

**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE VILLAGE COUNCIL MEETING  
MAY 20, 2008 AGENDA**

<b>SUBJECT:</b>	<b>TYPE:</b>	<b>SUBMITTED BY:</b>
Annexation, Zoning Map Amendment and Special Use for a telecommunications tower at Gilbert Park	Resolution ✓ Ordinances Motion Discussion Only	Tom Dabareiner, AICP 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.

**UPDATE & RECOMMENDATION**

This item was discussed at the May 13, 2008 Workshop. During that meeting, Council directed staff to draft two versions of the ordinance. The first version of the ordinance would remand the item to the Plan Commission if approved. The second version of the ordinance would either approve the item. The ordinance remanding the item to the Plan Commission will be presented to Council first. If Council votes against the ordinance to remand, the ordinance to approve the item will be presented to Council for a vote.

Council requested additional information pertaining to the exploration of alternative sites for the cellular tower. In response, T-Mobile provided staff with the attached information.

Council also requested an environmental assessment of the impact the cellular tower would produce on the surrounding area. An environmental assessment of the impact of the cellular tower was not a required condition of the Special Use application. As a result, an environmental assessment of the area was not conducted by T-Mobile.

In addition, Council mentioned the construction and placement of the cellular tower could produce an “attractive nuisance” at the park and may compromise the safety of individuals, particularly children, playing in the area. Regarding these concerns, it should be noted that safety issues related to the construction and placement of the cellular tower at the park are not unique to this particular project and were considered as part of the regular Special Use application process.

Staff recommends approval 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.

Zoning Requirements	Required	Proposed (Revised Plan)	
		<i>Shelter</i>	<i>Tower</i>
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

Gilbert Park Alternative Tower Sites Information

**VILLAGE OF DOWNERS GROVE**  
**COUNCIL ACTION SUMMARY**

**INITIATED:** \_\_\_\_\_ Petitioner \_\_\_\_\_ **DATE:** \_\_\_\_\_ May 20, 2008 \_\_\_\_\_  
(Name)

**RECOMMENDATION FROM:** \_\_\_\_\_ Plan Commission \_\_\_\_\_ **FILE REF:** PC-02-08 \_\_\_\_\_  
(Board or Department)

**NATURE OF ACTION:**

**STEPS NEEDED TO IMPLEMENT ACTION:**

- Ordinance
- Resolution
- Motion
- Other

Motion to Adopt "AN ORDINANCE ANNEXING 1500 GILBERT AVENUE TO THE VILLAGE OF DOWNERS GROVE, ILLINOIS", as presented.

**SUMMARY OF ITEM:**

At their meeting of March 3, 2008, the Plan Commission recommended 7:0 denial of the annexation petition for 1500 Gilbert Avenue. Approval of the attached ordinance will authorize the annexation of the property located at 1500 Gilbert Avenue.

**RECORD OF ACTION TAKEN:**

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**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:

**SECTION 1.** 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)

**SECTION 2.** 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.

**SECTION 3.** 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.

**SECTION 4.** 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.

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

SECTION 6. 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



## **GILBERT PARK (CH65-324A)**

### *Site Selection Process, General*

PCS technology relies on a network of adjoining cells or circles of radio signals broadcast by antennas. T-Mobile was issued a license by the FCC which requires them to provide reliable, seamless service to the market area they are licensed to cover.

Using the help of sophisticated computer models, drive test data, and customer feedback, T-Mobile network design engineers determine required locations for new sites. These locations are then plotted on a "Search Ring Map" which shows a specific, defined area in which improved coverage is required, along with a desired antenna height. The Site Acquisition Agent then takes this Search Ring map into the field to scout potential candidates.

It should be noted, owing to the frequency at which T-Mobile broadcasts, these Search Rings are quite small, typically only one quarter mile in radius. Owing to the narrow geographic parameters, a potential antenna site *must* be located within the boundaries of the Search Ring, ideally as close to its center as possible, for it to be effective in resolving coverage gaps. As such, it is not technologically feasible to locate the antenna in a more convenient or aesthetically acceptable area without sacrificing its efficacy.

The search process is prioritized as follows:

1. The first priority is to find existing communications towers within the Search Ring.
2. Barring #1 above, the next priority is to find existing structures of height within the Search Ring such as water towers or tall buildings.
3. Finally, as a last resort, T-Mobile will search for appropriately zoned parcels of land within the Search Ring upon which a new tower can be constructed.

