

REQUEST FOR DEVELOPMENT SERVICES & PLANNING COMMITTEE
ACTION

File Number: 2009-0364
Orig. Department: Development Services Department
File Name: Southmoor Commons Special Use Amendment and Annexation Agreement
Amendment

BACKGROUND:

The petitioner, V-Land Orland Park 131st LLC is requesting an amendment to the permitted uses in the Southmoor Commons commercial development, located at the southeast corner of 131st Street and LaGrange Rd., to align them with those uses allowed in the current BIZ General Business Zoning District.

On September 8, the Plan Commission moved 5-0 to amend Southmoor Special Use Ordinance # 3719 approved in 2002 and the associated Annexation Agreement that govern the Southmoor Commons commercial area to delete the current land use restrictions and replace with uses and special uses allowed in the BIZ Business District, with the exception of the following uses that will be prohibited: animal hospitals, pound shelters and overnight animal boarding; any additional drive in service windows, vehicle repair, car washes.

Staff met with the Southmoor Homeowners Association prior to the meeting to explain the proposal. The Association representatives were okay with the proposal with the added restrictions as indicated.

must be approved by the Board (not Planning Commission)

A number of Southmoor residents appeared at Plan Commission and expressed concern over a variety of issues. Staff has been following up with the owners on student parking, removal of a soil stockpile, delivery truck loading and maintenance.

This is now before the Development Services and Planning Committee for consideration.

BUDGET IMPACT:

REQUESTED ACTION:

I move to recommend to the Village Board approval to amend Southmoor Special Use Ordinance # 3719 approved in 2002 and the associated Annexation Agreement that govern the Southmoor Commons commercial area to delete the current land use restrictions and replace with uses and special uses allowed in the BIZ Business District, with the exception of the following uses that will be prohibited: animal hospitals, pound shelters and overnight animal boarding; any additional drive in service windows, vehicle repair, car washes.



VILLAGE OF ORLAND PARK

14700 Ravinia Avenue
Orland Park, IL 60462
www.orland-park.il.us

Meeting Minutes Plan Commission

Louis Stephens, Chairman
Commissioners: Judith Jacobs, Paul Aubin, Steve Dzierwa,
Patricia Thompson, and Nick Parisi

Tuesday, September 8, 2009

7:00 PM

Village Hall

**2009-0364 Southmoor Commons Special Use Amendment and Annexation
Agreement Amendment**

STEPHENS: Chairman Stephens again explained what format is followed for the hearing. He then opened the Comments to Mr. Sullivan.

SULLIVAN: Staff presentation made in accordance with the written Staff Report dated September 9, 2009 as presented. He also stated that staff is willing to speak to anyone with questions and concerns regarding this petition as it goes forward to Committee or Board.

AUBIN: Swore in Andrew Goodman, GMX Development Group, 3000 Dundee Road 408.
Northbrook, IL 60062

SULLIVAN: I would also like to add that we did speak to the Homeowners Association regarding some maintenance issues on this site and we did forward those to Mr. Goodman and another gentleman by email. We let them know we would like to have these issues addressed. We have also notified our inspectors and the Village staff as well. These are issues related to the maintenance and not to the land development issues. We just wanted to assure the residents that the petitioners and inspectors have been made aware.

GOODMAN: Thank you Mr. Sullivan, Mrs. Flom, and Plan Commission members. I'd like to turn to the residents because I think 100% of them are signed in to talk about this topic. When we put this plan together we worked extensively with the Village staff to bring together interactive tenants, we had at the time the had the president of the Southmoor Homeowners Association, who I don't see here, I don't know if he is still with us or if he has relinquished his duties. We worked very closely with the neighbors first in an open public forum, frankly we didn't find that very productive. We did get concerns from Mr Euanic and other representatives that put a list together list of concerns and we addressed those items one by one. Mr. Sullivan had forwarded to me a list of concerns that had progressed and were given to him. In the past 5 years we have worked with representatives as a group and right now I don't really know who I should be talking to. One additional point I'd like to make to the Plan Commissioners, having sat through the nicest Chick-Fil-A in the country and I happen to have been involved with (inaudible) developed around the country and especially in the down economic environment, and given

the difficulty we have in our recent project not just in this Village but around the country the proposed amendment is wonderful just to pick up additional uses. And over here there have been problems before and in the 5 years since we have purchased the project, we have been approached by numerous users that would only consider the site with drive thrus. For example at one point we were actively involved with Caribou Coffee, but they would only consider our site with a drive thru. So we understand the need to regulate the uses and that we back up to a very exclusive neighborhood, which we actually worked with in the past to add a lot of upgrades, such as; the wrought iron fencing and we have added stone piers and upgraded landscaping and such. We would respectfully request some reconsideration on the drive thru. We have no issue with the pets, no issue with car wash, or other uses that would be deemed obnoxious uses. I just sat through the presentation itself a very architecturally integrated Chic-Fil-A with a drive thru that seemed work just fine, at least in my opinion, in that site with a lot of extensive work and I would just be remiss if I didn't say anything here tonight and to see you for go that opportunity. Thank you and I stand here to answer any questions that come up tonight. Thank you for your time.

STEPHENS: The petition that we are discussing is just to amend the Southmoor Special use ordinance that governs the Southmoor commercial area. We are going to call on the public and we would like to issues related to what the petition is. Please if somebody has already asked the same kind of question in regards to traffic or anything else, in hopes to keep the time limits down we ask you not to ask the same question two or three times.

AUBIN: Swore in Peg Tufo, 9513 Callan Drive, Orland Park, IL 60462

TUFO: I am a member of the board of directors at Southmoor and as Bob did mention we did meet for almost an hour and a half last week, to discuss our situation at Southmoor Commons. First of all we would like to just say up front that we have traffic problems just from the High School being there and that adds a lot to the mater and any sort of a drive thru if we should get to it. Right off the bat, on behalf of the board of directors we would like to say that we do not support consideration now or in the future for adding any sort of a drive thru to that strip mall.

STEPHENS: Is the problem trying to get out or get in?

TUFO: Both ways.

STEPHENS: Is that because of the commercial that feeds out to your main roadway?

TUFO: Mr. Goodman actually addresses that, I do have a copy of that 2006 agreement that the association made with V Land and GMX. A variety of matters included in that agreement have not been addressed and its been a few years.

One of them was to add at the developers cost traffic signs that would say no stopping or parking on Southmoor Drive. The important thing there is that the High School lets out and all the cars fill both sides of Southmoor Drive with standing cars. You have kids running across the busy street to get into these cars, that is one. Two the number six parking lot that they put up to north of Aldi apparently has to do with building six that is not built. That parking lot is apparently unadministered. This morning there were 21 Sandburg students parking there. At three o'clock I stood there today and there was two or three kids running across LaGrange Road per car. Say 120 kids running across LaGrange Road to get into their cars. Adding a drive thru to this congestion would just be a tremendous traffic situation.

