



## Legislation Text

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**File #:** 2020-0098, **Version:** 3

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### Title

ORDINANCE REZONING CERTAIN REAL ESTATE FROM E-1 ESTATE RESIDENTIAL DISTRICT TO R-4 RESIDENTIAL AND GRANTING A SPECIAL USE WITH MODIFICATIONS FOR A RESIDENTIAL PLANNED DEVELOPMENT (VILLAS OF COBBLESTONE - 8010-8030 W. 143<sup>RD</sup> STREET)

### Body

WHEREAS, a petition for rezoning of and granting a special use permit with modifications 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 April 21, 2020, 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 said public hearing by publication not more than 30 days nor less than 15 days prior to said meeting in the Daily Southtown, a newspaper of general circulation in this Village, there being no newspaper published in this Village; and

WHEREAS, the Plan Commission of this Village has filed its report of findings and recommendations that the requested rezoning and special use permit with modifications be granted 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 and special uses 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 and special use 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"):

LOTS 1 AND 2 IN MAHLER'S SUBDIVISION OF THE SOUTH 330 FEET OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NUMBER 90188561, IN COOK COUNTY, ILLINOIS.

PINs: 27-02-411-016-0000 and 27-02-411-017-0000

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

### 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 a planned development as follows:

A. The Subject Property contains approximately 3.9 acres and is located within the Village of Orland Park in Cook County, Illinois, at 8010-8030 W. 143<sup>rd</sup> Street. The Subject Property is of the type contemplated in Section 6-205(C)(9) 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 eighteen (18) duplex units within nine (9) duplex buildings on eleven (11) lots re-subdivided from two (2) lots, and a private detention pond and private park on two (2) outlots under the R-4 Residential Zoning classification, with a major special use for a Residential Planned Development. The site provides for adequate buffering of the proposed uses from surrounding land uses.

B. The proposed use of the Subject Property is consistent with the purposes, goals, objectives and standards of the Comprehensive Plan, any adopted overlay plan and the Land Development Code. The Comprehensive Plan designates this property as Neighborhood Mixed Use in the Silver Lake North Planning District. The plan approved herein reflects a net density of 4.97 residential units per acre.

C. The proposed special use will be consistent with the character of the immediate vicinity of the Subject Property. To the north are OS Open Lands and single-family residential; to the south and west is single-family residential; and to the east is vacant land zoned E-1 Estate Residential.

D. The proposed use of the Subject Property creates no adverse effects, including visual impacts, on adjacent properties. The proposed special use will not adversely affect the value of adjacent property.

E. The Petitioners have 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 uses 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. Petitioners have made adequate legal provision, through credit being given for Petitioner's constructing and maintaining the private park on one (1) outlot 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 special use.

G. The proposed use will not adversely affect a known archaeological, historical or cultural resource.

H. The proposed special use 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 on June 4, 2007 (the “Annexation Agreement”).

#### SECTION 4

A special use is hereby granted for a Residential Planned Development of the Subject Property described in SECTION 2 hereof, subject to and conditioned upon the following:

A. The Subject Property shall be developed substantially in accordance with the preliminary site plan titled “Preliminary Site Plan for Villas of Cobblestone”, by Designtek Engineering, Inc., dated February 26, 2020, revised March 31, 2020, subject to the following conditions:

- 1) The private park and detention pond shall be perpetually privately owned and maintained as a, publicly accessible park by an established home owners’ association, and “Covenants, Conditions and Restrictions of Record” providing for such ownership and maintenance shall be recorded by Petitioner following review and approval by the Village attorney. Additionally, such “Covenants, Conditions and Restrictions of Record” shall provide that the private park shall be perpetually owned by the home owners’ association, or the owners of the Subject Property unless otherwise approved by the Village. The park must be improved by Petitioner with landscaping, an outdoor seating area, with benches and a pergola, unless otherwise approved by the Village.
- 2) The proposed duplex buildings shall conform to all Village codes and ordinances, including the bulk requirements of the R-4 Residential Zoning District per Section 6-205 of the Code and the Building Code.
- 3) Petitioner shall direct a portion (as approved by the Village) of the Code-required Petitioner park land and cash contributions to benefit nearby Wedgewood Commons Park improvements as finalized at the time of the Development Agreement between the Village and Petitioner.
- 4) Petitioner must submit a sign permit application to the Village Development Services Department for separate review. Signs are subject to additional review and approval via the sign permitting process and additional restrictions may apply.
- 5) Petitioner must repair or replace all existing sidewalks along 80<sup>th</sup> Avenue that are damaged due to construction.
- 6) All retaining walls shall meet the requirements of Section 6-302.C.31 of the Code.
- 7) All final plans must meet all final engineering and Building Code requirements and approvals, including required permits from outside agencies.

B. The Subject Property shall be developed substantially in accordance with the Elevations titled “Villas of Cobblestone - Marth Construction”, prepared by IJM Architects, dated February 25, 2020, subject to the condition that all Building Code and final engineering requirements are met.

C. The Subject Property must be developed substantially in accordance with the Preliminary Landscape Plan titled "Landscape Plan for Villas of Cobblestone", prepared by Metz and Company, dated January 15, 2020, revised March 31, 2020. Petitioner must 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. Also, Petitioner must meet all tree mitigation and preservation requirements per Section 6-305.F. of the Code.

D. The Petitioner shall subdivide the land as shown on the "Preliminary Subdivision Plat for The Villas of Cobblestone", by Designtek Engineering, Inc., dated February 26, 2020, revised March 31, 2020, subject to the condition that the Petitioner submit a final Record Plat of Subdivision to the Village for approval and recording and the conditions set forth in Subsections A and B above.

E. The Special Use hereby granted for a Residential Planned Development in the R-4 Residential Zoning District is subject to the conditions set forth above in Subsection A and with the following modifications (with references to the applicable Code Sections) to:

- 1) Reduce the required detention pond setback and landscape area from twenty-five (25) feet to as little as eight (8) feet (Section 6-409.E.18; Section 6-412.D.1)
- 2) Increase the maximum pond slope from 4:1 to 3:1 (Section 6-409.E.18)
- 3) Reduce the building to building setback from twenty-five (25) feet to twenty (20) feet (Section 6-205.E.2.b.4)
- 4) Reduce the side setback between the building and side property line from twenty-five (25) feet to as little as ten (10) feet (Section 6-205.E.2.b.4)
- 5) Reduce the required minimum right-of-way width for 142<sup>nd</sup> Place, a local street to be dedicated to the Village, from sixty (60) feet to fifty (50) feet (Table 6-405 (A)(2))
- 6) Reduce the minimum centerline radius from one-hundred and seventy-five (175) feet to eighty (80) feet (Table 6-405 (A)(2))
- 7) Reduce the parkway from eight (8) feet to as little as four (4) feet (Section 6-406.A.2)

## 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 Development Agreement between the Village and Petitioner, 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 as required by law.

