

STATE OF ILLINOIS)
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COUNTY OF COOK)
)
VILLAGE OF ORLAND PARK)

PETITION TO THE VILLAGE OF ORLAND PARK FOR
RESIDENTIAL DEVELOPMENT

THE UNDERSIGNED Petitioner, Bridge Street Properties LLC, an Illinois limited liability company (hereinafter the “Petitioner”), as the owner of the property legally described on **Exhibit A** (hereinafter the “Property”), respectfully petitions the Village to (i) rezone the Property to R-4; (ii) approve a special use for a Planned Development with an associated deviation; and (iii) approve such other relief from the Code as may be deemed necessary and appropriate to develop the Property consistent with the plans submitted herewith.

1. The Petitioner and owner of the Property is Bridge Street Properties LLC, is an Illinois limited liability company having an office at 618 W. Jefferson Ave., Naperville, Illinois 60540.
2. The Property consists of approximately 14.99 acres of farmland.
3. The Property was annexed to Village of Orland Park (the “Village”) pursuant to Ordinance No. 4246 recorded with the Cook County Recorder of Deeds as Document No. 0723215125 on August 20, 2007 (“Annexation Ordinance”).
4. Concurrent with the approval of the Annexation Ordinance, the Village automatically zoned the Property to E-1, Estate Residence District.
5. The Property is not subject to an annexation agreement.
6. Petitioner seeks to develop a residential subdivision consisting of 90 townhomes on the Property (the “Intended Use”).

SUMMARY OF DEVELOPMENT

Petitioner looks forward to providing a new housing option for Orland Park existing residents as well as those that would like to live in a well-respected municipality with excellent schools and park facilities. Petitioner requests Village approval of the new residential community which consists of ninety (90) single-family townhomes located on approximately 14.99 acres of farmland (the “Development”) which is only a gross density of 6 homes per acre. As it sits today, the Property consists of vacant land which is surrounded by vacant farmland to the north, east, and west. The vacant surrounding properties are intended for residential land use under the Adjacent Annexation Agreement (defined hereafter) and also designated for residential use under the Village’s Comprehensive Plan. The Property’s future land use under the Village’s Comprehensive Plan is designated as “R-4 Residential District”, which is established to provide residential opportunities at a slightly higher density than the R-3 District. Given the Property’s location along Wolf Road near 159th street, a higher density residential use is most appropriate and will ensure the Property is developed in a manner consistent with the Village’s intent under the Comprehensive Plan.

The Property presents an excellent canvas on which to meet a significant community need by creating a housing opportunity that is suitable for many types of homebuyers, including some of the fastest growing housing segments of our population – young professionals, young families and empty nesters. Accordingly, the site plan has been designed to complement the surrounding properties and kickstart residential development consistent with the Village’s vision and intent for this area.

With IDOT’s approval, the primary access for the Development will be located off of Wolf Road. Stub connections will be provided along the north and south property lines in anticipation of future residential development of the adjacent properties. The community is designed to

circulate traffic efficiently and safely with curvatures in the roads. The future residents will benefit from the proximity to nearby convenience uses such as shopping, dining, and entertainment.

Landscape treatments will be utilized to enhance the visual appeal of the community, including a mix of parkway trees, shade trees and shrubs. The landscape design enhancements will include decorative plantings around the perimeter of the Property and foundation plantings around each building. Existing landscape buffers will be preserved and enhanced throughout the perimeter of the community to create the feel of a residential enclave. The open space detention areas will allow for a nice aesthetic along with a passive recreation/relaxation area that will be available for the residents. Due to the fact that townhomes often do not generate many children of an age that would utilize extensive playground equipment, the Petitioner is proposing an abundant amount of green space and pedestrian walks for active and passive recreation. In addition, Petitioner is proposing three park sites with combined total of 3.02 acres. Lastly, the site has been designed with approximately 51% of open space, which far exceeds the Code requirement of 20% open space in the R-4 Residential District under a planned development. This significant percentage of open space within the Development will also allow extensive recreational opportunities, landscaping, and separation between each of the townhome buildings. The homeowner's association will be responsible for landscape and park maintenance as well as snow removal within the private drives, which is a feature often appealing to empty nesters and young professionals. The proposed architecture draws inspiration from the modern urban trends to create a complementary design with the overall area. Each home will also have a standard two car garage along with spaces for two cars in each driveway. This technically equates to 360 parking spaces. In addition, Petitioner proposes 67 additional on-street parking spaces for a technical total of 427 parking spaces, which far exceeds the required parking for this development. Even with the

removal of driveway parking, Petitioner still proposes 247 spaces, which exceeds the 225-parking space requirement for this development.

