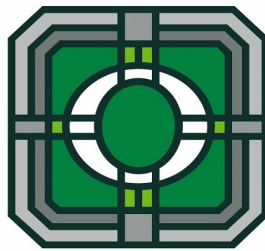


VILLAGE OF ORLAND PARK

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



Meeting Minutes

Tuesday, August 20, 2024

7:00 PM

Village Hall

Plan Commission

*Nick Parisi, Chairman
Edward Schussler, Vice Chairman
Commissioners: John J. Paul, Patrick Zomparelli, Yousef Zaatar,
Daniel Sanchez and John Nugent*

CALLED TO ORDER/ROLL CALL

The meeting was called to order at 7:00 p.m.

Present: 7 - Chairman Parisi; Member Sanchez; Member Nugent; Member Paul; Member Schussler; Member Zaatar, Chairman Zomparelli

APPROVAL OF MINUTES**2024-0651 Minutes for the August 6, 2024 Plan Commission Meeting**

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

Aye: 7 - Chairman Parisi, Member Sanchez, Member Nugent, Member Paul, Member Schussler, Member Zaatar and Chairman Zomparelli

Nay: 0

PUBLIC HEARINGS**OPEN PUBLIC HEARING**

A motion was made by Chairman Parisi, seconded by Member Paul, that this matter be APPROVED. The motion carried by the following vote:

Aye: 7 - Chairman Parisi, Member Sanchez, Member Nugent, Member Paul, Member Schussler, Member Zaatar and Chairman Zomparelli

Nay: 0

2023-0915 Substantive Amendment: Revise and Update Development and Subdivision Exactions: Dedication of Land and Fees in Lieu of Dedication

Assistant Director of Development Services Carrie Haberstich respectfully requested the staff report be accepted into the record as written and presented during the meeting. (refer to staff report)

Ms. Haberstich gave a brief history and timeline of the revised impact fee regulations that was reviewed by the Plan Commission in November 2023. She mentioned the clarifications for land value, park acres/population ratios, and the Village Public Infrastructure impact fee.

The changes to the proposed impact fees that prompted the referral back to the Plan Commission are changing “park district” to “parks department” or “park entity”, collecting fees upon issuance of each individual permit (removing the “lump sum” option for ease of fee calculation and administration by Village staff), and including the highest and lowest capital improvement costs in the impact fee calculations.

Ms. Haberstich stated the staff recommends the Plan Commission recommend approval of the Land Development Code Amendment for Section 5-112.H as presented in the attached report titled "Amendment Report: Development and Subdivision Exactions" dated August 16, 2024.

[Commissioners]

Commissioner Zaatar asked if all the bullet points in the presentation cover all the changes made since the last markup the Plan Commission reviewed.

Ms. Haberstich responded yes, these bullet points were the items that were discussed in November 2023 and further explains the three adjustments. (refer to audio)

Commissioner Zaatar stated he is not a fan of this packet, and he would have rather had one markup version so that he could see what's changing. He asked since changes have been made does it have to go through the whole cycle of approval. (refer to audio)

Ms. Haberstich replied no, this is part of the original publication from the November 2023 meeting. It was referred back to the Plan Commission, then it will go back to the Board of Trustees and we're expecting them to approve or make a decision on the ordinance.

Commissioner Zaatar asked if the Board approved it last time.

Ms. Haberstich responded the Board hasn't approved it yet. They referred it back to the Plan Commission because of the three changes and to get your opinions. (refer to audio)

Commissioner Zaatar stated I don't have a problem with the three items. I can't tell if that's all that was changed. That's my disclaimer. Good luck.

Commissioner Sanchez added the three changes are self-explanatory. I don't have any questions.

Commissioner Paul referred to Page 14 of the Amended Report where it talks about the age restrictions and the Student Generator Penalties. He asked if a retired person that lives in one of those facilities and you inherit grandkids, you can't send them to school without getting penalties? They pay property taxes? (refer to audio)

Ms. Haberstich responded, yes, they do.

Commissioner Paul asked why they would be penalized for having someone go to

school in that district that they pay taxes to?

Ms. Haberstich stated the assumption with the development is they wouldn't be producing students, it would be to support the additional students in the district. (refer to audio)

Commissioner Paul asked if a retired person found themselves having to raise a kid, they'd have to move somewhere else or get these penalties even though they are paying taxes to the district that kid is going to go to school in?

Chairman Parisi stated I'm missing your point Commissioner Paul. What penalty?

Commissioner Zaatar added this whole section only applies to an age-restricted development per se a senior home. A child wouldn't live in a senior living facility.

Commissioner Paul gave the same scenario of a grandparent inheriting a child in an age-restricted place and asked what would happen.

