

**REQUEST FOR PLAN COMMISSION ACTION**

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File Number:       **2021-0714**  
Orig. Department: **Development Services Department**  
File Name:         **Bluff Pointe Subdivision SECOND AMENDMENT**

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**BACKGROUND:**

Project

Bluff Pointe Subdivision SECOND AMENDMENT

Petitioner

McNaughton Development

Purpose

The petitioner proposes to revise the 2019 approved and partially constructed Bluff Pointe Subdivision by removing 6 of the single family lots from the approved 49 lot subdivision and replacing them with 3 lots with 6 town home buildings for a total of 13 town home units.

Address: 16900 - 17000 Wolf Road

Size: 26.26 acres

Current Zoning: (LSPD Large Scaled Planned Development District)

Comprehensive Plan designation: Single family residential (R- 3) in the Grasslands Planning District.

Surrounding land use and zoning:

North: Undeveloped, future single family, LSPD Large Scale Planned Development District

South: Brook Hill Town Homes and single family subdivision, zoned R-4 Residential

East: (Across Wolf Road) Unincorporated Cook County

West: The Grasslands Subdivision and Brook Hill Subdivision, zoned R-3 and R-4 Residential

Requested Approvals: Site Plan, Subdivision, Elevations, Landscape Plan, Special use permit with modifications.

Note: Preliminary engineering consent has been granted for this petition.

Project Background and History

In 2017, McNaughton Development petitioned and received Board of Trustees approval to construct a 49 lot single family subdivision located on a 26 acre site along the west side of Wolf Road adjacent to the existing Grasslands Subdivision.

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According to the developer, a change in market conditions required the development team to amend the 2017 Village Board Approved Plan, by removing 18 single family lots, and adding 9 townhome buildings on 9 lots, for a total of 38 units.

The petitioner is now requesting to amend the 2019 amendment, to convert 6 single family lots into 3 town home lots, with 6 town home buildings for a total of 13 additional town home units.

The proposed amendment, if approved, will change the west side of Foxtail Drive from single family homes to town homes. The east side of Foxtail Drive is already approved for 3 town home lots, with 6 town home buildings for a total of 13 town home units.

### Surrounding Area:

The surrounding area is mostly residential, with Brook Hill Subdivision and Town Homes abutting to the south and the existing Grasslands single family subdivision abutting to the west.

Villas of Tallgrass ranch condominiums have been constructed north of the project site.

The land to the east, across Wolf Road, is unincorporated Cook County and mostly in the Marley Creek floodplain. It includes undeveloped land as well as some light industrial users. Marley Creek crosses Wolf Road to the north of the subject site and continues along the east side of Wolf Road.

### Comprehensive Plan

Bluff Pointe is in the Grasslands Planning District which recommends R-3 single family residential development for this area. However, the Village is bound by the Spring Creek Agreement, which allows development in the current LSPD Zoning District that is less restrictive and denser than typical R-3 Zoning District.

### Spring Creek Annexation Agreement

One unique aspect of this project is that it is bound by the 1994 Spring Creek Annexation Agreement, which was a part of a court ordered settlement between the Village and Gallagher and Henry, the land owners. The agreement addressed the annexation of approximately 1,500 undeveloped acres in the western portion of Orland Park that was anticipated for mostly future residential development.

The agreement is valid until 2024. Although some portions of the agreement have already expired, some of the land has already developed under the Spring Creek Agreement,

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including Long Run Creek Subdivision, Creekside Unit 5 Subdivision, Deer Point III Subdivision, and a commercial strip area located at the southwest corner of 143rd Street and Wolf Road.

Among other things, the Spring Creek Agreement outlined permitted locations for various land uses, densities permitted and bulk requirements for the lots and buildings.

Park land and school land requirements are set under the Agreement.

Other provisions of the Spring Creek Agreement include time limits for processing petitions, fee schedules and exaction fees.

Residential lot bulk requirements were relaxed under the agreement, which in the case of Bluff Point allows 8,000 square foot residential lots with reduced building setbacks, rather than 10,000 minimum residential lots that are typical in this area and that are recommended in the Village's Comprehensive Plan.

The Land Development Code's LSPD (Large Scale Planned Development Zoning District) was created to accommodate the provisions of the Spring Creek Agreement. It allows a wide range of land uses including single family, multi-family, and commercial.

### The Calvert Parcel

The petitioned site is known in the agreement as a part of the 'Calvert' parcel, which also includes the 29 acres to the north of the petitioned site, and under the agreement is allowed up to 166 units including multi-family at the northernmost end of the site as shown on the Spring Creek Agreement Concept Plan.

