

VILLAGE OF ARLINGTON HEIGHTS

ORDINANCE NO. 2024-\_\_\_\_\_

AN ORDINANCE GRANTING SPECIAL USE PERMITS AND A VARIATION  
FOR VERIZON WIRELESS ANTENNAS  
(1500 W. Shure Drive)

ADOPTED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF ARLINGTON HEIGHTS  
THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.

Published in pamphlet form  
by the authority of the  
President and Board of Trustees  
of the Village of Arlington Heights,  
Cook County, Illinois this  
\_\_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
Village Clerk

AN ORDINANCE GRANTING SPECIAL USE PERMITS AND A VARIATION  
FOR VERIZON WIRELESS ANTENNAS  
(1500 W. Shure Drive)

WHEREAS, Chicago SMSA Limited Partnership d/b/a Verizon Wireless (“*Applicant*”) is a tenant on that certain property owned by YPI Arlington, LLC (“*Owner*”) located in the M-1 Research, Development, and Light Industrial District (“*M-1 District*”), commonly known as 1500 W. Shure Drive, and legally described in Exhibit A attached to and, by this reference, made a part of this Ordinance (“*Property*”); and

WHEREAS, the Property is currently improved with a seven-story office building and other related improvements (collectively, the “*Existing Improvements*”); and

WHEREAS, the Applicant desires to install permanent commercial antennas and related equipment on the principal building façade of the Property (“*Permanent Antennas*”) and temporary commercial antennas and related equipment in the parking lot on the Property (“*Temporary Antennas*,” which, together with the Permanent Antennas, are the “*Proposed Improvements*”); and

WHEREAS, pursuant to Section 5.5-1 of “The 2002 Comprehensive Amendment of the Zoning Ordinance of the Village of Arlington Heights,” as amended (“*Zoning Code*”), the Proposed Improvements may only be constructed and used on the Property upon issuance by the Village Board of Trustees of special use permits therefor; and

WHEREAS, pursuant to Section 6.14-2.2(b) of the Zoning Code, a landscaping plan must be submitted to the Village that demonstrates substantial screening of the antenna and related structures from adjacent land uses, and the screening must consist of a well-maintained masonry wall of brickwork of stonework, solid wood fence, densely planted compact hedge or berm, and hedge; and

WHEREAS, the Applicant desires to construct the Proposed Improvements without the required landscaping plan, in violation of Section 6.14-2.2(b) of the Zoning Code; and

WHEREAS, pursuant to Sections 8 and 12 of the Zoning Code, the Applicant, with the Owner’s consent, has filed an application for approval of: (i) a special use permit to permit the installation of the Permanent Antennas portion of the Proposed Improvements on the Property; (ii) a special use permit to permit the installation of the Temporary Antennas portion of the Proposed Improvements on the Property; and (iii) a variation from Section 6.14-2.2(b) of the Zoning Code to relieve the Applicant from providing the Village with a landscaping plan (collectively, the “*Requested Relief*”); and

WHEREAS, a public hearing of the Plan Commission of the Village to consider approval of the Requested Relief was duly advertised in the *Daily Herald* on January 9, 2024, and held on January 24, 2024; and

WHEREAS, on January 24, 2024, the Plan Commission made findings and recommendations in support of the Requested Relief, with conditions; and

WHEREAS, the President and Board of Trustees have determined that the Requested Relief meets the required standards for special use permit and a variation, as set forth in Sections 8.2 and 12.2 of the Zoning Code; and

WHEREAS, the President and Board of Trustees have determined that it will serve and be in the best interest of the Village to grant the Requested Relief, subject to the conditions, restrictions, and provisions of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS:

SECTION 1. RECITALS. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. GRANT OF SPECIAL USE PERMITS. Subject to, and contingent upon, the conditions, restrictions, and provisions set forth in Section 4 of this Ordinance, and in accordance with, and pursuant to, Section 8 of the Zoning Code and the home rule powers of the Village, the Village hereby grants special use permits to the Applicant to (i) permit the installation and operation of the Permanent Antennas portion of the Proposed Improvements on the Property, and (ii) to permit the installation and operation of the Temporary Antennas portion of the Proposed Improvements on the Property.

