

VILLAGE OF ORLAND PARK

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



Meeting Minutes

Tuesday, September 21, 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: 0:39)

Present: 6 - Chairman Parisi; Vice Chairman Schussler; Member Paul; Member Zomparelli; Member Zaatar, Member Nugent

Absent: 1 - Member Sanchez

APPROVAL OF MINUTES**2021-0688 Minutes of August 31, 2021 Plan Commission Meeting**

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

Aye: 5 - Chairman Parisi, Vice Chairman Schussler, Member Zomparelli, Member Zaatar and Member Nugent

Nay: 0

Abstain: 1 - Member Paul

Absent: 1 - Member Sanchez

PUBLIC HEARINGS**OPEN PUBLIC HEARING****2021-0609 2021 Land Development Code Amendments II**

Presentation was given by Valerie Berstene, Ed Lelo, Doug Pollock and Sean Marquez in accordance with the written report dated September 21, 2021.

The Commission and Staff attended the public hearing in person.

During the presentation by Staff, Commissioner Zomparelli asked how the number of bicycle spots is determined.

Valerie Berstene explained the existing code requirement is one bicycle space per ten parking spaces up to a maximum of thirty spaces. Ms. Berstene continued the requirement is based on best practices from transportation planning professionals. She explained the amendment is just to simply state the requirement.

Vice Chairman Schussler stated it is great to encourage bicycle usage; however, the reality is Orland Park and the Southwest suburbs are pretty much automobile communities. He continued he would like to revisit the maximum number of bicycle spaces being required. Vice Chairman Schussler explained he believes the requirement is way overboard and stated even if we were to encourage people to increase the bicycle use tenfold or twentyfold, we would still have way

too many bicycle racks for what would be used. He indicated that he understands it is a balance between planning for the future and having what you need as opposed to having a bunch that will never be used and stated that he thinks we have a lot that are currently not being used. Vice Chairman Schussler expressed bicycle usage should still be encouraged.

Chairman Parisi indicated that is a good point but there is quite a bit of material to cover and recommended to allow Ms. Berstene to complete the presentation and make a list of any questions and have a discussion at the end.

Commissioner Zaatar asked for clarification on the process whether there would be only one vote all for all the items presented.

Ms. Berstene recommended to go through the entire presentation, the same as what occurs with a proposed project, and then answer questions at the end.

Ed Lelo clarified the vote is to make a recommendation for all the amendments that are being proposed and amendments can be made for each portion of the code that is being amended. He continued a vote would be taken but the specific sections can be amended.

After a brief discussion on how to move through the presentation in a timely manner, while still allowing for questions, Chairman Parisi decided that the entire presentation should be made in its entirety and, at the end of the presentation, after each person is recognized, they may refer back to the specific section they have questions on.

Following the completion of the presentation by Staff, discussion began with Vice Chairman Schussler, who asked if the present requirement for the bicycle parking is sufficient or too much and what was the rationale behind leaving it the same.

Ms. Berstene explained what is contained in the current code reflects nationwide standards for best practices even in communities similar to Orland Park. She continued, it is important to put the investment not only into vehicular traffic but also into elevating the other modes of transportation to a similar level of equity. She explained that with the recommended bicycle rack style one rack parks two bikes. Ms. Berstene indicated it is unusual, unless it is an entire shopping center, to see the requirement of the thirty rack maximum and more frequently the requirement of ten which is actually five bicycle racks. She explained, while there may not be a proliferation of residents currently riding their bikes to these destinations, we have to plan for that in the future especially as more residents continue to move to Orland Park, and it is great to access places without having to take a car because traffic continues to be one of the challenges we talk about with all of our projects. Ms. Berstene stated the number one step to making something happen is to make it obvious and easy for people.

Vice Chairman Schussler asked if it is realistic to encourage people to start using bicycles.

Ms. Berstene responded there are more bike paths planned for the Village and she sees people out everyday on their bicycles.

Commissioner Nugent interjected that there is a summary of the existing bicycle connectivity and marketing of the downtown as bikeable and walkable. He described the planned development of the downtown area as attractive to a post-millennial crowd who will want to bike to the planned destinations. He does not wish to see change that he wants to see people have the ability to utilize the bike paths and have storage for the bicycles; in the next ten years he believes we will see utilization of people transporting by bike.

