

ORDINANCE GRANTING VARIANCES - (ORLAND PARK NATURE CENTER – 13951-13961 LAGRANGE ROAD)

WHEREAS, a petition seeking rezoning and 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 October 11, 2016, on whether the requested rezoning and 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 rezoning and 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 rezoning and 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 13951-13961 LaGrange Road in the Village and consists of approximately 3.5 acres just north of the Metra line. Petitioner seeks to rezone the Subject Property from BIZ Business District to Open Lands District. Petitioner also seeks variances to reduce the required detention pond setback and landscape buffer and reduce the required maintenance buffer. With these changes, the Petitioner seeks to restore and preserve the Subject Property by converting it to a nature center.

b. The Subject Property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the Land Development Code. The proposed variances to reduce the detention pond setback and landscape buffer and reduce the maintenance buffer is due to the configuration and spatial constraints of the site. Without the variances, the Subject Property would be unable to comply with the Code's parking requirement, which would severely limit and thwart the functionality of the site. Additionally, compliance with the buffer and setback requirements would negatively impact the nearby wetland and floodplain areas. The variances are necessary to meet the needs of the proposed nature center's functionality with limited impact on the existing nature areas and habitats located on the Subject Property

c. The plight of the owner is due to the unique circumstance of the configuration of the site, the location of the detention pond and the Village's attempt to best restore sensitive natural areas and wildlife on and around the Subject Property. The existing detention pond must be modified to accommodate increased storm water run-off generated by new pavement for requisite parking spaces and to meet newer storm water requirements. The requisite fifteen foot (15') landscape buffer and detention setback cannot be met, and the requisite fifteen foot (15') flat maintenance strip around the pond cannot be met on the northeast bank.

d. The variances, if granted, will not alter the essential character of the locality. The project conforms to the Village's Comprehensive Plan, codes, and policies for this area. The 2013 Comprehensive Plan recommends an "open lands" land use for this property, and the Petitioner requests a rezoning to the Open Land Zoning District. Moreover, the requested variances reductions will not impose any disruptions to the surrounding property. The surrounding land use and zoning includes undeveloped land to the north, Open Land District to the south and east and Forest Preserve District to the west. Specifically, the Subject Property is adjacent to the vast Cook County Forest holdings that include McGinnis Slough, known region-wide for its bird populations, and Mill Creek Green Triangle, which includes native uplands and wetlands. The Open Lands Commission is also in support of this project and has been involved in the development of the Subject Property since 2012. The rezoning and variances shall facilitate open space that preserves and restores sensitive natural areas, maintains wildlife habitats and serves to connect adjacent open lands.

e. A particular hardship to the Petitioner would result if the strict letter of the Land Development Code regulations were carried out because of the particular physical surroundings, shape and topographical conditions of the Subject Property. The requisite fifteen foot (15') landscape buffer and detention setback and fifteen foot (15') flat maintenance strip around the detention pond cannot be met due to the location and configuration of the existing detention pond, the need to modify it to comply with the Code's parking requirements, the need to accommodate increased storm water run-off generated by new pavement for requisite parking spaces, and the need to meet newer storm water requirements.

f. The conditions of the property are unique to the property and not generally applicable to other properties. The effort to convert the Subject Property to a nature center represents a strategic and deliberate plan to acquire and restore open space that preserves and restores sensitive natural areas, maintains wildlife habitats and serve to connect adjacent open lands like the forest preserves, parks and trails. This use is not only recognized by but promoted by the

Comprehensive Plan. The Subject Property was chosen to because of its proximity to McGinnis Slough and Mill Creek Green Triangle, which contain native upland and wetlands, important wildlife habitat for migratory and breeding waterfowl, and other sensitive natural areas.

g. The hardship is caused by the application of the Code, configuration of the site, and need to limit any impact on the sensitive natural areas on the Subject Property and surrounding areas and has not resulted from any act of the Petitioner or another person presently having an interest in the property.

h. 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 contrast, accommodating the requested variances will minimize overall disturbance and impact to the nearby wetland and floodplain areas that would be negatively impacted by an expanded buffer. Moreover, in an effort to offset the impact of the variances, Petitioner will include a walkway around the pond, a tiered wall along the south side of the pond with a decorative rail and sidewalk, additional landscaping, above and beyond that required, and a publically accessible recreation and education amenity for Village residents. No one spoke in opposition to Petitioner's requested variances, and the Open Lands Commission supports the proposed development of the Subject Property.

