

# VILLAGE OF ORLAND PARK

*14700 Ravinia Avenue  
Orland Park, IL 60462  
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## **Meeting Minutes**

**Tuesday, September 13, 2011**

**7:00 PM**

**Village Hall**

## **Plan Commission**

*Louis Stephens, Chairman*

*Commissioners: Judith Jacobs, Paul Aubin, Steve Dzierwa,  
Nick Parisi, John J. Paul and Laura Murphy*

**CALLED TO ORDER/ROLL CALL**

The September 13, 2011 meeting was called to order by Plan Commission Chairman, Mr. Louis Stephens, at 7:00 p.m.

**APPROVAL OF MINUTES**

August 9, 2011 Plan Commission Minutes

A motion was made by Commissioner Dzierwa, seconded by Commissioner Parisi to approve the minutes of the August 9, 2011 Plan Commission meeting minutes, with the following corrections:

Item 2011-0482, All motions were made by Commissioner Dzierwa and Seconded by Commissioner Parisi.

(Motion passed... 4-0, with Chairman Stephens Abstaining)

**A motion was made that this matter be APPROVED . The motion PASSED unanimously.**

**Aye:** 4 - Dzierwa, Aubin, Parisi and Murphy

**Nay:** 0

**Abstain:** 1 - Stephens

**Absent:** 2 - Jacobs and Paul

**2011-0570 Approval of the August 9, 2011 Plan Commission Minutes**

I move to approve the Minutes of the Regular Meeting of the Plan Commission on August 9, 2011.

**PUBLIC HEARINGS**

**2011-0518 4-Tech Auto**

2011 – 0518 4-TECH AUTO  
Special Use Permit, Continued

STEPHENS: Asked for a motion to continue the petition by 4-Tech Auto to the September 27, 2011 Plan Commission meeting.

A motion was made by Commissioner Stephens and seconded by Commissioner Aubin to continue the petition to the September 27, 2011 Plan Commission meeting.

Motion passed (5-0)

I move to continue file number 2011-0518, 4-Tech Auto, Special Use to the

September 27, 2011 Plan Commission meeting.

**A motion was made by Louis Stephens, seconded by Paul Aubin, that this matter be CONTINUED to the Plan Commission and should be returned by 9/27/2011. The motion PASSED unanimously.**

**Aye:** 5 - Dzierwa, Aubin, Stephens, Parisi and Murphy

**Nay:** 0

**Absent:** 2 - Jacobs and Paul

**2011-0450 2011 LDCA II Planned Development Standards and Lot Coverage Credit**

2011-0450 2011 LDCA II PLANNED DEVELOPMENT STANDARDS AND LOT COVERAGE CREDIT

Code Amendments, Terminated

STEPHENS: Asked for a motion to terminate the petition by the Village for petition 2011-0450

A motion was made by Commissioner Aubin and seconded by Commissioner Murphy to terminate the petition before the Plan Commission.

Motion passed (5-0)

I move to terminate the Land Development Code amendments concerning lot coverage credits and the Land Development Code amendments concerning planned development standards.

**A motion was made by Paul Aubin, seconded by Laura Murphy, that this matter be TERMINATED . The motion PASSED unanimously.**

**Aye:** 5 - Dzierwa, Aubin, Stephens, Parisi and Murphy

**Nay:** 0

**Absent:** 2 - Jacobs and Paul

**2011-0514 BMW of Orland Park - Special Use Amendment and Variance**

2011-0514 BMW OF ORLAND PARK – WOLF POINT PLAZA  
Special Use Permit, Variance

FLOM: Staff report given as written and dated September 13, 2011, as presented. The only correction was to the date on the Power Point presentation that should have been September 13, 2011.

STEPHENS: Thanked Ms. Flom for staff's report and asked if the petitioner had any comments.

AUBIN: Swore in: David Sosin, 9501 W 144th Place, Orland Park, IL

SOSIN: First of all I have a number of the people here with me tonight. So if the Commissioners or the public has any questions they can be answered. I have David Osera here, he is the general manager of the BMW dealerships, also Leonard Kafer; the mechanical engineer, Marc Pilipuf from the electrical suppliers, Gary Hasty the Manager of General Construction of this project and many others that have been here in Orland Park, and our Engineer, Craig Knoche we felt since the Village engineer is here we would bring him should any questions come up. They are available and can be sworn in if you have any questions. Obviously, this project has had a fair amount of scrutiny in the past and the changes, as you can see are minor. What is important is that the lighting is a great distance away from the residential. The lighting that has the variation attached to it is further away from the residential, it's in the front. It is consistent with the other dealerships that have been built in the past 8 or 9 years here along 159th street. This dealership is even more challenged because there is very little lighting from the other businesses along 159th street and from the streetlights, it's a very dark area. We think its consistent and we are happy that staff agrees with us. The only disagreement we have had with staff and its report is the disappointment on behalf of the owner Clair Sutherland, is the flag. Mr. Sutherland feels very strongly about it. This is not a BMW flag, it's an American flag and without waving the flag our planning thinking for doing, it is primarily so it is visible from the street. The building is 40 feet high at the top and this is only 10 feet higher. I also took a ride after I spoke to Ms. Flom and there were many flags that are shorter, but most of them were a function of the size of the building. The flag that is behind you, and it is a 40-foot flag, but that is a 2-story building. We felt it was appropriate to ask for a 50 foot flag, we even talked at one time about a 100 foot flag but we felt that would be visible to the residents and may be intrusive to them. We don't believe this flag will even be seen with the length of the building, the size of the berm and the landscaping. It's in the front and its buffered by a 40-foot high building and hundreds of feet back from the landscaping and the dealership. From that point of view we understand the staffs concern and the precedent but this flag fits with this building and very much would be appreciated by Mr. Sutherland, who is making a very substantial investment in Orland Park, if we could put up this 50 foot flag. We have really no disagreement with staffs report. We have worked very hard on it to meet their concerns and the reason why the parking spaces are so appropriate is because these places that are 17 foot are display spaces they are not places for people to park their cars and go shopping. These are cars lined up for display and they are going to have professional people pulling them in and pulling them out and they will fit and as you know some of them are actually in tandem, so we think that will not be a problem. The parking for the customers complies with the code its not something we are asking a variation for. I think there is nothing else to say right now, we'd like to hear from you and answer questions from our neighbors and if I can not answer some of the questions we will have one of our professionals do so.

STEPHENS: Invited the public to come up to the podium with comments or

questions, and be sworn in.

AUBIN: Swore in: Carl Tallon 15740 Shire Drive, Orland Park

STEPHENS: That is on the west side of the street just north contiguous of the berm.

TALLON: Correct. First of all I would like to make a comment that BMW, the developer who has taken over, and Orland Park have done a good job. I am not here to complain, I do want to present a point of view though. I have some photos (shown on the presentation screen by Ms. Flom). Let me explain a little bit, something that often happens from the area of 159th street, when you look over at the berm that was created, its excellent. You don't see the houses much at all they almost look buried, except the Lind residence across the street from me, you can see it a little bit. But it does do a nice job of creating a blind. That is from that side, but from the Shire side you get a whole different view that you wouldn't expect. And this all relates to the lighting and the intensity there, and we all know we are going to have lighting, its primarily the intensity I want to review. This is the view from the corner of my lot, you can see the building in the background there and you can see the corner of the house. The building is quite visible that is 22 feet I understand the pole will be 25 feet and I don't know if that is the size of the pole on top of the pier or if that includes the pier. Therefore we are going to be at least several feet above what you see there, the building, you are going to see some lighting. At the rear of the building and off to the side. (next photo) This is from Shire looking straightforward, this is what it looks like. The grade of the top of the berm is a couple feet above the finished floor in the building, from there those trees will eventually blind that but I feel its going to be about 12 years, given the rate of growth of the same trees in my back yard. So lighting, I am just pointing out. (next photo) This is from George and Nancy Lind's driveway looking from the left side of the building. The poles over there will be visible to them and the light that will come in this direction. (next photo) This is from my driveway looking out toward the school (Meadow Ridge) I tried to get a photo of a truck going by there, the drive in and the parking lot we are going to see all the lighting that is placed there. Now its not just the light it's the fixture, I don't know if they are going to be fully blind or shaded, you will still get bounce back from light that is shaded this way. (next photo) This is from the Lind residence, from their back porch area and the windows from the back of the house. I kind of measured where the light fixtures will be (refers to line drawn through the photo). What I am trying to do is to give you a visualization of what will appear here. This is the Acura dealer and further down is the Honda dealer, I am not a photographer, but this was taken at 8PM last night. When you look down 159th street, there are clearly dealerships that have high intensity lighting, I don't know what we are going to have here but, in this case this is throughout the entire parking lot from the front to the back. (next photo) This is the Lexus dealership, I tried to set up the camera by taking one picture rotating it and taking the other trying to get the same distance. There is clearly a difference in the intensity, there is a different fixture being used. This one

