

ORDINANCE GRANTING A SPECIAL USE PERMIT WITH MODIFICATIONS AND WITH ASSOCIATED SITE PLAN AND ELEVATION CHANGES FOR 7420 W. 159TH STREET PLANNED UNIT DEVELOPMENT

WHEREAS, an application seeking a special use permit with modifications and associated site plan and elevation changes to establish a five (5) lot mixed-use commercial planned unit development on eleven (11) acres with retail lots along 159th Street, including a motor vehicle service use, 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, said Plan Commission of this Village held a public hearing on October 13, 2015, on whether the requested special use permit 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 special use with modifications be granted with this President and Board of Trustees, and this Board of Trustees have 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 of this Village has made its report of findings and recommendations regarding the proposed special use. The findings of the Plan Commission are herein incorporated by reference as the findings of this President and Board of Trustees, as completely as if fully recited herein at length. All exhibits submitted at the aforesaid public hearings are also hereby incorporated by reference as fully as if attached hereto. This President and Board of Trustees further finds that the proposed special use is in the public good and in the best interests of the Village and its residents and is consistent with and fosters the purposes and spirit of the Orland Park Land Development Code as set forth in Section 1-102 thereof. Said special use is also in accordance with the provisions of the Comprehensive Land Use Plan of the Village.

SECTION 2

In addition to the findings set forth in Section 1 hereof, this Board of Trustees further finds, in relation to the proposed special use with modifications and with associated site plan and elevations to establish a five (5) lot mixed-use commercial planned unit development on eleven (11) acres with retail lots along 159th Street, including a motor vehicle service use, as follows:

(a) The Subject Property is located at 7420 W. 159th Street within the Village of Orland Park, Cook County, Illinois. The proposal is to establish a five (5) lot mixed-use commercial planned unit development (PUD) on an eleven (11) acre vacant parcel west of the Home Depot Center near 159th Street and Harlem Avenue. The proposed PUD will enable retail, restaurant and smaller service use out-lots along its 159th Street frontage (Lots 1 and 2), and contemplates larger, potentially more intense uses for the rest of the PUD (Lots 3 and 4). Lot 5 will be a detention pond. While a PUD is sought by the Petitioner in order to establish the framework, infrastructure and subdivision to accommodate future development, the Petitioner is only proposing to construct a building on the east building pad of Lot 1 at this time, which is intended for AVIS Auto Rental. The Petitioner will also build the parking lot of Lot 1, the interior access drives that bound Lot 1, and a single temporary structure with gravel parking lot. The temporary structure with gravel parking lot is intended for the tenant of the first building, AVIS Auto Rental, to begin operations onsite while the first building is constructed, and will be removed upon completion of the first building and parking lot. A special use permit is required for the proposed PUD to accommodate multiple buildings on a single lot (Lots 1 and 2) and to establish the framework for larger big box type users (Lots 3 and 4). The special use permit is also required to establish a motor vehicle services use on Lot 1.

(b) The proposed development is consistent with the purposes, goals, objectives and standards of the Comprehensive Plan, any adopted overlay plan and the Land Development Code. The Comprehensive Plan designates this area for Downtown Mixed Use. The Comprehensive Plan identifies the site as a part of the 159th and Harlem Planning District, and designates the Subject Property as Community Commercial. The Subject Property is zoned BIZ Business District, which is compatible with the immediate land use for Lot 1 and the neighboring properties. AVIS Auto Rental was previously located at the northeast corner of Harlem Avenue and 159th Street (BIZ General BIZ District) and is relocating to the proposed location to continue operations in Orland Park.

(c) The proposed development will be consistent with the character of the immediate vicinity of the Subject Property, which is presently zoned R-4 Residential District – Colonades Apartments/Condos to the north, Tinley Park (across 159th Street) Apartments/Condos to the south, BIZ General Business District – Retail and Restaurant to the east, and BIZ General Business District – Retail to the west, where commercial developments are located. The immediate land use for Lot 1 is also compatible with the zoning district and the neighboring properties, some of which are auto-oriented.

