

ORDINANCE GRANTING AN AMENDMENT TO A SPECIAL USE PERMIT – PADDY B’S RESTAURANT AND PUB (11967 W. 143<sup>RD</sup> STREET)

WHEREAS, an application seeking an amendment to a special use 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 March 8, 2011, 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 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 amendment to a 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 amendment to a special use permit 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 amendment to a special use permit for a restaurant in the BIZ General Business District as follows:

(a) The Subject Property is located at 11967 W. 143<sup>rd</sup> Street in the existing Pinewood Plaza Shopping Center. The proposal is to expand the existing restaurant, with limited catering service, at this location to include an additional 900 square feet of space in an adjacent vacant retail unit, for a total of 2,700 square feet, and to add outdoor seating at the 41,110 square foot strip center, Pinewood Plaza Shopping Center, located on a 5.3-acre site and within 330 feet of residential property to the north and south.

(b) The Subject Property is the subject of Special Use Ordinance No. 4566, which approved the operation of a restaurant with 1,800 square feet.

(c) The Subject Property is zoned BIZ General Business District within the Village of Orland Park, Cook and Will Counties, Illinois. The Petitioner, Tim F. McCarthy, is seeking an amendment to a special use permit to permit the expansion of the restaurant and to add outdoor seating on the Subject Property.

(d) The proposed amendment to a 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 and contains the Long Run Creek Subdivision. Property to the south contains single family homes and is located outside of the boundaries of the Village. Property to the east is zoned BIZ General Business District and contains a financial institution/bank. Property to the west is outside of the Village and contains a retail shopping center. The proposed expanded restaurant with outdoor seating will be compatible with these surrounding uses. The strip center includes other commercial uses, including other small restaurants, cleaners, salons and medical offices, and the expanded restaurant with outdoor seating is compatible with those. No exterior changes to the existing building are proposed.

(e) The proposed amendment to a special use permit 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. The expanded restaurant is appropriate in such an area.

(f) The design of the proposed amendment to a special use will minimize any adverse effects, including visual impacts, on adjacent properties. Any issues concerning the outdoor seating will be addressed and reviewed through an appearance review, as stated below. The retail center is designed to accommodate uses like this and contains a landscape berm behind the strip center that helps to screen it from the single family homes that abut the center at the rear. A wood fence also extends along the property line between the properties. 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.

(g) 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 amendment to a special use at an adequate level of service. Pinewood Plaza shopping Center is generally located along 143<sup>rd</sup> Street, east of Will-Cook Road. Access to the site is available from an access drive off 143<sup>rd</sup> Street, a state owned minor arterial street, on the east end of the site and an access drive aisle off Will-Cook Road, a county owned minor arterial street, on the west end.

(h) 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.

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

(j) The amendment to 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

An amendment to a special use permit in the BIZ General Business District, subject to the conditions below, is hereby granted and issued to Paddy B's Restaurant and Pub, 11967 W. 143<sup>rd</sup> Street, for the operation of a 2,700 square foot restaurant with limited catering service and outdoor seating, within 330 feet from residential properties, in a unit of the existing Pinewood Plaza Shopping Center on the Subject Property. The Subject Property is legally described as follows:

#### PARCEL A

LOT 84 (EXCEPT THAT PART LYING EAST OF THE FOLLOWING DESCRIBED LINES: BEGINNING AT A POINT ON THE NORTH LINE THEREOF 337.75 FEET NORTH 89 DEGREES 59 MINUTES 57 SECONDS WEST OF THE NORTHEAST CORNER OF SAID LOT; THENCE SOUTH 00 DEGREES 00 MINUTES 03 SECONDS WEST 75.0 FEET; THENCE SOUTH 05 DEGREES 26 MINUTES 28 SECONDS WEST 63.29 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 03 SECONDS WEST 222.0 FEET TO A POINT IN THE SOUTH LINE THEREOF 364.32 FEET WEST OF THE SOUTHEAST CORNER THEREOF) IN PINEWOOD P.U.D. UNIT ONE, BEING A SUBDIVISION IN THE NORTHWEST ¼ OF SECTION 7, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

#### PARCEL B

THAT PART OF LOT 84 OF PINEWOOD P.U.D. UNIT ONE, BEING A SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 84; THENCE NORTH 88 DEGREES 15 MINUTES 30 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 84, 451.15 FEET; THENCE SOUTH 1 DEGREE 44 MINUTES 30 SECONDS EAST 62.22 FEET; THENCE SOUTH 88 DEGREES 15 MINUTES 30 SECONDS WEST, 136.78 FEET; THENCE SOUTH 88 DEGREES 25 MINUTES 30 SECONDS WEST, 382.58 FEET TO THE WEST LINE OF SAID LOT 84; THENCE NORTH 1 DEGREE 47 MINUTES 43 SECONDS WEST ALONG SAID WEST LINE, 199.00 FEET TO THE POINT OF BEGINNING IN COOK COUNTY, ILLINOIS.

This amendment to a special use permit is subject to the following conditions:

1. That all building permits are obtained prior to construction;

2. That all building code related items are met;
3. That the layout of the outdoor seating area is administratively reviewed through an appearance review when the petitioner is ready to establish the outdoor seating area.

#### SECTION 4

The Petitioner hereunder shall at all times comply with the terms and conditions of this amended special use and Ordinance No. 4566, 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, be amended so as to be in conformance with the granting of the amendment to a 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.