For an existing structure to be considered viable, the following are prerequisite:

1. Must be of sufficient height to meet RF coverage objectives.
2. Must be of sufficient structural soundness to allow attachment/addition of T-Mobile antennas/equipment.
3. Must be in an area of appropriate zoning, and/or
4. Must have the ability to meet zoning requirements.
5. Must have a landlord willing to lease space on the structure at terms agreeable to T-Mobile.



In the event no viable existing structures exist, T-Mobile will consider constructing a new telecommunications structure. Toward this end, the following are prerequisite:

1. Must be in an area of appropriate zoning, and/or
2. Must have the ability to meet zoning requirements.
3. Must be in a “logically appropriate” location. (For example, even if permitted by zoning, T-Mobile would not consider building a new tower in the front yard of a single family dwelling.)
4. Must meet FCC site development requirements as they relate to flood zones, historic property impacts, Native American tribal rights, designated wetlands, ecologically sensitive areas, FAA safety zones, environmental contamination, etc.
5. Must meet soil quality standards.
6. Must have a landlord willing to lease ground space at terms agreeable to T-Mobile.

### Gilbert Site Selection Process

Per the attached materials, T-Mobile engineers identified a gap in reliable coverage in the general area of Gilbert Park. The search area is comprised almost entirely of low density single family residential development to the south of the BNSF RR ROW and medium density single family residential development to the north of the BNSF RR ROW. There were few existing structures as noted below and only one land parcel (Gilbert Park) that passed the above prerequisites while meeting Downers Grove statutory setback requirements for new towers. The Search Ring was prosecuted as follows:

### Existing Structures Considered:

1. *Light Poles at Gilbert Park.* Rejected as not structurally capable of supporting T-Mobile’s antennas and too short (approx. 60’) to meet RF coverage objectives.
2. *Wooden ComEd Electrical Distribution Poles Along BNSF ROW.* These were likewise rejected as not structurally capable of supporting T-Mobile’s antennas and not tall enough to meet coverage objectives.
3. *BNSF Radio Relay Tower.* This tower is located at the eastern fringe of the coverage area and beyond the statutory 1500’ separation distance required by Downers Grove ordinance. BNSF was contacted regardless, but was not interested in leasing space to T-Mobile, citing proprietary use and security issues, as well as plans to possibly remove this tower in the future.
4. *Light Poles at Memorial Park.* Rejected as not structurally capable of supporting T-Mobile’s antennas, too short to meet RF coverage objectives, too far from Search Ring Center to effectively meet RF coverage objectives.

### **Land Sites Considered:**

1. *Hines Lumber*. The site is non-viable due to setback requirements (see below). In addition, Hines was not interested in pursuing an agreement in that the site is for sale and slated for redevelopment.
2. *Competitive Lawn Services*. The site is non-viable due to setback requirements (see below). Regardless, the owner of the parcel was interested in a tower if it could be located in a corner of the property near the RR tracks, further exacerbating the setback issue.
3. *Gilbert Park*. A permitted special use under Downers Grove code and of ample size to meet all required setbacks. What's more, the existing field light poles were regarded as established aerial infrastructure to which the surrounding community is already accustomed, thereby minimizing the additional impact of the added tower structure.

By way of further explanation, new tower development in Downers Grove is very specifically regulated under Sec. 28-1307 of the Downers Grove Zoning Ordinance. One of the more restrictive provisions of this section appears under Subsection d (3) which states that new towers on non-residentially zoned property "...shall be separated from residential districts by a distance of 200 feet or 300% of telecommunications tower height, whichever is greater."

Per the accompanying materials, the only non-residentially zoned district within or proximate to the Search Ring is the M-1 Light Industrial zoned district north of the BNSF ROW and south of Warren Ave. The approximate width of this district (as measured from the center of the BNSF ROW to the center of Warren Ave.) is approximately 249 feet making it impossible to meet the 200 foot minimum setback per code on any parcel in this location without a variation.

