

Council Meeting
Tuesday, March 13, 2018
City of Oak Forest
8:00 P.M.
City Council Chambers

AGENDA

ALDERMEN

| | | |
|---------------------------|---------------------------------|----------------------|
| MAYOR: | Henry L. Kuspa | 1 – Laura Clemons |
| CLERK: | David M. Neuman | 2 – Richard D. Simon |
| TREASURER: | JoAnn M. Kelly | 3 – Diane Wolf |
| CITY ADMINISTRATOR: | Troy A. Ishler | 4 – Paul Selman |
| FINANCE DIRECTOR: | Colleen M. Julian | 5 – Jim Emmett |
| FIRE CHIEF: | Patrick Duffy | 6 – James Hortsman |
| POLICE CHIEF: | Tim Kristin | 7 – Denise Danihel |
| BUILDING COMMISSIONER: | Mike Forbes | |
| PUBLIC WORKS DIRECTOR: | Rich Rinchich | |
| ECONOMIC DEVEL. DIRECTOR: | Travis Bandstra | |
| E.M.A. CHIEF: | Bob Small | |
| CITY ATTORNEY: | Klein, Thorpe and Jenkins, LTD. | |

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL**
3. **ANNOUNCEMENTS AND COMMUNITY CALENDAR**
4. **SWEARING IN OF NEW OAK FOREST POLICE DEPARTMENT PROBATIONARY POLICE OFFICER LEE WEST**
5. **MOTION TO ESTABLISH CONSENT AGENDA**
6. **CONSENT AGENDA:**
 - A. Approval of Minutes:
 1. City Council - February 27, 2018
 - B. Consideration of the following Lists of Bills dated:
 1. Regular Bills Fiscal Year 2017-2018 - March 13, 2018
 2. Supplemental Bills Fiscal Year 2017-2018 - March 13, 2018

C. Consideration of the following Commission Minutes:

- | | | |
|------------------------|---|-------------------|
| 1. Crime Prevention | - | November 15, 2017 |
| 2. Consumer Protection | - | February 21, 2018 |
| 3. Planning & Zoning | | February 21, 2018 |

D. Consideration of the following reports:

- | | | |
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| 1. Baxter & Woodman Project Status Report | - | February 28, 2018 |
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7. ADMINISTRATION

- A. Approval of Ordinance No. 2018-02-0682O amending Liquor Licensing provisions of the Oak Forest Municipal Code. The attached memo from Mayor Kuspa, dated March 7, 2018, provides supporting details.

8. INFORMATION TECHNOLOGY

- A. Approval of the renewal of contracts for copiers in the Police, Building and Fire Departments. The attached memo from Information Technology Director Rieman, dated March 7, 2018, provides supporting details.

9. PUBLIC WORKS

- A. Approval of a proposal by Basic Irrigation of Plainfield, Illinois relating to purchase and installation of two aerators in Daniels pond at a cost of \$16,480.00. The attached memo from Public Works Director Rinchich, dated March 6, 2018, provides supporting details.

10. COMMUNITY DEVELOPMENT

- A. Approval of Resolution No. 2018-03-0329R, a Minor Plat of Subdivision at the property commonly known as 4375 Frontage Road in the I-1 Industrial District. The attached memo from Economic & Community Development Director Bandstra, dated March 7, 2018, provides supporting details.
- B. Approval of Ordinance No. 2018-03-0683O, a Text Amendment to Subparagraph 11-403(E)(1), Permitted Variations, of the City of Oak Forest Zoning Ordinance to allow for variations to the maximum permitted height of principal structures in non-residential districts. The attached memo from Economic & Community Development Director Bandstra, dated March 7, 2018, provides supporting details.
- C. Approval of Ordinance No. 2018-03-0684O, a Special Use Permit to allow a hotel in the I-1 Industrial District; a Variation to Section 9-104(F)(1)(e)(2) to allow 164 parking spaces where 199 are required; and a Variation to Section 7 -109(A)(2) to allow a four (4) story principal structure where three (3) stories are permitted at the property commonly known as 4375 Frontage Road. The attached memo from Economic & Community Development Director Bandstra, dated March 7, 2018, provides supporting details.
- D. Approval of Agreement No. 2018-03-0271A, an Intergovernmental Agreement among Midlothian, Crestwood and Oak Forest for a joint Invest in Cook Grant Application for funding for the Natalie Creek Trail. Invest in Cook is one of three possible scenarios to help fund this project. Oak Forest's portion of a \$105,000.00 required match for this scenario would be \$35,000.00. The attached memo from Economic & Community Development Director Bandstra, dated March 7, 2018, provides supporting details.

11. **CITIZENS PARTICIPATION:** The Oak Forest City Council invites public comment at its meetings, but it generally does not have the ability to provide an immediate response to some questions raised during the Citizens Participation portion of a council meeting without some reasonable opportunity to review them. Therefore, the City Council encourages questions to also be submitted in writing in the event that they need to be referred to City staff to help assure a more thoughtful and informed response.
12. **OLD BUSINESS**
13. **NEW BUSINESS**
14. **EXECUTIVE SESSION:** This Executive Session is to discuss litigation, when an action against, affecting or on behalf of the City of Oak Forest has been filed and is pending before a court or administrative tribunal, or when the City finds that an action is probable or imminent in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.
15. **ADJOURNMENT**



ALL GOOD THINGS CLOSE TO HOME

CITY COUNCIL AGENDA MEMO

DATE: MARCH 7, 2018
TO: CITY COUNCIL
TRAVIS BANDSTRA, DIRECTOR OF ECONOMIC & COMMUNITY DEVELOPMENT
FROM: KATIE ASHBAUGH, COMMUNITY PLANNER
SUBJECT: RESOLUTION APPROVING A MINOR PLAT OF SUBDIVISION AT THE PROPERTY
COMMONLY KNOWN AS 4375 FRONTAGE ROAD IN THE I1- INDUSTRIAL DISTRICT

Background

On June 26, 2001, the City Council approved the subdivision of a single lot into three lots at the property commonly known as 4375 Frontage Road, on which the former Ramada Inn and its associated parking and detention pond was located. The hotel flag has since changed to Best Western.

In 2016, the applicant purchased all three lots to acquire the Best Western. In conjunction with this request for Minor Plat of Subdivision approval, the applicant proposes a Holiday Inn Express hotel to the north of the existing Best Western. Staff determined the proposed site plan for the Holiday Inn Express required a consolidation of the three lots into two.

Proposal

The lot on which the existing Best Western is located will remain the same. The two lots to the north will be consolidated into one lot, on which the proposed Holiday Inn Express will be located, creating two lots from three lots.

The existing driveways, the drive aisles surrounding the existing Best Western, and the drive aisles to surround the proposed Holiday Inn Express are covered by a cross access, drainage, and utility easement. A blanket drainage easement across the lot for the proposed Holiday Inn Express for the benefit of the lot of the existing Best Western was also added.

Recommendation

On February 21, 2018, the PZC held a public meeting and recommended approval of the Minor Plat of Subdivision by adopting PZC Resolution 18-2 with a vote of 6-0-1 with two absent.

Action Requested

Approval of Resolution 2018-03-0329R approving the Minor Plat of Subdivision titled, "HD Hospitality Subdivision" for the property commonly known as 4325 Frontage Road.

RESOLUTION NO. 2018-03-0329R

BE IT RESOLVED by the Mayor and City Council of the City of Oak Forest, Cook County, Illinois, THAT:

A RESOLUTION APPROVING A MINOR PLAT OF SUBDIVISION AT THE PROPERTY COMMONLY REFERRED TO AS 4375 FRONTAGE ROAD IN THE I1-INDUSTRIAL DISTRICT

**(CITY OF OAK FOREST– PLANNING AND ZONING COMMISSION
DOCKET ZONING CASE NO. 17-016)**

shall be, and is hereby, adopted as follows:

Section 1. BACKGROUND.

Chirag Patel of HD Hotels, LLC ("**Owner**") is the legal title Owner of that property commonly referred to as 4375 Frontage Road and is located to the southeast of Interstate 57 ("**Property**"). The Planning and Zoning Commission reviewed and recommended approval of the Owner's minor plat of subdivision at its February 21, 2018 meeting.

Section 2. APPROVAL; AUTHORIZATION.

The minor plat of subdivision for the Property, prepared by Wolf Pack Consulting, LLC., consisting of one sheet, with a latest revision date of February 15, 2018 ("*HD Hospitality Subdivision*"), attached as *Exhibit A* and, by this reference, made a part of this Resolution, shall be, and is hereby, approved in accordance with Section 3-203 of the Subdivision Regulations Ordinance (Ordinance # 2014-06-0498O), as amended, and the home rule powers of the City of Oak Forest. On behalf of the City Council of the City of Oak Forest, the Mayor and Clerk are hereby authorized and directed to execute the Minor Plat of Subdivision.

Section 3. Adoption.

That this Resolution shall take effect from and after its adoption and approval.

