

VILLAGE OF ORLAND PARK

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



Meeting Minutes

Monday, November 21, 2011

6:00 PM

Village Hall

Development Services & Planning Committee

*Chairman Kathleen M. Fenton
Trustees Edward G. Schussler and Carole Griffin Ruzich
Village Clerk David P. Maher*

CALL TO ORDER/ROLL CALL

The meeting was called to order at 6:00 PM.

Present: 3 - Chairman Fenton; Trustee Schussler and Trustee Griffin Ruzich

APPROVAL OF MINUTES

2011-0683 Approval of the October 17, 2011 Development Services and Planning Committee Minutes

I move to approve the Minutes of the Regular Meeting of the Development Services and Planning Committee of October 17, 2011.

A motion was made by Trustee Schussler, seconded by Chairman Fenton, that this matter be APPROVED. The motion carried by the following vote:

Aye: 3 - Chairman Fenton, Trustee Schussler, and Trustee Griffin Ruzich

Nay: 0

ITEMS FOR SEPARATE ACTION

2011-0692 Tenant Relocation Payments - Orland Park Bakery

Assistant Director of Development Services Kimberly Flom reported that as part of the acquisition of the Orland Plaza, the Village of Orland Park is required to pay for relocation costs for affected businesses. The Village follows regulations in accordance with the Uniform Relocation and Real Property Acquisition Policies Act of 1970. The Village has finalized the estimated relocation costs for the Orland Park Bakery, which is located at 14250 Ravinia Avenue. The Bakery is relocating to 14850 S. LaGrange Road, in Orland Park. Dan and Thomas Major, the owners of the Bakery are in the process of receiving their building permits for the new location.

Based upon documented estimates received from Annette Favia, the Village's relocation consultant, the Orland Park Bakery is eligible for a total relocation payment of \$196,519. Please note this estimated payment does not include eligible search fees (maximum of \$2,500), additional eligible costs for replacement printing, insurance during the move and reasonable and necessary professional services. These additional amounts, if applicable, will be added upon receiving actual documentation to support such costs.

In order to allow them to begin construction at the new business location, they have requested a 50% advance payment of the eligible amount. The remaining amount due will be advanced upon significant work completed and submittal of required documentation.

I move to recommend to the Village Board approval of the estimated total relocation payment in the amount of \$196,519 plus additional eligible costs for search fees (maximum of \$2,500), replacement printing, insurance and reasonable and necessary professional services;

And

Move to recommend to approve 50% of advance payment of the eligible costs in the amount of \$98,260 to the Orland Park Bakery.

A motion was made by Trustee Schussler, seconded by Trustee Griffin Ruzich, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion carried by the following vote:

Aye: 3 - Chairman Fenton, Trustee Schussler, and Trustee Griffin Ruzich

Nay: 0

2011-0693 Tenant Relocation Payment - Lang Lee II Restaurant

Assistant Director of Development Services Flom report that as part of the acquisition of the Orland Plaza, the Village of Orland Park is required to pay for relocation costs for affected businesses. The Village follows regulations in accordance with the Uniform Relocation and Real Property Acquisition Policies Act of 1970. The Village has finalized the relocation costs for Lang Lee II, which was located at 9650 W. 143rd Street. Lang Lee choose to close its business and liquidation was completed on October 27, 2011.

The Federal Uniform Relocation Act defines how payment must be made when a business chooses to close in lieu of relocation. This is defined as a direct loss of tangible personal property (DLP) claim. The eligible payment amount for a claim for a DLP is computed as follows:

The value in place for continued use as determined by a personal property appraiser, less proceeds from sales if any,

Or

The estimated cost to move and reinstall the personal property not to be moved, whichever is less.

Based upon the current law, Lang Lee is entitled to a payment of \$219,739.45. This is the lesser amount of the Estimated Relocation cost versus the Value in Place Cost. In determining this amount, the Village worked with Annette Favia Relocation Consulting Services and obtained written appraisals and cost estimates for relocation.

I move to recommend to the Village Board approval of a relocation payment in the

amount of \$219,739.45 to Lang Lee II Restaurant.

