



## Legislation Text

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File #: 2014-0494, Version: 2

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### **Title/Name/Summary**

Nahhas Subdivision - Rezoning, site plan, subdivision with plat, landscape plan and special use permit for a three lot residential planned development, with modifications, all subject to annexation into the Village.

### **History**

#### **Project**

Nahhas Subdivision

#### **Petitioner**

Anas Nahhas

#### **Purpose**

The petitioner proposes to construct a 3 lot single family subdivision on a two acre site.

#### **Project Attributes**

Address: 13800 80th Avenue

P.I.N.: 27-02-201-015-0000

Size: 2.03 acres

*Comprehensive Plan: Silver Lake North Planning District*

*Comprehensive land use designation: R-2 Residential Zoning District*

*Existing Zoning: **Unincorporated Cook County***

*Proposed Zoning: R-2 Residential Zoning District*

#### *Surrounding Land Use:*

North: unincorporated large lot residential

South: R-2 single family residential

East: (across 80<sup>th</sup> Avenue) R-2 single family residential

West: R-1 and R-2 single family residential

**Preliminary Engineering consent has been granted for this project.**

### **PROJECT DESCRIPTION & CONTEXT**

The petitioner proposes annex and rezone this two acre parcel to the R-2 Residential Zoning District in order to construct a 3 lot single family subdivision with a shared private driveway. The site was utilized for many years as a large estate lot with one home that has since been demolished. The surrounding area is a mix of R-1 and R-2 single family homes.

The site is small and physically challenging to subdivide. There is an approximately 26' drop from the southwest corner of the site to the northeast corner of the site. There are also a considerable number of existing mature trees on the site, most that will be removed due to the site grading. Tree mitigation will be required per Land Development Code requirements.

### **PROJECT HISTORY**

The Nahhas Subdivision was considered at a public hearing before Plan Commission on November 14, 2017. However no recommendation was made by the Commissioners, and the case was instead "continued to a future Plan Commission meeting (date uncertain)". The petition was delayed because of new information about a petroleum pipeline easement along 80<sup>th</sup> Avenue that would require changes to the detention pond. In May 2019, the petitioner submitted updated engineering plans to address the problem. Village Engineers have reviewed the revised plans and have granted preliminary engineering approval. The Site Plan changes involve the shifting of the detention pond so the high water line is now 15' inside the 80<sup>th</sup> Avenue right of way line, and no longer within the pipeline easement. Also, an underground perforated underdrain has been added to the bottom of the pond. Additionally, per staff request, the east boundary of Lot 1 was shifted westward to increase the Code required pond setback from the property line.

### **SITE PLAN**

A complete re-grading of the site is proposed to accommodate the proposed driveway, lots, and pond. Sloped house side yards will help to absorb some of the grade change. Some lots will have the option for walk-out basements. All lots will be accessed from a centrally located driveway. Proposed lot # 2 is similar in size to adjoining lots. Proposed lot # 1 and lot # 3 are slightly smaller than nearby residential lots, although well within R-2 Code limits.

### **MOBILITY**

#### Vehicular/Traffic:

80<sup>th</sup> Avenue is a two lane Village-owned major collector. The proposed lots will be accessed by a central driveway off of 80<sup>th</sup> Avenue. The proposed curb cut will be in a similar location as the existing curb cut, although wider. The new driveway will then extend due west, terminating with a hammerhead to accommodate vehicular turn arounds.

The petitioner proposes shared private driveway access rather than a public street. Section 6-406 B. 9. of the Village's Land Development Code states that "Up to three residential lots may share a single private driveway connecting to any street." A private driveway can be narrower than a public street, and does not require right of way dedication, and must be fully operated and maintained by the private property owners. Note that depending on their organization's policies, public services including mail delivery, garbage pick-up, and school bus service may offer services from only 80th Avenue.

