

ORDINANCE GRANTING AN AMENDMENT TO A SPECIAL USE PERMIT – TERRY’S LINCOLN MERCURY

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 March 9, 2010, properly continued to March 23, 2010, 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 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 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 allow for remodeling of the exterior building facades, addition of a new entry vestibule and addition of a rear service area, which shall be constructed at a future time, to the existing building at the Terry’s Lincoln Mercury dealership in the VCD Village Center District as follows:

(a) The Subject Property is located at 9401 W. 143rd Street and is zoned VCD Village Center District within the Village of Orland Park, Cook and Will Counties, Illinois. The Petitioner,

Terry Kunes for Terry's Lincoln Mercury, is seeking an amendment to an existing special use permit for an addition of a 132 square foot vestibule addition, remodeling of the exterior building facades and a 5,220 square foot building addition at the southwest corner of the rear of the existing building. The Subject Property is the subject of a Special Use Permit granted by Village Ordinance 1320.

- (b) The proposed amendment to a special use for an expansion to an existing automotive dealership 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 Regional Commercial. Automobile sales are appropriate in such an area, and the building addition and remodeling will not affect that appropriateness.
- (c) The proposed amendment to a special use will be consistent with the character of the immediate vicinity of the subject property. The subject property is located in the VCD Village Center District. The property to the north is zoned VCD Village Center District and contains commercial retail, the property to the south is zoned VCD Village Center District and contains a detention pond and commercial retail strip mall, the property to the east is zoned OL Open Lands District and is owned by the Village; the property to the west is zoned VCD Village Center District and contains an auto repair shop.
- (d) The design of the proposed special use will minimize any adverse effects, including visual impacts, on adjacent properties. The proposed special use will not have an adverse effect on the value of adjacent property. It does not contain any exterior lighting changes. In addition, the changes to the exterior façade will update the exterior of the building.
- (e) 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 special use at an adequate level of service. If there are any issues with engineering or significant changes to the site plan as part of the building addition, a new petition for an amendment to this special use will be required. The site has access through a curb cut off of 143rd Street and a curb cut off of John Humphrey Drive. In addition, a driveway connects the property to the parcel to the west.
- (f) The Petitioner has made adequate legal provisions to guarantee the provision and development of any open space and other improvements associated with the proposed amended development.
- (g) The amended development will not adversely affect a known archaeological, historical or cultural resource.
- (h) The special use amendment as granted shall in all aspects conform to the applicable regulations of this Ordinance, Ordinance 1787 and 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 is hereby granted and issued to Terry's Lincoln Mercury for a new entry vestibule of 132 square feet, remodeling to the exterior building façade and a 5,220 square foot building addition at the southwest corner of the rear of the existing automotive dealership on the Subject Property. The Subject Property is legally described as follows:

PARCEL 1:

THE NORTH 466.70 FEET OF THE EAST 435 FEET OF THE WEST ½ OF THE NORTHWEST ¼ OF SECTION 10, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THAT PART THEREOF DEDICATED FOR PUBLIC STREET) IN COOK COUNTY, ILLINOIS.

PARCEL 2:

THE NORTH 466.70 FEET OF THAT PART OF THE WEST ½ OF THE NORTHWEST ¼ OF SECTION 10, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN LYING EAST OF THE WEST 746.70 FEET THEREOF AND LYING WEST OF THE EAST 435 FEET THEREOF (EXCEPT THAT PART DEDICATED FOR PUBLIC STREET) IN COOK COUNTY, ILLINOIS.

This amendment to a special use permit for a new entry vestibule of 132 square feet, remodeling to the exterior building façade and a 5,220 square foot building addition at the southwest corner of the rear of the existing automotive dealership on the Subject Property is issued on the following conditions:

1. That construction be pursuant to the Plan entitled "Preliminary Architectural Site Plan Terry's Lincoln Mercury," prepared by Architectural Resource Corporation, dated March 15, 2010, last revised April 8, 2010, sheet number AC1, subject to the following conditions:
 - a. Engineering approval must be granted prior to the issuance of building permits for the 5,220 square foot building addition. If site plan changes are made, including those due to engineering issues, a new petition for an amendment to this special use and a public hearing will be required;
 - b. Any proposed lighting changes must be submitted and approved with engineering. If any lighting variances are required, a new public hearing will be required;
 - c. A final landscape plan for the Subject Property, which meets all Village Codes, must be submitted for separate review and approval within 60 days of final engineering approval of the 5,220 square foot building addition;
 - d. Petitioner must cooperate in the construction of a shared entrance along the western property boundary when Marquette Bank is ready to construct it;
 - e. Dedicate utility easements, as required by Commonwealth Edison and the Village, along 143rd Street and/or John Humphrey Drive for utility improvements.

f. All building materials and construction methods are subject to approval by Village building official; and

g. Final engineering and building code related items must be met.

2. That construction be pursuant to the elevations titled "Elevations, A926A Terry's Lincoln Mercury," prepared by Architectural Resource Corporation, dated March 15, 2010, last revised April 8, 2010, subject to the following conditions:

1. That all new mechanical equipment be screened either at grade level with landscaping or hidden behind the roofline; and

2. That all new signage is approved through the sign permit process.

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 permit for the Subject Property, granted by Ordinance 1320, 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, shall 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.