

**ORDINANCE GRANTING VARIANCES - (MARQUETTE BANK OFFICES, 15959 S. 108<sup>TH</sup> AVENUE)**

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 April 10, 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 variance as follows:

- a. The Subject Property is located at 15959 S. 108<sup>th</sup> Avenue in the Village, consists of approximately 1.42 acres and contains a building with approximately 10,784 square feet. The Subject Property is zoned MFG Manufacturing District under the Village's Land Development Code (the "Code").
- b. The petitioner is seeking to construct additional parking spaces to serve a loan office in the existing 10,784 square foot building.

- c. The variances requested are to locate additional parking spaces between the building and the street and to exceed the number of parking spaces required by more than 20%.
- d. The existing building is located toward the back of the Subject Property and there is insufficient space to add parking in the rear of the building. The current parking is located between the building and the street and is legally non-conforming. In addition, the petitioner is requesting a total of 65 parking spaces, instead of the 43 required spaces due to the nature of the business to be operated at the Subject Property.
- e. To mitigate against these changes, Petitioner has agreed to install a bike path along the east side of 108<sup>th</sup> Street to connect with the existing bike path to the north. The petitioner has also agreed to install a sidewalk in the 160<sup>th</sup> Street right-of-way. Last, the petitioner is seeking to extend the front drive aisle to allow a cross access connection with the property to the north. .
- 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 requirement of the Code due to the construction of the original building and location of existing parking under prior versions of the Code.
- h. The plight of the owner is due to the unique circumstance of the location of the existing building and parking.
- i. 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 a bank, offices, an undeveloped lot, and school (across 108<sup>th</sup> Avenue). That the essential character of the locality will not change was also demonstrated by the fact that no neighbors spoke in opposition to the variance requested.
- j. Because of the location of the existing building, 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.
- k. The conditions of the property are unique to the property and not generally applicable to other properties. The location of the existing building is unique to the property.
- l. 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.
- 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 addition of parking between the building and street will not have a negative impact on the public welfare or neighborhood.
- 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.

p. 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 permit the location of approximately twenty-two additional parking spaces between the building and street and to exceed the number of required parking spaces by more than 20%, from a fifty-two (52) space maximum to approximately sixty-four (64) spaces are hereby granted. The Subject Property is legally described as:

Lot 13 in Beemsterboer Industrial Park Phase 4, a subdivision, of part of the west half of the northeast quarter of Section 20, Township 36 North, Range 12 East of the third principal meridian in Cook County Illinois. P.I.N. # 27-20-204-008-0000

The variances are subject to the conditions that:

A. The Subject Property shall be developed substantially in accordance with the Final Site Plan appended hereto and incorporated herein as EXHIBIT A entitled "Marquette Bank Lending Group Office Complex" located at 15959 S. 108<sup>th</sup> Avenue, dated March 8, 2012, revised May 1, 2012, subject to the following conditions:

1. That petitioner construct a driveway stub to the northern property line, at a minimum, and extend it to Fifth Third Bank if permission can be obtained;
2. That petitioner pay \$1,600 into the Village's Tree Mitigation Account prior to the issuance of building permits;
3. That all mechanical equipment is appropriately screened either at grade level with landscaping or hidden behind the roofline with roof top screening. Details must be finalized prior to the issuance of building permits; and
4. That final engineering and Building Code related items are met including the roof top screening.

### 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.