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Staff Report to the Board of Trustees

Case Number: 2023-0997

SUBSTANTIVE AMENDMENT: MODIFY ENTITLEMENT REVIEW PROCESS

AMENDMENT SUMMARY

SECTION 5-101.A.3 General Process

Change the entitlement review process to have final engineering and landscape plans approved after the Board of Trustees approves a project.

SECTION 5-101.A.3 Appearance Before the Committee of the Whole

Change language to allow for projects to proceed to the Board of Trustees prior to final plan review and preparation.

SECTION 5-101.C Public Meeting Sequence with a Public Hearing

Change language to allow for projects to proceed to the Board of Trustees prior to final plan review and preparation. Reorganize section in order of new process.

SECTION 5-101.K.4 Review by Development Services Department

Change language to new final approval method and clarify language associated with final engineering reviews.

CHART 5-101.A (A)

Remove chart at end of section to foster innovation and facilitate plan implementation.

AMENDMENT EXPLANATION

The goal of this amendment is to make the development review process more efficient and effective, with an objective of implementing a Lean Enterprise Institute (LEI) recommendation of modifying the timing of the final plan review and preparation, including final engineering and final landscaping stages within the entitlements process. This case was tabled at the 12/18/23 Committee of the Whole meeting and has been revised to address concerns regarding the proposed amendment. Items corrected from the prior Committee of the Whole meeting include formatting issues, removal of the “80% plans” terminology, includes the state of “ready” development plans, and includes a revised explanation for better clarification of the proposed amendment.

Currently, Section 5-101 of the Land Development Code requires staff approval of final engineering and final landscaping before moving the project forward for the Board of Trustees to grant project approval. The proposed approach will enable petitioners to present plans to the Board of Trustees and subsequently address minor engineering and landscaping details administratively after project approval is granted and the ordinance is passed. This method streamlines the entitlements process, saves the development community time and money, and facilitates a more efficient project progression.

It is important to note that the Board of Trustees does not currently approve final engineering plans, but they do approve the site plan, landscape plan, and building elevations and any

correlated special uses, modifications, and variances. Almost all changes made in the final engineering and landscape phase of a project do not alter the site plan or building elevations for a project, which will be viewed and approved by staff to assure that they comply with all code requirements. If the final engineering or final landscaping review results in substantial alterations to the Board-approved site plans, the petitioner must restart the development review process by republishing for a public hearing and returning to the Plan Commission and Board of Trustees for revision approvals.

Due to the time and expense associated with preparing final plans without knowing the project will be formally approved by the Board of Trustees, staff recommends having a project proceed to the Board of Trustees and finalizing engineering and landscape details after the Board of Trustees grant approval as of the building permit process. There will be a standard condition added to all projects to ensure that each project is in substantial conformance to the plans referenced in the approved ordinance passed by the Board.

PROPOSED AMENDMENT TEXT **SECTION 5-101.A DUE PROCESS**

1. **Purpose.** The purpose of this section is to define and outline the development review procedures that petitioners, government agents, and elected and appointed officials follow for transparent review for development and redevelopment in the Village of Orland Park.

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3. **General Process.** There are three distinct development review processes which are ~~outlined in Chart 5-101.A (A) at the end of this section. The three processes are~~ summarized as follows:
 - a. Development Requiring Plan Commission and Board of Trustees Review:
 1. Pre-application Review with Village Staff;
 2. Filing of Application and Scheduling Plan Commission Public Hearing;
 3. Plan Commission Review and Recommendation;
 - ~~4. Committee of the Whole and/or Board of Trustees Review;~~
 - ~~5. Final Plan Preparation and Staff Review;~~
 4. ~~6.~~ Committee of the Whole Review (if applicable per Section 5.101.A.4);
 5. ~~7.~~ Board of Trustees Review and Decision-;
 6. **Final Administrative Review and Approval.**

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4. **Appearance before Committee of the Whole.** In the case where a petition has received unanimous recommendation from the Plan Commission, and at the discretion of the Director of ~~the~~ Development Services, the requirement to appear before the Committee of the Whole ~~and the Board of Trustees prior to final plan preparation and staff review~~ may be waived, therefore permitting such project to proceed directly to **the Board of Trustees.** ~~final plan preparation and staff review.~~ In such cases where a petition has not received a unanimous recommendation for approval from the Plan Commission, the petition shall proceed from the Plan Commission to the Committee of the Whole. The Committee of the Whole shall then determine if the application should proceed to ~~final plan preparation and review, be forwarded to~~ the Board of Trustees, or be remanded to the Plan Commission for further consideration.

