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ORDINANCE GRANTING A SPECIAL USE PERMIT WITH MODIFICATIONS,
ASSOCIATED SITE PLAN AND ELEVATION CHANGES, AND A VARIANCE FOR
ZEIGLER INFINITI OF ORLAND PARK (8751 W. 159TH STREET)

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WHEREAS, an application seeking a special use to establish a motor vehicle sales facility and to construct, operate and maintain a new 22,300 square foot, two story motor vehicle sales facility at the southeast corner of 159th Street and 88th Avenue with modifications, 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 October 11, 2016 on whether the requested special use permit with modifications 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 with modifications 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 sales facility and to construct,

operate and maintain a new 22,300 square foot, two story motor vehicle sales facility at the southeast corner of 159th Street and 88th Avenue with modifications and associated site plan and elevation changes, as follows:

- (a) The Subject Property is located on 8751 W. 159th Street within the Village of Orland Park in Cook County, Illinois. The proposal is to establish a motor vehicle sales facility and to construct, operate and maintain a new 22,300 square foot, two story motor vehicle sales facility at the southeast corner of 159th Street and 88th Avenue with modifications to enable parking between the building and the street on two frontages, reduce the required landscape foundation plantings on the north and east facades, and reduce the number of landscape islands from thirty-four (34) to twenty-two (22).
- (b) The proposed development is consistent with the purposes, goals, objectives and standards of the Land Development Code. Although, the Comprehensive Plan designates the Subject Property as Neighborhood Mixed Use, which classifies automobile dealerships as inappropriate land uses, this categorization was made in response to the Subject Property's previous proposed and approved development as a oriented retail center, known as the Shoppes at 88th. The prior development was never completed due to the economic downturn of 2007. Despite this planning categorization, the Subject Property is surrounded by other automobile dealerships on the east and west sides of the Subject Property. Additionally, the underlying zoning of the Subject Property is BIZ General Business District, which allows motor vehicle sales via a special use permit. The land use, despite the Comprehensive Plan, is therefore, compatible to the area and conforms to the policies of the Land Development Code.
- (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 to the north, R-4 Residential District (Highland Brook Subdivision) to the south, and BIZ General Business District (motor vehicle services) to the east. To the west of the Subject Property is beyond the Village of Orland Park municipal boundaries. The proposed use of motor vehicle sales and car dealership are compatible with the surrounding land uses, which includes commercial uses and other motor vehicle services facilities.
- (d) The design of the development will minimize adverse effects. The proposed site plan is characterized by a single large building with a footprint of 22,300 square feet centered on the site. The proposed building elevations, which are generally characterized by the use of EIFS, metal panel systems, architectural glass systems and concrete masonry units, conform to the requirements of Section 6-308 Design Standards with the exception of the customer service center building on the east elevation, which is considered a minor accent to the overall façade of the building. Surrounding the building is a parking field where vehicle inventory will be stored. The proposed site plan requires modifications to enable parking between the building and the street both on the 159th Street and 88th Avenue frontages, which is typical of motor vehicle sales development. The modification to reduce the foundation plantings on the north and east facades of the building will further enhance the pedestrian mobility on the site. The site plan will also bring a multi-use/bike path and a pedestrian sidewalk into the existing network, thereby completing a portion of the local network. Finally, the modification to reduce the number of

landscape islands from thirty-four (34) to twenty-two (22) will be mitigated by the inclusion of three additional, longer landscape islands in the inventory storage lot.

(e) There will be no adverse effects on the value of the property. The Subject Property is currently vacant, and has been vacant since 2007. The land use fits the BIZ General Business District regulations and will create continuity with the other motor vehicle service facilities nearby.

(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. The pre-recession development included the installation of utilities such as water main access, sanitary sewer access and storm water infrastructure. The proposed site plan illustrates two points of existing access to the Subject Property that remain unchanged from previous planning efforts. There also exists a full access drive onto 88th Avenue, and a right-in/right-out access drive. Finally, there is sufficient parking on the site plan.

(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 increase parking capacity in excess of 20% beyond the Code maximum from seventy-four (74) spaces to 326 spaces, reduce less than 50% the amount of masonry used below the windows on the east elevation, and increase the lighting intensity from a maximum ten (10) foot-candles at the property line to fifty (50) foot-candles and from fifteen (15) feet foot-candles interior to the site to thirty (30) foot-candles, 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 23,000 square foot facility to have approximately seventy four (74) 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 sales business, the land use requires more than a 20% increase in parking capacity to accommodate its inventory. Therefore, the Land Development Code causes a hardship for this type of business activity by generally limiting the number of parked vehicles for various types of commercial and retail land uses. Similarly, motor

vehicles require abundant lighting along the roadway frontages in order to clearly display available inventory. The proposed variance follows the most recent precedent for a lighting variance established by BMW of Orland Park. Without these variances, the Petitioner will be unable to operate his business and therefore, will not develop the new facility on the vacant land.

(b) The plight of the owner is due to unique circumstances. The variances are in response to the layout of the site, which originally was planned for a pedestrian oriented retail center, but now is part of Orland Park's current "Auto Row."

(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, including most recently to BMW of Orland Park, which is also owned by Petitioner. Additionally, all surrounding car dealerships have received a variance to Section 6-407.1 Commercial Lighting of the Land Development Code to accommodate sales conditions for their available inventory, including the surrounding dealerships. The variance to reduce less than 50% the amount of masonry used below the windows on the east elevation is minor in nature and will have no impact on the character of the locality.

