

VILLAGE OF ORLAND PARK

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



Meeting Minutes

Monday, January 25, 2010

5:00 PM

Village Hall

Development Services & Planning Committee

*Chairman James V. Dodge, Jr.
Trustees Brad S. O'Halloran and Patricia A. Gira
Village Clerk David P. Maher*

CALL TO ORDER/ROLL CALL

The meeting was called to order at 5:49 PM.

Present: 2 - Chairman Dodge and Trustee Gira

Absent: 1 - Trustee O'Halloran

APPROVAL OF MINUTES

2010-0047 Approval of the November 23, 2009 Development Services and Planning Committee Minutes

I move to approve the Minutes of the Regular Meeting of the Development Services and Planning Committee of November 23, 2009.

A motion was made by Trustee Patricia Gira, seconded by Chairman James Dodge, Jr., that this matter be APPROVED. The motion CARRIED by the following vote:

Aye: 2 - Chairman Dodge and Trustee Gira

Nay: 0

Absent: 1 - Trustee O'Halloran

ITEMS FOR SEPARATE ACTION

2009-0541 Smith Crossing Phase II - Special Use amendment, Site Plan & Elevations

Director of Development Services Karie Friling reported that the petitioner proposes to construct and operate Phase II of the Smith Crossing senior living facility.

The current facility is located off of Orland Parkway and 183rd Street on a 30-acre parcel. It was opened in 2004 and has a large central commons area, with four wings. The center totals approximately 260,639 square feet with 175 existing units and 200 residents. It is served by both above ground and underground parking.

A 200,000 square foot addition is proposed to the existing complex, for a total of 106 new units that also will provide varying levels of care. Improvements will include the construction of three building additions, the interior remodel of one building, and site improvements including additional driveways and parking spaces, both above and below ground. A new enclosed corridor will connect the northeast addition to the existing residential wing. The additions will create three interior landscaped courtyards that will be upgraded with new walks, seating areas, fountains, and landscaping. Improvements are also proposed to the commons area, including the conversion of an existing outdoor patio to an

enclosed private dining area as well as two formal gardens. Additionally, the interior of the commons area will be remodeled to accommodate the increased number of residents with a new theater, arts studio, gallery, pub and additional meeting rooms. The stormwater run off generated from this project will be accommodated in the existing detention basin in the southeast corner of the site.

This case was heard by Plan Commission on January 12, 2009. During the public hearing, the neighboring property owner to the south, Senator O'Malley, raised concerns with increased stormwater run-off from the additional impervious surface. He is concerned that this additional run-off will impact his undeveloped land located south of Orland Parkway. He requested that a condition be added to the motion requiring that Smith Crossings resolve the stormwater issues. The petitioner agreed to supply engineering information to Mr. O'Malley, but not to an added condition. Plan Commission also declined to add the condition. After Plan Commission, The petitioner's engineer spoke with Mr. O'Malley and sent him a packet of information that included stormwater calculations and a copy of the current MWRD permit. According to CBBEL, the Village's engineering consultant, Smith's existing system was originally designed to accommodate stormwater for patio homes that were never constructed, and that the stormwater generated by the new addition is actually less than what would have been generated by those town homes. Also, the current release of the water to the south under Orland Parkway is the appropriate discharge point based on the original lay of the land and original existing drainage swale to the south. This is also consistent with the original design and intent of Orland Parkway engineering. The petition has received preliminary engineering approval from the Village, with final engineering pending.

A concern was raised by a Plan Commissioner that the currently permitted parallel parking on both sides of (30' wide back of curb) Emilie Lane could present a problem. The petitioner responded that he recalls no traffic problems resulting from this arrangement, and that the on street parking is not commonly used. Generally, current village standards allow parking on both sides for this size and type of road. However, due to heightened concerns with emergency access, this matter will be referred to the Traffic and Advisory board for consideration.

James Fitch, Project Manager for the Phase II Development at Smith Crossings was present to answer any questions that the Committee may have.

I move to recommend to the Village Board approval of Site Plan, Elevations, and an amended Special Use for Congregate Elderly Care with modifications , for Smith Crossing Phase II as recommended at the January 12, 2010 Plan Commission meeting and as fully referenced below.

THIS SECTION FOR REFERENCE ONLY (NOT NECESSARY TO BE READ)

I move to recommend to the Village Board approval of the preliminary site plan

titled "Smith Crossing Phase II Preliminary Site Plan" by AG Architecture/McDonough Associates, project 07061, page 1, and dated January 14, 2010, subject to the following conditions.

- 1) A landscape plan, meeting all Village Codes, is submitted for separate review and approval within 60 days of final engineering approval.
 - a) Include a Tree Survey for all trees exceeding 4" diameter that will be impacted by construction along with a Tree Mitigation Plan. This should include existing parkway trees. Relocation of existing trees, where possible, is encouraged. Existing trees must be protected during construction.
 - b) Maintain a minimum 15' landscape buffer along all property lines.
 - c) Provide landscape, hardscape, fountain, and fencing details for any new patios.
 - d) Provide naturalized landscaping around the detention pond.

