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## VILLAGE OF DOWNERS GROVE REPORT FOR THE VILLAGE COUNCIL WORKSHOP MAY 13, 2008 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
Annexation, Zoning Map	Resolution	
Amendment and Special Use	✓ Ordinances	
for a telecommunications tower	Motion	Tom Dabareiner, AICP
at Gilbert Park	Discussion Only	Community Development Director

#### **SYNOPSIS**

Ordinances have been prepared for annexation of the last remaining parcel of Gilbert Park still in unincorporated DuPage County and for the Zoning Map Amendment to change the zoning of the parcel upon annexation from R-1 Single Family District to R-3 Single Family Residence District. A Special Use Ordinance has been prepared to construct a telecommunications tower.

#### STRATEGIC PLAN ALIGNMENT

The Five Year Plan and Goals for 2007-2012 identified *Preservation of the Residential and Neighborhood Character*. Supporting this goal are the objectives *Tolerance of Neighborhood Private Redevelopment* and *Continuing Reinvestment in the Neighborhoods*.

#### **FISCAL IMPACT**

N/A.

#### RECOMMENDATION

The Plan Commission recommended denial of the petition at its March 3, 2008, public hearing. Staff recommends approval of the revised petition on the May 20, 2008, active agenda.

#### **BACKGROUND**

The petitioner is requesting approval of a Special Use pursuant to Section 28.502(t) of the Zoning Ordinance to allow construction of a new telecommunications tower and an equipment shelter for the tower equipment, and annexation of the property currently located in unincorporated DuPage County. A zoning map amendment is requested to rezone the property from R-1 Single Family Residence District to R-3 Single Family Residence District. The Park District is requesting the rezoning to have a consistent zoning classification for the entire park. The subject property, part of Gilbert Park located at 1500 Gilbert Avenue, is contiguous to the Village and is the only remaining portion of the park still in unincorporated DuPage County.

The Village has previously deemed telecommunications towers to be special uses in all residential zoning districts. The portion of Gilbert Park that is within the Village limits is zoned R-3 and the portion of the park where the tower is proposed to be located would also be zoned R-3.

The Village has a duty to apply the special use standards for the structural portions of the tower. The enforcement of the height and setback provisions will ensure that the public is protected from the tower itself.

The petitioner has provided information (attached to Staff Report dated March 3, 2008) describing how the proposal complies with the Municipal Code, the Radiofrequency (RF) Emissions regulations and has submitted a report from a certified real estate appraiser assessing the potential impact of the proposed facility on the surrounding home values.

As there are no existing telecommunications towers or tall structures within the target area, T-Mobile originally proposed to replace the northwest baseball field light pole with a 110-foot high telecommunications tower with field lights reinstalled at 60 feet (their current height). A new equipment shelter was also proposed immediately south of the tower.

Based on comments from the public and the Plan Commission, the petitioner has revised its plans to relocate the tower and equipment shelter farther to the northwest. The revised location is intended to "hide" the tower in the heavily wooded area (Maple Grove Forest Preserve) to the west. The revised location will also have less interference with activities that take place in the park as the tower and equipment shelter will be closer to the existing parking lot.

As a result of revising the tower's location, the height will be decreased to 90 feet due to the higher elevation of the land. The tower will still accommodate up to two users. The equipment shelter is also larger to indicate the location of the second user's equipment. The revised proposal meets all other zoning requirements. Staff is recommending additional landscaping around the tower and equipment shed due to their proximity to Gilbert Avenue.

A telecommunications tower must comply with Section 28.1307 of the Zoning Ordinance. The proposed telecommunications tower facility meets all zoning requirements and fully complies with the bulk regulations as shown in the table below.

<b>Zoning Requirements</b>	Required	Proposed (Revised Plan)	
		Shelter	Tower
Front Setback (north)	30'	41'	57'
Side Setback (west)	6' (Shelter) 22.5' (Tower)	56'	23.5'
Rear Setback (south)	6' (Shelter) 20' (Tower)	273'	286'
Height	23' (Shelter) 110' (Tower)	18'-4"	90'
Separation from pre-existing tower	1,500'	N/A	aprox. 1600'
Separation from closest residential property	330'	N/A	aprox. 380'

The Plan Commission considered the petition at its March 3, 2008, meeting. During the meeting, community members spoke in opposition of the proposed tower citing concern about the public safety due to Radiofrequency (RF) Emissions, improper use of public land, and that the unsightly tower will interfere with park activities among others.

As part of the fact finding, the Plan Commission did not find evidence the petitioner explored other alternatives for tower location. The Plan Commission also found that the proposed tower would be too much

of an infringement and intrusion on public open space without the public purpose, and that the proposed telecommunications tower facility does not conform to the Future Land Use Plan in preserving the park for open space. The Plan Commission noted the request did not comply with standards a, b) and d) for approval of Special Uses as the tower is not necessary at the particular location proposed, and it is not consistent with the Future Land Use Plan. As such, the Plan Commission recommended unanimous denial of the petition.

#### **ATTACHMENTS**

Ordinances

Memorandum from the Downers Grove Park District and Revised Plans Staff Report with attachments dated March 3, 2008 Resident submittals from the March 3, 2008 Plan Commission Hearing Petitioner's additional submittals from the March 3, 2008 Plan Commission Hearing Minutes of the March 3, 2008 Plan Commission Hearing Resident submittals from May 2, 2008

#### ORDINANCE NO.

#### AN ORDINANCE ANNEXING 1500 GILBERT AVENUE TO THE VILLAGE OF DOWNERS GROVE, ILLINOIS

WHEREAS, there has been filed with the Clerk of the Village of Downers Grove, in DuPage County, Illinois, a verified petition requesting annexation to said Village of a parcel of land commonly known as Gilbert Park (1500 Gilbert Avenue), as hereinafter described and hereafter referred to as the "Territory"; and

WHEREAS, it appears that the owner or owners of record of each parcel of land within the Territory and at least fifty-one percent (51%) of the electors, if any, residing therein, have joined in said petition; and

WHEREAS, such petition was referred to the Plan Commission of the Village of Downers Grove, and said Plan Commission has given the required public notice, has conducted a public hearing respecting said petition on March 3, 2008 and has made its findings and recommendations respecting said requested annexation in accordance with the statutes of the State of Illinois and the ordinances of the Village of Downers Grove; and,

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage County, Illinois, as follows:

<u>SECTION 1</u>. The following described real estate, together with any public streets or highways adjacent to or within the Territory described that have not been previously annexed to any municipality, is hereby annexed to the Village of Downers Grove, to wit:

Commencing at the center of Section Seven (7), Township Thirty-Eight (38) North, Range Eleven (11), East of the Third Principal Meridian; thence North 25 degrees 41 minutes West, a distance of three hundred eighty-six and six-tenths (386.6) feet to an iron pipe in the South line of the Chicago, Burlington & Quincy Railroad Company's right-of-way; thence East 88 degrees 51 minutes East, a distance of two hundred forty-five (245.0) feet along the South line of the Chicago, Burlington & Quincy Railroad Company's right-of-way to a concrete monument; thence South 12 degrees 41 minutes West, a distance of three hundred fifty-two and one-tenth (352.1) feet to the place of beginning, enclosing an area of 1.22 acres.

Commonly known as 1500 Gilbert Avenue, Downers Grove, IL (PIN 09-07-113-010)

<u>SECTION 2</u>. A certified copy of this ordinance, together with an accurate map of the Territory hereby annexed shall be recorded in the office of the Recorder of DuPage County and shall be filed with the County Clerk of DuPage County by the Clerk of the Village.

<u>SECTION 3</u>. Immediately upon annexation, the Village agrees to adopt an ordinance zoning the Property R-3, Single Family Residence District, under the Village of Downers Grove Zoning Ordinance.

<u>SECTION 4</u>. A certified copy of this ordinance, together with an accurate map of the Territory hereby annexed shall be recorded in the office of the Recorder of DuPage County and shall be filed with

the County Clerk of DuPage County by the Clerk of the Village.

<u>SECTION 5</u>. All ordinances or resolutions, or parts thereof, in conflict with the provisions of this ordinance be and are hereby repealed.

<u>SECTION 6</u>. This ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

	Mayor
Passed:	·
Published:	
Attest:	
Village Clerk	

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#### ORDINANCE NO. \_\_\_\_\_

# AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS, CODIFIED AS CHAPTER 28 OF THE DOWNERS GROVE MUNICIPAL CODE, AS AMENDED TO REZONE PROPERTY LOCATED AT 1500 GILBERT AVENUE

WHEREAS, the real estate located in Gilbert Park, hereinafter described has been classified as "R-1 Single-Family Residence" under the Comprehensive Zoning Ordinance of the Village of Downers Grove; and,

WHEREAS, the owner or owners of said real estate have requested that such property be rezoned as hereinafter provided; and

WHEREAS, such petition was referred to the Plan Commission of the Village of Downers Grove, and said Plan Commission has given the required public notice, has conducted a public hearing respecting said petition on March 3, 2008 and has made its findings and recommendations respecting said requested rezoning in accordance with the statutes of the State of Illinois and the ordinances of the Village of Downers Grove; and,

WHEREAS, making due allowance for existing conditions, the conservation of property values, the development of the property in conformance to the official Future Land Use Plan and Map of the Village of Downers Grove, and the current uses of the property affected, the Council has determined that the proposed rezoning is for the public good.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage County, Illinois, as follows:

<u>SECTION 1</u>. The Comprehensive Zoning Ordinance of the Village of Downers Grove, Illinois, codified as Chapter 28 of the Downers Grove Municipal Code (which ordinance as heretofore amended, is hereinafter referred to as the "Zoning Ordinance"), is hereby further amended by changing to "R-3, Single Family Residence District" the zoning classification of the following described real estate, to wit:

Commencing at the center of Section Seven (7), Township Thirty-Eight (38) North, Range Eleven (11), East of the Third Principal Meridian; thence North 25 degrees 41 minutes West, a distance of three hundred eighty-six and six-tenths (386.6) feet to an iron pipe in the South line of the Chicago, Burlington & Quincy Railroad Company's right-of-way; thence East 88 degrees 51 minutes East, a distance of two hundred forty-five (245.0) feet along the South line of the Chicago, Burlington & Quincy Railroad Company's right-of-way to a concrete monument; thence South 12 degrees 41 minutes West, a distance of three hundred fifty-two and one-tenth (352.1) feet to the place of beginning, enclosing an area of 1.22 acres.

Commonly known as 1500 Gilbert Avenue, Downers Grove, IL (PIN 09-07-113-010)

<u>SECTION 2</u>. The official zoning map shall be amended to reflect the change in zoning classification effected by Section 1 of this ordinance, subject to the following conditions:

1. Any changes to the conditions represented by the Petitioner as the basis for this petition, whether those changes occur prior to or after Village approval, shall be promptly reported

to the Village. The Village reserves the right to re-open its review process upon receipt of such information; and

2. It is the Petitioner's obligation to maintain compliance with all applicable Federal, State, County and Village laws, ordinances, regulations, and policies.

<u>SECTION 3</u>. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

<u>SECTION 4</u>. This ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as provided by law.

		<u> </u>		
			Mayor	
Passed:				
Published:				
Attest:				
Vil	lage Clerk			

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ORDINANCE NO.	NANCE NO.	
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#### AN ORDINANCE AUTHORIZING A SPECIAL USE TO PERMIT TELECOMMUNICATION TOWER FACILITIES AT 1500 GILBERT AVENUE

WHEREAS, the following described property, to wit:

Commencing at the center of Section Seven (7), Township Thirty-Eight (38) North, Range Eleven (11), East of the Third Principal Meridian; thence North 25 degrees 41 minutes West, a distance of three hundred eighty-six and six-tenths (386.6) feet to an iron pipe in the South line of the Chicago, Burlington & Quincy Railroad Company's right-of-way; thence East 88 degrees 51 minutes East, a distance of two hundred forty-five (245.0) feet along the South line of the Chicago, Burlington & Quincy Railroad Company's right-of-way to a concrete monument; thence South 12 degrees 41 minutes West, a distance of three hundred fifty-two and one-tenth (352.1) feet to the place of beginning, enclosing an area of 1.22 acres.

Commonly known as 1500 Gilbert Avenue, Downers Grove, IL (PIN 09-07-113-010)

(hereinafter referred to as the "Property") is presently zoned in the "R-3, Single Family Residence District" under the Comprehensive Zoning Ordinance of the Village of Downers Grove; and

WHEREAS, the owner of the Property has filed with the Plan Commission, a written petition conforming to the requirements of the Zoning Ordinance, requesting that a Special Use per Section 28.506 of the Zoning ordinance be granted to allow telecommunication tower facilities within a residential zoning district.

WHEREAS, such petition was referred to the Plan Commission of the Village of Downers Grove, and said Plan Commission has given the required public notice, has conducted a public hearing respecting said petition on March 3, 2008 and has made its findings and recommendations, all in accordance with the statutes of the State of Illinois and the ordinances of the Village of Downers Grove; and,

WHEREAS, the Village Council finds that the evidence presented in support of said petition, as stated in the aforesaid findings and recommendations of the Plan Commission, is such as to establish the following:

- 1. The proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.
- 2. The proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity.
- 3. The proposed use will comply with the regulations specified in this Zoning Ordinance for the district in which the proposed use is to be located.
- 4. The proposed use is one of the special uses specifically listed for the district in which it is to be located and, if approved with restrictions as set forth in this ordinance, will comply with the provisions of the Downers Grove Zoning Ordinance regulating this Special Use.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage County, Illinois, as follows:

<u>SECTION 1</u>. That Special Use of the Property is hereby granted to allow telecommunication tower facilities within a residential zoning district.

<u>SECTION 2.</u> This approval is subject to the following conditions:

- 1. The telecommunications tower facilities shall substantially conform to the Staff Report dated February 11, 2008, preliminary engineering plans prepared by WT Engineering, dated November 29, 2006, last revised January 7, 2008 and the Plat of Annexation prepared by Intech Consultants, dated January 10, 2008 except as such plans may be modified to conform to Village Codes and Ordinances.
- 2. Before the issuance of any building permits, the applicant shall submit an engineer's cost estimate in the amount sufficient to fund any costs incurred by the Village due to Owner's failure to comply with all codes, ordinances, rules and regulations of the Municipal Code including any removal or restoration work that the Village must perform itself or have completed as a consequence of the Owner's failure to comply with all provisions of the Municipal Code. Following the approval of such cost estimate, the applicant shall establish a "Security Fund" in that amount with the Village, in the form of an unconditional letter of credit, surety bond or other instrument. The letter of credit, surety bond or other instrument shall (i) provide that it shall not be canceled without prior notice to the Village; and (ii) not require the consent of any other person other than the proper Village official prior to the collection by the Village of any amounts covered by said letter of credit, surety bond or other instrument. The Security Fund shall be continuously maintained in accordance with the Zoning Ordinance, Section 28.1307, at Owner's sole cost and expense.
- 3. All necessary construction permits shall be obtained by the petitioner prior to any site development activities.

<u>SECTION 3</u>. The above conditions are hereby made part of the terms under which the Special Use to allow telecommunication tower facilities in a residential zoning district is hereby granted. Violation of any or all of such conditions shall be deemed a violation of the Village of Downers Grove Zoning Ordinance, the penalty for which may include, but is not limited to, a fine and or revocation of the Special Use granted herein.

<u>SECTION 4</u>. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

		Mayor	
Passed:			
Published:			
Attest:			
	Village Clerk		

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# RESIDENT SUBMITTALS

#### Latinovic, Damir

From:

OBrien, Jeff

Sent:

Friday, February 29, 2008 9:59 AM

To:

Latinovic, Damir; Popovich, Stanley

Cc: Subject: Dabareiner, Tom Cell Towers

Dave Schultz at 5509 Washington called me this morning to express concern regarding the cell tower proposals. He would like us to pass his concern along to the Plan Commission as he will be out of town.

He is concerned the towers are an abuse of public property and an inappropriate use of land that should be preserved for open space and nature. The towers could create a health and safety hazard. The towers could also potentially lead to more bird deaths in the parks. He does not want the towers approved or considered.

Jeff O'Brien, AICP Senior Planner Village of Downers Grove, IL 630-434-5520

#### Latinovic, Damir

From:

OBrien, Jeff

Sent:

Tuesday, February 19, 2008 3:13 PM

To: Latinovic, Damir

Subject:

FW: Gilbert Avenue Survey Work

Here is another objection to the Gilbert Park tower. The survey work is part of a Village stormwater project, not related to the tower.

Jeff

Jeff O'Brien, AICP Senior Planner Village of Downers Grove

----Original Message----

From: Dabareiner, Tom

Sent: Monday, February 18, 2008 12:14 PM

To: OBrien, Jeff

Subject: FW: Gilbert Avenue Survey Work

Please attach the letter that goes out and describe the issue related to notification that was encountered and how we delayed consideration until the correct notice went out. Return it to me.

Any idea about the surveyors?

----Original Message----

From: Ronald L. Sandack [mailto:ronald@gaido-fintzen.com]

Sent: Monday, February 18, 2008 12:11 PM To: Pavlicek, Cara; Kozlowski, Douglas Cc: Dabareiner, Tom; Petrarca, Enza Subject: FW: Gilbert Avenue Survey Work

Can someone advise me why surveyors appeared to be on Mr. Brown's property? Please provide me with all relevant facts about such activity.

Second, I have heard from several residents about the Park District seeking to place cell antennas on certain apparatus at Hummer and Gilbert Parks. The notices have been slightly criticized but I have not seen them to have any opinion. Can someone send me an example of the notice?

Last, given recent Park District communications I am hopeful that meaningful Staff to Staff interactions have occurred at appropriate levels.

Ronald L. Sandack

GAIDO & FINTZEN
30 North LaSalle Street
Suite 3010
Chicago, Illinois 60602 <a href="http://maps.yahoo.com/py/maps.py?Pyt=Tmap&addr=30">http://maps.yahoo.com/py/maps.py?Pyt=Tmap&addr=30</a>
+North+LaSalle+Street&csz=Chicago%2C+Illinois+60602&country=us>

rsandack@gaido-fintzen.com <mailto:rsandack@gaido-fintzen.com>

tel:
fax:

mobile:

312/346-7855 <http://www.plaxo.com/click\_to\_call?src=jj\_signature&To=312%2F346-7855 &Email=ronald@gaido-fintzen.com>

312/346-8317

312/371-2516 <http://www.plaxo.com/click\_to\_call?src=jj\_signature&To=312%2F371-2516 &Email=ronald@gaido-fintzen.com>

Add me to your address book... <a href="https://www.plaxo.com/add\_me?u=30065515901&v0=1485588&k0=1804414454">https://www.plaxo.com/add\_me?u=30065515901&v0=1485588&k0=1804414454</a>

Want a signature like this? <a href="http://www.plaxo.com/signature">http://www.plaxo.com/signature</a>

From: DCB45@aol.com [mailto:DCB45@aol.com] Sent: Monday, February 18, 2008 11:23 AM

To: rsandack@downers.us; mschnell@downers.us; mtully@downers.us; wwaldack@downers.us;

sdurkin@downers.us; gneustadt@downers.us; bbeckman@downers.us

Subject: Gilbert Avenue Survey Work

Mayor Sandack and Commissioners Tully, Schnell, Waldack, Durkin, Neustadt and Beckman,

I've been quietly seething for the last two weeks and feel that it is time for me to relieve some of this pent up frustration. For several days, surveyors working for the village have been in and around my back yard, sighting everything on the property, including the shrubbery. That I knew why they were there was only the result of the diligence of one of my neighbors. I was never contacted by any agency of the village to explain the intrusion. Never asked for permission. In fact, never considered at all.

I feel quite strongly that my yard is exactly that—My Yard. I expect it to be treated as private property, and for people wishing to enter it to ask permission. Do not blame the surveyors — they were very polite when confronted and they are the bottom rung of the ladder of responsibility. This extremely mismanaged circumstance rests firmly with the village, and therefore with you.

The imperiousness with which the village approaches residential issues appears to be endemic and cultural, and I am sick and tired of it. Sick, because I love my home. Tired, because it just keeps getting worse.

Another example of this attitude came in an extremely cryptic letter we received from the Planning Commission regarding a zoning change. After considerable effort, I finally figured out that the park district wants this change so that it can install a private party microwave tower in Gilbert Park. Really, does this make any sense to you? I can't imagine that ANYONE would have dreamed of doing this, much less those responsible for maintaining the parks. To even propose this exposes such a gaping flaw in the character of the Park Board that the commissioners should all be relieved of their positions as quickly as possible to protect the parks and the community from any further injury.

Please don't tell me this is a Park District issue and therefore out of your hands. If that were true, the zoning change wouldn't be needed. And for that matter, it seems to me that to the extent their activities spill out into the neighborhoods, it becomes your business. The lighting detection system located only hundreds of feet from my property is a case in point.

On the former issue, I think an apology is in order to all of us whose property has been trespassed, as well as a complete explanation of the project considered and how it will

effect the properties involved. And then perhaps how about trying to work with those of us whose property is involved to find out what can be done to minimize effect of the project on OUR plans. Plans which must now be put on hold indefinitely.

On the latter, you can start by not granting the zoning change. And then in the name of good sense, start to appreciate the fact the mature and enlightened villages work to enhance, not destroy, the beauty of their neighborhoods.

Regards, Dave Brown 1508 Gilbert Avenue

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Ideas to please picky eaters. Watch video on AOL Living.
(http://living.aol.com/video/how-to-please-your-picky-eater/rachel-campos-duffy/2050827?
NCID=aolcmp00300000002598)

#### Popovich, Stanley

From:

OBrien, Jeff

Sent:

Monday, March 03, 2008 11:59 AM

To:

Popovich, Stanley

Subject:

FW: Cell phone towers and sheds

For the dais tonight...

Jeff O'Brien, AICP Senior Planner Village of Downers Grove

----Original Message----

From: Dabareiner, Tom

Sent: Monday, March 03, 2008 11:33 AM

To: OBrien, Jeff

Subject: FW: Cell phone towers and sheds

----Original Message----

From: McLauer5@aol.com [mailto:McLauer5@aol.com]

Sent: Monday, March 03, 2008 11:15 AM

To: Dabareiner, Tom

Subject: Cell phone towers and sheds

To: The Plan Commission

Re: Cell phone Towers and Sheds at Hummer Park and Gilbert Park

Dear Members of the Plan Commission,

I am very concerned about the plan of the Downers Grove Park District to rent space in two of our busy parks, Hummer and Gilbert. While I appreciate the Park Districts efforts to raise revenue, I do not think this plan is what is best for the residents of Downers Grove. The cell phone towers themselves are not really the issue it is the accompanying sheds that need to be placed along with the towers. The shed at Gilbert Park as I understand it is 42'x15'x14' tall. I went to Gilbert Park yesterday and if this shed is placed where they have said it is going to be placed it is going to have a very big impact on the aesthetics of the park, not to mention the fact that it will interfere greatly with the sledding that is done at that popular spot in the winter and it will have a negative impact on the visitors who come to the park for baseball in the spring and summer. The situation at Hummer Park is not much better, the shed proposed for this park is 20' x 10'

and will also have a negative visual impact on this beautiful park. If I understand correctly where this shed is to be built, I can't help but wonder the impact that construction is going to have on the very large and beautiful pine tree growing in the vicinity.

We have an acquaintance who has a landscape business and owns a large lot for his equipment, he rents space there for a cell phone tower and shed and he has stated that not a day goes by that there aren't workers from the cell phone company there working at the shed. These parks are full of children and anything that may compromise there safety in any way should be an immediate no. Our parks are beautiful and are meant to be open areas for recreation, safe and free from structures like cell phone towers and the large sheds that go along with them. This is not an appropriate use of our land.

Thank you,

Patricia Lauer

Lincoln Street

1220

Downers Grove, Il 60515

It's Tax Time! Get tips, forms and advice on AOL Money & Finance.
<http://money.aol.com/tax?NCID=aolprf0003000000001>

#### TIVOLI ENTERPRISES, INC.

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603 Rogers Street Downers Grove, IL, 60515-3774

630/968-1600 FAX 630/968-1626

February 28, 2008

Tom Dabareiner Downers Grove Plan Commission 801 Burlington Ave Downers Grove, IL 60515

RE: Proposed special-use permits for cell towers

Dear Tom,

I am presenting this in writing as I have to be in Woodstock, IL tonight, making a previously scheduled presentation before the Historic Preservation Commission. However, in my absence Mr. Tom Sisul will be representing me.

I own the property located at 603-635 Rogers St., which is zoned industrial. On my property I have a 150' tower previously used by A.J. Lowe for 2 way radio communication. In September of 2006, I was contacted by T-Mobile about an interest in our tower. He stated they needed additional coverage in this part of town and while the best site was Pepperidge Farm the Village had already said that was not possible.

I was not directly involved in the T-Mobile request process but they did fill me in from time to time that they were thwarted at every turn and I assumed ultimately gave up on our site. The main reason I believe was the distance required from residential zoning districts. Our tower, which is grandfathered, is approximately 160' south of the center line of Rogers St. so it could not meet the minimum 200' requirement. T-Mobile said they could function with an 80' tower on our site.

I did contact the Village at one point about modifying our existing tower (reducing from 150' to 80'). To do this you need "Director approval" but I could never find out what director or who this person was. I was told it wasn't going to happen so don't bother. After a prolonged period of time I no longer heard from T-Mobile and assumed the matter was dropped.

I was very surprised to pick up the Reporter from 2/27/08 and find the story on your meeting tonight regarding the Park District request to install 2 cell towers, in particular the one in Hummer Park. I went to Hummer Park and found the existing flag pole which is approximately 66' from the center line of Fairview Ave. The article doesn't specify the location of the proposed new "flag pole" but it would have to be 225' from any residential district (300% x 75') that of course is assuming Hummer Park is non-residential zoning, which I believe is also a requirement.

In conclusion, I find it disappointing that an existing tower of 150' located in Industrial Zoning 160 feet from residential district and reduced to a height of 80' is not acceptable but a 75' tower in one of our parks may be ok.

Sincerely yours

Willis G. Johnson

President

WG/ke

Enclosures: Partial copy of survey of 603-635 Rogers St.

Various Emails from T-Mobile representation Newspaper article from Reporter 2/27/08

From:

Johnson, Willis

Sent:

Wednesday, December 27, 2006 8:08 AM

To:

'Mark J. Layne'

Subject:

635 Rogers, Downers grove, tower

In thinking more about this proposed project why can't you/we just build a cage wrapping around the existing tower reinforcing it. Take it up to 80' and leave the rest there. I can't believe this wouldn't be pretty straight forward. I wonder since it would be a repair if we'd even need to pull a permit. Just a thought Willis Johnson

From:

Parker, Geri

Sent:

Monday, September 18, 2006 9:30 AM Johnson, Willis Parker, Geri

To: Cc:

Subject:

T-Mobile

#### Willis:

Just wanted to be sure that you got the message from Mark Wayne who is from T-Mobile and interested in the radio tower. His office number if 630-532-6400 and cell phone is 630-400-3037.

Geri

Full Name:

Mark Lane

Last Name: First Name:

Lane Mark

Company:

T-Mobile

Business: Mobile: (630) 532-6400 (630) 400-3037

Categories:

**Phones** 

Wanted to replace the Radio Tower 10/12/06

From:

Mark J. Layne [mjlayne@worldnet.att.net]

Sent:

Thursday, November 16, 2006 2:57 PM

To:

Johnson, Willis

Cc:

Mike Lavicka

Subject:

T-Mobile/Tivoli Tower

Attachments: COI.pdf

#### Willis,

Attached is the certificate of insurance as requested. So you know, some gentlemen (small ones, I hope) will be coming to climb the tower in the next few days. Any questions, give me a call.

Mark J. Layne
Mark J. Layne & Associates, Ltd.
777 Army Trail Rd., Suite D
Addison, IL 60101
630-532-6400
Fax 630-532-6401
Mobile 630-400-3037
mjlayne@att.net

#### TIVOLI ENTERPRISES, INC.

Operators of Classic Cinemas® Movie Theatres Tivoli Bowling Lanes • Tivoli Hotel

603 Rogers Street Downers Grove, IL 60515-3773
630-968-1600 (FAX) 630-968-1626

www.classiccinemas.com

FAX TRANSMITTAL

To: Mily Lancha Date: 11-7-06

Company: J- Mabile CC: Mark Mani 130/532-6401

FAX: 773/444 5594 From: Will Johnson

MESSAGE:

Par Mark Main and the Insurance requirements

for any work done in Connection withour

tower at 635 Rogers St., Danner Drove, IL

#### TIVOLI ENTERPRISES, INC.

Operators of CLASSIC CINEMAS® Movie Theatres www.classiccinemas.com Tivoli Bowling Lanes - Tivoli Hotel

603 Rogers Street Downers Grove, IL, 60515-3773

630/968-1600 FAX 630/968-1626

#### CERTIFICATE OF INSURANCE

#### Contractors

#### You are to maintain adequate liability insurance:

- \$1,000,000 per occurrence limit for General Liability
- \$2,000,000 aggregate limit for General Liability
- \$ 500,000 per occurrence single limit for Vehicle Liability
- \$ 100,000 for coverage "B" under Worker's Compensation
- Additional Insured -- Tivoli Enterprises, Inc., 603-635 Rogers, LLC, and all Series thereunder.

Description of Operations/Locations/Vehicles/Exclusions Added By Endorsement/Special Provisions

Additional Insured: Tivoli Enterprises, Inc., 603-635 Rogers, LLC, and all Series thereunder.

Market:	OWNER AUTHOR Chicago MTA	RIZATION AGREEMENT	ひ <u>ア</u>
Site Number:			$\widetilde{\widetilde{g_l}}$
Site Name:			£ \$1
Site Address:	635 ROGERS S	<b>Y</b>	DYTERSTONE INC
	DOWNERS GROW		A P
RE: Proper			<u> </u>
authority to ente	Lo 14 USo n as acrust is the into a lease agreement with T-Mothat Company seeks to occupy.	(the "Property")  FIVOL ENTERPRES, INC.  THE Company (the "Owner") and has the obile Central LLC ("Company") concerning the portion	Ę,
constructing and radio frequency	or utility trenching that Company of loperating its communications faci testing; 2) soils testing; 3) on-site f	ocable right to enter the Property to perform any deems desirable to determine the feasibility of lity upon the Property, including but not limited to 1) easibility assessment; 4) filing of zoning applications ose of bringing utility service to the Property.	n paid
Owner may revo	oke the Access Right at any time by quested, at the following address:	delivering written notice to Company by certified mai	ı, 3 3
		T-Mobile Central LLC 8550 W. Bryn Mawr Suite 100 Chicago, IL 60102 Attn: Leasing Administrator	of plan
This notice will be Company may st	pe effective three (3) days after actuil ill enter the Property to remove any	nal receipt by Company, provided, however, that requipment it has placed there.	4
regulatory entitie Communications applications, and	nzations required for Company's us es (including, without limitation, Commission) including appointing	in obtaining, at Company's expense, all licenses and e of the Property from all applicable government and/o zoning and land use authorities, and the Federal Company as agent for all land use and zoning permit to allow Company, at no cost to Owner, to obtain see permits.	
damages, losses a based upon any n	agrees to indemnify, defend and ho and expenses arising out of or result	aused by Company's use of the Access Right.  old Owner harmless from and against any and all  ing from any claim, action or other proceeding that is nisconduct of Company or its employees or agents,	m plugar
COMMITMENT	CKNOWLEDGES THAT THE O'S THAT A LEASE AGREEMENT IN THE FUTURE.	THER HAS MADE NO REPRESENTATIONS OR CONCERNING THE PROPERTY WILL BE	a reference
T-MOBILE CENTR	AL LLC	OWNER	38
Ву:		By: Well- Lefohn	*
Name:	<u></u>	Name: WILLIS & JOHNSON	

Its: PLES1 PENT

Its: \_

"Inever thought it would go that far," Jackie Pressley said. "It's a small rink and a smaller town competing against bigger clubs."

years, teaching girls ages 5 to 18 how to skate he Downers Grove Ice Arena has offered synchronized skating for more than 20 in line and perform footwork that combines traditional skating moves and choreo graphed theatrics set to music, said synchronized skating coordinator Barb Foltz.

expect from them and in turn they wind up have been doing better, placing higher," she "For about the last four years, the teams said. "We've been very tough on what we doing better. We've learned."

of the teams regularly travel to Michigan, Wisconsin and Minnesota to compete, and the intermediate team qualified this year to compete at the National Championships in tice about twice a week doing a mix of skat-Providence, Rhode Island. The teams prac-The rink now has about 120 members in seven synchronized skating teams. Three



snapshots.mysuburbanlife.com/451613

Dazzlers synchronized skating team members Victoria Cornfield (left) of Darien (left), Carly Poro Two of the arena teams recently placed first at the sectional championships in Nashville, Tenn., of Darien and Imani Hughes of Bolingbrook practice Saturday at the Downers Grove Ice Arena. and another qualified to compete in the national championships.

the ice. Members also practice on their own up to four times a week, often running into ing and conditioning and choreography off each other at their rink.

can have a lot of fun with them," said Darien resident Victoria Cornfield, 13. "You get to meet new people and sometimes they end up in the same lessons, and you get to talk to "The teammates are very nice and you them and play around."

joining the open juvenile team two years Victoria has been skating for six years, ago and winning the sectional championships both years.

"I was so nervous," Victoria said. "Last year,

# **DOWNERS GROVE**

# Park District leases space for cell phone towers

snelson@mysuburbanlife.com By Samantha Nelson

posed new homes in Downers Grove parks tion, but some residents are upset by pro-Cell phone users may enjoy better recep-

Park District to install wireless antennas in als, which must receive special-use permits from the village, will double as a 75-foot flag Park, 1601 Gilbert Ave. Both towers would is contracting with the Downers Grove and a 110-foot infield light post at Gilbert To improve service to the area, T-Mobile Hummer and Gilbert parks. The propospole in Hummer Park, 4833 Fairview Ave. stretch above the tree line. for two towers.

approached, said Mark Wilson, T-Mobile Park District was the first organization it When T-Mobile wanted to expand the company's Downers Grove coverage, the external affairs manager

provides the needed coverage that residents in residential areas," he saīd. "T-Mobile has them in park districts. It's unobtrusive and and they did not want to put them directly had great success in the past with disguising "Those areas are primarily residential are demanding."