the luminary is more exposed and possibly the wattage is kicked up (referring to the Acura dealership photo). This one also at 8:00, and the intensity is the same even at 11:00 at night, the luminary is a lot less exposed and I am about 150 feet from the closest fixture at this point (referring to the Lexus photo). The newer luminaries are set up where you can see less of that bulb. That would be what is coming back towards us. I know the engineering shows zero, but that is taking the direct light coming off the luminary, its not taking the radiation or filtering out. What you see there is the luminary and not the fixture. (next photo) The light shielding and bounce, at the corner you see the light coming off the windshields and the shiny cars and even the asphalt driveway as well as the fixture, this is what I am concerned about, from what you saw in the pictures of our houses, what we are going to see. The intensity is going to have a lot to do with it. These are photos from the Lexus dealership, I just want to explain the difference in what you see and what the effect might be. I know the lighting is going to be 24 hours, we want to see what the intensity will be especially as you get closer to the open areas closer to the berm. Most of this is going to be seen at this point in time, years from now a lot of the landscaping will fill in, but initially for a number of years it will be an issue. The flagpole elevation, the building is actually 28 feet to the roof, the peak may reach 40, but where the flag is to be placed is not directly in line with the peak, and that is something to consider. The 50 feet and if its measured from say the Murphy's house and it would not be visible I don't know that it would be an issue to us. We don't feel that the 40 feet or 50 feet makes you more patriotic. It just has to be lit and that can affect us. The lower right hand corner relates to the item number 2, lighting at residential locations. As we get closer to the back of the building where we don't have the berms, that are a concern there, how will we treat that. You don't want to get rid of the lighting, its just that you have no sidewalk back there, its just going to be a matter of aesthetics. That is all I have.

STEPHENS: I appreciate your comments.

TALLON: Thank you, I do know that.

STEPHENS: Mr. Sosin, you do have your lighting expert here, correct.

SOSIN: Yes. But just a bit of detail, the dealership the gentleman was referring to is the Acura dealership, which has older fixtures. The newer dealership, the Lexus dealership was done more to the standard and the newer lighting fixtures and the newer lighting requirements, and it was done to a standard that was acceptable to the Village. The Honda dealership, which actually increased their lighting when they expanded consistent again with that standard, the same standard we are using. The accent lighting we are asking for is in the front its not in the back. The lighting in the back I think is at 20 foot candles and they are turned down in the evening and don't stay at full lighting capacity all day and night. They are dimmed. They are expensive and do not stay on all night. These lights are the new technology the new shading the new focus and the new standard for the Village for the newer dealerships, not the older dealerships and frankly some of the brighter

dealerships are on the other side of 159th in Tinley Park.

STEPHENS: The lights you are talking about putting here are the same kind as the Lexus dealership.

SOSIN: Yes, and our lighting expert will explain that manufacture, type of lighting, and the consistency.

AUBIN: Swore in: Leonard Kafer, 7925 Bielby Ln, LaGrange, IL

STEPHENS: You heard the questions. Can you give us some answers to them?

KAFER: I can answer some of them. One of the items is that there is a 12 foot berm in the back, any slides that were shown of the reflection off the back of the cars, the berm is 12 foot higher than the parking the storage area in the back of the building. None of that should reflect. The optics on the lighting fixtures, 2 things; first of all the lighting at night, and they will set a time on this of probably after 10:00, half the lights will go off in the back parking lot and it is set up so that we can shut them off so that drops the lighting levels. In addition to that, any lights that are along the rear and even along the front, we have optics that will cut light off close to the pole and the light fixtures are dark sky compliant, which is a typical requirement now a days. As far as the rear of the building goes since our lighting levels are low in the first place, if there is anyone that has a problem we can put a shield on them and we have people from the lighting manufacturer here that can probably explain that better than I can.

STEPHENS: Are you going to be shielding those lights in the rear?

KAFER: No, because we had dropped below, and I have to go from memory as I don't have the plans in front of me, but when we got down by the time we got over the berm to 0.1 foot candles, that is extremely low, and there is no reason because of that. The height of the poles are 22 feet with a 2 foot base in the parking areas to get to 24, and in the front where we have automobiles and people are going to be walking they are 8 inches above grade. In the back, they are 2 feet so if somebody backs a car into one of them they don't get damaged. Also we pull the lights along the rear we pulled them over to the edge of the parking area and not where the walk area was.

STEPHENS: Then how far away are the lights from Shire Drive?

KAFER: I don't know exactly where Shire Drive is, but from what I heard early, probably 80 or 90 feet. I believe Ms. Flom can say more.

FLOM: The one that is along here (referring to the plans), there is one along here, Kevin, maybe you can respond more.

KAFER: There is a light there and there is one where you pointed.

FLOM: I don't know this dimension but it is further away from the residential property line than these lights.

STEPHENS: So 100 feet plus?

FLOM: Yes.

KAFER: And I could have the lighting manufacturer explain some of the rear shielding if necessary. But the optics that they have today and the lights that we have specified have extremely good optics that could be changed or tweaked if some area is a problem or creates a problem some of that can be tweaked a little bit so that it isn't an issue. Our actual lighting fixtures at 3 feet above grade, are basically zero, at a site plan at the Mercedes dealership, some years ago, I was asked to take light levels and I found that the ambient lighting in the area was higher than what the light fixtures were actually putting out in that area. That is why I didn't have a problem with what we were doing here.

STEPHENS: So do we have the answers to the question that you asked (Mr. Tallon)?

TALLON: Well the key here is that we can't get a feel for the intensity, but knowing that we do have shielding for these fixtures you are able to adjust even after the poles are up. But just to point out that the berm, right where you come to the Shire Drive area if you come right down to the building is actually only a 5-foot high berm there. Off to the left where we are looking which is along side my house that is a 9-foot berm from the finished grade. I just wanted to point out that there is a little bit of a difference in the grade there. The biggest issue is probably right there off the back of the building and the lighting that would radiate out, but if it doesn't that isn't an issue, but that is where the concern would be. Then where the Lind house is located, you have got this lot in the lower right hand corner the bounce back, because we are talking about when you measure this lighting you measure it coming down from the light fixture to the surface, but you are not measuring what is radiating back and that is what we have to be careful of. The Lind house, to the east, that lower right hand corner, you will see all of that, but something was mentioned today some of about those trees, the best location for those maybe just to the north of the storage parking just before that lot, number 5, if they do choose to move the trees from 159th street, that might be a good location for that. Because now you won't be able to see those cars so much and the bounce back from the lighting would be blinded and would benefit the Lind house. So, that is something to think about there.

STEPHENS: Thank you.

TALLON: I think if these are similar fixtures to the Lexus dealership looking from the back, and it is hard to tell with my photography, but it seemed to my eye that



the lighting was about the same intensity as the required street lighting there. If we achieve the same thing, there I think we won't have any problem and it might work out very well, and they didn't have that full shielding on so it seems we would have the capability to do that.

