



VILLAGE OF ORLAND PARK

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

Ordinance No: 4136

File Number: 2006-0296

ORDINANCE GRANTING VARIANCES - (SOUTHERN TOWERS - 13911 SOUTHWEST
HIGHWAY)

VILLAGE OF ORLAND PARK

STATE OF ILLINOIS, COUNTIES OF COOK AND WILL

Published in pamphlet form this 16th day of May, 2006 by authority of the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois.

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ORDINANCE GRANTING VARIANCES - (SOUTHERN TOWERS - 13911 SOUTHWEST HIGHWAY)

WHEREAS, a petition seeking variances for certain real estate, as set forth below, has been filed with the Building Department of this 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 held a public hearing on May 9, 2006, 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 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 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 are 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 proposed variances as follows:

- a. The Subject Property is located at 13911 Southwest Highway, Orland Park, Illinois. The Subject

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Property is zoned MFG Manufacturing under the Village's Land Development Code (the "Code").

- b. The Subject Property is a parcel of 8,792 square feet improved with a cell tower with adjoining wireless equipment structures. The Illinois Department of Transportation ("IDOT") is acquiring 1,934 square feet of the property for the widening and improvement of Southwest Highway. The Code requires a minimum lot side of 20,000 square feet and a minimum 50 foot front rear setback. Petitioner is requesting variances to reduce the front yard setback to 20 feet and the minimum lot size to 6,858 square feet.
- c. The Plan Commission has recommended that the front yard and minimum lot size variances be granted by the Village Board.
- d. No one spoke in opposition to Petitioners' request at the public hearing.
- e. The property in question cannot yield a reasonable return if permitted to be used only under the MFG setback and minimum lot size requirements because the parcel would become and remain vacant, unable to be brought into conformity.
- f. The plight of the owner is due to the unique circumstance in that the loss of square footage is due to the condemnation by IDOT and the resulting improvement to Southwest Highway will be a benefit to the Village.
- g. The variances, if granted, will not alter the essential character of the locality since the neighborhood will remain manufacturing and railroad right-of-way in nature. That the essential character of the locality will not change was also demonstrated by the fact that no neighbors spoke in opposition to the variances requested.
- h. The denial of the requested variances would be a hardship to the Petitioner because existing cell tower and wireless equipment structures would be non-conforming and would never be conforming due to the small size of the parcel.
- i. The granting of the variances will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. In fact, since there are no residences within the vicinity of the Subject Property, the present use of the site for operation of a cell tower is appropriate and a benefit to the Village.
- j. The proposed variances will not impair an adequate supply of light and air to adjacent property, or increase congestion in the public streets, or increase the danger of fire or endanger the public safety or impair property values within the neighborhood.

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SECTION 3

Variances to Sections 6-208 F and G (1) of the Code of the Village of Orland Park, to permit a 20 foot front yard setback rather than the 50 feet other wise required and a minimum lot size of 6,858 square feet rather than the 20,000 square feet otherwise required are hereby granted for the property legally described as:

LOT 8 IN BASIL INDUSTRIAL PARK, A SUBDIVISION OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, RECORDED ON FEBRUARY 11, 1980 AS DOCUMENT NO. 25358211.

and commonly known as 13911 Southwest Highway.

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 15th day of May, 2006

/s/ David P. Maher

David P. Maher, Village Clerk

Aye: 6 Trustee Murphy, Trustee Dodge, Trustee Gira, Trustee Schussler, Trustee O'Halloran, and Village President McLaughlin

Nay: 0

Absent: 1 Trustee Fenton

DEPOSITED in my office this 15th day of May, 2006

/s/ David P. Maher

David P. Maher, Village Clerk

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APPROVED this 15th day of May, 2006

/s/ Daniel J. McLaughlin

Daniel J. McLaughlin, Village President

PUBLISHED this 16th day of May, 2006

/s/ David P. Maher

David P. Maher, Village Clerk