- 2) Detention pond retaining wall does not exceed 3' in height and meets Village Code requirements for tiering.

- 3) Meet all final engineering and building code related items.

- 4) New signage must be approved through a separate permitting process.

and

I move to recommend to the Village Board approval of the Elevations titled "Exterior Elevations" by AG Architecture, pages A1500, A1501, A1502, A1503, A1510, AC500 and AA500, and dated December 18, 2009, subject to the following conditions.

- 1) All mechanical equipment is required to be screened, either at grade level with landscaping or hidden behind the roofline.
- 2) All new materials and colors are to match existing colors and materials as closely as possible.

and

I move to recommend to the Village Board approval of an amended Special Use Permit for Congregate Elderly Care with modifications that include:

- 1) The detention basin setback from the southeast building expansion is approximately 18'; a 25' setback is required.
- 2) The supplied number of parking spaces exceeds the Code requirements by approximately 91 spaces, more than the 20% limit.
- 3) Two drive aisles will be located between the building additions and the street.
- 4) The northwest building addition along Emilie Drive is less than 25' from the curb, to as little as 13.8'.

This special use is subject to the same conditions as outlined in the preliminary site plan motion.

A motion was made by Trustee Patricia Gira, seconded by Chairman James Dodge, Jr., that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion CARRIED by the following vote:

Aye: 2 - Chairman Dodge and Trustee Gira

Nay: 0

Absent: 1 - Trustee O'Halloran

2009-0540 Quizno's Subs - Special Use

Director Friling reported that the petitioner, Mr. Pete Swaufield, requests a special use to open a 30 seat, 1,513 square foot restaurant in the Shops of Orland Park Retail Center at approximately the southwest corner of 143rd Street and Wolf Road. The requested special use will follow a previous/ original special use for Quizno's (Ord. 3738), which expired due to Quizno's closing in 2007. Under new management, Quizno's will reopen in the same location and space following the same requirements of the original special use. Quizno's requires a special use because the restaurant will be within 330 feet from the Courtyards of Orland Park residential subdivision.

On January 12, 2010, the Plan Commission moved 6-0 to recommend to the Village Board of Trustees approval of the special use for Quizno's Subs per the submitted floor plan titled "Floor Plan", prepared by the petitioner, Peter Swaufield, received December 1, 2009, as a 1,513 square foot restaurant with 30 seats, 13 parking spaces, and to be within 330 feet from residential properties in the Courtyards of Orland Park subdivision, subject to the following conditions:

1. That a loading space in the rear of the restaurant be designated by a sign and striping;
2. That a separate garbage enclosure be required for Quizno's that is wooden or non-white vinyl and solid/ opaque fence with gates for access;
3. That the regulations of Special Use Ordinance 3738 are applied.

This case is now before the Development Services/Planning Committee for review prior to being sent to the Board of Trustees for final review/approval.

I move to recommend to the Village Board to approve the special use for Quizno's Subs as recommended at the January 12, 2010 Plan Commission meeting and as fully referenced below.

THIS SECTION FOR REFERENCE ONLY (NOT NECESSARY TO BE READ)

I move to recommend to the Village Board of Trustees approval of the special use for Quizno's Subs per the submitted floor plan titled "Floor Plan", prepared by the

petitioner, Peter Swaufield, received December 1, 2009, as a 1,513 square foot restaurant with 30 seats, 13 parking spaces, and to be within 330 feet from residential properties in the Courtyards of Orland Park subdivision, subject to the following conditions:

1. That a loading space in the rear of the restaurant be designated by a sign and striping;
2. That a separate garbage enclosure be required for Quizno's that is wooden or non-white vinyl and solid/ opaque fence with gates for access;
3. That the regulations of Special Use Ordinance 3738 are applied.

A motion was made by Trustee Patricia Gira, seconded by Chairman James Dodge, Jr., that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion CARRIED by the following vote:

Aye: 2 - Chairman Dodge and Trustee Gira

Nay: 0

Absent: 1 - Trustee O'Halloran

2009-0619 Sister Bakery, Inc. - Special Use Permit

Director Friling reported that the petitioner is proposing to operate a 3000 square foot fast food eatery, small grocery, and bakery business in an existing commercial strip center located just east of the Jewel at 9328 W. 159th Street. The strip center has four tenant spaces including the former Hollywood Video (now vacant), H & R Block, and Papa John's Pizza. The business will occupy the northernmost tenant space where the former "Fitness Experience" was located. The store will specialize in Mediterranean food and will serve prepared food for carry out and for consumption at four tables (16 seats) located near the store entry. A small specialty grocery section will be included in the central portion of the store. There will also be a bakery area. The hours of operation will be from approximately 10 am until 8 pm seven days per week. Interior remodeling will occur and must comply with the permitting and approval process. No changes are proposed to the exterior of the building other than a new sign. A brick dumpster enclosure with a roughly two-dumpster capacity exists on the site. Sister Bakery will utilize one of those dumpsters.

