

ORDINANCE GRANTING A VARIANCE FOR COOK COUNTY HIGHWAY FACILITY
SOLAR PANELS (8900 W. 135TH STREET)

WHEREAS, an application seeking the approval of a variance for the installation of wall mounted solar panels on two Cook County Highway Maintenance Facility buildings fronting 135th Street has been filed with the Village Clerk of this Village and has been referred to the Plan Commission of this Village and has been processed in accordance with the Land Development Code (the “Code”) of the Village of Orland Park as amended; and

WHEREAS, the Plan Commission held a public hearing on September 27, 2016 and October 11, 2016, on whether the requested variance should be granted, at which time all persons present were afforded an opportunity to be heard; and

WHEREAS, a 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 published in and of general circulation in this Village; and

WHEREAS, the Plan Commission of this Village has filed its report of findings and recommendations that the requested variance be granted with this President and Board of Trustees, and this Board of Trustees have duly considered said report and findings and recommendations;

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 Plan Commission of this Village has made its report of findings and recommendations regarding the proposed variance. The findings of the Plan Commission are herein incorporated by reference as the findings of this President and Board of Trustees, as completely as if fully recited herein at length. All exhibits submitted at the aforesaid public hearings are also hereby incorporated by reference as fully as if attached hereto. This President and Board of Trustees further finds that the proposed variance is 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 Code as set forth in Section 1-102 thereof. Said variance is also in accordance with the provisions of the Comprehensive Land Use Plan of the Village.

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 the installation of wall mounted solar panels on two Cook County Highway Maintenance Facility buildings fronting 135th Street as follows:

(a) The Subject Property is located at 8900 W. 135th Street within the Village of Orland Park in Cook County, Illinois, legally described in SECTION 3, below. Located on the Subject Property is a Cook County Highway Maintenance Facility. The proposal is to approve the

installation of wall mounted solar panels with 100% wall coverage on two of the facility's buildings fronting 135th Street. A variance is necessary under Section 6-314.E.3.b of the Land Development Code, which limits wall coverage of solar panels to 40% of the wall surface for non-residential buildings facing a public right-of-way. The intent of Section 6-314.E.3.b of the Land Development Code is to prevent the visual impact caused by excessive amount solar panels on a wall that is highly visible.

(b) The Subject Property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the Zoning District in which it is located. The Subject Property is required to attain a minimum energy savings of 20% pursuant to goals adopted by the Bureau of Asset Management's Energy Program. Additionally, the Cook County President has adopted Green House Gas (GHG) emission and utility cost goals for all Cook County facilities. The two walls along the south façade of the Subject Property, which face 135th Street were chosen because the most sunlight would be collected across all seasons. The Subject Property cannot reach the goals if it complies with the Village's Land Development Code, which limits wall coverage of solar panels to 40% of the wall surface for non-residential buildings facing a public right-of-way.

(c) The plight of the Petitioner is due to unique circumstances, and the conditions upon which the petition for a variation is based are unique to the Subject Property and are not applicable, generally, to other property. This variance is necessary due to the fact that a Cook County Highway Maintenance Facility is located on the Subject Property, and Cook County has recently adopted goals to reduce the utility cost and GHG that are generated by facility operations. This facility is the largest emitter of GHG and uses the most energy of all Cook County highway maintenance facilities. Therefore, the variance is unique to the Subject Property.

(d) The variation, if granted, will not alter the essential character of the locality since a solar panel is simply another "skin" on the walls of the buildings. Notwithstanding, the blank conditions of the existing walls of the two buildings in question were nearly equivalent to the visual burden associated with the solar panels. The variance is acceptable due to the Subject Property's commitment to mitigate the appearance of the solar panels through the use of additional landscaping.

(e) A particular hardship to the Petitioner will result if the strict letter of these regulations is carried out because of the particular physical surroundings, shape and topographical conditions of the Subject Property. The variance is the only way to enable the Subject Property to comply with the Cook County GHG emission and utility cost goals, and the Bureau of Asset Management's energy goals. Complying with Section 6-314.E.3.b of the Land Development Code will prevent the Subject Property from implementing the requisite Energy Conservation Measures and in turn, frustrate Cook County's ability to achieving the proposed Total Guaranteed Savings of this project.

(f) The alleged difficulty or hardship is caused by these regulations and has not resulted from any act of the Petitioner or any other person presently having an interest in the Subject Property subsequent to the effective date hereof, whether or not in violation of any portion thereof.

Neither the Petitioner nor any other person involved has had any bearing on the alleged difficulty or hardship. Rather, Cook County's Energy Performance Contract dictates that all Energy Conservation Measures must be implemented in order achieve the Guaranteed Savings. This variance is necessary to implement the requisite Energy Conservation Measures.

(g) 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. Overall, the plan fits into the overall Comprehensive Plan as set forth by the Village, and the addition of landscaping will soften the impact of the variance and benefit neighbors on the north side of the public right-of-way.

(h) 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. The variance will simply add another "skin" onto the existing facility located on the Subject Property. Additionally, it will aid in the reduction of GHG, utility costs, and energy that are generated by the operations on the Subject Property.

(i) The variance granted is the minimum adjustment necessary for the reasonable use of the land. Without the variance, Petitioner would fail to comply with the adopted goals of the Cook County President and Bureau of Asset Management's Energy Program. This variance is the minimum necessary for the Subject Property to meet the minimum energy savings of 20%. Additionally, absent this variance, the Subject Property would be restricted from implementing the requisite Energy Conservation Measures promulgated by Cook County.

(j) The 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. As explained above, all Cook County facilities, including the Subject Property, must implement requisite Energy Conservation Measures and attain a minimum energy savings of 20%.

SECTION 3

A variance to approve the installation of wall mounted solar panels with 100% wall coverage on two non-residential buildings fronting 135th Street is hereby issued and granted, subject to the conditions below, for the following described property:

THAT PART OF THE SOUTH WEST QUARTER OF THE SOUTH EAST QUARTER OF SECTION 34, TOWNSHIP 37 NORTH, RANGE 12 EAST, OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH EASTERLY OF THE RIGHT OF WAY OF WABASH RAILROAD COMPANY AS CONVEYED BY LOUIS C. GROSKOPF AND GERTRUDE GROSKOPF, HIS WIFE, TO SAID RAILROAD COMPANY BY DEED DECEMBER 19, 1912, AND RECORDED IN RECORDERS OFFICE OF COOK COUNTY, ILLINOIS MAY 24, 1913, AS DOCUMENT 5192281 IN BOOK 12325 PAGE 579 IN COOK COUNTY, ILLINOIS.

PIN: 23-34-402-003

This variance is subject to the following conditions:

A. The Subject Property shall be developed substantially in accordance with the elevation drawings titled "8900 West 135th Street – BLDG B", prepared by Conserval Systems, Inc., project number 2015-632e, sheets 1 and 2 of 7, last revised 10/19/15 and "8900 West 135th Street – BLDG E", prepared by the same, project number 2015-632f, sheets 1 and 2 of 6, last revised 10/16/15.

B. The Subject Property shall be developed substantially in accordance with Landscape Plan titled "Orland Park Solar Wall" by Bret-Mar Landscape, Inc., dated 7/21/16, last revised 10/4/16, subject to the following condition:

1. Install thirty-three (33) Techny Arborvitae trees with a minimum height of six (6) feet and install seven (7) Autumn Blaze Maple trees with a minimum caliper of 3.5 inches.

SECTION 4

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 5

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 variance as aforesaid.

SECTION 6

This Ordinance shall be in full force and effect from and after its passage as provided by law.