



VILLAGE OF ORLAND PARK

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

Ordinance No: 4170

File Number: 2006-0243

ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A PLANNED DEVELOPMENT AND
A VARIATION - WALGREEN'S CENTER (BOBAK'S PLAZA)

VILLAGE OF ORLAND PARK

STATE OF ILLINOIS, COUNTIES OF COOK AND WILL

Published in pamphlet form this 6th day of September, 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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ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A PLANNED DEVELOPMENT AND A VARIATION - WALGREEN'S CENTER (BOBAK'S PLAZA)

WHEREAS, an application seeking a special use permit for a planned development and a variation 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 13, 2006, properly continued to July 11, 2006, on whether the requested special use permit for a planned development and variation 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 June 13, 2006 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 special use permit for a planned development and variation 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 special use for a planned development and variation 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.

SECTION 2

VILLAGE OF ORLAND PARK

Ordinance No: 4170

In addition to the findings set forth in Section 1 hereof, this Board of Trustees further finds in relation to the special use permit for a planned development and variation for a commercial center, as follows:

(a) The Subject Property is located in an approved retail center, Bobak's Plaza, at 11349 W. 159th Street, and is zoned BIZ General Business District within the Village of Orland Park, Illinois. The Petitioner is proposing three retail buildings on two lots in the retail center. One lot will contain two buildings, which is a Major Special Use in the BIZ General Business District. The second lot will contain one building but requests a variance for parking in front of the building.

(b) Specifically, Lot 1 of the commercial center is proposed to contain a 2,800 square foot coffee shop and a 4,980 square foot retail building with associated parking for 51 cars. Lot 2 is proposed to contain a 14,820 square foot Walgreen's and parking for 75 cars. The two lots are connected in two locations and share three access points to internal roads in Bobak's Plaza which themselves connect to 159th Street at two points.

(c) The proposed special use for Planned Development on Lot 1 will be consistent with the character of the immediate vicinity of the Subject Property. The property surrounding Lot 1 is zoned BIZ General Business District to the south and east and contains a McDonalds restaurant to the east and parking area for Bobak's Plaza to the south. To the west is land with E-1 Residential zoning, containing the Village of Orland Park Sportsplex Center. To the north, across 159th Street, is land in unincorporated Cook County. Both Lots 1 and 2 will be a part of Bobak's Plaza, and their use will be consistent with the plaza uses; the new uses and the plaza, as designed, will be consistent with their surrounding uses.

(d) The proposed special use for planned development for two buildings on Lot 1 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 Low Intensity Population, but the nearby corner of 159th Street and Wolf Road is designated as commercial in the Plan. A coffee shop and retail building on a single lot in a grocery store anchored commercial center is appropriate in such an area.

(e) The design of the proposed special use for Planned Development will minimize any adverse effects, including visual impacts, on adjacent properties. Adequate parking is provided for the uses on both Lots 1 and 2, and internal connections between the lots will help keep traffic uncongested. Landscaping will meet Village standards. The proposed special use for Planned Development will be compatible with the other uses on the plaza and so will not have an adverse effect on the value or use of adjacent property.

(f) The Petitioner has demonstrated that public facilities and services, including but not limited to roadways,

VILLAGE OF ORLAND PARK

Ordinance No: 4170

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. Access to the property is ultimately from 159th Street. Parking will be adequate for the planned uses.

(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 development.

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

(i) A variance is requested for Lot 2 of the Subject Property to permit parking in the front setback of the property. Current Land Development Code regulations do not permit parking in front building setbacks. However, Walgreen's has requested a variation to this regulation because of the size of the lot, its location as an infill lot surrounded by developed property except for Lot 1, and the need for the drive-up pharmacy window on the building.

(j) The Lot 2 property in question cannot yield a reasonable return if the requested variance is not permitted. The unique drive-thru prescription window requires roadway access from at least three sides. The lot is an in-fill one and is limited in size.

