

VILLAGE OF ARLINGTON HEIGHTS

ORDINANCE NO. 2024-_____

AN ORDINANCE GRANTING AN AMENDED LAND USE VARIATION
FOR FORD AUXILIARY PARKING LOT
(580 W. University Drive)

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF ARLINGTON HEIGHTS
THIS ____ DAY OF _____, 2024.

Published in pamphlet form
by the authority of the
President and Board of Trustees
of the Village of Arlington Heights,
Cook County, Illinois this
_____ day of _____, 2024

Village Clerk

AN ORDINANCE GRANTING AN AMENDED LAND USE VARIATION
FOR FORD AUXILIARY PARKING LOT
(580 W. University Drive)

WHEREAS, Arlington Heights Ford (“*Owner*”) is the owner of that certain property located in the M-1 Research, Development, and Light Manufacturing District (“*M-1 District*”), commonly known as 580 W. University Drive, Arlington Heights, Illinois, and legally described in Exhibit A attached to and, by this reference, made a part of this Ordinance (“*Property*”); and

WHEREAS, in November 2001, the Village approved Ordinance No. 01-057, which approved a preliminary plat of subdivision, a planned unit development, a land use variation to allow the storage of passenger vehicles on the Property, and variations for the Property (“*2001 Ordinance*”); and

WHEREAS, John Guido Jr. (“*Applicant*”) on behalf of the Owner, requests an amendment to the land use variation approved in the 2001 Ordinance to also allow non-passenger vehicles, such as trucks, vans, and busses, to be stored on the Property (“*Proposed Use*”); and

WHEREAS, pursuant to “the 2002 Comprehensive Amendment of the Zoning Ordinance of the Village of Arlington Heights,” as amended (“*Zoning Code*”), the Property may only be used for the Proposed Use upon issuance by the Village Board of Trustees of an amended land use variation therefor; and

WHEREAS, pursuant to Section 12 of the Zoning Code, the Applicant, with the Owner’s consent, has filed an application for approval of an amended land use variation to allow the Proposed Use within the Property (“*Requested Relief*”); and

WHEREAS, a public hearing of the Plan Commission of the Village to consider approval of the Requested Relief was duly advertised in the *Daily Herald* newspaper on February 13, 2024, and held on February 28, 2024; and

WHEREAS, on February 28, 2024, the Plan Commission made findings and recommendations in support of the Requested Relief, with conditions; and

WHEREAS, the President and Board of Trustees have determined that the Requested Relief meets the required standards for land use variations as set forth in Section 12.2 of the Zoning Code; and

WHEREAS, the President and Board of Trustees have determined that it will serve and be in the best interest of the Village to grant the Requested Relief, subject to the conditions, restrictions, and provisions of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS:

SECTION 1. RECITALS. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. GRANT OF AMENDED LAND USE VARIATION. Subject to, and contingent upon, the conditions, restrictions, and provisions set forth in Section 3 of this Ordinance, and in accordance with, and pursuant to, Section 12 of the Zoning Code and the home rule powers of the Village, the Village hereby grants an amendment to the land use variation granted in the 2001 Ordinance to permit the Proposed Use on the Property.

SECTION 3. CONDITIONS. Notwithstanding any use or development right that may be applicable or available pursuant to the provisions of the Zoning Code, the approval granted pursuant to Section 2 of this Ordinance is hereby expressly subject to, and contingent upon, the development, use, and maintenance of the Property in compliance with each and all of the following conditions. For all conditions set forth in this Section 3 for which the Village may conduct a review, make a modification, make an approval, or make a determination, the Village Manager, or their designee, is authorized to take that action in their sole discretion and to their satisfaction. The Applicant will bear all costs for compliance with its obligations in this Section 3 and elsewhere in this Ordinance, unless otherwise noted.

- A. Compliance with Regulations. Except to the extent specifically provided otherwise in this Ordinance, the development, use, operation, and maintenance of the Proposed Use and the Property must comply at all times with all applicable Federal, State, and Village statutes, codes, ordinances, and regulations, as the same have been or may be amended from time to time.
- B. Designated Parking Spaces. Non-passenger vehicles may only be parked on the Property on spaces 1 through 50 and space 176 on the Property as identified in the “Parking Lot Layout” attached to and, by this reference made a part of this Ordinance as Exhibit B. All other parking spaces on the Property must be designated for, and used by, only passenger vehicles.
- C. Emergency Access. No vehicle may be parked in drive aisles on the Property. The drive aisles on the Property must be open and accessible to emergency vehicles at all times.
- D. Additional Parking. If any vehicles are parked on a grassy area on the Property, then within 90 days of a request by the Village, the Owner must construct up to 24 additional parking spaces on the Property, in an amount determined by the Village, in the location depicted in Exhibit A to the 2001 Ordinance, which is also attached as Exhibit C to and, by this reference, made a part of this Ordinance. The additional parking spaces must be designed and constructed in compliance with all applicable Village codes, ordinances, and regulations.
- E. Permitted Vehicles. All vehicles parked on the Property must be awaiting repair service by the Owner or be for-sale or for-lease vehicle inventory of the Owner. Parking spaces on the Property may not be leased to, or used for vehicle storage by, third-parties.
- F. Working Vehicles. All vehicles stored on the Property must be in working order, and may not be visibly damaged or inoperable. Vehicles needing body work or engine repair may not be stored on the Property.
- G. Landscape Plan. The Applicant must provide the Village’s Director of Community Development & Planning with a landscape plan for review and approval which screens the parking lot on the Property from view from the viewpoint of W. University Drive. The screening must be a minimum of three-feet in height, and consist of a mix of plant materials of varying heights, including shrubs, perennials, and ornamental trees. The landscaping must be installed on or before September 30, 2024.

