

VILLAGE OF ORLAND PARK

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



Meeting Minutes

Tuesday, April 7, 2020

7:00 PM

Village Hall

Plan Commission

Nick Parisi, Chairman

Edward Schussler, Vice Chairman

*Commissioners: John J. Paul, Laura Murphy, Patrick Zomparelli, Yousef Zaatar
and Daniel Sanchez*

CALLED TO ORDER/ROLL CALL (AUDIO: 2:04)

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

APPROVAL OF MINUTES (AUDIO: 3:55)

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

2020-0254 Minutes of March 17, 2020 Plan Commission Meeting

A motion was made by Member John J. Paul, 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 Paul, Member Zomparelli, Member Zaatar and Member Sanchez

Nay: 0

Abstain: 1 - Member Murphy

PUBLIC HEARINGS**OPEN PUBLIC HEARING (AUDIO: 9:04)**

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

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

Nay: 0

2019-0756 LaGrange Square - Development Petition for a Special Use Permit Amendment with Modifications, Site Plan, Elevations, Landscape Plan, and Subdivision

Staff presentation was given by James Harris in accordance with written report dated April 7, 2020. Ed Lelo, Bethany Salmon and Sean Marquez were also present.

Members of the public, petitioners, Commissioners and staff were in attendance via Zoom. Chairman Parisi swore in Steve Panko, Owner/Developer. Panko expressed his gratitude for the opportunity and indicated that there are other members of the project team present to answer questions.

Natalie Schilke was sworn in by Chairman Parisi. Schilke expressed concerns about the project. She indicated that she is part of a family that owns local

restaurants in Orland Park. Schilke has worked for 94 West in Orland Park since they opened. She indicated that she thinks this is poor timing due to there being a lot of restaurant sites that are empty and vacant at the moment. These sites should be filled before trying to open any new restaurants. Schilke indicated she is scared that there will be even more vacant restaurants and places are not going to be able to survive the pandemic.

Chairman Parisi swore in Bryan Sord. Sord expressed concern of having a meeting to introduce five new restaurants at the current time while there are quite a few restaurants in Orland Park that have gone out of business or are struggling to stay open. Sord also indicated that he is with the 94 West Restaurant and he hopes all of Orland Park supports the small local restaurants by doing carry out during this time.

Chairman Parisi expressed understanding for the comments made in regard to the concerns for the timing as well as the restaurants that have closed, but indicated that the Plan Commission acts as an advisory board, and that ultimately the Board of Trustees has the final decision on if a project is approved. Chairman Parisi expressed that if a project wants to come to Orland Park and meets the Village Code, it is not the job of the Plan Commission to make a determination on whether said project is a good financial decision or not.

Chairman Parisi polled the Commissioners for comments. Commissioner Zomparelli expressed appreciation for all the comments made by the residents. He continued that he has concerns about the drive-through for Panera Bread being able to only accommodate seven cars.

Salmon indicated that the drive-through would hold seven cars and that does meet the Land Development Code requirements.

Chairman Parisi swore in Jon Grzywa, Civil Engineer of Woolpert as well as Brendan May, Traffic Engineering Consultant of KLOA, Inc. who prepared the traffic study for this project.

May responded that the traffic impact study that they prepared included a drive-through stacking evaluation for the Panera Bread Restaurant, and other Panera Bread restaurants have an average que for the drive-through of six vehicles with a maximum of nine. The proposed seven would be adequate in accommodating the six vehicle average que. Any spillover, which would be minor, would be accommodated in the parking lot for the shared development.

Commissioner Zomparelli indicated that he is excited to see this land redeveloped and also said, with the current situation, drive-throughs are a lifeline for quite a few restaurants.

Commissioner Murphy expressed an understanding for the local restaurants and

businesses during these times. She expressed support for the project and noted that it offered hope that businesses are going to come back.

Commissioner Zaatar also expressed concern regarding the proposed Panera drive-through, indicating that the building is significantly smaller than Raising Cane's but the drive-through capacity is half. He expressed that if another restaurant was to ever move into that site in the future, the drive-through could create a dangerous situation with spillover into the parking lot.

Panko indicated that there is a signed lease with Panera Bread and the reason they are coming to this site is specifically for the drive-through.

