

## VILLAGE OF METTAWA

### ZONING, PLANNING AND APPEALS COMMISSION APPLICATION

APPLICANT: W.W. GRAINGER, INC.

#### Accompanying Narrative

This narrative accompanies an application by W.W. Grainger, Inc. to change zoning for the subject property from R-1 (Single Family Residential District) to H (Office/Hotel District), as well as to obtain approval for a Special Use – Planned Unit Development with attendant variances.

#### Background

W.W. Grainger, Inc. ("Grainger") holds title to the subject property via 100% beneficial interest in a land trust with Chicago Title Land Trust Company as Trustee, under land trust No. 113128, dated May 2, 1988. Grainger has operated its national headquarters from the subject site since 1999. Prior to Grainger's recent annexation into the Village of Mettawa (via Mettawa Ordinance 831, adopted August 21, 2018), the subject property had been located in unincorporated Lake County, and was governed by the laws of Lake County. The annexation of the subject property into the Village followed extended and amicable negotiations between the Village and Grainger pertaining to several areas of mutual interest. These negotiations resulted in several agreements between the parties, including an Annexation Agreement, an Economic Incentive Agreement and a Real Estate Sales Agreement. While the subject property was compliant with the applicable zoning in Lake County, Grainger's annexation into the Village of Mettawa required that the subject property be annexed in at the Village's most restrictive zoning (R-1, Single-Family Residence district), which resulted in Grainger's office and data center use becoming a non-conforming use. Grainger wishes to maintain the subject property in compliance with applicable zoning, and therefore has applied for an appropriate zoning change (to H, Office/Hotel District). In addition, Grainger was the beneficiary of certain development rights which predated the annexation, and certain provisions in the Annexation Agreement provided that Grainger would be entitled to retain those rights. In order to appropriately preserve those rights, Grainger requires several variances from the Village's Office/Hotel District zoning.

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### Statement of Objectives

Grainger has operated its national headquarters from the present office building since 1999. The recent annexation of the subject property into the Village of Mettawa required that the subject property be re-classified as an R-1 District (Single Family Residence), making Grainger's use a non-conforming use and placing Grainger's improvements in non-compliance with applicable zoning. By applying for a rezoning to H (Office/Hotel District), as well as to obtain approval for a Special Use – Planned Unit Development with attendant variances, Grainger desires to continue its operations in full compliance with applicable zoning. In addition, Grainger was the beneficiary of certain development rights which predated the annexation, and certain provisions of the Annexation Agreement provided that Grainger would be entitled to retain those rights. In order to appropriately preserve those rights, Grainger requires several variances from the Village's Office/Hotel District zoning.

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### Statement of Ownership and Proposed Use

Grainger holds title to the subject property via a 100% beneficial interest in a land trust with Chicago Title Land Trust Company as Trustee, under land trust No. 113128, dated May 2, 1988. Grainger has operated its national headquarters from the subject site since 1999. Grainger intends to continue operating its national headquarters on the subject property, and has no intention of selling or leasing any portion of the property in the future.

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### Quantitative Summary

**Area of the subject parcel in acres and square feet:**

152.621 acres (6,648,171 sq. ft.)

**Total area and footprint area of principal buildings in square feet:**

218,425 sq. ft. for the main bldg.

**Total area and footprint area of accessory buildings in square feet:**

27,334 sq. ft. for the data center

**Area of streets in square feet:**

197,800 sq. ft. (see Exhibit A)

**Area of exterior parking facilities in square feet:**

795,000 sq. ft. (See Exhibit A)

**Number of parking spaces:**

2,119

**Percentage of ground cover for principal buildings, accessory buildings, parking areas, streets, and recreational facilities, individually and collectively, versus area of entire parcel:**

20.57% (see Exhibit B)

**Area of uncovered ground (open space) on site in square feet:**

4,791,600 sq. ft. (see Exhibit B)

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**SECTION 15.1104 OF THE METTAWA MUNICIPAL CODE**

**The Zoning, Planning and Appeals Commission or the Board of Trustees of the Village of Mettawa, as the case may be, shall not recommend to grant a special use unless it shall make findings of facts based upon evidence presented at the hearing in any given case that:**

- 1. The special use will serve the public convenience at the location of the subject property; or that the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare**

Grainger has operated its national headquarters from the subject site since 1999, and intends to continue these operations going forward. In its time of operation, Grainger has operated its facility with little or no disruption or impact to its surrounding community. Grainger has strived over the years to be to be a good corporate citizen and neighbor, and prides itself on conducting its business organization in conformance with the highest moral standards and business ideals. As a result, Grainger enjoys a national reputation as a corporation of

utmost integrity. Grainger feels that its continued operations would continue to reflect those qualities.

