

**ORDINANCE GRANTING A SPECIAL USE PERMIT – NICOR REGULATOR STATION
(13801 82nd AVENUE)**

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 April 14, 2015, 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 public utility facility at the regulator station in the R-3 Residential Zoning District with modifications as follows:

(a) The Subject Property is owned by Nicor, is located at 13801 82nd Avenue and contains a natural gas utility substation. It is zoned R-3 Residential Zoning District within the Village of Orland Park, Cook and Will Counties, Illinois. The Petitioner, Nicor, is seeking a special use permit to provide for a SCADA facility for remote monitoring at the existing utility substation on the Subject Property. Also requested are modifications to reduce the required side setback from

25 feet to 10 feet and to reduce the landscape bufferyard requirements from Bufferyard Type C to match landscape requirements for wireless communications facilities.

(b) The Orland Park Land Development Code provides that public utility structures are special uses in the R-3 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 side setback variance is necessary due to the location of existing infrastructure and equipment, most of which is below grade. In addition, the enclosure must be at least 15 feet from the line heater in order to comply with the National Electric Code. Granting the bufferyard modification to provide for landscape requirements for wireless telecommunications facilities is appropriate in this area. The Subject Property contains trees on the north and east sides that provide buffer to the surrounding residential properties. In addition, the petitioner is required to submit a landscape plan for review and approval by the Village.

(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-3 Residential Zoning District. Property to the north, east and west of the Subject Property is zoned R-3 Residential and contains single family homes. Property to the south of the Subject Property is zoned OL Open Lands District and includes Com Ed right-of-way and the Orland bikeway. These uses will not be adversely affected by the addition of the SCADA facility and related equipment.

(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 natural gas regulator station 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 existing landscaping and the landscaping to be installed as well as the existing fencing and screening. 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 82nd Avenue, a minor arterial street. The site, however, is secured and is not accessible to the general public because it is considered private critical infrastructure for the region.

(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 public utility structure for Nicor Gas Regulator Station 276, subject to the conditions below, on property legally described as follows:

THE SOUTH 50 FEET OF THE WEST 180 FEET OF THE EAST HALF OF THE NORTHEAST ¼ OF FRACTIONAL SECTION 2, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 27-02-201-019

This special use permit includes modifications to reduce the required side setback from 25 feet to 10 feet and to reduce the required landscape bufferyard requirements from Bufferyard Type C to match landscape requirements for wireless communications facilities and is subject to the conditions that construction on the Subject Property be pursuant to the hereby approved Preliminary Site Plan set entitled "Orland Park STA 276 Site Layout" prepared by Nicor Gas, dated September 12, 2013, sheet 276-E-11 and pursuant to the Elevations entitled "Orland Park STA SCADA Enclosure Fiberglass Enclosure and Concrete Foundation," prepared by Nicor Gas, dated September 16, 2013, and subject to the following further condition:

1. That petitioner submit a Final Landscape Plan, meeting all Village Codes, for separate review and approval within 60 days of final approval

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.