

Attachment A

January 9, 2019

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

Re: Application of Sac Wireless 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. 1-19-Z)

Dear Village President and Board of Trustees:

On December 11, 2018, Sac Wireless (the “Applicant”) filed an application (Calendar No. 1-19-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 attach a small wireless facility to an existing pole on private property to be located at 320 Chicago 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 January 9, 2019 at 7:00 p.m. The notice and time and place of said public hearing was duly published on December 19, 2018, 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 attach a small wireless facility to an existing pole on private property to be located in the NC Neighborhood Commercial District at the Subject Property.

The Subject Property.

2. The Subject Property is an irregularly shaped zoning lot improved with a single-story building owned by Oak-Leyden.

3. The Applicant proposes to attach a small wireless facility to an existing Com Ed utility pole that is located in the parking lot of the Subject Property (the "Proposal").

4. One OMNI cylindrical antenna will be attached to an existing 29'-2" wood Com Ed utility pole at a height of 36'-2" above grade level.

The Applicant.

5. The Applicant maintains that the new small wireless facility for AT&T Mobility will increase 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 small wireless 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;
- b. Responses approval standards for receiving a special use, as conveyed in Section 14.2 (E);
- c. Title Sheet;
- d. Partial Site Plan;

- e. Equipment Details Sheet;
- f. RFDS Details;
- g. Utility Plans and Details;
- h. Loading Calculations; and
- i. Affidavit of Notice.

Compatibility with Surrounding Uses.

- 8. The character of the neighborhood is commercial and residential.
- 9. The proposed antenna will be located on a pole in an existing parking lot and will be minimally visible atop the utility pole.
- 10. Since the small wireless facility will not be readily visible from Chicago Avenue or Ridgeland Avenue, the facility will be compatible with the surrounding uses.
- 11. A neighbor objected to the aesthetics of the small wireless facility but admitted that the Applicant had chosen the best location for the facility.

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.

The Need for Zoning Relief.

- 14. A special use permit is required for wireless telecommunications antennas in all zoning districts within the Village of Oak Park, unless said antennas are located on public property. *Zoning Ordinance*, Section 8.3 (Table 8-1: Use Matrix); Section 8.4(U).

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 proposed small wireless facility is suitable within the NC Neighborhood Commercial District and is compatible with the surrounding neighborhood.

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

18. The evidence shows that the proposed small wireless 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 small wireless 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. Specifically, the antenna will not increase the overall existing height of the

structure by more than seven (7) feet above the roof on which it is mounted. *Village of Oak Park Zoning Ordinance*, Section 8.4(U)(3)(b).

22. In addition, the small wireless facility will:

1. Not be lit or marked. *Village of Oak Park Zoning Ordinance*, Section 8.4(U)(4);
2. Be obscured and otherwise not readily apparent to a casual observer *Village of Oak Park Zoning Ordinance*, Section 8.4(U)(5)(a); and
3. Be located on a utility pole already allowed within the zoning district. *Village of Oak Park Zoning Ordinance*, Section 8.4(U)(5)(b).

23. 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 7 - 0, that the special use permit be granted pursuant to Section 8.3 (Table 8-1: Use Matrix) of the Zoning Ordinance, for a small wireless facility to be located at 320 Chicago 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; and
2. 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 7 to 0 vote of this Zoning Board of Appeals, this 9th day of January, 2019.