SECTION 3. GRANT OF VARIATION. Subject to, and contingent upon, the conditions, restrictions, and provisions set forth in Section 4 of this Ordinance, and in accordance with, and pursuant to, Section 12 of the Zoning Code and the home rule powers of the Village, the Village hereby grants a variation from Section 6.14-2.2(b) of the Zoning Code to relieve the Applicant from providing the Village with a landscaping plan in connection with the Proposed Improvements of the Property.

SECTION 4. CONDITIONS. Notwithstanding any use or development right that may be applicable or available pursuant to the provisions of the Zoning Code, the approvals granted pursuant to Sections 2 and 3 of this Ordinance are hereby expressly subject to, and contingent upon, the development, use, and maintenance of the Property in compliance with each and all of the following conditions. For all conditions set forth in this Section 4 for which the Village may conduct a review, make a modification, make an approval, or make a determination, the Village Manager, or their designee, is authorized to take that action in their sole discretion and to their satisfaction. The Applicant will bear all costs for compliance with its obligations in this Section 4 and elsewhere in this Ordinance, unless otherwise noted.

- A. Compliance with Regulations. Except to the extent specifically provided otherwise in this Ordinance, the development, use, operation, and maintenance of the Proposed Improvements and the Property must comply at all times with all applicable Federal, State, and Village statutes, codes, ordinances, and regulations, as the same have been or may be amended from time to time.
- B. Building Façade. The Applicant must paint the Permanent Antennas to match the color of the building façade on the Property, subject to Village review and approval.
- C. Removal of Temporary Antennas. The Applicant must remove the Temporary Antennas when required by the “Procceed at Own Risk Declaration” dated October 17, 2023, executed by the Applicant, the Owner, and the Village, attached to and, by this reference, made a part of this Ordinance as Exhibit B.
- D. Village Utilities. Prior to issuance by the Village of a building permit for the Proposed Improvements, the Applicant must add Village utility information to the engineering plans for the Proposed Improvements, subject to review and approval by the Village.

SECTION 5. RECORDATION; BINDING EFFECT. A copy of this Ordinance will be recorded on title to the Property with the Cook County Clerk's Recording Division. This Ordinance and the privileges, obligations, and provisions contained herein inure solely to the benefit of, and are binding upon the Applicant and each of its heirs, representatives, successors, and assigns.

SECTION 6. FAILURE TO COMPLY WITH CONDITIONS. Upon the failure or refusal of the Applicant to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, as applicable, the approvals granted in Sections 2 and 3 of this Ordinance may, at the sole discretion of the Village President and Board of Trustees, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village President and Board of Trustees may not so revoke the approvals granted in Sections 2 and 3 of this Ordinance unless they first provide the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Village President and Board of Trustees. In the event of revocation, the development and use of the Property will be governed solely by the regulations of the M-1 District and the applicable provisions of the Village Code, as the same may, from time to time, be amended. Further, in the event of such revocation, the Village Manager and Village Attorney are hereby authorized and directed to bring such enforcement action as may be appropriate under the circumstances.

SECTION 7. AMENDMENTS. Any amendments to the approvals granted in Sections 2 or 3 of this Ordinance that may be requested by the Applicant after the effective date of this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Zoning Code.

SECTION 8. SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance are to remain in full force and effect, and will be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 9. EFFECTIVE DATE.

- A. This Ordinance will be effective only upon the occurrence of all of the following events:
  - 1. Passage by the Village President and Board of Trustees in the manner required by law; and
  - 2. The filing by the Applicant with the Village Clerk of an Unconditional Agreement and Consent, in the form of Exhibit C attached to and, by this reference, made a part of this Ordinance, to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance and to indemnify the Village for any claims that may arise in connection with the approval of this Ordinance.
  
