



# VILLAGE OF ORLAND PARK

14700 Ravinia Avenue  
Orland Park, IL 60462  
[www.orlandpark.org](http://www.orlandpark.org)

## Meeting Agenda

### Committee of the Whole

*Village President Keith Pekau*

*Village Clerk John C. Mehalek*

*Trustees, Kathleen M. Fenton, James V. Dodge, Jr., Daniel T. Calandriello,  
William R. Healy, Cynthia Nelson Katsenes, and Michael R. Milani*

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Monday, June 1, 2020

6:00 PM

Village Hall

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**A. CALL TO ORDER/ROLL CALL**

**B. PLEDGE OF ALLEGIENCE**

**C. APPROVAL OF MINUTES**

[2020-0301](#) Approval of the April 20, 2020 Committee of the Whole Minutes

Attachments: [Draft Minutes](#)

**D. ITEMS FOR SEPARATE ACTION**

1. [2020-0385](#) Tinley Creek Stabilization

2. [2020-0389](#) Long-term Care Facility Oversight (Discussion Only)

Attachments: [Memo](#)

3. [2020-0394](#) 143rd Street - Noise Wall

Attachments: [Noise Wall Exhibit](#)  
[Noise Wall Viewpoint Solicitation Form](#)

**E. NON-SCHEDULED CITIZENS & VISITORS**

**F. ADJOURNMENT**

DATE: June 1, 2020

## **REQUEST FOR ACTION REPORT**

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File Number:	<b>2020-0301</b>
Orig. Department:	<b>Village Clerk</b>
File Name:	<b>Approval of the April 20, 2020 Committee of the Whole Minutes</b>

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### **BACKGROUND:**

### **BUDGET IMPACT:**

### **REQUESTED ACTION:**

I move to approve the Minutes of the Regular Meeting of the Committee of the Whole of April 20, 2020.

# VILLAGE OF ORLAND PARK

14700 Ravinia Avenue  
Orland Park, IL 60462  
[www.orlandpark.org](http://www.orlandpark.org)



## Meeting Minutes

Monday, April 20, 2020

6:30 PM

Village Hall

## Committee of the Whole

*Village President Keith Pekau*

*Village Clerk John C. Mehalek*

*Trustees, Kathleen M. Fenton, James V. Dodge, Jr., Daniel T. Calandriello,  
William R. Healy, Cynthia Nelson Katsenes, and Michael R. Milani*

**CALL TO ORDER/ROLL CALL**

The meeting was called to order 6:35 P.M.

**Present:** 6 - President Pekau; Trustee Dodge; Trustee Calandriello; Trustee Healy; Trustee Nelson Katsenes and Trustee Milani

**Absent:** 1 - Trustee Fenton

**APPROVAL OF MINUTES****2020-0276 Approval of the April 6, 2020, Committee of the Whole Minutes**

I move to approve the Minutes of the Regular Meeting of the Committee of the Whole of April 6, 2020.

**A motion was made by Trustee Nelson Katsenes, seconded by Trustee Milani, that this matter be APPROVED. The motion carried by the following vote:**

**Aye:** 6 - President Pekau, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, and Trustee Milani

**Nay:** 0

**Absent:** 1 - Trustee Fenton

**ITEMS FOR SEPARATE ACTION****2019-0282 Megan Nicole Ridge - Development Petition for Site Plan, Landscape Plan, Rezoning, Subdivision, Variance (subject to Annexation)**

The petitioner is requesting approval of a Site Plan, Landscape Plan, Subdivision, Variances, and Rezoning from E-1 Estate Residential to R-3 Residential for Megan Nicole Ridge, a proposed residential development on a 3.11 acre site located at 13201 88th Avenue, subject to approval of annexation by the Village Board of Trustees. The subject property is located at the northeast corner of 88th Avenue and Beverly Lane in unincorporated Cook County.

The site was previously utilized as a large estate lot with one single-family home, which has since been demolished. In 2004, the Village Board approved a Site Plan, Subdivision, and Rezoning to the R-3 Residential District upon Annexation for the Megan Ridge subdivision (formerly referred to as Deanna Ridge) (Legistar File ID 2004-0158). The previous plan proposed to subdivide 3.3 acres into eight (8) lots for seven (7) single-family homes and a detention pond outlot. The existing single-family home at the northwest corner of the site was to remain on site. Annexation into the Village was never finalized and the residential subdivision was not constructed. As a result, the subject property currently remains in unincorporated Cook County.

The original 3.3 acre parcel (PIN 23-35-300-034-0000) was recently subdivided

by the petitioner into three (3) lots in unincorporated Cook County. The proposed residential development is located on 3.11 acres of the original 3.3 acre site, on two of the lots with PIN 23-35-300-040-0000 and PIN 23-35-300-041-0000. The 80 foot by 144.9 foot property (PIN 23-35-300-042-0000) located to the east of the proposed Lot 9 and to the west of the existing single-family home at 8700 Adria Court has been sold off by the developer and will remain in unincorporated Cook County.

The project was presented at two public hearings at Plan Commission on November 5, 2019, and on April 7, 2020. The 10 foot by 144.9 foot property (PIN 23-35-300-041) owned by the petitioner and located directly to the east of the previously proposed Lot 9 was incorporated into the proposed subdivision plans presented at the April 7, 2020 Plan Commission meeting. This strip of land was originally proposed to remain in unincorporated Cook County. The number of lots and overall design of the proposed subdivision remains the same as the prior proposal.

Within the inclusion of the 10 foot by 144.9 foot property to the detention pond lot on Outlot A, the overall subdivision slightly increased in size. The petitioner also proposed minor changes to the high water line of the pond as a result of the Plan Commission recommendation to include the storm water volume for the 10 foot by 144.9 foot property (PIN 23-35-300-041) and the 80 foot by 144.9 foot property (PIN 23-35-300-042) into the proposed detention pond. The requested setback variance between the high water line and adjacent property lines was previously proposed at 15.57 feet at the narrowest locations, and now is proposed at as little as 15.09 feet in certain locations. The 80 foot by 144.9 foot property (PIN 23-35-300-042) located to the east of the proposed subdivision along Adria Court is still planned to remain in unincorporated Cook County and is not included as part of this petition.

For a detailed summary of each public hearing, please refer to the “Plan Commission Discussion” and “Plan Commission Motion” sections below.

#### PROJECT DESCRIPTION

The proposed subdivision consists of a total of ten (10) lots, including nine (9) residential lots for single-family homes and one (1) detention pond outlot. Existing established streets will be utilized. Four (4) of the single-family homes (Lots 1-4) will be accessible from 88th Avenue and five (5) of the single-family homes (Lots 5-9) will have access from Adria Court. As a condition of approval, all single-family homes must conform to all Village codes and ordinances.

The detention pond will be centrally located on Outlot A with an access point provided from Adria Court, between Lot 6 and Lot 7. The petitioner has requested approval of a variance to allow a reduction in the required detention pond setback and landscape area from 25 feet to as little as 15.09 feet. Additionally, a variance has been requested to allow for an increase in the side slope from a 4:1 slope to a

3:1 slope. Please refer to the detailed discussion in the "Variance(s)" section of this report below for additional information.

No access will be provided to the proposed lots from Beverly Lane due to a 1 foot by 313.7-foot strip of land that extends along the entire length of Beverly Lane and is under separate ownership.

