

# VILLAGE OF ORLAND PARK

14700 Ravinia Avenue  
Orland Park, IL 60462  
[www.orland-park.il.us](http://www.orland-park.il.us)



## Meeting Minutes

Monday, January 26, 2009

7:00 PM

Village Hall

### Development Services & Planning Committee

*Chairman James V. Dodge, Jr.  
Trustees Brad S. O'Halloran and Edward G. Schussler  
Village Clerk David P. Maher*

## CALL TO ORDER/ROLL CALL

The meeting was called to order at 7:08 PM.

**Present:** 2 - Trustee O'Halloran and Chairman Dodge

**Absent:** 1 - Trustee Schussler

## APPROVAL OF MINUTES

### 2008-0775 Approval of the November 24, 2008 Development Services and Planning Committee Minutes

I move to approve the Minutes of the Regular Meeting of the Development Services and Planning Committee of November 24, 2008.

**A motion was made by Trustee Brad O'Halloran, seconded by Chairman James Dodge, Jr., that this matter be APPROVED. The motion CARRIED by the following vote:**

**Aye:** 2 - Trustee O'Halloran and Chairman Dodge

**Nay:** 0

**Absent:** 1 - Trustee Schussler

## ITEMS FOR SEPARATE ACTION

### 2008-0727 Fat Sam's Property - Rezoning

The petitioner, Mr. Sam LaRocco, is proposing to rezone the northwest corner of 159th and La Grange Road. from E-1 Estate Residential District to COR Mixed Use Core District. This property is currently known as Fat Sam's property, 15882 S. LaGrange Road.

I move to recommend to the Village Board of Trustees to approve the rezoning of the property located at 15882 S La Grange Road, the northwest corner of 159th Street and La Grange Road, from E-1 Estate Residential to COR Mixed Use Core District subject to the following conditions:

1. That the petitioner consolidates the two subject lots (PIN's 27-16-403-004 and - 005) into a single lot to conform the property to COR Mixed Use Core District lot size and area requirements within six (6) months of a Village Board decision;
2. That the petitioner work with the Village to install a new gateway sign at the northwest corner of 159th Street and La Grange Road;
3. That the petitioner work with the owners of Lakeview Plaza to the west at the appropriate time to establish a cross-access connection between the sites;

And

I move to recommend to the Village Board of Trustees to approve as part of the rezoning the landscape plan titled "Fat Sam's Orland Park, IL Landscape Plan for Rezoning", prepared by the Village of Orland Park Development Services Department and the petitioner, date-stamped January 13, 2009.

**A motion was made by Trustee Brad O'Halloran, seconded by Chairman James Dodge, Jr., that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion CARRIED by the following vote:**

**Aye:** 2 - Trustee O'Halloran and Chairman Dodge

**Nay:** 0

**Absent:** 1 - Trustee Schussler

### **2009-0032 Economic Development Revolving Loan Fund - Changes to Program**

The Village of Orland Park's Economic Development Revolving Loan Fund (RLF) was established in 1987 as an incentive for businesses to locate or expand in the Village. A fund of \$1.5 million was set aside for eligible projects. Today, the fund has a balance of \$1,290,379, with a current portfolio of \$372,934 (2) active loans. The Economic Development Advisory Board (EDAB), which meets quarterly, is charged with administering the RLF program and makes funding recommendations to the Board of Trustees.

In order to qualify for a RLF, certain minimum requirements must be met, including retention and/or creation of jobs, lender and equity commitments, and evidence the project would not be feasible without Village participation. Under the current program guidelines, the maximum amount that can be borrowed is 25% of the project cost and is capped at \$500,000. Additionally, funds for working capital and refinancing is not allowed under the current program.

#### **Proposed Changes**

Given the current economic climate and to allow greater flexibility, Village staff recommended some changes to the program guidelines. In particular, Village staff recommended consideration of the following changes:

1. Remove the maximum loan amount. Borrower would still be required to meet all other conditions and funds would need to be available.
2. Remove the maximum 25% loan amount limit, to be considered on a case by case basis. A minimum of 2 to 1 would be required, unless the Village Board makes a specific finding of necessity for a lower ratio. A goal of 3 to 1 will be set administratively.
3. Add language that total amount of outstanding loans at any given time cannot exceed the total amount of loan funds available in the program (\$1.5M).

4. Add language that would allow consideration for working capital and/or refinancing. Currently this is not allowed under the RLF.

These changes will hopefully encourage a higher level of participation in the program and allow the Village to better assist our businesses in these difficult economic times.

On January 21, 2009, the EDAB reviewed these proposed changes and recommended approval of all of them, with the exception of allowing funds to be used for working capital.

I move to recommend to the Village Board of Trustees approval of the proposed changes to the Village's Revolving Loan Fund program, as reviewed and approved by the Economic Development Advisory Board.

