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ORDINANCE GRANTING A SPECIAL USE WITH MODIFICATIONS FOR A
PLANNED DEVELOPMENT (WATERFALL PLAZA – 8750-52 W. 159TH STREET)

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WHEREAS, an application seeking a special use for certain real estate with a modification, 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 hearings on October 23, 2018, and November 13, 2018 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 the initial October 23, 2018 public hearing by publication not more than thirty (30) days nor less than fifteen (15) days prior to said hearing in the Daily Southtown, 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 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 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 (the “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 as follows:

(a) The Subject Property is located within the Village of Orland Park in Cook County, at 8750-52 W. 159th Street and is zoned BIZ General Business District. It is an approximately 2.6-acre site.

(b) Specifically, Petitioner proposes to subdivide one lot into two lots so each new subdivided lot can accommodate one building.

(c) Petitioner also requests a modification to allow parking and drive aisles in the setback between the building and the street within the south and east setbacks. This modification will not negatively impact neighboring property owners because they are in keeping with the existing surrounding commercial and retail uses.

(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 Code and as special use for a planned development under Section 6-207.C.18. of the Code.

(e) The proposed special use is consistent with the character of the immediate vicinity of the Subject Property. The surrounding property to the south and west are motor vehicle sales establishments (zoned BIZ General Business), to the east is office/retail zoned BIZ General Business and to the north is multi-family residential zoned R-4 Residential. A planned development is an enumerated special use in the BIZ General Business District, and the special use to allow for the subdivision is consistent with these surrounding 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. The Comprehensive Plan designates this site as “159th and Harlem Planning District”. The subdivision will be consistent with this designation. There will be adequate parking and landscaping.

(g) The proposed special use planned development will minimize any adverse effects, including visual 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.

(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 a planned development in the BIZ General Business District, is hereby granted and issued for the two lot subdivision, to be located on property legally described as:

PARCEL 1:

THAT PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF AND ABUTTING THE EAST LINE OF THE WEST 30 ACRES OF SAID WEST 1/2 OF THE SOUTHWEST 1/4, AND LYING WEST OF AND ABUTTING THE WESTERLY LINE OF ORLAN BROOK DRIVE, AND LYING NORTH OF AND ABUTTING THE NORTH LINE OF 159TH STREET, AND LYING SOUTH OF AND ABUTTING THE SOUTH LINE OF ORLAN BROOK UNIT-2 (EXCEPT THE SOUTH 158.0 FEET THEREOF) ALL IN ORLAND TOWNSHIP, COOK COUNTY, ILLINOIS.

PARCEL 2:

THE WEST 170.0 FEET OF THE SOUTH 158.00 OF THAT PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF AND ABUTTING THE EAST LINE OF THE WEST 30 ACRES OF SAID WEST 1/2 OF THE SOUTHWEST 1/4 AND LYING WEST OF AND ABUTTING THE WESTERLY LINE OF ORLAN BROOK DRIVE AND LYING NORTH OF AND ABUTTING THE NORTH LINE OF 159TH STREET, AND LYING SOUTH OF AND ABUTTING THE SOUTH LINE OF ORLAN BROOK UNIT 2, ALL IN ORLAND TOWNSHIP, IN COOK COUNTY, ILLINOIS.

PARCEL 3:

EASEMENT FOR INGRESS AND EGRESS MADE BY AND BETWEEN FORD CITY BANK AND TRUST COMPANY, AS TRUSTEE UNDER TRUST AGREEMENT DATED SEPTEMBER 29, 1980 AND KNOWN AS TRUST NUMBER 3376 AND EAST SIDE BANK AND TRUST COMPANY, AS TRUSTEE UNDER TRUST AGREEMENT DATED SEPTEMBER 14, 1979 AND KNOWN AS TRUST NUMBER 1217 CREATED BY THAT CERTAIN EASEMENT AGREEMENT DATED MARCH 15, 1984 AND RECORDED IN THE OFFICE OF THE RECORDED OF DEEDS, COOK COUNTY, ILLINOIS, AS DOCUMENT NO. 27062950 OVER THE FOLLOWING DESCRIBED PROPERTY; THE EAST 33.00 FEET OF THE WEST 203.00 FEET OF THE SOUTH 158.00 FEET OF THAT PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF AND ABUTTING TH EAST LINE OF THE WEST 30 ACRES OF SAID WEST 1/2 OF THE SOUTHWEST 1/4 AND LYING WEST OF AND ABUTTING THE WESTERLY LINE OF ORLAN BROOK DRIVE, AND LYING NORTH OF AND ABUTTING THE NORTH LINE OF 159TH STREET, AND LYING SOUTH OF AND ABUTTING THE SOUTH LINE OF ORLAND BROOK UNIT 2, ALL IN ORLAND TOWNSHIP, IN COOK COUNTY, ILLINOIS.