The site was previously heavily wooded with a considerable number of trees, which were removed by the petitioner in 2018. Tree mitigation is required per Section 6-305.F.3 of the Land Development Code. In cases where tree replacement or mitigation cannot be accommodated on site, the petitioner is required to pay cash in lieu of the tree replacement amount. The petitioner has agreed to pay \$50,000, the maximum cash in lieu amount for tree mitigation required for projects less than 10 acres in size per Section 6-305.F.3.

The proposed single-family subdivision will be compatible with the R-3 Residential District, the surrounding existing land uses and zoning districts, and the Comprehensive Plan designation for this area. Single-family homes in the Barbalic Biljan subdivision and Parkview Highland subdivision are located to the east of the subject property and are zoned R-3 Residential District. Single-family homes located in unincorporated Cook County are located to the north, to the south across Beverly Lane, and to the west across 88th Avenue. A Place of Worship is also located to the west across 88th Avenue in unincorporated Cook County.

With the exception of the requested variances, the project conforms to the Village's Comprehensive Plan, Land Development Codes and policies for this area.

#### Variance(s)

When considering an application for variances, the decision-making body shall consider the Variance Standards listed in Section 5-109 of the Land Development Code. The petitioner has provided responses to the Variance Standards, which are included in this packet for review.

The petitioner requests the following variances to the Land Development Code:

1. Reduce the required detention pond setback and landscape area from twenty-five (25) feet to as little as fifteen (15) feet (Section 6-409.E.18; Section 6-412.D.1; Section 6-305.D.8.b)
2. To allow for an increase to the side slope of the pond from a 4:1 slope to 3:1 slope (Section 6-409.E.18)

As noted above, since the project was presented at the November 5, 2019, Plan Commission meeting, the petitioner has incorporated the 10 foot by 144.9 foot property (PIN 23-35-300-041) into the subdivision plans. As a result, the overall size of Outlot A has increased from 31,052 square feet to 32,501 square feet, and

the total size of the proposed subdivision has increased from 3.07 acres to 3.11 acres.

The petitioner is also proposing minor changes to the setback between the high water line of the pond and the adjacent property lines on Outlot A as a result of additional storm water volume being included for the 10 foot by 144.9 foot property (PIN 23-35-300-041) as well as the 80 foot by 144.9 foot property (PIN 23-35-300-042), based on the recommendation at the November 5, 2019, Plan Commission meeting.

Previously, the detention pond setback variance was proposed to be as little as 15.57 feet at certain locations. Under the revised plans, the setback is now proposed to be as little as 15.09 feet in certain locations, particularly along the south leg of the pond. The setbacks along the north side of the pond range from 27.68 feet to 22.52 feet (previously 28.16 feet to 23.43 feet proposed). The northeast side of the pond has a proposed setback of 20.09 feet (previously 15.57 feet to 20.14 feet), while the northwestern side of the pond has a proposed setback of 24.49 feet (previously 19.97 feet). A portion of the north side of the pond meets setback requirements, with a 27.68 foot setback proposed.

The petitioner has noted that the shape of the property, topography, and the existing 1 foot wide strip of land along Beverly Lane has created a hardship for the property.

Sections 6-409.E.18.o and 6-412.D.1 require a setback of at least 25 feet from the high water line of a detention pond to all development and property lines. Detention ponds are also required to meet Storm Water Management Area Landscape requirements per Section 6-305.D.8. Within the minimum 25 foot setback area around a detention pond, a minimum 15 foot wide naturalized landscape area not exceeding a 5% cross slope is required above the pond high water levels in order to slow runoff, filter pollutants, recharge aquifers and enhance water quality. Within the 15 foot naturalized landscape area, a maintenance vehicle access area measuring at least 8 feet wide and not exceeding a 2% cross slope shall be provided for maintenance purposes, planted with native low-growing plant materials or as a recreational/maintenance trail.

If the pond setback variance is approved, staff recommends that the pond be privately owned and maintained in perpetuity by an established homeowners association as a condition of approval. Typically, detention ponds for single-family residential subdivisions have been owned and maintained by the Village after final acceptance of the pond. Ponds are accepted and deeded to the Village after they are constructed, inspected, and maintained by a property owner in accordance with Village standards for approximately three years and the release of the letter of credit. If the proposed detention pond is privately owned and maintained, the Village would ultimately not be responsible for ownership or maintenance of a pond that does not meet code requirements in the future. The Village is also

currently exploring a policy that would require all future detention ponds to be privately maintained.

Staff also recommends as a condition of approval that the petitioner be required to establish a fallback special service area (SSA) to assure that the privately owned pond will be adequately maintained in the future, should the SSA need to be activated. An SSA allows the Village to levy an additional tax to assist with financing costs in the event the pond is not maintained in the future.

#### Annexation

The proposed plan conforms to the Land Development Code, general intent of the Comprehensive Plan, character of the surrounding area, and Village policies for the area, with the exception of the requested variances. The property is currently in unincorporated Cook County, so all approvals will be subject to annexation, which will be addressed separately at the Board level. An Annexation public hearing will be held at the Village Board of Trustees level at a future date.

Approval of this petition is subject to annexation into the Village of Orland Park.

#### PLAN COMMISSION DISCUSSION - NOVEMBER 5, 2019

A public hearing was held before the Plan Commission on November 5, 2019. The petitioner was present to answer questions at the meeting. Approximately 30-40 members of the public attended the meeting and 15 members of the public spoke in regard to the petition, most of which lived in nearby homes. Commissioner Zomparelli abstained from voting. The issues discussed at the public hearing are summarized below:

1. Existing Traffic and Condition of Streets. Several residents expressed concern over existing traffic on 88th Avenue and the conditions of the adjacent streets. It was noted that vehicles speed on 88th Avenue and there have been accidents in the area, which would create issues for the proposed homes with driveways directly accessing the street. Residents also noted that Beverly Lane is in poor condition and asked if the Village or the petitioner would be repaving the street in the near future. 88th Avenue is under the jurisdiction of Palos Township. The petitioner was not required to submit a traffic study under the Land Development Code for this project.
2. Flooding. Several residents asked questions related to how the project will impact flooding in the area and if the property is included in a flood relief program. Residents expressed concerns with storm water draining onto adjacent lots, existing flooding in the area, and road closures nearby as a result of flooding. The Village's engineer provided an overview of the proposed storm water for the site, design of the pond, and confirmed that the pond will need to meet all engineering code requirements by the Village.
3. Types of Homes. Several residents asked about the types of homes to be built,



the starting prices, and if any of the lots have been sold already. The petitioner presented a poster board showing a conceptual elevation of one of the single-family homes that may be constructed to the Plan Commission and the members of the public. Building plans for the homes have not been submitted for review to the Development Services Department, but will be required to meet all code requirements.

4. Annexation. Several residents asked about if the property could remain unincorporated and how that would impact the regulations on development. The property would be subject to the requirements for Cook County if it remained unincorporated.

5. Tree Removal. Residents commented on the previous removal of trees on the site, stating that there was no notification from the petitioner and the loss of trees has negatively impacted the neighborhood creating an eyesore and impacting wildlife in the area. Several residents stated that the tree mitigation amount is not enough to justify the removal of the trees.

Commissioner Paul asked for clarification on if the \$50,000 to be paid by the petitioner was a fee or a fine. Staff noted that the amount is a fee required per the Land Development Code. In cases where tree replacement or mitigation cannot be accommodated on site, the petitioner is required to pay cash in lieu of the tree replacement amount. The petitioner agreed to pay \$50,000, the maximum cash in lieu amount for tree mitigation required for projects less than 10 acres in size.

