

VILLAGE OF ORLAND PARK

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



Meeting Minutes

Monday, September 28, 2009

7:00 PM

Village Hall

Development Services & Planning Committee

*Chairman James V. Dodge, Jr.
Trustees Brad S. O'Halloran and Patricia A. Gira
Village Clerk David P. Maher*

CALL TO ORDER/ROLL CALL

The meeting was called to order at 7:34 PM.

Present: 3 - Trustee O'Halloran; Chairman Dodge and Trustee Gira

ITEMS FOR SEPARATE ACTION

2009-0344 Chick-Fil-A

Director of Development Services Karie Friling reported that the petitioner is proposing to construct a new one-story 4,195 s.f. Chick-Fil-A restaurant with drive through service on Lot 4 of the Lowes subdivision (the southeast corner of 156th Street and LaGrange Road). The project requires the following approvals:

- * Site Plan Approval
- * Building Elevation Approval
- * Landscape Plan Approval
- * Special Use Permit Approval (for the drive through lane)
- * Variance Approval (side setback reduction and to allow drive through lane in the setback between the building and the street)

The site plan shows the one story Chick-Fil-A building located along the north and west sides of the property, with building frontage along LaGrange Road and 156th Street. Surface parking is provided behind the building and connects to the existing parking lot serving the strip retail center to the south. The drive through lane wraps around the west side of the building, separating drive through traffic from pedestrian traffic entering the Chick Fil A.

An expansive sidewalk area in front of the building provides ample room for proposed outdoor seating. An existing Lowe's monument sign is located on the northwest corner and a new Chick-Fil-A monument sign is proposed on the northeast corner. A decorative wrought iron fence with piers runs along the north property line and terminates in a curved pergola feature similar to existing structures at Lowe's and Staples. The fence and pergola will provide an attractive entry into the Lowe's subdivision.

Staff has worked closely with the petitioner to get the architecture and design of the building as well as the landscape. This particular restaurant has chosen to open its first Chicago restaurant in Orland Park.

I move to recommend to the Village Board approval of the Chick-Fil-A Site Plan, Building Elevations, Special Use, and Variations subject to conditions as fully cited below.

THIS SECTION FOR REFERENCE ONLY (NOT REQUIRED TO BE READ AT MEETING)

I move to recommend to the Village Board approval of the site plan and building elevations for the Chick-Fil-A restaurant as shown on the following drawings,

Site plan titled 'Concept Plan - F', prepared by SEC Group, Inc., job number 090105, dated 09-15-09, sheet titled CON-F;

Building elevations titled 'Exterior Elevations', 'Refuse Enclosure', and 'Site Walls' prepared by E & H Architects, store number 2638, dated 07-08-09, sheets A2.1-A2.2 and A3.5-A3.7;

Menu board elevations titled 'Chick-Fil-A Orland Park FSU', prepared by Clayton Signs, store number 2638, dated April 23, 2009, most recent revision September 15, 2009, Locations H, I and J.

And

Architectural rendering titled 'Chick-Fil-A, Front Entry Perspective' and 'Chick-Fil-A Front Perspective', dated September 15, 2009, subject to the following condition:

- 1) That all final engineering related items are met.

And

I move to recommend to the Village Board approval of the Special Use Permit to allow for a drive through lane, subject to the same conditions as outlined in the site plan motion.

And

I move to recommend to the Village Board approval of the variances to reduce the side yard setback along the south property from 15'-12' and to allow the drive through between the building and the street, subject to the same conditions as outlined in the site plan motion.

A motion was made by Trustee Brad O'Halloran, seconded by Trustee Patricia Gira, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion CARRIED by the following vote:

Aye: 3 - Trustee O'Halloran, Chairman Dodge, and Trustee Gira

Nay: 0

2009-0327 Shops at 88 Day Care (Children of America Day Care)

Director Friling reported that the petitioner, David Sosin, proposes to construct a day care center in the proposed Shops at 88th Center, located at the southeast corner of 159th Street and 88th Avenue. The petitioner is requesting a Special Use amendment with modifications, Subdivision, Site Plan and Elevation approval.

This project was approved a couple of years ago. Originally, this particular area of the development was approved for a two story office building and the developers are now asking for that to be changed to allow the day care center to be developed.

Petitioner David Sosin reported that they are happy to be proceeding with a slightly revised plan. The original plans show the building as a two story building with a higher height towards the back of the building. The current plan looks as if the building is two stories, but it is a one story building with a bit bigger foot print. Several issues have been discussed at great lengths and have followed all the recommendations.

Mr. Sosin is currently working with attorney Ken Friker on the covenant and expects to have an agreement established by the next board meeting.

I move to recommend to the Village Board approval of the Shops at 88 Day Care Site Plan, Building Elevations, Special Use amendment with modifications, and re-subdivision; subject to conditions as fully cited below.

THIS SECTION FOR REFERENCE ONLY (NOT REQUIRED TO BE READ AT MEETING)

I move to recommend to the Village Board approval of the site plan titled "The Shops at 88 Orland Park Illinois Final Plan" by Tech 3 Consulting Group job # 09029 and dated September 22, 2009 subject to the following conditions:

1. Revise the Final Landscape Plan, meeting all Village Codes, for separate review and approval within 60 days of final engineering approval. Include another amenity in the main entry road vista, albeit smaller, where the gazebo was removed. Additionally, re-locate landscaping displaced by the new building footprint elsewhere on the site.
2. Meet all final engineering requirements.

And

I move to recommend to the Village Board approval of the Elevations titled "Children of America The Shops at 88" by Base Ten Architects received September 24, 2009, subject to the following conditions:

1. Screen all mechanical equipment, either at grade level with landscaping or hidden behind the roofline or a parapet. Minimize visual and noise impact on the abutting 4 story condominium building and other residential establishments through careful selection of the material, color, location and noise levels generated by roof top equipment.
2. Construct trash enclosure of masonry to match the building brick and show it on the Elevation Plan.
3. Tie in at least one brick color with the brick colors approved for the other buildings in the planned development.
4. Add date and title to Elevations Plan.
5. Make use of the two brick colors that are to be applied on all elevations.

