

ORDINANCE GRANTING AN AMENDMENT TO A SPECIAL USE FOR PLANNED DEVELOPMENT – WASHINGTON AND JANE SMITH COMMUNITY (SMITH CROSSING)

WHEREAS, an application seeking an amendment to a special use for planned development 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 12, 2010 on whether the requested amendment to a special use permit should be granted, at which times 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 January 12, 2010, public hearing by publication not more than thirty (30) days nor less than fifteen (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 with this President and Board of Trustees its report of findings and recommendations that the requested amendment to a special use for planned development be granted, 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 amendment to a special use for planned development is in the public good and in the best interests of the Village and its residents, is consistent with the Comprehensive Plan of the Village, and is 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 amendment to a special use permit for planned development as follows:

(a) The Subject Property is located within the Village of Orland Park in Will County, at the southwest corner of 183rd Street and 104th Avenue (10501 Emilie Lane) and is zoned COR Mixed Use Core District. It is a 32-acre site.

(b) The Subject Property was previously approved as a congregate elderly housing facility by special use Ordinance 3270 (as amended by Ordinance No. 3278). That project was never built and Petitioner revised the project and was granted an amendment to a special use by special use Ordinance 3824. With this amendment to the existing special use, petitioner proposes to construct Phase II of the Smith Crossing senior living facility.

(c) The Subject Property is of the type contemplated in Sections 6-210(C) and 6-312 of the Orland Park Land Development Code and Phase II is being developed in accordance with a site plan to add an additional 200,000 square feet to the existing complex, including three building additions, remodeling of one building and site improvements including additional driveways and parking spaces. A total of 106 new units will be added which includes 76 independent units, 14 assisted living units and 16 memory support units. Additionally, sixteen memory support units will be remodeled as skilled care beds. The existing center has 175 existing units and 200 residents.

(d) Petitioner also requests several modifications. The first modification is to reduce the detention basin setback from twenty-five feet (25') to eighteen feet (18'). A widened sidewalk has been added to allow seating overlooking the detention pond and to help mitigate the effects of the reduced setback. The second modification is to allow parking spaces that exceed the Code by more than 20%. This modification is requested due to the lag time when the shift changes, peak visitor hours, large visitor groups and the fact that the underground parking is purchased by individuals and is not available to the general public. Based on a traffic and parking study, there was found to be parking demand at certain times that fell slightly below the 275 parking spaces.

(e) The next modification is requested to allow two drive aisles that access the additions to be constructed between the new building fronts and the streets. The drives are necessary to access underground parking in the lower level. This modification is appropriate based on the provision of underground parking.

(f) The last modification is to the setback along Emilie Drive, a private street, to reduce it from twenty-five feet (25') to approximately 13.8 feet. The placement of the building at this location on the Subject Property will allow for more green space and will replace an existing parking lot.

(g) Granting the requested modifications will enhance the ability of the proposed special use to meet the general standards for all special uses set out in Section 5-105(E) of the Land Development Code.

(h) The proposed amended special use for planned development is consistent with the character of the immediate vicinity of the Subject Property. The surrounding property is

zoned E-1 Residential District to the south and west and contains open land. Property to the north is zoned R-4 Multifamily Residential District. Property to the east is zoned ORI Mixed Use District and has been approved for the Horton Office Building. The proposed congregate living facility is an enumerated special use in the COR District, so amending Ordinances 3270, 3278, and 3824 to allow for Phase II of the same use is consistent with these surrounding uses. Lot coverage is well below the maximum permitted in the COR District.

(i) The amendment to a special use for planned development 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 Regional Intensity Industrial and Distribution. The proposed addition to the existing congregate elderly living facility will be consistent with this designation, in part because of its campus-like facility. There will be considerable green space and landscaping to buffer the surrounding areas.

(j) The design of the proposed amended special use for planned development will minimize any adverse effects, including visual impacts, on adjacent properties. It has been designed to complement the existing facilities and to incorporate green space and landscaping to further minimize any potential adverse impacts on adjacent properties. In addition, the project is less dense than what was originally approved to be built on the Subject Property.

(k) 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 use/planned development at an adequate level of service.

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

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

(n) The amended special use for planned development 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

Subject to the conditions below, an amendment to a special use permit for planned development in the COR Mixed Use Core District, originally granted by Ordinance Nos. 3270, 3278 and 3824 is hereby granted and issued to Washington and Jane Smith

Community – Orland Park, for a redesigned congregate elderly living facility with an additional 76 independent living units, 14 assisted living units, 16 memory support units and with 16 existing memory support units to be replaced with skilled care beds, now known as Smith Crossing, to be located on property legally described as:

ALL OF THAT PART OF THE NORTHEAST QUARTER, LYING NORTHERLY OF THE NORTH LINE OF ORLAND PARKWAY AS DEDICATED PER DOCUMENT NUMBER R1999098714, OF SECTION 5, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN IN WILL COUNTY, ILLINOIS.

