

ATTACHMENT A

March 4, 2015

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

Re: Application of T-Mobile for Special Use Permit for rooftop wireless facility at
408 South Oak Park Avenue, Cal. No. 01-15-Z.

Dear Ladies and Gentlemen:

On or about December 4, 2014, T-Mobile, of 8550 West Bryn Mawr Avenue, Suite 100, Chicago, Illinois 60631, through its agent, Ray Shinkle, (the "Applicant") filed an application for issuance of a special-use permit, pursuant to Sections 4.5.2(U) ("Radio, Television, and Other Electronic Transmitting and Receiving Devices") and 3.8.1(A)(2) ("Building Height" in the "B-1/B-2 – General Business District") of the Zoning Ordinance of the Village of Oak Park, authorizing the installation of a total of six (6) antennas, two (2) antennas per sector, at a centerline height of sixty-one feet (61') and sixty-seven feet (67') on the roof of 408 South Oak Park Avenue, Oak Park, Illinois (the "Subject Property"), currently owned by Oak Park Arms, LLC. This matter was referred to the Zoning Board of Appeals, (the "ZBA"), pursuant to the

authority conferred by Section 2.2.3(C) of the Zoning Ordinance, to hold the required public hearing.

A public hearing was scheduled for February 4, 2015, at 7:00 p.m. in the Council Chambers of the Village Hall, Madison and Lombard, Oak Park, Illinois. Notice of the time and place of this public hearing was published on January 14, 2015, in the "Wednesday Journal," a newspaper of general circulation in the Village of Oak Park. A notice was posted at the Subject Property and letters were also mailed to owners of record within 500 feet of the Subject Property by the Applicant, advising them of the proposal and the public hearing to be held. The ZBA held the hearing at such time and place, at which a quorum of this Commission was present.

Having heard and considered the testimony and evidence received at the public hearing, this Commission makes the following findings of fact:

FINDINGS OF FACT

The Subject Property.

1. The Subject Property is an irregularly shaped zoning lot containing approximately 69,785 square feet and is located in a B-1/B-2 General Business District.
2. The Subject Property is improved with a six (6) story building (Oak Park Arms) which was originally built as a hotel in 1927.
3. The Applicant proposes to lease space on the roof of the Oak Park Arms and to construct a wireless rooftop facility, including six (6) antennas, two (2) per sector, at a centerline height of sixty-one feet (61') and sixty-seven feet (67').

4. All six (6) antennas will either be attached to the side, back or mounted on top of the building, all located at the southeast portion of the building.

5. More specifically, two of T-Mobile's antenna sectors will be flush mounted to the side of the building on the south and east elevation at a centerline height of approximately sixty-one feet (61'), while the third antenna sector will be mounted to a non-penetrating roof sled mount near the eastern edge of the building at a centerline elevation of approximately sixty-seven feet (67').

6. The Subject Property is located within a B-1/B-2 zoning district, where the allowed maximum height as of right is forty-five feet (45'), pursuant to Section 3.8.1(A)(2) of the Zoning Ordinance.

7. The roof of the Subject Property also houses an AM antenna which adds at least another one-hundred feet (100') in total height.

8. The Applicant submitted the following documents to the ZBA which were taken into evidence and considered by the ZBA:

- a. Application for Special-Use Permit
- b. Project Summary
- c. Responses to the standards for receiving a variation, as conveyed in Section 2.2.4(D)
- d. Photo Simulations showing antennas
- e. Plat of Survey
- f. Radio Frequency Engineer's Affidavit
- g. Signal Coverage Map
- h. List of T-Mobile's existing sites in Oak Park

- i. Site Plans, Elevations
- j. Title Policy/Deed.

The Applicant.

9. The Applicant is a corporation in the business of planning, building, providing and maintaining cellular transmission antennas and service for T-Mobile.

The Proposed Project.

10. Pursuant to the plans and specifications which were entered into evidence, the Applicant proposes to collocate six (6) antennas, all six (6) of which will be attached to the roof.

11. "Collocation" means placing the wireless transmission structures on existing towers or structures such as buildings.

Coverage Concerns.

12. The ZBA heard testimony regarding the unreliable service coverage for T-Mobile customers in the area of the Subject Property.

13. The ZBA also heard testimony regarding the presence of other providers' transmission antennas in the area, as well as the AM tower, which transmits at a much higher power.