i. 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. Rather, the proposed nature center will promote the preservation of nature, restore sensitive natural areas, and maintain wildlife habitat on the Subject Property. For example, bird habitat enhancements and observation areas will be given special emphasis to serve the Village's current and potential bird populations.

j. The variances granted are the minimum necessary for the reasonable use of the land for the purpose proposed. Due to the configuration of the site, the reduction in the landscape buffer and maintenance buffer and detention pond setback are the minimum necessary to allow the Subject Property to function and accommodate parking and traffic needs and minimize the overall disturbance and impact to nearby wetland and floodplain areas.

k. The aforesaid circumstances or conditions are such that the strict application of the detention pond setback, landscape buffer and maintenance buffer requirements would deprive the Petitioner of reasonable use of the land. The function of the proposed nature center is to restore and preservative plants, wildlife and natural habitats, and to enhance Village residents' education of the said plants and wildlife. The proposed variances are necessary to accommodate public facilities, meet the needs of the nature center's functionality, and minimize impacts on the Subject Property and surrounding areas.

### SECTION 3

Subject to the conditions below, the variances for the Subject Property to reduce the required detention pond setback and landscape buffer and to reduce the required maintenance buffer are hereby granted. The Subject Property is legally described as:

THAT PART OF THE WEST HALF (1/2) OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING IN THE WEST LINE OF SAID SECTION AT A POINT 325.44 FEET SOUTH OF THE NORTH LINE OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION, AS MEASURED ALONG SAID WEST LINE; THENCE NORTH ALONG SAID WEST LINE; BEING ALSO THE CENTER LINE OF 96<sup>TH</sup> AVENUE, 325.44 FEET TO THE NORTH LINE OF SAID SOUTHWEST QUARTER (1/4); THENCE NORTH ALONG THE CENTER LINE OF 96<sup>TH</sup> AVENUE, 227.35 FEET; THENCE NORTH 89 DEGREES, 38 MINUTES, 30 SECONDS EAST, 576.8 FEET TO THE WESTERLY LINE OF THE ORIGINAL RIGHT OF WAY OF THE CHICAGO AND STRAWN RAILWAY; THENCE SOUTHWESTERLY ALONG SAID WESTERLY RIGHT OF WAY 674.09 FEET TO THE POINT OF INTERSECTION OF SAID RIGHT OF WAY WITH A LINE DRAWN 325.44 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION; THENCE WEST ALONG SAID PARALLEL LINE, 205.55 FEET TO THE PLACE OF BEGINNING (EXCEPT THAT PART OF SAID TRACT LYING WEST OF THE FOLLOWING DESCRIBED LINE, BEGINNING AT A POINT IN THE SOUTH LINE OF THE ABOVE DESCRIBED PROPERTY, SAID POINT BEING 50.00 FEET EAST OF THE AFORESAID WEST LINE OF SAID SECTION, MEASURED ALONG SAID SOUTH LINE; THENCE NORTH ALONG A LINE RUNNING PARALLEL TO SAID WEST LINE OF SAID SECTION, A DISTANCE OF 72.82 FEET TO A POINT; THENCE NORTHEASTERLY 101.47 FEET TO A POINT WHICH IS 69.00 FEET EAST OF MEASURED AT RIGHT ANGLES TO SAID WEST LINE OF SAID SECTION; THENCE NORTH ALONG A LINE RUNNING PARALLEL TO SAID WEST LINE OF SAID SECTION, A DISTANCE OF 200 FEET TO A POINT; THENCE NORTHWESTERLY 101.47 FEET TO A POINT WHICH IS 55.56 FEET EAST OF MEASURED AT RIGHT ANGLES TO SAID WEST LINE OF SAID SECTION; THENCE NORTHEASTERLY 80 FEET TO A POINT IN THE NORTH LINE OF THE AFOREMENTIONED PROPERTY, SAID POINT BEING 58.57 FEET EAST OF SAID WEST LINE OF SAID SECTION, MEASURED ALONG SAID NORTH LINE), IN COOK COUNTY ILLINOIS.

