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ORDINANCE GRANTING AN AMENDMENT TO A SPECIAL USE PERMIT –  
SOUTHMOOR

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WHEREAS, an application seeking an amendment to 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 September 8, 2009, 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 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 amendment to a 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 amendment to a special use permit to delete the current land restrictions and replace them with uses and special uses allowed in the BIZ General Business Zoning District in the Southmoor Commons commercial development in place as follows:

(a) The Subject Property is located at the southeast corner of 131<sup>st</sup> Street and LaGrange Road and is zoned BIZ General Business District within the Village of Orland Park, Cook and Will Counties, Illinois. The Petitioner, V-Land Orland Park 131<sup>st</sup> LLC, is seeking an amendment to

an existing special use permit for a shopping center located on the Subject Property. The Subject Property is the subject of a Special Use Permit granted by Village Ordinance 3719.

(b) Specifically, Petitioner proposes to delete the current land use restrictions and to replace them with uses and special uses allowed in the BIZ General Business District, with the exception of the following uses that will be prohibited: animal hospitals, pound shelters and overnight animal boarding, vehicle repair and car washes. In addition, any additional drive in service windows must be approved by the Village Board. The current special use limits the uses to those set forth in the special use and an Annexation Agreement.

(c) The proposed amendment to a special use to allow the uses and special uses allowed in the BIZ General Business District 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 uses currently allowed in the BIZ General Business District are appropriate to the area.

(d) The proposed amendment to a special use is consistent with the community character of the immediate vicinity. The surrounding property is zoned R-4 Residential District to the south and east and contains residences and condominiums in the Southmoor Planned Development. Property to the west is zoned E-1 Estate Residential District and contains Carl Sandburg High School. The proposed amendment includes uses and special uses allowed in the BIZ District, which will be consistent with these surrounding uses.

(e) The design of the proposed special use will be addressed at the time of approval for a specific use, will require compliance with the planned development and will minimize any adverse effects, including visual impacts, on adjacent properties. The allowable uses are complementary to the existing uses and will not have an adverse effect on the value of the adjacent property.

(f) The special use amendment 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 to delete the current land use restrictions and to replace them with uses and special uses allowed in the BIZ General Business District, with the exception of the following uses that will be prohibited: animal hospitals, pound shelters and overnight animal boarding, vehicle repair and car washes and with the additional condition that any additional drive in service windows must be approved by the Village Board is hereby granted and issued to V-Land Orland Park 131<sup>st</sup> LLC for the Subject Property. The Subject Property is legally described as follows:

LOT 1 OF SOUTHMOOR SUBDIVISION BEING A SUBDIVISION IN THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 37 NORTH,

RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, EXCEPT THAT PART CONVEYED TO THE PEOPLE OF THE STATE OF ILLINOIS, DEPARTMENT OF TRANSPORTATION PER DOCUMENT NUMBER 031809058 RECORDED JULY 17, 2003.

#### SECTION 4

The Petitioner hereunder shall at all times comply with the terms and conditions of this amendment to a special use permit and the prior special use permits for the Subject Property, granted by Ordinance 3719, except as any terms and conditions of the prior ordinances are specifically amended by this or another ordinance, and in the event of non-compliance, said permits 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 this 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.