Commissioner Zomparelli agreed with Commissioner Nugent's comments.

Vice Chairman Schussler indicated that he is convinced that planning for the future means we should leave the number the same.

Vice Chairman Schussler indicated the private maintenance of residential storm water facilities is an important policy issue. He continued the issue is who should maintain storm water detention facilities - should it be maintained by the residents who are going to live around that structure or should it be maintained by the Village. He asked what the split was for the number of ponds which were being privately maintained and the number that the Village was maintaining.

Mr. Lelo indicated there are 170 ponds currently that the Village owns and maintains.

Vice Chairman Schussler asked how many were being maintained privately. He continued the last several that the Plan Commission have approved have been private ones because the Village Board has decided they wish to have any future ones to be private. Vice Chairman Schussler stated he personally feels like that is the wrong way to go because it pushes off the expense out of the Village budget; however, it pushes it on to the personal budget of those residents. He expressed his personal opinion would be to charge the storm water maintenance fee at an appropriate amount that would allow the Village to maintain all the ponds without feeling that they are in need of dipping into the general fund for pond maintenance. Vice Chairman Schussler said he would prefer to have the Village do the maintenance, control it, and charge for it.

Chairman Parisi asked how the establishment of the Special Service Area is remedial to people not owning up to the obligation of maintaining their ponds.

Mr. Lelo explained a Special Service Area is a special assessment with a levy associated with it that is strictly for the specific items covered by the special

service. He continued, in this instance, it would be the storm water management facilities. Mr. Lelo indicated, how ever much you anticipate to charge over the years the levy is set for that special service area. He continued, in an instance where there are homes or property owners which already exist, and they try to establish a special service area, they need 51 percent of all the homeowners to agree to the establishment of it. Mr. Lelo further explained that is the reason why it is required to be done when the developer comes in because usually, at that time there is a single landowner; in which case, they can establish it without objection. He continued, what happens is that level of assessment is allowed to be called on at any point subject to needing to address the issues that for the reasons why it was established. Mr. Lelo clarified, until such time, it is dormant.

Chairman Parisi reiterated, in the event people are not taking care of their detention ponds, the Special Service Area would wake up and not be dormant anymore.

Mr. Lelo explained the process, which would happen if there was a privately owned pond that was not being maintained, the Village would somehow be aware of this and would notify a Homeowner's Association about their responsibility and, at that time, they may discover the Homeowner's Association has disbanded or it was never properly established. He continued the Village would either hire a contractor or the Village themselves would perform the required work and then assess the special service tax.

Vice Chairman Schussler stated it goes on the property tax bill if the Village decided to activate the dormant Special Service Area, then everyone who is a member of the Special Service Area gets assessed on their property tax bill as a separate line item.

There was a brief discussion between the Commissioner and staff providing examples throughout the Village of ponds which were privately maintained or maintained by the Village and specific problems relative to each site.

Mr. Lelo clarified that the burden of maintenance varies widely, from as simple as clearing clogged inlets to addressing significant erosion from deferred maintenance.

In giving examples of different ponds, the Commissioners brought up issues related to creeks. Vice Chairman Schussler expounded that these are two distinctly different issues, that Metropolitan Water Reclamation District is involved in some cases.

Sean Marquez explained in some cases it is the responsibility of the Metropolitan Water Reclamation District but in our case it has always been on the homeowner. He continued the Metropolitan Water Reclamation District has assisted in some cases with cleaning them. He continued that instances of property owners

privately owning the creek is very unique, but there are instances where it does happen.

Commissioner Paul asked if Special Service Areas are used in other municipalities and how has that worked out for them.

Mr. Lelo responded preliminary research which has been done indicates many other communities have also adopted this model to address the rising cost of this infrastructure. He stated there has not been any complaints but that it is not necessarily their responsibility and if there is, it gives them a funding mechanism.

Commissioner Paul questioned situations where there is not a Homeowner's Association.

