

ORDINANCE GRANTING AN AMENDMENT TO A SPECIAL USE PERMIT –  
ORLAND PARK NISSAN

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, 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 an expansion to the east side of the existing building at the Orland Park Nissan dealership in the BIZ General Business District as follows:

(a) The Subject Property is located at 8550 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, Charles Piano for Orland Park Nissan, is seeking an amendment to an existing special use permit for a 3,135 square foot building addition to the east side of the

existing building. The Subject Property is the subject of a Special Use Permit granted by Village Ordinance 1787.

(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 Community Intensity Commercial/Office. Automobile sales are appropriate in such an area, and the building addition 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 BIZ General Business District. The property to the north is zoned OL Open Lands District and contains a detention/retention area; the property to the south is not located in the Village of Orland Park and contains a car dealership; the property to the east contains an automotive dealership; and the property to the west is zoned BIZ General Business District and contains a retail shopping center.

(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 additional service doors opening to the rear of the facility and will not move any portion of the facility closer to residential 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, via two full access driveways off 86<sup>th</sup> Avenue, a local street. It is also accessible via a full-access shared driveway with the Orland Park Infiniti dealership off of 159<sup>th</sup> Street, a state-maintained major four-lane arterial.

(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 Orland Park Nissan for an addition to the east side of the existing building of 3,135 square feet for the existing automotive dealership on the Subject Property. The Subject Property is legally described as follows:

LOT 692, EXCEPTING THE EAST 48.79 FEET, IN ORLAND GOLF VIEW UNIT 9A, BEING A SUBDIVISION OF PART OF THE EAST ½ OF THE SOUTHWEST ¼ OF SECTION 14, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 28, 1988 AS DOCUMENT NUMBER 88282987, ALL IN COOK COUNTY, ILLINOIS.

This amendment to a special use permit is issued on the condition that construction be pursuant to the Plan entitled "Preliminary Site Plan Service Addition to Orland Park Nissan," prepared by E. Anthony, Inc., dated November 18, 2009, project number 29-009, sheet number C1.0, and the elevations titled "Proposed Second Floor Plan and Exterior Elevations Service Addition to Orland Park Nissan," prepared by E. Anthony, Inc. dated November 18, 2009, sheet number A2.0, subject to the following conditions:

1. That "no parking" signs be placed 50 feet north of the intersection of 159<sup>th</sup> Street and 86<sup>th</sup> Avenue on each side of 86<sup>th</sup> Avenue to rectify any line of sight and maneuverability issues associated with parking near the intersection; and
2. That all new rooftop equipment, or rooftop equipment that is impacted by the project be screened from the public right-of-way and neighboring properties; and
3. That all building code requirements are met.

#### 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 1787, 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.