

VILLAGE OF ORLAND PARK

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



Meeting Minutes

Monday, August 19, 2013

6:00 PM

Village Hall

Development Services & Planning Committee

*Chairman Kathleen M. Fenton
Trustees Edward G. Schussler and Carole Griffin Ruzich
Village Clerk John C. Mehalek*

CALL TO ORDER/ROLL CALL

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

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

APPROVAL OF MINUTES

2013-0498 Approval of the July 15, 2013 Development Services and Planning Committee Minutes

I move to approve the Minutes of the Regular Meeting of the Development Services and Planning Committee of July 15, 2013.

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

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

Nay: 0

ITEMS FOR SEPARATE ACTION

2013-0456 Indoor Smoking Ban - Village Code Amendments

Director of Development Services Karie Friling reported that the proposed amendment seeks to clarify existing regulations related to retail tobacco stores and the applicability of indoor smoking in free standing structures. The proposed amendment is in response to recent applications of smoking establishments near residential, parks and school properties.

PROJECT DESCRIPTION & CONTEXT

The proposed amendment is divided into two parts. The first part deals with an existing business that was grandfathered as a retail tobacco store and the second part deals with future retail tobacco stores.

Existing Business

Under "Exemption for Existing Business and Free Standing Buildings", sub-section 1 grandfathers Belicoso Cigar Lounge at 15443 S. 94th Avenue (Mario Tricocci Shopping Center) with a set of provisional conditions in the Indoor Smoking Ban ordinance. Initially the proposed amendment sought to eliminate sub-section 1 entirely from the Village Code. However, since the Development Services and Planning Committee meeting the proposed amendment was revised to keep much of sub-section 1 but to change the name of the business that is grandfathered from Belicoso Cigar Lounge to "D'wan Hookah Lounge or D'wan Cigar and Hookah Lounge".

Belicoso Cigar Lounge ceased operations in 2011 (the last issued business license). The provisions currently within the code have served the purpose of regulating that grandfathered cigar lounge. Now that the licenses and grandfathered status for Belicoso Cigar Lounge have expired, the provisions are obsolete for that site as no new indoor smoking business can locate there. However, the proposed amendment seeks to reuse the language of this provision and apply it to a new business that will be grandfathered to the Indoor Smoking Ban updates outlined in these amendments: D'wan Hookah Lounge in Old Orland. D'wan Hookah Lounge is grandfathered because that business has obtained building permits and approvals for its current location prior to these amendments.

In the case of the 94th Avenue site, any new business (even if it were to use the same business name) cannot locate in that shopping center per the State's indoor smoking ban statutes. In the case of the Old Orland site, any new business (even if it were to use the same business name) cannot locate in that free-standing building per the Village's Indoor Smoking Ban updates (see below).

The D'wan [Cigar and] Hookah Lounge will be the only grandfathered Retail Tobacco Store, per State statute, to not follow the below regulations.

Indoor Smoking Exemption

Sub-section 2 under the same regulation identifies indoor smoking exemptions for retail tobacco stores. Currently, the Village Code requires the business to be in a free standing building solely occupied by the business, to be registered for and authorized by a tobacco license, and to be a controlled environment where smoke does not migrate to places where indoor smoking is prohibited.

The proposed amendment breaks these existing regulations into a list and adds a proximity limitation for locating in free standing buildings. The business must be 100 feet from any residential, park or school property measured from lot line to lot line. Adding this proximity limit is within the rights of a Home Rule municipality to be more restrictive than State statutes to protect residences and places where children are present from the presence and nuisances related to tobacco smoking. One hundred feet is considered a balanced distance when measuring from lot line to lot line, particularly when considering the additional distances placed between buildings that result from the setbacks from those lot lines.

In addition to this proximity limit, the free standing structure must also be at least 20 feet from any other non-accessory building. This provision is added to ensure smoke does not migrate via ventilation systems etc. to places where smoking is prohibited. The provision is intended to place a minimum distance between commercial buildings in a non-residential district and to limit the number of retail tobacco stores where buildings are close together (e.g. Old Orland Historic District).

