

VILLAGE OF ORLAND PARK

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



Meeting Minutes

Monday, October 5, 2020

6:00 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 at 6:00 P.M.

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

Absent: 1 - Trustee Dodge

APPROVAL OF MINUTES**2020-0659 Approval of the September 21, 2020, Committee of the Whole Minutes**

I move to approve the Minutes of the Regular Meeting of the Committee of the Whole of September 21, 2020.

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

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

Nay: 0

Absent: 1 - Trustee Dodge

ROLL CALL

Trustee Dodge arrived at 6:03 P.M.

Present: 7 - President Pekau; Trustee Fenton; Trustee Dodge; Trustee Calandriello; Trustee Healy; Trustee Nelson Katsenes and Trustee Milani

ITEMS FOR SEPARATE ACTION**2020-0656 2020 Land Development Code Amendments II**

Project

2020 Land Development Code Amendments II - 2020-0656

Petitioner

Development Services Department

Purpose

The purpose of the proposed amendments is to update and clarify the Land Development Code.

Requested Actions: Land Development Code Amendments

Topics

Update to the Sign Code

Update to Outdoor Seating Area Requirements

Update to Sanitary Manhole Installation Requirements

Update to As-Built Electronic Data Requirements
Update to Storm Sewer and Storm Water Detention Design Standards for Rainfall Intensity
Update to Allow Unshielded Accent Lighting on Non-Residential Properties Facing Interstate 80
Update to Fence Requirements
Update to Establish Requirements for Privately-Owned Detention Ponds for New Developments

Project Attributes (Sections to be Amended)
Section 2-102 Definitions
Section 5-112 Development and Subdivision Requirements
Section 6-207 BIZ General Business District,
Section 6-210 COR Mixed Use District
Section 6-211 ORI Mixed Use District
Section 6-212 Village Center District
Section 6-302 Accessory Structures and Uses
Section 6-307 Signs
Section 6-308 Design Standards
Section 6-310 Fences
Section 6-315 Exterior Lighting
Section 6-408 Sanitary Sewer System
Section 6-409 Storm Sewers and Storm Water Detention

Exhibits

Exhibit A - Section 6-307 Signs - Proposed Amendments
Exhibit B - Table 6-302.C.1 (A) – Attached to the Committee Packet Accessory Structures and Table 6-302.C.1(B) - Detached Accessory Structures

OVERVIEW AND BACKGROUND

The second round of Land Development Code Amendments for 2020 is presented in the attached to the Committee Packet Amendment Report to the Plan Commission. The Amendment Report, titled “2020 Land Development Code Amendments II - Amendment Report to the Plan Commission”, contains various amendments to the sections identified above.

The Amendment Report contains the full narrative explanation for each amendment followed by the respective Code changes. Language with a strike-out indicates elimination from the Code. In all cases, language that is bolded and in red (red) indicates proposed addition to the Code.

PLAN COMMISSION DISCUSSION

A public hearing was held before the Plan Commission on September 29, 2020. There were no members of the public present. A summary of the items discussed at the public hearing is included below:

Flagpoles and Flags

Staff presented the proposed amendments to flagpole regulations. Commissioner Zomparelli asked if there were any regulations for lighting flags and flag poles. Staff commented that the Land Development Code currently includes general lighting standards, such as prohibiting flashing lights or strobe lights. Commissioner Zaatar asked what the formal process is for staff to review proposed flag poles on properties to ensure the Village's code requirements are met. Staff has revised the proposed regulations to include a reference that requires flags and flag poles to meet the existing lighting standards listed in Section 6-315 (Exterior Lighting) and Section 6-307 (Signs). Lighting must be shielded and directed away from the public right-of-ways and adjacent properties. The proposed amendments have also been updated to state that all new freestanding, ground-based flagpoles shall be reviewed and approved administratively via an Appearance Review by the Development Services Department in accordance with Section 5-106 (Appearance Review) or approval of Elevations in accordance with Section 5-101 (Development Review Procedures). A building permit shall be obtained through the Development Services Department prior to the installation or construction of any freestanding, ground-based flagpole.

Sign Code

Staff provided an overview of the amendments to the Sign Code and clarified questions from the Commission. There was a discussion if the proposed changes to temporary signs included real estate signs and political signs. Staff commented that those types of signs are currently included in signs exempt from obtaining a permit subject to meeting the regulations listed in the Sign Code. The proposed changes are for temporary signs requiring a permit from the Development Services Department. The proposed changes are intended to provide stronger content-neutral regulations that do not violate the Supreme Court Decision in *Reed v. Town of Gilbert*.

