

VILLAGE OF ORLAND PARK

*14700 Ravinia Avenue
Orland Park, IL 60462
www.orland-park.il.us*



Meeting Minutes

Tuesday, August 13, 2013

7:00 PM

Village Hall

Plan Commission

Louis Stephens, Chairman

*Commissioners: Judith Jacobs, Paul Aubin, Steve Dzierwa,
Nick Parisi, John J. Paul and Laura Murphy*

CALLED TO ORDER/ROLL CALL

The meeting was called to order by the Plan Commission Chairman, Mr. Louis Stephens, at 7:00 p.m.

Present: 4 - Chairman Stephens; Member Dzierwa; Member Parisi, Member Paul

Absent: 3 - Member Jacobs; Member Aubin, Member Murphy

APPROVAL OF MINUTES**2013-0487 Minutes of the July 9, 2013 Plan Commission Meeting**

A motion was made by Commissioner Dzierwa, seconded by Commissioner Paul to continue the minutes of the July 9, 2013 Plan Commission due to the lack of quorum.

CONTINUED

Aye: 4 - Chairman Stephens, Member Dzierwa, Member Parisi and Member Paul

Nay: 0

Absent: 3 - Member Jacobs, Member Aubin and Member Murphy

PUBLIC HEARINGS**2013-0446 9833 W. 144th Place - Certificate of Appropriateness and Subdivision**

STEPHENS: Gave brief synopsis of staff report due to a staff emergency. Is the petitioner present? Do you have anything you wish to add with regards to this petition? If not, you can just stay seated.

DZIERWA: Swore in John Lawler, 14439 First Avenue, Orland Park.

STEPHENS: Ok, Mr. Lawler, you are the developer?

LAWLER: Yes. Originally, Mr. Brow who currently owns the property approached me about buying the property and I told him I would. Mr. Brow told me that he was looking to move and couldn't afford to put any more money into his house. So I originally asked him how much do you want to sell the house for and we came to a number. I told him that as a single family home, I would not be able to rehab it and recoup the cost. I couldn't make a profit on it and in actuality I am not looking to make a profit on it. I am looking to improve the area. I went and met with a friend of mine who is a builder and we talked about it. He agreed with me that there is no way to bring this house to modern conveniences and restore it to where he needs to be. It would be a losing venture. Mr. Brow also told me that he was no longer going to sink any money into the home so it would continue to deteriorate. In my opinion and numerous other people's opinions, a lot of people felt the house was an eyesore and that it was slowly deteriorating and that is why I have petitioned to subdivide into two equal lots. Currently it is three lots and I thought it would make

more sense to combine them and make two equal size lots. This would give them the same lot size as every other house on the block. So after, we decided to do that and talked with an architect. Part of the reason I want to do this is well, I am very well invested in the area as some people behind me probably know. I built my house five years ago and I lived on the block for ten years. I have done a lot to improve the area. Some builders will come in and speculate the area and put up houses that won't necessarily meet the criteria. I feel like I can take on this project and stay ahead and create a nice area.

STEPHENS: Thank you Mr. Lawler. Ok we have outlined staff's report and all the details with regards to this. We have heard from Mr. Lawler. At this point in time, we open it up to the public if anyone would like to come up and make a statement in regards to this petition.

DZIERWA: Swore in Pat Tracy, 9861 144th Place, Orland Park.

TRACY: They are going to start dividing up all of these lots. They should start charging an impact fee. I live at 9861, a home was put up on the side of us and from eave to eave it is 11 feet. Because they used a high efficient furnace, we get a howl and whistle.

STEPHENS: Just a minute Mr. Tracy. In answer to your first question which is regarding an impact fee, I stated earlier all exaction fees including but not limited to transportation, parks and schools are to be paid to the Village per code requirements.

TRACY: That includes subdividing in the old part?

STEPHENS: Subdividing what?

TRACY: Lots.

