

ORDINANCE GRANTING AN AMENDED SPECIAL USE FOR A PLANNED DEVELOPMENT AND REZONING OF A PORTION OF THE PROPERTY (BMW PARKING LOT EXPANSION 10290-11030 W. 159TH STREET)

WHEREAS, a Petition seeking rezoning and an amended special use for a planned development for certain real estate, as set forth below, has been filed with the Development Services Department 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 (the “Code”); and

WHEREAS, the Plan Commission of this Village held a public hearing on August 31, 2021, on whether the requested rezoning and amended special use permit for a planned development for the BMW Parking Lot expansion 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 August 31, 2021, public hearing by publication not more than thirty (30) days nor less than fifteen (15) days prior to said hearing in the Daily Southtown, 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 rezoning and amended special use for a 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 rezoning and amended special use for a 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 are consistent with and fosters the purposes and spirit of the Code, 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 as follows:

- a) The Subject Property (consisting of Lot 3 and Parcel 1 legally described below) is located within the Village of Orland Park in Cook County, at 10290-11030 W. 159th Street, with Lot 3 zoned BIZ General Business and Parcel 1 zoned E-1 Estate Residential.
- b) Specifically, Petitioner proposes to consolidate Parcel 1 with Lot 3 of the Wolf Point Plaza Planned Development to create a new 320 car motor vehicle parking lot to store motor-vehicle inventory.
- c) The proposed zoning and amended special use is consistent with the character of the immediate vicinity of the Subject Property. To the north is R-3 Residential and open lands; to the south is LSPD Large Scale Planned Development; to the east is E-1 Estate Residential; and to the west is BIZ General Business (Wolf Point Plaza Planned Development.)
- d) The rezoning and amended 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 “Neighborhood Mixed Use”. The new motor vehicle parking lot will be consistent with this designation. The proposed development consists of a parking lot to provide storage for vehicle inventory exclusively.
- e) The conditions on the amended special use as hereinafter set forth in SECTION 4 are reasonable, necessary and appropriate.
- f) The design of the proposed amended special use will minimize any adverse effects, including visual impacts, on adjacent properties. The proposed landscape plan has been designed to represent a significant aesthetic improvement to the site and area and will incorporate landscaping to prevent any potential adverse impacts on adjacent properties. The proposed plan includes a Type 3 buffer yard (10 foot wide landscaping and an 8 foot tall fence) to wrap around the northern end of the parking lot where the development will be visible from 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 amended special use at an adequate level of service.

- 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 amended special use as granted shall in all aspects conform to the applicable regulations of the Code, 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

The Code, as amended, shall be further amended by classifying and rezoning from E-1 Estate Residential to BIZ General Business the following described portion of the Subject Property, to wit:

LEGAL DESCRIPTION:

PARCEL 1:

THE WEST 400 FEET OF THE SOUTH 544.5 FEET OF THE SOUTH 60 ACRES OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 17, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

SECTION 4

Subject to the conditions in SECTION 5 below, the amended special use permit for a planned development for the BIZ General Business Zoning District, is hereby granted and issued for a 320 car motor vehicle parking lot to serve as motor vehicle inventory storage in connection with the adjoining BMW dealership to be located on property legally described as:

LEGAL DESCRIPTION:

LOT 3:

LOT 3 OF WOLF POINT PLAZA, BEING A SUBDIVISION OF THE SOUTH 20 ACRES OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

AND

PARCEL 1:

THE WEST 400 FEET OF THE SOUTH 544.5 FEET OF THE SOUTH 60 ACRES OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 17, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 27-17-301-013 & 27-17-315-003

COMMONLY KNOWN AS: 10290 - 11030 W 159th Street in Orland Park, IL.

SECTION 5

This amended special use permit for a planned development is subject to the following conditions:

A. The Subject Property shall be developed substantially in accordance with the Final Site Plan titled “BMW Parking Lot Expansion Plans” prepared by Joseph A. Schudt and Associates, dated October 27, 2020, and last revised December 6, 2021, attached hereto and made a part hereof as “EXHIBIT A”, subject to the following conditions:

1. Petitioner must meet all final engineering and building code related items, including required permits from outside agencies; and
2. The detention pond and associated stormwater management facilities shall be privately owned and maintained in perpetuity by the Petitioner and successors in title.

B. The Subject Property shall be developed substantially in accordance with the Final Landscape Plan titled “Landscape Plan for BMW of Orland Park Parking Lot Expansion”, prepared by Metz and Company dated November 3, 2020, last revised November 12, 2021, attached hereto and made a part hereof as “EXHIBIT B”, subject to the following conditions:

1. Petitioner must submit a final landscape plan, and supporting documentation to meet all Village Code requirements in conjunction with final engineering;
2. Petitioner must meet all tree mitigation and tree preservation requirements of Section 6-305.F. of the Code including payment of fines and fees;

C. The Subject Property shall be subdivided as depicted on the “Final Plat of Ziegler BMW Orland Park Consolidation” prepared by Joseph Schudt and Associates, dated April 27, 2021, and last revised December 6, 2021, provided a final Record Plat of Subdivision is submitted to the Village for approval, execution and recording.

SECTION 6

The Petitioner hereunder shall at all times comply with the terms and conditions of this amended special use permit except as specifically amended by this or another Ordinance, and in the event of non-compliance, said permit and this amended special use permit shall be subject to revocation by appropriate legal proceedings.

SECTION 7

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 rezoning and amended special use permit for a planned development as aforesaid.

SECTION 8

All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, repealed and this Ordinance shall be in full force and effect from and after its passage as provided by law.