STEPHENS: Ms. Tufo, have you shared these comments with staff?

TUFO: Yes.

STEPHENS: So have they already taken measures to try and correct that?

SULLIVAN: Peg and I talked and we are going to go to the Traffic advisory board and police committee and they can get the signs paid for or get an ordinance passed if necessary to address that, so we will go to that group.

STEPHENS: Do we have any control over the parking?

SULLIVAN: The management of the site really has to address who parks in their parking lot. We are going to have to....

TUFO: Unfortunately before our gates were installed we had a tremendous amount to Sandburg students parking in the subdivision and when we put the gates in it curtailed it somewhat. We do engage the services of a towing company and unfortunately one unlucky student per year gets the \$175.00 tow, and after that word seems to get out.

STEPHENS: Aren't your gates always open?

TUFO: No.

STEPHENS: I actually drove through there to look at some townhouses a couple of weeks back and the gates were open.

TUFO: Well at that time they sometimes are working on the motor or they are broken, but they are not supposed to be open.

STEPHENS: Ok.

TUFO: And we will get your license number too. The good thing is the turn into

Southmoor Commons is a very sharp turn; we have islands filled with landscaping. Another issue we have is the commercial trucks. The agreement was that commercial trucks were to come in and out from 131st street only and we have commercial trucks coming in off LaGrange Road tearing up the curbs and tearing up the landscaping. We have asked for assistance with that most recently, I think, this spring. I personally have walked into Aldi and asked them about the trucks and they say no one has ever told them their can not go in and out LaGrange Road. So we have some communication breakdowns and obviously some matters to get together. We also have the impassable streets with weeds. The landscaping was supposed to be installed to specks and it was, but the trees are dying and the plants are dying. Its actually very nice landscaping but its not watered. We do have a lot of weeds on the walking path that goes from Aldi to the homeowners and it is impassable. It goes through 2 lots that have piles of dirt and it's my understanding that they have to level dirt after 4 years, that is what our annexation agreement says.

STEPHENS: Mr. Sullivan is that what is in the annexation agreement?

SULLIVAN: Yes, that is in theirs. The area from the sidewalk to the residential area is blocked.

TUFO: We also think there should be more stop signs within the strip mall. There are no stop signs between Chase and Aldi and they don't, and there are people walking. We are very concerned about Sandburg Students using the parking and running across LaGrange Road. We are very concerned about the parking and standing people, the kids just run and its just really dangerous. We just don't think there should be any consideration for a drive thru.

STEPHENS: Ms. Tufo, let me just go over this, what your comments were that you wanted to address. One was a drive thru, two parking lots being used by the kids, and commercial trucks should only come in off 131st.

TUFO: That was actually part of an agreement in 2006.

STEPHENS: I remember that. I was on the commission at that time. Also the dirt pile on the commercial area and more stop signs in the commercial area. Does that about cover it?

TUFO: Oh the sewers shrouds are still there and are covered with junk and beer cans.

STEPHENS: In the commercial area?

TUFO: Yes

STEPHENS: Ok. Have you had a meeting with the petitioner? I know you had a

meeting with staff.

TUFO: Not recently. We have sent emails.

STEPHENS: Have they been answered?

TUFO: That they'd be taken care of.

STEPHENS: Does that about cover it?

TUFO: Yes.

STEPHENS: That you very much. Sir please come up to be sworn in.

AUBIN: Swore in Tom Brogan, 13345 Lahinch Drive, Orland Park, IL 60462

BROGAN: Before any decisions are made I think the people, my neighbors, don't know any of the details of what is being raised by the Planning Commission. Before you make any decisions I would like to be informed on what the changes on zoning would be. That hasn't been discussed.

STEPHENS: I believe it has been discussed but we will ask staff to reiterate it.

BROGAN: If it's just drive thru....

STEPHENS: Well what the comment was is that our staff has had conversations with the homeowners association and they agreed to exclude restaurant drive thrus early on.

BROGAN: What I want to know....

STEPHENS: What will be prohibited is; animal hospitals, pound shelters and overnight animal boarding, any additional drive in service windows, vehicle repair, car washes. All theses items will be excluded from the permitted uses in this area.

BROGAN: What are we allowing? What are we changing?

STEPHENS: Its section 6-207, BIZ General Business District.

BROGAN: We need to see that, my neighbors and I.

STEPHENS: I'll give you a copy.

SULLIVAN: The Homeowners Association officers have it.

BROGAN: This came as an issue, maybe in the paper. I was not aware that there

was.... Really what I want to know is what is happening and I don't know that so far.

STEPHENS: (Gave Mr. Brogan a copy of Section 6-207 and showed him again the list of what is not being allowed.)

TUFO: All this information was provided to all Southmoor homeowners, it's called an annexation agreement dated February 2003. Everyone that was an original homeowner was given it by Pulte, which is where I found it and read through it. We were all notified of this when we first bought.

BROGAN: Not of the change.

TUFO: Notified that there was an agreement made with the Village and Pulte and the Homeowners Association of what would be allow there. The big difference here is that the original agreement listed what was allowed and no to make things simpler now they just want to indicate what is not allowed. What is being excluded?

STEPHENS: Will there be a change to the Code?

SULLIVAN: Mr. Chairman if I could answer that one. I think the confusion is that there is already a BIZ district existing in our zoning districts. In most of the smaller commercial districts in the Village have BIZ zoning. That is what most people have and is what we use on a day to day basis. It's unusual for a commercial area to have its own list of uses, like Southmoor Commons did, because it's an agreement. It's just very unusual. So all the businesses going, or basically doing the same thing everyone else does in the Village, in the small zoning of the BIZ district. Like I said earlier there will be two more meetings and we will be happy to explain things or if you go on the Villages website. The BIZ zoning district is in there and you can just call if you have trouble finding it. But it's nothing new or unusual, it's an existing code.

BROGAN: This sounds like it's done.

STEPHENS: No sir it's not done. We are hearing this for the first time this evening, then it goes to a committee that meets in two weeks, and then it has to go to the Board for final approval, which will be a month from today. Planning Commission is nothing more than a recommending body we don't make decisions, the Board does.

SULLIVAN: I am a staff member, my name is Bob Sullivan and I am the Planning Director.

BROGAN: I will read this. It does seem that our Village employee does think this is something that should be done; he seems to have already agreed. I think that's early.

STEPHENS: He makes a recommendation from staff to us. We can either follow it or not. They are simply making a recommendation, but I don't see anything wrong with the recommendation that they are making.

BROGAN: And you are the Planning Commission?

STEPHENS: The Planning Commission who makes recommendations to the Village Board.

BROGAN: It seems to me that you....

