

**ORDINANCE GRANTING A SPECIAL USE PERMIT WITH MODIFICATIONS AND ASSOCIATED SITE PLAN AND ELEVATION CHANGES TO MCDONALD'S RESTAURANT LOCATED AT 14445 LAGRANGE ROAD**

WHEREAS, an application seeking a special use with modifications and associated site plan and elevation changes to remodel and operate an existing restaurant and parking lot located within 300' feet of a residential parcel and to construct a building addition and enlarge a drive through service lane 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, said Plan Commission of this Village held a public hearing on October 11, 2016 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 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 recommendations that the requested special use be granted with this President and Board of Trustees, and this Board of Trustees have 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 of this Village has made its report of findings and recommendations regarding the proposed special use. The findings of the Plan Commission are herein incorporated by reference as the findings of this President and Board of Trustees, as completely as if fully recited herein at length. All exhibits submitted at the aforesaid public hearings are also hereby incorporated by reference as fully as if attached hereto. This President and Board of Trustees further finds that the proposed special use with modifications is 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 Orland Park Land Development Code as set forth in Section 1-102 thereof. Said special use is also in accordance with the provisions of the Comprehensive Land Use Plan of the Village.

**SECTION 2**

In addition to the findings set forth in Section 1 hereof, this Board of Trustees further finds, in relation to the proposed special use with modifications and associated site plan and elevation changes to remodel and operate an existing restaurant and parking lot located within 300 feet of a

residential parcel and to construct a building addition and enlarge a drive through service lane as follows:

- (a) The Subject Property is located at 14445 LaGrange Road within the Village of Orland Park, and consists of approximately 0.94 acres of land. The Subject Property is zoned VCD Village Center District. The existing McDonald's Restaurant building was constructed in 1976 with the drive through service window added in 1978. The restaurant and drive through service land are currently a legal, nonconforming use. Petitioner seeks a special use to operate the restaurant with the drive through service lane within 300' feet of residential properties and bring this nonconforming use into compliance with the Code. Petitioner proposes to expand the existing drive through service lane from an existing single lane to a double lane to accommodate an increasing reliance on the drive through business. Petitioner further proposes a building addition and a complete remodel of the existing McDonald's Restaurant to meet the current corporate appearance and operational standards. The proposed building is approximately 853' square feet larger than the existing building. Site changes will further include an outdoor dining area, new landscaping, a new dumpster, and a fence screen along the rear of the Subject Property. Parking will be removed from the front of the building and replaced with a front lawn and drive aisle.
- (b) The proposed development is consistent with the purposes, goals, objectives and standards of the Comprehensive Plan, any adopted overlay plan and the Land Development Code. The Subject Property is located in the VCD Village Center District, which promotes well designed, pedestrian accessible, high quality development. The Comprehensive Plan designates this area for Downtown Mixed Use. The proposed land use will maintain its existing use, but the special use will ensure conformance with the Code, absent the modifications, and facilitate significant improvements to the current structure and site layout. The existing building is outdated and in need of improvement, and the remodeling and expansion will help energize this area of aging commercial structures.
- (c) The proposed development will be consistent with the character of the immediate vicinity of the Subject Property, which is presently zoned VCD Village Center District - parking lot and undeveloped lot - to the north, VCD Village Center District - motel - to the south, VCD Village Center District - dental office - to the east, and VCD Village Center District - restaurant - to the west, where other commercial developments are located.
- (d) The design of the development will minimize adverse effects. The proposal is a significant improvement over the current structure and site layout. The current existing building is outdated and in need of improvement, and the proposal will update the building to current McDonald's standards and will remove the non-conforming mansard roof and outdated red-yellow-white color scheme. Front elevation will be upgraded with stone and glass, and the remaining elevations will include matching new and existing brick, all of which will significantly improve the building's appearance. The site plan is driven by existing conditions, and the same basic building location, circulation patterns, and parking will remain. A traffic study has concluded that the reconstruction will have minimal impact on local intersections and roadways and that the proposed cross access connection stubs will likely improve performance of the McDonald's driveway and reduce U-turns at 147<sup>th</sup> Street and 144<sup>th</sup> Place. The expansion of the existing drive through lane from an existing single lane to a double lane will accommodate an increasing

reliance on the drive through business, and a rear six foot (6') fence screen will be added to mitigate the impact of the expanded double drive through on nearby offices. Per Code requirements, enhancements have been made to the proposed front drive aisle located in front of the building, including a new forty (40') foot deep front landscape buffer, which exceeds Code requirements, and a decorative stone pier and ornamental fence between the street and the paver front drive aisle which will screen the front drive aisle lane. A direct sidewalk connection to the LaGrange Road sidewalk has also been proposed to promote pedestrian accessibility. Impervious lot coverage has been reduced from an existing 93.5% to a much improved 81.3% coverage, which will provide an overall reduction in storm water run-off. New landscaping, a new dumpster, and new and upgraded exterior lighting will also be added to the Subject Property. It has been determined that the modifications to locate a drive aisle between the building and the street, reduce the foundation beds, landscape buffers, and parking lot setbacks to as little as zero (0') feet, and construct a retaining wall within three (3') feet of a property line are necessary to enable redevelopment on the Subject Property.

- (e) There will be no adverse effects on the value of adjacent property. The current land use of the Subject Property is not changing. The overall aesthetics of the site are going to be significantly improved by the development, both from a site and building standpoint. In an effort to avoid using land from neighboring properties or impacting their operations and site functionality, a six (6') foot fence will be added to the rear of the property to serve as a buffer.
- (f) The Petitioner has demonstrated that public facilities and services, including but not limited to roadways, park facilities, police and fire 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 site plan is driven by existing conditions, and the same basic building location, circulation patterns, and parking will remain. Additionally, all utilities for this development are present and available.
- (g) Petitioner has made adequate legal provision to guarantee the provision and development of any open space and other improvements associated with the proposed development.
- (h) The Illinois Historic Preservation Agency reviewed the Subject Property and confirmed that the development will not adversely affect a known archaeological, historical or cultural resource.
- (i) The proposed development shall comply with all additional standards imposed on it by all other applicable requirements of the ordinances and regulations of the Village.

