

VILLAGE OF ORLAND PARK

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



Meeting Minutes

Tuesday, August 31, 2021

7:00 PM

Village Hall

Plan Commission

Nick Parisi, Chairman

Edward Schussler, Vice Chairman

*Commissioners: John J. Paul, Patrick Zomparelli, Yousef Zatar, Daniel Sanchez
and John Nugent*

CALLED TO ORDER/ROLL CALL (AUDIO: 1:19)

- Present:** 6 - Chairman Parisi; Vice Chairman Schussler; Member Zomparelli; Member Zaatar; Member Sanchez, Member Nugent
- Absent:** 1 - Member Paul

APPROVAL OF MINUTES (AUDIO: 2:00)

2021-0638 Minutes of August 17, 2021 Plan Commission Meeting

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

- Aye:** 5 - Chairman Parisi, Vice Chairman Schussler, Member Zomparelli, Member Sanchez and Member Nugent
- Nay:** 0
- Abstain:** 1 - Member Zaatar
- Absent:** 1 - Member Paul

PUBLIC HEARINGS

OPEN PUBLIC HEARING (AUDIO: 2:35)

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

- Aye:** 6 - Chairman Parisi, Vice Chairman Schussler, Member Zomparelli, Member Zaatar, Member Sanchez and Member Nugent
- Nay:** 0
- Absent:** 1 - Member Paul

2021-0378 Lawler Resubdivision of Peony Place Subdivision - Development Petition for Site Plan and Subdivision

Presentation was given by Kyle Quinn in accordance with the written report dated August 31, 2021.

Kyle Quinn noted that all the public notification requirements had been met as well as the notarized affidavit.

The Commission, staff and members of the public attended the public hearing in person.

Chairman Parisi swore in the Petitioner John Lawler, Scott Schreiner of DesignTek Engineering; Gail Kettmann, and Donna Petersen members of the

public.

Scott Schreiner indicated they are free to answer any questions.

Gail Kettmann indicated she lives on Second Avenue, across the street from the subject property. Ms. Kettmann asked if Second Avenue was going to be all garages and if that was in compliance with the Old Orland District.

Chairman Parisi indicated it has to be in compliance otherwise the Petitioner would not be at the Plan Commission.

Ms. Kettmann expressed concern for traffic turning down the street too quickly as there are a number of small children in the area. She asked if something could be done with the addition of the garages and the number of children that will be playing in the area.

Chairman Parisi noted it is similar on 144th Place with the number of garages and suggested if there is a situation that happened with traffic speeding down the street to contact the Village to request a period of enforcement.

Donna Petersen indicated the subject project is going to be in her back yard. She stated the traffic is really an issue and they have gone to the Village and have not received help. Ms. Petersen continued 144th Place is a one-way street and like a speedway.

Chairman Parisi said it is a good thing 144th Place is a one-way street and the traffic is an enforcement issue and suggested they request a selected timeframe for it to be monitored. He indicated he appreciated the concern.

Commissioner Zaatar asked the Residents to point out where their houses are in relation to the subject project.

Mr. Lawler pointed out where Ms. Kettmann and Ms. Petersen live.

Commissioner Zaatar asked for clarification on the drawings regarding the Lot numbers, resubdivision and Lot 3 of Peony Place.

Kyle Quinn indicated there are Lots 1, 2, and 3 of the subject subdivision and there also are Lots 1, 2, and 3 of Peony Place. He continued Lots 1, 2, and 3 of the resubdivision are Lots 1 and 2 of the Peony Place subdivision.

Mr. Lawler explained the original layout of Lots 1, 2 and 3 ran North and South instead of East and West as they are proposed now. He indicated when Kelly Grove became a single family home after the Village vacated it, three lots were left with an unbuildable lot in the middle. Mr. Lawler explained the farthest 50ft to the East was originally part of Lot 3. He said when the house was built on the corner, the Lots were resubdivided. Mr. Lawler further communicated the reason for the

resubdivision was the price point was too high with the larger lot and the smaller lots are more marketable.