This restaurant will be located within 330' of a residential parcel, and therefore requires a special use permit. Sister Bakery will be located approximately one hundred feet from the residential multi-family units to the north. There are some large existing trees in the northern landscape buffer between the strip mall and residential parcels. A 6' wooden privacy fence runs along most of the northern boundary. Adequate parking is available.

I move to recommend to the Village Board to approve the special use for Sister Bakery as recommended at the January 12, 2010 Plan Commission meeting and as fully referenced below.

THIS SECTION FOR REFERENCE ONLY (NOT NECESSARY TO BE READ)

I move to recommend to the Village Board approval of a Special Use Permit for Sister Bakery, a 3,000 square foot, 16 seat, restaurant and bakery located at 9328-9330 W 159th Street and as shown on the Site Plan by Lucid Designs and Construction and dated 12-07-09, subject to the following conditions:

- 1) One dedicated dumpster is maintained for Sister Bakery and stored in the existing brick enclosure.
- 2) This approval is subject to meeting Building and Health Code requirements.
- 3) New signage will be approved through a separate permitting process.

A motion was made by Trustee Patricia Gira, seconded by Chairman James Dodge, Jr., that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion CARRIED by the following vote:

Aye: 2 - Chairman Dodge and Trustee Gira

Nay: 0

Absent: 1 - Trustee O'Halloran

2010-0043 Doctor Marsh Site Planning - Discussion

Director Friling reported that approval is being requested to hire Christopher Burke Engineering to do a restoration/trail plan for the Doctor Marsh.

A large portion of Doctor Marsh has been dedicated to the Village by Gallagher & Henry per the Spring Creek Agreement. This is part of the Spring Creek Greenway and has potential for trail connections and ecological restoration. Village staff has requested that the Army Corps of Engineers allow use of a portion of Gallagher & Henry's required wetland mitigation funds for site planning.

Christopher Burke Engineering has been evaluating wetland mitigation potential for this area and already has a lot of background data. They provided an estimate of \$12,300 for this study.

A payment of \$12,300 will be drawn from Gallagher & Henry's Doctor East wetland mitigation fund (required by the Army Corps of Engineers), currently held in escrow by the Village.

I move to recommend to the Village Board to approve authorization of the Village Manager to enter into a contract with Christopher Burke Engineering at a cost not to exceed \$ 12,300 to create a restoration/trail plan for Doctor Marsh, subject to funding by Gallagher & Henry's wetland mitigation fund.

A motion was made by Trustee Patricia Gira, seconded by Chairman James Dodge, Jr., that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion CARRIED by the following vote:

Aye: 2 - Chairman Dodge and Trustee Gira

Nay: 0

Absent: 1 - Trustee O'Halloran

2010-0015 CBBEL - 2010 Contract - Approval of Professional Engineering Services Contract with Christopher B. Burke

Director Friling reported that the Village of Orland Park's current contract with Christopher B. Burke (CBBEL) to provide professional engineering services has expired. The previous contract was for general engineering to be provided by CBBEL for a monthly retainer of \$8,500. The contract for FY 2010 is for a monthly retainer of \$7,000. The contract has been reduced due to budgetary restraints and a reduction in development activity. The scope includes attending Village meetings, investigation of engineering matters, review of drainage complaints, and follow-up with developers and residents.

I move to recommend to the Village Board approval of the Professional Engineering Services Contract with Christopher B. Burke in the amount of \$84,000.

This matter was RECOMMENDED FOR APPROVAL to the Board of Trustees

Aye: 2 - Chairman Dodge and Trustee Gira

Nay: 0

Absent: 1 - Trustee O'Halloran

2010-0021 Smart Energy Fund

Director Friling reported that the proposed Smart Energy Fund is part of the Village's ongoing commitment to energy efficiency and conservation. It is part of the Smart Business branch of the Smart Living Orland Park or Green Initiative.

The Village applied to the US Department of Energy for Energy Efficiency and Conservation Block Grant (EECBG) formula funding and was awarded \$520,700. In its initial proposal, the Village planned to establish a revolving loan fund to help Orland Park businesses do energy efficiency (EE) and energy conservation (EC) improvements. In a later revision to the proposal, the revolving loan fund was converted to a sub-grant program. The rationale in the revision was that in the current economic circumstances businesses would respond better to a sub-grant program than a revolving loan fund, which involves short-term low-to-no interest debt.

