



## Legislation Text

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**File #:** 2017-0173, **Version:** 5

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### **Title/Name/Summary**

ORDINANCE GRANTING A SPECIAL USE PERMIT FOR FREDDY'S FROZEN CUSTARD & STEAK BURGERS (7420 WEST 159<sup>TH</sup> STREET PUD)

### **Body**

WHEREAS, an application seeking a special use permit with modifications to construct and maintain a new restaurant with a drive-through facility 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 May 9, 2017, 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 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 permit with modifications to construct and maintain a new restaurant with a drive-through facility, as follows:

(a) The Subject Property is located at 7420 W. 159<sup>th</sup> Street Planned Unit Development within the Village of Orland Park in Cook County, Illinois. The proposal is to construct a 3,476 square foot restaurant on the east portion of Lot 1 of the PUD. The proposed restaurant is to include a drive-through facility and a parking field. The entrance to the drive-through facility is north of the building with a double lane for menu ordering at the entrance. The two lanes then merge into a single fifteen (15) foot wide drive-through lane. The Subject Property is zoned BIZ General Business District. Restaurants with a drive-through facility are permitted in the BIZ General Business District only via a special use permit. The only modification to the special use permit is to reduce the Type 1 bufferyard for the north bufferyard from ten (10) feet to one (1) foot. The modification is supported because the area to the north of the enclosure is effectively a landscape area that contributes to the appearance of the proposed restaurant.

(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 Comprehensive Plan designates this area for Community Commercial Use. A restaurant with a drive-through facility is appropriate in such an area.

(c) The proposed development will be consistent with the character of the immediate vicinity of the Subject Property, which is presently zoned BIZ General Business District to the north, east and west where commercial uses are located. Tinley Park is located to the south. The special use will also be consistent with the community character of the immediate vicinity of the Subject Property is part of the five (5) lot 7420 W. 159<sup>th</sup> Street Planned Unit Development that was approved in 2015.

(d) The design of the development will minimize adverse effects, including visual impacts, on adjacent properties as the proposed restaurant will have new exterior design elements, including red and beige brick pattern work, masonry, storefront windows, awnings and parapets, which compliment the current aesthetics of nearby properties. The proposed project meets the intent of the foundation landscaping requirements, including perimeter planting bed requirement and the landscape island requirement. The drive-through facility is located on the west side of the proposed building. The land will exit into a single bay of perpendicular parking that can be used either for order, pick-up, or standard parking, and the exiting drive-through traffic will enter into a standard parking lot drive aisle to exit north at the PUD internal access drive. A traffic study shows that the drive-through facility is capable of handling any additional traffic. All loading activities will occur during non-operating hours at night. There will be no adverse effect on the value of the adjacent property, but rather bring new development to this area.

(e) 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 is directly accessible from 159<sup>th</sup> Street, which is an arterial road under the Illinois Department of Transportation's jurisdiction. The proposed site has sufficient mobility and parking. The proposed special use is part of a larger project and will not independently impact the public facilities and services affecting the property. As part of the overall development of the 7420 W. 159<sup>th</sup> Street Planned Unit Development, Petitioner will be taking on site work and infrastructure, including upgrading utilities, drainage and landscaping.

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

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

(h) 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 for the construction and maintenance of a Freddy's Frozen Custard and Steak Burger restaurant with a drive-through facility at 7420 W. 159<sup>th</sup> Street with a modification to reduce the width of the bufferyard from ten (10) feet to one (1) foot in the location of the garbage enclosure (northeast corner of the property) is hereby granted, subject to the conditions below, and issued to Freddy's Frozen Custard and Steak Burger, for the following described property:

LOT 1 IN GW PROPERTY SUBDIVISION, BEING A SUBDIVISION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 24, 2016 AS DOCUMENT NUMBER 1617618107, IN COOK COUNTY, ILLINOIS.

PIN: 27-13-402-027

This special use permit is subject to the following conditions:

A. The Subject Property shall be developed substantially in accordance with the preliminary site plan titled, "Freddy's Frozen Custard 7420 W. 159<sup>th</sup> Street Orland Park, Illinois Preliminary Site Plan," prepared by Kimley Horn, dated March 3, 2017, last revised May 24, 2017, Sheet PSP-5, subject to the following conditions:

1. Coordinate with Goodwill regarding the appropriate pedestrian connection along the perimeter of the interior access lane intersection at the southwest corner (at the northeast corner of the subject site).
2. Provide a crosswalk that links the sidewalk at the said interior intersection southwest corner to the opposite corner east of the existing shared access drive.
3. Meet all final engineering and building code related items.

B. The Subject Property shall be developed substantially in accordance with the Elevations titled, "Freddy's Frozen Custard 7420 W. 159<sup>th</sup> Street Orland Park, Illinois Exterior Elevations," prepared by Dan Winter Architect, dated May 12, 2017, sheets A3, A4, and SA2, subject to the following conditions:

1. Screen all mechanical equipment either at grade or at rooftop with landscaping or parapets respectively.
2. Masonry must be of anchored veneer type with a minimum thickness of 2.625 inches and must use a different color brick for the basket-weave portions of the elevations.
3. Signs are subject to additional review and approval via the sign permitting process;

C. The Subject Property shall be developed substantially in accordance with the preliminary landscape plan titled, "Freddy's Frozen Custard 7420 W. 159<sup>th</sup> Street Orland Park, Illinois Landscape Plan," prepared by Kimley Horn, dated March 3, 2017, last revised May 24, 2017, sheets L1.0 and L2.0, subject to the following condition:

1. Coordinate with Goodwill to provide appropriate landscaping at the said interior intersection southwest corner.

D. The Subject Property shall be subdivided substantially in accordance with the preliminary plat of subdivision titled "GW Property First Resubdivision Orland Park, Illinois Final Plat of First Resubdivision," prepared by Manhard Consulting Ltd., dated October 7, 2016, last revised April 26, 2017, sheets 1 of 3, 2 of 3, and 3 of 3, subject to the following condition:

1. Submit a Record Plat of Subdivision to the Village for recording.

#### 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 as aforesaid.

#### SECTION 6

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