

ORDINANCE GRANTING A SPECIAL USE PERMIT WITH MODIFICATIONS AND ASSOCIATED SITE PLAN AND ELEVATION CHANGES AND A VARIANCE FOR AVIS RENT-A-CAR LOCATED ON LOT 2 OF 7420 W. 159TH STREET PUD

WHEREAS, an application seeking a special use to establish a motor vehicle rental use and to construct and maintain two new buildings (2,500 square feet and 10,000 square feet) on Lot 2 of the 7420 W. 159th Street Planned Unit Development with modifications and associated site plan and elevation changes and a variance 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, said Plan Commission of this Village held a public hearing on May 10, 2016 on whether the requested special use permit and variance 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 special use and variance be granted with this President and Board of Trustees, and this Board of Trustees have 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 of this Village has made its report of findings and recommendations regarding the proposed special use and variance. The findings of the Plan Commission are herein incorporated by reference as the findings of this President and Board of Trustees, as completely as if fully recited herein at length. All exhibits submitted at the aforesaid public hearings are also hereby incorporated by reference as fully as if attached hereto. This President and Board of Trustees further finds that the proposed special use and variance is in the public good and in the best interests of the Village and its residents and is consistent with and fosters the purposes and spirit of the Orland Park Land Development Code as set forth in Section 1-102 thereof. Said special use and variance is also in accordance with the provisions of the Comprehensive Land Use Plan of the Village.

SECTION 2

In addition to the findings set forth in Section 1 hereof, this Board of Trustees further finds, in relation to the proposed special use to establish a motor vehicle rental use and to construct and maintain two new buildings (2,500 square feet and 10,000 square feet) on Lot 2 of the 7420 W.

159th Street Planned Unit Development with modifications and associated site plan and elevation changes, as follows:

- (a) The Subject Property is located on Lot 2 of the 7420 West 159th Street Planned Unit Development within the Village of Orland Park in Cook County, Illinois. The proposal is to establish a motor vehicle rental use and to construct and maintain two new buildings: a 2,500 square foot building and a 10,000 square foot building. The 2,500 square foot building is proposed to be the new permanent home for Avis Rent-A-Car. Avis previously petitioned for Lot 1 of the Planned Unit Development and later for 7646 West 159th Street for a temporary special use permit. Avis moved to Lot 2 of the Planned Unit Development in order to preserve the development potentials of Lot 1 and 4. The Subject Property is zoned BIZ General Business District and is currently vacant. The proposed development requires a special use permit to allow the motor vehicle rental use on Lot 2 of the Planned Unit Development. The second 10,000 square foot building is proposed to be a potential multi-tenant building currently slated for a child daycare use. The Petitioner requests a modification to reduce the detention pond setback less than ten (10) feet.
- (b) The proposed development is consistent with the purposes, goals, objectives and standards of the Comprehensive Plan, any adopted overlay plan and the Land Development Code. The Comprehensive Plan designates this area for Community Commercial, which includes retail and "Automobile Dealerships." By extension, the proposed motor vehicle rental use is compatible with the Comprehensive Plan's categorization for the area. The Planned Unit Development's 2015 Master Concept Plan indicates that Lot 2 would have two buildings along the 159th Street frontage, and includes a schematic layout to accommodate a motor vehicle service use. Motor vehicle rental is similar and related to motor vehicle sales under the Code. Both proposed land uses are compatible with the zoning district as permitted (daycare centers) and special uses (motor vehicle rental).
- (c) The proposed development will be consistent with the character of the immediate vicinity of the Subject Property, which is presently zoned BIZ General Business District – Heartis Senior Living (Lot 3 of PUD) to the north, Tinley Park (across 159th Street) Apartments/Condos to the south, BIZ General Business District – Retail and Restaurant to the east, and BIZ General Business District – Retail to the west, where commercial uses are located. Both uses are compatible with the surrounding land uses, which include retail, restaurants and multi-family.
- (d) The design of the development will minimize adverse effects. The proposed site plan for Lot 2 of the Planned Unit Development generally depicts two buildings, a parking lot, a detention pond, the pedestrian's network and a playground space. The proposed elevations for the 2,500 square foot building are generally characterized by masonry on all four elevations, storefront windows on the east, south and west elevations and a parapet cornice around the entire building. All four elevations will have a renaissance stone wainscot at the base with stone sill and face brick for the majority façade. The landscape plan will be submitted separately and will include site amenities mandated by the overall Planned Unit Development. The large low quality wetland body that partly dominates Lot 2, which is the result of decades of human interference in local drainage patterns, will be eliminated and mitigated per the requirements of the WMO via the Planned Unit Development's final engineering program. The proposed modification will be

useful in keeping the site conforming to Code requirements in the event future parcel clean-up and potential redevelopment of the Harbor Freight site amends lot lines.