The lots have been subdivided in a way that allows each lot a partial ownership of the shared driveway. Provision of maintenance of the driveway will be subject to private agreement. A cross access agreement will be needed along the shared drive to allow all property owners full access to their lots.

The small site does not readily accommodate a regulation size cul-de-sac bulb. Instead, a stub at the

end of the shared driveway is provided for vehicle turn arounds. However, Orland Fire has requested that the hammerhead be enlarged to 60' in length to accommodate their fire trucks. Resolution of this issue with Orland Fire has been included as a condition of approval.

Pedestrian and Bicycle:

An existing sidewalk runs along the west side of 80<sup>th</sup> Avenue. No sidewalks will be required along the sides of the private driveway. Traffic volume on the shared driveway will be very low.

**BUILDING ELEVATIONS**

Single family elevations will be approved at the time of building permits and must meet all Land Development Code and Building Code requirements, including masonry. Note that the R-2 Code allows a maximum building height of 35', including the walk-out portion of the building.

**PRELIMINARY ENGINEERING**

Preliminary Engineering consent has been granted for this project.

Utilities

In November 2017 staff learned about a petroleum pipeline easement in or near the 80th Avenue right of way that has setback and other restrictions that will impact the proposed subdivision. Further study by the petitioner was required, and Plans have been revised to accommodate the pipeline easement requirements that included increased pond setbacks along 80<sup>th</sup> Avenue.

Nearby water, sewer and electric utility tie-ins are existing and available. As a result of this project, some off site work will be required in an existing utility easement that runs from Laguna Lane to the existing pond in Laguna Woods. An easement will need to be obtained for the installation and future maintenance of the sanitary sewer extension on private property.

Detention Pond

The proposed detention pond will be located in the northeast corner of the site. It will be dug out of the hillside and then an embankment constructed along the north and east sides of the pond to detain the storm water on the site, and there are special engineering requirements under this scenario. According to Village Engineers, the proposed impoundment of water in the detention pond most likely qualifies as an IDNR designated Class 3 dam, which must be constructed in conformance with the requirements of Part 3702 of the Illinois Administrative Code. The engineer must provide a copy of the soil boring report for the project and have the global stability calculations for the proposed embankment prepared by a licensed and qualified professional. A written operations and maintenance manual for this installation will need to be provided with the final engineering submittal. The construction of the berm must be certified with a sealed report by a qualified geotechnical engineer. If the engineer or developer does not concur with this determination, they have the option to submit information to the IDNR for their determination.

Detention ponds are either privately owned and maintained by the property owner, or dedicated to the Village that then owns and maintains them. Typically, single family residential ponds are owned

and maintained by the Village. However due to the unique design and requested modifications for the pond; acceptance of the pond by the Village is yet to be determined. If the Village does not accept the pond, it must be owned and maintained by an association of the property owners, and backed up by a fallback SSA (Special Service Area) to assure continued maintenance. Although the pond does not fully comply with detention pond setback requirements, the pond is relatively small, and a 15' relatively flat maintenance access strip is proposed along the north and east sides of the pond to accommodate maintenance access. The pond buffer along the west and south side of the pond slopes at approximately 25%, but the pond is still accessible from Nahhas Ct.

### **LANDSCAPING/TREE MITIGATION**

A Preliminary Landscape Plan was submitted in 2017 for Plan Commission review. The plan includes a property buffer, a naturalized basin and street trees along the private driveway and 80<sup>th</sup> Avenue. A revised Landscape Plan, reflecting the shifted pond location, must be submitted to the Village landscape consultant for review and approval. It is noted that the Village's Land Development Code has been updated since the 2017 submittal, and additional changes may be required to comply with the new Code.

A Tree Survey and Tree Mitigation Plan have also been submitted for review, and tree mitigation for most of the removed trees appears to be accommodated in the proposed Landscape Plan, subject to consultant review. Most of the existing trees will be removed in the grading of the site. There are 37 existing trees that require mitigation per the Land Development Code, and all but four of the trees will be mitigated on the site with new trees. Preservation is proposed for three mature Silver Maples along the western boundary.

