

ORDINANCE GRANTING AN AMENDMENT TO A SPECIAL USE FOR PLANNED DEVELOPMENT –DAVE & BUSTER’S

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

WHEREAS, the Plan Commission of this Village held a public hearing on January 11, 2011 on whether the requested amendment to a special use permit should be granted, at which times 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 11, 2010, public hearing by publication not more than thirty (30) days nor less than fifteen (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 with this President and Board of Trustees its report of findings and recommendations that the requested amendment to a special use for planned development be granted, and this Board of Trustees has duly considered said report and findings and recommendations;

NOW, THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1

The Plan Commission has made its report of findings and recommendations, and such are hereby adopted by reference as findings of this President and Board of Trustees as fully as if completely set forth at length herein. All exhibits submitted at the aforesaid public hearing are also incorporated by reference into this Ordinance. This President and Board of Trustees find that the proposed amendment to a special use for planned development is in the public good and in the best interests of the Village and its residents, is consistent with the Comprehensive Plan of the Village, and is consistent with and fosters 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 amendment to a special use permit for planned development as follows:

(a) The Subject Property is located within the Village of Orland Park in Cook County, at 49 Orland Square Drive is zoned COR Mixed Use Core District. It is a 4.65-acre site.

(b) The Subject Property is the subject of Special Use Ordinance No. 468, which approved a planned development including commercial, residential, recreational and office building uses.

(c) Specifically, Petitioner, Dave & Buster's, proposes to construct an approximately 24,071 square foot restaurant and entertainment venue on the site where a movie theater was located.

(d) Petitioner also requests several modifications. The first modification is to permit parking and drive aisles between the building and the street. This modification is requested due to the location of a sanitary sewer setback that runs across the Subject Property and a pipeline easement along the front of the Subject Property. The second modification is to allow parking spaces that exceed the Code by more than 20%. This modification is requested due to petitioner's reports from other Dave & Buster's locations regarding parking.

(e) The next modification is requested to allow lot coverage to exceed the 75% limit for impervious surface to a maximum of 80%. The final engineering has not been completed yet.

(f) The last modification is to the required landscape buffer on the east side of the Subject Property. This modification is requested because of the existing access drive and the required landscape buffers will be provided on all other sides of the development.

(g) Granting the requested modifications 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.

(h) The proposed amended special use for planned development is consistent with the character of the immediate vicinity of the Subject Property. The surrounding property is zoned COR Mixed Use District on the north, south, east and west. Surrounding properties includes a restaurant, college, school and retail uses, including a shopping center. The proposed restaurant is an enumerated special use in the COR District, and amending Ordinance 468 for a restaurant use is consistent with these surrounding uses.

(i) The amendment to a 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 Regional Intensity Commercial. The proposed restaurant will be consistent with this designation. There will be an increase in landscape buffers, parking lot tree islands and reduced lot coverage from the existing use.

(j) The design of the proposed amended special use will minimize any adverse effects, including visual impacts, on adjacent properties. It has been designed to blend in with the existing facilities and to incorporate green space and landscaping to further minimize any potential adverse impacts on adjacent properties.

(k) 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 amended special use at an adequate level of service.

(l) 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.

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

(n) The amended 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 in this or another Ordinance.

### SECTION 3

Subject to the conditions below, an amendment to a special use permit for planned development in the COR Mixed Use Core District, originally granted by Ordinance No. 468 is hereby granted and issued for an approximately 24,071 square foot restaurant and entertainment venue (Dave & Buster's), to be located on property legally described as:

