top of the detention which is where we believe the lot line should have been to start with. There is a comment in the report that states by doing this, you are moving the lot line closer to the high water mark. You are, however, it is eight feet above the high water mark. The high water mark is at 711 feet. The top of the detention pond, which is the lot line, is 719 feet. There is a reason you do not want the lot line at the high water mark. You don't want your water too close to the houses. This is eight-feet high - the difference before you would have any kind of situation. There is a comment in here about density. We couldn't understand that comment because we are not changing the density. There is a comment that says that the applicant is requiring a resubdivision that will reduce the rear yard set backs on three lots, triggering the need for setback variance under the method. We are requesting a resubdivision to maintain the integrity of the 30-foot setback. Each one of these houses will be reduced slightly. Kevin Chaffin has figured that out. The only reason you have that sketch drawing in there was to show what the original would look like and the fact that it is over the line. We've tried to make it clear that this is an alternative to the variation request. There is a comment in Staff's Report about lot coverage limited to 75 percent. Our lot coverage for these three lots respectively, 44% (not 75%), 35% (not 75%), and 30% (not 75%). The open space is substantial. These are not big houses. There was a concern about storm water detention being required. We are not changing the storm water. We are not moving anything. We are moving the lot line to the edge of this wall. There are numerous comments in this report that we will trigger the need for setback variations. We are prepared to build these houses with a 30-foot setback. Asked Mr. Chaffin to confirm his review of the Subdivision Ordinance. Noted that what is interesting about the

report is that while I know they are concerned about the variation and that is okay, however, there is no where in this report that states that this resubdivision, as required, doesn't comply with the code. It does comply with the code. That is why we did it the way we did.

CHAFFIN: The subdivision we are requesting is really an increase in the lot size of approximately three feet. Lot #19 used to be 115 feet deep on the south side. We are now requesting to move it to 117.92 feet. We are just trying to move this lot line over three feet. Pointed out a two-tiered wall. We would be moving it from one side of the wall to the other which is still above the water level.

STEPHENS: Does that mean the wall will be inside the lot line?

CHAFFIN: The second wall. There are two walls there. We have the high water level of the pond, then the wall, then the lot, then the second wall.

STEPHENS: That is what you did on lot 19. What about 17 and 18.

CHAFFIN: Being that these are curved lines, the dimensions are a little different, however, this is still a straight line parallel to the right-of-way from 94th Avenue.

STEPHENS: On lots 17 and 18, did you increase the rear lot line? How much more land did you give it back there.

CHAFFIN: It is all the same. It all shifted over three feet to the east. It is just that these lines are angled.

STEPHENS: So you shifted it three feet to the east, are you then making the three buildings smaller?

CHAFFIN: This was the original size requested for the building to fit on here. The petitioner has agreed to reduce the building size to make it within the 30 foot, based on this proposed subdivision.

STEPHENS: So based on this proposed resubdivision, you are going to have a 30-foot rear setback line so you won't need a variance.

CHAFFIN: Yes.

STEPHENS: On all three of these of lots?

CHAFFIN: Yes.

STEPHENS: Because you reduced the size of the house?

CHAFFIN: Yes. It is kind of a compromise. They needed six feet. They are

asking for three feet from you and they'll take three feet from the house.

TURLEY: Expressed her opinion that this drawing is confusing. To me, it was showing the building was not meeting the rear setback. I did request that the petitioner provide a revised sketch that showed where the rear of the building would be so that we could tell whether it met the setback variance or not, however, the petitioner declined. Going back to these sketches, even if they do meet the 30-foot rear setback on the resubdivision, it will be closer to the high water line than what was originally approved.

STEPHENS: The lot line will be closer but the building is not necessarily closer.

TURLEY: The building will be closer to the high water line.

STEPHENS: Noted that Mr. Sosin made a statement that the high water line is eight feet below the rear lot line. Is that correct or incorrect.