(d) The design of the development will minimize adverse effects. The proposed lot coverage is within the maximum allowable lot coverage limits for the BIZ General Business District, and all lots in the proposed PUD meet the minimum lot size requirements. All proposed parking lot setbacks are also met. Petitioner proposes to remove a non-jurisdictional wetland that is located at the center of the Subject Property and mitigate according to the new Metropolitan Water Reclamation District of Greater Chicago (MWRD) Water Management Ordinance. The removal of the wetland will allow the site to establish cross-access drives internally for this development and between neighborhood developments. Cross-access within major commercial corridors is critical to improve traffic movement and circulation between developments and within the corridor. Petitioner will also provide additional site amenities in the form of landscaping and site

upgrade to offset the removal of the wetland. Petitioner's request to reduce the detention pond setback from twenty-five (25) feet to ten (10) feet is required to adequately fit the detention pond in the second lowest point of the property. Petitioner's request to reduce the Bufferyard Type C from fifteen (15) feet to five (5) feet is needed to accommodate a potential drive-aisle at the rear of the property that will give four-sided emergency access to a potential congregate elderly housing facility. Petitioner's request to reduce the east Bufferyard Type B from ten (10) feet to five (5) feet is intended to meet the existing bufferyard patterns along the east property line. Petitioner's request to enable construction of a temporary facility on the Subject Property until the permanent structure is completed will allow AVIS Auto Rental to begin operations onsite while the first building is being constructed. This temporary structure will be standard in its appearance, and will be removed from the site entirely within one (1) week of receipt of an occupancy permit from the Village. Finally, Petitioner's request to reduce the wetland buffer and setback from fifty (50) feet to zero (0) feet is necessary to accommodate the development, and is within the bounds of the new MWRD Water Management Ordinance. Petitioner will offset these modifications with landscaping and other site amenities, which will improve the overall experience of the development.

(e) There will be no adverse effects on the value of adjacent property. The Subject Property is currently vacant. Additionally, the proposed special use is a good way to fulfill the Subject Property's designation as a "Community Commercial," as established in the Comprehensive Plan. The proposed project should have a positive financial impact on the area and the community at large. Petitioner has divided the proposed development of the PUD into two site plans: (1) development of Lot 1; (2) overall master plan of the PUD. Lot 1 establishes two building pads along the 159th Street frontages, each of which will contain a single building: a 6,325 square foot building, and a 6,170 square foot building. Both buildings will be retail/restaurant facilities, and comply with the requisite twenty-five (25) foot setback. The proposed parking lots of the buildings will be located in the rears of the buildings, with a centered parking lot drive-aisle connecting to the overall access drives along the east property line. The proposed building elevations for the east building pad on Lot 1 depict a one-story, orange/red masonry building punctuated by EIFS accents on the parapets and columns, and prominent storefront windows on the facades of the building. The proposed north, south, east, and west elevations share a similar architectural pattern and are strategically positioned. The master plan for the PUD contemplates retail and service uses for Lot 2, potential congregate elderly housing at the rear of the property on Lot 3 and a big box user on Lot 4. Lot 5 will be the detention pond, which will have a six (6) foot wide walking path around it and will connect to the proposed sidewalk of the neighboring development. Each lot will share in the maintenance of the interior access drives, and the lot lines to the centerline of the interior access drive. In order to strengthen the pedestrian links between each of the PUD's proposed uses and frame them amongst the various parking lots, pergolas shall be employed along the main interior access drives, particularly at the central intersection of the interior access drives, and emanated from it. Additionally, incremental improvements for the site will address and enhance the central intersection to serve as a focal point for the PUD. The Petitioner has confirmed that stamped asphalt will be used at the intersection to add visual interest and that more amenities will be contemplated in the landscape plan.

(f) The Petitioner has demonstrated that public facilities and services, including but not limited to roadways, park facilities, police and fire protection, hospital and medical services, drainage systems, refuse disposal, water and sewers and schools will be capable of serving the special use at an adequate level of service. The Subject Property will be directly serviced by 159th Street along its southern lot line. Water storm and sanitary utilities are currently located on the Subject Property and/or easily accessible for the development. Retaining walls are proposed for the detention pond and will not exceed three (3) feet in height in accordance with the Land Development Code. A garbage disposal is proposed for Lot 1, and will contain all of the dumpsters for the site in a single, consolidated enclosure. The enclosure will also be offset slightly from the center toward the east property of Lot 1 to partially screen it from the 159th Street. Garbage enclosures for the other lots will be located to the rear of the respective land use in order to maintain an orderly frontage along 159th Street.

(g) Petitioner has made adequate legal provision 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 proposed development shall comply with all additional standards imposed on it by all other applicable requirements of the ordinances and regulations of the Village.