A motion was made by Trustee Griffin Ruzich, seconded by Trustee Schussler, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion carried by the following vote:

Aye: 3 - Chairman Fenton, Trustee Schussler, and Trustee Griffin Ruzich

Nay: 0

2011-0694 Tenant Relocation Payment - Frontier Construction

Assistant Director of Development Services Flom report that as part of the acquisition of the Orland Plaza, the Village of Orland Park is required to pay for relocation costs for affected businesses. The Village follows regulations in accordance with the Uniform Relocation and Real Property Acquisition Policies Act of 1970. The Village has finalized the estimated relocation costs for Frontier Construction, which is located at 9638 W. 143rd Street, in the lower level. Frontier Construction is relocating to 7615 Plaza Court, in Willowbrook, Illinois.

Based upon documentation received from Annette Favia, the Village's relocation consultant, Frontier Construction is eligible for a total estimated relocation payment of \$63,345. Please note this estimated payment does not include additional eligible costs for replacement printing, reasonable and necessary professional services, search fees not to exceed \$2,500 and tenant build out not to exceed \$10,000. These additional amounts, if applicable, will be added upon receiving actual documentation to support such costs. Frontier Construction has requested a 50% advance payment to allow for work to commence. The advance payment is for \$36,673 and includes \$5,000 for tenant build-out.

I move to recommend to the Village Board to approve the estimated total relocation payment in the amount of \$63,345 to Frontier Construction plus additional eligible costs for replacement printing, reasonable and necessary professional services, search fees not to exceed \$2,500 and tenant build out not to exceed \$10,000 - provided such documentation is provided;

And

Move to recommend to approve 50% advance payment in the amount of \$36,673 to Frontier Construction.

A motion was made by Trustee Schussler, seconded by Trustee Griffin Ruzich, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion carried by the following vote:

Aye: 3 - Chairman Fenton, Trustee Schussler, and Trustee Griffin Ruzich

Nay: 0

2011-0644 Village Code Amendment, Electrical Code Update Title 5, Chapter 3

Assistant Director of Development Services Flom reported that the Development Services Department has reviewed the latest edition of the 2011 National Electrical Code (NEC) for code updates. The existing local ordinance (revisions) have been inserted in the appropriate code sections of the new 2009/NEC revisions to Title 5, Chapter 3 of the Village Code.

The Village of Orland Park currently utilizes the 2005 edition of the National Electrical Code (NEC) as the basis for its Electrical construction regulations. This is a national model code written by the National Fire Protection Association (3 year cycles). The Illinois Building Commission has been notified of Orland Park's intention to adopt a new Electrical code with amendments as required by a recent act of the 92nd General Assembly.

One of the reasons for our updating to this latest Electrical Code edition is to maintain the Village's ISO (Insurance Service Organization) grading classification rating for both residential and commercial properties. These ratings affect building insurance premiums. In regards to the new Electrical code edition, the Village has inserted revisions to existing modifications with a limited amount of local changes. They are intended to clarify existing rules and to remove outdated amended electrical standards. Building Division staff has highlighted the changes for your review and will provide answers to questions as requested.

This agenda item was introduced to the Development Services Board Committee on October 17, 2011 and was continued to the November 21, 2011 Committee. Trustee Schussler requested information regarding where in the code does it prohibit the use of Romex or other similar materials. Section 5-3-6 of the Village Code specifies deleted Articles from the 2011 National Electrical Code including: 320, 330, 334, 338, 362 and 604. Romex is a term not referenced by the Electrical Code but is a trade name by a cable manufacturer using wiring sheathed in a plastic coating. This product was originally manufactured by the "Rome Cable Company" in the State of New York. Without the deletion of Article 334, Romex type "Nonmetallic-Sheathed Cable" would be permitted without being installed in a metal conduit.

Trustee Schussler stated that all of his questions that he had were answered.

I move to recommend to the Board to approve the local revisions of Title 5, Chapter 3 of the Village Code and to implement the latest edition of the 2011 NEC ("August 25, 2010" printing), as written by the National Fire Protection Association (NFPA 70).

A motion was made by Trustee Griffin Ruzich, seconded by Trustee Schussler, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion carried by the following vote:

Aye: 3 - Chairman Fenton, Trustee Schussler, and Trustee Griffin Ruzich

Nay: 0

2011-0294 Chase Bank - Special Use Permit, Site Plan, Elevations

Assistant Director of Development Services Flom reported that the petitioner proposes to demolish the existing strip center located in an established commercial area on a 0.8 acre site at the northeast corner of 159th Street and 94th Avenue, and then construct a new Chase Bank building. Banks are permitted uses in the BIZ Business District, but a special use permit is needed for the drive through. The proposal meets Land Development Code requirements with the exception of three requested modifications: a reduced rear building setback to accommodate the drive through canopy, no loading space, and parking space numbers that exceed the Code requirement by more than 20%. The amount of green space on the site will be significantly increased under the new proposal.

