

ORDINANCE GRANTING VARIANCES - (BONEFISH GRILL RESTAURANT, 15537 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 11, 2012, 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 15537 S. La Grange Road in the Village, consists of approximately 1.5 acres and is currently vacant. The Subject Property is zoned COR Mixed Use District under the Village's Land Development Code (the "Code").
- b. The Petitioner is seeking to construct a new 5,208 square foot restaurant with outdoor seating in the last remaining outlot of the Lowe's subdivision along La Grange Road.
- c. The variances requested are to exceed the number of parking spaces required by more than 20% and to reduce the side building setback along 156th Street from 25 feet to 16.9 feet.

d. The proposed increase in parking will allow for the proposed parking field to match the existing parking fields to the north and to interconnect with shared access to those parking fields. As a result, the Petitioner is requesting a total of 93 parking spaces, instead of the maximum of 52 allowed spaces. Petitioner also has advised that the increased parking spaces sought are still significantly less than the parking usually provided for its business.

e. To mitigate against the increase in parking, Petitioner has agreed to install a pedestrian walkway connecting the 95th Avenue sidewalk system with the building's sidewalk system. The Petitioner has modified its site plan to provide wider landscape islands, an internal walkway system and a narrower drive aisle. In addition, Petitioner has made its sidewalk connections to the 95th Avenue sidewalks under and through the pergola to mirror similar connections at the other corners of 95th Avenue and 156th Street. Petitioner has also agreed to provide bicycle parking near the main entrance of the restaurant. The pergola will also screen its parking fields from the intersection.

f. The other variance seeks to reduce the side building setback along 156th Street from 25 feet to 16.9 feet. The closest distance at the east corner is 16.9 feet, while the furthest distance at the west corner is 25.6 feet. The Development Agreement entered into with Lowe's for this development provides for 0 to 15 foot setbacks along 156th Street.

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 the need for additional parking for the restaurant use as well as the parking needs of neighboring properties. In addition, the building setback is consistent with the Lowe's Development Agreement and is only necessary on the east corner.

i. The plight of the owner is due to the unique circumstance of the parking requirements as well as the similar restaurant uses on neighboring properties that includes the same peak parking hours as this property.

j. The variances, if granted, will not alter the essential character of the locality. The area is a commercial area and the surrounding land uses include several restaurants, retail buildings and vacant property (across La Grange Road). 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. The denial of the requested variances would be a hardship to the Petitioner. Without the variances, the Petitioner would not be able to accommodate the parking for the uses on the Subject Property.

l. The conditions of the property are unique to the property and not generally applicable to other properties. The proposed use of the property, along with the uses of neighboring properties, is 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. The addition of parking spaces and a minor reduction in the setback from 156th Street will not have a negative impact on the public welfare or neighborhood.
- 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 parking 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 allow it to exceed the number of required parking spaces by more than 20%, from a fifty-two (52) space maximum to ninety-three (93) spaces, and to reduce the side building setback distance along 156th Street from 25 feet to 16.9 feet are hereby granted. The Subject Property is legally described as:

LOT 13 OF THE RESUBDIVISION OF LOWE'S ORLAND PARK
SUBDIVISION, THE SOUTHWEST ¼ AND NORTHWEST ¼ OF
SECTION 15, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE
THIRD PRINCIPAL MERIDIAN, COOK COUNTY, ILLINOIS.
P.I.N. 27-15-300-006-0000

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 "Preliminary Site and Utility Plan Bonefish Grill Orland Park, Illinois," prepared by Jacob & Hefner Associates, Inc., dated August 3, 2012, revised September 24, 2012, sheet number 1, subject to the following conditions:

1. That Petitioner submit a Final Landscape Plan, meeting all Village Codes, for separate review and approval within 60 days of final engineering approval;
2. That all final engineering and Building Code related items are met.

B. The Subject Property shall be developed substantially in accordance with the elevations appended hereto and incorporated herein as EXHIBIT B entitled “Bonefish Grill, Orland Park, IL,” prepared by Godsey Associates Architects, dated September 11, 2012, for the north, south, east and west elevations, subject to the same conditions outlined above and the following condition:

1. That Petitioner will screen all mechanical equipment either at grade level with landscaping or hidden behind the roofline and screen utility conduits and related appurtenances from view of the public rights-of-way and neighboring properties.

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.