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AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR PLANNED DEVELOPMENT AND REZONING TO BIZ GENERAL BUSINESS (BELLE TIRE-9500 W. 159TH STREET)

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WHEREAS, an application seeking rezoning and a Special Use permit for a Planned Development 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 April 6, 2021, on whether the requested rezoning and Special Use permit for a Planned Development should be granted, at which times 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 Daily Southtown, 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 with the President and Board of Trustees its reports of findings and recommendations that the requested rezoning and Special Use for 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 reports 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 hearings are also incorporated by reference into this Ordinance. This President and Board of Trustees find that the proposed rezoning and Special Use for Planned Development are in the public good and in the best interests of the Village and its residents, are consistent with the Comprehensive Plan of the Village, and are consistent with and foster the purposes and spirit of the Land Development Code of the Village of Orland Park (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 rezoning and Special Use for Planned Development as follows:

- a) The Subject Property as hereinafter legally described is a 1.268 acre parcel located at 9500 W. 159th Street. Said parcel is part of a 2.5 acre parcel, which is to be re-subdivided for purposes of the development hereinafter described. It is zoned E-1 Estate Residential District within the Village of Orland Park, in Cook County, Illinois. The Petitioner is seeking approval of a Special Use for Planned Development. In addition, Petitioner seeks rezoning of the parcel from E-1 Estate Residential to BIZ General Business to accommodate a new 9,800 square foot motor vehicle services and retail tire sales facility.
- b) Granting the Special Use for Planned Development will enhance the ability of the site to meet the standards for all special uses, specifically minimizing adverse effects on adjacent properties, by permitting an attractive design with open space areas.
- c) The proposed rezoning and the Special Use for Planned Development will be consistent with the character of the immediate vicinity of the Subject Property. The Village Comprehensive Plan designates the parcel as “a Regional Core Planning District site with a Regional Mixed Use designation.” The surrounding land uses and zoning are:

North: COR Mixed Use – Commercial Retail (Target);
South: COR Mixed Use – (across 159th Street) Undeveloped land;
East: COR Mixed Use – Commercial retail (Once Upon A Child);
West: BIZ General Business – Medical Office (Physicians Immediate Care)
- d) The proposed Special Use for Planned Development and rezoning are consistent with the purposes, goals, objectives and standards of the Comprehensive Plan, any adopted overlay plan and the Code.
- e) The design of the proposed Special Use for Planned Development will minimize any adverse effects, including visual impacts, on adjacent properties. The residential locations increase the visual attractiveness of the Subject Property, thus minimizing adverse effects. The design meets most setback requirements and will include attractive landscaping to meet Village standards.
- f) The Petitioner has demonstrated that public facilities and services, including but not limited to roadways, park facilities, schools, police protection, hospital and medical services, drainage systems, refuse disposal, water and sewers, will be capable of serving the Special Use for the Planned Development at an adequate level of service.
- g) 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.
- h) The development will not adversely affect a known archaeological, historical or cultural resource.

- i) The Special Use permit for a Planned Development as granted shall in all aspects conform to the applicable regulations of the Code for the district in which the Subject Property is located as well as all applicable regulations and ordinances of the Village, unless specifically addressed in this or another Ordinance.

SECTION 3

A Special Use permit for a Planned Development in the BIZ General Business District, all subject to the conditions below, is hereby granted and issued to on the Subject Property legally described below, and subject to the rezoning granted in Section 4 of this Ordinance:

THE WESTERLY 198.00 FEET OF A TRACT OF LAND BEING PARCEL 1 AND PARCEL 2 COMBINED AND DESCRIBED AS FOLLOWS:

PARCEL 1: LOTS 1 AND 2 IN THE GLEN COOPER SUBDIVISION, BEING PART OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 15, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2: THE EAST 175.0 FEET OF THE WEST 600.0 FEET OF THE SOUTH 279.0 FEET OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 15, EXCEPT THAT PART THEREOF LYING SOUTH OF THE NORTH LINE OF PUBLIC HIGHWAY DEDICATED PER DOCUMENT NO. 10909317, ALL IN TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PINs: 27-15-302-027; 27-15-302-007; 27-15-302-028

COMMONLY KNOWN AS: 9500 West 159th Street in Orland Park, Illinois.

The Special Use permit for Planned Development is subject to the following conditions:

1. The Subject Property shall be developed substantially in accordance with the final site plan entitled "SITE PLAN" prepared by WOOLPERT, INC., Sheet C-200, dated January 30, 2020, last revised June 7, 2021, or as may be subsequently amended and approved by the Village, subject to the following:
 - a. All ground-based and roof-mounted mechanical equipment must be fully screened from view and shall meet Code requirements as set forth in Section 6-308.J.
 - b. Petitioner shall submit a sign permit application to the Village Development Services Department for separate Village review and approval.
 - c. All building code and final engineering related items are met, including required permits from outside agencies.

- d. Petitioner shall submit a re-subdivision plat for “Belle Tire Orland Park Subdivision” for the existing Glen Cooper Subdivision for Village Board review, approval and execution. Said re-subdivision plat must establish the thirty foot (30’) cross-access easement extending from the western boundary to the eastern boundary of the Subject Property at the rear of the Subject Property.
2. The Subject Property shall be developed substantially in accordance with the elevations titled “Building Elevations” on Sheets A201, A202 and A203 dated May 15, 2020, subject to the same conditions set forth in Paragraph 1 above and, additionally:
 - a. all masonry must be anchored veneer type masonry with a 2.625 inch minimum thickness, and
 - b. all engineering and Building Code requirements are met.
3. The Subject Property shall be developed substantially in accordance with the landscape plan entitled “Landscape Plan” Sheet C-500 prepared by WOOLPERT, INC. dated January 8, 2021, subject to the same conditions set forth in Paragraph 1 above.

SECTION 4

The Code shall be further amended by classifying and rezoning the property from the E-1 Estate Residential District to the BIZ General Business Zoning District under Article 6, Section 6-207 of the Code.

SECTION 5

The Petitioner hereunder shall at all times comply with the terms and conditions of the Special Use permit for Planned Development and in the event of non-compliance, said permits shall be subject to revocation by appropriate legal proceedings. The Petitioner shall also comply with all terms and conditions of the Development Agreement between Petitioner and the Village.

SECTION 6

The zoning map of the Village of Orland Park, Cook and Will Counties, Illinois, be amended so as to be in conformance with the rezoning of a portion of the Subject Property and granting of the Special Use permit for Planned Development as aforesaid.

SECTION 7

This Ordinance shall be in full force and effect from and after its passage and approval as required by law.