Trustee Schussler stated that he has seen "For Rent" signs up in some of the windows of this strip center that will be demolished.

A representative from Chase Bank stated that Chase is currently working on the lease agreement with the current landowner and once this is signed they are ready to move forward on this project.

I move to recommend to the Village Board approval of a Site Plan, Elevations, and a Special Use Permit for a drive through with modifications as approved at the October 25, 2011 Plan Commission meeting and as fully referenced below:

THIS SECTION FOR REFERENCE ONLY (NOT NECESSARY TO BE READ)

I move to recommend to the Village Board approval of a Special Use Permit to construct and operate a bank with four drive through lanes subject to the same conditions as outlined in the Preliminary Site Plan motion. Modifications to the Special Use permit include:

1. The rear building setback is reduced to as little as 9.5' from a required 30' rear building setback.
2. There will be a reduction in the required loading spaces, from one required to zero supplied.
3. The 18 parking spaces supplied exceeds the Code required 13 spaces by more than 20%.

And

I move to recommend to the Village Board approval of the site plan titled

"Preliminary Site Plan" by Gewalt Hamilton Associates, dated 9-22-11 project #3619.152, subject to the following conditions.

1. Submit a Final Landscape Plan, meeting all Village Codes, for separate review and approval within 60 days of final engineering approval and prior to building demolition. This is to include a Tree Preservation Plan and Mitigation Report per Code section 6-305.1.
2. Meet all final engineering and building code related items.

And

I move to recommend to the Village Board approval of the Elevations titled "Exterior Elevations" by The Architect's Partnership, dated 11-04-11, project # 10036, subject to the following conditions.

1. Screen all mechanical equipment either at grade level with landscaping or hidden behind the roofline.

A motion was made by Trustee Griffin Ruzich, seconded by Trustee Schussler, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion carried by the following vote:

Aye: 3 - Chairman Fenton, Trustee Schussler, and Trustee Griffin Ruzich

Nay: 0

2011-0607 Blissful Banana Café - Special Use

Assistant Director of Development Services Flom reported that the purpose of this petition is to establish and maintain a 3,500 square foot restaurant at the shopping center located at the northeast corner of Wheeler Drive and 94th Avenue. The restaurant will be a 7 AM to 7 PM operation in a currently vacant retail unit at the shopping center that currently includes neighboring tenants such as the Mario Tricoli salon and the Belicoso Cigar Lounge. The petitioner proposes seating for 150 people in the restaurant with 10 employees. The shopping center has enough parking to accommodate the proposed land use.

The center was previously home to MoJoe's Café under special use ordinance 2988. MoJoe's was an entertainment venue that left the site in the mid-2000's. This special use ordinance has since expired due to the unit being vacant more than three years.

Trustee Schussler asked if the garbage enclosure issue has been resolved.

Assistant Director of Development Services Flom stated that at the Plan Commission meeting on October 25, 2011 as one of the conditions the petitioner would upgrade the old garbage enclosure facility at the rear of the subject tenant space to meet current enclosure standards for a gated, 100% opaque and

non-white vinyl material enclosure.

I move to recommend to the Village Board of Trustees to approve a special use permit for the proposed restaurant Blissful Banana Café at 15447 S. 94th Avenue as indicated in the attached fully referenced motion.

THIS SECTION FOR REFERENCE ONLY (NOT NECESSARY TO BE READ)

I move to recommend to the Village Board of Trustees to approve a special use permit for Blissful Banana Café, located at 15447 S. 94th Avenue in the Mario Tricoci Salon and Day Spa shopping center, subject to the following conditions:

1. That the petitioner upgrades the old garbage enclosure facility at the rear of the subject tenant space to meet current enclosure standards for a gated, 100% opaque and non-white vinyl material enclosure.
2. That a sidewalk connection is clearly identified on site linking the storefront sidewalks with the public sidewalk system along Wheeler Drive.
3. That the petitioner provides bicycle parking facilities at the front of the shopping center.
4. That all building code related items are met.
5. That building permits are obtained prior to construction.

A motion was made by Trustee Schussler, seconded by Trustee Griffin Ruzich, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion carried by the following vote:

Aye: 3 - Chairman Fenton, Trustee Schussler, and Trustee Griffin Ruzich

Nay: 0

2011-0576 Village Code Amendment - Mechanical Code Update - Title 5, Chapter 6

Assistant Director of Development Services Flom reported that the Development Services Department has reviewed the latest edition of the International Mechanical Code (IMC) for code updates and has inserted our existing local ordinances (revisions) in the appropriate code sections of the new 2009/IMC. Revisions to Title 5, Chapter 6 of the Village Code which was attached to the Committee packet.

