



Legislation Details (With Text)

**File #:** 2017-0172    **Version:** 0    **Name:** Bluff Pointe Subdivision - Ordinance  
**Type:** ORDINANCE    **Status:** PASSED  
**File created:** 3/9/2017    **In control:** Board of Trustees  
**On agenda:** 8/20/2018    **Final action:** 8/20/2018  
**Title:** ORDINANCE GRANTING A SPECIAL USE WITH MODIFICATIONS (BLUFF POINTE - 16900-17000 WOLF ROAD)  
**Code sections:**  
**Attachments:** 1. Ordinance, 2. EXHIBIT A

Date	Ver.	Action By	Action	Result
8/24/2018	5	Village Clerk	PUBLISHED	
8/20/2018	4	Board of Trustees		
8/14/2018	4	Development Services Department	INTRODUCED TO BOARD	
12/18/2017	3	Board of Trustees		
12/7/2017	3	Development Services Department	INTRODUCED TO BOARD	
6/5/2017	2	Board of Trustees		
5/15/2017	1	Development Services, Planning and Engineering Committee	RECOMMENDED FOR APPROVAL	Pass
5/10/2017	1	Development Services Department	INTRODUCED TO COMMITTEE	
5/9/2017	0	Plan Commission		
5/4/2017	0	Development Services Department	INTRODUCED TO COMMISSION	

**Title/Name/Summary**

Bluff Pointe Subdivision

**History**

**Project**

Bluff Pointe Subdivision

**Petitioner**

McNaughton Development

**Purpose**

The petitioner proposes to construct a 49 single family residential lot subdivision.

**Project Attributes**

Address: 16900 - 17000 Wolf Road

P.I.N.: 27-300-201-021; 27-300-400-020 & 006

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

East: (Across Wolf Road) Unincorporated Cook County

West: The Grasslands Subdivision, Brook Hill Subdivision

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

### **BACKGROUND & CONTEXT**

McNaughton Development proposes to develop a 49 lot single family subdivision with public streets and two out-lots for detention and flood plain, on a 26 acre site along the west side of Wolf Road just east of the existing Grasslands Subdivision. Access to the subdivision will be via the existing 171<sup>st</sup> Street stub to the west and from a new curb cut on Wolf Road, which is an IDOT major arterial road. The parcel is currently zoned as LSPD (Large Scaled Planned Development) District.

### **Existing conditions:**

The development site has gently rolling topography that is currently used for agriculture. A considerable number of trees ring the crop fields, and line a large drainage swale/stream that transverses the northwest corner of the site. There is a topographic variation of almost 50' across the site. 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. 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.

The property is zoned LSPD District with the exception of a small .4 acre Open Lands District parcel along the southwestern border. A 29 acre undeveloped parcel abuts the subject property to the north, that is also zoned LSPD and is anticipated for future residential development, which will tie into the street stubs that will be constructed for Bluff Pointe. The Addition to Grasslands ranch condominiums, currently under construction, abuts to the north of the 29 acre property.

FEMA maps indicate that the eastern portion of the subject site is in the floodplain and a small portion in the floodway. The petitioner has requested a special use permit so they can re-sculpt this floodplain. Wolf Road is also located within the floodplain, and is prone to flooding. The proposed subdivision is not anticipated to impact this existing flooding condition. The Village is not aware of any planned improvements to this IDOT road in the near future.

### **Comprehensive Plan**

Bluff Pointe is in the Grasslands Planning District which recommends R-3 residential development. However the Village is bound by Spring Creek Agreement, which allows development in the LSPD District that is less restrictive than R-3.

### **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 residential development. The agreement is valid until 2024, although some portions of the agreement have already expired. Land already developed under the Spring Creek Agreement includes 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. 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 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 petitioned site is known in the agreement as the 'Calvert' parcel, which also includes the 29 acre to the north, and under the agreement is allowed up to 166 units including multi-family at the northernmost end of the site. However the agreement also notes that physical constraints such as floodplain may limit the number of units achieved. Bluff pointe proposes only 49 single family lots on the south half of the Calvert parcel.

## **PROPOSAL DESCRIPTION AND ANALYSIS:**

### **Site Plan**

The proposed subdivision is laid out in a grid pattern that connects to the 171<sup>st</sup> Street stub and the new curb cut on Wolf Road. Three new stubs extend to the north of the site for future connection to an area anticipated for future residential uses. Bluff Pointe will be extensively re-graded to level out the site and bring the eastern most lots well above the floodplain limits, which will shift the floodplain line further east but will maintain the current capacity of the existing floodplain. There will be a noticeable drop in elevation from the west side (typical home finished floor 720) to the east side of the site (typical finished floor 695); with most of the 49 lots having potential for basement walk-out or look-outs.

