

VILLAGE OF ORLAND PARK

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



Meeting Minutes

Tuesday, March 11, 2008

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

A motion was made by Commissioner Thompson, seconded by Commissioner Dzierwa and carried to approve the minutes of the February 12, 2008 Plan Commission Meeting with the following revisions: (1) under "AUBIN", mid-page (page five) replace the word "petitioners" with the words "Plan Commissioners"; and (2) under "DZIERWA" (in the sixth-to-the-last paragraph on page 9) insert the word "but" so that the sentence reads "It isn't terrible but some of the dumpsters had garbage overflowing".

This matter was APPROVED

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

Nay: 0

Abstain: 1 - Commissioner Stephens

PUBLIC HEARINGS**2008-0039 Parkview Christian Church Parking Lot Addition**

Wayne Krahn: 18027 66th Avenue, Tinley Park (Administrator of the Church)
John Mayer, Engineering Resource, Civil Engr., 3 South 701 West Avenue,
Warrenville

HOFKENS: Staff presentation made in accordance with the written Staff Report dated March 11, 2008 as presented.

AUBIN: Swore in Messrs. Krahn and Mayer.

STEPHENS: Asked Mr. Mayer to address more specifically, the drainage problems that have been raised.

MAYER: The biggest concerns involved the single-family homes; north of the proposed parking lot. (North and west of the proposed parking lot) There are 15 acres of an open agricultural area that drains into that area there. The Church, as developed originally, this area drained directly into the drainage swale behind the residents' homes. When this parking lot was developed, the detention basin was constructed and was helpful; it reduced the area that went into the back yards, however, a substantial amount was draining off of the agricultural area. That was

looked at.

STEPHENS: All of this water drains from this triangular area to the north and west.

MAYER: That is correct. So there were improvements made to the drainage issue, however, there still have been problems and a significant amount of water flowing into that area. Showed the detention basin in proximity to the residential homes. The parking lot itself requires a little over two acre feet of storage. The volume of storage in that basin is designed to have a capacity of over six acre feet. The reason for that is that we sized the pond to account for the whole tributary area of water that drains to that location.

STEPHENS: Noted the petitioner sized that three times larger than the Village's Code requirement.

MAYER: That is correct. When we looked at the existing flow it was 11.5 cfs. Just for comparison purposes, with the proposed conditions and the amount of detention that is being provided, that will reduce it down to two.

STEPHENS: Asked Mr. Mayer to clarify "cfs" for those in the audience.

MAYER: The abbreviation for "cubic feet per second" is "cfs". That is how we measure the flow off of areas significantly large and that is being reduced from 11.5 cfs to 2.16 cfs.

STEPHENS: That will be coming out of the outflow?

MAYER: That is correct.

STEPHENS: So for inflow, you will be bringing in 11 cfs and outflow will be reduced to 2 cfs.

MAYER: Correct.

STEPHENS: Before you build that detention area, what is it currently?

MAYER: It is 11 flowing to the west, to the back of the houses.

STEPHENS: So that water flow will be significantly reduced.

MAYER: That is correct. Noted that even if something were to block up the outlet and it has to flow overland, the overland direction is going into the Church basin.

STEPHENS: Are you redirecting that drain tile into the detention area?

MAYER: With this improvement, the drain tile will be directed and maintained and drains right into the basin.

STEPHENS: Indicated that there has been Preliminary Engineering approval. The petitioner has worked with the Village's engineers who are in agreement with this design?

MAYER: Yes. They've reviewed what we had. They made some recommendations. We've addressed those issues and what you have before you is what they feel comfortable with.

STEPHENS: So the bottom line here is that this will make it better than it is now.

MAYER: Absolutely.

STEPHENS: Invited comments from the public.

AUBIN: Swore in Mr. Jawed Zaidi.

ZAIDI, resides at 11009 Water's Edge Drive – one of the affected homes: Stated that he moved into this home during August, 2006. Paid over \$450, 000 for my home. In mid-September, 2006 it rained. We were left with tons of water in our basement. That happened again. All the boxes in our basement were destroyed. I've been fighting this battle with the Village of Orland Park; with the builder; I've been talking to the Burke Association. The Village forced the builder to do some leveling but that really hasn't helped. Every time it rains our backyard starts to fill up. We have to stay awake to make sure the water does not come into our basement. It fills right up to the look out windows. I'm a mechanical engineer. It is good to measure the cfs or cfm, however, that drainage should not be coming to the backyards. All the water from 183rd Street and all that water from that big agricultural field, flows into our backyards and the drainage there just cannot handle it. What we have to do, between the Church and our property line there is a swale. Using a laser pointer, indicated where his house is located on the exhibit. It is just behind the Church in the row of homes there. I am the second to the east home there. Stated he doesn't know how the Village gave the permits for the foundations but his is the lowest home. There is a berm between our homes and the Church parking lot. Between the parking lot and the berm is a retention pond. That should be the path for all this water coming in. There should be an opening for a drainage into this retention pond which goes all the way around to the bigger pond. That should be the natural path for this drainage rather than going through the back yards. Whatever they do, I can assure you that whenever there is too much rain, it is going to start flooding the back yards because there is not perfect leveling and grading. It will flood the back yards and go into the basements. I've talked to Burke Association. I've talked to the Village of Orland Park. I've been told the builder was to have graded this and made this happen. The builder says they've done whatever the Village told them to do and that their hands are clear.

Burke Association says they were talking to the Church and they will take care of this parcel. Where do we go? I have no problem with the parking lot but the Church needs to address this once and for all. It has to be addressed on a long-term basis.

STEPHENS: Stated Mr. Mayer will be asked to address this after all public comments have been made.

AUBIN: Swore in Chuck Passi.

CHUCK PASSI, resides at 11003 Waters Edge Drive, the first home to the east: Thanked Parkview Christian Church for sending notice of tonight's meeting. When they did their last expansion, he received no notification whatsoever. I've resided here for approximately three years. Noted he has photographs to show the Plan Commissioners. Stated that not only do they get a significant amount of run off every time it rains or there is a heavy snow melt from the farm on the east, there is also the drainage issue from 183rd Street all the way down the berm also going through our back yards. There is a discharge pipe from the field that goes into a little sewer that is suppose to handle all the water and drain it underground. That, obviously, cannot handle the situation as it is currently. I was in touch with Mr. Kevin Lehmann who is the Engineer for the Village of Orland Park and he did say that once the Church acted on their expansion, the flooding issue would be rectified. I am in agreement with my neighbor. The water is just unbelievable. It is not just a little run off. When there is a heavy rain, it gets so bad that it actually goes across the road and fills our yards up. Presented his photographs to the Plan Commissioners. Stated that what he heard from the engineer's report tonight sounds like a workable solution, however, because of the photographs and that evidence, he hopes that the board does make it their goal that this really does alleviate the problem. My home was built three years ago. After a big rain, my backyard is unusable for several days. At times it has turned into a lake – literally. The water flow at times has looked like a Colorado river rapids. That is the rate of flow at times. It does come over that access road as well at times. Like my neighbor said, when the water starts creeping up toward your windows, there is nothing you can do but stay in your basement and look out the window all night and hope it doesn't go over. It is not a good thing. Hope everything gets approved and the solution will correct this problem. Thank you.

STEPHENS: Asked Mr. Mayer to address the previous comments.

MAYER: Pointed out that on the west side of the gravel drive, currently there is a ditch that directs the water right toward the swale behind those homes. One of the things this plan does is that rather than allow that water to go the way it does now, it is collected in a storm structure and brought into the detention basin. What I am hearing is that not only is there a volume issue but a velocity of water issue just because of the grade coming down off of 183rd and then the grade that goes along the back of those homes which can become significant. That is one thing we

were able to do in the project improvement – redirect that water into the basin.

STEPHENS: Off of that existing ditch off of the west side of that gravel road?

MAYER: Yes.

STEPHENS: You are taking that and directing that into the basin with the new improvements?

MAYER: Yes. That is another measure – a stop gap that will help to reduce and slow down the volume of the water that then has to make a 90-degree turn and head down the other direction. There was discussion that those easements might be reduced. Originally that whole area was designed to handle the one hundred year flow through the subdivision. With the reduction that is occurring by these improvements, that can be evaluated with the potential to reduce the dedicated easement within the back of the homes to allow them some more usable space. That would be independent of this project.

STEPHENS: With your design, you are going to relocate that water velocity coming off of 183rd Street to go under the detention pond. You are reducing the velocity that is going into that existing ditch to the north. By reducing that velocity, that should hold it in the pond and then slowly release it to the west?

MAYER: That is correct.

STEPHENS: Directing his comments to Mr. Lehmann, stated he has heard the comments and obviously has spoken to these individuals in the past, and asked him to address these comments from the Village's perspective.

LEHMANN: In regard to what Mr. Zeidi touched on and what Mr. Mayer just touched on – the addition of the drainage swale to capture the water that runs along the west side. There is a crest on 183rd Street – from there drains toward Wolf Road and back toward the east end of Orland Parkway. Whatever water falls on 183rd Street has the opportunity to come over the curb where there is a depressed area, to access the pipeline easement access road and would run down both sides of the access road and then basically make its way along side the Parkview property and make its way through the back yards of the residents of Fountain Hills. What this plan proposes to do is, on either side of this access road, this access road is actually being eliminated from this portion back. The only portion of the access road that will remain is from here forward. Showed where the grade comes down – there is a “v” in the contour lanes basically directs the water to this location that is collected by a storm sewer which puts it into the detention pond. That issue has been addressed as far as being able to collect the water that was previously, basically, bypassing the detention pond here at the Church and where it was coming down, the side of the access road. Given the large tributary area, it would actually pond here and rise up high enough to come

over the access road and through the back yards of Fountain Hills. We feel that based on how the proposed grading is laid out, that issue is going to be addressed as far as what comes off of 183rd Street. Another issue to address is the question of how this area here is being handled. Being that this is the lowest point of the site there is still run off that is going to come from this location at the end of the roadway, therefore, a very small tributary area can still get along side Mr. Passi's residence and get into this lower area. Anything else you can see is swaled here to be collected into the pond and anything over here is being graded such that it all directed to the pond instead of seeking the lowest area and fill up and go into the back yards undetained and unrestricted whatsoever. That is a huge factor in reducing the storm water run off that these residents have been previously experiencing.

STEPHENS: Will this totally eliminate the problem that the residents have had or will it significantly reduce it?

LEHMANN: The problem that they have, one issue is that they cannot really utilize their backyards because of the slopes and because any sort of rain that generates a run off from the farm field releases water across the backyards of their property (water seeks the lowest area) so when this pond receives a substantial amount of run off, it is still going to pond here and be released by this pipe to this storm sewer but it is not going to be released over land anymore. It is going to be piped directly into the field tile. The only water that will come into their backyards will be basically, what falls on it. If that storm sewer were to be blocked for any reason, it would be vastly reduced and nowhere near the problem it has been in the past. We cannot guarantee everything. You cannot out-engineer Mother Nature, so...

STEPHENS: This has been designed for a one hundred year rain fall?

LEHMANN: Absolutely.

STEPHENS: You required the Church to increase the size of this detention area three times?

LEHMANN: The Church was meeting the Code originally in the sense that they were designing the pond to meet what area they were developing. Our issue was that given the known flooding issues here, the pond should be sized for the area that is tributary to it. That is where the original two acre feet was then increased to six acre feet as far as the storage in the pond because that is ultimately the amount of water that is coming to the pond.

STEPHENS: So they are going to hold three times the water they are required to hold had there not been a drainage problem there.

LEHMANN: Had there been a drainage problem there or not, that still is the amount of area that is tributary to where that pond is located so had it been

originally designed say for a hundred year pipe underground, then they wouldn't have the problem there that they do now, however, that is neither here nor there because it is obviously a problem.

STEPHENS: This will solve the problem or significantly reduce the problem.

LEHMANN: It will solve the problem as far their concerns for when a heavy rain event comes, their backyards will be flooded. The way the pond is designed elevation wise and storage wise, this pond will still release some water because the pond obviously has to release water – it is not going to hold an infinite amount of water – but when it does fill up to its maximum capacity, the overflow route for the pond, instead of being directed through these backyards which is exactly what we do not want, it is being directed to the adjoining Parkview pond such that when that pond fills up it is basically like a chain event. It fills up here, spills into this pond and then at the next overflow down the line and spills through the Fountain Hills pond and goes down the line.

STEPHENS: So we are rerouting and redirecting the water.

LEHMANN: Correct.

STEPHENS: One of the pictures presented to the Plan Commissioners this evening shows an exposed pipe. How will that be dealt with? Is that a field tile?

LEHMANN: That is the field tile, yes. That exposed pipe is right in this location at the eastern-most part of Mr. Passi's backyard. That is a corrugated metal culvert pipe that goes underneath the access road for Enbridge Pipeline. It basically dumps right into a toadstool type of drainage structure. Right now it is just allowed to freely discharge to their back yard. With this pond being such that it is going to be a restrictor structure for whatever will be released from that pond, the restrictor size is going to be substantially smaller than what this culvert pipe is right now.