The Village of Orland Park currently utilizes the 2006 edition of the International Mechanical Code (IMC) as the basis for its Mechanical construction regulations. This is a national model code written by experts in 3 year cycles that is used for reference.

The Illinois Building Commission has been notified of Orland Park's intention to adopt a new mechanical code with amendments as required by a recent act of the 92nd General Assembly.

A major reason to update to a more recent edition of the Mechanical Code is to maintain the Village's ISO (Insurance Service Organization) grading classification rating for both residential and commercial properties. These ratings affect insurance premiums.

The local changes to this new code have inserted model code revisions and are limited as much as possible. The local revisions are intended to clarify existing rules and to remove outdated amended construction standards.

I move to recommend approval to the Board of Trustees of the local revisions of Title 5, Chapter 6 of the Village Code and to implement the latest edition of the 2009 IMC "Second Printing: April 2009" as written by the International Code Council.

A motion was made by Trustee Griffin Ruzich, seconded by Trustee Schussler, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion carried by the following vote:

Aye: 3 - Chairman Fenton, Trustee Schussler, and Trustee Griffin Ruzich

Nay: 0

2011-0166 153rd Street Bike Path Ashburn Church Easement

Assistant Director of Development Services Flom reported that in May 2011 the Village hired CBBEL to engineer a bike path extension from 108th Avenue and 153rd Street to Wolf Road and 151st Street. This missing section of the Village's bike path system will connect the subdivisions on the west side of town to Centennial Park and the center of town. CBBEL has developed a conceptual path alignment within the public road right of way; however CBBEL has noted that in some locations engineering costs will be higher due to grading, utility, and sub grade constraints. An alternative is to locate portions of the bike path in easements outside of the right of way when it is cost effective and where abutting land owners are agreeable. One such portion is a 932' segment with a wet vegetated swale that runs along the Ashburn Baptist church frontage on 153rd Street. The easement would include an approximately 40' X 800' area for a total area of 32,000 square feet. The right of way location option requires special sub grade preparation and a guard rail along a path that would be very close to the road bed. The proposed easement location is easier to construct, requires no guard rail, and preserves most of the vegetated swale.

Village staff met with Ashburn Baptist Church and sent a letter requesting the easement be granted for the bike path. The church has agreed to the easement subject to four conditions.

1. "That the inspection fee for the platform elevator would be waived by the Village."

Response: According to the church, at the time of the church building construction, they were required to construct a platform elevator that they say has never been used, but still requires two inspections per year. Ashburn originally requested that the inspections be discontinued, but is agreeable to waiver of fees instead. The platform elevator inspections must continue as a safety precaution per State Statute. The Village will agree to waive the inspections for a period of ten years. This totals \$1,100 in savings for the church, as well as an \$1,100 reduction in Village elevator inspection fees collected.

2. "That the pond would be restored to its original condition, and that upon signing that there would be a notarized agreement from George Eck for a storm sewer that would cross his property to the north of 153rd Street, the Village being responsible to secure this authorization and provide the cost of installation."

Response: According to the Village's engineering analysis, the pond level is too high due to a collapsed farm field tile on the north side of 153rd Street which runs through George Eck's property that abuts to the north. The pipe has been a continual problem, and when 153rd St. was redone in 2008, the road project installed a new storm sewer and manhole structure that allowed the pond to effectively drain underneath the road to Eck's property, and cut a ditch through his property to allow the pond to drain. However, over time the ditch washed in which then caused the flow of water to back up. A more permanent solution is to install a small storm sewer thru Eck's property.

The estimated cost of this is \$21,965. All proposed work will be on George Eck's property rather than on the church's property. George Eck was informally contacted by staff, and he is agreeable to the Village investigating & designing a sewer installation on his property for the church pond. The work will improve an ongoing drainage problem in this location that is not the result of the bike path construction. Typically the Village would wait for this type of problem to be resolved when the land develops.

3. "That the Ashburn Baptist Church would be relieved of any responsibility for any injury or death on its property due to the use of the bike path."

Response: This issue will be addressed by legal counsel when drafting the formal agreement.

4. "That the Village would refund to the church \$4,189.13, which is the proportion of the annexation fee represented by the easement (See Annexation Agreement March 28, 1977)."