STEPHENS: I would like to ask our Village Engineer, if he would like to comment on this or what Mr. Kafer was discussing.

LEHMANN: Absolutely Mr. Chairman. A couple of notes I made after listening to some of the comments made just to answer just a few of them. In terms of the light measurement method; it was stated that the way its measured is in an upward fashion, that's not actually the case its measured in a horizontal fashion, the reason being it is not common practice that people stare up into the lights they look at them in a more horizontal direction. So in terms of where you are looking for a zero measurement, it's not actually pointed at the light it's pointed at, and I believe Mr. Kafer mentioned, a three and a half feet grade, so that is how those numbers are arrived at. At least where they are supposed to be zero at the property line. In terms of the shielding for the lights as was mentioned numerous times, according to the cut sheets that were provided for our review the lights are full cut off lights as they are manufactured without having to get any additional shielding for them. The additional shielding that you add is just to provide an extra shielding from the light for example if you are looking at the light at the rear of the lights from the Equestrian Estates sign side of the development, they put these drop down shields at the bottom of the light fixture, its typically referred to as a shoe box, these are the type of lights that they look like, it drops down back from the light and then it protects the person looking at it from actually seeing the light itself. It is a metal shield that drops down right beneath the actual lens itself so from a rear perspective you can't actually look at the light itself so it is somewhat a protective feature for light spillage as well. But as for how the lights are being proposed for this development they are actually already full cutoff lights to begin with and what that means is that they cast the light down as straight down as possible and are not spread out at an angular manner, it has a slight taper, but casts the light as straight down as possible.

STEPHENS: In your opinion would you require those shielding at the rear so that they are not looking directly at Shire Drive?

LEHMANN: Well from a visual impact standpoint they can prove beneficial and are not overly expensive they are just sheet metal attachments. But from a code requirement standpoint if they meet the requirement at the property line then so be it. But it is something that from looking out from Shire Drive you can certainly see the lights, there is no debating that.

STEPHENS: So that the only benefit that you would have from them (the shields) if you are looking directing at them is that you just would not see the light itself.

LEHMANN: Correct

STEPHENS: Which would minimize the safety they would get from them towards the rear of the dealership.

LEHMANN: As far as safety and security that would be minimized from the rear.

STEPHENS: Well Mr. Tallon said he didn't mind having some lighting there because it would illuminate it for safety and security purposes.

LEHMANN: Its kind of a two way street. It provides security for BMW and also for people who use that sidewalk in the evening. You would not want to reduce the light to make it non walkable. When you read a zero foot candle level with your light meter when you are walking around measuring things its not pitch black, I can't see where I'm going. Basically, the light meter is just measuring whatever technology it uses to pick up the actual light itself, it doesn't actually read the place where you can't see where you are at, you can basically see very clearly where you are at.

STEPHENS: So from a security point of view its better not to have the shields on them.

LEHMANN: I think honestly because of the amount of light spillage and so forth I don't think it's going to provide a negative effect in terms of security. The light itself is still going to be there, in terms of ambient lighting. So I would defer to the lighting manufacturer to test this, because I think it's more for a visual protection method so if people look directly at the light it is protected from your view.

STEPHENS: If it proves to be a bothersome situation, could it be added later?

LEHMANN: Yes, that is true it could definitely be put in later. A couple other things I have made note of; as far as the lighting plan itself most of what we are focusing on is the parking lot lighting, but this plan also includes any sort of building sort of light that is mounted on, like the wall pack lights mounted on the wall. Those are included in the intensities and for instance the up lighting of the flagpole. Those are all included in the lighting plan. That being said, based on my recollections of the reviewing of the plan the only up-lighting in the plan was that of the flag pole, so everything else that is proposed are downward facing lights.

STEPHENS: So the only up light would be at the base of the flagpole. Would that bleed out to the backyards?

LEHMANN: Being that it's an upward mounted light there is the potential for that, but if my recollection of the placement of it with respect to the building, the building would shield most of that. So it should not pick up on much of that. That is the only

type of lighting people typically don't like today, but it is certainly needed in some places in terms of access and things like that. Mr. Tallon pointed out the Rizza Ford dealership and they have a lot more up lighting fixtures that certainly fill the sky, but that is not what we are interested in. So if the flag pole is the only one that is pretty minimal in my mind. Anything else are waist high mounted bollards, and I don't even recall if there are any bollards that are proposed on here, to be honest with you. Mr. Tallon pointed out at the Acura dealership. It's a good one to point out in here because it's an existing non-conforming one, that at the time it was constructed, it was before our most current code updates that included lighting standards, it was back in 2001 in our Comprehensive Plan. So that one is definitely one of the brighter ones in that sense, and as the newer ones came in we went out looked at exactly what was available and what was acceptable and did exactly what Mr. Tallon had done. Which was, we went out and looked at both the brightest and dimmest ones and we went out and each and every dealership, we started at the Acura dealership to get measurements of relative intensity. And it's nice that he brought up the Acura dealership and the Lexus dealership because the Lexus dealership is the first one we focused on from the wholesale standpoint of incorporating how it was going to be proposed and how bright it would be. So Lexus is sort of a copy of what this plan of the BMW should reflect because was the maximum intensity of what it should become and their layout is similar in that brightest areas are in the front display area and as you move toward the back there are some single fixture poles. The reason along the front they can get so bright is because they have four fixtures mounted on one pole. But as you get toward the back those are just single fixture poles, and as Mr. Kafer mentioned, as far as night time goes, they are rotated on and off so as to reduce the lighting during non-operating hours.

STEPHENS: So they are in compliance with the village code.

LEHMANN: Yes, well I should say that they are in compliance with other ones we have approved. Because the code is based upon a more retail type of development, where the lighting levels are in the 8-12 range and that is why our maximum is 15. Whereas car dealerships at night time want to demonstrate what they have out there so they are brighter, so that is why each and every car dealership that comes along for lighting installation triggers a variance, because of the amount of intensity that they require to make their cars visible not just from the street, but so their customers looking at a car in the lot can see it there as opposed to having to go into see it in the showroom lights or the service area lights.

STEPHENS: Thank you. I think we have covered that issue enough.

AUBIN: Swore in: Rick Sanchez, 15546 Glen Lake Dr. Orland Park, IL.

SANCHEZ: I think you would like me to get to the point and I would like to do that. I think I can give some answers on the issue of lights. The subject matter experts

and your engineer, are they members of IESNA? My question is, is anyone a member of IESNA? (some of the experts were and others were not, but were not asked to reply at the podium) The IESNA is; The Illuminating and Engineering Society of North America. I will say that most lighting engineers and designers are members of that society. They do not produce standards that is what the municipalities do. I take it that they are before you because they do not comply with the standards, so they are before you to get a variance. I would ask if I could read from this. If I could ask who the manufacturer, is? Who is the manufacturer of the lighting fixtures, is the first question. Then the next question is, I heard the gentleman discuss the lighting conditions at 159th street, my specific question is how did they go about designing for this particular BMW dealership – how did they go about designing the light levels for this location?

STEPHENS: Ok, so the second question is the light levels on 159th street.

SANCHEZ: I saw a 1000 watt variance there, are they looking for a variance from a 400 watt to a 1000 watt light fixture? The subject matter experts in North American have a strict criteria that they use when designing any sort of retail or manufacturing plan a list of 20 different types of buildings that they design to. It is very specific I think that information would really help the Commission, our neighbors and the BMW dealership and all of the residents of how the lighting should be considered.

STEPHENS: Is that all?

SANCHEZ: I will go to the flag, the flag is only being allowed for two flags, the U.S. Flag and the State flag.

STEPHENS: Yes, that is what the request is and it is one of the conditions.

