



# VILLAGE OF ORLAND PARK

14700 Ravinia Avenue  
Orland Park, IL 60462  
[www.orland-park.il.us](http://www.orland-park.il.us)

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**Ordinance No: 4433**

**File Number: 2008-0631**

ORDINANCE GRANTING A SPECIAL USE PERMIT - MOJOE'S CAFÉ (15750 S. HARLEM AVENUE)

## VILLAGE OF ORLAND PARK

STATE OF ILLINOIS, COUNTIES OF COOK AND WILL

Published in pamphlet form this 2nd day of December, 2008 by authority of the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois.

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ORDINANCE GRANTING A SPECIAL USE PERMIT - MOJOE'S CAFÉ (15750 S. HARLEM AVENUE)

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 October 28, 2008, 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 SouthtownStar, a newspaper of general circulation in this Village, there being no newspaper published 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 conditions 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 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 special use 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 special use permit for a coffee house/restaurant and entertainment venue in one of the store fronts of an existing commercial center as follows:

# VILLAGE OF ORLAND PARK

## Ordinance No: 4433

- (a) The Subject Property is located in an existing commercial center at 15750 South Harlem Avenue, and is zoned BIZ General Business District within the Village of Orland Park, Illinois. The Petitioner, Marc Bernal, is seeking a special use permit for a restaurant/coffee house and a theater/entertainment venue, which are Special Uses in the BIZ General Business District. (The coffee house/restaurant is 70 feet from the nearest residentially zoned property. A special use permit is required for any restaurant use within 330 feet of residentially zoned property).
- (b) The proposal is for a coffee house/restaurant and entertainment venue. Coffee, espresso, smoothies and other similar beverages will be the primary menu items. Alcohol will not be served. Food items will not be offered. A 75-seat café will be located at the rear of the 6,000 square foot facility and a “Live Room” at the front with a capacity to hold 490 people standing or 200 seated.
- (c) The Petitioner intends to have theatrical and musical events in the Live Room and rent the area for parties at other times. A stage area for musicians will be toward the south side of the Live Room. A corridor will run along the north wall for access to the café area without going through the Live Room. A maximum of ten (10) employees is anticipated.
- (d) The hours of operation were discussed extensively. Petitioner will be permitted to operate until 2:00 a.m. unless there is a significant impact on the residential neighborhood to the west, which would merit an earlier closing time to be determined by the Development Services Department.
- (e) The proposed special use will be consistent with the character of the immediate vicinity of the Subject Property. The surrounding property is zoned BIZ General Business District to the north, south and east. Property to the north is the Intercontinental Plaza commercial center, property to the south is Home Depot. Property to the east is Republic Bank. Property to the west is zoned R-4 Residential and contains multi-family homes. The restaurant/coffee house/entertainment venue as conditioned by this Ordinance will be consistent with these surrounding uses.
- (f) 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 Community Intensity Commercial/Office. A restaurant/coffee house/entertainment venue is appropriate in such an area.
- (g) The design of the proposed special use will minimize any adverse effects, including visual impacts, on adjacent properties. The restaurant/coffee house/entertainment venue will occupy about 6,000 square feet, seat up to 75 persons in the café area and seat 200 or stand 490 in the Live Room. All façade improvements will match the existing architecture. Patrons of a show or party will exit directly into the

# VILLAGE OF ORLAND PARK

## Ordinance No: 4433

parking lot; the rear doorway, closest to the residential area, will not be used by patrons at all. The proposed special use as conditioned by this Ordinance will not have an adverse effect on the value of adjacent property.

(h) 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. The commercial center has access to Harlem Avenue, as well as access to 157th Street. Parking on the commercial center site is adequate for this use because the hours for MoJoe's will not conflict with other uses in the Intercontinental Plaza or with Heritage Bank.

(i) 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.

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

(k) 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 by this or another Ordinance.

### SECTION 3

A special use permit for MoJoe's Café is hereby granted per the submitted floor plan titled "MoJoe's Floor Plan 15750 Harlem Avenue," prepared by Marc Bernal, received 10-20-08, as a 6,000 square foot coffeehouse/restaurant and entertainment venue with a total rented party room capacity of 200 seats, a separate total entertainment venue standing-room only capacity of 490 people and a café/sales area for 75 seats in the BIZ General Business District for a total maximum occupant load of 575 people (including 10 employees) to be located on property legally described as:

THE WEST 545.597 FEET OF THE EAST 615.597 FEET OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPTING THEREFROM THE SOUTH 665.00 FEET THEREOF AND ALSO EXCEPTING THEREFROM THE NORTH 100.00 FEET THEREOF AND ALSO EXCEPTING THEREFROM THE SOUTH 150.00 FEET OF THE NORTH 250.00 FEET OF THE WEST 250.00 FEET OF THE EAST 320.00 FEET THEREOF), IN COOK COUNTY, ILLINOIS.

# VILLAGE OF ORLAND PARK

## Ordinance No: 4433

This special use is within 330 feet from residential properties in the Colonades subdivision and is subject to the following conditions:

1. That parking at the rear of the facility is not permitted for patrons and that parking at the rear is not permitted after 6:00 p.m.;
2. That MoJoe's Café does not use the rear doorway on the west elevation of the building for anything but loading/unloading of deliveries and supplies;
3. That MoJoe's Café install a separate garbage dumpster and a garbage enclosure that has a solid wooden or non-white vinyl colored fence behind its facility;
4. That the existing doors on the east facing elevation be moved to the last set of windows on the same elevation and that windows replace the doors at their current location prior to occupancy;
5. That all façade improvements match the existing architecture;
6. That the corridor hallway for MoJoe's Café be built and operational prior to issuance of any occupancy permits;
7. That a security plan is approved by the Orland Park Police Department prior to occupancy;
8. That the Petitioner/MoJoe's satisfies all requirements of the Orland Fire Protection District prior to occupancy;
9. That MoJoe's is limited to operate until two (02:00) a.m. unless there is a significant impact on the neighborhood to the west to merit an earlier closing time determined by the Development Services Department;
10. That tour buses and trucks are parked at the parking stalls immediately along Harlem Avenue;
11. That all mechanical equipment is screened, either at grade level with landscaping or on the roof with a parapet wall of at least three feet in height constructed of materials similar to the building;
12. That no pyrotechnic displays shall be permitted;
13. That any new signage is submitted for approval and permits;

# VILLAGE OF ORLAND PARK

## Ordinance No: 4433

14. That all utility equipment is screened from public view;
15. That all building code related items are met; and
16. That all health code related items are met.

### SECTION 4

The Petitioner hereunder shall at all times comply with the terms and conditions of this special use permit and in the event of non-compliance, said permit 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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PASSED this 1st day of December, 2008

/s/ David P. Maher

**David P. Maher, Village Clerk**

**Aye:** 7 Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler,  
Trustee Gira, and Village President McLaughlin

**Nay:** 0

DEPOSITED in my office this 1st day of December, 2008

/s/ David P. Maher

**David P. Maher, Village Clerk**

APPROVED this 1st day of December, 2008

/s/ Daniel J. McLaughlin

**Daniel J. McLaughlin, Village President**

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/s/ David P. Maher

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**David P. Maher, Village Clerk**