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Property of Cook County Clerk's Office

**ORDINANCE NO. M-1501**

**AN ORDINANCE GRANTING VARIATIONS FOR DENSITY, FLOOR AREA RATIO, SIDE YARD SETBACK, AND PARKING LOT DESIGN, AS WELL AS GRANTING A SPECIAL USE PERMIT TO ALLOW A MULTI-FAMILY RESIDENTIAL USE ON PROPERTY ZONED M-MANUFACTURING, LOCATED AT 2321-2341 183<sup>RD</sup> STREET, HOMEWOOD, ILLINOIS**

**WHEREAS**, 65 ILCS 5/11-13 *et seq.* authorizes municipalities under 500,000 population to determine and vary the application of their zoning regulations relating to the use of land; and

**WHEREAS**, said 65 ILCS 5/11-13 *et seq.* further authorizes the granting of zoning variations, by passage of an Ordinance; and

**WHEREAS**, said 65 ILCS 5/11-13-13-1.1 *et seq.* further authorizes the granting of a special use by passage of an Ordinance; and

**WHEREAS**, the President and Board of Trustees of the Village of Homewood, Cook County, Illinois, deem it appropriate and are willing to grant a special use and zoning variations for the property hereinafter described to permit the redevelopment of the property with multi-family residential development subject to the terms and provisions hereof.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Homewood, Cook County, Illinois, that:

## SECTION ONE – FINDINGS OF FACT:

In connection with this Ordinance and based upon the record of public hearings before the Homewood Plan Commission, the Zone Board of Appeals and Village Board of Trustees, and based upon evidence presented at all of said public hearings, the President and Board of Trustees herewith make findings of fact as follows:

1. The petitioner, Dennis Wiegand, is the owner of the subject property immediately west of Flosswood Condominiums.
2. The subject property is located in the M Manufacturing District. Uses permitted in the M District would not be compatible to the existing use (Flosswood Condominiums) located immediately east and south of the subject property.
3. The proposed use, multi-family residential, is allowed in the M District as a special use.
4. The existing development on the adjoining property is multi-family residential and was approved in 1969 by a variation.
5. Petitioner's request is for a 40-unit development, which exceeds the maximum density for multi-family developments. The 40-unit development would be located in two 5-story buildings. The buildings would have a brick façade, would not exceed 50 feet in height, and would have flat roofs so as not to exceed the maximum height requirement.
6. The allowable density for multi-family residential is 1 unit per 3,100 sf of land area. The land area of the subject property is 86,987 sf, which could accommodate 28 units without a variance. The density of the Flosswood Condominiums is one unit per 2,330 sf of land. With this variance, the density of the subject property would be one unit per 2,136 sf of land.
7. The proposed Floor Area Ratio (FAR) is .76 for this parcel and .73 for the entire development. The allowable FAR is .60.
8. The original development of the subject property was approved in 1969 with an FAR of .73. The proposed construction would not be an increase over the original proposal.
9. Flosswood Condominiums have detached garages that are located within the rear and side yards. This proposal seeks a similar approval of a 6-foot variation to allow garages within the side yard on the west lot line.
10. The proposed parking lot lane has a width of 24 feet, which requires a variation of 3 feet from parking lot design requirements. The standard lane width of 27 feet has been deemed excessive for today's standards and a lane width of 24 feet is deemed sufficient for today's standards.

11. The Plan Commission voted 3-3 to approve the special use request, as presented at the September 12<sup>th</sup> Plan Commission meeting.
12. The Plan Commission has reviewed the site plans revised after the September 12<sup>th</sup> vote and has informally recommended that the revised plan be approved.
13. The Zone Board of Appeals unanimously, by a vote of 7-0, recommended approval of the variations, as presented, at their July 26, 2001 meeting.

## **SECTION TWO – LEGAL DESCRIPTION:**

The property which is the subject matter of this Ordinance is legally described as follows:

That part of lots 1 and 2 in the subdivision of the North 462 feet of that part of the Northwest  $\frac{1}{4}$  lying westerly of the westerly right of way line of the Illinois Central Railroad and that part of the Northwest  $\frac{1}{4}$  of Section 6, Township 35 North, Range 14 East of the Third Principal Meridian described as follows:

Beginning at the point of intersection of a line 33 feet south (measured at right angles) of the north line of the northwest  $\frac{1}{4}$  of Section 6 with a line 560 feet east of and parallel to the west line of the northwest  $\frac{1}{4}$  of Section 6; thence South on said parallel line a distance of 120 feet to a point; thence west on a line 153 feet south of and parallel to the north line of the northwest  $\frac{1}{4}$  of Section 6 a distance of 60 feet to a point; thence south on a line 500 feet east of and parallel to the west line of the northwest  $\frac{1}{4}$  of Section 6, a distance of 30 feet to a point; thence west on a line 183 feet south of and parallel to the north line of the northwest  $\frac{1}{4}$  of Section 6, a distance of 110 feet to a point; thence south on a line 390 feet east of and parallel to the west line of the northwest  $\frac{1}{4}$  of Section 6, a distance of 279.10 feet to a point; thence west on a straight line which makes an angle of 89 degrees, 58 minutes, 15 seconds with the last named parallel line when turned from north to west, a distance of 38.59 feet to a point; thence south on a line 350.81 feet east of and parallel to the west line of the northwest  $\frac{1}{4}$  of Section 6, to the point of intersection with a line 180 feet north of and parallel to the north line of Flosswood Subdivision, a subdivision of part of the northwest  $\frac{1}{4}$  of said Section 6, thence easterly on the last named parallel line to the point of intersection with a line 581 feet east of and parallel to the west line of the northwest  $\frac{1}{4}$  of Section 6, thence north on the last named parallel line, a distance of 286.95 feet to a point; thence easterly on a straight line, said line which is 467 feet north of and parallel to the north line of Flosswood Subdivision a distance of 68 feet to a point; thence northerly on a straight line, said line which is 649 feet east of and parallel to the west line of the northwest  $\frac{1}{4}$  of said Section 6, to the point of intersection with a line 33 feet south (as measured at right angles) of the north line of the northwest  $\frac{1}{4}$  of Section 6, thence westerly on the last named line to the point of beginning, in Cook County, Illinois.

