

VILLAGE OF ORLAND PARK

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



Meeting Minutes

Monday, March 21, 2011

6:00 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 6:32 PM.

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

APPROVAL OF MINUTES

2011-0128 Approval of the February 21, 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 February 21, 2011.

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

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

Nay: 0

ITEMS FOR SEPARATE ACTION

2011-0134 Village Code Amendment - Title 6 Chapter 2 Nuisances

Director of Development Services Karie Friling reported that Title 6 Chapter 2 of the Village Code, Nuisances, is amended to make sub-section 6-2-2-12 Smoking Ban - Public Places consistent with Illinois state statutes (Public Act 095-0017) regulating indoor smoking for freestanding buildings.

Currently, the Village Code prohibits all manner of indoor smoking in all public assembly buildings, leaving one exception for "Bellicoso Cigar Lounge" at 15443 S. 94th Avenue, which was "grandfathered" in the smoking ban ordinance. In Public Act 095-0017, Illinois law similarly prohibits all manner of indoor smoking in public assembly buildings with exception to "freestanding structures [that are] occupied solely by the business and smoke from the business does not migrate into an enclosed area where smoking is prohibited".

The law enables counties and municipalities to follow stricter regulations than the state's regulations. It does not enable less restrictive regulations than the state's regulations. The proposed changes to the smoking ban ordinance would be less restrictive than current Village regulations in that the sum of the amendments would allow indoor smoking in "freestanding structures occupied solely by the business registered for and authorized by a tobacco dealer license and smoke from the business does not migrate into an enclosed area where smoking is prohibited or into outdoor venues or areas where smoking is prohibited..." (proposed 6-2-2-12-3-2).

As a result of the proposed amendment to permit indoor smoking in freestanding

buildings only, per the provisions identified above, a new definition was added to the smoking ban section, Retail Tobacco Store. The definition for retail tobacco store identified in the amendments is the same definition outlined in Public Act 095-0017.

The definition for a retail tobacco store is “a commercial retail establishment that derives more than 80% of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. This does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food or restaurant license.”

The proposed changes to the Village Code will enable retail tobacco stores to operate in freestanding buildings within the LSPD, BIZ, COR, VC and OOH commercial and mixed-use zoning districts, wherever commercial retail establishments are permitted as of right or by special use. Retail tobacco stores would not be permitted in ORI zoning districts, since retail in those districts are permitted “as an ancillary use”, or accessory use, and the Village Code requires retail tobacco stores to be the primary and only use for a building. It would also not be allowed in MFG districts, since retail is not a permitted use.

It is important to note that the proposed amendments would only allow retail tobacco stores-- as the sole occupants in freestanding buildings--as indoor smoking environments. Businesses such as hookah bars and certain types of cigar lounges in which casual smoking is the primary purpose of the business would not be allowed/ permitted. The definition of retail tobacco store is critical in that it sets the limit to indoor smoking rights to those businesses which meet the 80% gross retail sales threshold of the various tobacco related products. If that threshold is not met, then the store cannot be considered a retail tobacco store and indoor smoking is not permitted.

Trustee Gira asked why this section of the Village Code should be amended.

Director Friling stated she believes there is a segment within the market that does specialize in certain types of high-end cigar lounges. There are a number of these types of lounges in the City of Chicago, Hinsdale, and a few others in the northern suburbs. This is a certain type of high-end clientele that frequents this type of establishment. The Village has received inquiries from prospective businesses who are interested in opening this type of high-end lounge in the Village of Orland Park, however, currently the Village Code does not allow it.

Trustee Gira asked if Director Friling had heard from residents if this type of business would be welcomed in the Village of Orland Park.

Director Friling stated she has heard from residents some in favor of this type of business.

Director Friling stated these types of establishments could not operate as a restaurant or serve liquor. In order for anyone to smoke inside these establishments they would have to be selling the tobacco products.

Trustee O'Halloran stated he would like to research this request further.

Chairman Dodge agreed with Trustee O'Halloran and stated he would like to receive feedback from residents on this issue by placing a question on the Village's website. He suggested this item be tabled for one month.

I move to table this item.

A motion was made by Trustee Gira, seconded by Trustee O'Halloran, that this matter be TABLED. The motion carried by the following vote:

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

Nay: 0

2011-0174 Title 5, Chapter 3, Subsection 7-5-3, Amendment to Village Electrical Code

Director Friling reported that the Village of Orland Park currently utilizes the 2005 edition of the National Electrical Code as the basis for its electrical standards (Village Code Title 5, Chapter 3, Subsection 7 (5-3)).