2. **The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with said special use, the size of the subject property in relation to such special use, and the location of the site with respect to streets given access to it, shall be such that it will be in harmony with the appropriate, orderly development of the district in which it is located;**

Grainger believes the use to be in harmony with the orderly development of the surrounding community. Grainger's office facility is situated on approximately 152 acres of property, utilizing just over 20% of the immediately surrounding land, impacting proportionally far less property for its use than surrounding commercial properties. Grainger has left over 120 acres of its property as undeveloped open space, and has intentionally designed the office campus to be reflective of the forested and undeveloped space existing throughout the Village. The use of the subject property as an office building is also consistent with the uses of properties located in close proximity, for example the property which is located at the northwest corner of Route 60 and Interstate 294 upon which a major office center is located.

3. **That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity of the subject property for the purposes already permitted in such zoning district, nor substantially diminish and impair other property valuations within the neighborhood;**

Grainger has operated its headquarters at the subject site for almost 20 years with little or no impact on its neighbors. Its office facility is situated on approximately 152 acres of property, and utilizes just over 20% of the immediately surrounding land. The developed portion of the property is set far away from any neighboring structures, and in fact, as part of its design plan, a sizable landscaped berm was constructed, shielding the office facility from view from Route 60. Grainger has also left almost 120 of its 152 acres of its immediately surrounding property as undeveloped open space. Grainger believes it is unlikely that rezoning the property after its many years of unobtrusive operation, and considering its specific development design, will result in any diminishment or impairment of surrounding property values.

4. **The nature, location, and size of the buildings or structures involved with the establishment of the special use will not impede, substantially hinder, or discourage the development and use of adjacent land and buildings in accord with the zoning district within which they lie;**

With Grainger having operated at this site for almost 20 years, and with Grainger's facility being set so far back from surrounding neighboring properties,



and with the relatively minimal development of the available property, Grainger believe it unlikely that its special use would substantially hinder, or discourage the development and use of its neighboring properties in accordance with the zoning district within which their properties may lie.

**5. Adequate utilities, access streets, drainage, and/or other necessary facilities have been or will be provided;**

The Grainger headquarters is an existing development, and has been operating at the current location for almost 20 years. All utilities, access streets, drainage and other necessary facilities have long been in place and operating. No additional services are being required to support this rezoning.

**6. Parking areas shall be of adequate size for the particular special use, which areas shall be properly located and suitably screened from adjoining residential uses, and the entrance and exit driveways to and from these parking areas shall be designed so as to prevent traffic hazards, eliminate nuisance, and minimize traffic congestion in the public streets; and**

The Grainger development currently contains 2,119 parking spaces, which is adequate to operate an office facility of the size currently located at this site, and in compliance with the regulations which Grainger hopes to be applicable upon approval of this rezoning application (Section 151.165 (B), General Development Standards for non-medical office requirements from Lake County's Unified Development Ordinance). Grainger's development, including the parking area, are set well back from any neighboring properties, and in addition, are generously screened both by natural forest and vegetation, as well as by a man-made berm on Route 60. There are two (2) separate entrance/exit points to the facility, and both are located off of Route 60, with one being controlled by a 4-way stop light. These access points have been in place and operating since the facility opened in 1999, and have operated effectively and without issue since then.

**7. The special use shall in all other respects conform to the applicable regulations of the zoning district in which it is located, except as such regulations may, in each instance, be modified as provided in this Chapter.**

It is anticipated that with an approval of this request for rezoning from R-1 (Single Family Residential District) to H (Office/Hotel District), as well as an approval for a Special Use – Planned Unit Development with the attendant variances as detailed in this application, the subject property's use shall, in all other respects, conform to the applicable regulations of the zoning district in which it is located. It is not anticipated that further modifications will be necessary in order for Grainger's use at this site to be in conformance with applicable regulations.

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## **SECTION 15.1506 A OF THE METTAWA MUNICIPAL CODE**

**State the particular requirements of the Mettawa Municipal Code which prevent the proposed use or construction.**

Section 15.1506 A of the Mettawa Municipal Code specifies that for property within the H, Office/Hotel District, the maximum height of a building shall not exceed forty-five feet (45'), exclusive of building appurtenances not exceeding five feet (5') in height.

**State the characteristics of the subject property which prevent compliance with the requirements of the Municipal Code.**

The existing office building on the subject site has a maximum height of 75', which violates the current Village zoning code. In Section 19 of the Settlement Stipulation entered into by the Village of Mettawa and Grainger and filed February 9, 1996 ("Settlement Agreement" - a copy of which is attached hereto), the parties agreed that Grainger's first building would not exceed 80' in height, and thereafter no future building would exceed 90' in height.