STEPHENS: We are not paid, we are not elected we are residents just like you. I have lived here for 32 years. I come up here of my own free will and give up my time for free. We are just like you, we live in this town.

BROGAN: What I think is that this recommendation is close to being accepted, and I'd like you to slow down.

STEPHENS: Any more comments from the audience?

AUBIN: Swore in Patricia Mullen, 9528 Tramore Court, Orland Park, IL 60462

MULLEN: My confusion was when I received a letter. I called the staff and asked what is the difference of what is currently being approved and what is requested to be approved? And the current approval is 3719 exhibit D, which is 2 pages and the proposed 6-207 BIZ is 5 or more pages and what we are concerned with I think is the different businesses that would be allowed. I think that would take a lot of reading to determine what would be the pros and the cons. Now if they say from all of these we are going to restrict 5, will that be from the perpetuity or is that just for the current....

STEPHENS: If we make a recommendation and pass it, it goes to committee and they pass it and its goes to Village Board and they pass it, it can not be changed unless you come back again:

MULLEN: So that is the one thing we have to understand, and it is quite a long list. Its not just a couple different ones. The other thing is that when we had an agreement 3 years ago I don't feel the builder lived up to his part of the agreement. Sure they did to the letter but not to the spirit of what was going on. We have had a lot of concerns about the lights coming on. I live right across from where the driveway is and my bedroom window and my neighbor's bedroom window have had the lights shining in for the last 3 years. We have been planting trees out of our own pocket as well as pestering the landscape committee to get some protection from these lights, because the bank is there and people are going through the ATM all night long so that is a problem. The second thing is that

the driveway has lights like airport lights; it's a runway straight across from my bedroom and my neighbor's bedroom. They keep saying they are going to dim the lights and they never do and I don't know that you can because they may be security lights. The other thing Peg was mentioning was no watering and these lots are not being maintained. There are huge boulders, rocks, and weeds. And the other thing is there was one lot that was never designated as to what was going to go in it, and that is the lot nearest to us. It was always said that there is going to be a rendering but we never saw it.

STEPHENS: Let me stop you for a minute. This not a petition for what is going on in the neighborhood or what is already going on in the commercial area. That has already been discussed with Mr. Sullivan and I think he has passed it on to the committees that handle that. This is strictly a petition as to, are we going to allow the zoning change. We do not have the authority to address the comments about the lot that you're talking about or the landscaping or those kinds of things that is not our charge. But I believe a lot of these comments have been brought forward to Mr. Sullivan and will be dealt with.

MULLEN: Well I don't know that.

STEPHENS: He made the statement earlier that he has passed this information along to the staff and committees, I don't know if you heard him. I can ask him to restate it.

MULLEN: No, he doesn't have to. I believe him and I believe you. The point is we are concerned that we are going to give up more when we didn't get what we were promised the first time.

STEPHENS: I understand that.

MULLEN: Thank you.

SULLIVAN: The bright light part we didn't have that before and we will add that. Just so you know the zoning district it is longer and does list more because it addresses more like lot coverage, height, lot setbacks. So the zoning district is different - this is a list of agreement. The list in the annexation agreement is simply a list of uses in an agreement. The zoning district is more of a regulatory chapter of the land development code that regulates a lot more things, different types of things, and is more comprehensive. So by nature it's going to be longer and it regulates a lot more things and is not just a list of uses.

MULLEN: The only other comment I would have is that when we do have a problem we don't know who to contact. If there are kids running through and parking in the lot, I have gone to Aldi and they pay no attention. If there is no supervision of that property we don't know who to address our concerns to.

STEPHENS: Good question. Mr. Sullivan?

SULLIVAN: We have a gentleman here, Mr. Goodman from GMX. I would assume you are the one to contact.

STEPHENS: We are going to call Mr. Goodman up to address a lot of these questions. But in the mean time, Mr. Sullivan who would we contact?

SULLIVAN: That would be Mr. Goodman or V Land.

STEPHENS: And if they do nothing about it?

SULLIVAN: Then they can come to us and we will help them try to contact them.

STEPHENS: Community Development and you'd take it from there?

SULLIVAN: Yes. We would ask you to go through your homeowners association so that its coordinated and we do not receive 30 calls on the same thing. We just ask you to go through them.

STEPHENS: I would like to ask Mr. Goodman to come to address some of the homeowners concerns. Parking in the lots by the kids.

GOODMAN: I'd like to take a step back in general before we talk specifically about the issues. I received the list last week for the first time in email. So Ms. Tufo you said you have reached out to people in the past but this is the first time I have seen anything.

TUFO: (stated that she has emails that have been sent in the past)

GOODMAN: I like to see them because this is the first time I have received anything from anyone resembling your email address.

TUFO: (states it comes from the property manager, Melissa Brooks PSI)

STEPHENS: Would you like to write that down.

GOODMAN: Yes.

STEPHENS: Wouldn't it make sense for you to meet with their property manager to address these issues?

GOODMAN: Absolutely. I'd be happy to do it, sir.

STEPHENS: Let me just go down the list maybe some of these you can answer and some you can't.

GOODMAN: I'll do my best.

STEPHENS: Ok. Well what about the kids parking in the parking lots during school.

GOODMAN: First and foremost with respect to the High School. I know some High Schools have a closed campus policy. Is this a closed campus?

TUFO: Yes it is.

GOODMAN: Ok. So is this happening before school, after school?

TUFO: Before and after they park there.

GOODMAN: We do enjoy doing business in the Village of Orland Park; I just want to say that for the record. That said I'm sure there is something we can do with a parking program, which maybe towing which would mean if people are parking there but not using the services in your shopping center. We could probably set up a towing service with that regard. What we can't do it to monitor the kids running across LaGrange with the 60,000 cars going down it a day. I would respectfully ask the Village to coordinate that with the High School.

STEPHENS: In regards to the parking maybe we could put up signs in the parking area that say Sandburg High School students are not permitted to park here or something like that. Mr. Sullivan, is there anything he can do, like to sign an agreement with the Village Police so that kids that are parking there would be ticketed.

SULLIVAN: Absolutely.

STEPHENS: Maybe you'd like to forward something like that so there would be signs and cooperation with the Village of Orland Park so the people who come into your commercial area have places to park other than where the kids have taken up their spaces.

GOODMAN: We'll be happy to look into that type of a program.

STEPHENS: Commercial trucks. I was on the plan commission when we approved this whole community and there was one of the conditions at that time of the approval that the commercial trucks should be coming in off 131st street and not the main entrance off LaGrange road.

GOODMAN: We agree.

STEPHENS: So you need to put up signs again. Put up signs along that area, or

put it in your leases so that they are aware they have to come in off 131st street.

GOODMAN: To that, we received the email from Mr. Sullivan last week and we have already contacted the real estate director at Aldi and communicated that with him. It happens to be a new director since we received approval for the project from the board. He has since spoken to the stores staff. We are aware of that provision. Aldi owns their own pad. Maybe if I could take a step back.

