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ORDINANCE GRANTING VARIANCES - (GATEWAY PLAZA – 14301 LAGRANGE ROAD)

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WHEREAS, a petition seeking to construct, operate, and maintain a 10,500 square foot, multi-tenant commercial building along with two variances for certain real estate, as set forth below, has been filed with the Village and has been referred to the Plan Commission of this Village and has been processed in accordance with the Orland Park Land Development Code, as amended; and

WHEREAS, the Plan Commission of this Village held a public hearing on May 9, 2017, on whether the requested variances should be granted, at which time all persons present were afforded an opportunity to be heard; and

WHEREAS, public notice, in the form required by law, was given of said public hearing by publication not more than 30 days nor less than 15 days prior to said hearing in The Orland Park Prairie, a newspaper of general circulation and a newspaper published in this Village; and

WHEREAS, the Plan Commission has filed with this President and Board of Trustees its report of findings and recommendation that the requested variances be granted, and this Board of Trustees has duly considered said report, findings and recommendation.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1

The report, findings and recommendation of the Plan Commission of this Village are herein incorporated by reference as the findings of this Board of Trustees, as completely as if fully recited herein at length. Also, all exhibits submitted at the public hearing are hereby incorporated by reference as fully as if attached hereto. This Board of Trustees further finds that the proposed variances are in the public good and in the best interests of the Village and its residents and is consistent with and fosters the purposes and spirit of the Land Development Code of the Village of Orland Park as set forth in Section 1-102 thereof.

SECTION 2

In addition to the findings set forth in Section 1 hereof, this Board of Trustees further finds in relation to the proposed variances as follows:

a. The Subject Property is located at 14301 LaGrange Road in the Village. The Subject Property is zoned VCD Village Center District under the Village's Land Development Code. The proposed project conforms to the Village's Comprehensive Plan, Land Development Code and policies for this area. The Petitioner is seeking to construct, operate and maintain a new 10,500 square foot multi-tenant commercial building on Lot 2 of the approved Marquette Bank

Subdivision. The variances requested are to reduce the west front setback from twenty-five (25) feet to seventeen (17) feet one (1) inch; and reduce the south side setback from fifteen (15) feet to eleven (11) feet nine (9) inches.

b. The property in question cannot yield a reasonable return if permitted to be used only under the setback requirements of the Code. The layout of the land and configuration of the site, including existing utility and easements and existing infrastructure severely limited buildable area on the site. Additionally, the requested setbacks will allow the Petitioner to secure the type and caliber of tenants desired for this central downtown location, and to fulfil the promises and commitments to tenants who have been secured.

c. The plight of the owner is due to the unique circumstance of the configuration of the site, including but not limited to having previously been subdivided, existing utility and easements, and existing infrastructure, which limited the buildable area on the site. Additionally, the site is being configured to conform to design criteria outlined in the Comprehensive Plan, including a zero lot line and/or minimum setback from the right of way to allow the site to better interact with the existing streetscape and minimal parking visibility.

d. The variances, if granted, will not alter the essential character of the locality. Both commercial retail and restaurants, which are proposed for this site, are listed as appropriate uses in the Downtown Mixed Use land designation in the Comprehensive Plan. The site is located at 143<sup>rd</sup> Street and LaGrange Road, and will be a highly visible commercial location. The proposed building design is intended to resemble the size, scale and character of recently constructed buildings in Downtown Orland Park. The proposed site plan will improve the pedestrian experience, create a more attractive and accessible site, and allow for a larger outdoor seating area on the north side of the property, all of which corresponded to the Comprehensive Plan's land use and design criteria.

e. The denial of the requested variances would be a hardship to the Petitioner. Due to the unique circumstance of the configuration of the site, including but not limited to having previously been subdivided, existing utility and easements, and existing infrastructure, which have limited the buildable area on the site, Petitioner would not be able to comply with the Comprehensive Plan's design and elevation criteria for the site, meet the necessary parking and landscape requirements for the project, or obtain the type of tenant appropriate for this central location, without the variances.

f. The conditions of the property are unique to the property and not generally applicable to other properties. The proposed building will be locked in on all sides without any opportunity or option to be modified in any other direction. The building must come within the West property line setback limit because of and utility easement and the need to incorporate the existing Village streetscape at the intersection into Petitioner's proposed development, in accordance with the Comprehensive Plan. The building cannot be expanded east because it will then fail to meet all parking lot and parking stall requirements, vehicular circulation, pedestrian and ADA access and landscape requirements. The building comes within the South setback limit to avoid a utility easement on the south boundary and meet the total tenant space requirements for the project.

g. The hardship is caused by the application of the Code and the existence of the existing utility and easements, and existing infrastructure, which limited the buildable area on the site and has not resulted from any act of the Petitioner or another person presently having an interest in the property. Additionally, Petitioner has worked with the Village to meet the design criteria established in the Comprehensive Plan for this highly visible site.