Residents also asked for clarification on why dirt was already being moved around on site. Dan Szkirpan, the general contractor for the project, stated that there was a previous dirt pile on the east side of the site and they are regrading some of the property. Mr. Szkirpan stated that the tree removal was done in accordance with Cook County's regulations.

Several of the Commissioners noted that it is unrealistic to expect the site to remain undeveloped forever and the loss of trees would be required for any development project. The petitioner will be required to meet all landscape code requirements for the project.

6. Property along Beverly Lane. The Commission asked if the petitioner has attempted to purchase the 1 foot wide and 313.7 foot long strip of land that extends along the entire length of Beverly Lane to help with access to the site. The petitioner provided an overview of the piece of land, stated it is currently located in the Village, and that the petitioner has attempted to purchase the property in the past, but the current property owner has refused to sell the property. A resident asked how the petitioner will ensure that there will not be an encroachment on the private property in the future.

7. Proposed Lots to Remain in Unincorporated Cook County. There was a

discussion on the ownership of the two lots located to the east of the subject property which are proposed to remain in unincorporated Cook County (PIN 23-35-300-041 and PIN 23-35-300-042). Mr. Szkirpan stated that the 80 foot wide lot to the east with the existing trees identified as PIN 23-35-300-042 was purchased by the adjacent property owner at 8700 Adria Court. Mr. Szkirpan stated that the 10 foot strip of land with PIN 23-35-300-041 was currently owned by the petitioner and was needed for grading of the entire site and to avoid the need for a retaining wall. There was a discussion on the proposed grade change between the 10 foot strip of land and the proposed Lot 9 (approximately a 4 foot grade change on the north side of the shared property line).

Mr. Szkirpan stated that the 10 foot strip of land could either be purchased by the adjacent property owner to the east or the owner of the proposed Lot 9 in the future, which will be determined at a later date. Several of the Commissioners expressed concern over the existing 10 foot lot remaining in unincorporated Cook County. The subject property and proposed subdivision is already experiencing issues due to the 1 foot by 313.7 foot strip of land along Beverly Lane that is not owned by the petitioner. There was concern over creating another small lot or spite strip, where the ownership is not currently determined. It was noted that both of the adjacent property owners in the future may not want to buy the 10 foot piece of land. This piece of land could become undevelopable and create challenges for the adjacent development in the future.

At the end of the public hearing, the petitioner confirmed that they will approach the owner of the 80 foot lot with PIN 23-35-300-042 if he would like to purchase the 10 foot wide property. If the property owner does not wish to purchase the property, it will be incorporated into the subdivision and included as part of the proposed annexation into the Village.

8. Detention Pond Setbacks & Proposed Variance. Several Commissioners and residents expressed concern over the proposed detention pond setbacks. Several comments focused on the setbacks specifically along Beverly Lane due to the pond's location near the sidewalk and potential safety concerns for pedestrians and children. One resident also asked about the Village's regulations for mosquito abatement, rodent control, and general maintenance requirements for ponds.

There was a discussion on the previously proposed site plan and the detention pond in 2004. Staff explained the previous proposal and detention pond setbacks and stated that the site was never formally annexed into the Village. Village codes may have changed since that time.

There was a discussion if Lot 7, which is currently oversized per the R-3 zoning district requirements, could be made smaller to accommodate larger detention pond setbacks or if the additional 10 foot strip of land could help meet the setback requirements. The petitioner did not wish to reduce the size of Lot 7. It was noted

that the remainder of the single-family lots adjacent to the pond met the bulk requirements for the R-3 District, therefore any decrease would be a variance for lot size, width, or length.

Commissioner Schussler asked if the 10 foot wide property with PIN 23-35-300-041 and the 80 foot wide property with PIN 23-35-300-042 were factored into the overall storm water calculations for the pond. The petitioner confirmed that these lots were not included in the detention calculations. There was a discussion if a home is constructed on the 80 foot wide lot in the future how storm water would be accommodated. The lot could remain in unincorporated Cook County, where it would be subject to the County's requirements, or could be annexed into the Village in the future and be subject to Orland Park's requirements, which typically would not require detention for an individual single-family lot of this size.

There was a discussion on if the pond would be privately owned and maintained or taken over by the Village in the future. Commissioner Schussler stated that the majority of detention ponds for single-family subdivisions are owned and maintained by the Village; this pond should be treated the same and should meet code requirements. Ponds that are privately owned and maintained can still experience issues with future maintenance. Commissioner Schussler noted that he would like to see the pond owned by the Village to be in line with the existing Village code requirements and policy, and the pond should meet code requirements. Mr. Skirpen noted that the interim Village Manager's office had told them that all ponds should be privately owned in the future moving forward. Commissioner Schussler stated that this policy for ponds would need to be set and approved by the Village Board.

9. Conditions of Approval. The Commission revised the recommended motion to state that the proposed detention pond must meet all Village requirements, the Village consider assuming responsibility for the pond if it meets all code requirements, and that the two properties that are proposed to remain in unincorporated Cook County be included in storm water calculations. The Commission added and/or revised Condition # 4, 5 and 6 to the Preliminary Site Plan motion, as included below.

#### PLAN COMMISSION MOTION - NOVEMBER 5, 2019

On November 5, 2019, the Plan Commission moved, by a vote of 5-0, to recommend to the Village Board of Trustees approval (upon annexation) of the Rezoning of the subject property located at 13201 88th Avenue from E-1 Estate Residential District to R-3 Residential District.

And moved, by a vote of 5-0, to recommend to the Village Board approval (upon annexation) of the Preliminary Site Plan titled "Preliminary Site Plan for Megan Nicole Ridge Subdivision", prepared by Landmark Engineering, LLC, Sheet PSP1, dated July 8, 2019, and last revised September 30, 2019, subject to the

following conditions:

1. Meet all building code requirements and final engineering requirements, including required permits from outside agencies.
2. Submit a sign permit application to the Development Services Department for a separate review. Signs are subject to additional review and approval via the sign permitting process and additional restrictions may apply.
3. All proposed single-family homes shall conform to all Village codes and ordinances, including the bulk requirements of the R-3 Residential District per Section 6-204 of the Land Development Code and the Building Code.
4. That the 10 foot by 144.9 foot parcel identified as PIN 23-35-300-041-0000 be incorporated into the subdivision or be incorporated into the parcel identified as PIN 23-35-300-042-0000, and that the detention pond provide detention for the two parcels identified as PIN 23-35-300-041-0000 and PIN 23-35-300-042-0000.
5. That the detention pond meet all Village Code requirements including setback requirements and that it provide detention for the parcels identified as PIN 23-35-300-041-0000 and PIN 23-35-300-042-0000.
6. That the Village consider assuming responsibility for the pond if it meets all code requirements, since typically detention ponds for single-family residential subdivisions are owned and maintained by the Village after final acceptance of the pond by the Village.
7. That if the pond shall be privately owned, it shall be maintained by a homeowners association and a special service area (SSA) shall be established when the Annexation Agreement is finalized to assure that the privately owned detention pond will be maintained to Village standards in the future.

And moved, by a vote of 5-0, to recommend to the Village Board approval (upon annexation) of the Plat of Subdivision titled "Megan Nicole Ridge", prepared by Landmark Engineering, LLC, subject to the following conditions:

1. Submit a Record Plat of Subdivision to the Village for approval, execution, and recording.

And moved, by a vote of 5-0, to recommend to the Village Board approval (upon annexation) of the Preliminary Landscape Plan, titled "Megan Nicole Ridge Subdivision, Landscape Plan", prepared by Clarence Davids & Company, PC, Sheet 1-5, dated April 11, 2019, and last revised October 10, 2019, subject to the following conditions:

1. Submit a final landscape plan meeting all Village Codes and all required supporting documentation addressing all outstanding landscape items in conjunction with the final engineering submittal.
2. Provide the maximum cash-in-lieu amount required for tree mitigation for projects less than 10 acres in size per Section 6-305.F.3 and as finalized at the time of the Annexation Agreement.
3. Provide cash in lieu of park land donation as finalized at the time of the

Annexation Agreement.