SANCHEZ: Then I do have a question on security. Do they take in consideration the security cameras?

STEPHENS: That is not an issue here, we are not discussing security. I will ask Mr. Sosin to come up, you have heard the questions; Who manufacturers the light fixtures? How did the design light levels on 159th street get determined?

SOSIN: Let me answer that then bring up our expert to talk about that. The first thing you do when you do a project is that you look at the site and what is around it. The second thing you do is look at the Code and what is permitted. Your Code designs lighting for one standard, and what has been customary in the past is that the use is then looked at for a variation. The variations that we have asked for are a function of the engineer and the manufacturer coming up with the needs for this particular use. There is a detailed plan that has every fixture and every foot candle rating on there and it has been designed by our engineer and reviewed by the staff engineer. When we get here this is not the first draft, it is the one that has

gone through the staff analysis. We have our manufacturer here, and I am glad he is, and I think he can talk about the type of lighting that is being used and our manufacturer.

STEPHENS: Asked for the gentleman to come up to be sworn in.

AUBIN: Swore in: Marc Pilipuf, Pilipuf Grist and Associates, 1830 Howard St. Unit B, Elk Grove, IL.

PILIPUF: The manufacturer is Cooper Lighting. The fixtures are, and I am a member of the IESNA, and the IESNA has suggestions for every different type of lighting style you could be doing. They are based on what your project is, the age of the participants, the time of day involved and many other things. These particular fixtures are cut off luminaries. The source is dictating that the lighting can't bleed, the 90 degree are normal and I am going to get a bit technical, is directly below the fixture anything for dark sky compliance can't be above the zero which is the clean face at the bottom of the fixture and anything beyond that is considered light pollution. Every one of these fixtures here are dark sky compliant and the optics are very precise. And to use the Village Engineer's point, in the past you used to have to put shields on the back of the fixture to create a cut off. All that is integrated into the optics now, in fact, in many cases, they become more of an eye sore, because of they become a reflective surface. The whole intention is to light what you are lighting and not to create a glare bomb. So, by having a dark sky compliant fixture, you are lighting the surface and you are eliminating spill light. By putting a shield on there you create a vertical surface for light to bounce off and even if it is black it can have a glow to it and it can attract your eye to the source as opposed to what is being lit. Someone had expressed that they did want some security lighting, by putting a shield you potentially create a dark and light contrast, light is all about contrast, the more contrast the more objectionable it can become and the more of a security risk it can become. So what happens when you have a dark to light space, I equate it to you being in a closet, or your in a bathroom, you walk out into a lighted space and your eyes have that period that it takes your eyes to adjust, you have that blind period for a moment of time. By having uniform lighting all across the lot line, it doesn't create those dark spots. When you go from dark to light, you can create an issue; you can create, pools of darkness or dark and light spots for people to do bad things in.

STEPHENS: (to Mr. Sanchez) Are you a lighting engineer?

SANCHEZ: No.

STEPHENS: Do you have experience with this kind of lighting?

SANCHEZ: Yes.

STEPHENS: Are you in the industry?

SANCHEZ: I am in the lighting sign industry and the fascia tower industry.

STEPHENS: Ok, what is your next question.

SANCHEZ: The membership that he belongs, he is correct it does give guidance and the reason it doesn't give a standard is because that is your job as a municipality. In the same book it says that the municipalities create their own standards, but I'd like to introduce with a question the light levels that the association suggests be used in a particular situation.

STEPHENS: I don't know if that is necessary because, just as you said we have codes and the village engineer has already looked at it and he says that it is in compliance and that the variance is a recommended variance for approval.

SANCHEZ: May I read two sentences in the document that I think will be important for the Commission to hear. This is from Cooper Lighting automotive dealership design guide, by which he is employed, and it leads with the most important factor in consideration of location when selecting the proper light levels for your dealership project. First and foremost determine how much visual competition is created by adjoining properties, the human eye is drawn to the brightest light, in order to capture the consumer attention the lighting illumination levels should be at least comparable with those neighboring establishments. So it says that you should look at the four adjoining properties and yes at 159th street, if we are talking about 159th street light levels I agree, they have proper light levels. But as the first gentleman said that it is very dark on 159th street, the light levels that they recommend, that I have been involved inspecting throughout the United States, you bring the light levels to the particular municipalities with the adjacent buildings projects. You would be surprised that those light level readings and what they suggest.

STEPHENS: Please stop there, we are in compliance with our codes and that is a suggestion.

SANCHEZ: I thought they were not in compliance with the code and that is why they were here for a variance.

STEPHENS: Mr. Lehman are they in compliance with our code.

LEHMANN: They are not necessarily in compliance with our code, as far as the written code, but they are in compliance with what has been established through the other dealerships in Orland Park. And that is what we are basing our recommendation upon because other dealerships have established lighting that we feel is acceptable and that is acceptable to the Village. And the project plans to match them and do not exceed them

STEPHENS: So it is acceptable to the Village and we have precedence for that. And also, the other dealerships back up to other residential.

LEHMANN: Yes, that is correct, these are based on what we currently see in the community.

STEPHENS: Ok. There is another gentleman raising his hand.

AUBIN: Swore in: Gene Esposito 10911 Glen Lake, Orland Park, IL

ESPOSITO: Just 2 quick comments. I know you just mentioned that the lighting meets up to the standards of what else you have done in the municipality, but when I look at the Comprehensive Plan, in particular in Land use for commercial development it mentions that, the way the developing should be developed is for the main level to be in the center of the commercial development and it should decrease from there. So, if the lighting is in a heavily populated commercial area, my way of interpreting this is that the lighting should be less in those areas. And it also mentions is that it should fit in the neighborhood. So is that lighting something going that is to stick out from the other commercial areas? That is my question.

STEPHENS: He has already made the point that it doesn't.

ESPOSITO: So that doesn't fit the Comprehensive Plan.

STEPHENS: Ms. Flom?

FLOM: Maybe I can respond a little bit to that. The lighting levels that are proposed for this dealership are consistent with other dealerships on 159th street. When the Comprehensive Plan was dated it had this area was slated for single family residential. So when the Village Board approved this site to be commercial they changed the Comprehensive Plan, they changed the context for this property and they knew it was for an automobile dealership. We knew all along it would be coming back for variance for the lighting it was a condition of approval. I don't know if that addresses Mr. Esposito's concern but it does give you a little bit of a background on the project before we came here today.

ESPOSITO: Well if that changes the Comprehensive Plan, why does the Comprehensive Plan, online, state that right now? It doesn't mention that at all.

FLOM: We have not updated the Comprehensive Plan yet.

ESPOSITO: So the Comprehensive Plan we are working with is the Comprehensive Plan we have right now, correct?

STEPHENS: What is your point? You don't want lighting there. What is your

point?

ESPOSITO: No, no my point is I think pretty clear. My point is this that the light should fit in with the neighborhood and the surrounding areas and if the lighting is too bright, it doesn't fit in with the neighborhood.

STEPHENS: Where, on 159th Street or Shire Drive?

ESPOSITO: On 159th Street, and lets not talk about Shire drive, but let's talk about where the pond is. I reside behind the pond, is there anything to talk about as far as refraction of light that is less than the grade level. It's about 10 feet or so below the grade level. When light refracts,

STEPHENS: Wait, how far are you from those lights? You have to be 100 feet at least.

ESPOSITO: I don't know I didn't measure it off.

STEPHENS: Well there is over 100 feet from the lighting to the berm,

ESPOSITO: I am not in the berm.

STEPHENS: I know. But there has to be at least 400 feet or so over to there (refers to the other side of the pond).

ESPOSITO: The properties of light change when they hit a surface that is smooth and it can reflect off of. Where that is, is in my back yard, in my bedroom window is that going to reflect on my house? Is that something I will see on a day-to-day occurrence? Was there some consideration to the light off the pond?

STEPHENS: Mr. Lehman, could you answer that question?

