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ORDINANCE GRANTING A SPECIAL USE WITH MODIFICATIONS FOR A RESTAURANT WITH A DRIVE-THROUGH (ANDY'S FROZEN CUSTARD – 14555 LAGRANGE ROAD)

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WHEREAS, an application seeking a special use for certain real estate with a modification, 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 March 13, 2018, on whether the requested 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 March 13, 2018 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 of general circulation in this 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 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 special use 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 special use permit as follows:

(a) The Subject Property is located within the Village of Orland Park in Cook County, at 14555 S. La Grange Road and is zoned VCD Village Center District. It is an approximately 1.2-acre site.

(b) Specifically, Petitioner, Andy's Frozen Custard, proposes to construct an approximately 2,131 square foot restaurant building on a 52,347 square foot lot, with a drive-through facility.

(c) Petitioner also requests modifications to allow a drive aisle between the building and the street and to increase the number of parking spaces as depicted in the preliminary site plan dated February 16, 2017. These modifications will not negatively impact neighboring property owners because they are in keeping with the previous restaurant use on the site.

(d) 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.

(e) The proposed special use is consistent with the character of the immediate vicinity of the Subject Property. The surrounding property to the north and south are fast food restaurants, to the east is an office building and to the west (across LaGrange Road) is a banquet hall. All surrounding properties are zoned VCD Village Center District. A restaurant is an enumerated special use in the VCD District, and the special use to allow for the restaurant use is consistent with these surrounding uses.

(f) The 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 Downtown Mixed-Use. The restaurant building will be consistent with this designation. There will be adequate parking and landscaping.

(g) The design of the proposed special use will minimize any adverse effects, including visual impacts, on adjacent properties. The restaurant building has been designed to blend in with the adjacent restaurants and adjacent commercial uses and to incorporate green space and landscaping to further eliminate any potential adverse impacts on adjacent properties.

(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.

(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 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

Subject to the conditions below, a special use permit in the VCD Village Center District, is hereby granted and issued for an approximately 2,131 square foot restaurant, with a drive-through facility, to be located on property legally described as:

PARCEL 1:

LOT 4 IN LIEBERSTEIN SUBDIVISION IN PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 36 NORTH RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 5, 1982 AS DOCUMENT NO. 26372564.

EXCEPTING THEREFROM THAT PART OF THE LAND TAKEN FOR ROAD PURPOSES IN CASE 2011L050584 DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 4; THENCE NORTH 88 DEGREES 22 MINUTES 22 SECONDS EAST, 7.50 FEET (BEARINGS BASED ON ILLINOIS STATE PLANE COORDINATE SYSTEM, EAST ZONE, NAD 1983) ALONG THE NORTH LINE OF LOT 4; THENCE SOUTHERLY 179.60 FEET, ALONG THE ARC OF A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 56346.69 FEET, A CHORD BEARING SOUTH 01 DEGREES 42 MINUTES 49 SECONDS EAST AND A CHORD DISTANCE OF 179.60 FEET TO THE SOUTH LINE OF SAID LOT 4; THENCE SOUTH 88 DEGREES 15 MINUTES 35 SECONDS WEST, 7.16 FEET ALONG SAID SOUTH LINE TO THE WEST LINE OF LOT 4; THENCE NORTHERLY 179.62 FEET (179.33 FEET RECORDED DISTANCE) ALONG SAID WEST LINE, BEING THE ARC OF A NON-TANGENT CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 56015.00 FEET, A CHORD BEARING NORTH 01 DEGREES 49 MINUTES 19 SECONDS WEST AND A CHORD DISTANCE OF 179.62 FEET TO THE POINT OF BEGINNING) IN COOK COUNTY, ILLINOIS (the Subject Property).

This special use permit includes modifications to:

- 1) allow a drive aisle between the building and the street; and
- 2) increase the number of parking spaces from 21 to 49,

and is subject to the following conditions:

The Subject Property shall be developed substantially in accordance with the Preliminary Site Plan appended hereto and incorporated herein as EXHIBIT A entitled "PRELIMINARY SITE PLAN – ANDY’S FROZEN CUSTARD," prepared by Intech Consultants, Inc., dated February 16, 2017, subject to the condition that all final engineering and Village Building Code requirements are met.

The Subject Property shall also be developed substantially in accordance with the Elevations appended hereto and incorporated herein as EXHIBIT B, entitled "PRELIMINARY ELEVATIONS," prepared by Craig A. Schneider, AIA, dated January 31, 2018, subject to the following conditions:

- (a) Screen all mechanical equipment at grade level with landscaping or hidden behind the roof line;
- (b) All masonry must be of anchored veneer type with a 2.625 inch minimum thickness; and
- (c) Signage is subject to additional Village review and approval via the sign permitting process and additional restrictions may apply.

The Subject Property shall also be developed substantially in accordance with the approved preliminary landscape plan entitled "LANDSCAPE PLAN" prepared by Design Perspectives, Inc., dated March 10, 2017, subject to submission of a final landscape plan referencing the final grading and site plans in coordination with the final engineering submittal.

SECTION 4

The Petitioner hereunder shall at all times comply with the terms and conditions of this special use, covering the Subject Property, except as specifically amended by this or another Ordinance, 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 and Will Counties, Illinois, shall be amended so as to be in conformance with the granting of this special use permit as aforesaid.

SECTION 6

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