

..Title/Name/Summary

ORDINANCE GRANTING A SPECIAL USE PERMIT – BLISSFUL BANANA CAFE
(15447 S. 94TH AVENUE)

..Body

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 October 25, 2011, 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 15447 S. 94th Avenue in the existing Mario Tricoci Salon and Day Spa Shopping Center. The proposal is to place a restaurant with 150 seats at this location in a 3,500 square foot unit of the existing shopping center located on the site and within 330 feet of residential property to the south and east.

(b) The Subject Property is zoned BIZ General Business District within the Village of Orland Park, Cook and Will Counties, Illinois. The Petitioner, Cynthia DeZutter, 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 office and retail uses. The property to the south (across Wheeler Drive) is zoned BIZ General Business District and contains a retail shopping center. The property to the east is zoned R-3 Residential District and contains single-family homes. To the south and east of the Subject Property are the multi-family townhomes for the single-family subdivision located to the east. The property to the west is zoned COR Mixed Use District and contains restaurants. The proposed restaurant will be compatible with these surrounding uses. The shopping center includes a cigar lounge and salon, 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 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. An entertainment venue, MoJoe's, operated at this location in the past pursuant to a special use. 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. Mario Tricoci Salon and Day Spa Shopping Center is generally located along 94th Avenue and Wheeler Drive. Access to the site is available only from Wheeler Drive, a local minor collector street, with two full access driveways located near the intersection, with 94th Avenue serving the parking lot and towards the rear of the building.

(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 sidewalk connection to the shopping center as well as bicycle parking facilities.

- (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 Blissful Banana Cafe, 15447 S. 94th Avenue, for the operation of a 3,500 square foot restaurant within 330 feet from residential properties, in a unit of the existing Mario Tricoci Salon and Day Spa Shopping Center on the Subject Property. The Subject Property is legally described as follows:

LOTS 74, 75 and 76 IN ORLAND SQUARE VILLAGE UNIT III, BEING A
SUBDIVISION OF PART OF SECTION 15, TOWNSHIP 36 NORTH, RANGE 12
EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT
THEREOF RECORDED AS DOCUMENT NO. 26541251, IN COOK COUNTY,
ILLINOIS.

This special use permit is subject to the following conditions:

1. That the Petitioner upgrades the old garbage enclosure facility at the rear of the Petitioner's tenant space to meet current enclosure standards for a gated, 100% opaque and non-white vinyl material enclosure;
2. That a sidewalk connection is clearly identified on site linking the storefront sidewalks with the public sidewalk system along Wheeler Drive;
3. That the Petitioner provides bicycle parking facilities at the front of the shopping center;
4. That all building code related items are met; and
5. That building permits are obtained prior to construction.

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.