(e) There will be no adverse effects on the value of the property. The Subject Property is currently vacant. Avis has been moved to Lot 2 of the Planned Unit Development in order to preserve the development potential of Lots 1 and 4, which means that Lots 3 and 4, both on the west side of the Planned unit Development will be fully developed prior to the entire east side of the development.

(f) The Petitioner has demonstrated that public facilities and services, including but not limited to roadways, park facilities, police and fire 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. All utilities are accounted for and can accommodate the proposed development layout. These have been worked out previously as there are existing utilities in what will be the main east-west interior access drives of the Planned Unit Development. The detention pond was added to retain storm water at the low point of Lot 2.

(g) Petitioner has made adequate legal provision 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 proposed development shall comply with all additional standards imposed on it by all other applicable requirements of the ordinances and regulations of the Village.

SECTION 3

This Board of Trustees further finds, in relation to the proposed variance to exceed a 20% increase in parking, as follows:

(a) The Subject Property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located. Table 6-306(B) of the Land Development Code only requires the proposed 2,500 square foot facility to have eight (8) spaces due to the size of the building. Section 6-306.B.3 places a maximum parking capacity to just 20% more than allowed by Table 6-306(B), and indicates that if any more parking is necessary, it "shall be a variance." Because parked vehicles are the nature and inventory of the motor vehicle rental business, the land use requires more than a 20% increase in parking capacity to accommodate its rental fleet.

(b) The plight of the owner is due to unique circumstances. Table 6-306(B) requires only one (1) space per 300 square feet. As a car rental establishment, it is a small office operation with a large vehicle fleet to lend. Eight (8) parking spaces is insufficient to accommodate Petitioner's inventory. Without this variance, the Petitioner will be unable to operate his business and therefore, will not develop the new facility on the vacant land.

(c) The variation, if granted, will not alter the essential character of the locality. Parking capacity variances have been granted to car dealerships (i.e. motor vehicle sales) in the past because the parked vehicles are the nature and inventory of the business. Like motor vehicle sales, motor vehicle rentals require inventory to be located and stored on their lots. Said increase will further ensure adequate parking for the other facilities and establishments within the PUD Development.

(d) A particular hardship to the owner will result if the strict letter of these regulations is carried out because of the particular physical surroundings, shape or topographical conditions of the Subject Property. The variance is the only way to reasonably use their land as a car rental facility due to the configuration of the site and the reasonable setbacks, which are unique to the Subject Property. Constructing a bigger building with less parking would create additional challenges for other users of the Planned Unit Development and not ensure enough parking. If a variance were not granted, it would pose a direct hardship for the business to operate, which would contradict the zoning district's allowance via special use permit.

(e) The conditions upon which the petition for a variation is based are unique to the property for which the variance is sought and are not applicable, generally, to other property. Petitioner moved to Lot 2 of the Planned Unit Development in order to preserve the development potential of Lots 1 and 4. The variance is the only way to reasonably use their land as a car rental facility due to the configuration of the site, and the reasonable setbacks are unique to the Subject Property. If Petitioner constructed a bigger building with less parking, additional challenges for other users of the Planned Unit Development would result.

(f) The alleged difficulty or hardship is caused by these regulations and has not resulted from any act of the applicant or any other person presently having an interest in the property subsequent to the effective date hereof, whether or not in violation of any portion thereof. Rather, the nature of the business coupled with the configuration of the site have caused the difficulty.

(g) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located or otherwise be inconsistent with the Comprehensive Plan, any adopted overlay plan or these regulations. Overall, the plan fits into the overall Comprehensive Plan as set forth by the Village. The proposed increase in parking capacity for Lot 2 does not place the overall parking capacity for the Planned Unit Development in a variance condition as it represents an approximate 10% increase. The project contemplates proper parking based on the expected users for the site, and allows for successful cohabitation on the property by multiple users. The proposed development accommodates the site attributes and maximizes the parcel.

(h) The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

(i) The variance granted is the minimum adjustment necessary for the reasonable use of the land. Without the variance, Petitioner will not be able to develop on the Subject Property, and the

property would remain vacant. The project contemplates proper parking based on the expected users for the site, and allows for successful cohabitation on the property by multiple users. The proposed development accommodates the site attributes and maximizes the parcel. The proposed variance to exceed parking capacity more than 20% follows the precedent established for motor vehicle sales uses, which is similar and related to motor vehicle rental uses under the Code.

