

January 18, 2018 revised

VILLAGE OF ORLAND PARK, DEVELOPMENT SERVICES DEPARTMENT

**VARIANCE
STANDARDS**

Project Name: Seritage – Orland Square Mall Sear Redevelopment

Petitioner: Seritage Growth Properties

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FOR ALL PETITIONS REQUESTING A **VARIANCE**, THE PETITIONER MUST RESPOND IN WRITING TO ALL OF THE FOLLOWING VARIANCE STANDARDS AND SUBMIT TO THE DEVELOPMENT SERVICES DEPARTMENT.

CITE the relevant sections of the Land Development Code to which the variances are being requested *and explain* why the variances are needed for your proposal using the following standards as a guide:

Variance request for:

Lot coverage - Section 6-210 G

Parking Supply – Section 6-306 B

Parking located between the building and the street – Section 6-306 E

Rear setback (inherent in mall design) – Section 6-219.F.2

Landscaping Foundation and Parking Lot – Section 6-305 D

Brick or other masonry materials on facade – LDC Section 6-308 F:

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; *(Insert explanation)*
Comment: The Village Land Development Code has changed since the property was developed in 1970's. The existing property is not utilizing the highest and best use for the real estate. Certain design variations from current Land Development Code are necessary to improve density, character and functionality of property so that it may be marketable to nationally known retailers, restaurants and businesses for a successful development.

2. That the plight of the owner is due to unique circumstances; *(Insert explanation)*
Comment: The owner, Seritage Growth Properties wishes to redevelop the Sears property by downsizing the footprint of Sears to a more manageable size for the retailer. The remaining space will be redeveloped into a thriving extension of the mall with multiple retail tenants, shops, restaurants and kiosk spaces. The proposed AMC Movie Theater will be a huge draw for the development. The proposed variances will enable our design to follow the intent of the Land Development Code for this development with reasonable exceptions and provide an adaptive reuse of a struggling mall anchor property.

3. That the variation, if granted, will not alter the essential character of the locality; *(Insert explanation)*
Comment: The proposed development with development standards variations will enhance the retail, commercial character of the area by adding landscaped and architectural focal points with pedestrian access in accordance with the Villages long term plans. The development will bring in nationally recognized tenants and restaurants to attract shoppers, movie goers and add to Mall shopping experience.

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; *(Insert explanation)*

Comment: Due to the property size, configuration, topography, age of original development, and Mall anchor site layout, following the Development standards to the letter would create substantial hardship for the development for lot coverage restrictions, setbacks, parking and landscaping.

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 property; *(Insert explanation)*

Comment: The property size, age of original development and Mall Anchor site layout restricts the ability to adhere to all of the sections of the development code. These restrictions are site specific in nature.

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 presently having an interest in the property subsequent to the effective date hereof, whether or not in violation of any portion thereof; *(Insert explanation)*

Comment: The difficulty in complying is only caused by these regulations and has not resulted from any act of the applicant or any other person presently having an interest in the property subsequent to the effective date hereof.

7. That the granting of the variation will not be detrimental to the public welfare or 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; *(Insert explanation)*

Comment: If these variances are granted, they will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood, or inconsistent to the Comprehensive Plan or any adopted overly plan or these regulations.

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; *(Insert explanation)*

Comment: If these variances are granted, they will not affect supply of light and air to adjacent property, nor will they substantially increase 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.

9. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; *(Insert explanation)* and

Comment: The requested variances are a minimum adjustment necessary for the reasonable use of the land for this proposed development.

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. *(Insert explanation)*

Comment: If strict application of the provisions of this Section are required, the proposed project will not allow the adequate parking necessary for the development. Landscaping, lot coverage and rear setback requirements are in excess of what was originally approved for the development for the Sears building. The Developer is proposing to adapt the original structure and re-use in a creative design while adhering to the Development Code as much as practical with the restraints of current site conditions, topography, mall setting and existing setbacks.

End of Memo