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ORDINANCE GRANTING A SPECIAL USE FOR PLANNED DEVELOPMENT –  
NINETY 7 FIFTY ON THE PARK

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WHEREAS, an application seeking 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 August 9, 2011 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 9, 2011, 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 as follows:

(a) The Subject Property is located within the Village of Orland Park in Cook County, at the northeast corner of 143<sup>rd</sup> Street and Main Street and is zoned VCD Village Center District. It is a 3.45-acre site.

(b) Specifically, Petitioner, Metra Triangle FC, LLC, propose to construct a multi-story, mixed use building of over 50,000 square feet that will include 295 residential units, 365 structured parking spaces, 4,000 square feet of retail space, 8,600 square feet of residential amenity space and two outdoor courtyards.

(c) Petitioner also requests several modifications. The first modification is to reduce the 143<sup>rd</sup> Street setback from fifteen feet (15') to five feet, nine inches (5'9"). This modification is acceptable due to the location of the Subject Property in the downtown area and the 143<sup>rd</sup> Street improvements, which include enhanced pedestrian areas and a landscaped boulevard. The second modification is to reduce the required parking from 458 spaces to 365 spaces. This modification is requested due to the access to transit, the available public on-street parking and the nearby Metra lot which is available nights and weekends. In addition, if parking becomes an issue, the Village will require future phases of the development to construct additional parking to accommodate the demand.

(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 OS Open Space District to the north where Crescent Park is located; VCD Village Center District to the south, east and west. The property to the south contains commercial uses and the property to the west is vacant.

(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. The Comprehensive Plan designates this site as Planned Mixed Use Residential/Commercial. The proposed use is a transit-oriented development with a mix of residential, retail and open space that will be consistent with this designation. It 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 provide foundation landscaping, parkway design and architectural features to provide a pleasant pedestrian experience and to further minimize any potential adverse impacts on adjacent properties. In addition, the buildings have a strong architectural identity and attractive street facades.

(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 Ravinia Avenue extension

will provide primary access to the site and the construction of 143<sup>rd</sup> 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 Metra Triangle FC, LLC for multi-story, mixed use building of over 50,000 square feet that will include 295 residential units, 365 structured parking spaces, 4,000 square feet of retail space, 8,600 square feet of residential amenity space and two outdoor courtyards to be located on property legally described as:

#### PARCEL 1D:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, BEING THE PREMISES CONVEYED BY THE DEED FROM NORFOLK AND WESTERN RAILWAY COMPANY (SUCCESSORS TO WABASH RAILROAD COMPANY) TO T.H. DAVIDSON AND COMPANY, INC. RECORDED JULY 14, 1994 AS DOCUMENT NO. 94-628592, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT THAT IS 1065.82 FEET WEST OF THE EAST LINE AND 50.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF THE LAND CONVEYED BY WABASH RAILROAD COMPANY TO I.N.R. BEATTY LUMBER COMPANY, PER WARRANTY DEED RECORDED JULY 7, 1972 AS DOCUMENT NUMBER 21929599; THENCE SOUTH 89°32'43" WEST (ASSUMED BEARING) ALONG THE NORTH LINE OF 143RD STREET, 485.88 FEET TO A LINE THAT IS 25.00 FEET SOUTHEASTERLY OF, AS MEASURED PERPENDICULAR TO THE CENTERLINE OF, THE SOUTHEASTERLY MOST TRACK OF SAID GRANTOR AS SAID TRACK EXISTED ON JANUARY 4, 1994; THENCE NORTHEASTERLY, ALONG A LINE THAT IS 25.00 FEET SOUTHEASTERLY OF, PARALLEL WITH AND CONCENTRIC WITH THE CENTERLINE OF SAID TRACK, THE FOLLOWING SEVEN COURSES: NORTH 44°57'24" EAST 3.12 FEET; NORTHEASTERLY, ALONG A CURVED LINE CONCAVE TO THE NORTHWEST,