And

I move to recommend to the Village Board approval of an amendment to Special Use Permit Ordinance number 4130 for a Planned Development for The Shops at 88. The development will now include an 8500 square feet Day Care Center, as shown on the Site Plan, in place of the two story office building that was formerly proposed at the rear of the site. This special use includes a modification for a reduction in the detention pond setback where it abuts the day care playground.

And

I move to recommend to the Village Board approval of a four lot subdivision plus a detention pond out-lot, subject to the submission of a Record Plat of Subdivision to the Village for recording and subject to these conditions:

1. The detention out-lot maintenance is the sole responsibility of the other four lots in the subdivision, with this issue addressed through common ownership, deed restrictions and the Development Agreement.
2. The Subdivision meets all final engineering requirements.
3. Provide a notarized, shared parking and cross access agreement between the lots, using Village template, prior to the issuance of Building Permits.

A motion was made by Trustee Brad O'Halloran, seconded by Trustee Patricia Gira, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion CARRIED by the following vote:

Aye: 0

Nay: 0

2009-0364 Southmoor Commons Special Use Amendment and Annexation Agreement Amendment

Director Friling reported that the petitioner, V-Land Orland Park 131st LLC is requesting an amendment to the permitted uses in the Southmoor Commons commercial development, located at the southeast corner of 131st Street and LaGrange Rd., to align them with those uses allowed in the current BIZ General Business Zoning District.

On September 8, the Plan Commission moved 5-0 to amend Southmoor Special Use Ordinance # 3719 approved in 2002 and the associated Annexation Agreement that govern the Southmoor Commons commercial area to delete the current land use restrictions and replace with uses and special uses allowed in the BIZ Business District, with the exception of the following uses that will be prohibited: animal hospitals, pound shelters and overnight animal boarding; any additional drive in service windows, vehicle repair, car washes.

Staff met with the Southmoor Homeowners Association prior to the meeting to explain the proposal. The Association representatives were okay with the proposal with the added restrictions as indicated.

A number of Southmoor residents appeared at Plan Commission and expressed concern over a variety of issues. Staff is following up with the owners on student parking, removal of a soil stockpile, delivery truck loading and maintenance.

Please note that a couple of the prohibited uses were kept at the request of the neighbors. Those include animal hospitals, pound shelters, overnight animal boarding, drive-in service windows, vehicle repair, and car washes.

Trustee Dodge questioned if everyone agreed to keep these prohibited uses.

Director Friling stated that not everyone agreed. The developer would prefer to allow drive through service windows.

Trustee Dodge questioned the types of objections the residents had with respect to drive-in service windows.

Director Friling stated that the residents were concerned about traffic circulation and noise.

Developer Steve Panco, owner of Lot #1 and #6 and the overall developer of the site, stated that he would like to work through the possibility of going before the board for approval of a drive-in service window on one of the lots.

Trustee Dodge stated that he agrees with all of the other conditions except for the drive-in service window and suggests the language be modified to read additional drive-in service windows must be approved by the board to be evaluated on a case by case basis.

Trustee Gira stated that she agrees with Trustee Dodge in making the changes to read as suggested.

Director Friling stated she will make the modifications and present it to the Board for approval with background information.

Trustee O'Halloran questioned the concerns of Carl Sandburg students parking.

Director Friling stated that parking was a primary concern due to two things happening. You have parents parking waiting for their children to cross the street to come to them because they don't want to go over the Sandburg area and students who are actually parking their cars over in the retail center parking lot. The police department has put up some signs and towing signs will be put up soon.

I move to recommend to the Village Board approval to amend Southmoor Special Use Ordinance # 3719 approved in 2002 and the associated Annexation Agreement that govern the Southmoor Commons commercial area to delete the current land use restrictions and replace with uses and special uses allowed in the BIZ Business District, with the exception of the following uses that will be prohibited: animal hospitals, pound shelters and overnight animal boarding; any additional drive-in service windows, vehicle repair, car washes.

A motion was made by Trustee Patricia Gira, seconded by Trustee Brad O'Halloran, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion CARRIED by the following vote:

Aye: 3 - Trustee O'Halloran, Chairman Dodge, and Trustee Gira

Nay: 0

2009-0288 General Policy for Co-Locating Wireless Communication Facilities (WCF) on Village-Owned Property

Director Friling stated that staff member Terry Pintos will be presenting a general policy for co-locating wireless communication facilities on Village owned property. Mr. Pintos will discuss 4 major elements and explain the terms of any lease agreement that the Village would need to enter into to allow someone to utilize

Village owned property.

Terry Pittos of Development Services stated that the objective of this report is to:

1. Outline the four types of WCF co-location projects that may occur on Village property;
2. Establish a General Policy for Co-Locating WCFs on Village Property;
3. Establish Water Tower Co-Location Planning Criteria; and
4. Make recommendations for when co-locations occur on Village property.

There are four types of sites owned by the Village of Orland Park on which wireless communication providers (providers) can co-locate their wireless communication facility's (WCF) are:

1. Village land in ComEd transmission towers;
2. Village buildings;
3. Existing Village WCFs; and
4. Village Water Towers.

A WCF can be monopole towers, existing lattice towers, attached or "extension" monopoles, and stealth equipment, or a combination thereof and their associated ground equipment enclosures or shelters. Attached or extension monopoles can be co-located on top of buildings, water towers, or existing monopoles to further increase height. Stealth communication equipment is small radius local communication facilities co-located on top of buildings but without monopole attachments or extensions-- thus "stealth" because they blend with regular rooftop equipment.