LEHMANN: In terms of what the plan shows it certainly doesn't take into consideration the reflective nature of it. As I said before it takes light measurements at a horizontal angle of 3 1/2 feet above the finished elevation and how light is projected at the property line. If it measures zero at the property line, That doesn't mean there is no light, you could see a light several hundred feet away. But what the actual light is measured with a light instrument and measures a zero you could still see it, it is as simple as that. It would be similar to a street light or a traffic light, you could still see them but as far as what the actual light projects if you measured it would be zero according to the standards that are set up to actually measure light.

STEPHENS: Thank you, sir.

AUBIN: Swore in George Lind, 15741 Shire Drive, Orland Park, IL



LIND: My property is on the east side of Shire drive and the North side of the building. It seems like the wattage and everything is a done deal, but

STEPHENS: It by no means a done deal, this is the first time we have heard this tonight.

LIND: Ok, my apologies. But what I would like to do, if I can have your indulgence I have taken some pictures from my property, not quite a sophisticated as others here tonight, but my wife and I feel we were short changed on the berm on our side of the property. We have no protection. We can see the building, the east side of the building and the offices and we are in direct line with the parking lot. If you would look at where the sidewalk is coming off (presents copies of photos taken from his property to the Commissioners), my house is right here and the berm is no higher than 5 feet..

STEPHENS: Are all these evergreen trees here right next to your house? About 25 trees? And you got short changed?

LIND: Yes, and Mr. Stephens just past the evergreens you can see the parking lot and the posts for the lights in the parking lot that they are going to install. The first are in line with my bedroom windows and the second are in line with my kitchen windows and dining room window looking out. What I would like is, and I can't change that they are going to install lights, but I wanted you to see that we are totally exposed to the parking lot there. What I would like is some consideration with the trees that they are taking out of the parking lot islands and if they could add those and improve our situation with the berm, I would like that consideration. I think that is reasonable.

STEPHENS: Yes, thank you, that is reasonable.

LEHMANN: Mr. Chairman. If I could add something in terms of those lights and the trees, that Mr. Lind can see. According to the landscape plan there are to be trees planted in that pond area just beyond that curb line where the proposed curb line is to be constructed and those trees should be in line with the lights that are going to be constructed and the canopy should block those, at least based on what the landscape plan shows.

STEPHENS: Ms Flom, please point out the trees he is talking about.

LEHMANN: Basically if you were to overlay the lighting plan over the landscape plan, where the light standards are proposed are pretty much in line with them. I am certainly not saying that what Mr. Lind is requesting is unreasonable, but the plan is already set up to do some of that. More certainly couldn't hurt anything, but the plan does accomplish that as well.

STEPHENS: Is there any more room up there on the east side of the cul-de-sac for any more trees? Its pretty dense right there.

LEHMANN: I would have to look at the plan a little bit more closely to see what those plantings are, but it is pretty dense as it is planted right now.

STEPHENS: It's just that they haven't grown.

LIND: Yes, in 5 to 10 years from now yes it might cover that point. But my wife and I don't plan on being there, we have just retired and we'd like to sell our home and we are going to have to try and sell it with that exposure.

STEPHENS: If there is any room there I would suggest we put some trees there, it does look like its pretty dense to me.

LIND: Thank you.

STEPHENS: Then turned to the commissioners for comments and questions.

MURPHY: I do have a few questions, and I do want to talk about the trees again. In this landscape plan that I am looking at, are these trees already there?

FLOM: The ones on the berm are there already, but the rest have not been planted.

MURPHY: With the pointer can you show where the berm is what the height is along it?

FLOM: I do not have a height on this drawing, but I know that Mr. Lehmann knows better than I the actual height. I know that it is lower due to the site and the additional open space. (asks Mr. Lehman if he has those measurements on the engineering plans) I do not want to say it and be incorrect.

LEHMANN: if you look on the board approved plan you can see the actual berm itself a little bit better. The contour lines are shown in the lot itself, and at the location in question you can see a small hilly area and then it basically disappears, I assume that the area is mostly flat because it blends into the wetland area to the east.

STEPHENS: Do we have that board approved plan here?

FLOM: Yes, but you can't really see it. You can't read it, you can't pick that up.

MURPHY: You also mentioned that some of those trees in the park area are questionable and what we are going to do with them.

FLOM: Yes. And the history of that is they the developer did the landscape plan and BMW did not do the landscape plan. So BMW requested that they do not plant those trees in that island, even though it was shown on the landscape plan, and we normally accommodate that for car dealers as long as they plant them some place else. If BMW does not want to plant them in these islands we can try to accommodate them here or we can have our landscape architect come in and go out on site and see if we can see where we can plant them by Mr. Lind's if that is what the Plan Commission wants.

MURPHY: I did go out to this site and I have to say I have concern on the two areas. Kim, I met with you about my two concerns and we talked about the two areas where they are increasing the light up to 50, 60 or in some cases 71 to 78 and those are the two.

FLOM: Right, and just for clarification for the rest of the audience I did not receive digital copies from the petitioner so I was not able to put them in the Power Point show, but we do have exhibits that show the light levels. What they are talking about is over here (refers to slide being shown), really the increased areas are over here and along the street frontage, although during non operating hours the street frontage area is less than it is up here, but it is still fairly high.

MURPHY: And that is really close to the residential area.

SOSIN: No, it really isn't that much.

MURPHY: No I was out there and in terms of when you are standing out there it appears to be very close. I did not have a concern with the 23 new stalls or the reduction in length. The flagpole is a concern and its height. I know you did show it before but if you could point it out again in terms of the location to the peak of the roof.

FLOM: Yes. I think the peak of the roof is in the center of the building and here is the flag pole which is in the middle of the parking lot and here is where it pops up.

MURPHY: Ok. In terms of, I understand increasing from 18 feet and going higher, but going to 40 or 50 feet, I am not sure who they are wanting to see that flag. I think that from a good portion of 159th street you would see that flag pole at 35 feet, but from 40 or 50 feet you'd see it from every subdivision because it will be up and above the peak. Those are just my concerns and comments.

DZIERWA: First off I'll say if they wanted to build a 100-foot flagpole it would be fine with me. I'd be ok with a 50 foot, I will go against staffs recommendation and go with a 50 foot flag pole, its alright with me. If you don't like it don't look at it, but Richard Nixon said we have to illuminate it at night if its up for 24 hours and that's ok with me. That's all I am going to talk about concerning a flagpole. As far as the lighting, I totally understand what is going on here, I know why you have to come

back and ask for the variance. As far as some of the other dealerships, and I won't mention any names, but you can see them from the moon and they got in before we had changed our suggested standards. The newer light Fixtures these days and what happened at Lexus, I live right behind those condos and right behind those car dealerships. And What I am concerned about is when they are looking for a car salesman at 7:00 in the evening and they are using those speakers, but we don't have any loud speakers here so I am very happy about that. I think it's a good thing and I think the neighbors should dwell on that for a few minutes. As far as the parking, in the many dealerships I have been in its very hard for people to find a place to park, so I am very glad they are addressing that. So people who come in can actually park there. What I was thinking about and it probably isn't part of what is coming in tonight is that other car dealerships have trouble parking their employees. I am sure you have other recommendations for that because when we first talked about the car dealership I was worried about the employees parking on Shire Drive and other residential streets and cutting through, but you addressed that and it was taken care of. I think that is a good thing for the customers. As far as making the parking places smaller, it really is for storage and you are going to get more cars than tire places and that is fine. But what I do have a question about who is measuring this berm? The gentleman over here says its 5 feet high, its 8 feet high, it's supposed to be 12 feet high. Has anybody gone out there with a transit and actually measured it? Has anybody verified that is a certain height we seem to have some differences on that, maybe Kevin can tell us.