### SECTION 3

A special use permit to remodel and operate an existing restaurant and parking lot located within 300' feet of a residential parcel and to construct a building addition and enlarge a drive through service lane with modifications to locate a drive aisle between the building and the street, reduce the foundation beds, landscape buffers, and parking lot setbacks to as little as zero (0') feet, and construct a retaining wall within three (3') feet of a property line is hereby granted, subject to the conditions below, and issued to the McDonald's Restaurant located at 14445 LaGrange Road, for the following described property:

PARCEL 1: THAT PART OF THE WEST HALF OF THE NORTH WEST QUARTER OF SECTION 10, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EAST LINE OF LA GRANGE ROAD, (AS DEDICATED BY DOCUMENT NO. 10155682, RECORDED SEPTEMBER 24, 1928) AND THE SOUTH LINE OF THE NORTH 1366.70 FEET OF THE NORTH WEST QUARTER OF SAID SECTION 10; THENCE EAST ALONG SAID SOUTH LINE OF THE NORTH 1366.70 FEET, 290.0 FEET; THENCE NORTH 150.0 FEET TO A POINT WHICH IS 290.0 FEET EAST OF THE EAST LINE OF LA GRANGE ROAD; THENCE WEST ALONG A LINE PARALLEL TO AND 150.0 FEET NORTH OF THE SOUTH LINE OF THE NORTH 1366.70 FEET OF THE NORTH WEST QUARTER OF SAID SECTION 10, 290.0 FEET; THENCE SOUTH ALONG SAID EAST LINE, BEING A CURVED LINE, CONCAVE TO THE EAST, HAVING A RADIUS OF 56.015 FEET, A DISTANCE OF 150.0 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 2: THE NORTH 75 FEET OF THE WEST 290 FEET OF THAT PART OF THE WEST HALF OF THE NORTH WEST QUARTER OF SECTION 10, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 290 FEET EAST OF THE INTERSECTION OF THE EAST LINE OF LA GRANGE ROAD (AS DEDICATED BY DOCUMENT 10155682, RECORDED SEPTEMBER 24, 1928), AND THE SOUTH LINE OF THE NORTH 1366.70 FEET OF THE NORTH WEST QUARTER OF SECTION 10; THENCE EAST ALONG SAID SOUTH LINE OF THE NORTH 1366.70 FEET, 160 FEET; THENCE NORTH PERPENDICULAR TO SAID SOUTH LINE, 225 FEET; THENCE WEST, PARALLEL TO SAID SOUTH LINE, 447.75 FEET, TO SAID EAST LINE OF LA GRANGE ROAD; THENCE SOUTHERLY ALONG SAID EAST LINE, BEING A CURVED LINE, CONCAVE TO THE EAST, HAVING A RADIUS OF 56.015 FEET, A DISTANCE OF 75.02 FEET; THENCE EAST ON A LINE PARALLEL TO AND 150 FEET NORTH OF SAID SOUTH LINE, 290 FEET; THENCE SOUTH 150 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PIN: 27-10-100-075-0000

This special use amendment is subject to the following conditions:

A. The Subject Property shall be developed substantially in accordance with the preliminary site plans titled, "Site Plan – McDonald's 14445 LaGrange Road," and "Layout Plan – McDonald's 14445 LaGrange Road" sheets C-3.0 & C-3.1, by V-3 Engineering, both dated June 3, 2016 and revised October 25, 2016, subject to the following conditions:

1. Provide a copy of the executed agreement between McDonald's and MAKO Properties that allows McDonald's to remove and restore the existing parking lot on the 0.3 acre parcel to the north, otherwise McDonald's must commit to provide \$15,000 toward that expense in the future. This item will be addressed as a part of the Development Agreement.
2. Provide a cross access easement for future cross access connections.

3. Coordinate extension of the front sidewalk with IDOT so it connects with the new LaGrange Road sidewalks.
4. Meet all final engineering and Land Development and Building Code related items, including lighting.
5. Submit a Final Landscape and Tree Mitigation Plan, meeting all Village Codes, for separate review and approval within sixty (60) days of final engineering approval. The Final Landscape and Tree Mitigation Plan must include decorative grasses in the planting bed along the face of the privacy fence and protect trees and shrubs on adjacent properties from damage.

B. The Subject Property shall be developed substantially in accordance the elevations titled "Exterior Elevations McDonald's 14445 LaGrange Road" sheets A2.0 and A2.1, dated May 25, 2015, updated October 31, 2016, and "Trash Corral McDonald's 14445 LaGrange Road," sheets SS-1.2 and SS-1.3, both dated October 21, 2016; 3D illustrations titled "McDonald's 14445 LaGrange Road Perspectives," received on September 26, 2016; an outdoor dining area layout titled "Wausau Tile Inc. Furniture Specifications," received on July 29, 2016; and decorative illustrations titled "Ameristar' fence and EZ Mason Column," received on January 10, 2014, all subject to the following conditions as well as the condition that all changes must be made and requirements met prior to the Board meeting:

1. Screen all mechanical equipment either at grade level with landscaping or hidden behind the roofline.
2. All masonry must be of anchored veneer type masonry with a 2.265" minimum thickness.
3. Signs are subject to additional review and approval via the sign permitting process and additional restrictions may apply.

## 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 special use permit and modifications of this Ordinance 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 special use permit with modifications for the 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.