#### PLAN COMMISSION DISCUSSION - APRIL 7, 2020

A public hearing was held before the Plan Commission on April 7, 2020. The Commission, members of the public, the petitioners, and staff attended the public hearing via a Zoom Meeting teleconference. The issues discussed at the public hearing are summarized below:

1. Plan Commission Conditions of Approval. At the November 5, 2019, Plan Commission meeting, the Commission voted to approve the Megan Nicole Ridge subject to meeting three additional conditions of approval (Condition #4, 5, 6 of the Preliminary Site Plan motion). Since the Plan Commission meeting, the petitioner has met some of the conditions of approval. The 10 foot by 144.9 foot parcel identified as PIN 23-35-300-041-0000 owned by the petitioner was incorporated into the subdivision plans. Storm water detention has also been provided for the two parcels identified as PIN 23-35-300-041-0000 and PIN 23-35-300-042-0000 (Condition #4). The proposed detention pond still does not meet all Village Code requirements including setback requirements (Condition #5).

The Commission requested that the Village consider assuming responsibility for the pond if it meets all code requirements, since typically detention ponds for single-family residential subdivisions are owned and maintained by the Village after final acceptance of the pond by the Village. If the pond is privately owned, it shall be maintained by a homeowners association and a special service area (SSA) shall be established to assure that the privately owned detention pond will be maintained to Village standards in the future. At the April 7, 2020, Plan Commission meeting, staff noted that it was the previous policy by the Village to maintain ponds after they are accepted by the Village. However, the Village is currently exploring a new policy to have all future detention ponds privately owned and maintained in the future. In this case, staff still recommends that the pond be privately-owned and maintained by an HOA. If the HOA disbands or does not maintain the pond properly in the future, then the Village has the ability to activate a dormant SSA to pay for maintenance costs.

2. Property along Beverly Lane. James Kirk, an attorney representing George DeVries, stated that there has been some confusion on the ownership of the 1 foot by 313.7 foot strip of land that extends along the length of Beverly Lane. Mr. DeVries was involved with developing the Park View Highlands subdivision, which includes the homes to the east on Beverly Lane.

According to Mr. Kirk, the strip of land previously extended farther to the east along what is now Adria Court. When the homes on Adria Court were developed, Mr. DeVries transferred the title of most of the land to the developer of the homes on Adria Court. However, it appears that Mr. DeVries continues to own the 1 foot by 313.7 foot strip of land directly adjacent to the proposed Megan Nicole Ridge

subdivision along Beverly Lane. Mr. Kirk noted that they have recently been in contact with the developer and are discussing if the developer can acquire the land from Mr. DeVries. This piece of land is currently incorporated into the Village of Orland Park and is zoned R-3 Residential District. Dan Szkirpan, the general contractor/developer for the project, stated that further research needs to be done to verify the ownership of the property and they are in discussion with Mr. Kirk.

There was a discussion if the detention pond volume would increase if the 1 foot and 313.7 foot strip of land was included in the gross area of the subdivision. The petitioner stated that any additional detention pond volume will be provided if they do acquire the property.

3. Tree Removal. One resident that lives nearby the proposed subdivision asked if the Village could require the developer to plant more mature trees on-site to help ease the impact of the trees previously removed by the developer. This would be in addition to the \$50,000 tree mitigation fee required by Code. The petitioner agreed to pay \$50,000, the maximum cash in lieu amount for tree mitigation required for projects less than 10 acres in size.

4. Access to the Pond. A 17 foot wide access strip located between Lot 6 and Lot 7 will provide access to the detention pond on Outlot A. One resident asked how the triangular area located in the Village's right-of-way to the northwest of the curved sidewalk along Adria Court will be maintained. The area is located in the Village right-of-way but will be maintained by the adjacent homeowners, typical of how other parkways are maintained elsewhere in the Village. There was also a discussion on how if the 17 foot wide pond access strip could be removed if the petitioner is able to acquire the 1 foot by 313.7 foot strip of land that extends along the length of Beverly Lane. This can be investigated if the property is acquired by the developer. The petitioner noted that a storm water pipe is proposed in the 17 foot wide strip of land to tie into the existing storm sewer to the east.

5. Lot 7. Members of the public and several Commissioners asked if the size of Lot 7 could be reduced in size to help reduce the pond setback variances. Lot 7 is larger than the other lots in the proposed subdivision, with a lot width of 120 feet and a lot area of 17,392 square feet.

The petitioner stated that the lot was designed with a side loaded garage on the east side of the future house for safety reasons based on the current street configuration and the existing curve along with Adria Court. The petitioner stated that the future house has already been designed. Robert Skik, the future purchaser of Lot 7, attended the meeting and stated he has already purchased plans and has designed the house for the lot. Several Commissioners noted that the size of the lot appears to be based on the design choice for the future house.

Commissioner Zaatar asked if the petitioner explored reducing the size of Lot 7, moving Lot 7 to the east, combining Lot 8 or Lot 9, or exploring other alternatives

to reduce the need for the pond setback variance. The petitioner has not proposed any changes to the size of Lot 7 since the November 5, 2019, Plan Commission meeting. Staff also noted that they previously suggested that the size of Lot 7 could be reduced during the staff review process. Mr. Szkirpan stated that the lot meets code requirements and there are two oversized lots at the end of the cul-de-sac on Adria Court. The petitioner did not wish to reduce the size of Lot 7.

6. Detention Pond Design & Proposed Variances. One member of the public that lives nearby the subject property expressed concerns about the steep slope of the pond, pond depth, and potential safety issues. There was a question about the grading of the pond and the potential overflow of the pond in the future if there is flooding. The petitioner stated that the high water line is typical of a 100 year storm event. The petitioner stated that if they were to build the subdivision in Cook County, the pond requirements would be substantially less because the Village has stricter volume requirements.

Several Commissioners expressed concern over the proposed detention pond setbacks. Mr. Szkirpan noted that they could build the future subdivision in unincorporated Cook County. If Lot 7 was forced to be made smaller, then they would potentially lose the lot buyer and rethink their position. Several lots that were pre-sold to future buyers have pulled out due to the review process time.

Commissioner Schussler noted that the variance standards submitted by the petitioner do not appear to be met. The petitioner appears to have created the problem by pre-selling a lot that does not exist yet. There do not appear to be unique circumstances that warrant a variance or that makes it impossible to comply with the detention pond code requirements.

The Plan Commission moved, by a vote of 7-0 to recommend to the Village Board of Trustees denial of the Variances, Rezoning, Preliminary Site Plan, Preliminary Landscape Plan, and Plat of Subdivision for Megan Nicole Ridge.

#### PLAN COMMISSION MOTION - APRIL 7, 2020

On November 5, 2019, the Plan Commission moved, by a vote of 7-0, to recommend to the Village Board of Trustees denial of the following Variances:

1. Reduce the required detention pond setback and landscape area from twenty-five (25) feet to as little as fifteen (15) feet (Section 6-409.E.18; Section 6-412.D.1; Section 6-305.D.8.b)
2. To allow for an increase to the side slope of the pond from a 4:1 slope to 3:1 slope (Section 6-409.E.18)

And moved, by a vote of 7-0, to recommend to the Village Board denial of the rezoning of the subject property located at 13201 88th Avenue from E-1 Estate Residential District to R-3 Residential District.