Commissioner Zaatar responded we tax senior homes less because there's no kids there so why would a kid be living in a senior facility?

Commissioner Zomparelli added I don't think a child can live in a senior home. They don't allow it.

Commissioner Zaatar agree, they don't allow it.

Commissioner Paul replied I'm just trying to understand. I'm picturing somebody getting a \$50,000 penalty because they inherited a grandkid and now, they have to send them to school.

[Chairman Parisi asked the Commissioners to wait to be recognized before speaking for the sake of record keeping.]

Commissioner Paul continued I just want that clarified. That was the only concern I had.

Ms. Haberstich explained there are two types of excluded dwelling units. One is assisted living where you would presume a student wouldn't live with a resident. The other is age-restricted, where there is the possibility a student-aged person could be living there.

Commissioner Paul replied thank you.

Commissioner Zomparelli stated it's cut and dry. We don't have a Park District, correct?

Ms. Haberstich responded, correct.

Commissioner Zomparelli asked, we are a Park Department?

Ms. Haberstich responded, yes.

Commissioner Zomparelli asked if Mokena has a Park District?

Chairman Parisi responded I believe so.

Ms. Haberstich replied maybe, I know other communities have districts.

Commissioner Zomparelli asked if the Plan Commission handled TIF's?

Village Attorney Anne Skrodzki asked the creation of a TIF [Tax Increment Finance District], or anything related to a TIF?

Commissioner Zomparelli responded anything related to a TIF. That would go to the Board not Plan Commission?

Ms. Skrodzki responded to the extent, for example, the Downtown Orland Park development which you have considered on several occasions will be in a TIF district, so you do consider areas which are subject to a TIF but not the creation.

Commissioner Zomparelli asked that's already worked out and then it comes to us?

Ms. Skrodzki responded correct.

Commissioner Zomparelli stated, back to Commissioner's Paul point, I know the associations don't allow children. That's why they have rules and as Commissioner Zaatar stated they're taxed less. Those are the two reasons why I don't think that major impact would come to play with this. That's my two cents. Thank you.

Commissioner Nugent asked if a Marth Construction property off 143rd Street that's not 55 and older would have to pay like any other development?

Ms. Haberstich responded correct.

Commissioner Nugent asked even if they're gearing towards a 55 and older crowd?

Ms. Skrodzki mentioned that senior housing as categorized is defined in the Fair Housing Act. There's a difference between marketed towards or geared towards and qualifying for an exemption under the Fair Housing Act from

anti-discrimination laws. You would not be able to discriminate on the basis of family status.

Commissioner Nugent stated to be clear, for the Village and for the developer, neither of them said it had to be that he just gave a product that appealed to people that would be empty nesters. (refer to audio)

Ms. Skrodzki responded exactly.

Commissioner Nugent asked if the Andrew Property, a TIF in the near future, is going to have to do the same contributions as any other parcel that's subdivided in town?

Ms. Haberstich responded that's my understanding, yes.

Chairman Parisi added I hope so. They're getting the TIF recognition as it is.

Ms. Haberstich continued "but for" the TIF funding, the development wouldn't happen, but this is an impact of a specific unit on the various taxing bodies, schools, parks, etc.

Commissioner Nugent asked if properties that are considered "senior living" exempt from the same requirement?

Ms. Haberstich responded assisted living yes.

Commissioner Nugent stated that's not assisted living. You have to be able to take care of yourself.

Ms. Skrodzki added Commissioner Nugent if he is talking about a senior community like Del Webb or a Villages, that would be an example of an age restricted community but not with services like assisted living.

Ms. Haberstich stated that would be the age restricted category.

Commissioner Nugent asked if someone wanted to develop the farmland beyond Sportsplex, will the Village mandate an onsite park?

Ms. Haberstich responded right.

Commissioner Nugent stated because we decide based on this ordinance when you have to have an onsite park?

Ms. Haberstich responded yes, the tables within this ordinance has the fractions of contribution based on the number of bedrooms.

Commissioner Nugent asked if someone created a mini-Brook Hills, we'd work with that developer and say this is what you have to do for a park and green space and it's going to have to be onsite?

Ms. Haberstich responded yes, the formula will help calculate what that particular development would need to either provide land or cash in lieu.

Commissioner Zomparelli asked about the Spring Creek development.

Commissioner Schussler stated the Spring Creek development agreement has expired.

Ms. Haberstich added it expired in January.

Commissioner Zomparelli asked this past January?

Ms. Haberstich responded yes, earlier this year.

Commissioner Zomparelli stated they had a higher density there but it's over. Never mind, sorry I interrupted.

Ms. Haberstich stated there are certain documents that are still part of the LSPD zoning but the actual agreement itself expired at the end of January.

