

ORDINANCE GRANTING AN AMENDMENT TO A SPECIAL USE FOR PLANNED DEVELOPMENT –BUONA BEEF

WHEREAS, an application seeking an amendment to a special use for planned development 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 noticed for November 8, 2011 and properly continued to December 13, 2011 on whether the requested amendment to a special use permit should be granted, at which times 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 November 8, 2011, 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, on Lot 4 in the Southmoor Commons Subdivision on 131<sup>st</sup> Street just east of LaGrange Road and is zoned BIZ General Business District. It is a 1.1-acre site.
- (b) The Subject Property is the subject of Special Use Ordinances No. 3732, 4194 and 4552, which approved a planned development including commercial, residential and recreational uses and amendments to those ordinances.
- (c) Specifically, Petitioner, Buona Beef, proposes to construct an approximately 3,940 square foot restaurant with a drive-through. The Subject Property is located within 330' of a residential parcel.
- (d) Petitioner also requests several modifications. The first modification is to permit the drive-through aisle to be located between the building and the street. This modification is requested due to the fact that the site contains a 5' grade drop along the front of the site. The second modification is to allow reduced building foundation plantings along 131<sup>st</sup> Street due to the placement of the drive-through lane.
- (e) Granting the requested modifications 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 BIZ General Business District to the south, R-4 Residential District to the east, and E-1 Estate Residential District to the west. The property to the north is commercial property, located outside of the Village. Surrounding properties include Southmoor Commons, residential and Sandburg High School. The proposed use for a restaurant with a drive-through is consistent with the surrounding properties.
- (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 Private Open Space. This designation related to the country club and golf course that is at the core of the planned development. The proposed restaurant will be consistent with this designation. There will be a decrease in the proposed size of the building by over 7,500 square feet from the original proposed building.
- (h) The design of the proposed amended special use will minimize any adverse effects, including visual impacts, on adjacent properties. It has been designed to blend in with the existing facilities and to incorporate additional landscaping to further minimize any potential adverse impacts on adjacent properties and to screen menu boxes.
- (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 BIZ General Business District, originally granted by Ordinance No. 3732 and previously amended by Ordinance Nos. 4194 and 4552, is hereby granted and issued for an approximately 3,940 square foot restaurant with a drive-through (Buona Beef), to be located on property legally described as:

LOT 4 IN THE FINAL PLAT OF SOUTHMOOR COMMONS SUBDIVISION, BEING A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 37 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO PLAT OF SUBDIVISION RECORDED JANUARY 31, 2007 AS DOCUMENT NUMBER 0703106114.

This amendment to a special use permit for planned development permit includes modifications to allow a drive-through aisle to be located between the building and the street and to allow the building foundation plantings along 131<sup>st</sup> Street to be shifted north of the drive-through lane, and is subject to the following conditions:

The Subject Property shall be developed substantially in accordance with the Site Plan appended hereto and incorporated herein as EXHIBIT A entitled "Buona Restaurant – Orland Park New Construction Site Plan," prepared by Hague Architecture, project number 2527, dated October 30, 2011, revised January 6, 2012, subject to the following conditions:

1. A Final Landscape Plan, which meets all Village Codes, shall be submitted by the Developer for separate review within 60 days of final engineering approval that includes the following:

- A. Provide heavy landscape screening around the drive-through lane that exceeds Landscape Code requirements in accordance with Land Development Code Section VI-207.F.4, focused in the general area illustrated on the Site Plan.
  - B. Provide heavy landscaping to screen the menu boxes so they are not visible from the street and that exceeds Landscape Code requirements in accordance with Land Development Code Section VI-207.F.4.
  - C. Include additional landscaping on eastern portion of the lot that exceeds Landscape Code requirements to screen the drive-through aisle from the residential area.
2. At the time of final engineering, verify that the new wall constructed along the northern face of the existing parking lot is essential, and replace with gently sloped land if possible; and
  3. All final engineering and building code related items must be met.

The Subject Property shall also be developed substantially in accordance with the Elevations appended hereto and incorporated herein as EXHIBIT B, entitled "Buona Restaurant – Orland Park New Construction Elevations," prepared by Hague Architecture, dated October 30, 2011, revised January 6, 2012, subject to the following conditions:

1. Screen all mechanical equipment either at grade level with landscaping or hidden behind the roofline; and
2. Obtain signage approval through a separate Sign Permit process.

#### **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 Nos. 3732, 4194 and 4552, 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.