LOT 1 DESCRIPTION

THAT PART OF THE NORTHEAST  $\frac{1}{4}$ , LYING NORTHERLY OF THE PREMISES DEEDED TO THE STATE OF ILLINOIS BY WARRANTY DEED RECORDED JUNE 24, 1966 AS DOCUMENT R66-9111 (COMMONLY KNOWN AS INTERSTATE 80), OF SECTION 5, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE NE  $\frac{1}{4}$  OF SECTION 5, SAID CORNER ALSO BEING ON THE SOUTH LINE OF 183<sup>RD</sup> STREET THENCE SOUTHERLY ALONG THE EAST LINE OF SAID NE  $\frac{1}{4}$  OF SECTION 5, A DISTANCE OF 740.01 FEET TO A POINT ON THE NORTH LINE OF ORLAND PARKWAY; THENCE WESTERLY ALONG SAID NORTH LINE, A DISTANCE OF 1143.23 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY, STILL ON SAID NORTH LINE, ALONG A CURVE WITH A RADIUS OF 573.39 FEET CONVEX TO THE SOUTHWEST, A DISTANCE OF 414.66 FEET TO A POINT OF TANGENCY; THENCE NORTHWESTERLY, ON A STRAIGHT LINE ALONG SAID NORTH LINE, A DISTANCE OF 797.57 FEET TO A POINT, SAID POINT BEING 71.09 FEET SOUTH OF THE NORTH LINE OF SAID NE  $\frac{1}{4}$  OF SECTION 5; THENCE NORTHEASTERLY, A DISTANCE OF 139.94 FEET TO A POINT ON SAID NORTH LINE OF NE  $\frac{1}{4}$  OF SECTION 5; THENCE EASTERLY ALONG SAID NORTH LINE A DISTANCE OF 1994.70 FEET TO THE POINT OF BEGINNING IN WILL COUNTY, ILLINOIS.

This amendment to a special use permit for planned development permit includes modifications to reduce the detention basin setback from the southeast building expansion to eighteen feet (18') from twenty-five feet (25'), to allow the number of parking spaces to exceed the Code requirements by more than 20%, to permit one drive aisle to be located between the southern building addition and Orland Parkway, to permit one drive aisle to be located between the northeast building and Emilie Lane, and to reduce the building setback from twenty-five feet (25') to approximately 13.8 feet and is subject to the following conditions:

1. That development is completed pursuant to the Site Plan, entitled "Smith Crossing Phase II Final Site Plan," prepared by AG Architecture/McDonough Associates, project 07061, page 1, dated January 25, 2010, subject to the following conditions:

a. A Landscape Plan, which meets all Village Codes, shall be submitted for separate review and approval within 60 days of final engineering approval with the following conditions:

1) It must include a Tree Survey for all trees exceeding 4" in diameter that will be impacted by construction and a Tree Mitigation Plan. It should include existing parkway trees and existing trees, which must be protected during construction and, if possible, relocated.

2) A minimum 15' landscape buffer must be included along all property lines.

3) It must include landscape, hardscape, fountain and fencing details for any new patios.

4) It must provide naturalized landscaping around the detention pond.

b. The detention pond retaining wall shall not exceed 3' in height and must meet Village Code requirements for tiering.

c. That all final engineering related items are met.

d. All new signage must be approved through a separate permitting process.

2. That development is pursuant to the building elevations titled, "Exterior Elevations," prepared by AG Architecture, pages A1500, A1501, A1502, A1503, A1510, AC500 and AA 500, dated December 18, 2009, subject to the following further conditions:

a. All new mechanical equipment must be screened, either at grade level with landscaping or hidden behind the roofline.

b. All new materials and colors are to match existing colors and materials as closely as possible.

## SECTION 4

The Petitioner hereunder shall at all times comply with the terms and conditions of this amended special use for planned development and Ordinance Nos. 3270, 3278 and 3824, prior special use ordinances covering the Subject Property, except as specifically amended by this or another Ordinance, and in the event of non-compliance, said permit and this amendment 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, shall be amended so as to be in conformance with the granting of the amended special use permit for planned development as aforesaid.

## SECTION 6

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