

VILLAGE OF OAKWOOD HILLS
ORDINANCE NO. 07-02-01

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT AND
VARIATIONS FOR A COMMUNICATIONS TOWER AND RELATED EQUIPMENT
AT 3020 NORTH PARK DRIVE, OAKWOOD HILLS,
McHENRY COUNTY, ILLINOIS.

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF OAKWOOD HILLS THIS 1ST DAY OF FEBRUARY, 2007.

Published in pamphlet form by
authority of the President and
Board of Trustees of the Village
of Oakwood Hills, McHenry
County, Illinois this 1st day
of February, 2007.

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BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF
THE VILLAGE OF OAKWOOD HILLS, ILLINOIS, as follows:

WHEREAS, the Petitioner, the Village of Oakwood Hills, Owner/proposed Lessor and United States Cellular Operating Company of Chicago, LLC, A Delaware Limited Liability Company by and through its Agent, Michael Bieniek, AICP, SAC Wireless, Inc., Co-Petitioner/proposed Lessee, have filed a Petition with the Village of Oakwood Hills, requesting a Conditional Use Permit and Variations relating to the Village of Oakwood Hills' Zoning Ordinance, and of such Ordinance as amended, as it relates to the real property below;

WHEREAS, the Village of Oakwood Hills is the titleholder of record of the following described tract of real estate:

The North 280 feet of the South 310.00 feet of the East 312.00 feet of the West 345.00 feet of the North Half of the Northwest Quarter of Section 36, Township 44 North, Range 8 East of the third principal meridian in McHenry County, Illinois.

Parcel Identification No. 14-36-101-006 and more commonly known as 3020 North Park Drive, Oakwood Hills, Illinois;

WHEREAS, the Petition requests a Conditional Use Permit and Variations to allow for the construction of a one hundred ninety foot monopole communications tower that could accommodate multiple users and a whip antenna and tornado siren unit, other antennas, a nine foot lightening rod for an overall height of said tower structure of one hundred ninety nine feet, and other related equipment and structures, to be enclosed by a six foot fence;

WHEREAS, said monopole tower, equipment, and structure will be situated within the proposed leased area with associated access and utility easements, and in support thereof with no reclassification of the subject property from its present classification, which is "I-1" Industrial District;

WHEREAS, notice of public hearing on said Petition was published in the Northwest Herald and provided to abutting property owners, within the time provided by law, and said public hearing was held before the Village of Oakwood Hills Zoning Board of Appeals on November 14, 2006, in the manner and the form as prescribed by law;

WHEREAS, as a result of said hearing, the taking of evidence and testimony, and the viewing of exhibits advanced thereat, the Village of Oakwood Hills Zoning Board of Appeals determined that the requisite Standards were met with conditions and that the Conditional Use and Variations are in the public interest and will not be detrimental to the public health, welfare, or safety of the inhabitants of the Village of Oakwood Hills, McHenry County, Illinois;

WHEREAS, the Village of Oakwood Hills Zoning Board of Appeals' written report and findings recommended the granting of a Conditional Use Permit and Variations with various conditions that were identified by the Zoning Board of Appeals and Co-Petitioner, that allows for the construction of a one hundred ninety foot monopole communications tower, which could accommodate multiple users as the Village Board may so allow and authorize at its discretion, and that could accommodate a whip antenna and tornado siren unit, other antennas, a nine foot lightening rod for a overall height of said tower structure of one hundred ninety nine feet enclosed by a six (6) foot fence, and all other related equipment and structures;

WHEREAS, the Village of Oakwood Hills Board of Trustees has considered the findings and recommendation as submitted by the Village of Oakwood Hills Zoning Board of Appeals; and

WHEREAS, the Village of Oakwood Hills Board of Trustees determined that the Conditional Use and Variations are in the public interest; will not be detrimental to the public health, welfare, or safety of the inhabitants of the Village of Oakwood Hills, McHenry County, Illinois; the improvement of and expansion to municipal/public services, facilities, and communications, etc. will enhance the public health, safety and welfare; practical difficulties and particular hardships were evidenced; said Conditional Use and Variations will meet the best interest of the community as a whole; and the findings of the Zoning Board of Appeals and the Board of Trustees, which shall be attached to this Ordinance, and the Standards for a Conditional Use Permit and Variations as set forth in the Village of Oakwood Hills' Zoning Ordinance and the Illinois Compiled Statutes have been met subject to conditions that are reasonably necessary to meet such Standards;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Oakwood Hills, McHenry County, Illinois as follows:

SECTION ONE: A Conditional Use Permit and Variations are hereby granted allowing for the construction of a one hundred ninety foot monopole communications tower enclosed by a six (6) foot fence on the Village of Oakwood Hills' property located at 3020 North Park Drive in Oakwood Hills, Illinois, which could accommodate multiple users as the Village Board may so allow and authorize at its discretion, and could accommodate a whip antenna and tornado siren unit, other antennas, a nine foot lightening rod for a overall height of said tower structure of one hundred ninety nine feet, and all other related equipment and structures, contingent upon the following conditions that are reasonably necessary to meet the Village Standards:

- Satisfaction of any and all Federal, State, County, Village, and other agencies' laws, ordinances, and regulations;
- A lease with any carrier and sub-lease that are acceptable to the Village and address any and all conditions herein and that do no violate terms of any other agreements or documents;
- Any building constructed be of exterior materials and colors similar to the existing Village building, or that are approved by the Village;
- The Village's direction and approval regarding structure/building type - (i.e. equipment shelter or maintenance facility);
- Any parking lot revisions or improvements and access and utility easements that are approved by the Village;
- Landscape screening and landscape materials that are approved by the Village; and
- Fence style, type, color, and building materials that are approved by the Village.

SECTION TWO: The Zoning Ordinance and the Zoning Maps of the Village of Oakwood Hills and such ordinances and maps as amended, be and the same shall hereby be amended to reflect a Conditional Use and Variations to allow for the construction of a one hundred ninety foot monopole communications tower and its related equipment and structure within the proposed leased area.

SECTION THREE: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION FOUR: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION FIVE: This Ordinance shall become effective after its passage and approval as provided by law.

PASSED THIS 1st day of February , 2007.

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

APPROVED THIS _____ DAY OF _____, 2007.

Village President, Dean Chambers

ATTEST

Village Clerk, Judith A. Sutliff

PUBLISHED: _____