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SECTION 5-101.C. Public Meeting Sequence with a Public Hearing

1. Public Meeting at Plan Commission with a Public Hearing.

- a. **Plan Commission.** The Plan Commission shall hold a public hearing in accordance with the provisions of Section [5-101.G](#) below on applications identified in Section [5-101.B.2\(a\)](#). The Plan Commission shall review the report and recommendation of the Development Services Department and testimony given at the public hearing and make a recommendation to the Board of Trustees for approval, approval with conditions, or disapproval. The Plan Commission may also choose to forward to the Board of Trustees without a recommendation.
- b. **The Committee of the Whole.** The Committee of the Whole, if required by Section [5-101.A.4](#), shall review the plans and documents, the Plan Commission recommendation, and the Development Services Department report and recommendation, and shall recommend approval, approval with conditions, or disapproval to the Board of Trustees. If the Committee of the Whole recommends approval or approval with conditions, the Committee of the Whole shall authorize the **petitioner applicant** to proceed to **the Board of Trustees.** ~~final plan preparation and staff review as per paragraph 5-101.C.1c.~~ If the Committee of the Whole recommends denial, the petition will proceed directly to the Board of Trustees. If there are significant changes to the development **petition application**, the Committee of the Whole or the Board of Trustees may remand the application to the Plan Commission for further review and recommendation.
- c. **Board of Trustees.** Upon receipt and review of the recommendation of the Plan Commission or Committee of the Whole, the Board of Trustees shall grant, grant with conditions, or deny the petition.
- d. **Village Staff.** Upon receiving approval from the Board of Trustees and prior to the issuance of any permits or occupancies related to the entitlement, Village staff shall review final engineering, site, and landscaping plans, final plat of subdivision, outside agency approvals, engineer's estimate of cost, letter of credit, and payment of applicable fees.

~~c. **Final Plan Preparation and Staff Review.** Upon a positive and unanimous recommendation from the Plan Commission or as per Section 5-101.A.4, the applicant, working with the Development Services Department, shall proceed with preparation and review of final engineering and landscaping plans, final plat of subdivision, outside agency approvals, engineer's estimate of cost, letter of credit, and payment of applicable fees. Concurrently, the Development Services Department shall proceed with preparation of a draft development agreement or annexation agreement as may be applicable. The recommendation of the Plan Commission shall not be scheduled for review by the Committee of the Whole or the Board of Trustees until all final plans are approved by the Development Services Department and the applicable agreement is prepared in draft and is ready for review and approval by the Board of Trustees. (Amd. Ord. 5221 - 9/18/17)~~

~~d. **Committee of the Whole.** Upon staff preparation of applicable draft agreements and determination that the plans comply with applicable codes and prior direction from the Plan Commission, Committee of the Whole, or Board of Trustees, the development shall proceed to the Committee of the Whole. The Committee of the Whole shall review all pertinent information provided by the Director of Development Services, the Plan Commission, the petitioner, and the testimony and evidence from prior public meetings~~

~~and hearings and provide a recommendation to the Board of Trustees for approval of the final ordinances and agreements.~~

~~e. **Board Action.** Upon receipt and review of the recommendation of the Committee of the Whole, the Board of Trustees shall grant, grant with conditions, or deny the petition.~~

SECTION 5-101.K Role of the Development Services Department

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4. Review by Development Services Department

a. **Application Review.** The Development Services Department shall review the complete application for development approval in accordance with these regulations and particularly with Section [5-105](#), if the development requires a special use permit; Section [5-108](#), if the development requires an amendment to the text of these regulations or the Zoning District Map; Section [5-109](#), if the development requires a variance; Section [5-112](#), for development requirements and subdivision review; and/or Section [5-110](#) and [6-209](#), if the development requires a Certificate of Appropriateness. (Amd. Ord. 4996 - 6/15/15)

b. **Preliminary Plan Review Process.** The Development Services Department shall review the complete development petition, the preliminary plan, and coordinate the review of the engineering plans associated with the application for development. Preliminary engineering plans shall be approved by staff prior to proceeding to the Plan Commission.

~~b. **Preliminary Plan Review Process.** The Development Services Department shall review the complete application for development and its preliminary plan before proceeding to Plan Commission.~~

~~c. **Preliminary Engineering Review Process.** The Development Services Department shall review the engineering plans associated with the application for development and confirm preliminary engineering acceptance prior to proceeding to the Plan Commission or hold the application from proceeding to Plan Commission until outstanding preliminary engineering items are met.~~

~~d. **Final Plan Review Process.** The Development Services Department may continue to review the complete application for development throughout the decision-making process to recommend corrections or amendments to plans pursuant to recommendations by the Plan Commission, the Committee of the Whole, and the Board of Trustees.~~

c. **Ordinances and Agreements.** The Development Services Department shall coordinate the ordinances and agreements for final approval by the Board of Trustees.

d. **Final Engineering Plan Review Process.** After approval from the Board of Trustees, the Development Services Department shall coordinate the review of the final engineering plans associated with the development petition application for development to determine that the plans comply with applicable codes and prior direction from the Plan Commission, Committee of the Whole, or Board of Trustees, and as outlined in the final ordinance or agreement. , prior to consideration of the final ordinances or agreements by the Board of Trustees.

‡. If the final engineering plan review results in substantial alterations to the plans reviewed during the public hearing by the Plan Commission, and by the Committee of the Whole, approved by the Board of Trustees, then the applicant shall return to

the Plan Commission and restart the development review process, republishing in the event of a petition requiring a public hearing. **Substantial alterations to a final plan shall include but not be limited to:**

~~a. Substantial alterations to a final plan shall include but not be limited to things such as:~~

- Enlargement of storm water facility sizes;
- Reductions in setbacks;
- Construction of or alterations to retaining walls;
- Changes in street layout/land use;
- Increases in lot coverage;
- Changes parking configurations;
- Changes that result in new or expanded variances or modifications to special use regulations; and
- Changes to the number of units, building area, or building stories.

GENERAL DEVELOPMENT PROCEDURES

CHART 5-101.A (A) — (Entire chart to be removed from this section)

