

ORDINANCE GRANTING A SPECIAL USE PERMIT FOR ZIEGLER BMW – MINI AUTO ADDITION OF ORLAND PARK 11030 159TH STREET WITH ASSOCIATED SITE PLAN AND ELEVATION CHANGES

WHEREAS, an application seeking a special use amendment of the Wolf Point Plaza Special Use Permit (Ordinance 4558) as amended (Ordinance 4681) to construct an approximately 2,588 square foot, 25' tall one-story BMW building addition, with associated site plan and elevation changes, to serve as a Mini of Orland Park dealership show room 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 February 23, 2016 on whether the requested 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 special use 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. 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 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 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 amendment of the Wolf Point Plaza Special Use Permit (Ordinance 4558) as amended (Ordinance 4681) to construct an approximately 2,588 square foot,

25' tall one-story BMW building addition, with associated site plan and elevation changes, to serve as a Mini of Orland Park dealership show room, as follows:

- (a) The Subject Property is located at 11030 159th Street within the Village of Orland Park in Cook County, Illinois. The proposal is to construct a 2,588 square foot addition onto the existing building located on the existing 8.5 acre BMW "Lot 3" to serve as a Mini dealership show room. The BMW facility is a part of the Wolf Point Plaza planned development that was approved in 2010. It is located at the northeast corner of 159th Street and Wolf Road, and except for the BMW, has not yet been constructed. The Subject Property consists of five lots: the BMW lot, three lots for future commercial uses to the west, and a wetland detention out lot. The Subject Property is zoned BIZ General Business District. Auto dealers in the BIZ Zoning District require a special use permit, which was granted in 2010 by Wolf Point Plaza Ordinance 4558 and in 2011 by BMW Ordinance 4681, and which will be amended by this special use. The application does not propose any changes to the zoning or to the existing automotive sales land use.
- (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 Centennial Planning District – neighborhood mixed use. Although the 2013 Comprehensive Plan does not anticipate additional land area for auto dealership uses in this neighborhood commercial area, the proposed small building addition is located entirely on the current BMW lot and is necessary to meet Ziegler's expanding business needs. Automobile dealerships are an important economic development component in the Village, and the expansion and retention of our existing businesses is an important economic development principle in Orland Park's 2013 Comprehensive Plan. The project conforms to the Village's Comprehensive Plan, Land Development Codes and policies for this area. The proposal meets Land Development bulk requirements, and no modifications or variances have been requested.
- (c) The proposed development will be consistent with the character of the immediate vicinity of the Subject Property, which is presently zoned Single family residential and R-3 Single Family Residential to the north, underdeveloped and LSPD Large Scale Planning District (across 159th Street) to the south, Large lot residential and E-1 Estate Residential to the east, and Commercial strip center and BIZ General Business District (across Wolf Road) to the west, where commercial uses are located. The special use will also be consistent with the community character of the immediate vicinity of the Subject Property because the application does not propose to change the zoning or the existing automotive sales land uses.
- (d) The design of the development will minimize adverse effects. There will be no change to the existing BMW lot size or configuration and no re-subdivision is proposed. The site plan will be amended to accommodate the addition. The site plan proposes to construct a 2,588 square foot addition with a front walk at the southeastern corner of the existing BMW building, for a total building square footage of 59,591 square feet. Sidewalks on the interior of the BMW site are very limited, and approved plans for commercial lots to the west have included additional internal walks. The site plan will shift the eastern drive aisle and a large landscape island approximately 20' eastward, which will comply with the Code requirements for two way drives that do not directly access parking spaces. Additionally, existing circulation patterns and

volumes will remain with little change. The site plan will improve the Subject Property by increasing the pervious (green) surface by approximately 768 square feet. Although twenty-four parking spaces will be removed from the Subject Property, the Subject Property will continue to exceed the number of parking spaces required by the Code. Petitioner has also earmarked 149 spaces for everyday parking, which will meet 96% of the Code estimated parking demand. In response to a resident's concern about noise, Petitioner committed to reprogram the car wash in an effort to contain such noise. Finally, landscape changes include either transplanting or replacing affected shade trees and adding a new shade tree that was either never installed or missing. One of these shade trees will serve to block the line of sight from residential homes. The site plan will also add new shrubs along the face of the new addition, in front of the new AC units, and in the front planting island, in compliance with foundation plant requirements.

(e) There will be no adverse effects on the value of the property. Rather, the proposed addition is necessary to meet Ziegler's expanding business needs and will promote and facilitate economic development in the Village. The expansion and retention of existing businesses is an important economic principle in Orland Park's 2013 Comprehensive Plan.

(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. The existing Wolf Plaza detention pond accommodates storm water runoff for the entire site, including the proposed addition. There will be an increase of pervious surface by approximately 768 square feet. Adjustments will be made in the eastern landscape buffer to accommodate the new drive. The building addition necessitates a water line and utility easement relocation into the eastern landscape buffer. Finally, no lighting changes are proposed, and the petition meets all bulk requirements.

(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

A special use amendment of the Wolf Point Plaza Special Use Permit (Ordinance 4558) as amended (Ordinance 4681) to construct an approximately 2,588 square foot, 25' tall one-story BMW building addition, with associated site plan and elevation changes, to serve as a Mini of Orland Park dealership show room is hereby granted, subject to the conditions below, and issued to Ziegler BMW, for the following described property:

LOT 3 OF WOLF POINT PLAZA, BEING A SUBDIVISION OF THE SOUTH 20 ACRES OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 36

NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY ILLINOIS.

PIN: 21-17-315-003-0000

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 for Ziegler Mini of Orland Park, 11030 159th Street, titled, "Site Plan", prepared by Joseph Schudt and Associates, project 15-060, dated 11-11-15, updated 02-04-16; and 'Floor Plan Mini of Orland Park,' by Linden Group, page A-1.0; dated 09-04-15, revised 02-04-16; subject to meeting all final engineering and building division requirements and approvals.

B. The Subject Property shall be developed substantially in accordance the Landscape Plan amendments titled "Landscape Plan, Mini of Orland Park", prepared by Ives/Ryan group, sheet L-1; dated 2-8-16, revised 3-8-16, subject to the following conditions:

1. All plant material, including transplanted trees are subject to annual inspection for good health. Plant material in poor or dead condition must be replaced per Land Development Code requirements.

C. The Subject Property shall be developed substantially in accordance with the Elevations for Ziegler Mini of Orland Park, 11030 159th Street, titled, "Elevations Mini of Orland Park", by Linden Group, pages A-4.0, A-4.1, dated 09-04-15, revised 02-04-16; Mini Finish Material Legend page 10.1.0 dated 9-29-15 version 2; subject to the following conditions:

1. Screen all mechanical equipment either at grade level with landscaping or hidden behind the roofline.

2. Meet all final engineering and building division requirements.

3. All masonry must be 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 4

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 permit, modifications and variations of this Ordinance 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 the special use for the planned unit development as aforesaid.

SECTION 6

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