ADOPTED

This _____ Day of March, 2018

APPROVED By Me

This _____ Day of March, 2018

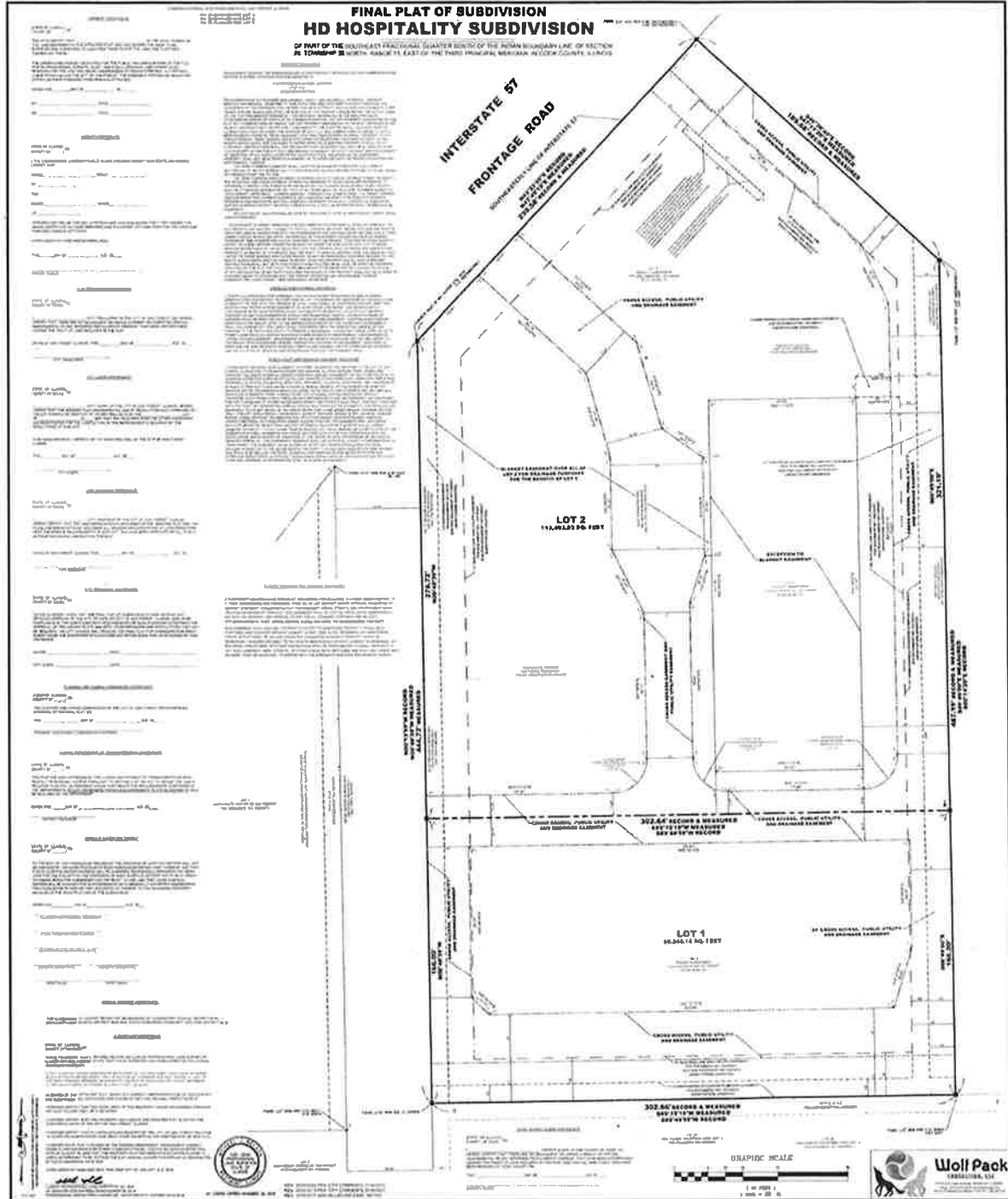
HENRY L. KUSPA, MAYOR

ATTEST:

DAVID NEUMAN, CITY CLERK

| Aldermen | Aye | Nay | Abstain | Absent |
|---------------------------------|-----|-----|---------|--------|
| Laura Clemons First Ward | | | | |
| Richard D. Simon Second Ward | | | | |
| Diane Wolf Third Ward | | | | |
| Paul Selman Fourth Ward | | | | |
| James Emmett Fifth Ward | | | | |
| James Hortsman Sixth Ward | | | | |
| Denise Danihel Seventh Ward | | | | |
| Henry L. Kuspa Mayor | | | | |

Exhibit A
HD Hospitality Subdivision





ALL GOOD THINGS CLOSE TO HOME

CITY COUNCIL AGENDA MEMO

DATE: MARCH 7, 2018
TO: CITY COUNCIL
TRAVIS BANDSTRA, DIRECTOR OF ECONOMIC & COMMUNITY DEVELOPMENT
FROM: KATIE ASHBAUGH, COMMUNITY PLANNER
AN ORDINANCE APPROVING A TEXT AMENDMENT TO SUBPARAGRAPH 11-403(E)(1), PERMITTED VARIATIONS, OF THE CITY OF OAK FOREST ZONING ORDINANCE TO ALLOW FOR VARIATIONS TO THE MAXIMUM PERMITTED HEIGHT OF
SUBJECT: PRINCIPAL STRUCTURES IN NON-RESIDENTIAL DISTRICTS

Background

This request is related to the previous agenda item, a resolution to approve the Minor Plat of Subdivision for the property commonly referred to as 4375 Frontage Road, on which the Best Western hotel is located.

The applicant subsequently requests approval of a Text Amendment to Subsection 11-403(E)(1), Permitted Variations of the Zoning Ordinance, to allow requests for variations to the maximum permitted height of principal structures in non-residential districts. Approval of this request will subsequently allow the applicant to request a variation to allow four stories where three are permitted in the I1 – Industrial District for a proposed Holiday Inn Express.

Recommendation

On February 21, 2018, the PZC held a public hearing and recommended approval of the following Text Amendment by adopting PZC Resolution 18-3 with a vote of 7-0 with two absent:

- (r) To increase, by not more than one (1) story, the maximum allowable height of principal structure in any non-residential district, provided that the increase in height by one (1) story shall not require a related increase to the maximum allowable height in feet of the same district.

Action Requested

Approval of Ordinance 2018-03-06830 approving a Text Amendment to Subparagraph 11-403(E)(1), Permitted Variations, of the City of Oak Forest Zoning Ordinance to allow for variations to the maximum permitted height of principal structures in non-residential districts.

CITY OF OAK FOREST

ORDINANCE NO. 2018-03-06830

AN ORDINANCE APPROVING A TEXT AMENDMENT TO SUBPARAGRAPH 11-403(E)(1), PERMITTED VARIATIONS, OF THE CITY OF OAK FOREST ZONING ORDINANCE TO ALLOW FOR VARIATIONS TO THE MAXIMUM PERMITTED HEIGHT OF PRINCIPAL STRUCTURES IN NON-RESIDENTIAL DISTRICTS

(HD Hotels, LLC – Chirag Patel – PZC CASE NO. 17-015)

Passed by the City Council, _____, 2018

Printed and Published, _____, 2018

Printed and Published in Pamphlet Form
By Authority of the Board of Trustees

**CITY OF OAK FOREST
COOK COUNTY, ILLINOIS**

I hereby certify that this document
was properly published on the date
stated above.

City Clerk

ORDINANCE NO. 2018-03-06830

BE IT ORDAINED by the Mayor and City Council of the City of Oak Forest, Cook County, Illinois, THAT:

AN ORDINANCE APPROVING A TEXT AMENDMENT TO SUBPARAGRAPH 11-403(E)(1), PERMITTED VARIATIONS, OF THE CITY OF OAK FOREST ZONING ORDINANCE TO ALLOW FOR VARIATIONS TO THE MAXIMUM PERMITTED HEIGHT OF PRINCIPAL STRUCTURES IN NON-RESIDENTIAL DISTRICTS

(HD Hotels, LLC – Chirag Patel – PZC CASE NO. 17-015)

shall be and is hereby adopted as follows:

Section 1. BACKGROUND.

HD Hotels, LLC ("**Petitioner**"), has applied for a text amendment to allow requests for variations to the maximum permitted height of principal structures in non-residential districts, hereby made a part of this Ordinance ("**Amendment**").

Section 2. PUBLIC HEARING.

A public hearing was duly advertised on February 6, 2018 in the *Daily Southtown* and was held by the Planning and Zoning Commission ("**PZC**") on February 21, 2018, on which date the PZC adopted PZC Resolution 18-3 (**Exhibit A** attached hereto), which thereby recommended approval of the Petitioner's application for the Amendment.

Section 3. AMENDMENT.

Subparagraph 11-403 E(1) of the City of Oak Forest Zoning Ordinance is hereby amended, as follows (additions in **bold and underline**; deletions in ~~bold and strikethrough~~):

"(r) To increase, by not more than one (1) story, the maximum allowable height of a principal structure in any non-residential district, provided that the increase in height by one (1) story shall not require a related increase to the maximum allowable height in feet of the same district."

Section 4. CONFLICT.

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5. EFFECTIVE DATE.

This Ordinance will be in full force and effect upon its passage and publication in pamphlet form in the manner required by law.

ADOPTED

This _____ Day of _____, 2018

APPROVED By Mayor

This _____ Day of _____, 2018

HENRY L. KUSPA, MAYOR

ATTEST:

DAVID NEUMAN, CITY CLERK

| Aldermen | Aye | Nay | Abstain | Absent |
|---------------------------------|-----|-----|---------|--------|
| Laura Clemons First Ward | | | | |
| Richard D. Simon Second Ward | | | | |
| Diane Wolf Third Ward | | | | |
| Paul Selman Fourth Ward | | | | |
| James Emmett Fifth Ward | | | | |
| James Hortsman Sixth Ward | | | | |
| Denise Danihel Seventh Ward | | | | |
| Henry L. Kuspa Mayor | | | | |

EXHIBIT A
PZC Resolution 18-3

(see attached)

CITY OF OAK FOREST
PLANNING AND ZONING COMMISSION

PZC RESOLUTION NO. 18-03

WHEREAS, Chirag Patel, representing HD Hotels, LLC, ("**Applicant**") filed an application for a special use permit to allow a hotel in the I1 – Industrial District; a variation to Section 9-104(F)(1)(e)(2) to allow 164 parking spaces where 199 are required; and a variation to allow a four (4) story principal structure where three (3) stories are permitted ("**Zoning Relief**"); and such other and further zoning relief as may be required; and

WHEREAS, the Applicant also requested a text amendment to Subparagraph 11-403(E)(1), Permitted Variations, of the City of Oak Forest Zoning Ordinance to allow for variations to the maximum permitted height of principal structures in non-residential districts ("**Text Amendment**") and such other and further zoning relief as may be required; and

WHEREAS, the Applicant's requested Zoning Relief is for the property commonly known as 4375 Frontage Road ("**Property**"); and

WHEREAS, the Applicant's requested Text Amendment is fully set forth in **Exhibit B** which is attached and by this reference incorporated into this resolution; and

WHEREAS, a public notice was duly published in the Daily Southtown on February 6, 2018 and a public hearing was convened before the Planning and Zoning Commission ("**PZC**") on February 21, 2018; and

WHEREAS, the PZC has considered all of the evidence presented to it, including without limitation, those documents attached and incorporated in to this resolution by this reference as **Exhibit A**;

NOW THEREFORE, BE IT RESOLVED by the PZC of the City of Oak Forest, Cook County, based on the foregoing recitals which are hereby incorporated by reference, that:

Section 1. FINDINGS.

Based on the evidence presented at the public hearing, and the Findings of Fact attached hereto as *Exhibit C*, the PZC hereby finds that the Applicant's requests do satisfy the standards for the requested Zoning Relief and for the requested Text Amendment as set forth in the Zoning Ordinance of Oak Forest.

Section 2. ZONING RELIEF RECOMMENDATION.