(j) The aforesaid circumstances or conditions are such that the strict application of the provisions of this Section would deprive the applicant of any reasonable use of his or her land. Mere loss in value shall not justify a variance; there must be deprivation of all beneficial use of land. This variance is essential to the establishment and sustainability of this business. Car rental establishments require a small office operation with a large vehicle lot to lend. Constructing a larger building with less parking is unnecessary for Petitioner's purposes, would create additional challenges for other property users, and would not ensure adequate parking. Eight (8) parking spaces is inadequate to operate a successful motor vehicle rental establishment. Without this variance, Petitioner can not develop the site and the site would remain vacant.

SECTION 4

A special use permit to establish a motor vehicle rental use and to construct and maintain two new buildings (2,500 square feet and 10,000 square feet) with a modification to reduce the detention pond setback less than ten (10) feet and site plan and elevation changes, and a variance to increase parking capacity in excess of 20% beyond the Code maximum from 43 required spaces to 73 spaces is hereby granted, subject to the conditions below, and issued to Avis Rent-A-Car, for the following described property:

THE SOUTH 665.00 FEET OF THE SOUTH ½ OF THE SOUTHEAST ¼ OF SECTION 13 TOWNSHIP 36 NORTH RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTIES: THE EAST 952.00 FEET THEREOF; THE EAST 300.00 FEET OF THE WEST 660.00 FEET OF THE SOUTH 465.00 FEET THEREOF; EAST 10.00 FEET OF THE WEST 360.00 FEET OF THE SOUTH 562.00 FEET OF THE SOUTH 665.00 FEET THEREOF; THE WEST 350.00 FEET OF THE SOUTH 665.00 FEET THEREOF; THAT PART FALLING WITHIN GOODWILL INDUSTRIES SUBDIVISION RECORDED AS DOCUMENT 0020244618; THE NORTH 415.00 FEET OF THE SOUTH 665.00 FEET OF THE WEST 160.00 FEET OF THE EAST 1112.00 FEET THEREOF; THE SOUTH 250.00 FEET OF THE WEST 198.00 FEET OF THE EAST 1150.00 FEET THEREOF; THE WEST 150.00 FEET OF THE EAST 1300.00 FEET OF THE SOUTH 250.00 FEET THEREOF; THAT PART TAKEN FOR PUBLIC PURPOSES BY CASE 93L50932, FINAL JUDGEMENT ORDER RECORDED AS DOCUMENT 98369233; IN COOK COUNTY, ILLINOIS.

PIN: 27-13-402-027

This special use amendment is subject to the following conditions:

A. The Subject Property shall be developed substantially in accordance with the preliminary Site Plan titled, "Commercial Development Village of Orland Park, Illinois Grading Plan Southwest,"

prepared by Manhard Consulting Ltd., dated February 29, 2016, last revised April 29, 2016, sheet 7 of 18, subject to the following conditions:

1. Move the garbage enclosure on the north side of the 2,500 square foot building west toward the west façade of the building and establish the foundation landscaping requirements on the north elevation of the building.
2. Establish the foundation landscaping along the south façade of the 10,000 square foot building per Code with naturalized landscaping.
3. Submit a final landscape plan, meeting all landscaping requirements herein cited, for separate review and approval within 30 days of final engineering approval.
4. Meet all final engineering and building code related items.
5. Work with staff to include a pergola amenity at the north east corner of Lot 2.

B. The Subject Property shall be developed substantially in accordance the Elevations titled "Proposed Development 159th Harlem Orland Park, Illinois", prepared by Design Studio 24 LLC, dated March 3, 2016, sheet A2.3 subject to the following conditions:

1. Make all awnings for Lot 2 three sided so that they are boxed in appearance.
2. Screen all mechanical equipment either at grade level with landscaping or hidden behind the roofline.
3. All masonry must be of anchored veneer type masonry with a 2.625" minimum thickness.
4. Signs are subject to additional review and approval via the sign permitting process and additional restrictions may apply.

SECTION 5

Petitioner shall at all times comply with the terms and conditions of this Ordinance and all other codes and ordinances of the Village unless specifically amended by this or another ordinance. In the event of non-compliance, the special use permit and variation of this Ordinance shall be subject to revocation by appropriate legal proceedings.

SECTION 6

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 special use and variance for the planned unit 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.