STEPHENS: Is there a agreement with the association with that complex?

GOODMAN: Yes there is a governing document that is recorded with the property and all subsequent owners.

STEPHENS: That document must probably spell in there that commercial trucks must enter and exit on 131st street.

GOODMAN: I believe the conditions are there. I stood with the representative of Aldi's so I am sure they are aware of that.

STEPHENS: Hopefully then they will resolve that. So the problem will still be the other businesses there that they also have to use 131st street.

GOODMAN: That is correct, but I believe the primary culprit is Aldi.

STEPHENS: Alright. The question came up about signs. The developer is supposed to put up signs that can not be parking or standing on Southmoor Drive. Don't you have to put up those signs? I am asking this for the public record.

GOODMAN: Yes. We need to work out a sign program with the Village that will be acceptable.

STEPHENS: You also have a lot with a dirt pile is there a problem with that? If you have an agreement that says that after 4 years you have to remove a dirt pile then you have to do it.

GOODMAN: I am not aware of that. Is that a general requirement?

SULLIVAN: No. It's in the Annexation Agreement.

STEPHENS: I realize it's expensive to remove a dirt pile and then put it back, but maybe if you talk to Mrs. Tufo and the Association you could work out something favorable to both of you.

GOODMAN: That is a fair request. I will leave my business card here on the table for Mrs. Tufo.

STEPHENS: The comment was more stop signs in the commercial area. Is that a possibility?

GOODMAN: Sure it's a possibility. There is a certain point when the signs become counter productive so it has to be a plan that would be for the whole development and would have to be mutually acceptable.

STEPHENS: I think there is some way you can work that out with the police department to give them permission to help with that. Sewer shrouds?

MULLEN: I think there is landscape material that keeps debris from falling in.

STEPHENS: If they haven't taken them out yet, is there still a letter of credit on file with the subdivision?

SULLIVAN: I don't know off hand.

STEPHENS: If a letter of credit is still on file with the Village for subdivision improvements these improvements don't get completed until the Village accepts them. If the letter of credit is still on file and they do nothing about it the Village can draw on that letter of credit for remaining work. The way Mrs. Mullen spoke about the lighting going into her bedroom, there are codes as to how much lighting they can have coming out there. Can you check that Mr. Sullivan.

SULLIVAN: We will.

STEPHENS: If that lighting is in compliance with the Village code there isn't much we can do about it, unless they can put some kind of shrouds over it so it kind of deflects it so it stays in the parking lot. Which is a possibility. Mr. Sullivan would you follow through on that.

SULLIVAN: Yes.

GOODMAN: If I can go back to the fabric filters comment.

STEPHENS: Of course you can.

GOODMAN: There are rules the Illinois EPA for example, when a site is opened up that filter fabric is required so the debris doesn't enter into the sewer system. When the site is complete and can be driven over, if you will, that is the typical point that we remove that filter fabric. So I am not sure where that is.

STEPHENS: Are you just involved in the commercial area?

GOODMAN: Yes.

STEPHENS: Well I would assume that within that commercial area and the development is not completed and if the fabric is still up you don't have an obligation yet at this point to clear that up because it does stop debris from falling into the sewers. So I think on that point I would agree with you.

GOODMAN: If I may just add more additional point, because there is some confusion in amongst our owners within the subdivision itself. The three lots that are currently front LaGrange are all owned by different groups. We put the development together and we put some deals together and we ended up (Inaudible). In a lot of developments of this nature you sell off individual lots, in the case of the lot north of Chase bank and to the north of the strip center, we don't own those lots. I drove by them today before the hearing, obviously with the heightened concern in email by Mr. Sullivan and in preparation for this meeting I did see some pretty good (inaudible) on those lots. There is an owner here is Palos that I did make aware that he needs to get his lots cleaned up. And I have forwarded his personal contact information to Mr. Sullivan, if it is deemed he needs to be contacted.

STEPHENS: I don't think that what was part of it.

GOODMAN: I heard a comment about debris and I just wanted to clear that up.

STEPHENS: Ok. We have pretty much covered that. Mr. Sullivan if you would follow through and Mr. Goodman if you'd contact the management company with the association and maybe work out some of these things we could all move on.

GOODMAN: Ok.

STEPHENS: Mrs. Mullen you have something further?

MULLEN: The store that are already furnished, already in place. The new stores that are facing 131st street, there seems to be no uniformity on what they put on their windows or their signage. It's just a mismatch. I am just thinking we as homeowners have to keep uniformity, white or off white facing out the street on our homes. It might be nice if they had uniformity there.

STEPHENS: I think that is a matter that's..... Mr. Sullivan can you address that?

SULLIVAN: Sure. The way the Villages code reads for signs, you can pretty much do as you want in windows, as long as they don't flash. Your free to put clearance or what ever, you can't do that outside, but you can in your window.

STEPHENS: Are you talking about the signs over the tops.

MULLENS: There are signs over the tops but I think it's a nail place that has some very strange window curtains or something in there and then the restaurant to the

south of that, the Big Tuna, and it has something strange in the window. It doesn't bother me because I am not facing that, but it is a bad reflection on Orland Park, it's a Gateway to Orland Park and you go, wow look at this mess.

STEPHENS: I don't think we have control of that. That would be controlled by the developer or the owner of the shopping center. The site does comply with the Village codes, so if they want to do something that doesn't threaten Village Codes they can go ahead and do it. Mr. Brogan, do you have something more you wanted to say?

BROGAN: The current usage list numbers 42 offers, other uses as approved by the Village, so the petitioner would always be able to come in and ask for uses, the way it is now. If we go to the general Business district we open it up to a wide amount of uses. We already have something that is useful....

STEPHENS: No we are opening up in the motion that we are with what's allowed in the BIZ district with the exception of the items that I have already reiterated twice. I will say it again. What will not be allowed will be; animal hospitals, pound shelters and overnight animal boarding, any additional drive in service windows, vehicle repair, car washes.

BROGAN: What is wrong with leaving what we have....

STEPHENS: We are getting into a debate and we are not going to debate.

BROGAN: I am offering a suggestion you don't have to work on it just leave it like it is. There is a provision to make changes.

STEPHENS: I guess we don't have anymore comments all have been spoken. Commissioner Dzierwa do you have any comments?