**A motion was made by Trustee Brad O'Halloran, seconded by Chairman James Dodge, Jr., that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion CARRIED by the following vote:**

**Aye:** 2 - Trustee O'Halloran and Chairman Dodge

**Nay:** 0

**Absent:** 1 - Trustee Schussler

#### **2009-0055 Surface Shields - RLF Extension**

The Village has received a request from Surface Shields (KJBB Property) to refinance their existing Revolving Loan Fund (RLF). Their current balance is \$142,170.62 and is due to be paid in full on February 5, 2009. The original term of their loan was 5 years with a balloon payment. Surface Shields provides innovative solutions for protecting surfaces during remodeling and construction projects.

Under the existing RLF guidelines, refinancing of loans is prohibited. However, staff has requested changes to the RLF that would allow refinancing, provided all other loan requirements are met. If approved by the Village Board, Surface Shields would then be eligible to resubmit new loan documents for refinancing consideration.

Due to the short timeframe left on the loan, the Economic Development Advisory Board recommended a 60 day extension for their existing loan. This was done at their January 21, 2009 meeting. This will allow time for the Board to consider the proposed changes to the program and allow Surface Shields time to resubmit their required loan application. Surface Shields will be required to continue to make monthly payments until the new loan is reviewed and approved.

I move to recommend to the Village Board of Trustees approval of a 60 day loan

extension for Surface Shields (KJBB Property), as recommended by the Economic Development Advisory Board.

**A motion was made by Trustee Brad O'Halloran, seconded by Chairman James Dodge, Jr., that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion CARRIED by the following vote:**

**Aye:** 2 - Trustee O'Halloran and Chairman Dodge

**Nay:** 0

**Absent:** 1 - Trustee Schussler

### **2009-0039 Terry's Agreement**

In 2000, the Village entered into a business development agreement with Terry's Lincoln Mercury, Inc. In summary, the agreement was in anticipation of the dealership expansion. In exchange for the expansion, Terry's was entitled to sales tax sharing and other incentives. In 2005, the agreement was amended, which changed the base level of sales tax sharing.

#### **Storm Water Detention Issue**

As part of the agreement, the Village and Terry's would pursue the relocation of the existing detention area to the adjacent wetlands, located across the street from John Humphrey Drive. Terry's would then use the existing detention area for his future expansion needs. Terry's was responsible for the acquiring the land (which he did) and the Village was responsible for constructing the new detention area. The original agreement estimated the cost of the detention area to be \$170,000. However, after additional analysis, conducted by both Village staff and Christopher Burke Engineering, it has been determined the relocation of the detention area, into the wetlands, is no longer a feasible option. This area has been identified as a High Aquatic Resource, which will require a 3:1 land mitigation by the Corps of Engineering. However, it is extremely doubtful the Corps would agree to any disturbance. Additionally, the cost is now estimated to be approximately \$1.7 million.

#### **Proposed Amendment to Agreement**

Staff has met with Terry's to discuss possible changes to the existing agreement. We have reached agreement with Terry's on the following revised terms:

Repayment of Terry's cost of wetlands	\$ 175,000
Economic Development Loan (10 year balloon, 15 yr. Amortization, 2%)	\$ 750,000
Sales Tax Rebate (Base set at \$150,000)	\$1,625,000 (max)

(Ten year term)

**Total Incentive**

**\$2,550,000**

It is important to note the original agreement offered a \$2.6 million financial incentive plus the cost of construction of the detention. However, the base was much higher (\$255,000). As it relates to the detention issue, agreement has been reached that this outstanding obligation will be removed. Both parties may continue to pursue alternative regional detention options, but it will no longer be a contractual obligation. Terry's will pursue expansion of his dealership on the existing property that is not needed for detention. If regional detention is constructed in the future, Terry's will also agree to pay back to the Village the \$175,000 as his recapture costs.

I move to recommend to the Village Board of Trustees approval of the proposed amended terms of the Terry's Lincoln Mercury, Inc. Business Development Agreement, as outlined.

**A motion was made by Trustee Brad O'Halloran, seconded by Chairman James Dodge, Jr., that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion CARRIED by the following vote:**

**Aye:** 2 - Trustee O'Halloran and Chairman Dodge

**Nay:** 0

**Absent:** 1 - Trustee Schussler

**2009-0047 Building Code Review**

There are a total of 12 model state and international codes that are adopted, updated and enforced in the Village. In addition to these model codes, staff also enforces and regulates the Village code, which consists of local rules and regulations that are specific to the community. Model codes set minimum standards for regulations that are routinely modified to fit the specific needs, wants or desires of individual communities. The Village code outlines what all of these local modifications are.

While there are a number of local modifications in the Village code (see attached summary), the most unique one is the masonry/brick (non-combustible) requirement. This requirement was adopted by the Village in 1966 and required all commercial buildings to be basically non-combustible (walls, floors, etc.). Some changes have been made to these requirements in past, such as the hotel use (Use Group R-1). For example, for this use, we allowed wood floors instead of precast concrete floors. However, significant changes to these requirements have not been entertained by the Village Board since 1966.