Based on the findings of fact set forth in Section 1 of this resolution, the PZC hereby recommends that the City Council approve the Applicant's requested Zoning Relief, on the conditions that:

- A. No Authorization of Work. The Ordinance approving the Zoning Relief ("Ordinance") does not authorize commencement of any work on the Property. Except as otherwise specifically provided in writing in advance by the City, no work of any kind shall be commenced on the Property pursuant to the approvals granted unless and until all conditions of the Ordinance precedent to such work have been fulfilled and after all permits, approvals, and other authorizations for such work have been properly applied for, paid for, and granted in accordance with applicable law, including, without limitation, approval of final engineering plans and issuance of required permits.
- B. Compliance with Laws. The development, maintenance and operation of the Property must comply with all applicable State, County and City statutes, ordinances, codes, rules, and regulations.
- C. Compliance with Plans. The development, maintenance, and operation of the Property will be in substantial compliance with the following documents and plans, attached hereto as Exhibit A, except for the specific changes listed below under this Condition C; minor changes and site work required to the satisfaction of the City Engineer; and in accordance with all applicable City rules, regulations, and ordinances.
 1. That a consistent curbing type be installed along the entire length of the west, primary driveway on both sides.
 2. That east, secondary driveway be a one-way exit only driveway and appropriate wayfinding be installed.
- D. Limitation of Approval. The special use permit as documented in Exhibit A is limited to the Property, provided that any and all signs indicated on said exhibit shall be subject to review and approval in accordance with Section 9-106 of the Oak Forest Zoning Ordinance.
- E. Final Engineering Approval. Petitioner must obtain approval of final engineering plans from the City Engineer prior to the release of any building or occupancy permits for the Property.
- F. Final Landscape Plan Approval. Petitioner must obtain approval of a final landscape plan, which shall be in substantial conformance with the special use

permit documented in Exhibit A, from the Community Development Director prior to the release of any building or occupancy permits for the Property.

- G. Other. Petitioner must agree to enter into a parking enforcement agreement with the City of Oak Forest Police Department to prevent parking in designated fire lanes and any other areas designated as no parking on the Property.
- H. The associated minor plat of subdivision (Zoning Case #17-016) and all its supporting documents (shared parking agreement, detention pond stewardship plan, and any and all other documents deemed necessary by the Community Development Director) shall be required to be approved and recorded with Cook County prior to building permit issuance.

Section 3. TEXT AMENDMENT RECOMMENDATION.

Based on the findings of fact set forth in Section 1 of this resolution, the PZC hereby recommends that the City Council adopt the Applicant's requested Text Amendment as set forth in Exhibit B.

ADOPTED THIS 21 day of Feb, 2018

AYES: (7)

NAYS: ()

ABSENT: (2)

ABSTAIN: ()

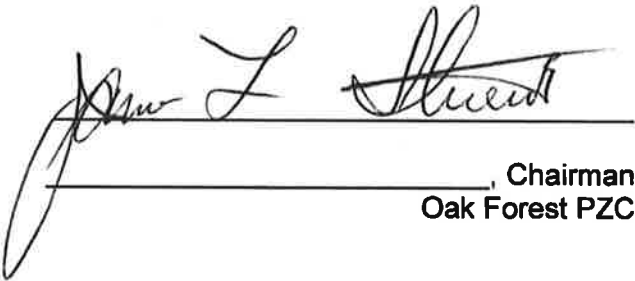
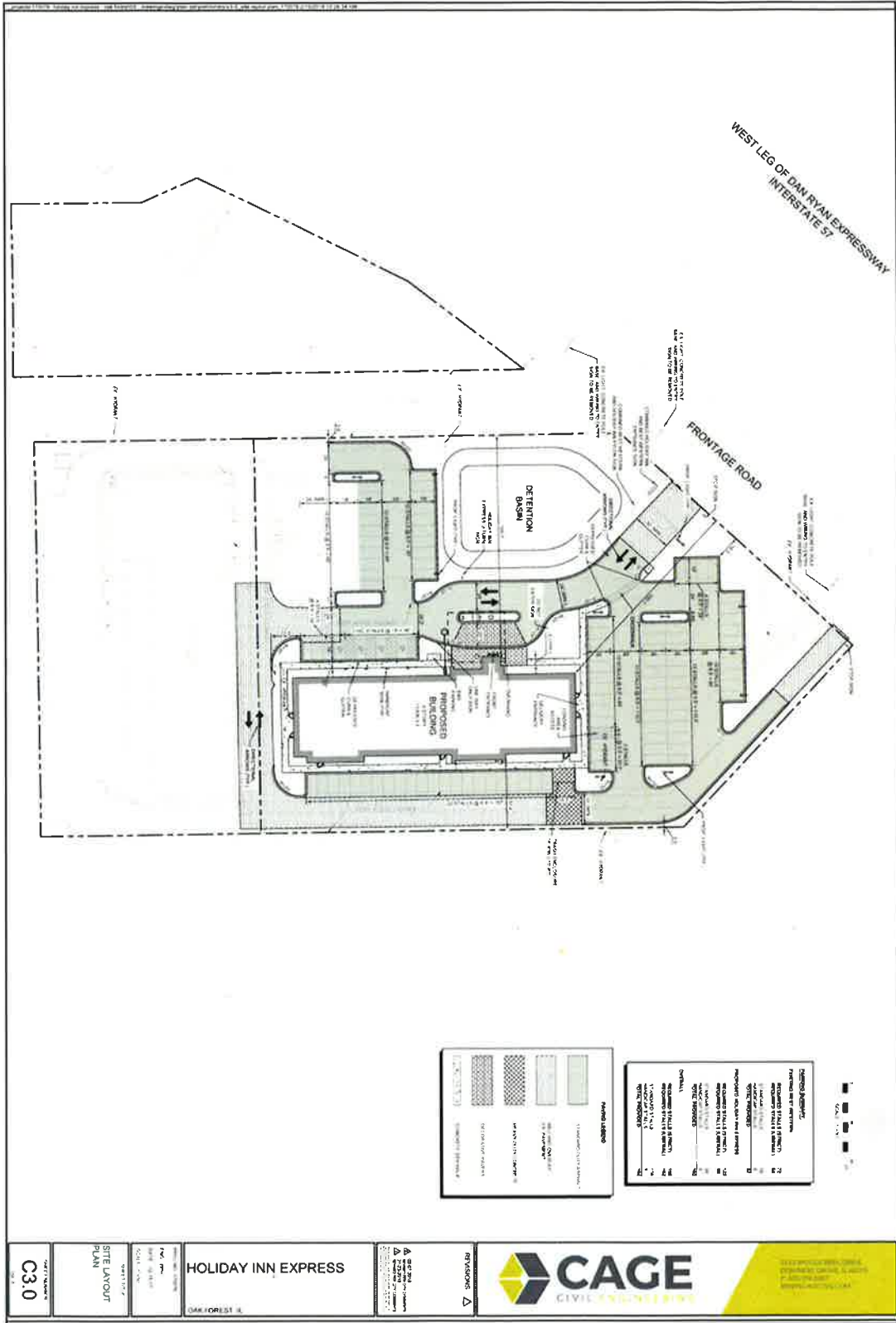

 _____, Chairman
 Oak Forest PZC

EXHIBIT A Site Plan



FINISH LEGEND

| | |
|----------|----------|
| [Symbol] | Asph/Flt |
| [Symbol] | Grass |
| [Symbol] | Gravel |
| [Symbol] | Concrete |
| [Symbol] | Other |

PROPOSED IMPROVEMENTS

| | |
|-----------------------|------------------|
| PROPOSED IMPROVEMENTS | AREA (SQ FT) |
| Asph/Flt | 1,234,567 |
| Grass | 987,654 |
| Gravel | 543,210 |
| Concrete | 210,987 |
| Other | 12,345 |
| TOTAL | 3,078,763 |

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| | HOLIDAY INN EXPRESS 17-015 | DATE FOR SET: 8/1/17 | SCALE: AS SHOWN | SHEET NO. 1 OF 1 |
| | PROJECT: HOLIDAY INN EXPRESS CLIENT: HOLIDAY INN EXPRESS DESIGNER: CAGE CIVIL ENGINEERS | DATE: 8/1/17 | DRAWN BY: [Name] CHECKED BY: [Name] | PROJECT NO.: 17-015 |

EXHIBIT B
Proposed Amendment

Proposed Amendments to Subparagraph 11-403(E)(1):

- “(r) To increase, by not more than one (1) story, the maximum allowable height of a principal structure in any non-residential district, provided that the increase in height by one (1) story shall not require a related increase to the maximum allowable height in feet of the same district.”

EXHIBIT C
Findings of Fact

The PZC hereby makes the following finds of fact in reference to the relevant standards provided in the City of Oak Forest Zoning Ordinance for the requested Zoning Relief:

| Special Use Permit | |
|--|--|
| No special permit shall be recommended or granted pursuant to the below unless the applicant establishes that they are met | |
| <i>Code and Plan Purposes.</i> | Met. The proposed use of the subject property, a hotel, will be in harmony with the general and specific purpose for which this code was enacted and for which the regulations of the I1 – Industrial District were established and with the general purpose and intent of the Official Comprehensive Plan. |
| <i>No Undue Adverse Impact.</i> | Met. Provided that compliance of all conditions is proven, no undue adverse impact is shown. |
| <i>No Interference with Surrounding Development.</i> | Met. Provided that compliance of all conditions is proven, no interference with surrounding development is shown. |
| <i>Adequate Public Facilities.</i> | Met. The subject property is presently served by adequate public utilities and any necessary upgrades to service will be addressed at the time of final engineering and building permitting. |
| <i>No Traffic Congestion.</i> | Met. The proposed use, hotel, will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. |
| <i>No Destruction of Significant Features.</i> | Not applicable. No significant natural features exist on the property at present. |
| <i>Compliance with Standards.</i> | Met. All standards outlined herein and all other applicable standards are met. |

| Variation - Parking Reduction Section 9-104(F)(1)(e)(2) Off-Street Parking, Hotels and other Lodging Places | |
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| The applicant requests to reduce the amount of required parking spaces from 199 spaces to 164 spaces, for a total reduction of 35 parking spaces. | |
| <i>General Standard</i> | Met. Carrying out the letter of the code to install the required 199 parking spaces results in a practical difficulty on the subject property due to its irregular shape and limited size. |
| <i>Unique Physical Condition</i> | Met. The irregular shape and limited size of the subject property are considered unique physical conditions that amount to more than mere inconvenience to the present owner. The north end of the property is composed of two diagonal lines intersecting to create a more triangular shape, rather than a straight line running east to west as most property lines are drawn. This is due to the I-57 highway running along the northwest edge of the property. The lot shape therefore prevent the owner from constructing additional parking on the site. |
| <i>Not Self-Created.</i> | Met. The unique physical conditions are characteristics of the subject property not caused by the past or present owner. The north end of the property is composed of two diagonal lines intersecting to create a more |