The Agreement does not allow town homes to be located adjacent to existing single family homes. However, the Agreement also emphasizes the conceptual nature of the Concept Plans and the need for flexibility in the final design. The Agreement also notes that physical constraints such as floodplain may limit the final number of units achieved.

### 2017 Bluff Pointe Development Agreement

The 2017 Bluff Pointe petition approvals included a signed Development Agreement between the Village and the petitioner stating that the subdivision would be developed as 49 single family lots.

The 2017 approval was amended in 2019 to reduce the number of single family homes and increase the number of town homes.

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The petitioner is now requesting to again reduce the amount of single family homes and increase the number of town homes.

The execution of a new development agreement between McNaughton and the Village will be required to accommodate the proposed changes.

### PROPOSAL DESCRIPTION AND ANALYSIS:

#### Zoning

#### LSPD (Large Scaled Planned Development) District:

The current LSPD (Large Scaled Planned Development) for the site allows multi-family land uses.

#### Site Plan

Bluff Pointe Subdivision has been laid out in a grid pattern that connects to the 171st Street stub and to Wolf Road. Three new stubs extend to the north property line of the site

Eighteen of the remaining proposed single family lots exceed 10,000 square feet, and are similar to the abutting Grasslands lots, as supported by the Villages Comprehensive Plan. Thirteen of the proposed lots are 8,500 square feet, even though 8,000 square foot minimum lots are allowed by the Spring Creek Agreement, which suggests the potential for 166 units on the entire Calvert parcel.

The 2019 proposed Bluff Pointe Subdivision covers approximately half of the Calvert parcel, and is comprised of 31 single family units and 38 town home units, for a total of 69 dwelling units.

The current proposal will remove 6 additional single family units and add 13 additional town home units. If approved, the amendment will contain 25 single family units and 51 town home units for a total of 76 dwelling units.

The Spring Creek Agreement limits the Calvert parcel to a total of 94 single family units plus 72 town homes, for a total of 166 dwelling units. The total number of proposed units, prorated for half of the Calvert Parcel, is less than what would be permitted by the Spring Creek Agreement.

The proposed subdivision also includes two floodplain/detention pond out-lots, and public streets which will not be changed. The previously approved bike path along Wolf Road is also still included in the revised 2019 Plans.

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### Mobility

The subdivision's grid street pattern has already been constructed, and ties into other existing established residential and arterial streets. Primary access to the new subdivision is from a new curb cut on Wolf Road, and also from 171st Street, which connects to the stub in the Grasslands.

Additional Wolf Road right of way will be dedicated to IDOT for a total of 60' from the centerline. This will align the Bluff Pointe right of way with the Brook Hill Wolf Road right of way. Three streets are stubbed to the north anticipating further residential development. Orland Fire has requested that parking be restricted to one side of the stubbed streets, including Clover Drive, Foxtail Drive, and Monarch Drive, until they are extended, to better accommodate service and emergency and other vehicle turn arounds.

A multi-purpose asphalt trail, which has not yet been constructed, is proposed to tie into the existing path that is stubbed on the northern Brook Hill boundary, and will extend northward along Wolf Road. Due to physical challenges with the existing conditions along Wolf Road, portions of the path will shift westward out of the public right of way and into the Bluff Pointe floodplain. Recreational trails are permitted in floodplains, but will be subject to occasional flooding.

### Preliminary Engineering

This petition has received preliminary engineering consent, and final engineering approval is required prior to construction. Final Engineering was approved under the 2017 petition and 2019 amendment.

Below are a summary of some engineering updates.

Lot coverage: The town home lots are showing lot coverages that exceed 45%, but shall be less than 50%. BMPS (best management practices) will be required to allow up to 50%, including pervious paver drives, bio-swales, etc.

Note that lot coverage also will be impacted by any accessory structures built after the overall project's construction, such as patios, which should be considered in calculations wherever possible.

Wolf Road improvements: A drainage Culvert has been installed across/under Wolf Road, and the petitioner is completing other improvements required per the IDOT permit and Village inspections. Wolf Road improvements including new left turn lanes are currently under construction. The flooding of Wolf Road is anticipated to continue until Wolf Road is improved. The Village is not aware of any planned improvements to this IDOT road in the near future, but regularly advocate for such improvements to this state owned road.

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### Architectural Elevations

The proposed town homes appear to meet the Village's masonry requirements per the Village's Building Code and Land Development Code Section 6-308, with masonry on 90% of the front façade and well over 50% of the total building façade, subject to Building Division confirmation.

Each unit will have a two car garage with a decorative garage door and two coach lights, and a two car driveway. The building materials will include Old Lancaster brick on the base of the buildings, gray siding, white trim, and decorative white garage doors with windows, and charcoal shingles. The bottom of all windows and doors will include a 2" stone sill.