### **Architectural Elevations**

Although single family home elevations are approved at the time of building permits, the petitioner has provided conceptual front elevations to give an idea of the planned character of the homes. The elevations show a two story all masonry front façade. The remaining elevations must also meet the Village's masonry requirements per the Village's Building Code and Land Development Code Section 6-308, although 100% masonry facing is not required on all sides.

### **Zoning:**

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

The subdivision will be developed under the current LSPD zoning. Although this Zoning District was created as a vehicle for Spring Creek Agreement land development, there is a concern that the mixed uses that it allows may not adequately protect the residential character of the neighborhood. One

issue that may arise is home operated businesses. Although the Village permits a wide range of home offices, some uses such as those that generate traffic are not permitted to operate out of a home. These will be much more difficult to regulate under the LSPD District. A future rezoning of this subdivision, as well as other subdivisions developed in the LSPD District, may be needed, either when the agreement expires in 2024, or sooner if possible.

Open Lands Zoning District Parcel:

Although the history is unclear, there is a .4 acre parcel, 50' +/- wide parcel that runs along the lower southwestern site boundary that is zoned Open Lands District. The petitioner owns this parcel and proposes that it be re-graded to be a part of the proposed detention pond, which is a permitted use in the Open Lands Zoning District. Typically, all parcels are consolidated into one lot for a project, however in this case, since a rezoning wasn't published, the Open Space parcel must remain in the Open Land Zoning District. The concern is that sometimes the property tax payments on these small parcels slip by unpaid; they end up in tax court, and are purchased by a bidder with alternative ideas for their use. Additional work needs to be done to resolve this issue.

**Mobility:**

Vehicular:

Circulation patterns in the area and around the site exist and are well established. Primary access to the new subdivision will be from 171<sup>st</sup> Street, which will connect to the stub in the Grasslands and extend eastward to a new curb cut on Wolf Road (subject to IDOT approval). Additional right of way will be dedicated to IDOT for a total of 60' from the centerline. This will align with the Brook Hill Wolf Road right of way. Three streets will be stubbed to the north anticipating further residential development, with Grass Crete (or similar) hammerheads where the stubs terminate to accommodate service and emergency and other vehicle turn arounds.

Pedestrian and Bicycle:

A multi-purpose asphalt trail is proposed to tie into the existing path that is stubbed on the north 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.

Traffic Study:

Although the typical trigger for a traffic study is over 50 units, per Engineer's recommendation, a Traffic Impact Analysis for the new Wolf Road curb cut will be required from the developer because of the additional traffic from The Grasslands that is likely to use the 171<sup>st</sup> extension. At a minimum, a left turn lane and possibly a right turn lane will be required. All Wolf Road improvements are subject to IDOT approval.

**Engineering:**

**Preliminary engineering consent has been granted for this petition.**

This petition has received preliminary engineering consent, and final engineering approval is required prior to construction. Below are a summary of some of the issues where work continues for resolution prior to final engineering approval.

Grading:

In order to raise the lot elevations adjacent to the floodplain, grading will extend off site onto the parcel to the north, which also is anticipated for future residential development. Permission from that

property owner will be required. Lots 37-49 will include many look out or walk out basements, with finished floors of the new homes roughly 10' higher than the abutting homes to the south, although the grade change already somewhat exists under current conditions. A 15' landscape buffer easement is required along the rear of the new lots and should be noted on final plat.

#### Storm water

The proposed detention pond on Out lot 51 in the southeast portion of the subject site will require the construction of an embankment that will impound water to an elevation seven (7) feet higher than the nearby property line. The closest adjacent home is approximately 70 feet from the center of the embankment. The engineer has requested a dam classification opinion from IDNR-OWR and an IDNR Dam Permit may be required. The IDNR response must be forwarded to the Village. It is noted that there is a swale along the common property line and a storm sewer on the opposite property that parallels the property line which can convey a potential overflow away from the homes. The ground at the adjacent homes is also several feet above the invert of the swale.

As a part of final engineering, the petitioner's engineer has also been asked to look at the existing culvert condition at Wolf Road to confirm its ability to accommodate storm water run-off. Additionally, the petitioner has been requested to study options to shift the embankment away from the southern property line even if it requires Code modifications to reduce the maintenance access and increase the pond slope to achieve. The pond currently shows 3:1 side slopes with a 15' maintenance access strip around the rim for maintenance access. This may also allow for a slight increase in the embankment height for added overflow protection.

Utilities - Nearby tie-ins are existing and available.

