



VILLAGE OF ORLAND PARK

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

Ordinance No: 4214

File Number: 2006-0648

AN ORDINANCE GRANTING VARIANCES - (ORLAND CROSSING, LIGHTING)

VILLAGE OF ORLAND PARK

STATE OF ILLINOIS, COUNTIES OF COOK AND WILL

Published in pamphlet form this 16th day of January, 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 GRANTING VARIANCES - (ORLAND CROSSING, LIGHTING)

WHEREAS, a petition seeking variances for certain real estate, as set forth below, has been filed with the Village, has been referred to the Plan Commission of this Village 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 November 14, 2006, on whether the requested 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 said 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 said Plan Commission has filed with this President and Board of Trustees its report of findings and its recommendation for approval of the requests, and this Board of Trustees has duly considered said reports and findings and recommendation of approval.

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 of the Plan Commission of this Village are herein incorporated by reference as the findings of this Board of Trustees, as completely as if fully recited herein at length. Also, all exhibits submitted at the public hearing are hereby incorporated by reference as fully as if attached hereto. This Board of Trustees further finds that the proposed variances are in the public good and in the best interests of the Village and its residents and is 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 requested variances as follows:

- a. The Subject Property is a 66.53-acre parcel located at the Northeast corner of 143rd Street and LaGrange Road, in Orland Park, Illinois. The Subject Property is zoned VC, Village Center District, under

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the Village's Land Development Code (the "Code").

b. The Subject Property is being developed by Petitioner as a mixed-use project. At present the southern portion is being developed for commercial uses, including retail and office, and 92 residential units. The requested lighting system is already in operation at the Subject Property.

c. Petitioner seeks approval of certain variations from the lighting provisions of the Land Development Code of the Village.

d. The requirement of the Code is for a maximum height for pole mounted non-cutoff light fixtures is 16 feet. Petitioner has requested heights of 18'5", 21' and 30'.

e. In addition, Petitioner has requested variances to permit the non-cutoff fixtures to have wattages which exceed the 100W maximum by 75 and 150W.

f. Petitioner has requested these variances to more effectively light certain areas of the project.

g. Petitioner asserts that the large size of the project lot means that the variations requested will have little impact on adjoining property.

h. No one spoke in opposition to Petitioner's request at the public hearing.

i. The property in question cannot yield a reasonable return if the requested lighting variances are not permitted.

j. The plight of the owner is due to the unique circumstances of the size and location of the lot and the need for lighting at all locations and all times.

k. The variance, if granted, will not alter the essential character of the locality. That the essential character of the locality will not change was also demonstrated by the fact that no neighbors spoke in opposition to the variance requested.

l. The denial of the requested variance would be a hardship to the Petitioner because a new plan would have to be developed and to provide adequate and attractive lighting, lighting fixtures would still need to exceed the maximum.

m. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

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n. The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase congestion in the public streets, or increase the danger of fire or endanger the public safety or impair property values within the neighborhood.

SECTION 3

The photometric site plan for Orland Crossing, by Davis Street Land Company, dated April 4, 2006 is hereby approved subject to the condition that Petitioner ensures that the light fixture assemblies S3 and S4 shown on the plan adjoining the town home developments, are appropriately shielded. Approval of the photometric plan includes the following variances:

1. A variance to allow the S7/8, S1 and S1A types of non-cutoff fixture light poles to exceed the 16 foot maximum by 2'5", 5'4" and 14', resulting in poles of 18'5", 21'4" and 30'.
2. A variance to allow the S7/8, S1 and S1A types of non-cutoff fixture light wattages to exceed the 100W maximum by 75W and 150W, resulting in wattages of 175W and 250W.
3. A variance to allow a maximum height difference between the total height of the light assembly and the height of the luminaires to slightly exceed four feet for the S1 and S1A light assemblies.

