

**ORDINANCE GRANTING AN AMENDMENT TO A SPECIAL USE –
LAGRANGE SQUARE (45 ORLAND SQUARE DRIVE)**

WHEREAS, an application seeking an amendment to a Special Use for Planned Development for certain real estate with modifications, 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 (the “Code”) of the Village of Orland Park, as amended; and

WHEREAS, the Plan Commission of this Village held a public hearing on December 8, 2020, on whether the requested amendment to a 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 December 8, 2020 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 amendment to a Special Use for Planned Development with modifications 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 amendment to a Special Use for Planned Development, with modifications, 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 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 amendment to a Special Use permit for Planned Development as follows:

(a) The Subject Property is located within the Village of Orland Park in Cook County, at 45 Orland Square Drive, within the Orland Square Mall (Shopping Center), and is zoned COR Mixed Use Zoning District. It is an approximately 4.99-acre site.

(b) The Subject Property is the subject of Special Use Ordinance No. 468, which approved the Orland Square Mall Planned Development.

(c) Specifically, Petitioner proposes to construct four (4) buildings on the vacant site (formerly Toys “R” Us) to accommodate five (5) restaurants with three (3) drive through lanes, two hundred (238) parking spaces and new landscape areas. The site will be subdivided into three (3) lots.

(d) The proposed amended Special Use is consistent with the character of the immediate vicinity of the Subject Property. The surrounding property in all directions is COR Mixed Use Zoning District the Orland Square shopping center and restaurant (Panda Express) to the north, the shopping center and restaurant (Casa Margarita) to the south, a restaurant/indoor recreation facility (Dave & Buster’s) to the east and, the Orland Square shopping center.

(e) The amendment to 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 a Regional Core Planning District. The new buildings and restaurants will be consistent with this designation. There will be a cross-access easement, a shared parking agreement between all properties on the site and new directional signage.

(f) The conditions on the amended Special Use as hereinafter set forth in SECTION 4 are reasonable, necessary and appropriate.

(g) The design of the proposed amended Special Use will minimize any adverse effects, including visual impacts, on adjacent properties. The proposed building elevations have been designed to represent a significant aesthetic improvement to the site and area and will incorporate landscaping to prevent any potential adverse impacts on adjacent properties. The new channelizing island for right-in/right-out traffic, the cross-access easement and shared parking agreement are substantial improvements will enhance mobility to and from the site. In addition, a modification to permit a drive-through facility and parking lots to be located within the setback areas between the building facades and streets will improve access and mobility.

(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 amended 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 amended 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 in SECTION 4 below, an amendment to the Special Use permit for Planned Development, with the modification to allow for a drive-through facility and parking lots to be located within the setback areas between the building façades and the streets (Section 6-210.F.4) described in SECTION 2 (g), in the COR Mixed Use District, originally granted by Ordinance No. 468, is hereby granted and issued for construction and operation of four (4) buildings containing five (5) restaurants with three (3) drive-through lanes, two hundred (238) parking spaces and new landscaping to be located on property legally described as:

PARCEL A:

LOT E-3 IN ORLAND SQUARE PLANNED DEVELOPMENT UNIT NO. E-3 RECORDED AUGUST 4, 1982 AS DOCUMENT NO. 26310068 BEING A SUBDIVISION OF A TRACT OF LAND IN THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 10, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPTING THEREFROM THAT PORTION CONDEMNED FOR ROAD PURPOSES IN CASE 12L50451) IN COOK COUNTY, ILLINOIS.

PARCEL B:

NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL A, AS ESTABLISHED BY AND CONTAINED IN THE EASEMENT AND OPERATING AGREEMENT DATED MARCH 15, 1976 AND RECORDED AUGUST 10, 1976 AS DOCUMENT 23591873 FOR ACCESS, INGRESS AND EGRESS AS SET FORTH THEREIN AS FURTHER AMENDED BY AMENDMENT TO EASEMENT AND OPERATING AGREEMENT DATED SEPTEMBER 15, 1977 RECORDED DECEMBER 16, 1977 AS DOCUMENT NUMBER 24240428.

PARCEL C:

NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL A ABOVE, FOR THE PURPOSE OF AN ACCESS ROAD RECORDED DECEMBER 28, 1978 AS DOCUMENT 24781113 AS AMENDED BY AMENDMENT RECORDED SEPTEMBER 3, 1982 AS DOCUMENT 26342391.

PARCEL D:

NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL A ABOVE, FOR THE PURPOSE OF PARKING AS SET FORTH IN THE DECLARATION OF EASEMENT FOR PARKING RECORDED DECEMBER 28, 1978 AS DOCUMENT 24781114.

PARCEL E:

NON-EXCLUSIVE RECIPROCAL EASEMENT IN FAVOR OF PARCEL A FOR THE PURPOSE OF PROVIDING INGRESS AND EGRESS OF MOTOR VEHICLES (INCLUDING TRUCKS) AS CREATED BY EASEMENT AGREEMENT RECORDED AUGUST 3, 1982 AS DOCUMENT 26308594.

Now known as:

LOTS 1, 2, AND 3 OF THE PLAT OF SUBDIVISION – LAGRANGE SQUARE, A PART OF THE SOUTHWEST 1/4 OF SECTION 10, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE 3RD PRINCIPAL MERIDIAN, COOK COUNTY, ILLINOIS, RECORDED MARCH 12, 2021 AS DOCUMENT 2107119009.