A Final Landscape Plan must be provided in conjunction with the final engineering submittal, that meets all Village Codes and includes all required supporting documentation addressing all outstanding landscape items.

### **Exactions**

#### Park land dedication

The Code requires park land dedication or cash in lieu for residential subdivisions. Because of the small size of this subdivision, cash in lieu of park land acreage will be required, as determined at the time of Development Agreement and Building Permits.

#### 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 established at the time of Development Agreement and Building Permits.

### **Signage**

No subdivision sign is proposed on the Site Plan. All signage is subject to review and approval via Sign Permit process.

### **Bulk requirements**

#### Density

Maximum: 1 dwelling unit per ½ gross acre (4 dwelling units)

Proposed: 3 dwelling units

Lot Coverage: 30% plus 5% for accessory structures, to be verified at time of building permits

Setbacks

Front Yard:

Required - 30'

Proposed - 30'

Side Yard:

Required - 25% of lot width for R-2 planned developments. Regular R-2 subdivisions require 10%.

Proposed - As little as 10% (Code modification)

Rear Yard:

Required - 30'

Proposed - 30'

Lot Size Minimums

Required - 15,000 square feet

Proposed - 18,482 square feet minimum

Required - 100' width (110' corner)

Proposed - 125' minimum

**ANALYSIS**

Overall, the project conforms to the Village's Comprehensive Plan, Land Development Codes and policies for this area, with the exception of the requested modifications. The land is currently in unincorporated Cook County, so all approvals are subject to annexation, which will be addressed separately at the Board level.

As is the case with many of Orland Park's remaining infill opportunities, the site is challenging to subdivide because of the significant topography, existing trees, and limited acreage. Other alternatives were studied that require less grading, utilizing an extension of the existing driveway, however the petitioner prefers the shorter and more convenient central access drive option. The side yards of the homes will be sloped to better integrate with the lay of the land. A walk out basement option will be offered on some lots. The proposed detention pond is located in the northeast corner of the lot along 80<sup>th</sup> Avenue, and will be built into the hill with a specially engineered embankment on the north and east sides to retain the water.

The general character of the new subdivision will be similar to the surrounding subdivisions once the new landscaping matures. Several large Maple trees along the west side of the property will be preserved. Because of the larger than typical lots, most of required tree mitigation will be accommodated on site, rather than cash in lieu contribution to the tree mitigation bank. This offers the best chance for restoring the vegetation removed from the site. The heavy landscape buffer around the periphery of the site will help mitigate the loss of trees and screen the new homes from view of the existing abutting homes.

**Comprehensive Plan:** The development of this project is in the Silver Lake North Planning District, where R-2 single family residential land uses are supported by the Comprehensive Plan.

### **Rezoning**

The petitioner has requested the rezoning of the subject property to the R-2 Residential Zoning District.

### **LaSalle Factors**

Per Section 5-108.E.3.a. of the Land Development Code, the Plan Commission shall consider the following factors when reviewing an application for rezoning. The petitioner has provided responses to standards as an attachment. Staff observations are noted below.

1. The existing uses and zoning of nearby property; The majority of surrounding lots are R-2 Residential zoning, so the proposal fits in the zoning context around it;
2. The extent to which property values are diminished by a particular zoning classification or restriction; No comment.
3. The extent to which the destruction of property value of a petitioning property owner promotes the health, safety, morals, or general welfare of the public; No comment.
4. The relative gain to the public as opposed to the hardship imposed on a petitioning property owner; The proposed single family land use is similar to surrounding land uses.
5. The suitability of the subject property for its zoned purposes; Single family residential is an established land use in the area, and surrounding properties are zoned R-2.
6. The length of time the property has been vacant as zoned, considered in the context of land development in the area; The property has been vacant for at least 5 years. The home on the site has been demolished.
7. The Comprehensive Plan designation and the current applicability of that designation; A rezoning to R-2 Residential is requested, which conforms to the recommended zoning in the Comprehensive Plan.
8. The evidence or lack of evidence, of community need for the use proposed;

