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ORDINANCE GRANTING A SPECIAL USE PERMIT AS A PLANNED UNIT DEVELOPMENT WITH APPROVAL OF MODIFICATIONS, ASSOCIATED SITE PLAN, ELEVATION CHANGES AND A VARIANCE FOR UNIVERSITY OF CHICAGO MEDICINE (14290 S. LAGRANGE ROAD)

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WHEREAS, an application seeking the granting of a special use permit as a planned unit development to develop a four story, 108,200 square foot medical office center, containing a first floor commercial space (pharmacy) with a drive-through facility, with modifications, associated site plan and elevation changes, and a variance 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 (the "Code") of the Village of Orland Park as amended; and

WHEREAS, the Plan Commission held a public hearing on June 9, 2015, on whether the requested special use permit with modifications and variance 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 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 published in and 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 with modifications and variance 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 Plan Commission of this Village has made its report of findings and recommendations regarding the proposed special use permit with modifications and a variance. The findings of the Plan Commission 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 hearings 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 permit with modifications and a variance 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 Code as set forth in Section 1-102 thereof. Said special use and variance 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 to allow for a Planned Unit Development, a building over 50,000 square feet, and a drive-through facility in the Village Center Zoning District with modifications, associated site plan and elevation changes as follows:

(a) The Subject Property is located at 14290 La Grange Road within the Village of Orland Park in Cook County, Illinois, legally described in SECTION 4, below. The proposal is to develop a four story, 108,200 square foot medical office center, containing a first floor commercial space (pharmacy) with a drive-through facility, and a 207 space parking lot on an approximately 2.7 acre vacant site that is owned by the Village and located at the northwest corner of 143<sup>rd</sup> Street and La Grange Road. A special use permit is required because the project is categorized as a Planned Unit Development, the building is over 50,000 square feet, and the Petitioner is requesting a drive-through facility. The proposed modifications include reducing the required number of parking spaces from 278 to 207, increasing the allowable building height from 55' to 78', reducing the required number of drive-through stacking spaces from 7 to 4, reducing the required number of off-street loading spaces from 5 to 0, reducing the required setback for a dumpster enclosure from 15' to 0', and reducing the required percentage of ground floor transparency from 35% to 30%.

(b) The proposed development is consistent with the purposes, goals, objectives and standards of the Comprehensive Plan, any adopted overlay plan and the Code. The Comprehensive Plan designates this area for Planned Mixed-Use Residential/Commercial, and the Subject Property is located in the Village Center District. The Subject Property will fulfill the Village Center District's established principles by promoting mixed-uses, creating an attractive street façade with street level uses, creating smaller walkable blocks, creating continuous building frontage along the streets to reduce visual impact of parking lots, creating open space amenities as local points of development, and serving as a strong architectural focal point in the area.

(c) The proposed development will be consistent with the character of the immediate vicinity of the Subject Property, which is presently zoned as Vacant Land, VCD Village Center District, 142<sup>nd</sup> Street to the north; 143<sup>rd</sup> Street, VCD Village Center District, Gas Station/Motor Vehicles Services to the south; La Grange Road, VCD Village Center District, Orland Crossing Shopping Center to the east; and Vacant Land, VCD Village Center District, Future Parking Deck, Future Jefferson Avenue to the west, where commercial uses are located.

(d) The design of the development will minimize adverse effects. The proposed site plan illustrates a four story, 108,200 square foot medical officer center, containing a first floor commercial space (pharmacy) with a drive-through facility. The pharmacy will be located at the northwest corner of the ground floor with the balance of the floor occupied by University of Chicago Medicine. Each use will have a separate entrance door on the north elevation, as well as an interior connection to allow for customer cross-access within the building envelope. The color scheme of the building will closely resemble the surrounding developments. The proposed modification to increase the allowable building height from 55' to 78' is acceptable because the building meets Code in terms of the maximum number of stories, and will be substantially