DZIERWA: First of all does everybody understand that this is part of the land development code right now? It is law, its what we follow. It's very very extensive. To clear up another matter, please correct me if I'm wrong Mr. Sullivan, theses are permitted uses that were just picked out of there and used as examples. We also said we did not want kennels and dog pounds and all the rest of that stuff, just to make it a little more desirable to live there. So I think a lot of you people might not understand that and I have always been respectful, and I kept my mouth shut while everyone else was talking and I let you speak. This is code right now. We are not changing anything we are not voting on anything in here, we are making a recommendation. You will have two more instances to come in and plead your case at committee and then at Village Board. As far as a lot of what your talking about, we are technically supposed to list to them, but they have been heard. Staff listens to them and passes them on the police or inspectors. If Sandburg kids are parking there call the Village there. They have a hotline 403-2277, my kids car had been towed out of the Jewel parking lot when they went to Sandburg so I know

what that's like. You guys have recourse, call the management company, and if they don't do anything you can call us. A lot of things you are upset about, that you don't like they are not our charge, we are residents too, there is a lot that goes on in our lives that we don't like, we want to listen to you but we can only do so much our hands are tied. All I can say if you are diligent and call the Village and the Homeowners Association you'll be able to get a lot done.

AUBIN: I don't have a whole lot to say here. But when you do your homework, as our staff has done here, you will see that in the BIZ district there are setbacks and codes and landscaping like that. This agreement that you have on this one page and at the end it says and other uses as approved by the Village. As Mr. Sullivan said earlier, in the BIZ District, that sentence isn't there. Now even in the motion tonight there is going to be additional things that could not be there. As to the other things discussed tonight, Mr. Dzierwa is right we have no charge there. It sounds like to me, A- you have to talk to people about dirt cars and other things and if those people don't react, and then you go further. Tonight we are going to recommend to the Village board this change of taking that area that is in your area and putting it in this district code which is in your favor. They won't add anything that is ugly, we think this is right. There are three trustees that are going to sit down and go over this again and if they think this is right they are going to recommend it to the Village Board. Then it becomes the rule, law. Tonight I think if you look into this you'll see it's really restrictive and it's in your favor.

PARISI: First of all the purpose of this petition here tonight is for permitted uses and we talked about parking and traffic. Obviously it's got some momentum but it's really not our charge. But as an 8 year member of the traffic advisory board that is really where you should go. Your problems on your public streets and in maybe doing that I'd caution you that putting too many stop signs, you'll actually find out that people actually accelerate between stop signs to make up for the time. I understand that you originally expected an upscale shopping center but the conditions have changed so you are getting something probably different than what you originally thought you were. But what we are trying to do here like Commissioner Aubin said very well is that we are trying to really regulate this.

SULLIVAN: Could I make one quick comment?

STEPHENS: Ok, sure Mr. Sullivan.

SULLIVAN: It seems like it's a little bit confused here. The Business zoning district is currently the district for Southmoor Commons that is what is on here now. What's changing is the permitted uses, your agreement is only permitted uses The business zoning district is a little bit different in its permitted uses. It is zoned that now. The Southmoor district is zoned that now. Just what is being changed is not the zoning but permitted uses in the zoning district. You now go to your agreement and we suggest you go back to the zoning district. So I apologize if that wasn't clear enough.

STEPHENS: Thank you Mr. Sullivan. I may differ from my fellow commissioners in that I think that when there is a change like this, that there is a good thing that the people come out to listen to what is going on here. And I really take the time here to listen to your questions and I hope that this will create some sort of spirit of cooperation with the developer. So with that I personally have no problem listening to all the comments that you've made. I think they are good for the community. We do listen. Hopefully Mr. Goodman has heard our point and we'll ask Mr. Sullivan will stay on top of this so something can be done. But again like the rest of the commissioners pointed out this really isn't our charge, our charge is to listen to what the petition is and determine whether or not to recommend it. Again I wish more people would come out and listen to what is going on in their own neighborhood, like you people did. So I really do thank you for coming in and voicing your opinions. I agree with my commissioners that this is probably a good thing what we're doing. We do have concerns from the Association and we're going to limit the kind of uses you don't want to be there and we are going to make this recommendation to pass this forward so it limits the things you don't want there that are permitted in other areas with this district. I will now ask for a motion.

PARISI: I move to accept as findings of fact of this Plan Commission the findings of fact set forth in this staff report, dated September 8, 2009,

and

I move to amend Southmoor Special Use Ordinance # 3719 approved in 2002 and the associated Annexation Agreement that govern the Southmoor Commons commercial area to delete the current land use restrictions and replace with uses and special uses allowed in the BIZ Business District, with the exception of the following uses that will be prohibited: animal hospitals, pound shelters and overnight animal boarding; any additional drive in service windows, vehicle repair, car washes.

THOMPSON: Second.

STEPHENS: Informed Mr. Brogan that if he wished to follow up with this matter, it will go before the Committee on the 4th Monday of the month.

A motion was made by Commissioner Steve Dzierwa, seconded by Commissioner Paul Aubin, that this matter be RECOMMENDED FOR APPROVAL to the Development Services & Planning Committee, due back on 9/28/2009. The motion CARRIED by the following vote:

Aye: 5 - Commissioner Dzierwa, Commissioner Aubin, Commissioner Stephens, Commissioner Thompson and Commissioner Parisi

Nay: 0

Absent: 1 - Commissioner Jacobs

DATE: September 8, 2009

REQUEST FOR PLAN COMMISSION ACTION

File Number: 2009-0364
Orig. Department: Development Services Department
File Name: Southmoor Commons - Restricted Uses

BACKGROUND:

PROJECT: Southmoor Commons use restrictions

PETITIONER: V-Land Orland Park 131st LLC

PURPOSE: The petitioner requests an amendment to the permitted uses in the Southmoor Commons commercial development to align them with those uses allowed in the current BIZ General Business Zoning District.

LOCATION: 13100 S. LaGrange Road: Southeast corner of 131st Street and LaGrange Road.

ATTACHMENTS:

Exhibit 'D': Current list of permitted uses in Southmoor Commons commercial area;
Land Development Code Section 6-207, BIZ General Business District,
Petitioner's Written Response to Special Use Standards

EXISTING ZONING: BIZ General Business

EXISTING LAND USE: Commercial shopping center

SURROUNDING ZONING AND LAND USE:

South: Southmoor Residential neighborhood
North across 131st Street: Commercial development in Palos Park
East: Southmoor Residential neighborhood
West across LaGrange Road: Carl Sandburg High School

TRANSPORTATION: Vehicular access is from LaGrange Road, Southmoor Drive, and 131st Street.

PLANNING OVERVIEW and DISCUSSION:

Southmoor Commons (131st & LaGrange) was approved as an upscale shopping center during the Palos Country Club annexation and plan review process. A list of specific uses was approved to encourage an upscale tenancy, resulting in the prohibition of other uses that might normally be in a shopping center. That list was amended by the Village Board on May 18, 2009 to permit medical offices. Committee Chairman Dodge expressed concern over potential loss of new businesses.

