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ORDINANCE GRANTING A SPECIAL USE PERMIT FOR CALIENTE MEXICAN  
RESTAURANT – 11030 179<sup>TH</sup> STREET

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WHEREAS, an application seeking a special use permit to operate a restaurant within 300 feet from a residential parcel at 11030 179<sup>th</sup> Street 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, said Plan Commission of this Village held a public hearing on January 24, 2017, 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 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. 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 hearings are also hereby incorporated by reference as fully as if attached hereto. This President and Board of Trustees further finds 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 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.

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 permit to operate a restaurant within 300 feet from a residential parcel at 11030 179<sup>th</sup> Street, as follows:

- (a) The Subject Property is located at 11030 179<sup>th</sup> Street within the Village of Orland Park in Cook County, Illinois. The proposal is to operate a dine-in and carry-out restaurant in the Marley

Creek Commons retail center located at 11000-11060 179<sup>th</sup> Street. The interior of the vacant 1,259 square foot space will be remodeled to accommodate the restaurant and provide for approximately eight (8) dine-in seats. A special use permit is required pursuant to Section 6-207.C.20 of the Land Development Code because the Subject Property is within 300 feet of a residential parcel. A restaurant is an allowable special use for the BIZ General Business District provided that it complies with the procedures and standards set forth in Section 5-105 of the Land Development Code. The Petitioner is not proposing any changes to the exterior of the site. There are no modifications or variances proposed for this project.

(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 proposed land use is compatible with the BIZ General Business District, although it requires a special use permit. The proposed land use is also compatible with the Comprehensive Plan's designation of the Subject Property as Neighborhood Mixed Use.

(c) The proposed development will be consistent with the character of the immediate vicinity of the Subject Property, which is presently zoned R-4 Residential District - Stone Ridge Subdivision Townhomes/Multi-Family to the north, and BIZ General Business District - (across 179<sup>th</sup> Street) Financial Institution/ Fast Food Restaurant/ Vacant Land to the south, R-4 Residential District - (across Bernard Drive) Eagle Ridge II Subdivision to the east, and BIZ General Business District - Commercial Retail Shopping Center to the west, where commercial uses are located. The proposed development will be consistent with the character of the immediate vicinity of the property since Marley Creek Commons contains commercial retail, restaurant, personal service, and office tenants.

(d) The design of the development will minimize adverse effects, including visual impacts, on adjacent properties. The proposed use will fill a vacant space. There will be no changes to the exterior of the site with the exception of signage, which will adhere to the local regulations, and no landscaping to trees will be removed during the project. The proposed site will not alter any entry way that will disrupt access to the property. Although the rear of the building and loading area serving the Marley Creek Commons is adjacent to one-story brick garages for a multi-family building in the Stone Ridge subdivision, all activities associated with the proposed restaurant in the rear loading area will be adequately screened. The rear setback of the building is forty (40) feet from the property line with approximately a ten (10) to thirty (30) foot landscape buffer extending along the rear of the property. In addition to the landscaping, a masonry fence and retaining wall will also separate the rear of the retail center from adjacent residences. Opaque gates will be installed on the existing masonry dumpster enclosure located in the loading area north of the building, and any existing and future grease receptacles will be located within the existing dumpster enclosure areas. Accordingly, there will be no adverse effect on the value of the adjacent property.

(e) 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 and schools will be capable of serving the special use at an adequate level of service. The existing building footprint shall remain. The proposed site will not alter any entry way that will disrupt access to the property. The Subject Property is

accessible from the south by one (1) curb cut on 179<sup>th</sup> Street, accessible from the east by one (1) curb cut on Bernard Drive, and accessible from the west by two (2) curb cuts on Stoneridge Drive. The Subject Property is also accessible via sidewalks along 179<sup>th</sup> Street, Bernard Drive, and Stoneridge Drive, which connect to the Marley Creek Common's retail center's interior walkway and provide direct access for pedestrians to the shopping plaza's businesses. The Marley Creek Common's parking lot can accommodate the requisite number of parking spaces for the Subject Property, and an additional handicapped accessible parking space will be provided on site to meet the requirements of Section 6-306.D of the Land Development Code. Prior to restriping the parking lot on the Subject Property, a building permit will be submitted to the Development Services Department for review.

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

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

(h) 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

A special use for the operation of a restaurant at 11030 179<sup>th</sup> Street, which is located within 300 feet from a residential parcel, is hereby granted and issued to Caliente Mexican Restaurant for the following described property, subject to the conditions below:

LOT 4 IN MARLEY COMMONS BEING A RESUBDIVISION OF PART OF LOT 1 IN EAGLE RIDGE ESTATES BEING A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 32, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, COOK COUNTY, ILLINOIS.

PIN: 27-32-101-012-0000

This special use permit is subject to the following conditions:

- A. That a Building permit is submitted to the Building Department.
- B. That the Petitioner complies with all Building and Health Code requirements.
- C. That all mechanical equipment is screened, either at grade level with landscaping or hidden behind the roofline.
- D. That any new signage is approved through a separate permitting process.
- E. That four (4) handicapped accessible parking spaces are provided in the existing parking lot and meet the requirements of Land Development Code Section 6-306.D.

F. That opaque gates are installed on the existing garbage enclosure at the rear of the Subject Property and meet the requirements of Land Development Code Section 6-302.D. All existing and future grease receptacles must be located inside the dumpster enclosure areas.

#### **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 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 granting of the special use as aforesaid.

#### **SECTION 6**

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