

..Title/Name/Summary

AN ORDINANCE GRANTING A SPECIAL USE PERMIT – MEIJER, INC., 15701 S. HARLEM AVENUE

..Body

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

WHEREAS, the Plan Commission of this Village held a public hearing on October 13, 2009, on whether the requested special use should be granted, at which time all persons present were afforded an opportunity to be heard; and

WHEREAS, public notice, in the form required by law, was given of said October 13, 2009, 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 recommendation that the proposed special use permit be granted with this President and Board of Trustees, and this Board of Trustees has duly considered said reports, 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 of the Plan Commission of this Village is herein incorporated by reference, as completely as if fully recited herein at length. Also, all exhibits submitted at the public hearings held by the Plan Commission are hereby incorporated by reference as fully as if attached hereto. This Board of Trustees further finds that the proposed special use permit is in the public good and in the best interests of the Village and its residents and is consistent with and foster the purposes and spirit of the Land Development Code of the Village of Orland Park as set forth in Section 1-102 thereof.

## SECTION 2

In addition to the findings set forth in Section 1 hereof, this Board of Trustees further finds in relation to the proposed special use permit as follows:

a. The Subject Property is located at 15701 S. Harlem Avenue and is a parcel of approximately 15.35 acres. The site is zoned BIZ General Business District

under the Land Development Code of the Village. The request is for a special use permit as detailed below.

b. Petitioner, Meijer, Inc., plans to remodel 102,000 square feet of an existing 115,000 square foot big box building to operate a commercial retail facility with a grocery store, a drive-through pharmacy and a deli with on-site food preparation and seeks a special use to operate a retail store that exceeds 50,000 square feet, to operate a deli with on-site food preparation and to operate a drive-through pharmacy, as required in the BIZ General Business District.

c. Petitioner also requests modification of the requirement for seven (7) car stacking spaces for the pharmacy drive-through and requests a reduction to four (4) car stacking spaces. This modification is appropriate based on a traffic study and the fact that the drive-through is for pharmacy purposes.

d. Granting the modification to allow for the reduced car stacking requirements will enhance the ability of the proposed special use to meet the general standards for all special uses set out in Section 5-105(E) of the Land Development Code.

e. The proposed special use will be consistent with the character of the immediate vicinity of the Subject Property. The surrounding property is zoned BIZ General Business to the south and includes commercial retail, MFG Manufacturing and BIZ General Business to the north and includes commercial retail, and BIZ General Business to the west and includes commercial restaurants. The property to the east is in Oak Forest or is unincorporated and includes single-family residential. The commercial retail use, as conditioned by this Ordinance, will be consistent with these surrounding uses.

f. The proposed special use is consistent with the purposes, goals, objectives and standards of the Comprehensive Plan, any adopted overlay plan and the Land Development Code of the Village of Orland Park. The Comprehensive Plan designates this site as Community Intensity Commercial. A commercial retail use is appropriate in such an area.

g. The design of the proposed special use will minimize any adverse effects, including visual impacts, on adjacent properties. The Petitioner will screen the trash compactors and other mechanical equipment and will install landscaping. The proposed special use as conditioned by this Ordinance will not have an adverse effect on the value of adjacent property.

h. The Petitioner has demonstrated that public facilities and services, including but not limited to roadways, park facilities, police protection, hospital and medical services, drainage systems, refuse disposal, water and sewers, and schools will be capable of serving the special use at an adequate level of service. The Subject Property has access to 71<sup>st</sup> Court, which is accessed from 159<sup>th</sup> Street,

and Harlem Avenue. Traffic signals are located at 157<sup>th</sup> Street and Harlem Avenue as well as 159<sup>th</sup> Street and 71<sup>st</sup> Court. Parking on the Subject Property exceeds Code requirements.

i. The Petitioner has made adequate legal provisions to guarantee the provision and development of any open space and other improvements associated with the proposed development. Petitioner will add approximately 10,000 square feet of green space to the existing area, including installing new tree islands. The existing trees will be preserved and protected during construction.

j. The development will not adversely affect a known archaeological, historical or cultural resource.

k. The special use as granted shall in all aspects conform to the applicable regulations of the Land Development Code of the Village of Orland Park as amended, for the district in which it is located as well as all applicable regulations and ordinances of the Village, unless specifically addressed by this or another Ordinance.

### SECTION 3

Subject to the conditions below, a special use for Meijer at 15701 S. Harlem Avenue is hereby granted to allow for the operation of a commercial retail facility that exceeds 50,000 square feet and that includes a deli with on-site food preparation and a drive-through pharmacy on property legally described as:

LOT 105 (EXCEPTING THAT PART DESCRIBED AS FOLLOWS: LOT 1 OF STERLING RESUBDIVISION, A PART OF THE SOUTHWEST ¼ OF SECTION 18, TOWNSHIP 36 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL BEING IN THE VILLAGE OF ORLAND PARK, COOK COUNTY, ILLINOIS, PER PLAT THEREOF RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF COOK COUNTY, ILLINOIS, ON JULY 12, 1993 AS DOCUMENT NO. 93530909) OF CATALINA'S COMMERCIAL AND INDUSTRIAL SUBDIVISION OF LOTS 3 AND 6 IN SILVER LAKE GARDENS UNIT NO. 7, A SUBDIVISION OF PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 36 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SUBDIVISION RECORDED MARCH 22, 1976 AS DOCUMENT 23423778, IN COOK COUNTY, ILLINOIS.

This special use permit includes a modification to reduce the number of car stacking spaces from seven (7) to four (4) for the drive-through pharmacy and is subject to the following conditions:

1. That development is completed pursuant to the Site Plan, entitled "Final Site Plan, Meijer Store #ORL," prepared by SSOE, Inc., sheet numbers C100 and

C101, dated September 11, 2009, revised October 19, 2009, subject to the following conditions:

a. A Final Landscape Plan is submitted for separate review and approval within 60 days of final engineering approval that includes at a minimum the new plant material shown on the Site Plan and with the following conditions:

1. All existing trees and shrubs are to be preserved and protected during construction unless otherwise indicated on the Site Plan.
2. Diseased or dead existing plant material is to be replaced.

b. That all final engineering related items are met.

2. That development is pursuant to the building elevations titled, "Meijer ORL," prepared by SSOE, Inc., dated October 19, 2009, subject to the following further conditions:

- a. All new mechanical equipment must be screened, either at grade level with landscaping or hidden behind the roofline.
- b. Sign Code provisions must be met and sign permits obtained.

#### 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 modification 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 permit as aforesaid.

#### SECTION 6

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

#### SECTION 7

The Village Clerk is hereby ordered and directed to publish this Ordinance in pamphlet form, said pamphlet to be deposited in the office of the Village Clerk for general distribution.

