

MAYOR

Keith Pekau

VILLAGE CLERK

Patrick R. O’Sullivan

14700 S. Ravinia Avenue
Orland Park, IL 60462
708.403.6100
orlandpark.org



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Cynthia Nelson Katsenes
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Staff Report to the Board of Trustees

Prepared: 06/13/23

Project Summary

Petitioner: Donald H. Jeanes, Developer, Jeanes Construction Company Inc.

Project Representative: David B. Sosin / Sosin, Arnold & Schoenbeck, Ltd

Project: Waterford Pointe – Sidewalk Variance

Address: 11015 153rd Street in Orland Park, Illinois

P.I.N.: 27-17-100-003-0000 and 27-17-100-005-0000

Parcel Size: 32.22 acres

Purpose: The petitioner seeks approval of a Variance to remove a planned 5’ sidewalk that extends from the 153rd Street & Wolf Road intersection to the entrance of the Orland Park Fire Station #3 to the north. The sidewalk was originally proposed as an 8’ multi-use path as part of the Special Use Permit for a Planned Development - Waterford Pointe estates case that was approved by the Board of Trustees in 2022, but was downgraded to a regular sidewalk during the meeting process. The applicant now proposes to remove this sidewalk from the previously approved plan.

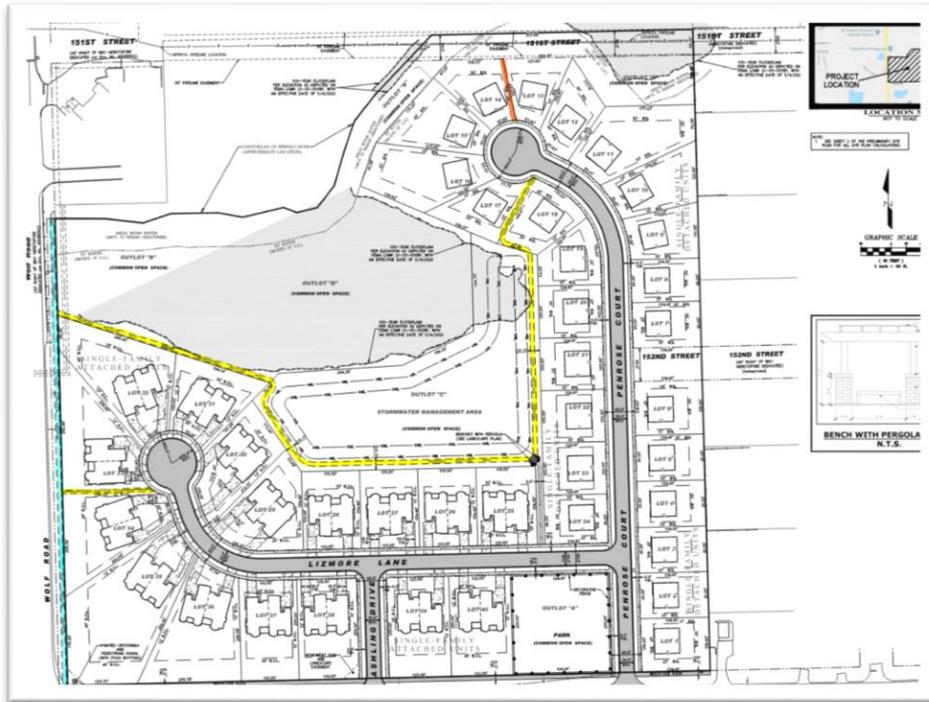
Project Background

On July 6, 2022, the Waterford Pointe development petition was heard before the Plan Commission to seek approval of a Plat of Subdivision, Special Use Permit for Disturbance of a Non-Tidal Wetland, and Special Use Permit for a Planned Development with Modifications from the Land Development Code to construct 56 dwelling units on an approximately 32.2-acre site located at 11015 153rd Street. Several multi-use paths connecting amenity spaces, including the subject multi-use path turned sidewalk along Wolf Road, were proposed throughout the site as incremental improvements to mitigate requested Modifications. The primary points of discussion are listed below. Please refer to the audio for a full summary.