STEPHENS: Where will that restrictor pipe be.

LEHMANN: It will be right at the top of the berm where it can be accessed in case it is blocked. You just pull the lid off and pull out whatever blockage is in there.

STEPHENS: So you can channel that pipe that is exposed now, into that detention pond?

LEHMANN: This pipe here is going to release to the drainage structure that is currently in Mr. Passi's backyard, however, as far as overland flows, in a one hundred year event, it is going this way through the pond as we've mentioned before.

STEPHENS: Directing his comments to Messrs. Zaidi and Passi, stated he

hoped this answers their questions. In his opinion, he believes this will solve their problem or significantly reduce

ZAIDI: Thanked the Village and the Church for at least considering this issue and trying to get to a resolution. I appreciate all that you are doing. However, personally, based on what we have been seeing, even the retention pond between the existing parking lot and our back yards, when it rains that pretty much gets filled right now. With the way the Village Engineer has been describing, you've changed the route but not the route through our back yard. That will still be there. The pipe we are talking about in the picture, when it rains that pipe does nothing. All the water comes over the land. The pipe is totally insufficient. We may be able to reduce the problem but we are not eliminating the problem. A year from now I'll be back with the same complaints.

STEPHENS: You'll be directing your comments to Mr. Lehmann because he is our Engineer and he is telling us that this will significantly reduce the problem for a one-hundred-year rainfall. I guess if we have a 500-year rainfall, then maybe there will be some sort of a problem, however, the best they could design for was a 100-year rainfall.

ZAIDI: Why does that water have to go through our backyard? Can't it go through the detention pond that is between our backyard and the Church?

LEHMANN: Believe Mr. Mayer can also attest to this as far as the design of the pond. To put the pipe into the Parkview pond, depending upon the timing of that, if this parking lot generates more runoff being admitted which it potentially could because it is larger, the water that comes into this pond can back up into this pond. You could end up with a situation where if this pond is trying to drain out, there is a submerged condition of this pond that will allow this pond to fill up quicker. It is kind of a timing event but it is also a matter where if you breach this pond you are basically letting the water into the other pond. That is where it is ideal to keep them separate. The release rate from this pipe is substantially less by leaps and bounds in regard to how much is going to be released to these backyards versus what the existing condition is even in a small rainfall event. That is the mindset and the design intent behind this as far as the connection to these backyards but not being put into the pond at Parkview because of being to properly convey the water via gravity and not dealing with problems as far as this pond obstructing this pond from releasing into it.

ZAIDI: I believe this will reduce the problem but not eliminate it. My only concern is that if we go ahead with this plan...

STEPHENS: ...what he said was that it will significantly reduce the problem but you will still have direct rain fall that falls onto your lot that will drain down.

ZAIDI: But it shouldn't be coming from either the east side of the field...

STEPHENS: That is what he said.

ZAIDI: My request to the board, given the fact we have been dealing with this for a year-and-a-half now, if we go to this plan, we should meet a year after this plan is put into effect to see what is going on at that time.

STEPHENS: You'll go back to the Engineers.

ZAIDI: Okay. If we have a problem and we can't address it, how to I take it up – who do I go to a year from now.

STEPHENS: You go back to our Village Engineer, Mr. Lehmann.

ZAIDI: Thank you.

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

CULLIGAN: I hope that our Engineer and the petitioner's Engineer are on the money with this one because no one should have to live with the fear of looking out their window to see if the water is going to come crashing through or not. I with the residents and the homes that are affected. I understand we are not continuing the Orland Parkway sidewalk and the parking lot islands. I understand the possibility exists that the elevated parking structure will possibly go onto this site. If it does not, I would like to see at some time that islands are put into this area and not leave the vast lot as is. There should be a condition that whenever this gets to the next level that they might see some type of time line put into this. I understand with a large parking lot it is common to park and walk to the closest door to the Church; you're not going all the way to the parkway to use the sidewalk, however, it is the overall site and the overall walkway for the Village and the parkway street there. In the future I would like to see that continued.

JACOBS: For the purpose of clarification, stated her understanding that the existing parking lot drains into the first retention pond (the one that is there now).

LEHMANN: That is correct.

JACOBS: Then the new one will drain into the new retention pond that will drain into the existing retention pond.

LEHMANN: In a heavy storm, when that pond starts to fill up and it can't get the water out as fast as it is coming in, then it will overtop them with the existing pond.

JACOBS: The water in the existing pond is going to move on down the line.

LEHMANN: That is correct.

JACOBS: Thank you. That is what I needed to know. No further questions.

DZIERWA: I was happy to hear the Engineer explain exactly what was going to happen because I do feel that this is a definitely marked improvement for the area. I think the residents should feel comfortable that they've addressed it as such. On page three of Staff's report, it talks about the pond encroaching beyond the property line of this four-acre parcel. I would like to add as a condition that we get it in writing that since the pond is going to encroach on the property that is not being purchased and basically the water is going to end up on the land of the land owner who hasn't sold his part of the property (in that triangle area) that the Church get in something in writing that it is okay with that land owner.

AUBIN: Is that necessary?

DZIERWA: I spoke with Ms. Hofkens about this earlier and she thought it might be a good idea when I brought it to her attention.

HOFKENS: Normally when we have situations where people are proposing things on other peoples' properties, we require a letter of permission with the original application. Because this came about through the revisions we don't have that letter. Although we have the easements shown on the plan that will ultimately be on the plat, I do think it would be a good idea to have a letter of permission drafted and submitted to us before the Committee meeting. We have no problem adding that as a condition.

DZIERWA: I'll just add that as condition #6 in the first motion.

PARISI: I think the Chairman did a very adequate job of asking questions of the Village Engineer as well as from the petitioner's Engineer. That made me very comfortable. I agree with my fellow Plan Commissioners that this is a very serious problem. I sympathies with these home owners, however, I feel extremely comfortable that the recommendations made will greatly alleviate if not eliminate this problem.

THOMPSON: Concurred with her fellow Plan Commissioners and certainly hope the problem is alleviated. I can sympathies as I had a similar problem. I feel confident that this pond may help you.

AUBIN: If I owned a home along this stretch of property I'd be dancing in the aisles. We have two professional groups here. Two professional Engineers have given us data that are showing us that the problem the residents are presently experiencing is going to disappear for all practical purposes. The addition of this parking lot for the Church is a God send. All of the other conditions on tonight's motion I hope the petitioner is familiar with and agrees to (which you probably have as you haven't objected to any of them) so I recommend that we move

forward on this with Commissioner Dzierwa's condition #6.

STEPHENS: Thanked Mr. Mayer and Mr. Lehmann for their testimonies this evening. They've done a good job of convincing me and hopefully letting the rest of these people know that you've increased the size of that pond to alleviate the water problem that these two gentlemen have, which is a serious problem. I hope this resolves your problem. I think based on their testimony, and what I'm hearing, I think this will solve the problem or at least significantly reduce it to the point where it is no longer a problem. As far as the rest of the conditions, I'm fine with everything.

STEPHENS: Entertained a motion from the Plan Commission.

DZIERWA: Moved to accept as findings of fact of this Plan Commission, the findings of fact set forth in the Staff Report dated March 11, 2008 and moved to recommend to the Village Board, approval of the Preliminary Site Plan entitled "Parkview Christian Church", prepared by Engineering Resource Associates, project number 270801, dated March 5, 2008, sheet C-0.0, subject to the following conditions: (1) that the petitioner submit an "as built" Site Plan of the existing Church site to confirm the number of parking stalls prior to the approval of the Special Use Amendment Ordinance; (2) that the petitioner finish installation of the outdoor parking lot lights by November 2, 2008; (3) that the petitioner provide a separate Letter of Credit to cover the cost of extending the water main to the east property line; (4) that the petitioner submit a Landscape Plan for separate review and approval within 60 days of Village Board approval that not only meets code requirements but also provides an additional 20 trees and 40 shrubs, within the parking lot buffer areas (above and beyond what is required by code), or on the existing Church property; (5) that all final engineering-related items are met; and (6) that the petitioner secure a letter accepting the detention pond encroachment from the adjacent property owner.

AUBIN: Second.

DZIERWA: Moved to accept as findings of fact of this Plan Commission, the findings of fact set forth in the Staff Report dated March 11, 2008 and moved to recommend to the Village Board, approval of the Special Use Amendment for Parkview Christian Church to include the new four-acre parcel and parking lot with modifications to increase the required parking from 516 to 1,055 spaces, to increase the lot coverage from 62.1% to 69.3% and to reduce the parking lot landscape island requirement from 42 to 22 in the new parking lot, subject to the same conditions as highlighted in the Site Plan approval motion.

AUBIN: Second.

A motion was made by Commissioner Steve Dzierwa, seconded by Commissioner Paul Aubin, that this matter be RECOMMENDED FOR APPROVAL to the Development Services & Planning, due back on 3/24/2008. The motion CARRIED by the following vote:

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

Nay: 0

2007-0811 Autumn Leaves of Orland Park (Memory Care Assisted Living)

Kay Kniepmann, Development Associate for The LaSalle Group, (the petitioner)
10 North Martingale Road, Suite 400, Schaumburg, IL

Nicholas R. Patera, Senior Vice President, Landscape Architect
TESKA, 627 Grove Street, Evanston

Michael C. Arenson, SAS Architects & Planners, 630 Dundee Road, Northbrook

Tom McCabe, Civil Engineer, Seaton Engineering, 19 S. Bothwell Street, Paletine
Mitchell Warren, The LaSalle Group, the Developer/Owner

545 East John Carpenter Freeway, Irving , Texas 75062

Ronald Cope, Attorney, 70 West Madison Street, Chicago, IL

TURLEY: Staff presentation made in accordance with the written Staff Report dated March 11, 2008 as presented.

STEPHENS: Introduced the following three pieces of correspondence (Exhibits I, II and III) received, into the record: (1) a two-page, -handwritten letter dated March 8, 2008 addressed to Mr. Stephens from Glenn Boley wherein it talks about potential health problems and wanted to know if the purchaser is aware of some type of health problem on the land, attached to which was a copy of the last (signature) page of a property contract dated July 23, 1996; (2) a short, half-page, handwritten letter date-stamped March 11, 2008 addressed to Mr. Louis Stephens, unsigned, however, appears to be the handwriting of Mr. Boley; and (3) a hard copy of an e-mail sent to Mrs. Jane Turley from Ed Kennedy.

AUBIN: Swore in Ms. Kniepmann and Messrs. Patera, Arenson, McCabe, Warren and Cope.

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

KNIEPMANN: Thanked the Plan Commissioners for taking the time tonight to listen to this petition. We are very excited to be here, to come to Orland Park and to serve the community. The LaSalle Group is from Texas. We are a family owned and operated business. We have seven such facilities open and operated in the Dallas/Ft. Worth area. We are constructing two of them in Illinois currently. One is in Crystal Lake and the other is in Vernon Hills. Our whole business is serving seniors and trying to provide the best care possible for those afflicted with

memory impairments such as Alzheimer's Disease. Our entire building is designed to serve the needs of the residents. I would be happy to answer any questions anyone may have in regard to this development. Noted a book she has with pictures for anyone who would like to look at it.

ARENSEN: I am the architect for the project, with SAS Architect in Northbrook. We do senior living facilities which is 80% of our business. This is the type of project we do very commonly. One of the nice things about the book Kay (Kneipmann) provided is that this building exists. By looking at the photographs I think you can see very clearly, the quality of this building and what it really looks like when done. The photographs at the bottom of the packet you have are actual existing buildings. They are not renderings. They are actually facilities that have been constructed in Texas. The building shown is very, very similar to what is proposed here. Mrs. Turley did an excellent job in describing all of the site conditions. I certainly do not want to take any more of your time describing the Church and the annex, etc. so I won't. However, I would like to take a little more time describing what this building looks like. There is a floor plan in your packets, a copy of which I've mounted on the easel for you to see. This is a one-story building approximately 25,000 square feet, brick construction, shingle roof, built of non-combustible construction to agree with code. I have met with your fire department's Battallion Chief, Joe Copeland seemed very pleased about the proposal we are doing here as it is fully sprinklered, it does have a generator, and it does have a fire alarm system. It is a very safe building. The building is broken down into four wings each of which is a neighborhood. When you do dementia care, breaking the groups down into very small groups is very important. There are 36 units, six of which can have shared occupancy – essentially a semi-private room. There would be a possible total of 42 occupants. At the end of each of these wings there are some assisted bathing areas; two different dining rooms; different lounges on each side; a big living room; there are some very nice amenities in this building. There is a library, a fire place, a green house, and a separate wanderer's gardens which are enclosed. There is also an interior courtyard – it is an exterior space but it is in the center of the building. What this does is allows in a lot of natural daylight into the building and its corridors, etc. At the end of the corridors that are shaped, there are window seats with a bay window that you can sit in. This is not institutional – this is residential or intended to be residential as much as we can create it to be that way. Brought samples of the exterior building materials which he proceeded to show. Showed the rendering that reflects what is being proposed. Showed the brick that is beige in color. A lot of time was spent driving around the community trying to assess the predominant building exterior color. Predominantly, there is a lot of white and beige brick. We are trying to be reminiscent of the community. The people who live here will be from the community or within a small radius. We are trying to make them feel comfortable. Showed a sample of the stone that is white in color. It is the base around the building. It is a field stone – real, natural, cut stone – actually a river stone from Wisconsin. The shingle is a medium white, textured shingle; sort of beige in color. There is a stone sample of the retaining wall. It is a

unilock paver. It is made to make the side walls of a retaining wall. It is a color and tone that matches the brick. We think this is a very handsome building. Some of the photographs in the book actually use this brick. Showed a reduced sample of the fence. The fence that forms the edge of the wanderer's garden – between brick piers (spaced eight-or-ten feet apart) will be a vinyl fence. The top is open and the bottom is solid. A resident would still be able to look out, however, would not be disturbed by a lot of activity on 151st Street.

