

ORDINANCE GRANTING VARIANCES - (MIROBALLI PLAZA, 14360 S. LA GRANGE ROAD)

WHEREAS, a petition seeking 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 September 13, 2011 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 14360 S. La Grange Road in the Village and consists of approximately .97 acres. The Subject Property is zoned VCD Village Center District under the Village's Land Development Code (the "Code").

b. The petitioner is seeking to construct a 10,000 square foot retail center at the northwest corner of La Grange Road and 144th Place on two lots to be consolidated.

- c. The variances requested are to reduce the La Grange Road setback from 25 feet to 15 feet (40% reduction), to reduce the corner setback of La Grange Road and 144th Place from 25 feet to 11 feet (56% reduction), to reduce the west bufferyard, Bufferyard C, from 15 feet to 2.5 feet (85% reduction) and to increase the lot coverage from 75% to 83% (8% increase).
- d. The setbacks requested along La Grange Road are to reduce the setback by 10 feet to 15 feet and the corner setback from 25 feet to 11 feet. The required setbacks would have been met, except for the widening of La Grange Road.
- e. The reduction in the west bufferyard from 15 feet to 2.5 feet is due to the La Grange Road setbacks and the narrowness of the Subject Property. To mitigate this variance, petitioner has agreed to install a wood and brick fence along the west property line to screen the land use from neighboring buildings.
- f. The requested increase in lot coverage from 75% to 83%. Due to the size of the site, stormwater retention is not required for this site and the lot coverage will be improved from the previous use at the Subject Property. In addition, petitioner has agreed to consider best management practices (BMPs) to mitigate its variance requests.
- g. No one spoke in opposition to petitioner's requested variances.
- h. The property in question cannot yield a reasonable return if permitted to be used only under the setback requirement of the Code due to size and shape of the Subject Property. In addition, the property is a vacant brownfield.
- i. The plight of the owner is due to the unique circumstance of the expansion of La Grange Road as well as the fact that it currently is a vacant brownfield.
- j. The variances, if granted, will not alter the essential character of the locality. The approved site plan provides for no parking in front of the site, in conformance with Village standards. That the essential character of the locality will not change was also demonstrated by the fact that no neighbors spoke in opposition to the variances requested.
- k. Because of the environmental issues and the expansion of La Grange Road, the denial of the requested variances would be a hardship to the Petitioner. Without the variances, the proposed retail building would not be constructed.
- l. The conditions of the property are unique to the property and not generally applicable to other properties. The size and minimal depth of the property are unique to the property.

- m. The hardship is caused by the application of the Code and has not resulted from any act of the petitioner or another person presently having an interest in the property.
- n. The granting of the variances will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood, and it is consistent with the Village's plan for downtown area redevelopment. In addition, the development will be an addition to the Village's tax base.
- o. 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.
- p. The variances granted are the minimum necessary for the reasonable use of the land for the purpose proposed.
- q. The aforesaid circumstances or conditions are such that the strict application of the VCD setback requirements, bufferyard requirements and lot coverage requirements would deprive the Petitioner of any reasonable use of the land.

SECTION 3

Subject to the conditions below, variances for the Subject Property described below to permit a 15 foot setback along La Grange Road, rather than the 25 feet otherwise required, to permit an 11 foot setback at the corner of La Grange Road and 144th Place, rather than the 25 feet required, to permit a west bufferyard of 2.5 feet, rather than the 15 feet required, and to increase the lot coverage permitted from 75% to 83% are hereby granted. The Subject Property is legally described as:

LOT 12 AND THAT PART OF LOT 15 IN THE SUBDIVISION OF LOTS 1, 2, 3 AND 4 OF COTTAGE HOME SUBDIVISION OF THE EAST ½ OF THE NORTHEAST ¼ OF SECTION 9, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THEREFROM PARTS TAKEN FOR WIDENING OF 143RD STREET AND KEAN AVENUE), LYING SOUTH OF THE SOUTH LINE OF LOT 19 IN EAST ORLAND, BEING A SUBDIVISION OF THE EAST ½ OF THE NORTHEAST ¼ OF SECTION 9, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, EXTENDED EASTERLY TO THE EAST LINE OF LOT 15 AFORESAID, EXCEPTING THEREFROM THE NORTH 200 FEET OF PART OF SAID LOT 15 LYING SOUTH OF THE SOUTH LINE OF SAID LOT 19 AS EXTENDED TO THE EAST LINE OF SAID LOT 15, IN COOK COUNTY, ILLINOIS.

The variances are subject to the conditions that:

A. The Subject Property shall be developed substantially in accordance with the Preliminary Site Plan appended hereto and incorporated herein as EXHIBIT A entitled "Miroballi Plaza Site Plan," prepared by Cambridge Companies, dated October 3, 2011, project number BIL1102, sheet number SP1.10, and the preliminary elevation drawings appended hereto and incorporated herein as EXHIBIT B entitled "Miroballi Plaza Elevations," prepared by Cambridge Companies, dated October 3, 2011, project number BIL1102, sheet number A3.10, subject to the following conditions:

1. That the development use the same lamp post patterns in the parking lot that are present in Orland Crossing, Main Street Triangle and Old Orland Historic District for a unified appearance across the Village Center District and downtown area;
2. That the Owner considers best management practices (BMPs), architectural features and planter boxes to mitigate variance requests;
3. That the Owner submits a landscape plan within 60 days of final engineering for separate review and approval and that includes four (4) inch caliper trees and a minimum of four (4) canopy trees in the west bufferyard;
4. That all rooftop mechanical equipment and utility conduits are appropriately screened from neighboring properties and the rights-of-way;
5. That final engineering and Building Code related items are met;
6. That building permits are obtained prior to construction;
7. That the site plan is subject to the NFR letter issued by IEPA and any changes to the site plan, including landscape area and BMP implementation, are re-reviewed and approved prior to construction;
8. That the Owner works with neighboring property owners to the north to establish a cross-access agreement between the properties;
9. That the Owner applies for a subdivision for lot consolidation and submits a Plat of Subdivision to the Village for recording prior to obtaining any building permits; and
10. That the Owner works with Village staff to explore the use of composite wood fence materials for the west bufferyard screening fence.

SECTION 4

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

SECTION 5

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.