

**AN ORDINANCE GRANTING A VARIANCE
TO ALLOW OUTDOOR CAR SALES AND
AMENDING A RESTRICTIVE COVENANT
(3975 Algonquin Road)**

WHEREAS, on July 30, 1982 the owner of the property commonly known as 3975 Algonquin Road, Rolling Meadows, Illinois which property is legally described in the attached Exhibit “A” (“Premises”) provided that the City of Rolling Meadows, Illinois with a restrictive covenant which, among other uses, prohibited the Premises from being developed for automobile sales and service conducted within a completely enclosed building and outdoor used car sales lot; and

WHEREAS, the Premises is currently being proposed to be developed for use as an automobile sales and service which would be conducted both within a completely enclosed building and also for an outdoor used car sales lot; and

WHEREAS, the contract purchaser of the Premises has requested that the City release the restrictive covenant prohibiting automobile sales and service within a completely enclosed building and also grant a variance to allow an outdoor used car sales lot; and

WHEREAS, the City of Rolling Meadows Comprehensive Zoning Code provides for a permitted use in the C-2, General Commercial Services District for automobile sales and service conducted within a completely enclosed building; and

WHEREAS, on February 3, 2015, the Plan Commission conducted a public hearing on the Petition of Luxury Import Auto, Inc. (“Petitioner”) for the purpose of considering granting a variance from the Zoning Code to allow outdoor car sales and amending a restrictive covenant to allow automobile sales and service conducted within a completed enclosed building and an outdoor used car sales lot for the Premises; and

WHEREAS, the Plan Commission conducted a public hearing on the variance and amendment to the restrictive covenant after notice of public hearing as required by law; and

WHEREAS, the Plan Commission has submitted its report and recommendation to the Mayor and City Council of the City of Rolling Meadows; and

WHEREAS, the Plan Commission has submitted its report and recommendation to grant a variance and amend the restrictive covenant to the Mayor and City Council of the City of Rolling Meadows, which report has been considered by the Mayor and City Council; and

WHEREAS, the City Council having received the minutes, recommendation and findings of fact of the Plan Commission; and

WHEREAS, the City Council, has determined that the proposed variation to allow outdoor car sales will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or increase the danger of fire or endanger the public safety or unreasonably diminish or impair established property within the surrounding area, or in any other respect impair the public health, safety, comfort, or welfare of the inhabitants of the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rolling Meadows, Illinois:

SECTION ONE: The Petitioner is granted a variance from the Comprehensive Zoning Code, Section 122-193(b)(3) to allow an outdoor used car sales lot.

SECTION TWO: The approval of the variance herein granted is subject to the following:

- A. Only minor automotive repair be allowed on the property and only within the building. No body work or heavy repair would be allowed.
- B. No inoperable or damaged cars to be parked outside at any time.
- C. A maximum of seven (7) cars for sale to be parked outside of the building.
- D. No displaying of cars for sale outside of the building. No "For Sale" signs, price tags, stickers, or any attention getting devices of any kind indicating cars for sale outside of the building.
- E. The variance shall terminate if Luxury Imports Auto, Inc. no longer operates at this location.
- F. The property shall be improved in substantial conformance to the Luxury Imports Auto Sales and Service Site Plan dated December 29, 2014 and landscaping elevations submitted with this petition. The building shall be improved in accordance with the plan review comments of the Chief Building Official, dated January 22, 2015.

SECTION THREE: The Mayor and Deputy City Clerk are hereby authorized and directed to execute and deliver, a partial release of the restrictive covenant pertaining to the prohibition of automobile

sales and service within a completely enclosed building and outdoor used sales lots as set forth in the Declaration of Restrictive Covenant dated July 30, 1982 recorded August 16, 1982 as Document No. 26322653.

SECTION FOUR: This Ordinance shall be in full force and effect from and after its date of passage and approval as required by law.

SECTION FIVE: This Ordinance shall be printed and published in pamphlet form by order of the City Council of Rolling Meadow, Illinois.

YEAS: Prejna, Majikes, Judd, Banger, D'Astice, Veenbaas

NAYS: 0

ABSENT: Cannon

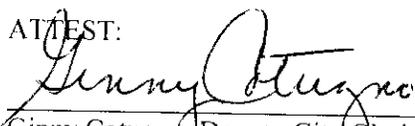
Passed this 10th day of March 2015.

Approved this 10th day of March 2015.



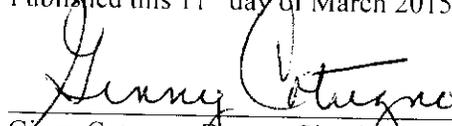
Tom Rooney, Mayor

ATTEST:



Ginny Cotugno, Deputy City Clerk

Published this 11th day of March 2015



Ginny Cotugno, Deputy City Clerk

EXHIBIT "A"

Commencing at a point of intersection with the centerline of Algonquin Road (Route 62) and the West line of fractional Section 7, Township 41 North, Range 11, East. Thence run south along the West line of said fractional Section 7, to a point of intersection with the Southerly right-of-way line of Algonquin Road. Thence run Southeasterly along the Southerly 5,854.65 feet, to a point of tangency on the Southerly right-of-way line of Algonquin Road. Thence continue running Southeasterly along the Southerly right-of-way line of Algonquin Road for a distance of 55.92 feet to the POINT OF BEGINNING, said point also being the point of intersection with the Southerly right-of-way line of Algonquin Road and the Easterly right-of-way line of Arbor Drive. Thence run Northeasterly along the right-of-way line of Algonquin Road, said line being perpendicular to the last described line, for a distance of 75.0 feet, to a point on the Southerly right-of-way line of Algonquin Road. Thence run along the Southerly right-of-way line of Algonquin Road to a point of curvature. Thence run along the arc of a curve, concave to the Southwest, and having a radius of 80 feet, to a point of tangency, said point lying on the West right-of-way line of Rohlwing Road (Route 53). Thence run South along the West right-of-way line of Rohlwing Road to a point of intersection with the Northerly right-of-way line of Arbor Drive. Thence run Northwesterly along the Northerly right-of-way line of Arbor Drive for a distance of 184.46 feet to a point, said point being the intersection of the Northerly right-of-way line of Arbor Drive with the Easterly right-of-way line of Arbor Drive. Thence run Northeasterly along the Easterly right-of-way line of Arbor Drive, perpendicular to the last described line, for a distance of 70.0 feet to the POINT OF BEGINNING.