Commissioner Zaatar asked if there was going to be any kind of alley between old Lot 3 and new Lot 3.

Mr. Quinn responded there would be no alley.

Commissioner Zaatar inquired if there would be a sidewalk running along Second Avenue side.

Mr. Quinn explained there will not be a sidewalk due to the original approval of Peony Place, the sidewalk was waived by a variance because there are no other existing sidewalks to connect to. He further expressed the Village Attorney was consulted and advised re-petitioning for the variance was not required because the area of impact was not increasing.

Commissioner Zaatar stated an opinion that a variance should be re-petitioned because the three houses are adding to the density and there are no sidewalks between Second or Third on the West or East side of the street. He asked if a car was parked in the driveway would someone be able to walk along the parkway.

Mr. Quinn answered no preferably they would need to use the West Side of Second Avenue sidewalk system.

Commissioner Zaatar indicated the biggest concern is safety and he thinks the garages should be pushed back to allow for people to walk safely.

Commissioner Nugent indicated he was not worried about safety on the sidewalk but had questions related to engineering, elevations and storm sewer line. He asked how the highest point of elevation (approximately 705) on Third Street, sloping down to Second Street will work.

Scott Lueken explained the existing sewer line identified as to be removed needs to be investigated further.

Mr. Schreiner explained the existing sewer line in the middle of Lot 2, running Southwestly to another inlet in the 10ft easement along the South Side of the street. Mr. Schreiner indicated the inlet at the South Side of Lot 3 property line is staying. He continued the sewer Mr. Lueken was referring to appears to be abandoned. He said the Petitioner has been instructed to televise the sewer to determine if it is still serving any function. Mr. Schreiner noted all the water will flow in between the lots and all three will be graded as look-out basement lots.

Commissioner Nugent referenced three lots on the corner of 144th and Beacon and asked if they have water issues because it is a very similar project.

Mr. Lawler responded there are no issues related to water that have been reported.

Commissioner Nugent asked where the water goes in reference to the three lots facing 144th Street.

Mr. Lawler explained the way the site is sloped, the water will run down the Southeast Side (away from the house) there are other drain lines that will pick it up. He continued whatever is not picked up there, will be captured in the secondary inlet. Mr. Lawler explained all drain tiles and roof watershed will drain into the sewer inlet.

Commissioner Nugent asked if the owner of the house across the street know they will be facing three garages.

Mr. Lawler explained the person who previously lived there has moved out and is still in the foreclosure process. He continued there are a lot of issues with that house including water issues due to the way the addition was constructed and unfortunately for the past fifteen years nobody has wanted to buy it. Mr. Lawler indicated the basement runs underneath the house and the problem is there is no roof over the center piece and if regular maintenance of sealing up the joints every year does not happen, cracks occur and water pours through there. He stated all the garages will be a high design with peaked roofs. Mr. Lawler indicated the best view from across the park to have the fronts of three houses along Third Avenue. He said if it was done the other way, it would be more awkward to have a mix and match of garage and house elevations. Mr. Lawler explained the houses would be approximately 2800 square feet and there would still be some green space for bigger yards. He indicated the houses are not on top of each other.

Commissioner Zomparelli indicated he liked the development and believes it is a good fit for the area. He expressed his biggest concern is the storm sewer line along the South edge of Lot 3 and where does the storm sewer go from there.

Mr. Schreiner speculated that it goes North to McGinnis Slough.

Mr. Lueken confirmed it goes North to McGinnis Slough.

Commissioner Zomparelli asked there is only one sewer line for the whole development.

Mr. Schreiner explained further about the network of sewers.

Commissioner Zomparelli expressed the garages on Second Avenue is the only way to do it and said it was a good project.