HAVING A RADIUS OF 1196.34 FEET, AN ARC LENGTH OF 67.20 FEET; NORTH 41°44'18" EAST 223.72 FEET; NORTHEASTERLY ALONG A CURVED LINE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 503.18 FEET, AN ARC LENGTH OF 62.31 FEET; NORTH 48°50'01" EAST 60.64 FEET; NORTHEASTERLY, ALONG A CURVED LINE, CONCAVE LINE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 533.73 FEET, AN ARC LENGTH OF 65.09 FEET; AND NORTH 41°50'46" EAST 201.86 FEET TO A POINT ON A LINE THAT BEARS SOUTH 48°09'14" EAST, SAID LINE BEING PERPENDICULAR TO THE CENTERLINE OF SAID SOUTHEASTERLY MOST TRACK OF SAID GRANTOR, AND BEARS THROUGH THE NORTHWEST CORNER OF THE AFORESAID LAND CONVEYED PER DOCUMENT NUMBER 21929599, SAID NORTHWEST CORNER BEING 1015.82 FEET WEST OF THE EAST LINE AND 483.05 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 4; THENCE SOUTH 48°09'14" EAST, ALONG THE LAST DESCRIBED LINE, 90.73 FEET TO SAID NORTHWEST CORNER; THENCE SOUTHERLY, ALONG THE WESTERLY LINE OF SAID LAND CONVEYED PER DOCUMENT NUMBER 21929599, THE FOLLOWING THREE COURSES: SOUTH 0°01'19" EAST, PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 4, A DISTANCE OF 233.00 FEET; SOUTH 89°32'43" WEST, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 4, A DISTANCE OF 50.00 FEET; AND SOUTH 0°01'19" EAST, PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 4, A DISTANCE OF 200.00 FEET (200.06 FEET MEASURED) TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

PARCEL 2C:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE EAST LINE OF SAID SECTION 4, 510 FEET NORTH OF THE SOUTHEAST CORNER THEREOF; THENCE WEST AT RIGHT ANGLES TO THE EAST LINE OF SAID SECTION, 610.32 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING WEST ALONG SAID LINE 130.50 FEET; THENCE SOUTH PARALLEL TO THE EAST LINE OF SAID SECTION, 515.13 FEET TO THE SOUTH LINE OF SAID SECTION; THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION, 25 FEET; THENCE NORTH PARALLEL TO THE EAST LINE OF SAID SECTION 695.95 FEET TO THE SOUTHERLY LINE OF 142ND STREET AS DEDICATED PER DOCUMENT 0627822105; THENCE EASTERLY 264.99 FEET ALONG SAID SOUTHERLY LINE TO A POINT ON A NON-TANGENT CURVE; THENCE SOUTHWESTERLY 201.69 FEET, ALONG SAID NON-TANGENT CURVE, BEING A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 262.37 FEET TO A POINT ON A LINE PARALLEL TO THE EAST LINE OF SAID SECTION; THENCE SOUTH ALONG SAID PARALLEL LINE 16.75 FEET TO THE POINT OF

BEGINNING, IN COOK COUNTY, ILLINOIS, EXCEPTING THEREFROM THAT PART TAKEN FOR ROAD PURPOSES.

PARCEL 8:

A PARCEL OF LAND IN THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 4 AFORESAID AND RUNNING THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 4, A DISTANCE OF 765.82 FEET TO A POINT, THENCE NORTHERLY ALONG A LINE PARALLEL TO THE EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 4, A DISTANCE OF 50.00 FEET FOR A POINT OF BEGINNING, THENCE CONTINUING NORTHERLY ALONG A PROLONGATION OF THE LAST DESCRIBED LINE FOR A DISTANCE OF 753.20 FEET, MORE OR LESS, TO A POINT THAT IS 43.40 FEET SOUTHEASTERLY (BY RECTANGULAR MEASUREMENTS) OF THE CENTER LINE OF THE NORFOLK AND WESTERN RAILROAD COMPANY TEAM TRACK; THENCE SOUTHWESTERLY ALONG A CURVED LINE CONVEX TO THE SOUTHEAST, PARALLEL TO THE CENTER LINE OF THE AFORESAID TEAM TRACK, HAVING A MID-ORDINATE OF 7.60 FEET FOR A DISTANCE OF 408.50 FEET (AS MEASURED ON THE CHORD OF SAID CURVE) TO A POINT THAT IS 1015.82 FEET WEST OF THE EAST LINE OF 483.05 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 4, THENCE SOUTHERLY ALONG A LINE PARALLEL TO THE EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 4 A DISTANCE OF 233.00 FEET TO A POINT; THENCE WESTERLY ALONG A LINE PARALLEL TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 4, A DISTANCE OF 50.00 FEET TO A POINT; THENCE SOUTHERLY ALONG A LINE PARALLEL TO THE EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 4, A DISTANCE OF 200.00 FEET TO A POINT THAT IS 50.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 4; THENCE EASTERLY ALONG A LINE PARALLEL TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 4, A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS. (EXCEPTING THEREFROM THAT PART DEDICATED FOR ROADWAY PURPOSE BY PLAT OF DEDICATION RECORDED OCTOBER 05, 2006 AS DOCUMENT 0627822105.)

