

VILLAGE OF ORLAND PARK

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



Meeting Minutes

Tuesday, October 19, 2021

7:00 PM

Village Hall

Plan Commission

Nick Parisi, Chairman

Edward Schussler, Vice Chairman

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

CALLED TO ORDER/ROLL CALL (AUDIO: 1:00)

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

APPROVAL OF MINUTES**2021-0777 Minutes of September 21, 2021 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 Nugent

Nay: 0

Abstain: 1 - Member Sanchez

PUBLIC HEARINGS**OPEN PUBLIC HEARING (AUDIO: 2:55)**

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

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

Nay: 0

2021-0625 Hashem Restaurant - Special Use Permit - 8600 159th Street Suite 4B

Presentation was given by Kyle Quinn in accordance with the written report dated October 19, 2021.

Kyle Quinn noted that all the public notification requirements had been met.

The Commission and Staff attended the public hearing in person.

Chairman Parisi swore in the petitioner, Robert Hanson.

Robert Hanson thanked the Commission for the opportunity to become part of the community. He noted it is a great opportunity, and he has recently moved from Florida where he has a lot of restaurants. Mr. Hanson stated the Hashem Restaurants were established in 1910, and there are a lot of locations in the Middle East and European countries; however, this would be the very first location in the United States and hopes to expand all over the United States. He explained, they are going to be hiring people from the local community, as well as providing

healthy food options.

A member of the public attended the meeting and had a question regarding eminent domain.

Staff agreed to meet with her after the public hearing to have a discussion.

Commissioner Zomparelli indicated the presentation was very thorough, and he was happy the garbage was being taken care of. He asked if there were going to be any bicycle racks at the proposed location.

Mr. Quinn noted that he didn't think there is currently any bicycle parking and indicated an amendment to the motion could be proposed. He continued, it had not been discussed with the property owner.

Vice Chairman Schussler asked if the garbage enclosure and the bicycle racks were the responsibility of the landlord.

Mr. Quinn confirmed that the garbage enclosure and bicycle racks were indeed the landlord's responsibility.

Vice Chairman Schussler agreed with some bicycle racks needed to be installed and asked Staff when talking to the landlord regarding the parking lot resurfacing, and garbage enclosure, that the topic of the addition of bicycle racks be added to the conversation.

Chairman Parisi asked if the Motion needed to be amended.

Steve Marciani indicated, during the Special Use approval process, the Commission has the right to request things that have a rationale nexus related to the request. He continued, to bring the entire center up to Code might be a stretch, but a suggested amendment to bring the bicycle parking up to Code for the portion of the parking that is required would be a reasonable potential amendment.

Chairman Parisi asked if the request would be only for this tenant.

Mr. Marciani explained that the Commission has the right to put any condition on the Special Use Permit, which the owner would have to agree to, so the project can move forward. He recommended, adding a marginal increase to bicycle parking for this particular use to be brought up to Code, at this particular time, as a condition of the Special Use.

Commissioner Nugent commented the bicycle parking was not a big concern of his; however, he did go by the site on Friday and there were three bicycles at the shopping plaza. He confirmed the liquor store previously located in the shopping

center was gone and asked if another restaurant could potentially go into that space.

Mr. Quinn stated a review of the shared parking, at peak business hours, would need to be completed to see if another restaurant was acceptable.

Commissioner Nugent brought up a previous issue regarding 86th Avenue concerning a nearby car dealership parking vehicles on the street.

Mr. Quinn confirmed there was an issue with the car dealerships moving and parking their inventory on the street, and the Village worked with them to get the cars off the street.

Commissioner Nugent questioned the best way to effectively show maximum sign exposure of the tenants so people are aware of what businesses are in the spaces.

Mr. Quinn indicated the best route would most likely be a multi-tenant monument sign. All signs are reviewed for conformance with the Code.

Commissioner Nugent asked the purpose of the gangway north of the subject tenant, and noted it had miscellaneous debris, including a ladder, and was not lit making it dark and unsafe.