To build new WCFs or to build new equipment shelters/ (telephone service) utility substations, the Village requires a special use permit and, in the case of new towers, conformity to residential land use proximity regulations in Section 6-311 of the Land Development Code. This means that to build a new tower, a provider would have to comply with the public hearing process and ensure that the tower is not within 500 feet of any residential building-even if it is built on Village land. Or, to build a new wireless communication equipment shelter or building, a provider must comply with the public hearing process. In such a case, the special use process would dictate the requirements for approval/denial of a project.

The administrative appearance review process is required for WCF co-location projects on existing infrastructure because it facilitates swift equipment deployments for providers as an incentive. This incentive gives providers the opportunity to avoid new construction costs and the public hearing process. As a result, co-location projects maintain clear skies.

CO-LOCATIONS ON VILLAGE LAND IN ComEd TRANSMISSION TOWERS

The Village supports co-locations on all existing infrastructure. In the case of ComEd transmission towers, however, there are some ComEd easements which run across Village-owned open lands, parks, greenways and other similar land uses. In the instances where ComEd easements and transmission towers exist on Village-owned land, co-locations are currently not permitted due to Open Lands district zoning restrictions.

The following are policy recommendations for co-locations on Village-owned land in ComEd transmission towers:

1. Land Development Code. Amend the Land Development Code to allow WCF (telephone service) utility substations to co-locate in ComEd transmission towers on publicly owned land with a special use (Section 6-213.B.6);
2. Follow General Policy. Require providers to follow the General Policy for Co-Locating WCFs on Village Property;

CO-LOCATIONS ON VILLAGE BUILDINGS AND VILLAGE WCFs

The potential exists for providers to co-locate WCFs on a Village building. Co-locations to Village buildings can be accomplished via attached monopoles per Section 6-311 regulations or via stealth equipment. Village WCFs include facilities like the existing lattice tower at the Old Police Headquarters.

In cases where co-locations can occur on Village buildings and Village WCFs, the following is recommended:

General Policy for Co-Locating WCFs on Village Property

1. Screening Requirement. Ground equipment cabinet enclosures must be screened using a 100% solid opaque fence of either masonry or non-white vinyl fence and further screened by native landscaping;
2. Tree Mitigation Bank. Where further screening by native landscaping cannot be accommodated, the provider must pay \$2,500.00 to the Tree Mitigation Bank in lieu of landscaping requirements.
3. Renewable Energy Fee. The provider must pay a one time fee of \$5,000.00 for renewable energy or green roof projects on governmental buildings to mitigate the increase in energy use on Village property;
4. Ground Equipment Shelter. Special use permits for equipment shelters or buildings shall require a masonry building designed similar to existing Village-owned utility substations or pump housing facilities; The shelter must be screened by native landscaping;
5. Multi-Tenancy. The provider must provide an assessment for multiple tenants or co-locations and determine if other carriers or providers can fit/ co-locate on the tower following their installation per Section 6-311 regulations and build the ground equipment enclosure or shelter to accommodate at least one future additional tenant;
6. Compensation. The provider must pay \$2,500.00 per month lease rate for the use of non-OL (Open Lands) district space on Village land and buildings, or

\$3,000.00 per month lease rate for the use of OL district space on Village land and buildings. Funds collected from non-OL sites could be appropriated to renewable energy and green projects, while funds from OL sites could be appropriated to open lands projects and acquisitions.

The lease rates were determined by researching other communities across the Chicago land region.

Trustee Gira questioned the designation of the revenues.

Village Manager Grimes stated that the monies could be elected to a particular fund or to a general fund.

CO-LOCATIONS ON VILLAGE WATER TOWERS

Wireless communication providers and carriers have already petitioned the Village on numerous occasions to co-locate WCFs on Village water towers. Co-locations on Village water towers typically involve antennae equipment at the top of the bulb with several thick cables running down the personnel access shaft of the tower to the ground equipment. Each water tower is organized and built differently. In some cases, WCF ground equipment can be housed in the base of the tower; in most cases the ground equipment is located outside the base due to internal spatial constraints, requiring penetrations to the base to provide cable access to the stem and bulb of the tower. Penetrations must be strategically located for proper coordination with other existing facilities in operation on and around the towers.

Water tower co-locations involve meticulous site planning to avoid underground utilities such as storm sewers and water mains, and water tower “over land flow fields”. WCF ground equipment cable lines must be able to access water tower bases without crossing these utilities or impacting water tower operability and operations. Water towers release large amounts of excess water into “over land flow fields” at the base of the tower to relieve system pressure. Building in these areas is not possible without sustaining flooding or other water damage from water tower operations. Following successful access to the tower, cable lines must not limit or prohibit tower crews from maintaining or accessing the tower’s bulb and top. Multiple co-locations can result in multiple thick cables (up to 30 or more separate cable lines in some cases) which can restrict access and maintenance, and create unsafe working conditions for crews, impeding safety harness operation due to numerous brackets and hangers for said cable bundles.

INVENTORY AND WATER TOWER CO-LOCATION PLANNING CRITERIA

In order to regulate water tower co-locations, the Public Works Department has compiled an inventory of Village water towers to determine potential site planning and co-location capacity. The Village will use the inventory in conjunction with the following four planning criteria to determine if a co-location and/or building a

wireless communication shelter is feasible or appropriate for each water tower site.

1. The installation of underground coaxial and other cables must be at least five (5') feet from water mains, sanitary sewers or storm sewer lines onsite;
2. The construction of buildings/ shelters or cabinet equipment cannot be sited in areas needed for overflow management (water tower "overflow fields" and overflow valves) or site maintenance;
3. WCF buildings/ shelters or cabinet equipment must be appropriately sited outside of the water tower drip line but near acceptable base penetration areas, which are areas along the base perimeter that are clear of internal existing water tower infrastructure; (The farther cables must travel, the thicker they must be, which impacts tower operations and maintenance);
4. Public Works must determine that wireless communication cable conditions in each water tower are safe for crews and maintain a comfortable access-way to the bulb and top of the water tower; Cable lines that impede safe crew access shall not be permitted.