REZONE PROPERTY TO R-4 RESIDENTIAL DISTRICT

Petitioner seeks to rezone the Property to the R-4 Residential District. Petitioner’s proposed rezoning meets the standards for Rezoning as follows:

a. The existing uses and zoning of nearby property are as follows:

- i. North: LSPD (Large Scale Planned Development) – Vacant Farmland
- ii. South: E-1 (Estate Residential) – Highway Department of Orland Township (“Township Property”)
- iii. East: E-1 (Estate Residential) -Vacant Farmland
- iv. West: LSPD (Large Scale Planned Development) – Vacant Farmland

b. The extent to which property values are diminished by a particular zoning classification or restriction:

The nearby property values will not be diminished by the Petitioner’s request. The properties to the north and west are subject to a certain annexation agreement dated January 15, 1994, and recorded as Document No. 94328053 in Cook County, Illinois (“Adjacent Annexation Agreement”) which contemplates large scale residential development for this general area. Since approval of the Adjacent Annexation Agreement, no residential development has occurred on these adjacent properties. Similarly, the adjacent property to the east remains as undeveloped farmland. Accordingly, the construction of new residences will only increase those property values of nearby and adjacent properties and will ensure the Property is developed consistent with the Village’s intended vision for development of the surrounding properties.

c. The extent to which the proposed zoning amendment promotes the health, safety, and general welfare of the public:

The proposed Development will not be detrimental to the health, safety, morals or general welfare of the public. The Property was annexed along with 28 other parcels in 2007 pursuant to the Annexation Ordinance. No annexation agreement was entered into between the Village and the property owners of the parcels subject to the Annexation Ordinance. Upon annexation to the Village, property is automatically zoned E-1, Estate Residence District, unless a new zoning designation is requested. Accordingly, the current zoning designation does not represent the Village's intended land use for the Property, but rather functions as a placeholder zoning designation upon annexation until a new designation is requested. Petitioner looked to the Village's Comprehensive Plan for guidance as to the Village's intended land use and zoning for this Property. The Comprehensive Plan designates the Property's future land use as "R-4 Residential District", which is established to provide residential opportunities at a slightly higher density than the R-3 District. Given the Property's location along Wolf Road near 159th Street, a higher density residential use is most appropriate, and an R-4 zoning designation will ensure the Property is developed in a manner consistent with the Village's intent under the Comprehensive Plan. Accordingly, such development promotes the health, safety, morals, and general welfare for the public.

d. Relative gain to the public as compared to the hardship imposed on the applicant/property owner:

Approval of the rezoning request will ultimately provide for the development of this otherwise underperforming vacant land that has provided no tangible benefit to the community since the Property was annexed 17 years ago. Under the Village's Code, "All undeveloped or partially developed land which shall be annexed to the Village shall be automatically classified and zoned in the E-1 Estate Residence District until otherwise classified in accordance with the Village's Comprehensive Plan". The existing zoning designation of E-1 is merely a reflection of

the Property's zoning designation upon annexation in its undeveloped state. Petitioner now seeks a zoning designation for the Property to be classified as R-4 consistent with the Village's Comprehensive Plan and the intent of the Code. Accordingly, approval of Petitioner's request to rezone the Property to R-4 will facilitate the development of this underperforming Property in harmony with its future land use designation under the Comprehensive Plan, all of which will ultimately provides a net positive to the Orland Park community at large.

e. The suitability of the subject property for the purposes for which it is currently zoned:

The Village last updated its Comprehensive Plan in 2013. At that time, The Village determined the most appropriate future land use designation for the Property was R-4 residential zoning. Since this Comprehensive Plan update, the adjacent properties (with the exception of the Township Property to the south) have remained vacant and undeveloped. Approval of the zoning request will allow the Petitioner to utilize the Property to an extent that is compatible with the surrounding environment, past approvals for nearby property (as detailed below), the existing Comprehensive Plan Designation, and will ensure the Property is developed consistent with its highest and best use.

f. The length of time the property has been vacant as zoned, compared to the context of land development in the area:

The Property has been vacant for as long as the prior owner held title to the Property. It is worth noting the property located south of the Township Property consists of the Spring Creek Place development ("Spring Creek"). The Spring Creek property has similar characteristics to the Property in terms of the nature of surrounding properties and its location adjacent to Wolf Road. The Spring Creek property was annexed to the Village in 1997, and upon that annexation was granted R-3 and R-4 zoning designations for the property to facilitate a mixed-residential

community pursuant to an annexation agreement for “Spring Creek Place – 16233 S. Wolf Road” dated September 3, 1996, and recorded as document number 97376456 in Cook County, Illinois (“Spring Creek Annexation Agreement”). Since the approval of the Spring Creek Annexation Agreement, the Spring Creek property was developed into 38 townhome units along Karen Drive with access off of Wolf Road. Subsequently, the Township Property was established north of the Spring Creek property. The requested zoning designation of R-4 will facilitate the development of this vacant farmland in conformance with the previous development south of the Property. Accordingly, the Development will act as a continuation of what was determined an appropriate land use for this area by the Village when approving Spring Creek.

g. The zoning amendment’s consistency with the Comprehensive Plan and any adopted land use policies:

The Property’s future land use designation under the Comprehensive Plan is R-4. The Property does not currently utilize the requested zoning designation because the Property was automatically zoned E-1 upon annexation to the Village in 2007 in conformance with Code requirements related to the automatic zoning designation for property upon annexation to the Village. Under the Village’s Code, “All undeveloped or partially developed land which shall be annexed to the Village shall be automatically classified and zoned in the E-1 Estate Residence District until otherwise classified in accordance with the Village’s Comprehensive Plan”. Petitioner now seeks to rezone the Property from E-1 to R-4 in accordance with the Comprehensive Plan designation and this provision of the Code. Upon approval of this rezoning request, the Property will be consistent with the Village’s intended land use for the Property at the time which the Comprehensive Plan was adopted.

h. The proposed zoning amendment will benefit the needs of the community:

Since annexation, the Property has been vacant and undeveloped and continues to provide

no tangible benefit to the Village as annexed property. Upon approval of the requested rezoning to R-4, the Property will be developed into a townhome community consistent with the purpose and intent of the Village's future land use plan. The lack of development of the surrounding properties, some of which are bound by the Adjacent Annexation Agreement, provide no benefit to the Village and fail to carry out the Village's developmental goals with respect to this area. Petitioner's proposal will be a starting point for future development that was intended for this area as early as 1994.

SPECIAL USE FOR A PLANNED UNIT DEVELOPMENT

- a. *The special use will be consistent with the purposes, goals, objectives and standards of the Comprehensive Plan, any adopted overlay plan, and these regulations; and*

The Property's future land use designation under the Comprehensive Plan is R-4. The Property does not currently utilize such zoning designation because it was automatically zoned E-1 upon annexation to the Village in 2007 in conformance with Code requirements related to the automatic zoning designation for property upon annexation to the Village. Under the Village's Code, "All undeveloped or partially developed land which shall be annexed to the Village shall be automatically classified and zoned in the E-1 Estate Residence District until otherwise classified in accordance with the Village's Comprehensive Plan". Petitioner now seeks to develop a planned development comprised of 90 townhomes under R-4 zoning in accordance with the Comprehensive Plan designation and this provision of the Code. Upon approval of this special use request, the Property will be developed consistent with the Village's intended land use for the Property at the time which the Comprehensive Plan was adopted.

In addition, general principles guiding future development in Orland Park set forth in the comprehensive plan include the following: "*Promote investment in aging, unkempt and/or vacant properties through renovation, re-use or redevelopment*" and "*Provide adequate and diverse*

housing options to meet the changing lifestyle needs of all ages and economic groups.” By way of proposing a townhome community, Petitioner seeks to address the housing needs of the active adult within the aging population who are seeking to downsize, but not downgrade. The proposal will also allow these specific home buyers to “age-in-place” such that life-long Orland Park residents will not need to move elsewhere. In addition, townhomes will appeal to the younger generation/first-time home buyers. Both target home buyers are seeking limited maintenance associated with homeownership and a townhome community such as the Founders of Orland will meet the needs of this diverse homebuyer group in accordance with the Comprehensive Plan.

b. The special use will be consistent with the community character of the immediate vicinity of the parcel proposed for the project; and

The character of the immediately adjacent properties are as follows:

- i. North: LSPD (Large Scale Planned Development) – Vacant Farmland
- ii. South: E-1 (Estate Residential) – Highway Department of Orland Township (“Township Property”)
- iii. East: E-1 (Estate Residential) -Vacant Farmland
- iv. West: LSPD (Large Scale Planned Development) – Vacant Farmland

The properties to the north and west are subject to the Adjacent Annexation Agreement which contemplates large scale residential development. Since approval of the Adjacent Annexation Agreement, no residential development has occurred on these adjacent properties. Similarly, the adjacent property to the east remains as undeveloped farmland. Accordingly, the construction of a residential planned development will be consistent with the Village’s intended development and character of the community in the immediate vicinity.