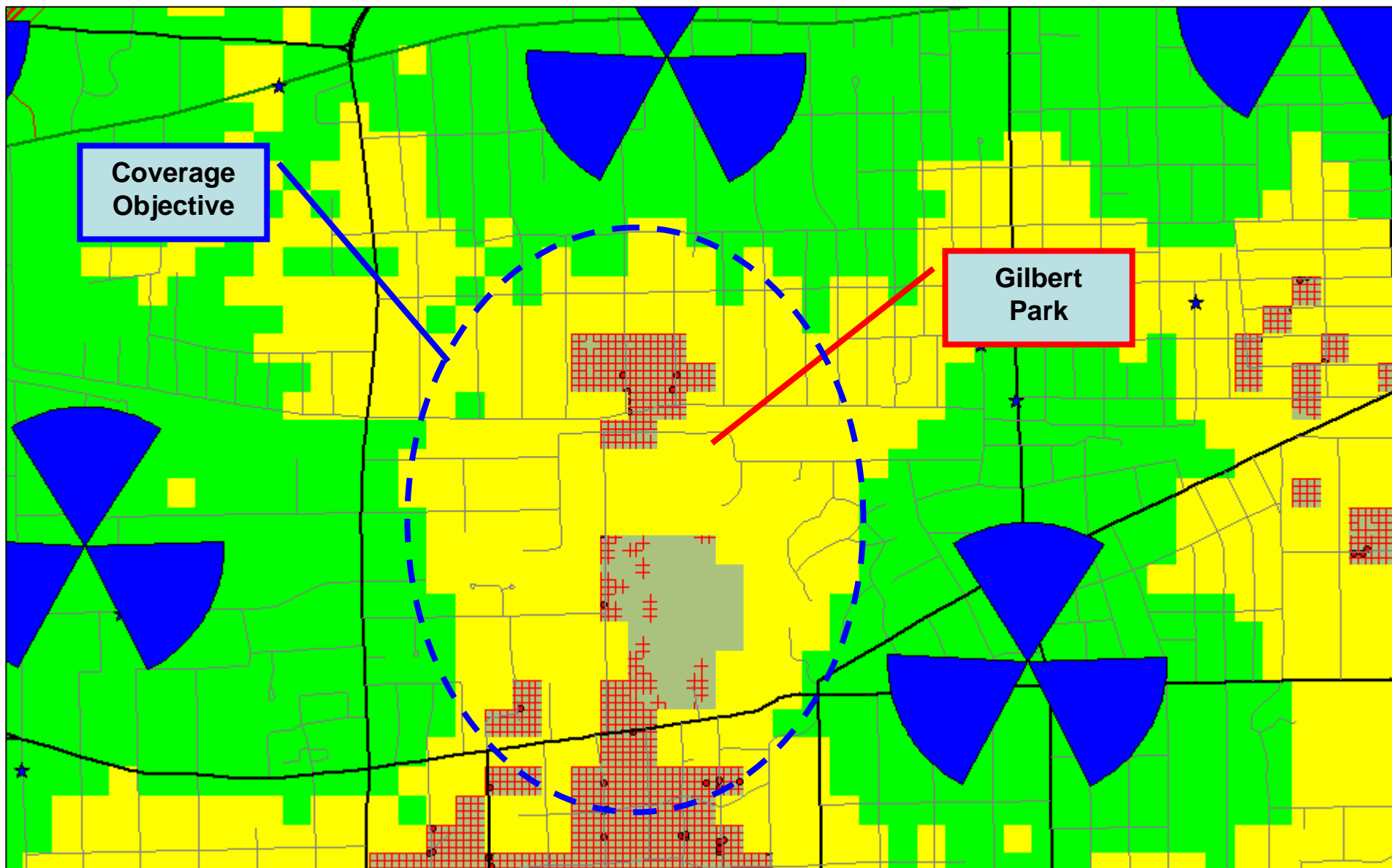
If a variation were sought, a new tower would need to be constructed near the center of the parcel, or in the middle of the site's available building footprint. Only Hines Lumber and Competitive Lawn Services do not have current building improvements at the center of the properties.

Assuming an agreement could have been reached with either property owner, applying the 300% requirement would result in a maximum tower height of 41.5 feet ( $124.5/3 = 41.5$ ) which is an ineffective elevation in terms of meeting T-Mobile coverage objectives, making this location non-viable for this purpose.