Staff has completed a summary of the masonry (non-combustible) requirements per Village Code. Staff will be available to explain the differences between each

of the construction requirements and uses at the February Development Services Committee.

This packet is being provided to the committee in advance preparation for this discussion.

I move to receive and continue to February 23rd Development Services Committee.

**A motion was made by Trustee Brad O'Halloran, seconded by Chairman James Dodge, Jr., that this matter be CONTINUED to the Development Services & Planning Committee. The motion CARRIED by the following vote:**

**Aye:** 2 - Trustee O'Halloran and Chairman Dodge

**Nay:** 0

**Absent:** 1 - Trustee Schussler

#### **2009-0020 Planning Resources, Inc. Contract**

Planning Resources provides professional and landscape architectural and planning services that include:

Landscape reviews and inspections of new developments.  
Environmental reviews of detention pond landscape designs.  
Wetland and Erosion Inspections and other planning services.

Over the past five years, Planning Resources' hundreds of diligent reviews have resulted in landscape plans that meet or exceed Orland Park Codes and high standards. The numerous inspections performed ensure full compliance with Board approved plans before the Village grants full occupancy or releases a letter of credit. Generally, Planning Resources completes about 100 reviews and inspections a year.

Planning Resources bills the Village monthly for time and materials based on their current schedule of hourly rates. The services provided by Planning Resources can be split into two categories, services billed at the 'Village Rate' and services billed at the 'Developer Rate.' Services like landscape reviews and inspections that are related to a specific project are billed at the developer rate, which is higher than the village rate. The Village recoups the cost of these services by charging a flat landscape review and inspection fee that is due upon the petition of any new project. The Village reserves the right to charge additional fees to a developer if the project requires more than two inspections. Planning Resources charges the village rate for Village requested projects like code review, wetland consultation or landscape design.

The contract commences on October 1, 2008 and will automatically renew yearly for four years, but the Village has the option to terminate or revise the contract each year.

I move to recommend the Village Board approve the contract for Planning Resources, Inc. for an amount not to exceed \$50,929 per year.

**A motion was made by Trustee Brad O'Halloran, seconded by Chairman James Dodge, Jr., that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion CARRIED by the following vote:**

**Aye:** 2 - Trustee O'Halloran and Chairman Dodge

**Nay:** 0

**Absent:** 1 - Trustee Schussler

#### **2009-0030 Sam Maguire's Outdoor Music Time Extension**

The Village has received a request from Sam Maguire's to extend their outdoor music from 11:30pm to 12:30am for specific tent events held throughout 2009. The events include:

- St. Patrick's Day Celebration (March 13 - 17)
- Maguire's Fest (June 12-13)
- Black Wednesday (November 25th)

In the past, the Village has followed a special events policy that limited outdoor music to 11:30pm. This has traditionally been applied to all private special events. There is no specific code that regulates this. Noise levels (decibels) is regulated by the code and both the Development Services and Police Departments respond to such complaints.

Given the commercial location of Sam Maguire's, staff supports this request. Sam Maguire's has committed to monitoring noise levels and will respond to any complaints with immediate action.

I move to recommend to the Village of Orland Park Board of Trustees approval of Sam Maguire's request to extend their outdoor music from 11:30pm to 12:30am, as outlined.

**A motion was made by Trustee Brad O'Halloran, seconded by Chairman James Dodge, Jr., that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion CARRIED by the following vote:**

**Aye:** 2 - Trustee O'Halloran and Chairman Dodge

**Nay:** 0

**Absent:** 1 - Trustee Schussler



**2009-0031 Departmental Annual Report**

Under the direction of the Village Board, the Development Services Department was created in 2006. This reorganization took three independent departments and combined them into one. This reorganization brought with it opportunities and challenges, with the ultimate goal of streamlining and improving the development process in Orland Park. Much progress has been made; however, there is still most certainly room for continued improvement.

The annual report was prepared to provide an overview of the department's functions and responsibilities, many of which are not readily recognized. Additionally, it gives the Village Board and our community the opportunity to review development activity in a concise summary.

Many things have changed in the last few years in the development community; however, Orland Park still has significant development occurring. While new single family permits were weak, commercial activity was still strong in 2008. Additionally, residential permits for existing homes were very high - indicating that our residents are reinvesting in their existing homes. As we embark on a new year, we will continue to closely monitor development activity and undertake new efforts to promote an outstanding quality of life for our residents and businesses.

**This matter was informational only, NO ACTION was taken.**

**ADJOURNMENT - 7:11 PM**

**A motion was made by Trustee Brad O'Halloran, seconded by Chairman James Dodge, Jr., that this matter be ADJOURNED. The motion CARRIED by the following vote:**

**Aye:** 2 - Trustee O'Halloran and Chairman Dodge

**Nay:** 0

**Absent:** 1 - Trustee Schussler

/nm

APPROVED:

Respectfully Submitted,

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**David P. Maher, Village Clerk**