PIN: 27-10-300-030-0000

COMMONLY KNOWN AS: 45 Orland Square Drive, Orland Park, IL

SECTION 4

This amendment to the Special Use permit is subject to the following conditions:

A. The Subject Property shall be developed substantially in accordance with the Preliminary Site Plan appended hereto and incorporated as EXHIBIT A titled “Site Plan” (Sheet C200) and “Site Data Plan” (Sheet C201),” prepared by Woolpert, Inc. dated October 2, 2019, last revised February 16, 2021, subject to the following conditions:

- a) Petitioner must meet all building code requirements and final engineering requirements, including required permits from outside agencies.
- b) All ground-based and roof-mounted mechanical equipment must be fully screened from view and shall meet the code requirements listed in Section 6-308.J of the Code.

- c) Petitioner must submit a sign permit application to the Development Services department for separate review. Signs are subject to additional review and approval via the sign permitting process and additional restrictions may apply.
- d) The photometric plan shall comply with all lighting requirements per Section 6-315 of the Code.
- e) All drive-through accessories shall meet the requirements listed in Section 6-302.K and Section 6-210.F.4 of the Code. Menu boxes shall be designed with masonry architectural details matching the materials and design of the principal buildings, screened with landscaping so they are not visible from the street, and kept out of the setback areas between the building and the street.
- f) Petitioner must install directional signage throughout the site to assist with internal circulation and direct traffic entering and exiting the three drive-through lanes.
- g) Petitioner must provide a cross-access easement and shared parking agreement between all properties on site and to ensure that all lots will maintain proper ingress and egress.
- h) Petitioner must submit a letter of authorization from the property owner of 49 Orland Square drive allowing off-site work and landscape improvements to be completed on Parcel D.
- i) Petitioner must submit a letter of authorization from Simon Property Group to obtain permission to reconstruct the raised right-in/right-out channelizing island located within the ingress and egress easement at 151st Street.
- j) The 6,800 square foot restaurant building located on the south side of Lot 3 shall be considered conceptual only. Once a future tenant is selected and this portion of the site is designed, the proposed future development plans will be required to proceed back through the development review process for approval. The Petitioner shall seed or sod the building pad area until the future development on site is approved.

B. The Subject Property shall further be developed substantially in accordance with the Landscape Plan appended hereto and incorporated as EXHIBIT B titled “Landscape Plan” (Sheet C500) and “Landscape Details” (Sheet C501) prepared by Woolpert, Inc., and dated October 2, 2019, last revised February 16, 2020, subject to the following conditions:

- a) Petitioner must submit a final landscape plan meeting all Village Codes and all required supporting documentation addressing all outstanding landscape items in conjunction with the final engineering submittal;

- b) Petitioner must meet the landscaping and screening requirements listed Section 6-210.F.4 of the Code between the drive-through lane on Lot 1 and the adjacent streets (LaGrange Road and the Ring Road) to create a solid buffer at a minimum height of 36 inches.
- c) Petitioner must provide Foundation Landscaping meeting the requirements of Section 6-305.D.5 of the Code on the west side of all buildings on all lots, or provide an alternative landscaping option such as planter boxes.
- d) Petitioner must provide cash-in-lieu for tree mitigation or for any required trees or plant material that is unable to be provided on site as a result of the existing easement restrictions, in accordance with Section 6-305.F of the Code. The Petitioner shall pay the final cash-in-lieu amount to the Village prior to the issuance of any building permit.
- e) Petitioner must work with Village staff to determine suitable plant material and plant diversity within the parking lot islands along 151st Street where the required parking lot trees cannot be provided due to existing easement restrictions. Landscaping shall provide year-round visual interest equally effective for the purposes of screening in the winter and the summer seasons.

C. The Subject Property shall further be developed substantially in accordance with the Elevations for Raising Cane's on Lot 1, titled "C 519 Orland Park P 4V Elevations – Option A" prepared by ADA architects, Inc. dated October 9, 2020; and the Elevations for the multi-tenant building on Lot 2, titled "LaGrange Square", prepared by OKW Architects, Sheets A-1 to A-6, dated October 15, 2020; and the Elevations for Chipotle on Lot 3, titled "LaGrange Square – Lot 3 Chipotle" prepared by OKW Architects, Sheets A-1 to A-5, dated October 15, 2020, all such Elevations appended hereto and incorporated herein as GROUP EXHIBIT C, subject to the same conditions specified in SECTION 4 A. hereof and, additionally, all masonry must be anchored veneer type masonry with a 2.625 inch minimum thickness.

D. A record plat of subdivision conforming to the "Plat of Subdivision – LaGrange Square" prepared by Woolpert, Inc. dated May 31, 2019, last revised October 15, 2020, must be submitted to the Village for approval, execution and recording.

SECTION 5

The Petitioner hereunder shall at all times comply with the terms and conditions of this amended Special Use and Ordinance No. 468, as amended, any Development Agreement between the Petitioner and the Village, prior Special Use ordinances covering the Subject Property, except as specifically amended by this or another Ordinance, and in the event of non-compliance, said permit and this amendment 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 amended Special Use permit as aforesaid.

SECTION 7

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