In cases of water tower co-locations, the following is recommended:

1. Water Tower Co-Location Planning Criteria. Public officials shall use the planning criteria to approve or deny water tower co-location petitions. A project must meet all four planning criteria to be approved.
2. Follow General Policy. Water tower co-locations that meet all the planning criteria, must require providers to follow the General Policy for Co-Locating WCFs on Village Property outlined in this report;

It should be noted that in some instances, denial of a co-location on a Village water tower may result in a wireless communication provider to propose the construction of a new WCF that will likely include a new monopole. This situation, however, would be regulated through the special use process.

CONSTRUCTING PRIVATE FOR-PROFIT BUILDINGS ON PUBLIC LAND

The Orland Fire Protection District and the School Districts in Orland Park have built private buildings or WCF shelters on public land. These public agencies have allowed WCFs to co-locate on their buildings and towers and have managed to maintain their facilities. They have also allowed equipment shelters to be constructed on their land. The appearance of these shelters is the basic "brown box" common to many WCF installations.

The Village currently does not have a policy for building such for-profit structures on Village-owned land. Other municipalities in the region allow such shelters to be constructed on municipal property, including places like Elk Grove Village. Common to many of these projects is the monthly lease rate. Municipalities will usually charge \$2,500.00 per month for the use of their land. This rate is reflected in the above General Policy.

In the case of Orland Park, petitioners that request equipment shelters are required to move through the special use process because the facilities are considered telephone service utility substations. In most zoning districts such facilities are permitted via the special use.

It is recommended that the Village permit these shelters to be constructed on Village-owned land based on the strict guidelines of the General Policy for Co-Locating WCFs on Village Property and the special use status-which provides greater control over design and development. The masonry requirement will ensure that these private utility substations will match Village-operated pump housing stations and utility substations that are scattered on public property throughout the Village's service areas.

While the "brown box" version of the equipment shelters are temporary structures that can be removed, the masonry utility substation buildings proposed by this report will preserve the aesthetic appearance of Village-owned land and property and continue the Orland Park policy of masonry structures of substation uses.

CONCLUSION

This report outlined the four types of WCF co-location projects that may occur on Village property. The objective of this report was to establish a General Policy for Co-Locating WCFs on Village Property, establish Water Tower Co-Location Planning Criteria, and make recommendations for when co-locations occur on Village property. This report also provides a recommendation for private buildings on public land.

Trustee Gira questioned work being done at Discovery Park.

Staff Member Pintos stated that the work currently being done at Discovery Park is being conducted by ComEd.

Village Manager Grimes stated that he believes the work ComEd is currently conducting at Discovery Park is related to their vegetation management program. ComEd has not communicated to the Village any other ongoing projects.

Trustee Dodge stated that he disagrees with the Renewable Energy Fee and questioned the Multi-Tenancy issues concerning the building ownership. What implications would the Village have when owning the facility and leasing to the various carrier providers.

Director Friling stated that the Village would agree to have the wireless provider construct the building on Village property. The provider would also be responsible for the maintenance of the building.

The biggest challenges are the buildings at the base of a water tower due to the

surrounding restrictions. For example the water tower on 153rd Street, this tower has inadequate space to build a bigger building due to the conflicting utilities that are located within the general area leaving this location to be utilized by only one wireless provider.

Chad Gargrave of Black & Veatch on behalf of Verizon Wireless. Black & Veatch handles site acquisitions, negotiate leases, zoning and permits, stated that it is to his opinion that the building be owned by the carrier especially when it's a single usage carrier. The modular building that is being proposed on 153rd Street is a temporary structure that will have a pitched roof and brick veneer. In the two carrier buildings with the right amount of space the modular buildings can be placed next to one another making it look like a single building.

The Village was initially approached in late spring early summer to get this project underway and have not been given a chance to communicate and discuss any issues or timeline in which Verizon can foresee building and completing the project.

The standard procedures usually are to lease the site and then go through the zoning process with the Village. In this instance, they have gone through zoning while the policy issues are continuing to take place. Verizon hasn't received any feedback or communication from the Village.

Trustee Dodge questioned if there was a way to be deliberative with a forward progress.

Village Manager Grimes stated that a policy would need to be established by the Board. Black & Veatch may choose to advance their case by moving forward with the engineering and completion of any other work necessary for approval with a condition upon the final policy being adopted by the Board and then by extension of their particular petition being approved by the Board.

Mr. Gargrave stated that Verizon doesn't wish to continue investing money not knowing what the policy may entail. It is understandable that the Village needs to establish a policy, but Verizon hasn't been given the opportunity to discuss and suggest a price to negotiate.

Trustee O'Halloran stated that the Village is looking to establish an overall policy that will apply to everyone on a uniform basis and believes Mr. Gargrave could provide the Committee with a great insight in the structuring of the policy.

Director Friling questioned if the Village could begin negotiating a lease agreement with the full understanding to all parties that it's not going to include just equipment on the tower but a building that will be built and maintained by the carrier. There are guidelines that have been approved by the Planning Commission that are acceptable and may help in establishing some general guidelines for the overall policy. The lease will be brought before the Committee for approval once agreed upon.

Trustee Dodge stated that the Village is going to proceed in good faith.

Village Manager Grimes stated that the Village recognizes that there is a public policy interest in having good cell phone service in the Orland Park area and would like to offer various facilities to the wireless communication providers. In order to do so, the Village must establish a general comprehensive policy by performing an inventory of all the towers making note of the fact that each tower has a different infill structure surrounding. The Village would like for the buildings to be aesthetically suitable and feasible.

The Village appreciates Verizon's patience, concerns, and Mr. Gargrave's insight which has provided us with a good direction on how to proceed.

Director Friling stated that the Village has five other pending applications as of the present date and would like to move as quickly as possible so that the five pending applicants don't get held up in the processes as well.

Trustee O'Halloran questioned if it would be better, simple or easier to allow a provider to build the building with the understanding that the Village can expand the building at future time.