LEHMANN: Yes, I would agree with you on that, there have been a lot of numbers thrown around as far as what its actual height is, and how its been measured I don't know. I could certainly go out, confirm by doing a follow up, and measure it if it were needed. I haven't measured it in any as built plan or anything like that.

STEPHENS: Why is that an issue?

DZIERWA: The residents are concerned that they were not given what berm as they were promised.

STEPHENS: I don't think that is the question at all, I think they question was how the lighting would affect them.

DZIERWA: Well my point there is that if the berm were the 12-foot as it was supposed to have been, as that is what was proposed, I think a lot of the reflection that maybe coming from the lights and reflecting off the cars and such would not be a problem if it were there and I think that is what is the problem. But I will not continue to go there anymore. Just one more concern, because some of our residents were bringing up some very valid points and I just want to chime in. The lighting wattage was mentioned by a gentleman over here. How it was going from 400 to 1000, could you explain that Mr. Sosin?

SOSIN: Every fixture is spaced based on the size of the light and the bulb and we think that we understand the code and the engineering is that is what is required to create the number of foot-candles which is the measurement. The wattage of the bulb is not really important. Its what the foot candles are 3 ½ feet at in the front, the back and in the rear how it lights the site.

DZIERWA: At some point, a gentleman brought up a change in the wattage of the bulbs and I was just curious, that's all.

SOSIN: The plan was engineered to give the proper lighting for foot-candles.

DZIERWA: Believe me I think this is a good thing, and a lot of other dealerships have gotten away with a lot more, so I am thinking this is actually a good thing. So that is all I want to talk about this evening.

STEPHENS: Mr. Sosin, maybe we want to bring up Mr. Pilipuf again just to address that comment.

PILIPUF: What is the question, please?

STEPHENS: One of the gentlemen talked about changing the wattage, changing it from 400 to 1000 and I was just wondering if those were a collective thing or just one light or a bunch of different lights that combine to the 1000 watts or just using different wattage?

PILIPUF: Every bulb reflector combination is going to give a distribution of light a 400 watt bulb here would potentially cause you to need more light fixtures here, where if you use a 1000 watt bulb it is going to give a more uniform distribution because you are going to be able to control that light better with a bigger reflector.

DZIERWA: Ok so I understand, you would probably use a larger wattage bulb instead of more fixtures.

PILIPUF: It is more energy efficient.

AUBIN: Thank you Mr. Chairman, I have a very bad habit. That is if I have something wrong with me I go to the expert, the doctor. If I am at the butcher and I want to order meat I go to the butcher, he is the expert. Tonight I have listened to expert testimony from 2 engineers and a lighting manufacturer that this lighting that is going to go into this BMW dealership is not going to create a problem. And it is also stated in the staff's report. So I don't see lighting as an issue here as a problem. And if the Lexus dealership is the benchmark by which we are working at and the BMW dealership is going to duplicate that, enough said. As far as the flagpole is concerned, Mr. Sosin, I have to use that same strategy. If indeed 40 foot is the benchmark, which we operate here in Orland Park, 40 foot is the number. I think we have to run with the same rule on that. That's all I have Mr.

Chairman, Thank you.

PARISI: I feel like I have gotten quite an education here tonight, I am impressed not just with what the engineers and the manufacturer have gone to comply, but also with some of very important and insightful information by the neighbors who brought up different points. That is the purpose of the open meetings and I had some of the same questions coming in, but I feel that for the most part, although I had concerns with the increased lighting intensity. I think it was adequately explained to me how it was most of that would be closer to the front of the property line and even to greater degree, how the light can be monitored at various hours and how it can be dimmed and other various distractions that could be mitigated. As far as the issue of the flagpole I am in favor of them going to 50 feet, I do not consider that as eyesore by any means we are limiting them to the United States and the State flags. My only thing that concerns me is Mr. Lind's point I completely understand Mr. Lind's point and I would like to see if there could be some discussion. In terms of his view from his home, from his deck, and the obstruction as I see it here. I don't know if I understand it correctly or if it could be done, but I just don't want to dismiss his concerns, because I think, they are valid.

AUBIN: Commissioner Parisi, I think there is going to be something in the motion covering that.

PARISI: I hope there will be part of the motion.

STEPHENS: When we originally looked at this dealership we had everyone come in that lived on Shire Drive in opposition of it. I don't think they were unreasonable oppositions. We asked BMW, who was originally going to put a street back there that would connect to Shire Drive and BMW we requested that BMW would take out that street and put up a berm back there which is what the residents wanted them to do. They were promised by a prior developer, an empty promise obviously, to put in a cul-de-sac there eventually. So we asked BMW to eliminate that street, put a cul-de-sac in so there would not be any through traffic from the BMW dealership, which was not unreasonable to me because its in compliance with the other dealerships on 159th. They have no street access to the residential and the dealership can't get back there into the residential. I think that at that time the Plan Commissioners listened and they responded, so we have a large berm going in back there. And there is an awful lot of landscaping back there. There really is an awful lot. Unfortunately, the trees that went in were 6-foot evergreens, and it takes 8 to 10 years to grow, but once they grow, you aren't even going to see that dealership. I think Mr. Lind's comments are reasonable and I think since the developer has some trees that he has to put somewhere to relocate, I don't think it is an unreasonable request to put those trees and plant them to the east side of that cul-de-sac over by Mr. Lind's house to buffer it to the best of their ability to. Keeping in mind that there are an awful lot of evergreens there now and they are eventually going to grow, they may not grow in the time that you want to sell your house and retire, but they are there are will grow. I don't see it as being

unreasonable to put in a condition here to put the trees in over there, they will have to relocate them in the Village and I think it is not unreasonable to try and put them in there. I think that we have covered the issue of lighting long enough, and I think Mr. Esposito's request for the bounce lighting off the lake but I can't see that the bounce lighting off the lake won't be more than the full moon last night gave to that lake. So I don't think you are going to have a problem sleeping at night and is at least 400 feet away and is going to be minimized and I think we have had enough from the lighting engineer and our Village engineer that it is going to be ok, so some times you have to compromise with the businesses in town and the residential. I think we have done a very good job of making that compromise with both the business and the residential in that area, and I think Mr. Tallon would probably go along with me on that.

SOSIN: Mr. Chairman can I respond to a couple of the comments? In regards to the tree. First overall, BMW has been an excellent citizen here in the Village for a number of years and they are doing what the Orland Park wants them to do which is to expand their business here within the Village. In the past they have responded to every concern that the staff has addressed and that the neighbors have addressed. This berm and they were part of it, and you bet they paid for it when they bought the land, they stepped in and did what this developer wasn't able to do. There are 3 issues, first the trees; we are aware that there are a number of trees coming out of the parking lot, the choices are to put them in front or put them in the back, and we don't have any objection to taking the trees and putting them in the back and add them to the existing landscaping to further enhance it. It is not a problem. I am sure there is a way with staff that we can figure out where to put them because you can't put them just anywhere because they are going to grow and you can't have them choking each other out. Secondly, as commissioner Aubin has said and I know Commission Murphy is concerned about it; and we are also concerned about it. We hired a good engineer and a good manufacturer and we bought good lighting fixtures to put in and said what do we need here. But as a further safeguard, we presented it to the staff who reviews it for further tweaking and they said we now have it to a point to bring it to the Plan Commission. I don't see how any of us have any better expertise than the experts have in how this plan should be done, and where we should take off 5 foot candles off here. The most important number here is zero and that is the number of foot-candles at the property line. But to further deal with that situation, the area where the berm is the largest is one of the areas where there is some concern about that. Most of our other dealerships don't have any of that. Lexus has been held up as a model and I am very proud to have been part of that, but they are right up against the lot line. Here we have this extraordinary space of over an acre of landscaping that further will ameliorate that situation. And finally, the flagpole, we don't want that to become a cause or have a commissioner having to say that they would vote for or against a 50-foot flag. My suggestion is why don't we just send that straight to the Committee or to the Board and let me present it there, they will be the ones to decide it anyway.