Mr. Lelo explained the requirement would be to establish a Homeowner's Association. He continued the goal is to educate the homeowners and the Homeowner's Associations so proper maintenance occurs and can be kept maintained going forward.

Commissioner Paul asked if the storm water maintenance was something Homeowner's Associations would be set up to do.

Mr. Lelo replied typically no, and that is part of the reason why we got into this situation, but taking the step to clearly identify what needs to happen should help.

Commissioner Paul indicated most Homeowner's Associations have management companies and asked if they have the expertise to do the work.

Mr. Lelo responded whether it is the Village finding a contractor that can do the maintenance or a management company if they are not educated on how it needs to be maintained and they think it is just cutting grass that will be a different product than providing what actually needs to occur for maintenance.

Mr. Marquez explained there are specialized landscapers that know how to properly maintain those types of plantings.

Mr. Lelo explained that is part of the issue and it does not necessarily absolve the Village of doing the maintenance but the Village would provide the education to the management company on the maintenance necessary.

Commissioner Zomparelli interjected with an example of Eagle Ridge wanting a different style of detention basin.

Vice Chairman Schussler clarified that it was a Village-owned pond where the residents disliked the natural plantings and were at odds with the Village maintenance as such.

Mr. Lelo explained the Code requirement for naturalized ponds and the intent that it be constructed and planted properly resulting in minimal maintenance. When it is not established properly it leads to erosion and costly repairs such as dredging.

Vice Chairman Schussler asked regarding offsite motor vehicle storage in the ORI and/or Business district. He continued by giving the example of Orland Bowl which stores numerous cars at the back of the parking lot which happens to be adjacent to a residential area and if anything was being proposed to remedy the situation.

Mr. Lelo replied there is nothing purposed to address the Orland Bowl situation and further explained previously the property owner pursued a variance and discussions are ongoing regarding the issue.

Vice Chairman Schussler inquired if buffering was part of the discussions.

Mr. Lelo confirmed buffering is part of the discussion and continued there is some other storm water issues in the parking lot to be addressed. He indicated Orland Bowl's business was impacted significantly by the restrictions during COVID-19 and as a result during that time period it was not a top priority, but conversations are on-going with the property owner to address that specifically. Mr. Lelo explained there has not been direction to allow that type of storage. As part of the analysis before moving forward with the variance, Mr. Lelo looked at other sites where it would be available and the bowling alley is a unique situation where it has a significant amount of parking but it is also to the rear of the building itself. In those instances, the handful of properties would be reviewed on a case-by-case basis.

Vice Chairman Schussler asked if Orland Bowl is currently in violation based on the Ordinance.

Mr. Lelo indicated currently there is very little storage happening due to the shortage of cars. He continued the issue itself is not as significant as the time when it was originally brought up. Mr. Lelo explained if they were to have offsite storage not associated with their business in that district, they would be in violation of the Code.

Vice Chairman Schussler commented the bowling alley never did a very good job before the pandemic of maintaining their parking lot and indicated he doesn't object to the cars being back there but noted the importance of buffering for the adjacent residential area. He continued one of these days the chip shortage causing the scarcity of cars will be over and dealers will be looking for storage places for cars. Vice Chairman Schussler noted there is not a lot of places in town to store cars and the bowling alley is a logical place but there needs to be appropriate buffering for the neighbors that look out their windows at that all the

time.

Vice Chairman Schussler inquired if the proposed amendment to pavement thickness is making it thicker or thinner.

Mr. Marquez responded in the Code it used to say one-inch thickness and it is being changed to one and a quarter inch to comply with modern day production standards. He clarified that asphalt surfaces are not constructed as one inch anymore.

Vice Chairman Schussler confirmed it is a little bit thicker than what we have currently.

Mr. Marquez responded yes and it coincides with current design methods.

Commissioner Nugent asked for clarification about when on-site detention is required for residential construction.

Mr. Marquez replied a Special Service Area would be required when creating a subdivision. He continued single family houses that are torn down and rebuilt does not require detention. Mr. Marquez further explained if the lots are consolidated and re-subdivided to create a bigger subdivision essentially, then detention requirements kick in. He continued if it is multi-family, it triggers at half an acre, and referenced Metropolitan Water Reclamation District requirements.

