

ORDINANCE GRANTING A SPECIAL USE FOR A RESTAURANT WITHIN 300 FEET OF A RESIDENTIAL PROPERTY (LA MICHIOCANA AZTECA ICE CREAM SHOP – 9173-9177 W. 151<sup>ST</sup> STREET)

WHEREAS, an application seeking a special use for a restaurant within 300 feet of a residential property 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 October 8, 2019, 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 October 8, 2019, public hearing by publication not more than thirty (30) days nor less than fifteen (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 with this President and Board of Trustees its report of findings and recommendations that the requested special use be granted, 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 Plan Commission has made its report of findings and recommendations, and such are hereby adopted by reference as findings of this President and Board of Trustees as fully as if completely set forth at length herein. All exhibits submitted at the aforesaid public hearing are also incorporated by reference into this Ordinance. This President and 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, is consistent with the Comprehensive Plan of the Village, 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 as follows:

- a) The Subject Property is located within the Village of Orland Park in Cook County, at 9173-9177 W. 151st Street and is zoned BIZ General Business District. It is an approximately 1.2-acre site.

- b) Specifically, Petitioner, La Michiocana Azteca Ice Cream Shop, proposes to construct an approximately 2,700 square foot 52 seat restaurant within 2 vacant tenant spaces of a shopping center (Regent Retail Center) within 300 feet of residential parcels.
- c) The proposed special use is consistent with the character of the immediate vicinity of the Subject Property. The immediately surrounding properties are permitted business uses within an existing shopping center. The shopping center within which the restaurant is to be located is zoned BIZ General Business. A restaurant within 300 feet of a residential parcel is an enumerated special use in the BIZ General Business District, and the special use to allow for this restaurant use is consistent with the shopping center uses.
- d) Beyond the shopping center property, the proposed special use is consistent with the character of the immediate vicinity. To the north (across 151<sup>st</sup> Street) is retail (Orland Square) in the COR Mixed Use Zoning District; to the south is R-3 Residential Zoning (Village Square or Orland Subdivision); to the east is a retail center zoned BIZ General Business; and to the west (across Regent Drive) is open land zoned BIZ General Business.
- e) The 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 Regional Mixed-Use. The restaurant in this shopping center tenant space will be consistent with this designation. There will be adequate parking and landscaping.
- f) The design of the proposed special use will minimize any adverse effects, including visual impacts, on adjacent properties. The restaurant space has been designed to blend in with the adjacent commercial uses and to eliminate any potential adverse impacts on adjacent properties.
- g) 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.
- h) 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.
- i) The development will not adversely affect a known archaeological, historical or cultural resource.

- j) 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

Subject to the conditions below, a special use permit for a restaurant within 300 feet of a residential parcel in the BIZ General Business Zoning District, is hereby granted and issued for an approximately 2,700 square foot restaurant, to be located on property legally described as:

LOT 1 AND THE WEST 90 FEET OF LOT 2 IN ORLAND SQUARE VILLAGE UNIT II, BEING A SUBDIVISION OF PART OF THE NORTHEAST ¼ OF SECTION 15, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

PIN: 27-15-200-003-0000, 27-15-200-014-0000

COMMONLY KNOWN AS: 9173-9177 W. 151<sup>ST</sup> STREET IN ORLAND PARK, ILLINOIS.

and is subject to the following conditions:

The Subject Property shall be developed substantially in accordance with the plans and testimony submitted to the Plan Commission at the October 8, 2019, public hearing subject to the following conditions:

- a) Petitioner must meet all Building and Land Development Code requirements;
- b) Petitioner must obtain all necessary permits from the Village's Building Division prior to initiating any work on the site;
- c) Signage is subject to additional Village review and approval via the sign permitting process and additional restrictions may apply;
- d) Petitioner must add two (2) handicap parking spaces located at the front of the building and centered in the middle; and
- e) Village shall work with the Regent Retail Center owner to repair the fence at the rear of the Center property.

### SECTION 4

The Petitioner hereunder shall at all times comply with the terms and conditions of this special use, covering the Subject Property, except as specifically amended by this or another Ordinance, and in the event of non-compliance, said 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 this special use permit as aforesaid.

#### SECTION 6

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