

ORDINANCE GRANTING A SPECIAL USE FOR PLANNED DEVELOPMENT –
MARQUETTE BANK (SOUTHEAST CORNER OF LAGRANGE ROAD AND 143RD
STREET)

WHEREAS, an application seeking a special use for planned development with modifications 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 August 14, 2012 on whether the requested 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 August 14, 2012, 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 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 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 special use permit for planned development with modifications as follows:

(a) The Subject Property is located within the Village of Orland Park in Cook County, generally at 9449-9513 West 143rd Street and is zoned VCD Village Center District. It is a 7.141-acre site.

(b) Specifically, Petitioner, Marquette Bank, proposes to construct a bank building with a drive-through and to subdivide the Subject Property into multiple lots for commercial development.

(c) Petitioner also requests several modifications as follows:

(i) The detention pond setback minimum of 25 feet is reduced to 15 feet;

(ii) The detention pond slopes are increased from 4 to 1, to 3 to 1;

(iii) The dumpster shall be located between the building on Lot 1 and proposed 95th Avenue; and

(iv) Lighting fixtures may exceed current code limits but shall not exceed the lighting Variances granted by the Village for the “Orland Crossing” development immediately north of the Subject Property.

(d) 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.

(e) The proposed special use for planned development is consistent with the character of the immediate vicinity of the Subject Property. The surrounding property is zoned VCD Village Center District and is fully developed for commercial uses.

(f) The 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 and also conforms with the development principles for the Village Center District.

(g) The design of the proposed special use will minimize any adverse effects, including visual impacts, on adjacent properties. It has been designed to minimize any potential adverse impacts on adjacent properties.

(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 95th Avenue extension will provide secondary access to the site and the construction of 143rd Street, and its intersection improvements will also benefit the Subject Property.

(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.

(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 in this or another Ordinance.

SECTION 3

Subject to the conditions below, a special use permit for planned development in the VCD Village Center District is hereby granted and issued to Marquette Bank for multiple lots, including a bank building with a drive through to be located on property legally described as:

PARCEL 1: 27-10-100-011

LOT 1 IN OWNERS' SUBDIVISION OF THE EAST 280.00 FEET OF THE WEST 746.70 FEET OF THE NORTH 466.70 FEET OF THE NORTH 70 ACRES OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 10, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPTING THEREFROM THE FEE SIMPLE TITLE THEREOF TO THAT PART THEREOF VESTED IN THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS, BY DECREES ENTERED IN CASE NO. 97L51038 AND CASE NO. 97L51039, IN COOK COUNTY, ILLINOIS.

PARCEL 2: 27-10-100-010

LOT 2 IN OWNERS' SUBDIVISION OF THE EAST 280.00 FEET OF THE WEST 746.70 FEET OF THE NORTH 466.70 FEET OF THE NORTH 70 ACRES OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 10, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPTING THEREFROM THE FEE SIMPLE TITLE THEREOF TO THAT PART THEREOF VESTED IN THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS, BY DECREE ENTERED IN CASE NO. 97L51124, IN COOK COUNTY, ILLINOIS.

PARCEL 3: 27-10-100-101

THAT PART OF LOTS 2 AND 3 IN 144TH PLACE COMMERCIAL SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 10, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2; THENCE NORTH 89 DEGREES 52 MINUTES EAST, 436.55 FEET TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE SOUTH 00 DEGREES 41 MINUTES 57 SECONDS WEST, 125.00 FEET;

THENCE SOUTH 89 DEGREES 52 MINUTES WEST, 291.55 FEET; THENCE SOUTH 00 DEGREES 41 MINUTES 57 SECONDS WEST, 112.02 FEET; THENCE SOUTH 89 DEGREES 52 MINUTES WEST, 145.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 00 DEGREES 41 MINUTES 57 SECONDS EAST, 237.02 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED LAND: THAT PART OF LOT 2 IN 144TH PLACE COMMERCIAL SUBDIVISION, BEING A SUBDIVISION AS RECORDED PER DOCUMENT NO. 26739525, OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 10, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2; THENCE NORTH 89 DEGREES 52 MINUTES EAST 122.21 FEET ALONG THE NORTH LINE OF SAID LOT 2; THENCE SOUTH 126.00 FEET ALONG A LINE THAT FORMS AN ANGLE OF 89 DEGREES 52 MINUTES 00 SECONDS AS MEASURED FROM WEST TO SOUTH; THENCE EAST 21.26 FEET ALONG A LINE THAT FORMS AN ANGLE OF 89 DEGREES 52 MINUTES 00 SECONDS AS MEASURED FROM NORTH TO EAST; THENCE SOUTH 00 DEGREES 41 MINUTES 57 SECONDS WEST 111.01 FEET, TO THE SOUTHERNMOST SOUTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 89 DEGREES 52 MINUTES WEST 145.00 FEET ALONG THE SOUTH LINE OF SAID LOT 2, TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 00 DEGREES 41 MINUTES 57 SECONDS EAST 237.02 FEET ALONG THE WEST LINE OF SAID LOT 2, TO THE HEREIN DESIGNATED POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 4: 27-10-100-016

