



VILLAGE OF ORLAND PARK

14700 Ravinia Avenue
Orland Park, IL 60462
www.orland-park.il.us

Ordinance No: 4232

File Number: 2006-0187

AN ORDINANCE REZONING PROPERTY AND GRANTING VARIATIONS (DEER HAVEN
ESTATES)

VILLAGE OF ORLAND PARK

STATE OF ILLINOIS, COUNTIES OF COOK AND WILL

Published in pamphlet form this 20th day of March, 2007 by authority of the President and Board
of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois.

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AN ORDINANCE REZONING PROPERTY AND GRANTING VARIATIONS (DEER HAVEN ESTATES)

WHEREAS, a petition seeking rezoning subdivision, site plan approval and variations for certain real estate, as set forth below, has been filed with the Village Clerk of this Village and has been referred to the Plan Commission of this and has been processed in accordance with the Orland Park Land Development Code, as amended; and

WHEREAS, the Plan Commission of this Village held a public hearing on April 26, 2006, properly continued to May 9, 2006, on whether the requested rezoning subdivision, site plan and variations should be approved, 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 April 26, 2006 public hearing by publication not more than 30 days nor less than 15 days prior to said hearing in The Orland Park Star and The Daily Southtown, newspapers 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 rezoning subdivision, site plan and variations be approved with this President and Board of Trustees, and this Board of Trustees has duly considered said reports, 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 of the Plan Commission of this Village is herein incorporated by reference, as completely as if fully recited herein at length. Also, all exhibits submitted at the public hearings held by the Plan Commission are hereby incorporated by reference as fully as if attached hereto. This Board of Trustees further finds that the proposed rezoning and variations are in the public good and in the best interests of the Village and its residents and are consistent with and foster the purposes and spirit of the Land Development Code of the Village of Orland Park as set forth in Section 1-102 thereof.

SECTION 2

In addition to the findings set forth in Section 1 hereof, this Board of Trustees further finds in relation to the proposed rezoning and variations as follows:

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a. The Subject Property is approximately 16 acres in area and is located at 143rd Street and Deer Haven Lane, Orland Park, Illinois. The site originally consisted of two parcels, one, 10.9 acres, zoned R-2 Single Family Residential District in the Village of Orland Park and the other, 5 acres in area, in unincorporated Cook County, but seeking rezoning to R-2 Single Family Residential District upon annexation to the Village.

b. Petitioner seeks amendment of the site plan and subdivision that has been previously approved for the 10.9-acre parcel to incorporate the 5-acre parcel and result in a new subdivision and site plan for the resulting 16 acres. However, creation of an efficient 23-unit subdivision plan for the new 16-acre site has led to a request for several variations.

c. The original plan for the 10-acre parcel had a single north-south street down the middle of the property; the amended plan retains the N-S street but adds a C-shaped loop at the middle of the road. This allows 23 home sites, retains detention along 143rd Street, and provides a more interesting layout. A tree conservation easement at the southeast portion of the Subject Property will be provided.

d. The requested variations include variations from the front lot with requirement of the Land Development Code for lots 1, 18, 19, 20, 22 and 23, a reduction in the street right of way from 60 to 50 feet for all internal streets, permission to have sidewalks on only one side of the internal streets, and a reduction in the floodplain setback from 50 to 0 feet and in the detention setback from 25 feet to 0 feet.

e. The overall Subject Property is approximately 700 feet east to west (along 143rd Street) and 990 feet deep. Because the roadway for the originally-approved subdivision was under construction when the petitioner requested annexation of the additional 5 acres and approval of the amended subdivision, certain constraints were already in place for the new subdivision. The variation to allow a 50 foot right of way instead of 60 feet is caused by the original street location, with very deep lots on the east side. The deep lots also allow for enhanced tree preservation on the site. Allowing for a 50 foot ROW makes it possible to have lots in the center and on the west side of the property. The paved width of the roadway will not be any less than Village requirements even if this variation is approved. Having sidewalk on only one side of the roadway will not be a problem in a subdivision of this size with little or no through traffic.

f. Regulations for the R-2 District are found at Section 6-203 of the Land Development Code and at Section 6-203E, require a lot width of 100 feet, adding 10% for corner lots. Variations are requested for lots 1, 18, 19, 20, 22 and 23, almost all of which are corner lots, to permit front lot widths for those lots that vary from 64 to 102 feet. Most of the corner lots for which these variations are requested are affected by the C-shaped curve of the new street.

g. The floodplain and detention setback variation requests are largely caused by the topography of the site. To lessen any Village problems from the reduced setbacks, Petitioner has indicated that the detention areas

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will be maintained by the Homeowners' Association, to Village standards.