The Village of Orland Park has received a request to vary from the existing electrical code to allow the use of aluminum wire for main distribution panel cables and sub-panel feeder cables.

Currently the Village use of aluminum wire is not permitted and only allows the use of copper wire for construction. A request has been made to vary from the existing electrical code for the use of aluminum wire only for the main feeder cables.

This variance request was presented to the Village of Orland Park Electrical Commission on Tuesday 3/8/11 with full approval from the commission members. Additionally the Electrical Commission has recommended this approval to be incorporated within the Village Code as an amendment to our existing electrical code.

The wiring for all other electrical circuits in lighting and receptacle outlets will continue to require the use of copper wiring as required in the existing code. Aluminum wire will not be permitted for use in branch circuit wiring, typically used in lighting and/or other outlets for commercial and residential buildings.

This code change will allow a fair and consistent application across the Village. This change will also provide a savings to construction projects, without negatively impacting public safety.

I move to recommend to the Village Board approval of the local revisions of Title 5, Chapter 3 of the Orland park Electrical Code as written by the National Fire Protection Association (NFPA 70 2005 edition), and to implement the latest amendment to Title 5, Chapter 3 of the Orland Park Village Code.

A motion was made by Trustee O'Halloran, seconded by Trustee 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

2011-0132 Village of Orland Park Building Code Amendment - Exterior Brick and Residential Fire Partitions

Director Friling reported that The Village of Orland Park currently utilizes the 2009 edition of the International Building Code with amendments as a basis for its construction standards. These standards are referenced in Title 5 Chapter 1 of the Village Code.

The revised local amendments are intended to allow code acceptable standards as permitted by the model code, adopted edition (noted above) and to lessen the restrictive masonry standard as noted below.

The amendments reflect:

1. A revision to our existing masonry ordinance which requires all commercial buildings (within the fire limits) to be of masonry veneer with a minimum thickness shown in Table 1405 for an anchored veneer, to allow the uppermost story of a more than 3-story residential building to be constructed of other code approved exterior materials (i.e. metal, hardy board, EIFS) with conditions.
2. Revising the requirement for multi-family tenant wall construction (when not of solid masonry), from a 3-wall system to allow a 2-wall separation between the tenants with conditions.

Director Friling stated that kitchen equipment (stoves, refrigerators, etc) can not be placed on a common wall. Usually kitchen equipment is against the exterior corridor wall.

The Committee requested a copy of the survey that Development Services conducted of what other community's construction standards are regarding

Residential Fire Partitions.

Trustee O'Halloran requested that this item be tabled for one month so that the Committee can receive additional information.

I move to table this item for one month.

A motion was made by Trustee O'Halloran, seconded by Trustee Gira, that this matter be TABLED. The motion carried by the following vote:

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

Nay: 0

2011-0182 Orland Park Business Center Lot 15 - Special Use

Director Friling reported that the petitioner is proposing to establish and maintain a 12,021 square foot indoor recreation use in the building located at 11545 W. 183rd Place in an ORI Mixed Use District in the Orland Park Business Center. The proposed use will be located in the southern most tenant spaces of the narrow office building. The indoor recreation use will be Time Chasers Laser Tag.

The ORI Mixed Use District zoning was/is intended for office, research, institutional and light industrial uses. Though compatible, indoor recreation uses typically require special uses to ensure that the size of the uses and the number of such uses do not overwhelm the business park character. Indoor recreation uses tend to be larger facilities than office, research and institutional uses, requiring more area and more parking facilities to accommodate their basic functions. The special use enables additional oversight for the ORI district and the use in terms of how the uses interact with the surrounding context.

On March 8, 2011, the Plan Commission moved 5-0 to recommend to the Village Board of Trustees to approve a special use permit for Time Chasers Laser Tag for an indoor recreation use at 11545 W. 183rd Place in the Orland Park Business Center Lot 15, per the sketch on the site plan titled "Proposed Office Warehouse at Lot 15 of the Orland Park Business Center 11545 W. 183rd Place Orland Park, Illinois", prepared by The Shalvis Group, last dated 06/06/06 but date stamped 02/15/11, sheet A-1.0 and the floor plan titled the same, prepared by the same, dated 11/03/10, sheet A-1.0 subject to the following conditions:

1. That all building code related items are met;
2. That building permits are obtained for remodeling prior to construction;
3. That customers are prohibited from parking on 183rd Place and 184th Place;
4. That no liquor is served on the premises without prior approval of a liquor license from the Village;
5. That a shared parking agreement with neighboring property owners is obtained for additional parking to accommodate for the remaining building area.