Downers Grove resident Marge Earl, who simply does not outweigh the cost of having a 26-inch diameter flag pole, which would be lit at night so the flag could fly around the ives near Hummer Park, said the benefit

ly good program but it was kind of quiet. Then we found out the results, that we'd got first we got first in both rounds. This year I thought other teams would be better. We skated a realplace, and our team was crying."

borhood, and this cell phone tower is just a "They're trying to camouflage this tower thinly veiled commercial venture," she said "This park is in a totally residential neigh

attended the Gilbert meeting and six people came to the session on Hummer Park. If the special-use permit is approved, work could notified of the planned leases and invited to attend informal sessions with a T-Mobile representative to discuss the issue. No one Wilson said residents near both parks were begin in the next four to six months, he said.

ogy. The district already has a ground lease with Sprint, giving them space near the Park District Administrator Dan Cermak panies is an increasingly common way for park districts and villages to raise extra revenue because of the spread of the technolsaid that leasing space to telephone com-McCollum Park miniature golf course

■ The village appropriated \$175,000 from the Motor Fuel Tax Funds for sidewalk

session minutes from 2004-07 until correcn The board postponed releasing closed tions were made. instillation.

Whole will meet 7:30 p.m. Thursday in the NEXT MEETING The Committee of the Village Hall, 31 W. Quincy St.

# **DOWNERS GROVE** VILLAGE COUNCI

video will be presented at trade shows and of life and business in Downers Grove. The their "I'm in" video, a six-minute overview o businesses considering opening in the Economic Development Corp. presented **NOTEWORTHY** The Downers Grove

approved for 611 36th St., 4618 and 4700 ■ Pre-annexation agreements were Cross St., and 6009 Springside Ave.

working on an alternative service plan for a Staff will spend about six hours a month ootentiai local circulator bus progran \$151,200 for water distribution valve M.E. Simpson Co. Inc. will receive

NEXT MEETING 7 p.m. Tuesday, in the Village Hall, 801 Burlington Ave.

assessment services.

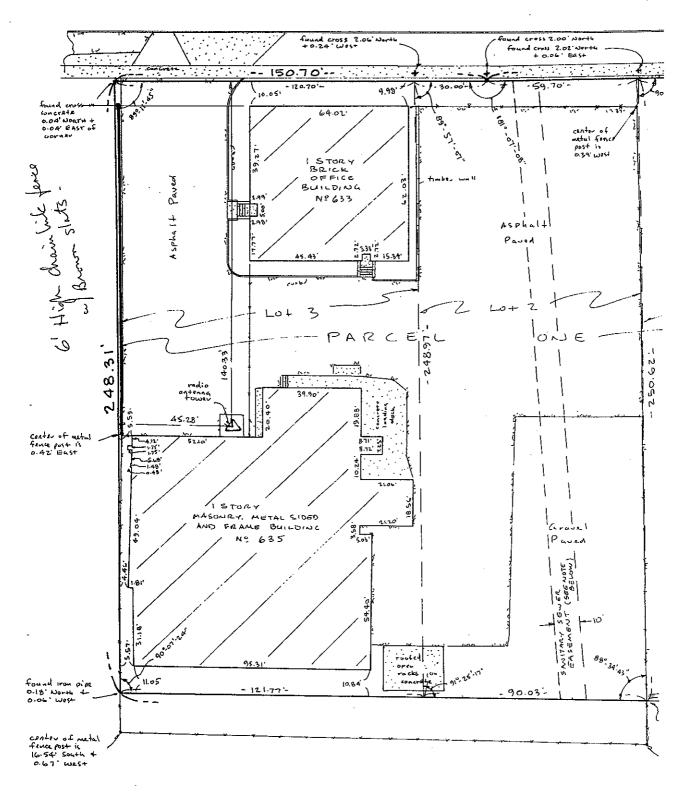
with a Dave and Busters-sized flag. The Park

District is willing to pimp out our park."

# UPCOMING MEETINGS

■ The Westmont Village Board will meet at The Downers Grove Plan Commission will meet at 7 p.m. Monday in the Village Hall. :30 p.m. Monday in the Village Hail, 31 W.

Committee will meet at 9 a.m. Wednesda) ■ The Westmont Economic Development n the Village Hall Quincy St.



#### NOTES:

- --- Check for examents, building lines and other restrictions, if any, not shown hereon.
- -- Check legal description hereon against deed.
- Scale hereon may be approximate in certain areas, do not scale from plat.
- .... Compare all information shown before use.

- NOTE: SANITARY SEWER EASEMENT APPEARS TO BE INTENDED ON THE SANITARY SEWE OF SEWER. IS NOT 5 HO SHOULD BE VERIFIED I IF APPLICABLE TO THE
- NOTE: RADIO ANTENNA ON LE 15 APPROXIMATELY 15 THE GROUND ELEVATION AT APPROXIMATE LATITUDE: APPROXIMATE LONGITUDE: (AS SCALED FROM U.S.G.S

In Re: Proposed erection of a telecommunication Kower at Hummer Park

1. Be it known that the undersaged object to allowing a Commercial enterprise to be using public park property. This is not a proper use of the park which is available to all residents and switers to enjoy as a park and not have commercial enterprises located thereon.

a Galistion emitted intermittently 24 hours, seven days, 365 days of year, year after year to the surventure area, could affect the health of mearby residents. There is no evidence that sumulative exposure to these radioastive rays would not be adverse. There are many parents with small children living in the area that could be at risk for long time cumulative radioactive rays. a number of questions can be noised—
Cancer developed? Cumulative reduction grevent doctors
recommending necessary y-rays? On other medical radiotion
technology? Quality of life for everyone? Late appearing adverse affects?

The proposed communication tower is a misuse of a public park. In addition, the potential health hazard should negate the approved of this petition. We do not want this petition to be approved.

Carol M. Nemety 327 Hiers &

Downers Grove, Il 60515

942 MAPLE AVENUE SUITE ONE DOWNERS GROVE, IL 60515

February 28, 2008

TELEPHONE: 630.960.4656
FACSIMILE: 630.960.4390
TKulat@IntegralFamilyLaw.com

Mr. Damir Latinovic, Planner Village of Downers Grove Planning and Community Development 801 Burlington Avenue Downers Grove, Illinois 60515-4776

Re: File No. PC-02-08

Dear Mr. Latinovic:

Thank you for speaking to me today. As I mentioned, I plan to attend the Planning Commission meeting on Monday night with a group and will have one person speak on our behalf.

We want to bring to your attention and the attention of the Commission the serious health risks associated with cell phone transmission towers. As I mentioned, FCC standards do not address public health and safety. While the FDA has jurisdiction over safety issues, it has, in the opinion of many experts including Dr. Carlo (see the enclosed bio), dropped the ball.

Enclosed is a copy of a study published in Germany that concluded:

...the proportion of newly developing cancer cases was significantly higher among those patients who had lived during the past ten years at a distance of up to 400 metres from the cellular transmitter site, which has been in operation since 1993, compared to those patients living further away, and that the patients fell ill on average 8 years earlier.

In the years 1999-2004, *ie* after five years' operation of the transmitting installation, the relative risk of getting cancer [was three times higher] for the residents of the area in the proximity of the installation compared to the inhabitants of [the city] outside the area."

I am hereby requesting that staff retract its statement that each proposed tower is a permitted special use. It cannot be said that the installation of each tower "will not be detrimental to the health, safety, morals or general welfare of persons residing on working in the vicinity or injurious to property values or improvements in the vicinity."

Thank you for your time and attention.

Sincerely,

Theresa Beran Kulat, P.C.

TBK/pw Enclosure



#### THERESA BERAN KULAT

& ASSOCIATES, P.C.

942 MAPLE AVENUE SUITE ONE DOWNERS GROVE, IL 60515 TELEPHONE: 630.960.4656
FACSIMILE: 630.960.4390
TKulat@IntegralFamilyLaw.com

February 28, 2008

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Thank you for your time and attention.

Sincerely.

Theresa Beran Kulat, P.C.

Blula

TBK/pw Enclosure



#### Summary Biography

Dr. George L. Carlo
Science and Public Policy Institute
1101 Pennsylvania Ave., N.W.
Washington, D.C. 20004
202-756-7744
www.sppionline.org
www.safewireless.org

Dr. George L. Carlo is a world recognized medical scientist, author and lawyer, presently the Chairman of the non-profit Science and Public Policy Institute in Washington, D.C. His career spans thirty years and more than 150 medical, scientific and public policy publications in the areas of public health, workplace safety and consumer protection. He headed the world's largest and most rigorous 28.5 million dollar independent, industry funded, 6 year scientific study regarding cell phone safety. His most recent book, Cell Phones: Invisible Hazards in the Wireless Age, co-written with Washington syndicated columnist Martin Schram, is printed in seven languages and is the subject of a cinematic documentary due to be released in 2007.

Dr. Carlo and his public health related research have been featured on: ABC News 20/20, ABC's World News Tonight, CBS Evening News, NBC's The Today Show, Good Morning America, CNBC, MSNBC, CNN, Fox News, PBS, BBC, CBC, AM Canada and other radio and television shows throughout the world.

His work has been written about in: The Washington Post, The New York Times, The Wall Street Journal, The London Daily Mirror, Newsweek, Time, The Boston Globe, USA Today, The Toronto Star, The Toronto Globe and Mail, and various other publications in the United States, Latin America, Europe, Australia, New Zealand, Japan, and China.

Dr. Carlo has been listed in Who's Who in the World, Who's Who in the East, Who's Who in Science and Engineering, Who's Who in Executives and Professionals, and Who's Who in Medicine and Health Care. He has received various commendations and awards, and has served on a variety of federal and state government commissions and advisory panels.

Dr. Carlo's current focus is the Safe Wireless Initiative project, addressing the dangers of wireless technology and the implementation of appropriate corrective interventions. He has training in pathology, epidemiology, medical science and law, is a Fellow of the American College of Epidemiology, and has served on the medical faculties of The George Washington University, the University of Arkansas and the State University of New York at Buffalo.

### The Influence of Being Physically Near to a Cell Phone Transmission Mast on the Incidence of Cancer

Horst Eger, Klaus Uwe Hagen, Birgitt Lucas, Peter Vogel, Helmut Voit

Published in *Umwelt-Medizin-Gesellschaft* 17,4 2004, as: 'Einfluss der räumlichen Nähe von Mobilfunksendeanlagen auf die Krebsinzidenz'

#### Summary

Following the call by Wolfram König, President of the Bundesamt für Strahlenschutz (Federal Agency for radiation protection), to all doctors of medicine to collaborate actively in the assessment of the risk posed by cellular radiation, the aim of our study was to examine whether people living close to cellular transmitter antennas were exposed to a heightened risk of taking ill with malignant tumors.

The basis of the data used for the survey were PC files of the case histories of patients between the years 1994 and 2004. While adhering to data protection, the personal data of almost 1,000 patients were evaluated for this study, which was completed without any external financial support. It is intended to continue the project in the form of a register.

The result of the study shows that the proportion of newly developing cancer cases was significantly higher among those patients who had lived during the past ten years at a distance of up to 400 metres from the cellular transmitter site, which has been in operation since 1993, compared to those patients living further away, and that the patients fell ill on average 8 years earlier.

In the years 1999-2004, *ie* after five years' operation of the transmitting installation, the relative risk of getting cancer had trebled for the residents of the area in the proximity of the installation compared to the inhabitants of Naila outside the area.

Key words: cellular radiation, cellular transmitter antennas, malignant tumours

The rapid increase in the use of mobile telephony in the last few years has led to an increasing number of cell phone transmission masts being positioned in or near to residential areas. With this in mind, the president of the German governmental department for protection against electromagnetic radiation (Bundesamtes für Strahlenschutz) Wolfram König, has challenged all doctors to actively help in the work to estimate the risks from such cell phone masts. The goal of this investigation was therefore to prove whether on not people living near to cell phone masts have a higher risk of developing cancerous tumours.

The basic data was taken from the medical records held by the local medical authority (Krankenkasse) for the years 1994 to 2004. This material is stored on computer. In this voluntary study the records of roughly 1,000 patients from Naila (Oberfranken) were used, respecting the associated data protection laws. The results from this study show a significantly increased likelihood of developing cancer for the patients that have lived within 400 metres of the cell phone transmission mast (active since 1993) over the last ten years, in comparison to those patients that live further away. In addition, the patients that live within 400 metres tend to develop the cancers at a younger age. For the years 1999 to 2004 (ie after

five or more years of living with the cell phone transmission mast), the risk of developing cancer for those living within 400 metres of the mast in comparison to those living outside this area, was three times as high.

Introduction

A series of studies available before this investigation provided strong evidence of health risks and increased cancer risk associated with physical proximity to radio transmission masts. Haider *et al.* reported in 1993 in the Moosbrunn study frequent psychovegetive symptoms below the current safety limit for electromagnetic waves (1). In 1995, Abelin *et al.* in the Swiss- Schwarzenburg study found dose dependent sleep problems (5:1) and depression (4:1) at a shortwave transmitter station that has been in operation since 1939 (2).

In many studies an increased risk of developing leukaemia has been found; in children near transmitter antennas for Radio and Television in Hawaii (3); increased cancer cases and general mortality in the area of Radio and Television transmitter antennas in Australia (4); and in England, 9 times more leukaemia cases were diagnosed in people who live in a nearby

area to the Sutton Coldfield transmitter antennas (5). In a second study, concentrating on 20 transmitter antennas in England, a significant increased leukaemia risk was found (6). The Cherry study (7) indicates an association between an increase in cancer and living in proximity to a transmitter station. According to a study of the transmitter station of Radio Vatican, there were 2.2 times more leukaemia cases in children within a radius of 6 km, and adult mortality from leukaemia also increased (8).

In 1997 Goldsmith published the Lilienfeld-study that indicated 4 times more cancer cases in the staff of the American Embassy in Moscow following microwave radiation during the cold war. The dose was low and below the German limit (9).

The three studies of symptoms indicated a significant correlation between illness and physical proximity to radio transmission masts. A study by Santini *et al.* in France resulted in an association between irritability, depression, dizziness (within 100m) and tiredness within 300m of a cell phone transmitter station (10).

In Austria there was an association between field strength and cardiovascular symptoms (11) and in Spain a study indicates an association between radiation, headache, nausea, loss of appetite, unwellness, sleep disturbance, depression, lack of concentration and dizziness (12).

The human body physically absorbs microwaves. This leads to rotation of dipole molecules and to inversion transitions (13), causing a warming effect. The fact that the human body transmits microwave radiation at a very low intensity means that since every transmitter represents a receiver and transmitter at the same time, we know the human body also acts as a receiver.

In Germany, the maximum safe limit for high frequency microwave radiation is based on purely thermal effects. These limits are one thousand billion times higher than the natural radiation in these frequencies that reaches us from the sun.

The following study examines whether there is also an increased cancer risk close to cellular transmitter antennas in the frequency range 900 to 1800 MHz. Prior to this study there were no published results for long-term exposure (10 years) for this frequency range and its associated effects to be revealed. So far, no follow-up monitoring of the state of health of such a residential population has been systematically undertaken.

#### Materials and Methods

#### Study area

In June 1993, cellular transmitter antennas were permitted by the Federal Postal Administration in the Southern German city of Naila and became operational in September 1993.

The GSM transmitter antenna has a power of 15 dbW per channel in the 935MHz frequency range. The total

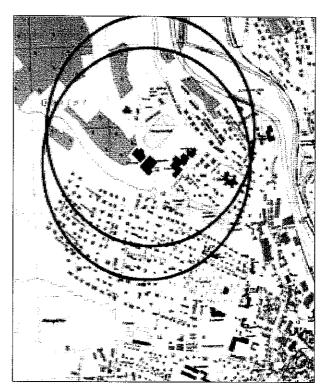


Fig. 1: Schematic plan of the antenna sites

transmission time for the study period is ca. 90,000 hours. In December 1997 there followed an additional installation from another company. The details are found in an unpublished report, appendix page 1-3 (14).

To compare results an 'inner' and 'outer' area were defined. The inner area covered the land that was within a distance of 400 metres from the cellular transmitter site. The outer area covered the land beyond 400 metres. The average distance of roads surveyed in the inner area (nearer than 400m) was 266m and in the outer area (further than 400m) 1,026m. Fig. 1 shows the position of the cellular transmitter sites I and 2, surrounded by circle of radius 400 metres. The geographical situation shows the transmitter sites (560m) are the highest point of the landscape, which falls away to 525m at a distance of 450m. From the height and tilt angle of the transmitter it is possible to calculate the distance where the transmitter's beam of greatest intensity strikes the ground (see Fig. 2).

The highest radiation values are in areas of the main

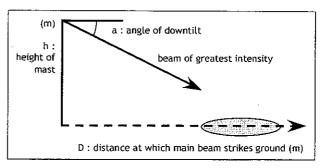


Fig. 2: From the mast height h and the downtilt angle a, the distance D at which the main beam reaches ground is given by  $D = \tan(90-a) \times h$ 

beam where it hits the ground and from the expected associated local reflection; from this point the intensity of radiation falls off with the square of the distance from the transmitter.

In Naila the main beam hits the ground at 350m with a beam angle of 6 degrees (15). In the inner area, additional emissions are caused by the secondary lobes of the transmitter; this means in comparison that from purely mathematical calculations the outer area has significantly reduced radiation intensity.

The calculations from computer simulations and the measurements from the Bavaria agency for the environmental protection, both found that the intensity of radiation was a factor of 100 higher in the inner area as compared to the outer area. The measurements of all transmitter stations show that the intensity of radiation from the cell phone transmitter station in Naila in the inner area was higher than the other measurement shown in the previous studies of electromagnetic fields from radio, television or radar (14).

The study StSch 4314 from the ECOLOG Institute indicates an association between a vertical and horizontal distance from the transmitter station and expected radiation intensity on the local people (16). The reason for setting a distance of 400m for the differentiation point is partly due to physical considerations, and partly due to the study of Santini *et al.* who chose 300m (10).

#### **Data Gathering**

Similar residential streets in the inner area and outer areas were selected at random. The large old people's home in the inner area was excluded from the study because of the age of the inhabitants. Data gathering covered nearly 90% of the local residents, because all four GPs in Naila took part in this study over 10 years. Every team researched the names of the patients from the selected streets that had been ill with tumours since 1994. The condition was that all patients had been living during the entire observation time of 10 years at the same address.

The data from patients was handled according to data protection in an anonymous way. The data was evaluated for gender, age, tumour type and start of illness. All cases in the study were based on concrete results from tissue analysis. The selection of patents for the study was always done in exactly the same way. Self-selection was not allowed. Also the subjective opinion of patients that the radio mast detrimentally affected their health has not affected this study. Since patients with cancer do not keep this secret from GPs, it was possible to gain a complete data set.

#### Population study

In the areas where data was collected 1,045 residents were registered in 31.12.2003. The registration statistics for Naila at the beginning of the study (1.1.1994) show the number of old people in the inner and outer areas, as shown in Table 1. The average age at the beginning

	female	male	total
Inner area	41.48	38.70	40.21
Outer area	41.93	38.12	40.20
Naila total	43.55	39.13	41.45

Table 1 : Overview of average ages at the beginning of the study in 1994

1994 inner 22.4%	outer 2.8%	Naila	total 24.8%
2004 inner 26.3%	outer 26.7%		

Table 2: Proportion of patients aged over 60

of the study (1.1.1994) in both the inner and outer areas was 40.2 years. In the study period between 1994-2004, 34 new cases of cancer where documented out of 967 patients (Table 3). The study covered nearly 90% of local residents.

The average age of the residents in Naila is one year more than that of the study due to the effects of the old people's home. From the 9,472 residents who are registered in Naila, 4,979 (52.6%) are women and 4,493 (47.4%) are men. According to the register office, in 1.1.1994 in the outer area, the percentage was 45.4% male and 54.5% female, and in the inner area 45.3% male and 54.6% female. The number of people who are over 60 years old is shown in Table 2.

The social differences in Naila are small. Big social differences like in the USA do not exist here. There is also no ethnic diversity. In 1994 in Naila the percentage of foreigners was 4%. Naila has no heavy industry, and in the inner area there are neither high voltage cable nor electric trains.

Results

Results are first shown for the entire 10 year period from 1994 until 2004. Secondly, the last five-year period 1999 to 2004 is considered separately.

#### Period 1994 to 2004

As a null hypothesis it was checked to see if the physical distance from the mobile transmission mast had no effect on the number cancer cases in the selected population, *ie* that for both the group nearer than 400 metres and the group further than 400 metres the chance of developing cancer was the same. The relative frequencies of cancer in the form of a matrix are shown in Table 3. The statistical test method used on this data was the chi-squared test with Yates's correction. Using this method we obtained the value of 6.27, which is over the critical value of 3.84 for a

Period 1994-2004	lnner area	Outer area	4-4-1
new cases	18	16	total 34
of cancers with no new	302	631	933
cancer	220	/ 17	047
total	320	647	967

Table 3: numbers of patients with and without cancers, 1994-2004

statistical significance of 0.05).

This means the null hypothesis that both groups within the 400-metre radius of the mast and beyond the 400 metre radius, have the same chance of developing cancer, can be rejected with a 95% level of confidence. With a statistical significance of 0.05, an even more significant difference was observed in the rate of new cancer cases between the two groups.

Calculating over the entire study period of 1994 until 2004, based on the incidence matrix (Table 3) we arrive at a relative risk factor of 2.27 (quotient of proportion for each group, eg 18/320 in the strongly exposed inner area, against 16/647 in the lower exposed comparison group). If expressed as an odds ratio, the relationship of the chance of getting cancer between strongly exposed and the less exposed is 2.35.

The following results show clearly that inhabitants who live close to transmitter antennas compared to inhabitants who live outside the 400m zone, double their risk of developing cancer. In addition, the average age of developing cancer was 64.1 years in the inner area whereas in the outer area the average age was 72.6 years, a difference of 8.5 years. That means during the 10 year study that in the inner area (within 400 metres of the radio mast) tumours appear at a younger age.

In Germany the average age of developing cancer is approximately 66.5 years, among men it is approximately 66 and among women, 67 (18).

Over the years of the study the time trend for new cancer cases shows a high annual constant value (Table 4). It should be noted that the number of people in the inner area is only half that of the outer area, and therefore the absolute numbers of cases is smaller.

Table 7 shows the types of tumour that have developed in the cases of the inner area.

#### Period 1994 to 1999

No. of cases of tumours	inner area: of the 320 people		outer area: of the 647 people	
per year of study	total cases	per 1,000	total cases	per 1,000
1994	-		1	1.5
1995	_	_	_	_
1996	ii —	6.3	l	1.5
1997	1	3.1	111	4.6
1998	TE .	6.3	III	4.6
1999		6.3	ı	1.5
2000	1011	15.6	ı	1.5
2001	II	6.3	11	3.1
2002	II.	6.3	H	3.1
2003-3/2004	11	6.3	11	3.1

Table 4: Summary of the total tumours occurring per year (no. and per thousand)

Period 1994-1999	Inner area	Outer area	total
new cases of cancers	5	8	13
with no new cancer	315	639	954
total	320	647	967

Table 5: numbers of patients with and without cancers, 1994-1999

For the first five years of the radio transmission mast operation (1994-1998) there was no significant increased risk of getting cancer within the inner area as compared to the outer area (Table 5).

#### Period 1999 to 2004

Under the biologically plausible assumption that cancer caused by detrimental external factors will require a time of several years before it will be diagnosed, we now concentrate on the last five years of the study between 1999 and 2004. At the start of this period the transmitter had been in operation for 5 years. The results for this period are shown in Table 6. The chisquared test result for this data (with Yates's correction) is 6.77 and is over the critical value of 6.67 (statistical significance 0.01). This means, with 99% level of confidence, that there is a statistically proven difference between development of cancer between the inner group and outer group. The relative risk of 3.29 revealed that there was 3 times more risk of developing cancer in the inner area than the outer area during this time period.

Period 1999-2004	Inner area	Outer area	total
new cases of cancers	13	8	31
with no new cancer	307	639	946
total	320	647	967

Table 6: numbers of patients with and without cancers, 1999-2004

The odds-ratio 3.38 (VI 95% 1.39-8.25, 99% 1.05-10.91) allows us with 99% confidence to say that the difference observed here is not due to some random statistical effect.

#### Discussion

Exactly the same system was used to gather data in the inner area and outer areas. The medical chip card, which has been in use for 10 years, enables the data to be processed easily. The four participating GPs examined the illness of 90% of Naila's inhabitants over the last 10 years. The basic data for this study were based on direct examination results of patients extracted from the medical chip cards, which record also the diagnosis and treatment. The study population is (in regards to age, sex and cancer risk) comparable, and therefore statistically neutral. The study deals only with people who have been living permanently at the same address for the entire study period and therefore

Type of tumour (organ)	no. of tumours found	total expected	incidence per 100,000	ratio inner: outer
breast	8	5.6	112	5:3
ovary	1	1.1	23	0:1
prostate	5	4.6	101	2:3
pancreas	m 3	0.6	14	2:1
	f 2	0.9	18	1:1
bowel	m 4	3.7	81	2:2
	f 0	4.0	81	0:0
skin	m 1	0.6	13	1:0
melanoma	f 0	0.7	14	0:0
lung	m 3	3.6	79	2:1
	f 0	1.2	24	0:0
kidney	m 2	1.0	22	1:1
	f 1	0.7	15	1:0
stomach	m 1	1.2	27	0:1
	f 1	1.1	23	0:1
bladder	m 1	2.0	44	0:1
	f 0	0.8	16	0:0
blood	m 0	0.6	14	0:0
	f 1	0.7	15	1:0

Table 7: Summary of tumours occurring in Naila, compared with incidence expected from the Saarland cancer register

have the same duration of exposure regardless of whether they are in the inner area or outer area.

The result of the study shows that the proportion of newly developing cancer cases was significantly higher (p<0.05) among those patients who had lived during the past ten years within a distance of 400 metres from the cellular transmitter site, which has been in operation since 1993, in comparison to people who live further away. Compared to those patients living further away, the patients developed cancer on average 8.5 years earlier. This means the doubled risk of cancer in the inner area cannot be explained by an average age difference between the two groups. That the transmitter has the effect that speeds up the clinical manifestations of the illness and general development of the cancer cannot be ruled out.

In the years 1999-2004, *ie* after five years and more of transmitter operation, the relative risk of getting cancer had trebled for the residents of the area in the proximity of the mast compared to the inhabitants of Naila in the outer area (p>0.01). The division into inner area and outer area groups was clearly defined at the beginning of the study by the distance to the cell phone transmission mast. According to physical considerations people living close to cellular transmitter antennas were exposed to heightened transmitted radiation intensity.

Both calculated and empirical measurements revealed that the intensity of radiation is 100 times higher in the inner area compared to the outer area. According to the research StSch 4314 the horizontal and vertical position in regards to the transmitter antenna is the most important criterion in defining the radiation intensity area on inhabitants (16).

The layered epidemiological assessment method used in this study is also used in assessment of possible chemical environmental effects. In this case the layering is performed in regards to the distance from the cell phone transmitter station. Using this method it has been shown that there is a significant difference in probability of developing new cancers depending on the exposure intensity.

The number of patients examined was high enough according to statistical rules that the effects of other factors (such as use of DECT phones) should be normalised across the inner area and outer area groups. From experience the disruption caused by a statistical confounding factor is in the range between 20% and 30%. Such a factor could therefore in no way explain the 300% increase in new cancer cases. If structural factors such as smoking or excessive alcohol consumption are unevenly distributed between the different groups this should be visible from the specific type of cancers to have developed (ie lung, pharyngeal or oesophageal). In the study inner area there were two lung cancers (one smoker, one non-smoker), and one in the outer area (a smoker), but no oesophageal cancers. This rate of lung cancer is twice what is statistically to be expected and cannot be explained by a confounding factor alone. None of the patients who developed cancer was from a family with such a genetic propensity.

Through the many years experience of the GPs involved in this study, the social structures in Naila are well known. Through this experience we can say there was no significant social difference in the examined groups that might explain the increased risk of cancer.

The type and number of the diagnosed cancers are shown in Table 7. In the inner area the number of cancers associated with blood formation and tumour-controlling endocrine systems (pancreas), were more frequent than in the outer area (77% inner area and 69% outer area).

From Table 7, the relative risk of getting breast cancer is significantly increased to 3.4. The average age of patients that developed breast cancer in the inner area was 50.8 years. In comparison, in the outer area the average age was 69.9 years, approximately 20 years less. In Germany the average age for developing breast cancer is about 63 years. The incidence of breast cancer has increased from 80 per 100,000 in the year 1970 to 112 per 100,000 in the year 2000. A possible question for future research is whether breast cancer can be used as a 'marker cancer' for areas where there is high contamination from electromagnetic radiation. The report of Tynes *et al.* described an increased risk of breast cancer in Norwegian female radio and telegraph operators (20).

To further validate the results the data gathered were compared with the Saarland cancer register (21). In this register all newly developed cancers cases since 1970 are recorded for each Bundesland. These data are accessible via the Internet. Patents that suffer two separate tumours were registered twice, which increases the overall incidence up to 10%. In this

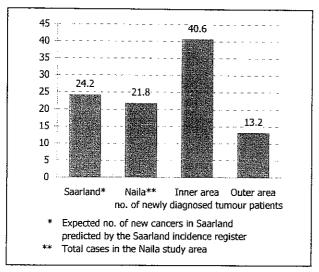


Fig. 3 : Number of new cancer cases 1999 to 2004, adjusted for age and gender, calculated for the 5,000 patient years

register there is no location-specific information, for instance proximity to cell phone transmission masts. The data in the cancer register therefore reflect no real control group but rather the effect of the average radiation on the total population.

From the Saarland cancer register for the year 2000 the incidence of new cancer cases was 498 per 100,000 for men and 462 per 100,000 for women. When adjusted for age and sex one would expect a rate of between 480 and 500 per 100,000 in Naila. For the years 1999 to 2004 there were 21 new cases of cancer among 967 patients. The expected number was 24 cases per 1,000 patients.

The results of the study are shown graphically in Fig. 3. The bars of the chart represent the number of new cancer cases per 1,000 patients in the separate areas, over the five years (bars 2 to 4). The first bar represents the expected number from the Saarland cancer register.

In spite of a possible underestimation, the number of newly developed cancer cases in the inner area is more than the expected number taken from the cancer register, which represents the total population being irradiated. The group who had lived during the past five years within a distance of 400 m from the cellular transmitter have a two times higher risk of developing cancer than that of the average population. The relative risk of getting cancer in the inner area compared with the Saarland cancer register is 1.7 (see to Table 7).

Conclusion

The result of this retrospective study in Naila shows that the risk of newly developing cancer was three times higher among those patients who had lived during past ten years (1994-2004), within a distance of 400m from the cellular transmitter, in comparison to those who had lived further away.

Cross-sectional studies can be used to provide the decisive empirical information to identify real problems. In the 1960s just three observations of birth deformities were enough to uncover what is today an academically indisputable Thalidomide problem.

This study, which was completed without any external financial support is a pilot project. Measurements of individual exposure as well as the focused search for further side effects would provide a useful extension to this work, however such research would need the appropriate financial support.

The concept of this study is simple and can be used everywhere, where there it a long-term electromagnetic radiation from a transmitting station.

The results presented are a first concrete epidemiological sign of a temporal and spatial connection between exposure to GSM base station radiation and cancer disease.

These results are, according to the literature relating to high frequency electromagnetic fields, not only plausible and possible, but also likely.

From both an ethical and legal standpoint it is necessary to immediately start to monitor the health of the residents living in areas of high radio frequency emissions from mobile telephone base stations with epidemiological studies. This is necessary because this study has shown that it is no longer safely possible to assume that there is no causal link between radio frequency transmissions and increased cancer rates.

#### Acknowledgements

Our thanks go to all those involved in developing this study, in particular, Herrn Professor Frentzel-Beyme for his advice on all the epidemiological questions.

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The cell phone industry: Big Tobacco 2.0? By Molly Wood, senior editor, CNET.com Tuesday, March 8, 2005

So, there's this incredibly popular product that has widespread consumer use and a massive marketing presence. Nearly everyone uses it, and it has very high social acceptance, even though some people find it annoying when it's used in public. It's highly habit-forming; people who use the product on a regular basis find it almost impossible to live without.

Unfortunately, studies start to appear showing that the product might be harmful to its users--even cancer-causing. The product's manufacturers deny the presence of any danger and even spend millions of dollars trying to discredit the research that points to problems. Then, an insider emerges, seemingly with proof that the product could be dangerous. The industry agrees to publish warning data about the product, but continues to maintain that the product itself is safe for use. Lawsuits against the product's manufacturers are filed, but all are dismissed. Industry analysts know that any case that does succeed could start a domino effect of future lawsuits, which keeps the industry determined to maintain that the product is harmless, despite increasing evidence to the contrary.

#### Sound familiar?

Well, put down your lighter, I'm talking about cell phones. I've already maintained that I don't like the cell phone industry's iron-clad control over phone releases and pricing, its ever-lengthening contracts, and the annoying habit it has of crippling Bluetooth phones so that I can't use them the way I want to. But it takes only a few minutes of looking into the cell phone radiation quagmire before I start to think, man, these guys have Big Tobacco 2.0 written all over them. Actually, I'm not the first to think of it, but a recent article in the University of Washington alumni magazine indicates that the behaviors aren't going away, even as the potentially damning research continues to mount.

OK, I know the obvious differences: I'm sure cell phone manufacturers are not deliberately making their products more addictive, for example--although they are, of course, always offering new and improved services and ever-increasing buckets of minutes, which can't help but encourage us to use our phones more and more frequently. But, just as Big Tobacco did, the cell phone industry seems bound and determined to thwart and deny any suggestion that its product might be dangerous.

#### A history of bad news

For example, in 1994, University of Washington bioengineering professors Henry Lai and Narendra Singh found that the DNA in rats' brains was damaged after two hours of exposure to levels of microwave radiation considered safe by the government. When Lai and Singh published the research, a leaked memo from Motorola's head of global strategy, Norm Sandler, talked about ways to minimize damage by undermining their research, with Sandler writing, "I think that we have sufficiently war-gamed the Lai/Singh issue." Ouch. Worse, research biologist Jerry Phillips, who was paid by Motorola to conduct similar testing, says he was able to duplicate Lai and Singh's

findings, but was then asked not to publish the research and was subsequently shunned by the company. Motorola says it told Phillips that his findings needed clarification, and the industry still maintains that Lai and Singh's results have never been duplicated and can't be considered legitimate.

The biggest Russell Crowe-style insider in this case, though, is Dr. George Carlo, who was hired by the Cellular Telecommunications & Internet Association to head up a \$28 million research program into possible health effects from cellular phones. Unfortunately, he now says his findings show an increased rate of brain cancer deaths, development of tumors, and genetic damage among heavy cell phone users. He wrote this letter of concern to the president of AT&T Corporation and later went public with his findings after what he considered to be neglect by the industry. He's since broken with the industry, become a vocal critic, and coauthored a book called Cell Phones: Invisible Hazards in the Wireless Age—so you can tell he's on the "cell phones could cause cancer" side of things.

Meanwhile, more studies keep coming, and they seem to be getting worse. A study funded by the European Union reported last December that radio waves from mobile phones do, definitively, damage DNA and other cells in the body--and that the damage extended to the next generation of cells. Even though mutated cells are considered a possible cause of cancer, the UK National Radiological Protection Board said that since the study didn't show that the damage definitely led to disease, consumers shouldn't worry too much about the findings.

