



Legislation Details (With Text)

File #: 2019-0534 **Version:** 3 **Name:** Seritage OSM - Special Use
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On agenda: 11/19/2019 **Final action:** 11/18/2019
Title: ORDINANCE GRANTING A SPECIAL USE FOR A 24 HOUR FITNESS CENTER (SERITAGE OSM-2 ORLAND SQUARE DRIVE)

Code sections:

Attachments: 1. Floorplan, 2. Standards, 3. Ordinance.pdf

Date	Ver.	Action By	Action	Result
11/21/2019	3	Village Clerk		PUBLISHED
11/19/2019	2	Development Services Department		INTRODUCED TO BOARD
11/18/2019	2	Board of Trustees		
10/21/2019	1	Board of Trustees		
10/21/2019	1	Development Services Department		INTRODUCED TO BOARD
10/8/2019	0	Plan Commission		
10/8/2019	0	Development Services Department		INTRODUCED TO COMMISSION

Title
ORDINANCE GRANTING A SPECIAL USE FOR A 24 HOUR FITNESS CENTER (SERITAGE OSM-2 ORLAND SQUARE DRIVE)

Body
WHEREAS, an application seeking a special use for a 24 hour fitness center 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 October 8, 2019, 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 October 8, 2019, 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 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 Orland Square Mall in the Village of Orland Park in Cook County, at 2 Orland Square Drive and is zoned COR Mixed Use. The Orland Square Mall is an approximately 16.29 acre site and the proposed fitness center will be 39,688 square feet.
- b) Specifically, Petitioner, Seritage Growth Properties, proposes to construct an approximately 39,688 square foot 24 hour fitness center within vacant tenant spaces of a shopping center (Orland Square Mall).
- c) The proposed special use is consistent with the character of the immediate vicinity of the Subject Property. The immediately surrounding properties are permitted business uses within an existing shopping center. The shopping center within which the fitness center is to be located is zoned COR Mixed Use. A health club/fitness center is an enumerated special use in the COR Mixed Use zoning district, and the special use to allow for this 24 hour fitness center use is consistent with the shopping center uses.
- d) Beyond the shopping center property, the proposed special use is consistent with the character of the immediate vicinity. To the north, east and west is COR Regional Mixed Use and to the south is COR Regional Mixed Use and BIZ General Business.
- e) 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 Regional Mixed-Use. The 24 hour fitness center in this shopping center tenant space will be consistent with this designation. There will be adequate parking and landscaping.
- f) The design of the proposed special use will minimize any adverse effects, including visual impacts, on adjacent properties. The fitness center space has been designed to blend in with the adjacent commercial uses and to eliminate any potential adverse impacts on adjacent properties.
- g) 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.

- h) 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.
- i) The development will not adversely affect a known archaeological, historical or cultural resource.
- j) 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 24 hour fitness center residential parcel in the COR Mixed Use Zoning District, is hereby granted and issued for an approximately 39,688 square foot fitness center, to be located on property legally described as:

A TRACT OF LAND IN THE SOUTH HALF OF SECTION 10, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 10; THENCE DUE WEST 43.50 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 10; THENCE DUE NORTH 130.35 FEET TO A POINT OF CURVE; THENCE NORTHERLY ON A CURVE CONVEX TO THE EAST HAVING A RADIUS OF 407.57 FEET, AN ARC DISTANCE OF 177.84 FEET AND A CHORD BEARING OF NORTH 12 DEGREES 30 MINUTES WEST TO A POINT OF TANGENT; THENCE NORTH 25 DEGREES 00 MINUTES 02 SECONDS WEST 7.13 FEET TO A POINT OF CURVE; THENCE WESTERLY ON A CURVE CONVEX TO THE NORTH HAVING A RADIUS OF 40 FEET AN ARC DISTANCE OF 72.73 FEET AND CHORD BEARING OF NORTH 77 DEGREES 05 DEGREES 30 SECONDS WEST TO A POINT; THENCE NORTH 39 DEGREES 10 MINUTES 54 SECONDS WEST TO A POINT ON A CURVE; THENCE WESTERLY ON A CURVE CONVEX TO THE SOUTH HAVING A RADIUS OF 492.67 FEET, AN ARC DISTANCE OF 196.86 FEET AND A CHORD BEARING OF SOUTH 62 DEGREES 15 MINUTES 53 SECONDS WEST TO A POINT OF COMPOUND CURVE; THENCE CONTINUING WESTERLY ON A CURVE CONVEX TO THE SOUTH HAVING A RADIUS OF 1,012.50 FEET; AN ARC DISTANCE OF 438.04 FEET AND A CHORD BEARING OF SOUTH 86 DEGREES 06 MINUTES 21 SECONDS WEST TO A POINT OF TANGENT; THENCE NORTH 81 DEGREES 30 MINUTES WEST 218.55 FEET; THENCE DUE NORTH 316.97 FEET; THENCE SOUTH 60 DEGREES WEST 20.78 FEET; THENCE DUE NORTH 257.52 FEET; THENCE NORTH 45 DEGREES WEST 114.23 FEET; THENCE NORTH 45 DEGREES EAST 384 FEET; THENCE SOUTH 45 DEGREES EAST 160 FEET TO A POINT OF CURVE; THENCE EASTERLY ON A CURVE CONVEX TO THE SOUTH HAVING A RADIUS OF 100 FEET, AN ARC DISTANCE OF 157.08 FEET AND A CHORD BEARING OF DUE EAST TO A POINT OF REVERSE CURVE; THENCE EASTERLY ON A CURVE CONVEX TO THE NORTH HAVING A RADIUS OF 52 FEET, AN ARC DISTANCE OF 81.68 FEET AND A CHORD BEARING OF DUE EAST TO A POINT OF TANGENT; THENCE SOUTH 45 DEGREES EAST 124 FEET; THENCE SOUTH 27 DEGREES 28 MINUTES 26 SECONDS EAST 39.85 FEET; THENCE SOUTH 45 DEGREES EAST 347.52, FEET TO A POINT OF CURVE; THENCE SOUTH EASTERLY ON A CURVE CONVEX TO THE SOUTHWEST, HAVING A RADIUS OF 111.04 FEET, AN ARC DISTANCE OF 76.79 FEET AND A CHORD BEARING OF SOUTH 64 DEGREES 48 MINUTES 38 SECONDS EAST TO A POINT OF TANGENT; THENCE SOUTH 84 DEGREES 37 MINUTES 14 SECONDS EAST 10.65 FEET TO A POINT OF CURVE; THENCE EASTERLY ON A CURVE CONVEX TO THE NORTH HAVING A RADIUS OF 20 FEET, AN ARC DISTANCE OF 13.83 FEET AND A CHORD BEARING OF SOUTH 64 DEGREES 48 MINUTES 40 SECONDS EAST TO A POINT OF TANGENT;