Justin Knepper, Development Project Manager for Panera Bread was sworn in by Chairman Parisi. Knepper explained that the time vehicles move through the drive-through is anywhere from one to a little over two minutes on average. In addition to the drive-through and dine-in, the rapid pick-up option is available to patrons.

Commissioner Zaatar questioned the parking capacity for the entire site. He continued that he would like to know the planned occupancy specifically for BJ's Brewhouse as well as the planned number of parking spaces for that space.

May explained that the traffic study did address the adequacy of the proposed parking supply in addition to meeting the parking requirement for the Village as well as parking generation. The development will have an average peak parking demand of 196 parking spaces, which can be accommodated by the proposed 246 spaces. May continued that the average peak parking demand for specifically BJ's Restaurant would occur approximately at 8:00 p.m. on Fridays and would be 86 spaces. The average peak parking demand on a Saturday afternoons at approximately 1:00 p.m. would be 94 spaces.

Tom Hundreiser, Director of Real Estate for BJ's Restaurants was sworn in by Chairman Parisi. Hundreiser indicated that, with regard to the proposed occupancy, there would be seating for approximately 255 people at BJ's. He continued that the parking demand is 150 spaces and that the peak times are Friday and Saturday evening for dinner. There is enough parking given the usage time of the other restaurants located on the property. Hundreiser expressed that the other restaurants located on the site are more oriented to lunch while BJ's is more oriented for dinner.

Salmon expressed that the Village does promote shared parking on-site which was one of the conditions of approval. She further explained that if there is one particular part of the site that has no parking available, there will be the ability for customers to park in another location onsite.

Commissioner Zaatar indicated he would like some consideration given to

providing electric car charging stations at this property. Salmon explained that there is no requirement for electric car charging stations, but that there is a section of the code where they are allowed to put in electric car charging stations. She added that the mall has recently petitioned for new electric car charging stations and there are some in the parking garage structure at the University of Chicago and the Main Street Triangle downtown area.

Commissioner Paul asked if Chipotle and Panera Bread are relocating from their current location. Panko answered that the Chipotle is relocating due to the Whole Foods expansion. Panera Bread is relocating so the business can have a drive-through.

Commissioner Paul expressed support, stating that this is a good project to replace a building that has been vacant and is providing good use of the land.

Commissioner Sanchez indicated support for the project.

Commissioner Schussler asked if there is shared parking with Dave & Busters as well as with Simon. Panko explained that there is cross parking and access from Parcel D going to the east of Dave & Busters. Salmon explained that the petitioner is working with Simon on Parcel D to get approval from Simon who owns Dave & Busters.

Commissioner Schussler continued that he would like to see what is commonly known as a porkchop, which is a raised triangular portion in a driveway preventing left turns in. The porkchop should be re-installed or a permanent barrier be constructed to prevent left turns from 151st Street along the shared access road along the east side of the site.

Harris explained that the porkchop was included in previous staff review letters. He also indicated that Simon owns a portion of the land with the private access easement so permission would need to be granted from them. Harris indicated that staff will continue to work with the petitioner to see what can be done to remedy the situation.

Chairman Parisi expressed that this is a good project and a nice way to incorporate restaurants so that patrons could dine out. He also indicated that this is a tremendous improvement for that site.

Overall, the Commissioners expressed support for the project and indicated that the proposed appearance will be an improvement for the site.

The Commission added an extra condition to the recommended Motion for the Preliminary Site Plan.

Regarding Case Number 2019-0756, also known as LaGrange Square, I move to

accept and make findings of fact as discussed at this Plan Commission meeting and within the Staff Report dated April 7, 2020.

