

APPROVING A SPECIAL USE PERMIT FOR A CELLULAR COMMUNICATIONS TOWER AT 1300 SOUTH SEVENTH STREET, DEKALB, ILLINOIS.

WHEREAS, the City of DeKalb, DeKalb County, Illinois is a home rule community with those powers granted under the provisions of the Illinois Constitution and the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et. seq.*; and,

WHEREAS, the City of DeKalb has conducted all hearings and satisfied all conditions precedent to the issuance of a lawful Special Use Permit for the Cellular Communications Tower located at 1300 South Seventh Street; and,

WHEREAS, the City of DeKalb City Council has determined that it is necessary to approve such Special Use Permit in order to properly and adequately protect the public health, safety, welfare and morals; and,

THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of DeKalb, DeKalb County, Illinois, as follows:

Section 1. Special Use Permit Approved.

The City of DeKalb hereby authorizes and approves the issuance of a Special Use Permit for the Cellular Communications Tower located at 1300 South Seventh Street, subject to the following conditions:

- 1) This Special Use Permit shall be limited to the facilities as depicted in the plans and application included within the Planning and Zoning Commission backup materials, which are expressly incorporated herein by reference, subject to the applicable provisions of the City of DeKalb Unified Development Ordinance.
- 2) Prior to unconditional approval of this Special Use Permit, the petitioner shall be required to:
 - a) obtain approval of the proposed antenna from the Federal Aviation Administration (FAA);
 - b) obtain approval from the Community Development Director of a landscaping plan evidencing vegetative screening at least four feet in height along the north and southwestern sides; c) submitting an acceptable structural engineer's report and obtain all required building and electrical permits; and, d) providing a site plan acceptable to the City Engineer evidencing hard surface paving serving all of Petitioner's facilities on the property.
- 3) All new equipment shall be of a color that matches the structure and painted a neutral color, preferably gray or sky blue, so that the structure and attached equipment are as visually unobtrusive as possible, unless otherwise specified under FAA regulations.

Section 2. All ordinances or portions thereof in conflict with this ordinance are hereby repealed. All agreements in violation of the terms of this Ordinance shall be terminated, effective

immediately.

Section 3. Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.

~~**Section 4.** This Ordinance shall be in full force and effect after passage and publication pursuant to law. Publication date: _____, 2015. Effective date: _____, 2015.~~

~~**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois at a regular meeting thereof held on the ___ day of _____, 2015 and approved by me as Mayor on the same day.~~

This ordinance was withdrawn at the request of Attorney Richard Connor Riley on behalf of James Hovis of Central States Tower II, LLC.

MOTION

Alderman Noreiko moved to accept the withdrawal of Ordinance 2015-024, seconded by Alderman Snow.

VOTE

Motion carried on a roll call vote of 7-0-1. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, O'Leary, Rey. Absent: Baker.

RICHARD CONNOR RILEY
ATTORNEY AT LAW

123North 4th Street
Chesterton, Indiana* 46304

Via: UPS EXPRESS

Derek Hiland
Principal Planner
City of DeKalb
200 South Fourth Street
DeKalb, Illinois 60115

May 7th, 2015

RE: Request by Central States Tower II, LLC, on behalf of James Hovis, for a special use permit (SUP) to erect a new 140 foot cellular communications antenna to be located on property at 1300 South Seventh Street, DeKalb, Illinois

Dear Mr. Hiland

Please be advised that I represent Central States Tower II, LLC, the above petitioner, and on their behalf I hereby withdraw the above conditional use permit application.

Thank you for your assistance in this matter.

Sincerely,

Richard Connor Riley