

## **ATTACHMENT A**

June 5, 2024

Village President and Board of Trustees  
Village of Oak Park  
123 Madison Street  
Oak Park, Illinois 60302

**Re: Application of Dish Wireless, LLC for a Special Use Permit to Attach Wireless Telecommunications Antennas to be Located at 715 Lake Street (Calendar No. 10-24-Z)**

Dear Village President and Board of Trustees:

On May 6, 2024, Dish Wireless, LLC (the “Applicant”) filed an application (Calendar No. 10-24-Z) pursuant to Section 8.3 (Table 8-1: Use Matrix) of the Village of Oak Park Zoning Ordinance (“Zoning Ordinance”) requesting the issuance of a special use permit to install wireless telecommunications antennas to be located at 715 Lake Street, Oak Park, Illinois 60301 (“Subject Property”).

A public hearing was held on the application in the Council Chambers of the Oak Park Village Hall, 123 Madison Street, Oak Park, Illinois on June 5, 2024 at 7:00 p.m. The notice and time and place of said public hearing was duly published on May 15, 2024, in the *Wednesday Journal*, a newspaper of general circulation in the Village. Notice was also posted at the Subject Property and notices were mailed by the Applicant to owners of record within 300 feet of the Subject Property, advising them of the application and the public hearing to be held.

### **FINDINGS OF FACT**

The ZBA, having fully heard and considered the testimony of all those present at the hearing who wished to testify and being fully advised in the premises, makes the following

findings pursuant to Section 14.2(C)(2), 14.2(D)(1) and 14.2(E) of the Village of Oak Park Zoning Ordinance:

1. The Applicant seeks a special use permit pursuant to Section 8.3 (Table 8-1: Use Matrix) of the Zoning Ordinance to install wireless telecommunications antennas to be located at 715 Lake Street, Oak Park, Illinois.

The Subject Property.

2. The Subject Property is improved with a medical arts building in the DT-2 Downtown Zoning District at 715 Lake Street.

3. The Applicant will be deploying a new broadband network and proposes to install a new telecommunications facility and associated equipment on the rooftop side of 715 Lake Street (the "Proposal").

4. The Proposal includes three (3) antennas, six (6) radios, antenna mounts, cabling on three (3) antenna sectors and an equipment cabinet will be installed on an existing steel platform on the roof.

5. Two (2) wireless antennas would be mounted at a centerline height of 106.5 feet and one (1) wireless antenna at a centerline height of 95.5 feet mounted on the brick portions of the penthouse.

The Applicant.

6. The Applicant maintains that the new wireless rooftop facilities for Dish Wireless, LLC will support the connectivity needs of residents, businesses and first responders.

7. The Applicant presented evidence that it is ready to move forward with the attachment of the wireless rooftop facility upon the Village's approval of the special use.

8. The ZBA considered the following documents which were submitted into evidence at the time of the Public Hearing, and made part of the Record:

- a. Cover Letter;
- b. Application for Special Use Permit;
- c. Responses Approval Standards for receiving a Special Use Permit, as conveyed in Section 14.2 (E);
- d. Project Summary;
- e. Drawings;
- f. Photo Simulations; and
- g. Site Plan.

Compatibility with Surrounding Uses.

9. The character of the neighborhood is commercial.

10. The Subject Property has been historically used to house other telecommunication facilities.

11. The wireless telecommunication antennas will be painted to match the color of the masonry penthouse.

Project Review Team.

12. The Village's Internal Project Review Team ("Team") met to review the Applicant's Proposal. The team consists of staff members from various Village departments.

13. The Team supports the special use application, but Village staff recommends that the antennas be painted to match the color of the penthouse masonry.

The Need for Zoning Relief.

14. A special use permit is required for any wireless telecommunications antennas electronic transmitting and receiving device(s) used to transmit and/or receive radio-frequency signals, microwave signals, or other signals transmitted to or from antennas. *Zoning Ordinance*, Section 8.3 (Table 8-1: Use Matrix); Section 8.4(V).

Approval Standards.

15. A special use permit may be granted only if the recommendation of the ZBA and decision of the Village Board makes findings to support each of the following conclusions pursuant to Section 14.2(E) of the Zoning Ordinance:

1. The establishment, maintenance, and operation of the proposed special use will not have a substantial or unduly adverse impact on the neighborhood or endanger the public health, safety, or welfare;
2. The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity;
3. The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance, adopted land use policies and the Comprehensive Plan; and
4. The special use meets the requirement for such classification in this Ordinance.

16. The evidence shows that the wireless rooftop facility is suitable within the DT-2 Downtown Zoning District and is compatible with the surrounding neighborhood with the antennas being painted to match the color of the penthouse masonry.

17. The evidence shows that the proposed wireless rooftop facility will have little overall impact on traffic patterns, pedestrian traffic or area parking.

18. The evidence shows that the proposed wireless rooftop facility increases Dish Wireless's network capacity and data speeds for the surrounding community and is in the interest of public convenience.

19. Section 8.3 (Table 8-1: Use Matrix) of the Zoning Ordinance requires a special use permit to attach a wireless rooftop facility in the DT-2 Downtown Zoning District.

20. The Applicant has provided reasonable assurance that its Proposal will be

completed in a timely manner and shall comply with the requirements of the Small Wireless Facilities Deployment Act, 50 ILCS 835/1 *et seq.*, and the Oak Park Village Code, Chapter 22 (“Street and Sidewalks”), Article 14 (“Small Wireless Facilities”).

21. The evidence shows that the issuance of a special use permit for the Subject Property is in the best interest of the Village of Oak Park and the Applicant has met the standards pursuant to Section 14.2 (E) of the Zoning Ordinance for the permit.

### **RECOMMENDATION**

Pursuant to the authority vested in it by the statutes of the State of Illinois and the ordinances of the Village of Oak Park, the Zoning Board of Appeals, hereby recommends to the President and Board of Trustees pursuant to a vote of 4 - 0, that the special use permit be granted pursuant to Section 8.3 (Table 8-1: Use Matrix) of the Zoning Ordinance, for a wireless rooftop facility to be located at 715 Lake Street, Oak Park, Illinois, by the Applicant, subject to the following conditions and restrictions:

1. The special use permit shall be limited to the Applicant and the use set forth herein, and any expansion in the use or change in the tenant, operator or use of the Subject Property will terminate the special use permit;
2. The rooftop antenna must be painted to match the penthouse masonry to make it less visible from Lake Street; and
3. In the event that any of the conditions set forth herein shall not be fulfilled at any time in the future, said event shall be deemed a violation(s) of the Zoning Ordinance and the Zoning Administrator shall take appropriate action.

This report adopted by a 4 to 0 vote of this Zoning Board of Appeals, this 5<sup>th</sup> day of June, 2024.