#### **Landscaping:**

The Code does not typically require a landscape buffer between single family homes, however in this case the Spring Creek Agreement requires a 15' landscape buffer along the rear of homes on small lots that abut larger lots, affecting lots 37-49. The buffer will need to be installed by the home builder along the rear portion of the lots prior to occupancy, since the lots will need to be graded and homes constructed prior to planting. A landscape easement that allows only maintenance and replacement of the plant material should be shown on the Final Plat. The buffer needs to be carefully integrated with any required drainage along the rear of the lots. It is noted that the new homes in this location will be significantly higher in elevation than the abutting homes to the south. A Preliminary Landscape Plan has been provided for conceptual purposes that shows street trees and the landscape buffer behind lots 37-49. Additional trees will be required around the detention pond and on the slope adjacent to the flood plain area, where many of the required mitigation trees can be accommodated.

Storm Water Management Area Landscaping - The project must submit a landscape plan that will include a Maintenance and Monitoring plan for the detention pond. In addition, a fifteen (15) foot wide flat naturalized landscape area is required around the pond except where varied, as may be the case for this project in some pond locations.

#### Tree Mitigation

Over 500 trees have been identified in a submitted tree survey, although not all will require mitigation based on species and condition. Required tree mitigation numbers are also based on tree sizes, and

will be evaluated per Land Development Code requirements at the time of Final Landscape plan.

**Exactions:**

Park land dedication

The Code requires park land dedication or cash in lieu for residential subdivisions. However the Spring Creek Agreement establishes required park land in the Agreement area, and no land was required for the Calvert parcel. The Village's 3.18 acre Grasslands Park, located just west of the new subdivision, includes a playground and basketball court, and will be accessible to new residents from 171st Street. However, a Park and Recreation cash contribution, which funds park development, will be required for each home per current Code requirements.

Wolf Road sanitary recapture

The Spring Creek Agreement requires that the Calvert parcel pay a recapture fee for the Wolf Road sanitary interceptor extension that was constructed by the Village prior to the construction of Brookhills Subdivision. Reimbursement is to be paid at the rate of \$800 per acre, or approximately \$21,008 for the Bluff Pointe Subdivision, subject to final calculations by the Finance Department.

Other exactions

All exaction fees, including but not limited to transportation, parks and schools, are to be paid to the Village per Code requirements, and will be finalized at the time of Development Agreement and Building Permits.

**Land Development Code bulk requirements:**

Lot Coverage: 45%

Setbacks

Front Yard:

Required - 25'

Proposed - 25'

Side Yard:

Required - 10% or 7.5'

Proposed -10% or 7.5'

Corner Side: 15'

Rear Yard:

Required - 25'

Proposed - 30'

Lot Size Minimums per LSPD

Required - 8,000 square feet

Proposed - 8,750 minimum

Required - 70' width minimum

Proposed - 70' width minimum

Required - 114' length minimum

Proposed - 125' length minimum

**Other issues:**

Signage

The proposed subdivision entry sign is located in a very narrow median planting bed that will be vulnerable to vehicular damage and will not accommodate required 5' landscaping on all sides. It should be relocated or eliminated. All signage is subject to review and approval via Sign Permit and

additional restrictions may apply.

Subdivision Name

The proposed subdivision name, "Bluff Pointe", does not reflect a true geographic feature of the area as do many subdivisions in the surrounding area such as Marley Creek, Grasslands, Brook Hill, Orland Woods, etc. Subdivision names are one of many tools that help create a unique sense of place for Orland Park. A bluff is defined by the National Geographic Society as a type of large cliff that usually borders a body of water, and is not found in this area. Staff would like to work with the petitioner to find a mutually acceptable local name.

Undeveloped Grasslands lots:

Although not a part of this petition, it is noted that there are three platted lots in the Grasslands Subdivision that are currently in use for storm water detention. It is anticipated that the Bluff Pointe storm water infrastructure will eliminate the need for this small detention pond, and that the lots will then become developable subject to Village approvals. However the engineering of the storm water and any other needed updates must be verified and approved prior to issuance of permits on these already platted lots.

Construction Access:

A Construction Access Plan should be provided that, subject to IDOT approval, allows construction and utilization of the Wolf road curb cut prior to any lot development, in order to protect surrounding neighborhoods from excessive construction traffic.

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

**ACTIONS REQUESTED:**

**Site Plan approval:**

The proposed circulation patterns support the long range plans for this area by tying into the existing stub at 171<sup>st</sup> Street, and creating three new stubs to facilitate further residential expansion to the north, which will most likely extend into existing stubs at Green Knolls Avenue and 170<sup>th</sup> Street sometime in the future. Overall this will improve circulation patterns not only for the new neighborhood but also for existing Grasslands residents providing more access points into and through the development. The new Wolf Road curb cut will be improved with a left turn lanes and possibly a right turn lane, subject to the results of the required traffic study and IDOT approval.