h. The granting of the variances will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. The variances will not have a negative impact on the public welfare or neighborhood. Instead, the proposed reduction of the west and south setbacks will allow for a larger outdoor seating area on the north side of the property and bring the south building line closer to the 143<sup>rd</sup> Place right of way. Having the building closer to the right of way will allow the site to better interact with the existing Village streetscape and create and enhance pedestrian connections in this centralized area. The proposed building elevations are designed to frame the corner and create an attractive façade that will face both 143rd Street and LaGrange Road, with a focal point being a twenty-nine (29) foot tall rotunda, which will be capped with a decorative EIFS cornice. These features, as well as the design of the building are in line with the design criteria listed in the Comprehensive Plan. The variances will also serve to enhance the pedestrian experience and increase landscaping.

i. The proposed variances will not impair an adequate supply of light and air to adjacent property, or substantially increase congestion in the public streets, or increase the danger of fire or endanger the public safety or impair property values within the neighborhood. The site is compliant with parking, accessible parking, aisle width and landscape island requirements to ensure efficient traffic flow through the site. The Subject Property is isolated from adjacent properties by roads and a parking lot and therefore the setback variances will have no detrimental effect on adjacent or other properties, either in terms of proximity, light or air. The proximity isolation also eliminates any increased danger for fire. There are utilities present and available for redevelopment, and the Subject property is within the service area of a detention pond previously approved by the MWRD through the Marquette Subdivision. The volume necessary to accommodate the proposed development has already been accounted for and approved. Nonetheless, three parking aisles will be constructed with permeable pavers to meet the volume control requirements of the MWRD.

j. The variances granted are the minimum necessary for the reasonable use of the land for the purpose proposed. They will allow the Petitioner to construct the building in a way that meets the Comprehensive Plan's criteria and specifications for this site, the tenant's occupancy and business use requirements, and all parking, vehicular circulation and ADA access requirements without infringing on any easements already located on the Subject Property.

k. The aforesaid circumstances or conditions are such that the strict application of the setback requirements would deprive the Petitioner of any reasonable use of the land. Without these variances, Petitioner would not be able to comply with the Comprehensive Plan's design criteria and elevations for the site, meet the necessary parking and landscape requirements for the project, or obtain the type of tenant appropriate for this central location, without the variances.

### SECTION 3

The Village hereby grants the following variances as depicted on the preliminary site plan titled “Site Plan Study 143<sup>rd</sup> and LaGrange Orland Park, Illinois” dated May 1, 2017, to the Subject Property, legally described below: reduce the west front setback from twenty-five (25) feet to seventeen (17) feet one (1) inch; and reduce the south side setback from fifteen (15) feet to eleven (11) feet nine (9) inches. The Subject Property is legally described as:

#### PARCEL 1:

LOT 2 IN MARQUETTE BANK SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST ½ OF THE NORTHWEST ¼ OF SECTION 10, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 27, 2012, AS DOCUMENT NO. 1236229025 IN COOK COUNTY, ILLINOIS.

#### PARCEL 2:

NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL 1 FOR INGRESS AND EGRESS OVER ANY IMPROVED PAVED ROADWAY AND RELATED CURBING AND SIDEWALKS LOCATED ON LOT 6 IN THE MARQUETTE BANK SUBDIVISION RECORDED AS DOCUMENT NUMBER 1236229025, AND AS CREATED BY SAID SUBDIVISION PLAT AND BY DECLARATION OF COVENANTS, CONDITIONS RESTRICTIONS AND EASEMENTS RECORDED JANUARY 16, 2013 AS DOCUMENT 1301626021, PART OF THE WEST ½ OF THE NORTHWEST ¼ OF SECTION 10, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THRID PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 27-10-111-002-0000

A. The Subject Property shall be developed substantially in accordance with the preliminary site plan titled “Site Plan Study 143<sup>rd</sup> and LaGrange Orland Park, Illinois” dated May 1, 2017, subject to the following conditions:

1. Continue to work with staff for landscape plan approval;
2. Meet all final engineering and Building Code related items;
3. Provide specification for parking lot lighting;
4. Provide revised elevations that show amount of window transparency;
5. Provide six (6) to (8) tall opaque, year-round screening of the external smokers and its accessories using arborvitae or equivalent.

B. The Subject Property shall be developed substantially in accordance with the elevations titled “Proposed Development 143<sup>rd</sup> & LaGrange” dated May 1, 2017, subject to the following conditions:

1. Screen all mechanical equipment either at grade level with landscaping or hidden behind the roofline;
2. Provide six (6) to (8) tall opaque, year-round screening of the external smokers and its accessories using arborvitae or equivalent.
3. All masonry be of anchored veneer type masonry with a 2.625” minimum thickness; and
4. All signs are subject to additional review and approval via the sign permitting process and additional restrictions may apply.

#### SECTION 4

Petitioner shall at all times comply with the terms and conditions of this Ordinance and all other codes and ordinances of the Village unless specifically amended by this or another ordinance. In the event of non-compliance, the variations of this Ordinance shall be subject to revocation by appropriate legal proceedings.

#### SECTION 5

This Ordinance shall be in full force and effect from and after its passage and approval as required by law.

#### SECTION 6

The Village Clerk is hereby ordered and directed to publish this Ordinance in pamphlet form, said pamphlet to be deposited in the office of the Village Clerk for general distribution, and this Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.