



VILLAGE OF ORLAND PARK

14700 Ravinia Avenue
Orland Park, IL 60462
www.orland-park.il.us

Ordinance No: 4308

File Number: 2007-0513

AN ORDINANCE GRANTING VARIANCES - (ETHAN ALLEN, LOT 7, ORLAND CROSSING)

VILLAGE OF ORLAND PARK

STATE OF ILLINOIS, COUNTIES OF COOK AND WILL

Published in pamphlet form this 6th day of November, 2007 by authority of the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois.

VILLAGE OF ORLAND PARK

Ordinance No: 4308

AN ORDINANCE GRANTING VARIANCES - (ETHAN ALLEN, LOT 7, ORLAND CROSSING)

WHEREAS, a petition seeking variances for certain real estate, as set forth below, has been filed with the Village, 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 September 11, 2007, 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 Star and The Daily Southtown, newspapers of general circulation in this Village, there being no newspaper published in this Village; and

WHEREAS, the said Plan Commission has filed with this President and Board of Trustees its report of findings and its recommendation for approval of the requests, and this Board of Trustees has duly considered said reports and findings and recommendation of approval.

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 and findings 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 foster 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 requested variances as follows:

- a. The Subject Property is a 1.39-acre parcel, Lot 7 (an outlot) of the Orland Crossing shopping center at the northeast corner of 143rd Street and LaGrange Road, in Orland Park, Illinois. The Subject Property is

VILLAGE OF ORLAND PARK

Ordinance No: 4308

zoned VCD, Village Center District, under the Village's Land Development Code (the "Code").

b. The Subject Property is being developed by Petitioner with a new 18,200 square foot furniture store. The Orland Crossing center as a whole is being developed for commercial uses, including retail and office, and 92 residential units.

c. Petitioner seeks approval of four variations for Lot 7 from the provisions of the Land Development Code of the Village. Two of these are to reduce the rear yard setback from the required 30 feet to 15 feet, and to reduce the detention setback from the required 25 feet to 18 feet. Also, Petitioner requests a reduction in the required number of parking spaces and to locate the parking provided in the setback between the building and the street.

d. The requirement of the Code is for a 30-foot rear yard setback and for a 25-foot setback between a building and a detention pond.

e. The proposed building is the prototype design for Ethan Allen and cannot be reduced in size. Any increase in rear yard setback would have to come from the parking or landscaping areas and this is not desirable. Moreover, the property immediately adjacent to the (reduced) rear setback is open land used for a detention area, so the effect is of a larger rear setback. The reduced detention pond setback is, like the rear yard setback, caused by the size of the prototype building, and would require loss of parking or landscaping to remedy. There is no roadway at the building's back, and the requested reduced detention setback does not appear to present a problem.

f. Petitioner has requested the parking variances because of its marketing strategy. Customer service is generally one-on-one, and does not involve large numbers of customers browsing in the store, as a grocery or apparel store might. So the reduced parking is still expected to be more than adequate. In the remote chance that additional parking is needed, Petitioner stated that there was ample shared parking directly across 95th Avenue. Further, the visibility of the building from LaGrange Road is important to Petitioner, as is the visibility of the main entrance from the parking area. If parking were behind the building, the main entrance would also have to be behind and the building back would face the street. This would not be desirable.

g. Petitioner asserts that the setback and parking variations will have little impact on adjoining property, because of the attention given to landscaping, to enhancing the entry into the Orland Crossing and to creating a pedestrian-friendly streetscape.

h. No one spoke in opposition to Petitioner's requests at the public hearing.

VILLAGE OF ORLAND PARK

Ordinance No: 4308

- i. The property in question cannot yield a reasonable return if the requested variances are not permitted because Petitioner cannot otherwise construct the necessary building on the lot.
- j. The plight of the owner is due to the unique circumstances of the size of the lot and the size of Petitioner's required building, the need to maximize visibility from LaGrange Road, and the location of the lot adjacent to a detention pond and at an entrance to the Orland Crossing shopping center.
- k. The variance, if granted, will not alter the essential character of the locality. The area is the newly developed Orland Crossing center. Petitioner's streetscape treatment will repeat the Orland Crossing treatment and will enhance the area. That the essential character of the locality will not change was also demonstrated by the fact that no neighbors or neighboring business owners spoke in opposition to the variance requested.
- l. The denial of the requested variance would be a hardship to the Petitioner because construction of the project would not be possible.
- m. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood, but will enhance the area by continuing the landscape and streetscape features already present.
- n. The proposed variance 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.

SECTION 3

Subject to the conditions below, variances are hereby granted for the construction of an 18,200 single-story furniture store on the Subject Property described below, to permit a reduced rear-yard setback of 15 feet rather than 30 feet; to permit a reduced detention pond setback of 18 feet rather than 25 feet; to permit parking to be located between the building and the street and to permit a reduction in the required parking from 91 spaces to 59 spaces. The Subject Property is legally described as:

LOT 7 IN ORLAND PARK CROSSING, BEING A SUBDIVISION OF PART OF SECTION 3,
TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN,
ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 15, 2005, AS DOCUMENT
NUMBER 0525845136 IN COOK COUNTY, ILLINOIS.

VILLAGE OF ORLAND PARK

Ordinance No: 4308

The above-granted variances are expressly conditioned on construction being pursuant to the preliminary site plan titled "Preliminary Site Plan - Lagestee-Mulder," prepared by Linden Group, project number 68-07, dated 09-25-07, sheet C-1 and the building elevations sheets C-3, dated 08-15-07 and C-4, dated 08-13-07, subject to the following conditions:

1. That the area on the site plan labeled "pervious pavement" be constructed with actual pervious pavers and not a pavement material that resembles concrete or asphalt; and
2. That the landscape plan include extensive plantings on the west side of the property in order to adequately screen the blank façade of the building; and
3. That bike racks be added to the site per Village Code; and
4. That a landscape plan be submitted for separate review and approval within 60 days of final engineering approval and include details regarding the trellis feature shown along 95th Avenue; and
5. That the petitioner be allowed to have a wall sign on the west side of the building subject to removing the wall sign on the north side of the building; and
6. That all final engineering items are met.

SECTION 4

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

SECTION 5

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.

PASSED this 5th day of November, 2007

/s/ David P. Maher

David P. Maher, Village Clerk

Aye: 7 Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler,
Trustee Gira, and Village President McLaughlin

Nay: 0

VILLAGE OF ORLAND PARK

Ordinance No: 4308

DEPOSITED in my office this 5th day of November, 2007

/s/ David P. Maher

David P. Maher, Village Clerk

APPROVED this 5th day of November, 2007

/s/ Daniel J. McLaughlin

Daniel J. McLaughlin, Village President

PUBLISHED this 6th day of November, 2007

/s/ David P. Maher

David P. Maher, Village Clerk