

ORDINANCE GRANTING A SPECIAL USE PERMIT – THE JOY OF THAI (11013 W. 179<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 April 9, 2013, 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 11013 W. 179<sup>th</sup> Street in the existing Fountain Square shopping center. The proposal is to place a 1,800 square foot restaurant in the existing shopping center, on the east end of the shopping center, and within 330 feet of residential property to the south, north 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, Chiraphorn Lindsey, 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 R-4 Residential District (across 179<sup>th</sup> Street) and contains multi-family residential. The property to the south and east is also zoned R-4 Residential District and contains multi-family residential. The property to the west is zoned BIZ General Business District. The shopping center currently includes a dental practice and a fitness facility. 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 Low Intensity Population. This is the only restaurant 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 indoors, in an existing building, there will be no visual impact except for a sign, which will conform to the Village's sign code. In addition, there will be outdoor seating in the area in front of the store. The shopping center was designed to provide for outdoor seating areas, and it 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 Fountain Square shopping center is generally located at the southeast corner of 179<sup>th</sup> Street and Fountain Circle. Access to the site is available from a right-in/right-out 179<sup>th</sup> Street and the intersection of Fountain Circle and 179<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.

(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 The Joy of Thai, 11013 W. 179<sup>th</sup> Street, for the operation of a 1,800 square foot restaurant within 330 feet from residential properties, in a unit of the existing Fountain Square shopping center on the Subject Property. The Subject Property is legally described as follows:

LOT 2 IN FOUNTAIN VILLAGE SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NUMBER 0618134138, IN COOK COUNTY, ILLINOIS.

This special use permit is subject to the following conditions:

1. Repair the gates of the shared garbage enclosure;
2. Establish a regular schedule of garbage collection to mitigate the restaurant's impact on the shared enclosure;
3. Keep the garbage enclosure in good repair;
4. Work with staff on engineering methods and equipment that would possibly enhance control of the exhaust from the rooftop unit as well as any options to control noise from the outdoor seating area, which may be done during the permitting process.

#### 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.