- c. The design of the proposed use will minimize adverse effects, including visual impacts on adjacent properties; and*

Currently, the adjacent properties are primarily vacant. However, the Development has been thoughtfully designed to incorporate a significant amount of open space and landscaping buffers to allow for aesthetically pleasing features while ensuring the Development will not negatively impact any potential future development on the adjacent vacant properties.

- d. The proposed use will have an adverse effect on the value of adjacent property; and*

The adjacent properties are primarily vacant and add no significant value to the Village since these properties were annexed nearly 30 years ago. Similarly, the subject property has remained vacant, stagnant, and undeveloped since it was annexed 17 years ago. All of the properties in this vicinity are intended for residential uses. The proposed planned unit development will kick-start the residential development the Village has always intended for this area, which in turn will increase those property values of nearby and adjacent properties by ensuring the Property is developed consistent with the Village's well-established development goals and objectives for this area.

- e. The applicant has demonstrated that public facilities and services, including but not limited to roadways, park facilities, police and fire protection, hospital and medical services, drainage systems, refuse disposal, water and sewers, and schools will be capable of serving the special use at an adequate level of service.*

The municipal services and infrastructure to be incorporated into the proposed community are depicted on the engineering plans submitted herewith. All necessary improvements will be designed and installed in accordance with the Village's design standards and the requested deviation (detailed hereafter) will have no impact on municipal services and infrastructure. Notably, the proposed development is within established

density standards for the R4 District. Therefore, it stands to reason that there will be no unanticipated impact on City services or infrastructure.

f. The applicant has made adequate legal provision to guarantee the provision and development of any open space and other improvements associated with the proposed development; and

Under R-4 zoning, the Petitioner has the option to request a special use for a residential planned development where the development is intended for two or more buildings. A planned development under the R-4 District regulations requires a minimum of twenty percent (20%) of common open space for the community. The proposed community is comprised of 20 buildings for a total 90 townhome dwelling units. With that, the Petitioner is incorporating approximately 51% of common open space into the development, which far exceeds the Village's planned development standards for this zoning designation. The open space will include sidewalks to create an integrated and walkable community with usable and accessible common open space private to the community, which will be owned and maintained by the homeowner's association to be formed for the governance of the residential community. In addition, three park sites collectively comprised of 3.02 acres will be included and integral as the gathering points for the residents of the new community. This common open space will focus on community aesthetic in addition to passive and active recreation for the residents, who the Petitioner anticipates will be empty nesters and young professionals. Other private open space is dedicated to open yards and stormwater basins that will provide attractively landscaped areas, establishing character and making the development an attractive destination for residents.

g. The development will adversely affect a known archaeological, historical, or cultural resource; and

To the best of Petitioner's knowledge, the Development will not adversely affect a known archaeological, historical, or cultural resource.

- h. The proposed use will comply with all additional standards imposed on it by the particular provision of these regulations authorizing such use and by all other applicable requirements of the ordinances of the Village.*

A planned development is intended to provide flexibility in the stringent design metrics of the zoning code in exchange for amenity enhancement, environmental benefit, superior design, or enhanced community vitality. The planned development will comply with all Village standards with the exception of the following deviations:

1. A deviation to allow a net density of 7.7 dwelling units per acre

a. Can the property in question yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located?

The R-4 zoning district is established to provide residential opportunities at a higher level of density. The request for a deviation from the density requirement is a hyper technicality. The proposed gross density for the community is 6 dwelling units per acre, which technically meets the Code requirement under the Village's PUD regulations in the R-4 District. However, Orland Park measures density based upon net buildable acres, which does not include certain easements, park site dedications, right-of-way dedications, and detention areas. Generally, density limitations are put in place to ensure that public facilities, be it utilities, schools, parks, or roadway infrastructure, are not overwhelmed by the number of people output from a development. In this case, the gross density of the development is 6 units per acre, which is the maximum under the Code. Calculating the net density based upon "buildable area" under the Code results in only a slight increase of 7.7 dwelling units per acre. This is a hyper technicality that will certainly not overwhelm the Village's utilities, schools, parks, or roadways, which upholds the intent of density limitations in the first place. Further, the Property's future land use is designated for R-4 under the Village's Comprehensive Plan. Granting the deviation will allow Petitioner to develop a community that aligns with the Village's vision for the Property under its future land use

designation of R-4.

b. Is the plight of the owner due to unique circumstances?

