

MELTZER, PURTILL & STELLE LLC

ATTORNEYS AT LAW

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May 1, 2015

Latika Bhide  
Development Planner  
Village of Arlington Heights  
33 S. Arlington Heights Road  
Arlington Heights, Illinois 60005-1499

*Re: 1421 and 1501 W. Shure Driven ("Subject Property")*

Dear Ms. Bhide:

On behalf of Torburn Partners, Inc. ("Torburn"), the managing member of Torburn North Campus, LLC, the owner of the above-referenced property, we are pleased to present to the Village of Arlington Heights this request for approval of a combined preliminary/final plat of subdivision and an amendment to the planned unit development ordinance which governs the development and use of the Subject Property. Our client is seeking these approvals in order to reposition the Subject Property and the improvements constructed thereon from their former use as a single-owner, single-user facility to a multiple-owner, multiple-tenant complex. More specifically, Torburn seeks to subdivide the Subject Property into two lots, one consisting of 22.43 acres and known as 1501 Shure Drive ("Lot 1"), and one consisting of 17.21 acres and known as 1421 Shure Drive ("Lot 2"); an amendment to Ordinances No. 88-60 and No. 14-002; and the approval of certain exceptions to the regulations governing the building, signage, parking and stormwater management improvements situated on the Subject Property.

It is our understanding that, under separate cover, you have previously received Torburn's Application and application fee; a Site Context Aerial; an Amended Final Plat of Planned Development; a Proposed Site Improvement Plan; Preliminary Engineering Plans; existing Building Elevations with proposed modifications; and existing and proposed Signage Plans and Elevations.

With this correspondence we are submitting to you a copy of a Special Warranty Deed dated June 25, 2013, which evidences Torburn North Campus, LLC's ownership of the Subject Property, and a survey of the Subject Property<sup>1</sup>. The list of surrounding property owners required by Village ordinance will be forwarded to you next week.

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<sup>1</sup> In April 2014 Torburn demolished the building labeled as "1-Story Cinder" on the ALTA/ACSM Land Title Survey, which building was commonly known as 1441 Shure Drive, following Village approval of Ordinance No. 14-002 and issuance of a demolition permit therefor.

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Since acquiring the Subject Property, Torburn has worked tirelessly to develop a plan to repurpose the Subject Property for prospective, high-quality corporate office and industrial tenants. That plan includes demolishing certain building improvements, such as the now razed 1441 Shure Drive building and the to-be razed atrium currently connecting the 1501 Shure Drive and 1421 Shure Drive buildings (the "Atrium"), in order to improve building visibility from adjacent roadways and increase off-street parking availability. Torburn also now seeks to subdivide the Subject Property to allow those buildings to be separately leased and financed.

Upon demolition of the Atrium and subdivision of the Subject Property in accordance with the Plat, the existing site improvements on the Subject Property will require exceptions to allow a reduction in the minimum required rear yard from 30 feet to 0 feet for Lot 1 and from 30 feet to 15 feet for Lot 2. The existing site improvements and requested modifications and variations also require a variation to authorize a reduction in the minimum off-street parking requirement from 1062 parking spaces to 792 parking spaces for Lot 1. A statement of justification and responses to the standards of practical difficulties for the planned unit development amendment and exceptions being requested follows this letter.

We look forward to working with you and the Village to bring this exciting project to fruition.

Please contact me at (312) 461-4302 if you wish to discuss this matter in further detail.

Sincerely,

**MELTZER, PURTILL & STELLE LLC**



Steven C. Bauer

Enclosures

cc: Adam Keldermans, Torburn Partners  
Robert Horne, Torburn Partners  
Travis Bridges, OKW Architects  
Lesley Netzer, Kimley-Horn  
Hal Francke, Meltzer Purtill & Stelle

**Statement of Justification and Responses to Standards of Practical Difficulties for  
Requested Planned Unit Development Amendment and Exceptions**

The Applicant, Torburn Partners, Inc. ("Torburn"), as managing member of Torburn North Campus, LLC, provides the following statement of justification and responses to the standards of practical difficulties for a proposed amendment to the planned unit development approved by Ordinance No. 88-023, as amended by Ordinance No. 14-002 (collectively, the "PUD Ordinance") for the real property commonly known as 1421 and 1501 Shure Drive (collectively, the "Subject Property"), and the zoning exceptions being requested by Torburn in connection with such amendment. Torburn is seeking an amendment to the PUD Ordinance which authorizes and permits: (i) the resubdivision of the Subject Property into two lots; (ii) an exception to reduce the number of required off-street parking spaces for Lot 1 from 1062 to 792; (iii) an exception to reduce the minimum required rear yard for Lot 1 from 30 feet to 0 feet; and (iv) an exception to reduce the minimum required rear yard for Lot 2 from 30 feet to 15 feet.

