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## ORDINANCE GRANTING A SPECIAL USE PERMIT – PIZZA HUT (7842 159<sup>TH</sup> STREET)

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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 13, 2015, 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 7842 159<sup>th</sup> Street in the existing Patio Retail Center. The proposal is to place a carry-out only restaurant at this location in an approximately 1,151 square foot unit of the existing strip center located on the site and within 300 feet of residential property to the north.

(b) The Subject Property is zoned BIZ General Business District within the Village of Orland Park, Cook and Will Counties, Illinois. The Petitioner, Misti Stewart of Franchise Management Investors US, LLC, a Delaware limited liability company, is seeking a special use permit to operate the carry-out only 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 and contains single family attached residential. Property to the south contains commercial, retail property and is located outside of the boundaries of the Village. Property to the east is zoned BIZ General Business District and contains a restaurant. Property to the west is zoned Biz General Business District and contains commercial and retail uses. The proposed restaurant will be compatible with these surrounding uses. Patio Retail Center includes other commercial uses, including cleaners, offices and other retail uses, and the restaurant is compatible with those. No exterior changes to the existing building are proposed other than a new sign.

(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 Community Commercial. A carry-out 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. 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.

(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 Patio Retail Center is generally located along the north side of 159<sup>th</sup> Street, west of 78<sup>th</sup> Avenue Street. Access to the site is available from a full-access curb cut on 159<sup>th</sup> Street and from a cross-access connection that lead through the existing commercial development from 80<sup>th</sup> Avenue to 78<sup>th</sup> Avenue.

(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 Pizza Hut, 7842 159<sup>th</sup> Street, for the operation of a 1,151 square foot carry-out only restaurant, within 300 feet from residential properties, in a unit of the existing Patio Retail Center on the Subject Property. The Subject Property is legally described as follows:

Lot 2 in the Patio subdivision, being part of the west half of the southwest quarter of section 13, Township 36 North, Range 12 East of the Third Principal Meridian, In Cook County, Illinois.

PIN: 27-13-317-005-0000

This special use permit is subject to the following conditions:

1. That Petitioner comply with all Building and Health Code requirements; and
2. That all new signage is 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, shall 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.