Vice Chairman Schussler indicated his questions had been answered. He explained the area was subdivided in the 1890's and infrastructure is dicey because they didn't do a lot of engineering back in those days. Vice Chairman Schussler said he trusts that between developer's engineer and the Village engineer the drainage issues have been resolved.

Commissioner Sanchez said he had no further questions.

Chairman Parisi indicated the questions raised were good and well addressed. He continued he is concerned about the traffic and said some selective enforcement of speeding should be sought.

Vice Chairman Schussler asked staff to recommend to the Orland Park Police Department to do some traffic analysis out there with regard to 144th Place.

Overall, the Plan Commission expressed support of the project.

Regarding Case Number 2021-0378, also known as Lawler Re-subdivision of Peony Place Subdivision, I move to accept as findings of fact of this Plan Commission the findings of fact set forth in this staff report, dated August 31, 2021;

And

I move to recommend to the Village Board of Trustees to approve the preliminary site plan titled "Preliminary Site Plan", prepared by DesignTek Engineering, LLC and dated August 2, 2021, subject to the following conditions:

1. Meet all final engineering requirements including required permits and approvals from outside agencies, and;
2. Meet all building code requirements, and;
3. Screen all mechanical equipment either at grade or on the rooftop;

And

I move to recommend to the Village Board approval of the Preliminary Landscape Plan titled "Preliminary Landscape Plan", Sheet L1, prepared by DesignTek Engineering, Inc., dated July 21, 2021, last revised August 2, 2021, subject to the same conditions as outlined in the Preliminary Site Plan motion and subject to the following condition:

And

I move to recommend to the Village Board of Trustees to approve the preliminary plat of subdivision, titled, "Preliminary Plat of Lawler Re-Subdivision of Peony Place", prepared by DesignTek Engineering, LLC and dated August 2, 2021,

subject to the same conditions outlined in the above preliminary site plan and the following conditions:

1. Submit a Record Plat of Subdivision to the Village for execution and recording.

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

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

Nay: 1 - Member Zaatar

Absent: 1 - Member Paul

CLOSE PUBLIC HEARING (AUDIO: 46:34)

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

Aye: 6 - Chairman Parisi, Vice Chairman Schussler, Member Zomparelli, Member Zaatar, Member Sanchez and Member Nugent

Nay: 0

Absent: 1 - Member Paul

OPEN PUBLIC HEARING (AUDIO: 46:50)

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

Aye: 6 - Chairman Parisi, Vice Chairman Schussler, Member Zomparelli, Member Zaatar, Member Sanchez and Member Nugent

Nay: 0

Absent: 1 - Member Paul

2021-0388 BMW Parking Lot Expansion - Development Petition for Rezoning of Parcel 1 from E-1 Estate Residential to BIZ General Business, Amendment to a Special Use Permit for a Planned Development, Site Plan, Landscape Plan, Plat of Subdivision (Consolidation)

Presentation was given by Valerie Berstene in accordance with the written report dated August 31, 2021.

The Commission, staff and members of the public attended the public hearing in person.

Chairman Parisi swore in the Petitioner Daniel Scheid, CFO of Zeigler Auto Group, Warren Opperman of Joseph A. Schudt & Associates; and Andy Avalos

member of the public.

Daniel Scheid indicated they acquired the BMW dealership in 2013, and have been in business in Orland Park since. He expressed parking spaces are very valuable as inventory tends to be kept outside. He continued BMW worked extensively with staff to meet the requirements, and ended up giving up approximately 30-50 spots from the desired count. Mr. Scheid explained a meeting to work with staff to meet code which was held recently, and due to the wetlands and buffering, development of the site for anyone else would be limited. He indicated they do not love the idea of a fence on the East side but realize the requirement based on zoning. Mr. Scheid expressed there was a requirement to put in a water line that will never be used as part of the project, but it can serve future users. He continued they want to be good neighbors. Mr. Scheid said currently there is no inventory of cars and car buyers want a car now, not in 6-8 weeks. He continued manufacturers shove inventory at the dealers. He said the other option is renting storage lots offsite which is not ideal due to safety reasons, or unsightly when scattered around the Village. Mr. Scheid expressed this is long term and should be good for both the Village as well as BMW.