Mr. Lelo explained that the proposed amendment is not to require storm water detention, but provide the mechanism for maintenance -- who owns it and who maintains it. He commented that this requirement would not impact a developer's decision to build in Orland or the development itself, but it will affect the future of who is out there doing the maintenance.

Commissioner Nugent restated his understanding that the only item being discussed is who maintains the pond.

Commissioner Zomparelli commented in Frankfort most of the detention ponds are maintained by Homeowner's Associations and they have Special Service Areas established.

Commissioner Zomparelli indicated he is a bike rider and finds it difficult to get to some place such as Orland Square Mall on a bicycle and commented he was glad to see some changes in regards to bike racks. He continued this community will be a great place to ride a bike eventually and keeping those standards is great.

Commissioner Zaatar recalled letting previous project Joe Rizza Lincoln eliminate bike racks but didn't remember if the BMW dealership requested a variance for removal of bike racks.

Ms. Berstene indicated BMW was not required to put in additional bike racks because that was only inventory parking and the customer parking including bicycle parking requirements, was not being changed.

Commissioner Zaatar indicated BMW added three hundred more parking spots.

Ms. Berstene clarified the Code caps at thirty required bicycle spaces and it does not continue to accrue. She further explained the lot was being consolidated with an existing lot that already had the customer parking and the bicycle racks.

Commissioner Zaatar inquired if the code was actually changing or just more guidance was being provided or are there requirements being added.

Ms. Berstene replied it is primarily about giving more guidance and the one section that is a new introduction is the recommendation for parking spaces for residential units within a planned development. She continued currently the guidelines only apply to commercial spaces.

Commissioner Zaatar asked if there are currently any Special Service Areas in Orland Park.

Ms. Berstene replied there are nine.

Commissioner Zaatar inquired if Orland Park has ever been in a lawsuit over a Special Service Area.

Mr. Lelo responded not to his knowledge.

Commissioner Zaatar explained the reason for the question is he has seen it in other states and asked if there is any type of material that tells the Homeowner's Association that they are going to own a pond and what maintenance means.

Mr. Lelo responded leading up to the establishment of a Special Service Area, there is a maintenance and monitoring plan which is the standard for how the pond should be established and maintained. He continued that information is recorded against the property and would be the guide.

Commissioner Zaatar clarified when the design is done, the Village would record the maintenance protocol of the Engineer who designed the pond.

Mr. Lelo indicated that is already being done.

Commissioner Zaatar asked for further explanation of the fees being collected for water.

Mr. Lelo explained currently they are paying that fee no matter what on their water bill. He continued what the recommendation was, if we move forward, with this amendment and they are paying their association to maintain their pond then a portion of that fee which they are paying through their water bill is not necessarily going toward the maintenance of the pond but still going toward the conveyance through the rest of the storm water system. Mr. Lelo further clarified if we pass this amendment we would propose passing an amendment that would rectify the equity issue. He stated those with ponds which are privately maintained would get a fifty percent credit on that fee.

Commissioner Zaatar asked if the Village would have to figure out and manage how to distribute fifty percent credits to all the houses who in the future have Special Service Areas.

Mr. Lelo responded if they would like to pursue that option. He further clarified there are already ponds which are privately maintained that the Village is policing to ensure they are meeting the requirements.

Mr. Marquez stated per Metropolitan Water Reclamation District the Village is responsible to police the maintenance of the ponds regardless of the ownership.

Commissioner Zaatar stated it is his opinion this creates another complexity causing a need for more resources to figure this out.

Mr. Marquez explained there is a requirement to do yearly inspections on any newly permitted detention ponds.

Commissioner Zaatar asked if the proposed amendments are approved, how would it impact someone who has a previously approved pool if it doesn't meet the standards with the proposed amendments.

Mr. Lelo explained what is proposed is very rarely, if ever, retroactive. He continued in reference to the pool section, there was a complaint received and a request to take a look at the options to alleviate the concern.

Commissioner Zaatar asked how the received complaint was being resolved.