- B. In the event the Applicant does not file fully executed copies of the Unconditional Agreement and Consent, as required by Section 9.A.2 of this Ordinance, within 30 days after the date of final passage of this Ordinance, the Village President and Board of Trustees will have the right, in their sole discretion, to declare this Ordinance null and void and of no force or effect.

AYES:

NAYS:

PASSED AND APPROVED THIS \_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
Village President

ATTEST:

\_\_\_\_\_  
Village Clerk

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

PARCEL 1:

LOT 2 IN BILL KNAPP'S RESUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED JULY 12, 1983 AS DOCUMENT 26683318, BEING A RESUBDIVISION OF LOT 4 IN ARLINGTON INDUSTRIAL AND RESEARCH CENTER UNIT 12, BEING A SUBDIVISION IN PART OF THE NORTHWEST 1/4 OF SECTION 7, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY EASEMENT AGREEMENT RECORDED JULY 12, 1983 AS DOCUMENT 26684378 FOR THE PURPOSE OF ACCESS OVER THE SOUTH 17.5 FEET OF THE WEST 170 FEET OF LOT 1 (AS MEASURED ALONG THE SOUTH LINE OF SAID LOT 1) IN BILL KNAPP'S RESUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED JULY 12, 1983 AS DOCUMENT 26683318, IN THE NORTHWEST 1/4 OF SECTION 7, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 3:

LOT 3 IN ARLINGTON INDUSTRIAL AND RESEARCH CENTER UNIT 12, BEING A SUBDIVISION IN PART OF THE NORTHWEST 1/4 OF SECTION 7, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 13, 1978 AS DOCUMENT NO. 24533497, IN COOK COUNTY, ILLINOIS.

Commonly known as: 1500 W. Shure Drive, Arlington Heights, Illinois 60004

P.I.N.: 03-07-102-013-0000 and 03-07-102-008-0000

EXHIBIT B

PROCEED AT OWN RISK DECLARATION

EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The Village of Arlington Heights, Illinois (“*Village*”):

WHEREAS, Chicago SMSA Limited Partnership d/b/a Verizon Wireless (“*Applicant*”) is a tenant on that certain property owned by YPI Arlington, LLC (“*Owner*”) located in the M-1 Research, Development, and Light Industrial District (“*M-1 District*”), commonly known as 1500 W. Shure Drive in the Village (“*Property*”); and

WHEREAS, Ordinance No. 2024-\_\_\_\_\_, adopted by the Village President and Board of Trustees on \_\_\_\_\_, 2024 (“*Ordinance*”), approves special use permits and grants a variation to permit the Applicant to construct and operate temporary and permanent commercial cellular antenna arrays and related equipment on the Property; and

WHEREAS, Section 9 of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Applicant and Owner file, within 30 days following the passage of the Ordinance, its unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Ordinance;

NOW, THEREFORE, the Applicant and Owner hereby agree and covenant as follows:

1. The Applicant and Owner hereby unconditionally agrees to, accepts, consents to, and will abide by, each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.
2. The Applicant and Owner acknowledge that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, have considered the possibility of the revocation provided for in the Ordinance, and agree not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.
3. The Applicant and Owner acknowledge and agree that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village’s granting of the special use permits and the variation or its adoption of the Ordinance, and that the Village’s approvals do not, and will not, in any way, be deemed to insure the Applicant or the Owner against damage or injury of any kind and at any time.
4. The Applicant and Owner hereby agree to jointly and severally hold harmless and indemnify the Village, the Village’s corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with the Village’s adoption of the Ordinance granting the special use permits and the variation for the Property.

[SIGNATURES ON FOLLOWING PAGE]



Dated: \_\_\_\_\_, 2024

ATTEST:

CHICAGO SMSA LIMITED PARTNERSHIP D/B/A  
VERIZON WIRELESS

By: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Its: \_\_\_\_\_

ATTEST:

YPI ARLINGTON, LLC

By: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Its: \_\_\_\_\_