

ORDINANCE GRANTING A SPECIAL USE PERMIT – APPS COMMUNICATIONS, INC. –  
10470 164<sup>TH</sup> PLACE

WHEREAS, an application seeking a special use permit 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 January 22, 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, 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 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 facility, consisting of a monopole cell tower and associated ground equipment in the MFG Manufacturing District.

(a) The Subject Property is an approximately 1.05 acre property located at 10470 164<sup>th</sup> Place and zoned MFG Manufacturing District within the Village of Orland Park, Cook and Will Counties, Illinois. The Petitioner, David Apps for Apps Communications, Inc., is seeking a special use permit to provide for a wireless communication facility consisting of a monopole tower that is 180' tall with co-location opportunities on the Subject Property. Also requested are

modifications to permit the height of the tower to be 180' instead of the maximum 150' and to allow for engineering approval after the approval of the special use.

(b) The Orland Park Land Development Code provides that new, freestanding wireless communication facilities may be located in the MFG District as a special use.

(c) Granting the requested height modification 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 height modification will allow the wireless communication facility to provide service to the surrounding area due to the topography of the surrounding area, particularly in the area south of Mallard Landings. The height modification will also result in the removal of the existing, nonconforming tower which is approximately 400' tall. The new tower will also provide for more co-location opportunities. There will be no adverse impact on neighboring properties.

(d) Granting the requested modification to allow for the submission of engineering plans after the approval of the special use is necessary to the expense of the structural plans needed for a new, freestanding wireless communications facility.

(e) 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 MFG Manufacturing District. Property to the north, south, east and west of the Subject Property is zoned MFG Manufacturing District and contains light industrial uses. The closest residential property is approximately 2000' away. The proposed cell tower is approximately 150' from nearby buildings.

(f) 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 Regional Intensity Industrial/Distribution. The installation of a wireless communications facility is appropriate in such an area, and landscaping and fencing will be provided to screen the facility.

(g) 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 fencing and landscaping to be installed. Moreover, constructing this tower will result in the removal of a larger, nonconforming tower. The proposed special use as conditioned by this Ordinance will not have an adverse effect on the value of adjacent property.

(h) 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 wireless communications facility and fenced enclosure area will be from a paved drive from the existing parking lot.

(i) 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.

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

(k) The special use permit is necessary due to the fact that existing or approved towers and structures within the search radius cannot accommodate the planned wireless equipment at a height necessary to function reasonably. The closest existing towers are on the Orland Fire Protection District property at 163<sup>rd</sup> Place, approximately 1/3 mile away, and another location on 167<sup>th</sup> Place, just over 1/2 mile away.

(l) 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 and operation of a wireless communication facility, including a monopole communications tower and associated ground equipment in the MFG Manufacturing District, subject to the conditions below, on property legally described as follows:

LOT 10 IN APPLE KNOLL INDUSTRIAL PARK UNIT 1, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, AS RECORDED JANUARY 20, 1982, AS DOCUMENT NO. 26117390, IN COOK COUNTY, ILLINOIS.

P.I.N. No.: 27-20-402-017-0000

This special use permit includes modifications to allow the height of the communications tower to be 180' tall, with co-location opportunities, which is 30' higher than the Code limit of 150' with co-locations and to permit the postponement of engineering approval until after the special use is approved and is subject to the following conditions:

A. The Subject Property shall be developed substantially in accordance with the Site Plan titled "Overall Site Plan," prepared by Mid America Towers, project number 2012-0452, dated December 10, 2012, revised February 25, 2013, pages Z-1, Z-2, Z-3, Z-3A, Z-3B and Z-4, subject to the following conditions:

1. Approval is subject to final engineering, including structural review.
2. Approval is subject to all Building Code related items.
3. No additional increases in tower or equipment height, beyond the petitioned 180', will be approved in the future.

4. All new mechanical equipment, including co-located equipment, must be contained in the fenced communications tower enclosure.
5. All future lease areas on the monopole will require additional Village approval.
6. No additional outdoor storage of any type, anywhere on the site, may be added without additional Village approval.
7. Any additional lighting, beyond government safety requirements, must be submitted for approval.
8. The following deadlines must be met:
  - a. Complete and stamped structural engineering plans must be submitted within 90 days of Board approvals.
  - b. Structural engineering plans must be approved within 6 months, otherwise the existing non-conforming tower must be removed.
  - c. The new tower must be constructed and approved for occupancy within one year of structural engineering approval.
  - d. The existing, non-conforming rooftop tower must be removed within 30 days of completion of the new communications tower. The temporary occupancy permit on the new communications tower will include this restriction, with the final occupancy permit delayed pending removal.
- B. The Subject Property shall be developed substantially in accordance with the conceptual monopole tower Elevation titled "Sabre Tower and Poles," dated November 16, 2012.

#### 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.