The proposed amendment also limits the hours of operation for retail tobacco stores to 11:00 p.m. on weekdays and 12:00 a.m. for Fridays and Saturdays. Limiting the hours of operation is important because while a 100 foot proximity limit to residential properties will be in effect, that distance only means that a residential property will not have a retail tobacco store immediately adjacent. A retail tobacco store could still be within residential earshot while maintaining the 100 foot distance. Therefore, limiting the hours of operation maintains a regular business schedule for retail tobacco stores that function socially like restaurant uses as places to gather (typically as lounges).

Finally, the proposed amendment will require retail tobacco stores with indoor smoking privileges in free standing structures to have fire sprinkler and alarm systems installed in the building prior to occupancy. The provision does not distinguish historic buildings or legal non-conforming buildings as exempt from the requirement. Should a retail tobacco store propose to occupy a free standing building that has never had a fire sprinkler system, the Village will require the fire suppression systems because of the nature of the business and the dependency on using open flames (lighters, matches etc.) to burn substances to create smoke.

This is now before the Development Services and Planning Committee for further review.

The updated proposed amendment is provided as an attachment to this report.

DEVELOPMENT SERVICES AND PLANNING COMMITTEE MOTION

On August 19, 2013, the Development Services and Planning Committee, by a vote of 3-0 moved to recommend to the Village Board to approve the Village Code Amendment as shown in the attachment titled "Village Code Indoor Smoking Ban Amendment", prepared by the Development Services Department and dated July 25, 2013 for Title 6 Chapter 2 Nuisances of the Village Code.

DISCUSSION

At the Development Services and Planning Committee meeting, the Committee discussed changing the hours of operation and limiting retail tobacco stores to 11:00 p.m. on weekdays and 12:00 a.m. for Fridays and Saturdays.

This change was made in the attached proposed amendments.

This case is now before the Village Board of Trustees for consideration.

Chairman Fenton noted that she has an issue with the 1 a.m. time on Fridays and Saturdays, especially if it is in a residential area. She recommended that it should be changed to 12 a.m. instead.

Trustee Dodge asked if these changes apply to the facilities presently under

construction in old Orland.

Director Friling stated that they would be grandfathered from the changes because they had already applied for these permits prior to these changes.

Trustee Dodge commented that it was too bad because those facilities are right by a residential area.

Director Friling stated that was one of the reasons the Department of Development Services decided to go back and take a look at the code. She added that there are unique areas in the village where there could be a greater intensity of use and that is why they took a pause to look at the areas of the community that the code may need to be more restrictive.

Trustee Fenton asked why the facility under construction in old Orland could not comply with the hours.

Director Friling stated that there are currently no restrictions in the hours at all within the Village of Orland Park on any type of commercial use. She noted that this is really the first restriction that the village is imposing on type of use or type of business in certain geographical areas. She added that there was a meeting with that particular facility and they did agree to put their hours from 11 a.m. to 1 a.m. The agreement was made that they would be allowed to close by 1 a.m.

Trustee Fenton added that there are no other bars/restaurants on top of any other residential homes.

Director Friling commented said that Old Orland is a distinctly different environment, but legally, the village cannot apply these changes to those businesses.

Trustee Ruzich asked if a facility within 100 feet of a residential area/residence/school/park could have indoor smoking at all.

Director Friling responded that they cannot have indoor smoking and that it is from the property line and not the building.

I move to recommend to the Village Board of Trustees to approve the Village Code Amendment as shown in the attachment titled "Village Code Indoor Smoking Ban Amendment", prepared by the Development Services Department and dated July 25, 2013 for Title 6 Chapter 2 Nuisances of the Village Code.

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

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

Nay: 0

2013-0488 147th Street and Ravinia Avenue Roundabout Phase I Engineering Design Services

Transportation and Engineering Manager Kurt Corrigan reported that as part of the FY 2013 Budget the Village Board approved the engineering for a roundabout at 147th Street and Ravinia Avenue. The intersection currently operates as an all-way stop control. A roundabout at this location has been contemplated by the Village for a number of years to improve traffic flow as well as providing an opportunity for the Village to aesthetically enhance the intersection. The Village has secured funding from the Southwest Conference of Mayors' (SCM) Surface Transportation Program (STP) for all phases of this project.

On May 24, 2013, the Village issued a Request for Qualifications (RFQ). Eleven submittals were received on June 10, 2013. Based on the criteria in the RFQ, the submittals were evaluated, rated and three firms were selected for an interview - Strand Associates, HR Green and Baxter & Woodman. Upon completion of the interviews, Strand Associates of Joliet Illinois has been deemed as the best qualified engineering firm for the scope of services requested.

