

ORDINANCE GRANTING A SPECIAL USE WITH MODIFICATIONS (BLUFF POINTE – 16900-17000 WOLF ROAD)

WHEREAS, a petition for granting a Special Use Permit with modifications for certain real estate, as set forth below (the “Subject Property”), 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 May 9, 2017, on whether the requested 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 May 9, 2017, public hearing by publication not more than 30 days nor less than 15 days prior to said meeting in the Orland Park Prairie, a newspaper published in and of general circulation 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 has 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 Special Use 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 Special Use with modifications is 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 special use with modifications is also in accordance with the provisions of the Comprehensive Land Use Plan of the Village.

SECTION 2

The Subject Property is legally described as follows:

PARCEL 1:

THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THAT PART FALLING IN BROOK HILLS P.U.D. UNIT ONE, BEING A SUBDIVISION OF THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 36 NORTH, RANGE 12) ALL IN COOK COUNTY ILLINOIS.

PARCEL 2:

THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY ILLINOIS.

PARCEL 3:

THE SOUTH 685.92 OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY ILLINOIS.

PINS: 27-30-400-020; 27-30-400-006; 27-30-201-021

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 to infringe on and modify a wetland and flood plain as follows:

A. The Subject Property contains approximately 26.26 acres and is located within the Village of Orland Park in Cook County, Illinois, at 16900-17000 S. Wolf Road. The Subject Property is of the type contemplated in Section 6-205.1(C) 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 forty-nine (49) single-family lots and two (2) outlots for storm water detention and flood plain under the LSPD Residential Zoning classification, with a Special Use to infringe and modify a wetland and flood plain and modifications to reduce the existing fifty foot (50') wetland setback, to reduce the existing fifty foot (50') flood plain setback, to reduce the fifteen foot (15') wide detention pond access buffer and to increase the pond side slopes from 4:1 to a 3:1 slope. 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-3 Single-Family Residential in the Grasslands Planning District.

C. The proposed Special Use will be consistent with the character of the immediate vicinity of the Subject Property. To the north is undeveloped land anticipated for future single-family homes zoned LSPD; to the east is unincorporated Cook County; to the south is the Brook Hills Townhomes and single-family subdivision, and to the west are the Grasslands and Brook Hills residential subdivisions.

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

E. The Petitioner 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 Subject Property 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. Petitioner has made adequate legal provision, through the land dedication 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 Subject Property development.

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

H. The proposed Special Use to infringe on and modify a wetland and flood plain shall comply with all additional standards imposed on it by all other applicable requirements of the ordinances of the Village and the Development Agreement authorized and approved by this Village President and Board of Trustees dated November 6, 2017 (the "Development Agreement").

SECTION 4

A Special Use to infringe on and modify a wetland and flood plain is hereby granted for a single-family Residential Development of the Subject Property described in Section 2 hereof, subject to and conditioned upon the following:

A. The Subject Property shall be developed substantially in accordance with the preliminary plan appended to the Development Agreement as EXHIBIT A entitled "PRELIMINARY SITE PLAN FOR BLUFF POINTE SUBDIVISION" prepared by DESIGNTEK ENGINEERING, INC., dated February 23, 2017, revised April 10, 2017, subject to the following:

1. Prior to issuance of building permits, Petitioner shall pay the Village \$21,008 in recapture fees for the Wolf Road sanitary interceptor extension.
2. Petitioner shall work with Village Engineers to shift pond away from south property line.
3. Petitioner shall work with Village Engineers to assess Wolf Road culvert condition.
4. Petitioner shall complete a Traffic Study that meets Village Engineer's requirements.
5. Petitioner shall construct the Wolf Road curb cut prior to site development (subject to Illinois Department of Transportation approval) and then utilize it for all construction traffic access.
6. The development of the three already platted but undeveloped lots in adjacent The Grasslands is not part of this Special Use and requires separate consideration and approval.

7. Petitioner shall submit a Final Landscape Plan, meeting all Village Codes, for separate Village review and approval, within sixty (60) days of final engineering approval, reflecting the submitted Preliminary Landscape Plan and including the following items:

- a. Address the required tree mitigation as a part of the final Landscape Plan.
- b. Provide a hydro-period analysis and maintenance and monitoring plan for pond.
- c. In accordance with the Spring Creek (Gallagher & Henry) Annexation Agreement, dated September 15, 1994, provide a minimum fifteen foot (15') landscape buffer on the rear of lots 37-49, to be installed by the home builder and protected by the landscape easement shown on the Final Plat. Plant material must be carefully coordinated with any rear lot drainage swales and other grading.

d. Plant trees around the detention pond and along the rear slope abutting lots 31-36.

8. Site Plan building envelopes, setbacks, and easements are subject to final engineering and building approvals.

9. Retaining walls are not to exceed three feet (3') in height unless they are designed and tiered per Code requirements.

10. Meet all final Village engineering and Building Division requirements and approvals.

11. The Petitioner shall subdivide the land and dedicate the subdivision's interior public streets, as shown on EXHIBIT A appended to the Development Agreement, subject to the condition that the Petitioner submit a final Record Plat of Subdivision to the Village for approval and recording, which Plat shall include the conditions set forth in this Subsection A.

B. The Subject Property is hereby granted a Special Use Permit, subject to the conditions specified in Subsection A above:

C. The Subject Property is hereby granted modifications to reduce the existing wetland setback and floodplain setback, to reduce the fifteen foot (15') wide detention pond access buffer and to increase the pond side slopes from a 4:1 slope to a 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 Development 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 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.