

ORDINANCE REZONING CERTAIN REAL ESTATE FROM E-1 ESTATE RESIDENTIAL DISTRICT TO R-2 RESIDENTIAL AND GRANTING A SPECIAL USE AND VARIANCES (DEER HAVEN ESTATES II – 14401 TO 14421 S. WOLF ROAD)

WHEREAS, a petition for rezoning of and granting a special use permit and variances for certain real estate, as set forth below, has been filed with the Village Clerk of this Village and said petition has been referred to the Plan Commission of this Village and has been processed in accordance with the Land Development Code (the "Code") of the Village of Orland Park as amended; and

WHEREAS, said Plan Commission of this Village held a public hearing on April 8, 2014, on whether the requested rezoning, variances and special use permit should be granted, at which time all persons present were afforded an opportunity to be heard; and

WHEREAS, public notice in the form required by law, was given of the April 8, 2014, public hearing by publication not more than 30 days nor less than 15 days prior to said meeting in the Orland Park Star and The Daily Southtown, newspapers of general circulation in this Village, there being no newspaper published in this Village; and

WHEREAS, the Plan Commission of this Village has filed its report of findings and recommendations with this President and Board of Trustees, and this Board of Trustees have duly considered said report and findings and recommendations;

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 and findings and recommendations of the Plan Commission of this Village regarding the proposed rezoning and special uses are herein incorporated by reference as the findings of this President and Board of Trustees, as completely as if fully recited herein at length. All exhibits submitted at the aforesaid public hearing are also hereby incorporated by reference as fully as if attached hereto. This President and Board of Trustees further finds that the proposed rezoning, special use and variances are 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 Orland Park Land Development Code as set forth in Section 1-102 thereof. Said rezoning, special use and variances are also in accordance with the provisions of the Comprehensive Land Use Plan of the Village.

SECTION 2

The Orland Park Land Development Code, as amended, be further amended by reclassifying and rezoning the following described real estate (the "Subject Property"):

PARCEL 1:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN LYING NORTH OF THE NORTH LINE OF THE SOUTH 100 ACRES OF SAID NORTHWEST QUARTER, LYING SOUTH OF THE NORTH 60 ACRES OF SAID NORTHWEST QUARTER AND LYING WEST OF THE EAST 16.5 FEET OF THE WEST 30 ACRES OF THE NORTH HALF OF THE SOUTH 100 ACRES OF SAID NORTHWEST QUARTER EXTENDED NORTH, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

THE NORTH 6 ACRES OF THE WEST 30 ACRES (EXCEPT THE EAST 16.50 FEET OF SAID WEST 30 ACRES) OF THE NORTH HALF OF THE SOUTH 100 ACRES OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 3:

THE SOUTH 6 ACRES OF THE NORTH 12 ACRES OF THE WEST 30 ACRES (EXCEPT THE EAST 16.50 FEET THEREOF) OF THE NORTH HALF OF THE SOUTH 100 ACRES OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 4:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF THE NORTH LINE OF THE SOUTH 305.88 FEET OF THE NORTH 639.588 FEET OF THE WEST 30 ACRES OF THE NORTH HALF OF THE SOUTH 100 ACRES OF SAID NORTHWEST QUARTER, LYING SOUTH OF THE SOUTH LINE OF THE NORTH 12 ACRES OF THE WEST 30 ACRES OF THE SOUTH 100 ACRES OF SAID NORTHWEST QUARTER, AND LYING WEST OF THE EAST 16.50 FEET OF THE WEST 30 ACRES OF THE SOUTH 100 ACRES OF SAID NORTHWEST QUARTER, IN COOK COUNTY, ILLINOIS.

PINs 27-08-100-040 (14401 S. Wolf Road) and 27-08-100-042 (14421 S. Wolf Road)

from E-1 Estate Residential District to R-2 Single-Family Residential District under the Code, as amended.

SECTION 3

In addition to the findings set forth in Section 1 hereof, this Board of Trustees further finds, in relation to the proposed special use permit for a planned development as follows:

A. The Subject Property contains approximately 12.3 acres and is located within the Village of Orland Park in Cook County, Illinois, at 14401 and 14421 S. Wolf Road. The Subject Property is of the type contemplated in Section 6-203(B) 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 for seventeen (17) single-family lots and one (1) storm water detention lot

under the R-2 Residential Zoning classification, with a special use for disturbance of a wetland and lot width, street width setback and detention pond slope variances. The site provides for adequate buffering of the proposed uses from surrounding land uses.

B. The proposed use of the Subject Property is consistent with the purposes, goals, objectives and standards of the Comprehensive Plan, any adopted overlay plan and the Land Development Code. The Comprehensive Plan designates this property as R-2 Single-Family Residential with a maximum 1.0 dwelling units per 1/2 gross acre. The plan approved herein reflects only .69 dwelling units per gross acre.

C. The proposed special use will be consistent with the character of the immediate vicinity of the Subject Property. To the north is Alexis Estates subdivision and Deer Haven I subdivision, and to the south and east is Royal Oaks subdivision.

