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Staff Report to the Board of Trustees

Prepared: 10/13/22

TITLE/NAME/SUMMARY

Rainbow Cone - Development Petition for a Special Use Permit for a Drive-Through with Modifications from the Land Development Code; Site Plan, Landscape Plan, and Elevations

Project:

Rainbow Cone – 15711 Harlem Avenue
2022-0107

Petitioner: Mike Buonavolanto**Project Representative:** Luigi Randazzo, Architect**Purpose:**

The petitioner seeks to repurpose the existing vacant restaurant building into an ice cream parlor with a drive-through located at 15711 Harlem Avenue.

Requested Actions:

A Special Use Permit for a Drive-Through with Modifications from the Land Development Code; Site Plan, Landscape Plan, and Elevations.

Address: 15711 Harlem Avenue**P.I.N.:** 28-18-300-018**Parcel Size:** 0.87 acres**BACKGROUND**

On September 18, 2000, the Village Board of Trustees approved the ordinance granting a Special Use Permit for a 4,500 square foot restaurant called Baker's Square seating up to 140 persons. The original approved plan proposed 47 parking spaces with a lot coverage of 76%. A subdivision of the larger area including the subject site and a signed parking agreement between the petitioner and adjacent property owners were also approved.

On August 16, 2011, Staff administratively approved an Appearance Review to allow building façade improvements, including repainting of the exterior and application of faux stone veneer.

FINDINGS OF FACT

COMPREHENSIVE PLAN

Planning District	159 th & Harlem Planning District
Planning Land Use Designation	Community Commercial

The Comprehensive Plan identifies the intersection of 157th Street and Harlem Avenue as a development opportunity for Community Commercial with an emphasis on promoting improvements on aging commercial structures. The proposed ice cream parlor with a drive-through is considered an appropriate land use in this area.

ZONING DISTRICT

Existing	BIZ General Business District
Proposed	BIZ General Business District

ADJACENT PROPERTIES

	Zoning District	Land Use
North	BIZ General Business District	Restaurant (Famous Dave's Bar-B-Que)
East	BIZ General Business District	Grocery Store (Meijer)
South	BIZ General Business District	Restaurant (Chili's Grill & Bar)
West	BIZ General Business District	Vacant Building

LAND USE CLASSIFICATION

Existing	Vacant Restaurant
Proposed	Restaurant with Drive-Through

LAND USE INTENSITY

Existing	1.00 maximum
Proposed	0.12

DETAILED PLANNING DISCUSSION

SITE PLAN

15711 Harlem Avenue is a 0.87-acre commercial site with nearly 200' of street frontage at the intersection of 157th Street and Harlem Avenue in the 159th & Harlem Planning District. The existing 4,500 square-foot single-story building was most recently occupied by Baker's Square restaurant, surrounded by existing landscaping, sidewalk access, parking stalls, and vehicular access from 71st Court. Some legal non-conforming conditions are proposed to remain, though the Land Development Code would not permit them today. Modifications from the Land Development Code are requested to allow the continuation of some of the conditions that currently exist, while making incremental improvements where possible.

The development petition proposes repurposing the existing site into a Rainbow Cone ice cream parlor with outdoor seating and a drive-through. Rainbow Cone will be open daily from 11 a.m. to 10 p.m. and is a family-oriented environment. Site improvements include a reduction of total impervious surfaces, substantial landscaping around the parking lot and drive-through, installation of new sidewalks along 71st Court, and a refreshed building façade with new colors.

BUILDING HEIGHT

Permitted	50' maximum
Proposed	+/- 18' 6"

BUILDING SETBACKS

	Required	Proposed	Notes
Side (North)	15'	104'	Proposal removes a section of the building, thereby improving the existing conditions.
Front (West)	25'	62'	Existing; no change proposed.
Side (South)	25'	42'	Existing; no change proposed.
Rear (East)	15'	57'	Existing; no change proposed.

