

VILLAGE OF FOREST VIEW

ORDINANCE NO. 20-01

**AN ORDINANCE GRANTING CERTAIN SEPCIAL USES AND VARIATIONS,
APPROVING A SITE PLAN, AND IMPOSING CERTAIN CONDITIONS FOR THE
PROPERTY AT 4609 AND 4615 SOUTH HARLEM AVENUE**

**PASSED AND APPROVED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF FOREST VIEW,
COOK COUNTY, ILLINOIS, THIS 14th
DAY OF JANUARY, 2020.**

**Published in pamphlet form
by authority of the President
and Board of Trustees of the
Village of Forest View, Cook
County, Illinois, this 14th day
of January, 2020.**

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RECITALS

A. The “Subject Property” of this Ordinance has a common address of 4609 and 4615 South Harlem Avenue, currently improved with a quonset hut and two story building with a sewer business.

B. The Subject Property is legally described on **Exhibit 1** attached hereto and made a part hereof.

C. The contract purchaser of the Subject Property appeared before the President and Board of Trustees on November 12, 2019 to discuss the redevelopment proposal and received unanimous support for the redevelopment proposal. The contract purchaser has subsequently filed a Petition with the Village seeking site plan approval and a series of variations in order to allow the Subject Property to be redeveloped for a commercial center consisting of a car wash, a gaming café, and a retail unit.

D. The President and Board of Trustees conducted a public hearing on this matter on January 14, 2020. Notice of the public hearing was published as required by law on December 25, 2019. A copy of the Notice of Public Hearing is attached hereto as **Exhibit 1** and made a part hereof.

E. The President and Board of Trustees have determined that granting the requested relief is reasonable and will support the economic development of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF FOREST VIEW, COOK COUNTY, ILLINOIS, IN THE EXERCISE OF THE VILLAGE'S HOME RULE POWERS, as follows:

SECTION 1: Site Plan Approved. The President and Board of Trustees hereby approve of the site plan submitted for the redevelopment of the Subject Property. For reference purposes, the site plan is identified as follows: "Proposed Site Plan," consisting of Sheet A2 prepared by architect George Simoulis, dated 12-11-19, on file in the office of the Village Clerk. Site development shall proceed substantially in accord with the proposed Site Plan, sheet A2.

SECTION 2: Special Uses Granted. The following special uses are hereby granted in connection with the redevelopment of the Subject Property:

1. A special use pursuant to Section 10-7-3 of the Zoning Ordinance for a preliminary plan of planned unit development for the Subject Property to allow a car wash with exterior vacuum operations as well as a two-unit commercial building;
2. A special use pursuant to Section 10-7-3 of the Zoning Ordinance for a final plan of planned unit development for the Subject Property to allow a car wash with exterior vacuum operations as well as a two-unit commercial building;
3. A special use pursuant to Section 10-7-3 of the Zoning Ordinance in order to allow a car wash as a garage servicing automotive vehicles of three (3) tons weight and under;

SECTION 3: Planned Unit Development Variations Granted. The following planned unit development variations under Section 10-13-3(D), Section 10-13-3(E) and Section 10-13-3(J) are hereby granted from the Forest View Zoning Ordinance relating to signage in connection with the redevelopment of the Subject Property:

4. Variation from Section 4-6-22(B) to allow an increase in height of a pole sign from 20 feet to a height not to exceed 23 feet;

5. Variation from Section 4-6-24(F) to allow two wall signs on the commercial building and three wall signs on the car wash building;
6. Variation from Section 4-6-27(F) to permit an exit sign on and similar signs such as “vacuum” on awnings and canopies;

SECTION 4: Variations Granted. The following variations are hereby granted from the Forest View Zoning Ordinance in connection with the redevelopment of the Subject Property:

7. Variation from Section 10-4-9(B) of the Zoning Ordinance to allow the pay station canopy and the vacuum stations canopy to be constructed within 10 feet of the principal building;
8. Variation from Section 10-4-9(D) of the Zoning Ordinance to allow an increase in accessory building height from 17 feet to not greater than 18 feet (permitted for business use);
9. Variation from Section 10-4-9(B) and Section 10-4-11(A) of the Zoning Ordinance to allow the pay station canopy within the north interior side yard and to extend to a point that is within zero (0) to one (1) foot of the north lot line (no north side yard required);
10. Variation from Section 10-4-11(A) of the Zoning Ordinance in order to permit a masonry waste enclosure at 4601 Harlem Avenue to be used by the Petitioner under the design constraints approved for said property (visually consistent with the principal building elements not to exceed six (6) feet tall in the west front yard);
11. Variation from Section 10-4-12 and Section 10-6-5 of the Zoning Ordinance in order to permit a north interior side yard setback of zero (0) feet, an east rear yard setback of fifteen (15) feet measured to the building, a south interior side yard setback of not less than two (2) feet measured to the building wall and a west front yard setback of twenty (20) feet measured to the building—all in order to permit development without a north interior side yard in compliance with the plans provided with the application on file and available at the Village (no north or south interior side yard is required);
12. Variation from Section 10-6-6(B) in order to allow 515 SF of gross signage area provided that no signage shall be on the east building facade;
13. Variation from Section 10-7-1(B) of the Zoning Ordinance which requires all business, service, merchandise, and display to be conducted wholly within an enclosed building in order to permit the pay station and vacuum stations depicted in the plans submitted with the application on file with the Village;
14. Variation from Section 10-12-2(F) and Section 10-12-2(J) of the Zoning Ordinance in order to permit the 11 parking spaces depicted in the plans in the application on file with