EECBG Timeline

- June 2009 - EECBG Application; 4 project activities, revolving loan fund was one of them;

- August/September 2009 - EECBG Award of \$520,700.00;
- November 2009 - Revised revolving loan fund and converted to sub-grant financial incentive program;
- December 2009 - DOE Revision review period;
- January 2010 - DOE Revision approval (pending) and Committee review;
- February 2010 - Smart Energy Fund established;

EECBG Timeline Requirements

- 18 months to obligate funds from time of award;
- 30 months to spend funds from time of award;

Smart Energy Fund (SEF)

- Pending DOE approval, the program is funded for \$250,000 (from the \$520,700);
- Financial incentive is 50% of the project cost or \$20,000, whichever is less;
- Eligible EE and EC improvements are the same type of projects supported by ComEd's Smart Ideas for Your Business (SIYB) program (for additional financial incentives and leverage);
- Business required to apply to ComEd's SIYB;
- Potential combined incentive from SEF and SIYB for EE and EC improvements is 80%;
- Businesses provided with information on state and federal tax incentives for further project cost reductions;
- Improvements measured against previous 12 month energy use period;
- First-come, first-serve basis;
- When funds run out, remaining applications will be rejected;
- Due to timing, the Village will reserve the right to obligate remaining funding for public EE/EC projects;
- Individual projects will be reviewed by the Parks, Recreation and Environmental Initiatives Committee of Trustees;

SEF and ComEd's Retro-Commissioning (RC)

- RC is a full building energy tune-up provided by ComEd;
- Analyzes energy use, targets saving opportunities, results in identification and implementation of no-cost to low-cost EE and EC improvements;
- RC requires property owners to commit a minimum \$10,000 to \$20,000 to do EE and EC improvements;
- Commercial property owners can apply to SEF to obtain an RC grant for the required commitment;

Follow-Up and Inspections

- Recipients will be required to sign an agreement that requires an inspection of installed materials (e.g. HVAC, lighting, motors etc.) and a final inspection;
- Recipients will receive the funding assistance upon a satisfactory final

inspection.

I move to recommend to the Village Board to approve the program titled "Orland Park Smart Energy Fund", prepared by the Development Services Department, dated January 25, 2010, funded for \$250,000.00 by the American Recovery and Reinvestment Act of 2009 through the Energy Efficiency and Conservation Block Grant (EECBG) program administered by the US Department of Energy, pending DOE approval.

A motion was made by Trustee Patricia Gira, seconded by Chairman James Dodge, Jr., that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion CARRIED by the following vote:

Aye: 2 - Chairman Dodge and Trustee Gira

Nay: 0

Absent: 1 - Trustee O'Halloran

2010-0041 Residential Exterior Insulation and Re-Siding Program (REIRS)

Director Friling reported that the proposed Residential Exterior Insulation and Re-Siding Program is part of the Village's ongoing commitment to energy efficiency and conservation. It is part of the Smart Living branch of the Smart Living Orland Park, or Green, Initiative.

The Village applied to the US Department of Energy for Energy Efficiency and Conservation Block Grant (EECBG) formula funding and was awarded \$520,700. This project was part of the initial proposal. No revisions have ever been proposed for this program activity. It is anticipated that this program will help 10 to 15 single family homes in select subdivisions (Cameno Re'al, Fairway Estates, Fernway, Gee's Addition, and Orland Hills Gardens).

EECBG Timeline

- June 2009 - EECBG Application; 4 project activities, this program was one of them;
- August/September 2009 - EECBG Award of \$520,700.00;
- February 2010 - REIRS established for Spring and Summer 2010 construction season;

EECBG Timeline Requirements

- 18 months to obligate funds from time of award;
- 30 months to spend funds from time of award;

Residential Exterior Insulation and Re-Siding Program (REIRS)

- Approved by DOE, the program is funded for \$50,000 (from the \$520,700);
- Financial incentive is 50% of the project cost or \$5,000, whichever is less;
- Eligible exterior insulation and re-siding projects are Energy Star supported and identified by the US Environmental Protection Agency;

- Property owners are also required to take and implement the US EPA Energy Star Pledge;
- Improvements measured against previous 12 month energy use period;
- First-come, first-serve basis;
- When funds run out, remaining applications will be rejected;
- Due to timing, the Village will reserve the right to obligate remaining funding for public EE/EC projects;
- Individual projects will be reviewed by the Parks, Recreation and Environmental Initiatives Committee of Trustees;

REIRS and ComEd's Air Conditioning Incentives (AC)

- Property owners are required to enroll in ComEd's Smart Ideas for Your Home incentives (e.g. AC Cycling Program and AC Efficiency Services Program);
- Enrollment in ComEd's Air Conditioning programs can return up to \$40 per summer.
- Improved insulation efficiency as a result of REIRS will improve conditioned air retention;

Follow-Up and Inspections

- Recipients will be required to sign an agreement that requires an inspection of installed materials (e.g. siding, windows etc.) and a final inspection;
- Recipients will receive the funding assistance upon a satisfactory final inspection.

