

ORDINANCE GRANTING AMENDMENTS TO SPECIAL USE PERMITS – CULVER’S OF ORLAND PARK

WHEREAS, an application seeking amendments to special use permits for certain real estate, as set forth below, has been filed with the Village Clerk of this Village and has been referred to the Plan Commission of this Village and has been processed in accordance with the Land Development Code of the Village of Orland Park, as amended; and

WHEREAS, the Plan Commission of this Village held a public hearing on January 13, 2009 and January 27, 2009, on whether the requested amendments to special use permits should be granted, at which time all persons present were afforded an opportunity to be heard; and

WHEREAS, a public notice in the form required by law, was given of said public hearing by publication not more than 30 days nor less than 15 days prior to said hearing in the Orland Park Prairie, a newspaper of general circulation in this Village; and

WHEREAS, the Plan Commission of this Village has filed its report of findings and recommendations that the requested amendments to special use permits be granted with this President and Board of Trustees, and this Board of Trustees has duly considered said report and findings and recommendations;

NOW THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1

The Plan Commission has made its report of findings and recommendations, and such are hereby adopted by reference as findings of this President and Board of Trustees as fully as if completely set forth at length herein. All exhibits submitted at the aforesaid public hearing are also incorporated by reference into this Ordinance. This President and Board of Trustees find that the proposed amendments to the special use permits for an existing planned development are in the public good and in the best interests of the Village and its residents, are consistent with the Comprehensive Plan of the Village, and are consistent with and fosters the purposes and spirit of the Land Development Code of the Village of Orland Park, as set forth in Section 1-102 thereof.

SECTION 2

In addition to the findings set forth in Section 1 hereof, this Board of Trustees further finds in relation to the amendments to the special use permits for an existing planned development in the BIZ General Business District as follows:

(a) The Subject Property is located at the northwest corner of 159th Street and Park Hill Drive, and is zoned BIZ General Business District within the Village of Orland Park, Cook and Will Counties, Illinois. The Petitioner, Justin Obrieht, for Culver’s of Orland Park, is seeking amendments to two existing special use permits for a shopping center located on the Subject

Property. The Subject Property is the subject of Special Use Permits granted by Village Ordinances 1314 and 1609.

(b) Specifically, Petitioner proposes to construct a 4,250 square foot restaurant with 140 seats, a drive through and outdoor seating. He also proposes a front setback of twenty-five feet (25') and an additional ground sign for the new restaurant. The current special uses limit the development to only two outlots, limit the use of only one outlot for a restaurant at one time, limit the number of signs to not more than two freestanding signs, and provide that the setback for the building shall be fifty-five feet from the south boundary of the outlot A.

(c) The proposed amendments to special use permits for an existing planned development are consistent with the character of the immediate vicinity of the Subject Property. The surrounding property is zoned BIZ General Business District and contains retail, commercial, auto service, office and restaurant uses.

(d) The proposed amendments to the special uses for an existing Planned Development that includes an additional out-lot and a restaurant with outdoor seating and a drive-through is consistent with the purposes, goals, objectives and standards of the Comprehensive Plan, any adopted overlay plan and the Land Development Code of the Village of Orland Park. The Comprehensive Plan designates this site as Community Intensity Commercial. A restaurant with 140 seats is appropriate in such an area, as is shared parking to accommodate it.

(f) The design of the proposed amendments to the special uses will minimize any adverse effects, including visual impacts, on adjacent properties. Because the commercial uses have existed at this location for many years, there should be little impact on the neighboring area. In addition, Petitioner will provide landscape buffers.

(g) The Petitioner has demonstrated that public facilities and services, including but not limited to roadways, park facilities, police protection, hospital and medical services, drainage systems, refuse disposal, water and sewers, and schools will be capable of serving the amended special uses at an adequate level of service. The site has access to the signalized intersection of 159th Street and Park Hill Drive. There is also access through the internal roadways of the Park Hill Shopping Center and the full service curb cuts off of 159th Street and Park Hill Drive.

(h) The Petitioner has made adequate legal provisions to guarantee the provision and development of any open space and other improvements associated with the proposed amended development.

(i) The amended development will not adversely affect a known archaeological, historical or cultural resource.