THENCE SOUTH 45 DEGREES EAST 64.71 FEET TO A POINT OF CURVE; THENCE SOUTHERLY ON A CURVE CONVEX TO THE EAST HAVING A RADIUS OF 492.67 FEET, AN ARC DISTANCE OF 154.74 FEET AND A CHORD BEARING OF SOUTH 23 DEGREES 07 MINUTES 04 SECONDS WEST; THENCE SOUTH 57 DEGREES 53 MINUTES 05 SECONDS EAST 12.50 FEET TO A POINT OF CURVE; THENCE SOUTHERLY ON A CURVE CONVEX TO THE WEST HAVING A RADIUS OF 30 FEET, AN ARC DISTANCE OF 29.91 FEET AND A CHORD BEARING OF SOUTH 3 DEGREES 33 MINUTES 28 SECONDS WEST TO A POINT OF TANGENT; THENCE SOUTH 25 DEGREES EAST 86.27 FEET TO A POINT OF CURVE; THENCE SOUTHERLY ON A CURVE CONVEX TO THE EAST HAVING A RADIUS OF 494.57 FEET, AN ARC DISTANCE OF 215.80 FEET AND A CHORD BEARING OF SOUTH 12 DEGREES 30 MINUTES EAST TO A POINT OF TANGENT; THENCE SOUTH 28.37 FEET; THENCE SOUTH 14 DEGREES 00 MINUTES 40 SECONDS EAST 41.23 FEET; THENCE DUE SOUTH 62 FEET TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 10; THENCE NORTH 89 DEGREES 58 MINUTES 30 SECONDS WEST 53.48 FEET ON LAST SAID LINE TO THE PLACE OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

PARCEL 2:

THE RECIPROCAL AND NON-EXCLUSIVE RIGHTS, EASEMENTS AND PRIVILEGES OF USE, INGRESS AND EGRESS, PARKING, UTILITY AND OTHER PURPOSES CREATED AND GRANTED AS AN APPURTENANCE TO PARCEL 1; TOGETHER WITH ALL THE RIGHTS, POWERS, PRIVILEGES AND BENEFITS ACCRUING TO THE OWNER OF SAID PARCEL 1, ITS SUCCESSORS, LEGAL REPRESENTATIVES AND ASSIGNS, AS CREATED, DEFINED AND LIMITED BY THAT CERTAIN EASEMENT AND OPERATING AGREEMENT DATED MARCH 15, 1976 AND RECORDED AUGUST 10, 1976 AS DOCUMENT 23591873 IN, ON, OVER, UPON AND UNDER THE TRACT OF LAND DESCRIBED IN SAID EASEMENT AND OPERATING AGREEMENT (EXCEPT THOSE PORTIONS OCCUPIED OR TO BE OCCUPIED BY BUILDINGS AND STRUCTURES AND EXCEPT THAT PART THEREOF FALLING IN AFORESAID PARCEL 1), IN COOK COUNTY, ILLINOIS. GENERAL EASEMENT IS OVER ENTIRE SHOPPING CENTER FOR INGRESS-EGRESS, UTILITIES, PARKING, ETC.

PIN: 27-10-301-008-0000

COMMONLY KNOWN AS: 2 ORLAND SQUARE DRIVE IN ORLAND PARK, ILLINOIS.

and is subject to the following conditions:

The Subject Property shall be developed substantially in accordance with the plans and testimony submitted to the Plan Commission at the October 8, 2019, public hearing subject to the following conditions:

- a) Petitioner must meet all Building and Land Development Code requirements;
- b) Petitioner must obtain all necessary permits from the Village's Building Division prior to initiating any work on the site;
- c) Any changes to the façade will require an appearance review,
- d) Petitioner must meet all final engineering requirements; and
- e) All mechanical units must be screened.

SECTION 4

The Petitioner hereunder shall at all times comply with the terms and conditions of this special use, covering the Subject Property, 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.