Uh, right. In the meantime, the report recommended that children use mobile phones only in emergency situations. You know, just in case. How reassuring.

The cell phone industry hasn't commissioned another large-scale study--at least not publicly--since its fateful encounter with Dr. Carlo--and why would they? They're in a catch-22. It's a multibillion dollar industry, and they simply can't afford to find out, definitively, that cell phones are dangerous. Worse, just like the tobacco companies, if they start issuing warnings and precautionary tales now, it'll look like they knew all along that the radio waves were dangerous, opening them up to major liability claims. They've already dodged one big, big bullet--an \$800 million lawsuit against Motorola and cell phone carriers was thrown out in 2002, with the judge ruling that there wasn't sufficient evidence for trial. Since then, neurologist Dr. Christopher Newman, who filed the lawsuit, has died of brain cancer.

Listen, I use a cell phone, and I'm not trying to scare the bejesus out of everyone. But I do use a headset when I'm talking for any long period of time, and I carry that sucker in my purse, not my pocket. (I know you guys don't have that luxury, but reconsider the briefcase, OK?) And if you're shopping for a new phone, you might want to check our cell phone radiation chart to see which ones carry a low dose.

In a few more years, we'll either know for sure that cell phones can cause cancer, or we'll know they can't. I just hope we don't find out the hard way--through subpoenaed

documents from cell phone makers and carriers who've been trying to minimize their damages and maximize their profits for more than a decade.

#### **OBrien**, Jeff

From: Johnson, Willis [wjohnson@classiccinemas.com]

Sent: Wednesday, April 16, 2008 8:38 PM

To: OBrien, Jeff

Cc: Dabareiner, Tom; Mark J. Layne

**Subject:** Telecommunication Towers and T Mobile

Jeff, Tom Dabreiner has advised that I should address you with any questions or comments regarding telecommunication towers. I am making this inquiry as a result of T Mobiles current application for a location in Hummer Park. As you may recall several years ago T Mobile approached me about the possible use of our existing antenna at 635 Rogers St. They determined that there were several alternatives for using this tower. One was lowering it's height to 80' (it is presently approx. 151'), one was reinforcing the tower because it was not constructed to carry the load that they proposed, one was to take the tower down and replace it with a new tower. As I understand it none of these alternatives were acceptable. The main negative was it being approx. 180' from residential zoning.

In reading Section 28.1307 (a)2 encourage locations in non residential areas. Our location is industrial, Hummer is residential

(a)3 minimize the number of towers throughout the community. Mine is existing and Hummer would be new

(a)4 strongly encourage the joint use rather than construct new. Mine is there and I have no plans to remove it.

(d)3 non residential location, I can't meet this as at 300% if it was an 80' tower it would need to be 240' from Rogers residential assuming the zoning is measured to the center of Rogers. The present tower is already enclosed in a screened area that is capable of being secured and the equipment would have been located inside our existing building. There is no landscaping as it is in a blacktop parking area. To me this is the more appropriate site because of the existing tower but...

I also have a second site at 5008-5018 Fairview. This is commercial zoning. I have more than enough room in a 63 car parking lot to meet the screening and landscaping requirements. To the east is commercial and to the west is either commercial or industrial. For north to south measuring from the center line of Rogers to the center line of Burlington is 494' splitting this in half is 247' with a 75' tower, as was being proposed for Hummer, 300% is 225' even at 80' we can meet this criteria. There is no such requirement for a tower located in residential zoning, which I believe Hummer is. The elevation of the Fairview site appears to be about the same as the Hummer site and is also much closer to the epi center T Mobile wanted in the first place, the Pepperidge Farm area. This alternative was never explored by T Mobile as I never thought of it till very recently.

This is all back of the envelope so to speak, but I feel comfortable saying all the alternatives and ramifications have not been explored and hope the Village and T Mobile might consider these alternatives. I would appreciate being notified of when and if this is going before the Council so that I may attend and express my feelings. I have communicated with Mark Layne on these thoughts and am copying him on this email.

Willis G. Johnson
President
Tivoli Enterprises, Inc./Classic Cinemas
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# Village of Downers Grove

## **STAFF REPORT**

TO: Plan Commission HEARING DATE: March 3, 2008

FROM: Department of Community PREPARED BY: Damir Latinovic

**Development** Planner

#### **TITLE**

PC 02-08; 1500 Gilbert Avenue–Gilbert Park: Annexation with Rezoning and Special Use; The petitioner is requesting the annexation of the remaining parcel of Gilbert Park, zoning map amendment to rezone the property upon annexation to R-3, Single Family Residence District and approval of the Special Use to allow a telecommunication tower within a residential zoning district.

**Application/Notice:** The application has been filed in conformance with applicable procedural and public notice requirements.

#### **GENERAL INFORMATION**

**OWNER:** Downers Grove Park District

2455 Warrenville Road Downers Grove, IL 60515

**APPLICANT:** Mark Layne (Agent)

T-Mobile Central LLC 777 Army Trail Road Addison, IL 60101

#### PROPERTY INFORMATION

**EXISTING ZONING:** R-3 Single Family Residential (Unincorporated DuPage County)

**EXISTING LAND USE:** Public Park

**PROPERTY SIZE:** Approximately 42,374 square feet

**PIN:** 09-07-113-010

#### **SURROUNDING ZONING AND LAND USES:**

ZONING FUTURE LAND USE

NORTH:Burlington Northern Santa Fe RailroadRailroadSOUTH:R-3 Single Family ResidentialOpen SpaceEAST:R-3 Single Family ResidentialOpen SpaceWEST:Maple Grove Forest PreserveOpen Space

#### **ANALYSIS**

#### **SUBMITTALS**

This report is based on the following documents, which are on file with the Department of Community Development:

- 1. Application/Petition for Public Hearing
- 2. Project Summary
- 3. Project Data
- 4. Plat of Survey
- 5. Engineering and Site Plans

#### DESCRIPTION

The petitioner is requesting approval of a Special Use to allow construction of a new telecommunications tower and an equipment shelter to house tower equipment, and annexation of the property currently located in unincorporated DuPage County with zoning map amendment to rezone the property to R-3 Single Family Residence District.

The subject property, part of Gilbert Park located at 1500 Gilbert Avenue, is contiguous to the Village and is the only remaining portion of the park still in unincorporated DuPage County. The rest of the Gilbert Park property zoned R-3 Single Family Residence District is located east and south of the lot. The Maple Grove Forest Preserve is located west of the subject lot and remains unincorporated. Single family residential uses surround both Gilbert Park and the Forest Preserve. The Burlington Northern Santa Fe Railroad abuts the subject property to the north with light industrial uses immediately north of the tracks along Warren Avenue. A Special Use is required for a telecommunications tower within a residentially zoned district.

#### Site Layout

The 6.6 acre Gilbert Park currently contains a basketball field, playground, one-story park shelter with restroom facilities and a baseball field. The park has two parking lots, one east and one west of the baseball field, both accessible from Gilbert Avenue. The baseball field is surrounded by six, 60-foot high light poles.

The petitioner is proposing to replace the northwest light pole with a 110 foot high telecommunications tower with field lights reinstalled at the same height on the new tower. A new 18 foot high 21.5 foot by 12.5 foot shelter will also be constructed immediately north of the tower to house equipment for tower operation. Landscaping will be provided between and around the new tower and equipment shelter. The tower would be designed to accommodate two sets of antenna platforms; T-Mobile antennas would occupy the top platform at 110 feet, while a second platform at 100 feet would be designed for a second carrier in the future.

The ancillary and accessory facilities, including the equipment cabinets, will be located entirely within the new 268 square foot masonry shelter eliminating the need for a security fence. Coaxial cables running from the equipment to the tower will run underground.

#### COMPLIANCE WITH THE FUTURE LAND USE PLAN

According to the Future Land Use Plan, the subject property is designated for Open Space. Staff believes the addition of the proposed 110 foot high telecommunications tower and a 268 square foot equipment shelter do not change the land use characteristics of the park and are consistent with the intent of the Future Land Use Map and other Village documents.

#### COMPLIANCE WITH THE ZONING ORDINANCE

Upon annexation, the property will be zoned R-3, Single Family Residence district to match the remainder of the park. The proposed use, a telecommunications tower, is a permitted Special Use in this zoning district. A telecommunication tower must comply with Section 28.1307 of the Zoning Ordinance. The petitioner has provided information in his narrative letter describing how the proposal complies with this section of the

Municipal Code. Additionally, the petitioner has provided the Radiofrequency (RF) Emissions Compliance Report prepared by a professional engineer and a report from a certified real estate appraiser from the area assessing the potential impact of the proposed facility on the surrounding home values. The use and operation of telecommunication towers are regulated by the Federal Communications Commission (FCC) and Federal Aviation Administration (FAA).

The proposed telecommunication tower with the equipment shelter meets the standards in the Zoning Ordinance and fully complies with the bulk regulations as shown in the table below:

Zoning Requirements	Required	Proposed		
		Shelter	Tower	
Front Setback (north)	25'	168'	158'	
Front Setback (east)	25'	370'	373'	
Side Setback (west)	6' (Shelter) 60' (Tower)	83'	93'	
Rear Setback (south)	6' (Shelter) 20' (Tower)	398'	425'	
Height	23' (Shelter) 110' (Tower)	18'-4"	110'	
Separation from pre-existing tower	1,500'	N/A	aprox. 1550'	
Separation from closest residential property	330'	N/A	aprox. 407'	

#### ENGINEERING/PUBLIC IMPROVEMENTS

There are no proposed engineering or public improvements associated with this petition. The Downers Grove Park District will grant T-Mobile an access and utility easement across their property for the right to maintain and operate the T-Mobile equipment.

Most of the Gilbert Park property however, including the location of the new telecommunication tower and equipment shelter, lies within a flood plain. As such, the top of the foundation for the new equipment shelter and all openings for underground conduits will be constructed above the base flood elevation. The compensatory storage for the fill generated by the new shelter will also be provided. The installation of the new tower and equipment shelter will fully comply with all provisions of the Village's Stormwater Management Ordinance.

#### PUBLIC SAFETY REQUIREMENTS

The Fire Prevention Division of the Fire Department has reviewed the proposed plans and has not noted any public safety objections.

#### NEIGHBORHOOD COMMENT

Staff has received one phone call from a neighboring resident opposing the proposed telecommunications tower. The petitioner held an open house meeting on February 4 to discuss the proposed towers at Gilbert Park and Hummer Park. None of the residents who attended the meeting had any comments regarding the proposed tower at Gilbert Park. A summary of this meeting will be presented during the Plan Commission meeting.

Staff has received a letter from the Forest Preserve District of DuPage County expressing concern about possible effects of the proposed tower on migratory birds during inclement weather. However, due to lack of research and scientific data, the Forest Preserve District of DuPage County does not oppose the tower installation at this time.

#### FINDINGS OF FACT

The proposed telecommunications tower with an equipment shelter is a permitted Special Use in the R-3 Single Family Residence District. The petitioner has provided documentation describing how the proposed telecommunications tower complies with all regulations of the Zoning Ordinance. The area surrounding Gilbert Park has poor wireless service coverage from T-Mobile. As there are no existing telecommunication towers or tall structures within the target area, the proposed replacement of an existing light pole in Gilbert Park is the least obtrusive location with minimal visual impact to the neighborhood. The location of a telecommunication tower will assist Village residents in having adequate wireless service and will contribute to the general welfare of the neighborhood. Additionally, the petitioner has provided documentation noting RF emissions for this project comply with applicable Federal Communications Commission Rules and Regulations. Staff believes the standards for a Special Use have been met.

The subject property is contiguous to the Village and is the last remaining portion of Gilbert Park still in unincorporated DuPage County. Gilbert Park and surrounding residential uses are zoned R-3, Single Family Residence District. Staff believes the proposed annexation of the property with rezoning to R-3, Single Family Residence District meets the standards for approval of the amendment to the Zoning Map and is compatible with the Future Land Use Plan which designates the property for Open Space.

#### Section 28.1702 Standards for Approval of Amendments to the Zoning Ordinance

Village Council and Plan Commission consideration and approval of any amendment, whether text or map, is a matter of legislative discretion that is not controlled by any one standard. However, in making its decisions and recommendations regarding map amendments, the Village Council and Plan Commission shall consider the following factors:

- (1) The existing uses and zoning of nearby property;
- (2) The extent to which the particular zoning restrictions affect property values;
- (3) The extent to which any determination in property value is offset by an increase in the public health, safety and welfare;
- (4) The suitability of the subject property for the zoned purposes;
- (5) The length of time that the subject property has been vacant as zoned, considering the context of land development in the vicinity;
- (6) The value to the community of the proposed use, and;
- (7) The standard of care with which the community has undertaken to plan its land use development.

#### Section 28.1902 Standards for Approval of Special Uses

The Village Council may authorize a special use by ordinance provided that the proposed Special Use is consistent and in substantial compliance with all Village Council policies and land use plans, including but not limited to the Comprehensive Plan, the Future Land Use Plan and Master Plans and the evidence presented is such as to establish the following:

- (a) That the proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.
- (b) That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity.
- (c) That the proposed use will comply with the regulations specified in this Zoning Ordinance for the district in which the proposed use is to be located or will comply with any variation(s) authorized pursuant to Section 28-1802.
- (d) That it is one of the special uses specifically listed for the district in which it is to be located.

#### RECOMMENDATIONS

The proposed Annexation with Zoning Map Amendment to rezone the property to R-3 Single Family Residence District and a Special Use for a telecommunication tower at 1500 Gilbert Park is compatible with surrounding zoning and land use classifications. Based on the findings listed above, staff recommends the Plan Commission make a positive recommendation to the Village Council regarding the PC# 02-08 subject to the following conditions:

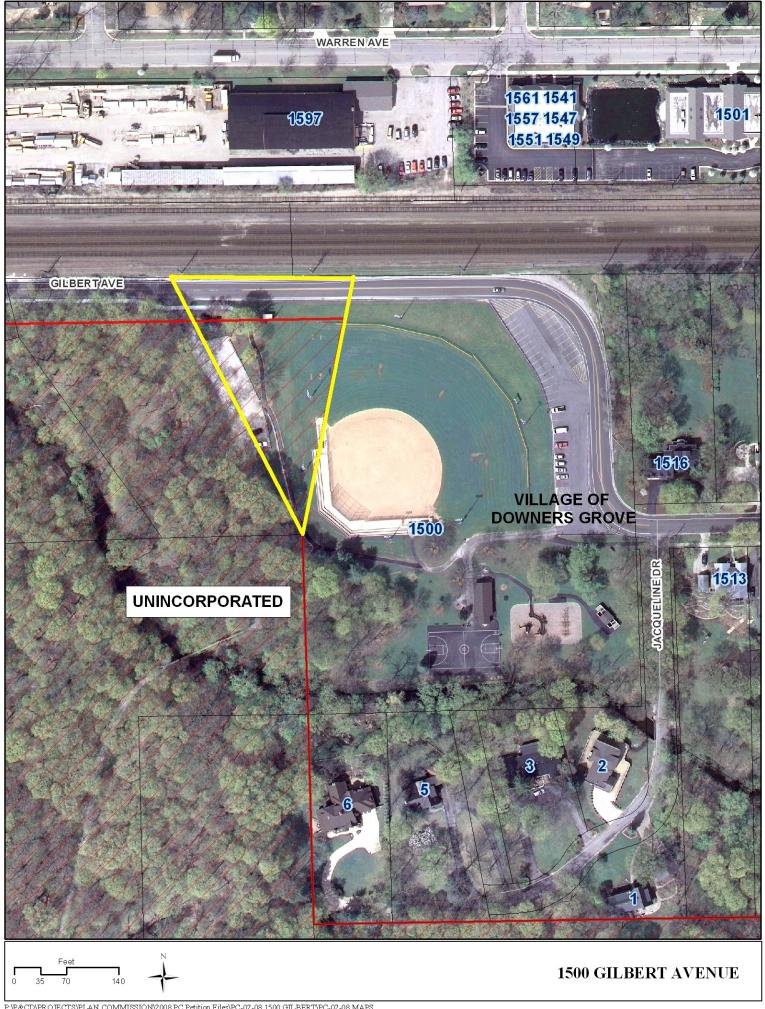
- 1. The telecommunications tower facilities shall substantially conform to the preliminary engineering plans prepared by WT Engineering, dated November 29, 2006, last revised January 7, 2008 and the Plat of Annexation prepared by Intech Consultants, dated January 10, 2008 except as such plans may be modified to conform to Village Codes and Ordinances.
- 2. Before the issuance of any building permits, the applicant shall submit an engineer's cost estimate in the amount sufficient to fund any costs incurred by the Village due to Owner's failure to comply with all codes, ordinances, rules and regulations of the Municipal Code including any removal or restoration work that the Village must perform itself or have completed as a consequence of the Owner's failure to comply with all provisions of the Municipal Code. Following the approval of such cost estimate, the applicant shall establish a "Security Fund" in that amount with the Village, in the form of an unconditional letter of credit, surety bond or other instrument. The letter of credit, surety bond or other instrument shall (i) provide that it shall not be canceled without prior notice to the Village; and (ii) not require the consent of any other person other than the proper Village official prior to the collection by the Village of any amounts covered by said letter of credit, surety bond or other instrument. The Security Fund shall be continuously maintained in accordance with the Zoning Ordinance, Section 28.1307, at Owner's sole cost and expense.
- 3. All necessary construction permits shall be obtained by the petitioner prior to any site development activities.

Tom I	 Dabar	einer, Al	ICP		
Direct	or of	Commu	nity De	velopme	nt

Staff Report Approved By:

TD:dl

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#### STATEMENT IN SUPPORT OF APPLICATION

#### The Application:

T-Mobile Central, LLC, doing business as T-Mobile ("T-Mobile"), respectfully requests the Village of Downers Grove grant a special use permit and any and all other necessary waivers and approvals (the "Petition") for the installation of a wireless telecommunication facility (the "Proposed Facility") in Downers Grove, Illinois, located at Gilbert Park (the "Site").

#### **General Background:**

T-Mobile has acquired licenses from the Federal Communications Commission ("FCC") to provide Personal Communications Services ("PCS") throughout the United States. These licenses include DuPage County and the remainder of the Chicago metropolitan region, and is part of an integrated nationwide network of coverage.

The Telecommunication Facility which T-Mobile proposes to construct on the Site is necessary in order to provide PCS services to your community, including traditional cellular services such as wireless telephone service and new services not available under some traditional analog cellular systems, such as paging, wireless internet connections and wireless data transmission. T-Mobile's PCS technology operates at various radio frequency ("RF") bands between approximately 1850 and 1990 megahertz and utilizes a digital (rather than analog) wireless voice and data transmission system. This technology does not interfere with radio, television or other communications signals. The regulation of all matters pertaining to signal interference are within the sole jurisdiction of the FCC, and T-Mobile's broadcast emissions are in full compliance with all FCC regulations.

Like traditional cellular phone systems, PCS operates on a "grid" system, whereby adjacent overlapping "cells" mesh to form a seamless wireless network. The technical criteria for establishing cell sites are very exacting as to both the height and location of the Telecommunication Facility. Because T-Mobile's broadcasts at a very low power output, their Facilities are necessarily more numerous and closely spaced than other wireless carriers who broadcast in different frequency ranges using different equipment. Accordingly, within the Chicago MTA, T-Mobile's sites are typically located approximately 1.5 to 2.5 miles apart.

When searching for a suitable antenna location, T-Mobile's first priority is to locate existing wireless and/or antenna towers proximate to the search ring upon which T-Mobile could collocate their antennas and equipment. In the event no such existing telecommunications towers exist within or near the target coverage area, the next initiative is to locate any existing structure of height such as a building rooftop, light pole, or church steeple sufficient to elevate the antennas to an effective operating height. Failing the foregoing, the last resort is to construct a new communications tower.

Based on a computerized engineering study which takes into account, among other things, subscribership, local population density, traffic patterns, tree cover, and topography, T-Mobile's RF engineers have identified a necessary location for a PCS site centered ½ block north of the intersection of Warren and Stonewall Avenues having a target coverage radius of ½ mile. T-

Mobile's application contains radio frequency propagation forecasts which demonstrate that substantial gaps in coverage will occur if T-Mobile had no Telecommunication Facility in the immediate vicinity of the Property.

The target location was "scrubbed" for existing towers and/or structures which might be suitable for achieving an effective operating height. The area is primarily low density, single family residential in character with some commercial and industrial uses along the Burlington Northern tracks which parallel Warren Avenue. No existing communications towers or tall buildings were identified within the search ring. An existing microwave tower owned by Burlington Northern was identified south and east of the search ring boundary, but was rejected by Burlington Northern as a candidate for collocation, as well as being deemed by T-Mobile engineers as too far from ring center to adequately cover the gap in coverage.

The only other existing structures of height found within the search ring consist of the field light poles at Gilbert Park. Although these poles are roughly only 60' in height at present, they were identified as an opportunity to utilize a location containing existing aerial infrastructure to which the surrounding community is already accustomed. The downside of this location is Gilbert Park sits in a depression roughly ten feet below the surrounding street grade. In that trees absorb wireless signal, topography requires elevating the antennas above the tree level in order for the site to be effective. As such, T-Mobile proposes to replace one of the existing light poles at Gilbert with a taller pole that can "see" above the trees. Even with the added height, however, the use of the a taller light pole at this location is considered to be less obtrusive and of minimal additional visual impact to the neighborhood than would be the case if T-Mobile was to construct a new freestanding communications tower closer to search ring center given the all residential character of the neighborhood which is not accustomed to the presence of such structures.

#### The Proposal:

Pursuant to the Downers Grove Zoning Ordinance, T-Mobile respectfully requests approval for its special use application and any other zoning relief necessary for the Proposed Facility as detailed below and in the accompanying materials. Said request is made under §§ 28.1307 and 28.1902 of the Downers Grove Zoning Ordinance and per direction provided by the Downers Grove Planning and Community Development Department.

The Petition attempts to substantially comply with the intent and spirit of the Downers Grove Zoning Ordinance ("Zoning Ordinance"). The Proposed Facility is designed to satisfy the public need for seamless wireless coverage in the Downers Grove community, as well as to remedy wireless communications coverage deficiencies in the target location. Specifically, T-Mobile's wireless network suffers gaps in reliable coverage in the vicinity of the Site, resulting in blocked and dropped calls by mobile phone users and other customers. The Proposed Facility needs to be of a sufficient height to furnish coverage to the surrounding area. The Proposed Facility must also be positioned such that it interconnects with T-Mobile's existing adjoining cell sites. At the same time the Proposed Facility cannot be located too close to an existing facility, where overlapping would occur resulting in audio clutter and poor call quality.

Accompanying the Petition are a map of T-Mobile's adjoining sites depicting current coverage conditions including the substantial gap in coverage in the target area and a map depicting T-Mobile's prediction of substantially improved coverage to the target area subsequent

to the installation of the Proposed Facility.

T-Mobile proposes to erect and maintain its proposed antennae facilities at a height of approximately one hundred ten feet (110') above ground level upon a new light pole which will replace an existing light pole at the northwest corner of the ball field. The pole will be designed to accommodate collocation of one additional wireless provider. The park district lights will remain at their current elevation. The ancillary and accessory facilities including equipment cabinets to service this facility will be contained within a site-built masonry shelter located near the base of the pole which will match existing on site structures in terms of materials, design, and color. The pole will be substantially landscaped with low growing shrubs and other vegetation in order to provide a natural appearance buffer between the shelter and pole.

The proposed height of the Telecommunication Facility is the minimum functional height given the geographic area it needs to serve as affected by the rolling local terrain, tree cover and other physical factors. Any reductions in the height of T-Mobile's antennae are forecasted to result in gaps in T-Mobile's coverage, and would also increase the prospects for adding additional sites in the future.

The Proposed Facility will be unstaffed and, upon completion, will require only infrequent maintenance visits (approximately one or two times a month) by a service technician utilizing a car, pick-up or van. Access to the Proposed Facility is intended to be furnished via the existing paved parking lot at Gilbert Park. The site is entirely self-monitored by sophisticated computers which connect directly to a central office and which alert personnel to equipment malfunction or breach of security. T-Mobile's equipment will be contained within the leased parcel. Hence, the facility will not have any material impact on traffic, parking or storm water control. Moreover, no material noise, glare, smoke, debris, traffic flow or any other nuisance will be generated by the Proposed Facility.

In general, PCS technology does not interfere with any other forms of communication. To the contrary, PCS technology provides vital communications in emergency situations and will be commonly used by local residents and emergency personnel to protect the general public's health, safety and welfare.

The proposed facility will be designed and constructed to meet applicable governmental and industry safety standards. Specifically, T-Mobile will comply with all FCC and FAA rules governing construction requirements, technical standards, interference protection, power and height limitations, and radio frequency standards. In addition, T-Mobile will comply with all applicable FAA rules pertaining to site location. Any and all RF emissions are subject to the exclusive jurisdiction of the FCC.

#### Special Use Criteria:

T-Mobile hereby incorporates by reference all of the facts and materials contained in this Statement into each response set forth below. Without limiting the generality or efficacy of the foregoing, T-Mobile hereby specifically states that its Petition for a Special Use Permit satisfies any and all applicable criteria under §28.1900 of the Downers Grove Ordinance and its subsections as follows:

The Village Council may authorize a special use by ordinance provided that the proposed Special Use is consistent and in substantial compliance with all Village Council policies and land use plans, including but not limited to the Comprehensive Plan, the Future Land Use Plan and Master Plans and the evidence presented is such as to establish the following:

(a) That the proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.

Wireless is a rapidly growing industry currently experiencing is unprecedented demand for new wireless services and expanded features from both mobile and in-home wireless subscribers. For example, early mobile phones were installed permanently in vehicles and used exclusively for voice communication as a convenience while traveling, prompting wireless carriers to build their first wave of infrastructure along major roadways in order to satisfy demand from subscribers traveling by vehicle. The next evolution in technology provided portability, allowing the PCS device to be utilized anywhere sufficient signal strength existed, and causing wireless providers to expand their networks beyond the interstate highway system and heavily traveled major thoroughfares into commercial locations and densely populated residential areas. Currently, wireless devices are increasingly used by in-home subscribers in lieu of landline telephones, as well as for a host of other features never anticipated by early network designers such as text messaging, photo sharing, internet access, and streaming audio and video, all of which require additional bandwidth.

The need for the Proposed Facility is based on customer demand for T-Mobile service in the designated target area, which is essentially of a low density, single family character. As subscriber demand continues to grow and the typical user profile evolves away from business and travel voice usage toward a more expansive and technologically consumptive "pedestrian" morphology, wireless providers such as T-Mobile are being forced to find creative methods of increasing signal strength in heretofore off limits locations, such as the residential neighborhood comprising the proposed Site. Without the Site, T-Mobile cannot guarantee reliable, robust service to the Downers Grove community.

(b) That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity.

The Proposed Facility will not be detrimental to or endanger the public health, safety, morals, or general welfare. On the contrary, wireless communication technology has become a vital component of our overall safety infrastructure and is used to promote efficient and

effective personal, business, and governmental communications. Consider the following:

- As of 2006, there were over 270 million wireless subscribers in the US.
- Approximately 13% of all US households have abandoned land line phones in favor of wireless phones exclusively, and that number is increasing, especially among younger subscribers.
- 50% of all 9-1-1 calls made each day are made by wireless phone.
- "Enhanced 9-1-1" allows emergency dispatchers to locate distressed callers on a GPS grid system.
- Municipal emergency service personnel rely on wireless for all sensitive intradepartmental communications due to privacy concerns related to their two-way radio systems.

Wireless services have become established and accepted as an integral part of the nation's communications infrastructure and serve to promote the public health, safety, morals, and general welfare. What's more, Telecommunications Facilities of the sort proposed by T-Mobile have become commonplace in all manner of urban, suburban, exurban and rural locales, and already exist in a variety of sizes, types and locations throughout Downers Grove.

Finally, the Federal Communications Commission ("FCC") controls and regulates the operation of all telecommunications equipment and devices in the US. In accordance with Section 704(a) of the Federal Telecommunications Act of 1996, the FCC likewise maintains sole jurisdiction and authority over any health and environmental effects of radio frequency emissions from personal wireless facilities, especially as such concerns relate to approval criteria for locating said facilities. In compliance with their FCC license, the antennas and equipment T-Mobile proposes for this site will conform to all FCC regulations concerning such emissions, as verified by an independent engineering included with this application. Routine visits to the site will be made to ensure that the system continues to operate properly. The frequency at which T-Mobile operates will not interfere with any police, fire, or emergency communications.

(c) That the proposed use will comply with the regulations specified in this Zoning Ordinance for the district in which the proposed use is to be located or will comply with any variation(s) authorized pursuant to Section 28-1802.

The proposed Site is currently not within the zoning jurisdiction of the Village of Downers Grove. According to Village planning staff, the parcel will likely be brought in to the Village under an R-3 classification to match surrounding properties. It is the petitioner's intention to substantially comply with all applicable state, federal, and local laws including regulations specified for this District, as well as those enumerated under §\$28.1307 pertaining to telecommunications towers. Toward this end, the petitioner has provided below, elsewhere in this document, or to planning staff in documentation accompanying this application, the following supplemental information:

 An inventory and map of other existing and proposed T-Mobile antenna installations within, or proximate to, the Village of Downers Grove.

- Construction drawings inclusive of (i) a scaled site plan; (ii) plat of survey; (iii) fencing details; (iv) a landscape plan; (v) elevations showing antenna slots for two providers; (vi) shelter details, (vii) legal description.
- A zoning map of the proposed location.
- A discussion of alternative structures researched within search ring (included elsewhere in this document).
- A discussion of the necessity for this site and the type of technology proposed to be employed.
- Backhaul network (T-1 line) provided by ATT.
- All design work and structural calculations performed by licensed professional engineers.
- (d) That it is one of the special uses specifically listed for the district in which it is to be located.

According to §§28.506, permitted special uses in the R-3 District are the same as set forth in §§28.501 for the R-1 District. As such, communications towers are an Allowed Special Use under the Downers Grove Ordinance for this district.

Given the tremendous time pressure under which T-Mobile is working, and consistent with applicable law, we respectfully ask that this application be processed as expeditiously as possible. Please note that T-Mobile expressly reserves all of its rights and claims, including, without limitation, those available to it under the Downers Grove Zoning Ordinance or any other state, local or Federal law. Without limiting the generality of the foregoing, no waiver or similar consequence should be inferred herefrom, and no filing of any application for any permit (including, without limitation, any building or other permit), license or approval or any other action heretofore or hereafter taken by or on behalf of T-Mobile shall be construed as a waiver or limitation of any right or claim of T-Mobile.

T-Mobile looks forward to working with The Village of Downers Grove to bring the benefits of T-Mobile's PCS to the community. Wireless telephone service has already proven to be of great value to the public, and we believe that Downers Grove as a community will reap the benefits of superior digital service and greater competition in the marketplace as a result of this installation.



# RF EMISSIONS COMPLIANCE REPORT

# **T-Mobile**

Site: CH65324A - Gilbert Park 1500 Gilbert Avenue Downers Grove, IL 11/12/2007

**Report Status:** 

T-Mobile Is Under 5% Threshold

Prepared By:

SiteSafe, Inc.

#### Engineering Statement in Re: Electromagnetic Energy Analysis T-Mobile Downers Grove, IL

Upon penalty of perjury, I, Klaus Bender, state:

That I am registered as a Professional Engineer in the state of Arizona; and

That I have extensive professional experience in the wireless communications engineering industry; and

That I am a contractor to Sitesafe, Inc. in Arlington, Virginia; and

That I am thoroughly familiar with the Rules and Regulations of the Federal Communications Commission ("the FCC" and "the FCC Rules") both in general and specifically as they apply to the FCC's Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields; and

That the technical information serving as the basis for this report was supplied by T-Mobile (See attached Site Summary and Carrier documents), and that T-Mobile's installations involve communications equipment, antennas and associated technical equipment at a location referred to as the "CH65324A - Gilbert Park" ("the site"); and

That T-Mobile proposes to operate at the site with transmit antennas listed in the carrier summary and with a maximum effective radiated power as specified by T-Mobile and shown on the worksheet, and that worst-case 100% duty cycle have been assumed; and

That this analysis has been performed with the assumption that the ground immediately surrounding the tower is primarily flat or falling; and

That at this time, the FCC requires that certain licensees address specific levels of radio-frequency energy to which workers or members of the public might possibly be exposed (at §1.1307(b) of the FCC Rules); and

That such consideration of possible exposure of humans to radio-frequency radiation must utilize the standards set by the FCC, which is the Federal Agency having jurisdiction over communications facilities; and

That the FCC rules define two tiers of permissible exposure guidelines: 1) "uncontrolled environments," defined as situations in which persons may not be aware of (the "general public"), or may not be able to control their exposure to a transmission facility; and (2) "controlled environments," which defines situations in which persons are aware of their potential for exposure (industry personnel); and

That this statement specifically addresses the uncontrolled environment (which is more conservative than the controlled environment) and the limit set forth in the FCC rules for licensees of T-Mobile's operating frequency as shown on the attached antenna worksheet; and

That when applying the uncontrolled environment standards, the predicted Maximum Power Density at two meters above ground level from the proposed T-Mobile operation is no more than 0.164% of the maximum in any accessible area on the ground and



That it is understood per FCC Guidelines and OET65 Appendix A, that regardless of the existent radio-frequency environment, only those licenses whose contributions exceed five percent of the exposure limit pertinent to their operation(s) bear any responsibility for bringing any non-compliant area(s) into compliance; and

That the calculations provided in this report are based on data provided by the client and antenna pattern data supplied by the antenna manufacturer, in accordance with FCC guidelines listed in OET-65. Horizontal and vertical antenna patterns are combined for modeling purposes to accurately reflect the energy two meters above ground level where on-axis energy refers to maximum energy two meters above the ground along the azimuth of the antenna and where area energy refers to the maximum energy anywhere two meters above the ground regardless of the antenna azimuth, accounting for cumulative energy from multiple antennas for the carrier and frequency range indicated; and

That the Occupational Safety and Health Administration has policies in place which address worker safety in and around communications sites, thus individual companies will be responsible for their employees' training regarding Radio Frequency Safety.

In summary, it is stated here that the proposed operation at the site would not result in exposure of the Public to excessive levels of radio-frequency energy as defined in the FCC Rules and Regulations, specifically 47 CFR 1.1307 and that T-Mobile's proposed operation is completely compliant.

Finally, it is stated that access to the tower should be restricted to communication industry professionals, and approved contractor personnel trained in radio-frequency safety; and that the instant analysis addresses exposure levels at two meters above ground level and does not address exposure levels on the tower, or in the immediate proximity of the antennas.

Date: November 13, 2007

Klaus Bender, P.E.