similar to the heights of other buildings in the VCD Village Center District. The only portion of the University of Chicago Medicine structure that reaches 78' is the tower feature, which will serve an aesthetic focal point in the District. The proposed modification to reduce the required percentage of the ground floor transparency from 35% to as little as 30% is necessary in light of the operational and programmatic requirements related to the interior layout of the ground floor that are specific to a medical office, such as patient privacy. The drive-through facility, which consists of a drive-through lane with a bypass lane, will serve multiple functions, including in-vehicle customer transactions, delivery activities, and garbage collection. The modification to reduce the required number of drive-through stacking spaces from seven (7) to four (4) is acceptable based upon the peak demand associated with a pharmacy drive-through, as confirmed by a traffic study prepared by the Petitioner. The proposed modification to reduce the number of off-street loading spaces from five (5) to zero (0) is acceptable based on the context of the downtown area. The Petitioner's requested modification to reduce the number of required spaces from 278 to 207 is also acceptable due to the fact that there is access to transit, on-street parking, a nearby Metra parking lot, and a future parking deck that is being constructed west of the Subject Property. This reduction will also encourage alternative parking options, which is encouraged in the VCD Village Center District. Finally, the dumpster enclosure will be tucked into the southwest corner of the site to reduce adverse impacts. Petitioner's modification to reduce the required setback for the dumpster enclosure from 15' to 0' is acceptable due to the context of the downtown area and because future improvements that will neighbor the enclosure will mitigate the impact of the proposed modification.

(e) There will be no adverse effects on the value of the property. The Subject Property is under development, and the Planned Unit Development will bring commerce to the Village as well as provide residents with access to health and wellness providers. Additionally, the Planned Unit Development will facilitate new landscaping on and around the Subject Property, and will allow for a connected network of perimeter sidewalks and walkways. The building structure, including the towers, will also likely become local points of recognition in the community.

(f) The Petitioner has demonstrated that public facilities and services, including but not limited to roadways, park facilities, police and fire 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. All utilities are accounted for and can accommodate the proposed development layout. Specifically, adequate capacity for sanitary and water service will be available on site, a community storm water management system serving the Main Street Triangle Development (of which the Subject Property is a part) has adequate capacity to service this development, and a traffic study has been completed, which confirms that existing and proposed roads will adequately service the development.

(g) Petitioner has made adequate legal provision to guarantee the provision and development of any open space and other improvements associated with the proposed development.

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

- (i) The proposed development shall comply with all additional standards imposed on it by all other applicable requirements of the ordinances and regulations of the Village.

### SECTION 3

This Board of Trustees further finds, in relation to the proposed variance to allow for a drive aisle in the building setback area as follows:

- (a) The Subject Property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the Zoning District in which it is located. As presented the drive-through and bypass lanes are drive-aisles and wholly located within the setback area, and thus require a variance from the Code. The proposed drive-through is an essential component of the delivery model for the retail pharmacy, and the Petitioner would be unable to use the drive-through transaction window if this variance is not granted.
- (b) The plight of the Petitioner is due to unique circumstances, and the conditions upon which the petition for a variation is based are unique to the Subject Property and are not applicable, generally, to other property. The project site is constrained on three sides by existing and proposed streets as well as a future structure to the immediate west of the site. The proposed location for the drive-aisles is the most feasible location from a building operations perspective as well as the least impactful location from an aesthetic perspective.
- (c) The variation, if granted, will not alter the essential character of the locality. The proposed variance to allow for a drive aisle in the building setback area is acceptable due to the context of the downtown area, and the future parking deck and garbage enclosure, which will screen the drive-aisles from the public realm.
- (d) A particular hardship to the Petitioner will result if the strict letter of these regulations is carried out because of the particular physical surroundings, shape and topographical conditions of the Subject Property. The variance is the only way to reasonably use the land as a drive-through facility due to the configuration of the site and the reasonable setbacks, which are unique to the Subject Property. A drive-through facility is necessary to the Subject Property because it will serve multiple functions, including in-vehicle customer transactions, delivery activities, and garbage collection.
- (e) The alleged difficulty or hardship is caused by these regulations and has not resulted from any act of the Petitioner or any other person presently having an interest in the Subject Property subsequent to the effective date hereof, whether or not in violation of any portion thereof. The nature of the business coupled with the configuration of the site has caused the difficulty.
- (f) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located or otherwise be inconsistent with the Comprehensive Plan, any adopted overlay plan or these regulations. Overall, the plan fits into the overall Comprehensive Plan as set forth by the Village, and the proposed drive-aisles will serve to further enhance the level of service and convenience for patients and members of the Orland Park community.

(g) The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

(h) The variance granted is the minimum adjustment necessary for the reasonable use of the land. Without the variance, Petitioner will not be able to develop a drive-through facility, which would have a material impact on the operations of the pharmacy as well as customer service.

(i) The aforesaid circumstances or conditions are such that the strict application of the provisions of this Section would deprive the applicant of any reasonable use of his or her land. Mere loss in value shall not justify a variance; there must be deprivation of all beneficial use of land. This variance is essential to the establishment and sustainability of the development. Based on the unique constraint of being framed on three sides by existing and proposed streets as well as a future structure to the immediate west, the only operationally feasible location for the drive-aisle is the west side of the building within the setback area. The drive-aisle is an integral part of the operation of the pharmacy and necessitates implementation.

