

## ORDINANCE GRANTING AN AMENDMENT TO A SPECIAL USE FOR PLANNED DEVELOPMENT – TILTED KILT PUB & EATERY

WHEREAS, an application seeking an amendment to a special use for planned development for certain real estate with a modification, 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 February 28, 2012 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 February 28, 2012 public hearing by publication not more than thirty (30) days nor less than fifteen (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 with this President and Board of Trustees its report of findings and recommendations that the requested amendment to a special use for planned development 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 amendment to a special use for planned development 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 amendment to a special use permit for planned development as follows:

(a) The Subject Property is located within the Village of Orland Park in Cook County, at 16255 S. La Grange Road and is zoned COR Mixed Use Core District. It is an approximately 1.5-acre site.

(b) The Subject Property is the subject of Special Use Ordinance No. 3843, which approved the Orland Park Hotel and Conference planned development.

(c) Specifically, Petitioner, Tilted Kilt Pub & Eatery, proposes to construct an approximately 1,505 square foot addition on the north side of an existing 5,150 square foot restaurant building.

(d) Petitioner also requests a modification to reduce the required north side yard setback from fifteen feet (15') to ten feet (10'). This modification will not negatively impact neighboring property owners because it is on an interior lot line of the planned development. In addition, this modification is offset by the removal of the drive-through lane which was located between the building and the street, reconfiguration of the parking lot, introduction and rehabilitation of green spaces as well as the addition of an outdoor seating area.

(e) Granting the requested modification will enhance the ability of the proposed special use to meet the general standards for all special uses set out in Section 5-105(E) of the Land Development Code.

(f) The proposed amended special use for planned development is consistent with the character of the immediate vicinity of the Subject Property. The surrounding property is zoned COR Mixed Use District on the north, south, east and west. Surrounding properties include the parking lots for the hotel and neighboring restaurant and fitness facility, the hotel and a financial institution. A restaurant is an enumerated special use in the COR District, and amending Ordinance 3843 to allow for an addition to the restaurant use is consistent with these surrounding uses.

(g) The 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 Planned Mixed-Use – Commercial/Residential. The addition to the existing restaurant building will be consistent with this designation. There will be an increase in parking, the removal of the existing drive-through lane and additional landscaping.

(h) The design of the proposed amended special use will minimize any adverse effects, including visual impacts, on adjacent properties. The addition to the existing restaurant building has been designed to blend in with the existing building and to incorporate green space and landscaping to further minimize any potential adverse impacts on adjacent properties.

(i) 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.

(j) 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.

(k) The development will not adversely affect a known archaeological, historical or cultural resource.

(l) The amended 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, an amendment to a special use permit for planned development in the COR Mixed Use Core District, originally granted by Ordinance No. 3843 is hereby granted and issued for an approximately 1,505 square foot addition to an existing 5,150 square foot restaurant, to be located on property legally described as:

LOT 2 OF THE ORBITZ GROUP LLC SUBDIVISION, A SUBDIVISION OF THE SOUTHWEST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  OF SECTION 22, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

This amendment to a special use permit for planned development permit includes a modification to reduce the north side yard setback from fifteen feet (15') to ten feet (10') and is subject to the following conditions:

The Subject Property shall be developed substantially in accordance with the Preliminary Site Plan appended hereto and incorporated herein as EXHIBIT A entitled "Tilted Kilt Pub & Eatery," prepared by Big Red Rooster, dated February 21, 2012, received March 15, 2012, Sheet X-0.0, subject to the following conditions:

1. A Final Landscape Plan, which meets all Village Codes, shall be submitted by the Petitioner for separate review within 60 days of final engineering approval;
2. All building code related items must be met;

3. The relocated triple basin grease trap must be screened from view of neighboring properties with landscape screening; and
4. Petitioner must work with staff on the landscape plan to maximize the visibility of the building within Code requirements.

The Subject Property shall also be developed substantially in accordance with the Elevations appended hereto and incorporated herein as EXHIBIT B, entitled "Tilted Kilt Pub & Eatery," prepared by Big Red Rooster, dated February 21, 2012, received March 15, 2012, Sheets X-3.0 and X-3.1, subject to the following condition:

1. Screen all mechanical equipment either at grade level with landscaping or hidden behind the roofline.

#### SECTION 4

The Petitioner hereunder shall at all times comply with the terms and conditions of this amended special use for planned development and Ordinance No. 3843, prior special use ordinances covering the Subject Property, except as specifically amended by this or another Ordinance, and in the event of non-compliance, said permit and this amendment 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 amended special use permit for planned development as aforesaid.

#### SECTION 6

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