



VILLAGE OF ORLAND PARK

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

Ordinance No: 4135

File Number: 2006-0114

ORDINANCE GRANTING VARIANCES - (LOWE'S HOME IMPROVEMENT CENTER,
LIGHTING)

VILLAGE OF ORLAND PARK

STATE OF ILLINOIS, COUNTIES OF COOK AND WILL

Published in pamphlet form this 16th day of May, 2006 by authority of the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois.

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ORDINANCE GRANTING VARIANCES - (LOWE'S HOME IMPROVEMENT CENTER,
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 March 28, 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 variance is 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 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 43.8-acre parcel located on 156th Street between 94th Avenue and

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LaGrange Road, in Orland Park, Illinois. The Subject Property is zoned COR Mixed Use District under the Village's Land Development Code (the "Code").

b. The Subject Property is being developed by Petitioner for a Lowe's Home Improvement Center with associated parking.

c. Petitioner seeks approval of parking lot lights on twenty eight (28) foot poles with a 2 foot concrete base, resulting in a total pole height of 30 feet.

d. The requirement of Section 6-302D6(c) of the Code is for a maximum light pole height of twenty-five (25) feet.

e. In addition, Petitioner has requested variances to permit a security lighting level of six (6) footcandles at four isolated locations on the northeast and south sides of the Lowe's building, rather than the three (3) footcandles permitted without a variance.

f. Petitioner has requested these variances to more effectively light certain areas of the retail center's parking lot.

g. No one spoke in opposition to Petitioners' request at the public hearing. One neighbor asked what kind of lights would be used. The answer was metal halide lights on standard fixtures. It does not appear that a 30-foot high light would adversely affect the development or the surrounding neighborhood.

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

i. The plight of the owner is due to the unique circumstances of the size and location of the retail building and parking lot and the need for security at all locations and all times.

j. 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. The question arose as to what would happen if the property to the north were developed as residential. In that case, additional screening and shielded lighting would be required.

k. The denial of the requested variance would be a hardship to the Petitioner because the desired level of security could not be attained if a variance were not granted.

l. The granting of the variance will not be detrimental to the public welfare or injurious to other property or

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improvements in the neighborhood. The parking lot lighting as proposed will not interfere with the Village-approved plan for the development on the Subject Property, nor have any neighbors objected.

m. 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

A variance to Section 6-302D6(c) of the Land Development Code of the Village of Orland Park, which permits a maximum light pole height of twenty-five (25) feet is hereby granted to permit 30 foot high lights (a 28 foot pole and 2 foot concrete base), a 20% variance, and a variance pursuant to Section 6-302D6(a) and Table 2 to permit security lighting levels of six (6) footcandles rather than three (3) footcandles, a 100% variance, at four isolated locations on the northeast and south sides of the Lowe's building, all as shown in the site plan titled "Site Night Light Photometric Plan," prepared by Page Interworks, P.A. Engineers & Consultants, dated 12-21-05, sheet SL-3, is hereby granted, subject to the conditions below, on the property legally described as follows:

PARCEL 1 - THE WEST ½ OF THE NORTHWEST ¼ OF SECTION 15, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN EXCEPTING THEREFROM THE NORTH 2447.35 (AS MEASURED ON THE WEST LINE THEREOF), ALSO EXCEPTING THE EAST 50 FEET FOR 94TH AVENUE AND THE WEST 50 FEET FOR 96TH AVENUE, IN COOK COUNTY, ILLINOIS;

PARCEL 2 - THE SOUTH 1 ½ ACRES OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 15, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN EXCEPTING THEREFORM THE EAST 50 FEET FOR 94TH AVENUE AND THE WEST 50 FEET FOR 96TH AVENUE, IN COOK COUNTY, ILLINOIS;

PARCEL 3 - THE NORTHWEST ¼ OF THE SOUTHWEST ¼ (EXCEPT THE SOUTH 1 ½ ACRES THEREOF) OF SECTION 15, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN EXCEPTING THEREFORM THE EAST 50 FEET FOR 94TH AVENUE AND THE WEST 50 FEET FOR 96TH AVENUE, IN COOK COUNTY, ILLINOIS.

generally located at 156th Street between 94th Avenue and LaGrange Road.

These variances are subject to the following conditions:

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1. That all Final Engineering related items are met.
2. That all Building Code related items are met.
3. That additional screening and shielded lighting be provided if residential development is proposed for the outlot to the north.

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 May, 2006

/s/ David P. Maher

David P. Maher, Village Clerk

Aye: 6 Trustee Murphy, Trustee Dodge, Trustee Gira, Trustee Schussler, Trustee O'Halloran, and Village President McLaughlin
Nay: 0
Absent: 1 Trustee Fenton

DEPOSITED in my office this 15th day of May, 2006

/s/ David P. Maher

David P. Maher, Village Clerk

APPROVED this 15th day of May, 2006

/s/ Daniel J. McLaughlin

Daniel J. McLaughlin, Village President

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PUBLISHED this 16th day of May, 2006

/s/ David P. Maher

David P. Maher, Village Clerk