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| | triangular shape, rather than a straight line running east to west as most property lines are drawn. This is due to the I-57 highway running along the northwest edge of the property. The lot shape therefore prevent the owner from constructing additional parking on the site. |
| <i>Denied Substantial Rights</i> | Met. Carrying out the strict letter of this code to meet the minimum parking space requirement would prevent the present owner from installing the stormwater management facilities to the west of the property, as required by the Metropolitan Reclamation District. This stormwater management facility is limited to its location, as its depth cannot be extended into the surface of the earth and is in its only possible location. |
| <i>Not Merely Special Privilege</i> | Met. The practical difficulty resulting from the unique physical conditions is not due to merely the inability of the present owner to enjoy any special privilege or right enjoyed by others as it applies to their properties. |
| <i>Code Plan and Purposes</i> | Not applicable. The proposed use, a hotel, meets the Comprehensive Plan and Zoning Ordinance’s combined purpose and intent, as reviewed through the associated Special Use Permit request. |
| <i>Essential Character of the Area</i> | Met. Refer to the Standards for Special Use Permits to which this variation request is related. |
| <i>No Other Remedy</i> | Met. There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property. |

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| Variation – Height Increase Section 7-109(A)(2) Bulk, Space and Yard Requirements, Maximum Height | |
| The applicant requests to increase the maximum height of the proposed principal structure from three (3) stories to four (4) stories, for an increase in height by one (1) story above what is permitted. | |
| <i>General Standard</i> | Met. Carrying out the letter of the code to construct a three (3) story hotel while maintaining the same number of rooms (90) would result in a larger overall building footprint and minimize the land available of the property for a sufficient number of parking spaces. |
| <i>Unique Physical Condition</i> | Met. The irregular shape and limited size of the subject property further prevents the applicant from enlarging the building footprint in area. |
| <i>Not Self-Created.</i> | Met. The unique physical conditions are characteristics of the subject property are not caused by the past or present owner. |
| <i>Denied Substantial Rights</i> | Met. Carrying out the strict letter of this code to maintain the required three-story height maximum would deprive the present owner from constructing a ninety-room hotel on the subject property, therefore depriving substantial rights commonly enjoyed by owners of other lots subject to the same provision. |
| <i>Not Merely Special Privilege</i> | Met. The practical difficulty resulting from the unique physical conditions is not due to merely the inability of the present owner to enjoy any special privilege or right enjoyed by others as it applies to their properties. |
| <i>Code Plan and Purposes</i> | Not applicable. The proposed use, a hotel, meets the Comprehensive Plan and Zoning Ordinance’s combined purpose and intent, as reviewed through the associated Special Use Permit request. |

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| <i>Essential Character of the Area</i> | Met. Refer to the Standards for Special Use Permits to which this variation request is related. |
| <i>No Other Remedy</i> | Met. There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property. |

The PZC hereby makes the following finds of fact in reference to the relevant standards provided in the City of Oak Forest Zoning Ordinance for the requested Zoning Relief:

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| 1. Text Amendment | |
| Section 11-501(E) – Standard for Amendments | |
| <i>The wisdom of amending the Zoning Map or the text of this Code is a matter committed to the legislative discretion of the City Council and is not dictated by any set standard. However, in determining whether a proposed amendment should be granted or denied, the Board should be guided by the principle that its power to amend this Code is not an arbitrary one but one that may be exercised only when the public good demands or requires the amendment to be made. In considering whether that principle is satisfied in any particular case, the Board should weigh the factors that Paragraph 11-301 E8 requires the applicant to address.</i> | |
| The PZC finds that the public good demands or requires that the proposed amendment stated in Exhibit B be adopted by the City Council by ordinance, based on the conclusion that the current requirements unduly limit property owners in non-residential districts to height requirements that are unreasonable for certain uses in cases where hardship can be demonstrated, when compared to the limitations imposed by other communities, as illustrated below. | |
| Zoning Variations in Other Communities | |
| OAK FOREST, 11-403 – VARIATIONS | |
| Intent | (A) Authority “The Planning and Zoning Commission, and, in the cases specified in Paragraph D4 of this Section, the City Council, shall have the authority to grant variations from the provisions of this Code, but only in compliance with the procedures set forth in Subsection D of this Section and in those specific instances enumerated in Subsection E of this Section and then only in accordance with each of the standards enumerated in Subsection F of this Section.” |
| Review Procedure | <ul style="list-style-type: none"> • 18 specified forms of relief are reviewed and determined by the PZC acting as the Zoning Board of Appeals • 3 specified forms of relief are reviewed and determined by the City Council, following PZC recommendation • 1 specified form of relief is reviewed and determined by the Community Development Director • Any and all other variations not specified are not permitted. |
| FRANKFORT, ARTICLE B – VARIATIONS | |
| Intent | Part 1: Purpose. The “variation” process is intended to provide limited relief from the requirements of this Ordinance in those cases where strict application of those requirements will create a practical difficulty or particular hardship prohibiting the use of land in a manner otherwise allowed under this Ordinance. It is not intended that variations be granted merely to remove inconveniences or financial burdens that the requirements of this Ordinance may impose on property owners in general. Rather, it is intended to provide relief where the requirements of this Ordinance render the land difficult to use because of some unique physical attribute of the property itself or some other factor unique to the property for which the variation is requested. In no event, however, shall the Village grant a variation which would allow the establishment of a use which is not otherwise |

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|---|---|
| | allowed in a zoning district or which would change the zoning district classification of any or all of the affected property. |
| Review Procedure | <ul style="list-style-type: none"> Any and all variations may be requested and are reviewed and determined by the Village Board, following Zoning Board of Appeals recommendation Any variation granted must be the least degree of variation needed to make up for hardship or unique physical attribute |
| LEMONT, 17.04.150 – VARIATIONS | |
| Intent | A. A variation is a grant of relief to a property owner from the requirements of this Unified Development Ordinance where literal adherence would cause undue hardship. Additionally, a variation is intended to provide relief where the requirements of this ordinance would render the land difficult to use because of some unique physical attribute of the property itself or some other factor unique to the property for which the variation is requested. A variation is not intended merely to remove an inconvenience or financial burden that the requirements of this ordinance may impose. A variation is not intended to allow the establishment of a use that is otherwise prohibited in a zoning district or that would change the zoning district classification, and a variation should not be granted where a special use approval or amendment to the Unified Development Ordinance would be more appropriate. |
| Review Procedure | <ul style="list-style-type: none"> 5 specified forms of relief are reviewed and determined by the Village Board, following Zoning Officer recommendation Any and all other forms of relief, specified or otherwise, may be requested then are reviewed and determined by the Village Board, following PZC recommendation Conditions and/or limitations may be imposed in conjunction with the granted relief |
| MIDLOTHIAN, 11-2-7 – VARIATIONS | |
| Intent | <p>(A) Establishment And Purpose: The village has previously established the process for review of variation requests. The process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this title that create practical difficulties or particular hardships.</p> <p>(B) Initiation Of Variations: Any person having a right of ownership or right of possession in any property in the village may request a variation. All applications for variations shall be filed with the village clerk in accordance with the requirements in section 11-2-7, "Applications", of this chapter.</p> |
| Review Procedure | <ul style="list-style-type: none"> Any and all forms, specified or otherwise, may be requested then are reviewed and determined by the Village Board following Zoning Board of Appeals recommendation |
| CRESTWOOD, 159.214 – VARIATIONS | |
| Intent | (A) A variation of the provisions of this chapter is the allowance of a specific change of a requirement of this chapter for a specific case. A variation shall not change or alter the provisions of this chapter, nor should it be considered an amendment hereto. |
| Review Procedure | <ul style="list-style-type: none"> Any and all forms of relief may be requested then are reviewed and determined by the Zoning Board of Appeals; it is unclear if the Village Board makes the final determination or not |
| ORLAND PARK, 5-109 – VARIANCES (LAND DEVELOPMENT CODE) | |
| Intent | (A) The Hearing Officer(s) and the Plan Commission are hereby authorized to grant and/or recommend to the Board of Trustees such variances from the literal terms of these regulations where there are practical difficulties or unnecessary hardships that may result from strict compliance with these regulations so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. The Hearing Officer(s) shall hear those applications affecting one (1) single family |

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| | residential dwelling and those applications affecting multi-family dwellings of fewer than six (6) units. All other applications for a variance shall be heard by the Plan Commission. (Ord. 3281 - 8/16/99; Amd. Ord.4411 - 9/2/08) |
| Review Procedure | <ul style="list-style-type: none"> • Five (5) specified forms of relief may be requested for single family homes or multi-family homes less than six (6) dwelling units and shall be reviewed and determined by the Hearing Officer • Six (6) specified forms of relief may be requested for all other properties, then reviewed and determined by the Plan Commission • Any and all forms, specified or otherwise, may be requested then are reviewed and determined by the Village Board following Plan Commission recommendation |
| TINLEY PARK, SECTION X-G - VARIATIONS | |
| Intent | (1) Authority: Except as specifically provided below in Section X.G.5 and above in Section X.E.3.B.(6), and X.E.3.D, the Village Board of Trustees shall decide all applications for variations of the provisions of this Ordinance after a Public Hearing held before the Board. The Board shall, except as provided in Section X.G.5 below, hold a Public Hearing upon all applications for variations and, except as provided in Section X.E.4 above, report its recommendations to the Village Board of Trustees for action. The Board shall not approve where it has final decision-making power, nor shall it recommend where it does not, any variation unless the Board has made Findings of Fact specifying the reason or reasons for recommending or approving the variation. Such findings shall be based upon the standards hereinafter prescribed. Also, where the Village Board decides whether to grant a variation hereunder, no variation shall be granted by the Village Board without such Findings of Fact. If a request for a variation, however, is combined with a request for rezoning, a Special Use Permit or a Planned Unit Development, then the Plan Commission of this Village shall have jurisdiction over such request, shall conduct a Public Hearing thereon, and shall make the Findings of Fact and recommendation to the Village Board in the same manner and under the same standards and procedures as set forth herein for the Board. |
| Review Procedure | <ul style="list-style-type: none"> • Six (6) specified forms of relief may be requested for all other properties, then reviewed and determined by the Village Board • Any and all forms may be requested then are reviewed and determined by the Village Board following Plan Commission or Board recommendation |
| HOMER GLEN, 220-1207 – VARIANCES | |
| Intent | (A) Purpose of variance. The variance process is intended to provide limited relief from the requirements of this chapter in those cases where strict application of those requirements will create a practical difficulty or particular hardship prohibiting the use of land in a manner otherwise allowed under this chapter. It is not intended that variances be granted merely to remove inconveniences or financial burdens that the requirements of this chapter may impose on property owners in general. Rather, it is intended to provide relief where the requirements of this chapter render the land difficult to use because of some unique physical attribute of the property itself or some other factor unique to the property for which the variance is requested. In no event, however, shall the Village grant a variance which would allow the establishment of a use which is not otherwise allowed in a zoning district or which would change the zoning district classification of any or all of the affected property. |
| Review Procedure | <ul style="list-style-type: none"> • Seven (7) specified forms of relief may be requested and then are reviewed and determined by the Zoning Officer • Any and all forms, specified or otherwise, may be requested then are reviewed and determined by the Village Board following Plan Commission |

| | |
|--|----------------|
| | recommendation |
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ALL GOOD THINGS CLOSE TO HOME

