

ORDINANCE REZONING CERTAIN REAL ESTATE FROM E-1 ESTATE RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL AND GRANTING A SPECIAL USE AND VARIANCES (GREYSTONE RIDGE – 11434 W. 139<sup>TH</sup> STREET)

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 14, 2015, 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 14, 2015, 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 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"):

THE EAST HALF (EXCEPT THE SOUTH 493.62 FEET OF THE WEST 228.0 FEET THEREOF) OF THE SOUTH WEST QUARTER OF THE NORTH EAST QUARTER OF SECTION 6, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

PIN NO. 27-06-202-020-0000.

from E-1 Estate Residential District to R-3 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 disturbance of a wetland as follows:

A. The Subject Property contains approximately 17.0 acres and is located within the Village of Orland Park in Cook County, Illinois, at 11434 W. 139<sup>th</sup> Street. The Subject Property is of the type contemplated in Section 6-204(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 thirty-nine (39) single-family lots and two (2) storm water detention outlots under the R-3 Residential Zoning classification, with a special use for disturbance of a wetland and variances (modifications) to reduce the pond setback and maintenance strip from 25 feet to 5 feet. 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 Sandburg Planning District.

C. The proposed special use will be consistent with the character of the immediate vicinity of the Subject Property. To the west and east is undeveloped land anticipated for future single-family homes, to the north is Cook County Forest Preserve and to the south (across 139<sup>th</sup> street) is the Creekside residential 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 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 park dedication and 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 Subject Property development.

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

H. The proposed special use for disturbance of a wetland 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 August \_\_\_\_, 2015 (the "Annexation Agreement").

#### SECTION 4

A special use for disturbance of a wetland 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 hereto and incorporated herein as EXHIBIT B entitled "FINAL SITE PLAN FOR GREYSTONE RIDGE" prepared by DESIGNTEK ENGINEERING, INC., Project No. 06-050, dated August 26, 2008, revised April 24, 2015, subject to the following:

1. Petitioner shall dedicate the .52 acre, relatively flat park area to the Village as shown on EXHIBIT B, to meet a portion of Code requirements for park land dedication. Meet remaining park land dedication/cash in lieu exaction requirements and recreation exaction requirements by Petitioner's design and installation of park equipment estimated as costing approximately \$156,777. Amount is to be included in the letter of credit, and installed after a maximum of 20 of the homes have been constructed on the Subject Property.

2. Petitioner shall submit a Final Landscape Plan, meeting all Village Codes, for separate review and approval, within 60 days of final engineering approval including the following items:

a. Submit a tree survey.

b. Preserve high quality existing trees where feasible, particularly along existing fence rows.

c. Provide tree mitigation, per Code requirements, preferably on site if a healthy spacing can be achieved, otherwise a contribution must be paid per Code into the Village tree mitigation bank.

d. Install upgraded detention pond wetland plantings to help offset impact of wetland removal.

e. Include shown landscape buffer along 139<sup>th</sup> Street and 15' minimum landscape buffer along rear of lots abutting transmission towers to the north.

f. Include parkway trees along all sidewalks, including 139<sup>th</sup> Street, spaced 40' on center.

g. Include park plan and construction details as a part of the Final Landscape Plan.

3. Petitioner shall meet all final engineering and building code related items.

4. A subdivision sign, if desired, must be submitted for separate review by the Building Division of the Development Services Department. Any subdivision sign must be owned and maintained by the homeowners of the subdivision.

B. The Subject Property is hereby granted a Special Use permit to disturb a wetland, subject to the following conditions:

1. Petitioner shall obtain a U.S. Army Corps of Engineers jurisdictional determination for the wetland; and

2. Petitioner shall install upgraded wetland plantings in and around the detention pond.

C. The Subject Property is hereby granted a variance (modification) to reduce the pond setback and maintenance strip width from the required 25 foot minimum to not less than 5 feet.

## 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.