(k) The plight of the owner is due to the unique circumstances of the drive-thru window configuration and the size of the lot.

(l) The variance, as conditioned by this Ordinance, will not alter the essential character of the locality. The business to the east has a similar parking configuration.

(m) The denial of the variance, as conditioned by this Ordinance, would be a hardship to the Petitioner because current market conditions require the drive-thru pharmacy window.

(n) 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 parcel is part of a large shopping plaza.

(o) 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.

(p) The special use for planned development and variance shall in all aspects conform to this Ordinance, the special use permit for the overall plaza, and all applicable regulations of the Land Development Code of

VILLAGE OF ORLAND PARK

Ordinance No: 4170

the Village of Orland Park as amended, for the district in which it is located, as well as all other applicable regulations and ordinances of the Village.

SECTION 3

A special use permit for a planned development in the BIZ General Business District for Lot 1 of the below-described property, and a variance for Lot 2 of the same property for parking in the front building setback shall be and are hereby granted and issued subject to the conditions below, for property described as follows:

LOT 1 AND LOT 2 IN LEJACK'S SUBDIVISION OF THE NORTH 30 ACRES OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 19 TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPLE MERIDIAN (EXCEPT THERE FROM THAT PART WHICH MAY FALL IN THE SOUTH 10 ACRES OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF THE AFORESAID SECTION 19), (EXCEPT THE WEST 352.36 FEET THEREOF), (EXCEPT THE EAST 375.00 FEET OF THE SOUTH 300 FEET THEREOF), (EXCEPT THAT PART FALLING IN 159TH STREET AS GRANTED AS TRACT 6, SOUTH R.O.W. LINE OF 159TH STREET PER DOC. NO. 10909320) AND (EXCEPT LOTS 1,2, AND 3 AND OUTLOT "A" IN WOLF CORNER BEING A SUBDIVISION OF PART OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF THE AFORESAID SECTION 19) RECORDED JULY 22, 2004 AS DOCUMENT NO. 0420427018, ALL IN COOK COUNTY, ILLINOIS.

The above granted special use for planned development and variance are subject to the following conditions:

1. That Lots 1 and 2 are developed pursuant to the hereby-approved site plan titled "Proposed Site Plan - Walgreen's Drug Store," prepared by Arcline Associates LTD., dated 11/14/05, most recent revision 7/25/06, project number 2620, sheet SP1 subject to the following further conditions:
 - a. That all final engineering related items are met.
 - b. That the Petitioner submit a landscape plan within sixty (60) days of final engineering approval for separate review and approval that addresses all Code related items as well as the proposed plaza areas and open space areas.
 - c. That all building code related items are met.
2. That building elevations for Lot 1 be pursuant to the hereby-approved building elevations titled "Bobak's Plaza Phase IV-North Retail Building" and "Bobak's Plaza Phase IV-South Coffee Building" both prepared

VILLAGE OF ORLAND PARK

Ordinance No: 4170

by SAS Architects and Planners and dated 06/29/2006; and building elevations for Lot 2 be pursuant to the hereby-approved building elevations entitled "Walgreen's" by Arcline Associates, Ltd. dated 7-25-06, Job number 2620, Drawing number A2.1.

3. That a re-subdivision of Lots 1 and 2 in Lejak's subdivision as described above, subject to the same conditions as the site plan approval, be recorded with the Cook County Recorder's office.

SECTION 4

The Petitioner hereunder shall at all times comply with the terms and conditions of this special use permit 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 County, Illinois, 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 5th day of September, 2006

/s/ David P. Maher

David P. Maher, Village Clerk

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

Nay: 0

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

/s/ David P. Maher

David P. Maher, Village Clerk

APPROVED this 5th day of September, 2006

/s/ Daniel J. McLaughlin

Daniel J. McLaughlin, Village President

VILLAGE OF ORLAND PARK

Ordinance No: 4170

PUBLISHED this 6th day of September, 2006

/s/ David P. Maher

David P. Maher, Village Clerk