The Commission also asked for clarification on the proposed changes to prohibited signage on commercial vehicles. The proposed amendment is intended to assist with code enforcement and clarify regulations for signage on commercial vehicles used for daily operations or during the regular course of business versus vehicles not used for daily operations and are just parked or stored on-site as a means to display a sign or advertise for a business. The proposed changes will allow for commercial signs displayed on vehicles used for the daily operations of a business provided that the vehicles are parked or stored on private property in a location farthest away from the public right-of-way or in the least visible location from the public right-of-way, as determined by the Development Services Department.

Unshielded Accent Lighting (LED Rope and Band Lighting) for Non-Residential Properties Abutting Interstate 80

Commissioner Zomparelli asked for clarification on the type of unshielded lighting

proposed. Staff presented sample photos showing the proposed LED rope lighting provided by the commercial developer of a building currently under construction that abuts I-80 and who has requested an amendment to allow for unshielded LED rope lighting. Commissioner Paul asked for clarification on the proposed regulations to allow LED rope or banding lighting to only be installed horizontally on a building façade and that all unshielded accent lighting shall not be allowed to outline building elements, such as doors and windows. The intent of the proposed regulations is to ensure that the unshielded rope lights are utilized only as an accent and will not outline every single portion of a building's architectural features or elements. The proposed language also intends to ensure that only continuous, non-blinking light sources that highlight a building facade or other architectural features are allowed.

There was a discussion on if the proposed changes should only be limited to the I-80 area or should be allowed in other areas of the Village. The proposed changes are being presented by staff for discussion as a result of a request from a commercial developer of a building currently under construction that abuts I-80. Staff stated that the intent of the code amendment is to allow for a pilot program for unshielded rope lights in a specific area of town to evaluate the impacts of the proposed amendment. The code change would also help to draw more attention specifically to the I-80 corridor.

Several Commissioners suggested that allowing unshielded LED rope lighting in other commercial areas of the Village should be considered. There was a discussion that LED rope lighting was previously installed at Palos Hospital, which was included on their plan set, but was missed during the review. One of the Commissioners noted that this lighting was attractive and done nicely.

Commissioner Murphy noted that LED rope lighting can be done tastefully, however, there may be issues with tenants using different colors or designs of lights in the same multi-tenant shopping center. The proposed language has been revised to include an additional requirement that a unified, consistent, and harmonious light design and color shall be applied to all eligible facades on a building. Individual tenants within a multi-tenant building shall not install different types, designs, or colors of unshielded LED ropes or bands.

Commissioner Zaatar also commented that the proposed code language could also be revised to require a review on a case by case basis to ensure all code requirements are met. The proposed language has been revised to state that all unshielded LED rope lighting shall be reviewed and approved administratively via an Appearance Review by the Development Services Department in accordance with Section 5-106 (Appearance Review) or approval of Elevations in accordance with Section 5-101 (Development Review Procedures).

Establish Requirements for Privately-Owned Detention Ponds for New Developments in the Village

Staff provided an overview of the proposed amendments to require new detention ponds to be privately-owned and maintained for all new developments and clarified questions from the Commission.

The Village's standard practice has been to accept ownership and long-term maintenance of detention ponds for residential subdivisions after final acceptance of the pond by the Village. After the construction of a detention pond, it is inspected for compliance and must adhere to the 3-year maintenance and monitoring plan. If the inspections are passed in each of the first 3 years, the Village will accept ownership and long-term maintenance of the pond for a residential project.

The proposed code changes state that the Village will no longer take ownership of detention ponds for new developments. Detention ponds will be approved based on the same process and criteria currently held by the Village, however, they will not be accepted by the Village for long-term maintenance. The maintenance will be the responsibility of the property owner. A home owner's association (HOA) and a special service area (SSA) must be established for new subdivisions for the maintenance of stormwater drainage facilities. In the event that the HOA, for any reason, not be able to fulfill the maintenance responsibilities, the required work will be completed by the Village and the costs will be recouped when the SSA is activated. Staff will evaluate how to ensure privately-owned ponds are continually maintained over time, potentially through regular inspections or documentation provided by an HOA.