All variances are for the photometric plan for the property legally describes as follows:

PARCEL 1

LOT 2 IN HERITAGE SQUARE A SUBDIVISION OF PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THAT PART OF SAID LOT 2 CONVEYED IN TRUSTEES DEED RECORDED FEBRUARY 14, 2000 AS DOCUMENT NUMBER 00107251 DESCRIBED AS FOLLOWS : BEGINNING AT THE NORTHWEST CORNER OF LOT 1 IN SAID HERITAGE SQUARE SUBDIVISION; THENCE NORTH 89 DEGREES 58 MINUTES 16 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 1, 140.00 FEET TO A JOG IN THE NORTH LINE OF SAID LOT 1; THENCE NORTH 0 DEGREES 14 MINUTES 5 SECONDS EAST ALONG SAID JOG IN THE NORTH LINE OF LOT 1, 10.00 FEET; THENCE SOUTH 89 DEGREES 58 MINUTES 16 SECONDS WEST PARALLEL WITH THE NORTH LINE SAID LOT 1, 140.00 FEET; THENCE SOUTH 0 DEGREES 14 MINUTES 5 SECONDS WEST 10.00 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 2

THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THE 10 1/4 ACRES OF THE NORTH END THEREOF AND EXCEPT THAT PART LYING NORTHWESTERLY OF A LINE DRAWN 75

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FEET SOUTHEASTERLY FROM AND PARALLEL WITH THE CENTER LINE BETWEEN THE TWO MAIN TRACKS OF THE WABASH RAILROAD CO., AS THE SAME HAS RECENTLY BEEN SURVEYED ACROSS SAID WEST 1/2 OF THE SOUTHWEST 1/4 AND EXCEPT PART CONVEYED TO DEPARTMENT OF PUBLIC WORKS AND BUILDINGS OF THE STATE OF ILLINOIS BY DOC. NO. 12682972 AND EXCEPT THAT PART DEDICATED FOR ROAD BY DOC. NO. 93973837 RECORDED NOVEMBER 30, 1993 AND EXCEPT ALL THAT PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE SOUTH LINE OF THE NORTH 10 1/4 ACRES OF SAID WEST 1/2 OF SAID SOUTHWEST 1/4 AND EAST OF A LINE 542 FEET WEST OF, A DISTANCE FROM AND PARALLEL WITH THE EAST LINE OF SAID WEST 1/2 OF SAID SOUTHWEST 1/4; AND EXCEPT THAT PART THEREOF FALLING IN THE WEST 275 FEET OF THE SOUTH 275 FEET (EXCEPT THE SOUTH 50 FEET OF THE EAST 75 FEET OF THE WEST 275 FEET THEREOF) OF SAID WEST 1/2 OF THE SOUTHWEST 1/4, ALL IN COOK COUNTY, ILLINOIS.

EXCEPT THEREFROM THE FOLLOWING PER DEED DOC. 0318241221 :

THE EAST 52 FEET OF THE WEST 327 FEET OF THE SOUTH 275 FEET, EXCEPT THE SOUTH 57 FEET THEREOF, OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS
PARCEL 3

THAT PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID WEST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 3; THENCE SOUTHERLY ALONG THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION, 325.44 FEET; THENCE WESTERLY ALONG A LINE PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION, 806.74 FEET TO A POINT OF INTERSECTION OF SAID PARALLEL LINE WITH THE EASTERLY LINE OF THE RIGHT-OF-WAY OF THE WABASH RAILROAD; THENCE NORTHEASTERLY ALONG A STRAIGHT LINE FORMING AN ANGLE WITH SAID LAST DESCRIBED PARALLEL LINE 48 DEGREES 01 MINUTES 20 SECONDS, FOR A DISTANCE OF 437.75 FEET, MORE OR LESS, TO THE NORTH LINE OF SAID SOUTHWEST 1/4 OF SECTION, (SAID STRAIGHT LINE ALSO BEING THE EAST LINE OF THE RIGHT-OF-WAY OF THE WABASH RAILROAD); THENCE EAST ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 3, FOR A DISTANCE OF 514.36 FEET, MORE OR LESS, TO THE POINT OF BEGINNING (EXCEPT THEREFROM THAT PART DEDICATED BY DOCUMENT 25906634 FOR THOMAS DRIVE), IN COOK COUNTY, ILLINOIS.