And moved, by a vote of 7-0, to recommend to the Village Board denial of the

Preliminary Site Plan titled "Preliminary Site Plan for Megan Nicole Ridge Subdivision", prepared by Landmark Engineering, LLC, Sheet PSP1, dated July 8, 2019, and last revised January 15, 2020.

And moved, by a vote of 7-0, to recommend to the Village Board denial of the Plat of Subdivision titled "Megan Nicole Ridge", prepared by Landmark Engineering, LLC.

And moved, by a vote of 7-0, to recommend to the Village Board denial of the Preliminary Landscape Plan, titled "Megan Nicole Ridge Subdivision, Landscape Plan", prepared by Clarence Davids & Company, PC, Sheet 1-5, dated April 11, 2019, and last revised January 15, 2020.

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

Director of Development Services Ed Lelo had comments regarding this matter. (refer to audio file)

Petitioner Dwayne Starostka had comments. (refer to audio file)

Trustees Calandriello, Katsenes, Healy, Dodge and President Pekau had comments & questions. (refer to audio file)

Director of Development Services Lelo responded to their comments and questions. (refer to audio file)

I move to recommend to the Village Board denial of the following Variances:

1. Reduce the required detention pond setback and landscape area from twenty-five (25) feet to as little as fifteen (15) feet (Section 6-409.E.18; Section 6-412.D.1; Section 6-305.D.8.b)
2. To allow for an increase to the side slope of the pond from a 4:1 slope to 3:1 slope (Section 6-409.E.18);

And,

I move to recommend to the Village Board denial of the rezoning of the subject property located at 13201 88th Avenue from E-1 Estate Residential District to R-3 Residential District;

And,

I move to recommend to the Village Board denial of the Preliminary Site Plan titled "Preliminary Site Plan for Megan Nicole Ridge Subdivision", prepared by Landmark Engineering, LLC, Sheet PSP1, dated July 8, 2019, and last revised



January 15, 2020;

And,

I move to recommend to the Village Board denial of the Plat of Subdivision titled "Megan Nicole Ridge", prepared by Landmark Engineering, LLC;

And,

I move to recommend to the Village Board denial of the Preliminary Landscape Plan, titled "Megan Nicole Ridge Subdivision, Landscape Plan", prepared by Clarence Davids & Company, PC, Sheet 1-5, dated April 11, 2019, and last revised January 15, 2020.

**A motion was made by Trustee Healy, seconded by Trustee Milani, that this matter be APPROVED. The motion carried by the following vote:**

**Aye:** 5 - President Pekau, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, and Trustee Milani

**Nay:** 1 - Trustee Dodge

**Absent:** 1 - Trustee Fenton

**ADJOURNMENT: 6:57 P.M.**

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

**Aye:** 6 - President Pekau, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, and Trustee Milani

**Nay:** 0

**Absent:** 1 - Trustee Fenton

**2020-0295 Audio Recording for the April 20, 2020 Committee of the Whole Meeting**

**NO ACTION**

**/AS**

APPROVED: May 4, 2020

Respectfully Submitted,

/s/ John C. Mehalek

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**John C. Mehalek, Village Clerk**

## **REQUEST FOR ACTION REPORT**

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File Number:	<b>2020-0385</b>
Orig. Department:	<b>Programs &amp; Engineering Department</b>
File Name:	<b>Tinley Creek Stabilization</b>

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### **BACKGROUND:**

In November of 2004, the Illinois State Legislature granted the Metropolitan Water Reclamation District (MWRD) of Greater Chicago the authority for general supervision of stormwater management in Cook County. The legislative act granting the authority required the preparation and adoption of a countywide stormwater management plan. In February of 2007, the MWRD's Board of Commissioners adopted the Cook County Stormwater Management Plan (CCSMP) by ordinance. The CCSMP was a high level organizational plan and the first step in the development of the MWRD's countywide stormwater management program. Based on the CCSMP, the MWRD then studied each of the six watersheds in Cook County and developed Detailed Watershed Plans (DWP), which address regional stormwater problems in Cook County. The primary objectives of the DWPs were to document stormwater problem areas, evaluate existing watershed conditions using industry accepted hydrologic and hydraulic models, produce flow, stage, frequency, and duration information about flood events along regional waterways, and estimate damages associated with regional stormwater problems. The Cal-Sag DWP identified four potential projects within the Tinley Creek portion of the watershed. In 2010, feasibility/preliminary studies were prepared for each of the projects to determine the impact and benefits of the projects. Two of those projects are located in Orland Park and were selected for implementation based on the results of the preliminary analysis. Details for each project are provided below:

#### **Project TICR-7 (Tinley Creek)**

Description: Stabilize approximately 2,200 liner feet (LF) of Tinley Creek using a combination of retaining walls and bioengineering techniques. Estimated Construction Cost (2014 Dollars): \$1,437,510

#### **Project TICR-8 (Tinley Creek)**

Description: Stabilize approximately 1,803 LF of Tinley Creek using a combination of retaining walls and bioengineering techniques. Estimated Construction Cost (2014): \$2,303,411

In 2012, the Village met with the MWRD and their consultants to discuss the project scope including easements, utilities, timeframe, etc. At that time, construction was expected to take place in 2014 depending on the US Army Corps of Engineers permits and easement acquisition. The MWRD's position regarding easement acquisition is that they will not purchase the easements or compensate the property owners with any additional benefit other than those provided by the project itself. The Village offered assistance related to obtaining the easements

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from property owners, addressing any easement infringement issues, and any other outstanding items related to easements. As of 2013, the design of the proposed improvements was virtually complete (approximately 98%), but the project has not moved forward due to a lack of cooperation from property owners in obtaining easements.

The Village met with MWRD on multiple occasions over the last several years to discuss the possibility of the Village taking over the project. The Village has expressed an interest in doing so; however, several concerns have been identified by the Village and are summarized below:

1. After the Village takes over the project, the maintenance costs of this project will be Village's responsibility. How and who will pay for the maintenance costs?
2. The design was prepared in 2014 based on topographical information collected much earlier. Substantial changes in the existing conditions of Tinley Creek have occurred since then. Additionally, several areas that were not included in the original design limits have deteriorated and should be included in the project. Many of the previously designed areas will require redesign and substantially more improvement than anticipated in 2014.
3. The funding allocation prepared by MWRD in 2014 to construct the project would be substantially less than that required in 2020, or future years, and additional funds would be needed for areas that were not originally included or those that have deteriorated since the original design.
4. There were 31 easements initially identified for the project by MWRD and to date, only 9 property owners have agreed and signed the documents. Based on the current design, the outstanding 22 easements would need to be secured, as well as any new easements identified through the addition of other portions of the creek. Additional easements and/or agreements may need to be secured for utilities.
5. The United States Army Corps of Engineers permits previously issued for the projects that will need to be re-established, re-issued, or re-applied for.

Update from May 28, 2020 Meeting with MWRD

The Village's engineering team and its consultant participated in a call with MWRD team on May 28, 2020. The following is a summary of this call:

- MWRD is willing to let the Village takeover the project and reimburse us for the design and construction costs.
  - MWRD agreed that the Village's consultant should re-evaluate the project and update the previous technical memorandum and cost estimates.
  - MWRD is willing to expand the project limits and pay for it if the expansion meets their
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design criteria.

