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ORDINANCE GRANTING A VARIANCE - (66 ORLAND SQUARE DRIVE PARKING)

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WHEREAS, a petition seeking a variance 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 January 26, 2016, on whether the requested variance 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 variance 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 variance is 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 variance as follows:

- a. The Subject Property is located at 66 Orland Square Drive in the Village, consists of approximately 7.76 acres and contains a 166,000 square foot building with accompanying parking lot. The Subject Property is zoned COR Mixed Use under the Village's Land Development Code (the "Code").
- b. The Petitioner is seeking a variance to reduce the parking requirement from 579 spaces to 314 spaces.

- c. The Subject Property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the Code. The Subject Property has been unable to lease the available spaces to tenants due to the parking requirements. The types of users solicited or that have shown interest in leasing space all require more parking per code than what is available on site. The majority of the building has been vacant for the past 13 years. With this variance, the entire building, with the exception of an approximately 7,000 square foot space, can be re-occupied.
- d. The proposed reduction of the amount of required parking spaces from 579 to 314 is supported by information suggesting that the tenant and prospective tenants can operate at a significantly lower amount of parking than is required by the current Code. The Village staff has collected parking count data, which shows that the tenant, Carson's Furniture, is only occupying approximately 9% of the required parking spaces and can operate with only approximately 25 parking spaces. Prospective tenants, which include Charter Fitness, Skyzone and Jak's Warehouse, have also provided information indicating that their peak usage of the parking area alternates among users, allowing for provided parking to accommodate each use. Skyzone has provided an engineering study indicating that previous locations were able to operate at peak times using 42% less parking than is required by the Code, and Jak's Warehouse has provided documentation indicating that it has operated a larger facility for the last 3 years with 30% less parking than is required by the Code. Although Petitioner has not secured a formal shared parking agreement, there are 2,444 parking spaces directly adjacent to the Subject Property.
- e. The requested variance is the minimum the Petitioner can do to alleviate the requirements of the Code and ensure compliance with the prospective users in the building. The Petitioner has maximized the amount of parking on the site and engaged in talks to secure a formal shared parking agreement. Within the past year, the Petitioner has increased the parking area on the site by nearly 50% and has sacrificed the use of several loading docks and drive in doors in an effort to create more parking for tenants and patrons. In order to occupy the building as it sits today without demolishing any portion or leaving any portion vacant, the Petitioner must pursue this variance request.
- f. No one spoke in opposition to Petitioner's requested variances.
- g. The plight of the owner is due to the unique circumstance of the configuration of the site and surrounding conditions. Petitioner cannot meet the current parking requirements given the current site layout. There is a large detention pond to the south of the building that restricts the Petitioner's ability to create more parking onsite.
- h. The hardship is caused by the layout of the site and application of the Code and has not resulted from any act of the Petitioner or another person presently having an interest in the property.
- i. The variance, if granted, will not alter the essential character of the locality. The area is zoned COR Mixed Use. The area to the north is zoned COR Mixed Use and includes multi-family residential uses. The area to the south is zoned COR Mixed Use and includes commercial uses. The area to the east is zoned R-4 Residential and includes single family attached residential uses. The area to the west is zoned COR Mixed Use and includes commercial uses. The proposed

redevelopment adds to the retail nature of the area and complements the surrounding area. The proposed renovations into a retail and entertainment complex ties into the types of business on the ring road to the mall.

