

McNaughton

DEVELOPMENT, INC.
LAND DEVELOPMENT – CUSTOM CONSTRUCTION

April 6, 2017

Ms. Jane Turley
Senior Planner
Village of Orland Park
14700 Ravinia Avenue
Orland Park, IL 60462

RE: Bluff Pointe Development Submittal
Special Use Standards – Floodplain Buffer

Dear Ms. Turley:

Introduction

The Bluff Pointe development submittal requires a special use. The boundaries of lots #31-34 are within 50' of the existing floodplain limitations. Upon completion of proposed grading under the Bluff Pointe development submittal, lots #31-34 will no longer encroach the 50' buffer. This special use is required because of the chronology of the sequence of events. Because the preliminary plat may be approved and recorded prior to the proposed cutting and filling of the floodplain, Staff has requested that petitioner prepare this special use. Because this special use will be moot as soon as the proposed grading occurs, responses to the special use standards will be crafted to reflect this reality.

Special Use Standards

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

The special use does not alter any of the purposes, goals, and objectives and standards of the Comprehensive Plan, any adopted overlay plan or Village codes. The special use will be moot after proposed grading occurs.

2. The special use will be consistent with the community character of the immediate vicinity of the parcel for development.

The special use does not alter the character of the community in the immediate vicinity of the development. The special use will be moot after proposed grading occurs.

McNaughton DEVELOPMENT, INC.

LAND DEVELOPMENT – CUSTOM CONSTRUCTION

3. The design of the proposed use will minimize adverse effect, including visual impacts on adjacent properties.

The special use does not impact adversely on adjacent properties – it has no visual component. The special use will be moot after proposed grading occurs.

4. The proposed use will not have an adverse effect on the value of the adjacent property.

The special use has no bearing on value. The special use will be moot after proposed grading occurs.

5. That 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 special use, if granted, has no bearing on governmental services.

6. 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.

The granting of the special use does not impact applicant's commitment or ability to install the subdivision improvements.

7. The development will not adversely affect a known archaeological, historical or cultural resource.

This is not applicable – there are no such resources impacted.

8. 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 requirements of the ordinances of the Village.

Yes. The special use will be moot after proposed grading occurs.

McNaughton_{DEVELOPMENT, INC.}

LAND DEVELOPMENT – CUSTOM CONSTRUCTION

March 7, 2017

Ms. Jane Turley
Senior Planner
Village of Orland Park
14700 Ravinia Avenue
Orland Park, IL 60462

RE: Bluff Pointe Development Submittal
Variation Standards – Floodplain Buffer

Dear Ms. Turley:

Introduction

The Bluff Pointe development submittal varies from Village of Orland Park code. The boundaries of lots #31-34 are within 50' of the existing floodplain limitations. Upon completion of proposed grading under the Bluff Pointe development submittal, lots #31-34 will no longer encroach the 50' buffer. This variation is required because of the chronology of the sequence of events. Because the preliminary plat may be approved and recorded prior to the proposed cutting and filling of the floodplain, Staff has requested that petitioner prepare this variation. Because this variation will be moot as soon as the proposed grading occurs, responses to the variation standards will be crafted to reflect this reality.

Variation Standards

1. That the property in question cannot 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.

If strictly enforced, petitioner would be forced to remove lots 31-34 from its preliminary plat of subdivision, and then, when the requisite cutting and filling of the floodplain occurs, petition to re-subdivide including these 4 lots, which would then be conforming in all ways.

2. That the plight of the owner is due to unique circumstances.

Because this is a mere sequencing issue that resolves itself and renders this variation moot upon development of the parcel, the hardship is unique.

McNaughton[®] DEVELOPMENT, INC.

LAND DEVELOPMENT – CUSTOM CONSTRUCTION

3. That the variation, if granted, will not alter the essential character of the locality.

*Every lot in the proposed development is code-conforming from a standpoint of zoning.
The grant of this variation does not change that.*

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

If strictly enforced, petitioner would be forced to remove lots 31-34 from its preliminary plat of subdivision, and then, when the requisite cutting and filling of the floodplain occurs, petition to re-subdivide including these 4 lots, which would then be conforming in all ways.

5. That the conditions upon which the petition for variation is based are unique to the property for which the variance is sought and are not applicable, generally, to other property.

Because this is a mere sequencing issue that resolves itself and renders this variation moot upon development of the parcel, the hardship is unique.

6. That the alleged difficulty or hardship is caused by these regulations and has 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 hardship is not a result of petitioner's actions or omissions.

7. That the granting of the variation will not 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.

*Every lot in the proposed development is code-conforming from a standpoint of zoning.
The grant of this variation does not change that.*

8. That the proposed variation will not 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.

*Every lot in the proposed development is code-conforming from a standpoint of zoning.
The grant of this variation does not change that.*

McNaughton_{DEVELOPMENT, INC.}

LAND DEVELOPMENT – CUSTOM CONSTRUCTION

9. That the variance granted is the minimum adjustment necessary for the reasonable use of the land.

The variation is temporal. It becomes moot upon the development of the land per the approved engineering plans.

10. That aforesaid circumstances or conditions are 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 a deprivation of all beneficial use if land.

If strictly enforced, petitioner would be forced to remove lots 31-34 from its preliminary plat of subdivision, and then, when the requisite cutting and filling of the floodplain occurs, petition to re-subdivide including these 4 lots, which would then be conforming in all ways.