STEPHENS: This is the side that faces the homes?

ARENSON: Yes.

STEPHENS: That would be on the south side. There would be a parking area, then a landscaped buffer yard and then the facility.

ARENSON: Yes. This will be a licensed-assisted care in the State of Illinois. It will not be skilled nursing. It will be licensed-assisted and that is what you do for dementia care in Illinois. Pointing to the Site Plan, stated that this is a very nice transitional use building between residential and commercial or between residential and institutional. The Comprehensive Plan did have this as an institutional-commercial. The fire department there is that type of institutional-commercial use as is the Church. This is a nice transition into residential. That is the type of site we look for. For us this is a perfect match. We hope it is for your community as well.

PATERA: The Landscape Plan had been designed to follow the Ordinance's requirements. We have gone into some detail at this level even though it is considered preliminary, we have been able to quantify landscape plantings and screens. Highlighted the plan giving a "tour" of the grounds starting from the outside. The Boley farm parcel that is being dedicated would follow along the same lines of what is occurring on Boley Farm already. It could become a corn field. The landscaping over there will really be up to the Village and not me to decide what happens on that piece. For our petition, we are trying to keep it relatively open with the idea it would be either open space or seasonal crop-type plantings, to be able to see from the front door out to here. We like the idea of being able to see our front door also as a destination from 151st Street so that people can orient themselves and find their route and their way to come and make visits to the residents that will be within. The residential proximity across 151st Street caused us to look at this in particular with the planting buffers. It is hard to see on this plan, however, there is an understory planting with our shrub plantings as well as canopy planting with a mixed vegetation along this side. We tried to favor plants that you would normally find adjacent to a storm water vegetation basin so they would be at home with the presence of water in close proximity in a storm event. When this is dry, this would be a wetland-type planting on the flat bottom part that is occurring here. The sloped embankment around here has a different type of planting that would allow it to dry and flourish. There is actually a

shelf area that is not sloped, but a flat shelf area that contains these more upright plantings. I'm just relying on the smaller-scale wetland plantings. When we get to this flat shelf, it is the same grade elevation as the bike path and the parkway – we have supplemented the parkway with additional shade trees along the parkway. We have about three layers with the parkway, with the buffer planting, and then the wetland planting before we get to a tiered wall at this location with the stone sample I held up a few moments ago. It takes two tiers at this location opposite the building with the planting shelf in between those tiers, to step up to the building pad elevation before we get to the garden and the foundation planting. The buffer yard along 151st Street continues to some extent along the back side of the fire station and then continues down. Although we have 15 feet, this is where Mrs. Turley was talking about the separation between lots where we'll put a rather significant amount of planting in this location between the east parking lot on 80th Avenue and the service and loading area. What you cannot tell from looking at this is that the service with a trash enclosure that is a built enclosure, a generator and an air handler. There is also a little shed for maintenance equipment at that location. Those are all entirely screened with evergreen trees, shrubs and more ground cover. This is really kind of a back drop piece here that you are screening visibility from 151st Street. In essence, it creates a living wall through here.

STEPHENS: How wide is that landscape buffer between the parking lot and the ...

PATERA: Fifteen feet total. Along the east side of the parking lot between 80th, we have the bike trail along. Staff had recommended we increase the amount of planting which we do have the ability to do. Right now I have upright shrubs, shade trees, in a pattern repeating itself. If we need to, we can look at some additional plantings at that location. Similar to the north buffer planting and although we are separated with 151st Street to the residential R-2 to the north, we have this R-3 residential to the south. We have another opportunity with buffer planting. In your Ordinance, with the 15-foot strip that occurs between parking and property boundary, we have a number of different planting species. There are evergreen trees with the dark green color that would be either an Austrian Pine or a Colorado Spruce.

STEPHENS: This indicates a 20-foot landscape buffer. I thought you said 15.

PATERA: Thank you, I stand corrected. It is a 20-foot landscape buffer width there. In addition to the evergreen tree, the canopy tree and some ornamental trees, there are shrub plantings in this same area. The shrub plantings have been chosen to screen the fronts of vehicles parked along here. What we don't have covered with evergreen tree or canopy tree, we also have groupings of shrubs along that area to help shield and screen cars from the rear yard areas of the adjacent residential. The parking areas have parking lot islands. The parking area is nicely broken up. In other words, we don't have a large parking field by virtue of the Site Plan and the orientation of the building although there are finger

islands that separate parking stalls every so often including this island that is intentionally left non-parked so that we do have the ability to pick up and drop off and also to signify the entrance courtyard. The surrounding pad around the building has foundation plantings along its west side and then it has the entrance court. This is the fountain. A signature element of Autumn Leaves is a highly-maintained, seasonal planting area here. It will continue to act as a focal point with the fountain and a welcoming entrance into the covered canopy and into the front foyer. The foundation planting continues around with a mixture of shrub and lower plantings that are transitioning. The bright green color here represents the lawn. The enclosed gardens are fenced on both sides so that the residents can go outside and get fresh air, however, they are not allowed to wander beyond the "wander gardens" at will. The people who are residents here are not going out the front door and going off on their own. They are allowed to still go outside and experience some versatility and nature with these two gardens.

STEPHENS: That is where that white fencing and brick would be on both of those?

PATERA: Yes, between the wings of the building, the pilaster and fence would be at this location. Mrs. Turley had mentioned using a wrought iron at this location for visibility of the detention pond rather than a solid panel fence. The remaining portions of the loading area – I can respond to questions about screening at that location which we think we've done a good job with. The paving material going in and within these gardens is a color-enhanced, scored concrete material.

STEPHENS: To the north of that loading area, what is that brown material?

PATERA: That is actually a mass of evergreens and shrubs. Immediately around this loading area is all planting bed. The terraced retaining wall is this linear and behind the retaining wall is a fence of the same material that has been used on Boley Farm but we are introducing this as a safety measure – as a low fence to prevent anyone who happens to be out here, if they were to come upon that wall they are not going to fall.

STEPHENS: So it is a white split-rail vinyl fence?

PATERA: Yes. Part of that is inspired by Foley. They have a similar-type, white rail fence at the farm.

STEPHENS: Are there going to be evergreens there – where it runs east and west just north of the generator and cooling tower?

PATERA: Yes. There are three evergreens. I realize there are three at this corner – these are Austrian Pines. There are two more evergreens at that location. The remainder of this is loaded with tall screening shrubs. Viburnum that grow to 12-to-15-feet in height.

KNIEPMANN: Explained why they've used this fence in the past. Our building is specifically designed for the comfort of our residents. With Alzheimer's disease and memory impairments, seeing 151st Street and the cars zooming by might agitate them. Also seeing things they cannot get to might agitate them. We really want the residents to be able to use the outdoor courtyard and to enjoy their time out there. By using an open fence we don't think we'd be able to have the residents out in the courtyard as often. If we have to do an open rail fence we would, however, we would like to keep it comfortable for the residents. We think people will see the nice plantings and our retention from 151st and the bike path. If a resident is supervised, they could go out there with the staff member or with a loved one, to view the plantings. We would really like to keep the fencing for their comfort level.

STEPHENS: That makes sense.

AUBIN: Asked Ms. Kniepmann if in their other locations, they are using this type of fence.

KNIEPMANN: Yes, successfully. Stated that their building height is shown at 28 feet. Wondered if the 30-foot height maximum would determine the maximum height the flag poles could be. We have three flag poles to be located by the monument sign near 151st.

TURLEY: I'll check that out but I don't think the flag pole height is regulated. Also, I think the height of the roof is referred to as a mean height so there is a little room for variations with the cupola.

KNIEPMANN: We were considering separating one of the private rooms into a semi-private room and that would increase our number of people from 36 units to 38 units and from 44 residents to 46. Would like to make sure the zoning would allow for that.

TURLEY: Maybe just in the language we'll change that to say "approximately" instead of a specific number, as this moves onto the Board.

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

AUBIN: Swore in Mr. Herman Alkema.

ALKEMA, resides at 8032 Bob-O-Link Road: My property is on the south edge of the proposed Autumn Leaves. The overall elevation of the property – is that going to be higher than our lots right now. Concerned about drainage. Right now, we do get some flooding at the lot lines. If this is going to be higher, we will get significantly more water. Will that roadway be open? If so, people will be using that to avoid the light at 151st unless there are going to be speed bumps. At night

they are going to use that as a cut off. Wondered if anyone considered that. How wide will this new parcel be?

STEPHENS: That is 109 feet wide and 400 feet deep. That is their property which they are dedicating to the Village of Orland Park as open space.

ALKEMA: Will that be lower than it is now?

STEPHENS: We will ask that of engineering.

ALKEMA: What will be kept in there?

STEPHENS: The Village will keep it as open space next to the Boley Farm.

AUBIN: Swore in John Gaszak.

GASZAK, resides at 8038 Bob-0-Link Road which is at the southwest corner of the proposed building. This has been a residential since I first lived in Orland Park over 30 years ago. With the exception of Silver Lake Country Club, there is no for-profit business within a mile of this location. The gentleman speaking kept saying "residential", "resident", 20 times during his speech. This is not a residence. It is a business. It is a nursing home. It is for profit. After they explained their plan, it seems they are taking a four-pound loaf of bread and putting it into a three-pound spot. They are going to have variations from 151st. They are going to have variations from my back yard. This is overwhelmingly "variated". They say it is going to be quiet and fit into the residential neighborhood. It is not. It is a nursing home. Nursing homes, if you are familiar with them, every night there is an ambulance, an emergency vehicle, sitting at the front door. It is just a fact of life. I owned a business next to a nursing home. Every night! This will be an imposition to the residents in the neighborhood. We will see flashing lights. We'll hear sirens. That will go on every night of the year. This is a residential neighborhood. It should not be allowed to have someone from Texas, take a small piece of land and put a big project into it and ruin what has been a nice neighborhood for 30 years.

AUBIN: Would not the same activity be created by the movement and activity of the fire house?

GASZAK: When there is an emergency, the fire house doors open and "boom" the truck is gone. There is a brief sound of a siren or of trucks going down 151st, however, it is something that happens within a minute. With a nursing home, ambulance and emergency vehicles sit, for hours on end, at the front door. My house looks right into the front door. I am not willing to accept that.

AUBIN: I see where you are going with that. I appreciate your comments. I just wanted that on the record.

AUBIN: Swore in Virginia Williams.

WILLIAMS, resides at 8114 Bob-O-Link Road: From what I am gathering, this nursing home as they call it...

STEPHENS: ...”memory impairment”...

WILLIAMS: Okay, I’ve heard nursing home quite a bit and it upsets me because I have been in enough of them and I don’t care for them.

STEPHENS: “Assisted Living Home” is what it is called.

WILLIAMS: Okay. My concern is how far from that fence are they coming. Right now there is a fence sitting from Boley’s Farm to the property that they have. There is a redwood fence that is fencing in. I want to know if the entrance is going to be from that fence, how far from that fence is it going to be and are they taking that fence down and coming further in to the farm field?

STEPHENS: You want to know how far east they are going to be from the existing Boley’s fence. Is that correct?

WILLIAMS: Yes. How far west are they going to come and are they going to take that fence down.

STEPHENS: We will ask for an answer.

WILLIAMS: Okay, also the easement there now – the easement that is behind my property that the Village calls an easement. There is supposed to be an easement there for me and an easement there for Boley’s Farm. They are planning on putting in all kinds of hedges up at that easement and bushes.

STEPHENS: Are you talking about a drainage easement?

WILLIAMS: If that is what you call it.

STEPHENS: That is at the back of your property. That easement is on your property. They are not coming onto your property.

WILLIAMS: Is that easement going to be honored on the property they have. Will there be another eight feet?

STEPHENS: If there is an existing easement there now, it stays. It cannot be taken away. I think the question you are asking is from your property line to the parking lot there is going to be 20 feet. That is going to be a bufferyard with landscaping. That is going to buffer your property from that building.

