

VILLAGE OF ORLAND PARK

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

Ordinance No: 4512

File Number: 2009-0344

AN ORDINANCE GRANTING VARIATIONS AND A SPECIAL USE FOR DRIVE-THROUGH
LANE (LOT 4 LOWE'S OF ORLAND PARK SUBDIVISION, CHICK- FIL-A)

VILLAGE OF ORLAND PARK STATE OF ILLINOIS, COUNTIES OF COOK AND WILL

Published in pamphlet form this 20th day of October, 2009 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 No: 4512

AN ORDINANCE GRANTING VARIATIONS AND A SPECIAL USE FOR DRIVE-THROUGH LANE (LOT 4 LOWE'S OF ORLAND PARK SUBDIVISION, CHICK-FIL-A)

WHEREAS, a petition seeking variations and a special use permit 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 and has been processed in accordance with the Orland Park Land Development Code, as amended; and

WHEREAS, the Plan Commission of this Village held a public hearing on September 8, 2009, on whether the requested variations and special use should be granted, at which time all persons present were afforded an opportunity to be heard; and

WHEREAS, public notice, in the form required by law, was given of said September 8, 2009, 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 of general circulation in this Village; and

WHEREAS, the Plan Commission of this Village has filed its report of findings and recommendation that the proposed variations and special use permit be granted with this President and Board of Trustees, and this Board of Trustees has duly considered said reports, 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 at length. Also, all exhibits submitted at the public hearings held by the Plan Commission are hereby incorporated by reference as fully as if attached hereto. This Board of Trustees further finds that the proposed variations and special use permit are in the public good and in the best interests of the Village and its residents 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

In addition to the findings set forth in Section 1 hereof, this Board of Trustees further finds in relation to the proposed variations and special use permit as follows:

- a. The Subject Property is located at 9545 and 9525 156th Street, consists of a lot of approximately

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58,120 square feet and is located in Lowe's of Orland Park Subdivision, a parcel of approximately 1.34 acres. The site is zoned COR Mixed Use District under the Land Development Code of the Village. The request is for variations from the side yard setback and the location of the drive-through lane of the Land Development Code of the Village to permit a reduced side yard setback on the south side of the Subject Property and to permit a drive-through lane between the building façade and LaGrange Road, as well as for a special use permit as detailed below.

- b. Petitioner, Chick-Fil-A, plans to construct a 4,195 square foot restaurant with 122 seats, a drive-through lane and outdoor seating and seeks a special use for the drive-through lane, as required in the COR Mixed Use District.
- c. The proposed special use will be consistent with the character of the immediate vicinity of the Subject Property. The surrounding property is zoned COR Mixed Use District to the north, south, east and west. The surrounding properties including the Lowe's of Orland Park Subdivision, a strip retail center and two other vacant properties. The restaurant as conditioned by this Ordinance will be consistent with these surrounding uses.
- d. The proposed 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 Regional Intensity Commercial. A restaurant venue is appropriate in such an area.
- e. The design of the proposed special use will minimize any adverse effects, including visual impacts, on adjacent properties. The restaurant will occupy approximately 4,195 square feet and seat up to 122 persons. The Petitioner will install a pergola at the northeast corner to match the existing pergolas, a wrought iron style fence and features around the drive-through area including special paving, screening and transparency. The proposed special use as conditioned by this Ordinance will not have an adverse effect on the value of adjacent property.
- f. 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. The existing strip retail center has access to 96th Avenue/LaGrange Road, as well as access to 156th Street and 95th Avenue. Access to the Subject Property is on 95th Avenue. Parking on the Subject Property satisfies Code requirements. In addition, the existing strip retail center site has parking spaces that exceed Code requirements.
- 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.