Normally, the Village relies on the different zoning districts to control land use. There have been some exceptions in the past, including Southmoor Commons. Another

REQUEST FOR PLAN COMMISSION ACTION

exception is some of the older business/industrial parks that had many specific restrictions and requirements. At the time, apparently the Village had a plan for those areas to develop a certain way. Since then, circumstances have changed and exceptions to those restrictions have been sought and given. The MFG District has been amended along the way to reflect changes in Village goals and in the general environment. Looking ahead, the Main Street Triangle is proposed for restrictive uses rather than simply deferring to the Village Center Zoning District. Issues to consider include potential lost businesses, additional confusion of numerous exceptions and additional requirements, time and resources needed to research and enforce exceptions and additional requirements, adequacy of zoning district language, level of desired flexibility, and maintenance of an area's desired character.

On June 22, 2009 the Committee recommended eliminating the current land use restrictions on Southmoor Commons. It would then be subject to the normal BIZ Zoning District land uses. The issue is now before Plan Commission and a Public Hearing for consideration. In order to accomplish the change, the original Special Use Permit (ordinance 3719) and the Annexation agreement, that includes the 'Exhibit D' list of exclusions must be amended.

The residents of abutting Southmoor Commons have contacted the Village with some questions about the proposed amendments. Staff met with the Homeowner's Association President Paul Mandra and Treasurer Peg Tufo on September 1, 2009 to more fully explain the proposed changes. Some concerns were raised related to some of the Special Uses that could be potentially built in the commercial area under the BIZ Business District special uses. Although the uses would be subject to Village Board approval, some have been excluded in the motion to address resident concerns with noise and traffic. The uses discussed included animal boarding; additional drive-throughs, car washes, and arcades (not listed as a permitted use in BIZ). Vehicle repair uses were not discussed at the meeting, however they also can generate noise that might be objectionable to neighbors. Concerns were also raised concerning a number of property maintenance issues on the site that the residents would like addressed. The property owner has been contacted, and Village inspectors will be inspecting the site for violations.

SPECIAL USE STANDARDS

When considering an application for a special use permit, the decision making body shall consider the extent to which:

1. The special use will be consistent with the purposes, goals, objectives and standards of the Comprehensive Plan, any adopted overlay plan and these regulations;
 2. The special use will be consistent with the community character of the immediate vicinity of the parcel for development;
-

REQUEST FOR PLAN COMMISSION ACTION

3. The design of the proposed use will minimize adverse effects including visual impacts on adjacent properties;
4. The proposed use will not have an adverse effect on the value of adjacent property;
5. The applicant 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;
6. The applicant has made adequate legal provision to guarantee the provision and development of any open space and other improvements associated with the proposed development;
7. The development will not adversely affect a known archaeological, historical or cultural resource; and
8. The proposed use will comply with all additional standards imposed on it by the particular provision of these regulations authorizing such use and by all other requirements of the ordinances of the Village.

It is the responsibility of the petitioner to prove that all standards will be met.

This is now before Plan Commission for consideration.

BUDGET IMPACT:

REQUESTED ACTION:

I move to accept as findings of fact of this Plan Commission the findings of fact set forth in this staff report, dated September 8, 2009,

and

I move to amend Southmoor Special Use Ordinance # 3719 approved in 2002 and the associated Annexation Agreement that govern the Southmoor Commons commercial area to delete the current land use restrictions and replace with uses and special uses allowed in the BIZ Business District, with the exception of the following uses that will be prohibited: animal hospitals, pound shelters and overnight animal boarding; any additional drive in service windows; vehicle repair, car washes.

3719

EXHIBIT "D"

Permitted Uses:

- (1) Antique shops and art galleries, but not including auctions;
- (2) Art and school supply stores;
- (3) Bakeries;
- (4) Barber shops;
- (5) Beauty shops;
- (6) Book stores;
- (7) Camera and photographic supply stores;
- (8) Candy and ice cream stores;
- (9) China and glassware stores;
- (10) Coin and philatelic stores;
- (11) Linen and fabric stores;
- (12) Drugstores and pharmacies;
- (13) Dry-cleaning and laundry receiving establishments;
- (14) Electrical appliance stores;
- (15) Florist shops;
- (16) Food stores;
- (17) Furrier shops;
- (18) Gift shops;
- (19) Health salons;
- (20) Hobby and craft shops;
- (21) Import shops;

- (22) Interior decorating shops;
- (23) Jewelry stores, including watch repair;
- (24) Leather goods and luggage stores;
- (25) Light fixture stores;
- (26) Delicatessens;
- (27) Music stores, including sheet music, instrument and phonographic record sales;
- (28) Millinery shops;
- (29) Photographic studios;
- (30) Offices, professional, business and government;
- (31) Restaurants, but of the "drive-in" type, providing goods or services to customers waiting in parked vehicles, or of the exclusively "carry-out" type providing goods to be consumed off the premises;
- (32) Shoe stores;
- (33) Sporting goods stores;
- (34) Stationary and card shops;
- (35) Tailor shops and custom dressmaking establishments;
- (36) Tobacco shops;
- (37) Toy shops;
- (38) Travel bureaus;
- (39) Wearing apparel shops;
- (40) Accessory uses necessary and customarily incidental to the above uses;
- (41) Banks and financial institutions, including drive-in facilities;
- (42) Other uses as approved by Village.

Section 6-207
BIZ General Business District

SECTION 6-207. BIZ GENERAL BUSINESS DISTRICT.

- A. **Purpose.** The BIZ General Business district is established to provide a location for higher-volume and higher intensity commercial uses than the RSB district, including establishments involving heavy equipment, and the processing and distribution of goods, which provide employment and revenues for the Village. Due to the higher volume of these uses, and the automobile and truck traffic they typically generate, it is intended that the BIZ District be located only along major and minor collectors and arterials in order to ensure that the traffic generated by such uses does not adversely impact nearby residential neighborhoods. Recognizing the impacts such uses may have on adjacent residential areas and the overall character of the Village, the development standards for the BIZ District are designed to buffer the BIZ District from nearby residential properties and to maintain the general appearance of major thoroughfares through the Village.
- B. **Permitted Uses.** The following uses may be established as permitted uses in the BIZ District in buildings up to 50,000 square feet unless otherwise limited below, in accordance with the procedures established in Sections 5-101 through 5-104:
1. Accessory uses, as provided in Section 6-302;
 2. Building material sales; (Ord. 3672 - 8/5/02)
 3. Bus stop shelters owned and maintained by the Village, provided that:
 - a. No bus stop shelter is located within thirty-five (35) feet of a street intersection or within a clear sight triangle identified in Section 6-301(E); and
 - b. The design of the bus shelter is compatible with development of nearby properties.(Ord. 4374 - 6/2/08)
 4. Clinics and medical or dental offices;
 5. Commercial retail establishments not exceeding 50,000 square feet of floor area;
 6. Contractors or construction offices, but not including storage yards;
 7. Convenience stores;
 8. Day care centers and day care homes, provided that the use is licensed by or registered with the Illinois Department of Children and Family Services in accordance with the Child Care Act of 1969, as amended. (Ill. Rev. Stat. ch. 23, par. 2211, et seq.)
 9. Drycleaning and laundry processing stations, provided that they have all necessary