STEPHENS: Thank you Mr. Sosin. Seeing as we are just coming off Sunday's, 9-11 and what has taken place in our country and I don't know that anybody who is a citizen of this country should object to flying of the U.S. flag. I fly the U.S. flag in front of my house, I am proud to live in this country and I don't think we should have any objections. I have had two of the Commissioners come up to me and say they agree with me and what is the problem with flying a flag of 50 feet in front of a car dealership on 159th street. At this time I would like to make a motion.

STEPHENS: I move to accept as findings of fact of this Plan Commission the findings of fact set forth in this staff report, dated September 13, 2011.

And

I move to recommend to the Village Board approval of the preliminary site plan titled 'Proposed BMW Site Plan - Wolf Point Plaza,' prepared by Craig R. Knoche & Associates, job number 8-048, dated 3-04-09, date stamped September 01, 2011, sheet C1.5 subject to the following conditions.

1. Submit a revised landscape plan, including site plan changes and addressing parking lot trees, before the Village Board meeting.
2. Submit a revised site plan that labels the location of the flagpole, concrete display areas, and indicates the correct number of customer parking spaces.
3. Meet all final engineering and building code related items.
4. Allow the height of the flagpole to be 50 feet.
5. Fly only the United States and/or Illinois State flag on the flagpole.
6. Relocate the parking lot landscape trees to be relocated south of the property located at the end of the cul de sac on the east side of Shire Drive.

and

I move to recommend to the Village Board approval of a Special Use Amendment for Wolf Point Plaza, subject to the same conditions as outlined in the Preliminary Site Plan motion. Modifications to the Special Use permit include:

1. Increase the parking stalls for the auto dealership from 659 to 682.
2. Increase the height of the flagpole from 18' to 50'.

and

I move to recommend to the Village Board approval of variances for maximum



business hours lighting to not exceed 78 footcandles, allowance of 1000W full cutoff light fixtures, minimum 8 ft. light setbacks from the south property line (159th St. ROW), and minimum of 18 ft. light pole setbacks from the north property line.

The motion was made by Chairman Stephens and seconded by Commissioner Dzierwa. The motion passed 4-1 with Commissioner Murphy voting Nay on each part of the motion.

I move to accept as findings of fact of this Plan Commission the findings of fact set forth in this staff report, dated September 13, 2011.

and

I move to recommend to the Village Board approval of the preliminary site plan titled 'Proposed BMW Site Plan - Wolf Point Plaza,' prepared by Craig R. Knoche & Associates, job number 8-048, dated 3-04-09, date stamped September 01, 2011, sheet C1.5 subject to the following conditions.

1. Submit a revised landscape plan, including site plan changes and addressing parking lot trees, before the Village Board meeting.
2. Submit a revised site plan that labels the location of the flagpole, concrete display areas, and indicates the correct number of customer parking spaces.
3. Meet all final engineering and building code related items.
4. Reduce height of flagpole from the requested 50' to 40'.
5. Fly only the United States and/or Illinois State flag on the flagpole.

and

I move to recommend to the Village Board approval of a Special Use Amendment for Wolf Point Plaza, subject to the same conditions as outlined in the Preliminary Site Plan motion. Modifications to the Special Use permit include:

1. Increase the parking stalls for the auto dealership from 659 to 682.
2. Increase the height of the flagpole from 18' to 40'.

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I move to recommend to the Village Board approval of variances for maximum business hours lighting to not exceed 78 footcandles, allowance of 1000W full cutoff light fixtures, minimum 8 ft. light setbacks from the south property line (159th St. ROW), and minimum of 18 ft. light pole setbacks from the north property line.

**A motion was made by Louis Stephens, seconded by Steve Dzierwa, that this matter be RECOMMENDED FOR APPROVAL to the Development Services & Planning Committee and should be returned by 9/19/2011. The motion PASSED unanimously.**

**Aye:** 4 - Dzierwa, Aubin, Stephens and Parisi

**Nay:** 1 - Murphy

**Absent:** 2 - Jacobs and Paul

**2011-0540 Miroballi Plaza - SP, AR, VAR**

2011-0540 MIROBALLI PLAZA  
Appearance Review, Site Plan, Variance

PITTOS: Staff report given as written and dated September 13, 2011, as presented.

STEPHENS: Thanked Mr. Pittos for staff's report and asked if the petitioner had any comments.

David Sosin, 9501 W 144th Place, Orland Park, IL – previously sworn in.

SOSIN: With me tonight are Mr. Joe Miroballi and two of his sons, Dan and Perry. And will be relocating their business to this site, if it is approved from the previous site in the triangle. I just have a couple of brief comments. Shell oil is responsible for this site, they had a gas station located there and there were some environmental issues, as there often is with gas stations. They received one NFR letter and have needed another one, but it never got done. So that is why the staff report has necessarily a couple of pending issues down the road. We are asking for the variation on the coverage of 76% which is a very small variation, we are doing that as a worst-case scenario. The reason for that is that when the Illinois Environmental Protection Agency finally looks at this no final remediation letter they may post conditions on it. While our client is certainly considering the Best Practices and some alternatives, the worst-case scenario is that they require certain things to happen, and we don't want to be in a position where we are already started and would have to then stop or the building is up and we now have a problem. We are hoping that there will be no variation, certainly. The other thing here that is very interesting is that this property has been vacant for 10 years and with the expansion of LaGrange road, they are taking 10 feet of the property and it is a very narrow site to begin with. We know that this commission has never just granted a variation from the code without due consideration. We felt that this was a matter that was really entitled to the variation. First of all they have taken off, the request for setback, which is 10 feet. Second of all it was narrow to start with and in some areas it exceeds the code, in the rear it is far in excess from what is required and the same to the north. I just want to point out that there was some

give and take on these variations, and it was tough site to work on. We are very gratified that staff feels what we have given is commensurate with what we are asking for. And part of that is that understanding that we have some residential behind us, we have created a building with all the sides created equal and it is a full architectural building. Many times we have heard the Commission ask for more and it is not necessary here because the building, every side has the same amenities. Beyond that the hour is late and our neighbors from Pizza Pete and Rich Reality.

AUBIN: I am confused, is the property cleaned and there is no further response required? Is Shell responsible for that?

SOSIN: Yes. When Shell leaves the sites they took out a lot of soil and had to clean up, and there still could be some contamination under La Grange Road, but Shell is responsible for that. We believe it is a clean property and we wouldn't be building on it if we thought it wasn't. The biggest problem was the paperwork not the cleanup.

STEPHENS: How soon do you expect the NFR letter?

SOSIN: I think it is a matter of months, all the work has been done. We have been working with the Village, because they have to sign off and Shell has to sign off and then it has to go down to Springfield and they have their timetable, so speeding it up is not easy.

STEPHENS: Have you spoken with the other property owners about the cross access?

SOSIN: Yes we have and they are here.

AUBIN: Swore in: Jack Mattes, 9005 W 142nd Street, Orland Park.

MATTES: We briefly got a look at the plans and we did discuss it and it sounds like it would be a good idea, but I would have to look at it further, there really have been no decisions made. We spoke with Mr. Sosin last week for about ½ hour and we would like to look at the plans a little closer.

STEPHENS: Ok, but you are working on it.

MATTES: Yes.

STEPHENS: And which business are you with?

MATTES: Pizza Pete.

STEPHENS: And Mr. Lentfer?

AUBIN: Swore in Richard Lentfer, 14340 La Grange Road, Orland Park

LENTFER: I am for the mutual access so long as we don't lose any parking in the back because we are losing it on La Grange Road.

STEPHENS: With no one else from the public to speak on this petition, went to the Commissioners for comments and questions.