SOSIN: 711 and 719. It would be closer. If you build the building three feet larger, it would move it three feet closer to the high water line. The high water line is down below, eight feet below at 711. The top of the lot, at the lot line, is at 719. The reason for the high water line. You are worried about the water. We are eight feet above it. It is terraced for landscaping purposes. We think this works. The reason it happened this way is because they wanted to make the street nice so it was suggested that a little curve be put in it. So this house is the same size and it fits easily. What you've done is curve everything back and these lots started to get pinched. That is why two especially did not fit. If you go back to lot 23 at the corner, that is a much bigger lot with the same size house on it. We are drawing a line straight, right down the retention, and moving it over. The house is slightly larger but we can cut a couple of feet off the house and it still works. There is a variance. The code now requires 25 feet all the way around the pond for maintenance. There is a substantial precedent. First of all, this pond is going to be maintained by the Association. It will be maintained not from an eight-foot high wall (you would never be able to get equipment in there to do anything) but it will be maintained off of 163rd Street and 94th Avenue because that is eight-feet below where these houses are. It is a dry pond anyway. There is plenty of room. If you look at the entire subdivision you can get a better flavor of this. We think this is justified.

STEPHENS: There is an Association for this?

SOSIN: Yes, and fully maintain the pond.

STEPHENS: Who maintains the property around the buildings?

SOSIN: The Association.

STEPHENS: So the Association will have the responsibility of maintaining the rear of those lots and the wall.

SOSIN: There are detailed recorded covenants that we prepared. Part of the whole concept that was given to the Board when this was approved was a maintenance-free style of living. This Association will do the snow plowing, the landscaping, the pond maintenance and all of those other items. These are really townhouses that are 14-feet apart. They look like townhouses on the inside - they have that feel. They are very nice townhouses.

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

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

CULLIGAN: Asked the petitioner if there will a 30-foot rear setback.

SOSIN: Yes.

JACOBS: Asked for clarification in regard to the change in the square footage of the homes from what was originally approved to what it is now.

SOSIN: The houses are 100-to-150 square feet. They are not all the same. Even now, 17 fit pretty well. The others, a little more was taken off from them.

JACOBS: Stated she respects Mrs. Turley's efforts - all the work she has put into this. Expressed concern in regard to the difference in what she is saying as opposed to what the petitioner is stating. Asked if there is a way to establish who is right.

STEPHENS: It is not a matter of who is right or wrong. If they are asking for a re-subdivision and they are not asking for a variance for the rear lot line, then that is what the request is. We've approved the rear lot setback to 30 feet.

SOSIN: Clarified that Mrs. Turley is not wrong. Stated that if we were to leave these houses they way they were and leave these backs on here and do them at 67 feet, she would be right when she said we needed a five-foot variation. We are not doing that. We've cut them off and are happy with maintaining the 30 feet. The way we are doing that is by bumping this line three feet and chopping the rest off the houses as a way of compromising. One of the reasons we are fighting so hard for this is because these are the bigger houses. All of the other houses are designed smaller. There is some interest in these houses. In a house of these sizes, three or four feet does make a big difference. It can take two feet out of your kitchen and couple feet out of the family room. That would really put a crimp in the plan. These plans were shown to the Plan Commission originally when the project was done to have a good variation and not have all of the houses the same

(referring to the larger houses).

JACOBS: Okay, thank you. That is all I have.

DZIERWA: Noted his first thought was why aren't the larger houses on the larger lots but figured people want to look at the pond even though it doesn't have water.

SOSIN: The biggest lots are 17 to 23 and there is a little larger lot across the street. We didn't do the original subdivision. Mr. Chaffin did. He was the engineer. It looks like they have the larger lots backing up to 94th Avenue. When they started maneuvering that street, I don't think anyone realized what they were doing.

DZIERWA: Asked Mr. Sosin if he has read the revised motion.

SOSIN: Yes.

DZIERWA: So you would think that the first motion stays and the next two just go away?

SOSIN: All three recommend denial.

PARISI: On the third page of Staff's Report it says that the "scans illustrate the difference between the previously approved Engineering Plan and the newly proposed re-subdivision as far as the distance between the proposed buildings and the high water line. Previously this distance was at least 30', whereas now it is approximately 23'."