***1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone.***

The Subject Property cannot yield a reasonable return without the proposed PUD Ordinance amendment, associated exceptions and subdivision approval. The Subject Property was developed and historically used as a Motorola campus and later as a Nokia Siemens campus. Such use did not contemplate or necessitate individual lots of record or multiple users. Nokia Siemens vacated the Subject Property on December 31, 2014. The proposed PUD Ordinance amendment and exceptions are now required to allow the Subject Property to be repositioned and repurposed from its former use as a single-owner, single-user facility to a multiple-owner, multiple-tenant complex as Torburn is now proposing.

Torburn exhaustively evaluated the options necessary to accomplish the foregoing. After doing so, it concluded that subdivision of the Subject Property in conjunction with the demolition of the now razed 1441 Shure Drive building and the to-be razed atrium currently connecting the 1501 Shure Drive and 1421 Shure Drive buildings (the "Atrium") would be the appropriate course of action to take to satisfy the market demand for Class A office and industrial space users because it would improve building visibility and increase parking availability. Absent this action, Torburn is unable to position the Subject Property to compete with other Class A office and industrial space available to prospective tenants in the Chicago metropolitan area's northwest office market.

Upon subdivision of the Subject Property in the manner proposed, Torburn will be poised to separately lease and finance 1501 Shure Drive and 1421 Shure Drive to meet the needs of prospective tenants.

The proposed off-street parking and required rear yard exceptions result from Torburn's effort to retrofit the dated improvements on the Subject Property to meet the needs of today's office market. The existing site improvements did not



contemplate subdivision, thus yielding an inability to accomplish this objective in full conformance with the applicable M-1 Research Development and Light Manufacturing District requirements. Torburn seeks exceptions from the minimum parking and rear yard requirements to allow use and further improvement of the Subject Property as individual lots of record so that the Subject Property is able to compete in the regional Class A office and industrial marketplace.

**2. *The plight of the owner is due to unique circumstances.***

Torburn's plight is due to unique circumstances. As previously stated, the proposed PUD Ordinance amendment, associated exceptions and subdivision approval are required to retrofit existing improvements on the Subject Property to meet the needs of today's office market.

The Subject Property's existing site improvements were constructed to meet the needs of a single user (i.e., Motorola, and later Nokia Siemens upon its acquisition of certain Motorola assets) which did not contemplate or necessitate subdivision approval. Nokia Siemens vacated the Subject Property on December 31, 2014. Torburn now seeks to repurpose and subdivide the Subject Property to allow 1421 Shure Drive and 1501 Shure Drive to be separately leased, operated and financed. In so doing, those improvements may coexist to provide uniquely different options for the office and industrial tenant markets they are intended to serve.

The uniqueness of Torburn's plight is demonstrated by the extreme efforts it has undertaken and now proposes to undertake relative to the existing improvements on the Subject Property as through demolition of the 1441 Shure Drive building and planned demolition of the Atrium in conjunction with the subdivision, PUD Ordinance amendment and associated exceptions now being proposed. The Subject Property has been vacant for a period of nearly four months. Torburn now seeks to update it to the standards expected by Class A office and industrial tenants to enable the Subject Property to be quickly returned to full operation with high-quality tenants.

**3. *The variation, if granted, will not alter the essential character of the locality.***

The exceptions being requested will not alter the essential character of the locality. As previously stated, the proposed PUD Ordinance amendment, associated exceptions and subdivision approval now being requested are the result of Torburn's effort to repurpose the Subject Property and the improvements situated thereon. The proposed PUD Ordinance amendment and exceptions pertain specifically to the Subject Property's existing improvements, which have been in existence and helped to shape the essential character of the locality for a period of approximately 17 years. As a result, the proposed PUD Ordinance amendment and exceptions will have no impact upon the character of the locality. Moreover, the proposed subdivision will be indiscernible to persons unfamiliar with the entitlements governing the use and development of the Subject Property.