STEPHENS: We're talking about this particular subdivision into two lots. I'm not talking about the whole area. The only petition that is in front of us today and we are going to stay focused on what we have to deal with today and that is this particular 9833 144th Place which is being subdivided into two lots and it is required that they both pay impact fees.

TRACY: Ok. Another thing that I've noticed is that the quality of living goes down when the high efficiency furnaces jut out to the side.

STEPHENS: High efficiency furnaces have nothing to do with this situation.

TRACY: When you go and make lots that close together and build the homes that close together.

STEPHENS: It doesn't have anything to do with this petition. The side yards, he is in compliance with all the required setbacks. I just read all of that.

TRACY: I want to know if the requirements take into consideration the noise of the new efficiency furnaces?

STEPHENS: I don't think that is an issue with regards to a subdivision, sir. That is an issue that is not appropriate for this subdivision. Thank you. Is there anyone else?

DZIERWA: Swore in Tim McCarthy, 14466 Beacon Avenue, Orland Park.

MCCARTHY: My concerns are that I am fully supportive of this project. I have some concerns and I am very disappointed that the staff is not here.

STEPHENS: Did you just come in? Did you hear me? Staff would have been here, there was an emergency.

MCCARTHY: I heard you but it is important that staff and the Plan Commission understands that there are some significant engineering questions that we have in our neighborhood regarding water movement and you are taking a lot of our green land away, which is only going to exaggerate the problem to the point that we are going to be flooded out. Ten years ago, in our neighborhood, which has nothing to do with Mr. Lawler, the Village attempted to put a sewer in the rear of our property. This would take care of the runoff in that area. My house, my driveway is about 120' away from the stream on the corner of Mr. Lawler's lot. We are roughly 5 1/2' lower than the curb. This is not Mr. Lawler's fault. It is the Village's hodgepodge from the 40's when we did all this. We had a lot of green space so if we are going to put these buildings up; we are going to intensify those lots. We are not going to be able to have runoff. We are going to require actual sewers into the storm sewers in the side of my lot and the rear of Moira's lot. Reason being is because everything was hodgepodge in this town in the 40's and engineering is a nightmare. From my garage floor to the nearest sewer is approximately 125' away. There is a 6.6' difference in elevation. The corner of the lot that Mr. Lawler is currently building on is 6' above my garage floor and I am 125' away. I installed my own drainage system to carry water from my driveway to the storm sewer. My driveway has a 4" pitch to the middle and then I carry the water out past my property because I am not allowed to put it out to the street. I have spoken with the builder, Mr. Kelly, and we've talked about them using my 4" pipe to carry the water to the back of the property. Well now I found out that we have two more houses. My little 4" pipe is not going to be able to handle all this water and my driveway is actually 16" lower than the back of the lot that he is currently building. This has been a problem for 20 years. I'm not complaining but what we need is an agreement that the Village will look into this problem and any other person's property that touches it. We need some sort of relief. It has to go in the back of our property. These lots are considerably smaller than what is there now. We have

flooding and it is not going away. Just recently we had two or three storms and this is a problem. I was hoping that staff was going to be here. I drew something, and I wanted to make copies for you but my copy machine broke, to show you what I'm talking about. A neighbor, ten years ago, stopped the sewer project from going all the way into my property. That would have resolved the problem but ten years ago it didn't and now we still have the existing problem that I had 25 years ago when I moved into the property. I don't want to get you the impression that I do not support the project. I have one other issue but the water is the most important. The lady that lives to the south of me on Beacon Avenue, the corners of our yards get flooded constantly when we have rain. This is just living in the old town. I can't complain but we have to look into the future and resolve this especially for the property. It is so important. The second issue I have with the property is the setback at the rear of the garage. If we are going to put some type of waterway in here we have to come to some type of agreement at what we are going to do. 5' off the rear of the garage, which would be 5' off my fence, which is on the property line, is not going to be enough room to address this issue. I can't tell you folks how important this issue is to myself and my neighbors that aren't here because one neighbor started to stop the Village project ten years ago that would have solved all these problems.

STEPHENS: Why they wouldn't allow the easement?

