



## Legislation Text

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**File #:** 2019-0249, **Version:** 1

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

Panera Bread - Development Petition for Site Plan, Elevations, Landscape Plan, Special Use Permit with Modifications

### **History**

#### **QUICKFACTS**

#### **Project**

Panera Bread - 7410 W. 159<sup>th</sup> Street  
2019-0249

#### **Petitioner**

Rashad Palmer - Panera, LLC

#### **Purpose**

The petitioner seeks approval to construct a 4,528 square foot restaurant building with a drive-through for Panera Bread on a 1.065 acre parcel located at 7410 W. 159<sup>th</sup> Street.

**Requested Actions:** Site Plan, Elevations, Landscape Plan, and Special Use Permit with Modifications

**Address:** 7410 W. 159<sup>th</sup> Street

**P.I.N.:** 27-13-410-007-0000

**Parcel Size:** 1.065 acres

**Comprehensive Plan Planning District & Designation:** 159<sup>th</sup> and Harlem Planning District with Community Commercial Designation

**Existing Zoning:** BIZ General Business District

**Existing Land Use:** Vacant

**Proposed Land Use:** Restaurant with a drive-through

#### **Surrounding Land Uses & Zoning:**

North: BIZ General Business District - Vacant Land, Heartis Senior Living

South: Tinley Park - (across 159<sup>th</sup> Street) Multi-family residential

East: BIZ General Business District - Restaurant (Freddy's Frozen Custard)

West: BIZ General Business District - Avis Rental Car

**Preliminary Approvals:** Preliminary engineering and landscape plan approvals have been granted

for this project to move forward to the Plan Commission.

## **BACKGROUND**

The 7420 W. 159<sup>th</sup> Street Planned Unit Development was approved in 2015 (Legistar File ID 2015-0526 & 2017-0636). The Special Use Permit for the Planned Unit Development was approved by Ordinance No. 5215 on September 5, 2017. The mixed-use development originally consisted of five (5) lots on 11 acres and was envisioned for commercial and motor vehicle service uses. A detention pond is located on the northwest corner of the site on Outlot A. Lot 4 is currently vacant pending development. Heartis Senior Living, a three-story, 91,650 square foot assisted living facility with an attached one-story memory care unit, is located on Lot 3 at 7420 W. 159<sup>th</sup> Street. The Village Board approved the Special Use Permit for Heartis Senior Living by Ordinance No. 5095 on May 26, 2016 (Legistar File ID 2016-0007).

On September 5, 2017, the Village Board of Trustees approved a Resubdivision (GW Property First Resubdivision) to convert Lots 1 and 2 into Lots 5, 6, 7, and 8 as well as a Special Use Permit for a restaurant with a drive-through, Freddy's Frozen Custard, on Lot 5 by Ordinance No. 5218 (Legistar File ID 2017-0173). On September 5, 2017, the Village Board of Trustees also approved the Special Use Permit with Modifications for a motor vehicle rental use, Avis Rent-A-Car on Lot 8 at 7412 W. 159<sup>th</sup> Street, and a 10,000 square foot new building, and a variance to increase parking in excess of 20% by Ordinance No. 5216 (Legistar File ID 2016-0200). Lot 7 currently includes a detention pond and vacant land for future commercial development.

The subject property is located on Lot 6 of the 7420 W. 159<sup>th</sup> Street Planned Unit Development and is currently vacant pending development.

## **PROJECT DESCRIPTION**

The petitioner is proposing to construct a 4,528 square foot restaurant building with a drive-through on a 1.065 acre parcel located at 7410 W. 159<sup>th</sup> Street. The proposed site plan consists of forty-five (45) parking spaces, a drive-through lane located to the east of the building, an outdoor seating area constructed of permeable pavement, and new landscaped areas. Three (3) cross access drives are proposed along the east property line to connect to the adjacent property to the east, which is currently occupied by Freddy's Frozen Custard, a restaurant with a drive-through facility. An additional access point is proposed along the west side of the site to connect to one of the internal access drives serving the Planned Development.