THE WEST 200.00 FEET OF THE NORTH 200.00 FEET OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 10, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS EXCEPTING THEREFROM THE FOLLOWING: COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST 1/4 OF SAID SECTION 10; THENCE NORTH 88 DEGREES 12 MINUTES 11 SECONDS EAST ALONG THE NORTH LINE OF SAID NORTHWEST 1/4, 200.00 FEET TO THE EAST LINE OF THE WEST 200.00 FEET OF SAID NORTHWEST 1/4; THENCE SOUTH 01 DEGREES 38 MINUTES 33 SECONDS EAST ALONG SAID EAST LINE, 50.00 FEET TO THE SOUTH LINE OF 143RD ST (100-FEET WIDE) FOR THE PLACE OF BEGINNING; THENCE CONTINUING SOUTH 01 DEGREES 38 MINUTES 33 SECONDS EAST ALONG SAID EAST LINE, 14.00 FEET; THENCE SOUTH 88 DEGREES 12 MINUTES 11 SECONDS WEST ALONG A LINE 64.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST 1/4, 91.84 FEET; THENCE SOUTH 44 DEGREES 06 MINUTES 13 SECONDS WEST, 48.13 FEET TO A LINE 74 FEET EAST OF AND PARALLEL WITH THE CENTERLINE OF 96TH AVENUE (LAGRANGE ROAD); THENCE SOUTH 00 DEGREES 49 MINUTES 57 SECONDS EAST ALONG SAID PARALLEL LINE, 102.52 FEET TO THE SOUTH LINE OF THE NORTH 200.00 FEET OF THE WEST 200.00 FEET OF THE WEST 1/2 OF SAID NORTHWEST 1/4; THENCE SOUTH 88 DEGREES 12 MINUTES 11 SECONDS WEST ALONG SAID SOUTH LINE, 24.00 FEET TO THE EAST LINE OF 96TH AVENUE (LAGRANGE ROAD 100-FEET WIDE) TAKEN FOR RIGHT-OF-WAY PURPOSES PER DOCUMENT RECORDED SEPTEMBER 24, 1928 AS NUMBER 10155682; THENCE NORTH ALONG SAID EAST LINE OF 96TH AVENUE THE FOLLOWING TWO (2) COURSES AND DISTANCES: 1) NORTH 00 DEGREES 49 MINUTES 57 SECONDS WEST, 125.02 FEET; 2) ALONG AN ARC OF A CURVE

CONCAVE TO THE SOUTHEAST AND NONTANGENT TO THE LAST DESCRIBED LINE, HAVING A RADIUS OF 25.00 FEET, HAVING A CHORD BEARING OF NORTH 43 DEGREES 16 MINUTES 49 SECONDS EAST, 39.33 FEET TO SAID SOUTH LINE OF 143RD STREET (100-FEET WIDE) BEING A LINE 50 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 10; THENCE NORTH 88 DEGREES 12 MINUTES 11 SECONDS EAST ALONG SAID SOUTH LINE OF 143RD STREET, 125.01 FEET TO THE PLACE OF BEGINNING.

PARCEL 5: 27-10-100-019

THE WEST 466.70 FEET OF THE NORTH 466.70 FEET (EXCEPT (i) THE NORTH 200.0 FEET OF THE WEST 200.0 FEET THEREOF AND (ii) THE SOUTH 200.0 FEET OF THE WEST 250.0 FEET THEREOF) OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 10, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ALSO EXCEPTING THEREFROM THE FOLLOWING: THAT PART OF THE NORTH 466.70 FEET OF THE WEST 466.70 FEET OF THE NORTHWEST 1/4 OF SECTION 10, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST 1/4 OF SECTION 10; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID NORTHWEST 1/4 A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING; THENCE EASTERLY ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID NORTHWEST 1/4 A DISTANCE OF 58.32 FEET TO A POINT; THENCE SOUTHERLY ALONG A STRAIGHT LINE A DISTANCE OF 66.71 FEET TO A POINT, SAID POINT BEING 57.42 FEET EAST OF THE WEST LINE OF SAID NORTHWEST 1/4; THENCE WESTERLY ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID NORTHWEST 1/4 A DISTANCE OF 57.42 FEET TO A POINT ON THE WEST LINE OF SAID NORTHWEST 1/4; THENCE NORTHERLY ALONG SAID WEST LINE A DISTANCE OF 66.70 FEET TO THE POINT OF BEGINNING, EXCEPT THAT PART TAKEN FOR ROAD PURPOSES BOTH BY DEDICATION OR BY OCCUPATION AND CONVEYED BY WARRANTY DEED TO THE VILLAGE OF ORLAND PARK PER DOC# 1024318063, IN COOK COUNTY, ILLINOIS.

