

# 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, April 15, 2013

6:00 PM

Village Hall

## Development Services & Planning Committee

*Chairman Kathleen M. Fenton  
Trustees Edward G. Schussler and Carole Griffin Ruzich  
Village Clerk David P. Maher*

## CALL TO ORDER/ROLL CALL

The meeting was called to order at 6:06 PM

**Present:** 2 - Chairman Fenton and Trustee Schussler

**Absent:** 1 - Trustee Griffin Ruzich

## APPROVAL OF MINUTES

### 2013-0209 Approval of the March 18, 2013 Development Services and Planning Committee Minutes

I move to approve the Minutes of the Regular Meeting of the Development Services and Planning Committee of March 13, 2013.

**A motion was made by Chairman Kathleen Fenton, seconded by Trustee Edward Schussler, that this matter be APPROVED. The motion carried by the following vote:**

**Aye:** 2 - Chairman Fenton and Trustee Schussler

**Nay:** 0

**Absent:** 1 - Trustee Griffin Ruzich

## ITEMS FOR SEPARATE ACTION

### 2013-0154 The Joy of Thai Restaurant - SU

Director of Development Services Karie Friling stated that the Fountain Square shopping center was approved in 2005 with the original ability to host two restaurants, one at the east end and the other at the west end. Each end of the shopping center was originally planned to have wider sidewalks for outdoor seating areas immediately adjacent to the two storefronts. However, only the east end subject unit was constructed with the outdoor seating area. The west end unit's area was landscaped. The outdoor seating was designed to accommodate a restaurant use but because a tenant had not been identified at the time, the use was not included in the ordinance.

The shopping center is currently host to a dental practice and Anytime Fitness, with three units vacant. The Joy of Thai Restaurant is proposed for the eastern most unit, while Great Clips is relocating to a middle unit from their current location half a block west of the subject site at 179th Street and Wolf Road (the proposed location of McDonalds). As a result, The Joy of Thai Restaurant will be the only restaurant in the shopping center.

#### PROJECT DESCRIPTION & CONTEXT

The petitioner proposes to open, operate and maintain a 1,800 square foot restaurant in the Fountain Square shopping center, located at Fountain Circle and

179th Street. Restaurants located within 300 feet of residential properties require special use permits.

The recommendation motion includes the following conditions:

- 1) Repair the gates of the shared garbage enclosure.
- 2) Establish a regular schedule of garbage collection to mitigate the restaurant's impact on the share enclosure.
- 3) Keep the garbage enclosure in good working order, per Code requirements.
- 4) That the petitioner work with staff on engineering methods and equipment that would possibly enhance control of the exhaust from the rooftop unit as well as any options to control noise from the outdoor seating area, this can be done during the permitting process.

Overall, the project conforms to the Village's Comprehensive Plan, Land Development Codes and policies for this area.

#### DETAILED PLANNING DISCUSSION

The petitioner proposes to operate between 11 a.m. and 9 p.m. Monday through Saturday. There will be three to four employees working on site each day.

The Village is not requiring the proposed restaurant to construct its own garbage enclosure in order to take advantage of the consolidated masonry enclosure that is shared by all the tenants. That enclosure is embedded into the landscaping berm, which is visually well screened from the residential properties to the immediate south. As a result, the petitioner must maintain a regular garbage pick-up schedule to mitigate the shared nature of the consolidated enclosure.

More details about the project are provided in the attached Plan Commission report.

#### PLAN COMMISSION MOTION

On April 9, 2013, the Plan Commission moved 6-1 to recommend to the Village Board to approve the site plan titled "Tenant Remodel Thai Restaurant Located at 11013 West 179th Street Orland Park Illinois 60467", prepared by BR Design and Architecture, dated 12/17/12, subject to the same conditions noted in the below motion for a special use permit.

And

Moved 6-1 to recommend to the Village Board to approve a Special Use Permit for The Joy of Thai Restaurant, located at 110013 179th Street, subject to the following conditions:

- 1) Repair the gates of the shared garbage enclosure.
- 2) Establish a regular schedule of garbage collection to mitigate the restaurant's

impact on the share enclosure.

3) Keep the garbage enclosure in good working order.

4) That the petitioner work with staff on engineering methods and equipment that would possibly enhance control of the exhaust from the rooftop unit as well as any options to control noise from the outdoor seating area, this can be done during the permitting process.

#### PLAN COMMISSION DISCUSSION

At the Plan Commission meeting, a number of residents came out to learn about the project. Two provided testimony at the public hearing sharing their concerns for noise issues from regularly visiting garbage trucks early in the morning, loud rooftop mechanical equipment, potential smells emanating from the rooftop exhaust systems and open backdoors, and the effects of these concerns on surrounding property values, particularly as is related to the construction of future Fountain Village townhomes.

The neighbor immediately to the south of the proposed restaurant, Mr. Richard Dennison, indicated that the rooftop mechanical systems would be within 100 feet and in view of his second and third level townhome windows (kitchen and bedrooms). Mr. James Staunton, the builder of Fountain Village, submitted a petition to the Village signed by seventeen (17) residents of Fountain Village against the proposed restaurant citing the noise and smell issues (as well as rodent issues). That petition is attached for review.

The nay vote from Plan Commission was cast because the Plan Commission was not satisfied with the responses to the Special Use Standards that the petitioner provided and believed that the concerns raised by the neighboring residents would impact neighboring property values.

Some design considerations were discussed at the meeting, including the following:

- Moving the masonry garbage enclosure to the west end of the shopping center (although this would be costly, requiring the restaurant to transport its garbage across the site, place it in front of the Fountain Village public park and be in full view of all existing residential properties and immediately adjacent to the front doors of the future townhomes);
- Requiring the petitioner to have a more robust cleaning schedule for interior kitchen exhaust filters and duct cleaning;
- Positioning the rooftop equipment related to exhaust as far north and west over the tenant space and away from the residential property as possible;
- Turning the exhaust vents away from the residential property; and
- Screening the rooftop equipment as a barrier to noise and sight line issues (from the residential property and, potentially 179th Street).

