



Legislation Details (With Text)

**File #:** 2021-0378    **Version:** 2    **Name:** Lawler Resubdivision of Peony Place Subdivision - Development Petition for Site Plan and Subdivision

**Type:** MOTION    **Status:** PASSED

**File created:** 5/12/2021    **In control:** Board of Trustees

**On agenda:** 3/7/2022    **Final action:** 3/7/2022

**Title:** Lawler Resubdivision of Peony Place Subdivision - Site Plan, Landscape Plan, Plat of Subdivision

**Code sections:**

**Attachments:** 1. LawlerResubdivision PLAN Site Final, 2. LawlerResubdivision PLAN Landscape Final, 3. LawlerResubdivision PLAT Final

Date	Ver.	Action By	Action	Result
3/7/2022	2	Board of Trustees	APPROVED	Pass
2/28/2022	2	Development Services Department	INTRODUCED TO BOARD	
9/7/2021	1	Committee of the Whole	RECOMMENDED FOR APPROVAL	Pass
8/31/2021	0	Development Services Department	INTRODUCED TO COMMISSION	
8/31/2021	0	Plan Commission		

**Title/Name/Summary**

Lawler Resubdivision of Peony Place Subdivision - Site Plan, Landscape Plan, Plat of Subdivision

**History**

**BACKGROUND**

On May 6, 2019, the Village Board of Trustees approved a Site Plan, Subdivision, and Variances for the Peony Place Subdivision. The project entails subdividing three (3) existing lots into three (3) new lots. The 0.57-acre site is located in the OOH Old Orland Historic District at 14421 Second Avenue and 9852 W. 144<sup>th</sup> Place. As part of the project, two (2) variances were granted. Variances were approved to allow for an increase to the maximum lot width from 50 feet to 62.5 feet for Lots 1 and 2, and to waive the construction of the required sidewalk along the east side of Second Avenue and the west side of Third Avenue.

At this time, only Lot 3 of Peony Place Subdivision has been constructed.

The present petition requests to re-subdivide Lots 1 and 2 into three (3) lots of conforming size and approval of a conceptual Site Plan.

On April 25, 2019, a Certificate of Appropriateness was administratively approved to approve the proposed a single-family home on Lot 2 (14420 Third Avenue) and Lot 3 (9852 W. 144<sup>th</sup> Place). amended March 10, 2020.

On June 20, 2020, a Certificate of Appropriateness was approved to allow for the construction of a single-family home on Lot 1 (14414 Third Avenue).

On August 31, 2021, the current petition was heard in a public hearing at the Plan Commission. By a vote of 6-1, the Plan Commission recommended approval of the petition. On September 7, 2021, the petition was heard by the Committee of the Whole, who voted 7-0 to recommend approval to the Board of Trustees. The petition for a Plat of Subdivision and Site Plan is now before the Board of Trustees for consideration.

**QUICKFACTS**

**Project**

Lawler Resubdivision of Peony Place Subdivision - Development Petition for Site Plan and Subdivision  
2021-0378 / DP-21-00035

**Petitioner**

John Lawler  
2<sup>nd</sup> Avenue Development, LLC

**Purpose**

The purpose of this petition is to subdivide two (2) existing lots, each measuring 9,375 square feet, in the Old Orland Historic District into three (3) lots measuring roughly 6,240 square feet each for the purpose of constructing three (3) single family homes.

**Requested Actions:** Site Plan, Subdivision

**Address:** 14414 - 14420 Third Avenue

**PIN(s):** 27-09-211-024; 27-09-211-025

**Parcel Size:** 0.43 acres (18,750 sf)

**Comprehensive Plan Planning District & Designation:** Downtown Planning District with Single Family Residential Designation

**Existing Zoning:** OOH Old Orland Historic District

**Existing Land Use:** Undeveloped (Approved for Single Family Residential)

**Proposed Land Use:** Single Family Residential

**Surrounding Land Use**

North: OOH Old Orland Historic District - Single Family Residential

South: OOH Old Orland Historic District - Single Family Residential

East: OOH Old Orland Historic District - John Humphrey House (across Third Avenue)

West: OOH Old Orland Historic District - Single Family Residential (across Second Avenue)

**Preliminary Engineering**

Preliminary engineering has been granted for this project.