Permanent Index Numbers: 32-06-100-072-0000  
32-06-100-076-0000

Commonly Known As: 2321-41 183<sup>rd</sup> Street  
Homewood, IL 60430

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## **SECTION THREE – GRANTING OF SPECIAL USE:**

A special use is hereby granted for the purpose of allowing a multi-family residential development to be constructed on the subject property, which is zoned M, Manufacturing.

## **SECTION FOUR – GRANTING OF ZONING VARIATIONS:**

The following variations are hereby granted for the sole purpose of allowing the construction of a multi-family residential development:

1. A variation from density requirements to allow 40 units to be constructed on the subject property.
2. A variation from Floor Area Ratio (FAR) requirements to allow an FAR of .76 on the subject property.
3. A variation of six feet from side yard setback requirements to allow the garages to be placed on the west lot line.
4. A variation of three feet to allow the parking area lane to be 24 feet in width.

## **SECTION FIVE – APPROVAL OF DOCUMENTS:**

The following documents are hereby approved as hereinafter provided and made part of this Ordinance:

1. Proposed site plan identified as Flosswood Station and dated September 18, 2001.
2. Topographical Survey as prepared by Landmark, with a revision date of May 1, 2001.

## **SECTION SIX – USE RESTRICTIONS AND CONDITIONS:**

The approvals granted by this Ordinance are subject to the following conditions and approvals:

1. Prior to the start of construction, the petitioner shall complete soil tests to determine what, if any, additional measures will be necessary to comply with building requirements.
2. All construction traffic shall use the 183<sup>rd</sup> Street entrance as the sole means of ingress and egress.
3. The petitioner, Mr. Dennis Wiegand, shall incorporate into the condominium by-laws a requirement that all units be owner-occupied.

4. Each building shall be a five-floor, 20-unit structure, with four units per floor. The maximum height of each building shall be 50 feet.
5. The petitioner shall try to match the face brick of the proposed construction to that of the existing development, known as Flosswood Condominiums.
6. Prior to the start of construction, the petitioner must appear before the Appearance Commission for review of: exterior façade of the buildings, landscaping, wall signage, and provision for sufficient green space.
7. Prior to construction, the petitioner shall verify all utility locations and shall amend any easements, as required.
8. Construction of the proposed development shall begin with the southern unit. Construction shall begin within 12 months of the approval of this Ordinance and construction of all units shall be completed within 24 months after the start of construction.
9. The petitioner shall comply with all construction regulations to assure a safe work environment to protect the construction workers on the subject property and the residents and guests of Flosswood Condominiums.
10. The existing entrances to the Flosswood Condominiums and the subject property, from 183<sup>rd</sup> Street and from Western Avenue, shall remain open and unobstructed at all times.
11. Prior to the issuance of a building permit, petitioner shall record an easement for ingress and egress in favor of the Flosswood Condominiums to allow continued usage of the existing 183<sup>rd</sup> Street entrance to that development. This easement shall be in a form acceptable to the Village. If such an easement already exists, petitioner shall provide a copy of the recorded document granting such easement.

**SECTION SEVEN – ADDITIONAL MATERIALS TO BECOME A PART OF THIS ORDINANCE:**

The following documents are hereby made a part of this Ordinance:

1. Homewood Plan Commission minutes of July 12, 2000, April 25, 2001, and September 12, 2001, as they relate to the subject Zoning Ordinance.
2. Homewood Zone Board of Appeals minutes of July 12, 2001, and July 26, 2001, as they relate to the subject Zoning Ordinance.
3. Homewood Village Board minutes of September 25, 2001, and October 23, 2001, as they relate to the subject Zoning Ordinance.

**SECTION EIGHT - VIOLATION OF CONDITIONS:**

Failure to begin construction of the proposed development within twelve months from the effective date of this Ordinance or violation of any of the terms and provisions of this Ordinance shall be cause to rescind this Ordinance upon prior notice to petitioner.

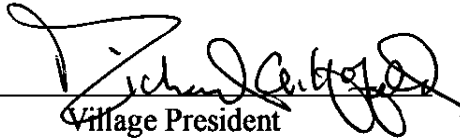
**SECTION NINE - RECORDING:**

The Village Attorney shall cause this Ordinance to be recorded in the Office of the Recorder of Deeds of Cook County, Illinois.

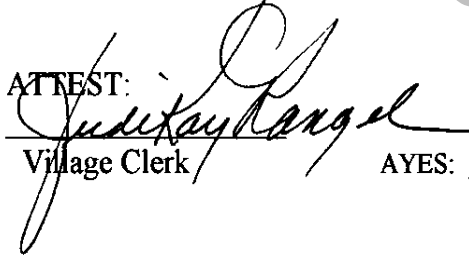
**SECTION TEN - EFFECTIVE DATE:**

This Ordinance shall be effective upon its passage, approval, and publication in accordance with law.

PASSED and APPROVED this 23rd day of October, 2001.

  
Village President

ATTEST:

  
Village Clerk

AYES: 4 NAYS: 2 ABSTENTIONS: 0 ABSENCES: 0

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I hereby certify that the attached is a true and accurate copy of an Ordinance passed by the President and Board of Trustees of the Village of Homewood on October 23, 2001.

  
Deputy Village Clerk

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MAIL TO  
WALTER D. CUMMINGS

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