LOT COVERAGE

Permitted	75% Maximum; 80% maximum with Best Management Practices (BMP)
Proposed	72.4%

The existing lot coverage is 76%. The petitioner proposes to reduce the existing lot coverage by 3.6% by replacing part of the building and asphalt with landscaping. The petitioner will be integrating a rain garden at the northwest corner of the site and another rain garden adjacent to drive-through in lieu of parking lot islands required by the Code.

Vehicular Mobility

The existing site has two full accesses from S. 71st Court. The petitioner is proposing to keep 1 full access and convert the other access to egress-only due to the addition of the drive-through. The majority of the proposed drive-through lane wraps around the eastern side (back) of the building, separates into 2 lanes for ease of ordering, and exits at the western side (front) of the building. The petitioner has requested a Modification to the Land Development Code to allow the 2 drive-through lanes. Staff is supportive of this configuration.

PARKING SETBACKS

	Required	Proposed	Notes
Side (North)	10'	10'	Proposal adds a new barrier curb, thereby improving the existing conditions.
Front (West)	N/A	11'	Existing parking located between building and street.
Side (South)	N/A	22'	Existing; no change proposed.
Rear (East)	N/A	10'	Existing; no change proposed.

PARKING STALLS

Permitted	30 parking stalls (1 per 100 sf)
Proposed	39 parking stalls (1 per 77 sf)

Modification #1: Increase in maximum parking requirements (Code Section 6-306). The petitioner requests a Modification from the Land Development Code to increase the maximum parking requirement from 30 required parking stalls to 39 parking stalls. The existing parking total is 44 stalls. The petitioner provided a traffic study that indicates 38 parking stalls would be required on a typical April day. Staff supports this request to increase the maximum parking requirement, because the total impervious area will still be reduced with the removal of 5 parking stalls.

DRIVE-THROUGH LANE CONFIGURATION

Permitted	Drive-through facilities are not allowed within the setback area between the building façade and the street.
Proposed	Drive-through facilities between the building and S. 71 st Court within the building setback.

Modification #2: Drive-through lanes between the building and street (Code Section 6-207). The petitioner requests a Modification from the Land Development Code to allow drive-through between the building and S. 71st Court. Staff supports this request to allow the drive-through since it satisfies the majority of the conditions listed in Section 6-207.F.4. and the lanes will be screened by a “rainbow” of blooming plants throughout the spring and summer that is beyond minimum Code requirements.

DRIVE-THROUGH LANE QUANTITY

Permitted	The drive-through should be designed as a single lane with a maximum width of 14' and a minimum turning radius of 20' from the centerline of the drive aisle.
Proposed	The drive-through lane separates into 2 lanes at the eastern side (back) of the building to allow two cars to order food simultaneously.

Modification #3: Drive-through lane quantity (Code Section 6-207). The petitioner requests a Modification from the Land Development Code to allow 2 drive-through lanes at the eastern side (back) of the building to allow two cars to order food simultaneously. Staff supports this request to allow the drive-through.

Incremental Improvements. The petitioner proposes a “rainbow” of landscaping beyond minimum Code requirements that will screen the parking lot and the drive-through lanes. Furthermore, a rain garden is proposed to be located at the northwest corner of the site to increase pervious area and provide space for additional landscaping. The extensive landscaping and rain garden significantly reduces the existing lot coverage by nearly 4%.

Pedestrian and Bicycle Mobility

The petitioner is proposing the addition of 5' sidewalks along S. 71st Court to comply with Code requirements. The new sidewalks will connect to existing sidewalks that surround the building to facilitate pedestrian mobility. Crosswalks and pedestrian crossing signs will further enhance safety measures for visitors navigating the site. The petitioner is also proposing 2 bicycle racks located near the full access and 2 bicycle racks adjacent to the building's entrance the southern side of the building to comply with Code requirements and facilitate bicycle mobility.

Signage

A full review of proposed signage will be conducted after Board of Trustees approval. Proposed signage will need to comply with the provisions of the Land Development Code.

Lighting

A full review of proposed lighting will be conducted during Final Engineering review. Proposed lighting will need to comply with the provisions of the Land Development Code.