The Property was annexed to the Village in 2007. Since that time, the Property has sat stagnant and undeveloped. Consequently, the adjacent property to the north was annexed to the Village in 1994 and is subject to an annexation agreement contemplating large scale residential development. This property also remains vacant and undeveloped providing no tangible benefit to the Village as annexed property. Though the Village clearly intended property generally located east of Wolf Road and south of 159th Street to be developed for residential use, no development has taken place except for the Spring Creek Townhomes south of the Property. Petitioner seeks to construct a townhome community consistent with the Spring Creek Townhomes, which were deemed an appropriate land use for this area and adjacent to Wolf Road. It is unusual for property to sit stagnant and undeveloped as long as the subject Property and adjacent properties which have all been annexed to the Village and zoned for residential land use. Petitioner's proposal will allow the opportunity to kick-start development in this area consistent with the intent of the Village's past annexations and the governing Comprehensive Plan.

The requested deviation is a matter of hyper technical Code interpretation. The Village's PUD regulations under the R-4 District permits a maximum density of 6 units per acre. At 90 townhomes, Petitioner's proposal is technically 6 units per acre, thereby meeting the density threshold in the Code. However, reducing the property by net buildable area results in a higher density of 7.7 units per acre. In addition to density regulations, the Village also has bulk regulations such as required open space and maximum setbacks to ensure a development will not overcrowd or inhibit adjacent properties. These regulations and limitations are put in place as another means to manage the overall density of a development. The proposed plan meets all setbacks and well

exceeds the minimum open space requirement under the Code. Therefore, the number of units can reasonably be accommodated on the Property without negatively inhibiting or overcrowding adjacent properties in line with the intent of density regulations.

c. Will the variation, if granted, alter the essential character of the locality?

The Property presents an excellent canvas for a development opportunity in line with the Village's comprehensive plan and the Annexation Agreement. The Development encompasses its own subdivision with no residential development surrounding the Property, and accordingly, the deviation will not alter the essential character of the neighborhood nor impair the light or air to adjacent properties, including the adjacent townhome buildings within the subdivision. Granting the variation will allow Petitioner to kick-start development in this area in line with the Property's intent under the 2007 Annexation Agreement, thereby improving the area pursuant to the Village's well-stated development goals and objectives for the Property.

d. Due to the particular physical surroundings, shape or topographical conditions of the specific property involved, is there a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out?

The adjacent properties surrounding the Property remain vacant and undeveloped, though annexed nearly 30 years ago and originally contemplated for residential development though designated for residential land use under the Comprehensive Plan or their respective annexation ordinances. Unfortunately, the surrounding properties provide no tangible benefit to the Village regardless of the planning and effort that went into determining the highest and best use for land development of properties in this area. If granted, the deviation will allow the Petitioner to develop the Property and bring the Village's vision for this area to life. Petitioner thoughtfully planned the Development to include an abundant amount of open space which well exceeds the Village's requirements of 20%. Petitioner sees the value open space, recreational opportunities and heavily

landscaped areas provide to a community and the ultimate living experience a resident is seeking. Significant care and consideration went into thoughtfully planning the proposed development. Many factors come into play during the planning process be it access, circulation, topography, and compliance with governmental codes and regulations. In this instance, the Village's stormwater requirements yield a more shallow stormwater detention basin, which ultimately utilizes more square footage of the site. Due to this unique design, Petitioner is left with less buildable area thereby increasing the net density under the technical Code calculation. However, available open space in excess of 50% will be maintained for the community, all R-4 setbacks will be met, and Petitioner is proposing a community comprised of 6 units per acre, which is in line with the spirit and intent of the Code. If not for certain design requirements, the variation would not be required.

e. How are the conditions upon which the petition for a variation is based unique to the property for which the variance is sought and are not applicable, generally, to the other property?