Strand Associates has recently completed a federally funded roundabout in Lake County, Illinois and is very familiar with the IDOT approval process. The Lake County project received the 2013 American Council of Engineering Companies Special Achievement Award for Illinois. Strand Associates has extensive roundabout experience throughout the midwest and has been an integral part the State of Wisconsin's roundabout design guidelines. They have also extensive experience with educating motorists on how to use a roundabout, which is very important to the success of the Village's first roundabout.

After finalizing the scope and negotiating a fee with Strand Associates, staff recommends bringing forward the Phase I engineering scope and fee for approval. The scope does include survey and the evaluation of the Village Hall parking lot and entry as it relates to the design of the roundabout and overall traffic flow. The fee for these services is \$97,452.35 of which 70% is reimbursable through the SCM. A Phase II scope and fee will be presented in 2014 as we receive design approval from IDOT for Phase I (required since federal funding is being used via the STP program).

The project will be invoiced monthly for the hours worked at the hourly rates provided.

Chairman Fenton asked, hypothetical speaking, how long it would take if the money was all there.

Director Corrigan responded that on this particular project phase I would take

between 8 and 12 months. Phase II would start after that would be approximately 6 to 8 months.

I move to recommend to the Village Board to enter into a contract with Strand Associates of Joliet, Illinois in the amount not to exceed \$100,000.00 (\$97,452.35 plus \$2,547.65 contingency) for the 147th Street and Ravinia Avenue Roundabout Phase I Engineering Design Services.

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

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

Nay: 0

2013-0367 Southland Convention Visitor's Bureau Governmental Agreement

Director of Development Services Karie Friling reported that the Chicago Southland Convention & Visitors Bureau (CSCVB) is the organization responsible for the marketing of the Chicago Southland region as a convention, leisure and tourism travel destination. The CSCVB also is the official certified Convention & Visitor Bureau (CVB) with the State of Illinois. This allows them to receive state grant dollars through the Illinois Local Tourism & Convention Bureau grant program to market and sell the Chicago Southland as a travel destination. The CSCVB's regional service area includes portions of Cook and Will Counties, and 62 cities and villages. Detailed information regarding the benefits of membership is attached to the Committee Packet for the Board's review. Additionally, the Village will have a voting seat on the CSCVB.

The Village currently collects a 4% hotel tax. There is currently only one hotel in the Village that pays this hotel tax - Homewood Suites on LaGrange Road. The Village collects about \$98,000 annually in hotel tax. The proposed agreement with CSCVB is to share 25% of the annually collected revenues, which is estimated to be \$24,500 for FY 2014. The term of the agreement would be for one year, after which the CSCVB would report back to the Village Board regarding their marketing results and direct impacts to Orland Park's local economy. A draft agreement is included with this communication.

Jim Garrett, President/CEO of CSCVB is present tonight to give a short presentation and to answer any questions the Village Board may have regarding the CSCVB organization, mission and benefits.

Trustee Schussler asked about the facility next to Papa Joe's and if they pay the tax.

Director Friling responded that that facility is not classified as a hotel because

they don't rent the rooms for a whole night. She added that the way they administer their business plan is slightly different than that of a typical hotel property would.

Chairman Fenton asked what the village's ordinances and codes are as far as what they are doing.

Director Friling responded that they are very different and that just because the state defines something differently does not mean that the village's zoning code is the same.

Chairman Fenton stated that was not what her question was and that she wants to know what ordinance the village has that regulates the rental of rooms for a specific length of time. She stated that it is being said that it is not a hotel.

Director Friling responded it is a state definition as it relates to their requirements to collect hotel taxes. She added that it is very uniquely defined.

Trustee Schussler asked if there was any way that a tax could be collected from that facility.

Director Friling responded no.

Jim Garret, President/CEO of CSCVB stated that the big picture of the CSCVB is the official destination, marketing and management agency for the entire Chicago southland area. Within the CSCVB there are 62 municipalities. He added that CSCVB's bottom line initiative is to bring outside people in the Chicago southland region easier access to hotels, buying gas, restaurants, etc. to boost the spending of money from community members.