And

I move to recommend to the Village Board of Trustees approval of the Preliminary Site Plan titled "Site Plan" (Sheet C200) and "Site Data Plan" (Sheet C201), prepared by Woolpert, Inc., dated October 10, 2019, and last revised February 25, 2020, subject to the following conditions:

1. Meet all building code requirements and final engineering requirements, including required permits from outside agencies.
2. Screen all mechanical equipment either at grade or at rooftop with landscaping or parapets respectively.
3. Submit a sign permit application to the Development Services Department for separate review. Signs are subject to additional review and approval via the sign permitting process and additional restrictions may apply.
4. The photometric plan shall comply with all lighting requirements per Section 6-315.
5. Provide additional plant material between the proposed drive-through lane on Lot 1 and the adjacent streets (LaGrange Road and the Ring Road) to screen the drive-through lane from the streets and to create a solid buffer at a minimum height of 36 inches that meets the requirements listed in Section 6-210.F.4.
6. All drive-through accessories must meet the requirements listed in Section 6-302.K and Section 6-210.F.4. Menu boxes shall be designed with masonry architectural details matching the materials and design of the principal buildings, screened with landscaping so they are not visible from the street, and kept out of the setback areas between the building and the street.
7. Provide a cross-access easement and shared parking agreement between all properties on site and to ensure that all lots will maintain proper ingress and egress.
8. Submit a letter of authorization from the property owner of 49 Orland Square Drive allowing off-site work and landscape improvements to be completed on Parcel D.
9. Contact Simon Property Group to attempt to obtain permission to construct a raised channelizing island within the ingress and egress easement to prohibit left turns at 151st Street and the access drive.

And

I move to recommend to the Village Board of Trustees approval of the Elevations for Raising Cane's (Lot 1), titled "C519 Orland Park P4 V Elevations - Option A", prepared by Raising Cane's, dated January 16, 2020; and, the Elevations for the multi-tenant building (Lot 2), titled "LaGrange Square", prepared by OKW Architects, Sheets A-1 to A-5, dated February 14, 2020; and, the Elevations for

BJ's Restaurant and Brewhouse, titled "BJ's Restaurant and Brewhouse", prepared by WD Partners, dated March 10, 2020, subject to the following conditions:

1. Meet all final engineering and building code requirements.
2. All masonry must be of anchored veneer type masonry with a 2.625" minimum thickness.
3. Screen all mechanical equipment either at grade level with landscaping or hidden behind the roofline.
4. Submit a sign permit application to the Development Services Department for separate review. Signs are subject to additional review and approval via the sign permitting process and additional restrictions may apply.
5. Submit dumpster enclosure elevations meeting the requirements of Section 6-302.D.

And

I move to recommend to the Village Board of Trustees approval of the Preliminary Landscape Plan, titled "Landscape Plan" (Sheet C500) and "Landscape Details" (Sheet C501), prepared by Woolpert, Inc., dated October 2, 2019 and last revised February 25, 2020, with the following conditions:

1. Submit a final landscape plan meeting all Village Codes and all required supporting documentation addressing all outstanding landscape items in conjunction with the final engineering submittal.
2. Submit a revised tree survey and a tree mitigation plan meeting the requirements of Section 6-305.F and addressing all previous and future landscape plan review letter comments.
3. Provide additional plant material between the proposed drive-through lane on Lot 1 and the adjacent streets (LaGrange Road and the Ring Road) to screen the drive-through lane from the streets and to create a solid buffer at a minimum height of 36 inches that meets the requirements listed in Section 6-210.F.4.
4. Provide Foundation Landscaping meeting the requirements of Section 6-305.D.5 on the west side of all buildings on all lots, or provide an alternative landscaping option such as planter boxes.
5. Provide additional shrubs within the north bufferyard to meet Type 1 Landscape Bufferyard requirements in accordance with Section 6-305.D.4.
6. Provide a shade tree in the parking lot island located to the north of the multi-tenant building on Lot 2 and relocate the proposed light pole to the landscape area directly to the south to meet the requirements of Section 6-305.D.6.
7. Provide additional documentation on landscaping restrictions within all easements and work with staff to determine if code requirements can be met. Provide cash-in-lieu of trees if any required mitigation trees or other code required trees cannot be provided on site due easement restrictions, in accordance with

Section 6-305.F.3.

8. If parking lot trees cannot be provided within the parking lot islands along 151st Street, then the petitioner must work with staff to determine suitable plant material and plant diversity that will provide year-round visual interest equally effective for the purposes of screening in the winter and the summer seasons.