(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 variances are the only way to reasonably use the Subject Property as a motor vehicle sales facility due to the configuration of the site, which is unique to the Subject Property. If the variances were not granted, it would pose a direct hardship for the Petitioner to operate it business, 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. The use of the Subject Property enhances the already existing "Auto Row" in the Village. The variances are the only way to reasonably use the Subject Property as a motor vehicle sales facility. The nature of motor vehicle sales requires a large parking area to park cars so that customers can purchase them, and lighting levels that enable visibility and inspection of the inventory on site.

(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. It is the nature of the business coupled with the configuration of the site that has 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. Petitioner is developing a lot that has been vacant since 2007. Although, the Comprehensive Plan designates the Subject Property as Neighborhood Mixed Use, which classifies automobile dealerships as inappropriate land uses, this categorization was made in response to the Subject Property's previously approved but unfinished development as a oriented

retail center, known as the Shoppes at 88th. Despite this planning categorization, the Subject Property is surrounded by other automobile dealerships on the east and west sides of the Subject Property. Additionally, the underlying zoning of the Subject Property is BIZ General Business District, which allows motor vehicle sales via a special use permit. The land use, despite the Comprehensive Plan, is therefore, compatible to the area and conforms to the policies of the Land Development Code. The proposed development accommodates the site attributes and maximizes the parcel. It further mitigates any potential harm resulting from the variances by ensuring the lighting levels closest to residential land uses comply with the Land Development Code. Additionally, all rooftop mechanical units will be reasonably screened from view of the southern residential neighbors. The proposed variance to reduce less than 50% the amount of masonry used below the windows on the east elevation will only apply to an accessory structure and therefore, will not cause or create a detrimental impact.

(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. All utilities are accounted for and can accommodate the proposed development layout. The pre-recession development included the installation of utilities such as water main access, sanitary sewer access and storm water infrastructure. The proposed site plan illustrates two points of existing access to the Subject Property that remain unchanged from previous planning efforts. There also exists a full access drive onto 88th Avenue, and a right-in/right-out access drive. The variance to increase the lighting intensity will be mitigated by having the brightest areas along 159th Street and along the non-residential frontages of 88th Avenue. At the south property line, closest to the residential land uses, proposed foot-candles will be within the Code appropriate ranges at zero (0) or five (5) foot-candles.

(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. The proposed development accommodates the site attributes and maximizes the parcel. The proposed variance to exceed parking capacity more than 20% also follows the precedent established for motor vehicle sales uses. Similarly, motor vehicles require abundant lighting along the roadway frontages in order to clearly display available inventory. The proposed variance follows the most recent precedent for a lighting variance established by BMW of Orland Park. The variance also directs the brightest lights along 159th Street and non-residential frontages, and complies with the Land Development Code ranges on the property line closest to residential land uses. Finally, the variance to reduce less than 50% the amount of masonry used below the windows on the east elevation will only apply to an accessory structure and therefore, be minor in nature.

(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. Motor vehicle sales facilities require specific lighting intensity levels and a larger parking lot area. These variances have are common for this use and have been granted for other motor

vehicle sales facilities in the surrounding area. 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 sales facility and to construct, operate and maintain a new 22,300 square foot, two story motor vehicle sales facility at the southeast corner of 159th Street and 88th Avenue with modifications to enable parking between the building and the street on two frontages, reduce the required landscape foundation plantings on the north and east facades, and reduce the number of landscape islands from thirty-four (34) to twenty-two (22), and a variance to increase parking capacity in excess of 20% beyond the Code maximum from seventy-four (74) spaces to 326 spaces, reduce less than 50% the amount of masonry used below the windows on the east elevation, and increase the lighting intensity from a maximum ten (10) foot-candles at the property line to fifty (50) foot-candles and from fifteen (15) feet foot-candles interior to the site to thirty (30) foot-candles is hereby granted, subject to the conditions below, and issued to Zeigler Infiniti of Orland Park, for the following described property:

THAT PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (EXCEPT THE WEST 1 ROD OF THE NORTH 80 RODS THEREOF) OF SECTION 23, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF 159TH STREET AS DEDICATED PER DOCUMENT NO. 10909314, AND NORTH OF A LINE BEING 876.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PINs: 27-23-100-113 and 27-23-100-114

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, "Preliminary Site Plan Zeigler Orland Park", prepared by Spaceco Inc., dated June 15, 2016, last revised September 14, 2016, sheet number P-GM 4 of 6, subject to the following conditions:

1. Install a sidewalk and crosswalk connecting the building to the 159th Street pedestrian network.
2. Disallow the use of a public announcement system exterior to the building.
3. Keep all garage doors to service areas closed during the servicing of vehicles.
4. Meet all final engineering and building code related items.
5. Complete any temporary vehicle inventory storage onsite by May 1, 2018 or the end of

constitution, whichever occurs first.

B. The Subject Property shall be developed substantially in accordance the elevations titled "New Dealership Facility for: Zeigler Infiniti", prepared by Linden Group, sheet A-4.0, dated September 14, 2016, subject to the conditions outlined above, and the following conditions:

6. Reasonable screen the rooftop mechanical units from view of the neighbors to the south.

C. The Subject property shall be consolidated into one lot, subject to the following condition:

1. Submit a Record Plat of Subdivision to the Village for Recording.

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.