**State the minimum requirements which would be necessary to permit the proposed use or construction.**

Grainger wishes to preserve the entitlements agreed to in the Settlement Agreement. Consequently, Grainger requests that a variance from Section 15.1506 A of the Mettawa Municipal Code be granted that Grainger's existing office building is in compliance provided it does not exceed 80' in height, and any other building on the subject property shall be in compliance provided it does not exceed 90' in height, in each case, however, exclusive of building appurtenances not exceeding five feet (5') in height.

**State the practical difficulty or particular hardship which would result if the aforesaid particular requirements of the Mettawa Municipal Code were applied to the subject property and/or proposed use or construction thereon.**

An element of the Annexation Agreement between the Village and Grainger was that Grainger would be entitled to retain certain development rights which predated the annexation, of which this provision pertaining to building height was one. If the Mettawa Municipal Code were to be applied against the subject property without application of the requested variance, not only would Grainger's existing office building be in violation of code with no practical avenue of remedying the violation, but Grainger would be deprived of the benefit of its agreement with the Village.

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**SECTION 15.1703 D OF THE METTAWA MUNICIPAL CODE**

**State the particular requirements of the Mettawa Municipal Code which prevent the proposed use or construction.**

Section 15.1703 D of the Mettawa Municipal Code specifies, in part, that required off-street parking space shall be at least nine (9) feet in width.

**State the characteristics of the subject property which prevent compliance with the requirements of the Municipal Code.**

As evidenced by Administrative Variation issued by the Director of the Department of Planning, Building and Development for Lake County, dated August 3, 2018 ( a copy of which is attached hereto), Grainger has received approval from Lake County to have its parking spaces be 8'6" in width, which violates the existing Village zoning code .

**State the minimum requirements which would be necessary to permit the proposed use or construction.**

Grainger wishes to preserve the entitlements agreed to in the Settlement Agreement. Consequently, Grainger requests that a variance from Section 15.1703 D of the Mettawa Municipal Code be granted that for the subject property, any off-street parking spaces on the subject property need only be 8'6" in width.

**State the practical difficulty or particular hardship which would result if the aforesaid particular requirements of the Mettawa Municipal Code were applied to the subject property and/or proposed use or construction thereon.**

An element of the Annexation Agreement between the Village and Grainger was that Grainger would be entitled to retain certain development rights which predated the annexation, of which this provision pertaining to the width of the parking spaces was one. If the Mettawa Municipal Code were to be applied against the subject property without application of the requested variance, the availability of parking for Grainger's employees and guests Grainger's would be severely compromised. In addition, Grainger would be deprived of the benefit of its agreement with the Village.

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## **SECTION 15.1704 OF THE METTAWA MUNICIPAL CODE**

**State the particular requirements of the Mettawa Municipal Code which prevent the proposed use or construction.**

Section 15.1704 of the Mettawa Municipal Code specifies, in part, that for property within the H, Office/Hotel District, the location of parking spaces in relation to the use served shall be within a 200 foot distance of the use served.

**State the characteristics of the subject property which prevent compliance with the requirements of the Municipal Code.**

Due to the sheer size and employee population of the existing building, the vast majority of the parking serving the building is outside the 200 foot limitation, thus in violation of the existing Village zoning code. Lake County Code Section 151.165 (F) (a copy of which is attached hereto) provides, in part, only that off-street parking spaces shall be located on the same zoning lot as the principal use

**State the minimum requirements which would be necessary to permit the proposed use or construction.**

Grainger wishes to preserve the entitlements agreed to in the Settlement Agreement. Consequently, Grainger requests that a variance from Section 15.1704 of the Mettawa Municipal Code be granted that provides that for the subject property, there shall be no limitations regarding the distance of such parking to the principal use such parking serves, and instead requiring only that off-street parking serving a use be located on the same zoning lot as the principal use.

**State the practical difficulty or particular hardship which would result if the aforesaid particular requirements of the Mettawa Municipal Code were applied to the subject property and/or proposed use or construction thereon.**

An element of the Annexation Agreement between the Village and Grainger was that Grainger would be entitled to retain certain development rights which predated the annexation, of which this provision pertaining to the distance of the parking spaces from the principal use was one. If the Mettawa Municipal Code were to be applied against the subject property without application of the requested variance, the vast majority of the parking available to the employees and guests of Grainger at the subject property would be in violation of the Village code, and to remedy the violation by eliminating the parking subject in violation would effectively render the office facility unusable due to a lack parking area for an office facility of this size. In addition, Grainger would be deprived of the benefit of its agreement with the Village.

