



VILLAGE OF ORLAND PARK

14700 Ravinia Avenue
Orland Park, IL 60462
www.orland-park.il.us

Ordinance No: 4235

File Number: 2006-0573

ORDINANCE REPEALING A SPECIAL USE PERMIT AND GRANTING A MINOR SPECIAL
USE PERMIT - PANDA EXPRESS, 7140 W.159TH ST

VILLAGE OF ORLAND PARK

STATE OF ILLINOIS, COUNTIES OF COOK AND WILL

Published in pamphlet form this 3rd day of April, 2007 by authority of the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois.

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ORDINANCE REPEALING A SPECIAL USE PERMIT AND GRANTING A MINOR SPECIAL USE PERMIT - PANDA EXPRESS, 7140 W.159TH ST

WHEREAS, an application seeking a minor special use permit and development approval 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 November 10, 2006, on whether the requested minor special use permit and development approval should be granted, and whether a prior special use permit for the Subject Property should be amended, 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 thirty (30) days nor less than fifteen (15) days prior to said hearing in the Orland Park Star and The Daily Southtown, newspapers of general circulation in this Village, there being no newspaper published in this Village; and

WHEREAS, the Plan Commission of this Village has filed with this President and Board of Trustees its report of findings and recommendations that the requested minor special use permit be granted and the prior special use permit be repealed, and this Board of Trustees has duly considered said report and findings and recommendations;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 granting the proposed minor special use permit and repealing prior special use ordinance 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

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In addition to the findings set forth in Section 1 hereof, this Board of Trustees further finds in relation to the requested minor special use and development approval as follows:

(a) The Subject Property is located at 7140 West 159th Street and is zoned BIZ General Business District within the Village of Orland Park, Cook and Will Counties, Illinois. It is a 0.85-acre site. It was previously developed as a Burger King restaurant, but is no longer used for that purpose.

(b) Petitioner proposes to demolish the existing building and construct a new 2,463 square foot building to house the Panda Express restaurant with a drive-thru lane. The proposed restaurant will have 72 seats (48 indoors and 24 outdoors).

(c) The construction of a restaurant building with outdoor seating on this site no longer requires a special use permit, because the Land Development Code has been amended to require a special use permit only when a restaurant (with or without outdoor seating) is closer than 330 feet to a residential parcel. Therefore, Ordinance No. 1555, passed on August 4, 1986, authorizing a special use permit for the Subject Property, can and should be repealed. As a condition of authorizing the special use permit for the Subject Property, Ordinance 1555 required the maintenance of a 68-foot front setback for the Subject Property. Recent changes to the Land Development Code establish far smaller front setbacks in the BIZ District, to allow businesses to maintain high visibility from the street. Repealing Ordinance 1555 will remove the 68-foot setback requirement for the Subject Property.

(d) Petitioner also requests a minor special use permit for a drive-thru thru lane for the Subject Property on the north side of the restaurant building.

(e) The proposed minor special use is consistent with the character of the immediate vicinity of the Subject Property. The surrounding property is zoned BIZ General Business District to the north, east and west and contains commercial and restaurant uses and a detention facility. Property to the south (across 159th Street) is zoned commercial in the Village of Tinley Park. The proposed drive-thru use will be consistent with these surrounding uses. The lot coverage is 70.2%, below the 75% maximum permitted in the COR District.

(f) The minor special use for a drive-thru 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 Community Intensity Commercial/Office. The proposed drive-thru as a part of a restaurant with indoor and outdoor seating is consistent with this designation.

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(g) The design of the proposed minor special use will minimize any adverse effects, including visual impacts, on adjacent properties. The proposed plan includes improved landscaping on the site and the building will have visual interest, in the form of clerestory windows along the roofline. The outdoor seating area will be located near the main building entrance. Porous paving in the outdoor seating area will help minimize storm water runoff.

(h) 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 two access points from 159th Street and another from 71st Court, connecting to Harlem Avenue. If IDOT approves, the number of access points to 159th Street will be reduced to one.

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

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

(k) The minor special use for a drive thru lane granted by this Ordinance shall in all aspects conform to the applicable regulations of this Ordinance and 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

Ordinance No. 1555, passed on August 4, 1986, and pertaining to the Subject Property described below, is hereby repealed. A minor special use permit in the BIZ General Business District is hereby granted and issued for the Subject Property to allow a drive thru lane as part of the development of a 2,463 square foot Panda Express restaurant with 72 seats (48 indoor and 24 outdoor) on property legally described as:

LOT 1 IN SILVER LAKE GARDENS UNIT NO. 7, A SUBDIVISION OF THE WEST ONE HALF OF THE SOUTHWEST QUARTER (EXCEPT THE WEST 270 FEET OF THE SOUTH 260 FEET THEREOF) AND THE SOUTH 20 ACRES OF THE WEST ONE HALF OF THE NORTHWEST QUARTER (EXCEPT THAT PART DEDICATED FOR ROAD RIGHT OF WAY) ALL IN SECTION 18, TOWNSHIP 36 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Commonly known as 7140 West 159 Street.

This minor special use permit for a drive thru facility is subject to the following conditions:

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1. That development be consistent with the hereby approved Final Plan titled, "Panda Express," prepared by Corporate Design + Development Group, LLC, Project Number D06-028, dated October 19, 2006, last revised February 21, 2007, Sheet Number C-2, subject to the following additional conditions:

a. That a Landscape Plan that meets code requirements for this development be submitted with the final engineering submittal; and

b. That all engineering related requirements are met.

2. That building elevations be consistent with the hereby approved Building Elevations titled, "Panda Express," prepared by Corporate Design + Development Group, LLC, Job Number S8-06-D1107, dated January 18, 2007, last revised February 16, 2007, Sheet Numbers A-2.0 and A-2.1, subject to the condition that all Building Code related items are met.

SECTION 4

The Petitioner hereunder shall at all times comply with the terms and conditions of this minor special use and all other codes and ordinances of the Village, except as specifically amended by this or another Ordinance, and in the event of non-compliance, said minor special use permit 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 repeal of Ordinance 1555 and the granting of the minor 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

PASSED this 2nd day of April, 2007

/s/ David P. Maher

David P. Maher, Village Clerk

Aye: 6 Trustee Fenton, Trustee Murphy, Trustee Dodge, Trustee Gira, Trustee Schussler, and Trustee O'Halloran

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Nay: 0

Absent: 1 Village President McLaughlin

DEPOSITED in my office this 2nd day of April, 2007

/s/ David P. Maher

David P. Maher, Village Clerk

APPROVED this 2nd day of April, 2007

/s/ Daniel J. McLaughlin

Daniel J. McLaughlin, Village President

PUBLISHED this 3rd day of April, 2007

/s/ David P. Maher

David P. Maher, Village Clerk