I move to recommend to the Village Board to approve the program titled "Orland Park Residential Exterior Insulation and Re-Siding Program", prepared by the Development Services Department, dated January 25, 2010, funded for \$50,000.00 by the American Recovery and Reinvestment Act of 2009 through the Energy Efficiency and Conservation Block Grant (EECBG) program administered by the US Department of Energy.

A motion was made by Trustee Patricia Gira, seconded by Chairman James Dodge, Jr., that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion CARRIED by the following vote:

Aye: 2 - Chairman Dodge and Trustee Gira

Nay: 0

Absent: 1 - Trustee O'Halloran

2009-0288 General Policy for Co-Locating Wireless Communication Facilities (WCF) on Village-Owned Property

Director Friling and Planner Terry Pittos reported that on November 23, 2009, the Development Services and Planning Committee of Trustees discussed the wireless communication facility co-location policy for Village infrastructure. At that meeting, the Committee requested additional information before making a

recommendation. The Committee requested that staff find the capital value of private wireless communication facility lease rates in the Orland Park area in order to compare with proposed/ area municipal rates and bring the suggested base lease rate for Orland Park's infrastructure closer in line with the overall market rate. The policy was continued to the January 25, 2010 Committee meeting.

This report outlines the findings in response to the Committee's request.

EXHIBIT A - Inventory of Village Water Towers

EXHIBIT B - Base Lease Rate Research

INTRODUCTION

This report outlines the four types of WCF co-location projects that may occur on Village property and the appropriate fee and rate structures for such projects.

The objective of this report is to:

1. Establish a General Policy for Co-Locating WCFs on Village Property based on substantial research;
2. Identify and discuss the four types of WCF co-location projects that may occur on Village property;
3. Establish Water Tower Co-Location Planning Criteria; and
4. Make recommendations for constructing for-profit private buildings on public land.

DEFINITIONS

Wireless Communication Facility (WCF)

A WCF can be monopole towers, existing lattice towers, attached or "extension" monopoles, and stealth equipment, or a combination thereof and their associated ground equipment enclosures or shelters. Attached or extension monopoles can be co-located on top of buildings, water towers, or existing monopoles to further increase height. (They can essentially be installed on tall objects including park field lights or similar infrastructure). Stealth communication equipment is comparatively small radius local communication facilities co-located on top of buildings but without monopole attachments or extensions-- thus "stealth" because they blend with regular rooftop equipment.

WCF Special Use

To build new WCFs or to build new equipment shelters/ (telephone service) utility substations, the Village requires a special use permit and, in the case of new towers, conformity to residential land use proximity regulations in Section 6-311 of the Land Development Code. This means that to build a new tower, a provider would have to comply with the public hearing process and ensure that the tower is not within 500 feet of any residential building-even if it is built on Village land. Or,

to build a new wireless communication equipment shelter or building, a provider must comply with the public hearing process. In such a case, the special use process would dictate the requirements for approval/denial of a project.

WCF Administrative/ Appearance Review

The administrative appearance review process is required for WCF co-location projects and existing infrastructure because it facilitates swift equipment deployment for providers. This is an incentive that gives providers the opportunity to avoid new construction costs and the public hearing process.

As a result, co-location projects reduce the amount of new monopole towers constructed and their visual impacts for the community.

GENERAL POLICY FOR CO-LOCATING WCFs ON VILLAGE PROPERTY

In lieu of multiple wireless communication petitions requesting co-location privileges on Village owned property (i.e. water towers) the following policy is recommended for the Village of Orland Park to adopt in order to systematically review, improve, process and maintain wireless communication facilities.

General Policy for Co-Locating WCFs on Village Property

1. Screening Requirement. Ground equipment cabinet enclosures shall be screened using a 100% solid opaque fence of either masonry or non-white vinyl fence. The ground equipment enclosure shall be further screened by native landscaping that is low cost, low-maintenance. The wireless communication providers co-located onsite shall be responsible for landscaping maintenance.
2. Tree Mitigation Bank. Where screening by native landscaping cannot be accommodated, the provider shall pay \$2,500.00 to the Village of Orland Park Tree Mitigation Bank in lieu of the required landscaping. The funds shall be used by the Village to plant or maintain trees in Village parkways, parks, open lands, and other public lands and facilities in the same impact fee districts as the project.
3. Ground Equipment Shelter. Special use permits for ground equipment shelters or buildings shall require a masonry building designed similar to existing Village-owned utility substations or pump housing facilities. The shelter shall be screened by native landscaping;
4. Multi-Tenancy. The provider must provide an assessment for multiple tenants or co-locations and determine if other carriers or providers can fit/ co-locate on the infrastructure following their installation per Section 6-311 regulations. If more co-locations can fit, they must build the ground equipment enclosure or shelter to accommodate at least one future additional tenant;
5. Maintenance Fee and Site Access. The provider must pay a one-time site

maintenance or impact fee of \$2,000.00 for impacts to utilities, roads, towers, screening and other infrastructure and services on public property. Site access to masonry shelters or ground equipment enclosures shall be controlled by the Department with jurisdiction (Building Maintenance or Public Works). No new road access to such sites shall be allowed, since it is typically not necessary for providers to need vehicles for site maintenance. In addition, any new paths or sidewalks for site access shall be subject to the Department with jurisdiction (Building Maintenance or Public Works).