Mr. Gargrave stated that it could be something that can be negotiable in the Lease or stated in the Ordinance. It is something that the provider knows to expect and can build accordingly as they move forward.

Village Manager Grimes stated that it is preferred to have the wireless communication providers build the building along Villages guidelines and built with certain esthetic requirements.

Trustee O'Halloran suggested the Committee continue this item for the next Committee meeting on October 26, 2009. It is recommended that a meeting between staff and an industry representative take place before the next Committee meeting for discussion in establishing a policy.

Trustee Dodge stated that he agrees but suggests keeping in mind that technology changes very quickly. What isn't enough space for the buildings now, could be plenty of space in two years.

I recommend to continue this item to the next Development Services and Planning Committee meeting.

A motion was made by Trustee Brad O'Halloran, seconded by Trustee Patricia Gira, that this matter be CONTINUED to the Development Services & Planning Committee, due back on 10/26/2009. The motion CARRIED by the following vote:

Aye: 3 - Trustee O'Halloran, Chairman Dodge, and Trustee Gira

Nay: 0

2009-0257 Verizon Wireless Facility - 153rd Street Water Tower 8

The petitioner, Chad Gargrave, Black and Veatch has petitioned to co-locate wireless communication equipment on the premises and on top of Water Tower 8, located at 15501 Park Station Boulevard.

On July 28, 2009 the Plan Commission moved 5-0 to recommend approval to the Village Board of Trustees of the preliminary site plan titled "15501 Park Station Blvd. Orland Park, Il. 60467 Site Plan", prepared by Fullerton Engineering Consultants, project number 2008284367, last revised 7/20/09, sheet number Z-1, and the site plan titled "15501 Park Station Blvd. Orland Park, Il. 60467 Enlarged Site Plan", prepared by the same, same project number, same revision date, sheet number Z-2, and the elevations titled "15501 Park Station Blvd. Orland Park, Il. 60467 Site Elevation", prepared by the same, same project number, same revision date, sheet number Z-3, and the elevations titled "15501 Park Station Blvd. Orland Park, Il. 60467 Enlarged Site Elevation", prepared by the same, same project number, same revision date, sheet number Z-4, subject to the following conditions (if applicable):

1. That the elevation drawings indicate that the color of the masonry shall be red brick and the color and material of the rooftop shall be of a metal material with a green or dark green color that matches the Village-owned utility shelter at 153rd Street and 108th Avenue, prior to appearing before the Committee;
2. That the secondary tenant space of the multi-tenant building be eliminated from the site plans for a single-tenant shelter for Verizon Wireless;
3. That the shelter is shifted south to clear the storm sewer by 3 to 4 feet at either end of the structure;
4. That the petitioner works with staff to submit a landscape plan, prior to appearing before the Committee;
5. That this project is subject to a policy approval by the Village Board that would allow the proposed building on public land;

And

Moved to recommend to the Village Board of Trustees approval for a special use for Verizon Wireless that grants authority to construct a wireless communication utility sub-station under the Village's Water Tower No. 8 that will support wireless communication equipment co-located on top of the water tower, subject to the above conditions;

And

Moved to recommend to the Village Board of Trustees approval for a modification to the setback requirement for utility substations per Section 6-208.C.14.a.

Since the Plan Commission the petitioner has submitted drawings dated to August 14, 2009. The petitioner has partially met condition 1, indicating on the plans that the proposed shelter building will match existing Village buildings. Conditions 2, 3 and 4 are met. Condition 5 is subject to the Village Board's review.

The last motion in the Plan Commission motion did not include the reduced setback from 25 feet to 6 feet 6 inches from the east property line. This had been corrected for the Committee motion.

Director Friling stated that Verizon has agreed to construct the temporary structure in accordance with the design guidelines set by the Village.

I move to recommend approval of Verizon Wireless Facility - 153rd Street Water Tower 8 Site Plan, Elevations, Special Use and Modifications to the setback as approved at the July 28, 2009 Plan Commission meeting and as fully referenced below.

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

I move to recommend approval to the Village Board of the preliminary site plan titled "15501 Park Station Blvd. Orland Park, Il. 60467 Site Plan", prepared by Fullerton Engineering Consultants, project number 2008284367, dated 05/15/09, last revised 08/14/09, sheets number Z-1 and Z-2, and the Elevations titled "15501 Park Station Blvd. Orland Park, Il. 60467 Site Elevation", prepared by the same, same project number, same date and revision date, sheets number Z-3 and Z-4, subject to the following conditions (if applicable):

1. That the elevation drawings indicate that the color of the masonry shall be red brick and the color and material of the rooftop shall be of a metal material with a green or dark green color that matches the Village-owned utility shelter at 153rd Street and 108th Avenue, prior to appearing before the Village Board;
2. That this project is subject to a policy approval by the Village Board that would allow the proposed building on public land;

And

I move to recommend to the Village Board, approval for a special use for Verizon Wireless that grants authority to construct a wireless communication utility

sub-station under the Village's Water Tower No. 8 that will support wireless communication equipment co-located on top of the water tower, subject to the above conditions;

And

I move to recommend to the Village Board, approval for a modification to the setback requirement for utility substations per Section 6-208.C.14.a. from 25 feet to 6 feet 6 inches from the east property line.

A motion was made by Trustee Brad O'Halloran, seconded by Trustee Patricia Gira, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion CARRIED by the following vote:

Aye: 3 - Trustee O'Halloran, Chairman Dodge, and Trustee Gira

Nay: 0

**2008-0724 Commercial Façade Improvement Program
Energy Efficiency Module (EEM)
Auto Mall Module (AMM)**

Director Friling stated that this is another facade of the green initiative. This program relates to the 2009 ComEd Community Energy Challenge. Staff Member Terry Pintos has taken the lead on this project and will give a brief review on this item.