PARCEL 4:

EASEMENT FOR THE INSTALLATION AND MAINTENANCE OF A SIGN PYLON CREATED BY THAT CERTAIN EASEMENT AGREEMENT DATED MARCH 15, 1984 AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, COOK COUNTY, ILLINOIS AS DOCUMENT NO. 27062950 MADE BY AND BETWEEN FORD CITY BANK AND TRUST COMPANY, AS TRUSTEE UNDER TRUST AGREEMENT DATED SEPTEMBER 29, 1980 AND KNOWN AS TRUST NUMBER 3376 AND EAST SIDE BANK AND TRUST COMPANY, AS TRUSTEE UNDER TRUST AGREEMENT DATED SEPTEMBER 14, 1979 AND KNOWN AS TRUST NUMBER 1217 OVER THE FOLLOWING DESCRIBED PROPERTY: THE EAST 10.00 FEET OF THE WEST 213.00 FEET OF THE SOUTH 24 FEET OF THAT PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF AND ABUTTING THE EAST LINE OF THE WEST 30 ACRES OF SAID WEST 1/2 OF THE SOUTHWEST 1/4 AND LYING WEST OF AND ABUTTING THE WESTERLY LINE OF ORLAN BROOK DRIVE, AND LYING NORTH OF AND ABUTTING THE NORTH LINE OF 159TH STREET, AND LYING SOUTH OF AND ABUTTING THE SOUTH LINE OF ORLAN BROOK UNIT 2, ALL IN ORLAND TOWNSHIP, IN COOK COUNTY, ILLINOIS.

PARCEL 5:

EASEMENT FOR PUBLIC UTILITIES CREATED BY THAT CERTAIN EASEMENT AGREEMENT DATED MARCH 15, 1984 AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, COOK COUNTY, ILLINOIS, AS DOCUMENT NO. 27062950 MADE BY AND BETWEEN FORD CITY BANK AND TRUST COMPANY, AS TRUSTEE UNDER TRUST AGREEMENT DATED SEPTEMBER 29, 1980 AND KNOWN AS TRUST NUMBER 3376 AND EAST SIDE BANK AND TRUST COMPANY, AS TRUSTEE UNDER TRUST AGREEMENT DATED SEPTEMBER 14, 1979 AND KNOWN AS TRUST NUMBER 1217 OVER THE FOLLOWING DESCRIBED PROPERTY: THOSE PORTIONS OF 2 PUBLIC UTILITY EASEMENTS (10 FEET WIDE) AS CREATED BY A DOCUMENT ENTITLED "PLAT OF EASEMENT" RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF COOK COUNTY, ILLINOIS ON AUGUST 4, 1981 AS DOCUMENT 25957953 AND AS SHOWN ON THE PLAT ATTACHED THERETO FALLING WITHIN THE BOUNDARY OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THAT PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF AND ABUTTING A LINE 170 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF THE WEST 30 ACRES OF SAID WEST 1/2 OF THE SOUTHWEST 1/4 LYING WEST OF AND ABUTTING THE WESTERLY LINE OF ORLAN BROOK DRIVE AND LYING NORTH OF AND ABUTTING THE NORTH LINE OF 159TH STREET AND LYING SOUTH OF A LINE 158 FEET NORTH OF AND PARALLEL WITH THE AFORESAID NORTH LINE OF 159TH STREET, ALL IN ORLAND TOWNSHIP, SAID EASEMENTS BEING THROUGH THE SOUTH 10 FEET AND THE SOUTH 10 FEET OF THE NORTH 14 FEET OF SAID PARCEL, IN COOK COUNTY, ILLINOIS.