Registered Professional Engineer

State of Arizona Certificate No. 45335

KLAUS BENDER

## T-Mobile CH65324A - Gilbert Park Site Summary

Carrier Area Maximum Percentage MPE

T-Mobile 0.164 %

Composite Site MPE:

0.164 %



## T-Mobile CH65324A - Gilbert Park **Carrier Summary**

Frequency:

1930

Maximum Permissible Exposure (MPE):

MHz

Maximum power density at ground level:

1000 µW/cm^2

Highest percentage of Maximum Permissible Exposure:

1.63609 µW/cm^2 0.16361

Antenna Make Model			Height Orientation (feet) (degrees true)		On Axis		Area	
		_		ERP (Watts)	Max Power Density (µW/cm^2)	Percent of MPE	Max Power Density (μW/cm^2)	Percent of MPE
Andrew	TMBX-6517-R2M	110	0	2500	1.3366	0.13366	1.48931	0.148931
Andrew	TMBX-6517-R2M	110	120	2500	1.3366	0.13366	1.48931	0.148931
Andrew	TMBX-6517-R2M	110	240	2500	1.3366	0.13366	1.48931	0.148931

# T-Mobile CH65324A - Gilbert Park Andrew:TMBX-6517-R2M Antenna Worksheet (0 Sector)

Maximum Permissible Exposure (MPE): 1000 Height Frequency Downtilt ERP (Watts): 2500 (feet): 110 (MHz): 1930 (Degrees): 0.0 **Dist From** Depression Relative **Slant Distance** Structure **Power Density** Times Below Relative dB Angle (degrees) Gain (meters) (meters) (µW/cm^2) Percent of MPE MPE 0.1 -2.120.6138 18064.26 18064.23 0.000255 0.000026 3914485 1.0 -0.50 0.8913 1806.52 1806.24 0.025544 0.002554 39148 20 0.00 1.0000 903.40 902.85 0.102143 0.010214 9790 3.0 -0.900.8128 602.42 601.59 0.229705 0.022971 4353 40 -3.300.4677 451.97 450.87 0.408075 0.040808 2450 5.0 -8.00 0.1585 361.74 360.37 0.637035 0.063703 1569 6.0 -18.200.0151 301.62 299.97 0.916305 0.091631 1091 7.0 -24.70 0.0034 258.70 256.78 1.245546 0.124555 802 8.0 -15.40 0.0288 226.54 224.33 1.336600 0.133660 748 9.0 -16.00 0.0251 201.54 199.06 1.004009 0.100401 996 10.0 -20.90 0.0081 181.56 178.80 0.446864 0.044686 2237 12.0 -23.60 0.0044 151.64 148.33 0.128736 0.012874 7767 14.0 -26.80 0.0021 130.32 126.45 0.153024 0.015302 6534 16.0 -26.300.0023 114.38 109.95 0.050650 0.005065 19743 18.0 -30.808000.0 102.03 97.03 0.147983 0.014798 6757 20.0 -22.30 0.0059 92.18 86.62 0.180765 0.018076 5532 22.0 -18.40 0.0145 84.16 78.03 0.216504 0.021650 4618 24.0 -24.40 0.0036 77.51 70.81 0.254496 0.025450 3929 26.0 -30.30 0.0009 71.92 64.64 0.294759 0.029476 3392 28.0 -32.20 0.0006 67.16 59.30 0.232865 0.023286 4294 30.0 8000.0 -31.2063.06 54 61 0.056487 0.005649 17703 32.0 -27.20 0.0019 59.50 50.46 0.063166 0.006317 15831 34.0 -39.90 0.0001 56.38 46.74 0.070020 0.007002 14281 36.0 -31.50 0.0007 53.64 43.39 0.076916 0.007692 13001 38.0 -32.400.0006 51.21 40.35 0.046765 0.004676 21383 40.0 -37.00 0.0002 49.05 37.57 0.046463 0.004646 21522 42.0 -32.60 0.0005 47 12 35.02 0.161535 0.016153 6190 44.0 -36.100.0002 45.39 32.65 0.369933 0.036993 2703 46.0 -24.90 0.0032 43.83 30.45 0.402568 0.040257 2484 48.0 -21.40 0.0072 42.43 28.39 0.427206 0.042721 2340 50.0 -21.90 0.0065 41.16 26.46 0.450780 0.045078 2218 52.0 -25.700.0027 40.01 24.63 0.473685 0.047368 2111 54.0 -34.40 0.0004 38.97 22.91 0.495174 0.049517 2019 56.0 -40.00 0.0001 38.03 21.27 0.327262 0.032726 3055 58.0 -40.00 0.0001 37.18 19.70 0.100631 0.010063 9937 60.0 -40.00 0.0001 36.41 18.20 0.028264 0.002826 35380 62.0 -37.70 0.0002 35.71 16.76 0.030424 0.003042 32869 64.0 -35.00 0.0003 35.08 15.38 0.031219 0.003122 32031 -34.80 66.0 0.0003 34.51 14.04 0.031980 0.003198 31269 68.0 -37.30 0.0002 34.00 12.74 0.032666 0.003267 30612 70.0 -40.00 0.0001 33.55 11.48 0.033274 0.003327 30053 72.0 -40.00 0.0001 33.15 10.24 0.030320 0.003032 32981 74.0 -37.10 0.0002 32.80 9.04 0.034954 0.003495 28609 76.0 -35.30 0.0003 32.49 7.86 0.035323 0.003532 28310 78.0 -35.50 0.0003 32.23 6.70 0.035605 0.003561 28085 80.0 -35.40 0.0003 32 01 5.56 0.035801 0.003580 27931 82.0 -35.90 0.0003 31.84 4.43 0.035910 0.003591 27847 84.0 -36.40.0002 31.7 3.31 0.034403 0.00344 29067

33177

40518

55227

2.2

1.1

0.030141

0.02468

0.018107

0.003014

0.002468

0.001811

86.0

88.0

90.0

-37.8

-38.2

-38.2

0.0002

0.0002

0.0002

31.61

31.55

31.53

# T-Mobile CH65324A - Gilbert Park Andrew:TMBX-6517-R2M Antenna Worksheet (120 Sector)

Maximum Permissible Exposure (MPE): 1000 Height Frequency Downtilt ERP (Watts): 2500 (feet): 110 (MHz): 1930 (Degrees): 0.0 **Dist From** Depression Relative **Slant Distance** Structure **Power Density** Times Below Angle (degrees) Relative dB Gain (µW/cm^2) Percent of MPE (meters) (meters) MPE 0.1 -2.12 0.6138 18064.26 18064.23 0.000255 0.000026 3914485 1.0 -0.500.8913 1806.52 1806.24 0.025544 0.002554 39148 903.40 2.0 0.00 1.0000 902.85 0.102143 0.010214 9790 3.0 -0.90 0.8128 602.42 601.59 0.229705 0.022971 4353 4.0 -3.30 0.4677 451.97 450.87 0.408075 0.040808 2450 5.0 -8.00 0.1585 361.74 360.37 0.637035 0.063703 1569 6.0 -18.20 0.0151 301.62 299.97 0.916305 0.091631 1091 7.0 -24.70 0.0034 258.70 256.78 1.245546 0.124555 802 8.0 -15.40 0.0288 226.54 224.33 1.336600 0.133660 748 9.0 -16.000.0251 201.54 199.06 1.004009 0.100401 996 10.0 -20.900.0081 181.56 178.80 0.446864 0.044686 2237 12.0 -23.60 0.0044 151.64 148 33 0.128736 0.012874 7767 -26.80 14.0 0.0021 130.32 126.45 0.153024 0.015302 6534 16.0 -26.30 0.0023 114.38 109.95 0.050521 0.005052 19793 18.0 -30.80 8000.0 102.03 97.03 0.147983 0.014798 6757 20.0 -22.30 0.0059 92.18 86.62 0.180305 0.018030 5546 22.0 -18.400.0145 84.16 78.03 0.215678 0.021568 4636 24.0 -24.40 0.0036 77.51 70.81 0.254496 0.025450 3929 26.0 -30.30 0.0009 71.92 64.64 0.293260 0.029326 3409 -32.20 28.0 0.0006 67.16 59.30 0.232865 0.023286 4294 30.0 -31.200.0008 63.06 54.61 0.056129 0.005613 17816 32.0 -27.20 0.0019 59.50 50.46 0.063166 0.006317 15831 34.0 -39.90 0.0001 56.38 46.74 0.070020 0.007002 14281 36.0 -31.50 0.0007 53.64 43.39 0.076427 0.007643 13084 38.0 -32.40 0.0006 51.21 40.35 0.046408 0.004641 21547 40.0 -37.00 0.0002 49.05 37.57 0.046463 0.004646 21522 42.0 -32.600.0005 47.12 35.02 0.160304 0.016030 6238 44.0 -36.100.0002 45.39 32.65 0.366648 0.036665 2727 46.0 -24.90 0.0032 43.83 30.45 0.399502 0.039950 2503 48.0 -21.40 0.0072 42.43 28.39 0.422873 0.042287 2364 50.0 -21.90 0.0065 41.16 26.46 0.446208 0.044621 2241 52.0 -25.70 0.0027 40.01 24.63 0.468880 0.046888 2132 54.0 -34.40 0.0004 38.97 22.91 0.495174 0.049517 2019 56.0 -40.00 0.0001 38.03 21.27 0.323942 0.032394 3086 58.0 -40.00 0.0001 37.18 19.70 0.100631 0.010063 9937 60.0 -40.00 0.0001 36.41 18.20 0.027978 0.002798 35742 0.0002 62.0 -37.70 35.71 16.76 0.030115 0.003012 33205 64.0 -35.00 0.0003 35.08 15.38 0.031219 0.003122 32031 66.0 -34.80 0.0003 34.51 14.04 0.031980 0.003198 31269 68.0 -37.30 0.0002 34.00 12.74 0.032294 0.003229 30965 70.0 -40.00 0.0001 33.55 11.48 0.032852 0.003285 30439 72.0 -40.00 0.0001 33.15 10.24 0.030320 0.003032 32981 74 O -37.10 0.0002 32.80 9.04 0.034954 0.003495 28609 76.0 -35.30 0.0003 32.49 7.86 0.035323 0.003532 28310 78.0 -35.50 0.0003 32.23 6.70 0.035065 0.003507 28518 80.0 -35.40 0.0003 32.01 5.56 0.035801 0.003580 27931 82.0 -35.90 0.0003 31.84 4.43 0.035320 0.003532 28312 84.0 -36.4 0.0002 31.7 0.034403 3.31 0.00344 29067 86.0 -37.8 0.0002 31.61 2.2 0.030141 0.003014 33177 88.0 -38.2 0.0002 31.55 1.1 0.02468 0.002468 40518 90.0 -38.2 0.0002 31.53 0.018107 0.001811 55227

### T-Mobile CH65324A - Gilbert Park Andrew:TMBX-6517-R2M Antenna Worksheet (240 Sector)

Maximum Permissible Exposure (MPE): 1000 Height Frequency Downtilt ERP (Watts): 2500 (MHz): (feet): 110 1930 (Degrees): 0.0 **Dist From** Slant Distance Depression Relative Structure **Power Density Times Below** Angle (degrees) Relative dB Gain (meters) (µW/cm^2) (meters) Percent of MPE MPE 0.1 -2.120.6138 18064.26 18064.23 0.000255 0.000026 3914485 1.0 -0.50 0.8913 1806.52 1806.24 0.025544 0.002554 39148 2.0 0.00 1.0000 903.40 902.85 0.102143 0.010214 9790 3.0 -0.900.8128 602.42 601.59 0.229705 0.022971 4353 4.0 -3.30 0.4677 451.97 450.87 0.408075 0.040808 2450 -8.00 5.0 0.1585 361.74 360.37 0.637035 0.063703 1569 6.0 -18.20 0.0151 301.62 299.97 0.916305 0.091631 1091 -24.70 7.0 0.0034 258.70 256.78 1.245546 0.124555 802 8.0 -15.40 0.0288 226.54 224.33 1.336600 0.133660 748 -16.009.0 0.0251 201.54 199.06 1.002730 0.100273 997 10.0 -20.90 0.0081 181.56 178.80 0.446295 0.044630 2240 12.0 -23.60 0.0044 151.64 148.33 0.128572 0.012857 7777 14.0 -26.800.0021 130.32 126.45 0.152635 0.015263 6551 16.0 -26.300.0023 114.38 109.95 0.050650 0.005065 19743 18.0 -30.80 0.0008 102.03 97.03 0.147606 0.014761 6774 20.0 -22.300.0059 92.18 86.62 0.180765 0.018076 5532 22.0 -18.40 0.0145 84.16 78.03 0.216504 0.021650 4618 24.0 -24.40 0.0036 77.51 70.81 0.253525 0.025353 3944 26.0 -30.30 0.0009 71.92 64.64 0.294759 0.029476 3392 28.0 -32.200.0006 67.16 59.30 0.231681 0.023168 4316 30.0 -31.20 0.0008 63.06 54.61 0.056487 0.005649 17703 32.0 -27.20 0.0019 59.50 50.46 0.062765 0.006276 15932 34.0 -39.90 0.0001 56.38 46.74 0.069576 0.006958 14372 36.0 -31.50 0.0007 53.64 43.39 0.076916 0.007692 13001 38.0 -32.40 0.0006 51.21 40.35 0.046765 0.004676 21383 40.0 -37.00 0.0002 49.05 37.57 0.046109 0.004611 21687 42.0 -32.60 0.0005 47.12 35.02 0.161535 0.016153 6190 44.0 -36.10 0.0002 45.39 32.65 0.369933 0.036993 2703 -24.90 46.0 0.0032 43.83 30.45 0.402568 0.040257 2484 48.0 -21.40 0.0072 42.43 28.39 0.427206 0.042721 2340 50.0 0.0065 -21.9041.16 26.46 0.450780 0.045078 2218 52.0 -25.70 0.0027 24.63 40.01 0.473685 0.047368 2111 54.0 -34.40 0.0004 38.97 22.91 0.490777 0.049078 2037 56.0 -40.00 0.0001 38.03 21.27 0.327262 0.032726 3055 58.0 -40.00 0.0001 37.18 19.70 0.099611 0.009961 10039 60.0 -40.00 0.0001 36.41 18.20 0.028264 0.002826 35380 62.0 -37.700.0002 35.71 16.76 0.030424 0.003042 32869 64.0 -35.00 0.0003 35.08 15.38 0.030902 0.003090 32360 66.0 -34.80 0.0003 34.51 14.04 0.031616 0.003162 31630 68.0 -37.30 0.0002 34.00 12.74 0.032666 0.003267 30612 70.0 -40.00 0.0001 11.48 33.55 0.033274 0.003327 30053 72 O -40.00 0.0001 33.15 10.24 0.029860 0.002986 33489 74.0 -37.10 0.0002 32.80 9.04 0.034423 0.003442 29049 76.0 -35.300.0003 32.49 7.86 0.034787 0.003479 28746 -35.50 0.0003 78.0 32.23 6.70 0.035605 0.003561 28085 -35.40 0.08 0.0003 32.01 5.56 0.035258 0.003526 28362 -35.90 82.0 0.0003 31.84 4.43 0.035910 0.003591 27847 84.0 -36.40.0002 31.7 3.31 0.033838 0.003384 29552 86.0 -37.8 0.0002 31.61 2.2 0.029646 0.002965 33731 88.0 -38.20.0002 31.55 1.1 0.024337 0.002434 41090

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1440 Maple Avenue, Suite 4B Lisle, Illinois 60532

October 12, 2007

Phone: (630) 729-1000 / Fax: (630) 929-9785 E-Mail: mainoffice@kunkelassociates.com

Mr. Mark Layne T-Mobile 8550 W. Bryn Mawr Ave., Suite 100 Chicago, Illinois 60631

Re:

Proposed Communications Equipment Site #CH65-324A Gilbert Park; 1500 Gilbert Avenue, Downers Grove, Illinois (File #7092506)

Dear Mr. Layne:

Pursuant to your request, I have completed an inspection and review of the above captioned location, relative to the potential impact, if any, on the Market Value of surrounding properties by the installation of communications equipment on the site.

The proposed equipment is to consist of a 110-foot light pole replacement, situated on a leased site ("the site") measuring 34.0 x 14.5 feet, located adjacent to and on the west side of a baseball field situated in the above noted park. The pole will replace an existing light pole, with the existing sports lighting assembly to be mounted on the new pole. The lights will be at the same elevation as the current lights. The site is located on the west side of the park, roughly one-quarter of the distance of the total park depth from the north lot line along Gilbert Avenue.

The immediate area consists of a mixture of property uses. Along the north side of Gilbert Avenue is the Burlington Northern Santa Fe Railway, which is a heavily trafficked train line including Metra commuter rail service. Along this right-of-way are various warehouse, storage and office properties. To the south is a large undeveloped land area that is the Maple Grove Forest Preserve. The areas south of the rail line and east and southeast of the subject location, are primarily residential in character, consisting almost entirely of detached single family homes. The majority of homes in the immediate vicinity are situated on 1/4 to 1/2 acre lots. Streets in the immediate area are all 2-lane, secondary streets, with Gilbert Avenue serving as a primary arterial street through the neighborhood.

Research of the Multiple Listing Service of Northern Illinois (MLSNI) indicates a modestly active market for the homes in the immediate area over the past year. In a geographic area bordered by the railroad right-of-way on the north, Maple Avenue on the south, Forest Avenue

Web Site: www.kunkelassociates.com

Mr. Mark Layne T-Mobile Page Two October 12, 2007

on the east and the forest preserve to the west there have been 2 closed transactions of detached homes in the past year, with prices of \$207,000 and \$321,000. There are currently 3 additional homes under contract with average asking prices of \$435,000, \$749,900 and \$1,095,000, and there are 3 active listings with asking prices of \$700,000, \$849,500 and \$1,275,000. Observation from the street reveals overall maintenance levels appearing to be average to good.

As noted above, the proposed equipment consists of a 110-foot light pole replacement, situated on a leased site ("the site") measuring 34.0 x 14.5 feet, located adjacent to and on the west side of a baseball field situated in the above noted park. The pole will replace an existing light pole, with the existing sports lighting assembly to be mounted on the new pole at the same elevation as the current lights. The equipment shelter typically associated with this type of facility will be located on the ground level, adjacent to the south of the light pole, and within the leased site. The shelter will be built to match existing structures on the site in materials, finish and design. The site will be landscaped along its northwest and west sides with 15 bushes of various varieties.

As you are aware, I have extensive experience in evaluating the effect on surrounding properties of communications monopole/equipment sites of this type, summarized as follows:

For your general information, I am the owner and president of the real estate appraisal/consulting firm shown on the above letterhead. I have been directly involved in the valuation and analysis of real estate of all types since 1981. I hold the MAI designation from the Appraisal Institute, am licensed with the State of Illinois as a Certified General Appraiser, and additionally am a licensed real estate broker in Illinois, holding the commercial brokerage designation of CCIM. A more detailed summary of my educational and professional background, as well as my experience in the real estate valuation/consultation field, is attached.

Specifically with regard to the type of situation you have called upon me to address, my firm has been involved in a number of consultation assignments specific to this issue over the past 10 to 12 years. All of these assignments have been in the Chicago metropolitan area, including the communities of Aurora, Barrington, Barrington Hills, Buffalo Grove, Chicago, Glencoe, Homewood, Lincolnshire, Kenilworth, Maple Park, Midlothian, North Barrington, Oak Forest, Streamwood, Vernon Hills, Westmont, Willow Springs and Winnetka. These locations have involved a variety of neighborhood types, including residential, commercial, industrial, and farmland. The work we have performed in each case has varied, ranging from providing written studies on specific sites, to giving presentations at Village hearings and/or testifying in court for litigation matters relating to this property type.

In the process of completing these assignments, the request specifically made of us in each case has been to determine what effect, if any, a communications equipment site may have on the value of surrounding and/or nearby properties. Of significant importance to these consultation assignments is the following: We are not paid, nor do we accept assignments in which a specific position on this issue is advocated. Our sole impetus is to be entirely objective, providing sound

Mr. Mark Layne T-Mobile Page Three October 12, 2007

reasoning for our conclusions, and based upon the actions and reactions of the buying and selling real estate market.

In each of these situations our basic plan of analysis has been twofold. First, we have researched property sales, including all details of the transactions and the physical characteristics of the properties involved, in order to ascertain if any difference in actual sale prices could be detected due to location near or in view of a communications equipment site. The basic premise of this analysis type is founded in the principles of real estate valuation commonly accepted and utilized by all courts of law, governmental bodies, and major banks. This premise is that of the direct comparison of physical and locational characteristics of properties that have sold, resulting in a determination of the market reaction, if any, to various factors relative to those properties, and expressed in dollars.

The second aspect of our analysis plan has been to interview and consult with other real estate professionals, specifically those directly involved in the marketing and sale of properties, to discover their opinions of this same issue, relative to their daily professional lives in dealing directly with buyers and sellers of real estate.

As we have completed these assignments, we have determined essentially three categories of potential impact and concern exist. These categories are as follows:

- 1) Environmental The potential for pollution of the air, surface, and/or sub-surface.
- 2) Health The potential impact on nearby inhabitants and/or property users.
- 3) View The potential impact on nearby inhabitants and/or property users.

In the process of completing the aforementioned consultation assignments, we have completed the above two step analysis plan on 40 to 50 locations involving wireless communications facilities; several of which we have analyzed during separate time periods. As mentioned above, these locations involved a variety of property types (residential, commercial, etc.), however approximately 35 to 40 of these were residential in character. Although every situation has the potential for unique variables, our experiences with those locations analyzed have repeatedly resulted in the following 5 points of finding:

- 1) To our knowledge there is no evidence to suggest that any environmental or health issues arise as a result of communications equipment sites.
- 2) To our knowledge there is no supported perception, within the general buying and selling real estate populace, suggesting any environmental or health issues arise as a result of communications equipment sites.
- 3) We have found no ascertainable difference in property values as a result of this specific locational characteristic.

Mr. Mark Layne T-Mobile Page Four October 12, 2007

- 4) Other real estate professionals have repeatedly reiterated there is a lack of market evidence supporting an ascertainable difference in property values as a result of this specific locational characteristic.
- 5) Changes in market values, specifically appreciation, are not restrained as a result of this specific locational characteristic.

It is important to note that any situation of this type must be evaluated on its own merits, and within the context of the specific site and its environs. The location in question is in an area of mixed property uses, dominated by the adjacent railroad right-of-way and a forest preserve area. Other nearby areas are developed with a mixture of warehouse, storage, office and residential uses. As with most developed areas, the immediate location includes multiple protrusions into the sky, including existing light poles around the baseball field, telephone poles, power lines, etc. There is also a large lattice communications tower approximately 2 blocks to the east on the north side of the railroad right-of-way, as well as an additional communications tower near the southwest corner of Gilbert and Forest Avenues. The proposed equipment shelter will be at the base of the tower, screened from the street by landscaping. This results in communications equipment that will be marginally noticeable to the eye by passing vehicles or pedestrians in relationship to the existing landscape, and results in a site location that is superior to many others in the area for this type of use.

It is therefore my opinion, based on review of the proposed plans, inspection of the site, as well as our experience with this factor in other locations, that the proposed communications equipment will not have any negative impact on the use, enjoyment, or value of surrounding properties. Additionally, it is my opinion that no substantial or undue adverse effect upon adjacent property, the character of the area, or other matters affecting the public health, safety, and general welfare will occur.

If I can be of further service please contact me.

Sincerely,

DAVID A. KUNKEL & ASSOCIATES, INC.

David A. Kunkel, MAI, CCIM

President

Attachment

### **QUALIFICATION SUMMARY - DAVID A. KUNKEL, MAI, CCIM**

#### **EDUCATION**

Bachelor of Arts, Metropolitan State University, St. Paul, Minnesota

Successfully completed the following courses/examinations sponsored by the American Institute of Real Estate Appraisers: "1A-1" Real Estate Appraisal Principles (03/81); "1A-2" Basic Valuation Procedures (05/81); "1B-1" Capitalization Theory Techniques, Part I (09/81); "1B-2" Capitalization Theory and Techniques, Part 2 (03/83); "1B-3" Capitalization Theory and Techniques, Part 3 (11/81); "2-1" Case Studies in Real Estate Valuation (12/84); "2-2" Valuation Analysis and Report Writing (11/85); "2-3" Standards of Professional Practice (03/84); "8-2" Residential Valuation (09/83); MAI Comprehensive Examination (02/89).

Successfully challenged the following examinations sponsored by the Society of Real Estate Appraisers: "101" An Introduction to Appraising Real Property (11/88); "102" Applied Residential Property Valuation (11/88); "201" Principles of Income Property Appraising (11/88); "202" Applied Income Property Valuation (11/88).

Successfully challenged the following examinations sponsored by the National Association of Independent Fee Appraisers: Residential Member Examination (12/87); Senior Member Examination (10/88).

Attend numerous real estate and appraisal-related educational programs on an on-going basis.

#### **PROFESSIONAL AFFILIATIONS**

MAI Designation #8128, Appraisal Institute

Certified General Real Estate Appraiser -- IL#553.000198

CCIM Designation #11909, CCIM Institute of the National Association of Realtors

Licensed Real Estate Broker -- IL#075.0085008

Member: DeKalb Area Association of Realtors

Member: Realtor Association of West/South Suburban Chicagoland

Member: Illinois Association of Realtors

Member: Illinois Coalition of Appraisal Professionals (ICAP)

Member: Multiple Listing Service of Northern Illinois, Inc.

Member: National Association of Realtors

Member: Northern Illinois Commercial Association of Realtors

Lifetime Member: National Eagle Scout Association (NESA)

Member of the following Chambers of Commerce: Aurora, Joliet, Lisle, Naperville, Wheaton

#### **PROFESSIONAL EXPERIENCE**

08/87 to present - President, DAVID A. KUNKEL & ASSOCIATES, INC.

12/85 to 08/87 - Vice President, The Appraisal Company

04/84 to 12/85 - Managing Partner, Kunkel & Wnek Realty Consultants

03/83 to 04/84 - Sole proprietor, David A. Kunkel & Associates

08/82 to 03/83 - Appraiser, Illinois Central Gulf Railroad, Real Estate Dept.

01/81 to 08/82 - Staff Appraiser, Joseph A. Renzi & Associates, Inc.

# QUALIFICATION SUMMARY - DAVID A. KUNKEL, MAI, CCIM - (continued)

Experienced in the preparation of appraisals for sale, acquisition, leasing, tax assessment, insurance, condemnation and mortgage lending purposes of all property types, including appraisals in the states of Alabama, Delaware, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee and Wisconsin.

Qualified as an expert witness in the Circuit Courts of Cook, DuPage and Lake Counties in Illinois, as well as the United States Bankruptcy Court for the Northern District of Illinois.

Qualified as an expert witness before the Property Tax Appeal Board for the State of Illinois, as well as in the Counties of Cook, DuPage and Lake.

Testified before various planning and zoning commissions in the City of Chicago and surrounding suburban areas.

Appraiser Qualifications Board (AQB) Certified USPAP Instructor.

Approved course instructor for The Appraisal Institute.

Real Estate Faculty Member; Elgin Community College and Triton College.

Guest speaker at various Real Estate related seminars and business meetings.

Member of the 1993 Urban Valuation Delegation to Latvia and Russia sponsored by People to People International.

# **COMMITTEE PARTICIPATION - APPRAISAL INSTITUTE**

Have served on various committees with the Appraisal Institute, including: RM Admissions; MAI/RM Candidate Guidance; Legislative and State Activities; Public Relations/External Affairs; Ethics & Counseling (Region III); Political Affairs; International Relations; MAI (General) Admissions; Media Resource.

#### ASSIGNMENTS COMPLETED

Typical assignments have included:

Alley vacations

Apartments

Banks

Car washes

Churches

Commercial buildings

Condominiums and co-operatives

Easements

Industrial buildings

Lodging facilities

Mortuary buildings

Office buildings

Planned unit developments

Recreational facilities

Restaurants

Schools

Service stations

Single-family residences

Shopping centers

Transportation right-of-ways

Unimproved land sites

Utility easements



# Forest Preserve District of DuPage County

3 S. 580 Naperville Road • Wheaton, IL 60187-8761 • 630.933,7200 • Fax 630,933,7204 • TTY 800.526.0857

VIA FACSIMILE (630-434-5572) and REGULAR MAIL

February 7, 2008

Mr. Alan Jirik, Chairman Downers Grove Plan Commission 801 Burlington Avenue Downers Grove, Illinois 60515

Re:

Public Hearing Notice on Gilbert Park Property - T-Mobile (File PC 02-08)

Dear Mr. Jirik:

The Forest Preserve District of DuPage County recently received notice of a proposed project on the Gilbert Park property by T-Mobile. We appreciate receiving timely notification of such projects that may have an impact on our adjacent property, and thank you for the opportunity to comment.

District Staff has reviewed the public hearing notice and the proposed project, and I would like to share our comments. Please find attached a memo that was prepared by our Natural Resources staff regarding the possible effects of towers on birds. I would like to request that this information be reviewed further by your Staff.

At this time, we do not oppose the rezoning and tower installation. Staff will, however, plan to monitor potential bird strikes resulting from the tower. We are willing to work with the Park District and T-Mobile to minimize these events.

Please consider this as my request that this letter be entered into the public record at the hearing on February 11, 2008.

Sincerely.

Brent Manning

Executive Director

cc: D. "Dewry"/Pierotti, President

Wally Brown, District 3 Commissioner

Bob Vick, Deputy Director of Natural Resources

Kevin Stough, Director of Land Preservation

John Oldenburg, Director of Natural Resources

Dan Cermak, Administrator, Downers Grove Park District via fax 630-963-1543



# Memorandum Office of Natural Resources

# Forest Preserve District of DuPage County

3 S. 580 Naperville Road • Wheaton, IL 60187-8761 • 630.933.7227 • Fax 630.933.7077 • TTY 800.526.0857

Date:

February 6, 2008

To:

Marcia Thomas, Land Preservation Specialist

From:

Erik Neidy, NRM Coordinator Dan Thompson, Ecologist Scott Meister, Ecologist

RE:

Public Notice - Parcel adjacent to Maple Grove PIN 09-07-113-010

Thank you for the opportunity to comment on the light pole replacement and cell phone tower addition to property adjacent to Maple Grove FP.

Staff and I discussed at length this issue and researched additional information from within the scientific community. Our main concerns lie with impacts to birds especially during spring and fall migration, over 160 species in DuPage County. For Maple Grove we are most concerned about migrating warblers, which have reached 30 species at times. Most of the information regarding bird strikes and man-made communication towers, concentrates on towers above 200 feet tall. There is little research on smaller towers and wildlife impacts. Unfortunately a large bulk of the data is somewhat dated and there is a need for additional research.

#### Citations include:

-While accounts of kills at short towers are limited, Herndon (1973) reported 1,801 birds of 44 species killed during two foggy nights in the fall 1972 at 38-m (125-ft) and 26-m (85-ft) towers and floodlit buildings. In bad weather, bird strikes have been recorded near or at ground level usually associated with lighting.

- James (1956) retrieved 2,421 dead birds of 39 species (mostly warblers) beneath light poles on a coastal island following a single stormy spring night in 1951.

- In 1975, Wylie (1977) reported 73 birds of 21 species killed by striking an unlit, 30-m (100-ft) tall fire tower during a night of rain and fog.

It appears that towers such as the one proposed may *increase* fatal "bird strikes" at heights less than 200', when combined with inclement weather. It clearly looks as though this topic is not studied in great detail. Therefore, until more research is conducted on the effects of short towers on birds, we cannot assume that they are not having an impact on populations of songbirds. Additionally, it appears that it is best the tower *not* have lights above the baseball field lights, however white or green lighting is preferred when required and red should be avoided

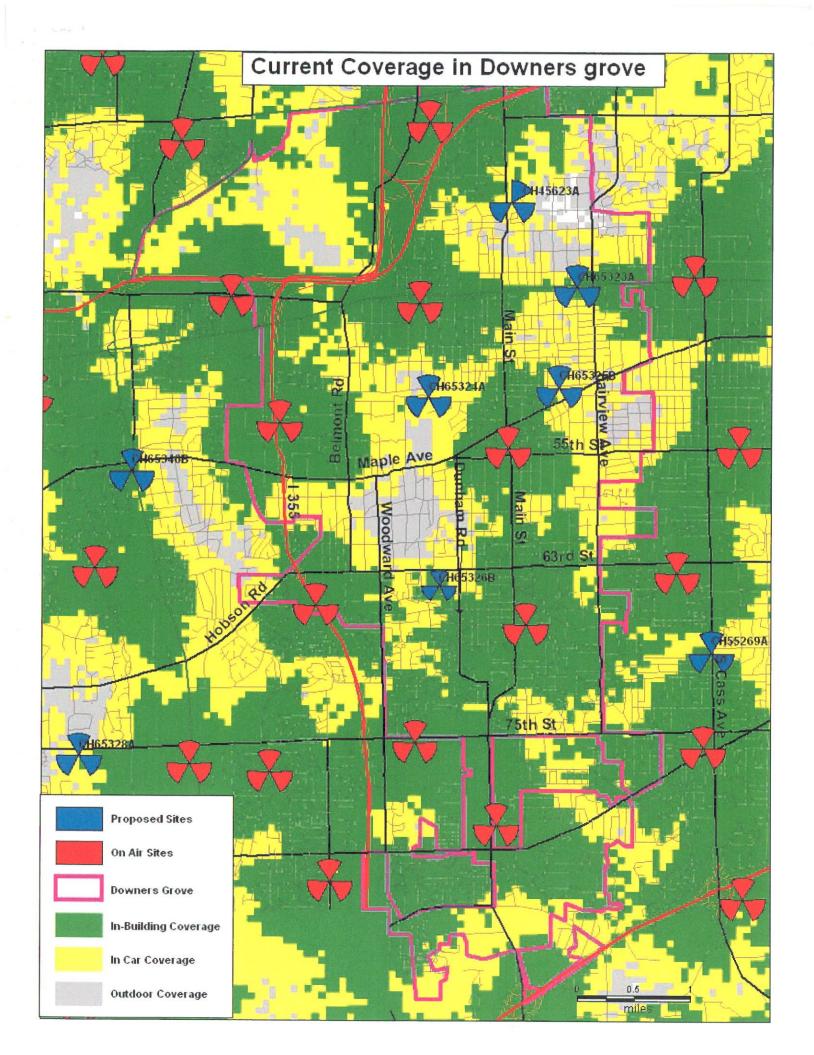
Moreover, we do have trees in Maple Grove that reach similar heights, however they are among large areas of similar trees not out in the open, (i.e. Sugar Maple - 102 Feet, White Ash - 97 Feet, and White Ash - 103 Feet) reducing the potential for fatal collisions.