WILLIAMS: Right now, that property does not affect my home unless they start going past that fence that runs north and south. Right now we are talking about assisted living and how quiet it is. I agree with Mr. Alkema. I'm in the medical field. I have not found a nursing home in the State of Illinois decent enough to put anyone in to, as far as I'm concerned. When you first put them in the home they take care of these people and then afterwards they forget about them. They don't maintain them. I don't think it is going to be quiet. Yes every so often we do hear a fire truck or we hear the sirens go off. That is acknowledgeable because it is a fire department. It should be. When we voted for that fire department, we expected that to happen. We don't expect to have assisted living sitting there where we are going to have to worry, when we are sitting out in the yard, these people coming out.

STEPHENS: Do you have any questions of this.

WILLIAMS: I have no questions. I'm stating what I feel should be known because I live very close to what is going on. The transportation that is going all through that property with the farmers stand and everything else going on. It is not safe for assisted living, nursing home, anything you want to call it. I don't care what type of fence you want to put up, it is not safe because the people who are working at that facility, whatever you call it, will not have 24-hour watch to watch those people. They can't. Somebody is going to get out. Somebody is going to get hurt. Or somebody is going to come in my yard which I will not like because I have a dog and I don't have a fence because my dog does not leave the property line. So if somebody comes across over to my property, I'm going to have to be concerned about it. I don't think this is fair. I've lived here for 30 years and before I bought that property, I went over to Glenn (Boley) and asked him what he intended to do with that. He told me that was going to stay farm field. That is the reason I bought that property because I don't want all of this going on around me. It's crazy. I moved out here to have my home the way I've got it. I want my backyard to be peaceful and quiet and that is what it is now and I want it to stay that way. I don't want this related living. I don't want this nursing home.

STEPHENS: Thank you. I think you've made your point.

AUBIN: Swore in Michael Sullivan.

SULLIVAN, resides at 7852 Willow Wood Court, Orland Park: I think you've done a very good job explaining what you are doing. I think this looks nicer than I expected it to. I had some concerns about this monolith-looking building there, however, like my neighbors, I wouldn't want to put this there. My specific concerns are the risk of cut-through traffic. I have three little kids so additional traffic is of concern to me. I think this will increase traffic.

AUBIN: Swore in Keith Amendola.

AMENDOLA, resides at 15025 S. 80th Avenue: My biggest concern is that of increased traffic and traffic flow. We live just north in Silver Lake Dells off 151st Street. Since that was widened, we have had a big problem with a lot of cars driving through our subdivision because no one in the morning, coming down 80th Avenue, wanted to wait here, turn, and go down to 82nd Avenue. So everyone went through Silver Lake Dells. The double turning lane helped immensely. We don't have as many people coming down. I'm three houses in on the right. On my way here this evening, there were four cars that came down, all the way to Forestview, to get to 82nd Avenue. I'm not sure how this is going to help the traffic flow any more through this subdivision. I think it could hinder it. My biggest concern is traffic, however, I do agree with the other individual that it seems like we are putting a very large improvement on a small piece of land. I'm assuming that the only reason they are not facing the front of it toward 151st is because we are already over the 35% coverage ratio. There are a lot of variances that have to be dealt with to get this approved.

AUBIN: Swore in Brian Grogan.

GROGAN, resides at 15118 St. Andrews Court: Orland Park is a great community to live in. One of the things that has made it so great is having zoning ordinances. There are no other commercial properties on all of 151st until you get to Harlem or closer to the mall. My view is that this is a commercial establishment. Also, I've seen people here at different events for Open Lands in Orland Park. That is something we strive for in this community. Therefore, it does not make sense to me when we have an open land such as Boley Farm, to create a commercial property next to it, no matter if they are contributing the parcel of land to the village. The variances the petitioner is asking for not only changes the zone in a residential area. Although my home is not adjacent to this parcel, I am here because I don't think we should change an ordinance of a residential area just because an entity outside of the State of Illinois sees a possible opportunity to make more money. There are some great assisted living institutions, however, some are not kept up as well as others. I don't know the reputation is of the LaSalle Group. Are they affiliated with the Church?

STEPHENS: We will ask them.

GROGAN: The petitioner is trying to put this into a small parcel of land in order to generate more income and more profit.

AUBIN: Swore in Larry Voves.

VOVES, resides at 8132 Bob-O-Link Road: Asked what the future of the parcel of land that is being dedicated to the Open Lands. Is it protected in perpetuity or is open for change in the future.

STEPHENS: We'll ask that question. Asked the petitioners to come back up to answer questions in regard to the elevations and the engineering of the elevations, (the height of that proposed versus the existing homes in the back); the elevation of the land and the water run off.

PATERA: Currently, the property is high along 151st. It comes down and it continues down. The whole site basically drains to the area where the depressional area is now.

STEPHENS: Are you currently getting any runoff from the back yards of the houses?

PATERA: That I don't know. The proposed plan is to go from the curb – it is all going to pitch around the side and all drain to the area it currently drains to.

STEPHENS: What about that detention area in the front?

PATERA: Our site is going to drain to the detention area.

STEPHENS: So the existing elevation from their back yard to your contiguous property runs down hill?

PATERA: That is correct. Currently there is a swale along the existing parking lot and the water drains into this area. We will keep the natural drainage between the curb and the property line will continue here. Some of it will be picked up in this corner and brought into our detention pond.

STEPHENS: So this development is not going to create a water problem.

PATERA: That is correct.

STEPHENS: This water is going to run to the north into your detention pond and slowly released to the west.

PATERA: Correct.

STEPHENS: Please address the fence. The fence that runs north and south currently on the west part of that property line.

LEHMANN: I don't have with me the Plat of Survey in order to confirm that, however, I will certainly investigate that and see where it lies relative to the properties to the south. That is not a problem.

GASZAK: The current fence to the Boley property is 8038. It splits my house.

STEPHENS: That is on the west edge of that property.

GASZAK: Yes. What they are telling us that this 109 feet is going to be open space. That is what they said.

STEPHENS: Since that is on the Village-owned property, asked Staff if the Village has any intention of moving that fence at this time, does it?

TURLEY: It hasn't been decided exactly what is going to happen with that yet, however, it is going to remain open space and there will be some depressional storage. As far as the fence, I did see it shown on the plan as being moved so that it was on Autumn Leaves' western property line so that Boley Farm could be expanded because if you leave it where it is, there will be a big dividing line down the middle of Boley Farm.

STEPHENS: So you want to move it to the common lot line between the dedication of the one acre and this parcel here.

TURLEY: Correct. That is what makes sense to me and that is what is shown on the Site Plan I believe.

McCABE: Most of our sites are about the size that we are proposing here. Just to put you at ease, we do not go into towns and just give away property to try to slide into town or something. This is the first time we have actually bought property and actually donated it to somebody else.

STEPHENS: You had to buy this 1.05 acres and then donate it to the Village.

McCABE: Yes. The roughly 2.5 acres that we are sitting on is pretty standard. The pieces we are doing here in Illinois and the ones done in Texas are all about 2.5 acres. This is the first time we've actually purchased more property and donated it back to the municipality.

STEPHENS: Thank you. Asked a couple of questions. In regard to the zoning, as far as I understand, this is allowed as a minor special use under the R-3 zoning in our existing codes.

TURLEY: It is a major special use, but it is permitted with a major special use permit under the R-3 zoning.

STEPHENS: The question with regard to the zoning – it is not being zoned business; we are not changing the zoning; the zoning exists as it is; and they're coming in under the existing zoning, under an R-3.

TURLEY: It is not currently R-3. It will be rezoning to R-3.

STEPHENS: Part of it is unincorporated.

TURLEY: Right.

STEPHENS: Is it zoned at all?

TURLEY: Currently it is zoned Open Space. We are looking for a re-zoning to R-3.

STEPHENS: Asked Ms. Kniepmann to address the traffic and the cut-through situation that there is concern about.

KNIEPMANN: First of all I'd like to say that our residents who will live at this home do not drive. They have Alzheimer's or some other memory impairment and they won't have cars on the lot. At peak times, there will only be 14 employees. We won't be affecting the traffic in a major way at all. It will be very minimal. There will be a few visitors, however, there will not be a major impact to the traffic there now. There will be Church-type parking on Sunday's, however, that already exists on that site. In regard to cutting through, we could perhaps add in some speed bumps or something of that nature to alleviate that, however, I don't foresee people cutting through there.

STEPHENS: You would add some speed bumps in there?

KNIEPMANN: Yes, we would do that.

STEPHENS: We'll add that you work with Staff to add some speed bumps. What is the name of your company?

KNIEPMANN: The LaSalle Group.

STEPHENS: Are you affiliated with the Church?

KNIEPMANN: No, we are not. We are purchasing the land from the Church. We have been working with the Church for some time now.

STEPHENS: Asked Mrs. Turley to address Mr. Vove's question in regard to the dedication of the land and the future of that land.

TURLEY: That will be zoned open space.

STEPHENS: Does that mean that nothing will be built on it?

TURLEY: It is dedicated to the Village. It is going to be a part of Boley Farm. So it is going to be open space.

GOSZAK: I heard them say that the one acre is being allowed. Is it actually being

given?

STEPHENS: It is being deeded. The Village is going to be the owner of it.

DZIERWA: I think it belongs to the Village if it is going to be open space, at some time down the line the Village will consolidate those two lots and keep it at one so it will never be sold to anyone to do anything else with it.

KNIEPMANN: In regard to the comment about the ambulance sitting in the drive. By law, they are required to turn off their sirens and their lights when they are in front of our building. Our facility is an assisted living and less invasive than a nursing home. It is a lower level of care – not as high care as a nursing home.

STEPHENS: Do you have people there 24 hours?

KNIEPMANN: We do and our entire building is secured with a delayed egress system so that no one can just walk out. All of our employees have alarms on them so that every time a door is tried to be opened, they will hear it, they will know which door, and they will respond accordingly.

TURLEY: We need to keep in mind that this is privately-owned land that can be developed. The challenge is to find a use that works for this site. It could be developed. There is a fire station at that corner. There is a busy intersection there. It is not likely to be developed for single-family use. What use, other than the proposed use, has a lower impact? Would you want multi-family? The Comprehensive Plan does show this corner as commercial/institutional.

STEPHENS: So the long-range plan is commercial?

TURLEY: That is what the Comprehensive Plan says.

KNIEPMANN: Thanked the members of the Plan Commission and Staff for their time and for listening to the proposal and indicated they look forward to working with the Village in the future.

STEPHENS: Thank you. Stated that he has been on the Plan Commission for about eight years and when people come up and say we don't want these cars coming down our street, pointed out the fact that these are not their streets. These are dedicated roadways. These streets can be used by anyone. When you say this is "our" street and we don't like all this traffic coming down our street, you can't stop it. The Village can't stop it. It is dedicated public right-of-ways. Everyone drives on these roads. Such comments about "our streets" has never sat well with me.

WILLIAMS: Asked how many people are going to be in this home?

TURLEY: There will be 44 beds.

WILLIAMS: And there are 14 employees to take care of 44 people that need continuous care? I rest my case.

KNIEPMANN: There will be 14 employees at the peak time during the day. That ratio is really high compared to industry standards.

STEPHENS: Do you know what the national standards are?

KNIEPMANN: One to six. During our peak time, we are one-to-four. Overnight we will be one-to-six.

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

PARISI: Stated he doesn't concur with a lot of the opinions expressed this evening and he certainly is not up here to express his. We are here to make sure that we are doing things within the Village's guidelines, zoning requirements, etc. However, I must say that Orland Park is a Village that is approaching 60,000 people. Not too many years ago, and I've been here a long time, it was a much smaller town and I'm sure a lot of these people who owned farms and such were not too happy with all the subdivisions being built which brought with it all the cars and dogs, etc. This is a part of progress. If we don't want developers from out of our town to come then we'd have to ask about 80% of the businesses in Orland Park to leave the area. I think we shouldn't worry when people want to move in to our area. I think we should worry when people want to leave it. I've looked at this. There was a comment about traffic. I think you'd get a lot more traffic if you were to somehow put 10 or 15 homes on this 4.5 acre with the garages and the cars and everything than you would from an assisted care facility. I think the question of ambulance noises has been adequately answered. I don't think an ambulance is going to sit outside of an assisted care home with the siren going on. That just does not make sense. The fact that we are a village of 60,000 residents. It is incumbent upon us to address the needs of all the people in our community. What are we to do with our elderly who need care? Are we to buy some cheap land out somewhere in unincorporated Will County and put them out in the wilderness? I think it is part of our responsibility to take care of all our community members. I think most of the people using this will be community members. I think they went through great lengths in developing this piece of property. They've done their homework before they came here. They brought us all these samples because it is so important to them to conform with the architecture and to try to blend in with a community. I think they've done a marvelous job. Encouraged everyone to look at the brochures they've brought here. They say a picture is worth a thousand words. The pictures I see thoroughly impress me. There are other things that could go in here according to the Comprehensive Plan. If I lived here, this would be something that I would welcome. This is a beautiful facility. I think that it is nice

that we know what will go in there. I would like our friends from Texas to know that I think a number of people in the Village who are not here would probably agree with a lot of our sentiments.

