

ORDINANCE GRANTING A SPECIAL USE PERMIT – SISTERS BAKERY, INC. (9328 WEST 159th STREET)

WHEREAS, an application seeking a special use permit 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 January 12, 2010, 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 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 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 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 special use permit for a restaurant in the BIZ General Business District as follows:

(a) The Subject Property is located at 9328 West 159th Street in the existing commercial strip center located east of Jewel on 159th Street. The proposal is to place a fast food eatery, small grocery and bakery with 16 seats at this location in a 3,000 square foot unit of the 14,000 square foot existing commercial strip center on a 1.3-acre site and within 330 feet of residential property.

(b) The Subject Property is zoned BIZ General Business District within the Village of Orland Park, Cook and Will Counties, Illinois. The Petitioner, Jamal Alomari, is seeking a special use permit to operate the restaurant on the Subject Property.

(c) The proposed special use will be consistent with the character of the immediate vicinity of the Subject Property. The property to the north of the proposed location is zoned R-4 Residential, containing townhomes. Property to the south, located in Tinley Park, is zoned commercial. Property to the east is zoned BIZ General Business and contains a commercial strip center. Property to the west is also zoned BIZ General Business and contains a grocery store and gas station. The proposed fast food restaurant/grocery/bakery will be compatible with these surrounding uses. No exterior changes to the existing building are proposed.

(d) The proposed special use 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 local commercial. A restaurant is appropriate in such an area.

(e) The design of the proposed special use will minimize any adverse effects, including visual impacts, on adjacent properties. Because the use is entirely indoors, in an existing building, there will be no visual impact except for a sign, which will conform to the Village's sign code. The retail center is designed to accommodate uses like this and appropriate landscaping was included as part of the retail center design. Parking is adequate in the center so there will be no impact on accessibility to adjacent properties.

(f) 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 special use at an adequate level of service. The commercial strip center is generally located on 159th Street, east of Jewel. Access to the strip center is available from Jewel's eastern service drive that connects with 159th Street at a signalized intersection.

(g) 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.

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

(i) 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

A special use permit in the BIZ General Business District, subject to the conditions below, is hereby granted and issued to Sisters Bakery, Inc., 9328 West 159th Street, for the operation of a 3,000 square foot fast food restaurant/grocery/bakery with 16 seats and within 330 feet from residential properties, in a unit of the existing commercial strip center. The Subject Property is legally described as follows:

PARCEL 1:

LOT 1, EXCEPT THAT PART THEREOF DEDICATED FOR PUBLIC STREET PER DOCUMENT NO. 95071097, IN KNOCHE-REDFEARN SUBDIVISION, BEING A SUBDIVISION OF PART OF THE EAST ½ OF THE SOUTHWEST ¼ OF SECTION 15, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 30, 1982, AS DOCUMENT NO. 26367123, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

EASEMENT FOR THE BENEFIT OF PARCEL 1 FOR VEHICULAR ACCESS, CIRCULATION AND PARKING, PEDESTRIAN TRAFFIC AND THE USE OF CUSTOMERS, INVITEES, LICENSEES, AGENTS AND EMPLOYEES OF THE OWNER AND BUSINESS OCCUPANTS OF THE LAND CREATED BY DECLARATION OF RESTRICTIONS AND GRANT OF EASEMENT RECORDED AUGUST 28, 1996, AS DOCUMENT NO. 96559797; AND AMENDED BY AMENDMENT TO DECLARATION OF RESTRICTIONS AND GRANT OF EASEMENTS DATED SEPTEMBER 7, 2004, AND RECORDED SEPTEMBER 14, 2004, AS DOCUMENT NO. 0425632082 SAID AMENDMENT CORRECTED BY INSTRUMENT RECORDED MAY 13, 2005, AS DOCUMENT NO. 0513303019, BETWEEN JETCO PROPERTIES, INC. AND ORLAND PARK RETAIL OUTLOT LLC, OVER THE FOLLOWING DESCRIBED LAND:

LOTS 3, 4 AND 5 ALL IN KNOCHE-REDFEARN SUBDIVISION IN THE SOUTHWEST ¼ OF SECTION 15, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, AND LOTS 1 AND 2 IN THE RESUBDIVISION OF PART OF LOTS 2 AND 6 IN KNOCHE-REDFEARN SUBDIVISION OF PART OF THE EAST ½ OF THE SOUTHWEST ¼ OF SECTION 15, AFORESAID.

PARCEL 3:

EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY RECIPROCAL GRANT OF EASEMENT AND AGREEMENT RECORDED AS DOCUMENT NO. 97885291 FOR A NON-EXCLUSIVE EASEMENT FOR PEDESTRIAN AND VEHICULAR USE AND RIGHT OF PRIVILEGE TO USE, WITHOUT COST OR CHARGE IN COMMON WITH ORLAND AUTO CENTER PARCEL OWNER EAST OF AND ADJOINING AFORESAID PARCEL 1.

This special use permit is subject to the following conditions:

1. That one dedicated dumpster is maintained for Sisters Bakery and stored in the existing brick enclosure;

2. This approval is subject to Building and Health Code requirements; and
3. All signage is to be approved through a separate permitting process.

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, be amended so as to be in conformance with the granting of the 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.