

ORDINANCE GRANTING A SPECIAL USE PERMIT – SAVERS (15617 – 15625 94<sup>TH</sup> AVENUE)

WHEREAS, an application seeking a special use permit for a for-profit thrift store with a drive-through drop-off lane and service window for certain real estate 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 10, 2012, on whether the requested special use permit 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 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 permit be granted with this President and Board of Trustees, 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 are in the public good and in the best interests of the Village and its residents, are consistent with the Comprehensive Plan of the Village, and are 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 special use and modifications as follows:

(a) The Subject Property is located at 15617-15625 94<sup>th</sup> Avenue in the existing Orland Park Plaza building, which is a site of approximately 4.86 acres, located along 94<sup>th</sup> Avenue, and is zoned BIZ General Business District within the Village of Orland Park, Cook and Will Counties, Illinois. The Petitioner, Wes Rehwoldt, is seeking a special use for an approximately 28,640 square foot for-profit thrift store, a commercial retail use, with a drive-through drop-off lane and

service window on the south side of the building as well as a loading dock on the south side of the building in the existing 56,340 square foot building.

(b) Commercial retail establishments are permitted uses in the BIZ General Business District, and the drive-through lanes and service windows require a special use in the BIZ General Business District.

(c) The proposed special use for a commercial retail establishment with a drive-through drop-off lane and service window will be consistent with the character of the immediate vicinity of the Subject Property. The surrounding property is zoned BIZ General Business District to the north, south and west and contains commercial property, including a Lowes Center and a vacant outlot. The property to the east is zoned R-3 Residential District and contains multi-family homes. The proposed use will be compatible with these surrounding uses.

(d) The proposed special use for a commercial retail establishment with a drive-through lane and service window 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/Office. The shopping center currently includes other retail uses. A commercial retail establishment with a drive-through lane is appropriate in such an area.

(e) The design of the proposed special use will minimize any adverse effects, including visual impacts, on adjacent properties. Because the use is entirely indoors, in an existing building, there will be no visual impact except for a sign, which will conform to the Village's sign code, the loading dock and drive-through lane. Three new tree islands will be installed to screen the loading dock from the neighboring property. In addition, both the loading dock and drive-through lane will have canopies installed. The retail center is designed to accommodate uses like this. Parking is adequate in the center so there will be no impact on accessibility to adjacent properties. There will be no adverse effect on the value of adjacent property.

(f) 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 building on the site will have access through the two existing curb cuts on 94<sup>th</sup> Avenue. The northern-most full access point from 94<sup>th</sup> Avenue is signalized. The stop sign controlled southern access point is right in/right out. In addition, cross-access connections exist through the retail developments to the north and south.

(g) 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.

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

(i) The special use permit for a commercial retail establishment with a drive-through lane and service window 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

A special use permit for a commercial retail establishment with a drive-through lane and service window in the BIZ General Business District subject to the conditions below is hereby granted and issued to Savers, on the Subject Property legally described as:

#### PARCEL 1

THE SOUTHERLY 81.00 FEET OF LOT 76 IN ORLAND SQUARE VILLAGE UNIT ONE BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHEAST QUARTER AND THE EAST HALF OF THE NORTHWEST QUARTER AND THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TOT THE PLAT THEROF RECORDED NOVEMBER 27, 1978 AS DOCUMENT NUMBER 24736880, IN COOK COUNTY, ILLINOIS.

P.I.N. No.: 27-15-304-005-0000

ALSO

#### PARCEL 2

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 76 IN ORLAND SQUARE VILLAGE UNIT ONE, RECORDED ON NOVEMBER 27, 1978 AS DOCUMENT NUMBER 24736880; THENCE SOUTH 89° -50' -49" EAST ALONG THE SOUTH LINE OF LOT 76 FOR A DISTANCE3 OF 300.00 FEET TO A LINE 350.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE EAST HALF OF THE SAID SOUTHWEST QUARTER OF SECTION 15; THENCE SOUTH 0° -00' -18" WEST ALONG THE SAID LINE 350.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 15 FOR A DISTANCE OF 617.00 FEET; THENCE NORTH 89° -50' – 49" WEST FOR A DISTANCE OF 300.00 FEET TO THE SAID EAST LINE OF 94<sup>TH</sup> AVENUE; THENCE NORTH 0° -00' -18" EAST ALONG THE SAID EAST LINE OF 94<sup>TH</sup> AVENUE FOR A DISTANCE OF 617.00 FEET TO THE POINT OF BEGINNING; IN COOK COUNTY, ILLINOIS. SAID PARCEL CONTAINING 4.8072 ACRES MORE OR LESS.

P.I.N. No.: 27-15-301-019-0000

This special use permit is subject to the following conditions:

A. The Subject Property shall be developed by Developer substantially in accordance with the Board Approved Site Plan appended hereto and incorporated herein as EXHIBIT A entitled "Final Site Plan, Savers – Orland Park Plaza" prepared by Mackie Consultants, dated November 11, 2011, revised January 25, 2012, as well as the "Site Landscape Plan," "Enlarged Landscape Area," and "Landscape Details and Notes," prepared by Paul Schwartz Landscape Architect, dated December 2, 2011, revised January 13, 2012, subject to and conditioned upon the following:

1. The Developer must meet all final engineering and building code related items.

B. The Subject Property shall also be developed substantially in accordance with the Building Elevations titled "Orland Park Plaza Exterior Elevations," prepared by Interwork Architects, dated December 6, 2011, revised January 12, 2012, Sheet A-4, subject to the following conditions:

1. Paint the north, west and south elevations of the entire building to match the proposed Savers colors;
2. Screen all mechanical equipment, either at grade level with landscaping or hidden behind the roofline; and
3. All signage must be considered through separate permitting process.

#### SECTION 4

The Petitioner hereunder shall at all times comply with the terms and conditions of the special use permit 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, is 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.