THOMPSON: Concurred with Commissioner Parisi whose comments were very well said. The building is just outstanding. It is beautiful. I would welcome one where I live. I have family in assisted living. I have to travel to see them. I would love to have it in Orland Park so that I could visit them more. I've been involved with the assisted living that my family has been in for five years now. We've been called there at various hours – 2:00 a.m., 4:00 a.m. The ambulance is sitting out there with no lights, no sirens and no complaints. These people have to live somewhere. I think that the Village of Orland Park is doing a good job by allowing them to be here so that we can take care of them. Thank you.

AUBIN: Concur with his fellow Plan Commissioners. However, just to make the neighbors feel a little more comfortable, stated that we've heard from a professional engineer in regard to drainage. They are confident in the design they have that there will be no problems with water with you. We've heard from another professional. A man who does landscaping, buffering, for a living. He showed you a plan today in regard to landscaping which he did not have to do. He came here to do that so he could show you what type of buffering you are going to have between this project and the homes. I think they are going to go out of their way to make it very nice for you. I don't think you are going to hear anywhere near the noise that you are going to hear from the Boley tractors, the cars coming in to buy squash and the fire department. That will be three times the noise that this facility will make. I feel very confident of that. Last but not least, that property is owned by someone. As long as they meet the codes and the things that we do here in the Village of Orland Park, he has every right in the world to put that property there. I think they've gone out of their way to keep you in mind when they put this together. I agree with my fellow Plan Commissioners. We have other assisted living places in Orland Park and we've had no problems because we've had professionals put these properties in and we are going to have the same thing done here. Thank you.

DZIERWA: I think that what scares a lot of people is the parking. There is a lot of parking there. People are worried about this place being busy. As far as the traffic concerns, the key here is low impact. I've been in some nursing homes and I wish that some people would visit people in nursing homes. None of these residents drive. They need 23 spaces. They are providing 128 spaces. I think that is a bit much. If it were up to me I would eliminate the whole south row of parking and just make it all trees and grass.

AUBIN: Is that not shared parking with the Church?

DZIERWA: I realize that is shared parking and I realize what they are doing as far as an agreement and that is probably a condition of the purchase and that is a

great thing. Who doesn't want to help the Church, however, if the Church needs that much parking, they are going to use that lot. That lot is about half of the size of what is there now. I've taken some pictures here and I'm kind of thinking about where that new lot is going to end (the Church part of the lot) and it kind of ends right where the curb is for the fire department (if anyone would like to look at these) so as far as needing 23 spaces to service this facility, you have 60 some on one side and 60 some on the other side. Eliminate a lot of those parking spaces on the south side (this is just my opinion) and make more trees and more landscaping. I think that would satisfy a lot of the residents. Create a larger buffer on the south side. I have a question of the petitioner – someone who would be involved in the mechanical aspect of this building. We noticed the cooling tower on the north end of that service drive on the east side of that building. Who would address that. Is that a condenser cooling tower or is that an air-cooled water tower. It is an important question.

ARENSEN: They are heat pumps. There is a boiler and a condenser that makes neutral water for the heat pumps.

DZIERWA: Is there chilled water in the building that takes heat away from the chilled water with a cooling tower – the reason I'm asking is that the proximity of that cooling tower with the fence at the fire station for their patio – I'm thinking it is about 60 feet (I paced it out earlier in the day). Cooling towers have treated (bromine, algaecides, etc.) water in there. You are drawing air from the side of the cooling tower and you blow it out the top with the fans, you create a mist that ends up on tables and chairs and chicken cooking on the barbeque. I'm concerned about that cooling tower only if it is a condenser water cooling tower. If it is a condenser like we have outside of our house, a central air conditioning unit, with a compressor in it and a condenser, and it doesn't throw water out the top, I'm okay with that.

ARENSEN: It is a condensing type of water tower. Version A.

DZIERWA: Is there anywhere else you can place that or does Staff know of a certain distance it has to be away from people because of the nature of that unit. Maybe that is something that has to be looked at. Whoever makes the motion, perhaps we could add that the petitioner work with Staff on a legal place that type of cooling tower, only because it is not an air-cooled unit, but a condenser water unit where it gives off its heat. Water gets dumped in there at about 105 degrees. I should know. I'm a building engineer.

TURLEY: I'm sure our building permit people would be happy to work with the petitioner in this regard.

DZIERWA: I spoke with the fire department today about that and they were kind of oblivious to it. The gentleman I spoke to was very concerned. I told him that I would bring it up on their behalf if they were not here. The fact that we are allowing

more parking, do we need to add to the condition, a minor special use, or would it be incorporated into the special use?

TURLEY: From my understanding, the minor special uses are only voted on by the Board (like annexations).

DZIERWA: So I won't even address that if I make the motion. Thank you. That's all I have now.

JACOBS: I think this is a really well done design; a great looking building. The petitioner has gone out of their way with the landscaping program. Wished the petitioner great success here in the Village of Orland Park and that when my time comes, you'll remember me.

CULLIGAN: Asked Staff to address the cut-through issue and what their thinking is into 151st.

TURLEY: The 151st Street – the taper as you see, the plans were that it needed to be extended to properly function. We are hoping to set things up so that can happen in the future.

CULLIGAN: Quite a bit farther that we are looking at now.

TURLEY: Right.

LEHMANN: Stated that when 151st and 80th was reconstructed via the County there, I believe what Mrs. Turley was referring to before was that the County was not able to acquire the right-of-way appropriately in order to get that required storage. Therefore, now that this property is changing hands, the Village has the opportunity to require that dedication so we will get that and make sure that the additional storage is obtained on 151st Street. I go home that way every night. I see at 6:00 p.m. or so how that storage lane fills up and backs up into the through lane. It is certainly a needed condition.

CULLIGAN: Expressed his opinion that the architecture of the building fits in quite well with the area, encompassing Church, residential and fire house. This look fits in well there. The overall site of the development is laid out well. I think the parking areas allow for a good flow through the lot also. I don't there are too many issues there as far as parking obstructions. I like the detention. It will be wetland style with a lot of vegetation so it will not be just a big opening. I like the area where you put the dumpster. It is hidden quite well. A lot of trees and shrubs around there to hide that. The donation of the land to the Village is a great asset to the Boley Farm. I understand that for now the bike path will be held off on until we see what happens. The bike path continuation there will someday take place along 151st. From what I see with the amount of landscaping with the petitioner's putting in to assist with the buffering from the neighbors, I think they are trying to be a good

neighbor and I appreciate what they are doing with the service they provide with the residents that will be residing there with their facility. I think there is a need and I appreciate what they are doing.

PARISI: I do concur with Mrs. Kniepmann's explanation in regard to the solid white vinyl fence. For the reasons stated, I feel that is preferable to the wrought iron fence. Request the motion reflect that change.

DZIERWA: Asked the architect if any thought had been given to putting in any skylights for the corridors. They are a nice amenity to have in a building such as this.

ARENSON: Absolutely. There are two skylights in each of the two big dining rooms. There is a center court yard. When you look down the corridor you get the natural daylight. At the end of the corridors there are window seats approximately four feet wide in a bay window. There are skylights in activity areas.

DZIERWA: Looking at the foot print of the building, it looks like the north and south wings are mirror images of one another.

ARENSON: Yes, they are.

DZIERWA: As I looked at your large site plan, I started penciling in where I thought skylights would look good in corridors. I think it is a nice amenity and if there were any way you could work that into your plan, that might be nice. I'm not suggesting you have to do this, however, unlike in Texas where sometimes you may be inundated with daylight, in this area we like daylight. We encourage builders to incorporate that.

ARENSON: I will certainly investigate both of the issues you (Commissioner Dzierwa) brought up. Thank you for the suggestions.

STEPHENS: Echoed the comments made by Commissioners Parisi and Thompson in regard to the need in our community for this type of a facility. We have to look at the overall needs of the community. There is a definite need for this type of assisted living memory impaired facility. I don't think we have anything like that. If we have our parents who are in that situation, we have to drive long distances to help our parents. I think there is a need for that. I think this is really a good transitional fit on this piece of property. I think that the architect and this company has done a heck of a job in putting up a first class building. Designing a building that looks very residential. This is not a natural structure. This has natural stone, all brick, a well-designed, beautiful building. It is first class. We could do a lot worse with somebody coming in with a petition for something a lot less nice than this. It is not too big for the property. It is over four acres. They are giving up an acre. That leaves us with a little under 2-3/4 acres. The building is less than 25,000 square feet. It is not a big building for this parcel. There isn't a lot of

parking. They make a valid point. The people who are going to live in this building are not going to drive cars. I think the only people who use this as a cut through live close by. I've lived in this Village for 30 years and I know what people do. I don't see people using this as a cut through. We'll put in the motion that they work with Staff to put some sort of speed bumps to eliminate the problem even though I don't see this as a problem. Complimented The LaSalle Group for their very convincing responses to the eight Special Use Standard questions that we have and the eight rezoning evaluations factors that we require them to give us in answer to these questions. They have to convince us that we think it is a good fit. As far as I'm concerned, I've read all of these and I know my fellow Plan Commissioners have read them and I think this is a good fit for our community. They are not asking for, as was said, a ton of variances.

TURLEY: The lot coverage variance is probably the biggest one. The detention set back and the reduce landscape buffers.

STEPHENS: The trade off for these minor variances are that they are giving up 1.05 acres of `property in Orland Park. That is not cheap. In return, the Village is getting a lot more than they are giving as a variance. I appreciate the comments raised and I think the petitioner has done a satisfactory job in addressing those comments.

STEPHENS: Entertained a motion from the Plan Commission.

AUBIN: Moved to accept as findings of fact of this Plan Commission, the findings of fact set forth in the Staff Report dated March 11, 2008 and moved to recommend to the Village Board, approval of the Preliminary Site Plan entitled Autumn Leaves Assisted Living Proposed Site Plan by SAS Architects and Planners last revised March 3, 2008, subject to the following conditions: (1) that three additional handicap spaces are delineated to meet Code requirements; (2) that the petitioner work with Village Staff for final location and configuration of depressional storage on the one-acre dedicated to the Village; (3) that the land owners will publicly dedicate the 50' right-of-way shown on the Site Plan for both 151st Street and 80th Avenue; (4) that Autumn Leaves will allow on the Engineering Plans a right-lane taper extension on 151st Street and include this in the Cook County permit application that will be required for their new curb cut along 151st Street; (5) that a Final Landscape Plan, meeting all Village Codes, is submitted for review and approval within 60 days of final engineering approval. This is to include additional plant material in the five-foot buffer along 80th Avenue; (6) that all final engineering-related items are met; (7) that the petitioner work with Staff on methods to dissuade traffic cut-through on said property; and (8) that the petitioner work with Staff to look at a possible health hazard created by the water cooling tower on said property.

PARISI Second.

AUBIN: Moved to recommend to the Village Board, approval of the Elevations entitled Autumn leaves Assisted Living Exterior Elevations by SAS Architects and Planners last revised March 3, 2008, subject to the following conditions: (1) that the dumpster and storage shed are constructed of brick to match the building and are shown on elevations; and (2) that all mechanical equipment is required to be screened, either at grade level with landscaping or hidden behind the roofline or parapet that matches building materials.

PARISI: Second.

AUBIN: Moved to recommend to the Village Board, approval of a Special Use Permit to operate an Assisted Living/nursing home subject to the same conditions as outlined in the Preliminary Site Plan motion and with modifications that include: (1) reduced landscape buffers from a required 15' to a supplied 5' minimum; (2) reduced detention setbacks from a required 25' to a supplied approximately 4' minimum; and (3) an increased lot coverage from a required 35% maximum to a supplied 73% maximum.

PARISI: Second.

AUBIN: Moved to recommend to the Village Board, approval of a re-subdivision into three lots, subject to annexation to the Village and to the submission of a Record Plat of Subdivision to the Village for recording.

PARISI: Second.

AUBIN: Moved to recommend to the Village Board that, upon annexation of the unincorporated portion of the proposal, the rezoning of the 1.005 acre Lot 1A to Open Space District and the 2.88 acre Lot 1 and the .66 acre Lot 2 to the R-3 Residential Zoning District.

PARISI: Second.

A motion was made by Commissioner Paul Aubin, seconded by Commissioner Nick Parisi, that this matter be RECOMMENDED FOR APPROVAL to the Development Services & Planning, due back on 3/24/2008. The motion CARRIED by the following vote:

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

Nay: 0

2006-0572 Petey's II Restaurant & Lounge

Scott Shalvis, The Shalvis Group, 11508 W. 183rd Street, Orland Park

TURLEY: Staff presentation made in accordance with the written Staff Report

dated March 11, 2008 as presented.

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

AUBIN: Swore in Mr. Shalvis.

SHALVIS: I am the architect for the project and am present to answer any questions. Mrs. Turley has discussed the project very well. We have been working with Staff for the past year looking at different options for the site as well as the orientation of the building from the corner where Petey's II is now. There had been thoughts at one time of renovating that to moving the building behind that. After working with Staff and looking at the long-range goals for that corner and the overall site, it was decided to move the building toward the south east corner of the property. We've tried to accommodate the Village in all cases. We've agreed with pretty much everything on the Staff Report regarding the cost of the future light, the roadway extension. If I can be of any assistance, I'm here to provide that.