AND EXCEPT FOR THAT PART TAKEN FOR THE WIDENING OF 96<sup>TH</sup> AVENUE BY THE STATE OF ILLINOIS AS FOLLOWS:

THAT PART OF THE WEST HALF OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 3, THENCE ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 00 MINUTES 29 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, 325.44 FEET TO A POINT IN

THENCE SOUTH LINE OF THE NORTH TEN ACRES OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 3, THENCE NORTH 89 DEGREES 50 MINUTES 31 SECONDS EAST ALONG SAID SOUTH LINE, 50.00 FEET TO THE POINT OF BEGINNING, BEING ALSO THE EASTERLY RIGHT OF WAY OF 96TH AVENUE; THENCE NORTH 00 DEGREES 02 MINUTES 07 SECONDS EAST ALONG SAID EASTERLY RIGHT OF WAY LINE, 72.82 FEET; THENCE NORTH 10 DEGREES 47 MINUTES 33 SECONDS EAST SAID EASTERLY RIGHT OF WAY, 101.47 FEET TO A POINT DISTANT EASTERLY 69.00 FEET AS MEASURED AT RIGHT ANGLES TO THE WEST LINE OF SAID SECTION 3; THENCE NORTH 00 DEGREES 00 MINUTES 26 SECONDS EAST ALONG SAID EASTERLY RIGHT OF WAY OF 96TH AVENUE, 200 FEET; THENCE NORTH 07 DEGREES 36 MINUTES 53 SECONDS WEST ALONG SAID EASTERLY RIGHT OF WAY LINE 101.47 FEET TO A POINT DISTANT EASTERLY 55.56 FEET AS MEASURED AT RIGHT ANGLES TO THE WEST LINE OF SAID SECTION 3; THENCE NORTH 02 DEGREES 10 MINUTES 06 SECONDS EAST ALONG SAID EASTERLY RIGHT OF WAY LINE, 80.00 FEET (DEED) 79.80 FEET (MEASURED) TO A POINT IN THE APPARENT NORTH PROPERTY LINE DISTANT EASTERLY 58.57 FEET AS MEASURED AT RIGHT ANGLES TO THE WEST LINE OF SAID SECTION 3; THENCE NORTH 89 DEGREES 50 MINUTES 31 SECONDS EAST ALONG SAID APPARENT NORTH PROPERTY LINE 60.63 FEET; THENCE SOUTH 01 DEGREES 44 MINUTES 27 SECONDS WEST, 553.11 FEET TO A POINT IN THE SOUTH LINE OF SAID NORTH 10 ACRES; THENCE SOUTH 89 DEGREES 50 MINUTES 31 SECONDS WEST ALONG SAID SOUTH LINE, 52.47 FEET TO THE POINT OF BEGINNING.

PINs 27-03-100-004-0000 and 27-03-100-005-0000

Commonly known as 13951- 13961 South La Grange Road, Orland Park, Illinois 60462  
The variances are subject to the conditions that:

A. The Subject Property shall be developed substantially in accordance with the site plan titled "Site Plan, Orland Park Nature Center ," dated August 29, 2016, revised April 3, 2017; and titled "Preliminary Grading Plan Orland Park Nature Center" dated August 29, 2016, revised April 3, 2017; all by Upland Design Ltd., project #490, and subject to the following conditions:

1. Meet all final engineering and Building Division requirements and approvals.
2. Submit a Final Landscape Plan, meeting all Village Codes, for separate review and approval, within sixty (60) days of final engineering approval.

B. The Subject Property shall be rezoned from BIZ Business District to Open Lands District subject to the same conditions outlined in the above site plan.

#### 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.

#### SECTION 5

Petitioner shall at all times comply with the terms and conditions of this Ordinance, and all other codes and ordinances of the Village unless specifically amended by this or another ordinance. In the event of non-compliance, the variation of this Ordinance shall be subject to revocation by appropriate legal proceedings.

#### SECTION 6

The zoning map of the Village of Orland Park, Cook and Will Counties, Illinois, shall be amended so as to be in conformance with the granting of the rezoning and variances as aforesaid.