And

I move to recommend to the Village Board of Trustees to approve the Plat of Subdivision, titled "Final Plat of KDP Orland Park Resubdivision", prepared by Woolpert, Inc., dated May 31, 2019, and last revised February 11, 2020, subject to the following condition:

1. Change the title of the plat to "Plat of Subdivision - LaGrange Square."
2. Include the granting of any new easements or the vacation of existing easements on the Plat of Subdivision to reflect any changes to the utilities on site.
3. Provide a cross-access easement and shared parking agreement between all properties on site and to ensure that all lots will maintain proper ingress and egress.
4. Submit a Record Plat of Subdivision to the Village for approval, execution and recording.

And

I move to recommend to the Village Board approval of a Special Use Permit Amendment to the Orland Square Planned Development (Ordinance No. 468) for LaGrange Square located at 45 Orland Square Drive and to allow for two (2) restaurants with drive-through facilities in the COR Mixed Use District, subject to the same conditions as outlined in the Preliminary Site Plan motion. Modifications to the Special Use Permit include:

1. A modification to locate a drive-through facility and parking lots within the setback area between the building façade and the street (Section 6-210.F.4)

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

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

Nay: 0

CLOSE PUBLIC HEARING

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

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

Nay: 0

OPEN PUBLIC HEARING (AUDIO: 1:26:40)

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

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

Nay: 0

2019-0282 Megan Nicole Ridge - Development Petition for Site Plan, Landscape Plan, Rezoning, Subdivision, Variance (subject to Annexation)

Staff presentation was given by Bethany Salmon in accordance with written report dated April 7, 2020.

Members of the public, petitioners, Commissioners and staff were in attendance via Zoom. Dan Szkirpan, Developer for Megan Nicole Ridge, was sworn in by Chairman Parisi. Szkirpan indicated that the petition is similar to the last one that was presented to the Plan Commission in November. One of the minor changes that was made was the enlargement of the pond volume to accommodate the east lot identified with PIN ending in 042. Szkirpan explained that the pond setback has been made slightly larger by this change. He also clarified that the utilities will all be underground at the site.

Members of the public were also present via Zoom. Robert Skik, a future purchaser of Lot 7 was sworn in by Chairman Parisi.

Dwayne Starostka, property owner was also sworn in.

James Kirk, Attorney for George DeVries, the developer of Parkview Highlands was sworn in by Chairman Parisi. Kirk explained that there was some confusion as to who owns the parcel of land titled Outlot B, the strip of land that runs from 88th Avenue to Adria Court on the North side of Beverly Lane. He explained that at one point the strip of land ran further to the east covering the area that is now Adria Court. Kirk continued that his client DeVries transferred the title to another developer to constitute the street now known as Adria Court, but that he continues to own the rest of the Outlot stretching from 88th Avenue to Adria Court. Kirk explained that he has recently been in contact with the developer of this parcel to straighten out the question of ownership of the strip of land.

Dave Kobza was sworn in by Chairman Parisi. Kobza lives to the east of the property, and expressed concern for the steepness of the pond and safety if a child were to fall in while the pond is full.

Kobza also questioned the ownership of the curved triangle area on Adria Court and the accessibility of the driveway of Lot 7.

Salmon explained that the triangle piece is part of the Village right-of-way. She continued that normally driveways are not on preliminary drawings and that whatever driveway was proposed for Lot 7 would need to meet Village code requirements.

Marquez, the Village Engineer, confirmed that it is indeed a Village owned right-of-way and happens to be a corner based on the way the land is shaped and also this area will provide access to the pond from the right-of-way.

Kobza questioned who would be responsible for maintaining the pond and what is the consequence if it was not being maintained properly. Salmon indicated that due to the pond not meeting Village code requirements, it would be recommended that the pond be privately maintained.

Lelo explained that previously it was the policy that the Village maintain residential detention ponds after they are accepted by the Village. Lelo continued that recently direction had been provided by the Village Manager's Office to possibly bring a policy question to the Board to see if in the future all detention ponds be privately owned and maintained due to the significant cost implication. Lelo also explained that if the Homeowner's Association disbanded or doesn't maintain a pond, then the Village would activate the special service area where the Village would have the right to tax property owners to receive the funds to maintain the pond adequately.

Kobza expressed concern for the overflow of water from the pond if there is a large rain event. He inquired if there is a requirement to keep the price of these lots at the projected \$600,000. Lelo explained that there is no requirement for the price range of the house that is being built there.

