

# VILLAGE OF ORLAND PARK

*14700 Ravinia Avenue  
Orland Park, IL 60462  
www.orlandpark.org*



## Meeting Minutes

**Tuesday, November 14, 2017**

**7:00 PM**

**Village Hall**

## **Plan Commission**

*Louis Stephens, Chairman  
Commissioners: Paul Aubin, Nick Parisi,  
John J. Paul, Laura Murphy, Dave Shalabi  
and Edward Schussler*

**CALLED TO ORDER/ROLL CALL**

The meeting was called to order by Chairman Stephens, at 7:00 p.m.

**Present:** 7 - Chairman Stephens; Member Aubin; Member Parisi; Member Paul; Member Murphy; Member Shalabi, Member Schussler

**APPROVAL OF MINUTES**

**2017-0045 Minutes of the October 10, 2017 Plan Commission Meeting**

A motion was made by Commissioner Paul seconded by Commissioner Schussler to approve the minutes of the October 10, 2017 Plan Commission.

APPROVED

**Aye:** 7 - Chairman Stephens, Member Aubin, Member Parisi, Member Paul, Member Murphy, Member Shalabi and Member Schussler

**Nay:** 0

**PUBLIC HEARINGS**

**2014-0494 Nahhas Subdivision - Rezoning, site plan, subdivision and special use permit for a three lot residential planned development, with modifications, all subject to annexation into the Village.**

TURLEY: Staff presentation made in accordance with written staff report dated November 14, 2017.

STEPHENS: Is the petitioner present? Does the petitioner care to make any comments or additions to the presentation?

AUBIN: Swore in Robert Bohnak, 8405 Radcliffe Road, Tinley Park.

BOHNAK: Short presentation made in addition to staff's report. Short discussion in regard to the pipeline that is impacting the location of the detention pond.

STEPHENS: So you are going to be changing the lot lines then?

BOHNAK: Possibly this lot line would be the only one that would change.

STEPHENS: Ok. Please continue.

BOHNAK: Continues with presentation.

STEPHENS: There is a structure close to the driveway out there, what is that?

BOHNAK: That is an existing catch basin that runs to the north. There are a series of 4 or 5 north of the property that are interconnected and cross under 80th Avenue and discharge into the detention pond across the street. Continues with

presentation.

STEPHENS: This is a public hearing. Please come forward if you have any questions or comments.

AUBIN: Swore in Dirk Samuelson, 13710 80th Avenue, Orland Park.

SAMUELSON: You can see the low area that is close to this property. That water all summer long is only this far below grade. It never goes lower. There have been years that I could not mow that lot until June. I am seeing in that chart up there that the bottom of that pond is higher than the top of my yard. I don't know how he is going to get water to flow across the street and not into my yard. That is what I am interested in.

BOHNAK: The detention pond is designed with two structures. The volume control is designed to take the first inch of water that falls onto the property and it allows the water to infiltrate into the ground. There is an under drain that will convey the water and slowly discharge the water. We are significantly reducing the run off of the property.

STEPHENS: You are going to be catching all of the water that is now running off to his property?

BOHNAK: Yes, sir. It currently drains straight across the property and runs down to the corner. It is a very flat, low spot.

STEPHENS: All of the water runoff now is going to go into a basin. Is that basin going to be lower than what the current grade is?

BOHNAK: Yes. Demonstrates grade change on plan.

STEPHENS: Has engineering reviewed this drawing and they say it is going to work?

TURLEY: Yes they have given preliminary engineering consent. There may still be some final engineering tweaks but at the preliminary stage they have given consent for the project to move forward.

STEPHENS: Ok. Mr. Samuelson do you understand what they are doing here? Not exactly.

SAMUELSON: Not speaking into microphone – inaudible

STEPHENS: That berm is going to be 5' higher than your existing elevation.

SAMUELSON: I already catch all of the water that comes from the west. I used to

catch all of this water too. This water is going to run down into my property too.

STEPHENS: I don't know that you're an engineer and I am not an engineer either; but, this gentleman is an engineer. They have all reviewed this and said that the design is going to work.

SAMUELSON: I never heard of water flowing up hill.

STEPHENS: I think that is why they are going to be putting the berm to the north 5' higher than the bottom of the pond.

SAMUELSON: Isn't the ground pervious?

