

ORDINANCE GRANTING A SPECIAL USE PERMIT – SUBWAY (15860 S. WOLF ROAD)

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, scheduled for July 13 and continued to July 27, 2010, 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 15860 S. Wolf Road in the existing County West Plaza Shopping Center. The proposal is to place a restaurant with 24 seats at this location in a 1,200 square foot unit of the existing shopping center located on the site and within 330 feet of residential property to the west.
- (b) The Subject Property is zoned BIZ General Business District within the Village of Orland Park, Cook and Will Counties, Illinois. The Petitioner, Dave Patel, is seeking a special use permit to operate the 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 car wash. Property to the south (across 159th Street) is zoned BIZ General Business District and contains a financial institution. The property to the east (across Wolf Road) is zoned BIZ General Business District and will contain a shopping center. Property to the west is unincorporated Cook County and contains a residential subdivision. 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 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. 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. County West Plaza Shopping Center is generally located along 159th Street and Wolf Road. Access to the site is available from a driveway to the north on Wolf Road, a minor arterial road under IDOT jurisdiction. Access is also available from two driveways off of 159th Street, a major arterial road under IDOT jurisdiction. The first driveway closest to the intersection of 159th Street and Wolf Road is a full access drive. The other driveway is one-way only ingress for the site (northbound) for delivery and back of the center operations.

(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 Subway, 15860 S. Wolf Road, for the operation of a 1,200 square foot restaurant within 330 feet from residential properties, in a unit of the existing County West Plaza Shopping Center on the Subject Property. The Subject Property is legally described as follows:

LOT 2 IN COUNTY WEST PLAZA, BEING A RESUBDIVISION OF LOTS 19 TO 28 INCLUSIVE AND THE EAST 33.00 FEET OF VACATED SOUTH 112TH COURT, IN FRANK DELUGACH'S WOODED ESTATES, BEING A SUBDIVISION OF THE NORTH ½ OF THE EAST ½ OF THE SOUTHWEST QUARTER, THE NORTH ½ OF THE SOUTHEAST 1/4 , THE SOUTHEAST ¼ OF THE SOUTHEAST QUARTER, THE EAST ½ OF THE EAST ½ OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 18, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY ILLINOIS.

This special use permit is subject to the condition that the restaurant be developed pursuant to the submitted floor plan entitled "Subway Store #33643 15860 Wolf Road Orland Park, Illinois 60467 Equipment Plan," prepared by Beron Design Group, project number 3014, dated 5/25/10, sheet number A1-2, and the site plan entitled, "Subway Store #33643 15860 Wolf Road Orland Park, Illinois 60467 Site Plan" prepared by Beron Design Group, project number 3014, dated 5/25/10, sheet number C1-1, subject to the following conditions:

1. That all utility conduits and equipment are screened from view of the public rights-of-way and from neighboring properties;
2. That all building code related items are met; and
3. 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, modifications and variations of this Ordinance 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.

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