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

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

CULLIGAN: Thanked Mrs. Turley for clearing up a couple of questions I had with the land area and the small detention that was right off of 161st. As far as the alignment of the driveway, I would just like to see that this driveway is installed in the safest place it could be. I thought there was some change in the elevation there. The grade from the brand new 161st stub there and I thought that I was able to look down a good bit to the new property.

SHALVIS: There is an elevation change in the property, however, the overall grading will be accommodated. The real issue is just really crossing the property line. That whole south corner there is pretty much a detention pond with retaining walls there. It is very difficult at this time, until the future development of the site, the owner, Petey, has agreed to take that water onto that overall site so that it can be filled in at a later time. We will be working with Staff to see if we can accommodate, at least at this point, an alignment of those roads.

CULLIGAN: So there will be some changes. The drawings we have here do not have the different elevations in it. Now that I understand that too, that it is a different property owner, but that was my biggest concern, that it would be safer. It seems to be designed in a nice place where it is right now. Lining up sometimes is a good thing but not always. I think the design of the building is very nice with all the different stones. A nice job was done with that. It is good to see that we have an existing business in the Village of Orland Park that must have done well enough to stay in Orland. We are always glad to see that.

JACOBS: Asked Mr. Shalvis to please relay to Petey that we are glad that he is staying. I for one will enjoy the new restaurant. I think the design of the building is very attractive. I was a little confused when I went to the site to see how it was going to be laid out, however, now I better understand where it is going to go and why. Is the rest of the property involved?

SHALVIS: No.

JACOBS: Asked what the timeline on this might be after permitting.

SHALVIS: As far a building the restaurant, right now we are ready to go in for permit. It is basically just getting the final engineering to move ahead. Petey is looking forward to moving ahead as soon as possible.

JACOBS: Will the original building be demolished?

SHALVIS: That is my understanding. I know he is in discussions with IDOT in regard to the taking of the land for that corner as it is now. I'm not sure where that stands.

JACOBS: Thank you. That's all.

DZIERWA: Asked the petitioner if he has any concern about the modification permit, the refuse area, the loading area. Please address that and why it is there.

SHALVIS: The overall design concept of the Village is to move the building as close to the street as possible. We are looking at two entrances to the building; one to the south (the main entrance) and one to the north for the banquets. There can actually be a banquet operating simultaneously to the restaurant operation without having patrons go through one of the operations to the other. Putting loading area in toward the parking means that everyone would have to walk past the loading area. It was discussed with Staff that we'd be better off flipping it over. We are still providing a lot of screening of that. We've addressed as much of that with landscaping as possible as well as with the architectural treatment. It is not something where you will have trucks there on a constant basis. It is usually a drop off in the morning and that is pretty much it.

DZIERWA: I understand why you did it. It is not an ideal place, however, it works for this particular site. I don't have a problem with it. I did like the elevations. I think they are very creative. I think this is a beautiful building. Echoed the sentiment of his fellow Commissioners – glad that Petey's will be staying in town.

AUBIN: There are a number of sophisticated conditions applied to this petition. Has the petitioner reviewed them; does he have any problem with them?

SHALVIS: They've been reviewed and there are no problems. We already have

the wetland issues letters out to the Army Corp of Engineers. We've had Chris Burke and Associates do the wetland study. It is their professional opinion that the wetlands are a low grade and non jurisdictional, so it should go back to the Village as far as the jurisdiction of the wetlands.

AUBIN: Thank you.

THOMPSON: I also look forward to seeing a new Petey's II Restaurant. I get a little nervous when I eat at the old one, that I may have a car in my lap. It looks like an overall good plan. I also hope that he continues to have some meeting rooms in there. It is nice to have a location for organizations in Orland Park that we can go to a restaurant and have a little private meeting. I hope he continues to have what he has now.

SHALVIS: He actually has two rooms. There are two banquet rooms off to the back that could be opened up. It could be one large room or two separate rooms or open up to the main dining room.

THOMPSON: Thank you. That is all I have. Good luck.

PARISI: Beautiful building, glad he's staying, I have nothing more to add.

STEPHENS: Asked Mr. Shalvis if he could use any other material for the refuse gates other than wood which after awhile, it gets beaten up and hangs and doesn't close.

SHALVIS: We can look at composite material. We were trying to get more of a natural tone to it. We can look into composite material that can be stained. Something that would hold up. We can look at aluminum.

STEPHENS: I'd like to make that a condition in the motion for the petitioner to work with Staff on a different material other than the wood.

SHALVIS: No problem.

STEPHENS: I've been to Petey's and I gone by Petey's on the weekend when you can't even get in to park. If he has banquets and the restaurant is full, why if the requirement is only 18 islands, why are you putting in 28 islands.

SHALVIS: We were looking more for landscaping instead of having just an open parking lot area. We are meeting code with the parking spaces. I believe the existing one right now basically he is expanding the parking from where it was originally. It isn't really an efficient lay out. I think now we do have an efficient lay out proposed. If you want, we could lose one or two islands to pick up some additional parking. We actually had some additional parking spaces before and Staff asked us to look at reducing it back down to normal.

STEPHENS: I think that you need to actually increase the parking space and reduce the number of islands that you have. Does Staff have a problem with that? My reasoning is because that parking lot is always overflowing and there is nowhere to park. That restaurant draws a whole lot of people because it serves excellent food. I'd like to see back down from the 28 to the required 18.

TURLEY: We would have to look at lot coverage. I think you're fine on that. A lot of those parking islands control circulation. You just have to be careful where you pull them out.

STEPHENS: Recommend there be a condition that the petitioner work with Staff to reduce the number of parking islands to try to bring it down to only the required amount of parking islands. Asked if the decorative pond will be left in the front.

SHALVIS: Yes.

STEPHENS: So the one that will be eliminated is the one to the north?

SHALVIS: Yes.

STEPHENS: That will be tied into the future development?

SHALVIS: Yes.

STEPHENS: Noted the pergolas was going to be made out of real beefy wood. I was thinking perhaps a different material, however, as I drove down there I was looking at the other restaurants that all have that type of wood.

SHALVIS: If you use a plastic material, it looks plastic. The roof tile is an artificial slate, however, that is up and away. The wood gives it a more earth tone.

STEPHENS: I agree. This is a very nice looking restaurant. I think you did a beautiful job.

STEPHENS: Entertained a motion from the Plan Commission.

CULLIGAN: Moved to accept as findings of fact of this Plan Commission, the findings of fact set forth in the Staff Report dated March 11, 2008, and moved to recommend to the Village Board, approval of the Preliminary Site Plan, sheet A-1.0 and titled Petey's II Restaurant and Lounge by The Shalvis Group Architecture, revised February 12, 2008, subject to the following conditions: (1) that a Landscape Plan, meeting all Village Codes, is submitted for separate review and approval within 60 days of final engineering approval; (2) that all final engineering related items are met; (3) that Army Corp permits are obtained for any wetland disturbance associated with the petition if the wetland is determined

to be jurisdictional. This issue must be resolved prior to the approval of the Final Engineering; (4) that the storm water in the detention pond at the northwest corner of LaGrange and 161st Street is relocated and accommodated in a central detention pond when the balance of the 36 acre parcel that subdivided is developed; (5) that right-of-way is dedicated to the Village for the extension of 161st Street as shown on the Site Plan and as extended to the west, an 80' minimum right-of-way along the entire southern boundary of the 36+ acre parcel that is being subdivided; (6) that the developer constructs 161st Street to and including the 97th Street intersection; (7) that the right-of-way line location for LaGrange Road is verified by IDOT prior to Village Board approval and that right-of-way is publicly dedicated ; (8) that a cross access agreement through the northwest stub is provided to the future property owner to the west; (9) that the Petitioner cooperates to align the Petey's entry drive off of 161st Street with the Main Street Village West entry drive if possible; (10) work with Staff on the gate material for the refuse; and (11) work with Staff to reduce the number of parking islands to the required amount.

DZIERWA: Second.

CULLIGAN: Moved to recommend to the Village Board, approval of the Elevations sheet A-2.0 and A 2.1, entitled Petey's II Restaurant and Lounge by The Shalvis Group Architecture, revised February 12, 2008, subject to the condition that: (1) all mechanical equipment is screened, either at grade level with landscaping or hidden behind the roofline.

DZIERWA: Second.

CULLIGAN: Moved to recommend to the Village Board, approval of a Special Use Permit for a restaurant that is located within 330' of a residential parcel subject to the same conditions as outlined in the Preliminary Site Plan motion and including the following modifications: (1) a modification to permit the refuse and loading areas to be located between the front of the building and the street.

DZIERWA: Second.

CULLIGAN: Moved to recommend to the Village Board, approval of a subdivision of a 4.33 acre parcel (2.83 acre restaurant lot plus 1.50 acre detention lot from the existing 36+ acre parcel, subject to the following condition: (1) Lot A 2.83 acres and Lot B 1.50 acres are combined into one 4.33 acre lot.

DZIERWA: Second.

A motion was made by Commissioner Mike Culligan, seconded by Commissioner Steve Dzierwa, that this matter be RECOMMENDED FOR APPROVAL to the Development Services & Planning, due back on 3/24/2008. The motion CARRIED by the following vote:

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

Nay: 0

2007-0010 80th Avenue and 143rd Street - Brigham

John Griffin, Law Firm Griffin and Gallagher, 10001 South Roberts Road, Palos Hills

Anthony Malone, ESI Consultants, Civil Engineer, 1979 N. Mill Street, Naperville, IL

Jim Brigham, Brigham Constr. 7903 West 143rd Street, Orland Park, Property Owner

TURLEY: Staff presentation made in accordance with the written Staff Report dated March 11, 2008 as presented.

STEPHENS: Introduced into the record as Exhibit I, correspondence dated March 6, 2008, co-authored and signed by Peter G. Polmen and Ruth E. Faklis, addressed to Mayor McLaughlin, Village Trustees and Plan Commissioners wherein it informs that as the owners of the adjoining property, they are in favor of the said property being divided into four residential lots which will have no need for a variance reduction in lot depth or setback and keep the nature and character of the existing area as it is and as it was expected to be at the time of their purchase.

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

AUBIN: Swore in Messrs. Griffin, Malone and Brigham.

GRIFFIN: The Staff Report is obviously complete. I don't have too much to say. We are in agreement with everything. Would like to comment on two things, however. The Staff Report mentioned the pond ownership would be by an association. That was something that was discussed early on. We were trying to get six lots and we were talking about some common area ownership. At that point there was discussions in regard to a homeowners association owning and maintaining the pond. But it is a dry bottom detention. Since then, we've only been able to get the five lots. In accordance with the way Orland typically does their single-family residences, we would not seek to have that owned by a homeowners association but deeded to the Village and owned and maintained by the Village which I believe is the custom in single-family subdivisions.

TURLEY: That is something we can discuss with our engineers and our public works.

GRIFFIN: That was the one issue. The second issue was the decorative fence. We would prefer not to have to put up the decorative fence. We don't know what it

would do with regard to trees. It certainly would not help them. There obviously is more cost and it would lose the openness. We would be willing to consider in declarations or covenants, some reasonable requirements regarding fences. But we'd prefer not to put it up. Those are my only comments.

STEPHENS: Asked the petitioner if he has covenants for the five lots?

GRIFFIN: We haven't discussed that much. If we could handle the fence we would definitely have covenants for that. At this point we would not hope to even have to have a homeowners association.

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

AUBIN: Swore in Ricky King.

KING, resides at 14272 Whittington Court: My home butts up against this property. I am here because we have had water issues in our neighborhood. We spoke with the engineer before we came in here. The Village has a problem here with flooding (used laser pointer to show on the plan, where his home is at) at least twice a year. Our concern is that if you do put a cul-de-sac driveway in there, then that water is going to go somewhere. The retention pond in there now is inadequate to capture the water that comes down.

STEPHENS: There is not a retention pond in this piece of property.

KING: This overflows at least twice a year. It blocks 80th Avenue. If you are in a small car, you have problems. If you're in my Avalanche, there is no problem. I can go right through it. My neighbor, who is seated next to me, her backyard flooded because of the drainage and how things are sloping.

STEPHENS: We'll ask our two engineers to address that.

KING: Another thing – there is a bike path on the plan.

STEPHEN: Asked Staff if there is a bike path on the plan.

TURLEY: This is the one that is shown on our master plan but we are asking for cash in lieu of that since we know that there are some issues with connecting it right where you are talking about there being a problem.

KING: There is a sewage drain right here, four feet deep – there is no way you're going to get a bike path there.

TURLEY: We realize that it is going to be a challenge.

STEPHENS: Cash in lieu – they are not going to put a bike path there.

KING: Okay. What are you going to do with the water?

STEPHENS: We will get the engineers to address that question in a few minutes.

KING: We spoke with them but my concern right now is that the Village has problem on 80th Avenue that needs to be addressed. Putting that driveway in is only going to exacerbate the problem, in my humble opinion.