(6/08)

Section 6-207
BIZ General Business District

State approvals for handling and disposing of toxic substances used at the station;
(Ord. 2462 - 10/18/93)

10. Financial institutions; (Ord. 3281 - 8/16/99)
11. Food concession associated with a primary use; (Ord. 4374 - 6/2/08)
12. Funeral parlors without crematoria; (Ord. 4374 - 6/2/08)
13. Governmental uses;
14. Medical rehabilitation centers;
15. Nurseries and greenhouses;
16. Offices;
17. Overnight accommodations, provided that rooms are not rented for a period of more than thirty (30) days.
18. Personal service establishments; (Ord. 2959 - 11/18/1996; Amd. Ord. 4374 - 6/2/08)
19. Schools - arts or vocational;
20. Restaurants and outdoor seating for restaurants greater than 330 feet from a residential parcel. Outdoor seating will have aisle widths of three (3) feet or more, and service of liquor will require fencing, temporary or permanent. (Ord. 3837 - 12/1/03)

C. **Special Uses**. The following uses may be established as special uses in the BIZ District, in accordance in the procedures and standards set forth in Section 5-105:

1. Adult Uses, provided that:
 - a. Any such use is not located within 1000 feet of:
 1. A place of worship;
 2. A school or day care center;
 3. A public park;
 4. A boundary of any residential District or Dwelling or;
 5. Another Adult Use.
 - b. A license is secured by the petitioner in accordance with Village ordinances.
 - c. That the use must constitute at least 15% of the business.
2. Animal hospitals, pounds, shelters and other overnight animal boarding;

(6/08)

Section 6-207
BIZ General Business District

3. Automobile service stations;
4. Car washes;
5. Clubs and lodges;
6. Commercial retail establishments with a floor area of 50,000 square feet or greater;
7. Community centers;
8. Congregate elderly housing, provided that:
 - a. The standards of Section 6-312 that are applicable to this District are met; and
 - b. The use is located no closer than 1,000 feet to any other congregate elderly housing facility, residential-care home or nursing home.

(Ord. 3281 - 8/16/99; Amd. Ord. 4475)

9. Drive-in service windows, provided that:
 - a. The principal use is an office, retail establishment, financial institution or restaurant located on the same lot;
 - b. There are at least five (5) stacking spaces per four (4) or more windows, or if fewer than four (4) windows, at least seven (7) stacking spaces.
 - c. The amount of stacking space and circulation patterns on the lot is adequate to keep traffic from backing up into the street.

(Ord. 4374 - 6/2/08)

10. Health clubs and fitness centers;
11. Hospitals;
12. Museums, civic and cultural centers; (Ord. 4374 - 6/2/08)
13. Outside, open markets; (Ord. 4374 - 6/2/08)
14. Parks and recreational areas;
15. Places of worship which may include overnight shelter for up to eight (8) adults;
16. Planned Developments, provided that:

(6/09)

Section 6-207
BIZ General Business District

- a. Common open space: At least twenty (20) percent of the net area of the development shall be maintained as common open space;
- b. Twenty (20) percent less required private open space may be permitted for every twenty (20) percent of common open space provided beyond the minimum; (Ord. 4015 – 5/2/05)
- c. Optional Bonuses. Additional building square footage bonuses may be permitted, provided that the applicant provides the following in the proposed development: (Ord. 4015 – 5/2/05)
 - 1. Boulevard treatment of a street, including a wide landscaped median strip.
 - 2. Orientation of buildings that provide views of common open space, forests, valleys, ponds, wetlands and hills;
 - 3. Buildings are oriented for solar heating;
 - 4. Less than fifty (50) percent of garage doors facing the street or common courtyard;
 - 5. Garbage enclosures hidden from view from the street;
 - 6. Attractive, nonstandard, but consistent, style for lampposts and signs, varied pavement treatments, tiles, stones, bricks and mosaics. (Ord. 2462 – 10/18/93)
- 17. Public transportation facilities;
- 18. Restaurants and outdoor seating for restaurants, within 330 feet of a residential parcel. Outdoor seating will have aisle widths of three (3) feet or more, and service of liquor will require fencing, temporary or permanent, with a minimum height of 3.5-feet. (Ord. 3354 – 4/17/00; Amd. Ord. 3837 – 12/1/03)
- 19. Sale of building materials with outdoor storage if surrounded by solid, six (6)-foot high fence. (Ord. 3281 - 8/16/99)
- 20. Sale of tires, batteries, and automobile accessories;
- 21. Sites or site plans with total building area greater than 50,000 square feet. This special use is in conjunction with any principal special use; (Ord. 4374 – 6/2/08)
- 22. Theaters, except open-air, drive-in;
- 23. Public utility structures and utility substations, provided that:

(6/09)

Section 6-207
BIZ General Business District

- a. No building is located within twenty-five (25) feet of a side lot line;
- b. The facility is constructed according to design guidelines and is operated to comply with all applicable local, state and federal regulations; and
- c. No above-ground structure for the treatment or disposal of wastewater and no surface disposal of wastewater is located within 300 feet of any stream or other body of water or any existing or proposed dwelling.
- d. The standards of Section 6-311 are met for the applicable structures/ utilities.

(Ord. 4374 – 6/2/08)

- 24. Vehicle repair with outdoor storage provided it is located at least 200 feet from a residential use or district, with a solid screen at least six (6) feet in height between said use and the residential use or district; (Ord. 3354 – 4/17/00)
- 25. Vehicle sales or rental.
- 26. Wireless communication facilities. (Ord. 3672 – 8/5/02)

D. **Floor Area Ratio.** Not to exceed 1.0.

E. **Lot Area.** The lot area for each business establishment shall not be less than ten thousand (10,000) square feet with a minimum lot width (see definition) of eighty (80) feet.