A drive-through canopy, menu board, and preview board will be installed to the south of the drive-through lane, which meet the requirements for drive-through accessories per Section 6-302.K. The petitioner is proposing substantial landscaping to screen the proposed drive-through accessories from 159<sup>th</sup> Street. An existing stormwater easement and storm sewer line at the southeast corner of the site will be rerouted to accommodate the proposed drive-through accessories, which are not permitted within easements. The petitioner will be required to submit a plat of vacation and plat of easement to the Village for staff review and recording to reflect the changes to the stormwater easement.

Restaurants with a drive-through require approval of a Special Use Permit in the BIZ General Business District. The petitioner requests approval of a Special Use Permit to allow for a restaurant with a drive-through facility with the following modifications to the Land Development Code:

1. Reduce the parking lot setback and perimeter landscape screening along the east property line

from ten (10) feet to as little as zero (0) feet (Section 6-305.D.6.a.1.i)

2. Reduce the parking lot perimeter landscape screening from a ten (10) foot wide planting bed to a six (6) foot wide planting bed along the north side of the parking lot (Section 6-305.D.6.a.1.i).

The proposed modifications will allow for shared cross access between Panera Bread and the lot to the east. A shared parking lot scenario was previously envisioned for lots in the 7420 W. 159<sup>th</sup> Street Planned Development and the approved site plan for Freddy's Frozen Custard lot to the east. The proposed modifications will also allow for a more narrow landscape area to accommodate a sidewalk along the north side of the property. The proposed reduction to the landscape bed is consistent with the surrounding development pattern in the Planned Development. Freddy's Frozen Custard on the adjacent lot to the east was approved with a landscape buffer of approximately 7 feet wide to accommodate the sidewalk.

The proposed restaurant with a drive-through facility will be compatible with the BIZ General Business District, the surrounding existing uses along 159<sup>th</sup> Street, and the Comprehensive Plan designation for this area.

With the exception of the requested modifications, the project conforms to the Village's Comprehensive Plan, Land Development Codes and policies for this area.

### **PLAN COMMISSION DISCUSSION**

A public hearing was held before the Plan Commission on November 5, 2019. The petitioner was present to answer questions at the meeting. Mitch Goltz representing GW Properties, the owner of the property and developer of the 7420 W. 159<sup>th</sup> Street Planned Development, stated support for the proposed project and that it is positive to see development occurring for the existing vacant lots within the development. The Plan Commission asked if the existing Panera Bread located on Harlem Avenue would be closed as a result of the new construction. Mr. Goltz affirmed that the existing location is planned to close so that Panera Bread can expand their business and provide a new drive-through service, which is not provided at the existing location.

Overall, the Plan Commission expressed general support of the project and noted that the project will be compatible with the surrounding development.

### **PLAN COMMISSION MOTION**

On November 5, 2019, the Plan Commission moved, by a vote of 6-0, to recommend to the Village Board of Trustees approval of a **Preliminary Site Plan** titled "Site Dimensional and Paving Plan", prepared by Manhard Consulting, Ltd., Sheet 3 of 13, dated June 14, 2019 and last revised October 18, 2019, subject to the following conditions:

1. Meet all building code requirements and final engineering requirements, including required permits from outside agencies.
2. Screen all mechanical equipment either at grade or at rooftop with landscaping or parapets respectively.
3. 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.
4. Submit a plat of vacation and plat of easement to the Village for staff review, execution, and recording to reflect the changes to the existing stormwater easement.

5. The photometric plan shall comply with all lighting requirements per Section 6-315.

And moved, by a vote of 6-0, to recommend to the Village Board approval of the **Elevations** titled “Exterior Elevations”, prepared by Frederick J. Goglia, Sheets A301 and A302, dated October 17, 2019, subject to the following conditions:

1. Meet all final engineering and building code requirements.
2. All masonry must be of anchored veneer type masonry with a 2.625” minimum thickness.
3. Screen all mechanical equipment either at grade level with landscaping or hidden behind the roofline.
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.