Mr. Lelo responded the homeowner agreed to put up a fence.

Commissioner Zaatar asked what happens if someone buys the house and the pool is already there and they do not wish to put up a fence.

Mr. Lelo clarified that, in regards to all Code amendments, the Code applies as it is in place at the time the improvement is made.

Commissioner Zaatar questioned if someone has a pool in the side yard currently

which was permitted twenty years ago we do not require them to put up a fence.

Vice Chairman Schussler commented it would be a valid nonconforming use.

Mr. Lelo confirmed that is indeed correct. He continued if they end up changing it in some way or removing it and want to replace it, they are not grandfathered in to the code if they remove the old.

Commissioner Zaatar asked if a homeowner wanted to replace an above ground pool why would we prevent them.

Mr. Lelo indicated we do require permits for replacement pools and it would have to come into compliance.

Commissioner Zaatar inquired what would happen if a house is purchased and there is a hole in the pool that needs to be fixed. Would the homeowner be required to put up a fence to fix the pool?

Mr. Lelo responded that a replacement in kind would have to come into compliance. If the pool wanted to remain in the same spot, the homeowner would have to find a way to repair the leak in the pool.

Commissioner Zaatar asked if the truck storage is for all businesses in the business district – going forward – or for all existing, such as Home Depot Penske rentals?

Doug Pollock responded the amendment would only apply to the ORI or MFG district and explained what ORI District is.

Commissioner Zaatar inquired if there are any existing businesses that would be immediately negatively impacted by the proposed amendment.

Mr. Lelo stated we would enforce the regulations as they are approved and if they were previously granted zoning approval to have the trucks different to what was allotted in this code amendment, then that would supersede what we are proposing. He continued that what is being changed is making the code more flexible to this type of truck parking.

Commissioner Zaatar asked how it is more flexible.

Mr. Lelo indicated without this amendment, there are many uses that we have had to actually turn away because they could not accommodate the parking on site.

Vice Chairman Schussler left the meeting at approximately 8:48 p.m.

Mr. Lelo clarified even further the parking of trucks in standard spots is not

currently permitted at all. He continued it has to be in a loading area or approved outdoor storage area. What this allows is actual outdoor parking of trucks in a parking lot.

Commissioner Zaatar asked if the sewer upgrade is for private or public right-of-way.

Mr. Marquez explained if it is existing the upgrade cannot be done and it is only for new going forward.

Commissioner Zaatar commented the eight percent running slope is hard to attain and it may be good to add caveat to allow steeper slopes in certain conditions.

Mr. Marquez indicated this is generally going forward for new construction and commented they can review to add some language.

Commissioner Paul indicated some of the questions had already been addressed. He asked where the bicycle racks would be placed in a townhome development.

Ms. Berstene replied it would apply to a mixed-use and residential planned developments shall provide one bicycle parking space for every ten residential units or as approved by Development Services. She indicated she wanted to include that as guidance thinking particularly of the developments that were recently reviewed which are mixed use residential and commercial. Ms. Berstene continued in townhomes where there is access to the front door it is a different criteria than if it is multi-family so maybe that is a tweak that could be made if so motioned.

Commissioner Paul asked if it is an issue with the eight percent slope and some of the new developments with topological challenges which have recently come before the Commission.

Mr. Marquez responded typically it will not present an issue but there may be times where exceptions need to be made. He further stated there would be some qualifying language added to Commissioner Paul and Zaatar's comments regarding the eight percent slope.

Chairman Parisi indicated the amount of work and research that has gone into the proposed amendments is appreciated. He continued he is glad the Commission took the time to review and formulate the questions raised. Chairman Parisi reminded the Commissioners to try as best as possible to pick up the Plan Commission packets the Friday before the meeting to assist with clarification questions ahead of time.

Chairman Parisi motioned to recommend approved of the Code amendments to

the Village Board.

Commissioner Paul seconded the motion.

Commissioner Zomparelli made a motion to amend to waive the requirement of bicycle racks on a townhouse development.

Commissioner Paul seconded the motion to amend to waive the requirement of bicycle racks on a townhouse development.

Chairman Parisi took a roll call vote.