PARCEL 9:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT 50 FEET NORTH OF THE SOUTH LINE OF SAID SECTION AND 269 FEET WEST OF THE EAST LINE OF SAID SECTION; THENCE NORTH 01 DEGREES 34 MINUTES 52 SECONDS WEST, ON A LINE PARALLEL TO THE EAST LINE OF SAID SECTION FOR A DISTANCE OF 461.65 FEET (461.89 FEET - RECORD) TO A POINT ON A LINE PERPENDICULAR TO THE EAST LINE OF SAID SECTION AT A POINT 509.64 FEET (510 FEET - RECORD) (AS MEASURED ALONG THE EAST LINE OF SAID SECTION) NORTH OF THE SOUTHEAST CORNER OF SAID SECTION; THENCE SOUTH 88 DEGREES 25 MINUTES 08 SECONDS WEST, ALONG SAID PERPENDICULAR LINE, 341.32 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 01 DEGREES 34 MINUTES 52 SECONDS EAST, ALONG A LINE PARALLEL TO THE EAST LINE OF SAID SECTION, 464.20 FEET TO A POINT ON A LINE 50.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION; THENCE SOUTH 87 DEGREES 59 MINUTES 27 SECONDS WEST, ALONG SAID PARALLEL LINE, 130.50 FEET TO THE SOUTHWEST CORNER OF PARCEL II AS DESCRIBED IN TRUST DEED RECORDED AS DOCUMENT 90059367; THENCE NORTH 01 DEGREES 34 MINUTES 52 SECONDS WEST, ALONG THE WEST LINE OF SAID PARCEL II, 465.53 FEET TO A POINT ON A LINE PERPENDICULAR TO THE EAST LINE OF SAID SECTION AT A POINT 509.64 FEET (510 FEET - RECORD) (AS MEASURED ALONG THE EAST LINE OF SAID SECTION) NORTH OF THE SOUTHEAST CORNER OF SAID SECTION; THENCE NORTH 88 DEGREES 25 MINUTES 08 SECONDS EAST, ALONG SAID PERPENDICULAR LINE, 130.50 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

This special use permit for planned development permit includes modifications to reduce the 143<sup>rd</sup> Street setback from fifteen feet (15') to five feet, nine inches (5' 9") and to reduce the required parking from 458 spaces to 365 spaces, and is subject to the following conditions:

The Subject Property shall be developed substantially in accordance with the Preliminary Site Plan appended hereto and incorporated herein as EXHIBIT A entitled "Ninety 7 Fifty on the Park – Downtown Orland Park," prepared by RTKL Associates, Inc., project number 30-100003.00, sheet number A-101, dated July 29, 2011, subject to the following conditions:

1. That the petitioner submit a Final Landscape Plan, which meets all Village Codes, for separate review and approval within 60 days of final engineering approval; and
2. That the petitioner meet all final engineering and building code related items.

The Subject Property shall also be developed substantially in accordance with the Elevations and Illustrations appended hereto and incorporated herein as EXHIBIT B, entitled "Ninety 7 Fifty on the Park – Downtown Orland Park," prepared by RTKL Associates, Inc., project number 30-100003.00, sheet numbers A-201 through A-203 and

G-001 through G-003, dated July 29, 2011, subject to the following condition: That the petitioner screen all mechanical equipment either at grade level with landscaping or hidden behind the roofline.

#### 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.