



VILLAGE OF ORLAND PARK

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

Ordinance No: 4146

File Number: 2003-0884

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR PLANNED DEVELOPMENT
AND REZONING A PORTION OF THE PROPERTY (FOUNTAIN VILLAGE, 179TH STREET,
EAST OF WOLF ROAD)

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STATE OF ILLINOIS, COUNTIES OF COOK AND WILL

Published in pamphlet form this 6th day of June, 2006 by authority of the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois.

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AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR PLANNED DEVELOPMENT AND REZONING A PORTION OF THE PROPERTY (FOUNTAIN VILLAGE, 179TH STREET, EAST OF WOLF ROAD)

WHEREAS, an application seeking rezoning and a special use permit for a Planned Development 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 June 22, 2004, properly continued to July 13, 2004, on whether the requested rezoning and special use permit for a Planned Development should be granted, at which times 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 June 22, 2004 public hearing by publication not more than 30 days nor less than 15 days prior to said hearings 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 with the President and Board of Trustees its reports of findings and recommendations that the requested rezoning and special use for Planned Development 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 reports 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 hearings are also incorporated by reference into this Ordinance. This President and Board of Trustees find that the proposed rezoning and special use for Planned Development 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 foster the purposes and spirit of the Land Development Code of the Village of Orland Park, as set forth in Section 1-102 thereof.

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SECTION 2

In addition to the findings set forth in Section 1 hereof, this Board of Trustees further finds in relation to the rezoning and special use for Planned Development as follows:

- (a) The Subject Property is a 10.79-acre parcel located on the south side of 179th Street, approximately one block east of Wolf Road. It is zoned BIZ General Business District within the Village of Orland Park, in Cook County, Illinois. The Petitioner is seeking approval of a special use for a three-lot mixed-use Planned Development, which includes a minor special use in the BIZ District for Lot 1 for drive-thru windows for a financial institution. In addition, Petitioner seeks rezoning of Lot 3 from BIZ General Business District to R-4 Residential District to accommodate townhome construction.
- (b) The Subject Property is a portion of a larger 50-acre development, approved by the Village pursuant to an Annexation Agreement dated July 10, 2001 and recorded with the Cook County Recorder's office as document number 01076863. That agreement contemplated that the Subject Property of this Ordinance be developed as a special use with residences and office uses. The plan presented here is an amendment to the concept proposed in 2001.
- (c) Specifically, Petitioner seeks to subdivide the 10.79-acre Subject Property into three lots. Lot 1 (approximately 0.9 acre) is now proposed to contain an approximately 3,850 square foot bank building with drive-thru windows. A bank is a permitted use in the BIZ District; the drive-thru windows are a minor special use. Lot 2 (approximately 1.5 acres) is proposed to contain an approximately 12,050 square foot retail building and Lot 3 (approximately 8.4 acres) is proposed to be rezoned from BIZ to R-4 Residential District to accommodate 35 townhome residences. The three lots will share access and detention.
- (d) Petitioner also requests several modifications specifically, modifications are requested as follows: For Lot 1 (bank), a modification of the corner side setback from fifty (50) feet to twenty-three (23) feet and a modification of the front setback from eighty (80) feet to thirty-one feet 2-1/4 inches (31' 2 1/4") and a modification to permit twenty-seven (27) parking stalls instead of thirteen (13) to allow for a combined loading/parking area for the bank; for Lot 2 (retail building), a modification of the side setback from thirty (30) feet to twenty-three (23) feet and a modification of the rear setback from forty (40) feet to thirty-nine (39) feet; and for Lot 3 (residential area) a modification of the front setbacks from thirty (30) feet to seven feet eleven inches (7' 11"), corner side setbacks from twenty-five (25) feet to eight (8) feet and a modification to permit 70 parking spaces rather than 87.5 spaces.

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(e) Petitioner proposes to rezone Lot 3 of the Subject Property from BIZ to R-4 Residential District to accommodate 35 townhome units. A modification to reduce residential parking for these 35 units from eighty-eight (88) to seventy (70) spaces is requested. The commercial parking areas can provide some additional spaces for guests during non-business hours, minimizing any adverse effects. Townhome dwellings are a permitted use in the R-4 District.