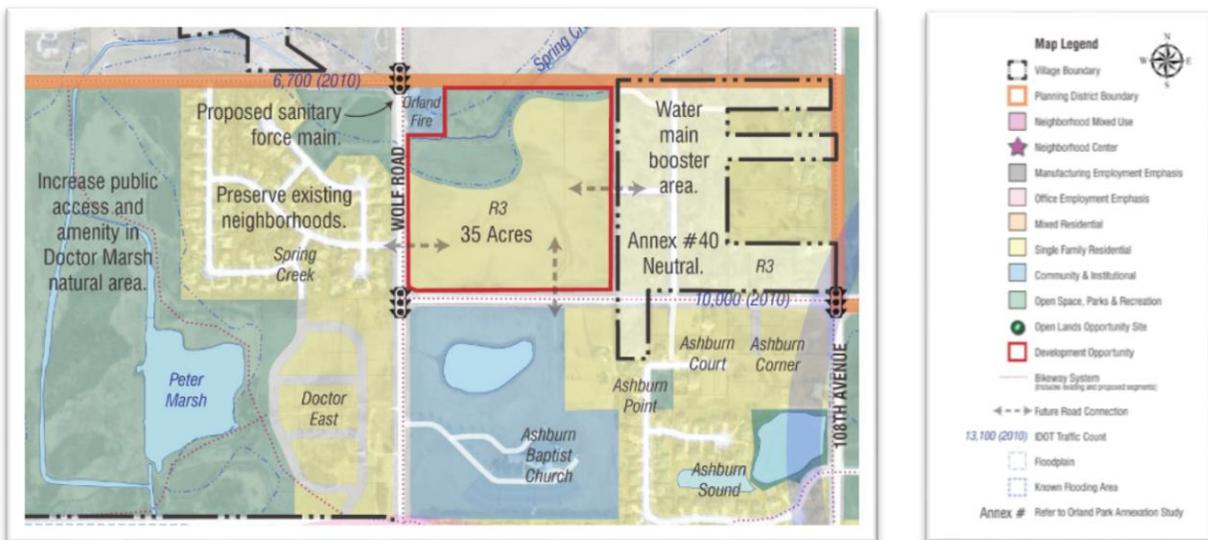
- There was robust discussion among the public and the Plan Commissioners regarding flooding, traffic, and housing sales. All items were addressed by staff or by the petitioner.
- Staff initiated an amendment to include an additional condition regarding collection of tree mitigation fees.
- The Plan Commission motioned to continue the case because some Commissioners felt there was not enough time to review the case, however that motion failed with a 2-3 vote, with 2 Commissioners absent.
- A subsequent motion to recommend approval of the project was passed with a 3-2 vote.

On July 18, 2022, the case was heard before the Committee of the Whole to consider the Plan Commission's recommended action. There was extended discussion among Committee members regarding the necessity of the numerous multi-use paths proposed throughout the site. The primary points of discussion are listed below. Please refer to the audio for a full summary: <https://orlandpark.legistar.com/Calendar.aspx>

- The Committee questioned the reason for a multi-use path along Wolf Road when it ends at the entrance of the Orland Park Fire Station #3 to the north and there is an existing path on the other side of Wolf Road. Staff responded the Village policy is to require sidewalk installations on both sides of the public right-of-way to incrementally improve the sidewalk system and sidewalk connections will occur when the north lot re-develops.
- The Committee asked about the existing trees along Wolf Road that will potentially be removed if the multi-use path is installed. Staff responded the trees are poor quality and will be removed regardless.
- The Committee questioned the reason for a multi-use path around the proposed detention pond. Staff responded the path is for residents to enjoy and to provide a path for detention pond maintenance.
- The Committee asked about the necessity of a multi-use path along Wolf Road when the Illinois Department of Transportation (IDOT) plans to widen Wolf Road and potentially destroy the proposed multi-use path. Staff responded construction of Wolf Road widening is anticipated in 15-20 years. Additionally, Staff stated complete removal of the multi-use path requires a Modification from the Land Development Code that was not explicitly stated in the public hearing notices that were sent for the Plan Commission public hearing. The Village Attorney affirmed that such a change requires the petitioner to request relief with the Plan Commission. Committee members asked the petitioner whether they prefer to downgrade the multi-use path to a sidewalk or if they prefer to go back to the Plan Commission to request relief.
- The Committee initiated several motions to amend the plans as detailed in the image below. The motion passed unanimously with a 5-0 vote.
 - Remove the multi-use path connecting the Penrose Court cul-de-sac with the multi-use paths around the detention pond (yellow).
 - Remove the multi-use path between the Lizmore Lane cul-de-sac and Wolf Road. (yellow).
 - Downgrade the multi-use path along Wolf Road to a regular sidewalk (blue).
 - Add a multi-use path between the Lizmore Lane cul-de-sac and the 151st Street roadway easement for future pedestrian access (orange).
- The Committee motioned to recommend approval of the project to the Village Board. The motion was passed unanimously with a 5-0 vote.



Comprehensive Plan



Planning District: Centennial Planning District
 Planning Land Use Designation: Single Family Residential

The Comprehensive Plan identifies the Waterford Pointe project area as a development opportunity for Single Family Residential with road connectivity to the residential subdivision west of Wolf Road, Ashburn Baptist Church to the south, and the unincorporated residential subdivision to the east. Additionally, the Comprehensive Plan identifies the project area as directly adjacent to the Village's bikeway system that runs along Wolf Road and 153rd Street. The Plan specifically references arterial roads like Wolf Road generally do not have sidewalks and "the pedestrian system remains fragmented"; however, sidewalks have been installed as new development has progressed over the last decades. "Currently, sidewalks are required on both sides of the street in all new development" and the Land Development Code Section 6-406 directly supports this statement in the Comprehensive Plan.