14. The ZBA heard evidence that through the increase in use of mobile devices and data-heavy content use, the current wireless towers in the Village are not capable of handling the demand.

15. The ZBA heard evidence that roughly 60 million emergency "911" calls are placed on mobile telephones annually in the United States.

Aesthetic and Environmental Concerns.

16. The ZBA heard evidence suggesting that the proposed transmission antennas would have minimal impact on the appearance of the existing structure on the Subject Property.

17. The ZBA heard evidence suggesting that the proposed transmission antennas would be barely visible from street level.

18. In the course of the hearing, several members of the public expressed concerns regarding the potential short and long-term health or environmental effects of wireless telephone communications.

19. However, the Federal Communication Commission (the "FCC") has exclusive jurisdiction over such environmental and health concerns, and the U.S. Congress has expressly preempted local and state governments from denying placement of wireless transmission towers regarding these concerns.

Historic Preservation Commission.

20. The Staff Liaison to the Historic Preservation has reviewed this request.

21. He has no objection to the proposed special use request, due to the location of the antennas at the rear of the building, and not being readily visible from Washington Boulevard and Oak Park Avenue.

The Need for Zoning Relief.

22. Sections 4.5.2(U) ("Radio, Television, and Other Electronic Transmitting and Receiving Devices"), all such telecommunication transmitters require the grant of a special use.

23. Moreover, pursuant to the ZBA's authority on granting special uses, a height allowance may be given pursuant to Section 2.2.3(E) of the Village Zoning Ordinance, so only the standards for the special use need be met, if the Applicant has convinced the ZBA that it has met the six (6) standards for a special use permit imposed by Section 2.2.3(D).

The Special Use Standards.

24. The evidence indicated that the proposed antennas are necessary and desirable to provide Oak Park residents, businesses and visitors with adequate cellular coverage, an increasingly vital, integral and expected part of business and daily life in the Village as well as throughout the world.

25. As conditioned below, the evidence indicated that the proposed transmission antennae will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, utility facilities or other matters affecting the public health, safety and general welfare. The evidence indicated as conditioned below, that the proposed antennas would have little, if any, effect on the surrounding properties.

26. The evidence indicated that the proposed antennas will permit and encourage the development and use of neighboring property in accordance with the applicable district regulations, in that the quality of life and business will be improved due to increased cellular capacity and coverage in the area of the Subject Property.

27. The evidence indicated that no more specific standards or criteria are applicable to the Applicant's proposal, except for Section 4.5.2(U), which merely requires a special use permit for such transmission antennas.

28. The proposal furthers certain economic development goals of Chapter V Envision Oak Park Comprehensive Plan ("Economic Development") in that it provides a needed service for the continued vitality of the commercial interests in the Village as well as meeting the increasing demand for cellular coverage for the residents and businesses in the Village.

29. The evidence indicated reasonable assurance by the Applicant that the proposed antennas will be constructed and completed in a timely manner if authorized. The Applicant has substantial resources that can be committed to this project, and if its requested special-use permit is granted, the Applicant expects to commence construction soon thereafter.

30. As conditioned below, the evidence indicated that the issuance of a special-use permit allowing the special use on the Subject Property is in the best interest of the Village of Oak Park.

RECOMMENDATIONS

Pursuant to the authority vested in it by the statutes of the State of Illinois and the ordinances of the Village of Oak Park, this Zoning Board of Appeals, sitting as a Zoning Commission, and pursuant to a vote of 4-0, hereby recommends to the President and Board of Trustees that a special-use permit be granted pursuant to the provisions of Sections 4.5.2(U), 2.2.3(D), and 2.2.3(E) of the Oak Park Zoning Ordinance, to authorize the installation of a total of six (6) antennas, two (2) antennas per sector, at a centerline height of sixty-one feet (61') and sixty-seven feet (67') on the roof of 408

South Oak Park Avenue, Oak Park, Illinois (the "Subject Property"), currently owned by Oak Park Arms, LLC., SUBJECT TO the following conditions and restrictions:

1. That the proposed antennae be constructed, operated and maintained in substantial conformity with the site plans submitted to the Village; and
2. That in the event that any of these conditions and restrictions shall not be fulfilled at any time in the future, said events 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 Commission,
this 4th day of March, 2015.