### Other exactions

Any additional exaction fees associated with the revised subdivision, including but not limited to transportation, parks and schools, are to be paid to the Village per Code and per Spring Creek Agreement requirements, and will be finalized at the time of Development Agreement and Building Permits.

Land Development Code bulk requirements for LSPD residential

Lot Coverage 45%, 50% with BMPS (Best Management Practices)

### Setbacks

#### Front Yard:

-Required - 25'

-Proposed - 25'

#### Side or Corner Side Yard:

-Required - 15% or 15'

-Proposed -15% not met, 15' met, Code modification required

#### Rear Yard:

-Required - 25'

-Proposed - 30'

#### Lot Size Minimums per LSPD

-Required - 8,000 square feet

-Proposed - 8,750 minimum single family

-Proposed - 20,925 square feet minimum town homes in proposed amendment

Required - 70' width minimum

-Proposed - 70' width minimum single family

-Proposed - 135' width minimum town homes

-Required - 114' length minimum

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-Proposed - 135' minimum

### Landscape Plan

The Preliminary Landscape Plan for the 2017 Bluff Pointe petition was approved, and amended again in 2019 to accommodate additional town home development. The Landscape Plan remains unchanged in the areas outside of the town homes. The landscaping plan has received preliminary approval.

### PROJECT ANALYSIS

Overall, the project conforms to the Village's Comprehensive Plan, Spring Creek Agreement, Land Development Code requirements, and land development policies with the exception of the requested Land Development Code modifications and special provisions granted by the Spring Creek Agreement.

There are already multi-family units in the area: Brookhill Town Homes to the south, and to the Villas of Grasslands to the north. 1. Site Plan and Subdivision approval

The site plan/subdivision layout has not changed from the initially approved one, with the exception of the 18 single family lots that were swapped out in 2019 and the additional 6 that are being proposed to be swapped out with the current proposal.

Special Use Permits with modifications:

Per Section 5-105.E. of the Land Development Code, when considering an application for special use permit, the decision making body shall consider the eight special use standards listed in the Code. The petitioner has provided comprehensive and detailed responses to the Special Use Standards. (SEE ATTACHED STANDARDS)

### Special Use Permit

The following Special Use Permits are required for the Bluff Pointe Subdivision:

1. To allow a large scale planned mixed residential development in the LSPD Zoning District.
2. To allow disturbance of a wetland. (previously approved in 2017 and 2019)
3. To allow disturbance of a flood plain. (previously approved in 2017 and 2019)

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

Staff Note: The Comprehensive Plan's Grasslands District designates this area for single family residential. However the Land Use Section also encourages the provision of an

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increased variety of housing options to accommodate lifecycle housing.

2. The Special Use will be consistent with the community character of the immediate vicinity of the parcel proposed for development.
3. The design of the proposed use will minimize adverse effects, including visual impacts, on adjacent properties.
4. The proposed use will not have an adverse effect on the value of the adjacent property.
5. The 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. Services are available.
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. Park Land dedication was already addressed as a part of the Spring Creek Agreement. Private open space is provided with each unit.
7. The development will not adversely affect a known archaeological, historical, or cultural resource. No known impacts.
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. All Village conditions of approval must be met.

### Modifications

The Petitioner requests the following modifications from the Land Development Code in conjunction with the requested Special Use Permits, and has supplied petitioner responses to the special use standards. Below are staff observations on the requested Land Development Code modifications.

- 1) Allow a building side setback of at least 15' but less than 15% of the lot width.

The Land Development Code requires a minimum of 15' or 15% of the lot width on each side of a building, which might make sense in some applications. However, for the Bluff Pointe Town Homes Second Amendment, each building is set on a large lot ranging from 160" to 180' wide. This would require up to 27' on the side of each town home, or up to 54' spacing between buildings, which is far greater than the spacing typically required between

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town homes, which is more in the 20-25' range. The Code is unreasonable in this unique application.

2) Allow covered porches to encroach 5 feet into the required side setback.

The side entries on the town homes allow for more architectural variety and more spaced out entryways, and more variety in unit floor plans. A 5' porch encroachment, with the generous 30' building to building spacing, is reasonable.

(The remaining modifications listed below were approved as a part of the 2017 petition and 2019 amendment, and construction of the detention ponds and re-shaped floodplains has already been completed. Minimal changes to this infrastructure are anticipated in relation to the town home construction. These items are included in this 2019 petition for clarity on the overall subdivision components and requirements)

3) Watercourse (floodplain) modification and setback:

The Land Development Code requires a special use permit to modify a watercourse. The watercourse definition in the Land Development Code includes "a channel into storm water flows regularly or intermittently", so in this case it applies to the floodplain. Section 6-412 'Local Stream and Waterbody Protection' seeks to prevent flood damage and to maintain natural run-off conveyance systems.