6. Compensation. Compensation to the Village of Orland Park for the use of Village-owned infrastructure and facilities shall follow the below fee schedule. The compensation base lease rate shall begin in 2010 as \$3,500.00 per month and shall escalate annually by 4% for ten (10) years and then 5% annually thereafter. Compensation payments shall be made quarterly. Each provider shall pay its own fee. All providers with new co-location petitions shall pay the same base rate per year as determined by the below fee table, which outlines the payment schedule until 2024.

4% Annual Escalator.

Year 1 - 2010 - \$3,500.00 per month;
Year 2 - 2011 - \$3,640.00 per month;
Year 3 - 2012 - \$3,785.60 per month;
Year 4 - 2013 - \$3,937.02 per month;
Year 5 - 2014 - \$4,094.50 per month;
Year 6 - 2015 - \$4,258.29 per month;
Year 7 - 2016 - \$4,428.62 per month;
Year 8 - 2017 - \$4,605.76 per month;
Year 9 - 2018 - \$4,789.99 per month;
Year 10 - 2019 - \$4,981.59 per month;

5% Annual Escalator.

Year 11 - 2020 - \$5,230.67 per month;
Year 12 - 2021 - \$5,492.20 per month;
Year 13 - 2022 - \$5,766.81 per month;
Year 14 - 2023 - \$6,055.16 per month;
Year 15 - 2024 - \$6,257.91 per month;

BASE LEASE RATE RESEARCH

Research for the above policy recommendations was assisted by the American Planning Association's Planning Advisory Service (PAS). PAS surveyed Chicago area municipalities to determine what co-location lease rates exist around the region. The attached information marked by (PAS) was collected by PAS. Information marked by (VGE) was collected by the Village of Glen Ellyn, which shared their research with PAS, and thus Orland Park. Information marked by (VOP) was collected by staff.

(See attached Base Lease Rate Research for more information).

The old Orland Park policy was to treat each co-location on a case by case basis and charge a starting lease rate of approximately \$2,200/ month with a 3% annual escalator (2004) for each carrier/ provider. The proposed new policy sets a new course using a base lease rate starting at \$3,500/ month for all carriers and providers in 2010 with a 4% annual escalator for the first 10 years and a 5% annual escalator thereafter. This means that all new lessees will be paying the same rate within a given year. The lessees will be required to pay the Village on a quarterly basis, allowing the Village to collect \$10,500 each quarter in 2010 from potential lessees. This model is largely based on the Hoffman Estates model.

Orland Park's Proposed New Policy v. Old Policy

Based on the information in this research and the 34 communities that were surveyed, the average base lease rate for co-locations on publicly owned infrastructure is approximately \$2,219.29/ month. The average annual escalator is approximately 3.42%. Under the proposed new policy, Orland Park's base lease rate will be \$1,280.71 more than that average in 2010. Orland Park's annual escalator will be .58% higher than that average for the first ten years and 1.58% higher every year thereafter.

IDENTIFICATION AND DISCUSSION OF CO-LOCATIONS ON VILLAGE PROPERTIES

There are four types of sites owned by the Village of Orland Park on which wireless communication providers (providers) can co-locate their wireless communication facility (WCF).

- A. ComEd transmission towers on Village land;
- B. Village buildings;
- C. Village WCFs; and
- D. Village Water Towers.

A. Co-Locations in ComEd Transmission Towers on Village Land

The Village supports co-locations on all existing infrastructure. In the case of ComEd transmission towers, however, there are some in ComEd easements which run across Village-owned open lands, parks, greenways and other similar land uses. In the instances where ComEd easements and transmission towers exist on Village-owned land, co-locations are currently not permitted due to Open Lands district zoning restrictions.

The following are policy recommendations for co-locations on Village-owned land in ComEd transmission towers:

1. Land Development Code. Amend the Land Development Code to allow WCF

co-locations in ComEd transmission towers on Village land via an administrative/appearance review and to allow via a special use (telephone service) utility substations associated with co-locations in ComEd transmission towers on publicly owned land (Section 6-213.B.6);

2. Follow General Policy. Require providers to follow the General Policy for Co-Locating WCFs on Village Property outlined in this report;

3. Two Party Lease. When a co-location is proposed in a ComEd transmission tower on Village-land (e.g. Open Lands), the providers will lease the tower space from ComEd for the monopole and then lease the ground space from the Village for the ground equipment enclosure/ shelter. The lease-rate between the Village and the provider should be based on the Village land needed for the supporting ground equipment and associated enclosures and screening.

