

VILLAGE OF ORLAND PARK

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



Meeting Minutes

Monday, January 20, 2014

6:00 PM

Village Hall

Development Services, Planning and Engineering Committee

*Chairman Kathleen M. Fenton
Trustees Patricia A. Gira and Daniel T. Calandriello
Village Clerk John C. Mehalek*

CALL TO ORDER/ROLL CALL

The meeting was called to order at 6:05 PM.

Present: 3 - Chairman Fenton; Trustee Gira and Trustee Calandriello

APPROVAL OF MINUTES

2014-0043 Approval of the December 16, 2013 Development Services, Planning and Engineering Committee Minutes

I move to approve the Minutes of the Regular Meeting of the Development Services, Planning and Engineering Committee Minutes December 16, 2013

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

Aye: 3 - Chairman Fenton, Trustee Gira, and Trustee Calandriello

Nay: 0

ITEMS FOR SEPARATE ACTION

2013-0565 McDonald's Restaurant - 14445 LaGrange Road

Director of Development Services Karie Friling reported that the existing McDonald's Restaurant building at this location was constructed in 1976. In 1978, the drive through lane was added, and in 1979 the parking lot was expanded to the north of the existing site, on a separate parcel, owned at that time by McDonalds. McDonald's is now proposing the demolition of the existing building and the construction of a new building reflecting current corporate architecture and functionality. The proposed building, at 4,374 square feet, is approximately 630' square feet larger than the existing building,. The drive through lane will be expanded from the existing single lane to a double lane to accommodate an increased reliance on drive through business.

Parking Lot to north

The original Village approvals included the .3 acre parcel to the north for McDonald's parking. However that parcel is no longer owned by McDonalds, the parking lot has been barricade, and McDonalds is able to meet their current project requirements on their .94 acre lot. The .3 acre lot was never consolidated with the building parcel, and in the early 2000's fell into tax delinquency. It was purchased in 2006 by MAKO Properties. Because of the lot's history, and because the Village is concerned about the future of the unused parking lot that will likely fall into disrepair. McDonalds has agreed to remove the parking lot on the .3 acre parcel to the north at the time of their new restaurant construction, with property owner permission, as long as expenses do not exceed \$15,000. If permission can not be obtained in time, McDonald's will commit to providing \$15,000 toward that expense in the future, as a part of the Development

Agreement.

PROJECT DESCRIPTION & CONTEXT

The project is located in the Village Center Zoning District, which promotes well designed, pedestrian accessible, high quality development. Although the restaurant has a heavy emphasis on drive through business, it is an existing established fixture in the District, pedestrian scale enhancements includes a sidewalk connection to the LaGrange Road sidewalk, an enhanced outdoor seating and dining area in front of the building, a substantial landscape and decorative fence buffer in front of the building, and exterior lighting to match the upgraded light fixtures used in other areas of the Village Center District. The existing aging building is outdated and in need of improvements. The proposed new building reflects the current McDonald's prototype and will help energize this area of aging commercial structures.

This petitioner requests a special use permit to operate a restaurant with a drive through service lane within 300' of a residential property (across Lagrange Road) with the following modifications:

1. Locate drive aisle between the building and the street
2. Reduce northern parking lot setback and landscape buffer from a required 10' to 5'.
4. Construct a retaining wall within 3' of a property line
3. Reduce foundation planting beds requirements.

When considering an application for special use permit, the decision making body shall consider the eight special use standards listed in the Code. The petitioner has provided responses to the Special Use Standards. Special Use Permits and modifications require incremental improvements to the building and site to help offset the impact of the deviation from Code requirements. Proposed incremental improvements include:

1. Future cross access connection stubs.
2. Significantly reduced impervious lot coverage as compared to existing condition.
3. New parking lot tree islands bringing site into Code compliance.
4. Building facade enhancements including stone facades and columns, canopies, decorative lighting.
5. A sidewalk connection to the LaGrange Road sidewalk.
6. Enhanced and expanded outdoor eating area.
7. Enhanced northern elevation (with drive through window).
8. Lighting fixtures matched to Orland Crossing fixtures.

Overall, the project conforms to the Village's Comprehensive Plan, Land Development Codes and policies for this area, with the exception of the above listed modifications. The new restaurant will be a distinct improvement over the existing restaurant and will bring the site and building closer to Code

conformance.

