



# VILLAGE OF ORLAND PARK

14700 Ravinia Avenue  
Orland Park, IL 60462  
[www.orland-park.il.us](http://www.orland-park.il.us)

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**Ordinance No: 4343**

**File Number: 2007-0420**

AN ORDINANCE GRANTING A VARIANCE - (SOUTHEAST CORNER 143RD STREET AND  
WILL-COOK ROAD)

## VILLAGE OF ORLAND PARK

STATE OF ILLINOIS, COUNTIES OF COOK AND WILL

Published in pamphlet form this 4th day of March, 2008 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: 4343

AN ORDINANCE GRANTING A VARIANCE - (SOUTHEAST CORNER 143RD STREET AND WILL-COOK ROAD)

WHEREAS, a petition seeking a variance 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 25, 2007, properly continued to subsequent dates, on whether the requested variance 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 thirty (30) days nor less than fifteen (15) days prior to said hearing September 25, 2007, 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 request, 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 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 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 located at the southeast corner of 143rd Street and Will-Cook Road, in Orland

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Park, Illinois. The Subject Property is zoned BIZ General Business District, under the Village's Land Development Code. It is a part of the Pinewood Plaza shopping center, 5.28-acre site.

b. The approximately 13,300 Walgreen's building that is currently attached to the shopping center will be demolished and a new 14,820 stand-alone Walgreen's will be constructed. In addition, approximately 1,800 square feet of new retail shops will be constructed where the demolished Walgreen's stood.

c. Petitioner seeks approval of a variance from the requirement of the Land Development Code of the Village, to permit drive-thru lanes to be located in the building setback areas on 143rd Street and on Will-Cook Road. The Land Development Code of the Village, Section 6-207G(4), does not permit drive-thru lanes to be located in building setbacks along streets.

d. Although the requirement of the Code is for no drive-thru lanes between the roadway and the building, the setbacks that are designed for the new Walgreen's building, to make it conform with the shopping center it is a part of, will be very large. The setback along Will-Cook Road is 135 feet, and the setback along 143rd Street is 244 feet, instead of the 25 feet otherwise required.

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

f. The property in question cannot yield a reasonable return if the requested variances are not permitted. It is a large lot, but unless the variation is granted, developer cannot develop in conformance with the existing shopping center and still have a reasonable return on investment.

g. The plight of the owner is due to the unique circumstances of the size and location of the lot and the location and setbacks of the adjacent roadways.

h. The variance, if granted, will not alter the essential character of the locality. In fact, the project will increase open space at the location, allowing gateway signage at one of the entrances to the Village, as well as allowing a reduction in the impervious surface at the location so that the property can be brought into conformance with the 75% maximum impervious surface requirement. That the essential character of the locality will not change was also demonstrated by the fact that no one spoke in opposition to the variances requested.

i. The denial of the requested variance would be a hardship to the Petitioner because an entirely new plan would have to be developed and the beneficial features of the current plan would likely not be present.

j. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

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k. 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 stated below, a variance from Section 6-207G(4) of the Land Development Code of the Village is hereby granted to permit 12 to 17 foot wide drive-thru lanes to be located between the building and the right-of-way on the 143rd Street and the Will-Cook Road sides of the Walgreen's building to be constructed on property legally described as:

LOT 84 (EXCEPT THAT PART LYING EAST OF THE FOLLOWING DESCRIBED LINES:

BEGINNING AT A POINT ON THE NORTH LINE THEREOF 337.75 FEET NORTH 89 DEGREES 59 MINUTES 57 SECONDS WEST OF THE NORTHEAST CORNER OF SAID LOT; THENCE SOUTH 00 DEGREES 00 MINUTES 03 SECONDS WEST 75.00 FEET; THENCE SOUTH 05 DEGREES 26 MINUTES 28 SECONDS WEST 63.29 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 03 SECONDS WEST 222.0 FEET TO A POINT IN THE SOUTH LINE THEREOF 364.32 FEET WEST OF THE SOUTHEAST CORNER THEROF) IN PINEWOOD P.U.D. UNIT ONE, BEING A SUBDIVISION IN THE NORTHWEST  $\frac{1}{4}$  OF SECTION 7, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

This variance is granted subject to the condition that construction of the building be pursuant to the preliminary site plan entitled "Walgreens Will-Cook Road and 143rd Street Orland Park IL Site Plan," dated 9-14-05, last revised 1-7-08, prepared by Camburas and Theodore, Ltd. Architecture, Engineering, Interiors, drawing number A0.1 and the elevations entitled "Walgreens Will-Cook Road and 143rd Street Orland Park IL Elevations," dated 9-14-07, last revised 1-7-08 prepared by Camburas and Theodore, Ltd. Architecture, Engineering, Interiors, sheet number A2.1, and "Retail Shops Will-Cook Road and 143rd Street Orland Park IL" dated 9-14-05, last revised 01/02/08 (date on plan reads 01/02/07, but is clearly a typo) prepared by Camburas and Theodore, Ltd. Architecture, Engineering, Interiors, sheet number A2.1, subject to the following further conditions:

1. That the Petitioner provides cash in lieu of the sidewalk proposed along the 143rd Street frontage of Walgreens in order to revisit the sidewalk installation there at a later date when the new right-of-way improvements are constructed;

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2. That the Petitioner provides screening with additional plantings of at least five (5) trees in the narrow stretch of bufferyard south of the rear building access drive aisle off Will-Cook Road;
3. That the Petitioner increases the number of plantings along the outer perimeter of the drive-thru to mitigate the visual impact of the drive-thru lane;
4. That the Petitioner provides tall or vertical vegetation at the foundation planting area on the west elevation;
5. That the Petitioner remove existing non-conforming, free standing Walgreens monument sign(s);
6. That the Walgreens be allowed only one (1) free-standing conforming sign per right-of-way on the site;
7. That the Petitioner submits a landscape plan within sixty (60) days of final engineering;
8. That the Petitioner meets all building code related items; and
9. That the Petitioner meets all final engineering related items.

### 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.

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PASSED this 3rd day of March, 2008

/s/ David P. Maher

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**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

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DEPOSITED in my office this 3rd day of March, 2008

/s/ David P. Maher

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**David P. Maher, Village Clerk**

APPROVED this 3rd day of March, 2008

/s/ Daniel J. McLaughlin

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**Daniel J. McLaughlin, Village President**

PUBLISHED this 4th day of March, 2008

/s/ David P. Maher

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**David P. Maher, Village Clerk**