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- h. The development will not adversely affect a known archaeological, historical or cultural resource.
- i. 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 by this or another Ordinance.
- j. The specific variations requested for the Subject Property are to reduce the side yard setback from fifteen (15) feet to twelve (12) feet and to allow the drive-through lane between the building and the street.
- k. The property in question cannot yield a reasonable return if permitted to be used only as otherwise required under the Land Development Code. The full side yard setback is not feasible on the south side of the Subject Property due to the irregular shape of the lot and the need to include sufficient parking and safe traffic and pedestrian flow on the Subject Property.
- l. The plight of the owner is due to the unique circumstance of the irregular shape of the lot.
- m. The variance, if granted, will not alter the essential character of the locality and since the proposed use is commercial in nature and is located in an existing retail strip center.
- n. Because of the irregular shape of the Subject Property and the need to provide safe traffic and pedestrian flow on the site, the denial of the requested variance would be a hardship to the Petitioner.
- o. The conditions of the property are unique to the property and not generally applicable to other properties.
- p. The hardship is caused by the application of the Code and has not resulted from any act of the Petitioner or another person presently having an interest in the property.
- q. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. It is consistent with the commercial development in the neighborhood. In addition, the adjacent retail building has a higher rated firewall to accommodate a side yard setback variance previously granted and Petitioner will also provide a higher rated firewall along the south facade. The drive-through area does not impact pedestrian safety on subdivision sidewalks and does not obstruct any connections between the sidewalks along the streets and entrances to the building. The drive-through lane also includes special paving and screening.

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- r. 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.
- s. The variance granted is the minimum necessary for the reasonable use of the land for the purpose proposed.
- t. The aforesaid circumstances or conditions are such that the strict application of the setback requirement and drive-through restrictions would deprive the Petitioner of any reasonable use of the land.

SECTION 3

Subject to the conditions below, the following Variances for Chick Fil-A on Lot 4 in the Lowe's Subdivision of Orland Park are hereby granted:

1. to allow a reduced side yard setback of twelve (12) feet from the required fifteen (15) feet along the south property; and
2. to allow the drive-through between the building and the street.

And

A special use for Chick Fil-A on Lot 4 in the Lowe's of Orland Park Subdivision is hereby granted to allow for a drive-through lane, subject to the conditions below.

The Subject Property is legally described as:

LOT 4 IN THE FINAL PLAT OF RESUBDIVISION LOWE'S OF ORLAND PARK SUBDIVISION, A SUBDIVISION IN THE SOUTHWEST QUARTER AND NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED JUNE 11, 2007 AS DOCUMENT NO. 0716222080 IN COOK COUNTY, ILLINOIS.

The above variations and special use are subject to the following conditions:

1. That construction be completed pursuant to the Site Plan, entitled "Concept Plan - G," prepared by SEC Group, Inc., Job No. 090105, dated September 15, 2009, Sheet titled "CON-G"; the building elevations entitled, "Exterior Elevations," "Refuse Enclosure," and "Site Walls," prepared by E & H Architects, store number 2638, dated July 9, 2009, sheets A-2.1, A-2.2, A-3.5 and A-3.7;

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the menu board elevations entitled, "Chick-Fil-A Orland Park FSU," prepared by Clayton Signs, store 2638, dated April 23, 2009, last revised August 5, 2009, Locations H, I and J; and the architectural rendering entitled, "Chick-Fil-A, Front Entry Perspective" and "Chick-Fil-A, Front Perspective," dated September 15, 2009, subject to the following conditions:

a. That all final engineering related items are met.

2. That the landscaping be completed pursuant to the Landscape Plan entitled, "Chick-Fil-A Landscape Plan," prepared by SEC Group, Inc., dated July 10, 2009, last revised September 18, 2004, Project No. 090105-CFAI, Sheets LD.1 and LP.1.

SECTION 4

Petitioner shall at all times comply with the terms and conditions of this Ordinance and all other codes and ordinances of the Village unless specifically amended by this or another ordinance. In the event of non-compliance, the permit, modifications and variations of this Ordinance shall be subject to revocation by appropriate legal proceedings.

SECTION 5

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

SECTION 6

The Village Clerk is hereby ordered and directed to publish this Ordinance in pamphlet form, said pamphlet to be deposited in the office of the Village Clerk for general distribution.

PASSED this 19th day of October, 2009


David P. Maher, Village Clerk

Aye:	6	Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, and Village President McLaughlin
Nay:	0	
Absent:	1	Trustee Gira

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DEPOSITED in my office this 19th day of October, 2009


David P. Maher, Village Clerk

APPROVED this 19th day of October, 2009


Daniel J. McLaughlin, Village President

PUBLISHED this 20th day of October, 2009


David P. Maher, Village Clerk