

# MPSLAW

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*Via E-mail*

September 10, 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 Drive (“Subject Property”)*

Dear Ms. Bhide:

On behalf of Torburn Partners, Inc. (“Torburn”) as the managing member of Torburn North Campus, LLC, which is the owner of the Subject Property, we are pleased to present to the Village of Arlington Heights this request for approval of an amendment to the planned unit development ordinances that govern the development and use of the Subject Property in conjunction with certain variations similar to the approvals granted by the Village Board on June 1, 2016 under Ordinance 15-016. More specifically, our client seeks (i) a planned unit development amendment to Ordinance 88-60, 14-002 and 15-016 to allow (a) demolition of approximately 122,800 square feet of space from the building located at 1501 W. Shure Drive and (b) the construction of a sports court on the north side of the building located at 1421 W. Shure Drive (“Sports Court”), (ii) a variation to allow construction of the Sports Court and an associated basketball pole that encroaches approximately 24 feet into the required side yard along Shure Drive, (iii) a semi-open, 6-foot tall wood, stone-textured precast concrete or metal fence around the perimeter of the Sports Court and the adjacent patio with an 8-foot tall sports net/mesh constructed on the portion of said fence that will enclose the Sports Court and (iv) waiver of the requirement to provide a traffic study and parking analysis.

As with the approvals granted by Ordinance 15-016, the currently requested approvals are necessary for Torburn 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 for high-quality corporate office and industrial tenants. A statement of justification and responses to the standards of practical difficulties to support the requested planned unit development amendment and variations are attached to this letter.

We look forward to further working with you and the Village to bring this exciting project to fruition. Please contact me at (847) 330-6062 if you wish to discuss this matter in further detail.

Sincerely,

**MELTZER, PURTILL & STELLE LLC**



Steven C. Bauer

Attachment

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

The Applicant, Torburn North Campus, LLC (“Torburn”), 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 Ordinances 88-023, 14-002 and 15-016 (collectively, the “PUD Ordinance”) for the real property commonly known as 1421 and 1501 Shure Drive (collectively, the “Subject Property”), and the zoning variations being requested by Torburn in connection with such amendment. Torburn is seeking an amendment to the PUD Ordinance to authorize and permit: (a) demolition of approximately 122,800 square feet of space from the building located at 1501 W. Shure Drive and (b) the construction of a sports court on the north side of the building located at 1421 W. Shure Drive (“Sports Court”), (ii) a variation to allow construction of the Sports Court and an associated basketball pole that encroaches approximately 24 feet into the required side yard along Shure Drive, (iii) a semi-open, 6-foot tall wood, stone-textured precast concrete or metal fence around the perimeter of the Sports Court and the adjacent patio with an 8-foot tall sports net/mesh constructed on the portion of said fence that will enclose the Sports Court and (iv) waiver of the requirement to provide a traffic study and parking analysis.

***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 and associated variations. 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 multiple users. Nokia Siemens vacated the Subject Property on December 31, 2014. The proposed PUD Ordinance amendment and variations 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 continuing to undertake in furtherance of the approvals granted by Ordinance 15-016 and market demand.

As the Village is aware, Torburn exhaustively evaluated the options necessary to accomplish the foregoing. After doing so, it concluded that demolition of approximately 122,800 square feet of space from the 1501 W. Shure Drive building and construction of the Sports Court and associated basketball pole and fence are necessary to repurpose the Subject Property and satisfy the market demand for Class A office and industrial space users. 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.

The proposed variations result from Torburn’s effort to retrofit the dated improvements on the Subject Property to meet the needs of today’s office and industrial market, which the existing site improvements at the Subject Property did not contemplate.

**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 and associated variations are required to retrofit the existing improvements on the Subject Property to meet the needs of today's office and industrial 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 the ability to respond to the changed market demand for office and industrial space since the Subject Property was developed. Nokia Siemens vacated the Subject Property on December 31, 2014. Torburn now seeks to repurpose the Subject Property to satisfy the current requirements of the office and industrial tenant markets that the Subject Property is intended to serve.

The uniqueness of Torburn's plight is demonstrated by the extreme efforts it continues to undertake relative to the existing improvements on the Subject Property as through prior and currently proposed demolition and construction activity at the Subject Property at a substantial expense and investment for the purpose of updating it to the standards currently expected by Class A office and industrial tenants. These actions will enable Torburn to return the Subject Property to full operation with high-quality tenants.

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

The requested variations will not alter the essential character of the locality. As previously stated, the proposed PUD Ordinance amendment and associated variations are the result of Torburn's effort to repurpose the Subject Property and the existing improvements located thereon, 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 variations will enhance the character of the locality bringing reinvestment to the Subject Property and a reduced level of bulk to the 1501 property as a result of the proposed demolition of approximately 122,800 square feet of space from that building. Moreover, the proposed demolition of approximately 39 percent of the 1501 building will result in a lower traffic count and parking demand associated with the 1501 property, which obviates the need for a traffic study and parking analysis in connection with this proposal.