**CONTEXT & PROJECT DESCRIPTION**

The subject property is located west of Third Avenue, east of Second Avenue and is situated centrally in the residential area of the Old Orland Historic District. Single family residential homes surround the property on all sides. Just north of this development, is the Kelly Grove subdivision and to the south is the constructed Lot 3 of Peony Place Subdivision as well as two (2) other single family households.

The petitioner is proposing to subdivide the remaining two (2) lots of Peony Place Subdivision (Lots 1 and 2), located at 14414 and 14420 Third Avenue, into three (3) conforming lots. The lots are proposed as single family residential with detached garages at the rear. The proposed homes will be similar in size to recently constructed single family homes in the Historic District. The design and style of the new homes will meet Village building code and Historic District regulations for new construction.

There are no Variances requested as part of this Development Petition. A Variance was granted previously for the Peony Place Subdivision to waive the sidewalk requirements on the west side of Third Avenue and the east side of Second Avenue. It has been determined by Development Services that the present re-subdivision does not constitute a need to re-petition for the Variance.

Overall, with the exception of the previously granted Variance to waive the sidewalks, the project conforms to the Village's Comprehensive Plan, Land Development Codes and policies for this area.

### **SITE PLAN**

The proposed site plan indicates three (3) new single family residential lots with detached rear garages. The new homes are all located street facing. The three (3) proposed lots are oriented east to west and face Third Avenue, with detached garages located to the rear and accessed via a driveway that enters from the rear yard off of Second Avenue.

### **PLAN COMMISSION DISCUSSION**

A public hearing was held before the Plan Commission on August 31, 2021. The issues discussed at the public hearing are summarized below:

Members of the public were in attendance at the public hearing. Concerns raised included the rear detached garages and the appearance of 2<sup>nd</sup> Avenue in regards to the amount of rear facing garages, whether the proposed project was in compliance with Old Orland Historic District standards, and concerns regarding the speed of traffic on 144<sup>th</sup> Place and the fear of increased traffic as a result of three (3) new single family houses.

Commission concerns included the following:

#### **Sidewalks**

Concerns were raised regarding the lack of proposed sidewalks surrounding the development. Staff stated that, when Peony Place Subdivision was first approved in 2019, a Variance was supported and granted to waive the sidewalk requirements as it's common for sidewalks in the Old Orland Historic District to only be installed on one side of the road. Sidewalk connections exist on the east side of Third Avenue and the west side of Second Avenue. Due to the fact that a Variance was previously granted for the waiving of the sidewalks, and after consultation with the Village's attorney, Development Services did not require the Variance be sought again as the area of impact is not expanding.

#### **Stormwater**

Commissioners expressed concerns regarding the existing infrastructure in Old Orland Historic District and the history of minor flooding throughout the district. Staff stated that the larger issue, aging infrastructure, cannot be resolved with any single petition. New developments are required to contain and route its stormwater to the appropriate infrastructure. Scott Schreiner, the petitioner's Engineer, explained the projects design, how the design will meet Village requirements, and that it will not result in any negative impacts to the surrounding area. Further, staff stated that the amount of permeable surface proposed for each of the lots is advantageous to controlling adverse stormwater issues.

Overall, the Plan Commission expressed support for the project. However, due to the public concern regarding safety and the Commission's concern regarding the waiving of the sidewalks, the Plan Commission voted 5-1 in the motion regarding the Plat of Subdivision in order to send the project to the Committee of the Whole for further discussion.

