

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

ORDINANCE GRANTING AN AMENDMENT TO A SPECIAL USE PERMIT – MO’S CHINESE KITCHEN (18062 – 18064 WOLF ROAD)

## **..Body**

WHEREAS, an application seeking an amendment to a special use 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, 2015, 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 report of the Plan Commission of this Village is herein incorporated by reference, as completely as if fully recited herein. All exhibits submitted at the aforesaid public hearing are also incorporated by reference into this Ordinance. The Board of Trustees find that the proposed amendment to a special use permit 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 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 for a restaurant in the BIZ General Business District as follows:

(a) The Subject Property is located at 18062 and 18064 Wolf Road in the existing Marley Creek Square Shopping Center. The proposal is to expand the existing restaurant at this location to include an additional 2,449 square feet of space in an adjacent vacant unit, 10864 Wolf Road, in the Marley Creek Square Shopping Center and within 300 feet of residential property to the south.

(b) The Subject Property is the subject of Special Use Ordinance No. 4060, which approved the operation of a restaurant with approximately 1,528 square feet.

(c) The Subject Property is zoned BIZ General Business District within the Village of Orland Park, Cook and Will Counties, Illinois. The Petitioner, Gordon Ng, is seeking an amendment to a special use permit to permit the expansion of the restaurant on the Subject Property, which will expand the number of seats from 32 seats to 120 seats.

(d) The proposed amendment to a special use will be consistent with the character of the immediate vicinity of the Subject Property. The property to the north of the proposed restaurant location is zoned BIZ General Business District and contains Jewel. Property to the south and west is zoned R-3 Residential District and contains single family residences at Preserves of Marley Creek. Property to the east is zoned BIZ General Business District and contains a bank and retail uses. The proposed expanded restaurant will be compatible with these surrounding uses. The strip center includes other commercial uses, including other commercial retail units, such as a dry cleaner, dentist office, pizzeria and real estate offices, and the expanded restaurant is compatible with those. No exterior changes to the existing building are proposed.

(e) The proposed amendment to a special use permit 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 Neighborhood Mixed Use. The expanded restaurant is appropriate in such an area.

(f) The design of the proposed amendment to a special use will minimize any adverse effects, including visual impacts, on adjacent properties. The retail center is designed to accommodate uses like this. There are amply-sized detention areas to the south and west of the shopping center that occupy the space between the proposed restaurant expansion and the Preserves of Marley Creek subdivision. Parking is adequate in the center so there will be no impact on accessibility to adjacent properties. There will be no adverse effect on the value of adjacent property.

(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 amendment to a special use at an adequate level of service. Marley Creek Square Shopping Center is generally located along Wolf Road, south of 179<sup>th</sup> Street. Access to the site is available from two curb cuts on Wolf Road and from the north from two curb cuts on 179<sup>th</sup> Street.

(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 development.

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

(j) The amendment to the special use 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 in the BIZ General Business District, subject to the conditions below, is hereby granted and issued to Mo's Chinese Kitchen, 18062 – 18064 Wolf Road, for the operation of a 3,953 square foot restaurant with 120 seats, within 300 feet from residential properties, in several units of the existing Marley Creek Square Shopping Center on the Subject Property. The Subject Property is legally described as follows:

#### PARCEL 1:

LOTS 2, 5 AND OUTLOT A IN ALBERTSON'S WOLF ROAD SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 26, 2004 AS DOCUMENT 0405718155, IN COOK COUNTY, ILLINOIS.

#### PARCEL 2:

NON-EXCLUSIVE EASEMENTS FOR THE BENEFIT OF PARCEL 1 FOR VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS, PARKING, UTILITY LINES, SIGNS, BUILDING ENCROACHMENTS AND PERMANENT ACCESS EASEMENT OVER AND ACROSS LOT 1, 2 AND 4 AS SET FORTH AND DEFINED IN DECLARATION OF RESTRICTIONS, GRANT OF EASEMENTS AND COMMON AREA MAINTENANCE AGREEMENT MADE BETWEEN AMERICAN STORES PROPERTIES, INC., AND TDC MARLEY CREEK, L.L.C., DATED AUGUST 4, 2004 AND RECORDED AUGUST 9, 2004 AS DOCUMENT 0422210069.

PIN: 27-31-401-022-0000

This amendment to a special use permit is subject to the following conditions:

1. That a Building Permit is submitted to the Building Department;
2. That all Building and Health Code requirements are met;
3. That all mechanical equipment is screened, either at grade level with landscaping or hidden behind the roofline;
4. That the total number of seats does not exceed the occupancy limit for the restaurant;
5. That all new signage is approved through a separate permitting process; and

6. That all remnants of the existing Mo's Kitchen sign are removed and the sign face is restored to its original condition.

#### SECTION 4

The Petitioner hereunder shall at all times comply with the terms and conditions of this amended special use, Ordinance No. 4060, and the special use permit and amendment for Marley Creek Commons granted by Ordinances 3188 and 3935, and all prior special use ordinances covering the Subject Property, except as specifically amended by this or another Ordinance, and in the event of non-compliance, said permit and this amendment 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 the 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.