PARCEL 6:

EASEMENT FOR THE BENEFIT OF PARCELS 1 AND 2 AS CREATED BY CERTAIN EASEMENT AGREEMENT DATED JUNE 18, 1992 AND RECORDED SEPTEMBER 14, 1991 AS DOCUMENT 92680636 MADE BY AND BETWEEN ASSIGNMENT OF MORTGAGE NATIONAL BANK AND TRUST COMPANY OF CHICAGO, AS TRUSTEE UNDER TRUST AGREEMENT DATED DECEMBER 1, 1987 AND KNOWN AS TRUST NUMBER 10428-04 ("WATERFALL OWNER") AND FIRST COLONIAL BANK NORTHWEST, AS TRUSTEE UNDER TRUST AGREEMENT DATED JUNE 17, 1988 KNOWN AS TRUST NUMBER 916 ("OUTLOT OWNER") FOR PASSENGER VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS, AND PASSENGER VEHICULAR PARKING, OVER, UPON, THROUGH AND ACROSS THE SOUTH 158.0 FEET OF THAT PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF AND ABUTTING THE EAST LINE OF THE WEST 30 ACRES OF SAID WEST 1/2 OF THE SOUTHWEST 1/4 AND LYING WEST OF AND ABUTTING THE WESTERLY LINE OF ORLAN BROOK DRIVE AND LYING NORTH OF AND ABUTTING THE NORTH LINE OF 159TH STREET, AND LYING SOUTH OF AND ABUTTING THE SOUTH LINE OF ORLAN BROOK UNIT 2 (EXCEPT THE WEST 170.0 FEET THEREOF), ALL IN ORLAND TOWNSHIP, IN COOK COUNTY, ILLINOIS.

And

LEGAL DESCRIPTION

THE SOUTH 158.00 FEET OF THAT PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 14. TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPLE MERIDIAN. LYING EAST OF AND ABUTTING THE EAST LINE OF THE WEST 30 ACRES OF SAID WEST1/2 OF THE SOUTHWEST 1/4 AND LYING WEST OF THE ABUTTING WESTERLY LINE OF ORLAN BROOK DRIVE AND LYING NORTH OF AND ABUTTING THE NORTH LINE OF 159TH STREET. AND LYING SOUTH OF AND ABUTTING THE SOUTH LINE OF ORLAN BROOK UNIT 2. (EXCEPT THE WEST 170.00 FT. THEREOF). SAID PROPERTY SUBJECT TO AN EASEMENT OVER THE WEST 33 FT. THEREOF FOR INGRESS AND EGRESS PER DOCUMENT NUMBER 27062950. ALL IN ORLAND TOWNSHIP, COOK COUNTY, ILLINOIS.

PIN: 27-14-300-065-066

This special use permit includes a modification to locate parking and drive aisles in the setback between the building and the street within the south and east setbacks, and is subject to the following conditions:

1. General site maintenance including filling of potholes, repairing and replacing broken curb, re-sealing and re-stripping the parking lot, maintenance of parking lot

- and building lighting and landscape improvements (as shown in the Plan Commission's report of findings and recommendations), will be required, as detailed in the Plan Commission's report of findings and recommendations, within 1 year or by the end of the first construction season following adoption of this Ordinance, whichever comes first; and
2. The entirety of the parking lot will be required to be milled and re-surfaced, as detailed in the Plan Commission's report of findings and recommendations, within 2 years of adoption of this Ordinance; and
 3. The pylon signs, the dumpster enclosures and all site/building lighting will be required to be brought into conformance of the Code, as detailed in the Plan Commission's report of findings and recommendations, within 3 years of the adoption of this Ordinance; and
 4. Prepare and execute a Development Agreement with the Village that identifies the conditions of the Planned Development; and
 5. Provide a Letter of Credit to the Village that covers the estimated cost of landscape improvements; and
 6. Signs are subject to additional review and approval via the sign permitting process and additional restrictions may apply; and
 7. All building permits shall be obtained prior to any construction.

The Subject Property shall be subdivided as shown in the preliminary plat of subdivision titled "Waterfall Plaza Subdivision" prepared by Vanderstappen Land Surveying, Inc. dated March 20, 2018, and Petitioner shall submit to the Village a final plat of subdivision for review, approval and recording.

SECTION 4

The Petitioner hereunder shall at all times comply with the terms and conditions of this special use, covering the Subject Property, as well as the Development Agreement executed by the Village and Petitioner 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 this special use permit as aforesaid.

SECTION 6

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