The conditions are unique in that the proposed community exceeds the open space requirements and meets all minimum setbacks. These requirements are in place to ensure project density is not overwhelmingly abundant such that the number of units inhibit neighboring properties and the units within the project itself. Petitioner is proposing 51% open space, which will be a combination of passive and active recreational features including walking paths and three park sites. In addition, setbacks regulations are in place to ensure adequate separations between buildings and lot lines. This safeguards light and air to adjacent properties. In this case, not only are the adjacent properties from the site unaffected by the variation, but the adjacent townhome buildings proposed will not unreasonably inhibit one another. This is all in line with good planning practices and the unique design will yield a thoughtfully planned community.

f. Has the alleged difficulty or hardship caused by these regulations and not resulted from any act of the applicant or any other person presently having an interest in the property

subsequent to the effective date hereof, whether or not in violation of any portion thereof?

Petitioner did not cause the hardship at hand. The hardship is the result of a hyper technicality in terms of Code interpretation and the formal way to calculate density. However, in viewing the project wholistically, Petitioner's overall density meets the 6 units per acre maximum, all setbacks are met, and the planned open space is well in excess of Code requirements. These combined factors indicate the project will not be inundated with units, will maintain a healthy separation, and open space will be preserved in line with the intent of managing density. If the deviation is not granted, the project is not viable, and the Property will remain vacant and undeveloped as it has along with its neighboring properties for the last several decades.

g. Will the granting of the variation be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located or otherwise be inconsistent with the Comprehensive Plan, any adopted overlay plan or these regulations?

The request is consistent with the Property's comprehensive plan designation of the R-4 Residential district, which is established to provide residential opportunities at a higher density. Given the Property's location off of Wolf Road and near 159th street, a higher density development is very appropriate in this location. In addition, the project will not negatively impact the public welfare. To the contrary, the project will kick-start development in this area in line with the original intent dating back to the Property's annexation in 2007, which in turn will improve the value of properties in the area and generate tax revenue for the Village.

h. Will the proposed variation impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood?

As noted, bulk regulations and open space requirements are put in place as a means to

manage density such that adequate recreational areas are provided, public facilities are not overwhelmed and light and air to adjacent properties is not negatively impacted. With 51% open space proposed, the project well exceeds the 20% open space requirement. In addition, all setbacks will be met, ensuring adequate separation between buildings and lot lines, confirming the deviation will not impair adequate light and air to adjacent properties. Granting the deviation will not increase congestion or endanger public safety. The gross density of 6 units per acre is generally the level of density intended for the Property and as designated on the comprehensive plan. Granting the deviation will allow the project to be developed thereby increasing the nearby property values and the Village's housing stock will be improved.

i. Is the variance granted the minimum adjustment necessary for the reasonable use of the land?

Petitioner requests the minimum adjustment of a net density of 7.7 units per acre to allow for the Development to be constructed in conformity with other Village requirements and regulations.

j. Are aforesaid circumstances or conditions such that the strict application of the provisions of this Section would deprive the applicant of any reasonable use of his or her land? Mere loss in value shall not justify a variance; there must be deprivation of all beneficial use of land.

If granted, the deviation will allow the Petitioner to develop the Property and help bring the Village's vision for this area to life. Strict application of the title inhibits the Petitioner's ability to carry out the project in line with the Village's land use goals and objectives. In fact, Petitioner's gross density of 6 units per acre coupled with meeting all setbacks and open space requirements is in line with meeting the intent of density limitations. Requiring Petitioner to strictly apply the net density calculation to this project will result in the Property's continuation of being vacant and undeveloped, which ultimately negates any positive impact to the Village.

2. Allow a maximum height of 35' to the mean of the roof in lieu of 30'.

As part of the Petitioner's development of the Intended Use, Petitioner requests a deviation from Section 6-205(G) of the Code to allow the height of the rear-loaded townhomes to exceed 30'. Petitioner believes that the planned development and associated deviation accomplish these objectives through significant new public open space amenities. A planned development is intended to provide flexibility in the stringent design metrics of the zoning code in exchange for amenity enhancement, environmental benefit, superior design, or enhanced community vitality. Petitioner believes that the Planned Development and associated deviation accomplish these objectives through significant new public open space amenities and through the diversification of the City's housing stock. In fact, Petitioner is proposing townhomes within this community to ensure there is more diversity of housing within Orland Park. The Code does not address the need for a different height calculation for rear-loaded townhomes and a three-story floor plan. This condition is not unique to the Petitioner's proposal. An alternative design would be a more traditional front loaded townhome product, with a less urban appearance resulting in less diversity of housing, which is not consistent with the Village's principles and objectives. The deviation request meets the standards for a variance as follows:

- a. *Can the property in question yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located?*

The R-4 zoning district is established to provide residential opportunities at a higher level of density. More importantly, the request for a deviation from the height requirement is a hyper technicality. The Code does not take into account the different types of townhome products and

the need for additional height to accommodate garage entrances on rear loaded townhomes with three-story floorplans as proposed. To achieve more urban architecture and a modern townhome community, Petitioner proposes the current product.