CITY COUNCIL AGENDA MEMO

DATE: MARCH 7, 2018

TO: CITY COUNCIL
TRAVIS BANDSTRA, DIRECTOR OF ECONOMIC & COMMUNITY DEVELOPMENT

FROM: KATIE ASHBAUGH, COMMUNITY PLANNER
AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO ALLOW A HOTEL IN THE I1 – INDUSTRIAL DISTRICT; A VARIATION TO SECTION 9-104(F)(1)(E)(2) TO ALLOW 164 PARKING SPACES WHERE 199 ARE REQUIRED; AND A VARIATION TO SECTION 7-109(A)(2) TO ALLOW A FOUR (4) STORY PRINCIPAL STRUCTURE WHERE THREE (3) STORIES ARE PERMITTED AT THE PROPERTY COMMONLY REFERRED TO AS 4375

SUBJECT: FRONTAGE ROAD

Background

This request is related to the previous two agenda items, which are: a resolution to approve the Minor Plat of Subdivision for the property commonly referred to as 4375 Frontage Road, on which the Best Western hotel is located; and an ordinance approving a Text Amendment to amend Subparagraph 11-403(E)(1), Permitted Variations, of the Zoning Ordinance to allow requests for variations to the maximum permitted height of principal structures in non-residential districts.

The applicant subsequently requests approval of a Special Use Permit to allow a hotel in the I1 – Industrial District; a Variation to Section 9-104(F)(1)(e)(2) to allow 164 parking spaces where 199 are required; and a Variation to Section 7-109(A)(2) to allow a four (4) story principal structure where three (3) stories are permitted in I1 – Industrial District for a proposed Holiday Inn Express hotel.

In addition to the standard conditions with which every Special Use Permit must comply, additional conditions specific to this request are also included. First, the final engineering plans must show consistent curbing along the length of the west, primary driveway on both sides. Second, the east, secondary driveway must be a one-way exit only driveway with appropriate wayfinding signs installed. Third, the associated Minor Plat of Subdivision must be recorded with Cook County in conjunction with a shared parking agreement, a detention pond stewardship plan, and any other documents deemed necessary by the Director Bandstra prior to building permit issuance. Fourth, the applicant must agree to enter into a parking enforcement agreement with the City of Oak Forest Police Department to prevent parking in designated fire lanes and any other areas designated as no parking on the Property. Finally, the site plan shown in Exhibit A of the attached ordinance shall not include the approval of any signs and all signs shall be subject to proper application and review in accordance with Section 9-106 of the Zoning Ordinance.

Recommendation

On February 21, 2018, the PZC held a public hearing and recommended approval of the Special Use Permit and two Variations by adopting PZC Resolution 18-3 with a vote of 7-0 with two absent.

Action Requested

Approval of Ordinance 2018-03-0684O approving a Special Use Permit to allow a hotel in the I1 – Industrial District; a Variation to Section 9-104(F)(1)(e)(2) to allow 164 parking spaces where 199 are required; and a Variation to Section 7-109(A)(2) to allow a four (4) story principal structure where three (3) stories are permitted at the property commonly referred to as 4375 Frontage Road.

CITY OF OAK FOREST

ORDINANCE NO. 2018-03-06840

AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO ALLOW A HOTEL IN THE I1 – INDUSTRIAL DISTRICT; A VARIATION TO SECTION 9-104(F)(1)(E)(2) TO ALLOW 164 PARKING SPACES WHERE 199 ARE REQUIRED; AND A VARIATION TO SECTION 7-109(A)(2) TO ALLOW A FOUR (4) STORY PRINCIPAL STRUCTURE WHERE THREE (3) STORIES ARE PERMITTED AT THE PROPERTY COMMONLY REFERRED TO AS 4375 FRONTAGE ROAD

(HD Hotels, LLC – Chirag Patel – PZC CASE NO. 17-015)

Passed by the City Council, _____, 2018

Printed and Published, _____, 2018

Printed and Published in Pamphlet Form
By Authority of the Board of Trustees

**CITY OF OAK FOREST
COOK COUNTY, ILLINOIS**

I hereby certify that this document
was properly passed and published
on the dates stated above.

City Clerk

ORDINANCE NO. 2018-03-06840

BE IT ORDAINED by the Mayor and City Council of the City of Oak Forest, Cook County, Illinois, THAT:

AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO ALLOW A HOTEL IN THE I1 – INDUSTRIAL DISTRICT; A VARIATION TO SECTION 9-104(F)(1)(E)(2) TO ALLOW 164 PARKING SPACES WHERE 199 ARE REQUIRED; AND A VARIATION TO SECTION 7-109(A)(2) TO ALLOW A FOUR (4) STORY PRINCIPAL STRUCTURE WHERE THREE (3) STORIES ARE PERMITTED AT THE PROPERTY COMMONLY REFERRED TO AS 4375 FRONTAGE ROAD

(HD Hotels, LLC – Chirag Patel – PZC CASE NO. 17-015)

shall be and is hereby adopted as follows:

Section 1. BACKGROUND.

HD Hotels, LLC ("**Petitioner**"), has applied for approval of a special use permit to allow a hotel in the I1 – Industrial District; a variation to Section 9-104(F)(1)(e)(2) to allow 164 parking spaces where 199 are required; and a variation to Section 7-109(A)(2) to allow a four (4) story principal structure where three (3) stories are permitted in I1 – Industrial District ("**Requested Relief**") at the property commonly known as 4375 W. Frontage Road, which property is legally described in **Exhibit A** attached to and, by this reference, made a part of this Ordinance ("**Property**").

Section 2. PUBLIC HEARING.

A public hearing was duly advertised on February 6, 2018 in the *Daily Southtown* and was held by the Planning and Zoning Commission ("**PZC**") on February 21, 2018, on which date the PZC adopted PZC Resolution 18-3 (**Exhibit E** attached hereto), which thereby recommended approval of the Petitioner's application for the Requested Relief.

Section 3. APPROVALS.

- A. Special Use Permit. Subject to the conditions set forth in Section 4 of this Ordinance, and pursuant to Section 11-502 of the Zoning Ordinance and the city's home rule authority, a special use permit allowing a hotel on the Property is hereby granted to the Petitioner.
- B. Variations. Subject to the conditions set forth in Section 4 of this Ordinance, and pursuant to Section 11-403 of the Zoning Ordinance and the city's home rule authority, the following variations are hereby approved for the Property:
 - 1. a variation to Section 9-104(F)(1)(e)(2) to allow 164 parking spaces where 199 are required; and
 - 2. a variation to Section 7-109(A)(2) to allow a four (4) story principal structure where three (3) stories are permitted.

Section 4. CONDITIONS.

- A. No Authorization of Work. This Ordinance does not authorize commencement of any work on the Property. Except as otherwise specifically provided in writing in advance by the City, no work of any kind shall be commenced on the Property pursuant to the approvals granted unless and until all conditions of this Ordinance precedent to such work have been fulfilled and after all permits, approvals, and other authorizations for such work have been properly applied for, paid for, and granted in accordance with applicable law, including, without limitation, approval of final engineering plans and issuance of required permits.
- B. Compliance with Laws. The development, maintenance and operation of the Property must comply with all applicable State, County and City statutes, ordinances, codes, rules, and regulations.
- C. Compliance with Plans. The development, maintenance, and operation of the Property will be in substantial compliance with the following documents and plans attached hereto, being **Exhibit C** titled "Site Plan" and **Exhibit D** titled "Preliminary Landscape Plan", except for the specific changes listed below under this Condition C; minor changes and site work required to the satisfaction of the City Engineer; and in accordance with all applicable City rules, regulations, and ordinances.
1. That a consistent curbing type be installed along the entire length of the west, primary driveway on both sides.
 2. That east, secondary driveway be a one-way exit only driveway and appropriate wayfinding be installed.
- D. Limitation of Approval. The special use permit as documented in Exhibit C is limited to the Property, provided that any and all signs indicated on said exhibit shall be subject to review and approval in accordance with Section 9-106 of the Oak Forest Zoning Ordinance.
- E. Final Engineering Approval. Petitioner must obtain approval of final engineering plans from the City Engineer prior to the release of any building or occupancy permits for the Property.
- F. Final Landscape Plan Approval. Petitioner must obtain approval of a final landscape plan, which shall be in substantial conformance with the Preliminary Landscape Plan documented in Exhibit D, from the Community Development Director prior to the release of any building or occupancy permits for the Property.
- G. Other. Petitioner must agree to enter into a parking enforcement agreement with the City of Oak Forest Police Department to prevent parking in designated fire lanes and any other areas designated as no parking on the Property.
- H. The associated minor plat of subdivision (Zoning Case #17-016) and all its supporting documents (shared parking agreement, detention pond stewardship plan, and any and all other documents deemed necessary by the Community Development Director) shall be required to be approved by City staff and recorded with Cook County prior to building permit issuance.

Section 5. FAILURE TO COMPLY WITH CONDITIONS.

Upon failure or refusal of the Petitioner to comply with the conditions, restrictions, or provisions of this Ordinance, the Approvals granted in Section 3 will, at the sole discretion of the City Council, by ordinance duly adopted, be revoked and become null and void; provided, however, that the City Council will not revoke the Approvals unless it first provides the Petitioner with two months advance written notice of the reasons for revocation and opportunity to be heard at a regular meeting of the City Council. In the event of revocation, the City Administrator and City Attorney are authorized and directed to bring all zoning enforcement action as may be appropriate under the circumstances. The Petitioner acknowledges that public notices and hearings have been held with respect to the adoption of this Ordinance, has considered the possibility of revocation provided for in this Section 5, and agrees not to challenge any revocation on the grounds of any procedural infirmity or any denial of any procedural right provided that the notice to Petitioner required by this Section is given.

Section 6. BINDING EFFECT; NON-TRANSFERABILITY.

The privileges, obligations, and provisions of each and every section of this Ordinance are for the sole benefit of, and will be binding on, the Petitioner. Nothing in this Ordinance will be deemed to allow this Ordinance to be transferred to any person or entity without a new application for approval for any person or entity other than the Petitioner.

Section 7. EFFECTIVE DATE.

