

ORDINANCE GRANTING AN AMENDMENT TO A SPECIAL USE –
MCDONALD'S 11111 W. 179TH STREET

WHEREAS, an application seeking an amendment to a special use for certain real estate with modifications, 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 November 13, 2012, on whether the requested amendment to a special use permit 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 public hearing by publication not more than thirty (30) days nor less than fifteen (15) days prior to said hearing in the Orland Park Prairie, a newspaper published in the 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 amendment to a special use 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 and 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 amendment to a special use permit for planned development with modifications as follows:

(a) The Subject Property is located within the Village of Orland Park in Cook County, at 11111 W. 179th Street and is zoned BIZ General Business District. It is an approximately 1.52-acre site.

(b) The Subject Property is the subject of Special Use Ordinance No. 3374, which approved a planned development including a banking facility with drive-through windows and a pharmacy with drive-through windows.

(c) Specifically, Petitioner, MA/GMX Orland Park LLC, proposes to construct an approximately 3,911 square foot one story building for a McDonald's restaurant with a drive-through lane and within 300' of a residential parcel.

(d) Petitioner also requests several modifications. The first modification is to permit a drive-through lane between the building and the street. The second modification is to eliminate foundation plantings along with the north façade. The third modification is to reduce foundation plantings along the west façade. The fourth modification is to reduce the front landscape buffer from 15' to 13'. The last modification is to allow for development within 50' of a wetland. These modifications are requested due to the location of a 135' wide utility easement running northwest/southeast that accommodates the Wolverine and Lakehead pipelines easement and Com Ed high tension electric towers.

(e) To offset the impact of the special use permit, the Petitioner will provide decorative brick/ornamental iron fence along 179th Street; green features, including a bio-swale to the south of the parking lot and energy efficient lighting; cross access stub to the east; enhanced building architecture including all brick and stone construction; enhanced landscaping in excess of Code requirements; an outdoor dining area; and construction of a sidewalk to close a gap between the existing driveway and the property to the east of the Subject Property.

(f) Granting the requested modifications will enhance the ability of the proposed special use to meet the general standards for all special uses set out in Section 5-105(E) of the Land Development Code.

(g) The proposed amended special use for planned development is consistent with the character of the immediate vicinity of the Subject Property. The property to the north, across 179th Street is zoned BIZ General Business District and contains a commercial retail strip center. The property to the south is zoned BIZ General Business District and contains a detention pond. The property to the east is zoned BIZ General Business District and contains an undeveloped commercial lot. The property to the west contains green space and a utility easement and is zoned BIZ General Business District. The proposed restaurant is an enumerated special use in the BIZ General Business District, and amending Ordinance 3374 for a restaurant use is consistent with these surrounding uses.

(h) The 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 Local Intensity Service/Distribution. Development in this area has included

commercial uses that have a comparatively lower impact on the surrounding area and provide services to nearby residents. This type of commercial use is supported by the draft Comprehensive Plan update that is currently underway. In addition, the residential areas close to the Subject Property are buffered by the utility easement, the approximately 400' setback and a detention pond.

(i) The design of the proposed amended special use will minimize any adverse effects, including visual impacts, on adjacent properties. The proposed special use amendment will not adversely affect the value of adjacent property.

(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 ingress/egress for the site is from the privately owned Collector Road, west of the site. If there is future development, a connected drive will exist between McDonald's and the existing bank and will provide an east-west cross access through to the Fountain Hills commercial site.

(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 amended 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.

(n) The drive-through lane meets all the criteria set forth in Section 6-207.F.4 because it has a maximum width of 14' and a minimum turning radius of 20' from the centerline of the drive aisle; is a minimum of 10' from all property lines; is constructed with decorative pavement or pervious pavers; has order windows and menu boxes designed to integrate into the architecture and appear "hidden" from vehicular and pedestrian view; the menu boxes are screened with landscaping and order windows are similar to the other windows on the building; the drive aisle is screened with decorative landscaping and an ornamental iron and brick pier fence; the drive aisle does not obstruct the sidewalk and crosswalk that connect the 179th street sidewalk to the building; and the elevation facing the street has the appearance of the primary façade.

SECTION 3

Subject to the conditions below, an amendment to a special use permit for planned development in the BIZ General Business District, originally granted by Ordinance No. 3374 is hereby granted and issued for an approximately 3,911 square foot one-story McDonald's restaurant within 300' of residential parcels to the north and with a drive-through lane, to be located on property legally described as:

Lot 5 in Parkview Subdivision, being a Subdivision in the West half of the Southwest Quarter of Section 32, Township 36 North, Range 12 East of the Third Principal Meridian, according to the plat recorded March 14, 2002, as Document 0020293653 Certificate of Revision and Correction Recorded April 30, 2002 as Document 0020516567, Affidavit and Certificate of Revision and Correction Recorded as Document 0020516568, and Consent Recorded as Document 0020769925, in Cook County, Illinois.

PIN: 27-32-302-002-0000.

This amendment to a special use permit for planned development permit includes modifications to permit a drive-through lane between the building and street; to eliminate foundation plantings along the north façade; to reduce foundation plantings on the west façade; to reduce the front landscape buffer from 15' to 13' and to permit development within 50' of a wetland and is subject to the following conditions:

A. The Subject Property shall be developed substantially in accordance with the Site Plan appended hereto and incorporated as Exhibit A titled "Preliminary Site Plan" by V-3 Companies, Sheet C1.0 dated October 5, 2012, revised November 26, 2012, subject to the following conditions:

1. A Final Landscape Plan, which meets all Village Codes, shall be submitted by the Developer for separate review and approval within 60 days of final engineering approval;
 - a. Provide heavy landscaping that exceeds Code requirements to screen drive through lane and signage per Code Section VI-207;
 - b. Preserve as many existing healthy shade trees on site as reasonably possible;
2. Provide a cross access easement for the east-west driveway at the time of the development agreement, either with a notation on the Final Plat or through a grant of easement; and
3. Meet all final engineering items and Building Code related items.

B. The Subject Property shall also be developed substantially in accordance with the Elevations appended hereto and incorporated as Exhibit B, entitled "2011 Standard Building 4587" by McDonald's USA dated July 2012 and revised November 1, 2012, pages A2.0 and A2.1; 3-D illustrations submitted December 6, 2012 for the northwest, northeast, and southwest perspectives; Outdoor Menu Board and pre-sell Board brick

base detail by Everbrite revised December 10, 2012; and fence detail titled “Montage Plus Majestic 23-Rail” by Ameristar, sheet 1, and the E-Z Mason brick columns page revised December 10, 2012 and subject to the following conditions:

1. Signs are subject to additional review and approval via the sign permitting process and additional restrictions may apply;
2. Meet all final engineering requirements including finalization of the reduced foot candles on the Photometric Plan;
3. Lighting levels for all accessory site signage including the monument sign and menu and preview boards must be reduced as reasonably determined by staff;
4. Screen all mechanical equipment either at grade level with landscaping or hidden behind the roofline;
5. Obtain a Building Demolition Permit prior to the razing of the existing building; and
6. Meet all Building Code requirements.

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. 3374, prior special use ordinances covering the Subject 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.

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 amended special use permit for planned development as aforesaid.

SECTION 6

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