Andy Avalos indicated there has been a lot of trees already taken down asked what happens when fall and winter come and the leaves fall and there is no foliage to block the view and the light from coming through. He inquired about the type of lighting being proposed.

Mr. Scheid explained there was an overzealous contractor who did not have a contract that did take down some trees ahead of schedule and there is a fine the contractor will pay for that. He said the Landscape Plan meets the Code requirements. Mr. Scheid indicated looking to the North, it gets so dense, as much as possible will be planted up to the landscape buffer and wetland zone. He said all trees and landscaping will meet all the requirements. Mr. Scheid expressed all lighting will be lower level, not the same as on the existing lot. He continued the lighting will be safety level lighting and the foot candles at the property line will be at zero and nothing will be projecting light.

Mr. Avalos indicated this does address the issue but did state the current lighting is bright and adding additional lights, even low density, could pose an issue for the neighboring subdivision. He said they love their neighborhood and realized at some point there was going to be change but ask for sensitivity to the neighbors who live there.

Chairman Parisi responded it was always going to be commercial along 159th Street and this is not a higher level density like it might have been. He continued the existing berm at the rear of the BMW is quite picturesque. Chairman Parisi said they have been good neighbors.

Commissioner Zomparelli indicated it is a great fit for the property and asked if a

parking deck was considered.

Mr. Scheid said it would not work economically to put a parking deck on the site.

Commissioner Zomparelli asked who takes care of the existing retention pond and indicated there is some trash in it from time to time.

Mr. Scheid explained Wolf Pointe Plaza as part of the planned unit development so BMW indirectly contributes to the maintenance.

Mr. Lelo indicated the responsibility for the maintenance is separated amongst the people which are part of the original planned unit development but if there is an issue code enforcement can issue a citation.

Commissioner Nugent clarified the parcel South of SomerGlen has a sign up for three years for large estate homes and asked if that has been annexed.

Mr. Lelo explained it has been annexed and the Hampton Court Subdivision has been approved, but not built. He continued it would be re-examined if they came back to build to ensure none of the engineering requirements had changed.

Commissioner Nugent requested clarification for the fence requirement and said the adjacent E-1 is unlikely to be developed.

Mr. Lelo indicated the fence requirement is due to a Code requirement because the site is adjacent to a residential parcel.

Commissioner Nugent indicated the Petitioner provides a lot of tax revenue and they are good corporate citizens and we want all car dealerships to know that we welcome them and the fence is going to cost approximately \$10,000 to \$20,000. He continued if the adjacent land gets developed in the future the fence may need to be taken down.

Mr. Lelo indicated at the time the adjacent property gets developed, if for example it gets rezoned to a commercial use, it would not be a requirement to be taken down.

Commissioner Nugent asked if the fence requirement could be waived and indicated they are losing parking spaces.

Mr. Lelo clarified the letter of the Code was being followed but the Commissioners could propose a modification as always.

Vice Chairman Schussler asked on the North there is a section that says no parking and what it was for.

Mr. Scheid clarified it is an area for turn around.

Vice Chairman Schussler asked why the street at the Northwest corner does not connect to the dealership.

Mr. Quinn indicated it is currently just being used as a construction entrance and when the lot develops the road will be constructed and become a full-fledged road.

Mr. Lelo clarified the road on the East side will eventually connect to the right in right out to Wolf Road when the lot in question develops.

Vice Chairman Schussler indicated it was good use of the property based on its constraints and said the Engineer did a good job maximizing what could be used. He continued the Petitioner seemed cognizant of the concerns of the residents to the North. Vice Chairman Schussler expressed that it seems foolish to require a fence that once the lot to the East develops might be torn down. He suggested in the past when there were similar situations that the improvement might be needed later but not right at the moment, the Developer could provide some security so if it was needed later it could be done such as escrow or a bond.