TURLEY: "approximately 23 feet" is a typo - it should read 25'.

PARISI: Even at that, if we are taking three feet off of the house and previously we were at 30 feet, how are we now going to 25 feet.

STEPHENS: We are not going to 25 feet. Based on this re-subdivision and based on the petitioner's testimony, they are staying with the 30-foot rear setback line. The only question that comes into play is that rear setback line at the high water mark and it is not, based on the petitioner's testimony.

SOSIN: Let me give you the numbers. With a 30-foot line (and no variation from a 30-foot line) the houses would generally look the same, however, on lot 17 the house would be 65.83 feet. Originally, we wanted a 67-foot house. That is close to we had wanted. We are just going to take off a foot and 17 hundreds off.

STEPHENS: That leaves you with a 30 foot rear setback.

SOSIN: Correct. For lot 18, we originally asked for 67 feet and we would build it

at 61.5 feet. On lot 19, we are going to reduce the size of the house to 62 feet.

PARISI: Are we in agreement with Staff that with the proposed re-subdivision, where exactly the rear setback line is relocated?

TURLEY: I think that what I am hearing is that what is shown on the sketch on the screen, the rear of the building shown on this concept sketch is not correct. It would actually comply with the 30 foot setback which is not what is shown here but is what I am hearing.

STEPHENS: That is what the petitioner's testimony is. They are not requesting a variance.

SOSIN: Mrs. Turley is correct, however, that is not our sketch. That was the original variance request superimposed on the new subdivision. That is not what we are asking for.

PARISI: Okay, thank you. I have nothing further.

THOMPSON: I have no further questions to ask.

AUBIN: Nothing to ask.

STEPHENS: Since the petitioner is not coming here to ask for a variance, just an approval for a re-subdivision, and as long as you maintain the previously-approved variance of a 30-foot rear building setback line, then I have no problem with this at all. Entertained a motion from the Plan Commissioners.

AUBIN: Moved to accept as findings of fact of this Plan Commission, the findings of fact set forth in this Staff Report dated December 11, 2007, and moved to recommend to the Village Board, approval of the requested Re-subdivision for Charleton Highlands Subdivision, as illustrated on the "Charleton Highlands Re-Subdivision II, Survey No. 03-08-043-RESUB" by KDC Consultants, Inc. and dated October 24, 2007, revised November 8, 2007, with the following condition: (1) that the petitioner meet the required setback dimensions, required on the previously-approved variance.

DZIERWA: Second.

AUBIN: Moved to terminate the original variance request.

DZIERWA: Second.

This matter was RECOMMENDED FOR APPROVAL to the Development Services & Planning, due back on 1/28/2008

Aye: 7 - Commissioner Jacobs, Commissioner Dzierwa, Commissioner Aubin, Commissioner Stephens, Commissioner Culligan, Commissioner Thompson and Commissioner Parisi

Nay: 0

2007-0634 Distinctive Office Building

Dan Bajic, 18304 Distinctive Drive

PITTOS: Staff presentation made in accordance with the written Staff Report dated December 11, 2007, as presented.

AUBIN: Swore in Mr. Bajic.

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

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

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

DZIERWA: Asked Mr. Pittos if preliminary engineering has been granted.

PITTOS: Stated that it has been granted.

DZIERWA: As far as the pervious surface, asked if Staff stated 58% or 59%.

PITTOS: 59%.

DZIERWA: Okay, thank you. Stated he agrees with Staff in regard to trying to utilize those dormers. It might not work. I know how offices sometimes get made when they have suspended ceilings, etc. Asked Mr. Pittos to show the elevation with the dormers with the four offices in the middle. (Mr. Pittos accommodated that request.) Recommended that the petitioner work with Staff to try to make those dormers functional to try to bring in some type of daylight.

JACOBS: Nothing to ask or comment on at this time.

THOMPSON: Asked where the trash will be located.

PITTOS: Right behind the building. (Showed where it would be.) Stated it will be a masonry enclosure as previously indicated by the petitioner.

PARISI: Nothing to add.