D. The proposed use of the Subject Property creates no adverse effects, including visual impacts, on adjacent properties. The proposed special uses will not adversely affect the value of adjacent property.

E. The Petitioners have 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 uses at an adequate level of service. Adequate measures have been or will be taken to provide ingress and egress so designed to minimize traffic congestion in the public streets. The entrances and exits will comply with all applicable requirements, and internal traffic is adequately provided for.

F. Petitioners have made adequate legal provision, through cash in lieu of land to the Village and home owner covenants, to guarantee the provision and preservation of all open spaces designated on the site plan and other improvements associated with the special use.

G. The proposed use will not adversely affect a known archaeological, historical or cultural resource.

H. The proposed special use shall comply with all additional standards imposed on it by all other applicable requirements of the ordinances of the Village and the Annexation Agreement authorized and approved by this Village President and Board of Trustees dated June 2, 2014 (the "Annexation Agreement").

SECTION 4

A special use is hereby granted for a single-family Residential Planned Development of the Subject Property described in Section 2 hereof, subject to and conditioned upon the following:

4(a). The Subject Property shall be developed by Petitioner substantially in accordance with the final Site plan appended hereto and incorporated herein as EXHIBIT A, entitled "DEER HAVEN ESTATES PHASE II, PRELIMINARY SITE PLAN," pages 1 and 2, prepared by

SPACECO CONSULTING ENGINEERS dated February, 2014, received April 2, 2014, and Illustrative Master Plan entitled "DEER HAVEN ESTATES PHASE II" by Flaherty Builders/Developers, received April 30, 2014, subject to the following conditions:

The Subject Property shall be developed substantially in accordance with the preliminary site plan appended hereto and incorporated herein as EXHIBIT A entitled "DEER HAVEN ESTATES PHASE II, PRELIMINARY SITE PLAN" pages 1 and 2, prepared by SPACECO CONSULTING ENGINEERS, Job No. 7035, dated February 24, 2014, received April 2, 2014, and the Illustrative Master Plan titled "DEER HAVEN ESTATES PHASE II," by Flaherty Builders/Developers, received April 30, 2014, provided Petitioner shall:

1. Submit a Final Landscape Plan, meeting all Village Codes, for separate review and approval within 60 days of final engineering approval.
 - a. Identify all trees to be preserved and removed.
 - b. Include Tree Mitigation Chart.
 - c. Provide naturalized pond plantings with native species.
 - d. Provide a viable ground covering in the depressional storage area based on the final Stormwater Management Report.
 - e. Provide street trees.
 - f. Include plan details.
2. Provide cash deposit for future sidewalk along Wolf Road.
3. Construct the park as shown on the Illustrative Master Plan on or before issuance of the 10th building permit, which includes playground equipment, a curbed playground area with underdrain and play surface, a picnic shelter, landscaping and an asphalt trail, with construction cost not to exceed \$140,000.00. The Petitioner and the Village shall work cooperatively in approval of the final park improvement plan so that the cost of the park improvements does not exceed \$140,000.00. Petitioner shall construct the park when building permits have been issued for at least nine (9) lots.
4. Meet all final engineering and building code related items.

4(b). The Subject Property shall be subdivided substantially in accordance with the DEER HAVEN ESTATES PHASE II PRELIMINARY PLAT OF SUBDIVISION by SPACECO CONSULTING ENGINEERS; Job #7035; dated March 29, 2012, revised February 24, 2014, and received February 28, 2014; subject to the same conditions as outlined in Section 4(a) above plus the Petitioner shall submit a Record Plat of Subdivision to the Village for recording.

4(c). The Village hereby grants a Special Use Permit to disturb a wetland.

4(d). The Village hereby grants the following variances:

1. Lot width reductions on four lots:

- a. Lot 5 from a required 110' corner lot width to a supplied 107.8'.
- b. Lot 6 from a required 110' corner lot width to a supplied 109.2'.
- c. Lot 8 from a required 100' at the 30' front setback line to a supplied 87.8'.
- d. Lot 9 from a required 100' at the 30' front setback line to a supplied 88.61'.

2. Street width reduction from a required 60' right of way width to a supplied 50' right of way width; and cul-de-sac right of way width from a required 120' to a supplied 110'.
3. Detention pond variances:
 - a. Setback reduction from a required 25' pond setback to as little as no setback.
 - b. Detention pond maintenance strip width reduction from a required 15' to a supplied 8'.
 - c. Detention pond slope increase from a maximum limit of 4:1 to a supplied 3:1 slope.

SECTION 5

The Petitioner (Permittee) hereunder shall at all times comply with the terms and conditions of the special use permit and the said Annexation Agreement herein granted and in the event of non-compliance, said permit shall be subject to revocation by appropriate legal proceedings.

SECTION 6

The zoning map of the Village of Orland Park, Cook and Will Counties, Illinois, be amended so as to be in conformance with the rezoning and special use as aforesaid.

SECTION 7

That this Ordinance shall be in full force and effect from and after its adoption and approval as required by law.