In the case of Open Lands, co-locations would only be permitted when a ComEd transmission tower is existing. Three party lease deals (e.g. between ComEd, the Village and the provider) are difficult to negotiate from the perspective of the wireless industry. In ComEd co-locations on Village land, the Village should establish a lease for the land area of the equipment enclosure/ shelter, since the tower itself will be located in existing ComEd infrastructure, but the enclosure will use Village land.

B & C. Co-Locations on Village Buildings and WCFs

The potential exists for providers to co-locate WCFs on a Village building. Co-locations to Village buildings can be accomplished via attached monopoles per Section 6-311 regulations or via stealth equipment. Upcoming Land Development Code amendments propose limiting the extended height to fifteen (15') feet above the building or structure. Village WCFs include facilities like the existing lattice tower at the Old Police Headquarters. Currently, this is the only freestanding Village WCF.

In cases where co-locations can occur on Village buildings and Village WCFs, the General Policy outlined in this report should be followed.

D. Co-Locations on Village Water Towers

Wireless communication providers and carriers have already petitioned the Village on numerous occasions to co-locate WCFs on Village water towers. Co-locations on Village water towers typically involve antennae equipment at the top of the bulb with several thick cables running down the personnel access shaft of the tower to the ground equipment. Each water tower is organized and built differently. In some cases, WCF ground equipment can be housed in the base of the tower; in most cases the ground equipment is located outside the base due to internal spatial constraints, requiring penetrations to the base to provide cable access to the stem and bulb of the tower. Penetrations must be strategically

located for proper coordination with other existing facilities in operation on and around the towers.

Water tower co-locations involve meticulous site planning to avoid underground utilities such as storm sewers and water mains, and water tower “over land flow fields” (explanation to follow). WCF ground equipment cable lines must be able to access water tower bases without crossing these utilities or impacting water tower operations. Water towers release large amounts of excess water into “over land flow fields” at the base of the tower to relieve system pressure. Building in these areas is not possible without sustaining flooding or other water damage from water tower operations. Following successful access to the tower, cable lines must not limit or prohibit tower crews from maintaining or accessing the tower’s bulb and top. Multiple co-locations can result in multiple thick cables (up to 30 or more separate cable lines in some cases) which can restrict access and maintenance, and create unsafe working conditions for crews, impeding safety harness operation due to numerous brackets and hangers for said cable bundles.

In cases of water tower co-locations, the following is recommended:

1. Water Tower Co-Location Planning Criteria. Public officials shall use the planning criteria below to approve or deny water tower co-location petitions. If a project fails to meet at least one criterion, it shall be denied.
2. Follow General Policy. Water tower co-locations that meet all the planning criteria, must require providers to follow the General Policy for Co-Locating WCFs on Village Property outlined in this report;

It should be noted that in some instances, denial of a co-location on a Village water tower may result in a wireless communication provider to propose the construction of a new WCF that will likely include a new monopole. This situation, however, would be regulated through the special use process.

WATER TOWER CO-LOCATION PLANNING CRITERIA

In order to regulate water tower co-locations, the Public Works Department has compiled an inventory of Village water towers to determine potential site planning and co-location capacity. The Village will use the inventory in conjunction with the following four planning criteria to determine if a co-location and/or building a wireless communication shelter is feasible or appropriate for each water tower site.

1. The installation of underground coaxial and other cables must be at least five (5') feet from water mains, sanitary sewers or storm sewer lines onsite;
2. The construction of buildings/ shelters or cabinet equipment cannot be sited in areas needed for overflow management (water tower “overflow fields” and

overflow valves) or site maintenance;

3. WCF buildings/ shelters or cabinet equipment must be appropriately sited outside of the water tower drip line but near acceptable base penetration areas, which are areas along the base perimeter that are clear of internal existing water tower infrastructure; (The farther cables must travel, the thicker they must be, which impacts tower operations and maintenance);

4. Public Works must determine that wireless communication cable conditions in each water tower are safe for crews and maintain a comfortable access-way to the bulb and top of the water tower; Cable lines that impede safe crew access shall not be permitted.

CONSTRUCTING PRIVATE FOR-PROFIT BUILDINGS ON PUBLIC LAND

The Orland Fire Protection District and the School Districts in Orland Park have built private WCF buildings or shelters on public land. These public agencies have allowed WCFs to co-locate on their buildings and towers and have managed to maintain their facilities. They have also allowed equipment shelters to be constructed on their land. The appearance of these shelters is the basic "brown box" common to many WCF installations.

The Village currently does not have a policy for building such for-profit structures on Village-owned land. Other municipalities in the region allow such shelters to be constructed on municipal property. In the case of Orland Park, providers that request equipment shelters are required to move through the special use process because the facilities are considered telephone service utility substations. In most zoning districts such facilities are permitted via the special use.