BOHNAK: They typical soil on the site is a silt and clay. The entire berm will be built up of compacted clay. The soil required by the Village engineer will need to be compacted and tested. The clay does not typically allow water to pass through it. This is why the water doesn't drain out of them. It holds the water very well.

STEPHENS: Is there anyone else who would like to address this petition?

Staff would like to make a comment – Assistant Director of Development Services, Khurshid Hoda.

HODA: I wanted to point out to our resident, Mr. Samuelson, that there are drain pipes underneath that will collect all of the water and distribute it to the catch basin. The way it is designed is to meet 100 year flood. It is a 6' high berm compared to your property. I just wanted to make sure that this is clarified.

AUBIN: Swore in George Georgaklis, 8010 Salvatori Court, Orland Park

GEORGAKLIS: From a land integrity perspective, will there be survey stakes placed around the lot?

BOHNAK: Yes.

STEPHENS: For all four corners for the entire parcel?

BOHNAK: Yes typically they reset the corners for the new lots so they are all in place.

GEORGAKLIS: What will happen to the trees on the Salvatori side?

TURLEY: Those will be removed. The only ones they are able to save are up along the North West corner. Demonstrates on the plan.

BOHNAK: The four silver maples will be preserved. The remainder will be

removed. There is proposed tree screening to replace those. I do not know off of the top of my head what types of trees they are.

STEPHENS: They are trees not evergreens?

BOHNAK: Yes. Trees and shrubbery.

TURLEY: If you look at the contoured grading plan, you can see why the trees will be lost. You are carving most of the site out of the hillside.

GEORGAKLIS: On the Salvatori side, can you go over the grading?

BOHNAK: On this exhibit you can see the difference in the contours. It is basically 730 and gets down to about 724. We are matching existing grades with our proposed development. We have a 6' slope down and a 4-1 slope so about a 25' transition down to the flat area. You will notice in this area we are transitioning down 3' all at about a 4-1 slope. Everything on the south property line will be matched and everything will be sloping down into the subdivision. The same thing will be on the west side. The grades here are lower than the property line so any water will flow through to the detention basin.

STEPHENS: Ok, that answers that question.

AUBIN: Swore in Robert Wilman, 8025 Pluskota Drive, Orland Park

WILMAN: I have property adjacent. The west line where the trees are, I am west of the proposed subdivision. My lot backs up to it. There is a water line there. Where are you going to tie into water and the gas and electric? I think I have lines on my property. Do I have to give permission for them to come on my property with heavy equipment?

BOHNAK: The water line will run along the south line of the driveway itself. It will tie in approximately in this general area and will run east to tie in to the east side of 80th Avenue in the right of way. Essentially we would end up being on the west side of the property in the utility easement.

WILMAN: Inaudible.

BOHNAK: Typically when they install they back away. They tap in on the east side of the line, sitting on their property and digging back to the east and installing the water main to the east. Any work they would be doing would be just over the top of the water line. Part of the requirements include restoration to original conditions.

STEPHENS: Mr. Wilman just wanted insurance that they are not going on his property.

WILMAN: Inaudible. Resident stated that someone once went on his property and he received no notice and his land was torn up and not restored.

BOHNAK: They will expose the line on the east side. I do not anticipate any heavy equipment on your property. The proposed sanitary manhole will be in this area, run to the east and downgrade to 80th Avenue, cut across Laguna Lane and run past the first house on the south side to the existing sanitary that is located generally in this area. Electric design will be provided by ComEd and Nicor does the gas design. But I am pretty sure that they tap in somewhere in the back yards if they are accessible.

WILMAN: Regarding the access road in, is that a turn around?

TURLEY: It is just a hammer head. It is not a cul-de-sac. It requires a 3 point turn.

WILMAN: How close is that to my property?

BOHNAK: It is about 17 or 18' from the property line. It will be down sloped. It is actually lower so any headlights will be lower than your home. It is designed for a fire truck or emergency vehicle to turn around. There will be trees to screen it as well. The four silver maples will be saved. Unfortunately, the rest have to come down.

STEPHENS: His property is 3' higher.

BOHNAK: Everything is being sunken down in and built at a lower grade.

WILMAN: So your grade is lower than mine?

BOHNAK: Yes. Demonstrates on plan. There will be a swale.

STEPHENS: Seeing no one else from the public that would like to address this, we will go to our Commissioners.