SECTION 4. RECORDATION; BINDING EFFECT. A copy of this Ordinance will be recorded on title to the Property with the Cook County Clerk’s Recording Division. This Ordinance and the

privileges, obligations, and provisions contained herein inure solely to the benefit of, and are binding upon the Applicant and each of its heirs, representatives, successors, and assigns.

SECTION 5. FAILURE TO COMPLY WITH CONDITIONS. Upon the failure or refusal of the Applicant to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, as applicable, the approval granted in Section 2 of this Ordinance may, at the sole discretion of the Village President and Board of Trustees, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village President and Board of Trustees may not so revoke the approval granted in Section 2 of this Ordinance unless they first provide the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Village President and Board of Trustees. In the event of revocation, the development and use of the Property will be governed solely by the regulations of the M-1 District and the applicable provisions of the Village Code, as the same may, from time to time, be amended. Further, in the event of such revocation, the Village Manager and Village Attorney are hereby authorized and directed to bring such enforcement action as may be appropriate under the circumstances.

SECTION 6. AMENDMENTS. Any amendments to the approval granted in Section 2 of this Ordinance that may be requested by the Applicant after the effective date of this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Village Code.

SECTION 7. SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance are to remain in full force and effect, and will be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 8. EFFECTIVE DATE.

- A. This Ordinance will be effective only upon the occurrence of all of the following events:
1. Passage by the Village President and Board of Trustees in the manner required by law; and
 2. The filing by the Owner and the Applicant with the Village Clerk of an Unconditional Agreement and Consent, in the form of Exhibit D attached to and, by this reference, made a part of this Ordinance, to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance and to indemnify the Village for any claims that may arise in connection with the approval of this Ordinance.
- B. In the event the Owner and the Applicant do not file fully executed copies of the Unconditional Agreement and Consent, as required by Section 8.A.2 of this Ordinance, within 30 days after the date of final passage of this Ordinance, the Village President and Board of Trustees will have the right, in their sole discretion, to declare this Ordinance null and void and of no force or effect.

[SIGNATURES ON FOLLOWING PAGE.]

AYES:

NAYS:

PASSED AND APPROVED THIS ____ day of _____, 2024

Village President

ATTEST:

Village Clerk

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

LOT 1 IN UNIVERSITY SUBDIVISION, BEING A SUBDIVISION OF THE EAST 870.13 FEET, AS MEASURED ON THE NORTH AND SOUTH LINES THEREOF, OF THE NORTH 325 FEET OF THE SOUTH 667.86 FEET, AS MEASURED ON THE EAST LINE THEREOF, OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDING DECEMBER 14, 2001 AS DOCUMENT 0011187042.

Commonly known as: 580 W. University Drive, Arlington Heights, Illinois.

PIN: 03-07-200-055

EXHIBIT B

PARKING LOT LAYOUT

(attached)

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	176
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^^^^^^^^^^^^^^^^^^^^^^SERVICE PARKING ^^^^^^^^^^^^^^^^^^^^^^^

-----SERVICE PARKING (19-50)-----

19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50

51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66
67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82

83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98
99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114

115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130
131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146