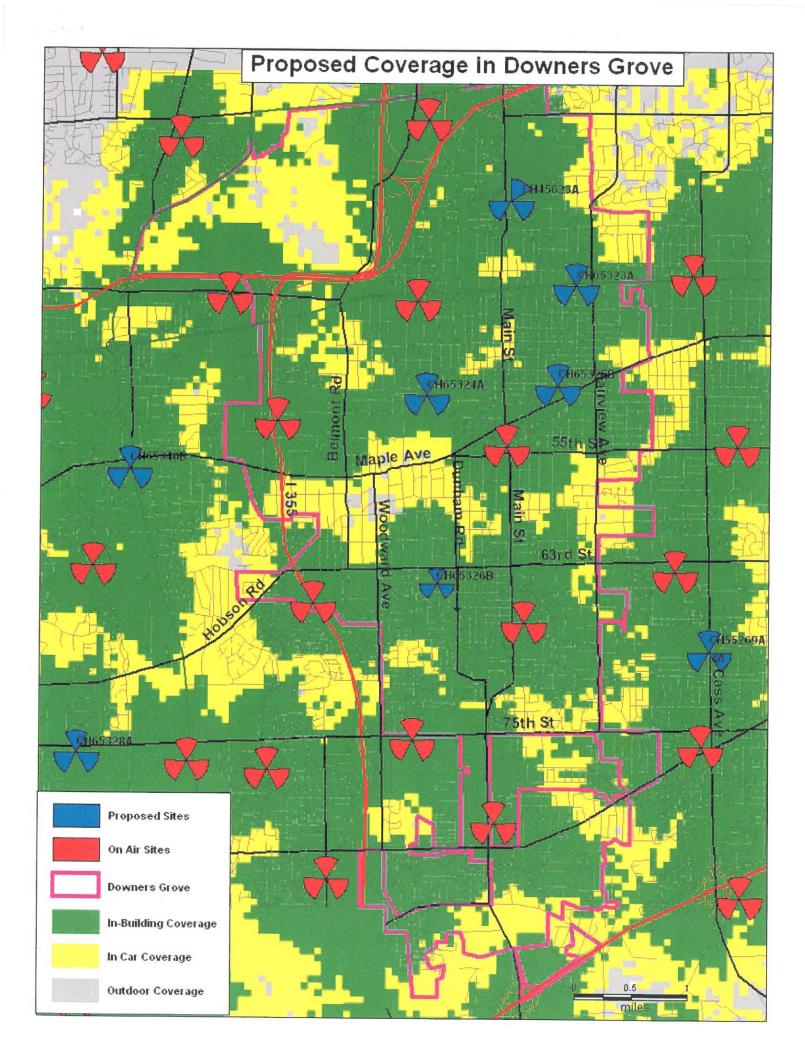
At this time since the height of the tower is within the zoning requirements and we do not have specific data documenting significant damage to the natural resources of the area, we do not have a strong opposition to the rezoning and tower installation. Staff is willing to monitor potential bird strikes resulting from the tower, and will work with the owners to minimize if not eliminate, these events.

If any questions arise, please let us know.

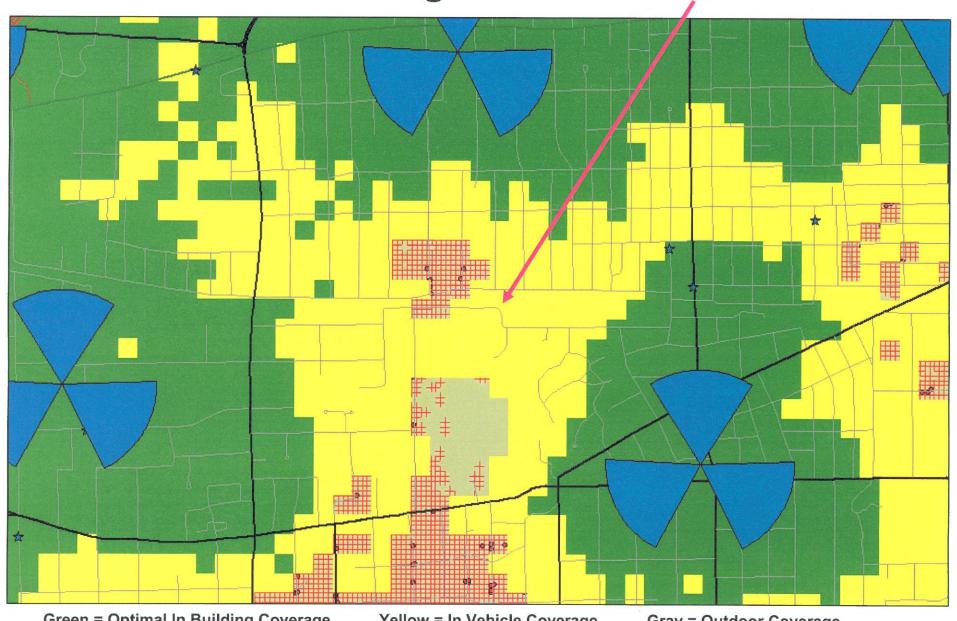
CC:

Brent Manning, Executive Director Bob Vick, Deputy Director of Natural Resources John Oldenburg, Director, Office of Natural Resources Leslie Berns, Manager of Natural Resources





#### **Current Coverage Without CH65324A**



**Green = Optimal In Building Coverage** 

Red = Poorly Covered Residential

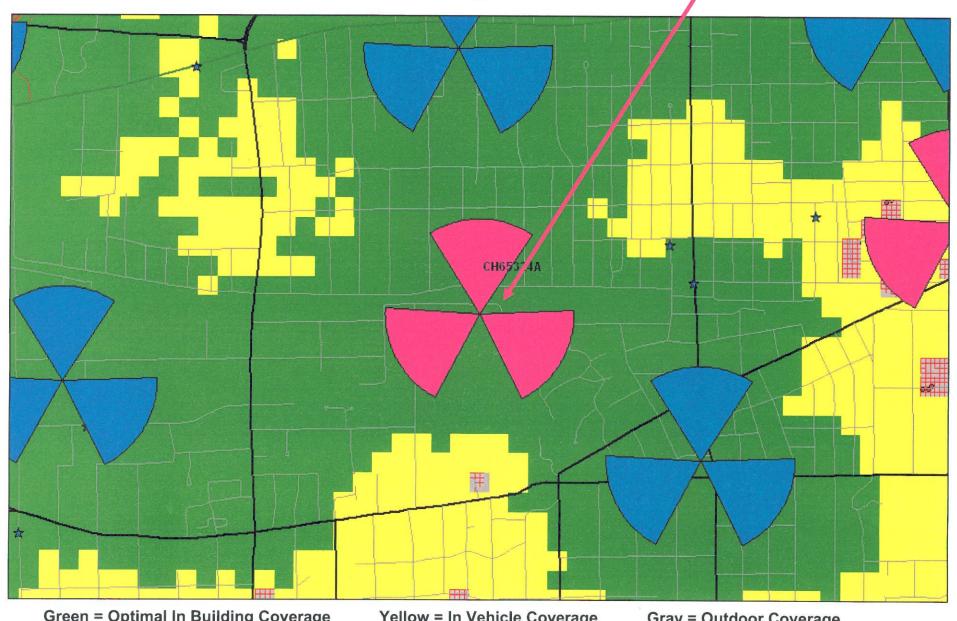
Yellow = In Vehicle Coverage

White = No Coverage

**Gray = Outdoor Coverage** 

Blue Symbols = Existing Sites

#### **Proposed Coverage With CH65324A**



**Green = Optimal In Building Coverage** 

Red = Poorly Covered Residential

Yellow = In Vehicle Coverage

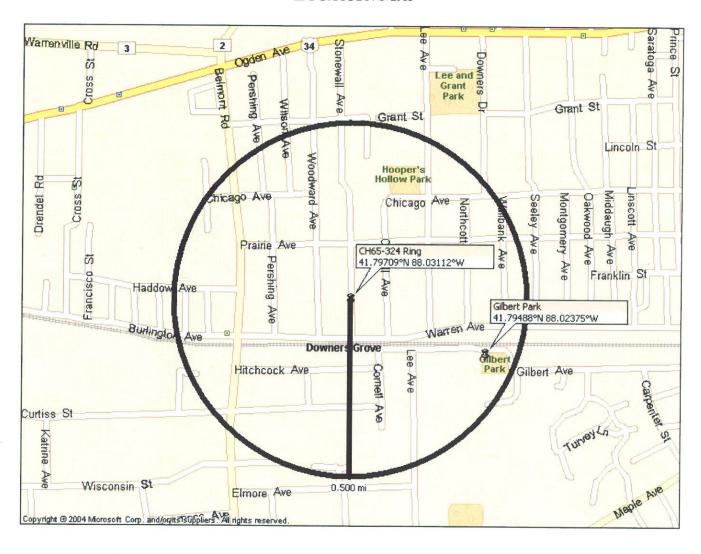
White = No Coverage

**Gray = Outdoor Coverage** 

Blue Symbols = Existing Sites

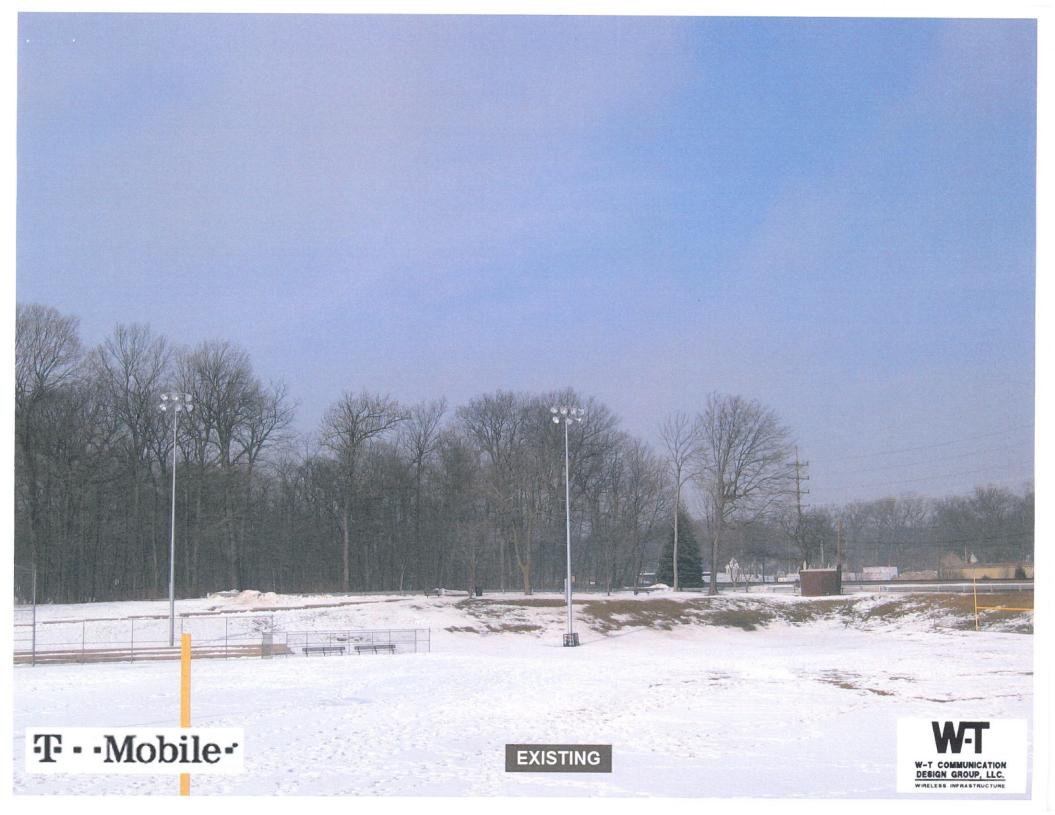


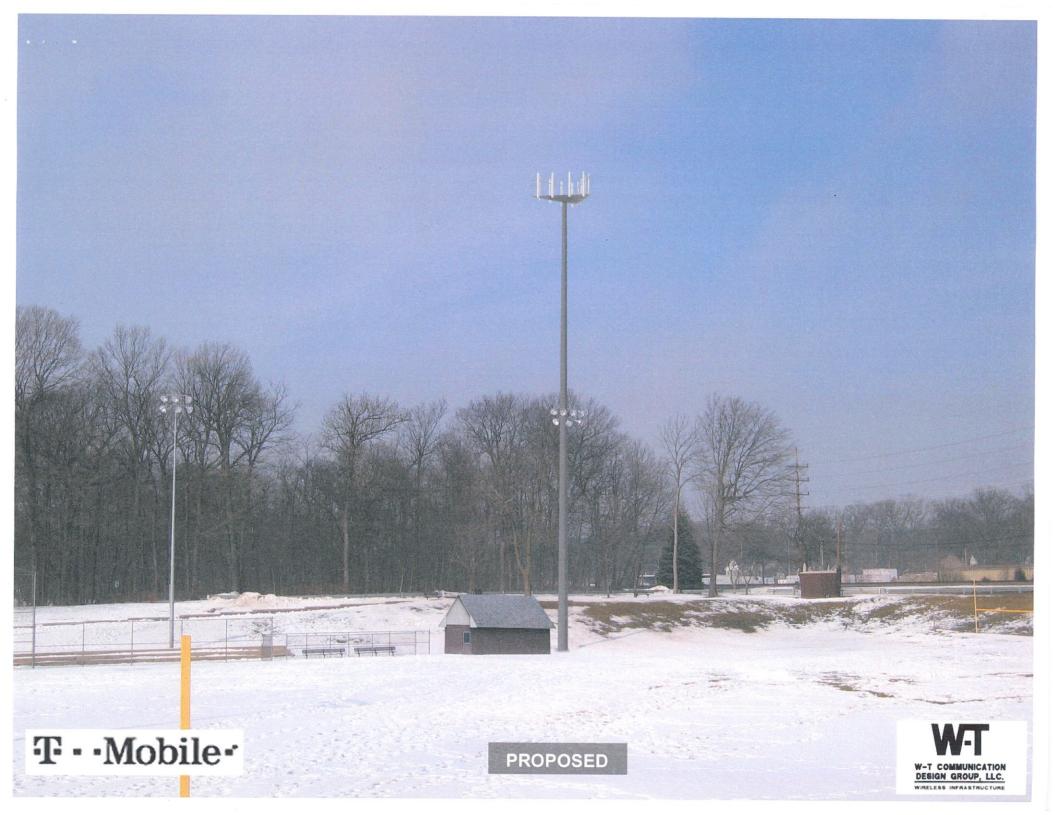
#### **LOCATION MAP**











#### APPROVED FOR CONSTRUCTION

PROPERTY OWNER OR REP.

ZONING

NETWORK

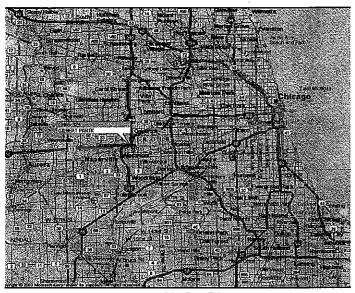
CONSTRUCTION

CONTRACTOR

OPERATIONS

SITE ACQ.

#### VICINITY MAP



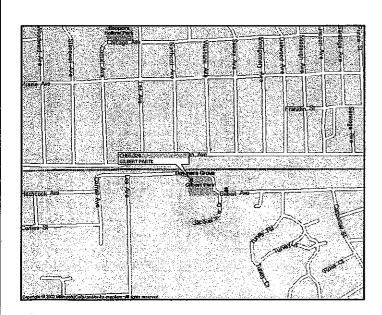
SCALE: N.T.S.

#### SITE DATA

N41° 47' 41.70" (NAD 83) LATITUDE: LONGITUDE: W88" 01' 25.41"(NAD 83) ELEVATION: 697.00' (U.S.6.S.)

DATA OBTAINED FROM SURVEY

#### SITE LOCATION



SCALE: N.T.S.

# T--Mobile-

SITE NAME

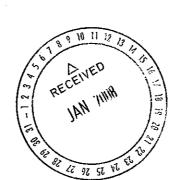
**GILBERT PARK** 

SITE NUMBER

CH65-324A

SITE ADDRESS

**1500 GILBERT AVENUE DOWNERS GROVE, IL 60515 DUPAGE COUNTY** 



#### PROJECT SUMMARY

#### SITE INFORMATION

JURISDICTION: DUPAGE COUNTY OCCUPANCY: UNMANNED ZONING: R-4/ RESIDENCE CONSTRUCTION TYPE: RAWLAND P. I.N. 1 09-07-201-001

PROFESSIONAL ENGINEER

W-T COMMUNICATION DESIGN

HOFFMAN ESTATES, IL 60192

PHONE: (224) 293-6333

FAX: (224) 293-6444

**EXISTING UTILITIES** 

SERVICE IN ILLINOIS

CONTACT JUILE

AT (800) 892-0123

CONTRACTOR TO CONTACT

LOCAL UTILITIES LOCATING

GROUP, LLC. 2675 PRATUM AVE

#### LANDLORD

LANDLORD: DOWNERS GROVE PARK DISTRICT CONTACT: TODD REESE PHONE: 630-963-1304 FAX: 630-963-1543

#### **APPLICANT**

T-MOBILE U.S.A. 8550 W. BRYN MAWR AVE. SUITE 100 CHICAGO, IL 60631 CONTACT: TIM MICHALIK PHONE: ( 773) 444-5400 FAX: (773)444-5521

#### **CONSULTANTS**

#### SURVEYOR

W-T LAND SURVEYING INC. 2675 PRATUM AVE HOFFMAN ESTATES, IL 60192 PHONE: (224) 293-6333 FAX: (224) 293-6444

#### STRUCTURAL ENGINEER

#### UTILITIES

#### COMED ELECTRIC

COMED ELECTRIC 125 S. CLARK STREET CHICAGO, ILLINOIS 60603 OFFICE: 1-800-334-7661 FAX: (773)509-3294

#### SBC TELEPHONE

2000 M. AMERITECH CENTER DR. SUITE 4-6-10 HOFFMAN ESTATES, IL. 60191 PHONE: 1-800-257-0902 T-1 CONSTRUCTION: 1-800-832-6328

VENTILATION EQUIPMENT IS LOCATED ON GROUND OUTSIDE WITH OUTSIDE VENTILATION.

#### REFRIGERATION NOTE:

EQUIPMENT IS LOCATED ON THE GROUND OUTSIDE. NO REFRIGERANTS ARE USED FOR COOLING THE EQUIPMENT.

#### RF CONTACT:

CONTACT: N/A

SHEET INDEX	
SHT. NO.	DESCRIPTION
T-1	TITLE SHEET
B-1	BILL OF MATERIALS
LS-1/LS-2	LAND SURVEY
C-1	OVERALL SITE PLAN
C-2	ENLARGED SITE PLAN
C-3	SECMETRIC SITE PLAN
C-4	COAX CABLE CHART DETAILS & NOTES
C-5	NORTEL EQUIPMENT CABINET DETAILS
C-6	COAX CABLE CONDUIT DETAILS
C-7	COAX CABLE SHELTER DETAILS
C-8	LNA DETAILS
C-q	GRADING PLAN
C-10	COMPENSATORY STORAGE PLAN
C-11	COMPENSATORY STORAGE SECTIONS
C-12	SOIL EROSION DETAILS
L-1	LANDSCAPING PLAN
L-2	LANDSCAPING DETAILS
EV-1	ELEVATION & DETAILS
E-1	ELECTRIC/TELCO DETAILS
E-2	POWER DIAGRAM DETAILS & NOTES
6-1	GROUNDING RISER DIAGRAM
6-2	GROUNDING PLAN AND DETAILS
6-3	GROUNDING DETAILS AND NOTES
A-1/A-28	SHELTER PLANS & DETAIL SHEETS
N-1/N-4	NOTES

#### PROJECT TYPE

NEW 110'-0" GALVANIZED LIGHT POLE WITH PROPOSED COMMUNICATION SITE AND NEW EQUIPMENT LOCATED ON GROUND LEVEL.

BUILD OUT: 9 ANTENNAS, 18 COAX RUNS, 1 CABINETS

#### BUILDING CODES:

- 2000 INTERNATIONAL BUILDING CODE
- 2002 NATIONAL ELECTRIC

#### POWER REQUIREMENTS

120/240V, 200 AMP SINGLE PHASE, 3 WIRE TOTAL KVA = 25.9

THESE DRAWINGS ARE FULL AND SCALEABLE ON 11"X 17" SHEET SIZE AND ARE NOT REDUCED IN SIZE.

#### NOTES:

- 1. CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.
- 2. ALL CONSTRUCTION COMPONENT AND VENDOR SUPPLIED PRODUCTS INSTALLED TO BE UL LISTS OR APPROVED EQUAL.
  ALL INSTALLATION METHODS SHALL COMPLY WITH ALL
  ARTICLES OF THE 2002 NATIONAL ELECTRIC CODE WITH LOCAL
- 3. GENERAL CONTRACTOR TO FURNISH TO ALL ELECTRICAL BIDDERS A COPY OF THIS REVIEW AND THE RESULTS THEREOF.
- A BLACKOUT TEST OF EMERGENCY AND EXIT LIGHTS WILL BE REQUIRED BEFORE OCCUPANCY. THE ELECTRICAL CONTRACTOR SHALL HAVE A REPRESENTATIVE ON SITE AT THE TIME OF OCCUPANCY INSPECTION TO TURN ANY NEEDED DISCONNECTS
- THIS PLAN REVIEW DOES NOT INCLUDE FIRE ALARM SYSTEM OR COMPONENTS. FIRE ALARM CONTRACTOR WILL BE REQUIRED TO GET AN ELECTRICAL PERMIT. ELECTRICAL INSPECTOR REQUESTS A LISTING FROM ANY INSTALLER ANY FIRE SYSTEM OF THE WIRE SIZE AND TYPE THAT WILL BE USED. ALL JOINTS SHALL BE IN BOXES. ALL DEVICES SHALL BE MOUNTED WITH BACK BOXES.
- 6. EXISTING CONDITIONS WILL BE CHECKED AND VERIFIED IN FIELD. IF SIGNIFICANT DEVIATIONS OR DETERIORATION ARE ENCOUNTERED AT THE TIME OF CONSTRUCTION, A REPAIR PERMIT WILL BE OBTAINED AND CONTRACTOR SHALL NOTIFY STRUCTURAL ENGINEER IMMEDIATELY.

#### T·Mobile:

8550 W. Bryn Mawr Ave. Suite100 Chicago, Illinois 60631 OFFICE: (773) 444-5400 FAX: (773) 444-5500

PROJECT NO:

DRAWN BY: JCM

T06861

RJG

CHECKED BY:

7 01/07/08 REVIEW COMMENTS

5 08/28/07 ISSUED PER REVISIONS 5 07/19/07 ISSUED PER REVISIONS 4 04/04/07 ISSUED PER REVISIONS

3 01/12/07 ISSUED PER REVISIONS 2 12/06/06 ISSUED FOR CONSTRUCTION

1 11/29/05 49/85/00 FOR ROWN 807-841428 Registred GINEEZ

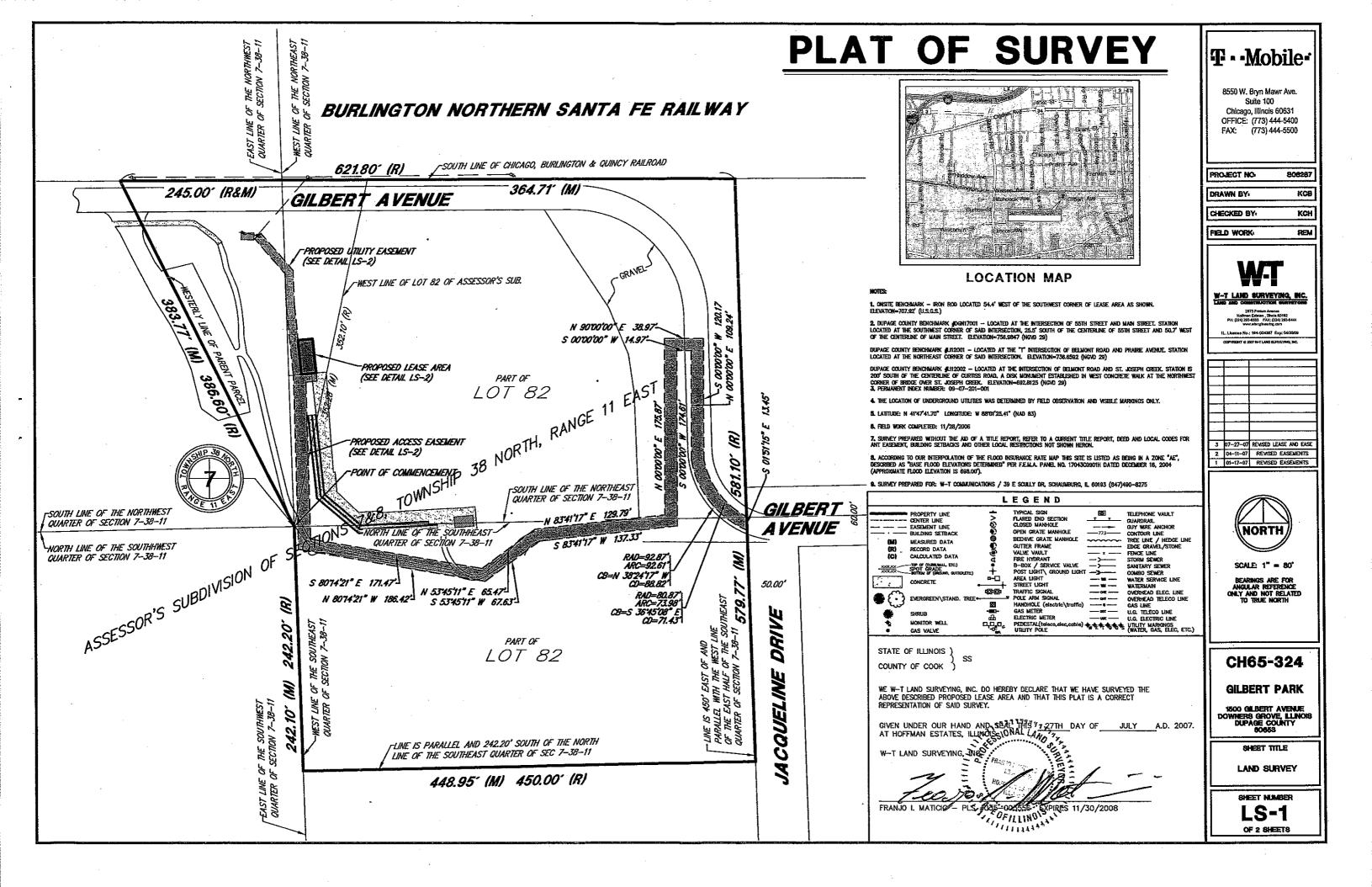
EXPIRES: 11/30/09 SIGNED: \_\_/\_/

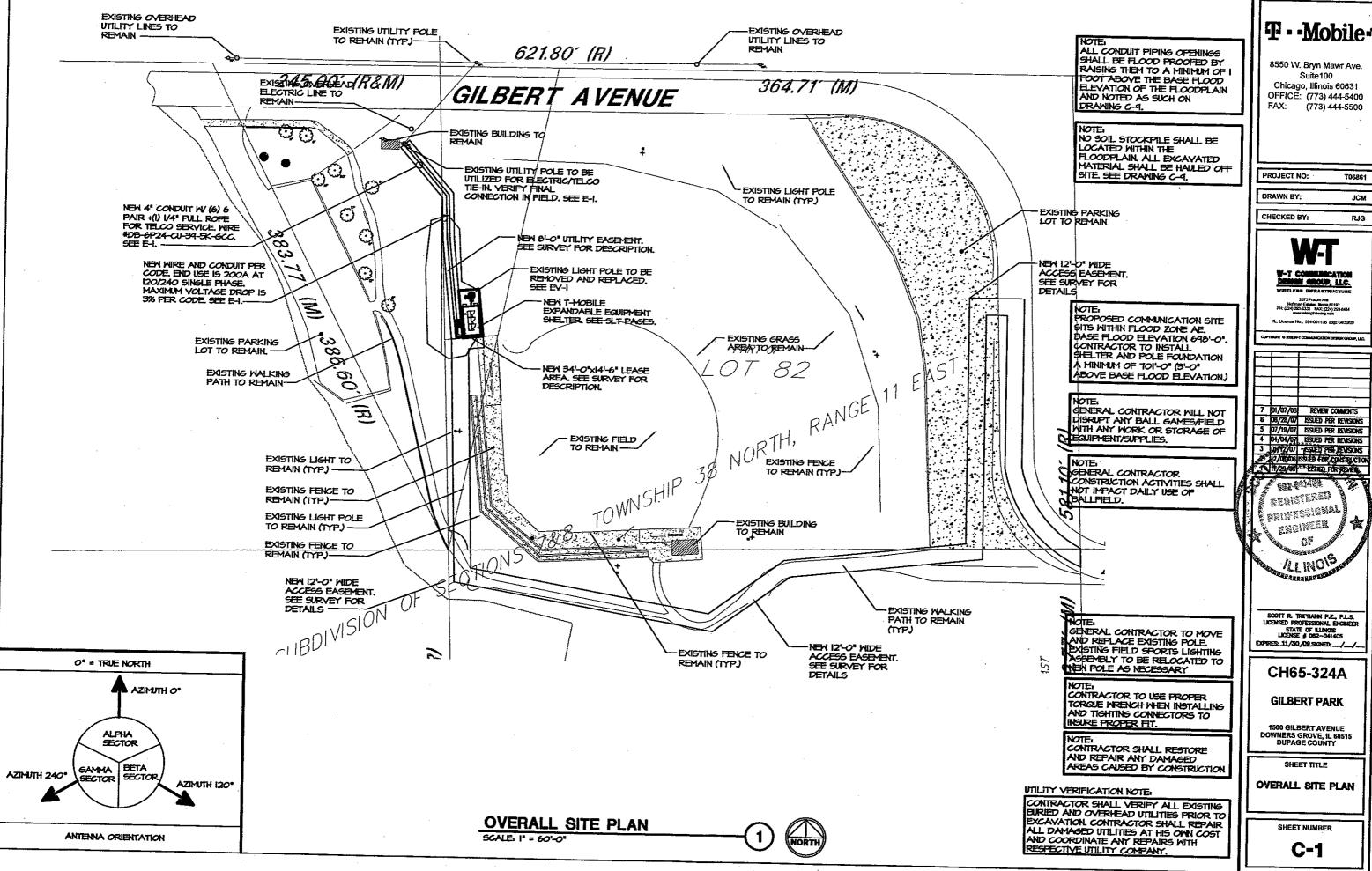
CH65-324A

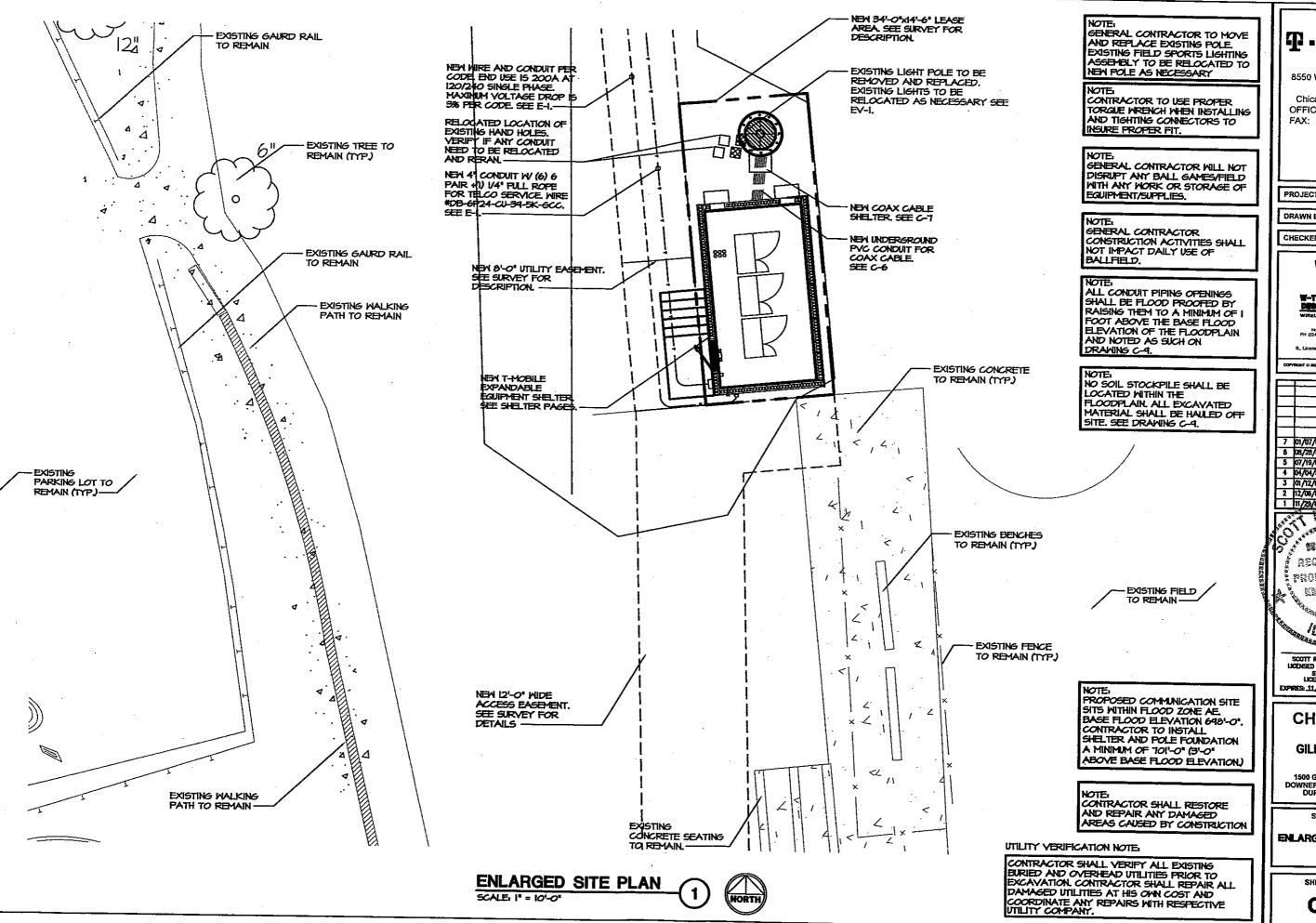
**GILBERT PARK** 

1500 GILBERT AVENUE DOWNERS GROVE, IL 60516 DUPAGE COUNTY

> SHEET TITLE TILE SHEET







#### **T** - - **Mobile** -

8550 W. Bryn Mawr Ave. Suite100 Chicago, Illinois 60631 OFFICE: (773) 444-5400

(773) 444-5500

JCM

RJG

PROJECT NO: T06861

DRAWN BY:

CHECKED BY:

W-T W-T COMMUNICATION DESIGN GROUP, LLC.