- It is possible there may be a need to expand the project limits but the expansion may not meet MWRD's design criteria. In that case, the Village will make a decision if we pay for the expanded project limits. The intended advantage of this expansion would be to reduce future maintenance costs that would be Village's responsibility.

The staff is recommending that the Committee authorize the staff to negotiate with MWRD the details and costs of this creek stabilization project.

## **BUDGET IMPACT:**

There are no immediate financial impacts related to this request.

## **REQUESTED ACTION:**

I move to authorize staff to enter into negotiations with MWRD and finalize the details and costs of this project and present the details to the Board of Trustees for consideration;

and,

I move to authorize staff to work with the property owners to finalize the temporary and/or permanent easements without any financial compensation to the property owners and present the details to the Board of Trustees for consideration;

and,

I move to authorize the staff to evaluate a Special Services Agreement (SSA) to cover the maintenance costs of the creek stabilization and present the findings to the Board of Trustees for consideration.

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DATE: June 1, 2020

## **REQUEST FOR ACTION REPORT**

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File Number:	<b>2020-0389</b>
Orig. Department:	<b>Village Manager</b>
File Name:	<b>Long-term Care Facility Oversight (Discussion Only)</b>

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### **BACKGROUND:**

At the previous Board of Trustees meeting, the Board directed staff to research the Village's oversight options, if any, for long term care facilities within village boundaries. Please find attached staff memorandum regarding the research and options available to be presented and discussed at the first Village of Orland Park board meeting in June, 2020.

Attached please find a staff report with the findings of staff's research.

### **BUDGET IMPACT:**

### **REQUESTED ACTION:**

Discussion Only

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## INTEROFFICE MEMORANDUM

**Date:** May 27, 2020  
**To:** George Koczwara, Village Manager  
Greg Summers, Assistant Village Manager  
**From:** Ahmad M. Zayyad, Assistant to the Village Manager  
**Subject:** Local Health Department – Feasibility Study

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A certified Local Health Department is a local agency that carries out the core functions of public health, assessment, policy development, and oversight, within its jurisdiction. Any Local Health Department currently recognized by the Illinois Department of Public Health (IDPH) will be eligible to seek recertification.

Certified Local Health Departments are funded from a combination of sources. In general, Local Health Departments receive monies from local fee-for-services, local tax support (levy), state funding from IDPH, other state agencies, federal sources, and non-governmental grant sources.

The advantage of 'certification' would be the eligibility for Local Health Protection Grants, awarded by IDPH. IDPH will regularly make other grants available to certified local health departments and will give preference to certified local health departments, for other certain grants.

It is the current policy of the IDPH to only recognize and certify new health departments that serve no less than a county. Therefore the Village of Orland Park cannot establish its own 'certified' Local Health Department, at this time.

With that said, the Village does have the alternative option under the 'Nursing Home Care Act' which explicitly grants municipalities (whether home-rule or not) the ability to pass ordinances that regulate nursing homes, and, under such an ordinance, the Village may charge for licensing and renewal fees. 210 ILCS 45/3-104; 210 ILCS 45/3-107. However, case law suggests that, in passing those ordinances, even home-rule municipalities must follow the licensing and enforcement provisions of the Act "to the greatest degree." Cong. Care Ctr. Assocs. v. Chicago Dep't of Health, 260 Ill.App.3d 586, 590 (1st Dist. 1994). This is so even though the Act itself does not explicitly limit home rule power. Id. at 588. The Act says that a municipality's ordinance must comply "with at least the minimum requirements established by the Department [of Public Health] under this Act" and that the "licensing and enforcement provisions of the municipality shall fully comply with this Act." 210 ILCS 45/3-104. In Congress Care Center Associates, a case against the home-rule municipality of Chicago, the court held that Chicago's ordinance was not an abuse of its home rule powers

because its ordinance did not “do offense to the requirements that local ordinances ‘fully comply’ with the State’s Nursing Home Care Act.” Cong. Care Ctr. Assocs., 260 Ill.App.3d at 591. Any ordinance adopted by the Village Board would rely on the Village’s home-rule authority as well as the above statutory authority.

#### Additional Supplemental Information

#### **Cook County Department of Public Health**

*Under the Count code (Sec. 38-29 – Jurisdiction)*

The County Board and the Department shall have jurisdiction throughout the County of Cook except within any city, village, or incorporated town, or a combination thereof, which is maintaining a health department certified by the Illinois Department of Public Health. The Board and Department may have additional jurisdiction when acting pursuant to a specific delegation of responsibilities by the Illinois Department of Public Health. (Ord. No. 04-O-13, § 1(5-203), 3-9-2004.)

*Under the Count Code (Sec. 38-33. – Measures ordered by department Issuance of orders; court petitions)*

The Department may order measures it deems necessary to protect the public's health including, but not limited to, an order requiring that a person or a group of persons be quarantined or isolated or that a place be closed and made off-limits to the public. As well as, the Department may order that an individual be quarantined or isolated to prevent the spread of dangerously communicable disease when an individual refuses or fails to submit to measures required by the Department to investigate whether a person is or may be infected with or capable of communicating a dangerously communicable disease. Moreover, a health care provider licensed in Illinois and a law enforcement officer with proper jurisdiction shall be authorized to enforce orders issued by the Department and orders of the Court concerning public health measures and shall assist the Department in enforcing such orders.

#### Existing Certified Local Health Departments (Non-County)

#### **Skokie Department of Health**

Skokie has had a Health Department since 1907 when it was established by the Village Board. There is a separate 20-member Board of Health, appointed the by Mayor, that is advisory. Also in 1968, the Health Department became "State-certified" which means that they meet criteria set forth by the Illinois Department of Public Health. Again, IDPH no longer certifies at the city level, therefore, Skokie, Evanston, Oak Park, and the City of Chicago are unique in terms of the Public Health System in the State of Illinois.

Skokie’s local funds cover about 60% of the Health Department's expenses, with 20% coming from fees, and 20% from grants of various sorts during a typical year. Skokie does not have a separate tax levy.

As of May 1<sup>st</sup>, 2020, the Health Department has merged with the Village Human Services Division, and there are 20 staff members including administration, clerical, social workers, nurses, and environmental health inspectors.



### **Evanston Department of Health and Human Services**

Evanston's Department of Health was created by resolution and interestingly predates the state department of public health. Recently, Evanston created a separate taxing levy last year due to reorganization. Evanston qualifies for and receives some funding from the county but the majority directly from IDPH (approximately 13 grants), and receives additional funding from fees for licensing.

All Social Services are being moved out of the 'General Fund' to the 'Human Services Fund'. A new property tax levy has been created to specifically support these services, in the amount of \$3,110,110. Organizing the fund in this manner is anticipated to create a dedicated revenue source for Social Services provided by the City and separate these services from general operations. The revenue and expenses for the reorganized fund are shown in the table below.

<b>2020 Adopted Budget - Human Services Fund</b>	<b>Revenues</b>	<b>Expenses</b>
Human Services Grant Revenue	\$93,000	
Transfer from Library Fund	\$70,000	
Transfer from Good Neighbor Fund (supporting Youth Services)	\$100,000	
New Human Services Tax Levy	\$3,110,000	
Mental Health Board Distribution		\$736,373
Human Services Division		\$1,150,052
Youth and Young Adult Division		\$1,481,324
<b>Total Human Services Fund</b>	<b>\$3,373,000</b>	<b>\$3,367,749</b>

Evanston's current staffing level for the health department equates to 28 FTE, which includes a public health division, human services division, youth and young adult division, and senior services division.