This Ordinance will be effective upon the occurrence of the following events:

- A. passage by a majority vote of the City Council in the manner required by law;
- B. publication in pamphlet form in the manner required by law;
- C. the filing by the Petitioner with the City Clerk of an unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance. The unconditional agreement and consent must be in the form of **Exhibit B**, attached to and, by this reference, made a part of this Ordinance; and
- D. the recordation of this Ordinance together with such exhibits as the City Clerk deems appropriate for recordation in the Office of the Cook County Recorder. The Petitioner will bear the full cost of this recordation.

ADOPTED

This _____ Day of _____, 2018

APPROVED By Mayor

This _____ Day of _____, 2018

HENRY L. KUSPA, MAYOR

ATTEST:

DAVID NEUMAN, CITY CLERK

| Aldermen | Aye | Nay | Abstain | Absent |
|---------------------------------|-----|-----|---------|--------|
| Laura Clemons First Ward | | | | |
| Richard D. Simon Second Ward | | | | |
| Diane Wolf Third Ward | | | | |
| Paul Selman Fourth Ward | | | | |
| James Emmett Fifth Ward | | | | |
| James Hortsman Sixth Ward | | | | |
| Denise Danihel Seventh Ward | | | | |
| Henry L. Kuspa Mayor | | | | |

EXHIBIT A
Legal Description

THAT PART OF THE SOUTHEAST FRACTIONAL $\frac{1}{4}$ SOUTH OF THE INDIAN BOUNDARY LINE, OF SECTION 22, TOWNSHIP 36 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

...commonly referred to as **4375 Frontage Road**, Oak Forest, Illinois 60452

PINs: 28-22-404-020-0000, 28-22-404-021-0000, 28-22-404-022-0000

EXHIBIT B
Unconditional Agreement and Consent

TO: The City of Oak Forest, Illinois (**City**)

WHEREAS, HD Hotels, LLC – Chirag Patel (**Petitioner**), has applied for approval of a special use permit to allow a hotel in the I1 – Industrial District; a variation to Section 9-104(F)(1)(e)(2) to allow 164 parking spaces where 199 are required; and a variation to Section 7-109(A)(2) to allow a four (4) story principal structure where three (3) stories are permitted in I1 – Industrial District (**Requested Relief**) at the property commonly known as 4375 W. Frontage Road; and

WHEREAS, Ordinance No. 2018-03-0684O, adopted by the Oak Forest City Council on _____, 2018, grants approval of the Requested Relief, subject to certain conditions (**Ordinance**); and

WHEREAS, the Petitioner desires to evidence to the City its unconditional agreement and consent to accept and abide by each of the terms, conditions, and limitations set forth in the Ordinance.

NOW THEREFORE, the Petitioner does hereby agree and covenant as follows:

1. the Petitioner does hereby unconditionally agree to accept, consent to and abide by all terms, conditions, restrictions, and provisions of the Ordinance;
2. the Petitioner acknowledges and agrees that the City is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the City's review and approval of any plans for the Property, or the issuance of any permits for the use and development of the Property, and that the City's review and approval of any plans and issuance of any permits does not, and will not, in any way, be deemed to insure the Petitioner against any damage or injury of any kind and at any time;
3. the Petitioner acknowledges that the public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, and agrees not to challenge any revocation on the grounds of any procedural infirmity or any denial of any procedural right, provided that the notice to the Petitioner required by Section 5 of the Ordinance is given;
4. the Petitioner agrees to and does hereby hold harmless and indemnify the City, the City's corporate authorities, and all City 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 (a) the City's review and approval of any plans and issuance of any permits, (b) the procedures followed in connection with the adoption of the Ordinance, (c) the development, construction, maintenance, and use of the Property, and (d) the performance of the Petitioner of its obligations under this Unconditional Agreement and Consent;

5. the Petitioner agrees to pay all expenses incurred by the City in defending itself with regard to any and all claims mentioned in this Unconditional Agreement and Consent. These expenses include all out of pocket expenses, such as attorneys' and experts' fees, and also include the reasonable value of any services rendered by any employee of the City.

ATTEST:

HD Hotels, LLC
Chirag Patel

By: _____
Its: _____

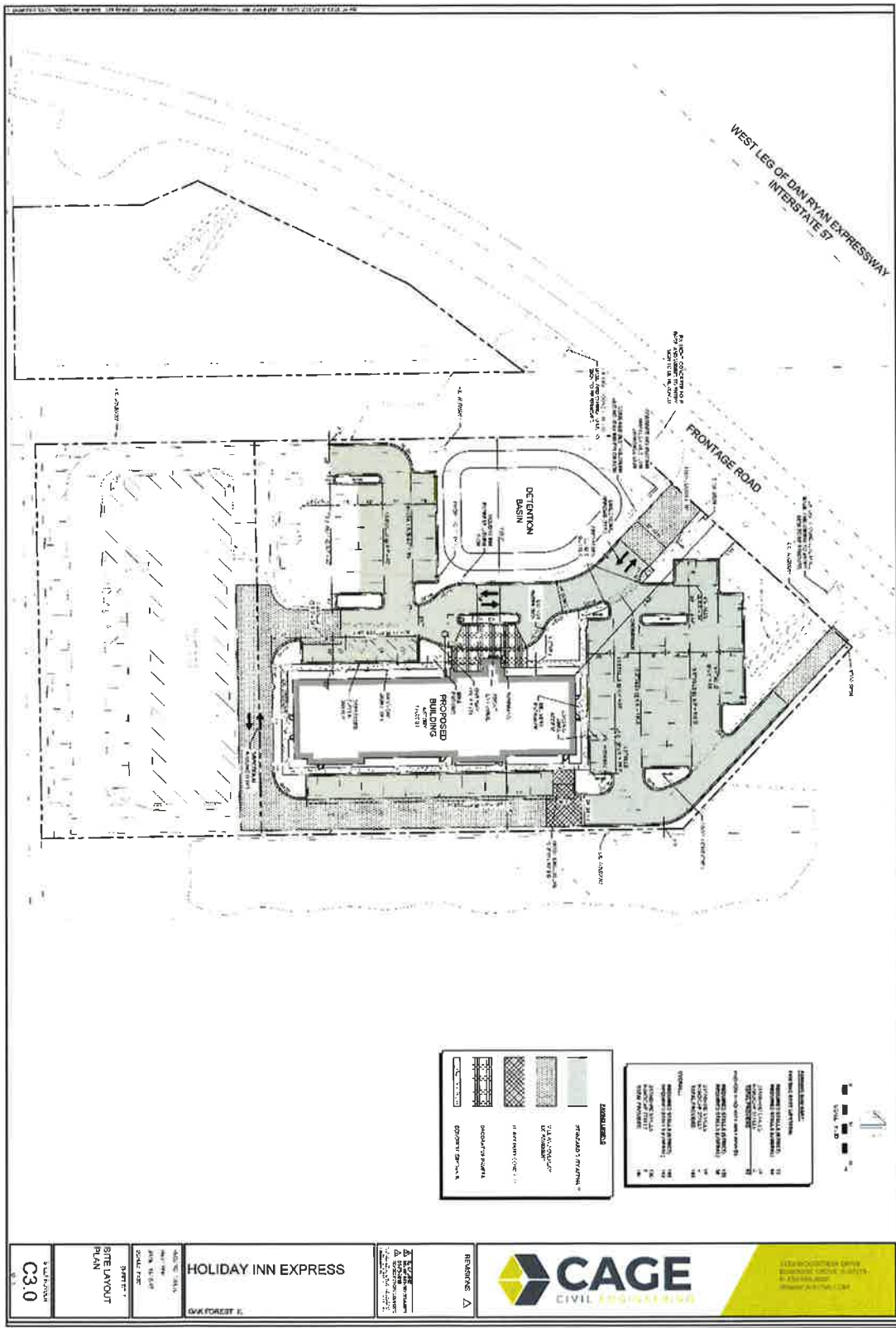
By: _____
Its: _____

SUBSCRIBED and SWORN to
Before me this _____ day of
_____, 2018

Notary Public

<seal>

EXHIBIT C Site Plan



LEGEND

| | |
|-------------------|-------------------|
| [Hatched Pattern] | PROPOSED PAVEMENT |
| [Dotted Pattern] | EXISTING ASPHALT |
| [Diagonal Lines] | EXISTING CONCRETE |
| [Cross-hatched] | EXISTING GRAVEL |
| [Stippled] | EXISTING GRAVEL |
| [Blank] | EXISTING GRAVEL |

NOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
6. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
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8. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
9. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
10. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.



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| <p>C3.0</p> <p>SCALE: AS SHOWN</p> | <p>HOLIDAY INN EXPRESS</p> <p>OAK FOREST, IL</p> | <p>CAGE</p> <p>CIVIL ENGINEERING</p> | <p>REVISIONS</p> <p>1. [Symbol] [Description]</p> | <p>DATE: 01/15/2014 DRAWN BY: [Name] CHECKED BY: [Name] SCALE: AS SHOWN</p> |
|---|---|---|--|--|

EXHIBIT E
PZC Resolution 18-3

(see attached)

CITY OF OAK FOREST
PLANNING AND ZONING COMMISSION

PZC RESOLUTION NO. 18-03

WHEREAS, Chirag Patel, representing HD Hotels, LLC, ("**Applicant**") filed an application for a special use permit to allow a hotel in the I1 – Industrial District; a variation to Section 9-104(F)(1)(e)(2) to allow 164 parking spaces where 199 are required; and a variation to allow a four (4) story principal structure where three (3) stories are permitted ("**Zoning Relief**"); and such other and further zoning relief as may be required; and

WHEREAS, the Applicant also requested a text amendment to Subparagraph 11-403(E)(1), Permitted Variations, of the City of Oak Forest Zoning Ordinance to allow for variations to the maximum permitted height of principal structures in non-residential districts ("**Text Amendment**") and such other and further zoning relief as may be required; and

WHEREAS, the Applicant's requested Zoning Relief is for the property commonly known as 4375 Frontage Road ("**Property**"); and

WHEREAS, the Applicant's requested Text Amendment is fully set forth in **Exhibit B** which is attached and by this reference incorporated into this resolution; and

WHEREAS, a public notice was duly published in the Daily Southtown on February 6, 2018 and a public hearing was convened before the Planning and Zoning Commission ("**PZC**") on February 21, 2018; and

WHEREAS, the PZC has considered all of the evidence presented to it, including without limitation, those documents attached and incorporated in to this resolution by this reference as **Exhibit A**;

NOW THEREFORE, BE IT RESOLVED by the PZC of the City of Oak Forest, Cook County, based on the foregoing recitals which are hereby incorporated by reference, that:

Section 1. FINDINGS.

Based on the evidence presented at the public hearing, and the Findings of Fact attached hereto as **Exhibit C**, the PZC hereby finds that the Applicant's requests do satisfy the standards for the requested Zoning Relief and for the requested Text Amendment as set forth in the Zoning Ordinance of Oak Forest.

