



## Legislation Text

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**File #:** 2015-0066, **Version:** 5

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

ORDINANCE REZONING CERTAIN REAL ESTATE FROM E-1 ESTATE RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL AND GRANTING VARIANCES (WINTERSET ESTATES - 10595 W. 167<sup>TH</sup> STREET)

#### Body

WHEREAS, a petition for rezoning of and granting variances 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 March 24, 2015, on whether the requested rezoning and variances 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 March 24, 2015, 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 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 North Half of the West Quarter of the Northeast Quarter of the Northeast Quarter of Section 29, Township 36 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois.

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from E-1 Estate Residential District to R-3 Single-Family 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 variances as follows:

A. The Subject Property contains approximately 5.0 acres and is located within the Village of Orland Park in Cook County, Illinois, at 10595 W. 167<sup>th</sup> Street. The Subject Property is of the type contemplated in Section 6-204(B) 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 seven (7) single-family lots and one (1) storm water detention pond outlot (which includes a small park area) under the R-3 Residential Zoning classification, with variances as set forth in SECTION 4, below. 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 Single-Family Residential (R-3) in the Grasslands Planning District.

C. The proposed development will be consistent with the character of the immediate vicinity of the Subject Property. To the south, east and west is single-family residential and to the north is Panduit Corporation (manufacturing).

D. The proposed use of the Subject Property creates no adverse effects, including visual impacts, on adjacent properties. The proposed development 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 development 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 park land donation 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 development.

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

H. The proposed 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 July 6, 2015 (the "Annexation Agreement").

SECTION 4

Variances are hereby granted for a single-family residential 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 Final Site Plan appended hereto and incorporated herein as EXHIBIT B entitled “WINTERSET ESTATES” prepared by SPACECO, INC., Job No. 8317, dated March 20, 2015, last revised April 29, 2015, subject to the following:

1. Petitioner must contribute a recapture fee to the Village in accordance with the Hunter Point Recapture Agreement dated May 12, 2003 for the previously constructed water booster station that will be utilized by this development. The recapture fee due the Village pursuant to the Hunter Point Recapture Agreement is \$65,500.00. This amount will be paid as each of the seven (7) building permits are issued, i.e., \$9,357.14 per lot. This recapture fee will be deposited in the Village’s Water Reconstruction Fund.

2. Utilize the existing driveway off of 167<sup>th</sup> Street as a temporary construction access, until such time Lot 4 is granted a building permit.

3. Submit a Final Landscape Plan, meeting all Village Codes, for separate review and approval, within 60 days of final engineering approval, including the following items:

a. At the time of Final Landscape Plan, Petitioner shall work with residents of new and existing lots to locate mitigated trees to buffer rear lots of adjacent homes.

b. Provide tree mitigation, per Code requirements, preferably on site if a health spacing can be achieved, otherwise a contribution must be paid in accordance with the Land Development Code into the tree mitigation bank. Tree mitigation requirements will be finalized at the time of Final Landscape Plan and after final engineering of lots.

c. Plant the pond in a natural style with a native edge.

d. Include parkway trees along all sidewalks, including 167<sup>th</sup> Street, spaced 40’ on center.

4. Meet all final engineering and building code related items.

5. Signage approval is not part of this Ordinance and should be submitted for separate review to and approval by the Building Division.

B. In addition to the above development approvals, the following variances are hereby granted:

1. Reduce the minimum lot depth on the shared boundary between lots 2 and 3 from a required 125’ to approximately 110’.

2. Reduce the minimum lot depth on the shared boundary between lots 5 and 6 from a required 125’ to approximately 113’.

3. Reduce cul-de-sac from a required 120’ diameter to approximately 110’.

4. Reduce street turning radius from a required 175' radius to approximately 65'.
5. Reduce pond setback from a required 25' minimum to approximately 10'.
6. Increase pond slope from a required 4:1 maximum to approximately 3:1.
7. Reduce maintenance strip from a required 15' minimum to approximately 8'.

#### SECTION 5

The Petitioner (Permittee) hereunder shall at all times comply with the terms and conditions of this Ordinance, and the said July 6, 2015, Annexation Agreement herein granted.

#### 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 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.