



VILLAGE OF ORLAND PARK

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Orland Park, IL 60462
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Ordinance No: 4182

File Number: 2006-0366

ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A PLANNED DEVELOPMENT WITH
MODIFICATION - (LOWE'S OUTLOT LOT 14)

VILLAGE OF ORLAND PARK

STATE OF ILLINOIS, COUNTIES OF COOK AND WILL

Published in pamphlet form this 19th 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 WITH MODIFICATION - (LOWE'S OUTLOT LOT 14)

WHEREAS, an application seeking a special use permit for a planned development with modifications 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 August 8, 2006, on whether the requested special use permit for a planned development with modifications 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 special use permit for a planned development with modifications 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 with modifications 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

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special use permit for a planned development with modifications for a commercial center, as follows:

(a) The Subject Property is an outlot located in an approved retail center, Lowe's commercial development, at approximately 15600 S. LaGrange Road, and is zoned COR Mixed Use District within the Village of Orland Park, Illinois. The Petitioner is proposing two buildings on the lot which is a Major Special Use in the COR District.

(b) Specifically, the outlot, proposed Lot 14, is proposed to contain two retail buildings, one 9,450 square feet, and one 1,500 square feet, with associated parking for 50 cars. Retail uses are permitted in the COR District.

(c) The proposed special use for Planned Development will be consistent with the character of the immediate vicinity of the Subject Property. The property surrounding proposed Lot 14 is zoned COR Mixed Use District to the north, south, east and west. To the north is another proposed commercial outlot, to the south, the approved Bank of America, to the east is the Lowe's store and its parking and to the west, across LaGrange Road, is the proposed W. E. Smithe furniture and a vacant parcel zoned R-4 Residential. Proposed Lot 14, as designed, will be consistent with these surrounding uses.

(d) The proposed special use for planned development for two buildings on proposed Lot 14 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 Regional Intensity Commercial. A pair of retail buildings on a single lot in a home-improvement-center-anchored commercial development is appropriate in such an area.

(e) Modifications are requested from the requirements of the Land Development Code to permit a 5 foot reduction (from 15 feet to 10 feet) in the required side yard for the 9,450 square foot building and a reduction in the required parking for the two retail buildings from 55 spaces to 53 spaces.

(f) Granting the requested modifications will enhance the ability of the proposed special use to meet the standards for all special uses. Reducing the number of parking spaces slightly and reducing the side yard permits the developer to provide additional green space in the parking lot. A bike trail running along the south side reduces the developable area on the Subject Property. Specifically, granting the requested modifications enhances the ability of the proposed special use to minimize any adverse visual effects on surrounding properties by maximizing green space on the Subject Property.

(g) The design of the proposed special use for Planned Development will minimize any adverse effects, including visual impacts, on adjacent properties. Landscaping will meet Village standards. The proposed special use for Planned Development will be compatible with the other planned uses on the commercial

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development and so will not have an adverse effect on the value or use of adjacent property. Cross access with the lot to the north for traffic and shared parking should be provided.

(h) 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. Access to the property is ultimately from 95th Avenue. Parking is expected to be adequate for the planned uses, particularly with cross access with the lot to the north.

(i) 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.

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

(k) The special use for planned development with modifications 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 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 for two retail buildings on a single lot with modifications in the COR Mixed Use District for proposed Lot 14 of the below-described property, shall be and is hereby granted and issued subject to the conditions below, for property described as follows:

THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN EXCEPTING THEREFROM THE NORTH 2447.35 FEET (AS MEASURED ON THE WEST LINE THEREOF), ALSO EXCEPTING THE EAST 60 FEET FOR 96TH AVENUE ON AND THE WEST 50 FEET FOR 94TH AVENUE, IN COOK COUNTY, ILLINOIS.

ALSO:

THE SOUTH 1 1/2 ACRES OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 15, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN EXCEPTING THEREFROM THE EAST 60 FEET FOR 96TH AVENUE AND THE WEST 50 FEET FOR 94TH AVENUE, IN COOK COUNTY, ILLINOIS.

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ALSO:

THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 (EXCEPT THE SOUTH 1 1/2 ACRES THEREOF) OF SECTION 15, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN EXCEPTING THEREFROM THE EAST 60 FEET FOR 96TH AVENUE AND THE WEST 50 FEET FOR 94TH AVENUE, IN COOK COUNTY, ILLINOIS.

The above granted special use for planned development includes modifications to permit 53 parking spaces rather than 55 and to permit a side yard setback of 10 feet instead of 15 on the east side of building "E" on the plan and is subject to the condition that development of the Subject Property be pursuant to the site plan and building elevations titled "Lowe's Orland Park Subdivision Lot 14," prepared by D.Z.A. Associates Inc., dated 06/07/06, latest revision 08/15/06, project number 05.125, sheet title SP1.0 and the building elevations titled "Proposed Retail Development," prepared by D.Z.A. Associates, Inc. dated August 15, 2006, project number 05.125, sheets titled Retail 'D' and Retail 'E', subject to the following further conditions:

1. That cross access and shared parking easements between proposed Lot 14 and Lot 4 (the lot to the north) are provided;
2. That all final engineering related items are met;
3. That Building Code related items, including signage approval, are met;
4. That the Petitioner submit a Landscape Plan for proposed Lot 14 for separate review and approval within sixty (60) days of final engineering approval; and
5. That required loading areas are clearly identified with signage.

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