The petitioner has maintained the existing floodplain capacity, but has reshaped the limits of the natural floodplain to accommodate the easternmost row of lots. In general, the intent of this Code section is to maintain and protect existing streams and associated floodplains.

However, in this case Marley Creek was severely disturbed at the time of the Wolf road construction, with Marley Creek remnants crossing Wolf Road just north of this site; leaving this portion of the floodplain on the west side of Wolf Road. The Code also requires a floodplain setback of 50' from the existing floodplain line, which has been disturbed by the new construction. However as a part of the 2017 approvals, the floodplain has been re-graded, and a 50' setback from the newly established 100 year floodplain has been established.

4) Reduce wetland setback

The Land Development Code requires a special use permit to modify a wetland. Section 6-314 'Wetlands Protection' seeks to protect and preserve wetlands in the Village. Although the wetland in question is a small .053 acre wetland adjacent to Wolf Road that has been preserved, re-grading occurred within the existing 50' wetland setback, which has spurred a setback modification.

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### 5) Reduce pond buffer access strip modification

The Code establishes a minimum 15' maintenance strip and landscape buffer for purposes of maintenance and recreational access. However in this case it could not be fully provided and a modification is therefore requested to reduce the 15' maintenance strip around the top of the pond. Partial access to and from the critical pond maintenance areas such as inlets, outlets, and overflows will be maintained.

### 6) Increase pond slopes from 4:1 to 3:1 modification

The Code establishes a 4:1 maximum detention pond slope to facilitate pond access and to enhance the establishment and maintenance of vegetation on the slopes. The vegetation will be naturalized rather than mowed, and a 3:1 slope is still manageable.

This case is now before Plan Commission for consideration. All conditions must be met and changes made prior to the Board meeting.

## **BUDGET IMPACT:**

## **REQUESTED ACTION:**

I move to accept as findings of fact of this Plan Commission the findings of fact set forth in this staff report, dated September 7, 2022.

I move to recommend to the Village Board of Trustees approval of the preliminary site plan titled 'Preliminary Site Plan for Townhome Alternative at Bluff Pointe" by Designtek Engineering, page 1 of 1, dated 08.10.2022 subject to the following conditions.( All changes must be made and conditions met where possible prior to the Board meeting)

1) Developer must provide BMPS (best management practices) per Code requirements, to qualify for lot coverages between 45% and 50%.

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

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

4) Meet all final engineering and Building Division requirements.

And

I move to recommend to the Village Board of Trustees approval of residential subdivision that titled, Preliminary Plat/P.U.D. for T.H. Alternative at Bluff Pointe S.F. Lots 13-18,"

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prepared by Designtek Engineering, dated 08.10.2022, subject to the same conditions as the Site Plan.

And

I move to recommend to the Village Board of Trustees approval and authorization to execute the Final Plat of Subdivision for Bluff Pointe Subdivision subject to the following conditions:

1. Submit a Record Plat of Subdivision to the Village for review, approval, and recording.
2. Submit a Plat of Abrogation for review and Approval by Engineering Department. And

I move to recommend to the Village Board of Trustees approval of the preliminary landscape plan titled 'Landscape Plan" by Metz and Company Landscape Architecture/Site Planning, pages L-1, 08.11.21, subject to the following conditions.

1. Submit final landscape plan meeting all Land Development Code Requirements, to reflect two additional town home units, depicted in the approved site plan Bluff Pointe - Second Amendment, prior to the Village Board of Trustees meeting.

And

I move to recommend to the Village Board of Trustees approval of the front, rear and left and right side town home elevations, applicable to all town home elevations, including front and rear elevations titled, EXHIBIT A EXTERIOR ELEVATIONS, submittedMcNaughton Development; and per color elevation renderings of the town home front, rear, and left and right sides; and per "Bluff Pointe of Orland Park Color & Material Legend", submitted by McNaughton Development, subject to requirements and final approval of the Development Services Building Division.

And

I move to recommend to the Village Board approval of a Special Use Permit for a Large Scale Planned Residential Development that includes 25 single family units and 51 town home units and a special use permit for a wetland modification and a special use permit for a waterbody (floodplain) modifications subject to the same conditions as outlined in the preliminary site plan motion. Modifications to the Special Use permits include:

- 1) A building side setback of at least 15' but less than 15% of the lot width.
  - 2) Covered porches that encroach 5 feet into the required side setback.
  - 3) Reduction of existing 50' wetland setback.
  - 4) Reduction of existing 50' floodplain setback.
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- 5) Reduction of the 15' wide detention pond access buffer.
  - 6) Increase in pond side slopes from 4:1 slope to 3:1 slope.
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