PARISI: I am reviewing this and am delighted to see this. And so much for lamenting over all the tax revenue we are going to be losing to the Main Street Triangle, we have our first major business who is going to move into a new location and they are moving into what I considered an eyesore for the last 8 years. It will be used in a good way and I like the staff recommendations about adding ornamental brick work and as a corner gateway maybe some corner features, I think that is nice and I see it as a very desirable addition to our boulevard concept on LaGrange Road. I want to thank Mr. Sosin who always prepares a nice presentation. I think this will be really nice and am happy to see it come.

DZIERWA: I remember when this place was a business and to finally see it get a new life is like a breath of fresh air. I am glad to see someone from the Triangle are coming and building something new. I think the four sided architecture and that the access points will be cut down to just one, off La Grange and one off 144th. I am happy with the fence with you losing all that space in the front and you are doing your best you can because that is your parking field, and I am glad to see your neighbors are almost in agreement with cross access so if you want to go North on LaGrange from one to the other you can. It will be a benefit to them too as they will have access from 144th street.

AUBIN: I am glad you are in agreement with the conditions on the motion and we are planning to add one more, you will have to work with staff. I think this will be a nice building and it will increase business for you.

MURPHY: I second the opinions of my fellow Commissioners. I think this is a very positive step forward in Orland and it is good to see. I like all the four elevations on the building and it is a good addition.

AUBIN: One question, the letter does not hold this project up does it.

SOSIN: No.

STEPHENS: Are we reducing the speed limit on LaGrange road with the development? I think it was 35 miles an hour.

PITTOS: I can check to be for sure, but I do think it is staying 35 miles per hour.

STEPHENS: Is that curve going onto 144th and La Grange road part of the widening?

PITTOS: The LaGrange road widening will come somewhat into the corner the blend into the intersection. Let me check on the drawings. Here shows the Right of way, but this is the curb line.

STEPHENS: So the curb line will be rounded by them?

PITTOS: Yes, you can see the phase one drawing indicates that exact curve.

STEPHENS: Mr. Sosin, I wanted to thank you for the logical and reasonable responses to the 10 standards to the variances, I think they made a lot of sense. A lot of people don't take the time to make these type of responses. And I think the variation is logical and reasonable with the widening to LaGrange Road. With regards to the building, I think you have done a great job with the four sides, but I think you are lacking the focal point that is on this corner right here.

SOSIN: We talked about that Friday with the staff at the meeting and I can tell you that this is not the final elevation. We talked with both Terry and Kim and we will probably put a higher elevation at the peak.

STEPHENS: I think that is a focal point and we are going to make that a condition in the motion. Other than that I agree with everyone its is going to make a lot of difference on LaGrange Road.

AUBIN: I move to accept as findings of fact of this Plan Commission the findings of fact set forth in this staff report dated September 13, 2011

and

I move to recommend to the Village Board of Trustees to approve the preliminary site plan titled "Miroballi Plaza Site Plan", prepared by Cambridge Companies, dated 9/13/11, project number BIL1102, sheet number SP1.10, and the preliminary elevation drawings titled "Miroballi Plaza Elevations", prepared by Cambridge Companies, dated 9/13/11, project number BIL1102, sheet number A3.10, subject to the following conditions:

1. That the petitioner revises the site plan to incorporate a 15 foot sidewalk area in front of the building, include updated lot coverage calculations and show a signed loading zone at the rear of the building;
2. That the petitioner provides an emergency vehicle turning radius study for emergency access to the site prior to appearing before the Village Board;

3. That the development use the same lamp post patterns in the parking lot that are present in Orland Crossing, Main Street Triangle and Old Orland Historic District for a unified appearance across the Village Center District and downtown area;
4. That the petitioner considers BMPs, architectural features and planter boxes to mitigate variance requests;
5. That the petitioner submits a landscape plan within 60 days of final engineering for separate review and approval that includes four (4) inch caliper trees and a minimum of four (4) canopy trees in the west bufferyard;
6. That all rooftop mechanical equipment and utility conduits are appropriately screened from neighboring properties and the rights-of-way;
7. That all final engineering and Building Code related items are met;
8. That building permits are obtained prior to construction;
9. That the site plan is subject to the NFR letter issued by the IEPA and any changes to the site plan, including landscape area and BMP implementation, are re-reviewed and approved prior to construction;
10. That the petitioner works with neighboring property owners to the north to establish a cross-access agreement between the properties;
11. That the petitioner applies for a subdivision for lot consolidation and submits a Plat of Subdivision to the Village for recording prior to appearing before the Village Board;
12. That the petitioner work with staff to create a more aesthetically pleasing architectural design element for the exterior building façade on the southeast corner of the building to be completed prior to the Village Board meeting;

AND

I move to recommend to the Village Board of Trustees to approve a variance to reduce the La Grange Road setback from 25 feet to 15 feet (40% reduction) and the corner setback of La Grange Road and 144th Place from 25 feet to 11 feet (56% reduction) subject to the above conditions;

AND

I move to recommend to the Village Board of Trustees to approve a variance to reduce the west bufferyard, Bufferyard C, from 15 feet to 2.5 feet (85% reduction), subject to the above conditions;

AND

I move to recommend to the Village Board of Trustees to approve a variance to increase the lot coverage for the site subject to the above conditions;

The motion was made by Commissioner Aubin and Seconded by Commissioner PARISI

The motion passed 5-0

I move to accept as findings of fact of this Plan Commission the findings of fact set forth in this staff report dated September 13, 2011

and

I move to recommend to the Village Board of Trustees to approve the preliminary site plan titled "Miroballi Plaza Site Plan", prepared by Cambridge Companies, dated 9/13/11, project number BIL1102, sheet number SP1.10, and the preliminary elevation drawings titled "Miroballi Plaza Elevations", prepared by Cambridge Companies, dated 9/13/11, project number BIL1102, sheet number A3.10, subject to the following conditions:

1. That the petitioner revises the site plan to incorporate a 15 foot sidewalk area in front of the building, include updated lot coverage calculations and show a signed loading zone at the rear of the building;
2. That the petitioner provides an emergency vehicle turning radius study for emergency access to the site prior to appearing before the Village Board;
3. That the development use the same lamp post patterns in the parking lot that are present in Orland Crossing, Main Street Triangle and Old Orland Historic District for a unified appearance across the Village Center District and downtown area;
4. That the petitioner considers BMPs, architectural features and planter boxes to mitigate variance requests;
5. That the petitioner submits a landscape plan within 60 days of final engineering for separate review and approval that includes four (4) inch caliper trees and a minimum of four (4) canopy trees in the west bufferyard;
6. That all rooftop mechanical equipment and utility conduits are appropriately screened from neighboring properties and the rights-of-way;
7. That all final engineering and Building Code related items are met;
8. That building permits are obtained prior to construction;
9. That the site plan is subject to the NFR letter issued by the IEPA and any changes to the site plan, including landscape area and BMP implementation, are

re-reviewed and approved prior to construction;  
 10. That the petitioner works with neighboring property owners to the north to establish a cross-access agreement between the properties;  
 11. That the petitioner applies for a subdivision for lot consolidation and submits a Plat of Subdivision to the Village for recording prior to appearing before the Village Board;

AND

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AND

I move to recommend to the Village Board of Trustees to approve a variance to increase the lot coverage for the site subject to the above conditions;

**A motion was made by Paul Aubin, seconded by Nick Parisi, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees and should be returned by 9/19/2011. The motion PASSED unanimously.**

**Aye:** 5 - Dzierwa, Aubin, Stephens, Parisi and Murphy

**Nay:** 0

**Absent:** 2 - Jacobs and Paul

**NON-PUBLIC HEARINGS**

**OTHER BUSINESS**

**ADJOURNMENT**

There being no further business before the Plan Commission, the Chairman adjourned the meeting.

STEPHENS: This meeting is adjourned at 9:29 p.m.

Respectfully submitted,



Linda White  
Recording Secretary

**ADJOURNMENT**