Staff Member Pintos stated that as part of the 2009 ComEd Community Energy Challenge (CEC), ComEd set aside \$200,000.00 in business incentives for commercial energy efficiency projects in Orland Park. As part of the CEC, ComEd requested that participating municipalities assist in the delivery of these incentives. The Commercial Façade Improvement Program (CFIP) was determined to be the best existing program that could help Orland Park businesses improve their energy efficiency. By taking advantage of ComEd and Village incentives, Orland Park businesses will save money and improve their overall economic competitiveness.

This is also part of the Village's efforts outlined in the Energy Efficiency and Conservation Municipal Action Plan (ECOMAP).

DISCUSSION

Under normal conditions, the Commercial Façade Improvement Program (CFIP) focuses primarily on façade improvements and restoration (with some foundation and rooftop work) in the Central 143rd Street Commercial District. In order to fit CFIP to the energy efficiency initiatives outlined in ECOMAP and CEC, and to serve a larger area, two program extension modules were created. The first program extension module is the Energy Efficiency Module (EEM) and the second is the Auto Mall Module (AMM). EEM will assist in the disbursement of

\$100,000.00 in ComEd Smart Ideas for Your Business incentives, while AMM will assist in the disbursement of \$50,000.00 in ComEd incentives. The remaining \$50,000.00 in ComEd incentives will be used by the Smart Energy Improvement Revolving Loan Program, currently under development using Energy Efficiency and Conservation Block Grant (EECBG) funds.

Energy Efficiency Module and Auto Mall Module

The Energy Efficiency Module is designed as a one year program extension to CFIP and will expire on May 31, 2010. EEM is voluntary and is open to commercial buildings and properties located east of La Grange Road in the BIZ General Business Districts along Harlem Avenue, 94th Avenue, 151st Street and 159th Street. These areas have the highest energy demand after the La Grange Road corridor, which has the highest overall demand. (The Smart Energy Improvement Revolving Loan Program will handle energy efficiency incentives for the La Grange Road corridor).

The Auto Mall Module is also designed as a one year program extension to CFIP and will also expire on May 31, 2010. AMM is voluntary and open to all automobile dealerships in Orland Park. The automobile dealerships are targeted to provide lighting and other mechanical energy improvements that will help reduce energy costs.

Program Details

Property owners and /or tenants of eligible commercial buildings install at least \$1,000.00 of energy efficiency improvements qualify to apply for a matching grant from the Village (using Village funds) equal to 20% of the cost of work, up to a maximum \$10,000.00 per project, for eligible improvements that receive funding through ComEd's Smart Ideas for Your Business program incentives. Energy efficiency projects funded through CFIP are required to apply to ComEd's Smart Ideas for Your Business program incentives, which can further subsidize a project up to an additional 30% (using ComEd funds) depending on the improvements.

The Village will not fund projects that do not obtain ComEd Smart Ideas for Your Business incentives. Part of the 2009 ComEd Community Energy Challenge is to leverage ComEd dollars using municipal and other funds. If the Village does not leverage ComEd incentives, the potential exists for ComEd to pull the allocated amount of incentives for Orland Park businesses and re-allocate the funding elsewhere. By providing a matching share, the Village further subsidizes an already subsidized project by ComEd, potentially providing up to a 50% incentive.

The two program extension modules follow the same rules as the original Commercial Façade Improvement Program with regard to funding. If more applications are received than current funding levels will allow the Village will rank the approved applications on a first-come first-serve basis and reimburse applicants according to that order when funding is available again. This can create

a situation where the Village will be paying back EEM and AMM costs over a period of time beyond the May 31, 2010 expiration.

Abbreviated Review Process

Because eligible projects applying to the program extension modules will have already undergone an energy analysis and review by ComEd and been awarded ComEd incentives, the Village's review is abbreviated. The eligible project will be reviewed for Code compliance to the Land Development Code and Building Code by the Development Services Department and then sent to the Development Services and Planning Committee of Trustees for review and recommendation to the Village Board. Projects denied by the Village will not receive EEM or AMM assistance, but may still receive ComEd assistance. Building permits will still be required prior to improvement implementation.

All project costs will be borne by the applicant with reimbursement of matching funds pending from the Village only after work is completed per the approved plan and all conditions are met as verified by Village inspections and per the Façade Improvement Program Agreement, which is required per CFIP.

ComEd will deliver Smart Ideas for Your Business program incentives to the eligible applicant separately.

Director Friling stated that the short timeframe of a year is a concern to the success of the challenge.

Trustee O'Halloran questioned if the Village has looked into potential State or Federal funds to increase the pool and incentivize more people to participate or to keep the program longer.

Village Manager Grimes stated that the Village has Federal Funds through the Energy Efficiency Community Block Grant Program. The Village has about \$900,000.00 in grant monies through the ComEd or the EECBG monies and is doing the best to leverage every single resource.

Staff Member Pintos reported that the Village has about \$100,000.00 for the Energy Efficiency Module and \$50,000.00 from the Auto Mall Module. The remaining \$50,000.00 is partnered with the EECBG funds. The Village is currently developing a Smart Energy Improvement Revolving Loan Program, which the US Department of Energy requested every community to develop in order to keep the money circulating from the stimulus that was passed back in February.

The Village has devoted \$250,000.00 out of \$520,700.00 of the EECBG funds to the Revolving Loan Program. The \$250,000.00 is targeted to the LaGrange Road Corridor due to the fact that the area between Southwest Highway and 167th Street along LaGrange is where the highest energy usage is.

Trustee Gira questioned if there was a residential component.

Staff Member Pintos stated that the EECBG application submitted did have a residential component and targeted 5 subdivisions that were built between 1950 and 1970.

Trustee O'Halloran suggested putting together a "Green Handbook" for both a business and residential owners.

Staff Member Pintos stated that the Village is compiling all the information to put on the website and developing various strategies as to how to make business and residential owners aware of the information on our website.

Village Manager Grimes stated that there should also be a handbook that the chamber would be able to distribute.