**Subdivision approval:**

The proposed subdivision includes 49 residential lots, two floodplain/detention pond out-lots, and a publicly dedicated streets. Most of the lots, 36 out of the 49, exceed 10,000 square feet, similar to the abutting Grasslands lots and as supported by the Comprehensive Plan. Thirteen of the lots are 8,500 square feet, which is allowed per the Spring Creek Agreement, which allows 8,000 square feet, and suggests the potential for 166 units on the (entire) Calvert parcel. Theoretically, under the Agreement, the subdivision could have been denser.

**Special Use Permits and modifications:**

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 responses to the Special Use Standards.

1) 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 petition proposes to maintain the existing floodplain capacity, but to reshape 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 disturbed at the time of the Wolf road construction, with Marley Creek crossing Wolf Road just north of this site; while this portion of the floodplain remains on the west side of Wolf Road. The Code also requires a floodplain setback of 50’ from the existing floodplain line, which will be disturbed by the new construction. However after the floodplain is re-graded, a 50’ setback from the newly established 100 year floodplain will be established, although it will be graded at a 4:1 slope. The new floodplain area that is currently under agricultural use will be restored with prairie wet mesic plantings, creating a naturalized green buffer for the new neighborhood.

2) Wetland modification and 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. However the wetland in question is a small .053 acre wetland adjacent to Wolf Road, although Village Engineers have requested that the wooded wetland be further studied to determine quality and extent. Grading disturbance is proposed within the existing 50’ wetland setback, which spurs a setback modification.

3) Reduced 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 is more important to give the engineers some flexibility at the time of final engineering to pull back the detention pond embankment from the southern boundary if possible and if beneficial. 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.

4) Increased 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. Again, the intent of this requested modification is to give some flexibility at the time of final engineering to tighten up the detention pond contours if possible and beneficial. 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.**

Recommended Action/Motion

I move to accept as findings of fact of this Plan Commission the findings of fact set forth in this staff report, dated May 9, 2017.



And

I move to recommend to the Village Board approval of the **preliminary site plan** titled 'Preliminary Site Plan by Designtek Engineering, dated 2.23.17, revised 4.10.17, and as shown on the 'Preliminary Engineering Plan by Designtek Engineering, dated 2.23.17, revised 4.10.17, subject to the following conditions. All changes must be made and conditions met prior to the Board meeting.

- 1) Submit a notarized letter of permission from the property owner to the north allowing off site grading on their property.
- 2) Prior to issuance of building permits, pay to the village \$21,008 in recapture fees for the Wolf Road sanitary interceptor extension.
- 3) Work with staff to resolve the Open Lands zoned out lot issue.
- 4) Work with staff to select a subdivision name more relevant to local geography.
- 5) Find alternative location for subdivision sign or eliminate. A sign permit must be obtained from the Building Division for any signage. Additional restrictions may apply.
- 6) Dedicate additional Wolf Road right of way totaling 60' from centerline.
- 7) Work with Village Engineers to shift pond away from south property line.
- 8) Work with Village Engineers to assess Wolf Road culvert condition.
- 9) Complete a Traffic Study that meets Village Engineer's requirements.
- 10) Construct the Wolf Road curb cut prior to site development (subject to IDOT approval) and then utilize it for all construction traffic access.
- 11) The development of the three already platted but undeveloped lots in The Grasslands is not part of this petition and requires separate consideration and approval.
- 12) Submit a Final Landscape Plan, meeting all Village Codes, for separate review and approval, within 60 days of final engineering approval, reflecting submitted Preliminary Landscape Plan and including the following items:
  - a. Address 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. Per Spring Creek Agreement, provide a minimum 15' landscape buffer on the rear of lots 37-49, to be installed by the home builder and protected by 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.
- 13) Site Plan building envelopes, setbacks, and easements are subject to final engineering and building approvals.

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

15) Meet all final engineering and building division requirements and approvals.

And

I move to recommend to the Village Board approval of a 49 lot residential **subdivision** plus two detention pond/floodplain out lots and public street dedication, as shown on the preliminary plat titled 'Preliminary Site Plan by Designtek Engineering, dated 2.23.17, revised 4.10.17, subject to the same conditions as the Site Plan, and subject to the submission to the Village of a Record Plat of Subdivision for approval and recording.

And

I move to recommend to the Village Board approval of a **Special Use Permit for a wetland modification and a special use permit for a waterbody (floodplain) modification** subject to the same conditions as outlined in the preliminary site plan motion. Modifications to the Special Use permit include:

- 1) Reduction of existing 50' wetland setback.
- 2) Reduction of existing 50' floodplain setback.
- 3) Reduction of the 15' wide detention pond access buffer.
- 4) Increase in pond side slopes from 4:1 slope to 3:1 slope.

MUPRHY: Second.