7 01/07/08 REVIEW COMMENTS 6 08/28/07 ISSUED PER REVISIONS

5 07/19/07 ISSUED PER REVISIONS 4 04/04/07 ISSUED PER REVISIONS 3 01/12/07 ISSUED PER REVISIONS 2 12/06/06 ISSUED FOR CONSTRUCTION

1 11/29/06 " "ISSUED FOR REVIEW

能利相 REGISTERED PROFESSIONAL enginzer

> /LL INOIS GENTERE BERE

SCOTT R. TRIPHAHN P.E., P.L.S.
LICENSED PROFESSIONAL ENGINEER
STATE OF ALBROIS
LICENSE # 062-041405 DPRES: 11/30/09 SQUED: \_\_/.

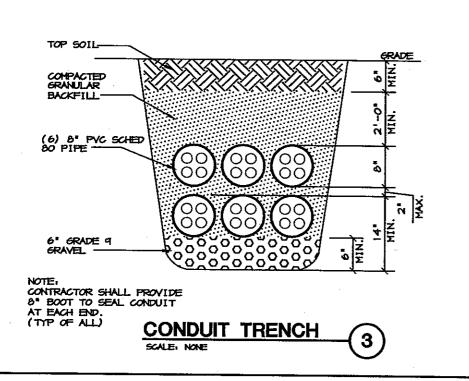
CH65-324A

**GILBERT PARK** 

1500 GILBERT AVENUE DOWNERS GROVE, IL 60515 DUPAGE COUNTY

SHEET TITLE

ENLARGED SITE PLAN



COORDINATE ANY REPAIRS WITH RESPECTIVE

1. THE 6PS ANTENNA HOUNT IS DESIGNED TO FASTEN TO A STANDARD 1-1/4\*88124, SCH. 40 GALVANIZED OR STAINLESS STEEL PIPE. THE PIPE MUST BE THREADED AT THE ANTENNA HOUNT PIPE MUST BE THREADED AT THE ANTENNA MOUNT BND. THE PIPE SHALL BE CUT TO THE REQUIRED LENGTH (MIN. OF 18") USING A HAND OR ROTARY PIPE CUTTER TO ASSURE A SMOOTH PERPENDICULAR CUT. THE CUT PIPE END SHALL BE DEBURRED AND SHOOTH IN ORDER TO SEAL AGAINST THE NEOFRENE GASKET ATTACHED TO THE ANTENNAS MOUNT

2. THE MOUNTING PLATE SHALL BE FABRICATED AS SHOWN AND ATTACH TO THE APPROPRIATE SUPPORT STRUCTURE USING U-BOLTS. THE SUPPORT PIPE FOR THE GPS SHALL BE MOUNTED USING OVERSIZED U-BOLTS TO ALLOW ADJUSTMENT. IT IS CRITICAL THE COLUMN ADJUSTMENT. IT IS CRITICAL THE COLUMN ADJUSTMENT. WITHIN 2" THAT THE GPS ANTENNA IS HOUNTED MITHIN 2' OF VERTICAL AND THE BASE OF THE ANTENNA IS WITHIN 2" LEVEL.

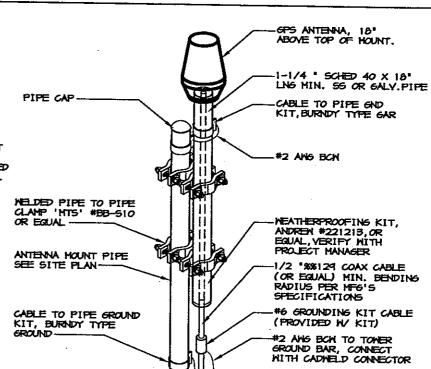
**GPS ANTENNA** 

NOTE:

CONTRACTOR SHALL RESTORE AND REPAIR ANY DAMAGED

AREAS CAUSED BY CONSTRUCTION

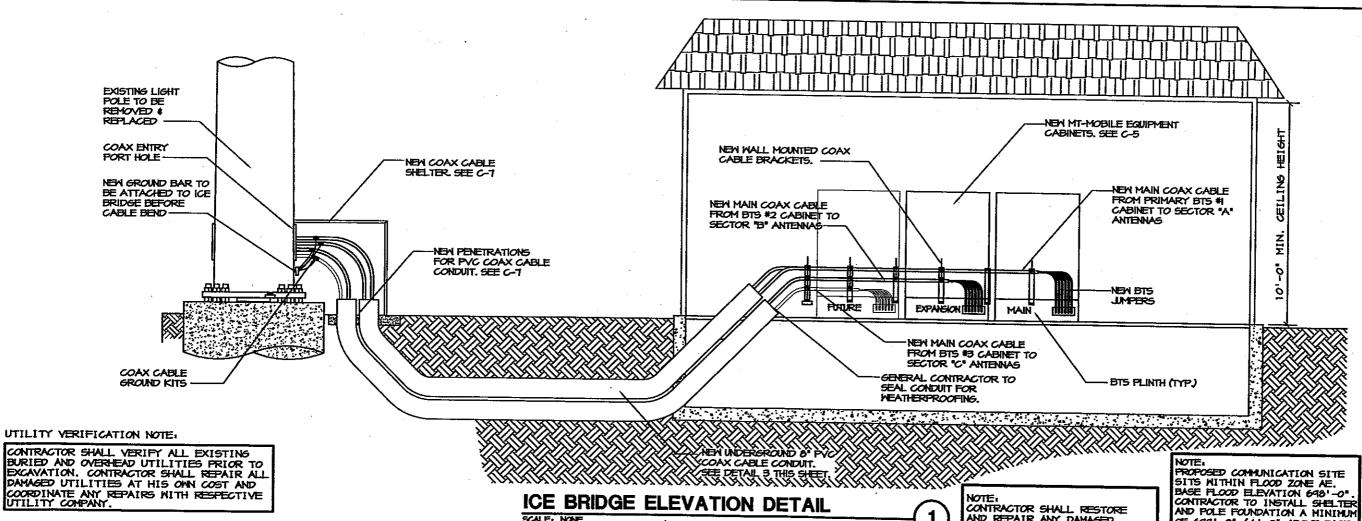
- 3. INSTALL SPS ANTENNA AS SPECIFIED ON SITE PLAN, IF INSTALLING ON ICE/CABLE BRIDGE ENGURE THAT SPS IS A MINIMUM OF 10' ABOVE GRADE, ON THE FURTHEST POST FROM THE TOMER TO ATTAIN MAXIMUM COVERAGE.
- 4. CONTRACTOR SHALL ENSURE THE 6PS ANTENNA HAS THE REQUIRED FULL EXPOSURE TO THE SOUTHERN HEMISPHERE/ HORIZON



|| To eROUND

TO GROUND

2



ICE BRIDGE ELEVATION DETAIL

#### T - Mobile

8550 W. Bryn Mawr Ave. Suite100 Chicago, Illinois 60631 OFFICE: (773) 444-5400 (773) 444-5500 FAX:

PROJECT NO:

T06861

JCM

RJG

DRAWN BY:

CHECKED BY:

N estoup, LLC.

7 01/07/08 REVIEW COMMENTS 6 08/28/07 ISSUED PER REVISIONS 5 07/19/07 ISSUED PER REVISIONS 4 04/04/07 ISSUED PER REVISIONS 3 01/12/07 ISSUED PER REVISIONS 2 12/06/06 ISSUED FOR CONSTRUCTION 1 11/29/96 \* TSSUED FOR PROMEW

> 第2号引起 REGISTERED PROFESSIONAL engibeer

SCOTT R. TRIPHAIN P.E., P.L.S.
UCENSED PROFESSIONAL ENGINEER
STATE OF ALBROYS
LICENSE # 062-041405 OFIRES 11/30/09 SIGNED: \_/

LL INOIS

CH65-324A

**GILBERT PARK** 

1500 GILBERT AVENUE DOWNERS GROVE, IL 60515 DUPAGE COUNTY

SHEET TITLE

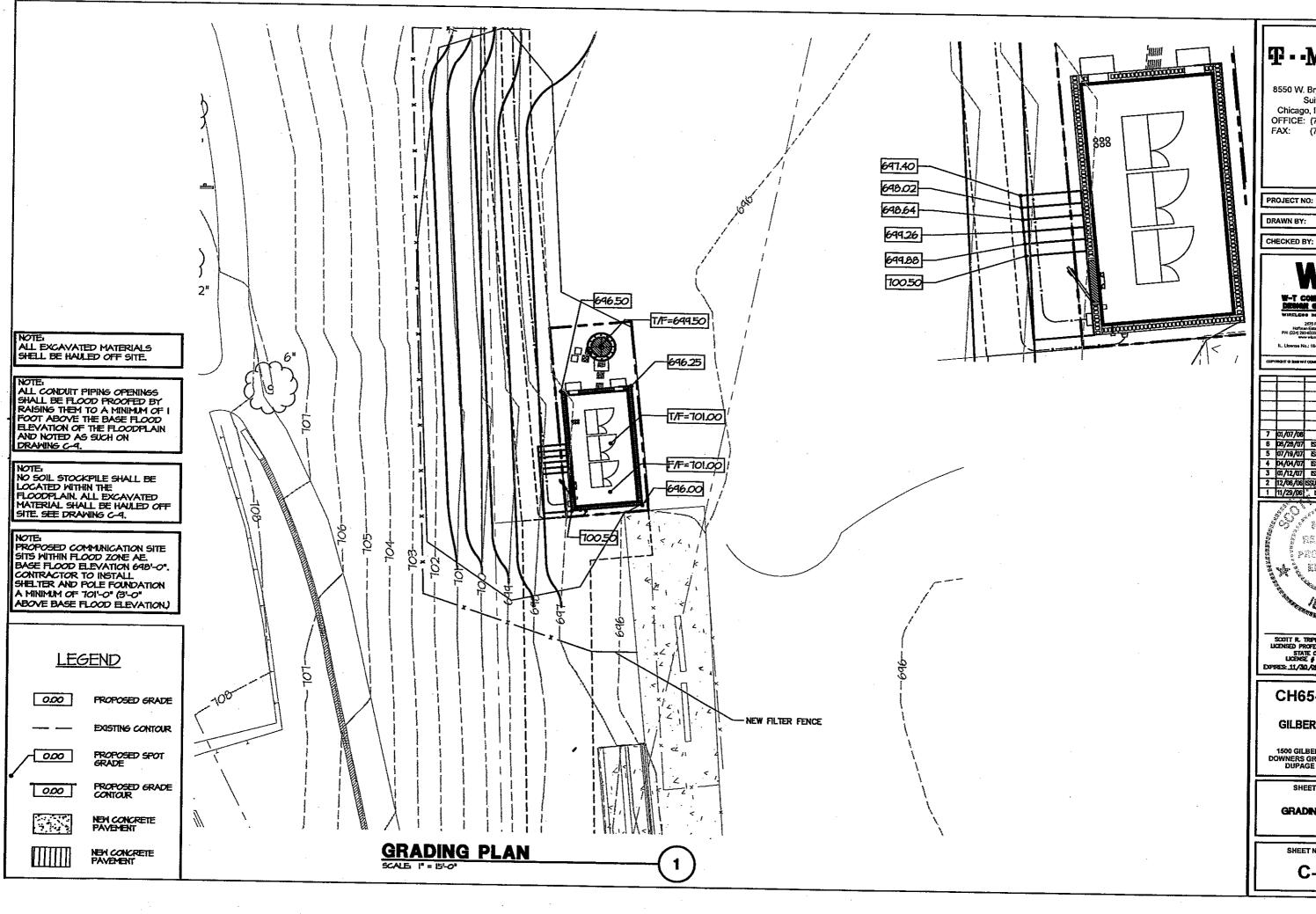
GOAX CABLE CONDUIT

SHEET NUMBER

OF 644'-0" (1'-0" ABOVE BASE

FLOOD ELEVATION.)

C-6



8550 W. Bryn Mawr Ave. Suite100 Chicago, Illinois 60631 OFFICE: (773) 444-5400 (773) 444-5500

T06861

JCM

RJG

7 01/07/08 REVIEW COMMENTS 6 08/28/07 ISSUED PER REVISIONS 5 07/19/07 ISSUED PER REVISIONS 4 04/04/07 ISSUED PER REVISIONS

| 3 | 01/12/07 | ISSUED PER REVISIONS | 2 | 12/06/06 | ISSUED, FOR CONSTRUCTION | 1 | 11/29/06 | | ISSUED FOR REVISIONS | 1 | 11/29/06 | | ISSUED FOR REVISIONS | 1 | 11/29/06 | | ISSUED FOR REVISIONS | 11/29/06

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SCOTT R. TRIPHAM P.E., P.L.S. LICENSED PROFESSIONAL ENGINEER STATE OF ILLINOIS LICENSE # 082-041405 DPIRES: 11/30/09 SIGNED: \_\_/\_\_\_

CH65-324A

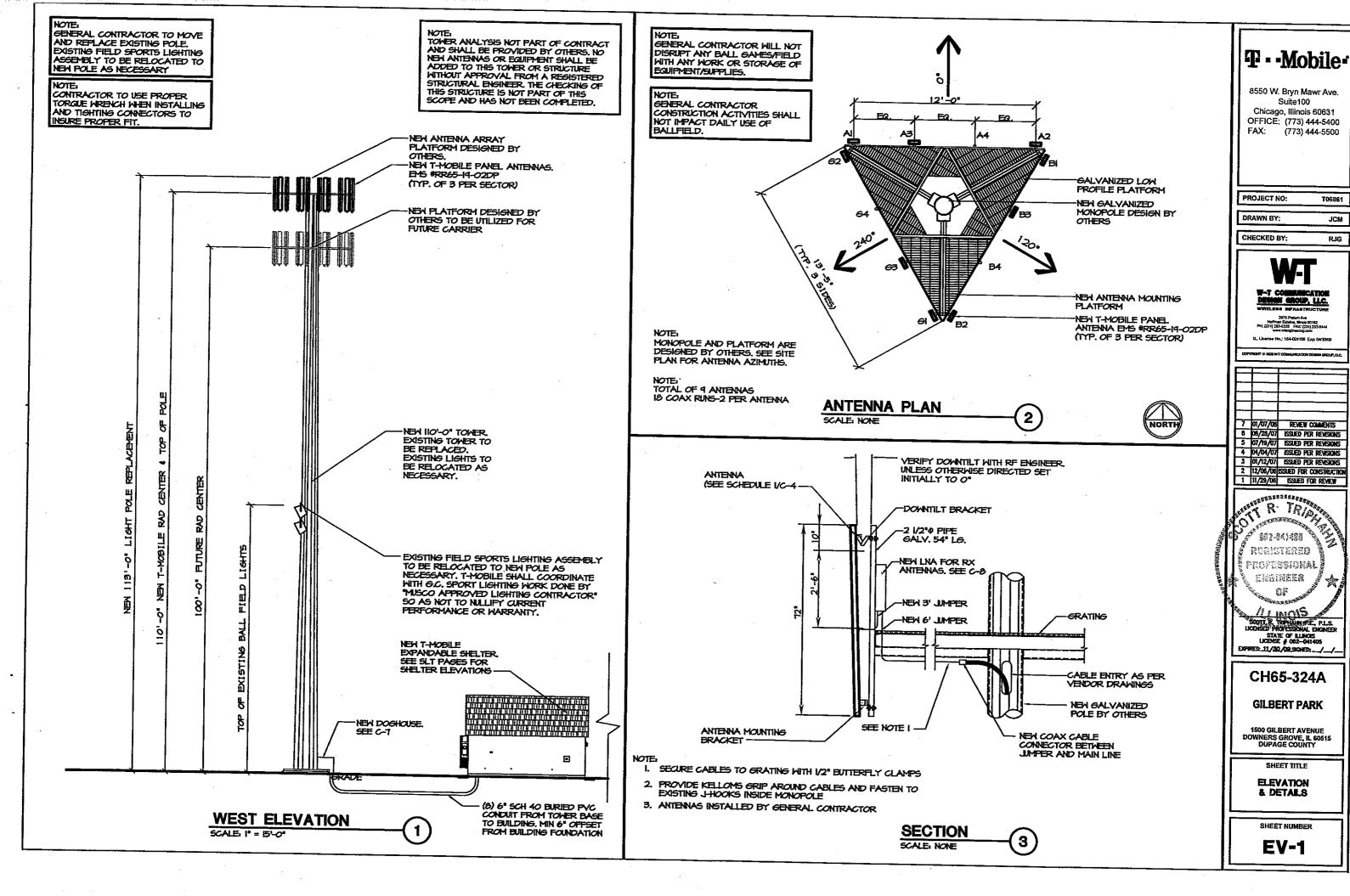
**GILBERT PARK** 

1500 GILBERT AVENUE DOWNERS GROVE, IL 60515 DUPAGE COUNTY

SHEET TITLE

GRADING PLAN

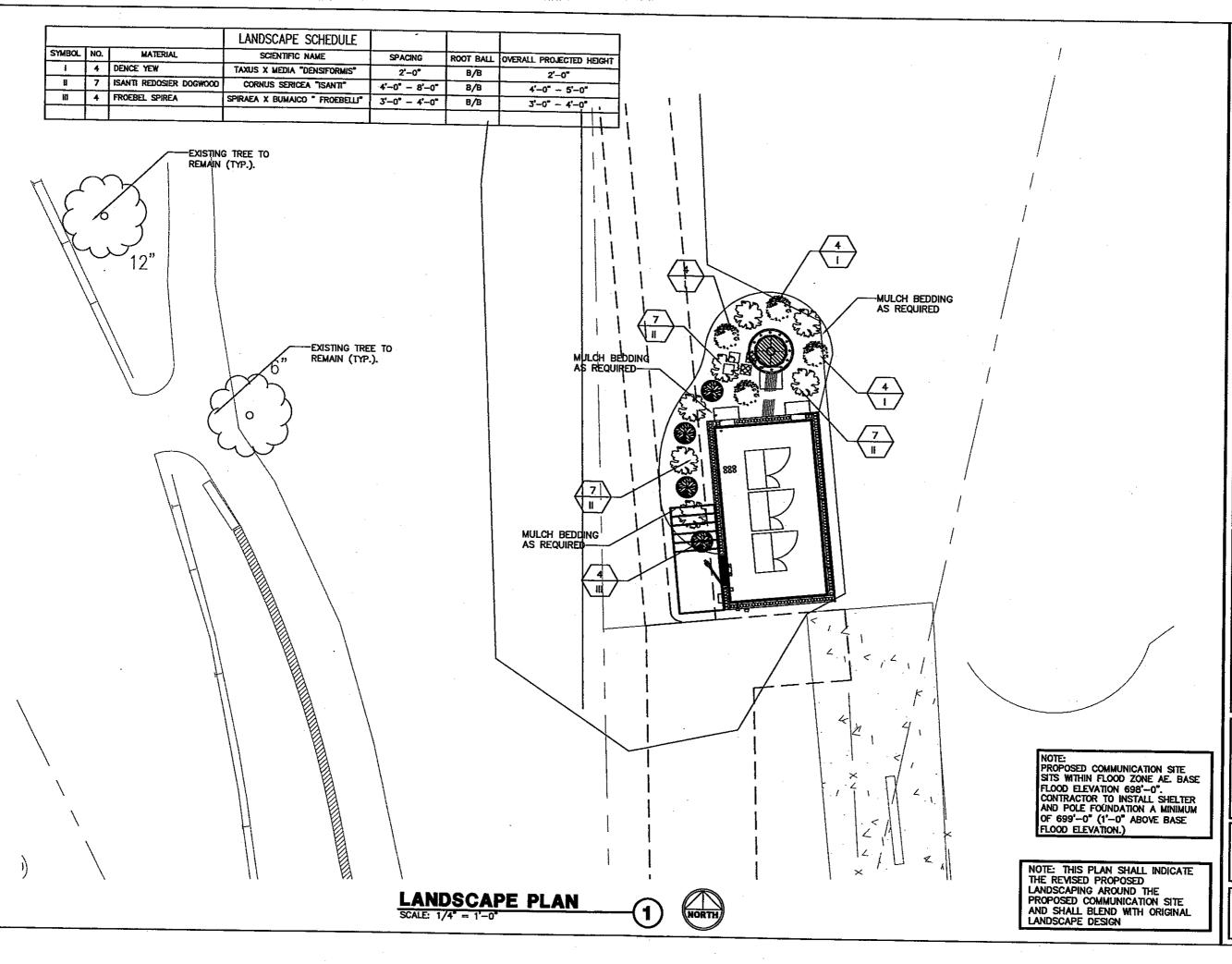
C-9



T06861

JCM

RJG



8550 W. Bryn Mawr Ave. Suite100 Chicago, Illinois 60631 OFFICE: (773) 444-5400 FAX: (773) 444-5500

PROJECT NO:

T06861

JCM

RJG

DRAWN BY:

CHECKED BY:

7 01/07/08 REVEW COMMENTS 8 08/28/07 ISSUED PER REVISIONS 5 07/19/07 ISSUED PER REVISIONS 4 04/04/07 ISSUED PER REVISIONS 3 01/12/07 ISSUED PER REVISIONS
2 12/06/06 ISSUED FOR CONSTRUCTION
1 11/29/06 ISSUED FOR REVIEW

> R R **翻**名录引缩复 REGISTERED Professior. ENGINEER

IL INOIS SCOTT R. TREMAN DEFENSE.

LICENSED PROFESSIONAL ENGINEER

LICENSE # 062-041405

DOPRES: 11/30/09-30NED: ///

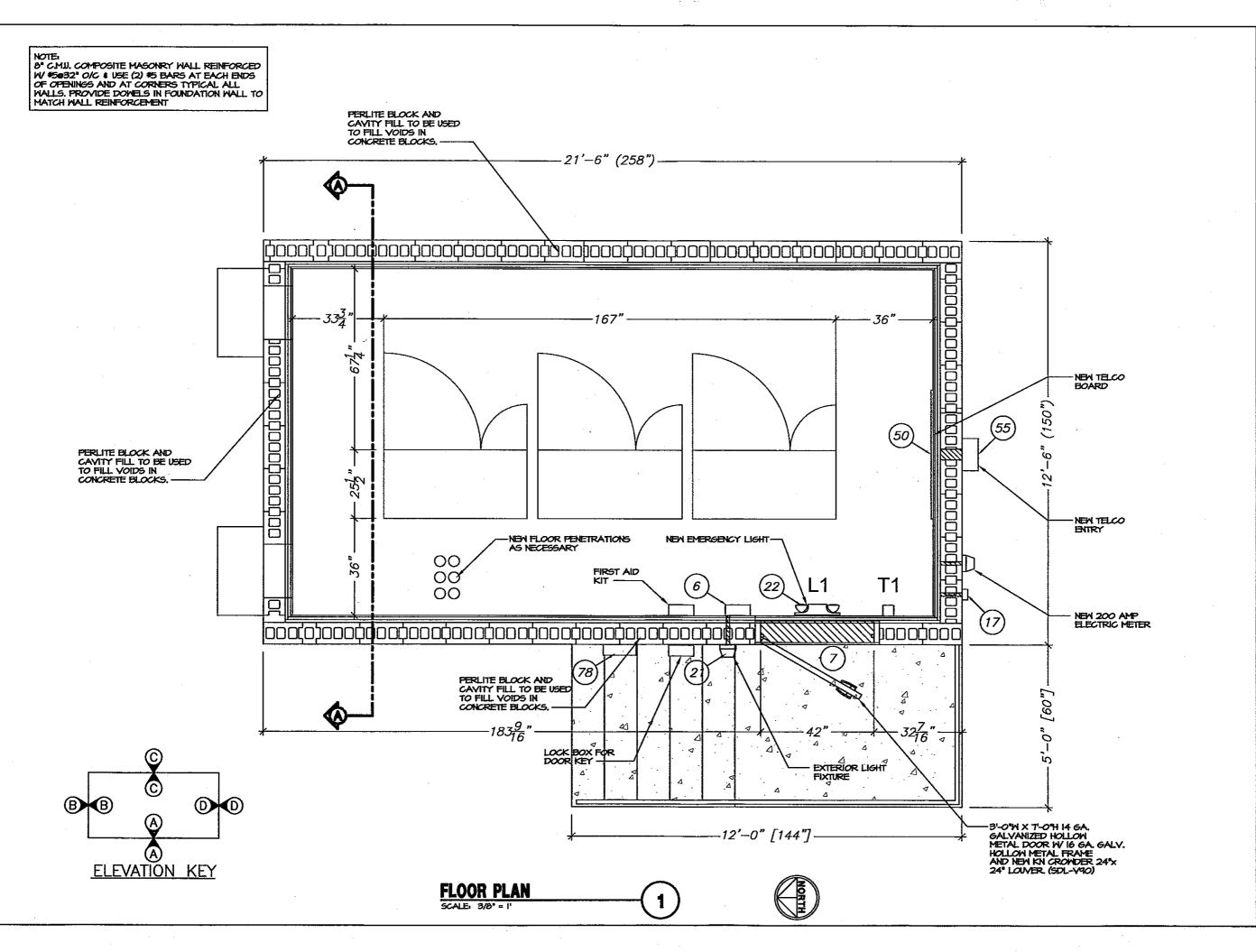
CH65-324A

**GILBERT PARK** 

1500 GILBERT AVENUE DOWNERS GROVE, IL 60515 DUPAGE COUNTY

SHEET TITLE

LANDSCAPE PLAN



8550 W. Bryn Mawr Ave. Suite100 Chicago, Illinois 60631 OFFICE: (773) 444-5400 FAX: (773) 444-5500

PROJECT NO: T06861

JCM

RJG

DRAWN BY:

CHECKED BY:

2 12/06/06 SSUED FOR CONSTRUCTION 1 11/29/06 SSUED FOR REVIEW

HITT H TRIO \$82-24148B REGISTERED PROFESSIONAL ENGINEER LL INOIS

SASSESSESSES SCOTT R. TRIPHANN P.E., P.L.S.
LICENSED PROFESSIONAL ENGINEER
STATE OF BLINOIS
LICENSE # 062-041405 EXPIRES: 11/30/09 SIGNED: \_\_/\_

CH65-324A

**GILBERT PARK** 

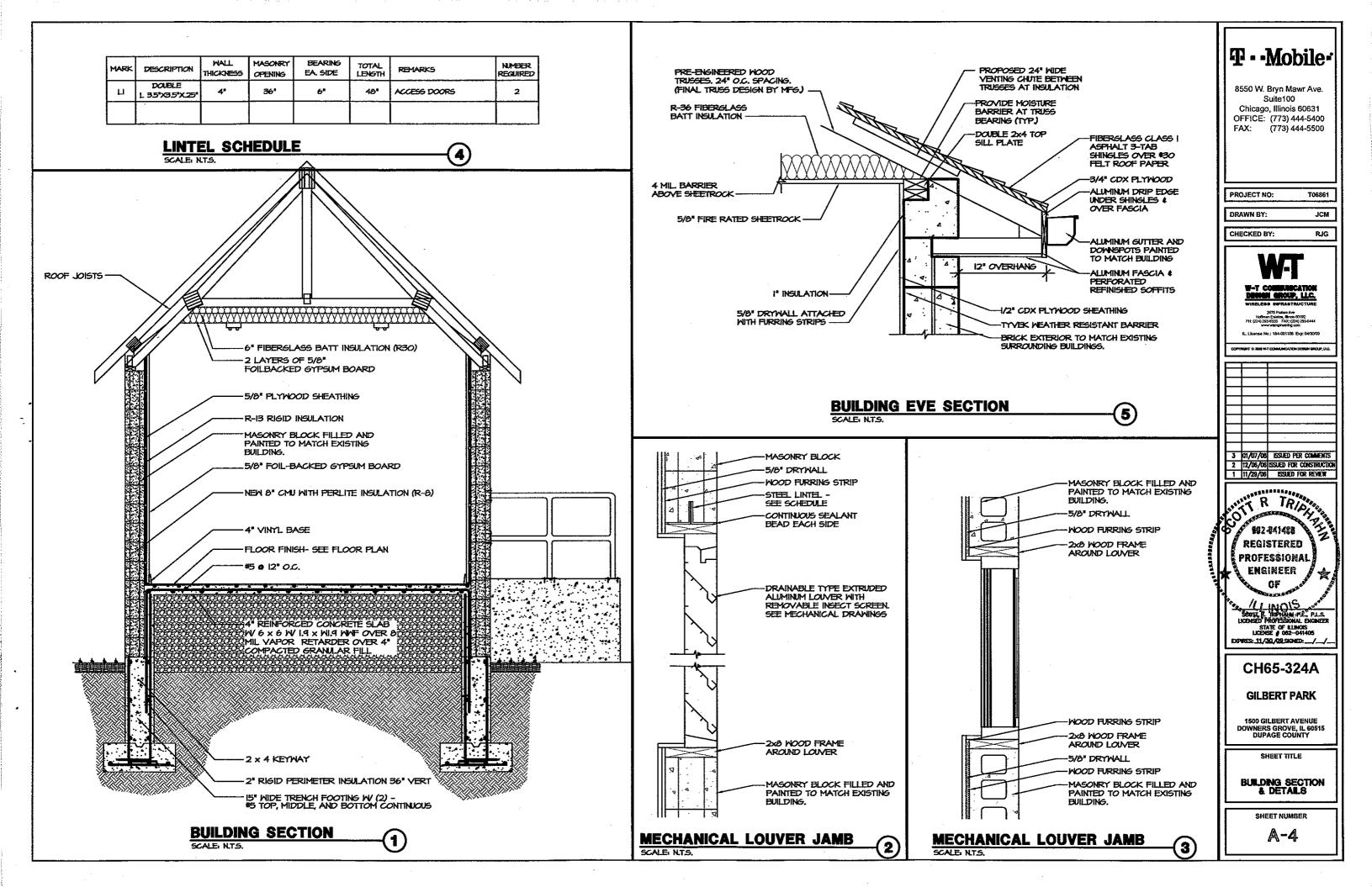
1500 GILBERT AVENUE DOWNERS GROVE, IL 60515 DUPAGE COUNTY

SHEET TITLE

**FLOOR PLAN** 

SHEET NUMBER

**A-2** 



T-Mobile Request to Revise

From: Mark J. Layne [mjlayne@worldnet.att.net]

Sent: Tuesday, April 15, 2008 1:48 PM

To: OBrien, Jeff

Cc: Todd Reese; Kevin Black; Ruiz, Patricia; Tim Michalik; Simpson, Nina Subject: Fw: T-Mobile - Telecommunication Towers for Gilbert and Hummer

Attachments: T-Mobile080414ltr.pdf;

T-MobileGilbertRevisedSitePlans080410Rev.pdf; image001.gif

#### Jeff,

Please be advised that T-Mobile is amenable to modifying their application for the proposed telecommunications improvements to Gilbert Park as reflected in the attached documentation from Downers Grove Park District. Revised photo simulations were provided to you in a separate email dated April 11.

If you have any questions, feel free to call.

Thanks,

Mark J. Layne
Mark J. Layne & Associates, Ltd.
777 Army Trail Rd., Suite D
Addison, IL 60101
630-532-6400
Fax 630-532-6401
mjlayne@att.net

---- Original Message -----

From: Todd Reese <mailto:treese@dgparks.org>

To: Mark J. Layne <mailto:mjlayne@worldnet.att.net>

Cc: OBrien, Jeff <mailto:JOBrien@downers.us>

Sent: Monday, April 14, 2008 4:25 PM

Subject: T-Mobile - Telecommunication Towers for Gilbert and Hummer

#### Mark:

Attached is a letter summarizing the Board action and the two new exhibits for Gilbert park - which I have dated as April 9, 2008.

Please notify Jeff O'Brien immediately of your intention to amend the application for Gilbert Park.

Thanks

Todd

Todd Reese

Director of Parks
Downers Grove Park District
2455 Warrenville Road
Downers Grove, Illinois 60515
(630) 963-1304
treese@dgparks.org <mailto:treese@dgparks.org>



Mark J. Layne & Associates, Ltd. 777 Army Trail Rd., Suite D Addison, IL 60101

Fax 630-532-6401

Re: T-Mobile Applications for Telecommunications Towers

Dear Mark:

On April 3, 2008 the Park Board reviewed several alternative site plans and staff recommendations for Gilbert Park and Hummer Park. Following review and discussion, the Board decided to make no further changes to the original Hummer Park site plan and application.

Regarding Gilbert Park, the Board made a motion for T-Mobile to amend their application to the Village with respect to antenna pole height, pole location and equipment location. The Park Board deferred a vote on the formal motion; wanting confirmation that:

- The proposed equipment shelters/enclosures could be adjusted to a location west of the existing electrical building
- The revenue structure in the Agreement would be unchanged with the reduced telecommunications pole height.
- The implementation does not impact our facility and
- The park walkway can be adjusted to accommodate the improvements.

It was agreed to have Administrator Cermak immediately secure information and answers requested by the Board and then poll the Commissioners for concurrence to allow T-Mobile to amend their application to the Village. Staff forwarded the relevant information to the Board on April 10<sup>th</sup> and Administrator Cermak has received unanimous concurrence to notify T-Mobile to:

- Make no changes to the previously submitted Hummer Park application.
- Amend the Gilbert Park application, based on the site plan Option #1, as revised and dated April 9, 2008 (attached).

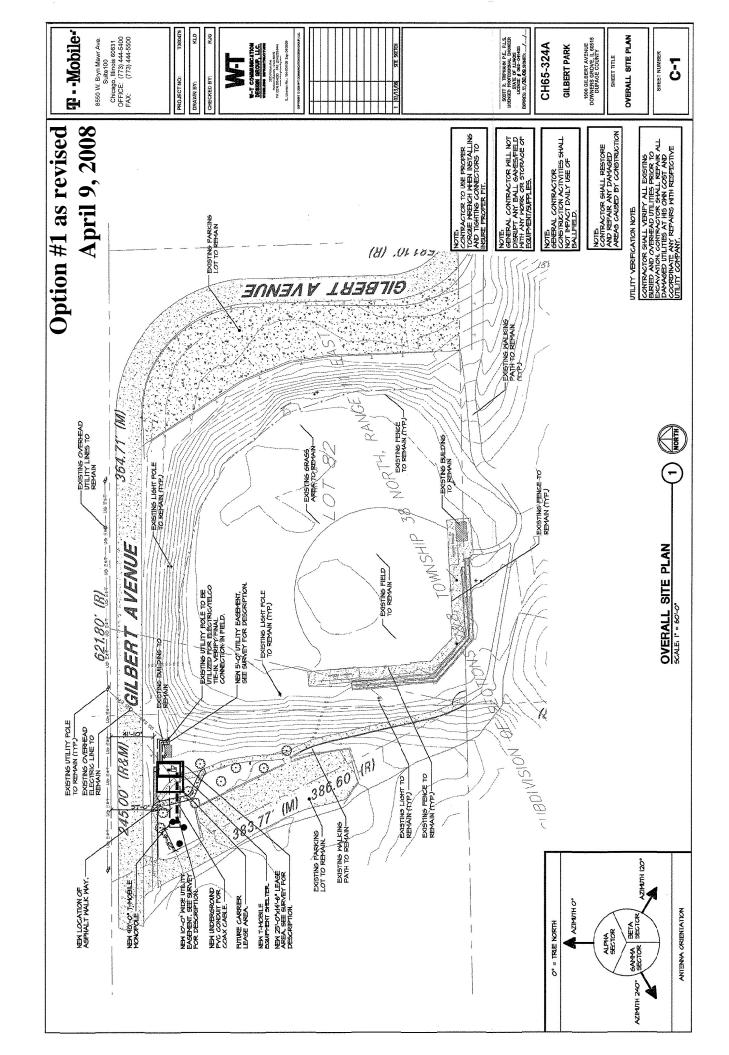
Please notify Jeff O'Brien at the Village of your intention to amend the Gilbert Park application for consideration at the April 22, 2008 Village Workshop Meeting and forward him all necessary documentation.