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**SECTION 15.1705 B OF THE METTAWA MUNICIPAL CODE**

**State the particular requirements of the Mettawa Municipal Code which prevent the proposed use or construction.**

Section 15.1705 B of the Mettawa Municipal Code specifies that for office developments:

- a. one (1) parking space shall be provided for each two hundred (200) square feet of floor area, and
- b. there shall be one (1) loading berth for each forty thousand (40,000) square feet of floor area.

**State the characteristics of the subject property which prevent compliance with the requirements of the Municipal Code.**

- a. The Village's requirement of 5 parking spaces for each 1,000 square feet of office space is twice the number of parking spaces as was required under Lake County zoning for Grainger's existing property, which is 2.5 parking spaces per 1,000, pursuant to Section 151.165 (B), General Development Standards for non-medical office requirements from Lake County's Unified Development Ordinance (see attached). Grainger has built, and desires to continue building if applicable, in accordance with the KLOA standards.
- b. Lake County has no requirement for the number of loading berths. Based upon the current building size, it is estimated that this building would require 21 loading berths to comply with Village code; the building currently has 11. Grainger has built, and desires to continue building if applicable, without restrictions as to the number of loading berths, in accordance with the Lake County standards.

**State the minimum requirements which would be necessary to permit the proposed use or construction.**

- a. Grainger wishes to preserve the entitlements agreed to in the Settlement Agreement. Consequently, Grainger requests that a variance from Section 15.1705 B of the Mettawa Municipal Code be granted that provides that for the subject property, it shall be in compliance provided at least 2.5 parking spaces are provided for each one thousand (1000) square feet of floor area.

- b. Grainger wishes to preserve the entitlements agreed to in the Settlement Agreement. Consequently, Grainger requests that a variance from Section 15.1705 B of the Mettawa Municipal Code be granted that provides that for the subject property, there shall be no limitation as to the number of loading berths required to serve a principal use.

**State the practical difficulty or particular hardship which would result if the aforesaid particular requirements of the Mettawa Municipal Code were applied to the subject property and/or proposed use or construction thereon.**

- a. An element of the Annexation Agreement between the Village and Grainger was that Grainger would be entitled to retain certain development rights which predated the annexation, of which this provision pertaining to the number of parking spaces required was one. If the Mettawa Municipal Code were to be applied against the subject property without application of the requested variance, the Village Code would require that Grainger's facility have over double its current number of parking spaces, which even if Grainger wanted to create, there would be an overwhelmingly negative impact on a significant area of open lands. In addition, Grainger would be deprived of the benefit of its agreement with the Village.
- b. An element of the Annexation Agreement between the Village and Grainger was that Grainger would be entitled to retain certain development rights which predated the annexation, of which this provision pertaining to the number of loading berths was one. If the Mettawa Municipal Code were to be applied against the subject property without application of the requested variance, the Village Code would require that Grainger's facility have 21 loading berths; the building currently has 11. Not only would Grainger's existing office building be in violation of code with no practical avenue of remedying the violation, but Grainger would be deprived of the benefit of its agreement with the Village.

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Maps and Graphics

**PLEASE SEE ACCOMPANYING MAPS, PLATS AND PHOTOGRAPHS**

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## Standards

**Does the Planned Unit Development conform with the intent and specific proposals of the Comprehensive plan of the Village?**

A: Yes. Approval of the rezoning application, Planned Unit Development and attendant variances would fulfil certain commitments by Village as specified in the Annexation Agreement between the Village and Grainger.

**Will the Planned Unit Development be on a tract of land under common ownership or control and is the development located on a tract of land of 300,000 square feet or more contiguous area?**

A: Yes. The subject property, which comprises approximately 152 acres (6,621,120 square feet), is owned by Chicago Title Land Trust Company, under trust agreement dated May 2, 1988, and known as Trust No. 113128, of which Grainger own 100% of the beneficial interest. The subject property is currently utilized as Grainger's base for its national headquarters, Grainger intends to continue such use indefinitely, and Grainger has no plans to sell or lease any portion of the subject property in the future.

**Do the uses permitted in the Planned Unit Development conform with those in the zoning district within which the real property which is the subject of the Planned Unit Development is located and shall it be compatible to each other and with existing land use in the surrounding area.**

A: Yes. The use of the subject property as an office building is consistent with zoning under H (Office/Hotel District). In addition, office use is consistent with the uses of properties located in close proximity, for example the property which is located at the northwest corner of Route 60 and Interstate 294 upon which a major office center is located.