Section 2. ZONING RELIEF RECOMMENDATION.

Based on the findings of fact set forth in Section 1 of this resolution, the PZC hereby recommends that the City Council approve the Applicant's requested Zoning Relief, on the conditions that:

- A. **No Authorization of Work.** The Ordinance approving the Zoning Relief ("Ordinance") does not authorize commencement of any work on the Property. Except as otherwise specifically provided in writing in advance by the City, no work of any kind shall be commenced on the Property pursuant to the approvals granted unless and until all conditions of the Ordinance precedent to such work have been fulfilled and after all permits, approvals, and other authorizations for such work have been properly applied for, paid for, and granted in accordance with applicable law, including, without limitation, approval of final engineering plans and issuance of required permits.
- B. **Compliance with Laws.** The development, maintenance and operation of the Property must comply with all applicable State, County and City statutes, ordinances, codes, rules, and regulations.
- C. **Compliance with Plans.** The development, maintenance, and operation of the Property will be in substantial compliance with the following documents and plans, attached hereto as Exhibit A, except for the specific changes listed below under this Condition C; minor changes and site work required to the satisfaction of the City Engineer; and in accordance with all applicable City rules, regulations, and ordinances.
 1. That a consistent curbing type be installed along the entire length of the west, primary driveway on both sides.
 2. That east, secondary driveway be a one-way exit only driveway and appropriate wayfinding be installed.
- D. **Limitation of Approval.** The special use permit as documented in Exhibit A is limited to the Property, provided that any and all signs indicated on said exhibit shall be subject to review and approval in accordance with Section 9-106 of the Oak Forest Zoning Ordinance.
- E. **Final Engineering Approval.** Petitioner must obtain approval of final engineering plans from the City Engineer prior to the release of any building or occupancy permits for the Property.
- F. **Final Landscape Plan Approval.** Petitioner must obtain approval of a final landscape plan, which shall be in substantial conformance with the special use

permit documented in Exhibit A, from the Community Development Director prior to the release of any building or occupancy permits for the Property.

- G. Other. Petitioner must agree to enter into a parking enforcement agreement with the City of Oak Forest Police Department to prevent parking in designated fire lanes and any other areas designated as no parking on the Property.
- H. The associated minor plat of subdivision (Zoning Case #17-016) and all its supporting documents (shared parking agreement, detention pond stewardship plan, and any and all other documents deemed necessary by the Community Development Director) shall be required to be approved and recorded with Cook County prior to building permit issuance.

Section 3. TEXT AMENDMENT RECOMMENDATION.

Based on the findings of fact set forth in Section 1 of this resolution, the PZC hereby recommends that the City Council adopt the Applicant's requested Text Amendment as set forth in Exhibit B.

ADOPTED THIS 21 day of Feb, 2018

AYES:

NAYS:

ABSENT:

ABSTAIN:

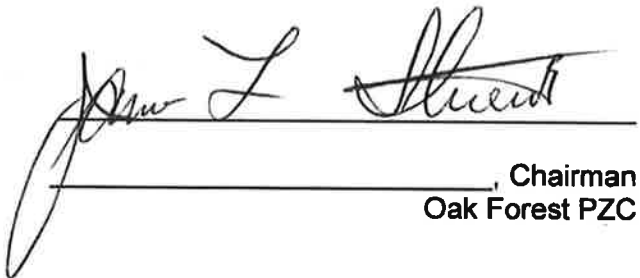
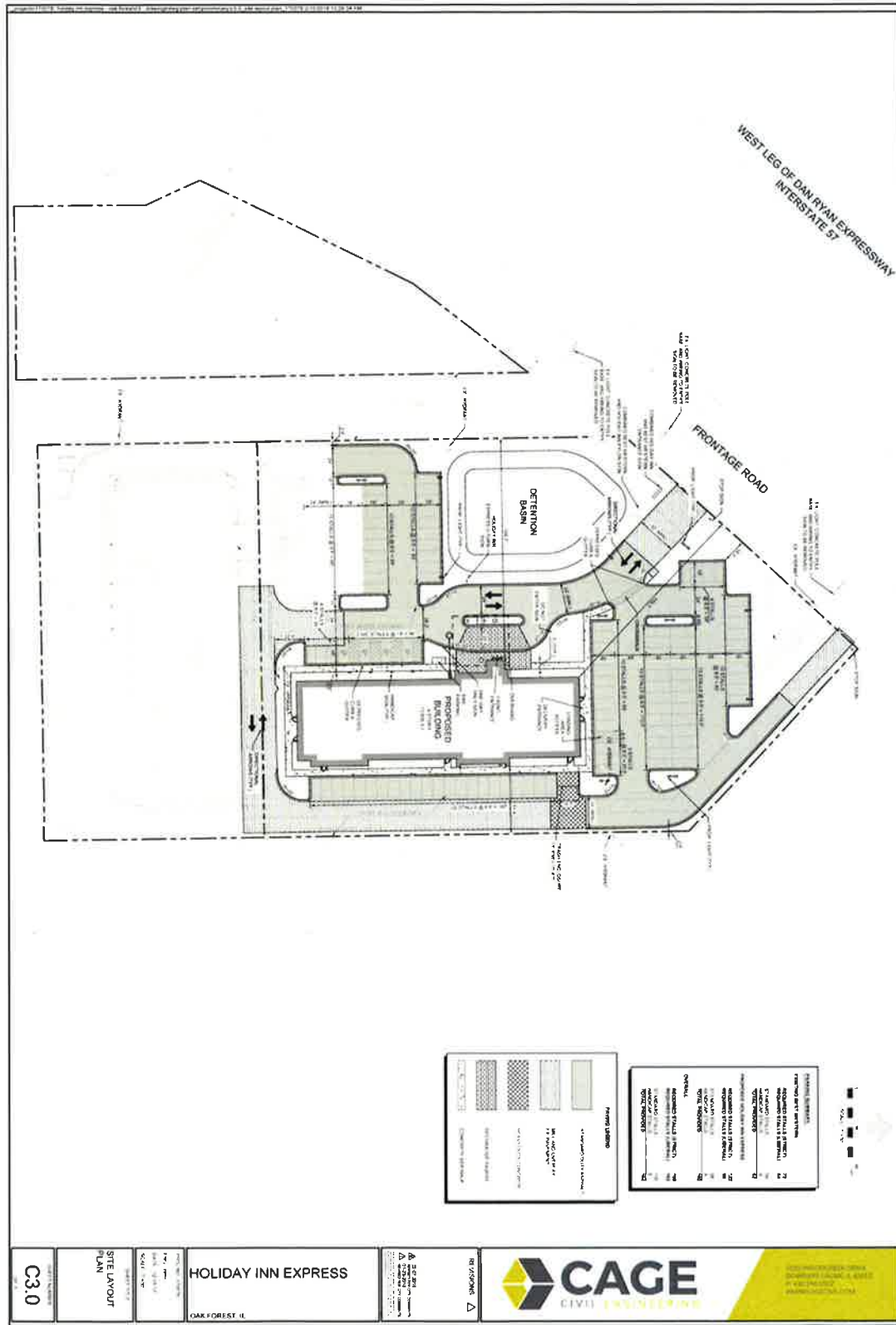

 _____, Chairman
 Oak Forest PZC

EXHIBIT A
Site Plan



C30

SITE LAYOUT
PLAN

HOLIDAY INN EXPRESS
OAK FOREST II

DATE: 11/15/17
BY: [Signature]



CAGE
CIVIL ENGINEERING

1111 S. W. 11th St.
Fort Lauderdale, FL 33315
Phone: (954) 572-1111
www.cagecivil.com

EXHIBIT B
Proposed Amendment

Proposed Amendments to Subparagraph 11-403(E)(1):

- “(r) To increase, by not more than one (1) story, the maximum allowable height of a principal structure in any non-residential district, provided that the increase in height by one (1) story shall not require a related increase to the maximum allowable height in feet of the same district.”

EXHIBIT C
Findings of Fact

The PZC hereby makes the following finds of fact in reference to the relevant standards provided in the City of Oak Forest Zoning Ordinance for the requested Zoning Relief:

| Special Use Permit | |
|--|--|
| No special permit shall be recommended or granted pursuant to the below unless the applicant establishes that they are met | |
| <i>Code and Plan Purposes.</i> | Met. The proposed use of the subject property, a hotel, will be in harmony with the general and specific purpose for which this code was enacted and for which the regulations of the I1 – Industrial District were established and with the general purpose and intent of the Official Comprehensive Plan. |
| <i>No Undue Adverse Impact.</i> | Met. Provided that compliance of all conditions is proven, no undue adverse impact is shown. |
| <i>No Interference with Surrounding Development.</i> | Met. Provided that compliance of all conditions is proven, no interference with surrounding development is shown. |
| <i>Adequate Public Facilities.</i> | Met. The subject property is presently served by adequate public utilities and any necessary upgrades to service will be addressed at the time of final engineering and building permitting. |
| <i>No Traffic Congestion.</i> | Met. The proposed use, hotel, will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. |
| <i>No Destruction of Significant Features.</i> | Not applicable. No significant natural features exist on the property at present. |
| <i>Compliance with Standards.</i> | Met. All standards outlined herein and all other applicable standards are met. |

| Variation - Parking Reduction Section 9-104(F)(1)(e)(2) Off-Street Parking, Hotels and other Lodging Places | |
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| The applicant requests to reduce the amount of required parking spaces from 199 spaces to 164 spaces, for a total reduction of 35 parking spaces. | |
| <i>General Standard</i> | Met. Carrying out the letter of the code to install the required 199 parking spaces results in a practical difficulty on the subject property due to its irregular shape and limited size. |
| <i>Unique Physical Condition</i> | Met. The irregular shape and limited size of the subject property are considered unique physical conditions that amount to more than mere inconvenience to the present owner. The north end of the property is composed of two diagonal lines intersecting to create a more triangular shape, rather than a straight line running east to west as most property lines are drawn. This is due to the I-57 highway running along the northwest edge of the property. The lot shape therefore prevent the owner from constructing additional parking on the site. |
| <i>Not Self-Created.</i> | Met. The unique physical conditions are characteristics of the subject property not caused by the past or present owner. The north end of the property is composed of two diagonal lines intersecting to create a more |