The majority of the Plan Commissioners generally agreed with these design considerations (with exception to moving the garbage enclosure). That agreement resulted in the fourth condition being added at the meeting. They noted the original approvals included two spaces for restaurants as part of the planned development from 2004/2005 and that the shopping center would go from 60% vacant to 80% occupied.

This case is now before the Development Services/Planning Committee for review prior to being sent to the Board of Trustees for final review/approval.

Chairman Fenton asked if the air conditioning unit going in the space is an existing or new unit.

Director Friling responded that they have not received the revised building plans which were one of the components the Plan Commission added as a condition. They requested that the mechanical equipment be looked at when they do submit the plans to ensure that it meets code and if there is anything that can be done related to location, exhaust, and venting that it would also be reviewed when the plans come in to ensure that it has the least impact to the neighbors. She also stated that there is existing mechanical equipment on the roof of the building for the other tenants that are in the facility.

Chairman Fenton expressed her concerns regarding the existing equipment which has not been used in several years due to the space being empty and that it may not be up to the standards of today for air-conditioning. She stated it may be a little bit noisier and that the venting may also not be up to standards as well.

Director Friling stated that it will have to meet current code that was updated in 2012. If the mechanical equipment that is installed on the roof is not properly screened, it will be their responsibility to screen it.

A member of the audience Brian Gold with B.R. Design and Architecture stated that he is the architect for this property. He claimed that everything stated was accurate and that screening will be provided to the south which will block the view of the mechanical unit from the neighbors and that everything will be up to code. He also stated that they would do their best to minimize smells that come from the restaurant.

Trustee Schussler stated that he looked over the Plan Commission's notes and noted that he believed the concerns stated in the petition from residents may not be critical. He stated if you look at the area, there is a service drive directly behind the building, a berm, and a roadway before you get to the first building. He believes that it is not that close to the residents and that screening the equipment on the roof is a positive. He believes that it's a positive to have that building occupied and there should not be any adverse consequences for the neighbors.

I move to recommend to the Village Board of Trustees approval of a special use permit for The Joy of Thai Restaurant, 11013 W. 179th Street as recommended at the April 9, 2013 Plan Commission meeting and as fully referenced below.

THIS SECTION FOR REFERENCE ONLY (NOT NECESSARY TO BE READ)

I move to recommend to the Village Board to approve the site plan titled "Tenant Remodel Thai Restaurant Located at 11013 West 179th Street Orland Park Illinois 60467", prepared by BR Design and Architecture, dated 12/17/12, subject to the same conditions noted in the below motion for a special use permit.

And

Moved 6-1 to recommend to the Village Board to approve a Special Use Permit for The Joy of Thai Restaurant, located at 110013 179th Street, subject to the following conditions:

- 1) Repair the gates of the shared garbage enclosure.
- 2) Establish a regular schedule of garbage collection to mitigate the restaurant's impact on the share enclosure.
- 3) Keep the garbage enclosure in good working order.
- 4) That the petitioner work with staff on engineering methods and equipment that would possibly enhance control of the exhaust from the rooftop unit as well as any options to control noise from the outdoor seating area, this can be done during the permitting process.

**A motion was made by Trustee Edward Schussler, seconded by Chairman Kathleen Fenton, that this matter be RECOMMENDED FOR APPROVAL. The motion carried by the following vote:**

**Aye:** 2 - Chairman Fenton and Trustee Schussler

**Nay:** 0

**Absent:** 1 - Trustee Griffin Ruzich

## **2012-0300 Comprehensive Plan Update - Economic Development Chapter**

Director Friling stated that the Comprehensive Plan is the Village's long range policy guide for future growth and other changes in the community. The plan presents the vision for what the community wants to become in the future followed by recommendations for achieving that vision. It provides guidelines for developing regulations and sets priorities in the allocation of public dollars for civic improvements. It also gives direction to the private sector concerning Village policy on land development and aids in the Village's legal defense when a planning decision is contested. Finally, it protects and preserves the Village's assets by assuring land is developed according to the community's vision.

The Comprehensive Plan sets a basic framework to guide activities and change over time in a flexible and adaptive manner, adjusting as conditions evolve and opportunities arise. Regular updates as approved by the Village Board are important in assuring the plan adjusts to the changing needs of the community.

Village staff has been working on updating the entire Orland Park Comprehensive Plan. The draft Open Space and Recreation and Mobility and Access chapters were presented to the Plan Commission and the Development Services and Planning Committee in the summer of 2012. The Community and Culture chapter and the Sustainability and Stewardship chapter were presented to the Plan Commission and Development Services and Planning Committee in March of 2013.

These chapters are still in draft form and final formatting will include updated images, refined text and revised maps or charts. The attached drafts have been reviewed by the Village's internal Development Review body and circulated interdepartmentally for comment. All draft chapters to date have been posted on the Comprehensive Plan page of the Village website for public review and comment.

Chairman Fenton complimented the information presented into the Comprehensive Plan.

Director Friling added that the Comprehensive will be available online.

**This item was for discussion only. No action was required.**

**ADJOURNMENT - 6:11 PM**

**A motion was made by Chairman Fenton, seconded by Trustee Schussler, that this matter be ADJOURNED. The motion carried by the following vote:**

**Aye:** 2 - Chairman Fenton and Trustee Schussler

**Nay:** 0

**Absent:** 1 - Trustee Griffin Ruzich

**/AJ**

Respectfully Submitted,

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**John C. Mehalek, Village Clerk**