AUBIN: I trust the engineering staff for the Village of Orland Park. They would never put their reputations on the line by preapproving a project preliminarily. Also, this project is not going to go forward until annexation. Once that is accomplished there are 15 different conditions that will be read tonight and the petitioner has not objected to one of those. In my humble opinion, I think this project should move forward.

SHALABI: Originally my comments were going to be directed at the lot to the north however I feel staff and the developing engineer have satisfied that resident. The only question I have is why will the road be a private road as opposed to a village road?

BOHNAK: That was a request of the owner since it is only going to be the three lots for the subdivision. The Village Code would require a 27' wide road and since it was only going to be the 3 homes with a dead end, from that standpoint, they elected to go with a private road. Actually the road itself will be 21' wide with a 23' wide easement on it. It is sufficient enough that they would have parking on the street if need be and have access to the houses along the way.

STEPHENS: Curbs?

BOHNAK: No curbs. It will be a road with a stone edge. This side will drain into a ditch to be conveyed under the road to the detention basin and this side will be sheet drained to the detention basin itself.

SCHUSSLER: On the pipeline, we have a map of all the pipelines maintained by Public Works. How did this slip by and finally find out at the last minute?

TURLEY: Usually we see it on the preliminary engineering drawings and for some reason it wasn't on there.

SCHUSSLER: Has the fire district given their comments on the private street?

TURLEY: All of our plans are circulated to the fire districts and they have seen this and there has not been any objections.

SCHUSSLER: For the engineer, will there be a storm sewer underneath the street?

BOHNAK: Yes there will be in two locations. Demonstrates on plans.

SCHUSSLER: Will there be a storm sewer along the street?

BOHNAK: No there will not.

SCHUSSLER: Are there going to be any street lights?

BOHNAK: The developer will go ahead and put some street lights along the way. They will be architecturally matched to the houses that will be put there; however, they are not going to be the standard village street light.

SCHUSSLER: Those are my questions. My comments are that I think it is a big mistake for this Commission and the Village Board who will weigh in on it because they have the final say to approve a private street. Yes the code does allow a private street when you have no more than 3 homes that would front on it but that doesn't mean we have to allow it. Generally developers try and get private streets because it is cheaper for them. As the engineer indicated, they are not going to put a curb in, 21' of pavement instead of a wider street. The driveways

are proposed to be 24' wide and the street is only going to be 21'. Generally what happens with private streets is that everything is hunky-dory for a few years and then the owners start getting the bills for the maintenance. They are going to have to pay for the snow plowing, street light maintenance; but eventually they will have to pay to resurface the street and that is when the big uproar comes. What happens is the owners say "Why do I have to pay to resurface the street when my neighbors who live on Salvatori Court just had their street resurfaced at village expense?" Then they start asking why the staff approved this 15-20 years ago, they start pointing fingers and it is a big mistake to let the developer save a few bucks initially. It causes many problems later on. If this moves forward as a private street, I will vote against it. That is my own personal opinion. I sat on the Village Board for 17 years and I saw these problems come up regarding private streets. At one point, the village approved the process that owners in subdivisions can sell them back to the village for an amount of money that is determined based on the maintenance needs of the street. It leads to problems later on. It is not worth it. It would be smarter to allow the developer to put a wider street in with curbs. It would make more sense to approve something like a 24' wide street with curbs like most other developments in Orland Park. They can put a foot or two on either side to allow for street lights that will be maintained by the village. You are asking for problems later on when you approve these private streets.

MURPHY: My original concerns were of flooding on adjacent lots but it sounds like we will be reducing the runoff. Preliminary engineering has been approved with some foreseen tweaks but it has been approved. I don't have any issues with that. As far as the overall project, it does conform to our Comprehensive Plan so I am in favor of it.

PARISI: When I visited the property my initial thoughts were about water runoff. We are going from a hilly property to a flatter property so we are tremendously increasing the amount of impervious lot coverage. I think those issues have been covered by extensive conversation. Those issues have opened up some additional issues. If you have to move the retention pond that will affect the lot size of Lot 1. With the restriction of no more than 30% lot coverage, I don't know what that is going to do to the foot print of that house and the driveway. That combined with what I found to be some very interesting points that were brought up by Commissioner Schussler. I think there needs to be some more discussion on this before we vote on it.

PAUL: You did a good job how this is going to work with the retention pond but you also mentioned that what we see there is probably not going to be what we end up seeing there, right?

