

**ORDINANCE REZONING CERTAIN REAL ESTATE FROM E-1 ESTATE TO R-4
RESIDENTIAL AND GRANTING A SPECIAL USE FOR A PLANNED DEVELOPMENT
AND TO DISTURB A WETLAND (THE VILLAS OF TALLGRASS – 10851 W. 167TH
STREET)**

WHEREAS, a petition for rezoning of and granting a special use for a planned development 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 May 8, 2018, on whether the requested rezoning 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 May 8, 2018, 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 WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER
AND THAT PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER**

OF THE NORTHWEST QUARTER, LYING EAST OF THE EASTERLY RIGHT OF WAY LINE OF WABASH RAILROAD OF SECTION 29, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

ALSO

THAT PART OF THE SOUTH ONE THIRD OF THE NORTH THREE EIGHTHS OF THE NORTHWEST QUARTER OF SECTION 29 LYING EAST OF THE EASTERLY RIGHT OF WAY LINE OF WABASH RAILROAD AND LYING WEST OF THE WEST LINE OF THE EAST ONE EIGHTH OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Property Tax Identification Number for the Subject Property is 27-29-101-015-0000

from E-1 Estate Residential District to R-4 Residential District under the Code.

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 11.0 acres and is located within the Village, at 10851 w. 167TH Street. The Subject Property is of the type contemplated in Section 6-205(c) 11(a) 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 twenty-two (22) lots to accommodate thirty-eight (38) duplex units and to include a park site and storm water management area under the under the R-4 Residential Zoning classification, with a special use for a planned development and a special use to disturb a wetland with modifications to reduce the wetland setback, reduce the “building to building” or property line separation from the required 25 feet to 20 feet, increase the block length from 1,000 feet to 1,200 feet, reduce the required 25 foot detention pond set back, increase the maximum 5% slope of the maintenance strip and landscape strip, modify the tree mitigation requirements, reduce the street center line maximum radii and allow cash in lieu of a portion of the multi-purpose path along 167th Street.
- B. The proposed special uses will be consistent with the purposes, goals, objectives, and standards of the Comprehensive Plan, any adopted overlay plans and the Land Development Code. The Comprehensive Plan designates this Subject Property as R-4 Single-Family Residential in the Grasslands Planning District.
- C. The proposed special uses will be consistent with the character of the immediate vicinity of the Subject Property. To the north (across 167th Street) and to the west (across the Metra Tracks) are town homes and ranch condominiums, respectively, in the R-4 Residential District. To the south is a single family residential subdivision zoned R-3 Residential and to the east are town homes, zoned R-4 Residential, and single family residential zoned R-3 Residential.

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 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 a planned development 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 October 1st, 2018 (the "Annexation Agreement").

SECTION 4

A special use for a planned development and to disturb a wetland is hereby granted for a twenty-two (22) lot Residential Development to accommodate thirty-eight (38) duplex units on the Subject Property described in Section 2 hereof, subject to and conditioned upon the following:

A. The Subject Property shall be developed by Petitioner-substantially in accordance with the Preliminary Site Plan appended hereto and incorporated herein as EXHIBIT A titled "Site Plan, The Villas of Tallgrass", by Designtek Engineering, project 17-0053, dated December 8, 2017, and revised March 5, 2018, and as shown on the plan titled "Preliminary Engineering, The Villas of Tallgrass", by Designtek Engineering, project 17-0053, dated December 8, 2017, and revised March 5, 2018, and as shown on "Site Design Proposal for Villas of Tallgrass" by NuToys Leisure Products as petitioned and as revised April 19, 2018, subject to Petitioner meeting the following conditions: Petitioner shall:

1. Construct a multi-purpose 8' wide asphalt trail in accordance with Village standards along the 167th street right-of-way to the park sidewalk entrance, and pay cash in lieu for the remaining trail portion that extends on to the Metra Railroad property line;

2. Dedicate 167th Street right-of-way as needed to meet Engineering requirements and match up with abutting right-of-way to the east;
3. Donate park land and develop park as shown on the approved plans, as amended, to include a piece of child friendly equipment, as finalized at the time of this Agreement and the Final Landscape Plan;
4. Secure sign permits for all signage;
5. Any retaining walls on the site cannot exceed 3' in height unless they are designed and tiered in accordance with Code requirements;
6. Site Plan elements including lot dimensions, building envelopes and locations, setbacks, lot coverage, etc., are conceptual only and must meet all Land Development Code, Engineering and Building Division/Code requirements at the time of permits;
7. Meet all final Engineering and Building Division requirements and approvals;
8. Meet all requirements and obtain permits from Cook County for all 167th Street improvements related to this development; and
9. Construction truck access for this development is restricted to the 167th Street access point, and Owner will block off the Scarlet Drive connection at Fawn Ridge Subdivision until 75% of the new units have been constructed, or for a period of two years after the first building permit is issued, whichever occurs first. After the barricade is removed, construction traffic for this development must continue to use the 167th Street access point.

B. The Subject Property shall additionally be developed in accordance with the building elevations titled "Typical Elevations Marth Construction, Front, Left, Right, and Rear Elevations" by UM Architects, job #2017-295, dated March 8, 2018, and titled "Lot 11, 167th Street Face, Marth Construction" dated March 8, 2018, and titled "Exterior Colors #1, Exterior Colors #2, Exterior Colors #3, and Rear Elevations", and titled "Villas of Tallgrass Elevation 1, Elevation 2, Elevation 3, Elevation 4, Elevation 5, and Elevation 6", all submitted April 25, 2018, subject to Owner meeting all final Engineering and Building Division requirements

C. The Subject Property shall additionally be developed in accordance with the landscape plan titled, "Marth construction Villas of Tallgrass 167th & Scarlett", prepared by Beary Landscaping, dated December 17, 2017, revised April 18, 2018, sheets L-1 and L-2, subject to Petitioner meeting the following conditions:

1. Maximize the use of evergreen trees and shrubs in the landscape buffer adjacent to the existing homes;
2. Final tree mitigation requirements are to be met;

3. Submit a Final Landscape Plan within 60 days of final Engineering for Village review and approval; and
4. Submit for Village approval the proposed Park Site Plan with park equipment details as an attachment to the Final Landscape Plan.

E. A Special Use Permit for a Planned Development for two or more buildings, and for a Special Use Permit to disturb a wetland shall be granted for the Subject Property. Modifications to the Special Use permit include:

1. Reduce the setback from a wetland;
2. Reduce the building to building or property line separation from 25' to 20';
3. Increase the block length from 1,000' to 1,200';
4. Reduce the required 25' detention pond setback;
5. Increase the 5% maximum slope of the maintenance strip and landscape strip;
6. Modify tree mitigation requirements;
7. Reduce the street centerline maximum radii; and
8. Allow cash in lieu for a portion of the multi-purpose path along 167th Street.

SECTION 5

The Petitioner (Permittee) hereunder shall at all times comply with the terms and conditions of the special use permit herein granted and the said Annexation Agreement 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