

ORDINANCE GRANTING VARIANCES - (JOHN BURNS CONSTRUCTION, 17601 SOUTHWEST HIGHWAY)

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 February 24, 2015, 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 17601 Southwest Highway in the Village, consists of approximately 4.99 acres and contains an office building. The Subject Property is zoned MFG Manufacturing District under the Village's Land Development Code (the "Code").
- b. The Petitioner is seeking to construct a two-story, 4,800 square foot office building expansion and a sixty-three (63) space parking lot expansion.
- c. The variances requested are to reduce the wetland/floodplain setback from fifty (50) feet to five (5) feet, to exceed the number of parking spaces required by more than twenty (20%)

percent, to establish a parking lot between the principle structure and the street, to reduce the north (west) landscape bufferyard from Type E fifty (50) feet to Type A ten (10) feet and to reduce the (south) west landscape bufferyard from Type D fifty (50) feet to zero (0) feet.

d. The proposed reduction of the wetland/floodplain setback is due to the configuration of the site and the dedication of approximately 3.91 acres of floodplain/wetland to the Village's open space network. The increase in parking and establishment of a parking lot between the principle structure and the street will allow for the connection of two existing driveways and avoid dead-end parking. The location of the parking lot will impact the wetland/floodplain setback and the landscape bufferyards. These variances are needed due to the spatial constraints of the site and to avoid the installation of plant material in areas where it will not grow.

e. To offset these variances, petitioner proposes to use a 100% opaque fence to screen the storage yards, to add parkway trees and to expand landscaping areas in front of the building.

f. No one spoke in opposition to Petitioner's requested variances.

g. The property in question cannot yield a reasonable return if permitted to be used only under the setback, parking and landscape bufferyard requirements of the Code due to the need for additional parking for the building expansion and the location of the wetlands on the site. In addition, the existing non-conforming parking is located between the principle structure and the street.

h. The plight of the owner is due to the unique circumstance of the configuration of the site and the location of the wetlands/floodplain.

i. The variances, if granted, will not alter the essential character of the locality. The area is zoned manufacturing and includes single family residences (across Southwest Highway) to the north, a landscaping company (across railroad right-of-way) to the south, multi-family residential (across railroad right-of-way) to the east and open lands district property and single family residences to the west. 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. In addition, the proposed building addition will be architecturally similar to the existing building.

j. The denial of the requested variances would be a hardship to the Petitioner. Due to the fact that the site is encumbered by floodplains and wetland areas, the Petitioner would not be able to accommodate the expansion of the office building and parking for the uses on the site without the variances.

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 hardship is caused by the application of the Code and the existence of the floodplains and wetland area on the site and has not resulted from any act of the Petitioner or another person presently having an interest in the property.

m. 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. In addition, the variances will be offset by the installation of an opaque fence to screen the storage yards from the parking lot and Southwest Highway and by the installation of landscaping on the north front elevation.

n. 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.

o. The variances granted are the minimum necessary for the reasonable use of the land for the purpose proposed. The variances will bring uniformity to the site by connecting the driveways and avoiding dead-end parking.

p. The aforesaid circumstances or conditions are such that the strict application of the wetland setback, parking requirements and landscape bufferyard 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 reduce the wetland/floodplain setback from fifty (50) feet to five (5) feet, to exceed the number of parking spaces required by more than twenty (20%) percent, to establish a parking lot between the principle structure and the street, to reduce the north (west) landscape bufferyard from Type E fifty (50) feet to Type A ten (10) feet and to reduce the (south) west landscape bufferyard from Type D fifty (50) feet to zero (0) feet are hereby granted. The Subject Property is legally described as:

THAT PART OF THE WEST 100 ACRES (EXCEPT RAILROAD) OF THE FOLLOWING TRACT OF LAND: THE NORTHEAST QUARTER AND THE EAST 50.97 ACRES OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, WHICH LIES NORTHWESTERLY OF THE WABASH RAILROAD COMPANY'S RIGHT OF WAY, SOUTHEASTERLY OF THE SOUTHEASTERLY LINE OF THE SOUTHWEST HIGHWAY AND NORTHEASTERLY LINE OF A LINE DRAWN AT RIGHT ANGLES TO THE CENTER LINE OF THE SAID SOUTHWEST HIGHWAY AT A POINT WHICH IS 21.71 FEET SOUTHWESTERLY FROM THE POINT OF INTERSECTION OF SAID HIGHWAY WITH THE NORTH AND SOUTH CENTER LINE OF SAID SECTION 31, IN COOK COUNTY, ILLINOIS.

PIN: 27-31-200-007-0000

The variances are subject to the conditions that:

A. The Subject Property shall be developed substantially in accordance with the preliminary site plan titled "Sketch Plan for Discussion," prepared by Bohnak Engineering, Inc., dated August 1, 2014, subject to the following conditions:

1. Submit a Final Landscape Plan, meeting all Village Codes, for separate review and approval within sixty (60) days of final engineering approval;
2. Remove all wetland encroachments to meet reduced wetland/floodplain setback variance;
3. Meet all final engineering and Building Code related items are met.

B. The Subject Property shall be developed substantially in accordance with the elevations titled "Building Addition," prepared by Base Ten Architects, Inc., dated February 13, 2015, subject to the same conditions outlined above and the following conditions:

1. Screen all mechanical equipment either at grade level with landscaping or hidden behind the roofline;
2. All masonry be of anchored veneer type masonry with a 2.625" minimum thickness; and
3. All signs are subject to additional review and approval via the sign permitting process and additional restrictions may apply.

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.