MCCARTHY: We do not have easements on our property because the Village vacated them in 1950's. We have an alley that used to run on the side of our properties.

STEPHENS: My question to you was that the neighbor you are referring to would not allow the easement?

MCCARTHY: Right.

Commissioners meet with Mr. McCarthy to discuss his drawing.

STEPHENS: So what is your suggestion? You want us to stop his petition from going through?

MCCARTHY: I do not but I want an agreement. I want cooperation from the Village because it is not just his problem. His problem is that he is going to put up two houses and two garages and I have a 4" pipe that is not going to carry it.

STEPHENS: Ok. You make a good point and I will tell you this. This Commission is not at a point to give you an agreement. Only the Board of Trustees can give you that.

MCCARTHY: I understand that and I am not looking at that. I am looking at the issues here and it is important that staff record the engineering problems that

were involved in it. Once again, I am not stopping this project at all. I am fully supportive of it. The fact of the matter is that it is something we have to deal with because if we don't do something now.

STEPHENS: Ok. We can put a condition in our recommendation. Thank you Mr. McCarthy. We understand what your problem is with the area and we can add a condition to our recommendation to bring it to the engineering department and to bring it forward to the trustees to recognize this because it is their place to make agreements with the town and not our place. I want to ask Mr. Lawler a question. Mr. Lawler, those garages that you have, do you need to set them all the way back to the 5'? Can you bring them forward a little bit?

LAWLER: I believe that is up to the Building Department. If I have to bring it up another few feet, I would consider it.

STEPHENS: Well, I think we should put an easement off the back of these lots. At least that would be a start, a utility easement. You currently now have 5' off the back of the lot. If you could move your garages forward maybe 10' to allow for a 10' utility easement in the back.

LAWLER: Yes, I would gladly work with engineering and the Building Department. I'm just going by the setbacks that they put in the code. I believe that is where they were supposed to be. I personally don't think it will affect my project if I push the garages forward.

STEPHENS: Ok, so bring them 10' forward so you have a 10' easement and then have the garages 5' off the easement. Ok, Mr. McCarthy, if he allows a 5' easement on his side, you would have to allow a 5' easement on your side.

MCCARTHY: Well, when I had my plat survey done, there was no easement because the Village vacated the easement in the 1954.

STEPHENS: In 1954, they weren't considering underground utility easements then.

MCCARTHY: We don't have them yet.

STEPHENS: They didn't exist then.

LAWLER: All I can say is that I will work with engineering and building with whatever they decide needs to be done.

STEPHENS: So you don't have a problem bringing the garages forward.

LAWLER: No, not at all.

STEPHENS: Ok, thank you. Excuse us just a minute. We think that we have some recommendations that we will carry forward. Is there anyone else that would like to speak on an issue different than what we've already heard?

DZIERWA: Swore in Moira Maroney, 14472 Beacon Avenue, Orland Park.

MARONEY: I just want to have it on record that I have the same concerns as Mr. McCarthy and the residents that are here.

STEPHENS: Thank you. Is there anyone else who wishes to address this petition? Seeing no one, we will go to our Commissioners. Commissioner Parisi?

PARISI: I think that Mr. McCarthy's points are very well taken and I think that we have some suggestions that can address them and at the end of the day, the project will be a nice amenity to the neighborhood. From what I have seen go up down the street, it can only enhance everybody's property values.

STEPHENS: Thank you Commissioner Parisi. Commissioner Paul?

PAUL: Thank you, Mr. Chairman. We have approved these before, subdivisions in Old Orland. I don't see any reason why we shouldn't approve this one. I am glad that these issues were raised about the drainage because we can work around that and make that happen. That is all I have to say.

STEPHENS: Thank you Commissioner Paul. Commissioner Dzierwa?