### **Other Issues Raised by Public:**

1. Site Safety/Attractive Nuisance:
  - The shelter and pole will not be fenced.
  - There is no additional danger or undue risk associated with the proposed installation beyond those risks which already exist in the park.
2. Impact to Property Values:
  - Report provided by David A. Kunkel certifying to the lack of measurable impact towers pose to property values.
  - As an Illinois Certified General Appraiser, I (Mark Layne) have performed similar valuation impact studies, arriving at the same conclusions as presented in Mr. Kunkel's report.
3. Demand/Need:
  - As evidenced by provided coverage maps.
  - Per conversations with T-Mobile customers who live west of Gilbert Park and have poor service reliability.
  - Will enhance reliability of E-911 service in the forest preserve southwest of Gilbert Park.

# Current Coverage Without CH65324A



Coverage Objective

Gilbert Park

Green = Optimal In Building Coverage

Yellow = In Vehicle Coverage

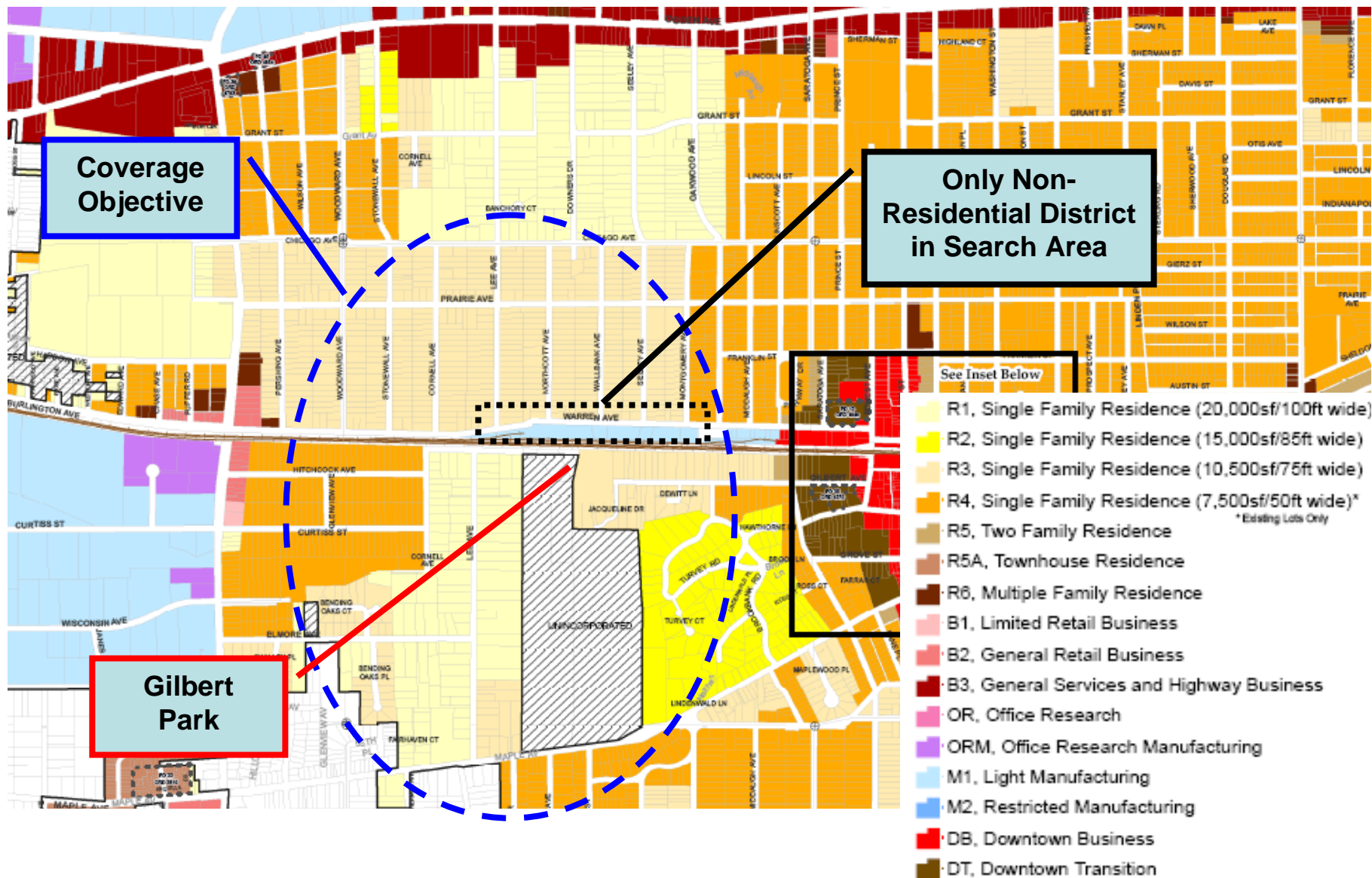