#### SECTION 4

A special use permit to allow for a Planned Unit Development, a building over 50,000 square feet, and a drive-through facility in the Village Center District with a modification to reduce the required number of parking spaces from 278 to 207, increase the allowable building height from 55' to 78', reduce the required number of drive-through stacking spaces from 7 to 4, reduce the required number of off-street loading spaces from 5 to 0, reduce the required setback for a dumpster enclosure from 15' to 0', and reduce the required percentage of ground floor transparency from 35% to as little as 30%, and a variance to the Site Plan to allow for a drive-aisle in the building setback area is hereby granted, subject to the conditions below, and issued to the University of Chicago Medicine, for the following described property:

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 4 AND 275 FEET WEST OF THE EAST LINE OF SAID SECTION 4; THENCE NORTH 01 DEGREES 34 MINUTES 53 SECONDS WEST, ALONG A LINE 275.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 01 DEGREES 34 MINUTES 53 SECONDS WEST, 7.00 FEET TO A POINT ON A LINE 57.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 4, ALSO BEING THE POINT OF BEGINNING;

THENCE SOUTH 87 DEGREES 59 MINUTES 26 SECONDS WEST, ALONG SAID PARALLEL LINE, 39.94 FEET; THENCE NORTH 48 DEGREES 47 MINUTES 03 SECONDS WEST, 20.44 FEET; THENCE NORTH 01 DEGREES 34 MINUTES 53 SECONDS WEST, ALONG A LINE PARALLEL TO THE EAST LINE OF SAID

SOUTHEAST QUARTER, 431.79 FEET; THENCE NORTH 88 DEGREES 25 MINUTES 07 SECONDS EAST, PERPENDICULAR TO THE LAST COURSE, 192.43 FEET; THENCE SOUTH 01 DEGREES 34 MINUTES 53 SECONDS EAST, ALONG A LINE PARALLEL TO THE EAST LINE OF SAID SOUTHEAST QUARTER, 10.50 FEET; THENCE NORTH 88 DEGREES 25 MINUTES 07 SECONDS EAST, PERPENDICULAR TO THE LAST COURSE, 77.52 FEET TO A POINT ON A LINE 60.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SECTION, SAID LINE ALSO BEING A WEST LINE OF PROPERTY CONVEYED IN WARRANTY DEED RECORDED AS DOCUMENT 0021061786; THENCE SOUTHERLY, SOUTHWESTERLY AND WESTERLY ALONG WESTERLY, NORTHWESTERLY AND NORTHERLY LINES OF SAID WARRANTY DEED FOR THE NEXT THREE COURSES (1) THENCE SOUTH 01 DEGREES 34 MINUTES 53 SECONDS EAST, ALONG SAID LAST DESCRIBED LINE, 406.27 FEET; (2) THENCE SOUTH 43 DEGREES 12 MINUTES 17 SECONDS WEST, 38.33 FEET; (3) THENCE SOUTH 87 DEGREES 59 MINUTES 26 SECONDS WEST, 188.01 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PINs: 27-04-417-007-0000; 27-04-417-013-0000; 27-04-417-015-0000; part of 27-04-417-016-0000; and part of 27-04-417-017-0000

This special use permit is subject to the following conditions:

A. The Subject Property shall be developed substantially in accordance with the preliminary site plan on Sheet A5, titled, "Preliminary Site Plan", prepared by TK&A, dated June 2, 2015, subject to the following conditions:

1. Submit a Final Landscape Plan, meeting all Village Codes, for separate review and approval within 60 days of final engineering approval; and
2. Meet all final engineering and building code related items.

B. The Subject Property shall be developed substantially in accordance with the perspective view on Sheet A4, titled "Perspective View-Northwest" and Sheets A9 through A12, titled "Elevation(s)", prepared by TK&A, dated June 2, 2015, and the plan sheets titled "Alternate Design – Southeast Perspective" and "Alternate Design – Northeast Perspective" with a revision date of June 30, 2015 that present an updated design for the tower feature situated at the intersection of 143<sup>rd</sup> Street and La Grange Road subject to the following conditions:

1. All rooftop mechanical equipment must be screened, and all public utility and at-grade mechanical equipment located in and around the site as part of this development must be screened with landscaping.

## SECTION 5

Petitioner shall at all times comply with the terms and conditions of this Ordinance, the Development Agreement between the Village and the Petitioner dated September 30, 2015, 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, modifications and variation of this Ordinance shall be subject to revocation by appropriate legal proceedings.

#### SECTION 6

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 with modifications and variance for the Planned Unit Development as aforesaid.

#### SECTION 7

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