

ORDINANCE GRANTING A SPECIAL USE PERMIT – PIZZERIA BELLA (8112 W. 143<sup>RD</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 June 8, 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 8112 W. 143<sup>rd</sup> Street in the existing Wedgewood Commons Shopping Center. The proposal is to place a restaurant, with carry-out service only, 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 east.

(b) The Subject Property is zoned BIZ General Business District within the Village of Orland Park, Cook and Will Counties, Illinois. The Petitioner, Terry Harper, 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 OS Open Space and contains Wedgewood Estates Park. Property to the south is zoned BIZ General Business and contains a financial institution and is also zoned R-4 Residential District and contains multi-family residential. The property to the east and west (across 82<sup>nd</sup> Avenue) is zoned R-4 Residential District and contains multi-family residential. The proposed restaurant will be compatible with these surrounding uses. The strip center includes other restaurants, 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. Wedgewood Commons Shopping Center is generally located along 143<sup>rd</sup> Street, east of 82<sup>nd</sup> Avenue. Access to the site is available from 82<sup>nd</sup> Avenue and 143<sup>rd</sup> Street via full access driveways. The parking lot is interconnected with shared drive aisles and cross access points with the financial institution.

(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 Pizzeria Bella, 8112 W. 143<sup>rd</sup> Street, for the operation of a 1,200 square foot restaurant with carry-out service only, within 330 feet from residential properties, in a unit of the existing Wedgewood Commons Shopping Center on the Subject Property. The Subject Property is legally described as follows:

LOT 1 WEDGEWOOD PLAZA RESUBDIVISION BEING A RESUBDIVISION OF PART OF LOT 75 IN WEDGEWOOD ESTATES UNIT 2, BEING A SUBDIVISION IN PART OF THE WEST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPTING THEREFROM THAT PART OF SAID LOT 1 WEDGEWOOD PLAZA RESUBDIVISION DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST SOUTHERLY SOUTHWEST CORNER OF SAID LOT 1, THENCE NORTH 0° 00' 00" EAST ALONG THE WEST LINE OF SAID LOT 1 FOR A DISTANCE OF 175 FEET, THENCE SOUTH 89° 59' 42" EAST FOR A DISTANCE OF 5 FEET, THENCE SOUTH 0° 00' 00" WEST FOR A DISTANCE OF 175 FEET TO THE NORTH LINE OF 143<sup>RD</sup> STREET, THENCE NORTH 89° 59' 42" WEST ALONG THE NORTH LINE OF 143<sup>RD</sup> STREET TO THE POINT OF BEGINNING, ALL 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 "Proposed Retail Build-Out Pizzeria Bella 8112 W. 143<sup>rd</sup> Street," prepared by Ideal Custom Designs, dated April 14, 2010, project number 21028, sheet A-2.0, subject to the following conditions:

1. That Petitioner obtain all necessary building permits and comply with all Building Code requirements; and
2. That all utility conduits and rooftop mechanicals that result from this project are screen view of the public right-of-way and from neighboring properties to the east.

#### 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.