Granting the deviation will have no negative impact on providing ample light and air to adjacent properties. In keeping with the intent of the Village's future land use designation for this Property when adopting the Comprehensive Plan, Petitioner seeks to construct 90 townhome units across 20 buildings on the Property. This type of development is exactly what the Village intended for this Property. Not granting the requested deviation will not only limit the Petitioner's return on investment, but will also result in a loss for the Village of Orland Park as it relates to property tax revenue, which the Village currently lacks in this area.

b. Is the plight of the owner due to unique circumstances?

The Property was annexed to the Village in 2007. Since that time, the Property has sat stagnant and undeveloped. Consequently, the adjacent property to the north was annexed to the Village in 1994 and is subject to an annexation agreement contemplating large scale residential development. This property also remains vacant and undeveloped providing no tangible benefit to the Village as annexed property. Though the Village clearly intended property generally located east of Wolf Road and south of 159th Street to be developed for residential use, no development has taken place except for the Spring Creek Townhomes south of the Property.

Petitioner seeks to construct a townhome community consistent with the Spring Creek Townhomes, which were deemed an appropriate land use for this area and adjacent to Wolf Road. It is unusual for property to sit stagnant and undeveloped as long as the subject Property and adjacent properties which have all been annexed to the Village and zoned for residential land use. Petitioner's proposal will allow the opportunity to kick-start development in this area consistent

with the intent of the Village's past annexations and the governing Comprehensive Plan. Petitioner requests relief to allow the mean height be 35' to accommodate the 3-story urban design of this type of housing product, which is highly desirable in today's market.

c. Will the variation, if granted, alter the essential character of the locality?

Height requirements are intended to create uniformity within a zoning district and preserve light and air between adjacent properties. The intent of the Code is met and the buildings will appear to be uniform in height. With this, no unit will overcrowd or inhibit the light or air provided to adjacent properties. Petitioner requests a deviation to allow a mean height of 35' from the finished grade. The proposed height will be consistent throughout the community and no building will be taller than the next. In addition, the community is designed such that adequate separation is maintained between the townhome buildings. With this design, the proposed height will not impair the light and air provided to each townhome building, which is the ultimate purpose of establishing height restrictions in the R-4 district.

Most importantly, and consistent with the intent of a height requirement, the height of all units in the subdivision will be the same height to the sky. With this, Petitioner proposes uniform height throughout the Development and, because the Development encompasses its own subdivision with no residential development surrounding the Property, the increased height of this urban townhome product will not alter the essential character of the neighborhood nor impair the light or air to adjacent properties and the adjacent townhome buildings within the subdivision.

d. Due to the particular physical surroundings, shape or topographical conditions of the specific property involved, is there a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out?

The adjacent properties surrounding the Property remain vacant and undeveloped, though annexed 30 years ago and originally contemplated for residential development though designated

for residential land use under the Comprehensive Plan or their respective annexation ordinances. Unfortunately, the surrounding properties provide no tangible benefit to the Village regardless of the planning and effort that went into determining the highest and best use for land development of properties in this area. If granted, the deviation will allow the Petitioner to develop the Property and bring the Village's vision for this area to life. Petitioner thoughtfully planned the Development to include an abundant amount of open space comprised of 51% of the site, which well exceeds the Village's requirements of 20%. Petitioner sees the value open space, recreational opportunities and heavily landscaped areas provide to a community and the ultimate living experience a resident is seeking. Not granting the deviation will result in the Petitioner revising its plans to offer a completely different product, which may ultimately reduce the overall open space and passive recreational areas for the residents.

e. How are the conditions upon which the petition for a variation is based unique to the property for which the variance is sought and are not applicable, generally, to the other property?