The prohibition of parking on 183rd Place and 184th Place is consistent with previous indoor recreation use special use permits in the business park to prevent conflict between light industrial traffic and indoor recreation patrons.

The shared parking agreement is a proactive step to accommodate any potential parking needs of future uses moving into the site that are permitted as of right by Code since the indoor recreation use will use a substantial part of the present parking facilities. Parking is not anticipated to be a problem since the proposed use's peak operating hours do not conflict with the peak hours of the existing uses at the center.

Brian Tader, the architect of this project was present to answer any questions that the Committee may have.

Trustee O'Halloran questioned if there were any outstanding issues with respect to the Orland Park Business Center with the developer.

Village Manager Grimes stated that he was not aware of any outstanding issues with the Orland Park Business Center. The Letter of Credit was pulled and staff has completed the work in and around the Orland Park Business Center.

I move to recommend to the Village Board of Trustees to approve a special use permit for Time Chasers Laser Tag for an indoor recreation use at 11545 W. 183rd Place in the Orland Park Business Center Lot 15 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 Time Chasers Laser Tag for an indoor recreation use at 11545 W. 183rd Place in the Orland Park Business Center Lot 15, per the sketch on the site plan titled "Proposed Office Warehouse at Lot 15 of the Orland Park Business Center 11545 W. 183rd Place Orland Park, Illinois", prepared by The Shalvis Group, last dated 06/06/06 but date stamped 02/15/11, sheet A-1.0 and the floor plan titled the same, prepared by the same, dated 11/03/10, sheet A-1.0 subject to the following conditions:

1. That all building code related items are met;
2. That building permits are obtained for remodeling prior to construction;
3. That customers are prohibited from parking on 183rd Place and 184th Place;
4. That no liquor is served on the premises without prior approval of a liquor license from the Village;
5. That a shared parking agreement with neighboring property owners is obtained for additional parking to accommodate for the remaining building area.

A motion was made by Trustee Gira, seconded by Trustee 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

2011-0087 Paddy B's Restaurant and Pub - Special Use Amendment

The petitioner requests to expand Paddy B's restaurant in the Pinewood Plaza Shopping Center into a currently vacant retail unit and to provide outdoor seating. Paddy B's is currently 1,800 square feet tenant. The expansion will add 900 square feet to the restaurant for a total of 2,700 square feet.

The petition requires an amendment to the special use permit because the restaurant is within 330 feet of residential properties in the Long Run Creek subdivision to the north and single family homes to the south. An amendment to the special use permit is also required because the expansion increases the intensity of the restaurant use by half the size of its current operation (900 square feet) per Sections 5-105 Special Uses and 6-207 BIZ General Business District of the Land Development Code.

Along with the special use amendment, the petitioner is seeking authorization to establish an outdoor seating area at the storefront of Paddy B's. The petitioner has not yet provided any site plan to accomplish this, however this can be administratively reviewed at a later date.

I move to recommend to the Village Board of Trustees to approve the special use amendment for 11967 W. 143rd Street, Paddy B's Restaurant, to expand the existing use into a vacant 900 square foot tenant space at the Pinewood Plaza Shopping Center and provide outdoor seating as indicated in the attached fully referenced motion.

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

I move to recommend to the Board of Trustees to approve a special use amendment permitting Paddy B's Restaurant, 11967 W. 143rd Street, to increase the intensity of its use by 900 additional square feet by expanding into the adjacent vacant tenant space located at 11965 W. 143rd Street, and allow for outdoor seating, subject to the following conditions:

1. That all building permits are obtained prior to construction;
2. That all building code related items are met;
3. That the layout of the outdoor seating area is administratively reviewed through an appearance review when the petitioner is ready to establish it.

A motion was made by Trustee Gira, seconded by Trustee 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 - 6:48 PM

A motion was made by Trustee Gira, seconded by Trustee 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

/nm

APPROVED:

Respectfully Submitted,

David P. Maher, Village Clerk