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| | triangular shape, rather than a straight line running east to west as most property lines are drawn. This is due to the I-57 highway running along the northwest edge of the property. The lot shape therefore prevent the owner from constructing additional parking on the site. |
| <i>Denied Substantial Rights</i> | Met. Carrying out the strict letter of this code to meet the minimum parking space requirement would prevent the present owner from installing the stormwater management facilities to the west of the property, as required by the Metropolitan Reclamation District. This stormwater management facility is limited to its location, as its depth cannot be extended into the surface of the earth and is in its only possible location. |
| <i>Not Merely Special Privilege</i> | Met. The practical difficulty resulting from the unique physical conditions is not due to merely the inability of the present owner to enjoy any special privilege or right enjoyed by others as it applies to their properties. |
| <i>Code Plan and Purposes</i> | Not applicable. The proposed use, a hotel, meets the Comprehensive Plan and Zoning Ordinance's combined purpose and intent, as reviewed through the associated Special Use Permit request. |
| <i>Essential Character of the Area</i> | Met. Refer to the Standards for Special Use Permits to which this variation request is related. |
| <i>No Other Remedy</i> | Met. There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property. |

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| Variation – Height Increase Section 7-109(A)(2) Bulk, Space and Yard Requirements, Maximum Height | |
| The applicant requests to increase the maximum height of the proposed principal structure from three (3) stories to four (4) stories, for an increase in height by one (1) story above what is permitted. | |
| <i>General Standard</i> | Met. Carrying out the letter of the code to construct a three (3) story hotel while maintaining the same number of rooms (90) would result in a larger overall building footprint and minimize the land available of the property for a sufficient number of parking spaces. |
| <i>Unique Physical Condition</i> | Met. The irregular shape and limited size of the subject property further prevents the applicant from enlarging the building footprint in area. |
| <i>Not Self-Created.</i> | Met. The unique physical conditions are characteristics of the subject property are not caused by the past or present owner. |
| <i>Denied Substantial Rights</i> | Met. Carrying out the strict letter of this code to maintain the required three-story height maximum would deprive the present owner from constructing a ninety-room hotel on the subject property, therefore depriving substantial rights commonly enjoyed by owners of other lots subject to the same provision. |
| <i>Not Merely Special Privilege</i> | Met. The practical difficulty resulting from the unique physical conditions is not due to merely the inability of the present owner to enjoy any special privilege or right enjoyed by others as it applies to their properties. |
| <i>Code Plan and Purposes</i> | Not applicable. The proposed use, a hotel, meets the Comprehensive Plan and Zoning Ordinance's combined purpose and intent, as reviewed through the associated Special Use Permit request. |

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| <i>Essential Character of the Area</i> | Met. Refer to the Standards for Special Use Permits to which this variation request is related. |
| <i>No Other Remedy</i> | Met. There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property. |

The PZC hereby makes the following finds of fact in reference to the relevant standards provided in the City of Oak Forest Zoning Ordinance for the requested Zoning Relief:

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| 1. Text Amendment | |
| Section 11-501(E) – Standard for Amendments | |
| <i>The wisdom of amending the Zoning Map or the text of this Code is a matter committed to the legislative discretion of the City Council and is not dictated by any set standard. However, in determining whether a proposed amendment should be granted or denied, the Board should be guided by the principle that its power to amend this Code is not an arbitrary one but one that may be exercised only when the public good demands or requires the amendment to be made. In considering whether that principle is satisfied in any particular case, the Board should weigh the factors that Paragraph 11-301 E8 requires the applicant to address.</i> | |
| The PZC finds that the public good demands or requires that the proposed amendment stated in Exhibit B be adopted by the City Council by ordinance, based on the conclusion that the current requirements unduly limit property owners in non-residential districts to height requirements that are unreasonable for certain uses in cases where hardship can be demonstrated, when compared to the limitations imposed by other communities, as illustrated below. | |
| Zoning Variations in Other Communities | |
| OAK FOREST, 11-403 – VARIATIONS | |
| Intent | (A) Authority “The Planning and Zoning Commission, and, in the cases specified in Paragraph D4 of this Section, the City Council, shall have the authority to grant variations from the provisions of this Code, but only in compliance with the procedures set forth in Subsection D of this Section and in those specific instances enumerated in Subsection E of this Section and then only in accordance with each of the standards enumerated in Subsection F of this Section.” |
| Review Procedure | <ul style="list-style-type: none"> • 18 specified forms of relief are reviewed and determined by the PZC acting as the Zoning Board of Appeals • 3 specified forms of relief are reviewed and determined by the City Council, following PZC recommendation • 1 specified form of relief is reviewed and determined by the Community Development Director • Any and all other variations not specified are not permitted. |
| FRANKFORT, ARTICLE B – VARIATIONS | |
| Intent | Part 1: Purpose. The “variation” process is intended to provide limited relief from the requirements of this Ordinance in those cases where strict application of those requirements will create a practical difficulty or particular hardship prohibiting the use of land in a manner otherwise allowed under this Ordinance. It is not intended that variations be granted merely to remove inconveniences or financial burdens that the requirements of this Ordinance may impose on property owners in general. Rather, it is intended to provide relief where the requirements of this Ordinance render the land difficult to use because of some unique physical attribute of the property itself or some other factor unique to the property for which the variation is requested. In no event, however, shall the Village grant a variation which would allow the establishment of a use which is not otherwise |

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| | allowed in a zoning district or which would change the zoning district classification of any or all of the affected property. |
| Review Procedure | <ul style="list-style-type: none"> Any and all variations may be requested and are reviewed and determined by the Village Board, following Zoning Board of Appeals recommendation Any variation granted must be the least degree of variation needed to make up for hardship or unique physical attribute |
| LEMONT, 17.04.150 – VARIATIONS | |
| Intent | A. A variation is a grant of relief to a property owner from the requirements of this Unified Development Ordinance where literal adherence would cause undue hardship. Additionally, a variation is intended to provide relief where the requirements of this ordinance would render the land difficult to use because of some unique physical attribute of the property itself or some other factor unique to the property for which the variation is requested. A variation is not intended merely to remove an inconvenience or financial burden that the requirements of this ordinance may impose. A variation is not intended to allow the establishment of a use that is otherwise prohibited in a zoning district or that would change the zoning district classification, and a variation should not be granted where a special use approval or amendment to the Unified Development Ordinance would be more appropriate. |
| Review Procedure | <ul style="list-style-type: none"> 5 specified forms of relief are reviewed and determined by the Village Board, following Zoning Officer recommendation Any and all other forms of relief, specified or otherwise, may be requested then are reviewed and determined by the Village Board, following PZC recommendation Conditions and/or limitations may be imposed in conjunction with the granted relief |
| MIDLOTHIAN, 11-2-7 – VARIATIONS | |
| Intent | <p>(A) Establishment And Purpose: The village has previously established the process for review of variation requests. The process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this title that create practical difficulties or particular hardships.</p> <p>(B) Initiation Of Variations: Any person having a right of ownership or right of possession in any property in the village may request a variation. All applications for variations shall be filed with the village clerk in accordance with the requirements in section 11-2-7, "Applications", of this chapter.</p> |
| Review Procedure | <ul style="list-style-type: none"> Any and all forms, specified or otherwise, may be requested then are reviewed and determined by the Village Board following Zoning Board of Appeals recommendation |
| CRESTWOOD, 159.214 – VARIATIONS | |
| Intent | (A) A variation of the provisions of this chapter is the allowance of a specific change of a requirement of this chapter for a specific case. A variation shall not change or alter the provisions of this chapter, nor should it be considered an amendment hereto. |
| Review Procedure | <ul style="list-style-type: none"> Any and all forms of relief may be requested then are reviewed and determined by the Zoning Board of Appeals; it is unclear if the Village Board makes the final determination or not |
| ORLAND PARK, 5-109 – VARIANCES (LAND DEVELOPMENT CODE) | |
| Intent | (A) The Hearing Officer(s) and the Plan Commission are hereby authorized to grant and/or recommend to the Board of Trustees such variances from the literal terms of these regulations where there are practical difficulties or unnecessary hardships that may result from strict compliance with these regulations so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. The Hearing Officer(s) shall hear those applications affecting one (1) single family |

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| | residential dwelling and those applications affecting multi-family dwellings of fewer than six (6) units. All other applications for a variance shall be heard by the Plan Commission. (Ord. 3281 - 8/16/99; Amd. Ord.4411 - 9/2/08) |
| Review Procedure | <ul style="list-style-type: none"> • Five (5) specified forms of relief may be requested for single family homes or multi-family homes less than six (6) dwelling units and shall be reviewed and determined by the Hearing Officer • Six (6) specified forms of relief may be requested for all other properties, then reviewed and determined by the Plan Commission • Any and all forms, specified or otherwise, may be requested then are reviewed and determined by the Village Board following Plan Commission recommendation |
| TINLEY PARK, SECTION X-G - VARIATIONS | |
| Intent | (1) Authority: Except as specifically provided below in Section X.G.5 and above in Section X.E.3.B.(6), and X.E.3.D, the Village Board of Trustees shall decide all applications for variations of the provisions of this Ordinance after a Public Hearing held before the Board. The Board shall, except as provided in Section X.G.5 below, hold a Public Hearing upon all applications for variations and, except as provided in Section X.E.4 above, report its recommendations to the Village Board of Trustees for action. The Board shall not approve where it has final decision-making power, nor shall it recommend where it does not, any variation unless the Board has made Findings of Fact specifying the reason or reasons for recommending or approving the variation. Such findings shall be based upon the standards hereinafter prescribed. Also, where the Village Board decides whether to grant a variation hereunder, no variation shall be granted by the Village Board without such Findings of Fact. If a request for a variation, however, is combined with a request for rezoning, a Special Use Permit or a Planned Unit Development, then the Plan Commission of this Village shall have jurisdiction over such request, shall conduct a Public Hearing thereon, and shall make the Findings of Fact and recommendation to the Village Board in the same manner and under the same standards and procedures as set forth herein for the Board. |
| Review Procedure | <ul style="list-style-type: none"> • Six (6) specified forms of relief may be requested for all other properties, then reviewed and determined by the Village Board • Any and all forms may be requested then are reviewed and determined by the Village Board following Plan Commission or Board recommendation |
| HOMER GLEN, 220-1207 – VARIANCES | |
| Intent | (A) Purpose of variance. The variance process is intended to provide limited relief from the requirements of this chapter in those cases where strict application of those requirements will create a practical difficulty or particular hardship prohibiting the use of land in a manner otherwise allowed under this chapter. It is not intended that variances be granted merely to remove inconveniences or financial burdens that the requirements of this chapter may impose on property owners in general. Rather, it is intended to provide relief where the requirements of this chapter render the land difficult to use because of some unique physical attribute of the property itself or some other factor unique to the property for which the variance is requested. In no event, however, shall the Village grant a variance which would allow the establishment of a use which is not otherwise allowed in a zoning district or which would change the zoning district classification of any or all of the affected property. |
| Review Procedure | <ul style="list-style-type: none"> • Seven (7) specified forms of relief may be requested and then are reviewed and determined by the Zoning Officer • Any and all forms, specified or otherwise, may be requested then are reviewed and determined by the Village Board following Plan Commission |

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