The height of the townhomes is on par with typical three-story urban townhomes in the area. The proposed floor plans provide for first floor entry from the garage with a flex room capable of accommodating a first floor bedroom and powder room on the end units. The second floor comprises the primary living space and kitchen and the third floor accommodates three bedrooms and two bathrooms. This townhome design is widely desired among an array of homebuyers ranging from active empty nesters, to first time home buyers and young professionals – all of whom are seeking low maintenance living with modern finishes. By virtue of the proposed floor plan, the height of the overall townhome building is increased to accommodate the varying levels of living spaces and a first floor/ground level garage entry. Granting the deviation will allow for a community to be designed in accordance with the Village's goals and objectives for residential

development.

f. Has the alleged difficulty or hardship caused by these regulations and not resulted from any act of the applicant or any other person presently having an interest in the property subsequent to the effective date hereof, whether or not in violation of any portion thereof?

The Petitioner seeks the deviation in consideration of good land planning, providing a unique urban housing product, and providing passive and active recreational opportunities for the residents. If the deviation is not granted, the project is not viable, and the Property will remain vacant and undeveloped as it has along with its neighboring properties for the last several decades.

g. Will the granting of the variation be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located or otherwise be inconsistent with the Comprehensive Plan, any adopted overlay plan or these regulations?

Granting the deviation will not be detrimental to the public welfare or otherwise injurious to the adjacent undeveloped properties and will not otherwise impact the adjacent communities. The height will not be visible from to the naked eye in that, the maximum height to the sky will be on par with what is approved in other nearby rear-loaded townhome communities such as Metro East.

h. Will the proposed variation impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood?

The proposed height will be consistent throughout the community and no single building will be taller than the next. In addition, the community is designed such that adequate separation is maintained between the townhome buildings. With this design, the proposed height will not impair the light and air provided to each townhome building, which is the ultimate purpose of establishing height restrictions in the R-4 district.

Most importantly, and consistent with the intent of a height requirement, the height of all

units in the subdivision will be the same height to the sky. With this, Petitioner proposes uniform height throughout the Development and, because the Development encompasses its own subdivision with no residential development surrounding the Property, the increased height of this urban townhome product will not impair adequate light and air to adjacent properties and will certainly not increase congestion, negatively impact light and air into adjacent properties, endanger public safety, or diminish property values within the neighborhood.

i. Is the variance granted the minimum adjustment necessary for the reasonable use of the land?

Petitioner requests the minimum adjustment of 35' to allow for the Development to be constructed in conformity with other Village requirements and regulations.

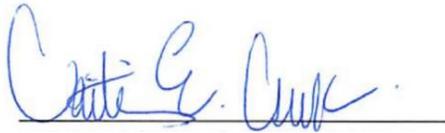
j. Are aforesaid circumstances or conditions such that the strict application of the provisions of this Section would deprive the applicant of any reasonable use of his or her land? Mere loss in value shall not justify a variance; there must be deprivation of all beneficial use of land.

If granted, the deviation will allow the Petitioner to develop the Property and help bring the Village's vision for this area to life. Petitioner thoughtfully planned 51% of the Development to be comprised of open space, which well exceeds the Village's requirements of 20% open space under a planned development. Petitioner sees the value open space and heavily landscaped areas provide to a community and the ultimate living experience a resident is looking for. Petitioner also sees the value in providing a high-quality urban housing product. Not granting the deviation will result in the Petitioner offering a different housing product whose footprint will likely alter the land plan and may reduce the open space such that the community will no longer offer such vast passive recreation areas for the residents. The alternative will deprive the Development of its fullest potential and will eliminate the warm and inviting environment open space of a residential development provides for its residents.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner respectfully petitions the Village to (i) rezone the Property to R-4; (ii) approve a special use for a planned development with an association deviation from the Code; and (iii) approve such other relief from the Code as may be deemed necessary and appropriate to develop the Property consistent with the plans submitted herewith.

RESPECTFULLY SUBMITTED this ____ day of July, 2024

PETITIONER:
Bridge Street Properties, LLC, an
Illinois limited liability company

A handwritten signature in blue ink, appearing to read "Catherine G. Clark", is written over a horizontal line.

By:
ROSANOVA AND WHITAKER LTD.
Attorneys for Petitioner

EXHIBIT A
LEGAL DESCRIPTION

PARCEL 1: THE NORTH 10 ACRES OF SOUTH 1/2 OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 20, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

PARCEL 2: THE SOUTH 5 ACRES OF THE NORTH 15 ACRES OF THE SOUTH 1/2 OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 20, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

PIN(S):

27-20-101-011-0000

27-20-101-013-0000