

ORDINANCE GRANTING A SPECIAL USE PERMIT – AT&T, 17801 S. WOLF ROAD - WATER TOWER NO. 1

WHEREAS, an application seeking a special use permit with modifications for certain real estate, as set forth below, has been filed with the Village Clerk of this Village and has been referred to the Plan Commission of this Village and has been processed in accordance with the Land Development Code of the Village of Orland Park, as amended; and

WHEREAS, the Plan Commission of this Village held a public hearing on October 22, 2013 and November 12, 2013, on whether a special use permit should be granted, at which time all persons present were afforded an opportunity to be heard; and

WHEREAS, a public notice given of said public hearing by publication not more than 30 days nor less than 15 days prior to said hearing in the Orland Park Prairie, a newspaper of general circulation in this Village; and

WHEREAS, the Plan Commission of this Village has filed its report of findings and recommendations that the requested special use permit be granted with this President and Board of Trustees, and this Board of Trustees has duly considered said report and findings and recommendations.

NOW THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1

The Plan Commission has made its report of findings and recommendations, and such are hereby adopted by reference as findings of this President and Board of Trustees as fully as if completely set forth at length herein. All exhibits submitted at the aforesaid public hearing are also incorporated by reference into this Ordinance. This President and Board of Trustees find that the proposed special use permit with modifications is in the public good and in the best interests of the Village and its residents, is consistent with the Comprehensive Plan of the Village, and is consistent with and fosters the purposes and spirit of the Land Development Code of the Village of Orland Park, as set forth in Section 1-102 thereof.

SECTION 2

In addition to the findings set forth in Section 1 hereof, this Board of Trustees further finds as follows in relation to the special use permit to construct a wireless communication utility substation to support wireless communication equipment co-located on top of Water Tower No. 1 in the R-4 Residential Zoning District with modifications as follows:

(a) The Subject Property is owned by the Village, is located at 17801 S. Wolf Road and contains Water Tower No. 1. It is zoned R-4 Residential Zoning District within the Village of Orland Park, Cook and Will Counties, Illinois. The Petitioner, AT & T, is seeking a special use permit to provide for a wireless communication utility substation under the Village's Water Tower No. 1 that will support wireless communication equipment co-located on top of the water tower on

the Subject Property. Also requested are modifications to reduce the required building setback from 14.4 feet to 7 feet for the side yard, to reduce the required building setback from 30 feet to 7 feet for the rear yard, to reduce the retaining wall setback from 3 feet to 1 foot and to increase the permitted retaining wall height from 3 feet to 6.5 feet.

(b) The Orland Park Land Development Code provides that wireless communication facilities may be located on any water tower and that such facilities may be located in the R-4 Residential Zoning District as a special use on an institutional parcel. In addition, utility substations are allowed as a special use in the R-4 Residential Zoning District.

(c) Granting the requested modifications will enhance the ability of the proposed special use to meet the general standards for all special uses set out in Section 5-105 (E) of the Land Development Code of the Village. Specifically, granting the requested setback variances will enhance the ability of the special use to minimize adverse effects on adjacent properties by locating the structure where it will not be visible from the properties to the north and east and will be screened from the property to the north by the garage building of the multi-family homes. Moreover, the landscaping will also mitigate impacts on adjacent properties. In addition, the modifications regarding the retaining wall setback and height permit the substation to be located outside of critical utility infrastructure, outside of the drip line of the water tower and outside of water tower management logistics. The retaining wall may be covered with ivy or other treatments to mitigate its appearance and deter vandalism. The modifications will also allow petitioner to add facilities to an existing water tower rather than building another tower and will not negatively impact adjacent properties.

(d) The proposed special use permit will be consistent with the character of the immediate vicinity of the Subject Property. The Subject Property is located in the R-4 Residential Zoning District. Property to the north and east of the Subject Property is zoned R-4 Residential and includes multi-family residential. Property to the south of the Subject Property is zoned BIZ General Business District and includes retail shopping. The property to the west of the Subject Property (across Wolf Road) is zoned E-1 Estate Residential and contains single-family homes. These uses will not be adversely affected by the addition of wireless communications equipment and substation to the existing water tower because of the landscaping and fencing to be installed and the fact that shelter will be of masonry construction.

