



Legislation Text

File #: 2019-0083, **Version:** 4

Title

AN ORDINANCE APPROVING A VARIANCE TO INCREASE MAXIMUM LOT WIDTH AND WAIVE REQUIRED SIDEWALK (PEONY PLACE SUBDIVISION - 14421 SECOND AVENUE AND 9852 W. 144TH PLACE)

Body

WHEREAS, a Petition for variances (“Petition”) from the requirements of the Village Land Development Code (“Code”) relative to the maximum permitted lot width and certain sidewalk requirements with respect to the proposed new three (3) lot subdivision on the three (3) existing lots to be known as the Peony Place Subdivision located at 14421 Second Avenue and 9852 W. 144th Place (“Subject Property”), said proposed subdivision located in the OOH Old Orland Historic Zoning District, has been received from Petitioner, John Lawler/2nd Avenue Development, LLC.

WHEREAS, Petitioner seeks approval for:

- (a) A variance for proposed Lots 1 and 2 of the Subject Property to increase the maximum lot width from 50 feet to 62.5 feet; and
- (b) A variance for the Subject Property to waive the required sidewalk along the east side of Second Avenue and the west side of Third Street; and

WHEREAS, the Subject Property is legally described as:

LOTS THIRTY-SEVEN (37), FORTY-FOUR (44), FORTY-FIVE (45) AND FORTY-SIX (46) IN HUMPHREY’S SUBDIVISION OF THE NORTH FOUR HUNDRED AND FIFTY-FIVE (455) FEET OF THE NORTH THIRTY (30) ACRES OF THE SOUTH SIXTY (60) ACRES OF THE WEST HALF OF THE NORTHEAST QUARTER (W. ½ OF NE.1/4) OF SECTION NINE (9), TOWNSHIP THIRTY-SIX (36) NORTH, RANGE TWELVE (12), EAST OF THE THIRD (3RD) PRINCIPAL MERIDIAN, LYING EAST OF THE WABASH, ST. LOUIS & PACIFIC RAILROAD, IN COOK COUNTY, ILLINOIS;

and

WHEREAS, the Petition was referred to the Plan Commission and was processed in accordance with the Code; and

WHEREAS, on April 2, 2019, the Plan Commission held a public hearing on the Petition pursuant to notice thereof given in the manner provided by law, and, after considering all of the evidence and testimony presented at the public hearing, the Plan Commission unanimously recommended approval of the variances, all as set forth in the Findings and Recommendations of the Plan Commission submitted to the President and Board of Trustees of the Village; and

WHEREAS, the Village President and Board of Trustees have duly considered the Plan Commission's Findings and Recommendations, and all of the materials, facts and circumstances affecting the Petition and finds that the Petition satisfies the standards set forth in the Code relative to variances.

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 foregoing recitals are incorporated herein by reference as findings of the President and Board of Trustees.

SECTION 2

The President and Board of Trustees, acting pursuant to the authority vested in them by the laws of the State of Illinois, as a home rule municipality, and the Code, hereby approve and adopt the Findings and Recommendations, and incorporate the same by reference as fully set forth herein. The President and Board of Trustees further approve the variances from the requirements of the Code, to-wit:

(a) A variance for proposed Lots 1 and 2 of the Peony Place Subdivision to increase the maximum lot width from 50 feet to 62.5 feet as depicted in the below-referenced Site Plan; and

(b) A variance for the Peony Place Subdivision to waive the required sidewalk along the east side of Second Avenue and the west side of Third Avenue as depicted on the below-referenced Site Plan.

SECTION 3

The approval of the above variances is conditioned upon:

(a) Development of the Subject Property pursuant to the preliminary site plan entitled "Preliminary Site Plan" prepared by Design Tek Engineering, LLC, dated March 11, 2019, last revised March 22, 2019, subject to the following conditions:

- i) Submission of a Landscape Plan that includes parkway tree requirements and a tree mitigation plan;
- ii) Installation of permeable pavement in the driveways of all three (3) lots;
- iii) Meeting all final Village engineering requirements including required permits and approvals from outside agencies;
- iv) Meeting all Building Code requirements; and
- v) Screening all mechanical equipment either at grade or on the roof top.

(b) Development of the Subject Property pursuant to the subdivision and preliminary plat titled "Final Plat of Peony Place" prepared by Design Tek Engineering, LLC, dated January 3, 2019, and last revised March 19, 2019, subdividing the Subject Property into three (3) single-family lots, subject to the conditions set forth in (a) above as well as submission of a Record Plat of Subdivision to the Village for execution and recording.

SECTION 4

Any violation of any terms or conditions stated in this Ordinance or of any applicable Code, Ordinance or Regulation of the Village shall be grounds for immediate rescission and repeal of the approvals provided for in this Ordinance.

SECTION 5

Each section, paragraph, clause and provision of this Ordinance is separable, and if any section, paragraph, clause or provision of this Ordinance shall be held unconstitutional or invalid for any reason, the unconstitutionality or invalidity of such section, paragraph, clause or provision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision. All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 6

This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet form in the manner provided by law.