### **Special Use Permit**

A Special Use Permit is required for a planned development that accommodates three single family lots on a shared driveway in the R-2 Residential Zoning District. Per Section 5-105.E. of the Land Development Code, the Plan Commission shall consider the extent to which the proposed project will meet the following standards. The petitioner has provided responses to the Special Use Standards, staff comments are noted below.

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;

The proposal for single family homes is supported by the Comprehensive plan and Land Development Code.

2. The Special Use will be consistent with the community character of the immediate vicinity of the parcel proposed for development;

The surrounding area is single family homes.

3. The design of the proposed use will minimize adverse effects, including visual impacts, on adjacent properties;

The proposed Landscape Plan includes a landscape buffer around the property that goes above and beyond basic Code requirements.

4. The proposed use will not have an adverse effect on the value of the adjacent property;

No comment.

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;

Public facilities 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;

The petitioner will be required to pay cash in lieu of park land per Code requirements.

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;

The petitioner must meet Village requirements.

## **Modifications**

The petitioner requests the following modifications to the land Development Code:

1. Reduce the residential lot side setbacks from a required 25% of the lot to as little as 10% of the lot width. The required 25% setback reduces the flexibility needed to locate the home to respond to natural features on the site that include the steep slope and large Maples along the west property line. Additionally, a 25% setback requirement on Lot 3 would shift the house closer to 80<sup>th</sup> and cause the required landscape buffer with fence to be located on the steeper house side slopes. The 25% requirement is unique to a planned development, 10% is the typical requirement for the R-2 Residential District.
2. Reduce the required pond setback and landcape buffer from 25' to as little as 15'.
3. Reduce the required pond flat maintenance strip from 8' to as little as 0'.
4. Reduce the required pond side slopes from a limit of 5% to as much as 20%.

Earlier versions of the pond included a wall, and future maintenance issues were a concern that would eventually become a Village responsibility. Therefore the pond was revised to eliminate the walls. Pond maintenance will be reasonably accessible from all sides of the pond, either from the

driveway or the top of the embankment.

Proposed conditions of approval summary:

1. Enlarge stubbed hammerhead at end of private drive to meet Orland Fire request.
2. Building envelopes are conceptual only and subject to Building permit approvals.
- 3 Submit a Preliminary Landscape Plan for Village landscape consultant approval before the Board meeting.
- 4 Include decorative ornamental fence along the eastern edge of Lot 3.

### **Recommended Action/Motion (August 20, 2019)**

I move to accept as findings of fact these Plan Commission **findings of fact** set forth in this staff report, dated **August 20, 2019**.

And

I move to cto the Village Board approval (upon annexation) of the **rezoning** of the property to R-2 Residential District.

And

I move to recommend to the Village Board approval (upon annexation) of the **preliminary site plan** titled "Paving and Dimensional Control Plan, Nahhas Subdivision", by Bohnak Engineering, project 3463, dated 5/01/19, revised 7/18/19, subject to the following conditions. All changes must be made and conditions met prior to the Board meeting.

- 1) Meet all final engineering and building division requirements and approvals.
- 2) Revise site plan to meet Orland Fire requirements for the hammerhead turn-around prior to the Committee meeting.
- 3) Create a new exhibit titled "Site Plan" that incorporates grading contours into the current "Paving and Dimensional Control Plan", prior to the Committee meeting.
- 4) Update chart titled 'Impervious Area per lot (square feet) to reflect 2019 revisions to Lot 1.
- 5) Building height shall not exceed 35' to the mean height of the roof.
- 6) Site Plan elements including building envelopes and locations are conceptual only and must meet all Land Development Code and Building Department requirements.
- 7) Any subdivision signage should be located on the Site Plan and is subject to separate sign permits from the Building Division.
- 8) Detention pond ownership will be determined by the Village at the time of Development Agreement. If the pond will be privately owned and maintained, a Fallback SSA (Special Service



Area) must be established and approved by the Village to assure continued maintenance.

