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memorandum

date: February 1st, 2019

to: Village of Orland Park, Development Services
Variance Application

project name: Orland Square Mall Proposed Multiuse Activity Space

re: Development Application and Information Guide

remarks: Variance Standards Application:

Variance A: 6-305.D.6.a.2.i

One (1) detached parking lot island is required for every ten (10) parking spaces provided. Required parking islands may be consolidated to allow for better soil volume and drainage. Parking lot islands at the corners of a parking lot do not count towards the parking lot island requirements.

In general, additional landscape material is not required when the following conditions are met:

An existing building or site may be renovated or repaired without providing additional landscaping except when:

- a. An addition, alteration, or enlargement to an existing building, excluding single-family dwellings, expands the original building square footage by twenty-five percent (25%) or more, singularly or collectively.*
- b. There is a creation of, or increase in, residential units within an existing building, excluding single-family dwellings.*
- c. The restoration of any building, accessory buildings or structures or portion thereof damaged by fire, explosion, flood, casualty or other natural disaster of any kind is undertaken.*

We do not believe we fall under any of these exceptions and therefore do not require additional landscape. However, if a variance application is required to be submitted, the following variance request is noted as follows:

1. *That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.*

Due to the size of the off-street parking (and thus quantity of interior landscape islands) required to service the mall and surrounding commercial businesses, the cost of implementing this code would negatively impact the total investment and value placed into the park, playground space, and interactive water feature.

2. *That the plight of the owner is due to unique circumstances.*

Due to the size of the off-street parking (and thus quantity of interior landscape islands) required to service the mall and surrounding commercial businesses, the cost of implementing this code would negatively impact the total investment and value placed into the park, playground space, and interactive water feature.

Furthermore, snow removal and clearing become increasingly difficult during Holiday shopping periods and could potentially create a safety issue.

3. *That the variation, if granted, will not alter the essential character of the locality.*

The proposed improvements of the park and playground space include a large quantity of shade trees, ornamental trees, and shrubs. The character of the development will not be negatively impacted given that the overall improvements will provide over 100 additional trees to the area.

4. *That because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.*

Due to the size of the off-street parking (and thus quantity of interior landscape islands) required to service the mall and surrounding commercial businesses, a large quantity of landscape islands would be required, and significantly reduce the proposed total parking count.

5. *That the conditions upon which the petition for a variation is based are unique to the property for which the variance is sought and are not applicable, generally, to other properties.*

The size of the parking lot for a large regional commercial shopping center is unique within the Village of Orland Park.

6. *That the alleged difficulty or hardship is caused by these regulations and has not resulted from any act of the applicant or any other person having an interest in the property subsequent to the effective date hereof, whether or not in violation of any portion thereof.*

The existing parking lot design conformed to Village code at the time of construction. To bring a parking lot of such scale to conformance now represents a clear hardship when this proposed project represents just 4.5% of the overall site.

7. *That the granting of the variation will not be detrimental to the public welfare of injurious to other property, or improvements in the neighborhood in which the property is located or otherwise be inconsistent with the Comprehensive Plan, any adopted overlay plan or these regulations.*

The proposed improvements of the park and playground space include a large quantity of shade trees, ornamental trees, and shrubs. The character of the development will not be negatively impacted given that the overall improvements will provide over 100 additional trees to the area.

A granted variation would allow snow removal to be accomplished more quickly, which would increase public safety in the winter months, which is when the parking lot would most likely be near capacity.

8. *That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.*

Due to the large number of plant material provided through the proposed park and playground space, the proposed variation would not negatively impair adjacent properties, or substantially increase congestion in public streets, or increase the danger of fire or endanger public safety. Implementing interior landscape islands would reduce total parking count and could potentially increase traffic congestion in and around the mall parking lot during heavily visited times of the year when parking spaces are at a premium.

9. *That the variance granted is the minimum adjustment necessary for the reasonable use of the plan.*

The variance requested is the minimum adjustment necessary.

10. *That aforesaid circumstances or conditions are such that the strict application of the provisions of this Section would deprive the applicant of any reasonable use of his or her land. Mere loss in value shall not justify a variance; there must be a deprivation of all beneficial use of land.*

The significant landscape improvements in the park and the landscape improvements identified in the parking lot meet the design intent of the Land Development Code. Thus, it is reasonable that the proposed improvements coupled with the need to provide adequate parking counts and efficient snow removal constitute reasonable justification of deprived land.

