

# 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. Szkirpen 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**