DZIERWA: Thank you, Mr. Chairman. This is really a good thing, making two equal size lots. It really fits that area. I really appreciate everyone coming in and voicing your opinions but you have to remember we are a recommending body, we don't make the rules. We will give them recommendations and if you need to take it to the next step, go to Committee, go to Village Board or talk to someone ahead of time or work together and see that these issues get worked out and you don't even need to show up to the next meeting. But I really feel for you. I had problems when I moved into the Village 30 years ago with water and runoff. I know exactly where you are going with this. It took many years to get stuff done and there is stuff going on in my neighborhood now that I can't get fixed. But I really appreciate you coming out and we are only adding these conditions because you took time to come and speak out to get things done but we are not guaranteeing that we are going to get things done. Other than that, I think everything works here. I appreciate that you are keeping the character of the neighborhood. I would be proud to live there and what you're doing there is a good thing. So I think we really need to move this thing forward so Mr. Lawler can move on with his plans. But you working together will get things done. Basically, the way to get things done is to just hound them. What happened in the 50's, we can't say. What happened 10 years ago when someone stopped it, I was around 10 years ago on Plan Commission and I didn't hear about it unless it happened at staff level and it never

got to us. All I can say is that I am going to recommend that this go forward and I think my fellow Commissioners will agree with me on that. But, I just think everyone needs to stay on their game and make sure things happen and stay involved. That's all I have Mr. Chairman.

STEPHENS: Thank you Commissioner Dzierwa. I echo the same sentiments as Mr. Parisi. Mr. Lawler, you are proposing a subdivision that makes a great deal of sense. Plans have been approved by the Historic Preservation Review Commission. I think it will fit in very well. I appreciate the comments for the situation that's in there, the comments Mr. McCarthy has made, the comments Mr. Tracy has made and the comments Ms. Maroney is making with regards to the water problem. We, here, as a recommending body, can't solve that problem but we can add conditions to this motion that we are going to move forward that will at least help to make it better so you don't have this same flooding problem in the future because he is building two new houses there. Obviously, it has to go along with your other neighbors if they will agree to an easement as well. Other than the water problem and we will let engineering deal with that, I see no other reason why we shouldn't move forward with this petition for a resubdivision. At this time, the Chair will entertain a motion to move forward.

DZIERWA:

I move to accept as findings of fact of this Plan Commission the findings of fact set forth in this staff report, dated August 13, 2013.

And

I move to recommend to the Village Board approval of a subdivision per the proposed plat of survey titled "144th Place Re-Subdivision", prepared by Geopool CML Engineering Land Surveyors, dated 7/9/13, sheet 1 of 1, subject to the following conditions:

- 1) Submit a Plat of Subdivision to the Village for recording.
- 2) Meet all final engineering and building code related items.
- 3) Correctly display Lot 1 and Lot 2 titles on the elevation drawings to match the site plan per the recommendation for approval of the Certificate of Appropriateness.
- 4) Meet all final engineering and building code related items.
- 5) Work with staff to address engineering issues on water runoff.
- 6) Require a 10' utility easement on the south end of both new resubdivided lots and relocate garages to 15' setback on south wall.
- 7) Work with staff and the contiguous property owner to achieve a 10' utility easement on the south end of said property.

PARISI: Second.

RECOMMENDED FOR APPROVAL

Aye: 4 - Chairman Stephens, Member Dzierwa, Member Parisi and Member Paul

Nay: 0

Absent: 3 - Member Jacobs, Member Aubin and Member Murphy

NON-PUBLIC HEARINGS

None.

OTHER BUSINESS

2013-0156 Memo: New Petitions & Appearance Review

STEPHENS: Is there any other business from Commissioners?

DZIERWA: I have something I would like to give to Heather and she can pass this along to staff. I happened to notice that the MWRD is taking applications for sustainable landscaping and its beneficial uses. See if there is anyone in the Village that may benefit from this type of award and maybe they can submit it. That is all I have, Mr. Chairman.

NO ACTION

ADJOURNMENT

There being no further business before the Plan Commission, the Chairman adjourned the meeting.

STEPHENS: This meeting is adjourned at 7:47 p.m.

Respectfully submitted,

Heather Rosignolo
Recording Secretary