STEPHENS: Okay, thank you sir.

AUBIN: Swore in Ruth Fakis.

FAKLIS, resides at the corner of 7949 Cambridge Drive: I am the one who wrote that letter (Exhibit I) and I need to make a correction to it. I stated that it would be 130 square feet per property and it isn't. It is per that one property. Echoed the comments of my neighbor that the existing retention pond on the left – we are lucky in the sense that our property is raised up on that corner but there are several cars currently that get stuck in that water right there. It is a problem currently. I see where you have water coming through the subdivision as a natural.

KING: The pond is not dry.

FAKLIS: Having just built the Burbank Public Library which I'm Director of, I can tell you that you get a lot of problems with water coming through like that. There is a current water problem that exists that if you add this subdivision, the water will not flow into the dirt land. It will go to cement and asphalt. There will be an additional problem with water here. The flooding is a concern. I was concerned whether on 2-3/4's acre you could put five houses, a retention pond and a cul-de-sac. That seems like a lot. Thank you for letting me speak.

AUBIN: Swore in Tom Ryan.

RYAN, resides at 14252 Whittington Court: Pointed out where his house is located. Is it okay that they're within 40 feet .

AUBIN: They are meeting code and all the requirements.

RYAN: Is it okay that there are five lots in that size area.

AUBIN: Referred to Staff Report.

RYAN: Pointed to an area that is not dry; it is a river bed or a creek or whatever you want to call it. Everyone is talking about this flooding. There are two sewers there. When this floods over it comes down here and runs all the way down here and it drains. The amount of water in here is currently, without any houses there, a

concern. With the retention pond here now and there are going to be two new sewers that come in this way and bring this water down. When this does flood over, it is going to go to these two sewers because that is the lowest point of the street. I am less concerned about the cul-de-sac there (I'm not an engineer) because this area of concern is approximately three feet higher. This is the low point. These two engineers here, who are probably smarter than anyone in the room, have probably figured out how to make that detention pond good enough for this area. They didn't figure out how to make it big enough to manage this flooding. That happens every year; twice a year. That detention pond that is only five feet low is going to be able to handle that water. When it doesn't I think it is going to be catastrophic.

STEPHENS: We'll ask the engineers to address that. Asked Mr. Malone (from ESI Engineering) to address the water problems on this parcel. Then we will ask Mr. Lehmann, the Village's Engineer, to address the water problem that the Village has.

AUBIN: Swore in Linda Nagel.

NAGEL, resides at 14262 Whittington Court: Pointed out her house. The last time it flooded, I have a walkout basement and luckily we put a courtyard in that year, and the water went up to the first step, so I didn't flood. If they build this subdivision here and this water flows and this retention pond is not big enough to hold that water, it is going to go into my yard again. Next time I'm afraid it is not going to stop at my stairs. I just wanted to be on record in this regard. Thank you.

MALONE: As part of the preliminary plan submittal we turned in engineering to the Village and had it reviewed. There were no comments that came back regarding any flooding problems. There was nothing that said that our engineering was not correct. We did cite the detention area for our site which is what the regulations are. (Referring to the west side), we had the pipe coming along the north property line, continuing on down, tying back into the existing structure down here. There is a 24" pipe that continues and ties into the existing lower area. There is an existing pipe that comes from this area, comes up, comes through this way, and up this way into the detention area and then there is another part that comes out of the detention area and comes back down and continues on down this way. I believe we've done what we need to do for that. If there is a concern with this detention area flooding that may be an issue that the Village needs to look at, I guess.

STEPHENS: This detention pond that you have on here now, is it wet or dry.

MALONE: Dry. It will detain water. It has a positive outflow that ties into the existing structure. It has an orifice restrictor on it that meets the Village's code for an allowable discharge. Then it continues down the system and across 143rd.

STEPHENS: Thank you. Asked Mr. Lehmann if he is aware of this problem that they have there with the Village?

LEHMANN: Yes I am, for the most part. Gave a background for the condition on 80th Avenue. As some of the residents pointed out, it is a low point in the street so in a storm event, that is where the water is going to go obviously by design and by gravity. The storm system in the street is designed to handle a ten-year flood. If you get a storm that exceeds that it is going to pond in the street. When that pond fills up it will be there for awhile until that pond subsides and it is allowed to outlet to where it currently does. That pond was designed under old standards when it was originally constructed in the late 80's or early 90's. As far as the background is concerned we are aware of the fact that the pond, when it does overtop, has to go somewhere. Where is it going to go but exactly where the residents pointed out, through that existing swale that is through the property. That was pointed out at the preliminary level when reviewed and it was actually a point of contention for awhile. It is a dry swale. Where is the water coming from? It is coming from the pond when it over tops. That is some institutional knowledge that they are not aware of, and the Village conveyed to them. During the review of the project, both in preliminary and come final, we make it a requirement that they have to provide a 100-year-overland flow route to make sure the water is conveyed through the site. In doing that, they have to make sure that the water on their site gets not only from their lots to the pond but they have to accept offsite flow, an Illinois drainage law – what comes to you, you have to take. Come final engineering they are going to have to find a way to bypass it through their site. I imagine that why the residents pointed out right now that it is wet is because when Gallagher & Henry designed the pond originally, they were constrained by where the water could outlet to. Obviously they did not own the outlet, they couldn't acquire it or what not so where it outletted to they just had to let it go to that point. They had no control over how they could grade that property. The same goes for the residences on Whittington Court. They are forced to meet existing on either side of that parcel because they have no control over it; they cannot manipulate it to make the water drain better through the site like it should. Being that this site is the last piece of the puzzle, there is obviously a lot of consideration for what not only needs to be managed on the site but what is around the site. It has been discussed, the issue of the large detention pond over topping, that is a consideration that has to be addressed come final engineering as well as what flow comes through that site when it does to the existing residences on the west side of Whittington Court, via Mr. King's residence and others. They have to be able to convey that water through their site without impacting the other residences. The petitioner may argue that it is an existing condition, however, if it is the water from their site that they are discharging out of those properties, the Village is certainly not going to overlook that. The site plan shows an overflow for that pond. It was our direction, and I don't know if it was just something we didn't get conveyed on the plan, but I think it should be a condition of the approval that we suggest that overflow be relocated to the very southeastern-most corner of the site so that when that pond does over top, it is released to 143rd Street instead of to

Mr. King's property which he has pointed out, he has some drainage issues as well which I can appreciate. If you look at his property on the site plan you can see that his back yard is mostly an inground pool. Some of those drainage issues that he may have may have been self-inflicted. I don't know. I haven't visited the site in a long time. That is something to keep in mind as well.

STEPHENS: Directing his comments to Mr. Malone, stated that what he is suggesting, moving that to the southeast corner of the property...

MALONE: We have no problem with that. That was in the last letter and the consulting engineer for the Village said we could do it during final engineering. That is a minor change – that is just moving it over. That is not a problem.

STEPHENS: Asked Messrs. Malone and Lehmann, if they develop this piece, will it create additional water problems for these people or are they going to maintain their water on their site and not create anything more than they already have.

LEHMANN: As far as how the site is designed, the pond is clearly located in the location it is supposed to be. To back track a little, the Village worked with the petitioner for quite a long time to get this down from six lots to five lots and a detention pond to make the pond not only meet requirements a little better but also work with the site better. Be that as it may, it still insured that what water is on their site is contained within their pond and it is not allowed to go off site. Even in a 100 year condition, they are required in the drainage swales on all lots, to make sure they can convey that 100 year flow to their pond and not let it go off site. Once it does get to their pond, it has to be released through its overflow without going off site as well. Hence the reason why we asked that overflow location be relocated to the southeast corner so that it is at the most optimum location to avoid impacting the surrounding residences.

STEPHENS: So your opinion is that it won't be impacted from this development. Will it remain as they currently have a problem or will this make it a better solution to their problem?

LEHMANN: I'd have to look at the proposed grading for the site. It is still at a preliminary level so I don't know that we've delved into the detail at this time to be able to see how the existing drainage swales are on those Whittington Court residences but we can certainly incorporate that into the site. If there is something that there is water going off of this site onto their property, that is not going to happen because in order for them to meet detention requirements, the acreage that they are proposing to develop has to be put into their pond and not on other people's property.

AUBIN: So anything that comes out of that pond, crosses 80th Avenue, goes onto this piece of property, this gentleman is responsible for disposing of it. Is that correct?

LEHMANN: It is going to sit in the low point. If it rises to a point high enough that it comes onto their property he has to route it through his site.

AUBIN: He has to get rid of it. By doing that, this detention pond that he has, and by going to the southeast corner for spillover – I think there is your answer.

KING: That is going to be in my backyard but the State has a drain in that corner so what is at issue here is, when I bought my lot, 143rd Street was two lanes. I was a happy camper. The next year, the State came in and pushed that highway 16 feet closer to my house. When they did that, they raised it. What is not being factored in here is that the water is coming from that retention pond but there is a slope where water is coming off of 143rd Street. A percentage of that water is actually coming from 143rd Street and I have spent probably seven years dealing with water problems so I know what the water issue is on my lot. I'm 22 inches higher than Linda and I'm much higher than Tom. My pool sets much higher off of the ground. That water will go into her backyard.

AUBIN: You are saying that this water comes from 143rd Street?

KING: Some of that water is coming from 143rd. You can't get around that. I was talking to the civil engineer who put that road in and she was a smart lady. She raised that road so that she could deal with issues that used to come from another pond or stream that is maybe two blocks south. They put a retainer wall in and they lifted 143rd Street. The water, even though your engineer could deal with this development, I say there is water coming down this street and there is water coming across. If you take it and put it over here in this corner, I'm going to be fine. This lot will flood before it gets to my basement floor but Linda will have at least a foot of water in her basement because I'm much higher than she is. This is a slope. I have a walkout. Linda has a walkout. From Whittington Court, there is a nine-foot drop to there so there is a lot of water coming down that hill. My lot is sloped this way to this little creek. Water has been an issue on our end of the block for a long time. Our concern is that when you capture that water off of 80th Avenue and bring it around that corner, it is going to be a problem.

LEHMANN: Reiterated the point that I made before, and Mr. King basically confirmed it, that Whittington Court drops from Cambridge Drive down south at the general lay of the land – it goes from north to south – those lots are all the way the subdivision layout was originally intended to be designed. It was all supposed to drain through those rear yards from north to south, across his backyard, and get into that immense drainage culvert that is back there. It is huge. It doesn't get there. Look at what is in the backyard of Mr. King's property. There is an immense pool there that provides an obstruction for drainage. Like I pointed out before, some of the issues back there are self-inflicted.

KING: The pool is 20" above grade.

LEHMANN: That is fine that it is above grade, however, it provides a means of obstructing drainage from coming through your property like it was originally designed to do on the overall master grading plan for the Ishnala Subdivision.

STEPHENS: Do you mean he (Mr. King) changed the grade from the existing design?

LEHMANN: He displaced the drainage swale that used to be in the backyards back there. Absolutely.

STEPHENS: He changed it then.

LEHMANN: Absolutely.

AUBIN: Here is the problem that I am having here. We have a petitioner here who wants to subdivide this lot and I'm trying to find out that by doing that, he is going to be responsible for the water in your yard. Is he going to be responsible for the water in your yard. This is a yes or no question.

KING: After he answers, I'll tell you what I did.

RYAN: Yes. The detention pond is not going to be big enough to handle the water that goes onto his property. Right now he (Mr. Lehmann) thinks that this water does not stand in the street. It comes over that curb and and it comes rocking down this thing.

LEHMANN: I acknowledged that in my statements. I clearly acknowledge that.

RYAN: Okay.

AUBIN: Absolutely, but the man who is developing this is responsible for that water.

RYAN: What will happen when that water goes over it.

LEHMANN: You are correct, Commissioner Aubin. The water comes to his site. He has to route it through his site.

RYAN: So I should feel comfortable.

AUBIN: The man who is developing this property cannot put that water on your property. Once it hits his dirt, if he has to dig a 400 foot hole, that water is not going to your property. He is responsible for handling that water.

RYAN: I'm completely great with that. What happens if it does. Do I give him a

call?

STEPHENS: He is responsible for it.

RYAN: Okay. Can you help me out and give me some peace of mind. What happens if it happens to go in here.

AUBIN: He has to correct it.

RYAN: That is on the record so I just give you a call.

STEPHENS: He is responsible for that water.

LEHMANN: The water that comes through his site, he is allowed by Illinois drainage law, he is allowed to bypass it through his site. He is not required to detain it. Let's keep that in mind. Granted, we are not going to say, okay, we can bypass it right through his site and then dump it in this guy's yard and yes, that is a problem, however, there is nothing we can do about it. The Village is going to take that approach. We are not going to look at it that way. I can guarantee that.

RYAN: I respect the Village. Their engineers will be the first to tell you that this piece of land, they have put a little detention pond in here that can handle all the water from here and I totally respect them. They are dead right. But it cannot handle this. They will tell that right now that the pond that they've designed right here cannot handle this flood water. Ask him.

