

ORDINANCE GRANTING AN AMENDMENT TO A SPECIAL USE PERMIT – CUZZIN’S RESTAURANT (8600 WEST 159<sup>TH</sup> STREET, SUITE 4-B)

WHEREAS, an application seeking an amendment to 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 September 28, 2010 on whether the requested amendment to a 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 amendment to a 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 amendment to a special use permit 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 amendment for a special use permit for a restaurant in the BIZ General Business District as follows:

(a) The Subject Property is located at 8600 West 159<sup>th</sup> Street, Suite 4-B in the existing Seville Plaza Shopping Center. The proposal is to place a restaurant with 72 seats at this location in a 2,800 square foot unit of the existing shopping center located on the site and within 330 feet of residential property.

(b) The Subject Property is zoned BIZ General Business District within the Village of Orland Park, Cook and Will Counties, Illinois. The Petitioner, Mary Ligammari, is seeking an

amendment to the existing special use permit to operate a restaurant with 72 seats on the Subject Property. The Subject Property is the subject of a Special Use Permit granted by Village Ordinance 4263, which permits the operation of a restaurant with 36 seats at this location.

(c) The proposed amendment to a 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-3 Residential District and contains the Orlan Brook Subdivision. Property to the south (across 159<sup>th</sup> Street) is zoned BIZ General Business District and contains Orland Bowl. The property to the east (across 86<sup>th</sup> Avenue) is zoned BIZ General Business District and contains a car dealership. Property to the west is zoned BIZ General Business District and contains the Orlan Brook Subdivision and businesses. The proposed restaurant will be compatible with these surrounding uses. The shopping center includes other restaurants and retail uses, and the restaurant is compatible with those uses. No exterior changes to the existing building are proposed other than a new sign.

(d) The proposed amendment to a 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 Intensity Commercial/Office. A restaurant is appropriate in such an area.

(e) The design of the proposed amendment to a 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 amended special use at an adequate level of service. Seville Plaza Shopping Center is generally located along 159<sup>th</sup> Street and 86<sup>th</sup> Avenue. Access to the site is available from the main drive aisle to the shopping center, which links to 159<sup>th</sup> Street at the south end of the plaza and to 86<sup>th</sup> Avenue on the north/east end of the plaza.

(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 amendment to a 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

An amendment to a special use permit in the BIZ General Business District, subject to the conditions below, is hereby granted and issued to Cuzzin's Restaurant, 8600 West 159<sup>th</sup> Street, for the operation of a 2,800 square foot restaurant within 330 feet from residential properties, in a unit of the existing Seville Plaza Shopping Center on the Subject Property. The Subject Property is legally described as follows:

THAT PART OF THE WEST HALF OF THE SOUTHWEST QUARTER (EXCEPT THE WEST 30 ACRES THEREOF) OF SECTION 14, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT 40 FEET WEST OF THE SOUTHEAST CORNER OF SAID WEST HALF OF THE SOUTHWEST QUARTER; THENCE RUNNING NORTH A DISTANCE OF 578 FEET (MEASURED ALONG A LINE PARALLEL TO AND 40 FEET WEST OF THE EAST LINE OF SAID WEST HALF OF THE SOUTHWEST QUARTER); THENCE WEST ALONG A LINE PARALLEL TO AND 578 FEET NORTH OF THE SOUTH LINE OF SAID WEST HALF OF THE SOUTHWEST QUARTER, A DISTANCE OF 177 FEET TO A POINT; THENCE IN A SOUTHWESTERLY DIRECTION, A DISTANCE OF 590 FEET TO A POINT ON THE SOUTH LINE OF SAID WEST HALF OF THE SOUTHWEST QUARTER WHICH POINT IS 410 FEET WEST OF THE SOUTHEAST CORNER OF SAID WEST HALF OF THE SOUTHWEST QUARTER; THENCE EAST ALONG THE SOUTH LINE OF SAID WEST HALF OF THE SOUTHWEST QUARTER, A DISTANCE OF 370 FEET TO THE PLACE OF BEGINNING AND EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL: BEGINNING AT THE INTERSECTION OF THE WEST LINE OF THE ABOVE DESCRIBED TRACT WITH THE EXISTING NORTH RIGHT OF WAY LINE OF 159<sup>TH</sup> STREET (PER DOCUMENT 10909314); THENCE EAST ALONG SAID NORTH LINE A DISTANCE OF 155 FEET TO A POINT; THENCE NORTH ALONG A STRAIGHT LINE PERPENDICULAR TO SAID NORTH LINE A DISTANCE OF 10 FEET TO A POINT; THENCE WEST ALONG A STRAIGHT LINE PARALLEL WITH AND 10 FEET NORTH OF THE EXISTING NORTH RIGHT OF WAY LINE OF 159<sup>TH</sup> STREET TO THE WEST LINE OF ABOVE SAID TRACT; THENCE SOUTHWESTERLY ALONG SAID WEST LINE TO THE POINT OF BEGINNING, AND EXCEPTING THEREFROM THAT PART TAKEN FOR 159<sup>TH</sup> STREET IN DOCUMENT 10909314, IN COOK COUNTY, ILLINOIS.

This amendment to a special use permit is subject to the condition that the restaurant be developed pursuant to the submitted site plan entitled "Exhibit B Seville Plaza," dated received September 21, 2010 and the floor plan entitled, "Cuzzin's Italian Restaurant Interior Build-Out Cover Sheet Floor Plan" prepared by Doug Fullick Architect, last revised 10.7.10, sheet A-1, subject to the following conditions:

1. That the seating capacity does not exceed 72 seats;
2. That the Seville Plaza owners provide a pedestrian pathway connection connecting the internal sidewalk system to the public sidewalks along 159<sup>th</sup> Street;

3. That signage is approved in a separate review and conforms to Section 6-307 of the Land Development Code;
4. That all utility conduits and equipment are screened from view of the public rights-of-way and from neighboring properties;
5. That all building code related items are met; and
6. That building permits are obtained prior to construction.

#### SECTION 4

The Petitioner hereunder shall at all times comply with the terms and conditions of this amendment to a special use permit and the prior special use permit for the Subject Property, granted by Ordinance 4263, except as any terms and conditions of the prior ordinances are specifically amended by this or another ordinance, and in the event of non-compliance, said permits 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 amendment to a 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.