The vote was 4-1 in favor of the amendment.

Chairman Parisi resumed the vote on the main motion. It passed 5-0 to recommend approval.

Overall, the Plan Commission expressed support of the project.

AMENDED MOTION

I move to accept as findings of fact of this Plan Commission the findings of fact set forth in this staff report, dated August 31, 2021, and as discussed here today.

And

I move to amend the motion to not require bicycle racks on a townhouse development.

And

I move to recommend to the Village Board of Trustees to approve the Land Development Code amendments for Section 3-108, Section 5-112, Section 6-201, Section 6-202, Section 6-203, Section 6-203.5, Section 6-204, Section 6-204.5, Section 6-205, Section 6-206, Section 6-208, Section 6-211, Section 6-302, Section 6-305, Section 6-306, Section 6-307, Section 6-308, Section 6-310, Section 6-310.1, Section 6-405, Section 6-406, Section 6-407, Section 6-408, Section 6-409, Section 6-410, Section 6-411, Section 6-412, Section 6-413, Section 6-415, and Section 7-101, as presented in the attached Amendment Report titled "2021 Land Development Code Amendments II - Amendment Report to the Plan Commission" and associated exhibits, prepared by the Development Services Department and Engineering Programs and Services Department, and dated August 31, 2021.

with the following condition:

1. Revise the proposed amendment to Section 6-409.H.4, related to Private Maintenance of Residential Stormwater Facilities, as presented by Development

Services staff:

“Subdivisions containing two or more lots shall establish a Homeowners’ Association or similar governing body which shall be responsible for all maintenance, repair, and/or replacement of the stormwater management system, including but not limited to: detention ponds, green infrastructure, and related storm water management facilities located on and serving the private property. The property owners shall establish a dormant Special Service Area (SSA), including all properties that benefit from the storm water management facilities. The purpose of the dormant SSA is to fund the Village of Orland Park’s costs of maintaining, repairing and/or replacing the storm water management facilities located in the subject property in the event that the Homeowners’ Association or the owners of the property fail to maintain, repair and/or replace said storm water management facilities as required.”

ORIGINAL MOTION

I move to accept as findings of fact of this Plan Commission the findings of fact set forth in this staff report, dated August 31, 2021, and as discussed here today.

And

I move to recommend to the Village Board of Trustees to approve the Land Development Code amendments for Section 3-108, Section 5-112, Section 6-201, Section 6-202, Section 6-203, Section 6-203.5, Section 6-204, Section 6-204.5, Section 6-205, Section 6-206, Section 6-208, Section 6-211, Section 6-302, Section 6-305, Section 6-306, Section 6-307, Section 6-308, Section 6-310, Section 6-310.1, Section 6-405, Section 6-406, Section 6-407, Section 6-408, Section 6-409, Section 6-410, Section 6-411, Section 6-412, Section 6-413, Section 6-415, and Section 7-101, as presented in the attached Amendment Report titled “2021 Land Development Code Amendments II - Amendment Report to the Plan Commission” and associated exhibits, prepared by the Development Services Department and Engineering Programs and Services Department, and dated August 31, 2021.

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

Aye: 5 - Chairman Parisi, Member Paul, Member Zomparelli, Member Zaatar and Member Nugent

Nay: 0

Absent: 2 - Vice Chairman Schussler and Member Sanchez

CLOSE PUBLIC HEARING (Audio: 2:05:22)

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: 5 - Chairman Parisi, Member Paul, Member Zomparelli, Member Zaatar and Member Nugent

Nay: 0

Absent: 2 - Vice Chairman Schussler and Member Sanchez

NON-PUBLIC HEARINGS

OTHER BUSINESS

2021-0689 Memo: New Petitions

NON-SCHEDULED CITIZENS & VISITORS

ADJOURNMENT

Meeting adjourned at 9:05 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: 5 - Chairman Parisi, Member Paul, Member Zomparelli, Member Zaatar and Member Nugent

Nay: 0

Absent: 2 - Vice Chairman Schussler and Member Sanchez

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

Respectfully submitted,

Gerianne Flannery
Recording Secretary