170	171	172	173	174	175
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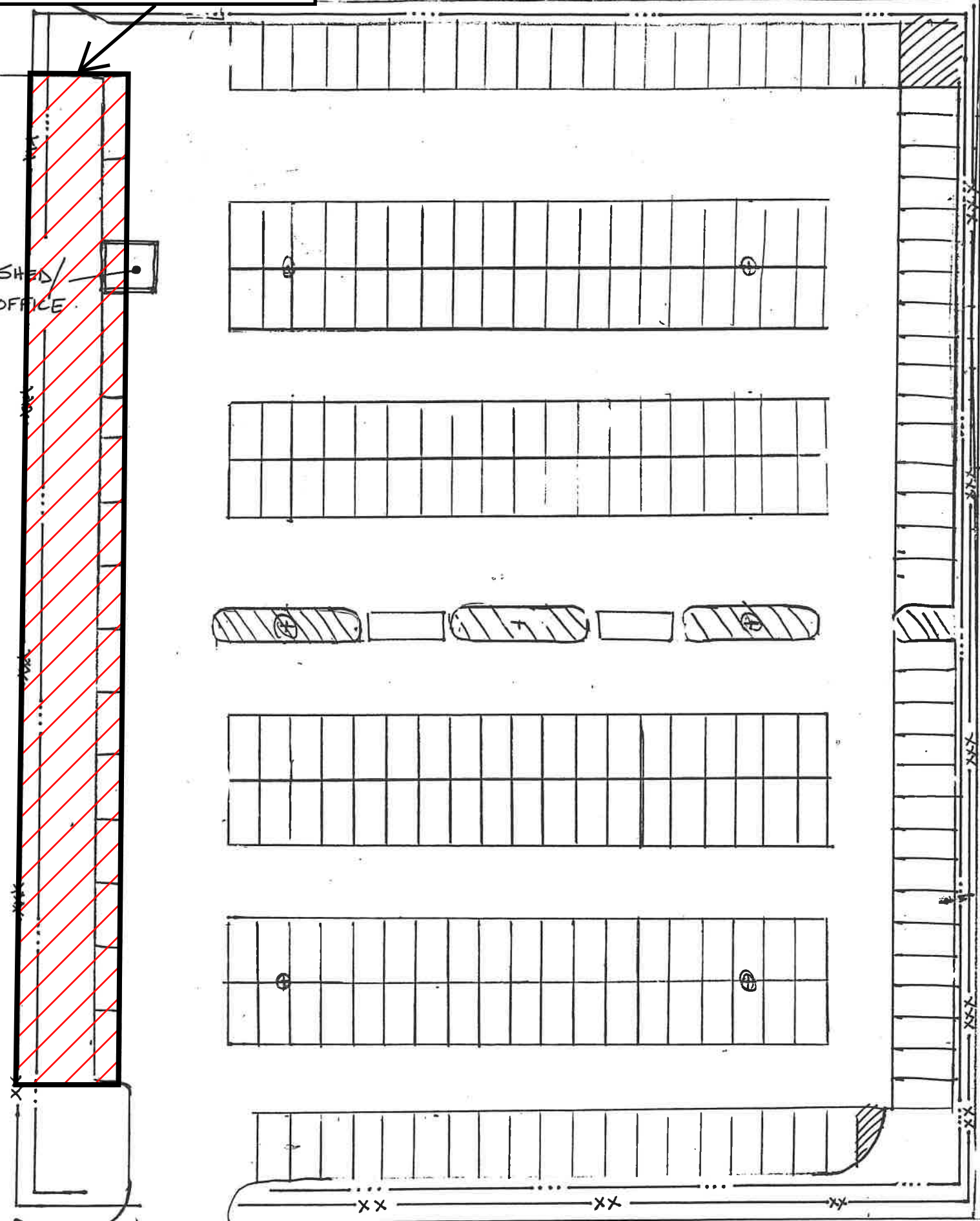
EXHIBIT C

ADDITIONAL PARKING LAYOUT

(attached)

General area for land banked parking with final design/orientation/amount of parking subject to Village review and compliance with applicable engineering requirements.

... — GUARD RAIL
xx — WROUGHT IRON
xxx — CHAIN LINK



UNIVERSITY DRIVE

EXHIBIT D

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The Village of Arlington Heights, Illinois (“*Village*”):

WHEREAS, Arlington Heights Ford (“*Owner*”) is the owner of that certain property located in the M-1 Research, Development, and Light Manufacturing District (“*M-1 District*”), commonly known as 580 W. University Drive, Arlington Heights, Illinois (“*Property*”); and

WHEREAS, the Owner currently uses the Property as an auxiliary storage lot for passenger vehicles; and

WHEREAS, John Guido Jr. (“*Applicant*”) on behalf of the Owner, requested an amended land use variation allow non-passenger vehicles, such as trucks, vans, and busses, to be stored on the Property (“*Proposed Use*”); and

WHEREAS, Ordinance No. 2024-_____, adopted by the Village President and Board of Trustees on _____, 2024 (“*Ordinance*”), grants an amended land use variation to the Applicant for the operation of the Proposed Use on the Property; and

WHEREAS, Section 8 of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Owner and the Applicant file, within 30 days following the passage of the Ordinance, their unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Ordinance;

NOW, THEREFORE, the Owner and the Applicant do hereby agree and covenant as follows:

1. The Owner and the Applicant hereby unconditionally agree to, accept, consent to, and will abide by, each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.
2. The Owner and the Applicant acknowledge that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, have considered the possibility of the revocation provided for in the Ordinance, and agree not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.
3. The Owner and the Applicant acknowledge and agree that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village’s granting of an amendment to the land use variation for the Property or its adoption of the Ordinance, and that the Village’s approval does not, and will not, in any way, be deemed to insure the Owner and the Applicant against damage or injury of any kind and at any time.
4. The Owner and the Applicant hereby agree to jointly and severally hold harmless and indemnify the Village, the Village’s corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with the Village’s adoption of the Ordinance granting an amendment to the land use variation for the Property.

[SIGNATURES ON FOLLOWING PAGE]

Dated: _____, 2024

ATTEST:

JOHN GUIDO JR.

By: _____

By: _____

Its: _____

Its: _____

ATTEST:

ARLINGTON HEIGHTS FORD

By: _____

By: _____

Its: _____

Its: _____