



## Legislation Text

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**File #:** 2015-0267, **Version:** 6

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

ORDINANCE GRANTING A SPECIAL USE PERMIT FOR DUNKIN DONUTS PLAZA (DUNKIN DONUTS - 15615 S. HARLEM AVENUE)

#### Body

WHEREAS, an application seeking a special use permit to operate and maintain a new restaurant with a drive-in service window in an existing building 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 June 9, 2015, 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 to operate and maintain a new restaurant with a drive-in service window in the existing building at 15615 S. Harlem Avenue, as follows:

(a) The subject property is located at 15615 S. Harlem Avenue in an existing building that was formally a restaurant within the Village of Orland Park in Cook County, Illinois. The proposal is to divide the building into two units for separate tenants, one of which will be Dunkin Donuts. The proposed site plan changes also include adding a new drive-in service window to the building and site to service the north unit for Dunkin Donuts and rearranging the parking lot to accommodate necessary improvements. The Subject Property is zoned BIZ General Business District. Drive-in service windows are a special use in the BIZ General Business District.

(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 retail shopping center and a restaurant with a drive-in service window are 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 MFG Manufacturing District to the north and east, and BIZ General District to the south and west, where commercial uses are located. The special use will also be consistent with the community character of the immediate vicinity of the subject property because the application proposes to replace a vacant restaurant and relocate a drive-in service window that was previously located across the street.

(d) The design of the development will minimize adverse effects, including visual impacts, on adjacent properties as the existing building will have new exterior design elements, including stone, masonry and glazing, which compliment the current architecture on Harlem Avenue and will add additional landscaping on the east side of the site. The design of the development will provide additional vehicle parking. The proposed use is replacing a vacated, similar use, and the proposed drive-in service window lane will provide stacking space for up to eight (8) vehicles, which is a marked improvement over the current condition at the existing location across the street. There will be no adverse effect on the value of the adjacent property.

(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 existing building footprint shall remain, allowing access to the site from two existing curb cuts on 156<sup>th</sup> Street and one additional curb cut on 71<sup>st</sup> Court, which will avoid any significant traffic conflicts.

(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 operation and maintenance of a Dunkin Donuts restaurant with a drive-in service window at 15615 S. Harlem Avenue in an existing building in the BIZ General Business District is hereby granted, subject to the conditions below, and issued to Dunkin Donuts Plaza, for the following described property:

THE NORTH 270 FEET OF LOT 108 IN CATALINA'S COMMERCIAL AND INDUSTRIAL

SUBDIVISION OF LOTS 3 AND 6 IN SILVER LAKE GARDENS UNIT NO. 7, A SUBDIVISION OF PART OF THE WEST ¼ OF SECTION 18, TOWNSHIP 36 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 2, 1973 AS DOCUMENT NO. 22532993, IN COOK COUNTY, ILLINOIS.

PIN: 27-18-308-004

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, "Site Plan Dunkin Donuts 15615 S. Harlem Avenue Orland Park, Illinois," prepared by Peter G. Paraskis Architect, Ltd., on sheet SP. 1 and dated March 15, 2015 last revised January 20, 2016, subject to the following conditions:

1. Screen the garbage enclosure with landscaping from view of Harlem Avenue;
2. Screen all mechanical equipment at grade level with landscaping or on the rooftop with parapets from view of the surrounding public right-of-ways;
3. Submit a final landscape plan, meeting all Village Codes, for separate review and approval within sixty (60) days of final engineering approval; and
4. Meet all final engineering and building code related items.

B. The Subject Property shall be developed substantially in accordance with the Elevations titled, "Exterior Elevations Dunkin Donuts 15615 S. Harlem Avenue Orland Park, Illinois," prepared by Peter G. Paraskis Architect, Ltd., on sheet A.1 and dated March 15, 2015, subject to the same conditions set forth above in Subsection A.

#### 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 permit, modifications and variations 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 for the planned unit development as aforesaid.

#### SECTION 6

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