(f) Granting the requested modifications will enhance the ability of the overall special use for planned development to meet the standards for all special uses, specifically minimizing adverse effects on adjacent properties, by permitting an attractive design with open space areas. Also, the goal of the comprehensive plan to encourage mixed use development that offers a variety of housing types within walking distance of commercial services is furthered by this project.

(g) The proposed rezoning for Lot 3 and the special use for Planned Development with a minor special use for drive-thru windows on Lot 1 will be consistent with the character of the immediate vicinity of the Subject Property. The surrounding property is zoned BIZ General Business District to the north and west and contains retail uses, and R-4 Residential District to the south and east and contains residential subdivisions. The proposed uses and zoning will be compatible with these surrounding uses. The residential portion of the development will abut the existing residential zoning; the landscaped commercial uses will be compatible with other commercial uses.

(h) The proposed special use for Planned Development with a minor special use for drive thru windows for a financial institution on Lot 1, and rezoning of Lot 3 from BIZ to R-4 Residential District are 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 Low Intensity Population. The proposed mixed-use development can be considered compatible with this designation. The recommended residential density for the area is 6 units per acre. The proposed development has an overall residential density of 7.87 units per acre, but the large Commonwealth Edison easement is not considered in the density calculation. If it were actual, numbers would be much closer to the recommended density. In addition, the proposed development furthers the overall goal of the Comprehensive Plan to encourage mixed use development that offers a variety of housing types within walking distance of commercial services.

(i) The design of the proposed special use for Planned Development with a minor special use for drive-thru banking windows on Lot 1 will minimize any adverse effects, including visual impacts, on adjacent properties. The buildings' locations and having most parking behind the buildings increases the visual attractiveness of the Subject Property, thus minimizing adverse effects. The center open space and landscaped area around the residences will be an asset to the neighborhood. The residential portion of the development abuts existing residential of the same zoning classification. The design meets most setback

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requirements and will include attractive landscaping to meet Village standards and park areas. The urban design principles of the development will enhance the character of the area.

(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 special use for Planned Development and minor special uses at an adequate level of service. Two sites totaling 0.58 acres of park land are being donated to the Village. The buildings on the overall site will share vehicular access points to 179th Street.

(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 development.

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

(m) The special use permit for a mixed use Planned Development and minor special use permit for a financial institution 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 districts in which they are located as well as all applicable regulations and ordinances of the Village, unless specifically addressed in this or another Ordinance.

SECTION 3

A special use permit for a three-lot mixed-use Planned Development and a minor special use permit for drive thru windows for a financial institution in the BIZ District on Lot 1, all subject to the conditions below, is hereby granted and issued to for the construction and operation of Fountain Village multi-use development, on the Subject Property legally described below, and subject to the rezoning granted in Section 4 of this Ordinance:

THAT PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 32,
DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION;
THENCE S - 00 DEGREES 15 MINUTES 09 SECONDS -W ALONG THE WEST LINE OF SAID
WEST HALF, A DISTANCE OF 820.00 FEET;
THENCE S- 89 DEGREES 44 MINUTES 51 SECONDS - E, A DISTANCE OF 412.00 FEET;
THENCE N- 00 DEGREES 15 MINUTES 09 SECONDS - E, A DISTANCE OF 238.00 FEET;
THENCE S - 89 DEGREES 44 MINUTES 51 SECONDS - E, A DISTANCE OF 266.00 FEET;
THENCE N - 00 DEGREES 21 MINUTES 12 SECONDS - E, A DISTANCE OF 43.83 FEET TO

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THE POINT OF BEGINNING;

