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ORDINANCE GRANTING AN AMENDMENT TO A SPECIAL USE PERMIT – FIVE GUYS BURGERS AND FRIES

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WHEREAS, an application seeking an amendment to 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 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 April 14, 2009, on whether the requested amendment to a 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 amendment to a special use permit be granted with this President and Board of Trustees, 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 amendment to a 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 amendment to a special use permit to increase the previously approved number of seats for a new restaurant to be located in an existing shopping center in the COR Mixed-Use District as follows:

(a) The Subject Property is located at 15837 South LaGrange Road, and is zoned COR Mixed-Use District within the Village of Orland Park, Cook and Will Counties, Illinois. The Petitioner,

Gregg Elstro, for Five Guys Burgers and Fries, is seeking an amendment to an existing special use permit for a shopping center located on the Subject Property. The Subject Property is the subject of Special Use Permits granted by Village Ordinances 2146 and 3009.

(b) Specifically, Petitioner proposes to occupy the southernmost unit of the shopping center with a 1968 square foot restaurant with 59 seats. The current special use limits the seating in a restaurant in the southernmost unit to 30 seats. In order to increase the number of seats at this location, Petitioner must provide additional parking spaces because the shopping center's parking lot was predicated on the original approval for a restaurant with 30 seats.

(c) A previous amendment to the special use for the shopping center allowed an increase from 70 to 84 in the number of seats permitted for the restaurant in the northernmost unit. This was done by requiring the petitioner at that time to provide a shared parking agreement with Target, the commercial business to the east of this shopping center, which has a large parking lot.

(d) Petitioner has provided a copy of the original shared parking agreement with Target. That agreement does not specify a number of parking spaces to be shared, so Petitioner asserts that it can be used to cover his parking needs as well. However, Petitioner will communicate with Target to ascertain that an additional 15 parking spaces may be used by his restaurant under the shared parking agreement.

(e) The proposed amendment to a special use for additional seating at a restaurant 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 with 57 seats is appropriate in such an area, as is shared parking to accommodate it.

(f) The design of the proposed special use will minimize any adverse effects, including visual impacts, on adjacent properties. Petitioner will provide pedestrian walkway connections, stripes and signage for pedestrians parking in the shopping center and accessing the shops and restaurants in the center. This will improve the existing situation at the shopping center. Otherwise no changes are anticipated in the exterior of the building or the landscaping.

(g) 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 amended special use at an adequate level of service. The site has access to the signalized intersection of 158th Street and LaGrange Road, a state-maintained major arterial. There is also access through the internal roadways of neighboring shopping centers. No new curb cuts are proposed.

(h) The Petitioner has made adequate legal provisions to guarantee the provision and development of any open space and other improvements associated with the proposed amended development.

(i) The amended development will not adversely affect a known archaeological, historical or cultural resource.

(j) The special use amendment 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

An amendment to a special use permit to increase the seating for a restaurant in the southernmost unit of a shopping center from 30 to 57 seats, subject to the condition below, is hereby granted and issued to Five Guys Burgers and Fries for the operation of a 1,968 square foot restaurant in the existing shopping center on the Subject Property. The Subject Property is legally described as follows:

LOT 2 (EXCEPT THAT PART THEREOF TAKEN, USED, OR DEDICATED FOR ROADWAY PURPOSES) IN THE RESUBDIVISION OF LOT 2 IN TOM'S SUBDIVISION, BEING A TRACT IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

This amendment to a special use permit is issued on the condition that construction be pursuant to the Plan entitled "Five Guys Special Use Petition Site Plan," prepared by Soos and Associates Architecture Inc., dated 4/14/09, job number 08FG056, sheet number A100 and the proposed sign renderings for Five Guys titled "Channel Letter Sign Specifications," prepared by JNB Signs, dated 1/9/09, drawing number 03776-01, and subject to the further condition that the petitioner install the proposed pedestrian walkway connections, stripes and signage, as depicted on the site plan, prior to the issuance of a certificate of occupancy.

SECTION 4

The Petitioner hereunder shall at all times comply with the terms and conditions of this amendment to a special use permit and the prior special use permits for the Subject Property, granted by Ordinances 2146 and 3009, except as any terms and conditions of the prior ordinances are specifically amended by this or another ordinance, and in the event of non-compliance, said permits 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, be amended so as to be in conformance with the granting of this amendment to a special use permit as aforesaid.

SECTION 6

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