BOHNAK: The retention volume will be the same. It is just the foot print of the pond that will need to be shifted.

PAUL: What affect will that have?



BOHNAK: We would still discharge to the same location it would just need to be a longer pipe to get there depending on how the foot print of the pond lays out.

PAUL: In regard to the private road, who maintains that? I am unsure how that is handled.

TURLEY: It is the same as if it is your own private driveway. It is shared by 3 different land owners. They have to work out how to handle snow removal and how they will maintain it.

BOHNAK: They would create some sort of association agreement.

PAUL: Do we have many of these situations in the village now?

TURLEY: We do have a lot of town home and multifamily developments that have private streets. These smaller 3 lot subdivisions are not common at all. One thing I want to point out is that the current code requires a 60' right of way with park way, sidewalks and a 30' wide road with a cul-de-sac for turning around in. Before the village accepts a street, they want it to be built to public standards. If you apply that to this site, you probably couldn't subdivide it. That is why the code provision is there to allow for smaller lots that allow the shared drives for up to 3 because it is so hard to get a street built to public standards to fit.

PAUL: So it is kind of an all or nothing thing?

TURLEY: You can grant variances for less than a full blown public street. The narrowness right of way that I have seen in recent years is 50' so it is not typical. It is not to say that we could not explore something like that. This is just the way the code is written now. There is this option and then the public road option unless you grant variances in between.

PAUL: The public road option kind of renders this entire plan moot.

TURLEY: It would be very difficult.

SCHUSSLER: When you have a fill in lot such as this, there are always problems where it will never meet the code and in addition, this parcel has the extreme elevation change which makes it doubly difficult. That is the reason why you have the right to grant variances. There is not any reason why this couldn't be a public street that is narrower. It has the same hammer head design as long as variances are given to allow that. You do not need a 60 or 50' right of way to service 3 houses. But if you go the other route and allow it to be a private street, there are 2 additional problems that I forgot to mention. These homeowners could have problem getting mail because the post office might refuse to drive down the private street to put the mail in the mail box. They might have to go up to 80th

Avenue. The major problem is the refuse trucks. They would have to take their garbage cans all the way up to 80th Avenue. It is just another reason not to allow a private street. Give them the variances they need to make it work but make it a public street.

STEPHENS: I don't like the fact that what you are showing us here is not going to be carried forward. You are going to be moving lot lines and reshaping the pond. I would prefer to see a continuance and have you come back with the design that we are going to be looking at. The comments that Commissioner Schussler made are pretty valid comments. I would like to see you make that street wider and possibly see a variance to make that a public street.

TURLEY: It would have to be republished due to the variance.

STEPHENS: It doesn't matter because he is changing the development from what we are looking at here. I tend to agree with the problem that Commissioner Schussler brought up. I would look for a continuance and bring back what the final plan is going to look like and maybe go with a wider street so it can be public and the homeowners don't have the problem with scavenger and all of those other things.

BOHNAK: Yes, we can widen it a little bit along with the modification to the detention basin.

TURLEY: There will have to be internal discussions on what will be accepted by the Public Works department.

PARISI: Do you think possibly we would have any issues with creating a precedent for a public road for a 3 home subdivision?

SCHUSSLER: Whenever you have an infill lot, because you are granting variances to compensate for development problems, you are creating a precedent. Will you find another site that is identical to this? You probably never will because the next infill will have different characteristics. It is so unique that you are not setting a precedent. Though there will be a homeowners association to maintain a street, the pond is going to be a public pond. There is a reason for that because homeowners associations did not maintain ponds very well. So the village changed the policy and now requires all ponds in a residential development have to be maintained by the village. That is another reason not to have a homeowners association for 3 houses.

STEPHENS: I believe all comments have been made. Would someone care to make a motion? Short discussion on what the motion should be.

PARISI:

I move to continue this item to a future plan commission meeting (date uncertain).

PAUL: Second.

CONTINUED

**Aye:** 6 - Chairman Stephens, Member Parisi, Member Paul, Member Murphy,  
Member Shalabi and Member Schussler

**Nay:** 1 - Member Aubin

## **NON-PUBLIC HEARINGS**

## **OTHER BUSINESS**

**2017-0046 Memo: New Petitions & Appearance Review**

## **ADJOURNMENT**

STEPHENS: This meeting is adjourned at 8:13 p.m.

ADJOURNED