The intent of the code is to reduce the long-term maintenance costs accepted by the Village for future developments. The Village is one of the only communities that continues to accept ownership and maintenance of new ponds. The proposed changes would not apply to existing developments.

Commission Zaatar commented that many of the new developments have not been able to meet the Village's code requirements for pond slopes or setbacks. Developers have consistently asked for variances to the code to accommodate the proposed plans. These variances have been evaluated on a case by case. There was a discussion if the code requirements should be re-evaluated if most developments cannot or do not meet the code requirements.

PLAN COMMISSION MOTION

On September 29, 2020, the Plan Commission moved, by a vote of 6-0, to recommend to the Village Board of Trustees to accept as findings of fact of the Plan Commission the findings of fact set forth in the staff report, dated September 29, 2020, and recommended to approve the Land Development Code amendments for Section 2-102, Section 5-112, Section 6-207, Section 6-210, Section 6-211, Section 6-212, Section 6-302, Section 6-307, Section 6-308, Section 6-310, Section 6-315, Section 6-408, and Section 6-409, as presented in the attached to the Committee Packet Amendment Report titled "2020 Land

Development Code Amendments II - Amendment Report to the Plan Commission” and associated exhibits, prepared by the Development Services Department and dated September 29, 2020.

This case is now before the Committee of the Whole for recommendation prior to final consideration by the Board of Trustees.

Director of Development Services Ed Lelo presented the item. (refer to audio)

Trustee Katsenes asked questions. (refer to audio)

Director Lelo responded to Trustee Katsenes questions. (refer to audio)

Trustee Dodge asked questions. (refer to audio)

Director Lelo responded to Trustee Dodge's questions. (refer to audio)

Trustee Dodge made a comment. (refer to audio)

Trustee Calandriello asked questions. (refer to audio)

Director Lelo responded to Trustee Calandriello's questions. (refer to audio)

Mayor Pekau made a comment. (refer to audio)

Trustee Calandriello asked questions. (refer to audio)

Director Lelo responded to Trustee Calandriello's questions. (refer to audio)

Mayor Pekau asked a question. (refer to audio)

Trustee Calandriello responded to Mayor Pekau's question. (refer to audio)

Director Lelo, Trustee Calandriello and Mayor Pekau made comments. (refer to audio)

Mayor Pekau entertained an amendment to allow fences that are not solid to go all the way to the ground. It was moved by Trustee Dodge, and seconded by Trustee Katsenes, All were in favor. (refer to audio)

A consensus was taken for staff to bring back information to discuss equity issues, All were in favor. (refer to audio)

I move to recommend to the Village Board of Trustees approval of the 2020 Land Development Code Amendments II, as recommended at the September 29,

2020, Plan Commission meeting, and as fully referenced below.

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

I move to recommend to the Village Board of Trustees to approve the Land Development Code amendments for Section 2-102, Section 5-112, Section 6-207, Section 6-210, Section 6-211, Section 6-212, Section 6-302, Section 6-307, Section 6-308, Section 6-310, Section 6-315, Section 6-408, and Section 6-409, as presented in the attached Amendment Report titled "2020 Land Development Code Amendments II - Amendment Report to the Committee of the Whole" and associated exhibits, prepared by the Development Services Department and dated October 5, 2020.

A motion was made by Trustee Nelson Katsenes, seconded by Trustee Dodge, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees due back on 10/19/2020. The motion carried by the following vote:

Aye: 7 - President Pekau, Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, and Trustee Milani

Nay: 0

2020-0682 Ordinance Amending Title 7 Chapter 16 (Raffles) of Orland Park Village Code

Per a Village Board member inquiry, staff reviewed the Village's existing Raffle Code. The existing Raffle Code mirrors State law except for political committees. In State law, the Raffles Act allows for political committees to receive a raffle license. The Village ordinance doesn't prohibit it; however, it is silent on the issue. After thorough review and advisement from legal counsel, staff is making several recommendations addressing this language in the Village Code, as well as addressing operational efficiencies.

State law authorizes local governments to issue licenses for raffles and to establish its own ordinances controlling how they operate. On July 19, 2019, the Governor signed P.A. 101-109 enacting significant amendments to the State Raffles and Poker Runs Act that modify, and in some cases relax, requirements for local raffle regulations. As a result, staff and legal counsel have undertaken a review of the Village's current raffle regulations and is asking the Board to consider amendments to the Village Code to be consistent with the amended Raffles Act and to set forth the requirements for the application process and the qualifications of those applicants applying for a license to conduct and operate a raffle within the Village of Orland Park.