SECTION 3

A special use permit for 7420 W. 159th Street Planned Unit Development for the establishment of a five (5) lot mixed-use commercial planned unit development on eleven (11) acres with retail lots along 159th Street, including a motor vehicle service use on Lot 1, with modifications to reduce detention pond setback from twenty-five (25) feet to ten (10) feet, reduce north Bufferyard Type C from fifteen (15) feet to five (5) feet, reduce east Bufferyard Type B from ten (10) feet to five (5) feet, enable construction of a temporary facility on site until the permanent structure is complete and reduce wetland buffer and setback from fifty (50) feet to zero (0) feet along is hereby granted, subject to the conditions below, and issued to 7420 W. 159th Street Planned Unit Development, for the following described property:

THE SOUTH 665.0 FEET OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTIES:

THE EAST 952.00 FEET THEREOF; (2) THE EAST 300.00 FEET OF THE WEST 660.00 FEET OF THE SOUTH 465.00 FEET THEREOF; (3) EAST 10.00 FEET OF THE WEST 360.00 FEET OF THE SOUTH 562.06 FEET OF THE SOUTH 665.00 FEET THEREOF; (4) THE WEST 350.00 FEET OF THE SOUTH 665.00 FEET THEREOF; (5) THAT PART FALLING WITHIN GOODWILL INDUSTRIES SUBDIVISION RECORDED AS DOCUMENT 0020244618; (6) THE NORTH 415 FEET OF THE SOUTH 665 FEET OF THE WEST 160 FEET OF THE EAST 1112 FEET THEREOF; (7) THE SOUTH 250 FEET OF THE WEST 198 FEET OF THE EAST 1150 FEET THEREOF; (8) THE WEST 150 FEET OF THE

EAST 1300 FEET OF THE SOUTH 250 FEET THEREOF; (9) THAT PART TAKEN FOR PUBLIC ROAD PURPOSES BY CASE 93150932, FINAL JUDGEMENT ORDER RECORDED AS DOCUMENT 98369233; IN COOK COUNTY, ILLINOIS.

PIN: 27-13-402-027-0000

This special use permit is subject to the following conditions:

A. The Subject Property shall be developed substantially in accordance with the preliminary site plan for the Planned Unit Development titled, “GW Property Subdivision Village of Orland Park, Illinois, Data Box Exhibit – Overall,” prepared by Manhard Consulting Ltd., dated 8/26/15, sheet 6 of 6, subject to the following conditions:

1. Remove the proposed Lot 1 drive-aisle connection to the east access drive to restrict ingress/egress.
2. Work with Village staff to convert the proposed temporary gravel lot, serving the temporary structure, into a temporary asphalt parking lot as soon as the weather permits.
3. Employ pergolas along the main interior access drives to frame pedestrian pathways between parking lots.
4. Address and enhance the central intersection of the interior access drives to serve as a focal point for the PUD.
5. Remove the temporary structure from the site entirely within one (1) week of an occupancy permit being issued by the Village.
6. Submit an updated tree survey and catalog indicating total removal, tree species, size and health to address tree mitigation requirements.
7. Submit a final landscape plan for separate review and approval by the Village within sixty (60) days of final engineering approval. It must include all pertinent site amenities such as pergolas, street enhancements and furniture, sidewalk walkway enhancements and other landscaping and site amenities.
8. Submit a final plat of subdivision for recording.
9. Meet all final engineering related items including but not limited to the wetland avoidance report.

B. The Subject Property shall be developed substantially in accordance with the preliminary site plan for Lot 1 of the PUD titled “Commercial Development Village of Orland Park, Illinois Site Dimensional and Paving Plan,” prepared by Manhard Consulting Ltd., dated 7/22/15, sheet 5 of 11, subject to the same conditions outlined above.

C. The Subject Property shall be developed substantially in accordance with the elevation drawings titled "Site Development 159th and Harlem Orland Park, Illinois," prepared by Site Design Studio 4, LLC., dated and received 9/28/15, sheet ST1, subject to the following conditions:

1. Screen all mechanical equipment either at grade level with landscaping or hidden behind the roofline.
2. All masonry must be of anchored veneer type masonry with a 2.625" minimum thickness
3. Signs are subject to additional review and approval by the Village via the sign permitting process and additional restrictions may apply.

D. The Subject Property shall be developed substantially in accordance with the plan set titled "GW Property Subdivision Orland Park, Illinois, Preliminary Plat of Subdivision," prepared by Manhard Consulting, Ltd., dated 9/24/15, sheets 1 through 3, subject to the same conditions outlined above.

SECTION 4

Petitioner shall at all times comply with the terms and conditions of this Ordinance and all other codes and ordinances of the Village unless specifically amended by this or another ordinance. In the event of non-compliance, the permit and modifications of this Ordinance 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 special use as aforesaid.

SECTION 6

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