

VILLAGE OF ORLAND PARK, DEVELOPMENT SERVICES DEPARTMENT

**Project Name: Seritage – Orland Square Mall Sears Redevelopment**

Project Address: 2 Orland Square Drive, Orland Park, IL

Petitioner: Seritage Growth Properties

Contact: Jeff Nance, raSmith (Agent for Seritage Growth Properties)

Tel: (630)405-5721

**Request to Amend Original Special Use Permit for Orland Square Mall (Ord. 468) to allow for a movie theater at location**

Current Zoning: COR – Mixed Use Core District

#### **SPECIAL USE STANDARDS**

FOR ALL PETITIONS REQUESTING A SPECIAL USE, THE PETITIONER MUST RESPOND IN WRITING TO ALL OF THE FOLLOWING SPECIAL USE STANDARDS AND SUBMIT TO THE PLANNING DEPARTMENT.

When considering an application for a special use permit, the decision making body shall consider the extent to which the following special use standards are met. If the petitioner requests modifications to sections of the Land Development Code, CITE the relevant sections and explain why the modifications are needed using the standards as a guide:

1. The special use will be consistent with the purposes, goals and objectives and standards of the Comprehensive Plan, any adopted overlay plan and these regulations; (List factors that demonstrate how your proposal meets this standard.)

**Comment: The Special Use request is consistent with the Comprehensive Plan Commercial Development Goal: To diversify commercial developments and provide a balance of needed services designed in a manner that supports the quality of life on the neighborhood level and the Village as a whole.**

2. The special use will be consistent with the community character of the immediate vicinity of the parcel for development; (List factors that demonstrate how your proposal meets this standard.)

**Comment: The Special Use will be consistent with the community character of the immediate vicinity of the parcel. A Movie Theatre will provide entertainment to mall customers and regional patrons from nearby communities. Architectural features and material selection will be used to enhance the building appearance and will provide an attractive destination for mixed retail, restaurant and movie theatre uses.**

3. The design of the proposed use will minimize adverse effect, including visual impacts on adjacent properties; (List factors that demonstrate how your proposal meets this standard.)

**Comment: The design of the proposed use will minimize adverse effect on adjacent properties. The site design has added multiple landscape islands in the parking lot to increase landscaping on the**

property. Façade features include the use of mixed materials, signage, windows, entrances and outdoor seating to provide a better sense of scale and experiences for the patrons.

4. The proposed use will not have an adverse effect on the value of the adjacent property; (Insert explanation. If necessary, the petitioner should be prepared to offer expert testimony that the proposed project will have no adverse impact on surrounding properties.)

**Comment:** The proposed use of a movie theater will not have an adverse effect on the value of adjacent properties. The use is consistent with the goals of the comprehensive plan. The petitioner is investing in upgrading the property with mixed use of retail, restaurants and a movie theater to attract quality and nationally recognized tenants to this location.

5. The applicant has demonstrated that public facilities and services, including but not limited to roadways, park facilities, police and fire protection, hospital and medical services, drainage systems, refuse disposal, water and sewers, and schools will be capable of serving the special use at an adequate level of service; (Insert explanation)

**Comment:** The applicant has done proper due diligence to determine that public facilities, including roadways, park facilities, police and fire protection, hospital and medical services, drainage systems, refuse disposal, water and sewers, and schools will be capable of serving the special use at an adequate level of services. A parking and traffic study is included in the submittal package, as well as preliminary engineering package.

6. The applicant has made adequate legal provision to guarantee the provision and development of any open space and other improvements associated with the proposed development; (Insert explanation)

**Comment:** The applicant is owner of the parcel and is party to the agreement between the owner of the Orland Square Mall for the common cross access and parking agreement, as well as allowable building areas within the property, thereby maintaining open areas within the mall development.

7. The development will not adversely affect a known archaeological, historical or cultural resource;

**Comment:** The development will not adversely affect a known archaeological, historical or cultural resource on site. A request to the Illinois Historical Preservation Office has been made to verify no adverse affect.

8. The proposed use will comply with all additional standards imposed on it by the particular provision of these regulations authorizing such use and by all other requirements of the ordinances of the Village.

**Comment:** The proposed use will comply with all additional standards imposed on it by the ordinances of the Village with the exception of any agreed to variations of these ordinances by Village officials.

It is the responsibility of the petitioner to prove that these standards will be met.

Sincerely,

Jeff Nance, raSmith (Agent for Seritage Growth Properties)

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

Contact: Jeff Nance, raSmith (Agent for Seritage Growth Properties)

Tel: (630) 405-5721

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