CULLIGAN: This will fit in nicely with the existing complex there. Have no issues or concerns other than those noted in Staff's report. Thank you.

AUBIN: Nothing to add.

STEPHENS: The Staff Report indicates that the campus to the east has a windowless façade. Stated that he visited the site earlier in the day and observed that the building contiguous to the east has windows on the rear.

PITTOS: The east façade of the proposed building would be windowless. The west façade of the building to the east is windowless. The two windowless facades are facing each other.

BAJIC: Stated that Burke Engineering purchased the entire building. They may have changed the floor plan. Stated that if the Chairman saw windows, there are windows and he stands corrected. The new building will be divided into six units. Burke Engineering purchased the entire building and basically redesigned the whole floor plan. Apologized for his misstatement. Noted that none of the other buildings have windows in the back.

STEPHENS: Don't know that it makes a real difference. It is just a point of clarification.

PITTOS: Apologized for his misstatement as well, and noted the site plans indicated the same building template for all buildings to the east. That is why he thought the building to the east had a windowless western façade. Noted he had not visited the site in some time.

BAJIC: Noted that Burke did not mind the construction of the new building. Their current views are of storage and dirt areas.

STEPHENS: Entertained a motion from the Plan Commissioners.

PARISI: Moved to accept as findings of fact of this Plan Commission, the findings of fact set forth in this Staff Report dated December 11, 2007 and moved to recommend to the Village Board, approval of the Preliminary Site Plan entitled "Site Plan Distinctive Office Building", prepared by Burke Engineering Corporation dated 8-14-07, last revised 11-14-07, job number 06-133, sheet number 1 of 1, and the elevations entitled "Office Building 183rd Street West of Wolf Road Orland Park, Illinois", prepared by Craig A. Podalak Architects, dated 10-16-07, project number 0715, sheet number 1 of 1, subject to the following conditions: (1) that the petitioner change "183rd Street" in the elevation titles to "183rd Place"; (2) that the Site Plan include a 12-foot by 25-foot loading zone at the north end of the proposed building; (3) that the garbage enclosure be of a masonry quality and screened from the courtyard to the east; (4) that the Landscaping Plan include a screening strategy for the southeast rear corner of the

proposed building; (5) that a Landscape Plan be submitted within 60 days of final engineering approval; (6) that a cross drainage agreement is established between Lots 1 and 2 of the subdivision; (7) that a water main connection is made between this site and the adjacent Orland Park Business Center; (8) that all building code and final engineering-related items are met; and (9) that the petitioner's engineers work with Staff to make the dormers on the west elevation functional if possible.

AUBIN: Second.

PARISI: Moved to recommend to the Village Board approval of the subdivision of a 207.779 square-foot parcel into two parcels with Lot 1 being 143.839 square feet and Lot 2 being 57.940 square feet as depicted on the Site Plan entitled "Site Plan Distinctive Office Building", prepared by Burke Engineering Corporation, dated 8-14-07, last revised 11-14-07, Job Number 06-133, Sheet number 1 of 1, subject to the following condition: (1) that the petitioner submit a Record Plat of Subdivision after Village Board approval.

AUBIN: Second.

PARISI: Moved to recommend to the Village Board approval of a variance to reduce the required 80-foot front yard setback from 183rd Place to 30 feet and to reduce the buffer yard to separate office and industrial uses along the irregular north line of Lot 2 from the required 30 feet to 18.5 feet for the eastern 69 feet and from 30 feet to five feet for the remainder, subject to the above-mentioned conditions.

AUBIN: Second.

A motion was made by Commissioner Nick Parisi, seconded by Commissioner Paul Aubin, that this matter be RECOMMENDED FOR APPROVAL to the Development Services & Planning, due back on 1/28/2008. The motion CARRIED unanimously.

Aye: 7 - Commissioner Jacobs, Commissioner Dzierwa, Commissioner Aubin, Commissioner Stephens, Commissioner Culligan, Commissioner Thompson and Commissioner Parisi

Nay: 0

OTHER BUSINESS

ADJOURNMENT