



Legislation Details (With Text)

File #: 2019-0661 **Version:** 1 **Name:** ORDINANCE GRANTING A SPECIAL USE FOR A RESTAURANT WITHIN 300 FEET OF A RESIDENTIAL PROPERTY (LA MICHIOCANA AZTECA ICE CREAM SHOP - 9173-9177 W. 151ST STREET)

Type: ORDINANCE **Status:** PASSED

File created: 9/5/2019 **In control:** Board of Trustees

On agenda: 11/18/2019 **Final action:** 11/18/2019

Title: LaMichiocana Azteca - Special Use

Code sections:

Attachments: 1. Photos, 2. Plans, 3. Aerials, 4. Standards, 5. Ordinance

| Date | Ver. | Action By | Action | Result |
|------------|------|---------------------------------|--------------------------|-----------|
| 11/21/2019 | 3 | Village Clerk | | PUBLISHED |
| 11/18/2019 | 2 | Board of Trustees | | |
| 11/18/2019 | 2 | Development Services Department | INTRODUCED TO BOARD | |
| 10/21/2019 | 1 | Board of Trustees | | |
| 10/21/2019 | 1 | Development Services Department | INTRODUCED TO BOARD | |
| 10/8/2019 | 0 | Plan Commission | | |
| 10/8/2019 | 0 | Development Services Department | INTRODUCED TO COMMISSION | |

Title/Name/Summary

LaMichiocana Azteca - Special Use

History

QUICKFACTS

PROJECT:

LaMichiocana Azteca Ice Cream Shop - Special Use - 9173 & 9177 151st Street

PETITIONER:

Ayala Ventura - LaMichiocana Azteca Owner
Hussein Yousef - Zenex Construction Inc.

REQUESTED ACTION:

Special Use Permit

PURPOSE:

To open and operate an Ice Cream Shop, considered a restaurant, in a 2700 square foot tenant space located at 9173-77 West 151st Street in the Regent Retail Center.

ATTACHMENTS:

Responses to the Eight Special Use Standards, Floor Plan, Site Plan, Aerials

APPLICABLE REGULATIONS:

Section 6-207 (BIZ General Retail District), Section 5-105 (Special Use Permits)

PROJECT ATTRIBUTES:

Address: 9173-77 W. 151st Street

P.I.N.(s): 27-15-200-003-0000

Tenant Space Size: 2700 Square Feet

Building Size: 20,000 Square Feet

Lot Size: 1.38 Acres

Comprehensive Plan Planning District: Regional Core Planning District

Comprehensive Land Designation: Regional Mixed Use (promote improvements to aging commercial)

Existing Zoning: BIZ General Business District

Existing Land Use: Commercial Retail

SURROUNDING ZONING AND LAND USE:

North: (across 151st Street) COR Mixed Use District - Retail (Mall)

South: R-3 Residential District - Village Square or Orland Subdivision

East: BIZ General Business District - Retail Center

West: (across Regent Drive) BIZ General Business District - Open Land

PUBLIC UTILITIES:

Provided on-site

FLOODPLAIN:

None

NATURAL FEATURES:

None

TRANSPORTATION:

The retail center is located at the southeast corner of 151st Street (five-lane minor arterial) and Regent Drive (two-lane local collector).

PLANNING OVERVIEW AND BACKGROUND

The petitioner is proposing to locate a 52-seat ice cream shop/restaurant (2,700 square feet) within an existing 20,000 square-foot shopping center. Issues to be discussed include land use/compatibility, special use, lot size, storm sewer, sanitary sewer, water, traffic, access, parking, loading, emergency access, pedestrian and bicycle access, public transit, garbage enclosure, landscaping, buffering, and signage.

PLAN COMMISSION DISCUSSION

A public hearing was held before the Plan Commission on October 8th, 2019. No members of the public spoke regarding the project. Plan Commissioners spoke in support of the proposal. Light discussion regarding which garbage enclosure would be used by the petitioner took place with two commissioners. Development Services states that should any complaints arise from garbage, code enforcement will work to resolve the concerns.

Overall, the Plan Commission expressed support for the proposed ice cream restaurant and noted that the project meets or exceeds code requirements.

PLAN COMMISSION MOTION

On October 8, 2019, the Plan Commission moved, by a vote of 5-0, to recommend to the Village Board approval of a Special Use Permit for LaMichiocana Azteca to allow for a restaurant within 300 feet of a residential property in the BIZ General Business District, subject to the following conditions:

1. Meet all Building and Land Development Code requirements; and
2. Obtain the necessary permits from the Village's Building Division prior to initiating work, and
3. Submit a sign permit application to the Development Services Department for separate review. Signs are subject to additional review and approval via the sign permitting process and additional restrictions may apply;
4. Add two handicap parking spaces located at the front of the building and centered in the middle;
5. Village to work with the owner of commercial center to repair rear fence.

DEVELOPMENT SERVICES COMMITTEE DISCUSSION

This agenda item is being considered by the Development Services Committee and the Village Board of Trustees on the same night. This case is now before the Village Board of Trustees for final consideration.

Recommended Action/Motion

I Move to waive the requirements of Land Development Code Sections 5-101C.1.b and 5-101C.1.c and to allow the Board of Trustees to proceed with an immediate vote based on the Plan Commission unanimous recommendation;

And

I move to approve a special use permit sought by LaMichiocana Azteca for the operation of an ice cream shop, as recommended at the October 8, 2019, Plan Commission meeting and as fully referenced in the motion below.

THIS SECTION FOR REFERENCE ONLY (NOT NECESSARY TO BE READ)

I move to approve a Special Use Permit for LaMichiocana Azteca to allow for a restaurant within 300 feet of a residential property in the BIZ General Business District, subject to the following conditions:

1. Meet all Building and Land Development Code requirements; and
2. Obtain the necessary permits from the Village's Building Division prior to initiating work, and
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