The proposed single-family attached and detached buildings are considered appropriate land uses in this area; however, the proposed subdivision roadway configuration only connects to 153rd Street and does not provide connectivity to Wolf Road nor the residential subdivision west of the site. Additionally, Modifications from the Land Development Code were required and granted to allow the proposed roadway configuration by increasing the roadway cul-de-sac street lengths for both Lizmore Lane and Penrose Court. Despite the lack of roadway connectivity and requested relief from the Code, Staff was supportive of the roadway configuration provided that multi-use paths were installed to provide pedestrian and bicycle connectivity to both natural open space areas and major roadways.

Planning Discussion

The proposed 5' sidewalk along Wolf Road directly supports the Comprehensive Plan's vision for connecting the Waterford Pointe residential subdivision to natural open space and the pedestrian/bicycle network within the Centennial Planning District. Removal of the sidewalk results in a large residential subdivision that not only lacks major roadway connections, but also fails to offer numerous ways for residents to walk around the neighborhood that is not in front of homes.

In 2020, the Village's Complete Streets Policy was approved via Resolution No. 2028, supporting the safe movement of pedestrian, bicycle, and public transportation traffic. Complete Streets Policy principles are not supported when sidewalks are not provided.

Responses to the Variance standards worksheet to remove the sidewalk further do not demonstrate practical difficulties or unnecessary hardships resulting from unique conditions. Specifically, the following cited reasons described in the Variance responses worksheet do not demonstrate hardship:

- Elimination of the sidewalk to preserve terrain and vegetation along Wolf Road is not valid, as the existing vegetation was deemed poor quality by Village landscape architect consultants and was not indicated to be preserved on the Waterford Pointe final landscape plan.
- Elimination of the sidewalk due to the presence of drainage structures is not a valid response, as determined by Village Engineers.
- Elimination of the sidewalk due to financial burden is not a valid reason that may be cited as a unique hardship, per Village Code and State requirements. "Mere loss in value shall not justify a variance; there must be deprivation of all beneficial use of land."

- The Board of Trustees has officially determined that the Wolf Road widening project is no longer in consideration for the near future, due to a lack of support by IDOT and estimated traffic demand by communities located near the road. Therefore, the Wolf Road widening project, as referenced in the petitioner’s response #2 in the responses worksheet, is no longer a valid reason to not install the sidewalk.

In conclusion, complete removal of the sidewalk is not supported by Village general policy and Code Section 6-406 requiring installation of sidewalks on both sides of all public rights-of-way. The petitioner has failed to demonstrate practical and unique hardships in the provided Variance standards responses. Complete removal of the sidewalk only further fragments the pedestrian and bicycle network within the Waterford Pointe community and surrounding neighborhoods as noted in the Comprehensive Plan.

Plan Commission Summary

On June 6, 2023, the sidewalk variance was heard before the Plan Commission. Seven Commissioners, members of staff, three members of the public (who did not speak), the petitioner and the petitioner’s attorney were present. A summary of discussion points is listed below. *Please review the audio for the Plan Commission hearing for more information.*

- Several Commissioners remarked that they liked the original multi-use paths proposed throughout the site, but the downgraded sidewalk along Wolf Road would be a compromise.
- Several Commissioners stated that the sidewalk should be installed since the Wolf Road widening project is no longer under consideration.
- The usefulness of the proposed sidewalk was discussed at length, since the sidewalk “would lead to nowhere”; however, Commissioner Schussler pointed out that although the proposed sidewalk would not currently connect to anything to the north, one should consider that the Gallagher and Henry property will be developed into homes in the near future. When sidewalks are installed in that area, it will be connecting to the subject sidewalk along Wolf Road. If the Plan Commission votes to approve the variance, it would be too late to require developers to make such a sidewalk connection.

The Plan Commission voted to recommend denial of the Variance by a vote of 5-2, thereby requiring the construction of a 5’ sidewalk along the east side of Wolf Road.

Committee of the Whole Recommended Action

Recommended Motion - Sidewalk

I move to approve the Committee of the Whole Recommended Action as presented for case 2023-00373, also known as Waterford Pointe – Sidewalk Variance, to **deny the Variance** request, thereby requiring the construction of a 5’ sidewalk along the east side of Wolf Road to be constructed [with the following amendments (if necessary)].

[No Ordinance is required if there is denial of the Variance]

OR

Recommended Motion – No Sidewalk

I move to approve the Committee of the Whole Recommended Action as presented for case 2023-00373, also known as Waterford Pointe – Sidewalk Variance, to **approve the Variance** request, thereby authorizing removal of the 5' sidewalk along the east side of Wolf Road [with the following amendments (if necessary)].

AND

I move to adopt an Ordinance entitled: ORDINANCE GRANTING VARIANCE - (WATERFORD POINTE - 11015 W. 153RD STREET)