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ORDINANCE GRANTING A SPECIAL USE PERMIT - VERIZON WIRELESS, 153<sup>RD</sup>  
STREET WATER TOWER NO. 8, 15501 PARK STATION BOULEVARD

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WHEREAS, an application seeking a special use permit for certain real estate, as set forth below, has been filed with the Village Clerk of this Village and has been referred to the Plan Commission of this Village and has been processed in accordance with the Land Development Code of the Village of Orland Park, as amended; and

WHEREAS, the Plan Commission of this Village held a public hearing on July 28, 2009, on whether a special use permit should be granted, at which time all persons present were afforded an opportunity to be heard; and

WHEREAS, a public notice given of said public hearing by publication not more than 30 days nor less than 15 days prior to said hearing in the Orland Park Prairie, a newspaper of general circulation in this Village; and

WHEREAS, the Plan Commission of this Village has filed its report of findings and recommendations that the requested special use permit be granted with this President and Board of Trustees, and this Board of Trustees has duly considered said report and findings and recommendations;

NOW THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1

The Plan Commission has made its report of findings and recommendations, and such are hereby adopted by reference as findings of this President and Board of Trustees as fully as if completely set forth at length herein. All exhibits submitted at the aforesaid public hearing are also incorporated by reference into this Ordinance. This President and Board of Trustees find that the proposed special use permit is in the public good and in the best interests of the Village and its residents, is consistent with the Comprehensive Plan of the Village, and is consistent with and fosters the purposes and spirit of the Land Development Code of the Village of Orland Park, as set forth in Section 1-102 thereof.

SECTION 2

In addition to the findings set forth in Section 1 hereof, this Board of Trustees further finds as follows in relation to the special use permit to construct a wireless communication utility substation to support wireless communication equipment co-located on top of Water Tower No. 8 in the MFG Manufacturing District.

(a) The Subject Property is an approximately 720 square foot portion of Village property containing Water Tower No. 8 and located at 15501 Park Station Boulevard, and is zoned MFG Manufacturing District within the Village of Orland Park, Cook and Will Counties, Illinois. The

Petitioner, Black and Veatch for Verizon Wireless, is seeking a special use permit to provide for a wireless communication utility substation under the Village's Water Tower No. 8 that will support wireless communication equipment co-located on top of the water tower on the Subject Property. Also requested is a modification to the 25 foot setback requirement, to reduce the setback to six feet six inches from the east property line.

(b) The Orland Park Land Development Code provides that wireless communication facilities may be located on any water tower and that such facilities may be located in the MFG District as a special use.

(c) Granting the requested setback modification will enhance the ability of the proposed special use to meet the general standards for all special uses set out in Section 5-105 (E) of the Land Development Code of the Village. Specifically, granting the requested six foot six inch setback will enhance the ability of the special use to minimize adverse effects on adjacent properties by eliminating any interference with underground utilities and by allowing petitioner to add facilities to an existing water tower rather than building another tower and will not negatively impact adjacent properties, which contain commuter parking lots and open space.

(d) The proposed special use permit will be consistent with the character of the immediate vicinity of the Subject Property. The Subject Property is located in the MFG Manufacturing District. Property to the north, south, east and west of the Subject Property is zoned OS Open Space; it is used for commuter station parking lots to the south, east and west and for the 153<sup>rd</sup> Street Wetlands and a future park to the north. These uses will not be adversely affected by the addition of wireless communications equipment and substation to the existing water tower because of the 45-foot long retaining wall, the landscaping to be installed and the fact that the masonry and roofing material will match other Village-owned shelter rooftops.

(e) The proposed special use is consistent with the purposes, goals, objectives and standards of the Comprehensive Plan, any adopted overlay plan and the Land Development Code of the Village of Orland Park. The Comprehensive Plan designates this area as Low Intensity Population. Additions to an existing water tower are appropriate in such an area when properly screened from adjacent land as these additions are.

(f) The design of the proposed special use will minimize any adverse effects, including visual impacts, on adjacent properties. No inappropriate or adverse visual impacts or effects will result, because of the retaining wall and landscaping to be installed. Moreover, placing additional telecommunications equipment on an existing water tower is more desirable than constructing an additional tower. The proposed special use as conditioned by this Ordinance will not have an adverse effect on the value of adjacent property.

(g) The Petitioner has demonstrated that public facilities and services, including but not limited to roadways, park facilities, police protection, hospital and medical services, drainage systems, refuse disposal, water and sewers, and schools will be capable of serving the special use at an adequate level of service. Access to the site is from the adjacent Village-owned commuter station parking lot, which itself has access from Park Station Boulevard to the west, a Village-owned local street.

(h) The Petitioner has made adequate legal provisions to guarantee the provision and development of any open space and other improvements associated with the proposed development.

(i) The development will not adversely affect a known archaeological, historical or cultural resource.

(j) The special use shall in all aspects conform to the applicable regulations of the Land Development Code of the Village of Oriand Park as amended, for the district in which it is located as well as all applicable regulations and ordinances of the Village, except as specifically amended or modified by this or another Ordinance.

### SECTION 3

A special use permit is hereby granted and issued, subject to the conditions below, for the construction of a wireless communication utility sub-station under the Village's Water Tower No. 8 that will support wireless communication equipment co-located on top of the water tower, subject to the conditions below, on property legally described as follows:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF THE WESTERLY LINE OF THE NORFOLK AND WESTERN RAILROAD (FORMERLY WABASH RAILROAD) RIGHT OF WAY, BEING BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SAID SECTION 17 AND RUNNING THENCE EAST ALONG THE EAST AND WEST CENTER LINE OF SAID SECTION, 1625 FEET FOR A PLACE OF BEGINNING; THENCE CONTINUING EAST, ALONG THE SAID EAST AND WEST CENTER LINE OF SECTION 17, A DISTANCE OF 150 FEET TO A POINT; THENCE SOUTH, AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 150 FEET; THENCE WEST, AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 150 FEET; THENCE NORTH, AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 150 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

This special use permit includes a modification to the 25-foot setback requirement, to permit a 6-foot, 6 inch setback and is subject to the condition that construction on the Subject Property be pursuant to the hereby approved Preliminary Site Plan entitled "15501 Park Station Blvd. Orland Park, Il. 60467 Site Plan" prepared by Fullerton Engineering Consultants, project number 2008284367, dated May 15, 2009, last revised August 14, 2009, Sheet Numbers Z-1 and Z-2, and the Elevations titled "15501 Park Station Blvd. Orland Park, Il. 60467 Site Elevation," prepared by Fullerton Engineering Consultants, project number 2008284367, dated May 15, 2009, last revised August 14, 2009, Sheet Numbers Z-3 and Z-4, subject to the following further conditions:

1. That the elevation drawings indicate that the color of the masonry shall be red brick and the color and material of the rooftop shall be of a metal material with a green or dark green color that matches the Village-owned utility shelter at 153<sup>rd</sup> Street and 108<sup>th</sup> Avenue;

2. That this project is subject to a policy approval by the Village Board that would allow the proposed building on public land.

#### SECTION 4

The Petitioner hereunder shall at all times comply with the terms and conditions of this special use permit and in the event of non-compliance, said permit shall be subject to revocation by appropriate legal proceedings.

#### SECTION 5

The zoning map of the Village of Orland Park, Cook and Will Counties, Illinois, shall be amended so as to be in conformance with the granting of the special use permit as aforesaid.

#### SECTION 6

This Ordinance shall be in full force and effect from and after its passage and approval as required by law.