(e) The proposed special use is consistent with the purposes, goals, objectives and standards of the Comprehensive Plan, any adopted overlay plan and the Land Development Code of the Village of Orland Park. The Comprehensive Plan designates this area as Community and Institutional. Additions to an existing water tower are appropriate in such an area when properly screened from adjacent land as these additions are.

(f) The design of the proposed special use will minimize any adverse effects, including visual impacts, on adjacent properties. No inappropriate or adverse visual impacts or effects will result, because of the retaining wall and landscaping to be installed. Moreover, placing additional telecommunications equipment on an existing water tower is more desirable than constructing an additional tower. The proposed special use as conditioned by this Ordinance will not have an adverse effect on the value of adjacent property.

(g) The Petitioner has demonstrated that public facilities and services, including but not limited to roadways, park facilities, police protection, hospital and medical services, drainage systems, refuse disposal, water and sewers, and schools will be capable of serving the special use at an adequate level of service. Access to the site is from Stoneridge Drive, a local street. A twelve foot (12') wide access drive will be added and will extend the existing hammerhead turnaround to the lease area for tenant access.

(h) The Petitioner has made adequate legal provisions to guarantee the provision and development of any open space and other improvements associated with the proposed development.

(i) The development will not adversely affect a known archaeological, historical or cultural resource.

(j) The special use shall in all aspects conform to the applicable regulations of the Land Development Code of the Village of Orland Park as amended, for the district in which it is located as well as all applicable regulations and ordinances of the Village, except as specifically amended or modified by this or another Ordinance.

SECTION 3

A special use permit is hereby granted and issued, subject to the conditions below, for the construction of a wireless communication utility sub-station under the Village's Water Tower No. 1 that will support wireless communication equipment co-located on top of the water tower, subject to the conditions below, on property legally described as follows:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SAID NORTHWEST QUARTER OF SECTION 32; THENCE NORTH 0°-14'-14" EAST ALONG THE WEST LINE OF THE SAID NORTHWEST QUARTER OF SECTION 32, FOR A DISTANCE OF 614.88 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 0°-14'-14" EAST ALONG THE SAID WEST LINE OF THE NORTHWEST QUARTER OF SECTION 32 FOR A DISTANCE OF 150.00 FEET; THENCE SOUTH 89°-45'-46" EAST FOR A DISTANCE OF 210.00 FEET; THENCE SOUTH 0°-14'-14" WEST FOR A DISTANCE OF 150.00 FEET; THENCE NORTH 89°-45'-46" WEST FOR A DISTANCE OF 210.00 FEET TO THE POINT OF BEGINNING; ALL IN COOK COUNTY, ILLINOIS.

This special use permit includes modifications to reduce the required building setback from 14.4 feet to 7 feet for the side yard, to reduce the required building setback from 30 feet to 7 feet for the rear yard, to reduce the retaining wall setback from 3 feet to 1 foot; and to increase the permitted retaining wall height from 3 feet to 6.5 feet and is subject to the condition that construction on the Subject Property be pursuant to the hereby approved Preliminary Site Plan set entitled "AT & T IL0683 Orland Park WT 17801 S. Wolf Road Orland Park, IL 60467 Water

Tower" prepared by Forge Services, Inc., last revised November 1, 2013, sheets T1.1 through GN4.1, and subject to the following further conditions:

1. That petitioner obtain a building permit prior to construction;
2. That petitioner obtain security clearance for water tower access from the Orland Park Police Department;
3. That petitioner install a neutral non-white color vinyl fence around the enclosure;
4. That petitioner work with Village staff to determine an appropriate treatment for the retaining wall; and
5. That petitioner sign a lease agreement with the Village of Orland Park to co-locate equipment on the Village's Water Tower No. 1.

SECTION 4

The Petitioner hereunder shall at all times comply with the terms and conditions of this special use permit and in the event of non-compliance, said permit shall be subject to revocation by appropriate legal proceedings.

SECTION 5

The zoning map of the Village of Orland Park, Cook and Will Counties, Illinois, shall be amended so as to be in conformance with the granting of the special use permit as aforesaid.

SECTION 6

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