



VILLAGE OF ORLAND PARK

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

Ordinance No: 4440

File Number: 2008-0550

AN ORDINANCE GRANTING VARIANCES - (COMMUNITY HONDA, LIGHTING)

VILLAGE OF ORLAND PARK

STATE OF ILLINOIS, COUNTIES OF COOK AND WILL

Published in pamphlet form this 16th day of December, 2008 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 - (COMMUNITY HONDA, 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 October 28, 2008, properly continued to November 11, 2008, 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 October 28, 2008, public hearing by publication not more than 30 days nor less than 15 days prior to said hearing in the SouthtownStar, a newspaper of general circulation in this Village, there being no newspaper published in this Village; and

WHEREAS, the 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 requested variances 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 requested variances as follows:

- a. The Subject Property is a 4.23-acre parcel located at 8340 West 159th Street, in Orland Park, Illinois. The Subject Property is zoned BIZ General Business District under the Village's Land Development Code (the "Code").

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- b. The Subject Property is developed and operating as a Honda car dealership.
- c. Petitioner seeks approval to install additional lighting fixtures that will create levels exceeding those permitted under Section 6-302D of the Land Development Code. Specifically, Section 6-302D, Table 2, of the Code sets 15 foot candles as the maximum horizontally-measured light intensity permitted in a non-residential use without a variance, and Petitioner has requested two new fixtures, one over the service door of the Honda dealership with a measured intensity of 18.19 foot candles, and one on the existing light pole nearest the Honda service garage with a measured intensity of 16.22 foot candles.
- d. In addition, Petitioner requests a variance to the requirement of Section 6-302D, Table 2, of the Code that horizontally-measured illumination at the property line for a non-residential to non-residential use not exceed 5 foot candles, to permit illumination with a measured intensity not to exceed 8.25 foot candles at the eastern property line of the Honda dealership.
- e. Petitioner has stated that the increased lighting levels are necessary because proper lighting is necessary to generate consumer interest.
- f. Petitioner has requested the variances to more effectively light the outdoor display areas of the dealership and also to provide better security for employees and patrons of the dealership.
- g. No one spoke in opposition to Petitioners' request at the public hearing. The only residential use abutting the Honda dealership is the Orland Golf View Condo Subdivision, and any glare that that property might experience from the additional light intensity will be observed from more than 250 feet away and will be largely blocked by the actual Community Honda dealership building.
- h. The property in question cannot yield a reasonable return if the requested lighting variances are not permitted. Lighting is essential to generate customer interest and provide security for employees and customers at automobile dealerships, Petitioner asserts.
- i. The plight of the owner is due to the unique circumstances of the need for security at an automobile dealership for customers, employees and neighbors. The size of an automobile dealership sets it apart from the general commercial uses like restaurants or grocery stores. Further, increased lighting during business hours makes it easier for customers to make informed decisions about colors and automotive details when purchasing a vehicle.
- j. The variances, as conditioned by this Ordinance, will not alter the essential character of the locality. Neighboring automobile dealerships also have high lighting levels. The Tinley Park dealerships, to the east

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of the Subject Property, have even higher lighting levels.

k. The denial of the variances, as conditioned by this Ordinance, would be a hardship to the Petitioner because the desired level of security and customer appeal could not be attained if a variance were not granted.

l. The granting of the variances, as conditioned by this Ordinance, will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. The only residential use is far away and will be minimally affected. The other properties surrounding the Subject Property are other automobile dealerships.

m. The proposed variances 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. They should have no effect other than a beneficial effect on the Subject Property.

SECTION 3

Variances to Section 6-302 Table 2 of the Land Development Code of the Village of Orland Park are hereby granted to Community Honda for the property located at 8340 West 159th Street

(1) to permit lighting levels to exceed the 15 foot candle maximum otherwise imposed to allow:

(a) 18.19 foot candles for one exterior wall mounted flood-lighting fixture on the southern end of the east elevation of the building near the service door; and

(b) 16.22 foot candles for one new lighting fixture on the nearest light pole to the service garage and

(2) to permit a lighting level of 8.25 foot candles at the eastern property line of the Subject Property (adjacent to the Lexus dealership), rather than the maximum of 5 foot candles otherwise permitted for non-residential to non-residential uses.

The Subject Property is legally described as:

A TRACT OF LAND DESCRIBED AS FOLLOWS: COMMENCING AT A POINT WHICH IS THE SOUTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE EASTERLY 165.0 FEET ALONG THE SOUTH LINE OF THE SOUTHEAST

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QUARTER OF SECTION 14, AFORESAID, FOR A POINT OF BEGINNING; THENCE CONTINUING EASTERLY ALONG A PROLONGATION OF THE LAST DESCRIBED COURSE, A DISTANCE OF 330.0 FEET TO A POINT; THENCE NORTH 500.0 FEET TO A POINT; THENCE WEST 495.0 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 14, AFORESAID, THAT IS 500.0 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 14; THENCE SOUTH ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF SECTION 14, A DISTANCE OF 236.0 FEET TO A POINT; THENCE EAST 165.0 FEET TO A POINT; THENCE SOUTH 264.0 FEET TO THE POINT OF BEGINNING, EXCEPTING FROM THE ABOVE DESCRIBED PARCEL, THAT PART THEREOF TAKEN FOR HIGHWAY PURPOSES (159TH STREET AS WIDENED), ALL IN COOK COUNTY, ILLINOIS.

These variances are subject to the condition that the approved lighting be installed as depicted on the site plan titled "Community Honda Phase 1 Site Lighting Improvement," sheet title "Composite Site Plan Photometric of Base Bid and Alternate," prepared by R. L. Millies and Associates, Inc., project number 08-04-58, dated 11/04/08, sheet number E1P.

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

PASSED this 15th day of December, 2008

/s/ David P. Maher

David P. Maher, Village Clerk

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

Nay: 0

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DEPOSITED in my office this 15th day of December, 2008

/s/ David P. Maher

David P. Maher, Village Clerk

APPROVED this 15th day of December, 2008

/s/ Daniel J. McLaughlin

Daniel J. McLaughlin, Village President

PUBLISHED this 16th day of December, 2008

/s/ David P. Maher

David P. Maher, Village Clerk