### **Plan Commission Motion**

I move to recommend to the Village Board of Trustees to approve the preliminary site plan titled "Preliminary Site Plan", prepared by DesignTek Engineering, LLC and dated August 2, 2021, subject to the following conditions:

1. Meet all final engineering requirements including required permits and approvals from outside agencies, and;
2. Meet all building code requirements, and;

3. Screen all mechanical equipment either at grade or on the rooftop;

And

I move to recommend to the Village Board approval of the Preliminary Landscape Plan titled "Preliminary Landscape Plan", Sheet L1, prepared by DesignTek Engineering, Inc., dated July 21, 2021, last revised August 2, 2021, subject to the same conditions as outlined in the Preliminary Site Plan motion and subject to the following condition:

And

I move to recommend to the Village Board of Trustees to approve the preliminary plat of subdivision, titled, "Preliminary Plat of Lawler Re-Subdivision of Peony Place", prepared by DesignTek Engineering, LLC and dated August 2, 2021, subject to the same conditions outlined in the above preliminary site plan and the following conditions:

1. Submit a Record Plat of Subdivision to the Village for execution and recording.

### **COMMITTEE OF THE WHOLE DISCUSSION**

Due to the non-unanimous recommendation by the Plan Commission, on September 7, 2021, the Committee of the Whole discussed the petition. The Committee evaluated the concerns of the Plan Commissioners and concurred with the Staff recommendations for continuing the previously approved variance for sidewalks on one side of the street, as depicted in the drawings. The Committee voted 7-0 to recommend approval of the petition to the Board of Trustees.

### **Committee of the Whole Motion**

I move to recommend to the Village Board of Trustees approval of the Preliminary Site Plan, Preliminary Landscape Plan, and Preliminary Plat of Subdivision for the Lawler Resubdivision of Peony Place Subdivision located at 14414 and 14420 Third Avenue, as recommended at the August 31, 2021 Plan Commission meeting and as fully referenced in the motion below:

I move to recommend to the Village Board of Trustees to approve the preliminary site plan titled "Preliminary Site Plan", prepared by DesignTek Engineering, LLC and dated August 2, 2021, subject to the following conditions:

1. Meet all final engineering requirements including required permits and approvals from outside agencies, and;
2. Meet all building code requirements, and;
3. Screen all mechanical equipment either at grade or on the rooftop;

And

I move to recommend to the Village Board approval of the Preliminary Landscape Plan titled "Preliminary Landscape Plan", Sheet L1, prepared by DesignTek Engineering, Inc., dated July 21, 2021, last revised August 2, 2021, subject to the same conditions as outlined in the Preliminary Site Plan motion and subject to the following condition:

And

I move to recommend to the Village Board of Trustees to approve the preliminary plat of subdivision, titled, "Preliminary Plat of Lawler Re-Subdivision of Peony Place", prepared by DesignTek Engineering, LLC and

dated August 2, 2021, subject to the same conditions outlined in the above preliminary site plan and the following conditions:

1. Submit a Record Plat of Subdivision to the Village for execution and recording.

**BOARD OF TRUSTEES**

The project has met all requirements for Final Engineering and Final Landscape Plan.

The petition is now before the Board of Trustees for consideration.

**Recommended Action/Motion**

I move to approve the Site Plan, Landscape Plan, and Plat of Subdivision, as recommended at the August 31, 2021 Plan Commission meeting and at the September 7, 2021 Committee of the Whole Meeting, and as fully referenced below;

And

I move to authorize staff to execute and record the plat;

**FOR REFERENCE ONLY; NOT NECESSARY TO BE READ**

I move to approve the Final Site Plan titled "Grading and Geometric Plans", prepared by DesignTek Engineering, LLC and dated September 15, 2021, last revised December 7, 2021, subject to the following conditions:

1. Meet all final engineering requirements including required permits and approvals from outside agencies, and;
2. Meet all building code requirements, and;
3. Screen all mechanical equipment either at grade or on the rooftop;

And

I move approve the Final Landscape Plan titled "Landscape Plan", Sheet L1, prepared by DesignTek Engineering, Inc., dated September 15, 2021, last revised December 7, 2021;

And

I move to approve the Final Plat of Subdivision, titled, "Final Plat of Lawler Re-Subdivision of Peony Place", prepared by DesignTek Engineering, LLC and dated August 2, 2021, and last revised November 3, 2021, subject to the following conditions:

1. Submit a Record Plat of Subdivision to the Village for execution and recording.