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ORDINANCE GRANTING AN AMENDED SPECIAL USE FOR A PLANNED DEVELOPMENT AND SPECIAL USE PERMIT WITH MODIFICATIONS FOR MOTOR VEHICLE SALES AND RENTAL (RIZZA ACURA - 8760 W. 159TH STREET)

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WHEREAS, the real estate hereinafter described (the "Subject Property") was granted a Special Use Permit for a Planned Development and special use permit for motor vehicle sales or rental, with modifications, pursuant to Ordinance Number 5307, adopted June 18, 2018; and

WHEREAS, a petition for an amended special use permit for a planned development and a special use permit for a motor vehicle sales and rental facility with modifications for the Subject Property, has been filed with the Village Development Services Department and said petition has been referred to the Plan Commission of this Village and has been processed in accordance with the Land Development Code (the "Code") of the Village of Orland Park as amended; and

WHEREAS, said Plan Commission of this Village held a public hearing on May 2, 2023, on whether the requested amended special use permit and special use permit should be granted, at which time all persons present were afforded an opportunity to be heard; and

WHEREAS, 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 meeting in the Daily Southtown, a newspaper of general circulation in this Village, there being no newspaper published in this Village; and

WHEREAS, the Plan Commission of this Village has filed its report of findings and recommendations that the requested special use permit with modifications 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 report and findings and recommendations of the Plan Commission of this Village regarding the proposed amended special use 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 hearing are also hereby incorporated by reference as fully as if attached hereto. This President and Board of Trustees further finds that the proposed amended 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 amended special use is also in accordance with the provisions of the Comprehensive Land Use Plan of the Village.

SECTION 2

An amended special use for a planned development and special use permit with modifications, for a motor vehicle sales and rental facility is hereby granted with respect to the Subject Property described as follows:

OUTLOT B OF A RE-SUBDIVISION OF RIZZA'S SUBDIVISION, BEING A SUBDIVISION OF THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 27-14-300-068, -069 and -070

SECTION 3

In addition to the findings set forth in Section 1 hereof, this Board of Trustees further finds, in relation to the proposed amended special use permit for a motor vehicle sales and rental facility as follows:

A. The Subject Property contains approximately 7.55 acres and is located within the Village of Orland Park in Cook County, Illinois, at 8760 W. 159th Street. The Subject Property is of the type contemplated in Section 6-207.C.11 of the Code and is being developed in accordance with a site plan best suited for the Subject Property. The plan is to develop the Subject Property for a 28,175 gross square foot motor vehicle sales and rental facility, including 206 parking spaces, detention pond and 2 small outlots under the BIZ General Business Zoning classification, with an amended special use for motor vehicle sales and rental. The site provides for adequate buffering of the proposed uses from surrounding land uses.

B. The proposed use of the Subject Property 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 property as Neighborhood Mixed Use in the 159th and Harlem Planning District.

C. The proposed amended special use and special use permit will be consistent with the character of the immediate vicinity of the Subject Property. To the north is the multi-family portion of the Golfview West Subdivision (zoned R-4 Residential), to the south is the Infiniti dealership (zoned BIZ General Business), to the east is a commercial retail center (zoned BIZ General Business) and multi-family residential in the Orland Brook Subdivision (zoned R-3 Residential) and to the west is Giorgio's Banquet Hall (in Orland Hills).

D. The proposed amended special use and special use permit of the Subject Property creates no adverse effects, including visual impacts, on adjacent properties. The proposed amended special use will not adversely affect the value of adjacent property.

E. 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 uses at an adequate level of service. Adequate measures have been or will be taken to provide ingress and egress so designed to minimize traffic congestion in the public streets. The entrances and exits will comply with all applicable requirements, and internal traffic is adequately provided for.

F. Petitioner has made adequate legal provision to guarantee the provision and preservation of all open spaces designated on the site plan and other improvements associated with the amended special use.

G. The proposed amended use (amending Ordinance No. 5307 adopted June 18, 2018) and special use permit will not adversely affect a known archaeological, historical or cultural resource.

H. The proposed amended special use and special use permit shall comply with all additional standards imposed on it by all other applicable requirements of the ordinances of the Village.

SECTION 4

An amended special use (amending Ordinance No. 5307 adopted June 18, 2018) and special use permit is hereby granted for a motor vehicle sales and rental facility on the Subject Property described in SECTION 2 hereof, subject to and conditioned upon the following:

A. The Subject Property shall be developed substantially in accordance with the Site Plan for Rizza Acura dated May 22, 2023, the Landscape Plan for Rizza Acura dated May 26, 2023, the Building Elevations for Rizza Acura dated March 24, 2023, and Plat of Subdivision dated March 24, 2023 subject to the following conditions:

1. The Village Engineering Programs and Services Department must approve final engineering and final landscape plans prior to issuance of any building permit.
2. Building permits must be obtained from the Village Building Division prior to commencement of site improvements.
3. The petitioner must provide tree mitigation cash-in-lieu as determined by the Village following final engineering and landscaping plan review and prior to issuance of any building permit.
4. All mechanical equipment must be screened either at grade or at roof top levels with landscaping, parapets or metal roof screening.

B. The Amended Special Use hereby granted is subject to the conditions set forth above in Subsection A and with the following modifications hereby approved:

1. Increase the maximum number of parking spaces from 296 parking spaces to 395 or 395 parking spaces.

2. Allow lighting foot-candles that exceeds the maximum allowable amount of 5.0 foot-candles at the lot lines for non-residential uses adjacent to non-residential uses. Allow lighting foot-candles that exceeds the maximum allowable amount of 0 foot-candles at the lot lines for non-residential uses adjacent to residential uses. Allow lighting foot-candles that exceeds the maximum allowable amount of 0.5 foot-candles at the lot lines for non-residential uses adjacent to public R.O.W. Lighting shall not exceed a maximum of 50 foot-candles at the 159th Street property line.

3. Reduce the number of required landscape parking lot island requirements.

4. Reduce the required foundation landscape requirements within 25' of the building.

5. Reduce the required amount of landscape bufferyards on the property.

C. A final plat of resubdivision conforming to the approved site plan described in Subsection A above is hereby approved provided the Petitioner provide the Village with a recordable plat of resubdivision.

SECTION 5

The Petitioner (Permittee) hereunder shall at all times comply with the terms and conditions of the amended special use permit herein granted, and in the event of non-compliance, said permit 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, be amended so as to be in conformance with the amended special use as aforesaid.

SECTION 7

That this Ordinance shall be in full force and effect from and after its adoption as provided by law.