Response: The Ashburn Church property was annexed in 1977, and according to the annexation agreement was to include not only the church but also a school, a recreation center, and a proposed 480 dwelling unit retirement home. The project was never constructed, and the church itself was not constructed until 1987.

However, the agreement reflects a payment requirement of more than \$183,225. Ashburn Church's records show that payment was made, but Village records can not confirm or refute this payment made 34 years ago. The church requested \$4,189.13 payment is the pro-rated amount based on the acreage of the easement.

Summary: Locating the path in the Ashburn Easement is advantageous to the Village for the following reasons:

1. SAFETY: The separation between the road and bike path is increased. The slope abutting the path will be reduced, eliminating the need for a railing.
2. MAINTENANCE: There will be less chance of path differential settlement due to sub-grade problems, fewer retaining walls, and less conflict with utility maintenance. The drainage problem in the area will be improved.
3. FUTURE CONFLICTS: There is less chance of bikeway impact due to future 153rd Street improvements, since the bike path will be outside of the right of way. However, it is noted that improvements on 153rd Street were completed in 2008 and no widening is expected in the near future.
4. APPEARANCE: Most of the trees and vegetation on the site will not be disturbed and the bike path will not require a railing.
5. COST: Attached is a detailed CBBEL estimate that compares the cost of path construction with easement (\$525,662) verses without easements (\$652,827). Earlier discussions in the planning process had identified two locations for potential easements, with cost saving totaling \$127,165. It was later determined that the easement located just east of 109th Street was not needed because the land had already been dedicated as County right of way. The \$61,561 in construction costs for that easement will still be realized in the final construction costs with no Board action required. The Ashburn Church easement, summarized below, is estimated to save \$65,604 in construction costs, however there will be Village costs reducing the benefit of that full amount:

+ \$65,604 Village savings in construction path costs. (CBBEL estimate)
- \$21,965 Village cost to repair pond. (Staff estimate)
- \$7,246 Increased engineering and platting fees for the alternative alignment of the path. (CBBEL supplement to Scope)
- \$4,189.13: Annexation fee refund to Ashburn Baptist Church.
- \$1,000: Legal cost to draft formal agreement
- \$1110 (\$110 X 10 years): Annual inspection fee waiver. (Repeating annual loss)

+ \$30,093.87 TOTAL VILLAGE SAVINGS for utilizing Ashburn Church bike path easement.

The additional CBBEL fee (\$7,246) is to cover work not anticipated and not included in the bike path's original scope of services. This includes the analysis of

the alternative alignments and the completion of land acquisition documents including a Plat of Dedication Exhibit and a legal description of the Ashburn easement.

I move to recommend to the Village Board to authorize the Village to enter in an agreement with Ashburn Baptist Church granting the following conditions in exchange for a bike path easement on the Ashburn Baptist Church property as shown conceptually on the plan entitled "153rd Street Bike Path Concept Alternative Alignments", by Christopher B. Burke Engineering and dated 5/27/11:

1. Once the permanent easement agreement has been executed, the inspection fees for the Ashburn platform elevator will be waived for a period not to exceed ten years.
2. The Village will construct a small storm sewer through George Eck's property to the north, at a cost of approximately \$21,965. The Village agrees to install this pipe in conjunction with the bike path construction subject to the agreement of the northern property owner.
3. Ashburn Baptist Church will be relieved of liability for injury or death on the bike path subject to Village Attorney advice and approval.
4. Ashburn Baptist Church will be paid a sum of \$4,189.13 in consideration for use of the property.

And

I move to recommend to the Village Board to approve a supplemental payment to Christopher B Burke Engineering in the amount of \$7,246 for additional work to analyze alternative alignments for the 153rd Street Bike Path and to complete land acquisition documents including a Plat of Dedication Exhibit and a legal description of the Ashburn easement.

A motion was made by Trustee Griffin Ruzich, seconded by Trustee Schussler, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion carried by the following vote:

Aye: 3 - Chairman Fenton, Trustee Schussler, and Trustee Griffin Ruzich

Nay: 0

ADJOURNMENT - 6:30 PM

A motion was made by Trustee Griffin Ruzich, seconded by Trustee Schussler, that this matter be ADJOURNED. The motion carried by the following vote:

Aye: 3 - Chairman Fenton, Trustee Schussler, and Trustee Griffin Ruzich

Nay: 0

/nm

APPROVED:

Respectfully Submitted,

David P. Maher, Village Clerk