PARCEL 6: 27-10-100-102

THAT PART OF LOT 2 IN 144TH PLACE COMMERCIAL SUBDIVISION, BEING A SUBDIVISION AS RECORDED PER DOCUMENT NO. 26739525, OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 10, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2; THENCE NORTH 89 DEGREES 52 MINUTES EAST 122.21 FEET ALONG THE NORTH LINE OF SAID LOT 2; THENCE SOUTH 126.00 FEET ALONG A LINE THAT FORMS AN ANGLE OF 89 DEGREES 52 MINUTES 00 SECONDS AS MEASURED FROM WEST TO SOUTH; THENCE EAST 21.26 FEET ALONG A LINE THAT FORMS AN ANGLE OF 89 DEGREES 52 MINUTES 00 SECONDS AS MEASURED FROM NORTH TO EAST; THENCE SOUTH 00 DEGREES 41 MINUTES 57 SECONDS WEST 111.01 FEET, TO THE SOUTHERNMOST SOUTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 89 DEGREES 52 MINUTES WEST 145.00 FEET ALONG THE SOUTH LINE OF SAID LOT 2, TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 00 DEGREES 41 MINUTES 57 SECONDS EAST 237.02 FEET ALONG THE WEST LINE OF SAID LOT 2, TO THE HEREIN DESIGNATED POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PINS: 27-10-100-010, -011, -016, -019, -101 & -102

This special use permit for planned development permit includes modifications as referenced in SECTION 2(C), above, and is subject to the following conditions:

The Subject Property shall be developed substantially in accordance with the Final Site Plan appended hereto and incorporated herein as EXHIBIT A entitled "Final Site Plan Marquette Bank Redevelopment," prepared by Jacob & Hefner Associates dated April 13, 2012, and last revised August 24, 2012, subject to the following conditions:

The Petitioner shall:

1. Obtain Village approvals when additional buildings are proposed on the other Planned Development lots;
2. Consolidate Lot 3 into the existing Giordano's lot (parcel to the west and south of the Subject Property) prior to the construction of the proposed parking lot. Provided, however, that the Village understands that the owner of the Giordano's property is purchasing Lot 3 from Petitioner in order to construct and use a parking lot as part of the Giordano's restaurant operation and therefore said owner of the Giordano's property will, with Petitioner's cooperation, be consolidating Lot 3 into its existing property. Parking lot construction permits will not be issued by the Village prior to completion of the Lot 3 consolidation;
3. Obtain permission from the property owner south of Lot 3 to connect the new Lot 3 parking lot to their existing lot prior to the lot's construction. Every reasonable effort should be made to obtain permission, otherwise the Lot 3 parking lot drive should be stubbed at the southern property line;
4. Meet all final engineering and building code related items;
5. Adjust monument signage to meet setback requirements. All signage must be approved through the Village sign permitting process;
6. Submit a Final Landscape Plan, meeting all Village Codes, for separate review and approval within 60 days of the final engineering approval. In addition to meeting all Code requirements, the plan shall address these items:
 - a. Submit a Tree Survey for all existing trees to be removed that exceed 4" trunk caliber prior to the issuance of any demolition permits;
 - b. Include Tree Mitigation Plan information on the Final Landscape Plan for all existing trees to be removed that exceed 4" trunk caliber;

- c. Include details for the focal point feature proposed in the front of the bank, similar to the one shown on the preliminary Landscape Plan;
- d. Provide details for the “amenity area” identified on the Site Plan (EXHIBIT A) along the northern edge of the pond that should include landscaping, seating, and picnic tables that exceeds Code requirements;
- e. The pond must be designed in a natural style with a native edge, and be extensively landscaped with trees and shrubs that exceed Code requirements;
- f. Parkway trees should be included along all sidewalks including carriage walks on both sides of the streets and drives;
- g. Show the decorative fence along 143rd Street on the Landscape Plan that extends to 95th Avenue;
- h. Provide heavy landscape screening that exceeds Code requirements along the 143rd Street parking lot edge; and
- i. Provide enhanced landscaping that exceeds Code requirements around dumpster area.