PLAN COMMISSION DISCUSSION

A public hearing was held at Plan Commission for the new McDonald's, but no members from the public spoke. The petitioner and representatives spoke and agreed to all conditions of approval except Plan Commission Staff Report condition # 3, to shift the front drive aisle 5' to the west to add a planting bed beside the outdoor dining area. McDonald's Engineer stated that the drive cannot be shifted west and still maintain an ADA compliant slope on the walk from LaGrange Road to the building. The condition was then amended to require that the petitioner work with staff to add planting material to outdoor dining area. Commissioners also commented that the front building canopy needed to coordinate with the table canopy location.

Prior to the Plan Commission meeting, McDonalds agreed to remove the parking lot on the .3 acre parcel to the north at the time of their new restaurant construction, with property owner permission, as long as expenses do not exceed \$15,000. If permission cannot be obtained in time, McDonald's will commit to providing \$15,000 toward that expense in the future, as a part of the Development Agreement.

The petitioner stated that they may want to slightly amend the brick color that will be used, and will provide details prior to the Board meeting. A sample board for construction materials was provided to Plan Commission, so that condition was amended to require final brick colors only.

Trustee Gira asked who the group was that purchased the parcel to the north.

Director Friling commented that the group is known and that the Development Services Department has been working with them to get a resolution and that McDonalds has agreed to put up the additional \$15,000 to remove the existing parking that will no longer be needed with the new store being built.

I move to recommend to the Village Board approval of the Preliminary Site Plan titled "McDonalds 14445 Lagrange Road Preliminary Site Plan", dated September 5, 2013, revised December 20, 2013, subject to the following conditions.

1. Submit a Final Landscape Plan, meeting all Village Codes, for separate review and approval within 60 days of final engineering approval including the following conditions:
 - a. Work with staff on planting options for the outdoor dining area.
 - b. Clearly identify on Tree Survey Plant List which trees will be removed and how they will be mitigated.
 - c. Maximize the number of shade trees that can be accommodated in northern landscape buffer.

2. Reduce the front drive aisle to no more than 14'.
3. Work with staff to add planting beds to outdoor dining area.
4. The parking lot on the .3 acre parcel to the north, with property owner permission, will be completely removed and seeded by McDonald's concurrently with the new building construction, or McDonald's will commit to providing \$15,000 toward that expense in the future, which will be included as a part of the Development Agreement.
5. Increase north parking lot setback from the 4.6' shown to the 5' that was published.
6. Provide a cross access easement for future cross access connections.
7. Verify that lighting plan meets all Village Codes.
 - a. Match exterior building lighting to style and intensity of 179th Street McDonalds.
 - b. Match exterior parking lot lighting fixtures to Orland Crossings fixtures.
8. Meet all final engineering and building code related items.

and

I move to recommend to the Village Board approval of the Elevations titled '2013 Standard Building Elevation 14445 Lagrange Road,' sheets A2.0 and A2, received 01/10/14; 3D illustrations received 01/10/14; Outdoor dining area layout received 1/10/14, and decorative 'Ameristar' fence and "EZ Mason Column" illustrations received 1/10/14 subject to the following conditions. All changes must be made prior to the Board meeting.

1. Screen all mechanical equipment either at grade level with landscaping or hidden behind the roofline.
2. All masonry must be of anchored veneer type masonry with a 2.265" minimum thickness.
3. Signs are subject to additional review and approval via the sign permitting process and additional restrictions may apply.
4. Provide final brick material colors.

and

I move to recommend to the Village Board approval of a Special Use Permit for McDonald's Restaurant 14445 Lagrange Road to construct and operate a restaurant with a double drive through service lane within 300' of a residential property, subject to the same conditions as outlined in the Preliminary Site Plan motion. Modifications to the Special Use permit include:

1. Locate drive aisle between the building and the street
2. Reduce northern parking lot setback and landscape buffer from a required 10' to 5'.
3. Construct a retaining wall within 3' of a property line
4. Reduce foundation planting beds requirements.

A motion was made by Trustee Gira, seconded by Trustee Calandriello, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion carried by the following vote:

Aye: 3 - Chairman Fenton, Trustee Gira, and Trustee Calandriello

Nay: 0

2014-0034 Mariano's Inducement Agreement Terms

Director Friling reported that on December 16, 2013 the Village Board approved the special use and site plan for a new Mariano's at the Orland Crossing's Development located at 142nd and LaGrange Road. The project includes the construction of a 72,925 square feet grocery store on an 8.43 acre site. Given the amount of site work and infrastructure needs of the property, the Village has received a request for financial assistance via a sales tax sharing agreement. The following summarizes the project assumptions and proposed deal terms.

