

ORDINANCE GRANTING A SPECIAL USE PERMIT – HIBACHI GRILL & SUPREME BUFFET (7300 W. 159<sup>TH</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 10, 2012, 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 7300 W. 159<sup>th</sup> Street in the existing Home Depot shopping center. The proposal is to place a 10,865 square foot restaurant in an existing tenant space located on the site and within 330 feet of residential property to the north and northwest.

(b) The Subject Property is zoned BIZ General Business District within the Village of Orland Park, Cook and Will Counties, Illinois. The Petitioner, Jacky Chen, is seeking a special use permit to operate a 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 BIZ General Business District and contains a vacant parcel. The property to the south (across 159<sup>th</sup> Street) is located in Tinley Park and contains commercial property. The property to the east and west is zoned BIZ General Business District. To the north and northwest of the Subject Property are residential parcels. The proposed restaurant will be compatible with these surrounding uses. 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 Local Intensity Service Distribution. Another restaurant recently opened in this shopping center. 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. 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 Home Depot shopping center is generally located at the northwest corner of 159<sup>th</sup> Street and Harlem Avenue. Access to the site is available from Harlem Avenue and 159<sup>th</sup> Street.

(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. Petitioner is required to provide a bicycle rack near the main entrance.

(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 Hibachi Grill & Supreme Buffet, 7300 W. 159<sup>th</sup> Street, for the operation of a 10,865 square foot restaurant within 330 feet from residential properties, in a unit of the existing Home Depot shopping center on the Subject Property. The Subject Property is legally described as follows:

**PARCEL 1**

LOT 1 OF THE COMMONS, BEING A SUBDIVISION OF THE SOUTH 865 FEET OF THE WEST 882 FEET OF THE EAST 952 FEET OF THE SOUTH ½ OF THE SOUTHEAST ¼ OF SECTION 13 TOWNSHIP 36 NORTH RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPTING THEREFROM THE SOUTH 150 FEET OF THE EAST 220 FEET OF SAID SOUTH ½ OF THE SOUTHEAST ¼ OF SAID SECTION 13, EXCEPT LAND DEDICATED FOR HIGHWAY OR STREET PURPOSES IN COOK COUNTY, ILLINOIS.

**PARCEL 2**

THE NORTH 415 FEET OF THE SOUTH 665 FEET OF THE WEST 160 FEET OF THE EAST 1112 FEET AND THE SOUTH 250 FEET OF THE WEST 198 FEET OF THE EAST 1150 FEET OF THE SOUTH ½ OF THE SOUTHEAST ¼ OF SECTION 13 TOWNSHIP 36 NORTH RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPTING THEREFROM THAT PART TAKEN PURSUANT TO ORDER ENTERED IN CASE 93L50932 BY THE STATE OF ILLINOIS FOR THE WIDENING OF STREET, IN COOK COUNTY, ILLINOIS.

**PARCEL 3**

EASEMENT FOR THE BENEFIT OF PARCELS 1 AND 2 FOR THE INSTALLATION, USE, MAINTENANCE, REPAIR AND REPLACEMENT OF PUBLIC UTILITIES AS CONTAINED IN GRANTS OF EASEMENT, RECORDED AS DOCUMENTS 22541512 AND 22732102, AND RE-RECORDED AS DOCUMENT 22755969.

**PARCEL 4**

EASEMENT FOR THE BENEFIT OF PARCELS 1 AND 2 FOR CROSS PARKING RIGHTS AS CONTAINED IN GRANT OF EASEMENT RECORDED AS DOCUMENT 22541514, AND AMENDED BY INSTRUMENT RECORDED AS DOCUMENT 94620479 AND RE-RECORDED AS DOCUMENT 94783464.

**PARCEL 5**

EASEMENT FOR THE BENEFIT OF PARCELS 1 AND 2 FOR VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS AS CONTAINED IN GRANT OF EASEMENT RECORDED JULY 26, 2002 AS DOCUMENT 0020823542.

This special use permit is subject to the following conditions:

1. That building permits are obtained prior to construction;
2. That all building code related items are met;

3. That a bicycle rack is located near the main entrance of the restaurant;
4. That a wooden enclosure be constructed around the dumpsters for the restaurant;
5. That all utility conduits are screened from view of the public right-of-way and neighboring properties; and
6. That a separate sign review is conducted and a sign permit is obtained for the proposed signage for the business.

#### 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 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.