

ORDINANCE NO. 2021-08

AN ORDINANCE GRANTING AND APPROVING A SPECIAL USE PERMIT TO OPERATE A GAS N' WASH FOR THE PROPERTY COMMONLY KNOWN AS 3800 SOUTH CICERO AVENUE, STICKNEY, ILLINOIS.

WHEREAS, the Village of Stickney (the "Village") is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations related to the effective and orderly development of property located within the Village; and

WHEREAS, the Village President (the "President") and the Board of Trustees of the Village (the "Village Board" and with the President, the "Corporate Authorities") are committed to ensuring the health, safety and welfare of individuals residing in, working in and visiting the Village; and

WHEREAS, an application was filed by the WT Group, 2675 Pratum Avenue, Hoffman Estates, Illinois 60192, requesting a special use permit (the "Special Use Permit") to operate a Gas N' Wash, a gas station with a car wash and two (2) restaurant spaces, which are currently projected to be a Dunkin' restaurant and Steak N' Egger restaurant (the "Proposed Use") at the location commonly known as 3800 South Cicero Avenue, Stickney, Illinois 60804, in the Village's B-2 Harlem Avenue and Cicero Avenue Business District zoning district; and

WHEREAS, Section 12.10 of the Zoning Ordinance authorizes "any person having an interest in property" to file "an application to use such land for one or more of the special uses" provided in Appendix A of the Village of Stickney Code of Ordinances Titled "The Village of Stickney Zoning Ordinance—1980," as amended (the "Zoning Ordinance"); and

WHEREAS, the Village's Plan Commission/Zoning Board of Appeals (the "ZBA") held a public hearing (the "Public Hearing") on May 11, 2021, pursuant to proper notice on the proposed Special Use Permit; and

WHEREAS, the Public Hearing was held in-person and broadcast via Zoom.us ("Zoom") as a result of the ongoing COVID-19 pandemic and in compliance with Public Act 101-0640; and

WHEREAS, at said Public Hearing, testimony and comment was given by the Applicant, the Applicant's agents and representatives, and members of the ZBA, and further multiple opportunities were given to the public to offer public comment or testimony both in person and via electronic methods, specifically through Zoom; and

WHEREAS, no protest to the proposed Special Use Permit request was filed pursuant to Section 12.16 of the Zoning Ordinance; and

WHEREAS, based on the testimony given at said Public Hearing, the ZBA made certain findings of fact and conclusions with respect to the Special Use Permit and made a recommendation to the Village Board that the Special Use Permit be approved subject to the conditions (the "Conditions") stated therein (collectively, the "Findings and Recommendation"); and

WHEREAS, a copy of the Findings and Recommendation is attached hereto as Exhibit A and is incorporated herein by reference as if set forth in full; and

WHEREAS, the Corporate Authorities find that the Special Use Permit would help develop a vacant property and allow for a use, specifically a car wash, that is a special use pursuant to the Zoning Ordinance and is congruous to other uses in the surrounding area, would allow for the orderly development of surrounding properties, and would potentially produce additional economic activity to the area thereby increasing revenue to the Village and thereby allowing the Village to provide certain services to the Village and its residents; and

WHEREAS, the Corporate Authorities further find that the Special Use Permit will advance the orderly and economic development of the surrounding properties; and

WHEREAS, in light of the above, the Corporate Authorities further find that granting the Special Use Permit would not: (a) endanger the public health, safety, morals, comfort, or general welfare of the neighborhood; (b) harm the use or enjoyment of property in the immediate vicinity or damage neighboring property values; (c) impede upon the normal and orderly development and improvement of surrounding property; or (d) alter the essential character of the area;

NOW, THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of Stickney, County of Cook, State of Illinois, in the exercise of its home rule powers as follows:

Section 1. Recitals. The foregoing recitals are herein incorporated and made a part of this Ordinance as if fully set forth herein.

Section 2. Approval of Special Use Permit and Conditions. The Findings and Recommendation is hereby adopted. The Village Board concurs with the Findings and Recommendation and, in accordance with the findings and conclusions stated therein, hereby approves the Special Use Permit with the Conditions stated therein.

Section 3. Savings Clause. This Ordinance shall not affect suits pending or rights existing at the time this Ordinance takes effect. Such suits and rights shall continue in full force to the same extent and with like effect as if this Ordinance be taken, construed or held to avoid or impair any cause of action now existing under any ordinance of the Village, or any amendment thereto, but as to any consideration of action now existing, such ordinance and amendment thereto, shall be continued in full force and effect.

Section 4. Superseder. Other than as set forth in Section 3 above, all ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5. Severability. The provisions of this Ordinance are hereby declared to be severable and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

Section 6. Effective Date. This Ordinance shall be in full force and effect upon its passage and publication as provided by law.

Passed this 18th day of May, 2021.

Jeff Walik, President

ATTEST:

Audrey McAdams, Village Clerk

Date of Passage: May 18, 2021

Date of Publication: May 19, 2021

EXHIBIT A

FINDINGS AND RECOMMENDATION