A TRACT OF LAND IN THE WEST ½ OF THE SOUTHWEST ¼ OF SECTION 10, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 10; THENCE DUE EAST 466.13 FEET ALONG THE SOUTH LINE OF SAID SECTION 10; THENCE DUE NORTH 50 FEET TO A POINT OF BEGINNING; THENCE CONTINUING DUE NORTH 405.21 FEET; THENCE DUE WEST 115.03 FEET; THENCE DUE NORTH 175 FEET TO A POINT OF CURVE; THENCE NORTHEASTERLY ON A CURVE CONVEX TO THE SOUTHEAST, HAVING A RADIUS OF 771.77 FEET, AN ARC DISTANCE OF 260.49 FEET AND A CHORD BEARING OF NORTH 76 DEGREES 41 MINUTES 50 SECONDS EAST TO A POINT OF TANGENT; THENCE NORTH 67 DEGREES 01 MINUTES 40 SECONDS EAST 107.96 FEET TO A POINT OF CURVE; THENCE EASTERLY ON A CURVE CONVEX TO THE NORTH, HAVING A RADIUS OF 35 FEET, AN ARC DISTANCE OF 43.38 FEET AND A CHORD BEARING OF SOUTH 77 DEGREES 27 MINUTES 41 SECONDS EAST TO A POINT OF REVERSE CURVE; THENCE SOUTHEASTERLY ON A CURVE CONVEX TO THE SOUTHWEST, HAVING A RADIUS OF 1427.09 FEET, AN ARC DISTANCE OF 94 FEET AND A CHORD BEARING OF SOUTH 43 DEGREES 50 MINUTES 14 SECONDS EAST; THENCE SOUTH 44 DEGREES 16 MINUTES 33 SECONDS WEST 42.96 FEET; THENCE DUE SOUTH 267.62 FEET; THENCE DUE EAST 5.25 FEET; THENCE DUE SOUTH

119.40 FEET; THENCE DUE EAST 341.34 FEET TO THE WEST LINE OF ORLAND SQUARE PLANNED DEVELOPMENT UNIT NO. E-TWO; THENCE DUE SOUTH 187.60 FEET ALONG LAST SAID WEST LINE TO THE NORTH LINE OF 151<sup>ST</sup> STREET, AS DEDICATED; THENCE DUE WEST 658.06 FEET ALONG LAST SAID NORTH LINE TO THE PLACE OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

This amendment to a special use permit for planned development permit includes modifications to permit parking and drive aisles to be located between the building and 151<sup>st</sup> Street, to allow the number of parking spaces to exceed the Code requirements by more than 20%, to permit lot coverage that exceeds 75% for impervious surface to a maximum of 80% and to reduce the landscape buffer on the east side from the required ten feet (10') to zero, and is subject to the following conditions:

The Subject Property shall be developed substantially in accordance with the Site Plan appended hereto and incorporated herein as EXHIBIT A entitled "Dave and Buster's Orland Park Proposed Site Plan Board of Trustees Review," prepared by Aria Group Architects, dated July 11, 2011, subject to the following conditions:

1. A Final Landscape Plan, which meets all Village Codes, shall be submitted by the Developer for separate review within 60 days of final engineering approval; and
2. All final engineering and building code related items must be met.

The Subject Property shall also be developed substantially in accordance with the Elevations appended hereto and incorporated herein as EXHIBIT B, entitled "Dave & Buster's Orland Park Exterior Elevations Board of Trustees Review," prepared by Aria Group Architects, Inc. (north, east, south and west elevations), dated July 11, 2011 and "Dave & Buster's Orland Park Exterior Perspectives Board of Trustees Review," prepared by Aria Group Architects, Inc. (southwest, northwest, southeast, northeast) dated July 11, 2011, subject to the following conditions:

1. Construct all white colored accent panels of brick or cast stone. (Currently shown on the plans as CMU block);
2. Submit final specific building material type and color for administrative approval;
3. Meet all Building Code related items including masonry construction;
4. Meet all final engineering items;
5. Screen all mechanical equipment either at grade level with landscaping or hidden behind the roofline;
6. Construct trash enclosure gate of solid wood or solid vinyl panels; and
7. Obtain signage approval through a separate Sign Permit process.

#### SECTION 4

The Petitioner hereunder shall at all times comply with the terms and conditions of this amended special use for planned development and Ordinance No. 468, prior special use ordinances covering the Subject Property, except as specifically amended by this or another Ordinance, and in the event of non-compliance, said permit and this amendment 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 amended special use permit for planned development as aforesaid.

#### SECTION 6

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