Sally Slesinger, Executive Vice President of CSCVB stated they are fortunate that the state recognizes the return on investment and tourism dollars. She added that their budgeted line item for their local tourism grant program in the state is actually a legislative line item and their state grant went up \$68,000 from last year. She stated that each region that is an actual certified convention and visitors bureau with the state gets into a formula for state grant dollars. She added that the formula is based on number of hotel rooms, population, and food and beverage tax that is collected in that region. She stated that the whole premise is that all the funding is based on hotel and motel tax, which is actually the people staying in the hotels and motel in the state that are funding the CSVB organization, which brings in more people and to accumulate more dollars for everyone.

Jim Garret added that they are very aggressive from the standpoint of their sales department and they go to 21 industry trade shows throughout the United States as well as 12 travel missions. He added that their bottom line concept is that once they bring people to an area they want them to say that they had a great

experience.

Director Friling stated that Homewood Suites is doing very well as it relates to the occupancy of the extended stay rooms. She believes that Sally and Jim could help Homewood Suites in the booking of their conference room.

Village Manager Paul Grimes commented that he had the benefit to attend several of the visitor and bureau conventions board meetings and see them in action. He added that he was very impressed with the level of organization, the amount of details, the amount of tracking specific detail and leads. He noted that it is a one year deal and that the village board is going to want to see results and then the village would have to renew it. He added that he believe that it is worth giving a shot. He continued to comment about hotels in the village and that the village only gets the hotel tax from the rooms. He added that when people come to conferences they spend money and he thinks that is where the CSCVB could help Homewood Suites.

Chairman Fenton commented that she agreed with what was stated and also recommends working with the CSCVB.

Trustee Schussler commented that Homewood Suites needs to be more successful in booking their conference center, otherwise they are going to have wasted space that is an overhead in regards to cost.

I move to recommend to the Village Board of Trustees approval of a one year hotel tax sharing agreement (commencing in 2014) with the Chicago Southland Convention & Visitors Bureau that provides funding in the amount of 25% of total hotel tax revenues collected.

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

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

Nay: 0

2013-0446 9833 W. 144th Place - Subdivision

Director of Department Services Karie Friling reported that the proposed subdivision is related to a Certificate of Appropriateness petition (case number 2013-0427) approved by the Historic Preservation Review Commission on July 16, 2013 by a vote of 5-0-1 (with one abstention). The site plan and elevations are attached to the Committee Packet for review.

The petitioner is proposing to demolish an existing 118 year old National style structure in the Old Orland Historic District, re-subdivide the property at 9833 W. 144th Place into two equally sized parcels and construct two new single family

homes in the same architectural style.

PROJECT DESCRIPTION & CONTEXT

The house on Lot 1 will be approximately 2,332 square feet. The house on Lot 2 will be approximately 2,436 square feet. The elevation and design of the two houses were reviewed by the HPRC on July 16, 2013. The houses are essentially the same design, except that one is the inverse of the other.

Both homes will sit on equal sized lots and will meet all the setback requirements of the Old Orland Historic District zone. However, since the project requires a re-subdivision to allow the construction of the two new homes, the project was heard via a public hearing at the Plan Commission to evaluate density changes for the area.

No variances from the Code are requested by this petition. Overall, the project conforms to the Village's Comprehensive Plan, Land Development Codes and policies for this area.

Density

The proposed subdivision appears as an increase in the density of the area because two homes are replacing one home. It is important to note that the existing home and surrounding area consist of two lots, both developable per Old Orland bulk regulations. The subdivision results in two equal sized lots rather than two slightly different sized lots. At the core of the subdivision is the exchange of five (5) feet from one lot to the other, making two existing lots that are 50 feet and 40 feet respectively into two lots that are 45 feet and 45 feet.

The site has functioned historically as a single property to a single family home. The proposed project lends the perception of increased density simply by building a second house. The additional house does not change the permitted density of the area, which has been long-standing since the Humphrey Subdivision (1880).