ELEVATIONS

The proposed building façade renovations include repainting the existing brick and stucco accents with Rainbow Cone's branded color scheme to provide a fun and refreshed look. The front façade facing Harlem Avenue is accentuated by a corner front entrance and a shaded outdoor seating area. A side entrance located on the south side of the building provides ease of access to 2 bicycle racks. The rear building façade faces drive-through lanes with surrounding "rainbow" of plantings.

DETAILED LANDSCAPING DISCUSSION

LANDSCAPE PLAN

Hey and Associates, Inc. reviewed the Preliminary Landscape Plan dated July 29, 2022 and July 20, 2022. The requirements are met for parkway, corridor, bufferyard, foundation, and interior landscaping. Signage Landscape requirements appear to be met and will be confirmed during final review. The representative plant list appears to meet diversity requirements for number of species; percentage of species will be evaluated at final review.

Cash-in-lieu shall be provided for any remaining tree deficiencies determined during final review.

DETAILED ENGINEERING DISCUSSION

ENGINEERING PLAN

Stormwater Management

The preliminary engineering plans, reviewed by Staff, are compliant with the Land Development Code.

Utilities

The sanitary connection to this project will be located in the existing sanitary main in the 157th R.O.W.

PLAN COMMISSION DISCUSSION

At the Plan Commission meeting on September 7, 2022, there was no significant discussion from the Commissioners regarding this project.

There was no public comment on this case.

PLAN COMMISSION RECOMMENDED ACTION

The Plan Commission voted and approved the following motion, with a unanimous vote of 6 ayes, with 1 Commissioner absent: Regarding Case Number 2022-0107, also known as **Rainbow Cone**, Staff recommends to accept and make findings of fact as discussed at this Plan Commission meeting and within the Staff Report dated August 31, 2022;

And

The Plan Commission recommended that the Village Board approve a **Special Use Permit for Drive-Through**, subject to the following conditions:

1. The development will be in substantial conformance with the **Preliminary Site Plan for Rainbow Cone**, last revised August 11, 2022, the **Preliminary Landscape Plan for Rainbow Cone**, last revised July 29, 2022 and July 20, 2022, and the **Building Elevations** last revised August 11, 2022.
2. Meet all building code requirements and final engineering requirements, including required permits from outside agencies.
3. Screen all mechanical equipment either at grade or at rooftop with landscaping or parapets respectively.
4. Submit a sign permit application to the Development Services Department for separate review. Signs are subject to additional review and approval via the sign permitting process and additional restrictions may apply.
5. Provide in tree mitigation cash-in-lieu that will be determined upon final review.

The Plan Commission further recommended approval of the Modifications to the Land Development Code to:

1. Increase the maximum parking requirements from 30 parking stalls to 39 parking stalls. (Section 6-305.B)
2. Allow drive-through lanes between the building and street. (Section 6-207.F)
3. Increase the maximum allowed drive-through lanes from 1 to 2 lanes. (Section 6-207.F)

BOARD OF TRUSTEES RECOMMENDED ACTION

Regarding Case Number 2022-0107, also known as **Rainbow Cone**, I move to recommend to approve the Plan Commission Recommended Action as presented in the Staff Report to the Plan Commission for this case, except that the following condition shall be as follows:

1. The development will be in substantial conformance with the **Site Plan for Rainbow Cone**, last revised October 12, 2022, the **Landscape Plan for Rainbow Cone**, last revised July 20, 2022 and July 20, 2022, and the **Building Elevations** last revised August 11, 2022.

And

I move to adopt an Ordinance entitled: 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)

THIS SECTION FOR REFERENCE ONLY (NOT NECESSARY TO BE READ)

I move to recommend to the Village Board to approve a **Special Use Permit for a Restaurant with Outdoor Seating and a Drive-In Service Window with Modifications – Rainbow Cone (15711 S. Harlem Avenue)**, as presented in the Staff Report to the Board of Trustees for this case.