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ORDINANCE GRANTING A SPECIAL USE FOR A RESTAURANT WITH OUTDOOR SEATING AND A DRIVE-IN SERVICE WINDOW WITH MODIFICATIONS - RAINBOW CONE (15711 S. HARLEM AVENUE)

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WHEREAS, an application seeking a special use for a restaurant with outdoor seating and a drive-in service window with modifications for certain real estate with modifications, as set forth below, has been filed with the Development Services Department 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 (the "Code") of the Village of Orland Park, as amended; and

WHEREAS, the Plan Commission of this Village held a public hearing on |September 7, 2022, on whether the requested special use permit and modifications 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 September 7, 2022, public hearing by publication not more than thirty (30) days nor less than fifteen (15) days prior to said hearing in the Daily Southtown, 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 for planned development and modifications 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 for planned development and modifications are in the public good and in the best interests of the Village and its residents, are consistent with the Comprehensive Plan of the Village, and are consistent with and fosters the purposes and spirit of the 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 for a restaurant with outdoor seating and a drive-in service window with modifications as follows:

(a) The Subject Property (legally described in SECTION 3 hereof) is the former Bakers Square Restaurant located within the Village of Orland Park in Cook County, at 15711 S. Harlem Avenue. It is an approximately 0.87 acre site.

(b) The Subject Property is the subject of an expired Special Use and is zoned BIZ General Business.

(c) Specifically, Petitioner proposes to repurpose the former 42,170 square foot Bakers Square restaurant building with associated parking, utilities and landscaping for an ice cream parlor restaurant with outdoor seating and a drive-in service window with two (2) lanes.

(d) Petitioner also requests modifications to a) allow drive-in lanes between the building and street; and (b) increase the maximum allowed drive-in lanes from one (1) to two (2); and (c) increase the over-all number of parking spaces from 30 to 39.

(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 6-207C of the Code.

(f) The proposed special use for planned development is consistent with the character of the immediate vicinity of the Subject Property. The surrounding property to the north and south are restaurants; to the east is a grocery store; and to the west is a vacant building.

(g) 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 Community Commercial in the 159th and Harlem Planning District. The repurposed ice cream parlor restaurant building will be consistent with this designation. There will be a reduction of impervious surfaces, substantial landscaping around the parking lot and drive-in, new sidewalks along 71st Court and a refreshed building façade with new colors.

(h) The conditions on the special use as hereinafter set forth in SECTION 4 are reasonable, necessary and appropriate.

(i) The design of the proposed special use will minimize any adverse effects, including visual impacts, on adjacent properties. The proposed building elevations have been designed to blend in with the existing buildings in the area and to incorporate green space and landscaping to further minimize any potential adverse impacts on adjacent properties. Installation of new sidewalks, keeping one access a full access and converting the second access to egress only will enhance mobility to and from the site.

(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 special use at an adequate level of service.

(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 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 in SECTION 4 below, a special use permit in the BIZ General Business District is hereby granted and issued for the operation of a 4,500 square foot restaurant with outdoor seating and a drive-in service window for the property legally described as:

THE NORTH 195.5 FEET OF LOT 106 IN CATALINA'S COMMERCIAL SUBDIVISION OF LOTS 3 AND 6 IN SILVER LAKES GARDEN UNIT NUMBER 7 A SUBDIVISION OF THE WEST ½ OF THE NORTHWEST ¼ AND THE WEST ½ OF THE SOUTHWEST ¼ OF SECTION 18, TOWNSHIP 36 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT OF RESUBDIVISION THEREOF RECORDED MARCH 22, 1976, AS DOCUMENT 23423778 IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 15711 S. Harlem Avenue, Orland Park, Illinois 60462

PIN: 28-18-300-018-0000

SECTION 4

The special use permit hereby granted for a restaurant with outdoor seating and a drive-in service window, to include modifications to a) allow drive-in lanes between the building and street; b) increase the maximum number of drive-in lanes from one (1) to two (2); and (c) increase the number of over -all parking spaces from 30 to 39 is subject to the following conditions:

The Subject Property shall be developed substantially in accordance with the Preliminary Site Plan for Rainbow Cone, last revised October 12, 2022, the Preliminary Landscape Plan for Rainbow Cone last revised July 20, 2022, and October 12, 2022, and the Building Elevations for Rainbow Cone last revised August 11, 2022, incorporated herein by reference subject to the following conditions:

(a) Petitioner must meet all current Building Code requirements and final engineering requirements including required permits from outside agencies;

(b) Petitioner must screen all mechanical equipment either at grade or at rooftop with landscaping or parapets respectively; and

(c) Petitioner must submit a sign permit application to the Village for review and approval for all proposed signage via the sign permitting process and additional restrictions may apply; and

(d) Petitioner must provide tree mitigation cash-in-lieu, if required, upon final review.

SECTION 5

The Petitioner shall at all times comply with the terms and conditions of this special use and in the event of non-compliance, said permit and this special use shall be subject to revocation by appropriate legal proceedings.

SECTION 6

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 as aforesaid.

SECTION 7

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