(j) The special use amendments as granted shall in all aspects conform to the applicable regulations of the Land Development Code of the Village of Orland Park as amended, for the district in which it is located as well as all applicable regulations and ordinances of the Village, unless specifically addressed in this or another Ordinance.

SECTION 3

Amendments to the special use permits for the existing planned development to include a restaurant with outdoor seating and a drive-through on an additional outlot, subject to the conditions below, is hereby granted and issued to Culver's of Orland Park for the operation of a 4,250 square foot restaurant in the outlot of the Shopping Center on the Subject Property. The Subject Property is legally described as follows:

THAT PART OF THE SOUTHEAST ¼ OF SECTION 15, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE WEST LINE OF PARK HILL DRIVE AS DEDICATED BY PARK HILL SUBDIVISION UNIT NO. 1-A AND A LINE 57.00 FEET NORTH AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST ¼; THENCE NORTH 89° 48' 14" WEST, ALONG SAID LINE 57.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 324.00 FEET TO THE POINT OF BEGINNING; CONTINUING NORTH 89° 48' 14" WEST, ALONG THE LAST DESCRIBED LINE, 151.65 FEET; THENCE NORTH 0° 11' 46" EAST 100.00 FEET; THENCE SOUTH 89° 48' 14" EAST, ALONG A LINE 157.00 FEET NORTH OF A PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 152.00 FEET; THENCE SOUTH 0° 23' 56" WEST 100.00 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

These amendments to special use permits include modifications to allow a front setback of 25', to allow an additional ground sign for the new restaurant, to reduce the rear building setback to approximately 22' from the required 30', to reduce the off-site rear landscape buffer to roughly 5' from a required 10', to allow for 100% shared parking, from a limitation of 50%, to allow the overall planned development lot coverage to be 80%, exceeding the Code limit of 75% and to allow for off-site shared parking spaces, parking islands, detention, loading areas and a drive through, as shown on the plan referenced below, and is subject to the following conditions:

1. That development be substantially in accordance with the hereby approved Site Plan entitled "Culvers Park Hill Plaza Overall Site Plan," prepared by Joseph A. Schudt & Associates, Project No. 08-065, dated September 15, 2008 and last revised on June 4, 2009, Sheet 1 and with the hereby approved Site Plan entitled "Culvers Park Hill Plaza Final Site Plan," prepared by Joseph A. Schudt & Associates, Project No. 08-065, dated September 15, 2008 and last revised on June 4, 2009, Sheet 2, subject to the following additional conditions:

(a) That Developer provide a notarized, shared parking and cross access agreement between Culver's and the Center owners, approved by the Village Attorney, prior to the issuance of Building Permits;

(b) That Developer submit a landscape plan, meeting all Village Codes, for separate review and approval within 60 days of final engineering approval. This is to focus primarily on the Culver's lot, but should also include additional landscaping between overall center parking lot and 159th Street, and include a minimum of two trees per new landscape island. In addition, all dead plant material in the center parking lot is to be replaced;

(c) That final engineering approval be obtained for the development, including but not limited to any needed adjustments to storm water calculations due to parking island changes; and

(d) That the Developer obtain a sign permit from the Building Department for all signs.

2. The Subject Property shall also be developed substantially in accordance with the Elevation Plans entitled, "Culvers Orland Park Exterior Elevations," prepared by Warren Johnson Architects, Inc., dated November 24, 2008 and last revised May 27, 2009, Sheets A-2 and A-2.1, with the following conditions:

(a) That all mechanical equipment must be screened, either at grade level with landscaping or hidden behind the roof; and

(b) That no utilities will be located on exterior walls.

SECTION 4

The Petitioner hereunder shall at all times comply with the terms and conditions of this amendment to the special use permits and the prior special use permits for the Subject Property, granted by Ordinances 1314 and 1609, except as any terms and conditions of the prior ordinances are specifically amended by this or another ordinance, and in the event of non-compliance, said permits shall be subject to revocation by appropriate legal proceedings.

SECTION 5

The zoning map of the Village of Orland Park, Cook and Will Counties, Illinois, be amended so as to be in conformance with the granting of this amendment to special use permits as aforesaid.

SECTION 6

This Ordinance shall be in full force and effect from and after its passage and approval as required by law.