

VILLAGE OF ORLAND PARK

*14700 Ravinia Avenue
Orland Park, IL 60462
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Meeting Minutes

Tuesday, March 25, 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

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 Aubin and carried to approve the minutes of the March 11, 2008 Plan Commission Meeting with the following revisions: (1) in page six of 55, under the second comment made by "LEHMANN", replace the words "no where" with the word 'nowhere'; (2) in page seven under the first comment made by "LEHMANN" replace the word "reduced" with the word "increased"; (3) in pages nine, ten and 11, replace the word "sympathies" with the word "sympathize" each time it appears; (4) in page 15, third-to-the-last sentence under "PATERA's" comments, replace "89th Avenue" with "80th Avenue"; (5) in page 30, the fifth-to-the-last line under "STEPHENS", replace the word "that" with the word "than" so that it reads "...something a lot less nice than this"; (6) in page 39, the last sentence of the page under "STEPHENS", replace the word "have" with "has"; (7) in page 40 under the comments of "KING", replace the word "Avalance" with the word "Avalanch"; (8) in page 46 under the second-to-last comments made by "RYAN", add the word "it" so that it reads "What happens if it happens to..."; (9) in page 26 under "PARISI's" comments, in the first sentence: (a) replace the word "compare" with the word "concur"; and (b) replace the word "mine" with "his"; (10) in page 17, under "PATERA's" second set of comments, replace the word "Foley" with the word "Boley"; (11) in page 21 under "GROGAN" in the second-to-last line, insert the word "think" so that the sentence reads "...because I don't think we should ..."; (12) in page 25 in the seventh paragraph under "DZIERWA", insert the word "line" so that the sentence reads "at some time down the line...".

A motion was made by Commissioner Patricia Thompson, seconded by Commissioner Paul Aubin, that this matter be APPROVED. 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

PUBLIC HEARINGS**2008-0188 Land Development Code Amendment - Section 5-101 thru 5-109 and Section 5-111**

STEPHENS: Entertained a motion from the Plan Commissioners.

I move to continue the public hearing for file number 2008-0188, Land Development Code Amendment - Section 5-101 thru 5-109 and Section 5-111, to the April 22, 2008 Plan Commission meeting.

A motion was made by Commissioner Paul Aubin, seconded by Commissioner Steve Dzierwa, that this matter be CONTINUED to the Plan Commission, due back on 4/22/2008. 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

2008-0189 Land Development Code Amendment - Section 5-110

STEPHENS: Entertained a motion from the Plan Commissioners.

I move to continue the public hearing for file number 2008-0189, Land Development Code Amendment - Section 5-110, to the April 22, 2008 Plan Commission meeting.

A motion was made by Commissioner Paul Aubin, seconded by Commissioner Steve Dzierwa, that this matter be CONTINUED to the Plan Commission, due back on 4/22/2008. 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

2008-0190 Land Development Code Amendment - Section 5-112

STEPHENS: Entertained a motion from the Plan Commissioners.

I move to continue the public hearing for file number 2008-0190, Land Development Code Amendment - Section 5-112, to the April 22, 2008 Plan Commission meeting.

A motion was made by Commissioner Paul Aubin, seconded by Commissioner Steve Dzierwa, that this matter be CONTINUED to the Plan Commission, due back on 4/22/2008. 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

2008-0191 Land Development Code Amendment - Section 6-101 thru 6-212

STEPHENS: Entertained a motion from the Plan Commissioners.

I move to continue the public hearing for file number 2008-0191, Land Development Code Amendment - Section 6-101 thru 6-212, to the April 22, 2008

Plan Commission meeting.

A motion was made by Commissioner Paul Aubin, seconded by Commissioner Steve Dzierwa, that this matter be CONTINUED to the Plan Commission, due back on 4/22/2008. 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

2008-0192 Land Development Code Amendment - Sections 6-302 and 6-306

STEPHENS: Entertained a motion from the Plan Commissioners.

I move to continue the public hearing for file number 2008-0192, Land Development Code Amendment - Sections 6-302 and 6-306, to the April 22, 2008 Plan Commission meeting.

A motion was made by Commissioner Paul Aubin, seconded by Commissioner Steve Dzierwa, that this matter be CONTINUED to the Plan Commission, due back on 4/22/2008. 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

2008-0170 Land Development Code Amendment - Section 6-305.1 (Preservation) 2008

HOFKENS: Staff presentation made in accordance with the written Staff Report dated March 25, 2008, as presented.

STEPHENS: Noted that this is a public hearing, however, there was no one present from the public.

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

DZIERWA: In reference to the "DRAFT Revised 03-25-08" document entitled "SECTION 6-305.1 TREE PRESERVATION STANDARDS:": (1) on page four, change "E. Tree Protection." to "F. Tree Protection."; (2) on page five, change: (a) "F. Final Inspection." to "G. Final Inspection"; and (b) "G. Exceptions." to "H. Exceptions; and (3) on page six, change "H. Civil Remedies:" to "I. Civil Remedies:".

DZIERWA: Noticed in Section "A", everything seemed to remain the same (unchanged); is that correct?