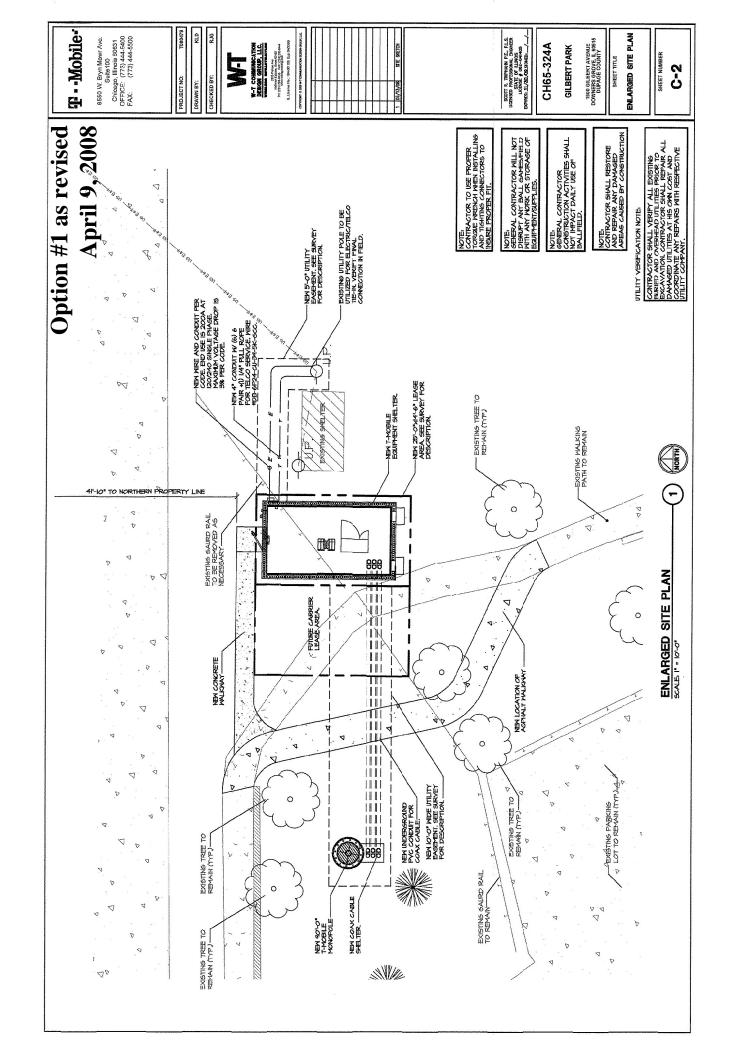
Sincerely,

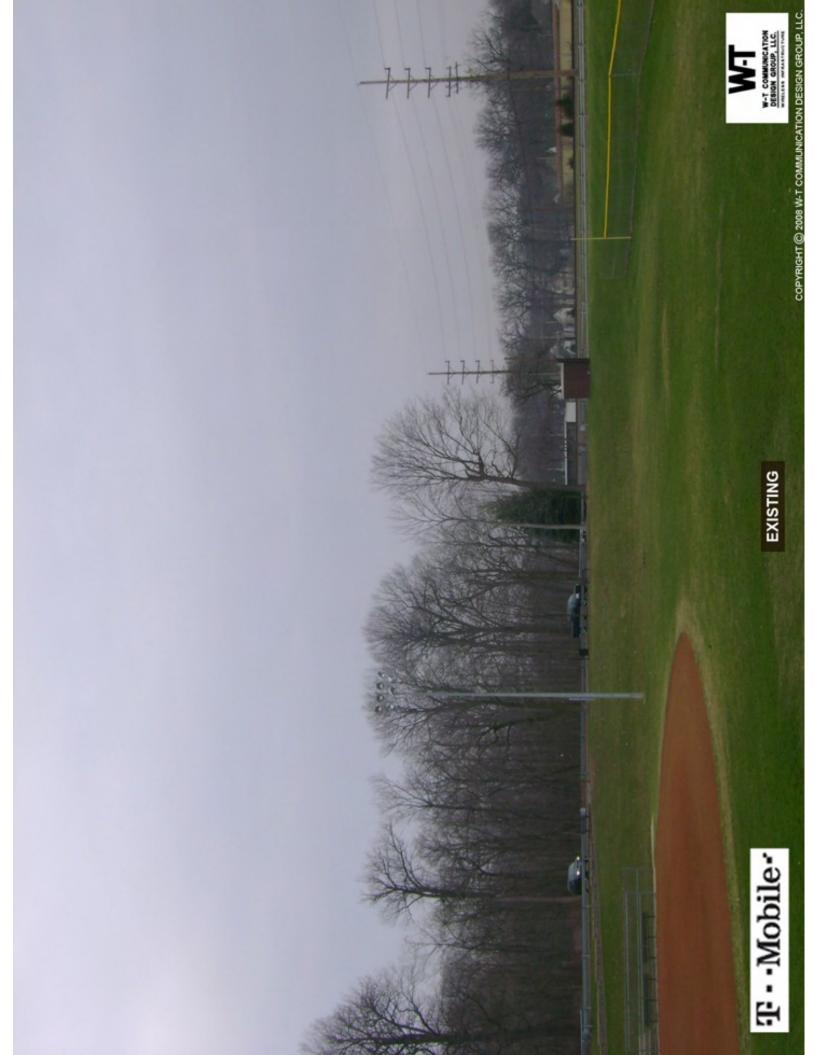
Todd Reese, Director of Parks

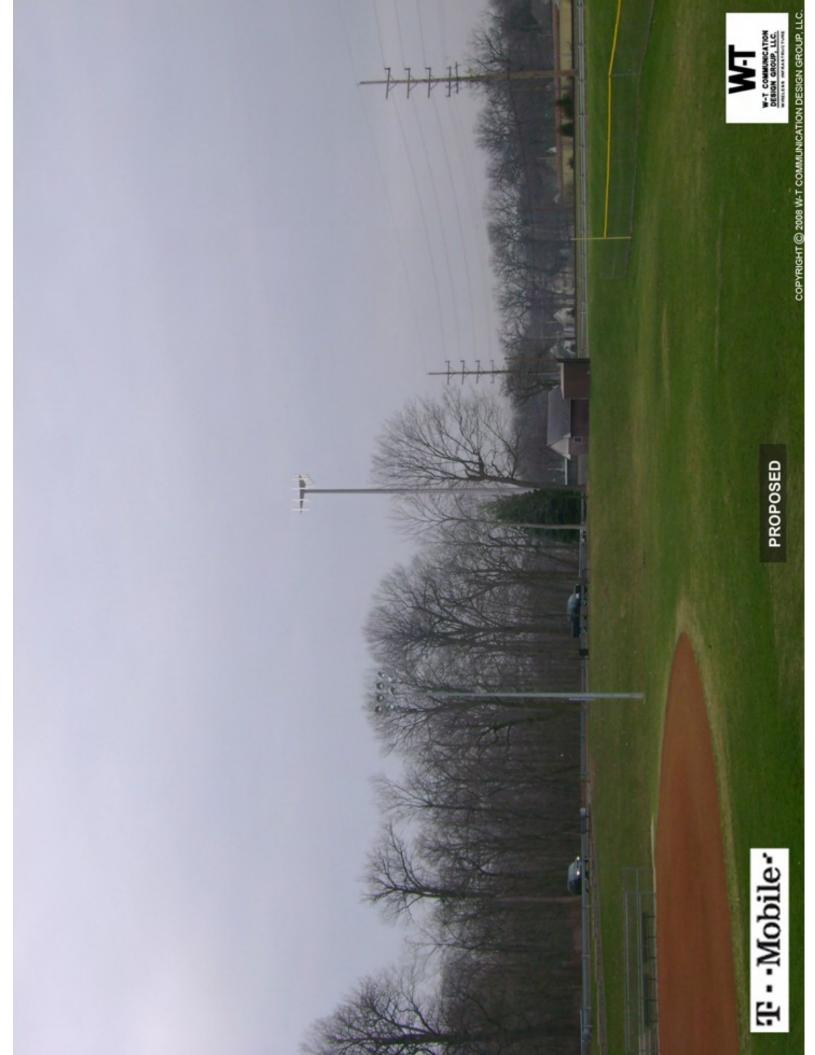
c: Dan Cermak, Administrator







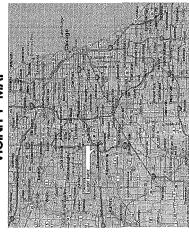




# APPROVED FOR CONSTRUCTION

CONTRACTOR SITE ACO. Ъ PROPERTY OWNER OR REP. CONSTRUCTION OPERATIONS ZONING

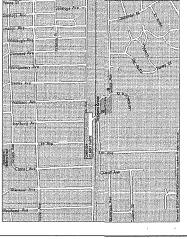
# VICINITY MAP

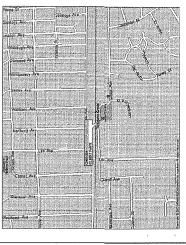


# SITE DATA

N41° 47' 41,70" (NAD 83) N88° 01' 25.41"(NAD 83) 647.00' (0.5.6.5.) DATA OBTAINED FROM SURVEY E EYATION:

# SITE LOCATION





# - Mobile

## GILBERT PARK SITE NAME

CH65-324A SITE NUMBER

# SITE ADDRESS

1500 GILBERT AVENUE DOWNERS GROVE, IL 60515 DUPAGE COUNTY

# PROJECT SUMMARY LANDLORD STE INFORMATION

JRISDICTON: DUNKE COURT OCCIPANT, UNNANNED ZONING: RAF RESIDENCE CONSTRUCTION TITE: RAM.AND P.I.N.: 09-07-201-001

LANDLORD:
DOWNERS GROVE PARK DISTRICT
CONTACT: TODD REESE
FROME: 630-468-1304
FAX: 630-468-1304

T-MOBILE U.S.A.
GHIGAGO, IL GORDI GHIGAGO, IL GORDI CANTACT, TIT MIGHALIK PHONE (TTB) 444-5400 FAX: (TTB) 444-521

APPLICANT

### CONSULTANTS SURVEYOR

PROFESSIONAL ENGINEER

H-T COMMINICATION DESIGN GROUP, LLG. 26 TB FACINA NE FOTHWA ESTATES, 11. 60192 FACE, (224) 283-6833 FACE, (224) 283-6444

N-T LAND SURPETING INC. 2615 FRATUM AVE. HOFFHAN ESTATES, IL 60192 PHOME, (224) 293-6333 FAX. (224) 293-6444

STRUCTURAL ENGINEER

## UTILITIES ComED ELECTRIC EXISTING UTILITIES

CONTRACTOR TO CONTACT
LOCAL UTILITIES LOCATING
SERVICE IN ILLINO15
CONTACT JULE
AT (800) 842-0128

COMED ELECTRIC
LIS S. CLANS STREET
CHICKSO, ILLINDIS 60603
OFFICE: 1-800-334-1661
FAX: (173)509-3244

# ₹ VENTILATION EQUIPMENT 15 LOCATED 0 GROUND CUTSIDE WITH CUTSIDE VENTILATION.

SCALE: N.T.S.

RF CONTACT: CONTACT: N.A PHONE: N.A REFRESHATION NOTE: EQUIPMENT 15 LOCATED ON THE GROUND GUTSIDE. NO REFRESHATIS ARE USED FOR COOLING THE EQUIPMENT.

#### COAX CABLE CHART DETAILS & NOTES NOTES NOTE, EQUIPMENT CABINET DETAILS POWER DIAGRAM DETAILS & NOTES GROUNDING DETAILS AND NOTES SHELTER PLANS & DETAIL SHEETS SHEET INDEX SOIL EROSION & SITE DETAILS ELEVATION & DETAILS COAX CABLE CONDUIT DETAILS GROUNDING PLAN AND DETAILS COAX CABLE SHELTER DETAILS GROUNDING RISHR DIAGRAM ECTRIC/TE CO DETAILS BALARGED SITE PLAN BILL OF MATERIALS OVERALL SITE PLAN PLUMBING DIAGRAM DESCRIPTION TITE SHEET LNA DETAILS 4

T - Mobile

8550 W. Brym Mawr Ave. Suife100 Chicago, Ninois 60631 OFFICE: (773) 444-5400 FAX: (773) 444-5500

# PROJECT TYPE NEW 90'-0" MANPOLE NITH PROPOSED COMMUNICATION SITE AND NEW EXITINGENT LOCATED ON GROUND LEVEL.

BLALD OUT; 6 ANTENNAS, 24 COAX RUNE, 3 CABINETS

# POWER REQUIREMENTS BUILDING CODES,

- 2002 NATIONAL BECTRIC CODE - 2000 INTERNATIONAL BUILDING CODE

120/240V, 200 AMP SINGLE PHASE, 3 MIKE TOTAL KVA = 25.9

NOTE:
THESE DRAWINGS ARE FULL
AND SCALEMBLE ON 11"X
17" SHET SIZE AND ARE
NOT REDUCED IN SIZE.

1. CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONTINGED ON THE JUB SITE AND SHALL IMEDIATELY NOTIFY THE BESIDEEN IN RAITING A RAY DISCREMANISE BEFORE PROCEEDING MITH THE MASK OR BE RESPONDED THE THE MASK OR BE RESPONDED.

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3. GENERAL CONTRACTOR TO FURNISH TO ALL ELECTRICAL BIDGES A COPY OF THIS REVIEW AND THE RESULTS THEREOF

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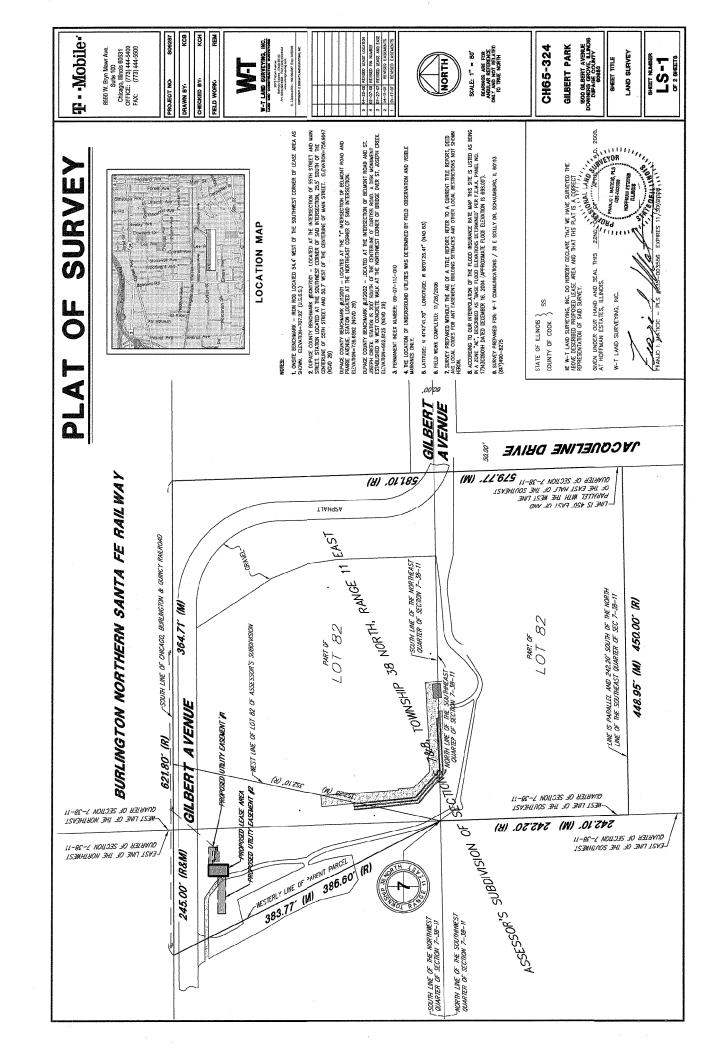
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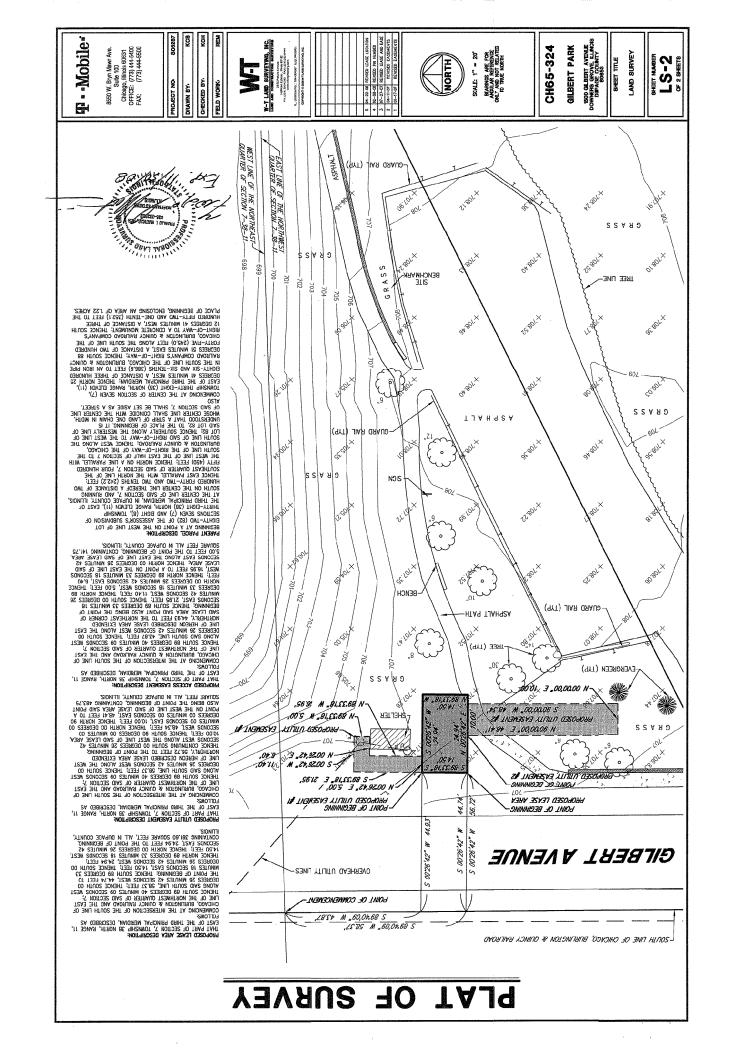
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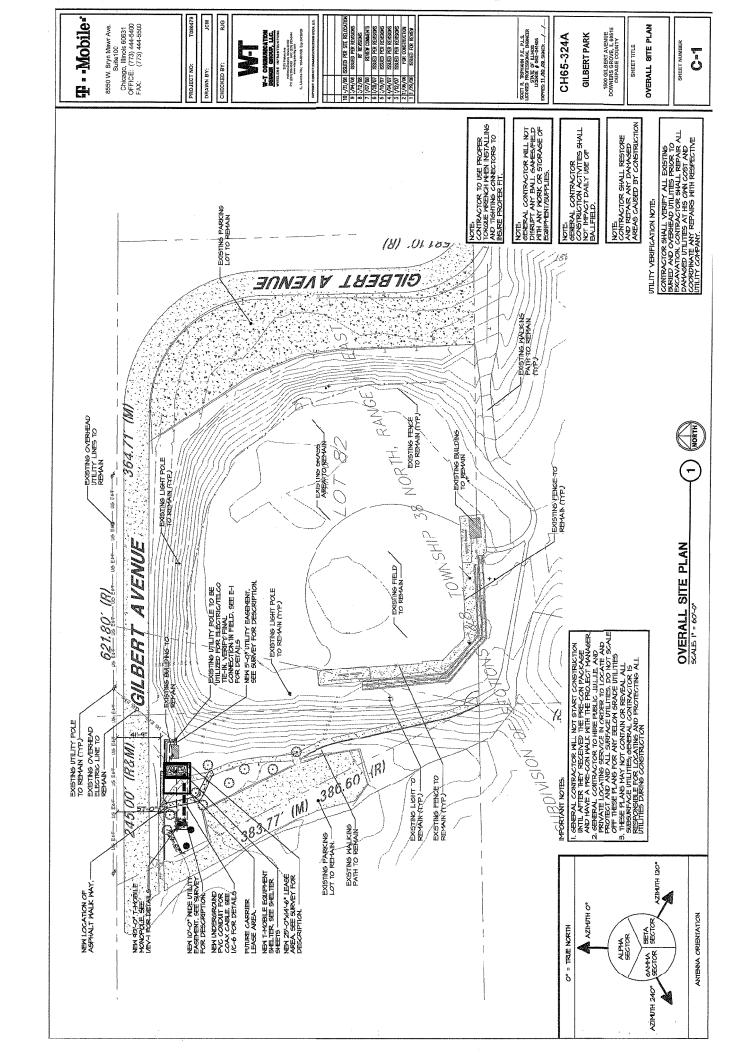
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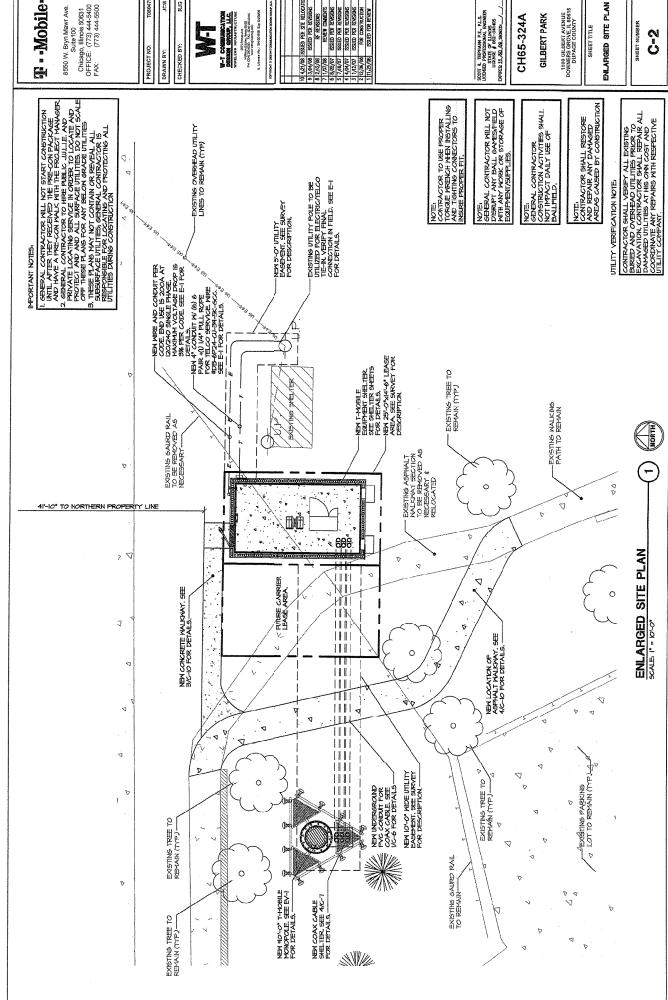
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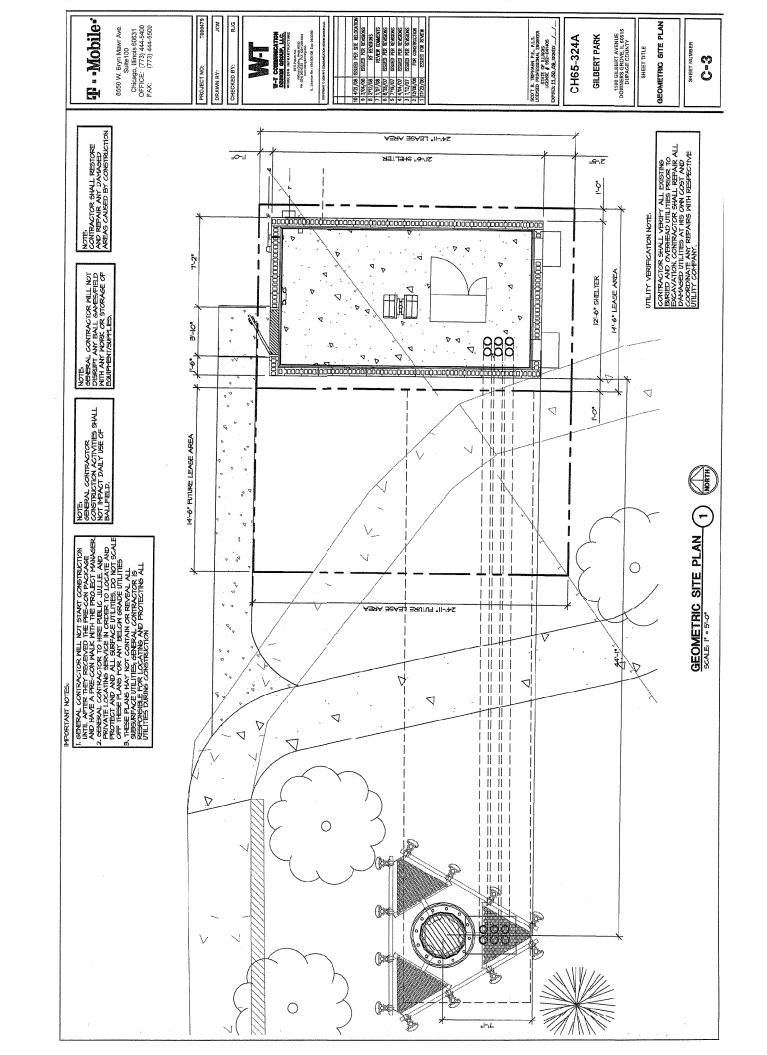
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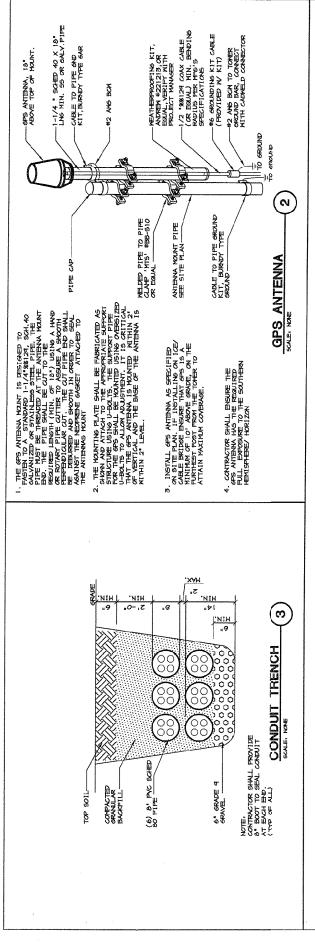
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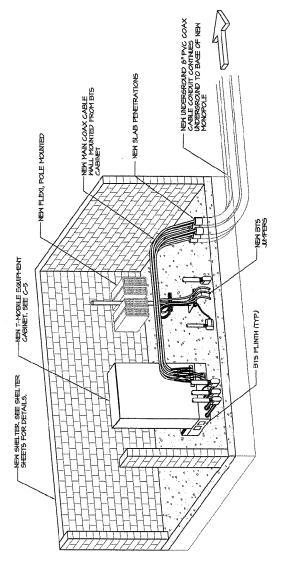
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CHECKED BY:

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1500 GILBERT AVENUE DOWNERS GROVE, IL 60516 DUPAGE COUNTY GILBERT PARK

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8550 W. Bryn Mawr Ave. Suite100 Chicago, Illinois 60831 OFFICE: (773) 444-5400 FAX: (773) 444-5500

- SUBGRADE PREPARATION:
- A. REMOVE ALL SOILS CONTAINING TOPSOIL, ORCANIC MATERIALS, AND/OR FILL MATERIALS FROM WITHIN AREA OF ENCLOSURE PAD DOWN TO SILTY CLAY STRATUM.
- B. PROOFROLL RESULTING SUBGRADE WITH A HEAVLY LOADED SINGLE AXLE DUMP TRUCK OR SIMILAR VEHICLE (20 TON LOAD), CONTRACTOR SHALL UNDEROUT AND REPLACE, WITH ENGINEERED FILL (SOMPROLLE CA-6 MATERIAL), ALL LODES, SOFT OR UNSTABLE AREAS REVEALED DURING PROOFROLLING, AS DIRECTED FIT HE TESTING AGENCY.
- 3. ALL WORK SHALL CONFORM TO STATE OF ILLINOIS BUILDING CODE, LATEST EDITION, LOCAL BUILDING CODES AND ORDINANCES. C. BACKFILL AREA UNDER EQUIPMENT ENCLOSURE WITH CA-6 GRANULAR MATERIAL
- THE CONTRACTOR IS SOLEY RESPONSIBLE FOR THE MEANS AND METHODS OF CONSTRUCTION INCLUDING, BUT NOT LIMITED TO, THE DESIGN AND PLACEMENT OF FORMS AND SHORING.
- FILL MATERIALS NOT REQUIRING COMPACTION SHALL BE PLACED IN LIFTS NOT TO EXCEED 12", FILL MATERIALS REQUIRING COMPACTION SHALL BE PLACED IN LIFTS NOT TO EXCEED 9", UNLESS NOTED OTHERWISE. ALL MATERALS REQUIRED TO BE COMPACTED SHALL BE COMPACTED TO A MANMUM OF 95% OF MAXIMUM DRY OBSENST AS DESTENMED BY THE TESTING AGENCY IN ACCORDANCE WITH ASTM STANDARD D-1557 (MODIFIED PRACTOR).
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7500 W. Happine Board, Buste Std. Hoffman Estates, shoes (CHIS PH. (PAT) 400-4275. FAC: (BAT) 856-596 Www.METGERSTO. CHI.

