

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR PLANNED DEVELOPMENT AND REZONING OF THE PROPERTY (WOLF POINT PLAZA - NORTHEAST CORNER OF 159TH STREET AND WOLF ROAD)

WHEREAS, an application seeking rezoning and a special use permit with modifications and variances for a 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 (the "Code"); and

WHEREAS, the Plan Commission of this Village held a public hearing on September 23, 2008, October 28, 2008, and December 9, 2008, on whether the requested rezoning and special use permit with modifications for a planned development for a commercial center should be granted, at which times all persons present were afforded an opportunity to be heard; and

WHEREAS, a public notice of the first public hearing, 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 Southtown Star, a newspaper of general circulation in this Village; and

WHEREAS, the Plan Commission of this Village has filed with the President and Board of Trustees its reports of findings and recommendations that the requested rezoning and special use with modifications for a planned development for a commercial center 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 reports 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 hearings are also incorporated by reference into this Ordinance. This President and Board of Trustees find that the proposed rezoning and special use for a planned development for a commercial center 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 foster the purposes and spirit of the Code, 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 rezoning and special use as follows:

(a) The Subject Property is a 18.13 gross-acre parcel located on the northeast corner of 159th Street and Wolf Road in the Village. It is zoned E-1 Estate Residential. The Petitioner is seeking approval of a Major Special Use for a commercial center planned development with four (4) stand alone retail buildings (each with drive-through windows) and an automobile dealership in the BIZ General Business Zoning District (proposed Lots 1, 2, 3, 4 and 6) with two (2) buildings on one (1) lot (proposed Lot 4), and automobile sales and repair with outdoor storage (on proposed Lot 3), and the wetlands at the northeast corner of the Subject Property along with proposed Lot 5 (totalling 5.52 acres) in the OL Open Lands Zoning District. The Subject Property will have on-site surface parking and an on-site storm water detention pond. Further, modifications will be granted, as to proposed Lot 3, to reduce the Wetland Buffer from the required 50 feet to 10 feet, reduce the parking stall length from the required 18.5 feet to 18 feet, reduce the detention pond setback from the required 25 feet to 8 feet, to increase the allowable outdoor storage on said Lot 3 as shown on the preliminary site plan, and to reduce the landscape buffer and parking lot island requirements as shown on the preliminary site plan. Additionally, a modification will be granted to reduce the handicapped parking requirements on proposed Lot 4 from the required 6 stalls to 2 stalls. Variances shall be granted to allow for parking in the street setback on proposed Lot 1, drive-through lanes in the street setback on proposed Lots 1 and 4, and vehicle service repair on proposed Lot 3 within 200 feet of a residential use. All modifications and variances shall be subject to the conditions hereinafter set forth in SECTION 3 of this Ordinance.

(b) Granting the requested variances and modifications will enhance the ability of the overall special use to meet the standards for all special uses, specifically minimizing adverse effects on adjacent properties, by permitting an attractive design with open space areas. The Comprehensive Plan designates the Subject Property as “Low Intensity Residential,” but due to the developing commercial nature and high traffic volume on 159th Street and Wolf Road, the proposed use is appropriate.

(c) The proposed rezoning and the special use will be consistent with the character of the immediate vicinity of the Subject Property. The surrounding property is zoned E-1 Estate and R-3 Residential to the north and east, which areas contain detached single-family uses and open space, to the south is zoned RSB Residential Supporting Business and LSPD Large Scale Planned development and to the west (across Wolf Road) is zoned BIZ General Business with an existing strip retail center. The proposed use and zoning will be compatible with these surrounding uses.

(d) The proposed special use, and rezoning of the Subject Property from E-1 Estate Residential to BIZ General Business (proposed Lots 1, 2, 3, 4 and 6) and the wetlands at the northeast corner of the Subject Property along with proposed Lot 5 - Detention Pond (totalling 5.52 acres) to Open Lands. The proposed development is compatible with the trend of development in the surrounding area.

(e) The design of the proposed special use for the commercial center planned development will minimize any adverse effects, including visual impacts, on adjacent properties. The buildings’ locations, and having most parking adjacent to and behind the buildings, increases the visual attractiveness of the Subject Property, thus minimizing adverse effects. The open space,

detention pond area and landscaped areas around the buildings will be an asset to the neighborhood. The design meets most setback requirements and will include attractive landscaping to meet Village standards and open space areas. The urban design principles of the development will enhance the character of the area.

(f) 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, will be capable of serving the special use at an adequate level of service. In addition, the development will provide open common areas. The buildings on the overall site will share vehicular access points to and from 159th Street and Wolf Road.

(g) 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.

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

(i) The special use permit granted for a planned development - commercial center as described above shall in all aspects conform to the applicable regulations of the Code as amended, for the zoning districts in which they are located as well as all applicable regulations and ordinances of the Village, unless specifically addressed in this or another Ordinance.

SECTION 3

A special use permit for a planned development - commercial center in the BIZ General Business Zoning District and Open Lands District, with modifications and variances as set forth in Section 2(a) above, all subject to the conditions below, is hereby granted and issued to the Petitioner for the construction and operation of a commercial center on the Subject Property legally described below, and subject to the rezoning granted in Section 4 of this Ordinance:

THE SOUTH 20 ACRES OF THE WEST HALF (W 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 17, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.)