HISTORIC PRESERVATION REVIEW COMMISSION MOTION

On July 16, 2013, the Historic Preservation Review Commission moved 5-0-1 to recommend to the Village Board to approve a Certificate of Appropriateness for two new single family homes and their elevations proposed at 9833 W. 144th Place as shown in the elevation drawings titled "Two Story Residence for 9833 W. 144th Place Lot 1" and "Two Story Residence for 9833 W. 144th Place Lot 2", prepared by IJM Group Inc, sheets A-1.0 for each elevation drawing, dated 7/11/13, subject to the following conditions:

- 1) Correctly display Lot 1 and Lot 2 titles on the elevation drawings to match the site plan.
- 2) The Certificate of Appropriateness is subject to the approval of the 144th Place Re-Subdivision by the Village Board.

PLAN COMMISSION MOTION

On August 13, 2013, the Plan Commission moved 4-0 to recommend to the Village Board approval of the subdivision per the proposed plat of survey titled "144th Place Re-Subdivision" with a number of conditions.

DEVELOPMENT SERVICES AND PLANNING COMMITTEE MOTION

On August 19, 2013, the Development Services and Planning Committee, by a vote of 3-0 moved to recommend to the Village Board approval of a subdivision per the proposed plat of survey titled "144th Place Re-Subdivision", prepared by Geopool CML Engineering Land Surveyors, dated 7/9/13, sheet 1 of 1, subject to the following conditions:

- 1) Submit a Plat of Subdivision to the Village for recording.
- 2) Meet all final engineering and building code related items.
- 3) Correctly display Lot 1 and Lot 2 titles on the elevation drawings to match the site plan per the recommendation for approval of the Certificate of Appropriateness.
- 4) Meet all final engineering and building code related items.
- 5) Work with staff to address engineering issues on water runoff.
- 6) Require a 10' utility easement on the south end of both new resubdivided lots and relocate garages to 15' setback on south wall.
- 7) Work with staff and the contiguous property owner to achieve a 10' utility easement on the south end of said property.

DISCUSSION

A few residents attended and provided comments to the Plan Commission on August 13. Many of the comments were unrelated to the petition for subdivision. One resident expressed concerns as related to stormwater and engineering. The Plan Commission added some conditions (conditions 5, 6, and 7 as noted above), that the petitioner agreed to, in order to further explore any potential stormwater issues in this area. Due to the abbreviated time frame between Plan Commission and the Committee meetings, staff and the petitioner had not worked through the conditions.

Since the Committee meeting, staff and the petitioner worked through the conditions. Condition 3 was met. With regard to Condition 5, it was determined that the 10 foot utility easement referenced in Condition 6 is present on the proposed plat of survey and will meet the storm water runoff needs of the Village. As a result, Condition 6 is modified: the requirement for the 10 foot utility easement is removed, since it already is on the proposed plat, and the garage setback is reduced from 15 feet to 10 feet to be consistent with the proposed easement. Condition 7 is also met.

Both conditions from the HPRC are satisfied via the above Development Services

and Planning Committee motion.

Cases 2013-0427 and 2013-0446 are now before the Village Board of Trustees for consideration jointly. 2013-0427 is the Certificate of Appropriateness for this project in the Old Orland Historic District. 2013-0446 is the subdivision.

Chairman Fenton stated that there will be changes made to the motion when it goes before the Board.

Trustee Schussler commented that the petitioner Mr. Lawler has done a great job in the past and believes he will do an excellent job on this project/

I move to recommend to the Village Board of Trustees approval of a Subdivision for 144th Place Re-Subdivision as recommended at the August 13, 2013 Plan Commission meeting and as fully referenced below.

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

I move to recommend to the Village Board approval of a subdivision per the proposed plat of survey titled "144th Place Re-Subdivision", prepared by Geopool CML Engineering Land Surveyors, dated 7/9/13, sheet 1 of 1, subject to the following conditions:

- 1) Submit a Plat of Subdivision to the Village for recording.
- 2) Meet all final engineering and building code related items.
- 3) Correctly display Lot 1 and Lot 2 titles on the elevation drawings to match the site plan per the recommendation for approval of the Certificate of Appropriateness.
- 4) Meet all final engineering and building code related items.
- 5) Work with staff to address engineering issues on water runoff.
- 6) Require a 10' utility easement on the south end of both new resubdivided lots and relocate garages to 15' setback on south wall.
- 7) Work with staff and the contiguous property owner to achieve a 10' utility easement on the south end of said property.

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

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

Nay: 0

ADJOURNMENT: 6:32 PM

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

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

Nay: 0

/AJ

Respectfully Submitted,

John C. Mehalek, Village Clerk