



## Legislation Text

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**File #:** 2014-0432, **Version:** 1

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### **Title/Name/Summary**

ORDINANCE GRANTING AN AMENDMENT TO A SPECIAL USE PERMIT AND VARIANCE- ORLAND CROSSING - MARIANO'S

### **Body**

WHEREAS, an application seeking an amendment to a special use permit for certain real estate, with modifications and a variance 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 November 12, 2013 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 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 amendment to a special use permit 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 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 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 amendment to a special use permit with modifications to permit parking in the 142<sup>nd</sup> Street setback, to reduce the parking lot setback, to increase the 141<sup>st</sup> Street setback, to reduce the required number of bike parking stalls and to allow parking in the side setback adjacent to residential property and with a variance to permit parking that is 26% over Village Code requirements for the Mariano's in the VCD Village Center District as follows:

- (a) The Subject Property is located at 14131, 14201 and 14203 La Grange Road and is zoned VCD Village Center District within the Village of Orland Park, Cook and Will Counties, Illinois. The Petitioner, The Bradford Group, is seeking an amendment to a special use permit to construct an approximately 72,925 square foot commercial, retail building and accessory parking on an 8.43 acre site. Retail buildings over 50,000 square feet require a special use permit in the VCD Village Center District. The Petitioner also seeks modifications to permit parking in the 142<sup>nd</sup> Street setback, to reduce the parking lot setback, to increase the 141<sup>st</sup> Street setback, to reduce the required number of bike parking stalls and to allow parking in the side setback adjacent to residential property. Petitioner is also seeking a variance to permit parking that is 26% over Village Code requirements.
- (b) Granting the requested variances and modifications will enhance the ability of the overall special use to meet the standards for all special uses, specifically minimizing adverse effects on adjacent properties. The Comprehensive Plan designates the Subject Property as “Downtown,” and the proposed use is appropriate due to the sidewalks, crossings and amenities enhancing pedestrian access.
- (c) The proposed amendment to a special use to construct an approximately 72,925 square foot building with accessory surface parking 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 proposed use provides a grocery store close to residential development and will be integrated to provide pedestrian and vehicle access. It will be part of a mixed use, walkable neighborhood.
- (d) The proposed amendment to a special use will be consistent with the character of the immediate vicinity of the subject property. The subject property is located in the VCD Village Center District. The surrounding property is zoned VCD Village Center District to the north, south, east and west. The areas to the north and east are vacant. The area to the south contains commercial property and the area to the west contains a restaurant. The proposed use and zoning will be compatible with these surrounding uses.
- (e) The design of the proposed special use will minimize any adverse effects, including visual impacts, on adjacent properties. The installation of an 8’ solid fence, with enhanced landscaping, separates the building from the rowhomes to the east. In addition, decorative brick piers and hardscape crosswalks will be included that match the existing shopping center. An 8’ multi-use path along the west edge of the property will also extend the Orland Bikeway path that is located along the north edge of the property. The building will contain window features on all sides. Green space and additional landscape screening will be provided along 141<sup>st</sup> Street. The proposed special use will not have an 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 site has access through 95<sup>th</sup> Avenue, 142<sup>nd</sup> Street and 141<sup>st</sup> Street. There are signalized intersections at 95<sup>th</sup> Avenue and 143<sup>rd</sup> Street and at 142<sup>nd</sup> Street and La Grange Road.
- (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 amended development.
- (h) The amended development will not adversely affect a known archaeological, historical or cultural resource.
- (i) The special use amendment as granted shall in all aspects conform to the applicable regulations of this

Ordinance and supplants Ordinances 3490, 3981 and 4027, and 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.

(j) Petitioner seeks a variance, as set forth above in Section 2(a), regarding parking on the Subject Property.

(k) Petitioner has stated that Mariano's generates substantial amounts of traffic, which supports its request for parking that is more than 20% over the Village Code.

(l) Petitioner has requested the variance to address its parking needs, and the additional parking will also benefit the existing Orland Crossing Shopping Center.

(m) The property in question cannot yield a reasonable return if the requested parking variance is not permitted. Parking is essential to the Petitioner's business, and the additional parking requested is the minimum deemed necessary based on Petitioner's studies.

