

ORDINANCE GRANTING A SPECIAL USE FOR A PLANNED DEVELOPMENT  
(ORLAND PARK 159<sup>TH</sup> STREET PLAZA – 9400 WEST 159<sup>TH</sup> STREET)

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

WHEREAS, said Plan Commission of this Village held a public hearing on January 10, 2012, 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 January 10, 2012 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 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 report and findings and recommendations of the Plan Commission of this Village regarding the proposed special use 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 hearing 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 permit for a planned development as follows:

A. The Subject Property contains approximately 1.61 acres and is located within the Village of Orland Park in Cook County, Illinois, at the northwest corner of 159<sup>th</sup> Street and 94<sup>th</sup> Avenue. The petitioner, George Hanus, is seeking to develop the Subject Property for a two building planned development commercial retail center, pursuant to a Special Use for a Planned Development under the Code, under the BIZ General Business Zoning classification. The two

buildings total 17,024 square feet. The large building will be 12,059 square feet and the smaller 4,965 square feet. The buildings have a total of six commercial retail tenant spaces.

B. Additionally, the Petitioner has requested a modification to decrease the required parking spaces from 85 spaces to no fewer than 73 spaces.

C. The modification to decrease the parking is acceptable based on the parking study which determined that the parking spaces provided will meet the peak parking demand of the proposed tenants for the two commercial buildings. Moreover, reducing the parking spaces will allow the site to meet lot coverage requirements.

D. The proposed use of the Subject Property 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 Regional Intensity Commercial. A planned development for a two building commercial retail center is appropriate in such an area.

E. The proposed special use will be consistent with the character of the immediate vicinity of the Subject Property. Property to the north and south is zoned COR Mixed Use District and includes commercial property with a Target store and a gas station. Property to the east, across 94<sup>th</sup> Avenue, is zoned BIZ General Business Center and contains a commercial strip center. Property to the west is zoned E-1 Estate Residential and currently contains a legal, non-conforming automotive repair shop.

F. The proposed use of the Subject Property creates no adverse effects, including visual impacts, on adjacent properties. Both buildings will have brick as the primary building material on all four building facades and will also have an engineered stone base and accents as shown on the elevations. The site will have a large landscape buffer along the entire street frontage. The proposed special use will not adversely affect the value of adjacent property.

G. The Petitioners have demonstrated that public facilities and services, including but not limited to roadways, park facilities, police and fire protection, hospital and medical services, refuse disposal, and schools will be capable of serving the special use at an adequate level of service. The property is currently served by a detention pond to the north of the site. The additional storm water capacity will be accommodated through changes to the storm water piping that discharges to the existing basin. In addition, the proposed site is a few feet lower than the site to the west. The developer will extend a retaining wall along the west property line and two three feet high retaining walls will be constructed along the northern property line. Access to the site will be by a right-in, right-out curb cut on 159<sup>th</sup> Street and one on 94<sup>th</sup> Avenue. In addition, the developer will provide a stub for a future cross-access connection in the northwest corner of the site.

H. Petitioners have made adequate legal provisions to guarantee the provision and preservation of any open spaces designated on the site plan and other improvements associated with the special use.

I. The proposed use will not adversely affect a known archaeological, historical or cultural resource.

J. The proposed special use shall comply with all additional standards imposed on it by all other applicable requirements of the ordinances of the Village and the Development Agreement authorized and approved by this Village President and Board of Trustees on DATE (the "Development Agreement").

### SECTION 3

A special use is hereby granted and issued to Orland Park 159<sup>th</sup> Street Plaza for a two-building commercial Planned Development on the Subject Property, legally described as follows and subject to the conditions set forth below:

Lot 1 in Tom's Subdivision, being a subdivision in the southwest quarter of section 15, Township 36 north, range 12 east of the third principal meridian, according to the plat thereof recorded December 10, 1986 as document 86589817, in Cook County, Illinois.

PIN 27-15-302-015-0000

This special use permit for a two-building planned development includes a modification to reduce the parking spaces required from 85 spaces to no fewer than 73 spaces.

A. The Subject Property shall be developed substantially in accordance with the Site Plan titled "Proposed Retail Preliminary Site Plan," prepared by KMA & Associates, project number 0647, dated January 27, 2012 subject to the following conditions:

1. A cross-access agreement is provided granting the current or future property owner(s) to the west the right to construct, on both properties, a cross access connection in the area labeled "future cross access area" and a cross access easement along the northern drive aisle.
2. New retaining walls must not exceed 3' in height.
3. A Final Landscape Plan meeting all Village Codes, is submitted for separate Village review and approval within 60 days of final engineering approval that includes mitigation for unpermitted tree removal;
4. All Final Engineering and Building Code related items are met.

B. The Subject Property shall be developed substantially in accordance with the Elevations titled "Proposed Retail NWC 159<sup>th</sup> & 94<sup>th</sup> Avenue," prepared by KMA & Associates, project number 0647, page 2 dated November 18, 2011, page 3 dated November 18, 2011, revised February 13, 2012 and page 4 dated November 81, 2011, revised February 7, 2012, subject to the following conditions:

1. All mechanical equipment must be screened at grade level with landscaping or hidden behind the roofline; and

2. All signage must be considered through a separate permitting process.

#### SECTION 4

The Petitioner (Permittee) hereunder shall at all times comply with the terms and conditions of the special use permit herein granted and in the event of non-compliance, said permit shall be subject to revocation by appropriate legal proceedings.

#### SECTION 5

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

#### SECTION 6

That this Ordinance shall be in full force and effect from and after its adoption and approval as required by law.