### **Oak Park Department of Health**

The Oak Park Health Department has been an Illinois' certified local health department since 1948. The Department is required to deliver the ten essential public health services of a local health department:

1. Monitor health status to identify and solve community health problems.
2. Diagnose and investigate health problems and health hazards in the community.
3. Inform, educate, and empower people about health issues.
4. Mobilize community partnerships and action to identify and solve health problems.
5. Develop policies and plans that support individual and community health efforts.
6. Enforce laws and regulations that protect health and ensure safety.
7. Link people to needed personal health services and assure the provision of health care when otherwise unavailable.
8. Assure competent public and personal health care workforce.
9. Evaluate effectiveness, accessibility, and quality of personal and population-based health services.
10. Research for new insights and innovative solutions to health problems.

As a delegate agency for the State of Illinois, a certified health department must maintain qualified staff to carry out public health programming and must complete a community health



needs assessment and strategic plan (IPLAN) every five years. The IPLAN for 2016- 2021 was completed in 2017 and submitted as part of the State's recertification requirement.

A certified local health department is uniquely qualified to deliver Local Health Protection programs which are core public health programs and include communicable disease control. The Local Health Protection Grant is awarded to every certified health department, annually, to help defray a portion of the costs of carrying out these programs. Every year, the Health Department receives grants from local and state agencies including Cook County, the Illinois Department of Human Services, and the Illinois Department of Public Health (IDPH) to carry out a variety of public health programs.

The Health Department staff consists of the Public Health Director, two (2) Environmental Health Practitioners ('Sanitarians'), one (1) full-time Public Health Nurse, one (1) Administrative Assistant, one (1) full-time Grants Coordinator, one (1) full-time Emergency Preparedness and Response Coordinator and one (1) Animal Control Officer.

Recently, the Oak Park Department of Public Health is regularly notified of positive tests as established by state and local public health protocols. Because of privacy laws, no additional information can be released about individuals. It is noted, that privacy precludes location information regarding individuals tested to anyone other than Public Health Officials and First Responders.

Communicable Disease staff managed several communicable disease outbreaks that affected Oak Park institutional facilities including at Oak Park schools, assisted living facilities, long-term care facilities.

The department uses its home rule authority to pass ordinances to regulating long-term care facilities when the department is notified of a positive case.

### **Park Forest Department of Health**

The organization sunset their Department of Health back in 2018 since the cost to provide services was cost prohibitive and draining the general operating fund. With that said, there was no desire by the Park Forest Board to levy an additional tax on the community to continue to provide these types of services.

### **Local Health Departments (Non-certified)**

#### **Arlington Heights Health Department**

The Health Department was established by the Village Board in 1969. The department is not certified due to state statute limitations and requirements to have to meet specific criteria including a full-time medical physician. Currently, the department has 13 FTE including a full-time Director, 3 staff to assist in complaints, 2 nurses for home visits, and staff a wellness clinic. Additionally, the department has a licensed clinical social service worker and a full-time manager and full-time assistant at their Senior Center.

Funding is part of the general fund and not a separate tax levy, with a budget at approximately 1.7 million for Health Service and an additional 614 thousand for their Senior Center. The community does not receive IDPH funding since their department is not certified by the state. With that said, they have two non-for-profits, 'Arlington Cares' who regularly assist in raising funds (approximately 20k a year) for subsidized services. Additionally, 'Senior Inc.' also a non-for-profit raises funds for the Village Senior Center. Moreover, the Village received CDBG funding that came through their planning department to provide rent assistance; the funds are over 100 thousand dollars.

According to Arlington Heights Director, IDPH is not responsible for inspections of long-term facilities and further articulated they have a continued great relationship with the Cook County Health Department who performs that function.

### **Village of Hoffman Estates Health and Human Service Department**

The Village of Hoffman Estates has a Sanitarian on staff that is a health inspector in their Development Services Department, part of our Code Division. Hoffman Estates has a Health and Human Services Department that provides general mental health services and also does vaccination clinics.

Staff for Hoffman Estates Health and Human Service Department includes two full-time Clinical Psychologists, two part-time Registered Nurses, two full-time paid doctoral interns, three part-time clinical supervisors, and five part-time unpaid externs. Administrative support is provided by one full-time Administrative Assistant and one part-time Medical Records Clerk. The department's program and services include infant and child immunizations, adult and senior health clinics and immunizations, individual counseling, family counseling, couples counseling, and psychological assessments. Community-based services include prevention and educational programming for youth, as well as community outreach programs. Additional activities include providing supervision and training for graduate-level Clinical Psychology students and advance degree nursing students.

## **REQUEST FOR ACTION REPORT**

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File Number:	<b>2020-0394</b>
Orig. Department:	<b>Programs &amp; Engineering Department</b>
File Name:	<b>143rd Street - Noise Wall</b>

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### **BACKGROUND:**

The Village's engineering team and its consultant are currently working on Phase 1 Engineering Studies for the eastern section of 143rd Street widening project. The eastern section is located between Wolf Road and Southwest Highway whereas the western section is located from Wolf Road to Will-Cook Road. As part of the environmental studies for this project, traffic noise was evaluated following federal and State project development procedures for the proposed improvements, as well as, the No-Build, or "do-nothing" option. That analysis found that, due to the proposed roadway improvements and predicted future noise levels for the homes within the Courtyard subdivision, directly adjacent to 143rd Street (Compton Court intersection to First Midwest Bank driveway), justify the installation of a noise wall. The noise wall will mitigate noise impacts to nine residential homes. The proposed wall will be approximately 400 feet in length and 10 feet high. The actual style of the noise wall would be determined during the next phase of engineering.

Per State and federal noise analysis policy, the opinion of the affected resident's regarding the desirability of such a wall is taken into account before a final decision is made on the inclusion of the potential noise wall in the proposed improvement. The nine property owners benefited by the wall will each receive one vote regarding whether they want such a wall or not. A Noise Forum is being held for benefitted properties on June 9th (via a zoom audio and video meeting) to explain the federal noise analysis process, the proposed improvement and potential noise wall. A property is considered benefitted when the noise wall results in a noticeable reduction in noise level, which is defined as five decibels or more. Only properties "benefitted" by a noise wall may vote in favor of or against the wall. Village ordinances or homeowner association (HOA) rules have no effect on whether or not the noise wall will be installed. If more than half of the votes received are in favor of the noise wall, the wall will likely be included by the Illinois Department of Transportation (IDOT) in the project. A final decision on the installation of the potential noise wall will be made upon completion of the project's final design and the public involvement process.

More information can be found about the traffic noise analysis process and guidelines on the IDOT website: <http://idot.illinois.gov/transportation-system/environment/index> (Community Tab\Traffic Noise).

An exhibit is attached that shows the location and a planning level rendering of the wall.

Viewpoint Solicitation Forms - A "Viewpoint Solicitation Form" (attached) was mailed by the Village to each benefitted property owner during the week of May 25, 2020. The form offers opportunity to each property owners to vote for or against the recommended noise wall in their area. For their vote to count, the following options were offered:

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- Return the form via mail;
  - Fax to (847) 823-0520 or
  - E-mail the responses to Matt Huffman at mhuffman@cbbel.com  
<mailto:mhuffman@cbbel.com>.

The residents must include their full name and address in all correspondences. Both owners and tenants are allowed to submit their viewpoints. However, each owner or tenant is only allowed to vote once. All responses must be received by the Village or postmarked by June 23, 2020.

The list of benefited property owners is attached with the staff report.