OFFICE: (773) 444-5400 (773)444-55008550 W. Bryn Mawr Ave. Chicago, Illinois 60631 Suite 100

SHELTER DRAWINGS SITE # CH65-324A GILBERT PARK

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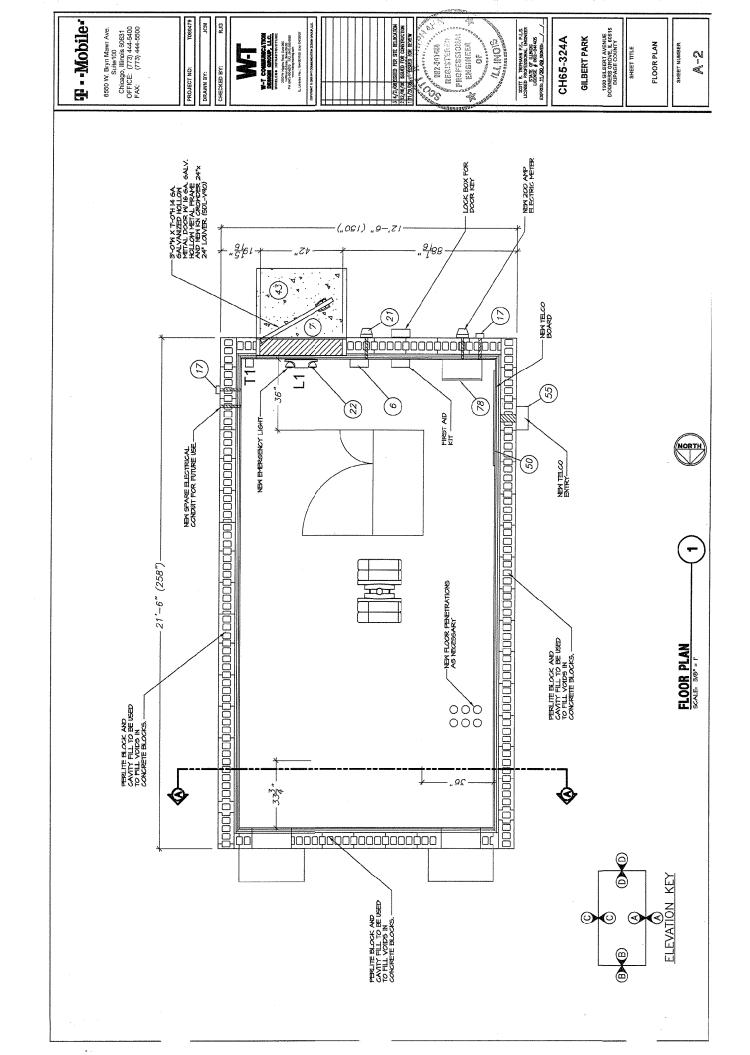
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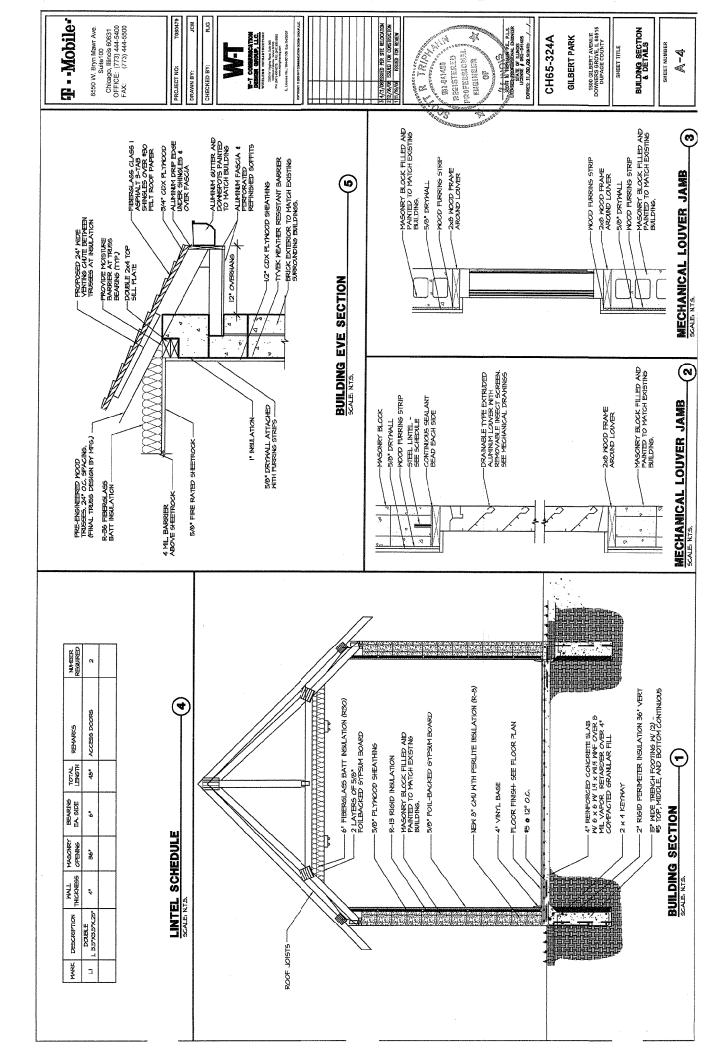
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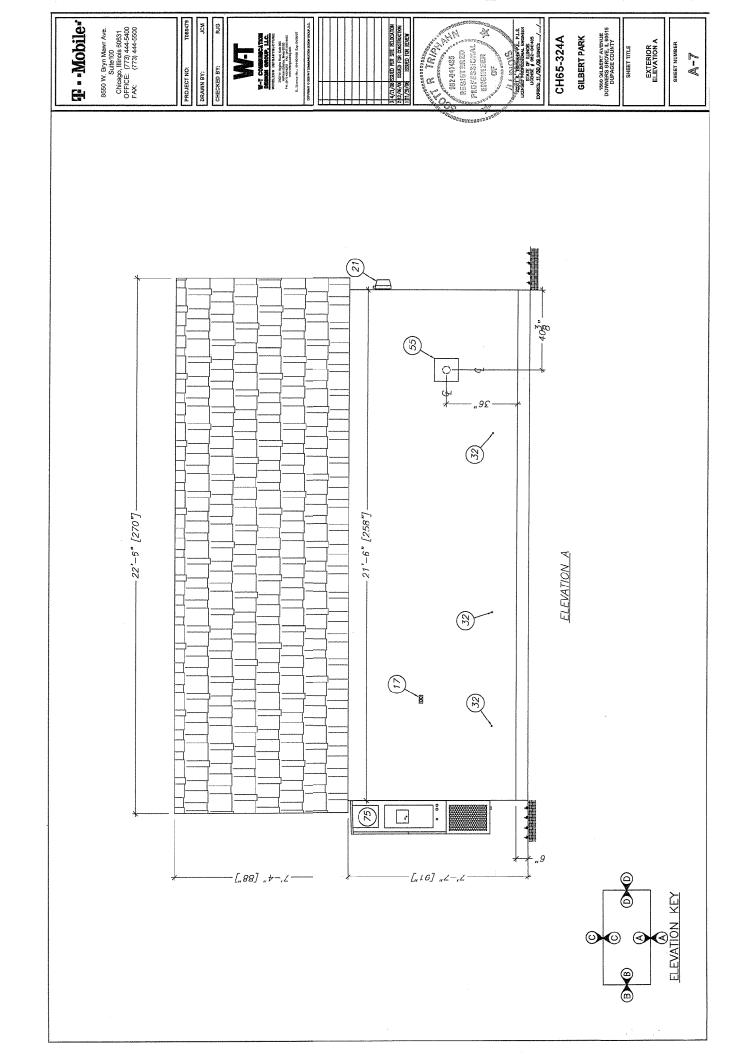
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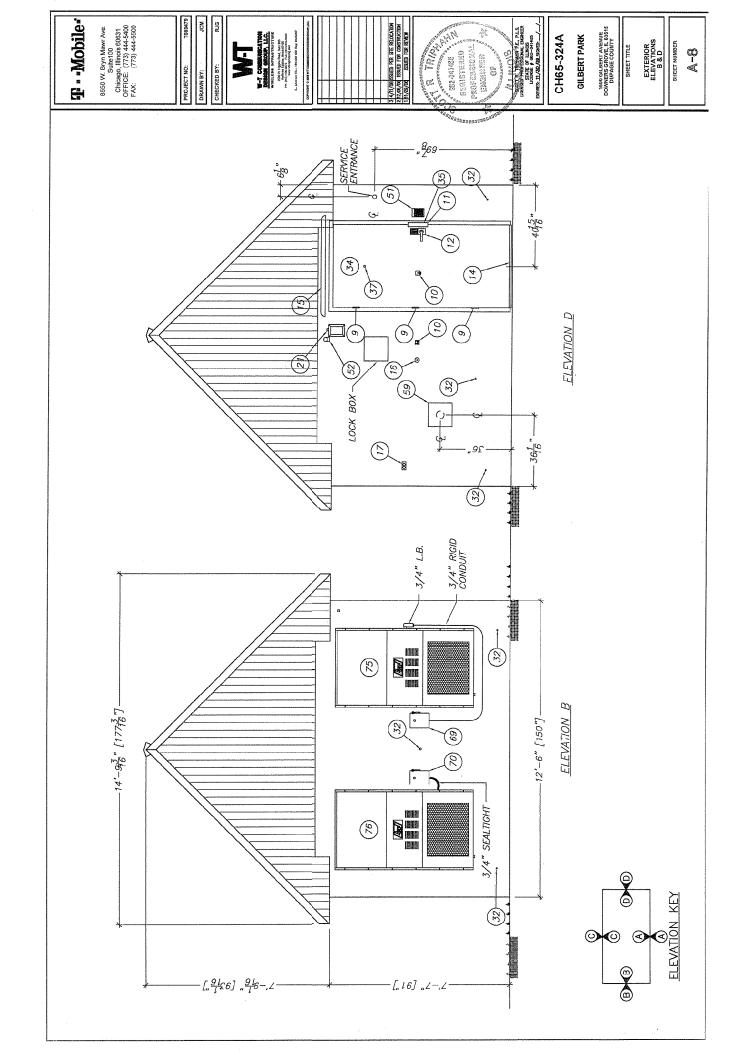
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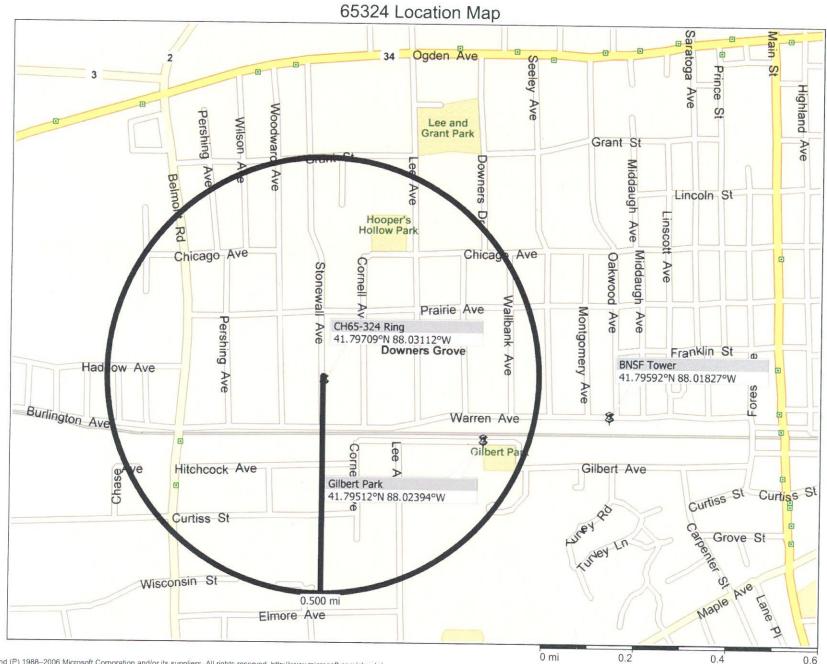
# PETITIONER'S SUBMITTAL AT PLAN COMMISSION MEETING







**Future Carrier Antenna Location** T··Mobile PROPOSED W-T COMMUNICATION DESIGN GROUP, LLC. WIRELESS INPRASTRUCTURE



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# VILLAGE OF DOWNERS GROVE PLAN COMMISSION MEETING MARCH 3, 2008, 7:00 P.M.

Chairman Jirik called the March 3, 2008 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

PRESENT: Chairman Jirik, Mr. Beggs, Mr. Cozzo, Mr. Matejczyk, Mr. Quirk, Mrs. Rabatah,

Mr. Waechtler

ABSENT: Mrs. Hamernik, Mr. Webster

**STAFF PRESENT:** Mr. Jeff O'Brien, Senior Planner; Damir Latinovic, Planner; Stan

Popovich, Planner; Mike Millette, Assistant Director of Public Works

**VISITORS:** Kelly Bufton, 1513 Gilbert Ave., Downers Grove; Susan Brown, 1508 Gilbert Ave.,

Downers Grove; Maurice Mathey, 1516 Gilbert Ave., Downers Grove; Janice Sommer, 4824 Florence Ave., Downers Grove; Theresa Kulat, 5417 Challen Pl., Downers Grove; Stacey Sanicki, 4624 Sterling Rd., Downers Grove; Mark Layne, T-Mobile, 777 Army Trail Rd., Addison, IL; Leslie Worcheck, 3 Jacqueline Dr., Downers Grove; Barbara Fleming, 815 S. Taylor, Oak Park; Tom Sisul, 5120 Main St., Downers Grove; Dave Brown, 1508 Gilbert Ave., Downers Grove; Edward Nemetz, 327 Gierz, Downers Grove; Rita Blaney, 4770 Florence Ave., Downers Grove; Bob Stadtler, 315 Gierz, Downers Grove; Tom Taylor, 321 Gierz, Downers Grove; Kevin Mize, T-Mobile, 777 Army Trail Rd., Addison, IL; Tim Mahalic, T-Mobile, 777 Army Trail Rd., Addison, IL; Marge Earl, 4720 Florence Ave.,

Downers Grove; Marguerite Re, 5117 Lee Ave., Downers Grove; Scott Mousel,

4832 Fairview Avenue, Downers Grove.

Chairman Jirik led the audience in the reciting of the Pledge of Allegiance.

Minutes of February 11, 2008 - The February 11, 2008 Plan Commission minutes were approved on motion by Mr. Matejczyk, seconded by Mr. Cozzo. Motion carried by voice vote of 7-0.

Chairman Jirik explained the protocol for the hearings.

Chairman Jirik swore in those individuals who would be speaking on File No. PC-02-08.

FILE NO. PC-02-08 – A petition seeking 1) Annexation and Rezoning from R-1, Single Family Residential to R-3, Single Family Residential; 2) Special Use Approval for a Telecommunications Tower. The property is located in Gilbert Park, commonly known as 1500 Gilbert Avenue, Downers Grove, IL (PIN 09-07-113-010); Mark Layne, Agent for T-Mobile Central LLC, Petitioner; Downers Grove Park District, Owner

Damir Latinovic, Village Planner, explained the petitioner is requesting annexation and rezoning of the last remaining parcel of Gilbert Park still in unincorporated DuPage County from R-1 Single Family Residence District to R-3 Single Family District to match the zoning of the rest of the park. The petitioner is also seeking approval of a Special Use to construct a 110-foot tall

telecommunications tower with an 18-foot tall equipment shelter. The 42,000 sq. foot lot is contiguous to the Village and is surrounded by Maple Grove Forest Preserve just west of the parcel. The Burlington Northern Santa Fe Railroad abuts the subject parcel to the north. Industrial uses exist to the north of the tracks along Warren Avenue and Single Family uses surround Gilbert Park. Current access to the park is off Gilbert Avenue, and the parcel contains a basketball field, playground, a one-story park shelter with restroom facilities and a baseball field.

Mr. Latinovic pointed out on the overhead map a service area gap identified by T-Mobile. T-Mobile would like to install a telecommunications tower to provide better service to its customers in that area. T-Mobile is proposing to replace the northwest light pole in the park with a 110 foot tall cell tower with field lights reinstalled at the same height on the new tower. The new tower would allow for two new carriers. An 18-foot high by 21.5 foot by 12.5-foot equipment shelter will be built south of the tower to house equipment for the tower operation.

According to the Future Land Use Plan, the subject parcel is designated as Open Space. Staff believes the proposed telecommunications tower and equipment shelter do not change the land use or characteristics of the area and are consistent with the intent of the Future Land Use Map. The proposed telecommunications tower is a permitted Special Use in the R-3, Single Family zoning district. The tower and shelter meet or exceed the Village's bulk requirements. The Federal Communications Commission and the Federal Aviation Administration also regulate the location of telecommunications towers. Petitioner's independent engineering reports reflect that the radio frequencies emissions on the site will be about 1.5% percent of the maximum where Federal regulations permit a 5% percent emissions maximum. The tower will be unattended, but T-Mobile staff will be visiting the site two to three times per week.

Because the ball field sits in the flood plain, to meet the Stormwater Ordinance, the proposed shelter will have to be raised three feet above flood plain level, and the conduits will have to be raised one foot above flood level. Since the staff report was prepared, staff has received several phone calls and emails from neighboring residents opposing the tower. Staff has provided copies of the resident submittals to the Commission on the dias. The petitioner held an open meeting on February 4, 2008 to discuss the proposed towers for Gilbert Park and Hummer Park. At that time, questions focused only on the tower for Hummer Park and not Gilbert Park. Staff also received a letter from the DuPage County Forest Preserve District expressing concern about possible effects of the proposed tower on migratory birds. However, due to lack of research and scientific data, the Forest Preserve District of DuPage County does not oppose the tower installation at this time. The Forest Preserve will monitor the situation and take action if necessary.

Staff believes the annexation and rezoning of the parcel to R-3, Single-Family Residential is consistent with the Village's Future Land Use Map and meets all standards for approval of amendments to the Zoning Map. The proposed location is the least obtrusive alternative with minimal impact to the neighborhood. The tower will assist Village residents in having adequate wireless service and will contribute to the general welfare of the neighborhood. Staff recommended approval of the request by the Plan Commission subject to the conditions in its report.

Mr. Matejczyk commented on receiving the information from the residents on short notice. He inquired about the Park District's agreement with T-Mobile, wherein staff stated the petitioner could elaborate on the matter. Per another question, staff explained the Village has no record of the

PLAN COMMISSION 2 MARCH 3, 2008

site being annexed to the Village and as such the annexation and rezoning is required prior to the Special Use consideration.

Chairman Jirik inquired about the steps the petitioner would follow if this matter were pursued in the County's jurisdiction. Staff explained the DuPage county staff advised the petitioner to follow contact the Village of Downers Grove about annexation and following the Village's rules as the county also does not have records on the property ever being incorporated.

Mr. Mark Layne, 777 Army Trail Rd., Addison, Illinois, on behalf of T-Mobile, discussed his professional background and introduced his design/construction team. His request is for a Special Use for the replacement of an existing light pole at Gilbert Park with a multi-purpose light/telecommunications structure. He noted that all standards for approval within the packet were addressed in writing, they were met and staff recommended approval. He stated he originally identified the parcel as part of the County because the Forest Preserve, which abuts the parcel, is unincorporated, and he thought it was a part of the Forest Preserve parcel. After speaking with the County, the County was unable to identify the parcel in their records as unincorporated and therefore, he went to the Village, who could not identify it in their records as well. After speaking with staff and the Park District and seeing that the parcel was part of the Gilbert Park, it made sense to bring the proposal to the Village.

Mr. Layne proceeded to discuss how personal communication service has grown and how he researches sites for the communication towers.

Mr. Kevin Mize, T-Mobile, 777 Army Trail Rd., Addison, the design engineer for the proposal, discussed how locations and gaps in wire service for sites are determined. Maps of the existing and proposed site were depicted.

Mr. Layne pointed out his first priority is to look for existing antenna towers or tall structures. After none were identified in the search area, it was determined the light poles at Gilbert Park would work. The Park District and T-Mobile entered into a lease agreement for the site. However, because the site sits in a depressed floodplain area, the new tower pole would replace the old lights and be 110 feet. The Park District was interested in having a co-locatable structure; i.e., T-Mobile would be leasing the space on the ground for the shelter and the space on the tower for the antennas, which provides the Park District with an additional revenue source for another carrier to add its antenna. The tower will have a galvanized metal finish, and at the base of the tower will be a brick shelter to accommodate the radio cabinets, designed to match Park District structures on site.

Regarding the informal open house meeting on February 4, 2008 at the Village's Public Works facility, no one attended for the Gilbert Park site. As to the health effects of the signals, Mr. Layne stated that radio signals surround everyone everyday. To address radio emissions concerns, T-Mobile commissioned an engineering study, which certifies that the emissions output from the site will fall well below FCC requirements. More information was available to the public. As to the locations of the sites, Mr. Layne pointed out the FCC notes that site development is driven by customer demand measured by subscribership, dropped calls, customer complaints and user technology. He discussed the statistics for use of wireless users versus land-line users, which is dropping. Addressing the appearance of the tower, Mr. Layne explained they were very common and pointed out the various sites throughout the metropolitan Chicago area.

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As to the impact of a tower on property value, Mr. Layne, who also is a real estate appraiser, stated he has not been able to prove long-term negative effects on a property value. A report by David Kunkel was referenced as it relates to towers and property values. He discussed the overall positive benefits of the proposal, and he asked for support.

Mr. Matejczyk asked how many providers were licensed within the Village, wherein Mr. Mize stated there were five to six PCS providers and two cellular providers. There was the possibility of a network. Mr. Matejczyk voiced concern about other providers seeking the same overlay coverage in the same neighborhood, having multi-antennas in the area, and this tower setting a precedent. Mr. Mize discussed some of the reciprocal sites that he has worked out with other providers. Mr. Mize explained as the volume increases, more sites have been built, but due to better technology occurring, it had somewhat decreased the need for sites. He could not confirm that other providers' coverage holes would exist. Mr. Matejczyk asked if the petitioner approached Commonwealth Edison about using a power pole to the north in an industrial area as well as Heinz Lumber, wherein Mr. Layne stated that voltages lower than 138KV are not considered by ComEd for co-locations. As to Heinz Lumber, he did review the matter, but the Village's zoning setbacks restricted using this property.

Per Mr. Matejczyk's question, Mr. Mize stated that internal antennas can be used on the tower, but in that case the capacity for the service on the site is lower and is a trade-off.

Mr. Waechtler noted seven proposed T-Mobile towers to be constructed in the Village based on the map, wherein Mr. Layne stated a few locations had already been created since the drafting of the map. Mr. Mize discussed the general rule for the distance between towers sites where an 80-foot tall site is a preferred option with other similar towers being located three-fourths of a mile apart. When asked if alternative technology existed to install a tower, Mr. Mize stated T-Mobile was trying to provide coverage in the best cost-effective manner. However, he provided some samples of other technology, noting it would require more locations or not being feasible to construct.

Mr. Matejczyk asked Mr. Layne to explain some wording in the narrative letter about how T-Mobile "reserved its rights", wherein Mr. Layne stated he drafted his agreement based on what was written by a T-Mobile attorney. Mr. Mize then explained the difference between using the 80-foot antenna versus the 110 antennae; i.e., different propagation capability as well as allowing another carrier to be added. Mr. Layne clarified the 110 feet was the maximum allowed by Village code but the 80 foot height would also be effective. He clarified the Park District was interested in the 110 foot height which would allow for co-location of equipment with another wireless provider.

Per Mr. Layne, since 1999 T-Mobile has been operating sites in the Village. As to complaints about the tower, both Mr. Layne and Mr. Mize were not aware of any complaints. Chairman Jirik asked for an explanation on the energy study and how the FCC regulates radio frequency emissions. Details were explained to Chairman Jirik and Mr. Waechtler. As to the size of the shelter being proposed for the site, Mr. Layne stated the building (12.5' x 21.5') was just for T-Mobile equipment and would be filled to the maximum. Service to the equipment within the building would be minimal -- about once a month or once a quarter -- to clean filters or fix a radio. Mr. Layne clarified the agreement with the Park District specifically states there is to be no interference with park activity.

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Mr. Matejczyk again confirmed with the petitioner that he did consider the Heinz Lumber in the industrial area and did consider going joint with ComEd, which was not available to the petitioner.

When asked, if another carrier was to co-locate and would another shelter have to be constructed, Mr. Tim Mahalic with T-Mobile, 777 Army Trail Rd., Addison, Illinois, stated it depended upon the technology that carrier was using. Mr. Layne added that an addition to the shelter could be constructed should another carrier come in. The diameter of the pole was not confirmed, but the pole base would be a 36" inch at the base and taper upwards.

Chairman Jirik opened up the meeting to public comment and discussed guidelines to follow. The Chairman asked that the public be limited in its presentations, noting that it was not the jurisdiction of the Village to judge the health concerns of the petition.

Ms. Theresa Kulat, 5417 Challen Pl., Downers Grove, asked if the Commission received her letter, the biography of Dr. Carlo, the study conducted in Germany, and the summary by Mollie Wood, which was confirmed by the board. She asked that the information be forwarded as part of the packet to the Village Council. She also noted the Plan Commission had the duty to rule on whether or not the petition is a permitted Special Use, and that one of the standards reflects that the Special Use "will not be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity." As to the petitioner's comment about increasing demands for cell phones, she noted there was an increasing demand for cigarettes in the 1960's and now the demand has decreased because of the health risks. The same followed for asbestos and lead-based toys. She stated the statement for demand was not an excuse for allowing people to be injured by them. She stated alternatives do exist; i.e., land-based phone lines and fiber optics.

Ms. Barbara Flemming, 815 S. Taylor, Oak Park, works as a child educator and is researching electrical currents in playgrounds and their effects on children. She offered to provide the information to those interested. Lastly, she asked that the Commissioners be informed of what they were doing especially on public property with children. Chairman Jirik indicated her information would be included in the Village Council packet.

Ms. Stacy Sanicki, 4624 Sterling Rd., Downers Grove, stated her two children play at the park, and her one son has a condition in which his body reacts to all electro-magnetic intensity, which causes adverse reactions. She participated in a summit with Dr. Carlo who agreed that cell phone towers are regulated devices, and the FCC is different from the FDA and the EPA, which should be taken into account.

Mr. Maurice Mathey, 1516 Gilbert, Downers Grove, pointed out his house on the overhead map and discussed how the park has changed over the years including its mismanagement. He stated parks are for people to forget about technology, to relax and to not see a cell tower. He stated this matter was about money and about raising money by the Park District. He discussed that by rezoning this parcel, it changes the nature of the park. Regarding the Gilbert Park meeting, he received no notice. He reminded the Commissioners that the Village stands for its parks.

As an aside, Chairman Jirik and Mr. O'Brien, Senior Planner, clarified the Park District was a separate entity and was subject to Village regulations and zoning like every other private property.

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Ms. Leslie Worcheck, 3 Jacqueline Dr., Downers Grove, moved to her home due to the trees and peaceful atmosphere. She stated the park was small and every part of the park was utilized constantly. She did not support the proposed building, the height of the tower, and the fact that no confirmation could be made if there would be an addition added to the proposed shelter. She asked if additional tower lights would be located on the tower and be lit all night long. She asked if the shelter/tower could be relocated to the west of the parking lot since it would lessen the visibility of the shelter. She voiced concern about servicing the equipment a few times a week.

Per staff, the proposed building shelter would be allowable by right as long as it met Village setbacks. However, the Plan Commission could consider special limitations to the proposal.

Mr. Kelly Bufton, 1513 Gilbert Avenue, Downers Grove, is a real estate lawyer and shares the same concerns of fellow neighbors. He reminded the Commissioners that Section 28.1307.(l) of the Village's Code, which deals with the location of towers in residential districts, "is to be discouraged." In addition, no tower shall be permitted in a residential area unless one of the following is established: 1) there are no sites within non-residential districts which will accomplish the same coverage. To the point, he notes no evidence exists that the condition has been met. Also, "because of unique circumstances, the proposed tower will have no significant adverse impact on existing or reasonably anticipated residential uses or property values in the area of proposed tower." He noted the neighbors bought their homes near the park due to the park-like atmosphere. The tower will reduce the value of the home, and the number of people interested in his home should he want to sell it. He stated the petitioner has not met either criteria. Section 28.1307.(i), relating to Heights, allows for a 110 foot tower, if there are two users. Mr. Bufton stated that currently there was no second user. He questioned the height of the tower for one user only since no second user was presented. He believed the tower could not be higher than 90 feet as presented.

Ms. Marguerite Re, 5117 Lee Ave., Downers Grove, has been a resident since 1965, and she did not receive any notice about the matter but instead saw the rezoning sign. She had concerns with using public lands for private use. She believed other locations on the north side of the tracks could be used. She preferred a variance on setbacks in an industrial use rather than locating in this park and meeting the setback requirements. She believed children should still have a place to run and enjoy the open space.

Mr. Tom Sisul, 5120 Main Street, Downers Grove, on behalf of resident Mr. Johnson, wanted to ensure that the Commissioners received Mr. Johnson's letter, even though it dealt with Hummer Park. He believed the Commissioners were deciding on the proper use of open space and explained that the discussion asks how far does the Commission go in determining the use of open space. Mr. Sisul stated there were ways to address this issue in industrial areas with possible refinements. Mr. Sisul asked that his comments and Mr. Johnson's letter be entered into this petition and the next petition for Hummer Park. He clarified that his point for open space was that the use was a commercial use for an open space and would the Commission abide by the use by a private enterprise. He believed the residents of the Village wanted the land set aside as open space.

Mr. Scott Mousel, 4832 Fairview Ave., Downers Grove, understood that co-location would allow the tower three tenants and understood that T-Mobile would not have to return to the Commission to add second tenants. He believed the picture was deceptive. Mr. Latinovic, VIllage Planner, clarified the tower's proposed height allows two tenants by-right.

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Mr. Dave Brown, 1508 Gilbert, Downers Grove, supported the park, but voiced concern that because no one attended the petitioner's informational meeting, which was incorrectly noticed, it was construed as no one is caring. He stated otherwise, and he did not want the Village Council to think that no one cared. He stated the notice to residents within 250 feet was not enough. He said the "villain" in this matter was the Park District, and he inquired as to why the Park District did not petition the Village for the variance, wherein Mr. O'Brien, Senior Planner, stated the Park District presented this petition to the Village, and it is the only petition the Village can discuss at this time. The Chairman also explained the Plan Commission does not review the Park District's actions since it is a different governmental agency.

Mr. Waechtler pointed out that notification on this particular matter, because it was unique, should be considered beyond the 250 feet since more people and an entire neighborhood were being impacted. He asked staff to think about that for the future. However, the Chairman cautioned that staff must be consistent and equitable.

(The commission took a short break at 9:30 p.m. and then reconvened at 9:38 p.m.)

# PC 07-08 Announcement

Upon reconvening the meeting, Chairman Jirik announced there was an error contained in the notice for PC 07-08 (5416-5418 Belmont Road). He stated this petition would not be discussed at this meeting. Mr. O'Brien stated new notices would be issued 15 days prior to the public hearing and that staff anticipated this matter would be discussed at the April 7, 2008 meeting.

# PC 02-08 Continuation

Mr. Kelly Bufton, 1513 Gilbert Ave., Downers Grove, asked for clarification from staff about the two co-locations that were allowed when the Village's ordinance did not state how many co-locations could be on one pole no matter the height.

Mr. Maurice Mathey, 1516 Gilbert Ave., Downers Grove, talked about good government and the fact that good government needs a heart and a good understanding of what a park is. He believed the Commission had to ask itself what it stands for and to consider the small decisions even though trivial in nature. He discussed the importance of the parks, the children and the families that visit them and that the decision is not "just business". The Chairman again reviewed the purview of this Commission. Given that point, Mr. Mathey stated the tower will change the character of the park.

Ms. Marge Earl, 4720 Florence Ave., Downers Grove, stated T-Mobile has conveyed that property values will not be greatly impacted, which she disagreed. She also believed the Village disagreed, given the fact that the Village has invested much expense in burying the utilities and poles for the Acadia on the Green project.

Ms. Susan Brown, 1508 Gilbert, Downers Grove, sees an infringement on open space and asked the Commissioners to consider that two or three users will be on the antenna, and a larger shelter will be built. She discussed the beauty of the sunsets that occur at the park and she asked that the Commission preserve that.

Hearing no further comments, Chairman Jirik closed the public participation portion of the meeting and asked the petitioner for closing statement.

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Petitioner, Mr. Layne stated there would be no additional lights on the tower other than the baseball lights already on the pole. The antennae array, if there was more than one user, Mr. Kevin Mize explained there could be two or three platforms depending upon the needs of the carrier. Mr. Mahalic confirmed the pole would carry T-Mobile and one only one other carrier. Mr. Layne stated the Park District would know whether it had a co-locator at this time or not. As to limiting the footprint of the shed, Mr. Mahalic stated it would house T-Mobile's equipment only with no extra room at this time. Mr. Layne confirmed T-Mobile was not required to provide space for another co-locater. He further summarized that T-Mobile was only leasing space from the Park District for their own needs, and any future applicants would have to contact the Park District directly.

Regarding consideration of using the west parking lot, Mr. Layne stated half of the parking lot and the access drive was on Forest Preserve property. He explained the topography of the land and some of the difficulties if the shed was placed close to the parking lot. When asked if moving the shed and relocating the tower near the trees was considered, Mr. Layne stated that if the tower was moved to the trees, it would be a violation of the Village's setback lines, and the "monopine" trees looked like Sequoia trees. Chairman Jirik also confirmed with Mr. Mize, who stated that an 80-foot tower would work, from a design standpoint. Lastly, as to the maintenance schedule, Mr. Mize confirmed the average site would be visited about once a month and once every three months. Mr. Waechtler also pointed out if another carrier was added, additional visits could occur at the site.

In general, Mr. Layne discussed that T-Mobile was meeting the Village's standards because it showed that it researched the search ring, and there were no structures of height. Additionally, due to complying with the Code, it would have been problematic in constructing something new given the size and setback requirements for a parcel. Mr. Layne addressed a question about the location of the shed as proposed and how it relates to sledding activities. He explained when the location was proposed to the Park District, T-Mobile did discuss the issue with the Park District Board, and the Board thought the location was acceptable. However, the shed could be shifted left or right.

In closing, Mr. Layne summarized such agreements were a win-win for everyone involved given the fact that it was a public body and provides a source of non-tax based revenue. He agreed that the residents' concerns were valuable, and he and his team were sensitive to those concerns. He asked the Commission to support the proposal.

Mrs. Rabatah asked staff about clarification of the Village Code specifically as it relates to a 90-foot maximum height, wherein Mr. O'Brien explained if the petitioner does not have two users, they are required to give the Village a notarized affidavit stating that the pole can accommodate two users, which was provided by the petitioner. Staff also reminded the Commissioners that if they did not feel the 110 feet was appropriate, the proposal could be modified. Staff also pointed out that the shelter may be expanded, which should be taken into consideration.

Other concerns raised included Mr. Matejczyk's concern of how the proposal would degrade the park. He was not fully convinced every option was considered, given the industrial area to the north of the tracks. He believed the Village was setting a bad precedent by placing it in a park. Mr. Cozzo concurred and stated that testimony was given that residential areas should be discouraged for towers especially if alternative sites exist. He believed more site research was necessary.

Mr. Waechtler also agreed other alternative sites should be considered. He believed Mr. Matejczyk's comment about setting a precedent was a valid point, given the next petition was for Hummer Park. He believed Mr. Sisul's comment on determining open land and open space was on point. More carriers on the site were a significant concern. Mr. Beggs recalled when the Park District agreed to place a water tower in McCollum Park over a golf course and at Maple and Belmont Avenue. He explained in both instances there was a strong public purpose for those towers, but he did not see that public purpose in the proposal at hand. He believed if the proposal was to move forward, the Commission needed to place requirements on the size of the building. Mr. Beggs also agreed with Mr. Sisul's statement about open space. More options needed to be explored since there was no evidence of it.

Since the Future Land Use Map recognizes the land as open space, Mrs. Rabatah was in agreement with the 36" inch diameter pole being an infringement. She supported Mr. Matejczyk's comments that more options needed to be investigated. Should the proposal move forward, she supported limitations being placed on the size of the building and the height of the pole.

In reviewing the standards, Chairman Jirik, explained there were some standards that caused him to look favorably upon the proposal while other standards did not. He stated the petitioner's design was to the maximum, which becomes obtrusive for the particular use. He supported what other Commissioners were stating. Referring specifically to Standard A, Mr. Cozzo questioned whether the Special Use at the particular location was "necessary", and he was not truly convinced it was necessary for the proposed location.

Chairman Jirik briefly explained to the public that any motion made was just a recommendation to the Village Council.

WITH RESPECT TO FILE NO. PC-02-08, MR. WAECHTLER MADE A MOTION THAT THE PLAN COMMISSION RECOMMEND TO THE VILLAGE COUNCIL THAT THIS PETITION, INCLUDING THE REZONING, ANNEXATION AND SPECIAL USE BASED ON STANDARDS 28.1902 A, B, AND D BE DENIED BECAUSE THE COMMISSION BELIEVES THERE IS NO EVIDENCE THAT THE USE IS NECESSARY AT THE PROPOSED LOCATION.

# SECONDED BY MR. MATEJCZYK.

Chairman Jirik clarified that one standard does not take precedent over the other and believed much meaningful dialogue existed.

### **ROLL CALL:**

AYE: MR. WAECHTLER, MR. MATEJCZYK, MR. BEGGS, MR. COZZO, MR. QUIRK, MRS. RABATAH, CHAIRMAN JIRIK

NAY: NONE

### THE MOTION CARRIED. VOTE: 7-0

Staff noted this matter would be scheduled for a workshop on or about April 15, 2008.

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### TomSisulEmail

From: Tom Sisul [sisul@sisullaw.com] Sent: Friday, May 02, 2008 3:27 PM

To: OBrien, Jeff

Subject: Emailing: Photos to attach to Willis Johnson Letter for Council

consideration AZ Flag Pole.JPG, P1010001.JPG, P1010002.JPG,

P1010003.JPG, P1010004.JPG, P1010005.JPG, P1010006.JPG, P1010007.JPG, P1010008.JPG, P1010009.JPG, P1010010.JPG, P1010011.JPG, P1010

Attachments: AZ Flag Pole.JPG; P1010001.JPG; P1010002.JPG; P1010003.JPG; P1010004.JPG; P1010005.JPG; P1010006.JPG; P1010007.JPG; P1010008.JPG; P1010009.JPG; P1010010.JPG; P1010011.JPG; P1010012.JPG; P1010013.JPG

Jeff

Please attach the pictures to Mr. Willis Johnson's letter regarding the park district antenna special use petition. The first is an existing antenna flag pole in Tucson AZ at a normal flag pole height. The second is a normal flag pole in Oak Brook. The remaining pictures exhibit additional locations for the antenna not on park district property.

Please advise if the receipt is not clear.

Tom Sisul

The message is ready to be sent with the following file or link attachments:

AZ Flag Pole.JPG

P1010001.JPG

P1010002.JPG

P1010003.JPG

P1010004.JPG

P1010005.JPG

P1010006.JPG

P1010007.JPG

P1010008.JPG

P1010009.JPG

P1010010.JPG

P1010011.JPG

P1010012.JPG

P1010013.JPG

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

