Commissioner Nugent discusses large parcels beyond Wolf between 139th and 135th and the southwest quadrant south of the Sportsplex.

Commissioner Zomparelli mentioned the Andrew Corporation.

Commissioner Schussler stated that he agreed with the land cash donation ordinance. I think developers should pay their fair share for the development that happens within the geographical boundaries of the Village. I'm going to vote against this to send a message to the Village Board for two reasons. Two things I specifically object to is the Law Enforcement Impact Fee and the Village Infrastructure Impact Fee. In addition to changing the formula with regard to the exaction for roads it adds other Village infrastructure. What we're going to do is price development out of the market here. I hope before they adopt this, the Village Board will look at surrounding communities (Mokena, New Lenox and Frankfort) that we compete with for development and see what they're doing with regard to requiring developers to pay impact fees. If we price ourselves out of the market the developers aren't going to build and we're going to be stuck with a lot of farms within the Village limits. The other thing I talked to Ms. Haberstich about earlier today is in the original land cash donation ordinance there was a provision that indicated wherever possible parks would be located next to school sites to reduce the amount of acreage that had to be contributed for the school site. The school site could use the adjacent park for their playground and that made it more

efficient from a use standpoint and it saved the developer money. I looked and didn't see the provision in there. I was involved in the original adoption of this when I was on the School Board, and we proposed it to the Village, and they went ahead passed it. I agree with the concept, but I think if we're going to far with this particular draft, I'm going to vote against it.

Chairman Parisi stated I would think when a developer is taking a parcel and planning the whole thing out, one of the considerations they would have would come up during the approval process is the idea whether it's for monetary purposes or whether it's just for making more sense in developing that community of the benefit of having a park by the school. I would think that would come up in the discussion in terms of what other communities do. Don't we look at what other communities do when we're drafting these things?

Ms. Haberstich responded yes.

Chairman Parisi continued I would think we just don't make it up. I'd be less concerned about competitiveness from that regard. We're using statistics and land values per acre; do we have a rule or a statute how often this has to be reviewed?

Ms. Haberstich responded I don't think there's a state statute.

Chairman Parisi added cost change, land values change, do we have any statutory 10 years or 5 years?

Commissioner Zomparelli stated didn't I read here there's a built-in annual increase in this?

Chairman Parisi responded a cost-of-living built in.

Commissioner Zomparelli asked is that what you're referring to?

Chairman Parisi responded no, you know the cost of living may not go up, but you know what can happen with land values for a variety of reasons.

Commissioner Zomparelli replied, yes.

Chairman Parisi continued just a thought but other than that it's a thorough discussion and a complex calculation. I appreciate the good questions by my fellow Commissioners.

Commissioner Nugent added a follow-up on the school land. He saw in the Patch that all the additions are done for District 135 but when they were here for the hearings and meetings I asked about the land and future development, and I specifically targeted the southwest quadrant and they said that they never

anticipate a situation they would ever build another school in town. (refer to audio)

Chairman Parisi added if a developer goes in there, he's going to pay an impact fee for a school that's never going to be built. Is that your point?

Commissioner Nugent stated the only thing I want to point out is that at the hearing they said they don't anticipate they'd ever add on again. (refer to audio)

Recommended Action

Staff recommends to accept and make findings of fact as discussed at this Plan Commission meeting and within the Staff Report dated August 16, 2024;

And

Staff Recommends the Plan Commission recommend approval of the Land Development Code Amendment for Section 5-112.H as presented in the attached report titled "Amendment Report: Development and Subdivision Exactions" dated August 16, 2024.

Recommended Motion

Regarding Case Number 2023-0915, I move to approve the Staff Recommended Action as presented in the Staff Report to the Plan Commission for this case.

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

Aye: 5 - Chairman Parisi, Member Sanchez, Member Nugent, Member Paul and Chairman Zomparelli

Nay: 1 - Member Schussler

Abstain: 1 - Member Zaatar

CLOSE PUBLIC HEARING

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

Aye: 7 - Chairman Parisi, Member Sanchez, Member Nugent, Member Paul, Member Schussler, Member Zaatar and Chairman Zomparelli

Nay: 0

NON-PUBLIC HEARINGS

OTHER BUSINESS

2024-0650 Memo: New Petitions

NON-SCHEDULED CITIZENS & VISITORS

ADJOURNMENT

The meeting was adjourned at 7:37 p.m.

A motion was made by Chairman Parisi, seconded by Member Schussler, that this matter be ADJOURNED. The motion carried by the following vote:

Aye: 7 - Chairman Parisi, Member Sanchez, Member Nugent, Member Paul, Member Schussler, Member Zaatar and Chairman Zomparelli

Nay: 0