Project Assumptions

Construction of 72,900 sq. ft. store Mariano's grocery store on 8.43 acre site

Located within the final phase of Orland Crossing Center

Estimated Job Creation - 400

Private Investment - \$25,000,000

Anticipated annual sales (Conservative Estimate) - minimum of \$45Million:

-\$11,250,000 in general merchandise at 1.75%

-\$33,750,000 in food, drug, medical appliances - 1%

-\$534,375 - Sales Tax Received (Conservative Estimate)

Typical annual sales for similar markets - \$65Million:
-\$16,250,000 in general merchandise at 1.75%
-\$48,750,000 in food, drug, medical appliances - 1%
-\$771,871 - Estimated Sales Tax Received

Escalator Projected - 5% Annually

Financial Deal Terms
50% Sales Tax Sharing - Paid quarterly

10 year term maximum - From time of store opening

\$1.45 million maximum not to exceed (not including early completion Bonus)

Documentation of actual construction costs required to be submitted prior to reimbursement. The eligible reimbursement items are attached to the Committee Packet as Exhibit A.

Early Completion Bonus - \$187,152 (Construction contingency). In order to receive this, Bradford, the developer, must have the site and building substantially completed no later than September 30, 2015. Substantially completed means issuance of a Certificate of Occupancy. It does not mean opening of the store by Mariano's. Documentation of actual use of contingency funds towards eligible costs (see above) is still required.

Commencement of construction must start by August 1, 2015

Evidence of Financing Required

Evidence of Signed Lease with Mariano's required

Summary and Analysis

Based upon the project assumptions and financial deal terms outlined, the total incentive should be paid between 3 and 6 years (not including the early open bonus). Additionally over the course of the ten year terms, the Village will receive between \$3.9 million and \$6.3 million after the payment of the incentive. It should be noted this does not include any real estate taxes that would also be generated from the development of this property.

Other existing incentive agreements (auto dealers, Costco, etc.) are structured very similarly. All of the Village's agreements are pay-as-you-go and must be self-generated by the project's own revenue stream. Many are also tied to site and infrastructure work. Infrastructure site work for this project includes completion of streets (95th Avenue, 141st Street, and 140th Street), utility work, pedestrian

connections and landscaping.

The proposed grocer will serve as an anchor to the existing Orland Park Crossing shopping center. The shopping center is very high quality and an anchor such as Mariano's will enhance the draw to this area. A strong anchor will help stabilize the existing center and send a positive message to the commercial market about this center and the Village's surrounding downtown areas.

Bradford has indicated that most, if not all, of Mariano's stores in the Chicago market have received some type of financial incentive, through infrastructure cost sharing, land write-down, general financial assistance or a combination of all. The Frankfort store, also developed by Bradford, received approximately \$2 million for infrastructure/roads. In this case, the Village of Frankfort took the lead on the work instead of having Bradford do it and be reimbursed.

The terms of the revenue sharing agreement will be included in Bradford's Development Agreement, which is also required to be approved by the Village Board of Trustees. It is anticipated this agreement, in its entirety, will be presented for approval at the February 3rd board meeting.

Trustee Gira asked if Bradford Group builds all Mariano's or if it is a site by site basis.

A representative from Bradford Group noted that they have done a large percentage of building Mariano's stores but certainly not all of them.

I move to recommend to the Village Board of Trustees approval of a Sales Tax Inducement Agreement, to be incorporated into an overall Development Agreement, with Bradford Development for the completion of the proposed Mariano's project, as outlined.

A motion was made by Trustee Calandriello, 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 - Chairman Fenton, Trustee Gira, and Trustee Calandriello

Nay: 0

2014-0018 Professional Engineering Services to Review and Update the Subdivision Section of the Land Development Code and Standard Details

Director Friling reported that the Department of Development Services regularly updates sections of the Village's Land Development Code. The majority of these revisions have or are currently being done in-house, with current staffing. However, given the limited staff resources and the magnitude of review and updates required for the Subdivision portion of the Land Development Code, the use of a consultant is recommended.

In December 2013 the Village solicited five (5) requests for proposals for professional engineering services to review and update the land development code and standard details; Christopher B. Burke Engineering, Ltd. (CBBEL), Strand Associates, HR Green, V3 Companies, and Knight Engineering. Two firms submitted proposals; CBBEL and V3 Companies. After reviewing the qualifications, evaluating each firm's experience with these types of projects and comparing costs, CBBEL scored the highest and provided the best value - \$63,900 compared to V3 at \$85,705.55. CBBEL currently serves as the Village's development review engineer. CBBEL has a very good understanding of the Village codes, recent updates regarding storm water management, erosion control as well as outside agency requirements such as IDOT, MWRD and Cook County. Over the past few years CBBEL has met with the various Village departments and has compiled information that will be incorporated into the Code update. This information includes but is not limited to water and sewer pipe types, asphalt material type, backfill material and lighting specifications.