The proposed amendments include:

- As part of the Act, raffle chances can now be sold statewide, which is a change from the previous language that restricted the sale to the locality where licensed. The raffle drawing winning ticket must still be within the corporate boundaries of the Village.

- The proposed Village Code amendment will now authorize raffle license applications to be approved administratively as long as they meet the requirements of the Village Code.
- The list of eligible organizations to conduct raffles is expanded to include: law enforcement agencies and their statewide associations.
- The Act previously required municipalities to establish certain limits on prize values, chance prizes, and duration of chance sales. But with the new Act, those limits are optional. This proposed ordinance does not change the limitations set by the Village but the Village could eliminate the limitations placed on prizes if it so chooses.
- The Act now provides that the sponsoring organization may contract with third parties to provide services in connection with the raffle.
- There is additional information that is being required in the application process.
- The Ordinance makes it clear that the Village does not license political committees as they are licensed only by the State Board of Elections.

Village Manager George Koczwara presented the item. (refer to audio)

Trustee Dodge asked questions. (refer to audio)

Village Manager Koczwara responded to Trustee Dodge's questions. (refer to audio)

Trustee Dodge made comments and asked questions. (refer to audio)

Village Manager Koczwara and Village Attorney Dennis Walsh responded to Trustee Dodge's question. (refer to audio)

Trustee Dodge, Village Manager Koczwara and Village Attorney made comments. (refer to audio)

I move recommend to the Village Board to pass an ordinance entitled: AN ORDINANCE AMENDING TITLE 7 CHAPTER 16 (RAFFLES) OF THE Orland Park VILLAGE CODE

A motion was made by Trustee Fenton, seconded by Trustee Nelson Katsenes, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees due back on 10/19/2020. The motion carried by the following vote:

Aye: 7 - President Pekau, Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, and Trustee Milani

Nay: 0

2020-0673 Picnic Tables/Super Cooker/Barricade Rentals

The delivery of picnic tables, super cookers and barricades to resident addresses was discontinued in 2020 due to the pandemic.

Previous to this, picnic tables were available for \$27/table with a ten table minimum, super cookers were \$100 per rental. Barricades were \$50 for up to 5 barricades. In 2019 there were 14 picnic table rentals, 11 super cooker rentals and 6 barricade rentals.

A ten table picnic table delivery generates \$270 at a cost to deliver and pick up of \$544.32. A super cooker delivery, pick-up and after use cleaning is \$78, while delivering up to five barricades results in a cost of \$64.18.

The delivery of picnic tables and barricades are cost prohibitive. The earnings to deliver a super cooker are marginal. Additionally, the delivery of these items creates a liability risk for the Village and impacts staff's ability to support core services such as preparing fields for weekend games/tournaments or Village special events. In 2021, there are 30 tournaments scheduled for Centennial Park and the John Humphrey Complex.

The rental of these items also undercuts private businesses which offer these types of services. Rental agencies including Marquee Events, Picnic City and INdestructo Party Rental provide a large variety and inventory of rental items to meet the needs of residents.

Director of Recreation and Parks Ray Piattoni presented the item. (refer to audio)

Trustee Dodge asked questions. (refer to audio)

Director Piattoni responded to Trustee Dodge's questions. (refer to audio)

Trustee Dodge and Director Piattoni made comments. (refer to audio)

Mayor Pekau made comments. (refer to audio)

Director Piattoni made a comment. (refer to audio)

I move to recommend to the Village Board to approve to discontinue the delivery of picnic tables, super cookers and barricades to resident, organization and business addresses.

A motion was made by Trustee Milani, seconded by Trustee Calandriello, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees due back on 10/19/2020. The motion carried by the following vote:

Aye: 7 - President Pekau, Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, and Trustee Milani

Nay: 0

ADJOURNMENT: 6:32 P.M.

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

Aye: 7 - President Pekau, Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, and Trustee Milani

Nay: 0

2020-0689 Audio Recording for the October 5, 2020 Committee of the Whole Meeting

NO ACTION

/LI

APPROVED: October 19, 2020

Respectfully Submitted,

/s/ John C. Mehalek

John C. Mehalek, Village Clerk