I move to recommend to the Village Board of Trustees approval of the proposed program extension modules to the Commercial Façade Improvement Program titled "Energy Efficiency Module" and "Auto Mall Module", prepared by the Development Services Department, dated September 28, 2009.

A motion was made by Trustee Brad O'Halloran, seconded by Trustee Patricia Gira, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion CARRIED by the following vote:

Aye: 3 - Trustee O'Halloran, Chairman Dodge, and Trustee Gira

Nay: 0

2009-0400 New Residential and Commercial Green Construction

Director Friling reported that the Village of Orland Park has begun implementation of the Smart Living program. As part of this green initiative, the Smart Neighborhood and Smart Business Programs were also created. The Development Services Department is responsible for developing and implementing programs that encourage green commercial and residential development in Orland Park. As part of this, Village staff recommends adoption of two green programs that will encourage, through limited incentives, green building construction in Orland Park.

1. Green Commercial Buildings - New Construction

This program would apply to commercial, office, industrial and institutional buildings. Green projects would be eligible for a reduction in building permit fees if they obtained LEED certification. The following levels would be available:

- LEED Bronze - Would receive expedited review and permitting. This would

typically equate to a 4-8 week schedule savings.

- LEED Silver - Would receive expedited review and permitting plus a 10% permit fee waiver (does not include impact fees or water fees). Building fees would be deferred until occupancy.
- LEED Gold - Would receive expedited review and permitting plus a 25% permit fee waiver (does not include impact fees or water fees). Building fees would be deferred until occupancy.
- LEED Platinum - Would receive expedited review and permitting plus a 50% permit fee waiver (does not include impact fees and water fees). Building fees would be deferred until occupancy.

Please note that all projects would require LEED documentation (sign-off from certified architect). Additionally, if LEED designation is not achieved, fees would be adjusted accordingly.

2. Green Homes - New Construction

This program would apply to new residential buildings. Green Homes would be eligible for a reduction in building permit fees if they obtained certain green certifications. The following levels would be available:

- Bronze - Would receive expedited review and permitting. This would typically equate to a 4-8 week schedule savings.
- Silver - Would receive expedited review and permitting plus a 10% permit fee waiver (does not include impact fees or water fees). Building fees would be deferred until occupancy.
- Gold - Would receive expedited review and permitting plus a 25% permit fee waiver (does not include impact fees or water fees). Building fees would be deferred until occupancy.
- Emerald - Would receive expedited review and permitting plus a 50% permit fee waiver (does not include impact fees and water fees). Building fees would be deferred until occupancy.

Please note that all projects would require construction documentation (sign-off from certified architect). Additionally, if the designation is not achieved, fees would be adjusted accordingly.

The National Green Building Standard (NGBS) will be used as the baseline for achieving certification. The NGBS is the first national code that resulted from a collaborative effort between the International Code Council (ICC) and the National Association of Home Builders (NAHB). The guidelines include lot design, preparation and development, resource, energy, and water efficiency; indoor environmental quality, and operation, maintenance, and building owner education. The four thresholds levels - Bronze, Silver, Gold, and Emerald provide the builder/developer with a means to achieve basic, entry-level green homes, or

achieve the highest level of sustainable “green” that incorporates energy savings of 60% or higher. As additional codes and standards are developed throughout the industry, these standards may change or be supplemented.

I move to recommend to the Village Board of Trustees approval of the Village of Orland Park’s Green Building and Green Homes Program as fully referenced in this agenda item.

A motion was made by Trustee Patricia Gira, seconded by Trustee Brad O'Halloran, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion CARRIED by the following vote:

Aye: 3 - Trustee O'Halloran, Chairman Dodge, and Trustee Gira

Nay: 0

2009-0396 Land Development Code Amendment- R-3 Zoning Lot Coverage for 3+ Vehicle Side Loaded Garages

Director Friling reported that on April 20, 2009, the Village Board requested additional information regarding lot coverage and storm water detention requirements for swimming pools. Specifically, staff was requested to analyze the issue of allowing a portion of the swimming pool surface area to be considered pervious when calculating lot coverage. This issue was originally discussed in the spring of 2006 and resulted in a code amendment to allow an additional 5% lot coverage to be allowed for residential lot accessory structures.

Further discussion occurred during the June 22, 2009 Development Services Committee regarding swimming pools and lot coverage related to storm water. During this discussion, staff was asked to investigate how a side-loaded three (3) car garage (further abbreviated as “3CSLG”) vs. a typical three (3) car front-loaded garage (“3CFLG”) affects lot coverage, in terms of driveway lot coverage. This investigation was required due to the fact that existing code states a proposed three car garage in the R-3 zoning district must be side-loaded, unless it faces a public street.

The front-load vs. side-load investigation, summarized again further below, was provided on July 27, 2009 to the Development Services and Planning Committee, who then moved 3-0 to recommend to the Village Board of Trustees pursuit of a code amendment that will allow an additional 3% lot coverage for three car side-loaded garages. On August 3, 2009 the Board of Trustees moved to approve processing of a code amendment that will allow an additional 3% lot coverage for three car side-loaded garages. This report now specifically identifies the code section to be amended for additional lot coverage related to three car side-load garages in the R-3 zoning district.

As instructed, staff investigated how the code requirement of 3CSLG vs. a typical 3CFLG affects lot coverage, in terms of whether or not there is increased

driveway lot coverage when a residence has a side-load garage. Staff performed a basic study of three-car garage driveways which currently exist in Orland Park in the R-3 zoning district.

Staff investigated the actual sizes of constructed driveways for houses with a typical 3CFLG design and a typical 3CSLG design, via the as-built plats of survey for various houses in the Brook Hills, Ishnala, Mallard Landings, Evergreen View, Colette Highlands and Sterling Ridge subdivisions. These plats were used to establish an average driveway square footage for a typical front-loaded driveway and a typical side-loaded driveway. The aforementioned subdivisions were chosen because Brook Hills, Mallard Landings & Ishnala are areas where three (3) car garages first became quite common. Evergreen View, Colette Highlands and Sterling Ridge are three of the Village's most current residential developments where three (3) car garages are the status quo, but side-load garages were not necessarily a code requirement.