In addition, the Subject Property shall be developed in accordance with elevations titled “Marquette Bank Building Elevations” by Cordogan, Clark and Associates, Inc., pages A5.1, A5.2 and A5.3 dated July 2, 2012, revised August 24, 2012; page A7.4 dated May 30, 2012, and fence detail page CCA #08350 received August 27, 2012, provided all mechanical equipment is screened either at grade level with landscaping or hidden behind the roof line.

The Subject Property shall also be subdivided for a seven (7) lot subdivision as shown on EXHIBIT A referenced above, subject to the following conditions:

1. Petitioner shall consolidate proposed Lot 3 with the existing Giordano’s lot (parcel to the west and south of the Subject Property) prior to construction of the parking lot, as set forth in SECTION ONE B.2. above.
2. Petitioner shall submit the final plat of subdivision to the Village for approval and recording.

The following are additional conditions for approval of the Special Use Permit for a Planned Development:

1. The Village will take appropriate action to terminate the three (3) existing Special Use Permits for the Subject Property as previously authorized by Village Ordinance Nos. 1329, 2176 and 2919.

2. a. With Petitioner's cooperation, the Village will create a "fall back" or "dormant" Special Service Area, pursuant to the Special Service Area Tax Law (35 ILCS 200/27-5, et seq.) to cover the Property (except that portion of the Property to be excluded pursuant to subsection b. below) for the future repair and maintenance of the private drives (access easements) and stormwater management facilities as described and delineated on EXHIBIT A if said maintenance and repair are not done by Petitioner in accordance with Village Code. Petitioner will waive any statutory objections to the formation of said Special Service Area and will consent to the proposed future tax levy required for any such repair and maintenance. Petitioner will provide, by recorded covenants or conditions, for all necessary cross access and shared maintenance among future lot owners with respect to the private drive (access easements) and stormwater management facilities.

b. That portion of the Property, consisting of approximately 0.353 acres, shown as the Lot 3 additional parking area for the Giordano's restaurant on EXHIBIT A and legally described below, shall be excluded from the Special Service Area described in Paragraph 2a. above.

Metes and Bounds Legal Description (Lot 3)

PART OF THE WEST 466.70 FEET OF THE NORTH 466.70 FEET OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 36 NORTH, RANGE 12 EAST, OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, BEING BOUNDED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 01 DEGREES 34 MINUTES 24 SECONDS EAST (BASIS OF BEARINGS – ILLINOIS STATE PLANE COORDINATES EAST ZONE – NAD83) ALONG THE WEST LINE OF SAID QUARTER SECTION 266.70 FEET TO A POINT LYING 266.70 FEET SOUTH OF AND PERPENDICULAR TO THE NORTH LINE OF SAID QUARTER SECTION; THENCE NORTH 88 DEGREES 13 MINUTES 21 SECONDS EAST PARALLEL WITH AND 266.70 FEET SOUTH OF THE NORTH LINE OF SAID QUARTER SECTION 250.00 FEET TO A POINT LYING 250.00 FEET EAST OF AND PERPENDICULAR TO THE WEST LINE OF SAID QUARTER SECTION, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 01 DEGREES 34 MINUTES 24 SECONDS EAST PARALLEL WITH AND 250.00 FEET EAST OF THE WEST LINE OF SAID QUARTER SECTION 200.00 FEET TO A POINT LYING 466.70 FEET SOUTH OF AND PERPENDICULAR TO THE NORTH LINE OF SAID QUARTER SECTION; THENCE NORTH 88 DEGREES 13 MINUTES 21 SECONDS EAST PARALLEL WITH AND 466.70 FEET SOUTH OF THE NORTH LINE OF SAID QUARTER SECTION 81.01 FEET; THENCE NORTH 01 DEGREES 34 MINUTES 24 SECONDS WEST PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION 173.04 FEET; THENCE NORTH 67 DEGREES 58 MINUTES 02 SECONDS WEST 66.78 FEET TO A POINT LYING 266.70 FEET SOUTH OF AND PERPENDICULAR TO THE NORTH LINE OF SAID QUARTER SECTION; THENCE SOUTH 88 DEGREES

13 MINUTES 21 SECONDS WEST PARALLEL WITH THE NORTH LINE OF SAID QUARTER SECTION 19.82 FEET TO THE POINT OF BEGINNING, CONTAINING 0.353 ACRES, MORE OR LESS.

SECTION 4

The Petitioner hereunder shall at all times comply with the terms and conditions of this special use for planned development, except as specifically amended by this or another Ordinance, 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, shall be amended so as to be in conformance with the granting of the 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.