

## ORDINANCE GRANTING AN AMENDMENT TO A SPECIAL USE PERMIT AND VARIANCES– BMW OF ORLAND PARK

WHEREAS, an application seeking an amendment to a special use permit for certain real estate, with modifications and a variance 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 September 13, 2011 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 with modifications to increase the parking and increase the maximum height of a flagpole and with variances to increase lighting for the building which is currently under construction for the BMW of Orland Park dealership in the BIZ General Business District as follows:

(a) The Subject Property is located at 11030 W. 159<sup>th</sup> Street and is zoned BIZ General Business District within the Village of Orland Park, Cook and Will Counties, Illinois. The Petitioner, BMW of Orland Park, is seeking an amendment to an existing special use permit with

modifications to allow for 24 additional parking spaces on the BMW property (which increases the total parking spaces from 659 to 682) and to allow for an increase in the height of the flagpole from eighteen feet (18') to fifty feet (50'). Petitioner is also seeking variances to increase the maximum lighting intensity during business hours from fifteen (15) foot candles to seventy-eight (78) foot candles, to allow 1000 watt full cutoff light fixtures, to decrease the right of way setback for lighting from forty feet (40') to eight feet (8') along the south property line (159<sup>th</sup> Street right-of-way), to decrease the right of way setback for lighting from forty feet (40') to eighteen feet (18') along the north property line. The Subject Property is the subject of a Special Use Permit granted by Village Ordinance 4558 for Wolf Point Plaza.

(b) Granting the requested variances and modifications will enhance the ability of the overall special use to meet the standards for all special uses, specifically minimizing adverse effects on adjacent properties. The Comprehensive Plan designates the Subject Property as "Low Intensity Residential," but due to the developing commercial nature and high traffic volume on 159<sup>th</sup> Street and Wolf Road, the proposed use is appropriate.

(c) The proposed amendment to a special use to increase parking for 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.

(d) 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 BIZ General Business District. The surrounding property is zoned E-1 Estate and R-3 Residential to the north and east, which areas contain detached single-family uses and open space, to the south is zoned RSB Residential Supporting Business and LSPD Large Scale Planned development and to the west (across Wolf Road) is zoned BIZ General Business with an existing strip retail center. The proposed use and zoning will be compatible with these surrounding uses.

(e) The design of the proposed special use will minimize any adverse effects, including visual impacts, on adjacent properties. The installation of a landscape buffer to the north has been installed to reduce the impact on the residential neighborhood to the north. In addition, the landscape plan has been revised to relocate some trees to be planted near the residential property on the west side of Shire Drive to increase the landscape buffer. The proposed special use will not have an adverse effect on the value of adjacent property.

(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. The site has access through 159<sup>th</sup> Street and Wolf Road.

(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 4558 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.

(i) Petitioner seeks variances, as set forth above in Section 2(a), regarding lighting on the Subject Property.

(j) Petitioner has stated that at night, certain of the light standards would not operate, reducing the night light levels considerably.

(k) Petitioner has requested the variance to more effectively light the outdoor display areas of the dealership and to provide round-the-clock security.

(l) The property in question cannot yield a reasonable return if the requested lighting variance are not permitted. Lighting is essential to generate customer interest and provide security, Petitioner asserts.

(m) The plight of the owner is due to the unique circumstances of the need for security at an automobile dealership for customers, employees and neighbors.

(n) The variance, as conditioned by this Ordinance, will not alter the essential character of the locality. Several neighboring automobile dealerships also have high lighting levels.

(o) The denial of the variance, as conditioned by this Ordinance, would be a hardship to the Petitioner because the desired level of security could not be attained if a variance were not granted, and the property could not meet BMW standards.

(p) The granting of the variance, as conditioned by this Ordinance, will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. There is a landscape berm installed and additional landscaping will be installed between the dealership and the residential uses at the rear.

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

### SECTION 3

An amendment to a special use permit is hereby granted and issued to BMW of Orland Park on the Subject Property with modifications to allow for 24 additional parking spaces on the BMW property (which increases the total parking spaces from 659 to 682) and to allow for an increase in the height of the flagpole from eighteen feet (18') to forty feet (40'). Variances are also granted to increase the maximum lighting intensity during business hours from fifteen (15) foot candles to seventy-eight (78) foot candles, to allow 1000 watt full cutoff light fixtures, to

decrease the right of way setback for lighting from forty feet (40') to eight feet (8') along the south property line (159<sup>th</sup> Street right-of-way), to decrease the right of way setback for lighting from forty feet (40') to eighteen feet (18') along the north property line. The Subject Property is legally described as follows:

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.

This amendment to a special use permit and variances on the Subject Property are issued on the following conditions:

1. That the Subject Property be developed substantially in accordance with the Plan entitled "Proposed BMW Site Plan – Wolf Point Plaza," prepared by Craig R. Knoche & Associates, job number 8-048, dated March 4, 2009, date stamped September 29, 2011, sheet number C1.5 subject to the following conditions:

- a. Final engineering and building code related items must be met;
- b. Reduce height of flagpole from the requested fifty feet (50') to forty feet (40'); and
- c. Fly only the United States and/or Illinois State flag on the flagpole.

2. That the Subject Property be developed substantially in accordance with the landscape plan entitled "Landscape Plan Retail Development," prepared by Craig R. Knoche & Associates, job number 4-041, dated March 4, 2009, sheet C4.1.

#### 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 4558, 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.