THENCE N - 00 DEGREES 21 MINUTES 12 SECONDS - E, A DISTANCE OF 170.17 FEET;
THENCE N - 42 DEGREES 56 MINUTES 39 SECONDS - E, A DISTANCE OF 81.24 FEET;
THENCE N - 00 DEGREES 21 MINUTES 12 SECONDS - E, A DISTANCE OF 248.00 FEET TO A
POINT 50 FEET SOUTHERLY OF THE NORTH LINE OF SAID SOUTHWEST QUARTER AS
MEASURED PERPENDICULAR THERETO;
THENCE S - 89 DEGREES 38 MINUTES 48 SECONDS - E, PARALLEL TO SAID NORTH LINE
A DISTANCE OF 596.82 FEET TO A POINT ON THE EAST LINE OF SAID WEST HALF;
THENCE S - 00 DEGREES 11 MINUTES 26 SECONDS - W A DISTANCE OF 1002.18 FEET;
THENCE N - 51 DEGREES 26 MINUTES 39 SECONDS - W A DISTANCE OF 833.06 FEET TO
THE POINT OF BEGINNING, CONTAINING 470,731 SQ. FT., OR, 10.8065 ACRES, ALL IN
TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, COOK
COUNTY, ILLINOIS.

P.I.N.: 27-32-300-001-0000

This special use permit for a 3-lot Planned Development, and minor special use for drive-thru windows for a bank on Lot 1 includes the following modifications:

1. For Lot 1 (bank), a modification of the corner side setback from fifty (50) feet to twenty-three (23) feet and a modification of the front setback from eighty (80) feet to thirty-one feet 2-1/4 inches (31' 2 1/4") and a modification to permit twenty-seven (27) parking stalls instead of thirteen (13);
2. For Lot 2 (retail building), a modification of the side setback from thirty (30) feet to twenty-three (23) feet and a modification of the rear setback from forty (40) feet to thirty-nine (39) feet;
3. For Lot 3 (residential area), a modification of the front setback from thirty (30) feet to seven feet eleven inches (7' 11"), corner side setback from twenty-five (25) feet to eight (8) feet and a modification to permit 70 parking spaces rather than 87.5 spaces.

The special use permit for Planned Development is subject to the following conditions:

1. The Subject Property shall be developed substantially in accordance with the site plan entitled "Fountain Village, 179th Street east of Wolf Road, Orland Park, Illinois," by Shalvis Group, PC for Corrib Construction, dated April 26, 2004, last revised September 28, 2004, Sheet number, ASK-1 subject to the following further conditions:
 - a. That plan approval be subject to final engineering approval, and that the Developer return to the Board

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with any significant changes, if needed, based on site engineering;

b. That the Developer return for approval of a Landscape Plan for this development, to include an adequate berm, tree and shrub buffer zone between the retail use and residential area as defined by staff, within sixty (60) days;

c. That the dedicated street accessing the residential area include one (1) inbound and two (2) outbound lanes at 179th Street per Village design standards;

d. That the north sidewalk connection at the northeast corner of the park be removed;

e. That the loading area for the bank include signage that limits customer parking in those stalls during designated loading hours;

f. That General Notes 1 thru 8 be removed from the Plan;

g. That a photometric plan and an erosion and sedimentation control plan be submitted at the time of final engineering;

h. That Building Code related items are met; and

i. That a Homeowners Association be created for the townhome owners to hold and maintain the detention area and private drives.

2. A plat of subdivision of the Subject Property substantially in compliance with the Site Plan shall be recorded with the Cook County Recorder's Office, dividing the Subject Property into three (3) lots.

SECTION 4

The Orland Park Land Development Code, as amended, shall be further amended by classifying and rezoning the property described as: Lot 3 on the recorded Plat of Subdivision of the Subject Property from the BIZ General Business District to the R-4 Residential District under Article 6 of the Land Development Code of the Village of Orland Park, as amended.

SECTION 5

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The Petitioner hereunder shall at all times comply with the terms and conditions of the special use permit for Planned Development and minor special use permits 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, be amended so as to be in conformance with the rezoning of a portion of the Subject Property and granting of the special use permit for Planned Development as aforesaid.

SECTION 7

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

PASSED this 5th day of June, 2006

/s/ David P. Maher

David P. Maher, Village Clerk

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

Nay: 1 Trustee Murphy

DEPOSITED in my office this 5th day of June, 2006

/s/ David P. Maher

David P. Maher, Village Clerk

APPROVED this 5th day of June, 2006

/s/ Daniel J. McLaughlin

Daniel J. McLaughlin, Village President

PUBLISHED this 6th day of June, 2006

/s/ David P. Maher

David P. Maher, Village Clerk