

ORDINANCE GRANTING A SPECIAL USE PERMIT (MASTIC PISTACHIA GELATO - 14404 JOHN HUMPHREY DRIVE)

WHEREAS, an application seeking a special use permit to operate an Italian gelato restaurant within three hundred (300) feet of a parcel zoned for single family residential use, has been filed by the Petitioner Maram Baker, 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 February 18, 2020, 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 Daily Southtown, 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 permit 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 permit. 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 hearing also hereby incorporated by reference as fully as if attached hereto. This President and Board of Trustees further find that the proposed 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 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, which designates the site at 14404 John Humphrey Drive (“Subject Property”) as “Downtown Mixed Use”.

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 to allow for operation of an Italian gelato restaurant within three hundred (300) feet of a parcel zoned for residential use in the VCD Village Center Zoning District as follows:

- (a) The Subject Property is located at 14404 John Humphrey Drive within the Village of Orland Park in Cook County, Illinois. The proposal is to operate a gelato restaurant within three hundred (300) feet of a single family residential zoned parcel. Such a use is compatible with the existing uses within the shopping center as well as the surrounding land uses and zoning within the vicinity of the shopping center. The restaurant will not directly abut any single family residential lots and the restaurant and existing shopping center are separated from nearby single family residences by John Humphrey Drive. The restaurant use will be limited to gelato and the impact to neighboring properties will be minimal, including those residential parcels within 300 feet. There are currently other tenant restaurant uses within the shopping center and it is determined that the proposed use will not significantly increase parking or traffic demands.
- (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 as “Downtown Mixed Use”, and the Subject Property is located in the VCD Village Center Zoning District. The Subject Property will fulfill the VCD Village Center District’s established principles by promoting mixed commercial uses, including restaurants.
- (c) The proposed development will be consistent with the character of the immediate vicinity of the Subject Property, i.e., to the north, vacant land, to the south, office and retail, to the east, retail, single family residential and open space and to the west, office and personal service. All immediately surrounding areas are zoned “VCD Village Center.”
- (d) The design of the restaurant will minimize adverse effects and parking and traffic will be adequately accommodated.
- (e) There will be no adverse effects on the value of the property. The Subject Property is a 1,280 square foot tenant space in the northeast portion of the Horton Center shopping center. The special use development will bring commerce to the Village with minimal increase in vehicle and pedestrian traffic. Additionally, the development is served by a connected network of perimeter sidewalks, roadways and walkways.
- (f) 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 will be capable of serving the special use at an adequate level of service. All utilities are accounted for and can accommodate the proposed restaurant.

- (g) Petitioner has made adequate legal provision to guarantee the provision and development of any open space and other improvements associated with the proposed development.
- (h) The development will not adversely affect a known archaeological, historical or cultural resource.
- (i) 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

An special use permit to allow for a gelato restaurant specified in Section 2(a) of this Ordinance is hereby granted, subject to the conditions below for the following described property:

LOTS 4 AND S AND THAT PART OF LOT 3 DESCRIBED AS FOLLOWS; COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT.3; THENCE EASTERLY, ALONG THE SOUTHERLY LINE OF LOT 3 BEING A CURVE, HAVING A RADIUS OF 415.60 FEET, AN ARC DISTANCE OF 48.21 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°41'57" EAST, PARALLEL WITH AND 48 FEET EAST OF THE WEST LINE OF SAID LOT 3, A DISTANCE OF 372.14 FEET TO THE SOUTH LINE OF LOT 6; THENCE NORTH 89°52'00" EAST ALONG SAID SOUTH LINE, 202.46 FEET TO THE NORTHEAST CORNER OF THE AFORESAID LOT 3; THENCE SOUTH 24°15'13" WEST ALONG THE EASTERLY LINE OF SAID LOT 3 A DISTANCE OF 443.80 FEET TO THE SOUTHEAST CORNER OF LOT 3; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 3, BEING A CURVE HAVING A RADIUS OF 415.60 FEET, AN ARC DISTANCE OF 36.67 FEET TO THE POINT OF BEGINNING, ALL IN 144TH PLACE COMMERCIAL SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 36 NORTH) RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 18, 1983 AS DOCUMENT NO. 26739525, IN COOK COUNTY, ILLINOIS.

PIN: 27-10-100-100-1002

This special use permit is subject to the following conditions:

- A. All Village Building and Land Development Code requirements must be met.
- B. Prior to initiating work, Petitioner must obtain all required permits from the Village's Building Division.
- C. Petitioner must submit a sign permit application to the Village Development Services Department for a separate review as all signs are subject to additional review and approval via the sign permitting process and additional restrictions may apply.
- D. Petitioner must apply for and obtain an Appearance Review approval for any façade changes.

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 granted by 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 development as aforesaid.

SECTION 6

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