The proposed scope of services includes a complete evaluation and rewrite of the Subdivision standards, related engineering codes and standard details. The new code will include, but not be limited to, best management practices, new methods and standards appropriate for development, examples and exhibits to clarify code items, elimination of out-of-date requirements, and a more concise format that will be easier for residents and developers to use and understand. CBBEL's proposal is included.

A comprehensive update of these codes has not been undertaken thus far by the Village. The ultimate goal is the creation of a code that protects the residents, balances the needs of the development community, and encourages positive investment in the Village.

The project will be invoiced monthly for the hours worked.

I move to recommend to the Village Board to enter into a contract with Christopher B. Burke Engineering, Ltd. of Rosemont, Illinois in the amount not to exceed \$65,000.00 (\$63,900.00 plus \$1,100.00 contingency) for the review and update of the Land Development Code and Standard Details.

A motion was made by Trustee Gira, seconded by Trustee Calandriello, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion carried by the following vote:

Aye: 3 - Chairman Fenton, Trustee Gira, and Trustee Calandriello

Nay: 0

2014-0017 Park School Historic Marker - Historic Marker Program

Director Friling reported that the Historic Marker Program was established in 2008 to install educational historic markers at the various sites of Orland Park Landmark buildings. In 2009, the Village Board approved a Historic Marker Program Phasing Plan, which listed out each of the twenty-one (21) Orland Park Landmark sites that are intended to have historic markers.

Program Summary to Date

Phase I of the program included the Twin Towers, Cox House and Lutheran Church buildings at a cost of \$4,470.

Phase II of the program included the Hostert Cabins, Orland State Bank and Loebe General Store at a cost of \$4,899. Part of Phase II implementation included private funding for 14330 Beacon Avenue, which is listed as a Phase III marker according to the plan.

From 2010-2012 the program was unfunded until the Board resumed funding for Fiscal Year 2013.

Program Resumption

Current funding for the Historic Marker Program is rolled over from FY2013. In FY2013, two historic markers for the Stellwagen Family Farm were prioritized and completed, one of which was paid for privately. The cost to the Village was \$1,740.

\$3,260 remains in the Historic Marker Program account to complete additional markers.

PROJECT DESCRIPTION & CONTEXT

The Village has worked with Orland School District 135 to prepare a historic marker for Park School, which is a local Orland Park Landmark just outside of the Old Orland Historic District. It is customarily regarded as being part of the Historic District despite a different zoning classification.

The 2008 Residential Area Intensive (RAI) Survey identified Orland Park School as a contributing structure to the Old Orland Historic District with high integrity and in excellent condition. The school was designed by Alfred F. Pashley and constructed in 1922 in an early Prairie architectural style with specific Georgian Revival features. In 1940, the Joliet limestone gymnasium was added to the west and later, a steel and glass International style addition was added to the east. The gymnasium was constructed by the Depression era Civilian Conservation Corps.

The proposed text of the historic marker is attached to the Committee Packet for review. The text may be altered from the current information in the future pending

research by the School District and margin configuration by the marker manufacturer. However, the general message will remain the same. It will include historical information about the site as well as architectural callouts and descriptions.

The proposed marker will identify the limestone gymnasium and the Georgian Revival portion of the school. As a result, it will be located at the southwest corner of the school site, nearest to the intersection of 143rd Street and West Avenue. The exact location of the marker remains the purview of Orland School District 135, therefore a site plan is not attached. However, the marker will be located near the right-of-way, inside the property line and visible from local pedestrian routes.

Overall, the project conforms (does not conform) to the Village's Comprehensive Plan, Land Development Codes and policies for this area.

The design of the marker will be the same as those previously approved by the Village Board and located in Old Orland. An image is provided of a sample marker for reference.

The only difference in design will be the logos at the bottom of the proposed marker, which will be the Orland Park Landmark logo and probably the Orland School District 135 logo instead of the Old Orland Historic District logo.

LICENSE AGREEMENT

To install the historic marker on School District property, a license agreement must be signed between the Village and the School District. The draft agreement is attached to the Committee Packet for review. The agreement is generally the same as any license agreement signed with a private property owner to install a historic marker (authorizing the Village to enter the property and make the installation and for the private property owner to manage and care for the marker, which remains Village property).

