

ORDINANCE GRANTING A SPECIAL USE PERMIT – QUIZNO’S CLASSIC SUBS (11243 WEST 143<sup>rd</sup> 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 LSPD Lange Scale Planned Development District as follows:

(a) The Subject Property is located at 11243 West 143<sup>rd</sup> Street in the existing Shops of Orland retail center. The proposal is to place a 30-seat restaurant at this location in a 1,513 square foot unit of the 1.95-acre center and within 330 feet of residential property in the Courtyards of Orland Park subdivision.

(b) The Subject Property is zoned LSPD Large Scale Planned Development District within the Village of Orland Park, Cook and Will Counties, Illinois. The Petitioner, Swaufield LLC., 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 restaurant location is zoned R-4 Residential, containing townhomes. Property to the south is zoned LSPD Large Scale Planned Development District and is vacant. Property to the east is zoned LSPD and is part of the retail center, containing a variety of retail uses. Property to the west is also zoned LSPD and contains a bank. The proposed restaurant will be compatible with these surrounding uses. The Large Scale Planned Development, when adopted for the area including the Subject Property, contemplated restaurants and retail uses for the commercial areas shown on the concept plan for the development. 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 Intensity Service/Distribution. 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. A loading space needs to be designated for the restaurant.

(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. Shops of Orland is generally located at the intersection of 143<sup>rd</sup> Street and Wolf Road. Access to both streets is available for the proposed restaurant.

(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 LSPD Large Scale Planned Development District, subject to the conditions below, is hereby granted and issued to Quizno's Classic Subs, 11243 West 143<sup>rd</sup> Street, for the operation of a 1,513 square foot restaurant with 30 seats, 13 parking spaces and within 330 feet from residential properties in the Courtyards of Orland Park subdivision, in a unit of the existing Shops of Orland retail center on the Subject Property. The Subject Property is legally described as follows:

LOT 1 IN THE RESUBDIVISION OF LOT 2 IN KANN COMMERCIAL SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 8, 2001 AS DOCUMENT NUMBER 0011054899 IN COOK COUNTY ILLINOIS.

This special use permit is subject to the condition that the restaurant be developed pursuant to the submitted floor plan entitled "Floor Plan", prepared by the Petitioner, Peter Swaufield, received December 1, 2009, subject to the following conditions:

1. That a loading space in the rear of the restaurant be designated by a sign and striping;
2. That a separate garbage enclosure be required for Quizno's that is wooden or non-white vinyl and solid/opaque fence with gates for access; and
3. That the regulations of Special Use Ordinance 3738 are applied.

### 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.