

Attachment A

March 22, 2024

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

Re: Application of AT&T Mobility for a Special Use Permit to Attach a Small Wireless Facility to an Existing Pole on Private Property to be Located at 320 Chicago Avenue (Calendar No. 6-24-Z)

Dear Village President and Board of Trustees:

On February 26, 2024, AT&T Mobility (the "Applicant") filed an application (Calendar No. 6-24-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 408 S. Oak Park Avenue, Oak Park, Illinois 60302 ("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 May 22, 2024 at 7:00 p.m. The notice and time and place of said public hearing was duly published on May 1, 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 408 S. Oak Park Avenue, Oak Park, Illinois.

The Subject Property.

2. The Subject Property is an irregularly shaped zoning lot approximately 69,785 square feet, and is located in a NC Neighborhood Commercial Zoning District at 408 S. Oak Park Avenue.

3. The Applicant proposes to lease space on the roof of the Oak Park Arms and to construct a wireless rooftop facility, including 12 antennas, four per sector, as a height of 65' (the "Proposal").

4. The Proposal includes 12 antennas, each sector having four (4) antennas, for a total of twelve antennas mounted to the top of the Subject Property on roof sleds at a height of 65 feet.

The Applicant.

5. The Applicant maintains that the new wireless rooftop facilities for AT&T Mobility will increase its network capacity and data speeds for the surrounding community.

6. 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.

7. 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. Application for Special Use Permit and Variance;

- b. Responses Approval Standards for receiving a Special Use Permit and Variance, as conveyed in Section 14.2 (E) and 14.3 (E), respectively;
- c. Drawings;
- d. Photo Simulations;
- e. Plat of Survey; and
- f. Site Plan.

Compatibility with Surrounding Uses.

8. The character of the neighborhood is commercial and residential.

9. The proposed antennas will be co-located on the roof with other telecommunication facilities.

10. Since the wireless telecommunication antennas will be visible from Oak Park Avenue, Village staff recommends that enclosures be built to conceal the antennas.

Project Review Team.

11. 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.

12. The Team supports the special use application, but Village staff recommends that enclosures be built to conceal the antennas.

The Need for Zoning Relief.

13. 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 NC Neighborhood Commercial District and is compatible with the surrounding neighborhood with the use of an enclosure.

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 AT &T'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 NC Neighborhood Commercial 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 408 S. Oak Park Avenue, 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. Two of the wireless rooftop facilities sectors must be concealed by a brick wall to make it less visible from Oak Park Avenue and the third wireless rooftop facilities sector must be camouflaged with paint; 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 22nd day of May, 2024.