h. The variations requested will be consistent with the character of the immediate vicinity. The Subject Property is located on 143rd Street, in a largely unincorporated large lot residential area with R-2 zoning in the Village to the west. Granting the requested variations, which will permit approval of the new subdivision, will allow 23 lots with only one access to 143rd Street and is a desirable use of the Subject Property. It will be consistent with the residential nature of the area as a whole, and will lead to fewer turning movements directly to/from 143rd Street.

i. The property in question cannot yield a reasonable return if permitted to be used only under the requirements of the Land Development Code. If every lot had the full required frontage and no setback variations were granted, there would be far fewer lots and unused land in areas. A unified subdivision such as this is will be far better than stringing out single lots along an internal roadway or 143rd Street.

j. The plight of the owner is due to the unique circumstances of the dimensions and topography of the parcel and the fact that the road to the east, Deer Haven Lane was under construction when the opportunity to add the land to the west arose.

k. The variations if granted will not alter the essential character of the locality since the proposed subdivision is residential in nature and the surrounding area is entirely residential in nature as well.

l. The denial of the requested variations would be a hardship to the Petitioner because there are few, if any, other options available for the Subject Property that allow a reasonable use of the property.

m. The granting of the requested variations will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood, but will permit the construction of a well-designed subdivision and be an addition to the Village's tax base. Granting the variations will not increase traffic in the public streets, or increase the danger of fire or endanger the public safety or impair property values within the neighborhood. The variations will not detrimentally impact neighboring properties, as stated above.

SECTION 3

The zoning map of the Village of Orland Park, as amended, is hereby further amended to rezone the property described below from E-1 Estate Residential District to R-2 Residential District:

THE WEST 5 ACRES OF THE EAST 17 ACRES OF THE WEST 34 ACRES OF THE NORTH 60 ACRES OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 36 NORTH, RANGE 12

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EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT RIGHTS OF PUBLIC, THE MUNICIPALITY AND THE STATE OF ILLINOIS IN AND TO THAT PART OF PREMISES IN QUESTION TAKEN FOR ROADS AND HIGHWAY) IN COOK COUNTY, ILLINOIS.

SECTION 4

The property legally described above, together with the property legally described as:

DEER HAVEN, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, COOK COUNTY, ILLINOIS

Shall together be referred to in this Ordinance as the Subject Property.

SECTION 5

Subdivision of the above-described Subject Property into 23 single family lots and 2 outlots for detention as shown on the preliminary site plan titled "Preliminary Site Plan of Deerhaven Resubdivision" prepared by Spaceco Inc. Sheet 1 of 1, Job No. 4328 is hereby approved, subject to the condition that a tree conservation easement of at least 100 feet in depth from the east property line is provided on Lots 6 and 7.

SECTION 6

The site plan for the Subject Property titled titled "Preliminary Site Plan of Deerhaven Resubdivision" prepared by Spaceco Inc. Sheet 1 of 1, Job No. 4328 is hereby approved, subject to the following conditions:

1. That a tree mitigation plan is submitted for the overall site per Village Code;
2. That the Petitioner accommodates a full access at 143rd Street with a left turn lane, and a potential eastbound deceleration lane, if IDOT approval is obtained;
3. That parkway trees are provided along all internal streets per code;
4. That all final engineering and building code items are met, and a landscaping plan is submitted for review; and
5. That the proposed sanitary sewer is extended to the east property line to provide future service to the east.

SECTION 7

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Variations for the Land Development Code of the Village of Orland Park, as shown on the approved site plan are hereby granted as follows:

1. Reduction of the front lot width requirements for corner lots 1, 18, 19, 20, 22 and 23 as shown on the proposed site plan;
2. Reduction of the street r.o.w. from 60 feet to 50 feet for all internal streets, and to allow sidewalks on one side of the street only; and
3. Reduction in the floodplain setback from 50 feet to 0 feet and the detention setback from 25 feet to 0 feet, provided that the Petitioner submits documentation that demonstrates that these will be privately maintained by the Home Owner's Association per Village standards.

SECTION 8

This Ordinance shall be in full force and effect from and after its passage and approval as required by law.

SECTION 9

The Village Clerk is hereby ordered and directed to publish this Ordinance in pamphlet form, said pamphlet to be deposited in the office of the Village Clerk for general distribution.

PASSED this 19th day of March, 2007

/s/ David P. Maher

David P. Maher, Village Clerk

Aye: 7 Trustee Fenton, Trustee Murphy, Trustee Dodge, Trustee Gira, Trustee Schussler, Trustee O'Halloran, and Village President McLaughlin

Nay: 0

DEPOSITED in my office this 19th day of March, 2007

/s/ David P. Maher

David P. Maher, Village Clerk

APPROVED this 19th day of March, 2007

/s/ Daniel J. McLaughlin

Daniel J. McLaughlin, Village President

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PUBLISHED this 20th day of March, 2007

/s/ David P. Maher

David P. Maher, Village Clerk