And  
I move to recommend to the Village Board of Trustees approval (upon annexation) of a **grading plan** as shown on the plan titled "Grading Plan, Nahhas Subdivision", by Bohnak Engineering, project 3463, dated 5/01/19, revised 7/18/19, subject to the same conditions as the Site Plan.

And  
I move to recommend to the Village Board of Trustees approval (upon annexation) of a residential **subdivision** that includes 3 single family on a shared private driveway, plus a detention pond out lot, as shown on the preliminary plat titled "Paving and Dimensional Control Plan, Nahhas Subdivision", by Bohnak Engineering, project 3463, dated 5/01/19, revised 7/18/19, 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 Nahhas Subdivision, subject to the following conditions:

- 1) Submit a Record Plat of Subdivision to the Village for review, approval, and recording.
- 2) Show a driveway cross access easement with legal description on the Final Plat.

And  
I move  
to recommend to the Village Board approval (upon annexation) of a **Special Use Permit** for an R-2 Residential Planned Development with a private shared driveway, subject to the same conditions as outlined in the Preliminary Site Plan motion. Modifications to the Special Use permit include:

- 1) Reduce the residential lot side setbacks to less than 25% of the lot width.
- 2) Reduce the required detention pond setback and landscape buffer to less than 25'.
- 3) Reduce the required flat maintenance strip around the pond.
- 4) Increase the pond sides above the 5% slope limit.

And  
I move to recommend to the Village Board of Trustees approval (upon annexation) of the **Preliminary Landscape Plan** titled, "Landscape Plan", "Stormwater Basin Landscape Plan", and Tree Preservation/Mitigation Plan for Nahhas Subdivision, prepared by Greenberg Farrow, dated 08/04/17, 2017, sheets L1.0, L1.1, and TP1.0, subject to the following conditions:

- 1) Submit an updated preliminary Landscape Plan showing pond relocation prior to the Committee meeting.

- 2) Obtain Preliminary Landscape Plan approval from the Village landscape consultant prior to the Board meeting.
- 3) Submit a final Landscape Plan meeting all Village Codes and all required supporting documentation addressing all outstanding landscape items in conjunction with the final engineering submittal.

All conditions must be met and changes made prior to the Board meeting. All approvals are subject to Annexation into the Village of Orland Park.

#### **PLAN COMMISSION DISCUSSION (August 20, 2019)**

On August 20, 2019 Plan Commission held a public hearing and identified many outstanding issues still to be addressed: easements on private property; swales; berms; water flow; sight distance from 80<sup>th</sup> Avenue, and thus recommended a continuance of the public hearing to the September 10, 2019 Plan Commission, to allow the developer time to discuss with the Village the route for the sanitary sewer and possible easement; possible curbs along the proposed private street; the berm at the west end of the private street; ownership of the pond; extension of hammerhead to the south instead of equally between the north and the south; and the possibility of a swale along the south property line.

#### **PLAN COMMISSION MOTION (August 20, 2019)**

On August 20, 2019 Plan Commission voted 7-0 to continue the Nahhas petition to September 10, 2019 in order to give the Village and the engineer time to address all issues that have been raised at the public hearing and also that the Village engineer be present to discuss water issues.

**Since the August 20, 2019 Plan Commission meeting, the petitioner has worked to resolve these outstanding issues but has now requested additional time to complete the tasks.**

#### **Recommended Action/Motion**

**I move to continue file # 2014-0494 Nahhas Subdivision petition to the October 8, 2019 Plan Commission meeting.**