the Village with the dimensions reflected in the plans for ordinary spaces and vacuum spaces provided that the accessible parking space shall meet applicable provisions of the Illinois Environmental Barriers Act and the Illinois Accessibility Code, as amended through October 2018;

15. Variation from Section 10-12-2(H) of the Zoning Ordinance which limits the widths of driveways to twenty-four (24) feet in order to permit the north driveway and the south driveway to have a width of twenty-five (25) feet in order to preserve existing Illinois Department of Transportation improvements (existing condition);
16. Variation from Section 10-12-2(I)(3) in order to permit a solid fence not to exceed a height of eight (8) feet along the east lot line and along the south lot line east of the car wash;
17. Modifications under Section 10-13-3(H) as follows:
 - a. Of the north interior side yard to permit a yard of zero (0) feet, measured to the support poles of the pay station canopy, with the maximum height of the tallest building of 30 feet and a building height of said structure not to exceed 24 feet (no north side yard is required);
 - b. Of the east rear yard to permit a yard of fifteen (15) feet, measured to the commercial building wall, with the maximum height of the tallest building of 30 feet and a building height of said structure not to exceed 24 feet;
 - c. Of the south interior side yard to permit a yard of two (2) feet, measured to the car wash building wall, with the maximum height of the tallest building of 30 feet and a building height of said structure not to exceed 24 feet;
 - d. Of the west front yard to permit a yard of 20 feet with the maximum height of the tallest building of 30 feet and a building height of said structure not to exceed 24 feet;
18. Pursuant to Section 10-12-2(I)(4) of the Zoning Ordinance, the requirement that all lighting shall be extinguished not later than thirty (30) minutes after the close of business is waived, in order to permit lighting sufficient for onsite safety and security to remain lit at all necessary hours; and

SECTION 5: Additional Conditions. The approvals granted by this Ordinance are subject to the following additional conditions:

- A. Owner shall construct and maintain an eight (8) foot high perimeter fence, said fence to be in conformity with the plans for the Shell Gasoline Station granted by Ordinance No. 18-11 on August 28, 2018 for a uniform eight (8) foot height fence on the Shell Gasoline Station and the

Subject Property;

B. The hours of operation for the gaming cafe shall be the same as the other gaming cafes next to residential districts in the Village and accordance with the hours available under the liquor license classification;

C. The car wash operations are limited to from 7:00 a.m. until 9:00 p.m. seven days a week;

D. The owner shall use baffling and screens on lighting installations so that pole lighting and lighting from signs do not cast glare onto adjacent residential properties; and

E. The owner shall take all necessary precautions to install car wash equipment and speakers that generate noise in a manner such that the operation of said equipment will not become a nuisance or disrupt the quiet use and enjoyment of nearby residential properties. The owner shall promptly respond, address and correct any noise complaints on an ongoing basis as a condition of the approval of the redevelopment of the Subject Property, and shall promptly advise the Village of any complaints received from neighbors.

SECTION 6: Home Rule. This Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the Village of Forest View that to the extent that the terms of this Ordinance should be inconsistent with any non-preemptive state law, that this Ordinance shall supersede state law in that regard within its jurisdiction.

SECTION 7: Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval, and shall subsequently be published in pamphlet form as provided by law.

PASSED AND APPROVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF FOREST VIEW, COOK COUNTY, ILLINOIS, THIS 14th DAY OF JANUARY, 2020.

AYES: Trustees Grossi, Sudkamp, Miller, Stimach, Kirchgatterer

NAYS: Trustee Hubacek

ABSENT: None

APPROVED BY THE PRESIDENT OF THE VILLAGE OF FOREST VIEW, COOK COUNTY, ILLINOIS, THIS 14th DAY OF JANUARY, 2020.

Lawrence Powell
Village President

ATTEST:

Joy M. Conklin
Village Clerk

Exhibit 1