HOFKENS: Noted that in item 8. wherein it states "Conserve and enhance the Village's environment, especially its natural setting, and to protect the habitat of its existing wildlife" -- the old code stated "Conserve and enhance the Village's environment, especially its 'rural atmosphere' which wasn't really accurate. So that was a change.

DZIERWA: Noted that Section "B" seemed to be entirely re-worked.

HOFKENS: Yes.

DZIERWA: In reference to "B. 3. Fines", asked how long those amounts have been in place -- \$200.00 per inch of tree caliper seems excessive.

HOFKENS: Stated that as long as she has been with the Village, it has been there. However, I can look into that. Noted that the Village takes the approach that a property owner is always allowed to mitigate (within a specified time period) before being fined.

DZIERWA: In reference to the canopy trees addressed in "C. Replacement Standards", as it applies for developers (not homeowners), changing the replacement charts so that for trees with a diameter of 13" to 23" that are removed, they be replaced with four trees; trees with a diameter of 24" or greater, which are heritage trees, that are removed, be replaced with six trees.

DZIERWA: In regard to procedures to obtain a tree removal permit, asked why it is necessary to provide a copy of a plat of survey. Indicated he noted it on the reverse side of the Application for Permit form.

HOFKENS: It is necessary to see where the tree to be taken down is located so that if it were for a building addition, and the tree is right there, then a reason has been provided as opposed to if the tree were located at a distance away from the addition. Having the Plat of Survey helps to determine if there is a way to save the tree. Clarified that in the past it was handled on a case-by-case basis, with a letter send to each applicant.

STEPHENS: My interpretation is basically that you take your plat of survey that a property owner obtains at the time of closing, and draw in where the trees, proposed for removal, are located.

HOFKENS: That is exactly the intent.

DZIERWA: In the new Section "G", wherein it says final inspection, I'm curious about no certificate of occupancy -- do they just use common sense if it happens to be where someone moves in during the winter time and cannot plant a tree?

HOFKENS: Right. This is not a new thing. A petitioner nearly always qualifies for a conditional occupancy based on landscaping especially when it is a seasonal thing. If a project has both a letter of credit and needs a C.O. (like a brand new development), all we need to do to get their full occupancy is to simply drive by the site (something she [Ms. Hofken's] does) and see that the landscaping is in. I don't count the trees. I don't count the shrubs. I know that we have our letter of credit to financially back us up on that. Then I will clear for a full occupancy on their building so they can get in, because I have the letter of credit to back me up on the landscaping. If a building or a new development has only a C.O. and not a letter of credit, like a tenant going into a building where we might have required a tree to be put for incremental improvements, again, if it is winter, we will issue a conditional with a date, however, this would not prevent a tenant from stocking their store or opening a restaurant during the winter or inclement weather.

DZIERWA: You mentioned you would drive by a property to see if the landscaping was done. Who would follow up to make sure that the landscaping was done properly, the way it was supposed to be done, according to the letter of credit.

HOFKENS: Our consultant, Planning Resources, Inc., they do detailed inspections of all of our projects that have Board Approved Landscape Plans.

DZIERWA: So you just do a visual scan and let them follow up.

HOFKENS: Yes, exactly.

STEPHENS: I saw some ambiguity in this so I took the opportunity to meet with Ms. Hofken's yesterday. We went over this together and she presented the revisions which I am fine with. Also, there was a minor revision on the permit so this is the new/revised permit. The other permit showed that there would be a fee available. They would have to submit a fee and since there is no fee for this permit, that has been taken out. The only other thing which was added at the bottom, was reason for denial – if it were denied for some reason, I thought it made sense that they should be notified as to what the reason was.

STEPHENS: Entertained a motion from the Plan Commissioners.

I move to accept as findings of fact of this Plan Commission the findings of fact set forth in this staff report, dated March 25, 2008,

And

I move to recommend to the Village Board approval of the proposed amendments to Village Land Development Code Section 6-305.1, currently titled Preservation Standards, proposed to be titled Tree Preservations Standards.

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 4/28/2008. 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

STEPHENS: Noted there is nothing included on the agenda for non-public hearings.

OTHER BUSINESS

STEPHENS: In speaking to Staff Planner, Mr. Pittos, I found out that for the five continuances on this evening's agenda, there will be well over 100 pages that we'll need to go over to prepare for the Public Hearings. Therefore, in order to prepare for that, I asked Mr. Pittos if he could disseminate that information to the Plan Commissioners in advance. Mr. Pittos indicated that the Plan Commissioners should have this information by early next week. That will give us three-and-a-half weeks to review it and be prepared to comment on it.

STEPHENS: Stated it is not very often that we receive letters, however, we received one from a gentleman by the name of Richard Lenfur who was present at our March 11, 2008 Plan Commission meeting, wherein he commended the members of the Plan Commission for doing a fine job at that meeting.

ADJOURNMENT

STEPHENS: There being no further business before the Plan Commissioners, the Chairman adjourned the meeting at 7:30 p.m.

Respectfully submitted,

Teri Dougherty
Recording Secretary