Mr. Quinn indicated he was unaware of what the purpose of the gangway was, but that it was likely there to be able to access the rear or the front of the building. He was unable to speak to why it was designed that way. He continued, if there was garbage, Code Enforcement could take a look at it.

Commissioner Nugent asked if Staff could request the landlord to provide a light in the gangway.

He wished the petitioner good luck and asked what the meaning of the name Hashem.

Mr. Hanson explained Hashem is the name of the grandfather who established the chain.

Commissioner Paul said his biggest concern was if people from the neighborhood had any concerns, but noted that since no members of the public attended, there must not be an issue for them. He stated there were no issues when it was previously a restaurant and no issues with the current restaurant in the Plaza now.

Mr. Quinn confirmed there are no issues.

Commissioner Paul indicated he has no issues with the proposed business.

Commissioner Sanchez noted all of his questions had been answered already, and he had no issues with the project.

Commissioner Zaatar indicated some of the conditions of approval are beyond the petitioner's control. He expressed concern regarding occupancy being granted only when the landlord provides dumpster enclosures. He continued, he was not a fan of this condition, as it holds the business owner accountable for something that is the landlord's responsibility. Commissioner Zaatar further noted he was not a fan of the bicycle rack condition, as it is putting the approval of a restaurant contingent on conditions outside of the petitioner's control. He further indicated, if there are code enforcement issues, including the sign, and the overgrowth of landscaping, it should be handled with the Code Enforcement Department, and the issue should be with the landlord, not the tenant. Commissioner Zaatar wished the petitioner luck.

Mr. Quinn indicated voluntary compliance is always the hope and explained that is the reason why it is attached to the Special Use Permit. He continued, Mr. Hanson would be able to get a temporary occupancy and be able to fully operate.

Commissioner Zaatar answered that a temporary occupancy permit does not allow for commerce. He stated the temporary occupancy permit creates a contractual issue between the petitioner and the landlord when our issue is with the landlord.

Chairman Parisi asked Staff if a condition of approval was for all dumpsters in the Plaza to be contained in an enclosure.

Mr. Quinn answered, he would be asked to increase the size of the dumpster or utilize the existing dumpster to the rear, or use a single garbage dumpster, depending on how they want to go about the disposal of trash.

Chairman Parisi asked if the permit was being held up to the petitioner.

Mr. Quinn responded, the petitioner will still be able to get a permit and temporary occupancy to fully operate with the condition of the landlord.

Chairman Parisi asked how long the temporary occupancy permit is good for.

Mr. Marciani responded, he does not know the answer to that question, as he is still familiarizing himself with the temporary occupancy permit procedure. He continued, there are businesses in the Village of Orland Park with temporary occupancy permits for multiple years until drainage landscaping is established, for instance. Mr. Marciani stated it is not uncommon, in this jurisdiction, to allow occupancy while other conditions of the development need to be established.

Chairman Parisi reiterated Commissioner Zaatar's concern for holding up the petitioner's project due to the failure of the landlord.

Commissioner Zaatar stated the purpose of a temporary occupancy permit is to occupy the facility to construct or to set up the establishment and the fire department is on notice they are temporarily occupying the space, but there should not be customers in any establishment with temporary occupancy and stated it is a fire code violation.

Mr. Quinn responded temporary occupancy is granted if, for example, landscaping is outstanding and we need to verify if the plantings remain healthy.

Mr. Hanson stated a temporary occupancy permit situation would not work for his project because the landlord will not pay him for his tenant improvement until full occupancy is granted, which would harm the tenant financially. He continued that the tenant is already paying quite a bit of money to establish the business.

Vice Chairman Schussler asked if Staff has had some conversations with the landlord.

Mr. Quinn confirmed that is correct.

Vice Chairman Schussler questioned if the landlord agreed to fix the dumpster.

Mr. Quinn indicated he expected the landlord to be present for the hearing. He continued the landlord did push back a little bit which is why leverage was being used to tie it to the Special Use Permit.

Vice Chairman Schussler asked the petitioner how they chose Orland Park as their location for the first one in the United States.

Mr. Hanson indicated they did extensive research on the U.S. market and because of the diversity of the population which is very high in Orland Park. He continued their second location will be in Bridgeview.