Gray = Outdoor Coverage

Red = Poorly Covered Residential

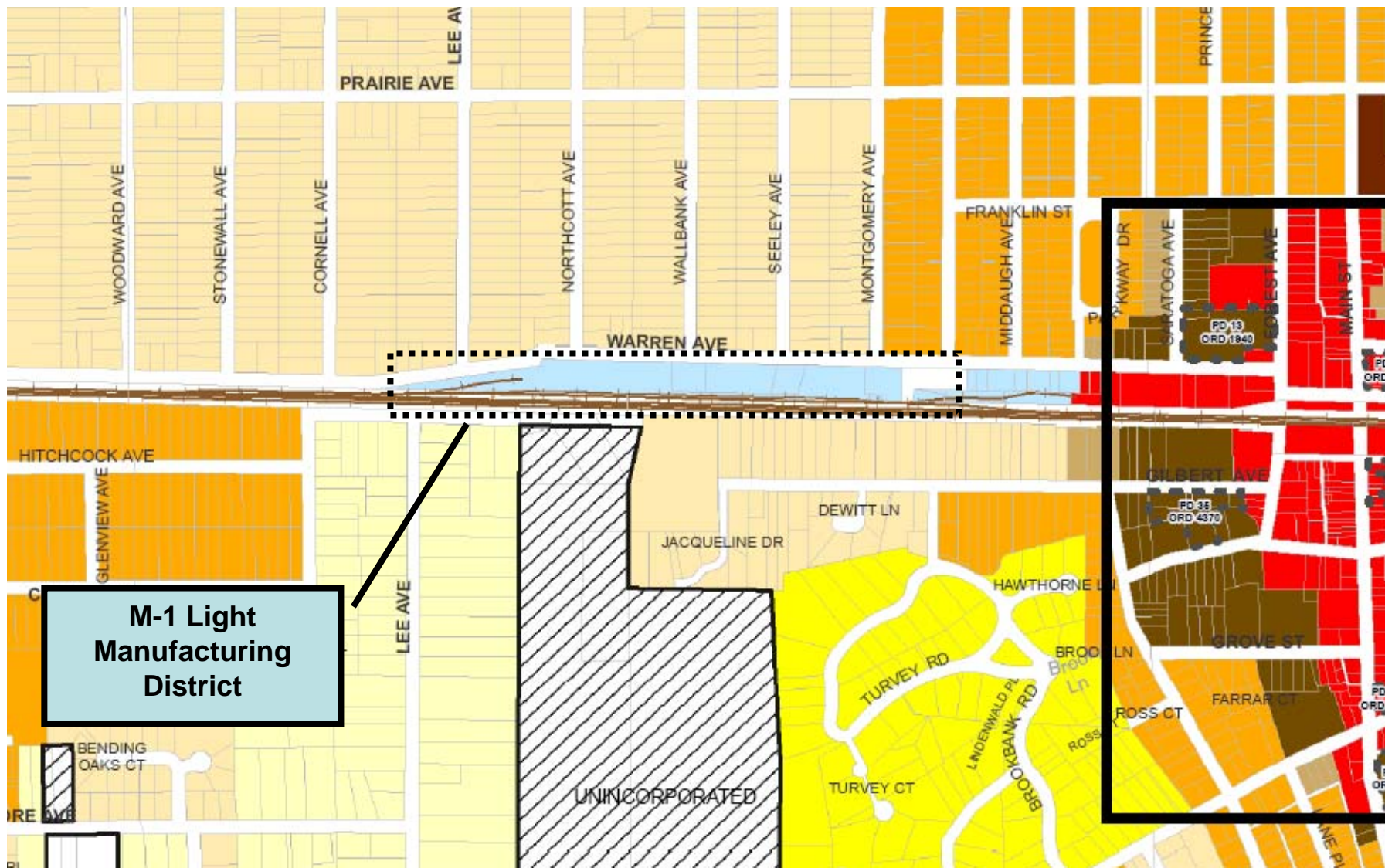
White = No Coverage

Blue Symbols = Existing Sites

# Downers Grove Zoning Map



# Downers Grove Zoning Map Zoom



**Green = Optimal In Building Coverage**

**Yellow = In Vehicle Coverage**

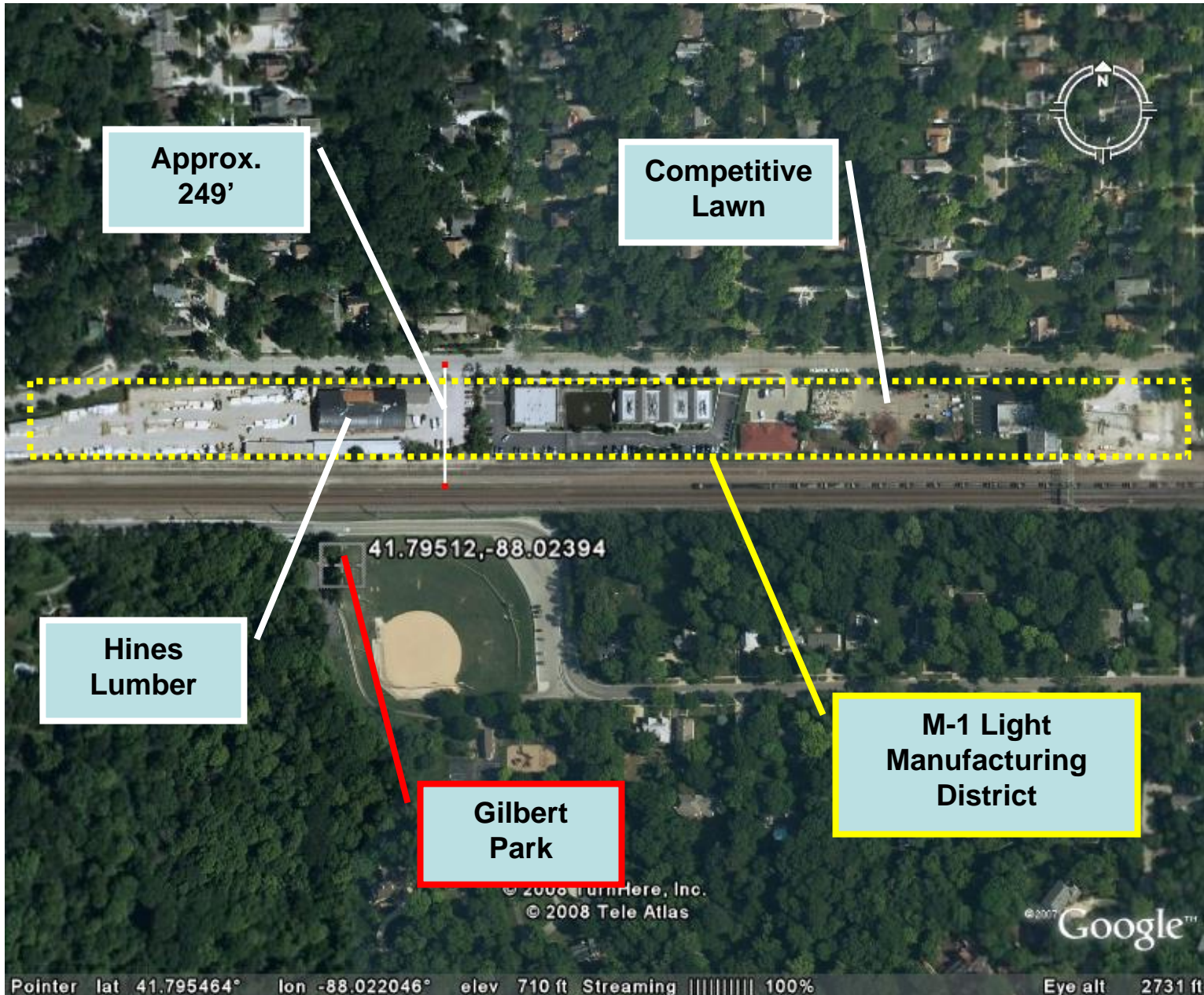
**Gray = Outdoor Coverage**

**Red = Poorly Covered Residential**

**White = No Coverage**

**Blue Symbols = Existing Sites**

# Gilbert Area Aerial



# Candidates Considered