The average area of various 3CSLG driveways surveyed from Evergreen View, Sterling Ridge and Colette Highlands was calculated at ~1288 square feet. The average area of some 3CFLG driveways surveyed from Brook Hills, Ishnala and Mallard Landings was calculated to be ~ 950 square feet. Therefore, the average increase in area between a 3CSLG garage and 3CFLG was estimated as 1288 minus 950 = 338 square feet. If one can picture a rectangular area that is approximately 17 feet wide by 20 feet long, this is a good visual reference of the size increase that occurs when a 3CSLG driveway is constructed.

The lot size in the R-3 zoning district is anywhere from 10,000 to 12,000 square feet (minimum lot size = 80 ft. wide by 125 ft. deep = 10,000 square feet). 338 square feet of driveway area upon a 10,000 square foot lot would equate to approximately 3.4 percent ($338/10,000 = 3.38\%$, rounded up to 3.4%) additional lot coverage on account of using a 3CSLG garage design. 338 square feet of driveway area upon a 12,000 square foot lot would equate to approximately 2.8 percent ($338/12,000 = 2.81\%$, rounded to 2.8%) additional lot coverage on account of using a 3CSLG garage design. Three percent (3%) was therefore chosen as a suitable round number between 2.8 percent and 3.4 percent to use for the typical increase in lot coverage that can be attributed to the code required side-load driveway for any allowable lot size in the R-3 zoning district.

Therefore page six (6) of LDC Section 6-204-F- Lot Coverage, should be amended.

On September 22, 2009, the Plan Commission moved 5-0 to approve a code amendment of Land Development Code Section 6-204-F- Lot Coverage, which will allow additional 3% lot coverage for the required three-car, side-loaded garages in the R-3 zoning district that do not face a public street.

I move to approve a code amendment of Land Development Code Section

6-204-F- Lot Coverage, which will allow additional 3% lot coverage for required three car side-loaded garages in the R-3 zoning district that do not face a public street

A motion was made by Trustee Brad O'Halloran, seconded by Trustee Patricia Gira, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion CARRIED by the following vote:

Aye: 3 - Trustee O'Halloran, Chairman Dodge, and Trustee Gira

Nay: 0

2009-0360 Colette Highlands Park Site - Stockpile Removal and Re-Grading

Director Friling updated the Committee with the previous discussion regarding the removal of the earth stockpile on the Colette Highlands townhome park site along Park Station Boulevard. On July 27, 2009, the Development Services and Planning Committee moved to recommend to the Village Board entering into an agreement with Huguelet Construction Co. and T.J. Cachey Builders, Inc. II to share the cost of the stockpile removal, not to exceed \$35,100;

And

Recommended entering into an agreement with Kimball Hill Homes to utilize the excavated material from Colette Highlands Lot 402 park parcel at the Cherry Ridge South parcel for filling of a large depressional area;

And

Recommended accepting Silvestri Paving as the low bidder and waive the bidding process;

And

Recommended amending the budget of the Expenditure Budget line in the amount of \$35,100 and the Revenue Budget line in the amount of \$23,400.

The previous approach to take advantage of the local Cherry Ridge South parcel location for disposal of the park stockpile cannot be agreed upon. Staff has been in contact with Kimball Hill Homes on a regular basis to settle on an agreement to proceed with this stockpile disposal. Kimball Hill Homes basically cannot commit to this agreement on account of fearing they will jeopardize their environmentally "clean" site even though we have certified that subject soil is clean. Nor does Kimball Hill Homes want to disrupt negotiations with potential buyers of the property by disclosing an agreement with the Village to accept this stockpile.

Therefore, staff asked the selected excavation contractor, Silvestri Paving Co., to revise their proposal to haul the stockpile elsewhere. No other nearby dump sites are immediately available, and therefore trucking costs must substantially rise for this project- due to the expected longer haul times. The revised proposal from

Silvestri Paving Co. is now \$70,560. This amount is comparable with other contractors' proposals that did not factor-in the nearby disposal of the stockpile on the Cherry Ridge South site.

The Village Attorney will still establish an agreement between the Village, Huguelet and Cachey to now share in the \$70,560 cost, each reimbursing the Village \$23,520.

Trustee Gira reported hearing of a possible construction going on at 104th Avenue and questioned if they would be interested in the clean fill.

Director Friling stated that the Village has asked everyone and no one is interested. Mr. Cachey may have a possible contractor who may want the clean fill and have heard from them as recently as last week, but again we haven't been able to tie down the loose ends.

Village Manager Grimes stated that the Village will continue to pursue those options, but would like to have the approval in place.

I move to recommend to the Village Board entering into an agreement with Huguelet Construction and T.J. Cachey Builders, Inc. II to share the cost of the stockpile removal, not to exceed \$70,560.

And

Recommend accepting Silvestri Paving as the low bidder and waive the bidding process;

And

Recommend amending the budget of the Expenditure Budget line in the amount of \$70,560 and the Revenue Budget line in the amount of \$47,040.

A motion was made by Trustee Patricia Gira, seconded by Trustee Brad O'Halloran, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion CARRIED by the following vote:

Aye: 3 - Trustee O'Halloran, Chairman Dodge, and Trustee Gira

Nay: 0

ADJOURNMENT - 8:21 PM.

A motion was made by Trustee Patricia Gira, seconded by Trustee Brad O'Halloran, that this matter be ADJOURNED. The motion CARRIED by the following vote:

Aye: 3 - Trustee O'Halloran, Chairman Dodge, and Trustee Gira

Nay: 0

/mpr

APPROVED:

Respectfully Submitted,

David P. Maher, Village Clerk