Vice Chairman Schussler commented we are trying to get some improvements to the Center which is very dated. He continued before the time the present owner acquired it, it had a lot of issues, and he stated he was surprised there were not people from the surrounding areas present at the hearing. Vice Chairman Schussler continued, previously there were issues with rats and the parking lot was not kept in good repair and was not striped properly. Vice Chairman Schussler stated there is a commitment from the landowner to redo the parking lot in the spring. He said the other thing that needs to be looked at in terms of leverage is who are we trying to leverage. He continued, in certain situations, it is appropriate to attempt to put conditions with the tenant to get the landlord to come

to the table because some landlords just say no, but if they want a tenant then they can think about the conditions and do it. Vice Chairman Schussler continued the relatively new owner of the strip center has a significant relationship with the Village, and in fact, they are partnering with the Village concerning the development of the Orland Park Triangle. Vice Chairman Schussler stated due to this relationship, it is in the best interest of the landlord to comply with Staff's recommendations on this relatively small center and noted they also own at least two other strip centers in Orland Park, including Orland Crossing and Edwards Center. Vice Chairman Schussler indicated he was comfortable with omitting the requirement for the garbage enclosure and bicycle racks because the commitments can happen without burdening the tenant.

Chairman Parisi stated he concurred with Vice Chairman Schussler and Commissioner Zaatar. He continued it is good use of the property.

Commissioner Nugent explained that he and Commissioner Zomparelli feel a bit differently and indicated they thought Edwards Realty should be held to a higher standard as they were chosen for a reason to develop downtown Orland Park.

Commissioner Zomparelli stated there was a little pushback on the dumpster enclosures. He continued there is a creek back there with overgrowth creates a rodent problem. Commissioner Zomparelli further indicated the residents in the condos would appreciate the problem being taken care of. He said he wants to see the restaurant and he believes it will be worked out but believes Edwards needs to be held to a higher standard.

Commissioner Zaatar commented we should set the precedent on how the Village should operate. He continued if there is a code enforcement issue, tickets need to be issued.

Chairman Parisi stated there are some differences of opinion on the Commission and that is the reason there are seven Commissioners.

Commissioner Nugent asked for clarity if the enclosure currently is legal non-conforming.

Mr. Quinn indicated the garbage enclosure is currently non-conforming. He continued the dumpsters themselves outside of the enclosure are a code enforcement issue. Mr. Quinn stated for all the dumpsters to be contained, the enclosure would have to be expanded which would require being brought up to conforming standards.

After a brief discussion between the Commissioners and Staff regarding the amendment of the Motion, Vice Chairman proposed item 3 be amended to: The petitioner's garbage dumpster must be placed within the garbage enclosure on the South end of the Plaza; and item 4 be removed.

Commissioner Paul seconded the Motion.

The vote was 7-0 in favor of the amendment.

Overall, the Plan Commission expressed support of the project.

Regarding Case Number 2021-0625, also known as Hashem Restaurant, I move to accept and make findings of fact as discussed at this Plan Commission meeting and within the Staff Report dated October 19th, 2021.

And

I move to recommend to the Village Board approval of a Special Use Permit for Hashem Restaurant to allow for a restaurant within 300 feet of a residential property in the BIZ General Business District, subject to the following conditions:

1. Meet all Building and Land Development Code requirements; and
2. Obtain the necessary permits from the Village's Building Division prior to initiating work, and
3. The petitioner's garbage dumpster must be placed within the garbage enclosure on the South end of the Plaza; and
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.

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

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

Nay: 0

CLOSE PUBLIC HEARING (AUDIO: 58:04)

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 Zomparelli, Member Zaatar, Member Sanchez and Member Nugent

Nay: 0

NON-PUBLIC HEARINGS

OTHER BUSINESS

2021-0766 Memo: New Petitions

NON-SCHEDULED CITIZENS & VISITORS**ADJOURNMENT (AUDIO: 1:00:40)**

Meeting adjourned at 8:02 p.m.

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

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

Nay: 0

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

Respectfully submitted,

Gerianne Flannery
Recording Secretary