Kobza asked if the width of Lot 7 could be reduced from 120 feet down to 80 feet to assist in making the pond wider and not so deep.

Mike Roach was sworn in by Chairman Parisi. Roach asked if instead of the \$50,000 fee for cutting down the trees on that site, if some more mature trees could be planted to enhance the look of the site. Lelo explained that the \$50,000 was not a fine and that the petitioner is in compliance with the Village code. It would be up to the Plan Commission if they would like to make that a condition of this project.

Szkipan further explained regarding the spillover of the pond that they will be connected into the storm sewer directly in front of Lot 9. Szkipan continued that the volume required by the Village is double what the Metropolitan Water

Reclamation District (MWRD) requirement is.

Commissioner Zaatar questioned the possibility of Lot 7 being downsized to accommodate some of the variances or potentially combining Lots 8 and 9.

Skik explained that he purchased the plans for the house he wants to build and the reason for not changing the size was to accommodate a side loaded garage for safety, so that a vehicle wouldn't be able to drive through his house if they drove down Adria Court.

Commissioner Zomparelli asked the square footage of the house that was being planned on Lot 7 and wanted to know if there was going to be anything in the by-laws for a minimum size requirement for homes. Szkirpan indicated that the plans reflect a proposed 3,700 square foot home for Lot 7. Lelo indicated that they would need to be compliant with the residential home building code and code requirements.

Commissioner Murphy asked if the petitioner had met all the conditions that the Commissioners brought up at the November Plan Commission meeting. Commissioner Murphy also asked if there would be a Homeowner's Association. Salmon indicated that the pond did not meet all Village code requirements so a Homeowner's Association would be responsible for the pond. Lelo indicated that a Homeowner's Association would be a requirement.

Commissioner Paul asked if pond access off Adria Court would still be required if the one foot strip of land along Beverly Lane was acquired by the petitioner. Lelo explained that potentially that could be an option, but the ownership of that land needed to be determined.

Commissioner Sanchez had no additional questions.

Commissioner Schussler expressed concern regarding flooding with regard to the detention pond. He noted that the variance standards submitted by the petitioner do not appear to be met. The petitioner appears to have created the problem by pre-selling a lot that does not exist yet. There do not appear to be unique circumstances that warrant a variance or that make it impossible to comply with the detention pond code requirements.

The Commissioners expressed a number of concerns and voted to deny this project.

I move to recommend to the Village Board of Trustees denial of the following Variances:

1. Reduce the required detention pond setback and landscape area from twenty-five (25) feet to as little as fifteen (15) feet (Section 6-409.E.18; Section 6-412.D.1; Section 6-305.D.8.b)

2. To allow for an increase to the side slope of the pond from a 4:1 slope to 3:1 slope (Section 6-409.E.18)

And

I move to recommend to the Village Board denial of the Rezoning of the subject property located at 13201 88th Avenue from E-1 Estate Residential District to R-3 Residential District.

And

I move to recommend to the Village Board denial of the Preliminary Site Plan titled "Preliminary Site Plan for Megan Nicole Ridge Subdivision", prepared by Landmark Engineering, LLC, Sheet PSP1, dated July 8, 2019 and last revised January 15, 2020.

And

I move to recommend to the Village Board denial of the Plat of Subdivision titled "Megan Nicole Ridge", prepared by Landmark Engineering, LLC.

And

I move to recommend to the Village Board denial of the Preliminary Landscape Plan, titled "Megan Nicole Ridge Subdivision, Landscape Plan", prepared by Clarence Davids & Company, PC, Sheet 1-5, dated April 11, 2019 and last revised January 15, 2020.

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

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

Nay: 0

CLOSE PUBLIC HEARING

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: 7 - Chairman Parisi, Vice Chairman Schussler, Member Paul, Member Murphy, Member Zomparelli, Member Zaatar and Member Sanchez

Nay: 0

NON-PUBLIC HEARINGS

OTHER BUSINESS

2020-0256 Memo: New Petitions

NON-SCHEDULED CITIZENS & VISITORS

ADJOURNMENT (AUDIO: 2:48:26)

Meeting adjourned at 9:47 p.m.

ADJOURNED

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

Nay: 0

Respectfully submitted,

Gerianne Flannery
Recording Secretary