PIN NO. 27-17-300-003-0000

This special use permit granted and issued herein is subject to the following conditions:

A. The Subject Property shall be developed substantially in accordance with the Preliminary Site Plan, Details, Building Elevations and Final Engineering Plans, as shown on the following sheets:

(a) "Preliminary Planned Unit Development Plan Wolf Point Plaza," prepared by Craig R. Knoche & Associates, Job Number 8-048, File Number 8048 PUD, dated February 2, 2009, Sheet C 1.3; and

- (b) “Chase” prepared by Interplan Midwest, Project Number C07.0086, three (3) sheets that include canopy elevations and north, south, east and west elevations, dated January 27, 2009; and
- (c) “BMW of Orland Park” prepared by Olivieri, Shousky & Kiss, P.A., Job Number 160.44 dated June 2, 2008, revised October 14, 2008, Sheet Number BMW.A2-1; and
- (d) “CVS Orland Park” prepared by Gershman, Brown, Crowley, Inc. and NORR, dated January 30, 2009; and
- (e) “Retail Development Orland Park, IL” prepared by Arcline Associates, Project Number 8081570 dated January 16, 2009, Sheets A2.2, A2.3, A2.4, and CSP-2, and Sheets A.23 and A.22 which have a revision date of February 17, 2009.
- (f) Final Engineering Plans for Wolf Point Plaza (including the Preliminary PUD Plan, Tree Inventory, and the Landscape Plan) prepared by Craig R. Knoche & Associates consisting of twenty-five (25) sheets bearing a revision date of September 29, 2009.
- (g) Final Engineering Plans for Wolf Road and 159th Street Improvements prepared by Craig R. Knoche & Associates consisting of thirty-three (33) sheets bearing a revision date of October 7, 2009.

The Petitioner shall develop the Subject Property substantially in accordance with said Plans as approved or as may be subsequently amended and approved by the Village, and in accordance with supporting preliminary and final engineering drawings and plans to be submitted to the Village Engineer for review and approval, subject to the following conditions:

1. Petitioner must obtain Illinois Department of Transportation (“IDOT”) approval for the proposed project;
2. Restaurants must include operating hours requiring them to close no later than midnight;
3. Service area overhead doors on the north side of the BMW building must be closed during business hours, except for brief periods to let vehicles enter and exit the building;
4. Vehicles for the automobile dealership must not be loaded and unloaded in any public street or right of way;
5. Petitioner must submit a separate petition for a variance to the Code lighting requirements or submit a photometric plan that meets Code requirements;
6. The BMW dealership must not install an outdoor speaker system;
7. Any major (in the judgment of the Village Director of Development Services) changes proposed to the site plan or building elevations shall require the Petitioner to return to the Plan Commission, Committee and Village Board for review and approval;

8. The north bufferyard berm and landscaping must be installed before any building permits are issued; and

9. All final engineering related items are met.

B. The Subject Property shall be subdivided into six (6) lots, as shown on the preliminary site plan, subject to the same conditions as outlined in A, above, and:

1. The Petitioner shall dedicate or convey Lot 5, as shown on the Preliminary Site Plan Sheet C1.3, to the Village for Open Space; and

2. The Petitioner shall indicate proposed Lot 6, as shown on the Preliminary Site Plan Sheet C1.3, to be a proposed Shire Drive right of way, not a separate lot.

C. A Special Use Permit Planned Development shall be granted to allow for two (2) buildings on one site on Lot 4 and to allow for vehicle sales and service with outdoor storage on Lot 3 with modifications to reduce the Wetland Buffer from 50' to 10', reduce the parking stall length from 18.5' to 18', reduce the detention setback from 25' to 8' and show the setback on the approved engineering plans, increase the allowable outdoor storage on Lot 3 as shown on the preliminary site plan, reduce landscape buffer and parking lot island requirements as shown on the preliminary site plan, and to reduce the handicap parking requirements on Lot 4 from 6 stalls to 2 stalls, subject to the same conditions as outlined in A, above.

D. Variances shall be granted to allow for parking in the street setback on Lot 1, drive-through lanes in the street setback on lots 1 and 4, and vehicle service repair within 200' of a residential use on Lot 3, subject to the same conditions as outlined in A, above.

E. Owner shall prepare and submit, for Village approval, a detained evaluation of the wetland on the Subject Property and shall develop a stewardship plan for enhancing the wetland. Owner shall conduct the first three (3) years of stewardship and file annual reports with the Village.

SECTION 4

The Code, as amended, shall be further amended by classifying and rezoning the existing wetlands and proposed Lot 5 of the Subject Property to the Open Lands Zoning District, and the balance of the Subject Property to BIZ General Business Zoning District.

SECTION 5

The Petitioner hereunder shall at all times comply with the terms and conditions of the special use permit herein granted as well as the Development Agreement between Petitioner and the Village dated _____, 20__, and in the event of non-compliance, said permit shall be subject to revocation by appropriate legal proceedings.

SECTION 6

The zoning map of the Village of Orland Park, Cook and Will Counties, Illinois, be amended so as to be in conformance with the rezoning of the Subject Property and granting of the special use permit as aforesaid.

SECTION 7

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