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ORDINANCE GRANTING VARIANCE - (WATERFORD POINTE—11015 W. 153RD STREET)

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WHEREAS, a petition seeking a variance for certain real estate, as set forth below, has been filed with the 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 of this Village held a public hearing on June 6, 2023, on whether the requested variance should be granted, at which time all persons present were afforded an opportunity to be heard; and the Plan Commission voted 5-2 against recommendation of the requested relief; 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 Daily Southtown, a newspaper of general circulation and a 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 variance and special use 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 variance is in the public good and in the best interests of the Village and its residents and is consistent with and fosters 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 contains approximately 32.22 acres and is located within the Village of Orland Park in Cook County, Illinois, at 11015 W. 153rd Street. The Subject Property is of the type contemplated in Section 6-204 of the Code and is being developed in accordance with a site plan best suited for the Subject Property. The plan is to develop the Subject Property as a planned residential development consisting of twenty-four (24) detached three-bedroom dwelling

units and thirty-two (32) attached two-bedroom townhome units within forty (40) total buildings on forty (40) lots and a park, wetland areas and a stormwater detention area on three (3) outlots totaling 11.17 acres of common open space, under the R-3 Residential Zoning classification, with a major special use for a Residential Planned Development. The site provides for adequate buffering of the proposed uses from surrounding land uses.

b. The Subject Property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the Land Development Code. The proposed variance to eliminate the sidewalk is due to the configuration and spatial constraints of the site. Without the variance, the Subject Property would be unable to comply with the Code's sidewalk requirement, which would severely limit and thwart the functionality of the site. Additionally, compliance with the sidewalk requirement would be frustrated due to the topography of the site and the utilities present thereon.

c. The plight of the owner is due to the unique circumstance of the configuration of the site, and the current presence of utilities within the proposed sidewalk location.

d. The variances, if granted, will not alter the essential character of the locality. The project does not frustrate the Village's Comprehensive Plan, codes, and policies for this area. Moreover, the requested variances will not impose any disruptions to the surrounding property

e. A particular hardship to the Petitioner would result if the strict letter of the Land Development Code regulations were carried out because of the particular physical surroundings, shape and topographical conditions of the Subject Property.

f. The conditions of the property are unique to the property and not generally applicable to other properties

g. The hardship is caused by the application of the Code and configuration of the site, and has not resulted from any act of the Petitioner or another person presently having an interest in the property.

h. The granting of the variances will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. The variance will not have a negative impact on the public welfare or neighborhood. In contrast, accommodating the requested variances will minimize overall disturbance and impact to the nearby neighbors. No one spoke in opposition to Petitioner's requested variance.

i. The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase congestion in the public streets, or increase the danger of fire or endanger the public safety or impair property values within the neighborhood.

j. The variance granted are the minimum necessary for the reasonable use of the land for the purpose proposed. Due to the configuration of the site, the sidewalk is not feasible.

k. The aforesaid circumstances or conditions are such that the strict application of the detention sidewalk requirement would deprive the Petitioner of reasonable use of the land.

SECTION 3

Subject to the conditions below, the variance for the Subject Property to eliminate the sidewalk requirement is hereby granted. The Subject Property is legally described as:

PARCEL 1:

THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 (EXCEPT THE EAST 10 ACRES AND EXCEPT THE NORTH 320.00 FEET OF THE WEST 272.00 FEET THEREOF) OF SECTION 17, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID EAST 10 ACRES, THENCE SOUTH 01°33'22" EAST, (ILLINOIS STATE PLANE, EAST ZONE) ALONG THE WESTLINE OF SAID EAST 10 ACRES, 1271.05 FEET TO THE NORTH LINE OF 153RD STREET AS DEDICATED PER DOCUMENT 0321734126; THENCE SOUTH 88°39'41" WEST, ALONG THE NORTH LINE OF SAID 153RD STREET, 286.82 FEET; THENCE SOUTH 01°33'22" EAST, ALONG THE WEST LINE OF SAID DEDICATED 153RD STREET, 50.00 FEET TO THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 17; THENCE SOUTH 88°39'41" WEST, ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 17, A DISTANCE OF 704.85 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 17; THENCE NORTH 01°31'32" WEST, ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 17, A DISTANCE OF 977.56 FEET; THENCE SOUTH 89°50'51" EAST, 148.38 FEET; THENCE SOUTH 83°27'54" EAST, 75.93 FEET; THENCE NORTH 71°13'01" EAST, 57.54 FEET; THENCE NORTH 88°49'55" EAST 93.45 FEET; THENCE SOUTH 79°44'57" EAST, 50.01 FEET; THENCE NORTH 76°36'56" EAST, 83.01 FEET; THENCE SOUTH 68°50'07" EAST, 28.14 FEET, THENCE NORTH 76°19'54" EAST, 41.73 FEET; THENCE NORTH 37°53'02" EAST, 53.85 FEET; THENCE NORTH 16°16'19" EAST 77.52 FEET; THENCE NORTH 19°09'10" EAST, 57.92 FEET; THENCE NORTH 38°15'02" EAST, 68.15 FEET; THENCE NORTH 43°27'44" EAST, 159.74 FEET TO THE NORTH LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 17; THENCE NORTH 88°46'19" EAST, ALONG SAID NORTH LINE, 187.24 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

THE EAST 10 ACRES OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 27-17-100-003-0000 and 27-17-100-005-0000

The variance is subject to the conditions that:

1. The project meets all final engineering and Building Division requirements and approvals.

2. The Developer Submits a Final Landscape Plan, meeting all Village Codes, for separate review and approval, within sixty (60) days of final engineering approval.

SECTION 4

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.

SECTION 5

Petitioner shall at all times comply with the terms and conditions of this Ordinance, and all other codes and ordinances of the Village unless specifically amended by this or another ordinance. In the event of non-compliance, the variation of this Ordinance shall be subject to revocation by appropriate legal proceedings.

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