LEHMANN: I think you are missing my statement. I'm not saying that they have designed the pond to hold that water. They are allowed to bypass it through their site. I don't know how else I can state it to you.

RYAN: Where are they going to bypass it to?

LEHMANN: That is part of the final engineering process.

KING: Stated he wanted to share some information. Stated that when he bought his house, he had issues with his grade. I had to buy five semi trucks worth of dirt to raise my lot up on this side of my house.

STEPHENS: Are you the original owner of that house?

KING: Yes I am. I have a swimming pool sitting right here. It is roughly 20 inches above grade. It is about four inches below my basement floor. I didn't change any grade. This pool is above grade. I have retaining blocks around this pool. The slope of my lot goes this way. There is a two-foot drop from my basement floor to the corner of my lot. The fall off is two feet. It is much steeper on this side than it is over here. I've mediated the water problem. I bought a lot of dirt and I moved a lot

of stuff around. What is at issue here is I did not factor in this flood water coming over to this corner of my lot. That is what I didn't factor in, but I gave myself 20 inches so if it raises 20 inches I'm fine because I still have six more to get to my basement floor. But if it comes up 20 inches, Linda has a foot of water in her basement. Her lot is much lower than mine.

AUBIN: I think that everyone understands that.

KING: Okay.

LEHMANN: I'm not disputing that one bit. I think you just described it in a different way that I am because you are more familiar with the existing elevations on your property but I think you just acknowledged the fact that I said that your pool is in the way of the drainage path. It is very clear. It is there, right in the image. The pool displaces where the storm water can go. I don't understand how that can be argued.

KING: So what do you want me to do? Rip out a 36,000 gallon pool?

LEHMANN: It was your choice to put it in. You got a permit. You got permission to do it?

KING: I got a permit. I got permission. I got elevations. I have a row of trees at the back of my lot. There is a ten foot path for water to flow.

STEPHENS: Is that an easement?

KING: No. I've got eight feet and an easement but this is in a berm. I left ten feet from...

STEPHENS: Do you have an eight-foot drainage easement back there?

KING: Yes.

STEPHENS: But it is in a berm.

KING: I have a berm which is eight feet and it is not permanent. Then I have ten feet on the other side of that. I actually have 18 feet.

STEPHENS: Did you build up land on a drainage easement?

KING: I put trees in...

STEPHENS: Did you raise the land there?

KING: I couldn't put a fence in right here to block 143rd Street so I was told I could

put trees in and that is what I did.

STEPHENS: In the drainage easement.

KING: It is an easement.

LEHMANN: Typically rear yard easements are public utility and drainage easements so I'd have to assume so if that is in the plat.

STEPHENS: It would be a drainage easement.

KING: So I should not have planted trees there.

STEPHENS: I'm not telling you that.

KING: I was told you cannot put a fence in. If you tell me I can't put a fence in and I can put trees in, that is what I did.

STEPHENS: You could put trees in, inside of the easement.

KING: It is not called out on my plat of survey as a drainage easement, I'll put it to you that way.

STEPHENS: It probably called a public utility and drainage easement.

LEHMANN: I think that we should close this and acknowledge that this is not something that can be ignored and addressed come final engineering.

STEPHENS: This will be dealt with in the final engineering process.

LEHMANN: Absolutely. We won't overlook the existing hardships that people have on the surrounding properties.

STEPHENS: Since we only have preliminary engineering at this time, it will be addressed at the final engineering and we can move on with this petition and assume that everybody's questions have been answered. Whether they've been answered to their satisfaction or not, that is another story. Whether the people have created the problem of holding water and not allowing it to run through their property, that is another issue as well. That has to be dealt with as well to see if it is in compliance with the grading on their property. Now let's go back to the petition and this issue.

FAKLIS: Is it indeed allowable to have five lots?

STEPHENS: Yes.

TURLEY: The R-3 district has requirements for minimum lot sizes for minimum lot depth, width, building setbacks all the way around. They meet all of the bulk requirements for lot minimum, sizes and dimensions, and setbacks with the exception of the one variance.

STEPHENS: That is only because of the bubble in the cul-de-sac.

TURLEY: Right. They have accommodated their five lots, with one depth variance and then the detention setback variance so that they would be two variances total.

STEPHENS: So that is within the code requirement.

TURLEY: Right.

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

CULLIGAN: My issue was with the water also for the residents because I am quite familiar with that area there. A lot of it has been addressed to the point that we can address it. As our Staff Engineer has said, at final engineering, all issues will be resolved. Thank you.

JACOBS: I have nothing at this time.

THOMPSON: Thank you. I think all of my issues have been addressed. I have nothing further.

PARISI: I have nothing to add. I understand the concern with this pond. I hope we can come up with a workable solution for these folks. It seems to be a problem outside of this particular subdivision. Thank you.

AUBIN: As I read the motion, there is nothing that we need to add for the petitioner to accommodate this other than that all final engineering-related items are met. Thank you very much.

DZIERWA: I feel badly for the residents. I honestly feel that what is being attempted here is a solution along with the fact that the petitioner is getting the right to develop his land. I think we are holding the petitioner responsible for fixing a problem that already exists. I hate to point the finger and say that somebody is at fault and somebody is not at fault and you've got to do this and you've got to do that. I think we are working on a common goal here to solve the problem. Maybe it is a bonus for the petitioner that he gets a chance to develop to his land but he has that right. The homeowners, what you do on your property, so long as you are told that you can do it, you go ahead and do it. Maybe you got some bad advice. Maybe things just didn't work out. I honestly feel that this is going to happen. It will be an attempt at a solution. If it doesn't completely solve the problem, you can

always go to the Village and make them solve it because they basically are responsible. They make sure that people comply. Did we start out with 356 trees?

TURLEY: It was roughly just under 400 trees.

DZIERWA: So we started out with 356 and ended up with 202 trees to be mitigated. Is that where we are at?

TURLEY: Yes. As I read the tree survey summary, that is what I am seeing.

DZIERWA: Okay. There is nothing more we can do than to get them a little bit closer to adding more trees or is it just tree'd out at this point?

TURLEY: We communicated back and forth and they did add quite a few more than they originally had. They added more along the borders of this site. It is really to capacity. If you start to put too much in there you start to endanger the health of the trees.

DZIERWA: Stated to Mr. Griffin that he agrees with Staff about coming up with some sort of fence on both sides of the property whether it be the 143rd side and whether it is a complete fence – there are some pretty unsightly things around and I hate to see this mix and match type thing that we see down 80th Avenue. Asked Mr. Griffin if he could work with Staff to come up with something, even if it is just landscaping, something that looks kind of uniform, so that people are not inclined to put up an ugly fence and then start competing with one another. That is only a suggestion.

STEPHENS: I have a problem for the fencing. Driving around that area I do not see any other development that has the wrought iron fencing with the brick columns. The point made about Evergreen is much further to the west. It is not required in the code. It is a recommendation which clearly states that “and other features of a bufferyard will vary depending upon the nature of the adjacent development”. I didn't see any fencing other than the homeowners who put up their own fencing along the road to the east there. I saw no fencing across the street. Further west, over a mile, you required Evergreen which is a new development which is a very large development of a couple hundred lots to put fencing in along 143rd Street. I think it is a real burden for a small development like this with only five lots to require them to put wrought iron fencing a brick piers along 143rd Street when no other development there has it.

TURLEY: That is a late-coming development.

STEPHENS: But it is only five lots. I could see requiring it for a development that is going to have 200 or 300 lots. I can't see requiring it here. I have the code in front of me and it clearly says “will vary depending upon the nature of the adjacent

development". There is no adjacent development there that has a wrought iron fence with brick piers. We are already asking them to mitigate a couple of hundred trees at a cost of about \$300 a tree. Now we are asking them on a five-lot development to put in a costly fence that is not really going to make a difference one way or the other to anybody because going to the east it doesn't exist; going to the west it doesn't exist and across the street it doesn't exist. Why would we make this one site do it. I'm in total disagreement with this. In regard to the water problem, currently water is passing through their property. If they are required to continue to allow it to pass through their property, I think they've done what their requirement is. If there is a water problem that has to be solved by the Village, I don't know that the burden should be placed on this one small five-lot development that has to solve all of the problems of the Village. If the Village has a problem and something happened in the 80's that is creating a problem, I believe that the Village should look into that, deal with it. If it has to be dealt with in the final engineering of this property, then it has to be dealt with to allow the pass through, not necessary to hold the drainage from other properties and put the burden on a small 2-1/2 acre site that should not be required to deal with other problems that other developers have created. To allow the pass through yes, so that if this property develops into five lots, it should not create any additional water problems for these homeowners but should allow the pass through to go through. If you can deal with it in final engineering, that is where you have to deal with it. I see that preliminary engineering approval has been granted.

STEPHENS: Entertained a motion from the Plan Commission.

AUBIN: Moved to accept as findings of fact of this Plan Commission, the findings of fact set forth in the Staff Reports dated March 11, 2008, and moved to recommend to the Village Board, approval of the Preliminary Site Plan entitled "80th & 143rd" prepared by ESI Consultants Ltd., dated 12/31/07, project number 06-115-055-01, subject to the following conditions: (1) that the petitioner work with Staff to accommodate a uniform perimeter buffer along 143rd Street and 80th Avenue using materials other than iron for the fence and brick for the pillars; (2) that the developer supply cash in lieu of construction of a bike path along 143rd Street; (3) that the building envelope on Lot 1 and Lot 5 is changed to show a 20' side yard setback requirement along 80th Avenue; (4) that a Final Landscape Plan, meeting all current Village Codes, is submitted for separate review and approval within 60 days of final engineering approval. This shall include a Final Tree Mitigation Plan that compensates, at a minimum, on a one-to-one basis for all qualifying trees exceeding 4" in diameter that will be removed. Trees that cannot be accommodated on site will require cash contribution to the Village Tree Mitigation bank; and (5) that all final engineering-related items are met.

DZIERWA: Second.

AUBIN: Moved to recommend to the Village Board, approval to subdivide the 2.75 acre parcel panel into a five-lot subdivision plus one lot for detention, as

shown on the Site Plan, entitled "80th & 143rd" prepared by K. Plus Engineering, dated 12/31/07, project number 06-115-055-01.

DZIERWA: Second.

AUBIN: Moved to recommend to the Village Board, approval of the request to rezone the 2.75 acre parcel, from E-1 Residential District to R-3 Residential District.

DZIERWA: Second.

AUBIN: Moved to recommend to the Village Board, approval of a variance for the reduction of lot depth for Lot 2 from a required depth of 145' to a supplied depth of approximately 132 feet.

DZIERWA: Second.

AUBIN: Moved to recommend to the Village Board, approval of a variance for the reduction of detention pond setbacks from a required 25' to a provided 15'.

DZIERWA: Second.

A motion was made by Commissioner Paul Aubin, seconded by Commissioner Steve Dzierwa, that this matter be RECOMMENDED FOR APPROVAL to the Development Services & Planning, due back on 3/24/2008. The motion CARRIED by the following vote:

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

Nay: 0

NON-PUBLIC HEARINGS

2008-0086 Red Robin Gourmet Burgers

Arial Delao, Chipman Adams Architects, Park Ridge, IL
Matthew Lynn, Chipman Adams, Park Ridge

HOFKENS: Staff presentation made in accordance with the written Staff Report dated March 11, 2008 as presented.

STEPHENS: Asked the petitioners if they are in agreement with the four conditions.

DELAO: Yes.

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

and received none.

STEPHENS: Entertained a motion from the Plan Commission.

PARISI: Moved to accept as findings of fact of this Plan Commission, the findings of fact set forth in the Staff Reports dated March 11, 2008, and moved to recommend to the Village Board, approval of the Preliminary Site Plan entitled "Red Robin Gourmet Burgers Preliminary Site Plan" prepared by Chipman Adams, Ltd., job number 2007-06, dated 2/04/08, most recent revision 2/29/08, sheets PSP 1.0 and A2.4, A3.0, A3.1 and the material specification sheet dated March 14, 2007, subject to the following conditions: (1) that the petitioner provide substantial foundation landscaping along the east façade and the windowless areas of the north and south facades to buffer the blank walls and that the petitioner provide a sketch of this before the Committee meeting; (2) that the petitioner revise the Site Plan to reduce the parking stall depth on the southern most row of spaces from 18.5' to 18' in order to maximize the landscape area adjacent to the pond; (3) that the petitioner revise the Site Plan to show the five foot LaGrange Road sidewalk on the interior of property line; and (4) that all final engineering-related items are met, including code lighting requirements.

DZIERWA: Second.

A motion was made by Commissioner Nick Parisi, seconded by Commissioner Steve Dzierwa, that this matter be RECOMMENDED FOR APPROVAL to the Development Services & Planning, due back on 3/24/2008. The motion CARRIED by the following vote:

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

Nay: 0

OTHER BUSINESS

None.

ADJOURNMENT

STEPHENS: There being no further business before the Plan Commissioners, the Chairman adjourned the meeting at 11:35 p.m.

Respectfully submitted,

Teri Dougherty
Recording Secretary