Mr. Scheid said Zeigler prefers not to put the fence up. He requested language be put in the Development Agreement to cover a future cost if necessary.

Commissioner Zaatar asked if BMW owns Lot 1 and sub-lease it to Tommy's Carwash.

Mr. Scheid responded no.

Commissioner Zaatar asked if Zeigler owns Lot 2.

Mr. Scheid answered only Lot 3 and Parcel 1.

Commissioner Zaatar requested clarification of what the purpose of the existing barn on the adjacent site is used for and if there is an owner of the land.

Mr. Scheid responded there is indeed an owner of the land but was not sure what the barn was being used for.

Vice Chairman Schussler indicated a farmer used to store his equipment in the facility.

Commissioner Zaatar said he is not against the project but also is not for the project. He continued he feels it is like a big storage yard. Commissioner Zaatar indicated he would have preferred more landscaping to the back to accommodate the residents instead of in the front. He asked if the Special Use permit is only for the car dealership or any type of business.

Ms. Berstene clarified the Special Use is only associated with the business so if the site redevelops in the future a new Site Plan would need to be approved.

Commissioner Sanchez expressed it is a good plan on a tough piece of land to develop. He asked if more trees can be planted in the back.

Chairman Parisi noted there is a pretty sizable buffer in the back as it is.

Mr. Lelo indicated there has been quite a bit of discussion and focus on providing adequate buffering and as required by the other car dealerships along 159th Street as well as what was provided at the BMW dealership.

Ms. Berstene pointed out one modification to the plan which might address both concerns is the code requires a mix of canopy and ornamental trees in the buffer and we could potentially look at putting more evergreen trees while meeting the Code requirements.

Mr. Lelo explained only forty-five percent of the entire area of the site is developable and mentioned many of the Commissioners have mentioned not much else could go on this particular site.

Commissioner Sanchez asked what the use of the permeable pavers was.

Mr. Opperman explained there are certain requirements for the Metropolitan Water Reclamation District for storm water volume control. He continued the first one inch of storm water runoff is being captured by the use of the permeable pavers from the parking lot before it gets to the retention as a storm water management tool.

Commissioner Zaatar asked what mechanism is in place to ensure in the future there is not higher light levels added.

Ms. Berstene indicated there would be a review of the photometric plan during final engineering where the light levels would be shown across the entire site. She continued if it was changed after the approved plan, then it would become a code compliance issue.

Mr. Lelo stated the catch-all conditions such as meet all final engineering would cover the lighting issue.

Chairman Parisi stated it is a very difficult property to develop and this is the highest and best use of the property. He continued there appears to be plenty of bufferyard in the back and he feels comfortable the lights have been lowered. Chairman Parisi indicated he did not feel the fence was necessary and was not comfortable requesting escrow and stated he felt that would be overly

burdensome.

Overall, the Plan Commission expressed support of the project.

Regarding Case Number 2021-0388, also known as BMW Parking Lot Expansion, I move to accept and make findings of fact as discussed at this Plan Commission meeting and within the Staff Report dated August 26, 2021.

And

I move to recommend to the Village Board approval of Rezoning of the subject property, Parcel 1 located at 11290 W 159th Street, from E-1 Estate Residential to BIZ General Business.

And

I move to recommend to the Village Board approval of an Amendment to the Special Use Permit for a Planned Development for the BMW Parking Lot Expansion.

And

I move to recommend to the Village Board approval of the Preliminary Site Plan titled "Expansion Site Plan", prepared by Joseph A. Schudt and Associates, dated October 27, 2020 and last revised August 18, 2021; and "Overall Site Plan", prepared by Joseph A. Schudt and Associates, dated May 6, 2021 and last revised July 7, 2021, subject to the following conditions:

1. Meet all final engineering requirements, including required permits from outside agencies.
2. The detention pond and associated stormwater facilities shall be privately owned and maintained by the property owner.

