



VILLAGE OF ORLAND PARK

14700 Ravinia Avenue
Orland Park, IL 60462
www.orland-park.il.us

Ordinance No: 4478

File Number: 2008-0094

ORDINANCE GRANTING AN AMENDMENT TO A SPECIAL USE PERMIT - EVERY
BLOOMIN' THING

VILLAGE OF ORLAND PARK

STATE OF ILLINOIS, COUNTIES OF COOK AND WILL

Published in pamphlet form this 21st day of April, 2009 by authority of the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois.

VILLAGE OF ORLAND PARK

Ordinance No: 4478

ORDINANCE GRANTING AN AMENDMENT TO A SPECIAL USE PERMIT - EVERY
BLOOMIN' THING

WHEREAS, an application seeking an amendment to a special use permit 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 April 22, 2008, 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 Star and The Daily Southtown, newspapers of general circulation in this Village, there being no newspaper published 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 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 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 for a planned development in the BIZ General Business District as

VILLAGE OF ORLAND PARK

Ordinance No: 4478

follows:

(a) The Subject Property is located at 7646-7648 West 159th Street. The original proposal (Special Use granted in 2003) was to expand an existing garden supply business onto an adjacent lot, consolidating the two lots into one and making parking and landscaping improvements on the combined lot. No new buildings or additions to buildings were then proposed. The currently requested amendment to the special use permit includes an amended site plan and setback modifications for an agricultural canopy to be located in the southwest portion of the Subject Property. The Subject Property is zoned BIZ General Business District within the Village of Orland Park, Cook and Will Counties, Illinois.

(b) Petitioner's original proposal required a special use for planned development to permit more than one building on the proposed combined lot, with a modification from the parking requirements to permit more parking than the Land Development Code required or permitted, because during peak times, outdoor garden supply locations have very high customer volume, and customers might park on nearby residential streets or at nearby businesses if the modification were not granted. The current request adds an agricultural canopy to the site plan and requests setback modifications on two sides for the canopy.

(c) Specifically, petitioner requests side and front setback reductions from 15 feet to 8 feet along 77th Avenue and from 25 feet to 5 feet along 159th Street, to accommodate an agricultural canopy for display of landscaping plant materials. Granting these modifications will enhance the ability of the overall special use to meet the general standards set out in Section 5-105E for all special uses.

(d) The proposed amended special use will be consistent with the character of the immediate vicinity of the Subject Property. The property surrounding the garden center location is zoned R-3 Residential to the north, and contains the Veritas East Townhomes, and BIZ to the east, and contains a dental office. Property to the west and south is not within the corporate limits of the Village. To the west is Village of Tinley Park commercial zoning, and to the south is vacant land in unincorporated Cook County. The addition of an agricultural canopy with reduced front and side setbacks to the previously approved garden center, will be consistent with these surrounding uses. There will be no effect on the residential property to the north and east of the garden center, since these modifications are at the south and west sides of the Subject Property.

(e) The proposed amended 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 Community Intensity Commercial/Office. The garden center as proposed is appropriate in such an area.

(f) The design of the proposed amended special use will minimize any adverse effects, including visual

VILLAGE OF ORLAND PARK

Ordinance No: 4478

impacts, on adjacent properties. Because the use is has existed at this location for many years, there should be little impact on the neighboring area.

(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 amended special use at an adequate level of service. Petitioner is aware that IDOT controls the 159th Street right-of-way and may require certain actions at that location in the future.

(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

An amendment to a special use permit for planned development in the BIZ General Business District is hereby granted and issued to Every Bloomin' Thing, Inc., 7646-48 West 159th Street, to include an agricultural canopy at the south west portion of the Subject Property, with setback variations for the canopy to permit an 8 foot west side setback rather than the 15 feet otherwise required along 77th Avenue and a five foot front setback rather than the otherwise required 25 feet along 159th Street. The Subject Property is legally described as follows:

PARCEL 1:

LOT 3 IN THORNTON ESTATES, A RESUBDIVISION OF LOTS 42, 43, AND 44 IN VERITAS EAST SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

LOT 41 (EXCEPT THE NORTH 300 FEET THEREOF) IN VERITAS EAST SUBDIVISION, OF PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 36 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY,

VILLAGE OF ORLAND PARK

Ordinance No: 4478

ILINOIS.

SECTION 4

The Petitioner hereunder shall at all times comply with the terms and conditions of this amended special use permit and the original special use permit for the Subject Property, and in the event of non-compliance, said permits 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 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.

PASSED this 20th day of April, 2009

David P. Maher, Village Clerk

Aye: 7 Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler,
Trustee Gira, and Village President McLaughlin

Nay: 0

DEPOSITED in my office this 20th day of April, 2009

David P. Maher, Village Clerk

APPROVED this 20th day of April, 2009

Daniel J. McLaughlin, Village President

VILLAGE OF ORLAND PARK

Ordinance No: 4478

PUBLISHED this 21st day of April, 2009

David P. Maher, Village Clerk