The agreement with the School District adds an additional ninth provision that essentially states that no additional requirements or obligations will be created for the School District with this marker and that the school building itself will not be included on any historic registry based on the installation of the marker. This provision is agreeable since the license agreement is only for installing and maintaining the marker specifically.

It should be noted, however, that Park School is on the Local Register of Significant Places as an Orland Park Landmark per Land Development Code Section 5-110.D.

The Orland School District 135 Board of Trustees reviewed and approved the license agreement at the January 13, 2014 meeting. This case is tentatively set for review at the February 3, 2014 Village Board of Trustees meeting.

The draft agreement is attached to the Committee Packet for further review.

Trustee Gira asked if there would be more markers placed in the future.

Director Friling responded that there is a list of more that could be placed and they are deciding to place them as funds become available.

I move to recommend to the Village Board of Trustees approval of the draft text of the proposed Historic Marker for Orland Park School and the authorization to execute the license agreement with Orland School District 135 as noted in the below 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 the historic marker for Orland Park School titled "Orland Park Landmark 1922 Orland Park School 9960 W. 143rd Street", prepared by the Development Services Department;

And

I move to recommend to the Village Board of Trustees to authorize the Village Manager to execute the License Agreement for Orland Park Historic Markers between Orland School District 135 and the Village of Orland Park.

A motion was made by Trustee Calandriello, 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 - Chairman Fenton, Trustee Gira, and Trustee Calandriello

Nay: 0

2014-0037 Deletion of Taxicab Operations from the Village Code

Director Friling reported that the Village Code, Title 7, Chapter 8 enforces and controls taxicab operations within the Village, including the following provisions:

- Requiring an annual business license.
- Taxicab Operators Permits.
- Testing meter devices. (Except as those required by the State of Illinois)
- Rates of fares. (Except as those required by the State of Illinois)
- Vehicle Insurance policies. (Except those required by the State of Illinois)
- Qualifications of Operators. (Except those required by the State of Illinois)
- Other regulation noted within this Chapter of the Village Code.

The Village has never issued a taxi license or enforced these provisions of the code. Additionally, the code is overly burdensome and constitutes an inefficient use of public resources to follow the provisions set out by this local ordinance. The Village does not have a high demand nor use of taxicab businesses in Orland Park. As such, staff is recommending the deletion of this Chapter from the Village Code in its entirety.

The Village of Orland Park, no longer proposes to enforce this type of business except for other vehicle laws as may be required through the State of Illinois. The state currently regulates taxicabs.

I move to recommend to the Village Board of Trustees to approve a revision to Title 7, Chapter 8 Village Code regulations for Taxicab Business Licensing regulations by deleting this Chapter in its entirety.

A motion was made by Trustee Gira, seconded by Trustee Calandriello, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion carried by the following vote:

Aye: 3 - Chairman Fenton, Trustee Gira, and Trustee Calandriello

Nay: 0

2014-0033 Build Orland Program Renewal

Director of Friling reported that the 'Build Orland' program was instituted by the Village Board of Trustees in 2010. The goal of the program was to encourage new growth and development through the temporary reduction and deferral of permit and impact fees. In 2011 & 2012, the program was renewed but only for new residential projects. In summary, new residential projects received a 25% reduction on permit/impact fees and a 50% reduction on water tap fees. Additionally, projects were also allowed to defer the payment until final occupancy. Projects with pre-existing incentive/inducement agreements (i.e. sales tax sharing) were not eligible for the program. Additionally, projects with existing development/annexation agreements could only receive one 'discount' of fees, either those set by agreement or the Build Orland, whichever is greater.

In 2013, the program was scaled back to only include the deferral of permit fees until final occupancy of the home. This decision was based upon the increased stability in the housing market and the number of new housing starts in the Village.

For FY 2014, staff recommends the continuation of the Build Orland program to allow payment deferral of permit fees until final occupancy of the home.

I move to recommend to the Village Board of Trustees, approval and extension of the 'Build Orland' program for the FY 2014 to allow the payment deferral of permit fees for new residential permits.

A motion was made by Trustee Calandriello, 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 - Chairman Fenton, Trustee Gira, and Trustee Calandriello

Nay: 0

ADJOURNMENT: 6:27 PM

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

Aye: 3 - Chairman Fenton, Trustee Gira, and Trustee Calandriello

Nay: 0

/AJ

Respectfully Submitted,

John C. Mehalek, Village Clerk