F. **Setbacks**

1. **Building Setbacks from Street Right-Of-Ways**

Setbacks between the street right-of-way and the building facade facing the street shall follow the minimum requirements set in Table 6-207.F.1 (A) (below). The setback width is related to the width and character of the street. (Ord. 4374 – 6/2/08)

Section 6-207
BIZ General Business District

TABLE 6-207.F.1 (A)

STREET NAME	MINIMUM BUILDING SETBACK FROM STREET	PURPOSE OF THE SETBACK AREA
All streets, except as below	25 feet	For streets carrying moderate to high regional and local traffic, a setback area of 25 feet will be required. This will allow commercial buildings to maintain high visibility from the streets, and also provide a significant landscaped area along the street.
Exceptions:		
LaGrange Road	35 feet	LaGrange Road is proposed to be widened to a six lane arterial with a landscaped median. A larger setback area is being proposed for this street to distinguish it from other arterials. The wider setback will allow substantial landscaping that will add a sense of scale, safety and enclosure to this high speed corridor, and help create a unique look for the street.
147 th Street	15 feet	For pedestrian oriented streets that also carry moderate local traffic, a setback area of 15 feet is required. This will encourage building entrances to connect directly to the sidewalk, while allowing landscaping with low plantings along the street.
Ravinia Avenue		
West Avenue		
144 th Place		
149 th Street		
151 st Street, between Ravinia Avenue and West Avenue (Ord. 3990 – 2/21/05)		
157 th Street	0 to 15 feet	These special pedestrian oriented streets shall be defined by buildings with active street fronts, multiple entrances and well articulated street facades, and by parkway trees along the sidewalk. Buildings shall be allowed to be placed at the lot line or set back up to 15 feet to strengthen the pedestrian character of the street.
142 nd Street		
Ravinia extension (north of 143 rd Street and south of 159 th Street)		
161 st Street		
160 th Street		
95 th Avenue		

2. **Building Setbacks from rear and side lot lines that do not abut a street**

All buildings must maintain a minimum of 30 feet of setback area from the rear lot line and a minimum of 15 feet of setback area from the side lot lines that do not abut a street.

Section 6-207
BIZ General Business District

3. **Permitted Uses in Building Setback Areas along Streets**

Setback areas will be primarily used for landscaping and other pedestrian oriented uses including:

- a. Widened sidewalks and entranceways;
- b. Plazas, outdoor gardens, patios and outdoor seating areas;
- c. Water features, including bioswales or other stormwater management elements;
- d. Public art or outdoor architectural features like clock towers, pergolas etc.;

The setback area can be expanded to accommodate the above pedestrian oriented uses if needed. Architectural features that help to create a stronger pedestrian scale can extend into the setback area up to 10 feet, including:

- e. Canopies, marquees and other projections that create shaded and protected entrances;
- f. Extended roofs and eaves;
- g. Awnings and canopies over windows;
- h. Projecting blade signs that comply with the Village's sign ordinance.

4. **USES NOT PERMITTED IN BUILDING SETBACKS ALONG STREETS**

Parking lots or structures, drive-through facilities, loading facilities or trash enclosures are not allowed within the setback area between the building facade and the street.

Drop off areas or drive aisles in the setback area are strongly discouraged, and shall be allowed within the setback area with a *Variance* only when there are no reasonable alternatives. The following conditions shall be met if these uses are proposed in the setback area:

- a. That these do not obstruct any direct connections between the sidewalk along the street and the entrances to the building; and
- b. That these are designed with special paving to appear to be extensions of the sidewalk and instead of curbs, the drive aisle is differentiated with bollards, pavers etc.

5. **Parking Lot Setbacks**

A minimum of a 10-foot landscaped setback must be provided between the parking lot and the primary street right-of-way.

(Ord. 4015 – 5/2/05)

Section 6-207
BIZ General Business District

- G. **Lot Coverage.** No more than seventy-five (75) percent of the area of the parcel proposed for development, including any retention areas, shall be impervious. For the purposes of lot coverage determination, with regard to detention/ retention areas, lot coverage: (Ord. 3672 - 8/5/02; Amd. Ord. 4374 - 6/2/08)
1. For dry bottom and wetland bottom detention/ retention areas shall be considered impervious below the level of the invert of the outlet;
 2. For wet bottom detention/ retention areas shall be considered impervious below the normal water line.
(Ord. 4374 - 6/2/08)
- H. **Height.** No structure may exceed four (4) stories or fifty (50) feet, whichever is higher, nor cast a shadow on adjacent residential buildings.

(6/08)

VILLAGE OF ORLAND PARK, DEVELOPMENT SERVICES DEPARTMENT

SPECIAL USE STANDARDS

FOR ALL PETITIONS REQUESTING A **SPECIAL USE**, THE PETITIONER MUST RESPOND IN WRITING TO ALL OF THE FOLLOWING SPECIAL USE STANDARDS AND SUBMIT TO THE PLANNING DEPARTMENT.

When considering an application for a special use permit, the decision making body shall consider the extent to which the following special use standards are met. If the petitioner requests modifications to sections of the Land Development Code, CITE the relevant sections and explain why the modifications are needed using the standards as a guide:

1. The special use will be consistent with the purposes, goals and objectives and standards of the Comprehensive Plan, any adopted overlay plan and these regulations; *(List factors that demonstrate how your proposal meets this standard.)* **Special use comprises a proposed zoning district change to BIZ Zoning which encompasses zoning uses of similar character and nature to those under the current zoning of PUD BIZ. Accordingly, the special use will be consistent with the purposes, goals and objectives and standards of the Comprehensive Plan.**
2. The special use will be consistent with the community character of the immediate vicinity of the parcel for development; *(List factors that demonstrate how your proposal meets this standard.)* **As the proposed zoning change reflects uses of similar character and nature to those under the current zoning district, the special use will be consistent with the community character of the immediate vicinity of the parcel for development. There are established businesses operating on the subject development parcel which are part of the shopping center as a whole. New businesses will be of similar character and serve to provide convenience shopping and dining and services and entertainment to the immediate neighborhood.**
3. The design of the proposed use will minimize adverse effect, including visual impacts on adjacent properties; *(List factors that demonstrate how your proposal meets this standard.)* **Any businesses that are interested in the subject development will still have to comply with the high design standards that have been established under the PUD Amendment for the subject development. Emphasis on strong architectural building materials, tasteful building and site signage, well-planned landscaping treatments, shared planned parking and appropriate traffic and pedestrian circulation and lighting still remain in tact.**
4. The proposed use will not have an adverse effect on the value of the adjacent property; *(Insert explanation. If necessary, the petitioner should be prepared to offer expert testimony that the proposed project will have no adverse impact on surrounding properties.)* **The allowable uses in the proposed zoning district are complimentary to those uses in the current zoning district. Such uses will be of comparable character and quality to those currently existing at the shopping center and will allow for additional goods and services currently being offered at the center. As a result, value to adjacent property should be enhanced, not adversely effected.**
5. The applicant 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; *(Insert explanation.)* **N/A.**
6. The applicant has made adequate legal provision to guarantee the provision and development of any open space and other improvements associated with the proposed development; *(Insert explanation.)* **N/A.**
7. The development will not adversely affect a known archaeological, historical or cultural resource. **N/A.**
8. The proposed use will comply with all additional standards imposed on it by the particular provision of these regulations authorizing such use and by all other requirements of the ordinances of the Village. **It is petitioner's intention that the proposed zoning change comply with all additional standards imposed on it by the regulations authorizing such use and by the other requirements of the ordinances of the Village.**

It is the responsibility of the petitioner to prove that these standards will be met.