(n) The plight of the owner is due to the unique circumstances of the users of the grocery store and increased parking due to the nature of the grocery store.

(o) The variance, as conditioned by this Ordinance, will not alter the essential character of the locality. It incorporates similar architectural elements as the surrounding Orland Crossing Shopping Center.

(p) The denial of the variance, as conditioned by this Ordinance, would be a hardship to the Petitioner because the necessary parking could not be provided if a variance were not granted, and the conditions are particular to Mariano's use.

(q) The granting of the variance, as conditioned by this Ordinance, will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. The additional parking will increase safety in the parking areas.

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

### SECTION 3

The Village finds that Petitioners' developments as proposed for the Subject Property will meet the "Lot Coverage" requirements set forth in Section 6-212.D.1 of the Village Land Development Code when combined, for lot coverage purposes, with the Reva Development Partners' 231 unit, multi-family residential development on property adjacent to the Subject Property.

### SECTION 4

An amendment to a special use permit is hereby granted and issued to The Bradford Group on the Subject Property to allow a commercial retail use in a building over 50,000 square feet with modifications to permit parking in the 142<sup>nd</sup> Street setback, to reduce the parking lot setback, to increase the 141<sup>st</sup> Street setback, to reduce the required number of bike parking stalls and to allow parking in the side setback adjacent to residential property. A variance is also granted to permit parking that is 26% over Village Code. The Subject Property is

legally described as follows:

LOTS 9, 12 AND THE WEST 99.59 FEET OF LOT 14 IN ORLAND PARK CROSSING, BEING A SUBDIVISION IN THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 15, 2005 AS DOCUMENT NUMBER 0525845136, IN COOK COUNTY, ILLINOIS (EXCEPT THAT PART OF LOT 12 DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 12; THENCE NORTH 00 DEGREES 09 MINUTES 38 SECONDS EAST 113.84 FEET TO A LINE WHICH IS THE NORTHWEST PROLONGATION OF THE WESTERLY LINE OF LOT 8 IN SAID SUBDIVISION; THENCE SOUTH 45 DEGREES 00 MINUTES 00 SECONDS EAST ALONG SAID LINE, 8.46 FEET; THENCE SOUTH 00 DEGREES, 09 MINUTES 46 SECONDS EAST 107.85 FEET TO THE SOUTH LINE OF SAID LOT 12, THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 6.61 FEET TO THE POINT OF BEGINNING)

This amendment to a special use permit and variance on the Subject Property are issued on the following conditions:

1. That the Subject Property be developed substantially in accordance with the preliminary site plan entitled "Preliminary Site Plan" and the sign exhibit entitled "Retail Development - Orland Crossing," both prepared by The Bradford Group and dated December 5, 2013, subject to the following conditions:
  - a. Provide landscaping, above Code requirements on the north side of the building;
  - b. Work with Village staff to accommodate all ornamental lighting issues;
  - c. Submit a Final Landscape Plan, meeting all Village Codes, for separate review and approval within 60 days of final engineering approval; and
  - d. All final engineering and building code related items must be met.
2. That the Subject Property be developed substantially in accordance with the Elevations entitled "Orland Park Crossing," prepared by The Bradford Group, dated November 11, 2013 and subject to the following conditions:
  - a. All mechanical equipment must be screened, either at grade level with landscaping or hidden behind the roofline;
  - b. The petitioner must submit an appearance review for the proposed transparency of the windows once the floor plan is finalized; and
  - c. Wall signs are subject to additional review and approval via the sign permitting process to assure compliance with the Village Land Development Code.
3. That the Subject Property be developed substantially in accordance with the Subdivision shown on the drawing labeled "Orland Park Crossing First Resubdivision," prepared by Manhard Consulting, dated August 23, 2013 and subject to the condition that a final plat of subdivision must be submitted to the Village for review within 60 days of final engineering approval.

SECTION 5

The Petitioner hereunder shall at all times comply with the terms and conditions of this amendment to a special use permit which supplants the prior special use permit for the Subject Property, granted by Ordinances 3490, 3981 and 4027, except as any terms and conditions of the prior ordinances are specifically amended by this or another ordinance, and in the event of non-compliance, said permits 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 this amendment to a special use permit as aforesaid.

SECTION 7

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