And

I move to recommend to the Village Board approval of the Preliminary Landscape Plan, titled "Landscape Plan for BMW of Orland Park Parking Lot Expansion", prepared by Metz & Company, dated November 3, 2020 and last revised August 16, 2021, subject to the following conditions:

1. Submit a final landscape plan and supporting documentation to meeting all Village Codes requirements in conjunction with final engineering.
2. Meet all tree mitigation and tree preservation requirements per Section 6-305.F of the Land Development Code, including payment of fines and fees.

And

I move to recommend to the Village Board approval of the Plat of Subdivision titled "Preliminary Plat of Zeigler BMW Orland Park Consolidation", prepared by Joseph A. Schudt and Associates, dated April 27, 2021 and last revised August 25, 2021, subject to the following conditions:

- 1. Submit a Record Plat of Subdivision to the Village for approval, execution, and recording.

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

Aye: 6 - Chairman Parisi, Vice Chairman Schussler, Member Zomparelli, Member Zaatar, Member Sanchez and Member Nugent

Nay: 0

Absent: 1 - Member Paul

CLOSE PUBLIC HEARING (AUDIO: 1:56:00)

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

Aye: 6 - Chairman Parisi, Vice Chairman Schussler, Member Zomparelli, Member Zaatar, Member Sanchez and Member Nugent

Nay: 0

Absent: 1 - Member Paul

OPEN PUBLIC HEARING (AUDIO: 1:56:28)

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

Aye: 6 - Chairman Parisi, Vice Chairman Schussler, Member Zomparelli, Member Zaatar, Member Sanchez and Member Nugent

Nay: 0

Absent: 1 - Member Paul

2021-0609 2021 Land Development Code Amendments II

Motion

I move to continue this matter to the next Plan Commission meeting.

Original Motion

I move to accept as findings of fact of this Plan Commission the findings of fact set forth in this staff report, dated August 31, 2021, and as discussed here today.

And

I move to recommend to the Village Board of Trustees to approve the Land Development Code amendments for Section 3-108, Section 5-112, Section 6-201, Section 6-202, Section 6-203, Section 6-203.5, Section 6-204, Section 6-204.5, Section 6-205, Section 6-206, Section 6-208, Section 6-211, Section 6-302, Section 6-305, Section 6-306, Section 6-307, Section 6-308, Section 6-310, Section 6-310.1, Section 6-405, Section 6-406, Section 6-407, Section 6-408, Section 6-409, Section 6-410, Section 6-411, Section 6-412, Section 6-413, Section 6-415, and Section 7-101, as presented in the attached Amendment Report titled "2021 Land Development Code Amendments II - Amendment Report to the Plan Commission" and associated exhibits, prepared by the Development Services Department and Engineering Programs and Services Department, and dated August 31, 2021.

A motion was made by Member Yousef Zaatar, seconded by Vice Chairman Edward Schussler, that this matter be CONTINUED to the Plan Commission and should be returned by 9/21/2021. The motion carried by the following vote:

Aye: 6 - Chairman Parisi, Vice Chairman Schussler, Member Zomparelli, Member Zaatar, Member Sanchez and Member Nugent

Nay: 0

Absent: 1 - Member Paul

CLOSE PUBLIC HEARINGS

NON-PUBLIC HEARINGS

OTHER BUSINESS

2021-0635 Memo: New Petitions

NON-SCHEDULED CITIZENS & VISITORS

ADJOURNMENT (AUDIO: 1:57:01)

Meeting adjourned at 8:56 p.m.

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

Aye: 6 - Chairman Parisi, Vice Chairman Schussler, Member Zomparelli, Member Zaatar, Member Sanchez and Member Nugent

Nay: 0

Absent: 1 - Member Paul

These minutes are not a verbatim record of the meeting but a summary of the proceedings.

Respectfully submitted,

Gerianne Flannery
Recording Secretary