PARCEL 4

THAT PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED

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AS FOLLOWS: A STRIP OF LAND LYING BETWEEN THE EASTERLY RIGHT-OF-WAY LINE OF THE NORFOLK AND WESTERN RAILROAD RIGHT-OF-WAY AS DESCRIBED IN DOCUMENT NUMBER 5275447 AND THE WEST RIGHT-OF-WAY LINE OF THOMAS DRIVE HERETOFORE DEDICATED PER DOCUMENT NUMBER 25134048 AND LYING SOUTHERLY OF THE SOUTH LINE OF THE NORTH 325.44 FEET OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 3 AND NORTHERLY OF THE SOUTH LINE OF THE NORTH 10.25 ACRES OF THE SAID WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 3, A PORTION OF SAID LINE ALSO BEING THE NORTH LINE OF LOT 2 IN HERITAGE SQUARE SUBDIVISION RECORDED SEPTEMBER 23, 1986 AS DOCUMENT NUMBER 86430347, SAID PARCEL OF LAND ALSO BEING DESCRIBED AS: COMMENCING AT THE NORTHEAST CORNER OF SAID WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 3; THENCE SOUTH 00 DEGREES 05 MINUTES 00 SECONDS WEST ALONG THE EAST LINE OF SAID WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 3, A DISTANCE OF 325.44 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 28.05 FEET FOR A PLACE OF BEGINNING; THENCE SOUTH 00 DEGREES 01 MINUTES 17 SECONDS EAST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID THOMAS DRIVE, 8.86 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG THE NORTH LINE OF SAID LOT 2 IN HERITAGE SQUARE SUBDIVISION AND THE SOUTH LINE OF THE NORTH 10.25 ACRES OF SAID WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 3, A DISTANCE OF 786.43 FEET; THENCE NORTH 41 DEGREES 58 MINUTES 40 SECONDS EAST, ALONG THE SAID EASTERLY RIGHT-OF-WAY OF THE NORFOLK AND WESTERN RAILROAD, A DISTANCE OF 11.92 FEET; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE SOUTH LINE OF THE NORTH 325.44 FEET OF SAID WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 3, A DISTANCE OF 778.46 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 5:

THAT PART OF THE EAST $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1 IN HERITAGE SQUARE, BEING A SUBDIVISION OF PART OF THE WEST $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SAID SECTION 3, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 23, 1986 AS DOCUMENT 86430347; THENCE NORTH 00 DEGREES, 14 MINUTES, 05 SECONDS EAST ALONG THE WEST LINE OF JOHN HUMPHREY DRIVE, AS HERETOFORE DEDICATED PER DOCUMENT 86430347, A DISTANCE OF 340.64 FEET; THENCE NORTH 89 DEGREES, 54 MINUTES, 44 SECONDS EAST ALONG THE NORTHERLY TERMINUS OF JOHN HUMPHREY DRIVE AS HERETOFORE DEDICATED PER DOCUMENTS 86430347 AND 26407257, A DISTANCE OF 34.44 FEET TO A POINT ON THE WEST LINE OF THE EAST $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF

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SAID SECTION 3 AND THE PLACE OF BEGINNING; THENCE NORTH 00 DEGREES, 05 MINUTES, 00 SECONDS EAST ALONG THE WEST LINE OF THE EAST ½ OF THE SOUTHWEST ¼ OF SAID SECTION 3, A DISTANCE OF 285.22 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF A CURVE CONCAVE TO THE WEST, BEING THE WESTERLY LINE OF LAND DESCRIBED IN DOCUMENT 85156585, HAVING A RADIUS OF 300.00 FEET, HAVING A CHORD BEARING OF SOUTH 15 DEGREES, 53 MINUTES, 48 SECONDS EAST 168.93 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00 DEGREES, 14 MINUTES, 05 SECONDS WEST ALONG THE SAID WESTERLY LINE OF LAND DESCRIBED IN DOCUMENT 85156585, A DISTANCE OF 124.82 FEET; THENCE SOUTH 89 DEGREES, 54 MINUTES, 44 SECONDS WEST ALONG THE SAID NORTHERLY TERMINUS OF JOHN HUMPHREY DRIVE, 45.57 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 6:

THAT PART OF THE EAST ½ OF THE SOUTHWEST ¼ OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE EAST ½ OF THE SOUTHWEST ¼ OF SAID SECTION 3; THENCE SOUTH 00 DEGREES, 05 MINUTES, 00 SECONDS WEST ALONG THE WEST LINE OF THE EAST ½ OF THE SOUTHWEST ¼ OF SAID SECTION 3, A DISTANCE OF 1294.18 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THOMAS DRIVE, AS HERETOFORE DEDICATED PER DOCUMENT 25134048, SAID POINT BEING THE PLACE OF BEGINNING; THENCE SOUTHEASTERLY ALONG THE ARC OF A CURVE CONCAVE TO THE EAST, BEING THE SAID WESTERLY RIGHT-OF-WAY LINE OF THOMAS DRIVE, HAVING A RADIUS OF 360.00 FEET, HAVING A CHORD BEARING OF SOUTH 22 DEGREES, 33 MINUTES, 21 SECONDS EAST, 6.40 FEET TO A POINT OF TANGENCY; THENCE SOUTH 23 DEGREES, 03 MINUTES, 42 SECONDS EAST ALONG THE SAID WESTERLY LINE OF THOMAS DRIVE, 189.43 FEET; THENCE SOUTH 66 DEGREES, 56 MINUTES, 18 SECONDS WEST ALONG THE NORTHERLY LINE OF LAND DESCRIBED IN DOCUMENT 85156585, A DISTANCE OF 83.65 FEET; THENCE NORTH 00 DEGREES, 05 MINUTES, 00 SECOND EAST ALONG THE WEST LINE OF THE EAST ½ OF THE SOUTHWEST ¼ OF SAID SECTION 3, A DISTANCE OF 212.97 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 7 (PER DEED DOC. 0318241222):

THAT PART OF THE WEST ½ OF THE SOUTHWEST ¼ OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE NORTH 89 DEGREES 58 MINUTES 16 SECONDS EAST ALONG THE SOUTH LINE OF SAID SOUTHWEST ¼ 100 FEET; THENCE NORTH 0 DEGREES 09 MINUTES 38 SECONDS EAST PARALLEL WITH THE WEST LINE OF

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SAID SOUTHWEST $\frac{1}{4}$, ALONG A LINE DESCRIBED IN DOCUMENT NUMBER 12682972, A DISTANCE OF 50.00 FEET FOR A PLACE OF BEGINNING; THENCE NORTHWESTERLY ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 50.00 FEET, HAVING A CHORD BEARING OF NORTH 63 DEGREES 16 MINUTES 28 SECONDS WEST, ALONG A LINE DESCRIBED IN SAID DOCUMENT 12682972, A DISTANCE OF 46.36 FEET; THENCE NORTH 0 DEGREES 09 MINUTES 38 SECONDS EAST PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST $\frac{1}{4}$ ALONG THE EAST LINE OF A PARCEL OF LAND DEDICATED FOR ROADWAY FOR DOCUMENT NUMBER 93973837 A DISTANCE OF 23.11 FEET; THENCE SOUTH 44 DEGREES 50 MINUTES 22 SECONDS EAST 51.08 FEET; THENCE NORTH 89 DEGREES 58 MINUTES 16 SECONDS EAST PARALLEL WITH SOUTH LINE OF SAID SOUTHWEST $\frac{1}{4}$, A DISTANCE OF 178.88 FEET; THENCE SOUTH 0 DEGREES 09 MINUTES 38 SECONDS WEST ALONG THE EAST LINE OF THE WEST 275 FEET OF SAID SOUTHWEST $\frac{1}{4}$, A DISTANCE OF 7.00 FEET; THENCE SOUTH 89 DEGREES 58 MINUTES 16 SECONDS WEST PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST $\frac{1}{4}$, A DISTANCE OF 175.00 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 8:

THE SOUTH SEVEN FEET OF LOT 1 IN HERITAGE SQUARE SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 23, 1986, AS DOCUMENT NO. 86430347, IN COOK COUNTY, ILLINOIS.

The above described property is generally located at the northeast corner of 143rd Street and LaGrange Road.

SECTION 4

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

SECTION 5

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, and this Ordinance shall be in full

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force and effect from and after its passage, approval and publication as required by law

PASSED this 15th day of January, 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 15th day of January, 2007

/s/ David P. Maher

David P. Maher, Village Clerk

APPROVED this 15th day of January, 2007

/s/ Daniel J. McLaughlin

Daniel J. McLaughlin, Village President

PUBLISHED this 16th day of January, 2007

/s/ David P. Maher

David P. Maher, Village Clerk