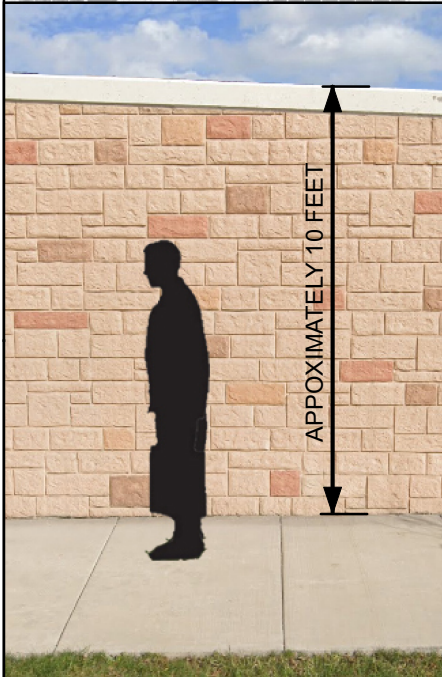
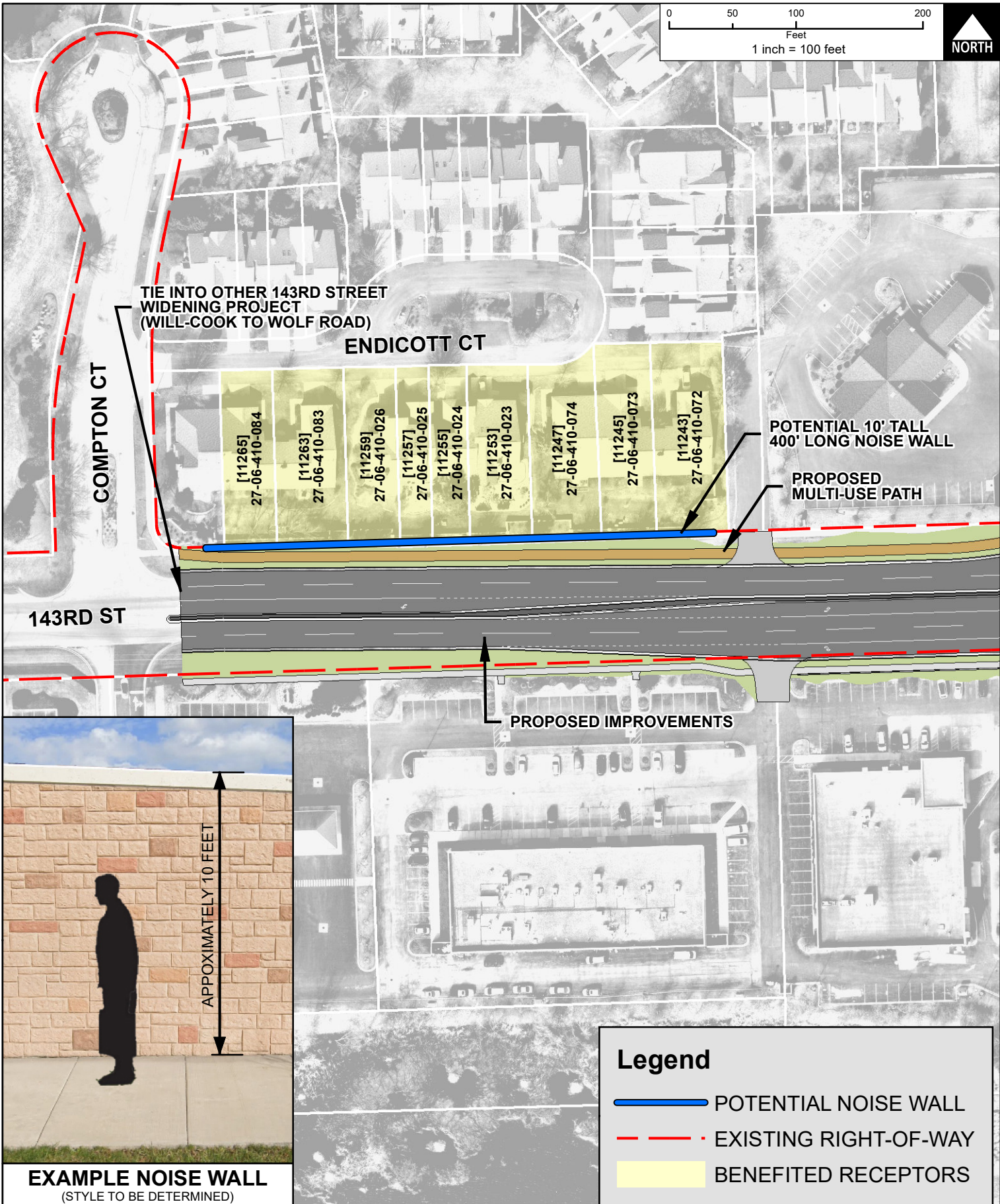
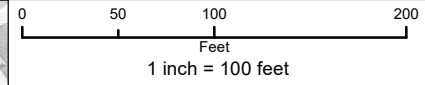
## **BUDGET IMPACT:**

There are no immediate financial impacts related to this request.

## **REQUESTED ACTION:**

This report is for information and discussion purposes only. A motion is not needed for this request. Staff will come back to the Committee of the Whole and to the Board of Trustees with updated information when available.





**EXAMPLE NOISE WALL**  
(STYLE TO BE DETERMINED)

**Legend**

- POTENTIAL NOISE WALL
- EXISTING RIGHT-OF-WAY
- BENEFITED RECEPTORS

CLIENT:



**VILLAGE OF  
ORLAND PARK**

TITLE:

**POTENTIAL NOISE WALL  
LOCATION**

PROJ. NO. 140381

DATE: 05/14/2020

SHEET 1 OF 1

DRAWING NO.

**EXH**



**CHRISTOPHER B. BURKE ENGINEERING, LTD.**  
9575 W. Higgins Road, Suite 600 · Rosemont, Illinois 60018 · (847) 823-0500

DSGN.		SCALE:	1:1,200
DWN.	DRW	AUTHOR:	
CHKD.		PLOT DATE:	5/26/2020
FILE:	Noise Wall Exhibit		



## Potential Noise Wall Viewpoint Solicitation Form

The Village of Orland Park requests a viewpoint (i.e., vote) regarding your desire for a potential noise wall near your property along 143<sup>rd</sup> Street (east of Compton Court). Per State and Federal noise analysis policy, public opinion is taken into account before a final decision is made on the inclusion of a noise wall in the proposed improvement. Only each property "benefited" by a noise wall may vote in favor or against the inclusion of a noise wall in the proposed improvement.

You may submit your Viewpoint Solicitation Form using one of the following methods:

- a) Fold in thirds, tape shut, and submit via mail;
- b) Fax to (847) 823-0520; or
- c) Scan and e-mail to [mhuffman@cbbel.com](mailto:mhuffman@cbbel.com).

Your viewpoint must be received by June 23, 2020, to count towards the official tally. Be sure to include your full name and property address in the space below.

*I desire the noise wall:*

☐ **Yes**

☐ **No**

*Please check one:*

☐ **Owner**

☐ **Resident (Tenant)**

*Name, Email & Property Address:*

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*Signature & Date:*

\_\_\_\_\_/\_\_\_\_\_/2020

*Comments:*

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# *Potential Noise Wall Viewpoint Solicitation Form*

place  
stamp  
here

**Christopher B. Burke Engineering, Ltd.  
Attn: Mr. Matt Huffman  
9575 W. Higgins Road  
Suite 600  
Rosemont, IL 60018**

Affix tape here