- j. The denial of the requested variance would be a hardship to the Petitioner. Without the variances, the Petitioner would not be able to lease the available spaces to tenants that have shown interest in the site, and the Subject Property will continue to remain substantially vacant.
- k. The conditions of the property are unique to the property and not generally applicable to other properties. The proposed use of the property is unique to the property.
- l. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. The variance will not have a negative impact on the public welfare or neighborhood. The redevelopment of the property fits with the Village's Comprehensive Plan in the Village, and the design of the building and tenants under consideration all fit as suitable and desirable users in the zoning district.
- m. 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. In contrast, it will facilitate revitalization of the Subject Property by bringing in new business and patrons. The Petitioner also plans to add lights, landscaping and other public benefits to increase the desirability and safety on the property.
- n. The aforesaid circumstances or conditions are such that the strict application of the parking requirements and the Petitioner's inability to meet those standards greatly limits its ability to stabilize the property and lease out the entire property. If the variance is not approved, approximately 40,000 square feet of the existing building must remain vacant indefinitely. A denial of the variance would restrict the Petitioner from leasing the property to the prospective tenants and would limit the scope of future tenants who may be interested in leasing space on the site. This hardship was not self-imposed. The variance would enhance the desirability of the property by attracting better business to the site. Improving this property is in the best interests of the Village.

SECTION 3

Subject to the conditions below, a variance for the Subject Property described below, reducing the amount of required parking from 579 spaces to 314 spaces, is hereby granted. The Subject Property is legally described as:

PARCEL 1:

A TRACT OF LAND IN THE SOUTH ½ OF SECTION 10, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:
COMMENCING ON THE NORTH AND SOUTH CENTERLINE OF SAID SECTION 10, A DISTANCE OF 501.78 FEET NORTH 0 DEGREES 1 MINUTES WEST OF THE SOUTH ¼ CORNER OF SAID SECTION 10; THENCE SOUTH 70 DEGREES 48 MINUTES WEST 9.05 FEET TO A POINT ON CURVE; THENCE NORtherly ON A CURVE CONVEX TO THE

EAST HAVING A RADIUS OF 505.17 FEET, AN ARC DISTANCE OF 223.26 FEET AND A CHORD BEARING OF NORTH 12 DEGREES 38 MINUTES 42 SECONDS EAST TO A POINT OF COMPOUND CURVE; THENCE NORTHERLY ON A CURVE CONVEX TO THE EAST HAVING A RADIUS OF 1330.73, AN ARC DISTANCE 382.45 FEET AND A CHORD BEARING OF NORTH 8 DEGREES 15 MINUTES WEST TO A POINT OF TANGENT; THENCE NORTH 16 DEGREES 29 MINUTES WEST 27.08 FEET; THENCE NORTH 73 DEGREES 31 MINUTES EAST 535 FEET; THENCE SOUTH 16 DEGREES 29 MINUTES EAST 328.9 FEET; THENCE SOUTH 2 DEGREES 10 MINUTES 40 SECONDS WEST 350 FEET; THENCE DUE WEST 275 FEET; THENCE SOUTH 70 DEGREES 48 MINUTES WEST 313 FEET TO THE POINT OF BEGINNING IN COOK COUNTY, ILLINOIS.

PARCEL 2:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS TO PARCEL 1 ABOVE, ACROSS AND UPON THE ORLAND SQUARE RING ROAD AS ESTABLISHED BY ARTICLE X, PARAGRAPH H. SUBPARAGRAPH (B)(1) OF THAT CERTAIN EASEMENT AND OPERATING AGREEMENT DATED MAY 15, 1976, AND RECORDED AUGUST 10, 1976 AS DOCUMENT 23591873 AND AS GRANTED IN DEED DATED DECEMBER 14, 1977 AND RECORDED DECEMBER 16, 1977 AS DOCUMENT 24240098 IN COOK COUNTY, ILLINOIS.

PIN: 27-10-400-018-0000

The variance is subject to the following conditions:

A. The Subject Property shall be developed substantially in accordance with the preliminary site plan titled 66 Orland Square Drive Landlord Renovation, dated December 28, 2015, subject to the following conditions:

1. That Petitioner verify the existing shared parking agreement between the Subject Property and Orland Square Mall. If the current agreement is not applicable, the Petitioner shall continue to pursue a shared parking agreement with adjacent property owner, Orland Square Mall;
2. That Petitioner meet any and all building code related items;
3. That Petitioner work with Orland Square Mall to install crosswalks across Orland Square Drive from the Subject Property to Orland Square Mall.

SECTION 4

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.