

ORDINANCE GRANTING AN AMENDMENT TO A SPECIAL USE PERMIT –
MCDONALD’S RESTAURANT (9110 WEST 159TH STREET)

WHEREAS, an application seeking an amendment to a special use for certain real estate with several 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 June 11, 2013, on whether the requested amendment to a special use permit 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 Prairie, a newspaper published in the Village; and

WHEREAS, the Plan Commission of this Village has filed its report of findings and recommendations that the requested amendment to a special use permit 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 report of the Plan Commission of this Village is herein incorporated by reference, as completely as if fully recited herein. All exhibits submitted at the aforesaid public hearing are also incorporated by reference into this Ordinance. The Board of Trustees find that the proposed amendment to a special use permit and modifications are in the public good and in the best interests of the Village and its residents, 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 and modifications for a restaurant with drive-through lanes in the BIZ General Business District as follows:

- (a) The Subject Property is located at 9110 West 159th Street in the existing Park Hill Planned Development and is zoned BIZ General Business District. It is an approximately one acre site.
- (b) The Subject Property is the subject of Special Use Ordinance No. 1315, which approved the Park Hill planned development.

(c) Specifically, Petitioner, McDonald's Corporation, proposes to remodel its existing building to update the building facades and to expand the drive-through lanes.

(d) Petitioner also requests modifications to expand the existing drive-through lane that is located between the building and the street, to allow a double drive-through lane between the building and the street and to reduce the rear garbage enclosure setback and landscape buffer from a required 10' to zero. The second drive-through lane will be 16' wide and will meet all other requirements of Section VI-207.F.4 of the Land Development Code. These modifications will not negatively impact neighboring property owners because the changes are made to an existing building and include incremental improvements to the property. The modifications are offset by the extensive new landscaping on the site, new parking lot tree islands which bring the parking lot into compliance with current code requirements, building façade improvements and the addition of a sidewalk connection to the 159th Street sidewalk.

(e) 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.

(f) The proposed amended special use for planned development is consistent with the character of the immediate vicinity of the Subject Property. The surrounding property is zoned BIZ General Business District on the north, south, east and west. Surrounding properties include commercial strip centers and a restaurant. A restaurant is an enumerated special use in the BIZ General Business District if within 300 feet of residential property, and amending Ordinance 1315 to allow for the changes to the existing restaurant use is consistent with these surrounding uses.

(g) The proposed amendment to a special use permit 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 Commercial. The remodeled restaurant is appropriate in such an area.

(h) The design of the proposed amendment to a special use will minimize any adverse effects, including visual impacts, on adjacent properties. The addition of extensive landscaping and moving the garbage enclosure to the rear of the property will improve the appearance of the building. The updated building facades on all four sides will reflect the current corporate style of McDonald's and will appear to be a newly constructed building with updated architectural features. Parking is adequate so there will be no impact on accessibility to adjacent properties. In addition, the second drive-through lane will likely reduce parking needs and will reduce the stacking of cars in the drive-through lanes. There will be no adverse effect on the value of adjacent property.

(i) 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 amendment to a special use at an adequate level of service. Access to the site is available from a full access curb cut on the shared private drive that also services Park Hill Plaza and another restaurant on the

west and a full service curb cut on the east side on Park Hill Drive. Traffic patterns in the parking lot, which operate in a counter-clockwise direction, will continue under the new plan.

(j) 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.

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

(l) The amendment to the 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.

SECTION 3

An amendment to a special use permit in the BIZ General Business District, subject to the conditions below, is hereby granted and issued to McDonald's Corporation, 9110 W. 159th Street, for the operation of a restaurant with a drive-through within 300 feet of residential properties, subject to the conditions outlined below, on the Subject Property. The Subject Property is legally described as follows:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF 159TH STREET, AS DEDICATED PURSUANT TO CONDEMNATION CASE NUMBER 71L5600, WITH THE WEST LINE OF PARK HILL DRIVE, AS DEDICATED BY PARK HILL SUBDIVISION UNIT NO. 1-A PURSUANT TO DOCUMENT NUMBER 26635456; THENCE SOUTH 88 DEGREES 26 MINUTES 08 SECONDS WEST ALONG SAID NORTH LINE OF 159TH STREET, 270.00 FEET; THENCE NORTH 01 DEGREES 34 MINUTES 24 SECONDS WEST, 160.00 FEET; THENCE NORTH 88 DEGREES 26 MINUTES 08 SECONDS EAST, PARALLEL WITH SAID NORTH LINE OF 159TH STREET, 270.30 FEET TO THE WEST LINE OF SAID PARK HILL DRIVE; THENCE SOUTHERLY ALONG SAID WEST LINE OF PARK HILL DRIVE THE FOLLOWING TWO (2) COURSES AND DISTANCES: 1) ALONG AN ARC OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 852.00 FEET, HAVING A CHORD BEARING OF SOUTH 00 DEGREES 49 MINUTES 35 SECONDS EAST, 22.00 FEET TO A POINT OF TANGENCY; 2) THENCE SOUTH 01 DEGREES 33 MINUTES 58 SECONDS EAST, 138.00 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

This special use amendment includes modifications to expand the existing drive-through that is located between the building and the street, to allow a double drive-through lane between the building and the street, and to reduce the rear garbage enclosure setback and landscape buffer from a required 10' to zero.

This amendment to a special use permit is subject to the following conditions:

A. The Subject Property shall be developed substantially in accordance with the Site Plan appended hereto and incorporated herein as EXHIBIT A entitled "Site Plan, McDonald's Restaurant Orland Park Illinois," prepared by V3 Companies, sheet C3.0, dated June 21, 2013, subject to the following condition: All final engineering and Building Code related items must be met;

B. The Subject Property shall be developed substantially in accordance with the Landscape Plan appended hereto and incorporated herein as EXHIBIT B entitled, "Landscape Plan McDonald's Orland Park Illinois," prepared by Norris Design, sheet L1.1, dated April 16, 2013, revised June 25, 2013, subject to the following condition: That McDonald's use its best efforts to acquire permission from the abutting property owner to the north to extend plantings along the north face of the parking lot as shown on the Landscape Plan as an incremental improvement for the dumpster setback modification;

C. The Subject Property shall also be developed substantially in accordance with the Elevations appended hereto and incorporated herein as EXHIBIT C, entitled "McDonalds 9110 W. 159th Street," Project 13-192, sheet A0.0 dated June 14, 2013, revised June 21, 2013, sheet A2.0 dated June 28, 2013, and sheet A2.1 dated June 21, 2013 and revised June 28, 2013 and 3D renderings entitled "McDonald's 9110 W. 159th Street," prepared by Lingle Design Group, Inc. Imagine, received June 24, 2013, subject to the following conditions:

1. Screen all mechanical equipment either at grade level with landscaping or hidden behind the roofline.
2. All Building Code and Fire Code requirements are met.
3. All signs are subject to additional review and approval through a separate permitting process and additional restrictions may apply.

SECTION 4

The Petitioner hereunder shall at all times comply with the terms and conditions of this amended special use and the prior special use ordinance for the Subject Property, granted by Ordinance No. 1315, 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, be amended so as to be in conformance with the granting of the amendment to a 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.