Variance B: **6-305.D.6.a.2.iii**

At minimum, parking lot islands shall be located at the end of each row of parking stalls.

In general, additional landscape material is not required when the following conditions are met:

An existing building or site may be renovated or repaired without providing additional landscaping except when:

- a. An addition, alteration, or enlargement to an existing building, excluding single-family dwellings, expands the original building square footage by twenty-five percent (25%) or more, singularly or collectively.*
- b. There is a creation of, or increase in, residential units within an existing building, excluding single-family dwellings.*
- c. The restoration of any building, accessory buildings or structures or portion thereof damaged by fire, explosion, flood, casualty or other natural disaster of any kind is undertaken.*

We do not believe we fall under any of these exceptions and therefore do not require additional landscape. However, if a variance application is required to be submitted, the following variance request is noted as follows:

- 1. That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.*

Due to the size of the off-street parking required to service the mall and surrounding commercial businesses, the cost of implementing this code would negatively impact the total investment and value placed into the park, playground space, and water feature.

2. *That the plight of the owner is due to unique circumstances.*

Due to the size of the off-street parking required to service the mall and surrounding commercial businesses, the cost of implementing this code would negatively impact the total investment and value placed into the park, playground space, and water feature.

End row landscape islands, while generally provided throughout the site plan, are not possible in every instance to allow for snow storage.

Turning movements for large delivery trucks or emergency vehicles requires that some end-row landscape islands be eliminated.

3. *That the variation, if granted, will not alter the essential character of the locality.*

The proposed improvements of the park and playground space include a large quantity of shade trees, ornamental trees, and shrubs. The character of the development will not be negatively impacted without landscape islands at the end of every parking row.

4. *That because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.*

End row landscape islands, while generally provided throughout the site plan, are not possible in every instance to allow for snow storage.

Turning movements for large delivery trucks or emergency vehicles requires that some end-row landscape islands be eliminated.

5. *That the conditions upon which the petition for a variation is based are unique to the property for which the variance is sought and are not applicable, generally, to other properties.*

The size of the parking lot for a large regional commercial shopping center is unique within the Village of Orland Park.

Turning movements for large delivery trucks or emergency vehicles requires that some end-row landscape islands be eliminated.

6. *That the alleged difficulty or hardship is caused by these regulations and has not resulted from any act of the applicant or any other person having an interest in the property subsequent to the effective date hereof, whether or not in violation of any portion thereof.*

The existing parking lot design conformed to Village code at the time of construction. To bring a parking lot of such scale to conformance now represents a clear hardship when this proposed project represents just 4.5% of the overall site.

7. *That the granting of the variation will not be detrimental to the public welfare of injurious to other property, or improvements in the neighborhood in which the property is located or otherwise be inconsistent with the Comprehensive Plan, any adopted overlay plan or these regulations.*

The proposed improvements of the park and playground space include a large quantity of shade trees, ornamental trees, and shrubs. The character of the development will not be negatively impacted given that the overall improvements will provide over 100 additional trees to the area.

A granted variation would allow snow removal to be accomplished more quickly, which would increase public safety

in the winter months, which is when the parking lot would most likely be near capacity.

8. *That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.*

Due to the large number of plant material provided through the proposed park and playground space, the proposed variation would not negatively impair adjacent properties, or substantially increase congestion in public streets, or increase the danger of fire or endanger public safety.

Turning movements for large delivery trucks or emergency vehicles requires that some end-row landscape islands be eliminated.

9. *That the variance granted is the minimum adjustment necessary for the reasonable use of the plan.*

The variance requested is the minimum adjustment necessary. End row landscape islands have generally been provided throughout the parking lot.

10. *That aforesaid circumstances or conditions are such that the strict application of the provisions of this Section would deprive the applicant of any reasonable use of his or her land. Mere loss in value shall not justify a variance; there must be a deprivation of all beneficial use of land.*

The significant landscape improvements in the park and the landscape improvements identified in the parking lot meet the design intent of the Land Development Code. Thus, it is

reasonable that the proposed improvements coupled with the need to provide adequate parking counts and efficient snow removal constitute reasonable justification of deprived land if a variance is not granted.

from: Daniel Liggett
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