And moved, by a vote of 6-0, to recommend to the Village Board of Trustees approval of the **Preliminary Landscape Plan**, titled “Landscape Plan”, prepared by Manhard Consulting, Ltd., Sheets 1-4, dated June 10, 2019 and last revised October 15, 2019, with the following conditions:

1. Submit a final landscape plan meeting all Village Codes and all required supporting documentation addressing all outstanding landscape items in conjunction with the final engineering submittal.

And moved, by a vote of 6-0, to recommend to the Village Board approval of a **Special Use Permit** for Panera Bread, to allow for a restaurant with a drive-through facility in the BIZ General Business District, subject to the same conditions as outlined in the Preliminary Site Plan motion. **Modifications** to the Special Use Permit include:

1. Reduce the parking lot setback and perimeter landscape screening along the east property line from ten (10) feet to as little as zero (0) feet (Section 6-305.D.6.a.1.i)
2. Reduce the parking lot perimeter landscape screening from a ten (10) foot wide planting bed to a six (6) foot wide planting bed along the north side of the parking lot (Section 6-305.D.6.a.1.i).

This case is now before the Development Services, Planning and Engineering Committee for review prior to being sent to the Board of Trustees for final review/approval.

### **DEVELOPMENT SERVICES COMMITTEE DISCUSSION**

At the request of the Village Manager, projects that received unanimous approval of the recommended motion at the Plan Commission are being sent directly to the Board of Trustees for consideration. The motion has been amended to waive the requirements of Land Development Code Sections 5-101C.1.b and 5-101C.1.c.

This case is now before the Village Board of Trustees for final consideration.

### **Recommended Action/Motion**

I move to waive the requirements of Land Development Code Sections 5-101C.1.b and 5-101C.1.c and to allow the Board of Trustees to proceed with an immediate vote based on the Plan Commission unanimous recommendations.

And

I move to approve a Site Plan, Elevations, Landscape Plan, and Special Use Permit with Modifications for Panera Bread, as recommended at the November 5, 2019 Plan Commission meeting and as fully referenced in the motion below.

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

I move to approve the **Preliminary Site Plan** titled "Site Dimensional and Paving Plan", prepared by Manhard Consulting, Ltd., Sheet 3 of 13, dated June 14, 2019 and last revised October 18, 2019, subject to the following conditions:

1. Meet all building code requirements and final engineering requirements, including required permits from outside agencies.
2. Screen all mechanical equipment either at grade or at rooftop with landscaping or parapets respectively.
3. 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.
4. Submit a plat of vacation and plat of easement to the Village for staff review, execution, and recording to reflect the changes to the existing stormwater easement.
5. The photometric plan shall comply with all lighting requirements per Section 6-315.

And

I move to approve the **Elevations** titled "Exterior Elevations", prepared by Frederick J. Goglia, Sheets A301 and A302, dated October 17, 2019, subject to the following conditions:

1. Meet all final engineering and building code requirements.
2. All masonry must be of anchored veneer type masonry with a 2.625" minimum thickness.
3. Screen all mechanical equipment either at grade level with landscaping or hidden behind the roofline.
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.

And

I move to approve the **Preliminary Landscape Plan**, titled "Landscape Plan", prepared by Manhard Consulting, Ltd., Sheets 1-4, dated June 10, 2019 and last revised October 15, 2019, with the following conditions:

1. Submit a final landscape plan meeting all Village Codes and all required supporting documentation addressing all outstanding landscape items in conjunction with the final engineering submittal.

And

I move to approve a **Special Use Permit** for Panera Bread, to allow for a restaurant with a drive-through facility in the BIZ General Business District, subject to the same conditions as outlined in the Preliminary Site Plan motion. **Modifications** to the Special Use Permit include:

1. Reduce the parking lot setback and perimeter landscape screening along the east property line from ten (10) feet to as little as zero (0) feet (Section 6-305.D.6.a.1.i)
2. Reduce the parking lot perimeter landscape screening from a ten (10) foot wide planting bed to a six (6) foot wide planting bed along the north side of the parking lot (Section 6-305.D.6.a.1.i).