

# VILLAGE OF ORLAND PARK

14700 Ravinia Avenue  
Orland Park, IL 60462  
[www.orland-park.il.us](http://www.orland-park.il.us)

---

Ordinance No: 4514

File Number: 2009-0327

ORDINANCE GRANTING AN AMENDMENT TO A SPECIAL USE PERMIT -SHOPS AT 88

## VILLAGE OF ORLAND PARK

STATE OF ILLINOIS, COUNTIES OF COOK AND WILL

Published in pamphlet form this 20th day of October, 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: 4514

### ORDINANCE GRANTING AN AMENDMENT TO A SPECIAL USE PERMIT -SHOPS AT 88

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 September 22, 2009, on whether the requested special use permit amendment 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 nor more than thirty (30) days nor less than fifteen (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 with this President and Board of Trustees its report of findings and recommendations that the requested special use permit amendment 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 permit 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 planned development as follows:

(a) The Subject Property is located at the southeast corner of 159th Street and 88th Avenue and is

# VILLAGE OF ORLAND PARK

## Ordinance No: 4514

zoned BIZ General Business District within the Village of Orland Park, Cook and Will Counties, Illinois. It is an approximately 5.68-acre site. It will be developed as a part of the Shops at 88 planned development approved by Ordinance 2005-0599. Petitioner has now applied for a special use amendment as described below.

(b) Petitioner proposes to construct a day care center and building in the same general location where a two-story office building was previously planned. Petitioner also proposes to subdivide the site into five lots, including one lot for a detention pond.

(c) Specifically, Petitioner is proposing to construct a one-story building with approximately 8,500 square feet and a playground where a two-story office building of approximately 4,800 square feet was to be built. In addition, the original special use included a condition that the existing parcels be consolidated into one parcel. The Petitioner seeks to subdivide the two parcels into five lots, with one of the lots serving as the detention pond.

(d) Petitioner also requests modification of the detention pond setback where it abuts the day care playground. This modification is necessary to restrict maintenance access from the west edge of the pond due to the fenced playground area.

(e) Granting the modification to allow for the day care center and playground as well as the detention pond setback will enhance the ability of the proposed amended special use to meet the general standards for all special uses set out in Section 5-105(E) of the Land Development Code.

(f) The proposed amendments to the special use permit will be consistent with the character of the immediate vicinity of the Subject Property. The surrounding property is zoned R-4 Residential District to the south and contains condominiums. Property to the north, east and west is zoned BIZ General Business District and includes banks, detention areas and a car wash.

(g) The proposed amendment to a 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 public open space. The proposed change to allow for a day care center and playground is appropriate in such an area.

(h) The design of the proposed special use will minimize any adverse effects, including visual impacts, on adjacent properties. The one-story plan and open space will not negatively impact the residential development and is consistent with the surrounding commercial uses.

(i) The proposed use will not have an adverse impact on the value of adjacent property because the Subject Property has been underutilized and this development may spur other development in surrounding vacant land.

# VILLAGE OF ORLAND PARK

## Ordinance No: 4514

(j) 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. The site has access from both 159th Street and 88th Avenue. Preliminary engineering for this petition has been granted.

(k) 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.

(l) The amended development will not adversely affect a known archaeological, historical or cultural resource.

(m) The special use amendment 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 the special use permit for the Shops at 88 granted by Ordinance 2005-0599 is hereby granted and issued to Petitioner to construct an 8,500 square foot day care center and playground in place of the two-story office building, for a five lot subdivision with detention on one of the lots, and to reduce the detention pond setback where it abuts the day care playground to be located on property legally described as:

THAT PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (EXCEPT THE WEST 1 ROD OF THE NORTH 80 RODS THEREOF) OF SECTION 23, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF 159TH STREET AS DEDICATED PER DOCUMENT NO. 10909314, AND NORTH OF A LINE BEING 876.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

This amendment to a special use permit for planned development and subdivision approval includes a modification in the detention pond setback to restrict maintenance access from the west edge of the pond due to the fenced playground area and is subject to the conditions:

1. That development is pursuant to the hereby-approved Site Plan titled, "The Shops at 88 Orland

# VILLAGE OF ORLAND PARK

## Ordinance No: 4514

Park Illinois Final Plan,” prepared by Tech 3 Consulting Group, job number 09029, dated September 22, 2009, subject to the following further conditions:

a. That the Petitioner will revise the Final Landscape Plan so that it meets all Village Codes, for separate review and approval within sixty (60) days of final engineering approval, will include another amenity in the main entry road vista, albeit smaller, where the gazebo was removed and will relocate the landscaping displaced by the new building footprint elsewhere on the site; and

b. That all final engineering related items are met.

2. That development is pursuant to the building elevations titled, “Children of America The Shops at 88 Proposed Elevations,” prepared by Base Ten Architects, dated October 1, 2009, subject to the following further conditions:

a. All mechanical equipment must be screened, either at grade level with landscaping or hidden behind the roofline or a parapet. The visual and noise impact on the abutting 4-story condominium building and other residential establishments shall be minimized through careful selection of material, color, location and noise levels generated by roof top equipment;

b. The trash enclosure shall be constructed of masonry to match the building brick; and

c. At least one brick color will be tied in with the brick colors approved for the other buildings in the planned development.

3. The maintenance of the detention outlot is the sole responsibility of the other four lots in the subdivision, which shall be established through common ownership, deed restrictions and the Development Agreement.

4. The subdivision must meet all final engineering requirements.

5. Petitioner must provide a notarized, shared parking and cross access easement between the lots, using Village template, prior to the issuance of building permits.

## SECTION 4

The Petitioner hereunder shall at all times comply with the terms and conditions of this amended special use for planned development and Ordinance No. 2005-0599, the original special use for planned development covering the 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.

# VILLAGE OF ORLAND PARK

**Ordinance No: 4514**

## 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 19th day of October, 2009

/s/ David P. Maher

---

**David P. Maher, Village Clerk**

**Aye:** 6 Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler,  
and Village President McLaughlin

**Nay:** 0

**Absent:** 1 Trustee Gira

DEPOSITED in my office this 19th day of October, 2009

/s/ David P. Maher

---

**David P. Maher, Village Clerk**

APPROVED this 19th day of October, 2009

/s/ Daniel J. McLaughlin

---

**Daniel J. McLaughlin, Village President**

PUBLISHED this 20th day of October, 2009

/s/ David P. Maher

---

**David P. Maher, Village Clerk**