It is recommended that the Village permit these shelters to be constructed on Village-owned land based on the strict guidelines of the General Policy for Co-Locating WCFs on Village Property outlined earlier in this report and the special use status-which provides greater control over design and development. The masonry requirement will ensure that these private utility substations will match Village-operated pump housing stations and utility substations that are scattered on public property throughout the Village's service areas. In the OL district, it is recommended they be permitted only when associated with a ComEd transmission tower co-location.

While the standard "brown box" equipment shelter is temporary and removable, the masonry utility substation is more permanent. The advantage to a masonry structure is that they will preserve the aesthetic appearances of neighborhoods and Village-owned property.

Chairman Dodge stated that staff has done a good job with this report and has given what the Committee has requested. Regarding the annual escalator; he

believes that \$3,000 seems better. Chairman Dodge is happy with the 4 percent escalator, but believes it will be hard to justify.

Chairman Dodge stated that the escalator for Year 1 – 2010 - \$3,500.00 per month is high. Also, the Village should be more in-line with what the other municipalities are doing. Chairman Dodge questioned what would be the Village's recuperation if in five years all the other municipalities have moved ahead with their percentages and the Village is at a cheap 3 percent.

Chairman Dodge noted that he does not want to chase potential business away; however, he does not want to leave a lot on the table.

Assistant Village Manager Baer stated that the Village's current agreements have a 3 percent inflationary component. They are not as high as the \$3,500.

Chairman Dodge stated that \$3,000 with maybe a 3 percent increase seems better. He questioned if the Village has a reopener on agreements after so many years.

Assistant Village Manager Baer stated there is a reopener option in the Village's existing contracts. This option states that either yes, the Village can renew its contract with the provider or no the Village will not renew.

Chairman Dodge stated that his specific concern is the speed at which mobile devices are beginning to replace many things. There will be a lot of demand that the Village can not quantify yet. If all of a sudden there is a massive demand that changes the equipment and the providers are having outside revenue increases and the Village is only collecting \$3,000 that would not be fair.

Assistant Village Manager Baer stated that the Village does not want to have service gaps throughout the community that is something the Village has been trying to balance over the past several years. Meetings have taken place with providers over this issue.

Chairman Dodge is comfortable with \$3,000 and 3 percent annual escalator. He would like staff to be specific when this is brought back to the Board on how the agreements will be formally reviewed in 3 to 5 years, making sure the Village's long term interest is protected.

Director Friling stated that it was suggested by Village Manager Grimes to possibly tie the escalator into the Consumer Price Index (CPI).

Chad Gargabe spoke before the Committee on behalf of Verizon. He was encouraged to hear what the committee had discussed tonight. He believes that \$3,500 with a 4 percent escalator is too high.

Mr. Gargrabe stated that tying the escalator into the CPI is not a good idea. CPI will not change the rate based on changes in the economy. He explained that there are ten's of thousands of leases that are managed across the nation. CPI has huge database which sends out the rent on time to the various landowners/tower owners. There is no cost effective way to manage CPI increases and decreases from year to year or every 5 years. Companies that Mr. Gargrabe had dealt with will not accept CPI in their leases.

Trustee Gira stated that Naperville does not allow anything on their water towers. She asked if there are any advantages for the Village to take this type of approach.

Director Friling stated that originally it was thought that there should be less towers in the Village. This would be a benefit to have co-locating wireless communication on existing water towers.

Director Friling stated that the Village would not agree with Naperville's position on this issue. Less towers is better for the community overall.

Chairman Dodge agreed with Director Friling.

Director Friling asked if the committee was comfortable for this item to be sent forward for final Board approval with the change of \$3,000 and 3 percent annual escalator.

Assistant Village Manager Baer stated that the reopener will also be reviewed to make sure it is consistent.

Chairman Dodge stated yes this can go for final Board approval. He would like the reopener clause to be a key point of discussion and requested this item not go under consent on the Board agenda.

I move to recommend to the Village Board to approve the policies outlined in this report titled "Co-Locations on Village Land in ComEd Transmission Towers", "General Policy for Co-Locating Wireless Communication Facilities (WCF) on Village Property", and "Water Tower Co-Location Planning Criteria", prepared by the Development Services Department, dated January 25, 2010.

A motion was made by Trustee Patricia Gira, seconded by Chairman James Dodge, Jr., that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion CARRIED by the following vote:

Aye: 2 - Chairman Dodge and Trustee Gira

Nay: 0

Absent: 1 - Trustee O'Halloran

ADJOURNMENT - 6:10 PM

A motion was made by Trustee Patricia Gira, seconded by Chairman James Dodge, Jr., that this matter be ADJOURNED. The motion CARRIED by the following vote:

Aye: 2 - Chairman Dodge and Trustee Gira

Nay: 0

Absent: 1 - Trustee O'Halloran

/nm

APPROVED:

Respectfully Submitted,

David P. Maher, Village Clerk